

# Texas Register

Volume 17, Number 55, July 24, 1992

Page 5159-5247

## In This Issue...

### **Office of the Governor**

#### *Appointments Made July 9, 1992*

Real Estate Research Advisory Committee .....	5169
Texas Higher Education-Coordinating Board.....	5169
Board of Protective and Regulatory Services .....	5169
Texas Council on Alzheimer's Disease and Related Disorders.....	5169

### **The Ethics Commission Section**

#### *Texas Ethics Commission Opinions Requests*

AOR-77-82.....	5171
----------------	------

### **Emergency Sections**

#### *State Office of Administrative Hearings*

#### **Rules of Procedure**

1 TAC §§155.1, 155.3, 155.5, 155.7, 155.9, 155.11, 155.13, 155.15, 155.17, 155.19, 155.21, 155.23, 155.25, 155.27, 155.29, 155.31, 155.33, 155.35, 155.37, 155.39, 155.41, 155.43, 155.45, 155.47, 155.49, 155.51, 155.53 .....	5173
---	------

#### **Temporary Administrative Law Judges**

1 TAC §157.1.....	5173
-------------------	------

### *Texas Education Agency*

#### **Curriculum**

19 TAC §75.142 .....	5173
----------------------	------

### *General Land Office*

#### **Planning Division**

31 TAC §15.60 .....	5174
---------------------	------

### *Texas State Treasury Department*

#### **Cigarette and Tobacco Products Tax**

34 TAC §11.52 .....	5174
---------------------	------

### **Proposed Sections**

#### *Office of the Attorney General*

#### **Crime Victims Compensation**

1 TAC §§61.1-61.34 .....	5175
--------------------------	------

#### *Office of the Secretary of State*

#### **Notary Public**

1 TAC §§87.2, 87.4, 87.5 .....	5177
1 TAC §87.21 .....	5178
1 TAC §87.22, §87.23 .....	5178

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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- Withdrawn Sections** - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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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**How to Cite:** Material published in the *Texas Register* is referenced by citing volume in which a document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 17 (1992) is cited as follows: 17 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "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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1 TAC §87.43 ..... 5179

1 TAC §87.48 ..... 5179

*Texas Department of Commerce*

**Work Force Development Incentive Program  
[Job Training]**

10 TAC §§184.101-184.104..... 5179

*Texas Department of Licensing and  
Regulation*

**Air Conditioning and Refrigeration Contractor  
License Law**

16 TAC §§75.20, 75.80, 75.90..... 5182

*Texas Parks and Wildlife Department*

**Wildlife**

31 TAC §§65.190, 65.193, 65.194..... 5183

*Comptroller of Public Accounts*

**Funds Management (Fiscal Affairs)**

34 TAC §5.54 ..... 5184

*Texas State Treasury Department*

**Cigarette and Tobacco Products Tax**

34 TAC §11.52 ..... 5188

*Texas Commission on Fire Protection*

**Administration Practice and Procedure**

37 TAC §§420.85, 420.87, 420.93 ..... 5188

37 TAC §420.93, §420.95 ..... 5189

*Texas Department of Human Services*

**Early and Periodic Screening, Diagnosis, and  
Treatment**

40 TAC §33.140 ..... 5189

**General Rules**

40 TAC §101.11 ..... 5191

*Texas Department of Insurance*

Notification Pursuant to the Texas Insurance Code, Chap-  
ter 5, Subchapter L..... 5191

**Withdrawn Sections**

*Texas Department of Human Services*

**Long-Term Care Nursing Facility Registration  
for Licensure and Medicaid Certification**

40 TAC §19.2012 ..... 5193

40 TAC §§19.2201-19.2213.....5193

**Adopted Sections**

*Texas Education Agency*

**School Districts**

19 TAC §§61.101-61.104.....5195

**Curriculum**

19 TAC §75.32 .....5197

19 TAC §75.47 .....5204

19 TAC §§75.62-75.64, 75.66-75.67 .....5204

*Texas State Board of Public Accountancy*

**Professional Conduct**

22 TAC §501.40.....5211

**The Board**

22 TAC §505.8 .....5211

**Pratice and Procedure**

22 TAC §§519.3, 519.6, 519.9, 519.11, 519.17, 519.19,  
519.20, 519.21, 519.23, 519.26, 519.27, 519.29.....5211

22 TAC §§519.10, 519.13, 519.15, 519.16, 519.30, 519.31  
.....5211

*Texas Department of Insurance*

**Agents' Licensing**

28 TAC §§19.1701-19.1719.....5211

*State Property Tax Board*

**Tax Record Requirements**

34 TAC §§155.6, 155.37, 155.51, 155.60.....5219

**Tax Assessor Education Requirements**

34 TAC §§157.21-157.25.....5219

**Reporting Procedures**

34 TAC §§163.1-163.3.....5219

*Texas Department of Human Services*

**Medicaid Programs ofr Aliens**

40 TAC §5.1002.....5220

**Early and Periodic Screening, Diagnosis, and Treatment**

40 TAC §33.140.....5220

Notifications Pursuant to the Texas Insurance Code, Chapter 5, Subchapter L.....5221

**Open Meetings**

Texas Department on Aging.....5223

Texas Department of Agriculture.....5223

Texas Alcoholic Beverage Commission.....5224

State Board of Barber Examiners.....5224

Texas Bond Review Board.....5224

Children's Trust Fund of Texas Council.....5224

Texas Board of Criminal Justice.....5224

Texas School for the Deaf.....5224

Texas Planning Council for Developmental Disabilities  
.....5225

Texas Education Agency.....5225

General Services Commission.....5226

Texas Department of Health.....5226

Texas Historical Commission.....5227

Department of Information Resources.....5227

Texas Department of Insurance.....5228

Texas Department of Licensing and Regulation.....5228

Texas Council on Offenders with Mental Impairments  
.....5229

Board of Nurse Examiners.....5229

State Preservation Board.....5229

Texas Public Finance Authority.....5229

Public Utility Commission of Texas.....5229

Texas Low-Level Radioactive Waste Disposal Authority  
.....5230

Railroad Commission of Texas.....5230

Texas Real Estate Commission.....5230

Texas Municipal Retirement System.....5231

Senate Interim Committee on State Affairs Subcommittee  
on Workforce Development.....5231

Texas A&M University System.....5231

Texas Health Maintenance Organization.....5231

Texas Health Policy Tasks Force.....5232

Texas Life, Accident, Health and Hospital Service I.....5232

Texas State Technical College.....5232

University of Texas System, M.D. Anderson Cancer  
Center.....5232

Texas Water Commission.....5232

Texas Water Development Board.....5232

Regional Meetings.....5233

**In Addition Sections**

*Texas Air Control Board*

Notice of Contested Case Hearing Number 300.....5237

*Comptroller of Public Accounts*

Game Procedures Instant Game Number 03.....5237

*Office of Consumer Credit Commissioner*

Notice of Rate Ceilings.....5240

*Texas Education Agency*

Request for Applications.....5241

Request for Bids.....5241

Request for Proposal.....5242

*General Services Commission*

Notice of Request for Proposals.....5242

*Texas Department of Health*

Annual Update to Women, Infants and Children State Plan  
.....5242

*Texas Department of Human Services*

Public Notice.....5243

Request for Information.....5243

*Texas Department of Insurance*

Company Licensing.....5245

*Joint Interim Committee on the  
Environment Subcommittee on Air  
Quality*

Notice of Public Hearing.....5245

*Texas State Library and Archives  
Commission*

Consultant Contract Reports.....5245

Local Government Records Committee ..... 5246

*Public Utility Commission of Texas*

Notices of Proposed Revisions to Telephone Rate Filing  
Package ..... 5246

*Texas Racing Commission*

Notice of Application Period ..... 5247

*Texas Water Commission*

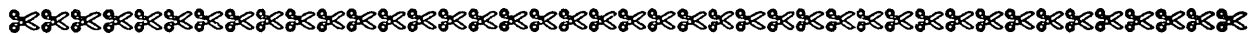
Enforcement Order ..... 5247

*The Texas Register Readers Choice Award  
continues with this issue!*

*You will be able to continue to VOTE throughout the summer on what you think is the best of the 1991-1992 school art project submissions. In this issue, we continue publishing artwork from students in grades four through six. The pictures are labeled first by the category, and then by a number reflecting the individual piece. For example "4-1" will indicate that the picture is the first submission in the fourth through sixth grade group. You will be able to vote as often as you would like. Simply fill out the attached form, and mail it to the Texas Register, Roberta Knight, P.O. Box 13824, Austin, Texas 78711-3824.*

*The Secretary of State, Texas Register staff will then tabulate the votes and announce the winners in the fall of 1992.*

*The artwork does not add additional pages and does not increase the cost of the Texas Register.*



**1991 - 1992 Texas Register Readers Choice Award.**

*Please enter my vote for the "best of the best" :*

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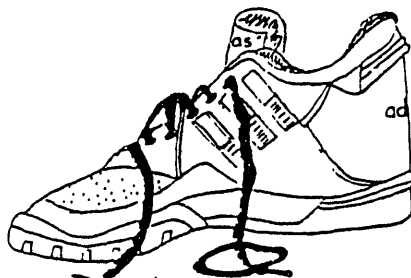
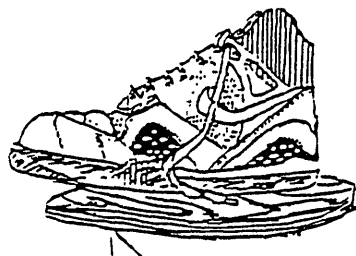
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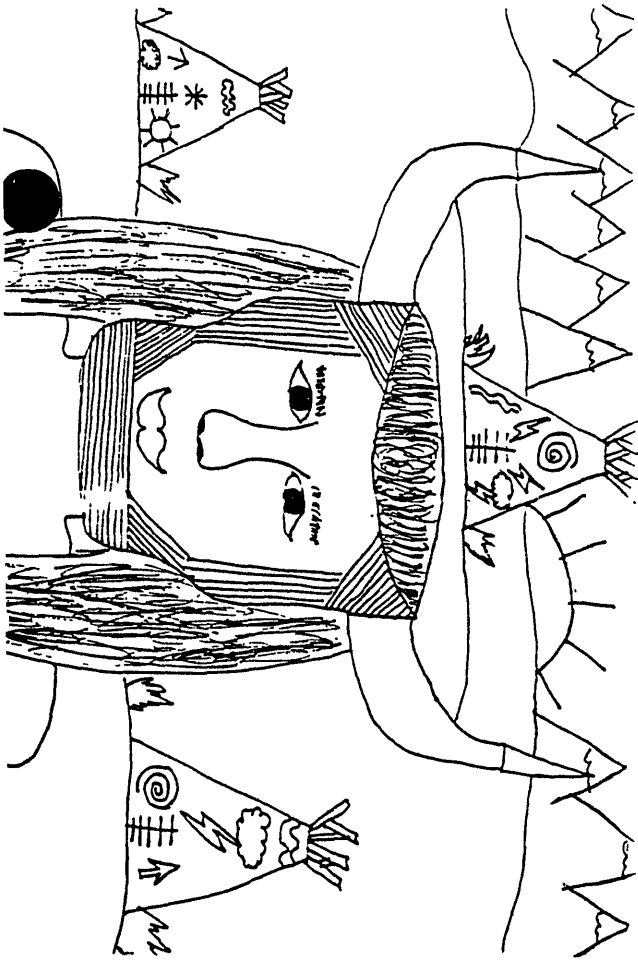
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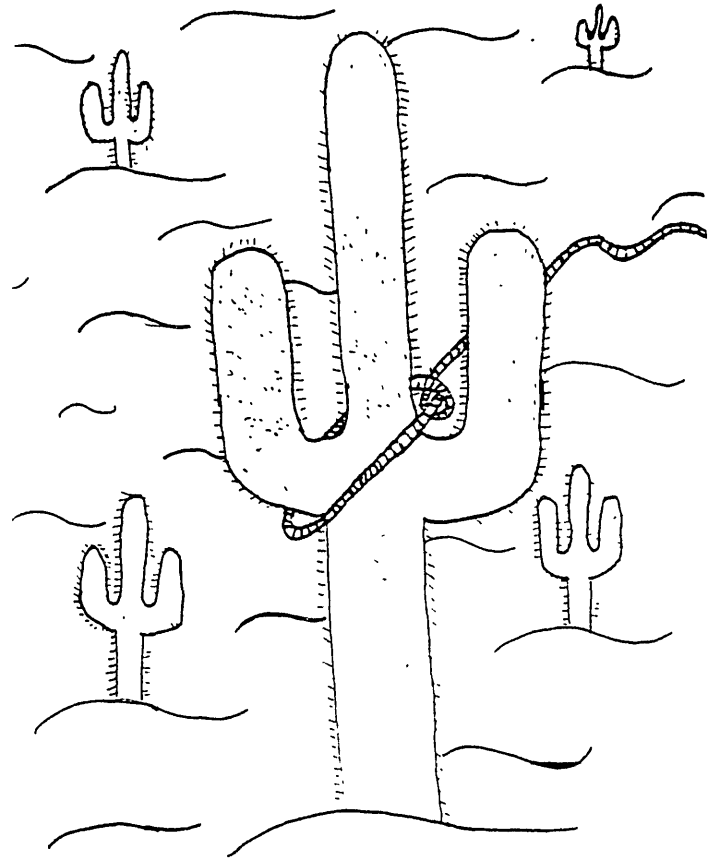


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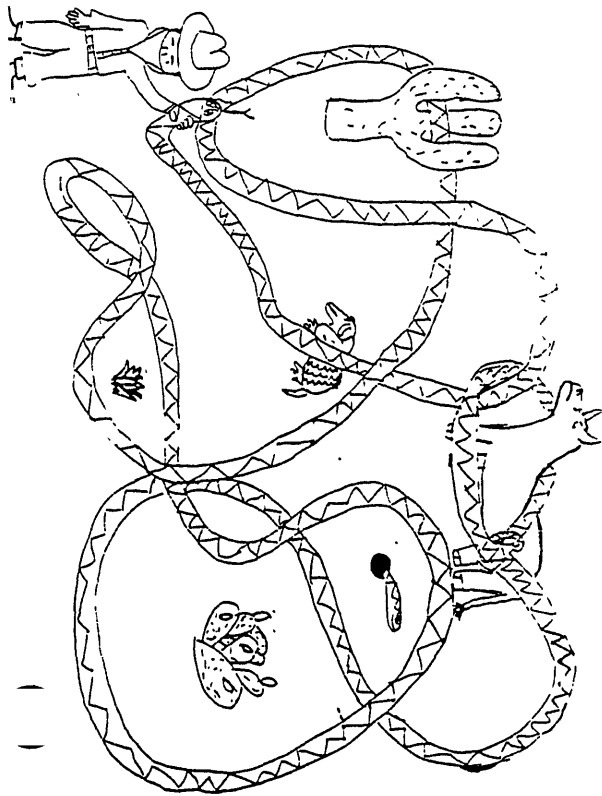




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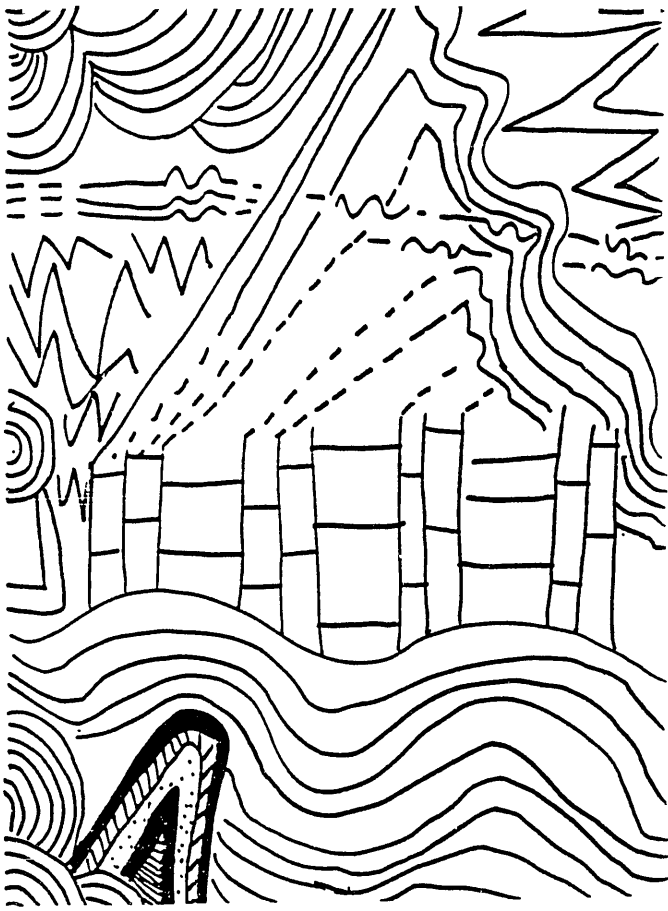
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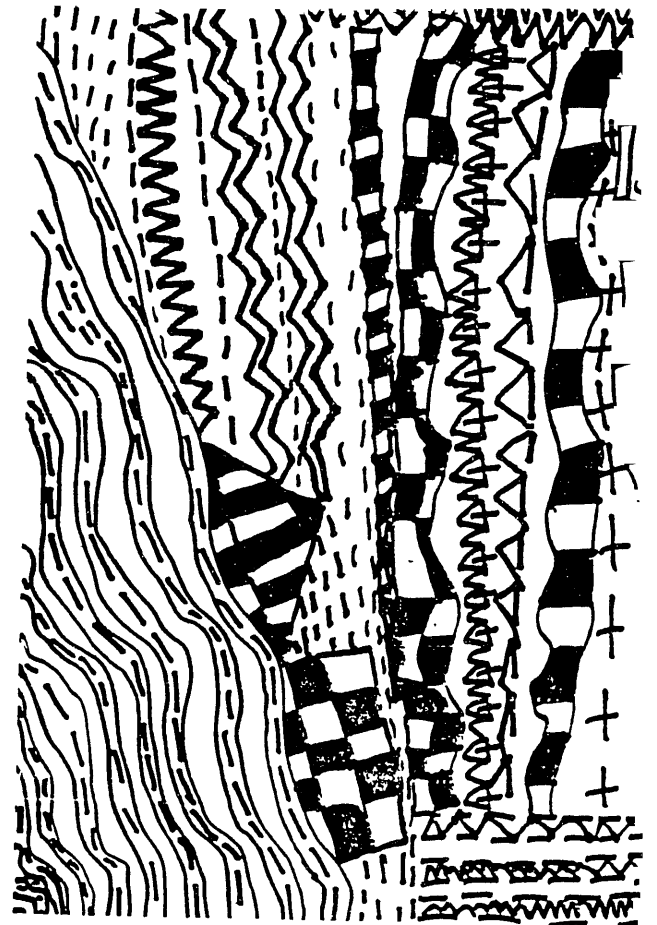
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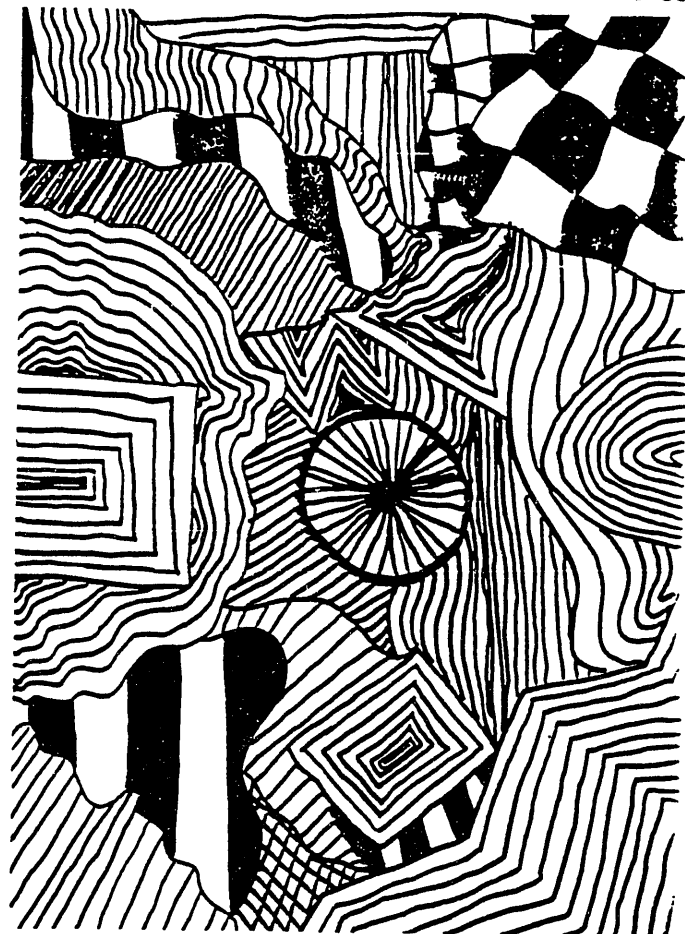




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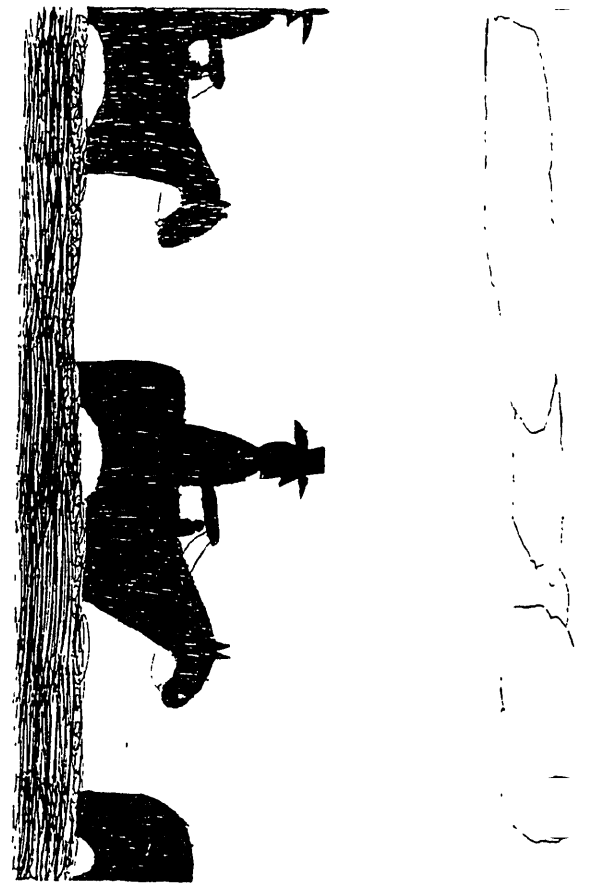


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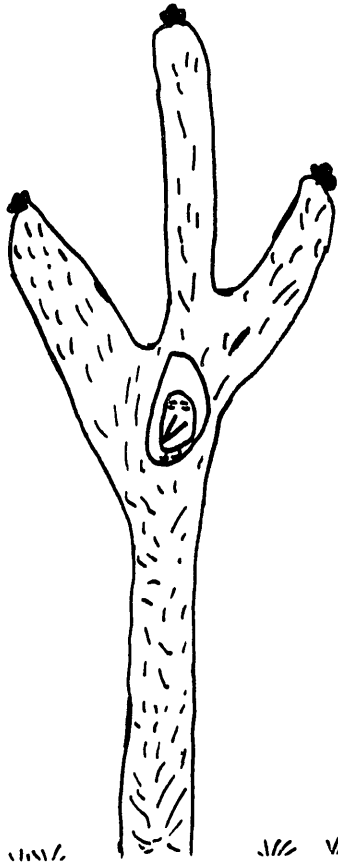


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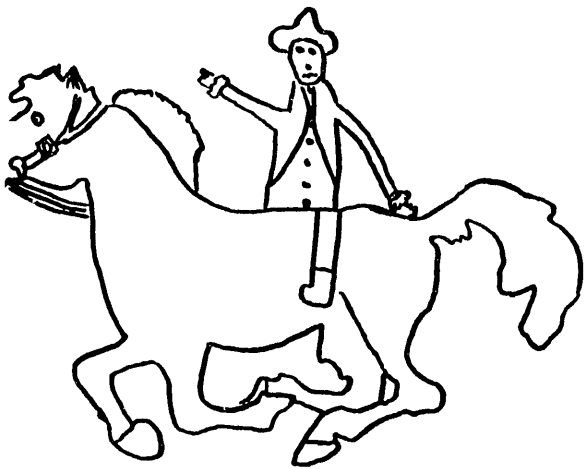




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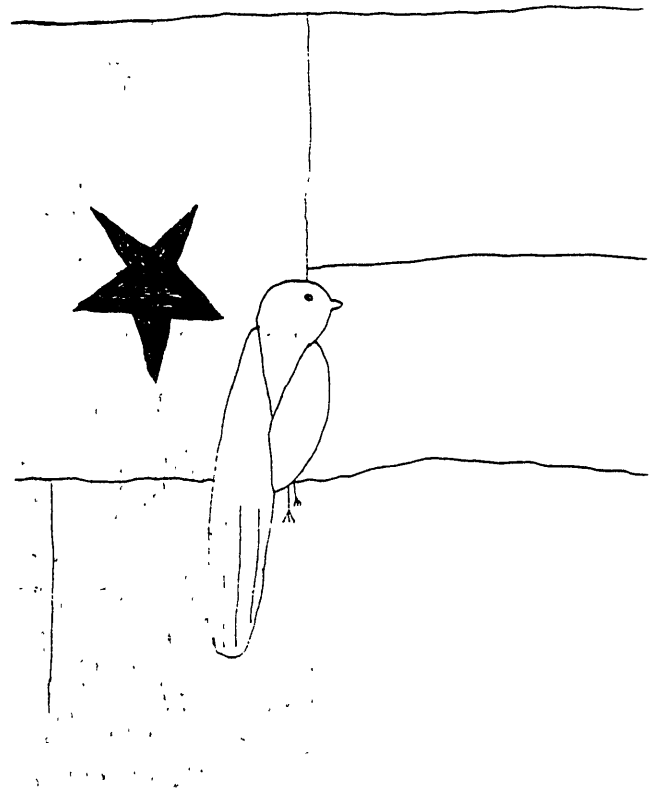


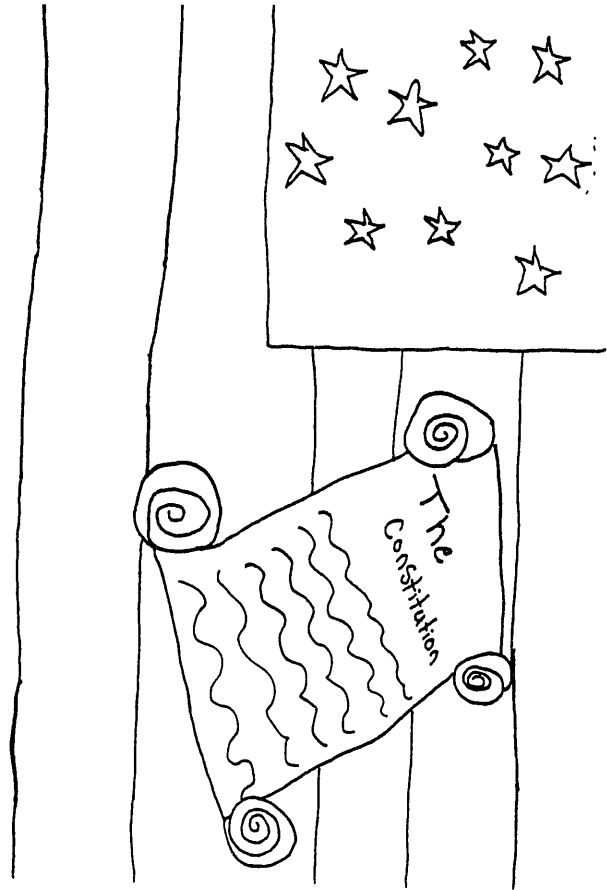
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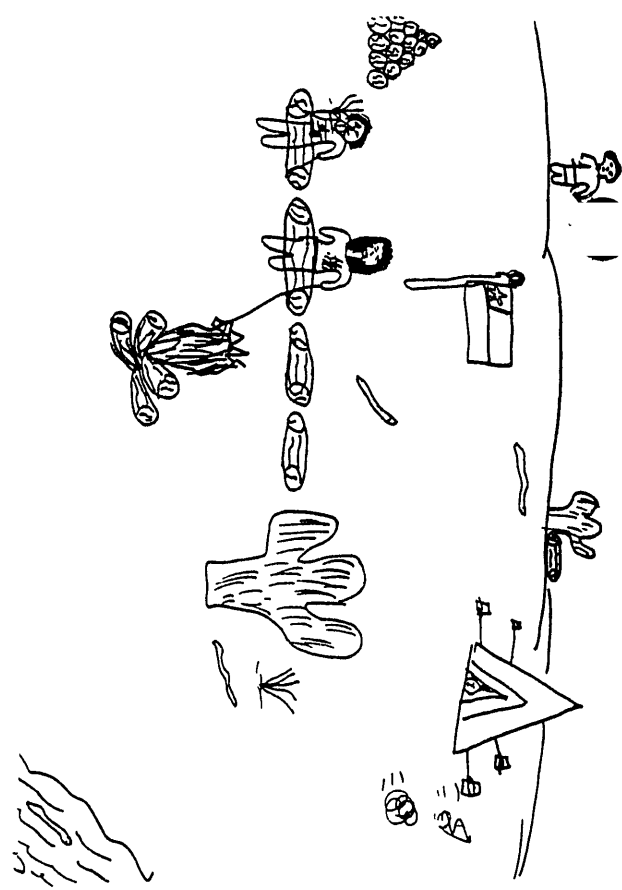
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4-70

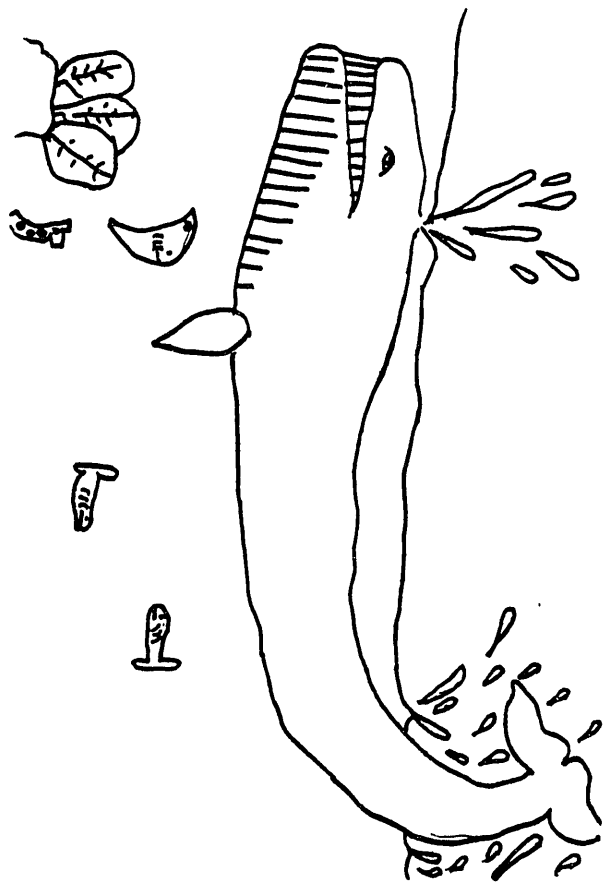




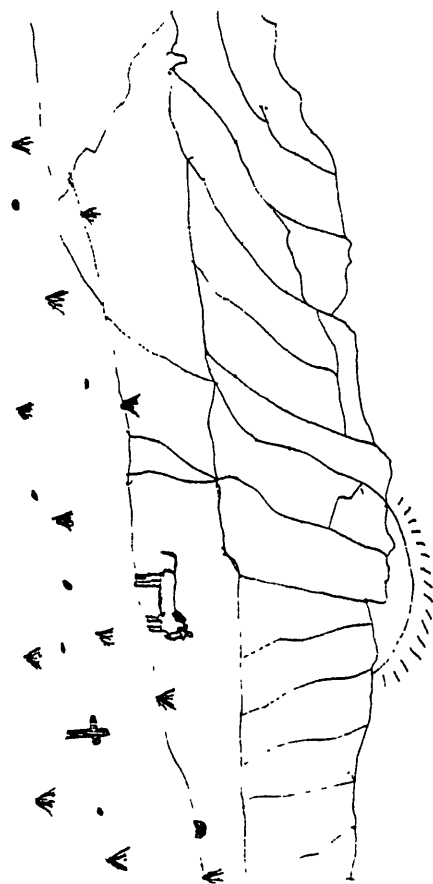
4-71



4-72



4-73



4-74

# The Governor

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As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in Chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1814.

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## Appointments Made July 9, 1992

To be a member of the **Real Estate Research Advisory Committee** for a term to expire January 31, 1997: Conrad Bering, Jr., 6003 Stones Throw, Houston, Texas 77057. Mr. Bering will be replacing David L. Stirton of Houston whose term expired.

To be a member of the **Texas Higher Education Coordinating Board** for a term to expire August 31, 1997: Carlos D. Godinez, M.D., 110 Erie, McAllen, Texas 78501. Dr. Godinez will be replacing Dr. Lauro G. Guerra of McAllen whose term expired.

To be a member of the **Board of Protective and Regulatory Services** for a term to expire February 1, 1997: Gabrielle K. McDonald, 7881 Lakewood Drive, Austin, Texas 78750. Ms. McDonald is being appointed to a new position pursuant to House Bill Number 7, 72nd Legislature, First Called Session.

## — Appointments Made July 15, 1992

On July 9, 1992, Governor Richards appointed Bettye Davis-Lewis of Houston and Marian Rowe of Tyler to the Texas Council on Alzheimer's Disease and Related Disorders for terms to expire September 1, 1997. Please change your records to show the correct expiration date of terms for Dr. Davis-Lewis and Dr. Rowe as September 1, 1993.

Issued in Austin, Texas, on July 16, 1992.

TRD-9209794

Ann W. Richards  
Governor of Texas



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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.

## Opinion Request

**AOR-77.** The Texas Ethics Commission has been asked to consider several questions about a proposed fund-raiser event. A charitable organization plans to sponsor a golf tournament and would like certain legislators and legislative staff members to serve on the "host committee" for the tournament. Committee members would not be asked to make a contribution or other payment. In addition to participating in the tournament, committee members would receive a packet of gifts "such as shirts, visor, and golf balls" and would attend a luncheon and reception. The requestor states that the organization seeks "no legislative consideration whatsoever." In this context, the requestor has asked the following questions.

May a state official and/or staff member serve together on a committee with a registered lobbyist to raise funds for this non-profit organization?

May a member or staff of the legislature or a member or staff of the executive branch participate in the tournament with respect to paid green fees, golf cart rental, luncheon, and reception expenses?

Is the recipient required to report the expenses on a financial statement filed under Texas Civil Statutes, Article 6252-9b?

May a member of the legislature or a member of the executive branch or a staff member of either entity be awarded a prize on the basis of a random drawing or on golf performance?

Is the recipient required to report the prize on a financial statement filed under Texas Civil Statutes, Article 6252-9b?

Is the non-profit organization required to report any expenditure for those individuals winning a prize?

**AOR-78.** The Texas Ethics Commission has been asked to consider the following question.

Must officers, directors, and/or employees of the State Bar of Texas who represent the Bar's official positions in the legislature, or in connection with any activity which might otherwise constitute "lobbying," on behalf of the Bar register as lobbyists under the new ethics law?

Must individual members of a section of the State Bar of Texas who represent the position of the section with respect to legislative proposals and participate in activities which might otherwise constitute "lobbying" under the new ethics law register as lobbyists?

**AOR-79.** The legislator has asked the Texas Ethics Commission whether he may accept an engraved clock worth approximately \$50 in appreciation for a speech.

**AOR-80.** The Texas Ethics Commission has been asked to consider whether a state employee may accept in 1992 an honorarium in the following circumstances: A state employee presented a paper in 1991; before the presentation there was an agreement that the state employee receive an honorarium; the state employee received the honorarium in 1992, after the effective date of the Penal Code, §36.07, which prohibits such honoraria. The question presented is whether the state employee may accept the honorarium.

**AOR-81.** The Texas Ethics Commission has been asked to issue an advisory opinion in regard to the following three questions about the Government Code, §305.026(d).

What kind of duties does this impose on someone representing a political subdivision who wants to be a member of an association who has or employs a registrant?

If it imposes a duty on someone representing a political subdivision, is that person only required to file a statement with the Ethics Commission about who he/she is and how much he/she has paid the association as per §305.026(a)?

If a statewide organization with a minimum membership of at least 25% of eligible political subdivisions has a contract with or employs a registrant for the purpose of communicating directly with a member of the legislative branch to influence legislation and we as a political subdivision join that association, how do we go about allocating what portion of the dues is used for the purpose of communicating directly with a member of the legislative branch to influence legislation and not for other services provided by the association.

**AOR-82.** A state regulatory agency has asked the Texas Ethics Commission to answer the following questions.

May a regulatory agency that is authorized by law to solicit and accept gifts and contributions from any source solicit and accept gifts and contributions to assist the agency in performing its duties from individuals or associations that represent regulated persons?

May a regulatory agency that is authorized by law to solicit and accept gifts and contributions from any source solicit and accept gifts and contributions to assist the agency in performing its duties, from individuals or associations that regularly intervene in contested cases and rulemaking proceedings of the agency?

May a regulatory agency that is authorized by law to conduct training, workshops, and conferences and to accept gifts and contributions from any source jointly sponsor those events with regulated persons or with associations that represent regulated persons?

May a regulatory agency that is authorized by law to conduct training, workshops, and conferences and to accept gifts and contributions from any source jointly sponsor those events with a person or association the regularly intervenes in contested cases and rulemaking proceedings at the agency?

May a regulatory agency that is authorized by law to conduct training, workshops, and conferences, to conduct public education campaigns, and to accept gifts and contributions from any source solicit and accept monetary or in-kind contributions to defray the costs of the workshops, conferences, and education campaigns from a regulated person or a person or association that represent regulated persons?

May a regulatory agency that is authorized by law to conduct training, workshops, and conferences, to conduct public education, campaigns, and to accept gifts and contributions from any source solicit and accept monetary or in-kind contributions to defray the costs of the workshops, conferences, and education campaigns from a person or association that regularly intervenes in contested cases of rulemaking proceeding at the agency?

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 July 17, 1992.

TRD-9209911 Sarah Woelk  
Director, Advisory Opinions  
Texas Ethics Commission

Filed: July 20, 1992

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



# 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 1. ADMINISTRATION

### Part VII. State Office of Administrative Hearings

#### Chapter 155. Rules of Procedure

- 1 TAC §§155.1, 155.3, 155.5, 155.7, 155.9, 155.11, 155.13, 155.15, 155.17, 155.19, 155.21, 155.23, 155.25, 155.27, 155.29, 155.31, 155.33, 155.35, 155.37, 155.39, 155.41, 155.43, 155.45, 155.47, 155.49, 155.51, 155.53,

The State of Office of the Administrative Hearings is renewing the effectiveness of the emergency adoption of the new §§155.1, 155.3, 155.5, 155.7, 155.9, 155.11, 155.13, 155.15, 155.17, 155.19, 155.21, 155.23, 155.25, 155.27, 155.29, 155.31, 155.33, 155.35, 155.37, 155.39, 155.41, 155.43, 155.45, 155.47, 155.49, 155.51, and 155.53, for a 60-day period effective August 4, 1992. The text of the new §§155.1, 155.3, 155.5, 155.7, 155.9, 155.11, 155.13, 155.15, 155.17, 155.19, 155.21, 155.23, 155.25, 155.27, 155.29, 155.31, 155.33, 155.35, 155.37, 155.39, 155.41, 155.43, 155.45, 155.47, 155.49, 155.51, and 155.53, was originally published in the April 10, 1992, issue of the *Texas Register* (17 TexReg 2531).

Issued in Austin, Texas, on July 16, 1992.

TRD-9209768 Steven L. Martin  
Chief Administrative Law  
Judge  
State of Office of the  
Administrative Hearings

Effective date: August 4, 1992

Expiration date: October 3, 1992

For further information, please call: (512) 475-4993

#### Chapter 157. Temporary Administrative Law Judges

- 1 TAC §157.1

The State of Office of the Administrative Hearings is renewing the effectiveness of the emergency adoption of the new §157.1, for a 60-day period effective August 4, 1992. The text of the new §157.1 was originally published in the April 10, 1992, issue of the *Texas Register* (17 TexReg 2534).

Issued in Austin, Texas, on July 16, 1992.

TRD-9209767 Steven L. Martin  
Chief Administrative Law  
Judge  
State of Office of the  
Administrative Hearings

Effective date: August 4, 1992

Expiration date: October 3, 1992

For further information, please call: (512) 475-4993

## TITLE 19. EDUCATION

### Part II. Texas Education Agency

#### Chapter 75. Curriculum

##### Subchapter E. Well-Balanced Curriculum

- 19 TAC §75.142

The Texas Education Agency (TEA) adopts on an emergency basis an amendment to §75.142, concerning a well-balanced secondary curriculum. The amendment was proposed in the June 23, 1992, issue of the *Texas Register* (17 TexReg 4512).

Emergency adoption of the amendment is necessary so the schedule for phaseout of below-level high school courses will be in place before the beginning of the 1992-1993 school year.

The amendment is adopted on an emergency basis under the Texas Education Code, §21.101, which authorizes the State Board of Education to promulgate rules prescribing the subjects and essential elements that comprise a well-balanced curriculum.

§75.142. *Description of a Well-Balanced Secondary Curriculum.*

(a)-(b) (No change.)

(c) Secondary Grades 9-12.

(1) Each school district shall offer the courses listed in this subsection and shall maintain evidence that students have the opportunity to take these courses every year or at least every other year:

(A) English language arts-English I, II, III, IV[, correlated Language Arts, I, II, III, IV].

(B) mathematics-[Fundamentals of mathematics, consumer mathematics, prealgebra, Algebra I, Algebra II, geometry, and precalculus; trigonometry and either elementary analysis or analytic geometry may be offered in lieu of precalculus.]

(C) science-Biology I, Chemistry I, Physics I, physical science[, introductory biology]. Science courses shall be laboratory oriented;

(D)-(L) (No change.)

(2) School districts shall not offer Correlated Language Arts I, fundamentals of mathematics, consumer mathematics, and introductory physical science courses for state graduation credit after the 1991-1992 school year. Students who have satisfactorily passed Correlated Language Arts I, fundamentals of mathematics, consumer mathematics, and introductory physical science before the 1992-1993 school year may use the credits earned to meet state graduation requirements.

(3) School districts shall not offer Correlated Language Arts II-IV and applied biology courses for state graduation credit after the 1992-1993 school year. Students who have satisfactorily passed Correlated Language Arts II-IV and applied biology before the 1993-1994 school year may use the credits earned to meet state graduation requirements.

(4) School districts shall not offer the prealgebra course for state graduation credit after the 1995-1996 school year. Students who have satisfactorily passed prealgebra before the 1996-1997 school year may use the credit earned to meet state graduation requirements.

(5)[(2)] School districts shall provide each student the opportunity to participate in all courses listed in paragraph (1) of this subsection. Students shall be given the opportunity each year to select courses in which they intend to participate from a list that includes all courses in paragraph (1) of this subsection. For those courses where 10 or more students indicate that they will

participate or the course is required for a student to graduate, the district shall teach the course. For those courses where fewer than 10 students indicate that they will participate, school districts shall employ options described in §75.162 of this title (relating to Options for Offering Courses) to provide the course and shall maintain evidence thereof. If a district is not going to offer the required courses every year, but intends to offer particular courses only every other year, the district must give notice of such fact to all enrolled students.

(6)[(3)] School districts may request exemptions from the commissioner of education from the requirements to provide other language instruction. The commissioner of education may grant such exemptions to districts which show evidence of unreasonable hardship.

(7)[(4)] Districts shall teach the essential elements as prescribed in the courses found in Subchapter D of this chapter (relating to Essential Elements—Grades 9-12). School districts shall ensure that sufficient time is provided for teachers to teach and for students to learn the essential elements.

(8) For the school year 1992-1993 only, school districts may offer the below-level courses in paragraph (2) of this subsection for state graduation elective credit only if the schedule for phasing out the courses will cause an undue hardship on students due to the lack of readiness by the district. School districts shall not use the credits earned by students in below-level courses to satisfy the required credits in English language arts, mathematics, and science as specified in §75.151 of this title (relating to High School Graduation Requirements). School districts exercising this option will notify the commissioner of education of their intent to do so and the number of students enrolled by course. Issued in Austin, Texas, on July 15, 1992.

