

Texas Register

Volume 18, Number 12, February 12, 1993

Page 907-986

In This Issue...

Office of the Attorney General

Letter Opinions

LO-92-83 (RQ-216)	917
LO-92-85 (RQ-360)	917
LO-92-86 (ID#-17640)	917
LO-93-1 (RQ-380)	917
LO-93-2 (RQ-377)	917

Open Records Decisions

ORD-611 (RQ-439)	917
ORD-612 (RQ-462)	917
ORD-613 (RQ-451)	918

Opinions

DM-189 (RQ-400)	918
DM-190 (RQ-459)	918
DM-191 (RQ-468)	918
DM-192 (RQ-2127)	918
DM-193 (RQ-403)	918
DM-194 (RQ-441)	918
DM-195 (RQ-456)	918

Request for Opinions

RQ-473	919
RQ-474	919
RQ-475	919

RQ-476	919
RQ-477	919
RQ-478	919
RQ-479	919
RQ-480	919
RQ-481	919
RQ-482	919

Proposed Sections

Texas Commission on Jail Standards

Definitions

37 TAC §253.1	921
---------------------	-----

Texas Department of Human Services

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

40 TAC §19.604	921
----------------------	-----

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

40 TAC §27.518	923
----------------------	-----

Memorandum of Understanding with Other State Agencies

40 TAC §§72.201-72.210	924
40 TAC §§72.201-72.212	924



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CONTENTS CONTINUED INSIDE

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Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after the proposal publication date.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
40 TAC §3.704.....950, 1820

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

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

Texas Department on Aging

Eldercare Policies of the Texas Department on Aging

40 TAC §294.1 937

Corporate Eldercare

40 TAC §294.1 937

Withdrawn Sections

Texas Department of Mental Health and Mental Retardation

Protection of Clients and Staff

25 TAC §§404.41-404.50 941

25 TAC §§404.41-404.56 941

25 TAC §§404.81-404.87 941

25 TAC §§404.81-404.98 941

Texas Workers' Compensation Commission

Guidelines for Medical Services, Charges, and Payments

28 TAC §134.700 941

Texas State Treasury Department

Cigarette and Tobacco Products Tax

34 TAC §11.52 941

Adopted Sections

Texas Alcoholic Beverage Commission

Enforcement

16 TAC §35.31 943

State Board of Barber Examiners

Practice and Procedure

22 TAC §51.17 943

Texas Department of Criminal Justice

Standards

37 TAC §§163.3, 163.5, 163.21, 163.23, 163.25, 163.31, 163.33, 163.35, 163.37, 163.39, 163.41, 163.43 944

37 TAC §163.29 957

37 TAC §163.31 957

Texas Commission on Jail Standards

New Construction Rules

37 TAC §§259.214, 259.225, 259.229, 259.245-259.246, 259.249-259.250, 259.259-259.266 957

Life Safety

37 TAC §263.83 958

Compliance and Enforcement

37 TAC §§297.1-297.10 958

37 TAC §§297.1-297.13 958

Rules of Practice in Contested Cases

37 TAC §§301.1-301.13 958

37 TAC §301.1, §301.2 959

37 TAC §§321.2, 321.6, 321.8, 321.12 959

Fund Distribution

37 TAC §§323.1, 323.2, 323.3, 323.5 959

Agency Procedures

37 TAC §325.6, §325.12 959

Texas Department of Human Services

Food Distribution and Processing

40 TAC §§11.6003, 11.6004, 11.6007, 11.6008 960

Intermediate Care Facility for Mentally Retarded

40 TAC §27.203 960

Community Care for the Aged and Disabled

40 TAC §48.2102, §48.2103 962

Texas Commission for the Blind

Business Enterprises Program

40 TAC §167.3 962

Open Meetings

Texas Department of Agriculture 965

Texas Air Control Board 966

Advisory Board of Athletic Trainers 966

The State Bar of Texas 967

Texas Commission for the Blind 967

Coastal Coordination Council 967

Interagency Council on Early Childhood Intervention 967

..... 967

Texas Education Agency 967

Texas Employment Commission 967

Texas Funeral Service Commission 968

Office of the Governor 968

Statewide Health Coordinating Council 968

Texas Department of Health 968

Texas Department of Human Services 970

Texas Department of Insurance 970

Lamar University System, Board of Regents	971
Board of Law Examiners	972
Texas State Library and Archives Commission.....	972
Texas Department of Licensing and Regulation.....	972
Texas National Guard Armory Board.....	972
Texas Board of Pardons and Paroles.....	973
State Pension Review Board.....	973
Texas State Board of Physical Therapy Examiners...	973
Texas State Board of Podiatry Examiners	973
Texas Property and Casualty Insurance Guaranty Association.....	973
Texas Department of Protective and Regulatory Services	974
Public Utility Commission of Texas.....	974
Railroad Commission of Texas.....	974
School Land Board	974
The Texas A&M University System, Board of Regents	974
Texas Life, Accident, Health and Hospital Service Insurance Guaranty Association.....	974
Texas Department of Transportation	975
University of Houston System	975
University of Texas Health Science Center at San Antonio	975
Texas Water Commission	975
Texas Workers' Compensation Commission.....	976
Texas Workers' Compensation Insurance Facility.....	976
Regional Meetings	976

In Addition Sections

Texas Department of Banking

Notice of Application	981
Notice of Hearing	981

Texas Education Agency

Notice of Contract Award.....	981
-------------------------------	-----

Texas Higher Education Coordinating Board

Notice of Meeting.....	981
------------------------	-----

Texas Department of Housing and Community Affairs

Notice of Public Hearing.....	982
-------------------------------	-----

Public Utility Commission

Notices of Intent to File Pursuant to PUC Substantive Rules 23.27	982
---	-----

Notices of Intent to File Pursuant to PUC Substantive Rules 23.28	983
---	-----

Texas Racing Commission

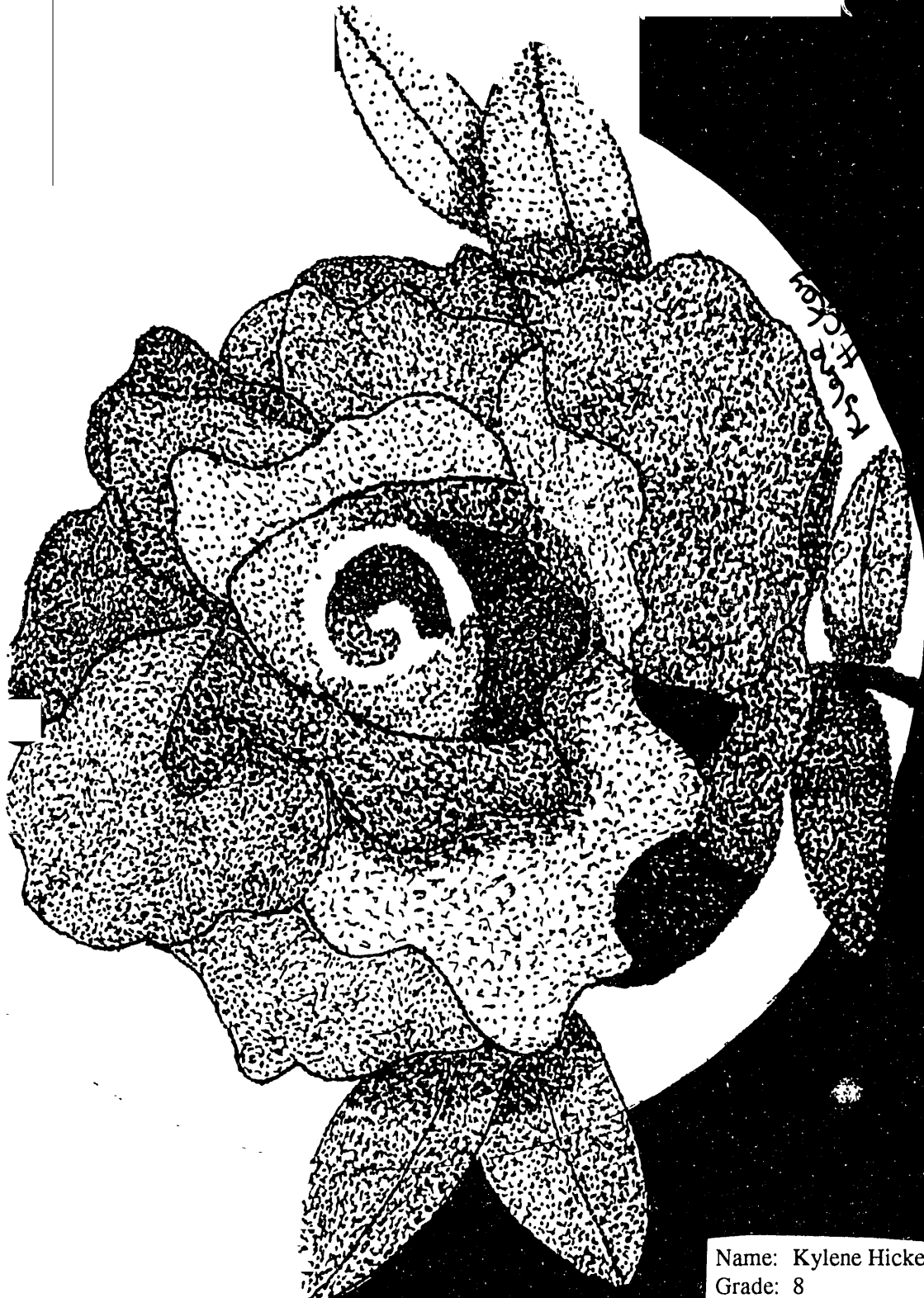
Correction of Error	983
---------------------------	-----

Texas Water Commission

Meeting Notice	983
Notice of Application for Waste Disposal Permit... ..	984
Notice of Receipt of Application for Municipal Solid Waste Permit.....	986

Texas Workers' Compensation Commission

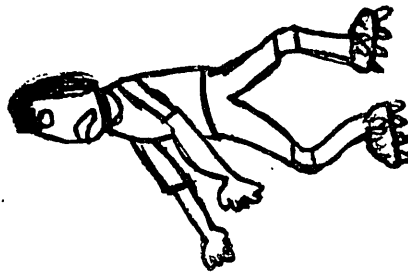
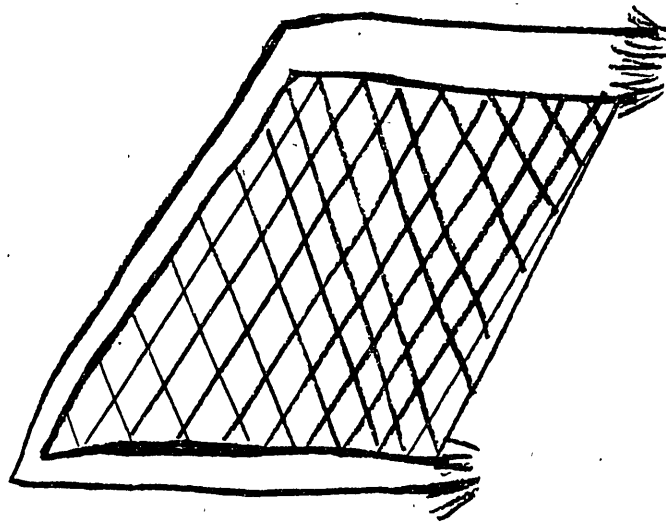
Notice to Non-Subscribing Employers.....	986
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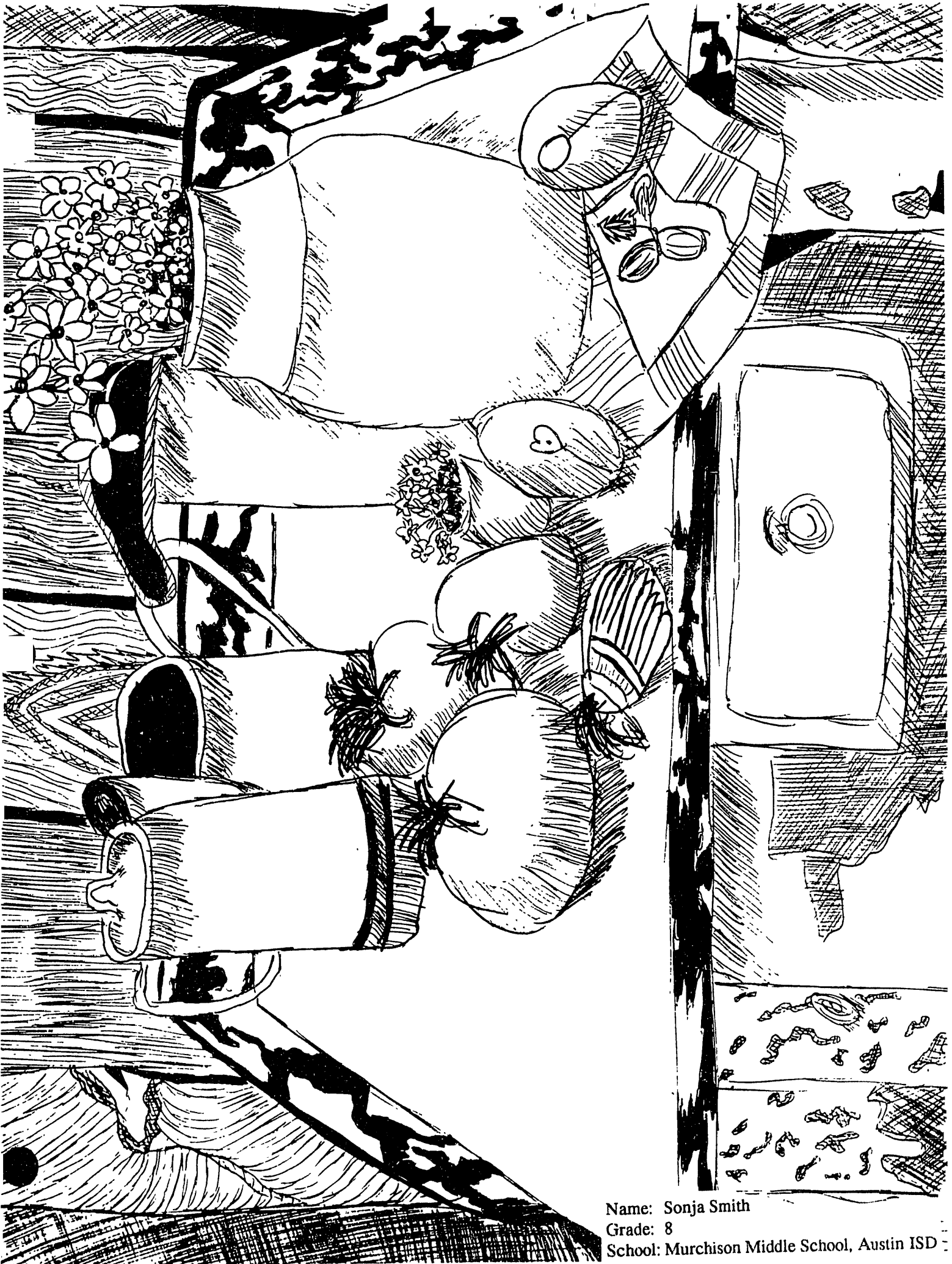
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Attorney General

Description of Attorney General submissions. Under provisions set out in the Texas Constitution, the Texas Government Code, Title 4, §402.042 and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record.

Letter Opinions

LO-92-83 (RQ-216). Request from Charles E. Nemir, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, Austin, concerning whether certain applicants for registration as professional engineers pursuant to Texas Civil Statutes, Article 3271a, must pay the \$200 increase in registration fees imposed by §13B(a)(1) of that article.

Summary of Opinion. The Texas Engineering Practice Act, Texas Civil Statutes, Article 3271a, §13B(c), does not exempt from the \$200 increase in initial registration fees imposed by §13B(a)(1) an applicant for registration who qualifies for exemption from the act's registration requirements under §20(g) or §20(h). Section 13B(c) exempts only an individual already registered as a professional engineer from the \$200 increase in annual renewal fees imposed by §13B(a)(2) of the act if he satisfies the qualification requirements of §20(g) or §20(h) of the act.

TRD-9318664

LO-92-85 (RQ-360). Request from Jimmy B. Wright, Lynn County Attorney, Tahoka, concerning whether a county legally may pay a county employee \$200 per month in lieu of health insurance coverage if the employee has elected not to receive such coverage through the county's group health insurance plan, and related questions.

Summary of Opinion. A county commissioners court is not authorized to offer county employees a choice between health insurance coverage and \$200 per month

TRD-9318665

LO-92-86 (DH-17640). Request from John T. Montford, Chairman, Finance Committee, Texas State Senate, Austin, concerning whether start-up costs for the Texas State Technical College System Extension Center in Marshall, may be financed by the issuance of bonds by the Marshall Economic Development Corporation.

Summary of Opinion. The Marshall Economic Development Corporation may use proceeds of a sales and use tax collected

pursuant to Texas Civil Statutes, Article 5190.6, §4A, to finance bonds for the start-up costs of the Texas State Technical College System Extension Center in Marshall, Texas, so long as the funds are used solely for technical-vocational training purposes

TRD-9318666

LO-93-1 (RQ-380). Request from Carl E. Lewis, County Attorney, Nueces County Courthouse, 901 Leopard, Room 206, Corpus Christi, concerning whether a port commissioner's ownership of a company that hires the services of pilots as an agent for ships calling at the port disqualifies him from service on the pilot board.

Summary of Opinion. If a navigation and canal commissioner owns a shipping company that serves as a steamship agent and hires pilots as an agent for ships entering and leaving a port, then Texas Civil Statutes, Article 8248, prevents that commissioner from serving on the pilot board.

TRD-9318667

LO-93-2 (RQ-377). Request from Mike Driscoll, Harris County Attorney, 1001 Preston Road, Suite 634, Houston, concerning whether the Harris County Flood Control District may engage in wetland mitigation programs pursuant to the Wetlands Mitigation Act, Texas Civil Statutes, Article 5421a.

Summary of Opinion. The Harris County Flood Control District is not a "political subdivision" within the meaning of the Wetlands Mitigation Act, Texas Civil Statutes, Article 5421a, and therefore is not authorized to establish a mitigation bank or to enter into contracts pursuant to the act. Section 6.06(a) of the act requires a political subdivision to hold a public hearing before adopting a wetlands regulation program

TRD-9318668

Open Records Decisions

ORD-611 (RQ-439). Request from David C. Caylor, City Attorney, City of El Paso, El Paso, concerning whether documents re-

lating to a police department's investigations of family violence are exempted from required public disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

Summary of Decision. Records held by law enforcement agencies regarding violence between family members are not exempted as a matter of law from required public disclosure by the Open Records Act, Texas Civil Statutes, Article 6252-17a, §3(a)(1) or §3(a)(8). To withhold records regarding violence between family members under the concept of common-law privacy, a governmental body must demonstrate that the information is highly intimate and embarrassing and of no legitimate public interest. To withhold records regarding violence between family members, other than the information generally found on the first page of the offense report, under §3(a)(8), a law enforcement agency must demonstrate that the case is still under active investigation or that release of the information would unduly interfere with law enforcement or prosecution.

TRD-9318669

ORD-612 (RQ-462). Request from Robert J. Provan, General Counsel, Texas State University System, Board of Regents, Austin, concerning whether arrest and offense reports filed with state university campus police departments are exempted from required public disclosure pursuant to Open Records Act, §3(a)(14) and §14(e).

Summary of Decision. The arrest and incident reports created and maintained by state university campus police departments are not education records within the meaning of the federal Family Educational Rights and Privacy Act, as amended by the Higher Education Amendments of 1992, 20 United States Code, §1232g(4)(B)(ii), and therefore such police reports are not exempted from required public disclosure by Open Records Act §14(e). Open Records Decision Numbers 342 (1982) and 205 (1978) ruling that such records are education records and exempted by §14(e) are superseded. Such records are not "student records" within the meaning of Open Records Act, §3(a)(14).

TRD-9318670

ORD-613 (RQ-451). Request from James R. Wilson, Director, Texas Department of Public Safety, Austin, concerning whether, under Texas Civil Statutes, Article 179e, §2.16, an applicant for a racetrack license has a right of access to a background check on himself or herself.

Summary of Decision. The Texas Racing Act, Texas Civil Statutes, Article 179e, §2.16, provides the subject of a background investigation that the Department of Public Safety has conducted with a right of access to all information that DPS has compiled or maintained in the course of the investigation. The subject's right of access is not limited to discovery in the course of litigation, rather, the subject has a right to access the information pertaining to DPS' investigation of his or her background at any time
TRD-9318671

◆ ◆ ◆
Opinions

DM-189 (RQ-400). Request from Todd K. Brown, Executive Director, Texas Workers' Compensation Commission, Austin, concerning whether the former workers' compensation laws authorize the Industrial Accident Board or its successor to pay for the cost of agency ordered medical examinations of claimants.

Summary of Opinion. The long-standing construction by the Industrial Accident Board and its successor, the Workers' Compensation Commission, of the provisions of Texas Civil Statutes, Article 8307, §4(a), as leaving to the state agency the responsibility for paying the cost of board or commission ordered physical examinations of claimants is reasonable.

TRD-9318672

DM-190 (RQ-459). Request from Bill Sims, Chairman, Natural Resources Committee, Texas State Senate, Austin, concerning whether the Texas Structural Pest Control Act, Texas Civil Statutes, Article 135b-6, exempts city employees who perform pest control services from its licensing requirements.

Summary of Opinion. The Texas State Structural Pest Control Act, Texas Civil Statutes, Article 135b-6, requires a city employee who engages in the business of structural pest control to obtain a noncommercial applicator license. The act exempts from its licensing requirements city employees who are hired primarily to perform other services provided that they do not use methods prohibited by state law or rule or by rule of the United States Environmental Protection Agency, restricted-use pesticides or state-limited-use pesticides, or who use household pest control chemicals in vacant

or residential, office, retail, or industrial buildings owned and occupied by the city.

TRD-9318675

DM-191 (RQ-468). Request from David Cain, Chairman, Transportation Committee, Texas House of Representatives, Austin, concerning whether the withdrawal and reconsideration of Attorney General Opinion DM-17 (1991).

Summary of Opinion. This opinion overrules Attorney General Opinion DM-17 (1991). After the 1987 amendments to the Open Meetings Act, a "meeting" subject to the act includes a briefing session in which a quorum of members of the governmental body is present and meets with a third party, other than an employee, about the public business or policy over which the body has jurisdiction. However, Texas Civil Statutes, Article 6252-17, §2(r), as added by Acts 1987, 70th Legislative Chapter 549, §2, continues to exclude from the definition of meeting briefing sessions between the members of a governmental body and that body's employees. Therefore, the members of a governmental body may consult with their employees in private, but may not consult with other third parties in private.

TRD-9318676

DM-192 (RQ-2127). Request from John Sharp, Comptroller of Public Accounts, State of Texas, LBJ State Office Building, Austin, concerning refund of franchise tax collections to banking corporations, and related questions.

Summary of Opinion. Former §403.105 of the Government Code, which created the local government corporate banking franchise tax fund and provided for its disbursement to local taxing units, did not violate the Texas Constitution, Article III, §51.

The Government Code, §403.105(o), which provides remedies in the event franchise taxes have been unlawfully or erroneously collected from a banking corporation, remains in effect for some purposes. A banking corporation that is entitled to tax credits or a refund for overpayment of franchise taxes may elect to claim the tax credits authorized by former §403.105 or pursue other legal remedies against the state, including the remedy of filing a claim for a refund under the Tax Code, §111.104.

Article V, §30, of the current general appropriations act provides that money in the State Treasury that is subject to refund may be refunded from the fund into which the money was deposited, transferred, or otherwise credited. Article V, §30, constitutes an appropriation for the purposes of paying tax refunds. The comptroller interprets Article V, §30, as requiring him to draw refunds of tax from each fund in the treasury in the same ratio in which the tax will be deposited in the fund. This long-standing interpretation of Article V, §30, and its predecessors is

consistent with the language of that provision.

Section 403.55(g) permits the comptroller to deduct the amount of delinquent taxes a person owes under a tax administered or collected by the states from a state warrant owing that person, and issue a warrant for the difference.

TRD-9318677

DM-193 (RQ-403). Request from Charles D. Travis, Executive Director, Employees Retirement System of Texas, Austin, concerning whether Texas Civil Statutes, Article 6813g, requires the Employees Retirement System of Texas to designate broad types of coverage or specific vendors of supplemental optional benefits programs and related questions.

Summary of Opinion. Texas Civil Statutes, Article 6813g, requires the Employees Retirement System of Texas (ERS) to designate "supplemental benefits programs" for state employee wage deductions, provided it concludes that such programs "promote the interests of the state and state agency employees". The term "supplemental benefits programs" refers to particular vendors as opposed to broad types of coverage. Article 6813g requires the ERS to approve particular supplemental benefits programs provided by particular vendors. This provision impliedly authorizes the ERS to regulate or monitor supplemental benefits programs if it determines that this is necessary to promote the interests of the state and state agency employees. This provision does not authorize the ERS to assess a fee to pay for its administrative costs against either vendors of supplemental benefits programs or participating employees.

TRD-9318678

DM-194 (RQ-441). Request from Chet Brooks, Chairman, Committee on Health and Human Services, Texas State Senate, Austin, concerning whether a home rule city may sponsor a non-profit, no-share corporation, and related questions.

Summary of Opinion. The city's proposal to establish a non-profit, no-share corporation does not run afoul of the Texas Constitution, Article III, §52 or Article XI, §3. The common-law doctrine prohibiting the holding of incompatible offices does not preclude a city commissioner from serving as a director of the proposed corporation. The common-law doctrine prohibiting conflicts of interest does not preclude a city commissioner from serving on the corporation's board of directors because Chapter 171 of the Local Government Code expressly permits a city commissioner to do so, provided he or she receives no compensation or other remuneration.

TRD-9318679

DM-195 (RQ-456). Request from Tim Curry, Criminal District Attorney, Tarrant

County, Justice Center, Fort Worth, concerning whether a proceeding to recover excess proceeds after a tax lien foreclosure requires a separate cause of action, and related question.

Summary of Opinion. The Tax Code, §34.04(a), does not require a claimant to file a new lawsuit, separate from the underlying action to foreclose the tax lien, to recover excess tax proceeds. A claimant filing a petition to recover excess tax proceeds must serve a copy of the petition on the county or district attorney and all parties to the suit that ordered the sale in accordance with the Texas Rules of Civil Procedure, §21a.

TRD-9318680

◆ ◆ ◆
Requests for Opinions

(RQ-473). Request from John W. Segrest, McLennan County Criminal District Attorney, 216 North Sixth Street, Suite 200, Waco, concerning whether a person related to a district judge within the degree prohibited by the nepotism law, Texas Civil Statutes, Article 5996a, may take employment with a community supervision and corrections department without causing a violation of the nepotism law in light of the provisions of Article 42.131 of the Code of Criminal Procedure.

(RQ-474). Request from Elizabeth S. Horn, Associate General Counsel, Dallas Housing

Authority, 2525 Lucas Drive, Dallas, concerning whether the Open Records Act, Texas Civil Statutes, Article 6252-17a, §3(a) (1) or §3(a)(3), protects from disclosure answers to complaints alleging discriminatory housing practices in violation of the Federal Fair Housing Act, 42 United States Code, §§3601 et seq.

(RQ-475). Request from Bill Sims, Chair, Natural Resources Committee, Texas State Senate, P.O. Box 12068, Austin, concerning deferred adjudication proceedings under Texas Civil Statutes, Article 6701d, §143A, which authorizes a judge to permit certain defendants to complete a driver safety course in lieu of punishment.

(RQ-476). Request from David R. Smith, M.D., Commissioner, Texas Department of Health, 1100 West 49th Street, Austin, concerning impact of leave without pay provisions of the General Appropriations Act on Texas Civil Statutes, Article 8307c, the Workers Compensation Act.

(RQ-477). Request from Robert Eckels, Chair Committee on County Affairs, Texas House of Representatives, P.O. Box 2910, Austin, concerning applicability of the Tort Claims Act, Chapter 101, Civil Practice and Remedies Code, to a regional transit authority created under Texas Civil Statutes, Article 1118y, and related questions.

(RQ-478). Request from Jeffrey D. Herrington, Criminal District Attorney, Anderson County, Anderson County Court-

house, 500 North Church Street, Palestine, concerning the effect of filing with a district clerk a limited power of attorney authorizing a corporation to receive child support payments.

(RQ-479). Request from Jose Rodriguez, El Paso County Attorney, Room 201, City-County Building, El Paso, concerning the term of office of directors of the El Paso County Water Control and Improvement District (Westway), and related questions.

(RQ-480). Request from Michael E. Hines, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, concerning whether Chapter 419, Subchapter B, of the Government Code prohibits a fire department from employing part-time fire fighters who have not been certified by the Texas Commission on Fire Protection.

(RQ-481). Request from Eddie Cavazos, Chairman, Committee on Insurance, Texas House of Representatives, P.O. Box 2910, Austin, concerning validity of rules adopted by the State Board of Insurance with regard to health maintenance organizations.

(RQ-482). Request from Wayne Blevins, Ed.D., Executive Secretary, Teacher Retirement System of Texas, 1000 Red River Street, Austin, concerning authority of the Teacher Retirement System to make certain real estate-related investments.

TRD-9318663
◆ ◆ ◆



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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 37. PUBLIC SAFETY AND CORRECTIONS

Part IX. Texas Commission on Jail Standards

Chapter 253. Definitions

• 37 TAC §253.1

The Texas Commission on Jail Standards proposes an amendment to §253.1 concerning definitions.

Requirements were modified in classification and segregation standards last year to provide specific housing for inmates in "administrative segregation". This action will define administrative segregation for clarification.

Jack E. Crump, 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. Crump also has determined that for each of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section will be to clarify the meaning of administrative segregation.

Comments on the proposal may be submitted to Jack E. Crump, Executive Director, P.O. Box 12985, Austin, Texas 78711.

The amendment is proposed under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rule and procedures establishing minimum standards for the custody, care, and treatment of prisoners.

§253.1. Definitions. The following words and terms, when used in this Part [Chapter], shall have the following meanings, unless the context clearly indicates otherwise.

Administrative Segregation—The assignment of an inmate to a special housing unit, usually a separation or single cell, when jail staff determine that such close custody is needed for the safety of inmates or staff, for the security of the facility, or to promote order in the facility.

This agency hereby certifies that the proposal has been reviewed by legal counsel and

found to be within the agency's authority to adopt

Issued in Austin, Texas, on February 3, 1993

TRD-9318558

Jack E. Crump
Executive Director
Texas Commission on Jail Standards

Earliest possible date of adoption: March 15, 1993

For further information, please call (512) 463-5505

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

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

Subchapter G. Resident Assessment

• 40 TAC §19.604

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Department of Human Services or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Department of Human Services (DHS) proposes an amendment to §19.604, concerning Preadmission Screening and Annual Resident Review (PASARR), in its Long Term Care Nursing Facility Requirements for Licensure and Medicaid Certification. The amendment incorporates requirements of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87) which provides for alternate placement of nursing facility residents with mental illness, mental retardation, or a related condition in a setting which is better suited for providing the specialized services they need. The proposed amendment details the policies regarding alternate placement, the responsibilities of the nursing facility, and implications for the resident.

Burton F. Raiford, interim commissioner, 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. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be more appropriate placement of nursing facility residents who need specialized services because of mental illness, mental retardation, or a related condition. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposal.

Questions about the content of the proposal may be directed to Marc Gold at (512) 450-3174 in DHS's Institutional Programs Section. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-027, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

§19.604. Preadmission Screening and Annual Resident Review (PASARR).

(a)-(d) (No change.)

(e) Specialized Services [and Alternate Placement].

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

(3) An interdisciplinary team will be constituted by the case manager in order to develop a plan for specialized services [and/or alternate placement]. This team will identify those additional services required for specialized services that are not already being provided by the nursing facility and covered in the nursing facility daily vendor rate. **The following persons must be invited to participate on the team [This team must include]:**

(A) the Director of Nurses or another appropriate nursing facility representative [a representative of the

nursing facility];

(B) (No change.)

(C) other professionals deemed appropriate, such as, but not limited to, an occupational therapist, physical therapist, or speech therapist; and

(D) the individual, his parents, and/or his legal representative, responsible party, or guardian. [the family;]

[(E) the individual.]

(4)-(12) (No change.)

(f) Alternate Placement.

(1) The Texas Department of Mental Health and Mental Retardation (TXMHMR) contracts with the local MHMR authority to procure alternate placement services for residents who are determined by TXMHMR to need specialized services and require alternate placement.

(2) The local MHMR authority assigns a case manager for those residents who require alternate placement.

(3) An interdisciplinary team as described in subsection (e)(3) of this section will be constituted.

(4) The case manager must provide a monthly written report to the nursing facility regarding alternate placement activities as described in 25 Texas Administrative Code Chapter 402. This report must be retained in the resident's nursing facility medical record.

(5) For those residents who have been determined to be appropriately placed in a nursing facility and to need specialized services and who desire alternate placement, the following alternate placement activities occur:

(A) the MHMR authority may locate alternate placement in consultation with the resident or his legal representatives;

(B) the resident or his legal representative must approve the alternate placement;

(C) if the resident or his legal representative refuse all alternate placement options, the resident may remain in the nursing facility and receive specialized services there until an acceptable option is found.

(6) For those residents who have been determined to be appropri-

ately placed and to need specialized services and who have 30 continuous months of nursing facility residence, the following alternate placement activities occur:

(A) the MHMR authority must locate alternate placement in consultation with the resident or his legal representatives;

(B) the resident or his legal representative must approve the alternate placement;

(C) if the resident or his legal representative refuse all alternate placement options, the resident may remain in the nursing facility and receive specialized services there.

(7) For those residents determined to be inappropriately placed in a nursing facility and to need specialized services but who do not have 30 months continuous residence, the following alternate placement activities occur:

(A) the MHMR authority must present a specific placement alternative after notification. If the resident or his legal representative, in accordance with subparagraph (B) of this paragraph, does not approve of the placement, the authority must present another. If the second placement is rejected, then a third placement is offered. The MHMR authority must present all three specific placement alternatives within six months after notification unless a waiver of the six months is granted by the TxMHMR PASARR Determination Program Office in accordance with 25 Texas Administrative Code §402.159(d)(3);

(B) the resident, his legal representative, or his responsible party must approve the alternate placement;

(C) if the resident or his legal representative refuses all three alternate placement options, then the resident must lose Medicaid institutional benefits. The resident or his legal representative may appeal this decision as described in subparagraph (F) of this paragraph;

(D) the case manager must provide to the nursing facility documentation regarding the basis for refusing the alternate placement options;

(E) if the resident or his legal representative refuses all alternate placement options, then the nursing facil-

ity must immediately begin discharge planning procedures in conjunction with the MHMR case manager and other interdisciplinary members except if an appeal has been filed, as described in paragraph (7)(G) of this subsection. The nursing facility is ultimately responsible for discharging the resident and must provide him those rights described in §19.302 of this title (relating to Transfer and Discharge);

(F) any resident or his legal representative not in agreement with the three alternate placement options may file an appeal with TXMHMR to receive a DHS fair hearing according to Chapter 79 of this title (relating to Legal Services);

(G) the resident may continue to reside in the nursing facility and receive specialized services there pending the fair hearing results. The 30-day discharge notice period does not begin until the fair hearing results are finalized and the Medicaid eligibility worker is informed that alternate placement has been found. If the fair hearing results do not support the resident's or his legal representative's position, then the resident must:

(i) accept the alternate placement offered, if it is still available; or

(ii) accept the next alternate placement offered; or

(iii) lose Medicaid institutional benefits;

(H) if the fair hearing results support the resident's or his legal representative's position, then the resident may remain in the nursing facility and receive specialized services there until the case manager locates another alternate placement. The resident or his legal representative may appeal alternate placement decisions until:

(i) the resident or his legal representative agrees upon an alternate placement; or

(ii) the fair hearing results support the location of an alternate placement.

(g)[(f)] Nursing facilities who admit or retain individuals that have not been screened by TXMHMR [TDMHMR] or who admit or retain individuals for whom nursing facility placement has been found to be inappropriate and who require specialized services will not be reimbursed for that individual as described in §19.1708 of this title (relating to Limitations on Provider

residents who are to be alternately placed as described in this section and provide residents those rights described in §19.302 of this title (relating to Transfer and Discharge).

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

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

TRD-9318685

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

Proposed date of adoption: May 1, 1993

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

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

Subchapter E. Eligibility and Review

• 40 TAC §27.518

The Texas Department of Human Services (DHS) proposes new §27.518, concerning reconsideration of level-of-care determination and effective dates in its Intermediate Care Facilities for the Mentally Retarded (ICFs-MR) rule chapter. The purpose of the new section is to allow ICF-MR facilities to request reconsideration of a client's level-of-care determination and effective dates for periods of time when the level of care expired or was incorrect. If the facility documents that services were provided for the period of time that reconsideration is requested, recoupment of funds may be possible.

Burton F. Raiford, commissioner, 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. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that ICF-MR facilities may recoup funds for services rendered to eligible clients for periods of time not covered by an effective level-of-care or an incorrect level-of-care assignment. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed section.

Questions about the content of the proposal may be directed to Terry Childress at (512) 450-3169 in DHS's Institutional Programs Section. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-011, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The new section is proposed under the Human Resources Code, Title 2, Chapters 22

and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Civil Statutes, Article 4413 (502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

§27.518. *Reconsideration of Level-of-Care Determination and Effective Dates.* When a facility provides care for an individual for a period of time not covered by an effective level-of-care (LOC) determination or an incorrect LOC assignment, the Texas Department of Human Services (DHS) will reconsider the LOC effective dates.

(1) Individuals eligible for reconsideration of LOC effective dates must have the following, prior to the submission of a request for reconsideration:

(A) financial eligibility established;

(B) admission to the Medicaid ICF-MR Vendor Payment System on DHS's Resident Transaction Notice form; and

(C) a current LOC determination using DHS's Level-of-Care form.

(2) Requests for reconsideration are limited to days that:

(A) are not covered by a valid LOC determination; and

(B) which occur after January 1, 1993.

(3) Requests for reconsideration for periods of time already denied an LOC determination by DHS's appeal process are not accepted.

(4) The request for reconsideration must be stamped in by the ICF-MR Section, Texas Department of Mental Health and Mental Retardation (TXMHMR) before the 95th day after the last day services were provided without the individual having LOC effective dates. The ICF-MR Section, TXMHMR, will accept a request after the 95th day and up to one year following the last day that service was provided only when the facility experiences circumstances beyond its control. These circumstances must be documented in a letter to the manager of the DHS Institutional Program Section which will determine whether the criteria stated in this section are met when submission of a request is received after the 95th day.

(5) To be eligible for reconsideration of LOC determination, the following documentation must be submitted to the ICF-MR Section, TXMHMR:

(A) a letter requesting reconsideration, signed by the Qualified Mental Retardation Professional;

(B) a completed DHS Level-of-Care form, using Purpose Code E, that describes the individual's need for care during the period of time services were delivered and there was no valid LOC determination in effect. The requested effective dates must include the beginning and ending dates to be considered in the comment section of DHS's Level-of-Care form. A physician's signature is required to certify that the person required ICF-MR and/or ICF-MR/RC services during the time the person did not have a valid LOC determination. The physician must initial the requested effective dates on the DHS Level-of-Care form, thereby acknowledging the reconsideration request.

(C) a copy of the following information from the client's record during the period for which reconsideration is requested:

(i) all Interdisciplinary Team (IDT) meeting notes and recommendations, including the Individual Program Plan (IPP);

(ii) all progress notes and program review records regarding objectives contained in the IPP that validate the provision of active treatment; and

(iii) all orders by the physician.

(6) The TXMHMR must notify the facility of the results of the reconsideration within 45 days. The facility may initiate an appeal, when reconsideration is denied, by submitting a request in writing as outlined in DHS's Fair Hearings, Fraud, and Civil Rights Handbook. The facility must initiate the appeal within 10 workdays of receipt of notification that a reconsideration was denied.

(7) The facility may neither charge nor take any other recourse against Medicaid recipients, their family members, or their representatives for any claim denied or reduced because of the facility's failure to comply with any DHS rule, regulation, or procedure pertaining to reimbursement.

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

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

TRD-9318687

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

Proposed date of adoption: April 1, 1993

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

TRD-9318687

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

Proposed date of adoption: April 1, 1993

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

◆ ◆ ◆
Chapter 72. Memorandum of
Understanding with Other
State Agencies

Memorandum of Understanding
Concerning Coordination of
Services to Disabled Persons

The Texas Department of Human Services (DHS) proposes the repeal of §§72.201-72.210 and new §§72.201-72.212, concerning the memorandum of understanding for coordination of services to persons with disabilities. The repeals are necessary to delete obsolete language. The purpose of the new sections is to clarify the financial and service responsibilities of each agency in relation to persons with disabilities and address how each agency will share data relating to services delivered to persons with disabilities. The undesignated head is changed to Memorandum of Understanding Concerning Coordination of Services to Persons with Disabilities.

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

Mr. Raiford also has determined that for each year of the first five years the repeals and sections are in effect the public benefit anticipated as a result of enforcing the repeals and sections will be that the coordination of services and the sharing of information, service planning and service delivery for persons with disabilities will be facilitated at the local level. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed sections.

Questions about the content of this proposal may be directed to Dixie G. Camp at (512) 450-3301 in DHS's Office on Services to Persons with Disabilities department. Comments on the proposal may be submitted to Nancy Murphy, Policy and Document Support-323, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Department of Human Services or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

◆ ◆ ◆
• 40 TAC §§72.201-72.210

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

§72.201. *Basis.*

§72.202. *Texas Department of Human Services.*

§72.203. *Texas Department of Health.*

§72.204. *Texas Department of Mental Health and Mental Retardation.*

§72.205. *Texas Rehabilitation Commission.*

§72.206. *Texas Commission for the Blind.*

§72.207. *Texas Commission for the Deaf.*

§72.208. *Texas Education Agency.*

§72.209. *Agreement.*

§72.210. *Effective Date.*

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

Issued in Austin, Texas, on February 5, 1993.

TRD-9318640

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

Proposed date of adoption: May 1, 1993

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

◆ ◆ ◆
Memorandum of Understanding
Concerning Coordination of
Services to Persons with
Disabilities

• 40 TAC §§72.201-72.212

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

§72.201. *Basis.*

(a) The Texas Department of Human Services, the Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, the Texas Rehabilitation Commission, the Texas Commission for the Blind, the Texas Commission for the Deaf, the Texas Education Agency, the Texas Department of Protective and Regulatory Services, and the Texas Interagency Council on Early Childhood Intervention are required under the provisions of the Human Resources Code, §22.011 to adopt a joint memorandum of understanding to facilitate the coordination of services to persons with disabilities.

(b) This memorandum of understanding will clarify the financial and service responsibilities of each agency in relation to persons with disabilities and address how each agency will share data relating to services delivered to persons with disabilities. Each agency will adopt this memorandum of understanding and all revisions to the memorandum by rule. Consultation and input from advocacy and consumer groups will be obtained during the public comment period for proposed rule publication. Appropriate revisions to this memorandum of understanding will be made based on public comment.

§72.202. *Texas Department of Human Services (DHS).*

(a) Financial and service responsibilities to persons with disabilities.

(1) Health care services.

(A) One of the most important Medicaid benefits provided to low-income individuals is comprehensive health care services. In Texas, Medicaid services are funded by a combination of approximately 40% state funds and 60% federal funds. The federal matching rate is based upon the state's average per capita income.

(B) Medicaid eligibility is linked by federal law to eligibility for Supplemental Security Income (SSI), the financial assistance program for low-income aged and blind persons, and persons with disabilities; Aid to Families with Dependent Children (AFDC), the financial assistance program for low-income families; and Medicaid for low-income children and pregnant women. Eligibility for AFDC and Medicaid (low-income families) is determined by client self-support services (CSS) eligibility staff. Eligibility for SSI benefits is determined by the Social Security Administration (SSA) based on income and resource requirements and a determination of disability. The SSA contracts with the Texas Re-

habilitation Commission (TRC) to perform the disability determinations. Of the three million Texans living in poverty, the Texas Medicaid program covers about 790,000 individuals. Of that number, more than 128,000 are persons with disabilities under age 65.

(C) Federal regulations specify which Medicaid services states must provide as well as a range of optional services states may elect to cover.

(i) Mandatory Medicaid services. Mandatory Medicaid services include: physician services; inpatient and outpatient hospital; laboratory and X-ray; home health care; ambulance; rural health clinic; nurse midwife; early and periodic screening, diagnosis, and treatment (EPSDT) services for children up to age 21; certified pediatric nurse practitioners; certified family nurse practitioners; dentist's services; family planning; federally qualified health centers; ICF-MR dental; medical transportation; renal dialysis services; and long-term institutional care services in nursing facilities.

(ii) Optional Medicaid services. Optional Medicaid services include: eyeglasses, optometric, podiatric, and chiropractic services; ambulatory surgical centers; hearing aid services; limited oral surgery; postsurgical lenses; vendor drug services; primary home care; emergency hospital services; birthing center services; certified registered nurse anesthetist's services; diagnostic and evaluation services (MR); hospice care; in-home total parenteral hyperalimentation services; in-home respiratory care services; maternity clinic services; outpatient counseling for chemical dependency; physical therapist; psychologist services; targeted case management services; mental health rehabilitation services; services provided by Christian Science sanatoriums; day activity and health services; and long-term institutional care services in intermediate care facilities (ICF); intermediate care facilities for the mentally retarded (ICF-MR); and skilled nursing facilities (SNF) for children under age 21.

(iii) Medicaid waiver services. Under the provisions of the Social Security Act, §1915(c), states have the option to provide certain home and community-based services to individuals who would otherwise require long-term institutional care. Pending approval of the waiver requests by the Health Care Financing Administration (HCFA), states may define the home and community-based services and make them available to a limited number of individuals on less than a statewide basis. The cost of these additional home and community-based services must be no greater than the cost of Medicaid services without a waiver. Texas currently

has four §1915(c) Medicaid waiver programs which serve persons with disabilities.

(I) The waiver program for medically-dependent children provides Medicaid benefits and in-home skilled nursing services to children under age 18 who would otherwise require nursing home care in an ICF or a SNF. Currently, this waiver program serves 517 children statewide. Eligible children are served on a first-come, first-served basis.

(II) The §1915(c) waiver program for mentally-retarded individuals is designed to provide 11 different home and community-based services to individuals living in their own home or with family members, as alternatives to institutional care in an ICF-MR. Eligible clients use their SSI to pay room and board costs. Home and community-based services are delivered based on an individual plan of care. This waiver program is in its 11th year of operation and can serve a maximum of 1,350 clients located in 31 geographic catchment areas. This waiver program is administered through an inter-agency contract between DHS and the Texas Department of Mental Health and Mental Retardation (TXMHMR). The state matching funds are provided by TXMHMR.

(2) Office on Services to Persons with Disabilities (OSPD).

(A) In January 1991, the Texas Board of Human Services adopted a proactive position statement on community-based services to persons with disabilities. The philosophy of DHS became "people with disabilities of all ages can live in the community when provided appropriate services and supports." DHS committed itself to take all appropriate and necessary actions to ensure the development of a system of community-based services and supports for persons with disabilities, and committed itself to the development of specific plans and policies whereby this philosophy would be implemented in all areas of DHS. The OSPD is responsible for coordination of this effort.

(B) To specify how OSPD would facilitate the implementation of this philosophy organization wide, an OSPD strategic plan with specific goals, objectives, timeframes, and products was developed. Although it is located in the Health Care Services Division, which is one major program area of DHS, the OSPD's scope is within all DHS programs and services for persons with disabilities.

(C) OSPD staff have five major roles:

(i) advocating for persons with disabilities within DHS and externally;

(ii) advocating for the implementation of the DHS position statement organization wide;

(iii) facilitating and coordinating the development of community-based programs and supports for persons with disabilities;

(iv) serving as a focal point for DHS staff, consumers, providers, advocates, and other agencies to raise issues and concerns; and

(v) providing technical assistance and education on disability-related issues.

(3) Client self-support services. Client self-support services is a group of DHS programs that provides basic maintenance services such as food stamps, AFDC, Medicaid coverage, nutrition, and energy assistance for eligible individuals, as well as services aimed at making clients self-sufficient, such as education, job training, child care, and transportation.

(4) Community care services for aged and disabled persons. Community care services are provided to low-income, elderly persons; persons with disabilities; and persons with chronic health conditions, to help these persons remain at home or in community settings. These services also provide a support system to families caring for their elderly or disabled members. Eligibility for community care services is based on age; income; financial resources; the degree of functional impairment; and, in some cases, medical need. The income eligibility ceiling for community care services is \$1,221 per month and the resource limit is \$5,000.

(A) In-home community care services.

(i) Primary home care (PHC) provides medically necessary personal care or supportive care, supervised by a registered nurse, in the client's home. DHS contracts with licensed home health agencies to provide these services to individuals for up to 50 hours per week.

(ii) Family care (FC) provides personal care, housekeeping, escort service, and meal preparation in the client's own home. These services are provided through contracts with home health agencies for up to 50 hours per week.

(iii) Congregate and home-delivered meals provide nutritious meals in a central location or a client's home through community-based provider agencies. All menus are approved by a registered dietician or nutritionist.

physically isolated from the community.

