

# Texas Register

Volume 18, Number 67, September 3, 1993

Page 5859-5919

## In This Issue...

### **Emergency Sections**

#### **Texas Department of Agriculture**

Boll Weevil Control

4 TAC §6.4.....5869

### **Proposed Sections**

#### **Texas Department of Agriculture**

Young Farmers Endowment Program

4 TAC §§30.1-30.12.....5871

4 TAC §§30.1-30.15.....5871

4 TAC §§30.50-30.54.....5875

#### **Texas Department of Commerce**

Small Business Assistance

10 TAC §§182.50-182.57.....5876

#### **Texas Optometry Board**

General Rules

22 TAC §273.9.....5876

#### **Texas Department of Public Safety**

Traffic Law Enforcement

37 TAC §3.9.....5877

Safety Responsibility Regulations

37 TAC §25.20, §25.21.....5877

### **Withdrawn Section**

#### **Texas Department of Protective and Regulatory Services**

24-Hour Care Licensing

40 TAC §720.38.....5881

### **Adopted Sections**

#### **Texas National Research Laboratory Commission**

Procurement

1 TAC §303.1.....5883

1 TAC §§303.1-303.9.....5883

**Notice: APTRA amendment takes affect; statutory cites change**

**- Page 5918**



The Texas Register is printed on 100% recycled paper.

CONTENTS CONTINUED INSIDE

## Texas Register



a section of the  
Office of the  
Secretary of State  
P.O. Box 13824  
Austin, TX 78711-3824  
(512) 463-5561  
FAX (512) 463-5569

Secretary of State  
John Hanan, Jr.

Director  
Dan Procter

Assistant Director  
Dee Wright

Circulation/Marketing  
Roberta Knight  
Jill S. Ledbetter

TAC Editor  
Dana Blanton

TAC Typographer  
Madeline Chrissler

Documents Section  
Supervisor  
Patty Webster

Document Editors  
Janice Allen  
Robert Macdonald

Open Meetings Clerk  
Jamie Alworth

Production Section  
Supervisor  
Ann Franklin

Production Editors/  
Typographers  
Carla Carter  
Janice Rhea  
Mimi Sanchez

*Texas Register*, ISSN 0362-4781, is published semi-weekly 100 times a year except July 30, November 30, December 28, 1993. Issues will be published by the Office of the Secretary of State, 1019 Brazos, Austin, Texas 78701. Subscription costs: one year - printed, \$95 and electronic, \$90; six-month printed, \$75 and electronic, \$70. Single copies of most issues are available at \$5 per copy.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person without permission of the *Texas Register* Director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Texas Register* is published under Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas.

POSTMASTER: Please send form 3579 changes to the *Texas Register*, P.O. Box 13824, Austin, TX 78711-3824.

## 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-1-DC database.

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

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

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

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

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

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

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

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

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

**Texas Alcoholic Beverage  
Commission**

**Licensing**

16 TAC §33.23 ..... 5883

**Texas Department of Health**

Texas Department of Health..... 5883

**Texas Workers' Compensation  
Commission**

**Required Notices of Coverage**

28 TAC §110.1 ..... 5884

**Texas Natural Resource  
Conservation**

30 TAC ..... 5885

**Comptroller of Public Accounts**

**Administration of State Lottery Act**

34 TAC §7.304, §7.305 ..... 5885

**Texas Department of Human  
Services**

**Nursing Facilities and Related Institutions**

40 TAC §§90.1-90.3 ..... 5886  
40 TAC §§90.11-90.21 ..... 5886  
40 TAC §90.41, §90.42 ..... 5886  
40 TAC §§90.61-90.73 ..... 5886  
40 TAC §§90.92-90.105 ..... 5886  
40 TAC §90.141, §90.142 ..... 5887  
40 TAC §§90.161-90.174 ..... 5887  
40 TAC §90.191, §90.192 ..... 5887  
40 TAC §§90.211-90.217 ..... 5887  
40 TAC §§90.231-90.238 ..... 5887  
40 TAC §§90.261-90.263 ..... 5887  
40 TAC §§90.281-90.287 ..... 5887  
40 TAC §§90.301-90.304 ..... 5887  
40 TAC §§90.321-90.327 ..... 5888

**Personal Care Facilities**

40 TAC §§92.1-92.4 ..... 5888  
40 TAC §§92.11-92.19 ..... 5888  
40 TAC §92.21 ..... 5888  
40 TAC §92.41 ..... 5888  
40 TAC §§92.61-92.63 ..... 5888  
40 TAC §92.81, §92.82 ..... 5888  
40 TAC §§92.101-92.107 ..... 5888

40 TAC §§92.121-92.129 ..... 5889  
40 TAC §§92.151-92.156 ..... 5889

**Nurses Aides**

40 TAC §§94.1-94.13 ..... 5889

**Certification of Long Term Care Facilities**

40 TAC §§96.1-96.9 ..... 5889

**Adult Day Care and Adult Day Health Care  
Facilities**

40 TAC §98.1, §98.2 ..... 5889  
40 TAC §§98.11-98.18 ..... 5889  
40 TAC §98.20 ..... 5889  
40 TAC §§98.41-98.43 ..... 5889  
40 TAC §98.61 ..... 5890  
40 TAC §98.81, §98.82 ..... 5890  
40 TAC §§98.101-98.104 ..... 5890  
40 TAC §98.121, §98.122 ..... 5890

**Nursing Facilities and Related Institutions**

40 TAC §§145.1-145.3 ..... 5886  
40 TAC §§145.11-145.21 ..... 5886  
40 TAC §145.41, §145.42 ..... 5886  
40 TAC §§145.61-145.73 ..... 5886  
40 TAC §§145.92-145.105 ..... 5886  
40 TAC §145.141, §145.142 ..... 5887  
40 TAC §§145.161-145.174 ..... 5887  
40 TAC §145.191, §145.192 ..... 5887  
40 TAC §§145.211-145.217 ..... 5887  
40 TAC §§145.231-145.238 ..... 5887  
40 TAC §§145.261-145.263 ..... 5887  
40 TAC §§145.281-145.287 ..... 5887  
40 TAC §§145.301-145.304 ..... 5887  
40 TAC §§145.321-145.327 ..... 5888

**Personal Care Facilities**

40 TAC §§146.1-146.4 ..... 5888  
40 TAC §§146.11-146.19 ..... 5888  
40 TAC §146.21 ..... 5888  
40 TAC §146.41 ..... 5888  
40 TAC §§146.61-146.63 ..... 5888  
40 TAC §146.81, §146.82 ..... 5888  
40 TAC §§146.101-146.107 ..... 5888  
40 TAC §§146.121-146.129 ..... 5889  
40 TAC §§146.151-146.156 ..... 5889

**Nurses Aides**

40 TAC §§151.1-151.13 ..... 5889

Certification of Long Term Care Facilities	
40 TAC §§152.1-152.9 .....	5889

Adult Day Care and Adult Day Health Care Facilities	
40 TAC §153.1, §153.2 .....	5889
40 TAC §§153.11-153.18 .....	5889
40 TAC §153.20 .....	5889
40 TAC §§153.41-153.43 .....	5889
40 TAC §153.61 .....	5890
40 TAC §153.81, §153.82 .....	5890
40 TAC §§153.101-153.104 .....	5890
40 TAC §153.121, §153.122 .....	5890

**Texas Department of Protective and Regulatory Services**

24-Hour Care Licensing	
40 TAC §§720.25-720.60 .....	5892
40 TAC §§720.24-720.37, 720.39-720.67 .....	5892

**Open Meeting Sections**

Texas Office for Prevention of Developmental Disabilities.....	5903
General Land Office.....	5903
Office of the Governor, Criminal Justice Division.....	5903
Health and Human Services Commission.....	5903
Texas Department of Insurance .....	5904
Texas Commission on Law Enforcement Officer Standards and Education.....	5904
Texas Department of Licensing and Regulation.....	5904
State Medical Education Board.....	5905
Texas Natural Resource Conservation Commission.....	5905
Board of Vocational Nurse Examiners .....	5906
Public Utility Commission of Texas.....	5906
Railroad Commission of Texas.....	5907
Texas Real Estate Commission.....	5907
Structural Pest Control Board.....	5907
Board of Tax Professional Examiners .....	5908
The Texas A&M University System, Board of Regents.....	5908
Texas State Technical College.....	5908
University of Houston System.....	5908
The University of Texas at Austin.....	5908
Texas Workers' Compensation Research Center.....	5909
Regional Meetings .....	5909

**In Addition Sections**

**Ark-Tex Council of Governments**

Request for Proposal.....	5913
---------------------------	------

**Office of Consumer Credit Commissioner**

Notice of Rate Ceilings.....	5913
------------------------------	------

**Texas Education Agency**

Notice of Contract Award.....	5913
-------------------------------	------

**Texas Department of Housing and Community Affairs**

Notice of Public Hearing .....	5914
--------------------------------	------

**Texas Department of Human Services**

Public Notice-Open Solicitation.....	5914
--------------------------------------	------

**Texas Department of Insurance Consulting Services**

Award of Contract.....	5915
------------------------	------

**Texas Parks and Wildlife Department**

Notices of Public Meeting .....	5915
---------------------------------	------

**Texas State Board of Examiners of Psychologists**

Correction of Error .....	5916
---------------------------	------

**Public Utility Commission of Texas**

Notices of Intent to File Pursuant to PUC Substantive Rule 23.27 .....	5916
--	------

**Texas Rehabilitation Commission**

Intent to Award Grant.....	5917
----------------------------	------

Request for Proposal.....	5918
---------------------------	------

**Secretary of State**

Texas Register Cross-Index of Rules to Statutes.....	5918
--	------

Statutory Citation Changes for APTRA, Open Meetings.....	5918
--	------

**The Texas A&M University System**

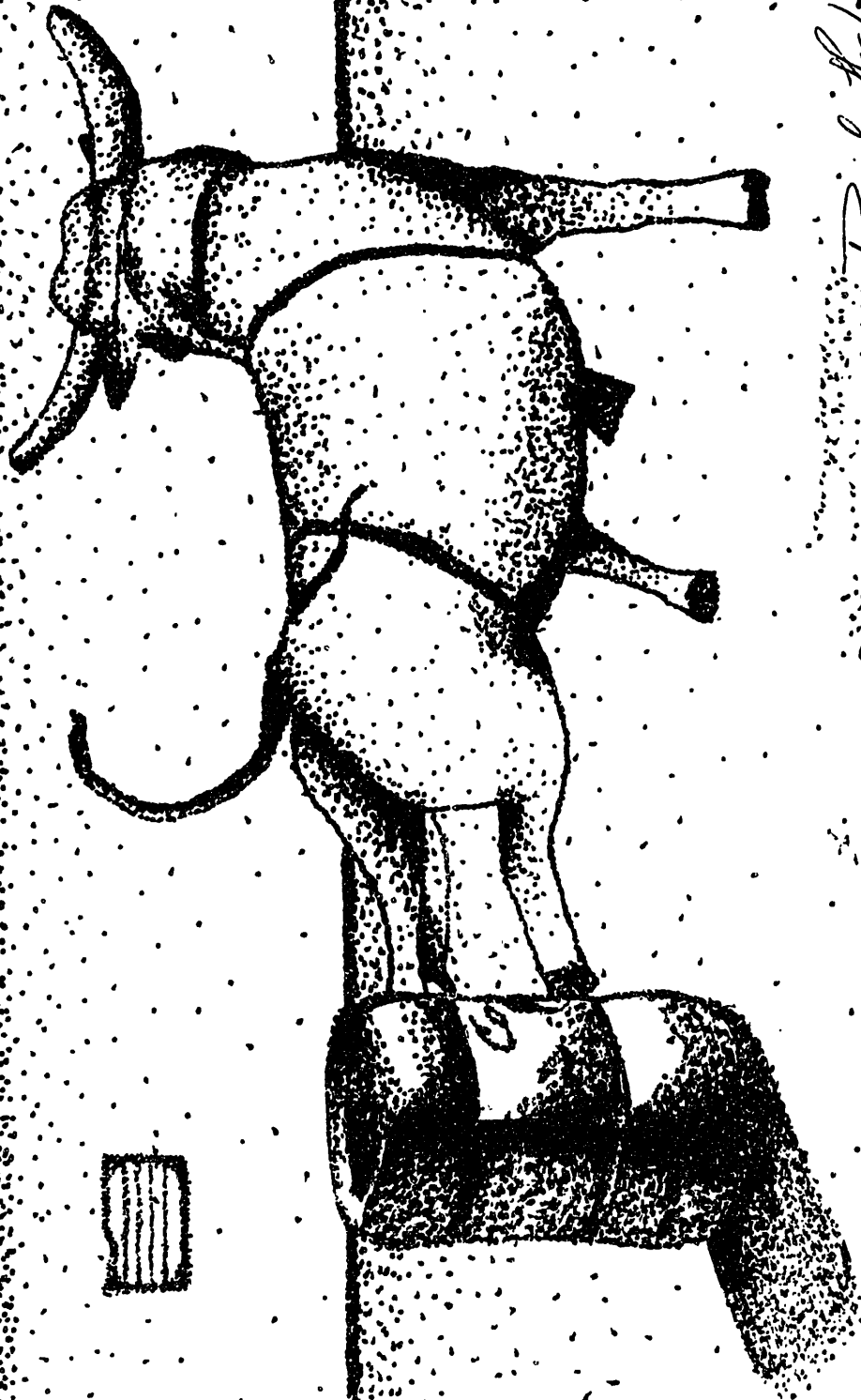
Request for Information: Texas Intellectual Property Practitioners .....	5919
--	------

**Texas Environmental Awareness Network**

Notice of Monthly Meeting .....	5919
---------------------------------	------

**Texas Workers' Compensation Research Center**

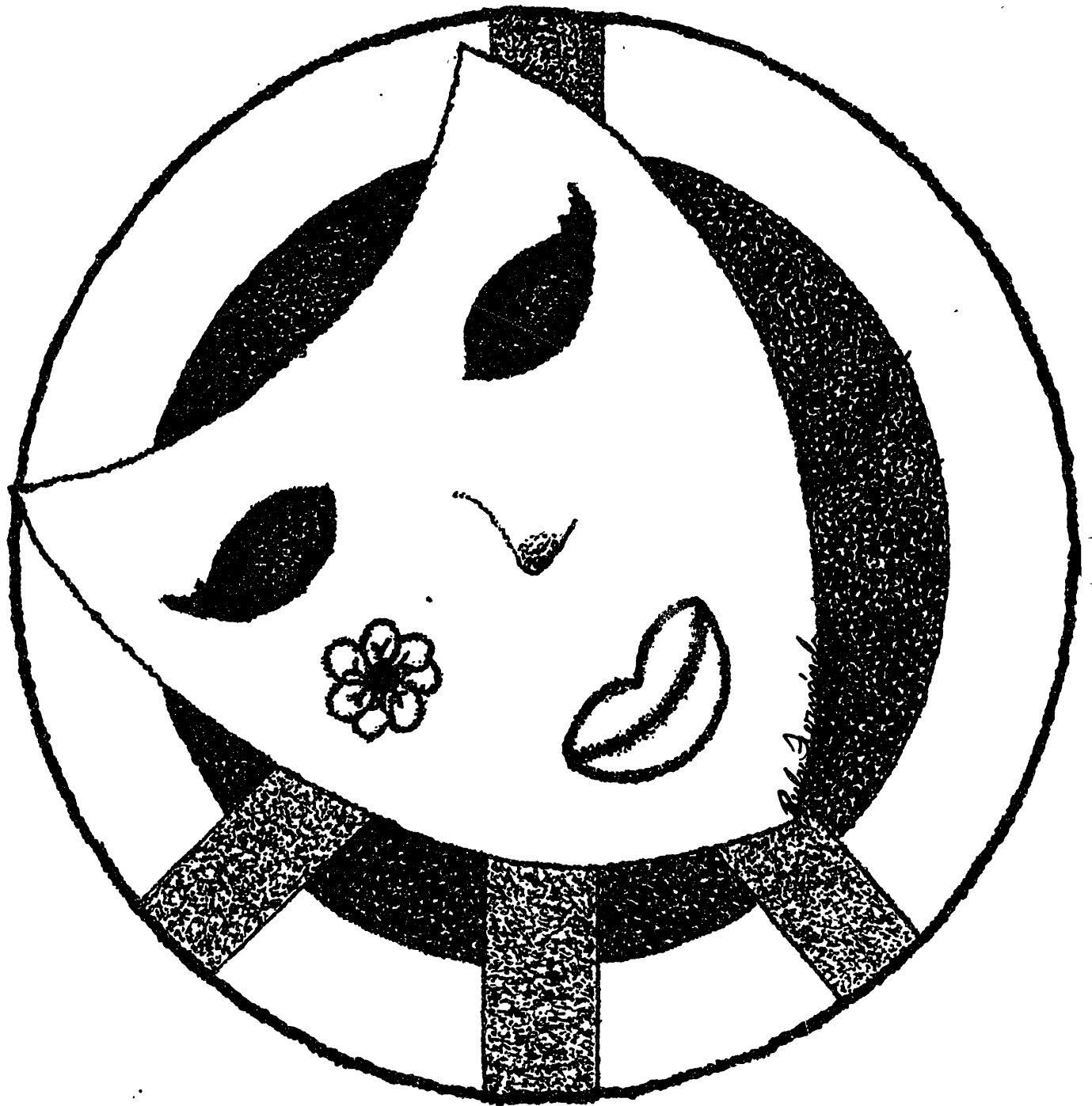
Proposed Fiscal Year 1994 Research Agenda.....	5919
--	------



David Hughes

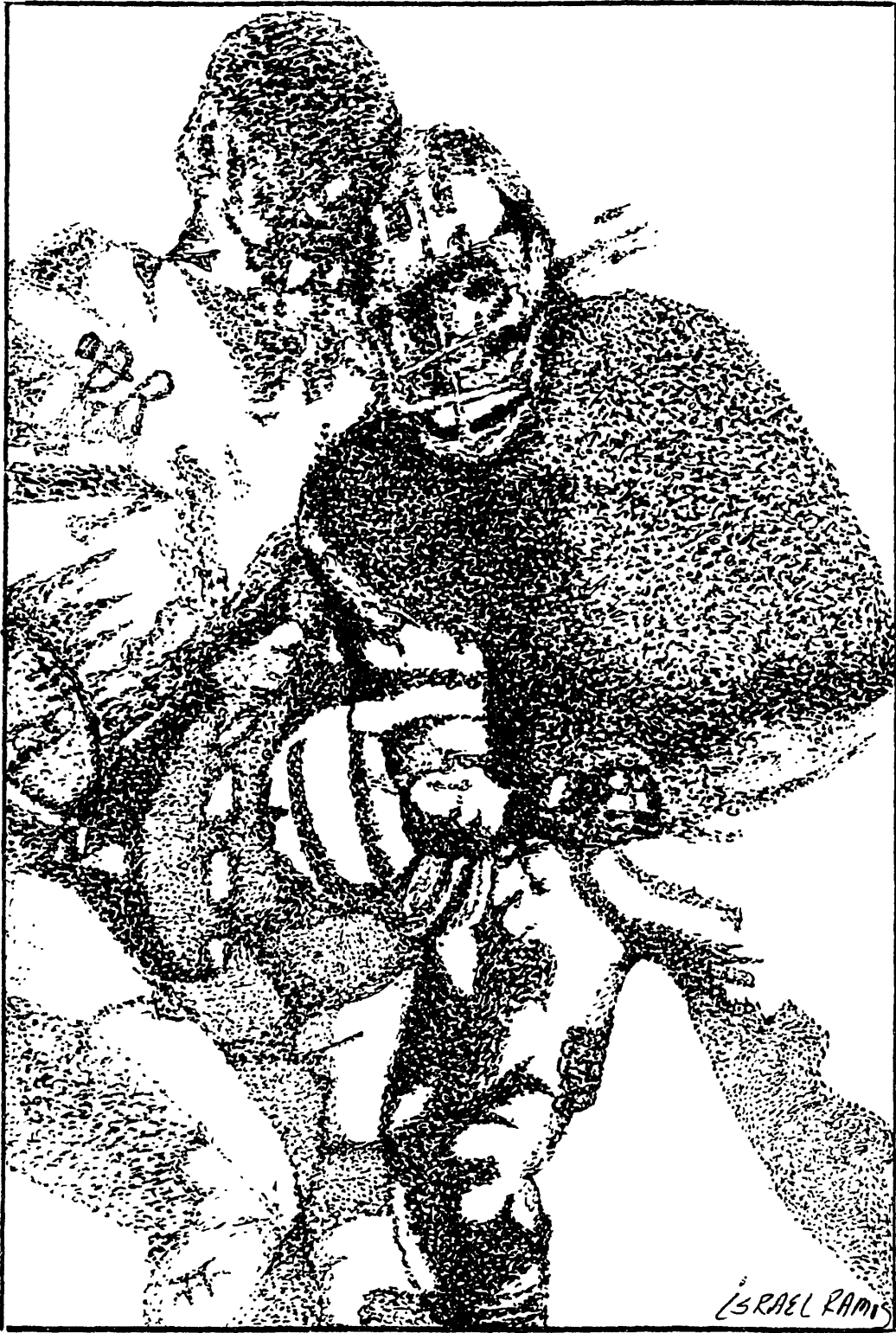












# Emergency Sections

An agency may adopt a new or amended section or repeal an existing section on an emergency basis if it determines that such action is necessary for the public health, safety, or welfare of this state. The section may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, for no more than 120 days. The emergency action is renewable once for no more than 60 days.

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

## TITLE 4. AGRICULTURE

### Part I. Texas Department of Agriculture

#### Chapter 6. Boll Weevil Control

##### • 4 TAC §6.4

The Texas Department of Agriculture (the department) adopts on an emergency basis an amendment to §6.4, concerning the cotton stalk destruction date in the Lower Coastal Bend and South Texas Pest Management Zone.

The department is acting upon requests from the Executive Director, David Oefinger, on behalf of the Lower Coastal Bend Pest Management Zone Committee. The amendment to the stalk destruction deadline is necessary on an emergency basis to give the cotton procedures in this area an extension of the impending destruction date. The extension is necessary because early season rains hampered cotton planing, resulting in considerable variation in cotton growth and maturity. The current deadline is September 10.

The Department has determined that a public emergency exists in the Lower Coastal Bend

and South Texas Pest Management Zone, Area 1, which requires the department to extend the stalk destruction deadline. The department's failure to act could result in significant economic loss to producers by requiring the early destruction of cotton plants before they have adequate time to mature.

The emergency amendment extends the stalk destruction deadline for the Lower Coastal Bend and South Texas Pest Management Zone from September 10 to September 15. The emergency rule change is authorized under the Texas Agriculture Code, §74.004, which provides the department with the authority to, upon petition of the administrative committee of a pest management zone, establish stalk destruction dates.

##### §6.4. Authorized Planting and Cotton Destruction Dates.

(a) Except as provided in subsection (c) of this section, all cotton in the pest management zones must be planted and/or mechanically destroyed by the following authorized dates. Destruction must be accomplished by shredding and plowing out the plants to prevent further growth and to prohibit any cotton plants from remaining after the following cotton destruction dates.

(1) (No change.)

(2) Lower Coastal Bend and South Texas boll weevil pest management zone.

(A) Area (1):

(i) (No change.)

(ii) cotton destruction date: on or before September 15 [10].

(B) (No change.)

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

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

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

TRD-9327896

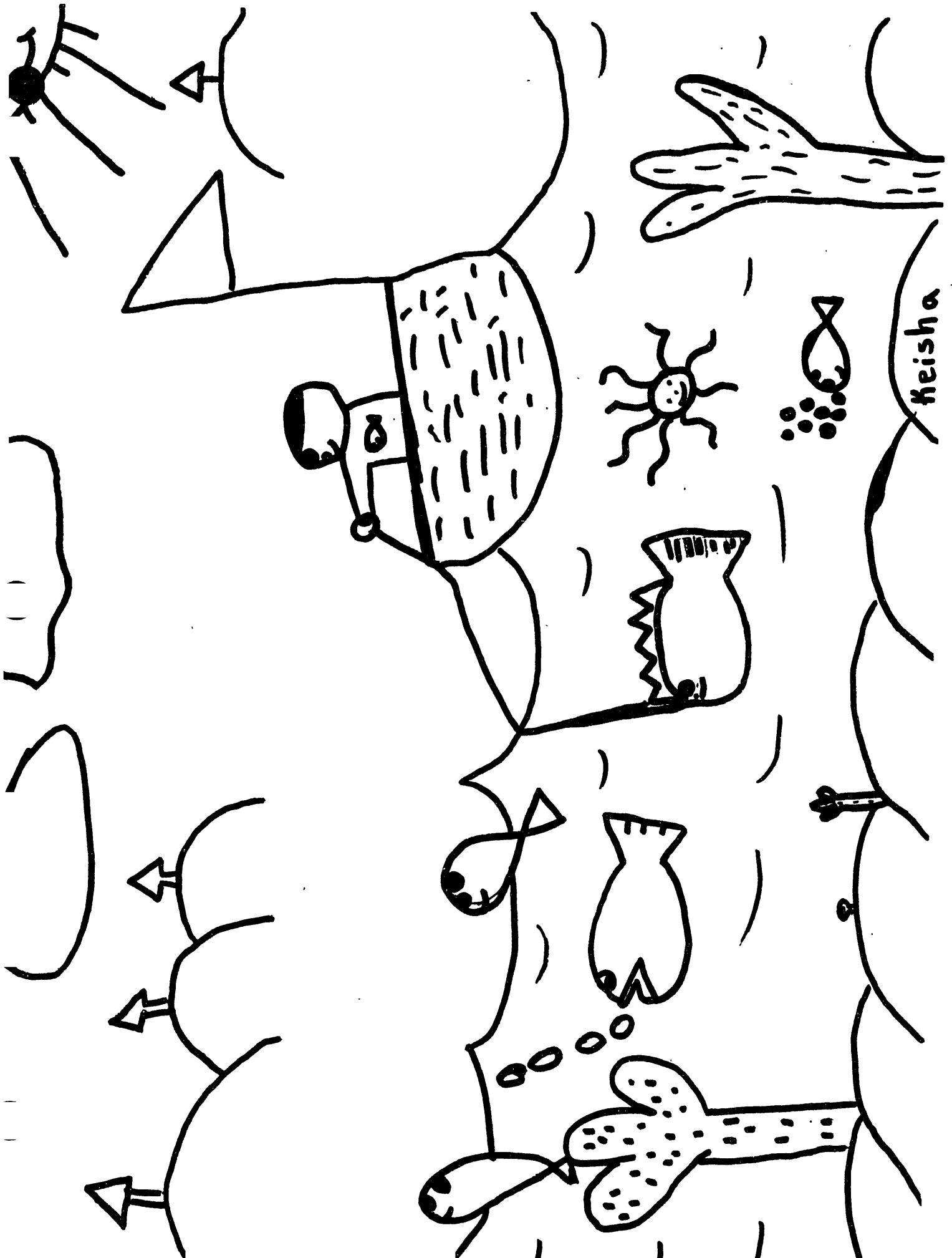
Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Effective date: August 26, 1993

Expiration date: September 26, 1993

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

◆ ◆ ◆



# 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 30. Young Farmers Endowment Program

#### • 4 TAC §§30.1-30.12

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

The Board of the Texas Agricultural Finance Authority (TAFAs) of the Texas Department of Agriculture proposes the repeal of §§30.1-30.12, concerning the Young Farmer Endowment Program. These sections are being repealed because of action taken by the 73rd Legislative Session which altered the Young Farmer Endowment Program and will be replaced by new sections which will identify the Young Farmer Loan Guaranty Program created by House Bill 1287 passed by the Texas Legislature to become effective on August 30, 1993.

