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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Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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—minutes 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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Typographers
Hermine Roberts
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Circulation/Marketing
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TAC Editor
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Name: Brandon Henderson
Grade: 7
School: Vernon Intermediate, Vernon

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Name: Robert Chawaliszewski
Grade: 12
School: West Orange-Stark High, West Orange-Cove

The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in Chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1814.

Appointments Made October 4, 1989

To be a member of the Texas State Library and Archives Commission for a term to expire September 28, 1995: James H. Banks, 4305 Tallowood Drive, Austin, Texas 78731. Mr. Banks will be replacing Franklin Glass of Houston, whose term expired.

To be Judge of the 364th Judicial District Court, Lubbock County until the next general election and until his successor shall be duly elected and qualified: Bradley Steven Underwood, 5303 86th Street, Lubbock, Texas 79424. Judge Underwood is being appointed to a new position pursuant to Senate Bill 1379, 71st Legislature, Regular Session.

Appointment Made October 5, 1989

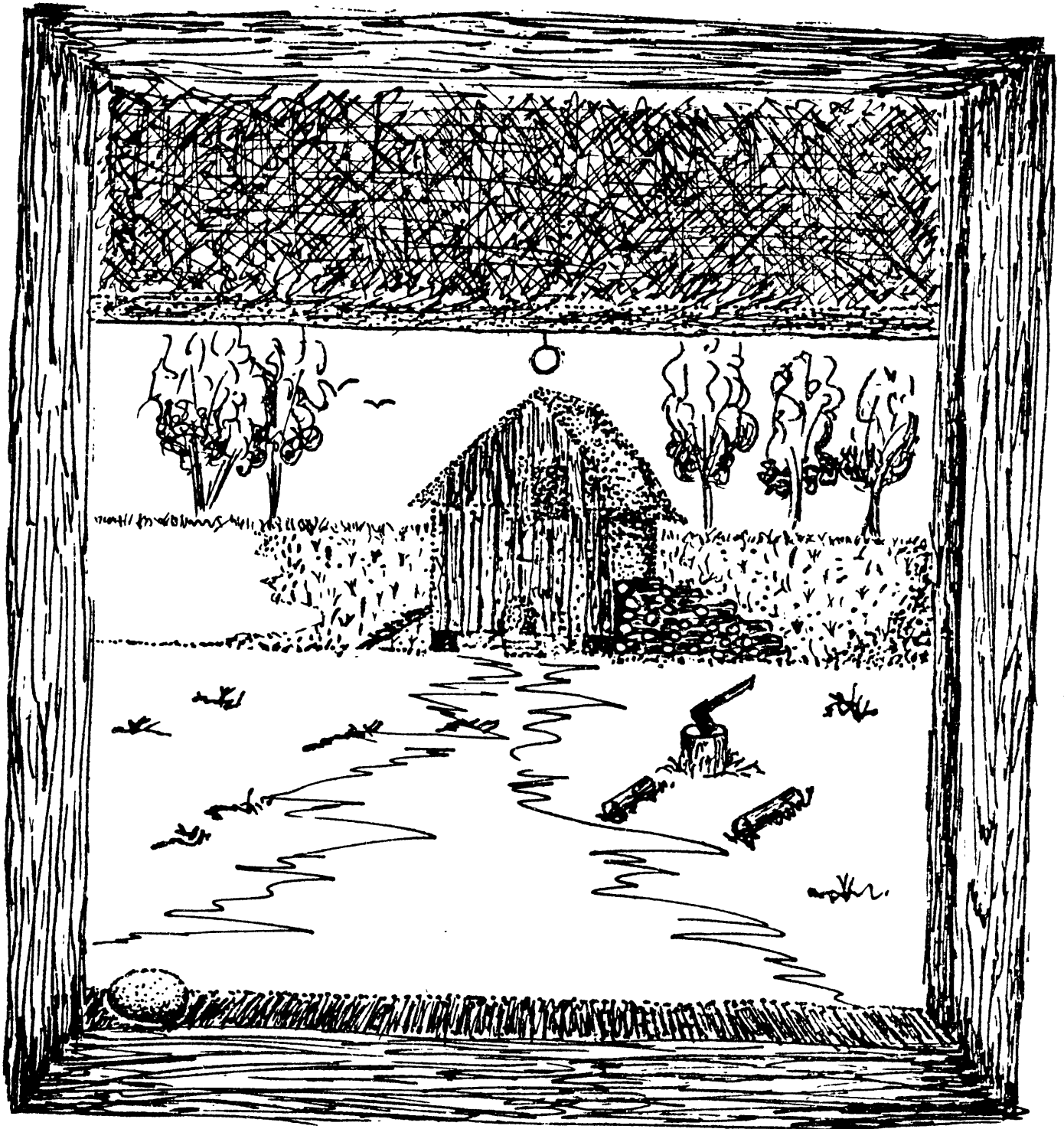
To be Judge of the 162nd Judicial District Court, Dallas County until the next general election and until his successor shall be duly elected and qualified: Bill Rhea, 4504 Versailles, Dallas, Texas 75205. Mr. Rhea will be replacing Catherine Crier of Dallas, who resigned.

Issued in Austin, Texas, October 9, 1989.

TRD-8909521

William P. Clements, Jr.
Governor of Texas

◆ ◆ ◆



Name: Tamara Johnson

Grade: 12

School: West Orange-Stark High, West Orange-Cove

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 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules

Customer Service and Protection

• 16 TAC §23.56

The Public Utility Commission of Texas proposes new §23.56, concerning the statewide telecommunications dual-party relay service for the hearing-impaired and speech-impaired. The new section defines terms commonly used in provision of this service, describes the composition and role of the Advisory Committee; lists the components, scope, and method of determining rates of the dual-party relay service; describes the process and deadlines by which the commission will select a carrier to provide the service; provides for the compensation of the carrier through the universal service fund; describes the method of assessment that will be used to recover costs from local exchange carriers and other telecommunications utilities; provides for recovery of such assessment by telecommunications utilities through imposition of a surcharge on customers; bills in an amount and method approved by the commission; specifies that the relay service carrier must be located in Texas; and requires local exchange carriers to loan telecommunications devices for the deaf and other adaptive equipment to eligible customers.

Elaine Powell, telecommunications policy analyst, has determined that for the first five-year period the proposed section is in effect, the Public Utility Commission will be required to spend approximately \$50,000 annually to administer the provisions of the section. Otherwise, there will be no fiscal implications for state or local government as a result of enforcing or administering the section. The Texas Employment Commission has reviewed the proposed section for impact on the Texas economy and foresees no significant impact at this time.

Ms. Powell also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the enhancement to universal service in the Texas telecommunications network, and the increase in productivity of employees who use the dual-party relay service.

There will be no effect on small businesses as a result of enforcing the section. The anticipated

cost to individuals who use the dual-party relay service will depend in large part on individual usage of long distance telephone service. For long distance calls, the calling or the called party shall bear one-half of the total charges established by the Commission's contract with the relay service carrier. The anticipated cost to all users of the telephone network will depend on whether the costs have been passed through in the form of the universal service fund surcharge by the local exchange carrier and other telecommunications utilities from which they receive service. The amount of any such surcharge is not expected to be substantial, and is likely to be in the range of a few cents per month per telephone line.

Comments may be submitted to Mary Ross McDonald, Secretary of the Commission, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, within 30 days after publication. The commission particularly invites comment on the methodology for commission approval of the imposition by a utility of the universal service fund surcharge.

The new section is proposed under Texas Civil Statutes, Article 1446c, §96A, which authorize the commission to adopt and enforce rules establishing a statewide telecommunications dual-party relay service.

§23.56. Statewide Dual-Party Relay Service.

(a) Purpose. The provisions of this section are intended to establish a statewide telecommunications dual-party relay access service for the hearing-impaired and speech-impaired using special communications equipment such as telecommunications devices for the deaf (TDD), computers, and operator translations. The service shall be provided on a statewide basis by one telecommunications carrier. However, certain aspects of the operation of the dual-party relay service are applicable to local exchange carriers and other telecommunications utilities, as those terms are defined by §23.61(a)(17) and (34) of this title (relating to Telephone Utilities).

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

(1) Dual-party relay service—A service using oral and print translations by either live or automated means between hearing- or speech-impaired individuals who use TDD equipment, computers, or

similar automated devices, and others who do not have such equipment.

(2) TDD—Telecommunications device for the deaf.

(3) Relay service carrier—The telecommunications carrier selected by the commission to provide the dual-party relay service.

(4) Hearing carryover—A technology that allows a person who is speech-impaired to listen to the other party in a telephone conversation, but to send communications via a TDD or other automated equipment through the dual-party relay operator.

(5) Voice carryover—A technology that allows a person who is hearing-impaired to speak directly to a non-TDD user, rather than typing into the TDD, but to receive return communications via the TDD through the dual-party relay operator.

(c) Advisory committee. The commission shall appoint an advisory committee to assist the commission in administering the provisions of Texas Civil Statutes, Article 1446c, §96A. The term of office of each member of the Advisory Committee shall be two years. A member whose term has expired shall continue to serve until a qualified replacement is appointed. The members of the Advisory Committee shall serve without compensation but shall be entitled to reimbursement at rates established for state employees for travel and per diem incurred in the performance of their official duties. The commission shall reimburse members of the Advisory Committee in accordance with the applicable regulations and shall provide clerical and staff support to the Advisory Committee, including a secretary to record the committee meetings.

(1) Composition. The commission shall appoint Advisory Committee members based on recommended lists of candidates submitted by the organizations named as follows. The Advisory Committee shall be composed of:

(A) two deaf persons recommended by the Texas Association of the Deaf;

(B) one hearing-impaired person recommended by Self-Help for the Hard of Hearing;

(C) one hearing-impaired person recommended by the American Association of Retired Persons;

(D) one deaf and blind person recommended by the Texas Deaf/Blind Association;

(E) one speech-impaired person and one speech-impaired and hearing-impaired person recommended by the Coalition of Texans with Disabilities;

(F) two representatives of telecommunications utilities, one representing a local exchange carrier and one representing a telecommunications carrier other than a local exchange carrier, chosen from a list of candidates provided by the Texas Telephone Association;

(G) two persons, at least one of whom is deaf, with experience in providing relay services, recommended by the Texas Commission for the Deaf; and

(H) two public members recommended by organizations representing consumers of telecommunications services.

(2) Role of the Advisory Committee. The Advisory Committee shall monitor the establishment, administration, and promotion of the dual-party relay service and advise the commission in pursuing a service that meets the needs of the hearing-impaired and speech-impaired in communicating with other users of telecommunications services.

(d) Dual-party relay service. The dual-party relay service shall provide the hearing-impaired and speech-impaired with access to the telecommunications network in Texas equal to that provided other customers.

(1) Implementation date. The dual-party relay service shall begin on or before September 1, 1990.

(2) Components of the dual-party relay service. The dual-party relay service shall consist of the following:

(A) switching and transmission of the call;

(B) oral and print translations by either live or automated means between hearing-impaired and speech-impaired individuals who use TDD equipment, computers, or similar automated devices and others who do not have such equipment;

(C) sufficient operators and facilities to meet any grade and quality of

service standards established by the commission for the dual-party relay service. The commission shall establish such grade and quality of service standards within 18 months of the initiation of the service;

(D) an ability to quickly connect the calling party to the 911 or other emergency service provider serving the calling party and to provide all available information necessary to identify and locate the calling party;

(E) capability of providing sufficient information to allow calls to be accurately billed;

(F) operators who must be subject to a code of ethics regarding confidentiality of the calls made over the dual-party relay service, and must be trained to relay the contents of the call as accurately as possible but without intervening in the communications;

(G) operators who must receive training in sensitivity to the deaf, deaf culture, and speech impairment;

(H) the relay service carrier which must indicate how callers using a foreign-language, including American Sign Language, will be served;

(I) capability of providing for technologies such as hearing carryover or voice carryover;

(J) capability for callers to be able to place calls through the dual-party relay service from locations other than their primary location and utilize alternate billing arrangements; and

(K) other service enhancements proposed by the relay service carrier and approved by the Commission.

(3) Scope of the dual-party relay service. The dual-party relay service should not duplicate any interstate relay services. However, the dual-party relay service should be capable of accommodating any interstate relay service that may be authorized and funded through federal jurisdiction or may be offered as a service enhancement by the carrier.

(4) Rates and charges. The following rates and charges shall apply to the dual-party relay service.

(A) Local calls. The calling or called party shall bear no charges, other than those established for basic local calling from the originating station, for calls originating and terminating within the same local calling area.

(B) Intrastate long distance calls. The rates for intrastate interexchange service provided to users of the dual-party relay service shall be set by contract between the commission and the relay service carrier. The calling or the called party shall bear one-half of the total charges established by this contract.

(C) Access charges. Local exchange carriers shall not impose access charges on calls that make use of this service and which originate and terminate within the same local calling area.

(D) Billing and collection services. Upon request by the relay service carrier, local exchange carriers shall provide billing and collection services in support of this service at just and reasonable rates.

(e) Selection of the relay service carrier. On or before April 1, 1990, the commission shall select a carrier to provide the relay access service. In awarding the contract for this service, the commission shall make a written award of the contract to the offerer whose proposal is the most advantageous to the state, considering price, the interests of the hearing-impaired and speech-impaired in having access to a high quality and technologically-advanced telecommunications system, and all other factors listed in the commission's request for proposals. The commission shall consider each proposal in a manner that does not disclose the contents of the proposal to competing offerers. The commission's evaluation of the proposals shall include:

- (1) charges for the service;
- (2) service enhancements proposed by the offerers;
- (3) technological sophistication of the network proposed by the offerers; and
- (4) the proposed commencement date for the service.

(f) Compensation of the relay service carrier. The relay service carrier shall be compensated for providing the dual-party relay service at the rates, terms, and conditions established in its contract with the commission.

(g) Recovery of costs through the universal service fund.

(1) The relay service carrier will be reimbursed from the universal service fund for the costs of the service that are not paid by the calling or the called party. These costs may include a return on the investment required to provide the service and the cost of unbillable and uncollectible calls placed through the service, provided that the cost of unbillable and uncollectible calls shall be subject to a reasonable limitation as determined by the commission,

based on recommendations made by commission staff after reviewing such costs that are submitted for reimbursement.

(2) The commission's costs associated with the Advisory Committee and with implementing the relevant provisions of the Public Utility Regulatory Act will be reimbursed from the universal service fund.

(h) Universal service fund assessment.

(1) Division of assessment between local exchange carriers (LECs) and other telecommunications utilities. For the purpose of funding the start-up costs of the relay access service and for the first year of the service, the commission shall require that 55% of the funds shall come from local exchange carriers and that 45% of the funds shall come from all other telecommunications utilities. At the end of the first year of the service, the commission shall set the appropriate assessments for the funding of the service by all telecommunications utilities. In setting the appropriate assessments after the first year for funding of the service, the commission shall consider the aggregate calling pattern of the users of the service and all other factors found appropriate and in the public interest by the commission. The commission shall review the assessments annually and adjust the assessments as found appropriate hereunder.

(2) Division of LEC assessment among LECs. Assessments to each LEC shall be made by the administrator of the universal service fund, as defined by §23.53(c)(1)(A) of this title (relating to Universal Service Fund) based on an LEC's share of the total number of basic local service access lines as of December 31 of the previous year.

(3) Division of other telecommunications utilities assessment among other telecommunications utilities. Assessments to each other telecommunications utility shall be made by the administrator on the same basis as the universal service fund assessments described in §23.53 of this title (relating to Universal Service Fund).

(i) Recovery of the universal service fund assessment. The administrator shall separately identify for each telecommunications utility its assessment related to the relay access service. Telecommunications utilities may recover their universal service fund assessment related to the relay access service through a surcharge that the utility may add to its customers, bills. If a utility chooses to impose the surcharge, the amount and method of imposition of such surcharge shall be approved by the commission. If a utility chooses to impose the surcharge, the bill shall list the surcharge as the universal service fund surcharge.

(j) Trial relay services. To enable the commission to gather appropriate cost data on similar relay services, any local exchange carrier ordered to provide for a

trial telecommunications relay access service shall make available to the general public all pertinent costs and design information regarding that relay access service.

(k) Location of the relay service center(s). The relay service carrier must locate the relay center(s) in Texas.

(l) Reports. The relay service carrier, local exchange carriers, and other telecommunications utilities shall make such reports as required by the commission.

(m) Cooperation. Local exchange carriers and other telecommunications utilities are required to cooperate with the relay service carrier to the extent required to implement the relay access service.

(n) TDD distribution. Local exchange carriers must provide TDDs and other adaptive equipment for use by hearing- or speech-impaired customers within the framework of basic service at no additional charge to such customer. To be eligible to receive such equipment, the customer must submit evidence from a physician demonstrating a hearing- or speech-impairment such that the customer must use the dual-party relay service to communicate by telephone.

