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Texas Register



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How to Use the Texas Register

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

Governor - Appointments, executive orders, and proclamations.

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

Secretary of State - opinions based on the election laws.

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

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

Proposed Sections - sections proposed for adoption.

Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

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

Open Meetings - notices of open meetings.

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

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

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 18 (1993) is cited as follows: 18 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "18 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 18 TexReg 3."

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

Texas Administrative Code

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

The TAC volumes are arranged into Titles (using Arabic numerals) and Parts (using Roman numerals).

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

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

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

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

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

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

How to update: To find out if a rule has changed since the publication of the current supplement to the Texas Administrative Code, please look at the Table of TAC Titles Affected. The table is published cumulatively in the blue-cover quarterly indexes to the Texas Register (January 22, April 16, July 13, and October 12, 1993). In its second issue each month the Texas Register contains a cumulative Table of TAC Titles Affected for the preceding month. If a rule has changed during the time period covered by the table, the rule's TAC number will be printed with one or more Texas Register page numbers, as shown in the following example.

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

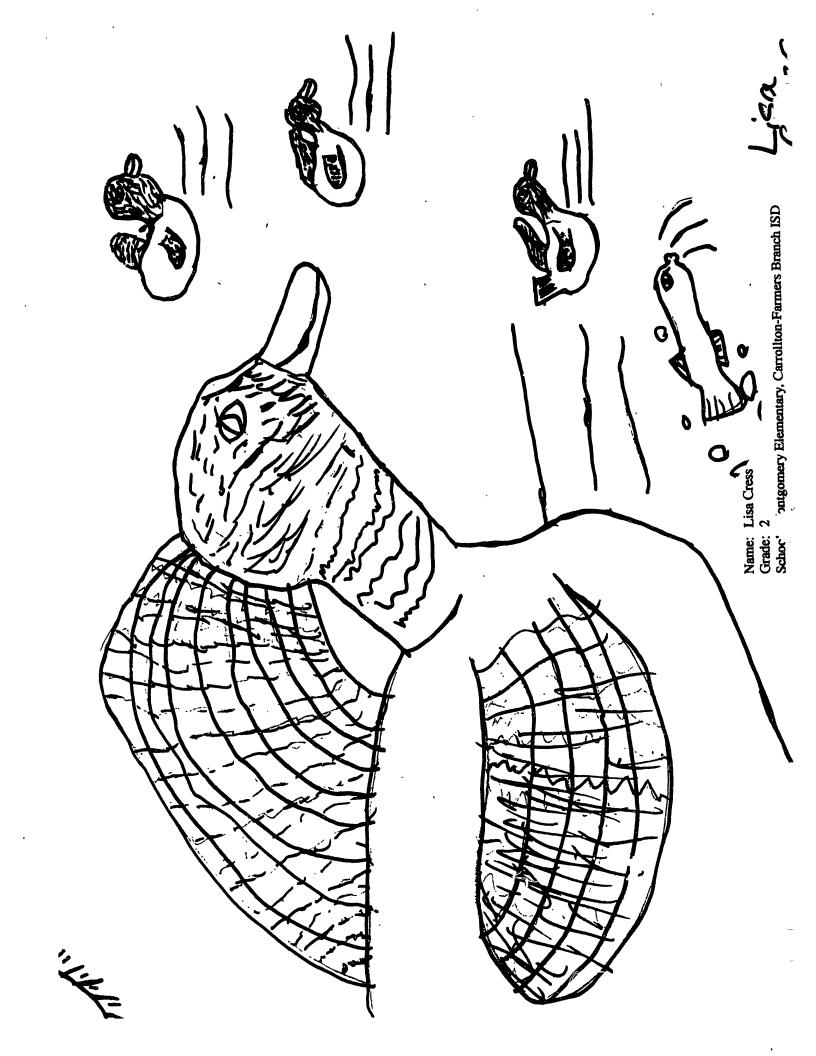
The Table of TAC Titles Affected is cumulative for each volume of the Texas Register (calendar year).

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

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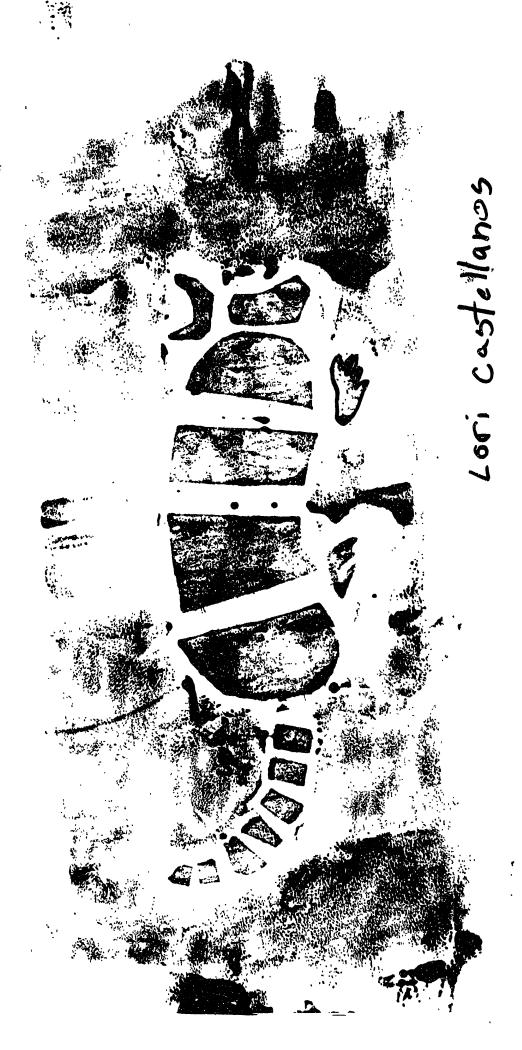




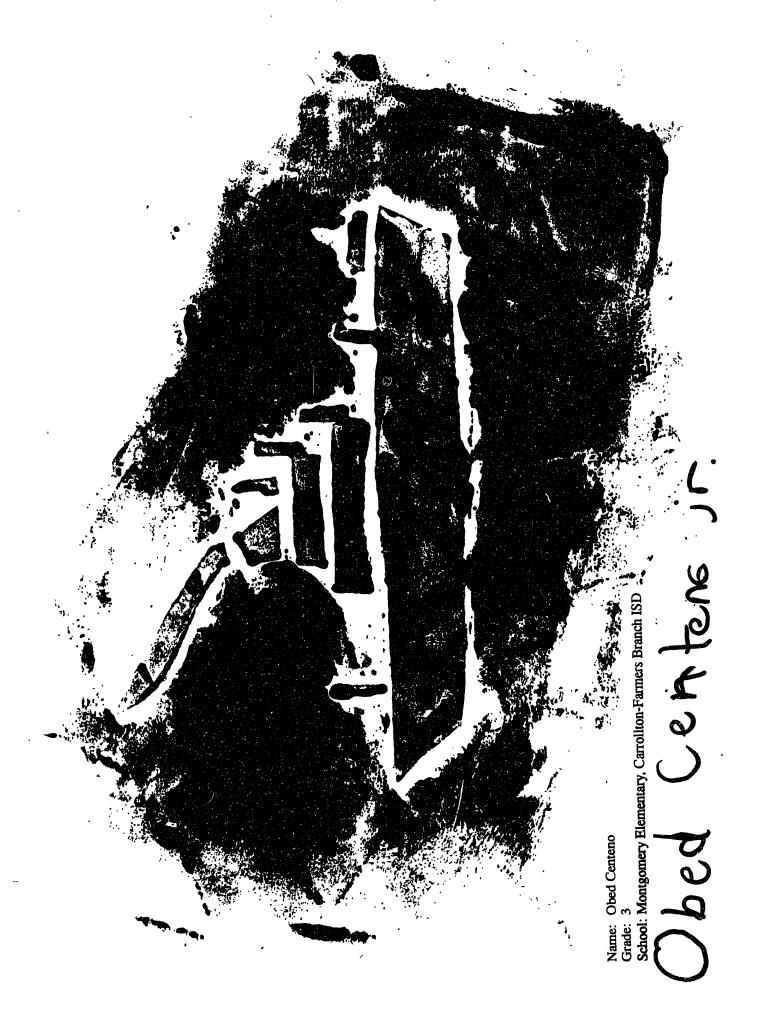
Phyllis







Name: Lori Castellanos Grade: 3 School: Montgomery Elementary, Carrollton-Farmers Branch ISD







Proposed Sections

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

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

TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture

Chapter 1. General Procedures [Practice and Procedure]

Subchapter A. General Rules of Practice

• 4 TAC §§1.1-1.5, 1.7, 1.10-1.15, 1.17-1.28

The Texas Department of Agriculture (the department) proposes amendments to §§1.1-1.5, 1.7, 1.10-1.15, and 1.17-1.28, concerning general rules of practice and procedure. The amendments are proposed in order to clarify and establish more efficient procedures for the processing of licenses and conducting of hearings before the department that are consistent with the requirements of the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a).

Dolores Alvarado Hibbs, chief administrative law judge, has determined that for the first five-year period the rules are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Ms. Hibbs also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules will be a more efficient and uniform system for the processing of administrative proceedings filed with the department. There will be no effect on small businesses. There will be no anticipated economic cost to persons who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Article 6252-13a, which provide the Texas Department of Agriculture with the authority to adopt rules of practice setting forth the nature and requirements of all formal and informal administrative procedures available; the Texas Agriculture Code, §12.001 and §12.006, which gives the department the authority to adopt rules necessary to the administration of the Texas Agriculture Code; and Texas Civil Statutes, Article 6252-13(c) and (d), which provide the department with the authority to issue guidelines on the eligibility of persons with criminal backgrounds for certain occupations, professions, and licenses.

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

Administrative Law Judge [Hearing examiner]-The commissioner or his designee who shall be assigned to conduct a hearing on a matter before the department and issue a proposal for decision for consideration by the commissioner or his designee.

Party In Interest-Any person who, in the determination of the administrative law judge [hearing examiner], is actually and substantially interested in the subject matter of a proceeding before the department as distinguished from one who has only a nominal, formal, or technical interest in or connection with such proceeding.

§1.2. Purpose. The purpose of these rules is to provide for a simple and efficient system of procedure, by establishing uniform standards of practice and procedure for actions before the department, thereby encouraging public participation and notice of agency actions. These [The department's] rules are designed to supplement procedures established by the Administrative Procedure and Texas Register Act, or by other applicable statute, and therefore any such statutory procedure not specifically included in this Chapter shall be applicable to practice before the department. These rules shall be liberally construed, with a view towards the purpose for which they were adopted.

§1.3. Scope and Construction of Rules.

(a) (No change.)

(b) When references are made to the Administrative Procedure and Texas Register Act (the Act), the words "agency," "an agency," or "the agency" used therein shall be taken to mean the department. When references are made to the Texas Rules of Civil Procedure, or the Texas Rules of Civil Evidence, the word "court" used therein shall be taken to mean the department and the word "clerk" shall mean the hearings clerk [administrator]. Any reference to provisions of the Act or rules shall mean the provision cited as currently in force or as it shall be hereafter amended.

§1.4. Procedure for Adoption of Rules.

- (a) (No change.)
- (b) All comments concerning a proposed rule submitted to the department pursuant to the provisions of the Act, §5, shall:
 - (1)-(2) (No change.)
- (3) be filed with the commissioner or the person designated to receive comments as stated in the *Texas Register's* publication of the proposed rule, no later than 30 days from the date the proposed rule is published in the *Texas Register*; and
 - (4) (No change.)
 - (c)-(d) (No change.)
- (e) Within 60 days after the receipt of a petition for the adoption of a rule, the department shall either deny the petition in writing, stating its reasons for the denial, or initiate rulemaking proceedings in accordance with the Act, §5.

§1.5. Filing and Service of Documents.

- (a) All pleadings filed by any party relating to any contested proceeding pending or to be instituted before the department shall be filed with the department's hearings clerk [administrator]. A pleading [They] shall be deemed filed only when actually received, accompanied by the filing fee, if any, required by statute or applicable rules.
- (b) A copy of any pleading filed by any party in any proceeding, subsequent to the institution thereof, shall be mailed or otherwise delivered by the party filing the same to every other party, or such party's attorney of record [filed and served on all other parties] not less than five days before the time specified for the hearing [and as provided in the Texas Rules of Civil Procedure, Rule 21].
- (c) Deposit in the United States mail of a registered or certified letter, return receipt requested, or mailing by commercial carrier such as Federal Express, addressed to the affected party or

the attorney of record for the party and sent to the party's last known address, or if a party is a licensee, the last address shown by the records of the department, or the attorney's last known address, shall constitute service of the pleading. The date of deposit as hereinabove provided is the date of the act, after which any designated period of time begins to run as provided in §1.6 of this title (relating to Computation and Enlargement of Time).

- (d) Service may also be accomplished by telephonic document transfer (Fax). Service by telephonic document transfer is complete when sent to the recipient's current telecopier number. Service by telephonic document transfer after 5:00 p.m. local time of the recipient shall be deemed served on the following day.
- (e)[(c)] The willful failure of any party to make such service shall be sufficient grounds for the entry of an order by

the commissioner or the administrative law judge, striking the protest, reply, answer, motion, or other pleading from the record.

(f)[(d)] A certificate by the party, attorney, or representative who files a pleading, stating that it has been served on the other parties, shall be prima facie evidence of such service. The following form of certificate will be sufficient in this connection.

"I hereby certify that a copy of			
this (state name of pleading) was			
sent by (state manner of service)			
to each addressee listed below on			
[I have this			
day of,19,			
served copies of the foregoing			
pleading upon all other			
parties to this proceeding, by			
(here state the manner of service)].			
"Signature."			

§1.7. Agreements Between Parties. No agreement between the parties, their attorneys, or representatives, with regard to any matter involved in any proceedings before the department shall be enforced unless it be in writing, signed and filed with the hearings clerk as part of the record of the case, or it be read into the record of the hearing [complies with the provisions of the Texas Rules of Civil Procedure, Rule 11]. This rule does not limit a party's ability to waive, modify, or stipulate any right or privilege afforded by this Chapter, unless precluded by law.

§1.10. Parties.

- (a)-(b) (No change.)
- (c) Any party in interest may appear in any proceeding before the department at the administrative law judge's [commissioner's] discretion. All appearances shall be subject to a motion to strike upon a showing that the party has no justi-

ciable or administratively cognizable interest in the proceeding. A petition to intervene in a proceeding before the department will be denied if the inclusion of the intervenor in the proceeding would cause unjustifiable delay or substantially change the nature of the proceeding.

- (d) (No change.)
- (e) Any notice, order, decision, or other communication required by statute or otherwise to be directed at a party to a proceeding before the department may be served upon that party's attorney of record or authorized representative with equal effect. A party represented by more than one attorney or representative in a matter before the department may be required by the administrative law judge [commissioner] to designate a lead counsel or representative who shall have control in the management of the matter, but all attorneys or representatives for the party may take part in the proceeding in an orderly manner.

(f)-(g) (No change.)

§1.11. Pleadings.

- (a)-(d) (No change.)
- (e) All pleadings for which no official form is prescribed shall contain:
 - (1)-(5) (No change.)
- (6) a certificate of service, as required by §1.5 of this title (relating to Filing and Service of Documents).
- (f) Any pleading filed pursuant to a proceeding before the department may be amended up to seven days prior to the hearing thereon if such amendment does not operate to surprise or otherwise prejudice another party to such proceeding or broaden the scope thereof. Amendments filed after such time may be allowed at the discretion of the administrative law judge [hearing examiner].
 - (g) (No change.)
- (h) Upon the filing of any pleading, the administrative law judge may examine the same and determine its suffi-

ciency under these rules. If he or she finds that the pleading does not comply in all material respects with these sections, he or she shall return it to the person who filed it, along with his or her statement of the reasons for rejecting the same. The person who filed such pleading shall thereafter have the right to file a corrected pleading, provided that the filing of such corrected leading shall not be permitted to delay any hearing unless the administrative law judge determines that such delay is necessary in order to prevent injustice or to protect the public interest and welfare.

§1.12. Motions.

- (a) Any motion relating to a pending proceeding shall, unless made during a hearing, be written, set forth the relief or order sought and the specific reasons and grounds therefore, and be timely filed with the hearings clerk [administrator] in accordance with §1.5 of this title (relating to Filing and Service of Documents). If the movant desires an oral argument on the motion, the motion shall so state.
- (b) A reply to such motion may be filed by any other party to the proceeding. If the party filing a response to a motion desires an oral argument on the motion, the reply shall so state. A reply to a written motion shall be filed on the earlier of five days after receipt of the motion or on the date of the hearing.
- (c) If based upon matters which do not appear of record, the motion or reply shall be supported by affidavit.
- (d) When necessary in the judgment of the commissioner or the administrative law judge [hearing examiner], a hearing may be held to consider any motion.
- (e) The administrative law judge may issue a written decision on a motion, state the decision on the record, or reserve ruling until after the hearing of the case. If a ruling on a motion is reserved until after the hearing of the case, the ruling shall be in writing and may be included in the proposal for decision.
- §1.13. Docketing and Numbering of Cases; Notice of Hearing; Location of Hearings [Filing of Answer].
- (a) Upon receipt of a pleading which is intended to institute a proceeding before the department and complies with this Chapter 1 as to form and content, the hearings clerk [administrator] shall docket the same as a pending proceeding, number it in accordance with any established docket numbering system of the department, and assign an administrative law judge [hearing examiner] to the action.[, and serve

notice to parties in accordance with \$1.5 of this title (relating to Filing and Service of Documents). Such notice shall be in the form of a citation and shall include notification of receipt of the pleading and of the date for filing of an answer to the pleading.]

- (b) Upon the receipt of a request for setting of a hearing on a docketed case, the hearings clerk shall, in coordination with the administrative law judge assigned to the case, set a hearing date and prepare the notice of hearing [An answer filed by a party in response to an original petition filed to initiate a proceeding before the department shall be filed within 30 days from the date of receipt of service of citation from the department].
- (c) The notice of hearing shall be issued by the administrative law judge and served on parties as provided at §1.5 of this title (relating to Filing and Service of Documents).
- (d) The notice of hearing shall comply with the provisions of the Administrative Procedure and Texas Register Act, §13.
- (e) Except upon a showing of good cause, all contested case hearings in which the department is a party shall be Leld at the department's offices located in Austin. A party may request a change of location by sending a written request stating the reasons compelling such a change to the administrative law judge assigned to the case. Any such request shall conform with the requirements of these rules and shall be served upon parties in accordance with §1.5 of this title (relating to Filing and Service of Documents).

§1.14. Licenses.

- (a) When licensing is required by statute to be preceded by notice and opportunity for hearing, the action shall be administered as a contested case as provided for in the Administrative Procedure and Texas Register Act (the Act) and these rules [this chapter].
- (b) For licenses covered by Texas Civil Statutes, Article 6252-13b.1, when licensing is not required by statute to be preceded by notice and opportunity for hearing, the following shall apply.

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

- (6) In the case of a timely protest as to the time for processing, if the commissioner determines that the specified time periods for processing have been exceeded and that there is no good cause for [to] exceeding the deadline, the license or permit filing fee shall be reimbursed in full to the applicant.
- as used in this section shall be found if:

(A) (No change.)