Robert Kennedy, deputy assistant commissioner for agricultural finance, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Kennedy also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals are to bring the sections into compliance with statute.

Comments on the proposal may be submitted to Robert Kennedy, Deputy Assistant Commissioner for Agricultural Finance, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

The repeals are proposed under the Texas Agriculture Code, §253.004, which authorizes the Board of Directors of the Texas Agricultural Finance Authority to administer the Young Farmers Endowment Program as it has in Chapter 58 of the Code; §58.023, which authorizes the TAFAs Board to adopt rules to establish criteria for eligibility of applicants and criteria for lender; and §58.022, which authorizes the TAFAs Board to adopt rules and procedures for administration of the loan guaranty program.

§30.1. Authority.

§30.2. Purpose.

§30.3. Definitions.

§30.4. Applicant Requirements.

§30.5. Project Costs.

§30.6. Filing Requirements and Consideration of Applications.

§30.7. Contents of the Application.

§30.8. Application Process.

§30.9. General Terms and Conditions of Authority's Financial Commitment.

§30.10. Reporting Requirements.

§30.11. Repayment Schedule.

§30.12. Criteria for Approval.

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 August 30, 1993.

TRD-9327942

Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Earliest possible date of adoption: October 4, 1993

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

### ◆ ◆ ◆ Subchapter A. General Procedures

#### • 4 TAC §§30.1-30.15

The Board of Directors of the Texas Agricultural Finance Authority of the Texas Department of Agriculture proposes new §§30.1-30.15, concerning procedures for participation in the Texas Agricultural Finance Author-

ity (TAFAs) Young Farmer Loan Guaranty Program. The new sections provide a general statement of authority and purpose of the program, definitions, general project eligibility requirements, application requirements and procedures for filing of applications, general terms and conditions of the authority's financial commitment, and criteria for approval of a guarantee.

Robert Kennedy, deputy assistant commissioner for agricultural finance, has determined that for the first five-year period the proposed sections will be in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the sections. It is anticipated that the revenue generated by the program from application fees and interest income will be adequate to cover cost of administration of the program. In the event that the revenue generated by the program is not sufficient to cover the cost of administration, the effect on state government for the first five-year period the sections are in effect will be an estimated additional cost of no more than \$100,000 per year.

Mr. Kennedy also has determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of enforcing the sections will be the potential to generate up to \$10 million in new agricultural loans. There will be no effect on small business. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Robert Kennedy, Deputy Assistant Commissioner for Agricultural Finance, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711. Comments must be received no later than 30 days from the date of publication of the proposed new sections in the *Texas Register*.

The proposed new sections are authorized under the Texas Agriculture Code, §253.007(e), which provides the Board of Directors of the Texas Agricultural Finance Authority the same authority in administering the Young Farmer Loan Guarantee Program as it has in Chapter 58 of the code, and §58.023, which provides the Board with the authority to adopt rules and procedures for administration of its programs.

§30.1. Authority Through action of the Texas Legislature, the Texas Agricultural Finance Authority is authorized to establish the Young Farmer Loan Guarantee Program to provide financial assistance to eligible applicants who are establishing their first farm or ranch operation.

**§30.2. Purpose.** The Young Farmer Loan Guarantee Program is to provide financial assistance in the form of loan guaranties to eligible applicants who desire to establish their first farm or ranch operation, when the Board considers such financial assistance presents a reasonable risk and has a sufficient likelihood of repayment. These rules establish standards of eligibility and application procedures for the program.

**§30.3. Definitions.** In addition to the definitions set out in the Texas Agriculture Code, Chapter 253, as amended, the following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

**Act**—Texas Agriculture Code, Chapter 253, as amended, the Young Farmer Loan Guarantee Program.

**Agricultural science teacher**—An individual employed by a Texas school district for the purpose of teaching agricultural science and technology.

**Applicant**—A young farmer or rancher who is applying for assistance under the Act and this chapter.

**Application**—An application, including supporting documentation and schedules as required by the Authority, that must be completed by an applicant and submitted by the applicant's lender to staff in order to seek participation in the program and to determine an applicant's eligibility.

**Authority**—The Texas Agricultural Finance Authority.

**Board**—The board of directors of the Texas Agricultural Finance Authority.

**Borrower**—An eligible applicant approved for a loan guaranty by the Board.

**Business day**—A day on which the Department is open for business. The term shall not include Saturday, Sunday, or a traditional holiday officially observed by the State. The department's normal business hours are from 8:00 a.m. to 5:00 p.m. each business day.

**County agent**—A county extension agent-agriculture program leader of the Texas Agricultural Extension Service.

**Department**—The Texas Department of Agriculture.

**District-based agricultural economist**—A district agricultural economist employed by the Texas Agricultural Extension Service.

**Eligible applicant**—A person applying for a loan guarantee who:

(A) is at least 18 years of age but younger than 40 years of age;

(B) has a minimum of four years of practical farm or ranch experience, with not more than two years of participa-

tion in a 4-H or vocational agriculture program counting as practical farm or ranch experience; and

(C) complies with the application procedures prescribed by these rules.

**Equity**—The applicant's contribution to a project in the form of cash, land, or other depreciable property which is unencumbered by debt, mortgage, pledge, or any other security interest.

**First farm or ranch operation**—An operation:

(A) in which the applicant as owner/operator provides the management and labor for the operation;

(B) in which the applicant as owner/operator provides or directly arranges for the financing of the operation; and

(C) in which the applicant as owner/operator has not generated more than 20% of his adjusted gross income during each of the past four years from farming or ranching operations; provided that an exception from the income limitation will be allowed for those applicants who provide evidence that during the last four years their taxable income from farming or ranching was used to pay their education costs.

**Interest rate**—The interest rate on a guaranteed loan as determined by the participating lender and approved by the board on a project-by-project basis.

**Lender**—A state or nationally chartered commercial lending institution, savings and loan association, credit union, or Farm Credit System institution in the state.

**Loan**—A loan approved by the board in accordance with the requirements and criteria set forth in the Act and in this chapter.

**Loan guarantee agreement**—An agreement between the Authority and the lender which defines the responsibilities of the parties.

**Loan guarantee amount**—With respect to a loan made by a lender, a sum measured in terms of United States dollars that the Authority agrees to pay in the case of default by the borrower, not to exceed the lesser of \$50,000 or 90% of the total loan.

**Plan**—A complete five-year business plan, including balance sheets, income statements, cash flow statements, and a management plan.

**Program**—The Young Farmer Loan Guarantee Program.

**Project**—A first farm or ranch operation which would further the production of Texas agricultural products.

**Qualified application**—A completed application, including all documentation and information required by the Authority,

submitted by the applicant and lender for a project.

**Staff**—The staff of the department assigned to the Authority.

**State**—The State of Texas.

**§30.4. Applicant Requirements.** An applicant may submit an application to the Authority if the applicant meets the following requirements:

(a) applicant is a U.S. citizen and a resident of the State of Texas;

(b) applicant provides evidence of the fact that the applicant's farm or ranch operation will be located within the State;

(c) applicant provides evidence that the proposed project is his or her first farm or ranch operation;

(d) applicant provides evidence of a minimum of 20% equity in the first farm or ranch operation; and

(e) applicant is an eligible applicant as set forth in the Act and this chapter.

**§30.5. Project Costs.**

(a) **Eligible costs.** Financing received under this program may be used to finance costs incurred in connection with the first farm or ranch operation and shall be used only for the purchase of feed, seed, fertilizer, livestock, poultry, farm or ranch equipment, farm or ranch facilities, or leases of farmland or rangeland.

(b) **Ineligible costs.** Use of financing received under this Program for any costs for the first farm or ranch operation other than those described in subsection (a) of this section shall be considered ineligible costs. A loan guarantee is voidable by the board if the borrower uses loan proceeds for ineligible costs.

**§30.6. Filing Requirements and Consideration of Applications.**

(a) **Application forms.** An applicant or lender seeking a loan guarantee from the Authority must use the application forms provided by the Authority and must include all information requested.

(b) **Submission of application.** All applicants are required to obtain a preliminary commitment from a lender before applications will be accepted by the Authority. Staff will be available prior to submission of the qualified application to assist applicants and lenders in determining project eligibility.

(c) **Staff review.** Staff will review the application for completeness and will notify the lender of any additional information required. When all required information has been received, staff will conduct a

credit review, evaluate the technical and market feasibility of the project, and examine the benefits of the project for Texas agriculture and economic growth and job creation in the state. The staff may request and consider comments of the county agent or the agricultural science teacher who reviewed the Plan. A district-based agricultural economist may be requested to provide assistance in reviewing the plan.

(d) Board review. The staff shall submit a credit memorandum to the board for each qualified application received by the program. The board will approve or deny the qualified application by majority vote of those members present and voting, based upon the information presented in accordance with the Act and this chapter, the credit memorandum, and the factors set forth in §253.004 of the Act, as implemented by this chapter. The board may impose additional terms and conditions as part of its approval.

(e) Notification of approval. Upon conditional approval of the qualified application by the board, staff will notify the lender and the borrower in writing, identifying the terms and conditions of the loan guarantee. The board may set certain time limits regarding the acceptance of loan commitments by the borrower and lender; however, in no event shall the time period exceed 30 days from date of notification unless approved by the board. The lender will prepare the written agreements and documents necessary to close the loan in accordance with the terms and conditions set forth in the notice of conditional approval. The Authority will send the lender and the borrower final notice of guarantee approval after review of the closing documents. The lender will disburse the loan according to the terms and conditions of the note and/or loan agreement.

(f) Denial of application. If the qualified application is denied by the board, the Authority will notify the eligible applicant and the lender in writing, identifying the reasons for denial. In the event of a denial, the lender and eligible applicant may petition the board for review of the denial by filing a written request with the official of the department designated by the Commissioner of Agriculture as being responsible for the department's agricultural finance programs, within 30 days after the date of the denial. An appeal must address the reasons for denial and set forth any cure of the reasons for denial. The board may grant or deny the appeal at any time and take such further action as the board deems appropriate. The board's review on appeal is limited to a review of the reasons for denial as stated in the notification letter of denial to the eligible applicant and the lender. The board's decision upon appeal will be final.

(g) Providing false information. An applicant who knowingly provides false information in an application shall be disqualified from obtaining a loan guarantee under the program and shall be liable to the authority and the department for any expense incurred by the Authority or the department as a result of the falsity. If the falsity is discovered after approval of a loan guarantee, the falsity may constitute grounds for revocation of the guarantee, and the Authority shall be entitled to exercise all its rights under the loan documents.

(h) Reporting to the board. Staff shall report to the board at each board meeting the status of loans and current financial commitments of the Authority under the program.

#### §30.7. Contents of the Application.

(a) Required information. The applicant must present information necessary to determine if the applicant is an eligible applicant and is qualified to receive a loan guarantee under the program. Such information will include, at least, the following:

(1) an application form, provided by the Authority, which shall include the following information and attachments:

(A) the applicant's name and address;

(B) a copy of the applicant's birth certificate or drivers license;

(C) the applicant's resume;

(D) a completed personal history questionnaire;

(E) two credit references and two unrelated personal references;

(F) information and/or letters of commitment regarding other funding sources, if applicable;

(G) disclosure of any and all business affiliations of the applicant with members of the board, employees of the department, the staff, and/or lender which could present a conflict of interest; and

(H) any other information which the applicant or the Authority decides may be useful in the determination of the applicant's eligibility and/or creditworthiness.

(2) A five-year plan for the applicant's proposed farm or ranch operation, covering the five-year period from the date

of the application, describing the goals of the project, the means to accomplish the goals, and the method of managing and financing the project, and including a contingency plan, a proposed draw schedule for the financing, a proposed repayment schedule for the financing, a pro forma balance sheet which incorporates the financing, pro forma cash flow statements, income statements and balance sheets for at least five years, and a statement of the interest rate used in the pro forma statements. All pro formas are to be submitted in accordance with generally accepted accounting principles;

(3) a letter from an agricultural science teacher in the applicant's school district, or the county agent, stating that he/she has reviewed and approved the plan;

(4) a signed statement of a loan officer of the participating lender that a loan guarantee is required for approval of the loan;

(5) a completed application for a loan from a commercial lender, including all attachments and other supporting documentation, on which the applicant has indicated that the loan proceeds will be used to implement the applicant's five-year plan. If available, the loan application must include four years of historical financial statements of any previous farming or ranching activity of the applicant, including balance sheets, income statements and cash flow statements, and applicant's federal income tax returns for the four years immediately preceding the date of the application.

#### §30.8. Application Process.

(a) A qualified application will be considered by the board at the first available meeting of the Authority, provided that staff has had sufficient time to complete its review of the qualified application.

(b) Qualified applications will be subject to the availability of funds in the Young Farmer Loan Guarantee Account.

(c) A non-refundable application fee of \$25 will be required with each qualified application. An origination fee equal to 1.0% of the total loan will be due within ten days of the initial funding of each loan, with the application fee to be credited to the origination fee.

(d) Applications will be analyzed in accordance with the requirements and criteria set forth in the Act and in this chapter.

#### §30.9. General Terms and Conditions of Authority's Financial Commitment.

(a) Maximum amount of loan guarantee. The Authority shall not provide a loan guarantee to borrower, including its

affiliates, that at any one time exceeds the lesser of \$50,000 or 90% of the total loan. A loan guarantee is voidable by the board if the borrower uses loan proceeds for any use other than those allowed under the Act and this chapter. The total loan guarantees authorized at any one time will be limited to two times the amount of current appropriations from the Young Farmer Guarantee Account.

(b) Security. Financial commitments approved under this program must be secured by a first lien on collateral of a type and value which, when considered with other criteria, in the judgment of the board affords reasonable assurance of repayment of the Loan.

(c) Closing of the loan. The Commissioner of Agriculture or his designee may attend the verification and signing of such closing documents at the time, date, and location determined by the lender.

(d) Closing costs. All closing costs associated with the closing of an approved loan, including the Authority's review of the closing documents by independent legal counsel, shall be the liability of the borrower.

(e) Co-participation. An applicant may seek co-participation in financial assistance from other private and governmental sources. In any event, the Authority's maximum guaranty in the credit may not exceed the lesser of 90% of the loan or \$50,000 with the lender remaining at risk for at least 10% of the loan.

(f) Maturity. The maturity of the loan guarantee approved by the Authority must not exceed the lesser of the useful life of the assets being financed or ten years.

(g) Interest rate. The interest rate on the guaranteed loan (not including guaranty fees) shall be the rate charged by the lender and approved by the authority.

#### §30.10. Reporting Requirements.

(a) Each recipient of a loan under this program shall provide bi-annual (every six months) financial and cash flow statements to lender. Such statements must be presented in comparison with the budget information contained in the five-year plan submitted to the Authority with the qualified application. Failure to provide such statements shall be considered a breach of the guarantee agreement and constitute grounds for revocation of the loan guarantee.

(b) Each lender shall report in writing to the Authority as follows:

- (1) notification if the loan is placed on a watch list;
- (2) quarterly monitoring reports

indicating loan balance, repayment status, and any credit changes reported to the lender as indicated on the prescribed form to be supplied by the Authority; and

(3) notification in the event of any breaches or defaults in the terms, conditions, or covenants of the note, loan agreement, or other documents.

(c) If necessary, the Authority may request other reports or documentation reasonably necessary for an assessment of the borrower's compliance with the program.

§30.11. *Repayment Schedule.* The lender shall establish a repayment schedule for each approved loan taking into consideration the repayment schedule submitted by the borrower in the qualified application and the reasonableness of the projected financial information. Failure to make any payment as scheduled shall be considered an event of default on the loan and shall constitute grounds for demand for full and immediate repayment of the loan, with approval of the lender and the Authority.

#### §30.12. Criteria for Approval of a Loan Guarantee.

(a) Criteria for an eligible applicant. The board shall consider the following factors in deciding whether to approve an application for a loan guarantee:

(1) the anticipated benefits from granting a loan guarantee to the eligible applicant, including both potential job creation and commercial benefits to the agricultural industry;

(2) the eligible applicant's qualifications, including:

(A) credit history and financial condition of the eligible applicant;

(B) historical financial statements of the eligible applicant;

(C) the management experience and ability of the eligible applicant;

(3) the feasibility of the eligible applicant's plans, including:

(A) evidence of the manner, means, and security for repayment of the loan by the eligible applicant;

(B) the reasonableness and completeness of the plan;

(C) the projected cash flow of the project;

(D) the collateral and other sources of guaranty or insurance securing the loan; and

(E) the existence of crop insurance and life insurance on the eligible applicant;

(4) other funding sources available to the eligible applicant. The Authority shall consider whether the desired project financing appears to be available to the eligible applicant on reasonable terms from other lenders. The Authority may direct the eligible applicant to other sources for co-participation in the credit; and

(5) any other factor or circumstance within statutory authority and reasonably related to the goals and objectives of the Act.

(b) Eligibility of the lender. The lender originating a loan must have a continuing ability to evaluate, perform, and service the loan; to make the necessary reports as identified in the rules of the program; and to collect the loan, if requested by the Authority, upon default. The lender must agree to exercise due diligence in the servicing, maintenance, review, and evaluation of performance without regard to the existence of participation by the Authority or any other limitation of risk. The Authority reserves the right to decline a loan guarantee to a lender which, in the judgment of the Authority, does not have the capacity or interest to appropriately make and service a loan.

§30.13. *Loan Administration.* The lender shall service the loan and receive all payments of principal and interest, including assessment of any late charges, if applicable, in accordance with its loan guarantee agreement with the Authority, which agreement shall, among other things, obligate the lender to service the loan even after an event of default.

#### §30.14. Eligible Lender.

(a) Letter of request. Each lender is required to qualify itself for participation in the program by submitting a letter of request, accompanied by its most recent audited financial statements, if available, and the designation of the individual(s) within the lender who will be responsible for working with the Authority.

(b) Investigation. As a condition to participation, a lender must agree to make such investigation as it considers necessary to determine the applicant's viability, the economic benefits to be derived, the prospects for repayment, and other factors that it considers necessary to determine whether participation by the applicant is within the purposes of the Program.



(c) Commitment letter. A lender interested in making a loan guaranteed under the program must participate in submitting a qualified application along with a commitment letter to the Authority outlining the terms and conditions of the proposed loan. The letter will show the name of the eligible applicant, purpose of the loan, amount and use of the funds, proposed closing date, and collateral for the loan guarantee amount that the lender is seeking from the Authority.

#### §30.15. Loan Guarantee Administration.

(a) Except as otherwise provided by state law, by these rules, or by resolution of the board, the staff, with the approval of the Commissioner of Agriculture, the Deputy Commissioner of Agriculture, or the official of the department designated by the Commissioner of Agriculture as being responsible for the department's agricultural finance programs, shall have the authority to act on behalf of the Authority, without specific board approval, in regard to the collection, settlement, and enforcement of each and every loan guaranteed by the Authority under the program. Such authority shall include, without limitation, the actions required to be taken by the Authority under any loan agreement, and any other agreement entered into by the Authority concerning a loan guaranteed by the Authority under the program.

(b) Nothing in this section shall prevent the staff or the Commissioner of Agriculture, the Deputy Commissioner, or the official of the department designated by the Commissioner of Agriculture from submitting any matter to the board for its consideration and approval.

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 August 30, 1993.

TRD-9327943 Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Earliest possible date of adoption: October 4, 1993

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

### Subchapter B. Rules for Deposition and Refund of Assessment Fees

#### • 4 TAC §§30.50-30.54

The Board of Directors of the Texas Agriculture Finance Authority of the Texas Department of Agriculture proposes new §§30.50-30.54, concerning procedures for the deposit

and refund of assessment fees by Texas county tax assessor-collectors for the Texas Agricultural Finance Authority (TAFA) Young Farmer Loan Guarantee Program. The new sections provide a general statement of authority, purpose of the program, definitions, deposit, refund, and remittance procedures.

Robert Kennedy, deputy assistant commissioner for agricultural finance, has determined that for the first five-year period the new sections are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the sections. It is anticipated that the revenue generated by interest income on the assessment fees held by the county for a three-month period will be adequate to cover cost of administration of the program.

Mr. Kennedy also has determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of enforcing the sections will be the potential to generate up to \$2 million in new agricultural loans. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposed new sections may be submitted to Robert Kennedy, Deputy Assistant Commissioner for Agricultural Finance, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711. Comments must be received no later than 30 days from the date of publication of the proposed new sections in the *Texas Register*.

The proposed new sections are authorized under the Texas Agriculture Code, §253.007(e), which provides the Board of Directors of the Texas Agricultural Finance Authority the same authority in administering the Young Farmer Loan Guarantee Program as it has in Chapter 58 of the code, §58.023 of the code, which provides the Board with the authority to adopt rules and procedures for administration of its programs, and Texas Civil Statutes, Article 6675a-1, §17(b) and (c), which provide that the Authority shall prescribe procedures for the deposition and refund of assessments by local county tax assessor-collectors.

**§30.50. Authority.** Through the action of the Texas Legislature, the Texas Agricultural Finance Authority (the Authority) is authorized to establish rules and procedures to establish the Young Farmer Loan Guarantee Program. Such rules will establish criteria by which financial assistance will be provided to eligible borrowers who are establishing their first farm or ranch operation and by which assessment fees will be deposited and refunded.

**§30.51. Purpose and Application of Rules.** The purpose of this subchapter is to provide for the administration of the collection of Net Funds for the Young Farmer Loan Guarantee Account by county tax assessor-collectors and the remittance of such net funds to the Authority for deposit in the State Treasury. The Authority will

apply these sections to the deposition and refund of assessment fees.

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

**Assessment Fee**—A \$5.00 voluntary fee paid on each commercial motor vehicle registered under Texas Civil Statutes, Article 6675a-17.

**Authority**—The Texas Agricultural Finance Authority.

**Fund**—The Young Farmer Loan Guarantee Account.

**Net funds**—Assessment fees collected less assessment fees refunded.

**Program**—The Young Farmer Loan Guarantee Program.

**Request for Refund**—The written request filed by a payor of an assessment fee which identifies the tag number and the sticker number for each registered vehicle and the total amount of the requested refund.

**Settlement date**—That period, which begins on the date of payment of the assessment fee and ends on the 15th calendar day following the date of payment.

#### §30.53. Collection of Funds by County Tax Assessor-Collector and Remittance to State Treasurer.

(a) Each county tax assessor-collector shall collect the voluntary assessment fee required by Texas Civil Statutes, Article 6675a-17.

(b) Each county tax assessor-collector shall provide notice of the refund procedures defined in §30.54 of this title (relating to Refunding of Fees) to persons paying an assessment fee at the time of payment.

(c) The net funds collected shall be remitted by each county tax assessor-collector to the Authority on a quarterly basis due on or before April 10th, July 10th, October 10th, and January 10th of each year. Funds for which the settlement date has not expired are not subject to remittance.

(d) The net funds shall be remitted by check made payable to the "Texas Agricultural Finance Authority," mailed to the address prescribed by the Authority, and shall be deemed paid when received by the Authority and deposited in the state treasury in Austin. Such net funds will not be eligible for refund from the Program.

(e) The net funds shall be sent with two completed forms provided by the Authority: the Remittance Advice form; and the Detailed Report of Collections and Refunds form.

#### §30.54. Refunding of Fees.

(a) At the time of payment, the county tax assessor-collector shall notify each payor of the assessment fee that a refund is available after the settlement period has expired. Each payor of the assessment fee may request a refund by filing a request for refund with their county tax assessor-collector within 30 days following the expiration of the settlement date.

(b) Each county tax assessor-collector shall refund any assessment fee for which a request for refund is made from assessment fees collected and held for remittance to the Fund.

(c) Each county tax assessor-collector shall indicate such refund on the Detailed Report of Collections and Refunds form sent with the Remittance Advice form.

(d) Assessment fees paid after August 30, 1993, up to and including the effective date of these rules shall be deemed to have been paid as of the effective date of these rules and shall be eligible for refund from the respective county-assessor collector for a period of 30 days after such effective date.

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

Issued in Austin, Texas, on August 30, 1993.

TRD-9327941

Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Earliest possible date of adoption: October 4, 1993

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

◆ ◆ ◆  
**TITLE 10. COMMUNITY  
DEVELOPMENT**  
**Part V. Texas Department  
of Commerce**  
**Chapter 182. Small Business  
Assistance**

**Subchapter B. Historically Underutilized Businesses**

• 10 TAC §§182.50-182.57

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

The Texas Department of Commerce proposes the repeal of §§182.50-182.57, concerning Historically Underutilized Businesses,

because the 73rd Legislature transferred responsibility for historically underutilized business certification from the Texas Department of Commerce to the General Services Commission. The General Services Commission currently has proposed rule pending through which to certify disadvantaged businesses; therefore, it is unnecessary for the Texas Department of Commerce to have historically underutilized business rules.

Renee Mauzy, staff attorney, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals. There will be no impact on small businesses. The public benefit of the repeals are that unnecessary and duplicative rules will be eliminated, thereby eliminating confusion on the part of the public. There is no anticipated economic cost to persons related to the repeal of the historically underutilized business certification rules.

Two copies of written comments on the proposed repeals should be submitted to Renee Mauzy, Staff Attorney, Texas Department of Commerce, 816 Congress Avenue, Suite 1180, Austin, Texas 78701 within 30 days of publication of the proposed repeals.

The repeals are proposed under the authority of the Government Code, §481.021(a)(1) and §48.103(23), which provided the Texas Department of Commerce the authority to adopt and enforce necessary rules and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

§182.50. *General Provisions.*

§182.51. *Certification Process.*

§182.52. *Revocation.*

§182.53. *Recertification.*

§182.54. *Protests.*

§182.55. *Texas Disadvantaged Business Certification Directory.*

§182.56. *State Agency Reporting Requirements.*

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 August 26, 1993.

TRD-9327902

Michael Regan  
Chief Administrative Officer  
Texas Department of  
Commerce

Earliest possible date of adoption: October 4, 1993

For further information, please call: (512) 320-9401

**TITLE 22. EXAMINING  
BOARDS**

**Part XIV. Texas  
Optometry Board**

**Chapter 273. General Rules**

• 22 TAC §273.9

The Texas Optometry Board proposes new §273.9, concerning Public Interest Information. The new section is required to comply with the provisions of House Bill 1479, passed by the 73rd Texas Legislature.

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

Ms. Ewald also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the general public will be informed concerning the profession of optometry and provided with an opportunity for filing complaints with the Board. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Lois Ewald, Executive Director, Texas Optometry Board, 9101 Burnet Road, Suite 214, Austin, Texas 78758.