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

Issued in Austin, Texas on October 10, 1989.

TRD-8909592

Mary Rose McDonald
Secretary of the
Commission
Public Utility Commission
of Texas

Earliest possible date of adoption: November 17, 1989

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

TITLE 22. EXAMINING BOARDS

Part XII. Board of Vocational Nurse Examiners

Chapter 231. Administration

Disciplinary Action

• 22 TAC §231.96 and §231.98

The Board of Vocational Nurse Examiners proposes amendments to §231.96, concerning time for reinstatement of license; and §231.98, concerning appearance before the board. The amendment to §231.96 will specify at what time a licensee can apply for reinstatement and what must be submitted to request a reinstatement hearing. The amendment to §231.98 specifies the process for reinstatement of a license and the requirements for proof of fitness to practice which are subject to the board's review.

Marjorie A. Bronk, executive director, has de-

termined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mrs. Bronk also has determined that for each year of the first five years the sections are in effect, there is no public benefit anticipated as a result of enforcing the sections. There is additional economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposals may be submitted to Marjorie A. Bronk, Executive Director, Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758 (512) 835-2071.

The amendments are proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

§231.96. [Time for] Application for Reinstatement of License.

(a) At the expiration of one year from the date of revocation or suspension, or upon the conclusion of any specified period of suspension, the board may consider a request for reinstatement by the former licensee ("applicant").

(b) The request for reinstatement must be submitted to the board office in writing and should include a short and plain statement of the reasons why the applicant believes the license should be reinstated. [One year, or at expiration of length of suspension or revocation of a license, as set by the board, the applicant may apply, on forms provided by the board, to have the revocation or suspension order withdrawn, reversed, modified, or amended.]

§231.98. Procedure Upon Request for Reinstatement. [Appearance Before the Board. The applicant for reinstatement of a revoked or suspended license must appear before the board].

(a) An applicant for reinstatement of a revoked or suspended license must personally appear before the board at a scheduled date and time to show why the license should be reinstated.

(b) The applicant has the burden of proof to show present fitness and/or rehabilitation to practice vocational nursing.

(c) Where the applicant's license has been revoked, suspended, or voluntarily surrendered based on a finding, admission, or allegation that the applicant was unfit to practice vocational nursing by reason of intemperate use of alcohol or drugs, misappropriation of controlled substances, an adjudication of mental incompetence, or the existence of any men-

tal disorder, the applicant must cause a licensed psychiatrist or psychologist to submit, directly to the board office, a current psychiatric or psychological evaluation. Such evaluation shall include the results of psychological tests and evaluations, a diagnostic impression, and brief summary.

(d) Upon receipt of a written request for reinstatement as required by §231.96(b), of this title (relating to Application for Reinstatement of License) and all information required by subsection (c) of this section, the applicant will be notified of a date and time for an appearance before the board.

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

Issued in Austin, Texas, on October 9, 1989.

TRD-8909588 Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: November 17, 1989

For further information, please call: (512) 835-2071

Chapter 235. Licensing

Issuance of Licenses

• 22 TAC §235.42

The Board of Vocational Nurse Examiners propose an amendment to §235.42, concerning license. The section is being amended to strengthen the policy on copying of vocational nurse licenses. Adoption of this section will assist in protecting licenses from theft and/or misuse.

Marjorie A. Bronk, 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.

Mrs. Bronk 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 individuals must present original licenses, thereby reducing the number of persons posing as LVNs by using copies of licenses. 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 Marjorie A. Bronk, Executive Director, Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758 (512) 835-2071.

The amendment is proposed under Texas Civil Statutes, Article 4529c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern

its procedures and to carry in effect the purposes of the law.

§235.42. License.

(a) The license issued by the board in compliance with the provisions of the Act and board rules shall be uniform in all cases.

(b) Licenses are not to be copied by employers or copies made and kept in personnel files.

(c) Licenses may be copied only under the following circumstances:

(1) state to state licensure endorsement process;

(2) investigative processes involving a license;

(3) any exception deemed appropriate by the executive director acting as an agent for the board.

(d) Verification by schools or employers may be made by presenting name, license number, and/or social security number to the board office. Status of the license and expiration date will be confirmed.

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

Issued in Austin, Texas on October 9, 1989.

TRD-8909589 Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption: November 17, 1989

For further information, please call: (512) 835-2071

Part XXII. Texas State Board of Public Accountancy

Chapter 511. Certification as CPA

Certification

• 22 TAC §511.167

The Texas State Board of Public Accountancy proposes new §511.167, concerning revocation or relinquishment of a certificate or registration. The new section sets out the process and effect of voluntary revocation or relinquishment of a certificate or registration. In addition, this section sets out the grounds for revocation of a license following notice and hearing.

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

Mr. Bradley also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to conform with recent amendments to the Act. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Cynthia Hairgrove, Attorney, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The new section is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules concerning revocation or relinquishment of a certificate or registration.

§511.167. Revoking or Relinquishing a Certificate or Registration.

(a) Any individual holding a certificate or registration issued by the board may, at any time and for any reason, subject to the approval of the board, relinquish that certificate or registration to the board. An individual relinquishing the certificate or registration may not apply for reinstatement, but may apply for the issuance of a new certificate upon completion of all requirements for the issuance of such certificate. If an individual relinquishes the certificate or registration during the course of a disciplinary investigation or proceeding conducted by the board, this fact shall be disclosed in any later application for a new certificate, and shall be considered before the issuance of a new certificate.

(b) The board may revoke the certificate or registration issued by the board after notice and hearing as provided in the Act, §21, for any of the following causes:

(1) fraud or deceit in obtaining a certificate as certified public accountant or in obtaining a registration under this or any prior acts or in obtaining a license to practice public accountancy under this Act;

(2) dishonesty, fraud, or gross negligence in the practice of public accountancy;

(3) violation of any of the provisions of the Act, §8 or §20A as they may apply to a person certified or registered by the board;

(4) violation of the rules of professional conduct promulgated by the board under the authority granted by the law;

(5) final conviction of a felony or imposition of deferred adjudication in connection with a criminal prosecution of a felony under the laws of any state or of the United States;

(6) final conviction of a felony or imposition of deferred adjudication in connection with a criminal prosecution, an element of which is dishonesty or fraud, under the laws of any state or of the United States;

(7) cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant or public accountant by any other state for any cause other than failing to pay an annual registration fee in such other state;

(8) suspension or revocation of or a voluntary consent decree concerning the right to practice before any state or federal agency for a cause which in the opinion of the board warrants its action;

(9) failure of a certificate holder or registrant to obtain an annual license under the Act, §9, within either:

(A) three years from the expiration date of the license to practice, last obtained, or renewed by the certificate holder or registrant; or

(B) three years from the date upon which the certificate holder or registrant was granted the certificate or registration, if no license was ever issued.

(10) conduct indicating a lack of fitness to serve the public as a certified public accountant.

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

Issued in Austin, Texas, on September 29, 1989.

TRD-8909534
Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: November 17, 1989

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

◆ ◆ ◆
• 22 TAC §511.169

The Texas State Board of Public Accountancy proposes new §511.169, concerning reinstatement of a registration. The new section lists the requirements which must be satisfied prior to application for reinstatement of a registration.

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

Mr. Bradley also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to conform with recent amendments to the Act. There will be no effect on small businesses as result of enforcing the section. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Cynthia Hairgrove, Attorney, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The new section is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules concerning reinstatement of registration.

§511.169. Reinstatement of a Registration.

(a) An individual seeking reinstatement of a registration as a public accountant must, unless otherwise provided by board order, show satisfactory evidence of completion of a minimum of 120 hours of qualifying continuing professional education courses within the three most current reporting periods.

(b) An individual relinquishing the registration may not apply for reinstatement, but may apply for the issuance of a new registration upon completion of all requirements for the issuance of such registration.

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

Issued in Austin, Texas, on September 29, 1989.

TRD-8909533
Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: November 17, 1989

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

◆ ◆ ◆
Chapter 519. Practice and Procedure

Practice and Procedure

• 22 TAC §519.23

The Texas State Board of Public Accountancy proposes an amendment to §519.23, concerning the record to be made in a disciplinary action. The amendment requires all records pertaining to direct administrative costs to be made a part of the record.

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

Mr. Bradley also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to conform with recent amendments to the Act. 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 Cynthia Hairgrove, Attorney, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendment is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding hearings in disciplinary actions.

lency with the authority to promulgate rules regarding hearings in disciplinary actions.

§519.23. The Record. The record in any case shall include:

(1) all pleadings, motions, and intermediate rulings;

(2) evidence received or considered;

(3) the statement of matters officially noticed;

(4) questions and offers of proof, objections, and rulings on them;

(5) any decision, opinion, objections, and rulings on them;

(6) all staff memoranda or data submitted to or considered by the board in making a decision;

(7) all staff records pertaining to direct administrative costs incurred.

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

Issued in Austin, Texas on September 29, 1989.

TRD-8909532
Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: November 17, 1989

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

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TITLE 37. PUBLIC SAFETY AND CORRECTION

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

Chapter 211. Administrative Division

Substantive Rules

• 37 TAC §211.1

The Texas Commission on Law Enforcement Officer Standards and Education proposes an amendment to §211.1, concerning definitions. Section 211.1 will be amended by adding a definition for jail personnel.

Johanna McCully-Bonner, general counsel, 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 section.

Ms. McCully-Bonner 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 a set of

minimum employment standards for county jail personnel other than county jailers. 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 Johanna McCully-Bonner, General Counsel, Texas Commission on Law Enforcement Officer Standards and Education, 1606 Headway Circle, Suite 100, Austin, Texas 78754.

The amendment is proposed under the Texas Government Code, 415.010 and 415.0541, which provides the Texas Commission on Law Enforcement Officer Standards and Education with the authority to pass rules for the administration of Chapter 415, and establishes minimum standards for other county jail personnel.

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

Jail personnel—All jail personnel other than jailers as defined in this section.

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

Issued in Austin, Texas on October 9, 1989.

TRD-8909553

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

Proposed date of adoption: February 1, 1990

For further information, please call: (512) 834-9222

◆ ◆ ◆
• 37 TAC §211.109

The Texas Commission on Law Enforcement Officer Standards and Education proposes new §211.109, concerning minimum jail standards for jail personnel. The new section as proposed will establish a set of minimum employment standards for jail personnel who work in county jails and contract county jails.

Johanna McCully-Bonner, general counsel, has determined that for the first five-year period the proposed 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. McCully-Bonner 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 a set of minimum employment standards for county jail personnel other than county jailers. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Johanna McCully-Bonner, General Counsel, Texas Commission on Law Enforcement Officer Standards and Education, 1606 Head-

way Circle, Suite 100, Austin, Texas 78754.

The new section is proposed under the Texas Government Code, 415.010 and 415.0541, which provides the Texas Commission on Law Enforcement Officer Standards and Education with the authority to pass rules for the administration of Chapter 415, and establishes minimum standards for other county jail personnel.

§211.109. Minimum Standards For Jail Personnel.

(a) Individuals who are employed in county jails or county detention facilities which are operated under the provisions of a contract pursuant to the Government Code, Chapter 351, and who are not county jailers, but who in their employment exercise custodial care and control over inmates must meet the following minimum standards for employment:

- (1) be 18 years of age;
- (2) be fingerprinted and be subjected to a search of local, state, and national records and fingerprint files to disclose any criminal record;
- (3) have completed the commissions prelicensing county jailer course;
- (4) not be on probation for any criminal offense above the grade of Class C misdemeanor;
- (5) not have been convicted of a Class A misdemeanor offense within 12 months of employment;
- (6) not have been convicted of a Class B misdemeanor within six months of employment;
- (7) not have been convicted of the offense of driving while intoxicated or driving under the influence of drugs within 24 months of employment;
- (8) not have been convicted of a felony offense that directly relates to the duties and responsibilities associated with the individual's employment;
- (9) be of good moral character;
- (10) be subjected to a thorough, comprehensive background investigation by the employing entity;
- (11) meet one of the following minimum educational requirements:
 - (A) be a high school graduate;
 - (B) have passed a general educational development (GED) test indicating high school graduation level; or
 - (C) have 12 semester hours credit from an accredited college or university;
- (12) be examined by a licensed physician and be declared in writing within

180 days of employment both:

(A) to be physically sound and free from any defect which may adversely affect the performance of duty; and

(B) to show no trace of drug dependency or illegal drug use based upon the results of a physical examination, blood test, or other medical test;

(13) be examined by a licensed psychologist, psychiatrist, or a registered professional and be declared in writing within 180 days of employment by that professional to be in satisfactory psychological and emotional health;

(14) be interviewed personally by the hiring entity prior to being hired;

(15) not have been discharged from any military service under less than honorable conditions including, specifically:

(A) under other than honorable conditions;

(B) bad conduct;

(C) dishonorable; or

(D) any other characterization of service indicating bad character.

(b) Individuals who are employed in county jails or county detention centers as described in subsection (a) of this section, but who in their employment do not exercise custodial care and control over inmates, must meet the following requirements as set out in subsection (a) of this section:

(1) be 18 years of age;

(2) not be on probation for any criminal offense above the grade of Class C misdemeanor;

(3) not have been convicted of a Class A misdemeanor offense within 12 months of employment;

(4) not have been convicted of a Class B misdemeanor within six months of employment;

(5) not have been convicted of the offense of driving while intoxicated or driving under the influence of drugs within 24 months of employment;

(6) not have been convicted of a felony offense that offense directly relates to the duties and responsibilities associated with the individual's employment;

(7) be of good moral character;

(8) meet one of the following minimum educational requirements:

(A) be a high school graduate;

(B) have passed a general educational development (GED) test indicating high school graduation level; or

(C) have 12 semester hours credit from an accredited college or university;

(9) be examined by a licensed physician and be declared in writing within 180 days of employment both:

(A) to be physically sound and free from any defect which may adversely affect the performance of duty; and

(B) to show no trace of drug dependency or illegal drug use based upon the results of a physical examination, blood test, or other medical test;

(10) be examined by a licensed psychologist, psychiatrist, or a registered professional and be declared in writing within 180 days of employment by that professional to be in satisfactory psychological and emotional health.

(c) The effective date of this section is February 1, 1990.

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

Issued in Austin, Texas on October 9, 1989.

TRD-8909552

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

Proposed date of adoption: February 1, 1990

For further information, please call: (512) 834-9222



Name: Bettie Callum

Grade: 12

School: West Orange-Stark High, West Orange-Cove

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 within 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 19. EDUCATION Part I. Texas Higher Education Coordinating Board

Chapter 25. Administrative Council

Subchapter B. Administration of the Texas State College and University Employees Uniform Insurance Benefits Program

- 19 TAC §25.33

The Texas Higher Education Coordinating Board has withdrawn from consideration for permanent adoption a proposed amendment which appeared in the July 26, 1989, issue of the *Texas Register* (14 TexReg 3563). The effective date of this withdrawal is October 9, 1989.

Issued in Austin, Texas, on October 9, 1989

TRD-8909513

Kathy Lewis
Director, Higher Education
Insurance Program
Texas Higher Education
Coordinating Board

Effective date: October 9, 1989

For further information, please call: (512)
462-6420

TITLE 28. INSURANCE Part I. State Board of Insurance

Chapter 21. Trade Practices

Subchapter B. Insurance Advertising, and Certain Trade Practices and Solicitation

- 28 TAC §21.104

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §21.104, submitted by the State Board of Insurance has been automatically withdrawn, effective October 10, 1989. The amendment as proposed appeared in the April 7, 1989, issue of the *Texas Register* (14 TexReg 1722).

TRD-8909573

Subchapter H. Unfair Discrimination

- 28 TAC §21.702

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §21.702, submitted by the State Board of Insurance has been automatically withdrawn, effective October 10, 1989. The amendment as proposed appeared in the April 7, 1989, issue of the *Texas Register* (14 TexReg 1722).

TRD-8909574

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 297. Water Rights, Substantive

Subchapter A. Definitions

- 31 TAC §297.1

The Texas Water Commission has withdrawn from consideration for permanent adoption a proposed amendment which appeared in the April 7, 1989, issue of the *Texas Register* (14 TexReg 1724). The effective date of this withdrawal is October 9, 1989.

Issued in Austin, Texas, on October 9, 1989

TRD-8909520

Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: October 9, 1989

For further information, please call: (512)
463-8087

Subchapter E. Issuance and Conditions of Water Permit or Certificate of Adjudication

- 31 TAC §297.45

The Texas Water Commission has withdrawn from consideration for permanent adoption a proposed amendment which appeared in the April 7, 1989, issue of the *Texas Register* (14 TexReg 1724). The effective date of this withdrawal is October 9, 1989.

