

Texas Register

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Texas Register

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Governor-Appointments, executive orders, and proclamations

Attorney General-summaries of requests for opinions, opinions, and open records decisions

Emergency Sections-sections adopted by state agencies on an emergency basis

Proposed Sections-sections proposed for adoption

Withdrawn Sections-sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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

Open Meetings-notices of open meetings

In Addition-miscellaneous information required to be published by statute or provided as a public service

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

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In Order that readers may cite material more easily page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "14 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 14 TexReg 3"

How to Research: The public is invited to research rules and information; of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, Room 245, James Earl Rudder Building, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, sections number, or TRD number.

Texas Administrative Code

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

How to Cite: Under the TAC scheme, each agency section is designated by a TAC number. For example in the citation 1 TAC §27.15:

1 indicates the title under which the agency appears in the *Texas Administrative Code*;

TAC stands for the *Texas Administrative Code*;

§27.15 is the section number of rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).



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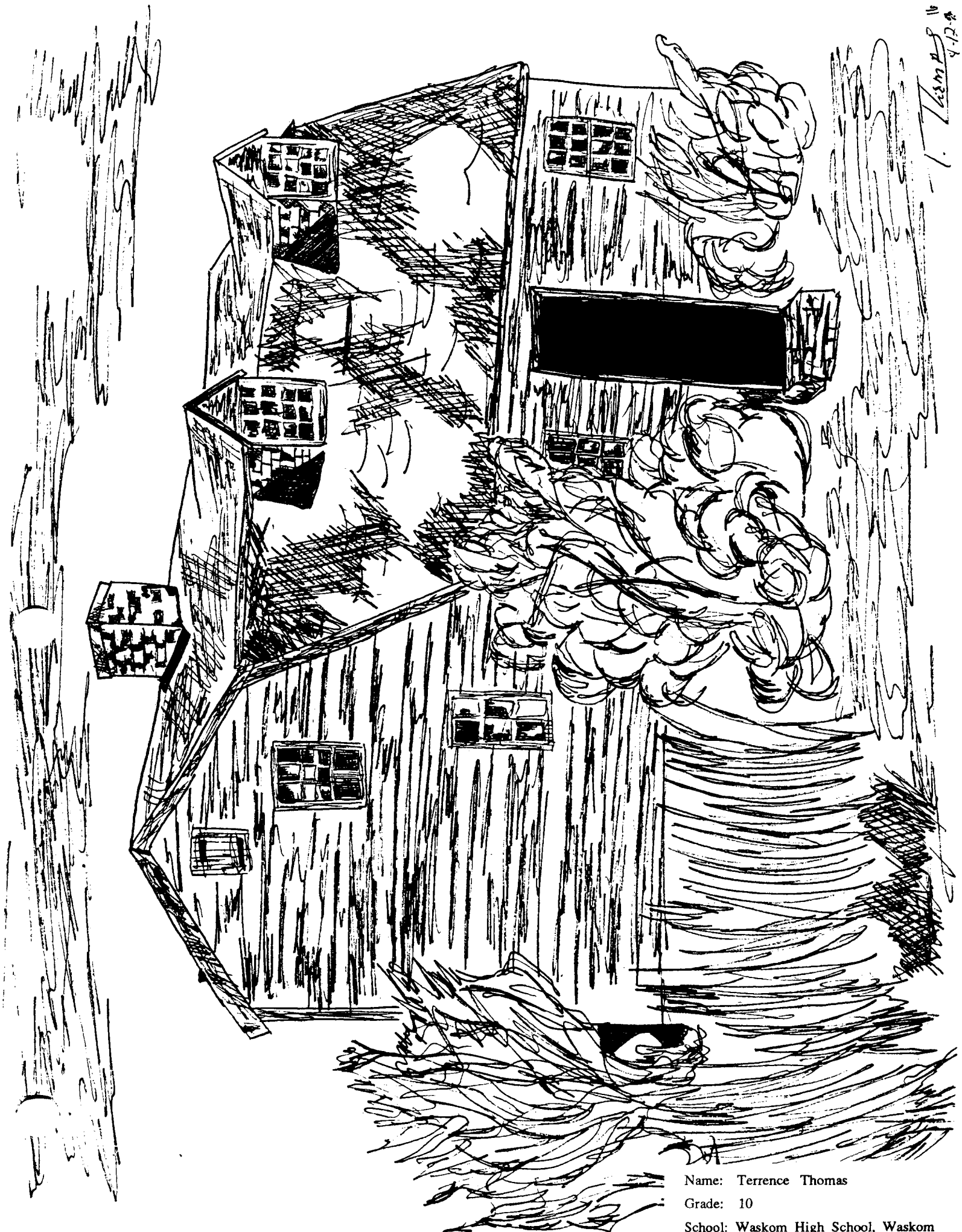
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Name: Michael Greenslate
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School: Waskom High School, Waskom

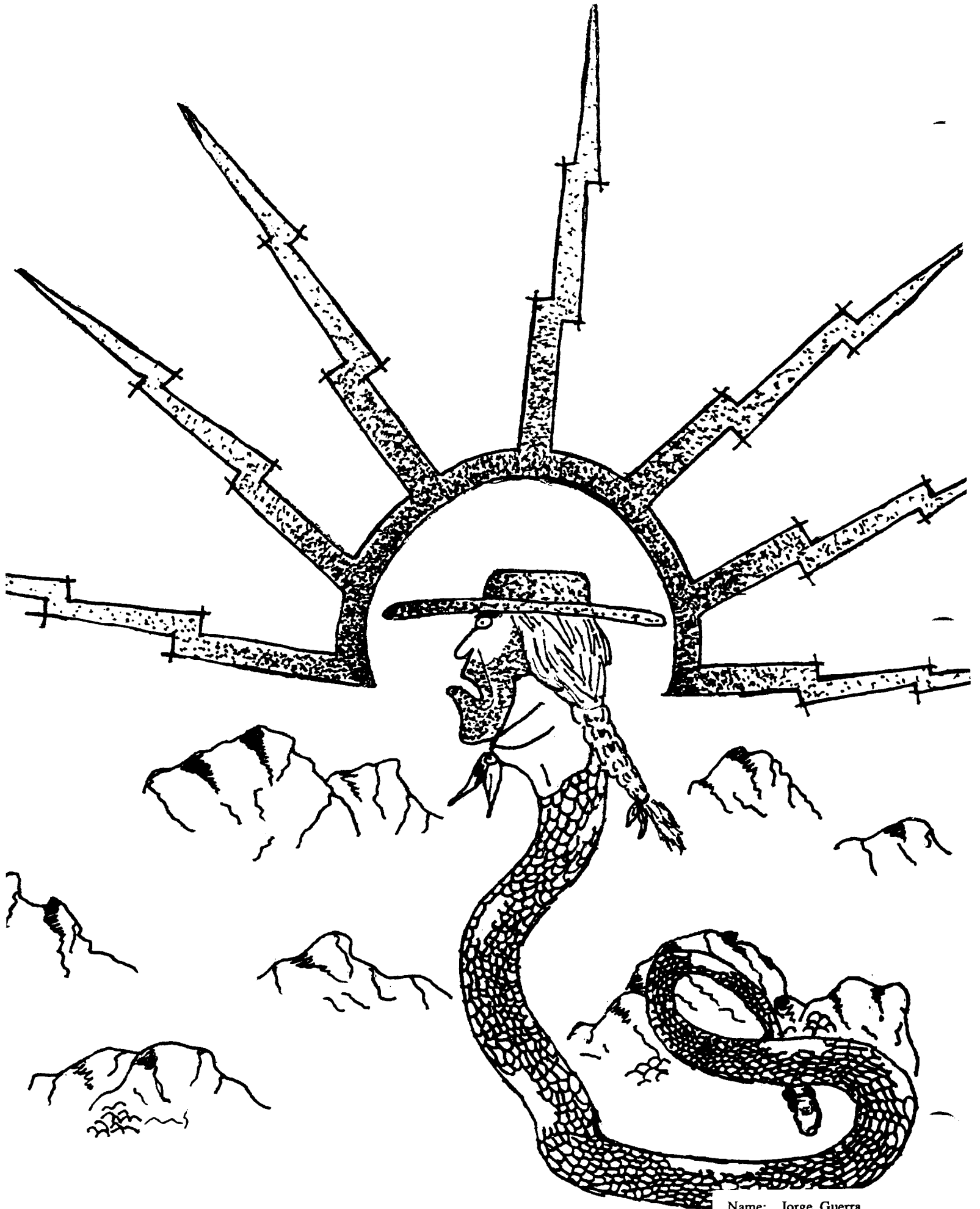


1. Terrence Thomas
4-12-88

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Grade: 9

School: Waskom High School. Waskom

TAC Titles Affected

TAC Titles Affected—May

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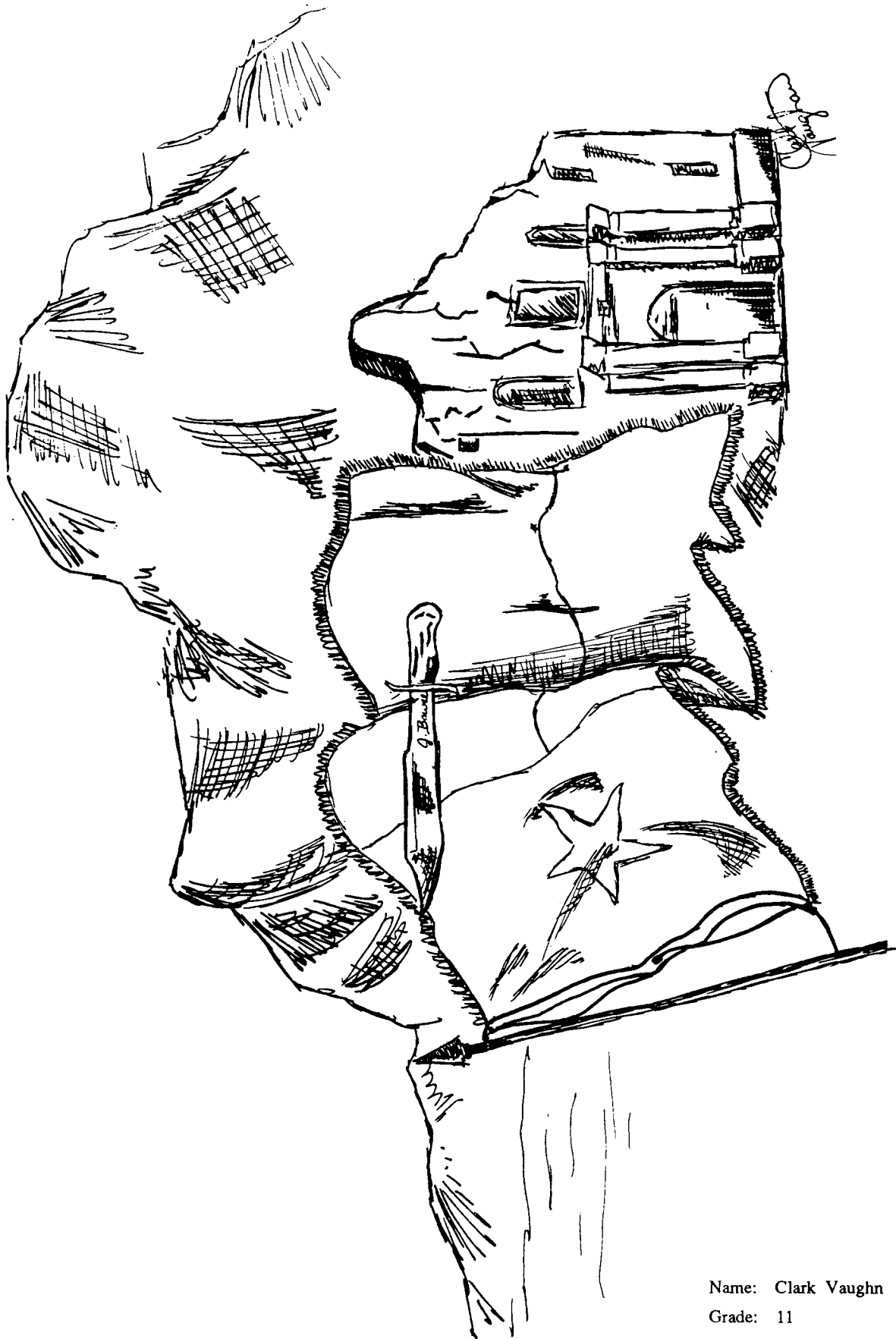
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◆ ◆ ◆



INSEPARABLE

Name: Clark Vaughn

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School: Waskom High School, Waskom

Emergency Sections

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

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

TITLE 22. EXAMINING BOARDS

Part V. Texas State Board of Dental Examiners

Chapter 101. Pertaining to Dentistry

Examination-Application

• 22 TAC §§101.11, 101.12, 101.13, 101.15

The Texas State Board of Dental Examiners adopts on an emergency basis amendments to §§101.11, 101.12, 101.13, and 101.15, concerning examination-application. The board found that there was an imminent need to adopt these amendments. Failure to adopt these sections would create an imminent peril to the welfare of the public. The section currently in effect specify examination criteria (in the dental licensing examination) that does not conform with the current examination.