The new section is proposed under Texas Civil Statutes, Article 4552, §2. 14, which provide the Texas Optometry Board with the authority to promulgate substantive and procedural rules.

§273.9. *Public Interest Information.*

(a) In order for the public to be informed regarding the functions of the board and the board's procedures by which complaints are filed with and resolved by the board, each licensee is required to display in each optometric office information regarding the board's name, address, and telephone number.

(b) The licensee may either display a placard or sign furnished by the board or provide to all patients and consumers a consumer pamphlet furnished by the board containing the name of the board, mailing address, and telephone number for that purpose of directing complaints to the board.

(c) The placard or sign shall be conspicuously and prominently displayed in a location where it may be seen by all patients.

(d) The consumer pamphlet, if chosen, shall be prominently displayed and available to patients at all times.

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 August 24, 1993.

TRD-9327857

Lois Ewald  
Executive Director  
Texas Optometry Board

Earliest possible date of adoption: October 4, 1993

For further information, please call: (512) 835-1938

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part I. Texas Department of Public Safety

#### Chapter 3. Traffic Law Enforcement

##### Accident Investigations

###### • 37 TAC §3.9

The Texas Department of Public Safety proposes an amendment to §3.9, concerning reporting by investigating officers. Section 3.9(a) and (b) are amended to meet the requirements of Senate Bill 1227, 73rd Texas Legislature. This will require the department to revise the Peace Officers Accident Report Form to include a means of designating whether an involved party does or does not desire to receive contact from persons seeking professional employment as/for an attorney, chiropractor, physician, surgeon, private investigator, or any other person registered or licensed by a Health Care Regulatory Agency. The Texas Peace Officers Accident Casualty Supplement effective January 1986 is deleted.

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

Jim Templeton, manager, statistical services, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to provide better, more specific data relative to accidents for use in identifying causative factors, prevention measures, and promoting reduction in number of accidents occurring, and to provide means for parties involved in accidents to choose to receive or not to receive solicitation for business. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

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

The amendment is proposed under Texas Civil Statutes, Article 6701d, §45, and the Texas Government Code, §411.006(4) which provide the Texas Department of Public Safety with the authority to prepare and upon

request supply to police departments, coroners, sheriffs, garages, and other suitable agencies or individuals, forms for accident report required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The director, subject to approval of the commission, shall have the authority to adopt rules considered necessary for the control of the department.

###### §3.9. Reporting by Investigating Officers.

(a) Reports required will be submitted on the Texas Peace Officers Accident Report[, the Texas Peace Officers Accident Casualty Supplement.] and the Commercial Motor Vehicle Supplement to the Texas Peace Officers Accident Report by officers who investigate motor vehicle accidents and will be in accordance with Department of Public Safety publication, Instructions to Police Officers for Reporting Accidents.

(b) The Texas Peace Officers Accident Report effective September 1993 [January 1986, the Texas Peace Officers Accident Casualty Supplement effective January 1986.] and the Commercial Motor Vehicle Supplement to the Texas Peace Officers Accident Report effective January 1991 [1988] and as they may hereafter be modified as administratively necessary, are adopted by reference and list sufficiently detailed information regarding investigation of a traffic accident. Copies of the reports are available for inspection at the headquarters of the Texas Department of Public Safety, 5805 North Lamar Boulevard, Austin, Travis County, Texas 78773.

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 August 9, 1993.

TRD-9327877

James R. Wilson  
Director  
Texas Department of  
Public Safety

Earliest possible date of adoption: October 4, 1993

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

## Chapter 25. Safety Responsibility Regulations

### • 37 TAC §25.20, §25.21

The Texas Department of Public Safety proposes amendments to §25.20, and §25.21, concerning compulsory insurance-driver's license road test, and compliance and enforcement. Section 25.20(a) and §25.21(a) are amended by deleting language and adding language and additional paragraphs. These amendments promulgate what is acceptable to the Department of Public Safety as evidence of financial responsibility.

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

George C. King, chief, Traffic Law Enforcement, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to ensure the public is aware of acceptable proof of financial responsibility and to establish departmental uniformity in administering the Safety Responsibility Act. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

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

The amendments are proposed under Texas Civil Statutes, Article 6701h, §2(a), which provide the Texas Department of Public Safety with the authority to make rules and regulations necessary for the administration of that Act.

###### §25.20. Compulsory Insurance-Driver's License Road Test.

(a) Evidence of Financial Responsibility: Owners and/or operators of motor vehicles are required to furnish information concerning evidence of financial responsibility upon request to a Driver License employee [law enforcement officer]. [This evidence should include the name of the insured; effective dates of coverage; insurance company; policy number or certificate number; and the minimum amounts of financial responsibility required by statute which may be a statement that "the policy coverage meets the minimum amounts of financial responsibility required by statute" or the actual policy limits.] This department's policy will be to accept the following as evidence of financial responsibility:

(1) liability insurance policy in at least the minimum amounts required by the Safety Responsibility Act that covers the vehicle [Insurance policy];

(2) standard proof of liability insurance form promulgated by the Texas Department of Insurance and issued by a liability insurer that includes:

- (A) name of insurer;
- (B) insurance policy number;
- (C) policy period;
- (D) name and address of each insured;

(E) policy limits or a statement that the coverage complies with at least the minimum amounts required by the Safety Responsibility Act; and

(F) make and model of each covered vehicle; [An instrument issued by the insurance company to be carried in the vehicle that confirms coverage.]

(3) certificate issued by the Department of Public Safety that shows the vehicle is covered by self-insurance [Department's letter acknowledging receipt of bond, certificate of deposit of money, or securities in the minimum amount as promulgated by Texas Civil Statutes, Article 6701h, §1(10)];

(4) certificate issued by the state treasurer that shows that the owner of the vehicle has on deposit with the treasurer money or securities in at least the amount required by the Safety Responsibility Act, §25 [Certificate of self-insurance issued by the department];

(5) Railroad Commission cab cards.

(A) intrastate Railroad Commission cab card with a copy of the authority attached;

(B) interstate ICC-regulated carriers Uniform D cab card with Railroad Commission stamp attached; or

(C) interstate exempt carriers Uniform D1 cab card with Railroad Commission stamp attached;

(6) certificate issued by the Department of Public Safety that shows that the vehicle is a vehicle for which a bond is on file with the Department of Public Safety as provided by the Safety Responsibility Act, §24; [copies of the aforementioned documents; and]

(7) copy of a certificate issued by the county judge of a county in which the vehicle is registered that shows that the owner of the vehicle has on deposit with the county judge cash or a cashier's check in at least the amount required by the Safety Responsibility Act, §1A(b)(6); [Other evidence such as insurance binder which confirms to the satisfaction of the officer that the owner and/or driver is in compliance with the Safety Responsibility Act.]

(8) tow trucks displaying a certificate of registration issued by the Texas Department of Licensing and Regulation;

(9) copies of the aforementioned documents; and

(10) other evidence such as an insurance binder which confirms to the satisfaction of the officer that the owner and/or driver is in compliance with the Safety Responsibility Act.

(b) Road Test. Applicants for the driver's license road test shall be required to complete the automobile liability insurance coverage or exemption certification on the appropriate application. If the response is "yes," the applicant will be scheduled for a road test. If the response is "no," the applicant will be required to furnish documented evidence of financial responsibility prior to being scheduled for the road test. Driver License employees [Troopers] will examine evidence of financial responsibility in every case prior to giving the road test. This examination will be performed in conjunction with the vehicle inspection. Applicants will be rejected if they fail to provide acceptable evidence.

*§25.21. Compulsory Insurance—Compliance and Enforcement.*

(a) Evidence of Financial Responsibility. Owners and/or operators of motor vehicles are required to furnish information concerning evidence of financial responsibility upon request to a law enforcement officer. [This evidence should include the name of the insured; effective dates of coverage; insurance company; policy number or certificate number; and the minimum amounts of financial responsibility required by statute which may be a statement that "the policy coverage meets the minimum amounts of financial responsibility required by statute" or the actual policy limits.] This department's policy will be to accept the following as evidence of financial responsibility:

(1) liability insurance policy in at least the minimum amounts required by the Safety Responsibility Act that covers the vehicle [Insurance policy];

(2) standard proof of liability insurance form promulgated by the Texas Department of Insurance and issued by a liability insurer that includes:

(A) name of insurer;

(B) insurance policy number;

(C) policy period;

(D) name and address of each insured;

(E) policy limits or a statement that the coverage complies with at

least the minimum amounts required by the Safety Responsibility Act; and

(F) make and model of each covered vehicle; [An instrument issued by the insurance company to be carried in the vehicle that confirms coverage]

(3) certificate issued by the Department of Public Safety that shows the vehicle is covered by self-insurance; [Department's letter acknowledging receipt of bond, certificate of deposit of money, or securities in the minimum amount as promulgated by Texas Civil Statutes, Article 6701h, §1(10).]

(4) certificate issued by the state treasurer that shows that the owner of the vehicle has on deposit with the treasurer money or securities in at least the amount required by the Safety Responsibility Act, §25 [Certificate of self-insurance issued by the Department];

(5) Railroad Commission cab cards.

(A) intrastate Railroad Commission cab card with a copy of the authority attached;

(B) interstate ICC-regulated carriers Uniform D cab card with Railroad Commission stamp attached; or

(C) interstate exempt carriers Uniform D1 cab card with Railroad Commission stamp attached;

(6) certificate issued by the Department of Public Safety that shows that the vehicle is a vehicle for which a bond is on file with the Department of Public Safety as provided by the Safety Responsibility Act, §24; [copies of the aforementioned documents; and]

(7) copy of a certificate issued by the county judge of a county in which the vehicle is registered that shows that the owner of the vehicle has on deposit with the county judge cash or a cashier's check in at least the amount required by the Safety Responsibility Act, §1A(b)(6); [Other evidence such as insurance binder which confirms to the satisfaction of the officer that the owner and/or driver is in compliance with the Safety Responsibility Act.]

(8) tow trucks displaying a certificate of registration issued by the Texas Department of Licensing and Regulation;

(9) copies of the aforementioned documents; and

(10) other evidence such as an insurance binder which confirms to the

**satisfaction of the officer that the owner and/or driver is in compliance with the Safety Responsibility Act.**

(b) **Enforcement Policy.** Commissioned members of this department shall request an owner and/or operator of a motor vehicle upon a public highway to furnish information concerning evidence of financial responsibility when practical in all traffic stops or investigations of motor vehicle traffic accidents. Enforcement action will be initiated in accordance with established guidelines.

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 August 13, 1993.

TRD-9327876

James R. Wilson  
Director  
Texas Department of  
Public Safety

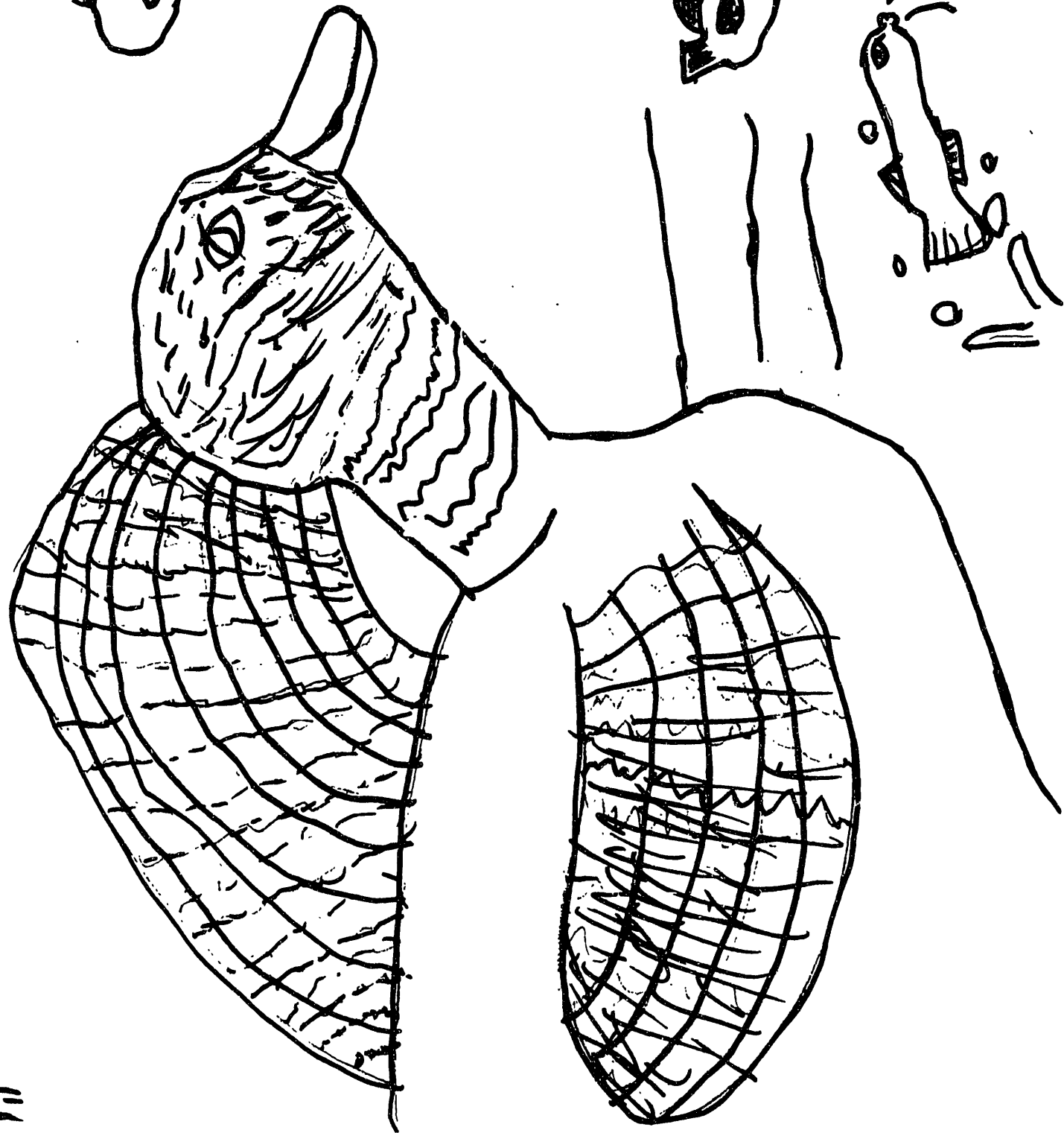
Earliest possible date of adoption: October 4, 1993

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





Lisa  
1985



# Withdrawn Sections

---

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

---

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part XIX. Texas Department of Protective and Regulatory Services

#### Chapter 720. 24-Hour Care Licensing

##### Subchapter A. Standards for Child-Placing Agencies (24-Hour Care and Adoption)

• 40 TAC §720.38

The Texas Department of Protective and Regulatory Services has withdrawn from consideration for permanent adoption a proposed new §720.38 which appeared in the February 26, 1993, issue of the *Texas Register* (18 TexReg 1250). The effective date of this withdrawal is August 26, 1993.

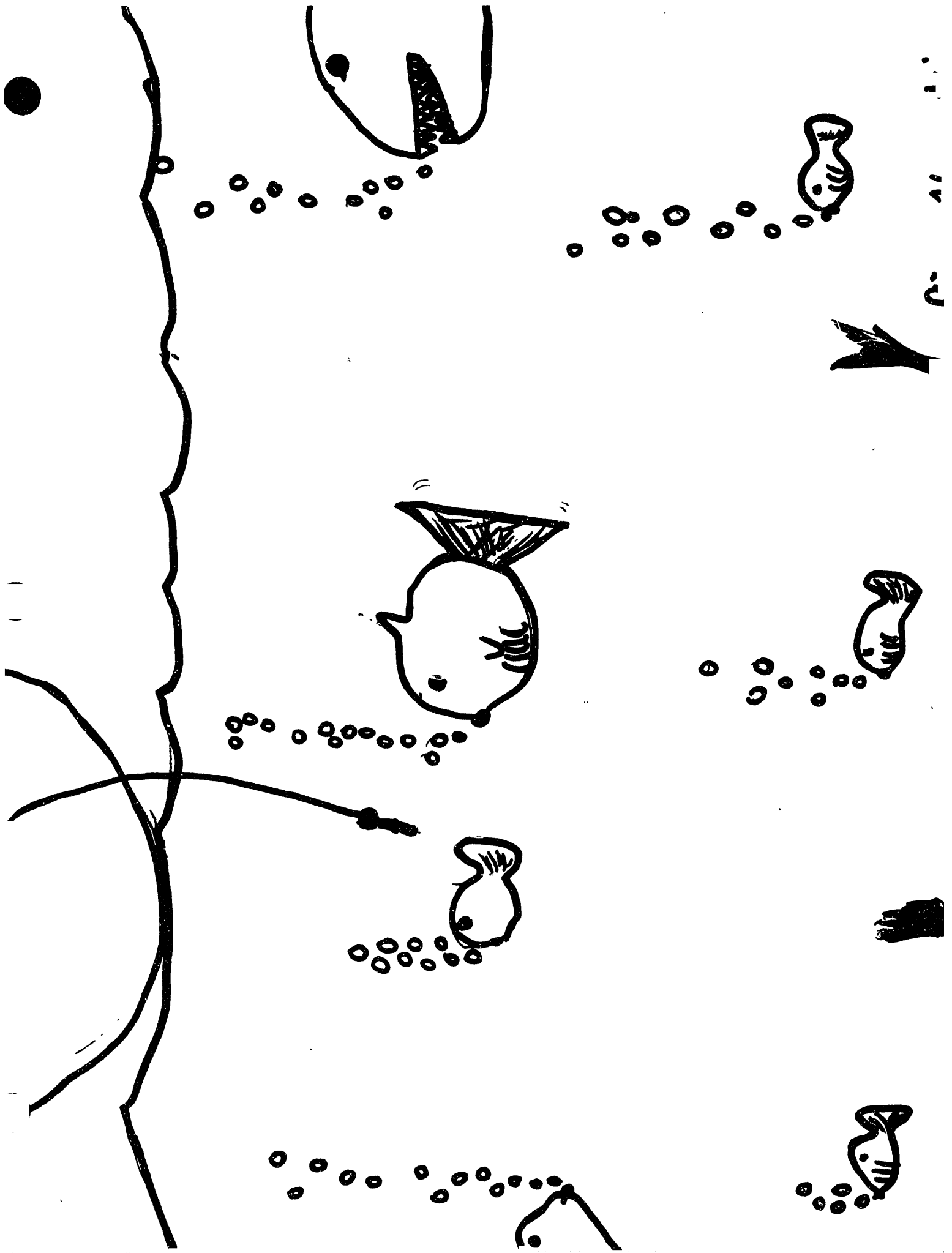
Issued in Austin, Texas, on August 26, 1993.

TRD-9327887      Nancy Murphy  
                         Section Manager, Policy  
                         and Document Support  
                         Texas Department of  
                         Protective and  
                         Regulatory Services

Effective date: August 26, 1993

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







# Adopted Sections

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

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

## TITLE 1. ADMINISTRATION

### Part XIV. Texas National Research Laboratory Commission

#### Chapter 303. Procurement

The Texas National Research Laboratory Commission adopts the repeal of §303.1 and replaces it with new §§303.1-303.9, concerning procurement of mission-related supplies, materials, services, and equipment for commission use, without changes to the proposed text as published in the July 16, 1993, issue of the *Texas Register* (18 TexReg 4549).

The repeal of §303.1 eliminates the duplication of rules set forth in new §§303.1-303.9 regarding commission policies and procedures in the area of procurement.

No comments were received regarding adoption of the repeal.

#### • 1 TAC §303.1

The repeal is adopted under the Government Code, §465.082, which requires the commission to adopt rules to guide its purchases of supplies, materials, services, and equipment, in order to carry out eligible undertakings.

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 DeSoto, Texas, on August 26, 1993.

TRD-9327939

Edward C. Bingler  
Executive Director  
Texas National Research  
Laboratory Commission

Effective date: September 20, 1993

Proposal publication date: July 16, 1993

For further information, please call: (214) 709-3800

#### • 1 TAC §§303.1-303.9

The Texas National Research Laboratory Commission adopts new §§303.1-303.9, concerning procurement of mission-related supplies, materials, services, and equipment for commission use, without changes to the proposed text as published in the July 16, 1993, issue of the *Texas Register* (18 TexReg 4550).

New §§303.1-303.9 will provide vendors and the public with a formalized statement of commission policies and procedures in the area of procurement and set forth procedures for protests and dispute resolution, as well as ethical standards for commission personnel with respect to procurement activities.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Government Code, §465.082, which requires the commission to adopt rules to guide its purchases of supplies, materials, services, and equipment, in order to carry out eligible undertakings.

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 DeSoto, Texas, on August 26, 1993.

TRD-9327938

Edward C. Bingler  
Executive Director  
Texas National Research  
Laboratory Commission

Effective date: September 20, 1993

Proposal publication date: July 16, 1993

For further information, please call: (214) 709-3800

## TITLE 16. ECONOMIC REGULATION

### Part III. Texas Alcoholic Beverage Commission

#### Chapter 33. Licensing

#### License and Permit Surcharges

#### • 16 TAC §33.23

The Texas Alcoholic Beverage Commission adopts new §33.23, concerning the setting of an annual surcharge for all holders of permits or licenses issued by the Commission as required by the Texas Alcoholic Beverage Code, §5.50(b), effective September 1, 1993, without changes to the proposed text as published in the July 23, 1993, issue of the *Texas Register* (18 TexReg 4816).

The new rule will require all holders or permits of licenses granted by the Commission to pay an annual surcharge in addition to the regular licensing fee to cover the difference between the current revenue raised by fees and the appropriation to the Commission by the Legislature to administer the Texas Alcoholic Beverage Code. In addition, holders of mixed beverage permits and private club per-

mits will be required to pay a separate fee to cover the cost of auditing by the Comptroller of Public Accounts.

One comment was received from the Texas Restaurant Association, which opposed the rule on the basis that the surcharges proposed had a disparate impact on the various licensees or permittees. The agency disagrees and no changes were made as a result of the comment.

The new rule is adopted under the Texas Alcoholic Beverage Code, Subchapter B, §5.31, which provides the Texas Alcoholic Beverage Commission with the authority to prescribe and publish rules necessary to carry out the provisions of the Texas Alcoholic Beverage Code, and §5.50(b) which specifically mandates the surcharges.

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 August 24, 1993.

TRD-9327858

Gayle Gordon  
General Counsel  
Texas Alcoholic Beverage  
Commission

Effective date: September 15, 1993

Proposal publication date: July 23, 1993

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

## TITLE 25. HEALTH SERVICES

### Part I. Texas Department of Health

*(Editor's Note: Texas Civil Statutes, Article 4413(502) historical note (Vernon Supplement 1993) states that all functions, powers, duties, funds, and obligations of the Texas Department of Health relating to long-term care licensing, certification, and surveys be transferred to the Texas Department of Human Services effective September 1, 1993.)*

*The Texas Register is administratively transferring the following rules listed in the table published in this issue under Title 40, Part I, Texas Department of Human Resources from Title 25., Part I, Texas Department of Health. The table lists the old section number and the new section number that correspond to them.)*

## TITLE 28. INSURANCE

### Part II. Texas Workers' Compensation Commission

#### Chapter 110. Required Notices of Coverage

##### • 28 TAC §110.1

The Texas Workers' Compensation Commission adopts new §110.1, with changes to the proposed text as published in the June 22, 1993, issue of the *Texas Register* (18 TexReg 4129). One change involved adding a new subsection (g) to make it clear that the policy entered into by a carrier and an employer will not be extended by this rule. Another change involved changing the "or" in published subsection (h) to "and/or" to make it clear that both could be subject to penalties if both the carrier and the employer violate the provisions of this rule.

This rule is required by Texas Civil Statutes, Articles 8308-3.22, 3.25, 3.26, and 3.28 to provide guidance for employers and carriers in the appropriate procedures to follow in filing notices of coverage with the commission and in notifying the commission of the termination of coverage. This rule is also required to clarify the effective date of any termination or cancellation of coverage and the circumstances under which additional premiums may have to be paid. Providing for an efficient and effective process to keep the commission informed of the coverage status of employers in the state of Texas serves the participants in the system by allowing the commission to respond to questions of whether an employee's employer has workers' compensation coverage or not.

No comments were received from the public in support of or in opposition to the new rule.

The new rule is adopted under Texas Civil Statutes, Article 8308-2.09(a), which authorize the commission to adopt rules necessary to administer the Act.

##### §110.1. Requirements for Notifying the Commission of Insurance Coverage.

(a) This rule applies to employers whose employees are not exempt from coverage under the Workers' Compensation Act (the Act), and to insurance carriers. It does not apply to self-insured political subdivisions, employers whose only employees are exempt from coverage under the Act, and certified self-insurers.

(b) Employers are required to provide form TWCC-5 to the commission by certified mail or personal delivery as follows:

(1) if the employer elects not to be covered by workers' compensation insurance, the earlier of the following:

(A) 30 days after receiving a commission request for the filing of a

TWCC-5 and annually thereafter on the anniversary date of the original filing;

(B) 30 days after hiring an employee who is subject to coverage under the Act, and annually thereafter on the anniversary date of the original filing;

(2) if the employer cancels coverage without purchasing a new policy or becoming a certified self-insurer, within 10 days after notifying the insurance carrier and annually thereafter on the anniversary of the cancellation date of the workers' compensation policy; or

(3) if the employer is principally located outside of Texas, within 10 days after receiving a written request from the commission for information about the coverage status of its Texas operations.

(c) When an employer elects to cancel coverage, the effective date of that cancellation shall be the later of:

(1) 30 days after filing the TWCC-5 with the commission; or,

(2) the cancellation date of the policy.

(d) The insurance coverage shall be extended until the effective date of withdrawal as established in subsection (c) of this section, and the employer is obligated to pay premiums which accrue during this period.

(e) Insurance carriers are required to provide form TWCC-20 to the commission by certified mail or personal delivery:

(1) within 10 days after the effective date of the policy or endorsement and annually thereafter no later than 10 days after the anniversary date of the policy and, if the employer has multiple business locations, the form TWCC-20-1;

(2) 30 days prior to the date on which the cancellation or non-renewal becomes effective if the insurance carrier cancels, or does not renew, an employer's workers' compensation policy on the anniversary date; or

(3) 10 days prior to the date on which the cancellation becomes effective if the insurance carrier cancels an employer's workers' compensation policy in accordance with Article 8308-3.28(c).

(f) Insurance coverage remains in effect until the end of the policy period, the beginning date of a new policy, or until the commission and the employer receive the TWCC-20 and the later of:

(1) the date 30 days after receipt of the notice required by Article 8308-3.28(b);

(2) the date 10 days after receipt of the notice required by Article 8308-3.28(c); or

(3) the effective date of the cancellation if later than the dates in paragraphs (1) or (2) of this subsection.

(g) In no event shall this rule serve to extend coverage beyond the end of the policy period.

(h) An insurance carrier may elect to have a servicing agent process and file all coverage information, but the insurance carrier remains responsible for meeting all filing requirements of this rule.

(i) Failure to provide notice as required by this rule is an administrative violation and may subject the employer and/or the insurance carrier to administrative penalties.