- (B) the department [TDA] must rely on another public or private entity for all or part of its permit processing, and the delay is caused by the other entity; or
 - (C) (No change.)
 - (8)-(9) (No change.)
- [(10) Except as provided for by applicable statute, a license may not be revoked, suspended, annulled, or amended, but upon notice to the licensee and an opportunity for a hearing, unless the revocation, suspension, annulment, or amendment is made upon motion of the licensee. Actions for the revocation, suspension, annulment, or amendment of a license shall be administered as a contested case as provided for in the Act and this Chapter 1.]
- (c) No revocation, suspension, annulment, withdrawal, or denial of renewal of a license or license application shall be effective unless, prior to the institution of agency proceedings to revoke, suspend, annul, withdraw, or deny a license or license application or renewal, the department has given notice and provided the licensee with an opportunity to show compliance with all requirements of the law for retention of the license or issuance of the license as follows:
- (1) If, after investigation of a possible violation and the facts surrounding that possible violation, the department determines that a violation has occurred that warrants the suspension, cancellation, revocation, annulment, withdrawal, or denial of a license or license application or a renewal application, the department shall give written notice of the alleged violations by certified mail to the person charged. The notice shall include a brief summary of the charges and a statement that the department intends to revoke, suspend, annul, deny, or withdraw the person's license or license application, a statement that the person has an opportunity to show compliance with requirements of the law for retention of the license, and a statement that the person has a right to a hearing on the occurrence of the violations alleged.
- (2) Not later than the 20th day after the date on which the notice is received, the person charged may make a written request for a hearing on the department's allegations and proposed action.
- (3) If the person charged requests a hearing or fails to respond to the notice, the department shall set a hearing

and give notice of the hearing. The hearing shall be held by an administrative law judge designated by the department in accordance with the provisions of the Act and these rules.

(d)[(c)] The commissioner may revoke, suspend, annul, or amend an existing valid license, disqualify a person from receiving or renewing a license, or deny to a person the opportunity to be examined for a license because of a person's conviction of a felony or a misdemeanor, if the crime directly relates to the performance of the occupation or activity for which the license is issued and the prior criminal conviction directly affects such person's present fitness to perform such occupation or activity.

(1) (No change.)

- (2) Those crimes which the department considers as directly related to the performance of a licensed occupation or activity include, but are not limited to:
- (A) any felony or misdemeanor as defined in the Texas Penal Code or similar statute of any other state of the United States of which fraud, dishonesty, or deceit is an essential element;

(B)-(D) (No change.)

(3)-(4) (No change.)

- (5) Proceedings held before the department to establish factors contained in this subsection are governed by the Act and these rules.
- (6) Upon a licensee's felony conviction, felony probation revocation, revocation of parole, or revocation of mandatory supervision, his or her license shall be revoked.

§1.15. Prehearing Conference.

- (a) In an appropriate proceeding, to assist in the disposition of the proceeding without expense or burden to the parties or the department, the administrative law judge [hearing examiner] may in his or her discretion, direct the parties, their attorneys, or representatives to appear before the administrative law judge [hearing examiner] for a conference to consider any matter which may be considered under the Texas Rules of Civil Procedure, Rule 166, using the procedures set out therein.
- (b) The administrative law judge [hearing examiner], in his or her discretion, may order that the conference provided for in these rules be conducted by telephone conference call.
- (c) At the discretion of the administrative law judge, all or part of the prehearing conference may be recorded.

(d) The administrative law judge may issue a prehearing order reciting the actions taken or to be taken with regard to any matter addressed at the prehearing conference. Any such order shall be made a part of the case record.

§1.17. Motions for Continuance or Withdrawal. Motions for continuance or withdrawal regarding matters which have been set for hearing, shall be in writing, shall be filed with the hearings clerk [administrator], and shall be served on parties not less than five days prior to the designated date that the matter is to be heard. Such motions shall set forth under oath the specific grounds upon which the movant seeks such action and shall make reference to all prior motions of the same nature filed in the proceeding. The movant shall include a statement that the other party or parties have been contacted and whether they have opposition to it. The movant shall also provide an agreed list of suggested future dates for consideration by the administrative law judge [hearing examiner]. Except for good cause, failure to comply with the provisions of this section may be construed as lack of diligence on the part of the movant, and at the discretion of the administrative law judge [commissioner], may result in the denial of the motion or other requested relief with prejudice to refiling.

- §1.18. Administrative Law Judges [Hearing Examiners].
- (a) Every hearing before the department shall be conducted by an administrative law judge [a hearing examiner, who shall be the commissioner or his designee].
- (b) The administrative law judge [hearing examiner] presiding shall have the authority to do the following:

(1)-(12) (No change.)

- (13) exercise any other appropriate powers necessary or convenient to carry out his or her responsibilities.
- (c) The administrative law judge shall have the authority to conduct all or part of a hearing by telephone conference as follows.
- (1) Upon motion of any party, and upon notice to all other parties, the administrative law judge may order that the appearance of any party and/or the testimony of any witness shall be taken by telephone.
- (2) Use of telephone conference-call procedures may be granted upon motion filed not less than 10 days before any scheduled hearing. If the motion is filed less than 10 days before any scheduled hearing, it may be granted by the administrative law judge upon a showing of good cause.

- (3) The party utilizing this telephone conference procedure for witness testimony and/or for that party's appearance shall provide the name(s) and telephone number(s) of the person(s) from whom telephone testimony is desired. In advance of the hearing, that party shall also provide the witness(es) and other parties with true and correct copies of any exhibits to be offered by that party or that party's witness(es) or from which question(s) will be elicited.
- (4) The rules and procedures governing hearings in general shall govern telephone hearings.
- (5) The party using the telephone conference procedure shall bear the costs of the conference call incurred for presenting that party's witnesses and/or case.
- (d) In the case of a party's failure to comply with a subpoena or commission to take deposition issued by the administrative law judge, the agency or the party requesting the subpoena or commission may seek enforcement thereof pursuant to the Act, §14(n).
- (e) Upon finding that a party has failed to comply with an administrative law judge's order or that a party has abused orders compelling discovery entered pursuant to the Act or these rules, a law judge may impose sanctions for such noncompliance or abuse in making, seeking, or resisting discovery. Sanctions may include, but are not limited to, the following:
- (1) recessing or continuing the hearing;
- (2) denying the noncompliant person the right to participate in the hearing for a period of time or prescribing conditions for the person's participation;
- (3) disallowing any further discovery of a particular kind or of any kind by the noncompliant party (except for discovery, if any, authorized by law over which the administrative law judge has no discretion);
- (4) disallowing, in part or whole, the noncompliant party's presentation of evidence or examination of witnesses on issues that were the subject of the discovery request;
- (5) ruling that particular facts shall be regarded as established for the purposes of the proceeding in accordance with the claim of the party that obtained the discovery ruling or other relevant order;
- (6) disallowing written or documentary evidence to be presented

that was not exchanged by a deadline for exchange of such evidence pursuant to §1.15 of this title (relating to Prehearing Conference);

- (7) disallowing the testimony of witnesses who were not listed by a deadline established for listing potential witnesses pursuant to §1.15 of this title; and
- (8) dismissing the case without prejudice.
- (f) If an administrative law judge fails to complete an assigned case before a final order is rendered, the chief administrative law judge may appoint a substitute administrative law judge on the hearings staff to complete the assigned case without the necessity of duplicating any duty or function performed by the previous administrative law judge. The substitute judge shall review the existing record and need not repeat previous proceedings, but may conduct future proceedings as are necessary and proper to conclude the hearing and render a proposal for decision.

§1.19. Reporters and Transcript.

- (a) All contested case hearings shall be recorded by electronic means. Upon request, and payment of the required fees, any person may be provided a copy of this recording.
- (b) Upon written request by any party, a transcript shall be made of the hearing by the office of hearings. The cost of the preparation of such transcript shall be borne by the requesting party. The transcript shall be filed with the administrative law judge assigned to the case and made part of the record of the case. Parties may purchase copies of a transcript upon payment of applicable charges.
- (c) Errors claimed in any transcription shall be noted in writing and suggested corrections may be offered within 10 days after the transcript is filed with the administrative law judge. Such time for suggested corrections may be extended by the administrative law judge. Suggested corrections shall be served in writing upon each party of record and upon the administrative law judge. If not objected to within 10 days after being offered, the administrative law judge shall direct that such suggested corrections be made and shall stipulate the manner of making such corrections. In the event that parties disagree on suggested corrections, the administrative law judge, with the aid of argument and testimony from the parties, shall then determine the manner in which the record shall be changed.
- (d)[(b)] In addition to preparation of a transcript upon the re-

quest of a party, transcripts [Transcripts] shall be prepared by the office of hearings [hearings administrator] when a [an] final agency order is appealed to district court. The party appealing the final agency order to district court shall pay all or a part of the cost of preparation of the transcript of the hearing.

- (e)[(c)] A party may elect to preserve the proceedings by stenographic or electronic means, or by use of a certified shorthand reporter. Such record may be designated as the official record by the chief administrative law judge [hearings administrator] upon notice to parties and opportunity to request a hearing. The cost of such record shall be borne by the party requesting the same.
- (f)[(d)] Any party wishing to provide an independent means of recording any contested case shall file a motion requesting permission no later than five days before the hearing. The administrative law judge [hearings administrator] shall grant, deny, or prescribe conditions governing such recordings as justice and hearings decorum may require.
- (g) [(e)] Nothing in this section shall be construed so as to limit the authority of the administrative law judge [hearings administrator] to control the orderly conduct and decorum of the hearing.
- §1.20. Rules of Evidence. In addition to any other rules of evidence [those] provided for in the Administrative Procedure and Texas Register Act, §14, the following rules [of evidence] will apply to proceedings before the department.
- (1) General rules. The rules of evidence as applied in nonjury civil cases in the district courts of this state shall be followed. Irrelevant, immaterial, or unduly repetitious evidence may be excluded. When necessary to ascertain facts not reasonably susceptible to proof under those rules, evidence not admissible under them may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent people in the conduct of their affairs. The rules of privilege recognized by law shall be effective in agency proceedings. Objections to evidentiary offers may be made and shall be noted in the record. No evidence shall be admissible in a proceeding if it is beyond the scope of the notice or amended pleadings of such proceeding.
- (2)[(1)] Representative documents. When a large number of similar documents is offered, the administrative law judge [hearing examiner] may limit those admitted to a number which are typical and representative, and may, in his or her discretion, require the abstracting of the

relevant data from the documents and the presentation of the abstracts in the form of an exhibir; however, before making this requirement, the administrative law judge [hearing examiner] shall see that all parties of record or their representatives are given an opportunity to examine the documents from which the abstracts are made.

- (3)[(2)] Prepared testimony. The prepared testimony of a witness upon direct examination may be incorporated in the record as if read or received as an exhibit, upon the witness' being sworn and identifying same. Copies of the testimony shall be given to all parties to the proceeding. The witness identifying the testimony shall be subject to cross-examination, and the testimony shall be subject to a motion to strike in whole or in part.
- (4)[(3)] Offer of proof. When testimony is excluded by ruling of the administrative law judge [hearing examiner], the party offering such testimony shall be permitted to make an offer of proof by dictating it into the record or submitting the substance of the proposed testimony in writing, prior to the conclusion of the hearing. and such offer of proof shall be sufficient to preserve the point. The administrative law judge [hearing examiner] may ask such questions of the witness as he or she deems necessary to satisfy himself or herself that the witness would testify as represented in the offer of proof. An alleged error in sustaining an objection to questions asked on cross-examination may be preserved without making an offer of proof.
- (5) Uncontested proceedings. In any uncontested proceeding, the administrative law judge shall receive, without regard to the legal rules of evidence, any evidence of a form and character which would ordinarily be relied upon by prudent people in the conduct of their affairs (unless precluded by statute), including, without limitation, affidavits, documents, and other forms of hearsay testimony determined by the administrative law judge to be relevant.
- (6) Official notice. The administrative law judge may take official notice of judicially cognizable facts and of generally recognized facts within an area of the department's specialized knowledge or expertise, and the special skills or knowledge of the agency and its staff may be utilized in evaluating the evidence. Parties shall be notified of the material noticed, including any staff memoranda or data, and shall be afforded an opportunity to contest the material so noticed.

(7) Exclusion of witnesses.

(A) Upon request by any party, the administrative law judge shall exclude witnesses other than parties from the hearing room, except when testifying.

- (B) The administrative law judge may order the witnesses, parties, attorneys, and all other persons present in the hearing room not to disclose to any witness excluded under this section the nature, substance, or purpose of testimony, exhibits, or other evidence introduced during the witness' absence.
- (C) A party that is not a natural person may designate an individual to remain in the hearings room, even though the individual may be a witness.

§1.21 'uct and D rorum.

livery party, witness, attorney, some presentative shall comport himself in department proceedings with dignity, courtesy, and respect for the department, the administrative last judge [hearing examiner], and all other passes and participants. Attorneys shall observe and practice the standards of ethical behavior prescribed for the profession by the Code of Professional Responsibility.

- (b) Upon violation of subsection (a) of this section, any party, witness, attorney, or other representative may be excluded by the administrative law judge [hearing examiner] from any hearing for such period and upon such conditions as are just, or may be subject to such other just, reasonable, and lawful disciplinary action as the administrative law judge [examiner] may prescribe.
- §1.22. Rules of Discovery and Sanctions. In addition to the rules of discovery provided in the Administrative Procedure and Texas Register Act, §14 and §14a, the Texas Rules of Civil Procedure, 166b, 167-169, and 200-215 shall [will] apply to proceedings before the department. True copies of requests for discovery, responses to such requests, and depositions shall be filed with the hearings clerk [administrator].

§1.23. Subpoenas, Depositions, and Orders to Produce.

(a) Subpoenas. Upon the request of a party to a contested case and upon the showing of good cause, a subpoena may be issued by [the department,] the commissioner, the chief administrative law judge, or the administrative law judge [hearing examiner] hearing the case as provided by the Administrative Procedure and Texas Register Act, (APTRA), §14.

(b) Depositions.

(1) Issuance of Commissions. Upon the request of a party to a con-

tested case or the department and the deposit of the appropriate fees, a commission to take a deposition shall be issued by the commissioner the chief administrative law judge, or the administrative law judge hearing the case, as provided by APTRA, §14. A commission may be issued for the taking of an oral deposition or a deposition by written questions.

- (2) Requesting a deposition by written questions. A copy of the written questions must be attached and filed with the request for taking of a deposition by written questions.
- (c) Order to Produce. Upon the filing of a Motion to Produce in accordance with APTRA, §14a, the commissioner, the chief administrative law judge, or the administrative law judge hearing the case may issue an order requiring the production of the requested items.

§1.24. Witness Fees.

- (a) A witness or deponent who is not a party and who is subpoenaed or otherwise compelled to attend any hearing or proceeding conducted under the authority of the Administrative Procedure and Texas Register Act is [may be] entitled to the following compensation:
- (1) mileage [and lodging costs] in the same amount per mile as [is allowed] the mileage travel allowance for state employees traveling on state business. Mileage is to be reimbursed for travel to and returning from the place of the hearing or deposition, provided the place is more than 25 miles from the person's place of residence; and

(2) (No change.)

(b) Mileage and fees to which a witness is entitled under this section shall be paid by the party at whose request the witness appears or the deposition is taken, upon presentation of proper documents sworn by the witness and approved by the department.

§1.25. Filing of Exceptions, Briefs, and Replies.

- (a) After the record of a hearing has closed, the administrative law judge conducting the hearing, or an administrative law judge who has reviewed the record of the case shall issue [department has issued] a proposal for decision on the case, stating findings of fact, conclusions of law and making a recommendation to the Commissioner on the case.[,]
- (b) The proposal shall be issued within 30 working days from the date that the record of the case is closed. If the

administrative law judge is unable to submit the proposal within the 30 days, the administrative law judge shall request an extension from the chief administrative law judge. Neither the administrative law judge's failure to request an extension, the chief administrative law judge's failure to grant the requested extension, nor the administrative law judge's failure to submit the proposal within the 30 day or extended period shall in any way affect the validity of the proposal for decision or the commissioner's jurisdiction, consideration, or action relative to the proposal for decision.

(c) Any [any] party of record may, within 15 days after the date of service of such proposal, file exceptions and briefs to the proposal with the hearings clerk [administrator]. Replies to such exceptions and briefs may be filed with the hearings clerk [administrator] within 15 days after the date for filing of such exceptions and briefs. Notwithstanding any provision of these rules to the contrary, for purposes of this section, the term "filed" means actually received by the hearings clerk [administrator]. Any exceptions, briefs or replies filed shall be directed to the administrative law judge [commissioner], filed with the hearings clerk, and served on parties in accordance with §1.5 of this title (relating to Filing and Service of Documents). A request for extension of time within which to file exceptions, briefs, or replies shall be directed to the administrative law judge [commissioner] and filed with the hearings clerk [office]. A copy thereof shall be served on all other parties of record by the party making such request in accordance with §1.5 of this title (relating to Filing and Service of Documents). The administrative law judge [commissioner] shall promptly notify the parties of the ruling on any request for extension [department's action upon the same] and shall allow additional time only in extraordinary circumstances where the interests of justice so require. A party may submit, and at the request of the administrative law judge [hearings examiner] shall submit, proposed findings of fact to be considered by the administrative law judge [examiner] in the preparation of the proposal for decision.

(d)[(b)] The points involved in such exceptions, briefs, and replies shall be concisely stated. The evidence in support of each point shall be abstracted or summarized, and/or briefly stated in the form of proposed findings of fact. Complete citations to the page number of the record or exhibit referring to evidence shall be made. The specific purpose for which the evidence is relied upon shall be stated. The argument and authorities shall be organized and directed to each point properly proposed as a finding of fact in a concise and logical

manner, Briefs shall contain a table of contents and authorities. Briefs, prior to the issuance of a proposal for decision, may be filed only when requested or permitted by the administrative law judge [examiner].

- (e) The administrative law judge may amend the proposal for decision pursuant to exceptions, replies, or briefs submitted by the parties without the proposal for decision again being served on the parties.
- (f) The failure of a party to properly serve copies of any exceptions and/or briefs filed in accordance with this section may result in withholding of consideration of the exceptions and/or briefs by the administrative law judge.
- (g) Upon the expiration of the time for filing exceptions or replies to exceptions, or after such replies and exceptions have been filed and considered, the administrative law judge's proposal for decision shall be considered by the commissioner, who shall render a decision and issue an order.

§1.26. Decisions and Orders.

- (a) A final decision or order issued by the commissioner [department] in a contested case shall comport with all of the requirements of the Administrative Procedure and Texas Register Act, §16 and shall be served on parties in accordance with that section.
- (b) A final decision or order issued in a contested case shall be issued within 60 days from the last date for filing of exceptions and replies to exceptions to the administrative law judge's proposal for decision unless the administrative law judge at the conclusion of the hearing, specifies a longer period of time within which the order may be issued.
- (c) A final order in an uncontested matter shall include all information required by any applicable law and or rules, and shall be issued as soon as is practical after the receipt of all required documentation.
- §1.27. Texas Rules of Court To Apply. Unless otherwise provided for in the Administrative Procedure and Texas Register Act, or this Chapter, the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence may be applied to govern procedural matters in proceedings before the department where, in the determination of the commissioner or the administrative law judge, such rules are practicable.

§1.28. Availability and Cost of Records.

(a) All public records and public information, as defined in the Open Re-

cords Act, Texas Civil Statutes, Article 6252-17a, will be made available for inspection or duplication upon request.