TRD-9209821 Criss Cloudt  
Coordinator, Policy  
Planning and  
Evaluation  
Texas Education Agency

Effective date: July 16, 1992

Expiration date: November 13, 1992

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

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part I. General Land Office

#### Chapter 15. Planning Division

##### Certification of Coastal Wetlands

###### • 31 TAC §15.60

The General Land Office is renewing the effectiveness of the emergency adoption of the new §15.60, for a 60-day period effective August 1, 1992. The text of the new §15.60 was originally published in the April 10, 1992, issue of the *Texas Register* (17 TexReg 2537).

Issued in Austin, Texas, on July 20, 1992.

TRD-9209907 Ruby Simpson  
Administrative Program  
Specialist  
General Land Office

Effective date: August 1, 1992

Expiration date: September 30, 1992

For further information, please call: (512) 463-5019

## TITLE 34. PUBLIC FINANCE

### Part II. Texas State Treasury Department

#### Chapter 11. Cigarette and Tobacco Products Tax

##### Subchapter B. Cigarette Tax

###### • 34 TAC §11.52

The Texas State Treasury Department adopts on an emergency basis new §11.52, concerning the importation of 200 or fewer cigarettes into the state by persons 18 years of age or older for personal use and not for sale. This section provides definitions of terms used in the section, defines factual situations to which the section applies, and provides for enforcement by Texas Alcoholic Beverage Commission employees at ports of entry.

It is necessary to adopt the new section on an emergency basis to ensure that the new rule is in place for immediate enforcement at ports of entry.

The new section is adopted on an emergency basis under the Texas Tax Code, §154.024(c) and §111.002, which provides the treasurer with the authority to adopt rules that do not conflict with the laws or constitution of this state or the United States for the enforcement and collection of taxes and other revenue under Title 2, Texas Tax Code.

§11.52. Importation of 200 or Fewer Cigarettes.

(a) A person 18 years of age or older who imports and personally transports 200 or fewer cigarettes into this state under the Texas Tax Code, §154.024(a), for personal use and not for sale is not required to pay the tax imposed by the Texas Tax Code, §154.021.

(b) Texas Alcoholic Beverage Commission employees shall collect the tax imposed by the Texas Tax Code, §154.021, at ports of entry from each person 18 years of age or older who imports and personally transports more than 200 cigarettes into this state.

(c) A person younger than 18 years of age may not import and personally transport cigarettes of any quantity into this state.

(d) Texas Alcoholic Beverage Commission employees shall seize at ports of entry all cigarettes in the possession of a person younger than 18 years of age.

(e) In this section, the term "personal use" means personal use by the person 18 years of age or older who actually imports and personally transports cigarettes into this state.

Issued in Austin, Texas, on July 16, 1992.

TRD-9209803 Alicia M. Fechtel  
General Counsel  
Texas State Treasury  
Department

Effective date: July 16, 1992

Expiration date: November 13, 1992

For further information, please call: (512) 463-5971



# 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 1. ADMINISTRATION

### Part III. Office of the Attorney General

#### Chapter 61. Crime Victims Compensation

##### • 1 TAC §§61.1-61.34

The Office of the Attorney General proposes new §§61.1-61.34, concerning crime victims compensation. Proposed new §61.1 limits the application of the rules to the administration of the Crime Victims Compensation Act and instructs the parties to comply with the rules. Proposed new §61.2 defines certain words and phrases appearing in the Act. Proposed new §61.3 requires that all papers filed in a claim contain the claimant's social security number. Proposed new §61.4 instructs all parties to file documents in Austin. Proposed new §61.5 states when the time for reporting crime begins. Proposed new §61.6 states when the time for filing an application begins and provides for an extension of the filing time. Proposed new §61.7 explains the method of determining loss of earnings. Proposed new §61.8 identifies the information required in a medical report. Proposed new §61.9 explains what information is required when submitting medical bills. Proposed new §61.10 limits the items to be considered in funeral bills. Proposed new §61.11 requires the filing of autopsy reports in death claims. Proposed new §61.12 states who is responsible for filing certificates of death. Proposed new §61.13 advises claimants what information is required when requesting lump sum payments. Proposed new §61.14 sets priorities for payment of benefits. Proposed new §61.15 informs the parties of information needed when applying for emergency grants. Proposed new §61.16 provides for notice of suspension of proceedings. Proposed new §61.17 directs the claimant to notify the agency of receipt of additional benefits and the procedures to be taken by the agency for failure to comply. Proposed new §61.18 provides for the suspension of, and credit for, payments if a suit is filed. Proposed new §61.19 directs the claimant to notify the agency if a suit to recover damages is filed. Proposed new §61.20 provides for payment of attorney fees if the attorney acts as an authorized trustee in a civil suit. Proposed new §61.21 states what information is needed from an attorney for consideration of attorney's fee. Proposed new §61.22 describes the process of investigating allegations of misconduct. Proposed new §61.23

identifies persons who are not presumed to be residents of Texas. Proposed §61.24 requires the claimant or agent to provide information requested by the agency. Proposed §61.25 instructs medical providers to determine Medicaid eligibility and file bills accordingly. Proposed new §61.26 defines compensable psychiatric care or counseling and the requirements of counselors and hospitals. Proposed new §61.27 stipulates that victims under 14 years of age may not be disqualified because of consent of the child in certain crimes and situations. Proposed new §61.28 declares the application to be confidential. Proposed new §61.29 states the time that medical records be retained and requires the provider to furnish them upon request. Proposed new §61.30 identifies certain acts committed by health providers which constitute unethical or fraudulent practices. Proposed new §61.31 provides for limits of counseling sessions and maximum fees for certain psychiatric care. Proposed new §61.32 provides for limited time and benefits for inpatient psychiatric care and requirements for admissions. Proposed new §61.33 limits the benefits available for counseling of family members but does provide for additional counseling in certain situations. Proposed new §61.34 provides for financial contributions from certain programs and designates the agency as the duly authorized recipient of the contributions.

Jerry Belcher, director of indemnity awards and records, has determined that for the first five-year period the sections are in effect there will not be fiscal implications as a result of enforcing or administering §§61.1-61.30. Mr. Belcher has determined that there will be fiscal implications as a result of enforcing or administering §61.31. The effect on state government for the first five-year period the section will be in effect is an estimated reduction in cost of \$344,015 per year. There will be fiscal implications as a result of enforcing or administering §61.32. The effect on state government for the first five-year period the section is in effect will be an estimated reduction in cost of \$315,000 per year. There will be fiscal implications as a result of enforcing or administering §61.33. The effect on state government for the first five-year period the section is in effect will be an estimated reduction in cost of \$283,000 per year. Also, there will be fiscal implications as a result of enforcing or administering §61.34. The effect on state government for the first five-year period the section is in effect will be an estimated increase in revenue of \$150,000 per year. There will be no effect on local government.

Mr. Belcher 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 having information to assist in making application for benefits and maintaining the integrity of the fund without economic cost to individuals. 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 Jerry Belcher, Crime Victims Compensation, Office of the Attorney General, P.O. Box 12548, Austin, Texas 78711-2548.

The new sections are proposed under Texas Civil Statutes, Article 8309-1, §10(a), which provide the Office of the Attorney General with the authority to promulgate and adopt rules consistent with the Act governing its administration, including rules relating to the method of filing claims and the proof of entitlement to compensation.

*§61.1. Compliance and Suspension of Rules.* These rules apply solely to the administration of the Crime Victims Compensation Act (Chapter 189, 66th Legislature). All parties seeking any action shall comply with these rules, unless the chief determines that compliance with any of the rules under particular circumstance will result in injustice to any party. Accordingly, rules may be suspended at the discretion of the chief.

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

**Accomplice**—A person who is criminally responsible as a party to an offense under the Texas Penal Code, Chapter 7, as amended or as may hereafter be amended.

**Chief**—The administrative head of the Crime Victims Compensation Division.

**Interested person**—The term as used in §5(c) does not include the accused criminal offender or nonclaimant creditors.

**Lacked capacity to commit the crime**—The term as used in §3(4)(C) refers only to those persons who by reason of minority or lack of mental capacity are not held liable for their criminal acts.

**Other persons**—The term as used in §6(d)(3) does not include persons related to the claimant within the third degree of affinity or consanguinity; nor does it include purely donative contributors, such as community, civic, or religious organizations.

Pecuniary loss—Includes eyeglasses, corrective lenses, dental devices, and prosthetic devices. It does not include lost, damaged, or stolen property.

Reports—The term as used in §4(b) includes both written and oral reports.

State—A state of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, or any possession or territory of the United States.

§61.3. *Social Security Number.* All forms, reports, and other documents which pertain to a claim filed under the Crime Victims Compensation Act shall include the social security number of the victim and/or claimant.

§61.4. *General Communications.* All applications and communications concerning the Crime Victims Compensation Act shall be filed with the Office of the Attorney General in Austin.

§61.5. *Reporting the Crime.* In determining the time period for the victim's reporting the crime, the chief will consider the 72 hours to begin with the last known event which constituted the criminally injurious conduct for which compensation is sought.

§61.6. *Filing of Application.* In determining the time period for the claimant's filing of an application, the chief will consider the one year to begin with the last known event which constituted the criminally injurious conduct for which compensation is sought. For crimes or incidents occurring on or after September 1, 1985, the limitation period will not include that period of physical incapacity which reasonably prevented the claimant from filing an application for compensation according to §4(c). It is the claimant's responsibility to provide written, medically documented evidence of such physical incapacity.

§61.7. *Loss of Earnings.* In computing the actual loss of past earnings and the anticipated loss of future earnings, the chief will consider the net weekly earnings, including all other remuneration resulting from the employment agreement at the time of the crime. Neither the award for actual loss of past earnings nor the award for anticipated loss of future earnings shall exceed the statutory limit effective on the date of crime. The net weekly earnings are the gross earnings less income tax and social security.

§61.8. *Medical Reports.* The victim shall file current medical reports outlining treatment, diagnosis, and prognosis, including estimate of any disability or physical impairment setting forth the victim's ability to be gainfully employed. The chief may re-

quire reports for psychiatric care or counseling as deemed necessary to verify treatment and reasonableness thereof.

§61.9. *Payment of Bills.* All bills rendered for medical care, chiropractic care, psychiatric and psychological care, and all bills rendered by duly licensed practitioners rendering remedial treatment to the victim/claimant for the condition resulting from the crime, must provide a clear itemization of all prescriptions and incidentals, prescribing same on items furnished. The chief may require that all bills be submitted on approved forms.

§61.10. *Funeral Bills.* Regarding funeral and burial expenses submitted for approval, the chief will consider only those items deemed reasonable and necessary.

§61.11. *Autopsy Report.* If the cause of death is material to the claim, an autopsy report may be required.

§61.12. *Certificate of Death.* It is the responsibility of the claimant to provide a certificate of death.

§61.13. *Lump Sum Payments.* The claimant may apply for lump sum payment of anticipated loss of future earnings by filing with the Office of the Attorney General an affidavit setting forth the specific reasons why payment in a lump sum would be beneficial and why the failure to lump sum the payments would be detrimental. Allowable expenses incurred after the award will be paid in installments.

§61.14. *Insufficient Funds.* In order to assure the solvency of the fund, the chief shall award available funds for emergency grants, loss of wages, and loss of support. Other allowable benefits will be adjusted and awarded for any amount not to exceed the anticipated available funds.

§61.15. *Emergency Awards.* All requests for emergency awards will be accompanied by a statement setting forth the reasons why a denial of an emergency award would create a hardship.

§61.16. *Suspended Proceedings.* The chief may suspend the proceedings pending disposition of a criminal prosecution and shall notify the claimant of the suspension.

§61.17. *Review of Award.* A claimant who is receiving installment payments under the Act must notify the chief immediately upon employment, receipt of unemployment compensation, social security, or any other change of circumstance. Willful misrep-

resentation of fact or failure to notify the chief of change of circumstance will be considered just cause for reconsideration of the award and implementation of other action as authorized under §9(a). The award is subject to review by the chief at any time.

§61.18. *Suspended Payments.* Payments to claimants will be suspended immediately upon notification that suit to set aside the award has been filed. The chief will notify the parties of the suspension. All payments prior to said notification will be credited against the maximum allowable.

§61.19. *Subrogation.* Under the subrogation provision of §11, failure to notify the Office of the Attorney General in writing prior to filing suit to recover damages related to criminally injurious conduct will be just cause for reconsideration of the award.

§61.20. *Compensation Recovered.* If the claimant brings action as trustee and recovers compensation awarded by the Office of the Attorney General, the amount deducted for reasonable expenses of the suit, including attorney's fee, is subject to the chief's approval and may not exceed the state's proportionate share (pro rata).

§61.21. *Attorney's Fee.* Any attorney representing a claimant and requesting a shall file with the chief a written power of attorney with itemization of time and expenses. The amount awarded will be based on the services being reasonable and necessary.

§61.22. *Practicing Before the Office of the Attorney General.* Whenever the Office of the Attorney General receives evidence that a person practicing before the Office of the Attorney General is guilty of unethical or fraudulent conduct, such person shall be cited by certified mail to appear before the Office of the Attorney General because of such conduct. In all such cases the Office of the Attorney General's citation shall contain a detailed description of charges to be considered at such hearing and a reasonable time to secure and prepare evidence shall be given any such person as cited.

§61.23. *Texas Residents.*

(a) The following persons are presumptively not "Texas residents" within the meaning of this Act:

(1) persons who are in Texas for less than 30 days;

(2) persons who are in Texas for the pursuit of temporary business or recreational opportunities who do not intend the time of the crime to make Texas their residence;

(3) all other persons whose presence in Texas is of a transient nature and who do not intend at the time of the crime to make Texas their residence.

(b) The rule applies only to claims for compensation for crimes or incidents occurring from January 1, 1980-August 31, 1985.

**§61.24. Compliance Necessary.** All information requested by the Office of the Attorney General shall be promptly furnished by the victim/claimant, his or her attorney, agent, or provider of services. Any delay or refusal to promptly furnish the requested information may result in a denial or delay in the processing of the claim.

**§61.25. Medicaid Eligibility.** A provider must determine immediately if a victim is Medicaid eligible. If Medicaid is available, the provider must file all bills with Medicaid per Medicaid guidelines. Should a provider fail to identify Medicaid eligibility or fail to file bills with Medicaid within Medicaid guidelines, the attorney general may deny or reduce bills submitted. This does not pertain to services not covered by Medicaid.

**§61.26. Psychiatric Care or Counseling Defined.** Compensable psychiatric care or counseling is defined as that performed by licensed practitioners including psychiatrists, psychologists, and licensed counselors. Licensed counselors must work under the supervision of a licensed medical doctor. Psychiatric hospitals must be licensed by the proper state licensing authority and residential treatment centers must be licensed by the proper state licensing authority.

**§61.27. Related Offenses; Victim Under 14 Years of Age.** For sex related offenses involving children under 14 years of age, the "consent" of the child, as that term is defined in the Texas Penal Code, as amended, may not be considered to deny or reduce an award under §6(d)(2), which is otherwise payable.

**§61.28. Application Confidential.** Any application filed for benefits shall be deemed confidential.

**§61.29. Retention of Records.** Any person or facility providing a service to a victim or residing family member for whom an application for assistance has been made must maintain all records necessary to fully disclose the services provided. These records must be retained for a period of three years from the date of service, or until all audit questions are resolved, whichever is longer.

Records and supporting information must be made available upon request, regarding any request for payment or payment of claims for services or supplies by the person or facility to the Office of the Attorney General or its designated agent.

**§61.30. Unethical or Fraudulent Practices.**

(a) The following acts by a health care provider, if undertaken intentionally, constitute violations and are subject to subsection (b) of this section:

(1) submitting charges for health care that was not furnished;

(2) administering improper, unreasonable, or medically unnecessary treatment or service;

(3) failing or refusing to timely file upon request required reports or records;

(4) making unnecessary referrals;

(5) violating the fee and treatment guidelines as established by the Texas Workers Compensation Commission; or

(6) failure to comply with any provision of this Act.

(b) A health care provider having been determined to be in violation of subsection (a) of this section is subject to a reduction or denial of fees.

**§61.31. Counseling Expenses.** Counseling expenses are limited to 40 sessions or an amount not to exceed \$3,000 for licensed counselors, psychologist, and psychiatrists. Fees and billing procedures per session to be determined as established by the Office of the Attorney General. Under unusual facts and circumstances, additional sessions may be allowed, but limited to those which are preauthorized and approved.

**§61.32. Inpatient Psychiatric Care.** Inpatient psychiatric hospitalization care is limited to \$400 per day with a maximum 30-day stay and shall include room, board, medications, and therapeutic modalities. Only admissions made at the direction of a licensed medical doctor will be payable. Under unusual fact and circumstances, additional hospitalization exceeding 30 days may be allowed, but limited to those which are preauthorized and approved.

**§61.33. Counseling for Residing Family Members.** Outpatient counseling for residing family members is limited to \$1,000 per family member. Under unusual facts and circumstances, additional counseling may be allowed, but limited to those which are preauthorized and approved.

**§61.34. Authority to Collect and Provide Financial Contributions.** A municipality or county or its operator/manager of a corrections facility has the authority to collect and provide financial contributions to crime victims assistance programs or crime victims compensation programs. These financial contributions as a part of work programs, work release programs, community service programs, or other work oriented programs may be a deduction from inmate wages, a "cost" item of production (overhead), a distribution from the participating industry's gross earnings or any other means. The duly authorized recipient of these contributions designated for crime victims compensation shall be the Office of the Attorney General as the statutorily authorized administrator of the crime victims compensation 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 July 16, 1992.

TRD-9209861

Will Pryor  
First Assistant Attorney  
General  
Office of the Attorney  
General

Earliest possible date of adoption: August 24, 1992

For further information, please call: (512) 320-5320

◆ ◆ ◆  
**Part IV. Office of the  
Secretary of State**

**Chapter 87. Notary Public**

**Notary Public Appointments**

• 1 TAC §§87.2, 87.4, 87.5

The Office of the Secretary of State proposes amendments to §§87.2, 87.4, 87.5, 87.22, 87.23, 87.43, and 87.48, concerning the notice of expiration and application for appointment as a notary public for the State of Texas, the appointment by the secretary of state, the notice of expiration by the secretary of state the completion and execution of the bond and oath of office form, the qualification with the secretary of state, good cause, and other disciplinary action. These amendments are proposed to eliminate obsolete language as well as to perform housekeeping tasks pertaining to the rules. Additionally, §87.48 is amended to reflect the recent changes in the rules of practice and procedure before the secretary of state and the rules of procedure for the new State of Office of Administrative Hearings.

Guy Joyner, staff attorney, 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. Joyner 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 to provide individuals with a clarification of the procedure for application and reapplication (renewals) for appointment as a notary public and for qualification after the approval of the application. Further, the public will be provided with revised examples of "good cause," as that term is used in the Notary Public Act, Texas Civil Statutes, Article §§406.001-406.024 (Vernon 1990), which reflects the latest changes to the Act. Finally, updated procedures contained in the notary public rules that are based on changes to the rules of practice and procedure before the secretary of state and the State Office of Administrative Hearings will be made available to the public. 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 Guy Joyner, Staff Attorney, Statutory Documents Section, P.O. Box 12887, Austin, Texas 78711-2887.

The amendments are proposed under Texas Civil Statutes, Article 6252-13a, §4(a)(1) and the Texas Government Code, §406.023(a), which provide the secretary of state with the authority to prescribe and adopt rules.

**§87.2. Notice of Expiration and Application for Appointment as a Notary Public for the State of Texas.**

(a)-(b) (No change.)

(c) The application form cannot be duplicated without the prior written approval of the secretary of state.

**§87.4. Appointment by the Secretary of State.**

(a) (No change.)

(b) The secretary of state shall not appoint an applicant if he or she has had a prior application rejected or a commission revoked for [the following:]

[(1) a finding of a failure to comply with Texas Civil Statutes, Article 5949, §5, subsection (b) or (c), within one year of the final decision and order; and]

[(2)] a finding of ineligibility or good cause which still continues.

(c) The time allowed for qualification for any appointment shall be as provided by law and hereafter by §87.23(a)(2) and (c) of this title (relating to Qualification with Secretary of State). The appointment for any person failing to qualify within the time allowed shall be void [; however, if the applicant desires thereafter to qualify, his or her name may be considered resubmitted as in the same manner as hereinabove provided by using the previously submitted application].

(d)-(f) (No change.)

**§87.5. Notice of Expiration by the Secretary of State.** The secretary of state shall notify each notary public as to the expiration of his or her commission. The notice of expiration and application for re-appointment [appointment] shall be sent to the notary public at least 90 days prior to expiration to the most recently provided mailing address.

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 July 8, 1992.

TRD-9209860 Audrey Selden  
Assistant Secretary of  
State  
Office of the Secretary of  
State

Earliest possible date of adoption: August 24, 1992

For further information, please call: (512) 463-5558

**Notary Public Qualifications**

**• 1 TAC §87.21**

*(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 Office of the Secretary of State or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The Office of the Secretary of State proposes the repeal of §87.21, concerning the notice of appointment, bond, and oath of office for notaries public pursuant to the Notary Public Act, Texas Government Code, §§406.001-406.024 (Vernon 1990). The section is proposed for repeal in order to reflect the current policy of the secretary of state regarding the duplication of notary public bond and oath of office forms by individuals and companies outside the Office of the Secretary of State.

Guy Joyner, staff attorney, 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.

Mr. Joyner 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 to provide individuals and companies with a clarification of the policy pertaining to the reproduction of notary public bond and oath of office forms. 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 Guy Joyner, Staff Attorney, Statutory Documents Sections, P.O. Box 12887, Austin, Texas 78711-2887.

The repeal is proposed under Texas Civil Statutes, Article 6252-13a, §4(a)(1) and the Texas Government Code, §406.023(a), which provide the secretary of state with the authority to prescribe and adopt rules.

**§87.21. Notice of Appointment, Bond, and Oath of Office.**

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 July 8, 1992.

TRD-9209855 Audrey Selden  
Assistant Secretary of  
State  
Office of the Secretary of  
State

Earliest possible date of adoption: August 24, 1992

For further information, please call: (512) 463-5558

**• 1 TAC §87.22, §87.23**

The amendments are proposed under Texas Civil Statutes, Article 6252-13a, §4(a)(1) and the Texas Government Code, §406.023(a), which provide the secretary of state with the authority to prescribe and adopt rules.

**§87.22. Completion and Execution of the Bond and Oath of Office Form.**

(a) The bond and oath of office form will be completed as follows.

(1)-(4) (No change.)

(5) The appointed notary public will sign in the space provided for signature for the principal in the form in which appointed. The surety office or an attorney in fact for an insurance or bonding company will sign in the space provided [and give their company or agent's license number].

(6) (No change.)

(7) The notary public will take the oath of office before a notary public or other qualified officer and sign in the space provided for signature in the form in which appointed. Both the initial qualification as well as renewals require the referenced oath of office.

**§87.23. Qualification with the Secretary of State.**

(a) The bond and oath of office form shall be approved by the secretary of state if:

(1) (No change.)

(2) the form is received by the secretary of state within 30 [20] days from the date of appointment or no later than the expiration date of the term for which the notary public is presently serving when appointed for another term of office in response to a notice of expiration as hereinabove provided in §87.4 of this title (relating to Appointment by the Secretary of State); and

(3) the fees specified in the Notary Public Act, the Texas Government Code, Annotated §§406.001-406.024, 406.007 (Vernon 1990) [\$4.00 filing fee for the bond and oath of office form and the \$10 commission fee as provided by law] are remitted with the form to the secretary of state.

(b) If the bond and oath of office form are [is] not properly completed and executed or are [is] not received with the correct fees, the secretary of state shall delay the approval and filing of the form. The bond and oath of office form shall be returned to the applicant together with a rejection notice identifying any errors omissions. When the corrected form and fees are properly received by the secretary of state within the time limits imposed by this section, they shall be approved and filed. All forms not properly received will be considered abandoned and all fees deposited forfeited.

[(c) If the bond and oath of office form and fees are not received by the secretary of state in the time allowed for qualification as provided by law, but are received within 20 days after the expiration of such time, the secretary of state may consider the application for appointment resubmitted as required by law, and approved and file the form.]

(c)[(d)] When all conditions for qualification have been met, the bond and oath of office form shall be approved, stamped "qualified" with the date of qualification, and filed. The secretary of state shall cause a commission to be issued and sent to each notary public who has qualified, which commission shall be effective as of the date of qualification for a term of office as provided by law.

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 July 8, 1992.

TRD-9209859 Audrey Selden  
Assistant Secretary of  
State  
Office of the Secretary of  
State

Earliest possible date of adoption: August 24, 1992

For further information, please call: (512) 463-5558

## Rejection and Revocation

### • 1 TAC §87.43

The amendment is proposed under Texas Civil Statutes, Article 6252-13a, §4(a)(1) and the Texas Government Code, §406.023(a), which provide the secretary of state with the authority to prescribe and adopt rules.

### §87.43. Good Cause.

(a) Good cause as stated in §87.41 of this title (relating to Rejection of Application and Revocation of Commission) may include, but not be limited to, the following:

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

(7) a failure by the notary public to utilize a correct notary seal as described in the Notary Public Act, §406.013 [print or stamp his or her name and the date of expiration of his or her commission];

(8)-(9) (No change.)

[(10) a failure to keep a well-bound book of all notarial transactions as required by the Texas Government Code;]

(10)[(11)] a failure to provide and use a seal of office as required by the Texas Government Code, §406.013;

(11)[(12)] the execution of any certificate as a notary public containing a statement known to the notary public to false;

(12)[(13)] a failure to complete the acknowledgement at the time the notary public's signature and seal are affixed to the document;

(13)[(14)] the advertising in any manner whatsoever that the notary public is an immigration specialist, immigration consultant, or any other title or description an expertise in immigration matters;

(14)[(15)] the use of false or misleading advertising of either an oral or written nature, whereby the notary public has represented or indicated that he or she has rights, powers, or privileges that are not possessed by law;

(15)[(16)] taking an acknowledgment when the person whose signature is acknowledged did not personally appear before the notary at the time of taking the acknowledgment;

(16)[(17)] previous disciplinary action against the notary public in accordance with these sections; and

(17)[(18)] a failure to comply with, or violation of, a previous disciplinary action taken pursuant to §87.48 of this title (relating to Other Disciplinary Action).

(b)-(d) (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 July 8, 1992.

TRD-9209858 Audrey Selden  
Assistant Secretary of  
State  
Office of the Secretary of  
State

Earliest possible date of adoption: August 24, 1992

For further information, please call: (512) 463-5558

## Administrative Action

### • 1 TAC §87.48

The amendment is proposed under Texas Civil Statutes, Article 6252-13a, §4(a)(1) and the Texas Government Code, §406.023(a), which provide the secretary of state with the authority to prescribe and adopt rules.

### §87.48. Other Disciplinary Action.

(a) (No change.)

[(b) If the secretary of the state and the notary public can reach an agreement as to the appropriate action, the agreement shall be presented to the hearings examiner assigned to the contested case as an agreed settlement under the rules of practice and procedure before the Office of the Secretary of State.]

(b)[(c)] If no agreement can be reached, the secretary of state shall give written notice to the affected party of a right to a hearing in accordance with the rules of practice and procedure before the secretary of state [may request the hearings examiner during the administrative hearing to enter a proposal for final decision and order the providing for such disciplinary action].

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 July 8, 1992.

TRD-9209857 Audrey Selden  
Assistant Secretary of  
State  
Office of the Secretary of  
State

Earliest possible date of adoption: August 24, 1992

For further information, please call: (512) 463-5558

## TITLE 10. COMMUNITY DEVELOPMENT

### Part V. Texas Department of Commerce

#### Chapter 184. Work Force Development Incentive Program [Job Training]

### • 10 TAC §§184.101-184.104

The Texas Department of Commerce proposes an amendment to §184.101 and new §§184.102-184.104 concerning the Work Force Development Incentive Program administered by the Texas Department of Commerce pursuant to the Texas Government Code, §481.076. The current program rules

allow for applications to be considered on a first come, first serve basis. These amendments attempt to establish a criteria that will enhance varied industry participation and cover a broader geographic area of the state.

Barbara Cigainero, director of the work force development division, 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.

Ms. Cigainero 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 that the program will cover a more broad geographic area of the state and a more varied industry participation will result. 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 Barbara Cigainero, Director of Work Force Development Division, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711.

The amendments is proposed under the Texas Government Code, §481.021(a)(1) which provides the Texas Department of Commerce with the authority to promulgate rules concerning the administration of the Work Force Development Incentive Program.

*§184.101. General Provisions [Work Force Development Incentive Program].*

(a) Introduction. [Authority.] The development and expansion of business, commerce, and industry are essential to the economic growth of the state and to the full employment, welfare, and prosperity of its citizens. Pursuant to the authority granted by the Government Code, §481.076, the Texas Department of Commerce prescribes the following sections regarding practice and procedure before the department in the administration and implementation of the Work Force Development Incentive Program.

(b) Purpose [of program]. It is the purpose of the Work Force Development Incentive Program, as an incentive, to stimulate job creation by providing worker training for newly locating businesses and to encourage existing industries to expand by creating new jobs. [The program enhances employment opportunities in existing business and industries within the state and encourages the location and development of new businesses and industries in the state.] These objectives are to be accomplished through training for new jobs as well as skill upgrade training in an effort to retain existing jobs. All promotional activity for the program shall be done only by the department.

(c) (No change.)

(d) Waivers. The executive director may, in his/her [his] discretion, waive any

requirement in situations where, in his/her [his] opinion, such requirement is not necessary for the protection of the public interest.

(e) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

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

(4) Executive director—The executive director of the department or his or her designee.

(5) Eligible business [Industry]—The following business entities are eligible for participation in the program:

(A) a business [manufacturing] firm that produces a product by changing tangible objects from one form into another; [,]

(B) Businesses with occupational demand jobs that require skill upgrade training; and

(C) [selected] service industries that perform any of the business functions auxiliary to production or distribution and whose product generally is intangible [will be considered under the executive director's discretionary authority].

(6) -(7) (No change.)

(8) Application—A completed application including information required by the department for a project.

(10) New job—A new employment position created by a business that provides employment to an employee.

[(f) Selection of projects. Selection of projects is made according to the following procedures.

(1) Manufacturing industries that require training for at least 10 new employees in positions not previously available or offered by the industry are eligible for participation in the program.

(2) A new industry or expanding business firm may participate in the program for a period not to exceed three state fiscal years (September 1-August 31).

(3) United States military base reservations with manufacturing projects are eligible for the program.

(4) United States military reservations are not subject to the three-year participation limit.

(5) An existing industry expansion must create new jobs as a result of the acquisition of additional equipment, expansion of facilities, or expansion or addition of a product line.

[(6) The program may be used in conjunction with a broad-based, public, and private sector-funded effort to prevent industry closing and subsequent loss jobs.

[(7) The industry shall submit a written request to the department for participation in the program, stating the nature of the project, the number of employees to be trained, and the time period for the training to take place.

[(8) Funds provided for a training project in excess of \$250,000 must be matched by funds provided by the industry benefiting from the project in an amount at least equal to twice the amount provided by the department.

[(9) Forty percent of the funds are reserved for work force training projects to assist existing businesses.]

[(f)][(g) Selection of contractor. The selection of contractors is made according to the following criteria.

(1) The department contracts with existing educational facilities of the public school districts, technical institutes, public junior colleges, and public universities to provide employee training for the industry.

(2) Programs shall be short-term, industry-specific, skill and task-oriented, and shall not compete with regular, available vocational-technical education programs.

(3) The contractor is selected by the department, based on the contractor's proximity to the industry and ability to perform the instruction.

[(g)][(h) Contracting procedures. The following standards apply to contracting procedures.

(1) The department, contractor, and industry develop a skill training program consistent with these rules.

(2) A training program must contain at least 10 trainees.

(3) Wherever feasible, preference must be given, in descending order of priority, to hiring Texas residents receiving financial or other aid through a state or federal assistance program such as, but not limited to, aid to families with dependent children, food stamps, and unemployment compensation; unemployed Texas residents; and all other Texas residents.

(4) After consultation with the Central Education Agency, the department may conduct preemployment and developmental training if there is firm commitment to hire on the part of the industry. Since training is tailored to the needs of a specific industry, trainees in excess of the number of available jobs are ineligible for the pro-

gram. Failure to meet the hiring commitment may result in repayment of training costs to the department by the industry.

(5) Contractor may use the industry's employees and private consultants as instructors if the services to be rendered cannot be provided by contractor's employees.

(6) Program funds may be expended for training only within the state.

(7) Contractor must submit the initial contract proposal to the department a minimum of 30 days prior to the desired starting date to allow sufficient time for review.

(8) A report of expenditures and projected expenditures must be submitted to the department for contracts implemented within the first, second, and/or third quarter of the program year for the purpose of deobligation and reobligation of funds which will be negotiated between the contractor and the department.

(h)(i) Program funds [Allowable expenditures and reimbursements]. Expenditures are governed by the following standards.

(1) Instructor wages for contractor's employees are reimbursed at a rate not to exceed \$20 per hour of instruction.

(2) Travel per diem for contractor instructor is reimbursed at the rate of Texas allowable rate.

(3)(2) Industry employees and private consultants are reimbursed by contractor for instruction at a rate not to exceed \$20 per hour of instruction.

(4)(3) Contractor is reimbursed for consumable instructional supplies required during instruction by contractor's employees.

(1)(4) Program funds may not be used to purchase permanent equipment or supplies with a durable life of more than 12 months.

(6)(5) Program funds may not be used to reimburse contractor or eligible business [industry] for lease or rental of facilities.

(7)(6) Contractor may be reimbursed for miscellaneous other items directly related to employee training.

(8)(7) Total contract reimbursement will not exceed \$1,000 per worker trained.

(9)(8) Contracts may be approved for any period within the state fiscal year.

(10)(9) Reimbursement is not allowed for expenditures made prior to the date the contract is executed by the department.

(11) Funds provided for a training project in excess of \$250,000 must be matched by funds provided by the industry benefiting from the project in an amount at least equal to twice the amount provided by the department.

(12) Forty percent of the funds are reserved for work force training projects to assist existing businesses.

(i)(j) Reimbursement procedures. Procedures for reimbursement are as follows.

(1) Contractor shall submit a quarterly report of contract expenditures. Dates for submission, as applicable, are December 10 [15], March 10 [15], and June 10 [15]. If the submission dates fall on a Saturday, Sunday, or holiday then the report shall be submitted on the next business day.

(2)-(5) (No change.)

(j)(k) Monitoring and program evaluation. Monitoring of the program is governed by the following standards.

(1) (No change.)

(2) Contractor shall submit a quarterly narrative report, summarizing the progress of the training program to date. Dates for submission, as applicable, are December 10 [15], March 10 [15], and June 10 [15].

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

(5) Contractor shall submit information indicating which of the three categories specified in subsection (g) [(h)](3) of this section that each trainee falls.

(6) The quarterly report and final report shall include the average wage at placement for each trainee.

(7)(6) The department conducts assessments through formal interviews with business [industry] personnel.

(8)(7) The department prepares final evaluation and follow-up reports to include information on costs, unit costs, and personnel trained.

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

(a) An application must be made to the department in writing on the appropriate forms provided by the department. Four copies of the completed application, each with an original signature, is required.

(b) The application must set forth the information necessary for the determination of eligibility and must include, among other things:

- (1) statement of needs;
- (2) training objectives;

(3) outline of instructional activities;

(4) description of training facilities and equipment;

(5) selection process of trainees;

(6) training program evaluation design.

(c) The staff shall review the application for completeness and determine if the application meets the eligibility criteria set forth in §184.103 of this title (relating to Criteria for Selection of Eligible Business).

(d) Following staff review, the application will be submitted to the executive director for consideration. The executive director will take into account the purpose of the training project and the criteria of the program. The executive director will either approve the application, disapprove it, remand it to the applicant for further action, or make such other disposition of the application as may be appropriate. Work Force Development Incentive Program projects become effective immediately upon executive director approval of the project application.

(e) Applications and other written communications should be addressed to the attention of the Work Force Development Program, Work Force Development Division, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711.

*§184.103. Criteria for Selection of Eligible Business.*

(a) Business firms that require training for at least 10 new employees in new job positions not previously available or offered by the business are eligible for participation in the program.

(b) Contracts are to be awarded on an annual basis with the year corresponding to the state fiscal year unless otherwise determined by the executive director.

(c) United States military bases with manufacturing projects are eligible for the program.

(d) An eligible business that wishes to participate in the program must submit a written request to the department, stating the nature of the project, the number of employees to be trained, the time period in which the training will take place and, whether the training is for new employees or the skill upgrade training of existing employees.

(e) To qualify as a business expansion the eligible business must create new jobs as a result of the acquisition of additional equipment, expansion of facilities, or expansion or addition of a product line.

(f) The program may be used in conjunction with a broad-based, public and

private sector funded effort which may encompass one or more employers for state-wide projects to prevent industry closing and subsequent loss of jobs.

(g) The department shall give preference to eligible businesses that create training programs for the following categories of individuals:

(1) Texas residents receiving financial or other aid through a state or federal assistance program such as, but not limited to, aid to families with dependent children, food stamps, and unemployment compensation;

(2) unemployed Texas residents; and

(3) all other Texas residents.

(h) The department may consider the following factors in granting applications:

(1) the number of new jobs created by the business;

(2) the salary range of the newly created jobs, as long as this factor does not conflict with the mandatory preference for training recipients of state or federal aid;

(3) the geographic location of the business in an attempt to have the entire state represented in the program;

(4) the business' participation in other department programs intended to encourage job creation and induce capital investment such as the Texas enterprise zone;

(5) the capital investment made by the business;

(6) the business' ability to match a portion of the project training funds;

(7) the business' participation in other programs such as incubator projects conducted through state sponsored entities.

(i) The department will not discriminate against any contractor or eligible business based on factors such as race, creed, nationality or religious affiliation.

**§184.104. Conflicts.** The department will comply with all applicable state laws relating to conflicts of interest, including Texas Civil Statutes, Article 6252-9b. A conflict exists where any department employee, board member or the executive director owns any interest in an eligible business.

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 July 14, 1992.

TRD-9209681

Cathy Bonner  
Executive Director  
Texas Department of  
Commerce

Earliest possible date of adoption: August 24, 1992

For further information, please call: (512) 320-9679

## TITLE 16. ECONOMIC REGULATION

### Part IV. Texas Department of Licensing and Regulation

#### Chapter 75. Air Conditioning and Refrigeration Contractor License Law

##### • 16 TAC §§75.20, 75.80, 75.90

The Texas Department of Licensing and Regulation proposes amendments to §§75.20, 75.80, and 75.90, concerning air conditioning and refrigeration contractors. Section 75.20 and §75.80 have changes in terminology to make automation of services possible. Section 75.90 has been amended to reflect state law in the Administrative Procedure and Texas Register Act.

James D. Brush, director, policies and standards, has determined that for the first five-year period the sections are in effect there will be fiscal implications for state government as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections are in effect will be an estimated reduction in cost of \$2,500 for fiscal years 1992-1996. There will be no effect on local government.

Mr. Brush 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 simplification and automation of procedures for registration. 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 James D. Brush II, Director, Policies and Standards Division, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711, (512) 463-7357.

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

##### §75.20. Licensing Requirements.

(a) (No change.)

(b) Exams.

(1)-(4) (No change.)

(5) An applicant shall be notified by the department [program manager] of all [the] scheduled examination dates [date] within a reasonable amount of time prior to any [the] examinations [examination]. Applicants who are scheduled for any [an] examination but fail to appear as scheduled, and have failed to notify the

department [program manager] not less than 72 hours prior to the scheduled exam must reapply and pay the registration and examination fees [fee] prior to being rescheduled. An applicant who has notified the department [program manager] more than 72 hours before a [the] scheduled exam and received a free reschedule may be rescheduled in this manner two times for each exam. If he wishes to reschedule when all allowable reschedules have been used, [a third time] he must reapply and pay the registration and examination [full] fees [fee].

(6) An applicant who notifies the department [program manager] less than 72 hours prior to a scheduled examination of the need to reschedule due to unforeseen emergency circumstances (subject to approval by the department [program manager]) may do so without the required rescheduling fee. An applicant may only be rescheduled in this manner one time. The examination notification form must be submitted confirming the reason for emergency rescheduling.

(7) [(6)] An applicant who has failed an exam may request from the commissioner an analysis of his performance on the exam. The request must be in writing and must be signed by the applicant. The analysis will consist of a statement of the number of questions missed in each category of the exam. No actual questions will be sent to the applicant.

(8) [(7)] An applicant may request an oral exam. The request must be in writing and must be received at least 45 days before the exam date.

(9) [(8)] The commissioner may enter into reciprocal agreements with other states to waive the exam requirement if the other state has exam requirements judged by the department to be equal to or more stringent than those of the department.

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

**§75.80. Fees.** All fees should be paid by cashier's check or money order made payable to the Texas Department of Licensing and Regulation.

(1) Exam costs. Class A and Class B exam fees are: registration fee \$50 (one registration fee for original registration regardless of the number of exams requested; requests for additional exams at a later time will require a new registration fee) [one exam \$100 (either for environmental air conditioning or commercial refrigeration and process cooling and heating); two original exams \$150 (taken during the same examination period)]; exam fee \$50 for each exam requested; re-exam \$50 for each exam; [one re-exam and one original exam \$150; two reexams \$100;] reschedule [\$100 ( after second freed reschedule, whether consecutive or not)] registration fee of \$50 and exam fee of



\$50 per exam; no show fee, registration fee of \$50 and exam fee of \$50 per exam.

(2)-(6) (No change.)

§75.90. Sanctions.

(a)-(g) (No change.)

(h) Each license shall have a status of "Insurance Violation" [be suspended] during any period during which the required insurance is not in effect by evidence of a current certificate of insurance on file with the department or when the required level of insurance has not been reinstated as required in §75.40(a) or (b) of this title (relating to Insurance Requirement).

(i)-(j) (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 July 13, 1992.

TRD-9209719 Jack W. Garrison  
Acting Executive Director  
Texas Department of  
Licensing and  
Regulation

Earliest possible date of adoption: August 24, 1992

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

◆ ◆ ◆  
**TITLE 31. NATURAL RE-  
SOURCES AND CON-  
SERVATION**

**Part II. Texas Parks and  
Wildlife Department**

**Chapter 65. Wildlife**

**Subchapter H. Type I Wildlife  
Management Areas, Hunting  
and Fishing**

**• 31 TAC §§65.190, 65.193, 65.194**

The Texas Parks and Wildlife Department proposes amendments to §§65.190, 65.193, and 65.194, concerning the Type I Wildlife Management Areas Hunting and Fishing Proclamation. The proposed amendments add a new public hunting area and remove a conflict in permit requirements.

The proposed rules have as their factual basis scientific studies and investigations which track trends in wildlife resource populations and assess user impacts upon those populations and related habitats. These studies and information which supports the proposed rules, are incorporated by reference and are available for public inspection. The rules as proposed are designed to promote public user opportunity and clarify regulations.

Robin Riechers, staff economist, has determined that for the first five-year period the sections are in effect there will be no fiscal implication for state or local government as a result of enforcing or administering the sections.

Mr. Riechers 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 to provide for additional public user opportunities on public hunting areas and clarification of regulations. There will be no effect on small businesses. It is anticipated there will be minimal fiscal implications to persons who are required to comply with the amendments as proposed.

The department has not filed a local employment impact statement with the Texas Employment Commission in compliance with the Administrative Procedure and Texas Register Act, §4A, as this agency has determined that the rules as proposed will not impact local economies.

Comments on the rules as proposed may be submitted to H. G. Kothmann, Public Hunts Coordinator, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4770 or 1-800-792-1112, extension 4770.

The amendments are proposed under the Texas Parks and Wildlife Code, Chapter 81, Subchapter E, which provides the Texas Parks and Wildlife Commission with authority to regulate seasons, number, means, methods, and conditions for taking wildlife resources on wildlife management areas; with respect to designated state parks, the commission is acting under the authority of the Texas Parks and Wildlife Code, Chapter 62, Subchapter D, which provides authority to prescribe seasons, number, size, kind, and sex and the means and method of taking any wildlife.

§65.190. *Application.* The provisions of this subchapter apply to all of the wildlife resources in the following areas, except as restricted herein:

(1)-(32) (No change.)

(33) Walter Buck Wildlife Management Area in Kimble County; [.]

(34) Cooper Wildlife Management Area in Delta and Hopkins Counties.

§65.193. *Open Seasons, Bag and Possession Limits, and Means and Methods; General Rules.*

(a)-(k) (No change.)

(l) Open seasons, bag and possession limits, means and methods, and special regulations for certain areas.

(1)-(33) (No change.)

(34) Cooper Wildlife Management Area.

(A) Waterfowl—on Tuesdays, Thursdays, and Saturdays during the waterfowl seasons established for Delta and Hopkins Counties; shooting hours end at noon; by annual public hunting permit.

(B) Fishing—no permit required.

