

Texas Register

Volume 17, Number 65, August 28, 1992

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Texas Register, ISSN 0362-4781, is published semi-weekly 100 times a year except February 28, November 6, December 1, December 29, 1992. Issues will be published by the Office of the Secretary of State, 1019 Brazos, Austin, Texas 78711. Subscriptions costs: one year - printed, \$95 and electronic, \$90; six-month - printed, \$75 and electronic, \$70. Single copies of most issues are available at \$5 per copy.

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

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- Withdrawn Sections** - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the **Texas Register** six months after proposal publication date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

How to Cite: Material published in the **Texas Register** is referenced by citing the 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



a section of the
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*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 finish publishing the fourth category of artwork, featuring submissions from children in tenth through twelfth grade. Also in this issue we will start republishing all the artwork from the students starting with the first category-Kindergarten through third grade, this will allow you one final chance to make your vote count. The pictures are labeled first by the category, and then by a number reflecting the individual piece. For example "10-1" will indicate that the picture is the first submission in the tenth through twelfth 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.

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1991 - 1992 Texas Register Readers Choice Award.

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

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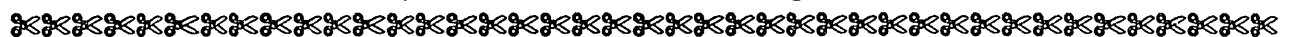
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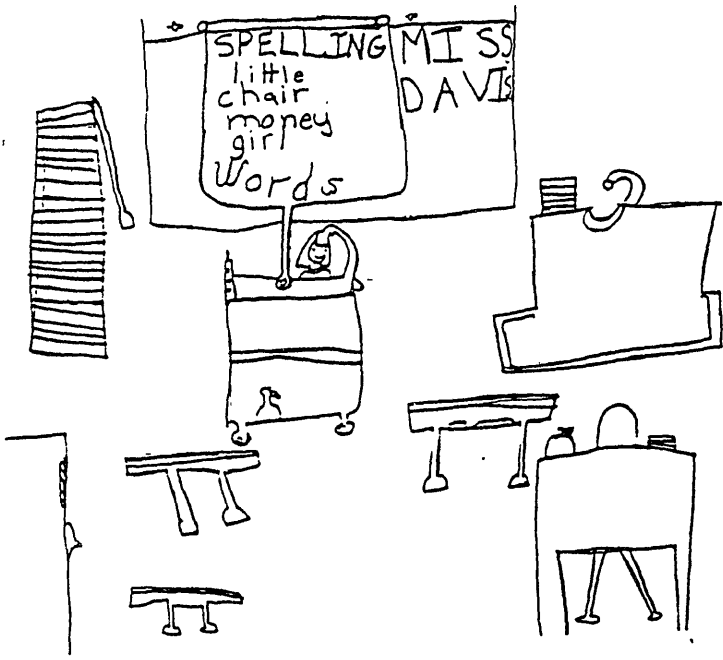
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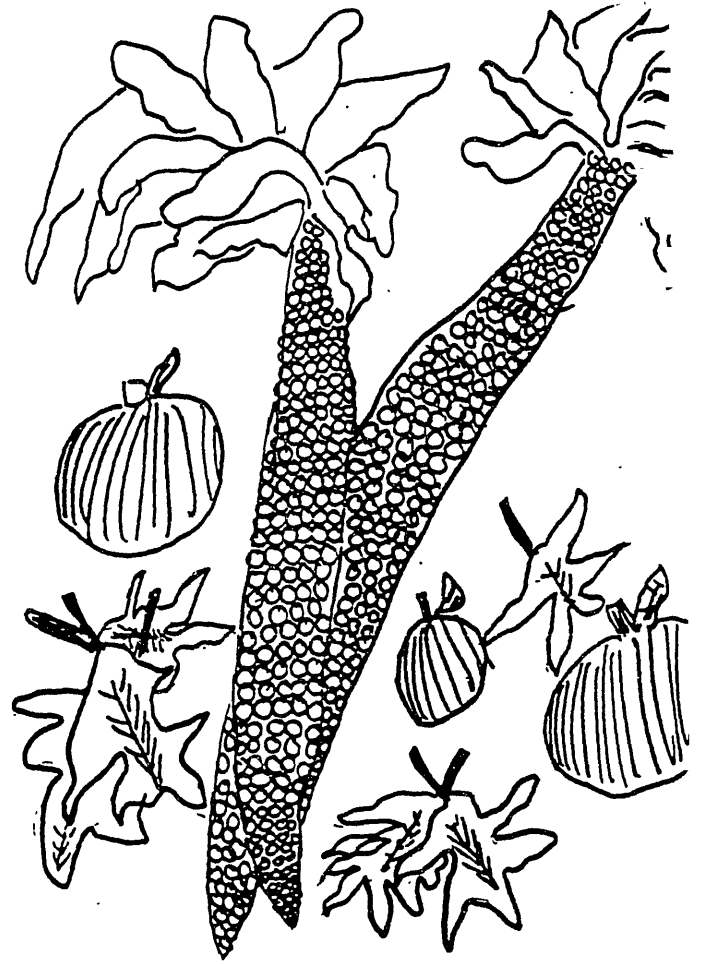


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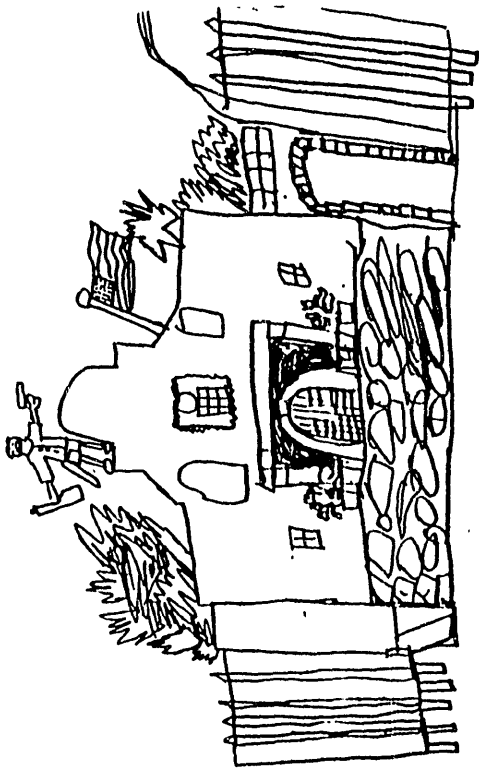


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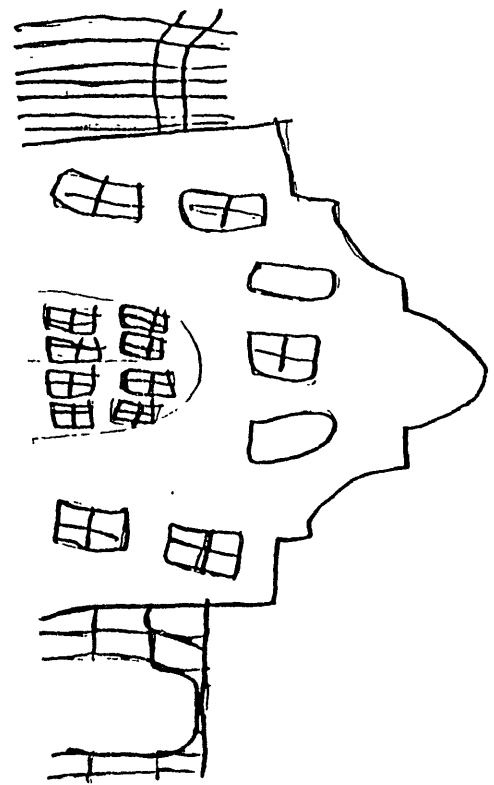
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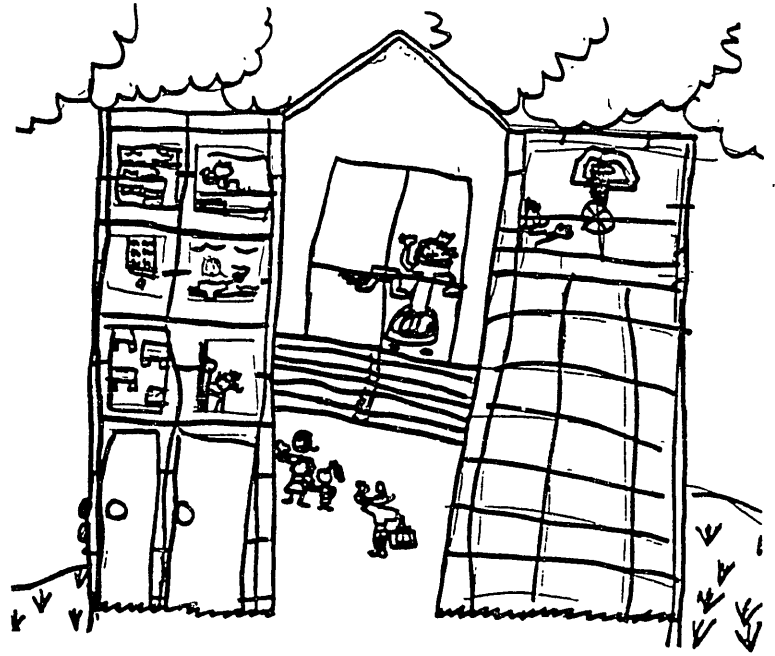


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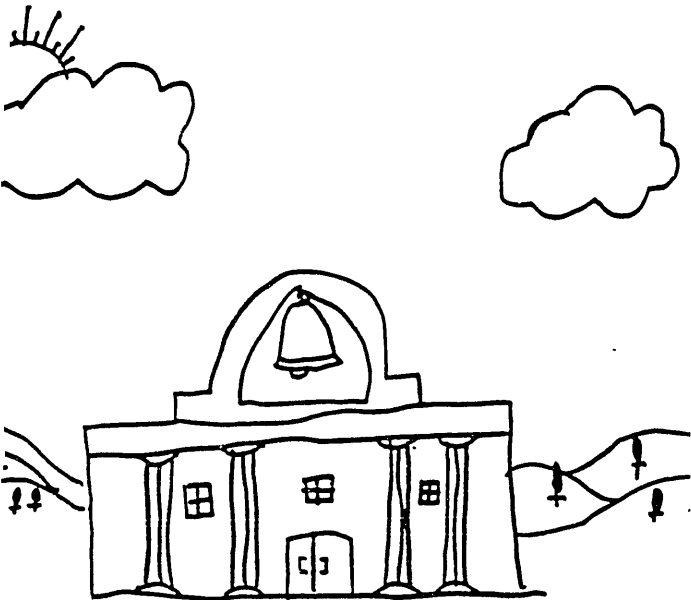
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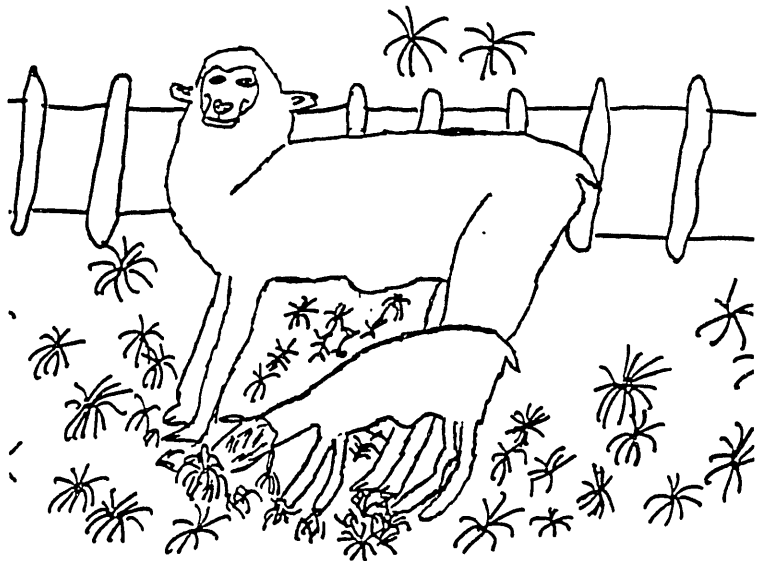
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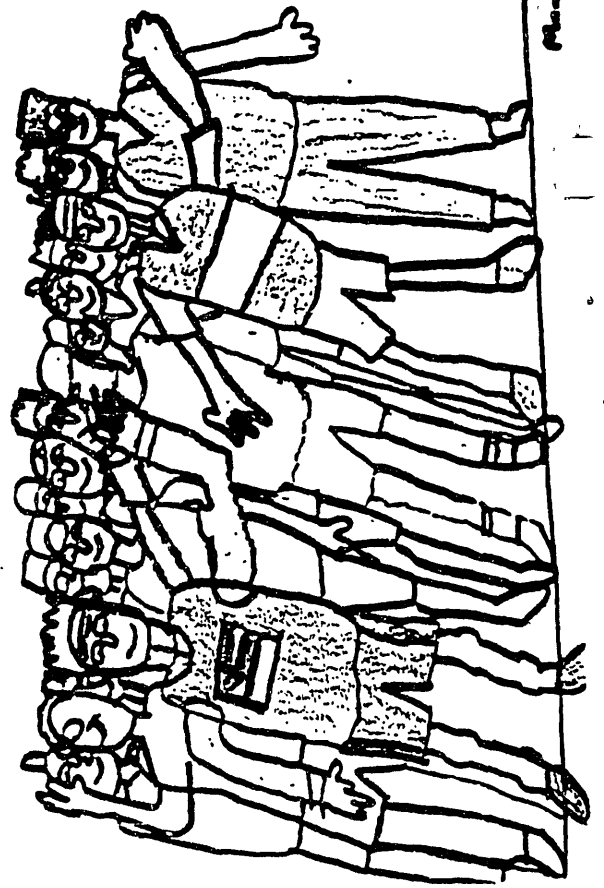
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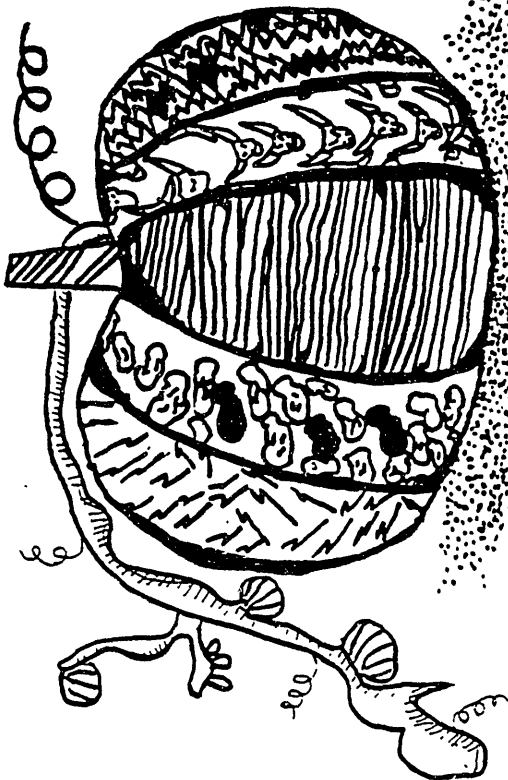
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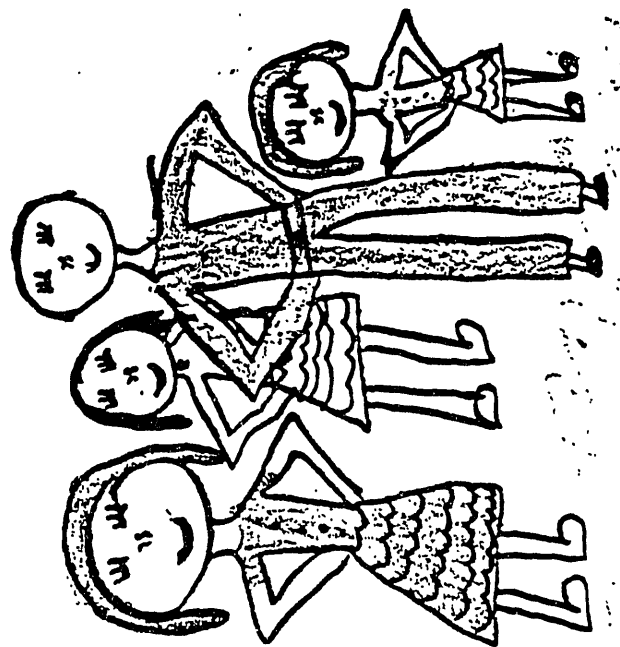
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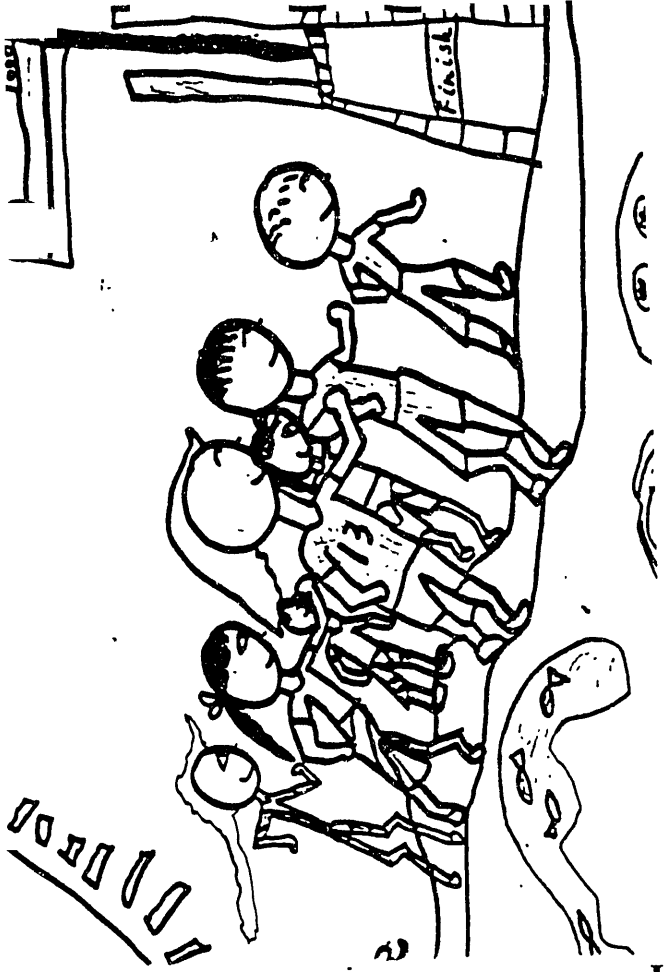
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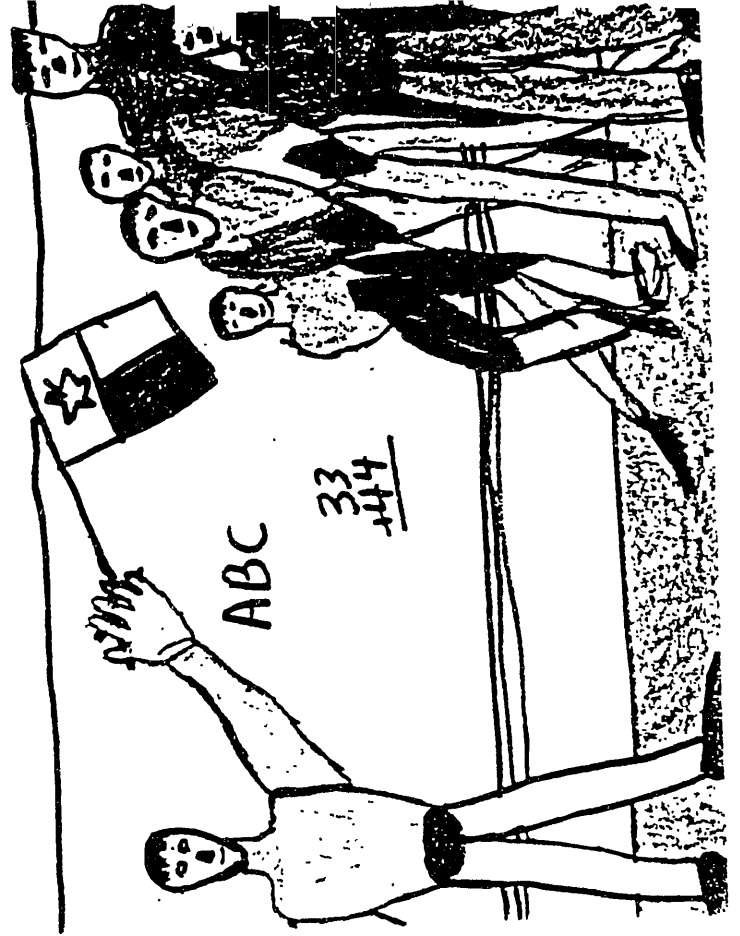
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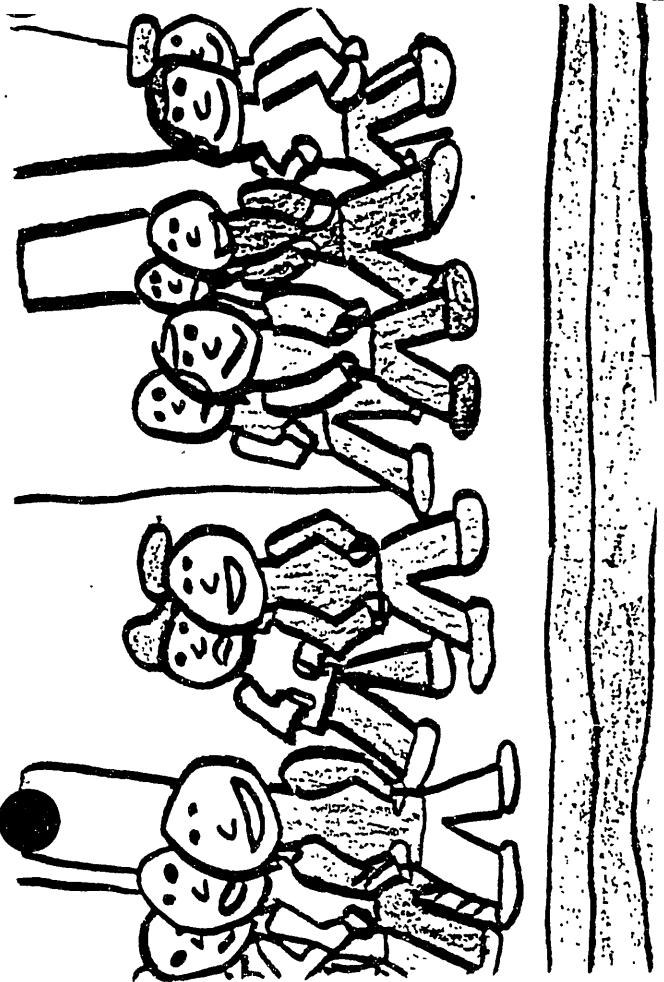
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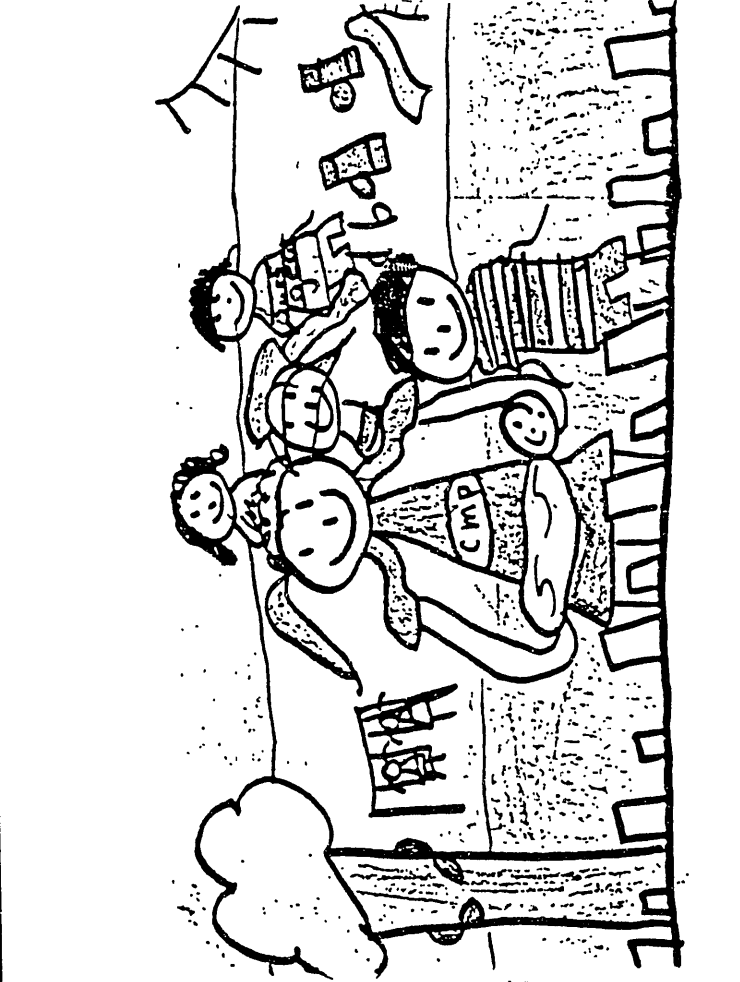
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Texas Ethics Commission

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 Requests

AOR-82. Ethics Advisory Opinion 31 is responsive to the questions raised in AOR-82.

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 August 18, 1992.

TRD-9211403 Sarah Woelk
Director, Advisory Opinions
Texas Ethics Commission

Filed: August 19, 1992

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

◆ ◆ ◆
AOR-93. A state legislator has asked the Ethics Commission whether Article 6252-9b, §7C would prohibit a legislator from providing legal services to a special-purpose district.

AOR-94. A member of a partnership has asked the Ethics Commission whether the partnership, rather than individual partners, may register under Chapter 305 of the Government Code in the following circumstances: Clients contract with the partnership for lobbying services; compensation is paid to the partnership and deposited in the partnership account. Compensation to partners is paid from the partnership account, and partners are reimbursed for all expenses from the partnership account.

AOR-95. A person required to file a financial disclosure statement under Texas Civil Statutes, Article 6252-9b, has asked the Ethics Commission to waive the \$100 for late filing. The requestor states that he received no notification of the change in the filing requirement before the filing deadline.

AOR-96. A member of the legislature has asked the Ethics Commission whether an ad in a magazine published by a youth sports organization that is purchased by an officeholder to congratulate a team must indicate that it is political advertising.

AOR-97. A registered lobbyist has asked about the requirement in the Government Code, §305.005(6) that a registrant report on a lobby registration from "the amount of compensation or reimbursement paid" to the registrant for lobby activity. The question raised is whether this requires a registrant to report both compensation and reimbursement on a lobby registration form. Another question is whether reimbursements for long-distance calls, photocopying, and facsimile transmissions should be reported under §305.005(6).

AOR-98. A member of the legislature has asked the Texas Ethics Commission whether legislators may make officeholder expenditures for dry cleaning and laundry bills incurred in Austin.

AOR-99. A persons required to file a financial disclosure statement under Texas Civil Statutes, Article 6252-9b, has asked the Ethics Commission to waive the \$100 for late filing. The requestor states that he was not required to file in past years and that he received no notification of the change in the filing requirement before the filing deadline.

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

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

TRD-9211402 Sarah Woelk
Director, Advisory Opinions
Texas Ethics Commission

Filed: August 19, 1992

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

◆ ◆ ◆
AOR-100. The Texas Ethics Commission has been asked whether an employee of an underground water conservation districts is excepted from the requirement to register as a lobbyist. If so, the requestor asks whether there are circumstances in which an employee of an underground water conservation district might be required to register as a lobbyist. If there are such circumstances, the requestor asks what registration fee would be applicable.

AOR-101. An elected officer has asked the Texas Ethics Commission to consider the following questions:

1. The Ethics Commission has stated that an asset purchased in part with political contributions is subject in its entirety to regulation under Title 15 of the Election Code. Is it permissible for an officeholder or candidate to reimburse his political funds for personal use of an asset purchased with campaign funds? Is it permissible for a candidate or a officeholder or campaign use of his personal assets?

2. If a candidate or officeholder uses personal assets for campaign or officeholder purposes, should such use be reported under Title 15?

3. May a candidate or officeholder use corporate assets for campaign or officeholder purposes?

4. Must a candidate or officeholder report as a campaign contribution the value of a ticket to an event at which the candidate campaigns and raises funds?

5. If a candidate's supporter spends funds entertaining others for the purpose of soliciting campaign contributions for that candidate, must the cost or source of those entertaining dollars be reported?

AOR-102. The Texas Ethics Commission has been asked whether certain expenses of a letter writing campaign should be paid by the member of a political committee who will incur the expense or by the political committee itself.

