

Texas Register

Volume 15, Number 50, July 3, 1990

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Texas Register

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Information Available: The eight sections of the *Texas Register* represent various facets of state government Documents contained within them include:

- Governor-Appointments, executive orders, and proclamations
- Attorney General-summaries of requests for opinions, opinions, and open records decisions
- 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- Withdrawn Sections-sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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).



Texas Register Publications

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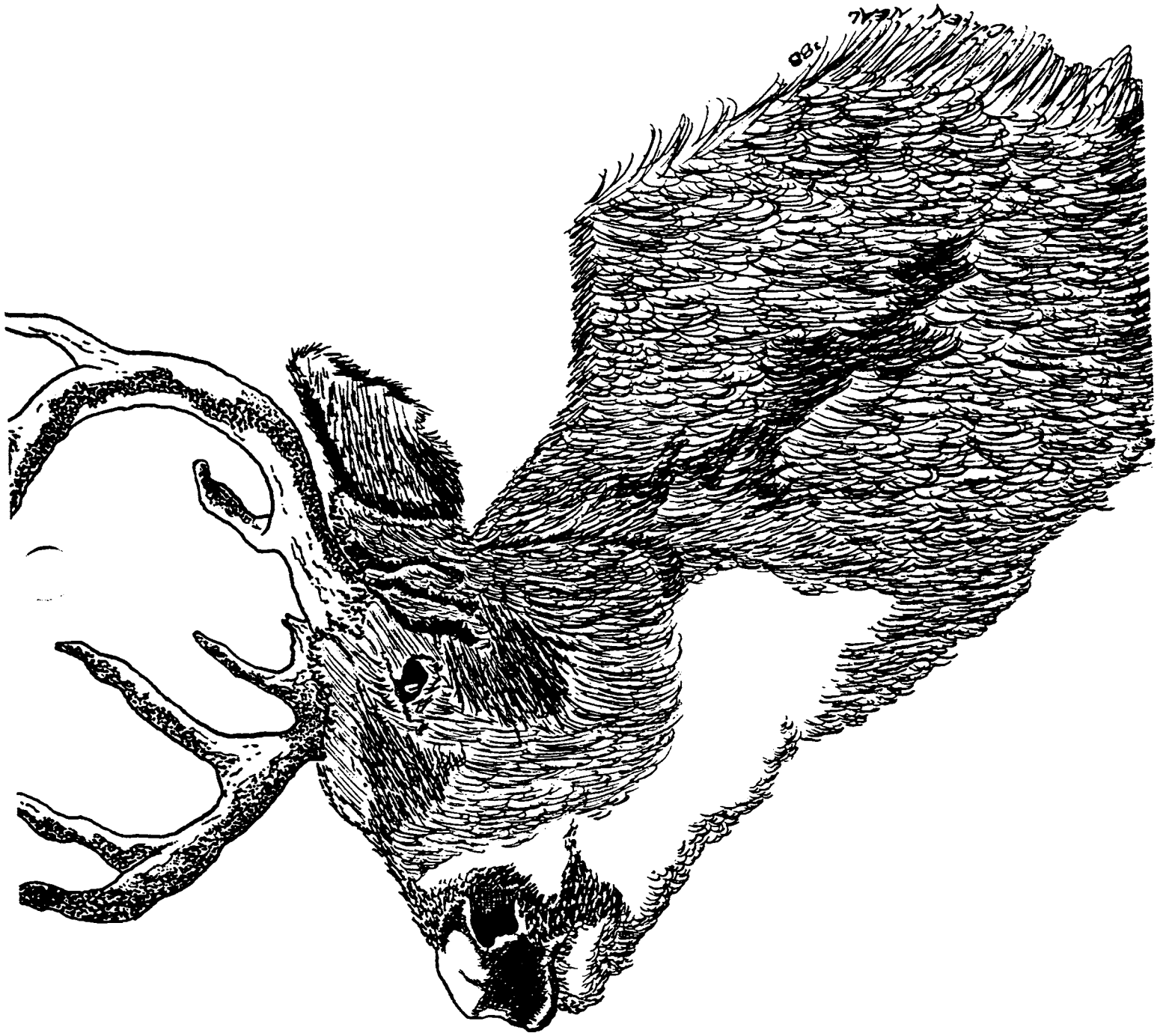
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Texas Department of Commerce

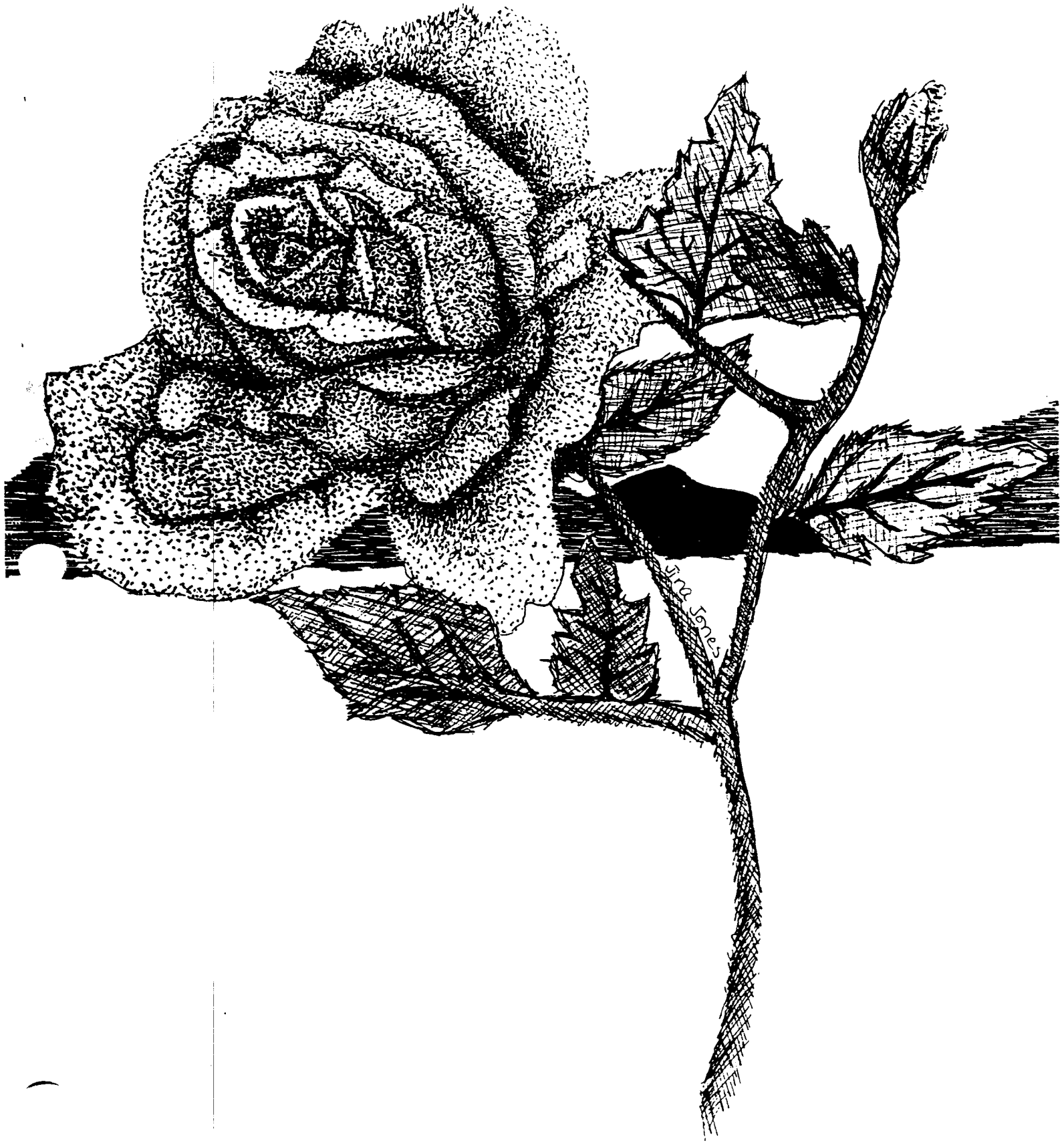
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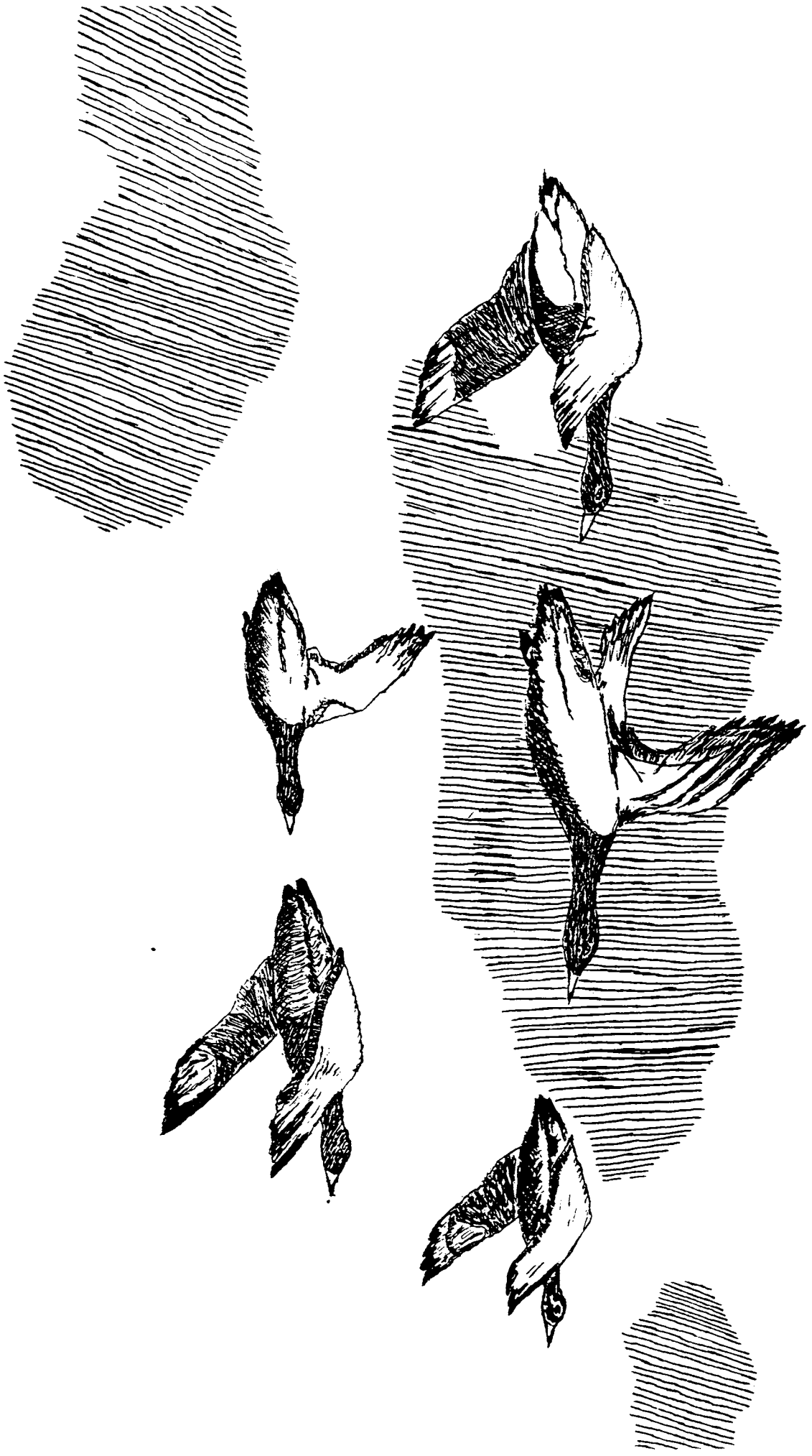


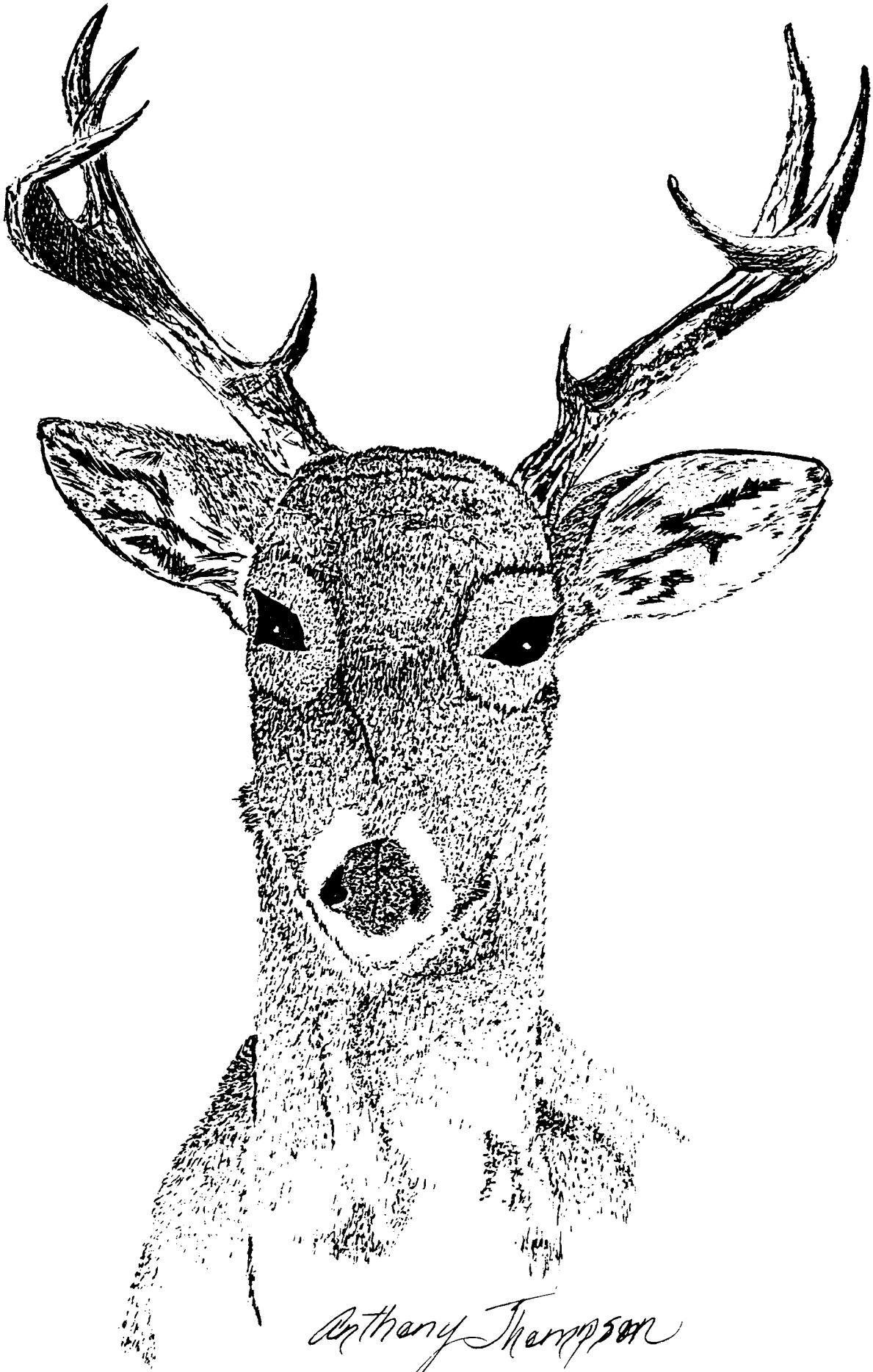






MARK LORSON





Anthony Thompson

TAC Titles Affected

TAC Titles Affected—July

The following is a list of the administrative rules that have been published this month.

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

7 TAC §95.303—3785

7 TAC §97.114—3785

TITLE 10. COMMUNITY DEVELOPMENT

Part V. Texas Department of Commerce

10 TAC §176.2, §176.8—3783, 3786

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19 TAC §77.27—3786

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22 TAC §115.2—3804

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37 TAC §§16.31-16.54—3807

37 TAC §§16.71-16.78—3808

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

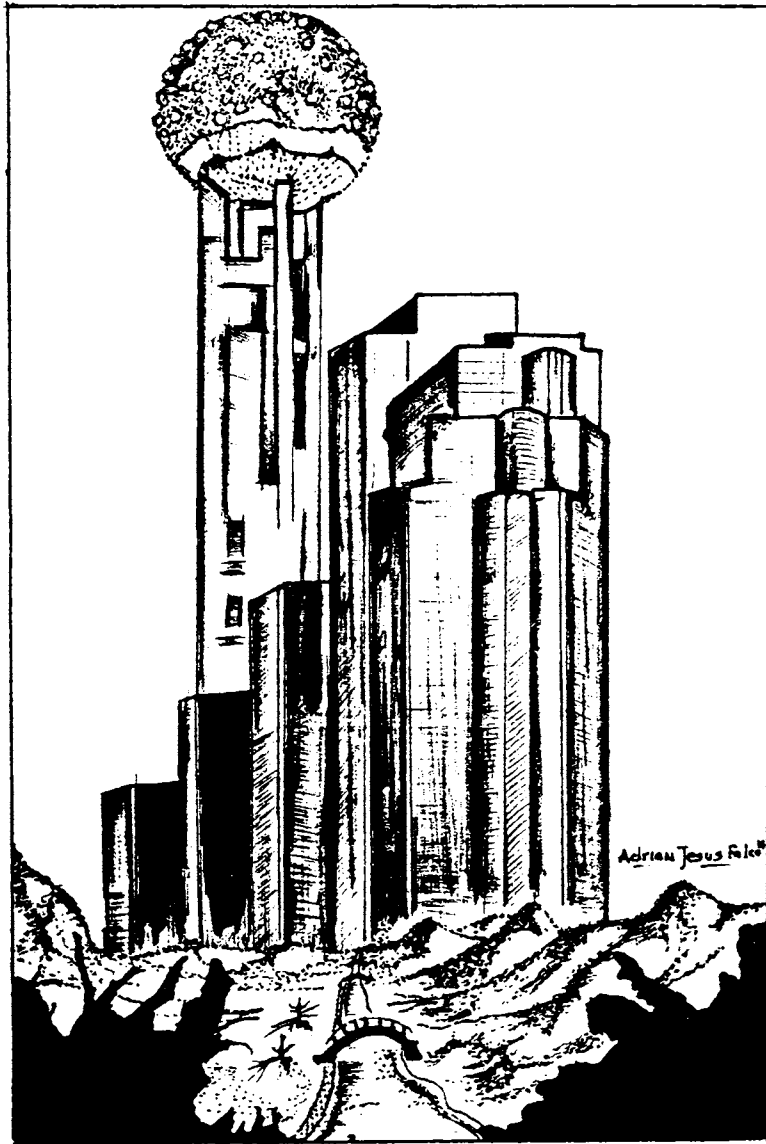
40 TAC §§27.102-27.104—3795, 3799

40 TAC §27.109—3796, 3799

40 TAC §§27.1804-27.1805—3796, 3799

40 TAC §56.701—3799





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 10. COMMUNITY DEVELOPMENT

Part V. Texas Department of Commerce

Chapter 176. Texas Enterprise Zone Program

• 10 TAC §176.2, §176.8

The Texas Department of Commerce (Commerce) adopts on an emergency basis amendments to §176.2 and §176.8, concerning filing requirements for applications and approval standards for designation of enterprise projects under Texas Civil Statutes, Article 5190.7. The amendments establish the application deadlines for enterprise projects for fiscal year 1991, change the final application deadline for fiscal year 1990 to July 16, 1990, and reduce the number of applications required to be submitted to Commerce.

The amendments are adopted on an emergency basis to allow utilization of more carryforward designations, thereby increasing the number of jobs created or retained for Texans.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 5190.7, which provides Commerce with the authority to adopt rules for the

administration and implementation of the Texas Enterprise Zone Program.

§176.2. Filing Requirements for Applications.

(a) (No change.)

(b) Filing. The applicant shall file with the department an original and one copy [two copies] of an application for designation of an enterprise zone or for designation of an enterprise project. A separate application must be submitted to the department for each area nominated for designation as an enterprise zone.

(c)-(e) (No change.)

§176.8. Approval Standards.

(a) (No change.)

(b) Approval standards for designation of enterprise projects. The department shall designate qualified businesses as enterprise projects on a competitive basis. Applications for designation of enterprise projects will be accepted on a bi-monthly basis during the following application deadlines.

(1) For the fiscal year ending August 31, 1991 [1990], the application

deadlines are September 4, 1990, November 1, 1990, January 2, 1991, March 1, 1991, May 1, 1991, and July 1, 1991 [September 14, 1989, November 1, 1989, January 2, 1990, March 1, 1990, May 1, 1990, and July 2, 1990]. The final application for the fiscal year ending August 31, 1990, is July 16, 1990. Up to five projects may be designated during each application period with the remaining eligible projects to be designated during subsequent application periods. Additional allowable projects carried forward from prior fiscal years may be designated during any application period. [The deadlines for fiscal year 1990 will be published in the *Texas Register* at least 60 days in advance of such deadlines.] No enterprise projects may be designated after August 31, 1991.

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

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

Issued in Austin, Texas, on June 26, 1990.