Issued in Austin, Texas, on October 9, 1989

TRD-8909530

Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: October 9, 1989

For further information, please call: (512)
463-8087

Chapter 305. Consolidated Permits

Subchapter C. Application for Permit

- 31 TAC §305.48

The Texas Water Commission has withdrawn from consideration for permanent adoption a proposed amendment which appeared in the April 7, 1989, issue of the *Texas Register* (14 TexReg 1724). The effective date of this withdrawal is October 9, 1989.

Issued in Austin, Texas, on October 9, 1989

TRD-8909529

Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: October 9, 1989

For further information, please call: (512)
463-8087

Chapter 310. Use of Reclaimed Water

Subchapter A. Use of Reclaimed Water

- 31 TAC §§310.1-310.17

The Texas Water Commission has withdrawn from consideration for permanent adoption a proposed new section which appeared in the April 7, 1989, issue of the *Texas Register* (14 TexReg 1725). The effective date of this withdrawal is October 9, 1989.

Issued in Austin, Texas, on October 9, 1989

TRD-8909527

Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: October 9, 1989

For further information, please call: (512)
463-8087

TITLE 34. PUBLIC FINANCE

I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter O. State Sales and Use Tax

• 34 TAC §3.329

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the new §3.329, submitted by the Comptroller of Public Accounts has been automatically withdrawn, effective October 10, 1989. The new §3.329 as proposed appeared in the April 7, 1989, issue of the *Texas Register* (14 *TexReg* 1738).

TRD-800872

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.

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 I. Texas Higher Education Coordinating Board

Chapter 25. Administrative Council

Subchapter A. General Provisions

• 19 TAC §25.2, §25.3

The Texas Higher Education Coordinating Board adopts amendments to §25.2 and §25.3, without changes to the proposed text as published in the August 25, 1989, issue of the *Texas Register* (14 TexReg 4275).

The amendments will incorporate into the rules and regulations provisions of Senate Bill 457, 71st Legislature, Regular Session, relating to administration of the higher education insurance program.

The amendments will provide for additional expertise and capabilities available on the Administrative Council to conduct its increasingly complex duties and to provide a balance of interests between employees, higher education institutions and experts in the insurance field.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Insurance Code, Article 3.50-3, which provides the Administrative Council with the authority to adopt rules and regulations consistent with the provisions of the Act to carry out its statutory responsibilities.

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

Issued in Austin, Texas on October 6, 1989.

TRD-8909515
Kathy Lewis
Director, Higher Education
Insurance Program
Texas Higher Education
Coordinating Board

Effective date: October 30, 1989

Proposal publication date: August 25, 1989

For further information, please call: (512) 462-6420

Subchapter B. Administration of the Texas State College and University Employees Uniform Insurance Benefits Program

• 19 TAC §25.40

The Texas Higher Education Coordinating Board adopts the repeal of §25.40, without changes to the proposed text as published in the August 25, 1989, issue of the *Texas Register* (14 TexReg 4276).

The section is being repealed and rewritten to incorporate into the rules and regulations provisions of Senate Bill 457, 71st Legislature, Regular Session, relating to the administration of the higher education insurance program.

The repeal of the section will provide for more timely compliance monitoring and oversight of institutional group insurance programs, and require notification of enrollees of deficiencies in their plans.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Insurance Code, Article 3.50-3, which provides the Administrative Council with the authority to adopt rules and regulations consistent with the provision of the Act to carry out its statutory responsibilities.

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

Issued in Austin, Texas on October 6, 1989.

TRD-8909517
Kathy Lewis
Director, Higher Education
Insurance Program
Texas Higher Education
Coordinating Board

Effective date: October 30, 1989

Proposal publication date: August 25, 1989

For further information, please call: (512) 462-6420

The Texas Higher Education Coordinating Board adopts new §25.40, without changes to the proposed text as published in the August 25, 1989, issue of the *Texas Register* (14 TexReg 4276).

The new section will incorporate into the rules and regulations provisions of Senate Bill 457, 71st Legislature, Regular Session, relating to administration of the higher education insurance program.

The new section will provide more timely compliance monitoring and oversight of institutional group insurance programs; and require notification of enrollees of deficiencies in their plans.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Insurance Code, Article 3.50-3, which provides the Administrative Council with the authority to adopt rules and regulations consistent with the provision of the Act to carry out its statutory responsibilities.

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

Issued in Austin, Texas on October 6, 1989.

TRD-8909516
Kathy Lewis
Director, Higher Education
Insurance Program
Texas Higher Education
Coordinating Board

Effective date: October 30, 1989

Proposal publication date: August 25, 1989

For further information, please call: (512) 462-6420

• 19 TAC §25.49

The Texas Higher Education Coordinating Board adopts an amendment to §25.49, without changes to the proposed text as published in the July 25, 1989, issue of the *Texas Register* (14 TexReg 3564).

The amendment will bring the rules and regulations into conformance with legislation enacted during the 71st Legislature, Regular Session.

The amendment will permit institutions of higher education to use any available funds to provide premium sharing for graduate student employees.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Insurance Code, Article 3.50-3, which provides the Administrative Council with the authority to adopt rules and regulations consistent with the provision of the Act to carry out its statutory responsibilities.

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

Issued in Austin, Texas on October 6, 1989.

TRD-8909518
Kathy Lewis
Director, Higher Education
Insurance Program
Texas Higher Education
Coordinating Board

Effective date: October 30, 1989

Proposal publication date: July 25, 1989

For further information, please call: (512) 462-6420

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• 19 TAC §25.54

The Texas Higher Education Coordinating Board adopts an amendment to §25.54, without changes to the proposed text as published in the August 25, 1989, issue of the *Texas Register* (14 TexReg 4277).

The amendment will incorporate into the rules and regulations provisions of Senate Bill 457, 71st Legislature, Regular Session, relating to administration of the higher education insurance program.

The amendment will help ensure that state funds are appropriately spent.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Insurance Code, Article 3.50-3, which provides the Administrative Council with the authority to adopt rules and regulations consistent with the provision of the Act to carry out its statutory responsibilities.

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

Issued in Austin, Texas on October 6, 1989.

TRD-8909514

Kathy Lewis
Director, Higher Education
Insurance Program
Texas Higher Education
Coordinating Board

Effective date: October 30, 1989

Proposal publication date: August 25, 1989

For further information, please call: (512) 462-6420

◆ ◆ ◆
Subchapter C. Administration
of Retirement Annuity
Programs

• 19 TAC §25.72

The Texas Higher Education Coordinating Board adopts an amendment to §25.72, without changes to the proposed text as published in the July 25, 1989, issue of the *Texas Register* (14 TexReg 3564).

The amendment will bring the rules and regulations into conformance with legislation enacted during the 71st Legislature, Regular Session.

The amendment will provide in the rules and regulations a reference that Optional Retirement Program companies are responsible for qualifying domestic relations orders and paying benefits in accordance with state law.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Insurance Code, Article 3.50-3, which provides the Administrative Council with the authority to develop policies, practices, and

procedures as necessary in accordance with applicable statutes to provide for greater uniformity in the administration of retirement annuity insurance programs available under the Optional Retirement Program.

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

Issued in Austin, Texas on October 6, 1989.

TRD-8909519

Kathy Lewis
Director, Higher Education
Insurance Program
Texas Higher Education
Coordinating Board

Effective date: October 30, 1989

Proposal publication date: July 25, 1989

For further information, please call: (512) 462-6420

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TITLE 22. EXAMINING
BOARDS

Part XXII. Texas State
Board of Public
Accountancy

Chapter 501. Professional
Conduct

General Provisions

• 22 TAC §501.3

The Texas State Board of Public Accountancy adopts an amendment to §501.3, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4040).

The amended section results in consistent enforcement of the applicability section of the rules of professional conduct.

The amended section will subject non-residents holding temporary permits to the applicability section of the rules of professional conduct.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas on September 29, 1989.

TRD-8909540

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

Effective date: October 30, 1989

Proposal publication date: August 15, 1989

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

• 22 TAC §501.4

The Texas State Board of Public Accountancy adopts new §501.4, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4042).

The new section will clearly delineate the time period in which the holder of a temporary permit may practice public accountancy in the state.

The new section sets out effective and expiration dates of licenses and permits, and allows the practice of public accountancy only during the period of time in which the license or permit is valid.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 41a-a, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to the definition of the practice of public accountancy to unify the Act and the rules.

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

Issued in Austin, Texas on September 29, 1989.

TRD-8909530

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

Effective date: October 30, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
Professional Practices

• 22 TAC §501.11

The Texas State Board of Public Accountancy adopts an amendment to §501.11, with changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4042).

Adoption of the amendment to this section is necessary in order for the section to conform with recent amendments to the Act.

The amended section will prohibit performance of audit services below cost, thereby eliminating a situation of impaired independence. In addition, the title of this section should read "Independence."

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 of professional conduct relating to independence and the impairment thereof.

§501.11. Independence.

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

(d) Independence will be presumed to be impaired if the certificate or registra-

tion holder performs audit services, other than for charitable organizations, for a fee that is less than the direct labor cost reasonably expected, at the time the engagement was accepted, to be incurred in performing such services. For this purpose direct labor costs means the total compensation of the person or persons expected to perform the service for the time they are expected to serve on the audit plus all payroll expenses related to such compensation.

(e) The examples of impaired independence described in subsections (b), (c), and (d) of this section are not intended to be all-inclusive.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909645

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

• 22 TAC §501.44

The Texas State Board of Public Accountancy adopts an amendment to §501.44, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4043).

The amended section will provide the profession with specific instances in which a solicitation is not a violation of the rules of professional conduct.

The amended section will inform licensees of the circumstances in which a solicitation is proper.

One commenter expressed concern and suggested refining the language in this section of the rules regarding solicitation in order to better control behavior in this regard within the profession.

The language on solicitation is based on a section of law; absent that law, the Federal Trade Commission would not permit anything to be published regarding solicitation. The language must not expand on that law, but rather reflect it. The Texas State Board of Public Accountancy is considering revision of this section and suggests checking the rules of professional conduct when published in November.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §8(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to solicitation.

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

Issued in Austin, Texas on September 29, 1989.

TRD-8909536

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

Effective date: October 30, 1989

Proposal publication date: August 15, 1989

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

Chapter 505. The Board

• 22 TAC §505.10

The Texas State Board of Public Accountancy adopts an amendment to §505.10, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4040).

The amendment is necessary in order that drafting and review of substantive rules are centralized in one committee to insure that the rules are not repetitive and resources are not wasted in duplicitous review.

The amendment creates a central committee to review and draft substantive rules. Previously, the rules were processed through various committees.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §8(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding board committees.

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

Issued in Austin, Texas on September 29, 1989.

TRD-8909537

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

Effective date: October 30, 1989

Proposal publication date: August 15, 1989

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

Chapter 511. Certification as CPA

Certification by Examination

• 22 TAC §511.25

The Texas State Board of Public Accountancy adopts an amendment to §511.25, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4045).

Adoption of the amended section will permit a board member to authorize a representative to investigate a candidate's qualifications, thereby resulting in a speedier determination.

The amended section permits a board member, or an authorized representative, to conduct an independent investigation of an exam candidate's qualifications.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §8(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to the investigation of an applicant's qualifications.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909646

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

Certification by Examination

• 22 TAC §511.26

The Texas State Board of Public Accountancy adopts the repeal of §511.26, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4045).

The repeal of this section will allow for the adoption of a new section that will conform to recent amendments to the Act.

The repeal of this section will allow for the adoption of a new section that will permit individuals qualified under the 1945 Act, previously limited to the requirements in effect the date of the initial exam sitting, the option of requalifying education and experience requirements under the 1945 Act.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 41a-1, §8(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding requirements of applicants for examination under the Public Accountancy Act of 1945, as amended.

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

Issued in Austin, Texas on September 29, 1989.

TRD-8909535

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

Effective date: October 30, 1989

Proposal publication date: August 15, 1989

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

The Texas State Board of Public Accountancy adopts new §511.26, without changes to the proposed text as published in the Au-

gust 15, 1989, issue of the *Texas Register* (14 TexReg 4045).

The new section is required for conformity with recent amendments to the Act.

The new section will permit individuals qualified under the 1945 Act, previously limited to the requirements in effect the date of the initial exam sitting, the option of requalifying education and experience requirements under the 1945 Act.

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 regarding requirements of applicants for examination under the Public Accountancy Act of 1945, as amended.

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

Issued in Austin, Texas on September 29, 1989.

TRD-8909636

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

Effective date: October 30, 1989

Proposal publication date: August 15, 1989

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

• 22 TAC §511.27

The Texas State Board of Public Accountancy adopts the repeal of §511.27, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4045).

The repeal of this section will allow for the adoption of a new section that will insure conformity with recent amendments to the Act.

The repeal of this section will allow for the adoption of a new section that will permit candidates qualified under the 1981 education and experience requirements to requalify under the 1981 amendments, or the current Act.

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 regarding qualifications to sit for the uniform CPA examination.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909606

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

The Texas State Board of Public Accountancy adopts new §511.27, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4045).

The new section is adopted to insure conformity with recent amendments to the Act.

The new section permits candidates qualified under the 1981 education and experience requirements to requalify under the 1981 amendments or the current Act.

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 regarding qualifications to sit for the uniform CPA examination.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909605

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

• 22 TAC §511.52

The Texas State Board of Public Accountancy adopts an amendment to §511.52, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4046).

Adoption of the amendment is necessary for conformity with recent amendments to the Act.

The amended section recognizes and accepts only those credits accepted as transfers by the reporting institution in the State of Texas.

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 deemed necessary and advisable to effectuate the Public Accountancy 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 October 11, 1989.

TRD-8909608

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

• 22 TAC §511.53

The Texas State Board of Public Accountancy adopts an amendment to §511.53, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4046).

Adoption of the amendment is necessary for the board to identify the office from which transcripts will be accepted in order to maintain the accuracy of the records.

The amendment to the section identifies the office from which the board will accept a statement regarding confirmation of completion of degree requirements.

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 deemed necessary and advisable to effectuate the Public Accountancy 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 October 11, 1989.

TRD-8909612

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

CPA Examination

• 22 TAC §511.72

The Texas State Board of Public Accountancy adopts an amendment to §511.72, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4046).

Adoption of the amended section will allow for conformity with changes made in the section names of the uniform CPA examination.

The amended section changes the names of the test sections to auditing, business law, theory of accounts, and accounting practice.

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 the granting of credit for candidates taking the uniform CPA examination

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.

oy's legal authority.

Issued in Austin, Texas on October 11, 1989.

TRD-890939

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
• 22 TAC §511.74

The Texas State Board of Public Accountancy adopts the repeal of §511.74, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4047).

The repeal of this section is required to allow for the adoption of a new section that will maintain the integrity of the examination process.

The existing section is being repealed in order that a new section may be adopted that will require exam candidates to sign and adhere to a statement of conduct during the examination.

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 relating to conducting and the security of the uniform CPA examination.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909815

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
The Texas State Board of Public Accountancy adopts new §511.74, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4047).

Adoption of the new section is necessary to maintain the integrity of the examination process.

The new section requires exam candidates to sign and adhere to a statement of conduct during the examination.

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 conducting and the security of the uniform

CPA examination.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909840

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
CPA Examination

• 22 TAC §511.76

The Texas State Board of Public Accountancy adopts the repeal of §511.76, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4048).

The repeal of this section will allow for the adoption of a new section that will insure conformity with recent amendments to the Act.

The repeal of this section will allow for the adoption of a new section that will permit the board to return examination fees to individuals who are unable to meet examination application requirements.

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 and to insure that the conduct and competitive practice of licensees serves the best interest of the public.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909817

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
The Texas State Board of Public Accountancy adopts new §511.76, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4048).

Adoption of the new section will insure conformity with recent amendments to the Act.

The new section will permit the board to return examination fees to individuals who are unable to meet the examination application requirements.

the examination 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 to ensure that the conduct and competitive practice of licensees serves the best interest of the public.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909816

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
• 22 TAC §511.79

The Texas State Board of Public Accountancy adopts the repeal of §511.79, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4048).

The repeal of this section will allow for the adoption of a new section that will allow the board to recover the cost of the review charged by the American Institute of Certified Public Accountants.

The repeal of this section will allow for the adoption of a new section that will authorize the board to charge a fee to have the examination reviewed.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which authorize the Texas State Board of Public Accountancy to promulgate rules relating to the granting of credit to candidates to take the uniform CPA examination.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909820

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
The Texas State Board of Public Accountancy adopts new §511.79, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4049).

Adoption of the new section will allow the

board to recover the cost of the review charged by the American Institute of Certified Public Accountants.

The new section will authorize the board to charge a fee to have the examination reviewed.

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 authorize the Texas State Board of Public Accountancy to promulgate rules relating to the granting of credit to candidates to take the uniform CPA examination.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909519 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

CPA Examination

• 22 TAC §511.81

The Texas State Board of Public Accountancy adopts the repeal of §511.81, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4049).