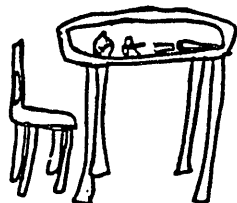
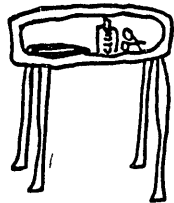
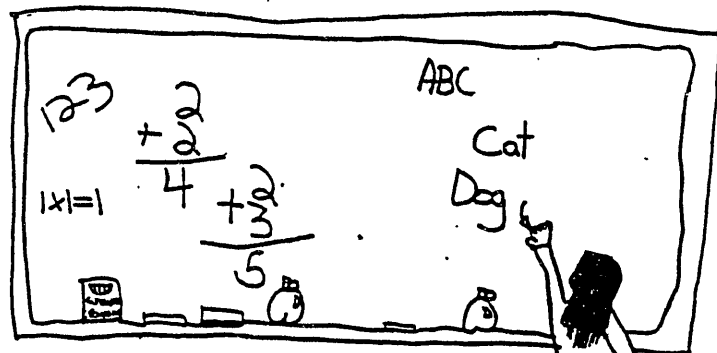
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Issued in Austin, Texas, on August 20, 1992.

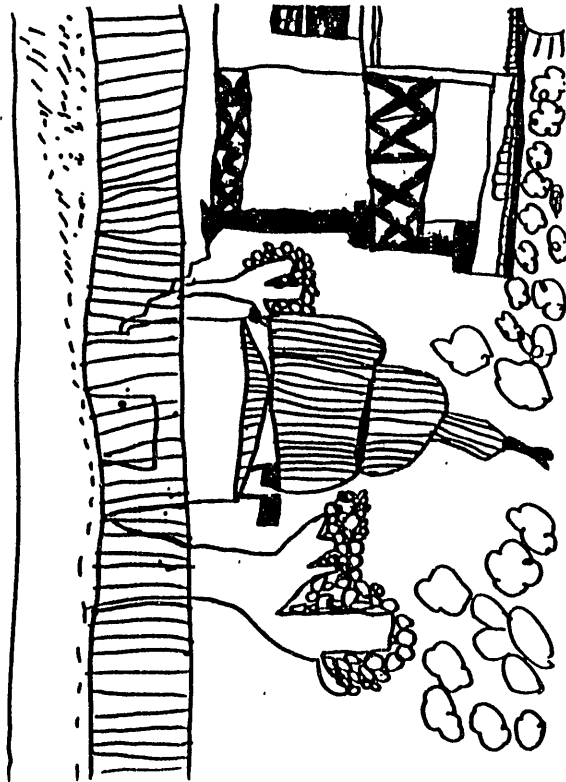
TRD-9211495 Sarah Woelk
Director, Advisory Opinions
Texas Ethics Commission

Filed: August 21, 1992

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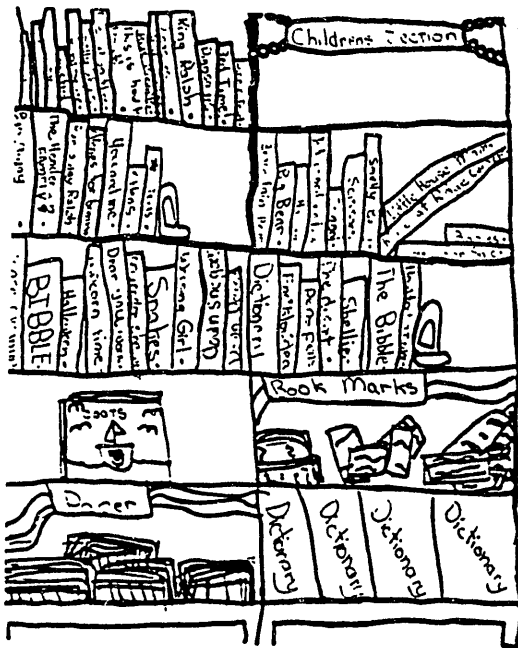


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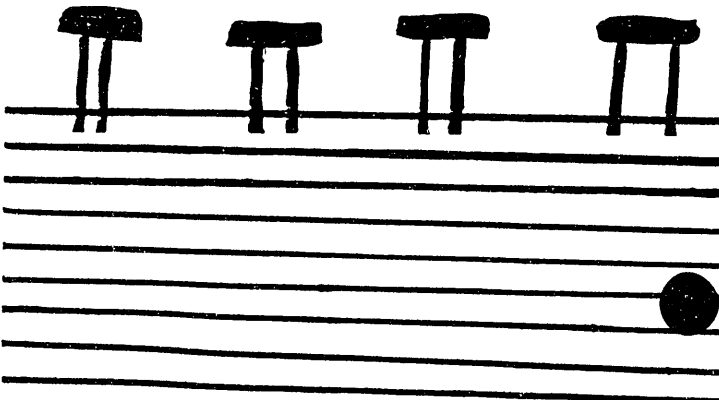


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Proposed Sections

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

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

TITLE 13. CULTURAL RESOURCES

Part IV. Texas Antiquities Committee

Chapter 41. Practice and Procedure

• 13 TAC §§41.3, 41.5, 41.17, 41.21

The Texas Antiquities Committee proposes amendments to §§41.3, 41.5, 41.17, and 41.21 concerning compliance with rules and regulations; definitions; issuance of permits; and application for archeological permit. The amendments are needed to clarify definitions and procedures for the completion of expired antiquities permits. Proposed additions to definitions and standards provide for extensions to expedite completion of permit requirements and specify necessary action where the permittee has demonstrated continued non-compliance with agency rules and has defaulted on permit terms and conditions. Principal investigators and co-principal investigators determined to hold default permits will not meet principal investigator standards. Default status will be automatically withdrawn upon completion of antiquities permit requirements.

Dr. James E. Bruseth, deputy state historic preservation officer, 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. The proposed sections clarify existing requirements and standards.

Dr. Bruseth 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 clear, uniform procedures and standards for completing expired antiquities permits. Timely reporting of investigations on public lands facilitates completion of public works projects and improves management of state owned cultural resources. Distribution of reports to libraries and institutions of higher learning ensures public accessibility and encourages local empowerment.

Comments on the proposal may be submitted to Molly F. Godwin, Administrative Technician, Department of Antiquities Protection, Texas Historical Commission, P. O. Box 12276, Austin, Texas 78711.

The amendments are proposed under the Natural Resources Code, Title 9, Chapter 191

(revised by Senate Bill 231, 68th Legislature, 1983, and by House Bill 2056, 70th Legislature, 1987), §191.052, which provides the Texas Antiquities Committee with the authority to promulgate rules and require contract or permit conditions to reasonably effect the purposes of Chapter 191.

§41.3. Compliance with Rules and Regulations. If the permittee fails to comply with any of the rules and regulations of the Texas Antiquities Committee or any of the terms and conditions of the specific permit involved, or fails to properly conduct or complete the project, or fails to act in the best interest of the state, or fails to meet terms and conditions of defaulted permits, the Antiquities Committee may immediately cancel the permit and notify the permittee of such cancellation by registered letter, mailed to the last address furnished to the committee by the permittee. Upon notification of cancellation, when determined to be appropriate, the permittee shall, in the case of on-going projects, cease work immediately, remove all personnel and equipment, and vacate the area or site within 24 hours. Upon cancellation of a permit, the permittee forfeits all rights to the specimens and data recovered. A permit which has been canceled can be reinstated by the Antiquities Committee if good cause is shown within 30 days.

§41.5. Definitions. The following words and terms, when used in this chapter and the Antiquities Code of Texas, shall have the following meanings, unless the context clearly indicates otherwise.

Default-Failure to fulfill all conditions of a permit or contract, issued or granted to permittee(s), sponsors, principal investigators, and co-principal investigators.

Defaulted permit-A permit that has expired without all permit terms and conditions having been met.

Investigation-Archeological activity including, but not limited to, reconnaissance or intensive survey, testing, or excavation; preservation of rock art; underwater archeological survey, test excavation, or excavations; and monitoring.

Land owning or controlling agency-Any state agency or political subdivision of the state that owns or controls the land(s) in question.

[Project] Sponsor-An agency, individual, institution, organization, corporation or company paying costs of archeological investigation or historic preservation activity or that sponsors, funds, or otherwise functions as a party under a permit.

Professional personnel-Appropriately trained specialists required to perform adequate archeological and architectural investigations. These personnel include the following.

(A) Principal investigator and co-principal investigator. A professional archeologist or underwater archeologist with a demonstrated competence in field archeology and laboratory analysis, as well as experience in administration, logistics, personnel deployment, report publication, and fiscal management. In addition to these criteria the [The] principal investigator or co-principal investigator shall [must]:

(i) have at least three months of full-time experience in a supervisory role involving complete responsibility for a major portion of a project of comparable complexity to that which is to be undertaken under permit; [The principal investigator or co-principal investigator must]

(ii) have demonstrated the ability to disseminate the results of an archeological investigation in published form conforming to current professional standards; [.]

(iii) not hold one or more defaulted permits; [The principal investigator or co-principal investigator must]

(iv) remain on-site a minimum of 25% of the time required for the field investigation and whose names must appear on the project report; [.] [When not on-site, the principal investigator or co-principal investigator must]

(v) provide a field archeologist to supervise the field investigation when not on-site; and [In the event of controversy or court challenge, the principal investigator or co-principal investigator]

(vi) [shall] testify concerning report findings in the event of controversy or court challenge.

(B)-(G) (No change.)

§41.17. Issuance of Permits.

(a) Review by controlling entities. It is the responsibility of the permit applicant to obtain all necessary permissions and signatures prior to submitting a permit application. [On receipt of an application for a permit to carry out an investigation on a State Archeological Landmark, the Antiquities Committee shall supply notification of such application to the owner, agency, individual, or political subdivision having administrative control of the land upon which the site is located for their review prior to issuance of the permit if such application does not come from the owner.]

(b) (No change.)

(c) Permit period. Permits may be issued for a minimum period of six months and up to a maximum period of four years. [Usually no permit will be granted for a period of more than two years, but if the work has been diligently prosecuted under the permit, the time may be extended upon application showing good cause].

(d)-(e) (No change.)

(f) Permit expiration. The expiration date is specified in each permit and is the date by which all terms and conditions must be completed for that permit. It is the responsibility of the permittee(s), sponsors, and principal investigators to meet any and all permit submission terms and conditions prior to the expiration date listed on the permit.

(1) Expiration notification. After October 1, 1992, principal investigators, co-principal investigators, permittee(s), and sponsors will be notified 60 days in advance of permit expiration. The notice regarding expired permits shall state the pending default date and list the terms and conditions to be met to complete permit requirements.

(2) Expiration extension. Permit expiration time may be extended for a maximum period of two years to complete outstanding permit requirements. Only one extension may be granted per permit. At the end of the extension period, if the permit terms and conditions are incomplete, the permit will be determined to be in default.

(g) Expiration exemptions. Permits expired as of October 1, 1992, are automatically extended to September 1, 1993. These permits shall not be eligible for extension beyond this date.

(h) Permit amendments. Proposed changes in the terms and condi-

tions of the permit must be approved by the Texas Antiquities Committee, and all parties will be notified when amendments are approved.

§41.21. Application for Archeological Permit.

(a) Justification for investigation. Investigations undertaken on State Archeological Landmarks, [or] potential Landmarks, or lands owned or controlled by agencies or political subdivisions of the state must be oriented toward solving a particular research problem, preparation of a site for public interpretation, or for the purpose of salvaging information and specimens from a site threatened with immediate destruction.

(b) Eligibility for application. Permits to conduct investigations of any nature on State Archeological Landmarks, [or] potential landmarks, [or] for the discovery of potential landmarks, or lands owned or controlled by agencies or political subdivisions of the state will be issued exclusively by the Texas Antiquities Committee under conditions provided in the Antiquities Code and in these rules and regulations.

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

(4) Principal investigators and co-principal investigators holding on or more defaulted permits are not eligible to apply for additional permits until all terms and conditions of defaulted permits are met.

(C) (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 August 19, 1992.

TRD-9211398 Molly F. Godwin
Administrative Technician
III
Texas Antiquities
Committee

Earliest possible date of adoption: September 28, 1992

For further information, please call: (512) 463-6098



TITLE 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 401. System Administration

Subchapter B. Interagency Agreements

• 25 TAC §401.53

The Texas Department of Mental Health and Mental Retardation proposes amendments to Exhibit J, which is adopted by reference in §401.53, concerning the plan for new bed development in the Texas ICF/MR Program for FYs 1992-1993. The proposed amendments would expand the plan to incorporate a projection of 30 beds for individuals with a related condition (RC). The expansion of the bed plan was approved by the Interagency Council on ICF/MR Facilities at its August 4, 1992 meeting.

In Exhibit J, the department projects a total demand of 102 beds for persons with related conditions. The initial demand for FYs 1992-1993 is projected as 12 with an additional demand for 30 beds. The beds are to be available statewide and not distributed to particular regions because the program is new and clear trends concerning regional bed demand have not emerged.

Leilani Rose, director, Financial Services Department, 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.

Jaylon Fincannon, deputy commissioner, Mental Retardation Services, has determined that the public benefit is expansion of the ICF/MR bed plan to encompass individuals with related conditions. There will be no effect on small businesses. There is no significant anticipated economic cost to persons who are required to comply with the proposed section.

Written comments on the proposal may be sent to Linda Logan, Director, Policy Development, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, within 30 days of publication.

The amendments to the section and to the exhibit which is adopted by reference are proposed under Title 7 of the Health and Safety Code, §533.062, which requires the bed plan to be adopted by rule, and §532.015 which provides the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

§401.53. Plan for New Bed Development in the Texas ICF/MR Program.

(a) The Texas Department of Mental Health and Mental Retardation adopts by reference as Exhibit J "The Plan for New

Bed Development in the Texas ICF/MR Program for State Fiscal Years 1992-1993."

(b) Copies of the plan are filed in the Office of Policy Development, Texas Department of Mental Health and Mental Retardation, 4405 North Lamar Boulevard, Austin, Texas 78756, and may be reviewed during regular business hours.

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

Issued in Austin, Texas, on August 24, 1992.

TRD-9211553

Ann Utley
Chairman
Texas Board of Mental
Health and Mental
Retardation

Earliest possible date of adoption: September 28, 1992

For further information, please call: (512) 465-4670

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter O. State Sales and Use Tax

• 34 TAC §3.323

The Comptroller of Public Accounts proposes an amendment to §3.323, concerning imports and exports. The amendment sets out new export requirements and references the new section on customs brokers, §3.360.

Tom Plaut, chief revenue estimator, has determined that for the first five-year period the section is in effect there will be no significant revenue impact on the state or local government as a result of enforcing or administering the section.

Dr. Plaut 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 providing new information regarding tax responsibilities. This section is adopted under the Tax Code, Title 2, and does not require a statement of fiscal implications for small businesses. There is no significant anticipated economic cost to persons who are required to comply with the proposed section.

Comments on the proposal may be submitted to Charles C. Johnstone, Manager, Tax Administration Division, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.323. Imports and Exports.

(a) 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) Licensed customs broker—A person licensed by the United States Customs Service to act as a custom house broker and registered with the Comptroller of Public Accounts according to the terms of §3.360 of this title (relating to Customs Brokers).

(b) (No change.)

(c) Exports.

(1) When an exemption is claimed because tangible personal property is exported beyond the territorial limits of the United States, proof of export may be shown only by:

(A) (No change.)

(B) documentation that is valid under the terms of §3.360 of this title provided by a licensed United States customs broker certifying that delivery was made to a point outside the territorial limits of the United States;

(C)-(E) (No change.)

(2) The retailer is responsible for obtaining proof of exportation. Except as provided in §3.358 of this title (relating to Maquiladoras), exemption certificates, affidavits, or statements from the purchaser that the goods will be or have been exported are not sufficient to exempt the sale as an export. The Texas proof of export form is no longer acceptable as proof of export. A passport number taken by a seller from a passport issued by a foreign country is not acceptable as proof of export. Documentation of exportation provided to the seller by a person other than the original purchaser listed on the seller's records is not acceptable proof of export, even if such documentation otherwise meets the requirements of this subsection.

(3) Storing property in Texas by the owner prior to exportation is a use of that property in Texas. Property stored or otherwise used or consumed in Texas by the owner loses its exemption as an export. For example, clothing or jewelry actually worn by the purchaser in Texas is used in Texas; automotive parts installed on the purchaser's motor vehicle in Texas are used in Texas if the vehicle is subsequently driven in Texas; and food ready for immediate consumption that is purchased in Texas is presumed to be used in

Texas. Sufficient time will be allowed to arrange for shipping. Property in Texas longer than 30 days from date of purchase will be presumed to have been stored. Any use of the property in Texas by the owner prior to export also causes the loss of the export exemption. Property in the hands of a freight forwarder is not covered by this provision.

(4) The sale of property to military personnel is taxable unless proof of export is maintained as outlined in paragraph (1) of this subsection.

(5) If a seller delivers property to a purchaser in Texas, the seller must collect tax at the time of sale. The tax may not be refunded until the property has actually been exported from the territorial limits of the United States and the seller has received valid proof of export as described in this subsection. Tax not collected will be assessed against the seller. This paragraph does not apply when proof of export is provided to the seller at the time of sale by a maquiladora according to the terms of paragraph (1)(E) of this subsection.

(d) (No change.)

(e) Refunds.

(1) A retailer who collects sales tax on a taxable item which qualifies for exemption under subsection (b) of this section may refund to the original purchaser shown on the invoice the sales tax collected upon presentation by the purchaser of export documentation as required by subsection (c) of this section. A refund issued to a person other than the original purchaser shown on the invoice will be assessed against the seller.

(2) (No change.)

(3) A copy of the certified check, company check, money order, credit memo, or signed cash receipt must be attached to [a copy of] the original export documents and maintained in the seller's files.

(4) In an audit, the auditor must be able to tie the export documents to the original taxable transaction. The seller must retain the original invoice of the sale. Cash register receipts and other records of the original taxable transaction that do not include the name and address of the purchaser and a detailed, specific description of the items purchased are not sufficient to tie the export documents to the original taxable transaction. Refunds made pursuant to undocumented or improperly documented export exemptions will be assessed against the seller.

(f) Records. Please refer to §3.281 of this title (relating to Records Required; Information Required), [and] §3.282 of this

title (relating to Auditing Taxpayer Records), and §3.360 of this title (relating to Customs Brokers).

[(g) Contents of licensed customs broker export certification. The documentation provided by a licensed United States customs broker must, at a minimum, reflect the following information:

[(1) the name and address of the purchaser of the merchandise;

[(2) the name and address of the seller of the merchandise;

[(3) the name and address of the customs broker;

[(4) the date of sale, date of exportation, and location of exportation;

[(5) description of the items exported;

[(6) invoice number and sales price of the items exported;

[(7) the broker's license number and an original signature, together with a certification that the merchandise has been exported. A copy of the United States customs broker's license is not acceptable in lieu of proper certification.

[(h) Suggested form of customs broker's certification. A suggested form for the customs broker's certification is set out as Attachment A.]

[STATE OF TEXAS
[LICENSED CUSTOM BROKER'S EXPORT CERTIFICATION

[_____
Customs Broker name Broker license number

[_____
Customs Broker address

[_____
Purchaser name

[_____
Purchaser address

[_____
Seller name Date of sale

[_____
Seller address

[_____
Description of Merchandise Exported

[_____
Invoice Number Quantity Description Sale Price

[_____

[_____
Export location Date and time of export

[_____
I declare that I am a licensed United States Customs Broker, and
I certify that the merchandise described above was exported from
the location and at the date and time specified above.

[_____
Sign here Customs Broker Date

[_____
Original - Seller Copy - Customs Broker Copy - Purchaser]

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

Issued in Austin, Texas, on August 19, 1992.

TRD-9211412

Martin Cherry
Chief, General Law
Section
Comptroller of Public
Accounts

Earliest possible date of adoption: September 28, 1992

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

◆ ◆ ◆
• 34 TAC §3.360

The Comptroller of Public Accounts proposes new §3.360, concerning customs brokers. The new section sets out the procedures for licensing customs brokers and details their responsibilities in the export process.

Tom Plaut, chief revenue estimator, has determined that for the first five-year period the section is in effect there will be no significant revenue impact on the state or local government as a result of enforcing or administering the section.

Dr. Plaut 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 providing new information regarding tax responsibilities. This section is adopted under the Tax Code, Title 2, and does not require a statement of fiscal implications for small businesses. There is no significant anticipated economic cost to persons who are required to comply with the proposed section.

Comments on the new section may be submitted to Charles C. Johnstone, Manager, Tax Administration Division, P.O. Box 13528, Austin, Texas 78711.

The new section is proposed under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.360. *Customs Brokers.*

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

(1) Licensed customs broker—A United States customs broker who is registered with the comptroller as provided for in this section.

(2) United States customs broker—A person licensed by the United States Customs Service to act as a custom house broker.

(b) Signature needed. Only a licensed customs broker or an employee of a

licensed customs broker may issue and sign a valid export certification form as provided for in §3.323 of this title (relating to Imports and Exports).

(c) Customs broker licensing. A United States customs broker may apply to the comptroller for a license to issue export certifications.

(1) To obtain a license, a broker must submit an application in the form prescribed by the comptroller. There is no application fee.

(2) To be accepted, an application must include the following:

(A) a copy of the applicant's United States customs broker's license;

(F) the applicant's name, address, telephone number, and social security number;

(C) the names, addresses, telephone numbers, and social security numbers of all employees who are authorized to certify exports in the name of the applicant;

(D) copies of the each employee's power of attorney to certify exports in the name of the applicant;

(E) the name of the applicant's business and the address of each location where export certifications are prepared;

(F) the applicant's original signature, together with a certification that the applicant will maintain business records available for inspection by employees of the comptroller on request.

(3) A license issued under this section will continue in effect until surrendered by the broker or until suspended or revoked by the comptroller.

(4) A license issued under this section must be prominently displayed at the broker's primary place of business. A copy of the license must be prominently displayed at each place of business of the broker where export certifications are prepared.

(d) Suspension and revocation of licenses.

(1) The comptroller shall suspend a license issued to a broker whose license to act as a custom house broker has been suspended by the United States Customs Service. The license to issue export certifications will be suspended from the effective date of the suspension issued by

the United States Customs Service until the effective date of reinstatement by the United States Customs Service, unless the comptroller determines that a longer period of suspension is necessary for the enforcement of this section.

(2) The comptroller shall revoke a license issued to a broker whose license to act as a custom house broker has been revoked by the United States Customs Service. The license to issue export certifications will be revoked on the effective date of the revocation of the license issued by the United States Customs Service, unless the comptroller determines that it is necessary for the enforcement of this section to revoke the license at an earlier date.

(3) The comptroller may revoke or suspend a customs broker's license to issue export certifications if the broker has violated a provision of the Tax Code or the comptroller's rules.

(6) Except as provided in paragraph (1) of this subsection, the comptroller may suspend a broker's license:

(A) for not more than 180 days if the broker's license has not been previously suspended or revoked and reinstated;

(B) for not more than 360 days if the broker's license has been previously suspended or revoked and reinstated.

(7) Except as provided in paragraph (2) of this subsection, the comptroller may revoke a broker's license if the broker's license has been suspended at least twice previously or has been previously revoked.

(8) A person whose license the comptroller proposes to revoke or suspend is entitled to 20 days' written notice of the time and place of the hearing on the revocation or suspension. At the hearing the person must show cause why the license should not be suspended or revoked.

(9) The comptroller shall give written notice of the revocation or suspension of a license to the holder of the license. The comptroller may mail the notice to the place designated on the application for a license as the place of business.

(e) Reinstatement of licenses. A United States customs broker whose license to issue export certifications has been revoked under subsection (b) of this section may apply to the comptroller for reinstatement of the license no sooner than three years after the effective date of the revocation. The comptroller may reinstate the license if the comptroller is satisfied that the broker has a good faith intent to comply with the Tax Code and the comptroller's rules.

(f) Export certification stamps.

(1) The comptroller shall design and have printed or manufactured export certification stamps. The comptroller shall determine the design, size, and quantity of stamps manufactured. The stamps shall be manufactured so that they may be easily and securely attached to a licensed customs broker's export certification form. The comptroller may designate the method of identification for the stamps.

(2) The comptroller may change the design of the stamps as often as deemed necessary for the best enforcement of this section. The design of the stamps will be changed at least once each calendar quarter.

(3) A licensed customs broker may obtain export certification stamps from the comptroller. There is no fee for the stamps.

(4) Only a licensed customs broker may receive the stamps. A broker, whose license has been suspended or revoked may not receive stamps.

(5) A stamp is invalid if transferred to a person other than the broker to

whom the comptroller originally issued the stamp or to an employee of that broker.

(g) Records required. A licensed customs broker must keep available for inspection by the comptroller books and records that include, at a minimum, the following:

(1) an exact copy of each export certification issued;

(2) a copy of a Mexican passport, a United States visa, or a crossing card (Mica) attached to each certification issued for an item exported to Mexico;

(3) a ledger that lists sequentially all export certifications issued or voided;

(4) an inventory of export certification stamps received from the comptroller;

(5) a current list of all employees authorized to issue and sign export certifications.

(h) Contents of licensed customs broker export certification. The documentation provided by a licensed United States customs broker must, at a minimum, reflect the following information:

(1) the name and address of the purchaser of the merchandise;

(2) the name and address of the seller of the merchandise;

(3) the name and address of the customs broker;

(4) the date of sale, date of exportation, and location of exportation;

(5) the description of the items exported;

(6) the invoice number and sales price of the items exported;

(7) the broker's license number and an original signature of the broker or the broker's employee, together with a certification that the merchandise has been exported. A copy of the United States customs broker's license is not acceptable in lieu of proper certification;

(8) a valid export certification stamp;

(9) the documentation must be sequentially numbered.

(i) Suggested form of certification. A suggested form for the licensed customs broker's export certification is set out as Attachment A.

Affix export certification stamp here:
Form No. _____

STATE OF TEXAS
LICENSED CUSTOMS BROKER'S EXPORT CERTIFICATION

Customs Broker name Broker license number

Customs Broker address

Purchaser name

Purchaser address

Seller name Date of sale

Seller address

Description of Merchandise Exported

Invoice Number Quantity Description Sale Price

Export location Date and time of export

I declare that I am a licensed United States Customs Broker, and
I certify that the merchandise described above was exported from
the location and at the date and time specified above.

Sign here Customs Broker Date

Original - Seller Copy - Customs Broker Copy - Purchaser

I certify that the merchandise described above was exported from
the location and at the date and time specified above.

Sign here Purchaser Date

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

Issued in Austin, Texas, on August 19, 1992.

TRD-9211413 Martin Cherry
Chief, General Law
Section
Comptroller of Public
Accounts

Earliest possible date of adoption: September 28, 1992

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

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part XIII. Texas Commission on Fire Protection

Chapter 471. Standards for Volunteer Certification

- 37 TAC §§471.1, 471.3, 471.5, 471.7

The Texas Commission on Fire Protection proposes new §§471.1, 471.3, 471.5, and 471.7, concerning standards for the commission's volunteer certification program.

The new sections establish procedures for meetings of the volunteer fire fighter advisory committee, outline objectives of the program, define various terms, and provide for recognition of previous training.

It should be noted that §471.1(d) permits an organization to apply for approval to teach all or part of the curriculum. In addition, the resources need not be owned by the training facility applicant but must be "available and used by the instructor and trainees."

Alton Bostick, director of standards and licensing, has determined that there will be fiscal implications as a result of administering and enforcing these sections. The effect on state government for the first five-year period will be an estimated additional cost of \$71,292 for additional administrative and inspection personnel to supervise the volunteer certification and regulation program, \$153,780 for the second year of the program and \$179,580 for each year thereafter. There will be an increase in revenue due to certification fees and annual participation fees generated by the program. Based on a first-year projection of 1,000 applications for certification and 50 new certificates each year thereafter at \$10 each and 6,000 persons paying an annual participation fee of \$5.00 each it is estimated that revenue will increase by \$40,000 the first year, \$30,500 for each year thereafter. This increase in revenue will be offset by the cost of contracting with an outside agency to administer the program as required by the Texas Government Code, §419.071(b). The effect on local government

for the first five-year period the sections are in effect will depend on whether or not a volunteer fire department is supported by governmental entities within its area of protection and whether or not the volunteer fire department or its members elect to participate in the voluntary certification and regulation program.

Mr. Bostick also has determined that for each of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a greater degree of integration in the fire service in Texas between paid departments and volunteer departments by virtue of training equivalency. Additionally, the program will provide a means of recognition by the state of training for volunteer fire fighter and an opportunity to raise the level of competency and safety of volunteer fire fighters. Inasmuch as the certification program is completely voluntary, there will be no economic cost to persons required to comply with the sections as proposed.

Comments on the proposal may be submitted to Cheryl Smith, Chairperson, Volunteer Fire Fighter Advisory Committee, P.O. Box 2286, Austin, Texas 78768-2286.

The new sections are proposed under the Texas 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; and §419.071(e), which provides the Texas Commission on Fire Protection with authority to establish rules for qualifications relating to education, training programs, continuing education, and testing procedures for the volunteer certification program.

§471.1. Procedures for Meetings.

(a) Time and places. The Volunteer Fire Fighter Advisory Committee shall meet at such times and places in the State of Texas as it deems proper, in accordance with the Texas Government Code, Chapter 419, §419.072.

(b) Meeting called. Meetings shall be called by the chairperson upon his/her own motion, upon the written request of five members, or at the call of the commission.

(c) Quorum. A majority of members shall constitute a quorum.

