

Texas Register

Volume 17, Number 72, September 22, 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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Information Available: The ten sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

- Governor** - Appointments, executive orders, and proclamations
- Attorney General** - summaries of requests for opinions, opinions, and open records decisions
- Secretary of State** - opinions based on the election laws
- Texas Ethics Commission** - summaries of requests for opinions and opinions
- Emergency Sections** - sections adopted by state agencies on an emergency basis
- Proposed Sections** - sections proposed for adoption
- Withdrawn Sections** - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Sections** - sections adopted following a 30-day public comment period
- Open Meetings** - notices of open meetings
- In Addition** - miscellaneous information required to be published by statute or provided as a public service

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

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How to Cite: Material published in the *Texas Register* is referenced by citing 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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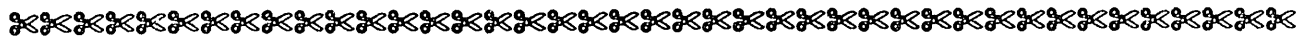
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*The Texas Register Readers Choice Award
continues with this issue!*

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 continue republishing the artwork from the students in the second category fourth through sixth 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 "4-1" will indicate that the picture is the first submission in the fourth through sixth grade group. You will be able to vote as often as you would like. Simply fill out the attached form, and mail it to the Texas Register, Roberta Knight, P.O. Box 13824, Austin, Texas 78711-3824.

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

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



1991 - 1992 Texas Register Readers Choice Award.

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

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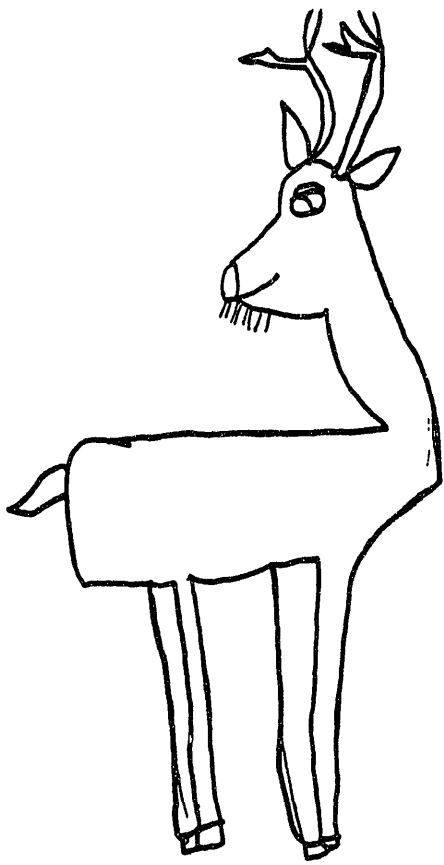
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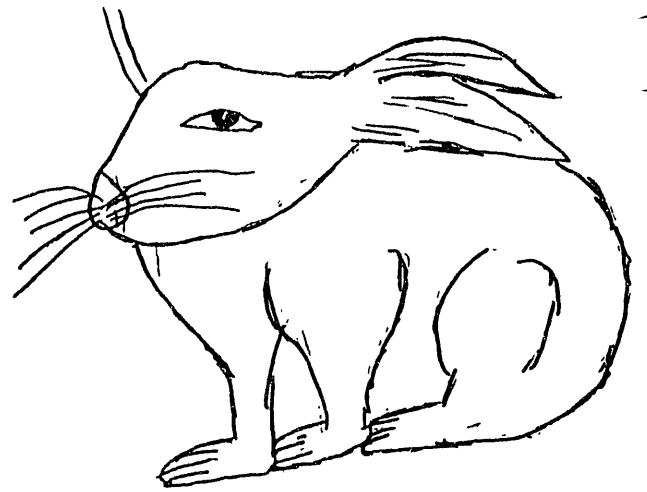
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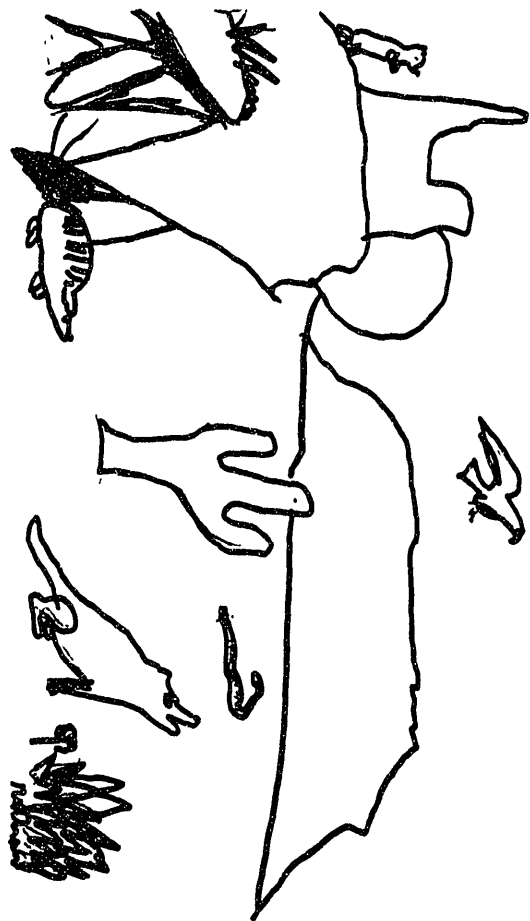
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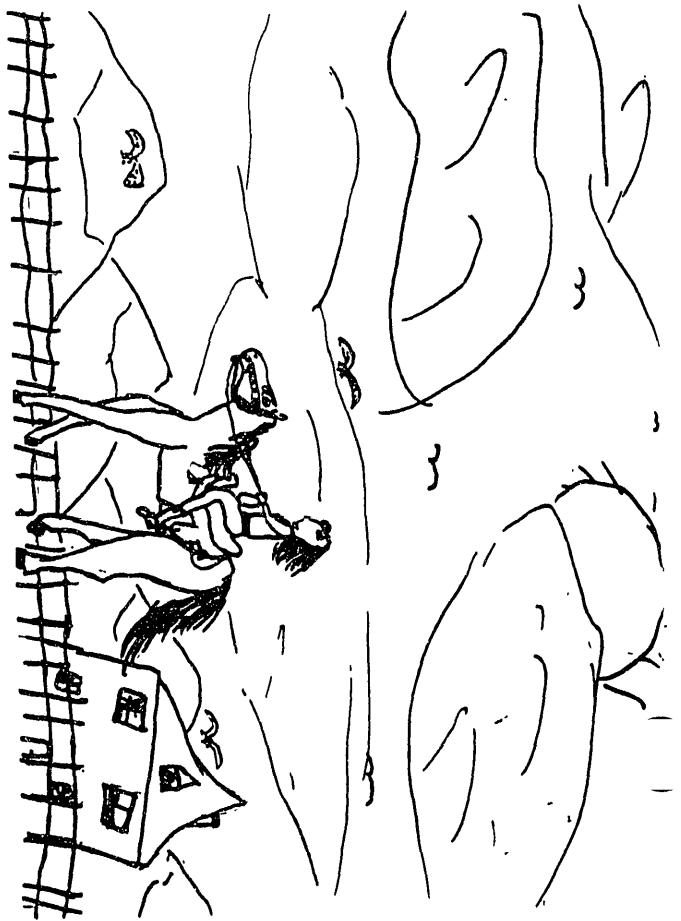


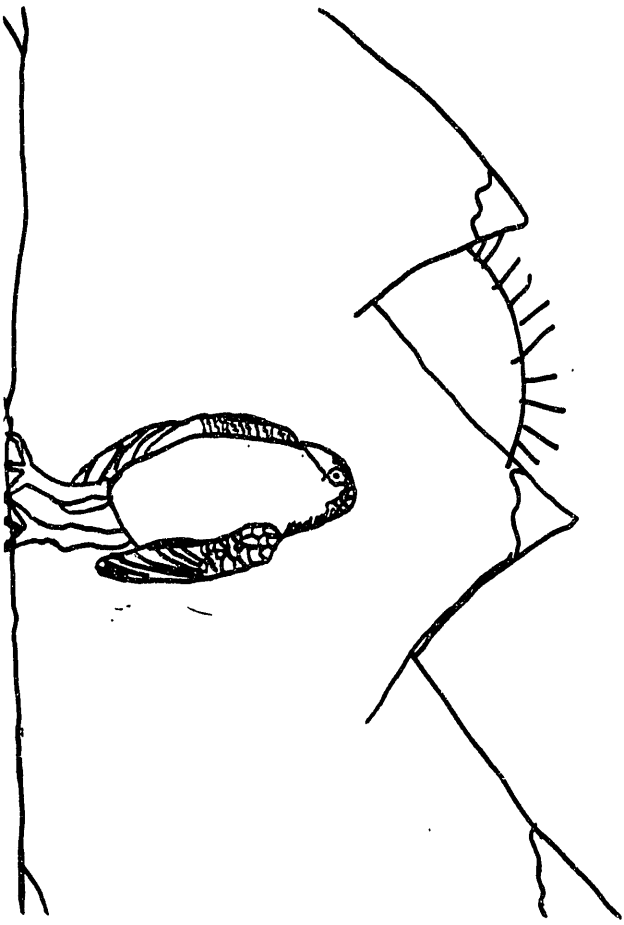
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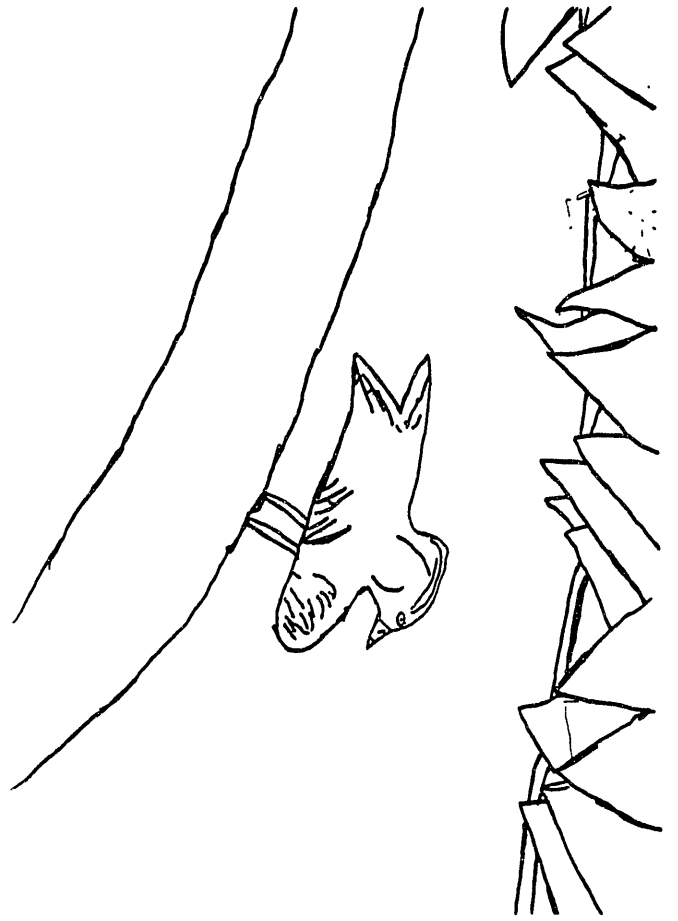
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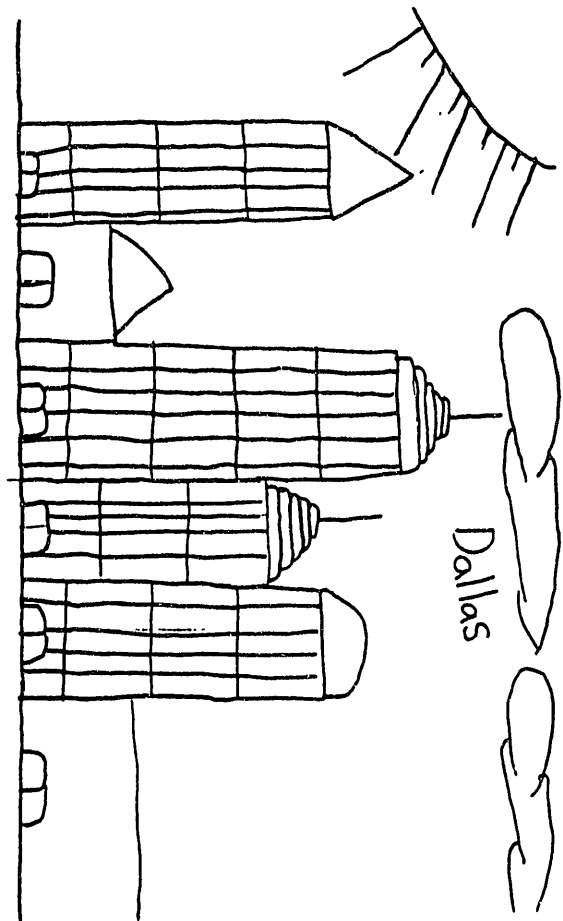




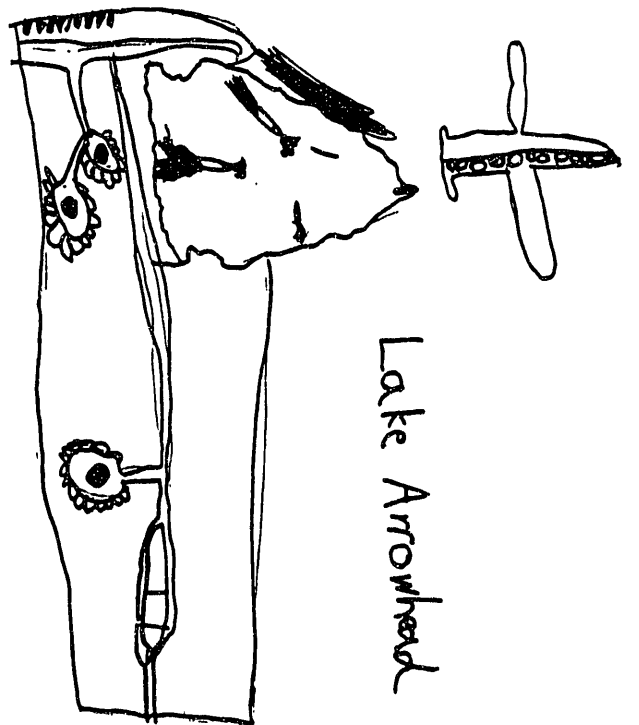
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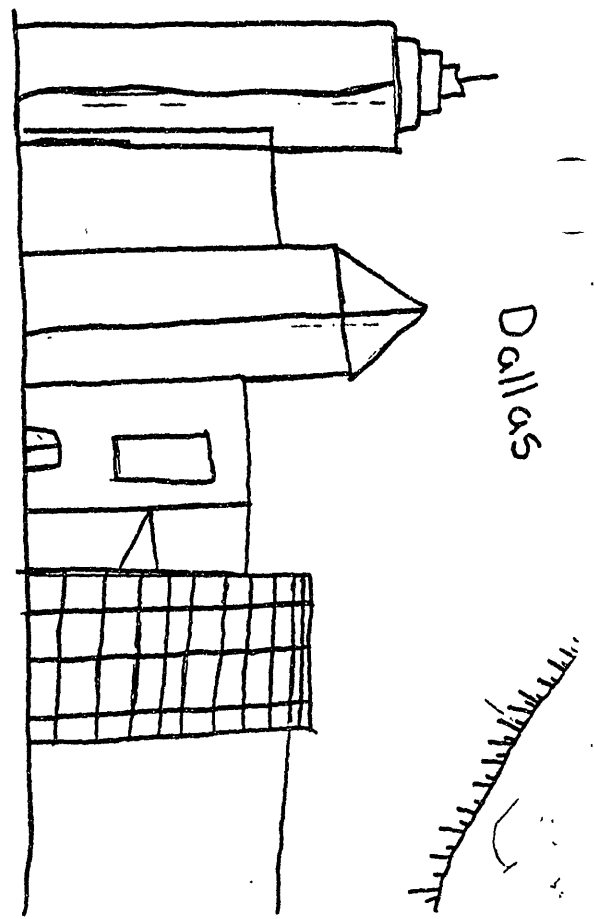
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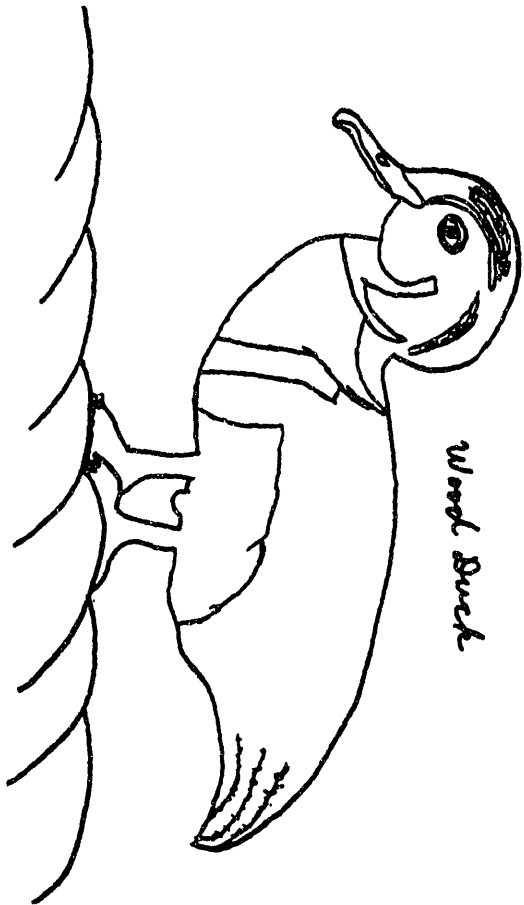
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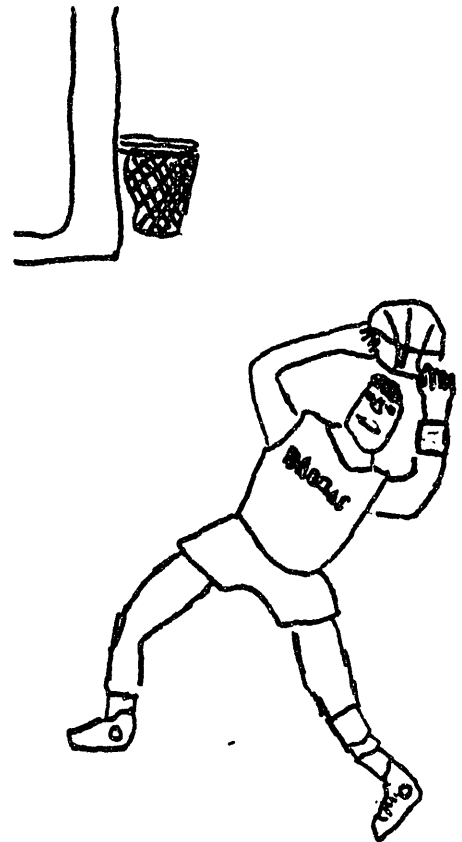
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Proposed Sections

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

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

TITLE 4. AGRICULTURE

Part II. Texas Animal Health Commission

Chapter 32. Hearing and Appeal Procedures

• 4 TAC §§32.1-32.8

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

The Texas Animal Health Commission proposes the repeal of §§32.1-32.8, concerning hearing and appeal procedures.

The sections are proposed for repeal in order to remove old and outdated language and to reorganize and renumber the rules.

Bill Hayden, director of administration, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Robert L. Daniel, director of program records, has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to propose new rules that will provide the general public with information concerning the selection of a hearing officer and commission authority; subpoenas, depositions, and witnesses; decisions, orders, and transcript of hearings. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The repeals are proposed under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of this commission to control disease.

§32.1. Definitions.

§32.2. Appeal of a Decision or Order by Executive Director.

§32.3. Appointment of a Hearing Officer.

§32.4. Subpoena, Depositions, and Witnesses.

§32.5. Continuances and Postponements.

§32.6. Dismissing Appeal.

§32.7. Hearing Procedures.

§32.8. Transcript of Hearing.

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 September 11, 1992.

TRD-9212435

Terry Beals, DVM
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption: October 23, 1992

For further information, please call: (512) 479-6697



• 4 TAC §§32.1-32.6

The Texas Animal Health Commission proposes new §§32.1-32.6, concerning hearing and appeal.

Proposed new §32.1 defines certain words and phrases appearing in the rule

Proposed new §32.2 tells how a person may appeal a decision or order of the executive director of this agency.

Proposed new §32.3 concerns the selection and authority of a hearing officer in matters appealed.

Proposed new §32.4 concerns issuance of subpoenas, setting of depositions, call of witnesses, and the manner in which witnesses can be compensated.

Proposed new §32.5 concerns decisions rendered by the hearings officer and orders rendered by members of the commission based on findings of fact and conclusions of law in each case they consider.

Proposed new §32.6 concerns recordation of a hearing and who pays for the cost of preparing the transcript of the hearing.

Bill Hayden, director of administration, 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.

Robert L. Daniel, director of program records, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to assist the general public by setting forth the manner in which a person may appeal an order or decision of the executive director and commission. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The new sections are proposed under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of this commission to control disease.

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

Act—The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

Commission—The Texas Animal Health Commission.

Executive director—The chief executive officer of the commission appointed by the commissioners.

Hearing officer—An administrative law judge designated by the State Office of Administrative Hearings to Conduct Proceedings Pursuant to the Administrative Procedure and Texas Register Act.

Party—A person or agency named or admitted by the executive director as a party to a proceeding before the commission.

Person—An individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character.

§32.2. Appeal of a Decision or Order by the Executive Director. A person receiving written notice of a decision or order by the executive director has 15 days from receipt

of the notice to file notice of appeal. The notice of appeal must be in writing and filed with the executive director at the commission's office in Austin. The notice must specifically state the issues for consideration on appeal. The administrative hearing on the specific issues appealed will be held in Austin, pursuant to provisions of the Act.

§32.3. Hearing Officer and Commission Authority.

(a) Selection. Hearings will be conducted by a Hearing Officer appointed by the State Office of Administrative Hearings pursuant to Texas Civil Statutes, Article 6252-13f.

(b) Authority. The hearing officer shall have the authority to:

- (1) set hearing dates;
- (2) rule on motions and the admissibility of evidence;
- (3) designate parties and establish the order of presentation of evidence;
- (4) administer the oath to witnesses;
- (5) examine witnesses;
- (6) dismiss the appeal of a party who fails to appear at a hearing without having filed a request for postponement as required in these rules;
- (7) exercise all authority granted to a hearing officer under the Act; and
- (8) exercise any other appropriate powers necessary or convenient to carry out the hearing officer's responsibilities.

(c) Continuances and postponements.

(1) The hearing officer may continue a hearing for a good cause upon the motion of any party or without a motion if the interest of justice so requires.

(2) After a date and time for hearing has been set, a request for postponement showing good cause will be granted only if received in writing by the hearing officer at least five days prior to the date set for hearing. This time period may be waived only in situations where the reason for delay could not have been anticipated by the movant at least five days before the date set for hearing.

§32.4. Subpoenas, Depositions, and Witnesses.

(a) The executive director may issue subpoenas to compel the attendance of witnesses and/or production of documents and things.

(b) Witnesses for the commission, including expert witnesses, shall be entitled

to the witness fees and compensation for travel expenses set by law.

§32.5. Decisions and Orders.

(a) The hearing officer's proposal for decision shall be sent by certified mail to the parties to the proceeding within 60 days after the hearing is closed. Any briefs and exceptions to the proposal for decision by parties adversely affected must be filed within 30 days of receipt of the proposal. Reply briefs, if any, must be filed within 15 days thereafter.

(b) Within 10 days of the deadline for filing reply briefs, the hearing officer shall send the final proposal for decision together with the record and any briefs and exceptions to the commission for final decisions.

(c) After the completion of the hearing, no further evidence shall be received or considered. The commission may, in its discretion, allow oral arguments.

(d) Seven commission members shall constitute a quorum. By a majority of those present or by a majority of the quorum, whichever is greater, the commission will adopt findings of fact and conclusions of law which shall be part of the commission's final decision or order. Findings of fact shall be based exclusively on the evidence or on matters officially noticed.

(e) Upon rendition of the commission's final decision, parties adversely affected may file a motion for rehearing in accordance with the Act. Appeal shall be to district court in Travis County, in accordance with the Act.

§32.6. *Transcript of the Hearing.* The agency shall have the formal hearing recorded. The cost of preparing the transcript shall be assessed against and is to be paid by the party or parties requesting the transcription.

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 September 11, 1992.

TRD-9212434

Terry Beals, DVM
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption: October 23, 1992

For further information, please call: (512) 479-6697



Chapter 35. Brucellosis

Subchapter A. Eradication of Brucellosis in Cattle

• 4 TAC §35.4

The Texas Animal Health Commission proposes an amendment to §35.4, concerning entry and change of ownership of cattle.

The amendment is necessary to require that all sexually intact female cattle entering from a foreign country be placed under hold order and vaccinated after arrival unless they were vaccinated prior to entry, or they are entering for slaughter, or quarantined feedlot purposes. Additionally, all sexually intact female cattle, whether vaccinated or not, and bulls would be held under quarantine for a retest for brucellosis in 60 to 180 days after arrival unless they enter the state for slaughter or feeding in a quarantined feedlot, or are from a country with a comparable brucellosis status. The releasing test for females could not be done sooner than 30 days after the animal had its first calf. An entry permit, issued by the commission, will be required for entry of all cattle from a foreign country; steers and spayed heifers from Mexico would be identified with an "M" brand; spayed heifers would be identified with a spayed brand also.

Bill Hayden, director of administration, 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.

Robert L. Daniel, director of program records, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to provide the public with information on cattle entering the state from a foreign country which does not have a comparable brucellosis status for cattle by assuring they are vaccinated and tested for brucellosis. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The amendment is proposed under the Agriculture Code, Texas Civil Statutes, Chapters 161 and 163, which provides the commission with authority to adopt rules and sets forth the duties of this commission to control disease.

§35.4. Entry and Change of Ownership.

(a) Requirements for cattle from foreign countries without comparable brucellosis status that enter and remain in Texas. (Note: cattle from foreign countries with comparable brucellosis status would enter by meeting the requirements for a state with similar status.)

(1) Permit requirement. All cattle except steers and spayed heifers must obtain a permit from the Texas

Animal Health Commission prior to moving to a destination in Texas. The permit number must be entered on the Importation Certificate (VS Form 17-30) and a copy of that certificate forwarded to the commission's office in Austin immediately following issuance.

(2) Spayed heifer requirement. Spayed heifers shall be spade branded prior to entry as specified in §35.1 of this title (relating to Definitions). Spayed heifers from Mexico shall also be identified with an "M" brand prior to moving to a destination in Texas.

(3) Vaccination requirement. Nonvaccinated sexually intact female cattle entering for purposes other than immediate slaughter or feeding for slaughter in a quarantined feedlot shall be placed under quarantine on arrival and officially brucellosis vaccinated as outlined in §35.2(m) of this title (relating to General Requirements). The quarantine may be released after meeting test requirements.

(A) Calftood vaccination. Females between the ages of four and 12 months of age shall be calftood vaccinated.

(B) Adult vaccination. Females 12 months and older must be adult vaccinated on arrival and held for later testing at 60 to 180 days after entry. Each animal may be released following its negative classification.

(4) Postentry testing requirements for bulls. Bulls entering for purposes other than immediate slaughter or feeding in a quarantined feedlot shall be placed under quarantine and retested 60 to 180 days after arrival. The quarantine will be released following a negative brucellosis test.

(5) Postentry testing requirement for females. All sexually intact female cattle entering for purposes other than immediate slaughter or feeding for slaughter in a quarantined feedlot shall be placed under quarantine on arrival and retested for brucellosis in no less than 60 days nor more than 180 days after arrival for release of the quarantine. The releasing negative test shall not be sooner than 30 days after the animal has had its first calf.

(6) Responsibility for costs. All costs of calftood vaccination, testing, and retesting shall be borne by the owner.

[(a) Requirements for cattle entering Texas from other countries. Nonvaccinated female cattle shall be quarantined on arrival and within 14 days after reaching the destination stated in the

USDA's Report of Inspection (VS Form 17-30) shall meet one of the following requirements for release of the quarantine:

[(1) if between the age of four and 12 months of age they shall be calftood vaccinated at no expense to the State of Texas; or]

[(2) if over 12 months of age they shall either be adult vaccinated following development of a herd plan outlining requirements of adult vaccination or be "S" branded and under "S" permit be consigned to a quarantined feedlot or to slaughter.]

(b)-(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 September 11, 1992.

TRD-9212590

Terry Beale, DVM
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption: October 23, 1992

For further information, please call: (512) 479-6697

Chapter 57. Poultry

General

• 4 TAC §57.10

The Texas Animal Health Commission proposes an amendment to §57.10, concerning sale and distribution of a restricted biologic to control *Mycoplasma gallisepticum* in known infected chicken and turkey flocks.