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 August 25, 1993.

TRD-9327863

Susan Cory  
General Counsel  
Workers' Compensation  
Commission

Effective date: September 15, 1993

Proposal publication date: June 22, 1993

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

## TITLE 30. ENVIRONMENTAL QUALITY

### Part I. Texas Natural Resource Conservation Commission

*(Editor's Note: Senate Bill 2, First Called Session, 72nd Legislature, created the Texas Natural Resource Conservation Commission (TNRCC) as the successor to the Texas Water Commission (TWC) and Texas Air Control Board (TACB) with the responsibility of carrying out the respective duties, responsibilities and functions of those agencies. The rights, powers, and duties delegated by law to the TWC and TACB were expressly assigned to the TNRCC. Senate Bill 2 also transferred all personnel, equipment, data, documents, facilities, and other items of the TWC and TACB to the TNRCC.*

*A member of the Texas Water Commission is a member of the TNRCC. Any reference in any law or rule to the TACB or to the TWC mean TNRCC. The change in the name of the TWC or the abolition of the TACB does not affect or impair any act done or obligation, right, license, permit, rule, criteria, standard, or requirement, or penalty accrued or existing under former law, and that law remains in effect for any action concerning such an obligation, right, license, permit, rule, criterion, standard, requirement, or penalty.*

*An action brought or proceeding commenced before September 1, 1993, including a contested case or a remand of an action or proceeding by a*

reviewing court, is governed by the law and rules applicable to the action or proceeding before September 1, 1993. Administrative hearings on applications for permits and prehearing proceedings which had commenced prior to September 1, 1993, shall not be delayed or continued as a result of Senate Bill 2 or any resulting organizational changes. Refer to Senate Bill 2, First Called Session, 72nd Legislature for the exact language in this article.

To comply with the requirements of Senate Bill 2, the Texas Register is creating a new title in the Texas Administrative Code, Title 30. Environmental Quality and is administratively transferring all rules from TWC and TACB to Title 30, Part I. Texas Natural Resource Conservation Commission laterally, effective September 1, 1993.

◆ ◆ ◆  
**Title 34. Public Finance**  
**Part I. Comptroller of**  
**Public Accounts**  
**Chapter 7. Administration of**  
**State Lottery Act**  
**Subchapter D. Lottery Game**  
**Rules**

• 34 TAC §7.304, §7.305

The Comptroller of Public Accounts adopts amendments to §7.304 and §7.305 concern-

ing on-line game rules, without changes to the proposed text as published in the May 28, 1993, issue of the Texas Register (18 TexReg 3396).

The amendments are necessary in order to comply with the State Lottery Act.

The purpose of the new language is to provide specific game details and requirements for the addition of "Quick Pick" to the Texas Lottery's on-line game "Lotto Texas" such as method of number selection by a random number generator operated by the computer.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the State Lottery Act, §2.02, which provides the comptroller with the authority to adopt all rules necessary to administer the State Lottery Act.

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

Issued in Austin, Texas, on August 30, 1993.

TRD-9327937

Arthur F. Lorton  
Senior Legal Counsel  
Comptroller of Public  
Accounts

Effective date: September 20, 1993

Proposal publication date: May 24, 1993

For further information, please call: (512) 483-4028

◆ ◆ ◆  
**TITLE 40. SOCIAL SER-**  
**VICES AND ASSIS-**  
**TANCE**

**Part I. Texas Department**  
**of Human Services**

*(Editor's Note: Texas Civil Statutes, Article 4413(502) historical note (Vernon Supplement 1993) states that all functions, powers, duties, funds, and obligations of the Texas Department of Health relating to long-term care licensing, certification, and surveys be transferred to the Texas Department of Human Services effective September 1, 1993.*

*The Texas Register is administratively transferring the following rules listed in the table below from Title 25, Part I. Texas Department of Health to the Texas Department of Human Services. The table lists the old section number and the new section number that correspond to them.*

*Because of additional transfers from the Texas Department of Human Services to the Texas Department of Health, the Texas Register is publishing both of these transfers in this issue.)*

**Texas Department of Human Services**  
**Rules**  
*Rules transferred from Texas Department of Health*

**Old Rules**

**Chapter 145. Nursing Facilities and  
Related Institutions**

**Subchapter A. Introduction**

§§145.1 - 145.3

**Subchapter B. Application Procedures**

§§145.11 - 145.21

**Subchapter C. Standards for Licensure**

§145.41 and §145.42

**Subchapter D. Facility Construction**

**Construction Standards for Additions,  
Remodeling and New Nursing  
Facilities**

§§145.61 - 145.73

**Construction Standards for Facilities  
Serving Persons with Mental  
Retardation or Related Conditions**

§§145.92 - 145.105

**New Rules**

**Chapter 90. Nursing Facilities and  
Related Institutions**

**Subchapter A. Introduction**

§§90.1 - 90.3

**Subchapter B. Application Procedures**

§§90.11 - 90.21

**Subchapter C. Standards for Licensure**

§90.41 and §90.42

**Subchapter D. Facility Construction**

**Construction Standards for Additions,  
Remodeling and New Nursing  
Facilities**

§§90.61 - 90.73

**Construction Standards for Facilities  
Serving Persons with Mental  
Retardation or Related Conditions**

§§90.92 - 90.105

## **Old Rules**

### **General Requirements for All Facilities**

§145.141 and §145.142

### **Subchapter E. Medication Aides**

§§145.161 - 145.174

### **Subchapter F. Inspections, Surveys and Visits**

§145.191 and §145.192

### **Subchapter G. Abuse, Neglect, and Exploitations; Complaint and Incident Reports and Investigations**

§§145.211 - 145.217

### **Subchapter H. Enforcement**

§§145.231 - 145.238

### **Subchapter I. Trustees for Facilities**

§§145.261 - 145.263

### **Subchapter J. Respite Care**

§§145.281 - 145.287

### **Subchapter K. Certification of Facilities for Care of Persons with Alzheimer's Disease and Related Disorders**

§§145.301 - 145.304

## **New Rules**

### **General Requirements for All Facilities**

§90.141 and §90.142

### **Subchapter E. Medication Aides**

§§90.161 - 90.174

### **Subchapter F. Inspections, Surveys and Visits**

§90.191 and §90.192

### **Subchapter G. Abuse, Neglect, and Exploitations; Complaint and Incident Reports and Investigations**

§§90.211 - 90.217

### **Subchapter H. Enforcement**

§§90.231 - 90.238

### **Subchapter I. Trustees for Facilities**

§§90.261 - 90.263

### **Subchapter J. Respite Care**

§§90.281 - 90.287

### **Subchapter K. Certification of Facilities for Care of Persons with Alzheimer's Disease and Related Disorders**

§§90.301 - 90.304

## **Old Rules**

Subchapter L. Provisions Applicable to  
Facilities Generally

§§145.321 - 145.327

## **Chapter 146. Personal Care Facilities**

Subchapter A. Introduction

§§146.1 - 146.4

Subchapter B. Application Procedures

§§146.11 - 146.19

§146.21

Subchapter C. Standards for Licensure

§146.41

Subchapter D. Facility Construction

§§146.61 - 146.63

Subchapter E. Inspections, Surveys, and  
Visits

§146.81 and §146.82

Subchapter F. Abuse, Neglect, and  
Exploitations; Complaint and Incident  
Reports and Investigations

§§146.101 - 146.107

## **New Rules**

Subchapter L. Provisions Applicable to  
Facilities Generally

§§90.321 - 90.327

## **Chapter 92. Personal Care Facilities**

Subchapter A. Introduction

§§92.1 - 92.4

Subchapter B. Application Procedures

§§92.11 - 92.19

§92.21

Subchapter C. Standards for Licensure

§92.41

Subchapter D. Facility Construction

§§92.61 - 92.63

Subchapter E. Inspections, Surveys, and  
Visits

§92.81 and §92.82

Subchapter F. Abuse, Neglect, and  
Exploitations; Complaint and Incident  
Reports and Investigations

§§92.101 - 92.107

## **Old Rules**

### **Subchapter G. Miscellaneous Provisions**

§§146.121 - 146.129

### **Subchapter H. Enforcement**

§§146.151 - 146.156

### **Chapter 151. Nurses Aides**

§§151.1 - 151.13

### **Chapter 152. Certification of Long Term Care Facilities**

§§152.1 - 152.9

### **Chapter 153. Adult Day Care and Adult Day Health Care Facilities**

#### **Subchapter A. Introduction**

§153.1 and §153.2

#### **Subchapter B. Application Procedures**

§§153.11 - 153.18

§153.20

#### **Subchapter C. Standards for Adult Day Care and Adult Day Health Care Facilities**

§§153.41 - 153.43

## **New Rules**

### **Subchapter G. Miscellaneous Provisions**

§§92.121 - 92.129

### **Subchapter H. Enforcement**

§§92.151 - 92.156

### **Chapter 94. Nurses Aides**

§§94.1 - 94.13

### **Chapter 96. Certification of Long Term Care Facilities**

§§96.1 - 96.9

### **Chapter 98. Adult Day Care and Adult Day Health Care Facilities**

#### **Subchapter A. Introduction**

§98.1 and §98.2

#### **Subchapter B. Application Procedures**

§§98.11 - 98.18

§98.20

#### **Subchapter C. Standards for Adult Day Care and Adult Day Health Care Facilities**

§§98.41 - 98.43

**Old Rules**

**New Rules**

**Subchapter D. Facilities Construction  
Procedures**

**Subchapter D. Facilities Construction  
Procedures**

**§153.61**

**§98.61**

**Subchapter E. Inspections, Surveys, and Visits**

**Subchapter E. Inspections, Surveys, and Visits**

**§153.81 and §153.82**

**§98.81 and §98.82**

**Subchapter F. Enforcement**

**Subchapter F. Enforcement**

**§§153.101 - 153.104**

**§§98.101 - 98.104**

**Subchapter G. Miscellaneous Provisions**

**Subchapter G. Miscellaneous Provisions**

**§153.121 and §153.122**

**§98.121 and §98.122**



Part XIX. Texas  
Department of Protective  
and Regulatory Services  
Chapter 720. 24-Hour Care  
Licensing

Subchapter A. Standards for  
Child-Placing Agencies (24-  
Hour Care and Adoption)

The Texas Department of Protective and Regulatory Services (TDPRS) adopts the repeal of §§720.25-720.60, and new §§720.24-720.37 and 720.39-720.67. New §§720.24, 720.27, 720.28, 720.30, 720.32, 720.36, 720.37, 720.39-720.47, 720.49-720.51, 720.53-720.56, 720.58, 720.59, 720.61, 720.62, and 720.65 are adopted with changes to the proposed text as published in the February 26, 1993, issue of the *Texas Register* (18 Tex Reg 1250). New §720.38 is being withdrawn from consideration and will not be adopted. New §§720.25, 720.26, 720.29, 720.31, 720.33-720.35, 720.48, 720.52, 720.57, 720.60, 720.63, 720.64, 720.66, and 720.67 are adopted without changes to the proposed text, and will not be republished.

The justification for the repeals is to delete obsolete language. The justification for the new sections is to provide basic protection to children placed in substitute or adoptive care, their biological families, and adoptive families.

The new sections will function by providing better planned and stable foster care, substitute care, and adoptions which will directly benefit the children and families involved.

During the public comment and review period, 221 written comments were received. Licensed child-placing agencies submitted 26 comments, child-protective services staff submitted 154, foster parents submitted 5, adoptive parents submitted 15, birth-parents submitted 3, graduate schools of social work submitted 3, and other individuals submitted 9. The Texas Council for Adoption; Adoption Knowledge Affiliates; The Texas Association of Licensed Child Care Services; the National Association of Social Workers, Texas State Chapter and Houston Local Chapter; the Association of Black Social Workers; and the American Red Cross also submitted comments.

Public hearings were held in San Antonio, Austin, Houston, Arlington, McAllen, Lubbock, and El Paso. A total of 239 persons attended, and 51 provided oral testimony on the proposals. Oral testimony represented 29 licensed child-placing agencies, 7 child protective services staff, 10 foster parents, 3 adoptive parents, the Texas State Foster Parents Association, and the American Red Cross.

TDPRS made changes to §720.24 on the basis of comments to clarify the meaning of "counseling" and "human services field." The definition of "on-going contact" was deleted on the basis of comments relating to sections where the term was used.

In response to comments, §720.27(g) was changed to clarify the requirement for a fee

policy; and §720.27(h) and (i)(1) were changed to permit an agency to submit a special report prepared by a certified public accountant as an alternative to the audit requirement. This will permit agencies to meet the intent of the minimum standards at much less expense. Changes were made to §720.27(m) to clarify the intent of the standard on the basis of comments concerning the meaning of "retroactive" payments. Changes to §720.27(o) and (p) were made to permit agencies to give birth-parents money to cover such items as food and public transportation. This is in response to comments that expressed concern that prohibiting all direct payments results in complicated and expensive accounting and is demeaning to birth-parents. Many commenters objected to agencies requiring reimbursement from birth-parents who choose not to relinquish a child for adoption. Section 720.27(r) was revised to specifically prohibit potential coercion.

TDPRS made changes to §720.28(b) to clarify that the agency's policies must include a statement of the agency's services that describe the eligible population and their needs.

TDPRS revised §720.30(c) and (d) in response to comments to make children's rights to an appropriate placement more specific and to include children's rights to sibling visits and contact. Also in §720.30(f), (2), and (3) the designation of "professional level staff" was changed to "level I staff" in response to comments that the original term implied that other child-placing staff were not professional.

Under §720.32(d),(h), and (r), a prohibition against demeaning or humiliating punishment was added, and all physical punishment prohibited. Corresponding changes were made in sections relating specifically to foster care and adoption policies. The use of restraint was limited to emergency use of personal restraint. Protective devices, mechanical restraints, and seclusion were prohibited in agency homes and adoptive placements. This was in response to extensive comment on problem management issues.

Two changes were made to §720.36. Subsection (d) now reads "child abuse or neglect," rather than "child abuse and neglect" to advance the objective of providing basic protection to children placed in substitute or adoptive care. Also in subsection (d), the phrase "PR's Director of Licensing" was changed to "Director of Licensing." A change was made to allow the Director of Licensing to determine those who are acceptable to provide services rather than requiring the Director of Licensing to rule that proof of rehabilitation has been established.

Numerous comments were received on §720.37 and §720.38, relating to qualifications and responsibilities of staff. In response to comments, the entire §720.37 was rewritten to clarify the qualifications and responsibilities of professional level child-placing staff. Section 720.38, regarding supervisor level qualifications and responsibilities, is being withdrawn. In §§720.37(b) and 720.39(b), the designation was changed from "professional level staff" to "level I staff" in response to comments that the original term

implied that other child-placing staff were not "professional."

Extensive comment was received on §720.40, relating to foster parent qualifications. It appeared that many of those commenting did not realize that the proposed standard included an alternative to the high school diploma or G. E.D. requirement. The section was rewritten to clarify this.

Under §720.41, the proposed requirement for individual training plans was changed to a written training plan or program for the agency. This was in response to comments that an overall plan or program was more effective, and that individual plans would result in too much additional paperwork.

Also under §720.41, much comment was received about the differential training requirements for child-placing agency staff by tenure and the corresponding requirements for foster parents by the ages and needs of children in care. In response, both sets of requirements were simplified and some carryover of training from year to year permitted.

In response to comments, §720.42(a)(4) was changed to clarify the statement of rights and responsibilities of the agency and foster parents/foster families. In §720.42(d)(6) a change was made to include a prohibition against demeaning or humiliating discipline or punishment or physical punishment. Subsection (d)(7) was added to §720.42 to include the continuance of sibling contact.

TDPRS deleted §720.43(d) to clarify that the agency may decide to seek immediate medical care for a child entering substitute care or adoptive placement. Also, a change was made to clarify the requirements for dental examinations for children three years or older. In §720.43(a) and (b) the designation was changed from "professional level staff" to "level I staff" in response to comments that the original term implied that other child-placing staff were not "professional."

In response to comments, a change was made to §720.44(d) to the requirement to provide the child's needs and plans for care and management to foster parents or staff "within 30 days of placement" to "10 working days from completion of the intake study."

In response to extensive comment, the requirement in §720.45(a) that an initial service plan be developed prior to a child's discharge from an emergency shelter was deleted. It was determined that this was an unrealistic timeframe that would not support appropriate permanency planning.

Responding to comments about §720.46 that the proposed service plan review timeframes and requirements would not improve planning for children and would result in extensive additional paperwork, the department deleted the requirements. Under the adopted rules, agencies will be responsible for developing and implementing service plan review policies based on the needs of the children served by the specific agency.

In response to comment, changes were made in §720.47 and §720.50 to replace "professional level" with "level I child-placing staff" and to indicate that service plan reviews after

subsequent placement will be based on agency policy.

In response to comments, TDPRS deleted §720.47(5) regarding the child's plan of service being reviewed and updated prior to the move and §720.47(b) (3) regarding the child's plan being reviewed and updated within 10 working days of an emergency move.

In response to comment, TDPRS added to §720.49(b) consideration of maintaining sibling relationship to foster home study requirements and clarified that the agency must obtain all available information about the foster home applicants regarding the family's ability to work with specific kinds of behaviors and backgrounds.

In response to comments, §720.51(a) was changed to indicate "that appropriate minimum standard are met" rather than "how they are met to reduce paperwork."

TDPRS clarified in §720.53(e) that the agency must develop a policy for reviewing plans of service based on the needs of the children and that the plan must be reviewed by the Licensing Division.

In §720.54(2) and §720.56(b) a change was made to the requirement for provision of written information to birth-parents and adoptive family applicants from "first contact" to "prior to the agency establishing a formal relationship."

TDPRS clarified in §720.55(b) that the agency must obtain professional assessments for the physical, mental, and emotional status of a child being considered for adoption "and" a developmental assessment. Also, in §720.55(d) the change clarifies that TDPRS must refer children with disabilities to the Social Security Administration to determine eligibility for benefits.

In response to comments, changes were made to §720.58(a), (b), and (c) regarding the requirement for regular, ongoing contact (defined as at least monthly) with birth-parents, children (when applicable), and adoptive applicants to at least quarterly contact. Also in §720.58(d), requirements for updating adoptive home studies were clarified.

In §720.59(f), a requirement that agencies give prospective adoptive parents information about adoption assistance programs was added. Also, under §720.59, the 48-hour waiting period for accepting a relinquishment was deleted. This is in response to comments that, since the proposed rule was based on proposed legislation in the last session that would have applied to both private and agency adoptions and the legislation did not pass, it was best to delete the requirement in rules that apply only to agency adoptions.

In response to comments, a change was made to §720.61(d), requiring agencies to provide de-identified records to birth-parents (as well as adoptive children) upon request, and including in the record the county and court of jurisdiction for the adoption.

In response to comments, two subsections were deleted from §720.62, to simplify the proposed requirements for subsequent adoptions.

In §720.65(4) and (5), changes were made to the allowable expenditures on behalf of birth-parents to clarify costs associated with housing and transportation. The expenditures in §720.65(b)(8) and (9), regarding payments on furniture, appliances, and employment-related goods and education expenses, were deleted.

#### • 40 TAC §§720.25-720.60

The repeals are adopted under Texas Civil Statutes, Article 4413 (503) which transferred all functions, programs, and activities related to the child protective services program from the Texas Department of Human Services (TDHS) to the Texas Department of Protective and Regulatory Services; and under the Human Resources Code, Title 2, Chapter 42, which provides the department with the authority to administer 24-hour care licensing programs.

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

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

TRD-9327888

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

Effective date: March 1, 1994

Proposal publication date: February 26, 1993

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

#### ◆ ◆ ◆ • 40 TAC §§720.24-720.37, 720.39-720.67

The new sections are adopted under Texas Civil Statutes, Article 4413 (503), which transferred all functions, programs, and activities related to the child protective services program from the Texas Department of Human Services (DHS) to the Texas Department of Protective and Regulatory Services; and under the Human Resources Code, Title 2, Chapter 42, which provides the department with the authority to administer 24-hour care licensing programs.

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

*Adoption placement model*—The approaches to adoption used by a child-placing agency under its policies. The child-placing agency may use models other than the following:

(A) Open adoption—Birth-parents and adoptive parents meet one another, share full identifying information, and have access to ongoing contact after the adoption is consummated. The form and frequency of the ongoing contact is determined by the participants.

(B) Identified adoption—Birth-parents and adoptive parents meet, with intent to effect an adoption, and then contact the child-placing agency.

(C) Designated adoption—Birth-parents select an adoptive family from de-identified description of prospective adoptive families provided by the child-placing agency.

(D) Closed adoption—All aspects of the adoption are kept confidential with no contact between birth and adoptive families.

*Available information*—Information that a reasonable and prudent person would consider accessible to and/or obtainable by a child-placing agency that sets itself forth as qualified to provide child-placing services. A child-placing agency is held to a higher standard than a member of the general public in regard to information relevant to child-placing services.

*Behavior endangering self or others*—Behavior capable of causing physical harm to self or others which may include running away. Physical holding (personal restraint) may be used to prevent a child from running away because it is directly linked to protecting him from potential injury. The behavior may include destruction of property, however, physical holding (personal restraint) to prevent destruction of property is permitted only after less restrictive interventions have been attempted and failed. Attempts to use less restrictive interventions must be documented in the child's record as part of documenting the need for restraint if destruction of property is defined as behavior endangering self or others.

*Counseling (general)*—A procedure used by professionals in various disciplines in guiding individuals, families, groups, and communities by such activities as giving advice, delineating alternatives, helping to articulate goals, and providing needed information. Counseling must be provided by a person who can demonstrate qualifications appropriate to the services provided.

*Diligent effort*—The diligence and skill exercised by a qualified professional in his particular specialty which must be commensurate with the duty to be performed and the individual circumstances of the case, not merely the diligence of an ordinary person or non-specialist.

*Family applicants*—All residents, part or full-time, of a household that is being considered for verification as an agency foster family or agency foster group home.

*Human services field*—A field of study designed to prepare a student for service in programs and activities that enhance people's development and well-being.

*Mechanical restraint*—Any physical device used to restrict the movement of the

whole or a portion of a child's body, except when such restriction is primarily used to prevent self-injury or permit wounds to heal. See "Protective devices."

**Personal restraint**—Any contact with a caregiver's body applied to restrict the movement of the whole or a portion of a child's body.

**Post adoption services**—Services available through the child-placing agency (direct or on referral) to birth and adoptive parents and the adoptive child after the adoption is consummated. Services include, but are not limited to: counseling, maintaining a registry if a central registry is not used, providing pertinent new medical information to birth or adoptive parents, providing the adult adoptee a copy of his or her record upon request.

**Protective devices**—Devices used to prevent self-injury or self-mutilation.

**Reasonable expenditures**—Just, proper, ordinary, or usual expenditures. Fit and appropriate expenditures, given the end in view. These are allowable expenditures that may be counted when determining that annual adoption reimbursement income does not exceed annual child-placing agency expenditures.

**Record of adopted child after adoption**—All information received by the child-placing agency that bears the child's name and pertains to the child.

**Re-evaluation**—An assessment of all factors required for the initial evaluation only for the purpose of determining if any substantive changes have occurred. If substantive changes have occurred, these areas must be fully evaluated.

**Seclusion—Confinement**, without a caregiver present, in a locked room or in another isolated area from which the child is prevented from exiting.

**Serious incidents**—Any non-routine occurrence that has an impact on the care, supervision, and/or treatment of a child or children. This includes, but is not limited to, suicide attempts, injuries requiring medical treatment, runaways, commission of a crime, and allegations of abuse and/or neglect or abusive treatment.

**Social history** (§16.037 of the Texas Family Code)—"... must include information, to the extent known, about past and existing relationships among the child and the child's siblings, parents by birth, extended family, and other persons who have had physical possession of the child."

**Special needs**—Needs other than those of the majority of children of the same age and stage of development and other than those routinely met by the specific kind of facility where the child receives care.

**Substitute care**—Twenty-four hour a day residential care provided to a child by a child care facility, other agencies such as hospitals and nursing homes, or an individ-

ual who is not related to the child by blood, marriage, or adoption.

#### §720.27. Fiscal Accountability.

(a) The agency must be established and maintained on a sound fiscal basis.

(b) The agency must maintain complete financial records.

(c) New agencies must set up a financial record keeping-system approved by a certified public accountant, must meet the Texas Department of Protective and Regulatory Services (PRS's) audit and accounting standards, and must be in accordance with generally accepted accounting principles (GAAP).

(d) New agencies must submit a 12-month budget to PRS's licensing division when the signed application is submitted.

(e) New agencies must have reserve funds or documentation of available credit at least equal to operating costs for the first three months of operation.

(f) New agencies must have predictable funds sufficient for the first year of operation.

(g) Agencies must have a fee policy that clearly describes what fees are charged and what services are covered by the fees.

(h) Agencies providing adoption services must have an annual audit by an independent certified public accountant. The audit must meet the audit and accounting standards described in §720.64 of this title (relating to Audit and Accounting Standards for Child-Placing Agencies Providing Adoption Services) and be performed in accordance with GAAP. In lieu of an audit, agencies may submit a special report prepared by a certified public accountant that meets the intent of the audit requirement.

(i) Agencies providing adoption services must submit the following information to PRS's licensing division annually:

(1) audit information pertaining to adoption fees and expenditures must include an opinion letter from the certified public accountant performing the audit verifying that the information submitted accurately reflects adoption-related income and disbursements. Agencies submitting a special report in lieu of an audit must meet the intent of the standard in regard to the special report; and

(2) other financial information, as requested, required for the licensing review to determine that adoption related income and disbursements are reasonable, appropriate, and in compliance with minimum standards.

(j) For agencies providing adoption services, annual income from adoption fees

and any reimbursements related to adoption expenses, gifts and donations, grants, or other sources of income related to adoption services must not exceed the agency's annual allowable and reasonable expenditures for providing adoption-related services to children, birth-parents, adoptive applicants, and adoptive parents. The agency may carryover a maximum of three months' adoption-related operating expenses as a reserve fund from fiscal year to fiscal year. Only allowable and reasonable expenditures may be included in such calculations.

(k) An agency must not make any payments for adoption referrals.

(l) An agency must not influence or attempt to influence birth-parents to make a decision to relinquish their child by offering any form of financial or other material incentive.

(m) An agency must not make any payments to or in behalf of birth-parents for goods or services for which payments have already been made. An agency must not seek reimbursement for any expense not met by the agency.

(n) An agency may make allowable and reasonable expenditures on behalf of birth-parents only when a demonstrated need for expenditures exist. Unless an agency can demonstrate that the basic health and safety of the birth-parent or child is in imminent danger, the child-placing agency may not, by action and/or advice, disrupt an existing arrangement where needs are met and then make expenditures to meet those needs.

(o) When making allowable and reasonable expenditures on behalf of birth-parents, children, and adoptive parents, an agency providing adoption services must maintain financial records that clearly state the specifics of each transaction.

(1) An agency may provide cash payments to birth-parents to cover costs of food, household supplies, personal hygiene and grooming products, and gasoline or public transportation. Each disbursement may cover a period not to exceed one month.

