

Texas Register

Volume 17, Number 38, May 22, 1992

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Information Available: The ten 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- Withdrawn Sections** - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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 accumulative quarterly and annual indexes to aid in researching material published.

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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: "17 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 17 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, Austin. Material can be found using *Texas Register* indexes, the *Texas Administration Code*, section numbers, or TRD number.

Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

How to Cite: Under the TAC scheme, each agency 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 rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

Texas Register Art Project

This program is sponsored by the *Texas Register* to promote the artistic abilities of Texas students, grades K-12, and to help students gain an insight into Texas government. The artwork is used to fill otherwise blank pages in the *Texas Register*. The blank pages are a result of the production process used to create the *Texas Register*. The artwork does not add additional pages and does not increase the cost of the *Texas Register*.

Texas Register Publications



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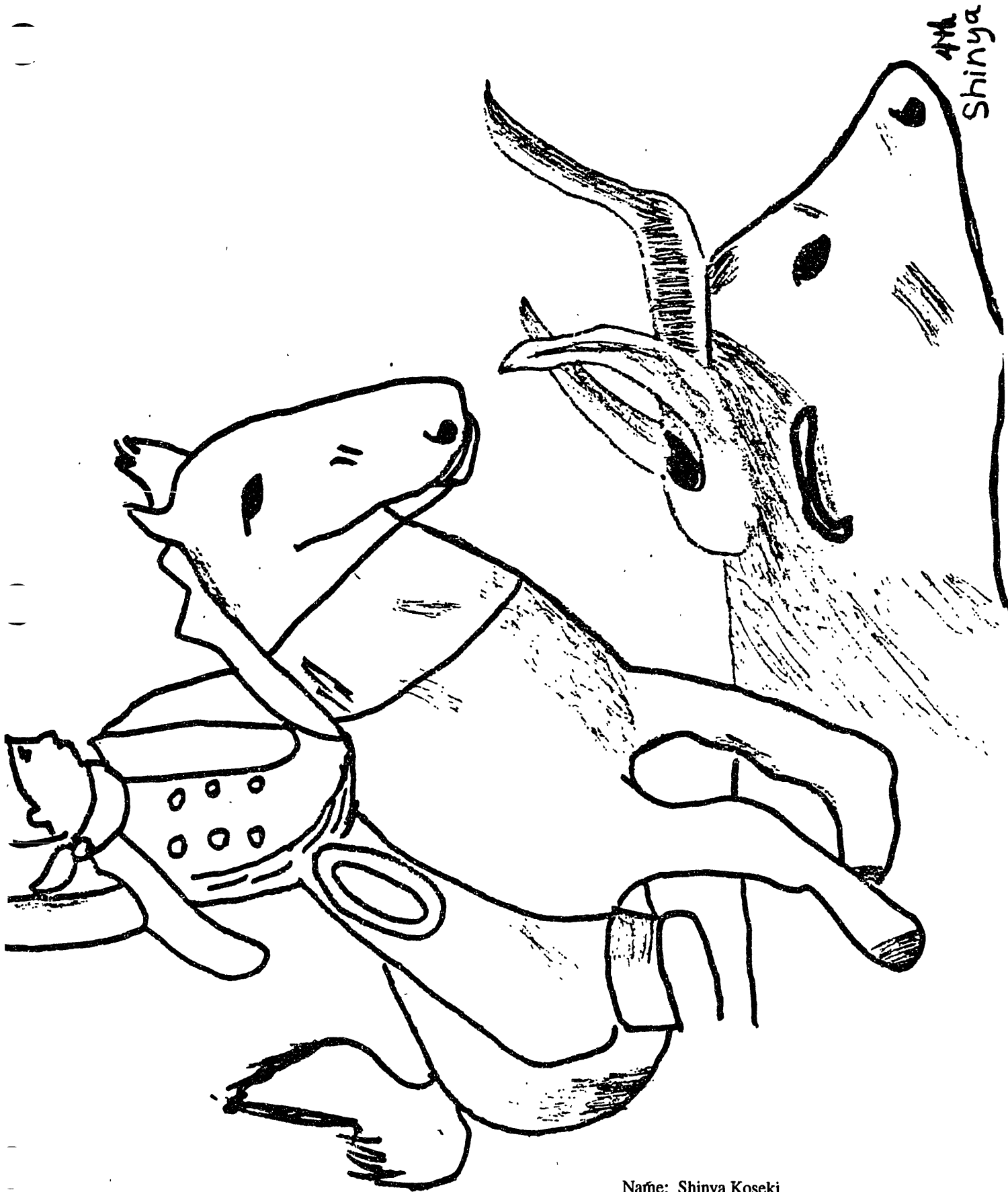
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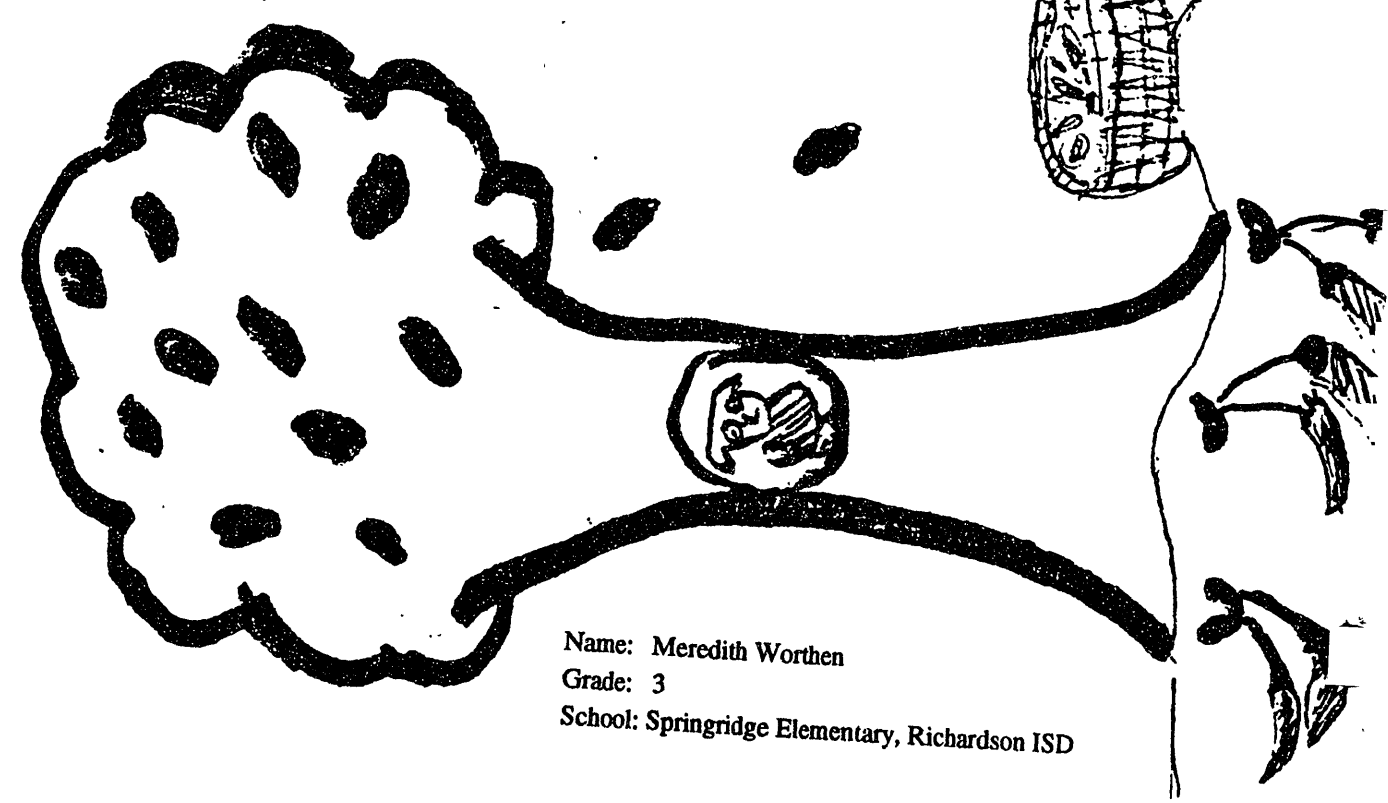
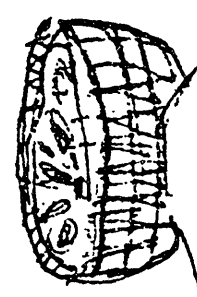
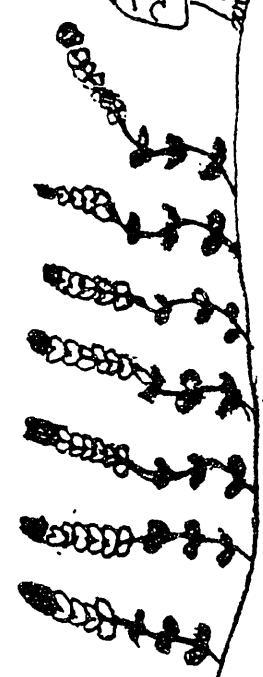
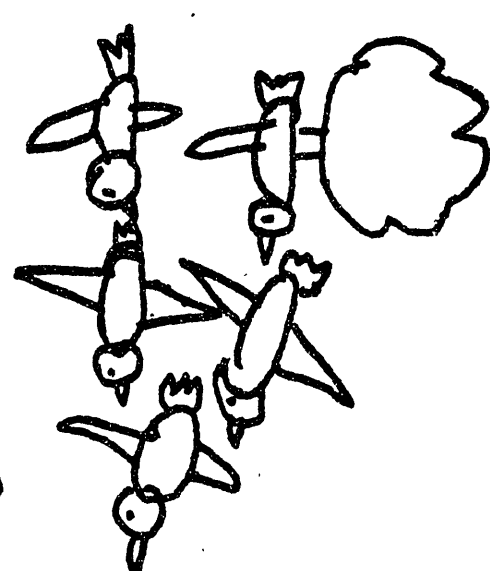
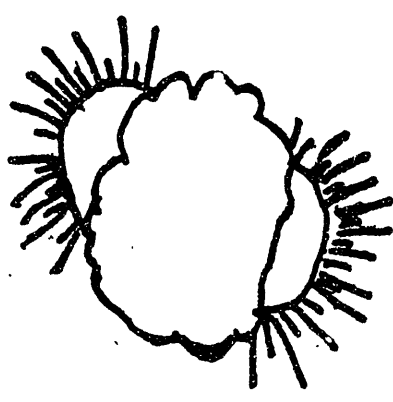
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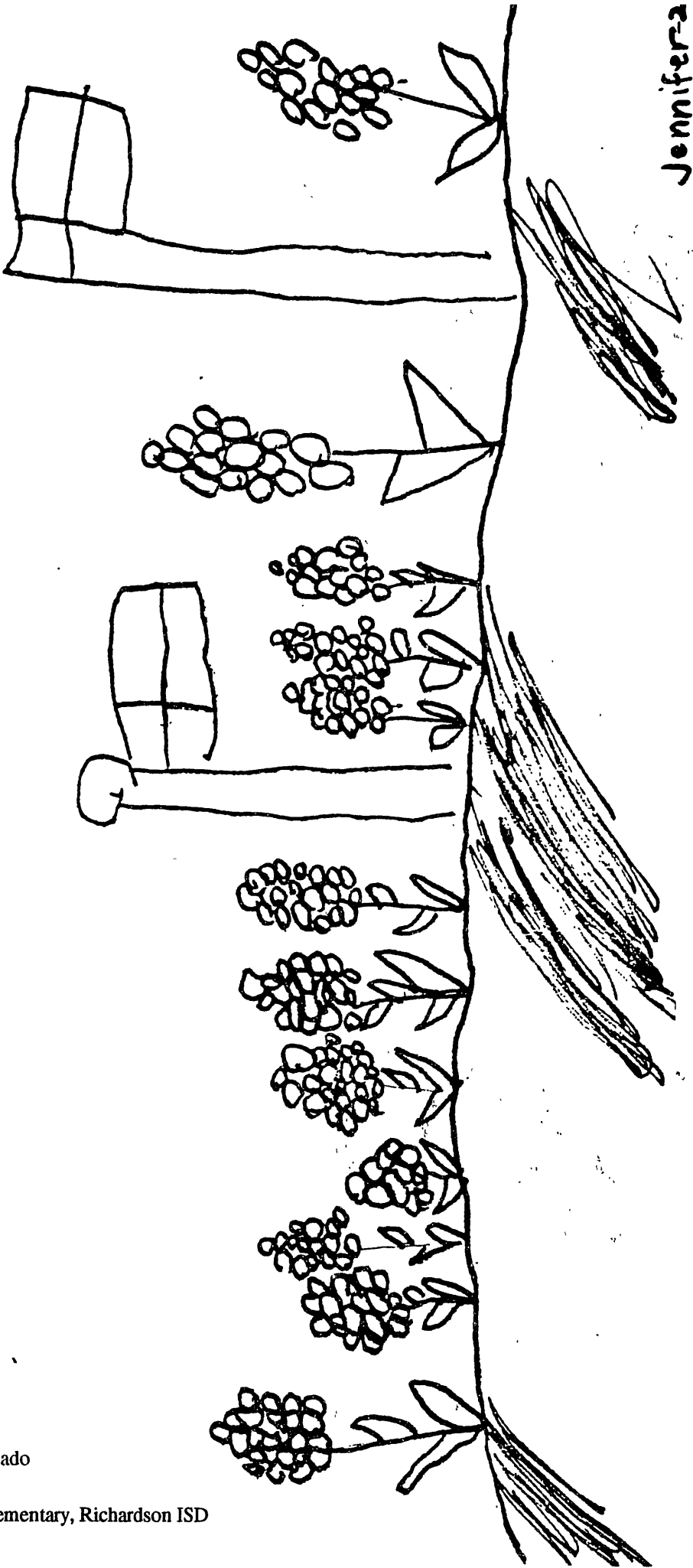
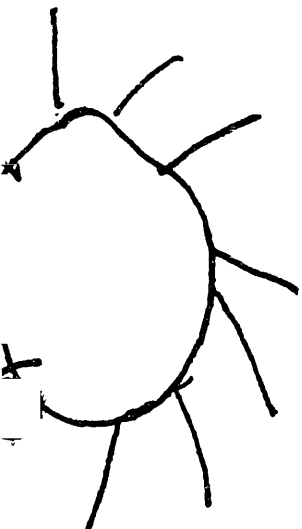
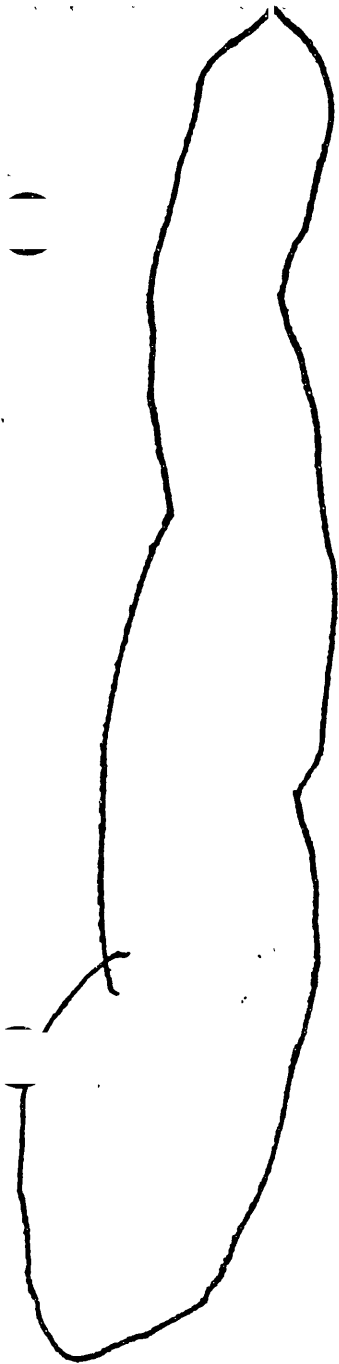
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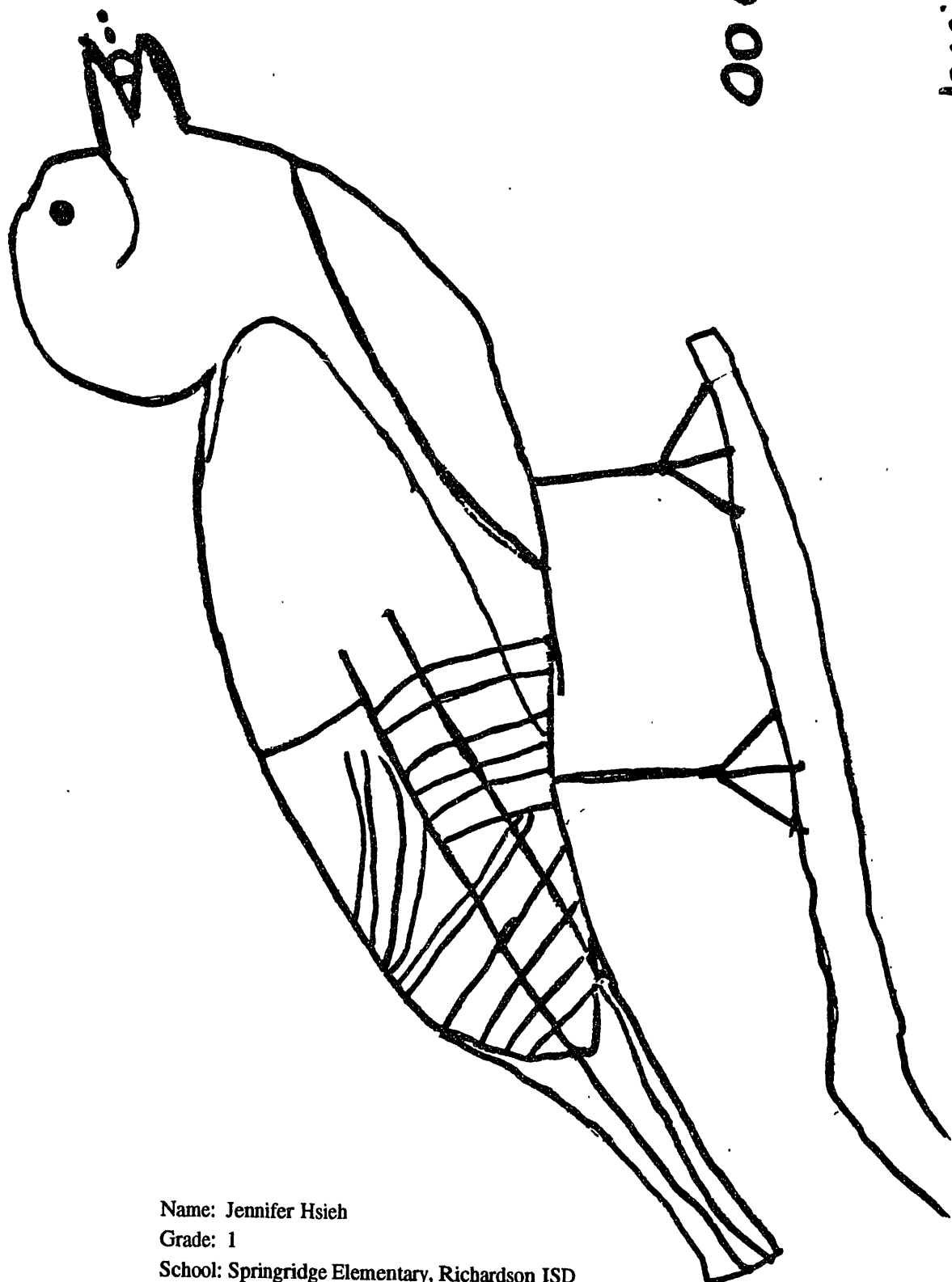
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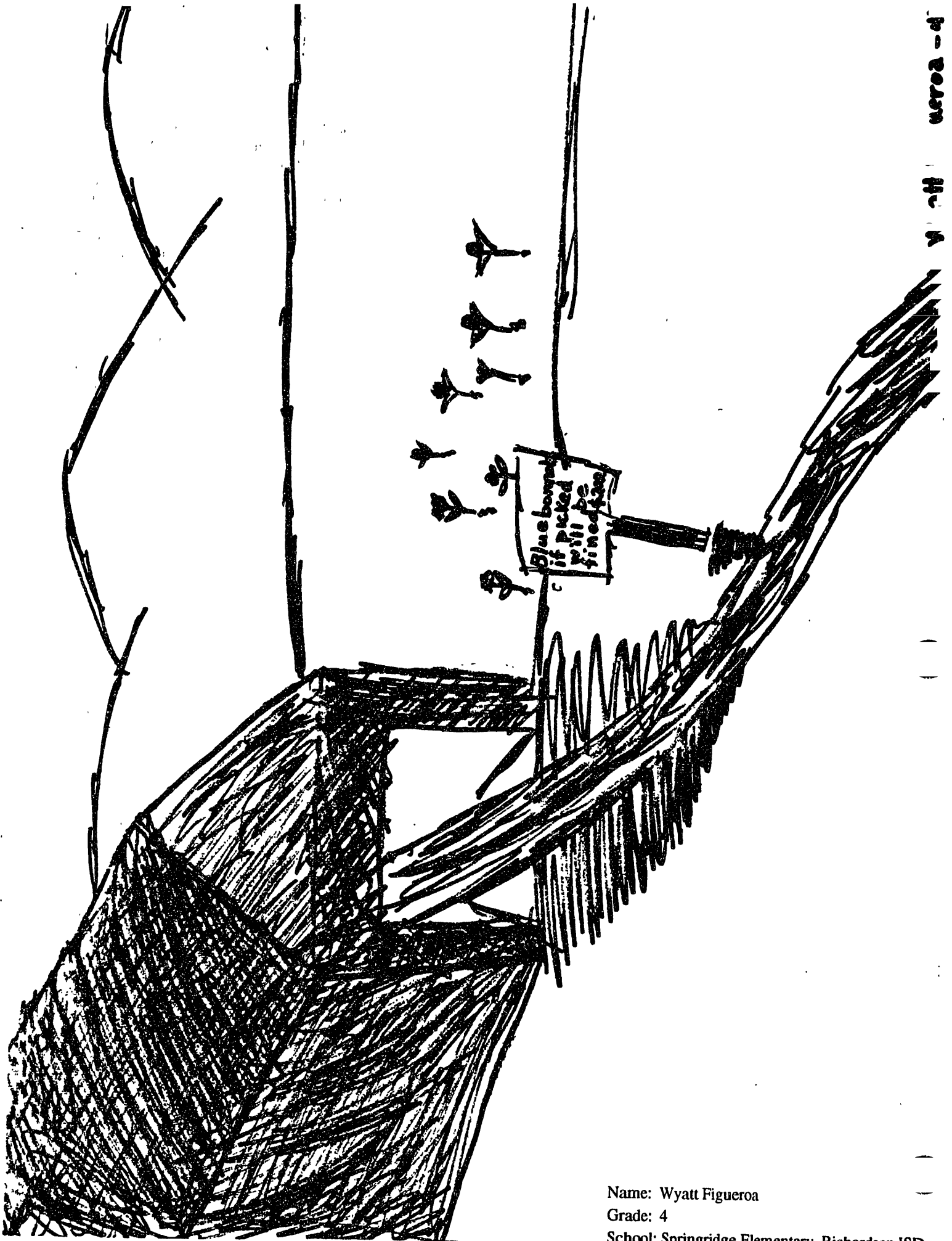
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Attorney General

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

Letter Opinions

LO-92-7 (RQ-335). Request from John D. Hughes, Hood County Attorney, Granbury, concerning use of the "records management and preservation fee" established by the Local Government Code §118.011(b).

Summary of Opinion. The "records management and preservation" fee established by Senate Bill 770, Acts 1991, 72nd Legislature, Chapter 587, at 2104, may be collected by the county clerk at his discretion. Any fees collected should be deposited with the county treasurer in a separate account, which is subject to audit. The commissioners court is responsible for allocating county funds, but it may expend funds collected under the "records management and preservation" fee only "for specific records management and automation projects."

TRD-9206744

Opinions

DM-105 (RQ-293). Request from Dan M. Boulware, District Attorney, Johnson and Somervell Counties, Johnson County Courthouse, Cleburne, concerning whether the Texas Commission on Law Enforcement Officer Standards and Education exceeded its rulemaking authority in promulgating Title 37, §211.80(a)(1) of the Texas Administrative Code.

Summary of Opinion. The Texas Commission on Law Enforcement Officer Standards and Education is not authorized to promulgate Title 37, §211.80(a)(1) of the Texas Administrative Code, a rule which requires an applicant for a peace officer, reserve, or jailer license to be a United States citizen.

TRD-9206742

DM-106 (RQ-152). Request from Mike Moncrief, Chairman, General Issues Subcommittee, Texas State Senate, Austin, concerning whether services of auctioneers are "professional services" for purposes of laws governing the awarding of contracts by cities and counties, and related questions.

Summary of Opinion. The determination of the city of Fort Worth that auctioneering services are not "professional services" for

purposes of exemption from the competitive bidding requirements imposed by Local Government Code, Chapter 252 is not contrary to law. Moreover, municipalities may procure services through a competitive bidding process even if such services qualify for an exemption under Local Government Code, §252.022, other than those services covered by Texas Civil Statutes, Article 664-4.

TRD-9206741

DM-107 (RQ-291). Request from Mike Driscoll, Harris County Attorney, Houston, concerning whether the Harris County Attorney is authorized to represent a Harris County Hospital District employee accused of criminal acts committed within the course of his duties, and whether the hospital district is authorized to hire an attorney to represent such an employee or to reimburse the employee's legal expenses following the conclusion of the litigation.

Summary of Opinion. Article 2.08 of the Code of Criminal Procedure prohibits the Harris County Attorney from representing a Harris County Hospital District employee in a criminal case. The Health and Safety Code, §281.056(c), authorizes the Harris County Hospital District to hire an attorney to represent an employee. Whether the Texas Constitution permits the Harris County Hospital District to do so in a particular case involves questions of fact and must be determined by its board. The Harris County Hospital District is not authorized to reimburse an employee's legal expenses following the conclusion of the litigation.

TRD-9206740

DM-108 (RQ-205). Request from Jack Skeen, Jr., Smith County Criminal District Attorney, County Courthouse, Tyler, concerning whether rule B11(c) of the Rules and Regulations of the Smith County Bail Bond Board which prohibits an original bail bond applicant from executing deeds of trust in property as security for obligations incurred in the bonding business is invalid as inconsistent with Texas Civil Statutes, Article 2372p-3.

Summary of Opinion. A county bail bond board is without authority to provide that an applicant for a bail bondsman license must

make the security deposit required by Texas Civil Statutes, Article 2372p-3, §6(f) in the form of a cashier's check, certificate of deposit, cash or cash equivalent, and that he may not satisfy the requirement by executing deeds to property in trust to the board in accordance with the provisions of §6(f)(2).

TRD-9206739

DM-109 (RQ-48). Request from Robert Flowers, Executive Director, State Commission on Judicial Conduct, Austin, concerning whether a constitutional county judge is disqualified from presiding over probate proceedings involving wills that he prepared or witnessed and related questions.

Summary of Opinion. The Texas Constitution Article V, §11, provides for disqualification of a judge from sitting in a case in which he is interested, in which either of the parties is connected with him by a degree of affinity or consanguinity set out in the laws, or in which he has been counsel in the case. A "case" within the third ground of disqualification includes an uncontested probate matter. Whether a judge is disqualified pursuant to the Texas Constitution Article V, §11 from presiding in a particular probate matter requires a case-by-case determination based on all relevant facts and circumstances.

TRD-9206738

DM-110 (RQ-208). Request from Larry E. Kosta, Executive Director, Texas Department of Licensing and Regulation, Austin, concerning whether section 11(b) of the Texas Boxing and Wrestling Act, Texas Civil Statutes, Article 8501-1, applies to cable television companies collecting pay-per-view fees from subscribers viewing live telecasts of professional boxing performances.

Summary of Opinion. Cable television companies collecting a special pay-per-view fee from subscribers who wish to view a simultaneous telecast of a live boxing performance are not subject to Texas Civil Statutes, Article 8501-1, §11(b).

TRD-9206737

DM-111 (RQ-247). Request from Scott W. Johnson, Reeves County Attorney, County Courthouse, Pecos, concerning whether the

county sheriff or the county commissioners court has the authority to choose a physician and schedule the physician to provide medical services to inmates incarcerated in the county jails.

Summary of Opinion. A county commissioners court has the authority to contract with a licensed physician to provide medical services to inmates incarcerated in the county jails. A county sheriff has the authority to schedule medical services for the county jails.