TRD-9006561

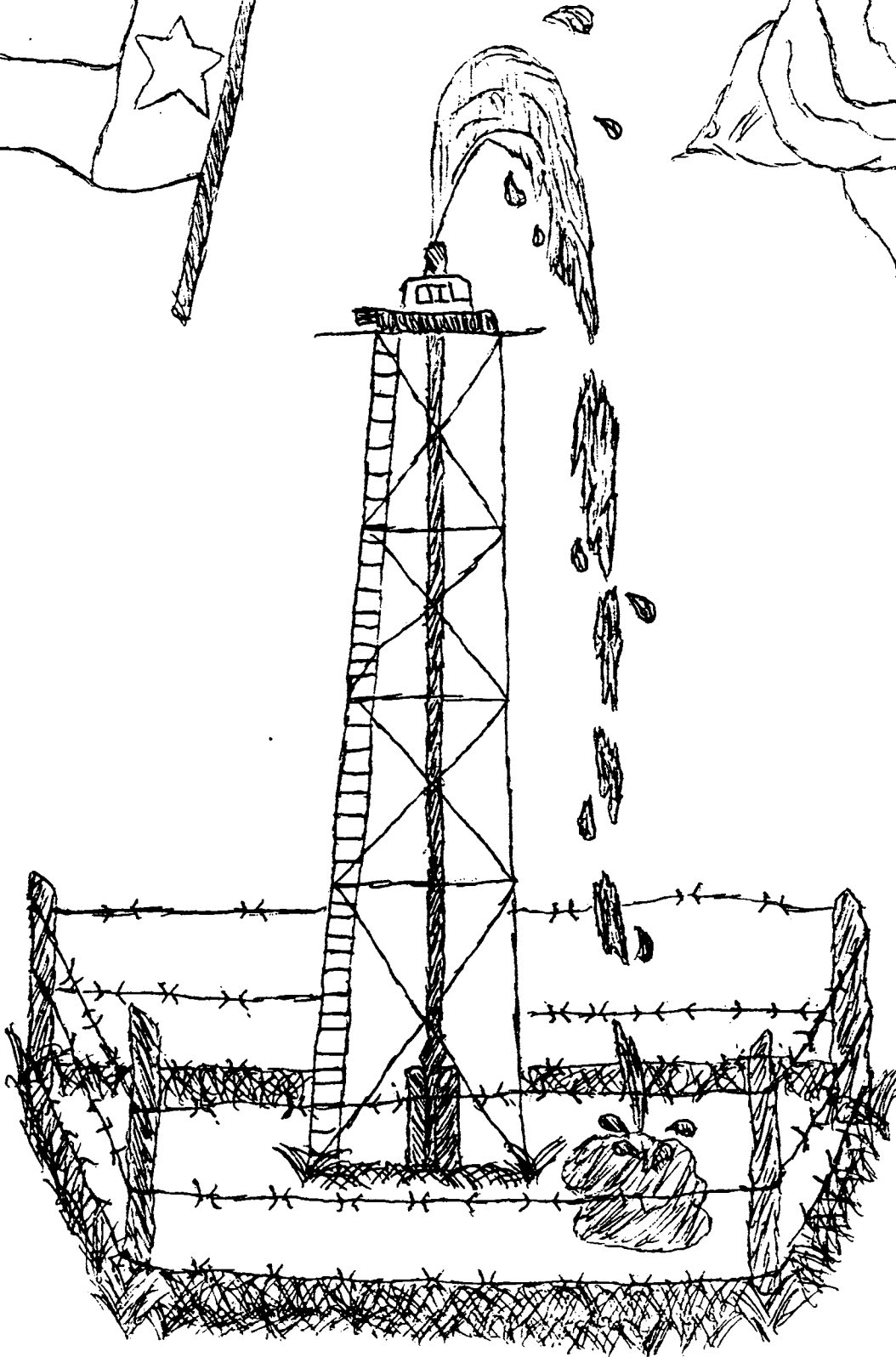
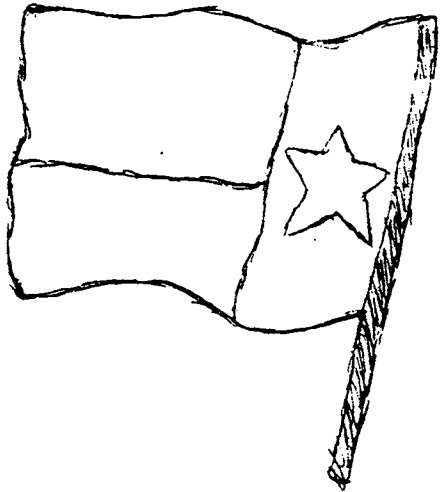
William D. Taylor
Executive Director
Texas Department of
Commerce

Effective date: June 27, 1990

Expiration date: October 25, 1990

For further information, please call: (512) 320-9666





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 7. BANKING AND SECURITIES

Part VI. Credit Union Department

Chapter 95. Texas Share Guaranty Credit Union

Finance and Accounts

• 7 TAC §95.303

The Credit Union Department (commission) proposes an amendment to §95.303, concerning the base on which investment shares are calculated and other changes. The section does not define the term "next preceding" and needs other minor changes to assure clarity. The changes will specify the immediate year end shall continue to be used as a base for calculating required payments of investment shares necessary for maintaining a 1.0% equity balance with Texas Share Guaranty Credit Union.

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

Mr. Hale also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that clarity of the rule will be assured. There will be no effect on small businesses. There is no anticipated economic cost to credit unions which are required to comply with the section as proposed.

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

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

§95.303. Membership Investment Shares. Except as provided in §95.301 of this title (relating to Application) and §95.304 of this title (relating to Conversion from Other Guaranty Programs), each member credit union shall pay and maintain [a] membership investment shares [share] equal to 1.0% of its total share and deposit capital as of December 31 of the year [next] preceding the date on which the payment is due. [To insure that the membership investment share shall equal at all times not less

than 1.0% of the total share and deposit capital of all member credit unions.] Each member credit union shall pay on or before March 1 of each year such amounts as may be necessary to bring the membership investment shares [share] of each member credit union up to 1.0% of such member credit union's total share and deposit capital, as of December 31 of the year [next] preceding the date on which such amount is due.

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 June 25, 1990.

TRD-9006512 John R. Hale
Commissioner
Credit Union Department

Earliest possible date of adoption: August 3, 1990

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

Chapter 97. Commission Policies and Administrative Rules

Fees

• 7 TAC §97.114

The Credit Union Department (commission) proposes an amendment to §97.114, concerning examination fee rates. The basic rate would be increased from \$32 to \$36 per hour. The additional revenue is needed to fully fund budget requirements.

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

Mr. Hale also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that adequate funding of the department will be assured through fees charged directly to the entities receiving related services. The anticipated economic cost to persons (credit unions) who are required to comply with the section as proposed will be that examination fees are increased at least 13% over the rates set on September 1, 1988.

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

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

§97.114. Examination Fees.

(a) Effective September 1, 1990 [1988] the fee for the examination of a credit union authorized to do business under the Act shall be as follows. [:]

(1) The fee per examiner day shall be **\$288** [(\$256) **\$36** [32] per examiner hour).

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

(4) Credit unions with assets between \$200,000 and \$500,000 shall be charged 75% of the regular rate (**\$216** [\$192] per examiner day or **\$27** [\$24] per examiner hour).

(5) If the commissioner or deputy commissioner schedules a special examination in addition to the regular annual examination, the examination fee shall be as specified in this section [scheduled], except the commissioner may waive [waiver the examination fee] or reduce the fee as he deems appropriate. Such waivers or reductions shall be in writing and signed by the commissioner.

(6) The fee for the final examination of credit unions in liquidation shall be as outlined in this section except that the commissioner may waive [waiver] or reduce the fee as he deems appropriate.

(b) Method of application of examination fee.

(1) The examination fee shall be applied for all examiner time spent (to the nearest hour) on each examination, exclusive of travel time, whether such examination time is spent on the premises of the credit union being examined or elsewhere, including meetings with officials.

(2) A minimum of **four** [two] hours shall be charged for the preparation of each examination report by the Austin office on each examination. Where special problems exist which require extraordinary time for processing an examination report, additional fees may be billed, with explanation, by the commissioner or deputy commissioner, but in no event shall a report preparation fee exceed a charge of 16 [eight] examiner hours.

(3) (No change.)

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

Issued in Austin, Texas, on June 25, 1990.

TRD-9006513 John R. Hale
Commissioner
Credit Union Department

Earliest possible date of adoption: August 3, 1990

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

◆ ◆ ◆
TITLE 10. COMMUNITY DEVELOPMENT
Part V. Texas Department of Commerce
Chapter 176. Texas Enterprise Zone Program

◆ ◆ ◆
• 10 TAC §176.2, §176.8

(Editor's Note: The Texas Department of Commerce 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 Commerce (Commerce) proposes amendments to §176.2, and §176.8, concerning the Texas Enterprise Zone Program. The proposed amendments reduce the number of zone and project applications required to be submitted to Commerce and include project deadlines for fiscal year 1991.

Dan McNeil, manager of business finance, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. McNeil also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the reduction of paperwork by the enterprise zone applicants and notification to the public of the project deadlines for state incentives. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Bruce Anderson, General Counsel, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711, within 30 days after date of this publication.

The amendments are proposed under Texas Civil Statutes, Article 5190.7 which provide Commerce with the authority to adopt rules for the administration and implementation of the Texas Enterprise Zone Program.

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

Issued in Austin, Texas, on June 27, 1990.

TRD-9006562 William D. Taylor
Executive Director
Texas Department of
Commerce

Earliest possible date of adoption: August 3, 1990

For further information, please call: (512) 472-5059

◆ ◆ ◆
TITLE 16. ECONOMIC REGULATION
Part IV. Texas Department of Licensing and Regulation

Chapter 70. Industrialized Housing and Buildings

◆ ◆ ◆
• 16 TAC §70.100, §70.101

The commissioner of the Texas Department of Licensing and Regulation proposes amendments to §70.100 and §70.101, concerning mandatory codes and amendments to model codes. A new addition of the National Electrical Code is published every three years to update the Code with new development in technology and adoption of the most recent addition should assure greater safety for the citizens of Texas. The sections are being amended in order to comply with the updated National Electrical Code.

Jimmy G. Martin, assistant director of industrialized housing and buildings, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Martin also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be building to the most current code by manufacturers. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Jimmy G. Martin, Assistant Director, Industrialized Housing and Buildings, P.O. Box 12157, Austin, Texas 78711.

The amendment(s) are proposed under Texas Civil Statutes, Article 65221f-1 and Article 9100, which provide the commissioner of the Texas Department of Licensing and Regulation with the authority to adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available.

§70.100. Mandatory State Codes. All industrialized housing and buildings, modules, and modular components shall be constructed in accordance with the following codes and their appendices:

- (1) National Fire Protection Association-National Electrical Code, 1990 [1987] Edition; and

(2) (No change.)

§70.101. Amendments to Mandatory State Codes.

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

(c) The 1990 [1987] Edition of the National Electrical Code shall be amended as follows:

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

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

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

Issued in Austin, Texas, on June 21, 1990.

TRD-9006447 Larry Kosta
Executive Director
Texas Department of
Licensing and
Regulation

Earliest possible date of adoption: August 3, 1990

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

◆ ◆ ◆
TITLE 19. EDUCATION
Part II. Texas Education Agency
Chapter 77. Comprehensive Instruction

Subchapter B. General Education Program

◆ ◆ ◆
• 19 TAC §77.27

The Texas Education Agency proposes new §77.27, concerning school-age pregnancy and parenting pilot programs. The proposed new section relates to the eligibility criteria to apply for funding for the School-Age Pregnancy and Parenting Pilot Program. The proposed new section defines four eligibility criteria using National School Lunch claims to qualify for the pilots. The new section would also give the commissioner of education the authority to consider additional data in determining eligibility of districts who submit other information as evidence of eligibility. Under provisions of the Texas Education Code, §21.114, only school districts where at least 30% of the district's students are of low socioeconomic status are eligible to apply for pregnancy and parenting pilot program funds.

Lynn Moak, deputy commissioner for research and development, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Moak and Criss Cloudt McCuller, director for planning coordination, also have determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that a uniform set of criteria have been identified to establish district eligibility for the school-age pregnancy and par-

enting pilot programs. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

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

The new section is proposed under the authority of the Texas Education Code, §21.114, which authorizes the State Board of Education to adopt rules under which school districts may operate cooperative programs under this section.

§77.27. School Age Pregnancy and Parenting Pilot Programs.

(a) The commissioner of education may determine eligibility criteria for school-age pregnancy and parenting pilot programs to be operated by districts where at least 30% of the district's students are of low socioeconomic status. The commissioner may consider applications submitted by districts qualifying on the basis of one of the following eligibility criteria:

(1) the district's best six month average of the prior year reported National School Lunch (NSL) claims, divided by the district's best four of eight weeks refined average daily attendance (ADA) of that same year;

(2) the district's best six month average of the prior year reported NSL claims, divided by the district's four fall weeks refined average daily attendance (ADA) of the current year;

(3) the district's reported NSL claims for October of the current year, divided by the district's four fall weeks refined average daily attendance (ADA) of the current year;

(4) the district's best three month average of reported NSL claims for the current year, divided by the district's four fall weeks refined average daily attendance (ADA) of the current year.

(b) The commissioner may also consider additional data submitted by districts to the Central Education Agency in determining district eligibility for the program.

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

issued in Austin, Texas, on June 14, 1990.

TRD-9006546

W. N. Kirby
Commissioner of Education

Proposed date of adoption: August 4, 1990

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

Chapter 89. Adaptations for Special Populations

Subchapter F. Remedial and Compensatory Instruction

• 19 TAC §89.131

The Texas Education Agency proposes an amendment to §89.131, concerning the definition of remedial and compensatory instruction. The proposed amendment is consistent with Senate Bill 152 enacted by the 71st Legislature. The proposed amendment specifies that the percentages of any district's allotment to these programs must be at least equal to the state's longitudinal dropout rate for the preceding year when the district's dropout rate in any school year exceeds the state's dropout rate goal for that year. These requirements begin with the 1990-1991 school year.

Lynn Moak, deputy commissioner for research and development, has determined that for the first five-year period the proposed section is in effect there will be fiscal implications for local government as a result of enforcing or administering the section. This change will have indirect fiscal implications. Specifically, the rule would change lump sum or block distribution of a portion of remedial and compensatory funds to categorical funds based on district dropout rates. Local school districts will have to redirect these funds thus causing districts to locate new funds for past activities that use these funds or cut programs. There will be no fiscal impact on state government as a result of enforcing or administering the section.

Mr. Moak and Criss Cloudt McCuller, director for planning coordination, also have determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the redirection of funds to serve at-risk students in districts where their dropout rate exceeds the state dropout rate goal. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

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

The amendment is proposed under the Texas Education Code, §21.557, which provides the State Board of Education with the authority to set standards for remedial and compensatory instruction; and the Texas Education Code, §16.152(e), which provides the State Board of Education with the authority to provide technical assistance to school districts to reduce the dropout rate.

§89.131. Definition of Remedial and Compensatory Instruction.

(a) Each public school district in Texas shall adopt a written policy for use of state compensatory education funds consistent with the Texas Education Code, §21.557. The policy shall include at least the following:

(1) eligibility requirements for participation in the program for students in prekindergarten through grade 12;

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

(b)-(f) (No change.)

(g) Each school district shall allocate a percentage of the district's state compensatory education funds for remedial and support programs specifically for students at risk of dropping out of school as required in the Texas Education Code, §16.152(e), relating to compensatory education allotment. This targeted allotment shall be:

(1) at least equal to the state's longitudinal dropout rate, grades seven through 12, for the previous school year in any school district in which the actual dropout rate in any school year exceeds the state's dropout rate goal for that year under Texas Education Code, §11.205(e), relating to the Dropout Reduction Program; and

(2) applicable to remedial and support programs for prekindergarten through grade 12.

(h) Remedial and support programs and services for students at risk of dropping out of school as determined by subsection (g) of this section shall include:

(1) support services such as instructional materials, instructional evaluation procedures, parental involvement activities, counseling, and school social work services;

(2) proven models and strategies that have demonstrated statistically significant improvements in student life coping skills (communications, decision-making, and goal-setting), and student performance such as cooperative learning, peer tutoring, computer-assisted instruction, content mastery learning, and continuous progress;

(3) instructional designs that result in a reduction in class size; and

(4) innovative strategies developed by the district provided a rationale and program design with an evaluation component are approved by the local board of trustees and reviewed annually for program effectiveness as described in the Texas Education Code, §21.557(e).

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 June 14, 1990.

TRD-9006547 W. N. Kirby
Commissioner of Education

Earliest possible date of adoption: August 3, 1990

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

Subchapter A. Student Attendance Allowed

• 19 TAC §129.1

The Texas Education Agency proposes an amendment to §129.1, concerning free attendance in general. The proposed amendment will allow the commissioner of education to define documents that are suitable for the identification of students enrolling in school or transferring from another school in Texas or another state. This identification is required under Texas Education Code, §21.0313, identification required for enrollment. These procedures will also assist in fulfilling the requirements of the Texas Education Code, §11.205, Dropout Reduction Program, including standardized statewide recordkeeping, document of school transfers, and follow-up procedures for students who drop out of school.

Lynn Moak, deputy commissioner for research and development, has determined that for the first five-year period the section is in effect there will be fiscal implications for local government as a result of enforcing or administering the section. This change will require that local governments maintain and transfer additional information to the state. This will result in an increased workload at the local level, but there is not way to estimate the cost of this change at this time. There will be no fiscal impact on state government as a result of enforcing or administering the section.

Mr. Moak and Criss Cloudt McCuller, director for planning coordination, also have determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the increased capability to assist in the location of missing children, and the establishment of standard procedures for transfer of student identification numbers. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

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

The new section is proposed under the Texas Education Code, §21.0313, which provides the State Board of Education with the

authority to adopt rules necessary to the implementation and enforcement of this section, including rules providing for the types of documents that are suitable for identification purposes under this section.

§129.1. Free Attendance in General.

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

(d) **Definitions.** Identification is required for enrollment in accordance with the Texas Education Code, §21.0313. For the purposes of identification, the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Documents that are suitable for identification**—To be defined by the commissioner of education.

(2) **Child's records**—Records that include a minimum set of data and documentation established by the commissioner of education. The minimum set of data will include the child's social security number or a state-approved alternative identification number as assigned by the public education information management system (PIEMS).

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 June 14, 1990.

TRD-9006549 W. N. Kirby
Commissioner of Education

Earliest possible date of adoption: August 3, 1990

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

Chapter 141. Teacher Certification

Subchapter U. Alternative Teacher Certification

• 19 TAC §141.482

The Texas Education Agency proposes new §141.482, concerning requirements for the alternative certification of administrators. During the 71st Session of the Texas Legislature, a portion of Senate Bill 417 was enacted to instruct the State Board of Education to provide for the alternative certification of administrators as an addition to existing programs for teachers. The intent of the proposed new section is to admit candidates into training programs for positions of administrative leadership who do not hold prior teaching certification, while permitting outstanding teachers and other practicing educators to be eligible also.

Lynn Moak, deputy commissioner for research and development, has determined that for the first five-year period the proposed section is in effect there will be fiscal implications for local government as a result of

enforcing or administering this section. The local school districts that decide to administer an alternative certification program will need to hire one full-time staff person at a cost of \$40,000 per year. There should be no other costs associated with the program. There will be no fiscal impact on state government as a result of enforcing or administering the section.

Mr. Moak and Criss Cloudt McCuller, director for planning coordination, also have determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing this new section will be the establishment and availability of a statewide program for individuals seeking certification as administrators through alternative means in compliance with statutory requirements. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the proposed section.

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

The new section is proposed under the authority of the Texas Education Code, §13.305(a), which authorizes the State Board of Education to adopt rules concerning teacher and administrator certification programs as an alternative to teacher education programs; and Texas Education Code, §13.352(b), which describes the qualifications for certification as a principal to be flexible so that an outstanding teacher may qualify by substituting approved experience and professional training for part of the educational requirements.

§141.482. Requirements for the Alternative Certification of Administrators.

(a) General provisions. Approval of alternative certification of administrators by the State Board of Education shall be based on the following requirements:

(1) that a program for alternative certification of administrators is to be developed collaboratively, and may include in addition to local education agencies and institutions of higher education with approved administrator preparation programs, and/or education service centers. The programs may be in cooperation with professional associations or consortia, and must be delivered through Texas public schools;

(2) that three certificates may be earned through an alternative certification program; campus principal (level specific—elementary, middle/junior high, or high school), district-level mid-management administrator, and superintendent;

(3) that individuals admitted into an approved program shall be recommended to the Central Education Agency for a term certificate that is valid only while participating in an approved program for two school years and may be extended for one additional school year under extenuating circumstances; and

(4) that an individual may be recommended to the Central Education Agency for administrator certification based on at least satisfactory completion of specified requirements of the approved program by the designated program director and the supervising mentor administrator as provided in the approved program.

(b) Requirements for approved plan. Appropriate sponsors as identified in subsection (a)(1) of this section concerning general provisions shall be required to submit a collaboratively developed plan to be approved by the State Board of Education prior to implementation. The plan must include, but need not be limited to, evidence of the following:

(1) accredited status of the participating school districts, colleges, or universities;

(2) commitment to the program through adequate funding, as indicated by the existence of an approved program budget;

(3) a designated program director with adequate qualified staff to assure appropriate:

(A) screening;

(B) preparation, as indicated by vitae of personnel delivering this component;

(C) mentoring, as indicated by vitae of individual(s) serving as mentor(s);

(D) program supervision as indicated in the ratio of supervising mentors to intern administrators;

(4) a calendar of program activities for the duration of each school year for which the program is approved to include a timeline for accepting candidates into a cycle to assure adequate time for preassignment screening and professional development, scheduled preparation for intern administrators, and orientation and training for mentor administrators;

(5) the program components which must include, but need not be limited to:

(A) an assessment profile to provide an evaluation of skills and knowledge must be developed for each candidate for certification; the assessment pro-

file must include but need not be limited to the core knowledge base listed in Subparagraph (B) of this paragraph; and

(B) a core knowledge base that encompasses instructional leadership; interpersonal and group dynamics skills; curriculum and instruction management; performance evaluation; organizational theory, fiscal management; and legal and ethical aspects of education;

(6) a mentor-directed comprehensive internship of not less than two school years to meet the specific needs of the intern administrator including:

(A) campus principal (level specific-elementary, middle/junior high, or high school);

(i) assignment as principal or intern at appropriate campus for certification; and

(ii) a designation of a mentor who is serving or has served as a principal and whose professional expertise and certification encompasses the assignment of the intern;

(B) district-level mid-management administrator:

(i) assignment as mid-management administrator or intern in appropriate area for certification; and

(ii) designation of a mentor whose professional expertise and certification encompasses the assignment of the intern; or

(C) superintendent:

(i) assignment as superintendent or intern at the district level for certification; and

(ii) designation of a mentor who is serving or has served as a superintendent and whose professional expertise and certification encompasses the assignment of the intern;

(7) a mentor administrator who has demonstrated exemplary administrative performance and who has served as an administrator for at least five years in the area of certification sought by the intern:

(8) preassignment screening, including initiation of a criminal record review, for interns;

(9) procedure for program monitoring, review, and evaluation;

(10) ongoing counseling, guidance, and remedial preparation as needed; and

(11) maintenance of follow-up data which attest to program and intern effectiveness.

(c) Requirements for admission into the program. Each applicant shall meet the following minimum requirements prior to admission into the alternative certification program for administrators:

(1) possession of basic skills in mathematics, reading, and writing as evidenced by holding acceptable scores on the state-mandated basic skills test;

(2) prior preparation and education expertise as follows:

(A) for currently certified educators:

(i) possession of a graduate degree from a regionally-accredited institution of higher education with a grade point average of no less than 3.0 on a 4.0 system and at least three years of successful experience in a position included in the Texas Public Education Compensation Plan which included leadership responsibilities for a minimum of three other professionals who possess at least a baccalaureate degree; or

(ii) possession of at least a baccalaureate degree from a regionally-accredited institution of higher education with a grade point average of no less than 3.0 on a 4.0 system, completion of training in effective instructional practices, leadership ability, curriculum development, and communications skills, and at least five years of successful experience in a position included in the Texas Public Education Compensation Plan which included leadership responsibilities for a minimum of three other professionals who possess at least a baccalaureate degree;

(B) for individuals who do not hold teacher certification:

(i) possession of a graduate degree from a regionally-accredited institution of higher education with a grade point average of no less than 3.0 on a 4.0 system, completion of management/leadership training, and at least three years of successful experience in organizational leadership which included leadership responsibilities for a minimum of three other professionals who possess at least a baccalaureate degree; or

(ii) possession of at least a baccalaureate degree from a regionally-accredited institution of higher education with a grade point average of 3.0 on a 4.0 system, completion of management/leadership training, and at least five years of successful experience in organizational leadership which included leadership responsibilities for a minimum of three other professionals who possess at least a baccalaureate degree.