- (b) Request for public information shall be in writing. Forms may be made available by the department for the making of such requests.
- (c) Public information shall be made available upon request in the offices of the department during normal business hours. If the requested information is in active use or in storage, the applicant will be so notified in writing and a date and hour set within a reasonable time when the record will be available.
- (d)[(a)] The cost to any person requesting noncertified photographic reproductions of any department records, which [records] are [subject to] public records [examination] pursuant to the provisions of the Open Records Act, Texas Civil Statutes, Article 6252-17a, shall be those established by the General Services Commission pursuant to the Open Records Act §9(a) [for readily available information, \$.10 per page if 50 pages or less, and, if over 50 pages \$.85 for the first page copied, and \$.15 for each additional page copied. For information not readily available, the cost shall be \$.70 for the first page and \$.15 for each additional page, plus labor costs incurred in locating, preparing, and providing the information].
- (e) [(b)] The cost to any person requesting other than photographic reproduction of department public records shall be the cost established by the department in conjunction with the General Services Commission pursuant to the Open Records Act, §9(b). In no event shall such fees exceed the actual costs of reproducing the records requested. [The cost of information gathered from the department's automated files has the following three components:
- [(1) an automated record charge per record of \$.05 per record for the first 1,000 records and \$.01 for each additional record:
- [(2) a media charge to recover the cost of media which shall be \$10 for each magnetic tape and \$2.00 for each diskette furnished by the department, \$.01 for each page of printout, \$.01 for each pressure-sensitive label, and \$2.00 for each microfiche; and
- [(3) actual labor costs incurred in locating, preparing, and providing the information, if it is not readily available or requires extra time and effort to produce and/or prepare the documentation.
- (c) The cost for requests involving visual media will be \$15 for each 3/4-inch videotape, \$5.00 for each VHS

videotape, the actual cost of labor and materials for each photograph or slide, plus labor costs incurred in locating, preparing, and providing the information if it is not readily available.

- [(d) If the information requested is not covered by the pricing structure provided in subsections (a)-(c) of this section, the cost will be the labor and material cost of providing the information.
- [(e) The labor costs incurred in locating, preparing, and providing information shall be charged at the following rates:
- [(1) program director/supervisor-\$35/hr;
 - [(2) legal counsel-\$35/hr;
- [(3) programmer/analyst-\$35/hr;
- [(4) video editor/operator-\$35/hr;
- [(5) MIC operations staff-\$20/hr;
- [(6) clerical/support staff-\$20/hr.]
- (f) Any applicable sales tax and postage or delivery costs shall be charged in addition to the costs of the records requested [set out in this section].
- (g) Records requested under this section may be examined and/or edited to exclude material exempted from the Open Records Act or deemed confidential by statute. In the event of such editing, labor costs incurred in editing shall be charged in addition to costs of the public record requested [set out in this section].

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

Issued in Austin, Texas, on May 28, 1993.

TRD-9323641

Dolores Alvarado Hibbs Chief Administrative Law Judge Texas Department of

Agriculture
Earliest possible date of adoption: July 9,

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

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Subchapter B. Collection of Debts

• 4 TAC §§1.51-1.55

The Texas Department of Agriculture (the department) proposes new §§1. 51-1.55 concerning collection of debts owed to the Texas Department of Agriculture. The sections are intended to provide general procedures for the collection of delinquent debts owed to the department, strengthen in-house collection

strategies and referrals to the Office of the Attorney General.

Audrey Arechiga, assistant commissioner for administration, has determined that for the first five-year period the rules are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Ms. Arechiga also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules will be more efficient debt collections which should result in cost efficiencies for the state. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Joyce C. Amold, Administrative Law Judge, Assistant General Counsel, P.O. Box 12847, Austin, Texas 78711.

The new sections are being proposed under Texas Civil Statutes, Article 6252-5e, which provide the Texas Department of Agriculture with the authority to establish procedures for the collection of delinquent obligations.

§1.51. Administrative Procedures. The Commissioner of Agriculture (the commissioner) or any person designated by the commissioner shall develop procedures and guidelines for determining obligations owed to the department and the appropriate means of collecting such debts.

§1.52. Demand Letters.

- (a) The division responsible for determining an obligation is owed the department shall cause a first demand letter to be sent no later than 30 days after the obligation becomes delinquent. If no satisfactory response is received within 30 days after the date of the first letter, the division shall refer the matter to the chief legal officer who shall cause a second demand letter to be sent no later than 60 days after the first demand letter and include a notation that a copy is being sent to the Attorney General who may file a lawsuit on the account.
- (b) Demand letters should be mailed in envelopes bearing the notation "address correction requested" and shall comply with applicable requirements for address verification in 39 Code of Federal Regulations, \$265(d). If an address correction is provided by the United States Postal Service, the demand letter should be sent to the corrected address prior to being referred to the Attorney General for collection.
- §1.53. Referrals of Matters to the Office of the Attorney General for Collection.
- (a) The chief legal officer shall decide whether to refer a matter to the Attorney General for collection. This decision

and any referral generally should be made no later than 60 days after the second demand letter is sent.

- (b) Generally, the department will not refer collection matters in which the amount to be collected would be less than the total sum of expense to the department and the Attorney General for travel, employee time, court costs, and other relevant expenses. The commissioner or the chief legal officer may from time to time establish a minimum dollar amount for obligations to be referred for collection.
- (c) The department may, for policy reasons or other good cause, determine that a matter should be referred to the Attorney General even if the amount to be recovered does not exceed the minimum established pursuant to this rule.
- (d) In making a determination of whether to refer a matter to the Attorney General, the department shall consider:
- (1) the expense of further collection procedures;
 - (2) the size of the debt;
 - (3) the existence of any security;
- (4) the possibility of collection or satisfaction of the debt through other means:
- (5) the likelihood of collection; and
- (6) any other relevant factors established by the department's procedures for collection of debts.
- (e) Prior to referring a matter to the Attorney General, the department shall:
- (1) verify the debtor's address and telephone number;
- (2) conclude that the obligation is not uncollectible; and
- (3) transmit no more than two demand letters to the debtor at the debtor's verified address.
- §1.54. Records. The department will maintain records identifying all persons or entities liable for delinquent obligations and the correct physical address of the debtor's place of business and/or residence, if available. Such records should also contain collection histories on each debtor showing, where applicable, attempted contacts with the debtor, efforts to locate the debtor, efforts to locate assets of the debtor and the results of such efforts, state warrants that may be issued to the debtor and the results of such efforts, state warrants that may be issued to the debtor and any other information considered to be relevant by the department.

§1.55. Exceptions. For good cause, the commissioner may make exceptions to the procedures in §\$1.51-1.54 of this title (relating to Collection of Debts).

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

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TRD-9323640

Dolores Alvarado Hibbs Chief Administrative Law Judge Texas Department of Agriculture

Earliest possible date of adoption: July 9, 1993

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

TITLE 19. EDUCATION

Part I. Texas Higher
Education Coordinating
Board

Chapter 21. Student Services

Subchapter C. HinsonHazlewood College Student
Loan Program for all Loans
Which are Subject to the
Provisions of the Guaranteed
Student Loan Program, the
College Access Loan Program, the Health Education
Assistance Loan Program,
and the Health Education
Loan Program

• 19 TAC §21.57

The Texas Higher Education Coordinating Board proposes an amendment to §21.57, concerning the Hinson-Hazlewood College Student Loan Program (Loan Limits).

Section 21.57(b)(2)-The 1992 Amendments to the federal Higher Education Act of 1965 increased the maximum amounts for this program. The amendments would bring the Hinson-Hazlewood rules into compliance with the new federal loan limits.

Section 21.57(b)(3)-The loan limits in the College Access Program are not controlled in the same way as are those for the federal guaranteed program. The amendments are being made to keep the program competitive in filling the needs of students.

Section 21.57(c)(3)-The amendments to the rule will increase the annual and aggregate limit for College Access Loan (CAL) loans. The CAL is primarily made to students from middle income families that have difficulty meeting the contribution to the student's budget as determined by an analysis of the family's financial condition.

Mack Adams, Assistant Commissioner for Student Services, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Adams also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be as follows.

Section 21.57(b)(2)-The rules will be brought into compliance with the new federal loan limits.

Section 21.57(b)(3)-The amendment will keep the program competitive in filling the needs of students.

Section 21.57(c)(3)-Increasing the annual and aggregate limit for CAL loans will help many students stay in school who, without such assistance, might have to drop out.

Comments on the proposal may be submitted to Dr. Kenneth H. Ashworth, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P. O. Box 12788, Austin, Texas 78711.

The amendment is proposed under the Texas Education Code, §52.54, which provides the Texas Higher Education Coordinating Board with the authority to adopt rules concerning the Hinson-Hazlewood College Student Loan Program (Loan Limits).

§21.57. Loan Limits.

- (a) (No change.)
- (b) Annual Loan Limit. The maximum loan amounts allowed for any qualified applicant during an academic year is stated in paragraphs (1)-(5) of this subsection for each type of Hinson-Hazlewood loan. Under no circumstances may the annual loan amount for the FSL and FSLS exceed the amounts prorated for less than full-time enrollment specified in Title IV, Part B, of the Higher Education Act of 1965 as amended. When the student progresses satisfactorily to the next classification level, that student may be eligible for another FSL, FSLS, or CAL.
 - (1) (No change.)
- (2) FSLS-The annual loan limit is \$4,000 for the first two years of undergraduate study and \$5,000 for each subsequent year of undergraduate study. The annual loan limit for qualified applicants enrolled in graduate or postbaccalaureate professional school is \$10,000.
- (3) CAL-[The amount of a CAL plus other student financial aid may not exceed the cost of education.] The annual loan limit may not exceed \$7, 500 per academic year. [is the lesser of the following:]
- [(A) 75% of the total of the expected family contribution less other aid to replace family contribution;

[(B) The sum of tuition and fees, books and supplies, and 25% of other educational costs; or

[(C) \$5,000 per academic

[(D)] Annual loan amounts must be disbursed in a minimum of two disbursements. Each disbursement is not to exceed one half of the total loan amount unless at least one half of the loan period is elapsed. The amount of a CAL plus other student financial aid may not exceed the cost of education.

- (4)-(5) (No change.)
- (c) Aggregate loan limits. The aggregate amount allowed for any qualified applicant is stated below for Hinson-Hazlewood College Student Loans:
 - (1)-(2) (No change.)
- (3) CAL-The aggregate loan limit is \$30,000 [\$25,000].
 - (4)-(5) (No change.)

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

Issued in Austin, Texas, on June 2, 1993.

TRD-9323672

year.

James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Earliest possible date of adoption: July 9, 1993

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

• 19 TAC §21.61

The Texas Higher Education Coordinating Board proposes an amendment to §21.61, concerning the Hinson-Hazlewood College Student Loan Program (Loan Origination Fees and Insurance Premiums).

The Higher Education Amendments of 1992 established a loan origination fee for Federal Supplemental Loans. The fee is currently set at 5.0% of amount of loan and is subject to change annually. It must be withheld when the loan is disbursed and paid to the United States Department of Education quarterly.

Mack Adams, Assistant Commissioner for Student Services, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Adams also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be that the loan will be disbursed and paid to the United States Department of Education quarterly.

Comments on the proposal may be submitted to Dr. Kenneth H. Ashworth, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P. O. Box 12788, Austin, Texas 78711.

The amendment is proposed under the Texas Education Code, §52.54, which provides the Texas Higher Education Coordinating Board with the authority to adopt rules concerning the Hinson-Hazlewood College Student Loan Program (Loan Origination Fees and Insurance Premiums).

§21.61. Loan Origination Fees and Insurance Premiums.

- (a) (No change.)
- (b) FSLS.
- (1) The FSLS origination fee is set from time to time by the United States Department of Education and is deducted from the loan proceeds at the time of disbursement [No origination fee is permitted by federal law].
- (2) The maximum insurance premium is established by federal law and the actual insurance premium assessed is determined by the guarantor of the loan. It is deducted from the loan proceeds at the time of disbursement.

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

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

Issued in Austin, Texas, on June 1, 1993.

TRD-9323675

James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Earliest possible date of adoption: July 9, 1993

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

Subchapter E. Tuition Equalization Grants Program

• 19 TAC §§21.123-21.126, 21.132

The Texas Higher Education Coordinating Board proposes amendments to §§21.123-21.126, and 21.132, concerning the Tuition Equalization Grant Program. The proposed amendments are non-substantive and are only intended as "clean-up" measures.

Mack Adams, assistant commissioner for student services has determined that for the first five-year period the rules are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules. Mr. Adams also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be clarification by making amendments that are not non-substantive but only intended for or small businesses. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Dr. Kenneth H. Ashworth, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P. O. Box 12788, Austin, Texas 78711.

The rules are proposed under the Texas Education Code, §61.229, which provides the Texas Higher Education Coordinating Board with the authority to adopt rules concerning the Tuition Equalization Grant Program.

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

Financial need-The cost of attendance at an institution of higher education less the expected family contribution and any gift aid for which the student is eligible. The cost of attendance and family contribution are to be determined in accordance with board guidelines. The cost of attendance includes tuition, fees, educational materials, and living expenses. [The amount of reasonable expenses incurred by a full-time student at the approved institution where the student is enrolled is more than the amount of financial resources available to the student during the period of the grant. (Financial resources include, but are not limited to, income from parents and other sources, scholarships, gifts, grants, and the amount the student can reasonably be expected to earn.)]

[Freshman-A student who has accumulated less than 30 semester credit hours, or 45 quarter credit hours.]

[Junior-A student who has accumulated less than 90 semester credit hours, or 135 quarter credit hours.]

Resident of Texas-A resident of the State of Texas, as determined by the board. Nonresidents eligible to pay resident tuition rates are excluded from this program. [Any person who meets the requirements for paying Texas resident tuition rates at fully state-supported institutions as specified in Texas Education Code Chapter 54 and in the rules and regulations for determining residence status promulgated thereunder.]

[Sophomore-A student who has accumulated less than 60 semester credit hours, or 90 quarter credit hours.]

Tuition at a public college or university-The total amount of tuition charges that would have been required of the student under the provisions of Texas Education Code 54.051, as amended [in 1971], had the student attended a comparable public junior or senior college or university in Texas.

§21.124. Approved Institutions.

(a)-(e) (No change.)

(f) Discrimination prohibited. No person shall, on the grounds of race, color, sex, national origin, gender, religion, age or disability [or national origin], be excluded from participation in, be denied the benefits of, or be subject to discrimination under any provisions of this program. All transactions, including admissions and student employment, with respect to the Act, shall be made in compliance with Title VI of the Civil Rights Act of 1964.

§21.125. Eligible Students.

- [(a)] Criteria. To be eligible for a tuition equalization grant a person must:
- (1) be a Texas resident [as defined in §21.123 of these rules except that after September 1, 1983, no student other than one who is classified a resident student under §54.052 or §54.054 of the Texas Education Code may be eligible] unless such student[:]
- [(A) Was awarded a tuition equalization grant before September 1, 1983, still meets the criteria upon which the grant was then awarded, and has not completed the degree program for which he or she was enrolled on September 1, 1983, and/orl
- [(B)] is a national merit finalist [scholar and qualifies under \$54.051(p) of the Texas Education Code].

(2)-(3) (No change.)

- (4) demonstrate [establish] financial need. [in accordance with the following procedures:]
- [(A) Financial resources available to the applicant. Financial resources available to the applicant shall be determined by an analysis prepared by the College Scholarship Service or the American College Testing Program which the applicant submits, or by another similar method approved by the commissioner.]
- [(B) Reasonable expenses for a student. Reasonable expenses for a student at an approved institution shall be determined by the commissioner after consultation with representatives of the approved institution. Lists of reasonable expenses for typical students shall be submitted to the commissioner by the approved institution prior to April 1, of each

year for use in the following summer session and in the following academic year. The lists shall follow such format as may be prescribed by the commissioner. Each approved institution may submit as many lists of reasonable expenses as is required to properly reflect the different typical expense categories of students attending the approved institution. When more than one list is submitted, each list should be labeled so as to identify the category of students to be served by that list. In completing individual applications, the amount of "reasonable expenses" must be adjusted downward from those listed for a typical student when necessary to reflect the circumstances of the applicant. If the amount listed for a typical student must be increased to properly reflect the reasonable expenses of an individual applicant, the justification for the increased amount must accompany the individual application with such increased amount subject to approval or disapproval by the commissioner.]

[(C) Determination of financial need. Financial need can be determined to exist only when the amount of reasonable expenses of a student is more than the amount of financial resources available to the applicant.]

(5)-(9) (No change.)

- (10) not owe a refund on a grant received under the Federal Pell [Basic Educational Opportunity] Grant, Federal Supplemental Educational Opportunity Grant, or State Student Incentive Grant programs; and [.]
- (11) not be in default on a loan made, insured, or guaranteed under the Federal Perkins [National Direct Student] Loan, Hinson-Hazlewood College Student Loan, or Federal Family Education [Guaranteed Student] Loan Program.
- [(b) Limitations of eligible students. The Act applies to freshman (first year) students beginning in the fall semester of 1971; to freshman and sophomores in 1972; to freshmen, sophomores, and juniors in 1973; and to all students attending approved institutions in 1974 and thereafter. A student enrolled in a theological or religion degree program shall not be eligible for a grant.]

§21.126. Certification, Allocation, and Disbursement Procedure.

(a) Certification. On receipt of [a student's application, enrollment report, and] certification by the tuition equalization grants officer of the amount of the grant for which the student is eligible, the commissioner or another designated member of the staff of the board shall certify to the state comptroller the name of the student, the

student's social security number, and the amount of the grant to be disbursed. [The total amount of all grants in a fiscal year shall not exceed the appropriation for such purpose by the legislature.] No grant shall be for an amount more than the difference between the tuition at the private institution attended and the tuition at a comparable public college or university. [The proper amount of the grant shall be paid to the enrolled student through the tuition equalization grants officer of the approved institution acting as an agent of the board.] In no event shall a grant paid pursuant to the Act exceed an amount equal to 50% of the average state appropriation in the biennium preceding the biennium in which the grant is made for a full-time student or the equivalent at public senior colleges and universities, as determined by the coordinating board. A grant to a part-time student shall be made on a pro rata basis of a full-time equivalent.

(b) Allocation [Disbursement] of funds.

[(1)] To provide accessibility of funds to eligible students and to provide an orderly and timely method by which applicants may be notified of awards, the commissioner shall annually establish a preliminary fund reservation which each tuition equalization grants officer may certify to eligible students. Unless otherwise provided in this section, each preliminary fund reservation shall be based upon the pro-rata amount of tuition equalization grant funds the school's full-time eligible student population could have qualified for in the previous school year, had the program been fully funded. The federal [uniform] methodology shall be used in assessing the need of students for use in determining preliminary funds reservations. Should any tuition equalization grants officer not certify grants totaling the amount of the preliminary fund reservation by December 1 of the fiscal year, then any uncertified funds shall be reallocated to meet the needs of eligible students applying for grants to other tuition equalization grants officers. Effective December 1 of each year, any uncommitted funds will be applied to individual applications on a first-come/first-serve basis. This processing will continue until all appropriated funds have been granted or until all eligible applicants have received grants. Funds freed due to warrant cancellations and refunds will be available for reuse by the involved institution until March 15, at which time remaining funds will revert to processing on a first-come/first-serve basis as described in this subsection.