TRD-9206736

DM-112 (RQ-284). Request from Ron Lewis, Chairman, Natural Resources Committee, Texas House of Representatives, Austin, concerning the legality of "casino night" fundraising by nonprofit organizations.

Summary of Opinion. Those participating in "casino games" at the described nonprofit charitable organization fund-raising event would violate the Penal Code, §47.02 prohibition on gambling—"making bets"—unless, as a matter of fact, the "casino games" in question fall within a "carnival contests" exception to the definition of "bet" in the Penal Code, §47.01(1)(C) and (D).

TRD-9206735

Requests for Opinions

(RQ-345). Request from Larry A. Farrow, Executive Director, Texas Funeral Service Commission, Austin, concerning whether the El Paso Medical Examiner can charge funeral homes a daily storage fee for holding bodies.

(RQ-346). Request from George Pierce, Chair, Urban Affairs Committee, Texas House of Representatives, Austin, concerning whether a home rule city council member is barred by state law from voting on zoning matters affecting territory which includes that member's residence.

(RQ-347). Request from Marvin J. Titzman, Executive Director, Texas Surplus Property Agency, San Antonio, concerning whether a tax-exempt, nonprofit corporation which is exempt from the Texas Proprietary School Act and the Texas Education Code, §32.12(A)(2), is a nonprofit "school" for purposes of Texas law.

(RQ-348). Request from Allen Ross Hightower, Texas House of Representatives, Austin, concerning the distribution of funds to fire departments by county fire district boards.

(RQ-349). Request from Patricia S. Tweedy, M.P.A., Executive Director, Texas State Board of Examiners of Psychologists, Austin, concerning whether privileged information relevant to the parent-child relationship that a psychologist gained during a voluntary psychological evaluation of a per-

son involved in, or associated with, court proceedings involving the parent-child relationship are excepted from disclosure under Texas Civil Rule of Evidence 510(d)(6).

(RQ-350). Request from Craig D. Pedersen, Executive Administrator, Texas Water Development Board, Austin, concerning whether the Texas Water Development Board may accept funds from private businesses to offset the cost of issuing an agency newsletter, and related questions.

(RQ-351). Request from Jack E. Crump, Executive Director, Commission on Jail Standards, Austin, concerning authority of the Commission on Jail Standards to promulgate rules regarding the temporary emergency housing of county inmates, and related questions.

TRD-9206743

(RQ-352). Request from Phyllis Massey, County Auditor, County of DeWitt, Cuero, concerning whether the term "county treasury" means "county depository" in Chapter 59 of the Code of Criminal Procedure in provisions regarding depositing of forfeited moneys.

(RQ-353). Request from O.H. "Ike" Harris, Chair, Jurisprudence Committee, The Texas Senate, Austin, concerning whether the Insurance Code, Article 21.24-2, §4(c), bars a physician who accepts an assignment of health insurance benefits from waiving payment of deductibles or copayments.

(RQ-354). Request from Peter Potemkin, Executive Director, Texas Workers' Compensation Insurance Facility, Austin, concerning whether, under §3(a)(1) or §3(a)(10) of the Open Records Act, Texas Civil Statutes, Article 6251-17a, the Texas Workers' Compensation Insurance Facility can withhold from public disclosure the guidelines it uses to determine the percentage of the estimated premium it will require an applicant to pay as a deposit, and related questions.

(RQ-355). Request from John Whitmire, Chair, Committee on Intergovernmental Relations, The Texas Senate, Austin, concerning whether §3(a)(15) of the Open Records Act, Article 6252-17a, Texas Civil Statutes, which makes certain birth and death records available to the public, applies to the San Antonio Metropolitan Health District, and related questions.

(RQ-356). Request from Tim Curry, Criminal District Attorney, Tarrant County Justice Center, Fort Worth, concerning whether the Local Government Code, §117.002, which requires district and county clerks to deliver certain abandoned funds to the state treasurer, violates Article II, §1 of the Texas Constitution, and related questions.

(RQ-357). Request from Gary L. Watkins, Chair, Higher Education Committee, The Texas House of Representatives, Austin,

concerning whether a community college district board member can be appointed interim chancellor of the same community college district, and related question.

(RQ-358). Request from Gary L. Watkins, Chair, Higher Education Committee, The Texas House of Representatives, Austin, concerning whether notice that a community college district board was to consider the selection of an interim chancellor satisfied the requirements of the Texas Open Meeting Act, Texas Civil Statutes, Article 6252-17.

(RQ-359). Request from Jim Mapel, Criminal District Attorney, Brazoria County Courthouse, Angleton, concerning whether a home rule city may adopt a nepotism rule that is more restrictive than state law.

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

(RQ-361). Request from Mike Driscoll, Harris County Attorney, Houston, concerning whether Harris County can arrange to have its checks drawn on a branch banking site that is located outside the county if the bank's depository is located in the county seat, pursuant to the Local Government Code, §116.021, et seq.

(RQ-362). Request from Bryan M. Perot, Executive Officer, Polygraph Examiners Board, Austin, concerning whether Texas Civil Statutes, Article 6252-9b, §7(A)(a) prohibits a former member of the Polygraph Examiners Board from appearing before the board in connection with sponsoring a polygraph intern.

(RQ-363). Request from James Warren Smith, Jr., Frio County Attorney, Pearsall, concerning whether a county commissioner's court is authorized to promulgate regulations creating a "smoke-free" environment or designate restricted areas in county buildings or facilities for smoking.

(RQ-364). Request from Ron Wilson, Chair, Committee on Liquor Regulation, Texas House of Representatives, Austin, concerning questions relating to the transfer of funds from the Metropolitan Transit Authority of Harris County to the City of Houston, pursuant to Texas Civil Statutes, Article 1118x.

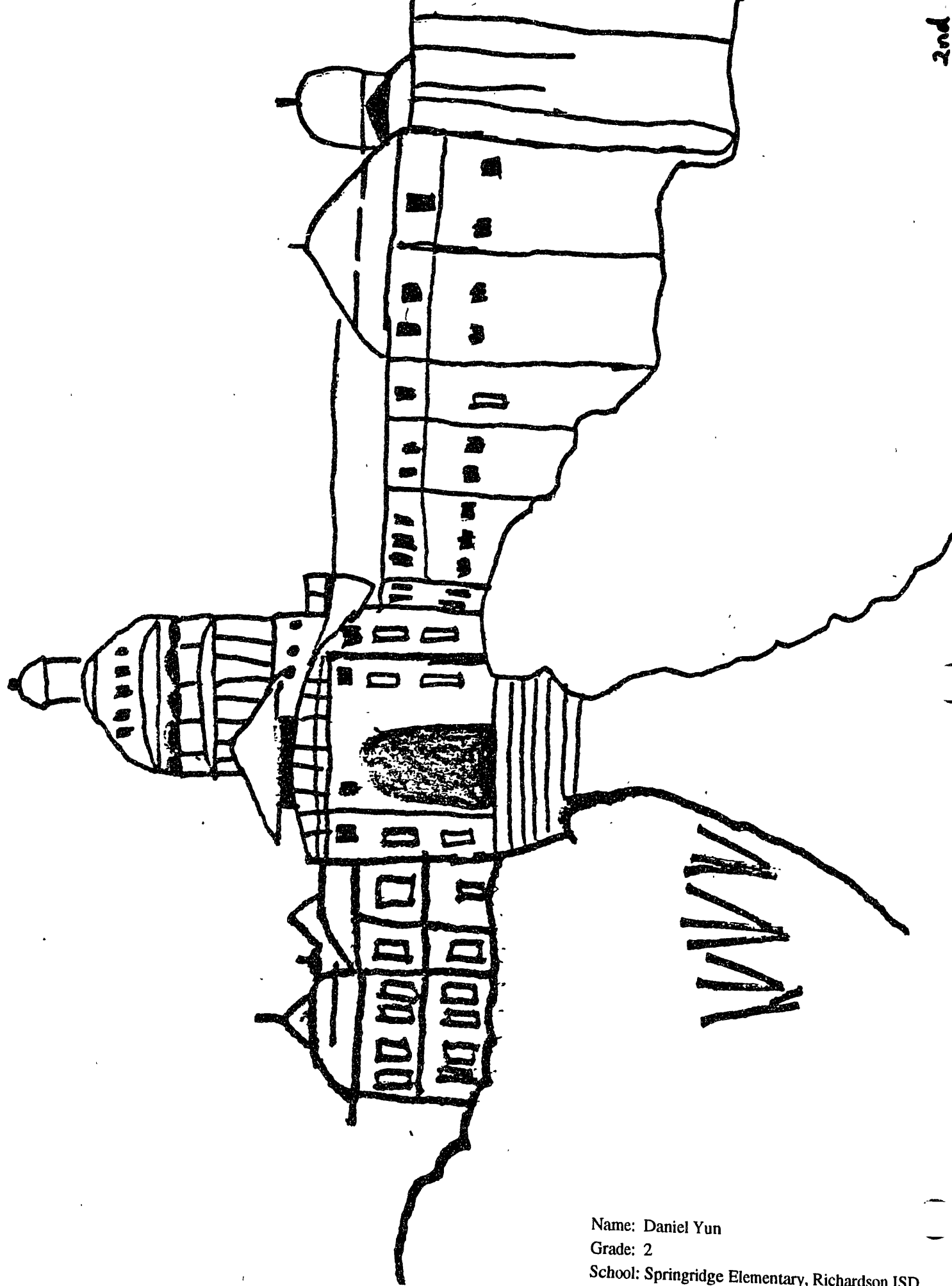
(RQ-365). Request from Mike Driscoll, Harris County Attorney, Houston, concerning whether the personnel records of the Harris County Sheriff's Office are excepted from disclosure under the Local Government Code, §157.904.

(RQ-366). Request from Jack Skeen, Jr., Criminal District Attorney, Smith County

Courthouse, Tyler, concerning whether the
Open Meetings Act, §2(g), excepts from
required disclosure under the Open Records
Act the names of applicants for public em-
ployment discussed by a governmental body
in an executive session.

TRD-9206745





WVWV

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Texas Ethics Commission

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

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

Opinions Request

AOR-42. The Texas Ethics Commission has been asked about the acceptance of gifts by employees of a regulatory agency. Specifically, the requestor asks about items such as caps and coffee mugs offered by a person or business regulated by the agency. Generally, these are items that the person or business does not sell but gives award for promotional purposes. The requestor asks whether agency employees may accept such gifts.

AOR-43. The Texas Ethics Commission has been asked about the acceptance of gifts by officers and employees of regulatory agency. The agency has statutory authority to accept gifts. Occasionally, people bring gifts of food or beverages to the agency. The requestor asks whether officers or employees of the agency or the agency itself may accept such gifts. The requestor also asks whether the agency may accept gifts from a person interested in a matter pending before the agency. Finally, the requestor asks whether there is a legal basis for officers or employees accepting gifts of de minimis value and, if so, how value is to be assigned to food items such as a plate of cookies.

AOR-44. Texas Ethics Commission has been asked about the acceptance of a plaque by an officer of an executive branch agen-

cy. An organization that is not required to register under the lobby statute, the Government Code, Chapter 305, wishes to give the officer of plaque as a gesture of appreciation for a speech the officer made to the organization. The officer estimates the cost of the plaque to be \$40 to \$60. The officer asks whether he may accept the plaque and, if so, how it is to be reported.

AOR-45. The Texas Ethics Commission has been asked to consider the following four questions.

Are expenses shared by a group of lobbyists (or a set fee), paid to sponsor a reception for a member of the legislature considered a reportable expenditure of the lobbyist activity report; a campaign contribution; or both?

Is the amount paid for a ticketed fundraiser, where members of the legislature are present (such as a reception for the Senate Democratic Campaign Committee, Republican Caucus or an individual elected official) considered a reportable expenditure of the lobby activity report; a campaign contribution; or both?

Are expenses made to communicate directly with a non-incumbent candidate for legislative office considered a reportable expenditure of the lobbyist activity report?

Is a campaign contribution personally delivered to a legislator, reportable as a lobby expenditure with the lobby activity report?

AOR-46. The Texas Ethics Commission has been asked to consider whether the commission may impose penalties for late reports on a person registered as a lobbyist with the commission if the person was not actually required to register under Chapter 305.

The Texas Ethics Commission is authorized by Texas Civil Statutes, Article 6252-9d.1, §1.29, to issue advisory opinions in regard to the following statutes: (1) Texas Civil Statutes, Article 6252-9b; (2) Chapter 302, Government Code; (3) Chapter 305, Government Code; (4) Title 15, Election Code; (5) Chapter 36, Penal Code; (6) Chapter 39, Penal Code.

Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

Issued in Austin, Texas, on May 12, 1992.

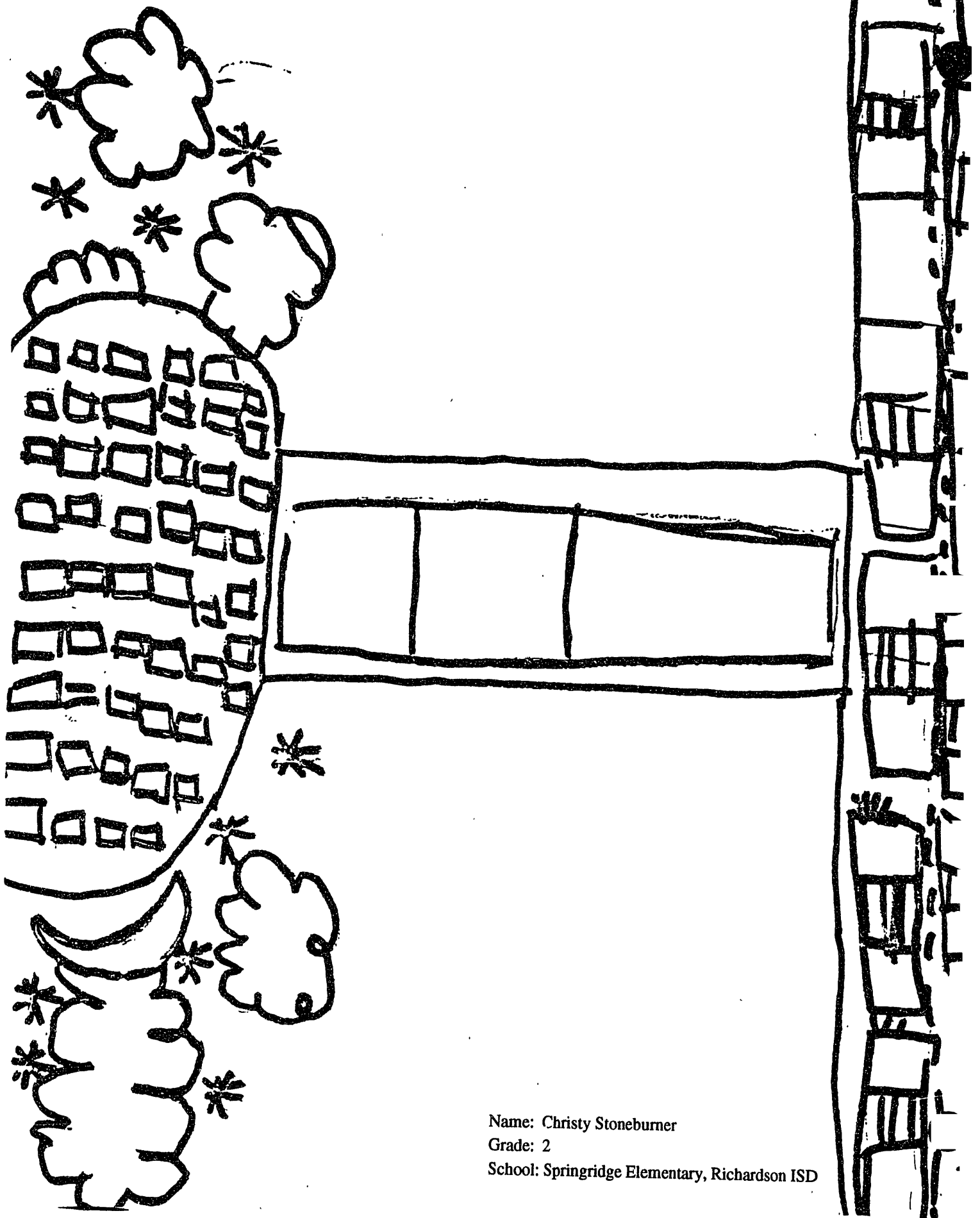
TRD-9206626

Sarah Woelk
Director, Advisory Opinions
Texas Ethics Commission

Filed: May 13, 1992

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

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Name: Christy Stoneburner

Grade: 2

School: Springridge Elementary, Richardson ISD

Emergency Sections

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

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

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 133. Hospital Licensing.

Standards

• 25 TAC §133.21

The Texas Department of Health (department) adopts on an emergency basis an amendment to §133.21 concerning hospital licensing standards (standards) which the section adopts by reference. The amendment is to the emergency amendment to §133.21 which was published in the January 7, 1992, issue of the *Texas Register* (17 TexReg 88) and which was renewed for a 60-day period in the April 21, 1992, issue of the *Texas Register* (17 TexReg 2840).

The amendment modifies Chapter 12 of the standards relating to special licensing standards governing the provisions of mental health services in hospitals. Specifically, the

amendment modifies the definition of "hospital" in §12-3.7 in Chapter 12 by including special hospitals in the definition, thereby covering all hospitals licensed by the department. The Texas Hospital Licensing Law, Health and Safety Code, Chapter 241, allows for the licensing of both general and special hospitals. Because both general and special hospitals may have an identifiable unit for the provision of mental health services, the department believes the rule should apply to special hospitals which provide mental health services.

The amendment is adopted on an emergency basis in order to address abuses recently identified in widespread public allegations of violations of state law and patient rights in private general and special psychiatric hospitals. Accordingly, it is imperative that the department adopt as soon as possible this amendment to include special hospitals along with general hospitals in the definition of "hospitals".

The amendment is adopted on an emergency basis under the Health and Safety Code, §241.027, which provides the Texas Board of Health (board) with authority to adopt rules to establish and enforce minimum standards for

the licensing of hospitals; §12.001 which provides the board with authority to adopt rules for the performance of every duty imposed by law upon the board, the department, and the commissioner of health; and Texas Civil Statutes, Article 6252-13a, §5, which provides the board with authority to adopt rules on an emergency basis.

§133.21. Adoption by Reference.

(a) The Texas Department of Health adopts by reference the rules contained in the department publication effective September 1, 1985, entitled "Hospital Licensing Standards," as amended through June 1992.

(b) (No change.)

Issued in Austin, Texas, on May 18, 1992.

TRD-9206775

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

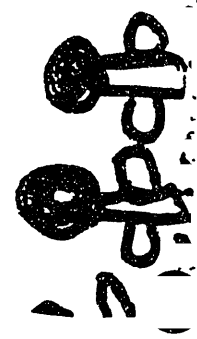
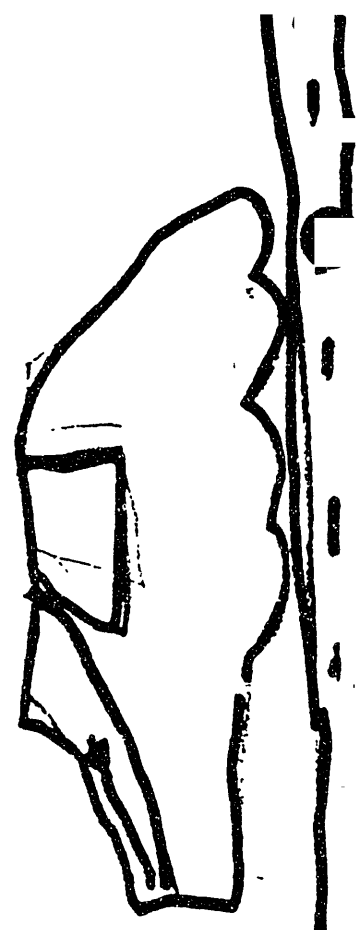
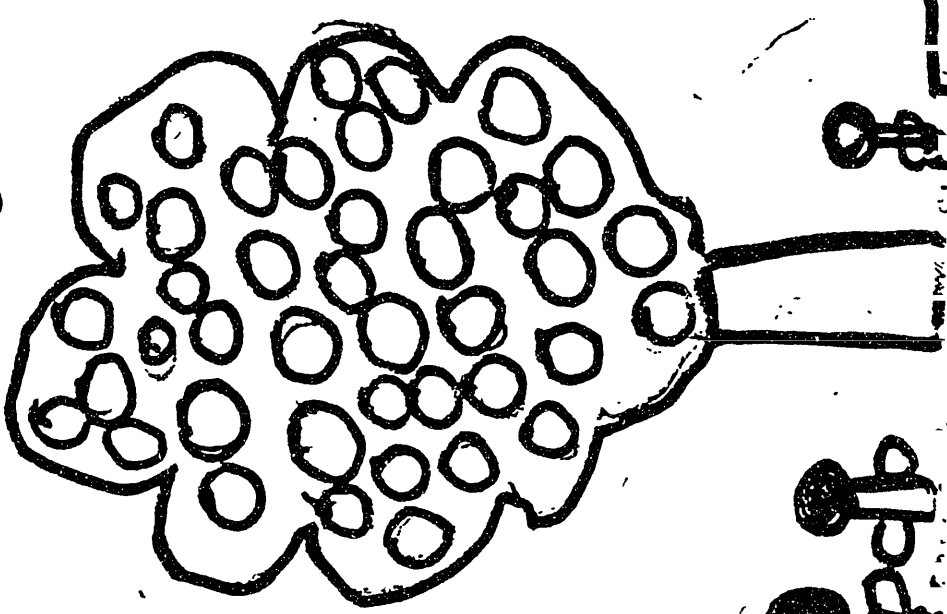
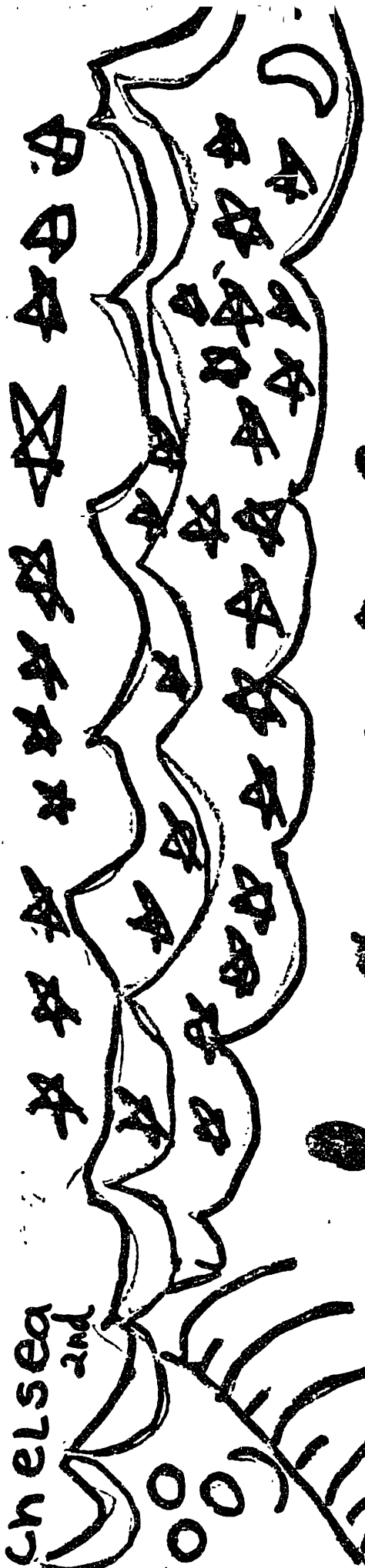
Effective date: May 18, 1992

Expiration date: September 15, 1992

For further information, please call: (512) 834-6650



Chelsea
2nd



Name: Chelsea Jackson
Grade: 2
School: Springridge Elementary, Richardson

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 10. COMMUNITY DEVELOPMENT

Part V. Texas Department of Commerce

Chapter 178. Texas Community Development Program

Subchapter A. Allocation of Program Funds

• 10 TAC §178.20

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

The Texas Department of Commerce (Commerce) proposes the repeal of §178.20, concerning the allocation of Texas Community Development Program funds. The section proposed for repeal governs the Colonia Fund. The administration of the Texas Community Development Program was transferred to the Texas Department of Housing and Community Affairs (TDHCA) from Commerce on September 1, 1991, pursuant to Senate Bill 41, 72nd Legislature, Second Called Session. TDHCA has adopted new rules governing the Colonia Fund at 10 TAC §9.9.

Sedora Jefferson, general counsel, has determined that for the first five-year period the repeal will in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal.

Ms. Jefferson also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be compliance with state law. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Sedora Jefferson, General Counsel, P.O. Box 12728, Austin, Texas 78711, within 30 days after the date of this publication.

The repeal is proposed under the Texas Government Code, §481.021 which provides Commerce with the authority to adopt and enforce necessary rules.

§178.20. Colonia Fund.

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

Issued in Austin, Texas, on May 5, 1992.

TRD-9206677 Cathy Bonner
Executive Director
Texas Department of
Commerce

Earliest possible date of adoption: June 22, 1992

For further information, please call: (512) 320-9666

TITLE 28. INSURANCE

Part I. Texas Department of Insurance

Chapter 3. Life, Accident and Health Insurance and Annuities

Subchapter FF. Credit Life and Accident and Health Insurance

Applications and Policies

• 28 TAC §3.5107

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

The State Board of Insurance of the Texas Department of Insurance proposes the repeal of §3.5107, concerning additional provisions for group certificates. This section is repealed because it is no longer needed as it affords no additional consumer protection.

Max Ryan, director of the credit life and credit accident and health section, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal, and there will be no effect on the local employment or local economy.

Mr. Ryan, also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result

of enforcing the repeal will be the elimination of an unnecessary regulation from the Texas Administrative Code. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed repeal.

In order for a comment to be considered as officially filed with the State Board of Insurance, a copy must be submitted in writing within 30 days after publication of the proposed rule in the *Texas Register* to Linda K. von Quintus-Dorn, Chief Clerk, P.O. Box 149104, Mail Code 113-2A, Austin, Texas 78714-9104. An additional copy of the comment should be submitted to, Max Ryan, director of the Credit Life and Credit Accident and Health Section, Mail Code 106-1C, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104.

The repeal is proposed under Insurance Code, Articles 3.53 and 104, and Texas Civil Statutes, 6252-13a, §4 and §5. The Insurance Code, Article 3.53, §12, authorizes the board to promulgate rules to supervise that Act. Article 1.04(b) provides the board with authority to determine rules in accordance with the laws of this state. Texas Civil Statutes, Article 6252-13a, §4 and §5 authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and prescribe the procedures for adoption of rules by a state administrative agency. The repeal affects regulation of credit life, accident, and health insurance under the Insurance Code, Article 3.53, §§1-14.

§§3.5107. Additional Provisions for Group Certificates.

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

Issued in Austin, Texas, on May 15, 1992.

TRD-9206725 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Earliest possible date of adoption: June 22, 1992

For further information, please call: (512) 463-6327

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission

Chapter 87. Treatment

Health Care Services

- 37 TAC §§87.91, 87.93, 87.95, 87.99, 87.101, 87.103, 87.105, 87.111

The Texas Youth Commission (TYC) proposes amendments to §§87.91, 87.93, 87.95, 87.99, 87.101, 87.103, 87.105, and 87.111, concerning medical consent; medical care; medical expenditures; suicide alert; medical alert; psychopharmacotherapy; pharmaceuticals; and acquired immune deficiency syndrome (AIDS). The amendments will add procedures for medical consent by committed youth who are age 18 or older and allow consideration of discharge after appropriate referral, for youth who are low risk and have serious medical and mental health problems. To the section regarding AIDS, rules regarding housing and treatment are being added.

John Franks, director 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.

Mr. Franks 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 a more efficient use of the Commission's medical resources. 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 Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

The amendments are proposed under the Human Resources Code, §61.076, which provides the Texas Youth Commission with the authority to provide medical and psychiatric treatment as necessary.

§87.91. Medical Consent.

(a) Texas Youth Commission (TYC) has the authority to consent to the medical treatment of its youth only when the youth's parents or guardians have been contacted and actual [notice to the contrary] objection by parents or guardians has not been received by TYC within three days of the parents' or guardians' receipt of the notice [received]. Absent such notice, TYC gives its consent for the following routine medical treatment when it is administered by health care providers paid by TYC:

(1)-(3) (No change.)
(4) mental health [psychiatric] evaluations;

(5)-(7) (No change.)

(8) chemical dependency evaluations.

(b) (No change.)

(c) TYC may consent to the previous routine medical treatment when a youth is committed to a facility of the Texas Department of Mental Health and Mental Retardation, [state hospitals] if the parent or guardian cannot be contacted for consent. Consent will be given by the health services department in central office.