The amendment is necessary to remove the reference to Arkansas Infectious Bronchitis area as it is no longer required. The vaccine is now available for use without restriction state-wide; and to provide for the sale and distribution of a restricted biologic to control *Mycoplasma gallisepticum* in chickens and turkeys.

Bill Hayden, director of administration, 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.

Robert L. Daniel, director of program records, 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 to advise the public that *Mycoplasma gallisepticum* causes chronic respiratory disease of chickens and turkeys. It causes up to 80% decreased egg production in chickens and infectious sinusitis in turkeys. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The amendment is proposed under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of this commission to control disease.

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

Designated areas:

[(A) Arkansas type infectious bronchitis area—an area in which the Arkansas type infectious bronchitis vaccine may be used as provided in the regulations.]

[(B) Laryngotracheitis (LT) area—an area considered exposed to LT consisting of a minimum of one-mile radius around an infected farm and in which chick embryo origin LT vaccine may be used as provided in the regulations and where other specific procedures apply.

Vaccine—a suspension of attenuated or killed micro-organisms administered for the prevention or treatment of an infectious poultry disease and approved for use by USDA and the commission. The following is a list of approved vaccines:

(A)-(N) (No change.)

(O) Mycoplasma gallisepticum (MG) attenuated vaccine is restricted to use in flocks where a confirmed diagnosis by an approved laboratory has been made. A written permit from the commission is required for use of the vaccine. MG vaccine may be used without restriction following approval outlined in §34.2(a) of this title (relating to Importation).

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 September 11, 1992.

TRD-9212540

Terry Beale, DVM
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption: October 23, 1992

For further information, please call: (512) 479-6697

Chapter 59. General Practice and Procedures

• 4 TAC §59.3

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

The Texas Animal Health Commission proposes the repeal §59.3, concerning designation of commission vice chairman.

This rule is proposed for repeal in order to remove old and outdated language and to recognize and renumber the rule.

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

Robert L. Daniel, director of program records, has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be to propose new rule that will provide the general public with information concerning designation of commission vice chair and ad hoc chair. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The repeal is proposed under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of this commission to control disease.

§59.3. Designation of Commission Vice Chairman.

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 September 11, 1992.

TRD-9212542 Terry Beals, DVM
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption: October 23, 1992

For further information, please call: (512) 479-6697



The Texas Animal Health Commission proposes new §59.3, concerning designation of commission vice chair and ad hoc chair.

The rule is necessary to designate a commission vice chair and ad hoc chair and explain how these positions function in the absence or unavailability of the chair.

Bill Hayden, director of administration, 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.

Robert L. Daniel, director of program records, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to provide the general public with a rule which tells how the positions of vice chair and ad hoc chair function. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The new section is proposed under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of this commission to control disease.

§59.3. Designation of Commission Vice Chair and Ad Hoc Chair.

(a) Vice Chair. Following the designation of a chair by the governor of Texas, the commission will name a vice chair by majority vote. The vice chair will act for the chair in the absence or unavailability of the chair, and will have the same powers and authority as those of the chair.

(b) Ad hoc chair. An ad hoc chair may be named to act by majority vote of the commission in the event neither the chair nor the vice chair can be present for a commission meeting. The ad hoc chair will have the same powers and authority as those of the chair.

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 September 11, 1992.

TRD-9212541 Terry Beals, DVM
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption: October 23, 1992

For further information, please call: (512) 479-6697



• 4 TAC §59.4

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

The Texas Animal Health Commission proposes the repeal of §59.4, concerning cooperation with the Texas Department of Public Safety.

This rule is proposed for repeal in order to remove old and outdated language and to reorganize and renumber the rule.

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

Robert L. Daniel, director of program records, has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be to propose a new rule that will provide the general public with information concerning designation of commission vice chair and ad hoc chair. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The repeal is proposed under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of this commission to control disease.

§59.4. Cooperation with the Texas Department of Public 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 September 11, 1992.

TRD-9212544 Terry Beals, DVM
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption: October 23, 1992

For further information, please call: (512) 479-6697



The Texas Animal Health Commission proposes §59.4, concerning cooperation with the Texas Department of Public Safety.

This rule is necessary to provide information to the Texas Department of Public Safety regarding health papers for animals and enforcement of entry requirements.

Bill Hayden, director of administration, 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.

Robert L. Daniel, director of program records, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to provide the general public with information on the manner in which it cooperates with the Texas Department of

Public Safety regarding movement of livestock. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The new section is proposed under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of this commission to control disease.

§59.4. *Cooperation with the Texas Department of Public Safety Regarding Enforcement of Entry Requirements.* Commission staff will provide information to Texas Department of Public Safety (DPS) officers regarding health papers and permits required for entry of livestock into the state, and investigate possible entry violations reported by DPS officers. Commission staff will notify DPS officers. Commission staff will notify DPS, when appropriate, of the location of commission roadblocks or special or night operations.

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 September 11, 1992.

TRD-9212543 Terry Beals, DVM
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption: October 23, 1992

For further information, please call: (512) 479-6697

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

Chapter 91. Chartering, Operations, Mergers, Liquidations

Investments

• 7 TAC §91.802

The Credit Union Commission proposes an amendment to §91.802, concerning investments. The change will provide better definition of authority to invest in mutual funds.

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

Mr. Hale also has determined that for each

year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that credit unions will be better guided as to their authority to invest in mutual funds. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752-1699.

The amendment is proposed under Texas Civil Statutes, Article 2461-8.01(9) and Article 2461-11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of the Texas Credit Union Act.

§91.802. Other Investments.

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

(c) Authorized activities.

(1)-(8) (No change.)

(9) **Open-end investment companies (Mutual funds)** [Investment trusts]. A credit union may invest funds, not used in loans to members, in an open-end investment company [investment trust] established for investing directly or collectively in any authorized investment [(a mutual fund that is organized as an investment trust may qualify under this provision)]. A credit union shall record each investment in an open-end investment company [investment trust] at the lower of its cost or market value, determined at the end of each month, and net of all purchase and load fees.

(10)-(14) (No change.)

(d) (No change.)

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

Issued in Austin, Texas, on September 11, 1992.

TRD-9212477 John R. Hale
Commissioner
Credit Union Department

Earliest possible date of adoption: October 23, 1992

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

TITLE 10. COMMUNITY DEVELOPMENT

Part V. Texas Department of Commerce

Chapter 182. Small Business Assistance

Subchapter B. Disadvantaged Businesses

• 10 TAC §§182.50-182.56

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

The Texas Department of Commerce (Commerce) proposes the repeal of §§182.50-182.56, concerning the certification of disadvantaged businesses and the development of a disadvantaged business directory in accordance with the 1990-1991 General Appropriations Act, Article V, §118 (the Act). The directory is used by state agencies to meet the percentage procurement goals set forth by Article V, the Act, §118(4)(a)-(c). Section 118 states legislative intent that for each type of service rendered under a contract or sub-contract payable from the appropriation made by the Act to a state agency, the agency, or the general contractor employed by the agency shall award to disadvantaged businesses a number of contracts, the dollar value of which equals the percentage that disadvantaged businesses comprise of the total number of businesses offering the service.

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

The proposed sections will have no impact on local employment.

Ms. Jefferson, also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be the greater participation by disadvantaged businesses in the state procurement process and the accurate identification of disadvantaged businesses in Texas. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

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

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

§182.50. *General Provisions.*

§182.51. Certification Process.

§182.52. Revocation.

§182.53. Recertification.

§182.54. Protests.

§182.55. Texas Disadvantaged Business Certification Directory.

§182.56. State Agency Reporting Requirements.

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

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

TRD-9212580

Sedora Jefferson
General Counsel
Texas Department of
Commerce

Earliest possible date of adoption: October 23, 1992

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

◆ ◆ ◆
• 10 TAC §§182.50-182.57

The Texas Department of Commerce (Commerce) proposes amendments to §§182.50-182.57 concerning the process by which the state certifies historically underutilized businesses (women and minority owned businesses).

Texas Civil Statutes, Article 601b, §1.03, requires Commerce to certify historically underutilized businesses, sometimes called disadvantaged businesses, and to create a directory of these businesses for use by state agencies in the procurement of state purchases and public works contracts. The legislature delegated the same duties that were given to Commerce to the General Services Commission by rider in the Appropriations Act. These proposed rules reflect the culmination of an agreement among an interagency work group composed of representatives of the Governor's Office, the Texas Department of Commerce, the General Services Commission, and the Comptroller of Public Accounts Office. Spearheaded by a representative of the Governor's Office, the work group's purpose was to determine how to make key state agencies work together to make the disadvantaged business program more effective.

The work group determined that the more elaborate system of certification used by Commerce in the past put disadvantaged businesses through plenty of paper work and expense to receive very little in return from the state. The state does not offer a set-aside program for historically underutilized businesses. The state has a legislatively

mandated goal that at least 10% of the total value of all contract awards for the purchase of supplies, materials, services, and equipment should be awarded to disadvantaged businesses. But under competitive bidding (low-bidding) requirements, a disadvantaged business is in no stronger position than any other bidder.

Thus, the work group determined that the best way to help these businesses was to identify them and to make their identity known to state agencies so that they could be notified of contract opportunities with the state. Therefore, Commerce and General Services have entered into a memorandum of understanding which accomplishes the following: General Services was made the main depository for outreach and certification of disadvantaged businesses; General Services was given the responsibility for compiling and reporting to the legislature the total number and dollar amount of purchases and contracts awarded to disadvantaged businesses by state agencies; and Commerce was given the responsibility of compiling and publishing the certified disadvantaged business directory in print and via the *Texas Marketplace*.

The proposed new sections reflect the less burdensome procedure for businesses to apply for certification as a disadvantaged business in the State of Texas. Under the new system, dubbed "self-certification," a business must self-assess whether it falls within the state's definition of a disadvantaged business and then affirm to same on a prescribed application form. This affirmation is made under penalty of perjury and a knowing violation constitutes a felony of the third degree. The proposed new sections also contain procedures for revocation of certification, recertification, and protests of denials of certification. Finally, the new sections explain Commerce's role in creating the directory of certified disadvantaged businesses and General Service's role in reporting to the legislature the amount of usage of disadvantaged businesses by state agencies.

Kathy Hartensteiner, director of accounting, has determined that for the first five-year period the sections are in effect there will be fiscal implications as a result of enforcing or administering the sections. The fiscal implications include the cost to Commerce to create and publish the directory.

Ms. Hartensteiner also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the creation and maintenance of a directory of women and minority owned business to assist the state in reaching the 10% procurement goal. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Sedora Jefferson, General Counsel, Texas Department of Commerce, P.O. Box 12728, Austin, Texas, 78711.

The new sections are proposed under Article 601b, §§1.02-1.04 and House Bill 1, 72nd Legislature, Article V, §106, which provides the Department of Commerce and the Gen-

eral Services Commission with the authority to prescribe the process by which businesses receive certification as historically underutilized businesses.

§182.50. General Provisions.

(a) Introduction. Pursuant to Texas Civil Statutes, Article 601b, §§1.02-1.04, the General Appropriations Act for the 1991-1993 biennium, §106; a memorandum of understanding between the Texas Department of Commerce and the General Services Commission; and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, the Texas Department of Commerce in partnership with the General Services Commission prescribe the following sections regarding the process by which businesses receive certification as historically underutilized businesses, also known as disadvantaged businesses, in the State of Texas.

(b) Purpose. It is the purpose of the historically underutilized business program to identify as many historically underutilized businesses as possible to increase contracting and business opportunities for such businesses in state government. The new sections provide streamlined application procedures for certification as a historically underutilized business, provide information on the directory of certified historically underutilized businesses, and explain the reporting requirements on the amount of usage of certified historically underutilized businesses by state agencies.

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

(1) Applicant—A corporation, sole proprietorship, partnership, or joint venture that applies to the commission as a historically underutilized or disadvantaged business.

(2) Application—A written request for certification as a historically underutilized or disadvantaged business in the required format submitted to the commission.

(3) Commission—General Services Commission.

(4) Department—Texas Department of Commerce.

(5) Directory—The Texas Certified Historically Underutilized/Disadvantaged Business Directory.

(6) Disadvantaged business—A historically underutilized business as defined in paragraph (7) of this subsection.

(7) Historically underutilized (also known as disadvantaged) business—

(A) a corporation formed for the purpose of making a profit in which at least 51% of all classes of the shares of stock or other equitable securities are owned by one or more persons who have been historically underutilized (socially disadvantaged) because of their identification as members of certain groups, including Black Americans, Hispanic Americans, women, Asian Pacific Americans, and American Indians, who have suffered the effects of discriminatory practices or similar insidious circumstances over which they have no control;

(B) a sole proprietorship for the purpose of making a profit that is 100% owned, operated, and controlled by a person described by subparagraph (A) of this paragraph;

(C) a partnership for the purpose of making a profit in which 51% of the assets and interest in the partnership is owned by one or more persons described by subparagraph (A) of this paragraph. Those persons must have a proportionate interest in the control, operation, and management of the partnership's affairs;

(D) a joint venture in which each entity in the joint venture is a historically underutilized (disadvantaged) business under this paragraph; or

(E) a supplier contract between a historically underutilized (disadvantaged) business under this subsection and a prime contractor under which the historically underutilized (disadvantaged) business is directly involved in the manufacture or distribution of the supplies or materials or otherwise warehouses and ships the supplies.

(8) State-State of Texas.

(9) State agency—An agency or institution of state government that receives an appropriation for the 1992-1993 biennium.

§182.51. Certification Process.

(a) A business seeking certification as a historically underutilized business must first assess whether it qualifies as a historically underutilized business as defined in §182.50(b)(7) of this title (relating to General Provisions). If the business determines it is qualified, it must submit an application to the commission on a form prescribed by the commission, affirming under penalty of perjury that the business qualifies as a historically underutilized business as defined by the state.

(b) The commission either certifies the applicant as a historically underutilized business or provides the applicant with writ-

ten justification of its denial of certification within 60 days after the date the commission receives a satisfactorily completed application from the applicant.

(c) If requested by the commission, the applicant must provide any and all materials and information necessary to identify and describe the operation of the historically underutilized business.

(d) A person commits a felony offense of the third degree if the person intentionally applies as a historically underutilized (disadvantaged) business for an award of a purchasing contract or public works contract and this person knowingly does not meet the definition of a historically underutilized (disadvantaged) business under §182.50(b)(7) of this title.

(e) An applicant shall not be certified by the commission if:

(1) the application is not satisfactorily completed;

(2) the applicant does not come within the definition of historically underutilized (disadvantaged) business under §182.50(b)(7) of this title;

(3) the application contains false information without which the applicant would not receive certification;

(4) a protest filed under §182.54 of this title (relating to Protests) has not been resolved finally; or

(5) the applicant does not comply with the audit/eligibility review conducted by the commission under §182.55 of this title (relating to Audit/Eligibility Reviews).

§182.52. Revocation. The department shall revoke the certification of a historically underutilized business if the department determines that a business does not meet the definition of historically underutilized business under §182.50(b)(7) of this title (relating to General Provisions) or that the business fails to comply with the audit/eligibility review of the commission. Prior to taking final action, the commission staff shall provide the business with notice of the proposed revocation. The commission staff shall then prepare a revocation file for review by the executive director of the department. The decision of executive director of the department is final.

§182.53. Recertification.

(a) An initial certification is valid for a one-year period beginning on the date the commission certified the applicant as a historically underutilized business.

(b) Upon expiration of the one-year period, a historically underutilized business that desires recertification must:

(1) provide a satisfactorily completed recertification form as provided by the commission; and

(2) comply with the timeframes and standards specified in §182.51(b), (c), (d), and (e) of this title (relating to Certification Process) apply to the recertification process.

§182.54. Protests. An applicant may protest the commission's disposition of its application by filing a written protest with the commission within 30 days after the date the commission sent notice to the applicant of its non-certification decision. Commission staff will then prepare a protest file for review by the executive director of the department. The decision of the executive director of the department is final.

§182.55. Audit/Eligibility Reviews.

(a) The commission may conduct eligibility reviews on applicants and certified businesses to assure that the application and affirmation for certification submitted by a business is accurate, and that the business maintains its eligibility after certification has been granted. Certification is subject to revocation if it is determined that a business is not in compliance with the definition of historically underutilized (disadvantaged) business, as set forth in these rules. Audit/eligibility reviews may be conducted on businesses in accordance with the following criteria:

(1) businesses that have been challenged by one or more third parties as being ineligible;

(2) businesses randomly selected from those that have one or more active contracts;

(3) businesses randomly selected from those that do not have an active contract;

(4) businesses with the largest contract volumes;

(5) businesses whose eligibility has come into question;

(6) any business that the commission determines an audit/eligibility review is warranted; and

(7) frequency of audit/eligibility reviews will be at the discretion of the commission.

(b) Businesses subject to audit/eligibility reviews must provide the commission with any information requested to verify the certification eligibility of the business.

§182.56. Texas Historically Underutilized/Disadvantaged Business Certification Directory.

(a) The department will compile a directory of businesses certified as histori-

cally underutilized businesses pursuant to this subchapter.

(b) The department will update the directory at least semi-annually (January and July) and provide a copy to the commission and each state agency semi-annually. The commission and state agencies shall use the directory in the procurement of state purchases and public works contracts.

§182.57. State Agency Reporting Requirements.

(a) The comptroller of public accounts will report to the commission the total number and dollar amount of purchases awarded from each state agency to certified historically underutilized businesses.

(b) The report will be made on the form specified by the commission and will contain the following information:

(1) the total number of contracts and dollar amount of contracts awarded by each state agency;

(2) the total number of contracts and dollar amount of contracts awarded by each state agency to historically underutilized businesses;

(3) the total of contracts and dollar amount of contracts awarded by each state agency to the following groups:

(A) Black Americans;

(B) Hispanic Americans;

(C) women;

(D) Asian Pacific Americans;

(E) American Indians.

(c) The commission shall compile and analyze the reports and submit a report based on the analysis to the presiding officer of each house of the legislature each February.

(d) The commission, in cooperation with the department, shall offer assistance and training to historically underutilized businesses regarding state procurement procedures. The commission shall advise historically underutilized businesses of the availability of state contracts and advise historically underutilized businesses to enter their names on the state's bid 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 September 14, 1992.

TRD-9212582

Sendora Jefferson
General Counsel
Texas Department of
Commerce

Earliest possible date of adoption: October 23, 1992

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

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 61. School Districts

Subchapter A. Operations

• 19 TAC §61.21

The Texas Education Agency (TEA) proposes an amendment to §61.21, concerning year-round schools. The amendment is necessary to implement changes introduced in Senate Bill 351 and House Bill 2885. This legislation changed the number of days required for student attendance, the number of in-service/preparation days, and established a certain number of hours of required in-service training.

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

Mr. Shaddix and Criss Cloudt, director of policy planning and evaluation, have determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be an increase in the efficiency of year-round programs that will in some cases provide monetary savings to local school districts in addition to potential educational benefits.

There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Criss Cloudt, Policy Planning and Evaluation, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed amendment submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in the sections has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §§21.008-21.010, which authorizes the State Board of Education to promulgate rules under which a school district may operate its school year-round.

§61.21. Year-round Schools.

(a) (No change.)

(b) Districts considering the adoption of a year-round school program that contains less than the required 180 [175] days of instruction, three days of teacher preparation, and 20 hours of staff development [and/or eight days of inservice] shall apply to the commissioner for approval. Such districts shall adopt a calendar that ensures that instructional time at least equivalent to the amount provided in a 180-day [175-day] school year and teacher preparation time [inservice time] at least equivalent to the amount provided in three [eight] days [of inservice] is maintained. In addition, districts shall ensure that employee contracts provide an equivalent salary for the number of hours of instruction delivered as would have been provided in a traditional schedule. In determining approval, the commissioner shall consider how the proposed calendar will affect average daily attendance, special program full-time equivalents, state salary schedules, state curriculum requirements, and any other educationally related issues deemed appropriate.

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

(e) School districts shall submit the following [information] to the commissioner for review [and approval] before implementation of a year-round program.

(1) Calendars. The district shall submit [attach] a copy of the district's proposed calendar. The district shall also submit a statement of assurance that the calendar of operation, either single track or multitrack, or both, [Indicate methods of attendance accounting that will ensure that there are not duplications. Show how both single and multitrack systems] will be incorporated into the district's student attendance accounting. If modifications will be made under subsection (b) of this section, submit information to show the impact on instructional time, inservice time, and contracts.

(2) Transportation. The district shall submit a statement of assurance that students will be provided pupil transportation services according to state guidelines as set forth for students attending school on a traditional calendar. The district should assess how year-round education will affect bus routes, schedules, maintenance, equipment, and drivers. [For funding purposes, routes must be approved by the commissioner.]

(3) Food service. The district shall submit a statement of assurance that students will be provided pupil food services according to state guidelines as set forth for students attending school on a traditional calendar. The district should review the effect of year-round education on [describe how] lunch schedules, employees, purchasing, and commodities [will be affected].

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 September 16, 1992.

TRD-9212610 Criss Cloudt
Director, Policy Planning
and Evaluation
Texas Education Agency

Earliest possible date of adoption: October 23, 1992

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

◆ ◆ ◆
**Chapter 69. Proprietary
Schools and Veterans
Education**

**Subchapter A. General Provi-
sions**

• 19 TAC §69.3

The Texas Education Agency (TEA) proposes the repeal of §69.3, concerning the memorandum of understanding for regulation of proprietary schools. Chapter 69 formerly included rules governing proprietary schools and veterans education. Those rules are currently located in Chapter 175. Due to an administrative error, §69.3 duplicates exactly the language of §175.3. The repeal corrects this problem.

Criss Cloudt, director of policy planning and evaluation, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal.

Ms. Cloudt also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be a clearer and more concise statement of the rules relating to proprietary schools. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Criss Cloudt, Policy Planning and Evaluation, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed repeal submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in the sections has been published in the *Texas Register*.

The repeal is proposed under the Texas Education Code, Chapter 32, which authorizes the State Board of Education to promulgate rules necessary for carrying out the provisions of the Texas Proprietary School Act.

§69.3. Memorandum of Understanding for Regulation of Proprietary Schools.

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 September 16, 1992.

TRD-9212612 Criss Cloudt
Director, Policy Planning
and Evaluation
Texas Education Agency

Earliest possible date of adoption: October 23, 1992

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

◆ ◆ ◆
Chapter 75. Curriculum

**Subchapter D. Essential Ele-
ments - Grades 9-12**

**Essential Elements for English
Language Arts; Other Lan-
guages; Mathematics; Sci-
ence; Health; Physical Edu-
cation; Fine Arts; Social
Studies; Texas and United
States History; Economics
with Emphasis on the Free
Enterprise System and its
Benefits; and Business Edu-
cation**

• 19 TAC §75.70

The Texas Education Agency (TEA) proposes an amendment to §75.70, concerning essential elements, Grades 9-12. The amendments establish a date for phasing out the Business Mathematics course in business education for state graduation credit.

Thomas E. Anderson, Jr., executive deputy commissioner for school support services, has determined that for the first five-year period the section is in effect there will be fiscal implications as a result of enforcing or administering the section. The fiscal implications for state government cannot be determined at this time, but may include additional expenditures for textbooks used in other courses.

There will be no fiscal implications for local government.

Mr. Anderson and Criss Cloudt, director of policy planning and evaluation, have determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that students will have to enroll in more rigorous courses that will better prepare them to meet real-world expectations and student outcomes.

There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted

to Criss Cloudt, Policy Planning and Evaluation, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed amendment submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in the sections has been published in the *Texas Register*.

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

§75.70. Business Education.

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

(d) Business Mathematics (one-half to one unit). (State graduation credit for this course shall not be awarded after the 1992-1993 school year. Students who have satisfactorily passed business mathematics before the 1993-1994 school year may use the credit to meet state graduation requirements.) Business Mathematics shall include the following essential elements.

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

(e)-(w) (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 September 16, 1992.

TRD-9212611 Criss Cloudt
Director, Policy Planning
and Evaluation
Texas Education Agency

Earliest possible date of adoption: October 23, 1992

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

◆ ◆ ◆
**Chapter 141. Teacher
Certification**

**Subchapter B. Certificate Issu-
ance Procedures**

• 19 TAC §141.26

The Texas Education Agency (TEA) proposes an amendment to §141.26, concerning the schedule of fees for certification services. The amendment increases the fees charged for certification services performed by the central education agency and regional education service centers.

Thomas E. Anderson, Jr., executive deputy commissioner for school support services, has determined that for the first five-year period the section is in effect there will be no

fiscal implications as a result of enforcing or administering the section.

Mr. Anderson and Criss Cloudt, director of policy planning and evaluation, have 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 maintenance of enhanced certification services.

There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Criss Cloudt, Policy Planning and Evaluation, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed amendment submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in the sections has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §13.032(h), which authorizes the State Board of Education to fix and require payment of a fee as a condition to the issuance of a teaching certificate.

§141.26. Schedule of Fees for Certification Services. Effective January 1, 1993 [1991], an applicant for a certificate or a school district requesting a permit shall pay whichever fee from the following list is applicable:

- (1) paraprofessional certificate—\$20 [\$15];
- (2) provisional and professional certificates, additional specialization, teaching field, or endorsement/delivery system, based on recommendation by an approved teacher preparation entity or Central Education Agency authorization; change of name on certificate, duplicate of certificate, extension or conversion of certificate—\$65 [\$35];
- (3) review of credentials requiring analysis and research of test history on the Examination for the Certification of Educators in Texas (ExCET) and eligibility for certification under the provisions of §141.23 of this title (relating to Issuance of Certificates Based on Examination) (nonrefundable)—\$75 [\$40];
- (4) review of credentials requiring analysis and research of college transcripts and/or out-of-state certificate programs (nonrefundable)—\$75 [\$60];
- (5) addition of certification based on completion of appropriate examination and/or internship requirements as provided by §141.23 of this title includes the nonrefundable credential review fee of \$75 [\$40] —\$140 [\$75];
- (6) initial certificate based on certificate issued by another state depart-

ment of education (includes the nonrefundable credential review fee of \$75 [\$60])—\$125 [\$85];

(7) initial permit, initial noncertified instructor's permit, reassignment on permit with a change in level of target certificate, or renewal of permit on a hard-basis (nonrefundable)—\$75 [\$60];

(8)(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 September 16, 1992.

TRD-9212607

Criss Cloudt
Director, Policy Planning
and Evaluation
Texas Education Agency

Earliest possible date of adoption: October 23, 1992

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

◆ ◆ ◆
• 19 TAC §141.27

The Texas Education Agency (TEA) proposes an amendment to §141.27, concerning teacher certification. The amendment provides more flexibility for Texas certified, degreed teachers seeking additional areas of certification by eliminating the admission prerequisite of previous teaching experience for required internships.

Thomas E. Anderson, Jr., executive deputy commissioner for school support services, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Anderson and Criss Cloudt, director of policy planning and evaluation, have determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be an increase in the number of certified professionals available to the public schools. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Criss Cloudt, Policy Planning and Evaluation, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed amendment submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in the sections has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §13.0321, which authorizes the State Board of Education to promulgate rules prescribing qualifications for a certified

teacher to gain additional certification to teach at a grade level or in a subject area not covered by the teacher's certificate.

§141.27. Issuance of Certificates Based on Examination.

(f) The internship.

[(1) The teacher shall have a minimum of two years of classroom teaching experience and shall have been appraised as at least exceeding expectations in the most recent year served in order to be considered eligible for the internship.]

(1)[(2)] The intern shall be provided time within the instructional day to observe the supervising teacher and other experienced teachers in the subject or at the level for which certification is sought.

(2)[(3)] The intern, regardless of career ladder assignment level, must receive two appraisals.

(3)[(4)] Internship shall begin no later than October 1 and extend through the last day of instruction.

(4) A teacher who has completed one year of successful classroom teaching experience on a permit in the subject or assignment area sought is exempt from the internship requirement.

(g) Recommendation for additional certification. To be eligible for certification in a subject area or at a level for which an internship is required, the intern must receive [in addition to the] appraisals from [of the intern by] two appraisers, verification of successful completion of the internship, and a recommendation from the employing superintendent [supervising teacher that signifies successful completion of the internship].

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 September 16, 1992.

TRD-9212608

Criss Cloudt
Director, Policy Planning
and Evaluation
Texas Education Agency

Earliest possible date of adoption: October 23, 1992

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

Chapter 176. Driver Training Schools

Subchapter B. Minimum Standards for Operation of Texas Driver Training Schools

• 19 TAC §176.33

The Texas Education Agency (TEA) proposes an amendment to §176.33, concerning driver training schools. The amendment increases the fee for the uniform certificate of completion purchased by schools offering driving safety courses.