(2) An agency may provide a cash payment(s) to birth-parents for the purchase of necessary clothing.

(3) An agency making allowable cash payments must establish in its policies a maximum amount per category per time period based on such generally accepted criteria as the cost-of-living index.

(4) Each transaction must be documented by receipts. Receipts must include date, payee identification, purpose, and clear indication that funds were expended for services rendered and/or goods provided. Canceled checks do not meet the documentation requirement.

(p) An agency providing adoption services may only make direct payments to a birth-parent as permitted in subsection (o) of this section.

(q) Agencies providing adoption services must have an adoption fee or adoption fee schedule equally applied to all clients.

(r) An agency providing adoption services must not require repayment from a birth-parent for any services if the birth-parent chooses not to relinquish a child for adoption. This policy must be posted in the agency's offices and the agency must provide this information to birth-parents in writing.

#### §720.28. Policies.

(a) The child-placing agency must have clearly stated, current policies, approved by its governing body, that at least meet minimum standards for child-placing agencies and are fully implemented.

(b) The agency's policies must include a statement that describes the agency's services, including the eligible population and the needs the agency will meet for that population.

(c) The agency must maintain current copies of all policies. Policies must indicate governing body approval and effective date.

(d) All agency policies must be available for review upon request by the Texas Department of Protective and Regulatory Services (PRS's) licensing division and child-placing agency clients.

(e) The agency must operate according to its written policies.

(f) The agency must report any changes to the written policies to PRS's licensing division prior to implementing the change.

#### §720.30. Children's Rights.

(a) The child-placing agency is responsible for protecting children's rights while a child is placed in substitute care and in adoptive placements prior to consummation of the adoption.

(b) Children must not be abused or neglected.

(c) Children must be placed and supervised appropriately in the least restrictive environment capable of meeting their needs. The placement must meet the child's physical and emotional needs and must provide consideration for sibling relationships and cultural needs.

(d) Children must have the opportunity for sibling visits and contact when a

sibling group is not placed in the same home or facility.

(e) Children must have an appropriate education.

(f) Children must have an opportunity to participate in community functions and recreational activities and have their social needs met.

(g) Children must have personal clothing suitable to their age and size. Children must have some choice in selecting their clothing.

(h) Children must be given training in personal care, hygiene, and grooming. Each child must be supplied with equipment for personal care, hygiene, and grooming.

(i) Money a child earns or is given as a gift or allowance must be his personal property.

(j) A child's money must be accounted for separately from the agency's funds or the funds of the facility or family with whom he is placed.

(k) A child must not be required to use his personal money to pay for room and board, unless it is a part of the service plan and approved in writing by the parents or managing conservator and the child-placing agency.

(l) Contacts between children and their parents must be allowed according to the agency's policies unless parental rights have been terminated or relinquished or contacts are not in the child's best interest.

(1) Children must be allowed to send and receive mail and have telephone conversations with family members or managing or possessory conservators unless the child's best interest or a court order necessitates restrictions.

(2) When either the child or his family requests contact, but that contact is not in the child's best interest, level I child-placing staff must determine the communication restrictions. Reasons for the restrictions must be explained to the child and documented in his record.

(3) If restrictions continue longer than one month and the child or his family continues to request contact, level I child-placing staff must evaluate these restrictions at least monthly. Reasons for the continued restrictions must be explained to the child and documented in his record.

(4) If communications or visits are limited for practical reasons (such as expense), the limits must be determined with the child and his parents or managing conservator. The limits must be documented in the child's record.

(m) A child must be allowed to bring personal possessions to the facility or

home where he is placed and allowed to acquire other personal possessions. Any limits on the kinds of possessions a child may or may not receive must be discussed with the child and his parents or managing conservator.

(n) The written informed consent of a child (if the child is able to give consent) and the child's parents or managing conservator must be obtained before involving the child in any fund raising and/or publicity for the child-placing agency.

#### §720.32. Problem Management.

(a) The child-placing agency must have written policies to guide caregivers in management of problem behavior of children in substitute or adoptive placement prior to consummation of the adoption. The policies must include measures for positive responses to appropriate behavior. The agency must give copies of the policies to staff, foster parents, adoptive parents, and to birth-parents or managing conservators.

(b) Disciplinary measures used by caregivers must:

(1) be consistent with the agency's policies;

(2) not be physically or emotionally damaging to the child; and

(3) be individualized to meet each child's needs.

(c) Only adult caregivers may discipline a child.

(d) Children must not be subjected to any harsh, cruel, unusual, unnecessary, demeaning, or humiliating punishment.

(e) Children must not be denied food, mail, or visits with their families as punishment.

(f) Children must not be threatened with the loss of placement as a means of controlling behavior.

(g) The reasons for any punishment or restriction must be explained to the child when the measures are imposed.

(h) Physical punishment must not be used with any child placed in substitute care or in an adoptive placement prior to consummation of the adoption.

(i) If a child is restricted to a foster or adoptive home for more than 24 hours, the restrictions must be recorded in the child's record.

(j) If the agency's policies permit the use of restraint, this must be limited to emergency use of personal restraint.

(k) Restraining measures must not be used as punishment, as a substitute for effective treatment or program, or for the caregiver's convenience.

(l) If restraining measures are used, only such force as is reasonable and necessary may be used.

(m) If the agency authorizes the use of restraint for a child, caregivers must be trained in the types of restraint authorized before the child is placed.

(n) Personal restraint may be used only when a child's behavior endangers himself or others.

(o) The child must be released from personal restraint as soon as he is no longer a danger to himself or others.

(p) Any use of personal restraint must be documented in the child's record, including:

(1) the date and time the caregiver began using the restraint and the name of the caregiver using it;

(2) a description of the specific behaviors necessitating the use of the restraint;

(3) the type of restraint used and the length of time the child was restrained; and

(4) any injury the child sustained as a result of the incident or the use of restraint.

(q) The use of personal restraint must be evaluated as part of the next service plan review. The agency must consider alternative strategies to handle the behavior that required using personal restraint. This evaluation and instructions to caregivers must be documented in the child's record.

(r) Protective devices, mechanical restraints, and seclusion or placing a child in a locked room must not be used in an agency home or adoptive placement.

#### §720.36. General Personnel Requirements.

(a) The child-placing agency must reassign or remove from direct contact with clients any employee, volunteer, or foster parent against whom is returned:

(1) an indictment alleging commission of any felony classified as an offense against the person or family, or of public indecency, or of violation of the Texas Controlled Substances Act;

(2) an information accepted by a district or county attorney alleging commission of any misdemeanor classified as an offense against the person or family, or of public indecency; or

(3) an official criminal complaint accepted by a district or county attorney alleging commission of a misdemeanor classified as an offense against the person or family, or of public indecency.

(b) Such reassignment or removal must remain in effect pending resolution of the charges.

(c) No one may serve as a staff member, volunteer, or foster parent having contact with clients or be approved as an adoptive parent who has been convicted of any felony classified as an offense against the person or family, or of public indecency, or of violation of the Texas Controlled Substances Act, or of any misdemeanor classified as an offense against the person or family or of public indecency, unless the Department of Protective and Regulatory Services (PRS's) Director of Licensing has ruled that proof of rehabilitation has been established.

(d) No one may serve as a staff member, volunteer, or foster parent having contact with clients or be approved as an adoptive parent for whom "reason to believe" (or a comparable determination in another state) has been determined for child abuse or neglect unless the Director of Licensing determines that such service is acceptable.

(e) The agency must report any occurrences under standards listed in subsection (a) of this section to PRS's licensing division by the end of the first workday after learning of the occurrence.

(f) Persons whose behavior or health status presents a danger to clients must not be allowed at the child-placing agency or at homes verified by the agency.

(g) Staff and volunteers who have contact with children, foster parents, foster family household members, and employees in foster family homes must be tested for tuberculosis according to the recommendations of the Texas Department of Health or local health authorities before having contact with children in care.

(h) The child-placing agency must have a personnel file for each employee, volunteer, and foster parent whose work relates to child-placing activities, work with birth-parents, and children in care. Each file must contain:

(1) documentation that the person meets the qualifications for the position;

(2) tuberculosis test reports, if required, for persons having contact with children;

(3) criminal background check and child abuse/neglect report information system check reports;

(4) documentation that the person meets training requirements;

(5) date of employment; and

(6) date and reason for separation.

#### §720.37. Qualifications and Responsibilities of Professional Level Child-Placing Staff.

(a) The agency must have on staff at least one person with:

(1) a master's degree in social work or a human services field from an accredited college or university and at least two years of supervised child-placing experience. The degree must include:

(A) a minimum of nine credit hours in graduate level courses that focus on family and individual function and interaction; and

(B) at least 350 hours of formal, supervised field placement or practicum with a social service or human services agency; or

(2) a master's degree in a human services field and at least three years of supervised child-placing experience.

(b) The following responsibilities must be carried out by level I child-placing staff:

(1) approval of admission of a child into the child-placing program;

(2) approval of the intake study;

(3) approval of a facility, adoptive, or foster home for the child's placement and for initial and subsequent placements;

(4) approval of studies on foster families and adoptive homes; and

(5) professional supervision of less qualified and/or experienced staff, if any, including planning for staff development and corrective action in regard to child-placing decisions.

#### §720.39. Other Child-Placing Staff.

(a) Other staff engaged in child-placing must meet one of the following qualifications:

(1) a master's degree in a human services field from an accredited college or university and one year of supervised child-placing experience;

(A) the person must have completed a minimum of nine credit hours in graduate level courses that focus on family and individual function and interaction; and

(B) the person must have completed at least 350 hours of formal, supervised field placement or practicum with a social service or human services agency.

(2) a master's degree from an accredited college or university and two years of supervised child-placing experience;

(3) a bachelor's degree in a human services field from an accredited college or university and two years of supervised child-placing experience;

(4) a bachelor's degree from an accredited college or university and three years of supervised child-placing experience; or

(5) a bachelor's degree from an accredited college or university and direct supervision from a person meeting supervisor-level qualifications.

(b) Child-placing decisions made by staff who do not meet level I qualifications must be approved by level I staff.

#### *§720.40. Foster Parents and Agency Home Child Care Staff.*

(a) Agency home child care staff refers to agency foster family homes and agency foster group homes that are staffed by agency employees as differentiated from traditional foster homes.

(b) The agency must have in writing procedures for implementing a screening program. The screening program must ensure that foster parents/agency home child care staff:

(1) are able to benefit from training and have the competencies to meet the needs of children in care in areas such as health, education, and discipline/behavior management; or

(2) have at least a high school diploma or GED credentials.

#### *§720.41. Training Requirements.*

(a) All child-placing staff, foster parents, and agency home child care staff must receive an orientation about the child-placing agency's policies and the services provided.

(b) Foster parents, agency home child care staff, and any persons involved in child care in an agency home must be responsible, mature, healthy adults capable of meeting the needs of children in care.

(c) The agency must have a written training plan or program for all child-placing staff, foster parents, and agency home child care staff. The plan must include stated time-frames for assessment of each staff's training needs, plan for training content, and number of training hours.

(d) The agency must ensure that all foster parents and agency home child care staff complete eight hours of pre-service training in areas appropriate to the needs of

children for whom they will be providing care. Pre-service training must be completed before children are placed for care.

(e) Professional level child-placing staff must obtain at least 20 clock hours of job-related training annually. At least 10 of the clock hours obtained each year must relate directly to child-placing responsibilities.

(f) Other child-placing staff must obtain at least 30 clock hours of job-related training during the first year of assignment to child-placing responsibilities, and at least 20 clock hours annually thereafter. All qualifying clock hours must relate directly to child-placing responsibilities.

(g) Foster parents and agency home child care staff must have the following training:

(1) The primary caretaker in a foster family unit and all agency home child care staff must successfully complete training from a certified instructor in infant/child cardiopulmonary resuscitation (CPR) and first aid prior to assignment to child care responsibilities. Infant/child CPR training and first-aid training must be updated as required to maintain certification. Infant/child CPR training and first-aid training must meet criteria established by the licensing division.

(2) For agency homes providing therapeutic foster care, the foster family unit must complete at least 50 hours of in-service training annually. Agency home child care staff assigned to such homes must each complete at least 50 clock hours of training.

(3) For agency homes that do not provide therapeutic foster care, the foster family unit must complete at least 20 hours of in-service training annually. Agency home child care staff assigned to such homes must each complete at least 20 clock hours of training.

(4) Annual training hour requirements are in addition to initial first aid and CPR training. First aid and CPR updates may be included in the annual training requirements.

(h) At least 75% of the required annual training for child-placing staff, foster parents, and/or agency home child care staff must consist of course-work from an accredited educational institution, workshops, seminars, other direct training provided by qualified agencies, organizations, and individuals, in-service training, or self-instruction program. To qualify, in-service training and self-instruction programs must include stated learning objectives, curriculum and learning activities, and an evaluation component. All training must be documented, including date, subject, number of hours, and training provider.

(i) Up to one-half of the following year's annual training requirement may be carried over from the previous year when staff or foster parents complete training in excess of the minimum requirements.

#### *§720.42. Placement for Substitute Care Policies.*

(a) If a child-placing agency provides foster care services, the agency must have foster care policies that include:

(1) written policies including specific criteria for accepting foster parent applicants and agency home child care staff;

(2) specific criteria for making decisions about the number, ages, and needs of children who may be placed with foster parents and in agency homes where child care staff are employed;

(3) written screening procedures for foster parents and/or agency home child care staff;

(4) a statement of the rights and responsibilities of the agency and foster parents/foster families in regard to agency-agency foster home relationship. The statement must include roles, training agreements, communication process, financial reimbursement, placement procedures, support services, information sharing, participation in the treatment process, and the agency's grievance procedure; and

(5) a statement that the agency will not discriminate on the basis of race, color, national origin, sex, age, disability, political belief, or religion.

(b) The agency must have a written pre-service training policy for foster parents and agency home child care staff. The policy must include the type and amount of pre-service training in relation to the ages and needs of the children who will be placed in the home.

(c) The agency must screen applicants, make specific placement decisions, and provide pre-service training according to the stated policies.

(d) The agency must have a policy that identifies children's rights in agency care. The policy must cover:

(1) contact between the child and the child's family;

(2) any limitations to children's contact with family;

(3) child's right to receive gifts, telephone calls, letters, and other communications;

(4) the right to confidentiality;

(5) the right to be free of coercion regarding participation in public events, media presentations, and fund-raising events;



(6) the right to be free from any harsh, cruel, unusual, unnecessary, demeaning, or humiliating discipline or punishment or from any physical punishment; and

(7) the right to continued contact with siblings.

#### §720.43. Substitute Care Intake.

(a) Except in an emergency placement, intake information must be gathered, documented, reviewed, and the intake process and decision to place approved by level I child-placing staff prior to placement.

(b) In an emergency placement, the intake study must be completed within 30 days of the placement, including approval by level I child-placing staff.

(c) The child-placing agency must obtain all available information regarding the child being considered for substitute care placement including:

(1) health history, social history, educational history, genetic and family history, and other information required by the Texas Family Code, §16.032 and as described in §720.67 of this title (relating to Requirements: Health, Social Educational, and Genetic History Report);

(2) history of any previous placements, including dates and reasons for placement;

(3) the child's understanding of and response to consideration of placement; and

(4) the child's legal status.

(d) A child must have a medical examination by a licensed health practitioner within 30 days prior to placement or within 30 days after placement. A child being transferred from a licensed agency who has had a medical examination within the past year is exempt. The signed and dated examination report must be in the child's record.

(e) Children three years old or older must have a dental examination by a licensed dentist or a dental hygienist working under the supervision of a licensed dentist within one year before placement or an appointment must be made for a dental examination within 60 days after placement. Documentation of the appointment or of the dental exam must be in the child's record.

(f) Children must be tested for tuberculosis according to the recommendations of local public health authorities or the regional office of the Texas Department of Health in the county in which the child has been living.

(g) Unless the child-placing agency is the managing conservator at the time of placement, there must be a written agreement between the child-placing agency and

the child's parents or managing conservator. A copy of the agreement must be in the child's record. The agreement must include:

(1) authorization for the child-placing agency to care for the child;

(2) a medical consent form signed by a person authorized to give consent by the Texas Family Code; and

(3) statement of the reason for placement and anticipated length of time in care.

(h) Agencies must inform parents and managing conservators in writing of:

(1) the agency's rules regarding visits, gifts, mail, and telephone calls;

(2) the type and frequency of reports the agency will make to parents and managing conservators;

(3) the agency's discipline policies;

(4) the agency's policy or program concerning religious training; and

(5) information concerning trips.

#### §720.44. Substitute Care Placement.

(a) When the child-placing agency places children into a regulated child care facility, the responsibility for the child's care becomes a joint responsibility between the agency and the regulated child care facility. The regulated child care facility must meet the appropriate minimum standards. The child-placing agency is not required to duplicate activities, such as service planning, being carried out by the regulated child care facility. In regard to timeframes and any specifics of care, the minimum standards for the regulated child care facility apply.

(b) In a non-emergency placement, all information from the intake study relating to the child's needs and plans for care and management must be shared with the foster parents or staff responsible for the child's care prior to placement.

(c) In an emergency placement, the agency must provide all available intake study information relating to the child's needs and plans for care and management to foster parents or staff responsible for the child's care at or before the time of placement.

(d) In an emergency placement, the agency must provide all information from the intake study relating to the child's needs and plans for care and management to foster parents or staff responsible for the child's care within 10 working days of completion of the intake study.

(e) The agency must document the intake information shared with foster par-

ents or staff responsible for the child's care, including dates, in the child's record.

(f) In a non-emergency placement, children over six months of age must visit at least once in the foster home or child care facility before placement. The visit must be documented in the child's record.

(g) If a child-placing agency uses the agency home of another child-placing agency, there must be a written agreement between the agencies that specifies the roles and responsibilities of each child-placing agency.

(h) The agency must document in the child's record that a child with special needs is placed in a foster home or child care facility capable of meeting such needs or that the agency has in place other arrangements to ensure the needs are met.

#### §720.45. Initial Service Plan.

(a) Within 30 days after placement, the child-placing agency must develop an initial service plan for the child. For children placed in emergency shelters, the agency must develop, review, and update the discharge plan as required by emergency shelter standards.

(b) The agency must make diligent efforts to involve the following persons in the service planning process: the child, as appropriate; the parents or managing conservator; and the foster parents or child care facility. The agency must document in the child's record persons participating in the plan development.

(c) The service plan must identify and include:

(1) The child's needs, in addition to basic needs related to day-to-day care and development.

(A) Areas of special needs that must be considered include medical, dental, developmental, educational, social, and emotional needs.

(B) For children 16 years of age and older, the plan must include preparation for adult living.

(2) Specific strategies to meet the child's needs, including instructions to foster parents or staff responsible for the care of the children. Instructions must include specific information about:

(A) supervision;

(B) discipline and behavior management; and

(C) trips and visits away from the home.

(3) Expected outcomes of placement for the child including the permanency plan for the child and estimated length of time in care.

(d) Child-placing agency staff must have face-to-face contact with the child at least quarterly. Contacts must be documented in the child's record.

(e) The child-placing agency must obtain professional consultation and treatment for children with developmental disabilities and/or problems of adjustment in the social, home, and/or school environment. Any record of specialized testing or treatment must be documented in the child's record.

#### §720.46. Service Plan Review.

(a) The agency must develop a policy for reviewing plans of service appropriate to the needs of the children served. The policy must address issues of placement disruption and planned subsequent placements in addition to regular reviews. The policy must be reviewed and approved by the licensing division.

(b) The child's parents or managing conservator must be notified of a service plan review in advance. Documentation of the notice must be included in the child's record.

(c) The agency must make diligent efforts to involve the following persons in the service plan review: a representative of the child-placing agency, the foster parents or child care facility representative, the child, and the child's parents or managing conservator. Participation must be documented in the child's record.

(d) The service plan review must include:

(1) an evaluation of progress towards meeting identified needs;

(2) any new needs identified since the plan was developed or last reviewed and strategies to meet these needs, including instructions to foster parents or staff responsible for the child's care; and

(3) any changes to the expected outcomes of placement, the permanent placement plan, and the estimated length of time in care.

(4) If the review shows no progress towards meeting the identified needs of the child, reasons for continued placement must be documented in the review.

#### §720.47. Subsequent Placement.

(a) Non-emergency subsequent placements must meet the following requirements:

(1) Level I child-placing staff must approve the planned move before a

child is moved from one placement to another.

(2) The agency must arrange for at least one pre-placement visit in the child care facility or foster home before moving a child over six months of age. This must be documented in the child's record.

(3) Child-placing agency staff must discuss, with the child, the circumstances that make the move necessary in a manner appropriate to the child's age and ability to respond orally and behaviorally to such a discussion. The discussion must take place prior to the move and must be documented in the child's record.

(4) The child's understanding of and response to the move must be documented in the child's record.

(5) Social, medical, psychological, and school history as it relates to the child's needs and plans for care and management must be shared with the foster parents or child care facility staff prior to placement. The information provided must be documented in the child's record.

(b) Emergency subsequent placements must meet the following requirements:

(1) Child-placing agency staff must discuss with the child the circumstances that make the move necessary before or at the time of the move. The discussion must be documented in the child's record.

(2) The child's understanding of and response to the move must be documented in the child's record.

(3) Social, medical, psychological, and school history as it relates to the child's needs and plans for care and management must be shared with the foster parents or child care facility staff prior to or at the time of placement. The information provided must be documented in the child's record.

(4) Level I child-placing staff must approve the move within 10 working days of placement.

#### §720.49. Agency Foster Family Care Study.

(a) The foster home study process for all family applicants must include at least the following documented contacts:

(1) at least one individual interview with each foster parent;

(2) at least one additional interview with the foster parents either jointly or as a family group;

(3) at least one interview with each child and any other person living full or part-time with the family;

(4) at least one visit to the foster home when all members of the household are present; and

(5) at least one contact, by telephone, in person, or by letter, with each adult child of the foster family no longer living in the home.

(b) The child-placing agency must conduct a foster home study for all family applicants being considered for verification as an agency foster family home or agency foster group home. The child-placing agency must obtain all available information about the foster home applicants regarding:

(1) motivation for providing foster care;

(2) health status (physical, mental, and emotional) of all persons living in the home in relation to the family's ability to provide foster care;

(3) quality of marital and family relationships in relation to the family's ability to provide foster care;

(4) foster parents' feelings about their childhood and parents, including any history of abuse and/or neglect and their resolution of such experience;

(5) values, feelings, and practices in regard to child discipline and care;

(6) sensitivity to and feelings about children who may have been subjected to abuse, neglect, separation from, and loss of their biological family;

(7) sensitivity to and feelings about birth families of children in substitute care;

(8) attitude of the extended family regarding foster care;

(9) sensitivity to and feelings about different socioeconomic, cultural, and ethnic groups in relation to the family's ability to provide foster care for and assist in maintaining the cultural/ethnic identity of children from different backgrounds;

(10) sensitivity to and feelings about maintaining sibling relationships;

(11) expectations of and plans for foster children; and

(12) family's ability to work with specific kinds of behaviors and backgrounds.

(c) Staff responsible for the foster home study must evaluate information obtained during the study process and make specific recommendations about the family's capacity to work with children. This must include, but is not limited to, such characteristics as age, sex, special needs, and number of children.

(d) Prior to approving an agency home or agency foster group home for



placement the child-placing agency must obtain the following:

(1) documentation that all members of the household and any employees of the foster family have been tested for tuberculosis according to the recommendations of the Texas Department of Health or local public health authorities;

(2) an approved fire inspection report, or if fire inspections are not available, the Texas Department of Protective and Regulatory Services (PRS's) fire safety checklist;

(3) an approved health inspection report, or if health inspections are not available, PRS's health inspection checklist; and

(4) the floor plan sketch of the home showing room dimensions and purposes of rooms.

#### *§720.50. Foster Home Verification.*

(a) Before verifying an agency home, the agency must perform an inspection and document that the home meets appropriate minimum standards. Verification must include that either no firearms are or will be present in the home or that all appropriate precautions are taken.

(b) Before issuing an agency home verification, the child-placing agency must document that level I child-placing staff has approved the home for placement including the number, age, and sex of the children for whom the home is approved.

(c) An agency must not place a child into a home until the home has been studied and verified as an agency home. The child-placing agency must not place more children in an agency home than the number for which the home is approved.

(d) An agency home verification form must be given to each approved agency home after the foster home study and after any change that affects the conditions of the verification certificate.

(e) The child-placing agency must make a written agreement with the foster parents at the time the agency home is verified. Both the child-placing agency and the foster parents must have a copy of the agreement and a copy must be filed in the foster home record. This agreement must specify:

(1) the financial agreement between the child-placing agency and the foster home;

(2) that the foster home must not accept a non-relative child for 24-hour care from any source other than through the child-placing agency;

(3) the child-placing agency's right to remove the child at the child-placing agency's discretion;

(4) that the child may be discharged from the home only with the consent of the child-placing agency;

(5) that visiting by the child's parents or relatives must be arranged through the child-placing agency;

(6) the child-placing agency's responsibility for regular supervision of the foster home;

(7) the agency's policies in regard to child care, discipline, and supervision of children and children's visits or trips away from the foster home; and

(8) the agency's policies in regard to reports to the agency from the foster parents regarding foster children and other events or occurrences impacting the provision of foster care.

#### *§720.51. Foster Home Management.*

(a) The child-placing agency must evaluate all minimum standards for each agency home at least every two years and whenever a change is made that affects the conditions of the verification certificate. The re-evaluation study must document that appropriate minimum standards are met.

(b) Supervisory visits must be made at least quarterly to each agency home in which children are placed. These visits must be documented in the foster home record. Documentation must include notes on standards evaluated for compliance, any non-compliance found, and plans for correction. The child-placing agency must follow-up on any noncompliance and document that corrections have been made. Supervisory visits are not required for homes in which no children are being cared for. Such homes must be re-evaluated before additional placements are made.

(c) All verifications and revocations must be reported to the Texas Department of Protective and Regulatory Services (PRS's) licensing division on the forms supplied.

#### *§720.53. Adoption Service Plan.*

(a) A service plan must be developed for each child or sibling group (if siblings will be placed for adoption into the same home). For children with a foster care service plan prior to preparation for adoption, the adoption service plan may be a continuation of the foster care service plan.

(b) The adoption service plan must consider the needs of the birth-family (unless parental rights have been terminated) and the prospective or identified adoptive family as well as the child or sibling group.

(c) The adoption service plan must address the needs relating to the adoption process for the birth-family, the adoptive family, and the child or sibling group.

(d) The adoption service plan must include specific strategies to meet the needs identified and include an estimate of the time required to consummate the adoption.

(e) The agency must develop a policy for reviewing plans of service appropriate to the needs of the children served. The policy must be reviewed and approved by the licensing division.

*§720.54. Birth-parent Preparation.* This section is not applicable to birth-parents whose parental rights have been terminated.

(1) Agency staff must have at least two face-to-face contacts with both birth-parents prior to placement or must document in the adoption record diligent efforts to accomplish this and the reasons why the contacts could not be made.