(d) Officers. Officers of the committee shall consist of a chairperson, vice-chairperson, and secretary. The committee shall elect its officers from the appointed members at the first regularly scheduled meeting following October 1st of each year and as required upon the vacancies of such offices.

§471.3. Minimum Standards Set by the Commission.

(a) General statement. It shall be clearly understood that the specified minimum standards herein described are designated as a minimum program. Participating

entities are encouraged to exceed the minimum program wherever possible. Continuous in-service training beyond the minimum standards for volunteer fire fighter certification is strongly recommended. Nothing in these regulations shall limit or be construed as limiting the powers the participating entity, to enact rules and regulations which establish a higher standard of training than the minimum specified, or which provides for the termination of the services of unsatisfactory personnel during or upon completion of the prescribed probationary period.

(b) Objectives. The objectives of the commission are to raise the level of competence of volunteer fire fighters by establishing specified minimum standards within the scope of the Code creating the commission and outlining its duties and responsibilities. The commission has the authority to:

(1) certify volunteer fire fighter training and educational programs as having attained the minimum required standards specified by the commission;

(2) certify volunteer instructors as having qualified as volunteer fire fighter instructors under such conditions as the commission may prescribe;

(3) direct research in the field of fire protection and to accept gifts and grants for such purposes;

(4) recommend curricula for advanced courses, seminars, and fire science courses in colleges and institutions of higher education at the request of the Coordinating Board, Texas College and University System;

(5) certify persons as having qualified as marine fire protection personnel under such conditions as the commission may prescribe;

(6) certify persons as having qualified as aircraft crash and rescue personnel under such conditions as the commission may prescribe;

(7) certify persons as having qualified in one of the other categories of fire protection personnel under such conditions as the commission may prescribe;

(8) promulgate mandatory minimum requirements for admission in each lowest level categories of fire protection personnel; and

(9) revoke or suspend any certificates issued, or assess administrative penalties, after due process hearing.

§471.5. Definitions.

(a) Certain definitions are used in describing the minimum standards and related requirements as specified by the commission.

(b) Definitions used include.

(1) Accredited training—A curriculum or training program which carries written approval from the commission, credit hours that appear on an official transcript from an accredited college or university, and any fire service training received from a nationally recognized source, i.e., The National Fire Academy.

(2) Approved training—Any training which will be used toward any level of certification must be submitted to the commission for approval prior to the commencement of the training. The training submission must be in a manner specified by the commission and contain all information requested by the commission. The commission will not grant credit twice for the same subject content or course.

(3) Assistant fire chief—The officer occupying the first position subordinate to the head of a fire department.

(4) Chairman—The presiding officer of the commission.

(5) Class hour—Defined as 50 minutes of instruction; also defined as a contact hour.

(6) Code—The official legislation creating the commission.

(7) College credits—Credits earned for studies satisfactorily completed at an accredited institution of higher learning in a program leading to an academic degree.

(8) Commission—Texas Commission on Fire Protection.

(9) Certified volunteer fire fighter—An individual who has successfully completed the requirements, as set forth in Chapter 473 of this title (relating to Volunteer Fire Fighter).

(10) Committee—Volunteer Fire Fighter Advisory Committee

(11) Coordinator—The official responsible for course curriculum, training facility, and/or school (other than fire department) by whatever title he/she may be called.

(12) Department—A fire department which is a part of, or is administered by, a city, a political subdivision, and/or volunteer organization of the state which is responsible for fire prevention and protection, excluding industrial fire brigades.

(13) Fire chief—The head of a fire department.

(14) Fire fighter—A full-time employee of a fire department who has met the certification requirements.

(15) Fire protection personnel—Any person who is a full-paid perma-

nent employee of a government entity and who is assigned full-time duties in one of the following categories: fire suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft crash and rescue fire fighting, fire training, fire education, fire administration and others employed in related positions necessarily or customarily appertaining thereto, excluding industrial fire brigades.

(16) Full-paid—The ordinary and customary income from a particular job.

(17) Full-time—The number of hours that represents the regular, normal, or standard amount of time per week that employees of a government entity normally devote to work related activities.

(18) Government entity—The local authority having jurisdiction as employer of full-time, full-paid fire protection personnel and/or volunteer fire fighter in a state agency, incorporated city, village, town or county, education institution or political subdivision.

(19) High school—A school accredited as a high school by the Texas Education Agency or equivalent education agency.

(20) Instructor—An individual charged with the responsibility of conducting a training school and/or class under the provision of the Code.

(21) Module—Each individual subject area as included in the Basic Volunteer Structure Fire Fighter Curriculum Manual, for example: ladders-32 hours.

(22) Municipality—Any incorporated city, village, or town of this state and any county or political subdivision or district in this state. Municipal pertains to a municipality as herein defined.

(23) Participating volunteer fire fighter—An individual who voluntarily seeks certification and regulation by the commission under the Texas Government Code, Chapter 419, Subchapter D.

(24) Participating volunteer fire department—A fire department who voluntarily seeks regulation by the Commission under the Texas Government Code, Chapter 419, Subchapter D.

(25) School—Any school, college, university, academy, or local training program which offers fire service training and included within its meaning the combination of course curriculum, instructors, and facilities.

(26) Trainee—An individual who is enrolled in any approved fire service training program.

(27) Training officer—The officer or supervisor by whatever he or she may

be called, in charge of the fire department training programs.

(28) Training points—One semester hour earned at any accredited college or university shall equal one training point or 20 class hours of accredited training other than college semester hours shall be equal to one training point.

(29) Volunteer fire fighter—Any person who has met the requirements for membership in a volunteer fire service organization, excluding industrial fire brigades.

(30) Years of experience—Defined as full-time, full-paid service as an employee of a government entity, and/or active membership in a volunteer fire service organization, excluding industrial fire brigades.

§471.7. Minimum Standards for Participation.

(a) Physical condition. The very nature of a fire fighter's job is hazardous and extremely exhausting physically, particularly while on the fire scene. In order to render proper service to his community and in keeping with this sound concept, a fire fighter must be physically sound and free from any defect which may adversely affect his performance of duty. His personal safety and the lives of others will be endangered if he lacks the necessary physical qualifications.

(b) Locally established requirements. Although the commission strongly endorses and supports adequate physical qualifications and good moral character as entrance requirements into the fire department, the matter of establishing entrance requirements is left to the action of the respective local department.

(c) No limitations on localities. Except as expressly provided in this Code creating the commission and outlining its duties, responsibilities, and authority, nothing herein contained shall be deemed to limit the powers, rights, duties, and responsibilities of municipal or county governments, nor to affect provisions of Chapter 325, Acts of the 50th Legislature, 1947 (Article 1269m, Texas Civil Statutes, Article 1269m, Firemen's and Policemen's Civil Service Act, recodified as the Local Government Code, Chapter 143).

(d) Recognition of previous training. Volunteer fire fighters may seek recognition towards completion of the commission's basic volunteer fire fighter curriculum for previous hours of training received before December 31, 1992, and documented by the State Firemen's and Fire Marshals' Association of Texas before April 1, 1993, provided application is made to the commission by the individual for such recognition before September 1, 1993.

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

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

TRD-9211513 Jack Woods
General Counsel
Texas Commission on Fire
Protection

Earliest possible date of adoption: September 28, 1992

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

Chapter 473. Volunteer Fire Fighter

• 37 TAC §§473.1, 473.3, 473.5

The Texas Commission on Fire Protection proposes new §§473.1, 473.3, and 473.5, concerning requirements for volunteer fire fighter certification.

The new sections set forth requirements for certification as a basic volunteer fire fighter, including curriculum requirements, training facilities, examination requirements, and continuing education requirements. The rules outline alternative means of completing an approved basic volunteer fire fighter curriculum and prescribe the content of the curriculum.

Alton Bostick, director of standards and licensing, has determined that there will be fiscal implications as a result of administering and enforcing these sections. The effect on state government for the first five-year period will be an estimated additional cost of \$71,292 for additional administrative and inspection personnel to supervise the volunteer certification and regulation program, \$153,780 for the second year of the program and \$179,580 for each year thereafter. There will be an increase in revenue due to certification fees and annual participation fees generated by the program. Based on a first-year projection of 1,000 applications for certification and 50 new certificates each year thereafter at \$10 each and 6,000 persons paying an annual participation fee of \$5.00 each it is estimated that revenue will increase by \$40,000 the first year, \$30,500 for each year thereafter. This increase in revenue will be offset by the cost of contracting with an outside agency to administer the program as required by the Texas Government Code, §419.071(b). The effect on local government for the first five-year period the sections are in effect will depend on whether or not a volunteer fire department is supported by governmental entities within its area of protection and whether or not the volunteer fire department or its members elect to participate in the voluntary certification and regulation program.

Mr. Bostick also has determined that for each of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a greater degree of integration in the fire service in Texas between paid departments and volunteer de-

partments by virtue of training equivalency. Additionally, the program will provide a means of recognition by the state of training for volunteer fire fighter and an opportunity to raise the level of competency and safety of volunteer fire fighters. Inasmuch as the certification program is completely voluntary, there will be no economic cost to persons required to comply with the sections as proposed.

Comments on the proposal may be submitted to Cheryl Smith, Chairperson, Volunteer Fire Fighter Advisory Committee, P.O. Box 2286, Austin, Texas 78768-2286.

The new sections are proposed under the Texas 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; and §419.071(e), which provides the Texas Commission on Fire Protection with authority to establish rules for qualifications relating to education, training programs, continuing education, and testing procedures for the volunteer certification program.

§473.1. Minimum Standards for Basic Volunteer Fire Fighter.

(a) The effective date of this chapter shall be January 1, 1993. Training programs that are intended to satisfy the requirements for basic volunteer fire fighter certification that are started after the effective date of this chapter, must meet the curriculum, competency, hour, and examination requirements of this chapter.

(b) In order to be certified under this chapter, a basic volunteer fire fighter must complete a commission-approved basic volunteer fire fighter curriculum. An approved basic volunteer fire fighter curriculum shall consist of one of the following:

(1) completion of the commission-approved basic volunteer fire fighter curriculum as specified in Chapter 1, Basic Volunteer Fire Fighter Curriculum, of the commission's document titled "Commission Volunteer Certification Curriculum Manual", as adopted by reference in §473.3, of this title (relating to Basic Volunteer Fire Fighter Curriculum) and successfully pass the commission examinations as specified in Chapter 479 of this title (relating to Examinations for Volunteer Fire Fighter Certification); or

(2) completion of an out-of-state training program deemed equivalent to a commission-approved basic volunteer fire fighter curriculum, and successfully pass the commission examinations as specified in §439.17 of this title (relating to Testing for Proof of Proficiency); or

(3) completion of a military training program deemed equivalent to a commission-approved basic volunteer fire fighter curriculum, and successfully pass the commission examination as specified in §439.17 of this title;

(4) documentation of the receipt of an advanced certification from the State Firemen's and Fire Marshals' Association of Texas before September 1, 1993; or

(5) completion of a training program that meets or exceeds the standards set for an approved basic volunteer fire fighter curriculum and successfully pass the commission examination as specified in Chapter 479 of this title.

(c) All questions of training equivalency will be decided by the commission.

(d) The commission-approved basic volunteer fire fighter curriculum must be taught through a training facility that has been certified by the commission as provided in Chapter 477 of this title (relating to Volunteer Fire Fighter Training Facilities) or Chapter 427, Subchapter A, of this title (relating to Structure Recruit Training Facilities), except as provided in §471.7(d) of this title (relating to Minimum Standards for Participation).

§473.3. Adoption by Reference.

(a) The Texas Commission on Fire Protection adopts by reference Chapter 1, Basic Volunteer Fire Fighter Curriculum, of the commission's document titled "Commission Volunteer Curriculum Manual", as amended.

(b) The document adopted by reference in this section is on file in the offices of the Texas Commission on Fire Protection, 3006B Longhorn Drive, Austin, Texas, 78759, and is available for public inspection during regular working hours. A copy of the document may be obtained upon request and payment of the fee as specified in the Chapter 481 of this title (relating to Volunteer Fire Fighter Certification Fees).

(c) The Basic Volunteer Fire Fighter Curriculum shall include the same subject matters, hours of training, and competencies contained in Chapter 1, Basic Fire Suppression Curriculum, of the Commission's Certification Curriculum Manual for full-time fire protection personnel adopted by referenced in §443.1 of this title (relating to Basic Fire Suppression Curriculum), except that the Basic Volunteer Fire Fighter Curriculum shall also include:

(1) a subject module consisting of a nine-hour introduction to Wildland Fire Suppression for Volunteer Departments course, as offered by the Texas Forest Service, or its equivalent; and

(2) a subject module consisting of 40 hours of training meeting the requirements for certification by the Texas Department of Health, as an emergency care attendant, or its equivalent.

§473.5. Maintaining Certification. In order to maintain volunteer certification a participating individual must submit to the commission documentation of annual continuing education.

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

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

TRD-9211512

Jack Woods
General Counsel
Texas Commission on Fire
Protection

Earliest possible date of adoption: September 28, 1992

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

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**Chapter 475. Volunteer Fire
Fighter Instructor and
Instructor Training**

• **37 TAC §§475.1, 475.3, 475.9,
475.11**

The Texas Commission on Fire Protection proposes new §§475.1, 475.3, 475.9, and 475.11, concerning volunteer fire fighter instructor certification and instructor training.

The new sections outline the requirements for certification as a basic volunteer fire fighter instructor and an intermediate volunteer fire fighter instructor. The requirements are essentially the same as those for paid fire instructors, except that for a limited time period an individual may be certified by the commission as a basic volunteer fire fighter instructor if he or she possesses a State Firemen's and Fire Marshals' Association of Texas intermediate fire fighter certificate and a Level II instructor certificate from the association. Section 475.5 and §475.7 are reserved for advanced volunteer fire fighter instructor certification and master volunteer fire fighter instructor certification, respectively.

Alton Bostick, director of standards and licensing, has determined that there will be fiscal implications as a result of administering and enforcing these sections. The effect on state government for the first five-year period will be an estimated additional cost of \$71,292 for additional administrative and inspection personnel to supervise the volunteer certification and regulation program, \$153,780 for the second year of the program and \$179,580 for each year thereafter. There will be an increase in revenue due to certification fees and annual participation fees generated by the program. Based on a first-year projection of 1,000 applications for certification and 50 new certificates each year thereafter at \$10 each and 6,000 persons paying an annual participation fee of \$5.00 each it is estimated that revenue will increase by \$40,000 the first year, \$30,500 for each year thereafter. This increase in revenue will be offset by the cost of contracting with an outside agency to administer the program as required by the Texas Government Code, §419.071(b). The effect on local government

for the first five-year period the sections are in effect will depend on whether or not a volunteer fire department is supported by governmental entities within its area of protection and whether or not the volunteer fire department or its members elect to participate in the voluntary certification and regulation program.

Mr. Bostick also has determined that for each of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a greater degree of integration in the fire service in Texas between paid departments and volunteer departments by virtue of training equivalency. Additionally, the program will provide a means of recognition by the state of training for volunteer fire fighter and an opportunity to raise the level of competency and safety of volunteer fire fighters. Inasmuch as the certification program is completely voluntary, there will be no economic cost to persons required to comply with the sections as proposed.

Comments on the proposal may be submitted to Cheryl Smith, Chairperson, Volunteer Fire Fighter Advisory Committee, P.O. Box 2286, Austin, Texas 78768-2286.

The new sections are proposed under the Texas 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; and §419.071(e), which provides the Texas Commission on Fire Protection with authority to establish rules for qualifications relating to education, training programs, continuing education, and testing procedures for the volunteer certification program.

§475.1. Minimum Standards for Basic Volunteer Fire Fighter Instructor Certification.

(a) Fire service instructors certificates will be issued by the commission when an individual completes the training and teaching requirements designated in the various certification levels. Complete course descriptions are on file in the commission office for all instructor courses listed in this section

(b) In order to be certified as a basic instructor, the individual must:

(1) have a minimum of three years experience in a fire department, a department of a state agency, education institution, or political subdivision devoted to fire service training and related responsibilities;

(2) be a high school graduate or possess a GED certificate;

(3) be approved by his/her fire chief or supervisor;

(4) possess at least a basic certificate from the commission as a volunteer fire fighter or as full-time, full-paid structural fire protection personnel;

(5) provide documentation that he/she is knowledgeable in the subject he/she desires to instruct;

(6) have completed "instructional techniques for company officers" or 15 class hours of teacher instructional training college level courses or commission-approved "train the trainer" course;

(7) submit an instructor application, with documentation to verify the aforementioned requirements, to the commission for processing.

(c) Prior to September 1, 1993, an individual may be certified as a basic volunteer fire fighter instructor, if he or she possesses as a minimum a State Firemen's and Fire Marshals' Association of Texas intermediate fire fighter certificate and a Level II instructor certificate on or before December 31, 1992, and provides documentation of completion of all of the hours of each competency as outlined in the Basic Volunteer Structure Fire Fighter Curriculum Manual for which the instructor desires to instruct.

§475.3. Minimum Standards for Intermediate Volunteer Fire Fighter Instructor Certification.

(a) In order to be certified as an intermediate volunteer fire fighter instructor, the individual must:

(1) have completed all requirements listed under §475.1(b) of this title (relating to Basic Instructor) except for §475.1(b)(6); (note: Basic instructor certification is not a prerequisite for intermediate instructor certification.) and

(2) have completed a commission-approved "methods of teaching" course consisting of at least 30 class hours or three college semester hours or the "Fire Service Instructional Methodology" course from the National Fire Academy.

(b) Prior to September 1, 1993, an individual may be certified as intermediate instructor, if:

(1) he or she possess as a minimum an advanced certificate from the State Firemen's and Fire Marshals' Association of Texas on or before September 1, 1993; and

(2) has completed a commission-approved "methods of teaching" course consisting of at least 30 class hours or three college semester hours or the "Fire Service Instructional Methodology" course from the National Fire Academy.

§475.9. Minimum Standards for Volunteer Instructional Specialist Certification.

(a) This certificate is designed for individuals who do not qualify for instructor certification in the other instructor categories.

(b) In order to be certified as an instructional specialist the individual must:

(1) have served at least three years in a fire department, department of a state agency, educational institution, or a political subdivision devoted to fire service training or related responsibilities;

(2) have completed a commission-approved "method of teaching" course or equivalent or possess a teaching degree;

(3) submit an application approved by a fire chief or department head of the participating entity; and

(4) submit an instructor application with documentation to verify qualifying education in the subject matter in which the individual will be instructing.

§475.11. Instructor Training Courses.

(a) Descriptions of all approved instructor training courses are on file in the office of the commission.

(b) In order for a "methods of teaching" course to be accepted by the commission toward any level of instructor certification, the course must be taught by an individual who holds one of the following qualifications:

(1) is approved by the Texas Education Agency; or

(2) has all of the following:

(A) a bachelor's degree;

(B) a master instructor certificate from the commission; and

(C) five years teaching experience during which the individual taught a minimum of 400 class hours; or

(3) has all of the following:

(A) a bachelor's degree;

(B) 12 semester hours of education instructional courses, or 120 class hours in the following courses:

(i) "methods of teaching";

(ii) "instructional aids";

(iii) "analysis and course making"; and

(iv) "organization and use of instructional materials"; and

(C) five years teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which

time the individual taught a minimum of 400 class hours; and

(D) demonstrate competency by teaching one "methods of teaching" course under the supervision of a qualified "methods of teaching" instructor.

(c) In all cases the National Fire Academy course, "instructional methodology" can be substituted for both "methods of teaching" and "instructional aids".

(d) In all cases the National Fire Academy course, "course development", can be substituted for both "analysis and course making" and "organization and use of instructional materials".

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

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

TRD-9211511

Jack Woods
General Counsel
Texas Commission on Fire
Protection

Earliest possible date of adoption: September 28, 1992

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

Chapter 477. Volunteer Fire Fighter Training Facilities

• 37 TAC §§477.1, 477.3, 477.5,
477.9, 477.11, 477.13

The Texas Commission on Fire Protection proposes new §§477.1, 477.3, 477.5, 477.7, 477.9, 477.11, and 477.13, concerning volunteer fire fighter training facilities.

The new sections establish resource requirements for commission-approved volunteer fire fighter training facilities, including apparatus, equipment, reference material, testing and records, staff, and administration. In addition, the resources need not be owned by the training facility applicant but must be "available and used by the instructor and trainees."

Alton Bostick, director of standards and licensing, has determined that there will be fiscal implications as a result of administering and enforcing these sections. The effect on state government for the first five-year period will be an estimated additional cost of \$71,292 for additional administrative and inspection personnel to supervise the volunteer certification and regulation program, \$153,780 for the second year of the program and \$179,580 for each year thereafter. There will be an increase in revenue due to certification fees and annual participation fees generated by the program. Based on a first-year projection of 1,000 applications for certification and 50 new certificates each year thereafter at \$10 each and 6,000 persons paying an annual participation fee of \$5.00 each it is estimated that revenue will increase by

\$40,000 the first year, \$30,500 for each year thereafter. This increase in revenue will be offset by the cost of contracting with an outside agency to administer the program as required by Texas Government Code, §419.071(b). The effect on local government for the first five-year period the sections are in effect will depend on whether or not a volunteer fire department is supported by governmental entities within its area of protection and whether or not the volunteer fire department or its members elect to participate in the voluntary certification and regulation program.

Mr. Bostick also has determined that for each of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a greater degree of integration in the fire service in Texas between paid departments and volunteer departments by virtue of training equivalency. Additionally, the program will provide a means of recognition by the state of training for volunteer fire fighter and an opportunity to raise the level of competency and safety of volunteer fire fighters. Inasmuch as the certification program is completely voluntary, there will be no economic cost to persons required to comply with the sections as proposed.

Comments on the proposal may be submitted to: Cheryl Smith, Chairperson, Volunteer Fire Fighter Advisory Committee, P.O. Box 2286, Austin, Texas 78768-2286.

The new sections are proposed under the Texas 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; and §419.071(e), which provides the Texas Commission on Fire Protection with authority to establish rules for qualifications relating to education, training programs, continuing education, and testing procedures for the volunteer certification program.

§477.1. Minimum Standards for Volunteer Fire Fighter Training Facilities.

(a) Minimum requirements for certification for an approved training facility shall include facilities, apparatus, equipment, reference materials, and records to support a quality basic volunteer fire fighter education and training program. The resources must provide for classroom instruction, demonstrations, and practical exercises for the trainees to develop the knowledge and skills required for basic volunteer fire fighter certification.

(b) The facilities and training shall be performance oriented. "Hands-on training with maximum practical participation by trainees should be an integral part of the training program. The evaluation process for each phase of training will emphasize performance testing to determine if the trainee has acquired the knowledge and skills to achieve the required level of competency. NFPA Standard #1001, fire fighter professional qualifications, provides valid and reliable criteria and should be used as a guide for performance testing.

(c) It must be clearly understood that the minimum standards for training facilities are applicable only as the title implies and does not address the additional training facilities which are required for the continuing in-service training essential to the development and maintenance of a well-coordinated and effective fire service organization.

(d) An organization, installation, or facility may submit a written application for certification as an approved training facility to the commission. Such application will include descriptions and addresses of physical facilities together with inventory of apparatus, equipment, and reference material to be utilized in conducting the basic volunteer fire fighter curriculum as specified by the commission and identify the subject matter or module(s) of the curriculum for which approval is sought. It is not required that the equipment be permanently assigned nor kept at a training facility. Photographs of resources, annotated to reflect applicant and identity of the resource, may be included with application.

(e) All training must be submitted to the organization administering the commission-approved curriculum. A training facility should submit a written request to the commission to be issued a set of basic volunteer fire fighter curriculum and performance skills evaluations to be utilized by the training facility instructors. The training facilities instructors are responsible for ensuring that all subjects are taught as stated in Chapter 473 of this title (relating to Volunteer Fire Fighter).

(f) The following minimum resources required for certification as an approved training facility may be combined or separate utilizing one or more structures. In either event the facilities and equipment must be available and used by the instructor and trainees. It is recommended that NFPA 1402 be used as a guideline in constructing and designing training facilities under this chapter. The current standard in effect at the time of construction will be used:

(1) a training tower equivalent to two or more stories in height. The term "training tower" as used in these standards is a structure suitable for training in the practical application of ladder evolutions, rescue drills, hose advancement, and rope work; (It is important to note these key requirements may not be compatible with the requirements for key rate credit. Cities planning to build or modify a training tower should carefully check the criteria for key rate credit prior to expending funds for such a facility.)

(2) a facility for classroom instructions with appropriate environmental control and seating capacity for anticipated trainees. The facility utilized must be conducive to an effective learning environment;

(3) an area for practical application of principles and procedures of fire fighting, pumper driving exercise, pumper operation, to include friction loss, nozzle reaction, fire stream patterns, and GPM discharge utilizing various layouts for hand lines and master stream appliances;

(4) an enclosed area or room for use in practical training with self-contained breathing apparatus. This may be a smoke and fire room or enclosed area which can be charged with smoke-producing devices to provide a realistic training environment.

§477.3. Apparatus-Training Facility.

(a) A pumper apparatus fully equipped as used by the authority having jurisdiction shall be available for use by the instructors to teach pumper apparatus operation. NFPA Standard 1901, Pumper Fire Apparatus, should be used as a guide.

(b) Ladders or a ladder truck as used by the authority having jurisdiction shall be available for use by the instructors to teach ladders or ladder truck operation. NFPA Standard 1901, Pumper Fire Apparatus, should be used as a guide for ladder truck equipment.

(c) The trainee should become familiar with each major type of apparatus utilized by the authority having jurisdiction.

§477.5. Equipment-Training Facility. The following is equipment to be used by training facilities, if applicable:

(1) portable fire extinguishers utilized by the authority having jurisdiction. As a minimum, such extinguishers shall include dry chemical, carbon dioxide and water can;

(2) forcible entry tools utilized by the authority having jurisdiction;

(3) ropes of assorted lengths, with at least one which is not less than 3/4 inch in diameter or shorter than 100 feet in length, suitable for rescue, repelling, and practicing knots and lashings;

(4) salvage and overhaul equipment utilized by authority having jurisdiction;

(5) self-contained breathing apparatus in sufficient numbers to enable each trainee to wear the equipment for at least the life of one breathing air tank during the training (note: American National Standards Institute ANSI Z88. 5 or its successor in the subject, must be used in order to comply with SCBA requirements, 1403 Broadway, New York, NY 10018.);

(6) standard first aid supplies and equipment for the teaching of the first aid training specified in the basic volunteer fire fighter training curriculum (not required

if volunteer fire fighters are trained in ECA/EMT);

(7) standard class room equipment to include chalkboard, speaker rostrum, etc.;

(8) supportive instructional aids available to include audio visual projection equipment. The use of cutaways, models, flip charts, and other visual aids are recommended to enhance effectiveness of the instruction; (note: The training instructor needs to ensure all necessary equipment is available for volunteer fire fighter trainees to use regarding the basic volunteer fire fighter performance skills as identified in commission basic volunteer fire fighter curriculum and to comply with §477.9 of this title (relating to Testing and Records.)) and

(9) other equipment and tools utilized by the authority having jurisdiction. NFPA Standard #1901 should be utilized as a guide.

§477.7. Reference Material-Training Facility.

(a) A reference library is required. The library must contain the publications required to conduct research and develop lesson plans covering the material required in the Basic Volunteer Fire Fighter Standards. (See §473.1 of this title (relating to Basic Volunteer Fire Fighter Certification Standards) and the commission curriculum for a list.)

(b) Current training manuals published by the International Fire Service Training Association (IFSTA), Oklahoma State University, Stillwater, Oklahoma 74074, are recommended. However, any published reference material equivalent to the IFSTA manuals, but not limited to, may be used, including locally prepared training manuals which have been approved provided the material contained therein adequately covers the basic volunteer fire fighter standard.

(c) A current set of National Fire Codes and the Fire Protection Handbook are recommended for the library. These publications are available from the National Fire Protection Association (NFPA), 740 Atlantic Avenue, Boston, Massachusetts 02210.

(d) Fire Service magazines and journals should be available for instructor reference. Such publications contain current events and improved methods which should be utilized to enhance the effectiveness of the training program.

§477.9. Testing and Records-Training Facility.

(a) As a minimum, training records shall be maintained for a period of three years. Training records are required which reflect:

(1) who was trained, subject, instructor, and date of instruction;

(2) individual trainee test scores to include performance testing; and

(3) individual records rather than class records.

(b) A system for evaluating the effectiveness of the instruction, and the comprehension of the trainee is required.

(c) Testing techniques utilized should determine the progress or lack of same for each trainee, both written and performance.

(d) Performance testing shall be done and records kept indicating that each trainee has demonstrated an ability to consistently perform, individually and as a member of a team, all tasks and operations associated with the training in a safe manner and level of competency which contributes to the successful achievement of the purpose for which the task or operation is being performed. Performance testing should be utilized to the maximum extent practical. The performance skills contained in the basic volunteer fire fighter curriculum should be utilized to satisfy performance skills requirements. Each trainee shall be prepared to demonstrate fire fighter skills before a commission representative and/or a representative of the organization administering the program.

(e) Written tests shall be designed to encompass the significant contents of the subjects being taught and phrased in a manner which can be readily understood by a trainee whose comprehension is at a level consistent with the academic level of the material being presented.