Thomas E. Anderson, Jr., executive deputy commissioner for school support services, has determined that for the first five-year period the section is in effect there will be fiscal implications as a result of enforcing or administering the section. The effect on state government cannot be precisely determined at this time. However, if the number of certificates purchased remains constant, it is projected that the fee increase will result in an estimated increase in revenue of \$80,900 in each of fiscal years 1993-1997, and that these figures will be sufficient to maintain current levels of operation.

There will be no fiscal implications for local government as a result of enforcing or administering the section.

The effect on small businesses will vary according to the amount of certificates purchased. If small businesses continue to purchase annually \$615,000 in certificates of completion, it is projected that a fee increase of \$.10 per certificate will result in an estimated additional cost of \$61,500 for each of fiscal years 1993-1997. However, in many instances it is anticipated that the increase will be passed on to the student taking the driving safety course. The cost of the increase has less of an adverse effect on small businesses than an assessment of annual renewal fees. There is no differentiation in the cost of compliance for small businesses versus large businesses and no increase per cost per employee, hour of labor, or \$100 of sales.

Mr. Anderson and Criss Cloudt, director of policy planning and evaluation, have 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 the continuation of staffing levels essential to providing minimum supervisory assistance to driver training schools.

Comments on the proposal may be submitted to Criss Cloudt, Policy Planning and Evaluation, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed amendment submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in the sections has been published in the *Texas Register*.

The amendment is proposed under the Texas Civil Statutes, Article 4413(29c), §4 and §13, which authorize the commissioner of educa-

tion, with approval of the State Board of Education, to increase certain fees related to driver training schools, including the fee for the uniform certificate of completion purchased by schools offering driving safety courses.

§176.33. Application Fees and Other Charges.

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

(d) License, application, and registration fees shall be collected by the commissioner and deposited with the state treasurer in accordance with the following schedule:

(1)-(15) (No change.)

(16) fee for certificate of course completion is \$1.10 [\$1.00].

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 September 16, 1992.

TRD-9212609

Criss Cloudt
Director, Policy Planning
and Evaluation
Texas Education Agency

Earliest possible date of adoption: October 23, 1992

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

TITLE 22. EXAMINING BOARD

Part X. Texas Funeral Service Commission

Chapter 201. Licensing and Enforcement-Practice and Procedure

• 22 TAC §201.13

The Texas Funeral Service Commission proposes new §201.13, concerning inspections. The section will set procedures for inspections to any premise on which embalming or funeral directing is conducted.

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

Mr. Farrow also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that it sets the procedures for inspection to any premise on which embalming and funeral directing is conducted. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Larry A. Farrow, Executive Director, Texas Funeral Service Commission, 8100 Cameron Road, Building B, Suite 550, Austin, Texas 78753.

The new section is proposed under Texas Civil Statutes, Article 4582b, §5, which provide the Texas Funeral Service Commission with the authority to promulgate rules and regulations.

§201.13. Inspections.

(a) Any premise on which embalming or funeral directing is conducted shall be open at all times to inspection under Texas Civil Statutes, Article 4582b, and under the Health and Safety Code, Chapters 193 and 361, by any agent of the commission.

(b) Each licensed establishment shall be, as a minimum, inspected on a biennial basis.

(c) The inspector shall review the previous inspection report on the facility prior to the inspection and shall note on the inspection checklist any areas of noncompliance that have not been corrected on the inspection form.

(d) Inspections shall be unannounced. Upon entering the facility, the inspector shall identify himself and request that an employee accompany him throughout the inspection. The inspector shall physically inspect the facilities, noting all exceptions on the inspection checklist. The inspector shall also inspect all required forms and shall personally draw and inspect a random sample of at least five files of cases that have been performed since the last inspection date.

(e) Upon completion of the inspection, the inspector shall complete all forms, explain all exceptions to the establishment representative, ask the establishment representative to sign the acknowledgement section, and tell the establishment representative that the establishment must correct any noted exceptions and report such corrective action in writing to the commission within 15 days. The inspector shall give one copy of the inspection form to the establishment representative, forward one copy to the commission office, and keep one copy for his files.

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 September 15, 1992.

TRD-9212601

Larry A. Farrow
Executive Director
Texas Funeral Service
Commission

Earliest possible date of adoption: October 23, 1992

For further information, please call: (512) 834-9992

◆ ◆ ◆
Chapter 203. Licensing and Enforcement-Specific Substantive Rules

• 22 TAC §203.18

The Texas Funeral Service Commission proposes an amendment to §203.18, concerning clarification of other itemized services provided by funeral home staff and the presentation of required price lists, consumer brochures, and written memorandum or purchase agreements and when the price lists and written memorandum or funeral purchase agreement must be presented.

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

Mr. Farrow also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to clarify the timing of presentation of price lists, consumer brochures, and written memorandum or purchase agreements to ensure maximum protection to the consumer. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Larry A. Farrow, Executive Director, 8100 Cameron Road, Building B, Suite 550, Austin, Texas 78753.

The amendment is proposed under Texas Civil Statutes, Article 4582b, §5, which provide the Texas Funeral Service Commission with the authority to promulgate rules and regulations.

§203.18. Presentation of Required Price Lists, Consumer Brochures, and Written Memorandum or Purchase Agreements. In order to provide the maximum protection to the consuming public, the presentation of required price lists, consumer brochures, and purchase agreements will be as follows.

(1) (No change.)

(2) Consumer information brochures will be presented in the same manner and timing as price lists.

(3) The written memorandum or funeral purchase agreement must be presented to retention to the person who arranges a funeral, cremation, or other disposition of a dead human body upon the conclusion of the discussion of arrangements.

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 September 15, 1992.

TRD-9212602

Larry A. Farrow
Executive Director
Texas Funeral Service
Commission

Earliest possible date of adoption: October 23, 1992

For further information, please call: (512) 834-9992

◆ ◆ ◆
Part XIII. Texas Board of Licensure for Nursing Home Administrators

Chapter 253. Complaint Procedures

• 22 TAC §253.1, §253.2

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

The Texas Board of Licensure for Nursing Home Administrators proposes the repeal of §253.1 and §253.2, concerning public hearing policies and procedures. The new chapter sets policies and procedures for public comment at public hearings on rulemaking, committee, and board meetings.

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

Mr. Swain also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be that the proposed policies for public comment will enable all citizens a fair and equal opportunity to present information and opinions to the board in an orderly fashion. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Gerard Swain, TBLNHA, 4800 North Lamar Boulevard, Suite 310, Austin, Texas 78756.

The repeals are proposed under Texas Civil Statutes, Article 442d, §8, which provide TBLNHA with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in the Social Security Act, §1908 (42 United States Code Annotated, §1396g), the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a two-thirds majority of the board.

§253.1. Public Hearing Policies and Procedures.

§253.2. Committee and Board Meetings.

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 September 14, 1992.

TRD-9212482

Janet Lacy
Administrative Technician
III
Texas Board of Licensure
for Nursing Home
Administrators

Earliest possible date of adoption: October 23, 1992

For further information, please call: (512) 458-1955

◆ ◆ ◆
Chapter 255. Public Comment

• 22 TAC §255.1, §255.2

The Texas Board of Licensure for Nursing Home Administrators proposes new §255.1 and §255.2, concerning public hearing policies and procedures. The new chapter sets policies and procedures for public comment at public hearings on rulemaking, committee, and board meetings.

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

Mr. Swain 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 section will be that the proposed policies for public comment will enable all citizens a fair and equal opportunity to present information and opinions to the board in an orderly fashion. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Gerard Swain, TBLNHA, 4800 North Lamar Boulevard, Suite 310, Austin, Texas 78756.

The new sections are proposed under Texas Civil Statutes, Article 442d, §8, which provide TBLNHA with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in the Social Security Act, §1908 (42 United States Code Annotated, §1396g), the federal rules and regulations promulgated thereunder, and other pertinent federal authority; provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a two-thirds majority of the board.

§255.1. Public Hearing Policies and Procedures. Any interested person may appear and offer comments or statements, either orally or in writing, however, questioning of commenters will be reserved exclusively to the Texas Board of Licensure for Nursing Home Administrators (TBLNHA) or its staff as may be necessary to ensure a complete record. While any person with pertinent comments or statements will be granted an opportunity to present them during the course of the hearing, TBLNHA or its staff reserves the right to restrict statements in terms of time or repetitive content. Organizations, associations, or groups are encouraged to present their commonly held views or similar comments, through a representative member where possible.

§255.2. Committee and Board Meetings. All persons attending a committee or board meeting must complete an attendance list. Those attending, who wish to give public comment on the committee's or board's proposed action, must complete an information sheet stating which item or items on the agenda they would like to address. Any public comments should be kept to five minutes or less per item. The committee or board reserves the right to restrict statements in terms of time or repetitive content. Organizations, associations, or groups are encouraged to present their commonly held views or similar comments, through a representative member where possible.

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 September 14, 1992.

TRD-9212483 Janet Lacy
Administrative Technician
III
Texas Board of Licensure
for Nursing Home
Administrators

Earliest possible date of adoption: October 23, 1992

For further information, please call: (512) 458-1955

◆ ◆ ◆
**Part XXII. Texas State
Board of Public
Accountancy**

**Chapter 501. Professional
Conduct**

**Other Responsibilities and
Practices**

• **22 TAC §501.47**

The Texas State Board of Public Accountancy proposes an amendment to §501.47,

concerning firm names. The rule defines the types of names that are permitted to register with the board.

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

Mr. Treacy, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that firms will not be permitted to register names that can be misleading to the public. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to J. Randel (Jerry) Hill, General Counsel, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendment is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to firm names through which public accounting may be practiced.

§501.47. Firm Names.

(a) (No change.)

(b)[(c)] A professional or firm name or designation will be considered to be misleading if:

(1) the name contains a misrepresentation of facts;

(2) the name is likely to mislead or deceive because it fails to make full disclosure of relevant facts;

(3) the name is intended or likely to create false or unjustified expectations of favorable results;

(4) the name implies educational or professional attainment or licensing recognition of the firm and/or of its owners, partners, or shareholders which are not supported in fact;

(5) the name of the firm that is incorporated does not include the words "corporation," "incorporated," "professional corporation," or "company," or in each case, an abbreviation thereof, as a part of the firm name, and the words "professional corporation," or "PC" are not included with the firm name each time it is used;

(6) the name includes the designation "and company" or "and associates" or abbreviations thereof unless there are at least two licensees involved in the practice;

(7) the name of a firm that is a partnership or professional corporation fails to contain the personal name or names of one or more individuals presently or previ-

ously a partner, officer, or shareholder thereof;

(8) the name of a firm that is a sole proprietorship fails to contain the name of the sole proprietor; or

(9) the name contains other representations or implications that in reasonable probability will cause a person of ordinary prudence to misunderstand or be deceived.

[(b)] A professional or firm name or designation shall not be considered to be misleading solely because it contains words describing the geographical area in which the services are offered and/or words describing the type of services actually being performed by licensees who are owners, partners, officers, or shareholders of the firm.]

[(c)][(d)] A partner surviving the death or withdrawal of all other partners may continue to practice under a partnership name for up to two years after becoming a sole practitioner.

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 October 15, 1992.

TRD-9212583 William Treacy
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: October 23, 1992

For further information, please call: (512) 450-7066

◆ ◆ ◆
Chapter 527. Quality Review

• **22 TAC §§527.3-527.7**

The Texas State Board of Public Accountancy proposes amendments to §§527.3-527.7, concerning: definitions; the Quality Review Program; exemptions; reporting to the board; and retention of documents relating to quality reviews. The amendments delete the word "quality" from a rule; require practice units to enroll with sponsoring organizations and require new practice units to have quality reviews within 18 months after commencement of the practice unit; simplify a rule's language but do not change its meaning; clarify the requirements for reporting quality reviews; and reduce the length of time for retention of documents.

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

Mr. Treacy also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that the language in two rules is simplified; the consis-

tenancy of quality reviews will be ensured; the reporting requirements for quality reviews are consistent; and the confidential nature of the underlying documents shall be protected. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to J. Randel (Jerry) Hill, General Counsel, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendments are proposed under Texas Civil Statutes, Article 41a-1 §6(a), which provide Texas State Board of Public Accountability with the authority to promulgate rules relating to quality review.

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

Review or review program-The review conducted under the relevant program whether peer review or quality review.

[Quality] Review [review] year-The calendar year within which the [quality] review date is to be selected or assigned.

Sponsoring organization-An entity (individual, firm, partnership, professional corporation, or professional organization or association of CPAs) that has met, and at all relevant times continues to meet, the standards specified by the board for administering [quality] review. The board shall periodically publish a list of sponsoring organizations which have applied for and received approval of the board's Quality Review Oversight Board.

§527.4. Quality Review Program. The following operations of the program shall be conducted by the board.

(1) **Applicability.** Participation in the program is required of each practice unit/licensee licensed or registered with the board who performs accounting and/or auditing engagements, including, but not limited to, audits, reviews, compilations, forecasts, projections, or other special reports.

(2) **Operation.** The board shall effect the program by requiring that each practice unit/licensee licensed or registered with the board as of January 1, 1992, shall schedule a [quality] review to commence no later than December 31, 1994. Each practice unit shall enroll with one of the sponsoring organizations approved in accordance with paragraph (6) of this section. Each practice unit [enrolled in a program of an approved sponsoring organization] shall adopt the review date assigned by the appropriate sponsoring organization and shall notify the board of such date. [Each practice unit not enrolled in a quality

review program shall be assigned a review year by the board. Each new practice unit/licensee registered with the board after January 1, 1992, which enrolls in a program of an approved sponsoring organization shall adopt the review date assigned by the sponsoring organization and shall notify the board of such date. Each such new practice unit/licensee which does not enroll in a quality review program shall be assigned a quality review year within three years of the initial licensing date.] It is the responsibility of the practice unit to anticipate its needs for [quality] review services in sufficient time to enable the [quality] reviewer to complete the [quality] review within six months after the end of the [quality] review date [year].

(3) **Minimum standards.** The board hereby adopts "Standards for Performing and Reporting on Quality Reviews" promulgated by the American Institute of Certified Public Accountants, Inc., as its minimum standards for [quality] review of practice units/licensees. This section shall not require any practice unit/licensee to become a member of any sponsoring organization.

(4) **Oversight.** The board shall appoint a Quality Review Oversight Board (QROB) whose function shall be the oversight and monitoring of sponsoring organizations for compliance and implementation of the minimum standards for performing and reporting on [quality] reviews. The QROB [Quality Review Oversight Board] shall consist of three members, none of whom are current members of the board. QROB's [The Quality Review Oversight Board's] membership shall consist of:

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

(5) **Compensation.** Compensation of QROB [Quality Review Oversight Board] members shall be set by the board. Oversight procedures to be followed by QROB [the Quality Review Oversight Board] shall be provided for by rules promulgated by the board. Information concerning a specific firm obtained by QROB [the Quality Review Oversight Board] during oversight activities shall be confidential, and the firm's identity shall not be reported to the board.

(6) **Sponsoring organizations.** Qualified [quality review] sponsoring organizations shall be the Securities and Exchange Commission Practice Section (SECPS); Private Companies Practice Section (PCPS); American Institute of Certified Public Accountants Quality Review Program, state CPA societies fully involved in the administration of the AICPA Quality Review Program, and such other entities which register with and are approved by the board on their adherence to the quality review minimum standards.

(7) Mergers, combinations, dissolutions, or separations.

(A) Mergers or combinations. In the event that two or more practice units are merged or sold and combined, the surviving practice unit shall retain the [quality] review year of the largest practice unit.

(B) Dissolutions or separations. In the event that a practice unit is divided, the new practice units [unit] shall retain the [quality] review year of the former practice unit. In the event that such period is less than 12 months, a review year [new year] shall be assigned so that the review occurs within 18 months of the commencement of the new practice units(s) [after 12 months of operation].

(8)[(9)] The board may accept an extension, not to exceed 180 days, as granted by the sponsoring organization for the conduct of a [quality] review, provided the board is notified by the practice unit/licensee within 20 days of the date of such an extension.

(8) Upon application to the board and upon showing of convincing evidence of a hardship caused solely by compliance with paragraph (7)(A) or (B) of this section, the Quality Review Committee of the board, on a case-by-case basis, may authorize a change in a practice unit's quality review year.]

§527.5. Exemptions. A practice unit which does not perform services as set out in §527.4(a) of this title (relating to Quality Review Program) is exempt from [quality] review and shall annually notify the board as to this status. A practice unit which begins providing these services must have a [quality] review within 18 months of the date the services were first provided.

§527.6. Reporting to the Board.

(a) A practice unit which is a member of the American Institute of Certified Public Accountants Division for [of] CPA Firms and which has [undergone] a peer review performed under the auspices of the Private Companies Practice Section (PCPS) or the Securities and Exchange Commission Practice Section (SECPS) shall submit to the board a copy of the peer review report, letter of comments (LOC), letter of response (LOR), and acceptance letter.

(b) For the first quality review covering a [quality] review year ending after January 1, 1992, a practice unit [subject to quality review] shall submit to the board:

(1) a copy of the report [opinion letter], if such [the] report [on the review] is unqualified; or

(2) a copy of the report [opinion letter], the LOC, the LOR, and notice of acceptance from the sponsoring organization, if such [the] report [on the review] is modified (qualified in any respect or adverse). Information submitted in accordance with this subsection shall be held confidential pursuant to the Public Accountancy Act of 1991 [1979], §25.

(c) For a practice unit's second and subsequent quality review, including any quality review carried out on an accelerated basis as part of the corrective action taken as a result of the previous quality review, a practice unit shall submit to the board a copy of that quality review [review's] report [(opinion),] LOC, LOR, and notice of acceptance from the sponsoring organization.

(d) A Texas practice unit of a multiple office firm not subjected to peer review or quality review tests and procedures shall submit an affidavit which includes affirmation, together with the date thereof, that a firm inspection of all Texas practice units was performed which was at least as extensive as a [peer or quality] review required by the relevant review program [American Institute of Certified Public Accountants Division of Firms] and that the workpapers of such inspection were reviewed and accepted as part of the peer review or quality review procedures.

(e)-(f) (No change.)

§527.7. Retention of Documents Relating to Quality Reviews.

(a) Each [quality] reviewer shall maintain in his, her, or its files all documentation necessary to establish that each [quality] review performed by him, her, or it conformed to the [quality] review standards of the relevant review program [adopted by the board], including the [quality] review working papers, copies of the [quality] review report, any comment letters, and any correspondence indicating the practice unit's concurrence, nonconurrence, and any proposed remedial actions and any related implementation.

(b) The documents described in subsection (a) of this section shall be retained in the [quality] reviewer's office for a period of time corresponding to the retention period of the relevant sponsoring organization and, upon request of the Quality Review Oversight Board, shall be made available to it. In no event shall the retention period be less than 90 days [for a quality review program and 90 days for the division of firms program] from the date of acceptance of the review by the sponsoring organization.

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 September 15, 1992.

TRD-9212584

William Treacy
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: October 23, 1992

For further information, please call: (512) 450-7066

Part XXIV. Texas Board of Veterinary Medical Examiners

Chapter 575. Practice and Procedure

• 22 TAC §575.23

The Texas Board of Veterinary Medical Examiners proposes new §575.23, concerning conditions relative to license suspension, which will require specific conditions be clearly stated in negotiated settlements or board orders where license suspension is part of the disciplinary action taken.

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

Mr. Matthijetz, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to inform the consumer of the license suspension and provide protection from the unethical practice of veterinary medicine. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Texas Board of Veterinary Medical Examiners, 1946 South IH-35, Suite #306, Austin, Texas 78704.

The new section is proposed under Texas Civil Statutes, Article 8890, §7(a), which provides the Texas Board of Veterinary Medical Examiners with the authority to "...make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

§575.23. *Conditions Relative to License Suspension.* If a board disciplinary action is taken against a veterinarian which results in the suspension of a license for a specified period of time, the board shall identify specific conditions (or prohibitions) relative to the suspension. The conditions (or prohibitions) should be clearly stated as part of the negotiated settlement or board order. The following guidelines will be considered when specifying the conditions of a license suspension.

(1) Licensees shall not practice nor give the appearance that they are practicing veterinary medicine during the time of suspension. The board will provide a notice of the board's order of suspension for the licensee to post in the reception area or other place clearly visible to the public.

(2) Licensees shall not supervise other veterinarians, nor supervise, encourage, or allow an employee(s) who are not licensed to practice veterinary medicine in Texas, to perform duties described as the practice of veterinary medicine in the Veterinary Licensing Act and rules of professional conduct and other policies of the board.

(3) During the period of downtime, licensees shall notify all present and prospective employees of the board order, including the terms, conditions, and restrictions imposed. Within 30 days of the effective date of the order and within 15 days of undertaking new employment, licensee shall cause their employers to provide written acknowledgment to the board that they have read and understand the terms and conditions of the board order.

(4) Licensees shall notify all veterinarians and veterinary technician employees in the clinic, hospital, or practice of the board order and, within 30 days of the effective date of the order, licensees shall acknowledge to the board in writing that this has been done.

(5) A sole practitioner's clinic or hospital facilities may be used for administrative purposes only. Examples are opening mail, referring patients, accepting payments on accounts, and general office tasks. In these instances, he/she must exercise extreme caution to not be persuaded, coerced, or otherwise drawn by anyone to practicing or even giving the appearance of practicing veterinary medicine. The licensee may not employ substitute veterinarian to continue the clinic business during suspension.

(6) A licensee who owns/operates a clinic and employs associate veterinarians may enter the clinic or hospital for administrative purposes only, as cited in paragraph (5) of this section. The licensee may not derive any profits from the business during the suspension.

(7) Licensee shall abide by the board's order and conform to all laws, rules, and regulations governing the practice of veterinary medicine in Texas.

(8) If the board receives information alleging that the licensee is practicing veterinary medicine during the period of suspension (downtime), board staff will initiate an investigation. If there is evidence to support the allegation, the licensee will be subject to further disciplinary action.

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

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

TRD-9212599 Buddy Matthijet
Executive Director
Texas Board of Veterinary
Medical Examiners

Proposed date of adoption: October 24, 1992

For further information, please call: (512) 447-1183

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 98. HIV and STD Control

Subchapter C. Texas HIV Medication Program

General Provisions

• 25 TAC §§98. 104-98.105

The Texas Department of Health (department) proposes amendments to §98.104 and §98.105, concerning the Texas HIV Medication Program. The sections implement the provisions of the Communicable Disease Prevention and Control Act, Health and Safety Code, §§85.061-85.066, concerning the establishment of an HIV Medication Program in Texas. The program assists hospital districts, local health departments, public or non-profit hospitals and clinics, nonprofit community organizations, and HIV infected individuals in the purchase of medications approved by the board that have been shown to be effective in reducing hospitalizations due to HIV related conditions. Generally, the sections cover eligibility for participation and medication coverage. The amendments expand coverage of the program to include the drugs Interferon-Alpha and Amphotericin-B for eligible participants and IV Pentamidine for children; and the procedures for administering the drugs.

Jim Allen, R.Ph., Director, Division of Pharmacy, Texas Department of Health, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state government or local government as a result of enforcing or administering the sections.

Mr. Allen also has determined that for each year of the first five-year period the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to expand coverage of the program, to include Interferon-Alpha and Amphotericin-B for eligible participants and IV Pentamidine for children. There is no anticipated economic cost to small or large businesses to comply with the sections as proposed. There is no anticipated cost for persons who may be required

to comply with these sections. There will be no effect on local employment.

Comments on the proposal may be submitted to Jim Allen, R.Ph., Director, Division of Pharmacy, Texas HIV Medication Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after publication of the proposal in the *Texas Register*.

The amendments are proposed under the Communicable Disease Prevention and Control Act, Health and Safety Code, §85.063, which provides the Texas Board of Health with the authority to adopt rules concerning a Texas HIV Medication Program; and §12.001, which provides the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the commissioner of health.

§98.104. Medication Coverage.

(a)-(j) (No change.)

(k) IV Pentamidine must be provided in 300 mg. vials not to exceed 14 vials per course of therapy (one vial per day for 14 days).

(l) Interferon-Alpha must be provided in 50 million unit vials not to exceed nine per month.

(m) Amphotericin-B must be provided in 50 mg. vials not to exceed 40 per month.

§98.105. Drug Specific Eligibility Criteria. A person is eligible for:

(1)-(8) (No change.)

(9) IV Pentamidine for children 13 years of age or younger for the treatment of PCP and prophylaxis against PCP in HIV infected children.

(10) Interferon-Alpha for the treatment of disseminated Kaposi's sarcoma in HIV infected persons with T-cell counts over 500. The total amount to be expended on this drug is \$122,600. The requesting physician must complete a form to be returned to the program which will allow the program to evaluate the benefits of providing this medication.

(11) Amphotericin-B for the treatment of patients with progressive, and potentially fatal disseminated fungal infections. The total amount to be expended on this drug is \$46,200. The requesting physician must complete a form to be returned to the program which will allow the program to evaluate the benefits of providing this medication.

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 September 14, 1992.

TRD-9212522 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of
Health

Proposed date of adoption: November 21, 1992

For further information, please call: (512) 458-7357

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 402. Client Assignment and Continuity of Services

Subchapter E. Preadmission

Screening and Annual Resident Review (PASARR) and Alternate Placement

• 25 TAC §§402.151-402.153, 402.158-402.161

The Texas Department of Mental Health and Mental Retardation (TXMHMR) proposes amendments to §§402.151-402.153 and new §§402.158-402.161, concerning determination criteria for preadmission screening and annual resident review (PASARR). The new sections would replace existing §402.158 and §402.159, which are contemporaneously proposed for repeal in this issue of the *Texas Register*, and add §402.160 and §402.161 to the subchapter. The title of the subchapter would be amended to read "Preadmission Screening and Annual Resident Review (PASARR) and Alternate Placement."

The amendments and new sections would implement policies and procedures for compliance with the alternative disposition plan approved by the Health Care Financing Administration. The plan requires that alternate placements be found by April 1, 1994, for all nursing facility residents identified through PASARR as being inappropriately placed in a nursing facility and as needing specialized services for mental illness or for mental retardation and/or a related condition.

The provisions were developed by a subcommittee of the Texas Department of Human Services (TDHS) Task Force on the Omnibus Budget Reconciliation Act (OBRA) and Preadmission Screening and Annual Resident Review (PASARR). The subcommittee included representatives of the nursing home industry, consumers, advocates, local mental health and mental retardation authorities, Texas Department on Aging, TDHS, and TXMHMR.

Leilani Rose, director, financial services department, has determined that for the first five-year period the sections are in effect there will be significant fiscal implications for state government as a result of enforcing the sections; no fiscal implications are anticipated

for local government. Alternate placements will require an increased number of ICF/MR beds from TDHS, which is calculating the impact and determining whether the costs are covered by TDHS's current appropriation. Those costs are not included in this fiscal note. TXMHMR will have ongoing costs incurred for providing services under the OBRA Targeted Waiver Program—\$4,979,877 in Fiscal Year (FY) 1993, \$18,585,291 in FY 1994, and \$34,428,431 in FY 1995; and for persons with a dual diagnosis—\$1,007,790 in FY 1993, \$3,404,947 in FY 1994, and \$5,013,203 in FY 1995. There will be ongoing costs for the alternate placement of persons with mental illness and one-time costs for placing persons with mental retardation or a related condition—\$1,484,879 in FY 1993, \$2,481,161 in FY 1994, and \$1,190,736 in FY 1995. Savings in the provision of specialized services will occur since these services will no longer be provided separately once persons are placed. The total TXMHMR costs are calculated as \$31,361,366 in FY 1993 (\$27,454,801 state and \$3,906,565 federal), \$51,603,648 in FY 1994 (\$38,414,874 state and \$13,188,774 federal), and \$64,330,856 in FY 1995 (\$40,932,440 state and \$23,398,416 federal). There also will be fiscal implications for the private sector as nursing facilities lose residents who are alternately placed. To the extent that the nursing facilities are unable to replace these persons with new residents, revenues would be lost to them. The department is unable to estimate the extent of this potential revenue loss.

There is no significant local economic impact anticipated.

Jaylon Fincannon, deputy commissioner, mental retardation services, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the promulgation of rules in compliance with federal laws and regulations. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to 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.

A public hearing will be held to accept testimony on the sections as proposed. The hearing will be Thursday, October 8, 1992, at 1:30 p.m., in the TXMHMR Central Office Auditorium at 909 West 45th Street, Austin, Texas 78756. If interpreters for the hearing impaired are required, please notify Ms. Logan 72 hours prior to the hearing by calling (512) 465-4670.

The amendments and new sections are proposed under the Health and Safety Code, Title 7, §532.015, which provides the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

§402.151. Purpose. The purpose of this subchapter is to provide criteria:

(1) by which the Texas Department of Mental Health and Mental Retardation determines a person's need for nursing facility services in contrast to other services (not to exclude services or settings not currently in existence or available at this time) and the need for specialized services for mental illness or for mental retardation and/or a related condition; and

(2) for alternate placement of nursing facility applicants and residents who have been identified through preadmission screening and annual resident review (PASARR) as needing specialized services for mental illness or for mental retardation and/or a related condition.

