

Texas Register

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Adopted Sections-sections adopted following a 30-day public comment period

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Texas Administrative Code

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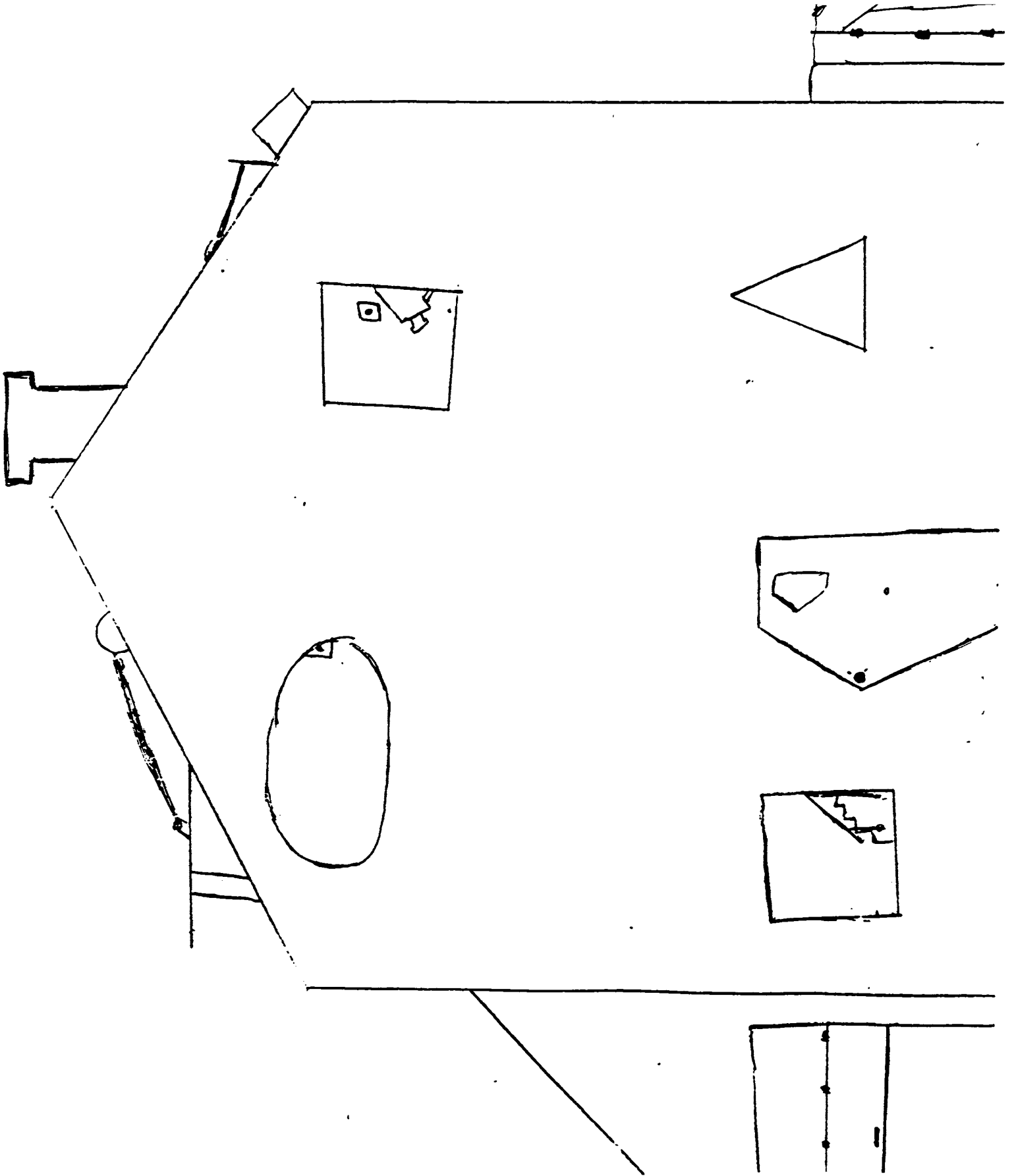
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TITLE 43. TRANSPORTATION

Part I. Texas Department of Transportation

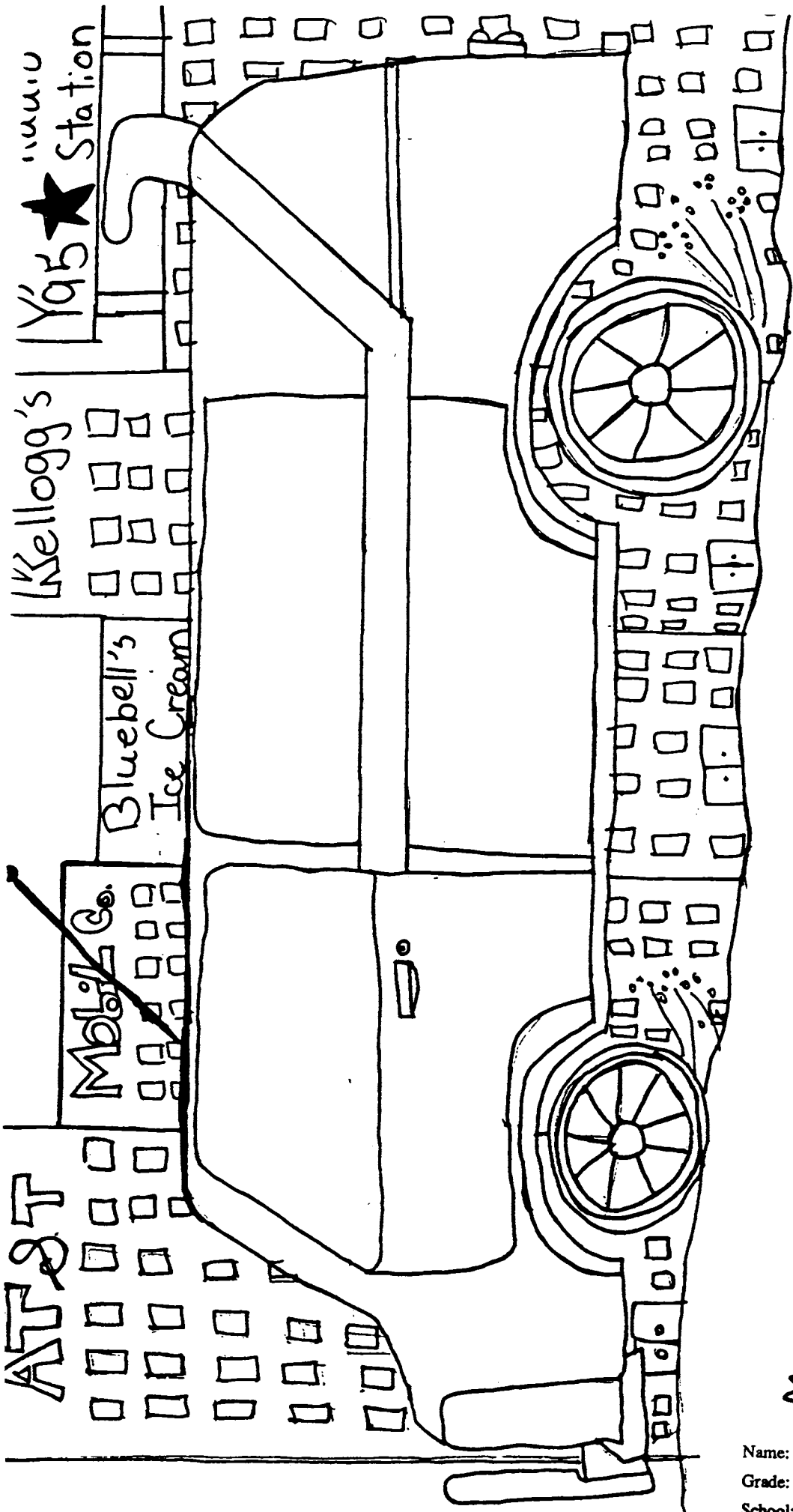
43 TAC §§1.200-1.203—6246, 6278

43 TAC §17.51—6247, 6278

43 TAC §21.441, §21.561—6436

43 TAC §§21.441, 21.561, 21.572—6437

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Handwritten cursive letters 'w' and 'u' scattered across the right side of the page, some with small drawings of flowers or leaves.

Name: Luke Yen

Grade: 5

School: RISD Summer School, Richardson ISD

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 19. EDUCATION Part II. Texas Education Agency

Chapter 129. Student Attendance

Subchapter AA. Commissioner's Rules

The Texas Education Agency (TEA) proposes the repeal of §129.1021 and new §129.1021, concerning student attendance. Senate Bill 1, 71st Legislature, requires the State Board of Education (SBOE) to reconsider all rules affected by this provision so that any rules adopted on these matters must occur under the new rulemaking relationship between the SBOE and the Legislative Education Board. The review of the rules is to be conducted over a three-year period. All sections of Chapter 129 have been reviewed by the board and are being repealed in a separate submission.

Tom Patton, director, division of state funding, 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. Patton and Criss Cloudt, director for planning coordination, also have determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a clearer more concise statement of the agency's rule authority. 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 Criss Cloudt, Planning Coordination, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed sections 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*.

• 19 TAC §129.1021

(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 Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brasos Street, Austin.)

The repeal is proposed under Senate Bill 1, §2.25, passed by the 71st Legislature, Sixth Called Session, which provides the State Board of Education with the authority to review all rules, other than portions of Chapter 75, under Title 19, Texas Administrative Code, relating to public education.

§129.1021. Optional Method of Calculating Average Daily Attendance in Districts with Significant Migrant Population.

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 18, 1991.

TRD-9113871

Criss Cloudt
Director, Planning
Coordination
Texas Education Agency

Earliest possible date of adoption: December 13, 1991

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

The new section is proposed under Senate Bill 1, §2.25, passed by the 71st Legislature, Sixth Called Session, which provides the State Board of Education with the authority to review all rules, other than portions of Chapter 75, under Title 19, Texas Administrative Code, relating to public education.

§129.1021. Optional Method of Calculating Average Daily Attendance in Districts With Significant Migrant Population. Beginning in the 1991-1992 school year and each year thereafter, districts in which the total district enrollment contains 5.0% or more students who have certificates of eligibility in the migrant students record transfer system (MSRTS) shall have the district's annual average daily attendance (ADA) calculated by using the best four of the six-weeks periods. In no case shall the annual ADA calculated by using the best four of the six-weeks periods exceed the sum of the number of students who have certificates of eligibility plus the ADA calculated by using all six six-week periods.

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 18, 1991.

TRD-9113877

Criss Cloudt
Director, Planning
Coordination
Texas Education Agency

Earliest possible date of adoption: December 13, 1991

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

TITLE 22. EXAMINING BOARDS

Part V. Texas State Board of Dental Examiners

Chapter 101. Dental Licensure

• 22 TAC §101.1

The Texas State Board of Dental Examiners proposes an amendment to §101.1, concerning general qualifications. The section states the general qualifications for any person desiring to practice dentistry in the State of Texas.

C. Thomas Camp, 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. Camp 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 bring Agency rules into compliance with the new statutes as passed by the Legislature. Also, to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. 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 Mel Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701. (512) 477-2985.

The amendment is proposed under Texas Civil Statutes, Article 4551f(6)(a)-(c), which provides the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§101.1. General Qualifications.

(a) (No change.)

(b) An applicant for licensure from the Texas State Board of Dental Examiners shall:

(1) make written application to the board which shall indicate compliance with all requirements of said application to the board. Written application shall be received not later than 30 days prior to the announced examination date;

[(2) have attained the age of 21 years of age;]

[(3) furnish evidence of good moral character with the submission of three letters of personal reference;]

(2)[(4)] present proof of graduation from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association or if the applicant has not completed [his or her] the last term of dental school prior to making application, the dean of the accredited school shall certify that the applicant is a candidate for graduation to occur prior to the examination date;

(3) present proof of having passed the examination for dentists in its entirety given by the National Board of Dental Examiners;

(4)[(5)] present proof of successful completion of a course in basic cardiac life support given by the American Heart Association or the American Red Cross within (12) months prior to [of] the applicant's examination for licensure;

(5)[(6)] pay an examination and licensure fee as required by law and the rules and regulations of the board; and

(6)[(7)] satisfactorily pass either an oral, written, or clinical practical examination or any combination thereof as may be determined by the board.]; and]

[(8) satisfactorily pass a written examination prepared by the Texas State Board of Dental Examiners.]

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 November 5, 1991.

TRD-9113958

C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: December 16, 1991

For further information, please call: (512) 477-2985

Chapter 103. Dental Hygiene Licensure

• 22 TAC §103.1

The Texas State Board of Dental Examiners proposes an amendment to §103.1, concerning general qualifications. The section states

the general qualifications for any person desiring to practice dental hygiene in the State of Texas.

C. Thomas Camp, 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. Camp 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 bring Agency rules into compliance with the new statutes as passed by the Legislature. Also, to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. 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 Mei Ling Ciendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701. (512) 477-2985.

The amendment is proposed under Texas Civil Statutes, Article 4551f(6)(a)-(c), which provides the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§103.1. General Qualifications [Statutory Requirements.]

(a) Any person desiring to practice dental hygiene in the State of Texas must possess a license issued by the Texas State Board of Dental Examiners as required by law.

(b) An applicant for licensure from the Texas State Board of Dental Examiners shall:

(1) make written application which shall indicate compliance with all requirements of said application to the board. Written application shall be received not later than 30 days prior to the announced examination date;

(2) Present proof of graduation from a dental hygiene school accredited by the Commission of Dental Accreditation of the American Dental Association or if the applicant has not completed the last term of dental hygiene school prior to making application, the program director of the accredited school shall certify that the applicant is a candidate for graduation to occur prior to the examination date;

(3) present proof of having passed the examination for dental hygienists in its entirety given by the National Board of Dental Examiners;

(4) pay an examination and licensure fee as required by law and the rules and regulations of the board; and

(5) satisfactorily pass either an oral, written, or clinical practical examination or any combination thereof as may be determined by the board. [A dental hygienist shall be not less than 18 years of age, a graduate of an accredited high school and of a recognized and accredited school or college of dental hygiene approved by the Texas State Board of Dental Examiners in which the course of instruction will be the equivalent of not less than two terms of eight months each and who shall have thereafter passed an examination given by and before the Texas State Board of Dental Examiners on subjects pertaining to dental hygiene, and who shall have complied with all the provisions of this Act, and the rules and regulations promulgated by the Texas State Board of Dental Examiners. Said dental hygiene school or college must be accredited by the accrediting agency of the American Dental Association.]

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 November 5, 1991.

TRD-9113957

C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: December 16, 1991

For further information, please call: (512) 477-2985

• 22 TAC §103.12

(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 State Board of Dental Examiners or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas State Board of Dental Examiners proposes the repeal of §103.12, concerning examination required. This section states that the dental hygiene law does not provide for the exchange of certificates with other jurisdictions, neither does it permit the issuance of temporary certificates of authority to practice. Certificates must be based upon applicants possessing the statutory qualifications and successfully passed the regular required exams.

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

Mr. Camp also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be to bring Agency rules into compliance with the new statutes as passed by the Legislature. Also, to provide

for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. 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 Mei Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

The repeal is proposed under Texas Civil Statutes, Article 4551f(6)(a)-(c), which provides the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§103.12. Examination Required.

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 November 5, 1991.

TRD-9113950

C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: December 16, 1991

For further information, please call: (512) 477-2985

• 22 TAC §103.13

(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 State Board of Dental Examiners or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas State Board of Dental Examiners proposes the repeal of §103.13, concerning national board. This section states that the dental hygiene applicant must have either the certificate issued by the National Board of Dental Examiners attesting to her having passed such examination in dental hygiene, or having been licensed to engage in the practice of dental hygiene for 10 years.

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

Mr. Camp also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be to bring Agency rules into compliance with the new statutes as passed by the Legislature. Also, to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. 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 Mei Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

The repeal is proposed under Texas Civil Statutes, Article 4551f(6)(a)-(c), which provides the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§103.13. National Board.

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 November 5, 1991.

TRD-9113960

C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: December 16, 1991

For further information, please call: (512) 477-2985

• 22 TAC §103.14

(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 State Board of Dental Examiners or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas State Board of Dental Examiners proposes the repeal of §103.14, concerning application deadline. This section states the criteria for deadlines for applications for dental hygiene examinations.

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

Mr. Camp also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be to bring Agency rules into compliance with the new statutes as passed by the Legislature. Also, to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. 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 Mei Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

The repeal is proposed under Texas Civil Statutes, Article 4551f(6)(a)-(c), which provides the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§103.14. Application Deadline.

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 November 5, 1991.

TRD-9113961

C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: December 16, 1991

For further information, please call: (512) 477-2985

Chapter 109. Conduct

Fair Dealing

• 22 TAC §109.144

The Texas State Board of Dental Examiners proposes an amendment to §109.144, concerning records and their transfer. The section states that a Texas dental licensee practicing dentistry in Texas shall make, maintain, and keep adequate records of diagnosis made and the treatment performed upon each dental patient. It also discusses the transfer of those records. In addition, it states that dental records are the sole property of the dentist who performs the dental service. The dentist who leaves a location, whether retirement, sale, or whatever reason, shall either take all records with him, make a written transfer of records to the succeeding dentist, or make written agreement for the maintenance of records.

C. Thomas Camp, 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. Camp 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 bring Agency rules into compliance with the new statutes as passed by the Legislature. Also, to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. 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 Mei Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

The amendment is proposed under Texas Civil Statutes, Article 4551f(6)(a)-(c), which provides the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§109.144. Records and Their Transfer.

(a) (No change.)

(b) A Texas dental licensee practicing dentistry in Texas shall make, maintain, and keep adequate records of the diagnosis made and the treatment performed for and upon each [of his] dental patient [patients] for reference, identification, and protection of the patient and the dentist for a period of not less than five years. [, and such] Such records shall be available for inspection by the patient after and upon appointment with the dentist. This shall not prohibit the transfer of a copy of records to [another dentist] the patient [for continued treatment,] or to an agreed designated consultant for ascertainment of facts. Also, this shall not prohibit the transfer of original records to another Texas dental licensee where the transferring dentist performs no treatment. The referring dentist shall retain a copy of the written record if such original transfer is made.

(c) Dental records the sole property of the dentist who performs the dental service. A dentist who leaves a location, whether by retirement, sale, or otherwise, shall either take all said dental records with him, [or] make a written transfer of records to the succeeding dentist, or make a written agreement for the maintenance of records, [shall be made] and the Texas State Board of Dental Examiners' Central Office shall be notified within 15 days of any such event, giving full information concerning the dentists and location(s) involved. A maintenance of records agreement shall not transfer ownership of the dental records, but shall require: that the dental records be maintained in accordance with the laws of the State of Texas and the rules of the Texas State Board of Dental Examiners; and that the dentist(s) performing the service(s) recorded shall have access to and control of the records for purposes of inspection and copying. A maintenance or records agreement may be made at any time in an employment or other working relationship between a dentist and another entity. A maintenance of records agreement may apply to all or any part of the dental records generated in the course of the relationship, including future dental records. [The information in this subsection does not apply to a dental employee of another dentist where the dental records belong to the employing dentist.]

(d)-(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 November 5, 1991.

TRD-9113962

C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: December 16, 1991

For further information, please call: (512) 477-2985

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Mobile or Moveable Offices

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• 22 TAC §109.153

The Texas State Board of Dental Examiners proposes an amendment to §109. 153, concerning practice requirements: upon approval. The section states that all dental service is to be performed upon indigents or those physically unable to be transported to a dental office.

C. Thomas Camp, 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. Camp 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 bring Agency rules into compliance with the new statutes as passed by the Legislature. Also, to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. 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 Mei Ling Clendenen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

The amendment is proposed under Texas Civil Statutes, Article 4551f(6)(a)-(c), which provides the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§109.153. Practice Requirements: Upon Approval. In addition to the provisions of §109.152 of this title (relating to Applications for Practices Other Than the Regular Office Location(s)), the following is also required.

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

(3) that all dental service is to be performed on indigents [only] or those physically unable to be transported to a dental office;

(4)-(5) (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 November 5, 1991.

TRD-9113964

C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: December 16, 1991

For further information, please call: (512) 477-2985

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Anesthesia and Anesthetic Agents

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• 22 TAC §109.174

The Texas State Board of Dental Examiners proposes an amendment to §109. 174, concerning sedation/anesthesia permit. The section states the annual renewal fees for dental license renewal certificates. It also states fees for new permit issuances after March 1, 1992.

C. Thomas Camp, 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. Camp 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 bring Agency rules into compliance with the new statutes as passed by the Legislature. Also, to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. 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 Mei Ling Clendenen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

The amendment is proposed under Texas Civil Statutes, Article 4551f(6)(a)-(c), which provides the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§109.174. Sedation/Anesthesia Permit.

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

(h) Annual dental license renewal certificates shall include the annual permit renewal, except as provided for in subsection (g) of this section, and shall be assessed an annual renewal fee of \$5.00,

payable with the license renewal beginning March 1 and thereafter. New permit issuances will be charged a \$25 fee, payable with the application for permit, beginning March 1, 1992.

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 November 5, 1991.

TRD-9113965 C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: December 16, 1991

For further information, please call: (512) 477-2985

◆ ◆ ◆
• 22 TAC §109.175

The Texas State Board of Dental Examiners proposes an amendment to §109.175, concerning permit requirements. The section states standard of care requirements of the inhalation conscious sedation procedure.

C. Thomas Camp, 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. Camp 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 bring Agency rules into compliance with the new statutes as passed by the Legislature. Also, to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. 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 Mei Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

The amendment is proposed under Texas Civil Statutes, Article 4551f(6)(a)-(c), which provides the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

◆ ◆ ◆
§109.175. *Permit Requirements.*

(a) Nitrous oxide/oxygen inhalation conscious sedation. To induce and maintain this type of conscious sedation on patients having dental/oral and maxillofacial surgical procedures in the State of Texas, the following requirements must be met.

- (1) (No change.)
- (2) Standard of care requirements.

(A) (No change.)

(B) Each dentist shall induce, monitor, and provide continuous personal supervision of the inhalation conscious sedation procedure, or the dentist shall induce and may delegate under direct supervision, as defined in §109.172, of this title (relating to Definitions) the monitoring of the nitrous oxide inhalation conscious sedation procedure to a dental auxiliary who has [furnish proof to the board of the successful completion of a board-approved course of instruction in the nitrous oxide inhalation conscious sedation procedure] been certified by the board. Certification is obtained by successful completion of a written examination offered by the board on said subject.

(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 November 5, 1991.

TRD-9113966 C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: December 16, 1991

For further information, please call: (512) 477-2985

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Retired Status

• 22 TAC §109.181

The Texas State Board of Dental Examiners proposes new §109.181, concerning educational or other requirements. This section, states the requirements for continuing or remedial education courses for a retired dentist who has applied to be reinstated into active practice.