The existing §511.81, concerning reexamination, is being simultaneously repealed in order that a revised section dealing with the same subject matter may be adopted.

The repeal will allow for the adoption of a new section that will stipulate that candidates who pass two parts of the examination prior to September 1, 1979, must pass all remaining parts within the next 10 sittings and those who passed two parts subsequent to September 1, 1979, must pass all remaining parts within the next six sittings.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provides the Texas State Board of Public Accountancy with the authority to promulgate rules relating to the granting of credit to all candidates to take the uniform CPA examination.

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

Issued in Austin, Texas on October 11, 1989.

TRD-890955 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

The Texas State Board of Public Accountancy adopts new §511.81, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4049).

The new section will insure that all candidates who become licensed are aware of current changes in professional standards and conform with recent amendments to the Public Accountancy Act of 1979.

The new section will require candidates who passed two parts of the examination prior to September 1, 1979, to pass all remaining parts within the next 10 sittings and those who passed two parts subsequent to September 1, 1979, must pass all remaining parts within the next six sittings.

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 the granting of credit to all candidates to take the uniform CPA examination.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909677 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

• 22 TAC §511.84

The Texas State Board of Public Accountancy adopts the repeal of §511.84, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4050).

The repeal of this existing section will allow for the adoption of a new section that will insure conformity with amendments to the Public Accountancy Act of 1979.

The repeal of this section will allow for the adoption of a new section that will permit a candidate to transfer all credits from out of state which meet the requirements of the Texas examination.

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 governing credit transfers for the exam.

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.

cy's legal authority.

Issued in Austin, Texas on October 11, 1989.

TRD-890957 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

The Texas State Board of Public Accountancy adopts new §511.84, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4050).

The new section will insure conformity with recent amendments to the Public Accountancy Act of 1979.

The new section permit a candidate to transfer all credits from out of state which meet the requirements of the Texas examination.

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 governing credit transfers for the exam.

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

Issued in Austin, Texas on October 3, 1989.

TRD-8909542 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: October 30, 1989

Proposal publication date: August 15, 1989

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

Examination Investigation and Board Action

• 22 TAC §511.101

The Texas State Board of Public Accountancy adopts new §511.101, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4050).

The new section requires background checks on examination applicants and will assist in maintaining integrity in the examination process and in the profession.

The new section will permit the board to conduct background investigations with the Department of Public Safety, the Federal Bureau of Investigation, and other law enforcement agencies to obtain criminal history information on examination candidates, and permit the board to refuse to allow a candidate who fails to provide fingerprints to sit for the examination.

No comments were received regarding adoption of the new section.

tion 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 authority to investigate the qualifications of applicants to take the uniform CPA examination.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909821

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

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• 22 TAC §511.102

The Texas State Board of Public Accountancy adopts new §511.102, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4051).

The new section will assist in maintaining the integrity of the examination process and individuals licensed to practice public accounting.

The new section will permit the board to initiate proceedings on examination candidates for fraud or deceit on the examination application, cheating, certain final felony convictions, certain deferred adjudication cases, and conduct indicating lack of fitness to serve the public as a CPA.

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 to determine the eligibility of individuals applying to take the uniform CPA examination.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909822

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
• 22 TAC §511.103

The Texas State Board of Public Accountancy adopts new §511.103, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4051).

Adoption of the new section is necessary for conformity with recent amendments to the Act.

The new section permits the following actions after a hearing on an examination candidate in a matter relating to moral character: deny an examination application; prohibit sitting for a five-year maximum; close with no further action; refund all fees previously paid; and petition for reversal.

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 actions involving moral character.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909823

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
• 22 TAC §511.104

The Texas State Board of Public Accountancy adopts new §511.104, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4051).

Adoption of the new section is necessary to conform with recent amendments to the Act.

The new section permits the board to conduct hearings on examination candidates who violate, or are suspected of violating, the rules of professional conduct during an examination, and provides sanctions for violations.

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 unusual conduct by candidates during the uniform CPA examination.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909824

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
• 22 TAC §511.105

The Texas State Board of Public Accountancy adopts new §511.105, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4052).

Adoption of the new section is necessary to conform with recent amendments to the Act.

The new section requires the board to keep records submitted by an examination candidate confidential.

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 on the confidentiality of examination candidate files, and information gathered on candidates.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909825

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
• 22 TAC §511.106

The Texas State Board of Public Accountancy adopts new §511.106, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4052).

Adoption of the new section is required to conform with recent amendments to the Act.

The new section establishes the procedure and permits the board to conduct hearings to determine whether an applicant may sit for the examination in certain cases of felony conviction, misdemeanor, or deferred adjudication.

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 exam candidate hearings.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909826

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

Certification by Reciprocity

• 22 TAC §511.141

The Texas State Board of Public Accountancy adopts the repeal of §511.141, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4053).

The repeal of this section will allow for the adoption of a new section that will eliminate confusion regarding the proper form and information required on a reciprocity application and permit the board to investigate the applicant.

The repeal of this section will allow for the adoption of a new section that will set out the form and information required on a reciprocity application and permit an FBI check on applicants.

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 to regulate application for certification by reciprocity.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909830

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

The Texas State Board of Public Accountancy adopts new §511.141, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4053).

The new section will eliminate confusion regarding the proper form and information required on a reciprocity application, and permit the board to investigate the applicant, thereby maintaining high standards of competence and integrity in the profession.

The new section will set out the form and information required on the application and permit the board to conduct an FBI check on reciprocity applicants.

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 to regulate application for certification by reciprocity.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agen-

cy's legal authority.

Issued in Austin, Texas on October 11, 1989.

TRD-8909827

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

• 22 TAC §511.142

The Texas State Board of Public Accountancy adopts the repeal of §511.142, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4034).

The repeal of this section will allow for a new section that will create another avenue by which an applicant may obtain a license by reciprocity and permit investigation of the applicant.

The repeal of this section will allow for the adoption of a new section that will allow an applicant to receive a license by reciprocity if they have four years of public experience, but fail to meet all other requirements.

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 regarding reciprocal fees for a Texas CPA certificate by reciprocity.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909854

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

The Texas State Board of Public Accountancy adopts new §511.142, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4054).

The new section will create another avenue by which an applicant may obtain a license by reciprocity, and the section will also permit the board to investigate the applicant, thereby maintaining high standards of competence and integrity in the profession.

The new section will allow an applicant to receive a license by reciprocity if they have four years of public experience, but fail to meet all other requirements. The section also permits the board to conduct an FBI check on reciprocity applicants.

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 regarding reciprocal fees for a Texas CPA certificate by reciprocity.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909828

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

• 22 TAC §511.144

The Texas State Board of Public Accountancy adopts new §511.144, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4054).

Adoption of the new section will eliminate confusion over the misconception that the reciprocal application processing fee also includes the fee required before a license may be issued.

The new section will set out the fee charged for processing a reciprocal application and the fee charged for issuance of a license.

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 regarding reciprocal fees for a Texas CPA certificate by reciprocity.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909829

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

Chapter 513. Registration

Registration of Partnerships

• 22 TAC §513.21

The Texas State Board of Public Accountancy adopts an amendment to §513.21, without changes to the proposed text as pub-

ished in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4055).

The amendment to this section will insure that the section conforms with recent amendments to the Public Accountancy Act.

The amendment to this section will require all partnerships to register and hold a license issued by the board.

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 October 11, 1989.

TRD-8909653

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
• 22 TAC §513.22

The Texas State Board of Public Accountancy adopts the repeal of §513.22, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4055).

The repeal of this section will allow for the adoption of a new section that will conform with recent amendments to the Public Accountancy Act.

The repeal of this section will allow for the adoption of a new section that will allow a corporation of certified public accountants to be a partner in a partnership, and sets out the steps to fill out the necessary form.

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 to regulate the 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 October 11, 1989.

TRD-8909651

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

The Texas State Board of Public Accountancy adopts new §513.22, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4055).

The new section will insure conformity with recent amendments to the Public Accountancy Act.

The new section will allow a corporation of certified public accountants to be a partner in a partnership, and sets out the steps to fill in the necessary form.

One commenter requested clarification of the section. After the section was explained, the commenter expressed support of the 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 to regulate the 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 October 11, 1989.

TRD-8909652

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
Registration of Partnerships

• 22 TAC §513.23

The Texas State Board of Public Accountancy adopts the repeal of §513.23, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4056).

Adoption of the repeal of this section will allow for the adoption of a new section that will conform to recent amendments to the Public Accountancy Act.

The repeal of this section will allow for the adoption of a new section that will allow a corporation of CPAs to become a partner in a partnership of public accountants, provided certain requirements regarding standing of partners are met.

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 to regulate the 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 October 11, 1989.

TRD-8909613

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
The Texas State Board of Public Accountancy adopts new §513.23, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4056).

Adoption of the new section will conform to recent amendments to the Public Accountancy Act.

The new section will allow a corporation of CPAs to become a partner in a partnership of public accountants, provided certain requirements regarding standing of partners are met.

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 to regulate the 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 October 11, 1989.

TRD-8909610

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
• 22 TAC §513.24

The Texas State Board of Public Accountancy adopts the repeal of §513.24, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4057).

The repeal of this section will allow for the adoption of a new section that will provide conformity with recent amendments to the Public Accountancy Act.

The repeal of this section will allow for the adoption of a new section that will provide that all partners in a partnership must be CPAs registered in the state. The section will also provide that only corporations with one shareholder may be a partner in a public accounting partnership.

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 to regulate the 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 October 11, 1989.

TRD-8909641

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

The Texas State Board of Public Accountancy adopts new §513.24, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4057).

The new section will allow conformity with recent amendments to the Public Accountancy Act.

The new section will provide that all partners in a partnership must be CPAs registered in the state. The section will also provide that only corporations with one shareholder may be a partner in a public accounting partnership.

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 to regulate the 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 October 11, 1989.

TRD-8909642

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
• 22 TAC §513.25

The Texas State Board of Public Accountancy adopts an amendment to §513.25, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4057).

The amendment will insure conformity with the amendments to the Public Accountancy Act.

The amendment will require all partnerships registered with the board to give notice within 30 days of the admission, withdrawal, or death of a partner, and any other changes of information on the partnership registration forms filed with the board.

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 regu-

late 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 October 11, 1989.

TRD-8909647

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
• 22 TAC §513.26

The Texas State Board of Public Accountancy adopts an amendment to §513.26, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg).

The amendment to this section will insure conformity with the amendments to the Public Accountancy Act.

The amendment to the section will require all firm names to contain the name of at least one partner, and bars the use of trade names in a firm name.

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 the 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 October 11, 1989.

TRD-8909648

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
• 22 TAC §513.27

The Texas State Board of Public Accountancy adopts an amendment to §513.27, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4058).

The amendment to this section will insure conformity with amendments to the Public Accountancy Act.

The amendment to this section sets forth that partnerships registered with the board on or before September 1, 1989, will not be required to register again.

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 October 11, 1989.

TRD-8909649

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
Registration of Corporations

• 22 TAC §513.41

The Texas State Board of Public Accountancy adopts an amendment to §513.41, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4058).

The amendment to this section will insure conformity with recent amendments to the Act.

The amendment to this section will require all corporations engaged in the practice of public accountancy to register and hold a license issued by the board.

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 October 11, 1989.

TRD-8909650

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
• 22 TAC §513.42

The Texas State Board of Public Accountancy adopts the repeal of §513.42, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg).

The repeal of this section will allow for the adoption of a new section that will conform with recent amendments to the Public Accountancy Act.

The repeal of this section will allow for the

adoption of a new section that will identify all the information required to file an application for registration for a corporation.

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 to regulate the 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 October 11, 1989.

TRD-8909858 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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



The Texas State Board of Public Accountancy adopts new §513.42, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4058).

The new section will set forth how application for registration of a corporation is to be accomplished and thereby conform to recent amendments to the Public Accountancy Act.

The new section will identify all the information required to file the application, and the steps to fill in the form.

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 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 October 11, 1989.

TRD-8909855 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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



• 22 TAC §513.43

The Texas State Board of Public Accountancy adopts the repeal of §513.43, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4059).

The repeal of this section will allow for the adoption of a new section that will conform with recent amendments to the Public Ac-

countancy Act.

The repeal of this section will allow for the adoption of a new section that will require that all rules applied to public accounting partnership, also be applied to corporations which are partners in public accounting partnerships.

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 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 October 11, 1989.

TRD-8909856 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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



The Texas State Board of Public Accountancy adopts new §513.43, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4059).

The new section will conform with recent amendments to the Public Accountancy Act.

The new section will require that all rules applied to public accounting partnerships, also be applied to corporations which are partners in public accounting partnerships.

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 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 October 11, 1989.

TRD-8909857 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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



• 22 TAC §513.44

The Texas State Board of Public Accountancy adopts the repeal of §513.44, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4059).

The repeal of this section will allow for the adoption of a new section that will insure conformity with the amendments to the Public Accountancy Act.

The repeal of this section will allow for the adoption of a new section that will require the name of all corporations registered with the Board to contain a designation indicating the firm is incorporated and requires the designation "professional corporation" or P.C., to appear each time the firm name is used. In addition it will bar the terms "and company" or "and associates," unless more than one CPA is involved with the practice.

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 to regulate the 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 October 11, 1989.

TRD-8909861 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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



The Texas State Board of Public Accountancy adopts new §513.44, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4059).

The new section will insure conformity with the amendments to the Public Accountancy Act and bar names that could be misleading to the public.

The new section will require the name of all corporations registered with the board to contain a designation indicating the firm is incorporated and requires the designation "professional corporation" or "P.C." to appear each time the firm name is used. In addition it will bar the use of the terms "and company" or "and associates," unless more than one CPA is involved with the practice.

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 to regulate the 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 October 11, 1989.

TRD-8909860 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

Registration of Corporations

• 22 TAC §513.45

The Texas State Board of Public Accountancy adopts an amendment to §513.45, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4060).

Adoption of the amendment is needed for conformity with the recent amendments to the Public Accountancy Act.

The amendment will not require corporations registered on or before September 1, 1989, to register again.

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 October 11, 1989.

TRD-8902635

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

• 22 TAC §513.46

The Texas State Board of Public Accountancy adopts an amendment to §513.46, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4060).

The amendment to this section will insure conformity with the recent amendments to the Public Accountancy Act.

The amendment to this section will require all corporations licensed by the board to certify that the corporations' franchise taxes are current. The amendment to this section also provides that falsification of the statement is grounds for suspension or revocation of a license.

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 the 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 agen-

cy's legal authority.

Issued in Austin, Texas on October 11, 1989.

TRD-8909860

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

Registration of Offices

• 22 TAC §513.61

The Texas State Board of Public Accountancy adopts the repeal of §513.61, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4061).

The repeal of this section will allow for the adoption of a new section that will conform to recent amendments to the Public Accountancy Act.

The repeal of this section will allow for the adoption of a new section that will require all registration requests to be submitted on an application form, accompanied by the appropriate fee.

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 to regulate the 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 October 11, 1989.

TRD-8909863

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

The Texas State Board of Public Accountancy adopts new §513.61, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4061).

The new section will insure conformity with the recent amendments to the Public Accountancy Act.

The new section will require all registration requests to be submitted on an application form, accompanied by the appropriate fee.

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 to regulate the 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 October 11, 1989.

TRD-8909862

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

• 22 TAC §513.62

The Texas State Board of Public Accountancy adopts the repeal of §513.62, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4061).

The repeal of this section will allow for the adoption of a new section that will insure conformity with recent amendments to the Public Accountancy Act.

The repeal of this section will allow for the adoption of a new section that will require all offices registered with the board to be under the direct supervision of a designated resident manager who is licensed and in good standing before the Texas board.

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 regarding resident person(s) in charge of a public accountancy office.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909866

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

The Texas State Board of Public Accountancy adopts new §513.62, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4061).

The new section will insure conformity with recent amendments to the Public Accountancy Act.

The new section will require all offices registered with the board to be under the direct supervision of a designated resident manager

who is licensed and in good standing before the Texas board.

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 regarding resident person(s) in charge of a public accountancy office.

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

Issued in Austin, Texas on October 11, 1989.

TRD-800984 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
• 22 TAC §513.63

The Texas State Board of Public Accountancy adopts an amendment to §513. 63, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4062).

Adoption of the amendment to this section will insure conformity with recent amendments to the Public Accountancy Act.

The amendment to this section will provide that a licensee with more than one office must operate all offices on a part-time basis.

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 regarding a part-time office of public accountancy.

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

Issued in Austin, Texas on October 11, 1989.

TRD-800987 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
• 22 TAC §513.64

The Texas State Board of Public Accountancy adopts an amendment to §513. 64, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4062).

The amendment to this section will insure conformity with recent amendments to the

Public Accountancy Act.