§65.194. *Permit Required and Fees.*

(a) A Texas conservation passport is required of each individual, 17 years of age or older, to obtain access to wildlife management areas for participation in nonconsumptive activities, except on the Cooper, Dam B, Granger, James E. Daughtrey, Pat Mayse, and Somerville Wildlife Management Areas where a Texas conservation passport is not required for non-consumptive use. The Texas conservation passport is not required of individuals participating in hunting and fishing activities or educational programs and management demonstrations sponsored by the department.

(b) No permit is required for fishing, except on the Black Gap, Gene Howe, Gus Engeling, [Kerr.] Matador, and Richland Creek Wildlife Management Areas where an annual public hunting permit is required, and no permit is required to hunt waterfowl, rails, gallinules, or snipe within the designated marsh unit of the Matagorda Island Wildlife Management Area. An annual public hunting permit is not required to hunt on the Pat Mayse Wildlife Management Area, and supervised minor age participants are exempt from requirement for an annual public hunting permit; otherwise, none of the wildlife resources of the wildlife management areas may be taken except by holders of permits that have been issued by the Parks and Wildlife Department.

(c)-(k) (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 July 16, 1992.

TRD-9209891 Paul M. Shinkawa  
Director, Legal Services  
Texas Parks and Wildlife  
Department

Earliest possible date of adoption: August 24, 1992

For further information, please call: 1-800-792-1112, ext. 4433 or (512) 389-4433



(3) The comptroller, the governor, and the General Services Commission may jointly decide to subject the purchase of a particular consulting service to the procedures required by Texas Civil Statutes, Article 601b, State Purchasing and General Services Act, Article 3, instead of the procedures required by this section. They may make this decision only if:

(A) they conclude that using the procedures required by the State Purchasing and General Services Act, Article 3, would be more advantageous to the state; and

(B) they each adopt by rule a memorandum of understanding that states the substance of their decision.

(d) Effect of noncompliance with this section.

(1) If a state agency contracts for consulting services or renews, amends, or extends a consulting services contract without complying with the requirements of subsections (h)-(j) of this section, then the contract, renewal, amendment, or extension is void.

(2) If a state agency executes a contract for consulting services without first obtaining a finding of fact from the governor's Budget and Planning Office in accordance with subsection (g)(1)(C) of this section, then the contract is void.

(3) If a private consultant contracts with a state agency without complying with the requirements of subsection (m) of this section, then the contract is void.

(4) When a contract, renewal, amendment, or extension is void under this subsection, the comptroller may not:

(A) draw a warrant or transmit funds to satisfy an obligation under the contract, renewal, amendment, or extension; or

(B) reimburse a state agency for a payment made under the contract, renewal, amendment, or extension.

(5) When a contract, renewal, amendment, or extension is void under paragraph (1) of this subsection, a state agency may not make any payments under the contract, renewal, amendment, or extension from any state or federal funds held in or outside the state treasury until the agency has complied with subsections (h)-(j) of this section, as applicable.

(e) Necessity for consulting services. A state agency may use a private consultant only if:

(1) there is a substantial need for the consulting services; and

(2) the agency cannot adequately perform the consulting services with its own personnel or through a contract with another state agency.

(f) Selection of private consultants.

(1) In selecting a private consultant, a state agency shall:

(A) base its choice on demonstrated competence, knowledge, and qualifications, and on the reasonableness of the proposed fee for the services; and

(B) when other considerations are equal, give preference to a private consultant whose primary place of business is within the state or who will manage the consulting engagement wholly from one of its offices within the state.

(2) A state agency may not accept a person's offer or proposal to provide consulting services to the agency if:

(A) the person received compensation from the agency to participate in the preparation of the specifications or request for proposals on which the offer is based; and

(B) the person would receive compensation from the agency for providing consulting services to the agency.

(g) Notice of intent to employ a private consultant.

(1) Before contracting with a private consultant whose fee is reasonably foreseeable to be more than \$10,000, a state agency shall:

(A) notify the Legislative Budget Board and the governor's Budget and Planning Office of the agency's intent to contract with a private consultant;

(B) supply the Legislative Budget Board and the governor's Budget and Planning Office with information demonstrating that the agency has complied or will comply with subsections (e) and (f)(1) of this section; and

(C) obtain a finding of fact from the governor's Budget and Planning Office that the consulting services are necessary.

(2) A state agency that receives a finding of fact from the governor under paragraph (1)(C) of this subsection shall send a notification to the Legislative Budget Board and the appropriate committees of the senate and house of representatives. The notification must be sent by no later than

the 30th day after the governor issues the finding. The notification must describe the consulting services to be purchased and the cost of the services, and must contain the other information required by the Legislative Budget Board.

(h) Publication before execution of a consulting services contract.

(1) By no later than the 30th day before executing a consulting services contract with a reasonably foreseeable value of more than \$10,000, a state agency shall file a document with the secretary of state for publication in the *Texas Register*. The document must:

(A) invite private consultants to provide offers of consulting services to the agency;

(B) identify the individual employed by the agency who should be contacted by a private consultant who intends to provide an offer;

(C) specify the closing date for the receipt of offers; and

(D) describe the procedure by which the state agency will award the consulting services contract.

(2) If a consulting service needed by a state agency relates to services previously performed by a private consultant, the agency must disclose that fact in the invitation for offers required by paragraph (1)(A) of this subsection. If the agency intends to award a consulting services contract to the private consultant that previously performed the services unless a better offer is submitted, the agency must also disclose this intention in the invitation for offers.

(i) Publication after execution of a consulting services contract. By no later than the 10th day after executing a consulting services contract, a state agency that is subject to the requirements of subsection (h) of this section shall file with the secretary of state for publication in the *Texas Register*:

(1) a description of the activities that the private consultant will conduct;

(2) the name and business address of the private consultant;

(3) the total value of the contract;

(4) the beginning and ending dates of the contract; and

(5) the due dates of documents, films, recordings, or reports that the private consultant is required to provide to the agency.

(j) Renewals, extensions, or amendments of consulting services contracts.

(1) A state agency must comply with this paragraph when the agency intends to renew, extend, or amend a consulting services contract the original value of which was reasonably foreseeable to be more than \$10,000.

(A) If the reasonably foreseeable value of the renewal, extension, or amendment is \$10,000 or less, then the agency shall file the information required by subsection (i) of this section with the secretary of state for publication in the *Texas Register*. The information must be filed by no later than the 10th day after the renewal, extension, or amendment is executed.

(B) If the reasonably foreseeable value of the renewal, extension, or amendment is more than \$10,000, then the agency shall comply with the requirements of subsections (g)(1) and (h) of this section.

(2) A state agency must comply with this paragraph when the agency intends to renew, extend, or amend a consulting services contract the original value of which was reasonably foreseeable to be \$10,000 or less. If the reasonably foreseeable value of the renewal, extension, or amendment plus the reasonably foreseeable value of the original contract is more than \$10,000, then the agency shall comply with the requirements of subsections (9)(1) and (h) of this section.

(k) Dividing contracts. A state agency may not divide a consulting services contract or a renewal, amendment, or extension of a consulting services contract into more than one contract, renewal, amendment, or extension in order to avoid the requirements of this section.

(l) Reporting of financial interests.

(1) This subsection applies only to an officer or employee of a state agency who has a financial interest or who is related within the second degree of consanguinity or affinity to an individual who has a financial interest in an association, partnership, firm, or corporation that submits an offer to provide consulting services to the agency. For the purpose of this subsection, degrees of relationship must be determined in accordance with Texas Civil Statutes, Article 5996h.

(2) An officer or employee of a state agency shall report the financial interest to the executive head of the agency by no later than the 10th day after the day on which the association, partnership, firm, or corporation submits the offer.

(3) This subsection applies to the initial execution, renewal, amendment, or extension of a consulting services contract.

(m) Consulting services provided by former state employees.

(1) Paragraphs (2) and (3) of this subsection apply only to an individual who has been employed by a state agency at anytime during the 24 months preceding the date on which the individual offers to perform a consulting service for a state agency.

(2) An individual shall disclose in an offer to perform a consulting service for a state agency:

(A) the nature of the individual's employment with the agency or another state agency;

(B) the date of the termination of the employment; and

(C) the annual rate of compensation for the employment at the time of its termination.

(3) A state agency that accepts an offer to provide consulting services from an individual described in paragraph (1) of this subsection must include, in the information filed under subsection (i) of this section, a statement about:

(A) the individual's employment with a state agency; and

(B) the nature of that employment.

(4) Notwithstanding anything else in this section, a state agency may not use funds appropriated by the General Appropriations Act to make a payment under a consulting services contract with an individual who was employed by that agency at anytime during the 12 months before the contract was executed.

(n) Archives.

(1) After a state agency's contract with a private consultant has ended, the agency shall, upon request, supply the Legislative Budget Board and the governor's Budget and Planning Office with a copy of each document, film, recording, or report developed by the consultant.

(2) A state agency shall file with the Texas State Library a copy of each document, film, recording, or report developed by a private consultant.

(o) Actions by state agencies on recommendations from private consultants. As part of the biennial budgetary hearing process, a state agency shall report to the

Legislative Budget Board and the governor's Budget and Planning Office the action that the agency took in response to the recommendations made by each private consultant employed by the agency during the previous biennium.

(p) Emergency purchases of consulting services. A state agency that needs to make an emergency purchase of consulting services, in a time frame that makes compliance with all or part of this section infeasible, shall comply with the governor's rules about emergency waivers of the requirements of this section.

(q) Mixed contracts. When a contract involves both consulting services and one or more types of other services, this section applies if the primary objective of the contract is the purchase of consulting services.

(r) Competitive bidding. This section neither requires nor prohibits the use of competitive bidding procedures to purchase consulting services.

(s) Procurement of consulting services by the General Services Commission.

(1) At the request of a state agency, the General Services Commission is required to procure consulting services for the agency.

(2) When the General Services Commission procures consulting services for a state agency under paragraph (1) of this subsection:

(A) the commission may require the agency to reimburse the commission for the costs incurred by the commission in procuring the services; and

(B) the commission must comply with the requirements of this section that would apply if the state agency were procuring the consulting services.

(t) Purchase voucher requirements.

(1) This paragraph applies when a purchase voucher is submitted to the comptroller that requests a payment under a consulting services contract with a reasonably foreseeable value of \$10,000 or less. The voucher must contain the following information and be supported by the following documentation:

(A) the reasonably foreseeable value of the contract;

(B) the cumulative total of prior payments made under the contract;

(C) a copy of the contract if the copy has not already been provided to the comptroller; and

(D) a statement that the payment complies with subsections (e), (f), and (m) of this section.

(2) This paragraph applies when a purchase voucher is submitted to the comptroller that requests a payment under a consulting services contract with a reasonably foreseeable value of more than \$10,000. The voucher must contain the following information and be supported by the following documentation:

(A) the reasonably foreseeable value of the contract;

(B) the cumulative total of prior payments made under the contract;

(C) a copy of the contract if the copy has not already been provided to the comptroller;

(D) the volume and page number of the *Texas Register* in which the requirements of subsections (h), (i), and, if applicable, (m)(3) of this section were fulfilled;

(E) a copy of the governor's finding of fact that the consulting services are necessary if the copy has not already been provided to the comptroller; and

(F) a statement that the payment complies with subsections (e), (f), and (m) of this section.

(3) This paragraph applies when a purchase voucher is submitted to the comptroller that requests a payment under a renewed, an extended, or an amended consulting services contract the original value of which was reasonably foreseeable to be more than \$10,000.

(A) This subparagraph applies if the reasonably foreseeable value of the renewal, extension, or amendment is \$10,000 or less. The voucher must contain the following information and be supported by the following documentation:

(i) the reasonably foreseeable value of the original contract;

(ii) the reasonably foreseeable value of the renewal, extension, or amendment;

(iii) the cumulative total of prior payments made under the original contract;

(iv) the cumulative total of prior payments made under the renewal, extension, or amendment of the contract;

(v) a copy of the original contract if the copy has not already been provided to the comptroller;

(vi) a copy of the renewal, extension, or amendment if the copy has not already been provided to the comptroller;

(vii) the volume and page number of the *Texas Register* in which the requirements of subsections (h), (i), and, if applicable, (m)(3) of this section were fulfilled when the original contract was executed;

(viii) the volume and page number of the *Texas Register* in which the requirements of subsections (j)(1)(A) and, if applicable, (m)(3) of this section were fulfilled when the renewal, extension, or amendment was executed;

(ix) a copy of the governor's finding of fact that the consulting services under the original contract are necessary if the copy has not already been provided to the comptroller; and

(x) a statement that the payment complies with subsections (e), (f), and (m) of this section.

(B) This subparagraph applies if the reasonably foreseeable value of the renewal, extension, or amendment is more than \$10,000. The voucher must contain the following information and be supported by the following documentation:

(i) the reasonably foreseeable value of the original contract;

(ii) the reasonably foreseeable value of the renewal, extension, or amendment;

(iii) the cumulative total of prior payments made under the original contract;

(iv) the cumulative total of prior payments made under the renewal, extension, or amendment of the contract;

(v) a copy of the original contract if the copy has not already been provided to the comptroller;

(vi) a copy of the renewal, extension, or amendment if the copy has not already been provided to the comptroller;

(vii) the volume and page number of the *Texas Register* in which the requirements of subsections (h), (i), and, if applicable, (m)(3) of this section were fulfilled when the original contract was executed;

(viii) the volume and page number of the *Texas Register* in which the requirements of subsections (j)(1)(B) and, if applicable, (m)(3) of this section

were fulfilled when the renewal, extension, or amendment was executed;

(ix) a copy of the governor's finding of fact that the consulting services under the original contract are necessary if the copy has not already been provided to the comptroller;

(x) a copy of the governor's finding of fact that the consulting services under the renewal, extension, or amendment are necessary if the copy has not already been provided to the comptroller; and

(xi) a statement that the payment complies with subsections (e), (f), and (m) of this section.

(4) This paragraph applies when a purchase voucher is submitted to the comptroller that requests a payment under a renewed, an extended, or an amended consulting services contract the original value of which was reasonably foreseeable to be \$10,000 or less.

(A) This subparagraph applies if the reasonably foreseeable value of the renewal, extension, or amendment plus the reasonably foreseeable value of the original contract is more than \$10,000. The voucher must contain the following information and be supported by the following documentation:

(i) the reasonably foreseeable value of the original contract;

(ii) the reasonably foreseeable value of the renewal, extension, or amendment;

(iii) the cumulative total of prior payments made under the original contract;

(iv) the cumulative total of prior payments made under the renewal, extension, or amendment of the contract;

(v) a copy of the original contract if the copy has not already been provided to the comptroller;

(vi) a copy of the renewal, extension, or amendment if the copy has not already been provided to the comptroller;

(vii) the volume and page number of the *Texas Register* in which the requirements of subsections (j)(2) and, if applicable, (m)(3) of this section were fulfilled when the renewal, extension, or amendment was executed; and

(viii) a copy of the governor's finding of fact that the consulting services under the renewal, extension, or amendment are necessary if the copy has not already been provided to the comptroller; and

(ix) a statement that the payment complies with subsections (e), (f), and (m) of this section.

(B) This subparagraph applies if the reasonably foreseeable value of the renewal, extension, or amendment plus the reasonably foreseeable value of the original contract is \$10,000 or less. The voucher must contain the following information and be supported by the following documentation:

(i) the reasonably foreseeable value of the original contract;

(ii) the reasonably foreseeable value of the renewal, extension, or amendment;

(iii) the cumulative total of prior payments made under the original contract;

(iv) the cumulative total of prior payments made under the renewal, extension, or amendment of the contract;

(v) a copy of the original contract if the copy has not already been provided to the comptroller;

(vi) a copy of the renewal, extension, or amendment if the copy has not already been provided to the comptroller; and

(vii) a statement that the payment complies with subsections (e), (f), and (m) of this section.

(5) When a state agency has received an emergency waiver of the requirements of this section from the governor, the agency must submit a copy of the emergency waiver with each purchase voucher submitted to the comptroller to request a payment under the consulting services contract covered by the waiver.

(u) Effective dates.

(1) Subsections (a)-(s) of this section apply to a consulting services contract or an extension, amendment, or renewal of a consulting services contract that is executed after August 31, 1991.

(2) Subsection (t) of this section applies to a purchase voucher that is received by the comptroller on or after the effective date of this section.

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

Issued in Austin, Texas, on July 17, 1992.

TRD-9209869

Martin Cherry  
Chief, General Law  
Section  
Comptroller of Public  
Accounts

Earliest possible date of adoption: August 24, 1992

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

## Part II. Texas State Treasury Department

### Chapter 11. Cigarette and Tobacco Products Tax

#### Subchapter B. Cigarette Tax

##### • 34 TAC §11.52

*(Editor's Note: The Texas State Treasury Department proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is in the Emergency Rules section of this issue.)*

The Texas State Treasury Department proposes new §11.52, concerning the importation of 200 or fewer cigarettes into the state by persons 18 years of age or older for personal use and not for sale. This section provides definitions of terms used in the section, defines factual situations to which the section applies, and provides for enforcement by Texas Alcoholic Beverage Commission employees at ports of entry.

John Bell, deputy treasurer, 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. Bell also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to stop the importation of tax-free cigarettes by persons younger than 18 years of age at ports of entry; and to collect any additional taxes due where more than 200 are imported. This section is promulgated under the authority of the Texas Tax Code, Title 2; therefore, no analysis of the effect on small businesses is required. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Alicia M. Fechtel, General Counsel, Texas State Treasury Department, P.O. Box 12608, Austin, Texas 78711, (512) 463-5971, FAX (512) 463-6040.

The new section is proposed under the Texas Tax Code, §154.024(c) and §111.002, which provides the treasurer with the authority to adopt rules that do not conflict with the laws or the constitution of this state or the United States for the enforcement and collection of taxes and other revenue under Title 2, Texas Tax Code.

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 July 16, 1992.

TRD-9209804

Alicia M. Fechtel  
General Counsel  
Texas State Treasury  
Department

Earliest possible date of adoption: August 24, 1992

For further information, please call: (512) 463-5971

## TITLE 37. PUBLIC SAFETY AND CORREC- TIONS

### Part XIII. Texas Commission on Fire Protection

#### Chapter 420. Administration Practice and Procedure

##### • 37 TAC §§420.85, 420.87, 420.93

The Texas Commission on Fire Protection proposes amendments to §420.85 (formerly §231.85), §420.87 (§231.87), and new §420.93, concerning decision proposals and briefs, exceptions, and replies, and final decisions, orders, and appeals. The proposed new section defines the decision-making authority for the executive director and state fire marshal in contested cases and prescribes the procedure for appeals to the commission. The amendments to §420.85 and §420.87 remove language inconsistent with the proposed new section.

Mike Hines, executive director, has determined that for the first five-year period the sections are in effect there may be fiscal implications for state and local government as a result of the proposed new §420.93 (concerning decisions and appeals), but that insufficient information is available to make an accurate estimate.

Mr. Hines 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 administration of the commissions' duties concerning contested cases arising under the Texas Government Code, Chapter 419. There will be no effect on small or large businesses. The anticipated economic cost to persons who are required to comply with the sections as proposed is undetermined, due to lack of sufficient information to make an accurate estimate.

Comments on the proposal may be submitted to Jack Woods, General Counsel, P. O. Box 2286, Austin, Texas 78768-2286.

The amendments and new section are proposed under the Government Code, §419.008, which provides the Texas Commission on Fire Protection with authority to adopt rules for the administration of its powers and duties, the Government Code, §419.036, which requires the commission to prescribe procedures by which all decisions to suspend or revoke certificates are made by or are appealable to the commission, and the Government Code, §417.004, which provides the commission with authority to supervise the administration of the state fire marshal and applicable provisions of the Insurance Code and other law.

**§420.85. Decision-Proposals.**

(a) (No change.)

(b) When a proposal for decision is prepared, a copy of the proposal shall be served forthwith by the examiner [director] on each party and his attorney of record. Upon the expiration of the 20th day following the time provided for the filing of exceptions and briefs in §420.87 of this title (relating to Filing of Exceptions, Briefs, and Replies), the proposal for decision may be adopted by written order of the director [commission], unless exceptions and briefs shall have been filed in the manner required in §420.87 of this title (relating to filing of Exceptions, Briefs, and Replies). If deemed warranted by the director, the assigned examiner may direct a party to draft and submit a proposal for decision which shall include proposed findings of facts and a concise and explicit statement of the underlying facts supporting such proposed findings developed from the record.

**§420.87. Briefs, Exceptions, and Replies-Filing.** Any party of record may, within 20 days after the date of service of a proposal for decision, file exceptions and briefs to the proposal for decision, and replies to such exceptions and briefs may be filed within 15 days after the date for filing of such exceptions and briefs. A request for extension of time within which to file exceptions, briefs, or replies shall be filed with the examiner [director], and a copy thereof shall be served on all other parties of record by the party making such request. The examiner [director] shall promptly notify the parties of his action upon the same and shall allow additional time only in extraordinary circumstances where the interest of justice so require.

**§420.93. Final Decisions, Orders, and Appeals.**

(a) All decisions to suspend, revoke, or deny an application for any certificate or approval, to reprimand or place on probation the holder of such certificate or approval, or to assess an administrative penalty pursuant to the Texas Government Code, Chapter 419, shall be made by the executive director.

(b) All decisions to suspend, revoke, or deny an application for any permit, license, certificate of registration, or testing laboratory approval, to order restitution, remedial action, or monetary forfeitures as provided by law, or to order any person to cease and desist violations of the provisions of the Texas Insurance Code, other laws, and regulations administered and enforced by the state fire marshal, shall be made by the state fire marshal.

(c) The form and time limitations for a final decision of the executive direc-

tor, the state fire marshal, and the commission in a contested case is governed by the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

(d) Any party aggrieved of a final decision or order of the executive director or the state fire marshal in a contested case may appeal to the commission after the decision or order complained of is final. An appeal to the commission for review of action of the executive director or the state fire marshal shall be made within 30 days from the date that the writing evidencing the official action or order complained of is final and appealable, but for good cause shown, the commission may allow an appeal after that date.

(e) In reviewing any final decision or order of the executive director or state fire marshal, the commission may consider the record in the contested case developed before the executive director, the state fire marshal, or the assigned examiner, and may not consider evidence not presented to or officially noticed by the executive director, the state fire marshal, or the assigned examiner. On the request of any party, the commission may allow oral argument prior to the final determination of an appeal of a decision or order of the executive director or the state fire marshal.

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 July 20, 1992.

TRD-9209908 Jack Woods  
General Counsel  
Texas Commission on Fire  
Protection

Earliest possible date of adoption: August 24, 1992

For further information, please call: (512) 873-1700

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• 37 TAC §420.93, §420.95

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

The Texas Commission on Fire Protection proposes the repeal of §420.93 (formerly §231.93) and §420.95 (§231.95), concerning final decisions and orders and administrative finality. The repealed sections will be replaced by a new section which defines the decision-making authority of the executive director and state fire marshal and provides for appeals to the commission.

Mike Hines, executive director, has determined that for the first five-year period the repeals are in effect there may be fiscal implications for state and local government as a

result of the repeal of these sections and replacement by a proposed new section concerning the same subject, but that insufficient information is available to make an accurate estimate.

Mr. Hines also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be a more efficient administration of the commission's duties concerning contested cases arising under the Government Code, Chapter 419. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Jack Woods, General Counsel, P. O. Box 2286, Austin, Texas 78768-2286.

The repeals are proposed under the Government Code, §419.008, which provides the Texas Commission on Fire Protection with authority to adopt rules for the administration of its powers and duties, the Government Code, §419.036, which requires the commission to prescribe procedures by which all decisions to suspend or revoke certificates are made by or are appealable to the commission, and the Government Code, §417.004, which provides the commission with authority to supervise the administration by the state fire marshal of applicable provisions of the Insurance Code and other law.

**§420.93. Final Decisions and Orders.**

**§420.95. Administrative Finality.**

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 July 20, 1992.

TRD-9209909 Jack Woods  
General Counsel  
Texas Commission On Fire  
Protection

Earliest possible date of adoption: August 24, 1992

For further information, please call: (512) 873-1700

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**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

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

**Chapter 33. Early and Periodic Screening, Diagnosis, and Treatment**

**Subchapter J. Medical Phase**

◆ ◆ ◆  
• 40 TAC §33.140

The Texas Department of Human Services (DHS) proposes an amendment to §33.140,

concerning Early and Periodic Screening, Diagnosis and Treatment-Comprehensive Care Program Providers (EPSDT-CCP). The purpose of the amendment is to clarify for providers DHS's reimbursement methodology for expendable medical supplies and durable medical equipment under EPSDT-CCP.

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

Mr. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that providers will have the methodology DHS uses to reimburse them for covered services under the Medicaid program and that recipients will continue to have access to services. 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 Janet Kres at (512) 338-6465 in DHS's Purchased Health Services. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-171, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

DHS will have a public hearing concerning the proposal beginning at 9 a.m. on Monday, August 10, 1992, in the public hearing room of the John H. Winters Building (first floor, east tower) 701 West 51st Street, Austin.

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.

*§33.140. Early and Periodic Screening, Diagnosis, and Treatment-Comprehensive Care Program Providers (EPSDT-CCP).* The following are approved EPSDT-CCP provider types and the approved Texas Medical Assistance (Medicaid) Program reimbursement methodology for each provider type.

(1)-(3) (No comments.)

(4) Reimbursement for expendable medical supplies.

(A) The Texas Department of Human Services (DHS) or its designee makes payments to suppliers of expendable medical supplies. Suppliers are reimbursed within the limits defined by the maximum allowable fee schedule for expendable medical supplies established by DHS. The maximum allowable fee schedule is based upon the lesser of the following:

(i) the billed amount; or  
(ii) the Medicare fee schedule, as defined in subparagraph (B)(i) of this paragraph; or

(iii) expendable medical supplies acquisition fee, as defined in subparagraph (B)(ii) of this paragraph.

(B) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(i) Medicare fee schedule-The fee schedule established by the Medicare program for expendable medical supplies.

(ii) Expendable medical supplies acquisition fee-The fee determined by DHS or its designee by periodic sampling of suppliers or from information provided in manufacturer's publications, whichever is the lesser amount.

(iii) Expendable medical supplies-Medical supplies which meet one or both of the criteria specified in subclauses (I) and (II) of this clause:

(I) the typical term of use is within one year of purchase; and/or

(II) reimbursement is made at a cost of \$1,000 or less.

(5) Reimbursement for durable medical equipment.

(A) DHS or its designee makes direct vendor payments to providers of durable medical equipment participating in the Medicaid program. Participating providers are reimbursed within the limits of the maximum allowable fee schedule established by DHS. The maximum allowable fee schedule for durable medical equipment is based on the lesser of the following:

(i) the billed amount; or  
(ii) the Medicare fee schedule, as defined in subparagraph (B)(ii) of this paragraph; or

(iii) the durable medical equipment acquisition fee, as defined in subparagraph (B)(i) of this paragraph.

(B) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(i) Durable medical equipment-Machinery and/or equipment which meets one or both of the criteria

specified in subclauses (I) and (II) of this clause:

(I) the projected term of use is more than one year; and/or

(II) reimbursement is made at a cost of more than \$1,000.

(ii) Medicare fee schedule-The fee schedule established by the Medicare program for durable medical equipment.

(iii) Durable medical equipment acquisition fee-Reimbursement for the acquisition of machinery or equipment based upon the manufacturer's suggested retail price, as defined in clause (iv) of this subparagraph, minus a weighted average discount, as defined in clause (v) of this subparagraph.

(iv) Manufacturer's suggested retail price-The listed price that the manufacturer recommends as the retail selling price for an individual piece of durable medical equipment.

(v) Weighted average discount-The weighted average percentage discount determined from the total discount that vendors receive from manufacturers. The initial value of the weighted average discount for fiscal years 1992 and 1993 is determined from historical payments and pertinent information provided by the Texas Department of Health. Thereafter, DHS is responsible for conducting a representative sample by which a weighted average discount is determined. Participating providers must, at DHS's request, provide necessary information needed to determine the weighted average discount. DHS reviews the weighted average discount at least every two years.

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 July 20, 1992.

TRD-9209910 Nancy Murphy  
Agency Liaison, Policy and Document Support  
Texas Department of Human Services

Proposed date of adoption: October 1, 1992

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

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## Part II. Texas Rehabilitation Commission

### Chapter 101. General Rules

#### • 40 TAC §101.11

The Texas Rehabilitation Commission proposes an amendment to §101.11, concerning administrative review of agency action and fair hearing for applicants and clients. Section 101.11 proposes to adopt an amendment by reference Texas Rehabilitation Commission Rehabilitation Services Manual Number 20-2 which contains detailed procedures for applicant and client hearings effective June 1, 1992.

Charles Harrison, controller, 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.

Mike Brevell, manager, inquiries and hearing unit, Office of Special Services Texas Rehabilitation Commission 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 increased awareness to members of the public of the detailed procedures used by the commission in applicant and client hearings. It will also provide increased awareness to those who represent applicants and clients in hearings. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Mike Brevell, Manager, Inquiries and Hearings Unit, Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Austin, Texas 78751-2316.

The amendment is proposed under the Texas Human Resources Code, Title 7, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for hearings, and other regulations necessary to carry out the purposes of this chapter.

§101.11. *Administrative Review of Agency Action and Fair Hearing for Applicants and Clients.*

(a)-(b) (No change.)

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

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

TRD-9209791

Charles W. Schlessor  
Associate Commissioner  
Texas Rehabilitation  
Commission

Earliest possible date of adoption: August 24, 1992

For further information, please call: (512) 483-4051



### Texas Department of Insurance Exempt Filing

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

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

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

The State Board of Insurance, of the Texas Department of Insurance at a board meeting scheduled for 9 a.m., September 2, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, will consider amendments to various endorsements in the Texas Automobile Rules and Rating Manual (the manual). The amend-

ments were set forth in a petition filed by staff on July 1, 1992.

The amendments are necessary to make the endorsements comply with the Insurance Code, Article 5.06(7), which requires those endorsements to meet certain plain language requirements. As the amendments are all editorial in nature, they are merely included in exhibits attached to staff's petition, but the new numbers given these endorsements are shown herein.

The existing numbers and names of the endorsements being amended are: 501, "Split Liability Limits;" 503, "Uninsured/Underinsured Motorists-Split Limits;" 510, "Additional Insured-Lessor;" 511, "Extended Nonowned Coverage for Named Individual;" 512, "Designation of Covered Person or Organization;" 529A, "Special Loss Payable and Cancellation Endorsement;" 552A, "Mexico Tourist Coverage-Limited;" 561C, "Recreational Trailer, Mobile Home or Motorhome-Contents Coverage;" and 573, "Supplementary Death Benefit." The new numbers for the endorsements being amended are: 501A, 503A, 510A, 511A, 512A, 529B, 552B, 561D, and 573A, respectively.

The amendments to the manual are proposed to be adopted effective on the 15th day after

notification of the board's order is published in the *Texas Register*.

Copies of the full text of the proposed amendments to the endorsements in the manual are available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78701. For further information or to request copies of the petition, please contact Sylvia Gutierrez at (512) 463-6327, refer to (Reference Number A-0792-451).

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

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

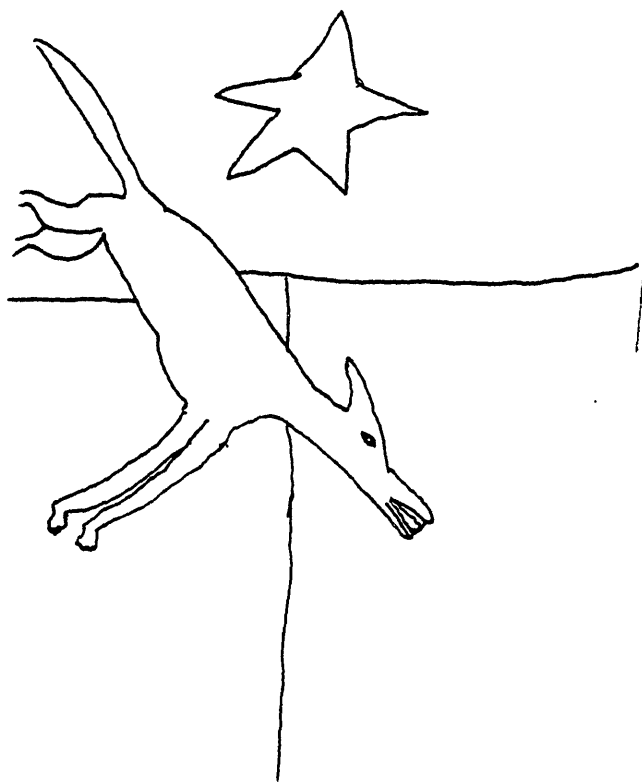
Issued in Austin, Texas, on July 20, 1992.

TRD-9209923

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

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





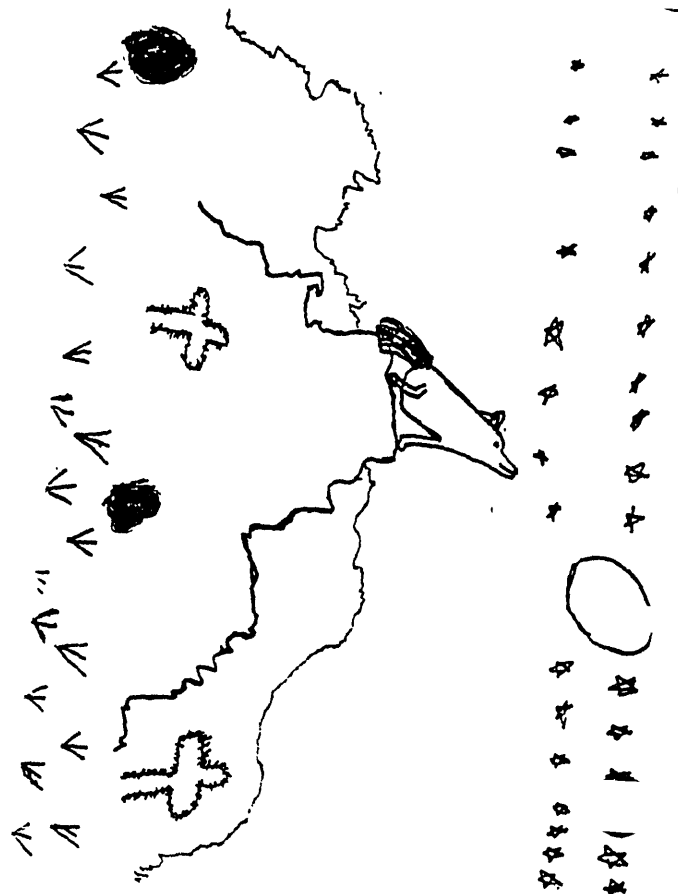
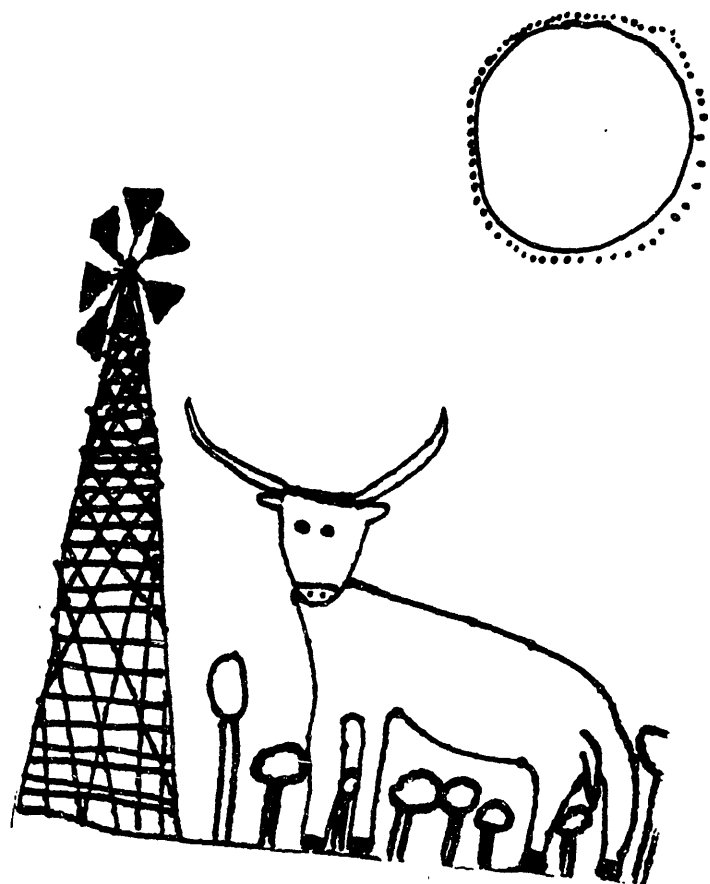
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# Withdrawn Sections

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

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

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

#### Subchapter U. State and Local Requirements

##### • 40 TAC §19. 2012

The Texas Department of Human Services has withdrawn from consideration the proposed repeal of §19.2012, concerning remedies for violations of Title XIX nursing facility provider agreements, in its Long Term Care Nursing Facility Requirements rule chapter. The proposed repeal appeared in the April 24, 1992, issue of the *Texas Register* (17 TexReg 2967). The effective date of the withdrawal is the date of filing.

Issued in Austin, Texas, on July 20, 1992.

TRD-9209915 Nancy Murphy  
Agency Liaison, Policy and Document Support  
Texas Department of Human Services

Effective date: July 20, 1992

Filed: July 20, 1992

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



#### Subchapter W. Remedies for Violations of Title XIX Nursing Facility Provider Agreements

##### • 40 TAC §§19.2201-19.2213

The Texas Department of Human Services has withdrawn from consideration proposed new §§19.2201-19.2213, concerning remedies for violations of Title XIX nursing facility provider agreements, in its Long Term Care Nursing Facility Requirements rule chapter. The proposed new sections appeared in the April 24, 1992, issue of the *Texas Register* (17 TexReg 2967). The effective date of the withdrawal is the date of filing.

Issued in Austin, Texas, on July 20, 1992.

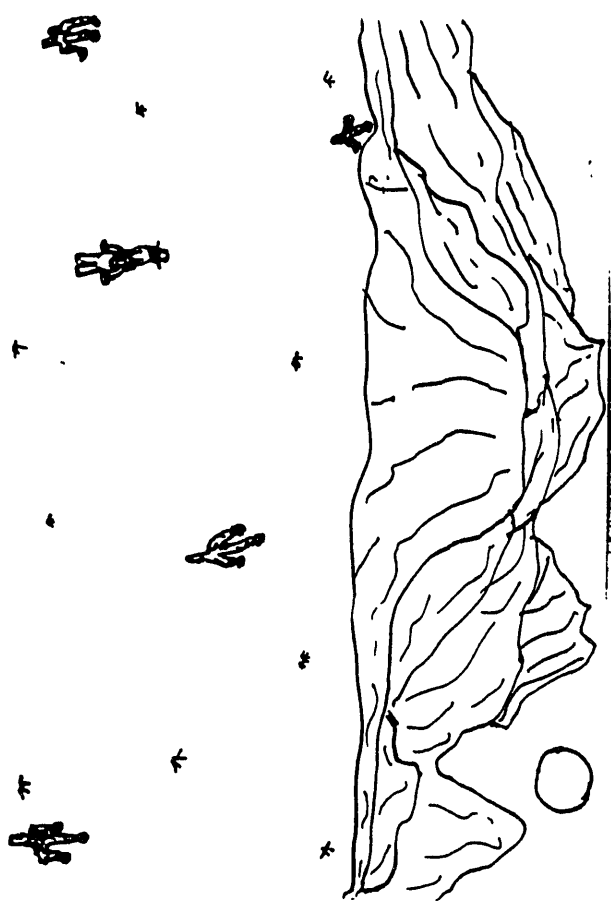
TRD-9209914 Nancy Murphy  
Agency Liaison, Policy and Document Support  
Texas Department of Human Services

Effective date: July 20, 1992

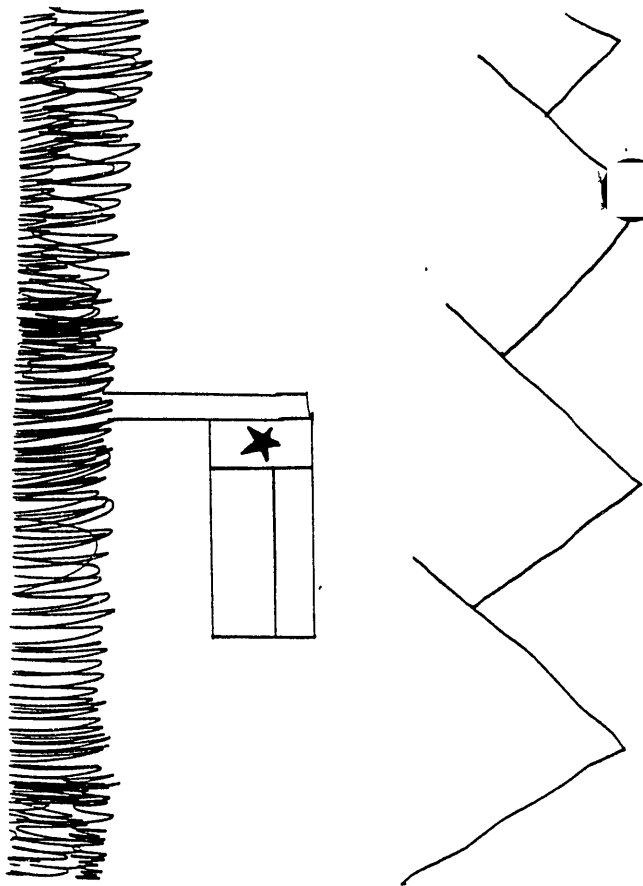
Filed: July 20, 1992

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

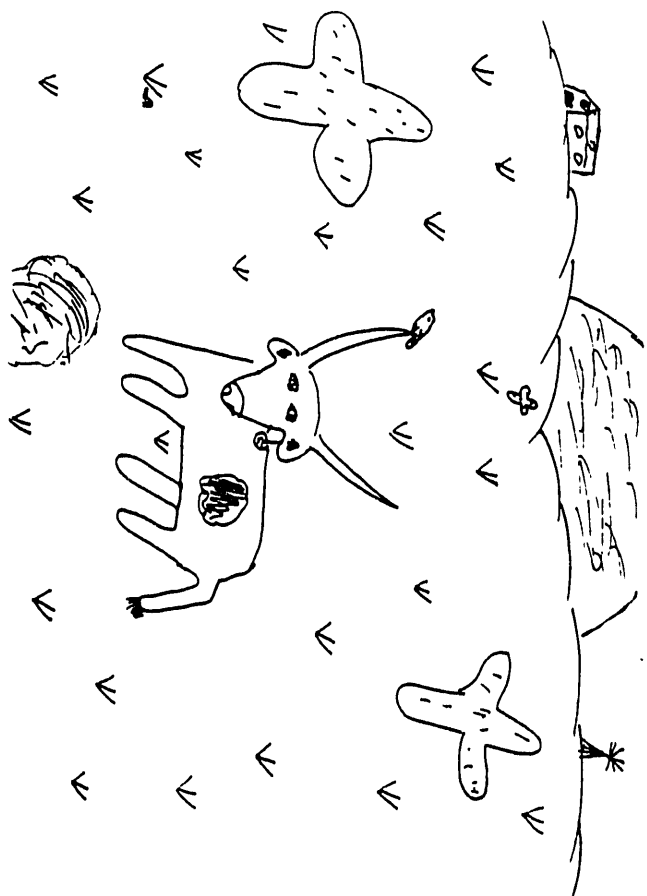




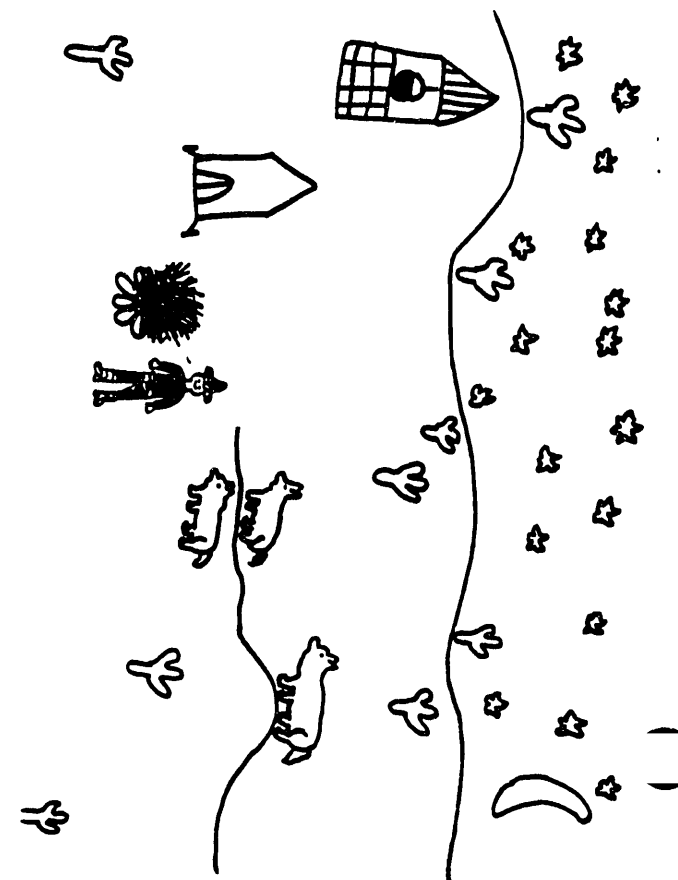
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# Adopted Sections

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 19. EDUCATION Part II. Texas Education Agency

### Chapter 61. School Districts

#### Subchapter G. School Facilities School Facilities Standards

##### • 19 TAC §§61.101-61.104

The Texas Education Agency adopts new §§61.101-61.104, concerning school facilities standards. Sections 61.101, 61.102, and 61.104 are adopted with changes to the proposed text as published in the May 1, 1992, issue of the *Texas Register* (17 TexReg 3117). Section 61.103 is adopted without changes and will not be republished.