(v) The In-home and Family Support Program (IHFSFSP) provides direct grant benefits to people with physical disabilities and their families who choose and purchase services which enable the person with the disability to remain in the community. Allowable services include pre-approved items and services that are directly related to the person's disability, such as special equipment; architectural modification of a home to improve access or facilitate the care of a person with a disability; medical services; counseling and training programs which help provide proper care for a person with a disability; attendant care; respite care; and transportation.

(B) Out-of-home community care services.

(i) Adult foster care (AFC) provides supervision and assistance with daily living to eligible adults in 24-hour living arrangements provided in certified foster homes, for up to three clients, and licensed group homes, for four to eight clients. Clients pay their own room and board costs, and DHS pays the caregiver for personal care and supervision.

(ii) Day activity and health services (DAHS) provide personal care, nursing services, physical rehabilitation, and nutrition and supportive services in adult day-care facilities licensed by the Texas Department of Health (TDH) and certified by DHS. These services are available at least 10 hours per weekday and can provide respite for families.

(iii) Special services for persons with disabilities provide counseling, personal care, help with independent living skills, and transportation.

(iv) Residential care services are provided to eligible adults who require access to personal care services on a 24-hour basis, but not daily nursing intervention. Services may include board, protective supervision, personal care, social and recreational services, housekeeping, laundry, and transportation.

(C) Demonstration project. The shared attendant care project is targeted to the needs of younger persons with physical disabilities who need personal care services to continue living in the community. It allows clients to hire and supervise their own attendants and schedule care according to their daily routines. This project serves approximately 240 clients in three sites: San Antonio, south Texas, and the Orange-Beaumont area. The fiscal year 1987 expenditures were \$1,128,000.

(5) Other DHS services. All DHS services are available to low-income

persons with disabilities based on the eligibility criteria associated with the various funding sources.

(b) Service delivery data. DHS has a variety of data identifying the type of services, the number of clients receiving services, and expenditure data for all programs. The most comprehensive DHS documents that contain service delivery and expenditure data are:

(1) Legislative appropriations request (LAR). The LAR is a document prepared and submitted to the Legislative Budget Board and the Governor's Budget Office prior to each legislative session. It contains DHS's request for appropriations for the next biennium based on four levels of funding for each program and activity. It also provides a summary of DHS's request. Specifically, it provides the objective and a description of each program and activity as well as data for need indicators, performance measures, object of expense, and method of finance for a five-year period. This period includes two years of the appropriations request and the three previous years.

(2) Fiscal year operating plan. The fiscal year operating plan is the budget for DHS based on appropriations received. It contains a breakdown of budgeted dollars by program area and activity at the state level. For each program, the document states the need, the description of program activities, the budget allocation for each activity, the performance measures or units of service, and the method of finance. The allocation covers a three-year period consisting of the current fiscal year and two previous years.

(3) Annual report. The annual report is a fiscal-year description of DHS services, a review of the services, and an accounting of DHS's expenditures. The report contains a section of statistics that depicts estimated expenditures by method of finance; benefit expenditures by region; a summary by county of agency information; aged and disabled benefits, and families and children benefits; and data concerning the regulation of child care facilities.

(A) In addition to client data, DHS has demographic data from the 1990 United States Census, the 1989 Special Texas Census, and population estimates and projections from the State Comptroller's Office and Texas A&M University. The 1989 Special Texas Census was a mailout survey to the general population of Texas. It was a data-collection effort comprising a sample of 44,000 Texas households to identify human service needs in support of the DHS budget and planning process. With an adjusted response rate of about 66% of the valid sample, data was collected for

more than 23,000 households. The data collected for each person concentrated on money; income; demographics (age, sex, race/ethnicity, marital status, language, and education); employment status; medical insurance coverage; medical utilization; disability; functional impairment; help available for persons with disabilities; child care; child support payment; knowledge about runaways; child abuse and/or neglect; and family violence shelters. Based on the response rate and the selection of data variables, data may provide adequate representation for the state and for DHS regions. DHS service delivery and demographic data may be requested from the Budget Management Services Department.

(B) The OSPD also develops an annual report containing the yearly activities of implementing the DHS position statement and recommendation of the task force on services to persons with disabilities and DHS advisory committee for the aged and disabled (ADAC). It describes the accomplishments toward achieving goals, objectives, and products detailed in the OSPD strategic plan.

§72.203. Texas Department of Health (TDH).

(a) Financial and service responsibilities to persons with disabilities.

(1) Chronically Ill and Disabled Children's Services Bureau.

(A) The Chronically Ill and Disabled Children's Services Bureau provides diagnosis and evaluation; restorative and corrective medical treatment; speech, occupational, and physical therapy; transportation; meals and lodging; and case management through purchased services for children below the age of 21 years who meet medical, financial, and residency requirements. Persons with the diagnosis of cystic fibrosis are eligible regardless of age.

(B) The Chronically Ill and Disabled Children's Services Bureau also administers:

(i) the Hemophilia Assistance Program, which provides assistance to adult hemophilia patients (over age 21) for the purchase of blood products;

(ii) the Epilepsy Assistance Program, which provides diagnosis, treatment, and support services for persons with epilepsy, through contracts with private organizations; and

(iii) the Children's Outreach Heart Program, which provides prediagnostic and follow-up evaluation services for cardiovascular disorders for chil-

dren in south Texas who meet financial eligibility requirements, through a contract with the Children's Heart Institute of Texas.

(C) The Chronically Ill and Disabled Children's Services Bureau also administers the Supplemental Security Income Disabled Children's Services Program (SSI-DCP).

(D) The contact for program information is the Manager for Field and Provider Relations, Chronically Ill and Disabled Children's Services Bureau, (512) 458-7355.

(E) The Chronically Ill and Disabled Children's Services Bureau has written agreements with the Texas Commission for the Blind (TCB), the Texas Rehabilitation Commission (TRC), the Texas Education Agency (TEA), the Texas Youth Council, and the Texas Department of Human Services (DHS). These agreements specify that the Chronically Ill and Disabled Children's Services Bureau and the other agency which is party to the agreement must:

- (i) coordinate service delivery; and
- (ii) provide services only to persons who have been determined eligible for services by both parties.

(2) Supplemental Security Income Disabled Children's Program (SSI-DCP)

(A) The SSI-DCP provides case management services for all children with disabilities who are below the age of 16 and receiving SSI benefits. Services provided directly include diagnostic, counseling, and referral services; inter-agency liaison; follow-up through case management provided by medical social workers; and the purchase of services and adaptive equipment, if these services are not available through any other resource.

(B) The contact for program information is the Manager for Field and Provider Relations, Chronically Ill and Disabled Children's Services Bureau, (512) 458-7355.

(C) As the SSI-DCP program is administered by the Chronically Ill and Disabled Children's Services Bureau, inter-agency agreements are described in paragraph (1) of this subsection.

(3) Kidney Health Program.

(A) The Kidney Health Pro-

gram provides assistance to Texas residents with end-stage renal disease (ESRD), as certified by a licensed nephrologist, with assistance in paying for drugs, hospitalization, medical services and supplies, and transportation. Clients are reimbursed directly for drugs and travel; reimbursement is made directly to the provider for medical services and supplies. The Kidney Health Program does not pay for services covered by Medicare, Medicaid, or private insurance.

(B) The contact for program information is the Director of the Kidney Health Program, (512) 458-7796.

(4) Vision, hearing, and speech services (VHSS).

(A) VHSS has legal authority to establish standards and regulate screening for special senses and communication disorders, primarily vision and hearing problems, and to assure standardized performance of audiometric testing devices statewide. Legislation permits VHSS to provide services to identify individuals in need if services are not otherwise available. VHSS provides hearing aids and attendant services to medically indigent children, ages 0 through 20.

(B) The contact for VHSS program information is the Director for Vision, Hearing, and Speech Services, Division of Maternal and Child Health, (512) 458-7420.

(C) VHSS and the DHS have entered into a contract for reimbursement of hearing aid services to Medicaid clients age 0-20. In order to carry out DHS's memorandum of understanding with the Commission for the Deaf, the VHSS developed and maintains a contract with DHS for the acquisition of interpreter services for Texas Department of Health's (TDH's) deaf and hearing-impaired patients, clients, and staff.

(5) Bureau of Long-Term Care.

(A) The purpose of the statewide Long-Term Care Program of the TDH is to assure that quality care is provided to persons in long-term care and related facilities and that these facilities are properly utilized. TDH inspects and licenses nursing homes, custodial care homes, personal care homes, certain facilities for the mentally retarded, maternity homes, and certain adult day care and adult health care facilities. TDH surveys and certifies nursing homes and facilities for the mentally retarded that participate in Medicaid, and surveys and recommends certification of nursing home's participation in Medicare. TDH performs

inspection of care visits relating to care and services provided to each Medicaid recipient in nursing homes and facilities for the mentally retarded and determines the appropriate level of care needed for each recipient.

(B) The contact for program information is the Bureau Chief, Bureau of Long-Term Care, (512) 458-7706.

(C) The Bureau of Long-Term Care has entered into the following memoranda of understanding with:

(i) DHS regarding quality assurance, inspection of care, and level of care determination related to Medicaid;

(ii) DHS regarding survey and certification of nursing homes and facilities for the mentally retarded that participate in Medicaid;

(iii) the Texas Department on Aging (TDoA) regarding that agency's ombudsman program and the responsibilities of both agencies in complaint investigations; and

(iv) the Texas Board of Licensure for Nursing Home Administrators for training of nursing home administrators.

(D) In addition, the Bureau has entered into the following interagency contracts with:

(i) TDoA to provide inspection and survey information under public disclosure;

(ii) TDoA to train ombudsmen and TDoA representatives on nursing home standards and complaint investigation procedures; and

(iii) the Texas Department of Corrections (TDC) to microfiche old records.

(b) Service delivery data.

(1) TDH produces several documents and reports on a department-wide basis either annually or biennially. These are:

(A) Legislative appropriations request (LAR). The LAR is published biennially and includes program needs indicators for each TDH program, program objectives, descriptions of program performance measures, the TDH budget and expenditures, and activity profiles;

(B) Texas hospital data inventory. Hospital data is collected annually, and routine and special reports are developed from the data;

(C) Bureau of Health Data and Policy Analysis: Population Projection to the year 2000. Data is available by age, sex, and race/ethnicity for each year;

(D) Bureau of Disease Control and Epidemiology: Epidemiology in Texas. This report is published annually;

(E) Texas Vital Statistics. This report is published annually.

(2) To examine these documents, contact the TDH Library, (512) 458-7559.

(3) In addition, bureaus and programs of TDH generate annual reports for their programs specifically tailored to their program needs. Additional information may be requested by contacting the Office of the Commissioner, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7375.

§72.204. Texas Department of Mental Health and Mental Retardation (TXMHMR).

(a) Mission. The mission of the Texas Department of Mental Health and Mental Retardation (TXMHMR) is to provide help and hope to the people of Texas who strive to overcome the problems and disabilities of mental illness and mental retardation. TXMHMR accomplishes its mission by providing support, opportunities, and resources to empower people with mental illness and people with mental retardation to live satisfying, independent, and productive lives and to enjoy the same rights, freedoms, and responsibilities as other Texans.

(b) Financial and service responsibilities to persons with disabilities.

(1) Mental retardation services.

(A) Mental retardation priority population.

(i) The priority population is that group of individuals with mental retardation who, according to specified criteria, are most in need of treatment and support from the TXMHMR service delivery system. Service group priority is assigned according to the condition which interferes with community participation. Mental retardation diagnosis alone is not sufficient.

(ii) Assignment of persons to service group categories must be performed by a professional person with mental retardation experience. In assigning priority population service groups, the client is evaluated according to the highest need of the individual. Priority Service Groups I

through V are eligible for receipt of services funded with any funds received from TXMHMR or its state facilities and the required local match. The priority population service groups are listed in the order of priority for use with state funds, as follows:

(I) Priority I Mental retardation with severe health care needs and/or severe physical disabilities;

(II) Priority II Mental retardation with severe behavior problems and/or mental illness diagnosis (dual diagnosis);

(III) Priority III Profound or severe level of mental retardation with needs for basic care, self-help skills, pre-vocational, vocational, and/or independent living skills training;

(IV) Priority IV Moderate or mild mental retardation with need of pre-vocational, vocational, and/or independent living skills training and/or criminal offender;

(V) Priority V An individual within the certified client population as specified within the Prospective Payment Program who does not meet the priority population definitions of service groups I, II, III, or IV, or who has a need for early childhood intervention services.

(B) Community MHMR center services.

(i) TXMHMR contracts with community MHMR centers to provide mental retardation services. Community MHMR centers are locally staffed and governed by a local board of trustees. The centers are usually designated as the Mental Retardation Authority (MRA) for their local service area and are responsible for the provision of a wide range of services as a condition for receiving state funds. These services include case management, emergency services, medical treatment, and respite care. Other services that may be provided are work-related activities including vocational training, vocational assessments, sheltered workshops, supported work programs, and job placements. Short and long-term residential care and developmental programs may also be a part of services.

(ii) Eligible individuals receive care at 31 of the 34 community MHMR centers across the state. The three centers that provide care only to mentally ill persons are MHMR of Southeast Texas, Navarro County MHMR Center, and Texas Panhandle Mental Health Authority. Prior-

ity is given to clients who are most in need of treatment and support services from the TXMHMR system.

(C) State center services.

(i) Community services. State centers provide community-based services to persons with mental retardation in areas of the state not served by state schools or community MHMR centers. Services include in-home support services, respite services, family support, and training and treatment to enhance the individual's ability to function as independently as possible. Individuals may request services by contacting state centers located in Amarillo, Beaumont, El Paso, Harlingen, and Laredo.

(ii) Campus-based services. State centers provide short and/or long-term residential care and nonresidential service in areas of the state not served by state schools or community MHMR centers. The range of services includes vocational, medical, and dental services, and physical, occupational, and recreational therapy. Also included are support services such as maintenance, food services, and laundry. Individuals have the opportunity to participate in activities occurring in the local community. Persons with special needs are served by qualified professionals with consultation from specialists in the medical, dental, and habilitation fields. The five state centers are located in Amarillo, Beaumont, El Paso, Harlingen, and Laredo.

(D) State school services.

(i) Community services.

(I) Community services provided by state schools are designed to meet the needs of persons who have returned to the community from institutional placement and/or to prevent eligible persons from requiring institutionalization. These services include in-home support services, respite services, family support services, case management services, and diagnostic and evaluation services designed to help the individual live independently. Vocational programs also offered include work adjustment training, prevocational services, sheltered workshops, support work, and independent employment. Services are both residential and nonresidential.

(II) TXMHMR provides these services directly through 13 state schools located throughout Texas. The 13 state schools are certified as Intermediate Care Facilities for the Mentally Retarded (ICF-MR). Persons' needs are assessed by interdisciplinary teams, then the services are provided which best meet their individual needs.

(ii) Campus-based services.

(I) Campus-based services include residential services, therapeutic care and treatment, meals, education, physical care, and recreation for persons with mental retardation. Because many individuals have visual and hearing problems, muscular and/or skeletal anomalies or metabolic and nervous disorders, the facility also helps them cope with or correct their physical disabilities.

(II) Under the Social Security Act, Title XIX (Medicaid), the federal government reimburses the state for a significant portion of the costs of providing ICF-MR services to eligible persons at a matching rate of approximately 46% state and 54% federal. The Texas State Legislature appropriates general revenue funds to TXMHMR to cover the costs of operating the schools. The reimbursement obtained from the federal government is returned to the state treasury and is not reflected in TXMHMR's budget.

(2) Mental health services.

(A) Mental health priority population.

(i) The priority population for mental health services consist of:

(I) children and adolescents under age 18 who have a diagnosis of mental illness, exhibit severe emotional or social disabilities which are life-threatening, or require prolonged intervention; and

(II) adults who have severe and persistent mental illnesses, such as schizophrenia, major depression, manic depressive disorders, or other severely disabling mental disorders which require crisis resolution or ongoing and long-term support and treatment.

(ii) In targeting services to the priority populations, the choice of and admission to services is determined jointly by the person seeking service and the provider. Criteria used to make these determinations are the level of functioning of the individual, the need of the individual, and the availability of resources.

(B) Campus-based services.

(i) Campus-based services include residential, therapeutic care and treatment; meals; medical care; and recreation for persons with mental illness. These services are provided at eight state hospitals, three state centers, and one state

center for youth. The average daily census in these state facilities is approximately 4,000. Nearly 20,000 persons receive residential services annually.

(ii) All state hospitals are accredited by the Joint Commission on Accreditation of Hospitals (JCAH). Certain units providing services for elderly patients are also certified to receive Medicare funds.

(C) Community services.

(i) Community mental health services are provided by 63 mental health authorities. Included in these authorities are 35 community mental health and mental retardation centers which provide mental health services under contract with TXMHMR. The remaining mental health authorities are state hospital or state center programs provided through community service centers which are located in the local service areas of the hospitals or state centers. These programs currently provide services to over 150,000 individuals annually.

(ii) Services provided by the local mental health authorities consist of residential services which may include supervised living arrangements, halfway houses, foster care, personal care, boarding home, and fairweather lodges. The crisis stabilization component of the residential service must be available to the residents of a mental health authority.

(iii) Other programs include 24-hour emergency screening and assessment, community and state hospital liaison, family support programs, medication-related services, psychosocial rehabilitation programs, day treatment, and case management services.

(D) Legislative mandates.

(i) The Texas State Legislature and TXMHMR require the provision of core services aimed at meeting individual needs and enhancing personal skills for optimum community living. The Texas Mental Health and Mental Retardation Act specifies the core services as:

(I) 24-hour emergency screening and rapid crisis stabilization services;

(II) community-based crisis residential service or hospitalization;

(III) community-based assessments, including the development of interdisciplinary treatment plans and diagnosis and evaluation;

(IV) medication-

related services, including medication clinics, laboratory monitoring, medication education, mental health maintenance education, and the provision of medication;

(V) family support services, including respite care;

(VI) psychosocial rehabilitation services, including social support activities, independent living skills, and vocational training; and

(VII) case management services.

(ii) The Texas State Legislature also directed the Texas Board of Mental Health and Mental Retardation to appoint a Citizens' Planning Advisory Committee to advise TXMHMR on all stages of the development and implementation of the long-range strategic plan. This committee has an active role in the development of the TXMHMR's strategic plan.

(iii) In addition, Federal Law 99-660 requires planning for community mental health services to include consumer, family, advocate, and other state agency representation. State agencies currently providing representatives to the Mental Health Community Services Planning Council include: Texas Rehabilitation Commission, Texas Youth Commission, Texas Education Agency, Texas Department of Health, Texas Department of Human Services (DHS), Texas Commission on Alcohol and Drug Abuse, and Texas Deaf Commission.

(iv) TXMHMR has also reached agreements with the Texas Department of Corrections (TDC) to provide services for people released by TDC, with the Texas Education Agency to provide services after people have left their services, with Texas Rehabilitation Commission to provide vocational services, and with DHS to provide children's services.

(c) Service delivery data. The following data may be obtained by contacting the administrative head of the section or by contacting the Director of Planning and Policy Development, at (512) 465-4698 or STS 824-4698.

(1) Public Information Office. This office produces the annual report and a directory of TXMHMR services. Telephone: (512) 465-4540.

(2) Strategic planning. This office is responsible for demographic data and long-range planning. Telephone: (512) 465-4620.

(3) Financial services. This area publishes the TXMHMR Annual Operating Budget and the Biennial Legislative Appro-

priations Request. Telephone: (512) 465-4550.

(4) Information services. This office processes client data information from client assignment and registration system (CARE). Telephone: (512) 4654570.

(5) Mental health services. Questions regarding mental health services program and/or policy issues can be directed to this section. Telephone: Adults (512) 465-4511 and adolescents and children (512) 465-4832.

(6) Mental retardation services. This section responds to inquiries about Mental Retardation Services Program and/or policy issues. Telephone: (512) 465-4521

(7) Consumer rights/protection services. This area is responsible for information regarding issues relating to an individual client or statistics regarding client abuse and neglect. Telephone: (512) 323-3242

§72.205. Texas Rehabilitation Commission.

(a) Direct service responsibilities to persons with disabilities.

(1) Vocational Rehabilitation Program.

(A) This program prepares eligible individuals with disabilities for employment. Services include evaluations to determine vocational, educational, medical, and psychological abilities and needs; limited vocationally necessary medical treatment; training in trade schools, business colleges, rehabilitation centers, halfway houses, colleges, and universities; interpreter services for the deaf; job placement and assistance to employers in modifying jobs for persons with disabilities; and assistive technology devices such as wheelchairs, artificial limbs, and braces to improve functioning on the job.

(B) Individuals served must have a physical or mental disability that results in a substantial barrier to employment, and there must be a reasonable expectation that services will result in employment.

(2) Extended rehabilitation services program.

(A) This program provides long-term employment support services. Other support services available are independent living skills training, transportation, and mobility training.

(B) To be eligible, the individual must have a physical or mental dis-

ability that results in a substantial barrier to employment. This disability must require some type of support service in order for the client to obtain and maintain employment. There are no minimum number of hours worked or amount of wages earned. The individual must be at least age 16.

(3) Independent living (IL) centers.

(A) IL centers are nonresidential centers which help persons with disabilities to live in the community as independently as possible. The IL centers are directed and staffed by persons with disabilities. Services are either provided directly, or through referral, for assistance in areas such as attendant services, housing, transportation, advocacy, peer counseling, recreational activities, and interpreter services.

(B) Services are available to persons with disabilities as well as individuals who are interested in disability-related issues.

(C) IL centers are located in Austin, Dallas, El Paso, Houston, San Antonio, Amarillo, Crockett, Fort Worth, Lubbock, and at sites located in the Lower Rio Grande Valley.

(D) Services include adaptive equipment such as wheelchairs and environmental control systems, communication aids, modification of vehicles, and sponsorship of medical rehabilitation services.

(E) Eligible individuals must have a severe physical or mental disability which interferes with their ability to function independently, and there must be a reasonable expectation that services will substantially improve the individual's ability to function independently. Also, the individuals must have an economic need and cannot be eligible for either the vocation rehabilitation or extended rehabilitation services programs of the Texas Rehabilitation Commission (TRC). The IL program is available in the same cities as IL centers.

(4) Comprehensive rehabilitation services.

(A) This program provides in-patient medical rehabilitation services, specifically for persons with spinal cord or brain injuries, to enable them to obtain greater levels of independence and self-care.

(B) Individuals served must

have recently sustained a traumatic spinal cord or brain injury, not be eligible for services through other resources, have an economic need, and be reasonably expected to improve their independent functioning.

(5) Deaf-blind multi-disabled services.

(A) Services include a residential, outdoor training program (which is a one-week summer camp); parent training/counseling, in conjunction with the Texas School for the Blind; and respite services, in conjunction with the Texas School for the Blind and Visually Impaired and Texas Commission for the Blind. Residential services are for adults. The age requirement for summer camp is age six and above, and respite services are for school-aged children who live in family homes. Respite services are provided during a two-week summer session on the campus of the Texas School for the Blind. Parent training is provided through an annual conference held in conjunction with the Texas School for the Blind in the Deaf-Blind Multi-handicapped Association of Texas.

(B) Individual case services may be provided for clients who are deaf-blind in the Extended Rehabilitation Program and Independent Living Program. This support may include such services as independent living skills training, day programming, equipment, and personal attendant services.

(C) Eligible individuals must have both visual and hearing impairments which substantially impede their ability to live independently.

(6) Personal attendant services. This program helps eligible individuals with severe disabilities to enter the work force by helping them pay for personal attendant services while they work in order to maintain employment. Services are provided through a contract with a service provider. Eligible individuals contribute to the cost of services on a co-pay basis. An individual annual evaluation establishes the rate of co-payment. As the individual's earnings increase, a larger share of the cost of attendant services is expected.

(b) Service delivery data.

(1) TRC has information available on the demographic characteristics of clients served and on services provided.

(2) Budget and planning data is available through the Commission's Budget and Planning Office at (512) 483-4601. Program information is available through the Special Services Office at (512) 483-4060.

§72.206. Texas Commission for the Blind.

(a) Financial and service responsibilities to persons with disabilities.

(1) The Texas Commission for the Blind has primary responsibility for providing services to persons who are visually disabled, except welfare services and services for children provided by regularly-established educational agencies and state authorities as provided in the Human Resources Code, Chapter 91.021(a).

(2) The Texas Commission for the Blind offers a continuum of services for persons of all ages who are blind or visually impaired. These service programs include:

(A) Blind and Visually Impaired Children's Program.

(i) State funding is used to provide services which will prevent blindness, restore vision, reduce dependency for children who have permanent visual problems, and prepare the child for enhanced vocational success. Services include counseling and guidance for the child and the family, adaptive aids, educational support services, resource development and utilization, pre-vocational information, and information and referral services. The target population includes children ages 0-16 who are blind, blind multidisabled, deaf-blind, or severely visually impaired.

(ii) Youths between the ages 16 and 22 may receive transition services from either the Blind and Visually Impaired Children's Program or the Vocational Rehabilitation Program.

(B) Vocational Rehabilitation Program. This program is funded by both the state and federal governments. All services are provided with the ultimate goal of employment for persons who are blind or visually impaired. The target population for this program includes individuals desiring employment who are blind, blind multidisabled, deaf-blind, or severely visually impaired.

(i) Services include vocational counseling; vocational training; rehabilitation teacher services; orientation and mobility training; physical restoration; employment assistance in sheltered, supported, or competitive employment; personal and social adjustment training; and rehabilitation engineering.

(ii) To be eligible for vocational rehabilitation services, a person must:

(I) have a physical or mental disability (including a visual condition);

(II) have a disability that constitutes a barrier to employment; and

(III) be reasonably expected to benefit from vocational rehabilitation services, in terms of employment.

(C) Independent living rehabilitation. This program is designed to help persons who are blind or visually impaired to live as independently as possible.

(i) Services in this program include counseling, evaluation and skills training, referral, advocacy, and assistance with eye medical problems. Independent living services are for individuals for whom employment is not plausible and, although most of the clients receiving services under this program are elderly, there are no age restrictions.

(ii) Funding for this program comes from the Vocational Rehabilitation Act of 1973, as amended, under Title VII, Parts A, B, C, and from state appropriations for serving older clients who are blind or visually impaired.

(D) Deaf-blind services.

(i) Services for persons who are deaf-blind are provided on a state-wide basis through the Blind and Visually Impaired Children's Program, the Vocational Rehabilitation Program, and the Independent Living Program.

(ii) Specific services include rehabilitation center training, adaptive skills training, career guidance, job readiness counseling, and employment assistance. Federal funding is provided under the Vocational Rehabilitation Act of 1973, as amended, and a three-year grant for services to persons who are deaf-blind.

(b) Service delivery data.

(1) The Texas Commission for the Blind's biennial report for fiscal years 1989-1990 contains a brief description of each program, the services that are provided, and a summary about individuals receiving agency services and funding expenditures.

(2) Legislative requests for funding are submitted to the commissioner of the Health and Human Services Commission pursuant to the Texas Civil Statutes, Article 4413(502), §13. The LAR details the description and objectives of each of the Texas Commission for the Blind's programs and lists specific budget details and need indicators.

(3) The Texas Commission for the Blind has detailed and general information regarding the types of services pro-

vided in each program in the UNISYS A4 computer database. General information is currently available, and special computer runs may be provided for more specific information upon request.

(4) Additional information regarding agency programs and services is available by contacting: Deputy Director for Programs, Texas Commission for the Blind, P.O. Box 12866, Austin, Texas 78711, Voice or TDD: (512) 459-2602 or 1-800-252-5204.

§72.207. Texas Commission for the Deaf.

(a) Financial and service responsibilities to disabled persons.

(1) The Texas Commission for the Deaf (TCD) is authorized to provide direct delivery services to persons who are deaf or hearing-impaired. These services are rendered through biennial contracts with nonprofit, community-based organizations called Councils for the Deaf. TCD currently has 16 such contracted councils located in 15 cities: Amarillo, Lubbock, Big Spring, El Paso, Corpus Christi, San Antonio, Abilene, Fort Worth, Austin, Houston (two), Sherman, Waco, Dallas, Tyler, and Beaumont. When TCD has a contract with such an organization, the organization is referred to as a Council for the Deaf by TCD, although the official name of the organization may not include this phrase.

(2) The number of staff, types of direct services, and number of clients vary considerably from council to council. Many of the councils provide direct services in addition to those authorized and subsidized by the state through TCD. The range of TCD-contracted services include:

(A) Interpreter services. Interpreters are provided for deaf clients to assist them in obtaining educational, medical, legal, governmental, and economic services. Interpreters are also available through the councils for state agencies, courts, and businesses; however, these entities must reimburse the councils. Interpreters are reimbursed monthly by TCD on an hourly basis for services provided. The rate of payment is determined by the fee schedule recommended for interpreters by TCD.

(B) Information and referral services. Councils provide information regarding general and specialized community services to persons who are deaf or hearing impaired, as well as information about deafness to the general public.

(C) Services to the elderly deaf. Clients who are age 60 or older and deaf or hearing-impaired are assisted in obtaining information and/or services from

agencies such as the Texas Department on Aging, local agencies on aging, social security offices, and local parks and recreation departments. Services provided may include case management, transportation assistance, nutrition, social interaction, and communication. This program reduces the need for longterm care, provides information to concerned individuals, and provides training to other personnel serving the elderly. These programs are referred to as Services to Older Hearing Impaired Texans (SOHIT).

(D) Message relay services. Councils provide message relay services to persons who are deaf or hearing-impaired who otherwise have no alternative means to access telephone communication with persons, agencies, and organizations. Persons who are deaf use telecommunications devices for the deaf (TDDs) to call the councils who then relay the messages by regular telephone communications. Councils are reimbursed according to TCD-established rate schedules.

(E) Other services. In addition to the services described in subparagraphs (A)-(D) of this paragraph, TCD has service and financial responsibilities to:

(i) establish a board of evaluation of interpreters to conduct interpreter exams and to develop with the Texas Rehabilitation Commission (TRC) a communication competency evaluation for vocational rehabilitation counselors who work at TRC with clients who are deaf;

(ii) issue certificates to interpreters and renew certificates at varying skill levels. TCD is required to charge fees for these services;

(iii) establish a system to approve courses and workshops for the instruction and continuing education of interpreters;

(iv) establish a schedule of fees recommended by TCD for the payment of interpreters required by law to be provided in proceedings of state agencies, courts, and political subdivisions and adopt a schedule of recommended reasonable fees for interpreters at varying skill levels;

(v) adopt a sliding fee scale for persons who are deaf or hearing impaired who receive interpreter services in nongovernmental settings that are reimbursed by TCD. The fee scale is based on the requestor's financial ability to pay; however, clients may not be denied this service because of their inability to pay;

(vi) design and provide a decal, at a cost of no more than \$2.00 per decal, to be attached voluntarily to motor vehicles regularly operated by persons who

are hearing-impaired;

(vii) monitor TDDs which have been placed by TCD in local emergency response centers, state agencies, and other locations. The TDDs are maintained by TCD; however, TCD has the authority to require entities to pay for needed repairs;

(viii) offer a one-week summer camp session for deaf and hearing-impaired children and youth to participate in barrier-free recreational and instructional activities. TCD annually contracts with a private facility for this program. To be eligible, students must be deaf or hearing-impaired, ages 8 through 17, and selected by TCD through referrals from the Regional Day Schools for the Deaf, the Texas School for the Deaf, and/or local school districts; and

(ix) publish an annual Directory of Services to Deaf in Texas, Registry of Interpreters, SOHIT Directory, and the agency newsletter, Guidepost. Fees for all publications, with the exception of Guidepost, may be waived for clients who are deaf or hearing-impaired if they are unable to pay.

(F) Interagency Contracts. Currently, TCD has interagency contracts primarily concerning interpreter services with the Texas Employment Commission, Texas Alcohol and Drug Abuse Commission, and the Texas Department of Corrections.

(G) Memorandum of Understanding. Texas Human Resources Code, §81.017, requires TCD to write memorandums of understanding to coordinate the delivery of services to deaf persons and to reduce duplication of services with each of the following agencies: Texas Department of Human Services, Texas Department of Mental Health and Mental Retardation, Texas Employment Commission, Texas Department of Health, Texas Higher Education Coordinating Board, Central Education Agency, Texas Department on Aging, Texas School for the Deaf, Texas Rehabilitation Commission, and the Texas Department of Corrections. TCD will also participate in a multi-agency memorandum of understanding coordinated by the Texas Rehabilitation Commission.

(b) Service delivery data.

(1) The contact person for TCD may be reached at (512) 469-9891, Voice/TDD. Information regarding councils for the deaf is provided in:

(A) the TCD-contracted services directory that provides names of councils, locations, phone numbers, and names

of staff;

(B) the TCD-contracted services listing that briefly lists services provided by each council, including interpreter services for state agencies;

(C) descriptions of TCD-contracted services provided by councils;

(D) the directory of services for the deaf that provides community, church-sponsored, educational, post secondary educational, rehabilitation, and speech and hearing services;

(E) the registry of interpreters that provides names, locations, phone numbers, and interpreting skill levels of interpreters who pay a listing fee and are certified by TCD, the National Registry of Interpreters for the Deaf, or the Texas Society of Interpreters for the Deaf;

(F) the directory of services for the elderly deaf that provides a survey of state agency services for eligible persons who are elderly and hearing impaired or deaf.

(G) TCD Guidepost, the agency newsletter; and

(H) the legislative appropriations request that is the request for biennium funding for the agency which is prepared and submitted to the Legislative Budget Office and the Governor's Budget Office. These documents provide summaries of program activities, goals, and objectives.

(2) TCD has placed approximately 600 TDDs with state agencies, emergency dispatch centers in local government, public service entities, and private entities which have TCD contracts (council for the deaf).

§72.208. *Texas Education Agency (TEA).*

(a) Financial and service responsibilities to persons with disabilities.

(1) TEA is authorized to serve children and youth with disabilities who:

(A) are ages three through 21 and are:

- (i) orthopedically impaired;
- (ii) other health impaired;
- (iii) mentally retarded;
- (iv) emotionally dis-

turbed;

- (v) learning disabled;
 - (vi) speech impaired;
 - (vii) autistic;
 - (viii) multiply disabled;
- or
- (ix) pregnant students;

and are:

- (B) are ages 0 through 21
 - (i) auditorially impaired;
 - (ii) visually impaired; or
 - (iii) deaf-blind;

(C) students, including:

- (i) bilingual students, limited English proficient;
- (ii) educationally and economically disadvantaged students;
- (iii) children of migrant workers;
- (iv) gifted and talented students;
- (v) pre-kindergarten, four-year-old, limited English proficient, and economically disadvantaged;
- (vi) refugee children needing transition services;
- (vii) delinquent, neglected, and those in correctional facilities;
- (viii) educationally-disadvantaged and limited-English-speaking adults; and
- (ix) dropouts and students at risk of dropping out.

(2) TEA administers services relating to the needs of children and youth, including:

(A) special education for students with disabilities, involving:

(i) comprehensive individualized student assessment which includes identification and referral and determination of physical, mental, emotional, general educational, and vocational education needs;

(ii) individualized instruction provided by the district in a variety of classroom arrangements within the school and also in home, hospital, and residential facility-based arrangements;

(iii) related services when needed to enable a student with disabilities to benefit from the specialized instruction which includes:

(I) orientation and mobility training;

(II) adaptive equipment;

(III) audiological services;

(IV) corrective therapy;

(V) counseling services;

(VI) medical diagnostic services;

(VII) psychological services;

(VIII) occupational therapy;

(IX) art therapy;

(X) music therapy;

(XI) recreation therapy;

(XII) school health services;

(XIII) social work services;

(XIV) transportation;

(XV) vision training;

(iv) other support services including special instructional equipment and materials, consultative services, and staff development services.

(B) vocational education program.

(i) Vocational training and job placement programs at high school and college levels includes special provisions for children with disabilities and children who are educationally disadvantaged.

(ii) The Job Training and Partnership Act (JTPA) Program operated by school districts provides job-specific training, counseling, remedial education, and vocational exploration opportunities.

(b) Sources of funds.

(1) Foundation school program funds.

(A) Service description. State funds generated by students with disabilities may be used to employ or contract with special education personnel to provide special education instruction and related services as stipulated by each student's individual education plan. A maximum of 15% of state special education funds may be used by a school district for general administrative costs. These funds are also used to purchase instructional supplies, materials, and specialized equipment.

(B) Delivery method.

(i) State special education funds are distributed on the basis of full-time equivalents of students with disabilities served during the school district's best four-of-eight weeks of overall average daily attendance (ADA). For the purposes of special education funding, "full-time equivalent student" means 30 hours of contact a week between a special education student and special education program personnel.

(ii) School districts count ADA and receive credit for contact hours for serving eligible students with disabilities who reside in intermediate care facilities for the mentally retarded (ICF-MRs), or who are in care and treatment facilities approved by the Texas Department of Human Services (DHS) or the Texas Department of Mental Health and Mental Retardation (TXMHMR), if these facilities are located within the district's boundaries. However, no local taxes are generated for these particular students since their parents/guardians reside in school districts other than the ones where the facilities are located. Children in the conservatorship of the state also do not generate local taxes.

(C) Eligibility requirements.

Students who are at least age three and not over age 22 on September 1 and who meet the eligibility criteria for the conditions stated Texas Administrative Code, Title 19, §89.211 (relating to Students with Disabilities) are eligible.

(D) Delivery method. Students with disabilities receive special education instructions and related services in their local schools based upon the recommendations of the admission, review, and dismissal committee for placement in the least restrictive environment.

(2) Education of the Handicapped Act, Part B, Texas Education Agency (TEA).

(A) Service description.

(i) Funds are used to pay for salary costs of special education personnel, special materials and equipment, related services, consultant services, student evaluation services, staff travel and related services, and residential care costs for residential placements of students with severe disabilities in nonpublic schools approved by TEA.

(ii) These funds supplement state and local funds in the provision of special education instruction and related services for all students with disabilities; special services for three-, four-, and five-year-olds; and special education teacher training.

(iii) Public Law 99-457 amended this act to provide for interagency coordination, to allow split funding, and to prevent duplication of services.

(B) Delivery method. TEA allocates federal funds primarily through local school districts and special education cooperatives supplemented by services from the regional education service centers. Funding is allocated on a per-child basis through a count of students taken each year on December 1.

(C) Eligibility requirements. Students served are those with disabilities, ages three through 21 who meet the criteria established in Texas Administrative Code, Title 19, §89.211 (relating to Students with Disabilities).

(3) Education of the Handicapped Act, Part C Deaf/Blind.

(A) Service description. Services include technical assistance in transition services from education programs to future living and work settings, sheltered living experiences, vocational training, and related services; consultative/counseling services to families and service providers; inservice training for staff working with deaf-blind persons; and coordination of activities with other agencies.

(B) Delivery method. Children receive this aid in their local schools. TEA provides technical assistance in local schools or residential facilities on an as-needed basis.

(C) Eligibility criteria. Deaf-blind children ages 0 through 21 are eligible.

(4) Regional services for the deaf.

(A) Service description. Eligible deaf students receive a basic instructional program suitable to their educational needs and are provided with the opportunity for achievement at a level more equivalent to their peers with normal hearing. Funding provides supplemental instructional services; parent counseling and training; special diagnostics; special media, materials, and equipment; and staff development.

(B) Delivery method. Local school districts apply to TEA for funds to meet identified priorities of the local programs, based on standards established by TEA. Applications are then negotiated and become contracts.

(C) Eligibility requirements. Students are eligible if they are deaf or hearing impaired and meet other specific criteria outlined in Texas Administrative Code, Title 19, §89.211(c) (relating to Students with Disabilities).

(5) Services for students with visual impairments.

(A) Service description. Services include:

(i) review of applications for state funding by school districts and regional education service centers to ensure that education services will be provided that are adapted for students with visual impairments;

(ii) evaluation of special education services;

(iii) maintenance of a system of registration and development of standards and guidelines for special education services;

(iv) provision of consultation and technical assistance to programs; and

(v) maintenance of effective liaison with other agencies and service providers involved with services to students with visual impairments.

(B) Delivery method.

(i) Students receive services described in subparagraph (A) of this paragraph in their local schools. TEA staff work directly with local school districts in evaluating programs, developing standards and guidelines, providing technical assistance, and keeping a registry of students with visual impairments. Funding is based on the needs of the districts' programs.

(ii) TEA's division of Special Education Funding (Services for the Visually Impaired) is primarily responsible for the ongoing development and administration of comprehensive statewide services for the education of students with visual

impairments, as assigned by law.

(C) Eligibility requirements. Students must be legally blind and age 0 through 21.

(6) Services for students with visual impairments education service centers.

(A) Service description.

(i) Funding supports:

(I) existing programs, to expand direct and supportive services for students with visual impairments which are not available through use of other funds;

(II) development of special cooperatives formed specifically to meet the educational and related service needs;

(III) programs for infants with visual impairments; and

(IV) minimum components of services in each education service center to provide direct services and technical assistance as needed.

(ii) Specific types of activities include:

(I) supplemental instructional services;

(II) orientation and mobility training;

(III) parent counseling and training;

(IV) special diagnostics;

(V) other special related services;

(VI) special media, materials, and equipment; and

(VII) staff development and other supplemental services.

(B) Delivery method. Students receive services in their local schools. Local school districts and regional education service centers may apply for state supplemental funding aid for special services to students with visual impairments. Funding does not supplant other existing

funds or programs and is allocated by TEA.

(C) Eligibility requirements. Students served must be students with visual impairments ages 0 through 21, who meet eligibility criteria for the visually impaired as outlined in the Texas Administrative Code, Title 19, §89.211(d) (relating to Students with Disabilities). Funding to districts is on a need/application basis rather than formal allocation.

(c) Service delivery data.

(1) Types of data collected on children and youth include:

(A) number of students with disabilities by district, age, disabling condition, and services provided including residential contract care;

(B) number of different student populations residing in each district apart from parent or guardian;

(C) number of economically disadvantaged students by district;

(D) number of special student populations by district (example: migrant, bilingual, and limited English proficient; refugees; legal; and undocumented immigrants); and

(E) number of students with disabilities and number of students without disabilities in correctional facilities and other state-operated residential facilities.

(2) The contact person for the interagency coordination for the student with disabilities may be reached at (512) 463-9283.

§72.209. Texas Department of Protective and Regulatory Services (PRS).

(a) Financial and service responsibilities to persons with disabilities.

(1) Protective services for children and adults.

(A) Child protective services (CPS) is the branch of the Texas Department of Protective and Regulatory Services (PRS) that provides services to children at risk of abuse or neglect and to their families. These services include: intake/investigation of abuse/neglect referrals, in-home services, truant and runaway services, removal services, substitute care, family reunification, and adoption. Child protective services are provided without regard to income. If the court orders removal of a child from the child's home and places the child

in the conservatorship of the state, foster care maintenance payments are made to the substitute care provider. Children in foster care are also eligible for Medicaid.

(B) The Adult Protective Services (APS) Program of PRS investigates reports of abuse, neglect, or exploitation of elderly adults and adults with disabilities. When a report is validated, APS provides or arranges for services to remedy the situation in the least restrictive manner possible. Ongoing APS services provided include direct casework, specialized support services, and guardianship services. All services provided are voluntary, except in cases in which a client:

(i) requires services to alleviate a threat to life;

(ii) the client is refusing services; and

(iii) the client does not appear to have the capacity to understand the situation.

(C) Respite care services may be provided to eligible clients who are in a state of, or at risk of, abuse or neglect because of severe stress, illness, or temporary absence of their caretaker. Respite care services provide short-term services for adults with disabilities needing care and supervision while allowing their caretakers temporary relief. PRS also has oversight responsibility for investigations of abuse, neglect, or exploitation conducted by other state agencies which operate, license, certify, or register facilities for persons with disabilities. PRS receives and reviews complaints about these investigations. Of the 23,393 clients served in fiscal year (FY) 1991, 30% (7017) were nonelderly persons with disabilities. PRS expects to provide APS services to approximately 8,460 nonelderly persons with disabilities in FY 1992.

(2) Licensing.

(A) The Licensing Department of PRS regulates facilities that provide out-of-home care for children and regulates child-placing agencies that place children for foster care, residential child care, and adoption. The Child Day Care Licensing Program is responsible for regulating day care centers, kindergartens, and nursery schools; schools, grades kindergarten and above; drop-in care centers; group day care homes; and registered family homes.

(B) The Residential Child Care Licensing Program is responsible for regulating institutions providing basic child care, residential treatment centers, halfway houses, therapeutic camps, institutions serv-

ing mentally retarded children, emergency shelters, foster group homes, foster family homes, and child-placing agencies.

(C) The Licensing Program develops minimum standards, evaluates applications for licensure, certification and registration, and monitors regulated facilities on an ongoing basis for compliance with minimum standards. Licensing staff investigate complaints and serious incidents in regulated facilities and allegations of illegal operation. Specialized staff investigate allegations of abuse and neglect in regulated child care facilities and allegations of illegal child-placing activities.

(b) Service delivery data.

(1) PRS has a variety of data identifying the type of services, the number of clients receiving services, and expenditure data for all programs. The most comprehensive PRS documents that contain service delivery and expenditure data are.

(A) The legislative Appropriations Request (LAR) is a document prepared and submitted to the Legislative Budget Board and the Governor's Budget Office prior to each legislative session. It contains PRS's request for appropriations for the next biennium based on four levels of funding for each program and activity. It also provides a summary of PRS's request. Specifically, it provides the objective and a description of each program and activity as well as data for need indicators, performance measures, object of expense, and method of finance for a five-year period. This period includes two years of the appropriations request and the three previous years.

(B) The fiscal year operating plan is the budget for PRS based on appropriations received. It contains a breakdown of budgeted dollars by program area and activity at the state level. For each program, the document states the need, the description of program activities, the budget allocation for each activity, the performance measures or units of service, and the method of finance. The allocation covers the current fiscal year and the two previous years.

(C) The annual report is a fiscal-year description of PRS services, a review of the services, and an accounting of PRS expenditures. The report contains a section of statistics that depicts estimated expenditures by method of finance, benefit expenditures by region, a summary of agency information by county, aged and disabled benefits by county, families and children benefits by county, and data concerning the regulation of child care facili-

ties. In addition to client data, PRS has demographic data from the 1985 Special Texas Census and population estimates and projections from the Texas Department of Health. The 1985 Special Texas Census was a mailout survey to the general population of Texas. It was a data collection effort comprising a sample of 22,000 Texas households to identify human service needs in support of the Texas Department of Human Services' (DHS's) budget and planning process. With a response rate of over 64% of the valid sample, data was collected for more than 12,300 households or over 33,000 individuals. The data collected for each person concentrated on money income; demographics (age, sex, race/ethnicity, marital status, language, and education); employment status; medical insurance coverage; medical utilization; disability; functional impairment; help available for persons with disabilities; child care; child support payment; knowledge about run-aways; child abuse and/or neglect; and family violence shelters. Based on the response rate and the selection of data variables, data may provide adequate representation for the state and for DHS regions.

(2) PRS service delivery and demographic data may be requested from the Office of Public Information, (512) 450-3645.

§79.210. The Texas Interagency Council on Early Childhood Intervention (ECI).

(a) Financial and service responsibilities to persons with disabilities.

(1) ECI was established by the Texas State Legislature to provide services to infants and toddlers with developmental delays and their families. ECI contracts with 77 local community organizations and agencies. The ECI programs are affiliates of local school districts, educational service centers, state centers, state schools, Texas Department of Mental Health and Mental Retardation (TXMHMR) community centers, private rehabilitation centers, and universities. Children under age seven with a significant delay in one or more areas of development, or with established medical conditions known to lead to developmental delays (such as Down syndrome), and children diagnosed as having atypical behaviors are eligible for services. The contact for program information is Executive Director, Texas Early Childhood Intervention Program, (512) 458-7673.

(2) Agreements with state agencies. The Texas ECI Program represents an inter-agency effort of the Texas Department of Health, Texas Department of Mental Health and Mental Retardation, Texas Department of Human Services, and the Texas Education Agency. The Texas ECI Program is governed by an interagency council with

a representative from each of the departments listed in this paragraph, plus a public representative appointed by the Office of the Governor. Program staff are also distributed among the four agencies listed in this paragraph.

(b) Service delivery data.

(1) The legislative appropriations request (LAR) is a document prepared and submitted to the Legislative Budget Board and the Governor's Budget Office, prior to each legislative session, that contains the agency's request for appropriations for the next biennium based upon ECI's strategic plan.

(2) The fiscal year operation plan is the budget for ECI based on appropriations received. It contains a breakdown of budgeted dollars by strategy at the state level.

(3) The annual performance report to the legislature contains a summary of performance measures and funding as annually projected and as actually reported. Data collected from local providers and from administrative sources are reported.

§72.211. Agreement. Texas Department of Human Services, Texas Department of Health, Texas Department of Mental Health and Mental Retardation, Texas Rehabilitation Commission, Texas Commission for the Blind, Texas Commission for the Deaf, Texas Education Agency, Texas Department of Protective and Regulatory Services, and the Early Childhood Intervention Program agree to:

(1) share all pertinent client information at the local level that is deemed appropriate to any agency involved in service planning or service delivery. Client information shared between agencies involved in service delivery is not open to public inspection and will not be disclosed in any manner that will identify an individual, unless ordered by the court. Any transfer of client information would be made pursuant to the rules and regulations of the transferring agency and only for the purposes of providing treatment or service;

(2) share the service delivery data identified in this memorandum of understanding upon request through the designated contact person for each state agency;

(3) review and, if necessary, update this memorandum of understanding prior to the end of each state fiscal year;

(4) adopt this memorandum of understanding and all revisions to this memorandum by rule;

(5) consult with and solicit input from advocacy and consumer groups in the formulation of this memorandum of understanding through the public comment pro-

cess for proposed rule publication; and

(6) adhere to all applicable federal and state requirements for program accessibility for persons with disabilities.