§402.152. Application. The provisions of this subchapter apply to:

(1) all persons who are applicants to or residents of [receiving services in skilled] nursing [or intermediate care] facilities certified by the Texas Department of Health; and

(2) to all mental health and mental retardation authorities (MHMRAs).

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

Case manager—Staff member designated by the MHMRA to ensure that a person receives needed resources and services.

[Congestive heart failure—A disease of the circulatory system as diagnosed by a physician in accordance with International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM).]

Legal representative—The parent of a minor or legal guardian of the applicant to a nursing facility or the resident of a nursing facility.

Mental health and mental retardation authority (MHMRA) —A local services provider selected by the Texas Department of Mental Health and Mental Retardation to plan, facilitate, coordinate, or provide services in a local services area to persons with mental illness, mental retardation, and/or a related condition; this includes designated providers and departmental facility community services programs.

Nursing facility—A Texas Medicaid-certified institution providing [intermediate care and/or skilled] nursing services. It does not include a non-Medicaid certified facility, or non-Medicaid certified distinct part of a facility, or a facility certified as an intermediate care facility for the mentally retarded or for people with related conditions.

Responsible party—A person as defined in rules of the Texas Department of Human Services (TDHS) in 40 TAC §19.101 (relating to Definitions for Nursing Facility Standards).

§402.158. Roles of Nursing Facility and MHMRA in Seeking Alternate Placement for Applicants and Residents.

(a) Applicants denied nursing facility admission as determined by PASARR.

(1) The applicant or legal representative may request that the MHMRA provide assistance in locating and moving the applicant in a setting other than a nursing facility.

(2) The MHMRA shall provide the same placement assistance to the applicant as it would to any other person seeking such services.

(b) Appropriately placed nursing facility residents needing specialized services as determined by PASARR.

(1) The resident or legal representative may request that the MHMRA provide assistance in locating and moving to a setting other than a nursing facility.

(2) The MHMRA shall provide the same placement assistance to the resident as it would to any other person seeking such services.

(3) If alternate placement is requested, then the MHMRA case manager, in consultation with the resident or legal representative, may facilitate location of alternative services and placement of the resident in a setting other than a nursing facility.

(c) Inappropriately placed nursing facility residents needing specialized services who can choose placement as determined by PASARR.

(1) The resident or legal representative may request the MHMRA to assist the individual in locating and moving to a setting other than a nursing facility.

(2) If alternate placement is requested, the MHMRA case manager in consultation with the resident or legal representative may locate alternative services and place the individual in a setting other than a nursing facility.

(d) Inappropriately placed nursing facility residents needing specialized services who are required to be alternately placed as determined by PASARR.

(1) The nursing facility resident shall be notified in writing that Medicaid benefits may be terminated six months from the date of the notification in accordance with 40 TAC §19.604(f)(7) (relating to OBRA PASARR Alternate Placement). The

MHMRA case manager must explain the consequences of receipt of this letter upon the resident's continued residence in a nursing facility to the resident or legal representative (as appropriate).

(2) Prior to termination of Medicaid benefits, the MHMRA case manager must present to the resident or legal representative up to three specific placement alternatives appropriate to the resident's basic needs, overall functioning, diagnosis(es), and for which the resident may be eligible. The MHMRA case manager must document all alternative resources and services presented, as well as, if applicable, the basis for refusal of services offered.

(3) A placement waiver for six months may be requested by the MHMRA case manager from the OBRA PASARR Determination Program Office based upon the unavailability of specific alternatives or the inability of specific alternatives to meet the resident's basic needs. The placement waiver may be granted using professional judgement based upon a review of the ability of the alternatives for which the resident may be eligible to meet the resident's basic needs for treatment, training, and overall functioning. The resident's or legal representative's geographic preference may also be considered. Any resident or legal representative not in agreement with the professional decision may appeal the decision to the TXMHMR OBRA PASARR Determination Program Office to receive a TDHS fair hearing according to 40 TAC Chapter 79, Subchapters L, M, and N (relating to Fair Hearings, Appeals Processes, and Hearing Procedures).

(4) If the resident or legal representative selects a placement, then the MHMRA case manager must assist the resident in moving.

(5) If the resident or legal representative refuses the three placement alternatives described in paragraph (2) of this subsection and/or the fair hearing results sustain the decision that an appropriate alternate placement had been offered, then the MHMRA case manager must assist the resident in locating a placement in an alternative setting that meets the resident's overall treatment and training needs. The resident's or legal representative's agreement is not required for the alternate placement. The resident must be discharged in accordance with 40 TAC §19.302 (relating to Transfer and Discharge). After the resident or legal representative has refused three placement alternatives and/or the fair hearing results sustain the decision that an appropriate alternate placement has been offered, the resident or legal representative may not appeal the subsequent alternate placement to the TXMHMR OBRA PASARR Determination Program Office to receive TDHS's fair hearing according to TAC 40 Chapter 79, Subchapters L, M, and N.

§402.159. Services and Documentation Provided by the MHMRA and Nursing Facility for Nursing Facility Residents Seeking Alternate Placement

(a) The MHMRA case manager must document all discussions with the resident or legal representative, as appropriate, in the resident's record and provide a monthly written report to the nursing facility as described in 40 TAC §19.604(f)(4) (relating to Preadmission Screening and Annual Resident Review). The case manager shall identify specific placement resources, treatment services, and the possible consequences of various placement alternatives for which the resident may be eligible. Communication techniques and devices should be utilized, as appropriate, to facilitate the resident's participation.

(b) The MHMRA case manager shall invite the resident, legal representative(s), responsible party, family members, nursing facility representative(s), and attending physician to participate in interdisciplinary team meetings(s) to discuss alternate placement resources and develop a discharge plan outlining team member responsibilities for placement. The resident or legal representative(s) may identify individuals to be invited to the meeting.

(c) The MHMRA case manager shall obtain written agreement for the specific placement from the resident or legal representative(s), except as noted in §402.158(d)(5) of this title (relating to Roles of Nursing Facility and MHMRA in Seeking Alternate Placement for Applicants and Residents). The case manager shall, upon request, provide information to the family or other interested parties, as appropriate, regarding processes for securing a legal guardian.

(d) The MHMRA case manager must document implementation of the nursing facility resident's discharge plan in the resident's record and provide copies to the nursing facility.

§402.160. References. Reference is made in this subchapter to the following laws and standards:

(1) Omnibus Budget Reconciliation Act of 1987, Public Law 100-203, Title IV, Subtitle C, Nursing Home Reform, Part C, Medicaid;

(2) Omnibus Budget Reconciliation Act of 1990, Public Law 101-508, Title IV, Part E, §4801b;

(3) 42 Code of Federal Regulation 43.1009;

(4) International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM);

(5) Diagnostic and Statistical Manual of Mental Disorders, 3rd Edition (DSM-III-R);

(6) Classification in Mental Retardation, American Association on Mental Deficiency, 1983 Revision;

(7) 40 TAC, §§19.101, 19.218, 19.219, and 19.604 (rules of the Texas Department of Human Services).

§402.161. Distribution. This subchapter shall be distributed to:

(1) members, Texas Board of Mental Health and Mental Retardation;

(2) commissioner, medical director, deputy commissioners, associate deputy commissioners, assistant deputy commissioners, and directors of central office;

(3) superintendents/directors, state facilities;

(4) executive directors, community mental health and mental retardation centers;

(5) Texas Department of Human Services; and

(6) Texas Department of Health.

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 September 14, 1992

TRD-9212530

Ann K Utley
Chairman
Texas Board of Mental
Health and Mental
Retardation

Earliest possible date of adoption: October 23, 1992

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

◆ ◆ ◆
• 25 TAC §402.158, §402.159

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

The Texas Department of Mental Health and Mental Retardation (TXMHMR) proposes the repeal of §401.158 and §402.159, concerning references and distribution, in Chapter 402, Subchapter E, concerning determination criteria for preadmission screening and annual resident review (PASARR). The information in the sections is contemporaneously proposed, with revisions, in this issue of the *Texas Register* as §402.160 and §402.161.

The repeals would allow for the reorganization of sections in the subchapter and permit the inclusion of provisions related to alternate placement of nursing facility residents identified through PASARR as being inappropriately placed in a nursing facility and as needing specialized services for mental illness or for mental retardation and/or a related condition.

Leilani Rose, director, financial services department, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

There is no significant local economic impact anticipated.

Jaylon Fincannon, deputy commissioner, mental retardation services, has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be the reorganization of sections to allow for the inclusion of necessary new provisions. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to 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 repeals are proposed under the Health and Safety Code, Title 7, §532.015, which provides the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

§402.158. References.

§402.159. Distribution.

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 September 14, 1992.

TRD-9212529

Ann K. Utley
Chairman
Texas Board of Mental
Health and Mental
Retardation

Earliest possible date of adoption: October 23, 1992

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

TITLE 25. HEALTH SERVICES

Part VIII. Interagency Council on Early Childhood Intervention

Chapter 621. Early Childhood Intervention Program

Early Childhood Intervention Service Delivery

The Interagency Council on Early Childhood Intervention (council) proposes amendments to §§621.22-621.24, 621.46, 621.62, and 621.63, concerning the early childhood intervention program. The sections cover the program's service delivery, administrative hearings concerning individual child rights, and the advisory committee. The amendments will clarify service delivery requirements and definitions in order to comply with federal regulations in Title 34, Code of Federal Regulations, Part 303, which implement Public Law 102.119, "Individuals with Disabilities Education Act Amendments of 1991."

Mary Elder, executive director, Early Childhood Intervention Program, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

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

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

• 25 TAC §§621.22-621.24

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

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

Assessment—The ongoing procedures used by appropriate qualified personnel throughout the period of a child's eligibility to identify:

(A) (No change.)

(B) the resources, priorities, and concerns of the family and identification of supports and services necessary to enhance developmental needs of the children [the family's strengths and needs related to their child's development]; and

(C) the nature and extent of intervention services needed by the child and the family in order to resolve the determinations [meet subparagraphs (A) and (B)] of this paragraph.

Children-Infants and toddlers with disabilities.

Committee-Advisory Committee to the Interagency Council on Early Childhood Intervention. Its functions are those of the Interagency Coordinating Council described in Individuals with Disabilities Education Act Amendments of 1991 Public Law 102-119.

Include(ing)—The items named are not all of the possible items that are covered whether like or unlike the ones named.

Public agency—The Interagency Council on Early Childhood Intervention and any other political subdivision of the state that is responsible for providing services to children under Public Law 102-119, Individuals with Disabilities Education Act, Amendments of 1991, Part H.

Qualified-Person who has met state approval or recognized certificate, license, registration, or other comparable requirements that apply to the area in which the person is providing early intervention services.

Service coordinator (case manager)—A staff person who is assigned to a child/family who is the single contact point for families, and who is responsible for assisting and empowering families to receive the rights, procedural safeguards, and services authorized by these rules and ECI policy and procedures [in accessing services and coordinating those services].

Transportation services—Travel and other costs that are necessary to enable a child/family to receive early intervention services.

§621.23. *Service Delivery Requirements.* Programs that receive Early Childhood Intervention Program (ECI) funds must have written policies and procedures which are implemented and evaluated in each of the following areas.

(1) Client eligibility. The program must have written criteria for deter-

mining infants and toddlers with disabilities and accepting them [children] into the program.

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

(C) If funding is available [and all eligible children are being served in the state], the state ECI office can indicate that children at risk can also be served. Services may be provided to a child if the child is:

(i)-(ii) (No change.)

(D) Determination of eligibility shall be as follows.

(i)-(ii) (No change.)

[(iii) Children who are at risk of having a substantial delay if early intervention services are not provided must be determined by a qualified professional to have at least three biological or environmental risk factors.]

(2)-(4) (No change.)

(5) Individualized family service plan (IFSP). An IFSP must be developed for each eligible child and the child's family.

(A) Procedures for development, review, and evaluation.

(i) The IFSP must be written within 45 days of referral and be developed jointly by the family and appropriate qualified personnel. The IFSP must be based on assessment and evaluation information and include services necessary to enhance the development of the child and the capacity of the family to meet the child's special needs. No IFSP shall be implemented without prior written consent from the parent(s). **The contents and the implementation of the IFSP must be fully reviewed with the parents prior to obtaining their consent.**

(ii)-(vi) (No change.)

(B) (No change.)

(C) Required early intervention services. Individualized intervention services, as determined by the interdisciplinary team, must be provided under public supervision to meet the developmental needs of the child, and the needs of the family related to enhancing the child's development. All services identified as needed for the child by the interdisciplinary team must be addressed in the IFSP. With concurrence of the family, all services identified as needed by the family, may be addressed in the IFSP. The array of services

must include, but is not limited to, the following:

(i)-(xvii) (No change.)

(xviii) nutrition services;

[and]

(xix) assistive technology; and

(xx)[(xix)] other services.

(D) Types of services. For the purpose of this chapter the following types of services apply.

(i)-(iii) (No changes.)

(iv) Health services include services necessary to enable a child to benefit from the other early intervention services during the time that the child is receiving the other early intervention services.

(I) The term "health services" includes:

(-a-) such services as clean intermittent catheterization, tracheostomy care, tube feeding, the changing of dressings or colostomy[ostomy] collection bags, and other health services; and

(-b-) (No change.)

(II) (No change.)

(v)-(viii) (No change.)

(ix) Physical therapy services include:

(I) (No change.)

(II) obtaining, interpreting, and integrating information appropriate to program planning to prevent or alleviate movement dysfunction and related functional problems; [and]

(III) providing individual or group services to prevent or alleviate movement dysfunction and related functional problems; and[.]

(VI) services to address the promotion of sensorimotor function through enhancement of musculoskeletal status, neurobehavioral organization, perceptual and motor development, cardiopulmonary status, and effective environmental adaption.

(x)-(xii) (No change.)

(xiii) Speech-language pathology services include:

(I) identification of children with communicative or oropharyngeal[oral pharyngeal] disorders and delays in development of communication skills, including the diagnosis and ap-

praisal of specific disorders and delays in those skills;

(II) referral for medical or other professional services necessary for the habilitation or rehabilitation of children with communicative or oropharyngeal[oral pharyngeal] disorders and delays in development of communication skills; and

(III) (No change.)

(xiv) Transportation and related costs[services] include the coverage of cost of travel (e.g., mileage, or travel by taxi, common carrier, or other means) and other[related] costs (e.g., tolls and parking expenses) that are necessary to enable an eligible child and the child's family to receive early intervention services.

(xv) (No change.)

(xvi) Vision services include:

(I) evaluation and assessment of visual functioning, including the diagnosis and appraisal of specific visual disorders, delays, and abilities;

(II) referral for medical or other professional services necessary for the habilitation or rehabilitation of visual functioning disorders or both; and

(III) communication skills training, orientation and mobility training for all environments, visual training, independent living skills training, and additional training necessary to activate visual motor abilities.

(xvii) Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of children with disabilities. Assistive technology service means a service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Assistive technology services include:

(I) evaluating of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

(II) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices used by children with disabilities;

(III) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(IV) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(V) training or technical assistance for a child with disabilities or, if appropriate, that child's family; and

(VI) training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

(E) Service options. In a service area, options for instruction or treatment must be available based upon consideration of the medical, social, educational, and developmental needs of the child and family as stated in the IFSP. These options include:

(i)-(ii) (No change.)

(iii) to the maximum extent appropriate to the needs of the child, early intervention services must be [to be] provided in natural environments, including [the] home [and] community settings in which children without disabilities [may] participate. Natural environments means settings that are natural or normal for the child's age peers who have no disabilities.

(iv)-(v) (No change.)

(F)-(G) (No change.)

(H) Contents of the plan. Programs which receive ECI funds must have a written IFSP for each child developed jointly by the interdisciplinary team including the child's parents.

(i)-(iv) (No change.)

(v) To the extent appropriate, the IFSP must include:

(I) (No change.)

(II) the funding sources to be used in paying for those

services [if necessary, the steps that will be taken to secure those services through public or private resources].

(vi)-(vii) (No change.)

(I)-(L) (No change.)

§621.24. Program Administration.

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

(c) Program requirements.

(1) (No change.)

(2) Required services. As of January 1, 1993 [September 1, 1990], each program must provide an evaluation and assessment, service coordination, [and] an individualized family service plan (IFSP), and provide or arrange for services that implement the IFSP for all eligible children.

(3) (No change.)

(4) Interagency coordination. Each program must develop and implement an interagency coordination plan which includes as a minimum procedures:

(A) to prevent duplication of assessments and services;

(B) for the coordination of referrals to and from the ECI program;

(C) for participation in local and regional planning and coordination groups affecting services to young children; and

(D) for the coordination of activities to make the most effective use staff development and service provision.

(5)[(4)] Staff composition and qualifications.

(A) Programs must employ staff who meet the appropriate professional requirements and hold current professional credentials for their profession. Appropriate professional requirements are the entry level professional standards which:

(i) are based on the state's highest requirements applicable to the profession or discipline in which a person is providing early intervention services; and

(ii) establish suitable qualifications for personnel providing early intervention services to eligible children and their families, who are served by state, local, and private agencies.

(B) ECI professional staff must abide by the licensure or certification

requirements and the established rules of supervision and conduct for their professions.

(C) For the occupational categories for which state authority has not established professional standards (such as service coordinator[case manager], and early intervention specialist), programs must employ staff who are qualified in terms of education and experience for their assigned scopes of responsibilities and the degree of supervision they are required.

(D) The ECI program director must provide and document the amounts of supervision appropriate for all ECI contract staff and program staff to ensure the philosophy and intent of these regulations are met as adopted by the Early Childhood Intervention Council.

(E) Local programs must establish a procedure to ensure that employees have not been convicted of any felony or a misdemeanor related to child abuse or sexual abuse or any other offense against a person or family.

(6)[(5)] Inservice education. Each provider shall annually assess the training needs of each early childhood intervention (ECI) staff member. Documentation of the development and implementation of each individualized professional development plan (IPDP) shall be maintained by the program.

(7)[(6)] ECI child service standards.

(A) Determination of staff-child ratios must take into account the degree of each child's developmental level of functioning, the setting in which the child will be served, and the nature of the services to be provided.

(B) Programs which provide child care as defined by the Texas Department of Human Services (TDHS) must meet licensing standards of TDHS.

(8)[(7)] Child health standards. Programs that receive ECI funds must have written policies and procedures which are implemented and evaluated in each of the following areas.

(A) Medication policies. If staff is involved in the administration of medication, written policies must be maintained regarding such administration.

(B) Infectious disease prevention and management.

(i) All programs must adhere to the procedures of the Universal Precautions for the Texas Early Childhood Intervention Program, as issued by the council.

(ii) All programs must comply with the Texas Communicable Disease Prevention and Control Act, Texas Civil Statutes, Article 4419b-1.

(iii) In the event of an outbreak of a contagious disease, infants attending center-based programs may be excluded if they have not been immunized due to medical or religious contraindications.

(C) Policies regarding serving children who are HIV positive. The following requirements must be enforced in serving children who are HIV positive.

(i) Children with HIV infection must not be discriminated against on the basis of HIV infection. Reasonable accommodations will be made to serve them on the basis of individual need.

(ii) Any information a parent may provide on the HIV status of a child or family member will be deemed confidential and released only to individuals designated by the parent.

(iii) For identified children with HIV infection, with parental consent, the staff must communicate with the physician responsible for medical care and must involve the physician in programmatic decisions about treatment. Communication with the physician must occur prior to assessment and on an ongoing basis as needed.

(iv) Programs cannot require AIDS testing of children.

(9) [(8)] Safety regulations regarding emergencies for all buildings where ECI programs are housed. Programs that receive ECI funds must have written policies and procedures which are implemented and evaluated in the following areas.

(A) First aid supplies must be maintained on the premises and in vehicles routinely used by the program.

(B) There must be written posted procedures to be followed in the event of actual or threatened natural disasters, such as fire, tornado, flood, hurricane (as appropriate for the area). Evacuation routes must be posted. Procedures must be individualized for each location.

(C) Each facility must conduct quarterly fire drills rehearsing the evacuation of all children. Such drills must be documented.

(D) Each facility must have a working telephone, and emergency telephone numbers must be posted.

(10) [(9)] Accessibility and safety. Programs that receive ECI funds must have written policies and procedures which are implemented and evaluated in the following areas.

(A) All ECI services must be available in buildings that are physically accessible to persons with disabilities.

(B) Buildings where the ECI program is housed (including offices) must be inspected annually by local or state fire and sanitation authorities.

(C) Buildings must be clean, free of hazards, free of insect and rodent infestation, in good repair, with adequate light, ventilation, and temperature control.

(D) An external emergency release mechanism must be provided for opening interior doors that can be locked from the inside. Locks may not be used to restrain a child within a room.

(E) Buildings must be able to be safely evacuated in the event of an emergency.

(11) [(10)] Transportation safety. Programs that receive ECI funds must have written policies and procedures which are implemented and evaluated in the following areas.

(A) The transportation system operated by the ECI Program must meet local and state licensing, inspection, insurance, and capacity requirements.

(B) Children must be transported in an appropriately installed federally approved child passenger restraint seat, appropriate to the child's age and size.

(C) Drivers of vehicles must have valid and appropriate drivers' licenses. Drivers must have current defensive driving certification.

(D) Drivers and driver's aides must have training in first aid, emergency care of seizures, and be certified in cardiopulmonary resuscitation for children and infants.

(12) [(11)] Reporting child abuse. The program must report suspected child abuse or neglect as required by the Texas Family Code, Chapter 34.

(13) [(12)] Staff health regulations. Programs that receive ECI funds must have written policies and procedures which are implemented and evaluated in the following areas.

(A) Programs shall not discriminate against employees who have AIDS or HIV infection.

(B) Programs shall not require HIV testing of employees.

(C) All staff must provide written evidence of TB screening (negative tuberculin test or satisfactory chest x-rays) within six months of beginning employment in an ECI program, if required by local health officials or public school officials.

(D) Any staff person with a communicable disease must refrain from working with children while the staff person is ill until cleared by a physician to return to work.

(14) [(13)] Staff development for health/safety issues. Programs that receive ECI funds must have written policies and procedures which are implemented and evaluated in the following areas.

(A) All staff who work directly with children must receive training in first aid and have certification in cardiopulmonary resuscitation for children and infants.

(B) All staff who work directly with children must receive training in the implementation of Universal Precautions for Texas ECI Programs and in the recognition of common childhood illnesses.

(C) When activities are provided in a swimming pool, there must be at least one person present who is certified by the American Red Cross in water safety instruction, lifeguard training, or emergency water 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 September 14, 1992.

TRD-9212523

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

Proposed date of adoption: January 1, 1993

For further information, please call: (512) 458-7673



Procedural Safeguards and Due Process Procedures

• 25 TAC §621.46

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

§621.46. Administrative Hearings Concerning Individual Child Rights.

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

(e) Impartial hearing officer.

(1) Hearings shall be conducted by an impartial hearing officer appointed by the ECI executive director [administrator]. The hearing officer shall be a person who is licensed to practice law in the State of Texas, and who :

(A) is knowledgeable about the provision of ECI services; [.]

(B) is knowledgeable about the provisions of complaint management, needs of children and families, and the services available to the child and family;

(C) will listen to view points about the complaint, examine information relevant to issue, and seek to reach timely resolution of the complaint; and

(D) will provide records of the proceedings, including written decision.

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

(f)-(i) (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 September 14, 1992.

TRD-9212525 Tammy Tiner, Ph.D.
Chairperson
Interagency Council on
Early Childhood
Intervention

Proposed date of adoption: January 1, 1993

For further information, please call: (512) 458-7673

Early Childhood Intervention Advisory Committee

• 25 TAC §621.62, §621.63

The amendments are proposed under the Human Resource Code, §73.003, which provides the Interagency Council on Early Child-

hood Intervention with the authority to establish rules regarding services provided for children with developmental delays. The amendments will effect the Health and Safety Code, Chapter 73.

§621.62. Size, Composition, and Terms of Office.

(a) (No change.)

(b) Composition. The advisory committee shall be composed as follows.

(1) Official members must [which] include:

(A) at least seven [members must be] parents, including minority parents of infants or toddlers with developmental disabilities or children with developmental disabilities aged twelve or younger, with knowledge of, or experience with, programs for infants and toddlers with developmental disabilities. At least one such member shall be a parent of an infant or toddler with a developmental disability or a child with a developmental disability aged six or younger and no parent may be an employee of an Early Childhood Intervention funded program;

(B) at least five [members must be] public or private providers of early childhood intervention services, one of whom is an early childhood consultant and a provider of birth to three services in an educational service center;

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

(E) one [member] representative from each of the following agencies: the Texas Department of Public Health; the Texas Department of Mental Health and Mental Retardation; the Texas Department of Human Services; the Texas Education Agency; and the Texas Department of Insurance. The representative must [who] have sufficient authority to engage in policy planning and implementation on behalf of their agency. The Texas Education Agency representative [member] must be responsible for preschool services to children with developmental disabilities.

(F)-(H) (No change.)

(2) (No change.)

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

§621.63. Advisory committee duties.

(a) The advisory committee shall:

(1) (No change.)

(2) advise[advice] and assist the state educational agency regarding appropriate services and the transition of toddlers with developmental disabilities to

services provided under Public Law 102-119, Part B, to the extent such services are appropriate;

(3)-(6) (No change.)

(b)-(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 September 14, 1992.

TRD-9212524 Tammy Tiner, Ph.D.
Chairperson
Interagency Council on
Early Childhood
Intervention

Proposed date of adoption: January 1, 1993

For further information, please call: (512) 458-7673

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VII. Texas Commission on Law Enforcement Officer Standards and Education

Chapter 211. Administration Division

Substantive Rules

• 37 TAC §211.100

The Texas Commission on Law Enforcement Officer Standards and Education proposes an amendment to §211.100, concerning the requirements of continuing education for constables and their deputies. A need for continuing education for constables and deputy constables was recognized by the 72nd Texas Legislature, Acts of 1991, 72nd Legislature, Chapter 346, §1, effective September 1, 1991, and these provisions require constables and their deputies to be provided with not less than 20 hours of instruction in civil process.

Johanna McCully-Bonner, general counsel, has determined that for the first five-year period the section is in effect there will be no major fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. McCully-Bonner 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 this sections will be that constables and constable deputy's will be better trained in the handling of civil process. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal must be received at the Commission may be submitted to

Johanna McCully-Bonner, General Counsel, Texas Commission on Law Enforcement Officer Standards and Education, 1033 La Posada, Suite 240, Austin, Texas 78752.

The amendment is proposed under the Texas Government Code, Chapter 415, §§415.010(1), 415.034, and 415.0345, which provides the Texas Commission on Law Enforcement Officer Standards and Education with the authority to pass rules for the administration of Chapter 415, and Texas Civil Statutes, Article 6252-13a, which taken together establish the procedures for the rule making requirements for the commission.

§211.100. In-service Training Requirements for Agencies that Appoint Peace Officers or Reserves.

(a) (No change.)

(b) Any agency which appoints a peace officer shall provide to each peace officer at least, the in-service training program required by this section. The program

shall consist of one or more in-service courses, that total at least 40 hours during each 24-month period and must include training in the recognition and investigation of cases involving child abuse or neglect, family violence, or sexual assault. All constables and their deputies, as a part of their forty hour in-service training requirement, shall complete 20 hours of instruction in civil process. A constable may, by written certification to the commission, exempt from the civil process training those deputies who do not serve process. The first 24-month period shall commence for each peace officer on that officer's date of appointment or on the effective date of this section, whichever is later.

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

(g) The effective date of this section is February 1, 1989; the effective date for subsection (a) of this section as

amended, is February 1, 1990; the effective date for subsections (a) and (b) of this section as amended, is February 1, 1991; the effective date for subsection (b) as amended, is March 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 September 15, 1992.

TRD-9212579

Johanna McCully-Bonner
General Counsel
Texas Commission on Law
Enforcement Officer
Standards and
Education

Earliest possible date of adoption: October 23, 1992

For further information, please call: (512) 450-0188

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 public hearing, Docket Number 1934, scheduled for 9 a.m. on November 4, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, will consider three petitions to amend the Texas Automobile Rules and Rating Manual hereinafter the manual: petition filed on behalf of the Texas Automobile Insurance Service Office (TAISO) to amend Rule 74; petition filed by the staff of the Auto Division of the Texas Department of Insurance to amend Rules 6 and 74; and petition filed by State Farm Insurance Com-

panies to amend rule 74. The board will also consider any other alternative that may be brought forward for providing discounts under Rule 74 of the manual.

TAISO's petition proposes amending Rule 74 of the manual by adding a new Section H to authorize two optional discounts to student drivers; good student discount and student away from home discount. TAISO's amendment was proposed in a petition (Reference Number A-0892-52), filed on August 14, 1992.