Persons to be examined have been informed by the board that they will be tested over certain material. The adoption of these amendments will ensure that the applicants taking the dental examination are being tested on the appropriate criteria.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 4551d, 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.

§101.11. Date and Place of Examinations. The Texas State Board of Dental Examiners holds [two] examinations each year, generally in May-June and in the fall. The examinations are generally held in Dallas, at Baylor College of Dentistry; in Houston, at the University of Texas Dental Branch; in San Antonio, at the University of Texas Dental Branch; or at such other places in Texas as the board may select. The fall examination is generally given at only one school.

§101.12. Applicant Categories.

(a) Classification. Applicants for license are classified in two categories.

(1) Those who have passed the

examination given by the National Board of Dental Examiners will be required to pass only the practical portion of the Texas examination including an examination covering the laws of Texas and [on] the rules of the board pertaining to dentistry, dental hygiene, other areas of dentistry, and dental laboratories and dental technicians (such applicants shall furnish with their application the National Board of Dental Examiners grade card issued to those having passed any portion of such examination).

(2) Those who have been licensed and engaged in the practice of dentistry for not less than 10 years, at the discretion of the board, may be required to take and pass only the portions [practical portion] of the Texas examination outlined in paragraph (1) of this subsection.

(b) (No change.)

§101.13. Application Forms and Fees.

(a) (No change.)

(b) No refund of dental examination fees paid to the board will be made except where the applicant **fails to meet** [has not met] the following two examination requirements:

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

§101.15. Examination Check-in.

(a) At a time specified by the board [Generally, on the day before the examination begins], applicants are assembled at a previously designated place for the presentation of their credentials and exhibiting to the members of the board or staff proof of graduation from the schools or colleges conferring their dental degrees. Examination number buttons are issued to the applicants and matters of procedure and special instructions are made known at this assembly.

(b) (No change.)

Issued in Austin, Texas on May 11, 1990.

TRD-9004877

Patrick D. Redman
Staff Legal Counsel
Texas State Board of
Dental Examiners

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For further information, please call: (512) 834-6021

Conduct-Grading

• 22 TAC §101.31

The Texas State Board of Dental Examiners adopt on an emergency basis §101.31, concerning conduct-grading. The board found that there was an imminent need to adopt the amendment. Failure to adopt the section would create an imminent peril to the welfare of the public. The section currently in effect specifies examination criteria (in the dental licensing examination) that does not conform with the current examination.

Persons to be examined have been informed by the board that they will be tested over certain material. The adoption of the amendment will ensure that the applicants taking the dental examination are being tested on the appropriate criteria.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4551d, 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.

§101.31. Performance Grading.

(a) Each applicant will be graded on his handling of patients, cleanliness, **infection barrier control procedures**, and conduct, as well as the quality of work done and must finish each operation in a reasonable time to receive full credit. Any exposure of the dental pulp (pathological or mechanical) is a **failure** and must be reported to an examiner immediately. If an applicant desires additional X-rays he must X-ray his own patient, also the board may require him to take X-rays.

(b) On the examination, each applicant's work will be graded on the basis of satisfactory or unsatisfactory. Satisfactory is acceptable and passing and unsatisfactory is unacceptable and failing. One or more failing or unsatisfactory grades in subjects, operations, or procedures **may disqualify and fail** [disqualifies and fails] the applicant.

Issued in Austin, Texas on May 11, 1990.

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Patrick D. Redman
Staff Legal Counsel
Texas State Board of
Dental Examiners

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For further information, please call: (512) 834-6021

Jurisprudence-Preclinical Examination

• 22 TAC §101.41

The Texas State Board of Dental Examiners adopts on an emergency basis an amendment to §101.41, concerning jurisprudence-preclinical examination. The board found that there was an imminent need to adopt the amendment. Failure to adopt the section would create an imminent peril to the welfare of the public. The section currently in effect specifies examination criteria (in the dental licensing examination) that does not conform with the current examination.

Persons to be examined have been informed by the board that they will be tested over certain material. The adoption of the amendment will ensure that the applicants taking the dental examination are being tested on the appropriate criteria.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4551d, 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.

§101.41. Jurisprudence. The Texas State Board of Dental Examiners feels that it is imperative that each applicant for license to practice dentistry in Texas understand the laws and rules governing the dental profession in Texas for the protection of the public; further, that each applicant [also] possess the ability to **demonstrate his or her** [construct an acceptable denture set-up as well as the demonstration of his] clinical ability on live patients. In sequence, the examination will consist of check-in, jurisprudence, [set-up,] diagnosis, and treatment plan, and the balance of the clinical examination on the patient(s) for whom the applicant prepared the diagnosis and treatment plan. [An applicant must pass the jurisprudence portion of the examination before he will be allowed to proceed to the set-up portion and each applicant must then pass the set-up requirement before he will be allowed to enter the final clinical portion of the examination. Therefore, immediately] **Immediately** after the check-in procedure, each will begin the jurisprudence examination given by the board. [which the applicant must pass. The grades made by each applicant will be posted on the door of the examination area. The grades will be listed as satisfactory or unsatisfactory or pass or fail. The grades on the set-up portion (for those who have already passed the jurisprudence portion) will be posted on the door of the area where the denture set-up was given. Those applicants who passed both the jurisprudence and set-up portions

will then be admitted to the final clinical portion of the examination consisting of the diagnosis and treatment plan and the clinical performance of such treatment plan.]

Issued in Austin, Texas, on May 11, 1990.

TRD-9004875

Patrick D. Redman
Staff Legal Counsel
Texas State Board of
Dental Examiners

Effective date: May 15, 1990

Expiration date: September 12, 1990

For further information, please call: (512) 834-6021

Denture Set-Up, Diagnosis and Treatment Plan-Preclinical Examination

• 22 TAC §101.51

The Texas State Board of Dental Examiners adopt on an emergency basis the repeal of §101.51, concerning denture set-up, diagnosis and treatment plan-preclinical examination. The board found that there was an imminent need to repeal this section. Failure to repeal this section would create an imminent peril to the welfare of the public. The section currently in effect specified examination criteria that does not conform with the current examination.

Persons to be examined have been informed by the board that they will be tested over certain material. The repeal of this section will ensure that the applicants taking the dental examination are being tested on the appropriate criteria.

The repeal is adopted on an emergency basis under Texas Civil Statutes, Article 4551d, 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.

§101.51. Denture Set-Up.

Issued in Austin, Texas on May 11, 1990.

TRD-9004878

Patrick D. Redman
Staff Legal Counsel
Texas State Board of
Dental Examiners

Effective date: May 15, 1990

Expiration date: September 12, 1990

For further information, please call: (512) 834-6021

• 22 TAC §101.52

The Texas State Board of Dental Examiners adopt on an emergency basis an amendment to §101.52, concerning denture set-up, diagnosis plan-preclinical examination. The board found that there was an imminent need to adopt the amendment. Failure to adopt the section would create an imminent peril to the welfare of the public. The section currently in

effect specifies examination criteria (in the dental licensing examination) that does not conform with the current examination.

Persons to be examined have been informed by the board that they will be tested over certain material. The adoption of the amendment will ensure that the applicants taking the dental examination are being tested on the appropriate criteria.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4551d, 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.

§101.52. Diagnosis and Treatment Plan and Patient History. After a dental applicant has **taken** [passed] the jurisprudence [and setup] portion of the examination, he or she will be given an examination on diagnosis and treatment planning and will also be required to prepare a medical-dental history for his or her dental patient(s) before being permitted to proceed further in the examination.

Issued in Austin, Texas on May 11, 1990.

TRD-9004874

Patrick D. Redman
Staff Legal Counsel
Texas State Board of
Dental Examiners

Effective date: May 15, 1990

Expiration date: September 12, 1990

For further information, please call: (512) 834-6021

Specific Examination Information for Dentists

• 22 TAC §101.61

The Texas State Board of Dental Examiners adopts on an emergency basis an amendment to §101.61, concerning specific examination information for dentists. The board found that there was an imminent need to adopt the amendment. Failure to adopt the section would create an imminent peril to the welfare of the public. The section currently in effect specifies examination criteria (in the dental licensing examination) that does not conform with the current examination.

Persons to be examined have been informed by the board that they will be tested over certain material. The adoption of the amendment will ensure that the applicants taking the dental examination are being tested on the appropriate criteria.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4551d, 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.

§101.61. Dental Applicants Information.

(a)-(o) (No change.)

(p) Be considerate of your patient. You will be graded on neatness, cleanliness, infection control techniques, and general care of your operatory area as well as treatment of your patient and quality of work performed.

(q) (No change.)

Issued in Austin, Texas on May 11, 1990.

TRD-9004873

Patrick D. Redman
Staff Legal Counsel
Texas State Board of
Dental Examiners

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Expiration date: September 12, 1990

For further information, please call: (512) 834-6021



**Chapter 103. Dental Hygiene
Examination-Application**

• 22 TAC §103.11, §103.15

The Texas State Board of Dental Examiners adopts on an emergency basis amendments to §103.11 and §103.15, concerning examination-application. The board found that there was an imminent need to adopt these amendments. Failure to adopt these sections would create an imminent peril to the welfare of the public. The sections currently in effect specify examination criteria (in the dental licensing examination) that does not conform with the current examination.

Persons to be examined have been informed by the board that they will be tested over certain material. The adoption of these amendments will ensure that the applicants taking the dental examination are being tested on the appropriate criteria.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 4551d, 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.

§103.11. Date and Place of Examination. The Texas State Board of Dental Examiners holds examinations each year [Examinations are regularly held twice annually], generally in May through June and in the fall. The examinations may be held in Dallas, at Baylor College of Dentistry; in Houston, at the University of Texas Dental Branch; the University of Texas Dental Branch at San Antonio; or at such other places [other times and locations] in Texas as the board may select. The fall examination is generally given at only one school [The school where the examination is held will charge each applicant a fee for services and materials].

§103.15. Check-in.

(a) At a time specified by the board, [Generally on the day before the examination begins] the applicants are assembled at a previously designated place for the presentation of their credentials and exhibition to the members of the board their diplomas from the schools or colleges from which they graduated. Graduates of accredited dental hygiene schools within the State of Texas may exhibit photostatic or card size reproductions of such diplomas. At this meeting examination number buttons are issued to the applicants and matters of procedure and special instructions are made known at this assembly.

(b) Each applicant must make his or her own arrangements for patients, living accommodations, and familiarize himself or herself with the facilities available.

(c) (No change.)

Issued in Austin, Texas on May 11, 1990.

TRD-9004872

Patrick D. Redman
Staff Legal Counsel
Texas State Board of
Dental Examiners

Effective date: May 15, 1990

Expiration date: September 12, 1990

For further information, please call: (512) 834-6021



Work Sheet and Schedule Examination Check-Steps

• 22 TAC §§103.21-103.23

The Texas State Board of Dental Examiners adopts on an emergency basis amendments to §§103.21-103.23, concerning work sheet and schedule examination check-steps. The board found that there was an imminent need to adopt these amendments. Failure to adopt these sections would create an imminent peril to the welfare of the public. The section currently in effect specify examination criteria (in the dental licensing examination) that does not conform with the current examination.

Persons to be examined have been informed by the board that they will be tested over certain material. The adoption of these amendments will ensure that the applicants taking the dental examination are being tested on the appropriate criteria.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 4551d, 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.

§103.21. General Information.

(a) The official Texas State Board of Dental Examiners examination number

button is to be worn at all times during the examination. The examination number must be plainly written on each examination book. The applicant must have the official work sheet and schedule with him or her at all times during the examination. All examinations are to be written in ink. When an applicant has finished all phases of the examination or if for any reason he or she should quit the examination at any stage, the numbered button and the work sheet and schedule must be turned in to an examiner, otherwise no grades will be furnished. Additional instructions are printed on the work sheet and schedule.

(b) Each applicant (candidate) must furnish his or her own patient(s), [one patient] prophylactic instruments, mouth mirrors, and a red and blue pencil for the prophylaxis and X-ray portion. [Such patient must have 20 natural teeth of which six are lower anterior teeth.] All patients must be approved by an examiner before work is started.

§103.22. Procedures and Subjects. The procedures and subjects upon which each applicant will be examined and must pass are as follows: [One] oral prophylaxis, X-ray; one full mouth X-ray on the prophylaxis patient (20 [18] films [, 14 regular and four bite-wings]) and such other operations or procedures as the board may deem advisable to test each [such] applicant's ability. After approval by an examiner, the applicant will take, develop, mount, and critique the X-rays. X-ray film, of acceptable quality, will be furnished by the school [board]. Each applicant must be prepared to use X-ray machines available at the school. Each applicant will furnish and bring his or her own X-ray racks.