§72.212. Effective Date. This agreement is effective May 1, 1993.

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

Issued in Austin, Texas, on February 5, 1993.

TRD-9318641 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Proposed date of adoption: May 1, 1993

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

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Part IX. Texas Department on Aging

Chapter 294. Eldercare Policies of the Texas Department on Aging

Statutes and Regulations

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Department on Aging or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Department on Aging proposes a repeal and new §294.1, concerning corporate eldercare which will apply to all area agencies on aging who engage in agreements, contractual, and/or commercial relationships with any business to provide corporate eldercare services to its employees. This chapter establishes definitions, policies and procedures to be followed when area agencies contract for this service.

Ann Ammons, Director of Field Operations, has determined that for the first five-year period the repeal and section are in effect there will be fiscal implications as a result of enforcing or administering the repeal and section.

Ms. Ammons, also has determined that for each year of the first five years the repeal and section are in effect the public benefit anticipated as a result of enforcing the repeal and section are proposed will be greater understanding of the processes required of area agencies on aging to assure proper contract stipulations and that monitoring of area agencies contracting with the private sector for corporate eldercare is based on clear requirements established by the Department.

There is no anticipated economic cost to persons who are required to comply with the repeal and section as proposed. There will be no effect on small businesses.

stipulations and that monitoring of area agencies contracting with the private sector for corporate eldercare is based on clear requirements established by the Department.

There is no anticipated economic cost to persons who are required to comply with the repeal and section as proposed. There will be no effect on small businesses.

Request for public comments on the proposal may be submitted to Ann Ammons, Director of Field Operations, Texas Department on Aging, P. O. Box 12786, Austin, Texas 78711.

• 40 TAC §294.1

The repeal is proposed under the Human Resources Code, §101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the department.

§294.1. *Eldercare Policies of the Texas Department on Aging.*

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

Issued in Austin, Texas on February 2, 1993.

TRD-9318495

Mary Sepp
Executive Director
Texas Department on
Aging

Earliest possible date of adoption: March 15, 1993

For further information, please call: (512) 444-2727

Chapter 294. Corporate Eldercare

Statutes and Regulations

• 40 TAC §294.1

The new section is proposed under the Human Resources Code, §101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the department.

§294.1. Corporate Eldercare. This policy applies to all Area agencies on Aging who engage in agreements, contractual, and/or commercial relationships with any Business to provide Corporate Eldercare services to its employees.

(1) **Legal Authority.** In accordance with AOA-PI-90-06, issued April 10, 1990, the Texas Department On Aging (TDOA) is called upon to develop and implement State policies concerning Corporate Eldercare, including specific guidelines for AAAs' involvement in this area. While the AOA Program Instruction focuses exclusively on Corporate Eldercare, it acknowledges that the State Unit On Aging is empowered to promulgate policy related to

other programs and services rendered by AAAs under contract to the private sector. The 1992 Reauthorization of the Older Americans Act enacted additional provisions relating to Corporate Eldercare under §§306a 13A to 16 which require additional provisions in the state policy.

(2) **Policy Objective.** The purpose of this policy is to set forth criteria which will ensure compliance with the law, prevent conflicts of interest, and assure compatibility between the statutory mission of the Area Agency on Aging and any Corporate Eldercare activities in which the Area Agency On Aging may engage.

(3) **Definition.** Corporate Eldercare is any service provided to a business on behalf of its employees who have responsibilities for caring for elderly relatives.

(4) **Program Purpose.** The purpose of engaging in Corporate Eldercare is to enhance the scope and quality of the system of services available to older persons in a planning and service area.

(A) Corporate Eldercare contracts help with outreach by providing access to the workplace, and the workforce caring for the elderly.

(B) Such contracts increase support and access to services by those providing care to older relatives and friends and thus meet the needs of the elderly relative or friend.

(C) The purchase of services by private corporations provides an additional source of funds which enable provision of service to more elderly in need.

(5) Program Components.

(A) The scope of Corporate Eldercare involves contracting with a business to provide that business certain eldercare services for the benefit of its employees for a specified fee. Any service provided to a business should be provided on a contracted fee for service basis. While Title III services provided by an AAA are offered free of charge to any individual in need in the PSA, expanded or specialized services tailored to the needs of a corporate or business client can be included in a contractual arrangement for which the Area Agency should receive reimbursement. Corporate Eldercare often includes a form of enhanced information and referral but may extend to other types of services and/or programs. Such other services can include, but are not limited to: designing and conducting needs surveys of staff; seminars/workshops/forums; initiating support groups; subcontracting to provide Employee

Assistance Services; contributing to or providing newsletters; providing information resources; training for managers regarding eldercare; pre-retirement and retirement planning programs; and case-management.

(B) Delivery of the service requires the area agency to provide this service directly for the business. Area Agency staff, paid by the contract, provide or arrange the services based on the terms of the contract.

(C) The Texas Department On Aging encourages all Area Agencies On Aging to engage in appropriate agreements with employers in the development and implementation of Corporate Eldercare programs as part of the development of a comprehensive and coordinated system of services for all older persons. All Area Agencies On Aging are eligible to engage in Corporate Eldercare activities, provided such activities comply with all the provisions of this policy. TDOA recognizes that an AAA may elect to join with other AAAs and/or the Texas Association of Area Agencies On Aging in such contracts. These types of arrangements are permissible, provided that the provisions of this policy are followed.

(6) General Provisions.

(A) All Area Agencies are required to describe in their Area Plan all activities of the area agency on aging, whether funded by public or private funds.

(B) AAAs electing to enter into Corporate Eldercare contracts or agreements shall include in their Area Plan, and amendments thereto, strategies describing the area agency's plans for, and/or current involvement with Corporate Eldercare, and services to be rendered to older persons as a consequence of said agreements or contracts.

(C) The Area Plan must include assurances that:

(i) assure that the AAA's activities conform with the responsibilities of the AAA as set forth in §306a;

(ii) assure the AAA's activities conform with the laws, regulations, and policies of the state;

(iii) assure that in all contracts and commercial relationships, the AAA will not compromise the integrity or public purpose of Title III services or service providers;

(iv) assure that the AAA will disclose to AoA and TDOA the identity of each non-governmental entity with which

not resulted and will not result from such contract or relationship;

(vi) assure that the AAA will demonstrate that the quantity or quality of the services to be provided by such agency will be enhanced as a result of such contract or such relationship;

(vii) assure that the AAA will, on request from AoA or TDOA, for the purpose of monitoring, disclose all sources and expenditures of funds such agency receives or expends to provide services to the elderly;

(viii) assure payment by a private contract will fully cover the cost of services provided, and that Title III funds will not be used to pay any part of a cost, including administrative costs, incurred by the AAA to carry out a contract or commercial relationship that is not carried out to implement Title III (unless a public private partnership is established whereby the state or federal governments agree to subsidize the costs of Corporate Eldercare);

(ix) assure that preference in receiving services under Title III will not be given to particular elderly as a result of a contract or commercial relationship that is not carried out to implement Title III;

(x) assure the AAA will focus on serving older persons in accordance with their need for services, with particular attention to individuals with greatest economic or social need, including low-income minority persons.

(D) The provisions listed in subparagraph (c)(i)-(x) of this paragraph do not constrain the AAA from utilizing OAA Title III-B funds to develop new resources and coordinate services to develop Corporate Eldercare in its PSA, as long as such activity is in compliance with TDOA Program Development policy. This complies with the statutory mission of AAAs by fostering the development of comprehensive and coordinated systems of services for all older persons, which includes all types of services and resources, both public and private, which are available to serve older persons. Area Agencies must avoid any activity, however, which may have the appearance of subordinating their public purpose mission to either organizational self interest or to the private interests of particular individuals or organizations.

(7) Requirements for contracts Between AAAs, Employers, and Other Private Companies. The Business must enter into a written agreement or contract with the Area Agency On Aging which clearly states:

(A) the name of the business or company; the services to be provided; the

fee to be paid for the services defined; the term of the contract;

(B) the AAA cannot execute an agreement or contract that demands exclusivity. An AAA must be free to negotiate other similar agreements or contracts;

(C) the AAA cannot enter into an agreement or contract that obligates it to be identified with or to promote the company or its products, or places it in a conflict of interest with its public mission;

(D) the AAA has the right to refuse services to a company or its employees or clients in the event that there is a potential conflict of interest for the AAA, as identified by the AAA or the TDOA. Such interpretations should be documented and kept on file for monitoring purposes;

(E) a contract must provide that an AAA has the right to reveal its findings, plans, and recommendations to the Client, regardless of whether or not the company makes a final decision regarding client eligibility and/or services provided, and regardless of what that decision is;

(F) a contract must provide that all information, as to personal facts and circumstances, obtained by the AAA shall be treated as privileged communications, shall be held confidential, and shall not be divulged without the written consent of the individual receiving the services, his/her attorney, or his/her legal guardian, except as is required by TDOA for the purposes of monitoring for compliance with the provisions of this policy, or as directed by the court. However, nothing prohibits the disclosure of information in summary, statistical or other form which does not identify particular individuals. All AAA personnel having access to information pertaining to individuals receiving services shall complete and sign a nondisclosure agreement;

(G) the contract must further provide that the information obtained through the performance of the contract be treated as confidential information. The AAA shall not use any information, obtained in the performance of the contract in any manner except as necessary for the proper discharge of its obligations;

(H) a contract must hold the AAA and TDOA, where it is a party to the contract, harmless and defend them in any actions brought against them on the basis of the companies' policies or decisions regarding benefits and services;

(I) Provisions of the contract may not require the withholding of information or otherwise limit the ability of the AAA to judge or act in the public interest; or restrict the ability of TDOA to exercise appropriate oversight of the AAA in fulfillment of its public mission and responsibilities;

(J) a Corporate Eldercare contract must cover all the costs of providing the services, including administrative costs. Any and all AAA staff providing Corporate Eldercare services must be paid from the funds received from the company. No Title III funds are to be used to pay any part of a cost incurred by the AAA to carry out a Corporate Eldercare contract or commercial agreement.

(8) Fiscal Requirements.

(A) The AAA is required to establish and implement appropriate fiscal controls to govern the separate accountability of private contract revenues and expenditures. Private contract revenues will be accounted for separately from all other federal, state, and local funds awarded or obtained for services under the Area Plan contract.

(B) Public funds may not be used to supplement and/or pay any part of a cost, including administrative costs, incurred by an AAA to carry out a private Corporate Eldercare contract or commercial relationship (unless a public/private partnership is established whereby the state or federal governments agree to subsidize the costs of Corporate Eldercare).

(C) An AAA that enters into a Corporate Eldercare contract or agreement shall have available, and shall produce upon request, documentation to assure that the payment under the contract or agreement covers the complete costs of providing the service.

(9) Monitoring. TDOA through its program monitoring activities shall periodically assess AAAs compliance through the following actions:

(A) Review and approval of the AAA Area Plan (annually and more frequently for modifications as submitted). TDOA will review:

(i) strategies describing the area agency's plans for and/or current involvement with Corporate Eldercare, their relationships with private corporations, and services to be rendered to older persons as a consequence of said agreements or contracts;

(ii) signed statement of assurances of compliance with this policy;

(iii) any additional supporting documents submitted at the option of the AAA;

(iv) related data in the Area Plan budget.

(B) Review of financial audits and records (annually). TDOA will review:

(i) adequacy of AAA financial system to maintain separate accounting for different funds, including private contracts;

(ii) adequacy of AAA financial control system; and

(iii) adequacy of AAA support documents (including time sheets) to justify costs to each funding source.

(C) Periodic field visits and assessments of AAA activities. TDOA field staff conduct a continuous program of field visits to AAAs on a rotating basis. The field assessment will include review for compliance with:

(i) this State policy on Corporate Eldercare;

(ii) the General Provisions of this policy as referred to in paragraph (6) of this section;

(iii) requirements for contracts as referred to in paragraph (7) of this section; and,

(iv) Fiscal requirements as referred to paragraph (8) of this section.

(D) Where necessary and appropriate, TDOA will issue requirements for corrective actions, special conditions to the TDOA/AAA contract, or withhold or

deny approval of the Area Plan where there is a finding that the AAA is out of compliance with the provisions of the Corporate Eldercare policy. The standard Hearing process of such actions is outlined in Chapter 257 of this title (relating to Appeal Procedures for Service Providers and Applicants).

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

Issued in Austin, Texas, on February 2, 1993,

TRD-9318496

Mary Sapp
Executive Director
Texas Department on
Aging

Earliest possible date of adoption: March 15, 1993

For further information, please call: (512) 444-2727

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Name: Paige Orton

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School: Hendrick Middle School, Plano 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 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 404. Protection of Clients and Staff

Subchapter B. Client Abuse and Neglect in Community Mental Health and Mental Retardation Centers

- 25 TAC §§404.41-404.50

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed repeals to §§404.41-404.50, submitted by the Texas Department of Mental Health and Mental Retardation has been automatically withdrawn, effective February 4, 1993. The repeals as proposed appeared in the August 4, 1992 issue of the *Texas Register* (17 TexReg 5408).

TRD-9318583

Subchapter B. Abuse and Neglect in Community Mental Health and Mental Retardation Centers

- 25 TAC §§404.41-404.56

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed sections to §§404.41-404.56, submitted by the Texas Department of Mental Health and Mental Retardation has been automatically withdrawn, effective February 4, 1993. The new sections as proposed appeared in the August 4, 1992 issue of the *Texas Register* (17 TexReg 5408).

TRD-9318582

Subchapter C. Patient Abuse in Private Psychiatric Hospitals

- 25 TAC §§404.81-404.87

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed repeals to §§404.81-404.87, submitted by the Texas Department of Mental Health and Mental Retardation has been automatically withdrawn, effective February 4, 1993. The repeals as proposed appeared in the August 4, 1992 issue of the *Texas Register* (17 TexReg 5413).

TRD-9318581

Subchapter C. Abuse and Neglect in Private Psychiatric Hospitals

- 25 TAC §§404.81-404.98

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed repeals to §§404.81-404.98, submitted by the Texas Department of Mental Health and Mental Retardation has been automatically withdrawn, effective February 4, 1993. The repeals as proposed appeared in the August 4, 1992 issue of the *Texas Register* (17 TexReg 5413).

TRD-9318580

TITLE 28. INSURANCE

Part II. Texas Workers' Compensation Commission

Chapter 134. Guidelines for Medical Services, Charges, and Payments

Subchapter H. Treatment Guidelines

- 28 TAC §134.700

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed new section to §134.700, submitted by the Texas Workers' Compensation Commission has been automatically withdrawn, effective February 4, 1993. The new section as proposed appeared in the July 10, 1992 issue of the *Texas Register* (17 TexReg 4940).

TRD-9318579

TITLE 34. PUBLIC FINANCE

Part II. Texas State Treasury Department

Chapter 11. Cigarette and Tobacco Products Tax

Subchapter B. Cigarette Tax

- 34 TAC §11.52

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed new section to §11.52, submitted by the Texas State Treasury Department has been automatically withdrawn, effective February 4, 1993. The new section as proposed appeared in the July 24, 1992 issue of the *Texas Register* (17 TexReg 5188).

TRD-9318578



Aaron Hobe

Name: Aaron Hobe

Grade: 6

School: Hendrick Middle School, Plano 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 III. Texas Alcoholic Beverage Commission

Chapter 35. Enforcement

Place or Manner

• 16 TAC §35.31

The Texas Alcoholic Beverage Commission adopts new §35.31, concerning place or manner violations in the Texas Alcoholic Beverage Code, with changes to the proposed text as published in the October 6, 1992, issue of the *Texas Register* (17 TexReg 6846).

The new section will provide notice to licensees and permittees of the specific types of offenses which they must prevent to comply with the Texas Alcoholic Beverage Code, §§11.46(a)(8), 11.61(b)(7), 61.47(a)(3) and 61.71(a) (17).

The section will be used as an enforcement and compliance tool to help decrease the amount of criminal and other illegal activity which may occur on licensed premises.

Comments to §35.31(b) requested the following change: The Texas Restaurant Association generally favored passage of the Rule but took exception with the wording of §35.31(b)(9) and (10) which was described as vague. The Association urged that prohibited conduct should be specifically described. The Wholesale Beer Distributors Association requested that the rule be clarified as to its limited application to distributor licensees.

The Agency amended §35.31(b) to add paragraph (11) in response to these comments.

The new section is adopted under Texas Codes Annotated, Subchapter B, §5. 31, which provides the Commission with the authority to adopt rules relating to the enforcement and administration of the Texas Alcoholic Beverage Code.

§35.31. Offenses Against the General Welfare.

(a) The terms "permittee," "licensee," "applicant," and "premises" as used in this section include the people and organizations as defined in the Texas Alcoholic Beverage Code, §§1.04, 11.45 and 11.61 and the premises as defined in the Code, §1.04(19) and §11.49.

(b) Any of the following offenses shall be regarded as grounds to suspend,

cancel, or deny, permits, licenses, or applications for such, under the Texas Alcoholic Beverage Code, §§11.46(a)(8), 11.61(b)(7), 61.42(a)(3), and 61.71(a)(17), if civil or criminal citations have been issued or arrests have been made and if the offense is shown to have been committed on a premise by a permittee, licensee, or applicant or by a person permitted to be on the premises if the permittee, licensee, or applicant knew or should have known that such offense was occurring on the premise and shall be considered offensive to the general welfare, health, peace, and safety of the people of the state:

(1) any preparatory offense included in the Texas Penal Code, §§15.01, 15.02, or 15.03;

(2) any assaultive offense included in the Texas Penal Code, §§22.1, 22.11, 22.2, 22.21, 22.3, 22.4, 22.41, 22.5, 22.6, 22.7, or 22.9;

(3) any theft offense included in the Texas Penal Code, §31.1 or §31.3;

(4) any bribery offense included in the Texas Penal Code, §§36.1, 36.2, 36.3, 36.4, 36.5, 36.6 or 36.9;

(5) any obstruction offense included in the Texas Penal Code, §§38.3, 38.4, 38.5, 38.17 or 38.18;

(6) any disorderly conduct offense included in the Texas Penal Code, §§42.1, 42.2, 42.3, 42.4, 42.6, 42.7 or 42.11;

(7) any weapons offense included in the Texas Penal Code, §§46.1, 46.2, 46.3, 46.5, 46.6, 46.7, 46.9 or 46.10;

(8) any gambling offense included in the Texas Penal Code, Chapter 47;

(9) any other offense included in any charter, ordinance, law, or regulation of an incorporated municipality, or county in which a premise is located if such offense is shown to have occurred on the premise and is detrimental to the general welfare, health, peace, and safety of the people;

(10) any other offense included in any law of the United States or the State of Texas that is shown to have occurred on the premise and have a detrimental effect on the general welfare, health, peace, and safety of the people.

(11) offenses occurring under the Texas Alcoholic Beverage Code, §61.42(a)(3) and §61.71(a)(17) do not apply to holders of Distributor's licenses issued under this Code.

(c) The list shown in subsection (b)(1)-(11) is not inclusive of all offenses which may be detrimental to the general welfare, health, peace, and safety of the people in the State of Texas.

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

Issued in Austin, Texas, on January 26, 1993.

TRD-9318638

Dick Durbin
Administrator
Texas Alcoholic Beverage
Commission

Effective date: February 26, 1993

Proposal publication date: October 6, 1992

For further information, please call: (512) 206-3204

TITLE 22. EXAMINING BOARDS

Part II. State Board of Barber Examiners

Chapter 51. Practice and Procedure

Barber Colleges, Schools, and Students

• 22 TAC §51.17

The Board of Barber Examiners adopts an amendment to §51.17, concerning specialty equipment in barber school or college, without changes to the proposed text as published in the November 13, 1992, issue of the *Texas Register* (17 TexReg 7983).

The amendment adds needed items to school or college equipment.

Students will have the necessary equipment to provide service to the public.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8407a, §28(a), which provide the State Board of Examiners with the authority to adopt rules and regulations for the transaction of business.

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

Issued in Austin, Texas, on February 4, 1993.

TRD-9318611

Mary Jo King
Executive Director
State Board of Barber
Examiners

Effective date: February 26, 1993

Proposal publication date: November 13, 1992

For further information, please call: (512) 835-2040

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VI. Texas Department of Criminal Justice

Chapter 163. Standards

- 37 TAC §§163.3, 163.5, 163.21, 163.23, 163.25, 163.31, 163.33, 163.35, 163.37, 163.39, 163.41, 163.43

The Texas Department of Criminal Justice-Community Justice Assistance Division (TDCJ-CJAD) adopts new §§163.3, 163.5, 163.21, 163.23, 163.25, 163.31, 163.33, 163.35, 163.37, 163.39, 163.41, and 163.43. Sections 163.21, 163.25, 163.31, 163.33, 163.35, 163.37, 163.39, and 163.43 are adopted with changes to the proposed text as published in the December 4, 1992, issue of the *Texas Register* (17 TexReg 8401). Sections 163.3, 163.5, 163.23, and 163.41 are being adopted without changes and will not be republished.

Section 163.3 explains the overall purposes and goals which these standards are to achieve.

Section 163.5 establishes the manner in which a Community Supervision and Corrections Department (CSCD) or other state-aid recipient that is not in compliance with TDCJ-CJAD's standards can obtain a waiver from TDCJ-CJAD.

Section 163.21 provides certain administrative requisites by which a CSCD must operate. This section establishes eligibility criteria for the appointment of a director of a CSCD; mandates the development of an administrative manual for all departments, requires that a department prepare written job descriptions for all positions, requires that departments comply with the Equal Employment Opportunity Act, directs that departments provide a Code of Ethics adopted by TDCJ-CJAD to every probation officer, requires that departments maintain records for statistical purposes and conduct internal audits to ensure compliance with standards, provides that departments prepare and operate from an annual budget, establishes a procedure by which multi-county jurisdictions can create

more than one department, requires that departments comply with local, state and federal laws and notify offenders and the public that they can direct written complaints to TDCJ-CJAD and mandates that departments develop procedures to protect the public from unmanageable offenders. TDCJ-CJAD made changes to subsections (a), (b), (c), (d), and (h) according to the following: adding a phrase to emphasize community justice plan; deleting a phrase which places the responsibility of removing offenders from the community on CSCD director, as directors do not have the authority to do this; change wording to indicate policies and procedures must be available to employees, but the latter does not have to have personal copies. Change "shall" to "should" regarding the use of Guidelines for the Organization, Management and Operations of CSCDs; add the word ensure, so as not to imply CSCD directors must personally complete certain tasks; add the word ensure, so as not to imply CSCD directors must personally complete certain tasks.

Section 163.23 provides the manner in which district judges establish community justice councils and community justice task forces and the manner in which TDCJ-CJAD recognizes said councils and task forces. The new section also lists the persons who should be appointed to councils and task forces. Section 163.25 establishes the manner in which community justice councils develop community justice plans and the manner in which district judges approve and submit said plans to TDCJ-CJAD. In addition, this section provides that TDCJ-CJAD staff will review each plan and that the director of TDCJ-CJAD may conditionally accept said plan. TDCJ-CJAD made changes to subsection (a) according to the corrected date from 1990 to 1991.

Section 163.31 provides that each CSCD will establish certain programs and services for offenders. These programs and services will include a continuum of sanctions to address the risk and needs of probationers, services to address offender risk and needs as identified in a department's community justice plan, community service restitution programs, educational skill level screening and evaluation services and literacy programs. This section requires that a department director work with the local community justice council and on a regional basis to identify and develop purposes, functions and services which must be made available to offenders, and clearly define referral procedures for probationers in the department's manual of policies and procedures. Finally, this section requires that all directors of departments ensure that the religious freedom of each probationer is fully protected. TDCJ-CJAD made changes to subsection (h) by changing "shall" to "may" regarding written agreements for literacy programs as not all Independent School Districts will provide this service.

Section 163.33 establishes the criteria for the employment, training and certification of probation officers and residential officers. This section lists the eligibility criteria for the appointment of persons as probation officers. In addition, this standard provides that the director, all probation officers, and all residential officers, of a CSCD must receive not less than 80 hours of professional skill-based

training during two consecutive fiscal years and that all direct care staff of a residential facility must be provided at least 40 hours of training applicable to their job duties every two consecutive fiscal years. Moreover, this section mandates that any probation officer who is first employed by a CSCD after September 1, 1987, complete the certification coursework and obtain a passing grade on the certification examination within one year of the beginning date of employment and any residential probation officer hired on or after September 2, 1989, satisfactorily complete the certification coursework and examination for residential officers not later than the first anniversary of the date on which the officer begins employment with the department's residential facility. This section further explains the process by which an officer who fails the examination can take the examination again, the process by which an officer who is exempt from certification requirements can take the examination and the process by which an officer, who fails to maintain certification, can be recertified. Finally, this section provides that TDCJ-CJAD may suspend or revoke a probation officer's certification and withhold funding for cases being supervised by an ineligible probation officer. TDCJ-CJAD made changes to subsections (c), (d), and (i) according to the following: changed requirement to terminate officers who do not maintain certification to the option of moving those persons to positions other than a probation officer to allow for local flexibility; changed requirement to terminate officers who do not maintain certification to the option of moving those persons to positions other than a probation officer to allow for local flexibility. Also, throughout this section, the requirement for 80 hours of training every two years was changed to 40 hours per fiscal year, with an excess of a 20 hour carry over, based upon the recommendation of the Probation Advisory Committee; and, deleted for further study and discussion with the Judicial Advisory Council. This subsection will be proposed in amended form at a later date.

Section 163.35 provides standards for the maintenance of caseloads and the supervision of probationers. This section defines certain terms relating to caseload management and supervision of offenders, explains the four tier supervision level, and defines the indirect supervision of cases, and requires administrators of a CSCD to assign cases among their officers in such a manner to promote public protection and attainment of a 100 point workload. This section also requires probation officers who provide direct supervision to conduct an orientation session with the offender, complete an assessment on every offender, administer a case classification and strategies for case supervision interview, develop a case supervision plan within 45 days of intake, conduct reassessments on offenders every six months, and make supervision contacts with the offender, family, community or other persons. In addition, this section requires that probation officers use a problem oriented record keeping system on offenders. This section also requires a director of the CSCD to develop specific written policies and procedures to administratively handle violations of conditions of probation and to ensure notification to other jurisdic-

tions when a probationer will be working or residing in that jurisdiction temporarily. Finally, this section provides that probation officers shall not transport offenders held in a county jail pursuant to an arrest warrant. TDCJ-CJAD changed all time-frame references for assessments and plans from 30 days to 45 days due to probation officer workloads. In addition, the requirement for SCS on misdemeanants was deleted due to probation officer workloads.

Section 163.37 provides for the development and maintenance of a case record management system on offenders. This section explains the circumstances under which a presentence investigation (PSIR) report must be prepared in felony and misdemeanor cases, the format to be used in preparing PSIRs, and the items to be included in the reports. In addition, this section provides that all PSIRs and the information obtained in connection with the reports are confidential. Moreover, this section requires all directors of CSCDs to have sufficient staff and resources to conduct PSIRs and requires that PSIRs shall be maintained in the individual offender's case file and forwarded to a county that transfers a defendant to the institutional division. This section provides that all PSIRs prepared in accordance with this section shall be eligible for state funding. Finally, this section provides that directors of CSCDs shall utilize uniform transfer procedures as provided by and approved by TDCJ-CJAD. TDCJ-CJAD made changes to subsections (a) and (c) according to the following: the sentence, all case records shall contain a written criminal history or summary issued by a law enforcement agency, unless it is already included in the PSI in the case file, was added to clarify when criminal histories must be added to case files; and the requirement to complete presentence investigations before the assessment of punishment was deleted as statute reflects before sentencing.

Section 163.39 establishes standards for the administration and operation of residential programs and facilities. This section identifies the type of facilities which the state may fund and the purposes for which these facilities are to be established. The section also identifies the target population to be served, the eligibility criteria for offender placement and procedure for denying admission for inappropriate offenders. In addition, this section examines the criteria for participation in a residential facility and requires that supervision of and services for residents be conducted in accordance with policies and procedures contained in the facility's operations manual. Moreover, this section requires that a public hearing be conducted prior to the establishment of a community corrections facility, that a community corrections facility comply with local and state safety, health and sanitation codes and ordinances, and that the facility operate at a minimum 90% capacity. This section further requires an agency operating or utilizing a residential facility to submit on a timely basis data as required by TDCJ-CJAD, provide training to all staff who work in a community corrections facility or county correctional center, and comply with certain financial management and fiscal accounting practices and procedures. Finally, this section

provides that community supervision and corrections departments, counties and municipalities are eligible to receive funding from TDCJ-CJAD for residential services.

Section 163.41 provides certain standards involving medical and psychological issues. This section requires a director of community supervision and corrections department to develop and implement policies relevant to the Human Immunodeficiency Virus (HIV). Moreover, this section requires all employees of a community supervision and corrections department to attend a HIV-AIDS training program. In addition, this section provides that information regarding HIV-AIDS testing and results is strictly confidential. Finally, this section provides for the manner in which a department must maintain files containing medical and psychological information.

Section 163.43 establishes standards for the qualification to receive of state funding, for the expenditure of state monies, and for the financial management and accounting practices of departments. This section specifies the manner in which departments, counties, municipalities and non-profit organizations can qualify for grant funding. In addition, this section describes the manner in which state-aid is allocated to departments and grant funding is allocated to departments, counties, municipalities and non-profit organizations. This section further describes the manner in which funds and fees are deposited into local accounts, the manner in which funds are disbursed and distributed, the manner in which funds are used for residential programs and facilities, and the restrictions placed on the expenditure of state funds. Also, this section requires that TDCJ-CJAD be provided with certain data and information, that financial records be made available to TDCJ-CJAD, and that departments prepare and operate within budget guidelines and comply with all funding provisions as set forth in the Financial Management Manual for TDCJ-CJAD funding. This section provides for the manner in which TDCJ-CJAD determines and recovers unexpended monies, departments invest idle funds and TDCJ-CJAD may refuse or suspend state funding. This section also requires counties to provide facilities, equipment and utilities for a CSCD, authorizes departments to annually contract with counties for auditing and bookkeeping services and describes the manner in which a department can certify the use of judicial district funds for the expansion of department operations. Finally, this section requires certain employees of CSCDs to post honesty bonds, requires departments to reimburse employees for the use of personal automobiles on official business, and to require employees to maintain automobile liability insurance coverage on their personal automobiles, and authorizes departments to use judicial district funds to pay for the expense of training for employees. TDCJ-CJAD made changes to expand the time frames for certification requirements for facilities and leases when the information does not change on a yearly basis to avoid duplication of effort. Changes were also made to subsection (b)(19) according to the following: deleted for further study and discussion with the Judicial Advisory Council. This paragraph will be proposed in amended form at a later date.

Section 163.3 explains the overall purposes and goals which these standards are to achieve.

Section 163.5 establishes the manner in which a Community Supervision and Corrections Department (CSCD) or other state-aid recipient that is not in compliance with TDCJ-CJAD's standards can obtain a waiver from TDCJ-CJAD.

Section 163.21 provides certain administrative requisites by which a CSCD must operate. This section establishes eligibility criteria for the appointment of a director of a CSCD, mandates the development of an administrative manual for all departments, requires that a department prepare written job descriptions for all positions, requires that departments comply with the Equal Employment Opportunity Act, directs that departments provide a Code of Ethics adopted by TDCJ-CJAD to every probation officer, requires that departments maintain records for statistical purposes and conduct internal audits to ensure compliance with standards, provides that departments prepare and operate from an annual budget, establishes a procedure by which multi-county jurisdictions can create more than one department, requires that departments comply with local, state, and federal laws and notify offenders and the public that they can direct written complaints to TDCJ-CJAD and mandates that departments develop procedures to protect the public from unmanageable offenders.

Section 163.23 provides the manner in which district judges establish community justice councils and community justice task forces and the manner in which TDCJ-CJAD recognizes said councils and task forces. The section also lists the persons who should be appointed to councils and task forces.

Section 163.25 establishes the manner in which community justice councils develop community justice plans and the manner in which district judges approve and submit said plans to TDCJ-CJAD. In addition, this section provides that TDCJ-CJAD staff will review each plan and that the director of TDCJ-CJAD may conditionally accept said plan.

Section 163.31 provides that each CSCD will establish certain programs and services for offenders. These programs and services will include a continuum of sanctions to address the risk and needs of probationers, services to address offender risk and needs as identified in a department's community justice plan, community service restitution programs, educational skill level screening and evaluation services and literacy programs. This section requires that a department director work with the local community justice council and on a regional basis to identify and develop purposes, functions, and services which must be made available to offenders, and clearly define referral procedures for probationers in the department's manual of policies and procedures. Finally, this section requires that all directors of departments ensure that the religious freedom of each probationer is fully protected.

Section 163.33 establishes the criteria for the employment, training and certification of probation officers and residential officers. This section lists the eligibility criteria for the ap-

pointment of persons as probation officers. In addition, this standard provides that the director, all probation officers, and all residential officers, of a CSCD must receive not less than 80 hours of professional skill-based training during two consecutive fiscal years and that all direct care staff of a residential facility must be provided at least 40 hours of training applicable to their job duties every two consecutive fiscal years. Moreover, this section mandates that any probation officer who is first employed by a CSCD after September 1, 1987, complete the certification coursework and obtain a passing grade on the certification examination within one year of the beginning date of employment and any residential probation officer hired on or after September 2, 1989, satisfactorily complete the certification coursework and examination for residential officers not later than the first anniversary of the date on which the officer begins employment with the department's residential facility. This section further explains the process by which an officer who fails the examination can take the examination again, the process by which an officer who is exempt from certification requirements can take the examination and the process by which an officer, who fails to maintain certification, can be recertified. Finally, this section provides that TDCJ-CJAD may suspend or revoke a probation officers's certification and withhold funding for cases being supervised by an ineligible probation officer.

Section 163.35 provides standards for the maintenance of caseloads and the supervision of probationers. This section defines certain terms relating to caseload management and supervision of offenders, explains the four tier supervision level, and defines the indirect supervision of cases, and requires administrators of a CSCD to assign cases among their officers in such a manner to promote public protection and attainment of a 100 point workload. This section also requires probation officers who provide direct supervision to conduct an orientation session with the offender, complete an assessment on every offender, administer a case classification and strategies for case supervision interview, develop a case supervision plan within 45 days of intake, conduct reassessments on offenders every six months, and make supervision contacts with the offender, family, community or other persons. In addition, this section requires that probation officers use a problem oriented record keeping system on offenders. This section also requires a director of the CSCD to develop specific written policies and procedures to administratively handle violations of conditions of probation and to ensure notification to other jurisdictions when a probationer will be working or residing in that jurisdiction temporarily. Finally, this section provides that probation officers shall not transport offenders held in a county jail pursuant to an arrest warrant.

Section 163.37 provides for the development and maintenance of a case record management system on offenders. This section explains the circumstances under which a PSIR must be prepared in felony and misdemeanor cases, the format to be used in preparing PSIRs, and the items to be included in the reports. In addition, this section provides that all PSIRs and the information obtained in

connection with the reports are confidential. Moreover, this section requires all directors of CSCDs to have sufficient staff and resources to conduct PSIRs and requires that PSIRs shall be maintained in the individual offender's case file and forwarded to a county that transfers a defendant to the institutional division. This section provides that all PSIRs prepared in accordance with this section shall be eligible for state funding. Finally, this section provides that directors of CSCDs shall utilize uniform transfer procedures as provided by and approved by TDCJ-CJAD.

Section 163.39 establishes standards for the administration and operation of residential programs and facilities. This section identifies the type of facilities which the state may fund and the purposes for which these facilities are to be established. The section also identifies the target population to be served, the eligibility criteria for offender placement and procedure for denying admission for inappropriate offenders. In addition, this section examines the criteria for participation in a residential facility and requires that supervision of and services for residents be conducted in accordance with policies and procedures contained in the facility's operations manual. Moreover, this section requires that a public hearing be conducted prior to the establishment of a community corrections facility, that a community corrections facility comply with local and state safety, health, and sanitation codes and ordinances, and that the facility operate at a minimum 90% capacity. This section further requires an agency operating or utilizing a residential facility to submit on a timely basis data as required by TDCJ-CJAD, provide training to all staff who work in a community corrections facility or county correctional center, and comply with certain financial management and fiscal accounting practices and procedures. Finally, this section provides that CSCDs, counties and municipalities are eligible to receive funding from TDCJ-CJAD for residential services.

Section 163.41 provides certain standards involving medical and psychological issues. This section requires a director of CSCD to develop and implement policies relevant to the Human Immunodeficiency Virus (HIV). Moreover, this section requires all employees of a CSCD to attend a HIV-AIDS training program. In addition, this section provides that information regarding HIV-AIDS testing and results is strictly confidential. Finally, this section provides for the manner in which a department must maintain files containing medical and psychological information.

Section 163.43 establishes standards for the qualification to receive of state funding, for the expenditure of state monies, and for the financial management and accounting practices of departments. This section specifies the manner in which departments, counties, municipalities and non-profit organizations can qualify for grant funding. In addition, this section describes the manner in which state-aid is allocated to departments and grant funding is allocated to departments, counties, municipalities and non-profit organizations. This section further describes the manner in which funds and fees are deposited into local accounts, the manner in which funds are disbursed and distributed, the manner in which

funds are used for residential programs and facilities, and the restrictions placed on the expenditure of state funds. Also; this section requires that TDCJ-CJAD be provided with certain data and information, that financial records be made available to TDCJ-CJAD, and that departments prepare and operate within budget guidelines and comply with all funding provisions as set forth in the Financial Management Manual for TDCJ-CJAD funding. This section provides for the manner in which TDCJ-CJAD determines and recovers unexpended monies, departments invest idle funds and TDCJ-CJAD may refuse or suspend state funding. This section also requires counties to provide facilities, equipment and utilities for a CSCD, authorizes departments to annually contract with counties for auditing and bookkeeping services and describes the manner in which a department can certify the use of judicial district funds for the expansion of department operations. Finally, this section requires certain employees of CSCDs to post honesty bonds, requires departments to reimburse employees for the use of personal automobiles on official business, and to require employees to maintain automobile liability insurance coverage on their personal automobiles, and authorizes departments to use judicial district funds to pay for the expense of training for employees.

The agency received no comments concerning §163.3.

The agency received the following comments concerning §163.5: suggestion to have waiver process include field representatives in CJAD's administrative procedures; suggestion that administrative process be specified in the standards.

The agency received the following comments concerning §163.21: suggestion to place more emphasis on the community justice plan as it relates to deployment of staff; deletion of reference to CSCD director as having the responsibility for removing an offender from the community; clarification as to whether or not all CSCDs must have a personal copy of written policies and procedures versus simple access to them; clarification of a CSCD director's personal responsibility to do certain tasks versus the responsibility to ensure those tasks are done; suggestion that it not be mandatory for the CJAD director to be notified of appointment of new CSCD directors; opposition to CSCD posting a complaint notice referencing CJAD.

The agency received the following comment concerning §163.23: deletion of the entire section as it is in the statute.

The agency received the following comments concerning §163.25: deletion of the entire section as it is in the statute; comment noting erroneous date to be corrected.

The agency received the following comments concerning §163.31: clarification of a CSCD director's personal responsibility to do certain tasks versus the responsibility to ensure those tasks are done; concern about the requirement to maintain written agreements with schools to provide literacy programs for probationers as some Independent School Districts refuse to participate; opposition to written agreements for Community Supervision Restitution (CSR) and work probation.

The agency received the following comments concerning §163.33: one comment in opposition to excluding persons currently on probation or parole from serving as probation officers; opposition to training hour requirements for probation officers; preference for training hours to remain at 40 hours per fiscal year rather than 80 hours every two years; wanting the ability to retain on staff, in another staff capacity, those probation officers who fail to maintain their certification status; suggestion that TDCJ pay for all probation officer training; suggestion to add criteria that probation officers must never have been convicted of a felony.

The agency received the following comments concerning §163.35: concern about requirement of completing Strategies for Case Supervision (SCS) on misdemeanor offenders; concern about the definition of Level I supervision; concern about CSCD's ability to achieve the four tier supervision system; suggestions to change time frames for supervision plans, case classification and SCS from 30 to 45 days; suggestion that courtesy supervision specify all assessments to be completed before the transfer of case(s); clarification of time frames for courtesy supervision; opposed to mandated assessments of offenders.

The agency received the following comments concerning §163.37: clarification on requirement of criminal history in case file; concerns of mandating completion of PSIRs prior to assessment of punishment; opposition of requiring PSIs on misdemeanants; opposition to providing the Institutional Division (ID) with information on revoked probationers as outlined in Article 42.09, §8(c) and prefers that ID have to make an individual request on each of those cases.

The agency received the following comments concerning §163.39: clarification on definition of direct case staff; clarification on the process of removing offenders from residential facilities; opposition to training requirements for residential staff; opposition to specifying target populations for residential programs.

The agency received the following comments concerning §163.41: clarification on training requirements for HIV; opposition to keep medical files separate from supervision files.

The agency received the following comments concerning §163.43: suggestion to extend time frames for certification periods for leases and utilities; clarification of the word "monies"; eliminate wording under minimum equipment for CSCDs; suggestion to incorporate deleted portions of current fiscal standards into the Financial Management Manual.

Twelve comments were received opposed to the use of the word "shall" anywhere in the rules and were generally opposed to all CJAD standards.

Commenting in favor of the sections was Waker County CSCD.

Commenting against the sections were Cass County Residential Center, Brazoria County CSCD, Travis County CSCD, 155th Judicial District CSCD, Tarrant County CSCD, Hutchinson County CSCD, Kaufman County CSCD, Rockwall County CSCD, Permian Ba-

sin CSCD, Taylor County CSCD, Rusk County CSCD, Hunt County CSCD, Potter County CSCD, Panola County CSCD, and Van Zandt County CSCD.

TDCJ-CJAD does not agree with the comments made referencing §163.5 because it is not feasible to have non-agency staff involved in the daily administrative process of the agency.

TDCJ-CJAD does not agree with the comments made referencing §163.21 because the statute mandates that CJAD be advised as to the name of the CSCD director.

TDCJ-CJAD does not agree with the comments made referencing §163.23 because the majority of the field wanted to retain the statutory references in the standards.

TDCJ-CJAD does not agree with the comments made referencing §163.25 because the majority of the field wanted to retain the statutory references in the standards.

TDCJ-CJAD does not agree with the comments made referencing §163.31 because CJAD wanted to maintain written agreements for CSR and work probation due to liability issues for CSCDs and CJAD.

TDCJ-CJAD does not agree with the comments made referencing §163.33 because only one comment was received in opposition to this addition to eligibility criteria. Strong support from the field to include the additional criterion. TDCJ-CJAD does not agree with the suggestion that TDCJ pay for all probation officer training as CSCDs currently receive state-aid for that item. Achievement of four tier system is still being addressed and can be handled through the waiver process when necessary. TDCJ-CJAD declines to specify mandating more restrictions on courtesy supervision as CSCDs have the option of rejecting those cases. TDCJ-CJAD continues to support various assessments of probationers as they enhance supervision.

TDCJ-CJAD does not agree with the comments made referencing §163.37 because CJAD opposes requiring the Institutional Division to provide individual requests for information on all revoked probationers due to the necessity of that information on all such offenders and due to statutory mandates (Article 42.09, §8(c)).

TDCJ-CJAD does not agree with the comments made referencing §163.39 because it is necessary to maintain the need for training requirements of residential staff to enhance supervision of probationers in residential facilities; maintain target population for specific residential programs as those programs are designated to address specific populations with specific problems areas.

TDCJ-CJAD does not agree with the comments made referencing §163.41 because there is the necessity to maintain separation of medical and case file information due to legal requirements. Clarification on the methods to do so will be issued to the field.

Twelve responses received objected to all proposed standards stating their preference to substitute an earlier proposal reviewed by CJAD and the Judicial Advisory Council. Reasons for not accepting that proposal in-

clude that it lacked any fiscal standards and presented accountability concerns on the part of the TDCJ-CJAD and the CSCDs, as well as lacking any enforcement capability by CJAD.

The new sections are adopted under the Government Code, §493.003(a) and the Code of Criminal Procedures, Article 42.13, §2(a) and §3(a), which provides TDCJ-CJAD with the authority to: fund programs, facilities and services for community supervision and corrections departments; establish minimum standards for programs, facilities, equipment and other aspects of the operation of departments; establish an application process and procedures for funding community corrections facilities; establish a format for community justice plans; and to require community supervision and corrections departments to: keep financial and statistical records; submit a community justice plan; and submit periodic financial audits and statistical reports to TDCJ-CJAD.

§163.21. Administration.

(a) Community supervision and corrections department (CSCD) director. The judge or judges shall appoint a CSCD director, who shall meet, at a minimum, the same eligibility criteria as a probation officer as cited in Article 42.131, §5 of the Texas Code of Criminal Procedure and §163.33 of this title (relating to Probation Officers). It is the responsibility of the CSCD Director to apply state, local and other available resources to employ a sufficient number of officers and other employees to perform the professional and clerical work of the department as required by law, Community Justice Assistance Division (CJAD) standards and local community corrections needs as identified in the local community justice plan. The CJAD director is to be notified by the Administrative Judge of the appointment of a CSCD director, and shall be responsible for providing the director with copies of the standards and other appropriate information within 30 days of notification.

(b) Public protection. CSCD directors shall provide opportunities for risk control management and rehabilitation of offenders.

(c) Administrative manual. CSCD directors shall be responsible for the development of an administrative manual defining general purposes and functional objectives, incorporating all written policies and procedures, assuring that they are made available to all staff members. These policies and procedures should include, at a minimum, the guidelines as noted in Guidelines for the Organization, Management, and Operation of Local CSCDs, as amended, and CJAD policy statements. The policies and procedures shall be reviewed by the CSCD director periodically and revised as necessary. The CSCD director shall provide the CJAD director with a copy of

the CSCD's administrative manual for review at least every two years or as requested.

(d) Job description. CSCD directors shall have written job descriptions for all positions. The CSCD director shall ensure that job descriptions are reviewed periodically and revised as necessary.

(e) Equal employment opportunity. CSCD directors shall comply with the Equal Employment Opportunity Act.

(f) Ethics. CSCD directors shall provide each probation officer with a copy of the Code of Ethics adopted by the CJAD and a copy of the procedure developed by the CSCD director to be used in reviewing and investigating any alleged violation.

(g) Internal audits. CSCDs shall have a designated procedure to monitor the skill levels and training needs of individual staff members and develop a plan for meeting those needs. Internal audits shall be conducted of direct supervision cases to check for standards compliance, for utilization of case classification, and for supervision planning.

(h) Records. CSCD directors shall ensure that program records and statistical data consistent with the requirements of the law and CJAD standards are maintained and provided to CJAD as required.

(i) Budget. The CSCD director shall prepare and operate from an annual budget in a manner consistent with good accounting practices and approved by the judge(s) of their judicial district. The budget shall be submitted to the CJAD director in a format as required and within the provisions as outlined in §163.43 of this title (relating to Funding and Financial Management).

(j) Multi-department districts.

(1) Judicial districts composed of more than one county may apply to the CJAD Director for authorization to establish more than one CSCD within that judicial district. The application submitted by the judge(s) shall explain how the creation of more than one department will promote:

(A) administrative convenience;

(B) economy; or

(C) improved community supervision and corrections services, and other reasons, if any.

(2) The application shall indicate the financial impact and the approval of the judges in the judicial district or districts hearing criminal cases affected by the change.

(k) Complaint notice. Each recipient of CJAD funding shall post in a conspicuous public area of each of its offices a sign notifying offenders and members of the public that they can direct written complaints to the CJAD. The sign shall include the CJAD's mailing address.

(l) Compliance with statutes. CSCD directors shall ensure that all CSCD operations comply with all local, state, and federal laws.

§163.25. Community Justice Plan.

(a) Purpose. In accordance with Texas Code of Criminal Procedure, beginning September 1, 1991, in order for a jurisdiction to receive any state aid, a plan and supporting documentation must be submitted to, and determined acceptable by, the Community Justice Assistance Division (CJAD). The plan and supporting documentation shall include, but not be limited to:

(1) a description as to how the current and proposed community based correctional programs will achieve a targeted level of intermediate sanctions; and

(2) a comprehensive description as to how CJAD resources for community corrections programs, including revenues of the Community Supervision and Corrections Department (CSCD), will be effectively used.

(b) Development. All community justice plans must be approved by the district judge(s) who manage the department. Unless otherwise specified by the district judge(s), the CSCD director or designee shall serve as the primary manager of the planning process, coordinating council activities, data collection, plan composition, program prioritization and plan drafting and submission. The community justice council shall provide direction for the development of the community justice plan. The council, after judicial approval, shall submit the plan to the CJAD director.