(3) when appropriate, and with the approval of the commissioner of education, an approved program sponsor

may waive the grade point average requirement and/or the experience requirement for a candidate with documented justification for the consideration of other relevant criteria.

(d) Requirements for comprehensive training. During the program, each intern administrator must complete preparation of at least 18 semester hours from a regionally-accredited institution of higher education with an approved administrator preparation program, or 270 contact hours, or a combination of both in a ratio of 15 contact hours to one semester hour to include knowledge of:

- (1) effective schools design;
- (2) understanding of effective teaching practices;
- (3) development of curriculum and instructional design models;
- (4) integration of critical thinking and problem-solving skills in leadership development;
- (5) application of ethical and legal principles; and
- (6) implementation of financial management skills.

(e) Training requirements for placement as a intern. Each applicant accepted into the alternative certification program, but prior to assignment as administrator or intern, shall complete at least nine semester hours, 135 contact hours, or a combination thereof as follows:

(1) for currently certified educators, professional development in the areas of leadership, performance evaluation, organizational theory, financial management in education, and/or legal and ethical aspects of education identified as needs based on the individual's assessment profile; or

(2) for individuals who do not hold teacher certification, professional development in the areas of instructional leadership, curriculum and instruction management, performance evaluation, financial management in education, and/or legal and ethical aspects of education identified as needs based on the individual's assessment profile.

(f) Requirements for certification. Prior to certification, each intern administrator must have fulfilled the following requirements:

- (1) complete the approved internship and specified program of instruction;
- (2) participate in and achieve acceptable scores on Instructional Leadership Training (ILT);
- (3) participate in and achieve acceptable performance scores on the Texas Teacher Appraisal System (TTAS) training program;

(4) demonstrate effectively the application of knowledge and skills indicated in subsection (b)(5)(B) and subsection (e) of this section by means of individually designed performance indicators;

(5) possess acceptable scores on the appropriate state-adopted Examination for the Certification of Educators in Texas (ExCET);

(6) successful performance on an approved local school district administrator appraisal system; and

(7) receive a recommendation from the designated program director and the supervising mentor that is submitted to the Central Education Agency for certification.

(g) Requirements for approval, review, and reapproval of programs. Procedures for approval, review, and reapproval of alternative certification programs.

(1) As of the effective date of this rule, the commissioner of education may recommend a limited number of plans for alternatives administrator certification. Initial approval of proposed alternative administrator certification programs shall not extend more than two years, and will be subject to agency review during all facets of program implementation. In subsequent years, after evaluation of the program by the State Board of Education, plans may be approved for a period not to exceed four years subject to annual review.

(2) The designated director of an approved alternative administrator certification program shall submit to the commissioner of education an annual report that includes the names of candidates in the program and other information that may be required, including monitoring, review, and evaluation of the program.

(3) Programs for alternative administrator certification shall be subject to review by the Central Education Agency.

(4) Request for reapproval of alternative administrator certification programs must include the percentage of interns receiving acceptable ExCET scores and demonstrating application of knowledge and skills as indicated in subsections (b)(5)(B) and subsection (e) of this section. The State Board of Education shall consider these program results when granting reapproval requests.

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 June 14, 1990.

TRD-9006553 W. N. Kirby
Commissioner of Education

Proposed date of adoption: August 4, 1990

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

Chapter 149. Education Personnel Development

Subchapter C. Appraisal of Certified Personnel

• 19 TAC §§149.41, 149.45, 149.46

The Texas Education Agency proposes an amendment to §149.41, concerning general provisions for administrator appraisal, new §149.45, concerning administrator performance criteria, and new §149.46, concerning administrator appraisal procedures. These proposed sections would establish criteria and procedures for the appraisal of administrators. The sections would act as a minimum standard that the districts must incorporate into their administrator appraisal procedures.

Lynn Moak, deputy commissioner for research and development, has determined that for the first five-year period the proposed sections are in effect there will be fiscal implications for local government as a result of enforcing or administering the sections. The local school districts will need to assign administrators to administer the appraisal procedures at a cost to the districts of \$250 per administrator per day. Each appraisal takes six hours to complete at a cost of \$187.50 per appraisal. With approximately 27,500 appraisals the yearly cost is \$5,156,250. Districts are currently spending some amount on an appraisal system which is not mandated by the state. The difference between current expenditures and the estimated costs is unknown. There will be no fiscal impact on state government as a result of enforcing or administering the sections.

Mr. Moak and Criss Cloudt McCuller, director for planning coordination, also have determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the strengthening of overall administrator performance statewide as individual administrators are appraised throughout the state utilizing a common core of criteria and certain uniform procedures adopted by the State Board of Education. There will be no effect on small businesses. There is no anticipated cost to persons who are required to comply with the section as proposed.

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

The amendment and new sections are proposed under the Texas Education Code, §13.354, which provides the State Board of Education with the authority to adopt an appraisal process and criteria on which to appraise the performance of school administrators.

§149.41. General Provisions.

(a) Each teacher and administrator shall be appraised annually in the performance of his or her duties. This requirement shall apply to all certified personnel, as classified in the Texas Education Code, §16.056, Texas Public Education Compensation Plan, including the nondegreed teacher and the noncertified administrator.

(b) The results of the appraisal of teachers shall be used for career ladder and staff development purposes and may be used for contract renewal considerations. The results of the appraisal of administrators shall be used for staff development (relating to standards for management and leadership development for administrators) purposes and may be used for contract renewal considerations.

(c) For professional personnel exempted from the career ladder under §149.71(b)(7) of this title (relating to Assignment to the Teacher Career Ladder), at least one evaluation conducted by one appraiser is required, using the evaluation instrument(s) adopted by the local board of trustees. Non-degreed teachers shall be evaluated once each year by two appraisers.

(1) Until the State Board of Education adopts an appraisal process for administrators, the evaluation instrument(s) adopted by the local board of trustees shall be used. Beginning with school year 1991-1992, all administrators shall be appraised annually by at least one appraiser, the administrator's supervisor(s), using the state criteria and procedures approved by the State Board of Education under §149.45 and §149.46 of this title (relating to Administrator Performance Criteria; Administrator Appraisal Procedures).

(2) (No change.)

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

§149.45. Administrator Performance Criteria.

(a) The criteria used to evaluate each administrator in the district shall include, but would not be limited to, the following:

- (1) instructional management;
- (2) school/organizational climate;
- (3) school/organizational improvement;
- (4) personnel management;
- (5) administration and fiscal/facilities management;
- (6) student management;
- (7) school/community relations;
- (8) professional growth and development; and

(9) board/superintendent relations (for superintendents only).

(b) State criteria descriptors for administrator appraisal that have been piloted in school districts and are available for developmental use by districts are:

(1) instructional management. promotes the improvement of instruction through activities such as monitoring student achievement and attendance, diagnosing student needs, assisting teachers in designing learning experiences for students, encouraging the development and piloting of innovative instructional programs, and facilitating the planning and application of emerging technologies in the classroom;

(2) school/organizational climate. fosters a positive school/organizational climate through activities such as assessing and planning improvement of school/district/community environment, reinforcing excellence, promoting a positive caring climate of learning, and employing effective communication skills;

(3) school/organizational improvement. promotes leadership in school/organizational improvement efforts through activities such as collaborating in the development and articulation of a common vision of improvement, encouraging appropriate risk-taking, and ensuring continuous renewal of curriculum, policies, and methods;

(4) personnel management. manages personnel effectively through activities such as delegating appropriately, recognizing exemplary performance of a subordinate, encouraging personal and professional growth and leadership among the staff, complying with applicable personnel policies and rules, securing the necessary personnel resources to meet objectives, and evaluating the job performance of subordinates;

(5) administration and fiscal/facilities management. manages administrative, fiscal, and facilities functions responsibly through activities such as obtaining broad-based input for fiscal/financial analysis, compiling reasonable budgets and cost estimates, ensuring that facilities are maintained and upgraded as necessary, and managing a broad range of school operations (e.g., attendance, accounting, payroll, transportation);

(6) student management. promotes positive student conduct through activities such as helping students develop a sense of self-worth, developing and communicating guidelines for student conduct, ensuring rules are observed uniformly, disciplining students for misconduct in an effective and fair measure, supporting collaboration by working with faculty, and encouraging student/parent participation;

(7) school/community relations. promotes a positive tone for school/community relations through activities such as fos-

tering collaborative educational efforts among members of the total school community, articulating the school mission and needs to the community, seeking support for school programs, and involving oneself in community activities that foster rapport between the district and the larger community;

(8) professional growth and development. provides leadership in professional growth and development through activities such as participating actively in professional associations, conducting oneself in an ethical and professional manner, disseminating ideas and information to other professionals, and seeking and using evaluative information for improvement of performance;

(9) board/superintendent relations (for superintendents only). promotes and supports a positive relationship with the board of education through activities such as meeting the board's needs for information, interacting with the board members in an ethical, sensitive, and professional manner, demonstrating competence in written and verbal communications to the board, and recommending policies to the board to enhance teaching and learning.

(c) In developing indicators and/or descriptors for the criteria, the district shall use the local job description as applicable in concert with the state criteria descriptors for administrator appraisal under subsection (b) of this section.

§149.46. Administrator Appraisal Procedures.

(a) In order to provide local school districts with maximum flexibility, the following procedures for administrator appraisal are established as minimum requirements. Each district shall establish an annual calendar that shall provide for the following activities which shall involve both the appraisee and the appraiser:

(1) a goal setting procedure that defines expectations and sets priorities for the administrator being appraised;

(2) formative conference(s);

(3) summative conference(s); and

(4) a written individual professional growth plan that shall be based upon:

(A) assessment;

(B) formative input; and

(C) self-assessment.

(b) Each district shall involve appropriate administrators in the development, selection, and/or revision of the instrument(s) and process.

(c) Prior to conducting appraisals, all appraisers shall provide evidence of training in appropriate personnel evaluation skills related to the locally established criteria and process.

(d) Each district may implement a process for the collection of staff input related to the appraisal instrument criteria. The staff input shall be received by the administrator being appraised for developmental use only.

(e) The individual professional growth plan must be confidential and under control of the appraisee and the supervisor(s).

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 June 14, 1990.

TRD-9006552 W. N. Kirby
Commissioner of Education

Earliest possible date of adoption: August 3, 1990

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

TITLE 22. EXAMINING BOARDS

Part VII. Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

Chapter 141. Definition and Procedures

• 22 TAC §141.10

The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids proposes an amendment to §141.10, concerning inspections. The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids is amending the section to clarify the term "inspectors" to show that the executive director can make inspections.

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

Ms. Stewart 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 not be applicable, as the public is relatively unaffected by this particular proposed section. There will be no effect on small businesses as a result of enforcing the section.

Comments on the proposal may be submitted to Wanda F. Stewart, Executive Director, Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids, 4800 North Lamar Boulevard, Suite 150, Austin, Texas 78756, (512) 459-1488.

The amendment is proposed under Texas Civil Statutes, Article 4566-1.04(a), which provide the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids with the authority to promulgate procedural rules and regulations.

§141.10. *Inspectors.* The term "inspectors," as used in Texas Civil Statutes, Article 4566-1.04(c), includes, but is not limited to, mean investigators or the executive director [examiners].

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

Issued in Austin, Texas, on June 25, 1990.

TRD-9006474 Wanda F. Stewart
Executive Director
Texas Board of Examiners
in the Fitting and
Dispensing of Hearing
Aids

Earliest possible date of adoption: August 3, 1990

For further information, please call: (512) 459-1488

TITLE 28. INSURANCE Part I. State Board of Insurance

Chapter 27. State Fire Marshal Subchapter F. Flammable Liq- uids

• 28 TAC §§27.601-27.620

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

The State Board of Insurance proposes the repeal of §§27.601-27.620, concerning the regulation of the business of storing, handling, or using flammable liquids at retail service stations and at bulk plants operated in conjunction with retail service stations. The proposed repeal of §§27.601-27.620 as Subchapter F, concerning flammable liquids, is simultaneous with the proposal of new §§27.601-27.607, as Subchapter F, concerning rules for the safe storage, handling, and use of flammable liquids at retail service stations and aircraft fueling facilities. Notice of the proposed new sections appears elsewhere in this issue of the *Texas Register*. Repeal of §§27.601-27.620 is necessary to enable the board to adopt new §§27.601-27.607 to provide the proper functioning of administrative regulation of the storage, handling, and use of certain flammable liquids.

Ernest A. Emerson, state fire marshal, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals, and there will be no effect on local employment or local economy.

Mr. Emerson also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the new sections, which the repeals allow is to ensure compliance with the most updated construction and installation practices available for underground flammable liquids storage tanks in order to promote public fire safety. There will be no effect on small businesses as a result of enforcing the repeals. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Ernest A. Emerson, State Fire Marshal, State Board of Insurance, Mail Code 017-1, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The repeals are proposed under the Insurance Code, Article 1.04, which authorizes the State Board of Insurance to determine rules in accordance with the laws of this state, and under the Health and Safety Code, Chapter 753, which provides that the board may formulate, adopt, and promulgate rules and regulations for the safe storage, handling, and use of flammable liquids in accordance with the article.

§27.601. *Provisions of General Applicability.*

§27.602. *Definitions.*

§27.603. *Retroactivity.*

§27.604. *Capacities of Storage Tanks and Tank Vehicles.*

§27.605. *Clarification and Modification.*

§27.606. *Design and Construction of Tank Storage.*

§27.607. *Appurtenances on Aboveground Tanks at Bulk Plants.*

§27.608. *Installation of Underground Tanks.*

§27.609. *Installation of Tanks Inside of Buildings.*

§27.610. *Testing.*

§27.611. *Piping, Valves, and Fittings.*

§27.612. *Storage and Handling at Retail Service Stations.*

§27.613. *Attendance or Supervision of Dispensing.*

§27.614. *Dispensing Systems*

§27.615. *Electrical Equipment.*

§27.616. Heating Equipment.

§27.617. Drainage and Waste Disposal.

§27.618. Sources of Ignition.

§27.619. Fire Control.

§27.620. Savings Clauses.

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 June 22, 1990.

TRD-9006518 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: August 3, 1990

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

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Subchapter F. Rules for the Safe Storage, Handling, and Use of Flammable Liquids at Retail Service Stations and Aircraft Fueling Facilities

• 28 TAC §§27.601-27.607

The State Board of Insurance proposes new §§27.601-27.607 as Subchapter F, concerning rules for the safe storage, handling, and use of flammable liquids at retail service stations and aircraft fueling facilities. Proposal of new §§27.601-27.607 is simultaneous with the proposed repeal of existing §§27.601-27.620 as Subchapter F, concerning flammable liquids. Notification of the proposed repeal appears elsewhere in this issue of the *Texas Register*. The new sections are necessary in order to provide for the administrative regulation of the storage, handling, and use of certain flammable liquids as authorized by the Health and Safety Code, Chapter 753. The new sections set forth the applicability of the subchapter, define terms, and adopt standards. The board has filed with the Office of the Secretary of State, Texas Register Section, a copy of the National Fire Protection Association standards adopted by reference under new §27.605. Other copies of these standards are available for inspection at the Office of the State Fire Marshal, 333 Guadalupe, Republic Plaza Two, Austin.

Ernest A. Emerson, state fire marshal, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections, and there will be no effect on local employment or local economy.

Mr. Emerson also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as

a result of enforcing the sections will be to ensure compliance with the most updated construction and installation practices available for underground flammable liquids storage tanks in order to promote public fire safety. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Ernest A. Emerson, State Fire Marshal, State Board of Insurance, Mail Code 017-1, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The new sections are proposed under the Insurance Code, Article 1.04, which authorizes the State Board of Insurance to determine rules in accordance with the laws of this state, and under the Health and Safety Code, Chapter 753, which provides that the board may formulate, adopt, and promulgate rules and regulations for the safe storage, handling, and use of flammable liquids in accordance with the article.

§27.601. Purpose. The purpose of this subchapter is to administer through the state fire marshal the law set forth in the Health and Safety Code, Chapter 753, regarding the safe storage, handling, and use of flammable liquids at retail service stations and aircraft fueling facilities.

§27.602. Title. The sections of this subchapter shall be known as and may be cited as the rules for the safe storage, handling, and use of flammable liquids at retail service stations and aircraft fueling facilities.

§27.603. Applicability of Sections. The sections of this subchapter shall apply to any person engaged in the business of the storage, handling, dispensing, and use of flammable liquids at retail service stations, aircraft fueling facilities, and bulk plants operated in conjunction with retail service stations.

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

Aircraft fueling facility—Airport fueling system as defined by National Fire Protection Association Standard 407.

NFPA—The National Fire Protection Association, a nationally recognized standards-making organization.

§27.605. Adopted Standards. The board adopts by reference the following copyrighted standards and recommendations, except to the extent they are in conflict with sections of this subchapter or any Texas statutes or federal law. The standards are published by and are available from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269:

(1) NFPA 30-1987, Flammable and Combustible Liquids Code;

(2) NFPA 30A-1987, Automotive and Marine Service Station Code; and

(3) NFPA 407-1985, Aircraft Fuel Servicing.

§27.606. Retroactivity. This subchapter applies to underground and aboveground storage tanks in service after the effective date of the subchapter except for underground tanks used by retail service stations in service prior to September 1, 1969, to the extent that such stations in service prior to September 1, 1969, do not create a distinct hazard to life and property.

§27.607. Severability. If any provision of this subchapter or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of this subchapter which can be given effect without the invalid provisions or application. To this end, all provisions of this subchapter are declared to be severable.

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 June 22, 1990.

TRD-9006517 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: August 3, 1990

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

◆ ◆ ◆
TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration
Subchapter O. State Sales and Use Tax

• 34 TAC §3.307

The Comptroller of Public Accounts proposes an amendment to §3.307, concerning florists. As a result of recent legislation, certain special purpose districts may be created on a local option basis and funded by a sales tax. The amendment deals with sales made by florists located both inside and outside those districts.

Ben Lock, associate deputy comptroller for Fiscal Management, has determined that for the first five-year period the proposed section will be in effect there will be no significant revenue impact on the state or local government. This section is adopted under the Tax Code, Title 2, and does not require a statement of the fiscal implications for small businesses.

Mr. Lock 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 in providing them with new information regarding their tax responsibilities under changes made by the legislature. There is no anticipated economic cost to persons who are required to comply with the proposed section.

Comments on the proposal may be submitted to Lucy Glover, Director, Taxability, Legal Services Division, P.O. Box 13528, Austin, Texas 78711.

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

§3.307. Florists.

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

(1) **Local tax—City (including industrial development corporation), county, mass transit authority, city transit department, county health services, emergency service district, and/or crime control district sales or use tax.**

(2) **Local taxing jurisdiction—A local jurisdiction imposing local tax.**

(b)(a) Sales tax is due on amounts charged by a Texas florist for taxable items delivered within Texas even though the florist taking the order instructs an unrelated florist to make delivery. The tax is not due on the amount received by an unrelated florist making the delivery.

(c) [(b)] Sales tax is due on amounts charged by a Texas florist for taxable items purchased in Texas for delivery outside the state. Tax is due whether the items are delivered by the florist who took the order or by an unrelated florist outside Texas who is instructed to make delivery.

(d)(c) Use tax is not due on amounts received by a Texas florist who makes deliveries in Texas at the instructions of an unrelated florist taking an order outside Texas.

(e)(d) Delivery charges, whether charged by a florist taking an order or by an unrelated florist, are taxable even though stated separately from charges for taxable items.

(f)(e) Sales tax is due on [separately stated] charges for telephone calls or telegrams even when separately stated to the customer. The florist may not give the provider of telecommunications services a resale certificate in lieu of tax. The telecommunications service is not resold to the florist's customer but is used by the florist in making sales of floral arrangements. The charge for the telecom-

munications service is passed on to the florist's customer as an expense connected with the sale of the arrangement.

(g)(f) Sales tax is not due on the purchase of wires, stems, vases, etc., which are later sold as part of a flower arrangement. See §3.300 of this title (relating to Manufacturing; Custom Manufacturing; Fabricating; and Processing).

(h) [(g)] **Local sales tax** [City sales tax, and county sales tax if applicable,] is due to the **local taxing jurisdiction** [city/county] of a florist taking an order for a taxable item. **Local** [City sales tax or county sales] tax is not due to the **local taxing jurisdiction** [city/county] of an unrelated florist making delivery.

(i)(h) If a florist has more than one place of business, **local sales tax** [city sales tax, and county sales tax if applicable], is due based on [upon] the **local taxing jurisdiction** [city/county] where the place of business taking the order is located.

(j)(i) **Local** [City or county] use tax is not due when a florist located outside a local taxing jurisdiction [city/county] takes an order and delivers the order into a local taxing jurisdiction [city/county] or instructs an unrelated florist to make delivery in a local taxing jurisdiction [city/county]. **Local** [City or county] use tax is not due on amounts received by a Texas florist [florists] who makes a [make] delivery in a local taxing jurisdiction [city/county] at the instructions of an unrelated florist taking an order either outside the state or outside a local taxing jurisdiction [city/county].

(j) **MTA/CTD sales tax** is due if a florist inside a Metropolitan Transit Authority/City Transit Department takes an order for a taxable item even though delivery is outside the authority.

(k) **MTA/CTD use tax** is not due if a florist located outside an authority delivers a taxable item inside an authority or instructs an unrelated florist to make delivery in an authority.

(l) **MTA/CTD sales tax** is due to the authority in which a florist is located even though delivery of a taxable item is inside another authority.]

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 June 26, 1990.

TRD-9006515 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: August 4, 1990

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

• 34 TAC §3.310

The Comptroller of Public Accounts proposes an amendment to §3.310, concerning laundry, cleaning, and garment services. The proposed amendment sets out the exemption for residential carpet repairs and the exemption on labor used to clean, restore, or repair tangible personal property or real property lost or damaged by fire, flood, explosion, natural disasters, or other accidents for which a casualty claim could have been filed.

Ben Lock, associate deputy comptroller for fiscal management, has determined that for the first five-year period the proposed section is in effect there will be no significant revenue impact on the state or local government. This section is adopted under the Tax Code, Title 2, and does not require a statement of fiscal implications for small businesses.

Mr. Lock 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 in providing them with new information regarding their tax responsibilities. There is no anticipated economic cost to persons who are required to comply with the proposed section.

Comments on the proposal may be submitted to Lucy Glover, Director, Taxability, Legal Services Division, P.O. Box 13528, Austin, Texas 78711.

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

§3.310. Laundry, Cleaning, and Garment Services.

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

(c) Sales tax is due on cleaning supplies (chemicals, soaps, etc.), machinery, tools, utilities, and equipment used to perform laundry, cleaning, and garment services.

(d) Sales tax is not due on items that are transferred to the customers as an integral part of the laundry, cleaning, and garment personal services. Examples include clothes hangers [hanger], plastic bags, or paper used to wrap cleaned garments, buttons, and thread used in mending or tailoring. **Examples of items transferred in residential carpet, drapery, or upholstery cleaning include: carpet protectors, fire retardants, antistatic applications, flea killers, and rust inhibitors.** See §3.285 of this title (relating to Resale Certificate; Sales for Resale; Resale Certificate)].