[(2) In 1987-1988, 75% of each preliminary fund reservation will be based upon the number of eligible full-time students enrolled in each approved institution in the preceding fall term, and 25% of the

preliminary fund reservations will be based on the amount of tuition equalization grant funds the school's full-time eligible student population could have qualified for in the previous school year, had the program been fully funded. In 1988-1989, 50% of the preliminary fund reservations will be based upon the number of eligible full-time students enrolled in each approved institution in the preceding fall term, and 50% of the preliminary fund reservations will be based on the amount of tuition equalization grant funds the school's full-time eligible student population could have qualified for in the previous school year, had the program been fully funded. In 1989-1990, 25% of the preliminary fund reservations will be based upon the number of eligible full-time students enrolled in each approved institution in the preceding fall term, and 75% of the preliminary fund reservations will be based on the amount of tuition equalization grant funds the school's full-time eligible student population could have qualified for in the previous school year, had the program been fully funded. Data used for determining preliminary funds reservations for the 1987-1988 school year were gathered in fall, 1986 and include needs assessed on uniform methodology basis when available but need assessed on the TEG methodology was also accepted on eligible students for whom no uniform methodology analysis was available. Data used for determining preliminary fund reservations for school years 1988-1989 and beyond will be based upon the uniform methodology needs analysis only. This temporary provision will be dropped from the rules after it becomes obsolete.]

(c)-(d) (No change.)

§21.132. Student Affirmation Form. No grant shall be disbursed to a student until the student has signed a tuition equalization grant affirmation form, confirming his/her current eligibility for the award. The signed form is to be returned to the board within 30 days of the issue date of the grant check. [This form is available from the Texas Higher Education Coordinating Board, P.O. Box 12788, Capitol Station, Austin, Texas 78711.]

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 June 1, 1993.

TRD-9323676

James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Earliest possible date of adoption: July 9, 1993

For further information, please call: (512) 483-6169

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• 19 TAC §21.129

The Texas Higher Education Coordinating Board proposes new §21.129, concerning Tuition Equalization Grant Program (Use of Grant Funds). The new rule is non-substantive and is only intended as a "clean-up" measure.

Mack Adams, Assistant Commissioner for Student Services, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Adams also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be clarification by adding a new rule that is non-substantive but only intended for "clean-up" purposes.

Comments on the proposal may be submitted to Dr. Kenrieth H. Ashworth, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P. O. Box 12788, Austin, Texas 78711.

The new rule is proposed under the Texas Education Code, §61.229, which provides the Texas Higher Education Coordinating Board with the authority to adopt rules concerning the Tuition Equalization Grant Program.

§21.129. Use of Grant Funds. No grant disbursed to a student may be used for any purpose other than for expenses related to study at the institution of enrollment.

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 June 1, 1993.

TRD-9323677

James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Earliest possible date of adoption: July 9, 1993

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

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Subchapter S. Vocational Nursing Student Scholarship Programs

• 19 TAC §21.593

The Texas Higher Education Coordinating Board proposes an amendment to §21.593, concerning the Vocational Nursing Student Scholarship Program (Definitions). There is a wide variety of tests used for helping institutions to make admissions decisions in vocational nursing programs. The tests are too varied to rely upon as a criteria in awarding scholarships among schools. There is too much variation of tests for the results to be helpful in the awarding of scholarships in a statewide program.

Mack Adams, Assistant Commissioner for Student Services, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or adminlatering the rule.

Mr. Adams also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be that the tests will not be as varied to rely upon as a criteria in awarding scholarships among schools.

Comments on the proposal may be submitted to Dr. Kenneth H. Ashworth, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P. O. Box 12788, Austin, Texas 78711.

The amendment is proposed under the Texas Education Code, §61.656, which provides the Texas Higher Education Coordinating Board with the authority to adopt rules concerning the Vocational Nursing Student Scholarship Program (Definitions).

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

Scholastic ability and performance-Academic credentials of the student, measured by high school rank in graduating class or grade point average or GED score [and scores on standardized entrance examinations]; or, for continuing or transfer students, by college grade point average.

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 June 1, 1993.

TRD-9323678

James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Earliest possible date of adoption: July 9, 1993

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

TITLE 25. HEALTH SER-VICES

Part I. Texas Department of Health

Chapter 37. Maternal and Child Health

Family Planning Services
• 25 TAC §§37.301-37.322

The Texas Department of Health (department) proposes new §§37.301-37.322, concerning family planning services. The new sections set out professional standards of care that family planning providers, under contract with the department pursuant to Title

V (42 U.S.C. §701, et sea) and Title X (42 U.S.C. §300 et seq), must follow. The Texas Board of Human Services will adopt similar rules that will apply to the family planning providers under contract to the Texas Department of Human Services (TDHS) and funded through Title XIX (42 U.S.C. §1395, et seq) and Title XX (42 U.S.C. §1397, et seq) family planning programs. The rules will not apply to individuals, such as physicians or nurse practitioners who in his or her private practice provide family planning services to Title XIX Medicaid clients.

Family planning agency providers, funded by the department, have been required to operate under standards of care since the mid 1970's which were developed and implemented by the Bureau of Maternal and Child Health. In January 1987, TDHS Sunset legislation required TDHS and the department to coordinate the family planning programs and a formal interagency memorandum of understanding was developed which included a section that the agencies agreed to jointly implement standards of care for family planning providers. TDHS formally adopted standards in September 1987, however these standards were not officially adopted by the Texas Board of Health (board) as rules.

The proposed new sections are actually revisions to those original standards and include more medically current standards of client care and clarify some of the original program requirements. The proposed new sections address the following topics: client assessment criteria, such as health history, physical examination and laboratory tests; education and counseling requirements; written informed consent: client scheduling: management of abnormal findings; the provision of contraceptive methods; specialty services, such as those for adolescents and pregnancy testing; required documentation; confidentiality; privacy; timeliness of services; protection from discrimination; voluntary client participation; client understanding; staff qualifications; staff development; emergency care; community outreach/education; provider protocols; and quality assurance activities. J. Scott Simpson, M.D., Division Director Maternal Health and Family Planning, Bureau of Maternal and Child Health, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implication for state or local government. Dr. Simpson has also determined that for each of the first five years the sections are in effect, the public benefit anticipated is that there will be achievement in consistency of quality client care among publicly funded family planning clinics. There is no anticipated economical cost to individuals who are required to comply with the proposed sections. There is no anticipated additional cost to small or large businesses to comply with the proposed rules; likewise, there will be no effect on local employment. Written comments on the proposal may be submitted to Carol Pavlica, R.N., Family Planning Program Coordinator, Bureau of Maternal and Child Health, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199. Telephone inquiries may also be made to Carol Pavlica, R.N., at (512) 458-7700. Comments will be accepted for 30 days following the date of publication of this proposal in the Texas Register. The new sections are proposed under the Health and Safety Code, §12.001, which provides for the board to adopt rules for the performance of each duty imposed by law on the board, the commissioner of health, or the department, and the current General Appropriations Act.

§37.301. Client Assessment: Health History, Physical Examination, and Laboratory Tests.

- (a) Every client requesting family planning medical services or a surgical orprescriptive contraceptive method must be provided an assessment.
- (b) For female clients, the assessment must include the following:
- (1) Health history. The following information must be obtained initially and annually:
- (A) gynecologic history including sexual history and STD/HIV risk;
 - (B) menstrual history;
 - (C) contraceptive history;
 - (D) obstetric history;
 - (E) medical and surgical his-
- (F) Family/genetic history; and

tory;

- (G) Social history, i.e., to-bacco, substance abuse, alcohol, and domestic violence.
- (2) Physical examination. The following physical examination procedures must be performed initially and annually:
- (A) height (annually for clients until they are 5 yrs. post-menarcheal);
 - (B) weight;
 - (C) blood pressure;
- (D) head, neck (including thyroid);
 - (E) lymph nodes;
 - (F) heart;
 - (G) lungs;

- (H) breasts (including instruction in self-examination initially, reinforcement annually);
 - (I) abdomen;
 - back:
 - extremities;
 - (L) pelvic examination; and
- (M) rectal exam, as indicated.
- (3) Laboratory tests. The following laboratory tests must be provided initially and annually:
- (A) hemoglobin or hematocrit (initially for all clients; annually for IUD clients; as indicated otherwise);
 - (B) pap smear;
- (C) tests for gonorrhea and chlamydia for clients requesting IUD insertion (only required pre IUD insertion, not annually); and
- (D) urinalysis for sugar and protein (initially for all clients and as indicated thereafter).
- (4) Additional laboratory tests. The following tests must be provided directly or by referral, if medically indicated:
- (A) tests **for** gonorrhea, chlamydia, and herpes;
- complete urinalysis (B) (dipstik and micro) and urine culture and sensitivity;
 - syphilis serology;
 - (D) rubella titer;
- tests for abnormal lipid and/or glucose levels (or equivalent multiple test profile);
- (F) pregnancy test (must be available on-site);
- (G) microscopic examination of wet mount of vaginal smear;
 - (H) sickle-cell test;

(I) TB test; and

(J) HIV test.

(c) For male clients, the assessment will vary according to the scope of services requested and provided. A complete male assessment must include a similarly appropriate history, physical exam, and set of laboratory studies.

§37.302. Education and Counseling.

- (a) Initial client education. Every new client requesting contraceptive services or family planning medical services must be provided initial client education either verbally, in writing, or by audio/visual materials. Over the counter contraceptive methods may be provided before the client receives the initial client education but must be accompanied by written instructions on correct use. The following initial client education content may vary according to the educator's evaluation of the client's current knowledge:
- (1) general benefits of family planning services and contraception;
- (2) information on male and female basic reproductive anatomy and physiology;
- (3) information regarding particular benefits and potential side effects and complications of all available contraceptive methods:
- (4) information concerning all of the clinic's available services and the purpose and sequence of clinic procedures and routine schedule of return visits;
- (5) breast self-examination rationale and instruction unless provided during physical exam (for females); and
- (6) information on HIV/STD infection and prevention and safer sex discussion.
- (b) Post assessment counseling. There must be a discussion of the findings from the client's history, physical exam and lab tests. Information regarding the recommended schedule of return visits must be discussed. If a new method is initiated then method specific counseling must be given to include:
- (1) verbal and written instructions for correct use of the method and self monitoring;
- (2) information regarding the method's mode of action, safety, benefits and effectiveness:
- (3) information regarding risks, potential side effects and complications of the method and what to do if they occur;
- (4) back up method review when appropriate and instructions on correct use: and

- (5) demonstration of appropriate insertion and removal of diaphragms or caps by the client at the time of the fitting.
- (c) Preconceptional counseling. Clients who may become pregnant and in whom the assessment reveals potential pregnancy risk(s), must receive counseling regarding the modification/reduction of that
- Education/counseling. Other client education and counseling and/or referral must be provided as indicated, based on client assessment.
- §37.303. Written Informed Consent. The client's general consent must be obtained for receipt of medical services and an informed consent must be obtained for receipt of a prescriptive or surgical contraceptive method. A consent form must be obtained whenever a client begins a new form of prescriptive contraception or undergoes a reinsertion procedure. (Does not apply to pill changes). The following standards apply:
- (1) Only the client may consent to her/his contraceptive care; neither spousal nor parental consent may be requested or required.
- The client's consent must be voluntary.
- (3) The client's consent must be in writing.
- (4) The client's consent for a prescriptive or surgical method must be obtained before provision of the method.
- (5) If the client does not understand the language of the consent form, it must be interpreted. Consent information must be effectively communicated to every client including those who are blind, deaf, or otherwise have a disability.
- The consent form for contraception must contain a statement that the client has been counseled, and has received appropriate information about the chosen method.
- (7) If sterilization services using federal funds are provided or arranged, the federal sterilization consent guidelines must be followed.
- §37.304. Office or Medical Clinic Visits.
- During any visit for a medical problem or follow-up visit the following must occur:
- (1) an update of the client's relevant history;
 - (2) physical exam, if indicated;
- laboratory tests, if indicated:

- (4) treatment and/or referral, if indicated:
- (5) education/counseling or referral, if indicated; and
- (6) scheduling of follow up visit if indicated.
- (b) The first routine follow-up visit after a contraceptive method is initially provided must be scheduled to occur as follows, unless specifically indicated otherwise:
- (1) between three and four months for oral contraceptors (visit must include blood pressure and weight);
- (2) one week and three to four months for Norplant users or, in accordance with protocols (three to four month visit must include blood pressure and weight);
- (3) after the next normal menses or no more than six weeks after an IUD is inserted.
- (c) Subsequent routine visits for non-high-risk clients must not occur more frequently than annually unless indicated.
- (d) Supply visits for oral contraceptive refills must not be more frequent than every three months, unless specifically indicated. Annual supply visits are encouraged. Other supply-only visits must occur as indicated. More frequent supply visits may be scheduled for reasons other than medical indications.
- §37.305. Management and/or Referral for Abnormal Findings.
- (a) The provider must have a system for:
- (1) informing the client or making at least three attempts within 30 days after diagnosis to inform the client of a diagnosed or suspected disorder. All attempts must be documented with dates; the final attempt must be in writing;
- (2) counseling the client about diagnosed or suspected abnormalities; and
- (3) offering the client treatment or referral for treatment when counseled about diagnosed or suspected abnormalities.
- (b) Clients must be offered treatment or referral for treatment of sexually transmitted diseases (STD) when diagnosed. STD clients must be counseled to have their partner(s) evaluated and treated. Providers must comply with state STD reporting requirements.
- §37.306. Provision of Contraceptive Method.
- (a) A contraceptive method must not be provided to the client if an absolute medical contraindication exists for that cli-

- ent in accordance with the provider's protocols.
- (b) If a contraceptive method is provided for a client for whom a relative medical contraindication exists, a specific inquiry and evaluation regarding the relative contraindication must be made at all contraceptive surveillance visits.
- §37.307. Family Planning Services for Adolescents.
- (a) Adolescents age 17 and younger must be provided counseling and medical services that meet their special needs.
 - (b) The provider must ensure that:
- (1) appointment schedules are flexible enough to accommodate immediate access for adolescents requesting services;
- (2) counseling informs adolescents regarding use of all medically approved birth control methods including abstinence;
- (3) counseling encourages them to discuss their family planning needs with a trusted or significant adult if they choose to do so:
- (4) for the adolescent electing a nonprescriptive method, full participation in medical procedures is encouraged but may be deferred by the client; and
- (5) the adolescent is assured that all services are confidential and that any necessary follow-up contact will protect the client's privacy.
- §37.308. Pregnancy Testing.
- (a) Clients having a pregnancy test must be provided an assessment, counseling and a referral, if indicated.
- (b) At a minimum, the following must be obtained or updated prior to the laboratory test being performed:
- (1) date of last normal menstrual period; and
- (2) current contraceptive method.
- (c) Clients must be advised that the laboratory test for pregnancy cannot be considered 100% accurate.
- (d) Clients with positive results must receive a pelvic examination or be advised to have a pelvic examination within 15 days to confirm the pregnancy and must be provided basic pregnancy education and counseling; and if:
- (1) desiring to maintain the pregnancy, must be encouraged to enroll in prenatal care as soon as possible; or
- (2) requesting information about options for an unintended pregnancy,

- must be provided non-directive counseling about and a referral for the following:
- (A) prenatal care and delivery;
- (B) infant care, foster care, or adoption; and
- (C) pregnancy termination (not required of natural family planning agencies).
- (e) Clients with bleeding, pain, or any symptoms of an abnormal pregnancy, must receive appropriate management immediately or a timely referral for further evaluation.
- (f) Clients with negative results who are not seeking pregnancy must be offered information about contraception, at least a non-prescriptive contraceptive method and a return appointment for a family planning visit. Clients seeking pregnancy must be appropriately counseled.
- (g) If the results of the pregnancy test are inconclusive, the client must be instructed to return to the clinic or referral source for another assessment within one week.
- §37.309. Documentation. All services provided to a client must be appropriately documented in an appropriate medical record.
- §37.310. Range of Methods. All medically approved methods of contraception must be made available to the client, either directly or by referral to a subcontractor. This does not mean that all brands of the different contraceptive methods need to be available, but each major contraceptive category must be made available.
- §37.311. Confidentiality.
- (a) The provider must ensure client confidentiality and provide safeguards for clients against the invasion of personal privacy.
- (b) All personnel (both paid and volunteer) must be informed during orientation of the importance of keeping information about a client confidential.
- (c) Client's records must be secured during hours when the facility is closed, either in locked file cabinets or in a locked room. During facility hours, client's records must be under supervision, or locked away.
- (d) The provider must obtain the client's written consent to release information to a specific entity or entities when it is requested.

- (e) The client's preference of methods of follow-up contact must be documented in the client's record.
- (f) Each client must receive verbal assurance of confidentiality and adolescents must receive an explanation of what confidentiality means.

§37.312. Privacy.

- (a) The design of the facility must ensure privacy for clients, and staff must provide services in a manner that protects the client's dignity.
- (b) There must be private offices, rooms, or areas for interviewing, counseling, educating, and referring clients.
- (c) There must be individual, private dressing areas for clients adjacent to the examining rooms, or clients must be allowed to undress and dress in privacy in the examining rooms.
- (d) The examining rooms or areas must permit complete privacy for the examination and any discussion between the client and the clinic staff.

§37.313. Timeliness.

- (a) Clients requesting contraception and who cannot be seen immediately must be offered a non-prescriptive method without delay.
- (b) Complete family planning services must be provided within 30 calendar days after the client's request, unless the desired method is unavailable.

§37.314. Protection Against Discrimination.

- (a) Services must be provided without discrimination.
- (b) The provider must have a written policy statement that prohibits discrimination on the basis of marital status, parenthood, handicap, age, color, religion, sex, sexual orientation, ethnicity, national origin, contraceptive preference, or medical condition. This statement must be displayed in a public viewing area.
- (c) During the orientation of paid staff and volunteers, the provider must stress the importance of prohibiting discrimination.
- (d) The provider must comply with Title VI of the Civil Rights Act of 1964 (Public Law 88-352), Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112), The Americans with Disabilities Act of 1990 (Public Law 101-336), and all amendments to each, and all requirements imposed by the regulations issued pursuant to these acts.

§37.315. Voluntary Participation.

- (a) Clients must not be subjected to any coercion to receive services. Also acceptance of services must not be a prerequisite for eligibility for any other service or program.
- (b) The provider must have a policy statement that prohibits coercion of clients to receive services or to use any particular method of contraception. During the orientation of paid staff and volunteers, the provider must stress this policy.

§37.316. Client Understanding.

- (a) All services must be provided in such a way that they can be understood by the client regardless of any disabilities or language barriers that may exist.
- (b) Bilingual interpreters, agreed to by both the client and provider, must be available for clients who do not speak English.
- (c) Written communication and selected educational materials must be available in English and Spanish.
- (d) During staff orientation, the provider must stress sensitivity to client differences in cultural expectations or disabling conditions.

§37.317. Staff Qualifications.