(c) Format. The community justice plan and supporting documentation must include all items required by law and guidelines published by the CJAD. The plan shall demonstrate an effective planning process which results in strategies to achieve the targeted level of alternative sanctions other than jail and prison. A format outline shall be provided by the CJAD director.

(d) Policies and procedures. Each council shall provide continuing policy guidance for the development of the plans, community corrections facilities and programs. Procedures should also outline how action will be taken and what recommendations will be made for funding these proposals. The recommendations of the local council, with approval of the district judge(s), will then be submitted to the

CJAD director for review and acceptance of the plan.

(e) Plan submission. After the district judge managing the department has approved the community justice plan, the council shall submit the plan to the CJAD director in accordance with CJAD submission requirements distributed to the CSCDs.

(f) Review and acceptance.

(1) Each plan will be reviewed by the CJAD staff to determine if it presents a comprehensive description of how each jurisdiction will achieve the intent of the Texas Code of Criminal Procedure.

(2) The CJAD director may conditionally accept plans that meet established review criteria. Final acceptance, for purposes of state aid eligibility under subsection (a) of this section, may be conditioned upon review and evaluation by the CJAD staff and the Judicial Advisory Council of the plan and all supporting documentation, as well as any grant-in-aid applications submitted by the jurisdiction pursuant to this subchapter.

§163.31. Programs and Services.

(a) Continuum of sanctions. All Community Supervision and Corrections Department (CSCD) directors shall ensure the development and implementation of a continuum of sanctions to address the risk and needs of probationers in their jurisdictions and to provide alternatives to incarceration for offenders. The continuum shall be based upon the offender populations, risks and needs as addressed in the CSCD's community justice plan.

(b) Local/regional planning. CSCD directors shall work with the local community justice council in identifying and developing programs and services to meet the needs of the local offender population. CSCD directors participating in regional programs and service; shall work with the directors of CSCDs impacted by those regional efforts in the planning, development, and implementation of regional programs/services to address offender needs. Regional programs/services shall be designed to address regional needs as identified in each jurisdiction's community justice plan and as the more efficient economical response to specific offender issues for each of the participating jurisdictions.

(c) Information for offenders. CSCD directors shall ensure the development of written information describing purposes, functions and services which shall be made available to offenders under supervision.

(d) Services for offenders. Services shall be designed to address offender risk and needs as identified in the CSCD's community justice plan. Participation by the

offenders may be ordered as a condition of probation or term of release; however, efforts shall be made to present the services at a time, place, and in a manner which assists successful adjustment.

(e) Referral procedures. Referral procedures shall be clearly defined in the CSCD's manual of policies and procedures in order to efficiently and effectively refer probationers to needed programs and services.

(f) Community service restitution (CSR). CSCD directors shall maintain written agreements with governmental and/or non-profit agencies and organizations to provide offenders opportunities to comply with court-ordered community service restitution and work probation programs according to the Texas Code of Criminal Procedure. The agreements shall specify the types of opportunities each agency/organization will be able to provide offenders. The CSCD directors shall have written policies and procedures specifying how CSR referrals are made, how offender CSR hours are documented and how those hours will be monitored.

(g) Educational skill level. The CSCD director shall ensure that all persons placed on probation shall be screened to determine if they:

(1) possess educational skills equal to or greater than the sixth grade level; and

(2) possess the intellectual capacity or learning ability to achieve the sixth grade skills level. Programs which assist persons in attaining the educational skill level of sixth grade and above shall be developed and/or made available to the courts for probationer referral.

(h) Literacy. CSCD directors may maintain written agreements with schools and volunteer organizations to provide tutoring to teach reading to functionally illiterate probationers. Those agreements shall specify what the CSCD, schools and volunteers will provide in delivering the services, how probationers in need of the services will be identified and referred, what specific services will be provided and how offender progress will be monitored. Such agreements are not necessary where the CSCD operates its own literacy program as the CSCD shall specify those same issues in its policies and procedures for its literacy program.

(i) Religious freedom. All CSCD directors shall ensure that no person being supervised by, or receiving services from, the CSCD will be required to participate in any religious activity or religious function unless the offender voluntarily signs a consent form to participate.

§163.33. Probation Officers.

(a) Eligibility. To be eligible for appointment as probation officer who supervises probationers a person:

(1) must have acquired a bachelor's degree conferred by an institution of higher education accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board; and

(2) unless the bachelor's degree is in criminology, corrections, counseling, law, social work, psychology, sociology, or a related field that has been approved by the Community Justice Assistance Division (CJAD) director, the person must have:

(A) one year of graduate study in one of those fields; or

(B) one year of experience in full-time casework, counseling, or community or group work that has been approved by the CJAD director;

(3) cannot be employed as a peace officer; and

(4) cannot be currently on probation or parole or serving a sentence for a criminal offense. Community Supervision and Corrections Department (CSCD) directors may apply to the CJAD director, as specified in §163.5 of this title (relating to Waiver to Standards), for a waiver of paragraph (2) of this subsection. The Request for Waiver shall document what efforts were made to employ a probation officer meeting the requirements specified in the Texas Code of Criminal Procedure and state why the efforts were unsuccessful. All probation officers appointed by the CSCD director must comply with the code of ethics developed by the CJAD.

(b) Training. CSCD directors and all probation officers shall be provided not less than 40 documented hours of professional skill-based training per fiscal year. All of the hours are to be approved by the CSCD director with at least 20 of these hours to be approved by CJAD director, or her/his designee. Up to 20 hours, in excess of the 40 hours, may be carried over from one fiscal year to the next. The CSCD director shall ensure that training records are maintained and available for CJAD auditors. Those records shall reflect the number of training hours accrued, and the type of training attended, for all employees required to have training as designated in this section. A probation officer failing to obtain the required 40 hours of training within a fiscal year will be ineligible to serve as a probation officer until the required training hours are achieved.

(c) Certification. Any probation officer who is first employed by a CSCD

director or Judicial District in this state after September 1, 1987, is required to complete the certification coursework and obtain a passing grade on the certification examination within one year of the beginning date of employment as an adult probation officer. Officers failing to achieve certification within one year of their employment date may not continue to be employed as an adult probation officer beyond the specific date by which they were to have achieved certification. They will be eligible for employment as a probation officer only after becoming certified probation officers. A probation officer who was employed by any probation department in this state on or at any time before September 1, 1987, is exempt from the requirements of the certification program. A probation officer who is subject to the certification requirement and who leaves the field of probation work for more than one year is required to become recertified within one year after resuming employment as an adult probation officer by taking and successfully passing the certification exam. If that officer has not been a Texas probation officer for two years or less, s/he may first re-take the certification exam, one time, without having to complete the certification course. If the exam is successfully passed, the officer can be recertified on that basis. If that officer does not pass the exam after one attempt, s/he must then complete the certification course and successfully pass the exam.

(d) Certification examination. If a new probation officer, employed on or after September 2, 1987, completes the certification coursework but fails the examination, the officer will be allowed to attempt to pass the examination one more time. If the officer fails the examination a second time, the officer will be required to complete the certification coursework again before being allowed to attempt to pass the examination a third time. In any event, the officer must pass the certification exam within one year of his/her employment date to remain employed as a probation officer of the CSCD.

(e) Exempt officers certification. Certification coursework and the certification examination will be available to probation officers appointed prior to September 2, 1987. Such an officer who wishes to be certified will be given two opportunities to pass the certification examination in order to be certified. If the officer fails both attempts to pass the examination, the officer must complete the certification coursework before attempting to pass the examination again.

(f) Exempt non-officers certification. Effective September 1, 1989, individuals who are not CSCD employees may attend the CJAD certification coursework and take the examination if they meet the minimum statutory qualifications to be an adult probation officer, pay the certification

training fees out of their own financial resources, and there is space available in a coursework session so as not to exclude any probation officer required to be certified.

(g) Residential officer certification. A residential probation officer, employed or appointed as such, on or after September 2, 1989, shall satisfactorily complete the certification coursework and examination for residential officers offered by CJAD not later than the first anniversary of the date on which the officer begins employment with the department's residential facility. Provisions of subsections (c), (d), (e), (g), (h), (i), and (j) of this section shall also apply to residential probation officers. Probation officers with both regular and residential certification need only complete 40 hours of skill-based probation related training as specified in subsection (b) of this section to maintain both certifications.

(h) Recertification. In accordance with the requirements of subsection (b) of this section, once an officer has been certified, the officer will be required to document attendance at, and successful completion of, 40 documented hours of approved professional, skill-based training directly related to adult probation work to maintain the officer's status of current certification. If the officer fails to maintain certification, recertification will be immediately required by successful completion of the certification examination. If the officer fails the examination, the certification coursework and examination must be completed for recertification.

(i) Certification status. If any officer (exempt or non-exempt) fails to maintain his/her certification by not receiving 40 hours of training in accordance with subsection (b) of this section, cases s/he supervises will be ineligible for funding until recertification is achieved.

(j) Employment and certification. Each CSCD director is to determine the minimum requirements for employment as a probation officer as long as the individuals hired meet the minimum statutory requirements.

(k) Residential personnel training. All CSCD direct care staff of a residential facility shall be provided at least 40 hours of training applicable to their job duties every two consecutive fiscal years beginning September 1, 1993. All direct care staff of a residential facility shall receive training in: specific reintegration model training programs offered by the CJAD designed to improve their skills in working with probationers in residential facilities; first aid procedures as well as CPR certification, and they must continue to receive the necessary training required to maintain certification in those procedures. Additional training requirements for specific residential staff include: all staff whose primary duty is

to transport facility residents must receive defensive driving courses, or course updates, annually, and all other direct care staff must receive this training at least once every three years; substance abuse treatment facility direct care staff shall receive a minimum of 20 hours of substance abuse training every two consecutive fiscal years; court residential treatment center direct care staff shall receive a minimum of 20 hours of training, every two consecutive fiscal years, in working with the mentally impaired offender and/or substance abusers. The facility administrator will be responsible for arranging the appropriate training and keeping documentation of the successful completion of staff training. Such documentation shall be provided to the CSCD director and CJAD auditors upon request. CSCD directors contracting for residential services shall ensure that the services offered by the contractors include a case management system equivalent to the residential training modules offered by the CJAD.

§163.35. Supervision.

(a) Definitions. The following words and terms, when used in this section, shall be defined as follows and apply to both felonies and misdemeanors, unless the context clearly indicates otherwise.

(1) Case—An adult assigned to a probation officer for supervision.

(2) Collateral contact—A probation officer telephones, initiates an office visit with, or receives written information from any person providing information about the offender.

(3) Collateral field visit—A probation officer visits outside the office with a family member, community resource, or other relevant individual who provides significant information regarding the offender.

(4) Direct supervision—Probationers who are legally on probation supervision, receive a minimum of one face-to-face contact with a probation officer every three months, and who work and/or reside in the jurisdiction in which they are being supervised. Local community supervision and corrections departments (CSCD) may maintain direct supervision of probationers living and/or working in adjoining jurisdictions if the CSCD has documented approval from the adjoining jurisdictions.

(5) Face to face contact—A probation officer visits and communicates in person with the offender.

(6) Field visit—A probation officer visits and communicates in person with the offender at the offender's place of residence or at a location outside the CSCD office.

(7) Indirect supervision—Maintenance of a file and/or record of an adult

under supervision who is not being seen personally by the probation officer on a regularly scheduled basis. It includes but is not limited to the following:

(A) probationers who neither reside nor work within the jurisdiction of the CSCD and who receive the supervision in other jurisdictions;

(B) probationers who neither reside nor work within the jurisdiction but continue to submit written reports on a monthly basis because they are ineligible or unacceptable for supervision in other jurisdictions;

(C) probationers who have absconded or who have not contacted their probation officer in person within three months; or

(D) probationers who reside and/or work in the jurisdiction, but who, while being in compliance with the orders of the court, nevertheless do not meet the criteria for direct supervision.

(b) Tier supervision levels. CSCD directors shall develop a four tier system of supervision which is based upon, but not limited to:

(1) the jurisdiction's profile of offenders who get revoked most often;

(2) the profiles of offenders requiring different levels of intervention by an officer;

(3) the offender's identified risk and needs; and

(4) the following guidelines to determine a level of supervision for probationers and conditions under which that level of supervision will change.

(A) Level I. This classification is calculated as 4 workload points and extends the most restrictive non-residential supervision to offenders who:

(i) have a documented pattern of serious non-compliance while supervised at a less restrictive level; or

(ii) have a motion to revoke filed for a law violation; or

(iii) match the jurisdiction's profile of offenders historically committed to prison/jail; or

(iv) have regressed from a less restrictive level of supervision.

(B) Level II. This classification is calculated as 2.5 workload points and extends a heightened level of supervision to offenders who:

(i) are a demonstrable risk based on:

(I) shock probation; or

(II) in lieu of revocation; or

(III) direct sentence; or

(ii) have progressed from a more restrictive level of supervision, including residential supervision; or

(iii) have regressed from a less restrictive level of supervision; or

(iv) have documented special risk or needs which are included in the CSCD's profile of offenders historically committed to prison/jail.

(C) Level III. This classification is calculated as 1.33 workload points and extends a moderate level of supervision to offenders who:

(i) regressed from a less restrictive level of supervision; or

(ii) progressed from a more restrictive level of supervision, including residential supervision; or

(iii) demonstrate a documentable necessity for a moderate level of supervision.

(D) Level IV. This classification is calculated as 1 workload point and extends a minimal level of supervision to offenders who:

(i) progressed from a more restrictive level of supervision; or

(ii) present the least risk to the community; or

(iii) are considered to be initial or interim probation placements but have not yet been classified.

(c) Supervision workload distribution. CSCD administrators shall assign cases among their officers in such a manner as to promote public protection through offender supervision and the attainment of a 100 point workload. Caseloads with a mixture of levels shall also average 100 points. The following weights shall be used to compute workloads:

(1) Level I=4;

(2) Level II=2.5;

(3) Level III=1.33;

(4) Level IV=1.

(d) Supervision process. Probation officers shall provide direct supervision for

cases to include, but not be limited to, the following tasks:

(1) Orientation/intake. An orientation/intake session with the offender shall be conducted after the court has placed the defendant under supervision. This session shall include a thorough discussion of the conditions of probation or terms of release. The probation officer shall determine that the offender has received a copy of the conditions of probation or terms of release ordered by the court as provided by law.

(2) Assessments. An assessment process that gathers relevant and valid information shall be completed on every offender. This process shall specifically address the offender's risk factors, need areas, obstacles to meeting those needs, offender strengths, and offender resources. The probation officer shall request specialized assessments for offenders when alcohol or drug abuse contributed to the offense and pursue specialized evaluations when they would significantly assist in the development of appropriate supervision plans for special need offenders.

(3) Case classification. Within 45 days of intake, the probation officer shall complete the Community Justice Assistance Division case classification instrument to assist in the evaluation of the degree of supervision needed by each individual based on the offender's risk and/or needs.

(4) Strategies for case supervision (SCS) interviews. Within 45 days of intake, the probation officer shall conduct a SCS interview on each felony offender classified at Level I or Level II. SCS should be conducted on Level I and II misdemeanors where workload factors permit.

(5) Case supervision plan. Within 45 days of intake, the probation officer shall develop a written individualized case supervision plan based on the offender's risk and need factors to address specific problem areas and achieve responsible behavior for that offender.

(6) Reassessments. Probation officers shall re-evaluate risk and need factors and supervision plans every six months for all Level II, III and IV cases which are not intensive cases, and every three months for:

(A) all Level I cases;

(B) any intensive program or intensive caseload; and

(C) residential placements. Any necessary modification of the supervision plan and level of supervision shall be indicated in writing in the case file.

(7) Supervision contacts. Probation officers shall make face-to-face, field

visit, and collateral contacts with the offender, family, community, or other persons pursuant to and consistent with a supervision plan and the level of supervision on which the offender is being supervised. Each CSCD director shall establish supervision contact and casework standards at a level appropriate for that jurisdiction, but in all cases, offenders at higher levels of supervision shall receive a higher level of contacts than offenders at lower levels of supervision. Supervision contacts shall be specified in the CSCD's written policies and procedures.

(8) Documentation in supervision case files. Probation officers shall use a problem oriented record keeping system to document all significant actions, decisions, services rendered, and periodic evaluations in the offender's case file, including but not limited to, the offender's status regarding the level of supervision, compliance with the conditions of probation, progress with the supervision plan, and responses to intervention.

(9) Violations. CSCD directors shall work in conjunction with the local judiciary to specify written policies and procedures wherein probation officers may make recommendations to the courts regarding violations of conditions of probation, as well as when violations may be handled administratively. The availability of the continuum of sanctions or alternatives to incarceration shall be considered by the probation officer and recommended to the court in eligible cases as determined appropriate by the jurisdiction.

(10) Courtesy supervision. CSCD directors shall ensure notification to other jurisdictions when a probationer will be working or residing in that jurisdiction temporarily. Except in cases of non-CSCD residential facility placements, courtesy supervision shall be requested if a probationer will be in another jurisdiction for more than 30 days, except when good cause can be shown. Only the court retaining jurisdiction over a defendant has the authority to modify or alter a condition of probation. As such, CSCD directors shall ensure that probation officers providing direct supervision to probationers transferred from other Texas jurisdictions shall fully enforce the order of the court which placed the individual on probation. CSCD directors shall ensure that probation officers provide the same level of supervision to courtesy cases as they do for the probationers in their jurisdiction. When transferring a case for courtesy supervision, the documents necessary for transfer shall include, at a minimum, the transfer form, the court order placing the person on probation citing all conditions of probation, the presentence investigation report where legally mandated, and any assessments which have been completed. CSCD directors who decline to provide courtesy supervision to

probationers from other jurisdictions shall immediately notify the original jurisdiction of the reasons for declining courtesy supervision.

(11) **Transporting offenders.** Probation officers shall not transport offenders held in a county jail pursuant to an arrest warrant. All other transportation of offenders shall be in accordance with the CSCD's policies and/or pursuant to a lawful court order.

§163.37. Reports and Records.

(a) **Case records.** Community supervision and corrections department (CSCD) directors shall develop and maintain a case record management system on offenders receiving any type of supervision by the CSCD. Each case record shall contain a chronological recording of all significant actions, decisions, services rendered, assessments, presentence investigation reports (PSIR) and periodic evaluations. All case records shall contain a written criminal history record or summary issued by a law enforcement agency, unless it is already included in the PSIR in the case file.

(b) **Confidentiality.** All PSIRs prepared by a probation officer, and all information obtained in connection with the presentence investigations, are confidential and may be released only to those persons and under those circumstances as authorized by law and as directed by the court for the effective supervision of the defendant. Medical and psychiatric records obtained by court order shall be sealed within, or kept separate from, the offender's probation case file and may be released only by order of the court.

(c) **Presentence investigation reports.** The CSCD director shall ensure that a probation officer(s) will prepare a PSIR on all felony offenders. A probation officer shall prepare a PSIR on all misdemeanor offenders unless the defendant requests a report not be made and the court agrees, or if the court finds there is sufficient information in the record to permit the meaningful exercise of sentencing discretion. The PSIR shall provide the court with the following accurate, objective and relevant elements:

- (1) court/legal information;
- (2) defendant information;
- (3) custodial information;
- (4) current offense;
- (5) victim information;
- (6) criminal history;
- (7) social history;
- (8) substance abuse information;
- (9) supervision plan; and

(10) may include as attachments any other documents or information relevant to a sentencing decision.

(d) **PSIR format.** CSCD directors shall ensure that probation officers completing PSIRs follow, at a minimum, the required Texas Department of Criminal Justice-Community Justice Assistance Division (TDCJ-CJAD) PSIR format in preparing felony PSI reports. CSCD probation officers may use a format other than the TDCJ-CJAD PSIR format in preparing misdemeanor reports as long as the content requirements outlined in subsection (c) of this section are met.

(e) **Staffing for PSIRs.** CSCD directors shall have the necessary trained staff and resources to conduct presentence investigations on all cases and shall provide written reports of the results for the courts for all felony and misdemeanor cases as required by the law and the court.

(f) **Filing.** Copies of the completed PSIRs shall be maintained in the individual offender's case file within the CSCD filing system and made available for periodic audits by Community Justice Assistance Division (CJAD) staff.

(g) **Funding.** Felony PSIRs prepared by the CSCD probation officers shall be eligible for funding as noted in §163.43 of this title (relating to Funding and Financial Management).

(h) **Transfer to the institutional division.** CSCD directors shall forward to a county that transfers a defendant to the Institutional Division (ID) that defendant's PSIR prepared according to the TDCJ-CJAD format for PSIRs, as well as information required in the Texas Code of Criminal Procedure, Article 42.09, §8(c). Additional information, if prepared by a probation officer for a revocation hearing updating information in the PSIR, shall also be forwarded to the county for the defendant's transfer to the ID.

(i) **Intrastate and interstate transfer.** CSCD directors shall utilize uniform transfer procedures as provided by and approved by the CJAD.

§163.39. Residential Services.

(a) **Purpose.** Residential facilities and contract residential beds funded by Community Justice Assistance Division (CJAD) shall provide the courts with a sentencing alternative designed to:

- (1) reduce reliance on incarceration in jails and prisons;
- (2) provide public protection by ensuring levels of security appropriate for the population served by the facility, including as a minimum a monitored and structured environment in which residents'

interior and exterior movements and activities can be supervised by specific destination and time;

(3) provide an intermediate sanction for offenders who require a level of supervision/services greater than that of non-residential supervision to ensure compliance with the conditions of probation and law-abiding behavior; and

(4) provide services that target reintegration of the offender back into the community.

(b) **Types of programs.** Residential facilities and contract residential beds funded by CJAD may include:

(1) **Community corrections facilities (CCF)**

(A) CCFs include, but are not limited to, the following types of facilities:

- (i) restitution centers;
- (ii) court residential treatment centers;
- (iii) substance abuse treatment facilities;
- (iv) custody camps and boot camps;
- (v) residential facilities for the mentally impaired;
- (vi) intermediate sanction facilities;
- (vii) halfway houses;
- (viii) work facilities; and
- (ix) pre-parole transfer facilities.

(B) Only Community Supervision and Corrections Departments (CSCD) are authorized to establish and operate CCFs. CSCDs may contract with another local governmental entity or private contractor for the leasing of the facility and/or delivery of services.

(2) **County correctional centers (CCC)**

(A) CCCs include, but are not limited to, the following types of facilities:

- (i) restitution centers;
- (ii) court residential treatment centers;
- (iii) substance abuse treatment facilities;
- (iv) custody camps and boot camp;
- (v) residential facilities for the mentally impaired;

- (vi) intermediate sanction facilities;
- (vii) halfway houses;
- (viii) work facilities; and
- (ix) pre-parole transfer facilities.

(B) The commissioners court of a county may establish a CCC after receiving written consent of the sheriff.

(C) The sheriff of the county in which a CCC has been established is responsible for the operation of the CCC and must consult with the chief/director of the CSCD serving the county about issues related to probationers participating in the CCC programs.

(D) The sheriff through the CCC program may:

- (i) house and provide work programs and counseling for eligible defendants; and
- (ii) in cooperation with the CSCD serving the county, operate work programs and counseling programs for probationers.

(3) Contract residential services (CRS).

(A) CJAD funds may be used by CSCD, sheriffs' departments, or other governmental entities to contract for residential services that include, but are not limited to, the following types of beds and services:

- (i) restitution centers;
- (ii) court residential treatment centers;
- (iii) substance abuse treatment facilities;
- (iv) custody camps and boot camp;
- (v) residential facilities for the mentally impaired;
- (vi) intermediate sanction facilities;
- (vii) halfway houses;
- (viii) work facilities; and
- (ix) pre-parole transfer facilities.

(B) CRS provided to CSCDs, sheriffs' departments, or other governmental entities through CJAD funds must meet all applicable CJAD Residential Services standards.

(c) Target population and offender eligibility. A CSCD, sheriff's department, or other governmental entity that operates a residential facility, contracts for the operation of a residential facility, or contracts for residential beds/services, shall define a specific target population of offenders to be served. Placement of offenders in a CCF shall only be by an order of the court and shall meet minimum eligibility criteria as outlined in this section. Upon placement into a jail, the sheriff may transfer the offender into a CCC. Eligibility criteria for residential placement must include, but is not limited to, the following.

(1) Community corrections facilities:

(A) the defendant did not cause serious bodily injury or death of another as a result of the commission of the offense as determined by the trier of facts;

(B) the defendant did not use a deadly weapon during the commission of or flight from the offense as determined by the trier of facts;

(C) the defendant matches the profile of offenders historically committed to county jail/prison from that jurisdiction; or the defendant has high risk/needs, who, if supervised at a lower supervision level would have an increased likelihood of violating the conditions of probation; and

(D) for restitution centers only:

(i) the defendant must have been convicted or pled guilty or nolo contendere to a felony offense other than those under Title 5 of the Texas Penal Code; and

(ii) the defendant must be employable.

(2) County correctional centers. The defendant is eligible for placement:

(A) if convicted of a misdemeanor and sentenced to a term of confinement in county jail;

(B) in lieu of jail time as a condition of misdemeanor or felony probation;

(C) in lieu of jail time as punishment for violation of conditions of probation; or

(D) if required as a condition of probation to participate in a work pro-

gram or counseling program through a county correctional center and:

(i) the defendant matches the profile of offenders historically committed to county jail/prison from that jurisdiction; or

(ii) the defendant has high risk/needs, who, if supervised at a lower supervision level would have an increased likelihood of violating the conditions of probation.

(3) Contract residential services. Placement of offenders into a residential facility other than a community corrections facility or county correctional center must meet the facility's eligibility criteria, and the defendant matches the profile of offenders historically committed to county jail/prison from that jurisdiction; or the defendant has high risk/needs, who, if supervised at a lower supervision level would have an increased likelihood of violating the conditions of probation.

(d) Denying admission. An offender placed into a community corrections facility or a county correctional center as a condition of probation and who is an inappropriate placement, by statute or standard, or does not meet eligibility criteria of the facility as approved by the CJAD shall be returned to the court of original jurisdiction by the agency director who is responsible for the management of the CCF or CCC. If placement occurs as a condition of probation, an eligible offender for residential placement may be placed on a waiting list or returned to the court for an alternative sanction if the facility has reached capacity.

(e) Term of participation and discharge. All discharges from residential placement shall only be by an order of the court. Terms of participation in residential facilities shall be based on the following criteria:

(1) the offender has made sufficient progress towards meeting the objective of the supervision plan and program requirements;

(2) the offender has satisfied a sentence of confinement;

(3) the offender has satisfied a period of placement as a condition of probation; or

(4) the offender has demonstrated non-compliance with program criteria or a court order.

(f) Policies and procedures. Residential facilities and residential service providers shall provide supervision/services that address the level of risk and needs of a specific target population of offenders. Supervision/services shall be provided in accordance with policies and procedures as described in the facility's operations manual.

(1) The policies and procedures of CCF and CCC shall be approved by the CJAD director as per minimum guidelines established by the CJAD in the "Community Corrections Facilities and County Correctional Centers: Guidelines for Operations".

(2) The CJAD director must approve the policies and procedures of CCFs and CCCs prior to those facility directors accepting offenders for residential placement. All policies and procedures of CCFs and CCCs are to be reviewed and updated as necessary and approved every two years thereafter by the CJAD director.

(3) CSCDs, sheriff's departments, or other governmental entities that contract for residential beds/services (CRS) shall require service providers under contract through CJAD funds to make available their related fiscal and program records to the CJAD upon request. All CRS providers shall maintain a CJAD "Advisement Religious Services Participation" form, signed by the offender, in the case file of each offender who is a resident of a CRS program that requires residents to participate in religious-oriented activities.

(g) Physical plant.

(1) Community corrections facilities (CCF). Agencies operating CCFs shall provide, each fiscal year, to the CJAD documentation that the facility meets local and state safety, health and sanitation standards, codes, and ordinances. The facility shall also maintain compliance with minimum guidelines and standards established by CJAD for physical plant of CCFs.

(2) County correctional centers (CCC). Sheriffs' departments operating CCCs shall maintain compliance with CCC standards and rules as adopted by the Texas Commission on Jail Standards.

(3) Contract residential services (CRS). Community supervision and corrections departments, sheriff's departments, or other governmental entities that contract for residential beds/services shall ensure that CRS providers under contract through CJAD funds maintain compliance with local and state safety, health and sanitary standards, codes, and ordinances.

(h) Maximum resident capacity and facility utilization. The maximum resident capacity of a CCF or CCC shall be defined as the total number of offenders who can be housed at the facility at any given time as determined by the operating agency and approved by the CJAD director. CCFs and CCCs funded through CJAD shall reach 90% capacity within the first six months of operation and maintain a minimum of 90% capacity thereafter, utilizing appropriate and eligible placements only.

(i) Public hearing. Agencies interested in establishing a CCF shall hold a public hearing regarding the proposed site of the CCF. A minimum of 30 days prior to the public hearing, the agency proposing to operate the CCF shall:

(1) publish notice of the date, hour, place, and subject of the public hearing along with the address of the proposed site of the CCF in three consecutive issues of a newspaper, or in newspapers that collectively have, general circulation in the county in which the proposed CCF is to be located;

(2) mail a copy of the notice to each city council member, county commissioner, state representative and state senator who represents the area in which the proposed CCF is to be located. A copy of the notice is also to be mailed to each member of the jurisdiction's community justice council; and

(3) hold the public hearing at a site as close as practical to the proposed location of the CCF.

(j) Data. Agencies operating or utilizing residential facilities under this section shall submit on a timely basis, data as required by the CJAD.

(k) Courtesy supervision. CCFs shall, on a space-available basis, accept eligible adult offenders needing the residential services on courtesy supervision from other jurisdictions. Community supervision and corrections departments that manage CCFs are responsible for the direct supervision of all probationers in the CCF while in the residential placement.

(l) Training. Probation officers, CCF personnel, and community supervision and corrections department personnel who work in a CCC shall meet minimum training standards as set forth in §163.33 of this title (relating to Probation Officers).

(m) Fiscal. The financial management and fiscal accounting practices and procedures for the operating funds of a community corrections facility or county correctional center shall meet minimum fiscal standards as set forth in §163.43 of this title (relating to Funding and Financial Management).

(n) Funding eligibility. Community supervision and corrections departments, counties, and municipalities, are eligible, upon application and approval, for CJAD funding for residential services. See §163.43 of this title (relating to Funding and Financial Management) for funding rules, requirements and information.

§163.43. *Funding and Financial Management.*

(a) Funding.

(1) Qualifying for community justice assistance division (CJAD) funding. Community supervision and corrections departments (CSCDs) qualify for CJAD state aid by:

(A) being in compliance with CJAD Standards;

(B) having a community justice council that serves the jurisdiction and is recognized by the CJAD;

(C) having a CJAD-approved community justice plan with related budgets;

(D) the district judge(s) appointing a director to administer all CSCD funds;

(E) the district judge(s) designating a fiscal officer to account for, disburse, and report on all CSCD funds.

(2) Qualifying for CJAD grant funding. CSCDs, counties, municipalities, and non-profit organizations whose judicial districts' CSCDs comply with CJAD standards, qualify for CJAD grant funding by:

(A) being in compliance with CJAD Standards;

(B) having a community justice council that serves the jurisdiction and is recognized by the CJAD;

(C) having a CJAD-approved community justice plan with related budgets and the grant proposal is contained within the community justice plan; and

(D) the grant funding recipient designating a chief fiscal officer to account for, disburse, and report on all CJAD grant funding.

(3) Allocating state aid. State aid will be made available to eligible CSCDs in accordance with statutory requirements and requirements as set forth in the Financial Management Manual for CJAD Funding.

(4) Allocating CJAD grant funding. CSCDs, counties, municipalities, and non-profit organizations who are eligible to receive grant funding must meet requirements as set forth in the Financial Management Manual for CJAD Funding to be approved by the CJAD director to receive such funds. Grant funding will be made available in accordance with statutory requirements and requirements as set forth

in the Financial Management Manual for CJAD Funding.

(b) Financial procedures.

(1) Requested information from CSCDs and other potentially eligible CJAD funding recipients. The director of a CSCD or other eligible CJAD funding recipient shall present data and information requested by the CJAD as necessary to determine the amount of state financial aid to which the CSCD or other eligible recipient is entitled. A CSCD or other recipient receiving CJAD funding shall submit reports and other documentation as required by the CJAD.

(2) Deposit of CJAD funding. Each CSCD, county, or municipality shall deposit all CJAD funding received in a special fund of the county treasury or municipal treasury, as appropriate, to be used solely for the provision of services, programs, and facilities as approved by CJAD. Non-profit organizations shall deposit all CJAD funding received in a special fund as approved by CJAD, to be used solely for the provision of services, programs, and facilities approved by CJAD.

(3) Fees deposit. Adult probation fees collected by the court and payments by program participants shall be deposited to the same special fund of the county treasury receiving state financial aid, to be used for community supervision and corrections services.

(4) Disbursement of CJAD funding. The CJAD will make quarterly funding payments, and other payments as frequently as deemed necessary by the CJAD director, to all eligible entities in accordance with respective statutory requirements for CJAD line item appropriations and the Financial Management Manual for CJAD Funding.

(5) Counties' financial responsibility. The county or counties served by a CSCD shall provide physical facilities, utilities, and equipment for a CSCD in accordance with subsection (d) of this section. If a CSCD serves two or more counties, those counties may enter into an agreement that the total expenses of such facilities, utilities, and equipment be distributed approximately in the same proportion as the population in each county bears to the total population of all the counties, according to the last preceding census.

(6) Restrictions on CJAD funding and CSCD funds. No funds from CJAD funding or CSCD generated revenue shall be used to:

(A) provide physical facilities, utilities, and equipment for community supervision and corrections departments unless approved by the CJAD through the certification process or as provided for in

the Financial Management Manual for CJAD Funding; or

(B) support religious-oriented activities or services whose principal or primary effect is to advance a sectarian or doctrinal belief or practice. No offender can be required to participate in a religious-oriented activity or service arranged through the CSCD unless the offender signs the CJAD-required waiver.

(7) Available records. The community supervision and corrections department and/or the designated chief fiscal officer accounting for, disbursing, and reporting on the CJAD funding shall make financial records available to the CJAD. CSCDs and/or other CJAD funding recipients shall provide financial reports to CJAD as set forth in the Financial Management Manual for CJAD Funding. The chief fiscal officer must provide a Statement of Financial Position at close of each fiscal year and as set forth in the Financial Management Manual for CJAD Funding.

(8) Budgets. CJAD funding recipients shall prepare and operate from a budget(s) developed and approved within the guidelines set forth in the Financial Management Manual for CJAD Funding.

(9) Funding recipient obligations. All CJAD funding recipients shall comply with all funding provisions as set forth in the Financial Management Manual for CJAD Funding and any special conditions associated with their respective funding awards.

(10) Local Government Code. CSCDs or entities receiving funds from CJAD shall comply with the Local Government Code, §140.003.

(11) Distribution of probation supervision fees and state aid for direct supervision. The judicial district having jurisdiction of the case shall receive the probation supervisory fee. The judicial district providing direct supervision shall receive the state aid designated for direct supervision.

(12) Fees for fiscal services. The judicial district, if approved by CJAD and as set forth in the Financial Management Manual for CJAD Funding, may use up to 3.0% of the state funding received for the first quarter or .75% of total funding received on grant funding and state aid to contract annually with the county or counties providing services for auditing, book-keeping and those services set forth in the statutes and other service deemed necessary by the judicial district. Other services deemed necessary include the following:

(A) timely and accurate preparation of quarterly financial reports; and

(B) preparation of a Statement of Financial Position at the close of each fiscal year or designated funding period.

(13) Honesty bond. CSCD Directors shall ensure that all public monies are protected by requiring that all employees with access to monies are covered by honesty bonds and all funds maintained on CSCD premises are protected by appropriate insurance or bonding. The fee for these bonds/insurance may be paid from the judicial district fund.

(14) Travel reimbursements. Reimbursements for the use of personal automobiles on official business by authorized individuals to be paid from the judicial district CSCD fund shall be for mileage based on state rates. Per diem reimbursements shall be at a rate not less than state rates. If established county rates for a CSCD exceed the state rates, the CSCD shall not exceed the county rates.

(15) Automobile liability insurance. CSCDs shall require all individuals using their automobiles for department business to provide documentation of liability insurance coverage or fiscal responsibility as required by law for personal motor vehicles used in conduct of official business.

(16) Expenses for training. CSCDs may use judicial district funds to pay the expenses of training for employees. The training must be related to CSCD services or to the employee's particular function or professional advancement within the department. CSCDs may use judicial district funds to pay the expenses of training for judges trying criminal cases. Training for judges must be related to community supervision and corrections or to the judge's function as an administrator of the CSCD.

(17) Extradition. CJAD funding shall not be used to pay nor reimburse agencies or persons for the cost of transfer of prisoners.

(18) Investment of idle funds. The director of the CSCD shall consult with the fiscal officer to determine the appropriate amount of idle funds to be invested. Idle funds herein refers to state aid and probation fees only. The investment shall provide for a reasonable interest rate, necessary protection of principal, and flexibility. Interest received shall be considered locally generated monies for determining the surplus apportionment at the end of the fiscal year.

(c) Determination and recovery of unexpended monies.

(1) CJAD funding. CJAD funding allocated to any entity, organization, or CSCD shall require separate budgets in accordance with the Financial Management Manual for CJAD Funding. At the close of

the fiscal year, all unexpended/unencumbered CJAD funding shall be refunded to CJAD.

(2) Refund calculation. Close out financial reports shall be submitted to the CJAD on all CJAD funding by November 30 of each year and in accordance with the Financial Management Manual for CJAD Funding. Upon receipt of the final report, the surplus refund due to the state from all CJAD funding recipients shall be calculated by CJAD in accordance with the Financial Management Manual for CJAD Funding.

(3) CSCD unexpended monies. All monies deposited into the CSCD's judicial district fund shall be considered in the apportionment of any unexpended monies available after all financial payments have been completed. The chief fiscal officer designated by the judicial district shall be allowed a period of two months to complete payment of a prior fiscal year's financial commitments. After this two month period, all expenditures shall be charged to the budget of the current fiscal year regardless of when the expenditure was incurred. The fiscal year shall end August 31st.

(4) Revenue percentage calculation for CSCDs. After the close out financial report is submitted to CJAD, a determination will be made by CJAD staff that an unexpended balance does exist. CJAD will identify all monies deposited into the fund for that fiscal year as either locally generated or state generated. Locally generated monies include, but are not limited to, probation fees and interest on time deposits. After the sources of monies are identified, CJAD will prepare a calculation to indicate the percentage contributed by each source.

(5) Application of percentage to CSCD unexpended monies. The balance of unexpended locally generated monies plus supervision funds multiplied by a percentage of CJAD supervision funds deposited will be refunded to CJAD. The balance of surplus supervision funds corresponding to the percentage of local monies deposited will be retained in the judicial district CSCD fund. These locally retained, unexpended monies shall be considered in the succeeding year's operating budget as a source of funding and shall be designated as locally generated monies in the succeeding year's apportionment of judicial district CSCD unexpended supervision funds.

(6) Application of percentage to unexpended monies for CSCD direct supervision. After a surplus refund due to the state is calculated, any remaining direct supervision monies deposited by a CSCD shall be retained in the judicial district fund. These locally retained, unexpended monies for direct supervision shall be considered in the CSCD's succeeding year's general oper-

ating budget as a source of funding and shall be designated as locally generated monies in the succeeding year's apportionment of judicial district fund unexpended supervision funds.

(d) Facilities, utilities, and equipment.

(1) CSCDs. The county or counties served by a CSCD shall provide, at a minimum, the following facilities, equipment and utilities for a CSCD.

(A) Minimum facilities for CSCDs. Each adult probation officer shall be provided a private office. Each office shall have the necessary lighting, air conditioning, equipment, privacy and decor to provide and promote the delivery of professional community corrections services.

(B) Minimum utilities for CSCDs. Each community supervision and corrections department office shall be provided adequate utilities necessary to provide efficient and professional community corrections services.

(C) Minimum equipment for CSCDs. Each adult probation officer shall be furnished adequate furniture, telephone, and other equipment as necessary and consistent with efficient office operations. Adequate insurance, maintenance, and repair of the equipment shall be maintained.

(D) Location. Each CSCD office providing direct court services shall be located in the courthouse or as near the courthouse as practically possible to promote prompt and efficient services to the court.

(E) Satellite offices. Satellite CSCD offices shall be established in the area of the judicial district to provide efficient supervision of and services to probationers as dictated by population, caseload size, or geographical distance.

(2) Residential facilities. CJAD funding as approved may be used to:

(A) lease buildings, land, or other real property for use as community corrections facilities (CCF) or county correctional centers (CCC);

(B) lease or purchase equipment necessary for the operations of CCFs or CCCs;

(C) renovate leased or donated buildings for use as CCFs or CCCs; and

(D) pay other costs necessary for the operations of CCFs and CCCs.

(3) Inventory and disposal of equipment, furniture and/or vehicles purchased with CJAD funding.

(A) All equipment, furniture, and vehicles purchased with CJAD funding are to be inventoried with CJAD in accordance with procedures set forth in the Financial Management Manual for CJAD Funding.

(B) Any CSCD or other entity wanting to dispose of equipment, furniture and/or vehicles purchased with CJAD funding shall adhere to procedures set forth in the Financial Management Manual for CJAD Funding.

(e) Certification of facilities, utilities, and equipment for CSCDs.

(1) Expansion of community supervision and corrections department offices. Judicial districts funds may be expended for facilities, utilities, and equipment only as it relates to expansion of the CSCD. Prior to expending funds for expansion purpose, the county must receive certification approval from the CJAD Director. The county or counties served by the CSCD shall continue to provide all costs associated with current level CSCD operations.

(2) Certification process. The following certification process must be completed prior to consideration by the CJAD Director for approval of the purchase of facilities, utilities, or equipment to expand CSCD operations.

(A) Public meeting. Requests for expanded facilities, utilities, and equipment must be initially requested from the county and reviewed at a formal commissioners' court meeting.

(B) Certification letter. If the commissioner's court determines that funds are not available to expand the CSCD's facilities, utilities, or equipment, a certification must be issued to the district judge indicating that funds are not available.

(C) Certification information. As part of the first request for certification in a fiscal year, the county shall provide the following information to CJAD for the four most recent fiscal years unless otherwise noted:

(i) the total dollar amount of the county's general revenue financial contribution to the CSCD;

(ii) the total dollar amount of the county budgets;

(iii) the total dollar amount of the county tax rolls; and

(iv) the population of the county for the four most recent calendar years.

(D) Information forwarded and list of itemized expansion costs. The district judge shall forward the following information to CJAD:

(i) the county certification document, with the certification information;

(ii) a list of expansion items and their approximate costs;

(iii) an itemized list of approximate costs for each equipment item; and

(iv) a signed cover letter indicated the district judges' agreement with the county certification.

(E) Lease contracts, rent, and utilities. The certification approved for lease contracts, rents and utilities will be allowed to remain in force for up to five years from the fiscal year in which certification is approved. If during the five year period the original cost increases and the county is not able to absorb the increase, the CSCD may apply for a new certification. At no time may the CSCD charge the program for any lease contract, rent, or utilities expenditures in excess of the approved certification. At the end of the five years if the county cannot pay for the lease, rent, and/or utilities, certification may again be requested. It should be noted that under the lease contract, rent, and utilities each certification approved will begin a new five year period.

(F) Budget amendments and approval of expansion requests. The director of the CSCD shall forward an amended budget to reflect the proposed certification expenditures. All facilities, utilities, and equipment purchases charged to the judicial district CSCD fund which require certification must be approved by the CJAD director before the purchase is made.

(3) Equipment. Inventory labels, indicating CSCD ownership, shall be placed on each equipment item purchased with judicial district CSCD funds, regardless of whether or not certification was required.

(f) Audits. The CJAD may inspect and evaluate a CSCD or conduct audits of financial records of CJAD funding activity or transactions at any reasonable time to determine compliance with TDCJ rules and standards.

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

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

TRD-9318703

Jackee Cox
General Counsel
Texas Department of
Criminal Justice

Effective date: March 1, 1993

Proposal publication date: December 4, 1992

For further information, please call: (512) 463-9988

Subchapter B. Local Departments

• 37 TAC §163.29

The Texas Department of Criminal Justice-Community Justice Assistant Division (TDCJ-CJAD) adopts the repeal of §163.29, concerning community justice councils, without changes to the proposed text as published in the January 29, 1993, issue of the *Texas Register* (18 TexReg 575).

Section 163.29 has been revised in its entirety and resubmitted for proposed adoption under §163.23 of this chapter; without adoption of this repeal, duplication of rules will occur.

Section 163.29 has been repealed and is being resubmitted under §163.23 due to the recodification of rules necessitated by the reorganization of the agency.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Code of Criminal Procedures, Article 42.13, §2(a) and §3(a), which provides TDCJ-CJAD with the authority to establish minimum standards for programs, facilities, equipment, and other aspects of the operation of departments; establish an application process and procedures for funding community corrections facilities, establish a format for community justice plans; and to require community supervision and corrections departments to keep financial and statistical records; submit a community justice plan; and submit periodic financial audits and statistical reports to TDCJ-CJAD.

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

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

TRD-9318702

Jackee Cox
General Counsel
Texas Department of
Criminal Justice

Effective date: March 1, 1993

Proposal publication date: January 29, 1993

For further information, please call: (512) 463-9988

• 37 TAC §163.31

The Texas Department of Criminal Justice-Community Justice Assistant Division (TDCJ-CJAD) adopts the repeal of §163.31, concerning community justice community justice plans, without changes to the proposed text as published in the December 4, 1992, issue of the *Texas Register* (17 TexReg 8414).

Section 163.31 has been revised in its entirety and resubmitted for proposed adoption under §163.25 of this chapter; without adoption of this repeal, duplication of rules will occur.

Section 163.31 has been repealed and is being resubmitted under §163.25 due to the recodification of rules necessitated by the reorganization of the agency.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Code of Criminal Procedures, Article 42.13, §2(a) and §3(a), which provides TDCJ-CJAD with the authority to establish minimum standards for programs, facilities, equipment, and other aspects of the operation of departments; establish an application process and procedures for funding community corrections facilities, establish a format for community justice plans; and to require community supervision and corrections departments to keep financial and statistical records; submit a community justice plan; and submit periodic financial audits and statistical reports to TDCJ-CJAD.

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

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

TRD-9318699

Jackee Cox
General Counsel
Texas Department of
Criminal Justice

Effective date: March 1, 1993

Proposal publication date: January 29, 1993

For further information, please call: (512) 463-9988

Part IX. Texas Commission on Jail Standards

Chapter 259. New Construction Rules

New Low-Risk and Medium-Risk Design Construction and Furnishing Requirements

• 37 TAC §§259.214, 259.225, 259.229, 259.245-259.246, 259.249-259.250, 259.259-259.266

The Texas Commission on Jail Standards adopts amendments to §§259.214, 259.225, 259.229, 259.245-259.246, 259.249-259.250, and 259.259-259.266 concerning new construction rules, without changes to the pro-

posed text as published in the December 22, 1992, issue of the *Texas Register* (17 TexReg 9015).

The amendments will clarify requirements for medium-risk housing due to questions raised by the public and design firms.

The amendments will provide revised physical standards for medium-risk facilities clarifying areas which have been problematic in the planning of new facilities.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Government Code, Chapter 511, which provide the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

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 29, 1993.

TRD-9318553

Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Effective date: February 25, 1993

Proposal publication date: December 22, 1992

For further information, please call: (512) 463-5505

Chapter 263. Life Safety

Additional Information/Recommendations

• 37 TAC §263.83

The Texas Commission on Jail Standards adopts an amendment to §263.83 without changes to the proposed text as published in the December 22, 1992, issue of the *Texas Register* (17 TexReg 9016).

Having added sections in the past year regarding alternative type facilities, additional titles needed to be added to the meaning of "jails" and "facilities".

This section describes the meaning of jails and facilities.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Government Code, Chapter 511, which provide the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance and operation of county jails.

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 29, 1993.

TRD-9318552

Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Effective date: February 25, 1993

Proposal publication date: December 22, 1992

For further information, please call: (512) 463-5505

Chapter 297. Compliance and Enforcement

• 37 TAC §§297.1-297.10

The Texas Commission on Jail Standards adopts the repeal of §§297.1-297.10 concerning compliance and enforcement, without changes to the proposed text as published in the December 22, 1992, issue of the *Texas Register* (17 TexReg 9016).

The repeal of these rules will allow for revisions to these requirements to reflect actual current procedures of the Commission and coordinate enforcement action with the State Office of Administrative Hearing procedures.

Repeal of these rules will allow the adoption of new rules that reflect current procedures.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Government Code, Chapter 511, which provide the Texas Commission on Jail Standards with the authority to adopt, amend, and rescind rules for the conduct of its proceedings.

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 29, 1993.

TRD-9318557

Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Effective date: February 25, 1993

Proposal publication date: December 22, 1992

For further information, please call: (512) 463-5505

• 37 TAC §§297.1-297.13

The Texas Commission on Jail Standards adopts new §§297.1-297.13 concerning compliance and enforcement. Section 297.9 is adopted with changes to the proposed text as published in the December 22, 1992, issue of the *Texas Register* (17 TexReg 9016). Sections 297.1-297.8, 297.10-297.13 are adopted without changes and will not be republished.

The rules delineate current procedures the Commission utilizes in monitoring compliance efforts and coordinates enforcement action with the State Office of Administrative Hearings.