§103.23. Jurisprudence and Grading. The Texas State Board of Dental Examiners feels that it is imperative for all dental hygiene applicants to have a thorough knowledge of the laws, [and] rules, and regulations governing all phases of the dental profession. Therefore, an applicant must pass the jurisprudence examination [before being admitted to the clinical examination. Grades made by each applicant on the jurisprudence examination will be posted at the examination area soon after the jurisprudence examination is completed. The grades will be listed as satisfactory or unsatisfactory or pass or fail.] In sequence, the examination will consist of check-in, jurisprudence, and the clinical examination.

Issued in Austin, Texas on May 11, 1990.

TRD-9004871

Patrick D. Redman
Staff Legal Counsel
Texas State Board of
Dental Examiners

Effective date: May 15, 1990

Expiration date: September 12, 1990

For further information, please call: (512) 834-6021



Conduct-Grading

• 22 TAC §103.31

The Texas State Board of Dental Examiners adopts on an emergency basis an amendment to §103.31, concerning conduct-grading. The board found that there was an imminent need to adopt the amendment. Failure to adopt the section would create an imminent peril to the welfare of the public. The section currently in effect specifies examination criteria (in the dental licensing examination) that does not conform with the current examination.

Persons to be examined have been informed by the board that they will be tested over certain material. The adoption of the amendment will ensure that the applicants taking the dental examination are being tested on the appropriate criteria.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4551d, 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.

§103.31. Clinical Grading. Each applicant will be graded on handling of patients, cleanliness, and conduct, as well as the quality of work done and must finish each procedure within a reasonable time to receive full credit. On the examination each applicant's work will be graded on the basis of satisfactory or unsatisfactory, satisfactory is acceptable and passing and unsatisfactory is unacceptable and failing. One or more failing or unsatisfactory grades in subjects, operations, or procedures may disqualify and fall [disqualifies and fails] the applicant on the examination.

Issued in Austin, Texas on May 11, 1990.

TRD-9004870

Patrick D. Redman
Staff Legal Counsel
Texas State Board of
Dental Examiners

Effective date: May 15, 1990

Expiration date: September 12, 1990

For further information, please call: (512) 834-6021

Specific Examination

Information for Dental Hygienists

• 22 TAC §103.41

The Texas State Board of Dental Examiners adopts on an emergency basis an amendment to §103.41, concerning specific examination information for dental hygienists. The board found that there was an imminent need to adopt the amendment. Failure to adopt the section would create an imminent peril to the welfare of the public. The section currently in effect specifies examination criteria (in the dental licensing examination)

that does not conform with the current examination.

Persons to be examined have been informed by the board that they will be tested over certain material. The adoption of the amendment will ensure that the applicants taking the dental examination are being tested on the appropriate criteria.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4551d, 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.

§103.41. Dental Hygiene Applicant Information.

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

(k) [Be prepared to polish restorations in the mouth.] Be prepared to sharpen your own instruments. Be prepared to answer questions when requested to do so by an examiner.

(l)-(m) (No change.)

Issued in Austin, Texas, on May 11, 1990.

TRD-9004869

Patrick D. Redman
Staff Legal Counsel
Texas State Board of
Dental Examiners

Effective date: May 15, 1990

Expiration date: September 12, 1990

For further information, please call: (512) 834-6021

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 37. Maternal and Child Health Services

Chronically Ill and Disabled Children's Services

• 25 TAC §37.83

The Texas Department of Health adopts on an emergency basis an amendment to §37.83, concerning chronically ill and disabled children services. The section covers financial eligibility for chronically ill and disabled children's (CIDC) services. Existing §37.83 allows the program, with the consent of the commissioner, to adjust priority levels stated in that section depending on availability of funds. This amendment reduces the priority level from priority 7-186%-200% of federal poverty income guidelines to priority 5-146%-160% and below, and establishes limitations on new clients or services. This is necessary to bring the section into compliance with the attorney general's ruling on April 26, 1990, that this function cannot be delegated to the program by the Board of Health (Opinion Number JM-1169).

The change in eligibility coverage reduces the CIDC program level of expenditures as part of the overall program effort to remain within budgetary limitations of the remainder of this biennium.

The department finds that unless this amendment is adopted on an emergency basis, an imminent peril to the public health safety, or welfare of a large number of Texas children will exist for the following reason. Unless priority levels for program eligibility are reduced effective immediately, the funds available to the program which are currently projected to be depleted by May 31, 1990, will be depleted at a rate which will exhaust these funds at an earlier date, resulting in denial of program services for eligible children.

The amendment is adopted on an emergency basis under the Health and Safety Code, §35.003(b), which provides the Board of Health with the authority to specify by rule the type, amount, and duration of services to be provided to eligible chronically ill and disabled children; §35.003(c), which provides the board with the authority to establish a system of priorities relating to the type of services or the classes of persons eligible for the services, if budgetary limitations exist; §35.005, which provides the board with the authority to define by rule the medical, financial, and other criteria concerning eligibility for services under the chronically ill and disabled children's services program; §12.001, which provides the board with the authority to adopt rules to implement every duty imposed by law on the board, the department and the commissioner of health; and Texas Civil Statutes, Article 6252-13a, §5, which provide the board with the authority to adopt a rule on an emergency basis.

§37.83. Eligibility for Patient Services. In order for a person to be eligible for chronically ill and disabled children's services, the person has to meet the medical, financial, and related criteria in this section.

(1) (No change.)

(2) Financial criteria.

(A) Financial need. Financial need is established on the basis of family income and assets which are legally available to the family.

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

(iii) Priority level based on federal poverty guidelines. Income guidelines are based on percentages of the current federal poverty guidelines and [may be adjusted by the program with the consent of the commissioner to meet budgetary limitations. Coverage] coverage is based by program priority on percentages of federal poverty guidelines. Income guidelines are maintained on a current basis and are adopted by reference in §37.98 of this title (relating to Income Guidelines). [The program will adjust priority levels depending on available funds.] Priority levels are as follows:

PROGRAM PRIORITIES BASED ON FEDERAL POVERTY INCOME GUIDELINES

Priority 1 - 100% or below
Priority 2 - 101% to 115%
Priority 3 - 116% to 130%
Priority 4 - 131% to 145%
Priority 5 - 146% to 160%

Priority 6 - 161% to 185%
Priority 7 - 186% to 200%
Priority 8 - 201% to 215%
Priority 9 - 216% to 230%
Priority 10 - 231% to 245%

Financial eligibility for program participation is established at Priority Level 5 and below.

(B) (No change)

(C) Limitations on new clients or services. No new clients or authorizations for services under this paragraph may be approved after June 15, 1990, unless additional funds become available to the program by such date.

(3)-(9) (No change.)

Issued in Austin, Texas, on May 15, 1990.

TRD-9004866

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

Effective date: May 15, 1990

Expiration date: September 12, 1990

For further information, please call: (512) 458-7355

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**TITLE 34. PUBLIC
FINANCE**

**Part I. Comptroller of
Public Accounts**

Chapter 3. Tax Administration

**Subchapter O. State Sales and
Use Tax**

• 34 TAC §3.327

The Comptroller of Public Accounts adopts on an emergency basis an amendment to

§3.327, concerning taxpayer's bond or other security. This amendment is adopted on an emergency basis because the security accepted by the state under sales and use tax permits is in jeopardy of not being adequate without this change.

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

§3.327. Taxpayer's Bond or Other Security.

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

(d) The amount of bond or security required of a person who currently is or has been delinquent in payment of any amount due.

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

(3) **Bond amounts calculated to be less than \$100.** If a bond amount is calculated to be less than \$100, bond will not be required.

(e) **Recalculation of amount of bond required under certain circumstances.** If it is determined at any time that the amount of bond on file is inadequate or that a person is delinquent in the payment of any amount due, the comptroller may recalculate the amount of security and require new or additional bond to be posted. Under no circumstances, however, will the amount required exceed \$50,000 or be less than \$100.

(f) Types of security.

(1) Acceptable types of security:

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

(C) bank letters of credit which are deemed by the comptroller to be sufficient in amount and secure;

(D) United States Treasury bonds, readily convertible to cash;

(E) surety bonds.

(2) Unacceptable types of security:

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

(g)-(j) (No change.)

Issued in Austin, Texas, on May 15, 1990.

TRD-9004882

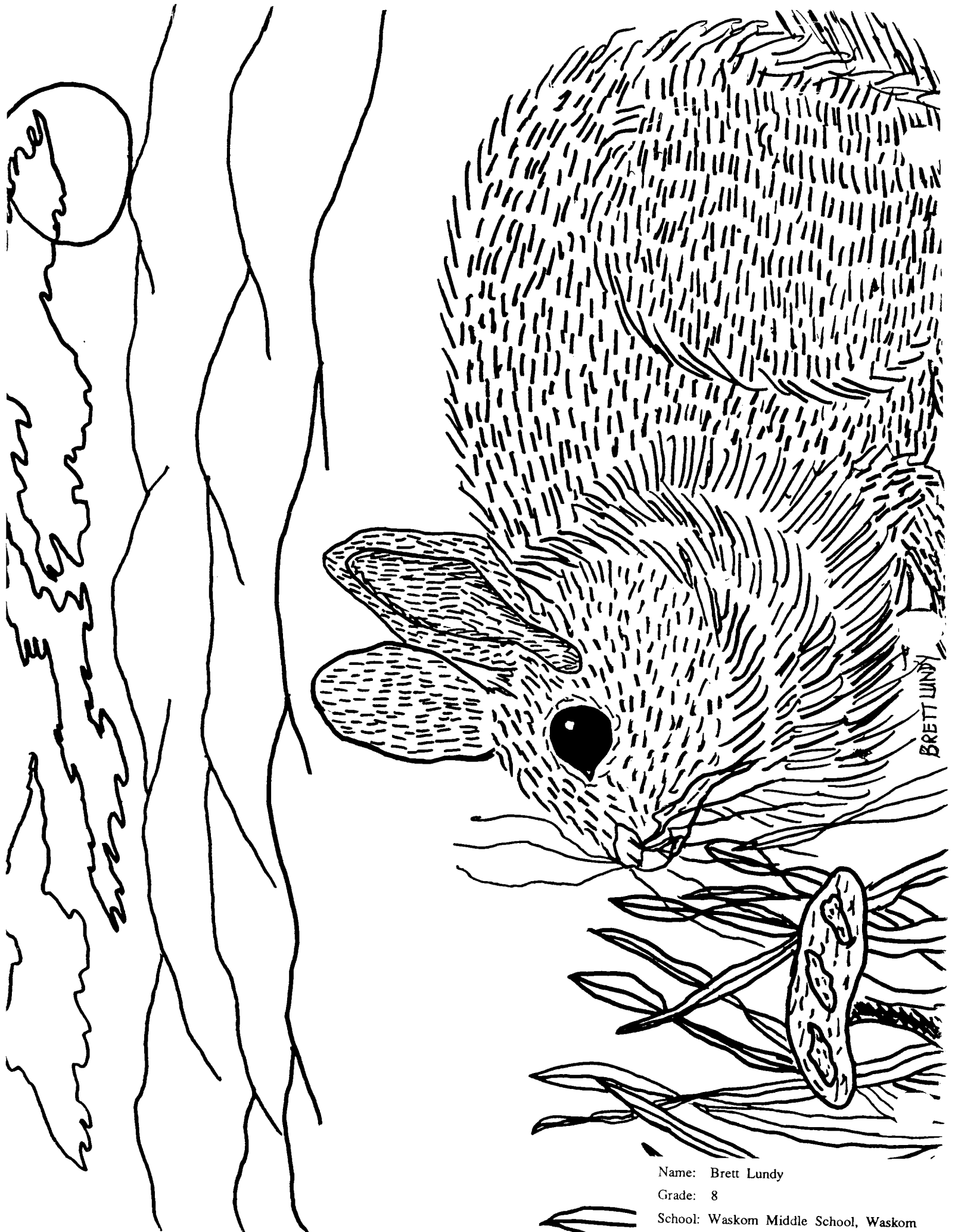
Bob Bullock
Comptroller of Public
Accounts

Effective date: May 15, 1990

Expiration date: September 12, 1990

For further information, please call: (512) 463-4004

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Name: Brett Lundy

Grade: 8

School: Waskom Middle School, Waskom

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 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 37. Maternal and Child Health Services

Chronically Ill and Disabled Children's Services

• 25 TAC §37.83

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

The Texas Department of Health proposes an amendment to §37.83, concerning chronically ill and disabled children services. The section covers financial eligibility for chronically ill and disabled children's (CIDC) services. Existing §37.83 allows the program, with the consent of the commissioner, to adjust priority levels stated in that section depending on availability of funds. The proposed change reduces the priority level from priority 7-186%-200% of federal poverty income guidelines to priority 5-146%-160% and below, and establishes limitations on new clients or services. This is necessary to bring the section into compliance with the attorney general's ruling on April 26, 1990, that this function cannot be delegated to the program

by the Board of Health (Opinion Number JM-1169).