(d) Though it has the authority to consent to other medical treatment, TYC defers to youth parents or guardians when medical treatment other than that enumerated previously may be necessary. [Pharmaceutical, cosmetic, and medical experiments are prohibited.]

(e) Parents or guardians who notify TYC that they object to TYC's having medical consent authority are asked to give their consent to routine physical, dental, mental health and chemical dependency [and psychiatric] examinations/evaluations administered by health care providers paid by TYC. If parents refuse to give such consent, the matter is referred to TYC's legal department.

(f) Contact with parents or guardians by letter to notify them of TYC's medical consent authority is documented by retaining in the youth's medical subfile a postal receipt for certified mail. Parole officers discuss the letter with parents or guardians during home evaluation visits. Questions are referred to the health service department in central office by telephone.

(g) When a youth reaches the age at which he may legally consent (18 years of age) his/her wishes with respect to medical treatment will prevail if there is a conflict between the youth and the parent/guardian.

§87.93. Medical Care.

(a) Policy. The Texas Youth Commission (TYC) provides professional medical and dental services for its youth according to the rules of this policy. Pharmaceutical, cosmetic, and medical experiments are prohibited. This policy does not preclude individual treatment of a youth based on his or her need for a specific medical procedure which is not generally available.

(b) Rules.

(1) (No change.)

(2) Standard operating procedures governing the provision of medical and dental care are approved by the medical director and the local physicians and dentist.

(3) (No change.)

(4) Written agreements exist between the TYC facility and a community hospital to provide emergency services and medical care which cannot be provided by the facility. Each facility will have a vehicle designated for emergency medical use.

(5) Medical/dental services are delivered by [at] the facility physicians, dentist, psychiatrist, and pharmacists or through a contract with designated physicians, dentists, psychiatrists and pharmacists. The facility physician will act as the local health authority.

(6) All youth receive a physical and dental exam upon admission to TYC and annually [periodically] thereafter.

(7) An individual medical/health plan is developed for each youth. The plan documents current health status, provides a health care plan, [logs services as they occur,] and provides recommendations for follow-up care when a youth is released.

(8) (No change.)

(9) Routine medical complaints are responded to at the scheduled sick call to be held at least once a day, five days per week [daily]. A physician and dentist will conduct clinic on campus weekly. The psychiatrist will provide services on campus as agreed in his/her contract.

(10) (No change.)

(11) Program staff are trained in first aid, [and] cardiopulmonary resuscitation and juvenile health issues.

(12) The responsible physician or [consultant] psychiatrist may authorize pharmacological intervention [medical restraint] when required in a life threatening situation or when the youth is engaged in imminent serious self-injury.

(13) Youth are provided medical examination and treatment immediately following an injury, use of force, or the use of a chemical agent.

§87.95. Medical Expenditures.

(a) Policy. The Texas Youth Commission (TYC) assumes financial responsibility for the provision of routine and emergency medical services for its youth during the period they are under direct care in agency and contract programs. The youth's insurance is utilized if available. Low risk youth in need of additional high cost services may be considered for dis-

charge. This policy does not preclude the purchase of mental health and counseling services which are required to administer a youth's case plan.

(b) Rules.

(1) [However, in] In the event a youth suffers an injury or illness which requires extended specialized care or which prevents a youth's return to active program participation, the case is reviewed for possible early discharge and referral for outside medical assistance.

(2) Youth who have been determined to be a low risk based on the nature and length of offense history, and who have a serious medical or mental health consideration are referred to an appropriate resource for treatment. Youth may be considered for discharge upon successful referral.

(3) When discharge is considered, [The review staff are] the division director, the health services administrator, [medical director] and the director of legal services review the case. A written recommendation is then submitted to the deputy executive director for final determination.

(4) [TYC is not responsible for medical costs incurred by the youth on furlough or parole status when they are placed in the home of a parent, relative, or guardian.] The agency's parole staff will help identify for the parents, relative, or guardian medical assistance resources when necessary. [This policy does not preclude the purchase of mental health and counseling services which are required to administer a youth's case plan.] TYC is not responsible for medical costs incurred by youth:

(A) on furlough or parole when they are placed in the home of a parent, relative, or guardian;

(B) while on escape;

(C) for injuries/illnesses sustained while on escape.

§87.99. Suicide Alert.

(a) Policy. A licensed psychiatrist or Ph.D. psychologist [mental health professional] conducts a mental health assessment of youth who are at risk of suicide. Program staff are made aware of youth placed on suicide alert status. All direct care staff receive suicide prevention training. A mental health assessment is completed when a youth exhibits suicidal behavior or when the record indicates prior suicidal attempts or [] ideations. This policy does not apply when a youth is home on parole except where specifically stated.

(b) Rules.

(1) All staff, including parole officers, are responsible for reporting a youth believed to be at risk for suicide to a psychiatrist/Ph.D. psychologist [mental health professional].

(2) (No change.)

(3) Youth whose T-score is above 74 are always referred to a psychiatrist [mental health professional].

(4) Youth who exhibit suicidal risk(s), e.g., depression or hopelessness, are always referred to a mental health professional.

(5) Youth are placed on suicide alert by a mental health professional.

[(A) If the youth is in an institution or the reception center, the mental health professional is the institutional psychiatrist, or Ph.D. psychologist.

[(B) If the youth is in a halfway house or a contract placement, the mental health professional is a community psychiatrist, Ph.D. psychologist, or a certified medical psychiatric caseworker.]

(4)[(6)] Youth may be placed on "suicide alert pending" by the nurses, or treatment or administrative staff until the evaluation by the psychiatrist/Ph.D. psychologist [mental health professional].

(5)[(7)] Youth placed on alert will be seen by the psychiatrist/Ph.D. psychologist [mental health professional or designee] once per week for a minimum of two weeks.

(6)[(8)] The frequency of continued counseling for youth on alert status is determined by the psychiatrist/Ph.D. psychologist [mental health professional or designee] at all settings, including parole. [facilities. A designee may be a psychologist or certified medical psychiatric caseworker.]

(7)[(9)] Youth are removed from alert status by the psychiatrist/Ph.D. psychologist [mental health professional] initiating the status when the youth has stabilized.

(8) Youth on suicide alert status may not be transferred to another placement unless that placement is a TYC institution, residential treatment center, or other placement having on-site psychiatric/Ph.D. psychological staff.

(9)[(10)] Youth who have been on suicide alert within the past six months are reevaluated by a psychiatrist/Ph.D. psychologist [mental health professional] following a placement change [including placement at home on parole].

(10) [(11)] The file of a youth on alert status is color coded red.

(11)[(12)] When a youth is placed on or removed from suicide alert status, the HLS-210 Suicide Alert [CCF-407] form is filled out and placed in the medical subfile and a copy in casework subfile and relevant data is entered in the automated medical records system.

§§87.101. Medical Alert.

(a) (No change.)

(b) Rules.

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

(3) A written individual treatment plan with directions for health care staff and other personnel regarding their role in the care and supervision of the youth is developed by the appropriate physician.

(4)[(3)] The files of youth on medical alert are color coded blue.

(5)[(4)] Program staff are informed of youth on medical alert and relevant data is entered into the automated medical records system.

§87.103. Psychopharmacotherapy.

(a) Policy. The Texas Youth Commission (TYC) uses psychopharmacotherapy as an established method of treatment of emotionally disturbed adolescents. The use of psychotropic drugs within TYC facilities and contracted residential treatment centers is monitored. Under no circumstances does TYC subject [its] youth to medical or pharmaceutical experimentation or research, or the use of psychotropic medication for program management or control purposes.

(b) Rules.

(1) (No change.)

(2) The purpose of drug therapy is the clinical relief of symptoms distressing to the youth [student] or interfering with normal functioning.

(3) Every effort will be made to ensure that prescribing is a collaborative effort between the youth and the clinician, necessitating, whenever reasonable or possible, the sharing of information such as treatment objectives, disadvantages, and available alternatives.

(4)[(3)] The proper dosage is the lowest that will maintain the desired therapeutic effect.

(5)[(4)] The oral route is the preferred method of administration in the absence of specific contraindications. Standing [and PRN] orders will not be utilized for psychotropic drugs.

(6)[(5)] The administration of psychotropic drugs is not allowed for purposes of punishment or for program management or control.

(7)[(6)] Initial [Periodic] review by the prescribing physician of psychotropic drug orders is required within 30 days and ongoing review is required at least every 60 days thereafter.

(8) [(7)] The directors of nurses at institutions, consultant registered nurses at halfway houses, and administrators of residential contracts submit the psychotropic drug report monthly to the health service office at the TYC central office.

(9)[(8)] The medical director reviews the monthly psychotropic drug reports.

(10)[(9)] A consultant outside the agency reviews the psychotropic drug report and submits a written report to the medical director regarding any concerns. The medical director addresses the concerns with the appropriate physician.

§87.105. Pharmaceuticals.

(a) Policy. The Texas Youth Commission facilities shall comply with federal and state laws pertaining to the acquisition and storage of prescription drugs. The agency may contract [contracts] with a consultant pharmacist and operates a Class C pharmacy at each institution.

(b) Rules.

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

(4) Pharmacies and medication rooms/cabinets are equipped with locks [a lock], keyed separately from other facility locks. Doors are locked. Only authorized personnel have access to this area.

(5) (No change.)

§87.111. Acquired Immune Deficiency Syndrome.

(a) Policy. The Texas Youth Commission (TYC) attempts to provide a safe and healthful environment for youth [and staff] in its facilities. Every individual is treated equally and every individual's right to privacy is respected. Routine screening or testing for the HIV antibody is prohibited by law. Strict confidentiality shall be upheld regarding any HIV/AIDS testing or test results. TYC provides ongoing training regarding acquired immune deficiency syndrome (AIDS) to [staff and] youth. Policy and procedure have been developed within the state law currently in effect. Youth [Employees] should be aware that violation of the law in regard to testing or confidentiality is a Class A misdemeanor punishable by a fine and/or imprisonment and civil liability.

(b) Rules.

(1) Testing.

(A) Routine screening HIV/AIDS testing [tests] shall not be performed unless as a blind study for statistical purposes initiated by the medical director or health services administrator and with the approval of the executive director. There shall be no form of identifying information in the study.

(B) HIV/AIDS testing [Tests] shall not be performed routinely as a result of an assault by a youth.

[(C) Testing of any youth shall be approved by the medical director or health services administrator and consent shall be given by the youth prior to administering the test. See the Family Code, §35.03(a)(3).]

(C)[(D)] HIV/AIDS testing [Testing] may be done on youth [requested and may be approved] under the following circumstances only: [.]

(i) a youth signs a written consent form indicating his/her willingness to be tested voluntarily, Consent Form, HLS-755; or

(ii) as part of a complete medical diagnostic evaluation which would change the medical or social management of the youth tested or others associated with the youth, and is done in accordance with the procedures in subparagraphs (D)-(H) of this paragraph.

[(i) A youth exhibiting signs and symptoms of the disease and/or who has a history of high risk behavior may be tested as a part of a complete medical diagnostic evaluation if ordered by the physician.

[(ii) A youth may request that the test be performed.]

(D) Blood may be collected for HIV testing by nurses/physicians at the statewide reception center, Evins Regional Juvenile Center, and TYC institutions. Testing of youth at other locations, including halfway houses, is done by referral of the youth to the local health department or approved community testing site.

(E) Pretest counseling regarding HIV/AIDS [implications of being tested] shall be provided to the youth by the physician, or director of nurses at an institution, statewide reception center, or Evins Regional Juvenile Center [or con-

tract nurse] prior to youth [his or her] giving consent. Post-test counseling is provided regarding the result. Counseling will follow model protocols developed by the Texas Department of Health, including HIV modes of transmission prevention, confidentiality, and testing issued. Pre and post-test counseling is documented using the HLS-750 Form, Pre and Post-test Counseling Guide for HIV Testing. Youth at locations other than institutions, statewide reception center, or Evins Regional Juvenile Center shall receive the required counseling at the approved counseling and testing site. [Among subjects covered are HIV transmission and testing issues. Counseling is documented.]

(F) Institution, statewide reception center, or Evins Regional Juvenile Center facility [Facility] physicians or nurses [(contract nurse in the halfway houses and director of nurses in institutions)] shall arrange with the laboratory utilized to have HIV/AIDS test results delivered specifically to them in envelopes marked confidential.

(G)-(H) (No change.)

(2) Confidentiality.

(A) All medical information, including information about HIV/AIDS infection, testing, or test results are confidential and may not be released or disclosed except [Knowledge of testing or test results shall be limited] to facility physicians and nurses, and the agency's medical director and health services administrator.

(B) HIV/AIDS status shall not be released to non-medical personnel unless written consent, specifying certain individuals or certain classes of persons, is obtained from the youth or a person legally authorized to consent on behalf of the youth.

(C) Non-medical personnel or youth receiving or viewing information about a youth's HIV/AIDS infection, testing, or testing results shall keep this information confidential and not release it to others.

[(B) Staff should be informed that breaching confidentiality and testing laws is a Class A misdemeanor.]

(D)[(C)] If a youth reports information regarding HIV/AIDS [previous] testing or test results to a non-medical staff member, that staff should ad-

wise the youth to speak only with the physician or director of nurses [head nurse]. The staff may report the information to only the director of nurses at an institution or [if institutional staff or to] the health services administrator in central office if at a non-institutional placement [if not institutional staff]. Further disclosure is a breach of the confidentiality laws of the state.

(E) Documentation should be made that all youth have been informed that breaching confidentiality may result in both civil and criminal liabilities.

(3) Education and training.

[(A) Employees.

[(i) Information regarding TYC's policy on AIDS is distributed to each new employee consistent with Personnel Policy PRS.07.01, New Employee Orientation.

[(ii) As a part of the minimum training requirements program, all employees participate in AIDS training upon employment.

[(iii) Training includes comprehensive information regarding the disease, the law, and TYC policy.

[(iv) The TYC assumes responsibility for updating training and informing employees as new information is developed.

[(B) Youth.

[(i) All youth participate in a training session upon admission to the statewide reception center. Training is documented in each youth's medical subfile.

[(ii) Education continues as a routine segment of the academic program in TYC operated schools.

[(iii) Education includes basic information about:

[(I) the disease and disease process;

[(II) symptoms;

[(III) transmission;

[(IV) prevention; and

[(V) high risk behaviors.

[(iv) Youth are advised to abstain from high risk behaviors and are

given specific information regarding prevention, including the use of condoms.]

(3)[(4) Reporting. As required by state law, TYC reports any AIDS cases or HIV positivity of a youth, diagnosed by a physician in accordance with the Center for Disease Control (CDC) Standards, to the appropriate Texas Department of Health [Health Department] authority through the facility or contract physician.

(5) Precautionary requirements.

[(A) Pocket masks are available in every building and every security vehicle for use in administering CPR. Staff are encouraged to use masks as a precaution. Delay in administering CPR due to lack of availability of mechanical devices is considered a breach of duty.

[(B) The director of nurses ensures that dentists serving TYC youth are provided protective eyewear, surgical masks, and disposable gloves. Dentists will be encouraged to wear gloves at all times.

[(C) Razor blades issued to youth for use in personal hygiene must be disposable and must not be shared. Blades will be disposed of in puncture proof containers.]

(4) Housing.

(A) HIV positive youth will not be segregated from the general population based solely on positive HIV status. Assumed or perceived conditions are not valid reasons for segregation or isolation.

(B) Special housing or placement will be considered on an individual basis based on behaviors or medical conditions which pose an imminent risk to the HIV positive youth or others. Evaluation of segregation of HIV infected youth must also be determined by the availability of space and the possibility of unreasonable or unsafe crowding conditions.

(C) The decision for special housing or placement will be made by the executive director upon advice from the facility administrator, medical director, health services administrator, chief legal counsel, and other appropriate professional staff.

(D) Claims of contamination of environmental surfaces (i.e., walls, floors, furniture, eating utensils) should not be determinative of isolation since proper infection control disinfection techniques eliminate HIV and other pathogens.

(5) Treatment. HIV positive youth will be referred immediately to appropriate health care facilities or specialists for further evaluation, treatment, and counseling. Facilities of the University of Texas Health Science System are a primary resource; however, referrals are not limited to these centers. Treatment provided will be in accordance with the recommendations established by the Centers for Disease Control (CDC) in Atlanta and the Texas Department of Health. Referrals for appropriate care must be arranged prior to a transfer from one location to another and prior to discharge. The health services office will pursue funding for treatment and medication through the Texas Department of Health and other sources.

(6) Access to services. Youth shall have access to appropriate services which include:

(A) prompt access to testing/evaluation services;

(B) prompt referral/access to medical or dental care provider;

(C) prompt and accurate dispensing of prescription medications;

(D) prompt administration of proper first aid techniques to control a condition until referral/transport can be achieved; and

(E) prompt transport to medical or health care facility.

(7) Education. Periodic HIV/AIDS education to youth is based on current, accurate scientific information provided by officially recognized authorities on public health. Information is imparted in a manner that youth comprehend and is based on cultural and other differences, including risk. Periodic education must be documented for youth.

(A) All youth participate in a training session upon admission to the statewide reception center. Training is documented in each youth's medical subfile.

(B) Education continues as a routine segment of the academic program in TYC operated schools.

(C) Education of youth includes basic information about:

(i) the disease and disease process;

- (ii) symptoms;
- (iii) modes of HIV transmission;
- (iv) methods of prevention of HIV transmission;
- (v) behaviors that are a potential high risk for HIV infection;
- (vi) potential HIV transmission behavior that are in violation of Texas criminal laws;
- (vii) infection control procedures;
- (viii) appropriate services available;
- (ix) confidentiality of medical information and the civil and criminal penalties for failing to adhere;
- (x) occupational precautions;
- (xi) issues that deal with HIV/AIDS during confinement and/or after release; and
- (xii) risk reduction behaviors.

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

Issued in Austin, Texas, on May 12, 1992.

TRD-9206639 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption: June 22, 1992

For further information, please call: (512) 483-5244

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Part IX. Texas Commission on Jail Standards

Chapter 259. New Construction Rules

The Texas Commission on Jail Standards proposes new section §§259.401-259.422, 259.501-259.524, concerning the use of buildings and tents for the temporary emergency housing of inmates when a need is clearly identified and permanent resolution to the emergency conditions has been initiated. Requirements and recommendations for minimum standards relating to the construction, equipment maintenance, and operation of these types of facilities are established.

Jack E. Crump, executive director, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Crump 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 viable cost-effective, expedient alternatives that county authorities are given to relieve overcrowding until permanent solutions can be implemented. Inmates will be provided with safe, suitable, sanitary, and secure facilities. 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 Jack E. Crump, Executive Director, 611 South Congress Avenue, Suite 200, Austin, Texas 78704, (512) 463-5505.

Temporary Emergency Housing-Buildings

• 37 TAC §§259.401-259.422

The new sections are proposed under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

§259.401. Qualifications for Use. The commission may approve the use of buildings for the temporary emergency housing of inmates when a need is clearly identified by the sheriff and commissioners court and permanent resolution to the emergency conditions has been initiated. Buildings shall not be used for a period of time in excess of three years without review and approval by the commission to continue their use. The county shall provide written progress reports at the end of each 60-day period indicating the status of emergency conditions, permanent solutions, and temporary housing operation for commission review.

§259.402. Declaration of Emergency. The sheriff shall determine, and commissioners court shall declare by written resolution, that the jail is overcrowded, unsafe, and unsuitable for continued housing of the number of inmates confined in the jail. The declaration shall include the number of inmates that need to be removed from the jail to reduce the inmate population to a level which allows the jail to be operated in a safe and suitable manner. The declaration shall include permanent solutions to the emergency conditions which have been initiated and time frames by which the solutions will be fully implemented or the emergency conditions will be remedied.

§259.403. Construction Approval. The county shall submit, for approval by the commission, drawings, and specifications of the proposed building construction in sufficient detail to demonstrate that the completed building construction meets the requirements of this heading.

§259.404. Site Requirements. The site shall be of sufficient size for the building(s) and to facilitate access of emergency and service vehicles and equipment. Site shall provide adequate drainage to maintain sanitary and safe conditions. The temporary facility should be in close proximity to the jail.

§259.405. Security Requirements. Buildings should protect inmates from one another, protect custodial personnel from inmates, and deter or prevent escapes; however, a security perimeter is not required. Separate secure storage space shall be provided for disposition of weapons outside the entrance to the buildings. Equipment such as security bars is discouraged since their use might result in the use of the facility for a higher risk category than is appropriate.

§259.406. Classification and Separation. Inmates housed in buildings shall be classified as low-risk in accordance with Chapter 271 of this title (relating to Classification and Separation of Inmates). Adequate male-female segregation in accordance with the facility classification plan shall be provided.

§259.407. Support Areas. Provisions shall be made to provide for inmate services and privileges to include:

- (1) food service;
- (2) laundry;
- (3) medical examination and treatment;
- (4) recreation and exercise;
- (5) public and attorney visitation;
- (6) inmate programs, activities, counseling, and interviews;
- (7) telephone;
- (8) commissary;
- (9) correspondence;
- (10) religious services;
- (11) education; and
- (12) library.

§259.408. Capacity. Maximum capacity of any living area shall not exceed 24 inmates unless operated as a direct supervision unit. A living area operated as a direct supervision unit shall not exceed a capacity of 48 inmates.

§259.409. Supervision. At least one corrections officer shall be provided in each building at all times. Guard stations shall be

provided within sufficient proximity to inmate living and day room areas to respond to emergencies. They should be so arranged that visibility into the housing area is provided. Inmates shall be supervised to meet the requirements of Chapter 271 of this title (relating to Supervision of Inmates).

§259.410. Construction Materials and Methods. Buildings shall be designed, constructed, and maintained in a manner to provide a safe, sanitary, secure, and structurally sound environment for inmates and staff. Inmate living areas and day rooms may be constructed of conventional construction materials. Class A finishes are required on exterior and interior walls and ceilings. Plywood floors with a fire retardant vinyl covering may be used for the building floor. A class B roof shall be provided. Floor drains should be provided at wet areas. Building construction shall incorporate measures which protect against the entrance and infestation of vermin.

§259.411. Electrical Power. All electrical wiring shall be in a suitable conduit and comply with local electrical codes or the National Electrical Code. Emergency power shall be provided, as applicable, for electrical door locks, smoke detection, smoke removal, emergency lighting, communication, and ventilation. A non-automatic start generator system may be used.

§259.412. Life Safety Equipment. Self alarming smoke detectors or smoke detectors which are part of an automatic fire detection and alarm system shall be provided for each inmate living and day room area in sufficient numbers to provide prompt warning to occupants and staff. Fire extinguishers of adequate number and type to meet NFPA 10 shall be provided at appropriate locations. Fire department connections in proximity to the building as approved in writing by local fire official shall be provided. A standpipe and hose system with a one inch non-collapsible or 1 1/2 inches collapsible hose utilizing a four inches domestic water system shall be provided. A manually operated or automatic smoke removal system shall be provided. (Exception: Single story buildings which provide direct exiting to the exterior of the building from the inmate living and day room areas and whose exit doors are incapable of being locked from the inside are not required to provide a smoke removal system.)

§259.413. Lighting. Normal lighting sufficient for reading, writing, and other activities shall be provided in all inmate living, day room, and sanitary areas. Night lights and emergency illumination shall be provided. Adequate site lighting shall be provided.

§259.414. Temperature Control. Temperature level shall be reasonably maintained between 65 degrees Fahrenheit and 85 degrees Fahrenheit in all occupied areas at all times.

§259.415. Audible Communication. Two-way audible communication shall be provided between inmates and staff at all times. This may be either by direct voice or by an electronic system, whichever provides an adequate safety level. Communication to and from the jail facility should be readily accessible to the staff.

§259.416. Sanitary Facilities. A toilet and lavatory, which are accessible at all times, shall be provided for each eight inmates or increment thereof. A shower shall be provided for each group of 12 inmates or increment thereof. Lavatories and showers shall be provided with warm water not to exceed 110 degrees Fahrenheit at the outlet. Sanitary facilities shall be within the inmate living and day room areas. A separate toilet should be available for staff.

§259.417. Sleeping Areas. Inmate sleeping areas shall be of sufficient dimensions to provide a minimum of 40 square feet of clear floor space for one inmate, plus 18 square feet of clear floor space for each additional inmate. Ceilings shall not be less than eight feet and 0 inches from the finished floor.

§259.418. Day Rooms. All inmate living areas shall be provided with day rooms. Day rooms shall provide 40 square feet of clear floor space for one inmate plus 18 square feet of clear floor space for each additional inmate. Day rooms may be contiguous with inmate sleeping areas.

§259.419. Openings. All exit doors shall have a minimum width of 36 inches and shall allow for passage of emergency medical equipment. Detention type electric locks shall have remote release capability and shall be used on exit doors where panic hardware is not used. All other doors should have commercial grade or detention hardware to provide for ease of operation and release. Key override feature shall be available on all electric or mechanical locks. Maximum distance from any point in the building to an exit shall not exceed 50 feet-0 inches. Operable windows shall be provided with insect screening. Adequate mechanical ventilation shall be provided when windows are not operable.

§259.420. Emergency First Aid Equipment. Fresh first aid equipment shall be kept on hand at all times. Commercial or

cabinet type first aid kits appropriate for the capacity of the facility meet requirements of this section. Adequate secured storage for medical supplies shall be provided.

§259.421. Furnishings. A fire resistive bunk not less than two feet-three inches wide and six feet-three inches long with a fire resistive mattress shall be provided for each inmate confined. Additional furnishings may be provided. Drinking water shall be provided in all inmate sleeping and day room areas. Day rooms shall be provided with fire resistive table and seating to accommodate the number of inmates confined.

§259.422. Storage. Provisions shall be made for the storage of inmate property, uniforms, towels, bedding, linens, and mattresses. A dedicated secured space for cleaning supplies and equipment with an adequate number of mop sinks and mop/broom racks shall be provided. A general storage area should be provided.

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

Issued in Austin, Texas, on May 13, 1992.

TRD-9206665

Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Earliest possible date of adoption: June 22, 1992

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

◆ ◆ ◆
**Temporary Emergency
Housing-Tents**

• **37 TAC §§259.501-259.524**

The new sections are proposed under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

§259.501. Qualifications for Use. The commission may approve the use of tents for the temporary emergency housing of inmates when a need is clearly identified by the sheriff and commissioners court and permanent resolution to the emergency conditions has been initiated. Tents shall not be used for a period of time in excess of two years without review and approval by the commission to continue to use the tent housing. The county shall provide written progress reports each 60-day period indicating the status of emergency conditions, permanent solutions, and temporary housing operation for commission review.

§259.502. Declaration of Emergency. The sheriff shall determine, and commissioners court shall declare by written resolution, that the jail is overcrowded, unsafe, and unsuitable for continued housing of the number of inmates confined in the jail. The declaration shall include the number of inmates that need to be removed from the jail to reduce the inmate population to a level which allows the jail to be operated in a safe and suitable manner. The declaration shall include permanent solutions to the emergency conditions which have been initiated and time frames by which the solutions will be fully implemented or the emergency conditions will be remedied.

§259.503. Custody Level Assessment. Inmates housed in tents shall be classified as low-risk in accordance with §271.1 of this title (relating to Inmate Safety).

§259.504. Compound Security. A security perimeter should be provided around the tent compound area to deter inmate escapes and the introduction of contraband. Secure storage space shall be provided for disposition of weapons outside the security perimeter.

§259.505. Construction Approval. The county shall submit, for approval by the commission, drawings and specifications of the proposed construction in sufficient detail to demonstrate that the completed construction meets the requirements of this heading.

§259.506. Site Requirements. The site shall be of sufficient size to provide for adequate spacing of tents and support structures to facilitate access of emergency and service vehicles and equipment. Site shall provide adequate drainage to maintain sanitary and safe conditions.

§259.507. Construction Materials. Tent fabric shall be of durable, waterproof, and fire resistant material and shall be maintained in good condition. Tent supports shall be structurally sound and fire resistant. Tent floors shall be constructed of fire resistant solid material with a cleanable surface. Tent floors shall be raised to prevent site runoff water from entering tents. Tent construction shall incorporate measures which protect against the entrance and infestation of vermin.

§259.508. Sleeping Areas. Tents used for inmate sleeping areas shall be of sufficient dimensions to provide a minimum of 40 square feet of clear floor space for one inmate, plus 18 square feet of clear floor space for each additional inmate.

§259.509. Day Rooms. All inmate living areas shall be provided with day rooms. Day rooms shall provide 40 square feet of clear floor space for one inmate plus 18 square feet of clear floor space for each additional inmate. Day rooms may be contiguous with inmate sleeping areas.