The sections delineate the Commission's inspection and enforcement procedures, includ-

ing: certification, notice of noncompliance, Commission review, remedial orders, and other remedies. The sections also provide procedures for request for appeal by county officials of Commission actions.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Government Code, Chapter 511 which provide the Texas Commission on Jail Standards with the authority to adopt, amend, and rescind rules for the conduct of its proceedings.

§297.9. Other Commission Remedies. In addition to or in lieu of the remedial order remedies described in §297.8 of this title (relating to Remedial Order by Commission) the Commission may institute an action in its own name to enforce, or enjoin the violation of its orders, rules or procedures, or the Local Government Code, Chapter 351. An action brought pursuant to this section is in addition to any other action, proceeding or remedy provided by law, and may be brought in a district court of Travis County. A suit brought under this section shall be given preferential setting and shall be tried by the Court, without a jury, unless the county requests a jury, in accordance with the Local Government Code, Chapter 351. The Commission shall be represented by the Attorney General in such actions.

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 29, 1993.

TRD-9318556

Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Effective date: February 25, 1993

Proposal publication date: December 22, 1992

For further information, please call: (512) 463-5505

Chapter 301. Rules of Practice in Contested Cases

• 37 TAC §§301.1-301.13

The Texas Commission on Jail Standards adopts the repeal of §§301.1-301.13 concerning rules of practice in contested cases, without changes to the proposed text as published in the December 22, 1992, issue of the *Texas Register* (17 TexReg 9019).

Repeal of this section will allow for major revisions to these requirements made necessary by the adoption of Rules of Procedures, Chapter 155, State Office of Administrative Hearings.

Repeal of this section will allow for adoption of the new rules.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Government Code, Chapter 511, which provide the Texas Commission on Jail Standards with the authority to adopt, amend, and rescind rules for the conduct of its proceedings.

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 29, 1993.

TRD-9318555 Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Effective date: February 25, 1993

Proposal publication date: December 22, 1992

For further information, please call: (512) 463-5505

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• 37 TAC §301.1, §301.2

The Texas Commission on Jail Standards adopts new §301.1 and §301.2 concerning rules of practice in contested cases, without changes to the proposed text as published in the December 22, 1992, issue of the *Texas Register* (17 TexReg 9019).

Rules in this section will allow for necessary requirements in accordance with newly adopted Rules of Procedure by the State Office of Administrative Hearings.

Section will specify Commission rules for counties to contest cases dealing with commission actions.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Government Code, Chapter 511, which provide the Texas Commission on Jail Standards with the authority to adopt, amend, and rescind rules for the conduct of its proceedings.

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 29, 1993.

TRD-9318554 Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Effective date: February 25, 1993

Proposal publication date: December 22, 1992

For further information, please call: (512) 463-5505

◆ ◆ ◆
Chapter 321. Standards

• 37 TAC §§321.2, 321.6, 321.8, 321.12

The Texas Department of Criminal Justice-Community Justice Assistance Division (TDCJ-CJAD) adopts the repeals of §§321.2, 321.6, 321.8 and 321.12, concerning the ad-

ministration of community supervision and corrections departments, probation officers, facilities, equipment, fiscal and community rehabilitation centers, without changes to the proposed text as published in the December 4, 1993, issue of the *Texas Register* (17 TexReg 8414).

These sections are being repealed as a part of the TDCJ-CJAD rule recodification process and, without the adoption of these repeals, duplication of rules will occur.

These sections are prior rules of the Texas Adult Probation Commission (TAPC) and are being repealed as part of the recodification process required by the reorganization of the Texas Department of Criminal Justice under which TAPC became TDCJ-CJAD.

No comments were received regarding adoption of the repeals. The repeals and recodification are adopted under the Code of Criminal Procedures, Article 42.13, §2(a) and §3(a), which provides TDCJ-CJAD with the authority to establish minimum standards for programs, facilities, equipment, and other aspects of the operation of departments; establish an application process and procedures for funding community corrections facilities; establish a format for community justice plans; and to require community supervision and corrections departments to keep financial and statistical records; submit a community justice plan; and submit periodic financial audits and statistical reports to TDCJ-CJAD.

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

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

TRD-9318700 Jackee Cox
General Counsel
Texas Department of
Criminal Justice

Effective date: March 1, 1993

Proposal publication date: December 4, 1992

For further information, please call: (512) 463-9988

◆ ◆ ◆
Chapter 323. Fund Distribution

• 37 TAC §§323.1-323.3, 323.5

The Texas Department of Criminal Justice-Community Justice Assistance Division (TDCJ-CJAD) adopts the repeal of §§323.1-323.3, and 323.5, concerning per capita funding, program funding, determination and recovery of judicial district adult probation fund surplus, and discretionary grants, without changes to the proposed text as published in the December 4, 1992, issue of the *Texas Register* (17 TexReg 8415).

These sections are being repealed as a part of the TDCJ-CJAD rule recodification process and, without the adoption of these repeals, duplication of rules will occur.

These sections are prior rules of the Texas Adult Probation Commission (TAPC) and are being repealed as part of the recodification process required by the reorganization of the

Texas Department of Criminal Justice under which TAPC became TDCJ-CJAD.

No comments were received regarding adoption of the repeals.

The repeals and recodification are adopted under the Code of Criminal Procedures, Article 42.13, §2(a) and §3(a), which provides TDCJ-CJAD with the authority to establish minimum standards for programs, facilities, equipment and other aspects of the operation of departments; establish an application process and procedures for funding community corrections facilities; establish a format for community justice plans; and to require community supervision and corrections departments to keep financial and statistical records; submit a community justice plan; and submit periodic financial audits and statistical reports to TDCJ-CJAD.

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

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

TRD-9318698 Jackee Cox
General Counsel
Texas Department of
Criminal Justice

Effective date: March 1, 1993

Proposal publication date: December 4, 1992

For further information, please call: (512) 463-9988

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Chapter 325. Agency
Procedures

• 37 TAC §325.6, §325.12

The Texas Department of Criminal Justice-Community Justice Assistance Division (TDCJ-CJAD) adopts the repeals of §325.6 and §325.12, concerning fees and grant funding, without changes to the proposed text as published in the December 4, 1992, issue of the *Texas Register* (17 TexReg 8415).

These sections are being repealed as a part of the TDCJ-CJAD rule recodification process and, without the adoption of these repeals, duplication of rules will occur.

These sections are prior rules of the Texas Adult Probation Commission (TAPC) and are being repealed as part of the recodification process required by the reorganization of the Texas Department of Criminal Justice under which the TAPC became the TDCJ-CJAD.

No comments were received regarding adoption of the repeals.

The repeals and recodification are adopted under the Code of Criminal Procedures, Article 42.13, §2(a) and §3(a), which provides TDCJ-CJAD with the authority to establish minimum standards for programs, facilities, equipment, and other aspects of the operation of departments; establish an application process and procedures for funding community corrections facilities; establish a format for community justice plans; and to require community supervision and corrections departments to keep financial and statistical re-

ords; submit a community justice plan; and submit periodic financial audits and statistical reports to TDCJ-CJAD.

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

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

TRD-9318701

Jackee Cox
General Counsel
Texas Department of
Criminal Justice

Effective date: March 1, 1993

Proposal publication date: December 4, 1992

For further information, please call: (512) 463-9888

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 11. Food Distribution and Processing

The Emergency Food Assistance Program (TEFAP)

- 40 TAC §§11.6003, 11.6004, 11.6007, and 11.6008

The Texas Department of Human Services (DHS) adopts amendments to §§11.6003, 11.6004, 11.6007, and 11.6008, concerning applicant responsibilities, applicant rights, responsibilities of contracted agencies, and reimbursement, in its Food Distribution and Processing rule chapter, without changes to the proposed text as published in the December 12, 1992, issue of the *Texas Register* (17 TexReg 8617).

The justification for the amendments is to add requirements for the sale, transfer, and disposal of commodities and requirements for conducting activities unrelated to commodity distribution. The amendments also add information the contract manager requests if a claim for reimbursement is submitted after the 60-day time limit for submitting claims. Other changes consist of minor editorial corrections.

The amendments will function by clarifying responsibilities of contracted agencies and reimbursement of contractors.

No comments were received regarding adoption of the amendments.

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 February 4, 1993.

TRD-9318565

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

Effective date: March 15, 1993

Proposal publication date: December 11, 1992

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

Chapter 27. Intermediate Care Facility for Mentally Retarded

Subchapter B. Contracting Requirements

- 40 TAC §27.203

The Texas Department of Human Services (DHS) adopts an amendment to §27.203, concerning provider applications, with changes to the proposed text as published in the October 2, 1992, issue of the *Texas Register* (17 TexReg 6765).

The justification for the amendment is to simplify and improve the application process and improve the quality of services provided in intermediate care facilities for the mentally retarded (ICFs/MR).

The amendment will function by improving services to ICF/MR facility residents.

During the public comment period, comments were received from the Texas Association of Private Residential Resources; B & W Development Centers, Inc.; New Avenues of Hope, Inc.; Mission Road Development Center; and Rock House, Inc. A summary of the comments and DHS's responses to the comments follows:

Comment: One commenter questioned whether the individuals required to attend the preapplication training described in subsection (b)(1)(A) and (B) could be the same individual.

Response: The individuals required to attend the training as defined in subsection (b)(1)(A) and (B) may be, in some instances, the same individual. DHS is adopting the subsection with a change to clarify this situation.

Comment: One commenter questioned what the effect would be on the application process if the individuals required to complete preapplication training are separated from employment during the application process.

Response: DHS is adopting subsection (b)(1)(B) of the rule with a change to state that if the individuals' employment status changes prior to the application approval by TXMHMR, the application will not be approved but will be held in suspense until another appropriate individual completes the training.

If the separation from employment occurs after the application has been approved, but prior to certification by the Texas Department of Health (TDH), the application approval status does not change.

Comment: Several commenters submitted comments regarding the proposed requirement that applicants seeking referrals or services from the Mental Retardation Authority (MRA) must submit a letter from the MRA addressing this arrangement. The commenters requested that the reference to referral sources be deleted from the rule.

Response: DHS has deleted subsection (c)(2)(A)(iv) that required the applicant to have a written agreement with the MRA if the applicant intended to use the MRA as a referral source. DHS has retained the requirement that the applicant submit documentation that the MRA in whose catchment area the proposed facility is located has been notified of the development and the facility's admission criteria.

Comment: One commenter suggested that the rule be amended to clarify that if TDH does not certify an applicant within the required nine-month period because of an agency scheduling problem, or other agency action that is beyond the applicant's control, the applicant should not be subjected to adverse action.

Response: DHS agrees and is adopting subsection (d) with a change to clarify that if the facility has not obtained certification within the required nine-month period because of an agency delay that is out of the applicant's control, the applicant is not penalized.

Applications that are currently pending certification will have nine months from March 1, 1993, to obtain certification.

In addition to changes resulting from public comments, DHS is adopting the rule with the following changes as a result of comments from and discussions with TDH and TXMHMR.

Subsection (a)(1): The definition of "affiliate" has been added.

Subsection (e): The following additions and/or clarifications have been made to the text.

Language has been added to require that applications that have not received approval from TXMHMR within a three-month period from the date of submission will be withdrawn from the review process and returned to the applicant for completion.

In order for an application to be approved by TXMHMR, the application must be in compliance with the Plan for New Bed development in the Texas ICF-MR Program. If beds are not available for development, the application may not be approved and will be held in suspense until beds become available.

TXMHMR reserves the right to postpone the approval of any application if the applicant is currently under investigation or review for potential fraud, abuse, or misuse of Medicaid funds or for any violation for which a sanction could be taken under §§79.2101-79.2304 of this title (relating to Fraud and Abuse Involving Medical Providers).

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Civil Statutes, Article 4413 (502), §18, which pro-

vides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

§27.203 Provider Applications.

(a) The words and terms in paragraphs (1)-(3) of this subsection, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Applicant—The individual(s) and/or entities specified on DHS's facility ownership information form who:

(A) operate a for-profit organization;

(B) serve as the authorizing entity for a nonprofit organization; or

(C) have management or ownership control.

(2) Affiliate—An individual or entity associated with the applicant so that any one of them directly or indirectly controls or has the power to control one another in whole or in part.

(3) Designated representative—The chief executive officer, the chief financial officer, the president or executive director, or other individual who serves in an upper management, decision-making capacity and has financial responsibility for the proposed facility.

(b) All applicants for participation in the Intermediate Care Facility for the Mentally Retarded (ICF/MR) Program must submit an application to the Texas Department of Mental Health and Mental Retardation (TXMHMR) for review and approval. The application must include documentation to verify the applicant's ability to ensure the delivery of quality care and services. The documentation submitted must indicate that:

(1) the persons specified in subparagraphs (A) and (B) of this paragraph will have completed the ICF/MR preapplication training course within six months prior to approval of the application. In some situations, one person may serve in both capacities. If the person's employment status changes prior to approval of the application, approval of the application will be postponed until the appropriate persons complete the training:

(A) the applicant and/or a designated representative, other than a consultant; and

(B) the individual who will be responsible for the direct management of the facility;

(2) the applicant is financially creditable and of good moral character.

(c) All applications are limited to one level-of-care classification (I, V, VI, or VIII) and must meet the requirements specified in paragraphs (1)-(5) of this subsection.

(1) (No change.)

(2) The proposed facility is noncontiguous to an already existing residential facility which serves individuals with mental retardation or a related condition. The proposed facility is in compliance with applicable special use permit requirements, local zoning, and/or occupancy code requirements, and §27.103 of this title (relating to State Licensing Standards) and §27.201 of this title (relating to Participation Requirements). The proposed facility must also meet the specifications described in subparagraphs (A) and (B) of this paragraph.

(A) The applicant must submit information about the proposed facility which addresses the services, programs, and plans detailed in clauses (i)-(iv) of this subparagraph.

(i) Availability of 24-hour emergency medical services, utility services, fire protection, police and sheriff protection, and waste disposal.

(ii) Plans for providing opportunities and support for the residents to develop and maintain positive relationships with a variety of persons in the community, including identification of the transportation resources available to the individuals who will reside in the proposed facility.

(iii) Plans for providing the programmatic and other support services, as required by 42 Code of Federal Regulations, Part 483, Subpart D, which are appropriate to the individuals who will be residing in the proposed facility.

(I) If the proposed facility intends to serve individuals who are eligible for educational services, the application must include documentation to verify that the local school district has been notified of the development of the proposed facility.

(II) If the proposed facility intends to serve individuals who are 22 years of age and older, the application must include a description of how the program intends to provide and/or support the delivery of vocational, day habilitation, or supported employment services.

(III) If the services are to be provided by an entity other than

the applicant or facility, the service provider must submit documentation of his intent to provide services to the individuals who will be residing in the proposed facility.

(B) The applicant must submit documentation that the proposed facility is located such that no other ICF/MR is within a one-half mile radius of the proposed facility.

(3) A needs assessment has been conducted to include the following.

(A) The applicant must submit a statement concerning the known number of developmentally disabled persons residing in the community and surrounding geographic area who can benefit from the services provided by the facility.

(B) The applicant must submit documentation to verify that the Mental Retardation Authority in whose catchment area the proposed facility is located has been notified of the development of the proposed facility and the proposed facility's admission criteria. The applicant must obtain and submit letters which address the need for the facility from at least two of the following sources: the superintendent of the state school and/or the executive director of the MHMR center in whose catchment area the proposed facility is located, advocacy groups, developmental disability service providers and organizations, school districts, and/or other appropriate developmental disability referral sources. Letters from individuals who have a financial interest in the proposed facility are not acceptable. The letters must refer specifically to the proposed facility by name and/or address, be current within six months prior to the submission of the application; and be printed on the letterhead of the acknowledging entity.

(C) If the facility serves individuals qualifying for Level-of-Care VIII services, the applicant must additionally submit documentation that verifies that the regional DHS office and at least two other appropriate developmental disability referral sources have been notified about the development of the proposed facility.

(D) The applicant must submit a written description of the resident group to be served, including admission criteria.

(4) If the applicant plans to serve individuals qualifying for Level-of-Care I or VIII services, the applicant must submit a written description of alternatives for semi-independent and independent living available to the facility for those individuals who successfully complete the

active treatment plan and evidence ability to move to a less restrictive placement. In the absence of these alternatives, the applicant must present evidence of having initiated planning for the development of these alternatives.

(5) Facilities requesting to reclassify must withdraw from the program in accordance with DHS's Texas Community ICF/MR Provider Manual, Item 2560, and reapply in compliance with the requirements of this section. This includes new facilities seeking to reclassify during the application process prior to initial certification and currently certified facilities.

(d) The applicant has nine months from the date an application for participation in the ICF/MR program has been approved by TXMHMR to obtain a license and certification by the Texas Department of Health (TDH). If, at the end of the nine-month period, the provider is unable to obtain a license and certification, the applicant must withdraw the request for program participation and reapply in compliance with the requirements of this section.

(1) TXMHMR may grant applicants a three-month extension for new construction delayed by inclement weather, natural disaster, construction strike, or other causes beyond the provider's control. New construction does not include renovations or modifications to existing structures. The request for the extension must be submitted in writing to TXMHMR at least 60 days prior to the end of the nine-month period and include documentation to support the circumstance which caused the delay.

(2) If there is an agency delay which is not the fault of the applicant and results in failure to obtain licensure and certification within the nine-month period, an extension is granted to enable completion of the process.

(3) If an applicant must change locations following application approval by TXMHMR, the change in location must:

(A) be reported to TXMHMR at least 10 days prior to the actual location change; and

(B) be requested within the first 30 days from the date of the original application approval;

(C) meet all requirements set forth in this section and be approved by TXMHMR, ICF/MR Section;

(D) remain within the same geographic region as the previously approved location, as defined in the TXMHMR's *Plan for New Bed Development* in the Texas ICF/MR Program;

(E) not alter the applicant's ability to obtain a license and certification within the nine-month time period set forth in this subsection.

(e) All applications for participation in the ICF/MR Program will be reviewed within three weeks of receipt in the TXMHMR, ICF/MR Section. Applications must meet all requirements set forth in this section to receive approval for participation and be in compliance with TXMHMR's *Plan for New Bed Development* in the Texas ICF-MR Program. Applications that have not received approval from TXMHMR within a three-month period from the date submitted will be withdrawn from the review process and returned to the applicant for completion. TXMHMR reserves the right to postpone the approval of any application if the applicant or an affiliate is currently under investigation or review for potential fraud, abuse, or misutilization of Medicaid funds or for any violation for which a sanction could be taken under §§79.2101-79.2304 of this title (relating to Fraud and Abuse Involving Medical Providers). As necessary, TXMHMR, ICF/MR Program staff will contact the applicant to facilitate completion of the application process. Upon approval, TXMHMR will notify the TDH that the facility can begin the licensing and certification survey processes. The contract for services is dependent on compliance with the provisions of this section.

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

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

TRD-9318686 Nancy Murphy
Agency liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: March 1, 1993

Proposal publication date: October 2, 1992

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

Chapter 48. Community Care for the Aged and Disabled

Medicaid Waiver Program for Persons with Related Condi- tions

• 40 TAC §48.2102, §48.2103

The Texas Department of Human Services (DHS) adopts amendments to §48.2102 and §48.2103, concerning definitions and eligibility criteria, without changes to the proposed text as published in the January 1, 1993, issue of the *Texas Register* (18 TexReg 38).

The justification for the amendment to §48.2103 is to require an applicant for the Community Living Assistance and Support Services (CLASS) program to move into the geographic catchment area within 120 days from the date the applicant's name is removed from the waiting list and begins the CLASS enrollment process. Section 48.2102 is amended to add the definition of "participant."

The amendments will function by more accurately reflecting DHS's policy concerning eligibility criteria.

No comments were received regarding adoption of the amendments.

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

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

Issued in Austin, Texas, on February 5, 1993.

TRD-9318642 Nancy Murphy
Agency liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: March 15, 1993

Proposal publication date: January 1, 1993

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

Part IV. Texas Commission for the Blind Chapter 167. Business Enterprise Program

• 40 TAC §167.3

The Texas Commission for the Blind adopts an amendment to §167.3, concerning the Business Enterprises Manual, without changes to the proposed text as published in the November 24, 1992, issue of the *Texas Register* (17 TexReg 8230).

The section is necessary to update rules governing the administration of the Business Enterprises Program.

Section 167.3 provides the administrative rules which govern the Business Enterprises Program's operations.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 5, Chapter 94, §94.12, which provide the Texas Commission for the Blind with the authority to promulgate rules.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel

and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 3, 1993.

TRD-8318608

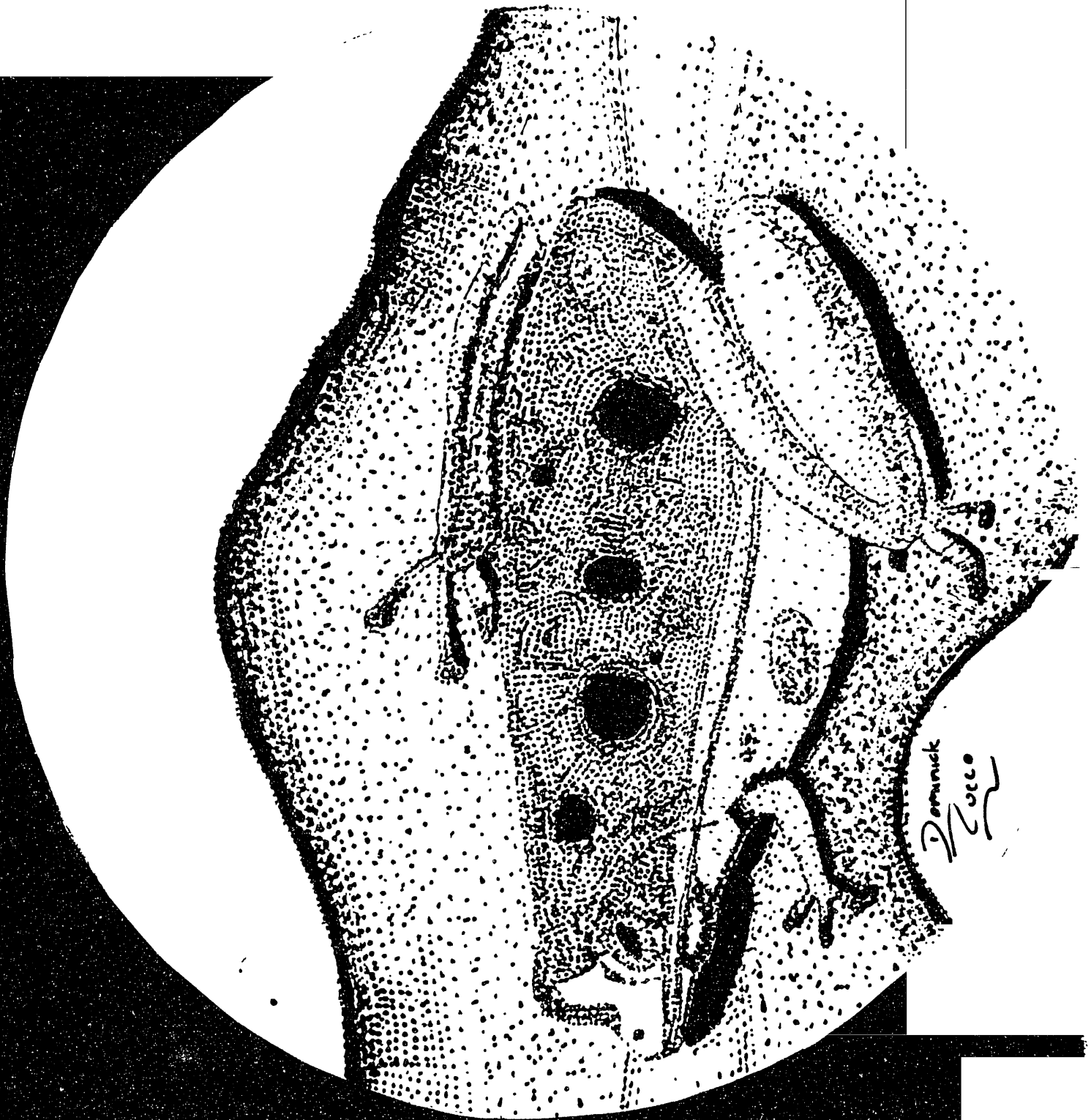
Pat D. Westbrook
Executive Director
Texas Commission for the
Blind

Effective date: March 1, 1993

Proposal publication date: November 24,
1992

For further information, please call: (512)
459-2800

◆ ◆ ◆



Name: Dominick Zucco
Grade: 7
School: Hendrick Middle School, Plano 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

Sunday-Monday, February 21-22, 1993, 1:30 p.m. and 8 a.m. respectively. The Texas Corn Producers Board of the Texas Department of Agriculture will meet at the Hyatt Regency Hotel, San Antonio. According to the agenda summary, the board will call the meeting to order; presentation and action on: minutes of previous meeting; financial statements; research requests; budget amendment for additional research requests; resolution for certificates of deposit and bank transactions; The World Conference on Refinery Processing and Reformulated Gasolines; activity and meeting reports; discuss other business; and action on date and location of next meeting.

Contact: Shelly Nutt, 218 East Bedford, Dimmitt, Texas 79027, (806) 647-4224.

Filed: February 8, 1993, 2:04 p.m.

TRD-9318732

Tuesday-Wednesday, February 23-24, 1993, 1 p.m., and 8 a.m. respectively. The Texas Wheat Producers Board of the Texas Department of Agriculture will meet at the Harvey Hotel, San Jacinto Room, 3100 I-40 West, Amarillo. According to the agenda summary, the board will call the meeting to order; discuss and act on: report from TDA; minutes of December meeting; financial report; collections and refund report; 1993-1994 assessment level and budget; United States Wheat Associates meeting; WETEC meeting; Wheat Utilization Committee meeting; NAWG meeting; Abilene Farm Show; reports on: related activities; 1993 biennial election; research and education project requests; activity reports; and discuss and act on USWA Board meeting and NAWG Board meeting for March 1993.

Contact: Bill Nelson, 2201 Civic Circle, Suite 803, Amarillo, Texas 79109, (806) 352-2191.

Filed: February 4, 1993, 10:13 a.m.

TRD-9318566

Thursday, February 25, 1993, 10 a.m. The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, Expressway 83, Two Blocks West of Morningside Road, San Juan. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code Annotated §103.001, et seq. (Vernon 1982) by J&J Valley Farms, Inc. as petitioned by Sharyland Corporation, doing business as Plantation Produce Company.

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

Filed: February 8, 1993, 2:03 p.m.

TRD-9318731

Thursday, February 25, 1993, 11 a.m. The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, Expressway 83, Two Blocks West of Morningside Road, San Juan. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code Annotated §103.001, et seq. (Vernon 1982) by Kay-Dee Produce as petitioned by Balde Morin.

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

Filed: February 8, 1993, 2:03 p.m.

TRD-9318730

Thursday, February 25, 1993, 1 p.m. The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, Expressway 83, Two Blocks West of Morningside Road, San Juan. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code Annotated §103.001, et seq. (Vernon 1982) by Javi Farms, Inc. as petitioned by Thomas E. Weisman.

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

Filed: February 8, 1993, 2:03 p.m.

TRD-9318729

Wednesday, March 3, 1993, 10 a.m. The Texas Rice Producers Board of the Texas Department of Agriculture will meet at the Harrison County Extension Center, Number Two Abercrombie Drive, Houston. According to the complete agenda, the board will call the meeting to order; discuss approval of minutes of previous meeting; discuss financial reports; discuss and take appropriate budget action; discuss other business; and adjourn.

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

Filed: February 4, 1993, 10:14 a.m.

TRD-9318567

Tuesday, March 9, 1993, 10 a.m. The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, Stephen F. Austin Building, 1700 North Congress Avenue, Room 928B, Austin. According to the complete agenda, the department will hold an administrative hearing to review alleged vi-

olation of Texas Agriculture Code Annotated, §103.001 et seq. (Vernon 1982) by the Commissary as petitioned by Kitchen Pride Mushroom Farms, Inc.

Contact: Joyce Arnold, P.O. Box 12847, Austin, Texas 78711, (512) 475-1668.

Filed: February 5, 1993, 9:04 a.m.

TRD-9318609

Texas Air Control Board

Thursday, February 18, 1993, 7 p.m. The Monitoring and Research Committee of the Texas Air Control Board will meet at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the complete agenda, the committee will consider and act on report of the task force on waste-derived fuel for cement kilns.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: February 9, 1993, 9:27 a.m.

TRD-9318796

Friday, February 19, 1993, 8 a.m. The Mobile Source Emissions Committee of the Texas Air Control Board will meet at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the complete agenda, the committee will consider and act on: development of report to the Legislature regarding adoption of California Motor Vehicle Emission Standards; proposed statutory changes regarding air quality regulation; continuance of Stage II vapor recovery requirements in consideration of the decision in NRDC et al versus Reilly et al; changes to the request for proposal for managing contractors for motor vehicle inspection/maintenance program; and selection of members for the inspection/maintenance program bid evaluation committee.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: February 9, 1993, 9:27 a.m.

TRD-9318795

Friday, February 19, 1993, 9 a.m. The Regulation Development Committee of the Texas Air Control Board will meet at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the complete agenda, the committee will consider and act to adopt amendments to General Rules concerning new §101.29 (Emissions Banking) and revisions to §101.1 (Definitions).

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: February 9, 1993, 9:26 a.m.

TRD-9318794

Friday, February 19, 1993, 9:30 a.m. The Permits Oversight Committee of the Texas Air Control Board will meet at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the complete agenda, the committee will consider and act on: development of a strategic plan to streamline permit requirements and procedures; nonattainment new source review and permit impacts on small business; establishment of round table meetings for federal operating permit implementation; and proposed statutory changes regarding air quality regulation.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: February 9, 1993, 9:26 a.m.

TRD-9318793

Friday, February 19, 1993, 11:30 a.m. The Budget and Finance Committee of the Texas Air Control Board will meet at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the complete agenda, the committee will consider and act on the purchase of a calibration gas dilution system; and on local program contracts for fiscal year 1993: City of Fort Worth Environmental Management Department.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: February 9, 1993, 9:26 a.m.

TRD-9318792

Friday, February 19, 1993, 11:45 a.m. The Enforcement Committee of the Texas Air Control Board will meet at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the complete agenda, the committee will consider and act on proposed statutory changes regarding air quality regulation.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: February 9, 1993, 9:26 a.m.

TRD-9318791

Friday, February 19, 1993, 1 p.m. The Texas Air Control Board will meet at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the agenda summary, the board will call the meeting to order; consider and act on approval of the minutes; hear public testimony; enforcement report; consider and act on agreed enforcement orders; equal employment opportunity commission workforce analysis and changes to the affirmative action plan; service awards; on changes to the request for proposal for managing contractors for motor vehicle inspection/maintenance (I/M) program; on selec-

tion of members for the I/M program/bid evaluation committee; on development of report to the Legislature regarding adoption of California motor vehicle emission standards; on continuance of Stage II vapor recovery requirement in consideration of the decision in NRDC et al versus Reilly et al; report by the Environmental Defense fund regarding Mexican/United States Border air quality issues; consider and act on: report of the task force of waste-derived fuels for cement kilns; Texas Research League air quality permitting report; development of a strategic plan to streamline permit requirements and procedures; on nonattainment new source review and permit impacts on small business; on establishment of roundtable meetings for federal operating permit implementation; to adopt amendments to General Rules concerning new §101.29 and revisions to §101.1; on purchase of calibration gas dilution system; on local program contracts for fiscal year 1993; proposed statutory changes regarding air quality regulation; on election of vice-chairman; development of a system to evaluate and select VOC Controls for ozone state implementation plan; hear committee meeting reports; discuss new business; and adjourn.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: February 9, 1993, 9:27 a.m.

TRD-9318790

Advisory Board of Athletic Trainers

Saturday, February 13, 1993, 9 a.m. The Advisory Board of Athletic Trainers will meet at the Radisson Hotel, Alameda Room, Market Square, San Antonio. According to the complete agenda, the board will discuss approval of the minutes of the October 16, 1992 meeting; discuss and possibly act on: reports of the chairman and the executive secretary; Southwest Athletic Trainers Association request concerning continuing education reporting of annual meeting; request from Vince Primo regarding Trinity University Athletic Trainer Education Program; application of James E. Riser; violation of the Act and rules by complaint numbers 93-001, 93-002, 92-005 and 92-006; amendments to rules (25 TAC, Chapter 313); request of Raymond E. Thompson, Jr.; request by Patricia Mary Heaney for further extension of continuing education period under §313.13(i)(1); status of the Sunset Commission; Continuing Education and Test Committee report on winter exams; and hear announcements and comments not requiring board action.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512)

834-6615. 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: February 5, 1993, 11:09 a.m.

TRD-9318629

The State Bar of Texas

Thursday-Friday, February 11-12, 1993, 10 a.m. and 8:30 a.m. (respectively). The Commission for Lawyer Discipline of the State Bar of Texas will hold an emergency revised agenda at the Texas Law Center, 1414 Colorado Street, Room 206, Austin. According to the emergency revised complete agenda, the commission will add: the case of William F. Stolhandske to Exhibit #1 under Item Numbers 13 and 17 for consideration of authorization of General Counsel/Chief Disciplinary Counsel to make, accept, or reject offers or take other appropriate action. The emergency status is necessary due to timing of settlement offer, trial, and next meeting of the Commission for Lawyer Discipline.

Contact: Anne Dorris, P.O. Box 12487, Austin, Texas 78711, (512) 463-1381.

Filed: February 4, 1993, 2:15 p.m.

TRD-9318577

Texas Commission for the Blind

Friday, February 12, 1993, 8 a.m. The Audit Committee of the Board of the Texas Commission for the Blind will hold an emergency meeting at the Criss Cole Rehabilitation Center, 4800 North Lamar Boulevard, Austin. According to the complete agenda, the committee will elect audit committee chairman; and hold work session on 1993 audit plan. The emergency status is necessary as a change in audit committee members and need for discussion prior to approval of agency's audit plan for fiscal year 1993.

Filed: Jean Wakefield, P.O. Box 12866, Austin, Texas 78711, (512) 459-2600.

Filed: February 8, 1993, 10:31 a.m.

TRD-9318716

Coastal Coordination Council

Friday, February 12, 1993, 9 a.m. The Executive Committee of the Coastal Coordination Council will meet at One Capitol Square, Committee Room Five, 300 West 15th Street, Austin. According to the complete agenda, the committee will call the

meeting to order; make opening remarks; discuss approval of the minutes of January 6, 1993 meeting; schedule regular meeting dates for the third Friday of each month; status report on the Gulf of Mexico program; discuss the Coastal Management Program (CMP) boundary considerations; discuss organizational structure for CMP development; discuss CMP policy development; agenda for the March executive committee meeting; hear public comment (agencies and public given opportunity to comment on each agenda item, three minutes limit); and adjourn.

Contact: Janet Fatheree, 1700 North Congress Avenue, Room 730, Austin, Texas 78701, (512) 463-5385.

Filed: February 4, 1993, 4:14 p.m.

TRD-9318607

Interagency Council on Early Childhood Intervention

Wednesday, February 17, 1993, 9 a.m. The Interagency Council on Early Childhood Intervention will meet at the Texas Department of Health, Room T-607, 1100 West 49th Street, Austin. According to the complete agenda, the council will receive public comments; discuss approval of the minutes of December 16, 1992 meeting; discuss and possibly act on: reports of the advisory committee and director's forum; Medicaid; plan to study program income use and funding methodologies; Chapter 1 carryover and final entitlement for private non-profit providers; FY 1993 categories relating to equipment, losses of funding and other program needs; recommendation to announce funds available for continuing services being dropped by Region One Education Service Center and infant intervention of Irving; posting of available funds for new and continuation high priority infant transitional services projects; philosophical paper describing service delivery; interagency contract revisions; plan to pilot a physician awareness project in cooperation with the Dallas High Priority Infant Transitional Services Project; executive director update to include proposed statutory revisions to Chapter 73, Human Resources Code, legislative activities and approval of staff organizational changes and space requirements; and meet in executive session to approve appointment of assistant director.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7673. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Contact: February 5, 1993, 11:08 a.m.

TRD-9318625

Texas Education Agency

Friday-Saturday, February 19-20, 1993, 10 a.m. and 8:30 a.m. respectively. The Texas Education Agency will meet at the Double Tree Hotel, 6505 North IH-35, Austin. According to the agenda summary, on Friday, the committee will review and discuss good news; approval of minutes; perfection of agenda; hear public comment; discuss old and new business; unmet needs; hearing officer decisions Docket Numbers 337-SE-692 Corpus Christi, 349-SE-792 Aransas Pass, 395-SE-892 Waco; hearing officer procedures; legislative budget board/legislative education board staff recommendations for special education funding; and mediation. On Saturday, the committee will hold a panel discussion on "What Needs to Happen for Inclusion to be a Reality?"; report card for school districts-How Does It Address Students With Disabilities; update on state plan; update on leadership initiative; and plan for next meeting.

Contact: Shirley Sanford, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9362.

Filed: February 8, 1993, 3:24 p.m.

TRD-9318757

Texas Employment Commission

Tuesday, February 16, 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; consideration of proposed or pending legislation and possible action with respect thereto; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 7; and set date of next meeting.

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

Filed: February 8, 1993, 4:06 p.m.

TRD-9318764

Texas Funeral Service Commission

Friday, February 19, 1993, 9 a.m. The Texas Funeral Service Commission will meet at the Austin North Hilton and Towers, 6000 Middle Fiskville, Austin. According to the agenda summary, the commission will discuss approval of the minutes; introduce visitors; items for consideration to include: public comment period; request for Gregory and Rosalind Spencer for Release from Probation; proposal of Attorney General's Office for Interagency Contract for Legal Counsel; proposal for decision; TFSC versus Greenwood F.H. and Deborah Houston; consider proposed agreed orders; consider cases to be closed and penalties to be assessed; committee reports; consider proposed rule changes; request of Troy Ratliff for further exemption to Rule 203.3; and hear executive director's report.

Contact: Larry A. Farrow, 8100 Cameron Road, Suite B-550, Austin, Texas 78753, (512) 834-9992.

Filed: February 8, 1993, 12:01 p.m.

TRD-9318724

Office of the Governor

Tuesday, February 9, 1993, 10 a.m. The Committee on People with Disabilities of the Office of the Governor held an emergency revised agenda at Moreton Building, M-739, Department of Health, 1100 West 49th Street, Austin. According to the emergency revised agenda summary, the committee acted on subcommittee report relevant to changes in GCPD awards programs. The emergency status was necessary due to changes in president's committee awards program necessitate review of program at state level.

Contact: Virginia Roberts, 201 East 14th Street, Austin, Texas 78711, (512) 463-5739.

Filed: February 4, 1993, 1:49 p.m.

TRD-9318576

Statewide Health Coordinating Council

Tuesday, February 16, 1993, 9 a.m. The Nominating Committee of the Statewide Health Coordinating Council will meet at the Texas Department of Health, Room M-653, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss in executive session and discuss and possibly act on in open session nominees for office to be presented to the full council for consideration at its next meeting.

Contact: Don Kretsinger, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261. For ADA assistance, call Richard Butler at (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: February 8, 1993, 4:59 p.m.

TRD-9318777

Texas Department of Health

Friday, February 12, 1993, 1 p.m. The Public Health Promotion Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, Room M-721, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes of the January 15, 1993 meeting; discuss and possibly act on progress report on the fiscal year 1993 public information plan; and ways to build community support and advocacy for public health programs.

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

Filed: February 4, 1993, 3:55 p.m.

TRD-9318601

Friday, February 12, 1993, 2 p.m. The Hospital and Ambulatory Care Services Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, Room M-741, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes of the January 15, 1993 meeting; and discuss and possibly act on proposed amendments to the home health care agencies rules and regulations.

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

Filed: February 4, 1993, 3:56 p.m.

TRD-9318602

Friday, February 12, 1993, 2:30 p.m. The Disease Control Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, Room M-721, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes of the January 15, 1993 meeting; discuss and possibly act on proposed interpretive guidelines concerning the

language in the Health and Safety Code; appointments to the HIV Services Advisory Committee; and appointments to the HIV Education; Prevention and Risk Reduction Advisory Committee.

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

Filed: February 4, 1993, 3:53 p.m.

TRD-9318599

Friday, February 12, 1993, 3:30 p.m. The Legislative Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, Room M-652, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss legislative update.

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

Filed: February 4, 1993, 3:54 p.m.

TRD-9318600

Saturday, February 12, 1993, 4 p.m. The Environmental Health Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, Room M-653, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes of the January 16, 1993 meeting; discuss and possibly act on: proposed amendments and revisions to the Texas Regulations for Control of Radiation (TRCR), Parts 11, 12, 21, 31, 32, 41, 44, and 46 (relating to general provisions; fees for certificates of registration, radioactive material(s) licenses, emergency planning and implementation, and other regulatory services; standards for protection against radiation; licensing of radioactive material (exemptions, general licenses, and general license acknowledgement); radiation safety requirements and licensing and registration procedures for industrial radiography; use of radiation machines in the healing arts and veterinary medicine, and registration of radiation machine use and services); proposed new rules to the TRCR, Part 46, concerning licensing of naturally occurring radioactive material; and final adoption of amendments to the TRCR, Part 44; 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 at (512) 458-7488 or T. D.D. (512)

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

Filed: February 4, 1993, 3:57 p.m.

TRD-9318604

Friday, February 12, 1993, 5 p.m. The Texas Board of Health Long Term Care Committee of the Texas Department of Health will meet at the Texas Department of Health, Room M-652, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes of the November 20, 1992 meeting; and discuss and possibly act on comments received on the proposed amendments to the nurse aide registry and training program rules.

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

Filed: February 4, 1993, 3:57 p.m.

TRD-9318603

Saturday, February 13, 1993, 7:45 a.m. The Executive Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, Room M-741, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss and possibly act on items of procedure for the February 13, 1993, Texas Board of Health meeting; and the department's Continuous Quality Improvement (COI) Initiative.

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

Filed: February 5, 1993, 11:09 a.m.

TRD-9318628

Saturday, February 13, 1993, 8:45 a.m. The Texas Board of Health Budget and Finance Committee of the Texas Department of Health will meet at the Texas Department of Health, Room M-721, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes of the January 16, 1993, meeting; and discuss and possibly act on an update on the legislative appropriations process.

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

Filed: February 5, 1993, 11:09 a.m.

TRD-9318627

Saturday, February 13, 1993, 9:30 a.m. The Health Provider, Licensure and Certification Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, Room M-741, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes of the November 21, 1992, meeting; discuss and possibly act on the final adoption of amendments to the rules concerning licensure and regulation of marriage and family therapists.

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

Filed: February 5, 1993, 11:09 a.m.

TRD-9318626

Saturday, February 13, 1993, 10 a.m. The Family Health Services Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, Room M-652, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes of the January 15, 1993, meeting; discuss and possibly act on: proposed amendments to the Chronically Ill and Disabled Children's Services Guidelines for Cardiac Diagnostic and Treatment Centers; health provider, licensure, and certification (adoption of amendments to rules concerning licensing and regulation of marriage and family therapists); hospital and ambulatory care services (proposed amendments to rules concerning home health care agencies); long term care (proposed amendments to rules concerning the nurse aide registry and training program); public health promotion; legislative proposals; strategic planning; and personnel (committee appointments). 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, (512) 458-7484. For ADA assistance, call Richard Butler at (512) 458-7488 or T. D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: February 5, 1993, 11:09 a.m.

TRD-9318630

Saturday, February 13, 1993, 11 a.m. The Texas Board of Health Personnel Committee of the Texas Department of Health will meet at the Texas Department of Health, Room M-721, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss in executive session and discuss and possibly act on in open session: appointments to the HIV Services Advisory Committee; appointments to the HIV Education, Prevention and Risk Reduction Advisory Committee; and appointments to the Dental Technical Advisory Committee.

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

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

Filed: February 5, 1993, 11:09 a.m.

TRD-9318631

Saturday, February 13, 1993, 12:30 p.m. The Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, Room M-739, 1100 West 49th Street, Austin. According to the agenda summary, the board will discuss approval of the minutes of the January 16, 1993 meeting; hear Commissioner of Health's report; discuss and possibly act on: resolutions; hear committee reports on: budget and finance (update on Legislative appropriations process); disease control (proposed interpretive guidelines for language in the Health and Safety Code); emergency and disaster; environmental health (proposed amendments and new rules to the Texas Regulations for Control of Radiation (TRCR), and final adoption of amendments to the TRCR); family health services (proposed amendments to the Chronically Ill and Disabled Children's Services Guidelines for Cardiac Diagnostic and Treatment Centers); health provider, licensure, and certification (adoption of amendments to rules concerning licensing and regulation of marriage and family therapists); hospital and ambulatory care services (proposed amendments to rules concerning home health care agencies); long term care (proposed amendments to rules concerning the nurse aide registry and training program); public health promotion; legislative proposals; strategic planning; and personnel (committee appointments). 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, (512) 458-7484. For ADA assistance, call Richard Butler at (512) 458-7488 or T. D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: February 5, 1993, 11:14 a.m.

TRD-9318634

Thursday, February 18, 1993, 1 p.m. The Primary Health Care Services Program Advisory Committee of the Texas Department of Health will meet at the Texas Department of Health, Room T-607, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes of previous meeting; discuss and possibly act on: fiscal year 1994-1995 Public Health Care Services Program (PHCSP) budget request; two-year plan annual report; PHCSP work-

shops and request for proposals; pharmacy and formulary review; election of officers; and selection of next meeting date.

Contact: John Dombroski, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7771. For ADA assistance, call Richard Butler at (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: February 5, 1993, 11:07 a.m.

TRD-9318623

Saturday, February 20, 1993, 8:30 a.m. The Continuing Education Committee of the Medical Radiologic Technologist Advisory Board of the Texas Department of Health will meet at the Texas Department of Health, Room S-402, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss and possibly act on: proposal from the Bureau of Radiation Control regarding mammography; exemption from continuing education for advanced examination in non-ionizing radiation topic areas; request from Midwestern State University regarding credit for certain college courses; and request for approval to be included as an organization which approves continuing education activities from the Foundation for Continuing Education in Radiologic Sciences.

Contact: Donna Hardin, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6617. For ADA assistance, call Richard Butler at (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: February 5, 1993, 11:09 a.m.

TRD-9318632

Saturday, February 20, 1993, 9:45 a.m. The Medical Radiologic Technologist Advisory Board of the Texas Department of Health will meet at the Exchange Building, 8704 Wall Street, Room S-402, Austin. According to the complete agenda, the committee will discuss and possibly act on: report concerning the comparative analysis of the dental assistant examinations of the Dental Assisting National Board and the American Medical Technologists-Registered Dental Assistant (RDA); request from American Medical Technologists regarding acceptance of RDA examination; request from the American Technologists regarding acceptance of educational programs for dental assistants; and applications recommended for disapproval by the program administrator.

Contact: Donna Hardin, 1100 West 49th Street, Austin, Texas 78756, (512) 458-6617.

Filed: February 5, 1993, 11:13 a.m.

TRD-9318633

Saturday, February 20, 1993, 11 a.m. The Medical Radiologic Technologist Advisory Board of the Texas Department of Health will meet at the Exchange Building, Room S-400, 8407 Wall Street, Austin. According to the complete agenda, the board will discuss approval of the minutes of the October 1992 meeting; discuss and possibly act on reports of the chairman and the program administrator; letters from the Nuclear Medicine Technology Certification Board, the American Registry of Clinical Radiography Technologists, and the American Registry of Radiologic Technologists for Texas reinstatement purposes; Public Law 102-539, Mammography Quality Standards Act of 1992 and House Bill 63; report of the Continuing Education Committee; request from the Foundation for Continuing Education in Radiologic Sciences to be included as an organization which approves continuing education activities; report of the Credentials Committee; recommendation from the Credentials Committee regarding request for examination and school approval from the American Medical Technologists; applications disapproved by the program administrator; other matters relating to the certification of medical radiologic technologists not requiring board action; and hear announcements and comments.

Contact: Donna Hardin, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6617. For ADA assistance, call Richard Butler at (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: February 5, 1993, 4:05 p.m.

TRD-9318656

Texas Department of Human Services

Tuesday, February 16, 1993, 9:30 a.m. The Adolescent Pregnancy and Parenthood Advisory Council of the Texas Department of Human Services will meet at the Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Rooms 7331-7332, Austin. According to the complete agenda, the council will discuss approval of APPAC's report to the 73rd Legislature; give an update on legislation; House Bill 7 update; DHS budget update; media update; and advisory committee report. The meeting will move to the Speakers Conference Room at the Capitol at 2 p.m. for a press conference.

Contact: William Pace, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-5330.

Filed: February 8, 1993, 10:15 a.m.

TRD-9318714

Texas Department of Insurance

Wednesday, February 17, 1993, 9 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the agenda summary, the board will discuss personnel; litigation; commissioner's orders; solvency; budget; staff reports; continue Docket 1943 concerning proposed statistical plan for auto insurance and report from working group; consider industry member appointments to Governing Committee of Facility; consider transfer of TDI Hearings Division to State Office of Administrative Hearings; consider whether meeting or hearing will be granted regarding petition to amend Texas Workers' Compensation statistical plan and a petition by the Facility requesting a manual rule for redistribution of assessments made on insurers in liquidation; consider adoption of the following 28 TAC Rules: 7.18 repeal of salvage and subrogation; 7.62 repeal concerning annual statement forms; 1983 and new 7.62 concerning filing requirements of annual and quarterly blanks; consider petition for new rule to provide exceptions from registration under Article 1.06D, Insurance Code regarding Ethics Advisory Opinion Number 110; and legislative updates.