(f) A test will be administered at the completion of each required subject module as listed in the volunteer fire fighter curriculum. Trainees must obtain a grade of not less than 70% for all tests administered for each module. This test serves the dual purpose of permitting the instructor to evaluate the effectiveness of the instruction and the comprehension of the trainees. The instructor must determine that each trainee understands and comprehends the subject matter being presented.

(g) The volunteer training facility shall issue to the trainee a certificate of completion for each subject module completed by the trainee with at least a 70% grade on the module test. The certificate of completion shall include the number of hours of training completed, the subject matter of each module, the commission's course approval number; the date, time and place of each course and the signature of the certified instructor.

(h) Copies of written tests will be maintained for periodic review by commission representatives. The training facility

shall maintain copies of all tests for a period of not less than three years.

§477.11. Staff-Training Facility.

(a) The chief training officer, as a minimum, must possess an intermediate volunteer fire fighter instructor certification as required in §475.3 of this title (relating to Minimum Standards for Intermediate Volunteer Fire Fighter Instructor Certification), except as provided in §477.13(e) of this title (relating to General Information Training Facility). The term "chief training officer" as used in these standards is the fire department training officer by whatever title he/she may be called.

(b) All instructors, except guest instructors, must possess as a minimum a basic volunteer fire fighter instructor certificate, as required in §475.1 of this title (relating to Minimum Standards for Basic Volunteer Fire Fighter Instructor Certification). A guest instructor is defined as an individual with special knowledge, skill, and expertise in a specific subject area who has the ability to enhance the effectiveness of the training.

(c) Guest instructors, utilized on a limited basis, are not required to be certified as instructors. These guest instructors can teach under the endorsement of the instructor responsible for the subject being taught.

(d) The commission encourages all training facility staff to upgrade their instructor certification by completing the required teacher-training courses and other education requirements set forth for higher levels of instructor standards.

§477.13. General Information-Training Facility.

(a) All participating training facilities shall meet these minimum requirements. No training credit will be recognized from a training facility that has not been approved by the commission. The commission shall take action on an application for approval of a training facility within 90 days from receipt of same.

(b) Approved training facilities are subject to inspection by the commission or its representative at any time during hours of operation.

(c) An approved training facility is encouraged to upgrade and improve the physical facilities, equipment, and reference material on a continuing basis.

(d) In order to retain the certification as an approved training facility, schools desiring to make substantial changes in the facility or other conditions under which the school was approved shall coordinate such plans with the commission.

(e) The commission or its representative shall be notified promptly of any change in the approved training facility co-

ordinator or chief training officer. A chief training officer must, as a minimum, possess a basic volunteer fire fighter instructor certification and within one year from date of appointment, possess an intermediate volunteer fire fighter instructor certificate. A newly appointed non-fire service coordinator must be certified by the commission in accordance with established procedures to be eligible to receive, upon appointment, an instructional specialist certificate. (refer to §475.9 of this title (relating to Minimum Standards for Volunteer Instructional Specialist Certification)). The term "coordinator", as used in these standards, means the official responsible for training facilities/schools other than fire department(s), by whatever title he/she may be called.

(f) The commission or its representative may revoke the certification of a training facility when, in the judgment of the commission, the school:

(1) is inadequate and fails to provide the quality of training required;

(2) fails to comply with commission rules and/or these minimum standards; or

(3) fails to submit required reports in a timely manner or submits false reports to the commission.

(g) The administrative procedure set forth in the Chapter on Practice and Procedure adopted by the Texas Commission on Fire Protection, will be followed prior to suspending or revoking the certificate of an approved training facility.

(1) The commission will provide the authority having jurisdiction (fire chief or fire departments and coordinator for other facilities/schools) written notice of alleged discrepancies and/or violations.

(2) The written notice by the commission must specifically state the discrepancies and/or violations and the commission rules and/or standards alleged to have been violated.

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

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

TRD-9211510

Jack Woods
General Counsel
Texas Commission on Fire
Protection

Earliest possible date of adoption: September 28, 1992

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

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Chapter 479. Examinations for Volunteer Fire Fighter Certification

- 37 TAC §§479.1, 479.3, 479.5, 479.7, 479.9, 479.11

The Texas Commission on Fire Protection proposes new §§479.1, 479.3, 479.5, 479.7, 479.9, and 479.11, concerning examinations for volunteer fire fighter certification.

The new sections establish general examination requirements and procedures and outline criteria for eligibility, grading, and performance skills for examinations for certification as a basic volunteer fire fighter. The sections as proposed permit an applicant who has completed the relevant portions of the basic volunteer fire fighter curriculum to take an examination on each module or subject area, or, alternatively, to take a comprehensive final examination for commission certification as a basic volunteer fire fighter.

Alton Bostick, director of standards and licensing, has determined that there will be fiscal implications as a result of administering and enforcing these sections. The effect on state government for the first five-year period will be an estimated additional cost of \$71,292 for additional administrative and inspection personnel to supervise the volunteer certification and regulation program, \$153,780 for the second year of the program and \$179,580 for each year thereafter. There will be an increase in revenue due to certification fees and annual participation fees generated by the program. Based on a first-year projection of 1,000 applications for certification and 50 new certificates each year thereafter at \$10 each and 6,000 persons paying an annual participation fee of \$5.00 each it is estimated that revenue will increase by \$40,000 the first year, \$30,500 for each year thereafter. This increase in revenue will be offset by the cost of contracting with an outside agency to administer the program as required by the Texas Government Code, §419.071(b). The effect on local government for the first five-year period the sections are in effect will depend on whether or not a volunteer fire department is supported by governmental entities within its area of protection and whether or not the volunteer fire department or its members elect to participate in the voluntary certification and regulation program.

Mr. Bostick also has determined that for each of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a greater degree of integration in the fire service in Texas between paid departments and volunteer departments by virtue of training equivalency. Additionally, the program will provide a means of recognition by the state of training for volunteer fire fighter and an opportunity to raise the level of competency and safety of volunteer fire fighters. Inasmuch as the certification program is completely voluntary, there will be no economic cost to persons required to comply with the sections as proposed.

Comments on the proposal may be submitted to Cheryl Smith, Chairperson, Volunteer Fire Fighter Advisory Committee, P.O. Box 2286, Austin, Texas 78768-2286.

The new sections are proposed under the Texas 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; and §419.071(e), which provides the Texas Commission on Fire Protection with authority to establish rules for qualifications relating to education, training programs, continuing education, and testing procedures for the volunteer certification program.

§479.1. Requirements-General.

(a) In order to be certified by the commission as a basic volunteer fire fighter, an individual must complete the standards set forth in §473.1(b) of this title (relating to Minimum Standards for Basic Volunteer Fire Fighter) for an approved basic volunteer fire fighter curriculum, as adopted, and must pass all commission-approved examinations pertaining to each respective curriculum module or a comprehensive final examination.

(b) Commission-approved module examinations and the comprehensive final examination shall consist of at least a written test.

(c) The commission-approved module examinations and the comprehensive final examination may also include a skills or proficiency test on certain and specific modules where proficiency in the certain and specific modules is/are deemed important and/or necessary by either NFPA standard, OSHA mandates for life safety, or the Texas Commission on Fire Protection.

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

Commission-The Texas Commission on Fire Protection.

Curriculum-The competencies established by the commission as a minimum requirement for certification as a commission-approved basic volunteer fire fighter.

Module-Each individual subject area as included in the Basic Volunteer Fire Fighter Curriculum Manual, for example: fire service ladders-32 hours.

Eligibility-A determination of whether or not an individual has met the requirements set by the commission and would therefore be allowed to take a commission examination.

Endorsement of eligibility-A signed statement testifying to the fact that an individual has met the training hour requirements of a specific subject module of the commission-approved curriculum and is qualified to take a commission-approved examination of such module. An endorsement of eligibility will usually be provided by the training coordinator of an approved

basic volunteer fire fighter certification school or course; however, it may be provided by a member of the commission staff in certain circumstances.

Examination-A commission-approved test administered by the commission and/or a commission approved examiner, which an examinee must pass as one of the requirements for certification.

Examinee-An individual who has met the commission requirements and therefore qualifies to take a commission-approved examination.

Examiner-An individual appointed and/or approved by the commission to administer a commission-approved examination.

Certificate of successful completion-A document supplied by the commission which identifies and shall be used as proof that an individual has completed the required training hours and has successfully passed the commission approved examination(s) for a specific subject module of the Basic Volunteer Fire Fighter Curriculum.

§479.5. Procedures.

(a) Procedures for conducting written and/or performance examinations are determined by the commission.

(b) The commission shall prescribe the content of any certification examination that tests the knowledge and/or skill of the examinee concerning the discipline addressed by the examination.

(c) An individual who fails to pass a commission examination will be given one additional opportunity to pass the examination. After two failures, the examinee must re-qualify by repeating the curriculum applicable to that examination.

(d) To apply for a commission-approved examination, the designated training coordinator of the entity providing the training must complete that portion of the "Course/School Prior Approval Submission Form (CFP-T)." The CFP-T form must be submitted to the commission at least 20 days prior to the proposed starting date of the course.

(e) Each examination must be administered by a member of the commission staff or by a commission-approved examiner under the direction of the designated training coordinator.

(f) The commission-approved examiner will not be the instructor of the subject module which is being tested.

(g) The examiner(s) shall:

(1) ensure that the examination remains secure and is conducted under conditions warranting honest results;

(2) collect all examination materials from any examinee who is dismissed; and

(3) record the fact of examination on the endorsement of eligibility and shall collect any fraudulent or questionable endorsements.

(h) The examiner(s) shall:

(1) monitor the examination while in progress;

(2) control entrance to and exit from the test site;

(3) permit no one in the room while the written test is in progress except examiner(s), examinees, and commission staff;

(4) assign or re-assign seating; and

(5) bar admission to or dismiss any examinee who fails to comply with any of the provisions of §479.7(a) and (b) of this title (relating to Eligibility).

(i) All official grading and notification shall come from the examiner. The examiner shall inform the examinee of the test results as soon as reasonably possible after completion of the examination.

(j) The examiner will provide an individual written grade report to each examinee within 10 days after the completion of the examination.

(k) Upon the successful completion of the commission-approved examination by the examinee, the training entity shall provide to the examinee, within 60 days, a certificate of successful completion. All certificates of successful completion shall identify the specific subject module addressed by the examination and shall include the commission-approved course number as provided by the commission.

§479.7. Eligibility.

(a) Eligibility to sit for a commission-approved examination is based, generally, upon the examinee completing the training hours required appropriate to the specific module of the commission basic volunteer fire fighter curriculum or after completion of the minimum standards as specified in §473.1(b) of this title (relating to Minimum Standards for Basic Volunteer Fire Fighter).

(b) In order to qualify to take a commission-approved examination, the examinee must:

(1) meet or exceed the minimum training requirements set by the commission as a prerequisite for the specified module examination or meet the minimum standards as provided in §473.1(b) of this title;

(2) possess and display upon request, at the test site, a valid and timely endorsement of eligibility for the specific examination sought;

(3) bring to the test site and display upon request some identification which contains a photograph of the examinee;

(4) report to the proper location on time; and

(5) comply with all the written and verbal instructions of the examiner.

(c) An examinee shall not:

(1) violate any of the fraud provisions of this section;

(2) disrupt the examination;

(3) bring into the examination site any books, notes, or other written materials related to the content of the examination unless specifically permitted by the examiner;

(4) refer to or use any such written material at the examination unless specifically permitted by the examiner;

(5) give or receive answers or communicate in any manner with another examinee during the examination;

(6) communicate any of the contents of any examination to another at any time;

(7) steal, copy, or in any way reproduce any part of the examination;

(8) engage in any deceptive or fraudulent act either during an examination or to gain admission to it; or

(9) solicit, encourage, direct, assist, or aid another person to violate any provision of this section.

(d) An endorsement of eligibility may be issued by:

(1) a member of the commission staff;

(2) a training coordinator of an approved academy; or

(3) an individual or entity designated by the commission.

(e) An endorsement of eligibility shall:

(1) be on a form provided by the commission; and

(2) be signed and completed by a person eligible under subsection (d) of this section, with a specific notation of the module training hours and/or standards completed and examination sought;

(3) include a date of issue; and

(4) include a date of expiration which shall be one year from the date of issue.

§479.9. Grading.

(a) For a score to be or remain valid, the examinee must do the following.

(1) The examinee must complete the answer sheet or otherwise record the answers, as instructed by the proctor.

(2) If performance skills are required as a part of the examination, then the examinee must demonstrate the performance skills as instructed by the proctor.

(3) The endorsement of eligibility must remain valid.

(b) The minimum passing score of each written examination shall be 70%. This means that 70% of the total possible questions must be answered correctly.

§479.11. Performance Skills. If performance skills are required as part of a commission-approved examination for a specific module, the performance skills portion shall be conducted as follows.

(1) The performance skills portion of the examination shall consist of at least practical skills objectives related directly to the specific subject module of the commission-approved basic volunteer fire fighter curriculum.

(2) The performance skills chosen for the purpose of the examination shall be taken from a commission-approved list of essential performance skills or the specific subject module and/or other performance skills approved by the commission prior to the issuance of a course approval number.

(3) An examinee shall not be notified of the specific skills to be tested until the time of the examination.

(4) Failure of any part of the essential performance skills portion of a module examination constitutes failure of the entire performance skills portion of the examination.

(5) An examinee being retested on the essential performance skills portion of a module examination shall be tested on selected skills from the same subject areas as the original module examination, to be determined by the examiner.

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

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

TRD-9211509

Jack Woods
General Counsel
Texas Commission on Fire
Protection

Earliest possible date of adoption: September 28, 1992

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

Chapter 481. Volunteer Fire Fighter Certification Fees

- 37 TAC §§481.1, 481.3, 481.5, 481.7, 481.9

The Texas Commission on Fire Protection proposes new §§481.1, 481.3, 481.5, 481.7, and 481.9, concerning volunteer fire fighter fees.

The new sections establish fees for the volunteer fire fighter certification program, including a one time \$10 certification fee for each certificate as well as an annual participation fee of \$5.00. Fees for standards manuals and curriculum manuals are set at \$20 each.

Alton Bostick, director of standards and licensing, has determined that there will be fiscal implications as a result of administering and enforcing these sections. The effect on state government for the first five-year period will be an estimated additional cost of \$71,292 for additional administrative and inspection personnel to supervise the volunteer certification and regulation program, \$153,780 for the second year of the program and \$179,580 for each year thereafter. There will be an increase in revenue due to certification fees and annual participation fees generated by the program. Based on a first-year projection of 1,000 applications for certification and 50 new certificates each year thereafter at \$10 each and 6,000 persons paying an annual participation fee of \$5.00 each it is estimated that revenue will increase by \$40,000 the first year, \$30,500 for each year thereafter. This increase in revenue will be offset by the cost of contracting with an outside agency to administer the program as required by Texas Government Code, §419.071(b). The effect on local government for the first five-year period the sections are in effect will depend on whether or not a volunteer fire department is supported by governmental entities within its area of protection and whether or not the volunteer fire department or its members elect to participate in the voluntary certification and regulation program.

Mr. Bostick also has determined that for each of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a greater degree of integration in the fire service in Texas between paid departments and volunteer departments by virtue of training equivalency. Additionally, the program will provide a means of recognition by the state of training for volunteer fire fighter and an opportunity to raise the level of competency and safety of volunteer fire fighters. Inasmuch as the certification program is completely voluntary, there will be no economic cost to persons required to comply with the sections as proposed.

Comments on the proposal may be submitted to Cheryl Smith, Chairperson, Volunteer Fire Fighter Advisory Committee, P.O. Box 2286, Austin, Texas 78768-2286.

The new sections are proposed under the Texas 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; and §419.071(e), which provides the Texas Com-

mission on Fire Protection with authority to establish rules for qualifications relating to education, training programs, continuing education, and testing procedures for the volunteer certification program.

§481.1. Fees—Purpose and Scope.

(a) The purpose of these sections is to set forth requirements, governing the fees charged for the issuance of certificates to qualified volunteer fire fighters, instructors, and training facilities to establish the procedures for the collection of manual fees and copying fees.

(b) These sections shall govern all proceedings before and dealing with the Texas Commission on Fire Protection concerning volunteer certification fees, manual fees, and copying fees. Hearings and appellate proceedings regarding these fees shall be governed by these sections where applicable and by the rules of practice and procedure of the Texas Commission on Fire Protection and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

§481.3. Fees—Certification.

(a) A one time \$10 certification fee is required for each certificate issued by the commission under the volunteer certification program. In addition, a \$5.00 annual participation fee is required for each participating individual regardless of the number of certificates held by said individual.

(b) The certification fees must be in the form of a cashier's check, money order, volunteer entity check, or personal check.

(c) Certification fees shall not be combined with other fees such as fees for commission manuals or copying fees.

(d) The following are certificates issued by the Texas Commission on Fire Protection for which fees are required:

- (1) basic volunteer fire fighter;
- (2) basic volunteer instructor;
- (3) intermediate volunteer instructor;
- (4) volunteer instructor specialist;
- (5) approved training facility;

§481.5. Fees—Standards Manual.

(a) A fee of \$20 will be charged for each copy of the commission's Volunteer Standards Manual.

(b) The Standards Manual fees shall not be combined with certification fees or copying fees.

(c) Payment shall be by money order, certified check, volunteer entity check, or personal check.

§481.7. Fees—Volunteer Curriculum Manual.

(a) A fee of \$20 will be charged for each Volunteer Curriculum Manual.

(b) The Volunteer Curriculum Manual fee shall not be combined with certification fees or copying fees.

(c) Payment shall be by money order, certified check, volunteer entity check, or personal check.

§481.9. Fees—Copying.

(a) All photographic reproduction of records or documents in the files of the commission and prepared on standard office machines will be furnished for a fee as follows:

(1) for 50 pages or less of readily available information the charge shall be \$.10 per page; or

(2) for more than 50 pages of readily available information, the charge shall be \$.85 for the first page and \$.15 for each additional page; or

(3) for any quantity of information deemed to be not readily available, the actual charge shall be the combined components of \$.70 for the first page and \$.15 for each page thereafter plus actual labor costs incurred by the commission in providing the requested information.

(b) For address and telephone number lists of fire service agencies the charge will be \$5.00 per list.

(c) For mailing address peel-off labels of fire service agencies the charge will be \$10 per list.

(d) Payment shall be by money order, certified check, volunteer entity check, or personal check.

(e) Copy fees shall not be combined with certification fees. Copy fees may not be combined with commission manual fees and lesson plan fees.

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

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

TRD-9211508

Jack Woods
General Counsel
Texas Commission on Fire
Protection

Earliest possible date of adoption: September 28, 1992

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



Chapter 483. Volunteer Fire Fighter Safety

• 37 TAC §§483.1, 483.3, 483.5

The Texas Commission on Fire Protection proposes new §§483.1, 483.3, and 483.5, concerning volunteer fire fighter safety.

The new sections apply the same standards applicable to paid fire protection personnel for protective clothing and self-contained breathing apparatus, with minor changes to adapt them to the volunteer fire fighters circumstances.

Alton Bostick, director of standards and licensing, has determined that there will be fiscal implications as a result of administering and enforcing these sections. The effect on state government for the first five-year period will be an estimated additional cost of \$71,292 for additional administrative and inspection personnel to supervise the volunteer certification and regulation program, \$153,780 for the second year of the program and \$179,580 for each year thereafter. There will be an increase in revenue due to certification fees and annual participation fees generated by the program. Based on a first-year projection of 1,000 applications for certification and 50 new certificates each year thereafter at \$10 each and 6,000 persons paying an annual participation fee of \$5.00 each it is estimated that revenue will increase by \$40,000 the first year, \$30,500 for each year thereafter. This increase in revenue will be offset by the cost of contracting with an outside agency to administer the program as required by the Texas Government Code, §419.071(b). The effect on local government for the first five-year period the sections are in effect will depend on whether or not a volunteer fire department is supported by governmental entities within its area of protection and whether or not the volunteer fire department or its members elect to participate in the voluntary certification and regulation program.

Mr. Bostick also has determined that for each of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a greater degree of integration in the fire service in Texas between paid departments and volunteer departments by virtue of training equivalency. Additionally, the program will provide a means of recognition by the state of training for volunteer fire fighter and an opportunity to raise the level of competency and safety of volunteer fire fighters. Inasmuch as the certification program is completely voluntary, there will be no economic cost to individuals required to comply with the sections as proposed.

Comments on the proposal may be submitted to Cheryl Smith, Chairperson, Volunteer Fire Fighter Advisory Committee, P.O. Box 2286, Austin, Texas 78768-2286.

The new sections are proposed under the Texas 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; and §419.071(e), which provides the Texas Commission on Fire Protection with authority to

establish rules for qualifications relating to education, training programs, continuing education, and testing procedures for the volunteer certification program.

§483.1. *Protective Clothing for Volunteer Fire Fighters.* A participating volunteer fire fighter and a participating volunteer fire department shall comply with the requirements of §435.1 of this title (relating to Protective Clothing); provided, however, that protective clothing shall also include bunker pants. For purposes of this section the reference in §435.1 of this title to the "employing entity" shall apply to a participating volunteer fire department and the requirements in §435.1 of this title pertaining to "fire protection personnel" shall apply to a participating volunteer fire fighter.

§483.3. *Self-Contained Breathing Apparatus for Volunteer Fire Fighters.* A participating volunteer fire fighter and a participating volunteer fire department shall comply with the requirements of §435.3 of this title (relating to Self-Contained Breathing Apparatus); provided, however, that samples of the air used to fill the cylinders of self-contained breathing apparatus shall be tested at least quarterly. For the purposes of this section the reference in §435.3 of this title to "employing entity" shall apply to a participating volunteer fire department and the reference to "on duty fire protection personnel" shall apply to a participating volunteer fire fighter who would be exposed to hazardous atmospheres from fire or other emergencies or where the potential for such exposure exists.

§483.5. *Commission Recommendations.* The commission recommends that all employing entities use as a guide, for all fire protection operations, the following publications:

- (1) NFPA 1403, Live Fire Training Evolutions; and
- (2) NFPA 1500, Fire Department Occupational Safety and Health Program.

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

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

TRD-9211507 Jack Woods
General Counsel
Texas Commission on Fire
Protection

Earliest possible date of adoption: September 28, 1992

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

Chapter 487. Eligibility for Volunteer Fire Fighter Certification as Fire Protection Personnel

• 37 TAC §487.1, §487.3

The Texas Commission on Fire Protection proposes new §487.1 and §487.3, concerning eligibility for volunteer fire fighter certification as fire protection personnel.

The new sections outline the requirements and procedures for eligibility for volunteer fire fighter certification as paid fire fighter personnel, as provided in the Texas Government Code, §419.075, including an examination requirement.

Alton Bostick, director of standards and licensing, has determined that there will be fiscal implications as a result of administering and enforcing these sections. The effect on state government for the first five-year period will be an estimated additional cost of \$71,292 for additional administrative and inspection personnel to supervise the volunteer certification and regulation program, \$153,780 for the second year of the program and \$179,580 for each year thereafter. There will be an increase in revenue due to certification fees and annual participation fees generated by the program. Based on a first-year projection of 1,000 applications for certification and 50 new certificates each year thereafter at \$10 each and 6,000 persons paying an annual participation fee of \$5.00 each it is estimated that revenue will increase by \$40,000 the first year, \$30,500 for each year thereafter. This increase in revenue will be offset by the cost of contracting with an outside agency to administer the program as required by the Texas Government Code, §419.071(b). The effect on local government for the first five-year period the sections are in effect will depend on whether or not a volunteer fire department is supported by governmental entities within its area of protection and whether or not the volunteer fire department or its members elect to participate in the voluntary certification and regulation program.

Mr. Bostick also has determined that for each of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a greater degree of integration in the fire service in Texas between paid departments and volunteer departments by virtue of training equivalency. Additionally, the program will provide a means of recognition by the state of training for volunteer fire fighter and an opportunity to raise the level of competency and safety of volunteer fire fighters. Inasmuch as the certification program is completely voluntary, there will be no economic cost to persons required to comply with the sections as proposed.

Comments on the proposal may be submitted to Cheryl Smith, Chairperson, Volunteer Fire Fighter Advisory Committee, P.O. Box 2286, Austin, Texas 78768-2286.

The new sections are proposed under the Texas 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; and §419.071(e), which provides the Texas Commission on Fire Protection with authority to establish rules for qualifications relating to education, training programs, continuing education, and testing procedures for the volunteer certification program.

§487.1. Eligibility.

(a) In order to be eligible to be certified to be fire protection personnel under Chapter 423 of this title (relating to Fire Suppression), a volunteer fire fighter must complete the curriculum and examination requirements set forth in §423.1 of this title (relating to Minimum Standards for Basic Structure Fire Protection Personnel).

(b) A volunteer fire fighter is deemed to have completed the equivalent of a commission-approved basic fire suppression curriculum if he or she:

(1) held an active State Firemen's and Fire Marshals' Association of Texas advanced certification on May 1, 1991;

(2) has completed the training required for a State Firemen's and Fire Marshals' Association of Texas advanced certification no later than December 31, 1992; or

(3) has completed a commission-approved volunteer fire fighter certification program and holds a certificate issued by the commission as a basic volunteer fire fighter.

(c) A volunteer fire fighter who meets the training equivalency requirements of subsection (b) of this section is entitled to receive an endorsement of eligibility to sit for a commission examination, as provided in §439.9 of this title (relating to Eligibility).

(d) The commission examination required prior to assignment to fire suppression duties as a full-time fully paid fire protection personnel must be conducted according to the requirements set forth in Chapter 439 of this title (relating to Examinations).

(e) An eligible volunteer fire fighter who has completed the examination requirement of this section must comply with §439.17 of this title (relating to Testing for Proof of Proficiency) in order to maintain his or her eligibility to be certified to be fire protection personnel.

§487.3. Employment Requirements. An eligible volunteer fire fighter who becomes employed in a position as a full-time full-paid structure fire protection personnel must meet the requirements for length of employment set forth in §423.1 of this title (relating to Minimum Standards for Basic

Structure Fire Protection Personnel) in order to be certified as fire protection personnel.

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

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

TRD-9211505

Jack Woods
General Counsel
Texas Commission on Fire
Protection

Earliest possible date of adoption: September 28, 1992

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

Chapter 489. Volunteer Fire Department Inspections

• 37 TAC §§489.1, 489.3, 489.5, 489.7, 489.9

The Texas Commission on Fire Protection proposes new §§489.1, 489.3, 489.5, 489.7, and 489.9, concerning volunteer fire department inspections.

The new sections establish a procedure for a volunteer fire department seeking regulation from the commission to request an inspection for compliance with requirements pertaining to protective clothing, SCBA, training facilities, and training records. Although approval or certification may be denied for noncompliance, the rules authorize administrative penalties only in the case of falsified records, inasmuch as the program is a voluntary certification and regulation program for volunteer fire fighters and departments.

Alton Bostick, director of standards and licensing, has determined that there will be fiscal implications as a result of administering and enforcing these sections. The effect on state government for the first five-year period will be an estimated additional cost of \$71,292 for additional administrative and inspection personnel to supervise the volunteer certification and regulation program, \$153,780 for the second year of the program and \$179,580 for each year thereafter. There will be an increase in revenue due to certification fees and annual participation fees generated by the program. Based on a first-year projection of 1,000 applications for certification and 50 new certificates each year thereafter at \$10 each and 6,000 persons paying an annual participation fee of \$5.00 each it is estimated that revenue will increase by \$40,000 the first year, \$30,500 for each year thereafter. This increase in revenue will be offset by the cost of contracting with an outside agency to administer the program as required by the Texas Government Code, §419.071(b). The effect on local government for the first five-year period the sections are in effect will depend on whether or not a volunteer fire department is supported by governmental entities within its area of protection and whether or not the volunteer fire department or its members elect to participate in the voluntary certification and regulation program.

Mr. Bostick also has determined that for each of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a greater degree of integration in the fire service in Texas between paid departments and volunteer departments by virtue of training equivalency. Additionally, the program will provide a means of recognition by the state of training for volunteer fire fighter an opportunity to raise the level of competency and safety of volunteer fire fighters. Inasmuch as the certification program is completely voluntary, there will be no economic cost to persons required to comply with the sections as proposed.

Comments on the proposal may be submitted to Cheryl Smith, Chairperson, Volunteer Fire Fighter Advisory Committee, P.O. Box 2286, Austin, Texas 78768-2286.

The new sections are proposed under the Texas 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; and §419.071(e), which provides the Texas Commission on Fire Protection with authority to establish rules for qualifications relating to education, training programs, continuing education, and testing procedures for the volunteer certification program.

§489.1. Request for Inspection. A participating volunteer fire department may request an administrative inspection in accordance with Chapter 445 of this title (relating to Administrative Inspections and Penalties), for compliance with the requirements pertaining to protective clothing, self-contained breathing apparatus, training facilities, and training records. The commission shall conduct an inspection as soon as practical. If such inspection cannot be conducted within 60 days of such request, the commission shall notify the volunteer fire department of a proposed alternate inspection date.