§259.510. Dimensions. Minimum ridge height shall be seven feet 0 inches above the floor. Distance between furnishings shall be three feet 0 inches when used for exit path. Distance between tents shall be 16 feet 0 inches, exclusive of any obstruction, for emergency and service vehicle access ways. Other tent spacing shall be 10 feet 0 inches exclusive of obstruction.

§259.511. Capacity. Maximum capacity of a tent shall not exceed 24 inmates unless operated as a direct supervision unit. Tents for direct supervision units shall not exceed a capacity of 48 inmates.

§259.512. Tent Openings. Entrances to tents shall be of adequate size to allow for passage of emergency medical equipment. Opening shall be secured with non-tieing fasteners and provided with insect screening. Maximum distance from any point in a tent to an exit shall not exceed 50 feet 0 inches.

§259.513. Furnishings. A fire resistive bunk or cot not less than two feet three inches wide and six feet three inches long shall be provided for each inmate confined. Additional furnishings may be provided. Drinking water shall be provided in all inmate sleeping and day room areas. Day rooms shall be provided with fire resistive table and seating to accommodate the number of inmates confined.

§259.514. Storage. Provisions shall be made for the storage of inmate property, uniforms, towels, bedding, and linens. Storage for cleaning supplies and general storage shall be provided.

§259.515. Guard Stations. Guard stations shall be provided within sufficient proximity to inmate living and day room areas to respond to emergencies.

§259.516. Support Areas. Provisions shall be made for inmate services and privileges to include:

- (1) food service;
- (2) laundry;
- (3) medical exam;
- (4) recreation and exercise;
- (5) public and attorney visitation;

(6) inmate programs and activities, counseling, and interviews;

(7) telephone;

(8) commissary;

(9) correspondence;

(10) religious services;

(11) education; and

(12) library.

§259.517. Sanitary Facilities. A toilet and lavatory, which are accessible at all times, shall be provided for each eight inmates or increment thereof. A shower shall be provided for each group of 12 inmates or increment thereof. Lavatories and showers shall be provided with warm water not to exceed 110 degrees Fahrenheit at the outlet. Sanitary facilities shall be within reasonable proximity to inmate living and day room areas and accessible by walkways which are protected from inclement weather.

§259.518. Temperature Control. Equipment shall be provided to supply a reasonable temperature level at all times. Heating equipment shall be approved in writing by local fire officials.

§259.519. Emergency First Aid Equipment. Fresh first aid equipment shall be kept on hand at all times. Commercial or cabinet type first aid kits appropriate for the capacity of the facility meet requirements of this section. Adequate secure medical storage shall be provided.

§259.520. Life Safety Equipment. Self alarming smoke detectors in sufficient numbers to provide prompt warning to occupants and staff shall be provided for each inmate living and day room area. Fire extinguishers of adequate number and type to meet NFPA 10 shall be provided. Fire department connections in proximity to tents as approved in writing by local fire officials shall be provided.

§259.521. Audible Communication. Two-way audible communication shall be provided between inmates and staff at all times.

§259.522. Lighting. Normal lighting sufficient for reading, writing, and other activities shall be provided in all inmate living, day room, and sanitary areas. Night lights and emergency illumination shall be provided. Adequate site lighting shall be provided.

§259.523. Electrical Wiring. All electrical wiring shall be in suitable conduit and comply with local electrical codes or the National Electrical Code.

§259.524. *Supervision.* Inmates shall be supervised by an adequate number of corrections officers to meet Chapter 275 of this title (relating to Supervision of Inmates). Regular observations of inmates shall be performed at least once every 30 minutes or more often if necessary.

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

Issued in Austin, Texas, on May 13, 1992.

TRD-9206666 Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Earliest possible date of adoption: June 22, 1992

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

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

Subchapter S. Reimbursement Methodology for Nursing Facilities

• 40 TAC §19.1807

The Texas Department of Human Services (DHS) proposes an amendment to §19.1807, concerning nurse aide training and competency evaluation costs as a component in the rate setting methodology for nursing facilities. The purpose for the amendment is to comply with the Omnibus Budget Reconciliation Act of 1990 (OBRA '90) and federal regulations issued September 26, 1991, by the Health Care Financing Administration (HCFA). OBRA '90 and the HCFA regulations require DHS to reimburse individuals directly for costs they incur in completing a nurse aide training and competency evaluation program prior to nursing facility employment. The individual must be employed within 12 months of testing. The basis for reimbursement requires that the individual be employed for at least six months in a nursing facility to receive full reimbursement and at least three months to receive partial reimbursement.

Burton F. Raiford, interim commissioner, has determined that for the first five-year period the section is in effect there will be fiscal implications for state government as a result of enforcing or administering the section. The effect on state government for the first five-year period the section is in effect will be an

estimated additional cost of \$475,673 for fiscal year 1992; \$1,177,004 for fiscal year 1993; \$1,221,731 for fiscal year 1994; \$1,269,378 for fiscal year 1995; and \$1,318,884 for fiscal year 1996. There will be no fiscal implications for local government as a result of enforcing or administering the section.

Mr. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be an improved level of competency of nurse aides employed in nursing facilities as a result of state reimbursement for training costs. 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.

Questions about the content of the proposal may be directed to Marc Gold at (512) 450-3174 in DHS's Health Care Services Division. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-119, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

§19.1807. *Rate Setting Methodology.*

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

(e) Nurse aide training and competency evaluation costs.

(1)-(6) (No change.)

(7) Individuals who have successfully completed a nurse aide training and competency evaluation program (NATCEP) may be directly reimbursed for costs incurred in completing a NATCEP. The individual must meet all of the conditions specified in subparagraphs (A)-(E) of this paragraph.

(A) The individual must not have been employed at the time of completing the NATCEP.

(B) The individual must have been employed by, or received an offer of employment from, a nursing facility not later than 12 months after successfully completing the NATCEP.

(C) The individual must have been employed by the facility for no less than six months.

(D) The nursing facility must not have claimed reimbursement for training expenses for the individual.

(E) The individual must be listed on the current Nurse Aide Registry.

(8) Individuals must submit cost reimbursement vouchers to DHS with proof that the individual has been employed by a facility for no less than six months.

(9) Individuals who leave nursing facility employment before accruing the required six months of employment, as specified in paragraph (7)(C) of this subsection, may receive 50% reimbursement as long as the individual was employed for no less than three months.

(10) Reimbursement to individuals may not exceed the reimbursement ceiling as detailed in paragraph (1)(A) of this subsection.

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

Issued in Austin, Texas, on May 14, 1992.

TRD-9206695 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Proposed date of adoption: August 1, 1992

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

Chapter 29. Purchased Health Services

Subchapter G. Hospital Services

• 40 TAC §29.606

The Texas Department of Human Services (DHS) proposes an amendment to §29.606, concerning reimbursement methodology for inpatient hospital services, in its Purchased Health Services chapter. Section 29.606 is being amended to specify that the cost-of-living index applied to the standard dollar amounts will not be less than the Health Care Financing Administration's (HCFA) Market Basket Forecast, also known as the PPS Input Price Index, based on the report issued for the federal fiscal year quarter ending in March of each year. DHS adjusts the HCFA Market Basket Forecast to the state fiscal year.

Burton F. Raiford, interim commissioner, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local governments or small businesses as a result of enforcing or administering the section.

Mr. Raiford also has determined that for each year of the first five years the section is in

effect the public benefit anticipated as a result of enforcing the section will be continued availability of Medicaid benefits to needy individuals as a result of appropriate reimbursement to providers. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed section.

Questions about the content of the proposal may be directed to Joseph B. Branton, Jr. at (512) 338-6505 in DHS's Purchased Health Services Section. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-118, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*. A copy of this proposal is also being sent to each DHS field office where it will be available for public review.

DHS will conduct a public hearing to receive comments on this proposal. The public hearing will be held on Tuesday, June 16, 1992, at 9 a.m. in DHS's public hearing room of the John H. Winters Building (701 West 51st Street, Austin, First Floor, East Tower).

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

§29.606. Reimbursement Methodology for Inpatient Hospital Services.

(a)-(m) (No change.)

(n) Adjustments to base year claims data.

(1) (No change.)

(2) The department or its designee updates the standard dollar amount each year for each payment division by applying a cost-of-living index to the standard dollar amount established for the base year. The index used to update the standard dollar amounts is the greater of [lesser of the following two measures]:

(A) the Health Care Financing Administration's (HCFA) Market Basket Forecast (PPS input price index) based on the report issued for the federal fiscal year quarter ending in March of each year, adjusted for the state fiscal year by summing one-third of the annual forecasted rate of the index for the current calendar year and two-thirds of the annual forecasted rate of the index for the next calendar year; or

(B) an amount determined by selecting the lesser of the following two measures:

(i)[(A)] the change in total charges per case for the latest year available compared to total charges per case for the previous year; or

(ii)[(B)] the change in the Texas medical consumer price index-urban (that is, the arithmetic mean of the Houston and Dallas/Fort Worth medical consumer price indices for urban consumers) for the latest year available compared to the Texas medical consumer price index-urban for the previous year.

(o)-(r) (No change.)

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

Issued in Austin, Texas, on May 18, 1992.

TRD-9206776

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

Proposed date of adoption: August 1, 1992

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

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• 40 TAC §29.609

The Texas Department of Human Services (DHS) proposes an amendment to §29.609, concerning additional reimbursement to disproportionate share hospitals, in its Purchased Health Services rules. Section 29.609 is being amended to specify that hospitals that do not qualify for disproportionate share payments or that believe the amount of payment is incorrect may request and receive a review by the department. This process will apply to the department's third and fourth disproportionate share programs. Hospitals that request a review will be notified at the time of the first monthly payment of the results of the review.

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

Mr. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be continued access to medical care through appropriate reimbursement to disproportionate share hospitals. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed section.

Questions about the content of the proposal may be directed to Joseph B. Branton, Jr. at (512) 338-6505 in DHS's Purchased Health Services. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-115, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with

the authority to administer public and medical assistance programs.

§29.609. Additional Reimbursement to Disproportionate Share Hospitals.

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

(g) Significant disproportionate providers. In addition to the reimbursement described in subsection (e) of this section and effective August 7, 1991, the department establishes a third disproportionate share pool to provide disproportionate share reimbursements to the largest Medicaid hospital providers. Qualifying hospitals are limited to hospitals and hospital districts, not including state-owned teaching hospitals, with Medicaid patient days greater than one standard deviation above the mean number of Medicaid days for all hospitals participating in the Medicaid program in the state, and with Medicaid patient days greater than or equal to 12% of all patient census days of the hospital. The determination of the number of Medicaid patient days is based on the latest available state fiscal year data. Patient census days are based on the latest available data provided by hospitals to the Texas Department of Health. Hospitals are not required to first qualify under the formula described in subsection (d) of this section to qualify for reimbursement under this subsection. However, qualifying hospitals must meet the requirements described in subsection (d)(2) of this section. Reimbursement is determined as follows.

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

(3) The department makes disproportionate share payments to qualifying hospitals in 12 monthly payments each fiscal year. The department notifies hospitals of their eligibility and the amount of payment or ineligibility prior to the beginning of the fiscal year. The actual amount of payment may vary if a successful appeal by one or more hospitals necessitates an adjustment in the amount of payments to the other hospitals in the program. Hospitals that do not qualify or that believe the amount of payment is incorrect may request a review by the department. The hospital's written request for a review must be made to the director of Acute Care Services and must be received by the department within 10 days after the hospital receives notification of its eligibility or ineligibility. The hospital's request must contain specific documentation supporting its contention that factual or calculation errors were made which if corrected would result in the hospital qualifying for payments or receiving payment in a corrected amount. The department's review will be limited to allegations of factual or calculation errors, will be limited to a review of

documentation submitted by the hospital or used by the department in making its original determination, and will not be conducted as an adversary hearing. The department conducts the review as quickly as possible and makes its decision before the first monthly payment is made for that fiscal year. Hospitals which have requested a review are notified at the time of the first monthly payment of the results of the review. Any adjustments as the result of such reviews will not exceed the limits of available funds for implementing the applicable disproportionate share program. Once the first monthly payment is made, no additional review or appeal is available to hospitals.

(h) Significant rural disproportionate share providers. In addition to the reimbursement described in subsection (e) of this section and effective September 11, 1991, the department establishes a fourth disproportionate share program. This program provides reimbursement to certain hospitals located in rural areas. A rural area is defined as an area outside of a metropolitan statistical area (as defined by the federal Office of Management and Budget). Rural hospitals are not required to first qualify under the formula described in subsection (d) of this section to qualify for reimbursement under this subsection. However, qualifying rural hospitals must meet the

requirements described in subsection (d)(2) of this section. Qualification and reimbursement are determined as follows.

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

(4) The department makes disproportionate share payments to qualifying hospitals in 12 monthly payments each fiscal year. The department notifies hospitals of their eligibility and the amount of payment or ineligibility prior to the beginning of the fiscal year. The actual amount of payment may vary if a successful appeal by one or more hospitals necessitates an adjustment in the amount of payments to the other hospitals in the program. Hospitals that do not qualify or that believe the amount of payment is incorrect may request a review by the department. The hospital's written request for a review must be made to the director of Acute Care Services and must be received by the department within 10 days after the hospital receives notification of its eligibility or ineligibility. The hospital's request must contain specific documentation supporting its contention that factual or calculation errors were made which if corrected would result in the hospital qualifying for payments or receiving payment in a corrected amount. The department's review will be limited to allegations of factual or calculation

errors, will be limited to a review of documentation submitted by the hospital or used by the department in making its original determination, and will not be conducted as an adversary hearing. The department conducts the review as quickly as possible and makes its decision before the first monthly payment is made for that fiscal year. Hospitals which have requested a review are notified at the time of the first monthly payment of the results of the review. Any adjustments as the result of such reviews will not exceed the limits of available funds for implementing the applicable disproportionate share program. Once the first monthly payment is made, no additional review or appeal is available to hospitals.

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

Issued in Austin, Texas, on May 18, 1992.

TRD-9206777

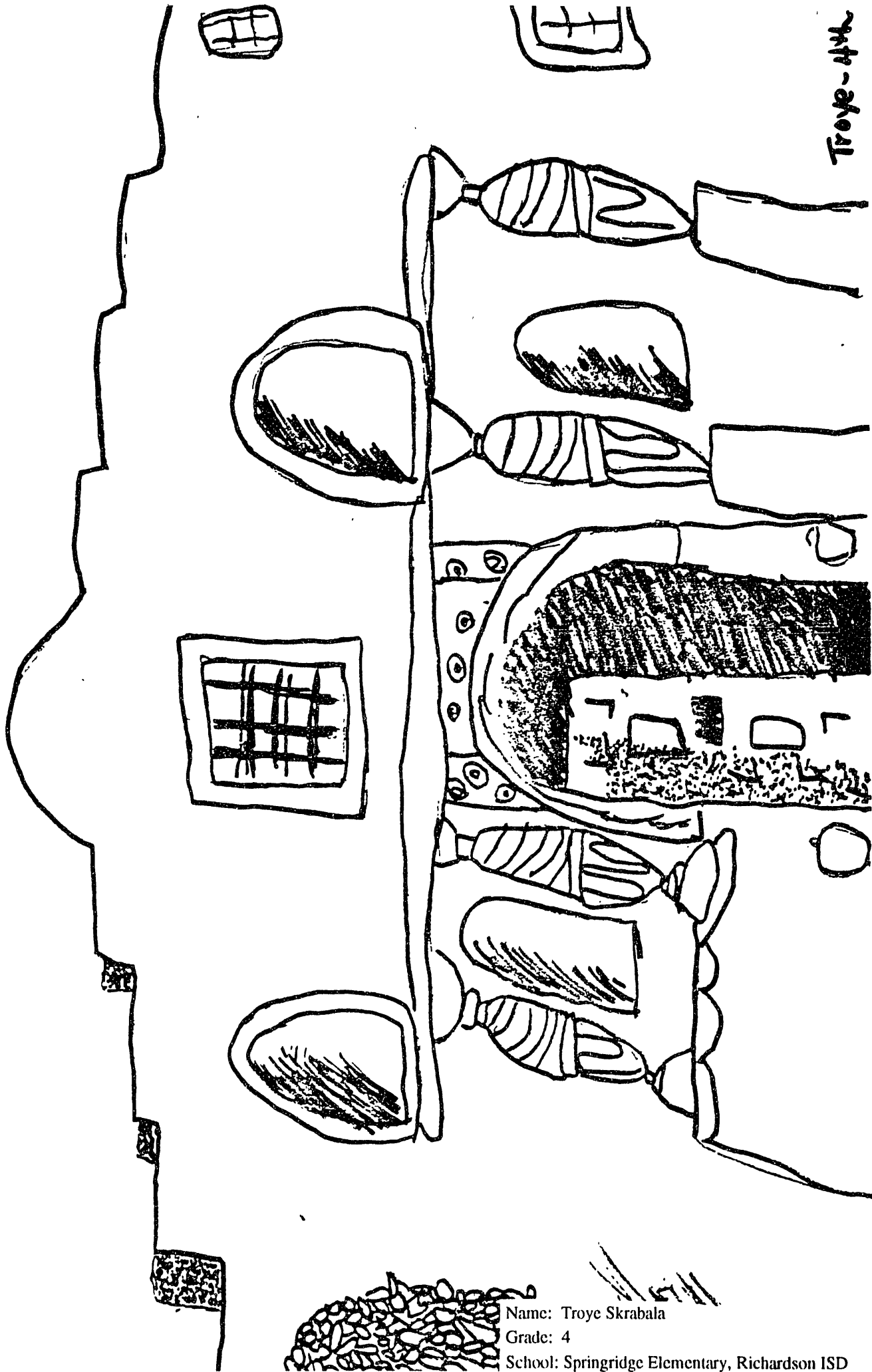
Nancy Murphy
Agency liaison, Policy and
Document Support
Texas Department of
Human Services

Proposed date of adoption: August 1, 1992

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

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Troye-4th



Name: Troye Skrabala

Grade: 4

School: Springridge Elementary, Richardson ISD

Adopted Sections

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

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

TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture

Chapter 18. Organic Food Standards and Certification

- 4 TAC §§18.1-18.4, 18.7, 18.8, 18.18, 18.20, 18.21, 18.23, 18.26, 18.30, 18.33, 18.34, 18.37, 18.39

The Texas Department of Agriculture (TDA) adopts amendments to §§18.1-18.4, 18.7, 18.8, 18.18, 18.20, 18.21, 18.23, 18.26, 18.30, 18.33, 18.34, 18.37, and new 18.39, without changes to the proposed text as published in the December 24, 1991, issue of the *Texas Register* (16 TexReg 7604).

The amendments are adopted to clarify definitions used in Chapter 18 and to simplify the administrative procedures governing the Texas Department of Agriculture's Organic Certification Program. New §18.39 adopted in accordance with the authority provided by House Bill 11, 72nd Legislature, First Called Special Session (1991) in order to allow TDA to recover some of its costs of inspection for certification of organic food.

The amendments remove some provisions of Chapter 18 that the TDA's experience has shown to be unnecessary and/or unworkable. The amendments also reflect that organic certification is no longer administered by TDA's Consumer Services Program and clarify that drugs, drug ingredients, and products advertised as possessing medicinal qualities are not eligible for certification under this chapter. New §18.39 establishes an inspection fee to be paid by producers, retailers, distributors, and processors at the time of application or renewal of certification.

Comments were received from the Texas Consumers Union. The Texas Consumers Union generally supports the amendments and new section. However, the Consumers Union is concerned about the approval process for practices and materials designated as "regulated" under Chapter 18. In addition, the Consumers Union believes that a list of certified organic growers who have been approved to use regulated practices and materials should be available to consumers and other producers.

TDA believes that the approval process currently in Chapter 18 is sufficient in that requests are examined thoroughly before any such approval is given and monitored thereafter to assure that the use of regulated practices is not abused. Further, the use of regulated practices and materials will become a moot issue after October 1, 1992,

the effective date of new provisions contained in the Food Security Act of 1990, Title 21, which disallow the use of regulated practices. TDA is taking steps to assure that Chapter 18 will comply with those provisions. In regards to the list of certified organic growers approved to use regulated practices and materials, the information is currently available to the public upon the submitting of a written request under the Texas Open Records Act.

The amendments and new section are adopted under the Texas Agriculture Code, §12.002, which provides TDA with the authority to encourage the proper development of agriculture, horticulture, and related industries; §12.016, which authorizes TDA to adopt rules as necessary for the administration of the Code; §§12.001-12.015; and §12.0175, as amended by House Bill 11, 72nd Legislature (1991), which provides TDA with the authority to charge an annual fee not to exceed \$500 for each participant certified by TDA under an organic certification program, as a processor, and a fee not to exceed \$150 for each participant certified by TDA as a producer, distributor, or retailer.

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

Issued in Austin, Texas, on May 15, 1992.

TRD-9206726 Dolores Alvarado Hibbs
Chief Administrative Law
Judge
Texas Department of
Agriculture

Effective date: June 5, 1992

Proposal publication date: December 24, 1991

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

- 4 TAC §18.25

The Texas Department of Agriculture adopts the repeal of §18.25, concerning a voluntary program for the certification of organic food, without changes to the proposed text as published in the December 25, 1991, issue of the *Texas Register* (16 TexReg 7612).

The repeal of §18.25 will simplify the organic food certification program by eliminating a requirement for certification which the department has no authority to enforce.

The adoption eliminates §18.25 concerning labor practices of organic producers seeking certification by the department.

Comments were received from the Texas Consumers Union favoring the retention of §18.25. The Consumers Union representative

acknowledge that other agencies regulate fair labor practices but thought it would be helpful for programs such as TDA's organic food certification program to also address labor laws.

Texas Consumer Union, commented against the repeal.

While the department agrees that organic producers must comply with all applicable state and federal labor laws, the department believes that it is inappropriate to make such compliance a basis for certification of organic food given that the department has no legal authority to enforce state or federal labor laws.

The repeal is adopted under the Texas Agriculture Code, §12.002, encouraged the proper development of agriculture, horticulture, and related industries; and §12.006, which authorizes the department to adopt rules as necessary for the administration of the Code, §§12.001-12.015.

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

Issued in Austin, Texas, on May 15, 1992.

TRD-9206727 Dolores Alvarado Hibbs
Chief Administrative Law
Judge
Texas Department of
Agriculture

Effective date: June 5, 1992

Proposal publication date: December 24, 1992

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

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

Chapter 91. Chartering, Operations, Mergers, Liquidations

Powers of Credit Unions

- 7 TAC §91.402

The Credit Union Department adopts the repeal of §91.402, concerning the retention of records without changes to the proposed text as published in the September 10, 1991, issue to the *Texas Register* (16 TexReg 4914).

Requirements for maintaining, copying, and destroying historical and operating records is constantly changing, especially with the advent of numerous electronic methods. Therefore, this rule has been completely revised and an updated rule containing new requirements has been adopted which takes into consideration electronic methods of developing records as well as hardcopy, written records.

This rule will be repealed and an updated §91.402 will become effective.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 2461-11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of the Texas Credit Union 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 April 3, 1992.

TRD-9206778 John R. Hale
Commissioner
Credit Union Department

Effective date: June 8, 1992

Proposal publication date: April 17, 1992

For further information, please call: (512) 837-9236

The Credit Union Commission adopts new §91.402, concerning the retention of records, without changes to the proposed text as published in the January 28, 1992, issue of the *Texas Register* (17 TexReg 607).

Current record retention periods had become obsolete and required updating to comply with the latest statutory and regulatory requirements as well as to permit use of the latest technology that is available for copying documents for record and retention.

This rule will standardize records retention programs in state-chartered credit unions, provide more flexibility in the options available for retaining essential records, and eliminate the retention time of some records which are considered neither essential nor permanent records.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 2461-11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of the Texas Credit Union 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 April 3, 1992.

TRD-9206773 John R. Hale
Commissioner
Credit Union Department

Effective date: June 8, 1992

Proposal publication date: January 28, 1992

For further information, please call: (512) 837-9236

TITLE 16. ECONOMIC REGULATION Part IV. Department of Licensing and Regulation

Chapter 61. Boxing

- 16 TAC §§61.1, 61.10,
61.20-61.22, 61.40, 61.50, 61.60,
61.61, 61.70-61.73, 61.80,
61.90-61.94, 61.100-61.109

The Texas Department of Licensing and Regulation adopts the repeal of §§61.1, 61.10, 61.20-61.22, 61.40, 61.50, 61.60, 61.61, 61.70-61.73, 61.80, 61.90-61.94, and 61.100-61.109, without changes to the proposed text as published in the April 10, 1992, issue of the *Texas Register* (17 TexReg 2566).

The sections are repealed to allow for the adoption of edited, renumbered, and reorganized sections.

The sections will replace the repealed rules.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 8501-1 and Article 9100, which provide the Texas Department of Licensing and Regulation with the authority to promulgate and enforce a code of rules to assure compliance with the intent and purpose of the Act.

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

Issued in Austin, Texas, on May 12, 1992.

TRD-9206701 Jack Garrison
Acting Executive Director
Texas Department of
Licensing and
Regulation

Effective date: June 4, 1992

Proposal publication date: April 10, 1992

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

- 16 TAC §§61.1, 61.10,
61.20-61.27, 61.40, 61.50-61.53,
61.60-61.62, 61.70-61.80, 61.90,
61.91, 61.100-61.114

The Texas Department of Licensing and Regulation adopts new §§61.1, 61.10, 61.20-61.27, 61.40, 61.50-61.53, 61.60-61.62, 61.70-61.80, 61.90, 61.91, and 61.100-61.114. Section 61.109 is adopted with changes to the proposed text as published in the April 10, 1992, issue of the *Texas Register* (17 TexReg 2567). Sections 61.1, 61.10, 61.20-61.27, 61.40, 61.50-61.53, 61.60-61.62, 61.70-61.80, 61.90, 61.91,

61.100-61.108, and 61.110-61.114 are adopted without changes and will not be republished.

The rules as adopted reorganize, renumber, and clarify the existing Boxing rules. Section 61.109 is being adopted with changes to correct a typographical error in subsection (c).

The sections reorganize, renumber, and clarify the existing Boxing rules.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 8501-1 and Article 9100, which provide the Texas Department of Licensing and Regulation with the authority to promulgate and enforce a code of rules to assure compliance with the intent and purpose of the Act.

§61.109. Technical Requirements-Boxer.

(a) All boxers applying for a license shall pass a comprehensive medical examination before they can be licensed. The examination consists of a medical history, boxing history, a physical examination, and a report of a negative HIV and HBV test. The results of such test will be provided only to the fighter. Upon application for the boxer's first Texas license, he must also provide a report of a normal EEG. This examination shall be given by a physician and the physician shall report the examination results on a department-approved form. Out-of-state boxers may get the department comprehensive medical examination form and have it completed by a physician. The examining physician may require tests such as CAT scans, MRI, and EKGs. The boxer and manager are jointly responsible for ensuring this examination is completed.

(b) All boxers applying for a license shall undergo a complete medical eye exam by an ophthalmologist and submit the results on a department-approved form. Exams by optometrists do not meet this requirement.

(c) Boxers shall fulfill the terms of their contracts. When a contestant fails to appear according to his contract, he shall satisfactorily prove he was ill, had a valid reason for not appearing, or was otherwise prevented from carrying out the agreement. A doctor's certificate shall be required for illness. Affidavits are required to support other circumstances.

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

Issued in Austin, Texas, on May 12, 1992.

TRD-9206702 Jack Garrison
Acting Executive Director
Texas Department of
Licensing and
Regulation

Effective date: June 4, 1992

Proposal publication date: April 10, 1992

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

TITLE 22. EXAMINING BOARDS

Part XVI. Texas State Board of Physical Therapy Examiners

Chapter 339. Fees

• 22 TAC §339.1

The Texas State Board of Physical Therapy Examiners adopts an amendment to §339.1, concerning examinations, without changes to the proposed text as published in the April 3, 1992, issue of the *Texas Register* (17 TexReg 2370).

Due to the rising cost of examination fees by the examination service, the board passed a motion to raise the fees to help pay the examination costs.

This section will increase two statutory fees.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4512e, §3(e), which provide the Texas State Board of Physical Therapy Examiners with the authority to adopt rules consistent with the Texas Physical Therapy Practice Act to carry out its duties in administering the Act.

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

Issued in Austin, Texas, on May 14, 1992.

TRD-9206770

Sherry L. Lee
Executive Director
Texas State Board of
Physical Therapy
Examiners

Effective date: June 5, 1992

Proposal publication date: April 3, 1992

For further information, please call: (512) 443-8202

Part XXV. Structural Pest Control Board

Chapter 591. General Provisions

• 22 TAC §591.21

The Structural Pest Control Board adopts an amendment to §591.21, concerning definitions, without changes to the proposed text as published in the March 13, 1992, issue of the *Texas Register* (17 TexReg 1874).