- (a) Medical director. The provider's medical care services must be provided under the supervision, direction, and responsibility of a qualified medical director.
- (1) At all times, the provider must have a medical director who is a physician currently licensed to practice medicine in Texas. The medical director must be responsible for the overall direction, supervision, and coordination of medical services provided by the provider, and assume final responsibility for the content of all medical information and services given to clients. Licensure verification and qualifications must be available in the personnel records.
- (2) The medical director must participate in quality assurance activities.
- (b) Other staff. The provider must ensure that all medical, educational, counseling and administrative staff are qualified, and appropriately licensed, certified, registered, and/or recognized to function in their respective roles as follows.
- (1) Physicians must be currently licensed by the Texas Board of Medical Examiners and nurses must be currently licensed by the Texas Board of Nurse Examiners for Registered Nurses or Vocational Nurses. Physician assistants must be registered with the Texas Board of Medical Examiners. All must meet the provider's qualifications.

- (2) Other staff must be properly trained in the area they are assigned to work.
- (3) Performance of all medical duties by staff must be defined by the medical director and approved based upon the director or delegate's evaluation of the individual's education, experience and clinical expertise.
- (4) Documentation of educational credentials, professional training, licensure, certification, recognition, registration, and periodic work performance evaluations must be maintained in the personnel files of all staff.

§37.318. Staff Development.

- (a) The provider must have a documented plan of organized staff development based on an assessment of training needs.
- (b) The provider's plan for a staff development program must include orientation and inservice training for all personnel, including volunteers.

§37.319. Emergencies.

- (a) The provider must be adequately prepared to handle emergency situations.
- (b) Each site must have a written plan for the management of onsite medical emergencies, emergencies requiring ambulance services and hospital admission, and emergencies requiring evacuation of the premises; evacuation plans for the premises must be posted.
- (c) Each site where sterilization procedures are performed must have a written arrangement with a licensed facility for emergency treatment of any surgical complication.
- (d) Each site must have staff trained in Cardio-Pulmonary Resuscitation (CPR) and emergency medical action; staff trained in CPR must be present during all hours of clinic operation.
- (e) Each site must maintain emergency resuscitative drugs, supplies, and equipment, appropriate to the services provided at that site.
- (f) If sterilization procedures are performed in a free-standing surgical care center or on an in-patient basis in a hospital, Medicare standards applicable to the facility and staff must be met.
- §37.320. Community Outreach/Education. The provider must provide community education in order to inform the public of its purpose, to disseminate basic family planning knowledge, to enlist community support and to attract potential clients.

§37.321. Provider Protocols. The provider must have written protocols and standing delegation orders which are comprehensive enough to cover all services offered. They must be approved by the medical director, reviewed and signed at least annually by both director and all appropriate staff. There must be a complete copy of the protocols and standing delegation orders at all clinical sites.

§37.322. Quality Assurance. The provider must have a written quality assurance plan which outlines a systematic approach to assess and monitor services provided and to correct problems identified in the assessment. The plan must include at least the following activities to occur at least annually:

- (1) formalized patient record review/audit;
 - (2) staff performance review;
 - (3) facility review;
- (4) formalized patient complaint process; and
- (5) systematic review and follow-up for adverse patient outcomes.

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

Issued in Austin, Texas, on May 28, 1993.

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

Proposed date of adoption: July 24, 1993 For further information, please call: (512) 458-7238



Chapter 145. Long Term Care

Subchapter G. Licensing and Medical Certification Standards for Nursing Homes

• 25 TAC \$145.111

The Texas Department of Health (department) proposes an amendment to §145.111, concerning standards for nursing homes jointly developed by the department and the Texas Department of Human Services (TDHS) that apply to licensure and to Medicaid certification (standards). The standards are in TDHS rules in 40 TAC §§19.1-9.2216, which the department adopts by reference in §145.111.

The department's amendment to 25 TAC §145.111 will show the effective date that the department adopts TDHS's changes to the standards. The sections covered under this amendment to 25 TAC §145.111 are the proposed amendments to 40 TAC §19.101,

§19.203, §19.212, §19.302, §19.501, §19.701, §19.801, §19.907, §19.1001, §19.1005, §19.1308, §19.1501, §19. 1607, §19.1701, §19.1807, §19.1922, and §19.1923, which are being published in [insert issue number and date] issue of the Texas Register under TDHS proposed rules.

These amendments provide technical clarification of previously adopted sections. The amendments add references to the ombudsman program of the Texas Department on Aging and emphasize the special developmental and medical needs of children who are nursing facility residents.

Marlin W. Johnston, Acting Bureau Chief, Bureau of Long Term Care, Texas Department of Health has determined that for the first five-year period the section will be in effect, there will be no fiscal implication for state or local government as a result of enforcing or administering the section as proposed.

Mr. Johnston also has determined that for each year of the first five years the section will be in effect, the public benefit anticipated is that facilities and consumers will more clearly understand the requirements in the areas amended. There is no anticipated cost to small or large businesses to comply with this proposal; no anticipated cost for individals affected by this proposal; and no effect on local employment.

Comments on the proposal may be submitted to Marlin W. Johnston, Acting Bueau Chief, Bureau of Long Term Care, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199, at (512) 834-6770. Comments will accepted for 30 days following the date of publication of this proposal in the Texas Register.

The amendment is proposed under the Health and Safety Code, Chapter 242, which provides for the Board of Health to promulgate rules relative to its licensing authority for long term care facilities; §12.001, which provides the Texas Board of Health with the authority to adopt rules for the performance of every duty, imposed by law on the Texas Board of Health, the Department, and the Commissioner of Health; and Senate Bill 487, §8, 71st Legislature, Regular Session, 1989, which provides the Department and TDHS with the authority to jointly develop one set of standards for nursing homes that applies to licensure and to certification for participation in the medical assistance program under Chapter 32, Human Resources Code, and to adopt by rule the standards and any amendments to them.

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

(a) The Texas Department of Health adopts by reference the Texas Department of Human Services rules 40 TAC §§19.1-19.2216, concerning Long Term Care Nursing Facility Requirements for Licensure and Medicaid Certification effective October 8, 1990, as amended: October 1.

1990, under federal mandate; September 1, 1991; March 17, 1992; April 1, 1992 under federal mandate; March 3, 1992 under federal mandate; April 1, 1992 and August 26, 1992, under federal mandates; February 1, 1993; May 15, 1993, [and] May 22, 1993, and August 31, 1993.

(b) (No change.)

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

Issued in Austin, Texas, on May 28, 1993.

TRD-9323623

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

Proposed date of adoption: August 31, 1993

For further information, please call: (512) 458-7236

Part VIII. Interagency Council on Early Childhood Intervention

Chapter 621. Early Childhood Intervention Program

Early Childhood Intervention Service Delivery

• 25 TAC §621.25

The Interagency Council on Early Childhood Intervention (Council) proposes an amendment to §621.25, concerning the Early Childhood Intervention Program. This section covers service delivery requirements, specifically application requirements. The amendment updates and clarifies the section in compliance with the Individuals with Disabilities Education Act Amendments of 1991, Public Law 102-119, Part 303.

Mary Elder, Executive Director, Early Childhood Intervention Program, 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 rule.

Ms. Elder 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 clearer regulations which will result in more effect/ive compliance. There will be no effect on small or large businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed. There will be no impact on local employment.

Comments on the proposed amendments may be submitted to Mary Elder, Executive Director, Early Childhood Intervention Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7673. Ms. Elder will receive comments for 30 days after the proposed amendments have been published in the Texas Register.

The amendment is proposed under the Human Resource Code, §73.003, which provides the interagency Council on Early Childhood Intervention with the authority to establish rules regarding services provided for children with developmental delays. The amendments will affect the Health and Safety Code, Chapter 73.

§621.25. Application Requirements.

- (a)-(d) (No change.)
- (e) Allowable costs.
 - (1) (No change.)
- (2) The following expenses are the most common types of "other expenses":

(A) (No change.)

(B) depreciation-allowable whenever real or personal property are used for the benefit of the grant with grantor's approval; [May only count toward the applicant's share; with grantors approval; is not chargeable to the ECI share;]

(C)-(G) (No change.)

(f) (No change.)

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

Issued in Austin, Texas, on May 28, 1993.

TRD-9323624

Tammy Tiner, Ph.D. Chairperson Interagency Council on Early Childhood Intervention

Earliest possible date of adoption: July 9, 1993

For further information, please call: (512) 458-7236

TITLE 31. NATURAL RE-SOURCES AND CON-SERVATION

Part I. General Land Office

Chapter 15. Coastal Area Planning

Subchapter E. Interim Approval of Local Government
Dune Protection and Beach
Access Plans

• 31 TAC §15.72

The General Land Office proposes a technical amendment to §15.72(a), concerning the interim approval of the Nueces County and

Cameron County dune protection and beach access plans, the identification and preservation of critical dune areas, and the preservation and enhancement of public beach access in those counties as required by recent amendments to state law.

The proposed technical amendment corrects the date by which Nueces and Cameron counties will have to submit their final plans pursuant to the rules for Management of the Beach/Dune System (31 TAC §§15.1-15.10). Section 15. 72(a) incorrectly provides that the final plans be submitted to the General Land Office by August 2, 1993. The rules for the Management of the Beach/Dune System, which govern the submission of all plans, require that plans be submitted to the General Land Office by August 16, 1993. Therefore, the proposed amendment modifies §15.72(a) by changing the date by which Nueces and Cameron counties must submit their final plans to the General Land Office from August 2, 1993 to August 16, 1993.

Mr. Spencer Reid, deputy commissioner of the General Land Office, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Reid also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is not appreciable. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to William C. Foster, General Land Office, Legal Services Division, 1700 North Congress Avenue, Room 630, Austin, Texas 78701, (512) 463-5019, FAX number (512) 463-6311. In order to be considered, comments on the proposed amendment must be received in the General Land Office within 30 days of publication.

The amendment is proposed under the Texas Resources Code, Natural §§61.011, 61.015(b), and 63.121, which provides the General Land Office with the authority to identify and protect critical dune areas and to preserve and enhance public beach access, as well as the Texas Natural Resources Code, §33.601, which provides the General Land Office with the authority to adopt rules on erosion; and the Texas Water Code. §16.321, which provides the General Land Office with the authority to adopt rules on coastal flood protection.

§15.72. Administration.

(a) Approval of Nueces County and Cameron County plans. This rule applies only to those areas regulated under the Nueces County and Cameron County dune protection and beach access plans. In this rule the General Land Office is approving the Nueces County dune protection and beach access plan, adopted by order of the Nueces County Commissioners' Court on March 25, 1992, and the Cameron County dune

protection and beach access plan, adopted by order of the Cameron County Commissioners' Court on August 3, 1992. Both the Nucces County and Cameron County plans will be subject to revision in accordance with the Management of the Beach/Dune System rules adopted by the General Land Office. The revised plans must be submitted to the General Land Office by August 16 [2], 1993, as required by the Management of the Beach/Dune System rules.

(b)-(m) (No change.)

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

Issued in Austin, Texas, on May 28, 1993.

TRD-9323635

Garry Mauro Commissioner General Land Office

Earliest possible date of adoption: July 9, 1993

For further information, please call: (512) 463-5007

TITLE 40. SOCIAL SER-VICES AND ASSIS-TANCE

Part IV. Texas
Commission for the
Blind

Chapter 163. Vocational Rehabilitation Program

• 40 TAC §163.32

The Texas Commission for the Blind proposes new §163.32, concerning self-employment services within the vocational rehabilitation program. The new rule sets forth the procedures that must be completed by an applicant or client who is interested in a vocational goal of self employment prior to the agency's being able to determine whether self-employment services are appropriate under vocational rehabilitation guidelines for eligibility.

Michael T. Phillips, Deputy Director, Administration and Finance, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Pat D. Westbrook, Executive Director, also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be a structured approach in assisting a consumer toward self-employment through the use of expropriate assessments, including a business plan, cost estimates for startup, and projected 12-month operating costs. The rule also indicates how the profits from a business will be used to reduce payments for services provided through governmental entitlement programs. There will be no effect on

small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Jean Wakefield, P.O. Box 12866, Austin, Texas 78711.

The new rule is proposed under the Human Resources Code, Title 5, and the Rehabilitation Act of 1973, as amended, which provide the Texas Commission for the Blind with the authority to adopt rules and to take actions that are necessary or appropriate to carry out commission purposes.

§163.32. Self-employment Services.

- (a) Definition. Self-employment services are those services provided by the agency that assist a client to earn income directly from their own business, trade, or profession rather than a specified salary or wages from an employer. Not included within the definition is self-employment within the Business Enterprises Program administered by the agency.
- (b) Preliminary consideration. When an agency applicant or client expresses an interest in self-employment, an agency counselor and the client will together determine the client's involvement in a business venture, whether it is a new or existing business.

(c) Existing business.

(1) If a request for services is primarily to get additional tools or equipment for an existing business and the business venture can be reasonably expected to succeed as it currently exists, then a substantial vocational handicap does not exist and the person does not meet the eligibility criteria for the vocational rehabilitation program.

(2) If a substantial vocational handicap exists because of the lack of necessary tools and equipment and the person is in danger of loss of self-employment, an individualized written rehabilitation plan (IWRP) will be developed that includes the services to prevent loss of self-employment.

(d) New business.

- (1) Assessment. Before the agency will expend resources on the purchase of equipment for a new business, a client must submit to the counselor for consideration either a small business plan apby the Small Business Administration or completed agency documents entitled Cost Estimates for Start-Up, Projected 12-Month Operating Costs, and Business Plan Justification. The business plan must indicate how the profits from the business will be used to reduce payments for services provided through governmental entitlement programs. Assistance is available from the counselor in completing these documents and copies are available at any agency office, including the Central Office at 4800 North Lamar Boulevard, Austin, by writing P.O. Box 12866, Austin, Texas 78711, or by calling the agency toll-free at (800) 252-5204.
- (2) Implementing the business plan.

- (A) An approved, completed business proposal for self-employment containing the amount of funds requested from the agency is required prior to requisition of agency funds. Financial assistance will be determined by the counselor based on documented need and the budgetary constraints under which the agency is operating at the time.
- (B) A plan determined to be nonfeasible and, therefore, disapproved, may be appealed through the regular appeal process contained in \$159.21 of this title (relating to Appeals Process, Reviews, and Hearings).
- (C) This subparagraph does not apply to supplemental income businesses, homemakers, unpaid family workers, or consumers who are self-employed at time of acceptance who only need physical restoration, counseling, and guidance.

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

Issued in Austin, Texas, on May 24, 1993.

TRD-9323593

Pat D. Westbrook
Executive Director
Texas Commission for the
Blind

Earliest possible date of adoption: July 9,

For further information, please call: (512) 459-2600

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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 filling 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 16. ECONOMIC REGULATIONS

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division

Subchapter F. Bills of Lading and Waybills

• 16 TAC §5.92

The Railroad Commission of Texas has withdrawn from consideration for permanent adoption a proposed §5.92, which appeared in the December 4, 1992, issue of the *Texas Register* (17 TexReg 8673). The effective date of this withdrawal is May 28, 1993.

Issued in Austin, Texas, on May 27, 1993

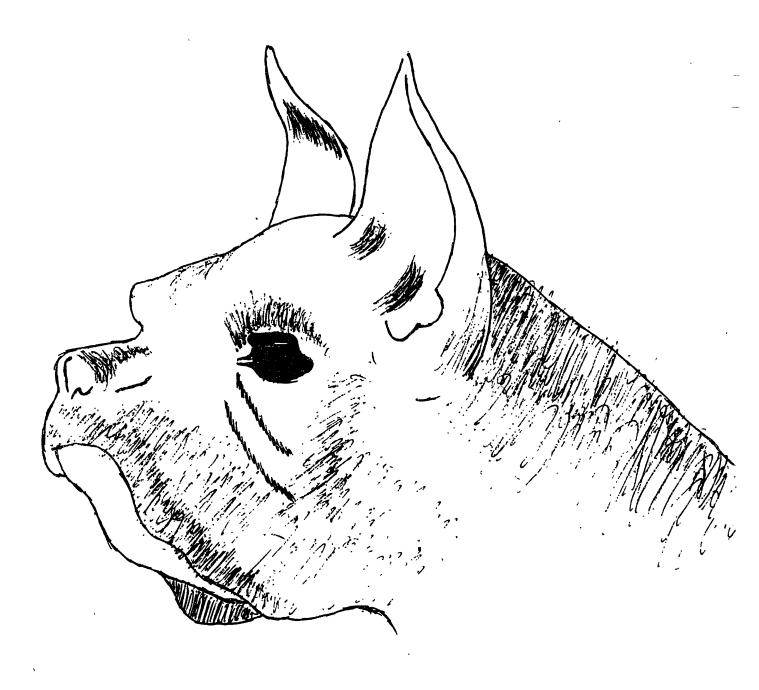
TRD-9323576

Mary Ross McDonald Assistant Director, Legal Division, Gas Utilities, P Gas Railroad Commission of Texas

Effective date: May 28, 1993

For further information, please call: (512) 463-7095

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Boxer

Name: Darrell Dawson Grade: 5

School: Hanby Elementary, Mesquite 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 41. Auditing

Records, Reports by Licensees and Permittees

• 16 TAC §41.52

The Texas Alcoholic Beverage Commission adopts an amendment to §41.52, concerning private clubs-in general, without changes to the proposed text as published in the April 13, 1993, issue of the *Texas Register* (18 TexReg 2457).

The rule will clarify the definition of guest applicable to fraternal and veteran's organizations.

The rule will require all guests at fraternal and veterans organizations which hold private club exemption permits to be personally known to club members or their families and to be admitted to the club premises by personal introduction or within the physical company of the member or member's family.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Alcoholic Beverage Code, Subchapter B, §5.31, which provides the TABC with the authority to prescribe and publish rules necessary to carry out the provisions of the Texas Alcoholic Beverage Code.

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 May 27, 1993.

TRD-9323598

Gayle Gordon
General Counsel
Texas Alcoholic Beverage
Commission

Effective date: June 18, 1993

Proposal publication date: April 13, 1993

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

TITLE 40. SOCIAL SER-VICES AND ASSIS-TANCE

Part I. Texas Department of Human Services

Chapter 14. County Indigent Health Care Program

Subchapter C. Providing Services

• 40 TAC §14.202

The Texas Department of Human Services (DHS) adopts an amendment to §14. 202, concerning exclusions and limitations, in its County Indigent Health Care Program chapter, without changes to the proposed text as published in the April 23, 1993, issue of the Texas Register (18 TexReg 2617).

The justification for the amendment is to change the provider billing time frame from 90 to 95 days to coincide with the Medicaid program billing schedule.

The amendment will function by making DHS's mandatory billing time frames consistent

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4438f; the Indigent Health Care and Treatment Act, Title I; and the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

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

Issued in Austin, Texas, on June 2, 1993.