The new sections are necessary to ensure the quality and safety of public school facilities. The changes in §61.101 add definitions of the terms "final design documents," "library," and "renovations." They also clarify responsibilities for certification of facilities design and construction. Other changes in the section are editorial in nature.

The changes in §61.102 reline minimum square foot requirements for various instructional spaces.

The changes in §61.104 clarify qualifications and requirements for independent third-party review of construction documents for conformance with adopted building codes. They also require districts to comply with the Americans with Disabilities Act and other applicable local, state, and federal requirements.

The sections establish standards in the areas of space, educational adequacy, and construction quality. They outline minimum square footage requirements for specific instructional spaces and require districts to comply with recognized building codes. The sections also authorize the commissioner to make recommendations concerning the best practices for facility construction in relation to educational adequacy.

The agency received the following comments regarding the new sections.

Comment: The School Facilities Advisory Committee (SFAC) asked staff to clarify the term "major renovations." Response: The agency incorporated the substitute language.

Comment: The SFAC recommended changes to text concerning independent third-party review responsibilities and indicated concern over associated costs that would be incurred by the district.

Response: The agency incorporated the substitute language.

Comment: The SFAC recommended changes to text concerning the plan review process for building code compliance and the qualifications of the independent third-party code consultant.

Response: The agency incorporated the substitute language.

Comment: The SFAC recommended changes to text concerning the definition of the term "final design documents" to allow latitude to districts with projects in progress. This was suggested because of the potential hardships associated with making the transition.

Response: The agency incorporated the substitute language.

Comment: The SFAC recommended including definitions for the following: flexible standards; guidelines; educational specifications; square foot per room measurements; and certificate of design and construction.

Response: The agency concluded that the concepts of flexible standards, guidelines, and educational specifications are not addressed in the rules and therefore do not require definition. The term "square foot per room measurements" is already defined in the rules. The agency incorporated recommendations regarding certification of design compliance.

Comment: The Texas State Board of Registration for Professional Examiners recommended adding the term "engineers" at various points throughout the rules to include engineers in the school facilities standards regulatory process.

Response: The agency incorporated the substitute language.

Comment: The Austin Chapter of Associated General Contractors of America recommended changes to text concerning certification of construction. Response: The agency incorporated the substitute language.

Comment: The Texas Association of School Boards (TASB) recommended changes to text concerning architect/engineer certification of design and construction.

Response: The agency incorporated the substitute language.

Comment: The TASB recommended changes to text concerning minimum library space.

Response: Based on suggestions from the Committee on Finance, the agency incorporated the substitute language and negotiated the area requirement. This recommendation was also accepted by the SFAC. For clarifica-

tion, the agency added the definition of "library."

Comment: The TASB recommended changes to text concerning the scope of required services for third-party code consultants.

Response: The agency incorporated substitute language proposed by the TASB, the SFAC, and the Committee on Finance.

Comment: The TASB recommended changes to text concerning proposed construction inspection requirements in areas with no locally adopted building codes.

Response: The agency incorporated the substitute language.

Comment: The TASB recommended changes to text concerning compliance with local, state, and federal regulations.

Response: The staff responded that this text served only to remind school districts of their obligation to comply with other regulations, and thus no changes to the language should be made.

The new sections are adopted under the Texas Education Code, §16.402, which provides the State Board of Education with the authority to establish standards for adequacy of school facilities.

#### §61.101. Applicability.

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

(1) Final design documents—These documents shall include all of the following:

(A) evaluation of owner's program, schedule, and construction budget;

(B) the development of alternate approaches to design and construction;

(C) preparation of drawings illustrating scale, size, and relationship of project components; and

(D) a preliminary estimate of construction cost based on current area, volume, or other unit costs.

(2) Instructional space—General classrooms and specialized classrooms, and major support areas.

(3) Library—Library will include the following minimum requirements:

(A) reading room;

(B) stack area; and

(C) necessary service areas.

(4) Renovations—At least 50% of the building's gross area is within the limits of the work. This section and sections 61.102, and 61.104 of this title (relating to Applicability; Space, Minimum Square Foot Requirements; and Construction Quality) shall apply to renovation projects. All renovations shall comply with applicable building codes.

(5) Square feet per pupil—The net interior space of a room divided by the maximum number of pupils to be housed in that room during a single class period.

(6) Square foot per room measurements—Actual sizes for a room that will house 22 students at the elementary level and 25 students at the middle or high school level. Net room square footage is inclusive of exposed storage space, such as cabinets or shelving, but exclusive of hallway space. Storage space such as closets or preparation offices is not included in the room square footage.

(b) Documents required by effective date. These requirements shall apply to projects for new construction or major renovations for which final design documents have not been approved by a school board prior to September 1, 1992.

(c) All other requirements applicable. School districts shall meet all requirements contained in this section and §§61.102-61.104 of this title.

(d) Certification of design and construction.

(1) In this section, the word "certify" indicates that the architect/engineer has reviewed the standards and used the best professional judgment and reasonable care consistent with the practice of architecture or engineering in the State of Texas in executing the construction documents. The architect/engineer also certifies that these documents conform with all requirements contained in this section and §§61.102 and 61.104 of this title, except as indicated on the certification.

(2) The school district shall give notice and obligate the architect/engineer to provide the required certification. The architect's/engineer's signature and seal on the construction documents shall certify compliance.

(3) To ensure that buildings have been designed and constructed accord-

ing to requirements of this part each of the involved parties must execute responsibilities as follows.

(A) The school district shall provide the architect/engineer with enrollment projections, educational specifications, building code specifications, and educational objectives for the facility. The district shall provide this information to the architect/engineer as specified by the commissioner of education.

(B) The architect/engineer shall perform a code search under applicable regulations that may influence the project, and shall certify that the design has been researched before it is final.

(C) The architect/engineer shall also certify that the building has been designed according to the criteria established in this section and §§61.102 and 61.104 of this title, based on enrollment information, educational specifications, and building code specifications as provided by the district.

(D) The building contractor or construction manager shall certify that the facility has been constructed according to the construction documents as specified in subparagraph (C) of this paragraph.

#### §61.102. Space, Minimum Square Foot Requirements.

(a) A school district, if required by the district educational specification or educational program, is required to provide instructional space as indicated in subsection (b) of this section.

(b) For each type of instructional space, a district may satisfy the requirements of the rule by using either the standard for the minimum square feet per pupil or the standard for square feet per room, as appropriate. Room size requirements are based on rooms that will house 22 students at the elementary level and 25 students at the middle or high school level.

(1) General classrooms.

(A) Classrooms for prekindergarten through first grade shall have a minimum of 36 square feet per pupil or 800 square feet per room.

(B) Classrooms at the elementary school level shall have a minimum of 30 square feet per pupil or 700 square feet per room.

(C) Classrooms at the secondary school level shall have a minimum

of 28 square feet per pupil or 700 square feet per room.

(2) Specialized classrooms.

(A) Computer laboratories shall have a minimum of 41 square feet per pupil or 900 square feet per room at the elementary school level; and 36 square feet per pupil or 900 square feet per room at the secondary school level.

(B) Science lecture/lab shall have a minimum of 41 square feet per pupil or 900 square feet per room at the elementary school level; 50 square feet per pupil or 1,000 square feet per room at the middle school level; and 50 square feet per pupil or 1,200 square feet per room at the high school level.

(3) Major support areas.

(A) Primary gymnasiums or physical education space, if required by the district's educational program, shall have a minimum of 3,000 square feet at the elementary school level; 4,800 square feet at the middle school level; and 7,500 square feet at the high school level.

(B) Libraries shall have a minimum of 3.0 square feet times the planned student capacity of the school. The minimum size of any elementary school library shall be 1,400 square feet. The minimum size of any middle school library shall be 2,100 square feet, and the minimum high school library shall be 2,800 square feet.

#### §61.104. Construction Quality.

(a) Districts with existing codes. School districts located in an area with an adopted building code shall meet their local building codes (including fire and mechanical, electrical, and plumbing codes). School districts located in areas where there is already a locally adopted building code do not have to seek additional plan review of their school facilities projects other than what is required in the local building code.

(b) Districts with no existing codes. School districts located in areas where there is no locally adopted building code shall adopt and use the latest edition of either the Uniform Building Code or Standard (Southern) Building Code (and related fire and mechanical, electrical, and plumbing codes). A third-party qualified independent code review shall be conducted to ensure that plans conform with either the Uniform Building Code or the Standard Building Code (and related fire and mechanical, electrical, and plumbing codes) before the start of construction. This plan review must be conducted by an independent certified building code consultant, architect, or engi-

neer not employed by the design architect/engineer who will certify building code compliance.

(c) Americans with Disabilities Act of 1990. School districts shall comply with the provisions of the Americans with Disabilities Act of 1990 and other local, state, and federal requirements as may be applicable.

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 July 15, 1992.

TRD-9209822      Criss Cloudt  
Coordinator, Policy  
Planning and  
Evaluation  
Texas Education Agency

Effective date: August 6, 1992

Proposal publication date: May 1, 1992

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

## Chapter 75. Curriculum

### Subchapter B. Essential Elements-Prekindergarten-Grade 6

#### • 19 TAC §75.32

The Texas Education Agency (TEA) adopts amendments to §§75.32, 75.47, 75.62-75.64, 75.68, and 75.67, concerning curriculum. Section 75.32 and §75.67 are adopted with changes to the proposed text as published in the May 19, 1992, issue of the *Texas Register* (17 TexReg 3687). Sections 75.47, 75.62-75.64, and 75.68 are adopted without changes and will not be republished.

The amendments are necessary to refine essential curriculum elements. The changes in §75.32 place more emphasis on the traditional study of Texas history. The changes in §75.67 are editorial in nature.

Based on a five-year review, the amendments revise essential elements in the state curriculum related to subjects and courses that will be included in the 1993 textbook proclamation.

The Task Force for Review and Revision of the Social Studies, the Daughters of the Republic of Texas, and numerous individuals commented in favor of the amended sections.

Two individuals recommended including reference to religious history and heritage in §75.32. This suggestion was incorporated.

Several individuals who initially opposed §75.32 later commented in favor of the section after reviewing the changes proposed by agency staff that place more emphasis on the traditional study of Texas history.

The amendments are adopted under the Texas Education Code, §21.101(c), which authorizes the State Board of Education to promulgate rules designating the essential

elements of each subject and course in the state curriculum.

#### §75.32. *Social Studies, Texas and United States History.*

(a) (No change.)

(b) Social studies, Grade 1. Essential elements described in this subsection for social studies, Grade 1, shall be superseded by the essential elements described in subsection (h) of this section effective September 1996.

(1)-(7) (No change.)

(c) Social studies, Grade 2. Essential elements described in this subsection for social studies, Grade 2, shall be superseded by the essential elements described in subsection (i) of this section effective September 1996. Social studies, Grade 2, shall include the following essential elements.

(1)-(7) (No change.)

(d) Social studies, Grade 3. Essential elements described in this subsection for social studies, Grade 3, shall be superseded by the essential elements described in subsection (j) of this section effective September 1996. Social studies, Grade 3, shall include the following essential elements.

(1)-(7) (No change.)

(e) Social studies, Grade 4. Essential elements described in this subsection for social studies, Grade 4, shall be superseded by the essential elements described in subsection (k) of this section effective September 1996. Social studies, Grade 4, shall include the following essential elements.

(1)-(7) (No change.)

(f) Social studies, Grade 5. Essential elements described in this subsection for social studies, Grade 5, shall be superseded by the essential elements described in subsection (l) of this section effective September 1996. Social studies, Grade 5, shall include the following essential elements.

(1)-(7) (No change.)

(g) Social studies, Grade 6. Essential elements described in this subsection for social studies, Grade 6, shall be superseded by the essential elements described in subsection (m) of this section effective September 1996. Social studies, Grade 6, shall include the following essential elements.

(1)-(7) (No change.)

(h) Social studies, Grade 1. Essential elements for social studies, Grade 1, as described in this subsection shall be effective September 1996. Social studies, Grade 1, shall include the following essential elements.

(1) Social study skills. The student shall be provided opportunities to:

(A) identify the main idea of a social studies selection;

(B) recall facts and details to support a social studies generalization;

(C) place events in proper sequence;

(D) classify information;

(E) identify cause-and-effect relationships;

(F) predict probable future outcomes;

(G) interpret visuals (e.g., pictures, charts, graphs, tables, time lines);

(H) organize and express ideas in written and oral form;

(I) apply decision-making skills and recognize consequences of decisions;

(J) use problem-solving skills; and

(K) draw logical conclusions.

(2) Citizenship. The student shall be provided opportunities to:

(A) identify positive traits of self and others using literature and personal experiences;

(B) identify and accept responsibilities using appropriate behavior in the environment (e.g., home, family, school, neighborhood, community);

(C) describe the role of self in the environment;

(D) recognize the value of friendships and positive interactions with others; and

(E) accept and respect the rights of self and others.

(3) Economics. The student shall be provided opportunities to:

(A) demonstrate that individuals and families have unlimited wants but

limited resources to satisfy their wants (concept of scarcity);

(B) recognize that individuals and families must make economic choices among alternatives (by choosing one thing, something else is given up—opportunity costs);

(C) demonstrate how individuals and families trade one thing for another and trade things for money (concepts of exchange and price); and

(D) describe the kinds of work performed by family, school, and community members and how they help one another (concept of interdependence).

(4) History. The student shall be provided opportunities to:

(A) identify anthems, patriotic customs, symbols, and mottos of Texas and the United States through songs, visuals, and stories;

(B) explain the importance of patriotic customs, celebrations, and traditions of the community, Texas, and the United States;

(C) identify people who have contributed to the founding of the community, Texas, and the United States (e.g., Stephen F. Austin, George Washington); and

(D) use vocabulary related to time and chronology (e. g., yesterday, today, tomorrow).

(5) Government. The student shall be provided opportunities to:

(A) explain the need for rules/laws in the home, school, and community and participate in rulemaking;

(B) identify local authority figures (e.g., teacher, principal, crossing guard, police officer) and their responsibilities for enforcing rules in the school and community;

(C) identify Texas and national authority figures and describe their roles (e.g., president, governor);

(D) demonstrate the democratic process through voting and elections using age-appropriate topics/issues; and

(E) identify major historical documents (e.g., Texas Declaration of Inde-

pendence, Texas Constitution, Treaty of Velasco).

(6) Geography. The student shall be provided opportunities to:

(A) locate school, city, state, nation, and continent on maps and globes;

(B) use maps to identify the relative location of places in the classroom, school, and neighborhood;

(C) use directional terms such as above/below, near/far, left/right, north/south, and east/west;

(D) use simple maps to locate places and gather information;

(E) distinguish between land and water on maps and globes;

(F) identify local landforms and describe their characteristics; and

(G) identify seasons and describe their effects on people and the local environment.

(7) Psychology, sociology, and anthropology. The student shall be provided opportunities to:

(A) identify various racial, ethnic, and cultural groups in one's community;

(B) compare similarities and differences among individuals and families in North America and other parts of the world;

(C) describe cultural customs and traditions of specific groups of people using literature and personal experiences; and

(D) demonstrate the multicultural diversity of North America and the world through a variety of activities or performances related to art, music, literature, dance, and architecture.

(i) Social studies, Grade 2. Essential elements for social studies, Grade 2, as described in this subsection shall be effective September 1996. Social studies, Grade 2, shall include the following essential elements.

(1) Social study skills/processes. The student shall be provided opportunities to:

(A) identify the main idea of a social studies selection;

(B) recall facts and details to support a social studies generalization;

(C) place events in proper sequence;

(D) classify information;

(E) identify cause-and-effect relationships;

(F) predict probable future outcomes;

(G) construct and interpret visuals (e.g., pictures, charts, graphs, tables, time lines);

(H) organize and express ideas in written and oral form;

(I) apply decision-making skills and recognize consequences of decisions;

(J) use problem-solving skills;

(K) differentiate between fact and nonfact (fantasy); and

(L) draw logical conclusions.

(2) Citizenship. The student shall be provided opportunities to:

(A) identify qualities of a leader and follower using literature and personal experiences;

(B) identify and accept consequences of one's behavior;

(C) establish rules, duties, responsibilities, and privileges of citizenship in classroom settings;

(D) use problem-solving skills to develop reasonable ways of dealing with individual and group conflicts (e.g., trust, friendship, communication); and

(E) explain the importance of the right to hold differing opinions.

(3) Economics. The student shall be provided opportunities to:



(A) provide examples of markets as places where people buy or sell goods and services, emphasizing the free enterprise system and its benefits;

(B) distinguish between making (producing) and using (consuming) things;

(C) identify examples of how individuals and families depend on others in the community for services (e.g., food, water, protection, education);

(D) explain that scarcity causes the need for goods to be exchanged among countries in the Western Hemisphere (concept of trade); and

(E) explain the concept of working to earn money to provide for wants and needs.

(4) History. The student shall be provided opportunities to:

(A) identify individuals of various racial, ethnic, and cultural groups who have contributed to the community and state (e.g., Antonio Olivarez, Sam Houston, Barbara Jordan);

(B) describe the origins and historical significance of major celebrations in the community, state, and nation (e.g., Independence Day, Cinco de Mayo, Emancipation Day, Martin Luther King's Birthday, Thanksgiving, Presidents' Day, San Jacinto Day);

(C) identify historical landmarks in the state and nation;

(D) explain the symbolism of Texas and the United States flags and their respective pledges; and

(E) identify and use vocabulary of time and chronology using clocks and calendars.

(5) Government. The student shall be provided opportunities to:

(A) identify some governmental services in the community (e.g., police department, highway department);

(B) identify elected governing bodies that make rules and laws in the community (e.g., city council, school board);

(C) recognize that voting for governmental bodies is the public's way of making decisions for all;

(D) predict consequences for the violation of rules and laws in school and the community; and

(E) demonstrate the democratic process through voting and elections using age-appropriate topics/issues.

(6) Geography. The student shall be provided opportunities to:

(A) locate one's community, Texas, the United States, and selected nations of the Western Hemisphere on maps and globes;

(B) identify and use a compass rose, grid, and cardinal directions to locate places;

(C) construct and use maps to identify the relative location of places (e.g., classroom, school, neighborhood);

(D) interpret simple legends on maps;

(E) identify and locate major landforms and bodies of water on maps and globes;

(F) distinguish between urban, suburban, and rural areas; and

(G) identify ways people adapt to and change their environments.

(7) Psychology, sociology, and anthropology. The student shall be provided opportunities to:

(A) describe how individuals and families change over time;

(B) identify several groups to which students belong;

(C) describe and compare family responsibilities in various cultures;

(D) compare traditions and customs of the students' own culture with other cultures of the Western Hemisphere; and

(E) demonstrate the multicultural diversity of the Western Hemisphere

through a variety of activities or performances related to art, music, literature, dance, and architecture.

(j) Social studies, Grade 3. Essential elements for social studies, Grade 3, as described in this subsection shall be effective September 1996. Social studies, Grade 3, shall include the following essential elements.

(1) Social study skills/processes. The student shall be provided opportunities to:

(A) identify the main idea of a social studies selection;

(B) recall facts and details to support a social studies generalization;

(C) place historical events in proper sequence;

(D) classify information;

(E) identify cause-and-effect relationships;

(F) predict probable future outcomes;

(G) construct and interpret visuals (e.g., pictures, charts, graphs, tables, time lines);

(H) organize and express ideas in written and oral form;

(I) apply decision-making skills and recognize consequences of decisions;

(J) use problem-solving skills;

(K) differentiate between fact and nonfact (fantasy);

(L) locate and gather information from a variety of sources (e.g., current news sources, reference works, media, databases); and

(M) draw logical conclusions.

(2) Citizenship. The student shall be provided opportunities to:

(A) identify examples of community leaders, past and present, who make a difference;

(B) identify and demonstrate an individual's responsible behavior for protecting and preserving the environment;

(C) identify individuals' civic responsibilities to the community, Texas, and the United States;

(D) participate in groups to solve problems, make decisions, and communicate effectively with others; and

(E) demonstrate tolerance for and acceptance of others.

(3) Economics. The student shall be provided opportunities to:

(A) identify and classify natural and human resources in the community and explain the interdependence of people and products in the world;

(B) identify examples of specialization and division of labor in a community;

(C) describe how technology has influenced and changed the ways of making a living in the local community and selected communities around the world;

(D) explain the purposes of spending and saving money; and

(E) distinguish between public and private property.

(4) History. The student shall be provided opportunities to:

(A) identify common characteristics of all communities (e.g., location, government, services provided);

(B) explain how communities are diverse (e.g., cultural identity and pluralism, languages, religions);

(C) compare the local community to selected rural and urban communities around the world, past and present; and

(D) describe how communities change over time (e.g., population, transportation, technology, communication, buildings).

(5) Government. The student shall be provided opportunities to:

(A) identify basic functions of local and state government;

(B) demonstrate the democratic process through voting and elections using age appropriate topics/issues;

(C) discuss the need for the enforcement of laws in all communities; and

(D) analyze compromise as a way to resolve conflicting political issues in the community.

(6) Geography. The student shall be provided opportunities to:

(A) locate the local community in relation to Texas, the United States, and the world;

(B) locate places on maps and globes using a compass rose, cardinal and intermediate directions, and grid systems;

(C) create and use maps with legends;

(D) use maps and globes to locate states, countries, continents, and major bodies of water relative to other places;

(E) describe physical and human features of the local community;

(F) compare and contrast communities in Texas, the United States, and world in terms of physical and cultural characteristics;

(G) describe the relationship between people and their environment in various communities;

(H) identify an environmental issue in the community and analyze it to propose possible solutions; and

(I) identify regions by their common characteristics (e.g., cultural, physical, political).

(7) Psychology, sociology, and anthropology. The student shall be provided opportunities to:

(A) identify the contributions of various racial, ethnic, and cultural groups in the community and state;

(B) compare traditions and customs of one's community to those of other communities in the world (e.g., cul-

tures, religions, family structures, education, recreation); and

(C) demonstrate the multicultural diversity of the local community and selected communities of the world through a variety of activities and performance related to art, music, literature, dance, and architecture.

(k) Social studies, Grade 4. Essential elements for social studies, Grade 4, as described in this subsection shall be effective September 1996. Social studies, Grade 4, shall include the following essential elements.

(1) Social studies skills/processes. The student shall be provided opportunities to:

(A) identify the main idea of a social studies selection;

(B) formulate and support social studies generalizations;

(C) place historical events in proper sequence;

(D) classify information;

(E) identify cause-and-effect relationships;

(F) predict probable future outcomes;

(G) construct and interpret visuals (e.g., pictures, charts, graphs, tables, time lines);

(H) organize and express ideas in written and oral form (e.g., legends, family and personal history);

(I) apply decision-making skills and recognize consequences of decisions;

(J) use problem-solving skills;

(K) differentiate between factual statements and personal opinions;

(L) locate, gather, analyze, and evaluate information from a variety of sources (e.g., current news sources, reference works, media, databases); and

(M) differentiate between primary and secondary sources.

(2) **Citizenship.** The student shall be provided opportunities to:

(A) identify characteristics of leaders, past and present;

(B) use problem-solving skills to develop possible solutions to a local environmental problem;

(C) identify some of the rights, duties, and responsibilities of citizens in society, past and present; and

(D) analyze issues that represent different points of view and opinions.

(3) **Economics.** The student shall be provided opportunities to:

(A) explain why conservation of Texas resources is important;

(B) identify types of resources (natural, human, capital) in Texas and selected regions of the Western Hemisphere;

(C) identify economic activities in Texas and selected regions of the Western Hemisphere, past and present, with emphasis given to the free enterprise system and its benefits;

(D) identify examples of mediums of exchange used in present and past societies (e.g., money); and

(E) describe how migration, transportation, and communication have contributed to the interdependence of the regions of Texas and selected regions of the Western Hemisphere.

(4) **History.** The student shall be provided opportunities to:

(A) explain basic facts about the founding of Texas as a republic and state;

(B) identify significant leaders (e.g., Stephen F. Austin, David G. Burnett, James Fannin, William Goyens, Sam Houston, Anson Jones, Jane Long, Jos'e Antonio Navarro, Francisco Ruiz, William B. Travis, Lorenzo de Zavala) and their contributions to Texas history;

(C) trace the historical and cultural development of Texas through the settlement of Indians, Europeans, Anglo Americans, Africans, Hispanics, and Asians;

(D) analyze selected Pre-Columbian Indian cultures of the Americas (e.g., Caddo, Inca, Aztec, Pueblo, Eskimo);

(E) compare and contrast selected communities in the Western Hemisphere (e.g., San Antonio, New Orleans, Mexico City, Buenos Aires), past and present;

(F) compare and contrast African American cultures in the Western Hemisphere (e.g., the Caribbean, Brazil, Texas), past and present;

(G) describe the contributions of various individuals and racial, ethnic, and cultural groups (e.g., Asians, Czechs, Germans, Hispanics, Poles) to Texas and the Western Hemisphere; and

(H) identify historical landmarks that reflect the heritage of Texas and the Western Hemisphere.

(5) **Government.** The student shall be provided opportunities to:

(A) explain why and how societies organize their governments;

(B) identify executive, legislative, and judicial roles at local and state levels;

(C) distinguish among the concepts of city, county, state, and nation;

(D) describe the benefits that could result from cooperation among governments (Texas and other states or nations); and

(E) identify major historical documents (e.g., Texas Declaration of Independence, including the signers, Texas Constitution, Treaty of Velasco).

(6) **Geography.** The student shall be provided opportunities to:

(A) locate places in Texas and the Western Hemisphere;

(B) apply geographic tools (e.g., legends, scale, compass rose, direction) to interpret data presented in various forms (maps, globes, charts, graphs);

(C) identify major landforms, water bodies, and river systems in Texas and the Western Hemisphere;

(D) use maps and globes to trace settlement patterns in Texas and the Western Hemisphere, past and present;

(E) compare and contrast regions of Texas and the Western Hemisphere in terms of physical and cultural characteristics;

(F) compare the sites and reasons for settlement of major population centers in Texas and the Western Hemisphere, past and present;

(G) analyze ways in which people in Texas and the Western Hemisphere have adapted to and modified their environment; and

(H) identify an environmental issue and describe its effects on selected regions.

(7) **Psychology, sociology, and anthropology.** The student shall be provided opportunities to:

(A) identify basic institutions common to all cultures (e.g., family, religion, education, government, economy);

(B) analyze ways traditions, customs, folkways, and religious beliefs are similar and different in Texas and the Western Hemisphere;

(C) describe examples of cultural borrowing among societies; and

(D) demonstrate the multicultural diversity of Texas through a variety of activities and performances related to art, music, literature, dance, and architecture.

(1) **Social studies, Grade 5.** Essential elements for social studies, Grade 5, as described in this subsection shall be effective September 1996. Social studies, Grade 5, shall include the following essential elements.

(1) **Social studies skills/processes.** The student shall be provided opportunities to:

(A) identify the main idea of a social studies selection;

(B) classify information;

(C) formulate and support social studies generalizations;

(D) place historical events in proper sequence;

(E) identify cause-and-effect relationships;

(F) predict probable future outcomes;

(G) construct and interpret visuals (e.g., pictures, charts, graphs, tables, time lines);

(H) organize and express ideas in written and oral form;

(I) apply decision-making skills and recognize consequences of decisions;

(J) use problem-solving skills;

(K) differentiate between factual statements and personal opinions;

(L) locate, gather, analyze, and evaluate information from a variety of sources (e.g., current news sources, reference works, media, databases); and

(M) differentiate between primary and secondary sources.

(2) Citizenship. The student shall be provided opportunities to:

(A) identify traits of democratic leadership and demonstrate them by assuming leadership positions;

(B) respect rights of people to behave in ways consistent with personal and societal value systems;

(C) identify basic civic values of American society such as responsibility, freedom, privacy, diversity, and public and private property rights;

(D) recognize that individuals must accept the consequences of their decisions;

(E) explain why participation in civic affairs is an important part of the democratic process;

(F) use compromise and negotiation to resolve conflicts and differences; and

(G) work individually or with others to decide an appropriate course of action.

(3) Economics. The student shall be provided opportunities to:

(A) trace the transition of work patterns and economic activities in the regions of the United States from past to present;

(B) explain the effects of technology and innovation on the development of the nation (e.g., Industrial Revolution, Agricultural Revolution);

(C) trace the development of private property rights and business in the United States;

(D) describe how migration, transportation, and communication have contributed to economic interdependence within the United States;

(E) provide examples of buyers' and sellers' reactions to prices (laws of supply and demand); and

(F) explain why the conservation of economic resources and protection of the environment are important in the United States.

(4) History. The student shall be provided opportunities to:

(A) describe the various Indian cultures that existed on the North American continent before the arrival of the Europeans;

(B) analyze why Europeans and Africans came to the Americas;

(C) identify major examples of revolution and change in the development of the United States (e.g., the American Revolution, the Westward Movement, the Civil War);

(D) trace the development of major ideas (e.g., democracy, private enterprise, education) in the history of the United States; and

(E) identify significant Americans of various racial, ethnic, and cultural groups who contributed to change in the United States (e.g., explorers, statesmen, reformers, inventors, military

leaders, entertainers, sports figures, literary figures).

(5) Government. The student shall be provided opportunities to:

(A) explain basic rights and responsibilities of United States citizens;

(B) describe the basic structures and function of the United States government;

(C) identify major United States political documents (e.g., the Declaration of Independence and United States Constitution, including the Bill of Rights) and explain their purposes, significance, beliefs, and values;

(D) explain the function of political parties in the democratic process;

(E) explain the importance of representative government and majority rule/minority rights to the democratic process; and

(F) predict the benefits that could result from cooperation among individuals and governments in the United States to solve selected problems.

(6) Geography. The student shall be provided opportunities to:

(A) describe and compare the location of places to other places within the United States and between the United States and the world;

(B) analyze exploration, migration, and settlement patterns in the development of the United States;

(C) apply geographic tools to interpret data presented in various forms (maps, globes, charts, graphics);

(D) compare and contrast regions of the United States in terms of physical and cultural characteristics and describe their connections;

(E) explain how people have adapted to and modified their environment; and

(F) identify environmental issues and discuss their effects on the United States.

(7) Psychology, sociology, and anthropology. The student shall be provided opportunities to:

(A) analyze the development of the basic cultural institutions (e.g., family, religion, education, government, economy) that have shaped our national identity;

(B) describe how traditions, customs, folkways, and religious beliefs differed among groups and influenced the development of our nation;

(C) identify examples of cultural borrowing that shaped the development of the emerging nation;

(D) demonstrate the multicultural diversity of the United States through a variety of activities or performances related to art, music, literature, dance, and architecture; and

(E) use major social issues, past and present, to analyze cooperation and conflict (e.g., voting rights, religious issues, slavery, status of women, displacement of American Indians).

(m) Social studies, Grade 6. Essential elements for social studies, Grade 6, as described in this subsection shall be effective September 1996. Social studies, Grade 6, shall include the following essential elements.

(1) Social studies skills/processes. The student shall be provided opportunities to:

(A) identify the main idea of a social studies selection;

(B) formulate and support social studies generalizations;

(C) place historical events in proper sequence;

(D) classify information;

(E) identify cause-and-effect relationships;

(F) predict probable future outcomes;

(G) construct and interpret visuals (e.g., pictures, charts, graphs, tables, time lines);

(H) organize and express ideas in oral and written form;

(I) apply decision-making skills and recognize consequences of decisions;

(J) use problem-solving skills;

(K) differentiate between factual statements and personal opinions;

(L) locate, gather, analyze, and evaluate information from a variety of sources (e.g., current news sources, reference works, media, databases, and interviews); and

(M) differentiate between primary and secondary sources.

(2) Citizenship. The student shall be provided opportunities to:

(A) identify and analyze cultural values and their impact on individual beliefs, attitudes, and actions in selected world cultures;

(B) recognize that value systems differ from one culture to another;

(C) respect the right of other individuals, groups, and cultures to have differing opinions and beliefs;

(D) explain the value of compromise as a method of resolving conflict within the context of world affairs; and

(E) analyze ways modern societies have cooperated to solve ecological, economic, and humanitarian problems.

(3) Economics. The student shall be provided opportunities to:

(A) analyze the economic impact of physical environment, industrialization, and technology on selected world economies;

(B) compare and contrast traditional, command, and market economies in selected world cultures;

(C) define gross domestic product (GDP) and explain its use; and

(D) describe the effects of international trade and interdependence on selected economies.

(4) History. The student shall be provided opportunities to:

(A) analyze why cities developed in ancient Egypt, China, and India;

(B) analyze ways in which the Greeks and the Maya forged great civilizations during their respective classical eras;

(C) identify the contributions of Rome to Western culture (e.g., law, architecture, language);

(D) trace trade and cultural exchanges between Europe and Asia and between Africa and Asia in the medieval world;

(E) trace the spread of great ideas from one society to another (e.g., democracy, religion, human rights, government by law); and

(F) describe the characteristics of selected men and women from various ethnic, racial, and cultural groups who have contributed to selected world cultures.

(5) Government. The student shall be provided opportunities to:

(A) describe and compare forms of government in selected world cultures;

(B) examine contributions of religion to the political thought, institutions, and legal systems of selected cultures;

(C) compare and contrast the concepts of majority rule and minority rights in the context of selected world cultures; and

(D) examine ways that selected world cultures have or have not accepted responsibility for the consequences of their political decisions and actions.

(6) Geography. The student shall be provided opportunities to:

(A) locate places in the world including major physical features;

(B) develop criteria for determining physical and cultural regions of the world;

(C) identify major cultural regions of the world;

(D) compare and contrast regions of the world in terms of physical and cultural characteristics;

(E) apply geographic tools to interpret data presented in various forms (maps, globes, charts, graphs);

(F) describe the interactions between cultural groups and their physical environments, past and present (e.g., desert civilizations of North Africa and Southwest Asia);

(G) identify geographic influences on the growth of urban centers and the patterns of human movement;

(H) describe how humans adapt to and change the environment over time; and

(I) develop possible solutions to world environmental problems (e.g., desertification, deforestation, acid rain, pollution, depletion of resources).

(7) Anthropology, psychology, and sociology. The student shall be provided opportunities to:

(A) compare and contrast basic institutions common to all cultures (family, religion, government, education, and economy);

(B) identify examples of cultural borrowing that brought about changes in basic institutions;

(C) describe how traditions, customs, and folkways differ among cultures; and

(D) demonstrate the multicultural diversity of the world through a variety of activities or performances related to art, music, literature, dance, and architecture.

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 July 15, 1992.

TRD-9209825  
Crisis Cloudt  
Coordinator, Policy  
Planning and  
Evaluation  
Texas Education Agency

Effective date: August 6, 1992

Proposal publication date: May 19, 1992

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

## Subchapter C. Essential Elements-Grade 7-8

### • 19 TAC §75.47

The amendment is proposed under the Texas Education Code, §21.101(c), which authorizes the State Board of Education to promulgate rules designating the essential elements of each subject and course in the state curriculum.

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 July 15, 1992.

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Crisis Cloudt  
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## Subchapter D. Essential Elements-Grades 9-12

### • 19 TAC §§75.62-75.64, 75.66-75.67

The amendments are adopted under the Texas Education Code, §21.101(c), which authorizes the State Board of Education to promulgate rules designating the essential elements of each subject and course in the state curriculum.

#### §75.67. Fine Arts.

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

(e) Theatre arts I (1/2-1 unit). Essential elements described in this subsection for theatre arts I shall be superseded by the essential elements described in subsection (w) of this section effective September 1996. Theatre arts I shall include the following essential elements.

(1)-(4) (No change.)

(f) Theatre arts II, III, IV (scope and sequence to be determined locally) (1/2-1 unit). Essential elements described in this subsection for theatre arts II, III, IV shall be superseded by the essential elements described in subsection (x) of this section effective September 1996. Theatre arts II, III, IV shall include the following essential elements.

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

(g) Technical theatre I, II (scope and sequence to be determined locally) (1/2-1 unit). Essential elements described in this subsection for technical theatre I, II shall be superseded by the essential elements described in subsection (y) of this

section effective September 1996. Technical theatre I, II shall include the following essential elements.

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

(h) Theatre production I, II, III, IV (1/2-1 unit). Essential elements described in this subsection for theatre production I, II, III, IV shall be superseded by the essential elements described in subsection (aa) of this section effective September 1993. Theatre production I, II, III, IV shall include the following essential elements.

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

(i)-(j) (No change.)

(k) Choral music I, II, III, IV (1/2-1 unit). Essential elements described in this subsection for choral music I, II, III, IV shall be superseded by the essential elements described in subsection (bb) of this section effective September 1996. Choral music I, II, III, IV shall include the following essential elements.

(1)-(7) (No change.)

(l)-(r) (No change.)

(s) Dance I (1/2-1 unit). Essential elements described in this subsection for dance I shall be superseded by the essential elements described in subsection (cc) of this section effective September 1993. Dance I shall include the following essential elements.

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

(t) Dance II (1/2-1 unit). Essential elements described in this subsection for dance II shall be superseded by the essential elements described in subsection (dd) of this section effective September 1993. Dance II shall include the following essential elements.

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

(u) Dance III (1/2-1 unit). Essential elements described in this subsection for dance III shall be superseded by the essential elements described in subsection (ee) of this section effective September 1993. Dance III shall include the following essential elements.

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

(v) Dance IV (1/2-1 unit). Essential elements described in this subsection for dance IV shall be superseded by the essential elements described in subsection (ff) of this section effective September 1993. Dance IV shall include the following essential elements.

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

(w) Theatre arts I (1/2-1 unit). Essential elements for theatre arts I as described in this section shall be effective September 1996. Theatre arts I shall include the following essential elements.

(1) Expressive use of the body and voice. The student shall be provided opportunities to:

(A) develop relaxation and warm-up techniques;

(B) use pantomime;

(C) practice stage movement; and

(D) develop voice and diction.

(2) Acting concepts and skills. The student shall be provided opportunities to:

(A) understand dramatic structure and genres;

(B) use improvisation, relating it to acting;

(C) analyze and interpret scripts; and

(D) analyze and interpret characters.

(3) Theatre production concepts and skills. The student shall be provided opportunities to:

(A) recognize the interdependence of all theatrical elements;

(B) explore technical theatre; and

(C) practice theatre safety.

(4) Aesthetic growth through appreciation of theatrical events. The student shall be provided opportunities to:

(A) recognize theatre as a reflection of the human experience;

(B) learn basic theatre history;

(C) develop an appreciation of theatre;

(D) practice audience etiquette;

(E) attend live theatrical events; and

(F) analyze and evaluate theatrical experiences.

(x) Theatre arts II, III, IV (scope and sequence to be determined by school district) (1/2-1 unit). Essential elements for theatre arts II, III, IV as described in this subsection shall be effective September 1996. Theatre arts II, III, IV shall include the following essential elements.

(1) Acting, directing, and playwriting concepts and skills. The student shall be provided opportunities to:

(A) use advanced characterization;

(B) develop directing techniques;

(C) develop playwriting techniques;

(D) relate technical theatre elements to acting, directing, and playwriting; and

(E) recognize career opportunities.

(2) Theatre production concepts and skills. The student shall be provided opportunities to:

(A) explore classical production styles;

(B) explore contemporary production styles;

(C) explore a selection from the following specialized theatrical modes: dance drama, film and television, improvisational theatre, masked theatre, mime, musical theatre, puppetry, theatre for children; and

(D) practice theatre safety.

(3) Theatre heritage concepts. The student shall be provided opportunities to:

(A) know significant dramatic literature and theatrical works from a variety of historical periods and cultures; and

(B) understand theatre as a reflection of the human experience.

(4) Aesthetic growth through appreciation of theatrical events. The student shall be provided opportunities to:

(A) attend live theatrical events;

(B) understand how the elements of theatre are integrated to enhance audience perception and aesthetic response;

(C) understand the conventions of live theatre, film, and television;

(D) use appropriate audience etiquette; and

(E) analyze and evaluate theatrical experiences.

(y) Technical theatre I, II (scope and sequence to be determined by school district) (1/2-1 unit). Essential elements for technical theatre I, II as described in this subsection shall be effective September 1996. Technical theatre I, II shall include the following essential elements.

(1) Technical theatre concepts and skills. The student shall be provided opportunities to:

(A) explore scenery;

(B) explore properties;

(C) explore lighting;

(D) explore sound;

(E) explore costumes;

(F) explore makeup;

(G) explore public relations;

(H) develop stagecraft skills;

(I) develop skills in stage and house management and in technical direction;

(J) practice theatre safety;

(K) maintain theatre and work areas for safety and efficiency;

(L) analyze and interpret scripts for technical theatre applications;

(M) learn basic theatre history, emphasizing the development of theatre architecture and aspects of technical theatre;

(N) learn basic design techniques for elements of production; and

(O) recognize career opportunities.

(2) Aesthetic growth through appreciation of theatrical events. The student shall be provided opportunities to:

(A) recognize the interdependence of all theatrical elements;

(B) recognize theatre as a reflection of the human experience;

(C) develop an appreciation of theatre;

(D) practice audience etiquette;

(E) attend live theatrical events; and

(F) analyze and evaluate theatrical experiences.

(z) Technical theatre III, IV (scope and sequence to be determined by school district) (1/2-1 unit). Essential elements for technical theatre III, IV as described in this subsection shall be effective September 1993. Technical theatre III, IV shall include the following essential elements.

(1) Technical theatre concepts and skills. The student shall be provided opportunities to:

(A) select and specialize in one or more of the following areas:

- (i) scenery;
- (ii) properties;
- (iii) lighting;
- (iv) sound;
- (v) costumes;
- (vi) makeup; and
- (vii) public relations;

(B) use script analysis, research, and design techniques for the selected area(s) of specialization;

(C) construct and/or render designs in selected area(s) of specialization;

(D) practice stagecraft skills;

(E) practice skills in technical direction, stage, or house management;

(F) practice theatre safety;

(G) maintain theatre and work areas for safety and efficiency; and

(H) recognize career opportunities.

(2) Theatre production concepts and skills. The student shall be provided opportunities to:

(A) explore classical production styles;

(B) explore contemporary production styles; and

(C) explore other production styles from a variety of historical periods and cultures.

(3) Aesthetic growth through appreciation of theatrical events. The student shall be provided opportunities to:

(A) understand how the elements of theatre are integrated to enhance audience perception and aesthetic response;

(B) understand theatre as a reflection of the human experience;

(C) develop an appreciation of theatre;

(D) practice audience etiquette;

(E) attend live theatrical events; and

(F) analyze and evaluate theatrical experiences.

(aa) Theatre production I, II, III, IV (1/2-1 unit). Essential elements for theatre production I, II, III, IV as described in this subsection shall be effective September 1993. For a specific production, students will be given either acting or technical assignments. Consequently, students will be required to meet only one of the first two essential elements (either acting concepts and skills or technical theatre concepts and skills). All students will be expected to meet paragraphs (3) and (4) of this subsection (theatre production concepts and skills and aesthetic growth through appreciation of theatrical events). Theatre production I, II, III, IV shall include the following essential elements.

(1) Acting concepts and skills. The student shall be provided opportunities to:

(A) audition;

(B) use relaxation and warm-up techniques;

(C) use characterization skills;

(D) rehearse; and

(E) perform in public.

(2) Technical theatre concepts and skills. The student shall be provided opportunities to:

(A) research and design elements of production;

(B) work on technical crews: stage management, scenery, properties, lighting, sound, costumes, makeup, and public relations (publicity, business, house management);

(C) rehearse when appropriate; and

(D) perform in public when appropriate.

(3) Theatre production concepts and skills. The student shall be provided opportunities to:

(A) maintain theatre areas for safety and efficiency;

(B) practice theatre safety;

(C) develop the self-discipline and concentration required of the theatre artist;

(D) collaborate responsibly in the creation/performance of theatre;

(E) participate in strike activities; and

(F) recognize career opportunities.