Thomas Camp, 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. Camp also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section as proposed will be to bring Agency rules into compliance with the new statutes as passed by the Legislature. Also, to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. 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 Mei Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

The new section is proposed under Texas Civil Statutes, Article 4551f(6)(a)-(c), which provides the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

◆ ◆ ◆
§109.181. *Educational or Other Requirements.*

(a) The board may require continuing or remedial education courses of a retired dentist who has applied to the board to reinstate the dental license to active status to re-enter active practice. A dentist who applies to re-enter active practice must comply with all other applicable provisions of the Dental Practice Act and rules of the board and must not have been convicted of any felony offense during the term of retired status. Further, at the time retired status was granted, the dentist must have been in compliance or satisfied all conditions of any board order that may have been in effect.

(b) In keeping with public health and safety, the board may in its discretion, require compliance with other reasonable conditions in consideration a request to re-enter active practice.

(c) The board may charge a reasonable administrative fee for a request to re-enter active practice and shall annually review such fee to determine whether it is adequate or in excess of actual costs.

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 November 5, 1991.

TRD-9113967 C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: December 16, 1991

For further information, please call: (512) 477-2985

◆ ◆ ◆
Infection Control

• 22 TAC §109.220

The Texas State Board of Dental Examiners proposes new §109.220 concerning purpose. This section states the purpose of rules in this subchapter to establish proper sterilization, disinfection, and other infection control procedures in the practice of dentistry.

Thomas Camp, 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. Camp also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section as proposed will be to bring Agency rules into compliance with the new statutes as passed by the Legislature. Also, to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. 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 Mei Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

The new section is proposed under Texas Civil Statutes, Article 4551f(6)(a) -(c), which provides the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§109.220. Purpose. The purpose of rules contained in this subchapter is to establish proper sterilization, disinfection, and infection control procedures in the practice of dentistry. Failure of a dental health care worker to practice and maintain these standards constitutes a significant danger to public health and safety. Any violation of these rules regarding infection control in this subchapter and other applicable statutes, rules, or regulations that may be incorporated by reference herein or that may apply otherwise through federal or state mandate or regulation shall be considered a failure to safeguard the public interest and thus shall constitute, at a minimum, negligence in the performance of dental services and failure to use proper diligence in the conduct of dental practice, pursuant to Texas Civil Statutes, Article 4549 §3.

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 November 5, 1991.

TRD-9113968 C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: December 16, 1991

For further information, please call: (512) 477-2985

• 22 TAC §109.221

The Texas State Board of Dental Examiners proposes new §109.221 concerning definitions. The section, states the definitions of the terms exposure-prone procedure, health care worker, invasive-procedure, and universal precautions as those terms are defined in the Texas Health and Safety Code, §85.202 as amended, Act 72 Legislature, First Called Session, §36, Chapter 14 (1991) and guidelines from the Centers for Disease Control as applied to the practice of dentistry.

Thomas Camp, 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. Camp also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section as proposed will be to bring Agency rules into compliance with the new statutes as passed by the Legislature. Also, to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. 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 Mei Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

The new section is proposed under Texas Civil Statutes, Article 4551f(6)(a) -(c), which provides the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§109.221. Definitions. The following words or terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. The definitions of the terms exposure-prone procedure, health care worker, invasive-procedure, and universal precautions, as those terms are defined in the Texas Health and Safety Code, §85.202, as amended, Act, 72nd Legislature, First Called Session, §36, Chapter 14 (1991), (hereinafter reference as THSC) and guidelines from the Centers for Disease Control, (CDC) as applied to the practice of dentistry, are incorporated herein by reference.

Barrier techniques—The use of protective items against infection-transmission during any intraoral or invasive procedure to include appropriate gloves for the procedure performed. This definition shall include protective eye wear and nasal/oral masks when "splash, spatter, or aerosol" of body fluids in possible or expected.

Disinfection—The partial elimination of active growth stage bacteria and the inac-

tivation of some viruses. The potential for infection remains after disinfection, including tubercle bacilli and A and B hepatitis viruses. HTLV 3 LAV (Aids virus) may also remain active following disinfection.

Sterilization—A process by which all forms of life within a defined environment are completely destroyed.

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 November 5, 1991.

TRD-9113969 C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: December 16, 1991

For further information, please call: (512) 477-2985

• 22 TAC §109.222

The Texas State Board of Dental Examiners proposes new §109.222, concerning required sterilization and disinfection. The section states that sterilization and disinfection is required for all surgical and other instruments used intraorally or extraorally that are used invasively or in a contact with or penetration of soft tissue, bone, or other hard tissue.

C. Thomas Camp, 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. Camp 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 bring Agency rules into compliance with the new statutes as passed by the Legislature. Also, to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. 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 Mei Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

The new section is proposed under Texas Civil Statutes, Article 4551f(6)(a) -(c), which provides the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§109.222. Required Sterilization and Disinfection.

(a) Sterilization is required for all surgical and other instruments that may be used intraorally or extraorally, where these instruments may be used invasively or in contact with or penetration of soft tissue, bone or other hard tissue. Other nonsurgical instruments that may come into contact with tissue such as plastic instruments must be disinfected with an American Dental Association-registered solution that destroys the tubercule bacillus and group A lipid soluble viruses.

(b) All instruments subject to sterilization must undergo at least one of the following procedures:

- (1) steam autoclave;
- (2) chemical vapor;
- (3) dry-heat oven;
- (4) ethylene oxide;

(5) chemical sterilant (used in dilution amounts and time periods according to manufacturer's recommendations).

(c) Following a dental procedure, all instrumentation and operatory equipment that may have become contaminated with blood, saliva, or tissue debris must be disinfected and/or sterilized by a CDC or ADA-approved method, where appropriate, before utilization again for patient care.

(d) Prior to sterilization, all instruments must be free of any visible debris and must be scrubbed thoroughly with a detergent and water solution or through an ultrasonic device containing cleaning solution.

(e) Oral prosthetic appliances or devices from a dental laboratory must be washed with a detergent and water solution, rinsed, disinfected, and rinsed before the appliance or device is placed into a patient's mouth.

(f) Disposable (non-sterilizable) items, including, but not limited to gloves, needles, intravenous fluids, intravenous administration tubing, intravenous catheters/needles, and like items, shall not be used for more than one patient.

(g) All items contaminated by body fluids during patient care must be treated as biohazardous material. Before extracted teeth are returned to a patient or other party, the teeth must be rendered non-biohazardous. All contaminated items must be disposed of through established CDC guidelines for such disposal. Teeth or tissue fragments to be used for microscopic, testing, or educational purposes must be sterilized, or they must be handled and stored as biohazardous material until sterilization is performed.

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 November 5, 1991.

TRD-9113970

C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: December 16, 1991

For further information, please call: (512) 477-2985

◆ ◆ ◆
• 22 TAC §109.223

The Texas State Board of Dental Examiners proposes new §109.223, concerning dental health care workers. The section states all dental health care workers shall comply with universal precautions as prescribed for dentistry by the Centers for Disease Control and THSC §85.202, et seq as amended, 1991, in the care, handling, and treatment of patients in the dental office or other setting where dental procedures of any type may be performed.

C. Thomas Camp, 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. Camp, 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 bring agency rules into compliance with the new statutes as passed by the Legislature. Also, to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. 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 Mei Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

The new section is proposed under Texas Civil Statutes, Article 4551f(6)(a)-(c), which provides Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§109.223. Dental Health Care Workers.

(a) All dental health care workers shall comply with universal precautions, as prescribed for dentistry by the Centers for Disease Control and the Texas Health and Safety Code, (THSC), §85.202, et seq, as amended, 1991, in the care, handling, and treatment of patients in the dental office or other setting where dental procedures of any type may be performed.

(b) All dental health care workers who have exudative lesions or weeping der-

matitis shall refrain from contact with equipment, devices, and appliances that may be used for or during patient care, where such contact holds potential for blood or body fluid contamination, and shall refrain from all patient care and contact until the condition(s) resolves unless barrier protection would prevent patient contamination.

(c) A dental health care worker(s) who is infected with HIV or HBV and who is HBsAg positive may not perform any exposure-prone procedures unless and until the worker has reported to the board and has sought and received counsel from an expert review panel as to what procedures, if any, the worker may continue to perform, pursuant to provisions of THSC, §85.203, et seq, as amended, 1991.

(d) An expert review panel shall be named upon, or as soon thereafter as possible, the effective date of these rules and shall be comprised of experts designated by the Board in the fields of infectious disease with emphasis in HIV and HBV epidemiology, oral pathology, dental procedures, oral/maxillofacial surgery, and public health. The expert review panel shall conduct its review(s) and make its determinations with confidentiality, except that such information shall be reported to the TSBDE as provided herein. The release of information by the panel, relating to the worker's infectious disease status shall be to the Board Secretary and executive director, and any such information shall be utilized only for the purposes of monitoring the worker's compliance with conditions set by the review panel. In each instance of panel review of a health care worker's infectious disease status, the panel shall include, where possible, the health care worker's personal physician.

(e) A dental health care worker periodically may petition the panel through the board for any redetermination(s) by the panel as to change in the worker's status for purposes of reassessing patient-care duties that may or may not be performed.

(f) A dental health care worker who is infected with HIV or HBV and is HBsAg positive and who is not restricted from performing exposure-prone procedures must comply with all infection control rules herein to include universal precautions, applicable to dentistry, as those are set out by the Centers for Disease Control and provisions of THSC, §85.201, et seq as amended, 1991.

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 November 5, 1991.

TRD-9113971

C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: December 16, 1991

For further information, please call: (512) 477-2985

◆ ◆ ◆
• 22 TAC §109.224

The Texas State Board of Dental Examiners proposes new §109.224, concerning disciplinary procedures. The section states the disciplinary procedures for dental health care workers who fail to comply with notification to the board within 24 hours, or next working day, of confirmed testing of positive results for HIV and HBV antibodies.

C. Thomas Camp, 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. Camp 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 bring Agency rules into compliance with the new statutes as passed by the Legislature. Also, to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. 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 Mei Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

The new section is proposed under Texas Civil Statutes, Article 4551f(6)(a)-(c), which provides the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§109.224. *Disciplinary Procedures.*

(a) A dental health care worker who fails to comply with notification to the Board within 24 hours, or the next working day, of confirmed testing of positive results for HIV and HBV antibodies shall be subject to disciplinary action for license revocation or suspension, as may be determined by the board in accord with Article 4549, §3, et seq.

(b) A dental health care worker who is subject to the review panel's counsel and prescribed conditions for practice, and who is allowed to continue to practice in part or in total, shall be subject to monitoring on an unannounced basis by a representative designated by the board through its executive director as to compliance with all terms and conditions of the panel's determination and for any other matters of compliance with these rules.

(c) A dental health care worker who is subject to the review panel's counsel, and who experiences a break in protective barrier technique while treating a patient, is required to temporarily cease treatment until the protective barrier can be fully restored. If bleeding or body fluid exposure to the patient presents a continued potential exposure after protective barrier restoration, the infected health care worker must cease further direct contact or treatment of that patient, but the health care worker shall be responsible for the safety of said patient in the procedure termination. Following a protective barrier break, the infected health care worker must file an oral report with the TSBDE Director no later than 24 hours, or the next working day, following the occurrence. The oral report must be followed with a written report within 72 hours to the director who shall cause a copy of said report to be filed with the expert review panel. Failure of the health care worker to do so shall result in immediate disciplinary action by the board, after review and consultation with the review panel, in accord with the section herein. For purposes of this section, a break in protective barrier includes, but is not limited to, a cut, tear, or puncture in gloves or a cut, abrasion, or break of the skin which could expose the patient to the potential for infection.

(d) A dental health care worker who is found to be in violation of the review panel's determinations of the worker's conditions of practice as established by the panel, or in violation of universal precautions and these rules, is subject to disciplinary action by the board as described in subsection (a) of this section.

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

Issued in Austin, Texas, on November 5, 1991.

TRD-9113978 C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: December 16, 1991

For further information, please call: (512) 477-2985

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Chapter 113. Requirements for
Dental Offices

• 22 TAC §113.2

The Texas State Board of Dental Examiners proposes an amendment to §113.2, concerning x-ray laboratories. The section states that laboratories such as x-ray laboratories must be in the dental office of a legally practicing dentist. All patients must be protected during the time of exposure to x-rays with a lead apron and equipment that is properly monitored by the authorized agency.

C. Thomas Camp, 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. Camp 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 bring Agency rules into compliance with the new statutes as passed by the Legislature. Also, to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. 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 Mei Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

The amendment is proposed under Texas Civil Statutes, Article 4551f(6)(a)-(c), which provides the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§113.2. *X-Ray Laboratories.* Laboratories such as x-ray laboratories must be in the dental office of a legally practicing dentist. All dental employees are subject to the dentist's supervision and control and such "laboratories" cannot be at a location where the dentist is not present and in control. All patients in the dental office must be protected during the time of direct exposure to x-rays with a lead apron and by equipment that is properly monitored by the authorized agency [during the time of any direct exposure to x-rays].

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 November 5, 1991.

TRD-9113972 C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: December 16, 1991

For further information, please call: (512) 477-2985

◆ ◆ ◆
• 22 TAC §113.5

The Texas State Board of Dental Examiners proposes new §113.5, concerning employment of dental hygienists. The section states that a dentist may not employ more than three dental hygienists or the equivalent thereof, to practice dental hygiene for one dentist at any one time.

C. Thomas Camp, 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. Camp 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 bring Agency rules into compliance with the new statutes as passed by the Legislature. Also, to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. 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 Mei Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

The new section is proposed under Texas Civil Statutes, Article 4551f(6)(a)-(c), which provides the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§113.5. Employment of Dental Hygienists. A dentist may not employ more than three dental hygienists, or the equivalent thereof, to practice dental hygiene for one dentist any one time, regardless of the employment or contractual relationships.

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 November 5, 1991.

TRD-9113973 C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: December 16, 1991

For further information, please call: (512) 477-2985

Chapter 115. Extension of Duties of Auxiliary Personnel Dental Hygiene

The Texas State Board of Dental Examiners proposes amendments to §115.2 and §115.10, concerning permitted duties and radiologic procedures. Section 115.2 states the duties a dental hygienist may perform in the dental office of his/her employer under his/her supervision, direction and responsibility. Section 115.10 states the criteria necessary for a dentist to certify that a dental assistance is qualified to perform radiographic procedures.

C. Thomas Camp, 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. Camp 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 as proposed will be to bring agency rules into compliance with the new statutes as passed by the Legislature. Also, the sections will provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. 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 Mei Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

Dental Hygiene

• 22 TAC §115.2

The amendment is proposed under Texas Civil Statutes, Article 4551f(6)(a)-(c), which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§115.2. Permitted Duties. In addition to those duties identified in Article 4551e-1(b)(2), [(a) A] a dental hygienist may perform the following services and procedures in the dental office of his/her dentist-employer under his/her [direct] supervision, direction and responsibility, to wit:

[(1) the removal of accumulated matter, tartar, deposits, accretions or stains, except mottled enamel stains, from the natural and restored surfaces of human teeth, and restorations therefore to the depth of the free giving attachment in the human mouth and the polishing of said surfaces;

[(2) topical application of drugs to the surface tissues of the human mouth and to the exposed surface of human teeth;

[(3) expose and develop radiographs;

[(4) take and record pulse, blood pressure, and temperature;

[(5) floss the teeth, make preliminary inspection of the mouth and teeth, and chart the findings;

[(6) remove or receive removable dental prostheses for cleaning or repair;

[(7) insert cleaned or repaired removable dental prostheses;

[(8) remove ligature ties, cut and tuck ligatures, remove tension devices and any loose or broken bands or arch wires;

[(9) a tension device usually or normally placed in the mouth of a patient by such patient, may be placed in such patient's mouth; a tension device not controllable by the patient shall only be placed and/or activated by the dentist;

[(10) remove sutures;

[(11) insert or remove temporary medicinal fillings with hand instruments. This does not include alloy, gold, plastics, porcelain, composites, or any restorative material;

[(12) insert or remove socket dressings;

[(13) place or remove periodontal packs;

[(14) make dental plaque and oral mucosal smears;

[(15) root planing;

[(16) place or remove celluloid or plastic strips between teeth for subsequent placement of filling by the dentist. Place or remove temporary nonmetallic separating devices, place or remove preformed crowns or bands for determining size. The dentist shall shape, festoon, contour, fit, seat, or cement all crowns and bands.

[(17) place or remove rubber dam;]

[(18)] apply pit and fissure sealants only after completing a course of instruction in a Texas dental or dental hygiene school or college approved by the Texas State Board of Dental Examiners;

[(19) place ligatures only on those sections of arch wires which have been securely seated in the bracket or tube by the dentist.

[(20) placing or removing a matrix.

[(21)] [Monitoring of the] monitor nitrous oxide inhalation conscious sedation procedures [procedure] under the direct supervision of a dentist as provided in §109.175(a)(2)(B) of this title (relating to Permit Requirements).

[(b) A dental hygienist may perform the following services and procedure in the dental office of his/her dentist-employer under his/her direct supervision, direction, and responsibility, to wit:

[(1) place or remove celluloid or plastic strips between teeth for subsequent placement of filling by the dentist. Place or remove temporary nonmetallic separating devices, place or remove preformed crowns or bands for determining size. The dentist shall shape, festoon, contour, fit, seat, or cement all crowns and bands;

[(2) place or remove rubber dam;

[(3) apply pit and fissure sealants only after completing a course of instruction in a Texas dental or dental hygiene school or college approved by the Texas State Board of Dental Examiners;

[(4) place ligatures only on those sections of arch wires which have been securely seated in the bracket or tube by the dentist;

[(5) placing or removing matrix;

[(6) monitoring of the nitrous oxide inhalation conscious sedation procedure under the direct supervision of a dentist as provided in §109.175(a) (2)(B);

[(c) The fitting, adaption, seating, and cementation of any fixed dental applicant or restoration, including but not limited to inlays, crowns, bands, space maintainers or retainers, habit devices, or splints, whether temporary or permanent, shall only be done by the dentist.]

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 November 5, 1991.

TRD-9113974 C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: December 16, 1991

For further information, please call: (512) 477-2985

Dental Hygiene

• 22 TAC §115.10

The amendment is proposed under Texas Civil Statutes, Article 4551f(6)(a) -(c), which provides the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§115.10. Radiologic Procedures.

(a)-(e) (No change.)

(f) A registered dentist may certify that a dental assistant is qualified to perform radiographic procedures if any one of the following criteria is met:

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

[(3) have been employed as a dental assistant for three years prior to January 1989 and performed radiologic procedures during this three year time period (note this provision will be eliminated January 1, 1991);]

(3)(4) has taken and passed an examination specified by the TSBDE. This test shall be constructed by a Radiologic Advisory Committee appointed by the board. Essential areas of testing shall include but not be limited to the following areas:

(A) radiation protection for the patient and others;

(B) radiographic equipment including safety standards, operations, and maintenance;

(C) image production and evaluation;

(D) applied human dental anatomy;

(E) radiographic techniques.

[(g) As of December 31, 1988, presently employed assistants, who are not qualified under this section, will have until August 31, 1989, to successfully pass the examination.]

(g)(h) Dental assistants who are not qualified under the provisions of this section, shall be allowed to perform necessary diagnostic radiographs under the direct supervision of the dentist as a part of their training and as a part of their examination.

(h)(i) Any new dental assistants, with no previous experience in dentistry, will have up to six months to come into compliance with the provisions of these regulations if they are to perform radiographic procedures.

(i)(j) Any dental assistant (who qualifies under this rule) hired by the licensee after he/she has submitted his/her annual registration notice, shall be deemed registered if the licensee lists the assistants name and date of employment on the back of the registration notice.

(j)(k) All dental radiologic procedures can be performed by and person qualified and certified under this section.

(k)(l) Registration may be suspended, revoked, or not renewed for the following reasons:

(1) violation of the rules of the Texas State Board of Dental Examiners;

(2) violation of the Medical Radiologic Technologist Certification Act or rules promulgated thereunder; or

(3) violation of the Texas Dental Practice Act.

(l)(m) All registrants must comply with the rules and regulations of the Texas Department of Health for control of radiation.

(m)(n) These rules are effective January 1, 1989.

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 November 5, 1991.

TRD-9113975 C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: December 16, 1991

For further information, please call: (512) 477-2985

TITLE 28. INSURANCE Part I. Texas Department of Insurance

Chapter 5. Property and Casualty Insurance

Subchapter E. Texas Catastrophe Property Insurance Association

Plan of Operation

• 28 TAC §5.4001

The Texas Department of Insurance proposes an amendment to §5.4001, concerning the plan of operation of the Texas Catastrophe Property Insurance Association (TCPA). The amendment is necessary to incorporate changes to the plan of operation required by House Bill 2 as enacted by the 72nd Texas Legislature. The amendment to subsection (b)(2) provides for the method of determining the board of directors of the association. The total number of directors of the association is nine, with five directors elected from the membership of the association, two directors appointed by the board from the public section based on nominations by the Office of Public Insurance Counsel and two directors which are licensed local recording agents appointed by the State Board of Insurance. The amendment sets forth the procedures for the election of the directors and the appointment of the directors, with the new board of directors to assume office on March 1, 1992. The requirements for notice of regular and emergency meetings of the directors is established with 10 days notice to directors of a regular meeting and at least two hours notice to directors of an emergency meeting. In addition, any meeting of the board of directors of the association by conference call is also subject to the same requirements applicable to other meetings of the board of directors. Any executive committee must consist of three of the directors of the association comprised of the chairman, vice-chairman and secretary-treasurer. At least one director appointed by the State Board of Insurance must be elected as a member of the executive committee. The powers of the executive committee are only those delegated by the board of directors in the actual day to day administrative management of the association. Any vacancy occurring on the board of

directors is to be filled either by election from the membership of the association if an elected directorship is vacant or by appointment of the State Board of Insurance if an appointed directorship is vacant. The amendment to subsection (b)(3) provides for a rotation of directors elected as officers at least every two years. The amendment to subsection (d)(1)(c)(i) provides the maximum limits of liability will be set forth in the rules manual as adopted under 28 TAC §5.4501 and the amendment to subsection (d)(1)(c)(iii) provides that the maximum limits of liability will be adjusted for inflation as part of the annual hearing on property rates by the State Board of Insurance. The amendment to subsection (d)(4)(D) provides for the proper appeals process in the event of a disputed claim. A person has the right to appeal the association's determination either to the commissioner of insurance by written request to the commissioner within 30 days after the determination, under Insurance Code, Article 21.49, §9, or bring an action against the association in the county in which the covered property is located or in a District Court of Travis County under Insurance Code, Article 21.49, §9A. A person may not proceed under both the Insurance Code, §9 and §9A for the same determination by the association. If a person files an appeal with the commissioner of insurance, the person has the option of a hearing in the county in which the covered property is located or in Travis County. Subsection (e)(1)(A)(vii) incorporates specific roofing material standards to be applicable to risks located in the catastrophe area. The amendment to subsection (e)(4) is added to clarify that property built prior to January 1, 1988, that was subject to the construction standards of a recognized building code or was previously insured for windstorm coverage through a licensed insurer will be considered insurable and may obtain coverage through the TCPIA.