§489.3. Report of Inspection. The commission inspector shall furnish a report to the volunteer fire department indicating areas of compliance and noncompliance. The volunteer fire department shall submit a schedule of corrective action to the commission within 30 days to address the areas of noncompliance. The schedule of corrective action shall not exceed one year from the date of the report indicating noncompliance. The participating volunteer fire department may request a follow-up inspection to determine compliance.

§489.5. Administrative Penalties. A participating volunteer fire department or volunteer fire fighter will not be subject to an administrative penalty under this chapter as a result of an inspection except for:

(1) false training records indicating compliance with curriculum training requirements when in fact the requirements were not met;

(2) false self-contained breathing apparatus records or air quality records indicating compliance with commission requirements when in fact the requirements were not met; or

(3) false protective clothing records indicating compliance with commission requirements when in fact the requirements were not met.

§489.7. Training Facilities. A training facility which fails to comply with Chapter 477 of this title (relating to Volunteer Fire Fighter Structure Training Facilities) may be subject to suspension, revocation, or denial of its approval as a volunteer fire fighter training facility.

§489.9. Certificate of Compliance. Upon successful completion of an inspection concerning protective clothing and self-contained breathing apparatus, the volunteer fire department may apply to the commission for a certificate of compliance with commission requirements for volunteer fire fighter safety.

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

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

TRD-9211506

Jack Woods
General Counsel
Texas Commission on Fire
Protection

Earliest possible date of adoption: September 28, 1992

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 27. Intermediate Care Facility for Mentally Retarded

Subchapter E. Eligibility and Review

• 40 TAC §27.519

The Texas Department of Human Services (DHS) proposes an amendment to §27.519, concerning payment for absences from the facility, in its intermediate care facility for mentally retarded rule chapter. The purpose for the amendment is to standardize the method used to document each resident's therapeutic visits away from the facility.

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 governments as a result of enforcing or administering the section.

Mr. Raiford also has determined that for each year of the first five years the amendment is in effect the public benefit anticipated as a result of enforcing the amendment will be that facility records will contain current and complete information to ensure correct vendor payments are made to the facility. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Questions about the content of the proposal may be directed to Terry Childress at (512) 450-3169 in DHS's Institutional Care Section. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-212, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

§27.519. Payment for Absences from the Facility.

(a) (No change.)

(b) The Texas Department of Human Services (DHS) makes vendor payments for ICF- MR clients who are absent from a facility for therapeutic or extended therapeutic visits when the following criteria are met:

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

(6) The facility must make and maintain an accurate [a] record of each therapeutic and extended therapeutic visit and must ensure that these records are available to DHS for review. For each therapeutic or extended therapeutic leave, the facility must record the following information on DHS's Record of Therapeutic Leaves form: the name of the individual who will be absent; the date and time of the individual's departure from the facility; the date and time of the individual's return to the facility; and the location of the individual during the leave. The facility's records must include documentation [statistics] regarding the number of visits for which vendor payments have not been made. When DHS audits the facility, it reviews the facility's documentation of therapeutic and extended therapeutic visits and verifies the facility's compliance with the provisions of this subsection.

(c)-(e) (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 August 21, 1992.

TRD-9211455

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

Earliest possible date of adoption: November 1, 1992

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

Part X. Texas Employment Commission Chapter 301. Unemployment Insurance

• 40 TAC §301.9

The Texas Employment Commission proposes an amendment to §301.9, concerning payment of contributions and reimbursements. The amendment would clarify that any entity paying on behalf of several employers would be subject to electronic funds transfer if the aggregate remittance is above the limit. Other provisions would add incentives to comply with electronic funds transfer requirements and help provide for proper allocation of payments.

James R. Hines, deputy administrator, has determined that there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the section is in effect will be an estimated increase in revenue of \$85,000 in 1993-1997. There will be no effect on local government.

Mr. Hines 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 \$85,000 per year will now accrue to the benefit of all employers via increased revenue to the Texas Unemployment Compensation Trust Fund. There will be no effect on small businesses. Service agent employers who represent small employers will have interest earning losses of \$85,000 per year which will now accrue to the benefit of all employers via increased revenue to the Texas Unemployment Compensation Trust Fund. The anticipated economic cost to persons who are required to comply with the section as proposed will be service agent employers who represent employers will have interest earning losses estimated as shown: \$85,000 in 1993-1997.

Comments on the proposal may be submitted to Carolyn Calhoun, Office of the Deputy Administrator for Legal Affairs, Texas Employment Commission Building, 101 East 15th Street, Room 660, Austin, Texas 78778, (512) 463-2291.

The amendment is proposed under Texas Civil Statutes, Article 5221b, which provide the Texas Employment Commission with the authority to adopt, amend, or rescind such rules as it deems necessary for the effective administration of this Act.

§301.9. *Payment of Contributions and Reimbursements.*

(a)-(c) (No change.)

(d) Payment of contributions or reimbursements received through the mail shall be deemed to have been made as of the date shown by the United States postmark on the envelope containing such payment if such envelope is properly addressed and stamped. This subsection shall not apply to payments which subsection (e) of this section requires to be made by electronic funds transfer.

(e) An employer or other entity, including agents paying on behalf of multiple employers, which paid contributions

in the preceding state fiscal year of \$500,000 or more, and which is reasonably anticipated to do the same in the current fiscal year, is required to transfer payment amounts of contributions of \$10,000 or more by electronic funds transfer on or before the date the contributions are due. Such transfers shall be subject of the provisions of the Texas Government Code, §404.095, and to rules adopted by the State Treasurer pursuant to that section.

(f) (No change.)

(g) An agent or other entity making a payment on behalf of 20 or more employers shall furnish an allocation list on magnetic or electronic media using a format prescribed by this agency. This list shall be furnished with the remittance, and the remittance shall be allo-

cated to the credit of the employers according to the order in which the employers appear on the list.

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

Issued in Austin, Texas, on August 21, 1992.

TRD-9211538

J. Ferris Duhon
Legal Counsel
Texas Employment
Commission

Earliest possible date of adoption: September 28, 1992

For further information, please call: (512) 463-2291



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, at a board meeting scheduled for 9 a.m., September 30, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, will consider a petition filed by the staff of the Workers' Compensation Division of the Texas Department of Insurance proposing amendments to Rule IX of the *Texas*

Basic Manual of Rules, Classifications and Rates for Workers' Compensation and Employers' Liability Insurance pertaining to Employee Leasing by amending Section E entitled "Employee Leasing Arrangements." The amendment was proposed in a petition Reference Number W-0892-53-I, filed by staff on August 20, 1992.

The proposed amendment provides that with respect to employee leasing arrangements that provide workers to an entity to substitute for a worker on leave or to meet seasonal or short-term workload conditions, premium must be calculated in accordance with this rule based on the payroll associated with workers leased for more than six months to a client company by any entity during a 12-month policy period; and workers leased to a client company that were considered to be an employee or co-employee of that client company for any purpose during the previous 12 months. The rule also provides that whenever an employee leasing arrangement provides leased workers to an entity to substitute for a worker on leave or to meet seasonal or short-term workload conditions for more than six months or that were considered employees or co-employees for any purpose during the previous 12 months, then the Employee Leasing Firm shall notify its insurer within 10 days and comply with all provisions of the rule within 90 days.

A copy of the petition containing the full text of this proposed amendment to the *Texas Basic Manual of Rules, Classifications and Rates for Workers' Compensation and Employers' Liability Insurance* is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the petition, please contact Angela Arizpe at (512) 322-4147, refer to (Reference Number W-0892-53-I.)

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 August 21, 1992.

TRD-9211482

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

For further information, please call: (512) 463-6328



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 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Housing and Community Affairs

Chapter 9. Texas Community Development Program

Subchapter A. Allocation of Program Funds

• 10 TAC §§9.1-9.6, 9.9

The Texas Department of Housing and Community Affairs (TDHCA) adopts amendments to §§9.1-9.6, and 9.9, concerning allocation of programs funds, without changes to the proposed text as published in the July 14, 1992, issue of the *Texas Register* (17 TexReg 4997).

The amendments establish the standards and procedure by which TDHCA will allocate federal fiscal year 1992 Community Development Block Grant nonentitlement area funds under the community development, Texas Capital, planning/capacity building, disaster relief, urgent need, and colonia funds.

The amendments make changes in the public participation requirements; delete the Governor's special assistance fund for small and minority businesses and the Governor's small business special assistance fund and establish the Small and Minority Business Loan Program under the Texas Capital fund; change the name of the urgent need fund to the disaster relief fund and add additional eligibility requirements; and make various changes in the application procedure and selection criteria for the other program funds.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4413(501), §2.07, which provides TDHCA with the authority to allocate CDBG nonentitlement area funds to eligible counties and municipalities according to department rules.

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

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

Issued in Austin, Texas, on August 19, 1992.

TRD-9211543

Susan J. Leigh
Executive Director
Texas Department of
Housing and
Community Affairs

Effective date: September 11, 1992

Proposal publication date: July 14, 1992

For further information, please call: (512) 475-3917

TITLE 13. CULTURAL RESOURCES

Part II. Texas Historical Commission

Chapter 17. State Architectural Programs

• 13 TAC §17.4

The Texas Historical Commission adopts an amendment to §17.4, concerning the Texas preservation trust fund, without changes to the proposed text as published in the March 3, 1992, issue of the *Texas Register* (17 TexReg 1581).

The Texas Preservation Trust Fund was the enactment of Senate Bill 294 by the 71st Legislature, which amended Chapter 442 of the Texas Government Code by adding §442.0071. A minor change in the Texas Preservation Trust Fund rules was approved by the Texas Historical Commission board at their February 3, 1992, meeting.

The rules for the Preservation Trust Fund are necessary and required by Senate Bill 294. A minor change in the rules will eliminate any confusion.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Government Code, Chapter 442, which provides the Texas Historical Commission with the authority to adopt rules as it considers

proper for the effective administration of this Chapter §442.005(q).

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 24, 1992.

TRD-9211486

Curtis Tunnell
Executive Director
Texas Historical
Commission

Effective date: September 11, 1992

Proposal publication date: March 3, 1992

For further information, please call: (512) 463-6100

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 344. Irrigators Advisory Council

Editor's Note: Section 1.073 of Article 1, Senate Bill 2 (First Called Session, 72nd Legislature), created an Irrigators Advisory Council as part of the Texas Water Commission. Section 1.089, Article 1, Senate Bill 2, (First Called Session, 72nd Legislature), abolishes the Texas Board of Irrigators and transfers the duties, responsibilities, and functions of that board and all appropriations of that board to the Texas Water Commission, effective September 1, 1992. The Texas Register is administratively transferring these rules from Part XIV. Texas Board of Irrigators of Title 31, Chapters 423, 425, 427, 429 and 431 to Part IX. Texas Water Commission of Title 31, Chapter 344. It is the Texas Water Commission's intention that where inconsistencies exist, present Texas Water Commission existing procedural rules shall control and apply to the newly transferred programs.

The table below lists the new section numbers and the old section numbers that correspond to them. Copies of the text of these rules are available from the Texas Register office.)

Title 31, Chapter 344 - Irrigators Advisory Council

Previously: Chapter 421. Introductory Provisions

Chapter 423 Registration of Irrigators and Installers

Chapter 425. Certificate of Registration and Seal

Chapter 427 Water Supply Connections

Chapter 429. Violation of Statute or Board Rules

Chapter 431. Standards of Conduct

Subchapter A. General Provisions

Old Number	New Number
421.1	344.1
421.4	344.4

Subchapter B. General Provisions Affecting the Advisory Council

Old Number	New Number
421.21	344.21
421.24	344.24
421.27	344.27
421.30	344.30
421.33	344.33
421.36	344.36
421.39	344.39
421.42	344.42
421.45	344.45
421.48	344.48

Subchapter C. Application for Registration

Old Number	New Number
423.1	344.101
423.4	344.104
423.7	344.107
423.10	344.110
423.13	344.113
423.16	344.116
423.19	344.119
423.22	344.122

Subchapter D. Examinations

Old Number	New Number
423.41	344.141
423.44	344.144
423.47	344.147
423.50	344.150
423.53	344.153
423.56	344.156
425.59	344.159
425.62	344.162

Subchapter E. Certificate of Registration

Old Number	New Number
425.1	344.201
425.4	344.204
425.7	344.207
425.10	344.210
425.13	344.213
425.16	344.216
425.19	344.219
425.22	344.222
425.25	344.225

Subchapter F. Seal

Old Number	New Number
425.41	344.241
425.44	344.244
425.47	344.247
425.50	344.250
425.53	344.253

Subchapter G. Standard for Water Supply

Connections

Old Number	New Number
427.1	344.301
427.2	344.302
427.3	344.303
427.4	344.304
427.6	344.306
427.8	344.308

Subchapter H. Complaint Process

Old Number	New Number
429.1	344.401
429.2	344.402
429.3	344.403
429.4	344.404
429.5	344.405
429.7	344.407
429.10	344.410
429.11	344.411
429.13	344.413
429.14	344.414
429.15	344.415
429.16	344.416
429.17	344.417
429.18	344.418
429.19	344.419

Subchapter I. Revocation of Registration

Old Number	New Number
429.44	344.444

Subchapter J. Penalty

Old Number	New Number
429.51	344.451
429.53	344.453
429.55	344.455

Subchapter K. Standards of Conduct for

Irrigators and Installers

Old Number	New Number
431.1	344.501
431.2	344.502
431.3	344.503
431.4	344.504
431.5	344.505
431.6	344.506
431.7	344.507

TITLE 37. PUBLIC
SAFETY AND CORREC-
TIONS

Part III. Texas Youth
Commission

Chapter 83. Contracted Youth
Services

- 37 TAC §§83.1, 83.5, 83.7, 83.11,
83.13, 83.15, 83.17, 83.19,
83.21, 83.23

The Texas Youth Commission (TYC) adopts amendments to §§83.1, 83.5, 83.7, 83.11, 83.13, 83.15, 83.17, 83.19, 83.21, and 83.23, concerning contracts for parole supervision service; assessment of the needs of youth; contracts for residential and nonresidential services; requests for proposals; contract services standards and requirements; monitoring and evaluation of contract care programs; variances and waivers in contractual agreements; problem solving mechanism in contract services; an appeals process in contract services; and private sector involvement in the development of contract administration. Sections 83.7, 83.13, and 83.17 are adopted with changes to the proposed text as published in the July 21, 1992, issue of the *Texas Register* (17 TexReg 5062). Sections 83.1, 83.5, 83.11, 83.15, 83.19, 83.21, and 83.23 are adopted without changes and will not be republished.

The amendments to the sections will bring about a more efficient contracting process. The changes to the proposed text consist of grammar and format changes. The only content change is in §83.7. The contract specialist begins the contracting process three months prior to renewal instead of four months.

The amendments provide the agencies whose accreditation or licensing of programs TYC will accept as a condition of contracting with TYC for youth care. The needs assessment and recommendation responsibility has been shifted from the central office to the regional level in some cases. The definition of levels of care has been refined. Procedures used by TYC to ensure quality of care includes quarterly on-site visits.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Human Resources Code, §61.037, which provides the Texas Youth Commission with the authority to enter into agreements with appropriate public or private agencies.

§83.7. Contracting for Residential and Non-residential Services.

(a) Policy. The Texas Youth Commission (TYC) contracts with private service agencies for nonresidential and residential services appropriate for TYC youth.

(b) Rules.

(1) General.

(A) TYC enters into contracts with private agencies best able to provide services to meet specific needs of TYC youth identified through a process of needs assessment and requests for proposal.

(B) TYC contracts with providers which meet:

(i) TYC's basic core standards, licensing standards of the Department of Human Services, accreditation requirements of the Joint Committee on Accreditation of Health Care Organization and/or the Council on Accreditation, Texas Department of Mental Health and Mental Retardation Community Standards, Texas Commission on Drug and Alcohol Licensing Standards or Texas Health Department Standards; and

(ii) Texas Health and Human Services Coordinating Council levels of care; and/or

(iii) special requirements set forth by a request for proposal or a proposal for services.

(C)-(D) (No change.)

(E) Approval of the chief of community placement is required to execute all referenced contracts.

(F) Neither shall youth be placed into any residential program, except on an emergency basis and approved by the regional director, nor any funds encumbered prior to the full execution of the contract.

(2) New contract procedure for existing programs.

(A) Contract specialist investigates and evaluates a program for a contract based on service needs.

(B) If a program meets the needs, qualifies as a service provider, and the region recommends a contract, then the contract specialist forwards appropriate paperwork to chief of community placement.

(C) The chief of community placement reviews and submits to legal department to initiate a contract.

(D) Chief of community placement forwards the contract to the contract specialist.

(E) The contract specialist reviews the contract and obtains signature of the service provider.

(F) The contract specialist forwards the signed contract to the chief of community placement for signatures.

(G) The chief of community placement routes copies to the following:

- (i) finance-original;
- (ii) contract program;
- (iii) contract specialist;
- (iv) chief of community placement.

(H) The contract specialist ensures all appropriate personnel in the region have copy(ies) of the contract.

(3) Contract renewal procedure.

(A) Contract specialist begins the contracting process three months prior to renewal.

(B) Contract specialist completes evaluation and submits the evaluation to the chief of community placement with a recommendation to renew/not renew two months prior to expiration of contract.

(C) Chief of community placement reviews the recommendation and submits to legal department to initiate a new contract if there is no recommended rate increase.

(D) If a rate increase is recommended, the chief of community placement submits to the contract care review committee to review and to make a recommendation to grant or deny recommendation. The chief of community placement submits to the deputy executive director for final approval of all rate increases.

(i) If rate increase is denied, the chief of community placement informs the contract specialist and the service provider is informed of the results by the contract specialist and is advised of the appeal process.

(ii) If rate increase is approved, the chief of community placement submits paperwork to legal department to initiate a new contract.

(E) Chief of community placement forwards the contract to the contract specialist.

(F) The contract specialist reviews the contract for corrections and obtains signatures.

(G) The contract specialist forwards the signed contract to the chief of community placement for signature.

(H) The chief of community placement routes copies to the following:

- (i) finance-original;
- (ii) contract program;
- (iii) contract specialist;
- (iv) chief of community placement. The contract specialist ensures all appropriate personnel in the region have a copy(ies) of the contract.

(4) New contract procedure for RFP awarded programs.

(A) Chief of community placement submits paperwork to legal department to initiate a new contract(s).

(B) Chief of community placement obtains all signatures and routes copies to the following:

- (i) finance-original;
- (ii) contract program;
- (iii) contract specialist;
- (iv) chief of community placement.

(C) The contract specialist ensures all appropriate personnel in the region have copy(ies) of the contract.

§83.13. Contract Services Standards and Requirements.

(a) Policy. The Texas Youth Commission (TYC) contracts with programs which are licensed or accredited by other agencies and those which meet TYC requirements. TYC administers the contract program through the implementation and monitoring of standards, and, where appropriate, special requirements.

(b) Rules.

(1) Explanation of terms used.

(A) (No change.)

(B) Levels of care established specify the type and method of delivery of services and address:

- (i) service needs of the youth;
- (ii) medical care;

(iii) recreational activities and leisure time;

(iv) education;

(v) therapeutic interests and case management; and

(vi) staff ratio.

(2) Licensed and/or accredited programs.

(A) TYC contracts with programs that are licensed by the Texas Department of Human Services (DHS) to provide residential care to children and youth.

(i) DHS licensed programs are required to comply with DHS licensing standards and levels of care standards adopted by state agencies.

(ii) Additional special service requirements may be developed to become a part of the contract where:

(I) (No change.)

(II) there are unique aspects of an individual program such as intensive supervision and tracking, electronic monitoring, or marine.

(B) TYC contracts with programs, generally psychiatric hospitals, which are accredited by the Joint Committee on Accreditation of Health Care Organization (JCAHO) and/or the Council on Accreditation (COA) to provide services to children and youth.

(C) JCAHO/COA accredited programs are required to comply with JCAHO/COA accreditation standards and with any additional TYC service requirements deemed appropriate to the youth's treatment plan.

(D) TYC may contract with programs that are licensed by the Texas Commission on Drug and Alcohol, Texas Department of Mental Health and Mental Retardation, or Texas Department of Health, in order to serve a more specialized population.

(3) TYC approved programs. TYC contracts with programs which are neither licensed by DHS nor accredited by JCAHO/COA but which meet TYC's core standards instead.

(A) (No change.)

(B) Approved programs also comply with health and human services levels of care standards.

(C) Additional special service requirements may be developed to become a part of the contract where:

(i) TYC deems it necessary to meet the needs of an individual youth; or

(ii) there are unique aspects of an individual program such as intensive supervision and tracking, electronic monitoring, or marine.

§83.17. Variance/Waiver Procedures.

(a) (No change.)

(b) Rules

(1) Explanation of terms.

(A)-(B) (No change.)

(2) Residential contract program.

(A) The contract care program administrator completes, signs, and dates the residential contract program variance/waiver request form, page 1, and sends necessary documentation to the contract specialist.

(B) The contract specialist reviews the request, completes the contract specialist's recommendation, page 2 of the variance/waiver request form, with regional director approval and forwards it to the chief of community placement in central office. The contract specialist recommends the length of time that the variance/waiver is to be in effect, if less than the existing contract.

(C) The chief of community placement reviews the request, with the additional information provided, decides whether or not to grant the variance/waiver, and forwards the contract administrator's decision, page 3, of the variance/waiver request to the contract specialist. The contract specialist forwards the decision to the program.

(D) Variance/waivers are time limited and renewals must follow the procedures in subparagraphs (A)-(C) of this paragraph.

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

Issued in Austin, Texas, on August 21, 1992.

TRD-9211408

Ron Jackson
Executive Director
Texas Youth Commission

Effective date: September 11, 1992

Proposal publication date: July 21, 1992

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

◆ ◆ ◆
• 37 TAC §83.9

The Texas Youth Commission (TYC) adopts the repeal of §83.9, concerning setting rates for residential programs, as published in the July 21, 1992, issue of the *Texas Register* (17 TexReg 5069).

The rule is being repealed in order to adopt a new rule which is consistent with a new rate setting procedure.

The adoption of the new rule will bring about a more efficient rate setting procedure.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Human Resources Code, §61.037, which provides the Texas Youth Commission with the authority to enter into agreements with appropriate public or private agencies.

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

Issued in Austin, Texas, on August 21, 1992.

TRD-9211406

Ron Jackson
Executive Director
Texas Youth Commission

Effective date: September 11, 1992

Proposal publication date: July 21, 1992

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

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• 37 TAC §83.9, §83.12

The Texas Youth Commission (TYC) adopts new §83.9 and §83.12. Section 83.9, concerning setting rates for residential programs, is adopted with changes to the proposed text as published in the July 21, 1992, issue of the *Texas Register* (17 TexReg 5069). Section 83.12, concerning start up funds is adopted without changes and will not be republished.

The new rules will bring about a more efficient rate setting process and more programming options for placing TYC youth. The changes in §83.9 consist of clarifications in wording. Also, the contract care evaluation process begins three months prior to the end of a contracting period instead of four.

The new rules define TYC rate setting process and use of start up funds when appropriate for contracted care programs.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Human Resources Code, §61.037, which provides the Texas Youth Commission with the authority to enter into agreements with appropriate public or private agencies, and to enter into agreements with private agencies for separate care and treatment of committed youth.

§83.9. Rate Setting.

(a) Policy. The Texas Youth Commission (TYC) sets rates for residential programs based on maximum rates indicated in the Appropriations Bill. The TYC board approves maximum rates to be paid for each level of care.

(b) Rules.

(1) Applicable issue.

(A) Rates set for each level of care paid shall not exceed the maximum daily rate per youth recommended by the Health and Human Services Coordinating Council for each level of care.

(B) TYC shall make reasonable efforts to ensure payment on a fixed monthly basis when it is cost-effective to the agency as determined by the chief of community placement.

(C) Except where payment is guaranteed, rates and payments are made on a per day per youth basis for all contract services for each contract cycle.

(D) Factors considered in rate setting:

- (i) uniform cost reports;
- (ii) cost of services;
- (iii) annual rate of inflation;
- (iv) analysis of contract budgets in terms of efficiency and cost of services;
- (v) occupancy rates; and
- (vi) state appropriations.

(2) Rate increases.

(A) Rate increases may occur by two methods:

- (i) across the board rate increase as approved by the TYC board;
- (ii) performance based.

(B) Performance based increases may be awarded based on agency contract care evaluation which occurs prior to contract renewal. Areas of required compliance are indicated in individual contracts.

(i) An individual contract must be, at a minimum, in substantial compliance in areas which may include levels of care, licensing or TYC core standards, request for proposal, proposal for services, or any special requirements identified in an individual contract.

(ii) An individual contract must also meet 75% of agency identified performance standards as above average, unless extenuating circumstances exist.

(iii) Extenuating circumstances must be included and justified for consideration.

(iv) All of the requirements in clauses (i)-(iii) of this subparagraph must be met to be eligible for a rate increase.

(C) The contract care evaluation process begins three months prior to the end of a contracting period.

(D) The contract care evaluation is completed by the contract specialist, approved by the regional director, and submitted to the chief of community placement for recommended rate increases. The chief of community placement submits to the contract care review committee which consists of staff from the following departments:

- (i) contract services;
- (ii) research and planning; and
- (iii) finance.

(E) The review committee reviews the evaluation and recommendations of a rate increase and may approve or deny the request. The chief of community placement submits the contract care review committee's recommendation to deputy executive-director for final approval. The contract specialist is notified of the outcome by the chief of community placement. The contract specialist notifies the service provider.

(3) Appeal.

(A) Appeals may be made by the service provider to the director of community services in the form of a written request outlining specific issues in dispute and suggested remedies within 15 days of the contract evaluation notification to the program.

(B) The director of community services will respond to appeals within 30 days of receipt of an appeal.

(C) The decision of the director of community services is final regarding disputes involving the contract program evaluation and rate increases.

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

Issued in Austin, Texas, on August 21, 1992.

TRD-9211407

Ron Jackson
Executive Director
Texas Youth Commission

Effective date: September 11, 1992

Proposal publication date: July 21, 1992

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

- 37 TAC §§83.41, 83.43, 83.45, 83.47, 83.49

The Texas Youth Commission (TYC) adopts new §83.41, concerning admission and referral to contract programs; §83.43, concerning clothing and personal property of youth in contract programs; §83.45, concerning incident reporting by contract programs; §83.47, concerning furloughs from contract care programs; and §83.49, concerning psychopharmacotherapy in contract programs; without changes to the proposed text as published in the July 21, 1992, issue of the *Texas Register* (17 TexReg 5071).

The new sections will bring about a more efficient contract program.

The new rules will define procedure for placing youth in contract programs, including admission, personal property, incident reporting, furloughs, and use of psychotropic drugs.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Human Resources Code, §61.037, which provides the Texas Youth Commission with the authority to enter into agreements with appropriate public or private agencies for the separate care and treatment of youth in the custody of TYC.

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

Issued in Austin, Texas, on August 21, 1992.

TRD-9211404

Ron Jackson
Executive Director
Texas Youth Commission

Effective date: September 11, 1992

Proposal publication date: July 21, 1992

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

Chapter 87. Treatment

Placement Planning

- 37 TAC §87.23

The Texas Youth Commission (TYC) adopts an amendment to §87.23, concerning super-

vision levels in parole home placement, without changes to the proposed text as published in the July 21, 1992, issue of the *Texas Register* (17 TexReg 5074).

The amendment to the section will bring about a more appropriate assignment of supervision level for youth on parole on independent living status.

The amendment states that youth on independent living status are on maximum supervision level.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, §61.0811, which provides the Texas Youth Commission with the authority to develop a management system for parole services that objectively measures and provides for the classification of children based on the level of children's needs and the degree of risk they present to the public.

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

Issued in Austin, Texas, on August 21, 1992.

TRD-9211405

Ron Jackson
Executive Director
Texas Youth Commission

Effective date: September 11, 1992

Proposal publication date: July 21, 1992

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 72. Memoranda of Understanding with Other State Agencies

Memorandum of Understanding for Child Protective Services

- 40 TAC §72.902

The Texas Department of Human Services (DHS) adopts an amendment to §72.902, concerning a memorandum of understanding on service delivery to runaway children, with changes to the proposed text as published in the April 10, 1992, issue of the *Texas Register* (17 TexReg 2600). Section 72.902 adopts 37 TAC §341.21 (relating to Memorandum of Understanding on Service Delivery to Runaways) by reference. The Texas Juvenile Probation Commission (TJPC) has adopted

an amendment to 37 TAC §341.21 after conducting an annual review of the section with DHS as required by law.

Notice of the TJPC's adoption of the amendment to 37 TAC §341.21 was published in the May 22, 1992, issue of the *Texas Register* (17 TexReg 3786). The TJPC's amendment was adopted without changes.

The justification for the amendment to §72.902 is to improve local coordination of services to runaway children.

The amendment will function by ensuring that §72.902 remains up to date after TJPC's amendment of 37 TAC §341.21.

No comments were received regarding adoption of the amendment. The department, however, has initiated a change in the proposed text of §72.902 to correct a reference to the effective date of TJPC's amendment to 37 TAC §341.21. The TJPC amendment took effect on June 3, 1992, not June 1.

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 141, which authorizes the department to enter into a memorandum of understanding with the TJPC regarding service delivery to runaway children.