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

Filed: February 4, 1993, 3:48 p.m.

TRD-9318596

Wednesday, February 17, 1993, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe, Hobby II, Fourth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether the underwriting guidelines submitted by Allstate Insurance Company, Allstate Indemnity Company and Allstate County Mutual Insurance Company, State Farm Mutual Automobile Insurance Company, Mid-Century Insurance Company of Texas, Texas Farmers County Mutual Insurance Company, Texas Farmers Insurance Company and Southern Farm Bureau Casualty Insurance Company, Texas Farm Bureau Mutual Insurance Company, and Texas Farm Bureau Underwriters Insurance Company are a trade secret and whether such information is confidential.

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

Filed: February 8, 1993, 3:24 p.m.

TRD-9318754

Wednesday, February 17, 1993, 1:30 p.m. The Commissioner's Hearing Section of the

Texas Department of Insurance will meet at 333 Guadalupe, Hobby II, Fourth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider Patrick J. Kennedy, Dallas, for a Group I, Legal Reserve Life Insurance Agent's license.

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

Filed: February 8, 1993, 3:24 p.m.

TRD-9318753

Thursday, February 18, 1993, 9 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the agenda summary, the board will discuss personnel; litigation; commissioner's orders; solvency; budget; staff reports; legislative updates; consider filings by Atlantic Mutual Companies et al, Hartford Insurance Company of the Midwest, American and Foreign Insurance Company, A.I. Lloyds Insurance Company, United States Fire Insurance Company, et al, Podiatry Insurance Company of America, Fireman's Fund Insurance Companies et al, Federated Mutual Insurance Company, et al, Bituminous Casualty Corporation, Continental Casualty Company, et al, and Utica Mutual Insurance Company, et al; consider extension of due date for report of Advisory Committee on Contamination to March 15, 1993; consider publication of proposed new 28 TAC §5.9301 concerning property/casualty filing transmittal proposed amendment of 28 TAC §5.9302 concerning elimination of engineering and/or inspection service as part of definition of large risk for purposes of determining equivalent coverage; consider petition filed by TAISO to amend the Auto Liability Experience Rating Manual; and consider request from American States Insurance Company.

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

Filed: February 4, 1993, 3:48 p.m.

TRD-9318597

Thursday, February 18, 1993, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe, Hobby II, Fourth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the appeal of Eric H. Scheffey, M.D. from a decision of the Deputy Commissioner for Casualty Insurance approving an (a) rate application filed the Texas Medical Liability Insurance Underwriting Association.

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

Filed: February 8, 1993, 3:24 p.m.

TRD-9318752

Friday, February 19, 1993, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe, Hobby II, Fourth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of William James Russell, Sugarland, for a Group I, Legal Reserve Life Insurance Agent's license.

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

Filed: February 8, 1993, 3:24 p.m.

TRD-9318751

Friday, February 19, 1993, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at the Brazoria County Courthouse, 111 Locust Street, Angleton. According to the complete agenda, the section will conduct a public hearing to consider the appeal of Donald L. Mullett, Pearland, of the action of the Texas Catastrophe Property Insurance Association.

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

Filed: February 8, 1993, 3:23 p.m.

TRD-9318750

Tuesday, March 2, 1993, 8:30 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 13501, Austin. According to the complete agenda, the board will consider any necessary response to actions, requests, or other occurrences from the 73rd Legislative Session and from committees and members thereof.

Contact: Joe Woods, 333 Guadalupe Street, Mail Code 113-3A, Austin, Texas 78701, (512) 463-6651.

Filed: February 4, 1993, 1:41 p.m.

TRD-9318575

Tuesday, March 9, 1993, 8:30 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 13501, Austin. According to the complete agenda, the board will consider any necessary response to actions, requests, or other occurrences from the 73rd Legislative Session and from committees and members thereof.

Contact: Joe Woods, 333 Guadalupe Street, Mail Code 113-3A, Austin, Texas 78701, (512) 463-6651.

Filed: February 4, 1993, 1:40 p.m.

TRD-9318574

Tuesday, March 16, 1993, 8:30 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 13501, Austin. According to the complete agenda, the board will consider any necessary response to actions, requests, or other occurrences from the 73rd Legislative Session and from committees and members thereof.

Contact: Joe Woods, 333 Guadalupe Street, Mail Code 113-3A, Austin, Texas 78701, (512) 463-6651.

Filed: February 4, 1993, 1:41 p.m.

TRD-9318573

Tuesday, March 23, 1993, 8:30 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 13501, Austin. According to the complete agenda, the board will consider any necessary response to actions, requests, or other occurrences from the 73rd Legislative Session and from committees and members thereof.

Contact: Joe Woods, 333 Guadalupe Street, Mail Code 113-3A, Austin, Texas 78701, (512) 463-6651.

Filed: February 4, 1993, 1:41 p.m.

TRD-9318572

Tuesday, March 30, 1993, 8:30 a.m. The State Board of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 13501, Austin. According to the complete agenda, the board will consider any necessary response to actions, requests, or other occurrences from the 73rd Legislative Session and from committees and members thereof.

Contact: Joe Woods, 333 Guadalupe Street, Mail Code 113-3A, Austin, Texas 78701, (512) 463-6651.

Filed: February 4, 1993, 1:41 p.m.

TRD-9318571

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**Lamar University System,
Board of Regents**

Thursday, February 11, 1993, 9 a.m. The Committees of the Board of Regents of the Lamar University System met at the John Gray Institute, Map Room, 855 Florida Street, Beaumont. According to the agenda summary, the following committees met: building and grounds; academic affairs; finance and audit; personnel; development and public relations; met in executive session (held under provisions of Vernon's Civil Statutes, Article 6252-17, Section 2,

Paragraph 3, e, legal; and f, real estate; and g, personnel.

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

Filed: February 5, 1993, 4:16 p.m.

TRD-9318661

Thursday, February 11, 1993, 1 p.m. The Board of Regents of the Lamar University System met at the John Gray Institute, Map Room, 855 Florida Street, Beaumont. According to the agenda summary, the board called the meeting to order; gave invocation; discussed approval of minutes; heard chairman's/chancellor's comments; considered recommendations of: building and grounds committee; academic affairs committee; finance and audit committee; personnel committee; development and public relations committee; regents comments and suggestions; and adjourned.

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

Filed: February 8, 1993, 9:29 a.m.

TRD-9318690

Board of Law Examiners

Saturday-Sunday, February 20-21, 1993, 8:30 a.m. The Board of Law Examiners will meet at the Guest Quarters Hotel, 303 West 15th Street, Austin. According to the agenda summary, the board will consider approval of minutes; hear financial report; investment report; consider various reports from staff and the chair; hold public hearings and conduct deliberations on character and fitness matters; consider rule amendments; consider special requests; information about the February 1993 bar exam; review the February examination; hear communications from the public; hear from the Supreme Court liaison; and discuss relevant publications.

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

Filed: February 8, 1993, 10:31 a.m.

TRD-9318717

Monday, February 22, 1993, 8:30 a.m. The Board of Law Examiners will meet at the Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the board will consider approval of the minutes; hear financial and investment report; consider various reports from staff and the chair; hold public hearings and conduct deliberations on character and fitness matters; consider rule amendments; consider special requests; information about the February 1993 bar exam; review the

February examination; hear communications from the public; hear from the Supreme Court liaison; and discuss relevant publications.

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

Filed: February 8, 1993, 10:32 a.m.

TRD-9318718

Texas State Library and Archives Commission

Tuesday, February 16, 1993, 10 a.m. The Texas State Library and Archives Commission will meet at the Texas State Library Records Center, 4400 Shoal Creek Boulevard, Austin. According to the complete agenda, the commission will discuss approval of minutes of the November 23, 1992, meeting; consider adoption of proposed standards and procedures for management of electronic records; state government records and local government records; adoption of proposed amendments to the rules for the state publications depository program; General Land Office recommendation to sell a 3,626-acre tract of land located on Shoal Creek Boulevard, Austin; legislative budget board staff performance report for the library and archives commission's statewide library development program; and committee reports.

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

Filed: February 4, 1993, 2:37 p.m.

TRD-9318588

Texas Department of Licensing and Regulation

Tuesday, February 16, 1993, 9:30 a.m. The Texas Commission of Licensing and Regulation of the Texas Department of Licensing and Regulation will meet at 4311 Oak Lawn, Suite 444, Dallas. According to the complete agenda, the commission will call the meeting to order; take roll call and certification of quorum; meet in executive session; discuss appointment of executive director; employee travel; consider request for rehearings; discuss date, time and location of next commission meeting; and adjourn.

Contact: Elvis Schulze, 920 Colorado Street, Austin, Texas 78711, (512) 463-3127.

Filed: February 8, 1993, 3:46 p.m.

TRD-9318762

Tuesday, February 23, 1993, 1 p.m. The Auctioneer Education Advisory Board of

the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, Room 1012, 920 Colorado Street, Austin. According to the agenda summary, the board will select officer; hear public comments; discuss methods of evaluation of educational programs, seminars, and training projects; and ethics and conflict of interest.

Contact: Jimmy G. Martin, P.O. Box 12157, Austin, Texas 78711, (512) 463-7348.

Filed: February 9, 1993, 8:56 a.m.

TRD-9318781

Friday, February 26, 1993, 8:30 a.m. The Air Conditioning and Refrigeration Contractors Advisory Board of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, Room 1012, 920 Colorado Street, Austin. According to the agenda summary, the board will hear staff report on licensing and re-examinations, enforcement, and administration; task group reports on examinations; proposed bill for changes to Article 8861, Article 5.43-2, Insurance Code and Fire Alarm Rules; Federal Clean Air Act (information only); new rule proposed by the boiler board; rewrite of air conditioning rules; hearing and negotiation with State Board of Plumbing Examiners; and discuss manufactured housing exemption and interface with manufactured housing law.

Contact: Jimmy G. Martin, P.O. Box 12157, Austin, Texas 78711, (512) 463-7348.

Filed: February 9, 1993, 8:56 a.m.

TRD-9318780

Texas National Guard Armory Board

Sunday, February 7, 1993, 2:30 p.m. The Texas National Guard Armory Board held an emergency meeting in Building 64, Camp Mabry, 2200 West 35th Street, Austin. According to the complete agenda, the board discussed the funding for relocation of the City of Austin's 42-inch water line which runs under the State Area Command Headquarters and Air Guard Buildings. The emergency status was necessary as a \$400,000/\$500,000 shortfall existed, and the board needed to determine whether to stop construction of the projects or fund the shortfall and locate the source of funds available to use.

Contact: Sandra Hille, P.O. Box 5426, Austin, Texas 78763, (512) 451-6143.

Filed: February 5, 1993, 3:09 p.m.

TRD-9318644

Texas Board of Pardons and Paroles

Tuesday, February 16, 1993, 9 a.m. The Parole Board Panel of the Texas Board of Pardons and Paroles will meet at 2821 Guadalupe Street, Suite 106, San Antonio. According to the agenda summary, the panel (composed of three board members) will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

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

Filed: February 4, 1993, 3:35 p.m.

TRD-9318592

Tuesday-Wednesday, February 16-17, 1993, 9 a.m. The Parole Board Panel of the Texas Board of Pardons and Paroles will meet at 4949 West 34th Street, Suite 115, Houston. According to the agenda summary, the panel (composed of three board members) will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

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

Filed: February 4, 1993, 3:34 p.m.

TRD-9318589

Tuesday-Thursday, February 16-18, 1993, 9 a.m. The Parole Board Panel of the Texas Board of Pardons and Paroles will meet at 1010 Cadiz, Suite 105, Dallas. According to the agenda summary, the panel (composed of three board members) will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

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

Filed: February 4, 1993, 3:35 p.m.

TRD-9318591

Thursday, February 18, 1993, 9 a.m. The Parole Board Panel of the Texas Board of Pardons and Paroles will meet at 202 Airport Plaza, Midland. According to the agenda summary, the panel (composed of three board members) will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

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

Filed: February 4, 1993, 3:35 p.m.

TRD-9318590

State Pension Review Board

Tuesday, February 16, 1993, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board will meet at the William P. Clements Building, 300 West 15th Street, Pension Review Board Conference Room, Fourth Floor, Room 406, Austin. According to the complete agenda, the committee will prepare actuarial impact statements on bills for which actuarial information is available by meeting time, and for which requests have been received from legislative committees.

Contact: Lynda Baker, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: February 4, 1993, 4:01 p.m.

TRD-9318605

Tuesday, February 23, 1993, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board will meet at the William P. Clements Building, 300 West 15th Street, Pension Review Board Conference Room, Fourth Floor, Room 406, Austin. According to the complete agenda, the committee will prepare actuarial impact statements on bills for which actuarial information is available by meeting time, and for which requests have been received from legislative committees.

Contact: Lynda Baker, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: February 5, 1993, 10:14 a.m.

TRD-9318616

Texas State Board of Physical Therapy Examiners

Monday, February 15, 1993, 7 p.m. The Education Committee of the Texas State

Board of Physical Therapy Examiners will meet at the Wyndham Hotel Southpark, 4140 Governor's Row, Austin. According to the complete agenda, the committee will review guidelines for educational credentialing agencies; discuss book list for applicants for examination; and discuss new business.

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

Filed: February 8, 1993, 2:25 p.m.

TRD-9318742

Texas State Board of Podiatry Examiners

Thursday-Friday, February 18-19, 1993, 2 p.m. and 8 a.m. respectively. The Texas State Board of Podiatry Examiners will meet at the Holiday Inn Northwest Plaza, 8901 Business Park Drive, Austin. According to the agenda summary, on Thursday, the board will discuss nitrous oxide rule changes; practicing podiatry without a license; malpractice insurance reporting; student loan delinquency; advertising rules; Yellow Page ads; LVN's trimming corns, callouses and toenails; jurisprudence exam; inspection of credentials; board discussion in executive session pursuant to Sections 2(e) and 2(g) of Article 6252-17 with executive director and possible board action concerning valuation, employment, reassignment, duties, discipline, or expectations of board or to hear complaints, questions, or receive responses from executive director regarding evaluation, employment, reassignment, duties, discipline, or expectations of board; and set place and date for next meeting. On Friday, the board will conduct oral exams; and complete agenda by grading and compiling grades and signing of the licenses.

Contact: Janie Alonzo, 3420 Executive Center Drive, Suite 305, Austin, Texas 78731, (512) 794-0145.

Filed: February 8, 1993, 12:37 p.m.

TRD-9318726

Texas Property and Casualty Insurance Guaranty Association

Thursday, February 11, 1993, 8 a.m. The Board of Directors of the Texas Property and Casualty Insurance Guaranty Association held an emergency meeting at 9420 Research Boulevard, Suite 400, Echelon III, Austin. According to the agenda summary, the board discussed and possibly acted on the issue of assessment of member insurers;

establishment of a policy regarding trends in the workers' compensation insurance industry and their effect on the issue of assessment of member insurers; development of an investment policy for the association; selected an investment manager and consultant; amendment to §29.7 of the TPCIGA plan of operation; proposed legislative amendments to those articles of the Texas Insurance Code affecting the association; and on the selection of a legislative/liaison/lobbyist. The emergency status was necessary as a reasonably unforeseen situation requiring immediate action by the Board of Directors, to wit, issues affecting the assessment of member insurers.

Contact: Marvin Kelly, 9420 Research Boulevard, Suite 400, Austin, Texas 78759, (512) 345-9335.

Filed: February 8, 1993, 12:29 p.m.

TRD-9318725

Texas Department of Protective and Regulatory Services

Thursday, February 18, 1993, 10 a.m. The Post-Adoption Services Advisory Committee of the Texas Department of Protective and Regulatory Services will meet at the Joe Thompson Center, 26th and Red River Streets, Austin. According to the complete agenda, the committee will give a program update; legislature update; provider's report; and adjourn.

Contact: Susan Klickman, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3302.

Filed: February 8, 1993, 10:21 a.m.

TRD-9318715

Public Utility Commission of Texas

Thursday, February 18, 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 prehearing conference in Docket Number 11776-application of Gulf States Utilities Company for approval of a joint venture cogeneration project and treatment of revenues (remand).

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

Filed: February 8, 1993, 2:56 p.m.

TRD-9318746

Wednesday, June 9, 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 10940-application of Sugar Land Telephone Company for approval of House Bill 11 Tax Adjustment Factors for 1992 pursuant to PUC Substantive Rule 23.21(d).

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

Filed: February 4, 1993, 3:52 p.m.

TRD-9318598

Railroad Commission of Texas

Friday, February 19, 1993, 11 a.m. (Revised agenda). The Railroad Commission of Texas will meet in the 12th Floor Conference Room 12-126, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, 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.

Contact: Paula Middleton, P.O. Box 12967, Austin, Texas 78711, (512) 463-6729.

Filed: February 8, 1993, 4:04 p.m.

TRD-9318763

Friday, February 19, 1993, 2 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. According to the agenda summary, 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.

Contact: Paula Middleton, P.O. Box 12967, Austin, Texas 78711, (512) 463-6729.

Filed: February 5, 1993, 10:16 a.m.

TRD-9318617

School Land Board

Tuesday, February 16, 1993, 10 a.m. The School Land Board will meet at the General Land Office, Stephen F. Austin Building, Room 831, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will discuss approval of previous board meeting minutes; discuss pooling ap-

plications, NE Clay (Austin Chalk-11350), Brazos and Burlison Counties; Giddings (Austin Chalk 3), Fayette County; Giddings Field, Fayette County; Amy G. (Jud Sand), Haskell County; Waha (Montoya EB2) Field, Reeves County; coastal public lands-commercial easement renewals, Aransas Bay, Aransas County; Neches River, Jefferson County; commercial easement amendments, Sabine River, Jefferson County; reconsideration of lease application, Laguna Madre, Cameron County; lease application, West Bay, Galveston Bay; easement applications, Laguna Madre, Cameron County; Corpus Christi Bay, Nueces County; easement renewal applications, Cox Lake, Brazoria County; Laguna Madre, Nueces County; Laguna Madre, Cameron County; easement amendment application, Laguna Madre, Cameron County; structure permit amendment, Laguna Madre, Kleberg County; meet in executive session to consider land trade, Brazoria County; consider land trade, Brazoria County; and meet in executive session to discuss pending and proposed litigation.

Contact: Linda K. Fisher, Room 836, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5016.

Filed: February 8, 1993, 4:21 p.m.

TRD-9318772

The Texas A&M University System, Board of Regents

Thursday, February 11, 1993, 1:30 a.m. The Board of Regents of the Texas A&M University System met at the Board of Regents Meeting Room, College Station. According to the complete agenda, the board held a telephonic meeting to consider and award a bid on the Student Services Building at Tarleton State University.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: February 5, 1993, 3:50 p.m.

TRD-9318654

Texas Life, Accident, Health and Hospital Service Insurance Guaranty Association

Tuesday, February 16, 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: discuss approval of minutes; consider and

possibly act on filing officer vacancy; review of Guaranty Association activities; meet in executive session; reconvene in open session to discuss matters discussed in executive session; audit and assessment committee; review of assessments; Mutual Benefit Life Insurance amended Rehabilitation Plan; executive life insurance interim enhancement agreement; commissioner's request regarding funds to rehabilitate an insurer; insurance coverage for association; accounting services to Texas Title Guaranty Association; and set next meeting date.

Contact: C. S. LaShelle, 301 Congress Avenue, #500, Austin, Texas 78701, (512) 476-5101.

Filed: February 8, 1993, 11 a.m.

TRD-9318721

Texas Department of Transportation

Monday, February 22, 1993, 10 a.m. The Public Transportation Advisory Committee of the Texas Department of Transportation will meet at 150 East Riverside Drive, Room 309C, Austin. According to the agenda summary, the committee will discuss approval of minutes; give an overview of urbanized transit systems; presentation on the Laredo Transit System; final review of proposed rulemaking concerning transportation enhancement program; preliminary review of proposed rulemaking concerning an amendment to 43 TAC §31.57, Disposition of Property; and briefing of proposed public transportation legislation.

Contact: Richard Christie, 125 East 11th Street, Austin, Texas 78701, (512) 483-3650.

Filed: February 8, 1993, 2:11 p.m.

TRD-9318736

Thursday, February 25, 1993, 9 a.m. The Environmental Advisory Committee of the Texas Department of Transportation will meet at 200 East Riverside Drive, Building 200, Room 101, Austin. According to the agenda summary, the committee will discuss approval of minutes; briefing on activities of other statutory commission advisory committees; preliminary review of proposed rulemaking concerning transportation corporations; final review of proposed rulemaking concerning a memorandum of understanding with the Texas Air Control Board and the transportation enhancements program; briefing on current status/commission action regarding rules previously reviewed by the committee; and staff presentations on: lead paint removal and disposal and reclaimed asphalt pavement.

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

Filed: February 8, 1993, 2:11 p.m.

TRD-9318737

University of Houston System

Wednesday, February 10, 1993, 2 p.m. The Board of Regents Facilities Planning and Building Committee of the University of Houston System met at the University of Houston System Offices, Conference Room One, 1600 Smith, 34th Floor, Houston. According to the complete agenda, the committee discussed and/or acted upon the following: selection of architects for the School of Music; heard report from the School of Music Building Project Planning Committee on Consultants; met in executive session; heard reports from employees; and report and action from executive session.

Contact: Peggy Cervenka, 1600 Smith, 34th Floor, Houston, Texas 77002, (713) 754-7442.

Filed: February 5, 1993, 10:33 a.m.

TRD-9318619

University of Texas Health Science Center at San Antonio

Wednesday, February 17, 1993, 3 p.m. The Institutional Animal Care and Use Committee of the University of Texas Health Science Center at San Antonio will meet in Room 422A (Medical School), 7703 Floyd Curl Drive, San Antonio. According to the agenda summary, the committee will discuss approval of the minutes; discuss 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: February 5, 1993, 1:12 p.m.

TRD-9318636

Texas Water Commission

Thursday-Friday, February 18-19, 1993, 8 a.m. The Municipal Solid Waste Management and Resource Recovery Advisory Council of the Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the council will discuss the following issues: make introductions/announcements; discuss approval of the November 20, 1992, minutes; hear Waste Management Policy Division Director's report; municipal solid waste division director's report; border solid waste issues; environmental institute; pre-

sentation by Chairman John Hall; committee meetings and reports; and public comment period. On Thursday, February 18, 1993-committee meetings; and on Friday, February 19, 1993, general session and committee reports.

Contact: Gary Trim, P.O. Box 13087, Austin, Texas 78711, (512) 463-6708.

Filed: February 8, 1993, 4:11 p.m.

TRD-9318771

Thursday, March 4, 1993, 6 p.m. The Texas Water Commission will meet at the New Library Building, 410 76 Drive, Harlingen. According to the agenda summary, the commission will hold a public meeting to consider an application for a municipal solid waste facility permit by the City of Harlingen, Permit Number MSW2131. The facility is to be located within the western city limits of Harlingen, 0.8 mile east of the intersection of Loop 499 and FM Road 106 in Cameron County.

Contact: Ann Scudday, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: February 8, 1993, 2:25 p.m.

TRD-9318744

Thursday, March 25, 1993, 9 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Harrison County Courthouse, Room 315, Marshall. According to the agenda summary, the commission will consider an application for amendment to Permit Number 10378-001 in order to relocate the discharge point by the City of Waskom.

Contact: Elizabeth Bourbon, P.O. Box 13087, Austin, Texas 78701, (512) 463-7875.

Filed: February 8, 1993, 2:25 p.m.

TRD-9318743

Friday, April 2, 1993, 10 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, Room 618, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on S. A. Duffin doing business as West Park Village's water rate increase effective January 1, 1993, for its service area in Tarrant County. Docket Number 9858-G.

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

Filed: February 8, 1993, 9:35 a.m.

TRD-9318697

Friday, April 2, 1993, 10 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, Room 1149A, 1700 North Congress Avenue, Austin. According to the

agenda summary, the commission will hold a hearing on J. M. Boswell doing business as Texas Water Company's water rate increase effective September 1, 1992 for its service area located in Polk County. Staff of the commission is requesting a hearing because the proposed tariff has the potential to generate a revenue increase greater than communicated in the Notice sent to the water utility customers on May 21, 1992, and greater than the cost of service calculated by the commission staff. Docket Number 9524-G.

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

Filed: February 8, 1993, 9:34 a.m.

TRD-9318695

Monday, March 15, 1993, 1 p.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the William B. Travis Building, Room 1-100, 1701 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on the City of Denton's application for amendments to Certificates of Convenience and Necessity (CCN) Numbers 10195 (water) and 20072 (sewer) to allow it to expand the area to which it provides water and utility service in Denton County. Applicant is proposing dual certification or decertification of overlapping service areas with portions of Bolivar WSC's CCN Number 11257 area, Green Springs WSC's CCN Number 11480 area, Ponderosa Utility Company's CCN Number 12203 area, Cripple Creek WSC's CCN Number 12567 area, and Brittany Hill Water Association, Inc.'s CCN Number 11883 area. Proposed service area is located approximately seven miles north of downtown Denton. Docket Numbers 9824-C (water) and 9825-C (sewer).

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

Filed: February 8, 1993, 9:35 a.m.

TRD-9318696

Monday, April 19, 1993, 10 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, Room 1149B, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on the conversion of Buena Vista-Bethel Water Supply Corporation to Buena Vista-Bethel Special Utility District and transfer of Certificate of Convenience and Necessity Number 10898 from the water supply corporation to the special utility district.

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

Filed: February 8, 1993, 9:34 a.m.

TRD-9318694

Texas Workers' Compensation Commission

Thursday, February 11, 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; rules for adoption; Chapter 102; rules for amendment; Chapter 164; rules for proposal; Chapter 145; acted on applications for self-insurance; acted on electing two self-insured members; commission procedures; commission policy on the ombudsman program; nominations to the Medical Advisory Committee; rule-making petition; met in executive session; acted on matters considered in executive session; heard general reports; set future public meetings; elected a chairman and vice-chairman; and adjourned.

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 440-3592.

Filed: February 5, 1993, 3:47 p.m.

TRD-9318652

Friday, February 12, 1993, 9 a.m. The Medical Advisory Committee of the Texas Workers' Compensation Commission will meet at the Southfield Building, Rooms 910-911, 4000 South IH-35, Austin. According to the agenda summary, the committee will call the meeting to order; review and discuss approval of the January 8, 1993 minutes; discuss medical fee guideline; report on spine treatment guideline; impairment rating and training program; preauthorization disputes; rules to commissioners; TWCC Advisory 92-09; MAC by-laws; rule for pharmaceutical services; establish draft agenda; establish next meeting date; and adjourn.

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 440-3592.

Filed: February 5, 1993, 3:46 p.m.

TRD-9318651

Texas Workers' Compensation Insurance Facility

Monday, February 15, 1993, 9:30 a.m. The Governing Committee of the Texas Workers' Compensation Insurance Facility will meet at the Guest Quarters Hotel, 303 West 15th Street, Austin. According to the agenda summary, the committee will discuss approval of the January 11, 1993 minutes; consider and possibly act on resolution adopting a cafeteria plan pursuant to Sec-

tion 125, Internal Revenue Code, on issues affecting the calculation and collection of premiums for workers' compensation coverage and federal Longshore and Harbor Workers' Compensation Act coverage; on December 31, 1992, biennial report of the Legislative Oversight Committee on Workers' Compensation Insurance; State Auditor's report; legislative issues and recommendations; engagement of legislative liaisons; Appeals Subcommittee recommendations; and on servicing company requests for reimbursement of legal fees and expenses; hear executive director's report; and meet in executive session regarding personnel matters and pending legal matters; reconvene in open and public session and take any action as may be desirable or necessary.

Contact: Russell R. Oliver, 8303 MoPac Expressway North, Suite 310, Austin, Texas 78759-8396, (512) 345-1222.

Filed: February 4, 1993, 9:14 a.m.

TRD-9318613

Regional Meetings

Meetings Filed February 4, 1993

The Denton Central Appraisal District Appraisal Review Board will meet at 3911 Morse Street, Denton, February 17, 1993, at 9 a.m. Information may be obtained from John Brown, 3911 Morse Street, Denton, Texas 76208, (817) 566-0904. TRD-9318584.

The Education Service Center, Region 10 Board of Directors met at the Region 10 Board Room, 400 East Spring Valley, Richardson, February 10, 1993, at 12:30 p.m. Information may be obtained from Joe Farmer, 400 East Spring Valley, Richardson, Texas 75081, (214) 231-6301. TRD-9318587.

The El Oso Water Supply Corporation Board of Directors met at their office, FM 99, Karnes City, February 9, 1993, 7:30 p.m. Information may be obtained from Judith Zimmermann, P.O. Box 309, Karnes City, Texas 78118, (210) 780-3539. TRD-9318568.

The Hays County Appraisal District Appraisal Review Board met at 632 A. East Hopkins Street, Municipal Building, San Marcos, February 11, 1993, 9 a.m. Information may be obtained from Lynnell Sedlar, 632 A. East Hopkins Street, San Marcos, Texas 78666, (512) 754-7400. TRD-9318570.

The Hays County Appraisal District Board of Directors met at 632 A. East Hopkins Street, Municipal Building, San Marcos, February 11, 1993, 3:30 p.m. Information may be obtained from Lynnell

Sedlar, 632 A. East Hopkins Street, San Marcos, Texas 78666, (512) 754-7400. TRD-9318594.

The Henderson County Appraisal District Board of Directors will meet at 1751 Enterprise, Athens, February 15, 1993, at 7:30 p.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9318595.

The Hickory Underground Water Conservation District Number One Board and Advisors met at 2023 South Bridge Street, Brady, February 11, 1993, at 7 p.m. Information may be obtained from Lorna Moore, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785. TRD-9318593.

The Lower Colorado River Authority Retirement Benefits Committee met at 3701 Lake Austin Boulevard, Hancock Building, Austin, February 9, 1993, at 1:30 p.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9318606.

The Region IV Education Service Center Board of Directors met at the Region IV Education Service Center, Board Room, 7145 West Tidwell, Houston, February 9, 1993, at 6 p.m. Information may be obtained from W. L. McKinney, 7145 West Tidwell, Houston, Texas 77092, (713) 744-6534. TRD-9318569.

The Tarrant Appraisal District Appraisal Review Board will meet at 2329 Gravel Road, Fort Worth, February 16, 1993, at 8 a.m. Information may be obtained from Suzanne Williams, 2329 Gravel Road, Fort Worth, Texas 76118-6984, (817) 284-8884. TRD-9318586.

The Tarrant Appraisal District Appraisal Review Board will meet at 2329 Gravel Road, Fort Worth, February 17-18, 1993, at 8:30 a.m. Information may be obtained from Suzanne Williams, 2329 Gravel Road, Fort Worth, Texas 76118-6984, (817) 284-8884. TRD-9318585.

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**Meetings Filed February 5,
1993**

The Archer County Appraisal District Board of Directors met at the Appraisal District Office, 101 South Center, Archer City, February 10, 1993, at 5 p.m. Information may be obtained from Edward H. Trigg, III, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172. TRD-9318653.

The Barton Springs/Edwards Aquifer Conservation District Board of Directors met at 1124-A Regal Row, Austin, February 11, 1993, at 5:30 p.m. Information may be obtained from William Couch,

1124-A Regal Row, Austin, Texas 78748, (512) 282-8441. TRD-9318662.

The Bastrop Central Appraisal District Appraisal Review Board met at the Bastrop Central Appraisal District, 1200 Cedar Street, Bastrop, February 11, 1993, at 8:30 a.m. Information may be obtained from Dana Ripley, P.O. Box 578, Bastrop, Texas 78602, (512) 321-3925. TRD-9318674.

The Bastrop Central Appraisal District Board of Directors will meet at the Bastrop Central Appraisal District, 1200 Cedar Street, Bastrop, February 18, 1993, at 7:30 p.m. Information may be obtained from Dana Ripley, P.O. Box 578, Bastrop, Texas 78602, (512) 321-3925. TRD-9318673.

The Coleman County Water Supply Corporation Board of Directors met at the Corporation Office, 214 Santa Anna Avenue, Coleman, February 10, 1993, at 1:30 p.m. Information may be obtained from Davey Thweatt, 214 Santa Anna Avenue, Coleman, Texas 76834, (915) 625-2133. TRD-9318621.

The Dallas Area Rapid Transit Administrative Committee met at the DART Headquarters, 1401 Pacific Avenue, Board Conference Room C, Dallas, February 9, 1993, at 11 a.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9318659.

The Dallas Area Rapid Transit Operations Development Committee met at the DART Headquarters, 1401 Pacific Avenue, Board Conference Room C, Dallas, February 9, 1993, at 1 p.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9318657.

The Dallas Area Rapid Transit Board of Directors' met at the DART Headquarters, 1401 Pacific Avenue, DART Board Room, Dallas, February 9, 1993, at 4 p.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9318658.

The Gonzales County Appraisal District Board of Directors met at 928 St. Paul Street, Gonzales, February 11, 1993, at 6 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (210) 672-2879. TRD-9318655.

The Hale-Hockley County Education District Number Eight Board of Directors will meet at the Citizens State Bank, Anton, February 18, 1993, at 7 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9318683.

The Hays County Appraisal District Appraisal Review Board met at 632 A. East

Hopkins, Municipal Building, San Marcos, February 11, 1993, at 9 a. m. (Revised agenda). Information may be obtained from Lynnell Sedlar, 632 A. East Hopkins, San Marcos, Texas 78666, (512) 754-7400. TRD-9318620.

The Hickory Underground Water Conservation District Number One Board and Advisors met at 2023 South Bridge Street, Brady, February 11, 1993, at 7 p.m. (Revised agenda). Information may be obtained from Lorna Moore, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785. TRD-9318635.

The Hockley County Appraisal District Board of Directors will meet at 1103-C Houston Street, Levelland, February 15, 1993, at 7 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9318682.

The Kendall Appraisal District Board of Directors met at 121 South Main Street, Kendall Appraisal District, Boerne, February 11, 1993, at 5 p.m. Information may be obtained from Joe Pat Davis, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9318681.

The Lamb County Appraisal District Appraisal Review Board will meet at 330 Phelps Avenue, Littlefield, March 2, 1993, at 8 a.m. Information may be obtained from Vaughn E. McKee, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474. TRD-9318639.

The Lometa Rural Water Supply Corporation Board of Directors met at the Lometa Rural Water Supply Office, 506 West Main Street, Lometa, February 8, 1993, at 7 p.m. Information may be obtained from Levi G. Cash, P.O. Box 158, Lometa, Texas 76853, (512) 752-3505. TRD-9318615.

The Lower Colorado River Authority Agenda Review Committee met at 3701 Lake Austin Boulevard, Hancock Building, Austin, February 9, 1993, at 10 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9318624.

The Middle Rio Grande Development Council Texas Review and Comment System met at the City Council Chambers, Corner of Highway 83 and 90, Uvalde, February 10, 1993, at 4 p.m. Information may be obtained from Dora Flores, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9318645.

The Nolan Central Appraisal District Board of Directors will meet at the Nolan County Courthouse, Third Floor, Sweetwater, February 12, 1993, at 7 a.m. Information may be obtained from Steven Beck, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421. TRD-9318612.

The Panhandle Ground Water Conservation District Number Three Board of Directors met at the Water District Office, 300 South Omohundro, White Deer, February 10, 1993, at 7:30 p.m. Information may be obtained from C. E. Williams, P.O. Box 637, White Deer, Texas 79097, (806) 883-2501. TRD-9318618.

The Sabine Valley Center Personnel Committee met at the Administration Building, 107 Woodbine Place, Bramlette Lane, Longview, February 8, 1993, at 6 p.m. Information may be obtained from Mack O. Blackwell, P.O. Box 6800, Longview, Texas 75608, (903) 758-2471. TRD-9318643.

The Texas Panhandle Mental Health Authority Executive Committee met at 7120 I-40 West, Suite 150, Amarillo, February 11, 1993, at 10:30 a.m. Information may be obtained from Tammy Suddeath, P.O. Box 3250, Amarillo, Texas 79116, (806) 353-3699. TRD-9318622.

The Trinity River Authority of Texas Administration Committee will meet at 5300 South Collins, Arlington, February 12, 1993, at 10:30 a.m. Information may be obtained from James L. Murphy, 5300 South Collins, Arlington, Texas 76018, (817) 467-4343. TRD-9318646.

The Tyler County Appraisal District Appraisal Review Board will meet at 307 West Bluff, Woodville, February 18, 1993, at 4 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9318637.



Meetings Filed February 8, 1993

The County Education District Number 14 will meet at the Pampa Middle School Library, 2401 Charles Street, Pampa, February 15, 1993, at 7 p.m. Information may be obtained from Dawson Orr, 321 West Albert Street, Pampa, Texas 79065, (806) 669-4700. TRD-9318758.

The Deep East Texas Council of Governments Solid Waste Task Force met at the Lufkin City Hall Council Chambers, 300 Shepherd Avenue, Lufkin, February 11, 1993, at 1:30 p.m. Information may be obtained from Katie Bayliss, 274 East Lamar Boulevard, Jasper, Texas 75951, (409) 384-5704. TRD-9318693.

The Deep East Texas Private Industry Council, Inc. Planning and Educational Advisory Committees will meet at 118 South First Street, Lufkin, February 16, 1993, at 10 a.m. Information may be obtained from Charlene Meadows, P.O. Box 1423, Lufkin, Texas 75901, (409) 634-4432. TRD-9318706.

The Golden Crescent Service Delivery Area Planning Committee Private Industry Council, Inc. met at 2401 Houston Highway, Victoria, February 11, 1993, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9318767.

The Gregg County Appraisal District Board of Directors will meet at 2010 Gilmer Road, Longview, February 15, 1993, at 9 a.m. Information may be obtained from Bill Carroll, 2010 Gilmer Road, Longview, Texas 75604, (903) 759-0015. TRD-9318705.

The Johnson County Rural Water Supply Corporation Insurance Committee met at the JCRWSC Office, Highway 171 South, Cleburne, February 11, 1993, at 2 p.m. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9318728.

The Johnson County Rural Water Supply Corporation Employee Handbook Committee met at the JCRWSC Office, Highway 171 South, Cleburne, February 11, 1993, at 3 p.m. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9318727.

The Liberty County Central Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, February 18, 1993, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9318713.

The Manville Water Supply Corporation Board of Directors met at the Manville Office, Spur 277, Coupland, February 11, 1993, at 7 p.m. Information may be obtained from LaVerne Rohlack, P.O. Box 248, Coupland, Texas 78615, (512) 272-4044. TRD-9318684.

The Palo Pinto Appraisal District Agricultural Advisory Board will meet at the Jones' Drive Inn, Mineral Wells, February 17, 1993, at 6 a.m. Information may be obtained from Jackie F. Samford, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1234. TRD-9318708.

The Palo Pinto Appraisal District Board of Directors will meet at the Palo Pinto County Courthouse, Palo Pinto, February 17, 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-9318709.

The Region III Education Service Center Board of Directors will meet at the Ramada Inn, 3901 Houston Highway, Victoria, February 15, 1993, at 11:30 a.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, (512)

573-0731. TRD-9318755.

The Region III Education Service Center Board of Directors will meet at 1905 Leary Lane, Victoria, February 15, 1993, at 1:30 p.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731. TRD-9318756.

The Region 14 Education Service Center Board of Directors will meet at the Region 14 ESC, 1850 Highway 351, Abilene, February 18, 1993, at 5:30 p.m. Information may be obtained from Taressa Huey, 1850 Highway 351, Abilene, Texas 79601, (915) 675-8608. TRD-9318692.

The San Antonio River Authority (SARA) Board of Directors will meet at the SARA General Office, Board Room, 100 East Guenther Street, San Antonio, February 17, 1993, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (210) 227-1373. TRD-9318691.

The San Jacinto River Authority Board of Directors will meet at the Lake Conroe Office Building, Highway 105 West, Conroe, February 17, 1993, at 12:30 p.m. Information may be obtained from James R. Adams, P.O. Box 329, Conroe, Texas 77305, (409) 588-1111. TRD-9318710.

The South East Texas Regional Planning Commission Executive Committee will meet at the City of Beaumont Council Chambers, Beaumont, February 17, 1993, at 7 p.m. Information may be obtained from Jackie Vice, P.O. Drawer 1387, Nederland, Texas 77627, (409) 727-2384. TRD-9318707.

The Tax Appraisal District of Bell County Board of Directors will meet at the Tax Appraisal District Building, 411 East Central Avenue, Belton, February 17, 1993, at 7 p.m. Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-5841, extension 29. TRD-9318740.

The Texas Panhandle Mental Health Authority Board of Trustees met at 7120 I-40 West, Suite 150, Amarillo, February 11, 1993, at 10:30 a.m. The emergency status was necessary due to addition of one more item of business. Information may be obtained from Tammy Suddeath, P.O. Box 3250, Amarillo, Texas 79116, (806) 353-3699. TRD-9318761.

The Trinity River Industrial Development Authority Board of Directors will meet at 5300 Collins, Arlington, February 15, 1993, at 11:30 a.m. Information may be obtained from Ramona A. Winer, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343. TRD-9318773.



**Meetings Filed February 9,
1993**

The Central Counties Center for Mental Health and Mental Retardation Services Board of Trustees will meet at 304 South 22nd Street, Temple, February 16, 1993, at 7:45 p.m. Information may be obtained from Eldon Tietje, 304 South 22nd Street, Temple, Texas 76501, (817) 778-4841, extension 301. TRD-9318778.

The Central Counties Center for Mental Health and Mental Retardation Services Board of Trustees will meet at 304 South 22nd Street, Temple, February 16, 1993, at 7:45 p.m. (Revised agenda). Information may be obtained from Eldon Tietje, 304 South 22nd Street, Temple, Texas 76501, (817) 778-4841, extension 301. TRD-9318797

The Dallas Area Rapid Transit Officers' and Chairs' will meet at the DART Headquarters, 1401 Pacific Avenue, Conference Room C, Dallas, February 12, 1993, at noon. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9318789.

The Mills County Appraisal District will meet at the Mills County Courthouse Jury Room, Goldthwaite, February 18, 1993, at 6:30 p.m. Information may be obtained from Cynthia Partin, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253. TRD-9318782.

The North Texas Municipal Water District Board of Directors will meet at the Administrative Offices, 505 East Brown Street, Wylie, February 23, 1993, at 4 p.m.

Information may be obtained from Carl W. Riehn, P.O. Box 2408, Wylie, Texas 75098, (214) 442-5405. TRD-9318787.

The Nueces-Jim Wells-Kleberg-Kenedy Soil and Water Conservation District Board of Directors will meet at 548 Highway 77 South, Suite B, Robstown, February 16, 1993, at 2 p.m. Information may be obtained from Denise Lawhon, 548 Highway 77 South, Suite B, Robstown, Texas 78380, (512) 387-4116. TRD-9318786.

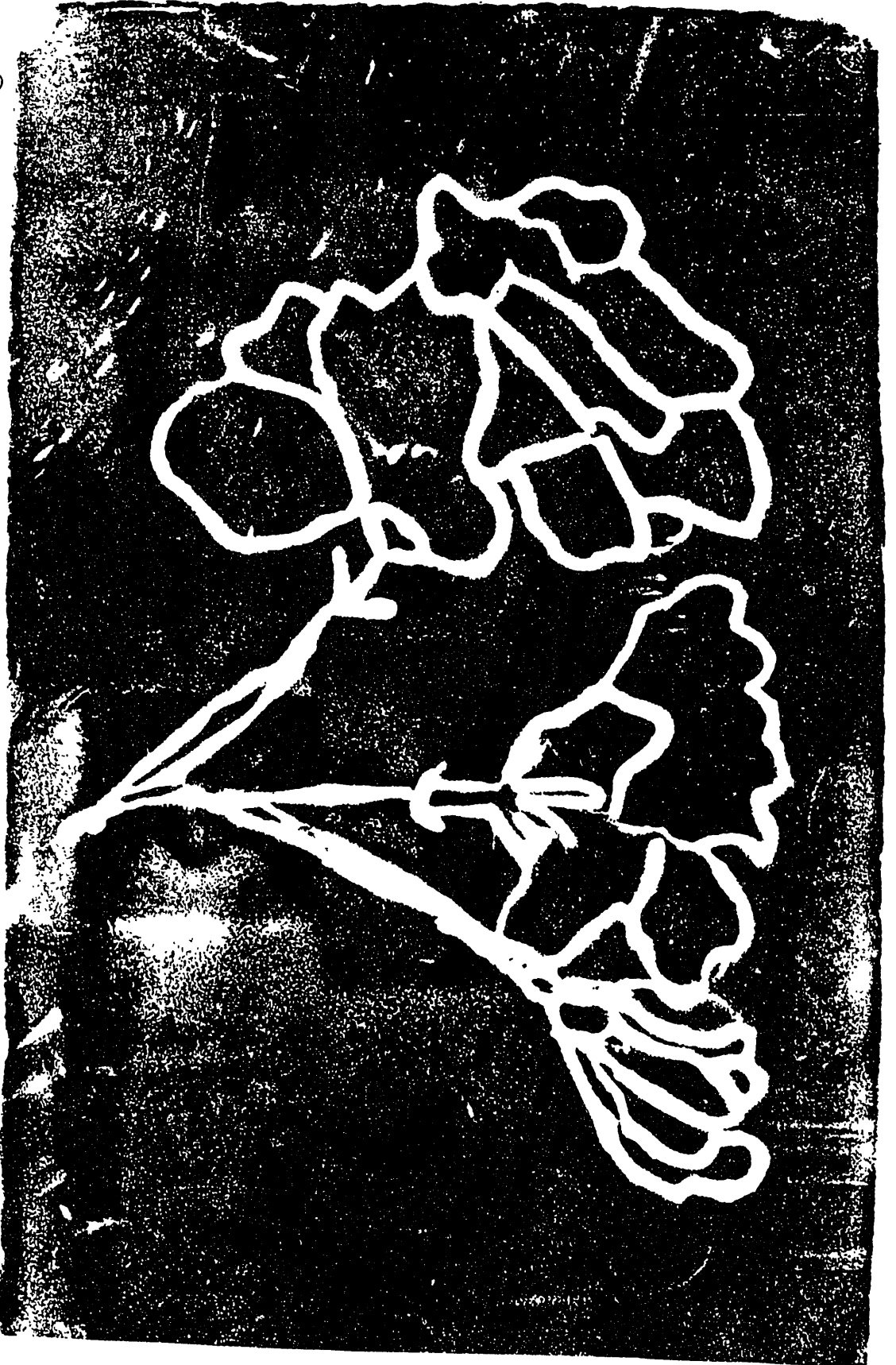
The San Patricio County Appraisal District Appraisal Review Board will meet at the Appraisal District Office, 1146 East Market Street, Sinton, February 18, 1993, at 2 p.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402. TRD-9318783.



Erin Lusiana

"Three of a Kind"

4c



Name: Erin Lusiana

Grade: 6

School: Hendrick Middle School, Plano ISD

In Addition

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

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

Texas Department of Banking Notice of Application

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a bank to file an application with the Banking Commissioner for the Commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the Commissioner.

On February 2, 1993, the Banking Commissioner received an application to acquire control of Hill Bank and Trust Company, Weimar, by John H. Massey and Elizabeth Shatto Massey, both of Dallas.

Additional information may be obtained from: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1317.

Issued in Austin, Texas, on February 2, 1993.

TRD-9318538 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: February 3, 1993

Notice of Hearing

The Hearing Office of the Texas Department of Banking will conduct a hearing on February 25, 1993, 9:30 a.m., at 2601 North Lamar Boulevard, Austin, on the application to establish a branch of the Bank of South Texas, Floresville, Texas to be located at 223 East Main, Alice, pursuant to the authorization contained in Texas Civil Statutes, Article 342-903.

Anyone desiring to appear at the hearing must file a written notice of intent to appear, including a brief statement of position, with this office at least 10 days prior to the hearing. A copy of this notice, and all other pleadings, must be sent to each party to the hearing.

Additional information may be obtained from D'Ann Johnson, Assistant General Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1302.

Issued in Austin, Texas, on January 28, 1993.

TRD-9318562 Larry J. Craddock
Hearings Officer
Texas Department of Banking

Filed: February 4, 1993

Texas Education Agency Notice of Contract Award

Description. This notice is filed pursuant to Texas Civil Statutes, Article 6252-11c. After publication of request for proposal in the August 7, 1992, issue of the *Texas Register* (17 TexReg 5569), the Texas Education Agency on February 3, 1993, executed a contract with The Bank of New York, One Wall Street, New York, New York 10286, and New First City, Texas-Houston, 1301 Fannin, Houston, Texas 77002, to implement and administer a securities lending program for the State Permanent School Fund of Texas.

Cost and Dates. Revenue will be paid to the Available School Fund based on a negotiated fee arrangement and the securities lending activity. Beginning date for the contract will be February 3, 1993, and ending date will be August 31, 1993.

Due Dates of Reports. The contractor will provide daily reports of securities on loan and monthly reports of securities lending activity and income.

Issued in Austin, Texas, on February 4, 1993.