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

(g) **Sales tax is not due on repairs to carpet in residential property.** See §3.357 of this title (relating to Real Property Repair and Remodeling). [Sales tax is not due on charges by custodial or janitorial services that perform general cleaning services. Sales tax is due if a separate charge is made for personal

services performed by a custodial or janitorial service. For example, if a custodial or janitorial service makes a lump sum charge to clean an office, no tax is due even if the charge included personal services and other general cleaning duties. Sales tax would be due if a separate charge was made for cleaning the carpet, cleaning furniture, or other personal services.]

(h) Effective January 1, 1989, sales tax is not due on the labor to clean, restore, or repair tangible personal property or real property lost or damaged by fire, flood, explosion, natural disasters, or other accident for which a casualty claim could have been filed if the property was insured.

(i)[(h)] Records must be kept on all personal services performed. Sales tax is due on the total receipts if adequate records are not maintained. See §3.281 of this title (relating to Records Required; Information Required).

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

Issued in Austin, Texas, on June 25, 1990.

TRD-9006469 Bob Bullock
 Comptroller of Public
 Accounts

Earliest possible date of adoption: August 3, 1990

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

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**TITLE 40. SOCIAL
SERVICES AND
ASSISTANCE**

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

**Chapter 27. Intermediate Care
Facility for Mentally
Retarded (ICF-MR)**

**Subchapter B. Criteria for
ICF-MR Care**

The Texas Department of Human Services (DHS) proposes amendments to §§27.102-27.104, 27.1804, and 27.1805, and new §27.109, concerning a new level of care, in its Intermediate Care Facility for Mentally Retarded (ICF-MR) chapter. The purpose of the amendments and new section is to establish a new level of care for an experimental class of facilities (ICFs-MR/RC) serving persons who do not have mental retardation, but who have related conditions as described in federal regulations. "Related conditions" is the term used in federal regulations to describe severe, chronic disabilities that occur before age 22 and that are similar to mental retardation because they result in significant, lifelong impairment. The term includes cerebral palsy, autism, spinal bifida, head and/or spinal cord injuries, muscular dystrophy,

Prader-Willi syndrome, epilepsy, and other disabilities. The amendments and new section will implement Rider 68 of the 71st Texas Legislature's Appropriations Act, which authorizes DHS to establish a new ICF-MR level of care for persons with these conditions. The new section requires that the individual eligible for the ICF-MR/RC program exhibit deficits in adaptive behavior as identified by Part I (Part II is optional) of the American Association on Mental Deficiency's adaptive behavior levels. DHS recognizes that more appropriate assessment instruments are needed for this population and will work with interested parties to identify and incorporate such assessments into the ICF-MR/RC criteria. A proposed amendment to create a reimbursement methodology for the new level of care was filed with the Secretary of State's Office on December 4, 1989, posted as filed in the December 8, 1989, issue of the *Texas Register* (14 TexReg 6411), and published in the December 12, 1989, issue of the *Texas Register* (14 TexReg 6477). This proposal includes revisions to an earlier draft of the amendments and new section published in the January 12, 1990, issue of the *Texas Register* (15 TexReg 203), which DHS is withdrawing in this issue effective June 26, 1990.

Burton F. Raiford, chief financial officer, has determined that for the first five-year period the proposed sections are in effect there will be fiscal implications for state government as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections are in effect is an estimated additional cost of \$206,428 in fiscal year 1991; \$707,150 in fiscal year 1992; \$862,985 in fiscal year 1993; \$1,071,783 in fiscal year 1994; and \$1,309,706 in fiscal year 1995. There will be no fiscal implications for local government as a result of enforcing or administering the sections.

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to provide ICF-MR/RC services to persons with related conditions who do not have mental retardation. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Questions about the content of this proposal may be directed to Trey Berndt at (512) 450-3169 in DHS's Long Term Care Department. Comments on the proposal may be submitted to Cathy Rossberg, Policy Communication Services Section-803, Texas Department of Human Services 222-E, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

• **40 TAC §§27.102-27.104**

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

§27.102. *Definitions for Level-of-care Criteria.* The following words and terms,

when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Active treatment—Continuous, aggressive, consistent implementation of a program of habilitation, specialized and generic training, treatment, health services, and related services. The program must be directed toward:

(A) the acquisition or maintenance of the behaviors necessary for the individual to function with as much self-determination and independence as possible, and

(B) the prevention or deceleration of regression or loss of current optimal functional status. Active treatment does not include services to maintain generally independent clients who are able to function with little supervision or in the absence of a continuous active treatment program. [Regular participation, according to a current individualized plan of care, in a program of activities, experiences, or therapies that are designed to attain the optimum physical, intellectual, social, and vocational functioning of which the individual is capable. The components of active treatment, for the purpose of these rules, are specified in 42 Code of Federal Regulations 435.1009.]

§27.103. *Eligibility for Level-of-care Assignment.*

(a) The ICF-MR Program provides services to the following three classes of individuals who have the developmental disability of mental retardation or a related condition.

(1) Individuals with mental retardation. These individuals must have an IQ [I.Q.] of 69 or below as measured by a standardized psychometric instrument.

(2) Individuals [The ICF-MR Program also provides services to persons] with related conditions as defined in §27.102 of this title (relating to Definitions for Level-of-care Criteria) who [These individuals must also] have [an] IQs [I.Q.] of 75 or below and deficits in adaptive behavior. These individuals' related [The] condition(s) must be [have been] diagnosed through formal testing and evaluation.

(3) Individuals with related conditions as defined in §27.102 of this title (relating to Definitions for Level-of-Care Criteria). These individuals' related condition(s) must be identified through formal evaluation, but assessments of IQ are not needed.

(b)-(c) (No change.)

§27.104. *Level-of-care Determination.*

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

(c) The ICF-MR Program has four [three] levels of care: ICF-MR I, ICF-MR V, [and] ICF-MR VI, and ICF-MR/RC VIII. Level-of-care determinations are [The level-of-care determination is] based on the following variables regarding the developmental needs of each individual: [

(1) intellectual functioning;]

(1)[(2)] adaptive behavior;

(2)[(3)] health status; and

(3)[(4)] ambulation status.

Level-of-care determinations for the ICF-MR I, ICF-MR V, and ICF-MR VI levels of care are also based on the individual's intellectual functioning.

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

(i) If an individual's IQ [I.Q.], adaptive behavior level, health status, and/or ambulation status are such that he does not [cause the individual to be unable to] meet all [of] the criteria for any one level of care, TDH conducts a special review of his [that individual's] application for a level of care. TDH may ask him [The individual may be asked by TDH staff] to submit [a] current psychological, social, [and] medical, and/or other evaluations. [evaluation, all current within 90 days of the request. The Texas Department of Health, in conference with the Texas Department of Mental Health and Mental Retardation, makes the level-of-care determination.]

(j) (No change.)

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

Issued in Austin, Texas, on June 26, 1990.

TRD-9006533 Cathy Rossberg
Agency liaison, Policy
Communication
Services
Texas Department of
Human Services

Proposed date of adoption: September 1, 1990

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

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• 40 TAC §27.109

The new section is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

§27.109. ICF-MR/RC VIII Level-of-care Criteria. The individual eligible for the ICF-MR/RC VIII Program does not have mental retardation, but does have a related condition as defined in §27.102 of this title (relating to Definitions for Level-of-care Criteria). The individual requires services to assist him or her to function with as much self-determination and independence as

possible. These services may include training and assistance in maintaining the home, managing money, using community resources, acquiring independence, and improving skills and/or behaviors related to self-care, socialization, cognitive development, sensory-motor functions, communications, and (when age-appropriate) work. The individual will also require habilitative or medical interventions to prevent or decelerate loss of current functional status. These interventions may include physical, occupational, rehabilitative, and speech therapy services. In addition, the individual may need augmentative communication devices and corrective, orthotic, prosthetic, and support devices to improve his functional status. Finally, the individual may have medical, dental, or nursing needs that require close supervision, or maladaptive behaviors that require programmatic intervention. Except as specified in §27.104(i) of this title (relating to Level-of-Care Determination), individuals must meet all of the following criteria to qualify for the ICF-MR/RC VIII level of care.

(1) Related condition. The individual has a related condition as defined in §27.102 of this title (relating to Definitions for Level-of-Care Criteria). An IQ score is not required to qualify for this level of care.

(2) Primary diagnosis of a related condition. The determination that the individual has a related condition is evidenced by an appropriate primary diagnosis on the Texas Department of Human Service's (DHS's) level of care assessment form. The primary diagnosis must be one of a group of DHS approved diagnoses.

(3) Adaptive behavior level. The individual exhibits moderate to extreme deficits in adaptive behavior as evidenced by an adaptive behavior level of II, III, or IV which has been obtained by formal assessment.

(4) Health status. The individual's health status does not prevent participation in the active treatment program. Although the individual may require close daily supervision and nursing intervention, he must be medically able to participate in active treatment outside the bedroom area during waking hours.

(5) Ambulation status. The individual may be ambulatory, mobile nonambulatory, or nonmobile.

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 June 26, 1990.

TRD-9006534 Cathy Rossberg
Agency liaison, Policy
Communication
Services
Texas Department of
Human Services

Proposed date of adoption: September 1, 1990

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

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Subchapter S. Utilization
Review

• 40 TAC §27.1804 §27.1805

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

§27.1804. Preadmission and Admission Process.

(a) The Texas Department of Health (TDH) [TDH] performs [the] preadmission and admission level-of-care assessments [assessment for a recipient-resident.] when it receives notification that a Medicaid applicant or recipient has requested vendor assistance for care in a contracted facility. An [The] ICF-MR I, ICF-MR V, or ICF-MR VI preadmission level-of-care assessment [level of care assigned] is valid for [up to] 30 days or until the individual assessed is admitted [admission] to an ICF-MR facility, whichever is sooner. An ICF-MR/RC VIII preadmission level-of-care assessment is valid for 90 days or until the individual assessed is admitted to an ICF-MR/RC facility, whichever is sooner. An admission level-of-care assessment is valid for 180 days after the date of admission.

(b)-(c) (No change.)

§27.1805. Continued-stay Review.

(a) The Texas Department of Health (TDH) conducts a continued-stay review 180 days after the initial admission level-of-care assessment specified in §27.1804 of this title (relating to Preadmission and Admission Process), and every 180 days thereafter. Each continued-stay review includes a certification of the individual's continuing need for ICF-MR services and an assessment of his continuing eligibility for a level of care under the criteria specified in Subchapter B of this title (relating to Criteria for ICF-MR Care). Each review reestablishes the individual's level of care for the next 180 days. [A continued-stay review is the determination of the need for continuing ICF-MR care and a re-evaluation of the established level of care according to ICF-MR level-of-care criteria, which are specified in Subchapter B of this title (relating to Criteria for ICF-MR Care).

[(1) The continued-stay review process begins when the ICF/MR Program staff of TDH receives notification that a

Medicaid applicant or recipient is requesting vendor assistance for care in a contracted ICF-MR facility. The review includes an initial assessment of the recipient-resident's eligibility for a level of care, that is, certification that care and training services are necessary. TDH performs either a preadmission or admission level-of-care assessment. The preadmission level of care assigned is valid for up to 30 days or until admission to an ICF-MR facility, whichever is sooner. The admission level of care is valid for up to 180 days from the date of admission to the facility. The continued-stay review is due every 180 days, thereby re-establishing the recipient-resident's level of care.]

(b) TDH conducts continued-stay reviews based on the documentation that the Texas Department of Human Services (DHS) requires the facility to furnish. To ensure that DHS's vendor payments are uninterrupted, the facility must submit all required DHS forms to TDH before an individual's current level-of-care assignment expires.

[(2) Continued-stay reviews are conducted by TDH ICF/MR Program staff. Reviews are based upon facility documentation required by DHS. Facility staff must ensure that all DHS forms are submitted to TDH ICF/MR Program staff before current levels of care expire. This

timely submittal of forms allows uninterrupted payment for level-of-care services.]

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 June 26, 1990.

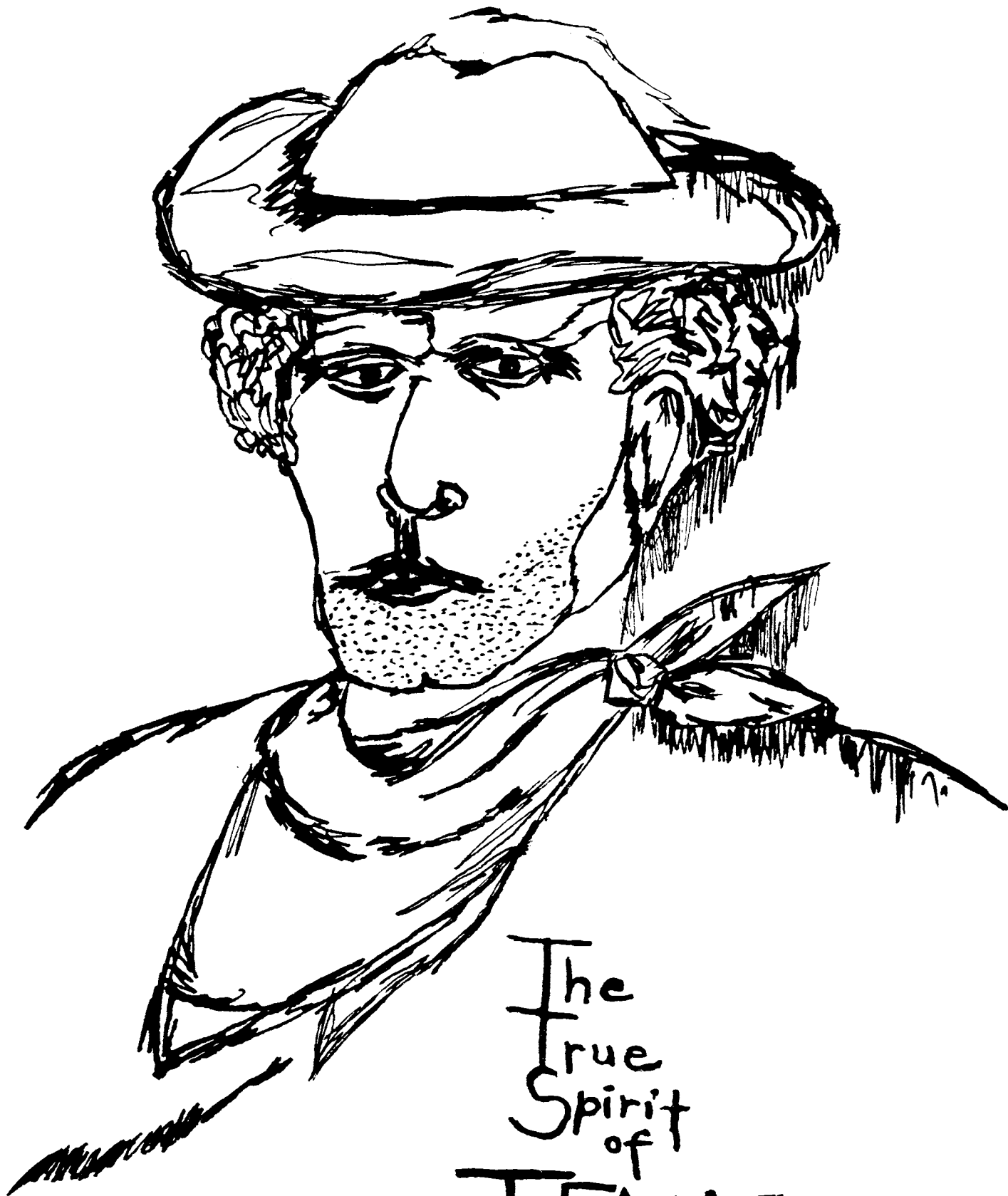
TRD-9006535

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

Proposed date of adoption: September 1, 1990

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

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The
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TEXAS

Withdrawn Sections

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

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas Chapter 7. Gas Utilities

Substantive Rules

• 16 TAC §7.42

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed repeal to §7.42, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective June 27, 1990. The repeal as proposed appeared in the December 26, 1989, issue of the *Texas Register* (14 TexReg 6854).

TRD-9006564



Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed new to §7.42, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective June 27, 1990. The new section as proposed appeared in the December 26, 1989, issue of the *Texas Register* (14 TexReg 6854).

TRD-9006565



TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter J. Petroleum Products Delivery Fee

• 34 TAC §3.152

The Comptroller of Public Accounts has withdrawn from consideration for permanent adoption a proposed new §3.152 which appeared in the June 22, 1990, issue of the *Texas Register* (15 TexReg 3622). The effective date of this withdrawal is June 26, 1990.

Issued in Austin, Texas, on June 26, 1990

TRD-9006514

Bob Bullock
Comptroller of Public
Accounts

Effective date: June 26, 1990

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



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 27. Intermediate Care Facility for Mentally Retarded (ICF-MR)

Subchapter B. Criteria for ICF-MR Care

• 40 TAC §§27.102-27.104

The Texas Department of Human Services (DHS) has withdrawn from consideration proposed amendments to §§27.102-27.104, concerning a new level of care, in its Intermediate Care Facility for Mentally Retarded (ICF-MR) chapter. The text of the proposed amendments appeared in the January 12, 1990, issue of the *Texas Register* (15 TexReg 203). The effective date of the withdrawal is June 26, 1990.

Issued in Austin, Texas, on June 26, 1990.

TRD-9006530

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

Effective date: June 26, 1990

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



• 40 TAC §27.109

The Texas Department of Human Services (DHS) has withdrawn from consideration proposed new §27.109, concerning a new level of care, in its Intermediate Care Facility for Mentally Retarded (ICF-MR) chapter. The text of the proposed amendments and new section appeared in the January 12, 1990, issue of the *Texas Register* (15 TexReg 204). The effective date of the withdrawal is June 26, 1990.

Issued in Austin, Texas, on June 26, 1990.

TRD-9006531

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

Effective date: June 26, 1990

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



Subchapter S. Utilization Review

• 40 TAC §27.1804 §27.1805

The Texas Department of Human Services (DHS) has withdrawn from consideration proposed amendments to §27.1804 and §27.1805, concerning a new level of care, in its Intermediate Care Facility for Mentally Retarded (ICF-MR) chapter. The text of the proposed amendments appeared in the January 12, 1990, issue of the *Texas Register* (15 TexReg 204). The effective date of the withdrawal is June 26, 1990.

Issued in Austin, Texas, on June 26, 1990.

TRD-9006532

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

Effective date: June 26, 1990

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



Chapter 56. Family Planning

Subchapter G. Genetic Services

• 40 TAC §56.701

The Texas Department of Human Services has withdrawn from consideration for permanent adoption a proposed amendment to §56.701. The text of the proposed amendment appeared in the April 6, 1990, issue of the *Texas Register* (15 TexReg 1953). The effective date of the withdrawal is June 27, 1990.

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 June 26, 1990.

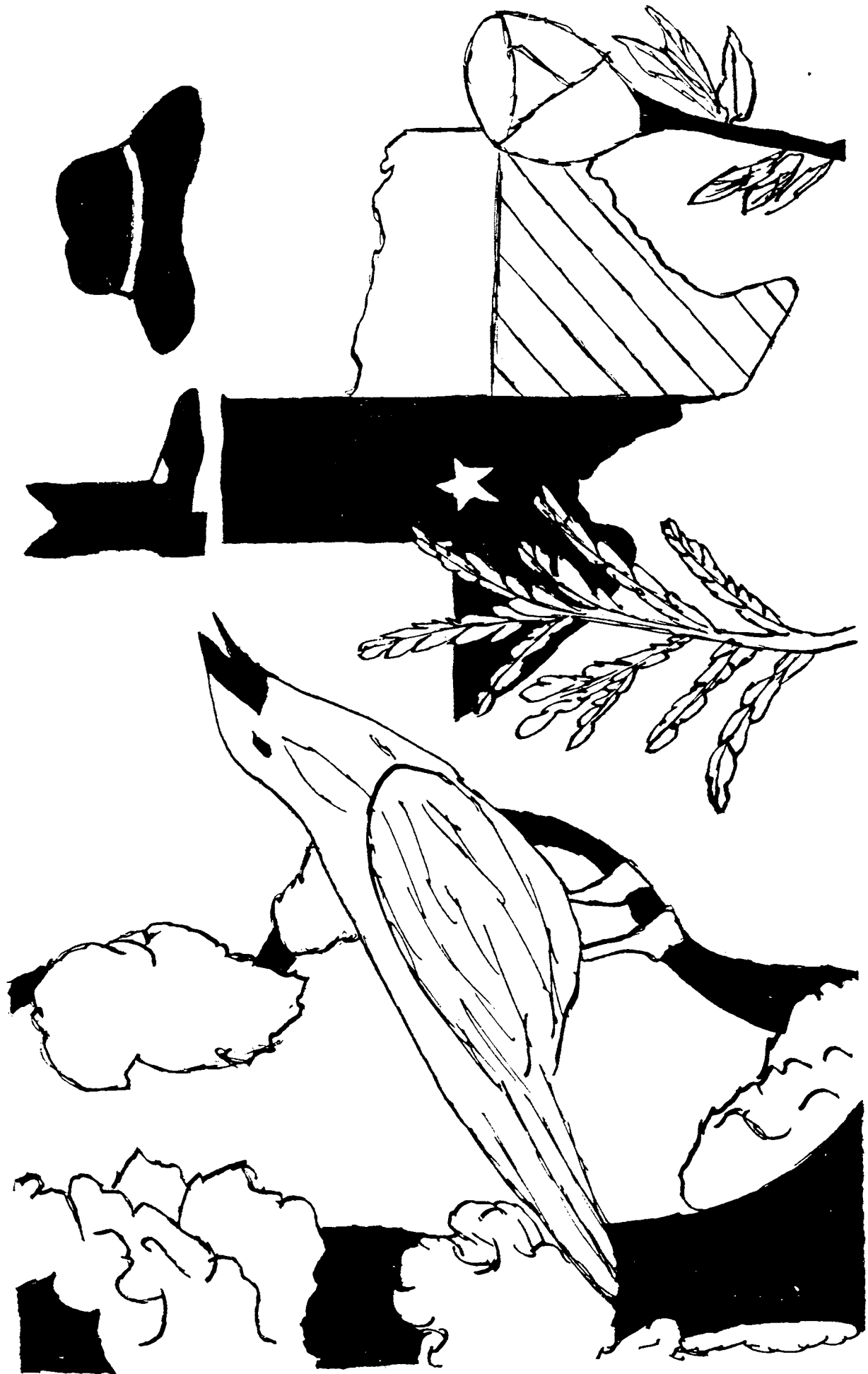
TRD-9006529

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

Effective date: June 27, 1990

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





Adopted Sections

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

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

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 78. Vocational Education

Subchapter E. Quality Work Force Planning

• 19 TAC §78.70

The Texas Education Agency adopts an amendment to §78.70, with changes to the proposed text as published in the May 4, 1990, issue of the *Texas Register* (15 TexReg 2550). In subsection (c) and subsection (j)(1) the word "technical" has been added to the phrase "vocational education programs." This change results in the consistent use of the phrase "vocational-technical education programs" throughout the rules. This amendment concerns quality work force planning. The amendment would foster the development of an integrated delivery system for vocational-technical education and training to ensure that the skills attained by graduates and completers of education and training programs match the skills needed by employers. Quality work force planning committees in each of the 24 regions would develop partnerships of educators and employers to analyze job opportunities and related education and training needs to determine priorities for vocational-technical education programs in each region. These committees would have the responsibility to identify education and training providers, consistent with their role and mission, for vocational-technical education programs in the region so that programs will be delivered in a cost-effective and systematic manner that avoids unnecessary duplication. The committees would not have program approval authority, but would instead provide a planning forum to encourage education and training providers and employers to address regional priorities. This new rule is adopted pursuant to Senate Bill 417 passed by the 71st Texas Legislature.