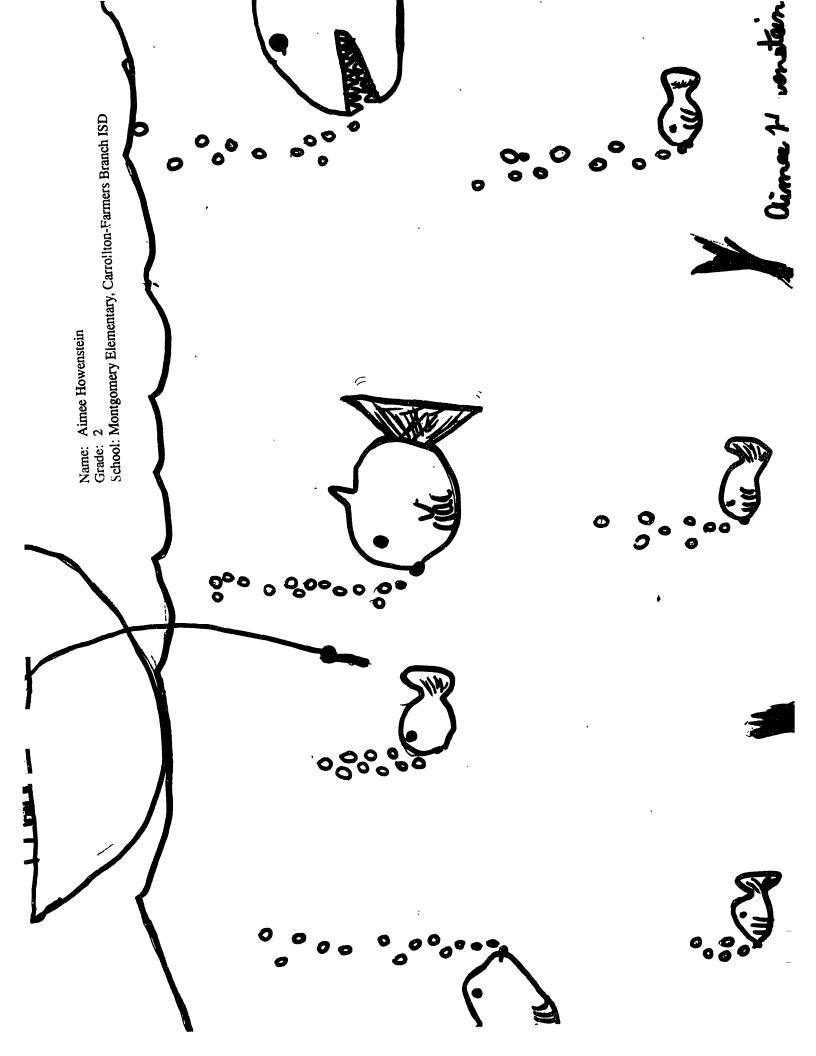
TRD-9323668

Nancy Murphy Section Manager Texas Department of Human Services

Effective date: July 1, 1993

Proposal publication date: April 23, 1993 For further information, please call: (512) 450-3765

Adopted Sections June 8, 1993 18 TexReg 3619



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 on Aging

Wednesday, June 9, 1993, at 9:00 a.m. The Texas Board on Aging Retreat of the Texas Department on Aging will meet at 1949 South IH-35, Third Floor Large Conference Room, Austin. According to the complete agenda, the board will consider and possibly act on calling the meeting to order; resolution recognizing years of service by Frank Adamo, Alamo Area Agency on Aging; purpose of retreat; evolution of "Age Network; Wave"-Aging Environmental assessment: Health and Human Services Commission's roles and responsibilities; vision for the future-input from TDoA staff, board, and network; actions needed to work toward common vision; and adjourn.

Contact: Mary Sapp, P.O. Box 12786, Austin, Texas 78711, (512) 444-2727.

Filed: June 1, 1993, 1:32 p.m.

TRD-9323651

Wednesday, June 9, 1993, at 5:00 p.m. The Minority Elderly Committee of the Texas Department on Aging will meet at 1949 South IH-35, Third Floor Small Conference Room, Austin. According to the complete agenda, the committee will consider and possibly act on calling the meeting to order; discuss the approval of the minutes of March 10, 1993, meeting; review proposed program for the 1993 Texas Department on Aging Minority Outreach Conference; discuss speaker expenses; approval of conference brochure; review of exhibitor status; other miscellaneous items; and adjourn.

Contact: Mary Sapp, P.O. Box 12786. Austin, Texas 78711, (512) 444-2727.

Filed: June 1, 1993, 4:20 p.m.

TRD-9323662

Thursday, June 10, 1993, at 9:30 a.m. The Texas Board on Aging and Citizens Advisory Council (CAC) of the Texas Department on Aging will meet at 1949 South IH-35, Third Floor Large Conference Room, Austin. According to the complete agenda, the board will consider and possibly act on calling the meeting to order; discuss approval of the minutes of April 8, 1993, board meeting; approval of the minutes of March 10, 1993, CAC meeting; receive public testimony; executive director's report; CAC chair's report; select Retired Senior Volunteer Program summer mini-grants; discuss and establish board travel policies; overview of proceedings of June 9, 1993, board retreat; adopt access and assistance current resources model for fiscal year 1994; board committee reports to include: Area Agency on Aging Operations-publish the following standard in the Texas Register for final adoptiondesignation of planning and service areas, process. 40 TAC §255.12; Networking/Advocacy/Legislation-update on legislation of interest to TDoA; Planning-adopt Texas Association of Regional Councils' recommendation for regionally coordinated area plan process for use in fiscal year 1994; general announcements; and adjourn.

Contact: Mary Sapp, P.O. Box 12786, Austin, Texas 78711, (512) 444-2727.

Filed: June 1, 1993, 1:32 p.m.

TRD-9323652

Thursday, August 26, 1993, 10:00 a.m. (Rescheduled from Tuesday, June 15,

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1993, 10:00 a.m.). The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 1700 North Congress Avenue, Stephen F. Austin Building, Room 928B, Austin According to the complete agenda, the department will hold an administrative hearing tol review alleged violation of Texas Agriculture Code, §76.116(a)(1) and 4 Texas Administrative Code, §7.22 by Ed Shores, TDA Docket Number 08-93-AEP.

Texas Department of Agri-

Contact: Joyce C. Arnold, P.O. Box 12847, Austin, Texas 78711, (512) 475-1668.

Filed: June 3, 1993, 9:13 a.m.

TRD-9323744

Thursday, August 26, 1993, 1:30 p.m. (Rescheduled from Tuesday, June 15, 1993, 1:00 p.m.). The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 1700 North Congress Avenue, Stephen F. Austin Building, Room 928B, Austin. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code, §76.116(a)(1) and 4 Texas Administrative Code, §7.22 by Ed Shores, TDA Docket Number 09-93-AEP

Contact: Joyce C. Arnold, P.O. Box 12847, Austin, Texas 78711, (512) 475-1668.

Filed: June 3, 1993, 9:13 a.m.

TRD-9323743

Texas Appraiser Licensing and Certification Board

Thursday, June 10, 1993, 1:00 p.m. The Ad Hoc Committee of the Texas Appraiser Licensing and Certification Board will meet at the TREC Headquarters, Executive Conference Room 235, 1101 Camino La Costa, Austin. According to the complete agenda, the committee will call the meeting to order; workshop for discussion and possible recommendations to the Texas Appraiser Licensing and Certification Board concerning: possible rules for professional conduct and ethics, or standards of practice (22 TAC §155) guidelines, jurisdiction and authority of the TALCB in regulating real estate appraisers and appraisals; applicability of the Uniform Standards of Professional Appraisal Practice (USPAP); and effects of House Bill 2644 on enforcement and other rules; and adjourn. For ADA assistance, call Nancy Guevremont (512) 465-3923 at least two days prior to meeting.

Contact: Renil C. Liner, 1101 Camino La Costa, Austin, Texas 78711-2188, (512) 465-3950.

Filed: June 2, 1993, 10:42 a.m.

TRD-9323685

Texas Catastrophe Property Insurance Association

Thursday, June 10, 1993, 6:30 p.m. The Board of Directors of the Texas Catastrophe Property Insurance Association will meet at the Wyndham Austin Hotel, 4140 Governor's Row, Austin. According to the complete agenda, the board will call the meeting to order-reminder of anti-trust statement; discuss proposed facilities and service agreement between TIAA/TCPIA; and discuss any other business that may come before the board.

Contact: F. R. "Buddy" Rogers, 2801 South Interregional, Austin, Texas 78741, (512) 444-9612.

Filed: June 2, 1993, 3:35 p.m.

TRD-9323723

Texas Department of Commerce

Thursday, June 3, 1993, 8:30 a.m. The State Job Training Coordinating Council Strategic Planning/Coordination Committee of the Texas Department of Commerce met at the Doubletree Hotel, 6505 North IH-35, De Witt Room, Austin. According to the complete emergency revised agenda, the committee possibly acted on SJTCC comment on "Indicators of Program Quality for Adult Education and Literacy Programs"

and adjourned. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, or persons who need assistance in having English translated into Spanish, should contact Kevin Faulkner, (512) 320-9885 (TDD 320-9698 or Relay Texas 1 (800) 735-2988), at least two days before this meeting so that appropriate arrangements can be made. The emergency status was necessary as council staff had learned from the Texas Education Agency on May 27, 1993 that council comments were needed on this item. This was of major concern to the Council and was essential under federal law that the Council comment on the performance indicators of other federally funded programs. TEA had advised Council staff that comments needed to be turned in to them by June 7, 1993 in order to allow for review by the State Board of Education (SBOE) Chair and TEA staff prior to the SBOE meeting on June 11, 1993.

Contact: Alexa Ray, P.O. Box 12728, Austin, Texas 78711, (512) 320-9883.

Filed: June 2, 1993, 1:17 p.m.

TRD-9323695

Wednesday, June 9, 1993, 9:00 a.m. The Board of Directors of the Texas Department of Commerce will meet at the 11th Floor Board Room, 816 Congress Avenue, Austin. According to the agenda summary, the board will call the meeting to order; recess into executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(e), to discuss pending litigation and quasilitigation matters; call back to order of open meeting; discuss adoption of minutes from meeting of April 14, 1993; report from executive director; approval of proposed amendment to small business assistance rules (permit assistance); approval of request for proposal process to select partners for the Texas Manufacturing Assistance (TMAC) network proposal to federal technology reinvestment project competition, and delegation of authority to executive director to select the Texas partners; approval of Smart Jobs Fund proposed rules; Interstate 69 Association/"Corridor 18"; tourism product development; Mexico TV advertising and the 1994 creative blueprint; hear public comments; and adjourn.

Contact: Richard Hall, 816 Congress Avenue, Suite 1120, Austin, Texas 78701, (512) 320-9672.

Filed: June 1, 1993, 1:27 p.m.

TRD-9323649

Wednesday, June 9, 1993, 12:25 p.m. The Texas Economic Development Corporation of the Texas Department of Commerce will meet at the 11th Floor Board Room, 816 Congress Avenue, Austin. According to the agenda summary, the board will call the meeting to order; discuss approval of min-

utes from meeting of April 14, 1993; management agreement with Texas Department of Commerce; and adjourn.

Contact: Richard Hall, 816 Congress Avenue, Suite 1120, Austin, Texas 78701, (512) 320-9672.

Filed: June 1, 1993, 1:27 p.m.

TRD-9323650

Daughters of the Republic of Texas, Inc.

Friday, June 11, 1993, 9:30 a.m. (Rescheduled from Friday, June 11, 1993). Board of Management Meeting of the Daughters of the Republic of Texas, Inc. will meet at the Emily Morgan Hotel, 705 East Houston Street, San Antonio. According to the agenda summary, the board will discuss determination of quorum-open meeting; public session reports and recommendations for action by committees operating State-owned properties; recess to closed/executive session; open meeting, public session-motions arising from closed/executive session; and adjourn.

Contact: Gail Loving Barnes, 2922 Chisum, Odessa, Texas 79762, (915) 366-7085.

Filed: June 1, 1993, 4:20 p.m.

TRD-9323660

Interagency Council on Early Childhood Intervention

Wednesday, June 9, 1993, 9:00 a.m. The Interagency Council on Early Childhood Intervention will meet in Room T-607, Texas Department of Health, 1100 West 49th Street, Austin. According to the complete agenda, the council will receive public comments; discuss approval of the minutes of May 12, 1993, meeting; discuss and possibly act on: reports of the advisory committee and director's forum; fiscal year 1994 funding recommendations for intervention and high priority infant transitional services programs and high priority infant transitional services expansion priorities for fiscal year 1994; requests for emergency funding for fiscal year 1993; Region One Education Service Center's notification of intent to continue services and assignment of service area in fiscal year 1994; philosophical paper describing service delivery; update on legislative issues; budget and move of offices; and council meeting dates for July-September, 1993.

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.

Filed: June 1, 1993, 3:40 p.m.

TRD-9323658

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Texas Education Agency

Wednesday, June 9, 1993, 9:30 a.m. The State Board of Education (SBOE) Task Force on Elementary and Early Childhood Education of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the agenda summary, the task force will make welcoming remarks; discuss state support for developmentally appropriate education-restructuring the Pre-K and Kindergarten Curriculum; professional panel presentation on preparation and development for developmentally appropriate education; discuss the implementation of the policy statement and recommendations: discuss task force site visits and public hearings; small group discussion of policy elements and recommendations; small groups report back to Task Force; and adjourn.

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

Filed: June 1, 1993, 10:14 a.m.

TRD-9323642

Thursday, June 10, 1993, 9:00 a.m. The State Board of Education Committee on the Permanent School Fund (PSF) of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-109, Austin. According to the complete agenda, the committee will hear presentations from three banks responding to the agency's request for proposals for Master Trust Custodian Services for the PSF. Following the presentations, the committee may hold discussion in executive session in accordance with Texas Civil Statutes, Article 6252-17, §2(f), to review terms and conditions of specific proposals presented by the banks.

Contact: Tom Anderson, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8994.

Filed: June 2, 1993, 2:12 p.m.

TRD-9323701

Thursday, June 10, 1993, 1:00 p.m. The State Board of Education (SBOE) of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the complete agenda, the board will have swearing-in ceremony for member of the SBOE-the oath of office will be administered to Mrs. Eleanor N. Conrad, from SBOE District 13.

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

Filed: June 2, 1993, 2:12 p.m.

TRD-9323702

Thursday, June 10, 1993, 1:00 p.m. The State Board of Education (SBOE) Committee on Personnel of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-111, Austin. According to the agenda summary, the committee will hear public testimony; discuss proposed amendments to 19 TAC §143.11, Requirements for Assignment of School Personnel; proposed amendment to 19 TAC §137.194, Teacher Certificate-All Level; proposed repeal of 19 TAC §145.2, Paperwork Reduction and Proposed Amendments to 19 TAC §61.11, School District Information Requirements; report of Visiting Team and Request for Reapproval for Region XIII Education Service Center (ESC) Alternative Certification Program; request for reapproval of a Visually Handicapped Endorsement Program to be added to the Region XI ESC Alternative Certification Program; request from Schreiner College for initial approval of an Alternative Certification Program; proposed amendments to 19 TAC Chapter 137, Professional Educator Preparation and Certification; hear report of the Commissioner's Task Force on School Health Services and Staffing of School Health Services; status report on the Accreditation of School Districts; and report on Public Education Legislation.

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

Filed: June 2, 1993, 2:12 p.m.

TRD-9323703

Thursday, June 10, 1993, 1:00 p.m. The State Board of Education (SBOE) Committee on Students of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-100, Austin. According to the agenda summary, the committee will hear public testimony; request for approval of indicators of program quality for adult education and literacy; discuss the social studies program; and hear report on public education legislation.

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

Filed: June 2, 1993, 2:13 p.m.

TRD-9323704

Thursday, June 10, 1993, 1:00 p.m. The State Board of Education (SBOE) Committee on School Finance of the Texas Education Agency will meet at 1701 North Con-

gress Avenue, William B. Travis Building, Room 1-104, Austin. According to the agenda summary, the committee will hear public testimony; school finance update; discuss proposed new 19 TAC §68.35, Allowable Transportation Fees; request for approval to accept grant funds from Carnegie Corporation; discuss proposed amendments to 19 TAC Chapter 61, Subchapter H. School Facilities Standards; review of adult education special projects and teacher training for Fiscal Year 1993-1994; report on the State Auditor's Financial and Compliance Audit for Fiscal Year 1992; regulation of massage schools; and hear report on public education legislation.

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

Filed: June 2, 1993, 2.13 p.m.

TRD-9323705

Thursday, June 10, 1993, 4:30 p.m. The State Board of Education (SBOE) Ad Hoc Committee on Textbooks of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-100, Austin. According to the agenda summary, the committee will discuss proposed new 19 TAC §67.97, Penalties-This item presents a proposed new rule intended to clarify the process for assessing penalties to be imposed on publishers for errors in textbooks; and proposed settlement for Addison Wesley Chemistry I Textbooks.

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

Filed: June 2, 1993, 2:14 p.m.

TRD-9323706

Friday, June 11, 1993, 8:00 a.m. The State Board of Education (SBOE) Committee on Long-Range Planning of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the agenda summary, the committee will hear public testimony; expert session-elementary education for the 21st century; 19 TAC Chapter 65, Subchapter A, Center for Educational Technology; reconsideration of the Innovative Grants Proposal submitted by Estacado High School, Lubbock ISD; A Longitudinal Study of the Outcomes of Special Education Students in Texas; Closing the Gap-Acceleration Versus Remediation and the Impact of Retention on Student Achievement; discuss federal governmental relations activities; and hear report on public education legislation.

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

Filed: June 2, 1993, 2:14 p.m. TRD-9323707

Friday, June 11, 1993, 8:30 a.m. The State Board of Education (SBOE) Committee on the Permanent School Fund (PSF) of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-109, Austin. According to the agenda summary, the committee will hear public testimony; recommended PSF Investment Program for June and the funds available for the program; request for board approval to contract for Master Trust Custodian and Securities Lending Services [the committee may discuss this item in executive session in accordance with Texas Civil Statutes, Article 6252-17, §2(f), to review terms and conditions of specific proposals submitted]; recommended PSF Investment Strategy for the 1994-1995 Biennium; recommended appointments to the Investment Advisory Committee on the PSF; review of PSF Securities Transactions and the Investment portfolio; report of the PSF Manager; and report on public education legislation.

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

Filed: June 2, 1993, 2:15 p.m.

TRD-9323708

Friday, June 11, 1993, noon. The State Board of Education (SBOE) of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the agenda summary, the board will hear public testimony; discuss approval of the May 7. 1993 minutes; resolutions of the SBOE; approval of consent agenda; legislative update; Sunset review of SBOE rulessummary of results; discuss pending litigation (in executive session in accordance with Texas Civil Statutes, Article 6252-17, §2(e) in Room 1-103); 19 TAC §67.97, Penalties; proposed settlement for Addison-Wesley Chemistry I Textbooks; 19 TAC §143.11, Requirements for Assignment of School Personnel; 19 TAC §137.194, Teacher Certificate-All Level; 19 TAC §145.2, Paperwork Reduction and 19 TAC §61.11, School District Information Requirements; Alternative Certification Programs for: Region XIII Education Service Center (ESC), Region XI ESC, and Schreiner College; request for approval of indicators of Program quality for adult education and literacy; 19 TAC §68.35, Allowable Transportation Fees; request for approval to accept grant funds from Carnegie Corporation: reconsideration of the innovative grants proposal submitted by Estacado High School, Lubbock Independent School District; 19 TAC Chapter 65, Subchapter A, Center for Educational Technology; recommended Permanent School Fund (PSF) Program for June and funds available for the program; request for board approval to contract for Master Trust Custodian and Securities Lending Services (this item may be discussed in executive session in accordance with Texas Civil Statutes, Article 6252-17, §2(f); recommended PSF Investment Strategy for the 1994-1995 biennium; additional analysis of the Preliminary Texas Assessment of Academic Skills (TAAS) results of May 1993 Administration [part of commissioner's report]; TEA Performance Review-conducted by Comptroller of Public Accounts [part of commissioner's report]; and information on agency administration.

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

Filed: June 2, 1993, 2.15 p.m.