TRD-9318704 Lionel R. Meno
Commissioner of Education
Texas Education Agency

Filed: February 8, 1993

Texas Higher Education Coordinating Board Notice of Meeting

The Youth Opportunities Unlimited (YOU) Advisory Board of the Texas Higher Education Coordinating Board will meet on Tuesday, February 16, 1993, at the Coordinating Board Office at 7745 Chevy Chase Drive, Building V, Suite V.139. The meeting is scheduled to begin at 10 a.m. and end at 12 p.m. The purpose of the meeting is to advise state-level staff on program problems, deficiencies and YOU program enhancements that enable SDA's to better meet JTPA program requirement quarterly.

Issued in Austin, Texas, on February 4, 1993.

TRD-9318610 Sharon Jahnsman
Administrative Secretary
Texas Higher Education Coordinating Board

Filed: February 5, 1993

**Texas Department of Housing and
Community Affairs
Notice of Public Hearing**

The Texas Department of Housing and Community Affairs (TDHCA) announces that a public hearing will be held to receive comments on the proposed 1993 program year state plan for the Texas Weatherization Assistance for Low-Income Persons (WAFLIP) Program.

The public hearing will be held at 1:30 p.m. Tuesday, February 23, 1993, in Room 300, Texas Department of Housing and Community Affairs, 811 Barton Springs Road, Austin. At the hearing, TDHCA representatives will provide descriptions of the Weatherization Assistance Program and the proposed use of United States Department of Energy funds, the Low-Income Home Energy Assistance Program Block Grant funds, and Petroleum Violation Escrow funds for the program year which begins April 1, 1993.

Local officials and citizens are encouraged to participate in the hearing process. Written and oral comments received will be used to finalize the FFY 93 Texas Weatherization Assistance Program State Plan and Application. Written comments from those who cannot attend the hearing in person may be provided by February 25, 1993, to Larry Crumpton, Assistant Deputy for Community Affairs and Economic Development, Texas Department of Housing and Community Affairs, P.O. Box 13941, Austin, Texas 78711-3941.

Copies of the proposed state plan will be available during the third week in February. A copy may be requested by calling J. Al Almaguer at (512) 475-3866 or by writing Mr. Almaguer at the address given above.

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 Aurora Carvajal at (512) 475-3822 five work days prior to the meeting so that appropriate arrangement can be made. Individuals using TDD machines may access: 1 (800) RELAY TX.

The Texas Department of Housing and Community Affairs does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of services.

Issued in Austin, Texas, on February 4, 1993.

TRD-9318614 Henry Flores
 Executive Director
 Texas Department of Housing and
 Community Affairs

Filed: February 5, 1993

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Public Utility Commission
Notices of Intent to File Pursuant to
PUC Substantive Rules 23.27

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

Tariff Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for Hermann Hospital pursuant to PUC Substantive Rule 23.27(k). Docket Number 11757.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for Hermann Hospital. The geographic service market for this specific service is the Houston area.

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

Issued in Austin, Texas, on February 4, 1993.

TRD-9318647 John M. Renfrow
 Secretary of the Commission
 Public Utility Commission of Texas

Filed: February 5, 1993



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

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for Alcatel pursuant to PUC Substantive Rule 23.27(k). Docket Number 11756.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for Alcatel. The geographic service market for this specific service is the Richardson area.

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

Issued in Austin, Texas, on February 4, 1993.

TRD-9318648 John M. Renfrow
 Secretary of the Commission
 Public Utility Commission of Texas

Filed: February 5, 1993



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

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for Tenneco pursuant to PUC Substantive Rule 23.27(k). Docket Number 11752.

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

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

Issued in Austin, Texas, on February 4, 1993.

TRD-9318649 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: February 5, 1993

Notices of Intent to File Pursuant to PUC Substantive Rules 23.28

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to the Public Utility Commission Substantive Rule 23.28 for approval of promotional residence rates for new customers of an existing service, Personalized Ring Service.

Tariff Title and Number. Application of Southwestern Bell Telephone Company Promotional Residence Rate for Personalized Ring Service. Pursuant to Public Utility Commission Substantive Rule 23.28; Tariff Control Number 11742.

The Application. Southwestern Bell Telephone Company is requesting approval of promotional residence rates for new customers for an existing service, Personalized Ring Service, for a two-month period beginning April 1, 1993.

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

Issued in Austin, Texas, on February 2, 1993.

TRD-9318531 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: February 3, 1993

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to the Public Utility Commission Substantive Rule 23.28 for approval of a three-month waiver of the non-recurring sign-up fee associated with the Option Calling Plan.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for Waiver of Non-Recurring Sign-Up Fee Associated with Optional Calling Plan. Pursuant to Public Utility Commission Substantive Rule 23.28; Tariff Control Number 11754.

The Application. Southwestern Bell Telephone Company is requesting approval of three-month waiver of the non-recurring sign-up fee associated with the Option Calling Plan, beginning April 1, 1993-June 30, 1993.

Persons who wish to comment upon action sought should contact the Public Utility Commission on Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757,

or call the Public Utility Commission Public Information Section at (512) 458-0256 or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on February 2, 1993.

TRD-9318532 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: February 3, 1993

Texas Racing Commission Correction of Error

The Texas Racing Commission adopted amendments to 16 TAC §309.51, concerning contracts, §311.171, concerning kennel owners, §321.119, concerning odd-even. The rules were published in the January 29, 1993, *Texas Register* (18 TexReg 586).

On page 586, §309.51, third paragraph in the preamble: "racetracks" should be singular, "racetrack".

On page 587, §311.171, fourth paragraph of the preamble: "tract" should read "track". In subsection (j) in the first sentence "...day of race meeting..." should read "...day of a race meeting". In the third sentence "...greyhound, or any other information..." should read "...greyhound was given, the name of the veterinarian who euthanized the greyhound, or any other information..."

On page 587, §321.119, second paragraph of the preamble: "...wagering; is conducting..." should read "...wagering is conducted..." In the third paragraph "...to odd-even..." should read "...the odd-even..."

Texas Water Commission Meeting Notice

A meeting of the Management Committee of the Galveston Bay National Estuary Program is scheduled for: Wednesday, February 17, 1993, 9 a.m., Bayou Building, Forest Room, University of Houston-Clear Lake, Houston.

Following opening remarks and approval of minutes, the Committee will hear a program update from the Program Director. The Committee will then approve the Advisory Committee Reports from their last meetings. The Committee will then consider approval of Fiscal Year 1994 Projects and Budget for the Program's Annual Work Plan. The Committee will then consider a strategy to review the Texas Surface Water Quality Standards for Galveston Bay and its tributaries, in order to submit revision requests to the Texas Water Commission during the upcoming Standard revision. The Committee will then consider a resolution concerning Outstanding National Resource Waters Designation for Christmas Bay. The Committee will then discuss institutions and mechanisms potentially available for implementation of the Comprehensive Conservation and Management Plan for Galveston Bay. The Committee will then receive an update on current Galveston Bay National Estuary Program projects. The Committee will then consider approval of final reports for the following projects: Living Resources Status and Trends (Probable Causes); Toxicants in Sediment and Benthos; Bay-Wide Management Evaluation; and Wetland Habitat Survey. The Committee will then discuss possible private funding

of Galveston Bay National Estuary Program Projects. The Committee will then consider any other business, a date for the next meeting, and will adjourn.

Issued in Houston, Texas, on February 3, 1993.

TRD-9318689 Frank S. Shiple
Director, Galveston Bay National Estuary
Program
Texas Water Commission

Filed: February 8, 1993

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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 January 22, 1993-February 5, 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.

Alligator Head Club; the Caleta Subdivision Wastewater Treatment Facilities; the plant site is approximately one mile west of Port O'Connor on Maple Street on the north bank of the Intracoastal Waterway in Calhoun County; renewal; 11874-01.

Amoco Chemical Company; the Chocolate Bayou Chemical Plant which manufactures organic chemicals; the plant site is on the northwest side of FM 2004 approximately two miles south of the intersection of FM 2917 and FM 2004 in Brazoria County; amendment; 01333.

Bilma Public Utility District; the wastewater treatment facilities; are approximately 8,000 feet northeast of the intersection of Louetta Road and Stuebner-Airline Road, 11,000 feet southeast of Spring Cypress Road and Stuebner-Airline Road in the City of Houston in Harris County; renewal; 12025-02.

Brazos River Authority; the Temple-Belton Regional Wastewater Treatment Facilities; the plant site is approximately 3,000 feet south of FM Road 93 and 1 1/2 miles east of the intersection of FM Road 93 and Interstate Highway 35 in Bell County; renewal; 11318-01.

City of Burkburnett; the wastewater treatment facilities; are on the east side of Kelly Street, just north of Third Street (State Highway 240) in the City of Burkburnett in Wichita County; renewal; 10002-01.

City of Burnet; the wastewater treatment facilities; are approximately 1,400 feet southeast of the Southern Pacific Railroad bridge crossing at Hamilton Creek in Burnet County; renewal; 10793-02.

C. W. Derrington; the Derrington Mobile Home Park Wastewater Treatment Plant; the plant site is approximately nine miles southeast of the City of Liberty, 2,000 feet northwest of the intersection of FM Road 563 and FM Road 770, adjacent to a county road in Liberty County; renewal; 11838-01.

City of Cactus; in order to reclassify the permit from municipal to industrial and renumber the permit to reflect the change. The amendment would also authorize an increase in flow and change the method of disposal; the plant site is approximately two miles north of the intersection of FM Road 281 and U.S. Highway 287 which is east in the City of Cactus, Moore County; amendment; 03436.

Charles Schreiner Bank, F.D.I.C.; the Ridge Harbor Subdivision wastewater treatment facility and subsurface irrigation site; are approximately 2 3/4 miles northeast of the intersection of State Highway 71 and State Highway Loop 191 in Burnet County; new; 13631-01.

City Public Service of San Antonio; the Leon Creek Steam Electric Station; the plant site is at 7118 Quintana Road at Pitluk Avenue in the City of San Antonio in Bexar County; renewal; 01517.

Country Club Park Estates Utility Trust; the wastewater treatment facilities; are in Country Club Park Estates Subdivision, approximately two miles north of State Highway 73 and six miles west of the City of Port Arthur, adjacent to the bank of Taylor Bayou in Jefferson County; renewal; 11107-01.

Creekside Utilities, Inc.; from Creekside Estates wastewater treatment facilities; the plant site is approximately 2.5 miles east of the intersection of FM Road 529 (Spencer Road) and U.S. Highway 290 on the north bank of Whiteoak Bayou between Windfern Road and Fairbanks-North Houston Road in Harris County; renewal; 11375-01.

First Texas Equities, Inc.; the wastewater treatment facilities; is approximately 1.2 miles north of the intersection of FM Road 350 and FM Road 3126, approximately five miles west of the City of Livingston and on the east shoreline of Lake Livingston in Polk County; renewal; 13147-01.

City of Itasca; the wastewater treatment facilities; are approximately one mile south of the City of Itasca, west of U.S. Highway 81 and adjacent to Missouri, Kansas, and Texas Railroad in Hill County; renewal; 10423-01.

Koolsum Enterprises, Inc.; the Best Western Greenspoint Inn Wastewater Treatment Facilities; the plant site is at the westerly dead end of Gillespie Street, approximately 0.3 mile west of Interstate Highway 45 and 0.9 mile south of Beltway 8 in Harris County; renewal; 11678-01.

City of Lakewood Village; the wastewater treatment facilities; are approximately 7,000 feet northeast of the north end of the Old Lake Dallas Dam in Denton County; renewal; 10903-01.

Lower Colorado River Authority; an office complex; the plant site is on the east side of Lake Austin at Tom Miller Dam in the City of Austin in Travis County; new; 03516.

Marvin Pope and Janoice Cobb; the wastewater treatment facilities; are approximately 1,000 feet east of FM Road 17, 4.5 miles north of the intersection of State Highway 182 and FM Road 17 (City of Alba), between Mustang Bay and Little Mustang Bay of Lake Fork Reservoir in Wood County; renewal; 13366-01.

City of Midland; the Air Terminal wastewater treatment facilities; the plant site is at Midland Regional Airport, at the intersection of Interstate Highway 20 and FM Road 1788 in Midland County; renewal; 10223-02.

Miles Inc. and Texas Petrochemical Corporation; a plant which manufactures industrial organic chemicals, chloroprene, and polymers of chloroprene; the plant site is at 8701 Park Place Boulevard in the City of Houston, Harris County; amendment; 00587.

New Caney Municipal Utility District; the wastewater treatment facilities; are approximately 3,500 feet east of Old U.S. Highway 59 and 1,000 feet south of Johnson Road, approximately 1.25 miles southeast of the City of New Caney in Montgomery County; renewal; 12274-01.

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.

San Jacinto Utility Company; the Mountain View Estates Wastewater Treatment Plant; the plant site is approximately 17 miles northeast of the City of Cleburne Central Business District and approximately 1,000 feet east/northeast of the intersection of FM Road 917 and FM Road 2838, northeast of the community of Lillian in Johnson County; renewal; 11102-01.

SC Pipe Services, Inc., SMI Oil Field Services, Inc. and Vallourec Industries, Inc. doing business as VAM-PTS Company; a pipe and coupling threading and coating facility; the plant site is approximately 0.5 mile east of the intersection of Hardy Road and Richey Road and approximately two miles south of FM Road 1960, Harris County; amendment; 03420.

Southern Clay Products, Inc.; the McCurray Clay Mine, which is a bentonite mining operation; the plant site is on Angelina County Road, 1.5 miles east of where the pavement ends on FM 325, and 2.6 miles east of the intersection of FM 325 and Loop 287 in the City of Lufkin, Angelina County; new; 03520.

South Texas Electric Cooperative, Inc.; the Sam Rayburn Steam Electric Station; the plant site is south of FM Road 447 on the east bank of the Guadalupe River approximately 12 miles northeast of the City of Victoria, and four miles west of the City of Nursery in Victoria County; renewal; 01521.

Texas Utilities Electric Company; the River Crest Steam Electric Station; the plant is adjacent to River Crest Reservoir which is approximately 5.4 miles southeast via U.S. Highway 271 of the City of Bogata in Red River County; renewal; 00945.

The Goodyear Tire and Rubber Company; a petrochemical plant producing crumb rubber and other products; the plant site is south of Interstate 10 (between IH 10 and State

Highway 124) approximately 10 miles southwest of the City of Beaumont in Jefferson County; amendment; 00519.

U.S. Department of the Army; the Longhorn Army Ammunition Plant; the plant site is adjacent to Caddo Lake with the Town of Uncertain at the northern boundary and the Town of Karnack at the western boundary in Harrison County; amendment; 02713.

U.S. Department of Justice; the Bastrop Federal Correctional Institute wastewater treatment facilities; the plant site is approximately seven miles north of Bastrop and 3,600 feet east of State Highway 95 on the Federal Correctional Institution property in Bastrop County; renewal; 12112-01.

Universal Services Fort Hood, Inc.; the wastewater treatment facilities; are approximately 4,400 feet southeast of the intersection of Clear Creek Road and U.S. Highway 190, 3,700 feet east of Clear Creek Road and 500 feet north of Water Crest Road in Bell County; renewal; 13358-01.

Jacob Weirsma; a dairy operation; the dairy is on the west side of an unnamed County Road, approximately two miles from the intersection of State Highway 219 and the unnamed County Road, and five miles south of the City of Dublin in Erath County; new; 03526.

Vetco Pipeline Services, Inc.; the wastewater treatment facilities; are approximately 1.0 mile north of Interstate Highway 10 and 790 feet east of Brittmore Road in Harris County; renewal; 12355-01.

Texas Ecologists, Inc.; authorizes operation of a commercial land disposal facility for management of Class I hazardous and non-hazardous, Class II, and Class III wastes. The disposal facility consists of secure landfill cells with associated storage and processing units; the proposed amendment would authorize revisions to the design of the leachate collection system and the liner system for future disposal cells; the facility is located on a 240-acre tract of land on Petronila Road, approximately 0.5 mile southeast of the intersection of FM 2826 and Petronila Road, and approximately 3.5 miles south of Robstown, Nueces County; amendment; HW50052-001.

United States Air Force, Plant #4; to authorize continued operation of a hazardous waste storage and processing facility; the units covered by this permit include four container storage areas and eight storage and/or processing tanks; the proposed permit also requires a RCRA facility investigation and closure of one of the authorized container storage areas; the facility generates, stores, and processes industrial solid and hazardous wastes which may be classified as either ignitable, toxic, corrosive, acutely hazardous, reactive, and/or toxicity characteristic wastes; the facility is on a 558.0-acre tract of land on the northern side of Clifford Street on the western bounds of the City of Fort Worth and the northern side of the City of White Settlement, with the northern portion of the site bordering Lake Worth, in Tarrant County; new; HW502993-000.

U.S. Air Force/Lackland Training Annex; to authorize continued operation of a Class I industrial hazardous, storage and processing facility; the permit will authorize use of one open burn unit with a capacity of 150 pounds per event and require that an RCRA Facility Investigation be conducted on former solid waste management unit sites; the wastes managed at this facility are used military

ordnance products which are classified as ignitable, toxic, corrosive, toxicity characteristic and reactive liquids, sludges, and solids; the Lackland Training Annex Facility is on approximately 4,000 acres of mostly undeveloped land, on the south side of U.S. Highway 90, 1/2 mile west of Loop 410, 3/4 mile east of State Highway Loop 1604 and approximately two miles north of Pearsall Road (State Highway 2536) in southwestern Bexar County; new; HW50334.

United States Naval Air Station-Dallas; to authorize operation of an existing storage facility for hazardous waste; the wastes managed at this facility Class I industrial hazardous wastes from on-site base operations; the wastes are classified as ignitable, toxic, corrosive, and TC toxic liquids, sludges, and solids; the facility is located on a 794.82-acre tract of land on the south side of Jefferson Avenue and north of Mountain Creek in the City of Dallas, Dallas County; new; HW50276-000.

Issued in Austin, Texas, on January 5, 1993

TRD-9318711 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: February 8, 1993

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Notice of Receipt of Application for Municipal Solid Waste Permit

Following are Notices of Receipt of Applications and Declaration of Administrative Completeness for municipal solid waste permits issued during the period of January 25-February 5, 1993.

These applications have been determined to be administratively complete, and will now be subject to a technical evaluation by the staff of the Texas Water Commission. Persons should be advised that these applications are subject to change based on such evaluation.

These notices are issued pursuant to the Texas Health and Safety Code, §361.0665. Any person who may be affected by the facility is entitled to request a hearing from the Commission. The Commission will issue further notice of the application and the terms of any proposed draft permit once the technical evaluation is completed.

Information concerning these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

County of Anderson; Type V (transfer station); located northeast of Palestine, three miles northeast of intersection of U.S. Highway 79 and State Highway 155 and approximately 825 feet north of U.S. Highway 79 in Anderson County; new; MSW2173.

Brazoria County Recycling Center, Inc.; Type V (material recovery facility); located immediately east of FM 523, 2.3 miles south of FM 2004, 2.5 miles north of County Road 226 (Stratton Ridge Road) in Brazoria County; amendment; MSW1539-B.

Issued in Austin, Texas, on February 5, 1993.

TRD-9318712 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: February 8, 1993

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Texas Workers' Compensation Commission

Notice to Non-Subscribing Employers

On November 27, 1992, the *Texas Register* (17 TexReg 8295) included the notice of adoption for 28 TAC §120.2, concerning employer's report of injury.

In the preamble to that rule, the commission included the statement that the amendment established the same reporting requirement for all employers, whether covered or not. That phrase was meant to describe the elimination of the different reporting requirement for covered employers regarding occupational diseases. Prior to the amendment, the rule required covered employers to report occupational diseases which the employee had reported to the employer. As amended, the rule requires covered employers to report occupational diseases they know about—which is the same reporting requirement that exists for the non-subscribing employer.

It was not intended to suggest that non-subscribing employers are required to use the same forms as they covered employer for reporting injuries. Nor was it intended to imply that the non-subscribing employer is subject to all the required reports and the time-frames to which a covered employer is subject.

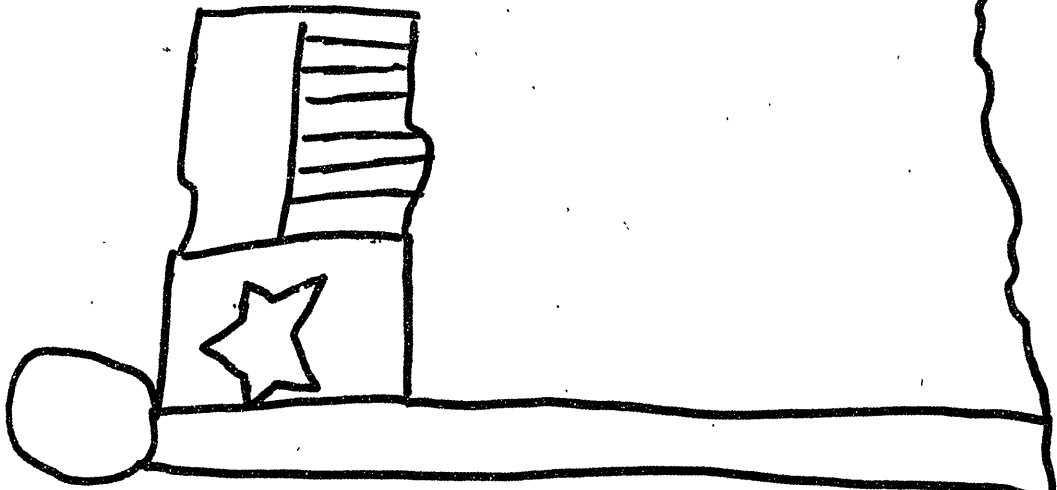
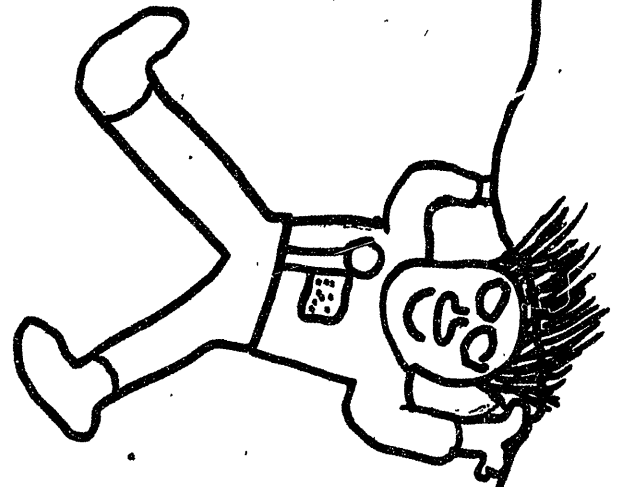
Non-subscribing employers, who are required by the Act to report at this time, must still record injuries and occupational diseases and report them to the Commission on a monthly bases using the form TWCC-7.

Issued in Austin, Texas, on February 5, 1993.

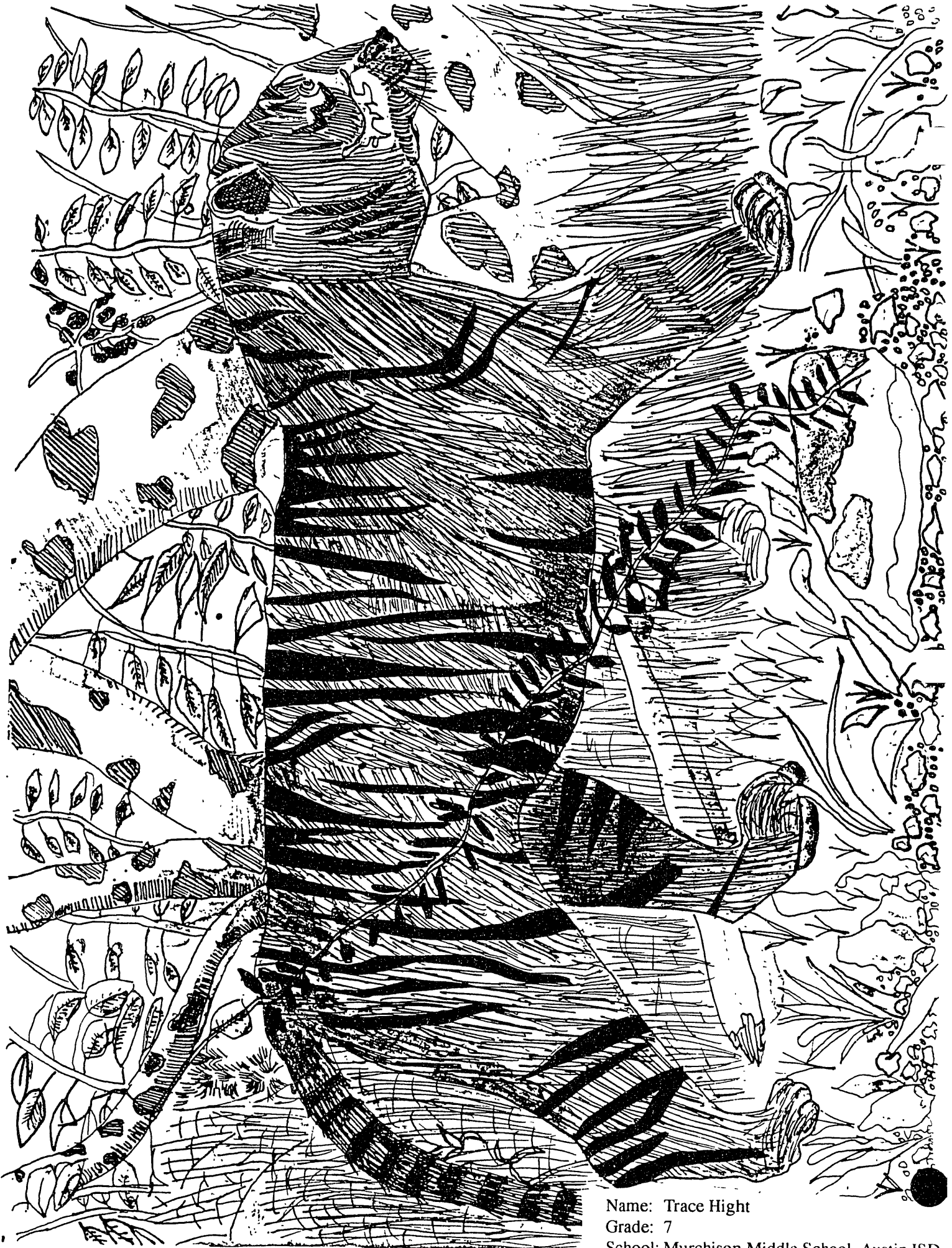
TRD-9318650 Susan Cory
General Counsel
Texas Workers' Compensation Commission

Filed: February 5, 1993

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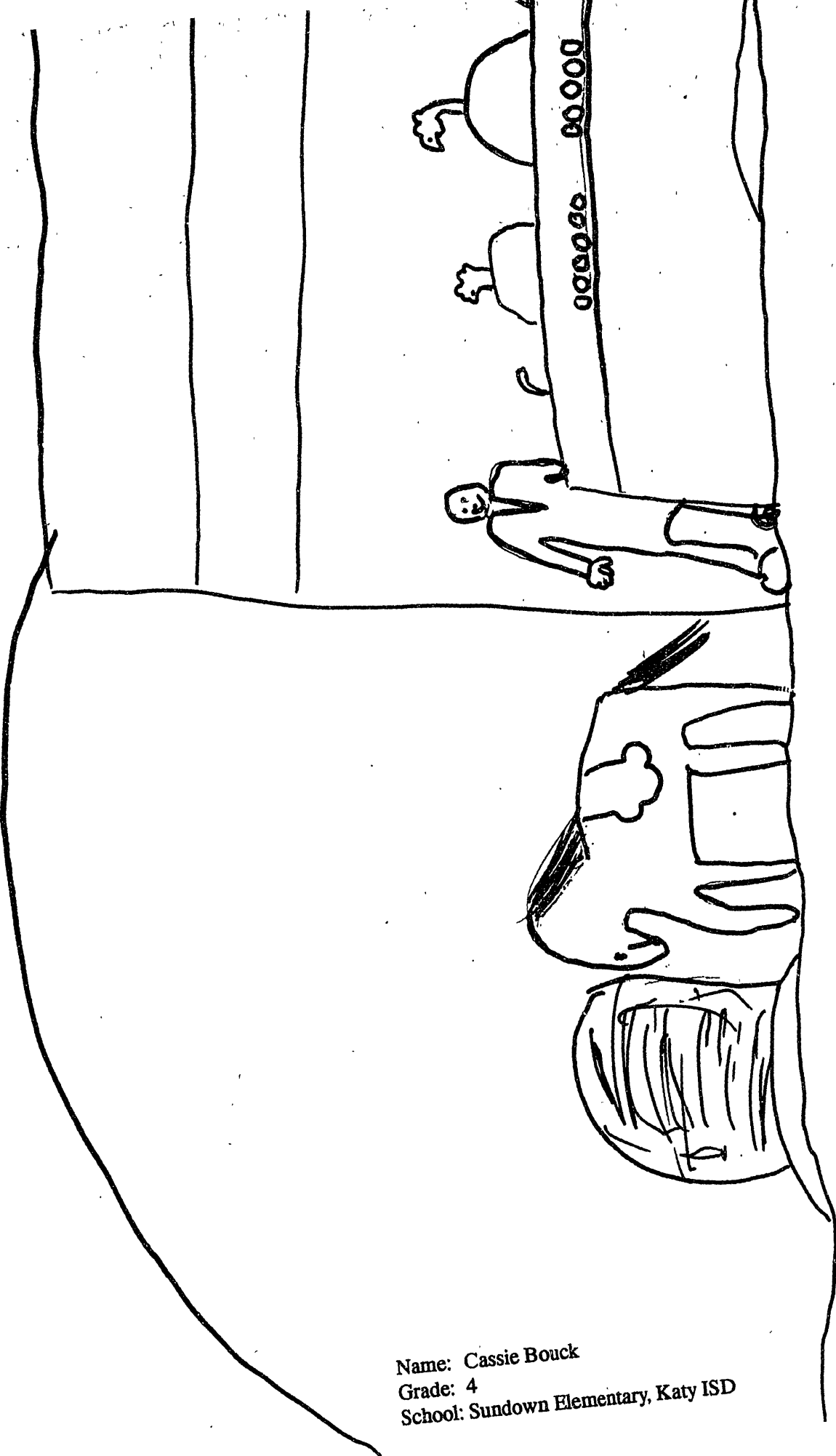
Name: LaSaundra Johnson
Grade: 4
School: Sundown Elementary, Katy ISD



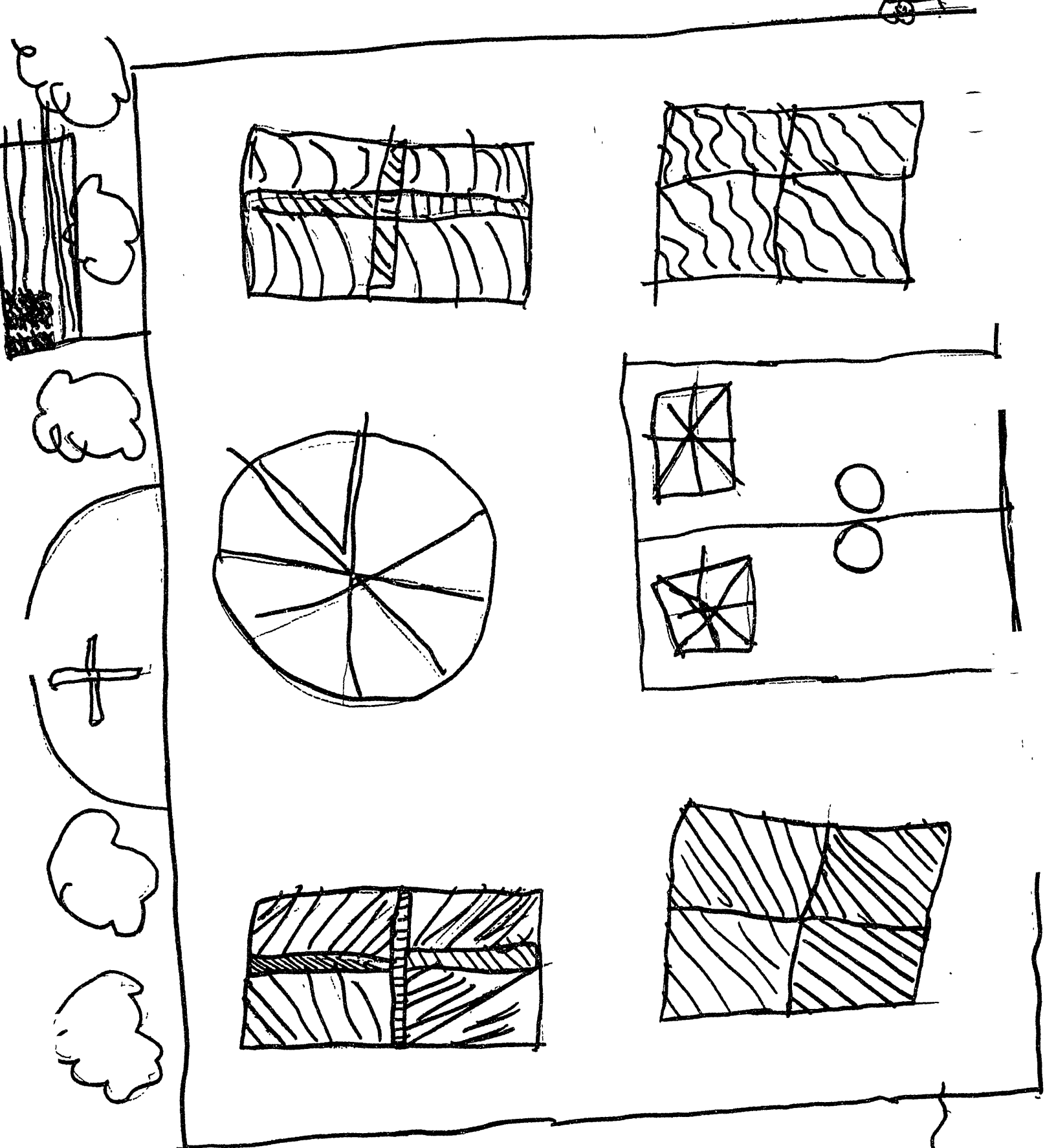
Name: Trace Hight

Grade: 7

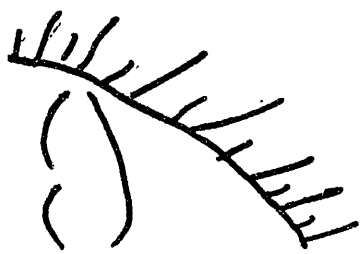
School: Murchison Middle School, Austin ISD

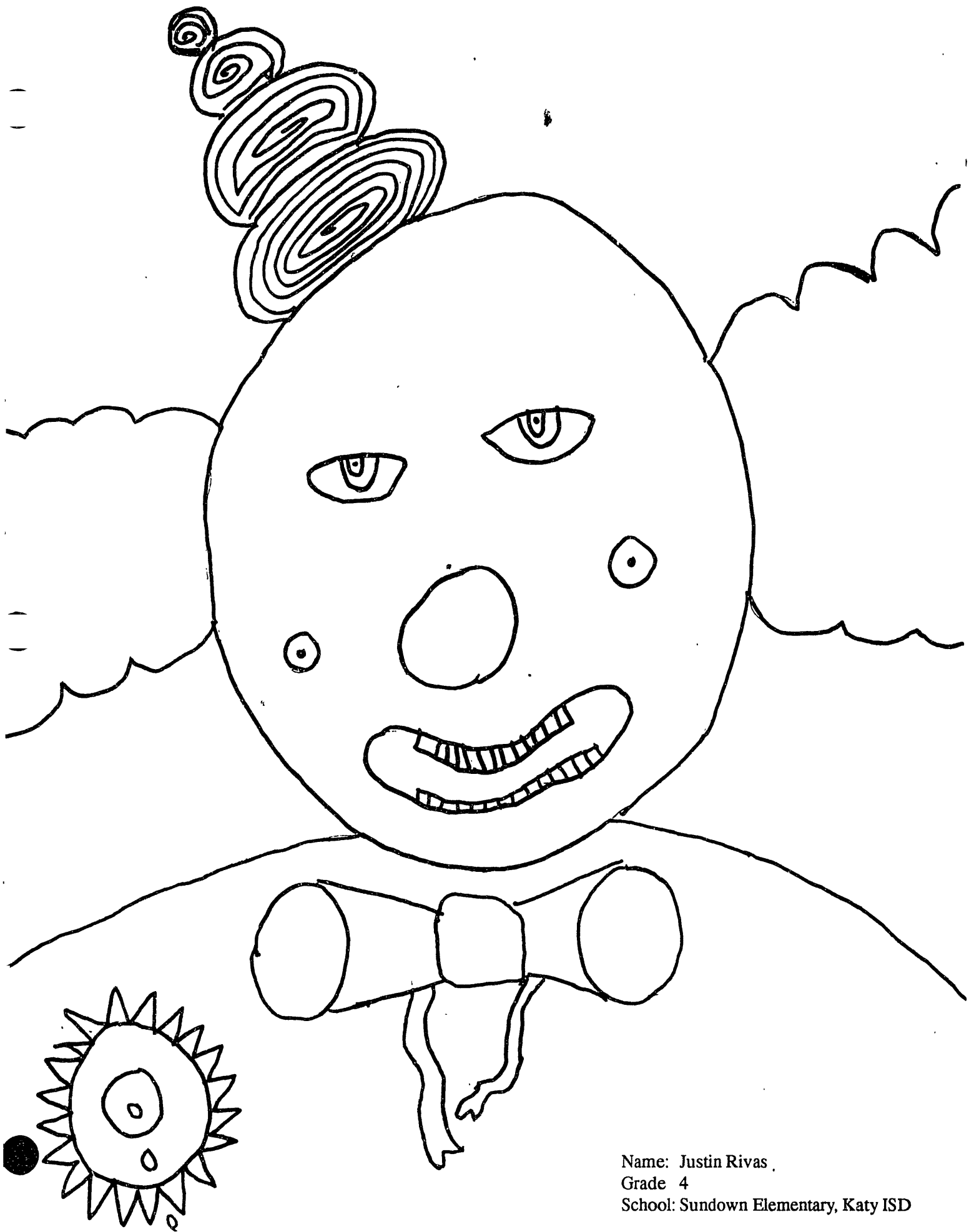


Name: Cassie Bouck
Grade: 4
School: Sundown Elementary, Katy ISD

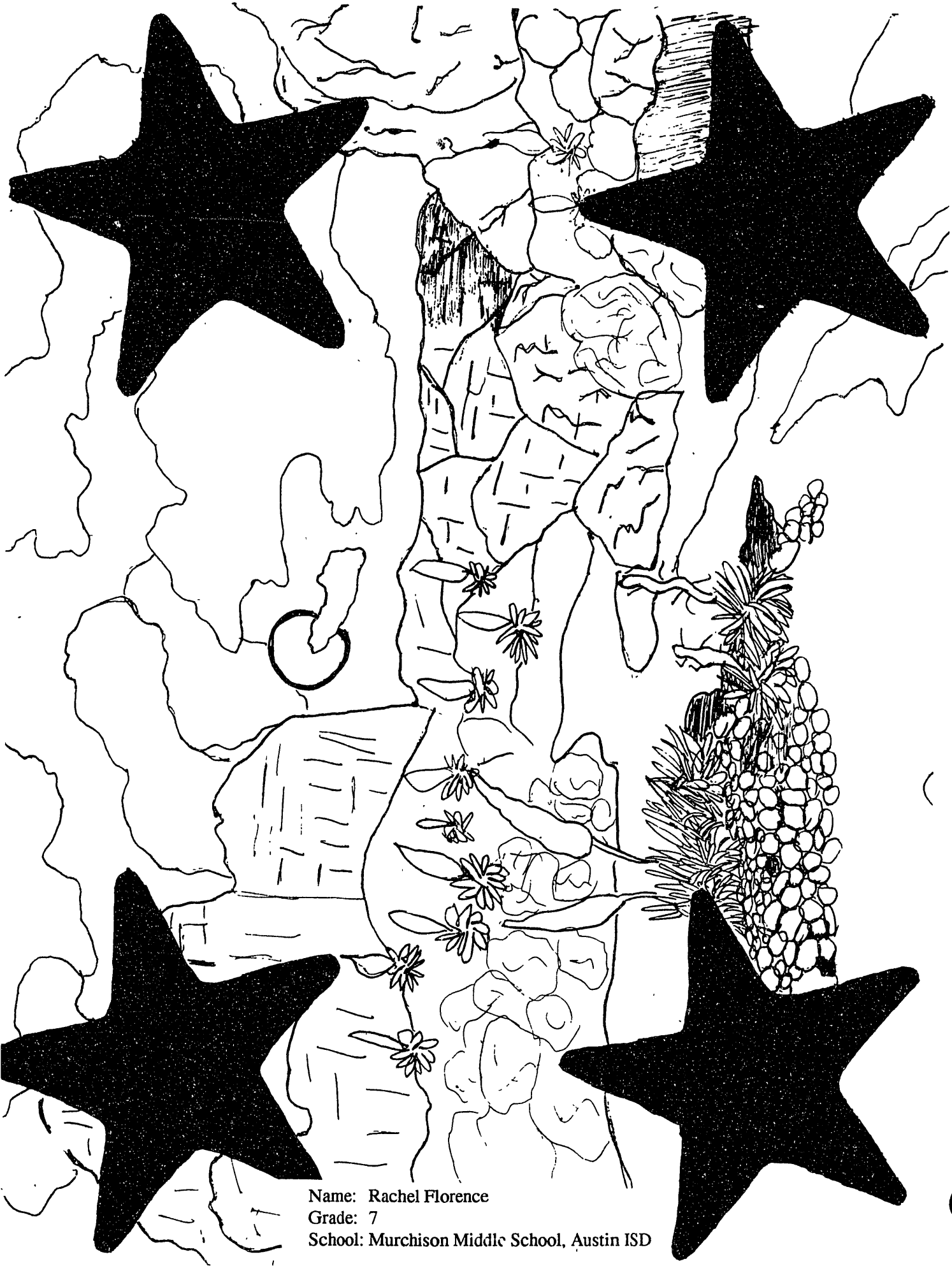


Name: Cecy Chicas
Grade: 4
School: Sundown Elementary, Katy ISD





Name: Justin Rivas
Grade 4
School: Sundown Elementary, Katy ISD



Name: Rachel Florence
Grade: 7
School: Murchison Middle School, Austin ISD

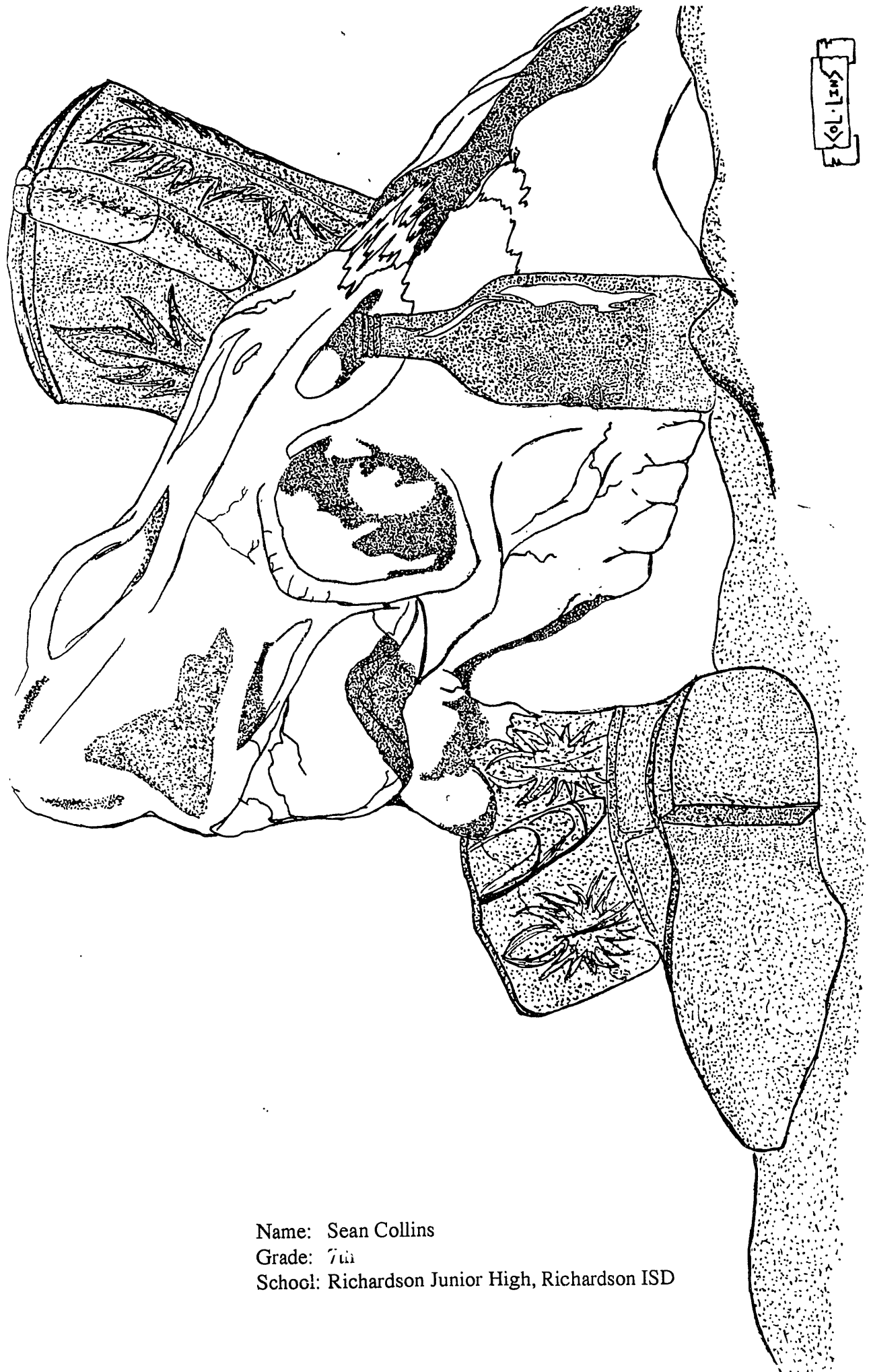


Name: Jim Yang
Grade: 7th
School: Richardson Junior High, Richardson IS

Kate
Harris

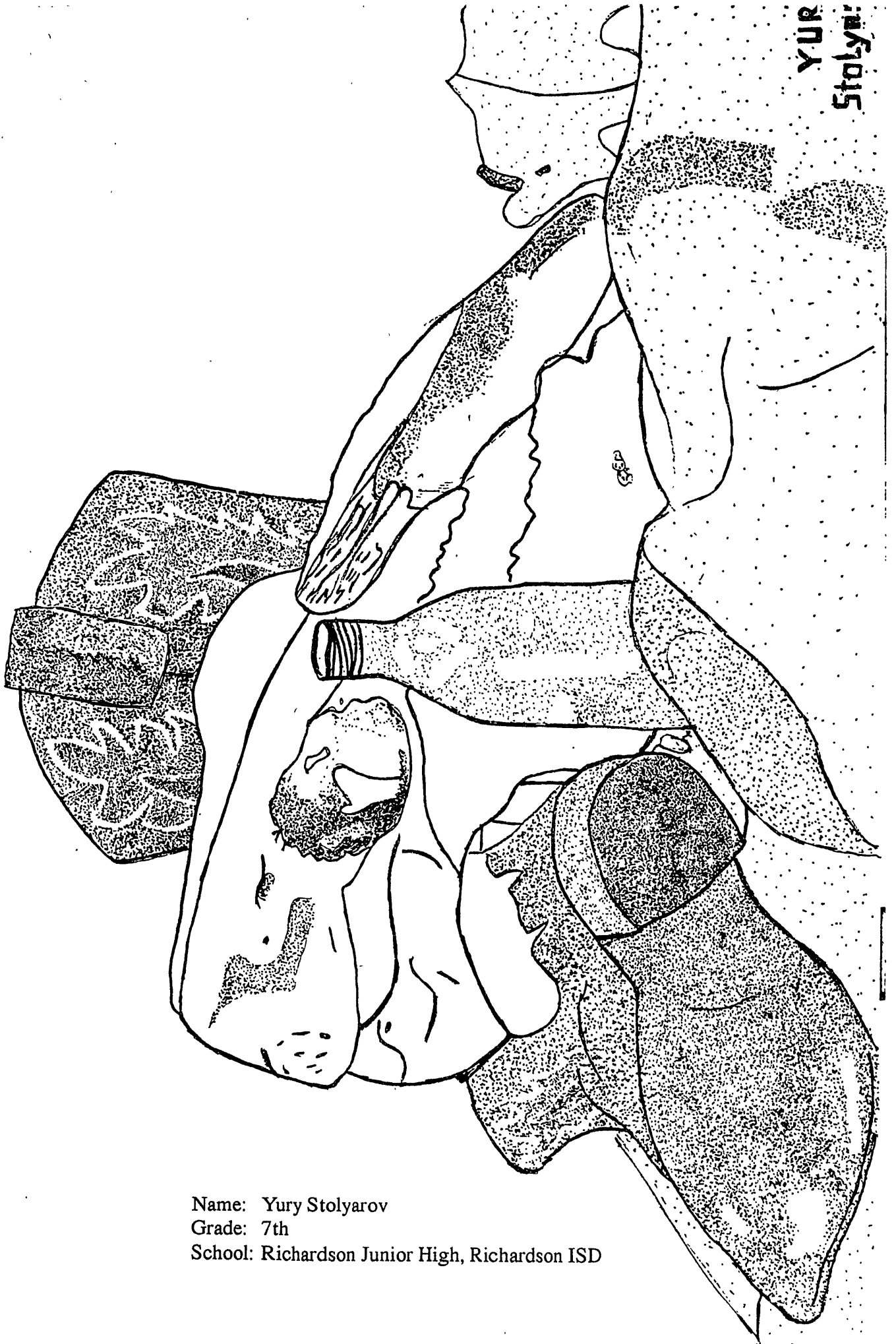


Name: Kate Harris
Grade: 7th
School: Richardson Junior High, Richardson ISD



Name: Sean Collins
Grade: 7th
School: Richardson Junior High, Richardson ISD

YURY
Stolyarov



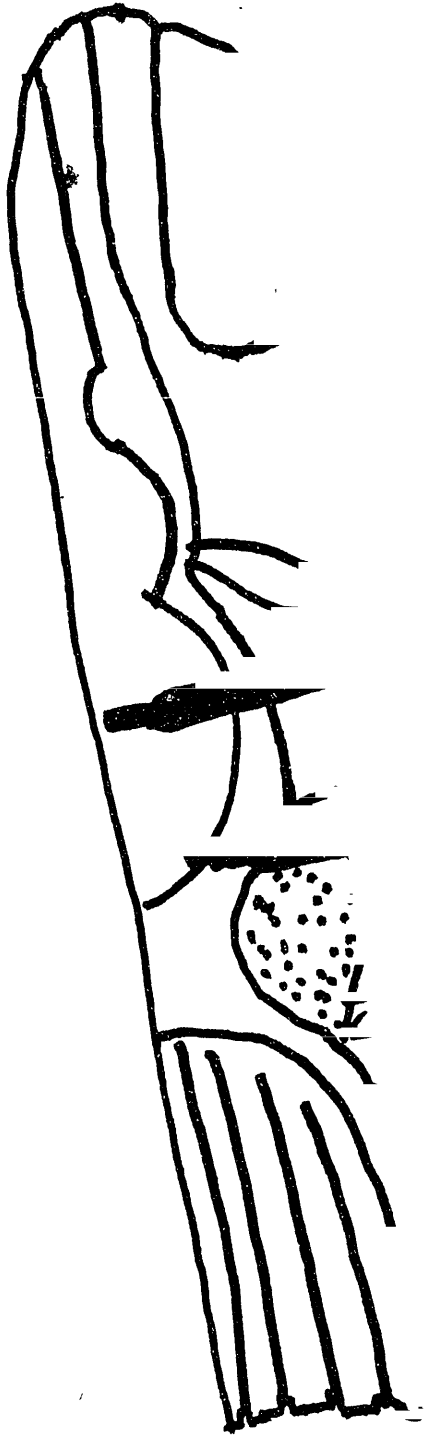
Name: Yury Stolyarov
Grade: 7th
School: Richardson Junior High, Richardson ISD