(2) Prior to establishing any formal relationship, the agency must provide written information to the birth-parents regarding:

(A) alternatives and options to adoption for the birth-parent and child;

(B) the services the child-placing agency provides, including counseling and post adoption services;

(C) adoption registries;

(D) legal rights and responsibilities of the birth-parents in regard to:

(i) relinquishment of parental rights;

(ii) waivers of interest;

(iii) affidavit of status;

(iv) termination of parental rights; and

(v) designating the father of a child as "unknown"; and

(E) any assistance available through the agency to meet housing, medical and prenatal care, and other needs.

(3) Birth-parents must not be pressured to make a decision about placing their child.

#### *§720.55. Adoptive Child Preparation.*

(a) For children six months of age and older, agency staff must make a minimum of three face-to-face contacts with the child being prepared for adoption. For infants ages 0 to six months, one face-to-face contact is required. Contacts must be documented in the adoption record.

(b) The agency must obtain professional assessments of the physical, mental,

and emotional status of a child being considered for adoption and a developmental assessment. These assessments must be current at the time of placement, within 30 days for children ages 0 to 18 months, within three months for children ages 18 months to five years, and within six months for children ages five years and older. The child-placing agency must provide any recommended testing for the child being considered for adoption. The assessments and results must be documented in the adoption record.

(c) The agency must provide counseling to children two years of age and older being considered for adoption. Counseling must include exploration of the child's understanding of what is taking place and the child's feelings about adoption and separation and loss issues related to the birth-family.

(d) The agency must refer any child who has a disability or who, because of developmental delays or history, may have a disability, to the Social Security Administration to determine eligibility for Supplemental Security Income.

#### §720.56. *Adoptive Applicant Preparation.*

(a) The adoptive preparation process must include at least the following documented contacts:

- (1) at least one individual interview with each applicant;
- (2) at least one additional interview with the adoptive applicants, either jointly or as a family group;
- (3) at least one interview with each child and any other person living full or part-time with the family;
- (4) at least one visit to the home when all members of the household are present; and
- (5) at least one contact, by telephone, in person, or by letter, with each adult child of the adoptive applicants no longer living in the home.

(b) Prior to establishing any formal relationship, the child-placing agency must provide written information to adoptive applicants regarding:

- (1) the services the child-placing agency provides, including counseling and post-adoptive services;
- (2) fee policies and payment procedures;
- (3) child-placing agency requirements and procedures;
- (4) legal requirements for adoption including the right to have independent legal counsel for legal consummation; and

- (5) adoption registries.

#### §720.58. *Pre-Placement Requirements.*

(a) The child-placing agency must maintain at least quarterly contact with birth-parents prior to placement unless parental rights have been terminated. During this contact, the child-placing agency staff must discuss with birth-parents:

- (1) preparation for childbirth, when applicable;
- (2) relinquishment or waiver of parental rights;
- (3) termination of parental rights; and
- (4) counseling in regard to separation, loss, and grief issues.

(b) If applicable, the child-placing agency must maintain at least quarterly contact with the child being considered for adoptive placement. Child-placing agency staff must:

- (1) continue preparation for adoption; and
- (2) update adoptive preparation information.

(c) The child-placing agency must maintain at least quarterly contact with the adoptive applicants prior to placement. During this contact, the child-placing agency staff must provide education and training in regard to:

- (1) bonding with adoptive children;
- (2) parenting issues and concerns; and
- (3) special needs children, if appropriate.

(d) If a child has not been placed with the adoptive applicants within six months of the time the adoptive home study is completed, the adoptive home study must be brought up-to-date within the 30 day period before a child is placed in the home. The written update must include:

- (1) documentation of at least one additional visit to the home when all household members are present; and
- (2) review and any required updating of each category of information in the adoptive home study.

#### §720.59. *Adoptive Placement Requirements.*

(a) Except in the case of children one month old and younger, a child must have at least one visit with the adoptive family prior to placement.

(b) Before placing the child into a home, the child-placing agency must have a

written agreement with the adoptive parent(s). A signed copy of this agreement must be given to the adoptive parent(s) and a copy must be placed in the case record. The agreement must specify the following:

- (1) that the adoptive parent(s) and the child-placing agency agree to complete the adoption at a specified time;
- (2) that the adoptive parent(s) agree to participate in supervision by the child-placing agency during the time prior to the completion of the adoption;
- (3) that the adoptive parent(s) must notify the child-placing agency before removing the child from Texas prior to the completion of the adoption;

(4) that the adoptive parent(s) and the child-placing agency agree that the child can be removed and returned to the child-placing agency at the discretion of either the adoptive parents or the child-placing agency before the adoption is completed; and

(5) any fees and schedule of payment.

(c) Written consent for medical care of the child must be given to the adoptive parent(s) at the time of the child's placement in the home. A copy of the signed medical consent form must be filed in the child's record or in the adoptive home record.

(d) Before placing a child into a home, the child-placing agency must discuss with the adoptive parent(s) information about the child and his or her birth-parents. Written information must also be given to the adoptive parent(s) prior to or at the time of placement and must include all available information on the child and his family (excluding identifying information if appropriate).

(e) Before placing a child into a home, the child-placing agency must discuss basic care and safety issues with the adoptive parents and ensure that the home provides an environment safe for the child or children to be placed. This must include firearm safety issues, water safety, and basic home health and fire safety issues.

(f) Before placing a child into a home, the child-placing agency must give prospective adoptive parents information about the Texas Department of Protective and Regulatory Services adoption assistance programs, including the non-recurring adoption expenses program.

(g) By the time of placement the adoptive parents must be given the following:

- (1) written authorization to care for the child(ren); and

(2) written information if the child is not completely free for adoption at the time of placement.

*§720.61. Post-Adoption Services.*

(a) The child-placing agency must offer counseling services to the adoptive family, the birth-parents, and the adoptive child. These services may be provided through referrals outside the child-placing agency.

(b) The agency must make diligent efforts to inform birth-parents, in writing, about developing genetic conditions, and terminal illness or death of their child when this information comes to the attention of the child-placing agency.

(c) The agency must make diligent efforts to inform adoptive parents or the adult adoptee, in writing, about developing genetic conditions, terminal illness, or death of a birth-parent when this information comes to the attention of the child-placing agency.

(d) Upon request, the child-placing agency must provide the adoptive child and/or the birth-parent(s) with a de-identified copy of the adoption record. The record must include the county and court of jurisdiction for the adoption. If a child is less than 18 years of age, the request for the information must come from or include the written consent of the child's adoptive parents or managing conservator.

*§720.62. Subsequent Adoptions.* Before another placement is made into an adoptive home, the adoptive home study must be

brought up-to-date. The adoptive home study for a subsequent placement must be in writing and must include:

(1) at least one individual interview with each applicant;

(2) at least one visit to the home when all members of the household are present;

(3) observation of the adjustment of the children in the family and how the children feel about the addition of another child; and

(4) updates on all areas addressed in the original adoptive home study.

*§720.65. Adoption: Allowable Expenditures on Behalf of Birth-Parents.*

(a) If any cost appears to be greater than the ordinary or usual costs in the community, the child-placing agency must show that the expenditure was fit and appropriate. The agency must demonstrate that all expenses are necessary, that the birth-parent(s) do not have resources to meet these needs. An agency may meet expenses after the birth of the child only for the period of time that the birth mother is incapacitated due to childbirth. Agencies must obtain an individual variance to meet any expenses for the birth-parent beyond six weeks postpartum.

(b) The agency may pay the following:

(1) reasonable costs for legal services related to the adoption;

(2) reasonable costs for medical services related to pregnancy, birth, and

postnatal care for the birth mother and medical care for the child;

(3) reasonable costs for emergency health-related services for the birth-mother needed to protect the health and well-being of the fetus;

(4) reasonable costs for housing, including utilities and basic telephone service;

(5) reasonable costs for necessary transportation. The agency may pay for gas or public transportation related to necessary travel;

(6) reasonable costs for the purchase of food, necessary household supplies, and personal hygiene/grooming products;

(7) reasonable costs for clothing for the birth mother;

(8) reasonable costs for necessary mental health services for the birth mother during the pregnancy.

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 August 26, 1993.

TRD-9327889

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

Effective date: March 1, 1993

Proposal publication date: February 26, 1993

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

◆ ◆ ◆



Name: Adriana Urbino  
Grade: 6  
School: Montgomery Elementary, Carrollton-Farmers Branch ISD



Name: Blanca Zavala  
Grade: 6  
School: Montgomery Elementary, Carrollton-Farmers Branch ISD

# Open Meetings

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

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

**Posting of open meeting notices.** All notices are posted on the bulletin board at the Office of the Secretary of State in lobby of 221 East 11th Street, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

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

## Texas Office for Prevention of Developmental Disabilities

Wednesday, September 15, 1993, 1:00 p.m. The Head/Spinal Cord Injury Task Force of the Texas Office for Prevention of Developmental Disabilities will meet at 401 West 15th Street, Tenth Floor, Austin. According to the complete agenda, the task force will call the meeting to order; make introductions; hear activity reports; planning committee reports; plan meeting schedule; and adjourn.

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

Filed: August 26, 1993, 11:39 a.m.

TRD-9327890

## General Land Office

September 7, 1993, 10:00 a.m. The School Land Board of the General Land Office will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the complete agenda, the board will discuss approval of previous board meeting minutes, pooling application, Alabama Ferry North (Glen Rose "D"), Leon County; Giddings (Austin Chalk-3), Fayette County; Brazos Block 338-L (Miocene), Matagorda County; Wildcat Field, Live Oak County; Southwest Redfish Reef Field, Chambers County; Wildcat Field, Matagorda County; Dix Ranch, Webb County; Compensatory royalty application, Mustang Island, West, Nueces County; application for designation of retained acreage, Gulf of Mexico, Nueces County; applications to lease highway right of way for oil and gas, Brazos County; Frio County; Goliad

County; Newton County; Henderson County; and Freestone County; consideration of tracts, terms and conditions for a sealed bid land sale on November 2, 1993; easement applications, Laguna Madre, Cameron County; Galveston Bay, Harris County; Clear Lake, Galveston County; Taylor Lake, Harris County; West Bay, Galveston County, Matagorda Bay, Matagorda County; lease application; Laguna Madre, Kenedy County; structure permit application, Espiritu Santo, Calhoun County; commercial lease renewals, Galveston Bay, Harris County; Clear Lake, Harris County; Galveston Bay, Galveston County; Neches River, Jefferson County; Galveston Bay, Chambers County; Clear Lake, Galveston County; Sabine River, Nueces County; Old Brazos River, Brazoria County; Carancahua Bay, Calhoun County; Mustang Island, Nueces County; commercial lease renewals, Laguna Madre, Cameron County; San Bernard River, Brazoria County; commercial lease applications, Cow Bayou, Orange County; Sabine River, Orange County; Adams Bayou, Orange County; Laguna Madre, Cameron County; Colorado River, Matagorda County; Red Fish Bay, Aransas County; Executive Session-land trade, Nueces County; Open Session-land trade, Nueces County; Executive Session-pending and proposed litigation.

Contact: Linda K. Fisher, Stephen F. Austin Building, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: August 30, 1993, 3:51 p.m.

TRD-9327988

## Office of the Governor, Criminal Justice Division

Tuesday, September 7, 1993, 10:00 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 Giddings State School, Chapel, James Turner Road and Highway 290 East, Giddings. According to the agenda summary, the board will call the meeting to order; make introductions; recommendations to the Governor; draft three-year plan for implementing the Juvenile Justice and Delinquency Prevention Act; discuss guide to the statewide and demonstration projects fiscal year 1995; request for applications (RFA); guide to local purchase of services projects fiscal year 1995; appointment of legislative committee; organizational meetings of committees: legislative committee, innovative projects committee, compliance committee; briefing by Giddings staff; lunch and tour of the state school; and adjourn.

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

Filed: August 26, 1993, 10:38 a.m.

TRD-9327886

## Health and Human Services Commission

Friday, September 10, 1993, 9:15 a.m.

The Medical Care Advisory Committee of the Health and Human Services Commission will meet at Texas Department of Human Services, 701 West 51st Street, Austin. According to the complete agenda, the committee will hear opening comments; state Medicaid director's comments; discuss ap-

proval of minutes, nursing facility waiver rule changes; revised reimbursement methodologies for outpatient hospital and home health services; amendments to the PASARR rules, amendment to the LTC/NF requirements for licensure and Medicaid certification regarding goal-directed therapy; proposal to continue medical support for pregnant women during pregnancy who fail to cooperate with child support requirements; ICF-MR/NF reimbursement methodology incorporation of Hepatitis B inoculation costs; NF reimbursement methodology-elimination of the pediatric NF experimental class; department rules regarding criminal history checks for applicants for employment with providers contracting to provide LTC to the aged and disabled; ICF-MR/NR reimbursement methodology-deletion of the customary charge exception rule; amendments to the ICF-MR rules regarding surrogate decision making; corrective action and provider sanction for the home and community-based services OBRA waiver program; changes to the client eligibility criteria for the home and community-based waiver program; change of rule regarding utilization of a prescription; warehouse policy rule change; less restrictive resource requirement for poverty level medical programs; technical amendment to the long term care nursing facility requirements for licensure and Medicaid certification regarding oxygen; subcommittee reports-vendor drug, hospital payment, physician payment; open discussion by members; set next meeting date; and adjourn.

Contact: Geri Willems, 4807 Spicewood Springs Road, Building 4, Austin, Texas 78759, (512) 502-3256.

Filed: August 30, 1993, 4:11 p.m.

TRD-9327996

## Texas Department of Insurance

**Wednesday, September 8, 1993, 10:00 a.m.** The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of Lambert D. Slisz, New Braunfels, for an insurance adjuster's license, to be issued by the Texas Department of Insurance.

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

Filed: August 27, 1993, 11:58 a.m.

TRD-9327918

## Texas Commission on Law Enforcement Officer Standards and Education

**Tuesday, September 14, 1993, 1:30 p.m.** The Texas Commission on Law Enforcement Officer Standards and Education will meet at the Doubletree Hotel, 6505 IH-35 North, Austin. According to the agenda summary, the commission will call the meeting to order; introduce new Commissioner(s); recognize visitors; hear report on budget for fiscal year 1994; BPOC revision committee report; discuss proposed amendment to §211.77, Minimum Training Standards for Peace Officers (new BPOC), final adoption of amendments to §217.10, Psychological Declaration and §211.85, Proficiency Certificates (MPOC), and withdrawal of proposed amendments to §213.10, Definitions (LEMI) and §211.65, Academy Licensing; Academy Evaluations; report on Heart of Texas COG academy license; discuss academy license applications of Angelina College, Capitol Area Planning Council, and Hays County SO; receive report and recommendations of Academy Licensing Rule Committee; executive director's report; and adjourn.

Contact: Fred Toler, 1033 LaPosada, Suite 175, Austin, Texas 78752, (512) 406-3613.

Filed: August 27, 1993, 9:11 a.m.

TRD-9327906

**Wednesday, September 15, 1993, 9:00 a.m.** The Texas Commission on Law Enforcement Officer Standards and Education will meet at the Doubletree Hotel, 6505 IH-35 North, Austin. According to the agenda summary, the commission will call the meeting to order; election of officers (if new Commissioner appointed) recognize visitors; discuss approval of the minutes of June 14-15, 1993 meeting; discuss and act on proposed adoption of §211.77, Minimum Training Standards for Peace Officers (new BPOC), final adoption of amendments to §217.10, Psychological Declaration and §211.85, Proficiency Certificates (MPOC), and withdrawal of proposed amendments to §213.1, Definitions (LEMI) and §211.65, Academy Licensing; academy license applications of Angelina College, Capitol Area Planning Council, and Hays County SO; Peace Officer Memorial Advisory Committee report; resolution to approve vouchers; reschedule December Commission meeting; consider final orders for suspension of licenses and denial of license; report on voluntary surrenders; public comment on any subject without discussion will be received; and adjourn.

Contact: Fred Toler, 1033 LaPosada, Suite 175, Austin, Texas 78752, (512) 450-0188.

Filed: August 27, 1993, 9:11 a.m.

TRD-9327908

## Texas Department of Licensing and Regulation

**Tuesday, September 7, 1993, 9:00 a.m.** The Inspections and Investigations: Boxing of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E. O. Thompson Building, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the application of Samuel Azumah Nelson for a Texas Boxing License in accordance with the Texas Civil Statutes, Articles 8501-1 and 9100.

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

Filed: August 30, 1993, 4:09 p.m.

TRD-9327989

**Tuesday, September 7, 1993, 10:30 a.m.** The Inspections and Investigations: Boxing of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E. O. Thompson Building, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the application of George Releford for a Texas Boxing License in accordance with the Texas Civil Statutes, Articles 8501-1 and 9100.

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

Filed: August 30, 1993, 4:09 p.m.

TRD-9327990

**Wednesday, September 8, 1993, 9:00 a.m.** The Inspections and Investigations: Air Conditioning of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E. O. Thompson Building, Tenth Floor, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension, or revocation of the license for Rose Renfroe doing business as Accurate Air Conditioning for violation of Texas Civil Statutes, Article 8861, 16 TAC §75.1 and §75.70(c), Article 6252-13a and Article 9100.

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

Filed: August 30, 1993, 4:09 p.m.

TRD-9327991

**Tuesday, September 21, 1993, 9:00 a.m.** The Inspections and Investigations: Personnel Employment Service of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E. O. Thompson Building, Tenth Floor, Austin. According to the complete agenda, the department will

hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension, or revocation of the license for Mike Thomas doing business as Alexander and Thomas for violation of Texas Civil Statutes, Article 5221a-7, §§3(a)(1), 3(a)(3), 7(a), and 7(c), 16 TAC §§63.20(c), 63.40(a), 63.71(a)(1), and 63.71(a)(3), Business and Commercial Code, Article 6252-13a, and Article 9100.

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

Filed: August 30, 1993, 4:10 p.m.

TRD-9327993

**Thursday, September 23, 1993, 9:00 a.m.**  
The Inspections and Investigations: Manufactured Housing of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E. O. Thompson Building, Tenth Floor, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension, or revocation of the license for William Dye Dyemanhom, Inc. doing business as A-1 Mobile Homes for violation of Texas Civil Statutes, Article 5221f, §8(d), Article 6252-13a, and Article 9100.

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

Filed: August 30, 1993, 4:10 p.m.

TRD-9327994

**Tuesday, September 28, 1993, 9:00 a.m.**  
The Inspections and Investigations: Auctioneer of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E. O. Thompson Building, Third Floor, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension, or revocation of the license for Gary Brown doing business as Border Auction Company for violation of Texas Civil Statutes, Article 8700, §7(a)(4), 16 TAC §67.102(a), (b), and (d), currently cited as §67.101(1), (2), and (4), Article 6252-13a, and Article 9100.

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

Filed: August 30, 1993, 4:09 p.m.

TRD-9327992

## State Medical Education Board

**Saturday, September 11, 1993, 2:30 p.m.**  
The Board of the State Medical Education Board will meet at the Chevy Chase Office Complex, Building Four, Room 4.100, 7715

Chevy Chase Drive, Austin. According to the complete agenda, the board will discuss review of accounts needing board attention; and other business.

Contact: Mark Adams, P.O. Box 12788, Austin, Texas 78711, (512) 483-6340.

Filed: August 27, 1993, 9:19 a.m.

TRD-9327909

## Texas Natural Resource Conservation Commission

**Wednesday, September 8, 1993, 9:00 a.m.**

The Texas Natural Resource Conservation Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the commission will consider approving the following matters on the attached contested agenda: petroleum storage tank enforcements; water quality enforcements; solid waste enforcement; rules; examiner proposal for decision; executive session; in addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited rescheduling an item in its entirety or for particular action at a future date or time.

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

Filed: August 30, 1993, 1:28 p.m.

TRD-9327966

**Wednesday, September 8, 1993, 9:00 a.m.**

The Texas Natural Resource Conservation Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the commission will consider approving the following matters: radioactive material license; amendment to uranium mine permits; Class 1 hazardous waste permit; compliance plan; new hazardous waste permit; transfer of municipal solid waste permit; new water quality permits; amendments to water quality permits; water quality permit renewal; water right permit; district matters; water utility matters; settled hearings; in addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited rescheduling an item in its entirety or for particular action at a future date or time.

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

Filed: August 30, 1993, 1:28 p.m.

TRD-9327967

**Friday, September 24, 1993, 10:00 a.m.**  
The Office of Hearings Examiners of the Texas Natural Resource Conservation Commission will meet at the Stephen F. Austin Building, Room 1028A, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on Wiendenfeld Water Works water rate increase effective May 20, 1993, for its service area located in Kerr County. Docket Number 30034-G.

Contact: Cindy Hurd, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: August 30, 1993, 2:08 p.m.

TRD-9327980

**Friday, September 24, 1993, 10:00 a.m.**  
The Office of Hearings Examiners of the Texas Natural Resource Conservation Commission will meet at the Stephen F. Austin Building, Room 106, 105 West 15th Street, Austin. According to the agenda summary, the commission will hold a public hearing on request for reimbursement from petroleum storage tank remediation fund by O. B. Macaroni Company, Inc.

Contact: Patricia Robards, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: August 30, 1993, 1:29 p.m.

TRD-9327970

**Monday, September 27, 1993, 10:00 a.m.**

The Office of Hearings Examiners of the Texas Natural Resource Conservation Commission will meet at the Stephen F. Austin Building, Room 1028A, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on Lakewood Water Supply Corporation's water rate increase effective June 1, 1993, for its service area located in Leon County. Docket Number 30016-G.

Contact: Carol Wood, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: August 30, 1993, 2:07 p.m.

TRD-9327979

**Tuesday, September 28, 1993, 10:00 a.m.**  
The Office of Hearings Examiners of the Texas Natural Resource Conservation Commission will meet in the Tomas Rivera Room, Third Floor of Union East Building, University of Texas at El Paso, El Paso. According to the agenda summary, the commission will hold a hearing on Homestead Municipal Utility District's water rate increase effective May 1, 1993. El Paso County ratepayers have protested the increase. Docket Number 30131-W.

Contact: Kerry Sullivan, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: August 30, 1993, 2:06 p.m.

TRD-9327976

**Tuesday, September 28, 1993, 10:00 a.m.**  
The Office of Hearings Examiners of the

Texas Natural Resource Conservation Commission will meet at the Stephen F. Austin Building, Room 1149A, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a public hearing on request for reimbursement from petroleum storage tank remediation fund by Texas Commerce Bank N.A.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: August 30, 1993, 1:28 p.m.

TRD-9327969

**Wednesday, September 29, 1993, 9:00 a.m.** The Texas Water Commission will meet at the Office of Hearings Examiners of the Texas Resource Conservation Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on an application submitted by Guaranty Federal Bank, F.S.B. and KGB Partnership, Limited for dissolution of the Decker Creek Municipal Utility Districts Numbers 1, 2, 3, 4, and 5, Travis County. The districts were created by the commission on November 19, 1986, but have been financially dormant for five consecutive years prior to the request for dissolution. If the commission approves the dissolution of the district, any assets of the district shall escheat to the State of Texas and shall be administered by the State Treasurer, and disposed of in the manner provided by Texas Civil Statutes, Article 327a, 1925, as amended.

Contact: Cindy Cartwright, P.O. Box 13087, Austin, Texas 78711, (512) 908-6161.

Filed: August 30, 1993, 2:07 p.m.

TRD-9327977

**Thursday, September 30, 1993, 9:00 a.m.** The Office of Hearings Examiners of the Texas Resource Conservation Commission will meet at the Stephen F. Austin Building, Room 1149A, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a public hearing on request for reimbursement from petroleum storage tank remediation fund by Advance Petroleum Distributing Company, Inc.

Contact: Elizabeth Todd, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: August 30, 1993, 1:28 p.m.

TRD-9327968

**Thursday, September 30, 1993, 10:00 a.m.** The Office of Hearings Examiners of the Texas Resource Conservation Commission will meet at the Stephen F. Austin Building, Room 618, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hear-

ing on Paul Krebs doing business as K-Lake/Padok Utilities' application for amendment to its Certificate of Convenience and Necessity Number 12598 to expand its water utility service area to include K's Estate in Harris County. The proposed service area is approximately five miles west of downtown Crosby. Docket Number 9995-C.

Contact: Bill Zukauckas, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: August 30, 1993, 2:06 p.m.

TRD-9327975

**Monday, October 4, 1993, 10:00 a.m.** The Office of Hearings Examiners of the Texas Resource Conservation Commission will meet at the Stephen F. Austin Building, Room 1028A, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on Riverside Water System's water rate increase effective July 1, 1993, for its service area located in Comal County. Docket Number 30057-G.

Contact: Pat Robards, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: August 30, 1993, 2:07 p.m.

TRD-9327978

**Thursday, October 14, 1993, 9:00 a.m.** The Office of Hearings Examiners of the Texas Resource Conservation Commission will meet at the William B. Travis Building, Room 1-111, 1701 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an application by Williamson County for Proposed Permit Number MSW1405-A authorizing an increase in: the amount of land at the facility from 121.44 acres to 202.24 acres, and the height of waste placement from an elevation of 720 feet to an elevation of 766 feet. The site is 3,300 feet north of the intersection of County Road 130 and FM Road 1660 in Williamson County.

Contact: Betsy Todd, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: August 30, 1993, 2:01 p.m.

TRD-9327971

### Board of Vocational Nurse Examiners

**Monday-Tuesday, September 13-14, 1993, 8:00 a.m.** The Board of Vocational Nurse Examiners will meet at the Ramada Inn Airport (Frontier Room), 5600 North IH-35, Austin. According to the agenda summary, on Monday, the board will call the meeting to order; discuss approval of the minutes; education report (program matters, program actions, meetings/conferences/seminar attended, NEAC activities,

July 1993 NCLEX-PN Beta Test); unfinished businesses (implementation of rule changes, budget, Sunset, TPAPN, quarterly report on key performance targets, new phone system); executive director's report; new business (auditor's report, delegate assembly, election of officers); appeal by exam applicant; and on Tuesday, the board will discuss administrative hearings; agreed orders/voluntary surrenders; and adjourn. The board will also meet in executive session to discuss personnel matters.

Contact: Marjorie A. Bronk, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

Filed: August 30, 1993, 4:15 p.m.

TRD-9327999

### Public Utility Commission of Texas

**Wednesday, September 1, 1993, 9:00 a.m.** The Public Utility Commission of Texas met at 7800 Shoal Creek Boulevard, Austin. According to the complete emergency revised agenda, the commission considered the appeal of Examiner's Order Number 2 in Docket Number 12065-complaint of Kenneth D. Williams against Houston Lighting and Power Company. The emergency status was necessary due to preserve jurisdiction over the subject matter of the appeal.

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

Filed: August 30, 1993, 4:11 p.m.

TRD-9327995

**Thursday, September 9, 1993, 9:30 a.m.** The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According to the complete agenda, the commission will hold a meeting with representatives of the Nuclear Regulatory Commission to discuss regulation of nuclear generating facilities providing service to utility customers in Texas.

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

Filed: August 31, 1993, 9:02 a.m.

TRD-9328018

**Monday, November 8, 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 12213, petition of Southwestern Electric Power Company for authority to implement experimental economic development rider.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757,



(512) 458-0100.