Staff's petition proposes amendments to Rules 6 and 74 of the manual. Staff's petition proposes amending Rule 6 to require a minimum term of 30 days for the personal auto policy, along with existing provisions regarding maximum term. Staff also proposes amending Rule 6 to require that a binder issued in lieu of an automobile policy, be subject to the same provisions, conditions, and exclusions contained in the basic policy form. Additionally, staff proposes amendments to Rule 74 which would allow insurers to establish discounts of the following categories: good student discount, student away at school discount, anti-lock brake discount, and renewal discount. The staff's amendments were proposed in a petition (Reference Number A-0892-54-1), filed on August 19, 1992.

State Farm Insurance Companies' petition proposes amending Rule 74 to allow companies to provide discounts so long as the discounts are properly filed with the State Board

of Insurance. State Farm's amendment was proposed in a petition (Reference Number A-0992-58), filed on September 8, 1992.

The board will also consider any other alternative that may be brought forward for providing discounts under Rule 74 of the manual.

A copy of each petition, containing the full text of each proposal 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 petitions, please contact Angie Arizpe at (512) 322-4147, and refer to the respective reference number.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedures 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 September 16, 1992.

TRD-9212591

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

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

Withdrawn Sections

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

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

Chapter 95. Texas Share Guaranty Credit Union

General

• 7 TAC §95.3

The Credit Union Department has withdrawn from consideration for permanent adoption a proposed amendment which appeared in the April 17, 1992, issue of the *Texas Register* (17 TexReg 2665). The effective date of this withdrawal is September 14, 1992.

Issued in Austin, Texas, on September 14, 1992

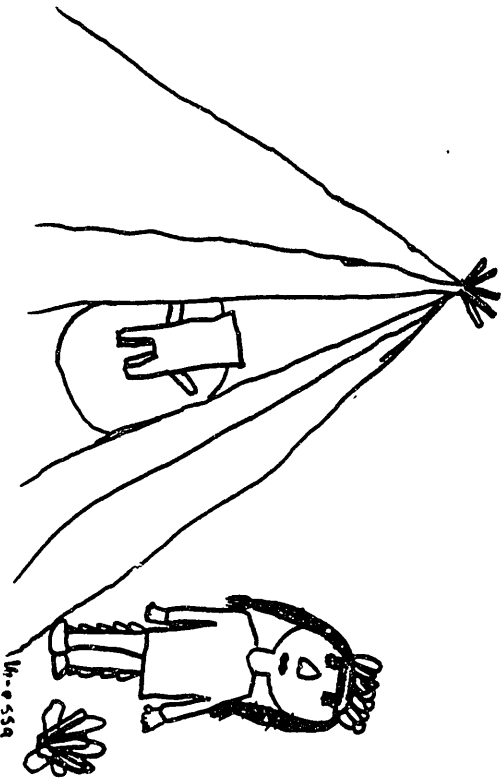
TRD-9212478

Harry L. Elliott
Staff Services Officer
Credit Union Department

— Effective date: September 14, 1992

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

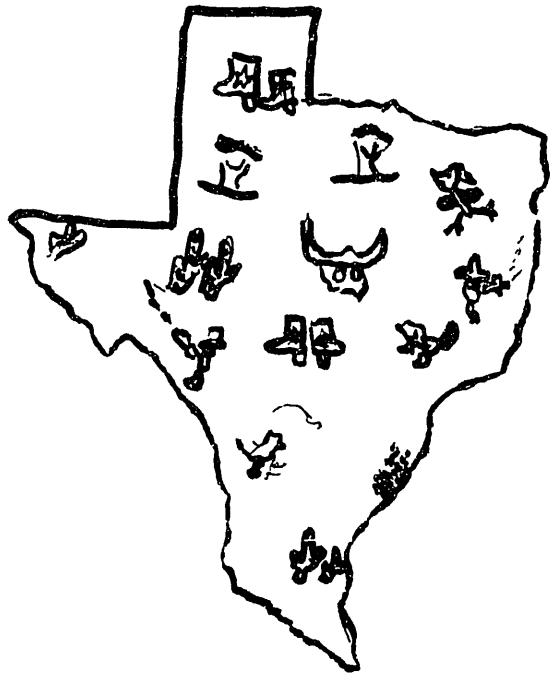




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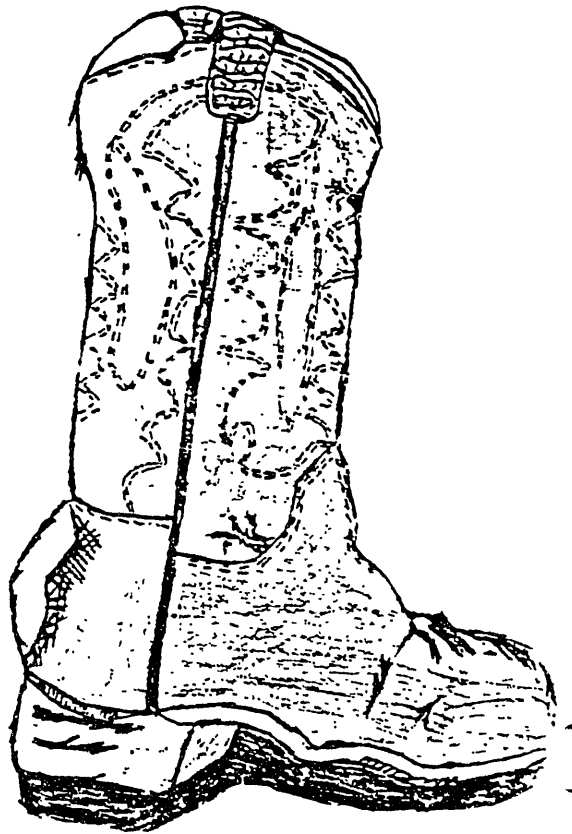


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Adopted Sections

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

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

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 87. Notary Public

Notary Public Appointments

The Office of the Secretary of State adopts amendments to §§87.2, 87.4, 87.5, 87.22, 87.23, 87.43, and 87.48, concerning the notice of expiration and application for appointment as a notary public for the State of Texas, the appointment by the secretary of state, the notice of expiration by the secretary of state, the completion and execution of the bond and oath of office form, the qualification with the secretary of state, good cause, and other disciplinary action. Section 87.22 and §87.43 are adopted with changes to the proposed text as published in the July 24, 1992, issue of the *Texas Register* (17 TexReg 5177). Sections 87.2, 87.4, 87.5, 87.23, and 87.48 are adopted without changes and will not be republished.

The amendments are necessary in order to eliminate obsolete language as well as to perform housekeeping tasks pertaining to the rules. Additionally, §87.48 is amended to reflect the recent changes in the rules of practice and procedure before the secretary of state and the rules of procedure for the new State Office of Administrative Hearings.

The change in §87.22 clarifies the information that the surety company is to provide on the notary bond form. The change in §87.43 eliminates redundant language pertaining to the notary seal.

The amendments will provide individuals with a clarification of the procedure for application and reapplication (renewals) for appointment as a notary public and for qualification after the approval of the application. Further, the public will be provided with revised examples of "good cause," as that term is used in the Notary Public Act, Texas Government Code Annotated §§406.001-406.024 (Vernon 1990), which reflect the latest changes to the Act. Finally, updated procedures contained in the notary public rules that are based on changes to the rules of practice and procedure before the secretary of state and the State Office of Administrative Hearings will be made available to the public.

No comments were received regarding adoption of the amendments.

• 1 TAC §§87.2, 87.4, 87.5

The amendments are adopted under Texas Civil Statutes, Article 6252-13a, §4(a)(1), and the Texas Government Code, §406.023(a), which provides the secretary of state with the authority to prescribe and adopt 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 September 11, 1992.

TRD-9212592 Audrey Selden
Assistant Secretary of
State
Office of the Secretary of
State

Effective date: October 7, 1992

Proposal publication date: July 24, 1992

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

Notary Public Qualifications

• 1 TAC §§87.21

The Office of the Secretary of State adopts the repeal of §87.21, concerning the notice of appointment, bond, and oath of office for notaries public pursuant to the Notary Public Act, Texas Government Code Annotated, §§406.001-406.024 (Vernon 1990), without changes to the proposed text as published in the July 24, 1992, issue of the *Texas Register* (17 TexReg 5178).

The repeal is necessary in order to reflect the current policy of the secretary of state regarding the duplication of notary public bond and oath of office forms by individuals and companies outside the Office of the Secretary of State.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 6252-13a, §4(a)(1), and the Texas Government Code, §406.023(a), which provides the secretary of state with the authority to prescribe and adopt 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 September 11, 1992.

TRD-9212595 Audrey Selden
Assistant Secretary of
State
Office of the Secretary of

State

Effective date: October 7, 1992

Proposal publication date: July 24, 1992

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

• 1 TAC §87.22, §87.23

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

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

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

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

(5) The appointed notary public will sign in the space provided for signature for the principal in the form in which appointed. The surety officer or an attorney-in-fact for an insurance or bonding company will sign in the space provided and give the surety company's Texas Department of Insurance license number.

(6) (No change.)

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

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 September 11, 1992.

TRD-9212593 Audrey Selden
Assistant Secretary of
State
Office of the Secretary of
State

Effective date: October 7, 1992

Proposal publication date: July 24, 1992

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

Rejection and Revocation

• 1 TAC §87.43

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

§87.43. Good Cause.

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

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

(7) a failure by the notary public to utilize a correct notary seal as described in the Notary Public Act, §406.013;

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

(10) the execution of any certificate as a notary public containing a statement known to the notary public to be false;

(11) a failure to complete the acknowledgement at the time the notary public's signature and seal are affixed to the document,

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

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

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

(15) previous disciplinary action against the notary public in accordance with these sections; and

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

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

This agency hereby certifies that the 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 September 11, 1992

TRD-9212594 Audrey Selden
Assistant Secretary of
State
Office of the Secretary of
State

Effective date: October 7, 1992

Proposal publication date: July 24, 1992

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

Administrative Action

• 1 TAC §87.48

The amendment is adopted under Texas Civil Statutes, Article 6252-13a, §4(a)(1), and the Texas Government Code, §406.023(a), which provides the secretary of state with the authority to prescribe and adopt 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 September 11, 1992.

TRD-9212596 Audrey Selden
Assistant Secretary of
State
Office of the Secretary of
State

Effective date: October 7, 1992

Proposal publication date: July 24, 1992

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

TITLE 4. AGRICULTURE

Part II. Texas Animal Health Commission

Chapter 49. Equine

• 4 TAC §49.2

The Texas Animal Health Commission adopts an amendment to §49.2, concerning interstate movement requirements, without changes to the proposed text as published in the July 3, 1992, issue of the *Texas Register* (17 TexReg 4723)

The amendment is necessary to extend the time that an EIA test is valid, thus reducing the costs to the producer who plans to move horses into the state.

All horses entering the state are required to be tested for EIA within 12 months, rather than six months, prior to entry into the state with an AGID or CELISA test for equine infectious anemia

Favorable comments were received from two individuals saying they believe it is in the best interests of the public that this agency and the Racing Commission have the same timeframes within which an EIA test is valid. Comments from two more individuals were also received against the amendment saying they believe lessening the length of time the test is valid will weaken the regulations.

The agency agreed that the amendment was in the best interests of the public for this agency and the Racing Commission to have the same timeframes within which an EIA test is valid; and disagreed that by lessening the length of time the EIA test is valid will weaken the regulation.

The amendment is adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to adopt rules and sets forth the duties of this commission to control disease.

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 September 11, 1992.

TRD-9212545 Terry Beals, DVM
Executive Director
Texas Animal Health
Commission

Effective date: October 9, 1992

Proposal publication date: July 3, 1992

For further information, please call: (512) 479-6697

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

Chapter 91. Chartering, Operations, Mergers, Liquidations

Organization Procedures

• 7 TAC §91.206

The Credit Union Commission adopts an amendment to §91.206, concerning the conditions under which the commissioner has the authority to approve and make available to credit unions standard bylaw amendments, without changes to the proposed text as published in the April 17, 1992, issue of the *Texas Register* (17 TexReg 2664).

There needs to be a standardization of the wording for common bylaw amendments to assure clarity in bylaws and efficiency of processing such amendments.

Standard bylaw amendments will be developed when warranted.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on September 11, 1992.

TRD-9212475 John R. Hale
Commissioner
Credit Union Department

Effective date: October 5, 1992

Proposal publication date: April 17, 1992

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

Loans

• 7 TAC §91.708

The Credit Union Commission adopts new §91.708, concerning late charges for delinquent loan payments, without changes to the proposed text as published in the April 17, 1992, issue of the *Texas Register* (17 TexReg 2664).

Adequate controls need to be established by credit unions to ensure the reasonableness of late charges.

Credit unions will be required to strengthen controls over late charges.

One comment was received from Public Employee Credit Union recommending that the current rule remain. This recommendation was considered but not acted upon.

The new section is adopted under the Texas Civil Statutes, Article 2461-11. 07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of the Texas Credit Union Act.

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

Issued in Austin, Texas, on September 11, 1992.

TRD-9212476 John R. Hale
Commissioner
Credit Union Department

Effective date: October 5, 1992

Proposal publication date: April 17, 1992

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

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 21. Practice and Procedure

Orders

• 16 TAC §21.151

The Public Utility Commission of Texas adopts an amendment to §21.151, concerning service of final decisions, without changes to the proposed text as published in the June 19, 1992, issue of the *Texas Register* (17 TexReg 4418).

The amendment to §21.151 will conform the commission's procedural rules to the requirements of the Administrative Procedure and Texas Register Act.

Comments were received from Houston Lighting and Power Company, El Paso Electric Company, and Texas Statewide Telephone Cooperative, Inc. (TSTCI). Houston Lighting and Power Company proposed that the amended rule should provide that all final decisions or orders of the commission shall set forth the effective date of the decision. HL&P stated that including the effective date of the order would enable parties to know when motions for rehearing must be filed. HL&P's proposal has not been adopted because under the Administrative Procedure and Texas Register Act (APTRA), the time for filing motions for rehearing dates from the date of mailing the final order or decision. State law requires the commission to use procedures for handling mail that do not allow the commission to know with certainty the date of mailing of final decisions and orders. The commission believes parties should rely on the postmark to determine deadlines for filing motions for rehearing.

El Paso Electric Company supported the proposed changes.

TSTCI supported the proposed amendments, but expressed concern about the section's presumption that a party notified by mail of a final decision or order is considered to have been notified on the date the notice is mailed. TSTCI requested clarification that the presumption is a rebuttable one which could be overcome by credible evidence. The amended section incorporates the presumption of notification on the date of mailing which is contained in APTRA, §16(b). The commission will interpret the amended section consistent with APTRA, §16(b).

The amendment is adopted under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

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 September 11, 1992.

TRD-9212496 John M. Renfrow
Secretary
Public Utility Commission
of Texas

Effective date: October 5, 1992

Proposal publication date: June 19, 1992

For further information, please call: (512) 458-0100

Ancillary Proceedings and Proceedings Beyond the Order

• 16 TAC §21.161

The Public Utility Commission of Texas adopts an amendment to §21.161, concerning practice and procedure, without changes to the proposed text as published in the June 19, 1992, issue of the *Texas Register* (17 TexReg 4418).

The amendment to §21.161 will conform the commission's procedural rules to the requirements of the Administrative Procedure and Texas Register Act.

Comments were received from El Paso Electric Company and Texas Statewide Telephone Cooperative, Inc. (TSTCI). El Paso Electric Company supported the proposed changes.

TSTCI supported the proposed amendments, but expressed concern about the section's provisions for notification of final decisions and orders by mail because of the presumption that a party notified by mail of a final decision or order is considered to have been notified on the date the notice is mailed. The amended section incorporates the presumption of notification on the date of mailing which is contained in the Administrative Procedure and Texas Register Act, §16(b).

The amendment is adopted under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

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 September 11, 1992.

TRD-9212497 John M. Renfrow
Secretary
Public Utility Commission
of Texas

Effective date: October 5, 1992

Proposal publication date: June 19, 1992

For further information, please call: (512) 458-0100

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 75. Curriculum

Subchapter E. Well-balanced Curriculum

• 19 TAC §75.142

The Texas Education Agency (TEA) adopts an amendment to §75.142, concerning a well-balanced secondary curriculum, without changes to the proposed text as published in the June 23, 1992, issue of the *Texas Register* (17 TexReg 4512). The amendment was adopted on an emergency basis in the July 24, 1992, issue of the *Texas Register* (17 TexReg 5173).

In attempting to raise performance standards and levels of expectations for all students, the State Board of Education (SBOE) found that below-level courses tend to isolate low-performing students and minimize expectations of them. The amendment establishes a schedule for phasing out below-level courses for high school graduation purposes.

Westwood High School and the Association of Texas Professional Educators commented in favor of phasing out below-level courses, but expressed concern about the transition plan for implementation of the phaseout. The Texas Association for Children and Adults with Learning Disabilities, the Richardson Education Advocates for Dyslexia, the Improving Dyslexia Education Alliance, and one individual commented against the proposed phaseout, expressing concern for special education students. In response to these comments, the State Board of Education has established a task force on the phaseout of low-level high school courses to address concerns about a transition plan, staff development training, and special education students. The task force includes representatives from special education, dyslexia education, and the curriculum areas of English language arts and reading, mathematics, and science.

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

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 September 16, 1992.

TRD-9212614 Criss Cloudt
Director, Policy Planning
and Evaluation
Texas Education Agency

Effective date: October 7, 1992

Proposal publication date: June 23, 1992

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

Chapter 175. Proprietary Schools and Veterans Education

Subchapter E. Minimum Standards for Operation of Texas Proprietary Schools

• 19 TAC §175.127

The Texas Education Agency (TEA) adopts an amendment to §175.127, concerning minimum standards for operation of proprietary schools, without changes to the proposed text as published in the June 23, 1992, issue of the *Texas Register* (17 TexReg 4513).

The amended section will help the TEA ensure that granting a certificate of approval means that a school will remain open and offer a quality program during the period stated on the license. Under the current rule, a school must demonstrate its financial stability by submitting a year-end financial statement of the owner that reflects a positive net worth and a current ratio of one-to-one. The amendment to §175.127 exempts from these requirements a school owned by a publicly

held corporation operating under the supervision of a federal bankruptcy court with acceptable administration of the federal student loan and grant program.

Comments expressing concern about the scope of the amendment were received from: Bish Mathis Institute, Longview and Tyler; CDI Career Development Institute, Dallas and Houston; Southeastern Academy, Kissimmee, Florida; and a member of the Proprietary School Advisory Commission.

The TEA does not believe the amendment should be broadened in scope to allow more schools to operate with questionable financial support. Administrative procedures to deny or revoke a school's license to operate could allow the school to continue operating for up to nine months from the date it receives notification of the requirements. This is ample time for the school to demonstrate financial stability.

Moreover, although a change in school ownership could delay federal funding, this would not necessarily cause a cash flow problem. The owner of the school could have anticipated the potential liability and be adequately capitalized to fund the school operation.

The amendments are adopted under Texas Education Code, §32.22, which authorizes the State Board of Education to adopt policies, regulations, and rules necessary for carrying out the provisions of the Texas Proprietary School Act.

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

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

TRD-9212613 Criss Cloudt
Director, Policy Planning
and Evaluation
Texas Education Agency

Effective date: October 7, 1992

Proposal publication date: June 23, 1992

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

TITLE 22. EXAMINING BOARDS

Part XVI. Texas State Board of Physical Therapy Examiners

Chapter 323. Powers and Duties of the Board

• 22 TAC §323.3

The Texas State Board of Physical Therapy Examiners adopts an amendment to §323.3, concerning adoption of rules, without changes to the proposed text as published in the June 2, 1992, issue of the *Texas Register* (17 TexReg 3958).

This rule gives the board the flexibility to propose rules throughout the year, rather than only at one meeting.

This rule allows proposed rules to be made at any board meeting throughout the year.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on September 10, 1992.

TRD-9212493 Sherry L. Lee
Executive Director
Texas State Board of
Physical Therapy
Examiners

Effective date: October 5, 1992

Proposal publication date: June 2, 1992

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

Chapter 339. Fees

• 22 TAC §339.2, §339.3

The Texas State Board of Physical Therapy Examiners adopts amendments to §339.2 and §339.3, concerning fees, application, and license, without changes to the proposed text as published in the June 2, 1992, issue of the *Texas Register* (17 TexReg 3958).

Due to rising processing costs, the board passed a motion to raise the fees to possibly decrease expenditures from the general revenue fund.

It will raise the application and temporary fees by \$10 each.

No comments were received regarding adoption of the amendments.

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

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

Issued in Austin, Texas, on September 10, 1992.

TRD-9212492 Sherry L. Lee
Executive Director
Texas State Board of
Physical Therapy
Examiners

Effective date: October 5, 1992

Proposal publication date: June 2, 1992

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

Chapter 341. License Renewal

• 22 TAC §341.6, §341.7

The Texas State Board of Physical Therapy Examiners adopts new §341.6 and §341.7, concerning restoration of license and notification of impending license expiration, without changes to the proposed text as published in the June 2, 1992, issue of the *Texas Register* (17 TexReg 3958).

The purpose of these sections is to incorporate the Texas Physical Therapy Practice Act, §15(c)-(f) in the rules.

Section 341.6 names the restoration fee and clarifies that upon restoration the renewal month stays the same as it was originally. Section 341.7 clarifies and alerts the licensees to their responsibility to renew their licenses whether or not they receive a renewal notice.

No comments were received regarding adoption of the new sections.

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

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

Issued in Austin, Texas, on September 10, 1992.

TRD-9212494

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

Effective date: October 5, 1992

Proposal publication date: June 2, 1992

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 15. Medicaid Eligibility

Subchapter A. General Information

The Texas Department of Human Services (DHS) adopts amendments to §§15.100, 15.435, 15.441, and 15.442, in its Medicaid Eligibility (ME) chapter. The amendment to §15.435 is adopted with a change to the proposed text as published in the July 28, 1992, issue of the *Texas Register* (17 TexReg 5277). The amendments to §§15.100, 15.441, and 15.442 are adopted without changes and will not be republished.

The justification for the amendments is to comply with federal regulations titled "Resources and Exclusions; Exclusion From Resources of Funds Set Aside for Burial and Burial Spaces."

The amendments will function by providing compliance with the federal regulations and consistent application of policy statewide.

One comment was received concerning the proposal. The commenter suggested that DHS clarify §15.435(h)(4)(B) by adding a reference to §15.431, which defines transfer of resources. DHS agrees with the comment and has added the suggested reference.

• 40 TAC §15.100

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

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 September 14, 1992.

TRD-9212509

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

Effective date: October 15, 1992

Proposal publication date: July 28, 1992

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

Subchapter C. Basic Program Requirements

The Texas Department of Human Services (DHS) adopts amendments to §§15.305, 15.442, 15.465, and 15.500 in its Medicaid Eligibility chapter. The amendment to §15.442 is adopted with a change to the proposed text as published in the June 30, 1992, issue of the *Texas Register* (17 TexReg 4674). The amendments to §§15.305, 15.465, and 15.500 are adopted without changes and will not be republished.

The justification for the amendment to §15.305 is to state that the client is not required to apply for federal, state, local, or private programs based on need, or private sources of income, as a condition of Medicaid eligibility. The justification for the amendment to §15.442 is to clarify that the department does not include dividend additions with the face value of a life insurance policy to determine if the policy is an excluded resource. The justification for the amendment to §15.465 is to clarify that the \$20 general income exclusion does not apply to 1929(b) cases. The justification for the amendment to §15.500 is to state that the department determines Medicaid eligibility for clients who apply for or have their eligibility redetermined under home and community-based waiver programs.

The amendments will function by eliminating the client's requirement to make an unnecessary application for other program benefits, providing for uniform application of policy, and correcting references to department programs that allow for program expansion without frequent amendments to rules.

No comments were received regarding adoption of the amendments. However, DHS is adopting §15.442 with minor editorial corrections concerning life insurance dividends.

• 40 TAC §15.305

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

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 September 14, 1992.

TRD-9212511

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

Effective date: October 15, 1992

Proposal publication date: June 30, 1992

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

Subchapter D. Resources

• 40 TAC §§15.435, 15.441, 15.442

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

§15.435. Liquid Resources.

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

(h) Prepaid burial contracts. The amount that a client would receive upon revocation or liquidation of his prepaid burial contract is considered an available resource.

(1) Burial space items can be excluded only when the contract has been paid in full; or the contract specifies that burial space items are paid before funeral service items, and the refund value equals or exceeds the value of burial space items specified in the contract. Otherwise, the amount paid toward the contract is treated as burial funds. If the contract has been paid in full or if the contract specifies that burial space items are paid first, burial space items must be separately itemized in the contract for the exclusion to apply.

(2) A refund value is considered an available resource.

(3) A refund penalty, often 10%, may be assessed for cancellation of a contract.

(4) If life insurance is used to fund a burial contract, the client owns a life insurance policy. The contract has no value and is merely an instrument that explains the burial arrangement. Because the client purchased insurance and not the actual funeral service or merchandise items that may be listed in a burial arrangement, the client does not own the funeral service or merchandise items. The burial space items are not excluded. Some burial arrangements funded with life insurance have the life insurance ownership or proceeds assigned to a funeral director or home or a trust-type instrument. These assignments may be either revocable or irrevocable.

(A) Revocable assignment. If the assignment is revocable, the life insurance cash value is an accessible resource. Therefore, if the face value exceeds \$1,500, the cash value is a countable resource. The burial space items are not excluded, but the \$1,500 designated burial fund exclusion may apply.

(B) Irrevocable assignment. If assignment of ownership is irrevocable, the life insurance is not a resource because it is no longer owned by the client. The prepaid burial contract also is not a resource because it has no value independent of the life insurance policy. If the terms of the contract itemize the burial space items that have been purchased, the value of those items is disregarded in determining the amount of the irrevocable arrangement that reduces the \$1,500 allowable burial fund exclusion. Irrevocable assignment of life insurance policy ownership to the funeral home or director or to a trust-type instrument is not a transfer of resources, as that term is defined in §15.431 of this title (relating to Transfer of Resources-July 1, 1988, and After).

(i)-(m) (No change.)

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 September 14, 1992.

TRD-9212510 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: October 15, 1992

Proposal publication date: July 28, 1992

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

• 40 TAC §15.442

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

§15.442. Personal Property.

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

(c) Life insurance. If the total face value of life insurance policies owned by a client (or spouse, if any) is \$1,500 or less per person, the department does not consider as a resource the value of the life insurance. If the total face value of all life insurance policies owned by a client, eligible spouse, or ineligible spouse whose resources are deemed to the client are more than \$1,500 per insured person, the cash surrender values of the policies are resources. The department does not include dividend additions with the face value of a life insurance policy to determine if the policy is excluded as a resource. A life insurance policy is a resource available only to the owner of the policy, regardless of whom it insures.

(d)-(h) (No change.)

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 September 14, 1992.

TRD-9212512 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: October 15, 1992

Proposal publication date: June 30, 1992

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

Subchapter E. Income

• 40 TAC §15.465

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

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 September 14, 1992.

TRD-9212513 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: October 15, 1992

Proposal publication date: June 30, 1992

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

Subchapter F. Budgets and Payment Plans

• 40 TAC §15.500

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

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 September 14, 1992.

TRD-9212514 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: October 15, 1992

Proposal publication date: June 30, 1992

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

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

Subchapter D. Admission, Transfer, and Discharge Rights

• 40 TAC §19.302

The Texas Department of Human Services (DHS) adopts amendments to §§19.302, 19.810, 19.1401, and 19.1503. The amendment to §19.810 is adopted with a change to the proposed text as published in the July 31, 1992, issue of the *Texas Register* (17 TexReg 5344). The amendments to §§19.302, 19.1401, and 19.1503 are adopted without changes and will not be republished.

The justification for the amendments is to clarify existing policy concerning duties of certified respiratory care practitioners, tuberculosis screening of employees and residents, transfer and discharge, and a statutory reference to the Americans with Disabilities Act.

The amendments will function by improving care for residents of nursing facilities.

No comments were received regarding adoption of the amendments; however, DHS is adopting §19.810(k) with a minor editorial correction.

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

authority to administer public and medical assistance programs.

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 September 14, 1992.

TRD-9212515 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: November 1, 1992

Proposal publication date: July 31, 1992

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

Subchapter I. Nursing Services

• 40 TAC §19. 810

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

§19.810. Nursing Practices.

(a)-(j) (No change.)

(k) When suctioning is necessary for a resident, it must be done by certified respiratory care practitioners, licensed nurses, or physicians.

(l) (No change.)

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 September 14, 1992.

TRD-9212516 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: November 1, 1992

Proposal publication date: July 31, 1992

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

Subchapter O. Infection Control

• 40 TAC §19.1401

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

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 September 14, 1992.

TRD-9212518 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: November 1, 1992

Proposal publication date: July 31, 1992

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

Subchapter P. Physical Plant and Environment

• 40 TAC §19.1503

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

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 September 14, 1992.