Stephen Seale, Chief Accountant III, has determined that for the first five-year period the proposed section is in effect there will be fiscal implications as a result of enforcing or administering the section as proposed. The effect on state government will be a decreased cost to the program of \$3.4 million for each year for fiscal years 1990-1994. The cost to local government for uncompensated care to county hospitals is estimated at \$260,000 per year.

Mr. Seale also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that this change in eligibility coverage will reduce the CIDC program level of expenditures as part of the overall program effort to remain within budgetary limitations of the remainder of this biennium. There will be no effect on small businesses as a result of enforcing the section. The anticipated cost to persons who are required to comply with the section could range from \$25 to \$100,000 per individual depending on the individuals spell of illness, severity of medical condition, and availability of other third party coverage such as health insurance or Medicaid benefits. There will be no impact on local employment.

Comments may be submitted to John E. Evans, M.H.A., Chief, Bureau of Chronically Ill and Disabled Children's Services, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199. Comments on the proposal will be accepted for 30 days

following publication of this proposal in the *Texas Register*.

The amendment is proposed under the Health and Safety Code, §35.003(b), which provides the Board of Health with the authority to specify by rule the type, amount, and duration of services to be provided to eligible chronically ill and disabled children; §35.003(c), which provides the board with the authority to establish a system of priorities relating to the type of services or the classes of persons eligible for the services, if budgetary limitations exist; §35.005, which provides the board with the authority to define by rule the medical, financial, and other criteria concerning eligibility for services under the chronically ill and disabled children's services program; and §12.001, which provides the board with the authority to adopt rules to implement every duty imposed by law on the board, the department and the commissioner of health.

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

Issued in Austin, Texas, on May 15, 1990.

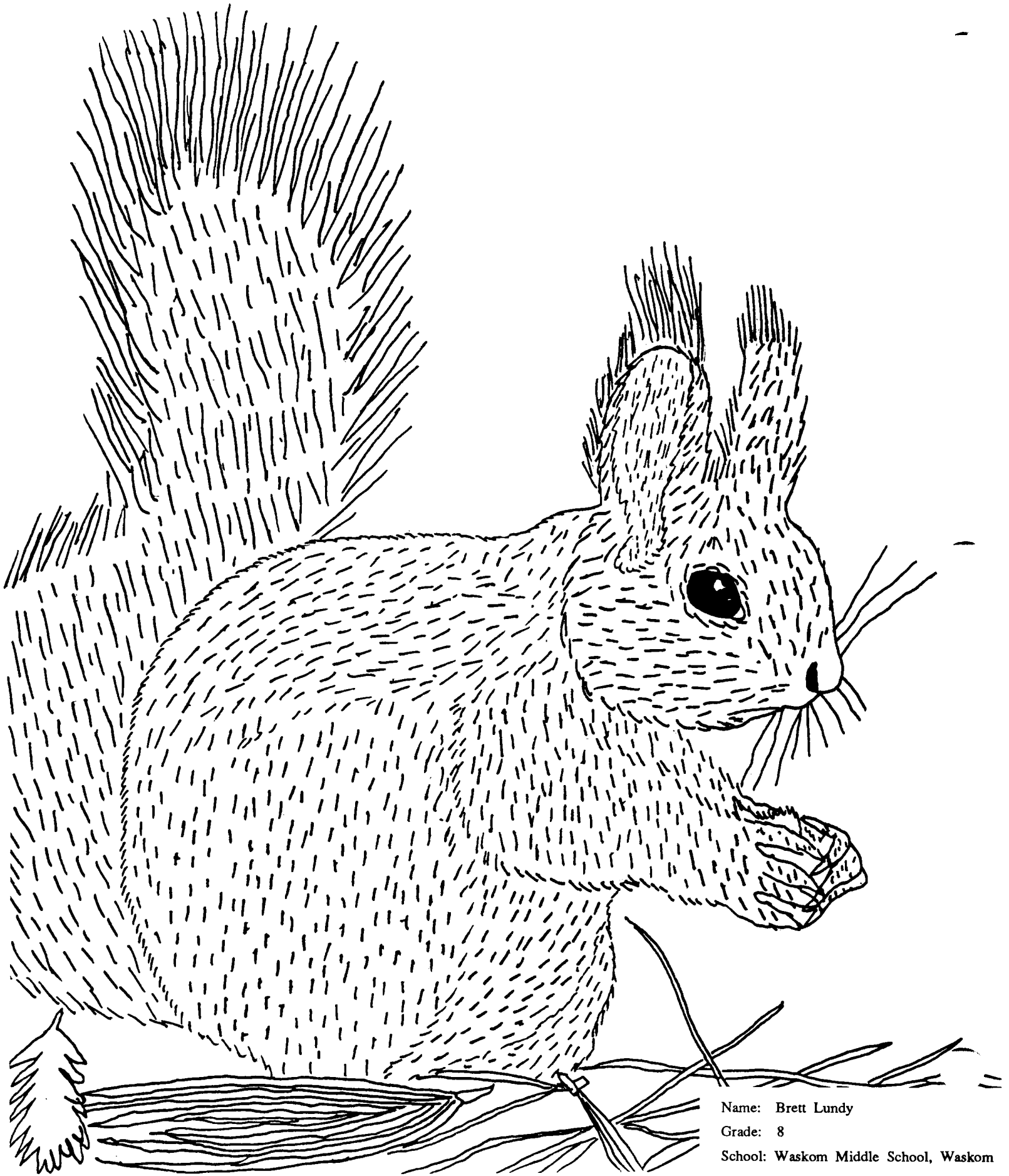
TRD-9004865

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

Proposed date of adoption: June 30, 1990

For further information, please call: (512) 458-7355

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Name: Brett Lundy

Grade: 8

School: Waskom Middle School, Waskom

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 13. CULTURAL RESOURCES

Part I. Texas State Library and Archives Commission

Chapter 1. Library Development

LSCA Annual Program and Long Range Plan

• 13 TAC §1.21

The Texas State Library and Archives Commission adopts an amendment to §1.21, without changes to the proposed text as published in the November 14, 1989, issue of the *Texas Register* (14 TexReg 6001).

The amendment is adopted to comply with the Code of Federal Regulations, Title 34, Part 770, Subpart C, which relates to the Library Services and Construction Act, 20 United States Code 351 et seq.

The amendment revises the federal Library Services and Construction Act Long Range Plan and Annual Program to describe the types of financial assistance and services that will be provided to libraries and systems of libraries.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Government Code, Chapter 441, §009, which provides the Texas State Library and Archives Commission with the authority to adopt a state plan for improving library services in Texas.

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

Issued in Austin, Texas on May 14, 1990.

TRD-9004844 Raymond Hitt
Assistant State Librarian
Texas State Library and
Archives Commission

Effective date: June 4, 1990

Proposal publication date: November 14, 1989

For further information, please call: (512) 463-5440

• 13 TAC §1.23

The Texas State Library and Archives Commission adopts an amendment to §1.23, without changes to the proposed text as

published in the November 14, 1989, issue of the *Texas Register* (14 TexReg 6001).

The amendment is adopted to comply with the Code of Federal Regulations, Title 34, Part 770, Subpart C, which relates to the Library Services and Construction Act, 20 United States Code, 351 et seq.

The amendment revises the federal Library Services and Construction Act Title II Program guidelines for selecting recipients of grants to construct public libraries from federal fiscal year 1990 funds.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Government Code, Chapter 441, §009, which provides Texas State Library and Archives Commission with the authority to adopt a state plan for improving library services in Texas.

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

Issued in Austin, Texas on May 14, 1990.

TRD-9004843 Raymond Hitt
Assistant State Librarian
Texas State Library and
Archives Commission

Effective date: June 4, 1990

Proposal publication date: November 14, 1989

For further information, please call: (512) 463-5440

TITLE 22. EXAMINING BOARDS

Part X. Texas Funeral Service Commission

Chapter 203. Licensing and Enforcement-Specific Substantive Rules

• 22 TAC §203.6

The Texas Funeral Service Commission adopts new §203.6, without changes to the proposed text as published in the April 13, 1990, issue of the *Texas Register* (15 TexReg 2125).

The new section ensures that each funeral director and embalmer apprentice receives adequate training and further ensures that each apprentice is fully informed of all requirements of the program.

The new section sets by rule the number of

hours required to be worked each week in an apprenticeship, fixes responsibility on both the apprentice and the supervisor for the proper conduct of the apprenticeship, and outlines procedures by which a portion of the apprenticeship can be served while in school.

No comments were received regarding adoption of the new section.

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

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

Issued in Austin, Texas on May 14, 1990.

TRD-9004883 Larry A. Farrow
Executive Director
Texas Funeral Service
Commission

Effective date: June 5, 1990

Proposal publication date: May 13, 1990

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

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 28. Supervision and Conservation

Subchapter A. General Provisions Regarding Supervision and Conservation

• 28 TAC §28.1, §28.2

The State Board of Insurance adopts new §28.1 and §28.2. Section 28.1 is adopted with changes to the proposed text as published in the March 27, 1990, issue of the *Texas Register* (15 TexReg 1684). Section 28.2 is adopted without change and will not be republished.

Section 28.1 and §28.2 concern supervision and conservatorship of delinquent insurers. The sections are adopted as Subchapter A, concerning general provisions regarding supervision and conservation, of Chapter 28, concerning supervision and conservation. These sections are necessary to assure the orderly and efficient administration and implementation of the laws governing the supervision of and conservatorship of insurer delinquencies pursuant to the Insurance Code, Article 21.28-A, and to facilitate implementation of amendments to Article 21.28-A, occasioned by the passage of

Senate Bill 255 into law during the 71st Legislature.

Section 28.1 specifies circumstances for tolling the running of the statutory time periods for the commissioner, supervisor, or conservator to complete his statutory duties regarding a delinquent insurer as provided in the Insurance Code, Article 21.28-A. The section requires that, in the event the commissioner, supervisor, or conservator is prevented from completing his statutory duties due to judicial or administrative order or by operation of law, the statutory time period fixed for the completion of the duties is tolled for an amount of time equivalent to the amount of time that the judicial or administrative order or other existing controlling law is in effect and directs the commissioner to report to the board whenever such tolling occurs. Section 28.2 relates to the time period in which the delinquent insurer must comply with the lawful requirements of the commissioner of insurance in order to abate the commissioner's determination of insurer insolvency or the insurer's hazardous condition to the public or to holders of policies or certificates of insurance. The section requires that the status of the affected insurer remains unchanged pending the issuance of a decision or order by the commissioner as provided in Texas Civil Statutes, Article 6252-13a, §16. In response to comments, this adoption includes a change to §28.1. The change divides §28.1 into two subsections and adds language as subsection (b) directing the commissioner to report to the board at its next regular meeting each instance in which the statutory time period fixed for completion of duties has been tolled as described in subsection (a).

The Office of Consumer Protection commented against the section as proposed.

The commenter's objections were twofold. The first objection was that the board does not have statutory authority to adopt the sections because Senate Bill 255, which prescribed the time limits in question, did not provide for tolling the time periods. The board disagrees with this comment and is of the opinion that the Insurance Code, Article 21.28-A, §11, provides ample authority for this adoption. The commenter's second objection was that the sections are overly broad and invite abuse. While the board does not agree with this comment, §28.1 has nevertheless been changed to provide a mechanism for the board to monitor the occasions in which tolling of the time limit occurs in order to detect any possible abuse.

The new sections are adopted under the Insurance Code, Article 1.04 and Article 21.28-A, §11, and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 1.04, authorizes the State Board of Insurance to determine rules in accordance with the laws of this state. The Insurance Code, Article 21.28-A, §11, provides that the State Board of Insurance shall be empowered to adopt and promulgate such reasonable rules and regulations as

may be necessary for the augmentation and accomplishment of Article 21.28-A, which concerns insurer delinquencies and prevention of insurer delinquencies and supervisions and conservatorships and proceedings. Texas Civil Statutes, Article 6252-13a, §4, authorize and require each state administrative agency to adopt rules of practice setting forth the nature and requirements of available procedures. Section 5 prescribes the procedure for adoption of rules by a state administrative agency.

§28.1. Stay of Time Periods.

(a) In the event that the commissioner, supervisor, or conservator is prevented from completing his statutory duties due to judicial or administrative order or due to operation of law, the statutory time period fixed for the completion of the commissioner's, supervisor's, or conservator's duties is tolled for an amount of time equivalent to the amount of time that the judicial or administrative order or other existing controlling law is in effect. The status of the affected company remains unchanged during the pendency of the judicial or administrative order or other existing controlling law. The statutory time period begins to run upon actual or constructive notice of the final determination of the judicial or administrative order or other existing controlling law.

(b) The commissioner shall report to the board at the board's next regular meeting each instance a statutory time limit is tolled as described in subsection (a) of this section.

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

Issued in Austin, Texas, on May 15, 1990.

TRD-9004888 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: June 5, 1990

Proposal publication date: March 27, 1990

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

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Part II. Texas Workers' Compensation Commission

Chapter 69. Medical Examination Orders

• 28 TAC §69.25

The Texas Workers' Compensation Commission adopts an amendment to §69.25, without changes to the proposed text as published in the November 14, 1989, issue of the *Texas Register* (14 TexReg 5997).