Lyndon Anderson, deputy commissioner, property division, 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 since this rule tracks the requirement of statutory law already enacted, and there will be no effect on local employment or local economy.

Mr. Anderson 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 the assurance of a plan of operation for the TCPIA that is in compliance with all applicable statutory law as enacted. Since the plan of operation of the TCPIA governs the overall operation of the TCPIA, a correct and consistent plan assures the continued existence of a viable market for windstorm insurance along the Texas seacoast. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed section.

Comments on the proposal may be submitted to Lyndon Anderson, Deputy Commissioner for Property Insurance, Mail Code 103-1A, Texas Department of Insurance, 333 Guadalupe Street, P.O. Box 149104, Austin, Texas 78714-9104.

The amendment is proposed under the Insurance Code, Article 21.49 §5(c), which re-

quires the State Board of Insurance to adopt the plan of operation of the Texas Catastrophe Property Insurance Association or any amendment thereto.

§5.4001. Plan of Operation.

(a) (No change.)

(b) Operation of the Texas Catastrophe Property Insurance Association.

(1) (No change.)

(2) Directors.

(A) Election. At the first annual meeting of members and at each annual meeting thereafter, the members shall elect the appropriate number of directors from the membership of the association in accordance with subparagraph (B) of this paragraph. Directors, other than from the membership, shall be appointed in accordance with subparagraph (C) of this paragraph [to hold office until the next succeeding annual meeting]. The total number of directors of the association shall be nine.

(B) Directors elected from the membership. [Membership.]

(i) The number of directors of the association shall be nine.]

(j)(ii) Five directors shall be five different insurers licensed in Texas and [separate] members of the association, [representing each of the following organizations:

(I) American Insurance Association;

(II) Alliance of American Insurers;

(III) National Association of Independent Insurers;

(IV) Association of Fire and Casualty Companies in Texas; and

(V) Texas Insurance Advisory Association,] and elected by the members. [The remaining four directors shall be members elected by the members at the annual meeting.] No member shall fill more than one seat on the board of directors.

(ii) No later than 60 days prior to the annual meeting in March 1992, the board of directors shall [select a nominating committee of five member companies, one from each of the previously listed organizations. The five directors representing the previously listed organizations shall be nominated by the nominating committee.] nominate the five-member companies to serve on the board of directors. In

making such nominations, the board of directors shall consider the following factors in nominating a member to serve.

(I) A minimum of three members shall be companies with multistate operations.

(II) A minimum of one member shall be a company domiciled in the State of Texas.

(III) Consideration should be given to voluntary market shares of members; voluntary participation in the catastrophe area; specific expertise in the underwriting, claims handling, or reinsurance of insurance required to be provided by the association; companies that represent as far as possible the view of the member companies; and other factors deemed relevant by the board of directors.

(iii) No later than 60 days prior to the annual meetings occurring after March 1992, the chairman shall appoint a nominating committee of not less than three-, nor more than seven-member companies, each to act through its designated representative, said committee to represent as far as possible the view of the member companies. Said committee shall prepare and present to member companies a list of nominations for the board of directors.

(iv) Members also have the right to nominate any member [The remaining four directors may be nominated by any member of the Association] by submitting such nominee's name to the nomination committee. In order to be eligible for election to the board of directors, a member must be nominated at least 30 days prior to the annual meeting at which directors are elected.

(C) Directors appointed by the State Board of Insurance. The number of directors composed of licensed local recording agents and members of the public shall be four. Each of these directors must be from different counties in the designated catastrophe area.

(i) The State Board of Insurance shall appoint two public representatives nominated by the Office of the Public Insurance Counsel to serve on the board of directors. The public representatives shall be persons who are policyholders of the association as of the date of appointment.

(ii) The State Board of Insurance shall appoint two licensed local recording agent representatives to serve on the board of directors.

(D)(C) Term of office. Each director shall hold office for the term of three years from the date of election or appointment or until a successor shall have been elected or appointed [and qualified]. The terms of the directors shall be staggered so that [at each annual meeting of the members,] three directors shall be elected by the membership of the association and/or appointed by the State Board of Insurance annually. At the first annual meeting of the members subsequent to the adoption of this rule, [all nine] five directors shall be elected by the membership and on or before the March 1992 annual meeting, the State Board of Insurance shall appoint the remaining four directors. Such [and such] directors shall draw lots to determine whether their initial terms shall be one, two, or three years. If a director has served two full three-year terms, such member shall provide for a reasonable rotation of persons designated to serve on the board of directors.

(E)(D) Regular meetings. A regular meeting of the board of directors shall be held with [with out other] notice to the directors at least 10 days before each regular meeting as [than] provided for herein, immediately after and at the same place as the annual meeting of the members. The board of directors may provide, by resolution, the time and place for the holding of additional regular meetings without other notice than such resolution. Notice of any regular meeting of the directors shall also be given the Texas Department of Insurance in care of the deputy commissioner of property, as required by the Texas Insurance Code, Article 21.49, §5(k). Public notice of meetings shall be given as required by the Texas Civil Statutes, Article 6252-17.

(F)(E) Notice of regular or emergency [special] meeting.

(i) Notice of any regular [special] meeting shall be given to the directors at least 10 [three] days prior thereto by notice delivered personally or mailed to each director at his business address or by telegram, or such other reasonable means of notice to provide actual notice to each director. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail, so addressed with postage thereon prepaid. If the notice be given by telegram, such notice shall be deemed to be delivered when the telegram is delivered to the telegraph company. If the notice is by other reasonable means, the association shall maintain a written record of the method of notification. Any director may waive notice of any meeting. The attendance of a director at a meeting shall constitute a waiver of notice to the director of such meeting, except where a director attends a meeting for the express

purpose of objection to the transaction of any business because the meeting is not lawfully called or convened.

(ii) In case of emergency or urgent public necessity, notice to directors and to the Texas Department of Insurance shall be given at least two hours before a meeting is convened. Notice to the public shall be given as required for an emergency meeting pursuant to the Texas Civil Statutes, Article 6252-17, §3A.

(iii) Any meeting of the board of directors of the association conducted by conference call is subject to the same requirements applicable to other meetings of the board of directors.

(G)(F) Regular or emergency [Special] meetings. Regular or emergency [Special] meetings of the board of directors may be called by the chairman of the board, or at the request of any two directors. The person or persons authorized to call a meeting [special meetings] of the board of directors may fix any place as the place for holding any [special] meeting of the board of directors called by them. If no place is designated, then the office of the association shall serve as the place of such meeting.

(H)(G) Statement [No statement] of purpose of meeting required. The [Neither the] business to be transacted at, and [nor] the purpose of, any regular or emergency [or special] meeting of the board of directors shall [need] be specified in the notice to directors and in notice required by statute as required by the Texas Civil Statutes, Article 6252-17 [or waiver of notice of such meeting].

(I)(H) Quorum. A majority of the number of directors fixed by this section [paragraph] shall constitute a quorum for the transaction of business at any meeting of the board of directors. Action taken by a majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors. If at any meeting of the board of directors there shall be less than a quorum present, a majority of those present may adjourn the meeting from time to time until a quorum is obtained[, and no further notice thereof need be given other than by announcement at said meeting which shall be so adjourned].

(J)(I) Presumption of assent. A director of the association who is present at the meeting of the board of directors at which action on any matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting, or unless he shall file his written dissent to such action with the person acting as secre-

tary of the meeting before the adjournment thereof, or shall forward such dissent by registered mail to the secretary of the association immediately after the adjournment of the meeting. Such right to dissent shall not be available to a director who voted in favor of such action.

(K)(J) Compensation. By resolution of the board of directors, the directors may be reimbursed for their actual expenses. No other payment shall be made to directors other than provided herein, except however, that nothing herein shall be construed as preventing any director from serving the association in any other capacity and receiving reimbursement for actual expenses incurred.

(L)(K) General powers. The board of directors shall have the management of the business and affairs of the association and may exercise all of the powers herein enumerated and all other powers incidental or appropriate thereto, subject only to the restrictions imposed by law. Included among the powers of the board of directors, but not in limitation thereof are the following:

(i)-(x) (No change.)

(M)(L) Executive committee. [The board of directors, by resolution or resolutions passed by a majority of the whole board of directors, may designate an] An executive committee [to] shall consist of three [or more] of the directors of the association comprised of the chairman, vice-chairman, and secretary-treasurer. At least one director appointed by the State Board of Insurance must be elected as a member of the executive committee. To the extent provided by [in said] resolution or resolutions of the board of directors, the executive committee shall have and may exercise the powers [of] delegated by the board of directors in the day to day administrative management [of the business and affairs] of the association. Such committee [committees] shall keep regular minutes of its proceedings and report the same to the board of directors. The delegation to a committee of authority consistent with this section shall not operate to relieve the board of directors, or any member thereof, of any responsibility imposed upon it or him by law.

(N)(M) Vacancies.

(i) (No change.)

(ii) Any vacancy occurring in the directors [board of directors] elected from the membership may be filled at the next meeting of the board of directors following the occurrence of such vacancy. Subject to the provisions of subparagraph (B) hereof [of this paragraph], such vacancy shall be filled by the

affirmative vote of a majority of the remaining directors elected from the membership though less than a quorum. A director elected to fill a vacancy shall be elected for the unexpired term of its predecessor in such directorship.

(iii) Any vacancy occurring in the directors appointed by the State Board of Insurance shall be filled by appointment of a new director in accordance with the provisions of subparagraph (C) hereof.

(N) Election to new directorship. In the event of the creation of one or more new directorships by amendment of this section, then any directorship to be filled by reasons of such an increase in the number of directors shall be filled by election at an annual meeting of the members or a special meeting of the members, for that purpose.]

(3) Officers.

(A) Number. The officers of the association shall be the chairman of the board of directors, the vice chairman of the board of directors, and the secretary-treasurer, [and such other officers as the board of directors may desire,] all of whom shall be elected by the board of directors. No two offices may be held by the same person. The chairman, vice-chairman, and secretary-treasurer shall comprise the executive committee. At least one director appointed by the State Board of Insurance must be elected as a member of the executive committee.

(B) Election and term of office. The officers of the association may be elected annually by the board of directors at the first meeting of the board of directors held after each annual meeting of the members. If the election of officers shall not be held at such meeting such election shall be held as soon thereafter as conveniently may be. Each officer shall hold office until his successor shall have been duly elected and shall have qualified or until his death or until he shall resign or shall have been otherwise removed. The board of directors shall provide for a rotation of directors elected as officers at least every two years.

(C)-(F) (No change.)

(4)-(7) (No change.)

(c) (No change.)

(d) Catastrophe insurance.

(1) The policy.

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

(C) Limits of liability.

(i) The maximum limits of liability shall be determined by statute and set forth in the rules manual of the association adopted pursuant to §5.4501 of this title (relating Rules and Regulations for Texas Catastrophe Property Insurance Association). [Catastrophe insurance shall not provide insurance coverage for any one insurable interest in excess of:

(I) \$200,000 per location for dwellings as defined in the special dwelling, homeowners, farm and ranch property owners schedules of the Texas general basis schedules or as such schedules may hereafter be revised; and

(II) \$1 million per location for all other classes of property. On public property including churches, hospitals, and schools, the association shall furnish assistance in arranging for amounts of insurance outside the association in excess of the limits per location set forth herein or, if excess insurance outside the association is not available, the association will, if available, arrange for reinsurance which would enable the association to write amounts of insurance in excess of the limits per location set forth herein.

(III) "Location" as used in subclauses (I) and (II) of this clause shall mean each structure insured, and/or the corporeal moveable property located therein.]

(ii) In the event that the value of any risk exceeds the maximum amounts set forth in the rules manual [previously], the association may waive the co-insurance requirements and charge a rate on a negotiated basis in accordance with procedures subject to review by the State Board of Insurance.

(iii) Limits of liability for risks required to be insured by the association shall be adjusted for inflation as part of the annual hearing on property rates by the State Board of Insurance after January 1, 1992, to reflect any changes in the cost of construction or residential values in the catastrophe area as determined by credible indexes. Indexing of liability limits shall apply after January 1, 1991.

(D) (No change.)

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

(4) Payment of Claims.

(A)-(C) (No change.)

(D) Notice of appeal.

(i) The association shall, immediately upon total or partial denial of

[partially denying] a claim of any person insured pursuant to the Insurance Code, Article 21.49, give written notice by certified mail, return receipt requested, to such person of the right to appeal such total or partial denial under the Insurance Code, Article 21.49, §9 and/or §9A. An offer of less than the amount claimed on the claimant's proof of loss is considered a partial or total denial of a claim. The notice must, at a minimum, contain the following information placed in a prominent position:

(I) (No change).

(II) a statement that the person has the right to appeal the association's determination either to the commissioner [State Board] of insurance under the Insurance Code, Article 21.49, §9; or bring an action against the association in the county in which the covered property is located or in a district court of Travis County under the Insurance Code, Article 21.49, §9A. A person may not proceed under both the Insurance Code, §9 and §9A for the same determination by the association;

(III) a statement that, under applicable law, an aggrieved person who chooses to appeal [must appeal] to the commissioner [State Board] of insurance must make a written request to the commissioner within 30 days after such determination of the association;

(IV) a statement of the date of such determination; [and]

(V) a statement that a person who files a written notice of appeal to the commissioner of insurance is entitled to a hearing in either the county in which the covered property is located or in Travis County; and

(VI)(V) language which describes the time limit for filing an appeal as specified in clause (ii) of this subparagraph.

(ii) An act, ruling, or decision of the association is deemed to be timely filed with the commissioner of insurance if an appeal is sent to the chief clerk of the State Board of Insurance by first class or by certified or registered United States mail in an envelope or wrapper properly addressed and stamped and deposited in the mail one day or more before the last day for filing the appeal, if the appeal is received by the chief clerk's office not more than 10 days subsequent to the due date for filing.

(e) Building codes.

(1) Code for windstorm-resisting construction applicable to the area

seaward of the Intracoastal Canal. This code contain requirements for the construction of buildings to minimize damage to such buildings by severe windstorms which occur along the Gulf Coast. Where specific requirements for particular devices or methods of construction are specified, alternate methods or practices which are considered equal may be used. Such consideration is to be based on sound engineering practice and experience. The degree of protection against damage from windstorm provided by these requirements cannot be assured for tornadoes, but such compliance should be helpful to some degree reducing tornado damage. The requirements herein are applicable only to properties located seaward of the Intracoastal Canal on the Texas coastline (or seaward of the boundary authorized to be established by the State Board of Insurance by the Insurance Code, Article 21.49, as amended). The requirements herein shall apply, on or after October 10, 1988, to new construction of, and additions or repairs to, structures located seaward of the Intracoastal Canal in areas previously exempt from the requirements of this paragraph. The property previously exempt was that property protected by a sea wall constructed by the Corps of Engineers.

(A) Wind pressure.

(i)-(vi) (No change.)

(vii) Roofing materials.

Roofing materials must pass the UL Standard 997 or a comparable test certified by the State Board of Insurance and be installed as required by the State Board of Insurance, to promote wind resistance of the materials.

(B)-(D) (No change.)

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

(4) Insurable property for windstorm and hail insurance. A structure constructed, repaired, or to which additions were made before January 1, 1988, that is located in an area covered at the time by a building code recognized by the association shall be considered an insurable property for windstorm and hail insurance from the association without compliance with the inspection or approval requirements of Insurance Code, Article 21.49 §6A(a) or the plan of operation. A structure constructed, repaired, or to which additions were made before January 1, 1988, that is located in an area not covered by a building code recognized by the association shall be considered an insurable property for windstorm and hail insurance from the association without compliance with the inspection or approval requirements of Insurance Code, Article 21.49 §6A(a) or the plan of operation if that structure has been previously insured by a licensed insurance company authorized to do business in this state and the risk is in

essentially the same condition as when previously insured, except for normal wear and tear, and without any structural change other than a change made according to code. Evidence of previous insurance includes a copy of a previous policy, copies of canceled checks or agent's records that show payments for previous policies, and a copy of the title to the structure or mortgage company records that show previous policies.

(f) (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 November 7, 1991.

TRD-9114049 Linda K. von Quintus-Dom
Chief Clerk
Texas Department of
Insurance

Earliest possible date of adoption: December 16, 1991

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

◆ ◆ ◆
• 28 TAC §5.4101

The Texas Department of Insurance proposes an amendment to §5.4101, concerning the adoption by reference of Texas catastrophe Property Insurance Policy for Windstorm and Hail. The amendment adopts a new special condition in the policy which provides for replacement cost coverage for the insured dwelling. The amendment is necessary to incorporate a new provision into the Texas Catastrophe Property Insurance Policy for Windstorm and Hail regarding replacement cost coverage for an insured dwelling as set out under the Insurance Code, Article 21.49, §8A, as provided by House Bill 2, enacted by the 72nd Regular Session of the Texas Legislature. The new provision automatically provides for full replacement cost coverage for an insured dwelling if at the time of a loss the total amount of insurance applicable to the dwelling is equal to 80% or more of the full replacement cost of the dwelling or equal to the maximum amount of insurance otherwise available through the association. In addition, the amendment provides for the incorporation into the basic conditions of the Texas Catastrophe Property Insurance Association (TCPIA) policy of the prompt payment of claims language contained in endorsement Form Number 29, Mandatory Endorsement, as adopted under 28 TAC §5.4201. The amendment is necessary to eliminate the need to attach a separate mandatory endorsement Form Number TCPIA-29 to amend the basic conditions of the policy for prompt payment of claims. The amendment also provides for the revision of the dispute resolution provision of the TCPIA policy to include the necessary changes in the appeals process included under Article 21.49, §9 and §9A as revised under House Bill 2 enacted by the 72nd Regular Session of the Texas Legislature. The amendment is necessary to incorporate the various appeals options available to an insured under the TCPIA policy in the event of a claim dispute. Those options, in-

clude the right of an insured to appeal any act, ruling, or decision of the association either to the commissioner of insurance under the Insurance Code, Article 21.49, §9, or bring an action in a district court in the county in which the property is located or in a district court in the county in which the property is located or in a district court of Travis County under the Insurance Code, Article 21.49, §9A. If the insured chooses to appeal to the commissioner of insurance, the insured has the option to a hearing in the county in which the property is located or in Travis County. The amendment also provides for the incorporation of a new provision into the basic conditions of the TCPIA policy to allow for additional time periods for processing a claim in the event of a weather related catastrophe or major natural disaster, as set forth in a revision to the Insurance Code, Article 21.55, under House Bill 62, enacted by the 72nd Second Called Special Session of the Texas Legislature. The amendment is necessary in order to provide the insured information in the TCPIA policy that may affect the payment of a claim. The amendment also provides for the street address of the offices of the Texas Catastrophe Property Insurance Association to be shown on the face of the policy to allow any person wishing to visit the offices of the Texas Catastrophe Property Insurance Association easy access to a street address and also incorporates, the Texas Catastrophe Property Insurance Association's toll-free number for information or complaints on the face of the policy.

Lyndon Anderson, deputy commissioner, property division, 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 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 the automatic inclusion or replacement cost coverage in the policy for an insured dwelling and eliminates the need to have the coverage separately added by endorsement. In addition, the inclusion of the prompt payment of claims provisions into the policy eliminates the need for the attachment of an endorsement form to the policy and reduces any confusion to the insured as to applicable policy conditions. The inclusion of the amendments to the dispute resolution provision in the policy clearly states to an insured the appeals options available in the event of a claim dispute. 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 Lyndon Anderson, Deputy Commissioner, Property Division (Mail Code 103-1A), Texas Department of Insurance, 333 Guadalupe Street, P.O. Box 149104, Austin, Texas 78714-9104.

The amendment is proposed under the Insurance Code, Articles 21.49, §8 and 1.04(d), which authorizes the State Board of Insurance to approve policy forms or endorsements for the Texas Catastrophe Property Insurance Association.

§5.4101. Texas Catastrophe Property Insurance Policy for Windstorm and Hail. The State Board of Insurance adopts by reference the Texas catastrophe property insurance policy for windstorm and hail as amended January 1, 1992 [1991]. The document is published by and available from the Texas Catastrophe Property Insurance Association, P.O. Box 2930, Austin, Texas 78769. It may also be obtained by contacting the Property Division, Mail Code 103-1A [011-1], Texas Department [State Board] of Insurance, 333 Guadalupe Street, P.O. Box 149104 [1110 San Jacinto Boulevard], Austin, Texas 78714-9104 [78701-1998].

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 November 8, 1991.

TRD-9114050 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Earliest possible date of adoption: December 16, 1991

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

◆ ◆ ◆
◆ 28 TAC §5.4401

The Texas Department Insurance proposes an amendment to §5.4401, concerning the adoption by reference of the Texas special mobile home windstorm and hail insurance policy. The amendment provides for the incorporation into the basic conditions of the policy of the prompt payment of claims language contained in endorsement Form Number TCPIA-29, Mandatory Endorsement, as adopted under 28 TAC §5.4201. The amendment is necessary to eliminate the need to attach a separate mandatory endorsement Form Number TCPIA-29 to amend the basic conditions of the policy for prompt payment of claims. The amendment also provides for the revision of the dispute resolution provision of the policy to include the necessary changes in the appeals process included under Article 21.49, §9 and §9A as revised under House Bill 2 enacted by the 72nd Regular Session of the Texas Legislature. The amendment is necessary to incorporate the various appeals options available to an insured under the policy in the event of a claim dispute. Those options include the right of an insured to appeal any act, ruling, or decision of the associations either to the commissioner of insurance under the Insurance Code, Article 21.49, §9, or bring an action in a district court in the county in which the property is located or in a district court of Travis County, under the Insurance Code, Article 21.49, §9A. If the insured chooses to appeal to the commissioner of insurance, the insured has the option to a hearing in the county in which the property is located or in Travis County. The amendment also provides for the incorporation of a new provision into the basic conditions of the policy to allow for additional time periods for

processing a claim in the event of a weather-related catastrophe or major natural disaster, as set forth in a revision to the Insurance Code, Article 21.55, under House Bill 62, enacted by the 72nd Second Called Session of the Texas Legislature. The amendment is necessary in order to provide the insured information in the policy that may affect the payment of a claim. The amendment also provides for the street address of the offices of the Texas Catastrophe Property Insurance Association to be shown on the face of the policy to allow any person wishing to visit the offices of the Texas Catastrophe Property Insurance Association easy access to a street address and also incorporates the Texas Catastrophe Property Insurance Association's toll free number for information or complaints on the face of the policy.

Lyndon Anderson, deputy commissioner, property division, 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, 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 the availability of a complete policy that has incorporated the prompt payment of claims provisions into the policy and eliminated the need for the attachment of an endorsement form to the policy which reduces any confusion to insure as to the applicable policy conditions. In addition, the incorporation of the amendment to the dispute resolution provision in the policy clearly states to an insured the appeal options available in the event of a claim dispute. 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 Lyndon Anderson, Deputy Commissioner, Property Division (Mail Code 103-1A), Texas Department of Insurance, 333 Guadalupe Street, P.O. Box 149104, Austin, Texas 78714-9104.