Filed: August 26, 1993, 3:43 p.m.

TRD-9327898

**Monday, January 31, 1994, 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 10962-application of Southwestern Bell Telephone Company to revise access service tariff to provide open network architecture (ONA) service and to revise intrastate digital link service tariff.

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

Filed: August 27, 1993, 3:31 p.m.

TRD-9327928

◆ ◆ ◆  
**Railroad Commission of Texas**

**Monday, August 30, 1993, 9:30 a.m.** The Railroad Commission of Texas met in an emergency revised meeting at the First Floor Conference Room 1-111, 1701 North Congress Avenue, Austin. According to the complete emergency revised agenda, the commission considered and/or acted upon the Third Court of Appeals' recent decision in Railroad Commission versus Arco Oil and Gas Company, Number 3-91-504-CV, in the Third Court of Appeals. The emergency status was necessary as the Third Court of Appeals unexpectedly rendered its decision in the noticed case on August 25, 1993, after the posting deadline for the commission's next regular meeting. The commission needed to discuss this case with legal counsel and consider the effects of this decision on present commission action at Monday's conference in order to determine if further immediate action was necessary.

Contact: Brenda Loudermilk, P.O. Box 12967, Austin, Texas 78711, (512) 463-7149.

Filed: August 26, 1993, 10:01 a.m.

TRD-9327880

**Tuesday, September 7, 1993, 8:30 a.m.** The Railroad Commission of Texas will meet in the 12th Floor Conference Room 12-126, 1701 North Congress Avenue, Austin. According to the complete agenda, the commission will consider an oral argument concerning Conoco Inc.'s complaint against various operators for improper completion of oil wells, Panhandle Carson Field, Carson County: Docket Number 10-0200378, Trojan Oil and Gas Burnett-68-, Burnett-87-, Don, Robin, Terry, and Tiffany Leases; Docket Number

10-0200379, Helo Energy, Inc.'s Burnett Ranch NCT-1 Lease; Docket Number 10-0200380, Losure Petroleum Company's Burnett-B- and Burnett Estates Leases; Docket Number 10-0200381, C. M. Cummings Oil and Gas, Angle, Burnett-K-, Christian-A-, Christian, and Burnett-L- Leases; Docket Number 10-0200521, Northern Oil and Gas, Inc., Burnett, Burnett-B-, and Burnett Estate Leases.

Contact: Jim Irwin, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6925.

Filed: August 27, 1993, 11:03 a.m.

TRD-9327913

**Tuesday, September 7, 1993, 10:00 a.m.** The Railroad Commission of Texas will meet in the 12th Floor Conference Room 12-126, 1701 North Congress Avenue, Austin. According to the complete agenda, the commission will consider the following matters for oral argument and final decision: Gas Utilities Docket Number 6659, complaint against Coronado Transmission Company for overcollection of severance taxes from Lone Star Gas Company; Gas Utilities Docket Number 6600, complaint against Tejas Gas Corporation for overcollection of severance taxes from Lone Star Gas Company; Gas Utilities Docket Number 6602, complaint against Sunburst Energies, Inc. for overcollection of severance taxes from Lone Star Gas Company; Gas Utilities Docket Number 6603, complaint against Eastex Gas Transmission Company for overcollection of severance taxes from Lone Star Gas Company; Gas Utilities Docket Number 6647, complaint against Bengal Gas Transmission Company for overcollection of severance taxes from Lone Star Gas Company.

Contact: Mary Ross McDonald, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7009.

Filed: August 27, 1993, 11:03 a.m.

TRD-9327914

**Tuesday, September 7, 1993, 10:00 a.m.** The Railroad Commission of Texas will meet in the 12th Floor Conference Room 12-126, 1701 North Congress Avenue, Austin. According to the complete revised agenda, the commission will correct Gas Utilities Docket Number 6659, complaint against Coronado Transmission Company to Docket Number 6599.

Contact: Mary Ross McDonald, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7009.

Filed: August 30, 1993, 4:41 p.m.

TRD-9328003

◆ ◆ ◆  
**Texas Real Estate Commis-**

**sion**

**Tuesday, September 7, 1993, 9:00 a.m.** The Search Committee of the Texas Real Estate Commission will meet at 1101 Camino La Costa, TREC Headquarters, Room 235A, Second Floor, Austin. According to the complete agenda, the committee will call the meeting to order; meet in executive session to interview applicants for the position of administrator under Texas Civil Statutes, Article 6252-17, §2(g); and discussion and possible scheduling of interviews or other action relating to selection of administrator. For ADA assistance, call Nancy Guevremont at (512) 465-3923 at least two days prior to meeting.

Contact: Mark A. Moseley, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3900.

Filed: August 30, 1993, 2:04 p.m.

TRD-9327972

◆ ◆ ◆  
**Structural Pest Control Board**

**Monday, September 13, 1993, 1:00 p.m.** The Committee on Advertising of the Structural Pest Control Board will meet at the Joe C. Thompson Conference Center, 2405 East Campus Drive, Room 1.122, Austin. According to the complete agenda, the committee will review advertising guidelines of the Pest Control Industry.

Contact: Benny M. Mathis, Jr., 9101 Burnet Road, Suite 201, Austin, Texas 78758, (512) 835-4066.

Filed: August 26, 1993, 10:01 a.m.

TRD-9327882

**Tuesday, September 14, 1993, 9:00 a.m.** The Integrated Pest Management of the Structural Pest Control Board will meet at the Joe C. Thompson Conference Center, 2405 East Campus Drive, Room 1.126, Austin. According to the complete agenda, the committee will introduce new committee members; hold a public comment period; report and discussion of the following IPM team writing draft of IPM standards; make introductions; discuss education curriculum; structural pest management standards; landscape pest management standards; model contract specifications for schools; discussion by the whole committee; and break into individual teams to discuss revision of draft document.

Contact: Benny M. Mathis, Jr., 9101 Burnet Road, Suite 201, Austin, Texas 78758, (512) 835-4066.

Filed: August 27, 1993, 2:34 p.m.

TRD-9327925

**Tuesday, September 14, 1993, 1:00 p.m.**

The Termite Task Force of the Structural Pest Control Board will meet at the Joe C. Thompson Conference Center, 2405 East Campus Drive, Room 1.126, Austin. According to the agenda summary, the task force will hear public comments; review and discuss legal opinion concerning requiring efficacy data on all termite control materials and devices; and hear committee report on wood destroying inspect (WDI) reports.

Contact: Benny M. Mathis, Jr., 9101 Burnet Road, Suite 201, Austin, Texas 78758, (512) 835-4066.

Filed: August 26, 1993, 10:01 a.m.

TRD-9327881

### Board of Tax Professional Examiners

Monday, August 30, 1993, 5:00 p.m. The Board of Tax Professional Examiners met at the Marriott Bayfront Hotel, Corpus Christi. According to the emergency revised agenda summary, the board deleted section III and IV and substitute: III. met in executive session to discuss the appointment of employment of a public officer or employee, the executive director; and reviewed applications for the executive director position. (Executive session pursuant to Texas Civil Statutes, Article 6252-17 §2(g)); reconvened in open meeting to select the candidates for the position of executive director that it interviewed. The emergency status was necessary as we were told by Debra Green, Assistant Attorney General, that we had to do this or else we couldn't have an executive session.

Contact: Sam H. Smith, 4301 Westbank Drive, Building B, Suite 100, Austin, Texas 78746, (512) 329-7981.

Filed: August 26, 1993, 1:20 p.m.

TRD-9327891

### The Texas A&M University System, Board of Regents

Tuesday, August 31, 1993, 10:00 a.m. The Board of Regents of The Texas A&M University System held a telephonic board meeting at Texas A&M University Board Meeting Room, Clark Street, College Station. According to the complete agenda, the board met to adopt the budgets for the Texas A&M University System for Fiscal Year 1993-1994; and adopt the budgets for the Athletic Councils for Fiscal Year 1993-1994.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: August 27, 1993, 2:35 p.m.

TRD-9327926

Friday, September 3, 1993, 10:00 a.m. The Board of Regents of the Texas A&M University System will meet in the executive conference room, Fifth Floor, John B. Coleman Library, Third Street, Prairie View A&M University and reconvene in the Board Meeting Room, Clark Street, Texas A&M University, Prairie View, and reconvene in College Station. According to the agenda summary, the board will consider the following: authorization for bonds; resolutions; bank accounts and funds; appropriations; progress report on the Texas Educational Opportunity Plan; acquisition, disposition and lease of real estate; delegations of authority; initiation of construction projects; academic reorganization plan; appointment of Dean of the college of Business Administration (TAIU); discuss license agreements; degree programs; centers; quasi-endowments; ratification of assignment agreement with Association of Former Students; appointment of Dean and Director of the Sterling C. Evans Library; action on bids; approval of site; rescind contract award; matters involving personnel and pending or threatened litigation; vending machine contract; receive reports from system and university personnel and presidents; and naming of facilities.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: August 27, 1993, 3:38 p.m.

TRD-9327931

Friday, September 3, 1993, 10:00 a.m. (Revised agenda). The Board of Regents of the Texas A&M University System will meet in the Executive Conference Room, Fifth Floor, John B. Coleman Library, Third Street, Prairie View A&M University and reconvene in the Board Meeting Room, Clark Street, Texas A&M University, Prairie View, and reconvene in College Station. According to the complete agenda, the board will report on work order requirements contracting.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: August 30, 1993, 4:12 p.m.

TRD-9327998

### Texas State Technical College

Wednesday, September 1, 1993, 2:30 p.m. The Board of Regents of Texas State Technical College held a Teleconference Meeting in the TSTC System Conference Room, 3801 Campus Drive, Waco. According to the complete agenda, the board designated the engineering technology building at Texas State Technical College-Sweetwater as the Temple R. Dickson Center for engineering technology.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: August 27, 1993, 2:18 p.m.

TRD-9327923

### University of Houston System

Wednesday, September 1, 1993, 3:00 p.m. The Board of Regents of the University of Houston System met at 1600 Smith, University of Houston System, Suite 3400, Conference Room One, Houston. According to the agenda summary, the board met in executive session and discussed conditions of employment, athletic department, University of Houston.

Contact: Peggy Cervenka, 1600 Smith, 34th Floor, Houston, Texas 77002, (713) 754-7440.

Filed: August 27, 1993, 3:35 p.m.

TRD-9327929

### The University of Texas at Austin

Monday, August 30, 1993, 3:30 p.m. The Council for Intercollegiate Athletics for Women of the University of Texas at Austin met at the Ex-Students' Association, Moffett Library, 21st and San Jacinto Streets, University of Texas, Austin. According to the agenda summary, the council called the meeting to order; discussed approval of minutes of previous meeting; old and new business; made announcements; gave information reports; met in executive session; and adjourned.

Contact: Jody Conradt, UT Austin, 33800, BEL 718, Austin, Texas 78712, (512) 471-7693.

Filed: August 27, 1993, 1:23 p.m.

TRD-9327919

### Texas Workers' Compensation Research Center

Friday, October 1, 1993, 10:00 a.m. The Board of Directors of the Texas Workers' Compensation Research Center will meet at the William P. Clements, Jr. Building, 300 West 15th Street, Committee Room One, Austin. According to the complete agenda, the board will hold a public hearing to receive input on the proposed Fiscal Year 1994 research agenda as published in the September 3, 1993 issue of the *Texas Register*; hear oral testimony; and written testimony is encouraged. Twelve copies of written testimony and/or handouts are requested for Research Center use. No visual aid equipment will be available. Individuals who may require auxiliary aids or services

for this meeting should contact Lavon Guerrero at (512) 346-6197 at least two days prior to the meeting so that appropriate arrangements can be made.

Contact: Lavon Guerrero, 3636 Executive Center Drive, Suite G-22, Austin, Texas 78731, (512) 346-6197.

Filed: August 27, 1993, 4:26 p.m.

TRD-9327935

## Regional Meetings

### Meetings Filed August 26, 1993

**The Alamo Area Council of Governments Planning and Program Development Committee** met at 118 Broadway, Suite 420, San Antonio, August 31, 1993, at 10:30 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9327885.

**The Alamo Area Council of Governments Area Judges** met at 118 Broadway, Suite 420, San Antonio, August 31, 1993, at 11:30 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9327884.

**The East Texas Council of Governments Executive Committee** met at the ETCOG Office, Kilgore, September 2, 1993, at 2:30 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9327893.

**The Gregg County Appraisal District Board of Directors** met at 2010 Gilmer Road, Longview, September 2, 1993, at 9:00 a.m. Information may be obtained from Bill Carroll, 2010 Gilmer Road, Longview, Texas 75604, (903) 759-0015. TRD-9327903.

**The Hunt County Appraisal District Board of Directors** met at the Hunt County Appraisal District Boardroom, 4801 King Street, Greenville, September 2, 1993, at 11:30 a.m. Information may be obtained from Shirley Smith, 4801 King Street, Greenville, Texas 75401, (903) 454-3510. TRD-9327897.

**The Hockley County Appraisal District Board of Directors** met at 1103-C Houston Street, Levelland, August 27, 1993, at 7:00 a.m. The emergency status was necessary as resolutions had to be approved before August 30, 1993. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9327892.

**The Lamar County Appraisal District Board** met at the Lamar County Appraisal District Office, 521 Bonham Street, Paris, August 31, 1993, at 5:00 p.m. Information may be obtained from Joe Welch, 521

Bonham Street, Paris, Texas 75460, (903) 785-7822. TRD-9327883.

**The Martin County Appraisal District Board of Directors** met at 308 North St. Peter, Stanton, September 2, 1993, at 7:00 p.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823. TRD-9327894.

### Meetings Filed August 27, 1993

**The Andrews Center (Rescheduled from Thursday, August 26, 1993.) Board of Trustees** met at 2323 West Front Street, Board Room, Tyler, September 1, 1993, at 3:00 p.m. Information may be obtained from Jenny McFadden, P.O. Box 4730, Tyler, Texas 75712, (903) 597-1351. TRD-9327933.

**The Atascosa County Appraisal District Board of Directors** met at Fourth and Avenue J, Poteet, September 2, 1993, at 1:30 p.m. Information may be obtained from Vernon A. Warren, P.O. Box 139, Poteet, Texas 78065-0139, (210) 742-3591. TRD-9327905.

**The Austin-Travis County Mental Health Mental Retardation Center Board of Trustees** met at 1430 Collier Street, Board Room, Austin, August 31, 1993, at 7:00 a.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9327924.

**The Barton Springs/Edwards Aquifer Conservation District Board of Directors** met at 1124A Regal Row, Austin, August 30, 1993, at 5:30 p.m. Information may be obtained from Bill E. Couch, 1124A Regal Row, Austin, Texas 78748, (512) 282-8441, Fax (512) 282-7016. TRD-9327917.

**The Central Appraisal District of Taylor County Appraisal Review Board** will meet at 1534 South Treadway, Abilene, September 10, 1993, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381. TRD-9327911.

**The Central Appraisal District of Taylor County Appraisal Review Board** will meet at 1534 South Treadway, Abilene, September 14, 1993, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381. TRD-9327912.

**The Colorado River Municipal Water District Board of Directors** met at the Big Spring City Auditorium, Nolan and Fourth Street, Big Spring, August 31, 1993, at 7:00 p.m. Information may be obtained from O. H. Ivie, Box 869, Big Spring, Texas 79721, (915) 267-6341. TRD-9327920.

**The Creedmoor Maha Water Corporation Board of Directors** met at the Office,

1699 Laws Road, Mustang Ridge, September 1, 1993, at 7:30 p.m. Information may be obtained from Charles P. Laws, 1699 Laws Road, Buda, Texas 78610, (512) 243-1991. TRD-9327907.

**The Dallas Area Rapid Transit Special Board Meeting** met at 1401 Pacific Avenue, DART Conference Room "C", First Floor, Dallas, August 31, 1993, at 1:00 p.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9327910.

**The Dawson County Central Appraisal District Board of Directors** met at 1806 Lubbock Highway, Lamesa, September 1, 1993, at 7:00 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060. TRD-9327916.

**The Hale-Hockley County Education District Number Eight Board of Directors** met at the Citizens State Bank, Anton, August 31, 1993, at 7:00 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9327932.

**The Region XVI Education Service Center (Rescheduled from August 27, 1993.) Board of Directors** met at 1601 South Cleveland, Education Service Center, Region XVI, Room E, Amarillo, August 31, 1993, at 7:00 p.m. Information may be obtained from Jim Holmes, 1601 South Cleveland, Amarillo, Texas 79120, (806) 376-5521. TRD-9327915.

**The Shackelford Water Supply Corporation Regular Monthly Directors** met at the Fort Griffin Restaurant, Albany, September 1, 1993, at 1:00 p.m. Information may be obtained from E. D. Fincher, Box 1295, Albany, Texas 76430, (915) 762-2519. TRD-9327927.

### Meetings Filed August 30, 1993

**The El Oso Water Supply Corporation Board of Directors** held an emergency meeting at their Office, FM 99, Karnes City, August 30, 1993, at 6:30 p.m. The emergency status was necessary as El Oso Water Supply Corporation had filed a complaint with the Texas Water Commission and were trying to work something out before the hearing. Information may be obtained from Judith Zimmermann, P.O. Box 309, Karnes City, Texas 78118, (210) 780-3539. TRD-9327981.

**The Hansford Appraisal District Board** will meet at 709 West Seventh Street, Spearman, September 8, 1993, at 9:00 a.m. Information may be obtained from Alice Peddy, P.O. Box 519, Spearman, Texas 79081-0519, (806) 659-5575. TRD-9327982.

**The Lubbock Regional MHMR Center**

Board of Trustees met in an emergency meeting at 3801 Avenue J, Board Room, Lubbock, September 1, 1993, at noon. The emergency meeting was necessary to take action on refinancing of facility and bond money property. Information may be obtained from Gene Menefee, P.O. Box 2828, Lubbock, Texas 79408, (806) 766-0202. TRD-9327997.

The Millersview-Doole Water Supply Corporation Board of Directors will meet at the Corporation's Business Office, One Block West of FM 765 and FM 2134 in Millersview, September 7, 1993, at 8:00 p.m. Information may be obtained from Glenda M. Hampton, P.O. Box E, Millersview, Texas 76862-1005, (915) 483-5438. TRD-9327945.

The Palo Pinto Appraisal District Appraisal Review Board will meet at the Palo Pinto County Courthouse, Palo Pinto, September 8, 1993, at 1:30 p.m. Information may be obtained from Jackie F. Samford, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1234. TRD-9327940.

The West Central Texas Municipal Water District met at 410 Hickory Street, Abilene, September 2, 1993, at 9:30 a.m. Information may be obtained from Virginia Duncan, P.O. Box 2362, Abilene, Texas 79601, (915) 673-8254. TRD-9327936.

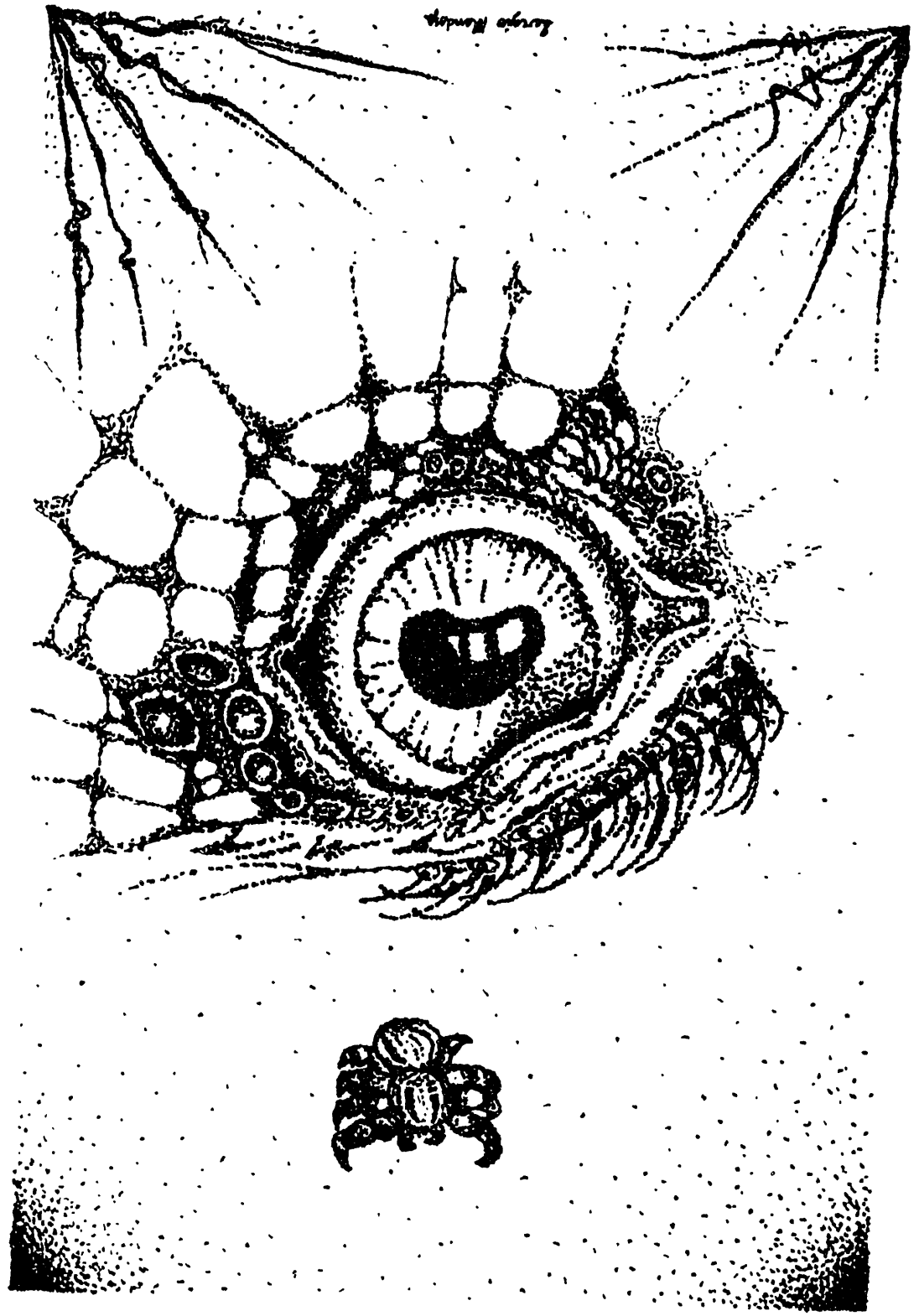




Name: Jim Buchanan  
Grade: 11  
School: Plano East Senior High, Plano ISD



Name: Steve Bishop  
Grade: 12  
School: Plano East Senior High, Plano ISD



# In Addition

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

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

## Ark-Tex Council of Governments Request for Proposal

The Ark-Tex Council of Governments (ATCOG) is soliciting proposals for the development of a regional E9-1-1 mapping and addressing project for its service area

This project may include, but is not limited to: Addressing all unaddressed areas in each county; field checking; implementation of new address; Master Street Addressing Guides (MSAG) and database creation and verification; organizing maintenance of maps and database; planning and developing Geographical Information Systems (GIS); and resident notification.

The service are includes the following counties in Texas: Bowie, Cass, Lamar, Hopkins, Red River, Titus, Franklin, Morris, and Delta.

Potential respondents may obtain a copy of the Request for Proposals (RFP) by contacting John Basile or Janell Browning, Ark-Tex Council of Governments, P.O. Box 5307, Texarkana, Texas 75505, or call (903) 832-8636. The deadline for proposal submission is October 11, 1993,

at 5:00 p.m. Proposals will be reviewed by ATCOG staff and scored by the Regional 9-1-1 Subcommittee. Respondents will be notified in writing of the date, time, and place of the meeting at which the proposals will be scored

Issued in Texarkana, Texas on August 23, 1993

TRD-9327851 James C Fisher, Jr  
Executive Director  
Ark-Tex Council of Governments

Filed: August 25, 1993

## Office of Consumer Credit Commissioner

### Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, as amended (Texas Civil Statutes, Article 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer <sup>(1)</sup>/Agricultural/ Commercial <sup>(2)</sup> thru \$250,000</u>	<u>Commercial<sup>(2)</sup> over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	08/30/93-09/05/93	18.00%	18.00%

<sup>(1)</sup>Credit for personal, family or household use. <sup>(2)</sup>Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on August 23, 1993.

TRD-9327856 Al Endaley  
Consumer Credit Commissioner

Filed: August 25, 1993

## Texas Education Agency Notice of Contract Award

**Description.** This notice is filed pursuant to the Texas Constitution, Article VII, §5(d). After publication of request for proposal in the January 26, 1993, issue of the *Texas Register* (18 TexReg 495), the Texas Education Agency on August 24, 1993, executed a contract with Bank of America Texas, 300 Crescent Court, Suite 850, Dallas, Texas 75201, to provide master trust custodian services, act as the Depository Trust Company correspondent, and to administer a securities lending program for the State Permanent School Fund of Texas.

**Cost and Dates.** Revenue will be paid to the Available School Fund based on a negotiated fee arrangement and the securities lending activity. Beginning date for the contract will be August 27, 1993, and ending date will be August 31, 1997.

**Due Dates of Reports.** The contractor will provide daily reports of settlement transactions, income receipts and other payments and securities loans and monthly reports of account holdings, transactions, income, and securities lending activity and income.

Issued in Austin, Texas, on August 30, 1993

TRD-9327944 Lionel R. Meno  
Commissioner of Education  
Texas Education Agency

Filed: August 30, 1993

**Texas Department of Housing and  
Community Affairs**

**Notice of Public Hearing**

In accordance with 10 Code of Federal Regulations Part 440 regulations for the United States Department of Energy's Weatherization Assistance Program, the Texas Department of Housing and Community Affairs (TDHCA) announces that it will conduct a public hearing at 10:30 a.m., Tuesday, September 7, 1993, at the Corpus Christi Library (La Retama Room), 805 Comanche, Corpus Christi. The purpose of this hearing is to accept comments on the state's receipt of proposals for resuming weatherization services to the eligible low-income population of the Kleberg and Kenedy counties.

Interested parties, including the subgrantee organization who previously administered the program in Kleberg and Kenedy counties, may comment on the state's proposed subgrantee(s). TDHCA requests that the overall comments and presentation by or on behalf of the previous subgrantee last not more than 30 minutes in the aggregate. Those commenting for each new proposer will be limited to an aggregate of 15 minutes per subgrantee.

Written comments will be accepted at the public hearing and at TDHCA, 811 Barton Springs Road, Suite #100, Austin, Texas 78704 through 5:00 p.m. on September 7, 1993. Inquiries or requests for additional related information may be directed to J. Al Almaguer, Program Manager, TDHCA Energy Assistance Section, at (512) 475-3866 or P.O. Box 13941, Austin, Texas 78711-3941.

Issued in Austin, Texas, on August 18, 1993.