The amendment deletes the reference to the area in which the claimant lives in requiring a travel statement. As amended, the section requires a travel statement in all requests and the carrier will further be required to affirm that the claimant's travel expenses have been tendered in advance, in compliance with 28 TAC §69.35.

One comment was received.

One commenter advised that its policy in advance travel payments is limited to specific occasions of official state business, and that the proposed amendment was not within its guidelines established for travel expenses. The commission declines to change its amendment on the basis of this comment, because the comment takes issue with a requirement for advance travel expenses that has already been adopted, §69.35, rather than the amendment to §69.25, which merely eliminates the geographical restriction in travel advances.

The following commentator expressed that it did not support the section, but did not offer any proposed changes: State Department of Highways and Public Transportation.

The amendment is proposed under Texas Civil Statutes, Article 8307, §4(a), which provide the Texas Workers' Compensation Commission with the authority to adopt rules necessary for the administration of the workers' compensation laws.

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

Issued in Austin, Texas on May 14, 1990.

TRD-9004854 George E. Chapman
Executive Director
Texas Workers' Compensation Commission

Effective date: June 4, 1990

Proposal publication date: November 14, 1989

For further information, please call: (512) 448-7962

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Open Meetings

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

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

Posting of open meeting notices. All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

Texas Education Agency

Wednesday, May 23, 1990, 10 a.m. The Attention Deficit Hyperactivity Disorder Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, Room 1-110, William B. Travis Building, Austin. According to the complete agenda, the committee will discuss proposed guidelines for school districts for identifying and testing children with attention deficit order; and discuss proposed program for providing appropriate services to those children and their families.

Contact: Delia Pompa, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9076.

Filed: May 15, 1990, 4:26 p.m.

TRD-9004894

Employees Retirement System of Texas

Wednesday, May 23, 1990, 8:30 a.m. The Board of Trustees of the Employees Retirement System of Texas will meet at 18th & Brazos, ERS Building, Board Room, Austin. According to the agenda summary, the board will approve minutes; appeals of contested cases; request for proposal for index fund software services; consulting actuarial presentation of ERS experience investigation; administration of Appropriations Act provision on state contribution to group insurance; proposed amendments to trustee rules 81.3(d), 81.5(j), and 81.7(i); Alexander and Alexander presentation on status of Texas Uniform Group Insurance program strategic plan; Coopers and Lybrand annual audit results of insurance carrier operations; fiscal year 1990 Blue Cross/Blue Shield of Texas, Inc. semi-annual report; group insurance advisory committee appointment; final adoption of new trustee rules 77.9 and 77.11; trustee election process; internal audit reports/updates; executive director's report; executive session; executive session results and next meeting date.

Contact: William S. Nail, 18th and Brazos,

Austin, Texas 78701, (512) 476-6431, ext. 213.

Filed: May 15, 1990, 11:53 a.m.

TRD-9004886

State Department of Highways and Public Transportation

Wednesday, May 24, 1990, 9:30 a.m. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation will meet at 11th and Brazos Streets, Room 101 and Room 101-A, 1st Floor, Dewitt C. Greer Building, Austin. According to the agenda summary, the public hearings on highway matters in Jefferson, Hidalgo and Denton Counties; approve minutes; execute contract awards, routine minute orders and resolutions; authorize: construction, bridge and rehabilitation projects/programs; right-of-way leases; antilitter advertising; membership in minority engineer alliance (TAME); public transportation \$18 allocations, park and ride programs and state funds for Fort Worth transportation authority; consider highway feasibility studies; presentation by Moka Transportation Corporation; emergency and proposed adoption of 43 TAC \$1.300 et seq. (sick leave pool), and amendments to \$17.60, et seq. (dealer license); receive/discuss staff reports; executive session: receive advice from counsel on litigation, including save Barton Creek, Austin, transportation study and Glenshire community association cases; attorney-client matters; real property acquisitions and confer with staff to receive information.

Contact: Myrna Klipple, 11th and Brazos Streets, Room 203 Austin, Texas 78711, (512) 463-8616.

Filed: May 16, 1990, 2:15 p.m.

TRD-9004920

State Board of Insurance

Thursday, May 24, 1990, 10 a.m. The State Board of Insurance will meet in Room

460, 1110 San Jacinto, Austin. According to the agenda summary, the board will conduct a public hearing for consideration of possible adoption on an emergency basis of new 28 TAC §§3.7001-3.7016; consideration of authorization for publication of proposed new 28 TAC §§3.7001-3.7016; consideration of transition plan for collection of Texas workers' compensation financial data; discussion of internal audit report of State Board of Insurance computer room operations; proposed amendment to Rule III-C, Texas Workers' Compensation and Employers Liability Manual; Board orders on several different matters as itemized on the complete agenda; personnel matters; litigation; decisions on appeals from Texas Catastrophe Property Insurance Association; consideration of a motion to reconsider adoption of small premium policy plan to provide workers' compensation insurance to small employers.

Contact: Pat Wagner, 1110 San Jacinto, Austin, Texas 78701-1998, (512) 463-6328.

Filed: May 16, 1990, 3:50 p.m.

TRD-9004924

Texas Board of Irrigators

Wednesday, June 6, 1990, 9 a.m. The Texas Board of Irrigators will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 513-F, Austin. According to the agenda summary, the board will hear and consider 7 outstanding complaints; consider the dismissal of 6 outstanding complaints; consider methods for preserving board records; consider changes to the Irrigators Act; consider approval of minutes; consider certification of the 6/90 irrigator and installer exam candidates; designate site and dates for future exams; discuss procedures for providing exam analyses to unsuccessful candidates and the chairman's report on various items of interest to the board.

Contact: Joyce Watson, 1700 North Congress Avenue, Austin, Texas 78711, (512) 463-7990.

Filed: May 16, 1990, 10:47 a.m.

TRD-9004907

Texas Commission on Jail Standards

Wednesday, May 23, 1990, 9 a.m. The Texas Commission on Jail Standards will hold an emergency meeting at 611 South Congress Avenue, Suite 201, Austin. According to the agenda summary, the commission will conduct old business: Zavala County-request for continuance of hearing; request for reconsideration of hearing. New business: Collin County-discussion on direct supervision principles. The emergency status was necessary because of the unexpected development requiring there immediate attention of the commission.

Contact: Jack E. Crump, 611 South Congress Avenue, Suite 201, Austin, Texas 78704, (512) 463-5505

Filed: May 16, 1990, 1:57 p.m.

TRD-9004921

Texas Board of Professional Land Surveying

Friday, June 1, 1990, 8:30 a.m. The Second Called Meeting of 1990 of the Texas Board of Professional Land Surveying will meet at 7701 North Lamar Boulevard, Suite 400, Austin. According to the complete agenda, the board will meet to approve the minutes of the previous meeting, review new application, reconsider old application, discuss correspondence, discuss future board meeting dates; meet with attorney general representative; hear committee reports; conduct interviews; verify April, 1990 examination results; discuss initial budget requests and consider new business.

Contact: Betty J. Pope, 7701 North Lamar Boulevard, Suite 400, Austin, Texas 78752, (512) 452-9427.

Filed: May 16, 1990, 10:44 a.m.

TRD-9004912

Texas State Library and Archives Commission

Thursday, May 24, 1990, 2 p.m. The Records Management and Preservation Advisory Committee of the Texas State Library and Archives Commission will meet at 111 East 17th Street, Room 916, Office of the Comptroller of Public Accounts, LBJ Building, Austin. According to the complete agenda, the committee will continue planning for meeting requirements of House Bill 151; other business brought before the committee and review of the records management function at the state comptroller's office.

Contact: Susan Ternison, P.O. Box 149030, Austin, Texas 78701, (512) 450-4557.

Filed: May 15, 1990, 10:36 a.m.

TRD-9004885

Texas Department of Licensing and Regulation

Monday, May 21, 1990, 9:30 a.m. The Business and Occupational Programs Auctioneer of the Texas Department of Licensing and Regulation held an emergency meeting at 920 Colorado, E.O. Thompson Building, 8th Floor Conference Room, Austin. According to the complete agenda, the meeting will include proceedings that consider the denial of the license in accordance with Texas Civil Statutes, Articles 8700 and 9100 for Louis Frank Lebeau, and to show cause why license application should not be denied. The emergency status was necessary because Mr. Lebeau has waived the 10 day notice of hearing.

Contact: Imelda Martinez Escobar, 920 Colorado, Austin, Texas 78711, (512) 463-7332.

Filed: May 16, 1990, 9:03 a.m.

TRD-9004902

Tuesday, May 22, 1990, 2:30 p.m. The Business and Occupational Programs Tow Truck of the Texas Department of Licensing and Regulation held an emergency meeting at 920 Colorado, E.O. Thompson Building, 10th Floor Conference Room, Austin. According to the complete agenda, the meeting will include proceedings that consider the denial of the license in accordance with Texas Civil Statutes, Articles 6687-9B and 9100 for Robert Joe Moss, and to show cause why license application should not be denied. The emergency status was necessary because Mr. Lebeau has waived the 10 day notice of hearing.

Contact: Imelda Martinez Escobar, 920 Colorado, Austin, Texas 78711, (512) 463-7332.

Filed: May 16, 1990, 9:03 a.m.

TRD-9004903

Texas State Board of Medical Examiners

Thursday, June 14, 1990, 9 a.m. The District Review Committee #2 of the Texas State Board of Medical Examiners will meet at 140 East 12, Dallas. According to the agenda summary, the committee will elect officers; review of files and cases; executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s)(1) and opinion at-

torney general 1974, number H-484.

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: May 16, 1990, 1:56 p.m.

TRD-9004923

Texas Parks and Wildlife Department

Wednesday, May 23, 1990, 1 p.m. The Land Acquisition Committee of the Texas Parks and Wildlife Department will meet at 4200 Smith School Road, Complex Building A, Austin. According to the agenda summary, the committee will discuss land acquisition of Presidio, Brewster, Jeff Davis, Castro and Nueces Counties.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: May 15, 1990, 2:35 p.m.

TRD-9004892

Wednesday, May 23, 1990, 7 p.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at Ruth's Chris Steak House, 3010 Guadalupe, Austin. According to the agenda summary, the members of the commission plan to have dinner at 7 p.m. Although this function is primarily a social event and no formal action is planned the commission may discuss items on the public hearing agenda scheduled for 9 a.m. May 24, 1990.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: May 15, 1990, 2:35 p.m.

TRD-9004891

Thursday, May 24, 1990, 9 a.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at 4200 Smith School Road, Complex Building B, Austin. According to the agenda summary, the commission will approve minutes; presentation of service awards; proposed statewide hunting and fishing regs for 1990-1991; proposed 1990-1991 proc. type I WMA hunting and fishing; proposed type II WMA proc., early season migratory game bird proc., 1990-1991; proposed oyster regs; Cooper Lake SP-Delta and Hopkins counties; concession contracts-Lockhart SP-Caldwell county and Choke Canyon SP-McMullen and Live Oak counties; land acquisition Presidio and Nueces counties.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: May 15, 1990, 2:35 p.m.

TRD-9004890

Thursday, May 24, 1990, noon. The Texas Parks and Wildlife Commission will meet at 4200 Smith School Road, Complex Building B, Austin. According to the agenda summary, the commission will have a closed meeting which will include approval of March 22, 1990 executive session court reporter minutes; land acquisition of Presidio, Brewster and Nueces Counties.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: May 15, 1990, 2:35 p.m.

TRD-9004889

Structural Pest Control Board

Monday, May 21, 1990, 8:30 a.m. The Structural Pest Control Board met at 9101 Burnet Road, Suite 201, Austin. According to the emergency revised agenda summary, the board approved minutes of April 2, 1990 meeting; Alan McGaugh appeared at 8:30; Daniel Dean Gann at 9; Marshall H. Head, Sr., doing business as Bigfoot Pest Control at 9:30; Henry Garcia and William G. Snipes doing business as Ultimate Plus Exterminating Company at 1:30; executive director's report; discussed estimated expenditures on termite treatments and inspection fees; report from oversight committee; considered proposed rule 591. 5(f); considered adoption of proposed amendment of rule 591.10(b); and discussed executive director's proposed administrative fine. The emergency status was necessary to revise the agenda so that a decision could be made on a proposed administrative penalty since the board will not meet again until sometime in July and a decision needed to be made prior to that date.

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

Filed: May 16, 1990, 1:58 p.m.