§72.902. *Memorandum of Understanding on Service Delivery to Runaway Children.* The Texas Department of Human Services (DHS) adopts by reference 37 TAC §341.21 (relating to Memorandum of Understanding on Service Delivery to Runaways) as amended effective June 3, 1992. This memorandum of understanding between the Texas Juvenile Probation Commission (TJPC) and DHS provides for TJPC and DHS coordination of services to runaway children at the community level.

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

Issued in Austin, Texas, on January 1, 1988.

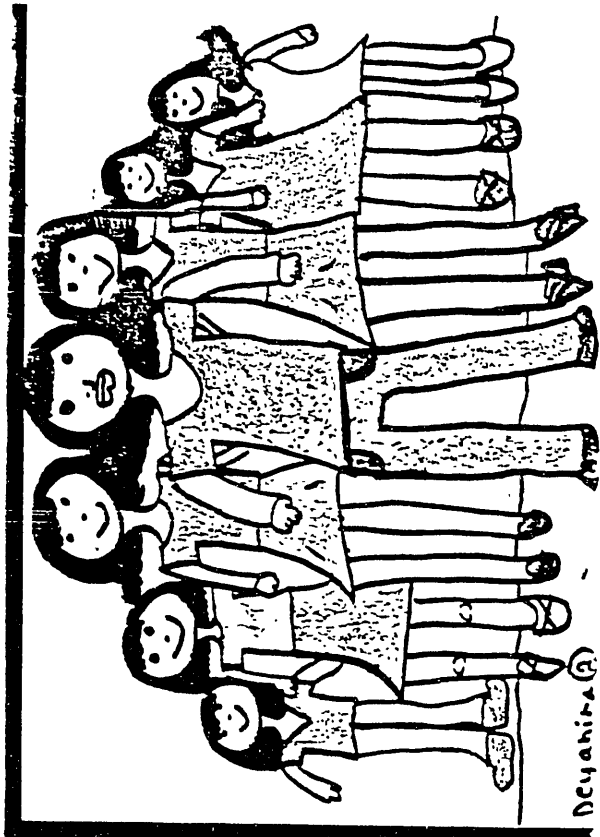
TRD-9211549

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

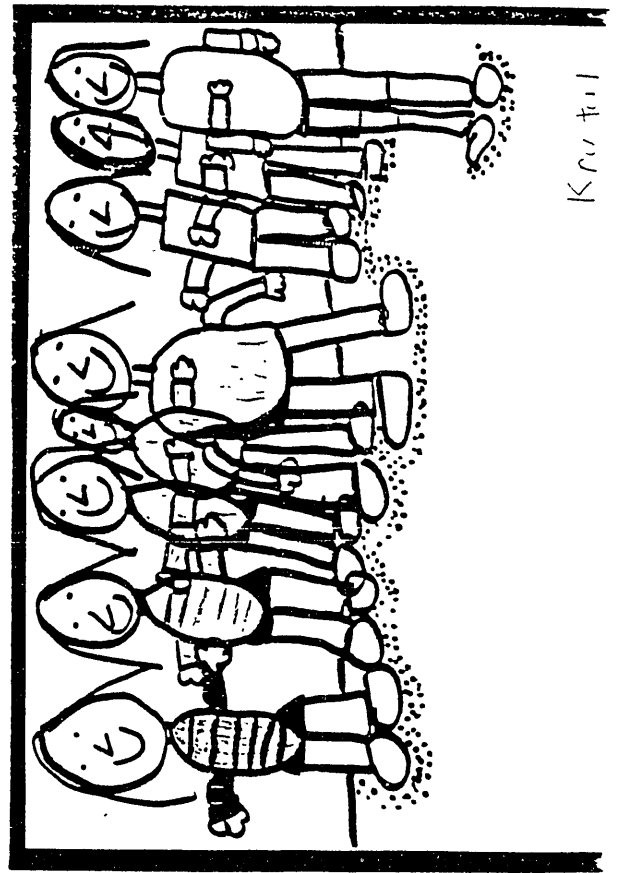
Effective date: September 15, 1992

Proposal publication date: April 10, 1992

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



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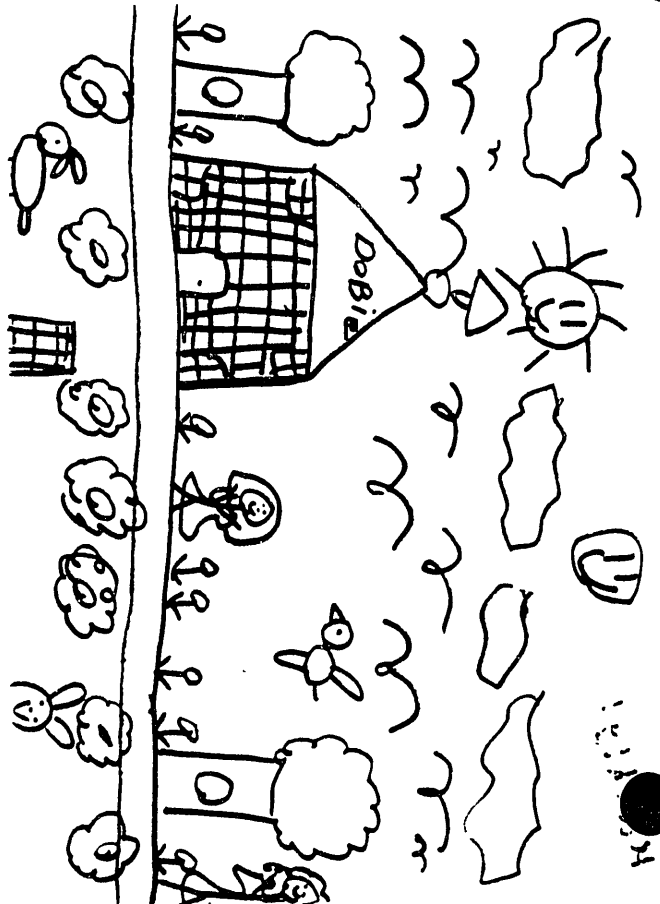


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Open Meetings

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 of Agriculture

Thursday, October 1, 1992, 9 a.m. The Office of Hearings Examiners of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 1700 North Congress Avenue, Room 928B, Stephen F. Austin Building, Austin. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code Sections 13.032, 13.036, and 13.1011 by Central Seed and Feed.

Contact: Barbara B. Deane, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: August 24, 1992, 9:25 a.m.

TRD-9211552

Texas Commission on the Arts

Monday, September 14, 1992, 2:30 p.m. The Administrative Committee of the Texas Commission on the Arts will meet at the Marriott Hotel, Capitol Ballroom, 701 East 11th Street, Austin. According to the complete agenda, the committee will call the meeting to order; hold a public hearing; discuss approval of minutes of June 2, 1992 committee meeting; plans to ensure equitable distribution of programs and services; discuss strategic plan and Legislative Appropriation Request for 93-94 biennium; discuss other business; and adjourn.

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

Filed: August 21, 1992, 9:52 a.m.

TRD-9211464

Monday, September 14, 1992, 3:15 p.m. The Assistance Review Committee of the Texas Commission on the Arts will meet at the Marriott Hotel, Capitol Ballroom, 701 East 11th Street, Austin. According to the complete agenda, the committee will call the meeting to order; hold a public hearing; discuss approval of minutes of June 1, 1992 Assistance Review Committee meeting; peer review panelists nominations for 1993; proposed restructuring of peer review panels; discuss other business; and adjourn.

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

Filed: August 21, 1992, 9:51 a.m.

TRD-9211463

Tuesday, September 15, 1992, 8 a.m. The Texas Commission on the Arts will meet at the Marriott Hotel, Capitol Ballroom, 701 East 11th Street, Austin. According to the agenda summary, the commission will call the meeting to order; hold a public hearing; items for commission consent, individual consideration and information only; meet in executive session; and adjourn.

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

Filed: August 21, 1992, 9:52 a.m.

TRD-9211465

State Banking Board

Tuesday, September 1, 1992, 2 p.m. The State Banking Board will meet at 2601 North Lamar Boulevard, Austin. According to the agenda summary, the board will re-

view and discuss approval of previous minutes; consideration of trust company charter application for BOK-Texas Trust Company, Houston, Texas; consideration of interim charter applications for New Sunray Bank, Sunray, and New Rockport Bank, Rockport; review of discontinuance of unmanned teller machine for First City-Beaumont, N.A., Beaumont; review of the status of other pending applications; and the board may convene into executive session for consideration of matters pertaining to applications as required by Article 342-115(6)(a) of TBC.

Contact: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1317.

Filed: August 20, 1992, 2:36 p.m.

TRD-9211439

Court Reporters Certification Board

Saturday, August 29, 1992, 9 a.m. The Court Reporters Certification Board will meet at the Texas Law Center, 1414 Colorado Street, Suite 202, Austin. According to the complete agenda, the board will call the meeting to order; take attendance; review prior meeting minutes; consider proposed Code of Professional Conduct; consider and discuss July examination information; consider board member appointments; review reinstatement Application Number 913; consider correspondence regarding Cause Number 91089603; discuss Attorney General Opinion Number DM-142; conduct preliminary reviews in Cause Numbers 92111405, 92104106, 92314707, 92327408 and 92095309; review remaining exam and meeting dates for 1992; approve operating

budget for FY 1993, review board expenditures Year-to-Date for FY 1992; and adjourn.

Contact: Peg Liedtke, 3000 South IH-35, Suite 120, Austin, Texas 78704, (512) 463-1630.

Filed: August 20, 1992, 4:19 p.m.

TRD-9211450

Texas Department of Criminal Justice

Tuesday, September 1, 1992, 10 a.m. (Rescheduled from August 26, 1992). The Executive Committee of the Board of Pardons and Paroles of the Texas Department of Criminal Justice will meet at 8610 Shoal Creek Boulevard, Austin. According to the complete agenda, the committee will discuss approval of the minutes of May 28, 1992; discuss special needs parole; SCR 26 case processing; special conditions concerning parole (Article 42.18); new unit workload; board workshop; and adjourn.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5408.

Filed: August 24, 1992, 3:04 p.m.

TRD-9211547

Interagency Council on Early Childhood Intervention

Wednesday, September 2, 1992, 9 a.m. The Interagency Council on Early Childhood Intervention will meet at the Texas Department of Health, 1100 West 49th Street, Room M-618, Austin. According to the complete agenda, the council will hear public comments; discuss approval of minutes of previous meeting; discuss and possibly act on legislative appropriations request; advisory committee report assignment of council members to September 21, 1992 advisory committee meeting; and status of state plan amendment on targeted case management.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7673. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior the meeting.

Filed: August 21, 1992, 4:06 p.m.

TRD-9211533

Texas Education Agency

Tuesday-Wednesday, September 1-2, 1992, 8:15 a.m., and 8:45 a.m. respec-

tively. The Commission on Braille Textbook Production of the Texas Education Agency will meet at Conference Room E, Region 20 Education Service Center, 1314 Hines Avenue, San Antonio. According to the agenda summary, on Tuesday, the commission will call the meeting to order; welcome guests; make announcements; chairman's preview; teacher survey; recommendations of the State Textbook Committee; review of the textbooks recommended from a braille perspective; Section 508; review and demonstration of the electronic instructional media systems recommended for adoption; recommendations for the State Board of Education on Software Accessibility for Disabled Students and Teachers; demonstration of MEGADOTS: plans for a meeting of publishers and typesetters; public comment; and wrap-up; On Wednesday, the commission will call the meeting to order; hear chairman's remarks; diskette formatting options offered to publishers; demonstration of TEXT 2000; preparation of findings and recommendations for submission to the Commissioner of Education, the State Board of Education and the 73rd Texas Legislature; wrap-up; plan future activities; hear public comment; and wrap-up.

Contact: Charles Mayo, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9606.

Filed: August 21, 1992, 4:23 p.m.

TRD-9211540

Interagency Council for Genetic Services

Thursday, September 17, 1992, 1 p.m. The Texas Genetics Network Advisory Committee of the Interagency Council for Genetic Services will meet at the Holiday Inn, South Padre Island. According to the agenda summary, the committee will hear public comments; discuss approval of the minutes of previous meeting; discuss and possibly act on: report from Interagency Council for Genetic Services (council); subcommittee reports on education, quality assurance, genetic services, data collection, ethics; reports from state agency and other representatives on council concerning their activities; future structure and membership of council; budget; housekeeping items concerning membership, consumer representation; private service providers, Council on Regional Networks delegate, officers, and advisory committee representation on the alliance; grant objectives; member and committee assignments; and hear announcements and comments not requiring committee action.

Contact: Bill Moore, 1100 West 49th Street, Austin, Texas 78756, (512)

458-7700. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: August 21, 1992, 4:07 p.m.

TRD-9211535

Thursday, September 17, 1992, 7 p.m. The Interagency Council for Genetic Services will meet at the Holiday Inn, South Padre Island. According to the agenda summary, the committee will hear public comments and reorganization update; discuss approval of the minutes of previous meeting; discuss and possibly act on advisory committee report; activities and future plans of state agency members on council; budget; future functions, structure and activities of council; legislative mandates; council member assignments; and hear announcements and comments not requiring council action.

Contact: Bill Moore, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: August 21, 1992, 4:07 p.m.

TRD-9211534

Texas Growth Fund

Wednesday, September 2, 1992, 9:30 a.m. The Board of Directors of the Texas Growth Fund will meet at the Teacher Retirement System Building, Fifth Floor, 1000 Red River Street, Austin. According to the complete agenda, the board will review and discuss approval of the minutes of the special meeting of the Board of Trustees held on July 1, 1992; receive a report on activities of TGF Management Corporation; review and approve expenses incurred or to be incurred by TGF Management Corporation in initially retaining employees to fulfill its obligations; review and approve for reimbursement expense reports from the current and former trustees of the Texas Growth Fund; receive a report on the process for acquisition of directors' and officers' liability insurance; review and approve documentation for money market checking account with Austin Banking Center of NationsBank of Texas, N.A.; review, approve and ratify authorization given to Texas State Treasury regarding issuance of state warrants and wire transfers of funds; review and approve treasurer's report; and such other matters as may come before the Board of Trustees.

Contact: Jerry E. Turner, 816 Congress Avenue, First City Centre, Austin, Texas 78701, (512) 495-8430.

Filed: August 21, 1992, 3:29 p.m.

TRD-9211526

Health and Human Services Commission

Wednesday, September 2, 1992, 10:30 a.m. The Health and Human Services Commission will meet at Texas Southern University, Tiger Room of the Student Services Building, Houston. According to the complete agenda, the commission will hold a hearing to seek public input, comments and suggestions on health and human services issues. This comment will be used to develop a six-year state strategic plan and consolidated budget aimed at improving the delivery of health and human services; improving services for children and facilities and identifying highly effective programs. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services should contact the Austin office at (512) 475-4472.

Contact: Saralee Tiede or Monique Jackson, P.O. Box 12428, Austin, Texas 78711, (512) 475-4472.

Filed: August 25, 1992, 9:12 a.m.

TRD-9211609

Texas Higher Education Coordinating Board

Thursday, September 17, 1992, 1:30 p.m. The Coordinating Board/State Board of Education Joint Advisory Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building One, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the complete agenda, the committee will review and discuss student preparation and testing; testing of college-bound students; and early graduation/tuition credit program; joint higher education; public education projects: Youth Opportunities Unlimited; Joint CB/TEA Legislative Items; update on centers for professional development and technology; Teacher Advisory Committee and update on Texas Military Initiative; technical education: expanding career counseling/job search assistance; wage record follow-up; and procedures for allocating Carl D. Perkins funds.

Contact: Maricela Oliva, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: August 25, 1992, 9:29 a.m.

TRD-9211613

Texas Department of Housing and Community Affairs

Friday, August 28, 1992, 10 a.m. The Audit Committee of the Board of Directors of the Texas Department of Housing and Community Affairs will hold an emergency meeting at 811 Barton Springs Road, Suite 300 Conference Room, Austin. According to the complete agenda, the committee will consider and possibly act on: call the meeting to order; take roll call; update report from internal audit; and adjourn. The emergency status is necessary due to ongoing investigations. Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal, ADA Responsible Employee, at 475-3822 or Relay Texas at 1(800)735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Contact: Susan J. Leigh, 811 Barton Springs Road, Austin, Texas 78704, (512) 475-3933.

Filed: August 21, 1992, 4:20 p.m.

TRD-9211539

Texas Department of Human Services

Thursday, September 3, 1992, 10 a.m. The Aged and Disabled Services Advisory Committee of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, East Tower, Public Hearing Room, Austin. According to the agenda summary, the committee will elect officers; hear deputy commissioner's comments; discuss approval of minutes; several reports; client eligibility criteria and provider payment standards for the nursing facility waiver program; resource exclusion; mandatory payroll deduction; exclusion of patrimonial assets; nursing facility refunds; encumbered funds; reimbursement methodology for case management for persons with chronic mental illness and individuals with mental retardation or related condition; reimbursement methodology for rehabilitative services for persons with mental illness and for diagnostic services for persons with potential of mental retardation; rules for client-managed attendant services; verification of in-home expenditures; changing primary home care agencies; personal needs and medical allowance for adult foster care clients; PASARR; nursing facility moratorium rules; ICF-MR standards regarding payment for absences from the facility and regarding provider applications; flu shots for residents of nursing facilities; LTC/NFR discharge rules; advisory committee recommendation tracking report; open discussion by members; next meeting; and adjourn.

Contact: Carolyn Howell, P.O. Box 149030, Austin, Texas 78714-3053, (512) 450-3053.

Filed: August 24, 1992, 10:07 a.m.

TRD-9211559

Texas Department of Insurance

Tuesday, September 1, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of Harris Health Plan, Inc., Fort Worth, to acquire control of West Texas Fidelity Life Insurance Company, Waco, pursuant to the provisions of Texas Insurance Code, Article 21.49-1, Section 5 and 28 TAC Section 11.803(2)(E). Docket Number 11552.

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

Filed: August 24, 1992, 3:48 p.m.

TRD-9211585

Wednesday, September 2, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the request by Compressor Dynamics for a hearing on calculation of experience modifiers applicable to Workers' Compensation Insurance. Docket Number 1927.

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

Filed: August 24, 1992, 3:48 p.m.

TRD-9211584

Thursday, September 3, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against John Deere Insurance Company, of Moline, Illinois which holds a certificate of authority. Docket Number 11549.

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

Filed: August 24, 1992, 3:48 p.m.

TRD-9211583

Friday, September 4, 1992, 1:30 p.m. The

Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of Karen Walton Arnold of Houston, for a solicitor's license. Docket Number 11550.

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

Filed: August 24, 1992, 3:47 p.m.

TRD-9211582

Monday, September 14, 1992, 1 p.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will hold a public hearing under Docket Numbers 1841 and 1863 to consider final adoption of proposed amendments to 28 TAC §9.1, adopting by reference certain amendments to the Basic Manual of Rules, Rates and Forms for the Writing of Title Insurance in the State of Texas as published in the *Texas Register* (17 TexReg 4059-4061) on June 5, 1992.

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

Filed: August 25, 1992, 8:32 a.m.

TRD-9211599

Texas Juvenile Probation Commission

Friday, September 4, 1992, 9 a.m. The Finance/Budget Committee of the Texas Juvenile Probation Commission will meet at 2015 South IH-35, Austin. According to the complete agenda, the committee will call the meeting to order; and review and amend the agency's FY 94-95 Legislative Appropriations Request.

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

Filed: August 21, 1992, 2:21 p.m.

TRD-9211504

Lamar University System, Board of Regents

Thursday, August 27, 1992, 9 a.m. The Board of Regents of Lamar University System will meet at the John Gray Institute, Map Room, 855 Florida Street, Beaumont. According to the complete agenda, the board will meet in executive session (held under provisions of Vernon's Civil Statutes, Article 6252-17, Section 2, Paragraph 3, e,

legal; and g, personnel). Hear reports on pending litigation; consider approval of regents policy manual; executive session to discuss duties of various system officers; consideration of personnel action pursuant to Article 6252-17, Section 2(g) in regard to the position of executive vice-president for academic and student affairs.

Contact: George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

Filed: August 21, 1992, 3:57 p.m.

TRD-9211531

Texas Council on Offenders with Mental Impairments

Friday, September 4, 1992, 10 a.m. The Executive Committee of the Texas Council on Offenders with Mental Impairments will meet at the TDCJ, Pardons and Paroles Division, Austin. According to the complete agenda, the committee will hear introductions; public comments; discuss approval of minutes of previous meeting; discuss upcoming council retreat; hear update on TDCJ/TXMHMR Collaboration; and hear committee reports and executive director's report upon adjournment.

Contact: Pat Hamilton, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5408.

Filed: August 21, 1992, 10:07 a.m.

TRD-9211467

Texas Board of Licensure for Nursing Home Administrators

Friday, August 28, 1992, 10 a.m. The Education Committee of the Texas Board of Licensure for Nursing Home Administrators will meet at 4800 North Lamar Boulevard, Suite 250, Commission for the Blind Building, Austin. According to the complete agenda, the committee will call the meeting to order; take roll call; discuss implementing the NAB exam; discuss the recertification process for approved colleges; and adjourn.

Contact: Janet Lacy, 4800 North Lamar Boulevard, Suite 310, Austin, Texas 78704, (512) 458-1955.

Filed: August 20, 1992, 1:36 p.m.

TRD-9211433

Tuesday, September 1, 1992, 9 a.m. The Texas Board of Licensure for Nursing Home Administrators will hold a public hearing at 4800 North Lamar Boulevard, Chris Cole Building, Auditorium, Austin.

According to the agenda summary, the board will receive comments regarding rule amendment to charge a ten dollar continuing education fee for all attendees, 22 TAC §247.4(b) as published in the June 16, 1992 issue of the *Texas Register*. Persons with disabilities who have special needs who are planning to attend the meeting should contact the Office of the TBLNHA at (512) 458-1955.

Contact: Janet Lacy, 4800 North Lamar Boulevard, Suite 310, Austin, Texas 78756, (512) 458-1955.

Filed: August 24, 1992, 11:42 a.m.

TRD-9211567

Tuesday, September 1, 1992, 1 p.m. The Texas Board of Licensure for Nursing Home Administrators will hold a public hearing at 4800 North Lamar Boulevard, Chris Cole Building, Auditorium, Austin. According to the agenda summary, the board will receive comments regarding the contemplated to rule regarding amending the current rule would repeal §247.4(e) and propose a new section that would increase the number of required continuing education hours and change the number or hours required in each category. Persons with disabilities who have special needs who are planning to attend the meeting should contact the Office of the TBLNHA at (512) 458-1955.

Contact: Janet Lacy, 4800 North Lamar Boulevard, Suite 310, Austin, Texas 78756, (512) 458-1955.

Filed: August 24, 1992, 11:42 a.m.

TRD-9211566

Texas Parks and Wildlife Department

Wednesday, August 26, 1992, 6 p.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department met at La Tapatia, 1501 East Sixth Street, Austin. According to the revised agenda summary, the members of the commission plan to have dinner at 6 p.m., August 26, 1992. Although this function is primarily a social event and no formal action is planned, the commission may discuss items on the public hearing agenda scheduled for August 27, 1992, 9 a.m.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: August 24, 1992, 2 p.m.

TRD-9211571

State Preservation Board

Sunday, August 30, 1992, noon. The State Preservation Board will meet at the Capitol Building, Senate Finance Committee Room, Room 301, Austin. According to the agenda summary, the board will call the meeting to order; discuss approval of minutes; discuss old or unfinished business; new business; and adjourn.

Contact: Dealey Herndon, 201 East 14th Street, Room 503, Austin, Texas 78701, (512) 463-5495.

Filed: August 21, 1992, 4:29 p.m.

TRD-9211542

Monday, August 31, 1992, 2 p.m. The State Preservation Board will meet at the Capitol Building, Senate Finance Committee Room, Room 301, Austin. According to the agenda summary, the board will call the meeting to order; discuss approval of minutes; discuss old or unfinished business; new business; and adjourn.

Contact: Dealey Herndon, 201 East 14th Street, Room 503, Austin, Texas 78701, (512) 463-5495.

Filed: August 21, 1992, 4:30 p.m.

TRD-9211544

Public Utility Commission of Texas

Monday-Wednesday, August 31, September 2, 1992, 9 a.m. The General Counsel of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, CHR, Austin. According to the complete agenda, the commission will conduct a workshop among parties in the pending Fuel Rule (P.10893).

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

Filed: August 20, 1992, 3:21 p.m.

TRD-9211443

Tuesday, September 1, 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 complete agenda, the division will hold a prehearing conference in Docket Number 10762-complaint of Network Billing and Collections, doing business as NBC Telecommunications, Inc. against Southwestern Bell Telephone Company.

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

Filed: August 21, 1992, 3:19 p.m.

TRD-9211524

Thursday, September 3, 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, the division will hold a prehearing conference in Docket Number 11371-petition for Central Power and Light Company for authority to implement economic development rider.

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

Filed: August 21, 1992, 3:19 p.m.

TRD-9211525

Tuesday, September 8, 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, the division will hold a prehearing conference in Docket Number 11384-application for Northeast Texas Electric Cooperative, Inc. for authority to change rates.

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

Filed: August 24, 1992, 3:44 p.m.

TRD-9211581

Tuesday, September 8, 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 hold a prehearing conference in Docket Number 11298-application for GTE Southwest, Inc. for approval of rates for Omnimax Racial Time Division Multiplexers and Gtech Modems for the State of Texas Lottery.

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

Filed: August 24, 1992, 3:44 p.m.

TRD-9211580

Tuesday, September 8, 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 complete agenda, the division will hold a prehearing conference in Docket Number 11288-application for Southwestern Bell Telephone Company for approval of directory assistance call completion service in Section 6 of the cellular mobile telephone interconnection tariff.

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

Filed: August 24, 1992, 3:43 p.m.

TRD-9211579

Tuesday, September 8, 1992, 3:30 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 hold a prehearing conference in Docket Number 11059-application for Southwestern Bell Telephone Company for approval of a customer specific contract for billing and collection services with Southwestern Bell messaging services.

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

Filed: August 24, 1992, 3:43 p.m.

TRD-9211578

Thursday, September 10, 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, the division will hold a prehearing conference in Docket Number 11253-complaint of the Sunmeadow Community Improvement Association of Friendswood, Texas against Southwestern Bell Telephone Company.

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

Filed: August 24, 1992, 3:43 p.m.

TRD-9211577

Monday, September 21, 1992, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, CHR, Austin. According to the complete agenda, the commission will hold a public forum concerning the pending Fuel Rule (P.10893).

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

Filed: August 20, 1992, 3:21 p.m.

TRD-9211444

Wednesday, October 21, 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, the division will hold a hearing on the merits in Docket Number 10760-complaint of Laila M. Asmar against Marvin Myers and M. Myers Properties.

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

Filed: August 21, 1992, 3:19 p.m.

TRD-9211523

Monday, November 2, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, CHR, Austin. Ac-

ording to the complete agenda, the division will hold a hearing on the merits in Docket Number 11347-application of Johnson County Electric Cooperative Association for authority to change rates.

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

Filed: August 20, 1992, 3:20 p.m.

TRD-9211442

Monday, November 2, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, CHR, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 11348-application of Bartlett Electric Cooperative, Inc. for approval of wholesale rate for City of Bartlett.

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

Filed: August 20, 1992, 3:20 p.m.

TRD-9211441



Texas Racing Commission

Friday, August 28, 1992, 10 a.m. The Texas Racing Commission will meet at the John H. Reagan Building, 105 West 15th Street, Room 101, Austin. According to the complete agenda, the commission will call the meeting to order; take roll call; vote to adopt the following Horse and Greyhound Rules: 309.200, 321.232, 309.316, 311.174; vote to propose the following Horse and Greyhound Rules: 303.4, 319.14, 303.43, 309.149, 309.151, 309.181, 309.202, 313.21, 321.235; consideration of and votes on the following matters: action on Legislative Appropriation Request for 1994-95 fiscal biennium; matters relating to the Association of Racing Commissioners International; request by Gulf Greyhound Partners, Ltd., for 1992 live race dates; requests for 1993 live race dates; request by Corpus Christi Race Track for an exemption to 309.302 relating to the banking on the racetrack; request by Manor Downs, Inc., to cancel Friday racing for the Fall 1992 race dates; proposal for decision in Number 92-02-07, the appeal by Noe P. Everett from Stewards' Ruling Bandera 614; discuss old and new business; and adjourn.

Contact: Paula Cochran Carter, P.O. Box 12080, Austin, Texas 78711, (512) 794-8461.

Filed: August 20, 1992, 4:20 p.m.

TRD-9211451



Railroad Commission of Texas

Monday, August 31, 1992, 9:30 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The commission will consider and act on the Division Director's report on budget and personnel matters related to organization of the Alternative Fuels Research and Education Division.

Contact: Dan Kelly, P.O. Box 12967, Texas 78711-2967, (512) 463-7110.

Filed: August 21, 1992, 10:29 a.m.

TRD-9211469

The commission will consider and act on the Office of Information Services Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Box 12967, Texas 78711-2967, (512) 463-6710.

Filed: August 21, 1992, 10:29 a.m.