On May 25, 1990, comment was received from the State Department of Highways and Public Transportation that expressed support for the amendment and clarification on how other state agencies could have a representative on one or more of the planning committees. The agency responded and explained that subsection (j)(1) of the section would allow for members from interested public sector entities at committee discretion.

The amendment is adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for administration of the Foundation School

Program, and the Texas Education Code, §16.255, which makes vocational education a part of the Foundation School Program.

§78.70. Integrated Vocational-Technical Education and Training Delivery System for a Quality Work Force.

(a) Purpose. Texas must develop a skilled and educated work force to enhance economic development in this state and to compete in a global economy. An integrated delivery system for vocational-technical education and training would ensure that the skills attained by graduates and completers of education and training programs match the skills needed by employers. The purpose of quality work force planning shall be to determine priorities for vocational-technical education programs in the state's 24 planning regions. Planning committees shall develop partnerships of employers and educators to analyze regional job opportunities and education and training needs.

(b) Regional boundaries. Effective September 1, 1990, 24 quality work force planning regions shall be established that have boundaries coterminous with the governor's state planning regions.

(c) Partnership. Public school districts, education service centers, public community/junior colleges and technical institutes, public senior colleges and universities, other public institutions of higher education, and the Job Training Partnership Act/private industry council system shall work together to form a partnership with business and industry to address the issue of developing a skilled and educated work force. Private colleges and universities, private providers of vocational technical education programs, and other interested public sector entities may be active participants.

(d) Quality work force planning committees. Effective September 1, 1990, a quality work force planning committee shall be initiated in each region. Each committee shall facilitate the development of an integrated delivery system for vocational-technical education and training. Each committee shall identify education and training providers, consistent with their role and mission, for vocational-technical education programs in the region so that programs will be delivered in a cost-effective and systematic manner that avoids unnecessary duplication. Each committee shall provide a planning forum to:

(1) address the needs of employers for a skilled and educated work force;

(2) address the needs of students, including members of special population groups, for occupationally specific vocational-technical education programs based upon current and projected labor market needs and related secondary occupationally non-specific vocational-technical education programs, services, and activities;

(3) promote partnerships that support vocational-technical education programs, services, and activities that result in:

(A) program articulation and 2+2+2 programs;

(B) resource sharing among education and training providers and with business and industry;

(C) coordination with drop-out, adult education, and literacy programs; and

(4) improve communication within the region among:

(A) education and training providers and employers by sharing ideas to improve the quality of vocational-technical education programs; and

(B) education and training providers and economic development organizations to meet the region's future employment training needs.

(e) Establishment of committees. Only one quality work force planning committee shall be established in each region. The tri-agency partnership identified in subsection (m) of this section shall initiate activities within each region to establish the committee. A newly formed or existing entity that meets the committee membership criteria found in subsection (j) of this section, and that has adopted bylaws as specified in subsection (k) of this section, may petition the tri-agency partnership to be designated as the quality work force planning committee for the region. The chief executive of each agency of the tri-agency partnership shall determine if mem-

bership and bylaw requirements are met and grant official status to the committee.

(f) Regional labor market information system. Each quality work force planning committee shall establish a regional labor market information system for use in program planning. Data from the state labor market information system shall be used as a primary source. Other reliable data sources may be used to augment these primary data provided that data standards are compatible with those identified by the State Occupational Information Coordinating Committee (SOICC). Each committee shall use the flexible planning methodology developed by the SOICC to produce and periodically update:

(1) an inventory of key regional industries with the greatest job opening potential; and

(2) an inventory of targeted occupations, within key regional industries. The committee shall identify targeted occupations based upon: projected average annual job openings, positive growth-to-replacement ratios, specific vocational preparation training times, and other appropriate labor market variables. The committee shall have discretion to establish the parameters used for each variable. The committee shall give consideration to new and emerging occupations using the methodology developed by the Texas Innovation Information Network System.

(g) Regional program and economic development inventories. Each quality work force planning committee shall establish and periodically update the following inventories for use in planning:

(1) an inventory of occupationally specific secondary, postsecondary, adult, and proprietary school vocational-technical education programs, including apprenticeship programs, using data provided by the Central Education Agency and the Texas Higher Education Coordinating Board;

(2) an inventory of secondary occupationally non-specific vocational-technical education programs, using data provided by the Central Education Agency;

(3) an inventory of adult education and literacy programs; and

(4) an inventory of economic development organizations and services.

(h) Regional inventory of vocational-technical education and training programs for targeted occupations. Each quality work force planning committee shall develop an inventory of vocational-technical education and training programs for the targeted occupations identified under subsection (f)(2) of this section. When developing the inventory, the committee shall assess the match between existing and projected occupational demand in the region.

(i) Service delivery plan. Each quality work force planning committee shall develop a service delivery plan for its region to address the responsibilities specified under subsection (d) of this section.

(1) The plan shall contain a mission statement, goals, objectives related to each goal, and specific activities designed to meet each objective.

(2) The plan shall identify priorities for vocational-technical education programs in the region, taking into consideration information from the regional inventories developed under subsections (f)-(h) of this section and the statewide list of priority occupations. The plan shall be in accordance with vocational-technical education planning rules and regulations of the Central Education Agency and the Texas Higher Education Coordinating Board.

(3) A transitional one-year plan for the period July 1, 1991-June 30, 1992 will be developed prior to July 1, 1991. A copy of the plan shall be provided prior to July 1, 1991 to the tri-agency partnership established under subsection (m) of this section.

(4) A two-year plan for the period July 1, 1992-June 30, 1994 will be developed prior to July 1, 1992. Subsequent two-year plans will be developed prior to July 1 of even-numbered years. A copy of the plan shall be provided prior to July 1 of even-numbered years beginning in 1992 to the tri-agency partnership established under subsection (m) of this section.

(j) Committee membership. Each quality work force planning committee shall have an equal percentage of membership from the education and public sectors and from the business and industry sectors. The committee may be a newly formed or an existing entity that meets the following membership characteristics.

(1) Voting members from the education and public sectors shall comprise 50% of the committee. These members shall include participants from the region who represent: public school districts, education service centers, public community/junior colleges, the Texas State Technical Institute System, public senior colleges and universities, public health science centers, the Texas Engineering Extension Service, the Job Training Partnership Act/private industry council system, adult education cooperatives, and apprenticeship programs. Representatives from private colleges and universities, private providers of vocational technical education programs, the Texas Employment Commission, the Texas Innovation Information Network System, and other interested public sector entities may be included as voting members at the discretion of the committee.

(2) Voting members from the business and industry sectors shall comprise

the remaining 50% of the committee. These members shall include participants from the region who represent: large and small employers, business and trade associations, labor organizations, and economic development organizations.

(3) Voting members shall reflect the population characteristics of the region with regard to race/ethnicity and gender.

(4) Voting members shall reflect the geographic diversity of the region, including urban, suburban, and rural areas.

(5) The committee may include, as voting members of the 50% education and public sectors, representatives of educational institutions and public sector entities which have education and training responsibilities that cross regional boundaries.

(k) Committee bylaws. Each quality work force planning committee shall establish bylaws that address: rules of procedure, committee size, subcommittee functions, conducting committee business, meeting times, attendance requirements, election and terms of officers, voting rules, approving the service delivery plan and related amendments, and approving amendments to bylaws.

(1) Executive/steering committee. Each quality work force planning committee shall establish an executive steering committee comprised of committee officers and others as specified in committee bylaws. The executive steering committee shall meet as needed to guide policy development and provide direction for the committee and its subcommittees.

(m) Tri-agency partnership. The three agencies responsible for the statewide implementation of quality work force planning are: the Central Education Agency, the Texas Higher Education Coordinating Board, and the Texas Department of Commerce (as the administrative agency for the Job Training Partnership Act and for the State Job Training Coordinating Council).

(1) Each agency shall provide support and technical assistance to the statewide quality work force planning effort. In addition, each agency shall have a specific coordination role, with support from the other two agencies. Central Education Agency staff shall provide technical assistance in coordinating committee functions and operations. Texas Higher Education Coordinating Board staff shall provide technical assistance in developing program articulation agreements and 2+2+2 programs. Texas Department of Commerce staff shall provide technical assistance in establishing regional labor market information systems.

(2) The three agencies shall evaluate the statewide implementation of quality work force planning. The committees shall provide information for that purpose.

(3) A tri-agency management team comprised of staff from each of the three agencies shall coordinate the implementation of statewide quality work force planning activities.

(4) The chief executive of each agency shall appoint three individuals participating in quality work force planning activities to advise the tri-agency management team on the implementation process.

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 June 14, 1990.

TRD-9006550 W. N. Kirby
Commissioner of Education

Effective date: July 17, 1990

Proposal publication date: May 4, 1990

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



Chapter 121. Public School Finance-Personnel

Subchapter C. Years of Service for Salary Increment Purposes

• 19 TAC §§121.31-121.34

The Texas Education Agency adopts amendments to §§121.31-121.34. Section 121.32 is adopted with changes to the proposed text as published in the May 4, 1990, issue of the *Texas Register* (15 TexReg 2552). Sections 121.31, 121.33, and 121.34, are adopted without changes and will not be published. Section 121.32 has been changed to clarify that part-time service earned only in 1990-1991 or any year thereafter would be creditable for salary increment purposes.

The amended sections will recognize part-time service earned only in 1990-1991 or any year thereafter as creditable service for salary increment purposes provided that such

service is properly documented and is performed in any accredited entity where full-time service is currently recognized. In addition, obsolete language pertaining to paraprofessionals has also been removed from the rules.

The original petitioner for the rule change commented on the proposed section and requested that credit for prior part-time service be granted for salary increment purposes. In order to measure the effect of the proposed amendment, agency staff contacted several school districts and requested an estimate of the cost of the amendment as proposed. Based on comment received from these districts and staff analysis of inquiries received requesting rulings on creditable service, it was determined that the amendment as proposed would impose a substantial cost on local districts, perhaps as much as several million dollars.

The amendments are adopted under the authority of the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for administration of the Foundation School Program.

<u>YEAR SERVICE RENDERED</u>	<u>MINIMUM DAYS AT 100 PERCENT OF THE DAY</u>	<u>MINIMUM DAYS AT 50-99 PERCENT OF THE DAY</u>	<u>MINIMUM FULL-TIME EQUIVALENT DAYS</u>
Beginning 1988-89	--	--	85
1987-88 To 1978-79	85	170	85
1977-78	85	175	--
1976-77 To 1972-73	90	180	--
Prior To 1972-73	90	180	--

§121.32. Minimum Employment Requirements for Creditable Service.

(a) The table in this subsection indicates the minimum number of days required to earn and receive credit for a year of professional service.

(b) (No change.)

(c) Beginning with service performed during the 1990-1991 school year or any year thereafter, employment at less than 100% of the day is recognized in all entities where full-time employment is recognized. Provided that documentation is presented to the employing district which verifies that the employment was for not less than three and one-half hours each day.

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

(g) Extended day migrant program employment shall be calculated in accordance with this section and the resulting equivalent must meet the same minimum requirements for professionals for the year in question.

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

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

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

TRD-9006551 W. N. Kirby
Commissioner of Education

Effective date: July 17, 1990

Proposal publication date: May 4, 1990

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

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**Chapter 141. Teacher
Certification**

**Subchapter S. Testing Program
Tests Required for Initial
Certification and/or Contin-
ued Certification**

• **19 TAC §141.443**

The Texas Education Agency adopts an amendment to §141.443, with changes to the proposed text as published in the May 4, 1990, issue of the *Texas Register* (15 TexReg 2554). The changes occur in the eligibility criteria in subsection (c) and require an individual, in addition to possessing a valid Texas teacher certificate, to be teaching in a Texas public school classroom, and to be on Level II of the Texas Teacher Career Ladder. New subsection (d) has been added and explains that taking the examination is voluntary to the individual, and the examination results are to be used by local districts only for the purpose of determining entry level requirements to Level IV.

The Texas Education Agency received comments from the Texas Federation of Teachers and the Texas State Teachers Association concerning the eligibility rules to take the Master Teacher Examination. The Texas Federation of Teachers requested that there be no eligibility requirements for taking the examination. The Texas State Teachers Association requested that eligibility for level three of the career ladder be a requirement to take the Master Teacher Examination. Based on this comment, the commissioner of education and the State Board of Education deleted the original proposed requirement of seven years of teaching experience, deleted the original proposed requirement for specified levels of performance on the Texas Teacher Appraisal System; and changed the original proposed eligibility requirement to Level II placement on the Texas Teacher Career Ladder, instead of Level III.

The amendment is adopted under the Texas Education Code, §13.316, which directs the State Board of Education to adopt a comprehensive master teacher written examination.

§141.443. Master Teacher Examination.

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

(c) In order to be eligible to take the examination, an individual must possess a valid Texas Teacher Certificate, be teaching in a Texas public school

classroom, and be on Level II of the Texas Teacher Career Ladder.

(d) Taking the examination is voluntary to the individual, and the examination results are to be used by local districts only for the purpose of determining entry level requirements to Level IV.

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 June 14, 1990.

TRD-9006548 W. N. Kirby
Commissioner of Education

Effective date: July 17, 1990

Proposal publication date: May 4, 1990

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

◆ ◆ ◆
**TITLE 22. EXAMINING
BOARDS**

**Part V. Texas State Board
of Dental Examiners**

**Chapter 115. Extension of
Duties of Auxiliary
Personnel**

Dental Hygiene

• **22 TAC §115.2**

The Texas State Board of Dental Examiners adopts an amendment to §115.2, with changes to the proposed text as published in the February 9, 1990, issue of the *Texas Register* (15 TexReg 682).

The Attorney General has ruled that smoothing of the roughened root surfaces has the same meaning as root planning. The board is conforming the language of its rule to the Attorney General's opinion.

The function of the amendment will be that a dental hygienist will be able to perform root planning in the dental office of his/her dentist-employer under his/her general supervision, direction, and responsibility.

No comments were received regarding adoption of the amendment.

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

§115.2. Permitted Duties.

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

(1)-(14) (No change.)

(15) root planning.

(b)-(c) (No change.)

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

Issued in Austin, Texas, on June 20, 1990.

TRD-9006526 Patrick D. Redman
Staff Legal Counsel
Texas State Board of
Dental Examiners

Effective date: July 17, 1990

Proposal publication date: February 9, 1990

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

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

**Chapter 501. Professional
Conduct**

**Other Responsibilities and
Practices**

• **22 TAC §501.45**

The Texas State Board of Public Accountancy adopts the repeal of §501.45, without changes to the proposed text as published in the March 9, 1990, issue of the *Texas Register* (15 TexReg 1281).

The adoption of the repeal will allow for the adoption of a new section that will permit competitive bidding except in certain situations and sets out the minimum amount of information a bid must contain.

The adoption of the repeal will permit the adoption of a new section that allows competitive bidding except in certain situations, and sets out the minimum amount of information a bid must contain.

No comments were received regarding adoption of the repeal.

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

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 June 22, 1990.

TRD-9006494 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: July 17, 1990

Proposal publication date: March 9, 1990

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

The Texas State Board of Public Accountancy adopts new §501.45, without changes to the proposed text as published in the March 9, 1990, issue of the *Texas Register* (15 TexReg 1281).

The adoption of the new section will permit competitive bidding except in certain situations, and sets out the minimum amount of information a bid must contain.

The adoption of this section permits competitive bidding except in certain situations, and sets out the minimum amount of information a bid must contain.

No comments were received regarding adoption of the new section.

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

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 June 22, 1990.

TRD-9006495 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: July 17, 1990

Proposal publication date: March 9, 1990

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

Chapter 513. Registration

Registration of Partnerships

• 22 TAC §513.22

The Texas State Board of Public Accountancy adopts an amendment to §513.22, without changes to the proposed text as published in the April 6, 1990, issue of the *Texas Register* (15 TexReg 1926).

The adoption of the amendment to this section will insure that partners of registered partnerships hold a valid license to practice public accountancy.

The adoption of the amendment to this section will expand the information required on the application for partnership registration to include certain litigation disclosures.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules to regulate registration of partnerships.

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 June 22, 1990.

TRD-9006491 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: July 17, 1990

Proposal publication date: April 6, 1990

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

Registration of Corporations

• 22 TAC §513.42

The Texas State Board of Public Accountancy adopts an amendment to §513.42, without changes to the proposed text as published in the April 24, 1990, issue of the *Texas Register* (15 TexReg 2326).

The amendment will ensure that shareholders of registered corporations hold a valid license to practice public accounting.

The amendment to this section expands the information required on the application for corporation registration to include certain litigation disclosures.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules to regulate registration of corporations.

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 June 22, 1990.

TRD-9006492 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: July 17, 1990

Proposal publication date: April 24, 1990

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

• 22 TAC §513.47

The Texas State Board of Public Accountancy adopts new §513.47, with changes to the proposed text as published in the April 6, 1990, issue of the *Texas Register* (15 TexReg 1927). The change was made to subsection (a), line 4, "legal proceedings and/or administrative proceedings."

The new section will insure full disclosure of civil matters relating to the eligibility of a firm to receive registration by the board.

The new section permits the board to require public accounting firms to submit an affidavit disclosing the applicant's involvement in certain civil proceedings.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to affidavits required of firms at the time of initial registration with the board.

§513.47. Affidavit of Firm.

(a) The board may require at the time of a firm's initial registration with the board, and annually thereafter, an affidavit on a form provided by the board certifying whether the firm and/or its partners, officers, directors, and/or shareholders have been defendant(s) in legal proceedings and/or administrative proceedings relating to professional accounting services performed within the State of Texas during the three-year period immediately preceding the date of the affidavit and the disposition of each lawsuit.

(b) The affidavit must be executed by the individual shown on the board's records as the firm's general partner, officer, incorporator, or person in charge. The affidavit must show any civil actions involving the firm as a defendant, the date, and amount of penalty.

(c) Upon affirmative response on said affidavit, the firm must provide sufficient factual documentation for the board to determine the need for further action as described in Chapter 519 of this title (relating to Practice and Procedure) and Chapter 525 of this title (relating to Criminal Background Investigations).

(d) Failure to complete said affidavit or falsification of its contents or information relating thereto as requested by the board shall cause the firm to be subject to disciplinary action as described in Chapter 519 of this title (relating to Practice and Procedure).

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 June 22, 1990.

TRD-9006493 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: July 17, 1990

Proposal publication date: April 6, 1990

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

Registration of Offices

• 22 TAC §513.61

The Texas State Board of Public Accountancy adopts an amendment to §513.61, without changes to the proposed text as published in the April 24, 1990, issue of the *Texas Register* (15 TexReg 2327).

The amendment will assure that members of practice hold a valid license to practice public accounting.

The amendment expands the information required on the practice unit registration form to include certain litigation disclosures.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules to regulate registration of practice units (offices) in the practice of public accountancy.

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

Issued in Austin, Texas, on June 22, 1990.

TRD-9006490 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: July 17, 1990

Proposal publication date: April 24, 1990

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

Chapter 521. Fee Schedule

• 22 TAC §521.5

The Texas State Board of Public Accountancy adopts an amendment to §521.5, without changes to the proposed text as published in the February 13, 1990, issue of the *Texas Register* (15 TexReg 759).

The adoption of this amendment will ensure the awareness of the increase in temporary permit fees as permitted by amendments to the Act.

The adopted amendment increases temporary permit fees to \$100.

No comments were received regarding adoption of the amendment.

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

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 June 21, 1990.

TRD-9006488 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: July 17, 1990

Proposal publication date: February 13, 1990

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

• 22 TAC §521.8

The Texas State Board of Public Accountancy adopts an amendment to §521.8, without changes to the proposed text as published in the February 13, 1990, issue of the *Texas Register* (15 TexReg 759).

The adoption of this amendment will enable licensees to elect disabled status and to pay a reduced license fee of \$10.

The adoption of this amendment permits licensees to elect to pay a reduced license fee based on disabled status.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to fees for retired and disabled licensees.

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 June 21, 1990.

TRD-9006489 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: July 17, 1990

Proposal publication date: February 13, 1990

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

• 22 TAC §521.9

The Texas State Board of Public Accountancy adopts an amendment to §521.9, without changes to the proposed text as published in the February 13, 1990, issue of the *Texas Register* (15 TexReg 759).

The amendment to this section will ensure awareness of the increase in certificate issuance fees as permitted by amendments in the Act.

The adoption of the amendment to this section will increase the certificate issuance fees to \$25

No comments were received regarding adoption of the amendment.

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

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 June 21, 1990.

TRD-9006487 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: July 17, 1990

Proposal publication date: February 13, 1990

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

Chapter 523. Continuing Professional Education Standards

• 22 TAC §523.27

The Texas State Board of Public Accountancy adopts an amendment to §523.

27, without changes to the proposed text as published in the April 6, 1990, issue of the *Texas Register* (15 TexReg 1927).

The amendment to this section will clarify the type and maximum number of credits that may be earned.

The amendment to this section will cover continuing education credits instructors and discussion leaders may earn for preparing and teaching courses. The amendment provides that instructors may claim a maximum of 20 hours for preparation and presentation per year.

No comments were received regarding adoption of the new section.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to granting credit for preparation and presentation time of continuing education courses.

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 June 21, 1990.

TRD-9006486 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: July 17, 1990

Proposal publication date: April 6, 1990

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

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 16. Commercial Drivers' License

Licensing Requirements, Qualifications, Restrictions, and Endorsements

• 37 TAC §§16.1-16.12

The Texas Department of Public Safety adopts new §§16.1-16.12. Sections 16.4, 16.5, and 16.7 are adopted with changes to the proposed text as published in the March 30, 1990, issue of the *Texas Register* (15 TexReg 1772). Sections 16.1-16.3, 16.6, and 16.8-16.12 are adopted without changes and will not be republished.

The new sections are adopted to implement changes in legislation brought about by House Bill 1935, 71st Legislature, 1989, which changed the requirements for classified driver's licenses and enacted new classifications for commercial driver's licenses.

The sections explain the classes of commercial driver's licenses which will be issued by the department and the qualifications which must be met in order to obtain such licenses. The sections also explain new restrictions

and endorsements that the department will place on driver's licenses, which will authorize the holder to drive certain types of vehicles. Language is deleted from §16.4(c)(2). The word "appropriated" is changed to "appropriate" in the third sentence of §16.5. Language in §16.7 is revised to change gross combination vehicle rating (GCVR) to read as gross combination weight rating (GCWR).