The amendment is adopted in order to clarify the supervisory status and duties of the technician-apprentice.

The amendment defines technician-apprentice and direct supervision.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 135b-6, which provides the Structural Pest Control Board with the authority to test, license, regulate, and develop standards for the structural pest control industry.

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

Issued in Austin, Texas, on May 14, 1992.

TRD-9206759

Benny M. Mathis, Jr.
Executive Director
Structural Pest Control
Board

Effective date: June 5, 1992

Proposal publication date: March 13, 1992

For further information, please call: (512) 835-4066

Chapter 593. Licenses

• 22 TAC §§593.1, 593.3, 593.7, 593.13, 593.23, 593.24

The Structural Pest Control Board adopts amendments to §§593.1, 593.3, 593.7, 593.23, 593.24, and new §593.13, without changes to the proposed text as published in the March 13, 1992, issue of the *Texas Register* (17 TexReg 1875).

The amendments clarify license requirements for technician-apprentices and insurance requirements for inactive certified applicators. They create a certified noncommercial applicator apprentice license, continuing education requirements are amended to give the executive director hardship authority, and to exempt certain non-profit organizations from the course approval fee.

The amendments allow inactive certified applicators to avoid providing insurance. They also define technician-apprentice. They create a certified noncommercial applicator apprentice who must work under the direct supervision of a certified noncommercial applicator temporarily until full certification is obtained. The executive director is given the authority to grant hardships from continuing education requirements due to severe illness or other extenuating circumstances. Non-profit organizations are exempted from the continuing education course approval fee if the course is given as a part of the organization's legally mandated function.

Comments generally supported the apprentice status for certified noncommercial applicants. Many comments were actually inquiries as to how the regulations would function or comments on previously adopted regulations.

The names of groups and associations making comments for the section was as follows: Texas Pest Control Association; Texas Apartment Association; The Chemical Connection.

The amendments and new section are adopted under Texas Civil Statutes, Article 135b-6, which provides the Structural Pest Control Board with the authority to test, license, regulate, and develop standards for the regulation of structural pest control.

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

Issued in Austin, Texas, on May 14, 1992.

TRD-9206761

Benny M. Mathis, Jr.
Executive Director
Structural Pest Control
Board

Effective date: June 5, 1992

Proposal publication date: March 13, 1992

For further information, please call: (512) 835-4066

Chapter 595. Compliance and Enforcement

• 22 TAC §595.6, §595.8

The Structural Pest Control Board adopts amendments to §595.6 and §595.8, concerning pest control signs, without changes to the proposed text as published in the March 13, 1992, issue of the *Texas Register* (17 TexReg 1876).

The amendments clarify posting requirements for vacant, unused, and unoccupied spaces and allow advertising on the notice of pest control treatment.

The amendments clarify that space that will be vacant, unused, and unoccupied at the time of treatment is not required to be posted 48 hours in advance. The addition of advertising or logos to the notice of pest control treatment is expressly permitted.

Comments generally favored these amendments. The Chemical Connection opposed the amendments on the grounds that space could be released for occupancy immediately after treatment and that occupants immediately adjacent would not be aware of a treatment.

The names of groups and associations making comments for and against the section were as follows. For: Texas Pest Control Association; Texas Apartment Association. Against: The Chemical Connection.

The amendments clarify that the posting statute requires a pre-application notification rather than a post-application notification. The regulations do require any person occupying space adjacent to treated space to be notified of a treatment in the case of multi-family housing.

The amendments are adopted under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, regulate, and develop standards for the regulation of structural pest control.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel

and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 14, 1992.

TRD-9206760

Benny M. Mathis, Jr.
Executive Director
Structural Pest Control
Board

Effective date: June 5, 1992

Proposal publication date: March 13, 1992

For further information, please call: (512) 835-4066

TITLE 28. INSURANCE

Part I. Texas Department of Insurance

Chapter 7. Corporate and Financial

Subchapter M. Regulatory Fees

• 28 TAC §7.1301

The State Board of Insurance of the Texas Department of Insurance adopts an amendment to §7.1301 without changes to the proposed text as published in the February 14, 1992, issue of the *Texas Register* (17 TexReg 1271).

The amendment is necessary to implement the Insurance Code, Article 3.53, by providing for a filing fee for credit life and credit accident and health forms and premium rate schedules filed under that article. The fees are in the amount of \$100.

The fees will be listed in §7.1301 (i).

No comments were received regarding adoption of the amendment.

The amendment is proposed under Insurance Code, Articles 3.53, and 1.04, the Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 3.53, requires the department to charge fees for forms or schedules filed under that article. Article 1.04(b) authorizes the board to determine rules. Texas Civil Statutes, Article 6252-13a, §4 and §5 authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and prescribe the procedures for adoption of rules by a state administrative agency.

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

Issued in Austin, Texas, on May 14, 1992.

TRD-9206672

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

Effective date: June 4, 1992

Proposal publication date: February 14, 1992

For further information, please call: (512) 463-6327

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission

Chapter 87. Treatment

Program Planning

• 37 TAC §87.25

The Texas Youth Commission (TYC) adopts new §87.25, with changes to the proposed text as published in the April 10, 1992, issue of the *Texas Register* (17 TexReg 2597).

The adoption of this section will increase the use of available federal funding. The changes include the following. A telephone interview with the parents of a youth in the custody of TYC can be used to determine if the parents receive AFDC. Procedures have been added for the eligibility worker in the event that the youth is transferred to another program or sent home. The dispositional review hearing may be conducted by teleconference. Other changes are for clarification only.

The new rule concerns Title IV-E foster care youth. The agency will commence participating in Title IV-E program to generate federal funds.

No comments were received regarding adoption of the new section.

The new section is adopted under the Human Resources Code, §61.0761, which gives the commission authority to develop programs that encourage family involvement in the rehabilitation of the child.

§87.25. Title IV-E Foster Care Youth.

(a) Policy. The Texas Youth Commission (TYC) participates in the federal Title IV-E foster care funding program. All youth placed in halfway houses or assigned contract care facilities are screened for eligibility for Title IV-E foster care maintenance payments.

(b) Rules.

(1) Screen all admissions to eligible facilities and notify TYC/TDHS eligibility worker.

(2) All Title IV-E youth are enrolled in the medicaid program and medicaid providers are utilized for health care needs.

(3) All Title IV-E youth must have six month administrative reviews held by a TYC case analyst who is not connected with that youth's case.

(4) All Title IV-E youth must have a dispositional review hearing after 18 months. This hearing is held by a TYC hearing examiner.

(5) All TYC policies implementing case management and family in-

volvement are equally applicable to Title IV-E youth.

(6) All Title IV-E youth must be afforded protection and assistance required by federal law.

(c) Procedures.

(1) Assessment. The primary service worker (PSW) accomplishes the following:

(A) upon admittance to a TYC halfway house or eligible contract care program, reviews the youth's case to determine whether the parents are recipients of aid to families with dependent children (AFDC) or whether deprivation exists in the home:

(i) determines if the parent receives AFDC by reviewing:

(I) common application (Financial Section 8 page 15);

(II) common application (page 1)-whether youth has a DHS number;

(III) personal interview with the youth; or

(IV) telephone interview with parents.

(ii) determines if deprivation exists in the home if one or more of the following conditions are found:

(I) parents never married;

(II) one parent absent from the home due to divorce, death, or incarceration;

(III) primary wage earner unemployed;

(IV) parent incapacitated (incapacitation must be verified through Texas Rehabilitation Commission or Texas Department of Human Services);

(V) youth living with one parent due to separation or desertion of other parent; or

(VI) youth living with a relative who qualifies for AFDC;

(B) refers youth to TYC/TDHS eligibility worker if youth

meets previously listed conditions or PSW thinks the youth should qualify;

(C) completes Title IV-E e-form;

(D) submits e-form to eligibility worker within five working days after youth's arrival;

(E) updates common application if needed.

(2) Certification of youth.

(A) The eligibility worker accomplishes the following:

(i) reviews information presented;

(ii) requests additional information from youth's PSW if needed;

(iii) contacts youth's parole officer for additional financial information needed from family or to confirm current information.

(B) The parole officer updates common application with additional financial information regarding family and/or other resources available in the home community and notifies eligibility worker.

(C) The eligibility worker accomplishes the following:

(i) certifies or denies youth's eligibility. Completes certification form and begins file on youth;

(ii) completes Foster Care, Adoption and Conservatorship Tracking System (FACTS) Form and enters into TDHS (RMS) system;

(iii) enters youth into TYC tracking system;

(iv) informs youth's PSW of eligibility status;

(v) assigns TYC case analyst to youth;

(vi) recertifies youth every six months.

(3) IV-E individual case plan development.

(A) The PSW completes ICP: IV-E Eligible Youth Form (CCF-114 2b) after the youth is determined eligible for Title IV-E services and within 30 days after admission to the program. PSW insures that the document is completed and includes the following information:

(i) determines if placement is in close proximity to parents home, youth's school, and is the least restrictive

placement available that can provide services to meet the youth's needs. Gives reasons if this criteria is not met;

(ii) includes reason for youth's placement. If youth enters the program from another program, the reason for the placement should be documented in the referring program's ICP: Review Release Summary;

(iii) indicates why the placement is appropriate;

(iv) indicates any support services needed to assist the care giver or child care worker in working with the youth. If none needed indicates by writing N/A;

(v) if youth is over the age of 16, indicates what steps are being taken for independent living preparation or for the return home;

(vi) indicates if the youth's health and education records are present in the masterfile or have been given to the contract care provider; and

(vii) insures program administrator and person completing the ICP: IV-E Eligible Youth form sign the document and the document is placed in the youth's file.

(B) TYC case analyst contacts the youth's parole officer and requests copy of the detention order which removed the youth from the home prior to his/her commitment to TYC.

(C) The parole officer or designee obtains order and forward to case analyst.

(D) TYC case analyst insures order is placed in youth's masterfile.

(E) TYC case analyst monitors Title IV-E youth case management to ensure compliance with federal guidelines.

(4) Administrative reviews.

(A) TYC case analyst schedules IV-E Administrative Review three weeks prior to actual review date to insure all parties have enough time to receive notice and plan participation.

(B) TYC case analyst informs PSW, program administrator, and parole officer of date and time of review so that they plan their participation.

(C) TYC case analyst sends certified letter to parents, a copy to PSW, and masterfile.

(D) The PSW updates ICP review release summary. Contacts parents and parole office for input into plan and includes the following:

(i) compliance with ICP case plan objectives;

(ii) need for continued placement and appropriateness of placement;

(iii) long range goal for reentry/family reunification or independent living;

(iv) feedback from parole officer as to whether parents followed up on counseling or support services offered; and

(v) confirmation of parent's participation; and documents in masterfile chronological.

(E) If youth is transferred to another program or sent home, PSW notifies eligibility worker via Title IV-E e-form. Eligibility worker does the following:

(i) removes youth from facts system and TYC tracking system if youth returns home;

(ii) updates youth on facts system if youth moves to another eligible facility; or

(iii) places youth in a temporary holding status if placed in an eligible facility.

(F) TYC case analyst holds administrative review and determines the following:

(i) How has youth progressed on case plan objectives?

(ii) Are permanency plan objectives realistic and achievable?

(iii) What is reason for continued placement?

(iv) Is placement appropriate?

(v) Is progress made toward alleviating or mitigating the causes for youth being placed out of the home?

(vi) The administrative review includes a thorough review of all previous ICP and monthly reviews while in placement.

(G) TYC case analyst documents TYC administrative review form and insures the following people receive copies:

(i) youth;

(ii) parent;

(iii) PSW; and/or

(iv) parole officer.

(H) The PSW places original in youth's masterfile.

(I) TYC case analyst holds administrative reviews on youth every six months except when an 18-month dispositional review hearing is needed.

(5) Dispositional hearing.

(A) Two months prior to a dispositional review hearing date, TYC case analyst contacts the legal department to schedule a hearing.

(B) TYC legal department sets hearing and informs TYC case analyst of date and time.

(C) TYC legal department appoints attorney for the youth and informs PSW and TYC case analyst.

(D) TYC legal department verifies approval to hold hearing from the committing court.

(E) TYC case analyst informs PSW of date and time of hearing and requests updated review release ICP to answer following questions:

(i) Has youth complied with case plan objectives?

(ii) What is reason for continued placement?

(iii) If over 16, what are plans for independent living?

(iv) What is permanent plan for placement, including why the youth cannot return home?

(v) What has TYC done to try to place the youth back in the home?

(vi) What are recommendations for continued placement?

(F) The PSW forwards review release ICP to TYC case analyst.

(G) TYC case analyst completes administrative/ dispositional review report and sends it to the hearings examiner and youth's attorney. Sends copy to PSW and masterfile.

(H) The PSW discusses hearing with youth and the youth's attorney to determine if on-site hearing and youth's presence is required. Document in youth's chronological.

(I) The PSW informs TYC case analyst and hearings examiner via tel-ex. Documents in youth's chronological.

(J) TYC case analyst contacts parents and/or legal conservator of hearing time and date via certified letter.

(K) TYC case analyst forwards copy of certified letter to youth's masterfile and notifies program administrator, PSW and parole officer via telex of finalized hearing date.

(L) The hearings examiner holds dispositional review hearing. The hearing may be conducted by teleconference.

(M) The hearings examiner signs dispositional review hearing order at the hearing.

(N) The PSW places the order in the masterfile.

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

Issued in Austin, Texas, on May 12, 1992.

TRD-9206640 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: June 3, 1992

Proposal publication date: April 10, 1992

For further information, please call: (512) 483-5244

Part XI. Texas Juvenile Probation Commission

Chapter 341. Texas Juvenile Probation Commission

• 37 TAC §341.21

The Texas Juvenile Probation Commission adopts an amendment to §341.21, without changes to the proposed text as published in the March 20, 1992, issue of the *Texas Register* (17 TexReg 2116).

This amendment is made to reflect existing conditions.

Each juvenile probation department will make an agreement to coordinate services to runaways by September 1, 1990, with a designated local employee of the Texas Department of Human Services. The section designates the number of runaways for each county that is considered a high number. It provides a procedure for foster homes which want to serve both delinquents and children served by the Texas Department of Human Services. It describes the information which will be available for the legally required annual report to the governor, lieutenant governor, and speaker of the house.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Human Resource Code, §141.0475, which provides the Texas Juvenile Probation Commission with the authority to develop a memorandum of understanding and model cooperative agreement.

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 April 23, 1992.

TRD-9206627 Bernard Licarione, Ph.D.
Executive Director
Texas Juvenile Probation Commission

Effective date: June 3, 1992

Proposal publication date: March 20, 1992

For further information, please call: (512) 443-2001

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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 outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

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

Texas Department on Aging

Thursday, May 28, 1992, 12:15 p.m. The Texas Department on Aging's Ombudsman Advisory Committee of the Texas Department on Aging will meet at the Texas Department on Aging, 1949 South IH-35, Third Floor Conference Room, Austin. According to the complete agenda, the committee will call the meeting to order; general orientation on the Ombudsman Program, the Area Agency on Aging Network, and the Texas Department on Aging; discuss federal and state statutes affecting the Ombudsman Program; discuss Ombudsman Program performance reports, demographics and statistics; explanation of current Ombudsman Program standards and discuss possible future revisions; and adjourn.

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

Filed: May 19, 1992, 9:47 a.m.

TRD-9206855

Friday, June 5, 1992, 10 a.m. The Texas Board on Aging's Options for Independent Living Advisory Committee of the Texas Department on Aging will meet at the Texas Department on Aging, 1949 South IH-35, Third Floor Conference Room, Austin. According to the complete agenda, the committee will call the meeting to order; discuss approval of the minutes of the April 28, 1992, meeting; discuss methodology and time frame for evaluation of the Options for Independent Living Program; and adjourn.

Contact: Jan Patterson, 9854 Estate Lane, Dallas, Texas 75238, (214) 341-6225.

Filed: May 19, 1992, 9:46 a.m.

TRD-9206854

Texas Department of Agriculture

Wednesday, May 27, 1992, 1:30 p.m. The Egg Marketing Advisory Board of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 1700 North Congress Avenue, Stephen F. Austin Building, Room 924-A, Austin. According to the complete agenda, the board will introduce advisory board; discuss changes to Texas Egg Law; policy regarding copies of inspection reports; temperature requirements for shell eggs; discuss other business; and plan future meetings and meeting sites.

Contact: Ed Price, P.O. Box 12847, Austin, Texas 78711, (512) 463-7602.

Filed: May 18, 1992, 10:30 a.m.

TRD-9206797

Tuesday, June 2, 1992, 7 p.m. The Southern Rolling Plains Cotton Producers Board of the Texas Department of Agriculture will meet at the Miles Co-operative Gin, 1 1/2 Miles Northwest of Miles, FM Road 1692. According to the agenda summary, the board will read and discuss approval of minutes; hear treasurer's report and approval of same; report of activities; committee reports; reports from special guests with discussion and action on proposals; and old and new business.

Contact: Sid Long, P.O. Box 30036, San Angelo, Texas 76903, (915) 453-2383.

Filed: May 15, 1992, 11:06 a.m.

TRD-9206733

Thursday, June 4, 1992, 10 a.m. The Office of Hearings Examiner of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, Expressway 83, Two Blocks West of Morningside Road, San Juan. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code Annotated §103.001, et seq. (Vernon 1982) by Paradise Produce, Inc. as petitioned by Bill Yokum.

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

Filed: May 18, 1992, 3:20 p.m.

TRD-9206818

Thursday, July 2, 1992, 9 a.m. The Office of Hearings Examiner of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 1700 North Congress Avenue, Stephen F. Austin Building, Room 928B, Austin. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of 4 TAC §§6.1-6.4 and Texas Agriculture Code §74.003 and §74.006 (Vernon Supplement 1992) by James Gavanovic, Jr.

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

Filed: May 18, 1992, 3:20 p.m.

TRD-9206819

Thursday, July 16, 1992, 9 a.m. The Office of Hearings Examiner of the Texas Department of Agriculture will meet at the 1700 North Congress Avenue, Stephen F. Austin Building, Room 928B, Austin. According to the complete agenda, the department will hold an administrative hearing to

review alleged violation of 4 TAC §§6.1-6.4 and Texas Agriculture Code §74.003 and §74.006 (Vernon Supplement 1992) by James Gavranovic.

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

Filed: May 18, 1992, 3:20 p.m.

TRD-9206820

Texas Commission on the Arts

Monday, June 1, 1992, 9 a.m. The Assistance Review Committee of the Texas Commission on the Arts will meet at the Doubletree Hotel, Ballroom North, 6505 IH-35 North, Austin. According to the complete agenda, the committee will call the meeting to order; hold a public meeting; discuss approval of minutes of August 14, 1991 committee meeting; review FY 1993 overview and grant application rankings; amendment of grant application deadline; review of statewide partners assessment; discuss other business; and adjourn.

Contact: Connie Green, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: May 15, 1992, 10:55 a.m.

TRD-9206730

Tuesday, June 2, 1992, 8:30 a.m. The Administrative Committee of the Texas Commission on the Arts will meet at the Doubletree Hotel, Ballroom North, 6505 IH-35 North, Austin. According to the complete agenda, the committee will call the meeting to order; hold a public meeting; discuss approval of the minutes of March 2, 1992 administrative committee meeting; financial update FY 1992; review and discuss administrative site visits; Ethics Commission requirements; agency strategic plan; legislative appropriation request; summary of NEA grant applications; policy for acceptance of contributions; discuss other business; and adjourn.

Contact: Connie Green, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: May 15, 1992, 10:55 a.m.

TRD-9206731

Tuesday, June 2, 1992, 10:30 a.m. The Texas Commission on the Arts will meet at the Doubletree Hotel, Ballroom North, 6505 IH-35 North, Austin. According to the complete agenda, the committee will call the meeting to order; hold a public meeting; on items for: commission consent; individual consideration; information only; meet in executive session; and adjourn.

Contact: Connie Green, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: May 15, 1992, 10:55 a.m.

TRD-9206732

Texas Commission for the Blind, Texas Rehabilitation Commission

Monday-Tuesday, June 8-9, 1992, 10 a.m. and 9 a.m. respectively. The State Independent Living Council of the Texas Commission for the Blind, Texas Rehabilitation Commission will meet at the Doubletree Hotel, 6505 IH-35 North, Austin. According to the agenda summary, the council will call the meeting to order; discuss the role of the council; hear public comments; report of council member liaison with agencies; and on Tuesday, the council will hear reports from the Texas Commission for the Blind and Texas Rehabilitation Commission; hear public comments; and discuss other business.

Contact: Robert Packard/TCB, P.O. Box 12866, Austin, Texas 78711, (512) 459-2588, and Mel Fajkus, 4900 North Lamar Boulevard, Austin, Texas 78711, (512) 483-4133.

Filed: May 14, 1992, 2:19 p.m.

TRD-9206685

Texas State Board of Professional Counselors

Tuesday, May 26, 1992, 9:30 a.m. The Rules Committee of the Texas State Board of Professional Counselors will meet at the Exchange Building, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on proposed and final rules concerning professional counselors in 22 TAC, Chapter 681.

Contact: Kathy Craft, 8407 Wall Street, Austin, Texas 78754, (512) 834-6628.

Filed: May 18, 1992, 4:10 p.m.

TRD-9206838

Interagency Council on Early Childhood Intervention

Wednesday, May 27, 1992, 8:30 a.m. The Interagency Council on Early Childhood Intervention will meet at the Texas Department of Health, 1100 West 49th Street, Room T-607, Austin. According to the complete agenda, the council will hear public comments; and discuss and act on strategic plan.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7673.

Filed: May 18, 1992, 4:09 p.m.

TRD-9206837

Educational Economic Policy Center

Tuesday, May 26, 1992, 10 a.m. The Subcommittee on Public School Accountability of the Educational Economic Policy Center will meet at the Fort Worth Independent School District, Board Conference Room, 3210 West Lancaster, Fort Worth, Texas. According to the complete agenda, the subcommittee will give an update on university efforts; Texas poll results; 50 state survey results; public school accountability study budget; discuss other business; and adjourn.

Contact: Mary Ward, SRH 3.310, University of Texas-Austin, Austin, Texas 78712, (512) 471-7561.

Filed: May 14, 1992, 4:14 p.m.

TRD-9206703

Advisory Commission on State Emergency Communications

Wednesday, May 20, 1992, 10 a.m. The Administration Committee of the Advisory Commission on State Emergency Communications met at the John H. Reagan Building, Room 105, 15th and Congress Avenue, Austin. According to the complete emergency revised agenda, the committee called the meeting to order; recognized guests; heard public comment; ACSEC financial report; considered and approved reclassification of programs director position from classified to exempt classification; reported on and considered action regarding council of governments responses to non-compliance letters; discussed and considered for approval proposed policy regarding TDD diverters/detectors; update on ACSEC's five-year forecast report; update on 9-1-1 day planning activities; update on highway signage for 9-1-1; staff reports on commissioners work session; proposed 1992-1993 ACSEC budget; impact of 9-1-1 on Poison Control Centers; comments by the chairman of TARC's newly formed 9-1-1 committee; and adjourned. The emergency status was necessary to receive direction on personnel matter of a timely nature.

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

Filed: May 18, 1992, 1:35 p.m.

TRD-9206805

Wednesday, May 20, 1992, 1:15 p.m. The Advisory Commission on State Emergency

Communications met at the John H. Reagan Building, Room 105, 15th and Congress Avenue, Austin. According to the complete emergency revised agenda, the commission called the meeting to order; recognized guests; heard public comment; report on the joint meeting of the ACSEC executive committee and emergency communications districts; comments by the chairman of TARC's newly formed 9-1-1 committee; heard committee reports; discussed and considered any action items; considered and approved the March meeting minutes; and adjourned. The emergency status was necessary to receive direction on personnel matter of a timely nature.

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

Filed: May 18, 1992, 11:36 a.m.

TRD-9206806

Texas Employment Commission

Tuesday, May 26, 1992, 8:30 a.m. The Texas Employment Commission will meet at the TEC Building, 101 East 15th Street, Room 644, Austin. According to the agenda summary, the commission will approve prior meeting notes; meet in executive session to discuss Administaff, Inc. versus James Kaster et al. and John Chong and Lily Chong versus Texas Employment Commission; actions, if any, resulting from executive session; internal procedures of commission appeals; consider and act on higher level appeals in unemployment compensation cases listed on Commission Docket 21; and set date of next meeting.

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

Filed: May 18, 1992, 4:16 p.m.

TRD-9206840

General Services Commission

Wednesday, May 27, 1992, 9:30 a.m. The General Services Commission will meet at 1711 San Jacinto Street, Central Services Building, Conference Room 402, Austin. According to the agenda summary, the commission will have a presentation by Statewide Telecommunications Planning Group; approval of strategic plan; consider proposed amendments and repeals to Chapter 111; consider proposed amendments to §§125.3, 125.41, 125.45, 125.47, 125.63, 125.65, and repeal of §§125.43, 125.49, 125.51, 125.53, and 125.61; designate employees to sign vouchers; approve emergency projects: re-roof commission for the Blind Administration Building and replace

Anson Jones chiller; consider and approve Capital Construction Project at Hobby Complex; consider and approve amendment to lease with option to purchase #519-6718-E1; consider and approve amendments to leases TRC303-7048-Austin, DHS 324-4616-San Antonio, DHS 324-4617-San Antonio, DHS 324-7057-Tyler, and DHS 324-4628-Lufkin; monthly construction report; monthly alternative fuels report; monthly operating budget report; monthly division issues; meet in executive session to consider real property; receive litigation report; and consider personnel matters.

Contact: Judith M. Porras, 1711 San Jacinto Street, Austin, Texas 78701, (512) 463-3446.

Filed: May 18, 1992, 3:58 p.m.

TRD-9206829

Texas Department of Health

Wednesday, May 27, 1992, 9:30 a.m. The Trauma Technical Advisory Committee of the Texas Department of Health will meet at the Howard Johnson Plaza Hotel, 7800 North IH-35, Austin. According to the complete agenda, the committee will discuss approval of minutes of previous meeting; consider and possibly act on: department's deputy commissioner report; Governor's health policy task force report; trauma system education campaign (receive input from interested organizations); trauma system education campaign (development of the plan); and hear announcements and comments.

Contact: Gene Weatherall, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7550.

Filed: May 18, 1992, 4:09 p.m.

TRD-9206835

Friday, May 29, 1992, 9:30 a.m. The Texas Emergency Medical Services Advisory Council of the Texas Department of Health will meet at the Howard Johnson Plaza-Hotel North, 7800 North IH-35, Austin. According to the complete agenda, the council (TEMSAC) will hear opening remarks by Commissioner of Health; discuss approval of minutes of previous meeting; consider and possibly act on: report of regional meetings; reconsideration of accreditation rule; chairman's report; report of chief of emergency management; committee reports (provider; education; public information and education; medical directors); and hear announcements and comments.

Contact: Gene Weatherall, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7550.

Filed: May 18, 1992, 4:09 p.m.

TRD-9206834

Friday, May 29, 1992, 4:30 p.m. The Texas Radiation Advisory Board Well Logging Committee of the Texas Department of Health will meet at the Harvey Hotel, 3100 I-40 West, Amarillo. According to the complete agenda, the committee will discuss and possibly act on: review of comments received on proposed rule concerning Texas Regulations for the Control of Radiation, Part 36; and recommendation for final adoption on this rule to the Board of Health.

Contact: Dave Lacker, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6688.

Filed: May 18, 1992, 4:08 p.m.

TRD-9206830

Friday, May 29, 1992, 5:30 p.m. The Texas Radiation Advisory Board Medical Committee of the Texas Department of Health will meet at the Harvey Hotel, 3100 I-40 West, Amarillo. According to the complete agenda, the committee will discuss and possibly act on: independent nuclear medicine training courses for physicians; request for recommendation on deviation from radiopharmaceutical form and route of administrator; proposed laser rules by Board of Dental Examiners; and nuclear medicine issues for discussion.

Contact: Dave Lacker, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6688.

Filed: May 18, 1992, 4:08 p.m.

TRD-9206831

Saturday, May 30, 1992, 8 a.m. The Texas Radiation Advisory Board Executive Committee of the Texas Department of Health will meet at the Harvey Hotel, 3100 I-40 West, Amarillo. According to the complete agenda, the committee will discuss and possibly act on: low-level radioactive waste report from the legislative committee; board projects for 1992 (suggestions and plans); and radiation issues for future study.