TRD-9004922

State Property Tax Board

Wednesday-Friday, May 23-25, 1990, 9 a.m. on Wednesday and 8:30 a.m. on Thursday and Friday. The State Property Tax Board will meet at 4301 Westbank Drive, Building B, Suite 100, Agency Boardroom, Austin. According to the agenda summary, the executive session will include personnel matters, action items: action on personnel matters; adoption of proposed rules 155.45 and 161. 201; amendment of rules 155.4 and 155.44; amendment to board policy manual; amendments to fiscal year 1990 operating budget; approval of fiscal year 1991 operating budget; consideration and approval of the 1992-1993 appropriations request;

appointment of three persons and an alternate as panel members to hear 1990 intangible value appeals and discussion of intangible valuation methodology; orientation of board members and board consideration of school and appraisal district appeals of hearing panel decisions in the 1989 property value study; approval of 1989 property value study findings; board review and approval of executive director's financial statement.

Contact: Jim Robinson, 4301 Westbank, Building B, Suite 100, Austin, Texas, (512) 329-7800.

Filed: May 15, 1990, 3:18 p.m.

TRD-9004893

Texas State Board of Public Accountancy

Thursday, May 24, 1990, 9 a.m. The Behavioral Enforcement of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the complete agenda, the board will hear the April and May status report; recommendations regarding specific complaints-licensees: complaint numbers 90-01-02L; 90-03-20L; 90-03-15L; 89-08-09L; 90-02-19L; 90-02-05L; 90-01-03L; 90-01-04N; 89-12-05L; 89-12-04N; 89-11-10L; discussion items: Atwood, Barnes, Bender, Brown, Chen, Condello, constructive enforcement complaints; Curtis, Farrell, Fisher, Gammil, Hart, Hensley, Hicks, Howell, Kaikov, Kissinger, Knight, Kraus, Lohec, Longville, Lake, McCroskey, Marshall, Roberts; complaint number 89-03-18L; Rogers, complaint number 89-09-08L; Stanush, Todd, Weldon, Whittington and review of backlog of complaints.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752, (512) 451-0241.

Filed: May 16, 1990, 10:45 a.m.

TRD-9004909

Thursday, May 24, 1990, 11 a.m. The Informal Conferences of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the complete agenda, the board will hear informal conferences on complaint number 89-05-19L; 89-01-02L; and 89-10-12L.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752, (512) 451-0241.

Filed: May 16, 1990, 10:44 a.m.

TRD-9004910

Public Utility Commission of Texas

Tuesday, May 29, 1990, 11 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, a prehearing conference has been rescheduled from May 16, 1990 on Docket Number 95212: Application of Southwestern Bell Telephone Company to provide for an addition to the existing plexar (sm)-custom digital service for AT&T microelectronics in Mesquite, Texas.

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

Filed: May 16, 1990, 3:37 p.m.

TRD-9004928

Texas Rehabilitation Commission

Friday, May 25, 1990, 8 a.m. The Governor's Committee for Disabled Persons of the Texas Rehabilitation Commission will meet at 123 Losoya Street, Hyatt Regency Hotel, San Antonio. According to the agenda summary, the committee will approve minutes; hear comments from chairperson; ex officio members and executive director; implementation plan and budget for 1991, San Antonio independent living services; Christina Foundation-James Jackson, Texas Rehabilitation Commission, legislative appropriation request for fiscal year 1992-1993.

Contact: Charles W. Schiesser, 118 East Riverside, Austin, Texas 78704, (512) 445-8124.

Filed: May 16, 1990, 10:44 a.m.

TRD-9004911

Texas Southern University

Tuesday, May 22, 1990, 4:30 p.m. The Academic Affairs and Personnel Committee (Jointly) of The Texas Southern University will meet at Texas Southern University, 3100 Cleburne, Avenue, Hannah Hall Room 117, Houston. According to the complete agenda, the committee will meet to consider: report on progress of academic activities and programs; personnel actions.

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

Filed: May 17, 1990, 8:52 a.m.

TRD-9004932

Wednesday, May 23, 1990, 4 p.m. The Building and Grounds Committee of the Texas Southern University will meet at Texas Southern University, 3100 Cleburne, Avenue, Hannah Hall Room 117, Houston. According to the complete agenda, the committee will meet to consider: construction change orders; payment to architects

contractors and engineers; authorization and ratification of contracts and awards; review of ongoing construction and current contractual relations.

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

Filed: May 17, 1990, 8:52 a.m.

TRD-9004930

Thursday, May 24, 1990, 4 p.m. The Finance Committee Board of Regents of the Texas Southern University will meet at Texas Southern University, 3100 Cleburne Avenue, Hannah Hall Room 117, Houston. According to the complete agenda, the committee will meet to consider: matters relating to financial reporting systems, and budgets; fiscal reports from the administration; investments, and informational items.

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

Filed: May 17, 1990, 8:52 a.m.

TRD-9004931

Friday, June 1, 1990, 8:30 a.m. The Board of Regents of the Texas Southern University will meet at the University Library, 5th Floor, Texas Southern University, Houston. According to the complete agenda, the board will meet to consider: minutes, budget changes; investments; budgets for restricted and/or grants and project funds; construction change orders; authorization and ratification of contracts and awards; review of ongoing construction and current contractual relations; personnel actions; report on progress of academic activities and programs; report of the president; and executive session.

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

Filed: May 17, 1990, 8:52 a.m.

TRD-9004933

Texas Water Commission

Wednesday, May 30, 1990, 9 a.m. The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date; the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action as a future date or time.

Contact: Gloria Barrera, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 16, 1990, 8:35 a.m.

TRD-9004906

Wednesday, May 30, 1990, 3 p.m. The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date; the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action as a future date or time.

Contact: Gloria Barrera, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 16, 1990, 8:35 a.m.

TRD-9004905

Regional Meetings

Meetings Filed May 15, 1990

The Dewitt County Appraisal District Board of Directors will meet at 103 Bailey Street, Cuero, May 22, 1990, at 7:30 p.m. Information may be obtained from John Haliburton, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

The Heart of Texas Council of Governments Executive Committee will meet at 300 Franklin Avenue, HOTCOG Conference Room, Waco, May 24, 1990, at 10 a.m. Information may be obtained from Mary McDow, 300 Franklin, Waco, Texas 76701, (817) 756-7822.

The Kendall County Appraisal District Board of Directors will meet at 204 East San Antonio Street, Kendall County Courthouse, Boerne, May 23, 1990, at 7 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Lubbock Regional Mental Health Mental Retardation Center Board of Trustees met at 3801 Avenue J, Board Room, Lubbock, May 21, 1990, at noon. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 766-0202.

The Sabine River Authority of Texas Board of Directors will meet at the Fredonia Hotel, Nacogdoches, May 22, 1990, at 10 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 746-3200.

TRD-9004881

Meetings Filed May 16, 1990

The Bexar Appraisal District Appraisal Review Board will meet at 535 South Main, San Antonio, May 25, 1990, at 8:30 a.m.

Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Capital Area Rural Transportation System (CARTS) CARTS Board of Directors will meet at 5111 East First Street, Conference Room, Austin, May 24, 1990, at 9:30 a.m. Information may be obtained from Edna M. Burroughs, 2201 Post Road, #103, Austin, Texas 78704, (512) 478-7433.

The Central Appraisal District of Johnson County Board of Directors will meet at 109 North Main, Suite 201, Room 201, Cleburne, May 29, 1990, at 9 a.m. Information may be obtained from Jackie Gunter, 109 North Main, Cleburne, Texas 76031, (817) 645-3986.

The Gillespie Central Appraisal District Board of Directors will meet at the City Hall Assembly Room, Fredericksburg, May 24, 1990, at 8:30 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-9807.

The Lower Rio Grande Valley Development Council Board of Directors and Annual Membership will meet at 311 East Tyler, Harlingen Chamber of Commerce, Harlingen, May 24, 1990, at 1:30 p.m. Information may be obtained from Kenneth N. Jones, Jr., 4900 North 23rd Street, McAllen, Texas 78504, (512) 682-3481.

The Mills County Appraisal District will meet at Mills County Commissioners Court, Goldthwaite, May 24, 1990, at 6:30 p.m. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

The Region VIII Education Service Center Board of Directors will meet at Days Inn Restaurant, Highway 271, Mount Pleasant, May 24, 1990, at 6:30 p.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75455, (214) 572-8551.

The Wood County Appraisal District Appraisal Review Board will meet at 217 North Main, Quitman, May 22, 1990, at 9 a.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783, (214) 763-4891.

TRD-9004895

Meetings Filed May 17, 1990

The West Central Texas Council of Governments Executive Committee will meet at 1025 E.N. 10th Street, Abilene, May 23, 1990, at 12:45 p.m. Information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-9004929

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.

State Aircraft Pooling Board

Notification of Rates for Aircraft Use

The following rates, indicated in bold type, are now in effect for the various types of aircraft operated by the State Aircraft Pooling Board. These rates have been established

and are herein published in accordance with procedures developed by the Legislative Budget Board.

Also listed are approximate charges for a round trip flight to various cities in Texas. The charges have been calculated based on estimated flying times, and may differ from actual flight times due to weather conditions or alternate routing by traffic controllers.

Austin to and return	Waco	Hunts- ville	Del Rio	Wichita Falls	Amarillo
Type of Aircraft Rate Capacity*	196 Miles	260 Miles	408 Miles	516 Miles	824 Miles
King Air 200 \$495/hr. 7 to 10	\$495.00	\$693.00	\$891.00	\$1,089.00	\$1,683.00
King Air 90 \$430/hr. 5 to 8	\$430.00	\$602.00	\$860.00	\$1,118.00	\$1,634.00
Cessna 425 \$395/hr. 5 to 7	\$395.00	\$553.00	\$790.00	\$948.00	\$1,422.00
Cessna 402 \$250/hr. 4 to 5	\$350.00	\$400.00	\$600.00	\$750.00	\$1,150.00
Barron 58 \$245/hr. 3 to 4	\$343.00	\$392.00	\$588.00	\$735.00	\$1,127.00
Cessna 310 \$235/hr. 3 to 4	\$329.00	\$423.00	\$658.00	\$799.00	\$1,222.00

* The higher capacity for passengers allows minimal luggage and requires the use of the copilot's seat and/or jump seat(s).

If you have any questions, need to schedule a flight, or need estimated charges for other locations, please call (512) 477-8900.

If you have any questions, need to schedule a flight, or need estimated charges for other locations, please call (512) 477-8900.

Issued in Austin, Texas, on May 14, 1990.

TRD-9004884

Bob DuLaney
Executive Director
State Aircraft Pooling Board

Filed: May 15, 1990

For further information, please call: (512) 477-8900

Ark-Tex Council of Governments Request for Proposal

The Ark-Tex Council of Governments (ATCOG) is in the process of requesting proposals for the purchase or lease of a business oriented communications system.

Those interested in submitting a proposal must be individuals, firms or corporations regularly engaged in the business of selling office communications systems and be capable of providing all products (deliverables) to the ATCOG physical location at 911 Loop 151, Building A, Wake Village.

The proposal selected will be expected to meet the requirements set forth in the Request for Proposals (RFPs) and evaluated in terms of responsiveness to the RFP, and shall include but not be limited to system description, capability and requirements, access to maintenance, physical location requirements, environmental requirements, and pricing. Selection shall be made by the Board of Directors of the Ark-Tex Council of Governments.

Those interested in receiving a request for proposal packet should contact Margaret Haak-Muse, Comptroller, Ark-Tex Council of Governments, P.O. Box 5307, Texarkana, Texas 75505, (214) 832-8636. The deadline for receiving proposals is June 15, 1990.

Issued in Wake Village, Texas, on May 10, 1990.

TRD-9004868 James D. Goerke
Executive Director
Ark-Tex Council of Governments

Filed: May 15, 1990

For further information, please call: (214) 832-8636

Texas Department of Aviation Request for Proposals

The following request for proposals for providing professional engineering services is filed under the provision of Texas Civil Statutes, Article 6252-11c.

The Texas Department of Aviation will solicit and receive proposals for professional engineering services for the design and construction administration phases at Kerrville Municipal Airport, Louis Schreiner Field, TDA Project Number 91/11-4-1, to extend Runway 12/30; install MRL; and extend taxiway.

Those interested consulting engineers should submit four copies of brief proposals consisting of the minimum number of pages sufficient to provide necessary information to: Texas Department of Aviation, Attention: John Wepryk, TDA Project Number 91/11-4-1, P.O. Box 12607, Austin, Texas 78711, (512) 476-9262.

Proposals must be received by 5 p.m., June 13, 1990.

Procedures for award. Procedure for award will be in accordance with FAA Advisory Circular AC 150/5100-14B.

The estimated project cost is \$1,658,400.

The City of Kerrville and Kerr County reserve the right to reject any or all proposals received and to conduct new consulting engineer selection procedures for future projects.

The Proposal Shall Include: firm name, address, phone number and person to contact regarding the proposal; proposed project management structure identifying key personnel and subconsultants (if any); qualifications and recent experience of the firm, key personnel and subconsultants relative to the performance of similar services for FAA or TDA (TAC) projects; proposed project schedule, including major tasks and target completion dates; technical approach-a brief discussion of the tasks or steps to accomplish the project; list of in-state references including the name, address, and phone number of the person most closely associated with the firm's prior project performance; statement regarding Affirmative Action Program; for projects with an estimated cost of \$250,000 or more, plans to utilize Disadvantaged Business Enterprises (DBEs) in contracting, subcontracting and procurement efforts associated with this project including the names and addresses of DBE firms that will participate in the contract; a description of the work each named DBE firm will perform, and percentage of the contract amount to be contracted by each named DBE; certification that all franchise taxes are paid or that consultant is not subject to franchise taxes.