The amendment is proposed under the Insurance Code, Articles 21.49 §8 and 1.04(d), which authorizes the State Board of Insurance to approve policy forms or endorsements for the Texas Catastrophe Property Insurance Association.

§5.4401. Texas Special Mobile Home Windstorm and Hail Insurance Policy-Deductible Coverage. The State Board of Insurance adopts by reference the Texas special mobile home windstorm and hail insurance policy-deductible coverage, as amended effective January [October] 1, 1992 [1985]. This document is published by and available from the Texas Catastrophe Property Insurance Association, P.O. Box 2930, Austin, Texas 78769 [78768]. It may also be obtained by contacting the Property Division, Mail Code 103-1A, Texas Department [State Board] of Insurance, 333 Guadalupe Street, P.O. Box 149104 [1110 San Jacinto], Austin, Texas 78714-9104 [78786].

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 November 8, 1991.

TRD-9114052 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Earliest possible date of adoption: December 16, 1991

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

◆ ◆ ◆
Chapter 7. Corporate and
Financial Regulation

Subchapter A. Examination
and Financial Analysis

◆ 28 TAC §7.61

The Texas Department of Insurance proposes an amendment to §7.61, concerning annual and quarterly statement blanks, other reporting forms and instructions to be used by insurers and certain other entities regulated by the Texas Department of Insurance in reporting on their financial condition and business operations and activities in the 1991 and 1992 calendar years, and the requirement to file such completed statement blanks and other reporting forms. The proposed amendment to the section is necessary to provide the annual and quarterly statement blanks, other reporting forms, and instructions that facilitate compliance with statutory requirements for insurers and other regulated entities to report annual and quarterly information concerning their financial condition and business operations and activities. The amendment adopts by reference the annual and quarterly statement blanks, other reporting forms and instructions for reporting in 1992 the financial condition and business operations and activities conducted during 1991 and 1992, and would require that, in 1992, insurance companies and certain other regulated entities must file such annual and quarterly statements and other reporting forms with the Texas Department of Insurance and the National Association of Insurance Commissioners as directed. The annual and quarterly statement blanks, other reporting forms, and instructions require information which relates to the financial condition and the business operations and activities of insurers and certain other regulated entities. The board has filed with the Office of the Secretary of State, Texas Register Section, copies of the annual and quarterly statement blanks, other reporting forms, and instructions proposed for adoption by reference. Other copies are available for inspection in the office of the Financial Analysis Division of the Texas Department of Insurance, William P. Hobby State Office Building, 333 Guadalupe, Building 3, Third Floor, in Austin.

Mr. Steve Durish, associate commissioner financial program, Texas Department of Insurance, 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, and there will be no effect on local employment or local economy. For

small businesses, the cost of compliance with the section will be the administrative expense in completing the statement blanks and other reporting forms and following the instructions. This will be at least partially offset because financial statements in some form are statutorily required to be completed and filed in any case. On the basis of cost per hour of labor, there is no expected difference in cost of compliance between small businesses and larger businesses affected by the section.

Mr. Durish 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 the adoption of the statement blanks, other reporting forms, and instructions to facilitate appropriate reporting by insurers and certain other entities regulated by the department. The anticipated economic cost to insurers and certain other entities required to comply with the proposed section will be the administrative expense in completing the statement blanks and other reporting forms and following the instructions. This will be at least partially offset by the fact that insurers and certain other entities regulated by the department are required by statute to complete and file financial statements of some form in any case. The cost will depend on the company's recordkeeping practices and type of operations.

Comments on the proposal may be submitted to Mr. Ronald Newton, Insurance Director, Financial Analysis, Mail Code 303-1A, Texas Department of Insurance, P. O. Box 149099, Austin, Texas 78714-9099.

The amendment is proposed under the Texas Insurance Code (Articles 1.04, 1.10 §9, 1.11, 3.07, 6.11, 6.12, 8.07, 8.08, 8.21, 8.24, 9.22, 9.47, 10.30, 11.06, 11.19, 14.15, 14.39, 15.15, 15.16, 16.18, 16.24, 17.22, 17.25, 18.12, 19.08, 20.02, 20A.10, 20A.22, 21.21, 21.43, 21.54, 22.06, 22.18, 23.02, and 23.26.) The Insurance Code, Article 1.04, authorizes the State Board of Insurance to determine policy and rules. The Insurance Code, Article 1.10, §9, requires the department to furnish the statement blanks and other reporting forms necessary for companies to comply with the filing requirements. The Insurance Code, Article 1.11, authorizes the board to change the form of the statement blanks and other reporting forms as shall seem to it best adapted to elicit a true exhibit of the financial condition and the methods of transacting the business of insurers and other regulated entities, and requires certain insurers and other regulated entities to file with the National Association of Insurance Commissioners. The Insurance Code, Article 21.21, prohibits any person engaged in the business of insurance from filing with any public official any false statement of financial condition of an insurer with intent to deceive, and requires that all statements made by persons in the business of insurance be truthful and not misleading. The Insurance Code, Article 21.43, requires that the provisions of the Insurance Code are conditions on which foreign insurance corporations are permitted to do business in this state and requires foreign insurers to comply with the provisions of the Insurance Code. The Insurance Code (Articles 3.07, 6.11, 6.12, 8.07, 8.08, 8.21, 8.24, 9.22, 9.47, 10.30, 11.06, 11.19, 14.15, 14.39, 15.15, 15.16, 16.18, 16.24, 17.22, 17.25, 18.12, 19.08, 20.02, 20A.10, 20A.22, 21.54, 22.06, 22.18, 23.02, and 23.26) requires the filing of finan-

cial reports and other information by insurers and certain other entities regulated by the department, applies particular statutory law respecting reports by those insurers and certain other entities, and specifies particular rule-making authority relating to those insurers and certain other entities.

§7.61. Annual and Quarterly Statement Blanks, Instructions, and Other Reporting Forms, 1991 and 1992 Operations. The State Board of Insurance adopts by reference the annual and quarterly statement blanks, instructions, and other reporting forms specified in this section for reporting operations and activities of the 1991 and 1992 calendar years. [are adopted by reference] The annual and quarterly statements blanks, instructions, and other reporting forms are available [may be obtained from the Texas Department [Corporate Custodian and Tax Division, State Board] of Insurance, Financial Analysis 303-1A [1110 San Jacinto Street], P.O. Box 149099, Austin, Texas 78714-9099 [78786]. Insurers [The insurer or] and certain other regulated entities [entity specified in each form or instruction] shall properly report to the Texas Department [State Board] of Insurance and the National Association of Insurance Commissioners using the appropriate annual and quarterly statements blanks and other reporting [such form or] forms and following applicable [such] instructions [as are appropriate to it]. The adopted annual and quarterly statement blanks and other reporting forms and instructions are as follows:

(1) 1991 [a 1982 Texas] annual statement blank (association edition, Form 1 and Form 1A), 12-inch by 19-inch size, and the 1992 quarterly statement blank (association edition) to be used by life and accident and health insurance companies, including instruction letters (L/FR/NP/91), (STIPREM/91), and (092), and the Texas Life Supplement Monthly/Quarterly Financial Statement (Form L-92);

(2) books of instructions [a form] entitled "Annual Statement Instructions, [for Completing] Life, [and] Accident and Health, [Annual Statement Blank]" and "Accounting Practices and Procedures Manual, for Life, Accident and Health Insurance Companies," available through the National Association of Insurance Commissioners (NAIC), 120 West 12th Street, Suite 1100, Kansas City, Missouri 64105;

(3) 1991 [a 1982 Texas] annual statement blank (association edition, Form 1-S), 12-inch by 19-inch size, for life and accident and health insurance company separate accounts[, excluding variable life insurance];

(4) a form entitled "SUPPLEMENTAL AND BALANCE SHEET DATA FROM 1991 ANNUAL STATEMENT" and further identified as

TEXSPEC 46 ["Instructions for Completing Separate Accounts Annual Statement Blank"];

(5) 1991 [a 1982 Texas] annual statement blank (association edition, Form 2), 12-inch by 19-inch size, and the 1992 quarterly statement blank (association edition) to be used by fire and casualty companies, including instruction letters (F&C/LL/R/RRG/91), (CM/91), (S/91), (MC/91), and (092), and the Texas Fire & Casualty Supplement Monthly/Quarterly Financial Statement (Form F&C-92);

(6) books of instructions [a form] entitled "Annual Statement Instructions, [for Completing Fire] Property and Casualty, [Annual Statement Blank]" and "Accounting Practices and Procedures Manual, for Fire and Casualty Insurance Companies," available through the NAIC, 120 West 12th Street, Suite 1100, Kansas City, Missouri 64105;

(7) 1991 [a 1982 Texas] annual statement blank (association edition, Form 4), 12-inch by 19-inch size, and the 1992 quarterly statement blank (association edition) to be used by fraternal orders including instruction letters (L/FR/NP/91) and (092);

(8) books of instructions [a form] titled "Annual Statement Instructions, to Fraternal," and "Accounting Practices and Procedures Manual, for Life, Accident and Health Insurance Companies," available through the NAIC, 120 West 12th Street, Suite 1100, Kansas City, Missouri 64105 [Benefit Societies for Completing Annual Statement Blanks];

(9) 1991 [a 1982 Texas] annual statement blank (association edition, Form 9), 12-inch by 19-inch size, and the 1992 quarterly statement blank (association edition) to be used by title insurance companies, including instruction letters (TI-TLE/91) and (092);

(10) a form entitled ["1991 Instructions for Completing Title Insurance Annual Statement Blank"];

(11) 1991 [a 1982] annual and 1992 quarterly statement blanks [blank] (association edition) to be used by [for] health maintenance organizations, including instruction letters (HMO/91) and (092);

(12) books of instructions [a form] entitled "Annual Statement [General Information and] Instructions, [for filing] Health Maintenance Organization." and "Accounting Practices and Procedures Manual, for Health Maintenance Organizations," available through the NAIC, 120 West 12th Street, Suite 1100, Kansas City, Missouri 64105 [Annual Report of Affairs and Conditions];

(13) a form entitled "SUPPLEMENT A" TO SCHEDULE T, EXHIBIT

OF MEDICAL MALPRACTICE PREMIUMS WRITTEN [Allocated by States and Territories]";

(14) a form identified as supplement pages 32-41 to the annual statement for health maintenance organizations [entitled "Fraternal Benefit Societies-Supplement to Valuation Report"];

(15) a form designated as TEXAS PAGE 14TS, and further identified as Page 14TS of Form 2 [entitled "Products Liability Insurance Supplement-1982"];

(16) a form entitled "SCHEDULE SIS, STOCKHOLDER INFORMATION SUPPLEMENT," revised in 1985;

(17) a form entitled "Insurance Expense Exhibit-1991 [1982]";

(18) a form entitled "CREDIT LIFE AND ACCIDENT AND HEALTH EXHIBIT";

(19) a form designated as TEXAS PAGE 42TS, and further identified as Page 42TS of Form 9 [entitled "Credit Life Insurance Statistical Report"];

(20) a form entitled "SCHEDULE DS" (Supplemental Schedule D) showing common stock of all subsidiaries owned December 31 of the current year for which the equity in undistributed income of the subsidiary is included in net gain from operations [identified as direct business in the State of Texas during the year 1982 and further identified as the Standard (NAIC), page 46, Form 1];

(21) a form entitled "SCHEDULE DM" for bonds and preferred stock owned as of December 31 ["Medical Malpractice Business in the State of Texas Schedule P"];

(22) a 1991 [1982] Texas annual statement blank, with instructions for the 1991 mutual assessment annual statement, to be used by statewide mutual assessment associations, local mutual aid associations, burial associations, and exempt associations, including [which includes] instruction letters (MA/91) or (EB/91) [the Texas reporting supplement];

(23) forms [a form] identified as ANALYSIS OF SURPLUS for use as a supplement to the NAIC Form 1, Form 1A, Form 2, Form 4, and Form 9 [entitled "Instructions for 1982 Mutual Assessment Annual Statement"];

(24) a 1991 [1982] Texas annual statement blank, with instructions for the 1991 farm mutual annual statement, to be used by farm mutual insurance companies, including [which includes] instruction letter (FM/91) [the 1982 Texas reporting supplement];

(25) a form entitled "TEXAS OVERHEAD ASSESSMENT FORM" (for Texas Domestic companies only) ["Instructions for the 1982 Farm Mutual Annual Statement"];

(26) a 1991 Texas [1982] annual statement blank, with instructions for the 1991 prepaid legal services corporations annual statement, to be used by prepaid legal services corporations and corporations authorized to write prepaid legal service plans, including [which includes] instruction letter (PPL/91) [the 1982 Texas reporting supplement]; and

(27) a form entitled "RELEASE OF CONTRIBUTIONS" to be filed by certain insurers and other entities ["Instructions to Prepaid Legal Services Corporations for Completing Annual Statement Blank"];.

(28) a form identified as the 1982 Texas reporting supplement to the annual statement for domestic stock life companies, domestic stock fire companies, domestic stock fire and casualty companies, domestic stock casualty companies, and stipulated premium companies;

(29) a form identified as the 1982 Texas reporting supplement to the annual statement for domestic mutual life companies, domestic mutual fire and/or casualty companies, and domestic county mutual companies;

(30) a form identified as the 1982 Texas reporting supplement to the annual statement for foreign stock life companies, foreign stock fire companies, foreign stock casualty companies, and Mexican casualty companies;

(31) a form identified as the 1982 Texas reporting supplement to the annual statement for foreign mutual life companies and foreign mutual fire and/or casualty companies;

(32) a form identified as the 1982 Texas reporting supplement to the annual statement for domestic Lloyds, foreign Lloyds, domestic reciprocals, and foreign reciprocals;

(33) a form identified as the 1982 Texas reporting supplement to the annual statement for domestic fraternal societies and foreign fraternal societies;

(34) a form identified as the 1982 Texas reporting supplement to the annual statement for domestic title companies, and foreign title companies;

(35) a form identified as the 1982 Texas reporting supplement to the annual statement for health maintenance organizations;

(36) a form identified as supplement pages 22-28 to the annual statement for health maintenance organizations; and

(37) a form identified as the officers and directors page to be used by each domestic insurer and other principals licensed by the State Board of Insurance.]

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 November 8, 1991.

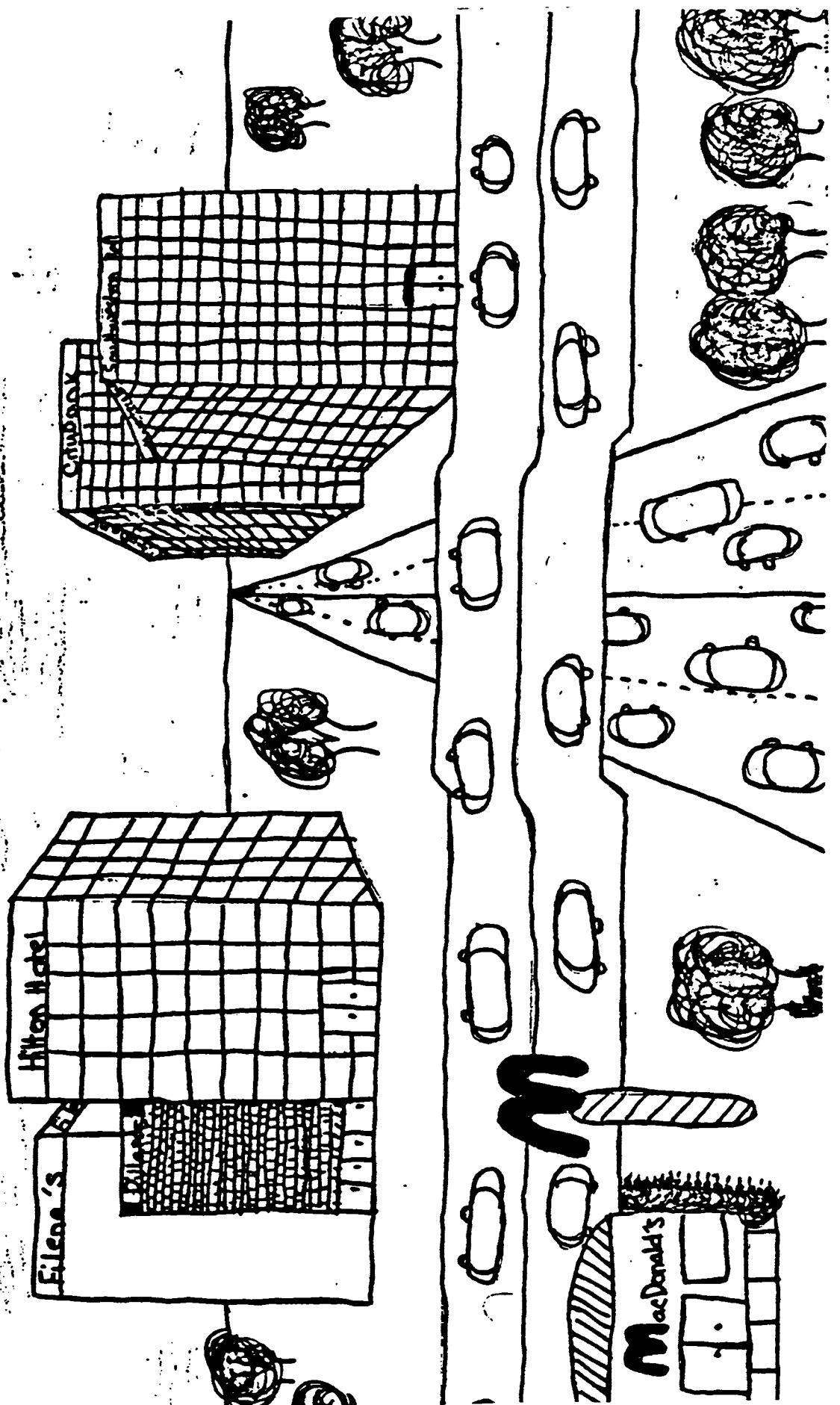
TRD-9114051

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

Earliest possible date of adoption: December 16, 1991

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





Name: Rachel Hollander
Grade: 5
School: RISD Summer School, Richardson ISD

Adopted Sections

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

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

TITLE 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

Chapter 501. Professional Conduct

General Provisions

• 22 TAC §501.2

The Texas State Board of Public Accountancy adopts an amendment to §501.2, concerning definitions, with changes to the proposed text as published in the July 30, 1991, issue of the *Texas Register* (16 TexReg 4126). The amendment added the following definitions: "charitable organizations," "good standing", and "licensee," moved from another section of the rules.

This section is necessary in order to ensure that the rules defining public accountancy will be consistent with the Public Accountancy Act of 1991.

The rule amends the definition of the practice of public accountancy, and moves existing definitions into one section.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to definitions used in the rules of professional conduct.

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

Act—The Public Accountancy Act of 1991, Texas Civil Statutes Article 41a-1, 1991.

Charitable organization—An organization which has been granted tax exempt status under the Internal Revenue Code of 1986, §501(e), as amended.

Corporation—A professional public accounting corporation organized under the Texas Professional Corporation Act, as amended (Texas Civil Statutes, Article 1528e), or other corporation authorized by applicable statutes, or an equivalent law of another state, territory, or foreign country.

Firm—A proprietorship, partnership, or professional or other corporation, or other business engaged in the practice of public accountancy.

Good standing—Compliance by a certificate or registration holder with the licensing regulations of the board, including the mandatory continuing education requirements and payment of the annual license fee, and any penalties and other costs attached thereto. In the case of board-imposed disciplinary or administrative sanctions, the certificate or registration holder must have complied with all the provisions of the board order to be considered in good standing.

Licensee—The holder of a license by the board to a certificate or registration holder pursuant to the Act, or pursuant to provisions of a prior law or prior public accountancy act.

Person—An individual, partnership, corporation, or other legal entity.

Practice of public accountancy—The offer to perform or performance by a person holding himself out to the public as a certificate or registration holder for a client or client, or the performance by a certificate or registration holder for a client of a service involving the use of accounting, attesting, or auditing skills. The phrase "service involving the use of accounting, attesting, or auditing skills" includes:

(A) the issuance of reports on, or the preparation of, financial statements;

(B) the furnishing of management or financial advisory or consulting services; and

(C) the preparation of tax returns or the furnishing of advice or consultation on tax matters; or

(D) when performed by a person or practice unit licensed under this Act, the preparation of, or reporting on, a financial statement when the financial statement or report is to be used by an investor, except for a report prepared for internal use by the management of an organization, a third party, or a financial institution, or the preparation of a tax return if the tax return is filed with a taxing authority, as well as the supervision of those activities.

Practice unit—An office of a firm required to be registered with the board for the purpose of practicing public accountancy.

Sole proprietorship—An unincorporated firm that is owned and controlled by

one person engaged in the practice of public accountancy.

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 October 30, 1991.

TRD-9113944

William Treacy
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 27, 1991

Proposal publication date: July 30, 1991

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

TITLE 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

Chapter 511. Certification as CPA

Education Requirements

• 22 TAC §511.57

The Texas State Board of Public Accountancy adopts an amendment to §511.57, concerning definition of accounting courses, with changes to the proposed text as published in the July 30, 1991, issue of the *Texas Register* (16 TexReg 4131). The section is adopted with changes to paragraph (1)(A) and (2)(D).

This amendment is necessary to ensure that examination applicants meet certain standards of educational achievements.

The amendment strengthens the educational requirements for examination applicants.

Nineteen written comments were submitted to the board; six persons submitted oral comments at a public hearing at the offices of the Texas State Board of Public Accountancy on August 8, 1991; three of the six speakers had already submitted written comments.

Fourteen commenters recommended that the rule be scheduled to go into effect at a later date. Eight commenters opposed the exclusion of elementary accounting courses from the core accounting requirements. Fourteen commenters supported the exclusion of elementary accounting courses from the core accounting requirements. One commenter supported exclusion of only three hours of elementary accounting courses from the core accounting requirements.

President of Incarnate Word College supported exclusions of elementary accounting courses from core requirements.

Senior lecturers and accounting faculty advisors, the University of Texas at Dallas stated that the rule should go into effect at a later date and that three semester hours of credit for elementary accounting should be accepted.

Assistant professor at the University of Mary Hardin-Baylor stated that the rule should go into effect at a later date.

Professor and director, College of Business, Division of Accounting and Information Systems, the University of Texas at San Antonio supported the exclusion of elementary accounting courses from core requirements.

Professor of Accounting at San Angelo University stated that the rule should go into effect at a later date and opposed the exclusion of elementary accounting courses from the core.

Chairman of Dean's Council, North Harris/Montgomery County Community College District opposed the exclusion of elementary accounting courses from the core requirements.

Chair, Department of Accounting and Information Systems at Prairie View A&M University supported exclusion of elementary accounting courses and stated that the rule should go into effect at a later date.