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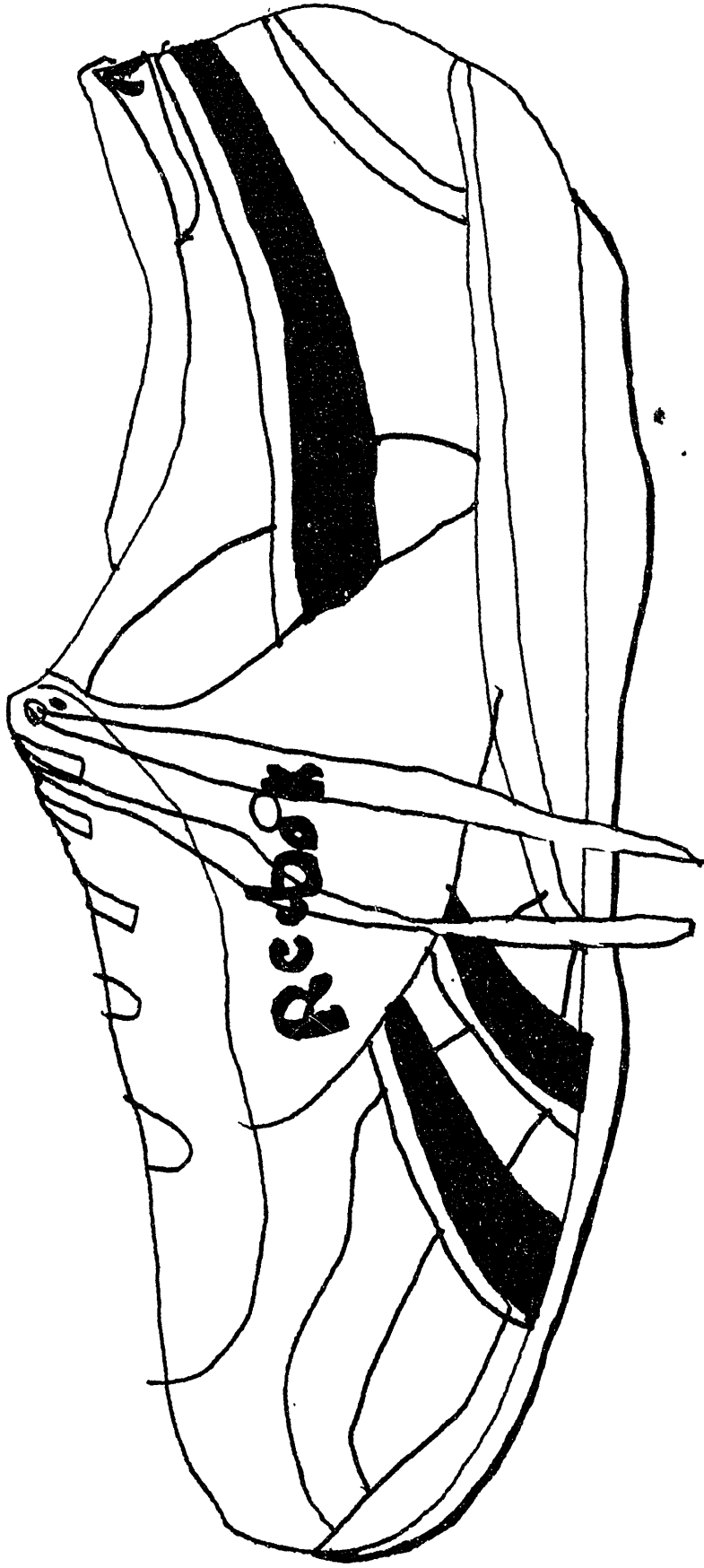
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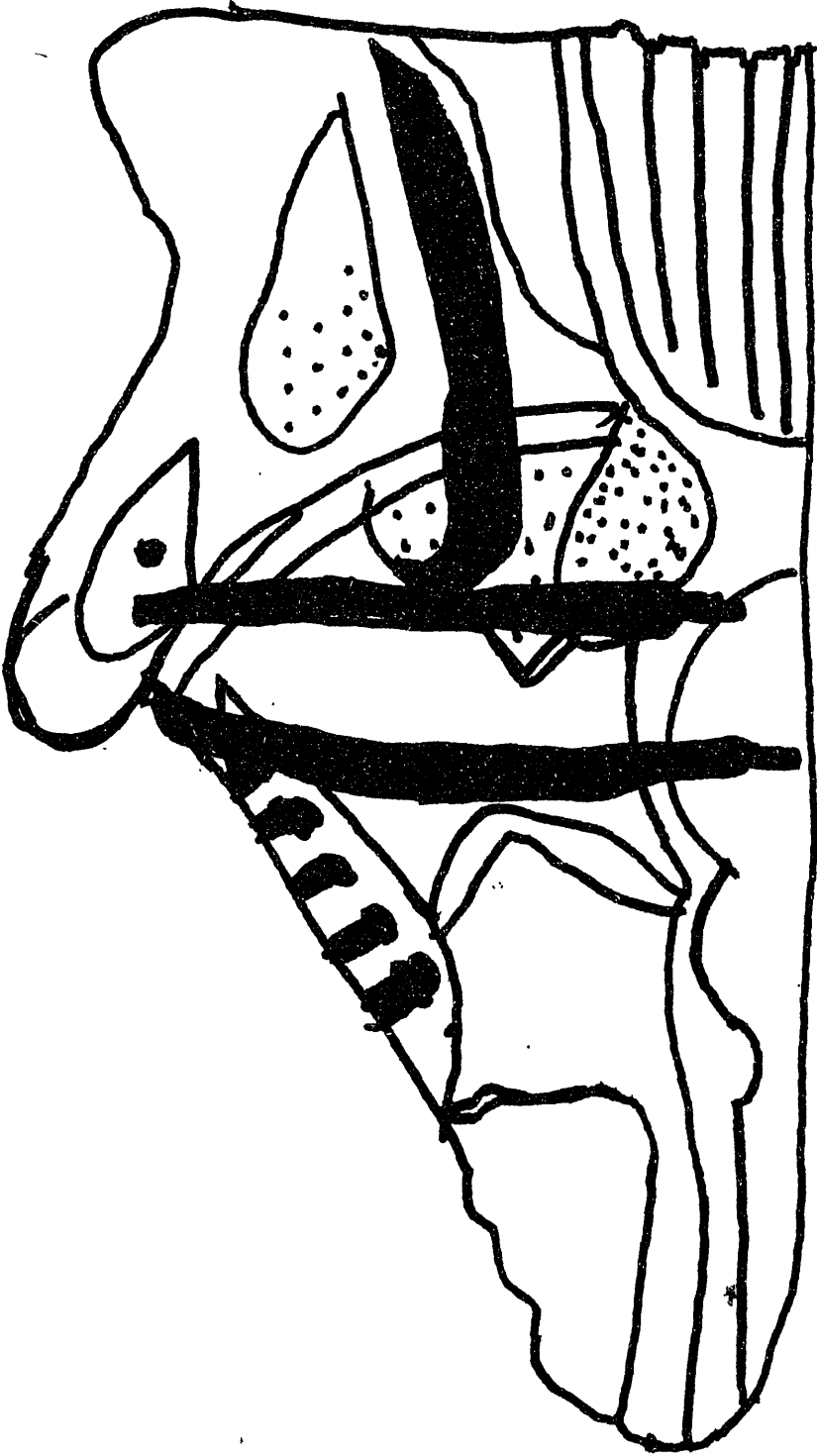
BEN HOGAN GRADE-1 AGE-7
RICHARDSON HEIGHTS ELEMENTARY
RICHARDSON, TEXAS

CORRECTION

This Document
Has Been Rephotographed
To Assure Legibility.



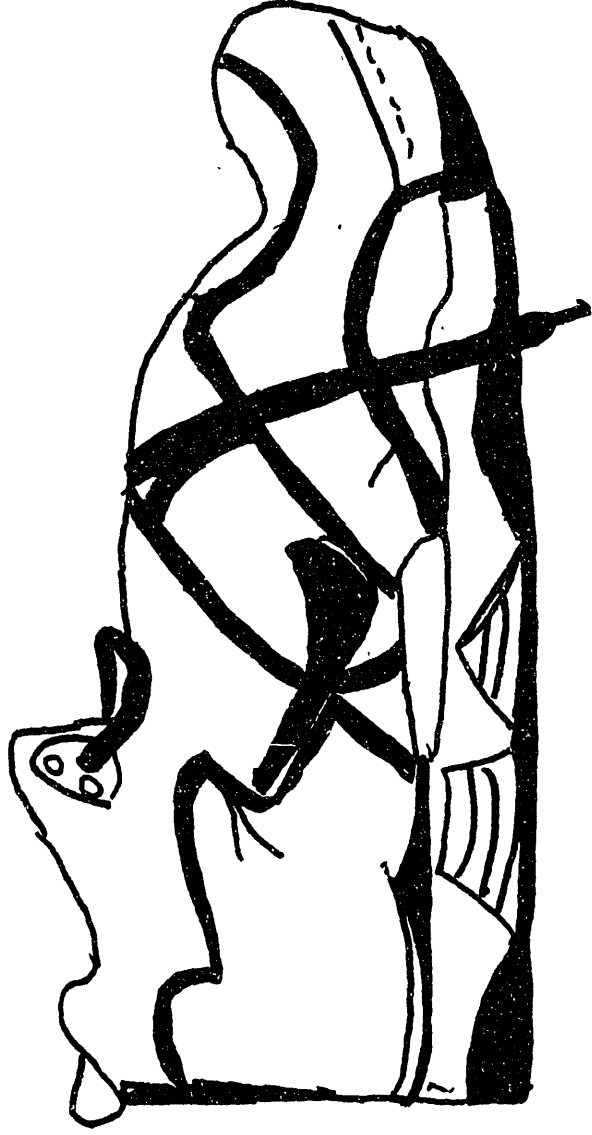
RYAN NEWBERRY
RICHARDSON HEIGHTS ELEMENTARY
RICHARDSON, TEXAS
GRADE-1 AGE-7



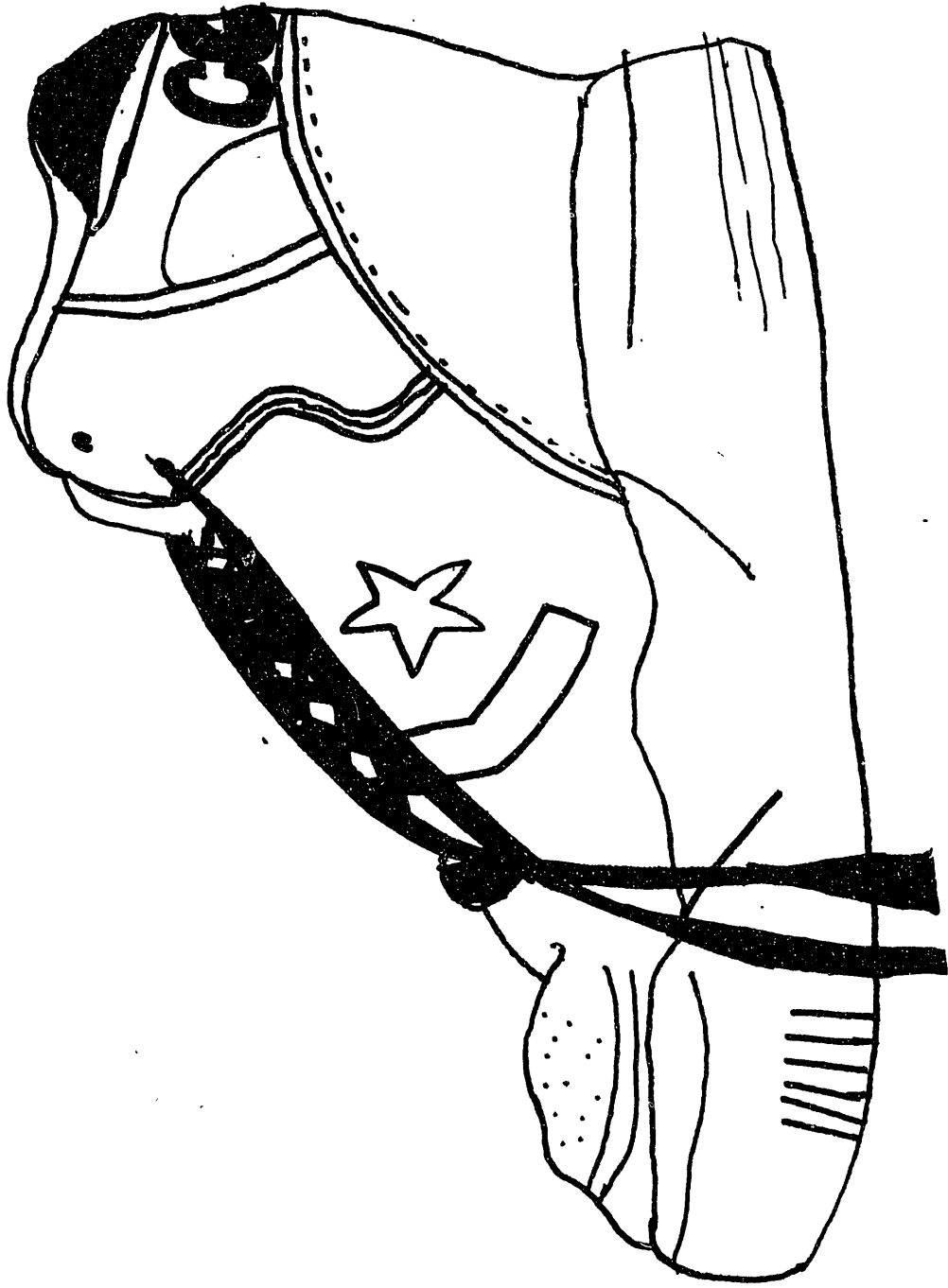
BEN HOGAN GRADE-1 AGE-7
RICHARDSON HEIGHTS ELEMENTARY
RICHARDSON, TEXAS



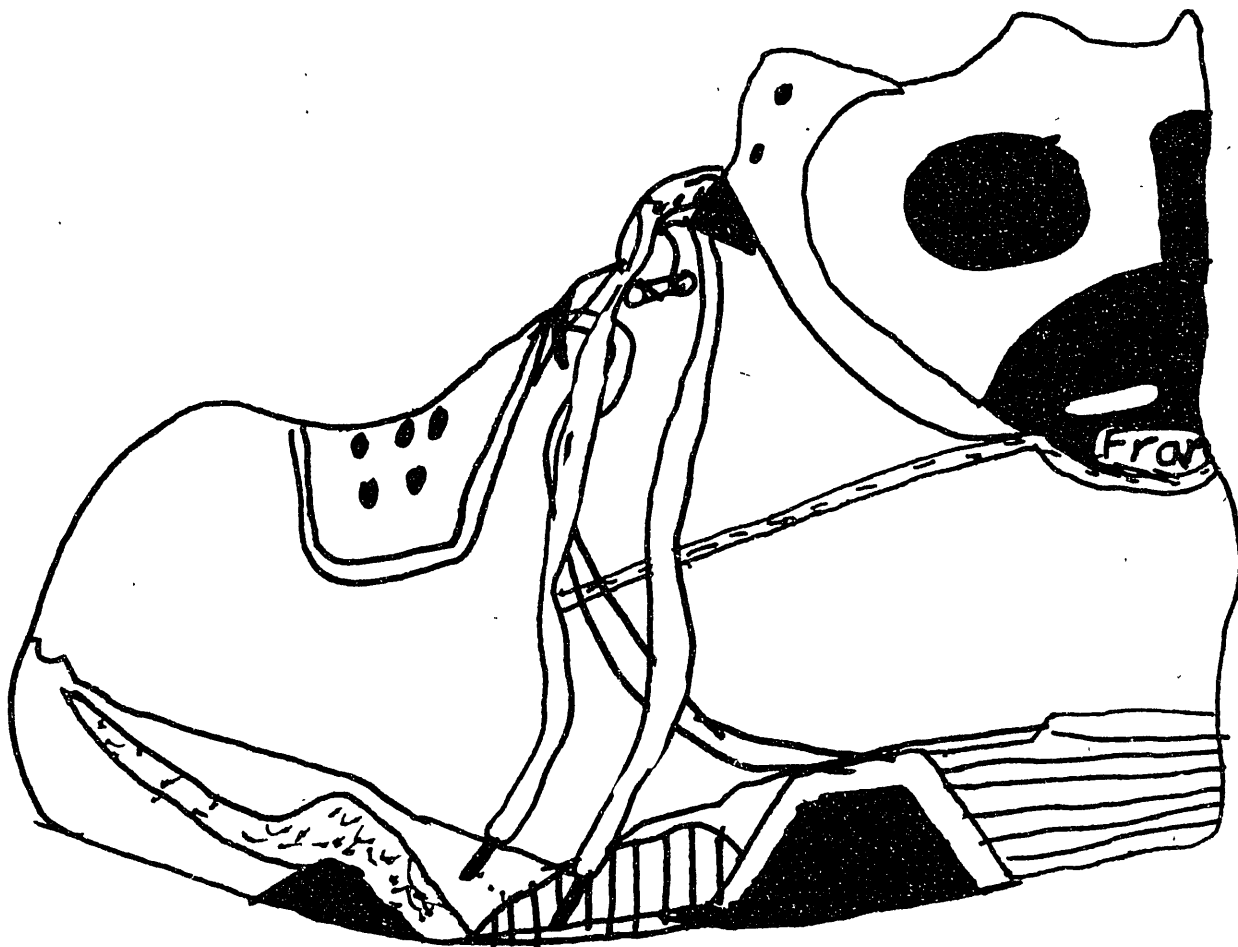
Name Mark Baye.
Grade 11
School Plano East Senior High, Plano ISD



Todd Buty Grade-1 Age-7
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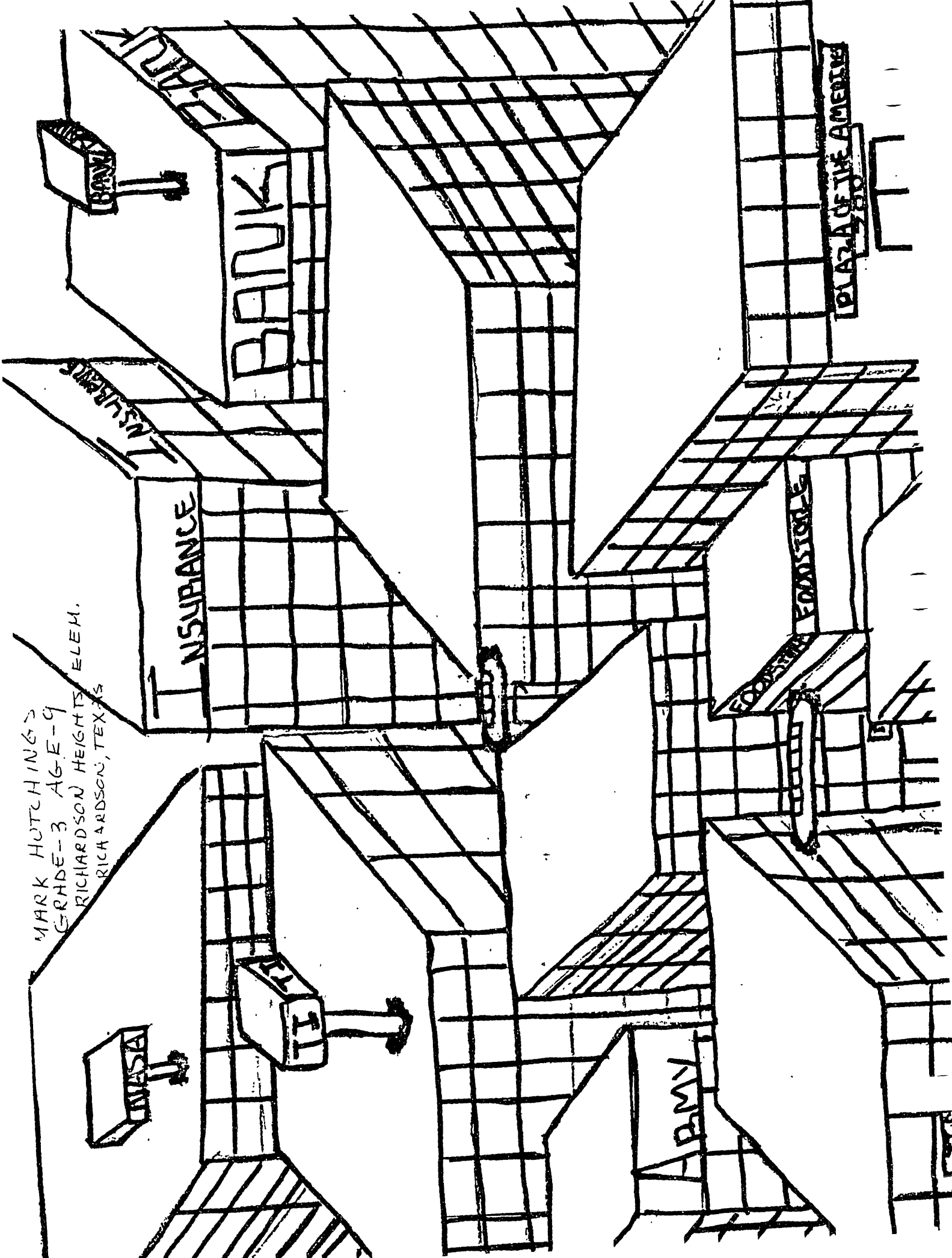


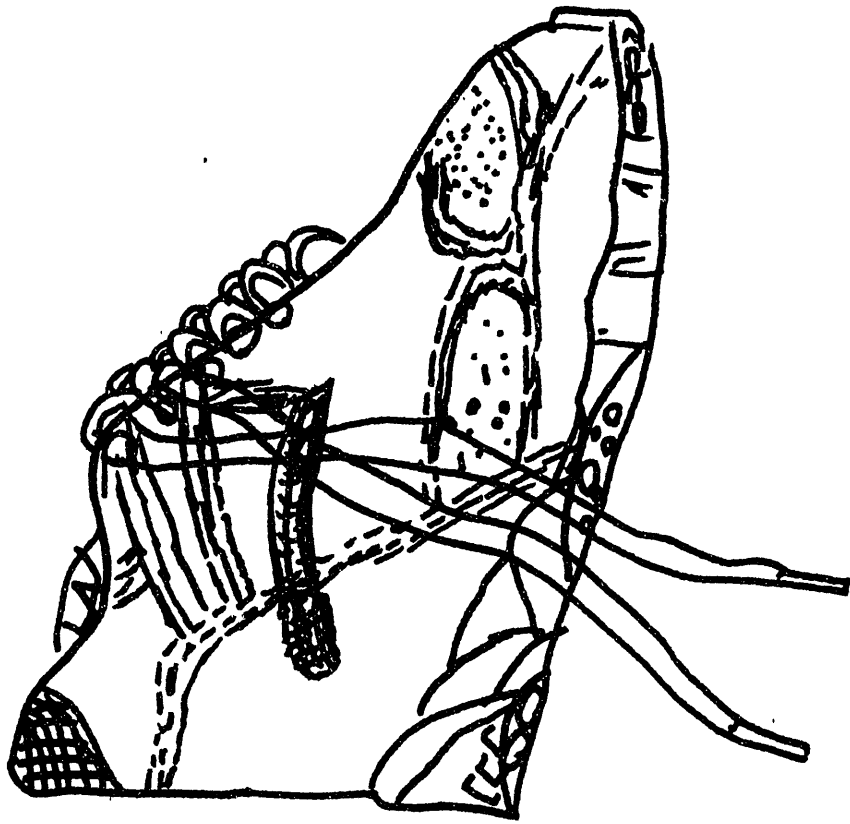
KELLY GILMORE Grade 2 Age 8
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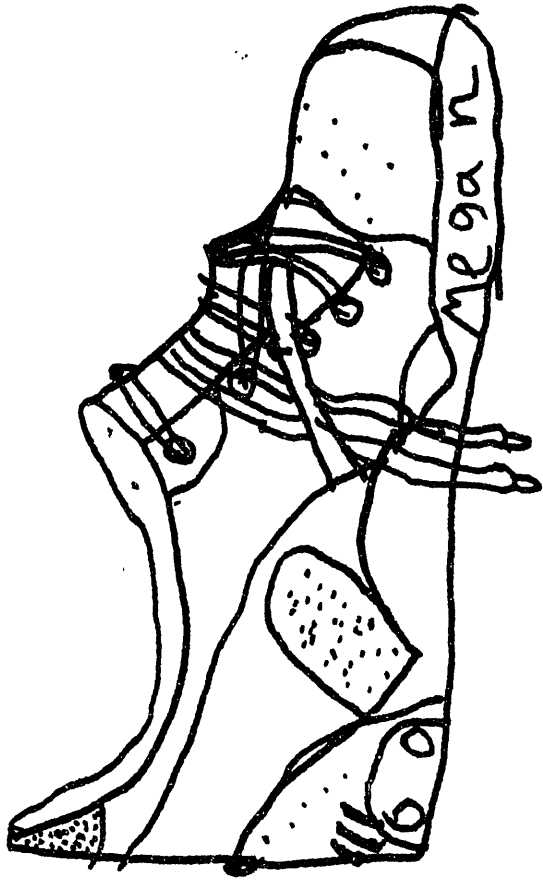
KATY TATUM
Grade-2 Age-8
Richardson Heights Elementary
Richardson, Texas

MARK HUTCHINGS
GRADE-3 AGE-9
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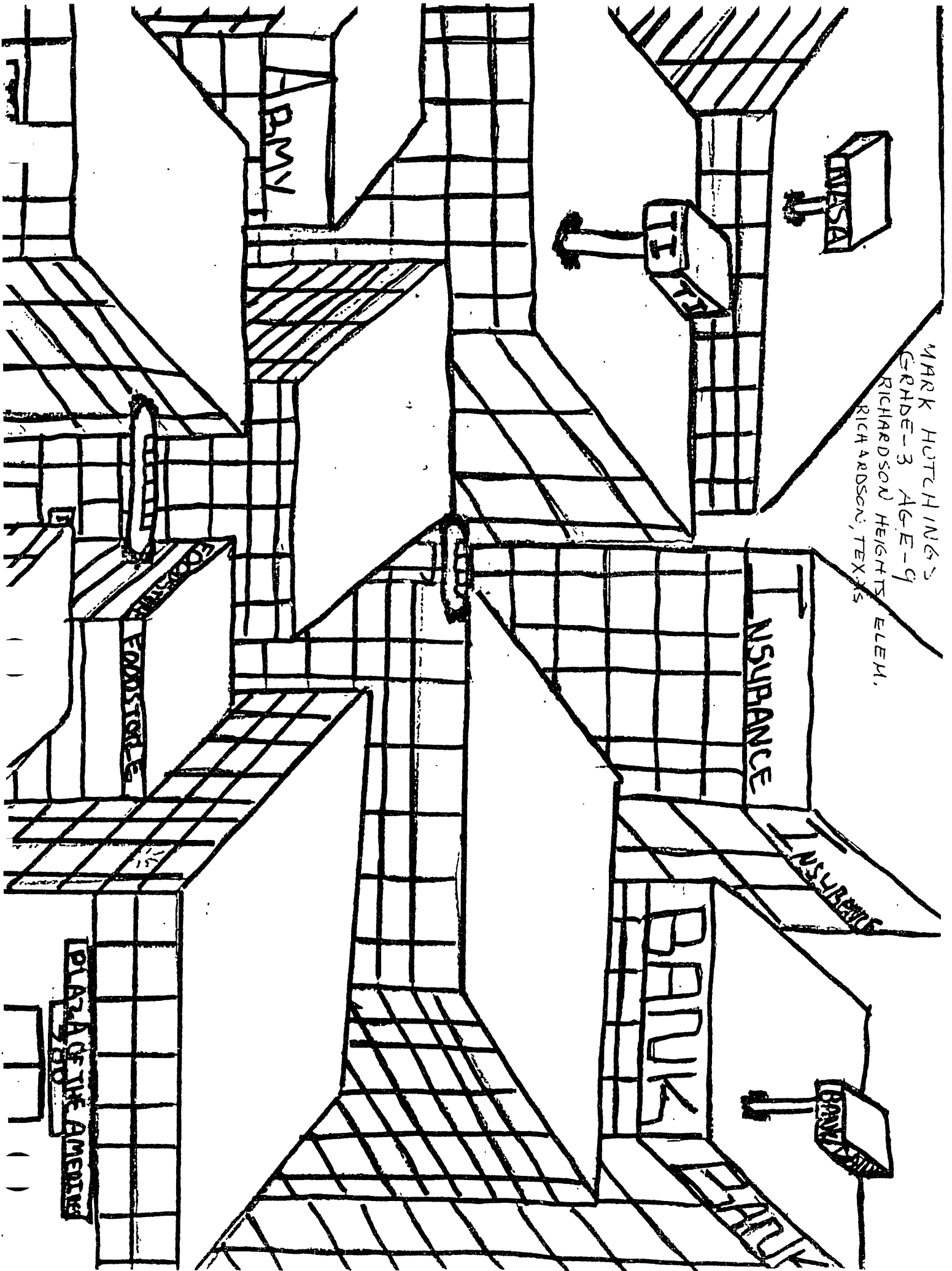


Jordan Aubrey
Grade-1 AGE-7



Megan Carroll
Grade-1 AGE-7

RICHARDSON HEIGHTS ELEMENTARY
RICHARDSON, TEXAS



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MARK HUTCHINGS
GRBDE-3 AGE-9
RICHARDSON HEIGHTS ELEM,
RICHARDSON, TEXAS

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FOOD STORE

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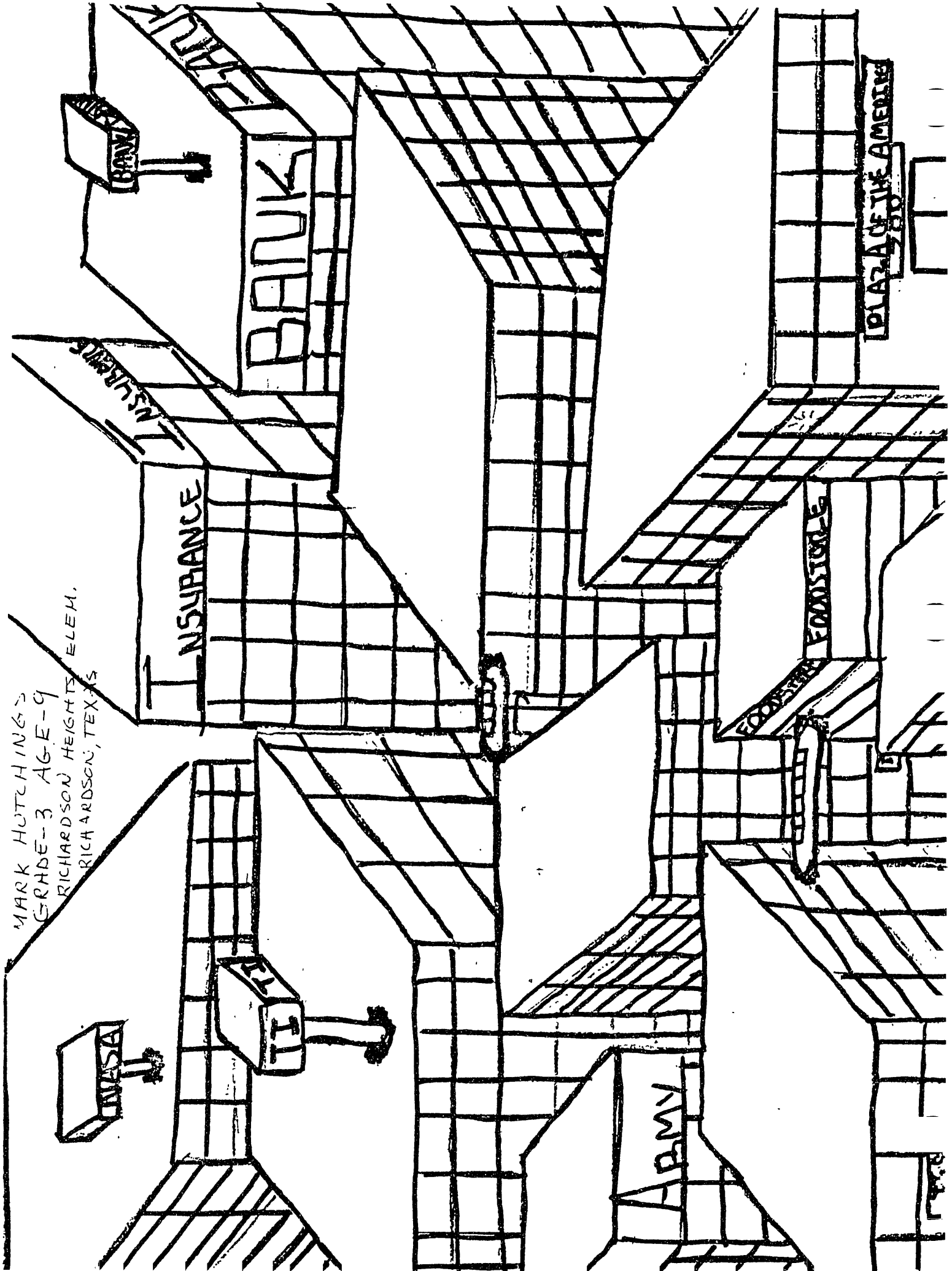
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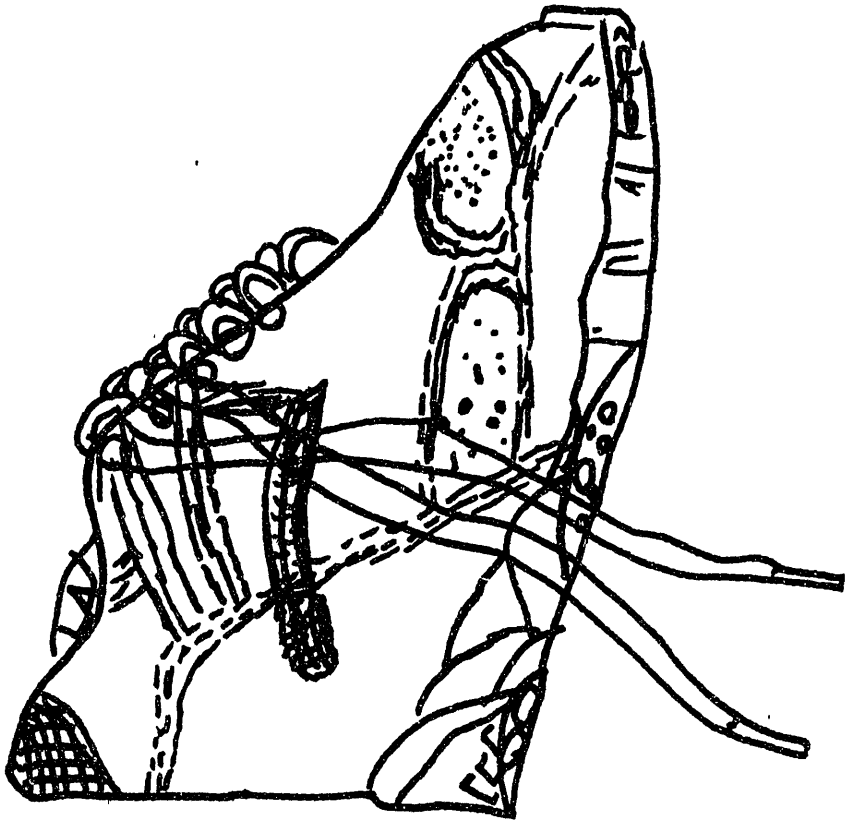
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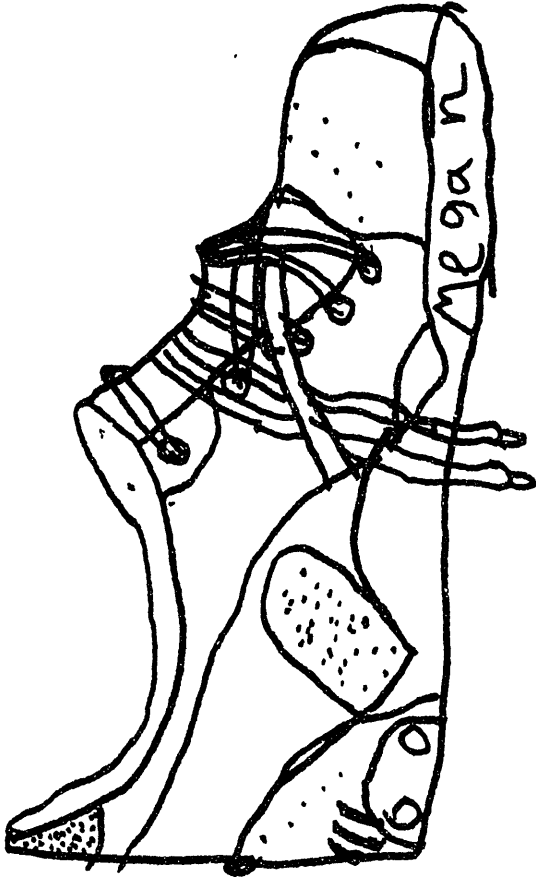
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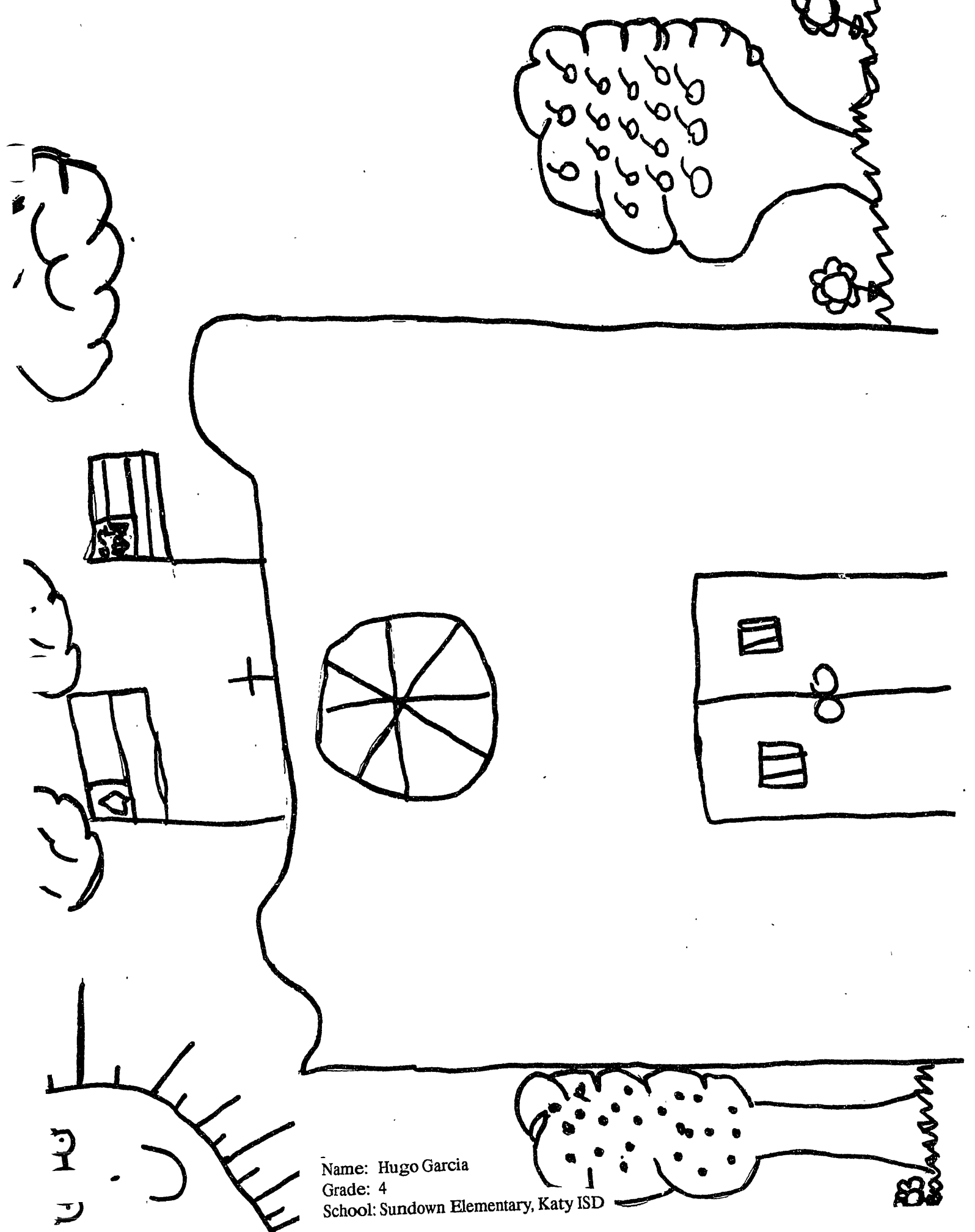


Jordan Aubrey
Grade-1 AGE-7

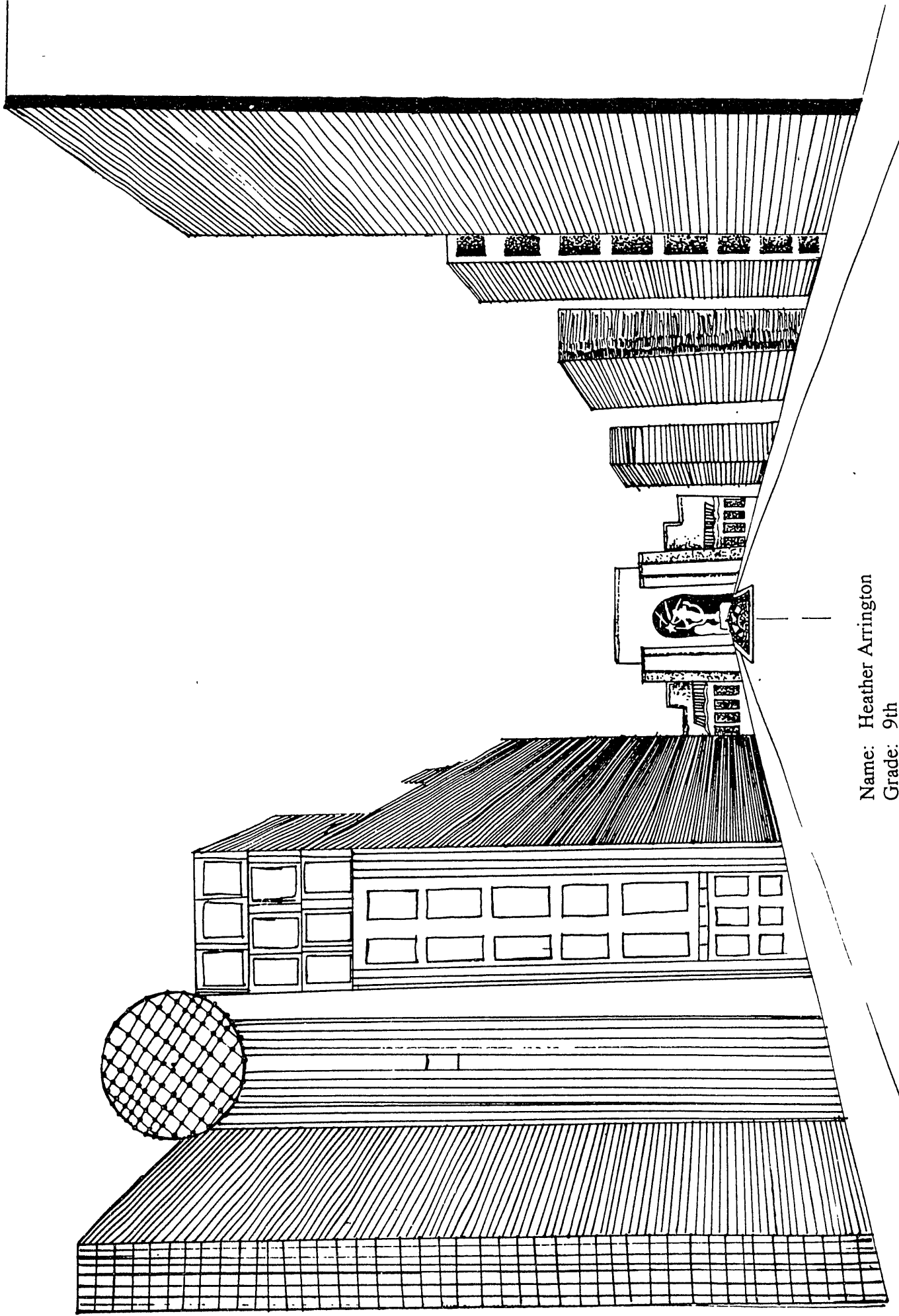


Megan Carroll
Grade-1 AGE-7

RICHARDSON HEIGHTS ELEMENTARY
RICHARDSON, TEXAS



Name: Hugo Garcia
Grade: 4
School: Sundown Elementary, Katy ISD



Name: Heather Arrington

Grade: 9th

School: Richardson Junior High, Richardson ISD

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 INDEX	
54 Friday, July 16	Monday, July 12	Tuesday, July 13
55 Tuesday, July 20	Wednesday, July 14	Thursday, July 15
56 Friday, July 23	Monday, July 19	Tuesday, July 20
57 Tuesday, July 27	Wednesday, July 21	Thursday, July 22
Friday, July 30	NO ISSUE PUBLISHED	
58 Tuesday, August 3	Wednesday, July 28	Thursday, July 29
59 Friday, August 6	Monday, August 2	Tuesday, August 3
60 Tuesday, August 10	Wednesday, August 4	Thursday, August 5
61 Friday, August 13	Monday, August 9	Tuesday, August 10
62 Tuesday, August 17	Wednesday, August 11	Thursday, August 12
63 Friday, August 20	Monday, August 16	Tuesday, August 17
64 Tuesday, August 24	Wednesday, August 18	Thursday, August 19
65 Friday, August 27	Monday, August 23	Tuesday, August 24
66 Tuesday, August 31	Wednesday, August 25	Thursday, August 26
67 Friday, September 3	Monday, August 30	Tuesday, August 31
68 Tuesday, September 7	Wednesday, September 1	Thursday, September 2
69 *Friday, September 10	Friday, September 3	Tuesday, September 7

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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