Proposals will be reviewed by a consultant selection committee in order to identify from three to five consultants who will be interviewed by the committee. The final consultant selection will be made following completion of interviews.

Issued in Austin, Texas, on May 16, 1990.

TRD-9004900 C. A. Wilkins
Executive Director
Texas Department of Aviation

Filed: May 16, 1990

For further information, please call: (512) 476-9262

Texas Education Agency Request for Applications

This request for application is filed in accordance with ESEA, Chapter 2.

The Texas Education Agency is requesting applications (RFA# 701-91-006) from school districts or cooperatives of school Elementary and Secondary Education Act, Chapter 2.

The Texas Education Agency is requesting applications (RFA #701-91-006) from school districts or cooperatives of school districts for Family Involvement in Education for At-Risk Children and Parents for establishing a family-centered education program that includes activities for parents and students. The grants may be used to provide training of parents to support the educational growth of their children and to prepare children for success in regular school programs.

During the 1989-1990 school year projects were awarded to five school districts. These five projects will be continued for 1990-1991. Two additional projects of approximately \$100,000 each, for a total of seven projects, totaling an amount of \$755,528 will be awarded grants for 1990-1991. One hundred percent of the total cost will be funded with Chapter 2 federal funds. Only new applicants that were not funded in 1989-1990 need to complete the Request for Application to apply for the additional projects.

Eligible Applicants. Eligible applicants for this family involvement grant are individual school districts that have identified a population of at least 25% at-risk students.

Education Service Centers are eligible to apply as fiscal agent of a cooperative of small school districts. Each district participating in the cooperative must have identified a population of at least 25% at-risk students. Priority will be given to districts having high populations of at-risk students and which represent the southern area of the state.

Description. The Family Involvement in Education for At-Risk Children Grant includes several components. The first component requires coordination with existing programs in adult basic education, literacy programs, and adult vocational education. The parents of at-risk children must attend during the school year a vocational program to develop a specific job skill or an adult basic education and literacy program toward obtaining a General Educational Development Certificate (GED). Second, at least one meeting each week will be dedicated to parent education regarding public assistance programs and community involvement, where information on community services will be presented to meet parents' needs, and regarding life management/survival skills. Third, at least one meeting per week will be held at the elementary school to train parents to help their children in the learning process. Parents of children infant to three years old will be involved in a Parents as Teachers type learning program. Fourth, developmental child care will be available for children infant to four years old while the parents are attending school and meetings. The child care facility may also provide a training site for those adults who desire licensing as child care workers. Fifth, tutorial services and mathematics and reading will be provided for children five to 12 years old. The audience to be served for each site will be a minimum of 40 at-risk family units and their children ages infant to 12 years old.

Dates of Project. The project will begin on or about July 27, 1990, and end no later than August 31, 1991.

Project Amount. Initial grants will be awarded for up to \$100,000 each in two separate districts.

Selection Criteria. Applications will be approved upon the ability of each applicant to carry out all requirements contained in the request for application. Priority will be given to districts having high populations of at-risk students and which represent the southern area of the state.

Requesting the Application. To obtain a copy of the Request for Application (RFA #701-91-006) call (512) 463-9304 or write the Document Control Center, Room 6-108, 1701 North Congress Avenue, Austin, Texas 78701-1494. Please refer to the RFA number when requesting a copy.

Further Information. For clarifying information about this request, contact Ramona Jo DeValcourt, Division of Adult Education/Employment and Training, Funding and Compliance, Texas Education Agency, (512) 463-9294.

Deadline for Receipt of Applications. Applications may be delivered by mail or in person to the Document Control Center, Room 6-108, Texas Education Agency. To be considered for funding, applications must be received no later than 5 p.m. on Friday, June 29, 1990.

Issued in Austin, Texas, on May 15, 1990.

TRD-9004896 W. N. Kirby
Commissioner of Education

Filed: May 15, 1990

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

◆ ◆ ◆
This request for application is filed in accordance with ESEA, Chapter 2.

Eligible Applicants. The Texas Education Agency is requesting applications (RFA #701-91-004) from school districts or cooperatives of school districts for the development of before and after school services for latchkey children who are at risk of dropping out of school. A school district must be the designated fiscal agent and all funds must flow through to school districts.

Description. The purpose of this project is to provide before school and after school extended day services to latchkey children who are enrolled in school but are at risk of dropping out. The program will ensure appropriate indoor and outdoor educational and developmental activities to provide the students with opportunities for exploration, involvement, learning, and positive interactions. Transportation, tutorials and food service will be provided as needed. Process and project evaluations will be required. An operations process manual will be developed by the selected districts as a result of this project.

Dates of Project. The Extended Day Programs for At-Risk Latchkey School Age Children will be implemented during the 1990-1991 school year. Applicants shall plan for a starting date no earlier than July 27, 1990, and ending date no later than August 31, 1991.

Project Amount. Funding totaling \$500,000 will be provided for approximately nine project sites. Each project will receive funding for the 1990-1991 school year at a level not to exceed \$60,000.

Selection Criteria. Applications will be approved upon the ability of each applicant to carry out all requirements contained in the request for application. Program services must be supplemental to those required by the state and which are being provided by the district. TEA reserves the right to select from the highest ranking applications those which serve campuses with large populations of low income families, especially single parent families.

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

Further Information. For clarifying information about this request, contact Anna Pedroza, Division of Special Programs Implementation, Texas Education Agency, (512) 463-9067.

Deadline for Receipt of Applications. The deadline for submitting an application is 5 p.m., Friday, June 29, 1990.

Issued in Austin, Texas, on May 15, 1990.

TRD-9004897 W. N. Kirby
Commissioner of Education

Filed: May 15, 1990

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

◆ ◆ ◆
This request for application is filed in accordance with ESEA, Chapter 2.

Eligible Applicants. The Texas Education Agency is requesting applications (RFA #701-91-009) from school districts or cooperatives of school districts for the development of a literacy program for limited English proficient students in grades six-12 who enter school without previous schooling and/or recent immigrants. A school district must be the designated fiscal agent and all funds must flow through to school districts.

Description. The project provides a comprehensive alternative curriculum approach to serve limited English proficient students who enter school without previous schooling and/or recent immigrants in grades six-12. The identified limited English proficient students who enter school with minimum English skills and experience language and academic difficulty in school will benefit from this project. The alternative curriculum approach will be a program design for implementation at one centralized site as a supplemental program for LEP students. This program design will encompass an integrated curriculum to supplement English literacy skills development in content areas, especially language arts and mathematics, using language and content strategies appropriate for limited English proficient students. It also requires an interdisciplinary approach with the current district curriculum. Benefits and activities for this project include staff development, an integrated curriculum, and a community guide of related services. The evaluation design will evaluate student teacher performance with use of a process-product model. Staff development training and community involvement will be an integral part of the evaluation design. This project will supplement state-mandated remedial and support programs and English as a Second Language Programs required in 19 TAC Chapter 77.

Dates of Project. The literacy program for LEP students in grades six-12 who enter school without previous schooling and/or recent immigrants will be implemented during the 1990-1991 school year. Applicants shall plan for a starting date no earlier than July 27, 1990, and ending date no later than August 31, 1991.

Project Amount. Funding totaling \$375,000 will be provided for approximately five projects. Each project will receive funding for the 1990-1991 school year at a level not to exceed \$75,000.

Selection Criteria. Applications will be approved based upon the ability of each applicant to carry out all requirements contained in the request for application. All activities carried out under this grant shall be supplemental to the specific criteria described in 19 TAC §75.195 and 19 TAC Chapter §77.351.

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

Further Information. For clarifying information about this request, contact Anna Pedroza, Division of Special Programs Implementation, Texas Education Agency, (512) 463-9067.

Deadline for Receipt of Applications. The deadline for submitting an application is 5 p.m., Friday, June 29, 1990.

Issued in Austin, Texas, on May 15, 1990.

TRD-9004898 W. N. Kirby
Commissioner of Education

Filed: May 15, 1990

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



This request for application is filed in accordance with ESEA, Chapter 2.

Eligible Applicants. The Texas Education Agency is requesting applications (RFA #701-91-008) from school

districts or cooperatives of school districts for the development of programs which will implement research based cooperative learning and/or continuous progress programs on one selected campus within the district. A school district must be the designated fiscal agent and all funds must flow through to school districts. The agency will allow for variations in approaches with respect to district size and other relevant factors.

Description. The major objective of this project is to provide a comprehensive approach to increase achievement, stimulate cognitive development, increase self-esteem and promote a liking for school for at-risk pre-kindergarten through eighth grade students. Two research based models, cooperative learning and continuous progress, will be implemented at the selected sites.

Principals, teachers, and students at selected eligible campuses will be served through this project. Eligible campuses are those sites that instruct students in pre-kindergarten through eighth grade regardless of configuration. Priority selection will be given to campuses where at least 60% of the students did not pass all tests taken on the 1989-1990 TEAMS test.

Both process and product evaluations will be conducted. Evaluations will be conducted by the selected campus according to guidelines approved by the Texas Education Agency staff from the division of Special Programs Planning and Implementation and Program Evaluation.

Dates of Project. The Cooperative Learning/Continuous Progress At-Risk Program for Pre K-8 Students will be implemented during the 1990-1991 school year. Applicants shall plan for a starting date no earlier than July 27, 1990, and ending date no later than August 31, 1991.

Project Amount. Funding totaling \$330,000 will be provided for approximately six project sites. Each project will receive funding for the 1990-1991 school year at a level not to exceed \$55,000.

Selection Criteria. Applications will be approved upon the ability of each applicant to carry out all requirements contained in the request for application. Program services must be supplemental to those already required by the state and being provided by the district. TEA reserves the right to select from the highest ranking applications those which serve campuses where at least 60% of the students did not pass all tests taken on the 1989-1990 TEAMS test.

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

Further Information. For clarifying information about this request, contact Kathleen Burke, Division of Special Programs Planning, Texas Education Agency, (512) 463-9512.

Deadline for Receipt of Applications. The deadline for submitting an application is 5 p.m., Friday, June 29, 1990.

Issued in Austin, Texas, on May 15, 1990.

TRD-9004899 W. N. Kirby
Commissioner of Education

Filed: May 15, 1990

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



Request for Proposals

Description. The Texas Education Agency is requesting proposals to assist in the evaluation of the current Texas Teacher Appraisal System (TTAS). The successful proposer will be required to work closely with the Division of Program Evaluation in an evaluation required by law. The evaluation study has seven components, for which the contractor will have primary responsibility for three, and secondary responsibility for the remaining four. These components are as follows: (1) development and administration of an opinion questionnaire to teachers and administrators concerning the implementation of the TTAS; (2) development and implementation of on-site interviews of a sample of teachers and administrators, possibly supplemented with telephone contact; (3) quantitative and qualitative analysis of data obtained from mailed questionnaires and personal interviews; (4) completion of a research study to assess the currently available literature and the systems in place or proposed in other locales; (5) statistical analysis of district TTAS data to evaluate information contained in computer files from a sample of districts; (6) application of findings to examine differences between ideal and actual appraisal systems; and (7) development of a report to the State Board of Education for submission to the next Legislative session. The contractor will have primary responsibility for Components 2, 4, and 6.

Dates of Project. The project will commence in July 1990 and will end no later than January 31, 1991. Continued funding for the period between September 1, 1990, and January 31, 1991, is contingent upon approval by the State Board of Education.

Project Amount. Funding for the contractor's role in this evaluation study will not exceed \$75,000.

Selection Criteria. Proposals will be evaluated on the basis of demonstrated knowledge of the topic area, quality and appropriateness of the research design, data accessibility and data collection concerns, potential applicability of the findings to state and local policy-making efforts, quality of the management component and the activity plan, and the evaluation component of the proposal.

Further Information. Those interested in submitting a proposal for this program should request RFP #701-91-011 either by telephone or in writing from the Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304.

For clarifying information about this request, contact Dr. Cherry Kugle, Director of Programs, Division of Program Evaluation, Texas Education Agency, (512) 463-9524.

Deadline for Submitting Proposals. The deadline for submitting a proposal is 5 p.m., June 29, 1990.

Issued in Austin, Texas, on May 14, 1990.

TRD-9004846 W. N. Kirby
Commissioner of Education

Filed: May 14, 1990

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

Texas Employment Commission

Wagner-Peyser Funding Allocation for Employment Service Activities

The Wagner-Peyser Act, as amended by the Job Training Partnership Act (JTPA), Title V, establishes a formula for

distributing funds to states for employment service activities. With this formula, Texas will receive \$51,500,223 for Program Year 1990, beginning July 1, 1990, and ending June 30, 1991. Ninety percent of this amount must be used for basic labor exchange services under §501, subsection 7(a); 10% will be reserved for use at the Governor's discretion within legislatively designated parameters under subsection 7(b).