The amendment to this section stipulates that firms registered on or before September 9, 1989, are not required to register again.

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 regarding prior registration of offices.

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

Issued in Austin, Texas on October 11, 1989.

TRD-800988 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
Chapter 515. Licenses

Licenses

• 22 TAC §515.8

The Texas State Board of Public Accountancy adopts the repeal of §515.8, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4063).

The repeal of this section will allow for the adoption of a new section that will insure conformity with recent amendments to the Public Accountancy Act.

The repeal of this section will allow for the adoption of a new section that will provide reduced fees for retired and permanently disabled licensees.

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 relating to licenses for retired 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 October 11, 1989.

TRD-800984 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
The Texas State Board of Public Accountancy adopts new §515.8, without changes to

the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4063).

The new section will insure conformity with recent amendments to the Public Accountancy Act.

The new section will provide reduced fees for retired and permanently disabled licensees.

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 licenses for retired 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 October 11, 1989.

TRD-800983 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
Chapter 517. Temporary
Practice in Texas

Temporary Practice in Texas

• 22 TAC §517.1

The Texas State Board of Public Accountancy adopts the repeal of §517.1, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4064).

Adoption of the repeal of this section will allow for the adoption of a new section that will insure conformity with recent amendments to the Public Accountancy Act.

The repeal of this section will allow for the adoption of a new section that will define temporary practice, and require that a temporary permit be issued prior to undertaking an engagement; in addition, the section sets out the period of permit validity and the number of temporary permits which may be issued.

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 in accordance with the Public Accountancy 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 October 11, 1989.

TRD-800980 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989
For further information, please call: (512) 450-7066

The Texas State Board of Public Accountancy adopts new §517.1, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4064).

Adoption of the new section will insure conformity with recent amendments to the Public Accountancy Act.

The new section defines temporary practice, and requires a temporary permit to be issued prior to undertaking an engagement; in addition, the section sets out the period of permit validity and the number of temporary permits which may be issued.

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 in accordance with the Public Accountancy 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 October 11, 1989.

TRD-8909800
Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989
For further information, please call: (512) 450-7066

• 22 TAC §517.2

The Texas State Board of Public Accountancy adopts the repeal of §517.2, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4064).

Adoption of the repeal of this section will allow for the adoption of a new section that will insure conformity with recent amendments to the Public Accountancy Act.

The repeal of this section will allow for the adoption of a new section that will expand the amount of information required on the temporary practice permit, requires the applicants to submit verification of standing from their home state, and exempts peer reviews and report reviews from this section.

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 concerning temporary practice permits in Texas.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909802
Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989
For further information, please call: (512) 450-7066

The Texas State Board of Public Accountancy adopts new §517.2, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4064).

Adoption of the new section will insure conformity with the recent amendments to the Public Accountancy Act.

The new section will expand the amount of information required on the temporary practice permit, requires the applicants to submit verification of standing from their home state, and exempts peer reviews and report reviews from this section.

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 concerning temporary practice permits in Texas.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909803
Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989
For further information, please call: (512) 450-7066

Chapter 523. Continuing Professional Education

Continuing Professional Education Programs

• 22 TAC §523.2

The Texas State Board of Public Accountancy adopts the repeal of §523.2, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4065).

The repeal of this section will allow for the adoption of a new section that will offer clearer standards for continuing education requirements and definitions of previously undefined categories.

The repeal of this section will allow for the adoption of a new section that will set out the standards for continuing education and defines technical and non-technical courses.

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 relating to formal continuing professional education standards.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909831
Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989
For further information, please call: (512) 450-7066

The Texas State Board of Public Accountancy adopts new §523.2, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4065).

The new section will offer clearer standards for continuing education requirements and definitions of previously undefined categories.

The new section will set out the standards for continuing education and define technical and non-technical courses.

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 formal continuing professional education standards.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909832
Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989
For further information, please call: (512) 450-7066

Continuing Professional Education Standards

• 22 TAC §523.30

The Texas State Board of Public Accountancy adopts new §523.30, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4065).

The new section will insure conformity with recent amendments to the Public Accountancy Act.

Agency Act.

The new section will permit no more than 50% of required continuing education hours to be completed in non-technical courses.

Several commenters expressed concern that 50% of the requirement in the technical area is too high and that courses they may consider technical, the board may not, thus disallowing credit they felt was acceptable. Comments received were from individuals therefore the names will not be published.

The board has not defined technical, nor have they defined non-technical courses.

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 concerning continuing professional education requirements.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909833 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

Mandatory Continuing Education (CE) Program

• 22 TAC §523.61

The Texas State Board of Public Accountancy adopts the repeal of §523.61, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4086).

The repeal of this section will allow for the adoption of a new section that will insure that all licensees are aware of current changes in the standards of the profession and maintains high levels of competency and integrity in the profession.

The repeal of this section will allow for the adoption of a new section that will require all licensees, regardless of whether they are in public practice, to maintain the same number of hours required of those in public practice.

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 regarding the establishment of a mandatory continuing education program.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909809 Bob E. Bradley
Executive Director

Texas State Board of Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

The Texas State Board of Public Accountancy adopts new §523.61, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4086).

The new section will insure that all licensees are aware of current changes in the standards of the profession and maintains the high levels of competency and integrity in the profession.

The new section will require all licensees, regardless of whether they are in public practice, to maintain the same number of hours required of those in public practice.

Many commenters wrote objecting to continuing education for all licensees as being too expensive, unnecessary, and burdensome, requesting that exemptions be included in the rules. Comments received were from individuals therefore the names will not be published.

The board feels it is in the best interest of the public for all licensees to attend continuing education classes yearly.

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 regarding the establishment of a mandatory continuing education program.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8909807 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

Mandatory Continuing Education (CE) Program

• 22 TAC §523.62

The Texas State Board of Public Accountancy adopts repeal of §523.62, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4086).

The repeal of this section will allow for the adoption of a new section that will clarify the time at which hours must be reported, and permits the board to withhold a license pending completion of adequate continuing education classes, thereby maintaining high standards of integrity and competency in the

profession.

The repeal of this section will allow for the adoption of a new section that will require that applicants for license renewals must obtain and report adequate hours before a new license will be issued.

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 regarding formal continuing education mandatory CE reporting.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8908614 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

The Texas State Board of Public Accountancy adopts new §523.62, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4086).

The new section will be that the section clarifies the time at which hours must be reported and permits the board to withhold a license pending completion of adequate continuing education classes, thereby maintaining high standards of integrity and competency in the profession.

The new section will require that applicants for license renewals must obtain and report adequate hours before a new license will be issued.

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 regarding formal continuing education mandatory CE reporting.

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

Issued in Austin, Texas on October 11, 1989.

TRD-8908611 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

Mandatory Continuing Education (CE) Program

• 22 TAC §523.64

The Texas State Board of Public Accountancy adopts the repeal of §523.64, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4070).

The repeal of this section will allow for the adoption of a new section that will insure conformity with recent amendments to the Public Accountancy Act.

The repeal of this section will allow for the adoption of a new section that will permit the board to subject all licensees to disciplinary action for failure to report or maintain required continuing education hours.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 41a-1, §8(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding formal continuing education disciplinary actions relating to CE.

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

Issued in Austin, Texas on October 11, 1989.

TRD-890804

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

The Texas State Board of Public Accountancy adopts new §523.64, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4070).

The new section will insure conformity with recent amendments to the Public Accountancy Act.

The new section will permit the board to subject all licensees to disciplinary action for failure to report or maintain required continuing education hours.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §8(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding formal continuing education disciplinary actions relating to CE.

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

Issued in Austin, Texas on October 11, 1989.

TRD-890834

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

• 22 TAC §523.65

The Texas State Board of Public Accountancy adopts new §523.65, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4070).

The new section requires mandatory continuing education for all licensees prior to license issuance.

The new section permits the board to refuse to issue a license to any licensee who has not met the rules regarding mandatory continuing education.

Several letters were received expressing concern over losing a license due to inability to obtain CE while not practicing public accountancy; i.e. employed in other professions. It was stated that the requirement is burdensome and unrealistic to lose a license and would be embarrassing.

Several licensees commented against the section. The board feels that mandatory continuing education insures that all licensees remain current with changes in professional standards.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §8(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to the denial of a license to an individual who has not accrued the required CE hours.

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

Issued in Austin, Texas on October 11, 1989.

TRD-890835

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

Effective date: November 1, 1989

Proposal publication date: August 15, 1989

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

TITLE 28. INSURANCE Part I. State Board of Insurance

Chapter 5. Property and Casualty Insurance

Subchapter A. Automobile Insurance

Certificates of Assumption

• 28 TAC §5.11

The State Board of Insurance adopts new §5.11, without changes to the proposed text as published in the April 7, 1989, issue of the *Texas Register* (14 TexReg 1719).

Section 5.11, concerns requirements for certificates of assumption of the contract liabilities of automobile insurance policies. This section is necessary to prevent a lapse in coverage for policyholders of an insurance company in conservatorship or liquidation.

The new section allows assumption only concerning policies for a company in receivership or conservatorship, for which a reinsurance agreement approved by court order, commissioner's order, or board order applies. The new section adopts by reference a certificate of assumption form. The board has filed a copy of the certificate form with the Secretary of State's office, Texas Register Division. Copies of the certificate form are available at the offices of the Automobile and Miscellaneous Lines Divisions of the State Board of Insurance at 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

No comments were received regarding adoption of the new section.

The new section is adopted under the Insurance Code, Article 5.06 and Article 5.10, which authorizes the State Board of Insurance to prescribe and adopt forms, certificates, and rules necessary to carry out the regulation of automobile insurance in this state.

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

Issued in Austin, Texas, on October 9, 1989.

TRD-8908510

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: October 30, 1989

Proposal publication date: April 7, 1989

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

Chapter 7. Corporate and Financial

Subchapter A. Examination and Corporate Custodian and Tax

• 28 TAC §7.57

The State Board of Insurance adopts new §7.57, without changes to the proposed text as published in the April 7, 1989, issue of the *Texas Register* (14 TexReg 1720).

Section 7.57, concerns forms and instructions for the preparation and filing of tax returns for insurers and other entities required to file tax returns with the State Board of Insurance for the 1988 calendar year or required to file quarterly premium tax returns with the board during the 1989 calendar year. The new section is necessary to provide forms and instructions which will facilitate compliance with statutory requirements for reporting and payment of taxes to the State Board of Insurance.

The annual gross premium tax return is required by statute to be filed either on or before March 1, 1989, or the date the annual statement for the carrier is required to be filed

with the board. Quarterly tax returns are required to be filed four times per year: the first quarter is due and payable March 1, 1989, (or the date the annual statement for such carrier is required to be filed with the State Board of Insurance); the second quarter is due and payable May 15, 1989; the third quarter is due and payable August 15, 1989; and the fourth quarter is due and payable November 15, 1989. The forms and instructions include requirements for information respecting gross premium taxes, maintenance taxes, other taxes, and certain incidental fees, and provide a form to be used in determining and reporting the amount owed. Adoption of this section includes adoption by reference of forms and instructions. The board has filed copies of these forms and instructions with the Secretary of State's Office, Texas Register Division. Persons desiring copies of the forms and instructions can obtain copies from the Tax Collection Section of the Administrative Services Division of the State Board of Insurance, Three Republic Plaza, Room 284, 333 Guadalupe, Austin.

No comments were received regarding adoption of the new section.

The new section is adopted under the Insurance Code, Articles 1.04, 1.10, §9, 4.07, 4.10, 4.11, 4.11A, 5.12, 5.24, 5.49, 5.68, 9.46, 9.59, 21.07-5, and 23.08; the Texas Health Maintenance Organization Act, §22 and §33; and Texas Civil Statutes, Article 6252-13a, §4, and Article 8306, §28. The Insurance Code, Article 1.04, places original jurisdiction for the adoption of rules in the State Board of Insurance. Article 1.10, §9, requires the board to furnish, to companies required to report to the board, statement blanks for the statements required. Article 4.07 specifies the charges for certain fees. The Insurance Code, Articles 4.10, 4.11, and 9.59; Texas Civil Statutes, Article 8306, §28; and the Texas Health Maintenance Organization Act, §33, require the payment of taxes on gross premiums by entities regulated by the board or on gross amounts of similar revenue by health maintenance organizations. The Insurance Code, Article 4.11A, requires the payment of taxes on the gross amount of administrative or service fees received by an insurance carrier. The Insurance Code, Articles 5.12, 5.24, 5.49, 5.68, 9.46, 21.07-5, and 23.08, requires the payment of maintenance taxes by certain entities regulated by the board. The Insurance Code, Articles 4.10, 4.11, and 4.11A, gives the board rulemaking authority. The Texas Health Maintenance Organization Act, §22, gives the board rulemaking authority. Texas Civil Statutes, Article 6252-13a, §4, require and authorize the board to adopt rules of practice setting forth the nature and requirements of all procedures available.

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

Issued in Austin, Texas, on October 9, 1989.

TRD-8909509 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: October 30, 1989

Proposal publication date: April 7, 1989

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

Chapter 19. Agent's Licensing

Subchapter H. Variable Contract Agents

• 28 TAC §19.703

The State Board of Insurance adopts an amendment to §19.703, without changes to the proposed text as published in the April 7, 1989, issue of the *Texas Register* (14 TexReg 1721).

Section 19.703, concerns licensing and regulation of variable contract agents. The amendment is necessary to make the provisions of rules under the Insurance Code, Article 3.75, for licensing of variable contract agents more closely in accord with statutory provisions for licensing of other types of agents under the Insurance Code, Chapter 21, Subchapter A.

The amendment provides for licensing of the wholly owned subsidiary of a parent corporation under certain conditions, and allows licensing of a corporation with insurance against errors and omissions with a \$10,000 deductible feature. Prior to this amendment, the section has limited the deductible feature to \$5,000.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Insurance Code, Article 3.75, §8, which provides that the State Board of Insurance may establish such rules, regulations, or limitations which are fair and reasonable as may be appropriate for the augmentation and implementation of provisions of the Insurance Code concerning licensing and regulation of variable contract agents.

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

Issued in Austin, Texas, on October 9, 1989.

TRD-8909511 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: October 30, 1989

Proposal publication date: April 7, 1989

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

Chapter 25. Insurance Premium Finance

Subchapter H. Annual Reports, Examinations, and Assessments

• 28 TAC §25.713

The State Board of Insurance adopts new §25.713, without changes to the proposed text as published in April 7, 1989, issue of the *Texas Register* (14 TexReg 1723).

Section 25.713, concerns assessment of insurance premium finance companies in 1989. The new section is necessary to provide a rate of assessment sufficient to meet the expenses of performing the board's statutory

responsibilities for examining, investigating, and regulating insurance premium finance companies.

Under new §25.713, the board levies a rate of assessment for 1989 to cover general administrative expense and collects from each insurance premium finance company on the basis of a percentage of total loan dollar volume for the 1988 calendar year.

No comments were received regarding adoption of the new section.

The new section is adopted under the Insurance Code, Article 24.06(c), which provides that each insurance premium finance company licensed by the board shall pay an amount assessed by the board to cover the direct and indirect cost of examinations and investigations and a proportionate share of general administrative expenses attributable to regulations of insurance premium finance companies, and Article 24.09, which authorizes the State Board of Insurance to adopt and enforce rules necessary to carry out provisions of the Insurance Code concerning the regulation of insurance premium finance companies.

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

Issued in Austin, Texas, on October 9, 1989.

TRD-8909512 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: October 30, 1989

Proposal publication date: April 7, 1989

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

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter L. Motor Fuels Tax

• 34 TAC §3.175

The Comptroller of Public Accounts adopts an amendment to §3.175, without changes to the proposed text as published in the July 28, 1989, issue of the *Texas Register* (14 TexReg 3679).

The amendment reflects the changes imposed by House Bill 2165.

No comments were received regarding adoption of the amendment.

The amendment is adopted 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.

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

Issued in Austin, Texas, on October 9, 1989.

TRD-8909558

Bob Bullock
Comptroller of Public
Accounts

Effective date: October 31, 1989

Proposal publication date: July 28, 1989

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

◆ ◆ ◆
• 34 TAC §3.196

The Comptroller of Public Accounts adopts an amendment to §3.196, without changes to the proposed text as published in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4070).

The amendment reflects a change in the minimum bond required for bonded users of diesel fuel who report annually as reflected in recent legislation.

No comments were received regarding adoption of the amendment.

The amendment is adopted 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.

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

Issued in Austin, Texas, on October 9, 1989.