Contact: Dave Lacker, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6688.

Filed: May 18, 1992, 4:08 p.m.

TRD-9206832

Saturday, May 30, 1992, 9:30 a.m. The Texas Radiation Advisory Board of the Texas Department of Health will meet at the Harvey Hotel, 3100 I-40 West, Amarillo. According to the complete agenda, the board will discuss approval of minutes of previous meeting; discuss and possibly act on: Texas Low-Level Radioactive Waste Disposal Authority information; radiation control activities concerning the Texas Water Commission and the department's Bureau of Radiation Control; committee reports (well logging, medical, executive

committee, and chairman's report); rules and regulatory guide update concerning the Texas Water Commission and the Bureau of Radiation Control; and radiation program activities concerning the department's Division of Licensing, Registration and Standards and the department's Division of Compliance and Inspection.

Contact: Dave Lacker, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6688.

Filed: May 18, 1992, 4:09 p.m.

TRD-9206833

Texas Health Policy Task Force

Wednesday, May 27, 1992, 1 p.m. The Subcommittee on Availability of the Texas Health Policy Task Force will meet at the John H. Reagan Building, 105 West 15th Street, Room 101, Austin. According to the complete agenda, the subcommittee will deliberate recommendations; and adjourn. Persons requesting interpreter services for the hearing impaired, please contact this office.

Contact: Pamela Crail, P.O. Box 149133, Austin, Texas 78714-9133, (512) 463-6473.

Filed: May 18, 1992, 3:56 p.m.

TRD-9206827

Thursday, May 28, 1992, 10 a.m. The Texas Health Policy Task Force will meet at One Capitol Square, Senate Committee Room One, 15th and Lavaca Streets, Austin. According to the complete agenda, the task force will call the meeting to order; take roll call essential services subcommittee presentation and discussion; access/availability subcommittee presentation and discussion; finance subcommittee presentation and discussion; cost containment subcommittee presentation and discussion; further task force deliberations; and adjourn. Persons requesting interpreter services for the hearing impaired, please contact this office.

Contact: Pamela Crail, P.O. Box 149133, Austin, Texas 78714-9133, (512) 463-6473.

Filed: May 18, 1992, 3:57 p.m.

TRD-9206828

Texas High-Speed Rail Authority

Tuesday, May 26, 1992, 9:30 a.m. The Board of Directors of the Texas High-Speed Rail Authority will meet at the John H. Reagan Building, 15th and Congress Avenue, Room 101, Austin. According to the agenda summary, the board will consider: discuss approval of minutes; ridership con-

sultant recommendation; environmental impact study matters; environmental consultant payment procedures; meet in executive session; procurement plan by franchisee; amendment to contract with Attorney General; discuss strategic plan; franchisee report; amendments to communications protocol; and citizen communications.

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

Filed: May 18, 1992, 3:26 p.m.

TRD-9206821

Texas Department of Human Services

Tuesday, May 26, 1992, 9:30 a.m. The Religious Community Advisory Committee of the Texas Department of Human Services will meet at 701 West 51st Street, Second Floor, East Tower, Classroom Seven, Austin. According to the complete agenda, the committee will welcome guests; make introductions; discuss DHS program reform initiatives; licensing update on public hearings and standards; child care management system; election of officers; legislative appropriations request FY 1994-1995; concerns of members; discuss family health services; and adjourn.

Contact: Lucy Todd, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3129.

Filed: May 15, 1992, 4:52 p.m.

TRD-9206773

Wednesday, May 27, 1992, 9 a.m. The Texas Board of Human Services of the Texas Department of Human Services will meet at the Balcones Research Center, Room 1.130, 10100 Burnet Road, Austin. According to the complete agenda, the board and the agency's executive staff will participate in a joint work session on the Total Quality Management process.

Contact: Sherron Heinemann, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3048.

Filed: May 19, 1992, 10:18 a.m.

TRD-9206859

Texas Department of Insurance

Tuesday, May 26, 1992, 10:30 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will reopen a public hearing to consider the application of Don E. Davis, Dallas, for a Group I, Legal Re-

serve Life Insurance Agent's license. Docket Number 11425.

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

Filed: May 15, 1992, 1:04 p.m.

TRD-9206746

Tuesday, May 26, 1992, 2 p.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will meet with representatives of the Attorney General's Office to discuss pending and contemplated litigation matters in executive session.

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

Filed: May 15, 1992, 2:59 p.m.

TRD-9206764

Wednesday, May 27, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Roy Edward Simmons, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Local Recording Agent's license. Docket Number 11474.

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

Filed: May 18, 1992, 4:27 p.m.

TRD-9206841

Wednesday, May 27, 1992, 10 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of Texas Security Life Insurance Company, Houston, for a charter amendment to convert a local mutual aid association to a legal reserve mutual life insurance company. Docket Number 11491.

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

Filed: May 18, 1992, 4:27 p.m.

TRD-9206842

Wednesday, May 27, 1992, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will conduct a public

hearing to consider the reinsurance agreement whereby Custom Security Mutual Life Insurance Company, Austin, will be reinsured by Western American Life Insurance Company, Richardson. Docket Number 11487.

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

Filed: May 18, 1992, 4:27 p.m.

TRD-9206843

Thursday, May 28, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the request by manpower of Bryan/College Station for a hearing on calculation of experience modifiers applicable to Workers' Compensation Insurance. Docket Number 1903.

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

Filed: May 18, 1992, 4:28 p.m.

TRD-9206844

Monday, June 1, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the appeal by Louis and Maria Arrisola, Corpus Christi, of the action of the Texas Catastrophe Property Insurance Association. Docket Number 1897.

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

Filed: May 18, 1992, 4:28 p.m.

TRD-9206845

Wednesday, June 3, 1992, 1:30 p.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will hold a public meeting under Docket Number R-1880 to consider possible final action on proposed new 28 TAC §§3.7001-3.7010 concerning minimum reserve standards for individual and group accident and health insurance. The proposed rules were published in the *Texas Register* on December 13, 1992 (16 TexReg 7155).

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

Filed: May 15, 1992, 2:59 p.m.

TRD-9206765

Texas State Board of Medical Examiners

Friday, May 15, 1992, 9 a.m. The Executive Committee of the Texas State Board of Medical Examiners held an emergency meeting at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda summary, the committee discussed license suspension by the executive director and considered temporary suspension of a license. The emergency status was necessary as information had come to the attention of the agency and merited prompt consideration. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s)(1) and Opinion of Attorney General 1974, Number H-484.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728.

Filed: May 14, 1992, 2:32 p.m.

TRD-9206686

Texas Department of Mental Health and Mental Retardation

Thursday, May 28, 1992, 8 a.m. The Board Audit Committee of the Texas Department of Mental Health and Mental Retardation will meet at the Midland Hilton and Towers, 117 West Wall, Civic Room, Midland. According to the complete agenda, the committee will hear citizens' comments; and internal audit activity update. If deaf interpreters required, notify TDMHMR (512) 323-3255, Ernest Fuentes, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756, (512) 465-4506.

Filed: May 18, 1992, 10:39 a.m.

TRD-9206802

Thursday, May 28, 1992, 8:30 a.m. The Board Planning and Policy Development Committee of the Texas Department of Mental Health and Mental Retardation will meet at the Midland Hilton and Towers, 117 West Wall, Civic Room, Midland. According to the complete agenda, the committee will hear citizens' comments; legislative update; update to the board regarding Community Services Steering Committee; discuss issues relating to facility closure; discuss ICF-MR and waiver programs; discuss relationship of the department to MRA's regarding the development of group homes; consider adoption of amendments to Chapter 401, Subchapter B, governing interagency agreements (FY 1992-1993 ICF-MR bed plan); consider appointment of members to the Citizens' Planning Advisory

Committee; and consider approval of the TXMHMR Strategic Plan 1992-1998. If deaf interpreters required, notify TDMHMR (512) 323-3255, Ernest Fuentes, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756, (512) 465-4506.

Filed: May 18, 1992, 10:36 a.m.

TRD-9206800

Thursday, May 28, 1992, 10:30 a.m. The Board Business and Asset Management Committee of the Texas Department of Mental Health and Mental Retardation will meet at the Midland Hilton and Towers, 117 West Wall, Civic Room, Midland. According to the complete agenda, the committee will hear citizens' comments; update regarding the legislative appropriation process; report on FY 1992 capital budget transfers; consider approval of FY 1992 operating budget adjustments; consider approval of a grazing lease for 218 acres of land at the Abilene State School; consider items related to the West 38th Street planned unit development lease; consider approval of a schedule for the competitive cost review; consider approval of a proposed project by the Noon Rotary Club of Kerrville to build a pavilion at the Special Opportunity Center of the Community Services Division of Austin State School located at Kerrville. If deaf interpreters required, notify TDMHMR (512) 323-3255, Ernest Fuentes, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756, (512) 465-4506.

Filed: May 18, 1992, 10:38 a.m.

TRD-9206801

Friday, May 29, 1992, 9 a.m. The Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet at the Midland Hilton and Towers, 117 West Wall, Civic Room, Midland. According to the agenda summary, the committee will call the meeting to order; hear citizens' comments (Limited to three minutes); discuss approval of minutes of March 27, 1992 meeting; and approval of minutes of April 22, 1992 special-called meeting. If deaf interpreters required, notify TDMHMR (512) 323-3255, Ernest Fuentes, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756, (512) 465-4506.

Filed: May 18, 1992, 10:30 a.m.

TRD-9206798

Board of Nurse Examiners

Tuesday-Wednesday, May 19-20, 1992, 8 a.m. The Board of Nurse Examiners met at the John H. Reagan Building, Room 101, 15th Street, Austin. According to the emergency revised agenda summary, the board took action on 19 consent orders; 13 declaratory orders; five agreed orders; and three additional voluntary surrenders. Under education/examination, one school will be added to the list of summary of annual reports-4.2.22. Southwestern Adventist-BSN-RN. The emergency status was necessary as the board needed to take action on these items prior to their next regularly scheduled meeting in July.

Contact: Erlene Fisher, P.O. Box 140466, Austin, Texas 78714, (512) 835-8675.

Filed: May 15, 1992, 3:09 p.m.

TRD-9206766

State Pension Review Board

Tuesday, June 2, 1992, 2 p.m. The Actuarial Study Review Committee of the State Pension Review Board will meet at the Employees Retirement System Building, 18th and Brazos Streets, Conference Room, Fourth Floor, Austin. According to the complete agenda, the subcommittee will consider actuarial proposals and interview the two bidders.

Contact: Lynda Baker, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: May 19, 1992, 10:07 a.m.

TRD-9206857

Wednesday, June 3, 1992, 10 a.m. The State Pension Review Board will meet at the Employees Retirement System Building, 18th and Brazos Streets, Conference Room, Fourth Floor, Austin. According to the complete agenda, the board will call the meeting to order; take roll call; read and adopt minutes of previous meeting; discuss and possibly act on executive director's report; consider and act on: PRB Strategic Plan; Actuarial contract; PRB Procedures Regarding Americans with Disabilities Act; PRB Rules; discuss and possibly act on old business; announcements and invitation for audiences participation; adjourn; and announce date of next meeting.

Contact: Lynda Baker, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: May 19, 1992, 10:08 a.m.

TRD-9206858

Texas State Board of Physical Therapy Examiners

Monday, June 8, 1992, 8 a.m. The Rules/Sunset Committee of the Texas State Board of Physical Therapy Examiners will meet at 3001 South Lamar Boulevard, Suite 101, Austin. According to the complete agenda, the committee will formulate new rules and revised rules; and review of Act.

Contact: Sherry L. Lee, 3001 South Lamar Boulevard, Austin, Texas 78704, (512) 443-8202.

Filed: May 18, 1992, 3:17 p.m.

TRD-9206816

Texas State Board of Examiners for Professional Medical Physicists

Thursday, May 28, 1992, 9:30 a.m. The Rules Committee of the Texas State Board of Examiners for Professional Medical Physicists will meet at the Texas Department of Health, 1100 West 49th Street, Room T-607, Austin. According to the complete agenda, the committee will consider and take action on proposed and emergency rules relating to the licensing of professional medical physicists.

Contact: Sharon Esparza, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6632.

Filed: May 18, 1992, 4:09 p.m.

TRD-9206836

Public Utility Commission of Texas

Wednesday, May 20, 1992, 9:05 a.m. The Administrative Meeting of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete emergency revised agenda, the commission considered during the executive session, TU Electric Company, et al. versus PUC of Texas, et al., Case Number 91-16609 (Consolidated) Travis County District Court, 250th Judicial District. The emergency status was necessary due to Cities of Arlington, et al. discovery requests.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 15, 1992, 3:25 p.m.

TRD-9206767

Tuesday, May 26, 1992, 10 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite

450N, Austin. According to the complete agenda, the commission will hold a prehearing conference in Docket Number 11037-application of Texas Utilities Electric Company for approval of calculation of House Bill 11 tax adjustment factors for 1992 pursuant to Substantive Rule 23.21(d).

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 18, 1992, 3:29 p.m.

TRD-9206823

Thursday, May 28, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 11177-application of Southwestern Bell Telephone Company to offer common channel signaling/signaling system seven "CCS/SS7" interconnection service as an intrastate access service offering.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 18, 1992, 3:30 p.m.

TRD-9206824

Tuesday, July 28, 1992, 10 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the commission will hold a hearing on the merits in Docket Number 10733-application of Brazos Electric Power Cooperative, Inc. for a certificate of convenience and necessity for a proposed transmission line within Ellis County.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 15, 1992, 3:25 p.m.

TRD-9206768

Wednesday, August 12, 1992, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 11104-application of GTE Southwest, Inc. for approval of ISDN-PRI Service.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 14, 1992, 2:42 p.m.

TRD-9206691

Railroad Commission of Texas

Tuesday, May 19, 1992, 11 a.m. The Railroad Commission of Texas held an emergency meeting at the William B. Travis Building, Twelfth Floor Conference Room, 1701 North Congress Avenue, Austin. According to the complete agenda, the commission considered the East Austin Tank Farm situation; upcoming public meetings; commission jurisdiction and regulatory responsibility. The emergency status was necessary as conditions alleged at the tank farm posed a serious threat to public health and safety. Citizens and local legislators had asked for a commission investigation into possible violations of commission regulations, including an unforeseen request by a legislator for commission participation at a meeting Tuesday evening, May 19. An immediate response to these inquiries required the commission to consider this matter before the next regular meeting of the commission.

Contact: Brenda Loudermilk, P.O. Box 12967, Austin, Texas 78711, (512) 463-7149.

Filed: May 19, 1992, 8:32 a.m.

TRD-9206847

Texas Savings and Loan Department

Friday, May 29, 1992, 9:30 a.m. The Texas Savings and Loan Department will meet at 2601 North Lamar Boulevard, Suite 201, Austin. According to the agenda summary, the department will hold a hearing to accumulate a record of evidence in regard to the application of Jacksonville Savings and Loan Association, Jacksonville, Cherokee County, for a loan office to be located in the LaCaze Office Building, 5620 Old Bullard Road, Tyler, Smith County, from which record the commissioner will determine whether to grant or deny the application.

Contact: Shirley T. Burton, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 475-1350.

Filed: May 18, 1992, 3:14 p.m.

TRD-9206815

Monday, June 1, 1992, 10 a.m. The Texas Savings and Loan Department will meet at 2601 North Lamar Boulevard, Suite 201, Austin. According to the agenda summary, the department will hold a hearing to accumulate a record of evidence in regard to the application of Coastal Banc Savings Association, Houston, Harris County, to relocate a branch office from 17314 SH 249, Houston, to 6810 FM 1960 West, Houston, Harris County, from which record the commissioner will determine whether to grant or deny the application.

Contact: Shirley T. Burton, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 475-1350.

Filed: May 18, 1992, 3:13 p.m.

TRD-9206814

Stephen F. Austin State University

Monday, May 18, 1992, 1 p.m. The Board of Regents of Stephen F. Austin State University met at the Hyatt Regency Hotel, East Tower, Room 3172, Dallas/Fort Worth Airport, Dallas. According to the complete agenda, the board elected general counsel; and interviewed presidential candidates.

Contact: Dr. William J. Brophy, P.O. Box 6078, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: May 14, 1992, 10:58 a.m.

TRD-9206675

Tuesday, May 19, 1992, 8 a.m. The Board of Regents of Stephen F. Austin State University will meet at the Hyatt Regency Hotel, East Tower, Room 3172, Dallas/Fort Worth Airport, Dallas. According to the complete agenda, the board elected general counsel; and interviewed presidential candidates.

Contact: Dr. William J. Brophy, P.O. Box 6078, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: May 14, 1992, 10:58 a.m.

TRD-9206674

Structural Pest Control Board

Monday, June 8, 1992, 1 p.m. The Structural Pest Control Board will hold a public hearing at the Texas Agricultural Extension Service, 2401 East Highway 83, Weslaco. According to the agenda summary, the board will review and discuss regulatory structure; and emergency response.

Contact: Benny M. Mathis, Jr., 9101 Burnet Road, Suite 201, Austin, Texas 78758, (512) 835-4066.

Filed: May 15, 1992, 2:13 p.m.

TRD-9206758

Board of Tax Professional Examiners

Monday, June 1, 1992, 9:30 a.m. The Board of Tax Professional Examiners will meet at 4301 Westbank Drive, Building B, Austin. According to the agenda summary, the board will take roll call; announcement notice and quorum; discuss approval of

minutes; introduction of guests; action items include certification and recertification; discuss Chapter 624 board rules pertaining education; standards and procedures; request third retake on IV assessing/collecting exam; course 100 outline; course 250 outline; course 325 outline; policy and procedure memo regarding complaints to board; discuss planning and budget activities; education activities; information items are registrant population; ethics answers from RPA exams; committee assignments; planning calendar; and adjourn.

Contact: Sam H. Smith, 4301 Westbank Drive, Building B, Suite 140, Austin, Texas 78746-6565, (512) 329-7981.

Filed: May 18, 1992, 3:18 p.m.

TRD-9206817

The Texas A&M University System, Board of Regents

Thursday-Friday, May 21-22, 1992, 8:30 a.m. and 8 a.m. respectively. The Board of Regents of the Texas A&M University System met at the Board of Regents Meeting Room, College Station. According to the agenda summary, the board corrected and discussed approval of minutes; adopted holiday schedule; reviewed initiation of construction projects; rehabilitation of G. Rollie White Coliseum; initiation of Bush Presidential Library; naming of facilities; selected architects/engineers; disposition and acquisition of real estate; quasi-endowments; discussed approval of new statement of purpose and missions; adoption of revised enrollment management plan; establishment of centers; license agreement; discussed approval of fees and fee changes; appropriation of PUB bond proceeds; selection of commercial paper program; appropriation from AU revision of system investment policy; appropriation of funds; right-of-way easements; termination appointments an promotions; tenure; emeritus titles; budget and fiscal transfers, salary increases and new positions; gifts, grants, loans and bequests; appointment of provost and vice president for academic affairs, TAIU; appointment of interim dean, College of Business Administration, TAIU; sale of land; acceptance of land; authorization for TAMU Field of Honor; construction matters for the system parts; and appointment of provost and vice president for academic affairs, WTSU.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: May 15, 1992, 10:31 a.m.

TRD-9206729

Texas Southern University

Tuesday, May 26, 1992, 4 p.m. The Building and Grounds Committee of the Board of Regents of Texas Southern University will meet at Texas Southern University, 3100 Cleburne Avenue, Hannah Hall, Room 117, Houston. According to the complete agenda, the committee will consider construction change orders; payments to architects, contractors and engineers; authorization and ratification of contracts and awards; and status of on going construction and current contractual relations.

Contact: Everett O. Bell, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: May 15, 1992, 3:26 p.m.

TRD-9206769

Texas State Technical College

Saturday, May 23, 1992, 9:30 a.m. The Board of Regents of Texas State Technical College will meet at the TSTC Amarillo Campus Green Room, Amarillo. According to the revised agenda summary, the board will discuss approval of a resolution to request financing with Texas Public Finance Authority; delegation of authority to execute bond financing of documents and authority to enter into a memorandum of understanding with the Texas Public Finance Authority lease negotiations for Hangar 11-1 at Texas State Technical College Waco.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: May 18, 1992, 9:10 a.m.

TRD-9206779

Saturday, May 23, 1992, 10 a.m. The Board of Regents of Texas State Technical College will meet at the TSTC Amarillo, Green Room, Amarillo. According to the agenda summary, the board will meet in executive session in accordance with Article 6252-17 for specific purpose provided in Section 2, Subsection (e) and (f).

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: May 18, 1992, 9:11 a.m.

TRD-9206780

Texas Department of Transportation

Wednesday, May 27, 1992, 9:30 a.m. The Texas Transportation Commission of the Texas Department of Transportation will

meet at the Dewitt C. Greer Building, 125 East 11th Street, First Floor, Austin. According to the agenda summary, the commission will hold public hearings on highway matters in various counties; discuss approval of minutes; execute contract awards, rejections, defaults and/or assignments; routine minute orders; authorize: eminent domain proceedings; contract claim resolution; right-of-way leasing; state highway, farm to market road and ranch to market projects; consider: programs; project overrun; public transportation program; aviation program; previous public hearing matters; strategic plan; authorize agreement with International Boundary and Water Commission; authorize beautification funds and Governor's achievement awards; meet in executive session with legal counsel and for realty matters; hear staff reports; rulemaking: 43 TAC Part 1, Chapter 1, 2, 11, 17, 21, 25 and 31; and authorize External Advisory Committee for transportation planning.

Contact: Myrna Klipple, 125 East 11th Street, Austin, Texas 78701, (512) 463-8576.

Filed: May 18, 1992, 2:18 p.m.

TRD-9206810

Texas Water Commission

Thursday, May 27, 1992, 10 a.m. The Board Audit Committee of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the revised agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission. 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 to, scheduling an item in the 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: May 15, 1992, 4:42 p.m.

TRD-9206772

Wednesday, June 3, 1992, 10 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 1030, Austin. According to the agenda summary, the commission will hold a public hearing to consider an assessment of administrative penalties and requiring certain actions of Flame Technology, Inc., SWR Number 52028.

Contact: Mike Rogan, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: May 18, 1992, 9:55 a.m.

TRD-9206785

Tuesday, June 9, 1992, 1:30 p.m. The Office of Hearings Examiner of the Texas Water Commission will meet at Stephen F. Austin Building, 1700 North Congress Avenue, Room 543, Austin. According to the agenda summary, the commission will hold a public hearing to consider an assessment of administrative penalties and requiring certain actions of Rio Chemical Company, Inc., SWR Number 72205.

Contact: Bill Zukauckas, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: May 18, 1992, 9:55 a.m.

TRD-9206784

Thursday, July 2, 1992, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Hardin County Courthouse, Red Room, On the Square, Kountze. According to the agenda summary, the commission will consider an application by Louisiana-Pacific Corporation for a permit (Proposed Permit Number 03363) to authorize intermittent discharges of stormwater commingled with wet decking water via a drainage ditch to an unnamed tributary of Pea Monk Branch; thence to Pea Monk Branch; thence to Cypress Creek; thence into Village Creek in Segment Number 0608 of the Neches River Basin.

Contact: Mike Rogan, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: May 18, 1992, 9:55 a.m.

TRD-9206786

Tuesday, July 7, 1992, 10 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 1030, Austin. According to the agenda summary, the commission will hold a public hearing to consider an assessment of administrative penalties and requiring certain actions of Chem Grind Chemical Corporation, SWR Number 32148.

Contact: Clay Harris, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: May 18, 1992, 9:54 a.m.

TRD-9206783

Texas Workers' Compensation Research Center

Friday, May 29, 1992, 9 a.m. The Board of Directors of the Texas Workers' Compensation Research Center will meet at the Senate Committee Room Two, One Capitol Square, 300 West 15th Street, Austin. According to the complete agenda, the board will call the meeting to order; discuss approval of minutes of meeting of April 24,

1992; make announcements; presentation on appropriations process; discuss agency strategic plan; confirm schedule for future meeting; and adjourn.

Contact: Annette Gula, 3636 Executive Center Drive, Suite G-22, Austin, Texas 78731, (512) 346-6197.

Filed: May 19, 1992, 9:45 a.m.

TRD-9206853

Regional Meetings

Meetings Filed May 14, 1992

The Barton Springs/Edwards Aquifer Conservation District Board of Directors met at 1124-A Regal Row, Austin, May 21, 1992, at 5 p.m. Information may be obtained from Bill E. Couch, 1124-A Regal Row, Austin, Texas 78748, (512) 282-8441. TRD-9206694.

The Bastrop Central Appraisal District Board of Directors met at the Bastrop Central Appraisal District, 1200 Cedar Street, Bastrop, May 20, 1992, at 7:30 p.m. Information may be obtained from Dana Ripley, P.O. Box 578, Bastrop, Texas 78602, (512) 321-3925. TRD-9206692.

The Bastrop Central Appraisal District Appraisal Review Board will meet at the Bastrop Central Appraisal District, 1200 Cedar Street, Bastrop, May 28, 1992, at 7 p.m. Information may be obtained from Dana Ripley, P.O. Box 578, Bastrop, Texas 78602, (512) 321-3925. TRD-9206693.

The Brown County Appraisal District Board of Directors met at 403 Fisk Avenue, Brownwood, May 18, 1992, at 7 p.m. Information may be obtained from Doran Lemke, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 463-5676. TRD-9206678.

The Coryell City Water Supply District Board of Directors met at the Coryell City Office, Gatesville, May 21, 1992, at 7:30 p.m. Information may be obtained from Helen Swift, Route 2, P.O. Box 93, Gatesville, Texas 76528, (817) 865-6089. TRD-9206713.

The Dewitt County Appraisal District Board of Directors met at the Dewitt County Appraisal Office, 103 Bailey Street, Cuero, May 19, 1992, at 7:30 p.m. Information may be obtained from John Haliburton, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9206680.

The Heart of Texas Council of Governments Private Industry Council met at 300 Franklin Avenue, HOTCOG Board Room, Waco, May 21, 1992, at 5:30 p.m. Information may be obtained from Mary McDow, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9206688.

The Heart of Texas Council of Governments Executive Committee will meet at 300 Franklin Avenue, HOTCOG Board Room, Waco, May 28, 1992, at 10 a.m. Information may be obtained from Mary McDow, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9206687.

The Johnson County Rural Water Supply Corporation Board met at the Senior Citizen Center, 301 West Henderson, Cleburne, May 19, 1992, at 6 p.m. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9206679.

The Leon County Central Appraisal District Board of Directors met at the Leon County Central Appraisal District Office, Gresham Building, Centerville, May 18, 1992, at 7:30 p.m. Information may be obtained from Robert M. Winn, P.O. Box 536, Centerville, Texas 75833, (903) 536-2252. TRD-9206682.

The Leon County Central Appraisal District Appraisal Review Board met at the Leon County Central Appraisal District Office, Gresham Building, Centerville, May 21, 1992, at 9 a.m. Information may be obtained from Robert M. Winn, P.O. Box 536, Centerville, Texas 75833, (903) 536-2252. TRD-9206683.

The Lower Colorado River Authority Board of Directors met at 3700 Lake Austin Boulevard, Austin, May 20, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9206709.

The Lower Colorado River Authority Energy Operations Committee met at 3700 Lake Austin Boulevard, Austin, May 20, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9206708.

The Lower Colorado River Authority Planning and Public Policy Committee met at 3700 Lake Austin Boulevard, Austin, May 20, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9206707.

The Lower Colorado River Authority Audit and Budget Committee met at 3700 Lake Austin Boulevard, Austin, May 20, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9206706.

The Lower Colorado River Authority Natural Resources Committee met at 3700 Lake Austin Boulevard, Austin, May 20, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9206705.

The Lower Colorado River Authority Finance and Administration Committee met at 3700 Lake Austin Boulevard, Austin, May 20, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9206704.

The Lower Colorado River Authority Board of Directors met at 3700 Lake Austin Boulevard, Austin, May 21, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9206710.

The Mental Health and Mental Retardation Authority of Brazos Valley met at 804 Texas Avenue, Large Conference Room, Bryan, May 20, 1992, at noon. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467. TRD-9206689.

The Nolan County Central Appraisal District Board of Directors met at the Holiday Inn, Sweetwater, May 20, 1992, at 8 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421. TRD-9206690.

The North Texas Municipal Water District Board of Directors will meet at the Administrative Offices, 505 East Brown Street, Wylie, May 28, 1992, at 4 p.m. Information may be obtained from Carl W. Riehn, 505 East Brown Street, Wylie, Texas 75098, (214) 442-5405. TRD-9206681.