A public hearing was held May 25, 1990. Comments from the public hearing and other written comments are as follows.

The Recreation Vehicle Industry Association asks that drivers of recreational vehicles not be required to obtain an endorsement to tow a vehicle exceeding 10,000 pounds GVWR if the GCWR is less than 26,001 pounds, as is required by §16.12(f).

An individual commenter asks that the persons exempted from the age, language, vision, and physical condition requirements in §16.10(a)(3) also be exempt from having to obtain a commercial driver's license to operate commercial motor vehicles.

The department agrees with the State Department of Highways and Public Transportation recommendation that the last two sentences in §16.4(c)(2) be removed to conform with the tables on hazardous materials found in 49 Code of Federal Regulations, §172.403 and §172.504.

Groups and associations opposing adoption of the sections as proposed are: Recreation Vehicle Industry Association and State Department of Highways and Public Transportation.

Prior to the enactment of House Bill 1935, 71st Legislature, 1989, a person towing a trailer exceeding 10,000 pounds GVWR was required to have a Class A license. This included recreational vehicles. For example, a person driving a passenger car was required to have a Class A license if the trailer being pulled exceeded 10,000 pounds. This required a Class A written test and skills test in a Class A vehicle. This has been required since January 1, 1984. Effective April 1, 1990, a Class A license is required only if the combination of vehicles has a GCWR of 26,001 pounds or more. Now the same person only needs a Class C license with a G endorsement to drive a passenger car towing a recreational vehicle trailer exceeding 10,000 pounds. No special skills test is required other than for a first-time applicant who would take the road test in a Class C vehicle. Only a written test would be required for the G endorsement. This requirement takes into account the fact that drivers of such combination vehicles need more knowledge than drivers of single vehicles. The test for the endorsement addresses the important safety factors that apply specifically to combination vehicles with trailers of large weights. There are many accidents in which only the trailer has overturned. Persons holding valid Class A licenses now and who are not required to obtain a commercial driver's license may have their Class A licenses renewed without taking any written or skills test.

Texas Civil Statutes, Article 6687b-2, §3(7), provides for only four exceptions to the definition of a commercial motor vehicle. Pursuant to 49 Code of Federal Regulations, §390.3, certain persons are exempt from

meeting particular age, language, visual, and physical requirements to obtain a commercial driver's license. One exempt category includes persons occasionally transporting personal property not for compensation or in the furtherance of a commercial enterprise. This exemption has been incorporated into §16.10(a)(3). However, the requirements of 49 Code of Federal Regulations, Part 383, which require commercial driver's licenses are still applicable.

The new sections are adopted under Texas Civil Statutes, Article 6687b-2, §29 and Article 6687b, §1A, which provide the Texas Department of Public Safety with the authority to adopt rules and regulations necessary to carry out the provisions of the Texas Driver's License Act, Texas Commercial Driver's License Act, and the Federal Commercial Motor Vehicle Safety Act of 1986.

§16.4. Classes of Commercial Driver's Licenses:

(a) Class A commercial driver's license (CDL) authorizes the driving of any combination of vehicles with a gross combination weight rating (GCWR) of 26,001 pounds or more, providing the gross vehicle weight rating (GVWR) of the vehicle or vehicles being towed exceeds 10,000 pounds. If multiple vehicles are being towed, the weight of each towed vehicle will be added together to determine whether the towed vehicles exceed 10,000 pounds, even though no one vehicle being towed exceeds 10,000 pounds.

(b) Class B CDL authorizes the driving of any single vehicle with a GVWR of 26,001 pounds or more, any one of those vehicles towing a vehicle that does not exceed 10,000 pounds GVWR, and any vehicle designed to transport 24 passengers or more, including the driver.

(c) Class C CDL authorizes the driving of any single vehicle with a GVWR of less than 26,001 pounds and any one of those vehicles towing another vehicle with a GVWR that does not exceed 10,000 pounds when either is:

(1) designed to transport 16 or more passengers, including the driver; or

(2) used in transportation of hazardous materials that require the vehicle to be placarded under 49 Code of Federal Regulations, Part 172, Subpart F. Hazardous materials has the meaning assigned by the Hazardous Materials Transportation Act (49 United States Code, §1801 et seq.).

(d) Persons who operate motorcycles which carry hazardous materials that require a placard must hold a Class M license in conjunction with a Class A, B, or C CDL.

§16.5. Tow Truck Operators. Tow truck operators are treated the same as other drivers of commercial motor vehicles (CMV). When a tow truck operator's vehicle plus its

load meets the 26,001 pounds or more standard, or any condition which makes a motor vehicle a CMV, the operator is required to have a commercial driver's license (CDL). Tow truck operators are required to have appropriate endorsements for the vehicles that they tow except for passenger carrying and except when the operator is an emergency operator only and only moves the towed vehicle from the site of a malfunction or accident to the nearest appropriate repair facility.

§16.7. Manufactured Housing. Drivers who transport manufactured housing on highways must have the proper commercial driver's license (CDL) if the vehicle meets the weight criteria for a commercial motor vehicle (CMV). In determining whether the towed unit exceeds 10,000 pounds and whether the gross combination weight rating (GCWR) totals 26,001 or more pounds, the manufactured housing being drawn and trailers carrying the manufactured housing are motor vehicles for purposes of the Texas Commercial Driver's License Act.

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

Issued in Austin, Texas, on June 20, 1990.

TRD-9006471

Joe E. Milner
Director
Texas Department of
Public Safety

Effective date: July 16, 1990

Proposal publication date: March 30, 1990

For further information, please call: (512) 465-2000

Application Requirements and Examinations

• 37 TAC §§16.31-16.54

The Texas Department of Public Safety adopts new §§16.31-16.54. Sections 16.46 and 16.48 are adopted with changes to the proposed text as published in the March 30, 1990, issue of the *Texas Register* (15 TexReg 1775). Sections §§16.31-16.45, 16.47, and 16.49-16.54 are adopted without changes and will not be republished.

The new sections are adopted to implement changes in legislation brought about by House Bill 1935, 71st Legislature, 1989, which changed the requirements for classified driver's licenses and enacted new classifications for commercial driver's licenses.

The new sections describe the applications and forms which an applicant for a commercial driver's license will be required to submit before a license is issued, and forms required for persons claiming an exemption from the commercial driver's license requirements. The new sections also explain the various written examinations and skills tests which must be passed in order to obtain licenses to drive certain types of vehicles. The

department feels that it is necessary to clarify §16.46(a)(3)(B) by adding language regarding waivers from skills tests. Language is added to §16.48(b)(9).

A public hearing was held May 25, 1990. Comments from the public hearing and other written comments are as follows.

The Recreation Vehicle Industry Association asks that drivers of recreational vehicles not be required to pass the commercial truck driver's road and written tests.

An individual commenter asks the department to expand the waivers in §16.46 to include all persons holding Class A or B licenses for two years or more.

The department agrees with the State Department of Highways and Public Transportation recommendation to change the wording of §16.48(b)(9) to take into account those vehicles authorized by law to have only one license plate.

Groups or associations opposing adoption of the sections as proposed are: Recreation Vehicle Industry Association and State Department of Highways and Public Transportation.

Drivers of recreational vehicles may obtain an exemption from the Commercial Driver's License Act by submitting a CDL-2 Exemption Certificate pursuant to proposed §16.33. These persons may obtain a non-commercial Class B driver's license without taking the commercial driver's license (CDL) road and written tests. However, these persons must still take the non-CDL road and written tests applicable to Class B licenses. This was required before the proposed sections, and the proposed sections do not change the testing requirements in this regard.

Texas Civil Statutes, Article 6687b-2, §12, allow the department to waive the skills test only for those applicants who meet the requirements of 49 Code of Federal Regulations, Part 383.77. The waivers contained in proposed §16.46 are those contained in the federal regulations. No other waiver is authorized by state or federal law.

The new sections are adopted under Texas Civil Statutes, Article 6687b-2, §29 and Article 6687b, §1A, which provide the Texas Department of Public Safety with the authority to adopt rules and regulations necessary to carry out the provisions of the Texas Driver's License Act, Texas Commercial Driver's License Act, and the Federal Commercial Motor Vehicle Safety Act of 1986.

§16.46. *Waivers from Skills Test.*

(a) An applicant may be exempted from the skills test if:

- (1) currently licensed (in Texas or in another state);
- (2) for the two years preceding application:

(A) has not had more than one license at any onetime;

(B) has not had any license suspended, revoked, or canceled;

(C) has not had a conviction for any disqualifying offense, such as driving while intoxicated, driving under the influence of drugs, failure to stop and render aid, leaving the scene of an accident, blood or breath test refusal, a felony involving the use of a commercial motor vehicle (CMV), or use of a CMV in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance; and

(D) has not been convicted for a serious traffic violation, which means speeding 15 miles per hour or more over the speed limit, reckless driving, following too closely, unsafe lane change, or any violation of a state or local law relating to motor vehicle traffic control arising in connection with any traffic accident in which the applicant was at fault. These convictions may result from the operation of any vehicle; and

(3) regularly employed in a job requiring the operation of a CMV; and

(A) has previously taken and passed a skills test given by a state with a classified licensing system and the test was behind-the-wheel in a representative vehicle for the driver's license classification; or

(B) has operated for at least two years immediately preceding application for a commercial driver's license (CDL), a vehicle representative of the CMV the applicant operates or expects to operate.

(b) Waivers for the skills test only apply to original applicants for CDL. Those who subsequently apply for an advance upgrade after receiving a CDL will not be given a second waiver of the required skills tests.

§16.48. *Safety Inspection.*

(a) Before the driver begins the skills test the examiner will conduct a safety inspection of the vehicle. This will include equipment and registration requirement. If the vehicle does not pass inspection, the skills test will be postponed.

(b) The vehicle will be inspected for the following:

- (1) current liability insurance;
- (2) headlamps (for bright and dim);
- (3) two tail lamps (one for 1959 models or earlier);
- (4) two stop lamps (one for 1959 models or earlier);
- (5) turn signals (1960 or later models);

- (6) horn;
- (7) inspection certificate(s);
- (8) exhaust system;
- (9) license plate (current) (one or two as required);
- (10) windshield wiper;
- (11) rearview mirror;
- (12) safety belts;
- (13) approved glass coating material (if applicable);
- (14) clearance lamps;
- (15) side marker lamps;
- (16) side reflectors;
- (17) turn signals (all models);
- (18) mud flaps (if required);
- (19) hazard warning lamps;
- (20) fire extinguisher (if required);
- (21) flashing lights (school buses-two red alternately flashing lamps to the front and rear);
- (22) "School Bus" sign eight inches in height on front and rear of bus (when in use as school bus);
- (23) reflective triangles (if required);
- (24) full service brakes;
- (25) hydraulic brake; and
- (26) parking brake.

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 June 20, 1990.

TRD-9006473

Joe E. Milner
Director
Texas Department of
Public Safety

Effective date: July 16, 1990

Proposal publication date: March 30, 1990

For further information, please call: (512) 465-2000

◆ ◆ ◆ Change of License Status, Renewals, Surrender of License, Fees

• 37 TAC §§16.71-16.78

The Texas Department of Public Safety adopts new §§16.71-16.78, without changes to the proposed text as published in the March 30, 1990, issue of the *Texas Register* (15 TexReg 1779).

The new sections are adopted to implement changes in legislation brought about by House Bill 1935, 71st Legislature, 1989, which changed the requirements for classified driver's licenses and enacted classifications for commercial driver's licenses.

The new sections explain the fees and procedures required for obtaining a commercial driver's license, renewing these licenses, and changing the classification, restrictions, and endorsements on licenses. These sections will conform with new legislation that requires the department to issue commercial driver's licenses and collect statutory fees for issuance and testing.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 6687b-2, §29 and Article 6687b, §1A, which provide the Texas Department of Public Safety with the authority to adopt rules and regulations necessary to carry out the provisions of the Texas Driver's License Act, Texas Commercial Driver's License Act, and the Federal Commercial Motor Vehicle Safety Act of 1986.

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 June 20, 1990.

TRD-9006472

Joe E. Milner
Director
Texas Department of
Public Safety

Effective date: July 16, 1990

Proposal publication date: March 30, 1990

For further information, please call: (512)
465-2000

◆ ◆ ◆

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

Friday, July 6, 1990, 10 a.m. The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons will meet at the Texas Rehabilitation Commission, Room 5501-5502, Brown-Heatley Building, 4900 North Lamar Boulevard, Austin. According to the agenda summary, the committee will call to order and introduce committee members and guests; accept minutes for May 9, 1990, meeting; discuss and act on new services; renewal services; contracts with six months provisional approval; new products; and product changes and revisions; discuss and act on San Antonio state school's interest in liquidating discontinued chair line; rules for determining fair market price; proposed rules for pricing subcommittee; development of a written agreement between the Texas committee and TIBH.

Contact: Michael T. Phillips, P.O. Box 12866, Austin, Texas 78711, (512) 459-2603.

Filed: June 27, 1990, 2:46 p.m.

TRD-9006571

Texas Education Agency

Monday-Tuesday, July 9-10, 1990, 6:30 p.m. and 8 a.m. respectively. The Texas Master Teacher Examination Bias Review Committee of the Texas Education Agency will meet at the Doubletree Hotel, 6505 North IH-35, Austin. According to the complete agenda, the committee will meet on the 9th for registration; orientation; training and data review; the 10th to continue data review. Note: Following the registration session, all other portions of the meetings on July 9 and 10 at which actual test questions and items will be reviewed will be closed in accordance with Texas Attorney General Opinions H-484 (1974) and H-780 (1976).

Contact: Pamela Tackett, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: June 26, 1990, 4:38 p.m.

TRD-9006555

Tuesday-Wednesday, July 10-11, 1990, 6:30 p.m. and 8 a.m. respectively. The Texas Master Teacher Examination Content Advisory Committee of the Texas Education Agency will meet at the Doubletree Hotel, 6505 North IH-35, Austin. According to the complete agenda, the committee will meet on the 10th for registration; orientation; training and data review; the 11th to continue data review. Note: Following this session, all other portions of the meetings on July 10 and 11 at which actual test questions and items will be reviewed will be closed in accordance with Texas Attorney General Opinions H-484 (1974) and H-780 (1976).

Contact: Pamela Tackett, 1701 North Congress, Austin, Texas 78701, (512) 463-9525.

Filed: June 26, 1990, 4:38 p.m.

TRD-9006554

Texas Council on Vocational Education

Monday-Tuesday, July 16-17, 1990, 7:45 p.m. and 8:30 a.m. respectively. The Texas Council on Vocational Education will meet at the Radisson Plaza Hotel, 700 San Jacinto Street, Executive Room on Monday, Austin South Room on Tuesday, Austin. According to the agenda summary, the council will hold an informal dinner at 7:45 p.m. on July 16 for the ten new members and three reappointed members of the council to get acquainted and interact; council will meet at 8:30 a.m. on July 17 for an orientation session on the work of the council. The new membership will receive a welcome from state leaders; receive an overview of council operations and responsibilities; draw membership terms of 1, 2, or 3 years; hear a presentation on council initiatives (past and present); discuss the council's schedule of work (past and pre-

sent); receive an overview of council budget/staffing; discuss upcoming meetings and conferences; select future meeting dates; receive a status report on federal and state legislation; elect council officers; and conduct other business.

Contact: Val Blaschke, P.O. Box 1886, Austin, Texas 78767, or 815 Brazos Street, Suite 500, Austin, Texas 78701, (512) 463-5490.

Filed: June 28, 1990, 9:06 a.m.

TRD-9006585

Employees Retirement System of Texas

Friday, June 29, 1990, 9 a.m. The Board of Trustees of the Employees Retirement System of Texas met at the ERS Auditorium, ERS Building, 18th and Brazos, Austin. According to the complete agenda, the board reviewed and approved of investment transactions for the quarter ended May 31 1990; considered investment advisory recommendations and action on investment of the system's assets; selected index fund software services provider; considered developing a strategic plan for the investment program and the extension of investment consultant contracts; met in executive session; discussed action resulting from the executive session; and set date of next trustee meeting.

Contact: William S. Nail, 18th and Brazos, Austin, Texas 78701, (512) 476-6431, ext. 213.

Filed: June 18, 1990, 2:04 p.m.

TRD-9006290

Texas Department of Health

Thursday, July 12, 1990, 10 a.m. The Maternal and Child Health Advisory Committee of the Texas Department of Health will meet at 1100 West 49th Street, Room G-107, Austin. According to the agenda summary, the committee will approve minutes of previous meeting; consider ma-

ternal and child health programs administered by the Department of Human Services; early childhood intervention program and chronically ill and disabled childrens services program administered by Department of Health; maternal and child health year 2000 objectives; and title V block grant changes.

Contact: Walter P. Peter, Jr., M.D., 1100 West 49th Street, Austin, Texas 78756, (5512) 458-7700.

Filed: June 26, 1990, 3:41 p.m.

TRD-9006527

Saturday, July 14, 1990, 10:30 a.m. The Medical Radiologic Technologist Advisory Board of the Texas Department of Health will meet at the Doubletree Hotel, 6505 North IH-35, Austin. According to the agenda summary, the board will approve minutes of previous meeting; consider correction of expiration date of board members' terms and board of health appointment procedures; continuing education reporting requirements; amendments to existing rules (§§143.1-143.11); new rule (§143.15); ratification of applications disapproved by program administrator; other matters not requiring board action.

Contact: Donna Hardin, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7275.

Filed: June 27, 1990, 4:05 p.m.

TRD-9006580

Monday, July 16, 1990, 9 a.m. The Advisory Committee on Personal Care Facilities of the Texas Department of Health will meet at 1100 West 49th Street, Room T-607, Austin. According to the agenda summary, the committee will consider and act on public comments on proposed standards (rules) concerning personal care facilities; and consider other items of interest not requiring committee action.

Contact: Richard Butler, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7706.

Filed: June 26, 1990, 3:41 p.m.

TRD-9006528

Texas Health and Human Services Coordinating Council

Friday, July 6, 1990, 10:30 a.m. The Data and Information Committee of the Texas Health and Human Services Coordinating Council will meet at the Texas Department of Human Services, Room 360-W, 701 West 51st Street, Austin. According to the complete agenda, the committee will approve minutes; progress report on data reporting projects; statewide needs appraisal

project (SNAP); contractor reporting process; uniform data reporting process; reference guide database; progress report on Client Omnibus Registry and Exchange (CORE); progress report on DIR initial operating plan; old business; and new business.

Contact: Tom Olsen, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: June 27, 1990, 8:06 a.m.

TRD-9006543

Friday, July 6, 1990, 12:30 p.m. The Client Services Committee of the Texas Health and Human Services Coordinating Council will meet at the Texas Department of Human Services, Room 360-W, 701 West 51st Street, Austin. According to the complete agenda, the committee will approve minutes of April 12, 1990 meeting; Commission on Children, Youth, and Family Services minutes of meetings (4-20-90, and 5-18-90); Community Resource Coordination Group Status Report; five year implementation plan; CRCG Model Revisions; Project Child Save Status Report; guidelines Development and Implementation Update; levels of Care System Status Report; 1989 cost report update; initiation of Human Resources Investment System in Response to HCR 26; Council on Disabilities Demographic Survey Status Report; case management task force status report; interagency council for services for the homeless status report; old business; and new business.

Contact: Louis Worley, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Friday, July 6, 1990, 2 p.m. The Strategic Policy Committee of the Texas Department of Human Services Coordinating Council will meet at the Texas Department of Human Services, Room 103-W, 701 West 51st Street, Austin. According to the complete agenda, the committee will approve minutes of April 12, 1990 meeting; presentation of subcommittee philosophy statement; discussion/adoption of philosophy statement; status report on THHSCC data initiatives to support strategic planning; initiation of Human Resource Investment System in response to HCR 26; discussion of next steps; old business; and new business.

Contact: Carol K. Price, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: June 27, 1990, 8:06 a.m.

TRD-9006542

Texas Higher Education Coordinating Board

Friday, July 13, 1990, 9 a.m. The Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex,

Building 1, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the emergency revised agenda, the board will conduct a public hearing on the issuance by the Coordinating Board of \$50,000,000 State of Texas College Student Loan Bonds, Series 1990. The emergency status was necessary because the original submission had incorrect date for hearing.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: July 26, 1990, 1:58 p.m.

TRD-9006516

Texas Historical Commission

Thursday July 12, 1990, 1 p.m. The Special Cemetery Preservation Committee of the Texas Historical Commission will meet at the John Reagan Building, 105 West 15th Street, Room 103, Austin. According to the complete agenda, the committee will conduct a public hearing to hear introductory remarks; discuss Texas Historic Cemetery Preservation Overview; comments from the audience; and closing remarks.

Contact: Cindy Dally, P.O. Box 12276, Austin, Texas 78711, (512) 563-6100.

Filed: June 26, 1990, 10:34 a.m.

TRD-9006511

Texas Housing Agency

Tuesday, June 26, 1990, 3 p.m. The Low Income Tax Credit Committee of the Texas Housing Agency met at the THA Conference Room, Suite 300, 811 Barton Springs, Austin. According to the emergency revised agenda summary, the committee will consider and possibly act on the Low Income Tax Credit Program application from the San Jacinto Limited Partnership. The emergency status was necessary due to urgent public necessity to better manage and preserve state funds and property to provide safe, decent, and sanitary housing for Texans of low and moderate income.

Contact: Tish Gonzalez, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: June 26, 1990, 3:37 p.m.

TRD-9006503

Tuesday, June 26, 1990, 5:40 p.m. The Low Income Tax Credit Committee of the Texas Housing Agency held an emergency meeting at the THA Conference Room, Suite 300, 811 Barton Springs, Austin. According to the emergency revised agenda summary, the committee met in executive session pursuant to Section 2(e), Art. 6252-17, V.T.C.S., the committee will consider and possibly act on pending or con-

templated litigation. The emergency status was necessary due to urgent public necessity to better manage and preserve state funds and property to provide safe, decent, and sanitary housing for Texans of low and moderate income.

Contact: Tish Gonzalez, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: June 26, 1990, 11:15 a.m.

TRD-9006520

Wednesday, June 27, 1990, 11:30 a.m. The Low Income Tax Credit Committee of the Texas Housing Agency held an emergency meeting at the THA Conference Room, Suite 300, 811 Barton Springs, Austin. According to the emergency revised agenda summary, the committee will consider and possibly act on the Low Income Tax Credit Program application from the San Jacinto Limited Partnership. The emergency status was necessary due to urgent public necessity to better manage and preserve state funds and property to provide safe, decent, and sanitary housing for Texans of low and moderate income.

Contact: Tish Gonzalez, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: June 27, 1990, 9:10 a.m.

TRD-9006557

Wednesday, June 27, 1990, noon. The Board of Directors' of the Texas Housing Agency will meet at the THA Conference Room, Suite 300, 811 Barton Springs, Austin. According to the emergency revised agenda summary, the board will consider and possibly act on the Low Income Tax Credit Program application from the San Jacinto Limited Partnership. The emergency status was necessary due to urgent public necessity to better manage and preserve state funds and property to provide safe, decent, and sanitary housing for Texans of low and moderate income.