Stanley H. Kaplan CPA Review and CPE supported exclusion of elementary accounting courses from core requirements and stated that, the rule should go into effect at a later date.

Professor, University of Texas at Arlington supported exclusion of elementary accounting courses from core requirements.

Hill College opposed exclusion of elementary accounting courses.

Dallas County Community College District Accounting Committee opposed exclusion of elementary accounting courses and stated that the rule should go into effect at a later date.

Interim chair, Department of Accounting, College of Business Administration, the University of Texas at El Paso supported exclusion of elementary accounting courses from core requirements and stated that the rule should go into effect at a later date.

Southwest Texas State University supported exclusion of elementary accounting courses.

Cooper & Lybrand opposed exclusion of elementary accounting courses from core requirements.

Vice-President, Brazosport College opposed exclusion of elementary accounting courses from core requirements.

Associate Professor of Accounting, College of Business, Division of Accounting and Information Systems, the University of Texas at San Antonio supported exclusion of elementary accounting courses from core requirements and stated that the rule should go into effect at a later date.

Chairman, Department of Accounting at Stephen F. Austin State University opposed exclusion of elementary accounting courses from core requirements and stated that the rule should go into effect at a later date.

Professor of Accounting and Associate Dean for Academic Affairs, commenting on behalf of the accounting faculty at Rice University, opposed exclusion of elementary accounting courses from core requirements.

Chairman, Department of Accounting and Computer Information Systems, Texas A&I University supported exclusion of elementary accounting courses from core requirements and stated that the rule should go into effect at a later date.

Director, Professional Program in Accounting, College of Business Administration, the University of Texas at Austin supported exclusion of elementary accounting courses from core requirements and stated that the rule should go into effect at later date.

Professor of Accounting, Rice University opposed exclusion of elementary accounting courses from core requirements.

The board agrees with the commenters expressing concern about the effective date and has changed the effective date to September 1, 1997. The board also agrees with the commenters that expressed support for excluding elementary accounting courses from the core accounting requirements.

However, the board did not agree with the commenters who opposed exclusion of elementary accounting courses from the core accounting requirements, because the board believes that the amendment is necessary in order to ensure that applicants meet high standards of educational achievement. The board believes that a minimum of 30 advanced course hours is needed in order to assure the public that the CPA has an adequate background in the basic courses.

The amendment is adopted under Texas Civil Statutes, Article 41-1, §6(a) which provides the Texas State Board of Public Accountancy with the authority to promulgate rules relating to education requirements.

§51157. Definition of Accounting Courses. The board will accept not fewer than 30 passing semester hours of accounting courses (without repeat), taken at a recognized educational institution shown on official transcripts, of which 20 semester hours must be in core accounting courses, in the following subject areas:

- (1) accounting core courses:
 - (A) elementary accounting;
 - (B) intermediate accounting, advanced accounting;
 - (C) cost accounting;
 - (D) auditing, internal accounting control and evaluation;
 - (E) report writing (principally writing financial reports, internal control reports, and management letters);
 - (F) financial statement analysis;

(G) accounting theory;

(H) up to six semester hours of income tax;

(I) accounting for governmental and/or other nonprofit organizations; and

(J) accounting systems;

(2) other accounting courses:

(A) income tax accounting (not to exceed 10 semester hours, including hours in paragraph (1)(G) of this section);

(B) accounting consultation;

(C) accounting for specialized businesses or industries (such as fiduciaries, banks, etc.);

(D) any other course which is principally accounting or auditing in nature but which may be designated by some other name (and the verification of which is obtained in writing from the particular college or university). After the November 1997 examination, elementary accounting may not be considered under this title.

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 October 30, 1991.

TRD-9113945

William Treacy
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 27, 1991

Proposal publication date: July 30, 1991

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 29. Purchased Health Services

Subchapter G. Hospital Services

• 40 TAC §29.606

The Texas Department of Human Services (DHS) adopts an amendment to §29.606, without changes to the proposed text as published in the October 1, 1991, issue of the *Texas Register* (16 TexReg 5393).

Justification for the amendment is that providers of services to Medicaid recipients will receive a higher reimbursement rate, resulting in continued provider enrollment and access to care.

The amendment will function by eliminating the 5.5% budgetary reduction factor which is applied to inpatient hospital admissions. (The budgetary reduction factor is also being eliminated from payments to physicians and other providers who are reimbursed on a reasonable charge basis. However, rule amendments are not necessary to eliminate the budgetary reduction factor in payments to these providers.)

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department 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 November 7, 1991.

TRD-9114029 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: December 1, 1991

Proposal publication date: October 1, 1991

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part V. Veterans Land Board

Chapter 175. General Rules

• 40 TAC §175.17

The Veterans Land Board adopts an amendment to §175.17, concerning fees and deposits, with changes to the proposed text as published in the September 10, 1991, issue of the *Texas Register* (16 TexReg 4934).

As a result of adopting the amendment, it is anticipated that the cost of running the veterans programs will be passed on to those individuals who utilize the services of the board and the public will not have to subsidize that expense.

As adopted, this amendment will incorporate application, bid, and mineral lease assignment fees into the rules of the board. As proposed, the amendment provided for an increase in the returned check fee to \$25. After review of the matter the board decided not to increase the returned check fee at this time.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the provisions of the Natural Resources Code, §161.061 and §161.063, which authorize the Veterans Land Board to adopt rules that it considers necessary or advisable to ensure the proper administration of the Veterans Land Program.

§175.17. Fees and Deposits. In addition to the fees cited in this chapter, the board is authorized and required to collect the following fees when they are applicable:

- (1)-(10) (No change.)
- (11) returned check fee—\$15;
- (12) application packet fee—\$25;
- (13) forfeited land sale bid fee—\$25;
- (14) mineral lease assignment fee—\$25.

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

Issued in Austin, Texas, on August 28, 1991.

TRD-9114047 Garry Mauro
Chairman
Veterans Land Board

Effective date: November 29, 1991

Proposal publication date: September 10, 1991

For further information, please call: (512) 463-5394

Chapter 177. Veterans Housing Assistance Program

• 40 TAC §177.8, §177.9

The Veterans Land Board adopts amendments to §177.8 and §177.9, concerning qualifying homes and fees, expenses, and interest. Section 177.8 is adopted with changes to the proposed text as published in the September 10, 1991, issue of the *Texas Register* (16 TexReg 4934). Section 177.9 is adopted without changes and will not be published.

The amendment for §177.8 provides that for purposes of the veterans housing assistance program a modular home and HUD Code manufactured homes are as defined in Texas Civil Statutes, Article 5221f, as amended. It also provides that the board will establish qualification requirements for home improvement loans, whether FHA Title 1 insured, or privately insured. The amendment to §177.9 provides a listing of fees and charges for participating in the housing assistance and home improvement loan programs, provides that such fees and charges are approved as a part of the program and servicing guide, and that such fees shall be consistent with the prudent lending practices prevalent in the residential mortgage lending industry.

The amendment to §177.8 will drop certain references to provisions of Article 5221f which have been repealed, and provides for the use of private mortgage insurance in the home improvement loan program. The amendment to §177.9 will clarify the fees to be charged veterans for participating in the housing and home improvement loan programs and list those fees which the board has determined to be prevalent in the residential mortgage lending industry.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Natural Resources Code, §162.003, which authorizes the Veterans Land Board to adopt rules governing the administration of the housing fund and program.

§177.8. Qualifying Homes.

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

(d) In addition to any requirements or specifications placed on the type and quality of home by the participating lending institution, the home must be on a permanent foundation that is part of the real estate. "HUD-code manufactured homes" as defined by Texas Civil Statutes, Article 5221f, §3 are eligible under the program if they meet FNMA or FHLMC guidelines; however, "mobile homes" as defined by Texas Civil Statutes, Article 5221f, §3 are not eligible. Any other type of home will be considered on a case-by-case basis by the administrator under guidelines approved by the board.

(e) The home in which a veteran actually resides may be eligible for a home improvement loan (as such loans are commonly defined in the real estate lending industry) if the home and the veteran meet the qualification requirements established by the board for a home improvement loan. The board will adopt guidelines setting forth the requirements for obtaining a home improvement loan through the program, whether FHA Title I or other. The guidelines will be provided to all participating lending institutions.

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.

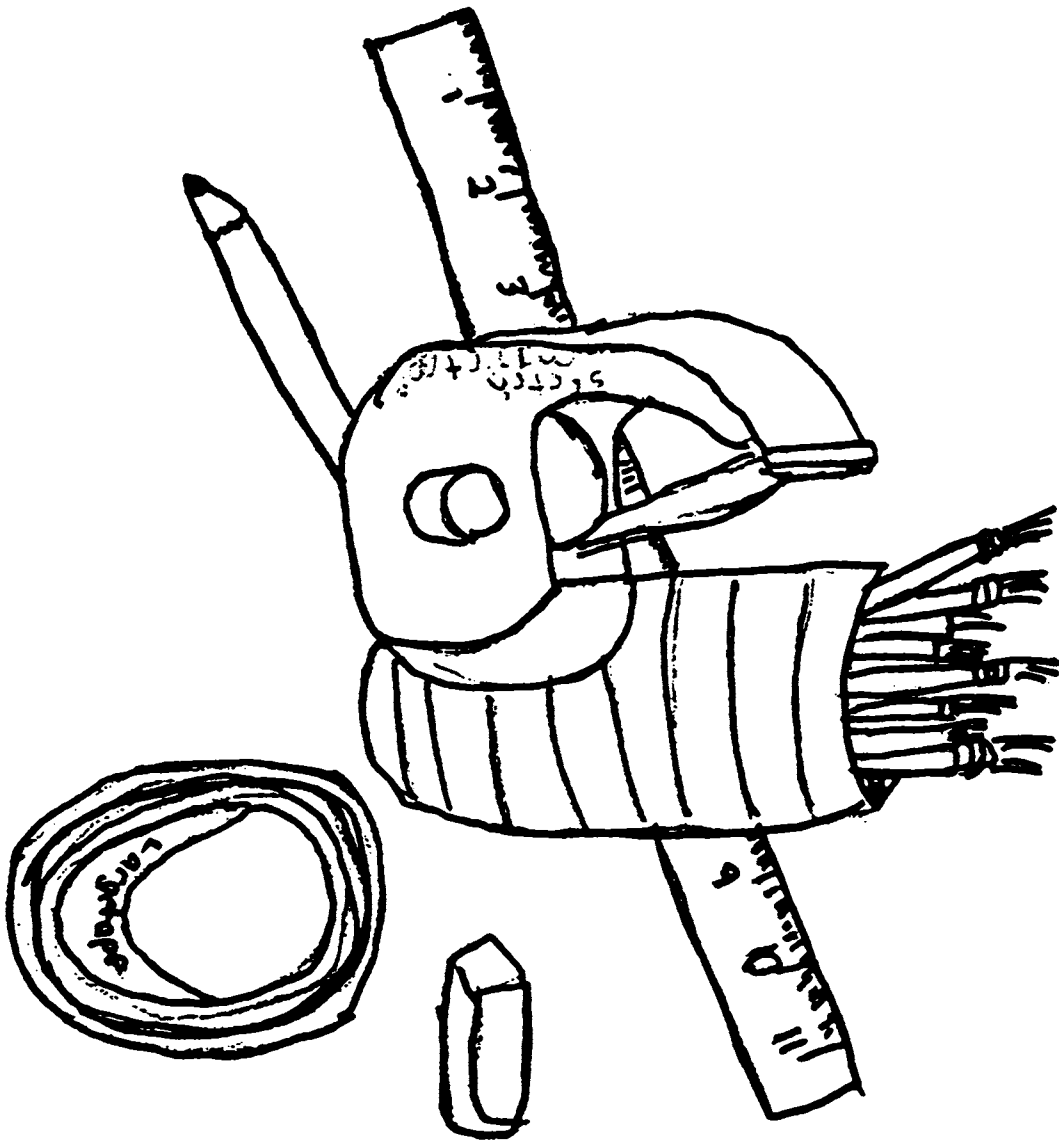
Issued in Austin, Texas, on November 7, 1991.

TRD-9114048 Garry Mauro
Chairman
Veterans Land Board

Effective date: November 29, 1991

Proposal publication date: September 10, 1991

For further information, please call: (512) 463-5394



Name: David Goins

School: RISD Summer School, Richardson ISD

Open Meetings

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

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

Posting of open meeting notices. All notices are posted on the bulletin board 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*.

Texas Department of Agriculture

Tuesday, November 19, 1991, 9 a.m. The Texas Agricultural Diversification Program of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, Stephen F. Austin Building, 1700 North Congress Avenue, Ninth Floor Conference Room, Austin. According to the agenda summary, the board will discuss and act on minutes of last board meeting; three active grants which require board review; rules for matching grants program; awarding of new matching grants; discuss other business; and discuss and act on next meeting date.

Contact: Richard Salmon, P.O. Box 12847, Austin, Texas 78711, (512) 463-7577.

Filed: November 8, 1991, 10:03 a.m.

TRD-9114053

Wednesday, December 18, 1991, 9 a.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture, Stephen F. Austin Building, 1700 North Congress Avenue, Room 933, Austin. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code Section 76.116 (Vernon 1991) and 4 TAC §§7.18, 7.22(a), and 11.8 by Jerry Hunt doing business as Hunt Dusting.

Contact: Chris Hanger, P.O. Box 12847, Austin, Texas 78711, (512) 463-7703.

Filed: November 7, 1991, 2:22 p.m.

TRD-9114020

Texas Air Control Board

Friday, November 22, 1991, 10:30 a.m. The Texas Air Control Board will meet at 12124 Park 35 Circle, TACB Auditorium, Austin. According to the agenda summary, the board will call the meeting to order; approve the minutes of the October 25, 1991, board meeting; hear public testimony; consideration of exempt salary request to Governor; consideration of equal employ-

ment opportunity commission guidelines; enforcement report and consideration of agreed enforcement orders; hear staff report; pollution prevention initiatives; review and discuss Texas Environment Tomorrow, Comparative Risk Project; review reports; discuss new business; and adjourn.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: November 12, 1991, 10:06 a.m.

TRD-9114145

Texas Antiquities Committee

Friday, November 15, 1991, 9:30 a.m. The Texas Antiquities Committee will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the emergency revised agenda summary, the committee will nominate state archeological landmark in Williamson County. The emergency status is necessary pursuant to a donation agreement between the private property owner, Will Wilson, Sr., and the Archaeological Conservancy, SAL designation proceedings must begin with this calendar year so the site will enjoy full protection under the law from ongoing vandalism or the donation may be null and void. The nomination form was signed on November 6, 1991, therefore this constitutes a reasonably unforeseeable situation requiring immediate action by the Texas Antiquities Committee.

Contact: Kathleen McLaughlin-Nevland, P.O. Box 12276, Austin, Texas 78711, (512) 463-6098.

Filed: November 8, 1991, 3:39 p.m.

TRD-9114089

Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons

Tuesday, November 19, 1991, 9 a.m. The Pricing Subcommittee of the Texas Com-

mittee on Purchases of Products and Services of Blind and Severely Disabled Persons will meet at the General Services Commission, Central Services Building, #200-A, 1711 San Jacinto Street, Austin. According to the agenda summary, the subcommittee will call the meeting to order; introduce members and guests; accept minutes from September 19, 1991 meeting; discuss and recommend for action on new services; discuss renewal services; new products; product changes and revisions; and adjourn.

Contact: Michael T. Phillips, P.O. Box 12866, Austin, Texas 78711, (512) 459-2604.

Filed: November 8, 1991, 12:29 p.m.

TRD-9114070

Texas Child Care Development Board

Wednesday, November 13, 1991, 9:30 a.m. The Texas Child Care Development Board met at the Sam Houston Building, 201 East 14th Street, Room 710, Austin. According to the complete emergency revised agenda, the board discussed and voted on proposals from private providers to operate Capitol Complex child care center. The emergency status was necessary as in original agenda "vote on" was inadvertently left off.

Contact: Mary E. Fero, 201 West 14th Street, Austin, Texas 78701, (512) 463-2062.

Filed: November 12, 1991, 9:55 a.m.

TRD-9114134

Children's Trust Fund of Texas Council

Wednesday-Thursday, November 20-21, 1991, 11:30 a.m. and 9 a.m. respectively. The Children's Trust Fund of Texas Council will meet at the Crest Hotel, 111 East First Street, Austin. According to the agenda summary, on Wednesday, the coun-

cil will have a working lunch; discuss policy and rules; overview of agenda; chairperson's report; intercultural development research association end of year report; executive director's report; dinner; and hear business manager's report. On Thursday, the council will have a presentation from Texas Association of school boards practical parent education curriculum; program services coordinator's report; lunch; discuss request for proposal presentation; discuss unfinished business; and adjourn.

Contact: Janie D. Fields, 8929 Shoal Creek Boulevard, Suite 200, Austin, Texas 78758, (512) 458-1281.

Filed: November 8, 1991, 8:51 a.m.

TRD-9114038

Coastal Coordination Council

Friday, November 15, 1991, 10 a.m. The Coastal Coordination Council will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-100, Austin. According to the complete agenda, this will be the initial meeting of the council. The council will review the duties and responsibilities imposed on the council by Senate Bill 1053 and to begin the policymaking process.

Contact: Tom Nuckols, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5019.

Filed: November 7, 1991, 11:21 a.m.

TRD-9114009

Texas State Board of Examiners of Professional Counselors

Friday, November 8, 1991, 8 a.m. The Texas State Board of Examiners of Professional Counselors held an emergency meeting at the Holiday Inn, 1015 Elm Street, Room 1623, Dallas. According to the complete agenda, the board discussed in executive session and possibly acted on in open session a personnel matter concerning evaluation of executive secretary; and discussed and possibly acted on in open session an item concerning board policy. The emergency status was necessary as unforeseeable circumstances of the board having to participate the evaluation of the executive secretary.

Contact: Don Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 459-2900.

Filed: November 7, 1991, 5:15 p.m.

TRD-9114032

Texas Department of Criminal Justice, Board of Pardons and Paroles

Monday-Friday, November 18-22, 1991, 10 a.m. The Texas Department of Criminal Justice, Board of Pardons and Paroles will meet at 2503 Lake Road, Suite #9, Huntsville. According to the agenda summary, a panel (composed of 3 board members) will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78750, (512) 459-2744.

Filed: November 8, 1991, 11:52 a.m.

TRD-9114065

Advisory Commission on State Emergency Communications

Wednesday, November 13, 1991, 9:30 a.m. The Advisory Commission on State Emergency Communications met at the John H. Reagan Building, 15th Street and Congress Avenue, Room 104, Austin. According to the emergency revised agenda summary, the commission will call the meeting to order and recognize guests; hear public comment; discuss and consider approval of policy with regard to ancillary equipment as it relates to recorder equipment; recess and reconvene after committee meetings; reconvene at 2 p.m.; hear committee reports; discuss and consider any action items; consider any new business; consider approval of October meeting minutes; and adjourn. The emergency status was necessary as additional plan was added to agenda.

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

Filed: November 8, 1991, 1:16 p.m.

TRD-9114069

Wednesday, November 13, 1991, 10 a.m. The Planning and Implementation Committee of the Advisory Commission on State Emergency Communications will meet at the John H. Reagan Building, Room 104, Austin. According to the emergency revised agenda summary, the committee will call the meeting to order; recognize guests; hear public comment; report on Statewide 9-1-1 participation and implementation schedule; commission authorization to telephone companies to begin billing the 9-1-1 fees for the City of Jacksboro (Jack County, Nortex RPC), and Gladewater (Gregg County, ETCOG); report on the Concho Valley Council of Governments plan amendment approved October 9, 1991; re-

port on Coastal Bend Council of Governments Regional plan; consideration and approval of proposed plan amendments for various Councils of Governments; consider and new business; and adjourn. The emergency status was necessary as additional plan amendment was added to agenda.

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

Filed: November 8, 1991, 1:16 p.m.

TRD-9114074

Texas Employment Commission

Monday, November 18, 1991, 10 a.m. The Texas Employment Commission will meet at the TEC Building, 101 East 15th Street, Room 644, Austin. According to the agenda summary, the commission will approve prior meeting notes; meet in executive session to discuss Watkins versus Texas Employment Commission and Cam Col; actions, if any, resulting from executive session; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 47; and set date of next meeting.

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

Filed: November 8, 1991, 4:08 p.m.

TRD-9114098

Office of the Governor

Friday, November 22, 1991, 10 a.m. The Criminal Justice Division of the Governor's Juvenile Justice and Delinquency Prevention Advisory Board of the Office of the Governor will meet at the Texas Law Center, 1414 Colorado Street, Room 205, Austin. According to the agenda summary, the board will discuss the function of the Executive Committee; goal setting; selection criteria for proposals; training agenda; and proposed legislation and scheduling of the 1992 board meetings.

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

Filed: November 8, 1991, 4:22 p.m.

TRD-9114104

Monday, December 2, 1991, 9 a.m. The Criminal Justice Division of the Governor's Drug Policy Advisory Board of the Office of the Governor will meet at the Westin Paso Del Norte, 101 South El Paso Street, El Paso. According to the agenda summary, the board will take testimony from all interested parties, including agency representatives, service providers, and the general public, regarding development of a

statewide strategy to combat substance abuse.

Contact: John Coffel, 201 East 14th Street, Austin, Texas 78701, (512) 463-1919.

Filed: November 4, 1991, 3:28 p.m.

TRD-9113796

Tuesday, December 3, 1991, 9 a.m. The Criminal Justice Division of the Governor's Drug Policy Advisory Board of the Office of the Governor will meet at the Midland Hilton, 117 West Wall, Midland. According to the agenda summary, the board will take testimony from all interested parties, including agency representatives, service providers, and the general public, regarding development of a statewide strategy to combat substance abuse.

Contact: John Coffel, 201 East 14th Street, Austin, Texas 78701, (512) 463-1919.

Filed: November 4, 1991, 3:28 p.m.

TRD-9113797

Wednesday, December 4, 1991, 9 a.m. The Criminal Justice Division of the Governor's Drug Policy Advisory Board of the Office of the Governor will meet at the Hyatt Regency, 815 Main Street, Fort Worth. According to the agenda summary, the board will take testimony from all interested parties, including agency representatives, service providers, and the general public, regarding development of a statewide strategy to combat substance abuse.

Contact: John Coffel, 201 East 14th Street, Austin, Texas 78701, (512) 463-1919.

Filed: November 4, 1991, 3:29 p.m.

TRD-9113798

Thursday, December 5, 1991, 9 a.m. The Criminal Justice Division of the Governor's Drug Policy Advisory Board of the Office of the Governor will meet at the Hobby Hilton, 8181 Airport Boulevard, Houston. According to the agenda summary, the board will take testimony from all interested parties, including agency representatives, service providers, and the general public, regarding development of a statewide strategy to combat substance abuse.

Contact: John Coffel, 201 East 14th Street, Austin, Texas 78701, (512) 463-1919.

Filed: November 4, 1991, 3:30 p.m.