TRD-9212517 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: November 1, 1992

Proposal publication date: July 31, 1992

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

Chapter 79. Legal Services

Subchapter E. Advisory Committees

• 40 TAC §§79. 402-79.405

The Texas Department of Human Services (DHS) adopts amendments to §§79.402-79.405 in its Legal Services chapter. Sections 79.402-79.404 are adopted with changes to the proposed text as published in the April 7, 1992, issue of the *Texas Register* (17 TexReg 2456). §79.405 is adopted without changes and will not be republished.

The amendments are justified because they improve service delivery through involvement of citizen advisory committees.

The amendments will function by providing a list of advisory committees and their procedures for operation to the general public.

The department received two comments regarding adoption of the amendments. The Hospital Payment Advisory Committee recommended that instead of specifying individual state agencies who serve as ex-officio board members, the wording be broadened to encompass appointments of appropriate state agency ex-officio members as needed. The

department agrees, has changed §79.403(d) accordingly, and has similarly changed §79.403(e), concerning the Adolescent Pregnancy and Parenthood Advisory Council, and §79.404(c), concerning the Client Self-Support Services Advisory Council.

The Family Planning Interagency Advisory Council recommended that a position be designated for the Texas Family Planning Association. The department disagrees with the recommendation, believing that the many interested parties will be better served by permitting flexibility to broaden representation and rotate membership.

A minor editorial change was made to §79.402 to clarify the authority for reimbursement of transportation expenses and per diem allowance for advisory committee members. Changes were made to §79.403(d)(3)(B), §79.403(e)(3)(E), and §79.404(c)(3)(B) concerning ex-officio membership on the committees. Section 79.403(e)(3)(B) was changed to reflect the current name of a state agency. A minor editorial change was made to Section 79.403(e)(3)(C) to clarify qualifications of certain people or groups relating to the Adolescent Pregnancy and Parenthood Advisory Board. Section 79.404(b) was changed to reflect the current name of the advisory committee. Minor editorial changes for clarity or consistency were made to §§79.404(d)(1), 79.404(d)(2), 79.404(f)(2), 79.404(g)(2), 79.404(h)(2), and 79.405(2)(D).

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, Chapter 44, which authorizes the department to administer federal and state day care programs, and Chapter 52, which authorizes the department to administer school age pregnancy programs

§79.402. Advisory Committees.

(a) (No change.)

(b) General structure.

(1) An advisory committee includes, depending on its special area of interest, members representing the general public, service providers, consumers, concerned state agencies, and other groups with knowledge of or interest in the committee's field of work.

(2) Members are appointed by the Texas Board of Human Services, at the recommendation of the commissioner of the Texas Department of Human Services.

(3) (No change.)

(4) Unless otherwise specified by law, members receive no compensation but are entitled to reimbursement for transportation expenses and the per diem allowance for state employees according to the General Appropriations Act and as specified in the Human Resources Code, §22.009(f) and (g).

§79.403. Mandated Advisory Committees.

(a) State Advisory Committee on Child Care Administrators and Facilities.

(1) (No change.)

(2) Responsibilities. The committee:

(A) (No change.)

(B) advises the department, the Licensing Department, and other state agencies about problems related to child-care administrators, child-care facilities, and child-placing agencies; and

(C) reviews the Licensing Department's annual report.

(3) Structure.

(A) (No change.)

(B) Committee members serve two-year terms set by statute. Terms are rotating with approximately half the committee membership rotating off service each year. Members may be considered for one reappointment.

(C) The committee includes an advisory subcommittee on child-care administration, with subcommittee members appointed by the board at the recommendation of the commissioner. This subcommittee, which meets at the same time as its parent advisory committee, advises the board about the licensing of child-care administrators and about the content of the examination administered to applicants for licenses. Subcommittee members are appointed from the membership of the full committee.

(b) Medical Care Advisory Committee.

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

(3) Structure.

(A) The committee has 15 members, with a representative balance of service providers, consumers, the commissioner or designee from the Texas Department of Health, the commissioner or designee from the Texas Department of Mental Health and Mental Retardation, and other people or groups with knowledge of or interest in the Medical Assistance Program or other aspects of health care for needy Texans.

(B) The medical director of the department's purchased health services contractor serves as an ex officio member.

(C) Appointments are made by the board, in compliance with the re-

quirements of the federal agency administering medical assistance. Members from the Texas Department of Health and Texas Department of Mental Health and Mental Retardation are appointed by respective commissioners.

(D) Members serve four-year rotating terms, with approximately one-fourth of the committee membership rotating off service each year. State agency members serve as long as directed by their commissioner, and the ex officio member serves as long as the board directs him to do so.

(E) (No change.)

(c) Council for Social Work Certification.

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

(3) Structure.

(A) (No change.)

(B) Council members serve three-year terms set by statute. Terms are rotating with one-third of the council membership rotating off service on January 31 of each year.

(d) Hospital Payment Advisory Committee.

(1) Legal base. The committee's legal base is the Human Resources Code (HRC), §32.022(e).

(2) Responsibilities. The committee advises the board and department about changes in hospital payment methodologies for inpatient hospital prospective payments and adjustments for disproportionate share hospitals that ensure reasonable, adequate, and equitable payments to hospital providers and that address the essential role of rural hospitals.

(3) Structure.

(A) The committee has 15 members representing rural and urban hospitals, children's hospitals, counties, and other agencies or people with knowledge and interest in hospital payment methodologies.

(B) Representatives of state agencies with an interest or role in the committee's field of work serve as ex-officio members. Ex-officio members serve as long as the board directs them to do so.

(C) Members serve four-year rotating terms, with approximately one-fourth of the committee membership rotating off service each year.

(e) Adolescent Pregnancy and Parenthood Advisory Council.

(1) Legal base. The council's legal base is HRC, §52.002.

(2) Responsibilities. The council:

(A) advises the boards of the Texas Department of Human Services, Texas Department of Health, and Texas Education Agency about adolescent pregnancy issues;

(B) establishes resource networks for adolescent pregnancy education and services by coordinating policies and programs of state and local agencies;

(C) reports its recommendations about adolescent pregnancy prevention to relevant state agencies and to each regular session of the legislature.

(3) Structure.

(A) The council is composed of 15 members.

(B) Eight members represent state agencies. The state agencies represented are the attorney general's Child Support and Enforcement Division, Texas Education Agency, Texas Department of Human Services, Texas Department of Health, Texas Department of Mental Health and Mental Retardation, Texas Department of Housing and Community Affairs, Texas Department of Commerce, and Texas Employment Commission.

(C) Seven members represent nongovernmental groups such as business and industry; foundations; religious groups; medical, educational, and youth-serving organizations; and other people or groups with knowledge of or an interest in adolescent pregnancy issues.

(D) Council members serve four-year rotating terms with approximately one-fourth of the membership rotating off service each calendar year.

(E) Representatives of other state agencies with an interest or role in the council's field of work serve as ex-officio members. Ex-officio members serve as long as the board directs them to do so.

(f) Advisory Committee for Child Care Programs.

(1) Legal base. The committee's legal base is HRC, §44.061.

(2) Responsibilities. The committee:

(A) advises the board and department in developing coordinated state policies for the use of federal and state funds in child care programs;

(B) reviews child care policies and programs for compliance with applicable guidelines and advises the board and department concerning the results of its review;

(C) assists the department in holding biennial public hearings concerning state and federal child care programs to elicit public response and recommendations regarding the quality, accessibility, and affordability of child care services. Hearings must be held in at least three separate geographical regions of the state and may be held in conjunction with other public hearings concerning child care held by the department;

(D) reports annually its findings and recommendations to the board.

(3) Structure.

(A) The committee has 20 members representing the general public; parents, guardians, or custodians of children in child care; child care advocacy groups; operators and providers of child care programs and services representing rural and urban communities; profit and nonprofit providers of child care services representing rural and urban communities; experts in early childhood development and education; experts in child health and nutrition and other child care professionals.

(B) Representatives of state agencies with an interest or role in state child care programs serve as ex-officio members. Ex-officio members serve as long as the board directs them to do so.

(C) Committee members serve two-year terms set by statute. Terms are rotating with one-half of the membership rotating off service each year. Members may be considered for reappointment to one additional term.

(g) Sanctions and Penalties Advisory Committee.

(1) Legal base. The committee's legal base is HRC, §32.021.

(2) Responsibilities. The committee advises the board and department about developing and monitoring a system for assessing penalties against nursing facilities for contract violations.

(3) Structure.

(A) The committee has 10 members representing consumer advocates and providers.

(B) Committee members serve four-year rotating terms, with approximately one-fourth of the membership rotating off service each year.

§79.404. Committees Established by the Board.

(a) Religious Community Advisory Committee.

(1) Legal base. The committee's legal base is the Human Resources Code (HRC), §22.009.

(2) Responsibilities. The committee:

(A) advises the board and department about issues related to the religious community and clients of religious human services providers;

(B) reviews department operations and programs to find ways to strengthen and promote partnerships between the religious community and the department; and

(C) disseminates information to the religious community about the department's programs and services.

(3) Structure.

(A) The committee has 15 members, with representation reflecting geographic, denominational, and ethnic diversity.

(B) Committee members serve four-year, rotating terms, with approximately one-fourth of the membership rotating off service each year.

(b) Aged and Disabled Services Advisory Committee.

(1) (No change.)

(2) Responsibilities. The committee advises the board and the department about developing policy, programs, and budget for the purpose of affecting immediate and long-range plans for services to the aged and persons with disabilities who are in institutional or community-based care.

(3) Structure.

(A) The committee has 15 members, consisting of five advocates for

the aged, five advocates for people with disabilities, and five provider representatives.

(B) Committee members serve four-year rotating terms, with one-fourth of the membership rotating off service each year.

(c) Client Self-Support Services Advisory Council.

(1) (No change.)

(2) Responsibilities. The council advises the board and the department about programs administered under client self-support, including aid to families with dependent children, food stamps, Medicaid, employment services, nutrition services, and teen pregnancy prevention.

(3) Structure.

(A) The committee has 15 regular members, with a representative balance of service providers, and consumer advocates.

(B) Representatives of state agencies with an interest or role in the council's field of work serve as ex-officio members. Ex-officio members serve until they are replaced by the agency they represent.

(C) Committee members serve four-year rotating terms, with one-fourth of the membership rotating off service each year.

(d) Family Planning Interagency Advisory Council.

(1) Legal base. The council's legal base is HRC, §22.009.

(2) Responsibilities. The council advises the Board of Health and Texas Department of Health staff, in addition to the Board of Human Services and Texas Department of Human Services staff, about program issues and coordination of family planning policies and services between the two agencies.

(3) Structure.

(A) The council has 14 members.

(B) Seven members are appointed by the Board of Health and provide representation from the Texas Medical Association, Texas Nurses Association, Texas Osteopathic Medical Association, Regional Family Planning Coordinating Committees, Texas Department of Health, an urban service provider, and a consumer of family planning services.

(C) Seven members are appointed by the Board of Human Services and provide representation from the Texas Education Agency, Texas Department of Human Services, rural providers, teen advocacy groups, youth-serving organizations, consumers, and other groups or persons interested in family planning services.

(D) Board of Human Services appointees serve four-year, rotating terms with approximately one-fourth of the membership rotating off service each year.

(e) Family Violence Advisory Committee.

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

(3) Structure.

(A) The committee has 15 regular members representing family violence providers, the legal system, law enforcement, other health and human services advocates for elderly citizens and children, and formerly battered women.

(B) Committee members serve four-year, rotating terms, with approximately one-fourth of the membership rotating off service each year.

(f) Child Protective Services Advisory Committee.

(1) Legal base. The committee's legal base is HRC, §22.009.

(2) Responsibilities. The committee advises the board and department about child protective issues, policies, and services provided in the program.

(3) Structure.

(A) The committee has 15 regular members providing for representation from the general public, service providers, consumers, minorities, concerned state agencies, and other persons or groups with knowledge of or interest in child protective services.

(B) Committee members serve four-year rotating terms, with approximately one-fourth of the membership rotating off service each year.

(g) County Indigent Health Care Advisory Committee.

(1) Legal base. The committee's legal base is HRC, §22.009.

(2) Responsibilities. The committee advises the board and department about county indigent health care program issues and policies, scope and utilization of services, fee allowances, program changes, and cost containment.

(3) Structure.

(A) The committee has 15 regular members representing client advocates, health care providers, elected county officials such as county judges, commissioners, treasurers, appointed county auditors, managers of county indigent health care programs, and other groups or persons interested in indigent health care.

(B) Committee members serve four-year, rotating terms with approx-

imately one-fourth of the membership rotating off service each year.

(h) Ethics Advisory Committee.

(1) Legal base. The committee's legal base is HRC, §22.009.

(2) Responsibilities. The committee advises the board and department about existing and proposed ethics policies and development of staff training to instill in employees a strong sense of ethical obligations that come with the public trust.

(3) Structure.

(A) The committee has seven members representing the general public, private businesses, health care providers, the public sector, educational and religious institutions.

(B) Committee members serve for two years with terms ending August 31, 1993. At that time, an assessment will be made to determine if there is need for continuing the committee.

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 September 15, 1992.

TRD-9212567

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

Effective date: October 15, 1992

Proposal publication date: April 7, 1992

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

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Open Meetings

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

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

Posting of open meeting notices. All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

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

Texas Department on Aging

Thursday, September 24, 1992, 9:30 a.m. The Texas Board on Aging of the Texas Department on Aging will meet at the Texas Department on Aging, 1949 South IH-35, Third Floor Large Conference Room, Austin. According to the agenda summary, the board will hear citizens advisory council (CAC) chair's report; and consider possible approval nomination to the CAC to fill unexpired term from East Texas Region.

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

Filed: September 16, 1992, 4:25 p.m.

TRD-9212647

Thursday, September 24, 1992, 9:30 a.m. (Revised agenda). The Texas Board on Aging of the Texas Department on Aging will meet at 1949 South IH-35, Third Floor Conference Room, Austin. According to the agenda summary, the board will hear citizens advisory council chair's report; consider and act upon final order in the matter of the appeal of Permian Basin Regional Planning Commission, Docket Number 340-92-210; delete from agenda resolution to American Association of Retired Persons regarding reauthorization of Older Americans Act; consider and possibly approve FY 1993 funding for options for independent living projects; TDoA operating budget for FY 1993; and FY 1994-1995 Legislative Appropriations request; consider and possibly adopt committee recommendation on administrative streamlining activities; proposed timeline for discussion of indirect costs; AAA plans; and an intrastate funding formula; and discuss ombudsman program service standards.

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

Filed: September 15, 1992, 2:02 p.m.

TRD-9212562

Texas Board of Architectural Examiners

Thursday, September 24, 1992, noon. The Committee Chairs of the Texas Board of Architectural Examiners will meet at 8213 Shoal Creek Boulevard, Suite 107, Austin. According to the agenda summary, the committee will call the meeting to order; hear chairman's opening remarks; and consider/act on committee matters. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Carolyn Lewis at (512) 458-1363 two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Robert H. Norris, 8213 Shoal Creek Boulevard, #107, Austin, Texas 78758, (512) 458-1363.

Filed: September 15, 1992, 2:47 p.m.

TRD-9212564

Friday, September 25, 1992, 9 a.m. The Texas Board of Architectural Examiners will meet at the Holiday Inn, Northwest Plaza, Woodhollow Room, 8901 Business Park Drive, Austin. According to the agenda summary, the board will call the meeting to order; recognize guests; take roll call; hear chairman's opening remarks; consider/act on the following categories: discuss approval of minutes; consent on director's report; personal appearances; committee matters; examinations; legislative matters; disciplinary matters; renewals;

reciprocity; conference/meetings; and hear public comment. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Carolyn Lewis at (512) 458-1363 two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Robert H. Norris, 8213 Shoal Creek Boulevard, #107, Austin, Texas 78758, (512) 458-1363.

Filed: September 15, 1992, 2:47 p.m.

TRD-9212565

Coastal Coordination Council

Wednesday, September 23, 1992, 2 p.m. The Executive Committee of the Coastal Coordination Council will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 831, Austin. According to the agenda summary, the committee will hear citizens' comments (presentations are limited to three minutes); review of Coastal Coordination Council procedural rules, executive committee responsibilities and procedures; status of Coastal Zone Management program development grant; status of Texas Coastal Management Program statement of goals publication in the *Texas Register* for public comment; status of General Land Office rules on dune protection, beach access, erosion response, and flood protection; and preliminary discussion on policy of sand dredging.

Contact: Peggy Spies, 1700 North Congress Avenue, Room 730, Austin, Texas 78701, (512) 463-5385.

Filed: September 15, 1992, 2:52 p.m.

Texas Department of Commerce

(Editor's Note: The Texas Register inadvertently omitted this open meeting notice from the September 18, 1992, issue. The Texas Department of Commerce met all posting and filing requirements in accordance to the Texas Civil Statutes, Article 6252-17.)

Friday, September 18, 1992, 9 a.m. The Texas Partnership for Economic Development of the Texas Department of Commerce will meet at 816 Congress, 11th Floor Board Room, Austin. According to the agenda summary, the department will discuss agenda items include review and approval of minutes; committee reports; guest speakers; and public discussion.

Contact: Richard Hall, P.O. Box 12728, Austin, Texas 78711, (512) 320-9672.

Filed: September 10, 1992, 3:50 p.m.

TRD-9212353

Texas Cosmetology Commission

Saturday-Sunday, October 3-4, 1992, 1 p.m. and 9 a.m. respectively. The Staff Development Retreat of the Texas Cosmetology Commission will meet at the Tapatio Springs Resort and Country Club, P.O. Box 550, Boerne. According to the complete agenda, on Saturday, the staff will call the meeting to order; make introductions; hear staff reports; discuss and possibly vote on minutes from September 15, 1991 and March 1, 1992; discuss and possibly vote on inter-agency contract with Board of Barber Examiners; discuss budget; and adjourn. On Sunday, the commission will reconvene; call the meeting to order; update of the personnel manual; discuss continuing education; manicure exam; instructor exam; facial exam; discuss goals (What are we doing?, Where have we been?, Where are we going?, How are we going to get there?); and adjourn.

Contact: Alicia Ayers, 5717 Balcones Drive, P.O. Box 26700, Austin, Texas 78755, (512) 454-4674.

Filed: September 17, 1992, 9:23 a.m.

TRD-9212665

Texas Education Agency

Thursday, September 24, 1992, 9 a.m. The Commission on Standards for the Teaching Profession (Committee of the Whole) of the Texas Education Agency will

meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-110, Austin. According to the complete agenda, the committee will take roll call; adoption of agenda; discuss approval of the minutes of July 31, 1992, meeting; information items relating to report on the State Board of Education actions; discuss future meeting dates; Dallas Morning News Article, "Reinventing Schools"; items relating to certification and standards: Rice University; discuss proposed middle school preparation; report on certification testing; discuss request from University of Central Texas; progress report from consortium of state organizations for Teacher Education on outcomes-based standards for school administrators; and discuss focus groups to secure input on outcomes-based standards.

Contact: Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: September 16, 1992, 2:51 p.m.

TRD-9212629

Friday, September 25, 1992, 8:15 a.m. The Commission on Standards for the Teaching Profession Executive Committee of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-104, Austin. According to the complete agenda, the committee will review agenda items with committee chairs.

Contact: Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: September 16, 1992, 2:52 p.m.

TRD-9212631

Friday, September 25, 1992, 9 a.m. The Commission on Standards for the Teaching Profession Committee of the Whole of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-104, Austin. According to the complete agenda, the committee will give report of committee on membership; assignment of commission members' responsibilities for fall conference; dialogue with Commissioner Meno; discuss rule governing the commission on standards for the teaching profession; discuss sunset review of rules; review of proposed centers for professional development; and discuss commission brochure.

Contact: Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: September 16, 1992, 2:53 p.m.

TRD-9212632

Friday, September 25, 1992, 12:05 p.m. The Commission on Standards for the Teaching Profession Committee on Mem-

bership of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-110, Austin. According to the complete agenda, the committee will review vacancies on the commission.

Contact: Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: September 16, 1992, 2:52 p.m.

TRD-9212630

Joint Interim Committee on the Environment

Thursday, September 24, 1992, 10 a.m. The Joint Interim Committee on the Environment will meet at the Worthington Hotel, 200 Main Street, Fort Worth. According to the agenda summary, the committee will make recommendations on livestock and the environment; presentation by the Texas Agricultural Extension Service; comments on behalf on the Texas Association of Dairymen; report on the Texas State Soil and Water Conservation Board activities related to management of agricultural non-point source pollution; effects of Senate Bill 818 on irrigation districts in Texas; use of "potential nuisance" as grounds for permit denials by the Texas Air Control Board.

Contact: Shayne Woodard, Room 907, Sam Houston Building, Austin, Texas 78701, (512) 463-0390.

Filed: September 16, 1992, 10:30 a.m.

TRD-9212619

Governor's Task Force on Economic Transition

Thursday-Friday, September 24-25, 1992, 9 a.m. The Governor's Task Force on Economic Transition will meet at Brooks Air Force Base, Brooks Club, Building 204, San Antonio. According to the complete agenda, on Thursday the task force will present survey results and discuss them with defense industry subcommittee and business representatives; roundtable discussion on defense transition activities; and work groups will meet and report. On Friday, presentations by Doug Blair, Armstrong Laboratories and Lieutenant Colonel Pete Gavornik, marketing division, Brooks Air Force Base; staff report subcommittees meet and report; and review and vote on memorandum of understanding with defense department.

Contact: Katy Davis, Secretary of State's Office, Austin, Texas 78701, (512) 463-9982.

Filed: September 15, 1992, 10:36 a.m.

TRD-9212548

Texas Department of Insurance

Wednesday, September 30, 1992, 9 a.m. (Rescheduled from September 14, 1992.) 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 1800 concerning a presentation to the board of the interim report on the Texas private passenger automobile rate data audit. The interim report was prepared by the Quality Assurance Review Team and includes a description of the audit scope and approach, preliminary audit results, and initial recommendations of the team. This public hearing was recessed until September 28, 1992 at 2 p.m. and will not be held on that day.

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

Filed: September 16, 1992, 9:48 a.m.

TRD-9212606

Lamar University System, Board of Regents

Thursday, September 17, 1992, 9 a.m. The Board of Regents of Lamar University System held an emergency meeting at the John Gray Institute, Office of the Chancellor Conference Room, 855 Florida Street, Beaumont. According to the agenda summary, the board will meet in executive session pursuant to the provisions of Vernon's Civil Statutes, Article 6252-17, Section 2(e) legal, 2(g) personnel, and 2(r) conference with employees; and convene in open meeting. The emergency status was necessary due to urgent personnel discussion.

Contact: George McLaughlin, P.O. Box 11900, Beaumont, Texas 77705, (409) 880-2304.

Filed: September 16, 1992, 9:47 a.m.

TRD-9212605

Texas Board of Professional Land Surveying

Saturday, October 3, 1992, 1 p.m. The Texas Board of Professional Land Surveying will meet at the Worthington Hotel, 200 Main Street, Fort Worth. According to the complete agenda, the board will discuss approval of the minutes of the previous meeting; adopt Rule 661.50 regarding experience requirements for Survey Interns

(SITs); hear presentation of complaints; hear committee reports; discuss correspondence; discuss old business; and consider new business. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Sandy Smith at (512) 452-9427 two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Sandy Smith, 7701 North Lamar Boulevard, Suite 400, Austin, Texas 78752, (512) 452-9427.

Filed: September 16, 1992, 9:21 a.m.

TRD-9212597

Legislative Education Board

Thursday, October 1, 1992, 9 a.m. (Rescheduled). The Legislative Education Board will meet at the Senate Meeting Room 1, One Capitol Square, 300 West 15th Street, Austin. According to the complete agenda, the staff from the Legislative Education Board, Legislative Budget Board, Texas Education Agency and Educational Economic Policy Center will present a summary of the findings of the recent studies of school finance and will include: the regular program and basic allotment, special programs, including special education, compensatory education, bilingual education, vocational education, and gifted and talented programs. Also up for discussion are a variety of non-instructional funding categories including the career ladder, transportation, educational technology and facilities. Individuals may request materials or register to testify by contacting Judy Okimura, of the LEB, at (512) 463-1146.

Contact: Kelly Young, One Capitol Square, Suite 413, Austin, Texas 78701, (512) 463-1146.

Filed: September 16, 1992, 3:31 p.m.

TRD-9212641

Texas Department of Licensing and Regulation

Tuesday, September 22, 1992, 10:30 a.m. The Boxing Division of the Texas Department of Licensing and Regulation will hold an emergency meeting at the E. O. Thompson Building, 920 Colorado Street, Austin. According to the complete agenda, the department will hold an administrative hearing to show cause to determine if Franklin Ross should be granted a boxing license as his age is 41, and the department requires a hearing for any boxer who has attained the age of 35. The required physical testing

shall be furnished to the department. The emergency status is necessary as notification of the date, time, and place has already been sent to the interested parties.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 465-2899.

Filed: September 15, 1992, 3:45 p.m.

TRD-9212574

Texas State Board of Medical Examiners

Friday, September 25, 1992, 1 p.m. The Acupuncturist Advisory Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda summary, the committee will discuss standards for licensure of acupuncturists, regulations, and criteria for acupuncture schools. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s) (1) and Opinion of Attorney General 1974, Number H-484.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-4502.

Filed: September 15, 1992, 12:10 p.m.

TRD-9212552

Public Utility Commission of Texas

Tuesday, September 29, 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 11435-application of Contel of Texas, Inc. for approval of new services, intralata DSI and Digital Data Service.

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

Filed: September 16, 1992, 3:04 p.m.

TRD-9212634

Tuesday, September 29, 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 second prehearing conference in Docket Number 10995-application of Sugar Land Telephone Company for approval of new optional service, Flexar Service.

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

Filed: September 16, 1992, 3:05 p.m.

TRD-9212635

Thursday, October 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 settlement conference in Docket Number 10832-Houston Lighting and Power Company standard avoided cost calculation for the purchase of firm energy and capacity from qualifying facilities, pursuant to Substantive Rule 23.66(h)(3).

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

Filed: September 16, 1992, 3:06 p.m.

TRD-9212637

Friday, October 9, 1992, 9 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 settlement conference in Docket Number 10832-Houston Lighting and Power Company standard avoided cost calculation for the purchase of firm energy and capacity from qualifying facilities pursuant to Substantive Rule 23.66(h)(3).

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

Filed: September 16, 1992, 3:06 p.m.

TRD-9212636

Tuesday, October 13, 1992, 9 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 settlement conference in Docket Number 10832-Houston Lighting and Power Company standard avoided cost calculation for the purchase of firm energy and capacity from qualifying facilities, pursuant to Substantive Rule 23.66(h)(3).

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

Filed: September 16, 1992, 3:07 p.m.

TRD-9212638

Friday, October 2, 1992, 10 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the commission will hold a prehearing conference in Docket Number 11248-application of Cap Rock Electric Cooperative, Inc. for a certificate of convenience and necessity for a proposed transmission line within Howard, Martin, and Midland Counties.

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

Filed: September 15, 1992, 3:33 p.m.

TRD-9212570

Friday, November 20, 1992, 9 a.m. (Rescheduled from October 26, 1992, 9 a.m.). The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the commission will hold a hearing on the merits in Docket Number 11000-application of Houston Lighting and Power Company to amend CEN for the Dupont project generating unit.

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

Filed: September 15, 1992, 3:33 p.m.

TRD-9212569

Tuesday, December 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 hearing on the merits in Docket Number 11339-application of Kerrville Telephone Company for approval of a new service, enhanced custom calling features.

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

Filed: September 15, 1992, 3:34 p.m.

TRD-9212571

Texas Low-Level Radioactive Waste Disposal Authority

Tuesday, September 22, 1992, 8:30 a.m. The Technical Committee of the Texas Low-Level Radioactive Waste Disposal Authority will hold an emergency meeting at the UT-BEG, Balcones Research Center, Room 1.216, Austin. According to the complete agenda, the committee will call the meeting to order; discuss contract for site operating and emergency procedures; and adjourn. The emergency status is necessary for the committee to approve the contract by October 1, 1992. Travel schedules of committee members eliminate meetings on alternate dates.

Contact: L. R. Jacobi, Jr. P.E., 7701 North Lamar Boulevard, Austin, Texas 78752, (512) 451-5292.

Filed: September 17, 1992, 8:22 a.m.

TRD-9212655

Texas Rehabilitation Commission

Thursday, September 24, 1992, 9:30 a.m. The Board of the Texas Rehabilitation Commission will meet at the Dallas Reha-

bilitation Commission, 9713 Harry Hines Boulevard, Dallas. According to the complete agenda, the board will take roll call; welcome and introduce guests; give invocation; discuss approval of minutes of May 21, 1992; hear commissioner's comments; election of officers: board vice chairman and board secretary; update on: field operations-update on program operations; disability determination services; approval to revisions to six-year strategic plan/legislative appropriations request; approval of Texas Public Finance Authority-update on comprehensive rehabilitation funds; update on financial services (FY 1992); update on compliance with Americans with Disabilities Act and related costs; introduction of Dick Ladd, Commissioner, Health and Human Services (Dick Ladd will address the board upon his arrival); tour of Dallas Rehabilitation Institute; meet in executive session; and adjourn. (Note: If all agenda items have been completed, the board will adjourn. If all agenda items have not been completed, the board will recess until 9:30 a.m., September 25, 1992, to reconvene at Dallas Rehabilitation Institute, Dallas.)