The Texas Rural Communities, Inc. Board of Directors will meet at the San Luis Resort, Galveston, May 30, 1992, at 1 p.m. Information may be obtained from Leslie Janca, 314 Highland Mall Boulevard, Austin, Texas 78752, (512) 458-1016. TRD-9206676.

The Region One Education Service Center Board of Directors met at 1900 West Schunior, Edinburg, May 19, 1992, at 7 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611. TRD-9206711.

The Wood County Appraisal District Board of Directors met at 217 North Main, Conference Room, Wood County Appraisal District, Quitman, May 21, 1992, at 7 p.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 951, Quitman, Texas 75783-0951. TRD-9206712.

Meetings Filed May 15, 1992

The Archer County Appraisal District Appraisal Review Board met at the Appraisal District Office, 211 South Center, Archer City, May 19, 1992, at 9 a.m. Information may be obtained from Edward H.

Trigg, III, 108 West Main, Archer City, Texas 76351-1141. TRD-9206749.

The Atascosa County Appraisal District Board of Directors met at Fourth and Avenue J, Poteet, May 21, 1992, at 1:30 p.m. Information may be obtained from Vernon A. Warren, P.O. Box 139, Poteet, Texas 78065-0139. TRD-9206734.

The Bexar Appraisal District Appraisal Review Board will meet at 535 South Main, San Antonio, May 22, 1992, at 9 a.m. Information may be obtained from B. M. Houston, 535 South Main, San Antonio, Texas 78204, (512) 224-8511. TRD-9206717.

The Blanco County Central Appraisal District 1992 Board of Directors met at the Courthouse Annex, Johnson City, May 20, 1992, at 5 p.m. (rescheduled from May 13, 1992). Information may be obtained from Hollis Boatright, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4013. TRD-9206721.

The Brazos Valley Development Council Regional Solid Waste Management Advisory Committee will meet at the Council Office, 3006 East 29th Street, Bryan, May 28, 1992, at 1:30 p.m. Information may be obtained from Jill Hyde, P.O. Drawer 4128, Bryan, Texas 77805, (409) 776-2277. TRD-9206751.

The Brazos Valley Quality Work Force Planning Committee will meet at 301 Post Office Street, Bryan, May 26, 1992, at 11:30 a.m. Information may be obtained from Patty Groff, 301 Post Office Street, Bryan, Texas 77801, (409) 823-4988. TRD-9206719.

The Burnet County Appraisal District Board of Directors met at 223 South Pierce, Burnet, May 21, 1992, at 6:30 p.m. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9206757.

The Dallas Area Rapid Transit Revenue Forecasting Sub-Committee met at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, May 19, 1992, at 9 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9206752.

The Dallas Area Rapid Transit Financial Standards Sub-Committee met at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, May 19, 1992, at 11 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9206754.

The Dallas Area Rapid Transit Budget and Finance Committee met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, May 19, 1992, at 1 p.m. Information may be obtained from Nancy McKethan,

601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9206756.

The Dallas Area Rapid Transit Bus Planning, Development and Operations Committee met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, May 19, 1992, at 3 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9206753.

The Dallas Area Rapid Transit Rail Planning and Development Committee met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, May 19, 1992, at 5 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9206755.

The East Texas Council of Governments Private Industry Council met at the ETCOG Office, Kilgore, May 21, 1992, at 1 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9206724.

The Guadalupe-Blanco River Authority Board of Directors met at Anderson, Smith, Null, and Stofer, One O'Connor Plaza, Seventh Floor, Victoria, May 21, 1992, at 10 a.m. (Revised agenda). Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822. TRD-9206728.

The Lower Colorado River Authority Board of Directors met at 3700 Lake Austin Boulevard, Austin, May 20, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9206747.

The Lower Colorado River Authority Board of Directors met at 3700 Lake Austin Boulevard, Austin, May 21, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9206748.

The Liberty County Central Appraisal District Appraisal Review Board met at 315 Main Street, Liberty, May 21, 1992, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9206771.

The Lubbock Regional Mental Health and Mental Retardation Center Board of Trustees met at 3801 Avenue J, Board Room, Lubbock, May 18, 1992, at noon. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401-4088. TRD-9206714.

The Region One Education Service Center Board of Directors met at 1900 West Schunior, Edinburg, May 19, 1992, at 7 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611. TRD-9206722.

The South Texas Quality Work Force met at the Hebronville High School Library, 1006 North Wilhema, May 21, 1992, at 11 a.m. Information may be obtained from Arturo N. Meraz, Laredo Junior College, West End Washington, Laredo, Texas 78040-4395, (512) 721-5449. TRD-9206716.

The Sulphur-Cypress Soil and Water Conservation District Number 419 met at 1809 West Ferguson, Suite B, Mt. Pleasant, May 20, 1992, at 8:30 a.m. Information may be obtained from Beverly Amerson, 1809 West Ferguson, Suite B, Mt. Pleasant, Texas 75455, (903) 572-5411. TRD-9206718.

Meetings Filed May 18, 1992

The Bosque Central Appraisal District Board of Directors met at the Bosque Central Appraisal District Office, 104 West Morgan Street, Meridian, May 21, 1992, at 1:15 p.m. Information may be obtained from Don Whitney, P.O. Box 393, Meridian, Texas 76665-0393, (817) 435-2304. TRD-9206808.

The Coastal Bend Council of Governments Membership will meet at the Nueces County Courthouse, Commissioners Courtroom, Third Floor, 901 Leopard Street, Corpus Christi, May 22, 1992, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743. TRD-9206792.

The Deep East Texas Council of Governments Grants Application Review Committee will meet at the Lufkin Civic Center, 601 North Second Street, Angelina County, Lufkin, May 27, 1992, at 11 a.m. Information may be obtained from Rusty Phillips, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9206782.

The Deep East Texas Council of Governments Board of Directors will meet at the Lufkin Civic Center, 601 North Second Street, Angelina County, Lufkin, May 27, 1992, at 1:30 p.m. Information may be obtained from Joan Draper, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9206790.

The Deep East Texas Regional Mental Health and Mental Retardation Services Board of Trustees will meet at the Ward R. Burke Community Room, Administration Facility, 4101 South Medford Drive, Angelina County, Lufkin, May 26, 1992, at 3 p.m. Information may be obtained from Sandy Vann, 4104 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141. TRD-9206813.

The Garza County Appraisal District Appraisal Review Board met at the Appraisal

District Office, 124 East Main, Post, May 21, 1992, at 2 p.m. Information may be obtained from Billie Y. Windham, P.O. Drawer F, Post, Texas 79356, (806) 495-3518. TRD-9206795.

The Houston-Galveston Area Council H-GAC Board of Directors met at 3555 Timmons Lane, Board of Directors Conference Room, Houston, May 19, 1992, at 10 a.m. The emergency revised status was necessary due to threatening litigation since agenda was last filed. Information may be obtained from Cynthia Marquez, P. O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9206826.

The Hunt County Appraisal District Board of Directors met at the Hunt County Appraisal District, Board Room, 4801 King Street, Greenville, May 21, 1992, at 6:30 p.m. Information may be obtained from Shirley M. Smith, P.O. Box 1339, Greenville, Texas 75401, (903) 454-3510. TRD-9206822.

The Lampasas County Appraisal District Board of Directors met at 109 East Fifth Street, Lampasas, May 21, 1992, at 7 p.m. Information may be obtained from Janice Henry, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9206793.

The Lavaca County Central Appraisal District Appraisal Review Board will meet at the Lavaca County Center Appraisal District, 113 North Main Street, Hallettsville, May 22, 1992, at 9 a.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396. TRD-9206789.

The Liberty County Central Appraisal District Board of Directors will meet at 315 Main Street, Liberty, May 27, 1992, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9206806.

The Liberty County Central Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, June 2, 1992, at 9 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty,

Texas 77575, (409) 336-5722. TRD-9206807.

The Lower Colorado River Authority Special Pricing Committee will meet at 3700 Lake Austin Boulevard, General Manager's Conference Room, Austin, May 22, and June 5, at 9 a.m. Information may be obtained from Glen E. Taylor, P. O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9206811.

The Mason County Appraisal District will meet at 206 Ft. McKavitt Street, Mason, June 16, 1992, at 10 a.m. Information may be obtained from Deborah Geistweidt, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989. TRD-9206788.

The Nortex Regional Planning Commission North Texas Private Industry Council will meet at the Wichita Falls Activity Center, Room 215, 10th and Indiana Streets, Wichita Falls, May 27, 1992, at 12:30 p.m. Information may be obtained from Fritz Taylor, P.O. Box 5144, Wichita Falls, Texas 76307, (817) 322-5281. TRD-9206787.

The North Central Texas Council of Governments North Central Texas Job Training Consortium Private Industry Council met at the North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, May 21, 1992, at 10 a.m. Information may be obtained from Mike Gilmore, P.O. Box 5888, Arlington, Texas 76005-5888, (817) 640-3300. TRD-9206794.

The Panhandle Quality Work Force Planning Committee met at the SW Bell Telephone Board Room, 815 South Tyler, Amarillo, May 21, 1992, at 3 p.m. Information may be obtained from Dave McReynolds, Suite 1020, Plaza II, Amarillo, Texas 79101, (806) 371-7577. TRD-9206799.

The San Jacinto River Authority Board of Directors will meet at the Houston Club, Heritage Room, 811 Rusk, Houston, May 27, 1992, at 12:30 p.m. Information may be obtained from James R. Adams, P.O. Box 329, Conroe, Texas 77305, (409) 588-1111. TRD-9206796.

The Scurry County Appraisal District Board of Directors met at 2612 College Avenue, Snyder, May 19, 1992, at 8 a.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549. TRD-9206804.

The Tarrant Appraisal District Appraisal Review Board will meet at 2329 Gravel Road, Fort Worth, June 1-3, 8-11, 15-18, 22-25, 29-30, 1992, at 8:30 a.m. Information may be obtained from Suzanne Williams, 2309 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884. TRD-9206791.

The West Central Texas Municipal Water District will meet at 410 Hickory Street, Abilene, May 22, 1992, at 9:30 a.m. Information may be obtained from Virginia Duncan, P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254. TRD-9206812.

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Meetings Filed May 19, 1992

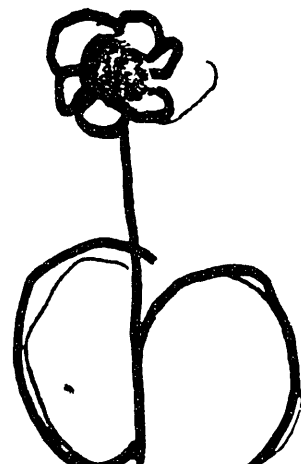
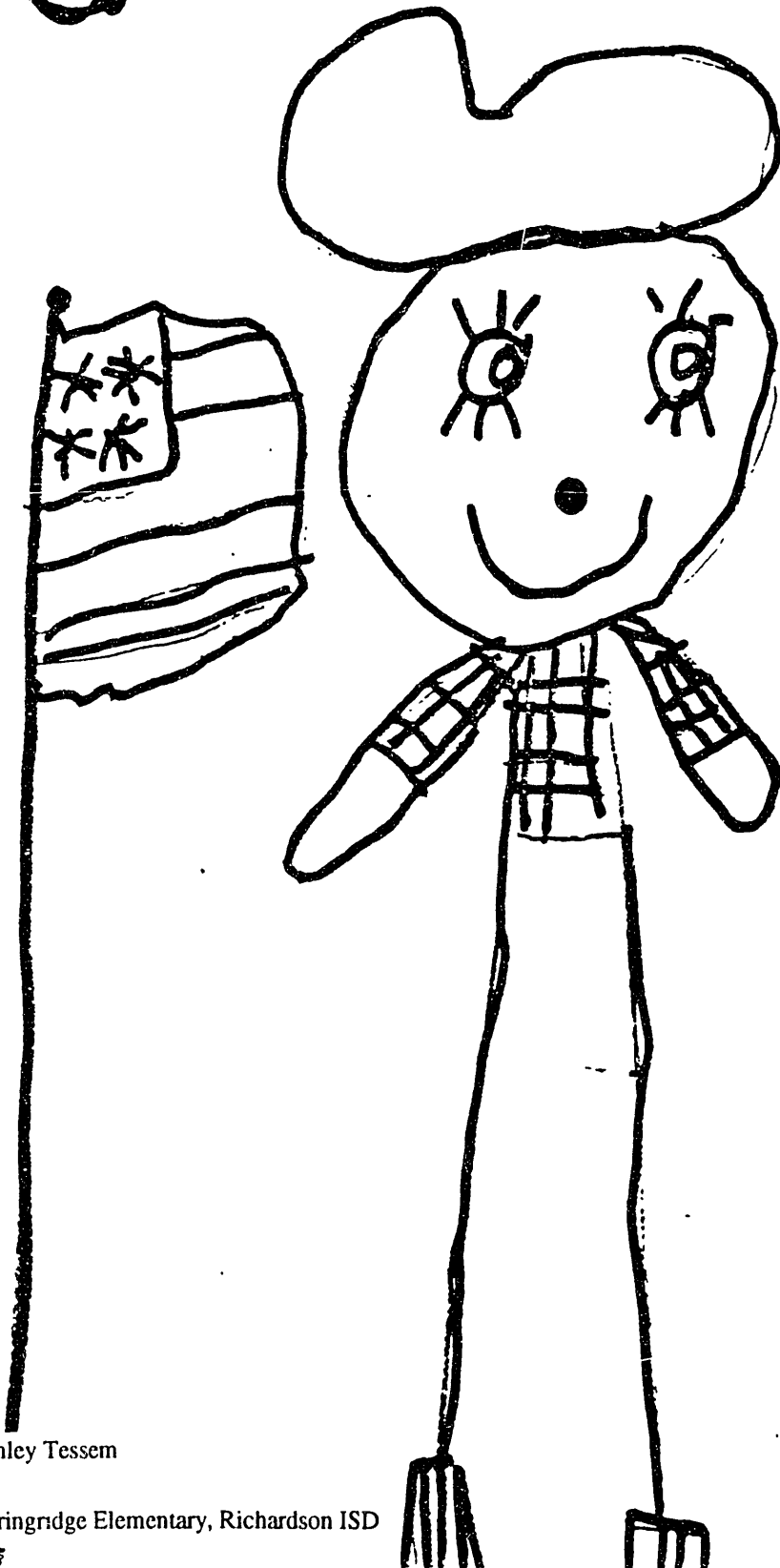
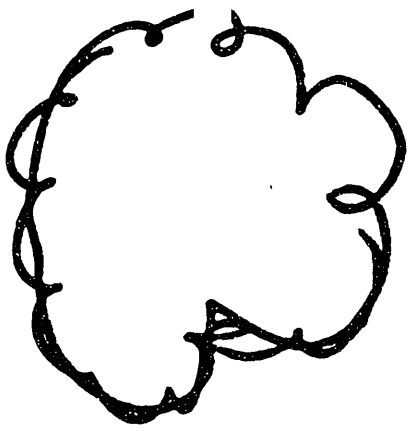
The Capital Area Rural Transportation System (CARTS) Board of Directors will meet at 5111 East First Street, Austin, May 28, 1992, at 9 a.m. Information may be obtained from Edna M. Burroughs, 5111 East First Street, Austin, Texas 78702, (512) 478-7433. TRD-9206856.

The Comal Appraisal District Appraisal Review Board will meet at 430 West Mill Street, New Braunfels, June 3, 1992, at 9 a.m. Information may be obtained from Lynn E. Rodgers, P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597. TRD-9206852.

The Deep East Texas Private Industry Council, Inc. will meet at 601 North Second Street, Civic Center, Lufkin, May 27, 1992, at 10 a.m. Information may be obtained from Charlene Meadows, P.O. Box 1423, Lufkin, Texas 75901, (409) 634-5532. TRD-9206851.

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ASHLEY



Name: Ashley Tessem
Grade: 1
School: Springridge Elementary, Richardson ISD

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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.

Comptroller of Public Account Consultant Service Requests

Notice of Request for Proposals. Pursuant to Texas Civil Statutes, Article 6252-11c, the Comptroller of Public Accounts (CPA) announces a consultant services' request for proposals (RFP) to develop and conduct a management audit program of the Windham School System (WSS) within the Texas Department of Criminal Justice (TDCJ). The management audit program is intended to provide the comptroller's agency and the school district with measurable audit results that will offer tangible recommendations and audit procedures to WSS to improve efficiency and effectiveness. The project will require the consultant to review audits and audit plans developed by Deloitte & Touche, MGT of America, and KPMG Peat Marwick in their respective audits of the Lubbock and Victoria ISD's, the San Antonio, Richland Springs, San Saba, and Cherokee ISD's, and the Lake Travis and West Orange/Cove ISD's and Dallas ISD, when available and publicly disclosed. Detailed specifications concerning the program's scope are contained in the RFP.

Contact Person. Parties interested in offering services to conduct such an audit should contact via facsimile Charles Johnstone, Senior Legal Counsel, Comptroller of Public Accounts, 111 East 17th Street, Room 113, Austin, Texas 78774, FAX (512) 475-0279, for a complete copy of the RFP. The RFP will be available on May 22, 1992, after 3 p.m. After this date and time, the RFP may be picked up in the office listed between 8 a.m. and 5 p.m., Monday-Friday.

Closing Date. Proposals must be received by the CPA no later than 3 p.m., June 8, 1992. Proposals received after this date and time will not be considered. The period of performance is estimated to begin on or about June 22, 1992, and extend through August 31, 1992.

Award Procedure. Selection of the consultant will be based on the demonstrated competence, experience, knowledge, and qualifications in the areas of service desired and on the reasonableness of the proposed fee. The consultant firm(s) which best meets these criteria will be selected. All responses will be subject to evaluation by a committee of qualified CPA personnel charged with selecting the response which most clearly meets the requirements of the RFP. The staff will make a recommendation to the comptroller, who will make the final selection. The decision of the comptroller is final. Consultants may be asked to provide clarification of its response, which may include making an oral presentation of its response, prior to final selection.

The CPA reserves the right to accept or reject any or all responses submitted. The CPA is under no legal or other requirements to execute a resulting contract on the basis of this notice nor the distribution of the RFP. Neither this

notice nor the RFP commit the CPA to pay for any costs incurred prior to the execution of a contract.

The anticipated Schedule of Events is the following. RFP available-May 22, 1992; Proposers Conference-May 28, 1992; Proposal opening-June 8, 1992; Consultant award-June 19, 1992; Work begins-June 22, 1992.

Issued in Austin, Texas, on May 15, 1992.

TRD-9206763 Martin Cherry
Chief, General Law Section
Comptroller of Public Accounts

Filed: May 15, 1992

For further information, please call: (512) 463-4091

Game Procedures Instant Game No. 01

1.0 Name and Style of Game. The name of Instant Game No. 01 is "LONE STAR MILLIONS." The play style of the game is "match three."

1.1 Price of Instant Ticket. Tickets for Instant Game No. 01 shall be \$1.00 per ticket.

1.2 Definitions in Instant Game No. 01.

A. Bar Code-The unique bar-coded representation of the game Pack-Ticket Number and the Validation Number.

B. Display Printing-That area of the instant game ticket outside of the area where the Play Symbols appear.

C. High-Tier Prize-A prize of \$1,000 or \$10,000.

D. Low-Tier Prize-A prize of \$2.00, \$5.00, \$10, \$20, or "Entry."

E. Mid-Tier Prize-A prize of \$50 or \$100.

F. Non-Winning Ticket-A ticket which is not intended to be a winning ticket or a ticket that does not meet all of the requirements of these Game Procedures, Texas Civil Statutes, Article 179g (the Lottery Act), and applicable rules adopted by the Lottery pursuant to the Lottery Act and published in 34 TAC, Chapter 7.

G. Pack-A pack of fanfolded "LONE STAR MILLIONS" Instant Game tickets which are attached to each other by perforations the retailer tears when the retailer sells a ticket. Each pack contains 500 tickets, which are packed in plastic shrink-wrapping and fanfolded in pages of five. Tickets 000 to 004 are on the top page; tickets 005 to 009 are on the next page, etc.; and tickets 495 to 499 are on the last page. Tickets 000 and 499 are folded down to expose the pack-ticket number through the shrink-wrap.

H. Pack-Ticket Number-The 11-digit code printed on the back of each ticket located above the Bar Code which is printed vertically down the side of the back of the ticket in the form 00-000000-000. The first two digits are the game identification number followed by a six-digit pack

number followed by a three-digit ticket number. Numbering begins with 01-000001-000 for this game.

I. Play Symbol—One of the symbols which appears under the six rub-off spots on the front of the ticket. Each Play Symbol is printed in Symbol font in black ink in positive. The possible Play Symbols are: ENTRY, \$2.00, \$5.00, \$10, \$20, \$50, \$100, \$1,000, and \$10,000.

PLAY SYMBOL

ENTRY
\$2.00
\$5.00
\$10
\$20
\$50
\$100
\$1,000
\$10,000

CAPTION

ENTRY
TWO\$
FIVE\$
TEN\$
TWENTY
FIFTY
HUNDRED
ONE THOU
TEN THOU

[graphic]

K. Retailer Validation Code—Three small letters found under the removable rub-off covering over the Play Symbols on the front of the ticket, which the retailer uses to verify and validate instant winners.

L. Ticket or Instant Game Ticket, or Instant Ticket—A Texas Lottery "LONE STAR MILLIONS" Instant Game No. 01 ticket.

M. Validation Number—A unique 12-digit number applied to the front of each ticket.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general ticket validation re-

J. Play Symbol Caption—The small printed material appearing below each Play Symbol which explains the Play Symbol. One and only one of these Play Symbol Captions appears under each Play Symbol and each is printed in Caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

quirements set forth in §2.1 of rules adopted by the Lottery for this purpose, these Game Procedures, and the requirements set out on the back of each instant ticket. A prize winner in the "LONE STAR MILLIONS" Instant Game is determined when the latex on the ticket is rubbed off to expose the six Play Symbols on the front of the ticket. The holder of a ticket wins that like Play Symbol prize amount, if the same Play Symbol prize amount appears in three separate play spots on that ticket. If the Play Symbol "ENTRY" appears in three separate play spots on the ticket, the holder wins the right to enter a One Million Dollar (\$1,000,000) Grand Drawing. No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the Instant Game. The Play Symbol amounts have the following instant values:

ENTRY (entry in the \$1,000,000 grand drawing)
\$2.00, or
\$5.00, or
\$10, or
\$20,
\$50, or
\$100, or
\$1,000, or
\$10,000.

[graphic]

2.1 Instant Ticket Validation Requirements.

A. To be a valid Instant Game ticket, all of the following requirements must be met:

- 1) exactly one Play Symbol must appear under each of the six rub-off spots on the right front portion of the ticket;
- 2) each of the Play Symbols must have a Play Symbol Caption underneath, and each Play Symbol must agree with its Play Symbol Caption;
- 3) each of the Play Symbols must be present in its entirety and be fully legible;
- 4) each Play Symbol Caption must be present in its entirety and be fully legible;
- 5) each of the Play Symbols and the Play Symbol Captions must be printed in black ink;

- 6) the ticket shall be intact;
- 7) the Validation Number, Retailer Validation Code, and Pack-Ticket Number must be present in their entirety and be fully legible;
- 8) the Validation Number must correspond, using the Lottery's codes, to the Play Symbols on the ticket;
- 9) the ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted, or tampered with in any manner;
- 10) the ticket must not be counterfeit in whole or in part;
- 11) the ticket must have been issued by the Lottery in an authorized manner;
- 12) the ticket must not have been stolen, nor appear on any list of omitted tickets or non-activated tickets on file at the Lottery;
- 13) the Play Symbols, Play Symbol Captions, Validation

Number, Retailer Validation Code, and Pack-Ticket Number must be right side up and not reversed in any manner;

14) the ticket must be complete and not miscut, and have exactly one Play Symbol and exactly one Play Symbol Caption under each of the six rub-off spots on the front of the ticket, exactly one Validation Number, exactly one Retailer Validation Code and exactly one Pack-Ticket Number on the ticket;

15) the Validation Number of an apparent winning ticket shall appear on the Lottery's Official List of Validation Numbers of winning tickets, and a ticket with that Validation Number shall not have been paid previously;

16) the ticket must not be blank or partially blank, misregistered, defective, or printed or produced in error;

17) each of the six Play Symbols must be exactly one of those described in §1.2.I, and each of the Play Symbol Captions to those Play Symbols must be exactly one of those described in Section 1.2.J;

18) each of the six Play Symbols on the ticket must be printed in the Symbol Font and must correspond precisely to the artwork on file at the Lottery; the ticket Validation Numbers must be printed in the Validation Font and must correspond precisely to the artwork on file at the Lottery; and the Pack-Ticket Number must be printed in the Pack-Ticket Number Font and must correspond precisely to the artwork on file at the Lottery;

19) the display printing on the ticket must be regular in every respect and correspond precisely to the artwork on file at the Lottery; and

20) the ticket must have been received or recorded by the Lottery by applicable deadlines.

B. The ticket must pass all additional validation tests provided for in these game procedures, the Lottery's Rules governing the award of prizes of the size to be validated, and any confidential validation and security tests of the Lottery.

C. Any Instant Game ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Director may, solely at the Director's option, replace an invalid ticket with an unplayed ticket in that Instant Game (or ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Lottery shall be to replace the defective ticket with another unplayed ticket in that Instant Game (or a ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the ticket.

2.2 Procedure for claiming prizes.

A. To claim a "LONE STAR MILLIONS" Instant Game prize of \$2.00, \$5.00, \$10, \$20, \$50 or \$100, a player shall sign the back of the ticket in the space designated on the ticket and present the winning ticket to any Lottery Retailer. The Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, make payment of the amount due the player and physically void the ticket; provided that the Lottery Retailer may, but is not required to, pay a \$50 or \$100 ticket. In the event the Lottery Retailer cannot verify the claim, the Lottery Retailer shall provide the player with a claim form and instruct the player on how to file a claim with the Lottery. If the claim is validated by the Lottery, a check shall be forwarded to the player in the amount due. In the event the claim is not validated, the claim shall be denied and the player shall be notified promptly. A player may also claim any of the above prizes under the procedure described in §2.2.B.

B. To claim a "LONE STAR MILLIONS" Instant Game prize of \$1,000 or \$10,000, the player must sign the winning ticket, thoroughly complete a claim form, and present both at any Lottery claim center. If the claim is validated by the Lottery, payment will be made to the bearer of the validated winning ticket for that prize upon presentation of proper identification. A player may also claim a prize by signing the winning ticket, thoroughly completing a claim form, and mailing both to: Texas Lottery, Comptroller of Public Accounts, P.O. 16600, Austin,

Texas 78752-6600. When paying a prize of \$600 or more, the Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Lottery, the claim shall be denied and the player shall be notified promptly.

C. To enter the Grand Drawing, a player must complete all required information on the back of a single ticket showing three "ENTRY" symbols, then mail the ticket in an envelope no larger than 4 1/2" x 9 1/2" to: GRAND DRAWING, Post Office Box 149777, Austin, Texas 78714-9777. Entries to a Grand Drawing must be actually received by the Lottery no later than 180 days following the end of this Instant Game.

D. Prior to payment by the Lottery of any prize, the Lottery shall deduct a sufficient amount from the winnings of a person who has been finally determined to be:

(1) delinquent in the payment of a tax or other money collected by the Comptroller, State Treasurer, or Texas Alcoholic Beverage Commission;

(2) delinquent in making child support payments administered or collected by the Attorney General; or

(3) in default on a loan guaranteed under Texas Civil Statutes, Chapter 57, the Education Code.

If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.3 Allowance for Delay of Payment. The Lottery may delay payment of the prize pending a final determination by the director, under any of the following circumstances:

a) if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

b) if there is any question regarding the identity of the claimant;

c) if there is any question regarding the validity of the ticket presented for payment; or

d) if the claim is subject to any deduction from the payment otherwise due, as described in §2.2.D.

No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.4 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a prize from the "LONE STAR MILLIONS" instant game, the Lottery shall:

1) if the prize is less than \$600, deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor;

2) if the prize is more than \$600, deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.5 Instant Ticket Claim Period. All Instant Game prizes must be claimed within 180 days following the end of the Instant Game. Any prize not claimed within that period, and in the manner specified in these game procedures and on the back of each ticket, shall be forfeited.

3.0 Instant Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of an Instant Game ticket in the space designated therefore, a ticket shall be owned by the physical possessor of said ticket. When a signature is placed on the back of the ticket in the space designated therefore, the player whose signature appears in that area shall be the owner of the ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the director shall make payment to the player whose signature appears on the back of the ticket in the space designated therefore. If more than one name appears on the back of the ticket, the Director will require that

one of those players whose name appears thereon be designated to receive payment.