TRD-9323709

Texas Commission on Fire Protection

June 10-11, 1993, 9:00 a.m. The Fire Protection Personnel Advisory Committee of the Texas Commission on Fire Protection will meet at 3006B Longhorn Drive, Austin. According to the revised agenda summary, the committee will discuss and possibly act on proposed rules and amendments to 37 TAC, Chapters 439 and 437.

Contact: Jack Woods, 3006B Longhorn Boulevard, Austin, Texas 78759-6735, (512) 873-1700.

Filed: June 2, 1993, 9:10 a.m.

TRD-9323669

Office of the Governor, Criminal Justice Division

Thursday, June 10, 1993, 9:00 a.m. The Juvenile Justice and Delinquency Prevention Advisory Board Applications Review Committee of the Criminal Justice Division of the Office of the Governor will meet at the Marriott Rivercenter, 101 Bowie, San Antonio. According to the complete agenda, the committee will call the meeting to order; make opening remarks; give an overview of Criminal Justice Division Funding process; hear public comment; overview of statewide and demonstration eligible categories-state fiscal year 1994; funding recommendations to the JJDP Board; and adjourn.

Contact: Jim Kester, P.O. Box 12428, Austin, Texas 78701, (512) 463-1919.

Filed: June 2, 1993, 10:02 a.m.

TRD-9323679

Thursday, June 10, 1993, 1:30 p.m. The Juvenile Justice and Delinquency Preven-

tion Advisory Board Executive Committee of the Criminal Justice Division of the Office of the Governor will meet at the Marriott Rivercenter, 101 Bowie, San Antonio. According to the complete agenda, the committee will call the meeting to order; hear report on applications review committee recommendations; explanation of the use of the board's formula grant allocation; report on state's compliance with the JJDP Act; discuss fall planning meeting; and adjourn.

Contact: Jim Kester, P.O. Box 12428, Austin, Texas 78701, (512) 463-1919.

Filed: June 2, 1993, 10:02 a.m.

TRD-9323680

Friday, June 11, 1993, 9:00 a.m. The Juvenile Justice and Delinquency Prevention Advisory Board of the Criminal Justice Division of the Office of the Governor will meet at the Marriott Rivercenter, 101 Bowie, San Antonio. According to the agenda summary, the Board will call the meeting to order; hear report on the National Coalition Spring Conference; explanation of formula grant allocation; possibly act on use of the formula grant allocation; hear report on state's compliance with JJDP Act; overview of CJD funding process; hear public comment; break for lunch; overview of eligible categories; hear report of the Applications Review Committee; recommendations to the Governor regarding statewide and demonstration projects; report on purchase of juvenile services applications; recommendations to the Governor regarding purchase of juvenile services applications; and adjourn.

Contact: Jim Kester, P.O. Box 12428, Austin, Texas 78701, (512) 463-1919.

Filed: June 2, 1993, 10:02 a.m.

TRD-9323681

Texas Historical Commission

Friday, June 18, 1993, 9:30 a.m. The Texas Antiquities Committee of the Texas Historical Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the committee will discuss approval of the minutes of previous meeting of March 19, 1993; discuss staff proceeding with proposed amendment to rules; designate State Archeological Landmarks (SALs) in San Augustine, Camp, Titus, Rusk, Red River, Limestone, Presidio, Calhoun and Victoria; nominate SALs in Harris, Galveston, Marion, Martin, and Hays Counties; discuss draft Memorandum of Understandings for Texas Water Development Board and Texas Parks and Wildlife; a Geographic Information Systems presentation; and listen to public comments and hear staff reports.

Contact: Lillie Thompson, P.O. Box 12276, Austin, Texas 78701, (512) 463-1858.

Filed: June 2, 1993, 3:34 p.m.

TRD-9323722

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Texas Department of Human Services

Friday, June 11, 1993, 9:30 a.m. The Family Violence Advisory Committee of the Texas Department of Human Services will meet at 701 West 51st Street, West Tower, Confèrence Room 6W, Austin. According to the agenda summary, the committee will call the meeting to order; welcome and make introductions; review of April 30, 1993, minutes; hear announcements; reports; discuss recommendations of subcommittees; election of officers for Fiscal Year 1994; recommendations to DHS staff of new advisory committee members for 1993; evaluation of advisory committee activities; and adjourn.

Contact: Connie Berry, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4151.

Filed: June 2, 1993, 4:42 p.m.

TRD-9323733

Texas Department of Insurance

Wednesday, June 9, 1993, 9:00 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 13th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Salvatore Mancuso, Dallas, who holds a Local Recording Agents' license.

Contact: Melissa Slusher, 333 Guadalupe Street, Hobby II, Austin, Texas 78701, (512) 475-2983.

Filed: June 1, 1993, 11:56 a.m.

TRD-9323647

Thursday, June 10, 1993, 9:00 a.m. The Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 13th Floor, Austin. According to the complete agenda, the commissioner's hearing section will conduct a public hearing to consider whether disciplinary action should be taken against Ronald E. Ford, Hale Center, Lubbock, who holds a Group I, Legal Reserve Life Insurance Agents' License and a Variable Contract Insurance Agents' License.

Contact: Melissa Slusher, 333 Guadalupe Street, Hobby II, Austin, Texas 78701, (512) 475-2983.

Filed: June 1, 1993, 11:56 a.m. TRD-9323646

Thursday, June 10, 1993, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 13th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the request by Ballet Austin for a hearing on calculation of Experience Modifier applicable to Workers' Compensation Insurance.

Contact: Melissa Slusher, 333 Guadalupe Street, Hobby II, Austin, Texas 78701, (512) 475-2983.

Filed: June 1, 1993, 11:56 a.m.

TRD-9323648

Monday, June 14, 1993, 9:00 a.m. The State Board of Insurance of the Texas Department of Insurance will meet in Room 100, William P. Hobby Building, 333 Guadalupe Street, Austin. According to the complete agenda, the board will discuss continuation of Docket Number 2002 for consideration of and possible action on a report from the Technical Working Group and on the proposed Texas Commercial Lines Statistical Plan.

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

Filed: June 1, 1993, 1:57 p.m.

TRD-9323659

Texas Juvenile Probation Commission

Friday, June 11, 1993, 8:00 a.m. The Finance/Budget Committee of the Texas Juvenile Probation Commission will meet at 2015 South IH-35, Austin. According to the complete agenda, the committee will call the meeting to order; discuss Fiscal Year 1993 administrative budget adjustment; Fiscal Year 1994 budget-strategy A.1.1-Basic Probation Allocation Formula for Fiscal Year 1994 including Border Projects and Challenge Grant Program Guidelines; Strategy A.2. 1-Community Corrections Allocation Formula for Fiscal Year 1994 including guidelines for Innovative and Creative Grants and Diversion Placements for rural counties; Strategies A.1.2. and A.2.2-Training and Assistance Budget/Administrative Budget; set performance targets for Strategies A.1.1 and A.2.1; and adjourn.

Contact: Bernard Licarione, P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: June 2, 1993, 4:19 p.m.

TRD-9323729

Friday, June 11, 1993, 9:00 a.m. The internal Audit Committee of the Texas Juvenile Probation Commission will meet at 2015 South IH-35, Austin. According to the complete agenda, the committee will call the meeting to order; discuss Internal Audit update on completed audits; Internal Audit plans for Fiscal Year 1994; and adjourn.

Contact: Bernard Licarione, P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: June 2, 1993, 4:18 p.m.

TRD-9323727

Friday, June 11, 1993, 11:00 a.m. The Board of the Texas Juvenile Probation Commission will meet at 2015 South IH-35. Austin. According to the complete agenda. the board will call the meeting to order; discuss excused absences; make introductions; discuss approval of the April 16, 1993 minutes; report of the Internal Audit Committee-internal audit update on completed audits; internal audit plans for Fiscal Year 1994; report of the Finance/Budget Committee-Fiscal Year 1993 administrative budget adjustment; Strategy A.1.1-Basic Probation Allocation Formula for Fiscal Year 1994 including border projects and challenge grant program guidelines; Strategy A.2. 1.-Community Corrections Allocation Formula for Fiscal Year 1994 including guidelines for innovative and creative grants and diversion placements for rural counties; Strategies A.1.2. and A.2.2.-training and assistance budget/administrative budget; set performance targets for Strategies A.1.1. and A.2.1.; report on TJPC's Delinquency Prevention Contract (Choices Program); update on bills passed by the Legislature proposed amendment to rules for Memorandum of Understanding for Runaways; director's report-update on detention monitoring; hear public comment; schedule next meeting; and adjourn.

Contact: Bernard Licarione, P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: June 2, 1993, 4:18 p.m.

TRD-9323728

Texas Optometry Board

Thursday-Friday, June 10-11, 1993, 2:00 p.m. and 9:00 a.m., respectively. The Texas Optometry Board will meet at the Houston Plaza Hilton, 6633 Travis Street, Houston. According to the agenda summary, the board will hold orientation with new member appointees, followed by the Rules and Continuing Education Committees. On Friday, the investigation-enforcement committee will meet, followed by all committees meeting at 10:00 a.m.; regular board meeting at 10:30 a.m.; board

will consider reports of secretary-treasurer, legal counsel, executive director, and committee chairs; consider legislative implementation of House Bill 1479, including adopting proposed rules; consider correspondence from licensees; discuss general mailing to licensees; election of officers; appointments to therapeutic advisory council; receive public comment (time certain of 11:30 a.m.); meet in executive session in compliance with Texas Civil Statutes, Article 6252-17, Open Meetings Act, Subsection 2(e) to discuss pending litigation with board attorney in matter regarding Lens Express.

Contact: Lois Ewald, 9101 Burnet Road, Suite 214, Austin, Texas 78758, (512) 835-1938.

Filed: June 2, 1993, 8:40 a.m.

TRD-9323667

Texas Department of Protective and Regulatory Services

Thursday-Friday, June 10-11, 1993, 5:00 p.m. and 9:00 a.m., respectively. The Texas Board of Protective and Regulatory Services of the Texas Department of Protective and Regulatory Services will meet at the City Commission Chambers, City Hall, Third Floor, 509 East Seventh Avenue, Amarillo. According to the complete agenda, the board will convene on June 10, 1993m to hear public testimony on agencyrelated issues beginning at 5:00 p.m. and concluding at 7:00 p.m. An additional opportunity for public testimony will be available Friday morning. On Friday, June 11, 1993, the board will consider approval of the minutes of May 14, 1993, board meeting; discuss excused absences of board members: board recognition of APS volunteer; Youth Advisory Committee report; continuation of public testimony; chair's comments and announcements; comments and announcement from the board; report of Regional APS guardianship pilot project; executive director's report; report on board review of advisory committees; appointments to advisory committee on child care administrators and facilities; approval of revisions of PRS policy review plan and process; approval of the role of and process to select a consultant for the policy review project; minor changes to existing policy in preparation for adult living program; and Fiscal Year 1993 operating budget adjust-

Contact: Michael Gee, P.O. Box 149030, Mail Code W-639, Austin, Texas 78714-9030, (512) 450-3645.

Filed: June 2, 1993, 3:32 p.m.

TRD-9323719

Texas State Board of Examiners of Psychologists

Tuesday, June 15, 1993, 10:00 a.m., Wednesday-Friday, June 16-18, 1993, 8:00 a.m. The Texas State Board of Examiners of Psychologists will meet at 9101 Burnet Road, Suite 212, Austin. According to the agenda summary, the board will consider public comments; discuss approval of minutes; hear reports from the acting executive director, chair, personnel, complaint and enforcement, oral examination, search, newsletter, and budget committees; discuss applications; proposed and adopted rules; agreed orders; complaints; opinion letters; planning issues; written examinations; policies and procedures; legislative matters; and board will hold an election of officers.

Contact: Rebecca E. Forkner, 9101 Burnet Road, Suite 212, Austin, Texas 78758, (512) 835-1036.

Filed: June 2, 1993, 8:39 a.m.

TRD-9323666

Public Utility Commission of Texas

Monday, July 19, 1993, 9:00 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 11568, application of GTE Southwest Incorporated for approval of new service, switched data service, pursuant to Public Utility Commission Substantive Rule 23.26.

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

Filed: June 1, 1993, 2:46 p.m.

TRD-9323656

Thursday, August 26, 1993, 10:00 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 12009-application of GTE Southwest, Inc. and Contel of Texas, Inc. to provide new services and equipment in its respective emergency services 9-1-1 tariff.

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

Filed: June 2, 1993, 3:17 p.m.

TRD-9323717

Teacher Retirement Systemof Texas

Thursday, June 10, 1993, 9:00 a.m. The Investment Advisory Committee of the Teacher Retirement System of Texas will meet at 1000 Red River Street, Fifth Floor Board Room, Austin. According to the agenda summary, the committee will discuss approval of the March 15, 1993, minutes: review of investment outlook and market conditions; consider recommended allocation of cash flow for current quarter; review of investments; changes to approved. common stock lists; review of portfolio performance; and report of real estate finance committee. (A quorum of the Board of Trustees may attend and enter into discussions, but no official board action will take place

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

Filed: June 2, 1993, 4:23 p.m.

TRD-9323732

University Interscholastic League

Tuesday, June 8, 1993, 9:00 a.m. The Standing Committee on Academics of the University Interscholastic League will meet at the Sheraton Hotel, Fifth and IH-35, Austin. According to the agenda summary, the committee will begin meeting with general requirements; discuss scheduled presentations of proposals for amendments to the constitution and contest rules; unscheduled presentations of proposals for amendments to the constitution and contest rules; written proposals for amendments to the constitution and contest rules; staff proposals for amendments to the constitution and contest rules; written proposals just received for amendments to the constitution and contest rules; meet in executive session, if necessary; discuss new business; make announcements; and adjourn.

Contact: Pat Wisdom, 2622 Wichita Street, Austin, Texas 78705, (512) 471-5883.

Filed: June 2, 1993, 4:11 p.m.

TRD-9323725

Texas Water Commission

Tuesday, July 13, 1993, 9:00 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Fort Brown Memorial Civic Center-H.L. Stokely Hall, 600 International Boulevard, Brownsville. According to the agenda summary, the commission will hold a public hearing on application made by Hung's Shrimp

Farm, Inc. (Proposed Permit Number 03457) for permit to authorize the operation of a mariculture facility and discharge processed wastewater.

Contact: Leslie Craven, P.O. Box 13087, Austin, Texas 78701, (512) 463-7875.

Filed: June 3, 1993, 9:13 a.m.

TRD-9323745

Wednesday, July 14, 1993, 9:00 a.m. 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 commission will consider an application by Waldine, William, and Scott Lipsey, Docket Number RE-0284, for approval of preliminary plans for an existing levee system in the 100-year floodway of Keechi Creek in Freestone County, approximately 2.5 miles westsouthwest of Oakwood. The project is a 13,000 foot long-eight foot high two-part levee system on the east back of Keechi Creek. The application calls for the lowering of the downstream levee crest three feet for a distance of 1,000 feet and the lowering of the upstream levee crest two feet for a distance of 300 feet, such that the levee is overtopped by the five-year flood and not cause a rise of more than 0.5 feet.

Contact: James Mirabal, P.O. Box 13087, Austin, Texas 78701, (512) 463-7898.

Filed: June 2, 1993, 1:56 p.m.

TRD-9323697

Thursday, July 15, 1993, 1:00 p.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, Room 119, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a public hearing on an application by the City of Lago Vista for permit/renewal Number 11752-01 to authorize the discharge of treated wastewater effluent.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78701, (512) 463-7375.

Filed: June 1, 1993, 2:27 p.m.

TRD-9323654

Texas Workers' Compensation Commission

Thursday, June 10, 1993, 9:00 a.m. The Texas Certified Self-Insurer Guaranty Association 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 commission will call the meeting to order; discuss approval of minutes; discuss and possibly act on the following applicants: Winn-Dixie Texas, Inc. and Subsidiaries; Sisters of Charity of the Incarnate

Word, Houston, and Subsidiary; Occidental Chemical Corporation and J. B. Hunt Transport, Inc.; discuss future public meetings; and adjourn.

Contact: Todd K. Brown, 4000 South IH-. 35, Austin, Texas 78704, (512) 440-3973.

Filed: June 2, 1993, 2:46 p.m.

TRD-9323710

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Regional Meetings

Meetings Filed June 1, 1993

The Cash Water Supply Corporation will meet at the Administration Office, FM 1564 East, Greenville, June 8, 1993, at 7:00 p.m. Information may be obtained from Donna Mohon, P.O. Box 8129, Greenville, Texas 75404, (903) 883-2695. TRD-9323655.

The Concho Valley Council of Governments Executive Committee will meet at 5014 Knickerbocker Road, San Angelo, June 9, 1993, at 7:00 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666. TRD-9323665.

The High Plains Underground Water Conservation District Number One Board of Directors Special Hearing will meet in the Conference Room, 2930 Avenue Q, Lubbock, June 8, 1993, at 10:00 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181. TRD-9323643.

The High Plains Underground Water Conservation District Number One Board of Directors will meet in the Conference Room, 2930 Avenue Q, Lubbock, June 8, 1993, at 10:00 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock. Texas 79405, (806) 762-0181. TRD-9323661.

The Hood County Appraisal District Appraisal Review Board will meet at 1902 West Pearl, District Office, Granbury, June 11, 1993, at 10:00 a.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471. TRD-9323645.

The Hunt County Appraisal District Hunt County Appraisal Review Board will meet at 4801 King Street, Board Room, Greenville, June 7-30, 1993, at 8:30 a.m. Information may be obtained from Shirley Gregory, 4801 King Street, Greenville, Texas 75402, (903) 454-3510. TRD-9323644.

The Region One Education Service Center Board of Directors will meet at 1900 West Schunior, Edinburg, June 8, 1993, at 7:00 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (210) 383-5611. TRD-9323664.

Meetings Filed June 2, 1993

The Atascosa County Appraisal District Agricultural Advisory Board will meet at Fourth and Avenue J. Poteet, June 8, 1993, at 9:00 a.m. Information may be obtained from Vernon A. Warren P.O. Box 139, Poteet, Texas 78065-0139, (210) 742-3541. TRD-9323720.

The Austin Transportation Study Policy Advisory Committee will meet at the Joe C. Thompson Conference Center, Room 2.102, 26th and Red River, Second Floor, Austin, June 8, 1993, at 6:00 p.m. Information may be obtained from Michael R. Aulick, P.O. Box 1088, Austin, Texas 78767, (512) 499-6441. TRD-9323731.

The Bandera County Appraisal District Board of Directors will meet at the North end of Ninth Street, Bandera, June 10, 1993, at 3:00 p.m. Information may be obtained from P.H. Coates, P.O. Box 1119, Bandera, Texas 78003. (210) 796-3039. TRD-9323730.

The Bell-Milam-Falls Water Supply Corporation Board of Directors will meet at the WSC Office, West FM 485, Cameron, June 8, 1993, at 8:30 a.m. Information may be obtained from Dwayne Jekel, P.O. Drawer 150, Cameron, Texas 76520, (817) 697-4016. TRD-9323683.

The Bi-County WSC will meet at the Bi-County WSC Office, FM Road 2254, Pittsburg, June 8, 1993, at 7:00 p.m. Information may be obtained from Freeman Phillips, P.O. Box 848, Pittsburg, Texas 75686, (903) 856-5840. TRD-9323712.