TRD-9327964      Henry Flores  
                         Executive Director  
                         Texas Department of Housing and  
                         Community Affairs

Filed: August 30, 1993



**Texas Department of Human Services  
Public Notice-Open Solicitation**

Pursuant to Title 2, Chapters 22 and 32, of the Human Resources Code and 40 TAC §19.2004, in the September 11, 1990, issue of the *Texas Register* (15 TexReg 5315), the Texas Department of Human Services (TDHS) is announcing an open solicitation period of 30 days, effective the date of this public notice, for Bosque county, identified below, where Medicaid contracted nursing facility occupancy rates exceed the threshold (90% occupancy) in each of five months in the continuous January-June 1993, six-month period.

Potential contractors seeking to contract for existing beds which are currently licensed as nursing home beds or hospital beds in the county identified in this public notice must submit a written reply (as described in 40 TAC §19.2004) to TDHS, Gary L. Allen, Institutional Program Section, Long Term Care Department, Mail Code W-519, P.O. Box 149030, Austin, Texas 78714-9030.

The written reply must be received by TDHS by 5:00 p.m., October 3, 1993, the last day of the open solicitation period. Potential contractors will be placed on a waiting list for the primary selection process in the order in which the Texas Department of Health originally licensed the beds that are being proposed for Medicaid participation.

The primary selection process will be completed on October 13, 1993. If there are insufficient available beds after the primary selection to reduce occupancy rates to less than 80%, TDHS will place a public notice in the *Texas Register* announcing an additional open solicitation period for those individuals wishing to construct a facility.

County Number	County Name	Number of Months Over	Number of Months					
			JAN	FEB	MAR	APR	MAY	JUN
018	Bosque	6	91.7	93.5	93.5	93.8	94.3	93.3

Issued in Austin, Texas, on August 30, 1993.

TRD-9327948      Nancy Murphy  
                         Section Manager, Policy and Document  
                         Support  
                         Texas Department of Human Services

Filed: August 30, 1993





## Texas Department of Insurance Consulting Services

### Award of Contract

**Consulting Services-Award of Contract:** The Texas Department of Insurance, in accordance with the provisions of Texas Civil Statutes, Article 6252-11c, files this statement of award of contract for consulting services.

On August 23, 1993, the Texas Department of Insurance executed a contract for consulting services in response to a consultant proposal request published in the May 18, 1993, issue of the *Texas Register* (18 TexReg 3257).

**Project Description:** The selected consultant shall provide the Texas Department of Insurance with technical expertise in the evaluation of Requests for Proposals which have been issued by the department.

On May 10, 1993, the Texas Department of Insurance issued a Request For Proposal for certain private passenger automobile insurance statistical data collection. On May 24, 1993, the Texas Department of Insurance issued Requests For Proposals for certain commercial lines statistical data and certain residential property lines statistical data. These Requests for Proposals have been issued in order for the Texas Department of Insurance to contract with a qualified entity or entities pursuant to its authority under the Insurance Code, Article 21.69.

Selected consultant will provide advice and recommendations to the Texas Department of Insurance in connection with the evaluation of proposals received in response to these Requests for Proposals. Final selection of qualified entities, if any, shall be the responsibility of, and made by, the Texas Department of Insurance.

Consultant will assist the Texas Department of Insurance in its evaluation of proposals received according to selected evaluation criteria which are outlined in the Automobile Request for Proposal, Commercial Lines Request for Proposal and Residential Property Lines Request for Proposal. Those evaluation criteria may include, but are not limited to, the following:

- A. the proposal demonstrates a detailed understanding of the required processing and services;
- B. quality control of data, security, back-up, interface with companies, disaster recovery;
- C. the proposed approach to be used to develop the project and capability within time frames required by the Texas Department of Insurance to perform all services;
- D. transferability of data processing and telecommunications capabilities to the Texas Department of Insurance and/or some other data center;
- E. entity's approach to long term efficiency, enhancements and changes to database.

Consultant will provide detailed written recommendations to the Texas Department of Insurance for its evaluations under each proposal. Consultant will meet with department staff as reasonably requested to discuss its written recommendations or assist in proposal evaluations.

**Name and Address of Consultant.** Deloitte & Touche, One World Trade Center, New York, NY 10048.

**Value of Contract and Effective Date:** The value of this contract shall not exceed \$40,500. The term of the contract is July 9, 1993-August 31, 1993, unless extended or earlier

terminated as provided in the contract. Consultant will be evaluated under Standards of Performance outlined in the proposed contract prior to payment of any invoices under the contract.

**Due Date of Reports:** All written reports are due within five working days of Consultant's receipt of a proposal for evaluation or within five days of Consultant's meeting with the department's proposal evaluation committee.

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

TRD-9327947

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

Filed: August 30, 1993

## Texas Parks and Wildlife Department Notices of Public Meeting

**Sand Dredging-Spring Creek.** Notice of Public Comment Hearing for Permit to Remove Sand, Shell, Gravel, or Marl from the Public Waters of the State of Texas.

Notice is hereby given that Mega Materials Company, Inc., whose address is 24327 Highway 75 North, Spring, Texas 77383, as of August 13, 1993, filed an administratively complete application with the Texas Parks and Wildlife Department for a permit to: remove 2,000 cubic yards of sand per month from Spring Creek, located in Montgomery County, approximately one mile west of I-45 adjacent to the properties of Gus Robles and Roscoe Seyle.

This permit is requested under the authority granted to the Texas Parks and Wildlife Commission in the Parks and Wildlife Code, Chapter 86, and will not authorize the crossing of any private property.

The hearing to receive public comment on this application will be conducted on September 28, 1993, 3:00 p.m., Conference Room A-200, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, at which time all interested persons may appear and be heard. Comments may be mailed to the Department at the following address, or presented orally, or in writing at the hearing. Comments sent by mail should be received by the Department prior to the public comment hearing.

In addition, any person who can demonstrate a justiciable interest may request a formal contested case hearing pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252.13a, §18(a). Any person wishing to request such a hearing should submit a written request to Catherine Livingston at the following address. Such a request should include a short statement of the nature of any objections to the requested permit and a description of the potential adverse impact that may be suffered by the requestor. Requests for formal contested case hearings must be received by the Department no later than 30 days after the date of issuance of this notice as listed below or by the close of the public comment hearing, whichever is later.

Further information concerning any aspect of the application or hearing may be obtained by contacting Catherine Livingston, Environmental Attorney, Legal Services Division, 4200 Smith School Road, Austin, Texas 78744, (512) 444-0160 or (512) 444-0274, Fax (512) 448-4766.

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

TRD-9327872 Paul M. Shinkawa  
General Counsel  
Texas Parks and Wildlife Department

Filed August 26, 1993

◆ ◆ ◆  
**Sand Gravel Dredging—Brazos River.** Notice of Public Comment Hearing for Permit to Remove Sand, Shell, Gravel, or Marl from the Public Waters of the State of Texas.

Notice is hereby given that Pioneer Concrete of Texas, Inc., whose address is 800 Gessner, Suite 1100, Houston, Texas 77024, as of August 20, 1993, filed an administratively complete application with the Texas Parks and Wildlife Department for a permit to: remove 300,000 cubic yards of sand and gravel per month from the Brazos River, in Austin, Waller, and Fort Bend counties, beginning at River Mile 140.7, 1.2 river miles below the crossing of IH-10 and proceeding downstream to River Mile 134.8 adjacent to the properties of Telsfor Sowa; Herman Detering, Trustee; Little D-C, Inc.; Brazos Holding, Inc.; Lodie Stapleton, Jr.; Brazos Country Development Corporation; R. L. Louis, M. D.; the Baptist Foundation of Texas; Robert Adams, et al; John Reber; Mansooral Virani; Texasbank Savings, FSB; E. H. Martin and Abb Rhodes, Jr.; Margaret W. Bailey; Filip Ventures, Inc.; John Bledsoe; Larry V. Emerson; Rodolfo A. Lopez; Najo Investment, N. V.; Murphey H. Thomas; Nancy J. Galletta; Tan Keng Kok; Pearland State Bank; Otto A. Heibel; Irene K. Drymala; University State Bank; Nancy P. Holden; Arthur Tuttle; William Strauss, Jr. and Mary Strauss Waggoner; Jesse Gonzales; Leonard Kolodzieiczkyk; and Chamco, Inc.

This permit is requested under the authority granted to the Texas Parks and Wildlife Commission in the Parks and Wildlife Code, Chapter 86, and will not authorize the crossing of any private property.

The hearing to receive public comment on this application will be conducted on September 28, 1993, 3:00 p.m., Conference Room A-200, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, at which time all interested persons may appear and be heard. Comments may be mailed to the Department at the following address, or presented orally, or in writing at the hearing. Comments sent by mail should be received by the Department prior to the public comment hearing.

In addition, any person who can demonstrate a justiciable interest may request a formal contested case hearing pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252.13a, §18(a). Any person wishing to request such a hearing should submit a written request to Catherine Livingston at the following address. Such a request should include a short statement of the nature of any objections to the requested permit and a description of the potential adverse impact that may be suffered by the requestor. Requests for formal contested case hearings must be received by the Department no later than 30 days after the date of issuance of this notice as listed below or by the close of the public comment hearing, whichever is later.

Further information concerning any aspect of the application or hearing may be obtained by contacting Catherine Livingston, Environmental Attorney, Legal Services Divi-

sion, 4200 Smith School Road, Austin, Texas 78744, (512) 444-0160 or (512) 444-0274, Fax (512) 448-4766.

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

TRD-9327873 Paul M. Shinkawa  
General Counsel  
Texas Parks and Wildlife Department

Filed: August 26, 1993

◆ ◆ ◆  
**Texas State Board of Examiners of Psychologists**

**Correction of Error**

The Texas State Board of Examiners of Psychologists adopted an amendment to 22 TAC §473.2, concerning Examination Fees (Not Refundable). The rule was published in the August 17, 1993, *Texas Register* (18 TexReg 5482).

Due to a proofreading error by the *Texas Register* the reference to the "Certification and Licensing Act" was omitted from the second paragraph. The sentence should read as follows. "The section is necessary to ensure that the Board has an adequate cash balance to carry out the mandates of the Psychologists' Certification and Licensing Act."

◆ ◆ ◆  
**Public Utility Commission of Texas**

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

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

**Docket Title and Number.** Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for American Airlines pursuant to Public Utility Commission Substantive Rule 23.27(k). Docket Number 12240.

**The Application.** Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for American Airlines. The geographic service market for this specific service is the Fort Worth area.

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

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

TRD-9327899 John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: August 26, 1993

◆ ◆ ◆  
Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application

pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for General Services Administration (GSA), Dallas.

**Docket Title and Number.** Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for GSA pursuant to Public Utility Commission Substantive Rule 23.27(k). Docket Number 12226.

**The Application.** Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for GSA. The geographic service market for this specific service is the Dallas area.

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

Issued in Austin, Texas, on: August 26, 1993.

TRD-9327901      John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: August 26, 1993



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

**Docket Title and Number.** Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for the City of Fort Worth pursuant to Public Utility Commission Substantive Rule 23.27(k). Docket Number 12243.

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

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

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

TRD-9327900      John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: August 26, 1993



## Texas Rehabilitation Commission Intent to Award Grant

**Intent to Award Grant.** On behalf of the Council as its designated state agency, the Texas Rehabilitation Commission intends to award a grant to Conroy and Feinstein, Temple University, Philadelphia, Pennsylvania, who are outstanding authorities in conducting studies of the consequences of state-school closure. Contact with other known authorities have resulted in recommendations that Conroy

and Feinstein are the most qualified individuals to conduct this study. The Developmental Disabilities Assistance and Bill of Rights Act of 1990 (Public Law 100-496), authorizes funds to be provided for studies, analysis, development of model policies, and technical assistance to providers with respect to "priority area activities" adopted by the Council, and information dissemination to local, state, and federal policymakers. One purpose of the DD Act is to provide assistance to states to assure that all people with developmental disabilities receive the services and other assistance and opportunities needed to achieve their potential, through increased independence, productivity, and integration into the community. Consistent with that purpose and with an on-going commitment to the welfare of people with disabilities and to community inclusion, the Texas Planning Council for Developmental Disabilities announces its intention to provide funds to evaluate the movement of individuals from the Fort Worth and Travis State Schools to the community as a result of the closure of those two facilities. The evaluation will document the effects of those moves for the individuals affected and their families and will look in particular at the quality of life of those persons affected.

**Description of Project.** The study will provide summary descriptions of demographic characteristics of the participants, the new living arrangements of the participants, the impact the move has had on the quality of life of the participants, the health status of the participants, and the satisfaction of the participants and their families with the move. The study will include pre- and post-move data collections.

**Terms and Funding.** The study will be funded for up to a six-year period to allow pre- and post-measurement of all participants. Continuation funding will be contingent upon satisfactory performance and will be based on an annual review of project performance by the Council staff. Payment will be based on a fee per participant per data collection basis. The proposed fee will be stated and justified in the proposal. Payment per year will be determined by the number of data collections performed during the budget year. A final fee will be negotiated prior to the grant award. Total funding is not expected to exceed \$240,000 and is contingent on the availability of funds. The initial budget period will be determined by the TPCDD and the respondent following selection.

**Criteria for Award.** Eligible applicants must have previous experience in conducting studies of the impact of closure of state institutions for the mentally retarded or related conditions on the behavior, well-being, quality of life, integration, and inclusion of those persons moving to community-based residences as a result. By this notice of intent, any organization may submit a desire to apply in writing on or before September 30, 1993, indicating their qualifications to carry out this activity.

For information on any aspect of this announcement, contact: W. D. Nielson, Texas Planning Council for Developmental Disabilities, 4900 North Lamar Boulevard, Austin, Texas 78751-2399, (512) 483-4088.

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

TRD-9327922      Charles Schiesser  
Associate Commissioner for Legal Services  
Texas Rehabilitation Commission

Filed: August 27, 1993



## Request for Proposal

**General Description.** The Texas Rehabilitation Commission (TRC) is requesting proposals for the purpose of providing an array of residential and other support services for persons who are deaf-blind. These services will provide support for from 1-6 persons who are deaf-blind multihandicapped.

Services will be provided in a number of locations throughout the State of Texas.

The project will be funded up to \$35,000 per client for the first year. The proposal must clearly demonstrate service coordination with other funding sources.

**Eligibility Requirements.** Individuals who are 18 years of age or older and demonstrate the presence of a deaf-blind multihandicapped disability. This must affect the individual's ability to function independently. There must be a reasonable expectation that services will benefit the individual.

**Applicant Services.** Residential support services including: self care and personal hygiene, communication skills, mobility training, behavior management, community integration, supervised living, social awareness, and home-making.

Day programming including: out of home activities, pre-vocational activities, and interaction with non-disabled peers.

Services are to be provided over a 24-hour a day, seven-day a week time span, on an annual basis.

**Proposal Process.** Persons interested in applying for this project must contact the TRC Central Field Office for copies of the Proposal materials: Stephen Schoen, Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Austin, Texas 78751-2399.

Further information containing requirements and format of the proposal will be forwarded to the applicant.

**Deadline.** Proposals must be addressed to: Texas Rehabilitation Commission, ATTENTION: Stephen Schoen, 4900 North Lamar Boulevard, Austin, Texas 78751-2399.

Said proposals will be received until 5:00 p.m. on October 1, 1993.

Issued in Austin, Texas, on August 31, 1993.

TRD-9327921 Charles W Schiesser  
Associate Commissioner for Legal Services  
Texas Rehabilitation Commission

Filed: August 27, 1993

## Secretary of State

### Texas Register Cross-Index of Rules to Statutes

Under the Government Code, Section 2001.024(3)(B) (Texas Civil Statutes, Article 6252-13(a)) The notice of a proposed rule must include the section or article of the code affected.

This requirement and the additional requirement to cross-index each rule to statute was passed in 1991 by the 72nd

Legislature (H.B. 2057) with the following qualification: "If the secretary of state determines that the implementation of this Act will entail the expenditure of additional general revenue funds, the provisions of this Act shall not be implemented until authorized by a specific rider or line item appropriation to cover this expense that is included in a general or special appropriations act."

Because the Office of the Secretary of State requested no additional general revenue funds to implement this act for the 1994-'95 budget, the act will take effect at the beginning of the fiscal year, September 1, 1993.

Beginning September 1, 1993, an agency shall include in the preamble to a proposed rule a statement citing the article or section of the statute or code to be affected by the rule. The Office of the Secretary of State requests that agencies include the cite immediately following the statement of statutory authority in the preamble of a proposed rule.

Example:

"The amendments are proposed under the Government Code, Section 2002.017, which provide the Secretary of State with the authority to promulgate rules consistent with the Act. The amendments implement the Government Code, Section 2006.002.

### Statutory citation changes for APTRA, Open Meetings

Articles previously under Texas Civil Statutes, which concerned publication in the *Texas Register* and notice of open meetings, were recodified by the 73rd Legislature. The new citations are under the Government Code, effective September 1, 1993.

Old cite	New cite
Article 6252-17	The Government Code, Chapter 551
Article 6252-17a	The Government Code, Chapter 552
Article 6252-13a	The Government Code, Chapter 2001
Article 6252-13a	The Government Code, Chapter 2002
Article 6252-13b	The Government Code, Chapter 2002
Article 6252-13b.1	The Government Code, §2006.002
Article 6252-11c	The Government Code, Chapter 2254

## The Texas A&M University System Request for Information: Texas Intellectual Property Practitioners

The Texas A&M University System is soliciting responses to a Request for Information (RFI), to prequalify firms to provide patent and other intellectual property legal services to the System. Services shall be rendered during the biennium, September 1, 1993-August 31, 1995. To obtain a copy of the RFI, please forward a written request to Roy Collins, Assistant Director for Patents and Licensing, TAMUS Technology Licensing Office, 310 WERC Building, College Station, Texas 77843-3369, (409) 847-8682; (fax) (409) 845-1402.

Issued in Austin, Texas on August 27, 1993.

TRD-9327930 Vickie Running  
Secretary of the Board of Regents  
The Texas A&M University System

Filed: August 27, 1993

## Texas Environmental Awareness Network

### Notice of Monthly Meeting

The Texas Environmental Awareness Network, an association of state agencies and environmental and educational organizations, will meet Wednesday, September 8, 1993, at 9:00 a.m. at the offices of Keep Texas Beautiful, 101 East Ninth Street (Fifteenth Floor Conference Room), Austin, Texas 78701.

More information is available from John Williams, TEAN Secretary, at (512) 473-3227.

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

TRD-9327946 John Williams  
Secretary  
Texas Environmental Awareness Network

Filed: August 30, 1993

## Texas Workers' Compensation Research Center

### Proposed Fiscal Year 1994 Research Agenda

The Board of Directors of the Texas Workers' Compensation Research Center (Research Center) proposes the following research agenda for fiscal year 1994.

The Research Center shall conduct studies, in the context of the Texas workers' compensation system, to include the following: a descriptive analysis of system performance

under the new law with emphasis on injuries, benefits, costs, and litigiousness, with a view towards comparison to the previous system, where possible; an income replacement study to address the percentage of income replaced by indemnity and death benefits, with a view towards comparison to the previous system, where possible; an assessment of the effects of efforts designed to improve workplace health and safety to include safety programs implemented by the Texas Workers' Compensation Commission, employers and insurers, programs specifically targeting drugs in the workplace, and insurance deductibles; and a study of medical costs to include a comparison of medical cost growth and medical expenditures for similar injuries in and outside of the workers' compensation system, and efforts to certain costs.

Dependent on the results of the above studies and resources, additional topics that may be addressed in the forthcoming year include: a more detailed look at economic outcomes associated with maximum medical improvement and impairment ratings; use of payroll taxes by other states to finance mandatory compensation systems; a review of data relating to Article 8307(c); literature reviews on topics such as 24-hour coverage, emerging insurance rating systems, and innovations in other states and Canada; an update of the *Directory of Workers' Compensation Resources: Current Research*; and issues arising from current studies on return-to-work and nonsubscription. Research may also be undertaken to address the concerns raised by the Fourth Court of Appeals.

The Board will hold a public hearing to receive public input on the research agenda. The hearing is scheduled for Friday, October 1, 1993, at 10:00 a.m. and until oral testimony is completed, and will take place in Committee Room 1 of the William P. Clements, Jr. Building located at 300 West 15th Street, Austin. Written testimony is encouraged. Twelve copies of written testimony and/or handouts are requested for Research Center use. No visual aid equipment will be available.

Submit comments on the proposed research agenda to Annette Gula, Executive Director, Texas Workers' Compensation Research Center, 3636 Executive Center Drive, Suite G-22, Austin, Texas 78731. For further information, please call (512) 346-6197.

The publication of the research agenda brings the Research Center into compliance with the interim procedure adopted by the Board and the statutory requirement found in Texas Civil Statutes, Article 8308-11.03.

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

TRD-9327934 Annette Gula  
Executive Director  
Texas Workers' Compensation Research  
Center

Filed: August 27, 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 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 preceding publication. No issues will be published on July 30, November 5, November 30, and December 28. An asterisk beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
34 Tuesday, May 4	Wednesday, April 28	Thursday, April 29
35 Friday, May 7	Monday, May 3	Tuesday, May 4
36 Tuesday, May 11	Wednesday, May 5	Thursday, May 6
37 Friday, May 14	Monday, May 10	Tuesday, May 11
38 Tuesday, May 18	Wednesday, May 12	Thursday, May 13
39 Friday, May 21	Monday, May 17	Tuesday, May 18
40 Tuesday, May 25	Wednesday, May 19	Thursday, May 20
41 Friday, May 28	Monday, May 24	Tuesday, May 25
42 Tuesday, June 1	Wednesday, May 26	Thursday, May 27
43 *Friday, June 4	Friday, May 28	Tuesday, June 1
44 Tuesday, June 8	Wednesday, June 2	Thursday, June 3
45 Friday, June 11	Monday, June 7	Tuesday, June 8
46 Tuesday, June 15	Wednesday, June 9	Thursday, June 10
47 Friday, June 18	Monday, June 14	Tuesday, June 15
48 Tuesday, June 22	Wednesday, June 16	Thursday, June 17
49 Friday, June 25	Monday, June 21	Tuesday, June 22
50 Tuesday, June 29	Wednesday, June 23	Thursday, June 24
51 Friday, July 2	Monday, June 28	Tuesday, June 29
52 Tuesday, July 6	Wednesday, June 30	Thursday, July 1
53 Friday, July 9	Monday, July 5	Tuesday, July 6
Tuesday, July 13	SECOND QUARTERLY INDEX	
54 Friday, July 16	Monday, July 12	Tuesday, July 13
55 Tuesday, July 20	Wednesday, July 14	Thursday, July 15
56 Friday, July 23	Monday, July 19	Tuesday, July 20
57 Tuesday, July 27	Wednesday, July 21	Thursday, July 22
Friday, July 30	NO ISSUE PUBLISHED	
58 Tuesday, August 3	Wednesday, July 28	Thursday, July 29
59 Friday, August 6	Monday, August 2	Tuesday, August 3
60 Tuesday, August 10	Wednesday, August 4	Thursday, August 5
61 Friday, August 13	Monday, August 9	Tuesday, August 10
62 Tuesday, August 17	Wednesday, August 11	Thursday, August 12
63 Friday, August 20	Monday, August 16	Tuesday, August 17
64 Tuesday, August 24	Wednesday, August 18	Thursday, August 19

65 Friday, August 27	Monday, August 23	Tuesday, August 24
66 Tuesday, August 31	Wednesday, August 25	Thursday, August 26
67 Friday, September 3	Monday, August 30	Tuesday, August 31
68 Tuesday, September 7	Wednesday, September 1	Thursday, September 2
69 Friday, September 10	Friday, September 3	Tuesday, September 7
70 Tuesday, September 14	Wednesday, September 8	Thursday, September 9
71 Friday, September 17	Monday, September 13	Tuesday, September 14
72 Tuesday, September 21	Wednesday, September 15	Thursday, September 16
73 Friday, September 24	Monday, September 20	Tuesday, September 21
74 Tuesday, September 28	Wednesday, September 22	Thursday, September 23
75 Friday, October 1	Monday, September 27	Tuesday, September 28
76 Tuesday, October 5	Wednesday, September 29	Thursday, September 30
77 Friday, October 8	Monday, October 4	Tuesday, October 5
Tuesday, October 12	THIRD QUARTERLY INDEX	
78 Friday, October 15	Monday, October 11	Tuesday, October 12
79 Tuesday, October 19	Wednesday, October 13	Thursday, October 14
80 Friday, October 22	Monday, October 18	Tuesday, October 19
81 Tuesday, October 26	Wednesday, October 20	Thursday, October 21
82 Friday, October 29	Monday, October 25	Tuesday, October 26
83 Tuesday, November 2	Wednesday, October 27	Thursday, October 28
Friday, November 5	NO ISSUE PUBLISHED	
84 Tuesday, November 9	Wednesday, November 3	Thursday, November 4
85 Friday, November 12	Monday, November 8	Tuesday, November 9
86 Tuesday, November 16	Wednesday, November 10	Thursday, November 11
87 Friday, November 19	Monday, November 15	Tuesday, November 16
88 Tuesday, November 23	Wednesday, November 17	Thursday, November 18
89 Friday, November 26	Monday, November 22	Tuesday, November 23
Tuesday, November 30	NO ISSUE PUBLISHED	
90 Friday, December 3	Monday, November 29	Tuesday, November 30
91 Tuesday, December 7	Wednesday, December 1	Thursday, December 2
92 Friday, December 10	Monday, December 6	Tuesday, December 7
93 Tuesday, December 14	Wednesday, December 8	Thursday, December 9
94 Friday, December 17	Monday, December 13	Tuesday, December 14
95 Tuesday, December 21	Wednesday, December 15	Thursday, December 16
96 Friday, December 24	Monday, December 20	Tuesday, December 21
Tuesday, December 28	NO ISSUE PUBLISHED	

Please use this form to order a subscription to the *Texas Register*, to order a back issue, or to indicate a change of address. Please specify the exact dates and quantities of the back issues requested. Each copy of a back issue is \$5 including postage. You may use your Mastercard or Visa to purchase back issues or subscription services. To order by credit card, please call the *Texas Register* at (512) 463-5561. All purchases made by credit card will be subject to an additional 2.1% service charge. For more information, please write to the *Texas Register*, P.O. Box 13824, Austin, TX 78711-3824 or call (512) 463-5561.

Change of Address

*(Please print)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Back Issues Requested

*(Please specify dates)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**YES**, I want to learn about the latest changes in Texas regulations that may affect the daily operation of my business. Please begin my subscription to the *Texas Register* today.

Name .....

Organization .....

Address .....

City, ST Zip .....

I would like my subscription to be the  printed  electronic version.  
I'm enclosing payment for  1 year  6 months  7 week trial  
*7 week trial subscription not available for electronic subscriptions*  
Bill me for  1 year  6 months

Cost of a subscription is \$90 yearly or \$70 for six months for the electronic version. Cost for the printed version is \$95 yearly or \$75 for six months. Trial subscriptions cost \$14. Please make checks payable to the Secretary of State. Subscription fees will not be refunded. Do not use this form to renew subscriptions. Return to *Texas Register*, P.O. Box 13824 Austin, TX 78711-3824. For more information, please call (512) 463-5561.

Second Class Postage

PAID

Austin, Texas

and additional entry offices