(4) Aesthetic growth through appreciation of theatrical events. The students shall be provided opportunities to:

(A) understand how the elements of theatre are integrated to enhance audience perception and aesthetic response;



(B) recognize theatre as a reflection of the human experience and as an instrument for illuminating problems of society;

(C) attend live theatrical events;

(D) practice audience etiquette; and

(E) analyze and evaluate theatrical experiences.

(bb) Choral music I, II, III, IV (1/2-1 unit). Essential elements for choral music I, II, III, IV as described in this subsection shall be effective September 1996. Choral music I, II, III, IV shall include the following essential elements.

(1) Development of the singing voice. The student shall be provided opportunities to:

(A) understand the vocal mechanism, including:

(i) parts and functions; and

(ii) the changing voice;

(B) develop and use correct singing posture, including positions for rib cage, mid-section, shoulders, jaw, and stance;

(C) develop and use correct breathing skills, demonstrating relaxed jaw, open throat, tongue placement, diaphragm movement, and rib cage movement;

(D) develop vocal tone, demonstrating proper breath support, vowel pronunciation and placement/focus, tongue placement, and head/chest voice;

(E) develop proper diction through correct use of vowel shapes, syllabic stress, consonants, and diphthongs;

(F) develop intonation awareness through:

(i) hearing and matching pitches; and

(ii) recognizing and manipulating pitch movement; and

(G) exercise responsible use and care of the voice.

(2) Choral ensemble techniques. The student shall be provided opportunities to:

(A) listen critically to self as an individual and as a participating member of an ensemble;

(B) sing in tune through tone/vowel placement and careful listening;

(C) blend with other ensemble voices utilizing tone quality, diction, and intonation;

(D) respond to conducting; and

(E) develop performance techniques including:

(i) pitch and rhythm accuracy;

(ii) style characteristics (historical period, dynamics, composer intent);

(iii) phrasing (shape, movement);

(iv) textual clarity (word accent, syllabic stress); and

(v) expression (sensitivity, mood, physical indication of feeling).

(3) Theory. The student shall be provided opportunities to:

(A) learn and use conventional and unconventional music notation, including, but not limited to:

(i) the grand staff;

(ii) key and time signatures;

(iii) pitch and rhythm notation; and

(iv) dynamic marking symbols;

(B) learn and use musical terminology;

(C) develop ear training skills through the study and use of:

(i) scale systems;

(ii) key relationships;

(iii) chord progressions and other harmonic structures; and

(iv) meters; and

(D) recognize musical forms.

(4) Sight singing. The student shall be provided opportunities to develop sight singing and music reading skills

through daily work in a sequential curriculum to sing and recognize intervals; read and sing melodic patterns and harmonic structures in a variety of keys and tonalities; and read, write, and perform rhythm patterns.

(5) Literature and styles. The student shall be provided opportunities to:

(A) hear, identify, describe, and perform music from a variety of musical styles, eras, and composers; and

(B) recognize similarities and differences between choral styles of the major historical periods.

(6) Performance activities. The student shall be provided opportunities to:

(A) perform individually, in small ensembles, and in large groups; and

(B) articulate and practice proper concert etiquette as both a listener and performer.

(7) Critical evaluation. The student shall be provided opportunities to:

(A) monitor progress toward musical goals;

(B) evaluate self as both a solo and ensemble performer; and

(C) evaluate his own and others' solo and group rehearsals and/or performances.

(8) Citizenship through group endeavor. The student shall be provided opportunities to:

(A) work effectively with others as a responsible team member; and

(B) develop leadership abilities.

(9) Music career awareness. The student shall be provided opportunities to explore careers in the field of music, including, but not limited to, teacher, performer, composer, technician, producer, and manager.

(cc) Dance I (1/2-1 unit). Essential elements for dance I as described in this subsection shall be effective September 1993. Dance I shall include the following essential elements.

(1) Dance vocabulary: introduction to the principles, concepts, skills, and techniques of dance as a fine arts form. The student shall be provided opportunities to:

(A) demonstrate general dance principles involving rhythmic terminology and aesthetic concepts;

(B) learn and perform beginning movements and short phrases associated with dance form in one or more of the following:

- (i) modern dance;
- (ii) classical ballet;
- (iii) folk and ethnic dance;
- (iv) jazz dance; and/or
- (v) tap dance;

(C) learn basic dance concepts relating to anatomy, movement, and conditioning;

(D) develop a basic awareness of the movement factors that influence the shaping of dance phrases such as:

- (i) motion, space, and energy;
- (ii) kinesthesia;
- (iii) tempo and rhythm;
- (iv) breath control; and
- (v) focus and concentration;

(E) identify and perform movement phrases that vary quality and dynamics, using such elements as time, space, flow, energy, rhythm, and weight;

(F) develop respect for self and others as dancers; and

(G) develop self-discipline and decision-making and assessment skills in dance.

(2) Dimensions of creativity: introduction to processes of perception and exploration. The student shall be provided opportunities to:

(A) develop concepts of expressive movement;

(B) apply principles of basic design and movement qualities to improvisation;

(C) investigate the connection between the body and emotions, ideas, values, and moods;

(D) explore processes of movement; and

(E) explore dance as a creative problem-solving activity.

(3) Choreography: introduction to composition as a process of creating dances. The student shall be provided opportunities to:

(A) identify and explore basic choreographic forms;

(B) experience the expressive aspects of basic locomotor and axial movements;

(C) alter movement and the overall design of learned phrases;

(D) create motifs through dance improvisation;

(E) explore the environment through the use of props;

(F) develop perceptual abilities; and

(G) demonstrate personal and group movement through dance.

(4) Dance in diverse cultures and contemporary society: introduction to cultural and historical dimensions. The student shall be provided opportunities to:

(A) explore dance in its principal forms: classical ballet, modern dance, jazz dance, tap dance, and/or folk and ethnic dance;

(B) learn dances and related customs of various cultures;

(C) recognize dance as an aesthetic and kinetic medium of communication and expression throughout history;

(D) improvise movement phrases in the style of a particular people or historical period; and

(E) appreciate movement forms derived from personal experiences and diverse cultures.

(5) Artistic judgment: introduction to description and analysis of dance works and aesthetic experiences. The student shall be provided opportunities to:

(A) analyze artistic characteristics of a learned phrase;

(B) view and analyze recorded and/or live dance performances; and

(C) develop an appreciation of dance as cultural expression.

(dd) Dance II (1/2-1 unit). Essential elements for dance II as described in this subsection shall be effective September 1993. Dance II shall include the following essential elements.

(1) Dance vocabulary: exploration of the principles, concepts, skills, and techniques of dance as a fine arts form. The student shall be provided opportunities to:

(A) evaluate personal performance of basic dance patterns and phrases;

(B) demonstrate and perform increasingly complex dance movements and phrases in one or more of the following:

- (i) modern dance (emphasize);
- (ii) classical ballet (emphasize);
- (iii) folk and ethnic dance;
- (iv) jazz dance; and/or
- (v) tap dance;

(C) understand factors affecting personal alignment and design a plan for personal conditioning in dance;

(D) know primary kinesiological and biomechanical principles relative to dance in order to develop a sound body and prevent injury;

(E) develop perceptual skills associated with dance such as rhythmic awareness, movement memory, and ideokinetic imagery;

(F) demonstrate sequence and phrasing skills; and

(G) perform movement emphasizing qualities of expression, dynamics, and internal and external focus.

(2) Dimensions of creativity: exploration of processes of perception and exploration. The student shall be provided opportunities to:

(A) represent one's personal world through movement;

(B) use dance to shape expressions of life experiences and imagination through improvisation;

(C) develop concepts of dance associated with human and natural images and characterization;

(D) relate communication and self-expression in dance to other subjects; and

(E) create expressive dance phrases.

(3) **Choreography:** exploration of composition as a process of creating dances. The student shall be provided opportunities to:

(A) practice choreographic forms such as ABA, rondo, theme and variations, call and response, and unison;

(B) explore the symbolic role of natural versus abstract gesture in communicating a dance idea;

(C) analyze transitions in basic movement and spatial designs;

(D) use various choreographic tools such as lines of energy, focus, weight, mass, floor pattern, vocalization, and scripted narratives;

(E) explore thoughts, kinesthetic and kinetic sensitivity, and emotional experiences; and

(F) alter complementary, sequential, and/or contrasting designs and analyze the result.

(4) **Dance in diverse cultures and contemporary society:** exploration of cultural and historical dimensions. The student shall be provided opportunities to:

(A) compare different cultural traditions and related belief systems that affect dance expression of a people;

(B) create a simple dance in the style of a specific cultural group and/or historical period;

(C) appreciate the choreography and media images of historical dance; and

(D) explore movement forms derived from personal cultural experiences.

(5) **Artistic judgment:** exploration of description and analysis of dance works and aesthetic experiences. The student shall be provided opportunities to:

(A) analyze images and choreographic structures of various dances;

(B) classify dance movements by their aesthetic characteristics;

(C) view and analyze live and/or recorded dance performances of diverse cultures; and

(D) analyze form and meaning in dance.

(ee) **Dance III (1/2-1 unit).** Essential elements for dance III as described in this subsection shall be effective September 1993. Dance III shall include the following essential elements.

(1) **Dance vocabulary:** development of movement principles, skills, and techniques of dance as a fine arts form. The student shall be provided opportunities to:

(A) engage in and express stylistic variations among dance forms;

(B) analyze and perform complex dance movements and phrases in one or more of the following:

(i) modern dance (emphasize);

(ii) classical ballet (emphasize);

(iii) folk and ethnic dance;

(iv) jazz dance; and/or

(v) tap dance;

(C) demonstrate the ability to vary qualities and dynamics that affect technique and style;

(D) apply physical and kinesiological principles to learning new dance movements;

(E) demonstrate perceptual awareness and musicality;

(F) describe aesthetic elements and indicators of style;

(G) demonstrate aesthetic line and design in dance; and

(H) participate in the process of developing and assessing artistic growth.

(2) **Dimensions of creativity:** development of processes of perception and exploration. The student shall be provided opportunities to:

(A) integrate life experiences and the imagination through improvisation;

(B) apply imagery concepts to group and individual projects associated with artistic forms and characterization; and

(C) use other subjects to increase understanding of self-expression and communication through complex movement problems.

(3) **Choreography:** development of the elements of composition as a process for creating dances. The student shall be provided opportunities to:

(A) explore ideas, kinesthetic and kinetic expression, and emotional qualities in dance;

(B) relate current issues, nature, and other subjects to movement images and ideas;

(C) analyze chance and serial compositional experiences by using devices such as natural images, breath action, dance vocabulary, poetry and musical structures, and pedestrian gestures;

(D) relate technical theatre elements to choreography and to the support of dance production;

(E) create long phrases or dances;

(F) recognize movement image and meaning that result from the creation and alteration of complex movement designs;

(G) use democratic decision-making procedures to develop performances; and

(H) explore career opportunities.

(4) **Dance in diverse cultures and contemporary society:** development of an understanding of cultural and historical

dimensions. The student shall be provided opportunities to:

(A) research a dance work, choreographer, choreographic style, dancer, or culture;

(B) learn and appreciate dances from one's own and other cultures;

(C) understand the cultural and aesthetic characteristics of dance in history; and

(D) reconstruct a historical style of dance.

(5) Artistic judgment: development of an appreciation of dance. The student shall be provided opportunities to:

(A) outline the choreographic structure in selected dance works of excellence; and

(B) view and analyze dance performances using standards for critiquing.

(ff) Dance IV (1/2-1 unit). Essential elements for dance IV as described in this subsection shall be effective September 1993. Dance IV shall include the following essential elements.

(1) Dance vocabulary: refinement of the principles, concepts, skills, and techniques of dance as a fine arts form. The student shall be provided opportunities to:

(A) apply aesthetic elements, techniques, and styles by using appropriate dance and related vocabulary;

(B) perform intermediate dance movements and phrases with an awareness of the design and biomechanical factors that influence movement and style in one or more of the following:

(i) modern dance (emphasis);

(ii) classical ballet (emphasis);

(iii) ethnic/folk dance;

(iv) jazz dance; and/or

(v) tap dance;

(C) perform dance technique phrases, emphasizing expression, musicality, line and design, and aesthetic images; and

(D) participate in the process of developing and assessing artistic growth.

(2) Dimensions of creativity: refinement of artistic processes relating to

dance. The student shall be provided opportunities to:

(A) identify basic theories and principles that relate to improvisation and choreography;

(B) create and perform structured improvisations and movement studies in various performance settings;

(C) integrate aesthetic elements derived from other subject areas;

(D) collaborate in creating improvisation and sustaining long time periods of movement exploration; and

(E) explore world beliefs and values through improvisation.

(3) Choreography: refinement of composition as a process of creating and performing dances. The student shall be provided opportunities to:

(A) coordinate the use of advanced compositional structures such as inversion, task activities, retrograde, jump cutting;

(B) relate technical theatre elements to choreography and to the support of dance production;

(C) design costumes for dance;

(D) explore surrealist dance ideas and innovative choreography;

(E) appreciate and evaluate artistic choices made by oneself and others;

(F) create, produce, and perform formal dances and/or improvisational works for two or more dancers;

(G) explore alternative performance sites; and

(H) explore career opportunities.

(4) Dance in diverse cultures and contemporary society: refinement of an understanding of cultural and historical dimensions. The student shall be provided opportunities to:

(A) research the role of culture in contemporary dance;

(B) understand historical or ethnic dance forms;

(C) relate sociopolitical events and developments to changes found in dance;

(D) explore movement styles of a specific dancer or historical period as the basis for a choreographic project;

(E) perform movement phrases derived from personal cultural experiences; and

(F) analyze the aesthetic characteristics of dance in a particular period.

(5) Artistic judgment: refinement of analysis of dance works and aesthetic experiences. The student shall be provided opportunities to:

(A) serve as rehearsal director or dance assistant;

(B) view and critique a dance performance using personal aesthetic standards;

(C) review a cultural dance event (e.g., a folk festival); and

(D) apply one's knowledge of dance and dance aesthetics to other performances and exhibitions.

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 July 15, 1992.

TRD-9209824

Criss Clout  
Coordinator, Policy  
Planning and  
Evaluation  
Texas Education Agency

Effective date: August 6, 1992

Proposal publication date: May 19, 1992

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

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## TITLE 22. EXAMINING BOARDS

### Part XXII. Texas State Board of Public Accountancy

#### Chapter 501. Professional Conduct

#### Other Responsibilities and Practices

##### • 22 TAC §501.40

The Texas State Board of Public Accountancy adopts an amendment to §501.40, concerning licensing/registration requirements, without changes to the proposed text as published in the May 15, 1992, issue of the *Texas Register* (17 TexReg 3540).

The amendment is necessary in order to clarify the board's position that some CPAs may identify themselves as CPAs when performing accounting functions through unregistered entities.

The amendment will permit CPAs to hold out when the non-registered entities are federal, state, or local governments, or when the entities do not offer accounting services to the public.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to licensing and registration requirements.

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 July 17, 1992.

TRD-9209731 William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: August 5, 1992

Proposal publication date: May 15, 1992

For further information, please call: (512) 450-7066

#### Chapter 505. The Board

##### • 22 TAC §505.8

The Texas State Board of Public Accountancy adopts an amendment to §505.08, concerning board meetings, without changes to the proposed text as published in the May 15, 1992, issue of the *Texas Register* (17 TexReg 3540).

The amendment is necessary in order to ensure that the newly appointed members will have the opportunity to participate in the meeting.

The amendment will change the date scheduled for annual board meetings.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to board meetings.

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 July 17, 1992.

TRD-9209732 William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: August 5, 1992

Proposal publication date: May 15, 1992

For further information, please call: (512) 450-7066

#### Chapter 519. Practice and Procedure

##### • 22 TAC §§519.3, 519.6, 519.9, 519.11, 519.17, 519.19, 519.20, 519.21, 519.23, 519.26, 519.27, 519.29

The Texas State Board of Public Accountancy adopts amendments to §§519.3, 519.6, 519.9, 519.11, 519.17, 519.19, 519.20, 519.21, 519.23, 519.26, 519.27, and 519.29, concerning rules of practice and procedure, without changes to the proposed text as published in the May 15, 1992, issue of the *Texas Register* (17 TexReg 3519).

The rules are necessary in order to clarify the agency's procedures for contested hearings.

The amendments will set forth the agency's procedures for contested hearings.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules to effectuate 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 July 17, 1992.

TRD-9209734 William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: August 5, 1992

Proposal publication date: May 15, 1992

For further information, please call: (512) 450-7066

##### • 22 TAC §§519.10, 519.13, 519.15, 519.16, 519.30, 519.31

The Texas State Board of Public Accountancy adopts the repeal §§519.10, 519.13, 519.15, 519.16, 519.30, and 519.31, concerning rules of practice and procedure, without changes to the proposed text as published in the May 15, 1992, issue of the *Texas Register* (17 TexReg 3522).

The repeals are necessary in order to ensure the internal consistency of the board's procedures.

The repeal of the rules will allow the agency to effectively conduct hearings while ensuring that procedural due process is afforded to all participants.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules to effectuate 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 July 17, 1992.

TRD-9209733 William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: August 5, 1992

Proposal publication date: May 15, 1992

For further information, please call: (512) 450-7066

## TITLE 28. INSURANCE Part I. Texas Department of Insurance

### Chapter 19. Agents' Licensing Subchapter R. Utilization Re- view Agents

##### • 28 TAC §§19.1701-19.1719

The State Board of Insurance of the Texas Department of Insurance adopts new §§19.1701-19.1719. Sections 19.1702, 19.1703, 19.1704, 19.1706, 19.1708, and 19.1716-19.1719 are adopted with changes to the proposed text as published in the May 8, 1992, issue of the *Texas Register* (17 TexReg 3337). Sections 19.1701, 19.1705, 19.1707, and 19.1709-19.1715 are adopted without changes and will not be republished.

The new sections are necessary to provide procedures for regulating the activities of utilization review agents, and to implement the provisions of the Insurance Code, Article 21.58A.

New §19.1701 contains general provisions and describes the purpose of the rules. Section 19.1702 describes the limitations on applicability of the Act and §19.1703 contains

definitions of certain terms used in the regulations. Section 19.1704 describes the process for obtaining certification as a utilization review agent. Section 19.1705 describes the general standards for utilization review and §19.1706 describes the standards for personnel who conduct utilization reviews and their compensation. Section 19.1707 prohibits certain activities of utilization review agents. Section 19.1708 describes the manner in which utilization review agents may have contact with health care providers and the way in which utilization review agents receive information from those providers. Section 19.1709 describes certain procedures to be followed by utilization review agents when conducting on site utilization reviews. Section 19.1710 describes the manner in which utilization review agents must give notice of determinations. Section 19.1711 sets out the requirements for affording health care providers a reasonable opportunity to discuss the services with appropriate professionals prior to the issuance of an adverse determination, and §19.1712 sets out the requirements for appeal procedures of adverse determinations which are to be provided by the utilization review agent. Section 19.1713 describes the manner in which the utilization review agent must assure telephone access to the agent. Section 19.1714 describes the requirements for the utilization review agent to preserve the confidentiality of individual medical records. Section 19.1715 describes the requirements for retrospective review of medical necessity. Section 19.1716 sets out the requirements for a utilization review agent complaint system, describes the Texas Department of Insurance complaint process for complaints alleging a violation of the Act governing utilization review agents, the Insurance Code, Article 21.58A, or these rules, describes the authority of the Texas Department of Insurance to make inquiries of utilization review agents, and provides for on site review by the Texas Department of Insurance. Section 19.1717 describes the sanctions for administrative violations and the procedures for initiating proceedings and appeals related to allegations of those violations. Section 19.1718 describes the criminal penalties for performing utilization review without a certificate of registration. Section 19.1719 sets forth the responsibilities of HMOs and insurers performing utilization review under the Insurance Code, Article 21.58A, §14(g) and (h).

This summary of comments and the responses to them are organized according to the sections of the rules to which they correspond. Where the subject matter of the comments referred to more than one rule, the comments are grouped together for clarity. Comments related to §19.1702(c)(1)(E) -Limitations on applicability. Two comments were made concerning the limitation on ERISA plans. They commented that ERISA supercedes any state laws and the definition contained in the proposed rules should be broadened to include language that the limitation applies to matters "related to" the plan. The board believes that the most appropriate way to describe the ERISA limitation is to substitute the statutory language in the Insurance Code, Article 21.58A, for the language in the proposed rule. This change has been

made in the rule as finally adopted. Comments related to §19.1702(c)(3)(C) -Limitations on applicability. A commenter expressed concern that utilization review agents who review only worker's compensation are except from the Insurance Code, Article 21.58A, and the Texas Workers' Compensation Act, Texas Civil Statutes, Article 8308-1.01-8308-11.10. The board is unable to change this situation as the exemption is statutory. Comments related to §19.1703-Definitions. One commenter stated that there is no provision for organizations that perform utilization review in the subspecialties of psychiatric and substance abuse and wanted to have the definition of physician changed to include those specialties. The board is unable to make this change because the definition of physician is statutory. Comments related to §19.1704(f)-Certification of utilization review agents. One commenter recommended adding a requirement for the submission of screening criteria with each renewal; however, another commenter noted that requiring the submission of screening material might require the submission of proprietary information which the statute had sought to eliminate. The board recognizes the need for the protection of the information which is proprietary and confidential under the statute, but also recognizes the need to have current screening criteria information at the time of the renewal. The rule as finally adopted will require the submission of a summary of the screening criteria which should fulfil the regulatory needs of the agency and still preserve the statutory confidentiality. The board points out that the complete screening criteria can be requested by the commissioner when needed to carry out the commissioner's duties, under the provisions of Insurance Code, Article 21.58A, §4(i). Comments related to §19.1704(c)(1)(B), §19.1705, and §19.1715(a)(2) -Certification of utilization review agents, general standards of utilization review, and retrospective review of medical necessity. Commenters recommended changing all references to "physician" to "health care provider of the same license type" throughout the utilization review agent rules. The commenters stated that reference to physician is too narrow to include all specialty areas of review. The plans and reviews should be approved by each and every independently licensed health care provider whose services may come under review. The board disagrees with this comment. The rule as proposed contains references to input from health care providers. Comments related to §19.1705(1)-General standards of utilization review. One commenter stated that there is no specific reference to pre-certification and felt that pre-certification was crucial to utilization review. The board believes that pre-certification is included within the term "prospective review" which is used in the proposed rule. Comments related to §19.1706-Personnel. One commenter recommends changing the language "all utilization review shall be under the direction of a physician" to "under the direction of a professional who is trained and licensed in the area being reviewed." The board is unable to accede to this comment as the language in the rule is a reference to a statutory provision in

the Insurance Code, Article 21.58A, §4(h). Comments related to §19.708(c)-Utilization review agent contact with and receipt of information from health care providers. Comments were made to urge the addition of the Utilization Review Accreditation Commission language containing a list of items which the utilization review agent may ask the hospitals and health care providers. Other comments were made urging that such a list not be adopted. One commenter suggested that the task force might have gone too far in recommending language which went beyond the statute, but urged that alternative language be added to the task force language if it was to remain. The board believes that some additional language to clarify the statutory requirement is necessary and adopts the language suggested by the commenters. This language appeared to be acceptable to most of the commenters and appears to give some guidance to utilization review agents and health care providers. The board believes that the language in this section relating to matters which the utilization review agent may collect clarifies the language of the statute and is within the statutory authority of the board. Comments related to §19.1708(b)-Utilization review agent contact with and receipt of information from health care providers. One commenter recommended that the amount paid to the health care provider for providing information be changed from the provisions requiring that the amount be the cost of copying set by the rules of the Texas Workers' Compensation Commission as the commenter felt those costs were not adequate to cover the cost of producing the documents. The board is unable to raise the amount because the language in the rule is statutory. Comments related to §19.1711 and 19.1719(g)(10)-Requirements prior to adverse determination, and responsibility of HMOs and insurers performing utilization review under the Insurance Code, Article 21.58A, §14(g) and (h). One commenter recommended changing the provisions in the referenced sections that providers whose proposed services are being questioned can discuss the plan with a physician or dentist to allow discussion with a professional of like licensure. The board does not feel that it can make the requested change. The references in both sections to physician is based on statutory language. The board notes that §19.1712 of this subchapter does allow a provider to request a review by a specialty provider within 10 days of denial. Comments related to §19.1715-Retrospective review of medical necessity. One commenter recommended legislative action on expanding the provisions relating to retrospective review and another recommended that retrospective review be governed by the entire subchapter, including the development of screening criteria. The board responds that the legislature has requested a study to collect information on retrospective review so that this area can be addressed in the next legislative session. Comments related to §19.1719(a)(1), (5), (6)-Responsibility of HMOs and insurers performing utilization review under the Insurance Code, Article 21.58A, §14(g) and (h). A commenter has suggested adding a reference to dentists as well as physician in the previously referenced section. The board dis-

agrees with the comment with respect to §19.1719(a)(f) and (g) as those provision mirrors §19.1705, and follow statutory language. Section 19.1719(a) (6) allows for input from other health care providers. With respect to §19.1719(a)(5), however, the board agrees that wording to recognize the need for review by a dentist of dental plans should be added and the rule as adopted will include that language.

There were no comments for the sections. The following made comments against one or more sections of the rule: Houston Area Health Care Coalition; Texas Business Group on Health; Texas Association on Professional Benefit Administrators; Texas Health Information Management Association; American Trust Administrators, Inc.; Texas Physical Therapy Association; Texas Psychological Association; Texas Health Maintenance Association; Metroplex Psych Network; Texas Hospital Association; American Managed Care & Review Association; a non-profit corporation for group hospital services; and two utilization review agents.

The new sections are adopted under the Insurance Code, Articles 21.58A and 1.04, and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 21.58A, §13, grants the board authority to adopt rules and regulations to implement the provisions of Article 21.58A relating to health care utilization review agents. 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.

#### §19.1702. *Limitations on Applicability.*

(a) Except as noted in §19.1719 of this title (relating to Responsibility of HMOs and Insurers Performing Utilization Review Under the Insurance Code, Article 21.58A, §14 (g) and (h)), all utilization review agents performing utilization reviews of services provided or proposed to be provided to an individual within the state on or after June 1, 1992, regardless of where the utilization review activities are physically based, must comply with this subchapter. All regulations in this subchapter shall relate to persons or entities subject to this subchapter.

(b) Insurers and HMOs are not required to obtain a certificate of registration, but must comply with §19.1719 of this title (source: based upon the Act, §14(g), (h), and (i)). However, an insurer or HMO which performs utilization review for a person other than the one for which it is the payor is required to obtain a certification of registration.

(c) This subchapter does not apply to a utilization review agent or other person which conducts only the functions of categories of utilization review listed in paragraphs (1)-(3) of this subsection (source: based upon the Act, §14(a)-(e)):

(1) a person who provides information to enrollees about scope of coverage or benefits provided under a health insurance policy or health benefit plan and who does not determine whether particular health care services provided or to be provided to an enrollee are medically necessary or appropriate;

(2) a person performing utilization review who is employed by, or under contract to, a certified utilization review agency;

(3) a utilization review agency which conducts only the categories of utilization review listed in subparagraphs (A)-(E):

(A) reviews performed pursuant to any contract with the federal government for utilization review of patients eligible for services under Title XVIII or XIX of the Social Security Act (42 United States Code, §§1395 et seq or §§1396 et seq);

(B) reviews performed for the Texas Medicaid Program, the chronically ill and disabled children's services program created pursuant to the Health and Safety Code, Chapter 35, any program administered under Title 2, Human Resources Code, any program of the Texas Department of Mental Health and Mental Retardation, or any program of the Texas Department of Criminal Justice;

(C) reviews of health care services provided to patients under the authority of the Texas Workers' Compensation Act (Texas Civil Statutes, §§8308-1.01 et seq);

(D) reviews of health care services provided under a policy or contract of automobile insurance promulgated by the department under the Insurance Code, Subchapter A, Chapter 5 or issued pursuant to the Insurance Code, §1.14;

(E) reviews that apply to the terms and benefits of the employee welfare benefit plans as defined in the Employee Retirement Income Security Act of 1974, §31(I) (29 United States Code, §1002).

§19.1703. *Definitions.* The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

Act-Insurance Code, Article 21.58A, entitled "Health Care Utilization Review Agents."

Administrative Procedure Act-Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a).

Administrator-A person holding a certificate of authority under the Insurance Code, Article 21.07-6.

Adverse determination-A determination by a utilization review agent that the health care services furnished or proposed to be furnished to a patient are not medically necessary or not appropriate in the allocation of health care resources.

Board-The State Board of Insurance.

Certificate-A certificate of registration granted by the board to a utilization review agent.

Commissioner-The commissioner of insurance.

Department-Texas Department of Insurance.

Dental plan-An insurance policy or health benefit plan, including a policy written by a company subject to the Insurance Code, Chapter 20, that provides coverage for expenses for dental services.

Dentist-A licensed doctor of dentistry, holding either a D.D.S. or a D.M.D. degree.

Emergency care-Bona fide emergency services provided after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

(A) placing the patient's health in serious jeopardy;

(B) serious impairment to bodily functions; or

(C) serious dysfunction of any bodily organ or part.

Enrollee-A person covered by a health insurance policy or plan. This term includes a person who is covered as an eligible dependent of another person.

Health benefit plan-A plan of benefits that defines the coverage provisions for health care for enrollees offered or provided by any organization, public or private, other than health insurance.

Health care provider-Any person, corporation, facility, or institution licensed by a state to provide or otherwise lawfully providing health care services that is eligible for independent reimbursement for those services.

Health insurance policy-An insurance policy, including a policy written by a company subject to the Insurance Code, Chapter 20, that provides coverage for medical or surgical expenses incurred as a result of accident or sickness.

Nurse—A professional or registered nurse, a licensed vocational nurse, or a licensed practical nurse.

Open records law—Chapter 424, Acts of the 63rd Legislature, 1973 (Texas Civil Statutes, Article 6252-17a).

Patient—An enrollee or an eligible dependent of the enrollee under a health benefit plan or health insurance plan.

Payor—An insurer writing health insurance policies; any preferred provider organization, health maintenance organization, self-insurance plan; or any other person or entity which provides, offers to provide, or administers hospital, outpatient, medical, or other health benefits to persons treated by a health care provider in this state pursuant to any policy, plan, or contract.

Person—An individual, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization, any similar entity, or any combination of the foregoing acting in concert.

Physician—A licensed doctor of medicine or a doctor of osteopathy.

Provider of record—The physician or other health care provider that has primary responsibility for the care, treatment, and services rendered to the enrollee and includes any health care facility when treatment is rendered on an inpatient or outpatient basis.

Screening criteria—The written policies, decision rules, medical protocols, or guides used by the utilization review agent as part of the utilization review process (e.g., appropriateness evaluation protocol (AEP) and intensity of service, severity of illness, discharge, and appropriateness screens (ISD-A)).

Utilization review—A system for prospective or concurrent review of the medical necessity and appropriateness of health care services being provided or proposed to be provided to an individual within the state. Utilization review shall not include elective requests for clarification of coverage.

Utilization review agent—An entity that conducts utilization review for an employer with employees in this state who are covered under a health benefit plan or health insurance policy; a payor; and/or an administrator.

Utilization review plan—The screening criteria and utilization review procedures of a utilization review agent.

Working day—A weekday, excluding New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day.

#### *§19.1704. Certification of Utilization Review Agents.*

(a) An application for certification of a utilization review agent must be filed with the Texas Department of Insurance at

the following address: Texas Department of Insurance, Mail Code 106-1G, P.O. Box 149104, Austin, Texas 78714-9104.

(b) The application must be submitted on a form which can be obtained from the Utilization Review Section, Mail Code 106-1G, Texas Department of Insurance, 333 Guadalupe, P.O. Box 149104, Austin, TX 78714-9104.

(c) The attachments to the application form require the following information:

(1) a summary of the utilization review plan which must include the matters listed in subparagraphs (A) and (B) of this paragraph. The utilization review plan must meet the requirements of §19.1705 of this subchapter (relating to General Standards of Utilization Review);

(A) an adequate summary description of screening criteria and review procedures to be used to determine medical necessity and appropriateness of health care; and

(B) assurance that screening criteria and review procedures to be applied in review determination are established with input from appropriate health care providers and approved by physicians;

(2) copies of procedures established for appeal of an adverse determination. These procedures must comply with the provisions of §19.1712 of this title (relating to Adverse Determinations of Utilization Review Agents) ;

(3) copies of procedures established for handling complaints by enrollees, patients, or health care providers. These procedures must comply with §19.1716 of this title (relating to Complaints and Information);

(4) copies of policies and procedures which ensure that all applicable state and federal laws to protect the confidentiality of medical records are followed. These procedures must comply with §19.1714 of this title (relating to Confidentiality);

(5) a certification that the utilization review agent will comply with the provisions of the Act;

(6) a description of the categories of persons employed to perform utilization review;

(7) copies of policies and procedures for orientation and training of personnel who perform utilization review who are not physicians, dentists, nurses, physicians assistants, registered records administrators, or accredited record technicians as addressed in §19.1706 of this title (relating to Personnel);

(8) a description of the hours of operation within the State of Texas and how the utilization review agent may be contacted during weekends and holidays. The description must be in compliance with §19.1713 of this title (relating to Telephone Access);

(9) representative samples of all materials provided by the utilization review agent/applicant to inform its clients, enrollees, or providers of the requirements of the utilization review plan;

(10) a description of the basis by which the utilization review agent compensates its employees or agents to ensure compliance with paragraph (11) of this subsection;

(11) a certification that the utilization review agent shall not permit or provide compensation or anything of value to its employees or agents, condition employment or its employee or agent evaluations, or set its employee or agent performance standards, based on the amount or volume of adverse determinations, reductions, or limitations on lengths of stay, benefits, services, or charges or on the number or frequency of telephone calls or other contacts with health care providers or patients, which are inconsistent with the provisions of this subchapter (source: subsection (c) is based upon the Act, §3(e)).

(d) The utilization review agent shall report any material changes in the information in the application or renewal form referred to in this section, not later than the 30th day after the date on which the change takes effect (source: subsection (d) is based upon the Act, §3(g)).

(e) The application process is described in paragraphs (1)-(6) of this subsection.

(1) The department shall have 30 days after receipt of an application to determine whether the application is complete. In the event that an application is found to be incomplete, the department will give the applicant written notice of the required information necessary to complete the application. If the application is complete, the applicant will be advised that the application has been received and accepted for review.

(2) The department shall have 60 days from the date the application is determined to be complete pursuant to paragraph (1) of this subsection to process the application and approve or disapprove it. The department shall give the applicant written notice of any deficiencies noted as a result of the review conducted pursuant to this paragraph.

(3) The department shall afford the applicant an opportunity for a meeting to discuss any omissions or deficiencies noted.



(4) The applicant must correct the omissions or deficiencies in the application within 30 days of the date of the department's latest notice of such omissions or deficiencies. If the applicant fails to do so, the application file will be closed as an incomplete application. The application fee will not be refundable.

(5) The applicant may waive any of the time limits described in this subsection, except in paragraph (4). The applicant may waive the time limit in paragraph (4) of this subsection, only with the consent of the department.

(6) The department shall maintain an application file which shall contain the application, notices of omissions or deficiencies, responses, and any written materials generated by any person that was considered by the department in evaluating the application.

(f) A utilization review agent must apply for renewal of the certificate of registration every two years, not later than March 1. A renewal form must be used for this purpose. The renewal fee must be submitted with the renewal form. The renewal form can be obtained from the address listed in subsection (b) of this section. The completed renewal form, a summary of the current screening criteria, and the renewal fee must be submitted to the department at the address listed in subsection (a) of this section. A utilization review agent may continue to operate under its certificate of registration after a completed renewal application form, a summary of the current screening criteria, and the renewal fee has been timely received by the department until the renewal is finally denied or issued by the department. If a completed renewal application, a summary of the screening criteria, and fee is not received prior to March 1 of the year in which the certificate of registration must be renewed, the certificate of registration will automatically be cancelled and the utilization review agent must complete and submit a new application form with a summary of the current screening criteria and the new application fee for another certificate of registration.

(g) If an application or renewal is initially denied under this section, the applicant or registrant may appeal such denial under the terms of the provisions of Chapter 1, Subchapter A of this title (relating to Rules of Practice and Procedure) and Texas Civil Statutes, Article 6252-13a (Administrative Procedure and Texas Register Act). A hearing of such appeal shall be conducted within 45 days of the date the petition for such hearing is filed with the commissioner. A decision by the commissioner shall be rendered within 60 days of the date of the hearing.

(h) Applications which are filed on or before December 31, 1992, will be processed on a first in, first out basis by the department. The timelines set out for processing applications in subsections (d) and (e) of this section will not apply to these applications.

(i) Entities which were operating in Texas as utilization review agents prior to June 1, 1992, must file the application described in subsections (a), (b), and (c) of this section, by June 1, 1992. Those entities may continue to operate as utilization review agents pending review of the application unless they are advised in writing that the application has been disapproved, or closed as an incomplete application as described in subsection (e) of this section. No entity may continue to operate after 15 days from the date of the notice of the denial or closure of the file.

(j) An applicant for a certificate of registration as a utilization review agent must provide evidence that the applicant:

(1) has available the services of physicians, nurses, physician's assistants, registered records administrators, accredited records technicians, or individuals who have received formal orientation and training in accordance with policies established by the utilization review agent and filed with the commissioner of insurance to carry out its utilization review activities in a timely manner;

(2) meets any applicable provisions of these rules and regulations relating to the qualifications of the utilization review agents or the performance of utilization review;

(3) has policies and procedures which protect the confidentiality of medical records in accordance with applicable state and federal laws;

(4) make itself accessible to patients and providers 40 working hours a week during normal business hours in this state in each time zone in which it operates.

#### *§19.1706. Personnel.*

(a) Personnel employed by or under contract with the utilization review agent to perform utilization review shall be appropriately trained and qualified and if applicable, currently licensed. Personnel who obtain information directly from the physician, dentist, or health care provider, either orally or in writing, and who are not physicians or dentists, shall be nurses, physicians assistants, registered records administrators, or accredited records technicians, who are either licensed or certified, or shall be individuals who have received formal orientation in accordance with policies and procedures established by the utilization review agent to assure compliance with this

section, and a description of such policies and procedures shall be filed with the application referred to in §19.1704 of this title (relating to Certification of Utilization Review Agents). This provision shall not be interpreted to require such qualifications for personnel who perform clerical or administrative tasks (source: based upon the Act, §4(c)).

(b) A utilization review agent may not permit or provide compensation or any thing of value to its employees or agents, condition employment or its employee or agent evaluations, or set its employee or agent performance standards, based on the amount or volume of adverse determinations, reductions, or limitations on lengths of stay, benefits, services, or charges or on the number or frequency of telephone calls or other contacts with health care providers or patients, which are inconsistent with the provisions of this subchapter (source: based upon the Act, §4(f)).

(c) The utilization review agent is required to provide the number, type, and minimum qualification or qualifications of the personnel either employed or under contract to perform the utilization review to the commissioner. Utilization review agents shall be required to adopt written procedures used to determine if physicians or other health care providers utilized by the utilization review agent are licensed, qualified, and appropriately trained, and must maintain records on such.

(d) Utilization review conducted by a utilization review agent shall be under the direction of a physician currently licensed to practice medicine by a state licensing agency in the United States (source: the Act, §4(h)).

(e) Utilization review dental plans shall be reviewed by a dentist currently licensed by a state licensing agency in the United States.

#### *§19.1708. Utilization Review Agent Contact with and Receipt of Information from Health Care Providers.*

(a) A health care provider may designate one or more individuals as the initial contact or contacts for utilization review agents seeking routine information or data. In no event shall the designation of such an individual or individuals preclude a utilization review agent or medical advisor from contacting a health care provider or others in his or her employ where a review might otherwise be unreasonably delayed or where the designated individual is unable to provide the necessary information or data requested by the utilization review agent (source: the Act, §4(g)).

(b) Unless precluded or modified by contract, a utilization review agent shall

reimburse health care providers for the reasonable costs for providing medical information in writing, including copying and transmitting any requested patient records or other documents. A health care provider's charge for providing medical information to a utilization review agent shall not exceed the cost of copying set by rules of the Texas Workers' Compensation Commission for records and may not include any costs that are otherwise recouped as a part of the charge for health care (source: the Act, §4(l)).

(c) When conducting routine utilization review, the utilization review agent shall collect only the information necessary to certify the admission, procedure, or treatment and length of stay. This information may include identifying information about the patient and enrollee, the benefit plan, the treating health care provider, and facilities rendering care. It may also include clinical information regarding the diagnoses of the patient and the medical history of the patient relevant to the diagnoses; the patient's prognosis; and the treatment plan prescribed by the treating health care provider along with the provider's justification for the treatment plan. Second opinion information may also be required when applicable, sufficient to support benefit plan requirements. These items shall only be requested when relevant to the utilization review in question and be requested as appropriate from the beneficiary, plan sponsor, health care provider, or health care facility. The required information should be obtained from the appropriate source since no one source will have all of this information.

(1) Utilization review agents shall not routinely require hospitals and physicians to supply numerically codified diagnoses or procedures to be considered for certification. Utilization review agents may ask for such coding, since if it is known, its inclusion in the data collected increases the effectiveness of the communication.

(2) Utilization review agents shall not routinely request copies of medical records on all patients reviewed. During prospective and concurrent review, copies of medical records should only be required when a difficulty develops in certifying the medical necessity or appropriateness of the admission or extension of stay. In those cases, only the necessary or pertinent sections of the record should be required.

(d) Information in addition to that described in this section may be requested by the utilization review agent or voluntarily submitted by the health care provider, when there is significant lack of agreement between the utilization review agent and health care provider regarding the appropriateness of certification during the review or

appeal process. "Significant lack of agreement" means that the utilization review agent:

(1) has tentatively determined, through its professional staff, that a service cannot be certified;

(2) has referred the case to a physician for review; and

(3) has talked to or attempted to talk to the health care provider for further information.

(e) The utilization review agent should share all clinical and demographic information on individual patients among its various divisions (e. g., certification, discharge planning, care management) to avoid duplicate requests for information from enrollees or providers.

#### §19.1716. Complaint and Information.

(a) Utilization review agent's complaint system (source: based on the Act, §4(m)). A utilization review agent shall establish and maintain a complaint system that provides reasonable procedures for the resolution of written complaints initiated by enrollees, patients, or health care providers concerning the utilization review and shall maintain records of such written complaints for two years from the time the complaints are filed. The complaint procedure shall include a written response to the complainant by the agent within 60 days. By March 1, of each year, the utilization review agent shall submit to the commissioner or his or her delegated representative, a summary report of all complaints at such times and in such form as the board may require and shall permit the commissioner to examine the complaints and all relevant documents at any time. The summary report covers reviews performed by the utilization review agent during the preceding calendar year and includes:

(1) a summary of the resolved complaints listing the number of complaints, classification of complainant (i.e., health care provider, enrollee, patient, etc.), the type of complaints filed, and the complaint resolution;

(2) a summary of the unresolved complaints listing the number of complaints, classification of complainant, and a brief explanation of all complaints not resolved; and

(3) a summary of appeals listing the number of appeals and the results of any appeals under adverse determinations procedures.

(b) Complaints to the department. Within a reasonable time period, upon receipt of a written complaint alleging a violation of this subchapter or the Act, by a utilization review agent, from an enrollee's

health care provider, a person acting on behalf of the enrollee, or the enrollee, the commissioner, or his or her delegated representative shall investigate the complaint and furnish a written response to the complainant and the utilization review agent named. The response will not identify in any manner, the patient or patients, without written consent. This response must include the following:

(1) a statement of the original complaint;

(2) a copy of any written response by the utilization review agent. The written response should not contain privileged medical records. If it is necessary to refer to medical records they shall be separately forwarded with the response and clearly marked as privileged medical records;

(3) a statement of the findings of the commissioner or his or her delegated representative and an explanation of the basis of such findings;

(4) corrective actions, if any, on the part of the utilization review agent which the commissioner or his or her delegated representative finds appropriate and whether the utilization review agent has voluntarily agreed to take such action;

(5) a time frame in which any corrective actions should be completed.

(c) The utilization review agent will provide evidence of corrective action within the specified time frame to the commissioner or his or her representative.

(d) Authority of the department to make inquiries. In addition to the authority of the commissioner to respond to complaints described in subsection (b) of this section, the department is authorized to address inquiries to any utilization review agent in relation to the agents' business condition or any matter connected with its transactions which the department may deem necessary for the public good or for a proper discharge of its duties. It shall be the duty of the agent to promptly answer such inquiries in writing.

(e) Lists of utilization review agents. The commissioner shall maintain and update monthly a list of utilization review agents issued certificates and the renewal date for those certificates. The commissioner shall provide the list at cost to all individuals or organizations requesting the list (source: the Act, §12).