TRD-8909569

Bob Bullock
Comptroller of Public
Accounts

Effective date: October 31, 1989

Proposal publication date: August 15, 1989

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

◆ ◆ ◆
**TITLE 40. SOCIAL
SERVICES AND
ASSISTANCE**

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

**Chapter 10. Family Self-
support Services**

Child Day Care Services

• 40 TAC §10.3102, §10.3155

The Texas Department of Human Services (DHS) adopts amendments to §§10.3102 and 10.3155. Section 10.3102 is adopted with changes to the proposed text as published in the August 25, 1989, issue of the *Texas Register* (14 TexReg 4298). Section 10.3155 is adopted without changes and will not be republished.

The justification for the amendments is to enable teen parents to obtain day care for their children in order to allow the parents to obtain a high school degree or equivalent, and to reduce the difficulties placed on par-

ents required to enroll their children simultaneously in more than one day care service.

The amendment to §10.3102 allows DHS to purchase day care for the children of certain teen parents who need child care in order to complete high school or the equivalent. The amendment to §10.3155 instructs day care contractors to give preference in enrollment to siblings of children currently enrolled in Title XX day care, regardless of the sibling's current priority status for enrollment.

During the public comment period, the department received comments from the president of the Fort Worth Adolescent Pregnancy Board and three individuals concerned about providing day care for pregnant teenagers. All commenters favored the amendments.

For purposes of clarity, the department adopts §10.3102(d) with a change to substitute the term "will" for "may." This change makes the wording consistent with the language in §10.3155(e).

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

§10.3102. Eligibility and Priorities for Service in POS Facilities. ;

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

(c) Through waiver procedures specified in §10.3135 of this title (relating to Waiver Requests for POS Facilities), the following exceptions may be granted for individual clients when circumstances warrant and funding allows. ;

(1) For the teen parent who needs child care in order to complete high school or the equivalent and is ineligible due to her parents' income, child care may be provided if the teen parent has no access to her parents' income or to any other comparable resources to pay for child care. ;

(2) For the teen parent who meets income eligibility guidelines and needs child care in order to complete high school or the equivalent but is ineligible because her own parent is not employed or in training, child care may be provided if the grandparent refuses to care for the child, or the home environment is not considered suitable for the care of the child. ;

(d) Contractors must enroll children in order of priority except when an eligible sibling lives in the same household of a child currently enrolled in DHS paid day care. In this instance, the sibling will be given preference for enrollment over other children, regardless of the sibling's current priority status. ;

(e) Once enrolled, children may receive day care as long as they are eligible and meet one of the priorities. A child in Priority 1 may receive day care for up to six months unless a continuation is authorized by DHS based on the child's need for care.

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

Issued in Austin, Texas, on October 11, 1989.

TRD-8909591

Cathy Rosenberg
Administrator, Public
Development Services
Division
Texas Department of
Human Services

Effective date: November 30, 1989.

Proposal publication date: August 25, 1989.

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

◆ ◆ ◆
**Part VII. Texas Committee
on Purchases of
Products and Services of
Blind and Severely
Disabled Persons**

**Chapter 189. Purchases of
Products and Services of
Blind and Severely Disabled
Persons**

• 40 TAC §189.18

The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons adopts the repeal of §189.18, without changes to the proposed text as published in the August 11, 1989, issue of the *Texas Register* (14 TexReg 3982).

The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons is repealing this section to delete obsolete language.

The repeal of §189.18, will function to delete obsolete reporting procedures. A new §189.18 is being adopted to include changes made to the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons' reporting of funding and budgeting procedures.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Title 8, the Texas Human Resources Code, Texas Civil Statutes, §122.010, which provide the committee with the authority to adopt rules for the implementation, extension, administration, or improvement of the program authorized by this chapter. Rules adopted under this section do not take effect unless approved by the Texas Commission for the Blind and the Texas Rehabilitation Commission each has approved the repeal of this section.

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

Issued in Austin, Texas, on October 10, 1989.

TRD-8909588

Charles W. Schieffer
Assistant Commissioner
Texas Committee on
Purchases of Products
and Services of Blind
and Severely Disabled
Persons

Effective date: November 1, 1989

Proposal publication date: August 11, 1989

For further information, please call: (512) 483-4101

◆ ◆ ◆
The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons adopts new §189.12, without changes to the proposed text as published in the August 11, 1989, issue of the *Texas Register* (14 TexReg 3982).

The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons is adopting the new section to set forth the procedures by which the reporting of funding and budgeting will be implemented.

The new section will function to clarify for the public, the funding and budgeting procedure of the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons and to provide timeliness for the funding and budgeting process.

No comments were received regarding adoption of the new section.

The new section is adopted under Title 8, the Texas Human Resources Code, Texas Civil Statutes, §122.010, which provide the committee with the authority to adopt rules for the implementation, extension, administration, or improvement of the program authorized by this chapter. Rules adopted under this section do not take effect unless approved by the Texas Commission for the Blind and the Texas Rehabilitation Commission, each has

approved the adoption of this new section.

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

Issued in Austin, Texas, on October 10, 1989.

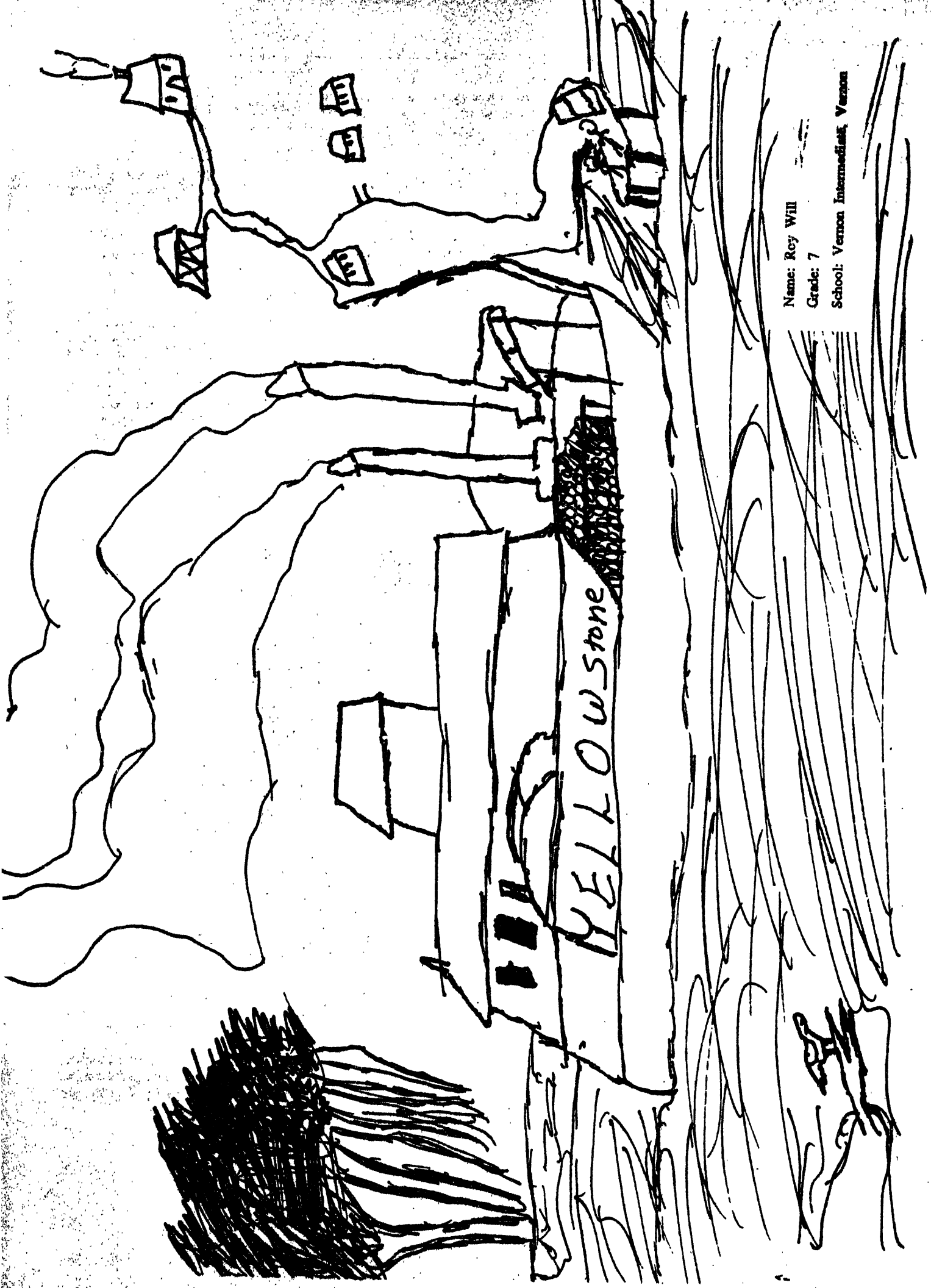
TRD-8908565

Charles W. Schiesser
Assistant Commissioner
Texas Committee on
Purchases of Products
and Services of Blind
and Severely Disabled
Persons

◆ ◆ ◆
Effective date: November 1, 1989

Proposal publication date: August 11, 1989

For further information, please call: (512) 483-4101



Name: Roy Will

Grade: 7

School: Vernon Intermediate, Vernon

Open Meetings

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

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

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

Texas Department on Aging

Wednesday, October 25, 1989, 1:30 p.m. The Options for Independent Living Advisory Committee of the Texas Department on Aging will meet in the TDoA, Conference Room, 3rd Floor, 1949 IH 35 South, Austin. According to the agenda, the committee will make introductions and background of options for independent living initiative; discuss committee directions; elect advisory committee chair; consider committee by-laws; appoint subcommittees; review content of requests for proposals; timeframe for future meetings.

Contact: Linda Heath, P.O. Box 12786, Austin, Texas 78711, (512) 444-2727.

Filed: October 10, 1989, 4:31 p.m.

TRD-8909671

Texas Department of Agriculture

Wednesday, October 25, 1989, 1 p.m. The Texas Department of Agriculture will meet in the District Office, Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the administrative hearing to review alleged violations of Texas Agriculture Code, §103.001 by Washington Enterprises, Inc., as petitioned by Valley Central Sales, Inc.

Contact: Bruce Fant, P.O. Box 12847, Austin, Texas 78711, (512) 463-7589.

Filed: October 11, 1989, 8:47 a.m.

TRD-8909598

Wednesday, October 25, 1989, 3 p.m. The Texas department of Agriculture will meet in the District Office, Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the administrative hearing to review alleged violations of Texas Agriculture Code, §103.001 by Ruiz Produce Company as petitioned by Kay-Dee Produce.

Contact: Bruce Fant, P.O. Box 12847, Austin, Texas 78711, (512) 463-7589.

Filed: October 11, 1989, 8:48 a.m.

TRD-8909594

Texas Air Control Board

Friday, October 20, 1989, 10:30 a.m. The Texas Air Control Board will meet in the TACB Auditorium, 6330 Highway 290 East, Austin. According to the agenda summary, the board will call the meeting to order; approve minutes of the September 15, 1989, meeting; consider public testimony; reports; consider report on investigations at Dyznigen, Inc., Odessa; enforcement report; agreed enforcement orders; staff reports; hearing examiner's report; and new business.

Contact: Bill Ehret, 6300 Highway 290 East, Austin, Texas, (512) 451-5711.

Filed: October 12, 1989, 9:11 a.m.

TRD-8909690

Texas Alcoholic Beverage Commission

Monday, October 23, 1989, 10:30 a.m. The Texas Alcoholic Beverage Commission will meet in Room 320, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda, the commission will approve minutes of September 25, 1989, meeting; consider administrator's and staff's report of agency activity; and approve affidavit of destruction of tested alcoholic beverages.

Contact: W. S. McBeath, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: October 10, 1989, 11:01 a.m.

TRD-8909556

State Bar of Texas

Thursday, October 19, 1989, 10 a.m. The Executive Committee of the State Bar of Texas will meet in Room 206-207, Texas Law Center, Austin. According to the agenda summary, the committee will consider: reports of the chairman, president,

executive director, general counsel, president elect, immediate past president, immediate past chairman of the board, TYLA president, board committees and supreme court liaison, adoption of budget for 1990 convention, consider report and recommendations from department of communications; and status report on Buchmeyer Series.

Contact: Paula Welch, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1451.

Filed: October 11, 1989, 3:24 p.m.

TRD-8909675

Texas Department of Commerce

Monday, October 16, 1989, 9:30 a.m. The Texas Literacy Council of the Texas Department of Commerce met in House Appropriations Room #309, Capitol, Austin. According to the agenda summary, the council approved minutes of previous meetings; approved revised by-laws; report from chair; public comment; action items; continuation of reports by interagency work group; discussed committee assignments; discussed short term goals; set dates for next and future meetings.

Contact: Martha Alworth, 8317 Cross Park, Austin, Texas 78754, (512) 834-6291.

Filed: October 10, 1989, 3:19 p.m.

TRD-8909576

Friday, October 17, 1989, 10 a.m. The State Job Training Coordinating Council-Oversight Committee of the Texas Department of Commerce will meet in the Guest Quarters Suite Hotel, 303 West 15th Street, Austin. According to the agenda, the committee will take action on the following items: PY 89 program reorganization and sanctions policy; and PY 89 Title IIA corrective action plans.

Contact: Leslie Ross, 8317 Cross Park, Austin, Texas 78754, (512) 834-6143.

Filed: October 10, 1989, 3:19 p.m.

TRD-8909575

Texas Corn Producers Board

Thursday, October 19, 1989, 9 a.m. The Texas Corn Producers Board of the Texas Department of Agriculture will meet in the Corn Board Office, 218 East Bedford, Dimmitt. According to the agenda summary, the board will consider the report of previous meetings; financial statement; report on the national conference on motor fuels and air quality; statewide check-off survey; and ethanol update.

Contact: Carl King, 218 East Bedford, Dimmitt, Texas 79027, (806) 647-4224.

Filed: October 10, 1989, 2:26 p.m.

TRD-8909563

Court Reporters Certification Board

Saturday, October 21, 1989, 8:30 a.m. The Court Reporters Certification Board will meet in the Conference Room, 510 South Congress Avenue, Austin. According to the agenda, the board will review minutes from previous meeting; consider statistical data from previous exams; consider correspondence in Cause No. 89226405; hold preliminary reviews in Cause Nos. 89017306, 89194107, 89050608, 89070309, 89114610, 89144511, 89194612, 89090913, 89090914, and 89029115; consider board policy changes regarding statement of proficiency forms as per TEA proposals; discuss §52.021(e) of the Government Code, V.T.C.A., review 1990 exam and meeting dates; consider FY 1990 proposed operating budget; consider miscellaneous correspondence and any other business that comes before the board.

Contact: Peg Liedtka, 510 South Congress Avenue, Suite 310, Austin, Texas 78704, (512) 463-1630.

Filed: October 10, 1989, 10:37 a.m.

TRD-8909558

Texas School for the Deaf

Friday, October 13, 1989, 10 a.m. The Board of Commissioners of the Texas School for the Deaf met for an emergency meeting in the Conference Room, 510 South Congress, Austin. According to the revised agenda, the board approved previous meeting minutes; hear subcommittee reports; chairperson's report; fiscal affairs; rules and regulations; BEI; executive director's report; direct services; executive session pursuant to Article 6252.17 to discuss personnel matters; old business; new business; and announcements. The emergency

status was necessary because important matters have come up that must be discussed in executive session.

Contact: Larry D. Evans, 510 South Congress, Suite 300, Austin, Texas 78704, (512) 469-9891.

Filed: October 10, 1989, 3:34 p.m.

TRD-8909669

Friday, October 20, 1989, 11:30 a.m. The Governing Board of the Texas School for the Deaf will meet in the Administration Building Board Room, 1102 South Congress Avenue, Austin. According to the agenda summary, the board will approve minutes of August 18, 1989, meeting; consider business requiring board action; consider business for information purposes; comments by board members.

Contact: Marilyn Stephan, P.O. Box 3538, Austin, Texas 78764, (512) 440-5335.

Filed: October 10, 1989, 10:35 a.m.

TRD-8909555

Texas Education Agency

Thursday, October 19, 1989, 11:15 a.m. and Friday, October 20, 1989, 8:30 a.m. The Joint Meeting of the State Board of Education Committee on Long-Range Planning and the Commissioner's Advisory Committee on the Long-Range Plan of the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the joint meeting will consider proposals for meeting goals 1-4 of the long range plan for public education, 1990-1994; challenges for the 1990's; discuss goal 1, student learning; discuss goal 2, curriculum and programs; expert session: the rational infant, slow learner; discuss goal 3, personnel; discuss goal 4, organization and management; wrap-up of two day meeting and plan for next meeting.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: October 11, 1989, 4:26 p.m.

TRD-8909683

Tuesday October 26, 1989, 10 a.m. The Proprietary School Advisory Commission of the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the commission will discuss proposed State Board of Education rule changes.

Contact: Dee Bednar, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9475.

Filed: October 11, 1989, 4:26 p.m.