The Blanco County Central Appraisal District Board of Directors will meet at Avenue G and Seventh Street, Johnson City, June 8, 1993. at 5:00 p.m. Information may be obtained from Hollis Boatright, P.O. Box 338, Johnson City, Texas 78636, (210) 868-4013. TRD-9323698.

The Brazos Valley Development Council Board of Directors will meet at the Council Offices, 3006 East 29th Street, Suite Two, Bryan, June 9, 1993, at 1:30 p.m. Information may be obtained from Tom Wilkinson, Jr., P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 776-2277. TRD-9323699.

The Brazos Valley Development Council Personnel Committee will meet at the Executive Director's Office, 3006 East 29th Street, Bryan, June 9, 1993, at 3:00 p.m. Information may be obtained from Tom Wilkinson, Jr., P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 776-2277. TRD-9323700.

The Colorado County CAD Appraisal Review Board will meet at the Colorado County Courthouse (County Courtroom), 400 Spring, Columbus, June 15, 17, 22, and 24, 1993 at 1:00 p.m. and July 2, 1993, at

10:00 a.m. Information may be obtained from Billy Youens, P.O. Box 10, Columbus, Texas 78934, (409) 732-8222. TRD-9323671.

The Coryell County Appraisal District Board of Directors met at June 7, 1993, at 5:30 p.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas (817) 865-6593. TRD-9323726.

The Golden Crescent Quality Work Force Planning Full-Committee will meet at the Student Center, 2200 East Red River, Victoria, June 8, 1993, at 3:30 p.m. Information may be obtained from Carol Matula, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9323684.

The Guadalupe-Blanco River Authority Board of Directors held an emergency meeting at 933 East Court Street, Seguin, June 4, 1993, at 10:00 a.m. The emergency status was necessary as information was not received in time to meet regular posting requirement. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9323694.

The Hays County Appraisal District Appraisal Review Board will meet at 632 A East Hopkins, Municipal Building, San Marcos, June 8, 1993, at 9: 00 a.m. Information may be obtained from Lynnell Sedlar, 632 A. East Hopkins, San Marcos, Texas 78666, (512) 754-7400. TRD-9323713.

The High Plains Underground Water Conservation District Number One Board of Directors will meet in the Conference Room, 2930 Avenue Q, Lubbock, June 8, 1993, at 10:00 a.m. (Revised agenda). Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181. TRD-9323711.

The Liberty County Central Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, June 8, 1993, at 9:00 a.m. Information may be obtained from Sherry Greak, 315 Main Street, Liberty, Texas 77575, (409) 336-5722. TRD-9323714.

The Liberty County Central Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, June 10, 1993, at 9:00 a.m. Information may be obtained from Sherry Greak, 315 Main Street, Lib-

erty, Texas 77575, (409) 336-5722. TRD-9323715.

The Limestone County Appraisal District Board of Directors will meet in the Board Room, Ground Floor, Limestone County Courthouse, Groesbeck, June 8, 1993, at 1:00 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009. TRD-9323670.

The Lower Rio Grande Valley Tech Prep Consortium Board of Directors, Tech Prep of the Rio Grande Valley, Inc. will meet in the Board Room, TSTC.Short Course Center, 2424 Boxwood, Harlingen, June 9, 1993, at 3 p. m. Information may be obtained from Pat Bubb, Texas State Tech College, Harlingen, Texas 78550, (512) 425-0779. TRD-9323687.

The South Franklin Water Supply Corporation Board of Directors will meet in the South Franklin Water Supply Corporation Office, Highway 115 South, Mount Vernon, June 8, 1993, at 7:00 p.m. Information may be obtained from Richard Zachary, P.O. Box 591, Mt. Vernon, Texas 75457, (903) 860-3400. TRD-9323716.

The Tyler County Appraisal District Board of Directors will meet at 806 West Bluff, Woodville, June 8, 1993, at 4:00 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9323682.

The West Central Texas County of Governments Private Industry Council will meet at the WCTCOG, 1025 East North 10th Street, Abilene, June 10, 1993, at 10:00 a.m. Information may be obtained from Mary Ross, P.O. Box 3195, Abilene, Texas 79604, (913) 672-8544. TRD-9323721.

The Wood County Appraisal District Appraisal Review Board will meet at 217 North Main, Conference Room, Wood County Appraisal District, Quitman, June 7-10, 1993, at 9:00 a.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 951, Quitman, Texas 75783, (903) 763-4891. TRD-9323686.

Meeting Filed June 3, 1993

The Eastland County Appraisal District Appraisal Review Board will meet in the Commissioners' Courtroom, Eastland County Courthouse, Eastland, June 10, 1993, at 10:00 a.m. Information may be obtained from Steve Thomas, Box 914, Eastland, Texas 76448, (817) 629-8597. TRD-9323741.

El Oso Water Supply Corporation Board of Directors will meet at their Office, FM 99, Karnes City, June 8, 1993, at 8:00 p m. Information may be obtained from Judith Zimmermann, P.O. Box 309, Karnes City, Texas 78118, (210) 780-3539. TRD-9323739.

The Erath County Appraisal District Board of Directors will meet in the Board Room, 1390 Harbin Drive, Stephenville, June 8, 1993, at 7:00 a.m. Information may be obtained from Jerry Lee, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434. TRD-9323742.

The Garza County Appraisal District Appraisal Review Board will meet at the Appraisal District Office, 124 East Main, Post, June 17, 1993, at 9:00 a.m. Information may be obtained from Billie Y. Windham, P.O. Drawer F, Post, Texas 79356. TRD-9323740.

The Liberty County Central Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, June 15, 1993, at 9:00 a.m. Information may be obtained from Sherry Greak, 315 Main Street, Liberty, Texas 77575, (409) 336-5722. TRD-9323734.

The Liberty County Central Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, June 17, 1993, at 9:00 a.m. Information may be obtained from Sherry Greak, 315 Main Street, Liberty, Texas 77575, (409) 336-5722. TRD-9323736.

The Liberty County Central Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, June 22, 1993, at 9:00 a.m. Information may be obtained from Sherry Greak, 315 Main Street, Liberty, Texas 77575, (409) 336-5722. TRD-9323737.

The Regional VII Education Service Center Board of Directors will meet at the Community Inn, Highway 259, Kilgore, June 9, 1993, at 10:00 a.m. Information may be obtained from Don J. Peters, 818 East Main, Kilgore, Texas 75662, (903) 984-3071. TRD-9323738.

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.

Office of the Attorney General Texas Clean Air Act

Notice is given by the State of Texas of the following proposed resolution of an environmental enforcement law-suit under the Texas Clean Air Act. The Texas Health and Safety Code, §382.096, provides that before the State may settle a judicial enforcement action under the Clean Air Act, the State shall permit the public to comment in writing on the proposed judgment. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreed judgment if the comments disclose facts or considerations that indicate that the consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Texas Clean Air Act.

Case Title and Court: City of Houston, Texas and State of Texas ν . Rhone-Poulenc Basic Chemical Company, Cause Number 92-035662 in the 281st District Court of Harris County.

Nature of Defendant's Operations: Rhone-Poulenc Chemical Company owns and operates a chemical company, from which, on or about June 16, 1992, a discharge of air contaminants allegedly occurred.

Proposed Agreed Judgment: The proposed Agreed Final Judgment contains provisions for civil penalties.

Civil Penalties and Attorney's Fees: The Judgment requires the Defendant to pay \$12,500 in civil penalties plus court costs to the City of Houston and \$10, 500 in civil penalties plus \$2,000 in attorney's fees to the State of Texas.

For a complete description of the proposed settlement, the complete proposed Agreed Final Judgment should be reviewed. Requests for copies of the judgment, and written comments on the judgment, should be directed to Susan Theisen, Assistant Attorney General, Office of the Attorney General, P O. Box 12548, Austin, Texas 78711-2548, (512) 463-2012. Written comments must be received by July 16, 1993, at 5:00 p.m. Written comments may be sent by facsimile machine to Susan Theisen at (512) 320-0052.

Issued in Austin, Texas on June 1, 1993.

TRD-9323657

Jerry Benedict Assistant Attorney General Office of the Attorney General

Filed: June 1, 1993

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

The Wagner-Peyser Act, establishes a formula for distributing funds to states for employment service activities. With this formula, Texas will receive \$50,352,268 for Program Year 1993, beginning July 1, 1993, and ending June 30, 1994. Ninety percent of this amount must be used for basic labor exchange services under \$501, subsection 7(a); 10% will be reserved for use at the Governor's discretion within legislatively designated parameters under subsection 7(b).

Texas Civil Statutes, Article 5221b-10, designates the Texas Employment Commission (TEC) as the state agency to administer activities funded by the Wagner-Peyser Act. The state herein presents the method and schedule proposed for distributing substate resources under §501, subsection 7(a).

Staff positions will be distributed to TEC administrative regions throughout the state according to the following formula: each region will be held at an 80% hold harmless level; and the distribution will be based upon each region's accomplishment of individual and transaction placements and new and renewal applications.

These funds will be available to support staff and nonpersonal services (rent, utilities, equipment, supplies, etc.) effective July 1, 1993. Actual disbursement of these funds will be made from the TEC State Office in accordance with the federally approved cost accounting system and state procurement guidelines.

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

Comments in regard to the substate distribution of the Wagner-Peyser funds should be submitted in writing to Charlean Jackson, Deputy Administrator for Employment and Personnel, TEC Building, 15th Street and Congress Avenue, Austin, Texas 78778.

Information in regard to the specific allocation of any service delivery area as a result of this distribution formula is available from the same source. Any requests for modification of the distribution formula must be received by June 26, 1993, to be considered for the Program Year 1993 funding cycle. Such requests will be addressed, and a response outlining action taken will be issued by the Chairman of TEC.

Issued in Austin, Texas, on May 28, 1993.

TRD-9393890

C. Ed Davis

Deputy Administrator for Legal Affairs Texas Employment Commission

Filed: May 28, 1993

Texas Department of Health Award of Consulting Contract

The Texas Department of Health (department) awarded a consulting contract in the amount of \$255,517.00 to Best Start, Inc., 3500 East Fletcher Avenue, Suite 308, Tampa, Florida 33613; the principals being James Lindenberger and Carol Bryant to design and conduct a marketing study of the Texas Women, Infants, and Children (WIC) Pro-

The contractor will study and advise department by designing and conducting a marketing study of the Texas WIC Program to increase participation in and satisfaction of the WIC Program by the targeted audiences. The contractor agrees that the research will also be designed to enhance the ability of the WIC Program to meet the nutritional and educational needs of participants, enhance job satisfaction among WIC's professional, clerical, and administrative staff, and develop a permanent data collection system that will allow administrative staff to monitor client and staff needs.

The contractor also agrees to analyze existing resources and conduct additional research on WIC participation by pregnant women on Medicaid and develop a strategy to increase participation.

The term of contract is May 1, 1993-September 30, 1993. The schedule of work due dates are as follows.

On May 28-methodology statement is due. On June 4-approved research design is due. On June 15-approved review of literature/programs is due.

July 15 is Project Mid-point and the following are due: interim qualitative date collection & project report; completion of minimum focus groups, interviews for: (Ethnography (clinic observation)-4 clinics; focus groups-15 completed; and in-depth interviews (staff/participants)-60); and schedule and quantity of additional focus groups and interviews planned.

On August 15-preliminary data analysis (initial findings from completed focus groups and interviews) are due. On August 20-quantitative instruments are due. On September 15-summary of qualitative data is due. On September 30-research synthesis and strategy report is due. For more information, please contact Marsha Walker, Bureau of WIC Nutrition, Texas Department of Health, (512) 458-7444.

Issued in Austin, Texas, on May 27, 1993.

TRD-9323625

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

Filed: May 28, 1993

Notice of Preliminary Report for Assessment of Administrative Penalties and Notice of Violation

Notice is hereby given that the Bureau of Radiation Control (bureau) issued a notice of violation and proposal to assess an administrative penalty to Chambco, Inc., Houston, holder of General License Identification Number F01344. A penalty of \$14,500 is proposed to be assessed against the company for violations of the Texas Regulations for Control of Radiation. The violations contributed to an accident that caused a significant threat to the health and safety of the public and the environment. The company facilitated the transfer of radioactive material to companies and personnel who were not immediately aware of the presence of the radioactive material, and delayed obtaining appropriate guidance and assistance during the recovery operations by not notifying the bureau of the loss of the radioactive material in the public domain.

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

Issued in Austin, Texas, on May 25, 1993.

TRD-9323626

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

Filed: May 28, 1993

North Central Texas Council of Governments

Request for Proposals

This request by the North Central Texas Council of Governments (NCTCOG) for consultant services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

NCTCOG is requesting proposals to provide technical expertise in the form of data and information collection, aggregation, processing, review, analysis, and finally development of a Fare Model for Dallas Area Rapid Transit.

Contract Award Procedures. The firm selected to perform this study will be recommended by the Project Review Committee, composed of NCTCOG and DART staff. The PRC will use evaluation criteria and methodology consistent with the scope of services contained in the Request for Proposals. The NCTCOG Executive Board will review the PRC's recommendation and, if found acceptable, will issue an award of contract.

Regulations. NCTCOG, in accordance with Title VI of the Civil Rights Act of 1964, 78 Statute 252, 41 United States Code 2000d to 2000d-4; and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 1, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such act, hereby notifies all bidders that it will affirmatively assure that in regard to any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the ground of race, color, sex, age, or national origin in consideration of an award.

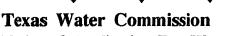
Due Date. Proposals must be submitted no later than noon, June 30, 1993, to David Faria, Senior Transportation Planner, North Central Texas Council of Governments, 616 Six Flags Drive, Second Floor, or P.O. Box 5888, Arlington, Texas 76005-5888. For more information and copies of the Request for Proposals, contact Shirley Henry, (817) 640-3300.

Issued: in Arlington, Texas, on May 24, 1993.

TRD-9323594

Mike Eastland
Executive Director
North Central Texas Council of

Filed: May 28, 1993



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 May 24-28, 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.

Airport Utilities, Inc.; wastewater treatment facilities; on the southeast corner on North Belt Drive and John F. Kennedy Boulevard, south of the Houston Intercontinental Airport in Harris County; renewal; 11159-01.

Earl Allen, Peter J. Allen, Thomas E. Allen, Jr. and Richard L. Allen; wastewater treatment facilities; approximately 4,000 feet east of the intersection of State Highway 6 and Interstate Highway 10 and 0.1 of a mile north of Interstate Highway 10, below Addicks Dam in Harris County; renewal; 12738-01.

B and B Sewer Company; The Timberwilde Wastewater Treatment Facilities; approximately one mile north of the intersection of Hufsmith Road and Kuykendahl Road in Harris County; renewal; 12519-01.

City of Bogata; wastewater treatment facilities; southeast of the City of Bogata, approximately 3,100 feet southwest of U.S. Highway 271 and 5,000 feet east of State Highway 37 in Red River County; renewal; 10065-01.

Champ's Water Company; The West Montgomery Waste-water Treatment Plant; southwest of the intersection of Bonazzi Boulevard and Stallings Drive, approximately 3,750 feet west of West Montgomery Road, 11 miles northwest of the City of Houston central business district and 2.9 miles west of Interstate Highway 45 in Harris County; renewal; 11005-01.

Countrywide Partnership Investments, Inc.; The Pecan Plantation Mobile Home Park Wastewater Treatment Facilities; approximately 1/4 mile south of the intersection of Spencer Highway and Canada Street. 3/4 mile southeast of the intersection of Spencer Highway and Underwood Road in Harris County; renewal; 12677-01.

Country Terrace Water Company, Inc.; the Country Terrace Wastewater Treatment Facilities; approximately 600 feet south of Highlands Reservoir, approximately 3/4 mile northwest of the intersection of Wallisville and Wade Roads in Harris County; renewal; 11955-01.

Dowdell Public Utility District; wastewater treatment facilities; in the northwest quadrant of the intersection of Kuykendahl Road and Dowdell Road, approximately one mile east of FM Road 2920 and approximately seven miles west of Interstate Highway 45 in the northwest quadrant in Harris County; renewal; 11404-01.

City of Haskell; wastewater treatment facilities; approximately one mile south and 0.25 mile east of the intersection of U.S. Highway 277 and State Highway 24 in Haskell County; renewal; 10728-01.

Albert H. Korenek doing business as Country Oaks Arbor MHP; the Country Oaks Arbor MHP Wastewater Treatment Facilities; at 3318 County Road 89, approximately 1 1/3 miles southwest of the intersection of FM Road 1128 and FM Road 518 in Brazoria County; renewal; 12680-01.

Longhorn Town Utility District; wastewater treatment facilities; approximately 0.5 mile south of Interstate Highway 10 and 0.5 mile east of Baker Road in Harris County; renewal; 12356-01.

Magnolia Independent School District; the Magnolia Elementary School Wastewater Treatment Facilities; on the east side of FM Road 2978 at a point approximately 1.1 miles south of the intersection of FM Roads 1488 and 2978 in Montgomery County; renewal; 12703-01.

City of Marion; wastewater treatment facilities; approximately 1,400 feet west of FM Road 465 and 1,800 feet south of FM Road 78 in the City of Marion in Guadalupe County; renewal; 10048-01.

Robert B. Meyer; wastewater treatment facility and irrigation site; approximately 100 feet south of the motel located at the southeast corner of the intersection of State Highways 180 and 84 in Scurry County; new; 13654-01.

Mount Houston Road Municipal Utility District; wastewater treatment facilities; approximately 1.3 miles northwest of the intersection of FM Road 149 (West Mount Houston Road) and Stuebner Airline Road on the east bank of Halls Bayou in Harris County; renewal; 11154-01.

North Texas Cement Company; a portland cement processing plant; north of the City of Midlothian, adjacent to GIFCO Road two miles west of U.S. Highway 67, Ellis County; renewal; 02427.

City of South Houston; The Old Wastewater Treatment Facilities; on the west bank of Berry Bayou at the intersection of Georgia and Amarillo Streets in the City of South

Houston in Harris County; amendment; 10287-01.

TCF Asset Management Corporation; wastewater treatment facilities; approximately 1 1/2 miles north of the City of Spring at 22820 Interstate Highway 45 North in Harris County; renewal; 12637-01.

Walnut Cove Water Supply Corporation; wastewater treatment facilities; approximately two miles west of Interstate Highway 45 and 1.5 miles north of FM Road 1097, approximately 200 feet east of Lake Conroe on Weir Creek in Montgomery County; renewal; 12416-01.

John Wasilchak; The Highland Village Addition wastewater treatment facilities; approximately 16 miles south-southeast of the City of Fort Worth central business dis-

trict and three miles east of Interstate Highway 35W at a point approximately 3,000 feet north-northwest of the intersection of FM Road 1187 and Stephenson-Levy Road, and approximately two miles northeast of Oak Grove Airport in Tarrant County; renewal; 12902-01.

Westway Utility District; wastewater treatment facilities; approximately 250 feet west of the intersection of Genard Road and Steffani Lane in Harris County; renewal; 11330-01.

Issued in Austin, Texas, on May 28, 1993.

TRD-9323653

Gloria A. Vasquez Chief Clerk

Texas Water Commission

Filed: June 1, 1993

1993 Publication Schedule for the Texas Register

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

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FOR ISSUE PUBLISHED ON	OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.	
34 Tuesday, May 4	Wedesday, 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	
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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	
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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	
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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, Novmber 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	
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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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