(f) On-site review by the Texas Department of Insurance.

(1) The commissioner or the commissioner's designated representative is authorized to make a complete on-site review of the operations of each utilization review agent at the principal place of busi-

ness for such agent, as often as is deemed necessary.

(2) Utilization review agents will be notified of the scheduled on-site visit by letter, which will specify, as a minimum, the identity of the commissioner's designated representative and the expected arrival date and time.

(3) The utilization review agent must make available during such on-site visits all records relating to its operation.

(4) The commissioner or the designated representative may perform periodic telephone audits of utilization review agents authorized to conduct business in this state, to determine if the agents are reasonably accessible.

*§19.1717. Administrative Violations (Source: Subsections (a)-(d) are based on the Act, §9).*

(a) If the commissioner through the commissioner's designated representative, believes that a utilization review agent has violated or is violating the Act, the commissioner's designated representative shall notify the utilization review agent of the alleged violation and may compel the production of any and all documents or other information.

(b) The commissioner's designated representative may initiate the proceedings under this section after the 30th day after the date the commissioner's designated representative notifies the agent as required by subsection (a) of this section.

(c) Proceedings under this article are a contested case for the purpose of Texas Civil Statutes, Article 6252-13a (Administrative Procedure and Texas Register Act).

(d) If, after notice and hearing, the commissioner determines that the utilization review agent has violated or is violating any provision of this Act, the commissioner may:

(1) impose sanctions under the Insurance Code, Article 1.10, §7; or

(2) issue a cease and desist order under the Insurance Code, Article 1.10A.

(e) If the utilization review agent has violated or is violating any provisions of the Insurance Code other than the Act, or applicable rules of the department, sanctions may be imposed under the Insurance Code, Article 1.10 or 1.10A.

(f) The commission of fraudulent or deceptive acts or omissions in obtaining, attempting to obtain, or use of certification as a utilization review agent shall be a violation of the Act.

*§19.1718. Criminal Penalties.* Any person or entity performing utilization review without a certificate as required by the Act commits an offense. Except as otherwise provided by this section, an offense under this section is a Class A misdemeanor. If it is shown in the trial of a violation of this section that the person or entity has once before been convicted of a violation of this section, on conviction the person or entity shall be punished for a third degree felony. Each day of violation constitutes a separate offense (source: the Act, §10).

*§19.1719. Responsibility of HMOs and Insurers Performing Utilization Review Under the Insurance Code, Article 21.58A, §14(g) and (h).*

(a) HMOs performing utilization review under the Act, §14(g), must respond to the annual survey on utilization review distributed by the Texas Department of Insurance within 30 days of receipt of the survey, and comply with all the following requirements of the Act:

(1) the utilization review plan, including reconsideration and appeal requirements, shall be reviewed by a physician and conducted in accordance with standards developed with input from appropriate health care providers and approved by a physician (source: the Act, §4(b)).

(2) personnel employed by or under contract with HMOs performing utilization review shall be appropriately trained and qualified. Personnel who obtain information directly from the physician or dentist or health care provider, either orally or in writing, and who are not physicians or dentists shall be nurses, physicians assistants, registered records administrators, or accredited records technicians, who are either licensed or certified, or shall be individuals who have received formal orientation in accordance with policies and procedures established by the utilization review agent to assure compliance with this section, and a description of such policies and procedures shall be filed with the commissioner. This provision shall not be interpreted to require such qualifications for personnel who perform clerical or administrative tasks (source: based upon the Act, §4(c));

(3) unless approved for an individual patient by the provider of record or modified by contract, an HMO performing utilization review shall be prohibited from observing, participating in, or otherwise being present during a patient's examination, treatment, procedure, or therapy. In no event shall this section otherwise be construed to limit or deny contact with a patient for purposes of conducting utilization review unless otherwise specifically prohibited by law (source: the Act, §4(e));

(4) an HMO performing utilization review may not permit or provide compensation or any thing of value to its employees or agents, condition employment or its employee or agent evaluations, or set its employee or agent performance standards, based on the amount or volume of adverse determinations, reductions or limitations on lengths of stay, benefits, services, or charges or on the number or frequency of telephone calls or other contacts with health care providers or patients, which are inconsistent with the provisions of this subchapter (source: the Act, §4(f));

(5) utilization review conducted by an HMO performing utilization review shall be under the direction of a physician licensed to practice medicine by a state licensing agency in the United States (source: the Act, §4(h));

(6) utilization review dental plans shall be reviewed by a dentist currently licensed by a state licensing agency in the United States;

(7) each HMO performing utilization review shall utilize written medically acceptable screening criteria and review procedures which are established and periodically evaluated and updated with appropriate involvement from the physicians, including practicing physicians, and other health care providers. Such written screening criteria and review procedures shall be available for review and inspection by the commissioner and copying as necessary for the commissioner to carry out his or her lawful duties under this code, provided, however, that any information obtained or acquired under the authority of this subsection and article is confidential and privileged and not subject to the open records law or subpoena except to the extent necessary for the board or commissioner to enforce the Act (source: the Act, §4(i)); and

(8) unless precluded or modified by contract, an HMO performing utilization review shall reimburse health care providers for the reasonable costs for providing medical information in writing, including copying and transmitting any requested patient records or other documents. A health care provider's charge for providing medical information to a utilization review agent shall not exceed the cost of copying set by rules of the Texas Workers' Compensation Commission for records and may not include any costs that are otherwise recouped as a part of the charge for health care (source: the Act, §4(l)).

(b) Nothing in the Act or this subchapter shall be construed to prohibit or limit the distribution of a proportion of the savings from the reduction or elimination of unnecessary medical services, treatment, supplies, confinements, or days of confinement in a health care facility through profit

sharing, bonus, or withhold arrangements to participating physicians or participating health care providers for rendering health care services to enrollees (source: Based upon the Act, §14(g)(1)).

(c) The complaint system established by 28 TAC §11.506(6) shall be considered to be in compliance with this section so long as it provides for complaints for health care providers.

(d) HMOs must submit to assessment of maintenance taxes under the Insurance Code, Article 20A.33, Texas Health Maintenance Organization Act, to cover the costs of administering compliance of health maintenance organizations under the Act (source: the Act, §14(g)(3)).

(e) When a health maintenance organization performs utilization review for a person or entity subject to this article other than one for which it is the payor, such health maintenance organization shall be required to obtain a certificate under the Act, §3, and comply with all the provisions of the Act (source: the Act, §14(i)).

(f) HMOs performing utilization review under the Insurance Code, Article 21.58A, §14(g), will be subject to §19.1714 of this title (relating to Confidentiality), §19.1716(b) of this title (relating to Complaints and Information), and §19.1717 of this title (relating to Administrative Violations), with respect to their operations under the provisions of the Act, §14(g) restated in subsection (a) of this section.

(g) Insurers performing utilization review under the Act, §14(h) must comply with the requirements of paragraphs (1)-(14) of this subsection.

(1) The utilization review plan, including reconsideration and appeal requirements, shall be reviewed by a physician and conducted in accordance with standards developed with input from appropriate health care providers and approved by a physician (source: the Act, §4(b)).

(2) Personnel employed by or under contract with insurers performing utilization review shall be appropriately trained and qualified. Personnel who obtain information directly from the physicians, dentists, or health care providers, either orally or in writing, and who are not physicians or dentists shall be nurses, physician assistants, registered records administrators, or accredited records technicians, who are either licensed or certified, or shall be individuals who have received formal orientation and training in accordance with policies and procedures established by the insurer to assure compliance with this section, and a description of such policies and procedures shall be filed with the department. This provision shall not be interpreted to require such qualifications for personnel who per-

form clerical or administrative tasks (source: Based upon the Act, §4(c)).

(3) An insurer performing utilization review shall not set or impose any notice or other review procedures contrary to the requirements of the health insurance policy or health benefit procedures contrary to the requirements of the health insurance policy or health benefit plan. (Source: the Act, §4(d)).

(4) Unless approved for an individual patient by the provider of record, or modified by contract, an insurer performing utilization review shall be prohibited from observing, participating in, or otherwise being present during a patient's examination, treatment, procedures, or therapy (source: the Act, §4(e)).

(5) An insurer performing utilization review may not permit or provide compensation or any thing of value to its employees or agents, condition employment or its employee or agent evaluations, or set its employee or agent performance standards, based on the amount or volume of adverse determinations, reductions or limitations on lengths of stay, benefits, services, or charges or on the number of frequency of telephone calls or other contacts with health care providers or patients, which are inconsistent with the provisions of the Act (source: the Act, §4(f)).

(6) A health care provider may designate one or more individuals as the initial contact or contacts for insurers performing utilization review seeking routine information or data. In no event shall the designation of such an individual or individuals preclude a utilization review agent or medical advisor from contacting a health care provider or others in his or her employ where a review might otherwise be unreasonably delayed or where the designated individual is unable to provide the necessary information or data requested by the insurer performing utilization review (source: the Act, §4(g)).

(7) Utilization review conducted by an insurer performing utilization review shall be under the direction of a physician licensed to practice medicine by a state licensing agency in the United States (source: the Act, §4(h)).

(8) Each insurer performing utilization review shall utilize written medically acceptable screening criteria and review procedures which are established and periodically evaluated and updated with appropriate involvement from physicians, including practicing physicians, and other health care providers. Such written screening criteria and review procedures shall be available for review and inspection by the commissioner and copying as necessary for the commissioner to carry out his or her lawful duties under the Act, provided, how-

ever, that any information obtained or acquired under the authority of this subsection and the Act is confidential and privileged and not subject to the open records law or subpoena except to the extent necessary for the board or commissioner to enforce the Act (source: the Act, §4(i)).

(9) An insurer performing utilization review may not engage in unnecessary or unreasonable repetitive contacts with the health care provider or patient and shall base the frequency of contacts or reviews on the severity or complexity of the patient's condition or on necessary treatment and discharge planning activity (source: the Act, §4(j)).

(10) Subject to the notice requirements of the Act, §5, in any instance where the insurer performing utilization review is questioning the medical necessity or appropriateness of health care services, the health care provider who ordered the services shall be afforded a reasonable opportunity to discuss the plan of treatment for the patient and the clinical basis for the insurer's decision with a physician or, in the case of a dental plan with a dentist, prior to issuance of an adverse determination (source: Based upon the Act, §4(k)).

(11) Unless precluded or modified by contract, an insurer performing utilization review shall reimburse health care providers for the reasonable costs for providing medical information in writing, including copying and transmitting any requested patient records or other documents. A health care provider's charges for providing medical information to an insurer performing utilization review shall not exceed the cost of copying set by rule of the Texas Workers' Compensation Commission for records and may not include any costs that are otherwise recouped as a part of the charge for health care (source: the Act, §4(l)).

(12) An insurer performing utilization review shall establish and maintain a complaint system that provides reasonable procedures for the resolution of written complaints initiated by enrollees, patients, or health care providers concerning the utilization review and shall maintain records of such written complaints for two years from the time the complaints are filed. The complaint procedure shall include a written response to the complainant by the agent within 60 days. The insurer performing utilization review shall submit to the commissioner a summary report of all complaints at such times and in such form as the board may require and shall permit the commissioner to examine the complaints and all relevant documents at any time (source: the Act, §4(m)).

(13) The insurer performing utilization review may delegate utilization re-

view to qualified personnel in the hospital or health care facility where the health care services were or are to be provided. (Source: the Act, §4(n)).

(14) Insurers performing utilization review must comply with clauses (A)-(E) of this paragraph.

(A) Insurers must respond to the annual survey on utilization review distributed by the Texas Department of Insurance within 30 days of receipt of the survey.

(B) Insurers must comply with all the requirements of the Act, §8 restated in §19.1714 of this title.

(C) When an insurer performs utilization review for a person or entity subject to this article other than one for which it is the payor, such insurer shall be required to obtain a certificate under the Act, §3, and comply with all the provisions of the Act (source: the Act, §14(i)).

(D) Insurers performing utilization review under, the Act, §14(h), will be subject to §19.1714 of this title §19.1716(b) of this and §19.1717 of this title with respect to their operations under the provisions of the Act, §14(h), restated in subsection (g) of this section.

(E) Insurers performing utilization review under the Act, §14(g) and (h), must furnish the information listed in clauses (i)-(iii) of this subparagraph to the Utilization Review Department of the Texas Department of Insurance:

- (i) complete name;
- (ii) principal locality in which utilization review is being performed; and
- (iii) complete address, including contact person.

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 July 17, 1992.

TRD-9209863 Linda K. von Quintus-Dom  
Chief Clerk  
Texas Department of  
Insurance

Effective date: August 7, 1992

Proposal publication date: May 8, 1992

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

## TITLE 34. PUBLIC FINANCE

### Part VII. State Property Tax Board

#### Chapter 155. Tax Record Requirements

- 34 TAC §§155.6, 155.37, 155.51, 155.60

The Comptroller of Public Accounts adopts the repeal of §§155.6, 155.37, 155.51, and 155.60, concerning exemption applications for residence homesteads, current and delinquent tax receipts, miscellaneous exemptions, and application for exemption of goods exported from Texas, without changes to the proposed text as published in the June 12, 1992, issue of the *Texas Register* (17 TexReg 4237).

The duties and responsibilities of the State Property Tax Board were transferred to the Comptroller of Public Accounts of November 26, 1991. Senate Bill 45, 72nd Legislature, 1991, Second Called Session, provides that State Property Tax Board rules remain in effect until amended, repealed, withdrawn, or otherwise superseded by the comptroller. The sections on which repeal is proposed have been superseded by the comptroller.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Senate Bill 45, §68(c), 72nd Legislature, 1991, Second Called Session, which provides that all forms, rules, and procedures adopted by the State Property Tax Board and in effect on or after the effective date of Senate Bill 45, 72nd Legislature, 1991, Second Called Session, remain in effect as if adopted by the comptroller until amended, repealed, withdrawn, or otherwise superseded by the comptroller.

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 July 17, 1992.

TRD-9209871 Martin Cherry  
Chief, General Law  
Section  
Comptroller of Public  
Accounts

Effective date: August 7, 1992

Proposal publication date: June 12, 1992

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

#### Chapter 157. Tax Assessor Education Requirements

- 34 TAC §§157.21-157.25

The Comptroller of Public Accounts adopts the repeal of §§157.21-157.25, concerning education rules, without changes to the proposed text as published in the June 12, 1992, issue of the *Texas Register* (17 TexReg 4238).

The duties and responsibilities of the State Property Tax Board were transferred to the Comptroller of Public Accounts of November 26, 1991. Senate Bill 45, 72nd Legislature, 1991, Second Called Session, provides that State Property Tax Board rules remain in effect until amended, repealed, withdrawn, or otherwise superseded by the comptroller. The sections on which repeal is proposed are no longer necessary to administer the comptroller's property tax administration rules.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Senate Bill 45, §68(c), 72nd Legislature, 1991, Second Called Session, which provides that all forms, rules, and procedures adopted by the State Property Tax Board and in effect on or after the effective date of Senate Bill 45, 72nd Legislature, 1991, Second Called Session, remain in effect as if adopted by the comptroller until amended, repealed, withdrawn, or otherwise superseded by the comptroller.

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 July 17, 1992.

TRD-9209870 Martin Cherry  
Chief, General Law  
Section  
Comptroller of Public  
Accounts

Effective date: August 7, 1992

Proposal publication date: June 12, 1992

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

#### Chapter 163. Reporting Procedures

- 34 TAC §§163.1-163.3

The Comptroller of Public Accounts adopts the repeal of §§163.1-163.3, concerning the delinquent state ad valorem tax lists, without changes to the proposed text as published in the June 12, 1992, issue of the *Texas Register* (17 TexReg 4238).

The duties and responsibilities of the State Property Tax Board were transferred to the Comptroller of Public Accounts of November 26, 1991. Senate Bill 45, 72nd Legislature, 1991, Second Called Session, provides that State Property Tax Board rules remain in effect until amended, repealed, withdrawn, or otherwise superseded by the comptroller. The sections on which repeal is proposed are no longer necessary to administer the comptroller's property tax administration duties.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Senate Bill 45, §68(c), 72nd Legislature, 1991, Second Called Session, which provides that all forms, rules, and procedures adopted by the State Property Tax Board and in effect on or after the effective date of Senate Bill 45, 72nd Legislature, 1991, Second Called Session.

remain in effect as if adopted by the comptroller until amended, repealed, withdrawn, or otherwise superseded by the comptroller.

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 July 17, 1992.

TRD-9209867 Martin Cherry  
Chief, General Law  
Section  
Comptroller of Public  
Accounts

Effective date: August 7, 1992

Proposal publication date: June 12, 1992

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

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 5. Medicaid Programs for Aliens

##### Subchapter A. Medicaid Benefits for Temporarily Legalized Aliens

###### • 40 TAC §5.1002

The Texas Department of Human Services (DHS) adopts an amendment to §5.1002, concerning the legal basis for DHS's Medicaid Programs for Aliens. The Immigration Act of 1990, §301, effective October 1, 1991, provides that the spouse and unmarried children of an alien legalized under the Immigration Reform and Control Act (IRCA) of 1986 are eligible immigrants and are eligible for Medicaid.

The justification for the amendment is to expand Medicaid eligibility to spouses and unmarried children of aliens legalized under the IRCA.

The section as amended will function by providing medical coverage to more needy individuals.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs. The amendment is adopted in compliance with federal requirements to be effective October 1, 1991.

§5.1002. *Legal Basis.* The following clients are eligible for Medicaid coverage if they are otherwise qualified for Medicaid

and have an emergency medical condition, are pregnant, or are under age 18:

(1) aliens lawfully admitted for temporary residence in the United States under the Immigration and Nationality Act, §§210, 210A, or 245A;

(2) spouses and unmarried children of aliens lawfully admitted for temporary residence in the United States as specified in paragraph (1) of this section.

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

Issued in Austin, Texas, on July 20, 1992.

TRD-9209913 Nancy Murphy  
Agency Liaison, Policy and  
Document Support  
Texas Department of  
Human Services

Effective date: October 1, 1991

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

## Chapter 33. Early and Periodic Screening, Diagnosis, and Treatment

### Subchapter J. Medical Phase

#### • 40 TAC §33.140

The Texas Department of Human Services (DHS) adopts new §33.140, with changes to the proposed text as published in the June 2, 1992, issue of the *Texas Register* (17 TexReg 3973).

The justification for the new section is to define the eligible provider types. Additionally, the section states the approved Medicaid reimbursement methodology for each provider type.

The amendment will function by providing enhanced access to Medicaid services because of an increase in the number of providers providing services to clients.

On June 22, 1992, DHS held a public hearing on the proposed rule. A representative of the National Association of Social Workers/Texas, commended DHS for including reimbursement for mental health services to children by certified social workers-advanced clinical practitioners because professional social workers are major providers of mental health services in Texas.

DHS is adopting paragraphs (2) and (3) with minor editorial corrections to correctly identify the organizations that license or certify the providers.

The new section is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the

authority to administer public and medical assistance programs.

§33.140. *Early and Periodic Screening, Diagnosis, and Treatment-Comprehensive Care Program Providers (EPSDT-CCP).* The following are approved EPSDT-CCP provider types and the approved Medicaid reimbursement methodology for each provider type.

(1) Approved providers enrolled in the Texas Medicaid Program. Except as otherwise noted, reimbursement for EPSDT-CCP services to these providers is based on existing Medicare and/or Medicaid reimbursement methodologies.

(2) Licensed professional counselors. These providers must be licensed by the Texas Board of Examiners of Professional Counselors in accordance with the Texas Licensed Professional Counselor Act, Article 4512g. Medicaid benefits under the EPSDT-CCP are for mental health counseling for emotional disorders or conditions. Licensed early and periodic screening, diagnosis, and treatment professional counselors are reimbursed at 70% of the existing fee for similar services provided by psychiatrists and psychologists. Covered outpatient services are further reduced to 62.5% of the Medicaid fee allowances.

(3) Certified social workers (advanced clinical practitioners). These providers must be certified by the Council of Social Worker Certification as advanced clinical practitioners in accordance with §85.6001 of this title (relating to General Rule). Medicaid benefits under the EPSDT-CCP are for mental health counseling for emotional disorders or conditions. Certified social workers (advanced clinical practitioners) are reimbursed at 70% of the existing fee for similar services provided by psychiatrists and psychologists. Covered outpatient services are further reduced to 62.5% of the Medicaid fee allowances.

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 July 17, 1992.

TRD-9209878 Nancy Murphy  
Agency Liaison, Policy and  
Document Support  
Texas Department of  
Human Services

Effective date: September 1, 1992

Proposal publication date: June 2, 1992

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

Texas Department of Insurance Exempt Filing

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

Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act.

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 333 Guadalupe, Austin.)

The State Board of Insurance of the Texas Department of Insurance adopted on July 15, 1992, a filing by the Cumis Insurance Society, Madison, Wisconsin, of revisions to the standard and uniform Credit Union Errors and Omissions Policy.

In accordance with the provisions of the Insurance Code, Article 5.97, a text of the filing has been filed in the office of the Chief Clerk of the Texas Department of Insurance. The filing has been available for public inspection for 15 days, and a public hearing has not been requested by any party.

The revisions add policy wording required by the Insurance Code, Article 21.56 and Article 21.49-2D.

There are no rate consequences to the adopted form revisions.

This filing becomes effective on the 15th day after notice of this action is published in the Texas Register.

This notice is filed pursuant to the Insurance Code, Article 5.97, which exempts board action on this filing from the requirements of the Administrative Procedure and Texas Register Act (Reference Number O-0692-351).

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 July 17, 1992.

TRD-9209864 Linda K. von Quintus-Dorn Chief Clerk Texas Department of Insurance

Effective date: August 8, 1992

Proposal publication date: July 3, 1992

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

The State Board of Insurance of the Texas Department of Insurance adopted on July 15, 1992, a filing by the International Insurance Company, Basking Ridge, New Jersey, The North River Insurance Company, Basking Ridge, New Jersey, United State Fire Insurance Company, Basking Ridge, New Jersey and the Westchester Fire Insurance Company, Basking Ridge, New Jersey of revisions to the standard and uniform Insurance Agents and Brokers Errors and Omissions Policy.

In accordance with the provisions of the Insurance Code, Article 5.97, a text of the filing has been filed in the office of the Chief Clerk of the Texas Department of Insurance. The filing has been available for public inspection for 15 days, and a public hearing has not been requested by any party.

The policy revisions add policy wording required by the Insurance Code, Articles 21.56 and 21.49-2D.

There are no rate consequences to the adopted form revisions.

This filing becomes effective on the 15th day after notice of this action is published in the Texas Register. This notice is filed pursuant to the Insurance Code, Article 5.97, which exempts board action on this filing from the requirements of the Administrative Procedure and Texas Register Act (Reference Number O-0692-341).

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 July 17, 1992.

TRD-9209865 Linda K. von Quintus-Dorn Chief Clerk Texas Department of Insurance

Effective date: August 8, 1992

Proposal publication date: July 3, 1992

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

The State Board of Insurance of the Texas Department of Insurance adopted on July 15, 1992, a filing by the Western Surety Company of Sioux Falls, South Dakota, of revisions to the standard and uniform Employers Comprehensive Notary Public Errors and Omissions Policy.

In accordance with the provisions of the Insurance Code, Article 5.97, a text of the filing has been filed in the office of the Chief Clerk of the Texas Department of Insurance. The filing has been available for public inspection for 15 days, and a public hearing has not been requested by any party.

The policy revisions incorporate previously board approved amendatory language into the policy. The revision also adds policy wording required by the Insurance Code, Articles 21.56 and 21.49-2D.

There are no rate consequences to the adopted form revisions.

This filing becomes effective on the 15th day after notice of this action is published in the Texas Register. This notice is filed pursuant to the Insurance Code, Article 5.97, which exempts board action on this filing from the requirements of the Administrative Procedure and Texas Register Act (Reference Number O-0692-361).

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.

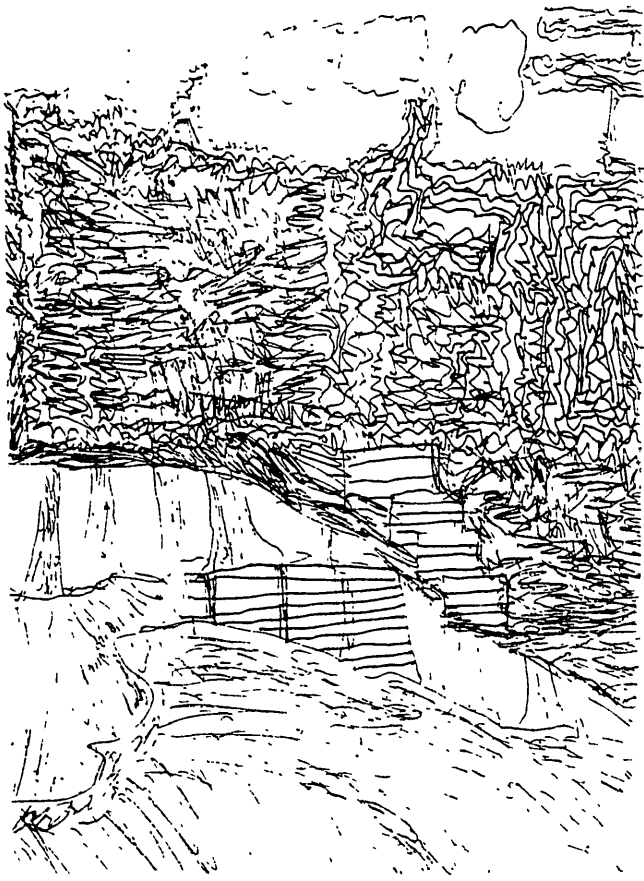
Issued in Austin, Texas, on July 17, 1992.

TRD-9209866 Linda K. von Quintus-Dorn Chief Clerk Texas Department of Insurance

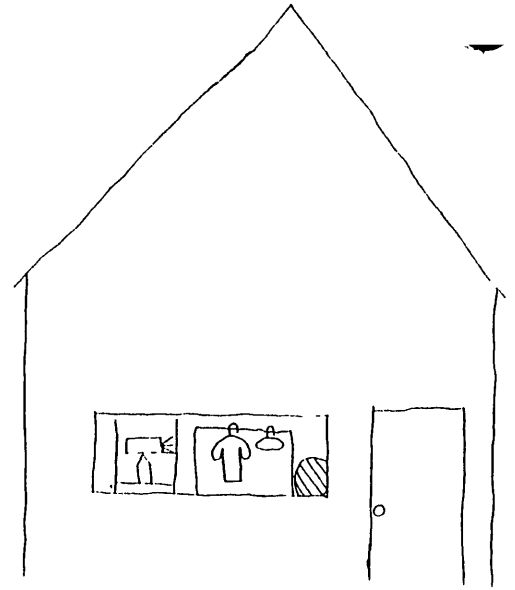
Effective date: August 8, 1992

Proposal publication date: July 3, 1992

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

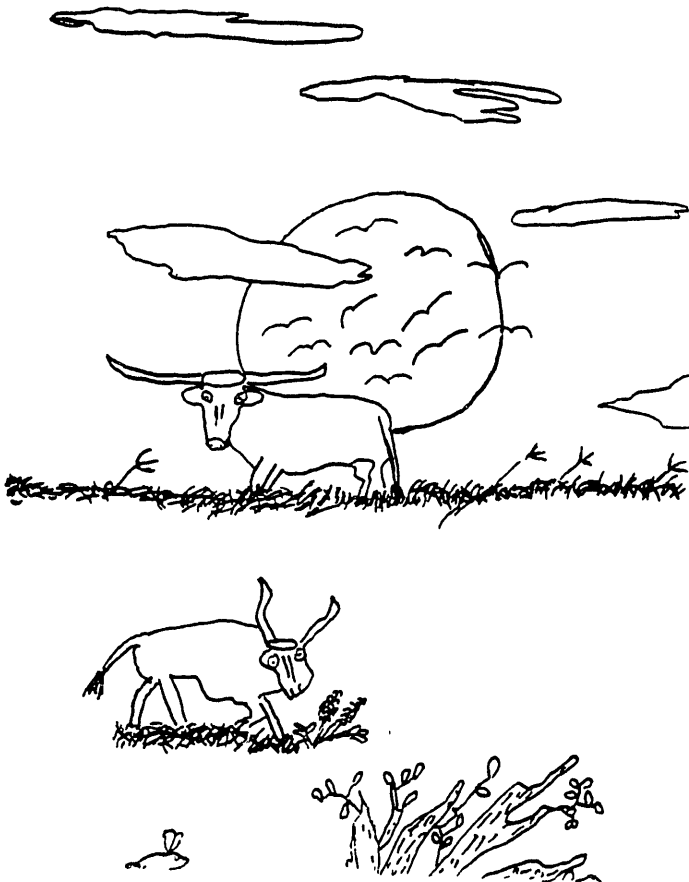


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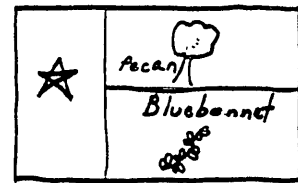


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# Open Meetings

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

**Tuesday, July 28, 1992, 4 p.m.** The Texas Board on Aging's Audit Committee of the Texas Department on Aging will meet at 1949 South IH 35, Texas Department on Aging, Third Floor small conference room, Austin. According to the complete agenda, the committee will call the meeting to order; discuss approval of the minutes of the July 21, 1992 meeting; presentation and discussion of the final report on the internal audit of the data services section and client tracking system; presentation and discussion of the draft report on the internal audit of the accounting system and accounting internal controls; presentation and discussion of the draft report on the internal audit of discretionary grants; presentation and discussions of a proposed internal audit plan for fiscal year 1993; and adjourn.

**Contact:** Penny Butler, 819 Briar Ridge, Houston, Texas 77057, (713) 461-9747.

**Filed:** July 20, 1992, 11:45 a.m.

TRD-9209928

## Texas Department of Agriculture

**Thursday, August 13, 1992, 10 a.m.** The Office of Hearings of Texas Department of Agriculture will meet at the Texas Department of Agriculture, 2626 South Loop West, Suite 130, Houston. According to the agenda, the office will conduct a hearing to review alleged violation of Texas Agriculture Code Annotated §101.001 et seq and/or 102.001 et seq (Vernon 1982) by Sun Sprouts of Texas, Inc. as petitioned by G & D Vegetable Company.

**Contact:** Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** July 21, 1992, 9:18 a.m.

TRD-9209979

**Thursday, August 13, 1992, 2 p.m.** The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 2626 South Loop West, Suite 130, Houston. According to the agenda, the office will conduct a hearing to review alleged violation of Texas Agriculture Code Annotated §101.001 et seq and/or 102.001 et seq (Vernon 1982) by Sun Sprouts of Texas, Inc. as petitioned by Raymond's Produce, Inc.

**Contact:** Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** July 21, 1992, 9:18 a.m.

TRD-9209977

**Friday, August 14, 1992, 8:30 a.m.** The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 2626 South Loop West, Suite 130, Houston. According to the agenda, the office will conduct a hearing to review alleged violation of Texas Agriculture Code Annotated §101.001 et seq and/or 102.001 et seq (Vernon 1982) by Sun Sprouts of Texas, Inc. as petitioned by Mexican Harvest Corporation.

**Contact:** Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** July 21, 1992, 9:19 a.m.

TRD-9209984

**Friday, August 14, 1992, 9:30 a.m.** The Office of Hearings of the Texas Department

of Agriculture will meet at the Texas Department of Agriculture, 2626 South Loop West, Suite 130, Houston. According to the agenda, the office will conduct a hearing to review alleged violation of Texas Agriculture Code Annotated §101.001 et seq and/or 102.001 et seq (Vernon 1982) by Sun Sprouts of Texas, Inc. as petitioned by El Tule Farms, Inc.

**Contact:** Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** July 21, 1992, 9:19 a.m.

TRD-9209983

**Friday, August 14, 1992, 10:30 a.m.** The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 2626 South Loop West, Suite 130, Houston. According to the agenda, the office will conduct a hearing to review alleged violation of Texas Agriculture Code Annotated §101.001 et seq and/or 102.001 et seq (Vernon 1982) by Sun Sprouts of Texas, Inc. as petitioned by Allied Produce Company, Inc.

**Contact:** Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** July 21, 1992, 9:19 a.m.

TRD-9209982

**Friday, August 14, 1992, 11:30 a.m.** The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 2626 South Loop West, Suite 130, Houston. According to the agenda, the office will conduct a hearing to review alleged violation of Texas Agriculture Code Annotated §101.001 et seq and/or 102.001 et seq (Vernon 1982) by Sun Sprouts of Texas, Inc. as petitioned by C. Kalil Fruit and Vegetable.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: July 21, 1992, 9:19 a.m.

TRD-9209981

Friday, August 20, 1992, 9 a.m. The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 1700 North Congress Avenue, Stephen F. Austin Building, Room 928B, Austin. According to the agenda, the office will conduct a hearing to review alleged violation of Texas Agriculture Code Annotated §101.001 et seq and/or 102.001 et seq (Vernon 1982) by Sun Sprouts of Texas, Inc. as petitioned by J. D.T. Distributing.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: July 21, 1992, 9:19 a.m.

TRD-9209980

Friday, August 20, 1992, 1 p.m. The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 1700 North Congress Avenue, Stephen F. Austin Building, Room 928B, Austin. According to the agenda, the office will conduct a hearing to review alleged violation of Texas Agriculture Code Annotated §101.001 et seq and/or 102.001 et seq (Vernon 1982) by Sun Sprouts of Texas, Inc. as petitioned by Jones Produce Company.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: July 21, 1992, 9:18 a.m.

TRD-9209978

### Texas Alcoholic Beverage Commission

Tuesday, July 28, 1992, 11 a.m. The Texas Alcoholic Beverage Commission will meet at 5806 Mesa, Room 180, Austin. According to the agenda, the commission will discuss approval of minutes of June 18, 1992 meeting; administrator's report on agency activity; approval of affidavit of destruction of tested alcoholic beverages; hear public comment; consider adoption of resolution to identify and authorize a person to act on behalf of the Texas Alcoholic Beverage Commission insofar as the Master Equipment Lease Purchase Program is concerned; meet in executive session as authorized by Article 6252-17, §2(e), for private consultation with assistant attorney general, and deliberation, concerning pending and contemplated litigation, including settlement offers.

Contact: Dick Durbin, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: July 20, 1992, 3:03 p.m.

TRD-9209951

### State Board of Barber Examiners

Tuesday, August 4, 1992, 8 a.m. The Board Members of the State Board of Barber Examiners will meet at 9101 Burnet Road, Suite 103, Austin. According to the agenda, the board will discuss minutes of previous meeting, sign teacher and school certificates, hear reports by the executive director, read letters to the board, vote on adoption of amendments to Rule 51.97 booth rental permit, propose new rule concerning informal hearing procedures as required by Senate Bill 430, executive session, and adjourn.

Contact: Jo King McCrorey, 9101 Burnet Road #103, Austin, Texas 78758, (512) 835-2040.

Filed: July 21, 1992, 9:20 a.m.

TRD-9209988

### Texas Bond Review Board

Thursday, July 23, 1992, 10 a.m. The Texas Bond Review Board held an emergency meeting at 105 West 15th Street, Reagan Building, Room 103, Austin. According to the emergency revised agenda, the board discussed revised order and additional item for other business; and additional item, report on refinancing alternatives for the Houston Ship Channel Bridge. The emergency status was necessary to allow of timely presentation of information requested at prior board meeting.

Contact: Tom K. Pollard, 300 West 15th Street, Clements Building, Suite 409, Austin, Texas 78701, (512) 463-1741.

Filed: July 16, 1992, 2:41 p.m.

TRD-9209792

### Children's Trust Fund of Texas Council

Wednesday, July 29, 1992, 10 a.m. The Children's Trust Fund of Texas Council will meet at the Office of the Children's Trust Fund of Texas, 8929 Shoal Creek Boulevard, Number 200, Austin. According to the agenda, the council will make introductions and overview of agenda; AVANCE; hear executive director's report; lunch; discuss Texas Education Agency, Partnership Schools Initiative Healthy Start request for proposal; and adjourn.

Contact: Sue Marshall, 8929 Shoal Creek Boulevard, Number 200, Austin, Texas 78758, (512) 458-1281.

Filed: July 20, 1992, 3:34 p.m.

TRD-9209959

### Texas Board of Criminal Justice

Friday, July 24, 1992, 9 a.m. The Texas Board of Criminal Justice will meet at 509 East Seventh Street, Amarillo City Hall, City Commissioners' Chambers, Third Floor, Amarillo. According to the agenda summary, board will meet in executive session-discussion with attorneys concerning Ruiz, Alberti, Lamar, Moore, McLennan County, Angelina County and Johnson litigation; acquisition of real property-site selection; meet in regular session to discuss consent items; extension of employment; dual employment requests; hear board reports; discuss performance reward rules; director, inmate legal services; RFP-2,000 additional beds; resolution authorizing exercise domain proceedings to acquire six detention facilities; hear proposed rule-administrative review of parole panel actions; parole consultants; finance; construction; prior pending business; and adjourn. Convene Windham School Board-discuss consent items; discuss items; WSS budget for 1992-1993; and adjourn.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 16, 1992, 3:58 p.m.

TRD-9209807

### Texas School for the Deaf

Saturday, July 25, 1992, 8 a.m. The Governing Board Budget Committee of the Texas School for the Deaf will meet at 601 Airport, Building 602, Small Conference Room, Austin. According to the complete agenda, the committee will discuss fiscal year 1993 cash operating budget and internal auditor report.

Contact: S. Custer, 1102 South Congress Avenue, Austin, Texas 78704, (512) 440-5335.

Filed: July 16, 1992, 11:55 a.m.

TRD-9209790

Saturday, July 25, 1992, 9 a.m. The Governing Board Policy Committee of the Texas School for the Deaf will meet at 601 Airport, Building 602, Staff Training Room, Austin. According to the agenda summary, the committee will discuss policy amendments and policy review.

Contact: S. Custer, 1102 South Congress Avenue, Austin, Texas 78704, (512) 440-5335.

Filed: July 16, 1992, 11:55 a.m.

TRD-9209789

◆ ◆ ◆  
**Saturday, July 25, 1992, 11 a.m.** The Governing Board of the Texas School for the Deaf will meet at 601 Airport, Building 602, Large Conference Room, Austin. According to the agenda summary, the board will call the meeting to order; discuss approval of minutes of March 27th meeting; business for information purposes; business requiring board action; hear comments by board members; and adjourn.

**Contact:** S. Custer, 1102 South Congress Avenue, Austin, Texas 78704, (512) 440-5335.

Filed: July 16, 1992, 11:55 a.m.

TRD-9209788

◆ ◆ ◆  
**Texas Planning Council for Developmental Disabilities**

**Thursday, August 6, 1992, 9 a.m.-** The Executive Committee of the Texas Planning Council for Developmental Disabilities will meet at the Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Room 4240, Austin. According to the complete agenda, the committee will call the meeting to order; discuss approval of minutes of May 8, 1992 meeting; review of stipends grant applications; approval of fiscal year 1993 budget; fiscal year 1994-1995 appropriations request; recommendations for associate council members; hear chairman's report; independent agency status update, NADDC update; executive director's report; and adjourn.

**Contact:** Roger Webb, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4080.

Filed: July 17, 1992, 9:14 a.m.

TRD-9209832

◆ ◆ ◆  
**Thursday-Friday, August 6-7, 1992, 1:30 p.m. and 9:30 a.m. respectively** The Texas Planning Council for Developmental Disabilities hold its Quarterly Council meeting at the Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Public Hearing Room, Austin. According to the agenda summary, on August 6, the council will call the meeting to order; make introductions; hear public comments; discuss approval of minutes; hear chairman's report; executive director's report; executive committee report; advocacy and public information committee report; and recess. August 7, the council will reconvene; make introductions; hear public comments; presentation by Jennifer Cernoch, TRRN; continuation

of unfinished business from August 6, 1992; planning and evaluation committee report; other discussion items; announcements; and adjourn.

**Contact:** Roger Webb, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4080.

Filed: July 17, 1992, 9:14 a.m.

TRD-9209833

◆ ◆ ◆  
**Texas Education Agency**

**Friday-Saturday, July 24-25, 1 p.m. and 9 a.m. respectively.** The Continuing Advisory Committee for Special Education of the Texas Education Agency will meet at the Marriott at the Capitol, 11th Street and IH 35, Austin. According to the agenda summary, the committee will discuss approval of minutes; perfection of agenda; hear public comment; discuss changes to hearing officer procedures; legislative recommendations; restriction on Medicaid forms; letter writing; hear reports on letter writing; discuss old business/unmet needs; unmet need/autism; unmet need/emotionally disturbed; state and regional efforts/emotionally disturbed; and special education plan/outcome-based monitoring.

**Contact:** Shirley Sanford, 1701 North Congress Avenue, Texas 78701, (512) 463-9362.

Filed: July 16, 4:04 p.m.

TRD-9209814

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**Thursday-Friday, July 30-31, 8:30 a.m.** The Texas Environmental Education Advisory Committee (TEEAC) of the Texas Education Agency will meet at the Austin Nature Center in Zilker Park, Stratford Drive, Austin. Thursday: the committee will review funding from the Texas Water Commission; elect officers; conduct executive committee appointments; discuss constitution and bylaw ratification; Environmental Protection Agency (EPA) grant application; appointment of committees; hear announcement from Texas Water Commission; report from Ad Hoc Committee to develop job description for staff person; update on staff position funded through the Texas Employment Commission; survey on training site selection; discussion on selection of training sites; subcommittee meetings-education and standards, communications, finance, and curriculum review. Friday: hear report from subcommittees; discuss report/recommendations from education and standards subcommittee, approval/rejection from TEEAC; selection of first training sites; hear report to the Governor; set date for next TEEAC meeting; and set dates for any subcommittee meetings.

**Contact:** Jim Collins, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9556.

Filed: July 16, 1992, 4:04 p.m.

TRD-9209816

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**Thursday, July 30, 1992, 1 p.m.** The Texas Environmental Education Advisory Committee-Subcommittee on Curriculum Review of the Texas Education Agency will meet at the Austin Nature Center in Zilker Park, Stratford Drive, Austin. According to the complete agenda, the subcommittee will continue its review of curriculum documents relating to environmental education.

**Contact:** Jim Collins, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9556.

Filed: July 16, 1992, 4:04 p.m.

TRD-9209815

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**Thursday, July 30, 1992, 1 p.m.** The Texas Environmental Education Advisory Committee-Subcommittee on Finance of the Texas Education Agency will meet at the Austin Nature Center in Zilker Park, Stratford Drive, Austin. According to the complete agenda, the subcommittee will discuss future funding possibilities for environmental education programs.

**Contact:** Jim Collins, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9556.

Filed: July 16, 1992, 4:05 p.m.

TRD-9209817

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**Thursday, July 30, 1992, 1 p.m.** The Texas Environmental Education Advisory Committee-Subcommittee on Communications of the Texas Educational Agency will meet at the Austin Nature Center in Zilker Park, Stratford Drive, Austin. According to the agenda, the subcommittee will discuss communications to the public and to schools relating to environmental education.

**Contact:** Jim Collins, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9556.

Filed: July 16, 1992, 4:07 p.m.

TRD-9209818

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**Thursday, July 30, 1992, 1 p.m.** The Texas Environmental Education Advisory Committee-Subcommittee on Education and Standards of the Texas Education Agency will meet at the Austin Nature Center in Zilker Park, Stratford Drive, Austin. Ac-

ording to the agenda, the subcommittee will discuss education issues and standards issues relating to environmental education.

**Contact:** Jim Collins, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9556.

**Filed:** July 16, 1992, 4:07 p.m.

TRD-9209819

## General Services Commission

**Monday, July 27, 1992, 9:30 a.m.** The General Services Commission will meet at 1711 San Jacinto, Central Services Building, Room 402, Austin. According to the agenda summary, the commission will consider final adoption of 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, 125.61 concerning fleet management rules; consider and discuss approval of fiscal year 1993 operating budget; resolution authorizing master equipment financing lease; discuss monthly update on statewide telecommunications plan; monthly construction report; monthly alternative fuel report; monthly operating budget report; monthly division issues; meet in executive session to consider status of purchase of real property in Houston and Austin; and executive session concerning status of pending litigation.

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

**Filed:** July 17, 1992, 11:35 a.m.

TRD-9209854

## Texas Department of Health

**Friday, July 24, 1992, 1 p.m.** According to the agenda, the committee will meet at the Texas Department of Health, Room M-618, 1100 West 49th Street, Austin. According to the agenda, the committee will discuss approval of minutes of previous meeting, possibly act on: monthly update of three year public information plan; board resolution on smoking in state buildings; and hear briefing on progress with adopt-a-nursing home regional program development.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** July 16, 1992, 4:01 p.m.