TRD-9113799

Friday, December 6, 1991, 9 a.m. The Criminal Justice Division of the Governor's Drug Policy Advisory Board of the Office of the Governor will meet at the Doubletree Club Hotel, Casa De Palmas, 101 North Main Street, McAllen. According to the agenda summary, the board will take testimony from all interested parties, including agency representatives, service providers, and the general public, regarding development of a statewide strategy to combat substance abuse.

Contact: John Coffel, 201 East 14th Street, Austin, Texas 78701, (512) 463-1919.

Filed: November 4, 1991, 3:31 p.m.

TRD-9113800

Texas Department of Health

Thursday, November 14, 1991, 9 a.m. The HIV Education, Prevention, and Risk Reduction Advisory Committee held an emergency meeting at the Texas Department of Health, 1100 West 49th Street, Room M-739, Austin. According to the complete agenda, the committee heard introductions/opening statement; may have approved minutes of June 27, 1991 meeting; heard report on award of 1992 education contracts; considered and acted on long range goals statement and appointment of subcommittees; conducted meeting of subcommittees; considered and acted on subcommittee recommendations; and considered new business not requiring committee action (announcements, etc.). The emergency status was necessary due to unforeseeable circumstances.

Contact: Isabel Ellsworth, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7304.

Filed: November 8, 1991, 4:06 p.m.

TRD-9114096

Monday, November 25, 1991, 9 a.m. The Strategic Planning Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-739, Austin. According to the complete agenda, the committee will finalize the departmental vision and mission statements and goals for submission to the Texas Board of Health.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: November 8, 1991, 4:05 p.m.

TRD-9114095

Legislative Health and Human Services Board

Tuesday, November 19, 1991, 8:30 a.m. The Legislative Health and Human Services Board will meet in the Senate Chamber of the State Capitol, Austin. According to the agenda summary, the board will call the meeting to order; overview of House Bill 7 and the role of the board; briefing on transition plan and hiring the Commissioner of Health and Human Services; determination of whether or not agencies must submit individual budgets or one consolidated budget; resolution of conflicts in the strategic planning processes in House Bill 2009 and House Bill 7; discuss staffing for the board; schedule future meetings; and adjourn.

Contact: David Kinsey, Lieutenant Governor's Office, P.O. Box 12068, Austin, Texas 78711, (512) 463-0010.

Filed: November 8, 1991, 3:51 p.m.

TRD-9114093

Texas Historical Commission

Saturday, November 16, 1991, 1:30 p.m. The Christopher Columbus Quicentenary Texas Jubilee Committee will meet at 1301 McKinney, 51st Floor, Houston. According to the agenda summary, the committee will call the meeting to order; take roll call; establish quorum; approve the minutes of October 27, 1991 meeting; hear reports; action items; and discussion items.

Contact: Cindy Laguna Dally, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: November 8, 1991, 11:38 a.m.

TRD-9114064

Texas Department of Human Services

Monday, November 18, 1991, 10 a.m. The Ethics Advisory Committee of the Texas Department of Human Services will meet at 701 West 51st Street, Sixth Floor, West Tower, Commissioner's Conference Room, Austin. According to the complete agenda, the committee will welcome visitors and guests and make introductions; overview and goal setting; introduction of agency ethics trainer; review of agency ethics training; agenda planning; and adjourn.

Contact: Paul Leche, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3106.

Filed: November 7, 1991, 1:51 p.m.

TRD-9114014

Tuesday, November 19, 1991, 10 a.m. The CPS Advisory Committee of the Texas Department of Human Services will meet at 701 West 51st Street, Sixth Floor, West Tower, Conference Room 6W, Austin. According to the complete agenda, the committee will approve the minutes; set yearly schedule; elect officers; hear director's remarks; feedback on previous action; advisory committee rules change; court related services rules revision; discuss proposed policy revision for implementation of structured model for the assessment of risk in Texas (SMART) system; and adjourn.

Contact: Meloye Eveland, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3412.

Filed: November 7, 1991, 1:51 p.m.

TRD-9114015

Tuesday, November 19, 1991, 1:30 p.m. The Adolescent Pregnancy and Parenthood

Advisory Council of the Texas Department of Human Services will meet at 701 West 51st Street, Fifth Floor, West Tower, Conference Room 5W, Austin. According to the complete agenda, the council will call the meeting to order and hear opening remarks; approve minutes; status report on the "Texas Summit Meeting on Adolescent Pregnancy Prevention"; summary of the November 15th APPAC presentation at TACSAP conference; review of APPAC report to the 72nd Legislature; program updates; wrap-up; and set next meeting date.

Contact: Liz Silbernagel, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4163.

Filed: November 7, 1991, 1:42 p.m.

TRD-9114013

Texas Department of Insurance

Tuesday, November 19, 1991, 10 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of the estate of Molly M. Kramer to acquire control of Title Resources Guaranty Company. Docket Number 11341.

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

Filed: November 8, 1991, 5 p.m.

TRD-9114114

Tuesday, November 19, 1991, 10 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Mary B. Digilormo also known as Mary B. Clubb, also known as Mary B. Mitchell who holds a Group I, Legal Reserve Life Insurance Agent's license. Docket Number 11332.

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

Filed: November 8, 1991, 5:01 p.m.

TRD-9114115

Tuesday, November 19, 1991, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Stanley James Branscum, Whitney, who holds a Group I, Legal Reserve Life Insurance Agent's license. Docket Number 11339.

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

Filed: November 8, 1991, 5:01 p.m.

TRD-9114116

Texas Commission on Jail Standards

Wednesday, November 20, 1991, 9 a.m. The Texas Commission on Jail Standards will meet at the Employees Retirement Building, Room 100, 18th and Brazos Streets, Austin. According to the agenda summary, the commission will discuss new business: Jefferson County; and variances: Polk County.

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

Filed: November 8, 1991, 2:28 p.m.

TRD-9114078

Texas Juvenile Probation Commission

Tuesday, November 19, 1991, 9 a.m. The Board of the Texas Juvenile Probation Commission will meet at 2015 South IH-35, Austin. According to the complete agenda, the board will approve the minutes of August 22, 1991; discuss excused absences; TJPC risk assessment report; new procedures for approval of expenditures; line item transfers; revision of administration budget; intensive supervision program guidelines; intensive supervision grant requests; report on community corrections advisory group Lubbock County request for diversionary placement funds; Tom Green County request for adjustment in juvenile population figures for TJPC funding purposes; report on Texas Children's Mental Health Plan; report on Health and Human Services Commission; proposed rule for the memorandum of understanding on services for dysfunctional families; amendment to 37 TAC §341.7; procedure for evaluating executive director; hear public comments; and adjourn.

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

Filed: November 8, 1991, 4:43 p.m.

TRD-9114113

Lamar University System

Thursday, November 14, 1991, 3 p.m. The Board of Regents Liaison Committee of Lamar University System met at Lamar University, Port Arthur, Monroe Building, 1520 Procter, Port Arthur. According to the complete agenda, the committee called the

meeting to order; heard chairman's remarks-Amelie Cobb; LU 2000-Chancellor George McLaughlin and David Hornack, Chair, Task Force on Students; regent's role in faculty awards-Chancellor McLaughlin; hold open forum; and adjourned.

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

Filed: November 11, 1991, 2:32 p.m.

TRD-9114120

Legislative Budget Board

Monday, November 18, 1991, 10 a.m. The Legislative Budget Board will meet at the Senate Chamber, State Capitol, Austin. According to the agenda summary, the board will review various new responsibilities of the LBB; receive updates on the economic outlook and the Medicaid Disproportionate Share Program; review proposed procedures for strategic planning, achievement bonus program, compensation of exempt positions, prison location, and budget execution; consider proposals for budget reform, tax equity notes, DHS funds transfer, and other budget execution initiatives.

Contact: Jim Oliver, State Insurance Building, Room 142, Austin, Texas 78711, (512) 463-1166.

Filed: November 8, 1991, 4:29 p.m.

TRD-9114108

Texas Department of Licensing and Regulation

Tuesday, November 19, 1991, 9 a.m. (rescheduled from September 17, 1991). The Business and Occupational Programs, Vehicle Storage Facility of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Building 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Milam Street Auto Storage, Inc. for violation of Statutes, Articles 6687-9a and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: November 8, 1991, 12:35 p.m.

TRD-9114071

Texas State Board of Medical Examiners

Saturday, November 9, 1991, 10 a.m. The Executive Committee of the Texas State Board of Medical Examiners held an emer-

gency meeting at 1812 Centre Creek Boulevard, Third Floor, Austin. According to the agenda summary, the committee considered licensees under provisions of Article 4495b, §4.13; and considered indefinite suspension by agreement. The emergency status was necessary as information had come to the attention of the agency and required prompt consideration.

Contact: Pat Wood, P.O. Box 13562, Austin, Texas 78711-3562, (512) 834-7728.

Filed: November 8, 1991, 3:18 p.m.

TRD-9114080

Texas Council on Offenders with Mental Impairments

Tuesday, November 19, 1991, 8:15 a.m. The Subcommittee on Offenders with MR/DD of the Texas Council on Offenders with Mental Impairments will meet at the TDCJ-Pardons and Paroles Division, 8610 Shoal Creek Boulevard, Building Eight, Austin. According to the agenda summary, the subcommittee will call the meeting to order; make introductions; hear public comments; approve minutes of previous meeting; hear status reports on assignments from previous meeting; discuss pilot project services; review FY 1992 statement of work; and adjourn.

Contact: Pat Hamilton, 8610 Shoal Creek Boulevard, Building Eight, Austin, Texas 78758, (512) 459-2720.

Filed: November 8, 1991, 9:36 a.m.

TRD-9114043

Friday, November 22, 1991, 9 a.m. The Subcommittee on Offenders with Mental Illness of the Texas Council on Offenders with Mental Impairments will meet at the TDCJ-Pardons and Paroles Division, 8610 Shoal Creek Boulevard, Building Eight, Austin. According to the agenda summary, the subcommittee will call the meeting to order; make introductions; hear public comments; approve minutes of previous meeting; hear a Project ACTION report regarding proposed service contracts and project update; review FY 1992 statement of work; and adjourn.

Contact: Pat Hamilton, 8610 Shoal Creek Boulevard, Building Eight, Austin, Texas 78758, (512) 459-2720.

Filed: November 8, 1991, 9:46 a.m.

TRD-9114045

Texas Department of Mental Health and Mental Retardation

Thursday, November 21, 1991, 9:30 a.m. The Board Audit Committee of the Texas Department of Mental Health and Mental

Retardation will meet at the TXMHMR Central Office, 909 West 45th Street, Auditorium, Austin. According to the complete agenda, the committee will hear citizens' comments; audit activity update; discussion of the FY 1991 annual report; competitive cost review; and consideration of the internal audit budget. If deaf interpreters required, notify TDMHMR (512) 323-3255, Ernest Fuentes, 72 hours prior to the meeting.

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

Filed: November 8, 1991, 4:10 p.m.

TRD-9114100

Thursday, November 21, 1991, 10:30 a.m. The Board Human Resources Committee of the Texas Department of Mental Health and Mental Retardation will meet at the TXMHMR Central Office, 909 West 45th Street, Auditorium, Austin. According to the complete agenda, the committee will hear citizens' comments; discussion regarding the role and responsibilities of the Human Resources Committee; and consideration of approval of the appointment of the Deputy Commissioner for mental health services. If deaf interpreters required, notify TDMHMR (512) 323-3255, Ernest Fuentes, 72 hours prior to the meeting.

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

Filed: November 8, 1991, 4:10 p.m.

TRD-9114101

Thursday, November 21, 1991, 11:30 a.m. The Board Planning and Policy Development Committee of the Texas Department of Mental Health and Mental Retardation will meet at the TXMHMR Central Office, 909 West 45th Street, Room 295, Austin. According to the complete agenda, the committee will hear citizens' comments; update on legislative issues; briefing on House Bill 7 and Senate Bill 2009; proposal to Sunset the annual report of gifts, grants/contracts and donations (Board Policy Manual Section 4.6C); consideration of adoption of new rules governing electroconvulsive therapy; discussion on recommendations on updating the board policy and procedures manual. If deaf interpreters required, notify TDMHMR (512) 323-3255, Ernest Fuentes, 72 hours prior to the meeting.

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

Filed: November 8, 1991, 4:10 p.m.

TRD-9114102

Thursday, November 21, 1991, 1:30 p.m. The Board Business and Asset Management Committee of the Texas Department of Mental Health and Mental Retardation will meet at the TXMHMR Central Office, 909

West 45th Street, Auditorium, Austin. According to the complete agenda, the committee will approve the Capital Construction Projects for submission to the Texas Public Finance Authority and the Texas Bond Review Board; FY 1992 budget adjustments; consideration of items related to the West 38th Street planned unit development lease; and hear citizens' comments. If deaf interpreters required, notify TDMHMR (512) 323-3255, Ernest Fuentes, 72 hours prior to the meeting.

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

Filed: November 8, 1991, 4:10 p.m.

TRD-9114103

Friday, November 22, 1991, 9:30 a.m. The Board of the Texas Department of Mental Health and Mental Retardation will meet at the TXMHMR Central Office, 909 West 45th Street, Auditorium, Austin. According to the agenda summary, the board will call the meeting to order; hear citizens comments (limited to three minutes); and approve the minutes of September 27, 1991. If deaf interpreters required, notify TDMHMR (512) 323-3255, Ernest Fuentes, 72 hours prior to the meeting.

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

Filed: November 8, 1991, 4:07 p.m.

TRD-9114097

Board of Nurse Examiners

Tuesday-Wednesday, November 12-13, 1991, 8 a.m. The Board of Nurse Examiners met at the Lieutenant Governor's Meeting Room, East Wing, Senate Chamber, Second Floor, State Capitol, Austin. According to the complete emergency revised agenda, the board also added 10A.1, David Paul Hincir, TX #547663. The emergency status was necessary as the omission of Mr. Hincir's name on the original agenda was an oversight. His request should be heard prior to the next regularly scheduled meeting in January.

Contact: Louise Waddill, P.O. Box 140466, Austin, Texas 78714, (512) 835-8650.

Filed: November 7, 1991, 1:25 p.m.

TRD-9114011

State Board of Plumbing Examiners

Monday, November 18, 1991, 9 a.m. The State Board of Plumbing Examiners will meet at 929 East 41st Street, Austin. According to the complete agenda, the board will take roll call; recognize visitors; ap-

prove minutes of last meeting; financial report; report from Bill Conover regarding "minor repairs", regularly employed, approval of rules; discuss field activities; examination data; hardship cases; report from Bill Wheeler on continuing education for plumbing inspectors; take action on review of fees as required by Senate Bill 892, 70th Legislature, Regular Session; manual as suggested by state auditor; discuss master and journeyman examinations; and any other topics for discussion that may come before the board.

Contact: Lynn Brown, 929 East 41st Street, Austin, Texas 78751, (512) 458-2145.

Filed: November 8, 1991, 10:52 a.m.

TRD-9114055

Public Utility Commission of Texas

Friday, November 15, 1991, 9 a.m. (rescheduled from Friday, November 8, 1991). The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 9983-petition of the general counsel to inquire into the reasonableness of the rates and services of Southwest Texas Telephone Company.

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

Filed: November 7, 1991, 3:34 p.m.

TRD-9114027

Monday, November 18, 1991, 10 a.m. (rescheduled from Tuesday, November 12, 1991). The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 9983-petition of the general counsel to inquire into the reasonableness of the rates and services of Southwest Texas Telephone Company.

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

Filed: November 7, 1991, 3:33 p.m.

TRD-9114026

Tuesday, December 3, 1991, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 9305-application of Central Power and Light Company for a certificate of convenience and necessity for a proposed 345 kV transmission line in Nueces, San Patricio, Bee and Goliad Counties.

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

Filed: November 8, 1991, 3:25 p.m.

TRD-9114088

Monday, January 13, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 10587-application of Texas-Alltel, Inc. to change the status of its records.

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

Filed: November 7, 1991, 3:32 p.m.

TRD-9114025

Friday, February 28, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 10672-application of Central Telephone Company of Texas to revise E911 service tariff.

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

Filed: November 8, 1991, 3:25 p.m.

TRD-9114087

Railroad Commission of Texas

Monday, November 18, 1991, 9:30 a.m. The Railroad Commission of Texas will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 12-126, Austin. Agendas follow.

The commission will consider and act on the Administrative Services Division Director's report on division administration, budget, procedures and personnel matters.

Contact: Roger Dillon, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7257.

Filed: November 8, 1991, 11:19 a.m.

TRD-9114056

The commission will consider and act on the Personnel Division Director's report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Box 12967, Austin, Texas 78711, (512) 463-7187.

Filed: November 8, 1991, 11:20 a.m.

TRD-9114057

Monday, November 18, 1991, 9:30 a.m. The commission will consider and act on the Investigation Division Director's report on division administration, investigations, budget, and personnel matters.

Contact: Mary Anne Wiley, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6828.

Filed: November 8, 1991, 11:20 a.m.

TRD-9114058

The commission will consider and act on the Office of Information Services Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6710.

Filed: November 8, 1991, 11:20 a.m.

TRD-9114059

The commission will consider and act on the Office of the Executive Director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. The commission will discuss the implementation of individual operating budgets for each individual commissioner's office. Consideration of appointment, reassignment and/or termination of various positions, including division directors. Consideration of reorganization of the well plugging program. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel, and pending litigation.

Contact: Walter H. Washington, Jr., P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7274.

Filed: November 8, 1991, 11:20 a.m.

TRD-9114060

The commission will consider and act on the Automatic Data Processing Division Director's report on division administration, budget, procedures, equipment acquisitions and personnel matters.

Contact: Bob Kmetz, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7251.

Filed: November 8, 1991, 11:20 a.m.

TRD-9114061

The commission will consider category determination under §§102(c)(1)(B), 102(c)(1)(C), 103, 107 and 108 of the Natural Gas Policy Act of 1978.

Contact: Margie Osborn, P.O. Box 12967, Austin, Texas 78711, (512) 463-6755.

TRD-9114062

The commission will consider various matters within the jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various action, including, but not limited to, scheduling an item in its entirety or for particular action at a future time or date. The commission may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received. The commission will meet in executive session as authorized by the Open Meetings Act, including to receive legal advice regarding pending and/or contemplated litigation.

Contact: Cue Boykin, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7033.

Filed: November 8, 1991, 11:21 a.m.

TRD-9114063

School Land Board

Tuesday, November 19, 1991, 10 a.m. The School Land Board will meet at the Stephen F. Austin Building, General Land Office, 1700 North Congress Avenue, Room 831, Austin. According to the agenda summary, the board will approve previous board meeting minutes; pooling applications, Pearsall (Austin Chalk), Wilson County; Wildcat Field, Brazoria County; application to patent under Article VII, Section 4A, Texas Constitution, as amended, Hays and Comal Counties; consideration of amendment to coastal public land fee rule, 31 TAC, §155.10; coastal public land-easement applications, Copano Bay, Aransas County; San Bernard River, Brazoria County; Corpus Christi Bay, Nueces County; Colorado River, Matagorda County; Galveston Bay, Galveston County; and Galveston Bay, Chambers; lease applications, Brazos Island, Cameron County; structure permit amendments, Corpus Christi Bay, Nueces County; meet in executive session to discuss proposed land trade, El Paso County; and discuss pending and proposed litigation.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78711, (512) 463-5016.

Filed: November 8, 1991, 4:27 p.m.

TRD-9114107

Texas State Soil and Water Conservation Board

Wednesday, November 20, 1991, 8 a.m. The Texas State Soil and Water Conservation Board will meet at 311 North Fifth Street, Conference Room, Temple. According to the complete agenda, the board will

review and take appropriate action on the following: minutes from the September 18, 1991 board meeting; district director appointments; transfer of territory from Cross Timbers SWCD #556 to Hood Parker SWCD #529; annual state meeting of SWCD directors held in Corpus Christi, October 21-23, 1991; future state meeting sites; public information/education report; 1991 fiscal year technical assistance supplemental allocations; allocation of fiscal year 1992 Subchapter H technical assistance grants; 1990 fiscal year state board audit; status of uniform statewide accounting system; nonpoint source management program status report; 1992 Clean Water Act reauthorization; coastal zone management act; Gulf of Mexico Program; Galveston Bay National Estuary Program; federal wetland identification manual; Senate Bill 818; Public Law 83-566 watershed application for northeast tributary of the Leon River; dairy waste management in Lampasas County area; compliance with House Bill 2009-strategic planning; Article 5, Rider 122 of the appropriation bill; reports from agencies and guests; report on director elections; board member travel; Joint Interim Committee on the Environment; set next regular state board meeting-January 15, 1992.

Contact: Robert G. Buckley, P.O. Box 658, Temple, Texas 76503, (817) 773-2250, STS 820-1250.

Filed: November 12, 1991, 9:33 a.m.

TRD-9114129

Texas Southern University

Tuesday, November 12, 1991, 2 p.m. The Board of Regents Building and Grounds Committee of Texas Southern University will hold an emergency meeting at Texas Southern University, 3100 Cleburne/Hannah Hall, Room 117, Houston. According to the complete agenda, the committee will review professional contracts. The emergency status was necessary as the meeting with the contractor was urgent.

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

Filed: November 12, 1991, 10:02 a.m.

TRD-9114143

Wednesday, November 20, 1991, 4 p.m. The Board of Regents Building and Grounds Committee of Texas Southern University will meet at Texas Southern University, 3100 Cleburne/Hannah Hall, Room 117, Houston. According to the complete agenda, the committee will consider construction change orders; payment to architects contractors and engineers; authorization and ratification of contracts and awards; review of on going construction and current contractual relations.

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

Filed: November 12, 1991, 10 a.m.

TRD-9114136

Wednesday, November 20, 1991, 5 p.m. The Board of Regents Development Committee of Texas Southern University will meet at Texas Southern University, 3100 Cleburne/Hannah Hall, Room 117, Houston. According to the complete agenda, the committee will consider reports from the administration on university fund raising.

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

Filed: November 12, 1991, 10:01 a.m.

TRD-9114139

Tuesday, November 26, 1991, 4 p.m. The Board of Regents Finance Committee of Texas Southern University will meet at Texas Southern University, 3100 Cleburne/Hannah Hall, Room 117, Houston. According to the complete agenda, the committee will consider matters relating to financial reporting systems, and budgets; fiscal reports from the administration; investments, and informational items.

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

Filed: November 12, 1991, 10:01 a.m.

TRD-9114138

Tuesday, December 3, 1991, 2 p.m. The Board of Regents Academic Affairs and Personnel Committee of Texas Southern University will meet at Texas Southern University, 3100 Cleburne/Hannah Hall, Room 117, Houston. According to the complete agenda, the committee will consider reports on progress of academic activities and programs; and personnel actions.

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

Filed: November 12, 1991, 10:01 a.m.

TRD-9114137

Monday, December 9, 1991, 8:30 a.m. The Board of Regents of Texas Southern University will meet at Texas Southern University, 3100 Cleburne, Fifth Floor, University Library, Houston. According to the complete agenda, the board will consider minutes; report of the president; reports from board standing committees; and meet in executive session.