Contact: Tish Gonzalez, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: June 27, 1990, 9:10 a.m.

TRD-9006558

Texas Department of Human Services

Friday, July 6, 1990, 9 a.m. The Medical Care Advisory Committee of the Texas Department of Human Services will meet at 701 West 51st Street, 1st Floor, East Tower, Public Hearing Room, Austin. According to the agenda summary, the committee will hear opening comments; commissioner's comments; deputy commissioner's comments; approve minutes; discuss update of LAR/budget situation; treatment of augmented veterans benefits; client eligibility for medically dependent children; agent orange settlement; ICF/MR provider application rule; medicaid hospice room

and board rates; preadmission screening and annual resident review rules; nurse aide training; 1915(c) medicaid waiver request; mandatory participation in the adult day care food program; notification to hospitals of final review determinations; medicaid payment services performed by certified family nurse practitioners; inpatient hospital services; direct reimbursement for certified registered nurse anesthetists; report on federal legislative update; and open discussion by members.

Contact: Carolyn Howell, P.O. Box 149030, Austin, Texas 78714-9030.

Filed: June 26, 1990, 4:11 p.m.

TRD-9006521

State Board of Insurance

Thursday, June 28, 1990, 10 a.m. The State Board of Insurance met at 1110 San Jacinto Street, Room 460, State Insurance Building, Austin. According to the emergency revised agenda, the board reviewed and discussed motion for rehearing in the appeal of Cullen/Frost Bankers, Inc. from action of the Texas Catastrophe Property Insurance Association. The emergency revised agenda was necessary in order to meet the statutory deadline for consideration of the motion.

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

Filed: June 27, 1990, 3:50 p.m.

TRD-9006572

Thursday, July 5, 1990, 8:30 a.m. The State Board of Insurance will meet at 1110 San Jacinto Street, Room 460, Austin. According to the complete agenda, the board will conduct a public hearing to consider possible realignment, possible expansion, and other possible modification of rating territories for property insurance.

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

Filed: June 26, 1990, 10:35 a.m.

TRD-9006510

Thursday, July 5, 1990, 2 p.m. The State Board of Insurance will meet at 1110 San Jacinto Street, Room 460, Austin. According to the agenda summary, the board will discuss request for dismissal of appeal and vacation of Commissioner's Order 89-0470; motions for rehearing in docket numbers 1706 and 1707; filings by CNA, Texas Medical Liability Trust, American Physicians Insurance Exchange and Insurance Corporation of America under the Omnibus Rural Healthcare Rescue Act; board order concerning underwriting standards by the Workers' Compensation Insurance Market Assistance Program; proposed repeal of 28 TAC §7.23;

extension of emergency effectiveness of new 28 TAC §29.208 and amendment to 28 TAC §27.417; board orders on several different matters as itemized on the complete agenda; motion for dismissal of appeal of East Val, Inc.; proposal for decision in appeal of Bertha Garcia; personnel matters; litigation; solvency matters; appointment of Associate Commissioner for Administrative Services; and ratification of contract transferring to Employers Casualty Company the responsibilities of Texas Employers Insurance Association as a servicing carrier of the Texas Workers' Compensation Assigned Risk Pool.

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

Filed: June 27, 1990, 3:53 p.m.

TRD-9006573

Thursday, July 5, 1990, 2 p.m. The State Board of Insurance will meet at 1110 San Jacinto Street, Room 460, Austin. According to the revised agenda, the board will review and discuss consideration of Texas Title Insurance Agent Statistical Report and Texas Title Insurance Statistical Report.

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

Filed: June 27, 1990, 4:20 p.m.

TRD-9006583

Friday, July 6, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of Gary Wade Marrs, Langtry/Odessa, for a Group I, Legal Reserve Life Insurance Agent's license. Docket number 10876.

Contact: O. A. Cassity, III, 1110 San Jacinto, Austin, Texas 78701-1998, (512) 463-6526.

Filed: June 27, 1990, 3:10 p.m.

TRD-9006578

Friday, July 6, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 342, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of James Edward Whitfield, Dallas, for a Group I, Legal Reserve Life Insurance Agent's license. Docket number 10857.

Contact: Will McCann, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: June 27, 1990, 3:10 p.m.

TRD-9006579

Friday, July 6, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application for amendment to Articles of Incorporation of Life of America Insurance Company, Houston, increasing the authorized shares and stated capital. Docket number 10882.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: June 27, 1990, 3:10 p.m.

TRD-9006577

Monday, July 9, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of PCF Acquisition Company to acquire control of RDI Life Insurance Company, Fort Worth. Docket number 10749.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: June 27, 1990, 3:10 p.m.

TRD-9006576

Monday, July 9, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 342, Austin. According to the complete agenda, the section will conduct a public hearing to consider the approval of amendment to the Articles of American States Lloyds Insurance Company, Dallas, changing the attorney-in-fact and substituting the underwriters. Docket number 10871.

Contact: Will McCann, 1110 San Jacinto, Austin, Texas 78701-1998, (512) 463-6526.

Filed: June 27, 1990, 3:10 p.m.

TRD-9006574

Monday, July 9, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Insurance Board will meet at 1110 San Jacinto Street, Room 353, Austin. According to the complete agenda, the section will conduct a public hearing to consider the amendment to the Articles of Incorporation of State National Insurance Company, Inc., Arlington. Docket number 10861.

Contact: Lisa Lyons, 1110 San Jacinto, Austin, Texas 78701-1998, (512) 463-6526

Filed: June 27, 1990, 3:10 p.m.

TRD-9006575

Monday, July 23, 1990, 9 a.m. The State Board of Insurance will meet at 1110 San Jacinto Street, Room 460, Austin. According to the complete agenda, the

board will conduct a public hearing to consider investment earnings of insurers in the determination of manual rates for all lines of insurance for which the Texas Insurance Code has assigned to the State Board of Insurance the responsibilities for determining or approving rates.

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

Filed: June 26, 1990, 10:35 a.m.

TRD-9006509

Texas Department of Licensing and Regulation

Friday, July 20, 1990, 10 a.m. The Industrialized Housing and Buildings Committee of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, Room 1012, 920 Colorado Street, Austin. According to the complete agenda, the department is proposing the adoption of the 1990 edition of the National Electrical Code.

Contact: Jimmy G. Martin, P.O. Box 12157, Austin, Texas 78711, (512) 463-7348.

Filed: June 27, 1990, 2:34 p.m.

TRD-9006568

State Board of Plumbing Examiners

Monday, July 9, 1990, 9 a.m. The State Board of Plumbing Examiners will meet at 929 East 41st Street, Austin. According to the complete agenda, the board will recognize visitors; discuss minutes of last meeting; review financial report; review examination data; discuss hardship cases; reconsideration of frequency of board meetings; consideration of a legislative agenda; discuss Attorney General's opinion for definition of a water heater-appliance vs. plumbing fixture; discussion of term "apprentice" as defined in the law; approval of out-of-state travel; and any other topics for discussion that may come before the board.

Contact: Lynn Brown, P.O. Box 4200, Austin, Texas 78765, (512) 458-2145.

Filed: June 27, 1990, 10:50 a.m.

TRD-9006566

Texas State Board of Examiners of Psychologists

Friday, July 13, 1990, 8:30 a.m. The Texas State Board of Examiners of Psychologists will meet at 9101 Burnet Road, Suite 212, Austin. According to the complete agenda, the board will conduct a hearing for Frederick Carrington, Ph.D.;

discuss budget; and proposed rules 473.1, 473.2, 473.3, 473.4, and 473.5

Contact: Patricia S. Bizzell, 9101 Burnet Road, Suite 212, Austin, Texas 78758, (512) 835-2036.

Filed: June 28, 1990, 8:59 a.m.

TRD-9006586

Texas State Board of Public Accountancy

Friday, July 6, 1990, 9 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 hold conferences on complaint numbers 89-07-02L; 89-10-12L; 89-12-03L; 89-12-02L; 89-09-04L; and 89-10-15L.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: June 26, 1990, 10:37 a.m.

TRD-9006504

Friday, July 6, 1990, 9 a.m. The Technical Standards Review Committee of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the agenda summary, the committee will discuss May status report; recommendations regarding specific complaints-licensees; and discussion items.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: June 26, 1990, 10:37 a.m.

TRD-9006506

Monday, July 23, 1990, 8:30 a.m. The Examination Committee of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the agenda summary, the committee will meet to review information relating to the May, 1990, examination; information relating to the November, 1990, examination; of information relating to future examinations; information relating to reformatting the CPA exam; consideration of recommended amendments to the Public Accountancy Act of 1979 as amended in 1989; report on comparison of Austin site exam scores; review of accounting course requirements of other Boards of Accountancy; review of board records of candidates who have not sat for the examination within the past 10 years; correspondence; and other.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: June 26, 1990, 10:37 a.m.

TRD-9006505

Public Utility Commission of Texas

Tuesday, July 10, 1990, 10 a.m. The Hearings Division of the Public Utility Commission will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the commission will conduct a prehearing conference in Docket Number 9598 to review application of GTE Southwest, Inc. to revise tariff to establish Circular Hunt Service.

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

Filed: June 26, 1990, 3:43 p.m.

TRD-9006525

Texas Racing Commission

Monday, July 2, 1990, 9 a.m. The Texas Racing Commission held an emergency meeting at 1700 North Congress Avenue, Room 118, Stephen F. Austin Building, Austin. According to the emergency revised agenda, the commission considered and voted on matters relating to Bandera Downs, Inc. The emergency status was necessary to address unforeseen circumstances surrounding the opening of Bandera Downs, Inc.

Contact: Paula Cochran Carter, P.O. Box 12080, Austin, Texas 78711, (512) 476-7223.

Filed: June 27, 1990, 4:34 p.m.

TRD-9006581

Teacher Retirement System of Texas

Tuesday, July 10, 1990, noon. The Medical Board of the Teacher Retirement System of Texas will meet at 1000 Red River, Austin. According to the complete agenda, the board will discuss the files of members who are currently applying for disability retirement and the files of disability retirees who are due a re-examination report.

Contact: Don Cadenhead, 1000 Red River, Austin, Texas 78701-2698, (512) 379-6400.

Filed: June 27, 1990, 4:16 p.m.

TRD-9006584

Texas Water Commission

Wednesday, July 11, 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; with regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: June 26, 1990, 4:13 p.m.

TRD-9006523

Tuesday, August 14, 1990, 10 a.m. The Texas Water Commission will meet at the Dayton High School, Cafeteria/Commons area, 309 Highway 146 South, Dayton. According to the agenda summary, the commission will conduct a hearing on a hazardous waste management facility permit number HW-50320, EPA No. TXD-982760332 and waste disposal well permit application WDW-286 through WDW-298 for Hunter Industrial Facilities, Inc., Dayton. The purpose of the hearing will be to receive evidence on the conditions, if any, under which the permits may be issued. The facility would be located on a 145.31 acre tract of land in Liberty County, approximately 5.0 miles northwest of the city of Dayton at the southwest corner of the intersection of FM 686 and Texaco Road.

Contact: Kerry Sullivan, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: June 26, 1990, 4:12 p.m.

TRD-9006522

Texas Workers' Compensation Commission

Saturday, June 30, 1990, 10 a.m. The Special Advisory Committee on Physician Utilization of the Texas Workers' Compensation Commission met at the Bevington A. Reed Building, 200 East Riverside Drive, Room 107, Austin. According to the complete agenda, the committee approved minutes; discussed report of June 7th meeting of Advisory Committee Chairpersons (Nancy Kozak); report of Study Group on the Development of Diagnostic Procedures and Treatment Guidelines (Greg Hanson, M.D.); report of Study Group on Treatment Costs (Byron Ward); report of Study Group on Rules for Second Opinions on Spinal Surgery (Edwin Buster, M.D.); review of Treatment Protocol Data from other states; creation of new study groups; and next committee and subcommittee meeting dates.

Contact: Nancy Kozak, 200 East Riverside Drive, Austin, Texas 78704-1287, (512) 448-7974.

Filed: June 27, 1990, 8:43 a.m.

TRD-9006556

Regional Meetings

Meetings Filed June 26, 1990

The Bandera County Appraisal District Appraisal Review Board met at the Appraisal District Office at the north end of Ninth Street, Bandera, July 2, 1990, at 9 a.m. Information may be obtained from Larry Reagan, P.O. Box 1119, Bandera, Texas 78003, (512) 796-3039.

The Bexar Appraisal District Board of Directors will meet at 535 South Main, San Antonio, July 10, 1990, at 4:30 p.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Lampasas County Appraisal District Appraisal Review Board met at 109 East Fifth, Lampasas, July 2, 1990, at 8:30 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Leon County Central Appraisal District Board of Directors held an emergency meeting at the Leon County Central Appraisal District Office, June 26, 1990, at 7:30 p.m. The emergency status was necessary due to illness of the Chief Appraiser. Information may be obtained from Robert M. Winn, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

TRD-9006502

Meetings Filed June 27, 1990

The Central Appraisal District of Johnson County Appraisal Review Board will meet at 109 North Main, Suite 201, Room 202, Cleburne, July 20, 23-24, 1990, at 9 a.m. Information may be obtained from Jackie Gunter, 109 North Main, Cleburne, Texas 76031, (817) 645-3986.

The Coryell County Appraisal District Appraisal Review Board will meet at the Coryell County Appraisal District Office, 113 North 7th Street, Gatesville, July 5, 1990, at 9:30 a.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

The Ellis County Appraisal District Appraisal Review Board met at 406 Sycamore Street, Waxahachie, July 2, 1990, at 9 a.m. Information may be obtained from Russell A. Garrison, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Henderson County Appraisal District Appraisal Review Board met at 1751 Enterprise, Athens, July 2, 1990, at 8:30 a.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas 75751, (214) 675-9296.

The Henderson County Appraisal District Appraisal Review Board will meet at 1751 Enterprise, Athens, July 9-13, 16-17, 1990, at 8:30 a.m. Information may

be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas 75751, (214) 675-9296.

The High Plains Underground Water Conservation District No. 1 Board of Directors will meet at 2930 Avenue Q, Conference Room, Lubbock, July 10, 1990, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

The Hockley County Appraisal District Appraisal Review Board met at 1100 Avenue D, Levelland, June 29, 1990, at 9 a.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Jack County Appraisal District Appraisal Review Board met at the Jacksboro ISD Ag Science and Technology Building, 814 West Belknap, Jacksboro, at 10 a.m. Information may be obtained from Gary L. Zeitler or Donna E. Hartzell, 216-D South Main, Jacksboro, Texas 76056, (817) 567-6301.

The Lamb County Appraisal District Appraisal Review Board will meet at 330 Phelps Avenue, Littlefield, July 12, 1990, at 9 a.m. Information may be obtained from Vaughn E. McKee, P.O. Box 552,

Littlefield, Texas 79339-0552, (806) 385-6474.

The Lamb County Appraisal District Board of Directors will meet at 330 Phelps Avenue, Littlefield, July 19, 1990, at 6 p.m. Information may be obtained from Vaughn E. McKee, P.O. Box 552, Littlefield, Texas 79339-0552, (806) 385-6474.

The Palo Pinto Appraisal District Appraisal Review Board will meet at the Palo Pinto County Courthouse, Palo Pinto, July 10, 1990, at 1:30 p.m. Information may be obtained from Jack F. Samford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-1234.

The Palo Pinto Appraisal District Appraisal Review Board will meet at the Palo Pinto County Courthouse, Palo Pinto, July 11, 1990, at 1:30 p.m. Information may be obtained from Jack F. Samford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-1234.

The Scurry County Appraisal District Board of Directors will meet at 2612 College Avenue, Snyder, July 3, 1990, at 8 a.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

The Scurry County Appraisal District Board of Directors will meet at the Willow Park Inn Restaurant, Highway 84 and 180, Snyder, July 3, 1990, at 7 a.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

The West Central Texas Council of Governments Citizens Advisory Council will meet at the West Central Texas Council of Governments Administrative Office, 1025 East North 10th Street, Abilene, July 5, 1990, at 9:30 a.m. Information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

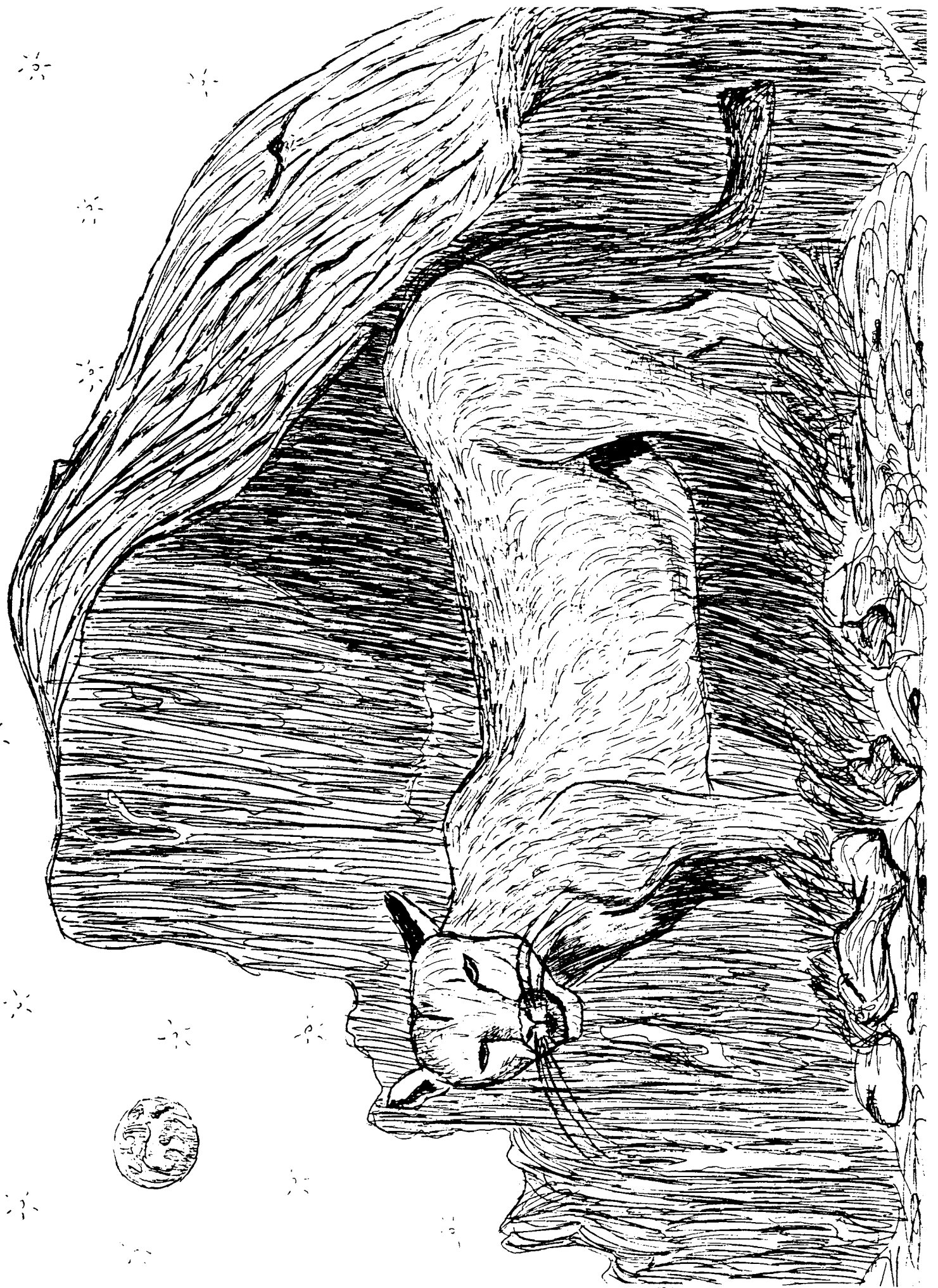
TRD-9006544

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Meetings Filed June 28, 1990

The Atascosa County Appraisal District Appraisal Review Board will meet at 4th and Avenue J, Poteet, July 5, 1990, at 8 a.m. Information may be obtained from Vernon A. Warren, 4th and Avenue J, Poteet, Texas 78026, (512) 742-3591.

TRD-9006582

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In Addition

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

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

Texas Department of Commerce Notice of Deadlines for Submitting Enterprise Project Designations for Fiscal Year 1991

Pursuant to the Texas Enterprise Zone Act, Texas Civil Statutes, Article 5190.7 and the Enterprise Zone Program rules (10 TAC §176.8(b)(1)), the Texas Department of Commerce hereby provides notice of deadlines for submitting applications for enterprise project designations during fiscal year 1991.

The Texas Department of Commerce will accept applications for designation of qualified businesses as enterprise projects on a bi-monthly basis. Completed applications must be received by the department no later than 5 p.m. on the day of the application deadline. The following are the application deadlines for fiscal year 1991: September 4, 1990, November 1, 1990, January 2, 1991, March 1, 1991, May 1, 1991 and July 1, 1991. Up to five projects may be designated during each period with any remaining allowable projects to be designated during subsequent application periods. Additional projects resulting from carryforward from prior fiscal years may also be designated during any application period. Applications and other written communications to the department should be addressed to: Texas Department of Commerce, Finance Division, Enterprise Zone Program, P.O. Box 12728, Austin, Texas 78711.

Issued in Austin, Texas on June 26, 1990.

TRD-9006560 William D. Taylor
Executive Director
Texas Department of Commerce

Filed: June 27, 1990

For further information, please call: (512) 320-9666



Request for Proposals

Overview. The Texas Department of Commerce (Commerce) requests offers from qualified companies or individuals to document a data base system referred to as the Texas Information System (TEXIS). TEXIS provides easy access to commonly needed data and information available from existing public sources via a user friendly, menu driven data retrieval system.

The applicant selected must demonstrate the necessary criteria and experience listed in the Qualifications Section and will be required to perform the various services listed in the Scope of Services Section. The acceptance of an offer by Commerce, made in response to this request, will be based on its evaluation of the factors described as follows.

Project Deliverable. The deliverable of this project will be an electronic database that documents the interrelation and specifics of menus, queries, reports, report fields, table columns, tables, and data sources. The documentation

system, once developed, will become the application used by Commerce to document all applications developed for TEXIS as it moves into full production.

Scope of Services. TEXIS has been developed on a micro-computer (386) using a powerful SQL-based relational database management program (Oracle) on a multi-user operating system (UNIX). The electronic documentation produced by this proposed effort will reside in the same relational database system.

The research and data entry will be performed by consultants. Specifically, the successful candidate will be required to render the following services: Analyze the existing pilot project, which entails collecting information from SQL*Forms, SQL*Plus scripts, TEXIS staff, and existing documentation; produce a data source directory of the TEXIS information suppliers (approximately 20 sources); produce a source document catalog that contains data description and related data/information supplier; produce a table dictionary that includes table descriptions and related source documents (approximately 110 tables); produce a data dictionary of all table (and derived report) columns used within TEXIS, which includes element description, unit of measure, time period, and related table or report (approximately 2,000 columns); map the menu screen hierarchy, and their related query screens or reports (approximately 40 menu screens); catalog the query screen and their related reports (approximately 120 query screens); catalog the reports and their related SQL scripts (approximately 170 SQL scripts); enter the preceding information into a document form design by TEXIS staff.