TRD-9209808

**Friday, July 24, 1992, 1:30 p.m.** The Texas Board of Health Family Health Services Committee will meet at the Texas Department of Health, Room M-652, 1100

West 49th Street, Austin. According to the agenda, the committee will discuss approval of minutes of previous meeting; possibly act on: chronically ill and disabled children's (CIDC) program update; adoption under federal mandate of amendments to the rule concerning the supplemental food program for women, infants and children's (WIC) policy and procedure manual; and hear presentation of an overview of the women, infants and children's program.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** July 16, 1992, 4:02 p.m.

TRD-9209809

**Friday, July 24, 1992, 2:30 p.m.** The Texas Board of Health Disease Control Committee of the Texas Department of Health will meet at the Texas Department of Health, Room M-741, 1100 West 49th Street, Austin. According to the agenda, the committee will discuss approval of minutes of previous meeting; possibly act on: emergency and proposed amendments to rules to add Zalcitabine (DDC) to the Texas HIV medication program; proposed additions to the rule concerning the formulary of the Texas HIV medication program; appointments to the HIV Medication Advisory Committee; and Hydrocodone.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** July 16, 1992, 4:02 p.m.

TRD-9209810

**Friday, July 24, 1992, 3:30 p.m.** The Hospital and Ambulatory Care Services Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, Room M-652, 1100 West 49th Street, Austin. According to the agenda, the committee will discuss approval of minutes of previous meeting, and possibly act on final adoption of amendment to rules concerning special licensing standards governing the provision of mental health services in hospitals.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** July 16, 1992, 4:02 p.m.

TRD-9209811

**Friday, July 24, 1992, 4:30 p.m.** The Health Provider, Licensure and Certification Committee of the Texas Board of Health will meet at the Texas Department of

Health, Room M-741, 1100 West 49th Street, Austin. According to the agenda, the committee will discuss approval of minutes of previous meeting; possibly act on emergency and proposed rules concerning the licensure and regulation of medical physicians.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** July 16, 1992, 4:02 p.m.

TRD-9209812

**Friday, July 24, 1992, 5 p.m.** The Texas Board of Health Environmental Health Committee of the Texas Department of Health will meet at the Texas Department of Health, Room M-652, 1100 West 49th Street, Austin. According to the agenda, the committee will discuss approval of minutes of previous meeting; possibly act on: proposed amendments to rules for registration of manufacturers of food, including good manufacturing practices; proposed rules for accrediting education and training programs for food service workers; final rules concerning the minimum standards for approved narcotic drug treatment programs; update on Occupational Safety and Health Administration (OSHA) standards; and interagency cooperative contract with the Texas Air Control Board.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** July 16, 1992, 4:02 p.m.

TRD-9209813

**Saturday, July 25, 1992, 8 a.m.** The Texas Board of Health Executive Committee of the Texas Department of Health will meet at 1100 West 49th Street, Texas Department of Health, Room M-741 (Commissioner's Conference Room), Austin. According to the agenda, the committee will discuss and possibly act on items of procedure for the July 25, 1992 Texas Board of Health meeting.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** July 17, 1992, 4:22 p.m.

TRD-9209901

**Saturday, July 25, 1992, 8:30 a.m.** The Texas Board of Health Long Term Care Committee of the Texas Department of Health will meet at 1100 West 49th Street, Texas Department of Health, Room M-741, Austin. According to the agenda, the com-

mittee will consider approval of minutes of previous meeting; discuss and possibly act on rule concerning standards for nursing homes jointly developed by the Texas Department of Health and the Texas Department of Human Services (TDHS) that apply to licensure and to medicaid certification in the following three areas; withdrawal and reproposal of amendments to the rule concerning the adoption by reference of TDHS rules on sanctions as administrative penalties for medicaid certified nursing homes; adoption under federal mandate of amendments to the rule concerning areas of resident rights, resident funds, resident self-determination, and infection control; and proposed amendments to the rule concerning technical changes in areas of transfer and discharge, nursing practices, infection control, and applicable codes and standards.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** July 17, 1992, 4:22 p.m.

TRD-9209900

**Saturday, July 25, 1992, 9:30 a.m.** The Texas Board of Health Strategic Planning Committee of the Texas Department of Health will meet at 1100 West 49th Street, Texas Department of Health, Room M-652, Austin. According to the agenda, the committee will discuss approval of minutes of previous meeting, and discuss and possibly act on strategic planning process.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** July 17, 1992, 4:21 p.m.

TRD-9209899

**Saturday, July 25, 1992, 10:30 a.m.** The Texas Board of Health Executive Committee and Emergency and Disaster Committee of the Texas Department of Health will meet at 1100 West 49th Street, Texas Department of Health, Room M-652, Austin. According to the agenda, the committee will conduct a joint meeting to discuss and possibly act on trauma.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** July 17, 1992, 4:21 p.m.

TRD-9209898

**Saturday, July 25, 1992, 11:30 a.m.** The Texas Board of Health Personnel Committee of the Texas Department of Health will meet at 1100 West 49th Street, Texas De-

partment of Health, Room M-618, Austin. According to the agenda, the committee will discuss in executive session and possibly act on in open session appointments to the HIV Medication Advisory Committee and the State Primary Care Advisory Committee; and in open session approve minutes of previous meeting, discuss and possibly act on: approval of report concerning the administration of advisory committees; and guidelines for the Texas Board of Health Personnel Committee.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** July 17, 1992, 4:20 p.m.

TRD-9209896

**Saturday, July 28, 1992, 12:30 p.m.** The Texas Board of Health Budget and Finance Committee of the Texas Department of Health will meet at 1100 West 49th Street, Texas Department of Health, Room M-652, Austin. According to the agenda, the committee will discuss and possibly act on: budget transfers; preventive health and health services and maternal and child health block grant funds; Texas Department of Health fiscal year 1993 operating budget; and master lease finance program.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** July 17, 1992, 4:21 p.m.

TRD-9209897

**Saturday, July 25, 1992, 1:30 a.m.** The Texas Board of Health of the Texas Department of Health will meet at 1100 West 49th Street, Texas Department of Health, Room M-739, Austin. According to the agenda, the committee will discuss approval of minutes of previous meeting, hear commissioner of health's report, approve resolution on tobacco control, discuss and possibly act on; committee reports; rules (food manufacturers; food service workers; narcotic drug treatment; women, infants and children; medical physicists; mental health services in hospitals; nursing home standards concerning administrative penalties, resident rights/funds/self-determination, infection control, transfer and discharge, nursing practices, codes and standards; HIV medication); appointments to and administration of advisory committees; personnel matter in executive and open sessions on duties of commissioner of health and appointments to board of health; hear presentation on women, infants and children; and hear announcements and comments.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** July 17, 1992, 4:20 p.m.

TRD-9209895

## Texas Historical Commission

**Thursday, July 23, 1992, 3 p.m.** The Archeology Committee of the Texas Historical Commission met in an emergency meeting at 105 West 16th Street, Office of the State Archeologist Library, Archeology Lab, Austin. According to the agenda, the committee will discuss budget and planning; personnel; fieldwork; technical publications; and outreach programs. The emergency status was necessary because Robert Mallouf was at the Sul Ross State University Field School and therefore could not be available to organize this meeting.

**Contact:** Pat Mercado-Allinger, P.O. Box 12276, Austin, Texas 78711, (512) 463-6090.

**Filed:** July 20, 1992, 9:40 a.m.

TRD-9209917

**Thursday, July 23, 1992, 4 p.m.** The Department of Antiquities Protection Committee Meeting of the Texas Historical Commission met in emergency revised agenda at 1511 Colorado Street, Austin. According to the agenda, the committee discuss departmental consolidation update; status of the Galveston Island project; status of Mission Dolores; and other project updates. The emergency status was necessary because of conflicts with members schedules the meeting had to be rescheduled at a later time.

**Contact:** Jim Bruseth, P.O. Box 12276, Austin, Texas 78711, (512) 463-6096.

**Filed:** July 20, 1992, 9:41 a.m.

TRD-9209918

## Department of Information Resources

**Thursday, July 23, 1992, 1:30 p.m.** The Mini Board of the Department of Information Resources held an emergency meeting at the Reagan Building, Room 106, 105 West 15th Street, Austin. According to the complete agenda, the board heard update on cooperative contracts; discussed financial arrangements for purchase of lease of equipment; and other business. The emergency status was necessary because of recent development relating to the master lease equipment purchasing program necessitating possible action before the board's next regularly scheduled meeting.

**Contact:** John Hawkins, 300 West 15th Street, Suite 1300, Austin, Texas 78701, (512) 475-4714.

**Filed:** July 16, 1992, 3:34 p.m.

TRD-9209802

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**Texas Department of Insurance**

**Tuesday, July 28, 1992, 9 a.m.** The State Board of Insurance of the Texas Department of Insurance will meet in the William P. Hobby Building, 333 Guadalupe Street, Room 100 Austin. According to the complete agenda, the board will conduct a public hearing under Docket Number 1920 to consider a rate filing outside statutory rate limitations filed by American Bankers Insurance Group pursuant to Article 5.101 §3(f).

**Contact:** Angelia Johnson, 333 Guadalupe Street, Austin, Texas 78701, (512) 463-6527

**Filed:** July 16, 1992, 3:58 p.m.

TRD-9209806

**Tuesday, July 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 reopen a public hearing to consider the appeal of Liberty Mutual Insurance Company from a decision by the Texas Workers' Compensation Insurance Facility.

**Contact:** Kelly Townsell, 333 Guadalupe Street, Hobby 3, Austin, Texas 78701, (512) 475-2983.

**Filed:** July 20, 1992, 4:06 p.m.

TRD-9209969

**Tuesday, July 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 reopen .. public hearing to consider the appeal of United States Fire Insurance Company from a decision by the Texas Workers' Compensation Insurance Facility.

**Contact:** Kelly Townsell, 333 Guadalupe Street, Hobby 3, Austin, Texas 78701, (512) 475-2983.

**Filed:** July 20, 1992, 4:05 p.m.

TRD-9209968

**Tuesday, July 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 agenda, the section will reopen a public hearing to consider the appeal of Houston General Insurance Company and Hartford Accident and Indemnity Company from a decision of the Texas Workers' Compensation Insurance Facility.

**Contact:** Kelly Townsell, 333 Guadalupe Street, Hobby 3, Austin, Texas 78701, (512) 475-2983.

**Filed:** July 20, 1992, 4:05 p.m.

TRD-9209967

**Tuesday, July 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 agenda, the section will conduct a public hearing to consider whether the certificate of authority issued to Bankers Protective Life Insurance Company by the Texas Department of Insurance should be cancelled.

**Contact:** Kelly Townsell, 333 Guadalupe Street, Hobby 3, Austin, Texas 78701, (512) 475-2983.

**Filed:** July 20, 1992, 4:05 p.m.

TRD-9209966

**Tuesday, July 28, 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 pursuant to Article 6252-17 §2(e).

**Contact:** Angelia Johnson, 333 Guadalupe Street, Austin, Texas 78701, (512) 463-6527.

**Filed:** July 16, 1992, 3:58 p.m.

TRD-9209805

**Wednesday, July 29, 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 agenda, the commissioner will conduct a public hearing to consider whether disciplinary action should be taken against Donald Jack Coontz of Pearland, who holds a variable contract agent's license issued by the Texas Department of Insurance.

**Contact:** Kelly Townsell, 333 Guadalupe Street, Hobby 3, Austin, Texas 78701, (512) 475-2983.

**Filed:** July 20, 1992, 4:06 p.m.

TRD-9209970

**Friday, July 31, 1992, 9 a.m.** The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the agenda, the commissioner will conduct a public hearing to consider whether the certificate of authority of McDonald Life Insurance Company, Dallas, should be cancelled and to consider whether disciplinary action should be taken

against Frederick Emmet McDonald, III, Dallas, who holds a Group II insurance agency's license; and to consider whether the application of Tristar Managing General Agency, Inc. should be denied.

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

**Filed:** July 20, 1992, 3:53 p.m.

TRD-9209960

**September 10, 1992, 8:30 a.m.** The State Board of Insurance of the Texas Department of Insurance will meet at 333 Guadalupe Street, Room 100, William P. Hobby Building, Austin. According to the complete agenda, the board will conduct a public hearing under Docket Number 1919 to consider an appeal by Southwest Professional Indemnity Corporation from Commissioner of Insurance Order Numbers 91-1344 cease and desist order and 92-0602 affirming commissioner's Order Number 91-1344.

**Contact:** Angelia Johnson, 333 Guadalupe Street, Austin, Texas 78701, (512) 463-6527.

**Filed:** July 17, 1992, 3:48 p.m.

TRD-9209892

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**Texas Department of Licensing and Regulation**

**Tuesday, July 28, 1992, 9 a.m.** The Inspections and Investigations, Vehicle Storage Facilities of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E.O. Thompson Building, Room 1012, Austin. According to the agenda, the facilities will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Milam Street Auto Storage, Inc. for violation of Texas Civil Statutes, Articles 6687-9a and 9100.

**Contact:** Paula Hamje, 920 Colorado, Austin, Texas 78701, (512) 475-2899.

**Filed:** July 20, 1992, 10:02 a.m.

TRD-9209924

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**Friday, July 31, 1992, 9 a.m.** The Inspections and Investigation, Talent Agencies of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E.O. Thompson Building, Room 1012, Austin. According to the agenda, the agencies will reopen the administrative hearing to receive additional testimony in the case of Phyllis Lideten: doing business as D'Lyn Academy for violation of Texas Civil Statutes, Articles 5221a-9 and 9100.

Contact: Paula Hamje, 920 Colorado, Austin, Texas 78701, (512) 475-2899.

Filed: July 20, 1992, 10:02 a.m.

TRD-9209925

### Texas Council on Offenders with Mental Impairments

July 31, 1992, 8:30 a.m. The Executive Committee of the Texas Council on Offenders with Mental Impairments will meet at 1033 La Posada, Texas Commission on Law Enforcement Officer Standards, Austin. According to the agenda, the committee will call the meeting to order and hear public comments; discuss approval of minutes of previous meeting; TDCJ/TXMHMR collaboration; hear committee reports and executive director's report; and adjourn.

Contact: Pat Hamilton, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5406.

Filed: July 17, 1992, 8:30 a.m.

TRD-9209830

Friday, July 31, 1992, 10 a.m. The Legislative Committee of the Texas Council on Offenders with Mental Impairments will meet at 1033 La Posada, Officer Standards and Education, Austin. According to the agenda, the committee will call the meeting to order; receive introductions; hear public comments; discuss approval of minutes of previous meeting; hear status report on TDCJ/TXMHMR collaboration; discuss legislative priorities; and adjourn.

Contact: Pat Hamilton, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5406.

Filed: July 17, 1992, 8:30 a.m.

TRD-9209829

Thursday, July 30, 1992, 10 a.m. The Program Committee of the Texas Council on Offenders with Mental Impairments will meet at 1033 La Posada, Texas Commission on Law Enforcement Officer, Austin. According to the agenda, the committee will call the meeting to order; receive introductions; hear public comments; discuss approval of minutes of previous meeting; discuss project manual; hear status report on projects compliance with statement of work; review contract expenditures through third quarter; review and discuss contract recommendations for fiscal year 1993; and adjourn.

Contact: Pat Hamilton, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5406.

Filed: July 17, 1992 8:30 a.m.

TRD-9209831

### Board of Nurse Examiners

Tuesday-Wednesday, July 21-22, 1992, 8 a.m. The Board of Nurse Examiners will meet in the John H. Reagan Building, 105 West 15th Street, Austin. According to the emergency revised agenda the board took action on nine consent orders; 11 agreed orders, three voluntary surrenders; 17 declaratory orders and an executive session to discuss pending litigation. The emergency status was necessary because the additions required that the board action be taken prior to their next regularly scheduled meeting in September, 1992.

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

Filed: July 17, 1992, 11:34 a.m.

TRD-9209853

### State Preservation Board

Tuesday, July 28, 1992, 2 p.m. The Permanent Advisory Committee of the State Preservation Board will meet at Lorenzo de Zavala Library and Archives Building, Room 314, Austin. According to the agenda summary, the committee will call the meeting to order; discuss approval of minutes; old or unfinished business; new business; and adjourn.

Contact: Dealey Herndon, 201 East 14th Street, Room 503, Austin, Texas 78701, (512) 463-5495.

Filed: July 20, 1992, 4:08 p.m.

TRD-9209971

### Texas Public Finance Authority

Tuesday, July 28, 1992, 9 a.m. The Board of the Texas Public Finance Authority will meet at 300 West 15th Street, William P. Clements Building, Senate Meeting Room 1, Austin. According to the agenda summary, the board will call the meeting to order; discuss approval of minutes; discussion of TPFA/TPWD request for Attorney Generals Opinion regarding authorization of bond issuance; presentation by FA regarding need for refunding issues and recommended structuring; consider selection of underwriters for refunding issues; consider selection of bond counsel for refunding issues; consider selection of special tax counsel; creation of a Series B commercial paper program and related matters; request for financing from GSC for issuance of \$12 million in revenue bonds; discuss future

operating budget requirements; update of TPFA strategic plan; set future dates for board meeting; and adjourn.

Contact: Rachael Caron, 300 West 15th Street, #411, Austin, Texas 78701, (512) 463-5544.

Filed: July 20, 1992, 4:11 p.m.

TRD-9209972

### Public Utility Commission of Texas

Tuesday, July 21, 1992, 9 a.m. The Public Utility Commission of Texas met at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the emergency revised agenda summary, the commission extended the time for ruling on the appeal of examiner's Order Number 23 in Docket Number 6106/7205-petition of AT&T communications of the Southwest, Inc. for emergency and other relief concerning access charges; petition of general counsel for an inquiry into a flat rate plan for access charges. The emergency status was necessary because prompt commission action was necessary to preserve jurisdiction over the subject matter of the appeal.

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

Filed: July 20, 1992, 3:05 p.m.

TRD-9209953

Tuesday, July 21, 1992, 9:05 a.m. The Administrative of the Public Utility Commission of Texas met at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the emergency revised agenda summary, the commission considered Texas Utilities Electric Company's request for IRS letter rulings. The emergency status was necessary because prompt consideration of this matter was required or the commission would have lost the opportunity to participate in a conference of right with the IRS on a TU Electric letter ruling request.

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

Filed: July 20, 1992, 3:04 p.m.

TRD-9209952

Monday, July 27, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the agenda, the division will conduct a prehearing conference in Docket Number 10544, application of TU Electric for approval of standby rate.

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

Filed: July 17, 1992, 2:49 p.m.

TRD-9209882

**Monday, July 27, 1992, 2 p.m.** The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the agenda, the division will conduct a prehearing conference in Docket Number 11285, inquiry of the office of Public Utility Counsel into TU Electric Company's prudence concerning Comanche Peak Units 1 and 2.

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

Filed: July 17, 1992, 2:50 p.m.

TRD-9209883

**Tuesday, August 4, 1992, 1:30 p.m.** The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will conduct a prehearing conference in Docket Number 11088, application of the City of Lubbock to amend certificated service area boundaries within Lubbock County.

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

Filed: July 20, 1992, 3:06 p.m.

TRD-9209956

**Wednesday, August 19, 1992, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, a prehearing conference has been scheduled in Docket Number 11307-complaint of Charles E. Pace against Houston Lighting and Power Company.

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

Filed: July 16, 1992, 3 p.m.

TRD-9209796

**Monday, October 5, 1992, 10 a.m.** The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the agenda, the commission will conduct a hearing in Docket Number 11215-application of Southwestern Bell Telephone Company to introduce telephone numbers in increments of 100 and 1,000 number blocks on a non-recurring basis in conjunction with type 1 service provided in section 2 of the intrastate cellular mobile telephone interconnection tariff.

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

Filed: July 17, 1992, 2:52 p.m.

TRD-9209884

**Thursday, October 15, 1992, 10 a.m.** The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the commission will conduct a hearing on the merits in Docket Number 11189-application of Southwestern Electric Cooperative, Inc. to revise tariff (reciprocal rate filing).

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

Filed: July 16, 1992, 3 p.m.

TRD-9209795

**Friday, February 19, 1993, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the agenda, the division will conduct a prehearing conference in Docket Number 11226-petition of the general counsel to inquire into the reasonableness of the rates and services of Lake Dallas Telephone Company, Inc.

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

Filed: July 20, 1992, 3:06 p.m.

TRD-9209955

**Monday, February 22, 1993, 10 a.m.** The Hearings Division of Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the agenda, the division will conduct a hearing in Docket Number 11226-petition of the general counsel to inquire into the reasonableness of the rates and services of Lake Dallas Telephone Company, Inc.

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

Filed: July 20, 1992, 3:05 p.m.

TRD-9209954

### Texas Low-Level Radioactive Waste Disposal Authority

**Tuesday, July 28, 1992, 8:30 a.m.** The Technical Committee of the Board of Directors of the Texas Low-Level Radioactive Waste Disposal Authority will meet at 10100 Burnet Road, Building, #130, Room 1.202, Austin. According to the complete agenda, the committee will call the meeting to order; discuss site characterization progress on the Faskin Ranch, Hudspeth County; facility design status; review of proposed and amended contracts for fiscal year 1993; and adjourn.

**Contact:** L. R. Jacobi, Jr., 7701 North Lamar Boulevard, #300, Austin, Texas 78752, (512) 451-2592.

Filed: July 17, 1992, 4:22 p.m.

TRD-9209902

**Tuesday, July 28, 1992, 9:30 a.m.** The Budget Committee of the Board of Directors of the Texas Low-Level Radioactive Waste Disposal Authority will meet at 10100 Burnet Road, Building, #130, Room 1.202, Austin. According to the complete agenda, the committee will call the meeting to order; consider operating budget for fiscal year 1993; 1994-1995 appropriations request; and adjourn.

**Contact:** L. R. Jacobi, Jr., 7701 North Lamar Boulevard, #300, Austin, Texas 78752, (512) 451-2592.

Filed: July 17, 1992, 4:27 p.m.

TRD-9209903

### Railroad Commission of Texas

**Monday, July 20, 1992, 9:30 a.m.** The commission held an emergency meeting at 1701 North Congress Avenue, William B. Travis Building, Room 12-126, Austin. According to the emergency revised agenda, the commission discussed transportation Docket Number 0035471C4A; considered application of Quality Service Tanks Lines, Inc. to amend SMC Certificate Number 35471, to authorize the transportation of: commodities: lime, in bulk, and in sacks and bags; territory: between all points in Texas. The emergency status was necessary due to an urgent public necessity existing because of the recent dramatic increase in lime traffic, and the resulting potential harm to the environment and the health and public safety in Texas due to an inability to provide lime to water treatment, pollution abatement, and spill response facilities.

**Contact:** Ronald D. Stutes, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-7094.

Filed: July 17, 1992, 4:57 p.m.

TRD-9209904

### Texas Real Estate Commission

**Friday, July 24, 1992, 8:30 a.m.** The Inspector Examination Subcommittee of the Texas Real Estate Commission will hold an emergency meeting at 1101 Camino La Costa, TREC Headquarters, Room 234 Second Floor, Austin. According to the complete agenda, the subcommittee will



call the meeting to order; meet in executive session to review and discuss examination materials pursuant to Attorney General Opinion H-484; discuss and possible recommendations to the Texas Real Estate Inspector Committee; and adjourn. The emergency status is necessary because the subcommittee must meet to review examination materials prior to the scheduled meeting of the full committee.

Contact: Mark A. Moseley, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3900.

Filed: July 17, 1992, 9:45 a.m.

TRD-9209839

**Saturday-Sunday, July 25-26, 1992, 8 a.m.** The Texas Real Estate Inspector Committee of the Texas Real Estate Commission will meet at 1101 Camino La Costa, TREC Headquarters, Conference Room, 235, Second Floor, Austin. According to the complete agenda, Saturday: the committee will call the meeting to order; hear minutes of May 2-3, 1992 meeting; discuss and possibly act on recommending adoption of 22 TAC §535.222, concerning inspection standards, by the commission; hear report of examination subcommittee, and possible action to recommend changes in inspector examination program or educational requirements; discuss and possibly act on recommending other action by the commission to implement Texas Civil Statutes, Article 6573a, §23; and set date and place of next meeting. Sunday: call meeting to order; discuss and possibly act on any agenda item from the previous day; and adjourn.

Contact: Mark A. Moseley, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3900.

Filed: July 17, 1992, 9:44 a.m.

TRD-9209838

**Monday, July 27, 1992, 9:30 a.m.** The Texas Real Estate Commission will meet at 1101 Camino La Costa, TREC Headquarters Office, Conference Room #235, Austin. According to the agenda summary, the commission will discuss Senate Bill 3; discuss and possibly act on adoption of proposed amendments to 22 TAC §535.101 concerning fees and new §535.222 concerning inspector standards of practice; request to approve contract addendum concerning title commitment, survey and escrow; discuss 22 TAC §535.71(p) concerning MCE correspondence courses and of agency disclosure forms and possible recommendation of the Agency Task Force; hear presentation by Thomas Toney; discuss approval of MCE providers and courses or accredited schools or courses; meet in executive session to discuss pending litigation; authoriza-

tion of payments from recovery funds or other matters discussed in executive session; discuss motions for rehearing and/or probation; and discuss entry of orders in contested cases.

Contact: Mark Moseley, 1101 Camino La Costa, Austin, Texas 78752, (512) 465-3900.

Filed: July 17, 1992, 3:55 p.m.

TRD-9209894

### Texas Municipal Retirement System

**Friday, July 31, 1992, 10 a.m.** The Board of Trustees of the Texas Municipal Retirement System will meet at 1200 N-IH 35, Austin. According to the complete agenda, the board will consider designation of depository for the period of August 1, 1992-December 31, 1993; discuss authorization of contract with depository, and possible termination of existing contract; and consider and act upon establishment of policies relating to sick leave, vacation and holiday leave for the system's employees.

Contact: Gary W. Anderson, 1200 North IH-35, Austin, Texas 78701, (512) 476-7577.

Filed: July 16, 1992, 3:12 p.m.

TRD-9209798

### Senate Interim Committee on State Affairs Subcommittee on Workforce Development

**Tuesday, August 4, 1992, 10 a.m.** The Senate Interim Committee on State Affairs Subcommittee on Workforce Development will meet at 3210 West Lancaster, Fort Worth ISD Board Room, Fort Worth. According to the complete agenda, the committee will call the meeting to order; testimony will be taken on the problems of worker dislocation; discuss innovative programs to meet the challenge of a better workforce; additional testimony as to where Texas is and needs to be regarding workforce development; and recess.

Contact: Joe Gagen, P.O. Box 12068, Austin, Texas 78711, (512) 463-0380.

Filed: July 16, 1992, 11:30 a.m.

TRD-9209784

### Texas A&M University System

**Thursday-Friday, July 23-24, 1992, 8:30 and 8 a.m. respectively** The Board of Regents of the Texas A&M University System

will meet in the Board of Regents Meeting Room, College Station. According to the agenda summary, the board will discuss correction and approval of minutes; adoption of resolutions; initiation of construction projects approval of the mission, vision and core values of TAMUS; construction matters for the system selection of architects/engineers; amendment regarding loan program; degree programs; option agreement with Shell Oil Company; quasi-endowments; creation of centers and institutes; license agreements; revisions to commercial paper programs and resolutions; re-funding outstanding PUF Bo series 1985; revised debt management policy; appropriations for AUF; approval of operating budget and athletic councils budgets; fees and charges; establish revolving funds; real estate transactions administrative cost recovery; right-of-way easements; appointment of dean and vice president; appointment to board of visitors; disposition and acquisition of real estate; naming of facilities terminations; appointments and promotions; tenure; emeritus titles; budget and fiscal transfers, salary increases and new positions; gifts, grants, loans and bequests; endowed research program several presentations including briefing on higher ed campaign, polling results on name change at WTSUK, master plan for new LSU campus, undergraduate education at TSU and LSU, colonias project and contingency plan for resource shortfall.

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

Filed: July 20, 1992, 2:05 p.m.

TRD-9209934

### Texas Health Maintenance Organization

**Friday, July 24, 1992, 9:30 a.m.** Board of Directors of the Texas Health Maintenance Organization Solvency Surveillance Committee will meet at 333 Guadalupe Street, William P. Hobby Building, 12th Floor, Austin. According to the agenda, the board will call the meeting to order; consider and discuss approval of May 15, 1992 minutes; hear receiver's report; and meet in executive session to review statutorily confidential information on financial condition of HMO's and manner of presentation.

Contact: Bill Beversdorff, 333 Guadalupe Street, Austin, Texas 78701.

Filed: July 16, 1992, 4:29 p.m.

TRD-9209827

## Texas Health Policy Task Force

**Wednesday, July 29, 1992, 10 a.m.** The Subcommittee on Cost Containment of the Texas Health Policy Task Force will meet at 300 West 15th Street, One Capitol Square-Senate Committee Room 1, Austin. According to the agenda, the subcommittee will discuss chronic pain treatment: problems and costs; public testimony on medical malpractice issues; lunch; subcommittee deliberations on medical malpractice issues; and adjourn.

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

Filed: July 20, 1992, 3:56 p.m.

TRD-9209962

**Thursday, July 30, 1992, 10 a.m.** The Texas Health Policy Task Force will meet at 300 West 15th Street, One Capitol Square-Senate Committee Room 1, Austin. According to the agenda, the task force will call the meeting to order; task force deliberations; lunch; task force deliberations; and recess.

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

Filed: July 20, 1992, 3:56 p.m.

TRD-9209963

**Thursday, July 31, 1992, 9 a.m.** The Texas Health Policy Task Force will meet at 300 West 15th Street, One Capitol Square-Senate Committee Room 1, Austin. According to the agenda, the task force will conduct task force deliberations; lunch; task force deliberations; and adjourn.

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

Filed: July 20, 1992, 3:57 p.m.

TRD-9209964

## Texas Life, Accident, Health and Hospital Service I

**Tuesday, July 21, 1992, 9 a.m.** The Insurance Guaranty Association Board of Directors of the Texas Life, Accident, Health and Hospital Service met in an emergency meeting at 333 Guadalupe Street, William P. Hobby Building, 12th Floor, Austin. According to the agenda summary, the board discussed transition issues including consideration and possible immediate action on operating plan and budget for 1992 and delegation of authority on transitional issues; considered and possibly taken immediate action on newly discovered issues on: Executive Life Insurance Company, Mutual Benefit Life Insurance Company and Guarantee Security Life Insurance Company; and set next meeting date. The emergency

status was necessary whereas, the executive director of the association "assumed" his duties on July 13, 1992 and whereas the executive director determined on July 15 that certain action by the association and the expenditure of association funds would be required immediately, it is therefore necessary to call an emergency meeting of the board of directors no later than July 21 1992 to designate those persons to act on behalf of the association on immediate transition issues; to expend association funds in connection therewith and other matters.

Contact: Sandy Autry, 333 Guadalupe Street, Austin, Texas 78701, (512) 322-0223.

Filed: July 16, 1992, 4:29 p.m.

TRD-9209826

## Texas State Technical College

**Saturday, July 25, 1992, 10 a.m.** The Board of Regents of the Texas State Technical College will meet at TSTC Waco Campus, System Administration Conference Room, Waco. According to the agenda summary, the following Item VI of the posted agenda of the open session which commenced at 9:45 a.m. as shown on the full board of regents agenda as Item VII executive session the board of regents will convene into executive session in accordance with Article 6252-17, section 2, subsection (g).

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

Filed: July 21, 1992, 9:19 a.m.

TRD-9209986

## University of Texas System, M.D. Anderson Cancer Center

**Tuesday, July 21, 1992, 9 a.m.** The Institutional Animal Care and Use Committee of the University of Texas System, M.D. Anderson Cancer Center met at 1515 Holcombe Boulevard, M.D. Anderson Cancer Center, Conference Room AW7.707, Seventh Floor, Houston. According to the agenda summary, the committee reviewed protocols of animal care and use and modifications thereof.

Contact: Anthony Mastromarino, 1515 Holcombe Boulevard, Houston, Texas 77030, (713) 792-3991.

Filed: July 16, 1992, 3:10 p.m.

TRD-9209797

## Texas Water Commission

**Friday, July 24, 1992, 8 a.m.** The Texas Water Commission will meet at the Stephen F. Austin State Office Building, Room 121, 1700 North Congress Avenue, Austin. According to the complete agenda, the commission will consider the request by Fishpond, Inc., for authorization to construct a wastewater treatment plant (proposed permit Number 13601-01 pursuant to §26. 027(C) of the Texas Water Code).

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7869.

Filed: July 17, 1992, 7:24 a.m.

TRD-9209828

**Monday, July 27, 1992, 10 a.m.** The Subcommittee on Pollution Prevention to Task Force 21 of the Texas Water Commission will meet at the John H. Reagan Building, Room 102, 15th North Congress Avenue, Austin. According to the complete agenda, the subcommittee will discuss various issues for the 1994-1995 biennium. The agenda is as follows: opening remarks; update on office of pollution prevention 00 budget and current activities; update on Clean Texas 2000; discussion of proposed groundrules for operation and membership of WRAC; presentation on TWC data systems and electronic data transfer; discussion of draft reporting form; and public comment/adjourn.

Contact: Nancy Worst, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-7869.

Filed: July 17, 1992, 3:02 p.m.

TRD-9209885

## Texas Water Development Board

**Friday, July 31, 1992, 10:30 a.m.** The Attorney of the Texas Water Development Board will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the complete agenda, the attorney will conduct a public hearing on the board's proposed federal fiscal year 1993 intended use plan for wastewater treatment projects under the State Water Pollution Control Fund; and take testimony from interested persons.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print, or braille, are requested to contact Donna Darling at 463-8422 (2) two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Frank R. Forsyth, Jr., P.O. Box 13231, Austin, Texas 78711, (512) 463-8423.

Filed: July 16, 1992, 3:24 p.m.

TRD-9209800

## Regional Meetings

### Meetings Filed July 16, 1992

**The Brazos Valley Solid Waste Management Agency** Board of Trustees met at 2613 Texas Avenue South, College Station Public Services Department, College Station, July 21, 1992, at 1:15 p.m. Information may be obtained from Cathy Locke, 1101 Texas Avenue, College Station, Texas 77840, (409) 764-3507. TRD-9209799.

**The DeWitt County Appraisal District** Appraisal Review Board met at the DeWitt County Appraisal District Office, 103 Bailey Street, Cuero, July 20, 1992, at 2 p.m. Information may be obtained from John Haliburton, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9209783.

**The Ellis County Appraisal District** Board of Directors met at 406 Sycamore Street, Waxahachie, July 23, 1992, at 7 p.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 878, Waxahachie, Texas 75165 (214) 937-3552. TRD-9209782.

**The Ellis County Appraisal District** Board of Directors met at 406 Sycamore Street, Waxahachie, July 23, 1992, at 7:30 p.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. 878, Waxahachie, Texas, 75176 (214) 937-3552. TRD-9209781.

**The MHMR Authority of Brazos Valley** Board of Trustees met at 804 Texas Avenue, Conference Room A, Bryan, July 23, 1992, at 1:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467. TRD-9209801.

**The MHMR Authority of Brazos Valley** Board of Trustees met at 804 Texas Avenue, Conference Room A, Bryan, July 23, 1992, 1:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467. TRD-9209779.

**The Riceland Regional Mental Health Authority** Board of Trustees will hold a special meeting at 3007 North Richmond Road, Wharton, July 29, 1992, 11 a.m. The special status is necessary to discuss position of executive director. Information may be obtained from Marjorie Dornak, 3007 North Richmond Road, Wharton Texas 77488, (409) 532-3098. TRD-9209793.

### Meetings Filed July 17, 1992

**The Archer County Appraisal District** Appraisal Review Board met in the Appraisal District Office, 211 South Center, Archer City, July 21, 1992, at 10:30 a.m. Information may be obtained from Edward H. Trigg, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172. TRD-9209880.

**The Austin-Travis County MHMR Center** Finance and Control Committee met at 1430 Collier Street, Austin, July 22, 1992, at 7 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9209845.

**The Bandera County Appraisal District** Board of Directors will meet at the Bandera Bank Community Room, on Cypress behind Bandera Bank, Bandera, July 27, 1992, at 7 p.m. Information may be obtained from the Appraisal District Office, P.O. Box 1119, Bandera, Texas 78003, (512) 796-3039. TRD-9209834.

**The Big County Quality Work Force Planning Cooperative** will meet at 1025 E.N. 10th Street, Abilene, July 29, 1992, at 10:30 a.m. Information may be obtained from Charles Dunnam, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD-9209877.

**The Central Appraisal District of Johnson County** Appraisal Review Board met at 109 North Main Street, Suite 201, Room 202, Cleburne, July 21, 1992, at 9 a.m. Information may be obtained from Jim Hudspeth, 109 North Main, Cleburne, Texas 76031, (817) 645-3986. TRD-9209840.

**The Dallas Area Rapid Transit Minority Affairs Committee** met at 601 Pacific Avenue, DART Office, Dallas, July 21, 1992, at 11 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9209889.

**The Dallas Area Rapid Transit Corporate Location Ad Hoc Committee** met at 601 Pacific Avenue, DART Office, Dallas, July 21, 1992, at noon. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9209890.

**The Dallas Area Rapid Transit Budget and Finance Committee** met at 601 Pacific Avenue, DART Office, Dallas, July 21, 1992, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9209887.

**The Dallas Area Rapid Transit Rail Planning and Development Committee** met at 601 Pacific Avenue, DART Office, Dallas, July 21, 1992, at 3 p.m. Information may be

obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9209888.

**The Deep East Texas Council of Governments Solid Waste Task Force** met at 210 Starr Street, Council Chambers, Hemphill, July 23, 1992, at 10 a.m. Information may be obtained from Rusty Phillips, 274 East Lamar Boulevard, Jasper, Texas 75951, (409) 384-5704. TRD-9209837.

**The Deep East Texas Council of Governments Economic Development Committee** met at 210 Starr Street, Council Chambers, Hemphill, July 23, 1992, at 10:30 a.m. Information may be obtained from Rusty Phillips, 274 East Lamar Boulevard, Jasper, Texas 75951, (409) 384-5704. TRD-9209836.

**The Gonzales County Appraisal District** Appraisal Review Board met at 928 St. Paul Street, Gonzales, July 21, 1992, 9 a.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879. TRD-9209893.

**The Grayson Appraisal District Board of Directors** met at 205 North Travis, Sherman, July 22, 1992, at 7:15 a.m. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9209842.

**The Gulf Bend MHMR Center** Board of Trustees met at 1404 Village Drive, Victoria, July 23, 1992, at 12 p.m. Information may be obtained from Sharon Pratkan, 1404 Village Drive, Victoria, Texas 77901, (512) 575-0611. TRD-9209844.

**The Hansford Appraisal District** Appraisal Review Board met at 709 West Seventh Street, Spearman, July 22, 1992, at 9 a.m. Information may be obtained from Alice Peddy, P.O. Box 519, Spearman, Texas 79081, (806) 659-5575. TRD-9209873.

**The Jones County Appraisal District** Appraisal Review Board met at 1137 East Court Plaza, District's Office, Anson, July 21, 1992, 5 p.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422. TRD-9209841.

**The Kendall Appraisal District** Board of Directors met at 121 South Main Street, Kendall Appraisal Office, Boerne, July 23, 1992, at 5 p.m. Information may be obtained from J.P. Davis, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012. TRD-9209881.

**The Leon County Central Appraisal District** Appraisal Review Board met at the Leon County Appraisal District Office, Gresham Building, Centerville, July 23, 1992, 9 a.m. Information may be obtained from Robert M. Winn, P.O. Box 536, Centerville, Texas 75833, (903) 536-2252. TRD-9209876.

**The Lower Colorado River Authority Planning and Public Policy Committee** met at 3700 Lake Austin Boulevard, Austin, July 22, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9209852.

**The Lower Colorado River Authority Natural Resources Committee** met at 3700 Lake Austin Boulevard, Austin, July 22, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9209851.

**The Lower Colorado River Authority Energy Operations Committee** met at 3700 Lake Austin Boulevard, Austin, July 22, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9209850.

**The Lower Colorado River Authority Finance and Administration Committee** met at 3700 Lake Austin Boulevard, Austin, July 22, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9209849.

**The Lower Colorado River Authority Board of Directors** met at 3700 Lake Austin Boulevard, Austin, July 22, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9209846.

**The Lower Colorado River Authority Audit and Budget Committee** met at 3700 Lake Austin Boulevard, Austin, July 22, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9209848.

**The Lower Colorado River Authority Board of Directors** met at 3700 Lake Austin Boulevard, Austin, July 23, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9209847.

**The Tarrant Appraisal District Board of Directors** met at 2301 Gravel Road, Fort Worth, July 23, 1992, 9 a.m. Information may be obtained from Mary McCoy, 2315 Gravel Road, Fort Worth, Texas 76118, (817) 595-6005. TRD-9209874.

**The Tarrant Appraisal District Tarrant Appraisal Review Board** will meet at 2329 Gravel Road, Fort Worth, August 10-13, 17-20, 24-27, and 31, 1992, at 8:30 a.m., Information may be obtained from Suzanne Williams, 2329 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884. TRD-9209875.

**The Texas Political Subdivisions/Joint Self-Insurance Funds Board of Trustees** will meet at the Sea Gull Condominium

Conference Room, Highway 361, Port Aransas, July 26-27, 8 a.m. Information may be obtained from Ronald L. Pollard, P.O. Box 35045, Dallas, Texas 75236, (902) 593-4496. TRD-9209872.

#### **Meetings Filed July 20, 1992**

**The Atascosa County Appraisal District Board of Directors** met at Fourth Street and Avenue J, Poteet, July 23, 1992, 1:30 p.m. Information may be obtained from Vernon A. Warren, P.O. Box 139, Poteet, Texas 78065-0139. TRD-9209905.

**The Cass County Appraisal District Appraisal Review Board** met at 502 North Main Street, Cass County Appraisal District Office, Linden, July 23, 1992 at 9 a.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (903) 756-7545. TRD-9209919.

**The Deep East Texas Regional MHMR Services Board of Trustees** will meet at 4101 South Medford Drive, Ward R. Burke Community Room-Administration Facility, Lufkin, July 28, 1992, at 3 p.m. Information may be obtained from Sandy Vann, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141. TRD-9209933.

**The Gray County Appraisal District Board of Directors** met at 815 North Sumner, Pampa, July 23, 1992, at 5 p.m. Information may be obtained from Sherri Schaible, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791. TRD-9209965.

**The Houston-Galveston Area Council H-GAC Board of Directors** met at 3555 Timmons Lane, Board of Directors Conference Room, Houston, July 21, 1992, at 10 a.m. Information may be obtained from Cynthia Marquez, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9209926.

**The Johnson County Rural Water Supply Corporation Special Called Board Meeting** will meet at JCRWSC Office, Highway 171 South, Cleburne, July 27, 1992, at 10 a.m. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76031, (817) 645-6646. TRD-9209961.

**The Kempner Water Supply Corporation Board of Directors** met at the Kempner Water Supply Corporation Office, Highway 190, Kempner, July 23, 1992, at 7 p.m. Information may be obtained from Doug Lavender or Alton Myers, P.O. Box 103, Kempner, Texas 76539, (512) 932-3701. TRD-9209921.

**The Kendall Appraisal District Kendall Appraisal Review Board** met at 121 South Main Street, Kendall Appraisal, Boerne, July 20, 1992, at 12 p.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012. TRD-9209916.

**The Kendall Appraisal District Kendall Appraisal Review Board** will meet at 121 South Main Street, Kendall Appraisal Office, Boerne, July 23-24, 1992, at 4 p.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012. TRD-9209975.

**The Lampasas County Appraisal District Board of Directors** met at 109 East Fifth Street, Lampasas, July 23, 1992, at 7 p.m. Information may be obtained from Janice Henry, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9209922.

**The San Antonio-Bexar County Metropolitan Planning Organization Steering Committee** will meet in the Centro Room of the San Antonio Convention Center, San Antonio, July 27, 1992, at 1:30 p.m. Information may be obtained from Charlotte A. Roszelle, 434 South Main, Suite 205, San Antonio, Texas 78204, (512) 227-8651. TRD-9209927.

**The Taylor County Education District Board of Trustees** will meet 1534 South Treadaway, Abilene, July 30, 1992, at 7 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381. TRD-9209946.

**The Taylor County Education District Board of Trustees** will meet at 1534 South Treadaway, Abilene, August 6, 1992, at 7 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381. TRD-9209944.

**The Taylor County Education District Board of Trustees** will meet at 1534 South Treadaway, Abilene, August 20, 1992, at 7 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381. TRD-9209945.

**The Upper Leon River Municipal Water District Board of Directors** met in the General Office of the Filter Plant, Lake Proctor, July 23, 1992, at 6:30 p.m. Information may be obtained from Gary D. Lacy, P.O. Box 67, Comanche, Texas 76442, (817) 879-2258. TRD-9209920.