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

Filed: November 12, 1991, 10:01 a.m.

TRD-9114140

University Interscholastic League

Tuesday, November 12, 1991, 9 a.m. The State Executive Committee of the University Interscholastic League met at the Radisson Plaza Hotel, Ballroom B, Eighth

and San Jacinto Streets, Austin. According to the agenda summary, the committee will consider the appeal of the automatic penalty assessed to Coach Richard Badillo, Donna High School for unsportsmanlike conduct; alleged violation of section 1033(b)(6)(B), failure to participate, by Wilmer-Hutchins High School One-Act Play; review and discuss: case transferred from District 4 AAA executive committee recommending that Coach Lucky Gamble of Iowa Park be given a penalty greater than private reprimand for violating Section 1206(a)(1), the Athletic Code; allegations that Oak Ridge High School Student representative abused an official, in violation of Section 1201(b)(3), the Athletic Code; allegations that El Paso Austin High School Coaches Hampton Hunt and Brent McCuston abused an official in violation of Section 12091(b)(3), the Athletic Code; allegations that Coach Dan Hooks of West Orange Stark abused the officials in violation of Section 1201(b)(3), the Athletic Code; alleged abuse of officials by a Stafford High School Fan, in violation of Section 1201(b)(3), the Athletic Code; and consider appeal of the automatic penalty assessed to Coach Ron Smith, Bynum High School for unsportsmanlike conduct.

Contact: B. J. Stamps, 2622 Wichita Street, Austin, Texas 78705, (512) 471-5883.

Filed: November 7, 1991, 10:21 a.m.

TRD-9114007

University of Texas at Arlington

Wednesday, December 11, 1991, noon. The Institutional Animal Care and Use Committee of the University of Texas at Arlington will meet at the University of Texas at Arlington, Life Science Building, Psychology Department, Room 323, Arlington. According to the complete agenda, the committee will approve minutes of September 18, 1991 meeting; and discuss findings of facility inspection.

Contact: Verne C. Cox, UT Arlington, P.O. Box 19528, Arlington, Texas 76019, (817) 273-2281.

Filed: November 7, 1991, 1:38 p.m.

TRD-9114012

University of Texas Health Science Center at San Antonio

Wednesday, November 20, 1991, 3 p.m. The Institutional Animal Care and Use Committee of the University of Texas Health Science Center at San Antonio will meet at 7703 Floyd Curl Drive, Room 5.070LIB, San Antonio. According to the agenda summary, the committee will ap-

prove the minutes; protocols for review; hear subcommittee reports; and discuss other business.

Contact: Molly Greene, 7703 Floyd Curl Drive, San Antonio, Texas 78284, (512) 567-3717.

Filed: November 12, 1991, 8:51 a.m.

TRD-9114123

Texas Water Commission

Wednesday, November 20, 1991, 1:30 p.m. The Texas Groundwater Protection Committee of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 1149, Austin. According to the complete agenda, the committee will consider various subcommittee reports, including: a presentation on proposed rules by the Texas Water Well Drillers Board for regulating water well pump installers; and a discussion of the reorganization of the commission and its impact on the committee's activities.

Contact: Mary Ambrose, P.O. Box 13087, Austin, Texas 78711-3087, (512) 371-6320.

Filed: November 12, 1991, 10:12 a.m.

TRD-9114147

Wednesday, November 20, 1991, 3 p.m. (revised agenda). The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission, including, specifically the adoption of new or amended regulations. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including, but not limited to, rescheduling an item in its entirety or for particular action at a future date or time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: November 8, 1991, 5:01 p.m.

TRD-9114118

Texas Workers' Compensation Insurance Fund

Wednesday, November 20, 1991, 8:30 a.m. The Board of Directors of the Texas Workers' Compensation Insurance Fund will meet at the State Insurance Building, 1110 San Jacinto Boulevard, Room 442, Austin. According to the agenda summary, the board will swear in new board members; consideration of: bond offering by the TPPA; investment of bond proceeds; investment of premium income; loan agreement

with Texas Department of Insurance covering initial \$5 million start up funding; discussion of office space, equipment, telephones, bank account, and other administrative matters; consideration and ratification of previous board action regarding employment and administrative matters; consideration of organizational and operational consulting services; and meet in executive session.

Contact: Terry Frakes, P.O. Box 149104, Austin, Texas 78714, (512) 463-6410.

Filed: November 12, 1991, 10:12 a.m.

TRD-9114148

Regional Meetings

Meetings Filed November 7, 1991

The Burnet County Appraisal District Appraisal Review Board met at 223 South Pierce Street, Burnet, November 13, 1991, at 9 a.m. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9114034.

The Central Texas Economic Development District Executive Committee met at the Food Service Technology Building, Texas State Technical College, Waco, November 14, 1991, at 2 p.m. Information may be obtained from Bruce Gaines, P.O. Box 154118, Waco, Texas 76715, (817) 799-0258. TRD-9114021.

The Concho Valley Council of Governments Private Industry Council met at 4950 Knickerbocker Road, San Angelo, November 13, 1991, at 3 p.m. Information may be obtained from Monette Molinar, 5002 Knickerbocker Road, San Angelo, Texas 76904, (915) 944-9666. TRD-9114035.

The El Oso Water Supply Corporation Board of Directors met at the El Oso Water Supply Corporation Office, FM 99, Karnes City, November 12, 1991, at 7 p.m. Information may be obtained from Hilmer Wagener, P.O. Box 309, Karnes City, Texas 78118, (512) 780-3539. TRD-9114018.

The Garza County Appraisal District Board of Directors met at the Appraisal District Office, 124 East Main Street, Post, November 14, 1991, at 9 a.m. Information may be obtained from Billie Y. Windham, P.O. Drawer F, Post, Texas 79356, (806) 495-3518. TRD-9114022.

The Hays County Appraisal District Appraisal Review Board met at 632 A East Hopkins Street, Municipal Building, San Marcos, November 14, 1991, at 1 p.m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins Street, San Marcos, Texas 78666, (512) 754-7400. TRD-9114016.

The Hays County Appraisal District Board of Directors met at 632 A East Hopkins Street, Municipal Building, San Marcos, November 14, 1991, at 3:30 p.m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins Street, San Marcos, Texas 78666, (512) 754-7400. TRD-9114017.

The Permian Basin Regional Planning Commission Board of Directors met at the PBRPC Offices, Midland International Airport, Midland, November 13, 1991, at 1:30 p.m. Information may be obtained from Terri Moore, P.O. Box 60660, Midland, Texas 79711, (915) 563-1061. TRD-9114028.

The Hickory Underground Water Conservation District Number One Board and Advisors met at 2023 South Bridge Street, Brady, November 14, 1991, at 7 p.m. Information may be obtained from Lorna Moore, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785. TRD-9114033.

The Hunt County Appraisal District Board of Directors met at the Hunt County Appraisal District, Board Room, 4801 King Street, Greenville, November 14, 1991, at 6:30 p.m. Information may be obtained from Melba Hart or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510. TRD-9114031.

The South Plains Association of Governments Board of Directors (workshop) met at the Lubbock Plaza Hotel, 3201 South Loop 289, Lubbock, November 12, 1991, at 9 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9114019.

The South Plains Association of Governments Board of Directors (business meeting) met at the Lubbock Plaza Hotel, 3201 South Loop 289, Lubbock, November 12, 1991, at 1 p.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9114024.

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**Meetings Filed November 8,
1991**

The Austin-Travis County Mental Health and Mental Retardation Center Board of Trustees held an emergency meeting at 1430 Collier Street, Board Room, Austin, November 11, 1991, at 7 p.m. The emergency status was necessary as we were notified of information that needed to be brought to the Board's attention immediately. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9114117.

The Callahan County Appraisal District Board of Directors will meet at the Callahan County Appraisal District Office, 130-A West Fourth Street, Baird, Novem-

ber 18, 1991, at 7 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 806, Baird, Texas 79504, (915) 854-1165. TRD-9114039.

The Central Appraisal District of Johnson County Board of Directors will meet at 109 North Main Street, Suite 201, Room 202, Cleburne, November 21, 1991, at 4:30 p.m. Information may be obtained from Priscilla A. Bunch, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3987. TRD-9114041.

The Central Appraisal District of Taylor County Appraisal Review Board will meet at 1534 South Treadaway, Abilene, December 4, 1991, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381. TRD-9114067.

The Dallas Area Rapid Transit Corporate Location Ad Hoc Committee met at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, November 12, 1991, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9114082.

The Dallas Area Rapid Transit Mobility Impaired Committee met at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, November 12, 1991, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9114085.

The Dallas Area Rapid Transit Minority Affairs Committee met at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, November 12, 1991, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9114084.

The Dallas Area Rapid Transit Operations Committee met at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, November 12, 1991, at 2 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9114083.

The Dallas Area Rapid Transit Board of Directors met at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, November 12, 1991, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9114086.

The Deep East Texas Council of Governments Building Committee will meet at the DETCOG Office, 118 South First Street, Lufkin, November 18, 1991, at 10 a.m. Information may be obtained from Joan Draper, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9114042.

The Gonzales County Appraisal District Board of Directors met at 928 St. Paul Street, Gonzales, November 14, 1991, at 5 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879. TRD-9114106.

The Gray County Appraisal District Appraisal Review Board met at 815 North Sumner, Pampa, November 13, 1991, at 5 p.m. Information may be obtained from W. Pat Bagley, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791. TRD-9114090.

The Hockley County Appraisal District Board of Directors met at 1103-C Houston Street, Levelland, November 11, 1991, at 7 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9114105.

The Liberty County Central Appraisal District Board of Directors will meet at 315 Main Street, Liberty, November 20, 1991, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9114109.

The Liberty County Central Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, November 21, 1991, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9114110.

The Mills County Appraisal District held an emergency meeting at the Mills County Courthouse, Jury Room, Goldthwaite, November 11, 1991, at 6:30 p.m. The emergency status was necessary in order to discuss personnel. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844-0565, (915) 648-2253. TRD-9114111.

The Multimodal Transportation Planning Gulf Coast State Planning Region Transportation Planning Committee will meet at 3555 Timmons, Fourth Floor Conference Room, Houston, November 22, 1991, at 9:30 a.m. Information may be obtained from LaDawn Bush, P.O. Box 1386, Houston, Texas 77251, (713) 869-4571. TRD-9114091.

The Region One Education Service Center Board of Directors met at 1900 West Schunior, Edinburg, November 13, 1991, at 6 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611. TRD-9114066.

The Region VII Education Service Center Board of Directors met at the Golden Corral Restaurant, Highway 79 South, Henderson, November 14, 1991, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main Street, Kilgore, Texas 75662, (903) 984-3071. TRD-9114068.

The Scurry County Appraisal District Board of Directors met at 2612 College Avenue, Snyder, November 12, 1991, at 8 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549. TRD-9114040.

The Sulphur-Cypress Soil and Water Conservation District #419 met at 1809 West Ferguson Street, Suite B, Mt. Pleasant, November 13, 1991, at 8:30 a.m. Information may be obtained from Beverly Amerson, 1809 West Ferguson Street, Suite B, Mt. Pleasant, Texas 75455, (903) 572-5411. TRD-9114077.

The Texas Municipal Power Agency ("TMPA") Personnel Committee met at the Plaza Club, 3000 Briarcrest Drive, Sixth Floor, Bryan, November 13, 1991, at 7 p.m. Information may be obtained from Carl J. Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013. TRD-9114081.

The Texas Municipal Power Agency ("TMPA") Board of Directors met at the Gibbons Creek Steam Electric Station, Administration Building, 2 1/2 Miles North of Carlos, on FM 244, Carlos, November 14, 1991, at 9 a.m. Information may be obtained from Carl J. Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013. TRD-9114076.

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Meetings Filed November 11,
1991

The Austin-Travis County Mental Health and Mental Retardation Center Board of Trustees met at 1430 Collier Street, Board Room, Austin, November 11, 1991, at 7 p.m. The emergency revised agenda was necessary as it was not received in time for filing deadline, and chose to leave as it was. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9114119.

The Galveston County Education District Board will meet at the Clear Creek Independent School District, 17045 El Camino Real, Houston, November 20, 1991, at 7 p.m. Information may be obtained from Ted Thomas, P.O. Box 321, Friendswood, Texas 77546, (713) 482-2205. TRD-9114121.

Meetings Filed November 12,
1991

The Bexar Appraisal District Appraisal Review Board Appraisal Review Board will meet at 535 South Main Street, San Antonio, November 15, 1991, at 9 a.m. Information may be obtained from Beverly Houston, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511. TRD-9114133.

The Bexar Appraisal District Board of Directors will meet at 535 South Main Street, San Antonio, November 18, 1991, at 5 p.m. Information may be obtained from Beverly Houston, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511. TRD-9114146.

The Central Appraisal District of Johnson County Appraisal Review Board will meet at 109 North Main Street, Cleburne, December 12, 1991, at 9 a.m. Information may be obtained from Jim Hudspeth, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3987. TRD-9114126.

The Central Counties Center for Mental Health and Mental Retardation Services Board of Trustees will meet at 304 South 22nd Street, Temple, November 19, 1991, at 7:45 p.m. Information may be obtained from Robert E. Luckey, 304 South 22nd Street, Temple, Texas 76501, (817) 778-4841. TRD-9114122.

The Dewitt County Appraisal District Board of Directors will meet at the Dewitt County appraisal Office, 103 East Bailey Street, Cuero, November 19, 1991, at 7:30 p.m. Information may be obtained from John Haliburton, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9114127.

The Education Service Center Region XI Board of Directors will meet at the Education Service Center Region XI, 3001 North Freeway, Fort Worth, November 26, 1991, at noon. Information may be obtained from R. P. Campbell, Jr., 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311. TRD-9114128.

The Gregg Appraisal District Appraisal Review Board will meet at 2010 Gilmer Road, Longview, November 19, 1991, at 9 a.m. Information may be obtained from William T. Carroll, 2010 Gilmer Road, Longview, Texas 75604, (903) 759-0015. TRD-9114125.

The Henderson County Appraisal District Board of Directors will meet at 1751 Enterprise, Athens, November 18, 1991, at 7:30 p.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9114124.

The Jones County Appraisal District Board of Directors will meet at the District's Office, 1137 East Court Plaza, Anson, November 21, 1991, at 8:30 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422. TRD-9114131.

The Multimodal Transportation Planning Gulf Coast State Planning Region Transportation Planning Committee will meet at 3555 Timmons, Fourth Floor Conference Room, Houston, November 22, 1991, at 9:30 a.m. Information may be obtained from LaDawn Bush, P.O. Box 1386, Houston, Texas 77251, (713) 869-4571. TRD-9114144.

The Nortex Regional Planning Commission North Texas State Planning Region Consortium will meet at the Wichita Falls Activity Center, 10th and Indiana Streets, Wichita Falls, November 21, 1991, at noon. Information may be obtained from Fritz Taylor, P.O. Box 5144, Wichita Falls, Texas 76307, (817) 322-5281. TRD-9114141.

The Nortex Regional Planning Commission Executive Committee will meet at the Wichita Falls Activity Center, 10th and Indiana Streets, Wichita Falls, November 21, 1991, at noon. Information may be obtained from Dennis Wilde, 2101 Kemp Boulevard, Wichita Falls, Texas 76039, (817) 322-5281. TRD-9114142.

The Nueces-Jim Wells-Kenedy-Kleberg Soil and Water Conservation District Board of Directors will meet at 710 East Main Street, Robstown, November 19, 1991, at 2 p.m. Information may be obtained from Denise Lawhon, 710 East Main Street, Robstown, Texas 78380, (512) 387-4116. TRD-9114130.

The Palo Pinto Appraisal District Board of Directors will meet at the Palo Pinto County Courthouse, Palo Pinto, November 20, 1991, at 3 p.m. Information may be obtained from Jackie F. Samford, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1234. TRD-9114132.

The San Antonio River Authority Board of Directors will meet at the SARA General Offices, Second Floor Conference Room, 100 East Guenther, San Antonio, November 20, 1991, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027. TRD-9114135.



In Addition

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Department on Aging Policy on Federal Revisionary Interest in Multipurpose Senior Centers

Background. According to the Older Americans Act of 1965, as amended, AOA Program Instruction AOA-PI-90-04 and AOA Program Instruction AOA-PI-91-04, the Texas Department on Aging is required to establish policies and procedures to protect federal Older Americans Act funds use to construct or purchase multipurpose senior centers.

Policy. If, within 10 years after acquisition, or within 20 years after the completion of construction, of any facility for which funds have been paid under Title III: the owner of the facility ceases to be a public or nonprofit private agency or organization; or the facility ceases to be used for the purposes for which it was acquired; the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

The amount of recovery is the percentage of the current market value of the facility equal to the percentage of AOA funds contributed to the original cost of the facility.

Issued in Austin, Texas, on November 5, 1991.

TRD-9113939 Diane Lang
Program Operations Coordinator
Texas Department on Aging

Filed: November 6, 1991

For further information, please call: (512) 444-2727

Texas Commission on Alcohol and Drug Abuse

Notice of Make-up Technical Assistance Workshop

The Texas Commission on Alcohol and Drug Abuse (TCADA), under the authority of the Health and Safety Code, Title 6, Subtitle B, Chapter 464, gave notice of a Comprehensive Alcohol and Drug Abuse Services Request for Proposals (RFP), on October 4, 1991. Technical assistance for this RFP is offered through workshops conducted by TCADA.

Due to bad weather in Amarillo, and calls received requesting a make-up, the commission will conduct one additional technical assistance workshop to be held in Lubbock. The make-up workshop date, location, and time is: November 18, 1991, 9 a.m. to 4 p.m., Lubbock, Ranching Heritage Center, Texas Tech University Museum, Pio-

neer Room, Fourth and Indiana, co-sponsored by Texas Tech Department of Psychiatry, capacity: 80, no pre-registration. For logistical information contact Sheila Sommers, Department of Psychiatry, (806) 743-2800.

It is TCADA's intent that all applicants received the same information and assistance. Therefore, the workshops will be the single opportunity for applicants to ask questions, and all questions asked and answered will be in the presence of all attending. There will be no other opportunities for applicants to receive assistance regarding this RFP.

Issued in Austin, Texas, on November 7, 1991.

TRD-9114037 Bob Dickson
Executive Director
Texas Commission on Alcohol and Drug Abuse

Filed: November 8, 1991

For further information, please call: (512) 867-8700

Notice of Request for Proposal

The Texas Commission on Alcohol and Drug Abuse, under the authority of the Health and Safety Code, Title 6, Subtitle B, Chapter 464, gives notice of the Delivery of Specified Substance Abuse/HIV Prevention Training Activity Request for Proposals (RFP). The REF is soliciting applications for the presentation of HIV Prevention training on a statewide basis at sites to be determined through coordination with TCADA.

To request a copy of the RFP, call the Fiscal and Support Services Department at (512) 867-8715, or write to: Texas Commission on Alcohol and Drug Abuse, Fiscal and Support Services Department, 720 Brazos Street, Suite 403, Austin, Texas 78701.

The closing date for the receipt of applications by the commission is 4 p.m. on November 22, 1991. The award with a funded provider will be executed for the twelve-month period beginning December 1, 1991.

There is no specified amount of funds available for this contract.

Eligible applicants are private non-profit, public, or for-profit organizations that have a minimum of one year's experience in providing services of a similar nature and provide the qualifications of all staff that will be assigned to the project. Bidder must meet all requirements set forth in the RFP to be considered.

Bids will be evaluated upon the basis of past and current organization performance, upon the information provided by completion of the Capabilities Questionnaire (Attachment to the RFP) and upon the fees bid. Award may be made to an organization other than the one submitting the lowest dollar bid. Failure to complete the Capabilities Questionnaire with the bid response will result in disqualifications of the bid.

Issued in Austin, Texas, on November 4, 1991.

TRD-9113942

Bob Dickson
Executive Director
Texas Commission on Alcohol and Drug Abuse

Filed: November 6, 1991

For further information, please call: (512) 867-8700



Request for Proposals

The Texas Commission on Alcohol and Drug Abuse (TCADA), under the authority of the Texas Health and Safety Code, Title 6, Subtitle B, Chapter 461, gives notice of an in-prison therapeutic community treatment request for proposals (RFP). The program is to be conducted under the Government Code, Chapter 501, Subchapter C, §501.0931. The RFP provides an avenue for applicants to request of funds to provide all aspects of therapeutic programming to inmates who have a history of drug or alcohol abuse and need drug or alcohol treatment. The commission is soliciting applications for three-month and six-month treatment programs with a minimum of 450 chemical dependency treatment beds for adult male inmates and 50 beds for adult female inmates during the initial award period.

To request a copy of the RFP, call the Funding Processes Section at (512) 867-8113 or Tex-An 243-8113, or write to: Texas Commission on Alcohol and Drug Abuse, Funding Processes Section, 720 Brazos Street, Suite 403, Austin, Texas 78701-2506.

The closing date for receipt of applications by the commission is 5 p.m. on December 30, 1991. Approved programs will be funded for the initial award period March 1, 1992, through August 31, 1992.

The amount of funds that will be available annually is \$2.5 million, authorized by the General Appropriations Act.

Eligible applicants are public, private nonprofit, and for-profit entities which have experience in the development and implementation of therapeutic treatment programs.

Technical assistance will be offered through a workshop to be conducted jointly by TCADA and the Institutional Division of the Texas Department of Criminal Justice. The workshop will be held on December 3, 1991, for all potential applicants. The workshop will be devoted to discussion of RFP requirements and technical assistance with application preparation.

A list of questions to be answered at the workshop must be received by TCADA by November 25, 1991. The questions received prior to the workshop will be discussed first, and other questions will be invited as time permits.

It is TCADA's intent that all applicants receive the same information and assistance. Therefore, the workshop will be the single opportunity for applicants to ask questions, and all questions asked and answered will be in the presence of all attending. There will be no other opportunities for applicants to receive assistance regarding this RFP.

Workshop date, time and location is: December 3, 1991, 9 a.m. to 4 p.m., Austin, Radisson Plaza Hotel, 700 San Jacinto.

Issued in Austin, Texas, on November 8, 1991.

TRD-9114036

Bob Dickson
Executive Director
Texas Commission on Alcohol and Drug Abuse

Filed: November 8, 1991

For further information, please call: (512) 867-8700



Department of Banking

Notice of Hearing

The Hearing Officer of the Texas Department of Banking will conduct a hearing on the application for withdrawal of excess earnings of Eugene F. Orwosky, Inc., doing business as Murray-Orwosky Funeral Home, pursuant to Texas Civil Statutes, Article 548b, and 7 TAC §25.14. The hearing will consider the application to withdraw \$32,420.77 from the applicant's prepaid funeral plan. The hearing will be held on December 6, 1991, at 10 a.m. in the hearing room of the Texas Department of Banking, 2601 North Lamar Boulevard, Austin.