TRD-9211470

The commission will consider and act on the Automatic Data Processing Division Director's report on division administration, budget, procedures, equipment acquisitions and personnel matters.

Contact: Bob Kmetz, P.O. Box 12967, Texas 78711-2967, (512) 463-7251.

Filed: August 21, 1992, 10:30 a.m.

TRD-9211471

The commission will consider and act on the Office of the Executive Directors' report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. The commission will discuss the implementation of individual operating budgets for each individual commissioner's office. The commission will discuss a proposed training agreement for the Gas Utility Section of the Legal Division. The commission will meet in executive session to consider the appointment, employment, evaluation, reassignment, duties, discipline and/or dismissal of personnel, and pending litigation. Consideration of a contract for public information services.

Contact: Walter H. Washington, P.O. Box 12967, Texas 78711-2967, (512) 463-7274.

Filed: August 21, 1992, 10:30 a.m.

TRD-9211472

The commission will consider and act on the Personnel Division Director's report on division administration, budget, procedures, and personnel matters. The commission will

meet in executive session to consider the appointment, employment, evaluation, reassignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Box 12967, Texas 78711-2967, (512) 463-7187.

Filed: August 21, 1992, 10:30 a.m.

TRD-9211473

The commission will consider and act on the Administrative Services Division Director's report on division administration, budget, procedures and personnel matters, including discussion about signing the master equipment lease purchase agreement and the equipment lease financing resolution.

Contact: Roger Dillon, P.O. Box 12967, Texas 78711-2967, (512) 463-7257.

Filed: August 21, 1992, 10:30 a.m.

TRD-9211474

The commission will consider and act on the Investigation Division Director's report on division administration, investigations, budget, and personnel matters.

Contact: Marcelo Montemayor, P.O. Box 12967, Texas 78711-2967, (512) 463-6828.

Filed: August 21, 1992, 10:30 a.m.

TRD-9211475

The commission will consider category determination under Sections 102(c)(1) (B), 102(c)(1)(C), 103, 107 and 108 of the Natural Gas Policy Act of 1978.

Contact: Margie Osborn, P.O. Box 12967, Texas 78711-2967, (512) 463-6755.

Filed: August 21, 1992, 10:31 a.m.

TRD-9211476

The commission will consider and/or decide various applications and other matters within the jurisdiction of the agency including oral argument at the time specified. The commission may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received. The commission will meet in executive session as authorized by the Open Meetings Act.

Contact: Carole J. Vogel, P.O. Box 12967, Texas 78711-2967, (512) 463-6921.

Filed: August 21, 1992, 10:31 a.m.

TRD-9211477

Interagency Council on Sex Offender Treatment

Friday, September 25, 1992, 10 a.m. The Board of the Interagency Council on Sex Offender Treatment will meet at 1106 Clayton Lane, Second Floor Conference Room,

Austin. According to the complete agenda, the board will convene chair, Judy Briscoe; discuss adoption of minutes; update on Sam Houston State University Conference; status report from registry training and criteria subcommittee; discuss standards and criteria for treatment providers; Jim Sinclair, Supervisor, Tarrant County CSCD: A community Corrections Approach to Sex Offenders and Treatment; discussion and approval of FY 1993-1994 strategy request; newsletter information; hear public comment; and adjourn. The subcommittee for Registry Training and Criteria, chaired by Collier M. Cole, Ph.D., will meet prior to the Council Board meeting at 9 a.m. on September 25, 1992.

Contact: Eliza May, 1106 Clayton Lane, 205 East, Austin, Texas 78723, (512) 454-1314.

Filed: August 21, 1992, 9:16 a.m.

TRD-9211458

State Committee of Examiners for Speech-Language Pathology and Audiology

Friday, August 28, 1992, 10 a.m. The Rules Changes Subcommittee will meet at the Exchange Building, 8407 Wall Street, Room S-400, Austin. According to the complete emergency revised agenda, the subcommittee will discuss and possibly act on amendments to rules in 22 TAC §§741.1-741.210. The emergency status is necessary due to urgent public necessity of having agenda items cite appropriate title in Texas Administrative Code.

Contact: Dorothy Cawthon, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6627.

Filed: August 24, 1992, 2:18 p.m.

TRD-9211573

Friday, August 28, 1992, 9 a.m. The State Committee of Examiners for Speech-Language Pathology and Audiology will meet at the Exchange Building, 8407 Wall Street, Room S-400, Austin. According to the emergency revised agenda summary, the committee will discuss approval of minutes of previous meeting; hear address by Sunset Review Commission; discuss and possibly act on: complaints; proposed rule amendments; fees and budget; public relations; continuing education; applications and renewals; agenda and meeting arrangements; correspondence; related standards and regulations; legislative review; exemptions to state law covering speech-language pathology and audiology; ad hoc subcommittee reports of supportive personnel guidelines, role of supervisor, ethics, sunset review, scope of practice; executive secretary's re-

port; election of officers; and consider other matters not requiring committee action. The emergency status is necessary due to urgent public necessity of including on agenda summary the agenda item concerning complaints.

Contact: Dorothy Cawthon, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6627.

Filed: August 24, 1992, 2:17 p.m.

TRD-9211572

Texas A&M University System, Board of Regents

Thursday, August 27, 1992, 3:30 p.m. The Board of Regents of The Texas A&M University System met at the University Terminal Conference Room at Easterwood Airport, College Station. According to the complete agenda, the board may have adopted the equipment lease financing resolution.

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

Filed: August 24, 1992, 8:26 a.m.

TRD-9211546

Texas Appraiser Licensing and Certification Board

Friday, August 28, 1992, 9 a.m. The Texas Appraiser Licensing and Certification Board will meet at the TREC Headquarters, Conference Room 235 (Second Floor), 1101 Camino La Costa, Austin. According to the complete agenda, the board will call the meeting to order; consider approval of the minutes of July 24, 1992 meeting; staff reports and reports from the Appraiser qualifications Board meeting in Denver; report from the Education Committee; report from the Special Projects Committee; report from the Legislative Liaison Committee; report from the Budget Committee; discussion and possible action on committee recommendations for the Requests for Legislative Appropriations for the fiscal years 1994 and 1995, and other budgetary and fiscal matters; final adoption of proposed amendments to 22 TAC §153.17 concerning Appraiser Continuing Education (ACE) requirements and procedures and appraiser trainee renewal; discussion and possible action concerning the application, certification/licensing or other board procedures, policies and interpretations; petition from Holland H. Cherry; comments and presentations from visitors; selection of date of subsequent meetings; and adjourn.

Contact: Renil C. Limer, 1101 Camino La Costa, Austin, Texas 78752, (512) 465-3950.

Filed: August 20, 1992, 2:24 p.m.

TRD-9211432

Texas Appraiser and Casualty Insurance Guaranty Association

Friday, August 28, 1992, 9 a.m. The Board of Directors of the Texas Appraiser and Casualty Insurance Guaranty Association will meet at the Workers Compensation Insurance Facility, Building A, Suite 310, 8303 MoPac Expressway North, Austin. According to the complete agenda, the board will discuss approval of the minutes of the previous meeting; public participation; discuss and possibly act on bridge agreement, reverse bridge agreement and delegation of authority regarding transition issues; employee benefit plan; new receiverships; current rehabilitation plans; formulation of guidelines for future association rehabilitation plans; executive director, delegation of authority and other personnel matters; agreements related to Performance Insurance Company; contract with receiver of Bell Indemnity to provide early access dividend; association data processing agreements; scheduling next meeting; meet in executive session to discuss solvency matters (Conservator's Report); litigation; and personnel matters.

Contact: Stephen S. Durish, 9420 Research Boulevard, Echelon III, Suite 400, Austin, Texas 78759, (512) 345-9335.

Filed: August 20, 1992, 4:16 p.m.

TRD-9211449

University of Houston System

Wednesday, August 26, 1992, 8 a.m. The Board of Regents of the University of Houston System will meet at the Waldorf Astoria Room, Conrad Hilton College Building, University of Houston, 4800 Calhoun, Houston. According to the agenda summary, the board will discuss and/or approve the following: minutes; meet in executive session; memorial resolution; Arts Acquisition Committee; Ph.D. in Spanish, organizational charts; counsel appointment; emeriti appointments; personnel recommendations; various reports; land acquisitions; various contracts/agreements; endowment foundation; resolution governing investments; revised project program; construction changes; employment services; FY93 operating budget; special line items; operating plan; reallocation of funds; reimbursement resolution; Texas Public Finance Au-

thority; insurance premiums for FY93; internal auditing department plan; election of officers and consent docket.

Contact: Peggy Cervenka, 1600 Smith, 34th Floor, Houston, Texas 77002, (713) 754-7442.

Filed: August 21, 1992, 10:07 a.m.

TRD-9211468

University of North Texas/Texas College of Osteopathic Medicine

Thursday, August 27, 1992, 1:30 p.m. The Role and Scope Committee of the Board of Regents of the University of North Texas/Texas College of Osteopathic Medicine met at 201 Administration Building, University of North Texas, Denton. According to the complete agenda, the committee revised board of regents bylaws; award of honorary degree; update on University of North Texas Health Science Center; discuss UNT Policy Manual; personnel transactions; University of North Texas distinguished research professors; TCOM: appointment to Advisory Council; approval of TCOM Academic and General Policies Manual, personnel policies and procedures manual, fiscal regulations manual, safety manual, and MSRDP bylaws and policies; revision of TCOM mission statement and authority to award M.S. Degree; and personnel transaction.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

Filed: August 21, 1992, 2:18 p.m.

TRD-9211497

Thursday, August 27, 1992, 1:30 p.m. The Advancement Committee of the Board of Regents of the University of North Texas/Texas College of Osteopathic Medicine met at the Board Room, Administration Building, University of North Texas, Denton. According to the complete agenda, the committee discussed UNT: athletics/development; gift reports; planning; special items (School of Visual Arts Dinner; Symphony Orchestra at the Meyerson); personnel changes; and at TCOM: development update.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

Filed: August 21, 1992, 2:18 p.m.

TRD-9211500

Thursday, August 27, 1992, 3 p.m. The Budget and Finance Committee of the Board of Regents of the University of North Texas/Texas College of Osteopathic Medicine met at the Conference Room, University of North Texas, Denton. According to the complete agenda, the committee discussed TCOM: resolution authorizing a

master plan lease; internal audit for 1993; gift report; report on interest earnings; UNT: resolution authorizing a master lease program; internal audit plan for 1993; gift report; report on interest earnings; investment in endowment funds; and at UNT/TCOM: liability insurance coverage; internal audit update (TCOM and UNT).

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

Filed: August 21, 1992, 2:18 p.m.

TRD-9211499

Thursday, August 27, 1992, 4 p.m. The Facilities Committee of the Board of Regents of the University of North Texas/Texas College of Osteopathic Medicine met at the Board Room, Administration Building, University of North Texas, Denton. According to the complete agenda, the committee discussed name change of Industrial Technology Building to Engineering Technology Building; repair music building roof; renovate lab school gym; extend lease of UNT golf course property; project status report; coordinating board approval of renovation projects; TCOM: discussed renovation for Department of Manipulative Medicine; lease and purchase of property and equipment; and project status report.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

Filed: August 21, 1992, 2:18 p.m.

TRD-9211498

Friday, August 28, 1992, 8 a.m. The Board of Regents of the University of North Texas/College of Osteopathic Medicine will meet at the University of North Texas, University Union, Diamond Eagle Suite, Denton. According to the complete agenda, the board of TCOM will discuss approval of minutes; meet in executive session (UNT/TCOM: legislative update; regents planning program; UNT: athletic update; evaluation of chancellor; communication and public address faculty; update on current lawsuits; golf course lease; fraternity land lease; TCOM: affiliations; update on lawsuits); advisory committee appointment; approval of policy manuals; mission statement and authority to award M.S. Degree; personnel transaction; master lease program; internal audit plan for 1993; gift report; renovation for Department of Manipulative Medicine; lease and purchase of property and equipment; project status report; revision of Board of Regents bylaws; award of honorary degree; election of officers; board meeting calendar; student issues and other noteworthy items; UNT: discuss approval of minutes; UNT Policy Manual; personnel transactions; distinguished research professorships; master lease program; internal audit plan for 1993; gift report; name change of Industrial Technology Building to Engineering Technology Build-

ing; repair music building roof; renovate lab school gym; lease on UNT golf course property; project status report; and Dallas Higher Education Center.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

Filed: August 21, 1992, 2:17 p.m.

TRD-9211496

Texas Water Commission

Wednesday, September 2, 1992, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will consider approving the following matters on the attached contested agenda: proposal for decisions on water rights, and water rates. The commission will also meet in executive session to discuss pending litigation. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including, but not limited to, rescheduling an item in its entirety or for particular action at a future date or time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: August 24, 1992, 4:58 p.m.

TRD-9211590

Wednesday, September 2, 1992, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will consider approving the following matters on the attached uncontested agenda: amendments to Waste Disposal Well; amendments to Municipal Solid Waste; permit amendments and permit modifications; permit applications; municipal utility district bonds; water rate matters; water right permits and amendments; and determination on emergency order. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including, but not limited to, rescheduling an item in its entirety or for particular action at a future date or time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: August 24, 1992, 4:58 p.m.

TRD-9211591

Monday, September 21, 1992, 9 a.m. The Office of Hearings Examiners of the Texas

Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 1149B, Austin. According to the agenda summary, the commission will consider an amendment to Permit Number 03301, for J. M. Slegers doing business as Aspen Dairy (formerly Mike Lloyd doing business as Mike Lloyd Dairy), to authorize and increase the number of cows from 600 head to a maximum of 990 head. This amendment application was initially filed by the former owner who later sold the facility and transferred ownership to J. M. Slegers doing business as Aspen Dairy. The dairy is located on FM Road 219, approximately 2.5 miles south of the intersection of FM Roads 219 and 8 in Erath County.

Contact: Leslie Cravens, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: August 24, 1992, 4:59 p.m.

TRD-9211592

Monday, October 19, 1992, 6:30 p.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Rice High School Gymnasium, Altair. According to the agenda summary, the commission received an application on September 25, 1991, for a new hazardous waste permit from Tricil Environmental Response, Inc., P.O. Box 19529, Houston, Texas 77224. The application requests authorization to construct and operate a commercial hazardous waste landfill. The proposed facility is to be located adjacent to Highway 71 two miles north of Altair in Colorado County.

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

Filed: August 24, 1992, 4:59 p.m.

TRD-9211593

Texas Workers' Compensation Commission

Friday, August 28, 1992, 9 a.m. The Medical Advisory Committee of the Texas Workers' Compensation Commission will meet at the Southfield Building, Room 910, 4000 South IH-35, Austin. According to the complete agenda, the committee will call the meeting to order; review and discuss approval of July 31, 1992 minutes; review, consider and make recommendation of proposed dental fee guideline; discuss draft rule for pharmaceutical services; discuss impairment ratings; alternate MAC members nominations; establish next meeting date; establish draft agenda; and adjourn.

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 448-7962.

Filed: August 24, 1992, 11:07 a.m.

TRD-9211564

Texas Workers' Compensation Insurance Facility

Wednesday, September 2, 1992, 7 p.m. The Governing Committee of the Texas Workers' Compensation Insurance Facility will meet at the Hyatt Regency Hotel, 208 Barton Springs Road, Austin. According to the agenda summary, the committee will have an informal joint dinner meeting with the Board of Directors of the Texas Workers' Compensation Insurance Fund ("Fund"). The meeting is intended to be a social event and there is no formal agenda. No formal action will be taken at the meeting, but it is possible that discussions could occur which could be construed to be "deliberations" within the meaning of the Open Meeting Act; therefore, the meeting will be treated as an "open meeting" and the public will be allowed to observe. However, dinner will be provided only for members of the Governing Committee and the Board of Directors, respectively, certain invited guests, and certain staff of the facility and the fund. No refreshments or dinner will be provided for members of the public.

Contact: Russell R. Oliver, 8303 MoPac Expressway, #310, Austin, Texas 78759, (512) 345-1222.

Filed: August 24, 1992, 4:06 p.m.

TRD-9211586

Meetings Filed August 20, 1992

The Alamo Area Council of Governments Area Judges met at 118 Broadway, Suite 420, San Antonio, July 25, 1992, at 11:30 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9211438.

The Leon County Central Appraisal District Board of Directors met at the Leon County Central Appraisal District Office, Gresham Building, Centerville, August 24, 1992, at 7:30 p.m. Information may be obtained from Robert M. Winn, P.O. Box 536, Centerville, Texas 75833, (903) 536-2252. TRD-9211435.

The Lubbock Regional MHMR Center Board of Trustees met at the Board Room, 3801 Avenue J, Lubbock, August 24, 1992, at noon. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 766-0202. TRD-9211448.

The MHMR Authority of Brazos Valley Board of Trustees met at the Large Conference Room, 804 Texas Avenue, Bryan, August 27, 1992, at 1:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467. TRD-9211446.

The Middle Rio Grande Development Council Private Industry Council, Executive Committee met at the Holiday Inn, 920 East Main Street, Uvalde, August 25, 1992, at 6 p.m. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9211437.

The Pecan Valley Mental Health Mental Retardation Region Board of Trustees met at the Pecan Valley MHMR Region Clinical Office, 104 Charles Street, Granbury, August 26, 1992, at 9 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806. TRD-9211436.

The Quality Work Force Planning-Brazos Valley Committee met at 301 Post Office Street, Bryan, August 25, 1992, at 11:30 a.m. Information may be obtained from Patty Groff, 301 Post Office Street, Bryan, Texas 77801, (409) 823-4988. TRD-9211440.

The Sharon Water Supply Corporation Board of Directors met at the Office of Sharon Water Supply, Route 5, Box 25-C-10, Winnsboro, August 24, 1992, at 7 p.m. Information may be obtained from Gerald Brewer, Route 5, Box 25-C-10, Winnsboro, Texas 75494, (903) 342-3525. TRD-9211434.

The South Texas Quality Work Force met at the Rio Grande I.S.D., Multi-Purpose Center Main Campus, Rio Grande City, August 27, 1992, at 11 a.m. Information may be obtained from Arturo N. Meraz, Laredo Jr. College, West End Washington, Laredo, Texas 78040-4395, (512) 721-5449. TRD-9211452.

Meetings Filed August 21, 1992

The Alamo Area Council of Governments Board of Directors met at 118 Broadway, Suite 420, San Antonio, August 25, 1992, at 1 p.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9211529.

The Andrews Center Board of Trustees met at 2323 West Front Street, Tyler, August 27, 1992, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75702, (903) 597-1351. TRD-9211479.

The Angelina and Neches River Authority Board of Directors met at the Crown Colony Country Club-in the Azalea Room, 900 Crown Colony Drive, Lufkin, August 28, 1992, at 10:30 a.m. Information may be obtained from Gary L. Neighbors, P.O. Box 387, Lufkin, Texas 75902-0387, (409) 632-7795. TRD-9211454.

The Archer County Appraisal District Board of Directors met at the Appraisal District Office, 211 South Center, Archer City, August 26, 1992, at 5 p.m. Information may be obtained from Edward H. Trigg III, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172. TRD-9211480.

The Brazos Valley Development Council Family Self Sufficiency Coordinating Body Committee met at Door #2, 3006 East 29th Street, Bryan, August 27, 1992, at 9 a.m. Information may be obtained from Laura Klesel, 3006 East 29th Street, Bryan, Texas 77802, (409) 776-2277. TRD-9211501.

The Coastal Bend Council of Governments Membership met at the Nueces County Courthouse, Commissioners Courtroom, 3rd Floor, 901 Leopard Street, Corpus Christi, August 28, 1992, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743. TRD-9211502.

The County Education District Number 11 Board of Trustees met at the Snyder ISD Administration Building, 2901 37th Street, Snyder, August 27, 1992, at 7 p.m. Information may be obtained from L.R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549. TRD-9211481.

The Dallas Area Rapid Transit Governmental Relations Committee met at the DART Office, Board Conference Room, 601 Pacific Avenue, Dallas, August 25, 1992, at 11 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9211516.

The Dallas Area Rapid Transit Search Committee met at the DART Office, 601 Pacific Avenue, Executive Conference Room, Dallas, August 25, 1992, at noon. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9211518.

The Dallas Area Rapid Transit Customer Community Relations Committee met at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, August 25, 1992, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9211515.

The Dallas Area Rapid Transit Minority Affairs Committee met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, August 25, 1992, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9211517.

The Dallas Area Rapid Transit Audit Committee met at the DART Office, 601 Pacific Avenue, Executive Conference Room, Dallas, August 25, 1992, at 1:30

p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9211514.

The Dallas Area Rapid Transit Board of Directors met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, August 25, 1992, at 3 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9211519.

The Deep East Texas Council of Governments Budget Committee met at the JTPA Building, 118 South First Street, Angelina County, Lufkin, August 26, 1992, at 1:30 p.m. Information may be obtained from Joan Draper, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704. TRD-9211484.

The Deep East Texas Council of Governments Solid Waste Task Force met at the Trinity Community Center, 806 Robb Street, Trinity County, Trinity, August 27, 1992, at 10 a.m. Information may be obtained from Katie Bayliss, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704. TRD-9211459.

The Deep East Texas Regional MHMR Services Board of Trustees met at the Ward R. Burke Community Room-Administration Facility, 4101 South Medford Drive, Angelina County, Lufkin, August 25, 1992, at 3 p.m. Information may be obtained from Sandra J. Vann, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141. TRD-9211493.

The Fort Bend County Education District Board of Trustees met at the Lamar Consolidated ISD, Administration Building Board Room, 3911 Avenue I, Rosenberg, August 26, 1992, at 6 p.m. Information may be obtained from Jerome Bourgeois, 2706 St. Andrews Place, League City, Texas 77573, (713) 744-6534. TRD-9211536.

The Golden Crescent Regional Planning Commission Board of Directors met at the GCRPC Board Room, Regional Airport, Building 102, Victoria, August 26, 1992, at 5 p.m. Information may be obtained from Patrick Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587. TRD-9211466.

The Golden Crescent Regional Planning Commission Executive Committee met at the GCRPC Board Room, Regional Airport, Building 102, Victoria, August 26, 1992, at 6 p.m. Information may be obtained from Patrick Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587. TRD-9211492.

The Gulf Bend MHMR Center Board of Trustees met at the Calhoun Work Activity Center, 206 South Bauer, Port Lavaca, August 27, 1992, at noon. Information may be obtained from Sharon Pratkan, 1404 Village Drive, Victoria, Texas 77901, (512) 575-0611. TRD-9211541.

The Jack County Education District Board of Directors met at the Jacksboro ISD Ag. Building, 819 West Belknap, Jacksboro, August 24, 1992, at 7 p.m. Information may be obtained from Gary Zeitler, 812 West Belknap, Jacksboro, Texas 76458, (817) 567-5544. TRD-9211537.

The Kempner Water Supply Corporation Board of Directors met at the Kempner Water Supply Corporation Office, Highway 190, Kempner, August 27, 1992, at 7 p.m. Information may be obtained from Doug Lavender and Alton Myers, P.O. Box 103, Kempner, Texas 76539, (512) 932-3701. TRD-9211460.

The Lower Rio Grande Valley Development Council Board of Directors met at the Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, August 27, 1992, at 1:30 p.m. Information may be obtained from Kenneth N. Jones, Jr., 4900 North 23rd Street, McAllen, Texas 78504, (512) 682-3481. TRD-9211457.

The MHMR Authority of Brazos Valley Board of Trustees met at 804 Texas Avenue, Bryan, August 27, 1992, at 1:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467. TRD-9211485.

The Middle Rio Grande Development Council Texas Review and Comment System met at the Holiday Inn Rose Room, 920 East Main, Uvalde, August 25, 1992, at 1 p.m. Information may be obtained from Dora T. Flores, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9211453.

The Middle Rio Grande Development Council Private Industry Council and Board of Directors met at the Holiday Inn Rose Room, 920 East Main, Uvalde, August 25, 1992, at 6 p.m. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9211490.

The Middle Rio Grande Development Council Executive Committee met at the Holiday Inn Sage Room, 920 East Main, Uvalde, August 25, 1992, at 7:30 p.m. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9211491.

The Middle Rio Grande Development Council Board of Directors met at the Holiday Inn Sage and Rose Room, 920 East Main, Uvalde, August 26, 1992, at 1 p.m. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9211489.

The Palo Pinto County Education District met at the Palo Pinto County Court House, Palo Pinto, August 26, 1992, at 6:45

p.m. Information may be obtained from Ron Munday, 102 Northwest 6th Avenue, Mineral Wells, Texas 76067, (817) 325-6404. TRD-9211488.

The Region V Education Service Center Board of Directors met at the ESC Boardroom, Delaware Street, Beaumont, August 25, 1992, at 12:30 p.m. Information may be obtained from Robert E. Nicks, 2295 Delaware Street, Beaumont, Texas 77703, (409) 835-5212. TRD-9211462.

The Region V Education Service Center Board of Directors met at the ESC Boardroom, Delaware Street, Beaumont, August 25, 1992, at 1:15 p.m. Information may be obtained from Robert E. Nicks, 2295 Delaware Street, Beaumont, Texas 77703, (409) 835-5212. TRD-9211461.

The Sabine Valley Center Care and Treatment Committee met at the Administration Building, 107 Woodbine Place, Longview, August 27, 1992, at 4 p.m. Information may be obtained from Mack O. Blackwell or LaVerne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 758-2471. TRD-9211522.

The Sabine Valley Center Finance Committee met at the Administration Building, 107 Woodbine Place, Longview, August 27, 1992, at 4 p.m. Information may be obtained from Mack O. Blackwell or LeVerne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 758-2471. TRD-9211521.

The Sabine Valley Center Personnel Committee met at the Administration Building, 107 Woodbine Place, Longview, August 27, 1992, at 4 p.m. Information may be obtained from Mack O. Blackwell or LeVerne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 758-2471. TRD-9211527.

The Sabine Valley Center Board of Trustees met at the Administration Building, Ben F. Bane Room, 107 Woodbine Place, Longview, August 27, 1992, at 5:30 p.m. Information may be obtained from Mack O. Blackwell or LaVerne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 758-2471. TRD-9211520.

The South Texas Quality Work Force met at the Rio Grande I.S.D., Multi-Purpose Center Main Campus, Rio Grande City, August 27, 1992, at 11 a.m. Information may be obtained from Arturo N. Meraz, Laredo Jr. College, West End Washington, Laredo, Texas 78040-4395, (512) 721-5449. TRD-9211478.

The West Central Texas Municipal Water District met at 410 Hickory Street, Abilene, August 27, 1992, at 9:30 a.m. Information may be obtained from Virginia Duncan, P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254.

Meetings Filed August 24, 1992

The Austin-Travis County Mental Health and Mental Retardation Center Board of Trustees met at 1430 Collier Street, Board Room, Austin, August 27, 1992, at 4 p.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9211554.

The Austin-Travis County Mental Health and Mental Retardation Center Executive Committee met at 1430 Collier Street, Board Room, Austin, August 27, 1992, at 4 p.m. Information may be obtained from Sharon Taylor, P. O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9211556.

The Barton Springs/Edwards Aquifer Conservation District Board of Directors met at 1124-A Regal Row, Austin, August 27, 1992, at 5 p.m. Information may be obtained from Bill Couch, 1124-A Regal Row, Austin, Texas 78748, (512) 282-8441. TRD-9211561.

The Barton Springs/Edwards Aquifer Conservation District Board of Directors will meet at 1124-A Regal Row, Austin, August 28, 1992, at 8:30 a.m. Information may be obtained from Bill Couch, 1124-A Regal Row, Austin, Texas 78748, (512) 282-8441. TRD-9211562.

The Central Appraisal District of Taylor County Board of Directors will meet at 1534 South Treadaway, Abilene, September 9, 1992, at 3:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381. TRD-9211565.

The Deep East Texas Private Industry Council, Inc. will meet at the Lufkin City Hall, Room 202, Lufkin, September 1, 1992, at 2:30 p.m. Information may be obtained from Charlene Meadows, P.O. Box 1423, Lufkin, Texas 75901, (409) 634-2247. TRD-9211555.

The Garza County Appraisal District Board of Directors will meet at the Appraisal District Office, 124 East Main, Post, August 31, 1992, at 9 a.m. Information may be obtained from Billie Y. Windham, P.O. Drawer F, Post, Texas 79356, (806) 495-3518. TRD-9211558.

The Rusk County Appraisal District Board of Directors will meet at the Administrative Office, 107 North Van Buren, Henderson, September 10, 1992, at 1:30 p.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (903) 657-3578. TRD-9211557.

Meetings Filed August 25, 1992

The Atascosa County Appraisal District Appraisal Review Board will meet at the Atascosa County Appraisal District Office, Fourth and Avenue J, Poteet, September 2, 1992, at 8 a.m. Information may be obtained from Vernon A. Warren, P.O. Box 139, Poteet, Texas 78065, (512) 742-0591. TRD-9211601.

The Edwards County Appraisal District Appraisal Review Board will meet at the New County Annex Building, Rocksprings, September 17, 1992, at 10 a.m. Information may be obtained from Natalie Goggans, P.O. Box 378, Rocksprings, Texas 78880, (512) 683-4189. TRD-9211607.