Texas Civil Statutes, Article 5221b-10, designates the Texas Employment Commission (TEC) as the state agency to administer activities funded by the Wagner-Peyser Act. The state herein presents the method and schedule proposed for distributing substate resources under §501, subsection 7(a).

Staff positions will be distributed to TEC administrative regions throughout the state according to the following formula: each region will be held at an 80% hold harmless level; and the distribution will be based upon each region's accomplishment of the performance standards established for placements, obtained employments, and special applicant groups. There will be an adjustment factor based on the relative number of job applicants registered in each region (as compared to the total number in the state).

These funds will be available to support staff and nonpersonal services (rent, utilities, equipment, supplies, etc.) effective July 1, 1990. Actual disbursement of these funds will be made from the TEC State Office in accordance with the federally approved cost accounting system and state procurement guidelines.

The respective TEC regional directors have the discretion for hiring and assignment of specific individuals and for purchases and contracts for nonpersonal services within federal and state guidelines; however, these funds may not be applied to functions other than labor exchange services.

Comments in regard to the substate distribution of the Wagner-Peyser funds should be submitted in writing to Charlean Jackson, Deputy Administrator for Field Operations and Programs, TEC Building, 15th Street and Congress Avenue, Austin, Texas 78778.

Information in regard to the specific allocation of any service delivery area as a result of this distribution formula is available from the same source. Any requests for modification of the distribution formula must be received by June 15, 1990, to be considered for the Program Year 1990 funding cycle. Such requests will be addressed, and a response outlining action taken will be issued by the Chairman of TEC.

Issued in Austin, Texas, on May 15, 1990.

TRD-9004887 C. Ed Davis
Special Counsel
Texas Employment Commission

Filed: May 15, 1990

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

General Land Office Consultant Contract Proposal

This request for consulting services is filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11C.

Notice of Invitations. The Texas General Land Office (GLO) invites proposals from qualified individuals or firms to advise and assist the GLO in conducting a career development program to enhance and facilitate career planning and to achieve career goals of GLO employees.

Services to be performed. Consultant shall, in consultation with the GLO Staff Development Manager, establish the focus and elements of the Career Development Plan through research of current positions and job descriptions, evaluation of available career opportunities, and identification of the skills necessary for advancement. Consultant shall assist in the implementation of methodology for accessing career opportunities and shall provide employees with career action plan profiles.

Contact person. Proposals addressing the experience required and providing information demonstrating ability to perform the scope of the work shall be submitted to Susan Ghertner, Manager of Staff Development, Texas General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78701. (512) 463-5285.

Closing date. The deadline for receiving proposals is July 2, 1990.

Selection criteria. The GLO has previously engaged Catalyst Career Consultants as a consultant for similar services in career development. The GLO anticipates that Catalyst Career Consultants will submit a proposal and unless a material difference is perceived in the bids submitted, the GLO will engage Catalyst Career Consultants as the consultant under this proposal. The GLO will employ evaluation criteria including demonstrated competence, knowledge, qualifications, and level of expertise and experience demonstrated in similar programs for other organizations, the quality and experience of staff to be assigned and the responsiveness of proposals to the purpose and scope of services.

Issued in Austin, Texas, on May 15, 1990.

TRD-9004901 Garry Mauro
Commissioner
General Land Office

Filed: May, 16, 1990

For further information, please call: (512) 463-5009

Office of the Governor, Energy Division

Consultant Proposal Request

The Governor's Office invites proposals from private firms, electric/natural gas utilities, public agencies, and individuals to develop and implement projects designed to demonstrate the technical and economic feasibility of energy efficiency and renewable resources in agricultural practices and systems. The program is one part of the state's plan for disbursing oil overcharge funds (the Oil Overcharge Restitution Act, Annotated Civil Statutes, 4413 (56)), passed by the Second Called Session of the 70th Texas Legislature, which created an agricultural energy conservation program. This program is funded with Exxon oil overcharge funds and will be implemented under the guidelines of the United States Department of Energy's State Energy Conservation Program (SECP). A total of \$5 million over four years is available.

Background. The agricultural energy program is a competitive grant program which will promote the development and application of conservation practices as well as the use of renewable energy and energy efficient technologies in the agriculture sector. The legislature identified agriculture as a sector that was aggrieved by overcharges during the period of violation, 1973-1981. Agricultural producers have little control over the prices they are paid for crops and livestock; therefore, increased

energy costs are generally absorbed rather than passed on to consumers. At a time when profit margins are small or non-existent, programs to promote energy savings through more efficient practices and technologies could be critical to survival in an increasingly competitive market.

Services to be Performed. Program funds may be used to collect and analyze data; develop and distribute educational materials; or demonstrate the cost effectiveness and benefits of energy efficiency in agricultural practices and systems. Projects that demonstrate expanded application of alternative fuels, identify alternative fuel markets, and/or create better consumer awareness of alternative practices also will be considered for funding. Program funds may not be used to supplant or replace existing funding sources. All proposed projects must be within the State of Texas, and the prime contractor must be Texas-based.

Program Description. Projects funded through the agricultural energy program are subject to federal guidelines and other restrictions established by the United States v. Exxon court decision. Funds may not be used for any of the following purposes: to purchase land, buildings, structures, or interest therein; to conduct research or to purchase equipment to conduct research or product development; capital expenditures for any purpose other than demonstration; to demonstrate techniques or technologies that are not commercially available; or for administrative costs.

Proposed demonstration projects must also meet the United States Department of Energy's demonstration review elements. A list of these elements will be included in the application package available from the Governor's Office. Projects selected will be funded on a cost reimbursement basis. All expenses must be properly documented and permissible under the contract and federal guidelines, and all are subject to approval by the Governor's Office. No advance payments are allowable.

Contact Person. To obtain the proposal application form or for more information concerning this program, contact: Auburn Mitchell/Don Nooner, Energy Division, Office of the Governor, P.O. Box 12428, Austin, Texas 78711, (512) 463-1993.

Submission Procedures and Due Date. Proposals must be submitted on the application forms available for this purpose from the Governor's Office. Five copies of each proposal should be mailed to: Auburn Mitchell/Don Nooner, Energy Division, Office of the Governor, P.O. Box 12428, Austin, Texas 78711, (512) 463-1993.

For proposals which will be sent by overnight mail or hand delivered, the street address is Sam Houston State Office Building, Room 205, 201 East 14th Street, Austin, Texas 78701. Proposals must be received by 4 p.m. on Wednesday, August 1, 1990. Proposals received after that time will not be considered. No copies of the proposal format will be sent via facsimile machine.

Selection Criteria. Proposals must follow the proposal format provided by the Governor's Office. They will be evaluated according to the following criteria.

I. Technical feasibility and practicality. The proposed project should demonstrate the efficient use of energy in the agricultural sector. The project must be technically feasible and result in near-term energy savings. The proposal should show how the demonstrated technology can be integrated into the existing market structure.

II. Transferability. The proposal must identify a specific target audience and show how the results obtained from the project may be utilized by the target audience. The proposal should show how information gained from this

project will be available to the target audience. The proposal should describe how the level of acceptance or implementation by the target audience will be determined and reported to the Governor's Office.

III. Respondent's qualifications. The proposal should describe the experience and qualifications of the respondent and of personnel who will be assigned to the project.

IV. Energy benefits. The proposed project must provide an estimate of fossil fuel savings attributable to the project, with a description of the method used to calculate savings.

V. Proposed budget. The proposal will be judged on the reasonableness of the budget and on the level of match proposed by the responding organization.

Final selection of projects for funding will be based on technical soundness and intrinsic merit, demonstrated capabilities of the applicants, adequacy of proposer's resources and physical facilities, adequacy of proposed method for complying with applicable DOE orders, any proffered match, and reasonableness of the proposed cost. Applicants may be requested to provide additional information or to meet with members of the governor's staff prior to final selection of contractor(s). However, no respondent will be reimbursed for any costs incurred in the preparation, submission, or clarification of a proposal.

Issued in Austin, Texas, on May 16, 1990.

TRD-9004925 Auburn L. Mitchell
Director
Office of the Governor, Energy Division

Filed: May 16, 1990

For further information, please call: (512) 463-1931

Texas Department of Human Services Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) is inviting proposals for consultant services.

Description of services. DHS is in the process of restructuring its service delivery system and improving its automated support systems. In order to determine the impact of these changes, a baseline description of the present system is needed. The contractor's work will also provide input into the design of the automated system by indicating the functional requirements for a major portion of DHS services. The contractor will be expected to perform three major studies. The first is a detailed service description, based on field visits to 10 local offices around the state, of the DHS client self-support services (CSS) programs (AFDC, food stamps, AFDC-related medical services, and several others). The description must make extensive use of flowcharts. The second study consists of timings of the processes involved in service delivery. The third study requires a description of problem areas, development of alternative solutions, and selection of a proposed solution regarding the CSS service delivery system.

Term of contract. It is anticipated that the contract will begin July 9, 1990. All work must be completed by August 31, 1990.

Contact person. Proposal packets will be available on or after May 22, 1990. To request a proposal packet, contact Amelia Bunch, Advance Planning Document Service, MC 452-W, Texas Department of Human

Services, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4387.

Questions. Potential offerors must submit all questions, if any, concerning the RFP in writing to Penny Tisdale, Director of Advance Planning Document Service, MC 452-W, Texas Department of Human Services, P.O. Box 149030, Austin, Texas 78714-9030. Except for the written inquiries to Ms. Tisdale, communication about the RFP to any DHS personnel before the proposal due date will be grounds for disqualification of the offeror.

Closing date. Proposals must be received by 4 p.m. CDT, June 22, 1990.

Evaluation and selection. Selection of the contractor will be based on experience of offeror and skills of key personnel, proposed approach, and cost. All responsive proposals received will be subject to evaluation by a committee of personnel qualified to select the proposal which most clearly meets the state's requirements.

Issued in Austin, Texas, on May 16, 1990.

TRD-9004904 Cathy Rossberg
Agency liaison, Policy Communication
Services
Texas Department of Human Services

Filed: May 16, 1990

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

Texas Department of Mental Health and Mental Retardation Notice of Public Hearing

Senate Bill 1426, §3, amends the Texas Department of Mental Health and Mental Retardation Act (Texas Civil Statutes, Article 5547-202,) by adding §§2. 42-2.44, requiring that the department annually prepare a plan for the development of new beds in the ICF/MR Program and creating an Interagency Council on ICF/MR Facilities to approve the plan. After the council approves the plan, the department must adopt the plan by rule.

Consistent with this mandate, the Texas Department of Mental Health and Mental Retardation is sponsoring a public hearing in August. The purpose of this hearing is to solicit comments on the draft Annual Plan for New Bed Development in the Texas ICF/MR Program for fiscal year 1990.

The public hearing has been scheduled at the following location and time: May 29, 1990, from 9 a.m. to 12 noon in the auditorium of the Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin.

Representatives from the Texas Department of Mental Health and Mental Retardation will be present to explain the development of the plan and consult with and receive comments from interested citizens and affected groups. All written and oral comments will be considered in the preparation of the final plan.

Preliminary intended use reports for the plan of new bed development in the ICF/MR Program will be available at the public hearing and can be obtained from the Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, contact person: Linda Logan, (512) 465-4650. Comments will be accepted through June 25, 1990. If deaf interpreters are required, notify TDMHMR (512) 323-3261, Carole Smith, 72 hours prior to the meeting.

Issued in Austin, Texas, on May 14, 1990.

TRD-9004880

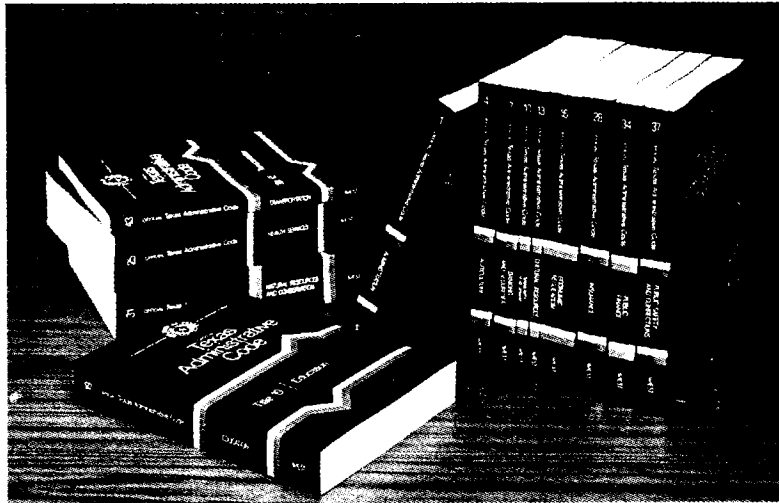
Dennis Jones
Commissioner
Texas Department of Mental Health and
Mental Retardation

Filed: May 14, 1990

For further information, please call: (512) 465-4591



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