B. The Lottery shall not be responsible for lost or stolen Instant Game tickets.

4.0 Number and Value of Instant Prizes. There will be approximately 300,000, 000 tickets in the Instant Game No. 01. The expected number and value of prizes in the game are as follows:

<u>PRIZE</u>	<u>APPROXIMATE NUMBER OF WINNERS IN THE GAME</u>	<u>CHANCES OF WINNING</u>
ENTRY	500,000	1 : 600
\$2	29,900,000	1: 10.03
\$5	6,000,000	1: 50
\$10	800,000	1: 375
\$20	600,000	1: 500
\$50	125,040	1: 2,399.23
\$100	30,000	1: 10,000
\$1,000	2,500	1: 120,000
\$10,000	500	1: 600,000

[graphic]

The actual number of tickets in the game may be increased or decreased at the sole discretion of the Lottery.

5.0 Termination of the Instant Game. The Director may, at any time, announce a termination date for the Instant Game No. 01 without advance notice, at which point no further tickets in that game may be sold.

6.0 Governing Law. In purchasing an Instant Game ticket, the player agrees to comply with, and abide by, these game procedures for Instant Game No. 01, the Lottery Act, (Texas Civil Statutes, Article 179g), applicable Rules adopted by the Lottery pursuant to the Lottery Act and published in 34 TAC, Chapter 7, and all final decisions of the Director.

Issued in Austin, Texas, on May 15, 1992.

TRD-9206762 Charles Johnstone
Senior Legal Counsel, General Law
Section
Comptroller of Public Accounts

Filed: May 15, 1992

For further information, please call: (512) 463-4091

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**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, Articles 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u>	<u>Commercial(2) over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	05/18/92-05/24/92	18.00%	18.00%

(1)Credit for personal, family or household use. (2)Credit for business, commercial, investment or other similar purpose.

[graphic]

Issued in Austin, Texas, on May 11, 1992.

TRD-9206671 Al Endsley
Consumer Credit Commissioner

Filed: May 14, 1992

For further information, please call: (512) 479-1280

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

The Wagner-Peyser Act, as amended by the Job Training Partnership Act (JTPA), Title V, establishes a formula for distributing funds to states for employment services activities. With this formula, Texas will receive \$51,320,141 for Program Year 1992, beginning July 1, 1992 and ending June 30, 1993. Ninety percent of this amount must be used for basic labor exchange services under §501, subsection 7(a); 10% will be reserved for use at the governor's

discretion within legislatively designated parameters under subsection 7(b).

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

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

These funds will be available to support staff and nonpersonal services (rent, utilities, equipment, supplies, etc.) effective July 1, 1992. Actual disbursement of these funds will be made from the TEC State Office in accordance with the federally approved cost accounting system and state procurement guidelines.

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

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

Information in regard to the specific allocation of any service delivery area as a result of this distribution formula is available from the same source. Any requests for modification of the distribution formula must be received by June 12, 1992 to be considered for the Program Year 1992 funding cycle. Such requests will be addressed, and a response outlining action taken will be issued by the chairman of TEC.

Issued in Austin, Texas, on May 13, 1992.

TRD-9206652 C. Ed Davis
Special Council
Texas Employment Commission

Filed: May 13, 1992

For further information, please call: (512) 463-2291

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Texas Department of Health
Notice of Radioactive Material License
Amendment

Notice is hereby given by the Texas Department of Health that it has granted an amendment to Radioactive Material License Number L03907, issued by Syncor International Corporation for their facility located in Fort Worth (mailing address: Syncor International Corporation, 200 West Magnolia Street, Suite 203, Fort Worth, Texas 76104). Amendment Number 6 to this license specified a change in the facility's physical layout and location.

The Division of Licensing, Registration, and Standards has determined that the licensee has met the standard(s) appropriate to this amendment: the licensee is qualified by reason of training and experience to use the material in

question for the purpose requested in accordance with the *Texas Regulation for Control of Radiation* (TRCR) in such a manner as to minimize danger to public health and safety or property; the licensee's equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property; the issuance of the license amendment will not be inimical to the health and safety to the public; and the licensee satisfies any applicable special requirements of the TRCR.

This notice affords the opportunity for a public hearing upon written request within 30 days of the date of publication of this notice by a person affected as required by the Health and Safety Code, §401.116, as amended, and as set out in TRCR 13.6. A "person affected" is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage. A person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of a person who considers himself affected by agency action, identify the subject license, specify the reasons why the person consider himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated. Should no request for a public hearing the timely filed, the amendment will remain in effect.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 8407 Wall Street, Austin. Information relative to the amendment of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. For further information, please call (512) 834-6688.

Issued in Austin, Texas, on May 12, 1992.

TRD-9206684 David R. Smith, M.D.
Commissioner of Health

Filed: May 14, 1992

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

◆ ◆ ◆
Texas Higher Education Coordinating
Board
Notice of Meeting

The Family Practice Residency Advisory Committee Allocations Subcommittee will meet on Tuesday, May 19, 1992, from 1:30 p.m.-4:30 p.m. The meeting will be located in Building 5, Room 5.200 of the Chevy Chase Office Complex. Discussion topics will include participating programs' Requests for Supplemental Grants and Consideration of Recommendations on Allocation of funds. For further information please contact Claudia Siegel at (512) 483-6116.

Issued in Austin, Texas, on May 15, 1992.

TRD-9206750 Sharon Jahnsman
Administrative Secretary
Texas Higher Education Coordinating Board

Filed: May 15, 1992

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

◆ ◆ ◆
Texas Department of Human Services
Public Notice of Closed Solicitation

Pursuant to the Human Resources Code, Title 2, Chapters 22 and 32, 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 closing the solicitation for new Medicaid beds in Crane County, County Number 052, which appeared in the January 15, 1992, issue of the *Texas Register* (16 TexReg 263). The solicitation is being closed effective the date of this public notice.

Issued in Austin, Texas, on May 14, 1992.

TRD-9206696 Nancy Murphy
Agency liaison, Policy and Document
Support
Texas Department of Human Services

Filed: May 14, 1992

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

◆ ◆ ◆
Public Notices

The Texas Department of Human Services (DHS) has received approval from the Health Care Financing Administration, to amend the Title XIX Medical Assistance Plan by Transmittal Number 92-14, Amendment Number 353. The amendment removes the agency designation from that portion of the plan which references eligibility of blind and disabled individuals addressed in 42 Code of Federal Regulation 435.340. The amendment is effective April 1, 1992. If additional information is needed, please contact Cathy Rossberg, (512) 450-3766.

Issued in Austin, Texas, on May 14, 1992.

TRD-9206697 Nancy Murphy
Agency liaison, Policy and Document
Support
Texas Department of Human Services

Filed: May 14, 1992

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

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The Texas Department of Human Services (DHS) has received approval from the Health Care Financing Administration, to amend the Title XIX Medical Assistance Plan by Transmittal Number 92-10, Amendment Number 349. The amendment reflects statutory language concerning provisions in TM4601, 4603, 4605, and 4501(3) of the Omnibus Budget Reconciliation Act of 1990 (OBRA '90) (issued under Program Memorandum 92-1). The amendment is effective April 1, 1992. If additional information is needed, please contact Cathy Rossberg, (512) 450-3766.

Issued in Austin, Texas, on May 14, 1992.

TRD-9206698 Nancy Murphy
Agency liaison, Policy and Document
Support
Texas Department of Human Services

Filed: May 14, 1992

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

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The Texas Department of Human Services (DHS) has received approval from the Health Care Financing Administration, to amend the Title XIX Medical Assistance Plan by Transmittal Number 92-12, Amendment Number 351. The amendment reflects statutory language concerning provisions in TM4602, 4606, 4713, and 4723 of the Omnibus Budget Reconciliation Act of 1990 (OBRA '90) (issued under Program Memorandum 91-8). The amendment is effective January 1, 1992. If additional information is needed, please contact Cathy Rossberg, (512) 450-3766.

Issued in Austin, Texas, on May 14, 1992.

TRD-9206699 Nancy Murphy
Agency liaison, Policy and Document
Support
Texas Department of Human Services

Filed: May 14, 1992

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

◆ ◆ ◆
**Texas Department of Mental Health
and Mental Retardation**

Public Hearing

The Texas Department of Mental Health and Mental Retardation (TXMHMR) will hold a public hearing on a new subchapter governing placement appeals procedure-mental retardation services (new §§402.281-402.295 and repeal §§402.281-402.301), Chapter 402, Subchapter H, on June 3, 1992, at 2 p.m. in the TXMHMR Central Office Auditorium at 909 West 45th Street, Austin, Texas 78756.

The proposed sections were published for public comment in the May 15, 1992, issue of the *Texas Register*. Copies of the proposal are available for review in TXMHMR's Office of Policy Development, 4405 North Lamar Boulevard, Room 411, Austin, Texas 78756, or by calling Linda Logan, Director, Policy Development, (512) 465-4516.

If deaf interpreters are required, notify Ms. Logan at the previously listed number 72 hours prior to the meeting.

Issued in Austin, Texas, on May 12, 1992.

TRD-9206645 Harry Deckard
Attorney
Texas Department of Mental Health and
Mental Retardation

Filed: May 13, 1992

For further information, please call: (512) 465-4327

North Central Texas Council of Governments

Request for Consultant Proposals and Qualifications

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

NCTCOG is requesting consultant proposals and qualifications to conduct a planning study on the Air Carrier Airport System in North Central Texas. The study area will include all 16 counties in the NCTCOG region and will be a long-range analysis of air carrier needs and an assessment of various implementation strategies to ensure those needs are met.

Contract Award Procedures. The firm selected to perform this study will be recommended by the Air Carrier System Technical Committee and the Air Carrier System Policy Committee. The Technical Committee will use evaluation criteria and methodology consistent with the scope of services contained in the Request for Proposals and Qualifications. The Policy Committee will consider the Technical Committee's recommendation and forward it to the NCTCOG Executive Board. The NCTCOG Executive Board will review the Policy Committee's recommendation, and if it is found acceptable, will issue an award of contract upon release of Federal Aviation Administration funds.

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

Due Date. Proposals must be submitted no later than noon, Thursday, June 18, 1992, to Julie Dunbar, North Central Texas Council of Governments, 616 Six Flags Drive, Suite 200, Arlington, Texas 76011 or P.O. Box 5888, Arlington, Texas 76005-5888. A proposer's conference is scheduled for Wednesday, May 28, 1992 at 9 a.m., and consultant interviews are tentatively scheduled for Tuesday, June 30, 1992. For more information and copies of the Request for Proposals/Qualifications, contact Julie Dunbar, (817) 640-3300.

Issued in Arlington, Texas, on May 13, 1992.

TRD-9206715 William J. Pitstick
Executive Director
North Central Texas Council of
Governments

Filed: May 15, 1992

For further information, please call: (817) 640-3300

Texas Department of Public Safety Public Hearing Notice

The Texas Department of Public Safety, in accordance with the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a and Article 6701d, §139, is holding a public hearing May 26, 1992, at 10 a.m. in Department of Public Safety Headquarters, Conference Room "B", 5805 North Lamar Boulevard, Austin.

The purpose of the hearing is to receive testimony regarding adoption of amendments to the administrative rule regarding transportation safety-§3.62 promulgated pursuant to authority of Texas Civil Statutes, Article 6701d, §139.

Interested parties are invited to submit advanced written notice of their intent to attend the hearing and present, at the time of the hearing, any remarks they wish to make. Written comments should be received by the close of the hearing to be considered. Any written comments and letters of intent to attend the hearing must be addressed to John C. West, Jr., Chief of Legal Services, Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001.

This hearing will be conducted in accordance with the Texas Department of Public Safety's general rules of practice and procedures, rules, §§29.1-29.49.

Issued in Austin, Texas, on May 12, 1992.

TRD-9206637 John C. West, Jr.
Chief of Legal Services
Texas Department of Public Safety

Filed: May 13, 1992

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

Railroad Commission of Texas

Correction of Error

The Railroad Commission of Texas proposed an amendment to 16 TAC §5.28, concerning specialized motor carriers of petroleum products. The rule was published in the May 12, 1992, *Texas Register* (17 TexReg 3443).

Due to a typographical error by the *Texas Register* new language in subsection (a) was not printed in boldface. The commodity "nitrogen fertilizer solution" also was misspelled.

Office of the Secretary of State

Correction of Error

The Office of the Secretary of State proposed 1 TAC §95.51, concerning standard forms. The rule was published in the April 7, 1992, *Texas Register* (17 TexReg 2451).

Due to a proofreading error in paragraph (a)(3) the words "printer prints" was omitted. The paragraph should read as follows.

"(3) Where a printer prints forms with a name other than the approved printer's name in [on] the bottom right-hand

corner the printer must notify the secretary of state in writing of such names and include..."

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Texas University of Texas System Consulting Contract Award

The University of Texas System files this statement on award of contract for consulting services in accordance with the provisions of Texas Civil Statutes, Article 6252-11c. On May 1, 1992, U.T. System entered into a contract for consulting services in response to a consultant proposal request published in the February 25, 1992, issue of the *Texas Register* (17 TexReg 1564).

Project Description: Conduct an extensive nationwide executive search for qualified candidates for the position of vice chancellor for asset management for The University of Texas System Administration. Tasks to be provided by the consultant include: provide an outline of the procedures and methodology to be utilized in conducting the search for the position of vice chancellor for asset management; identify qualified individuals interested in accepting the position; recommend five to ten such individuals for consideration, conducting appropriate background checks; schedule candidate interviews including appropriate travel arrangements; evaluate and develop resumes for each of the recommended candidates; provide regular reports on the status of the search and consultation with system administration by telephone, in writing or in person as requested.

Name and Address of Consultant. Korn/Ferry International, 1100 Milam Building, Suite 3400, Houston, Texas 77002.

Value of Contract and Effective Date: The value of this contract is based on a flat fee not to exceed \$60,000, plus reasonably research and administrative expenses incurred for travel, phone calls, and related incidental expenses. This contract commenced on May 1, 1992, and will be completed not later than four months after the start of the contract.

Due Date of Final Report. All reports, findings, and related documents thereto are due upon completion of the contract.

Issued in Austin, Texas, on May 13, 1992.

TRD-9206646 Arthur H. Dilly
 Executive Director
 The University of Texas System

Filed: May 13, 1992

For further information, please call: (512) 499-4402

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Request for Proposal

The University of Texas Medical Branch at Galveston (UTMB), in accordance with provisions of the Texas Civil Statutes, Article 6252-11c, solicits to contract for assistance with the implementation of a single vendor's integrated family of patient-care systems to replace UTMB's current patient-care systems.

Project Description: The scope of work for the selected contractor shall be: assisting with project management, administration, and planning; identifying options, formulating recommendations, and facilitating organizational

and operational changes in user departments; assisting identifying issues for resolution and policy and procedure changes needed; preparing alternative solutions and recommendations and facilitating decision making and implementation; assisting with liaison activities with the vendor. During the project, the previous scope of work will be applied in the concurrent implementation of patient management, patient accounting, resource scheduling, chart management, and order entry/results reporting systems. Specific tasks will include: planning and administration for multi-project teams, including project organization, roles and responsibilities, change management, project management education, and quality assurance reviews; departmental analysis to include assistance in defining departmental objectives, analyzing current operations, developing a new-system impact analysis, and implementation of approved recommendations; guiding and counseling departments throughout the system implementation phase, including designing screens, documentation, security and conversion and interface specifications; assisting in definition and control of integration programming requirements; and developing user desktop procedures and assisting in the design of training programs. This contract shall be for approximately a 24-month period provided the contractor fulfills all contract requirements and provides the quality of work desired. The possibility of an extension exists at the option of the purchaser.

Contact: The complete patient-care system implementation assistance contract service request for proposal may be obtained from Raymond Walker, Acting Director of Purchasing, Room 3.202, Administration Annex II, The University of Texas Medical Branch at Galveston, Texas 77555-0105, (409) 761-2567.

Due Date: Proposals will be opened in the offices of the Director of Purchasing, Room, 3.202, Administration Annex II, UTMB, Galveston at the time and date specified in the request for proposal. It is the responsibility of the bidder to have proposals in the previously stated offices at that time. Proposals received late for any reason will be returned unopened.

Procedure for Selection of Contractor: Proposals will be evaluated by UTMB, and selection will be based on experience, cost considerations, and other qualifications as further described in the complete request for proposal. The entity selected must be thoroughly familiar with the implementation of leading state-of-the-art integrated patient-care systems; must submit a resume which fully describes the type of business organization; provides a description of qualifying experience in the implementation of patient-care systems involving multiple users (preferably in an academic hospital environment), including project description, associated costs, and time frames of projects successfully completed; provides a client list for implemented systems; provides names, titles, qualifications, and experience of specific personnel to be assigned to provide the implementation assistance; provides names, titles, qualifications, and experience of specific personnel to be assigned to provide the implementation assistance; provides an outline of the approach and a proposed work plan for the project; and provides a fixed cost schedule for the project including travel, lodging, and other related expenses. Bidders must state in writing that the firm is in no way financially associated with any hardware equipment supplier or software systems vendor, and guarantee that no fee will be solicited or accepted from any vendor associated with any UTMB project.

Issued in Austin, Texas, on May 14, 1992.

TRD-9206700 Arthur H. Dilly
Certifying Official
The University of Texas System

Filed: May 14, 1992

For further information, please call: (512) 499-4402

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Veterans Land Board
Consultant Contract Award

Pursuant to Texas Civil Statutes, Article 6252-11c, the Veterans Land Board is filing notice of a contract award to Johnson and Gibbs. A contract has also been awarded to Vinson & Elkins and Lannen and Moye, 3800 Bank One Center PB49, 1717 Main Street, Dallas, Texas 75201-4689 as co-counsel. A request for proposals was published in the August 9, 1991, issue of the *Texas Register* (16 TexReg 4377).

Johnson and Gibbs, 900 Jackson Street, Suite 100, Dallas Texas 75202-4499, will act as the board's counsel for the Veterans Land Program, and the Farm and Ranch Finance Program. Vinson & Elkins, First City Centre, 816 Congress Avenue, Austin, Texas 78701-2496 and Lannen and Moye, 3800 Bank One Center PB49a, 1717 Main Street, Dallas, Texas 75201-4689 as co-counsel, will serve as the board's bond counsel for the Veterans Housing Assistance Program.

For services related to assignments made by the board or its general counsels associated with the maintenance of bond funds and programs, bond counsel's fee shall be based on an hourly rate for services provided, not to exceed the lowest customary hourly rates charged to established clients, based upon the level of experience of the attorney providing the request services. For services related to the issuance of all bonds, bond counsel's fee shall also be based on the same hourly rate, provided, however, this sum shall not exceed an amount determined by the size of the bond issue.

Issued in Austin, Texas, on May 13, 1992.

TRD-9206699 Gary Mauro
Chairman
Veterans Land Board

Filed: May 14, 1992

For further information, please call: (512) 463-5394

◆ ◆ ◆
Texas Water Commission
**Notice of Application For Waste
Disposal Permit**

Following are notices of receipt of applications and declaration of administrative completeness for municipal solid waste permits issued during the period of May 8, 1992-May 13, 1992.

These applications have been determined to be administratively complete, and will not be subject to a technical evaluation by the staff of the Texas Water Commission.

Persons should be advised that these applications are subject to change based on such evaluation.

These notices are issued pursuant to the Texas Health and Safety Code, §366. 0665. Any person who may be affected by the facility is entitled to request a hearing from the commission. The commission will issue further notice of the application and the terms of any proposed draft permit once the technical evaluation is completed.

County of Yoakum; Type I landfill with a collocated recycling center; located eight miles north of Denver City, six miles south of Plains, three miles northwest of the intersection of SH 214 and FM 213, 5.5 miles southeast of the intersection of US 82 and FM 1622, and 0.6 mile north of Dixon Road in Yoakum County; new; MSW2217.

Sanifill of Texas, Inc.; Type IV landfill; located 1.5 miles south of the Beltway 8 and US 290 intersection, in the 10400 block of Tanner Road in the City of Houston, Harris County; new; MSW2185.

City of Copperas Cove; Type V facility for processing, recycling, and disposal; located inside the city limits of Copperas Cove, approximately 2,000 feet south of U.S. Highway 190, at 305 Constitution Drive in Coryell County; new; MSW2210.

Information concerning these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Issued in Austin, Texas, on May 14, 1992.

TRD-9206720 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 15, 1992

For further information, please call: (512) 463-7906

◆ ◆ ◆
Applications Received

Pursuant to the Texas Water Code, §6.195, the Texas Water Development Board provides notice of the following applications received by the board.

Starr County, WCID, #2, 500 East Main Street, Rio Grande City, Texas 78582, received April 2, 1992, application for financial assistance in the amount of \$210,000 from the state water pollution control revolving fund.

Town of Hacksberry, P.O. Box 945, Little Elm, Texas 75068, received May 5, 1992, application for financial assistance in the amount of \$65,000 from the water loan assistance fund.

Additional information concerning this matter may be obtained from Craig D. Pedersen, Executive Administrator, P.O. Box 13231, Austin, Texas 78711.

Issued in Austin, Texas, on May 15, 1992.

TRD-9206651 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Filed: May 13, 1992

For further information, please call: (512) 463-7981

1992 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1992 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. No issues will be published on February 28, November 6, December 1, and December 29. A bullet beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 *Friday, January 3	Friday, December 27	Tuesday, December 31
2 *Tuesday, January 7	Tuesday, December 31	Thursday, January 2
3 Friday, January 10	Monday, January 6	Tuesday, January 7
4 Tuesday, January 14	Wednesday, January 8	Thursday, January 9
5 Friday, January 17	Monday, January 13	Tuesday, January 14
6 Tuesday, January 21	Wednesday, January 15	Thursday, January 16
Friday, January 24	1991 ANNUAL INDEX	
7 Tuesday, January 28	Wednesday, January 22	Thursday, January 23
8 Friday, January 31	Monday, January 27	Tuesday, January 28
9 Tuesday, February 4	Wednesday, January 29	Thursday, January 30
10 Friday, February 7	Monday, February 3	Tuesday, February 4
11 Tuesday, February 11	Wednesday, February 5	Thursday, February 6
12 Friday, February 14	Monday, February 10	Tuesday, February 11
13 Tuesday, February 18	Wednesday, February 12	Thursday, February 13
14 *Friday, February 21	Friday, February 14	Tuesday, February 18
15 Tuesday, February 25	Wednesday, February 19	Thursday, February 20
Friday, February 28	NO ISSUE PUBLISHED	
16 Tuesday, March 3	Wednesday, February 26	Thursday, February 27
17 Friday, March 6	Monday, March 2	Tuesday, March 3
18 Tuesday, March 10	Wednesday, March 4	Thursday, March 5
19 Friday, March 13	Monday, March 9	Tuesday, March 10
20 Tuesday, March 17	Wednesday, March 11	Thursday, March 12
21 Friday, March 20	Monday, March 16	Tuesday, March 17
22 Tuesday, March 24	Wednesday, March 18	Thursday, March 19
23 Friday, March 27	Monday, March 23	Tuesday, March 24
24 Tuesday, March 31	Wednesday, March 25	Thursday, March 26
25 Friday, April 3	Monday, March 30	Tuesday, March 31
26 Tuesday, April 7	Wednesday, April 1	Thursday, April 2
27 Friday, April 10	Monday, April 6	Tuesday, April 7
Tuesday, April 14	FIRST QUARTERLY INDEX	
28 Friday, April 17	Monday, April 13	Tuesday, April 14
29 Tuesday, April 21	Wednesday, April 15	Thursday, April 16

30 Friday, April 24	Monday, April 20	Tuesday, April 21
31 Tuesday, April 28	Wednesday, April 22	Thursday, April 23
32 Friday, May 1	Monday, April 27	Tuesday, April 28
33 Tuesday, May 5	Wednesday, April 29	Thursday, April 30
34 Friday, May 8	Monday, May 4	Tuesday, May 5
35 Tuesday, May 12	Wednesday, May 6	Thursday, May 7
36 Friday, May 15	Monday, May 11	Tuesday, May 12
37 Tuesday, May 19	Wednesday, May 13	Thursday, May 14
38 Friday, May 22	Monday, May 18	Tuesday, May 19
39 Tuesday, May 26	Wednesday, May 20	Thursday, May 21
40 *Friday, May 29	Friday, May 22	Tuesday, May 26
41 Tuesday, June 2	Wednesday, May 27	Thursday, May 28
42 Friday, June 5	Monday, June 1	Tuesday, June 2
43 Tuesday, June 9	Wednesday, June 3	Thursday, June 4
44 Friday, June 12	Monday, June 8	Tuesday, June 9
45 Tuesday, June 16	Wednesday, June 10	Thursday, June 11
46 Friday, June 19	Monday, June 15	Tuesday, June 16
47 Tuesday, June 23	Wednesday, June 17	Thursday, June 18
48 Friday, June 26	Monday, June 22	Tuesday, June 23
49 Tuesday, June 30	Wednesday, June 24	Thursday, June 25
50 Friday, July 3	Monday, June 29	Tuesday, June 30
51 Tuesday, July 7	Wednesday, July 1	Thursday, July 2
52 Friday, July 10	Monday, July 6	Tuesday, July 7
Tuesday, July 14	SECOND QUARTERLY INDEX	
53 Friday, July 17	Monday, July 13	Tuesday, July 14
54 Tuesday, July 21	Wednesday, July 15	Thursday, July 16
55 Friday, July 24	Monday, July 20	Tuesday, July 21
56 Tuesday, July 28	Wednesday, July 22	Thursday, July 23
57 Friday, July 31	Monday, July 27	Tuesday, July 28
58 Tuesday, August 4	Wednesday, July 29	Thursday, July 30
59 Friday, August 7	Monday, August 3	Tuesday, August 4
60 Tuesday, August 11	Wednesday, August 5	Thursday, August 6
61 Friday, August 14	Monday, August 10	Tuesday, August 11
62 Tuesday, August 18	Wednesday, August 12	Thursday, August 13
63 Friday, August 21	Monday, August 17	Tuesday, August 18
64 Tuesday, August 25	Wednesday, August 19	Thursday, August 20
65 Friday, August 28	Monday, August 24	Tuesday, August 25
66 Tuesday, September 1	Wednesday, August 26	Thursday, August 27
67 Friday, September 4	Monday, August 31	Tuesday, September 1
68 Tuesday, September 8	Wednesday, September 2	Thursday, September 3
69 *Friday, September 11	Friday, September 4	Tuesday, September 8

70 Tuesday, September 15	Wednesday, September 9	Thursday, September 10
71 Friday, September 18	Monday, September 14	Tuesday, September 15
72 Tuesday, September 22	Wednesday, September 16	Thursday, September 17
73 Friday, September 25	Monday, September 21	Tuesday, September 22
74 Tuesday, September 29	Wednesday, September 23	Thursday, September 24
75 Friday, October 2	Monday, September 28	Tuesday, September 29
76 Tuesday, October 6	Wednesday, September 30	Thursday, October 1
77 Friday, October 9	Monday, October 5	Tuesday, October 6
Tuesday, October 13	THIRD QUARTERLY INDEX	
78 Friday, October 16	Monday, October 12	Tuesday, October 13
79 Tuesday, October 20	Wednesday, October 14	Thursday, October 15
80 Friday, October 23	Monday, October 19	Tuesday, October 20
81 Tuesday, October 27	Wednesday, October 21	Thursday, October 22
82 Friday, October 30	Monday, October 26	Tuesday, October 27
83 Tuesday, November 3	Wednesday, October 28	Thursday, October 29
Friday, November 6	NO ISSUE PUBLISHED	
84 Tuesday, November 10	Wednesday, November 4	Thursday, November 5
85 Friday, November 13	Monday, November 9	Tuesday, November 10
*86 Tuesday, November 17	Tuesday, November 10	Thursday, November 12
87 Friday, November 20	Monday, November 16	Tuesday, November 17
88 Tuesday, November 24	Wednesday, November 18	Thursday, November 19
89 Friday, November 27	Monday, November 23	Tuesday, November 24
Tuesday, December 1	NO ISSUE PUBLISHED	
90 Friday, December 4	Monday, November 30	Tuesday, December 1
91 Tuesday, December 8	Wednesday, December 2	Thursday, December 3
92 Friday, December 11	Monday, December 7	Tuesday, December 8
93 Tuesday, December 15	Wednesday, December 9	Thursday, December 10
94 Friday, December 18	Monday, December 14	Tuesday, December 15
95 Tuesday, December 22	Wednesday, December 16	Thursday, December 17
96 Friday, December 25	Monday, December 21	Tuesday, December 22
Tuesday, December 29	NO ISSUE PUBLISHED	
1 (1993) Friday, January 1	Monday, December 28	Tuesday, December 29

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