TRD-8909682

Texas Department of Health

Wednesday, October 18, 1989, 10 a.m. The Respiratory Care Practitioners Advisory Board of the Texas Department of Health will meet in Room T-407, 1100 West 49th Street, Austin. According to the agenda summary, the board will approve minutes of previous meeting; consider chairperson's report, program administrator's report; elect officers; respiratory care practitioners employed by home health agencies and durable medical equipment dealers; information concerning continuing education requirements and AARC's (American Association for Respiratory Care) decision to include home study as Category I; amendments to rules (123.1-123.14); action on applications disapproved by program administrator; other matters not requiring board action.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756 (512) 458-7631.

Filed: October 10, 1989, 11:02 a.m.

TRD-8909557

Thursday, October 19, 1989 1:30 p.m. The Emergency and Disaster Committee of the Texas Board of Health will meet in Room M-741, 1100 West 49th Street, Austin. According to the agenda summary, the committee will discuss TDH emergency and disaster committee subcommittees; trauma registry system; appointments to trauma technical advisory committee; and to Texas Emergency Medical Services Advisory Committee.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 7856, (512) 458-7484.

Filed: October 11, 1989, 4:04 p.m.

TRD-8909678

Texas Historical Commission

Thursday, October 26, 1989, 4 p.m. The Executive Committee of the Texas Historical Commission will meet in the Roseville Manor, 217 West LaFayette, Jefferson. According to the agenda, the commission will discuss Texas Awards for historic preservation and vending machines.

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

Filed: October 11, 1989, 3:35 p.m.

TRD-8909685

Friday, October 27, 1989, 7 a.m. The CHC and Museum Services Committee of the Texas Historical Commission will meet in the Roseville Manor, 217 West LaFayette, Jefferson. According to the agenda, the committee will consider museum grants.

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

Filed: October 11, 1989, 3:35 p.m.

TRD-8909684

Friday, October 27, 1989, 9:30 a.m. The Quarterly Meeting of the Texas Historical Commission will meet in Christ Episcopal Church, 703 South Main, Jefferson. According to the agenda summary, the commission will consider the following reports: chairman's, main street committee, CHC and museum services committee, national register programs committee, publications committee, state marker committee, architecture committee, archaeology committee, archaeological planning and review committee, and the Texas Antiquities Committee.

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

Filed: October 11, 1989, 3:36 p.m.

TRD-8909681

Texas Department of Human Services

Wednesday, October 18, 1989, 9 a.m. The Board of the Texas Department of Human Services will meet at 188 Freeman Boulevard, West Columbia. According to the agenda, the board will consider long-term goals and objectives; and methodologies for future problem-solving.

Contact: Bill Woods, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3047.

Filed: October 10, 1989, 2:47 p.m.

TRD-8909571

Wednesday, October 18, 1989, 1 p.m. The Council on Child Abuse and Neglect Prevention of the Texas Department of Human Services will meet at the Dallas Bar Association, 2101 Ross Avenue, Dallas. According to the agenda, the council will meet in executive closed session; purpose of meeting—consider personnel and management issues; council meeting agenda.

Contact: Janie Fields, 8140 Mopac, Building 4, Suite 200, Austin, Texas 78759, (512) 345-9218.

Filed: October 10, 1989, 2:48 p.m.

TRD-8909570

Texas Juvenile Probation Commission

Friday, October 20, 1989, 9 a.m. The Board of the Texas Juvenile Probation Commission will meet at 2015 South IH 35, Austin. According to the agenda, the board will approve minutes of the July 7, 1989, meeting; introduce new commissioner and staff; consider director's report; approve revision of FY 1989 administration budget; approve FY 1990 administration budget;

highlights of 1988 annual report; report of juvenile sex offender research; report of community resource coordination groups; approval of renewal of interagency coordination and volunteer program in Hidalgo County; public comments; members of the public are invited to attend this meeting and speak on any issue under the jurisdiction of the commission.

Contact: Bill Anderson, P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: October 10, 1989, 12:58 p.m.

TRD-8909561

Board of Nurse Examiners

Tuesday, October 24, 1989, 9:30 a.m. The Board of Nurse Examiners will meet in Room 207, West Tower, Hyatt Regency DFW, DFW Airport, Dallas. According to the agenda, the board will update the strategic plan and develop goals and strategies for FY 1990.

Contact: Louise Waddill, P.O. Box 140466, Austin, Texas 78714, (512) 835-4880.

Filed: October 10, 1989, 3:33 p.m.

TRD-8909668

Texas Parks and Wildlife Department

Tuesday, October 24, 1989, 5 p.m. The Operation Game Thief Committee of the Texas Parks and Wildlife Department will meet at the Chuck Nash ranch (1/4 mile east of Kyle/FM 150). According to the agenda summary, the members of the committee plan to have dinner at 5 p.m.; although this function is primarily a social event and no formal action is planned the committee may discuss items on the public hearing agenda scheduled for October 25, 1989, 10 a. m.

Contact: Wayne Chappell, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4626.

Filed: October 11, 1989, 2:37 p.m.

TRD-8909674

Public Utility Commission of Texas

Friday, October 20, 1989, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the prehearing conference on Docket No. 9022—application of J-A-C Electric Cooperative, Inc. for a tariff revision.

Contact: Mary Ross McDonald, 7800

Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: October 10, 1989, 4 p.m.

TRD-8909670

Wednesday January 3, 1990, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the hearing on Docket No. 9056—application of Concho Valley Electric Cooperative, Inc. for authority to change rates.

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

Filed: October 11, 1989, 2:51 p.m.

TRD-8909676

Railroad Commission of Texas

Thursday, October 19, 1989, 9 a.m. The Railroad Commission of Texas will meet in the William B. Travis Building, 1701 North Congress, Austin. According to the agenda summary, the commission will hold oral argument on Docket No. 89-07325—application of Lone Star Gas Company, a division of Enserch, appeal of Lone Star Gas Company from the action of the City of Sonora, Texas.

Contact: Thomas S. Hunter, P.O. Box 12967, Austin, Texas 78711, (512) 463-7013.

Filed: October 11, 1989, 4:19 p.m.

TRD-8909680

Texas State Soil and Water Conservation Board

Monday, October 23, 1989, 3 p.m. The Texas State Soil and Water Conservation Board will meet in the Ruby Room, Embassy Suites Hotel, 1800 South Second Street, McAllen. According to the agenda, the board will review and take appropriate action on: minutes of September 20, 1989, meeting; district director appointments; and funding of federal soil conservation programs in Texas.

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

Filed: October 11, 1989, 8:40 a.m.

TRD-8909599

State Committee of Examiners for Speech-Language

Friday, October 13, 1989, 9 a.m. The State Committee of Examiners for Speech-Language Pathology and Audiology met for an emergency meeting in the Southwestern Room, Hawthorne Suites Central-Airport, 935 La Posada, Austin. According to the agenda summary, the committee considered: minutes of previous meeting, complaints (status, investigations, procedures, precedent manual, definition), license procedure verification, supervisory responsibilities and license requirements for associates and communication helpers, data processing support, revision to existing forms, additional forms, transdisciplinary approach to patient care, use and termination of title, "certified hearing aid audiologist", continuing education option of college coursework in the professional area, option of reapplying for license, changes to committee rules, annual review of committee budget, executive secretary's report, and other matters requiring no action. The emergency status was necessary because official public posting place (capitol) was closed due to a fire.

Contact: June Robertson, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7502.

Filed: October 11, 1989, 4:07 p.m.

TRD-8909679

Stephen F. Austin State University

Tuesday, October 17, 1989, 10 a.m. The Board of Regents of Stephen F. Austin State University will meet in Room 307 Austin Building, SFA Campus, Nacogdoches. According to the agenda, the board will consider renewal of hospitalization insurance for university employees; consider the screening process for selection of the university president.

Contact: William R. Johnson, P.O. Box 6078 SFA, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: October 11, 1989, 9:11 a.m.

TRD-8909593

University Interscholastic League

Sunday-Monday, October 15-16, 1989, 8 a.m. The Legislative Council of the University Interscholastic League will meet in the Ballroom, Radisson Hotel, 7th and San Jacinto, Austin. According to the agenda summary, the policy, athletic, music and academic related items will be presented by individuals to the council and referred to standing committees; final action will be

taken by the council on Monday on items brought forth; council will consider and take action on listed agenda items.

Contact: Bonnie Northcutt, P.O. Box 8028, UT Station, Austin, Texas 78713-8028, (512) 471-5883.

Filed: October 10, 1989, 3:50 p.m.

TRD-8909583

Texas Water Commission

Thursday, October 12, 1989, 10 a.m. The Texas Water Commission met for an emergency meeting in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the revised agenda summary, the commission considered various matters within the regulatory jurisdiction of the commission. In addition, the commission considered 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. The emergency status was necessary because a reasonably unforeseeable situation required immediate action by the commission.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: October 10, 1989, 1:45 p.m.

TRD-8909565

Tuesday, October 24, 1989, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, 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: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: October 12, 1989, 9:30 a.m.

TRD-8909691

Thursday, October 26, 1989, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, 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 contin-

ued 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: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: October 12, 1989, 9:29 a.m.

TRD-8909692

Texas Water Development Board

Wednesday October 18, 1989, 9 a.m. The Texas Water Development Board will meet in the Bluebonnet II, Guest Quarters Hotel, 303 West 15th Street, Austin. According to the agenda summary, the board will consider: approval of minutes September 21, 1989 meeting; development fund manager's report; extending loan commitments for Cities of Hackberry, Marion, and El Paso WCID; requests for financial assistance from Cities of Emory, Johnson City, Wichita Falls, Laredo, Hurst Creek MUD and Martin County; emergency adoption of 31 TAC §355.70-355.80; awarding contract to determine ability of residents in economically distressed areas to pay for water and wastewater services; reallocation of \$24,490 from regional planning program to the research program of research and planning fund; interagency cooperative contract with UT Marine Science Institute; award of contract for modifications to portfolio management system; join the Franklin County Water District in an application to amend certificate of adjudication relating to Lake Cypress Springs.

Contact: G. E. Kretzschmar, P.O. Box 13231, Austin, Texas, (512) 463-7847.

Filed: October 10, 1989, 1:16 p.m.

TRD-8909566

Regional Meetings

Meetings Filed October 10, 1989

The Denton Central Appraisal District, Appraisal Review Board will meet at 3911 Morse, Denton, October 20, 1989, at 9 a.m. Information may be obtained from Joe D. Rogers 3911 Morse, Denton, Texas 76205, (817) 566-0904.

The Denton Central Appraisal District, Board of Directors will meet at 3911 Morse, Denton, October 19, 1989, at 4 p.m. Information may be obtained from Joe Rogers, 3911 Morse, Denton, Texas 76205, (817) 566-0904.

The Ellis County Appraisal District, met for an emergency meeting at 406 Sycamore Street, Waxahachie, October 12, 1989, at 7

p.m. Information may be obtained from Russell A. Garrison, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

TRD-8909554

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**Meetings Filed October 11,
1989**

The Bexar Appraisal District, Appraisal Review Board met for an emergency meeting at 535 South Main, San Antonio, October 13, 1989 at 8:30 a.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Bexar Appraisal District, Board of Directors met for an emergency meeting at 535 South Main, San Antonio, October 16, 1989, at 5 p.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Central Counties Center for Mental Health and Mental Retardation Services, Board of Trustees will meet at 304 South 22nd Street, Temple, October 17, 1989, at 7:45 p.m. Information may be obtained from Michael K. Muegge, 304 South 22nd Street, Temple Texas, 76301.

The Central Texas Council of Governments, Executive Committee will meet in the Bell County Expo Center, Belton, October 26, 1989, at 1:30 p.m. Information may be obtained from A.C. Johnson, P.O. Box 729, Belton, Texas 76513, (817) 939-1801.

The Dallas Central Appraisal District, Appraisal Review Board will meet in Suite 500, 1420 West Mockingbird Lane, Dallas, October 27, 1989, at 10 a. m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

The El Oso Water Supply Corporation, Board of Directors will meet in their Offices, Karnes City, October 18, 1989, at 7:30 p.m. Information may be obtained from Hilmer Wagener, P.O. Box 309, Karnes City, Texas 78118, (512) 780-3539.

The Gillespie Central Appraisal District, Board of Directors will meet in City Hall Assembly Room, Fredericksburg, October 19, 1989, at 9 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-9807.

The Greater Austin-San Antonio Corridor Council, Inc., Executive Committee met for an emergency meeting in the Crest Hotel, Austin, October 13, 1989, at 11:15 a.m. Information may be obtained from Dana Douglass, P.O. Box 1618, San Marcos, Texas 78667-1618.

The Greater Austin-San Antonio Corridor Council, Inc., Full Council met for an emergency meeting at the Crest Hotel, Austin, October 13, 1989, at 1 p.m. Informa-

tion may be obtained from Dana Douglass, P.O. Box 1618, San Marcos, Texas 78667-1618.

The Guadalupe-Blanco River Authority, Board of Directors will meet in the Authority's offices, 933 East Court Street, Seguin, October 19, 1989, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822.

The Heart of Texas Council of Governments, Executive Committee will meet in the HOTCOG Conference Room, 300 Franklin, Waco, October 19, 1989, at 4:30 p.m. Information may be obtained from Mary McDow, 300 Franklin, Waco, Texas 76701-2297, (817) 756-7822.

The Heart of Texas Council of Governments, Board of Directors will meet in the Brazos Room, Waco Convention Center, Waco, October 19, 1989, at 6:15 p.m. Information may be obtained from Mary McDow, 300 Franklin, Waco, Texas 76701-2297, (817) 756-7822.

The Hood County Appraisal District, Board of Directors will meet at 1902 West Pearl, Granbury, October 17, 1989, at 7:30 p.m. Information may be obtained from Harold Chestnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471.

The Lamar County Appraisal District, Regular Board will meet in the District Office, 521 Bonham Street, Paris, October 17, 1989, at 5 p.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (214) 785-7822.

The Mills County Appraisal District, will meet in the Mills County Courthouse Commissioner's Court, Goldthwaite, October 19, 1989, at 6:30 p.m. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

The Nortex Regional Planning Commission, Executive Committee will meet in the Wichita II Room, Hilton Hotel, 401 Broad Street, Wichita Falls, October 19, 1989, at Noon. Information may be obtained from Dennis Wilde, 2101 Kemp Boulevard, Wichita Falls, Texas, (817) 322-5281.

The Region XII Education Service Center, Administrative-Board of Directors will meet at 401 IH 35, Waco, October 19, 1989, at 7:30 p.m. Information may be obtained from George B. Tibbs, P.O. Box 1249, Waco, Texas 76703-1249, (817) 756-7494.

The Region XVI Education Service Center, Board of Directors will meet in the Texas Empire Room, Amarillo Club, Seventh and Tyler, Amarillo, October 20, 1989, at 1 p.m. Information may be obtained from Kenneth M. Laycock, P.O. Box 30600, Amarillo, Texas 79120, (806) 376-5521.

The Trinity River Authority of Texas, Utility Services Committee will meet at 5300 South Collins, Arlington, October 17,

1989, at 10 a.m. Information may be obtained from Jack C. Worsham, 5300 South Collins, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343.

TRD-8909586

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**Meetings Filed October 12,
1989**

The Dewitt County Appraisal District, Board of Directors will meet at 103 Bailey Street, Cuero, October 17, 1989, at 7:30 p.m. Information may be obtained from John Haliburton, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

The Garza County Appraisal District, Board of Directors will meet in the Appraisal Office, Courthouse, Post, October 19, 1989, at 9 a.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

The Limestone County Appraisal District, Board of Directors will meet in the Meeting Room, Limestone County Courthouse, Groesbeck, October 18, 1989, at 5 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009.

The Mason County Appraisal District, will meet at 206 Ft. McKavitt Street, Mason, October 18, 1989, at 7 p.m. Information may be obtained from Neal Little, 206, Ft. McKavitt Street, Mason, (915) 347-5989.

The Region III Education Service Center, Board of Directors met at 1905 Leary Lane, Victoria, October 16, 1989, at 1:30 p.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901.

The Region VI Education Service Center, Board of Directors will meet at the Briarcrest Country Club, Bryan, October 19, 1989, at 5 p.m. Information may be obtained from Bobby Roberts, 3332 Montgomery Road, Huntsville, Texas 77340, (409) 295-9161.

The Rio Grande Council of Governments, Board of Directors will meet on the Second Floor, 123 Pioneer Plaza, El Paso, October 20, 1989, at 9:30 a.m. (MST) Information may be obtained from Cecile C. Gamez, 123 Pioneer Plaza, Suite 210, El Paso, Texas 79901, (915) 533-0998.

The South Texas Private Industry Council, Inc., will meet at Highway 83 and 10th Street, Zapata, October 19, 1989, at 4 p.m. Information may be obtained from Ruben M. Garcia, P.O. Box 1757, Laredo, Texas 78044-1757.