Contact: Charles W. Schiesser, 4900 North Lamar Boulevard, Austin, Texas 78751-2316, (512) 483-4051.

Filed: September 16, 1992, 9:42 a.m.

TRD-9212603

Friday, September 25, 1992, 9:30 a.m. The Board of the Texas Rehabilitation Commission will meet at the Dallas Rehabilitation Commission, 9713 Harry Hines Boulevard, Dallas. According to the complete agenda, the board will take roll call; welcome and introduce guests; hear commissioner's comments; viewing of disability/awareness training video; report on management audit peer review; acceptance/action on the report on the management audit division peer review; approval/concurrence for the FY 1993 audit plan; discuss state/federal relations; meet in executive session to review potential litigation; personnel practices; and staff presentations involving the Texas Rehabilitation Commission, Disability Determination Services and Management Audit. These subjects will be discussed in executive session pursuant to Sections 2(e), 2(g), and 2(r) Open Meetings Act (Article 6252-17, Vernon's Texas Civil Statutes).

Contact: Charles W. Schiesser, 4900 North Lamar Boulevard, Austin, Texas 78751-2316, (512) 483-4051.

Filed: September 16, 1992, 9:42 a.m.

TRD-9212604

Texas Guaranteed Student Loan Corporation

Thursday, September 24, 1992, 9 a.m. The Board of Directors of the Texas Guaranteed Student Loan Corporation will meet at 12015 Park 35 Circle, Suite 300, Colonnade Building, Austin. According to the complete agenda, the board will discuss approval of the minutes of September 4, 1992; elect officers; management audit report; review and discuss FY 1993 Budget; HEAF transfer; line of credit; future meeting dates; wage withholding update; new business; and meet in executive session to discuss search committee update.

Contact: Peggy Irby, 12015 Park 35 Circle, Austin, Texas 78754, (512) 834-1900.

Filed: September 16, 1992, 4:16 p.m.

TRD-9212645

Texas Appraiser Licensing and Certification Board

Thursday, September 24, 1992, 2 p.m. The Special Projects Committee of 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 committee will call the meeting to order; discuss and make possible recommendations to the Texas Appraiser Licensing and Certification Board concerning: policies and procedures for complaint resolution; criteria for qualifications for an investigator; authority of board and staff regarding complaints and enforcement; possible rule or statute changes regarding complaints and enforcement; and adjourn.

Contact: Renil C. Liner, 1101 Camino La Costa, Austin, Texas 78752, (512) 465-3950.

Filed: September 16, 1992, 2:30 p.m.

TRD-9212627

Thursday, September 24, 1992, 3 p.m. The Budget Committee of 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 committee will call the meeting to order; discuss and make possible recommendations to the board concerning: the submitted requests for legislative appropriations (LAR) for fiscal years 1994 and 1995; possible contingency plans for the FY94 and FY95 LAR; operating budget; other budgetary and fiscal matters; and adjourn.

Contact: Renil C. Liner, 1101 Camino La Costa, Austin, Texas 78752, (512) 465-3950.

Filed: September 16, 1992, 2:31 p.m.

TRD-9212628

Texas Health Maintenance Organization Solvency

Friday, July 24, 1992, 9:30 a.m. The Board of Directors of the Texas Health Maintenance Organization Solvency will meet at 333 Guadalupe Street, William P. Hobby Building, 12th Floor, Austin. According to the agenda, the board will call the meeting to order; consider and discuss approval of May 15, 1992 minutes; hear receiver's report; and meet in executive session to review statutorily confidential information on financial condition of HMO's and manner of presentation.

Contact: Bill Beversdorff, 333 Guadalupe Street, Austin, Texas 78701.

Filed: July 16, 1992, 4:29 p.m.

TRD-9209827

Texas Life, Accident, Health and Hospital Service

Tuesday, July 21, 1992, 9 a.m. The Insurance Guaranty Association Board of Directors of the Texas Life, Accident, Health and Hospital Service met in an emergency meeting at 333 Guadalupe Street, William P. Hobby Building, 12th Floor, Austin. According to the agenda summary, the board discussed transition issues including consideration and possible immediate action on operating plan and budget for 1992 and delegation of authority on transitional issues; considered and possibly taken immediate action on newly discovered issues on: Executive Life Insurance Company, Mutual Benefit Life Insurance Company and Guarantee Security Life Insurance Company; and set next meeting date. The emergency status was necessary whereas, the executive director of the association "assumed" his duties on July 13, 1992 and whereas the executive director determined on July 15 that certain action by the association and the expenditure of association funds would be required immediately, it is therefore necessary to call an emergency meeting of the board of directors no later than July 21 1992 to designate those persons to act on behalf of the association on immediate transition issues; to expend association funds in connection therewith and other matters.

Contact: Sandy Autry, 333 Guadalupe Street, Austin, Texas 78701, (512) 322-0223.

Filed: July 16, 1992, 4:29 p.m.

TRD-9209826

Texas Southern University

Wednesday, September 23, 1992, 4 p.m. The Board of Regents Building and Grounds Committee of Texas Southern University will meet at Texas Southern University, 3100 Cleburne Avenue, Hannah Hall, Room 117, Houston. According to the complete agenda, the committee will consider construction change orders; payments to architects contractors and engineers; authorization and ratification of contracts and awards; status of on going construction and current contractual relations.

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

Filed: September 17, 1992, 9:32 a.m.

TRD-9212670

University of Houston

Monday, September 21, 1992, 2 p.m. The Animal Care Committee of the University of Houston met at the University of Houston, S&R II, Room 201, 4800 Calhoun Boulevard, Houston. According to the agenda summary, the committee discussed and/or acted upon the following: approval of August minutes; renewal protocols; policies and procedures manual; update on security system; update on legal opinion of open meeting rule; per diem rate increase discussion; new protocol forms; and funding for OHP, AAALAC report, semi annual inspection date, and election of new chairperson.

Contact: Julie T. Norris, 4800 Calhoun Boulevard, Houston, Texas 77204, (713) 749-3412.

Filed: September 15, 1992, 10:32 a.m.

TRD-9212547

On-site Wastewater Treatment Research Council

Friday, September 25, 1992, 12:30 p.m. The On-site Wastewater Treatment Research Council will meet at the Center for Environmental Research, 2210 South FM 973, Austin. According to the complete agenda, the council will discuss approval of the minutes of previous meetings; hear executive secretary's and chairman's reports; revise administrative rules; hear report on annual conference; discuss request for proposals; hear reports on current projects; discuss and act on inter-agency contracts; review and act on unsolicited proposals; hear announcements and comments; and schedule subsequent meetings.

Contact: Ted Johns, P.O. Box 13087,
Austin, Texas 78701, (512) 463-8260.

Filed: September 16, 1992, 3:32 p.m.

TRD-9212642

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Texas Workers' Compensation Insurance Fund

Wednesday, September 23, 1992, 8:30 a.m. The Board of Directors of the Texas Workers' Compensation Insurance Fund will meet at the Four Seasons Hotel, First Street and San Jacinto, Austin. According to the complete agenda, the board will call the meeting to order; take roll call; discuss approval of minutes; public participation call; president's report: strategic planning, Phase II, environment scan; staff report: financial and investments; claims and loss prevention, marketing and underwriting, public information; meet in executive session: consider pension plan, personnel/compensation and class plan/compensation review and consider lease for Houston office space.

Contact: Jodie Bowen, 100 Congress, Suite, 300, Austin, Texas 78701, (512) 322-3851.

Filed: September 15, 1992, 4:28 p.m.

TRD-9212576

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Regional Meetings

Meetings Filed September 15, 1992

The **Bexar Appraisal District** Board of Directors met at 535 South Main, San Antonio, September 21, 1992, at 5 p.m. Information may be obtained from Beverly Houston, 535 South Main, San Antonio, Texas 78204, (512) 224-8511. TRD-9212550.

The **Brazos Valley Quality Work Force Planning Committee** will meet at 101 North Texas Avenue, Bryan, September 22, 1992, at 11:30 a.m. Information may be obtained from Patty Groff, 301 Post Office Street, Bryan, Texas 77801, (409) 823-4988. TRD-9212575.

The **Central Texas Council of Governments Executive Committee** will meet at 302 East Central, Belton, September 24, 1992, at 12:45 p.m. Information may be obtained from A. C. Johnson, P.O. Box 729, Belton, Texas 76513, (817) 939-1801. TRD-9212553.

The **Central Texas MHMR Center Board of Trustees** met at 408 Mulberry Drive, Brownwood, September 21, 1992, at 5 p.m. Information may be obtained from Saul Pullman, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574, extension 102. TRD-9212555.

The **Coastal Bend Quality Workforce Planning Association** met in an emergency meeting at Queens Garden, 815 Highway 281, Alice, September 17, 1992, at 6 p.m. Information may be obtained from Baldomero Garcia, 5110 Wilkinson Drive, Corpus Christi, Texas 78415, (512) 883-0803. TRD-9212561.

The **Education Service Center, Region XIII Board of Directors** met at the ESC, Region XIII, ESC Conference Room 202-203, 5701 Springdale Road, Austin, September 21, 1992, at 12:45 p.m. Information may be obtained from Dr. Roy C. Benavides, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1300. TRD-9212563.

The **Kendall Appraisal District Kendall Executive Sub-Committee** met at 101 South Main Street, Salanio's, Boerne, September 18, 1992, at 12:30 p.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012. TRD-9212554.

The **Panhandle Regional Planning Commission Board of Directors** will meet at the Amarillo Civic Center Auditorium, 400 South Buchanan, Amarillo, September 22, 1992, at 3 p.m. Information may be obtained from Rebecca Rusk, P.O. Box 9257, Amarillo, Texas 79106-9257, (806) 372-3381. TRD-9212589.

The **Red River Authority of Texas Board of Directors** will meet at the Wichita Falls Activity Center, 607 10th Street, Room 215, Wichita Falls, September 23, 1992, at 9:30 a.m. Information may be obtained from Ronald J. Glenn, 900 Eighth Street, Suite 520, Wichita Falls, Texas 76301-6894, (817) 723-8697. TRD-9212546.

The **Region One Education Service Center Board of Directors** will meet at 1900 West Schunior, Edinburg, September 22, 1992, at 7 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611. TRD-9212551.

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Meetings Filed September 16, 1992

The **Bosque Central Appraisal District Appraisal Review Board** will meet at 104 West Morgan Street, Meridian, September 23, 1992, at 9 a.m. Information may be obtained from Billye L. McGehee, P.O. Box 393, Meridian, Texas 76665, (817) 435-2304. TRD-9212620.

The **Bosque, Erath, Hill, Johnson and Somervell County Education District 21** will meet at the Glen Rose Middle School Cafeteria, 812 College Street, Glen Rose, September 23, 1992, at 7:30 p.m. Information may be obtained from George B. Gilbert, 726 North Clinton, Stephenville, Texas 76401, (817) 968-7995. TRD-9212633.

The **Dallas Central Appraisal District Appraisal Review Board** will meet at 2949 North Stemmons Freeway, Dallas, September 30, 1992, at 10 a. m. Information may be obtained from Rick L. Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520. TRD-9212600.

The **East Texas Council of Governments Board of Directors** will meet at Oak Forest Country Club, Longview, September 24, 1992, 7:30 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9212621.

The **Gulf Bend Mental Health and Mental Retardation Center Board of Trustees** will meet at 1404 Village Drive, Victoria, September 24, 1992, at noon. Information may be obtained from Sharon Pratkan, 1404 Village Drive, Victoria, Texas 77901, (512) 575-0611. TRD-9212639.

The **Hays County Appraisal District Appraisal Review Board** will meet at 632 A East Hopkins, Municipal Building, San Marcos, September 23, 1992, at 9 a.m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins, San Marcos, Texas 78666, (512) 754-7400. TRD-9212622.

The **Lamar County Appraisal District** will meet at the Lamar County Appraisal District Office, 521 Bonham Street, Paris, September 22, 1992, at 5 p.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (903) 785-7822. TRD-9212626.

The **Region VIII Educational Service Center Board of Director's** will meet at the Region VIII ESC, FM 1734, Mt. Pleasant, September 24, 1992, at 7 p.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75456-1894. TRD-9212623.

The **Riceland Regional Mental Health Authority Board of Trustees** will meet at 3007 North Richmond Road, Wharton, September 24, 1992, at noon. Information may be obtained from Marjorie Dornak, 3007 North Richmond Road, Wharton, Texas 77488, (409) 532-3098. TRD-9212643.

The **San Jacinto River Authority Board of Directors** will meet at the Milam Room, 10th Floor, Houston Club Building, 512 Rusk Street, Houston, September 23, 1992, at 12:30 p.m. Information may be obtained from James R. Adams, P.O. Box 329, Conroe, Texas 77305, (409) 588-1111. TRD-9212624.

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Meetings Filed September 17, 1992

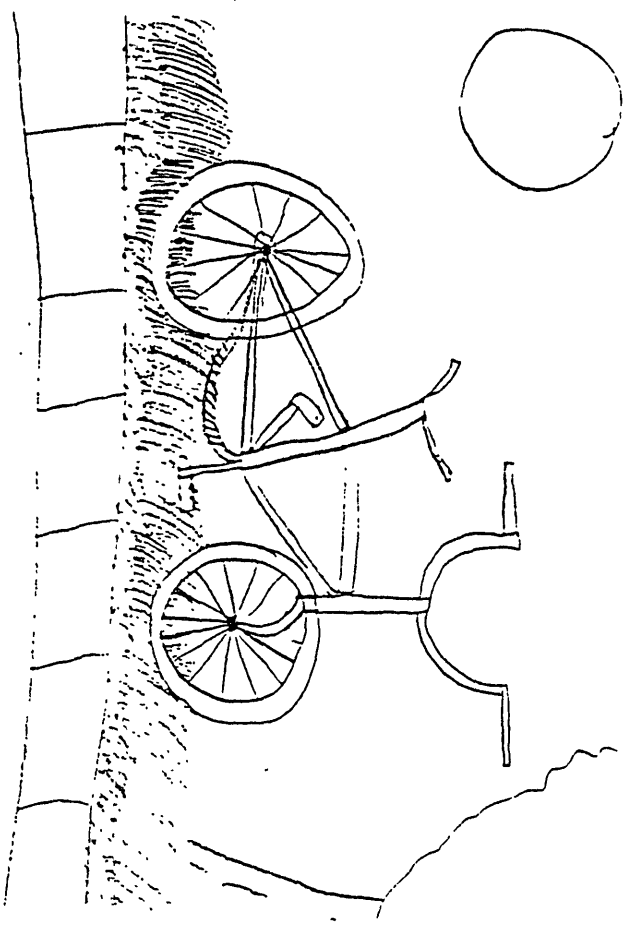
The **Ark-Tex Council of Governments Board of Directors** will meet at the Special Events on the Boulevard, Texarkana, Sep-

tember 24, 1992, at 7 p. m. Information may be obtained from Laurie Dean, P.O. Box 5307, Texarkana, Texas 75505, (903) 32-8636. TRD-9212664.

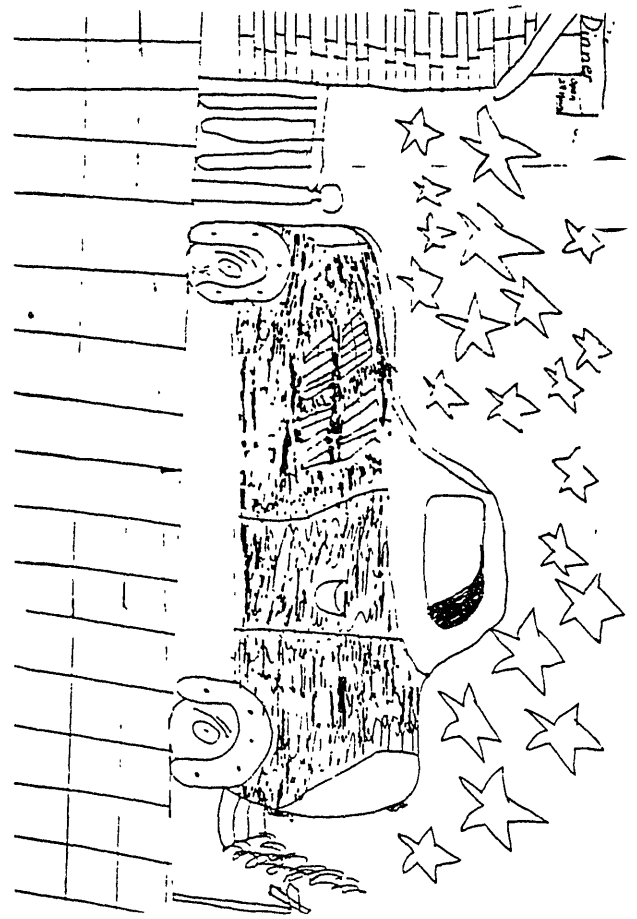
The Bandera County Appraisal District Board of Directors will meet at the Bandera County Appraisal District Office, North End of Ninth Street, Bandera, September 24, 1992, at 5 p.m. Information may be obtained from P. H. Coates, IV, P.O. Box 1119, Bandera, Texas 78003, (512) 796-3039. TRD-9212669.

The Deep East Texas Council of Governments Grants Application Review Committee will meet at the Woodville Inn, 201 North Magnolia, Woodville, September 24, 1992, at 11 a.m. Information may be obtained from Rusty Phillips, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9212671.



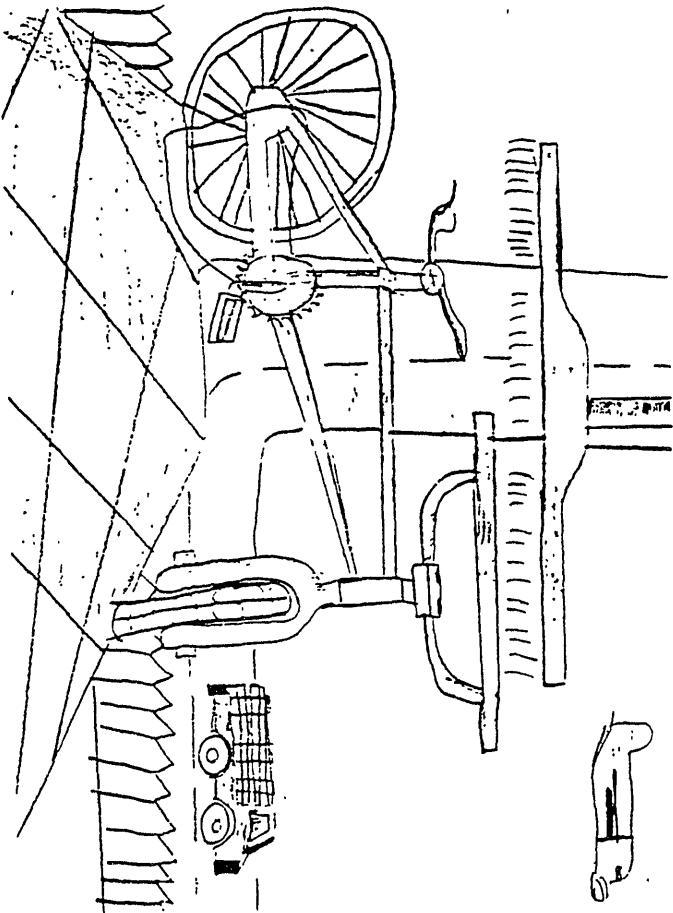


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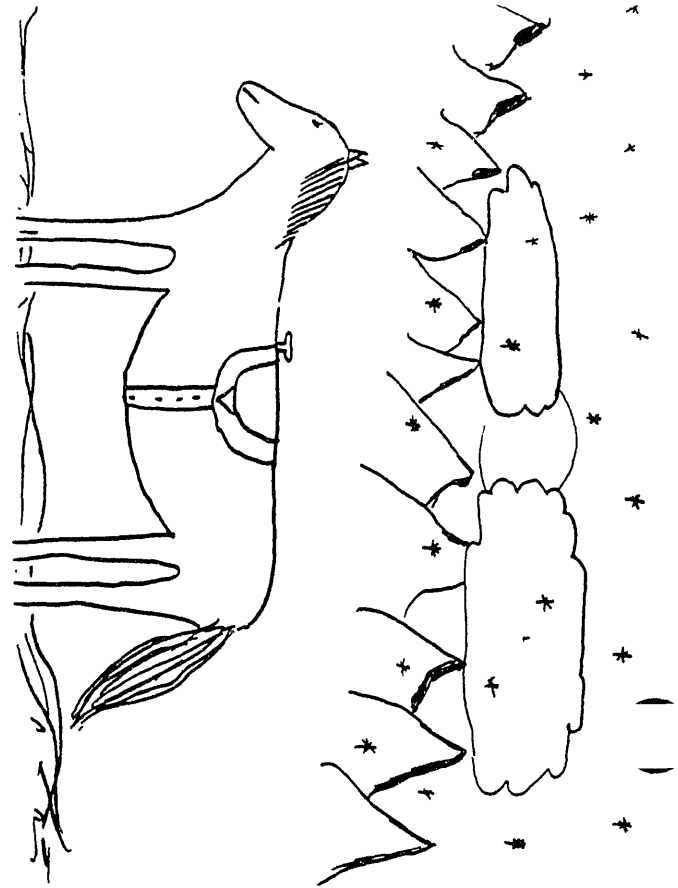


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In Addition

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Air Control Board

Notice of Contested Case Hearing Number 302

An examiner for the Texas Air Control Board (TACB) will conduct a contested case hearing for the general purpose of determining whether proposed emissions into the air from a proposed facility will comply with all rules and regulations of TACB and with the intent of the Texas Clean Air Act, including protection of the health and physical property of the people. The examiner will consider whether or not construction permits and a permit under federal "Prevention of Significant Deterioration" (PSD) regulations should be issued to Formosa Plastics Corporation, Texas (the applicant) for the following purposes: construct a linear low density polyethylene plant, add a ninth cracker and storage tanks to the ethylene glycol plant, add a waste heat boiler system and production increase to the high density polyethylene plant, add equipment and a production increase to the polypropylene plant, add equipment and second hydrogen chloride production train to the caustic/chlorine (IBM) plant and add co-gen unit Numbers 4 and 5 to the utilities plant. The proposed facility is to be located at 103 Fannin, Point Comfort, Calhoun County, Texas 77978. This hearing will consider applications for the following: TACB Permit Application Number 20203, application to amend PSD Permit Number PSD-TX-760M3, and applications to amend the following TACB permits: 19166, 19167, 19168, 19198, 19200, 19201.

Deadline for Requesting to be a Party. At the hearing, only those persons admitted as parties and their witnesses will be allowed to participate. Presently, the only prospective parties are the applicant the TACB staff. Any person who may be affected by emissions from the proposed facility who wants to be made a party must send a specific written request for party status to Hearings Examiner Cindy Hurd and make sure that this request is actually received at the TACB Central Office, 12124 Park 35 Circle, Austin, Texas 78753 by 5 p.m. on Friday, October 16, 1992. The examiner cannot grant party status after that deadline, unless there is good cause for the request arriving late. Hearing requests, comments, or other correspondence sent to TACB before publication of this notice will not be considered as a request for party status. No correspondence should be sent to any member of the Texas Air Control Board at any time regarding this hearing. The examiner will decide on final party status at the prehearing conference.

Prehearing Conferences. The examiner has scheduled a prehearing conference at 1:30 p.m. on Thursday, October 22, 1992, at the TACB Central Office, Room 143-E, 12124 Park 35 Circle, Austin, Texas 78753. At this conference, party status will be determined and a schedule will be set for the exchange of: written and documentary

evidence; and a list of prospective witnesses and a short narrative summary of their prospective testimony. A date for the second prehearing conference will also be decided. At the second prehearing conference the examiner will determine the contested case issues, accept any stipulations as to such contested issues, and consider the authenticity of exhibits. The examiner will consider any motions of the parties, but may grant contested motions for continuance only upon proof of good cause.

Time and Place of Hearing. The examiner has set the hearing to begin at 10 a.m. on Wednesday, November 4, 1992, at the TACB Central Office, Room 143-E, 12124 Park 35 Circle, Austin, Texas 78753.

What the Applicant Must Prove. This hearing is a contested case hearing under the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §13. It is generally conducted like a trial in district court. The applicant must demonstrate, by a preponderance of the evidence, that the proposed facility will meet the requirements of the Texas Clean Air Act, Texas Health and Safety Code (the Act), Chapter 382, §382.0518, and TACB §116.3. These requirements include compliance with all applicable TACB and federal regulations, including the requirement that the proposed facility will use the best available control technology, considering the technical practicability and economic reasonableness of reducing or eliminating emissions. TACB has no legal jurisdiction over vehicular traffic per se, or noise which may result from a proposed facility's operation.

Public Attendance and Testimony. Members of the general public may attend the prehearing conference and the hearing. Those who plan to attend are encouraged to telephone the TACB Central Office in Austin, at (512) 908-1770 a day or two prior to the prehearing conference and the hearing date in order to confirm the settings, since continuances are sometimes granted. Any person who wants to give testimony at the hearing, but who does not want to be a party, may call the Hearings Section of the TACB Legal Division at (512) 908-1770 to find out the names and addresses of all persons who may be contacted about the possibility of presenting testimony. Persons with disabilities who have special communication or other accommodation needs who are planning to attend the meeting should contact the agency at (512) 908-1815. (Requests should be made as far in advance as possible.)

Information About the Application and TACB Rules. Information about the application and copies of TACB's rules and regulations are available at the TACB Regional Office located at 1231 Agnes Street, Suite 103, Corpus Christi, Texas 78401, the TACB Central Office located at 12124 Park 35 Circle, Austin, Texas 78753, and at the Point Comfort City Hall Office located at 102 Jones Street, Point Comfort, Texas 77978.

Legal Authority. This hearing is called and will be conducted under the authority of the Act, §§382.029,

382.0291, 382.030, 382.031, 382.0518, 382.056, and 382.061 and TACB §§103.11(3), 103.31, and 103.41.

Issued in Austin, Texas, on September 11, 1992.

TRD-9212533

William R. Campbell
Executive Director
Texas Air Control Board

Filed: September 15, 1992

in accordance with procedures developed by the Legislative Budget Board.

Also listed are approximate charges for a round trip flight to various cities in Texas. The charges have been calculated based on estimated flying times, and may differ from actual flight times due to weather conditions or alternate routing by traffic controllers.

◆ ◆ ◆
State Aircraft Pooling Board
Notification of Rates for Aircraft Use

The following rates, indicated in bold type, are now in effect for the various types of aircraft operated by the State Aircraft Pooling Board. These rates have been established

Round trip:

Austin to and return	Waco	Hunts- ville	Del Rio	Wichita Falls	Amarillo
Type of Aircraft					
Rate*	190	260	408	518	824
Capacity**	Miles	Miles	Miles	Miles	Miles
King Air 200					
\$525/hr.	\$593	\$683	\$1,013	\$1,155	\$1,733
7 to 10					
King Air 90					
\$475/hr.	\$618	\$665	\$983	\$1,154	\$1,758
5 to 8					
Cessna 425					
\$415/hr.	\$486	\$569	\$830	\$996	\$1,465
5 to 7					
Cessna 402					
\$265/hr.	\$363	\$432	\$655	\$734	\$1,105
4 to 5					
Cessna 310					
\$195/hr.	\$267	\$318	\$482	\$540	\$813
3 to 4					

* Rates may change without notice due to increased fuel prices.

** The higher capacity for passengers allows minimal luggage and requires the use of the copilot's seat and/or jump seat(s).

[graphic]

Please call Lisa Morgan, Scheduler, at (512) 477-8900 with any questions, any need to schedule a flight, or any

need for estimated charges for other locations.

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

TRD-9212488

Bob DuLaney

Filed: September 14, 1992

◆ ◆ ◆
Texas Education Agency
Notice to Public Concerning Availability
of ESEA Chapter 2 Annual Evaluation
Report for School Year 1989-1990

Chapter 2 of the Elementary and Secondary Education Act (ESEA) provides federal financial assistance to state and local educational agencies to improve elementary and secondary education through a variety of targeted assistance programs and services for children attending both public and private nonprofit schools.

The ESEA Chapter 2 Annual Evaluation Report for 1989-1990 is now available to the public through each regional education service center. Colleges and universities in Texas were also requested to place a copy of the report in their campus library. Parents, teachers, school administrators, private nonprofit school personnel, local community organizations, businesses, and other interested persons or agencies may review the copy on file or may copy the document at personal expense at any education service center or college/university library where the document is on file.