The Golden Crescent Regional Planning Commission Board of Directors met at the GCRPC Board Room, Regional Airport, Building 102, Victoria, August 26, 1992, at 5 p.m. The emergency status was necessary as the applications were due back to the Texas Department of Housing and Community Affairs prior to the next scheduled board meeting of GCRPC. Information may be obtained from Patrick Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587. TRD-9211598.

The Hunt County Appraisal District Board of Directors will meet at the Hunt County Appraisal District, Board Room, 4801 King Street, Greenville, August 28, 1992, at noon. Information may be obtained from Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (903) 454-3510. TRD-9211600.

The Jack County Education District Board of Directors will meet at 812 West Belknap, Superintendent's Office, Jacksboro, August 28, 1992, at 7:30 a.m. Information may be obtained from Gary L. Zeitler, 812 West Belknap, Jacksboro, Texas 76458, (817) 567-5544. TRD-9211596.

The Johnson County Rural Water Supply Corporation will meet at the JCRWSC Office, Highway 171 South, Cleburne, August 28, 1992, at 9 a.m. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9211602.

The Kendall County Education District Board of Trustees will meet at 121 South Main Street, Boerne, September 3, 1992, at 7 p.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012. TRD-9211608.

The Middle Rio Grande Development Council Board of Directors met at the Holiday Inn Sage and Rose Room, 920 East Main Street, Uvalde, August 26, 1992, at 1 p.m. The emergency status was necessary as agenda items needed board action before

the end of the month. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9211595.

The Parmer County Appraisal District Board of Directors will meet at 305 Third Street, Bovina, September 10, 1992, at 7:30 p.m. Information may be obtained from

Ron Procter, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405. TRD-9211610.

The Tarrant Appraisal District Appraisal Review Board will meet at 2329 Gravel Road, Fort Worth, September 8-10, 1992, at 8:30 a.m. Information may be obtained from Suzanne Williams, 2329 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884. TRD-9211611.

The Tarrant Appraisal District Appraisal Review Board will meet at 2329 Gravel Road, Fort Worth, September 17, 1992, at 8:30 a.m. Information may be obtained from Suzanne Williams, 2329 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884. TRD-9211612.



In Addition

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Department of Banking

Notice of Hearing

The Hearings Officer of the Texas Department of Banking will conduct a hearing at 9 a.m. on Tuesday, October 6, 1992, at 2601 North Lamar Boulevard, Austin, on the application for the Country Bank, Charlotte, to establish a branch to be located at 405 West Oaklawn, Pleasanton, Atascosa County.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1317.

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

TRD-9211494 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: August 21, 1992

Comptroller of Public Accounts

Lottery Audit and Consulting Services

Notice of Request for Proposals. Pursuant to the State Lottery Act, the Lottery Division of the Comptroller of Public Accounts announces its Request For Proposals (RFP) for Lottery Audit and Consulting Services. The purpose of the RFP is for the Lottery to obtain proposals for an independent audit of all Lottery accounts and transactions for the initial fiscal year of operation. In accordance with the Act, §2.09, the Successful Proposer will also be required to review Lottery operations and make recommendations to improve the Lottery's efficiency and earnings capability.

Contact. Parties interested in submitting a proposal should contact the General Counsel's Office, Comptroller of Public Accounts, 111 East 17th Street, Room 113, Austin, Texas 78774, (512) 475-0252, for a complete copy of the RFP. The RFP will be available for pickup at the above address on Friday, August 28, 1992, between 1 p.m. and 5 p.m. (CDT), and during normal business hours thereafter.

Closing Date. Proposals must be received in the General Counsel's Office no later than 4 p.m. (CDT), on September 25, 1992. Proposals received after this date and time will not be considered.

Award Procedure. All proposals will be subject to evaluation by a committee based on the evaluation criteria set forth in the RFP. The committee will determine which proposal best meets these criteria and will make a recommendation to the Director, who will make the final decision. A proposer may be asked to clarify its proposal, which may include making an oral presentation or site visit, prior to final selection.

The Lottery Division reserves the right to accept or reject any or all proposals submitted. The Lottery Division is under no legal or other requirements to execute a resulting contract on the basis of this notice or the distribution of the RFP. Neither this notice nor the RFP commits the Lottery Division to pay for any costs incurred prior to the execution of a contract.

The anticipated schedule of events is as follows. RFP available-August 28, 1992; Letter of Intent to propose due-September 25, 1992, by 4 p.m.; Announcement of Apparent Successful Proposer-September 29, 1992.

Issued in Austin, Texas, on August 24, 1992.

TRD-9211560 Martin E. Cherry
Chief, General Law Section
Comptroller of Public Accounts

Filed: August 24, 1992

Lottery Drawing Production Services

Notice of Request for Proposals. Pursuant to the State Lottery Act, the Lottery Division of the Comptroller of Public Accounts announces its Request For Proposals (RFP) for Lottery Drawing Production Services. The purpose of the RFP is for the Lottery to obtain proposals for the production portion of lottery drawings for live television broadcast.

Contact. Parties interested in submitting a proposal should contact the General Counsel's Office, Comptroller of Public Accounts, 111 East 17th Street, Room 113, Austin, Texas 78774, (512) 475-0252, for a complete copy of the RFP. The RFP will be available for pickup at the above address on Friday, August 28, 1992, between 1 p.m. and 5 p.m. (CDT), and during normal business hours thereafter.

Closing Date. Proposals must be received in the General Counsel's Office no later than 4 p.m. (CDT), on September 28, 1992. Proposals received after this date and time will not be considered.

Award Procedure. All proposals will be subject to evaluation by a committee based on the evaluation criteria set forth in the RFP. The committee will determine which proposal best meets these criteria and will make a recommendation to the Director, who will make the final decision. A proposer may be asked to clarify its proposal, which may include making an oral presentation or site visit, prior to final selection.

The Lottery Division reserves the right to accept or reject any or all proposals submitted. The Lottery Division is under no legal or other requirements to execute a resulting contract on the basis of this notice or the distribution of the RFP. Neither this notice nor the RFP commits the Lottery Division to pay for any costs incurred prior to the execution of a contract.

The anticipated schedule of events is as follows. RFP available-August 28, 1992; Letter of Intent to propose due-September 8, 1992, by 4 p.m.; Announcement of Apparent Successful Proposer-October 5, 1992.

Issued in Austin, Texas, on August 24, 1992.

TRD-9211551

Martin E. Cherry
Chief, General Law Section
Comptroller of Public Accounts

Filed: August 24, 1992



Texas Department of Health Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED

Location	Name	License Number	City	Amendment #	Date of Action
Houston	Fannin Imaging Center	L04609	Houston	0	08/07/92
Midland	West Texas Nuclear Pharmacy	L04573	Midland	0	07/31/92
Throughout Texas	Grimes and Associates, Consulting Engineers	L04616	Wolfforth	0	08/04/92
Throughout Texas	TUV Rheinland of North America	L04596	Corpus Christi	0	08/05/92
Throughout Texas	Quality Assurance Services Inc.	L04601	Grand Prairie	0	08/05/92

AMENDMENTS TO EXISTING LICENSES ISSUED

Location	Name	License Number	City	Amendment #	Date of Action
Abilene	Hendrick Medical Center	L02433	Abilene	36	08/07/92
Arlington	Arlington Cancer Treatment Center	L03211	Arlington	32	08/07/92
Baytown	IGI Baychem, Inc.	L04436	Houston	1	07/31/92
Beaumont	Reuben A. Isern, M.D.	L04516	Beaumont	3	08/04/92
Beaumont	St. Elizabeth Hospital	L00269	Beaumont	53	08/06/92
Cheek	Goodyear Tire and Rubber Company	L04006	Beaumont	9	07/31/92
College Station	Texas A & M University	L00448	College Station	77	08/10/92
Corpus Christi	Weatherford-Petco, Inc.	L02756	Houston	10	08/04/92
Corpus Christi	Valero Refining Company	L03360	Corpus Christi	6	08/04/92
Dallas	Syncor International Corporation	L02048	Dallas	72	08/06/92
Dallas	Kaiser Foundation Health Plan of Texas	L03755	Dallas	13	08/06/92
Dumas	Memorial Hospital	L03540	Dumas	9	08/06/92
El Paso	Sierra Medical Center	L02365	El Paso	21	08/04/92
Fort Worth	Harris Methodist Hospital	L01837	Fort Worth	46	08/04/92
Fort Worth	MASI Healthcare Services	L03212	Fort Worth	18	08/10/92
Hobson	Everest Exploration, Inc.	L03626	Corpus Christi	10	07/28/92
Hondo	Medina Community Hospital	L03323	Hondo	6	08/10/92
Houston	The Methodist Hospital	L00457	Houston	65	08/06/92
Houston	Syncor International Corporation	L01911	Houston	82	08/05/92
Houston	Richard Fleming, M.D.	L04513	Cedar Rapids, IA	1	08/06/92
Houston	The U.T. Health Science Center at Houston	L02774	Houston	21	08/06/92
Houston	Offenhauser Company	L03109	Houston	16	08/10/92
Humble	Northeast Medical Center Hospital	L02412	Humble	31	08/10/92

AMENDMENTS TO EXISTING LICENSES CONTINUED

Location	Name	License Number	City	Amendment #	Date of Action
Huntsville	Sam Houston State University	L00496	Huntsville	23	07/31/92
Katy	Katy Medical Center, Inc.	L03052	Katy	16	07/20/92
Kingsville	URI, Inc.	L03653	Dallas	15	08/03/92
Lubbock	St. Mary of the Plains Hosp. and Rehab. Ctr.	L01547	Lubbock	36	08/07/92
Lubbock	Methodist Diagnostic Imaging	L03948	Lubbock	13	08/10/92
Lubbock	LCC Institute of Water Research	L02804	Lubbock	5	08/11/92
Odessa	West Texas Imaging Center	L04562	Odessa	1	08/04/92
Odessa	Medical Center Hospital	L01223	Odessa	46	08/05/92
Pasadena	Pasadena Bayshore Medical Center	L00153	Pasadena	40	08/05/92
San Angelo	Angelo State University	L01584	San Angelo	11	08/07/92
San Antonio	Southwest Foundation for Biomedical Research	L00468	San Antonio	38	07/31/92
San Antonio	The U.T. Health Science Ctr. at San Antonio	L01279	San Antonio	55	08/04/92
San Antonio	Village Drive Nuclear Scanning Lab., Inc.	L03460	San Antonio	6	08/10/92
San Antonio	Baptist Imaging Center	L04506	San Antonio	1	08/06/92
San Antonio	The U.T. Health Science Ctr. at San Antonio	L01279	San Antonio	56	08/10/92
The Woodlands	The Woodlands Sports Medicine Centre, P.A.	L04390	The Woodlands	6	08/05/92
Throughout Texas	Trinity Engineering Testing Corporation	L00645	Odessa	38	07/31/92
Throughout Texas	Baker, Shiflett and Associates	L02906	Fort Worth	15	07/30/92
Throughout Texas	DEVELCO	L04452	Houston	11	07/31/92
Throughout Texas	Global X-Ray & Testing Corp.	L03663	Houston	23	07/30/92
Throughout Texas	Big State X-Ray	L02693	Odessa	15	07/30/92
Throughout Texas	Theratronics International Limited	L02623	Carrollton	16	07/31/92
Throughout Texas	American Inspection Company Inc.	L04073	Beaumont	20	08/05/92
Throughout Texas	Brazos Valley Inspection Services, Inc.	L02859	Bryan	32	08/05/92
Throughout Texas	Ultrasonic Specialist, Inc.	L01774	Houston	61	08/05/92
Throughout Texas	Global X-Ray & Testing Corp.	L03663	Houston	24	08/05/92
Throughout Texas	Master Wireline Services, Inc.	L04161	Wichita Falls	1	07/31/92
Throughout Texas	Panhandle N.D.T. & Inspection, Inc.	L02627	Borger	30	08/07/92
Waller	Progressive Metals	L02831	Waller	29	07/31/92
Woodville	S & T International, Inc.	L03652	Woodville	17	08/06/92

RENEWALS OF EXISTING LICENSES ISSUED

Location	Name	License Number	City	Amendment #	Date of Action
Deer Park	The BFGoodrich Company	L03200	Deer Park	4	07/30/92
Electra	Electra Memorial Hospital	L03227	Electra	6	08/04/92
Houston	Western Stress, Inc.	L04084	Houston	9	07/31/92
Houston	Uncle Ben's, Inc.	L04086	Houston	3	08/04/92
Houston	Sunbelt Regional Medical Center	L03306	Houston	9	08/06/92
Houston	Doctors Hospital East Loop	L01838	Houston	21	08/10/92
Linden	Linden Municipal Hospital	L02721	Linden	8	08/10/92
McAllen	Rio Grande Regional Hospital	L03288	McAllen	22	08/06/92
Sunnyvale	City of Garland	L02230	Garland	6	07/31/92
Throughout Texas	OMSCO Industries	L02726	Houston	8	07/31/92
Throughout Texas	ATEC Associates, Inc.	L02645	Dallas	11	07/31/92
Throughout Texas	Baker Sands Control	L03272	Houston	15	07/31/92
Throughout Texas	Component Sales and Service, Inc.	L02243	Houston	15	08/05/92

TERMINATIONS OF LICENSES ISSUED

Location	Name	License Number	City	Amendment #	Date of Action
Austin	City of Austin	L02251	Austin	6	08/07/92
Houston	McDonagh Medical Center of Texas, Inc.	L03918	Houston	1	08/10/92
Jasper	Jasper Memorial Hospital	L03075	Jasper	26	08/06/92
Texarkana	Wadley Regional Medical Center	L01437	Texarkana	18	08/06/92
Throughout Texas	Anadrill, Inc.	L04053	Houston	5	07/31/92

AMENDMENTS TO EXISTING LICENSES DENIED

Location	Name	License Number	City	Amendment #	Date of Action
Houston	Harrisburg Eye Associates		Houston	0	08/06/92

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or person affected within 30 days of the date of publication of this notice. A person affected is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas, 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and

state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, The Exchange Building, 8407 Wall Street, Austin, Texas, from 8 a.m. to 5 p.m. Monday-Friday (except holidays).

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

TRD-9211401 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: August 19, 1992

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Notice of Emergency Cease and Desist Order

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Carl V. Dillard, D.C. (registrant-R12488) of Humble to cease and desist using any source of radiation in his possession until all violations found during a recent inspection of his operations have been corrected. The bureau determined that the continued use of the source of radiation at this facility constitutes a threat to public health and safety. The registrant is further required to provide written evidence satisfactory to the bureau regarding the actions to correct the violations and the methods to prevent their recurrence.

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

Issued in Austin, Texas, on August 21, 1992

TRD-9211483

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

Filed: August 21, 1992

Houston-Galveston Area Council Regional Airport Land Use Survey

The Houston-Galveston Area Council (H-GAC) is seeking the services of a qualified consultant to assist in a Regional Airport Land Use Survey. The objective is to develop land use inventory capabilities on a Geographic Information System. The consultant must have computer mapping software. A copy of the detailed Request for Proposal will be provided upon request.

The proposed professional services contract would involve performing land use surveys of airports in the H-GAC's 13 county region. The consultant will identify potentially incompatible land uses surrounding the airports, including: areas of noise impact (schools, hospitals, residences, places of worship); height hazard incompatibilities; and environmental incompatibilities (landfills, natural animal habitats, etc.). Land use data will be digitized and mapped by type.

The following criteria will be used to evaluate the proposals: demonstrated knowledge of the study area; comprehension of study requirements and the methodology to be applied, including characteristics and attributes of the computer mapping software; qualifications of personnel assigned; previous related work experience; management plan.

Proposals must be received no later than 5 p.m., September 21, 1992, at the H-GAC office located at 3555 Timmons Lane, Suite 500, Houston. Direct proposals to Ruth Decker, Aviation Planner, H-GAC, P.O. Box 22777, Houston, Texas 77227-2777, (713) 627-3200.

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

TRD-9211503

Jack Steele
Executive Director
Houston-Galveston Area Council

Filed: August 21, 1992

Texas Department of Human Services Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (TDHS) is inviting offerors for consultant services.

Description of Services. TDHS is seeking proposals for the planning and development of child care resource and referral (CCR&R) services in Texas, including collaboration with statewide and local organizations to design a plan for a statewide CCR&R network. The contractor will conduct research of existing models of CCR&R systems and conduct a needs assessment regarding resource and referral services in the State of Texas.

Term and Amount of Contract. TDHS anticipates to award only one contract under this procurement. The contract period is expected to be September 30, 1992 through September 30, 1993. The maximum amount of funding that an offeror may request is \$60,000 for the 12 month period.

Closing Date of Receipt of Offers. The last date offers will be received is 4 p.m. CDT on Friday, September 18, 1992.

Evaluation and Selection. Evaluation criteria are contractor background, organization, and administration; coordination with the child care and child care resource and referral community, methodology, activities and features; and costs. TDHS has identified one potential contractor, and unless a substantially better proposal is received, an award may be made to that contractor.

Contact Person. To obtain a complete copy of the request for proposal packet, contact Neomi Cuevas, Texas Department of Human Services, P.O. Box 149030; MC E-311, Austin Texas 78714-9030, 701 West 51st Street, Austin, Texas 78751, (512) 450-4116.

Issued in Austin, Texas, on August 24, 1992.

TRD-9211550

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

Filed: August 24, 1992

Request for Proposal

The Texas Department of Human Services (DHS) is inviting proposals for the delivery of case management services under the authority of the Community Living Assistance and Support Service Program (CLASS) Waiver Program. Under this waiver, home and community-based services are provided as an alternative to institutionalization to Medicaid eligible individuals with related conditions who would otherwise require the level of care of an intermediate care facility for the mentally retarded with related conditions. DHS intends to serve persons living in one to four geographic areas. Contracts will be written to serve a minimum of 30 persons, depending on the number of qualifying proposals received.

Description of Services. The case manager enrolls participants in the CLASS program and is the focal point for service planning, coordination, and monitoring. The case manager convenes the interdisciplinary team responsible for developing the plan of care and assures that services are aligned with the aims of the individual participant. Case managers further assist in the identification and development of appropriate community resources, review of service delivery, crisis intervention, advocacy, and safeguarding individual rights. The case manager works in a cooperative relationship with the direct service agency which delivers home and community-based services.

Geographical Area. The department intends to contract with case management services agency providers in one or more of the following service areas listed in order of priority: Nueces County; Lubbock County; Potter/Randall Counties; and Jefferson County.

Contract Effective Dates. Contracts will be effective February 1, 1993, or upon certification by the department as a CLASS provider, whichever is later.

Closing Date and Time. The closing date for receiving proposals will be 5 p.m. on October 27, 1992.

Offeror's Conference. An offeror's conference will be held at 9 a. m. on October 6, 1992, at the Joe C. Thompson Conference Center, University of Texas, 2405 East Campus Drive, Austin, Texas 78713, Room 3.122.

Evaluation and Selection. Providers whose proposals receive qualifying scores, and who desire to contract with the department, are eligible to be considered for a contract with the department.

Contact Person. To request an RFP package, please contact Barbara Stegall, Program Coordinator, P.O. Box 149030, (MC W-521), Austin, Texas 78714-9030, (512)450-3228 or FAX (512)450-4176, John H. Winters Human Services Center, 701 West 51st Street, Austin. RFP packages will be available on September 4, 1992.

Issued in Austin, Texas, on August 19, 1992.

TRD-9211422 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: August 19, 1992

The Texas Department of Human Services (DHS) is inviting proposals for the provision of home and community-based services provided under the authority of the Community Living Assistance and Support Services Program (CLASS). Under this waiver, home and community-based service are provided as an alternative to institutionalization to Medicaid eligible individuals with related conditions who would otherwise require the level of care of an intermediate care facility for the mentally retarded with related conditions. DHS intends to serve persons living in one to four areas. Contracts will be written to serve a minimum of 30 persons, depending on the number of qualifying proposals received.

Description of services. The direct services agency is responsible for delivering home and community-based services to eligible waiver participants in accordance with individual plans of care. Services provided by the direct service agency include: habilitation, respite, nursing, physical therapy, psychological, occupational therapy, speech pathology services, adaptive aids and minor home modifications. Direct services agencies also participate on interdisciplinary teams and work in cooperative relationship with case management providers who serve as the focal point for service planning, coordination, and monitoring.

Geographical Areas. The department intends to contract with direct services agency providers in one or more of the following service areas listed in order of priority: Nueces County; Lubbock County; Potter/Randall Counties; and Jefferson County. Contract Effective Dates: Contracts will be effective February 1, 1993, or upon certification by the department as a CLASS provider, whichever is later.

Closing Date and Time. The closing date for receiving proposals will be 5 p.m. on October 27, 1992.

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Evaluation and Selection. Providers whose proposals receive qualifying scores, and who desire to contract with the department, are eligible to be considered for a contract with the department.

Contact Person. To request an RFP package, please contact Barbara Stegall, Program Coordinator, P.O. Box 149030, (MC W-521), Austin, Texas 78714-9030, (512)450-3228 or FAX (512)450-4176, John H. Winters Human Services Center, 701 West 51st Street, Austin.

RFP packages will be available on September 4, 1992.

Issued in Austin, Texas, on August 19, 1992.

TRD-9211423 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: August 19, 1992

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**Texas State Library and Archives
Commission
Local Government Records Committee**

Notice is hereby given, pursuant to the Texas Government Code, Chapter 441, Subchapter J, for the purpose of accepting nominations to fill a vacancy on the Local Government Records Committee.

Nominations will be accepted through September 30, 1992, to fill the position of representative for school districts with an average daily attendance between 1,000 and 9,999.

A nomination may be made by an organization representing officers of the type to be appointed and that has 50 such officers as members. In choosing between two or more nominees, the director and librarian is required by law to give preference to a nomination or nominations received from organizations whose membership consists primarily of the type of officer to be appointed.

Nominations should be sent to William D. Gooch, Director and Librarian, Texas State Library, P.O. Box 12927, Austin, Texas 78711.

Issued in Austin, Texas, on August 19, 1992.

TRD-9211456 Raymond Hitt
Assistant State Librarian
Texas State Library

Filed: August 21, 1992

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**Public Utility Commission of Texas
Notices of Intent to File Pursuant to
Public Utility Commission Substantive
Rule 23.27**

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for the City of Fort Worth, Fort Worth.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for the City of Fort Worth Pursuant to Public Utility Commission Substantive Rule 23.27(k). Tariff Control Number 11391.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for the City of Fort Worth. The geographic service market for this specific service is the Fort Worth area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section

at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

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

TRD-9211445 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: August 19, 1992

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for the American Airlines-Alliance Airport, Fort Worth.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for approval of Plexar-Custom Service for American Airlines-Alliance Airport pursuant to Public Utility Commission Substantive Rule 23.27(k). Tariff Control Number 11402.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for American Airlines-Alliance Airport. The geographic service market for this specific service is the Fort Worth area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on August 19, 1992.

TRD-9211447 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: August 20, 1992

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for North East ISD, San Antonio.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for North East ISD, Pursuant to Public Utility Commission Substantive Rule 23.27(k). Tariff Control Number 11401.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for North East ISD. The geographic service market for this specific service is the San Antonio area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on August 19, 1992.

TRD-9211418 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: August 20, 1992

Texas Racing Commission Correction of Error

A Notice of Application Period was published in error in the July 3, 1992, *Texas Register* (17 TexReg 4830).

Due to a production error by the *Texas Register* the notice, which originally was published in January 1990, was included in the July 3, 1992, issue. It should not have been printed.

Texas Railroad Commission Correction of Error

The Office of the Railroad Commission of Texas submitted five Request for Proposal notices, concerning the Alternative Fuels Research and Education Division (AFRED). The notices appeared in the August 14, 1992, *Texas Register* (17 TexReg 5709).

Due to an error in the agency's submission the enabling legislation was incorrectly identified as Senate Bill 2505. The correct bill is House bill 2505. This applies to TRD-9210692, 9210693, 9210694, 9210694, 9210695, and 9210696.

Texas Department of Transportation Public Hearing Notice

Pursuant to the Administrative Procedure and *Texas Register* Act, Texas Civil Statutes, Article 6252-13a, §5, the Texas Department of Transportation (TxDOT) will conduct a public hearing jointly with the Texas Historical Commission (THC), and the Texas Antiquities Committee (Committee) to receive comments on proposed new §2.24 concerning a memorandum of understanding among the agencies. The memorandum provides for the review of department projects that have the potential to affect historic properties and cultural resources within the jurisdiction of THC and the Committee, and concerns the development of a system by which information developed by TxDOT, THC, and the committee may be exchanged to their mutual benefit. Notice of the proposed new section and its text was published in the August 7, 1992 issue of the *Texas Register* (17 TexReg 5530). The public hearing will be held at 9 a.m. on September 14, 1992, in the first floor hearing room of the Dewitt C. Greer State Highway Building, 125 East 11th Street, Austin.

Those desiring to make oral comments or presentations may register starting at 8:30 a.m. Any interested person may appear and offer comments, either orally or in writing, however, questioning of those making presentations will be reserved exclusively to the presiding officer as may be necessary to ensure a complete record. While any person with pertinent comments will be granted an opportunity to present them during the course of the hearing, the presiding officer reserves the right to restrict testimony in terms of time and repetitive content. Organizations, associations, or groups are encouraged to present their common held views, and same or similar comments, through

a representative member where possible. Comments on the proposed text should include appropriate citations to sections, subsections, paragraphs, etc., for proper reference. Any suggestions or requests for alternative language or other revisions in the proposed text should be submitted in written form.

Written comments on the proposal may also be submitted to Roland Gamble, P. E., Director, Division of Environmental Affairs, 125 East 11th Street, Austin, Texas 78701. Copies of the proposed new sections are available from Mr. Gamble at (512) 475-0703.

Issued in Austin, Texas, on August 21, 1992.

TRD-9211532 Diane L. Northam
Legal Administrative Assistant
Texas Department of Transportation

Filed: August 21, 1992

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**Texas Department of Transportation,
Division of Aviation**

Notice of Contract Award

Under the provisions of Texas Civil Statutes, Article 664-4, the Texas Department of Transportation publishes this notice of a consultant contract award for providing professional engineering services.

The request for professional engineering services was published in the April 17, 1992, *Texas Register* (17 TexReg 2817).

The consultant will provide engineering services for the preliminary engineering phase, preapplication phase, preliminary design phase, final design phase, bidding phase, construction phase, and closeout phase for the following TxDOT project: 92-42-033, Marian Airpark, Wellington.

The engineering firm for these services is OJD Engineering, P.O. Box 543, Wellington, Texas 79095.

The total value of the contract is \$6,500 and the contract period started on August 20, 1992, until the completion of the project.

If there are any questions, please contact Karon Wiedemann, Manager, Grant Administration, Division of Aviation, (512) 476-9262.

Issued in Austin, Texas, on August 24, 1992.

TRD-9211548 Diane L. Northam
Legal Administrative Assistant
Texas Department of Transportation

Filed: August 24, 1992

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**Texas Water Commission
Public Hearing Notice**

The Texas Water Commission will conduct a public hearing on the repeal of §335.62, amendments to §§335.1, 335.6, 335.9, and 335.10, concerning industrial solid waste and municipal hazardous waste management in general, and new §335.62, concerning standards applicable to generators of hazardous waste and new §§335.501-335.515, Subchapter R, concerning waste classification.

An error was in the preamble of rules that were published in the Tuesday, August 18, 1992, issue of the *Texas Register*. The William B. Travis State Office Building is an incorrect location, the correct location of the scheduled hearing is listed as follows.

Comments on the proposal may be submitted to Erich Birch, Senior Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087. Comments will be accepted until 5 p.m. for on September 17, 1992. In addition, one public meeting for receiving comments has been set for Thursday, September 3, 1992, at 9 a.m. in Room 103 of the John H. Reagan State Office Building, West 15th Street, Austin.

Issued in Austin, Texas, on August 21, 1992.

TRD-9211547 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Filed: August 24, 1992

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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, November 18	Thursday, November 19
89 Friday, November 27	Monday, November 23	Tuesday, November 24
Tuesday, December 1	NO ISSUE PUBLISHED	
90 Friday, December 4	Monday, November 30	Tuesday, December 1
91 Tuesday, December 8	Wednesday, December 2	Thursday, December 3
92 Friday, December 11	Monday, December 7	Tuesday, December 8
93 Tuesday, December 15	Wednesday, December 9	Thursday, December 10
94 Friday, December 18	Monday, December 14	Tuesday, December 15
95 Tuesday, December 22	Wednesday, December 16	Thursday, December 17
96 Friday, December 25	Monday, December 21	Tuesday, December 22
Tuesday, December 29	NO ISSUE PUBLISHED	
1 Friday, January 1	Monday, December 28	Tuesday, December 29

Please use this form to order a subscription to the *Texas Register*, to order a back issue, or to indicate a change of address. Please specify the exact dates and quantities of the back issues requested. Each copy of a back issue is \$5 including postage. You may use your Mastercard or Visa to purchase back issues or subscription services. To order by credit card, please call the *Texas Register* at (512) 463-5561. All purchases made by credit card will be subject to an additional 1.9% service charge. For more information, please write to the *Texas Register*, P.O. Box 13824, Austin, TX 78711-3824 or call (512) 463-5561.

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