Commerce Participation. The forms and tables, which are used to enter and maintain the documentation system, will be created by Commerce staff.

Applicant Qualifications. Each applicant must demonstrate or provide evidence to the satisfaction of Commerce that such entity/individual: has direct relevant experience performing each of the listed project responsibilities, including experience writing SQL scripts. Oracle development with SQL*Forms and SQL*Plus preferred; capacity for carrying out the work listed in the Scope of Services Section; can commence the project by July 16, 1990.

Please provide evidence of the preceding requirements and a proposal which includes: a detailed description of the plan of action to fulfill the requirements described in the Scope of Services Section; resumes of applicant's staff who will be assigned to work on the project; timeline for implementing the project; cost for the services.

Responses must be received no later than 5 p.m., July 6, 1990. Responses received after this deadline will not be considered. We anticipated entering into the resulting contract on July 16, 1990.

Commerce retains the right to accept or reject any or all proposals. Commerce is under no legal requirement to execute a resulting contract from making this request for proposal and intends the material provided herein only as a means of identifying and considering various contractor

alternatives and the general costs of services derived. This request for proposal does not commit Commerce to pay any costs before execution of a contract. Commerce may vary the provisions set forth herein before execution of a contract.

The state assumes no responsibility for expenses incurred in preparing responses to this solicitation. Please address your responses to Tom Lineham, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711, (512) 320-9609.

Issued in Austin, Texas on June 25, 1990.

TRD-9006519 William D. Taylor
Executive Director
Texas Department of Commerce

Filed: June 26, 1990

For further information, please call: (512) 320-9609

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Office of Consumer Credit Commissioner

Notice of Rate Ceilings

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

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer ⁽³⁾/Agricultural/ Commercial ⁽⁴⁾ thru \$250,000</u>	<u>Commercial ⁽⁴⁾ over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	07/02/90-07/08/90	18.00%	18.00%
Monthly Rate - Art. 1.04 (c)(1)	07/01/90-07/31/90	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	07/01/90-09/30/90	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11(3)	07/01/90-09/30/90	18.00%	N.A.
Lender Credit Card Quarterly Rate - Art. 15.02(d)(3)	07/01/90-09/30/90	15.62%	N.A.
Standard Annual Rate - Art. 1.04(a)(2)(2)	07/01/90-09/30/90	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11(3)	07/01/90-09/30/90	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail and Lender Credit Card Balances with Annual Implementation Dates from:	07/01/90-09/30/90	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	07/01/90-07/31/90	10.00%	10.00%

(1) For variable rate commercial transactions only. (2) Only for open-end credit as defined in Art. 5069-1.01(f) V.T.C.S. (3) Credit for personal, family or household use. (4) Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on June 25, 1990.

TRD-9006545 Al Endsley
Consumer Credit Commissioner

Filed: June 26, 1990

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

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Employees Retirement System of Texas Consultant Contract Award

The Employees Retirement System of Texas (ERS) published a request for proposals in the February 2, 1990, issue of the *Texas Register* (15 Tex Reg 607) to obtain a private consultant to assist the ERS with the implementation of the strategic plan for the Texas Employees Uniform Group Insurance Program. The consultant services consist of the following: assisting the ERS staff in the implementation of each element of the strategic plan, periodic monitoring of the strategic plan implementation results with the ERS staff, developing a recommendation for each identified implementation element, and communicating the findings,

recommendations, and action plan to the ERS Board of Trustees.

The proposal selected was that of Alexander & Alexander Consulting Group (A&ACG), One Dallas Centre, Suite 2800, 350 North Saint Paul Street, Dallas, Texas 75201. The contract is effective from May 15, 1990-November 15, 1990, with a total cost not to exceed \$479,851.

Issued in Austin, Texas on June 27, 1990.

TRD-9006559 James A. Adkins
Acting Executive Director
Employees Retirement System of Texas

Filed: June 27, 1990

For further information, please call: (512) 476-6431, ext. 213

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Texas Department of Human Services Invitation to Bid

The Texas Department of Human Services (TDHS) announces an invitation to bid (ITB) for purchased food stamp issuance services. TDHS uses a competitive procurement process to ensure and document that services are

of the highest quality, lowest price, and best meet the needs of the client served.

Description of services. Over-the-counter food stamp issuance is the exchange of food coupon booklets for authorization to participate (ATP) forms. ATP forms will specify client name, case number, ID and issuance numbers, total benefit amount, number of each denomination booklets to be issued, and month valid. Food stamp clients will present issuance agent with ATPs and ID cards. Issuance agent will check to see that the ID card serial number matches the corresponding number on the ATP form. If they match and the ATP is valid for the current month, the client will sign the ATP form in the presence of the issuance agent, who will then exchange the indicated number of each denomination of booklets for the signed ATP form. The issuance agent will write the issuance verification code (from the ID card) on the ATP form, date stamp the ATP form, and later batch it for daily delivery to TDHS. To contract with TDHS, the contractor must comply with all insurance requirements specified in the ITB, including but not limited to providing an all-risk insurance policy naming TDHS as the guaranteed loss payee.

Geographical area. TDHS will procure over-the-counter food stamp issuance services in Webb County.

Contact person. To request an ITB package or additional information, contact Margarette Kaylor at (512) 450-3467. Sealed bids must be received by Margarette Kaylor no later than 3 p.m., September 10, 1990 at Client Self-support Services Administrative Management (785-W), Texas Department of Human Services, 701 West 51st Street, P.O. Box 149030, Austin, Texas 78714-9030.

Terms of contract. The contract will be for one 12-month period. TDHS has the option to renew the contract on a non-competitive basis for a limited number of additional periods. The contractor will be paid on a fee per transaction basis for each eligible ATP form processed.

Procedures for awarding contract. Only bids meeting the requirements of the procurement will be considered for contract award. A contract will be awarded to the lowest bidder whose bid meets the specified requirements.

Issued in Austin, Texas, on June 26, 1990.

TRD-9006540 Cathy Rossberg
Agency liaison, Policy Communication
Services
Texas Department of Human Services

Filed: June 26, 1990

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



Public Notice Open Solicitation

Pursuant to 40 TAC §16.1513, as amended in the September 29, 1989, issue of the *Texas Register* (14 TexReg 5099), and the Human Resources Code, Title 2, Chapters 22 and 32, the Texas Department of Human Services (TDHS) is announcing an open solicitation period of 30 days (starting the date of this public notice) for the construction of a 90-bed nursing facility in the county identified in the May 15, 1990, issue of the *Texas Register* (15 TexReg 2773). That county is also listed in this public notice. Potential contractors desiring to construct a 90-bed nursing facility in the county identified in this public notice must submit a written reply (as described in 40 TAC §16.1513) to TDHS, Gary L. Allen, Provider Services Division, Mail Code 646-E, P. O. Box 149030, Austin, Texas 78714-9030. The written reply must be received by TDHS by 5 p.m. August 3, 1990, the last day of the open solicitation period. Potential contractors will be allowed 90 days to qualify and qualified potential contractors will be placed on a secondary-selection waiting list in the order that their applications are received. To qualify, potential contractors must demonstrate an intent and ability to begin construction of a facility and to complete contracting within specified time frames. They must submit a letter of application to TDHS with the following documentation: First, there must be acceptable written documentation showing the ownership of or an option to buy the land on which the proposed facility is or will be located. Second, documentation must include a letter of finance from a financial institution. Third, documentation must include a signed agreement stating that, if selected, the potential contractor will pay liquidated damages if the 180-day and/or 18-month deadline(s) described in 40 TAC §16.1513(q) are not met. The signed agreement must also require the potential contractor to provide, within 10 working days after the date of selection, a surety bond or other financial guarantee acceptable to DHS ensuring payment in the event of default. If the 180-day deadline is not met, liquidated damages are 5.0% of the estimated total cost of the proposed or completed facility. If the 18-month deadline is not met, liquidated damages are 10% of the estimated total cost of the proposed or completed facility. Fourth, there must be acceptable written documentation that the preliminary architectural plans for the proposed or completed facility have been submitted to the Texas Department of Health (TDH). Each application must be complete at the time of its receipt. DHS accepts the first qualified potential contractor on the secondary-selection waiting list. If no potential contractors submit replies during this open solicitation period, DHS will place another public notice in the *Texas Register* announcing the reopening of the open solicitation period until a potential contractor replies.

Occupancy rates for identified threshold counties are listed below:

County Number	County Name	Number of Months Over	Occupancy Rates					
			Oct	Nov	Dec	Jan	Feb	Mar
154	Madison	5	76.5	98.7	97.8	95.2	98.5	97.1

Issued in Austin, Texas, on June 26, 1990.

TRD-9006538 Cathy Rossberg
Agency liaison, Policy Communication
Services
Texas Department of Human Services

Filed: June 26, 1990

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



Pursuant to 40 TAC §16.1513 of the Human Resources Code as amended in the September 29, 1989, issue of the *Texas Register* (14 TexReg 5099), and the Human Resources Code, Title 2, Chapters 22 and 32, the Texas Department of Human Services (TDHS) is announcing the reopening of the open solicitation period for Somervell County Number 213 identified in the November 21, 1989, issue of the *Texas Register* (14 TexReg 6144). Potential contractors desiring to construct a 90-bed nursing facility in the previously referenced area must submit a written reply (as described in 40 TAC §16.1513(1)) to TDHS, Gary L. Allen, Long-term Care Department, Provider Services Section, Mail Code 646-E, P.O. Box 149030, Austin, Texas 78714-9030. Upon receipt of a reply from a potential contractor, TDHS will place a notice in the *Texas Register* to announce the closing date of the reopened solicitation period.

Issued in Austin, Texas, on June 26, 1990.

TRD-9006539 Cathy Rossberg
Agency liaison, Policy Communication
Services
Texas Department of Human Services

Filed: June 26, 1990

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

Request for Proposals

The Texas Department of Human Services (TDHS), the Texas Juvenile Probation Commission (TJPC), and the Texas Youth Commission (TYC) are requesting proposals (RFP) for a pilot project to provide services to dysfunctional families in Bexar and El Paso Counties.

Description: Two contracts will be developed, one in Bexar County and one in El Paso County to provide screening and assessment; parent skills training; coping skills training for youth; support groups for children and youth of substance abusing and dysfunctional families; support groups for parents in substance abusing and dysfunctional families; and limited individual counseling for problems arising in the support groups. All clients will be referred from one of the three agencies (TDHS, TJPC, or TYC). TDHS will be the lead agency in administering the contract; however, all three agencies will participate in evaluation and contract monitoring.

Contract Person: To obtain a complete copy of the RFP for Bexar County, applicants should contact John Avant, Texas Department of Human Services (MC 278-5), P.O. Box 23990, San Antonio, Texas 78223-0990, (512) 731-3603. To obtain a complete copy of the RFP for El Paso County, applicants should contact Pearl Jacques, Texas Department of Human Services (MC 111-1), P.O. Box 10276, El Paso, Texas 79994, (915) 599-3601.

Closing Date: The last day to receive offers is August 15, 1990.

Term and Total Value: The contract period will be October 1, 1990 through August 31, 1991, and funding will not exceed \$45,000 for the Bexar County contract or \$45,000 for the El Paso County contract.

Limitations: Eligible applicants are individuals, private non-profit agencies, or private for profit agencies or corporations in El Paso or Bexar Counties. Two contracts will be awarded under this RFP, one in Bexar County and one in El Paso County. The contracts awarded under this RFP will be for an 11-month period.

Evaluation and Selection: A panel consisting of TDHS, TJPC, and TYC staff will rank and score each proposal. Procedures to be used to evaluate offers will include evaluation of the following criteria: extent to which required services are thoroughly addressed; qualifications of staff; relevance and appropriateness of curriculum used in skills based on training; reasonableness of cost; and cost effectiveness as compared with other proposals for service area.

Issued in Austin, Texas, on June 26, 1990.

TRD-9006537 Cathy Rossberg
Agency liaison, Policy Communication
Services
Texas Department of Human Services

Filed: June 26, 1990

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

State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration.

1. Application for name change by Firstmark Standard Life Insurance Company of Indiana, a foreign life insurance company. The home office is in Indianapolis, Indiana. The proposed new name is Standard Life Insurance Company of Indiana.
2. Application for incorporation in Texas of PW National Insurance Company, a domestic casualty insurance company. The home office is in Austin.
3. Application for name change by Bond Investors Guaranty Insurance Company, a foreign casualty insurance company. The home office is in Springfield, Illinois. The proposed new name is MBIA Insurance Corporation of Illinois.
4. Application for name change by Title USA Insurance Corporation of New York, a foreign title company. The home office is in Floral Park, New York. The proposed new name is TRW Title Insurance of New York, Inc.
5. Application for incorporation in Texas of Winfred Lee Baker, a domestic third party administrator. The home office is in Dallas.
6. Application for admission to do business in Texas of Charles Paul Gauthier, a foreign third party administrator. The home office is in Bellingham, Washington.
7. Application for admission to do business in Texas of EMP Inc., a foreign third party administrator. The home office is in Durant, Oklahoma.
8. Application for admission to do business in Texas of Zenith Administrators, Inc., a foreign third party administrator. The home office is in Washington, D.C.
9. Application for admission to do business in Texas of NBS National Benefit Services, Inc., a foreign third party administrator. The home office is in Wilmington, Delaware.

Issued in Austin, Texas, on June 25, 1990.

TRD-9006508 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: June 26, 1990

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

Texas Department of Mental Health and Mental Retardation

Consultant Contract Amendment

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Department of Mental Health and Mental Retardation intends to amend a current contract for continuation of services currently performed by Mary Anne Mendall and Associates, specializing in expert systems, case management, knowledge engineering, and human service programs, San Jose, California. The Texas Department of Mental Health and Mental Retardation intends to amend the contract with the present contractor as described following. Total amount of the contract will not exceed \$50,000.

The amendment is for the completion of a knowledge base on screening and assessing the needs of individuals with mental illness and/or individuals who are mentally retarded. The knowledge base utilizes an expert system technology. Additionally, the contract is for the provision of consultation to TDMHMR staff on automating and testing the knowledge base.

Major components of the tasks are as follows: to provide consultation to the information services staff in developing the automated version of the client screening and assessment tool. Consultation will focus on knowledge base content debugging and refinement; user interface development and refinement; and report design and refinement; to engage potential users, consumer/advocates, and knowledge base developers in testing and refining the automated screening and assessment tool; to provide technical assistance and training in the use of the automated screening and assessment tool; to facilitate validity testing and pilot testing of the automated screening and assessment tool; to interface with other TDMHMR projects relevant to the automated screening and assessment tool as needed; to disseminate the tool through presentations of the system to potential users and articles documenting the development and use of the system.

Issued in Austin, Texas, on June 25, 1990.

TRD-9006499 Dennis R. Jones
Commissioner
Texas Department of Mental Health and
Mental Retardation

Filed: June 25, 1990

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

Texas Rehabilitation Commission Request for Applications

The Texas Rehabilitation Commission (TRC) announces the availability of state and federal revenue funds for the provision of independent living services for persons with severe disabilities. These funds will be granted to not-for-profit organizations for the conduct of independent living service programs which are directed and managed to a substantial degree (at least 51%) by qualified individuals with severe handicaps. The total amount of funding available is \$120,000. The commission anticipates awarding 10 to 12 grants, in the range of \$10,000-\$12,000. Services may be provided only in one or more of the following counties in Texas: Bexar, Cameron, Dallas, El Paso, Harris, Hidalgo, Houston, Leon, Lubbock, Potter, Randall, Starr, Tarrant, Travis, Trinity, and Willacy.

The project is to provide comprehensive services for independent living to individuals whose disabilities are so

severe that they presently do not have the potential for employment. However, these individuals may benefit from these services in terms of living and functioning more independently. TRC's funding priority for these grants is to provide services which are unique and do not duplicate services being provided in the community. These federal funds are provided to the state under the 1973 Rehabilitation Act, Title VII, Part A, as amended. Title VII, Part A funds may not be used so supplant funds designated for current programs or projects. Funds will be granted to organizations that are governed to a substantial degree (at least 51%) by individuals with severe disabilities. These individuals must be involved in the planning, policy direction, and management of the organization. Also, to the greatest extent possible individuals with severe disabilities are and will be employed by the organization.

These funds are to provide case services to individuals with severe disabilities who do not qualify for the Vocational Rehabilitation Services Program of the Texas Rehabilitation Commission. Client eligibility will be determined by the TRC. A plan of services will be developed by TRC in consultation with the grant agency.

General Information. Application packets will be available July 3, 1990. Completed proposals must be received by or postmarked and mailed first class to: Sarah D. Bolz, Program Specialist, the Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Austin, Texas 78751 no later than 5 p.m. on August 28, 1990.

Funding Period. The funding period will begin on October 1, 1990, and all funds must be expended by September 30, 1991.

Grant Award and Requirements. Determination of funding for independent living services will be based on the accepted application(s) and may be subject to reduction if budgeting limitations exist. The applicant whose application is accepted for funding, hereinafter referred to as provider, will be notified no later than September 15, 1990. The grant to the selected provider will include, but is not limited to, the following: provider workplan; evaluation/monitoring processes to be performed by both parties; provider reporting requirements; payment/reimbursement schedule; compliance with applicable laws and regulations; procedures for maintenance of financial records and program files; auditing procedures; insurance liability/bonding requirements, if applicable; and termination process.

Qualifications of Applicant. Potential providers must ensure that they have the capability, facilities, and all special resources readily available within the selected geographic area to meet and to satisfactorily perform the services identified in their proposal. The TRC will have proprietary rights to all files generated. The potential provider must have submitted: documentation of ability to perform the work specified; documentation of ability to provide acceptable accounting and financial reporting systems; evaluation mechanisms to measure quality of services provided; and assurances that confidentiality of client information is protected.

Application Procedure. More detailed information on the application, the review process, and the appeals process may be obtained from Sarah D. Bolz, Program Specialist, Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4117.

Review of Applications. The commission reserves the right to accept or reject any or all applications submitted. The commission is under no legal obligation to award a resulting grant on the basis of this advertisement. This

request does not commit the commission to pay any costs incurred prior to the award of a grant. Each application will be evaluated according to selection criteria which will be included in the application packet.

Results of Application Review. The application selection results may be obtained after September 30, 1990, by sending a written request and a stamped self-addressed envelope to: Texas Rehabilitation Commission, Programs, 4900 North Lamar Boulevard, Austin, Texas 78751.

Issued in Austin, Texas, on June 21, 1990.

TRD-9006442 Charles W. Schiesser
Assistant Deputy Commissioner
Texas Rehabilitation Commission

Filed: June 22, 1990

For further information, please call: (512) 483-4117

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The University of Texas System
Consulting Services Request for Proposal

The University of Texas System Administration, in accordance with the provisions of Texas Civil Statutes, Article 6252-11c, solicits to contract with a consultant to provide managerial and technological assistance in the development of various phases of a management information system.

Project Description. The consultant selected shall provide the University of Texas System Administration with managerial and technological expertise in development of the technical foundation for the management information system encompassing the creation of a common systemwide database. The technical foundation will provide the basis for management reports desired by the Board of Regents in its decision making process. A summary of the tasks to be provided by this study include: identification and development of data element definitions and standards for each element to be included in the central database; design, coding and testing of upload programs to populate the central database; development of network and database security procedures; and implement and document procedures for on-going submission of management information data by the 15 U.T. System components.

This contract will be for a nine month period provided the contractor fulfills all contract requirements and provides the quality of work desired. Any extension of time or additional work rests at the option of the University.

Contact. Information concerning the proposal may be obtained from R. D. Buck, Vice Chancellor for Business Affairs, The University of Texas System, 201 West Seventh Street, Austin, Texas 78701, (512) 499-4560.

Procedure For Selection of Consultant. The requested study is a continuation of the management information system implementation for the Office of Management Information Systems, The University of Texas System Administration, by Andersen Consulting. The U.T. System intends to continue to use the services of Andersen Consulting for the study unless a better offer is received from a contractor possessing the necessary qualifications and experience to provide the requested services in a timely manner.

Proposals will be evaluated by U.T. System Administration, and selection will be based on experience, availability, and cost considerations. The entity selected must be familiar with higher education administration, state and federal laws, regulations, and reporting requirements. A resume fully describing the entity and the

principals directing the study must accompany any such proposal.

Due Date. Proposals must be received by the Vice Chancellor for Business Affairs by 5 p.m., July 24, 1990.

Issued in Austin, Texas, on June 26, 1990.

TRD-9006501 Arthur H. Dilly
Executive Secretary to the Board
The University of Texas System

Filed: June 26, 1990

For further information, please call: (512) 499-4402

◆ ◆ ◆
Texas Water Commission
Enforcement Order

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Mack McConnell doing business as Allied Radiator Service-North Beckley Site, SWR Number 39166, on June 15, 1990, assessing \$88,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Stephen C. Dickman, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on June 25, 1990.

TRD-9006480 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: June 25, 1990

For further information, please call: (512) 463-8069

◆ ◆ ◆
Meeting Notice

A meeting of the Scientific/Technical Advisory Committee of the Galveston Bay National Estuary Program is scheduled for: Thursday, July 5, 1990, 10 a.m., Forest Room-Bayou Building, University of Houston-Clear Lake, 2700 Bay Area Boulevard, Houston.

The STAC will review proposals for technical studies for the Characterization Phase of the Management Conference. STAC will forward recommendation to the Management Committee for selection. STAC will also review and approve work scopes for ongoing projects in Fiscal Year 1991.

Issued in Houston, Texas, on June 25, 1990.

TRD-9006500 Frank S. Shipley, Ph.D.
Program Manager
Galveston Bay National Estuary Program

Filed: June 26, 1990

For further information, please call: (713) 283-3950

◆ ◆ ◆
Notice of Application For Waste
Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of June 18-June 22, 1990.

Closing Date. The closing date for receipt of proposals is August 17, 1990, at 5 p.m.

Issued in Austin, Texas, on June 25, 1990.

TRD-9006507

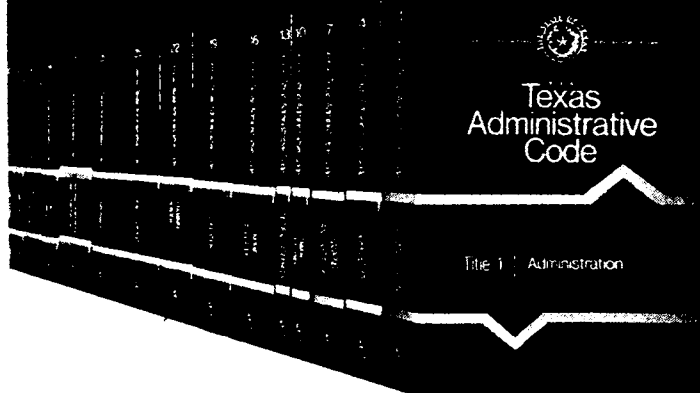
Ron Jackson
Executive Director
Texas Youth Commission

Filed: June 26, 1990

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



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