Interested persons or agencies may also request a copy at no charge from the Texas Education Agency, Document Control Center, Room 6-108, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304.

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

TRD-9212615 Lionel R. Meno
Commissioner of Education
Texas Education Agency

Filed: September 16, 1992

◆ ◆ ◆
Texas Ethics Commission
Notice to Ethics Advisors

The Texas Ethics Commission will present an Ethics Advisors' Seminar on October 13, 1992, at the William B. Travis Building Conference Room in Austin. This will be the first in a series of ethics training seminars. The purpose of the October 13th seminar is to discuss pertinent laws and to assist individuals in their role as ethics advisors.

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

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

TRD-9212560 John Steiner
Executive Director
Texas Ethics Commission

Filed: September 15, 1992

Texas Department of Health
Notice of Intent to Revoke Certificates
of Registration

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13 (25 TAC §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following registrants: Michael Hoffman, D.O., Dallas, R03099; Charles T. Ku, D.D.S., Inc., Lewisville, R05818; Dental Family Group of Northwest Houston, Houston, R06592; John Baucum, III, D.D.S., Corpus Christi, R07118; Diagnostic X-Ray of Clear Lake, Webster, R11074; James Michael Davis, D.D.S., Fort Worth, R12200; Major Drive Veterinary Clinic, Beaumont, R12482; Sergio L. Rodriguez, M.D., Liberty, R12891; Jack Q. Cash, Jr., D.D.S., Deer Park, R13796; James N. Tucker, D.V.M., Seymour, R16776; Health Xpress, Inc., San Antonio, R17568; Care Chiropractic, Brownsville, R17835; Med America Diagnostics, Midland, R18186; Michael L. Marek, D.D.S., Houston, R18230; Scan-Tech Security, L.P., Northvale, New Jersey, R18291.

The department intends to revoke the certificates of registration; order the registrants to cease and desist use of radiation machine(s); order the registrants to divest themselves of such equipment; and order the registrants to present evidence satisfactory to the bureau that they have complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, the department will not issue an order.

This notice affords the opportunity to the registrants for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice. 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 September 15, 1992.

TRD-9212558 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: September 15, 1992

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Notice of Intent to Revoke Radioactive
Material Licenses

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13 (25 TAC §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following licensees: Cornerstone Laboratory, Inc., Mount Pleasant, G01547; The Family Medicine Center, Henderson, G01524.

The department intends to revoke the radioactive material licenses; order the licensees to cease and desist use of such radioactive materials; order the licensees to divest themselves of the radioactive material; and order the licensees to present evidence satisfactory to the bureau that they have complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, the department will not issue an order.

This notice affords the opportunity to the licensees for a hearing to show cause why the radioactive material licenses should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the radioactive material licenses will be revoked at the end of the 30-day period of notice. 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 September 15, 1992.

TRD-9212557 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: September 15, 1992

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Notice of Revocation of Radioactive Material Licenses

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 TAC §289.112), has revoked the following radioactive material licenses: Consolidated Precious and Strategic, El Paso, L04205, September 3, 1992; Western America Feed Fat, Douglasville, L04017, September 3, 1992; BFO Wireline, Liberty, L03921, September 3, 1992; Langley-Pittman Testing Laboratories, Rio Hondo, L02131, September 3, 1992; PERF-LOG, Corpus Christi, L04194, September 3, 1992; J.R. Testing Lab., Inc., Abilene, L03836, September 3, 1992.

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 September 15, 1992.

TRD-9212556 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: September 15, 1992

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Request for Proposals for Survey on Knowledge, Attitudes, and Practices Concerning Breast and Cervical Cancer

Purpose. The Texas Department of Health (TDH) has received funding from the Centers for Disease Control for a five-year project to develop, implement, and evaluate a breast and cervical cancer screening program. The pro-

gram began in July 1991. Known as the Breast and Cervical Cancer Control Program (BCCCP), the objectives of the program are to: increase the availability and use of high quality breast and cervical cancer screening services among eligible women; identify and reduce financial, educational, and cultural barriers to screening; inform health care providers about the availability and importance of cervical and breast cancer screening, and train them on improved practices; track and follow-up each woman participating in the program; collect information on incidence, mortality, and behavioral risks; develop a comprehensive cancer control plan; and evaluate each component listed in this paragraph.

This request for proposal invites applications from governmental, public, or nonprofit private entities to conduct household surveys before April 1993, in three designated communities in Texas. The surveys will be of knowledge, attitudes, and practices of breast and cervical cancer screening among women who are age 40 or older and who have low incomes. The surveys will assess the following topics: health behaviors related to the frequency of Pap tests, clinical breast examinations, breast self-examinations, and mammography; beliefs, knowledge, and attitudes about breast and cervical cancer; health service use, insurance coverage, usual sources of care, satisfaction, and barriers to care; and sources of health information.

TDH will award one contract of up to \$141,092 to begin on or about December 1, 1992. The contractor will be required to complete 900 face-to-face interviews among a random sample of women age 40 or older in specified low-income areas in four designated counties in Texas as follows: one survey in Tarrant County, one survey in Lubbock County, and one survey split between Gregg and Harrison Counties (there will be 300 face-to-face interviews per survey). The survey in Gregg and Harrison Counties will include African American women only. Households must be sampled using a representative list such as 1990 census tract or utility hookups. Applicants must describe a method for determining the sample. TDH, in collaboration with the contractor, will select the designated areas for conducting the survey and will develop the survey instrument. Data analyses are not required. The data in diskette format with documentation and a report describing the procedures and methodologies used are due by May 1, 1993. The budget must allow for payment of up to a \$15 fee to respondents for completed interviews. It is expected that each interview will last no less than 30 minutes and no longer than one hour.

Proposal format. Interested parties must submit proposals with the following information: description of services to be performed; description of the method of operation that will be used to accomplish objectives (pilot testing of the instrument, including focus group testing, selection and training of interviewers, household selection process, including pre-screening techniques, quality control procedures, and data entry and data editing procedures. This description should provide assurances that the confidentiality of all women interviewed will be preserved by the survey team members.); qualifications and experience of survey team members (which may include: knowledge of survey methodologies and techniques; experience in designing, implementing, and conducting household surveys in communities with diverse populations, including racial and ethnic minorities and people with low incomes; curriculum vitae of key personnel; and, reports representing previous experience may be submitted); work schedule of

activities with milestones; and budget and accompanying justification consistent with the objectives and the amount of funds requested.

Selection criteria. A committee composed of TDH staff and external reviewers will evaluate proposals and make recommendations to the Chronic Disease Prevention Program which will select one for funding. Evaluation and funding will be based on the following criteria (weighted values are in parentheses): evidence of the applicant's knowledge and experience in conducting community based surveys (40%); evidence of the applicant's knowledge and experience in managing data, including quality control (20%); evidence of ability to reach targeted population (20%); evidence of the applicant's ability to achieve a response rate of at least 80% and to verify 100% of responses through callbacks by a supervisor (10%); workplan (5.0%); and the extent to which the budget is reasonable in relation to the services provided (5.0%).

Closing date. The original plus six copies of the proposal should be submitted to: Stephen Wright, Public Information Coordinator, Chronic Disease Prevention Division/BCCCP, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199. Mr. Wright may be contacted for additional information at (512) 458-7644. Proposals must have a legible postmark dated no later than October 30, 1992. Hand-delivered packets must be delivered by 5 p.m., on Friday, October 30, 1992, to the Texas Department of Health, Chronic Disease Prevention Division, Building G, Room 408, Austin, Texas 78756. Proposals received with a postmark dated later than October 30, 1992, or incomplete proposals will not be evaluated. Faxed copies of proposals will not be accepted.

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

TRD-9212559 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: September 15, 1992

Texas Higher Education Coordinating Board

Request for Proposal

In accordance with Texas Civil Statutes, Article 664-4, The Texas Higher Education Coordinating Board solicits proposals from a certified public accountant to provide the following services.

Description of Services: The Texas Higher Education Coordinating Board solicits proposals to prepare actual and projected cash flows for State of Texas college student loan bonds. The CPA should have experience in preparing computer based long range cash flow projections and be familiar with federally guaranteed college student loan programs. The board is not required to select the lowest priced proposal, but will take into consideration services which represent the best combination of price and quality.

Contact Person: To receive a request for proposal contact Bill Grabo, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711, (512) 483-6300.

Deadline for Submission of Proposal: To be considered for these services, five copies of the proposal must be received by 5 p.m. on October 15, 1992.

Issued in Austin, Texas, on September 11, 1992.

TRD-9212490 Sharon Jahsman
Administrative Secretary
Texas Higher Education Coordinating Board

Filed: September 14, 1992

Public Utility Commission of Texas

Notice of Intent to File Pursuant to PUC 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 Midland ISD, Midland.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for approval of Plexar-Custom Service for Midland ISD pursuant to PUC Substantive Rule 23.27(k). Tariff Control Number 11446.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for Midland ISD. The geographic service market for this specific service is the Midland 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 September 14, 1992.

TRD-9212572 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: September 15, 1992

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to PUC Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Electrocom, Arlington.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for approval of Plexar-Custom Service for Electrocom pursuant to PUC Substantive Rule 23.27(k). Tariff Control Number 11440.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for Electrocom. The geographic service market for this specific service is the Arlington area.

Persons who wish to comment upon the action sought should contract 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 September 14, 1992.

TRD-9212573 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: September 15, 1992

Notice of Petition of Fort Bend Telephone Company For Waiver of Substantive Rule 23.45

Notice is given to the public of the filing of an application by Fort Bend Telephone Company for an exemption from the requirements of Public Utility Commission Substantive Rule 23.45 (f)(1)(B)(iv).

The Application: Fort Bend Telephone Company filed a petition requesting exemption from the requirement that incremental charges for optional EMS service shall be included in the subtotal for optional features on the bill. Fort Bend's proposed alternative is to include the total charge as the local access charge with the description "Local Service With Optional Houston Calling."

Persons who wish to intervene must do so by filing a motion to intervene and a statement of position by October 2, 1992, at the Public Utility Commission, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Division at (512) 458-0256, or (512) 458-0221 for tele-typewriter for the deaf.

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

TRD-9212568 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: September 15, 1992

Texas Low-Level Radioactive Waste Disposal Authority Consultant Proposal Request

This request for consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

Description. The Texas Low-Level Radioactive Waste Disposal Authority (Authority) is charged with the responsibility of siting and constructing a facility for the disposal of low-level radioactive waste. In the siting process, the Authority is required to comply with requirements of the Texas Historical Commission and Antiquities Committee. Requirements include performing archaeological surveys to preserve and prevent disturbance of significant sites. The purpose of this contract is to acquire the services of an independent archaeological consultant to perform required surveys, including a 100% pedestrian survey of approximately 640 acres and a partial pedestrian survey of a larger area to define quantity of work needed to develop a cultural resource management plan. Survey areas are located on The Faskin Ranch, five miles southeast of Sierra Blanca in Hudspeth County.

Person to Contact. Further information may be obtained from Robert V. Avant, Jr., P.E., or William J. Bowmer at the Texas Low-Level Radioactive Waste Disposal Authority, 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752, or by calling (512) 451-5292.

Deadline for Submission of RFP. This RFP will close on Wednesday, September 30, 1992, at 5 p.m.

Services Previously Performed. These services have been previously performed by Deborah Martin, El Paso. The Authority intends to continue with and to award the contract for archaeological surveying to Deborah Martin

for fiscal year 1993 unless a better proposal is submitted in response to this request.

Evaluation Criteria. Proposals received in response to this request will be evaluated according to the following criteria: prior experience in and knowledge of the area of study; local or area residence for ready availability; and reasonableness of the fee for services.

General Information. The Authority reserves the right to accept or reject any or all proposals submitted. The Authority is under no legal requirements to execute a consultant contract on the basis of this notice. The Authority intends the material herein only as a general description of the services desired. The proposal should be for a period ending August 31, 1993.

Form and Format. Three copies of the proposal are requested. They should be sent by mail, or delivered in person marked "Proposal for Archaeology Surveys in Hudspeth County, Texas" addressed to Robert V. Avant, Jr., P.E., Deputy General Manager, Texas Low-Level Radioactive Waste Disposal Authority, 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752. Proposals shall be received at this address not later than 5 p.m., September 30, 1992. The proposal should be typed, preferably double spaced and completed on 8 1/2 by 11-inch paper with all pages sequentially numbered and either stapled or bound together.

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

TRD-9212500 Lee H. Mathews
Deputy General Manager and General
Counsel
Texas Low-Level Radioactive Waste
Disposal Authority

Filed: September 14, 1992

Texas Department of Transportation Public Hearing Notice

Pursuant to Texas Civil Statutes, Article 46c-6, Subdivision 10, and 43 TAC §65.9, the Texas Transportation Commission will conduct a public hearing to receive comments from interested parties concerning the following aviation facilities development projects and financial assistance.

Proposed approval of state-funded aviation facilities development grants by sponsor and airport: City of Gatesville and County of Coryell-Gatesville City/County; City of Port Aransas-Mustang Beach; County of Carson-Panhandle/Carson County.

Proposed approval of federal-funded aviation facilities development grants by sponsor and airport: City of Beeville-Chase Naval Air Station.

The public hearing will be held on September 28, 1992, at 1:30 p.m., in the first floor hearing room of the Dewitt C. Greer State Highway Building, 125 East 11th Street, Austin. Any interested person may appear and offer comments or testimony, either orally or in writing; however, questioning of witnesses will be reserved exclusively by the commission or its staff as may be necessary to ensure a complete record. While any person with pertinent comments or testimony will be granted an opportunity to present them during the course of the hearing, the commission reserves the right to restrict testimony in terms of time or repetitive content. Organizations, associations, or

groups are encouraged to present their commonly held views, and same or similar comments, through a representative member where possible.

For additional information please contact Karon Wiedemann, Division of Aviation, 125 East 11th Street, Austin, Texas 78701, (512) 476-9262.

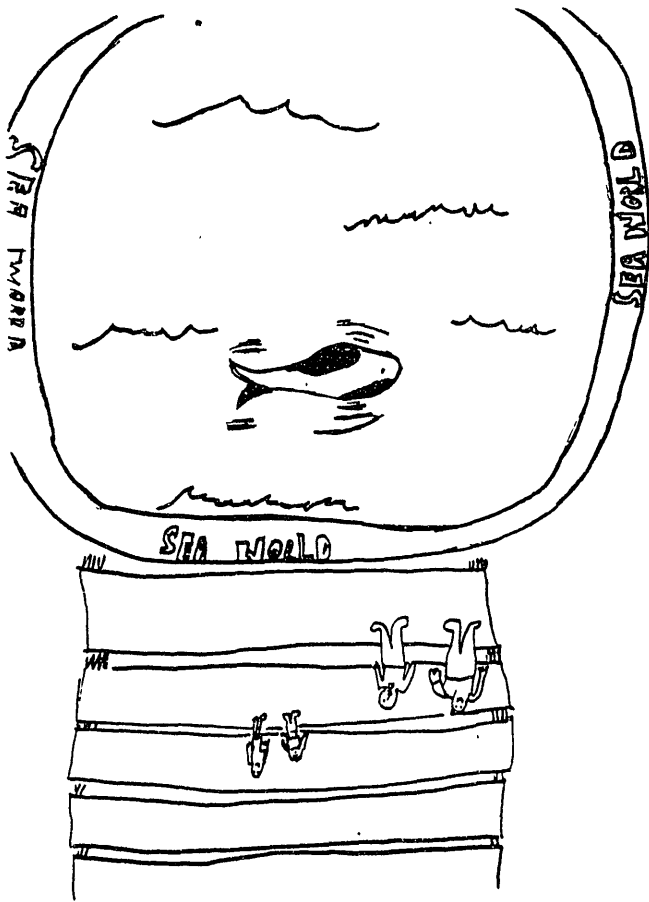
Issued in Austin, Texas, on Robert E. Shaddock, 1992.

TRD-9212549

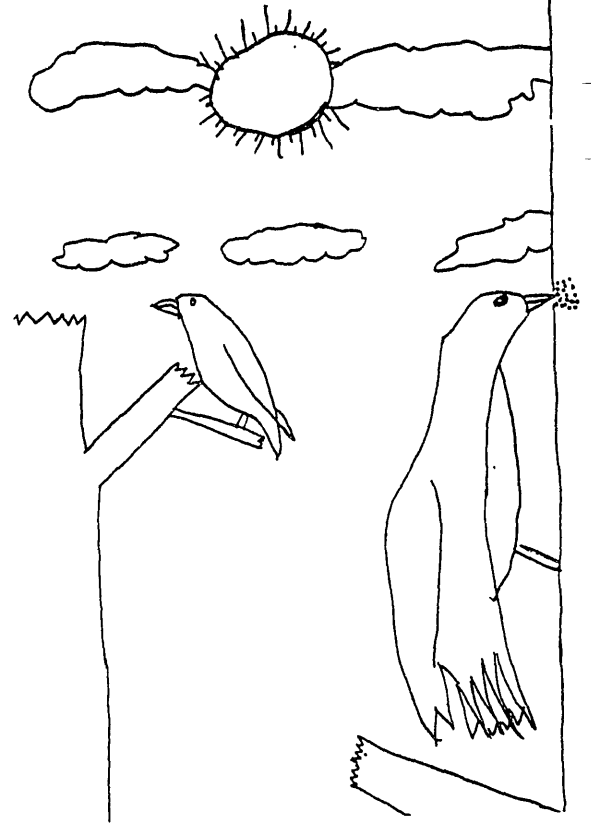
Robert E. Shaddock
General Counsel
Texas Department of Transportation

Filed: September 15, 1992



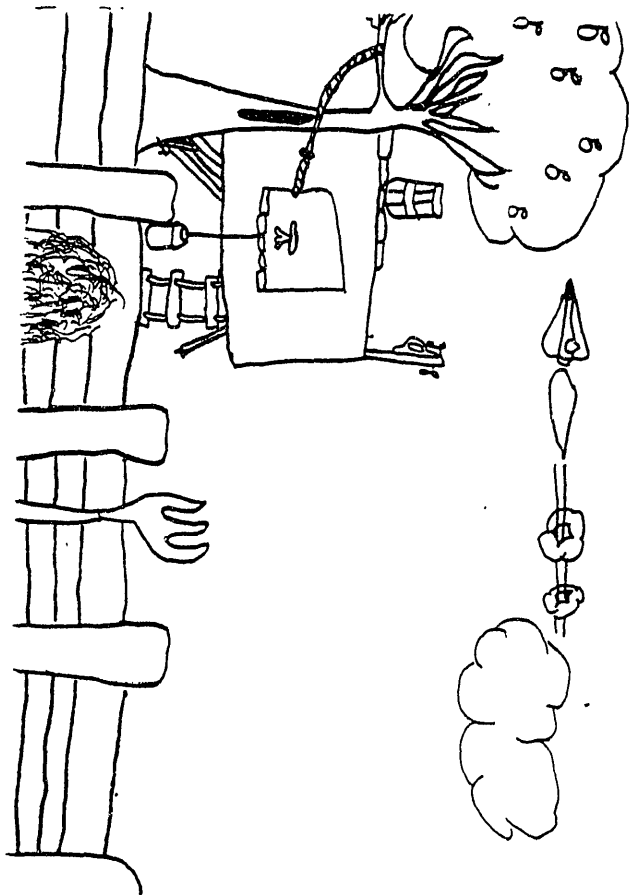


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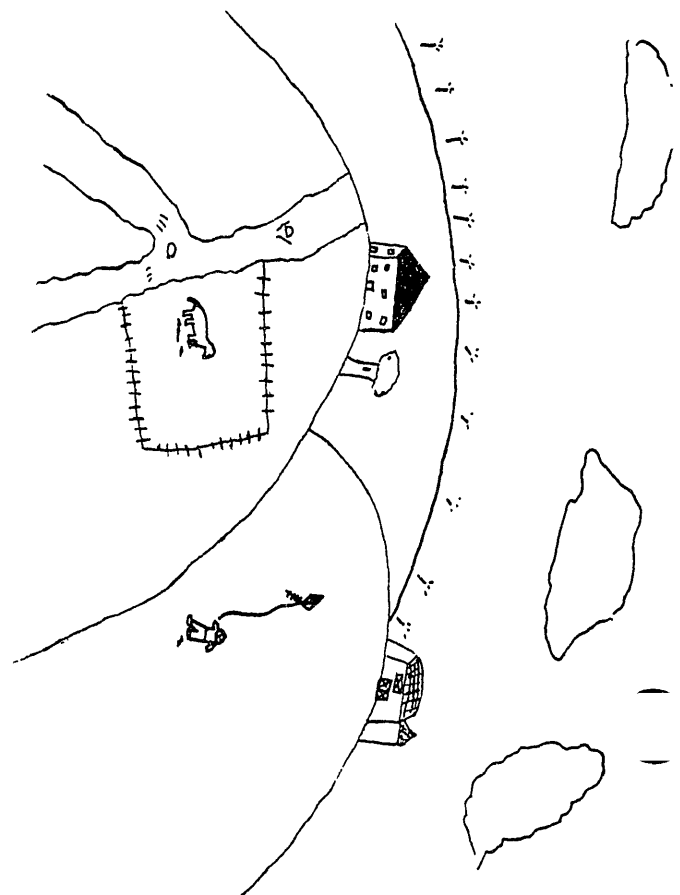


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1992 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1992 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. No issues will be published on February 28, November 6, December 1, and December 29. A bullet beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 *Friday, January 3	Friday, December 27	Tuesday, December 31
2 *Tuesday, January 7	Tuesday, December 31	Thursday, January 2
3 Friday, January 10	Monday, January 6	Tuesday, January 7
4 Tuesday, January 14	Wednesday, January 8	Thursday, January 9
5 Friday, January 17	Monday, January 13	Tuesday, January 14
6 Tuesday, January 21	Wednesday, January 15	Thursday, January 16
Friday, January 24	1991 ANNUAL INDEX	
7 Tuesday, January 28	Wednesday, January 22	Thursday, January 23
8 Friday, January 31	Monday, January 27	Tuesday, January 28
9 Tuesday, February 4	Wednesday, January 29	Thursday, January 30
10 Friday, February 7	Monday, February 3	Tuesday, February 4
11 Tuesday, February 11	Wednesday, February 5	Thursday, February 6
12 Friday, February 14	Monday, February 10	Tuesday, February 11
13 Tuesday, February 18	Wednesday, February 12	Thursday, February 13
14 *Friday, February 21	Friday, February 14	Tuesday, February 18
15 Tuesday, February 25	Wednesday, February 19	Thursday, February 20
Friday, February 28	NO ISSUE PUBLISHED	
16 Tuesday, March 3	Wednesday, February 26	Thursday, February 27
17 Friday, March 6	Monday, March 2	Tuesday, March 3
18 Tuesday, March 10	Wednesday, March 4	Thursday, March 5
19 Friday, March 13	Monday, March 9	Tuesday, March 10
20 Tuesday, March 17	Wednesday, March 11	Thursday, March 12
21 Friday, March 20	Monday, March 16	Tuesday, March 17
22 Tuesday, March 24	Wednesday, March 18	Thursday, March 19
23 Friday, March 27	Monday, March 23	Tuesday, March 24
24 Tuesday, March 31	Wednesday, March 25	Thursday, March 26
25 Friday, April 3	Monday, March 30	Tuesday, March 31
26 Tuesday, April 7	Wednesday, April 1	Thursday, April 2
27 Friday, April 10	Monday, April 6	Tuesday, April 7
Tuesday, April 14	FIRST QUARTERLY INDEX	
28 Friday, April 17	Monday, April 13	Tuesday, April 14
29 Tuesday, April 21	Wednesday, April 15	Thursday, April 16

30 Friday, April 24	Monday, April 20	Tuesday, April 21
31 Tuesday, April 28	Wednesday, April 22	Thursday, April 23
32 Friday, May 1	Monday, April 27	Tuesday, April 28
33 Tuesday, May 5	Wednesday, April 29	Thursday, April 30
34 Friday, May 8	Monday, May 4	Tuesday, May 5
35 Tuesday, May 12	Wednesday, May 6	Thursday, May 7
36 Friday, May 15	Monday, May 11	Tuesday, May 12
37 Tuesday, May 19	Wednesday, May 13	Thursday, May 14
38 Friday, May 22	Monday, May 18	Tuesday, May 19
39 Tuesday, May 26	Wednesday, May 20	Thursday, May 21
40 *Friday, May 29	Friday, May 22	Tuesday, May 26
41 Tuesday, June 2	Wednesday, May 27	Thursday, May 28
42 Friday, June 5	Monday, June 1	Tuesday, June 2
43 Tuesday, June 9	Wednesday, June 3	Thursday, June 4
44 Friday, June 12	Monday, June 8	Tuesday, June 9
45 Tuesday, June 16	Wednesday, June 10	Thursday, June 11
46 Friday, June 19	Monday, June 15	Tuesday, June 16
47 Tuesday, June 23	Wednesday, June 17	Thursday, June 18
48 Friday, June 26	Monday, June 22	Tuesday, June 23
49 Tuesday, June 30	Wednesday, June 24	Thursday, June 25
50 Friday, July 3	Monday, June 29	Tuesday, June 30
51 Tuesday, July 7	Wednesday, July 1	Thursday, July 2
52 Friday, July 10	Monday, July 6	Tuesday, July 7
Tuesday, July 14	SECOND QUARTERLY INDEX	
53 Friday, July 17	Monday, July 13	Tuesday, July 14
54 Tuesday, July 21	Wednesday, July 15	Thursday, July 16
55 Friday, July 24	Monday, July 20	Tuesday, July 21
56 Tuesday, July 28	Wednesday, July 22	Thursday, July 23
57 Friday, July 31	Monday, July 27	Tuesday, July 28
58 Tuesday, August 4	Wednesday, July 29	Thursday, July 30
59 Friday, August 7	Monday, August 3	Tuesday, August 4
60 Tuesday, August 11	Wednesday, August 5	Thursday, August 6
61 Friday, August 14	Monday, August 10	Tuesday, August 11
62 Tuesday, August 18	Wednesday, August 12	Thursday, August 13
63 Friday, August 21	Monday, August 17	Tuesday, August 18
64 Tuesday, August 25	Wednesday, August 19	Thursday, August 20
65 Friday, August 28	Monday, August 24	Tuesday, August 25
66 Tuesday, September 1	Wednesday, August 26	Thursday, August 27
67 Friday, September 4	Monday, August 31	Tuesday, September 1
68 Tuesday, September 8	Wednesday, September 2	Thursday, September 3
69 *Friday, September 11	Friday, September 4	Tuesday, September 8

70 Tuesday, September 15	Wednesday, September 9	Thursday, September 10
71 Friday, September 18	Monday, September 14	Tuesday, September 15
72 Tuesday, September 22	Wednesday, September 16	Thursday, September 17
73 Friday, September 25	Monday, September 21	Tuesday, September 22
74 Tuesday, September 29	Wednesday, September 23	Thursday, September 24
75 Friday, October 2	Monday, September 28	Tuesday, September 29
76 Tuesday, October 6	Wednesday, September 30	Thursday, October 1
77 Friday, October 9	Monday, October 5	Tuesday, October 6
Tuesday, October 13	THIRD QUARTERLY INDEX	
78 Friday, October 16	Monday, October 12	Tuesday, October 13
79 Tuesday, October 20	Wednesday, October 14	Thursday, October 15
80 Friday, October 23	Monday, October 19	Tuesday, October 20
81 Tuesday, October 27	Wednesday, October 21	Thursday, October 22
82 Friday, October 30	Monday, October 26	Tuesday, October 27
83 Tuesday, November 3	Wednesday, October 28	Thursday, October 29
Friday, November 6	NO ISSUE PUBLISHED	
84 Tuesday, November 10	Wednesday, November 4	Thursday, November 5
85 Friday, November 13	Monday, November 9	Tuesday, November 10
*86 Tuesday, November 17	Tuesday, November 10	Thursday, November 12
87 Friday, November 20	Monday, November 16	Tuesday, November 17
88 Tuesday, November 24	Wednesday, November 18	Thursday, November 19
89 Friday, November 27	Monday, November 23	Tuesday, November 24
Tuesday, December 1	NO ISSUE PUBLISHED	
90 Friday, December 4	Monday, November 30	Tuesday, December 1
91 Tuesday, December 8	Wednesday, December 2	Thursday, December 3
92 Friday, December 11	Monday, December 7	Tuesday, December 8
93 Tuesday, December 15	Wednesday, December 9	Thursday, December 10
94 Friday, December 18	Monday, December 14	Tuesday, December 15
95 Tuesday, December 22	Wednesday, December 16	Thursday, December 17
96 Friday, December 25	Monday, December 21	Tuesday, December 22
Tuesday, December 29	NO ISSUE PUBLISHED	
1 (1993) Friday, January 1	Monday, December 28	Tuesday, December 29

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