Any interested person wishing to appear must file a written notice of intent to appear including a brief statement of position with the Texas Department of Banking at least 10 days prior to the hearing. All parties appearing at the hearing are requested to provide the department with two copies of all exhibits received as evidence, excepting poster size exhibits and photographs.

Additional information may be obtained from: James Lee Murphy, III, Hearings Officer and Assistant General Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1300.

Issued in Austin, Texas, on November 5, 1991.

TRD-9114010

James Lee Murphy, III
Assistant General Counsel
Texas Department of Banking

Filed: November 7, 1991

For further information, please call: (512) 475-1342



Office of Consumer Credit

Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

<u>Types of Rate Ceilings</u>	<u>Effective Period</u> <u>(Dates are Inclusive)</u>	<u>Consumer</u> ⁽¹⁾ / <u>Agricultural/</u> <u>Commercial</u> ⁽²⁾ <u>thru \$250,000</u>	<u>Commercial</u> ⁽²⁾ <u>over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	11/11/91-11/17/91	18.00%	18.00%

⁽¹⁾Credit for personal, family or household use. ⁽²⁾Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on November 4, 1991.

TRD-9113936 Al Endsley
Consumer Credit Commissioner

Filed: November 6, 1991

For further information, please call: (512) 479-1280

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Texas Commission for the Deaf

Request for Proposal

Pursuant to the authority provided in the Human Resources Code, §81.103, the Texas Commission for the Deaf and Hearing Impaired will implement an outdoor training program for students who are deaf and hearing impaired during the summer of fiscal year 1992. In compliance with Texas Civil Statutes, Article 6252-11c, the commission is requesting proposals for the operation of a summer camp program for or school age children who are deaf and hearing impaired.

The commission is seeking a camp program designed to provide a broad range of recreational and educational camping experiences for campers who are deaf and hearing impaired eight to 15 years old. In conjunction the commission desires to include a counselor-in-training (CIT) program focused on the development and preparation of future camp counselors. Such counselors-in-training will be 16 and 17 years old and deaf or hearing impaired.

Description of Recommended Services. Respondents should be licensed by the Texas Department of Health; provide three meals daily and one snack (such as fresh fruits and frozen ices) every afternoon; and make available safe, comfortable, and well-maintained facilities, and have comprehensive campsite insurance. Programs should be planned and provided for deaf and hearing impaired campers 8 to 15 years old and CITs 16 and 17 years old. An orientation program should be conducted on the camp site for counselors and CITs.

Respondents should provide a broad spectrum of camping activities including, but not limited to water sports, i.e., swimming, fishing, canoeing, etc., in a natural water setting; horseback riding, with a minimum of 65 horses; riflery on a National Riflery Association or equivalent affiliated rifle range; arts and crafts nature trail hikes; evening programs, i.e., skits, movies, campfire stories, etc.; life-long sports, i.e., golf, tennis, soccer; and other related camping experiences. Activities should include leadership training experiences and educational activities.

The respondents must coordinate with a camp director who has experience as a director in camping and working with children who are deaf and hearing impaired as recommended by the commission.

Camp counselors employed must have a working knowledge of sign language and experience working with chil-

dren who are deaf and hearing impaired. The desired ratio of staff to children is one to four. A suggested salary schedule for the staff will be provided by the commission upon request. All staff as described above will be reviewed and approved by the commission.

The respondents must also employ two full-time nurses who are skilled in the use and understanding of sign language. These individuals will be approved by the commission. A camp physician should be available 24 hours a day, subject to call night or day.

The commission will consider all proposals for a one-week camping session. Proposals must accommodate a camp population of at least 120.

Funding. Respondents should provide a complete estimated budget of expenditures. The minimum budget should specify expected costs, minimum and maximum number of campers and shall not exceed a cumulative of \$40,705 (state appropriation) per year of the summer. Fees may be collected from campers whose parents' income is in excess of a scale determined by the commission. These collected fees will supplement the contractor's fund. (Collections may range from \$5,000 to \$12,000.)

The contract award will be good from January 1, 1992-August 31, 1992. The respondents should show a three part payment schedule for completion of required tasks. A contractor will be paid 1/3 of the allocation upon completion of each of three segments of the program enumerated and described in an awarded contract. In no event will the final payment be made until the program is completed. No advance payments will be made.

Deadline for Proposals. Proposals must be postmarked no later than 5 p.m. on Monday, December 10, 1991. Proposals postmarked after this established deadline cannot be considered for selection. Proposals are to be addressed to: Texas Commission for the Deaf, Attention: Billy Collins, Jr., P. O. Box 12904, Austin, Texas 78711.

Proposal Evaluation Criteria and Selection. Proposals will be evaluated by a screening committee on submission of proposal on or before the established deadline; operation of the program within the monetary limits established, including the salary schedule for the staff; submission of proposal utilizing provided format; minimum and maximum number of campers allowed within specified budgets; respondents program; respondents ability to provide a sound, high quality recreational and educational program specifically directed to, and suited for youngsters who are deaf and hearing impaired; willingness of respondent to employ staff with knowledge of and experience in working with the deaf as recommended by the commission. Final selection with the commission approval will be based on the results of the screening committees evaluation of the listed criteria. However, contract award will not necessarily be made to the respondent offering the lowest cost, but to the best respondent, considering results of the evaluation criteria and cost allocated within the commission's specified budget.

Contact Person. Further information, format guidelines for submitting proposals and a copy of the suggested salary schedule for the camp staff may be obtained by contacting Billy Collins, Jr., Direct Services Manager, Texas Commission for the Deaf, P.O. Box 12904, 1524 South I-35, Suite 200, Austin, Texas 78711, (512) 444-DEAF (3323).

Issued in Austin, Texas, on November 8, 1991.

TRD-9114030 Larry D. Evans
Executive Director
Texas Commission for the Deaf

Filed: November 7, 1991

For further information, please call: (512) 444-3323

Texas Education Agency

Request for Applications

This request for applications is filed in accordance with ESEA Title II, Dwight D. Eisenhower Mathematics and Science Education Act.

Description. The Texas Education Agency (TEA) requests applications for the development of a staff development module for improving the utilization of varying strategies to enhance the teaching of mathematics for PreKindergarten and Kindergarten teachers (RFA #701-92-026). The focus of the module is on using innovative concrete materials and problem-solving strategies to provide opportunities for students to learn the essential elements of the state mathematics curriculum. One grant will be awarded for the development of one module: Prekindergarten and Kindergarten Mathematics. Teacher trainers will be identified by the Mathematics Section of the Texas Education Agency and the grantee will provide training for these identified people with assistance from staff at the Agency. The grantee will also be responsible for designing an evaluation of the module and all activities involved.

Eligible Applicants. Eligible applicants include any public school district, education service center, or college or university in Texas.

Dates of Project. The project starting date will be on or about January 21, 1992. The project ending date will be no later than August 31, 1992.

Project Amount. The maximum funding for this project is \$42,000. The project is 100 percent federally funded from ESEA Title II funds.

Selection Criteria. Applicants will be approved based upon the ability of the applicant to carry out all requirements contained in the request for application.

Requesting the Application. A copy of the complete Request for Application (RFA #701-92-026) may be obtained by calling or writing the: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304.

Further Information. For clarifying information about this request contact Bonnie McNemar, Texas Mathematics Staff Development, Project Director, Harris County Department of Education, (713) 694-6300.

Deadline For Receipt of Applications. The deadline for submitting an application is 5 p.m., Friday, December 20, 1991.

Issued in Austin, Texas, on November 5, 1991.

TRD-9113949 Lionel R. Meno
Commissioner of Education

Filed: November 6, 1991

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

Texas Department of Health

Notice of Intent to Revoke a Radioactive Material License

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 a complaint against the following licensee: Regency Veterinary Laboratories, Inc., Dallas, G01505.

The department intends to revoke the radioactive material license; order the licensee to cease and desist use of such radioactive material; order the licensee to divest himself of the radioactive material; and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of the complaint, the department will not issue an order.

This notice affords the opportunity to the licensee for a hearing to show cause why the radioactive material license 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 license 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, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on November 4, 1991.

TRD-9113935 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: November 6, 1991

For further information, please call: (512) 835-7000

Notice of Intent to Revoke Certificates of Registration

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part (25 TAC §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following registrants: Laser Fair, Inc., Sterling, CO, Z00148; John A. Whitham, D.O., Fort Worth, R16643; Smith Chiropractic Clinic, Dallas, R16540; Ranger Family Clinic, Ranger, R15828; Emma L. Gavito, D.D.S., Houston, R14862; Jan Whitney Pickett, M.D., Dallas, R14326.

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 for 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, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a.m. to 5 p. m. (except holidays).

Issued in Austin, Texas, on November 4, 1991.

TRD-9113934 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: November 6, 1991

For further information, please call: (512) 835-7000

Texas Higher Education Coordinating Board

Notice of Meeting

The Family Practice Residency Advisory Committee will meet on Thursday, November 14, 1991, from 1 p.m. until 4:30 p.m. at the Coordinating Board Offices, Building IV, Room 100, 7715 Chevy Chase Drive, Austin.

The committee will take up a number of matters of interest including site visit reports for TCOM-Southside Community Hospital, UTHSC-San Antonio and Montgomery County Family Practice Residency Programs, fiscal year 1992 funding and an analysis of the survey dates for the family medicine residency programs, and third-year clerkship funding.

For additional information please contact Claudia Siegel, Director of Medical Programs at (512) 483-6114.

Issued in Austin, Texas, on November 6, 1991.

TRD-9114023 Sharon Jahsman
Administrative Secretary
Texas Higher Education Coordinating Board

Filed: November 7, 1991

For further information, please call: (512) 483-6160

Texas Board of Professional Land Surveying

Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Board of Professional Land Surveying announces this consultant contract award. The invitation for consultant proposals was published in the October 4, 1991, issue of the *Texas Register* (16 TexReg 5529).

Description of Services. The consultant (psychometrician) will provide the Board with consultation necessary to administer examinations in a manner consistent with national standards formulated by Technical Standards for Educational and Psychological Testing and used by a

national testing service, National Council of Examiners for Engineers and Surveyors (NCEES).

Name of Consultant. The contract for consulting has been awarded to Jack L. Warner, Ph.D., 12594-B E. Pacific Circle, Aurora, Colorado 80014.

Due Dates of Reports. All reports are due no later than August 31, 1993.

Amount and Duration of Contract. The total amount of contract is \$25,200. The contract begins on November 15, 1991, and expires on August 31, 1993.

Issued in Austin, Texas, on November 5, 1991.

TRD-9113984 Sandy Smith
Executive Director
Texas Board of Professional Land Surveying

Filed: November 6, 1991

For further information, please call: (512) 452-9427

Texas State Board of Public Accountancy

Technical Resource Consultant

The Texas State Board of Public Accountancy (TSBPA), in accordance with provisions of Texas Civil Statutes, Article 6252-11c, announces the awarding of Technical Resource Consultant contracts to evaluate and identify specific technical issues in audited financial statements and to prepare related reports and recommendations to the board and to meet with the board or its designated representative(s) to discuss findings.

The solicitation for proposals was published in the September 17, 1991, issue of the *Texas Register* (16 TexReg 5147).

Two proposals were received in response to this solicitation for proposal. These were from Ken Skrabanek and William Schuh.

The consultants awarded this contract were: William M. Schuh, 101 Mossy Cup Lane, San Antonio, Texas 78231, and Ken Skrabanek, 20815 Apache Trails, Crosby, Texas 77532.

The Technical Resource Consultant contract began on October 21, 1991, and is to end August 31, 1992. The fee estimate is not to exceed \$24,000, at an hourly rate of \$105 per hour for which the board is to be provided expert witness testimony and evaluations of audit work after having received proposals from both consultants.

Issued in Austin, Texas, on October 31, 1991.

TRD-9113943 William Treacy
Executive Director
Texas State Board of Public Accountancy

Filed: November 6, 1991

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

Texas Rehabilitation Commission Intent to Award Grant

Background and Council Intent. The Texas Rehabilitation Commission announces its intention to award a grant on behalf of the Texas Planning Council for Developmental Disabilities (council) to the State of Texas, Office of the Governor, Ombudsman Division in Austin for support of the Texas Information and Referral (I&R) project.

The Developmental Disabilities Assistance and Bill of Rights Act of 1990 authorizes funds to be provided for studies, analysis, development of model policies, and technical assistance to providers with respect to "priority area activities" adopted by the council, and information dissemination to local, state, and federal policymakers. The Texas I&R project was established by the council, the Texas Health and Human Services Coordinating Council (THHSCC) and the Texas Early Childhood Intervention program in 1989. From 1989-1991, the THHSCC was awarded a grant on behalf of the council to enable the I&R Task Force to conduct a study of public needs, current services, practices, and issues in I&R and completed a plan with five recommendations, which were reviewed and endorsed by the council. After action was taken by the 72nd Texas Legislature to sunset the THHSCC, that grant was transferred to the Office of the Governor on September 1, 1991.

Description of Project. The purpose of the I&R project is to develop a statewide network of I&R services that assures that: the public has easy access to accurate information about health and human services, including who to contact (referral); and I&R providers have accurate and comprehensive health and human services information and the support needed to offer consistently high quality I&R that meets the needs of the public by: establishing a public/private partnership to oversee implementation of the Plan; identifying all Texas I&R programs meeting the

Task Force definition and to publish and distribute a statewide directory of I&R program; establishing local and statewide networks of I&R programs by facilitating awareness, communication and cooperation among them; promoting model standards for I&R programs and provide incentives for and assistance in implementing these standards; developing an automated clearinghouse of information on state-provided health and human services including general eligibility requirements, availability of services and procedures for applying for services.

Terms and Funding. The initial budget period will be December 1, 1991-November 30, 1992. The level of funding is expected to be in the range of \$221,000 annually and 10% non-federal match is requested. The duration of the project is three years, contingent on periodic review of project performance by the Council. For information on any aspect of the award, contact: W. D. Neilson, Texas Planning Council for Developmental Disabilities, 4900 North Lamar Boulevard, Austin, Texas 78751-2316, (512) 483-4088.

Issued in Austin, Texas, on November 7, 1991.

TRD-9114046

Charles W. Schiesser
Assistant Commissioner
Texas Rehabilitation Commission

Filed: November 8, 1991

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



1991 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1991 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. 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 *Tuesday, January 1	Friday, December 21	Thursday, December 27
Friday, January 4	NO ISSUE PUBLISHED	
2 Tuesday, January 8	Wednesday, January 2	Thursday, January 3
3 Friday, January 11	Monday, January 7	Tuesday, January
4 Tuesday, January 15	Wednesday, January 9	Thursday, January 10
5 Friday, January 18	Monday, January 14	Tuesday, January 15
6 Tuesday, January 22	Wednesday, January 16	Thursday, January 17
Friday, January 25	1990 ANNUAL INDEX	
7 Tuesday, January 29	Wednesday, January 23	Thursday, January 24
8 Friday, February 1	Monday, January 28	Tuesday, January 29
9 Tuesday, February 5	Wednesday, January 30	Thursday, January 31
10 Friday, February 8	Monday, February 4	Tuesday, February 5
11 Tuesday, February 12	Wednesday, February 6	Thursday, February 7
12 Friday, February 15	Monday, February 11	Tuesday, February 12
13 Tuesday, February 19	Wednesday, February 13	Thursday, February 14
14 *Friday, February 22	Friday, February 15	Tuesday, February 19
15 Tuesday, February 26	Wednesday, February 20	Thursday, February 21
16 Friday, March 1	Monday, February 25	Tuesday, February 26
17 Tuesday, March 5	Wednesday, February 27	Thursday, February 28
18 Friday, March 8	Monday, March 4	Tuesday, March 5
19 Tuesday, March 12	Wednesday, March 6	Thursday, March 7
20 Friday, March 15	Monday, March 11	Tuesday, March 12
21 Tuesday, March 19	Wednesday, March 13	Thursday, March 14
22 Friday, March 22	Monday, March 18	Tuesday, March 19
23 Tuesday, March 26	Wednesday, March 20	Thursday, March 21
24 Friday, March 29	Monday, March 25	Tuesday, March 26
25 Tuesday, April 2	Wednesday, March 27	Thursday, March 28
26 Friday, April 5	Monday, April 1	Tuesday, April 2
27 Tuesday, April 9	Wednesday, April 3	Thursday, April 4
28 Friday, April 12	Monday, April 8	Tuesday, April 9
29 Tuesday, April 16	Wednesday, April 10	Thursday, April 11
*Friday, April 19	FIRST QUARTERLY INDEX	

30 Tuesday, April 23	Wednesday, April 17	Thursday, April 18
31 Friday, April 26	Monday, April 22	Tuesday, April 23
32 Tuesday, April 30	Wednesday, April 24	Thursday, April 25
33 Friday, May 3	Monday, April 29	Tuesday, April 30
34 Tuesday, May 7	Wednesday, May 1	Thursday, May 2
35 Friday, May 10	Monday, May 6	Tuesday, May 7
36 Tuesday, May 14	Wednesday, May 8	Thursday, May 9
37 Friday, May 17	Monday, May 13	Tuesday, May 14
38 Tuesday, May 21	Wednesday, May 15	Thursday, May 16
39 Friday, May 24	Monday, May 20	Tuesday, May 21
40 Tuesday, May 28	Wednesday, May 22	Thursday, May 23
41 *Friday, May 31	Friday, May 24	Tuesday, May 28
42 Tuesday, June 4	Wednesday, May 29	Thursday, May 30
43 Friday, June 7	Monday, June 3	Tuesday, June 4
44 Tuesday, June 11	Wednesday, June 5	Thursday, June 6
45 Friday, June 14	Monday, June 10	Tuesday, June 11
46 Tuesday, June 18	Wednesday, June 12	Thursday, June 13
47 Friday, June 21	Monday, June 17	Tuesday, June 18
48 Tuesday, June 25	Wednesday, June 19	Thursday, June 20
49 Friday, June 28	Monday, June 24	Tuesday, June 25
50 Tuesday, July 2	Wednesday, June 26	Thursday, June 27
51 Friday, July 5	Monday, July 1	Tuesday, July 2
Tuesday, July 9	NO ISSUE PUBLISHED	
52 Friday, July 12	Monday, July 8	Tuesday, July 9
53 Tuesday, July 16	Wednesday, July 10	Thursday, July 11
54 Friday, July 19	Monday, July 15	Tuesday, July 16
Tuesday, July 23	SECOND QUARTERLY IN- DEX	
55 Friday, July 26	Monday, July 22	Tuesday, July 23
56 Tuesday, July 30	Wednesday, July 24	Thursday, July 25
57 Friday, August 2	Monday, July 29	Tuesday, July 30
58 Tuesday, August 6	Wednesday, July 31	Thursday, August 1
59 Friday, August 9	Monday, August 5	Tuesday, August 6
60 Tuesday, August 13	Wednesday, August 7	Thursday, August 8
61 Friday, August 16	Monday, August 12	Tuesday, August 13
62 Tuesday, August 20	Wednesday, August 14	Thursday, August 15
63 Friday, August 23	Monday, August 19	Tuesday, August 20
64 Tuesday, August 27	Wednesday, August 21	Thursday, August 22
65 Friday, August 30	Monday, August 26	Tuesday, August 27
66 Tuesday, September 3	Wednesday, August 28	Thursday, August 29
Friday, September 6	NO ISSUE PUBLISHED	

67 Tuesday, September 10	Wednesday, September 4	Thursday, September 5
68 Friday, September 13	Monday, September 9	Tuesday, September 10
69 Tuesday, September 17	Wednesday, September 11	Thursday, September 12
70 Friday, September 20	Monday, September 16	Tuesday, September 17
71 Tuesday, September 24	Wednesday, September 18	Thursday, September 19
72 Friday, September 27	Monday, September 23	Tuesday, September 24
73 Tuesday, October 1	Wednesday, September 25	Thursday, September 26
74 Friday, October 4	Monday, September 30	Tuesday, October 1
75 Tuesday, October 8	Wednesday, October 2	Thursday, October 3
76 Friday, October 11	Monday, October 7	Tuesday, October 8
Tuesday, October 15	THIRD QUARTERLY INDEX	
77 Friday, October 18	Monday, October 14	Tuesday, October 15
78 Tuesday, October 22	Wednesday, October 16	Thursday, October 17
79 Friday, October 25	Monday, October 21	Tuesday, October 22
80 Tuesday, October 29	Wednesday, October 23	Thursday, October 24
81 Friday, November 1	Monday, October 28	Tuesday, October 29
82 Tuesday, November 5	Wednesday, October 30	Thursday, October 31
83 Friday, November 8	Monday, November 4	Tuesday, November 5
84 Tuesday, November 12	Wednesday, November 6	Thursday, November 7
85 *Friday, November 15	Friday, November 8	Tuesday, November 12
86 Tuesday, November 19	Wednesday, November 13	Thursday, November 14
87 Friday, November 22	Monday, November 18	Tuesday, November 19
88 Tuesday, November 26	Wednesday, November 20	Thursday, November 21
89 Friday, November 29	Monday, November 25	Tuesday, November 26
Tuesday, December 3	NO ISSUE PUBLISHED	
90 Friday, December 6	Monday, December 2	Tuesday, December 3
91 Tuesday, December 10	Wednesday, December 4	Thursday, December 5
92 Friday, December 13	Monday, December 9	Tuesday, December 10
93 Tuesday, December 17	Wednesday, December 11	Thursday, December 12
94 Friday, December 20	Monday, December 16	Tuesday, December 17
95 Tuesday, December 24	Wednesday, December 18	Thursday, December 19
96 *Friday, December 27	Friday, December 20	Monday, December 23
Tuesday, December 31	NO ISSUE PUBLISHED	
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

Texas Register

P.O. Box 13824

Austin, TX 78711-3824

(512)463-5561

The *Texas Register* encourages schools in all of Texas' school districts to participate in the Student Art project. Since its inception in 1987, the project has enjoyed success. More than 24 of Texas' schools districts have participated and artwork has been published in more than 400 issues of the *Texas Register*. The program is sponsored by the *Texas Register* to promote the artistic abilities of Texas students and to help students gain an insight into Texas government.

Student Art project guidelines include:

- ✓ Only students in grades K - 12 are eligible to participate.
- ✓ Only pen and ink drawings will be published.
- ✓ Artwork should be no smaller than 3" x 5" and no larger than 8 1/2" x 11".
- ✓ Each project submitted must be clearly labeled and legibly identified with the artist's name, grade, school, school district, and city.
- ✓ Artwork will be printed in groupings by school district. Each school will receive a free copy of the *Texas Register* when submitted artwork is printed. Schools are limited to three submissions per year.
- ✓ Artwork will not be returned.

The artwork is used to fill what would otherwise be 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 to each issue and in no way increases the cost of the *Texas Register*.

For more information about the student art project, please contact Roberta Knight at (512) 463-5561.



YES, I am interested in submitting artwork from my school. Please send me more information about the Student Art project.

Name

School

District

Address

City, ST Zip

Are you a school official, art teacher, parent, or student?

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