**The Wise County Education District Board of Directors** will meet in the Administration Building, 2107 15th Street, Bridgeport, July 30, 1992, at 7:30 p.m. Information may be obtained from Mrs. Triplett, 206 South State Street, Decatur, Texas 76234, (817) 627-3081. TRD-9209935.

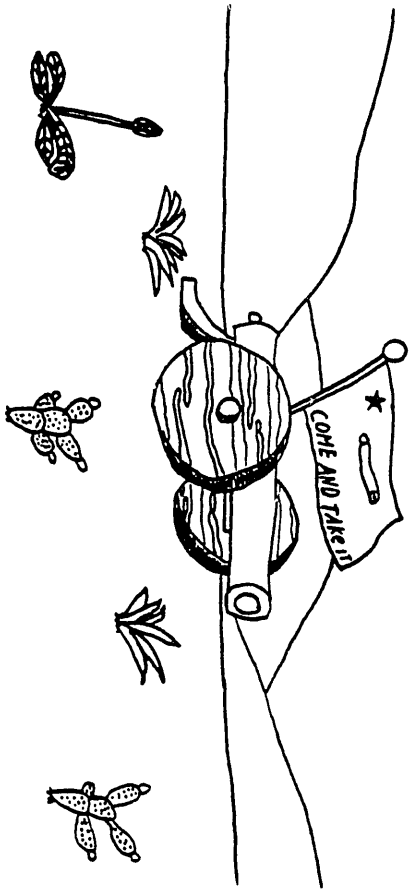
#### **Meetings Filed July 21, 1992**

**The Northeast Texas Municipal Water District Board of Directors** will meet at Highway 250 South, Hughes Springs, July 27, 1992, at 10 a.m. Information may be obtained from J. W. Dean, Box 955, Hughes Springs, Texas 75656, (903) 639-7538. TRD-9209985

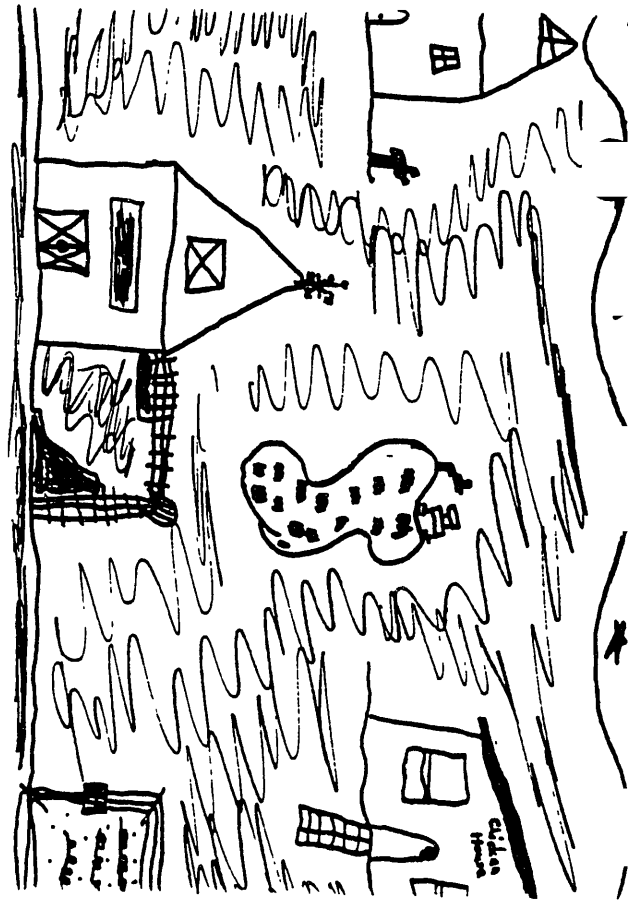
**The Sabine Valley Center Personnel Committee** will meet at First Methodist Church, corner of Lafayette and Houston Streets, Marshall, July 27, 1992, at 9:30 a.m. Information may be obtained from Mark Blackwell, P.O. Box 6800, Longview, Texas 75608, (903) 758-2471. TRD-9209987.

**The Southwest Milam Water Supply Corporation Board** will meet at 114 East Cameron Street, Rockdale, July 27, 1992, at 7 p.m. Information may be obtained from Dwayne Jekel, P.O. Box 232, Rockdale, Texas 76567, (512) 446-2604. TRD-9209976.

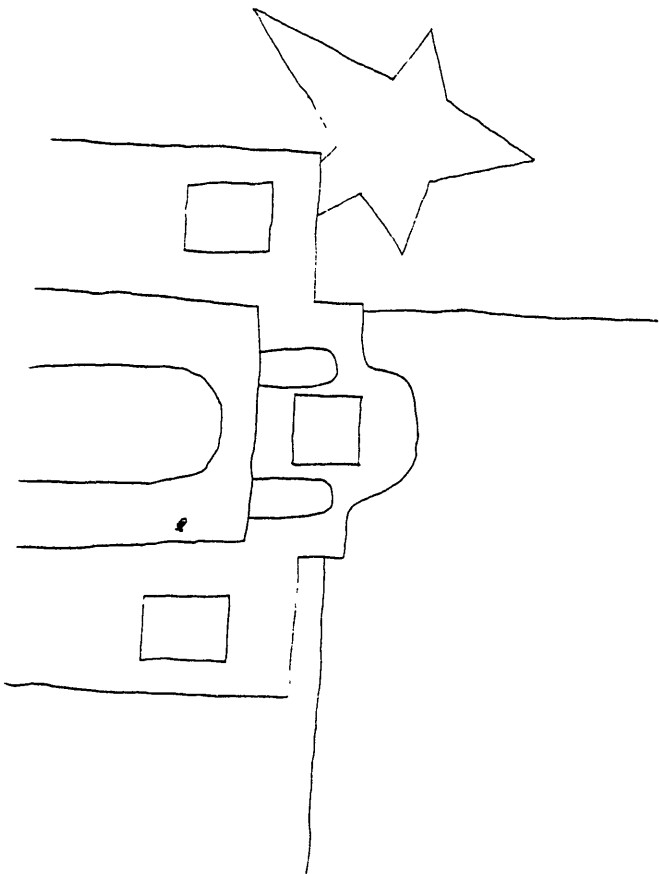




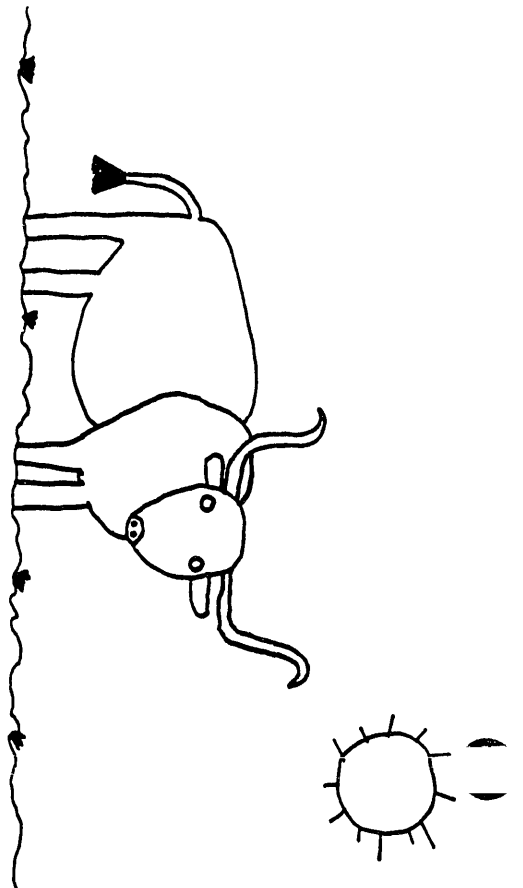
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# In Addition

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.

## Texas Air Control Board Notice of Contested Case Hearing Number 300

An examiner for the Texas Air Control Board (TACB) will conduct a contested case hearing to consider the application of American Molds, Inc. (the applicant) for an amendment to Special Permit Number T-17309 to authorize applicant to increase the annual usage of polyester resin from 40,000 pounds per year to 228,800 pounds per year. Increased usage will produce an increase in annual styrene emissions from 2.50 tones per year (TPY) to 8.55 TPY, which is below the maximum 25 TPY total limitation for volatile organic compounds (VOC) for special permits. The air contaminants projected to be emitted from the facility are: volatile organic compounds (styrene and acetone) and particulate matter. The facility manufactures fiberglass reinforced polyester (FRP) acrylic bathtubs. The facility is located at 900 Kirby Street, Wylie, Collin County, Texas 75098.

**Deadline for Requesting to be a Party.** At the hearing, only those persons admitted as parties and their witnesses will be allowed to participate. Presently, the only prospective parties are the applicant and the TACB staff. Any person who may be affected by emissions from the proposed facility who wants to be made a party must send a specific written request for party status to Hearings Examiner, Patricia Robards, and make sure that this request is actually received at the TACB Central Office, 12124 Park 35 Circle, Austin, Texas 78753 by 5 p.m. on Wednesday, August 5, 1992. The examiner cannot grant party status after that deadline, unless there is good cause for the request arriving late. Hearing requests, comments, or other correspondence sent to TACB before publication of this notice will not be considered as a request for party status. No correspondence should be sent to any member of TACB at any time regarding this hearing. The examiner will decide on party status at the prehearing conference.

**Prehearing Conference.** The examiner has scheduled a prehearing conference at 1:30 p.m. on Tuesday, August 18, 1992, at the TACB Central office, Room 143-E, 12124 Park 35 Circle, Austin, Texas 78753. At this conference, the examiner will consider any motions of the parties, but may grant contested motions for continuance only upon proof of good cause. The examiner will also establish a specific date prior to the hearing on the merits for the exchange of written and documentary evidence.

**Time and Place of Hearing.** The examiner has set the hearing to begin at 1:30 p.m. on Tuesday, September 15, 1992, at the TACB Central Office, Room 143-E, 12124 Park 35 Circle, Austin, Texas 78753.

**What the Applicant Must Prove.** This hearing is a contested case hearing under the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a §13. It is generally conducted like a trial in

district court. The applicant must demonstrate, by a preponderance of the evidence, that the proposed facility will meet the requirements of the Texas Clean Air Act, Chapter 382, Texas Health and Safety Code, (the Act), §382.0518, and TACB §116.3. These requirements include compliance with all applicable TACB and federal regulations, including the requirement that the proposed facility will use the best available control technology, considering the technical practicability and economic reasonableness of reducing or eliminating emissions.

**Public Attendance and Testimony.** Members of the general public may attend the prehearing conference and the hearing. Those who plan to attend are encouraged to telephone the TACB Central Office in Austin at (512) 908-1770 a day or two prior to the prehearing conference and the hearing date in order to confirm the settings, since continuances are sometimes granted. Any person who wants to give testimony at the hearing, but who does not want to be a party, may call the Hearings Section of the TACB Legal Division at (512) 908-1770 to find out the names and addresses of all persons who may be contacted about the possibility of presenting testimony. Persons with disabilities who have special communication or other accommodation needs who are planning to attend the meeting should contact the agency (512) 908-1815. (Requests should be made as far in advance as possible.)

**Information About the Application and TACB Rules.** Information about the application and copies of TACB's rules and regulations are available at the TACB Regional Office located at 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, the TACB Central Office located at 12124 Park 35 Circle, Austin, Texas 78753, and at the Wylie City Hall Office located at 2000 North Highway 78, Wylie, Texas 75098.

**Legal Authority.** This hearing is called and will be conducted under the authority of the Act, §§382.029, 382.091, 382.030, 382.031, 382.0518, and 382.056 and TACB §§103.11(3), 103.31, and 103.41-103.66.

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

TRD-9209835 William R. Campbell  
Executive Director  
Texas Air Control Board

Filed: July 17, 1992

For further information, please call: (512) 908-1451

## Comptroller of Public Accounts Game Procedures Instant Game Number 03

1.0 Name and Style of Game. The name of Instant Game Number 03 is "TEXAS TWO STEP." The play style of the game is "match three with specific variant." Player can win either the prize indicated by matching three

identical play symbols or double the play symbol amount indicated by matching two identical play symbols and the word "double."

1.1 **Price of Instant Ticket.** Tickets for Instant Game Number 03 shall be \$1.00 per ticket.

1.2 **Definitions in Instant Game Number 03.**

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.

D. **Low-Tier Prize**-A prize of \$1.00, \$2.00, \$4.00, \$5.00, \$10, \$20.

E. **Mid-Tier Prize**-A prize of \$500.

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 "TEXAS TWO STEP" 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 95 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 03-000001-000 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: DOUBLE, \$1.00, \$2.00, \$5.00, \$10, and \$500.

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.

PLAY SYMBOL

DOUBLE  
\$1.00  
\$2.00  
\$5.00  
\$10  
\$500

CAPTION

DOUBLE  
ONE\$  
TWO\$  
FIVE\$  
TEN\$  
FIV HUND

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 "TEXAS TWO STEP" Instant Game Number 03 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 requirements set forth in Section 2.1 of rules adopted by the lottery for this purpose, these game proce-

dures, and the requirements set out on the back of each instant ticket. A prize winner in the "TEXAS TWO STEP" 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 "DOUBLE" appears with two matching play symbol amounts, the holder wins twice the two matching dollar amounts. For example, if the ticket has two \$500 play symbols plus the DOUBLE play symbol, the holder wins \$1,000. 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.

DOUBLE  
\$1.00, or  
\$2.00, or  
\$5.00, or  
\$10, or  
\$500.



## 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 Section 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.

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 "TEXAS TWO STEP" Instant Game prize of \$1.00, \$2.00, \$4.00, \$5.00, \$10, \$20, or \$500, 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 \$500 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 previously listed prizes under the procedure described in Section 2.2.B.

B. To claim a "TEXAS TWO STEP" Instant Game prize of \$1,000, 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. 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, the Education Code, Chapter 57.

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 Section 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 "TEXAS TWO STEP" 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 therefor, 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 therefor, 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 therefor. 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 200 million tickets in the Instant Game Number 03. The expected number and value of prizes in the game are as follows:

<u>GET</u>	<u>PRIZE</u>	<u>APPROXIMATE NUMBER OF WINNERS IN THE GAME</u>	<u>CHANCES OF WINNING</u>
3-\$1's	\$1	6,805,440	1:29.41
3-\$2's	\$2	20,016,000	1:10.00
2-\$2's+DOUBLE	\$4	4,937,280	1:40.54
3-\$5's	\$5	1,467,840	1:136.36
2-\$5's+DOUBLE	\$10	533,760	1:375.00
3-\$10's	\$10	400,320	1:500.00
2-\$10's+DOUBLE	\$20	400,320	1:500.00
3-\$500's	\$500	7,506	1:26,666.67
2-500's+DOUBLE	\$1000	2,502	1:80,000.00

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 Number 03 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 Number 03, 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 July 20, 1992.

TRD-9209906 Charles Johnstone  
Senior Legal Counsel, General Law  
Section  
Comptroller of Public Accounts

Filed: July 20, 1992

For further information, please call: (512) 463-4091

◆ ◆ ◆  
**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 <sup>(1)</sup>/Agricultural/ Commercial <sup>(2)</sup> thru \$250,000</u>	<u>Commercial<sup>(2)</sup> over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	07/20/92-07/26/92	18.00%	18.00%

<sup>(1)</sup>Credit for personal, family or household use. <sup>(2)</sup>Credit for business, commercial, investment or other similar purpose.

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

TRD-9209738 Al Endsley  
Consumer Credit Commissioner

Filed: July 15, 1992

For further information, please call: (512) 479-1280

◆ ◆ ◆  
**Texas Education Agency**  
**Request for Application**

**Request for Application #701-92-040.** This request for applications is filed in accordance with House Bill 1, 72nd Legislature, 1991, Article III-10, Rider 25, and the Texas Education Code, §13.050.

**Eligible Applicants.** The Texas Education Agency (TEA) is requesting applications (RFA #701-92-040) from public school districts in Texas for training of campus teams who will then serve as core teams to lead their campuses through the change process required to implement an accelerated school.

**Description.** The purpose of this program is to build the capacity of individual schools to undertake the accelerated schools process. The accelerated schools process is a proven strategy to enhance the performance of all students, especially those in at-risk situations. In addition, the project will develop demonstration sites around the state and develop statewide capacity for support of campuses which choose to implement the accelerated schools process.

**Dates of Project.** The accelerated schools project will be implemented during the 1992-1993 school year, with a starting date of November 2, 1992, and an ending date of August 31, 1993.

**Project Amount.** Funding in an amount not to exceed \$2,500 will be provided for each of 15 projects which are geographically and demographically diverse.

**Section Criteria.** Applicants will be reviewed to determine the capability of the applicant to implement the required components. The campus faculty, district administration, and local school board must demonstrate a commitment to support the change process. Training supported by the project must involve all personnel assigned to a vertical team made up of the principal, at least three teachers, and one parent of a student from the campus. As a result of the training, participants will be expected to return to the campus to lead the remainder of the faculty in the accelerated schools change process. The campus must commit to having a facilitator provide ongoing support for the accelerated schools process during the 1992-1993 school year.

**Requesting the Application.** A copy of the complete request for application may be obtained by writing to: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, or by calling (512) 463-9304. Please refer to the RFA #701-92-040 in the request.

**Further Information.** For clarifying information about this request, contact Carolyn Young, Department of Programs, (512) 463-9370, or Mary Ragland, Division of Accelerated Instruction, (512) 463-9374.

**Deadline for Receipt of Applications.** The deadline for submitting an application is 5 p.m., September 15, 1992.

Issued in Austin, Texas, on July 16, 1992.

TRD-9209820 Lionel R. Meno  
Commissioner of Education

Filed: July 16, 1992

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

◆ ◆ ◆  
**Request for Bids**

The Texas Education Agency invites bids for the large type reproduction of textbooks. All companies are required to submit a sample textbook which has been constructed within specifications. Specifications may be obtained from the Texas Education Agency, Textbook Administration Division. The book to be enlarged will be designated in the specifications.

bids should be submitted to two parts: a cost per page basis which should include the cost of the book being enlarged and the cost of page reproduction; and a per volume binding cost.

Bids are to be filed with the Textbook Administration Division on or before 4 p.m., September 4, 1992. Bids will be opened at approximately 4:01 p.m., September 4, 1992, in Room 6-125, William B. Travis Building, 1701 North Congress Avenue, Austin.

Inquiries or requests for specifications for production of large type textbooks should be addressed to Charles E. Mayo or Deanna Marotz, Textbook Administration Division, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Issued in Austin, Texas, on July 17, 1992.

TRD-9209740 Lionel R. Meno  
Commissioner of Education

Filed: July 15, 1992

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

◆ ◆ ◆  
**Request for Proposal**

Request for Proposal #701-92-046. This Request for Proposal (RFP #701-92-046) is filed in accordance with the Texas Education Code, §51.601, Engineering and Science Recruitment Fund.

**Eligible Proposers.** The Texas Education Agency (Agency) is requesting proposals from Texas colleges and universities, with predominantly minority populations, which offer undergraduate programs in either science, engineering, mathematics, computer science, or technology or are involved in superconductivity research. A college or university with a predominantly minority population is defined as an institution where: the majority of the total student population is minority; or the largest population in the institution is minority. For the purposes of this request for proposal (RFP) minority groups are either: Black, not of Hispanic origin; Hispanic; Asian or Pacific Islander; or American Indian or Alaskan. The Agency prefers to contract with three different institutions. Each institution must reside in one of the three different evaluation service areas identified in the RFP. Multiple institutions will help to maximize minority student participation and to minimize travel and per diem expenses.

**Description.** The objective of this project is to establish a formal process for using eligible minority colleges and universities in Texas to conduct on-site evaluations of the operations and results of the project organizations and programs funded under this same law. These project organizations and the individual programs they manage are funded by the Texas Education Agency to recruit females and underrepresented minority groups into the disciplines of science, engineering, mathematics, computer science, technology, or super conductivity research at institutions of higher education. Evaluation results are reported to the Texas Education Agency.

**Dates of Project.** The State Engineering and Science Recruitment (SENSR) Program Evaluation project will be implemented during school year 1992-1993. Proposers should plan for a starting date of not earlier than October 1, 1992 and an ending date of not later than August 31, 1993.

**Project Amount.** For fiscal year 1992-1993 this project will allow up to a total of \$8,000 subject to the approval of the commissioner of education, to be spent by funded project organizations which will pay the selected institutions for conducting on-site evaluations of the approved and funded programs managed by that project organization. The total amount paid for all evaluations may not exceed 2.0% of the \$400,000 (e.g., \$8,000) appropriated for the 1992-1993 SENSR fund.

**Selection Criteria.** Proposals will first be considered on the ability of each proposal to satisfy all requirements in the request for proposal and the eligible proposer criteria specified previously. The Agency prefers to select a different college or university within each of the evaluation service areas outlined in the RFP.

The Agency reserves the right to select from the highest ranking proposals which best meet the objectives specified. Other project quality indications are specified throughout the RFP.

**Requesting the Proposal.** A copy of the complete request for proposal may be obtained by writing or calling the Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, or call (512) 463-9304. Please refer to the RFP number in the request.

**Further Information.** For clarifying information about this RFP contact Dr. Philip Gehring, Executive Assistant to the Associate Commissioner for Curriculum and Assessment, Texas Education Agency, (512) 463-9823.

**Deadline for Receipt of Proposals.** The deadline for submitting a proposal is 5 p.m., Monday, September 14, 1992.

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

TRD-9209741          Lionel R. Meno  
   Commissioner of Education

Filed: July 15, 1992

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

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**General Services Commission**  
**Notice of Request for Proposals**

Notice is hereby given to all interested parties that the General Services Commission is soliciting proposals for an option on a tract of land containing 30,000 gross square feet located within the City of Houston, Harris County. The tract selected for option will be used for construction of a residential community facility to house programs administered by the Texas Youth Commission. This solicitation is made under authority of Texas Civil Statutes, Article 601b, §6.051, and 1 Texas Administrative Code, §115.36.

The Request for Proposals, containing all the requirements necessary for an appropriate response, may be obtained on or after 9 a.m., July 28, 1992, from: General Services Commission, Lease and Rental Section, Central Services Building, Room 204E, 1711 San Jacinto, P.O. Box 13047, Austin, Texas 78711-3047, Attention: Mr. Wayne Wilson (512) 463-3331.

All proposals must be submitted in a sealed envelope and must be received by the commission no later than 11 a.m. on September 1, 1992. The commission will evaluate the proposals received in accordance with the criteria outlined in the Request for Proposals and may negotiate with any or all offerors in an effort to procure an option on a tract of land to meet the state's needs.

Issued in Austin, Texas, on July 20, 1992.

TRD-9209937          Judith M. Porras  
   Director, Legal Information and Human  
   Resources  
   General Services Commission

Filed: July 20, 1992

For further information, please call: (512) 463-3446

◆ ◆ ◆  
**Texas Department of Health**  
**Annual Update to Women, Infants, and**  
**Children State Plan**

The Texas Department of Health's (department) Special Supplemental Food Program for Women, Infants, and

Children (WIC) is required by federal regulations to submit an annual update to the WIC State Plan of Operations for fiscal year 1993 to the United States Department of Agriculture for approval. The plan covers the outline of the department's goals and objectives for improving program operations, the affirmative action plan, and local agency identification-WIC project information. The WIC Program is soliciting written comments on the proposed fiscal year 1993 program goals. A copy of the proposed goals is filed in the department's WIC Program, Room M-260, 1100 West 49th Street, Austin, Texas 78756, and are available for public inspection during regular working hours. The deadline for submission of written comments is the postmark date of August 1, 1992.

Issued in Austin, Texas, on July 16, 1992.

TRD-9209787 Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: July 16, 1992

For further information, please call: (512) 458-7444

## Texas Department of Human Services Public Notice

The Texas Department of Human Services (TDHS) is planning to submit Medicaid state plan amendments to facilitate implementation of new Occupational Safety and Health Administration (OSHA) regulations. These amendments will establish reimbursement methodologies for costs of Hepatitis B inoculations for certain personnel of the following programs: primary home care, day activity and health services, intermediate care facilities for the mentally retarded (ICF-MR), nursing facilities, and hospice. The increase in annual aggregate expenditures for fiscal year 1993 is estimated to be for: primary home care \$1,969,189; day activity and health services \$43,005; intermediate care facilities for the mentally retarded (ICF-MR) \$363,448; nursing facilities \$2,747,358; and hospice \$12,983 for a total of \$5,135,983. Local TDHS field offices have copies of the draft reimbursement methodology for public review, or contact Kathy Hall, MC E-601, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3702. Written comments can also be submitted to this address.

Issued in Austin, Texas, on July 20, 1992.

TRD-9209912 Nancy Murphy  
Agency Liaison, Policy and Document  
Support  
Texas Department of Human Services

Filed: July 20, 1992

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

## Request For Information

The Texas Department of Human Services (TDHS) requires an information systems environment which provides end-user access from various user interface platforms to a variety of database management systems (DBMS) residing on different platforms. TDHS is requesting information (RFI) on software, hardware, architecture, standards, services, and/or strategies which might be candidate components of such an environment. Of particular interest is an optimal data access mechanism with the following features, as currently envisioned:

works in the current environment yet is compatible with the open systems direction of TDHS with Client/Server SQL protocol-Network Architecture (Client/Server WAN)-DBMSs (existing databases on current TDHS platforms to new databases on new platforms);

each platform-in a hierarchy of tiers or a set of peers-may perform the role of client or server-Initiate Input/Output request-Honor request-Pass through Input/Output request or requested data;

inter-platform communication is through a common application programmer interface-Common protocol and format for Input/Output request-Common protocol and format for data transport;

must support minimal DBMS data integrity functionality-Two phase commit-Complete rollback/recovery

Background.

### Centralized/Mainframe Systems.

Current Environment: at the core of central site (Austin) processing are two Unisys 2200 series mainframes using System Base 3, Release 9 (SB3R9) operating under the Unisys operating system, OS-1100 (Version 41R8C). Critical database backup and a minimal disaster recovery capability are supported by a Unisys 2200/424 currently located in San Antonio.

Principal software offerings for the Unisys mainframe include COBOL, DMS 1100, RDMS, MAPPER, LINC, and UDS.

An NCR 3445 processor (486 Bus/33MHz), utilizing AT&T System 5, Release 4 UNIX as its operating system, will support the development of systems using Oracle.

Future Directions: to meet increasing demands for CPU capacity at the mainframe level, the department will be investigating and implementing the use of data servers which can be used to offload processing tasks from the Unisys 2200 computers and thereby improve performance.

While the department's multi-million dollar investment in existing technology precludes any drastic changes within the next five years, the agency will begin migrating toward a GOSIP compliant environment as directed by the Texas Department of Information Resources (DIR). This path, combined with increased industry sensitivity to the need for open systems, will position the department to take advantage of centralized computing solutions which may be available both inside and outside of the Unisys family of products.

### Distributed Systems.

Current Environment: the department's local area network environment utilizes an IEEE 802.5 topology combined with Novell SFT Netware (Version 2.15 Rev C and 3.11) as the LAN operating system. Over 7000 IBM AT compatible 80286- and 80386-based workstations, attached to more than 400 file servers across the state, provide the user interface to the LAN. Shielded twisted pair and fiber optic cabling provide the physical connectivity between servers and workstations.

Basic LAN components include a file server, queue server, and communication (comm) server. Each of these, along with the LAN workstations are fitted with a token ring adapter card which provides for connectivity with a multi-station access unit (MSAU). The MSAUs are connected with inter-MSAU cables and compose a physical ring.

Two basic configurations are used by TDHS in the LAN environment.

A "single ring" LAN consists of a single physical ring (one token ring adapter in the file server) with up to 40 workstations.

A "dual ring" LAN utilizes two token ring adapters in the file server and separate MAUs to create two distinct rings. This configuration is necessary to support offices requiring the attachment of more than 40 workstations.

The queue server, an 80286- or 80386-based workstation, utilizes software which was developed and perfected by in-house staff. This software allows for the translation of AREV and DOS data into a TIP-readable format and conversely, for the translation of TIP data into AREV and DOS formats. In essence, the queue server acts as an interface for the LAN file server and the comm server.

The comm server, an 80286- or 80386-based workstation running CHI Corporation's Uniscope Emulation software, permits communication between the LAN and the Unisys mainframe. The comm server ports data up to the mainframe from the queue server or down to the queue server from the mainframe by way of CHI-enabled Uniscope protocols.

Future Directions: increasing demands for greater functionality and flexibility at the workstation level dictate that the department move rapidly toward an environment which allows for quick and easy task switching. Also in support of greater functionality, future workstation procurements will include the following:

IBM AT-compatible 80386/25Mhz CPU;

2Mb RAM;

52Mb Hard Disk;

3.5" x 1.44Mb Floppy Disk Drive;

5.25" x 1.2Mb Floppy Disk Drive (provided on exception basis only);

VGA Monochrome Monitor.

#### Network/Communications.

Current Environment: TDHS Wide Area Network communications are enabled using the Unisys proprietary Distributed Communications Architecture (DCA-II) with its primary transmission protocol, Uniscope. The networking backbone utilizes bit-oriented Universal Data Link Control (UDLC). DCA is modeled on the Open Systems Interconnect standard.

A Unisys SNA/NET gateway permits Uniscope workstations using IBM 3270 emulation to communicate with IBM hosts at other state agencies and for those agencies to connect with the TDHS WAN using Uniscope emulation. Also available via the SNA/NET gateway is the ability to perform distributed data processing file transfers and peer to peer communication using the LU6.2 protocol.

Communications between mainframe and LAN processors are enabled by DCP-40, Chi Gateway, and IEEE 802.5 transport hardware. Transport software includes Comm Delivery 5R1 (Telcon 8R2 paired with CMS 7R1) at the mainframe level, and the IEEE 802.5 platform at the local area network level.

Future Directions: the goal of TDHS is to reach a fully open network architecture based on GOSIP/OSI standards by fiscal year 1996, depending on budget constraints

This goal will involve the installation of a router/bypass system to accommodate the presence of Uniscope based terminals which continue to require support for the short-term future. The department has already begun the investigation and testing of TCP/IP as an interim protocol at the transfer and network levels in support of this initiative. This architecture will allow migration to an X 25 based protocol that employs packet routing and switching as the primary architecture of the network.

Specific functionalities that will be enabled include:

LAN-to-LAN communications without going through the mainframe; Access to centralized departmental processors from remote sites through a single WAN; centralized execution and management of LAN-based network management packages; improved network management through remote monitoring of workstations

This goal will also involve the replacement of outmoded Uniscope terminals with LAN based workstations. The network will be simplified through the elimination of Uniscope protocol support and the addition of premise-to-premise transport via an X.25, wideband, router-based architecture.

In addition, this goal will see the employment of multi-protocol routers interconnected via X 25 transport systems using X.25 packet switches. As standards develop, the network may be based not only on an X 25 architecture, but also on the emerging Frame Relay and Cell Relay standards as they are defined and incorporated into the GOSIP/OSI models.

#### Data Management.

Current Environment: the department makes use of several data management formats at the mainframe level for managing application data. These include DMS-1100 (Level 8), MSAM/ISAM, MAPPER, RDMS, SDF, and IOS

DMS-1100 utilizes a network structure and is used by a variety of TDHS applications to support complex data structures and on-line updates. Most applications with a large volume of records use DMS-1100 for primary data storage

MSAM/ISAM are indexed sequential data structures used in primarily older application systems. Applications using these data structures are characterized generally by batch processing with on-line inquiry support.

MAPPER is a flatfile database which is used by numerous systems and end-user applications. It supports online update and can manipulate data files as large as 1.5 gigabytes in size. All current MAPPER applications access MAPPER-controlled SDF files, but also have the capability of accessing RDMS data structures

RDMS uses a relational structure and allows for easily understood application interfaces and relatively lower support costs. Most applications currently being engineered and those planned for the future will utilize this data management format.

SDF and IOS are sequential file structures.

Data management formats in use at the LAN/PC level and with NCR technology include Advanced Revelation and Oracle.

Oracle is the department's sole Unix-based data management tool. It is a relational database which interfaces with a wide variety of software products available today. At present, there is one application system using this format

At the LAN and microcomputer level AREV relational data structures are used for application files.

Future Directions: relational database management systems will be the focus of new database development projects in MIS for the foreseeable future.

Unisys RDMS and Oracle are the principal relational database management systems which will be used for new development on the OS-1100 and AT&T System 5 Unix platforms, respectively.

Contact Person: responses to this RFI should be submitted to Bill Levy, Texas Department of Human Services, P.O. Box 149030, Mail Code C-739, Austin, Texas 78714-9030.

Issued in Austin, Texas, on July 17, 1992.

TRD-9209879 Nancy Murphy  
Agency Liaison, Policy and Document  
Support  
Texas Department of Human Services

Filed: July 17, 1992

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



## Texas Department of Insurance Company Licensing

The following applications have been filed with the Texas Department of Insurance and are under consideration.

1. Application for name change in Texas for Metropolitan Reinsurance Company, a foreign fire insurance company. The home office is in Newark, Delaware. The proposed new name is Metropolitan Group Property and Casualty Insurance Company.
2. Application for admission to do business in Texas for United Arkansas Life Assurance Company, a foreign life insurance company. The home office is in North Little Rock, Arkansas.

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

TRD-9209761 Linda K. von Quintus-Dorn  
Chief Clerk  
Texas Department of Insurance

Filed: July 15, 1992

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



## Joint Interim Committee on the Environment Subcommittee on Air Quality

### Notice of Public Hearing

The Subcommittee on Air Quality of the Joint Interim Committee on the Environment is conducting a series of regional hearings on the implementation of the federal and state requirements mandated by the Federal Clean Air Act Amendments of 1990, the Texas Clean Air Act of 1991, and the regulations promulgated by the U.S. Environmental Protection Agency and the Texas Air Control Board. The subcommittee, chaired by Senator Chet Brooks (D-Pasadena), will begin its work by examining the guidelines for the motor vehicle inspection and maintenance (I&M) program and how the program will be implemented in the nonattainment areas of Texas.

Our next meeting will be July 13, 1992, in Houston at the Hobby Hilton Hotel in Ballroom A. Persons wishing to testify can register at the hearing room entrance.

Testimony will begin at 9:30 and continue until approximately 4 p.m. Due to the number of persons expected to testify, we respectfully ask witnesses to be as concise as possible in their remarks in order to give everyone an opportunity to speak. Additional details may be presented in writing to the committee and will be made a part of the official record. Written testimony is always appreciated.

Anyone who would like to share comments and suggestions with the committee but cannot be present for the hearing may send written testimony to the following address: Joint Interim Committee on the Environment, 907 Sam Houston Building, P.O. Box 12068, Austin, Texas 78711.

Copies of all written testimony will be distributed to each of our committee members and will be made a part of the official hearing record.

Issued in Austin, Texas, on July 17, 1992.

TRD-9209886 Jeffrey Heckler  
Subcommittee Liaison  
Joint Interim Committee on the  
Environment

Filed: July 17, 1992

For further information, please call: (512) 463-0111



## Texas State Library and Archives Commission

### Consultant Contract Reports

Senate Bill 737 of the 65th Texas Legislature (Texas Civil Statutes, Article 6252-11c) requires state agencies and regional councils of governments to file with the Office of the Secretary of State invitations to bid and details on bidding on private consultant contracts expected to exceed \$10,000. Within 10 days of the award of the contract, the agency is required to file with the secretary of state a description of the study to be conducted, the name of the consultant, the amount of the contract, and the due dates of the reports. Additionally, the Act directs the contracting agencies to file copies of the resulting reports with the Texas State Library. The library is required to compile a list of the reports received and submit the list quarterly for publication in the *Texas Register*.

Following is a list of reports received for the second quarter of 1992. The reports may be examined in Room 300, Texas State Library, 1201 Brazos Street, Austin.

Agency: Air Control Board; Consultant: Systems Applications Inc.; Title: photochemical modeling of four areas in Texas. 4 v.

Agency: Education Agency; Consultant: Tracor Applied Sciences, Inc.; Title: functional requirements and preliminary design for the Texas Education Agency's investment accounting system.

Agency: Historical Commission; Consultant: Dames and Moore; Title: national historic landmark nomination: Louisiana-Rio Grande Canal Company irrigation system; Title: national historic landmark nomination: Roma Historic District, Roma.

Agency: University of Texas System; Consultant: Morgan Guaranty Trust Company of N.Y.; Title: V.I: Cash man-

agement review. V.2: The University of Texas Academic Component Overview; Consultant: Anderson Consulting; Title: executive information system software evaluation report.

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

TRD-9209774      Raymond Hitt  
Assistant Director  
Texas State Library and Archives  
Commission

Filed: July 16, 1992

For further information, please call: (512) 463-5440

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**Local Government Records Committee**

Notice is hereby given that the following persons constitute the Texas Local Government Records Committee, having been appointed by the director and librarian of the Texas State Library under authority of the Government Code, Chapter 441, Subchapter J, and their names are hereby published pursuant to the Texas Government Code, Chapter 441, Subchapter J: Jerry Bigham, Assistant Superintendent and Records Management Officer, Canyon ISD, P.O. Box 899, Canyon, Texas 79015-0899; Ranette Boyd, City of Secretary, City of Lubbock, P. O. Box 2000, Lubbock, Texas 79457-0001; J.M. Cardoza, Chief of Police, City of Los Fresnos, 200 North Brazil, Los Fresnos, Texas 78566-3698; Martha Chambers, Records Manager, City of Forth Worth, 1000 Throckmorton, Fort Worth, Texas 76102-6311; Bill Chiabotta, Director of Personnel, City of Mesquite, P.O. Box 137, Mesquite, Texas 75149-0137; The Honorable Ben Childers, County Attorney, Fort Bend County, County Courthouse, Richmond, Texas 77469-3111; Dr. Virginia Collier, Superintendent, Lago Vista ISD, P.O. Box 4929; Lago Vista, Texas 78645-0001; The Honorable Maxine Darst, County Judge, Kaufman County, County Courthouse, Kaufman, Texas 75142-2090; Joe Erwin, Fire Chief, City of Hurst, 1505 Precinct Line Road, Hurst, Texas 76054-3395; Thomas D. Ferguson, City Secretary and Finance, Director, City of Big Spring, P.O. Box 3190, Big Spring, Texas 79721-3190; The Honorable Katy Gilmore, County Treasurer, Burnet County, 220 South Pierce, Burnet, Texas 78611-3136; The Honorable Carl R. Griffith, Jr., Sheriff, Jefferson County, P.O. Box 2950; Beaumont, Texas 77704-2950; The Honorable Fred Guerra, Council Member, City of San Marcos, 630 East Hopkins, San Marcos, Texas 78666-6397; Glenda Gundermann, City Secretary, City of Sugar Land, P.O. Box 110, Sugar Land, Texas 77487-0110; David L. Harper, President, Anderson Mill Municipal, Utility District, 10506 Wagon Gap Road, Austin, Texas 78750-2042; Ruth Hertel, City Manager, City of Angleton, P.O. Box 1480, Angleton, Texas 77515-0726; Michael Jez, Chief of Policy, City of Denton, 221 North Elm Street, Denton, Texas 76201-4193; Mr. Oliver Lewis, Jr., Auditor, Bexar County, 224 Dwyer Avenue, San Antonio, Texas 78204-1014; Donald R. Maddox, Chief of Policy, City of Humber, P.O. 1627, Humble, Texas 77338-1627; Patti McFee, Director of Certification/Records, Cypress-Fairbanks ISD, P.O. Box 692003, Houston, Texas 77269-2003; Brenda McMahan McKeon, Director, Medical Records, John Peter Smith Hospital, Tarrant County Hospital District, P.O. Box 692003, Fort Worth, Texas 76104-4940; Foy Mitchell, Chief Appraiser, Dallas, Central Appraisal Districts; 2949 North Stemmons Freeway, Dallas, Texas 75247-6195; George Moff, Chief Appraiser, Nueces County Appraisal

District, 1305 North Shoreline Boulevard, Corpus Christi, Texas 78401-1598; Frances B. Noll, Records Management Officer, Tarrant County Junior College District, 1500 Houston Street, Fort Worth, Texas 76102-6599; Merrill Nunn, City of Attorney, City of Amarillo, P.O. Box 197, Amarillo, Texas 79186-0001; John Philpott, Director of Public Works, City of Waco, P.O. Box 2570, Waco, Texas 76702-2570; The Honorable Anita Rodeheaver, County Clerk, Harris County, P.O. Box 1525, Houston, Texas 77251-1525; Donald Schelfout, Vice President, Clear Lake City Water Authority, 3715 Lonniewood, Houston, Texas 77059-6023; The Honorable Neva Thigpen, Tax Assessor-Collector, Goliad County, P.O. Box 800, Goliad, Texas 77963-0800; The Honorable Linda Uecker, District Clerk, Kerr County, County Courthouse, Kerrville, Texas 78028-5386; The Honorable Travis Ware, District Attorney, Lubbock County, County Courthouse, Lubbock, Texas 79701-3420; David N. Weber, Tax collector, City of Taylor, P.O. Box 810, Taylor, Texas 76574-0810; The Honorable John H. Williams, Justice of the Peace, Nueces County, Route 1, Box 120, Robstown, Texas 78380-9405; Linda Winn, City Secretary, City of West Lake Hills, 911 Westlake Drive, West Lake Hills, Texas 78746-4599;

Ex-Officio Members: Steve Aragon, Assistant Attorney General, Opinions Division, Office of the Attorney General, Supreme Court Building, P.O. Box 12548, Austin, Texas 78711-2548; Tom Nilsen, Manager, Local Government Program, Office of the State Comptroller, 111 East 17th Street, Austin, Texas 78774-0001.

Issued in Austin, Texas, on July 16, 1992.

TRD-9209936      Raymond Hitt  
Assistant State Librarian  
Texas State Library and Archives  
Commission

Filed: July 20, 1992

For further information, please call: (512) 463-5440

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**Public Utility Commission of Texas**  
**Notice of Proposed Revisions to**  
**Telephone Rate Filing Package**

The Public Utility Commission of Texas is considering revisions to the telephone rate filing package. These proposed revisions are to the financial information and data sections of the rate filing package. The purposes for the revisions include collecting more financial information "up-front" to reduce the need for discovery and to facilitate staff analysis; providing uniformity with financial schedules in the proposed electric rate filing package; differentiating the financial information requested from large publicly-traded telephone companies, small privately-owned telephone companies, and telephone co-operatives; and facilitating the filing of some schedules on computer diskettes. The schedules that have been modified or added from old schedule to new schedule include: H-H (modified); L-L (new accounting terminology); M-M (expanded); P (new schedule for coops); S-S (modified).

The commission staff has prepared a draft of the proposed rate filing package revisions that is available to interested parties. To obtain a copy, please contact Stephen F. Morris, Assistant General Counsel, at (512) 458-0369.

The commission seeks comments from interested persons on these proposed revisions. Comments should be filed with the Central Records Division of the commission



within 45 days of the date of publication of this notice. The commission's address is 7800 Shoal Creek Boulevard, Austin, Texas 78757. Persons should refer to Project Number 11004 when filing comments.

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

TRD-9209749      John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: July 15, 1992

For further information, please call: (512) 458-0100

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### Texas Racing Commission Notice of Application Period

The Texas Racing Commission announces that on September 1, 1992-September 30, 1992, the commission will accept application documents in support of a Class 3 or Class 4 pari-mutuel racetrack license.

Under Texas Racing Commission rules, the commission may designate an application period of not more than 60 days, in which application documents for a racetrack license may be filed.

On July 6, 1992, the Texas Racing Commission's Horse Racing Section established a new 30-day application period. The designated period begins at 8 a.m., September 1, 1992, and ends 5 p.m., September 30, 1992.

For more information contact Norma Garza, Legal Assistant, at (512) 794-8461. The Texas Racing Commission offices are located at 9420 Research Boulevard, Echelon III, Suite 200, Austin, Texas 78759 or write P.O. Box 12080, Austin, Texas 78711.

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

TRD-9209726      Paula Cochran Carter  
General Counsel  
Texas Racing Commission

Filed: July 15, 1992

For further information, please call: (512) 794-8461

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### Texas Water Commission Enforcement Order

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Acienda Truck Wash (no permit) on July 13, 1992, assessing \$9,600 in administrative penalties with \$7,600 deferred and possibly waived pending compliance. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Jennifer Smith, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on July 16, 1992.

TRD-9209843      Gloria A. Vasquez  
Chief Clerk  
Texas Water Commission

Filed: July 17, 1992

For further information, please call (512) 463-7898

## 1992 Publication Schedule for the Texas Register

Listed below are the deadline dates for the September-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.
52 Friday, July 10	Monday, July 6	Tuesday, July 7
Tuesday, July 14	Wednesday, July 8	Thursday, July 9
53 Friday, July 17	SECOND QUARTERLY INDEX	
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, Novmber 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 Friday, January 1	Monday, December 28	Tuesday, December 29

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