The Trinity River Authority of Texas, Legal Committee will meet at 5300 South Collins, Arlington, October 18, 1989, at 10:30 a.m. Information may be obtained from Jack C. Worsham, 5300 South Collins,

P.O. Box 60, Arlington, Texas 76004, (817)
467-4343.

TRD-8909586

In Addition

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

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

State Banking Board Notice of Hearing

The hearing officer of the State Banking Board will conduct a hearing on November 20, 1989, at 9 a.m., at 2601 North Lamar Boulevard, Austin, on the change of domicile application for Moulton State Bank, Moulton.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on October 10, 1989.

TRD-8908880 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: October 11, 1989

For further information, please call: (512) 479-1200

Texas Department of Banking Notice of Application

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a trust company to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular trust company. A hearing may be held if the application is denied by the commissioner.

On September 6, 1989, the banking commissioner received an application to acquire control of Texas Investment and Trust Company, Dallas, by First Surety Bank, Limited, Majuro, Republic of the Marshall Islands.

On October 9, 1989, notice was given that the application would not be denied.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on October 9, 1989.

TRD-8909581 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: October 10, 1989

For further information, please call: (512) 479-1200

Texas Cancer Council Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 4477-41, the Texas Cancer Council requests proposals to develop and expand cancer screening and detection programs to rural communities in the Texas Panhandle.

Description of Services. The Texas Cancer Council has an interest in supporting a project that will develop and expand cancer screening and detection programs for rural communities in the Texas Panhandle.

Background. The Don and Sybil Harrington Cancer Center has expressed an interest in developing a cancer screening and detection program for the rural communities of the Texas Panhandle. Other organizations may also have an interest in such a project.

The Texas Cancer Council welcomes proposals that address the scope of work and which contain a technical proposal and a business proposal. The technical proposal will specify the overall program priority area, the specific problems to be addressed, the scope of work to be undertaken including major tasks and activities, and a timetable with major milestones and delivery schedule, an organizational plan with manpower estimates by major task, identification of key personnel, and an evaluation plan.

This project has been classified as a developmental project. The business proposal will specify the estimated costs to the Texas Cancer Council if the grant proposal is funded for 12 months and the commitment of the proposing organization to fund the project beyond the year covered by the proposal. Other terms and conditions related to the proposal shall be included. The estimated cost shall not exceed \$85,000 and must be on a line item budget basis to fully identify the type of expense anticipated, and where appropriate, to estimate those costs for each major task identified in the technical proposal. Other terms and conditions must include the time period during which the proposal is valid and who is authorized to negotiate matters related to the proposal on behalf of the proposing agency or organization.

Due Date. Proposals must be received no later than October 31, 1989, in the office of the Texas Cancer Council.

Evaluation Procedures. The criteria used to evaluate the proposals include: the submission of a proposal addressing all of the required areas; the offeror's plan for completing the project on or before the deadline to be stipulated in the award; and the description of the offeror's organization for agency. The Texas Cancer Council invites proposals from multiple public or nonprofit agencies and organizations, or a consortium of such organizations.

The Texas Cancer Council reserves the right to accept or reject any or all proposals submitted. The Texas Cancer Council is under no legal requirement to grant an award on the basis of this advertisement, and intends that any material provided be used only as a means of identifying qualified applicants. The Texas Cancer Council will base its choice on the criteria as previously identified. This request does not commit the Texas Cancer Council to pay any costs incurred prior to granting an award. The council may request an oral presentation from selected finalists.

Contact Person. Dr. Jack L. Franklin, Acting Executive Director, Texas Cancer Council, P.O. Box 12097, Austin, Texas 78711, (512) 463-3190.

Issued in Austin, Texas on October 9, 1989.

Filed: October 9, 1989

For further information, please call: (512) 463-8180

Credit Union Department Amended Notice of Hearing

A hearing officer for the Credit Union Department will conduct a consolidated hearing to determine whether the applications for amendment to the bylaws for expansion of fields of membership by the following credit unions should be approved or disapproved: Dallas Teachers Credit Union, Dallas; Community Credit Union, Plano; City Employees Credit Union, Dallas; FFE Operators Credit Union, Lancaster; Dallas Postal Credit Union, Dallas; Gifford-Hill Credit Union, Dallas; Johnson County Community Credit Union, Cleburne; and Texas Industries Employees Credit Union, Arlington.

Time and Place of Hearing. The hearing will be held on November 29, 1989, at 10 a.m. at Criminal District Court Number 1, Government Center, 600 Commerce Street, Dallas.

Authority. Texas Civil Statutes, Articles 6252-13(a), 2461-2.06(b), and 2461-12.01 (Vernon Supplement 1989); 7 Texas Administrative Code, §93.221.

Names and Addresses of Parties. Applicants—S. E. Hale, President, Dallas Teachers Credit Union, P.O. Box 64728, Dallas, Texas 75206; M. H. Hearon, President, Gifford-Hill Employees Credit Union, P.O. Box 210628, Dallas, Texas 75211; Anthony R. Tairani, President, Johnson County Community Credit Union, P.O. Box 637, Cleburne, Texas 76033; Davis W. Marr, President, City Employees Credit Union, 7474 Ferguson Road, Dallas, Texas 75228; Suzanne Fewin, President, FFE Operators Credit Union, P.O. Box 444, Lancaster, Texas 75146; James P. Gibson, President, Dallas Postal Credit Union, P.O. Box 224444, Dallas, Texas 75222-4444; Gerald L. Dumm, President, Texas Industries Employees Credit Union, P.O. Box 400, Arlington, Texas 76004; and Garold (Gary) Base, President, Community Credit Union, P.O. Box 867119, Plano, Texas 75086.

Credit Union Department—Robert W. Rogers, Deputy Commissioner, 914 East Anderson Lane, Austin, Texas 78752.

Represented by: Everett Jobe, Assistant Attorney General, P.O. Box 12548, Austin, Texas 78711-2548.

Nature of Hearing. This hearing is a contested case under the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a. Each applicant must demonstrate the exact geographic boundaries expressed by city, count, or radius from the credit union's principal or branch office; whether its proposed expansion overlaps the field of membership of another credit union; the nature and degree of the overlap; whether the new group proposed to be served by the expansion has requested the expansion; whether any efforts have been taken to resolve the overlap, if any; the applicant's ability to adequately serve the proposed expanded field of membership. Each applicant shall also be required to provide the information requested in the Application to Amend Article of Incorporation or Bylaws filed with the Credit Union Department. The hearing officer shall consider this and other information necessary to comply with the provisions of the Texas Civil Statutes, Article 2461-1.05, and

2.06(b). The Credit Union Commission may decide not to hold an additional hearing on the application.

Deadline for Requesting to be a Party. At the hearing, only those persons admitted as parties and their witnesses will be allowed to participate. Presently, the only prospective parties are the applicants and the Credit Union Department staff. Any person who may be affected by the proposed expansions of fields of membership who wants to be made a party must send a specific written request for party status to Hearings Examiner, John R. Hale and make sure that this request is actually received at the Credit Union Department Office, 914 East Anderson Lane, Austin, Texas 78752, by 5 p.m. on October 9, 1989. The examiner cannot grant party status after that deadline, unless there is good cause for the request arriving late. Hearing requests, comments, or other correspondence sent to the Credit Union Department before publication of this notice will not be considered as a request for party status. The examiner will make a final decision on party status at the prehearing conference.

Prehearing Conference. The examiner has scheduled a prehearing conference on October 16, 1989, at 10 a.m. at the Credit Union Department Office, 914 East Anderson Lane, Austin. At this conference, the examiner will consider any motions of the parties but may grant contested motions for continuance only upon proof of good cause. The examiner will also establish a specific date prior to the hearing on the merits for the exchange of written and documentary evidence.

Public Attendance and Testimony. Members of the general public may attend the hearing. Those who plan to attend are encouraged to telephone the Credit Union Department Office in Austin at (512) 837-9236, a day or two prior to the hearing date in order to confirm the setting, since continuances are sometimes granted.

Any person who wants to give testimony at the hearing, but who does not want to be a party, may call the Credit Union Department Office at (512) 837-9236, to find out the names and addresses of all admitted parties who may be contacted about the possibility of presenting testimony.

Information About the Application. Information about the applications are available at the Credit Union Department Office located 914 East Anderson Lane, Austin, Texas 78752.

Issued in Austin, Texas, on October 9, 1989.

TRD-8909520

Texas Education Agency Consultant Proposal Request

This consultant proposal request is filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

The Texas Education Agency must continue to administer and produce registration materials for the teacher recertification test required by the Texas Education Code, §13.047. This contract is for the continued administration of the program and for developing and printing these materials. The contract will be awarded based on an evaluation of the contractor's ability to provide the requested services. Services have been provided in past years by National Computer Systems, Inc. for the initial development and continuing administration of the test. It is the intent of the Texas Education Agency to contract with National Computer Systems, Inc., in the amount of \$28,124, unless a better offer is received.

Closing Date for Receiving Offers. By this announcement and by direct mailing to major test development

companies, the Texas Education Agency is inviting a better offer. The deadline for receipt of offers is October 27, 1989.

Contact. Specifications may be reviewed in the Office of the Assistant Commissioner for Assessment, Texas Education Agency. For additional information, contact the Assistant Commissioner for Assessment, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494, (512) 463-9533.

Issued in Austin, Texas on October 6, 1989.

TRD-8909651 W. N. Kirby
Commissioner of Education

Filed: October 9, 1989

For further information, please call: (512) 463-8212

Texas Department of Health

Correction of Error

The Texas Department of Health submitted a proposed amendment which contained an error as submitted by the department in the September 26, 1989, issue of the *Texas Register* (14 TexReg 5004). The address was incorrect. Section 37.97 should read: "Medical Eligibility Criteria. The department adopts by reference the medical eligibility criteria published by the department, approved by the Board, as amended December 1989 [October 1988]. A copy of the medical eligibility criteria is indexed and filed in the Bureau of Chronically Ill and Disabled Children's Services, Texas Department of Health, 1100 West 49th

Street [1101 East Anderson Lane], Austin, Texas, 78756-3199 and is available for public inspection during regular working hours."

Correction of Error

The Texas Department of Health submitted a new proposed section which was published with a typographical error in the September 29, 1989, issue of the *Texas Register* (14 TexReg 5154).

In §145.251 (relating to Definitions), the definition for "Examination" is combined with the definition for "Department". The definitions should read:

Department—The Texas Department of Health.

Examination—A written competency evaluation administered by the department.

Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
El Paso	Isomedix, Inc.	L04268	El Paso	0	09/27/89
Houston	River Oaks Imaging and Diagnostic	L04342	Houston	0	09/13/89
Houston	Southern Petroleum Laboratories, Inc.	L04276	Houston	0	09/13/89
Pasadena	Goodyear Tire & Rubber Company	L04321	Pasadena	0	09/13/89
Richardson	Optex Systems Inc.	L04332	Richardson	0	09/18/89
Throughout Texas	Soil Mechanics International	L04333	El Paso	0	09/13/89
Throughout Texas	Brainard-Kilman	L04302	Houston	0	09/13/89

AMENDMENTS TO EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Alvin	Monsanto Company	L00219	Alvin	47	09/27/89
Arp	Baker Tank Company	L02599	Arp	17	09/22/89
Austin	Texas Instruments Inc.	L03838	Austin	4	09/18/89
Beaumont	Baptist Hospital of Southeast Texas	L00358	Beaumont	58	09/14/89
Bruni	Westinghouse Electric Corporation	L02537	Bruni	22	09/26/89
Calvert	Texas-New Mexico Power Company	L04280	Bremond	1	09/21/89
Cheek	Metalforms, Inc.	L02261	Beaumont	15	09/25/89
Corpus Christi	Humana Hospital Corpus Christi	L02816	Corpus Christi	18	09/14/89
Corpus Christi	Hoechst Celanese Corporation	L00409	Corpus Christi	40	09/11/89
Corpus Christi	Petroleum Equipment Tools Co.	L02756	Houston	5	09/20/89
Deer Park	Fina Oil and Chemical Company	L00302	Deer Park	24	09/20/89
Evadale	Temple-Inland Forest Products, Inc.	L01095	Silsbee	33	09/19/89
Fort Worth	Medical Plaza Hospital	L02171	Fort Worth	18	09/11/89
Friendswood	Iso-Tex Diagnostic, Inc.	L02999	Friendswood	17	09/18/89
Houston	Baylor College of Medicine	L00680	Houston	32	09/13/89
Houston	The Methodist Hospital	L00457	Houston	61	09/13/89
Houston	Core Laboratories, Inc.	L02628	Houston	8	09/19/89
Longview	Marathon LeTourneau Company	L02304	Longview	9	09/13/89
Longview	King Tool Company	L02750	Longview	6	09/14/89
Longview	Texas Eastman Company	L00301	Longview	60	09/20/89
Mansfield	Fluidic Techniques, Inc.	L02810	Mansfield	7	09/13/89

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Mineral Wells	Perry Equipment Corporation	L00330	Mineral Wells	27	09/26/89
Missouri City	Flow Control Division	L00061	Houston	18	09/13/89
Pasadena	Hoechst Celanese Corporation	L04008	Houston	3	09/11/89
Pasadena	AES Deepwater, Inc.	L03746	Pasadena	4	09/11/89

Port Lavaca	Union Carbide Chemicals and Plastics Company Inc.	L00051	Port Lavaca	50	09/07/89
San Antonio	Refrigeration Engineering Corp.	L03483	San Antonio	5	09/18/89
Texas City	Amoco Oil Company	L00253	Texas City	28	09/26/89
Texas City	Union Carbide Chemicals and Plastics Company, Inc.	L00495	Texas City	38	09/21/89
Throughout Texas	Sigma Industries, Inc.	L03753	Pleasanton	3	09/07/89
Throughout Texas	Basin Industrial X-Ray, Inc.	L02280	Corpus Christi	25	09/18/89
Throughout Texas	Linac Services, Inc.	L03573	Houston	15	09/18/89
Throughout Texas	Petroleum Industry Inspectors	L04081	Houston	7	09/15/89
Throughout Texas	Technical Welding Laboratory, Inc.	L02187	Pasadena	50	09/18/89
Throughout Texas	McClelland Consultants (Southwest), Inc.	L00058	Houston	32	09/15/89
Throughout Texas	Guardian NDT Services, Inc.	L04099	Corpus Christi	7	09/13/89
Throughout Texas	Longview Inspection, Inc.	L03720	Longview	15	09/14/89
Throughout Texas	Abbott Laboratories, Inc.	L03340	Austin	5	09/11/89
Throughout Texas	Ultrasonic Specialists, Inc.	L01774	Houston	42	09/13/89
Throughout Texas	General Inspection Services	L02319	Houston	15	09/13/89
Throughout Texas	Panhandle N.D.T. & Inspection, Inc.	L02627	Borger	20	09/13/89
Throughout Texas	Southern Services, Inc.	L02683	Lake Jackson	22	09/11/89
Throughout Texas	Core Laboratories, Inc.	L02975	Houston	19	09/07/89
Throughout Texas	Chemical Waste Management, Inc.	L02907	Port Arthur	8	09/07/89
Throughout Texas	Nordion International, Inc.	L00721	Ontario CANADA	29	09/13/89
Throughout Texas	International Digital Modeling Corp.	L04113	Pflugerville	6	09/13/89
Throughout Texas	City of Fort Worth	L01928	Fort Worth	11	09/13/89
Throughout Texas	State Dept. of Highways and Public Transportation	L00197	Austin	55	09/13/89
Throughout Texas	Maxim Engineers Inc.	L02653	Dallas	15	09/13/89
Throughout Texas	P & S Perforators	L02396	Victoria	11	09/11/89
Throughout Texas	Texas Nuclear Corporation	L03524	Austin	15	09/15/89
Throughout Texas	Texas Nuclear Corporation	L01105	Austin	25	09/15/89
Throughout Texas	Tuboscope, Inc.	L00287	Houston	80	09/15/89
Throughout Texas	Shell Development Company	L02116	Houston	23	09/18/89
Throughout Texas	AIE, Inc.	L01765	Austin	19	09/18/89
Throughout Texas	Amoco Pipeline Company	L02640	Oakbrook Terr., IL	6	09/25/89
Throughout Texas	Global X-Ray & Testing Corp.	L03663	Houston	6	09/21/89
Throughout Texas	Triple G X-Ray & Testing Labs, Inc.	L03136	Humble	8	09/25/89
Throughout Texas	R & R X-Ray	L03091	Willis	5	09/21/89
Throughout Texas	Precision Inspection, Inc.	L00203	Houston	33	09/22/89
Throughout Texas	Jerry W. Owen	L01851	Pasadena	41	09/25/89
Throughout Texas	Harding-Lawson Associates	L01970	Houston	17	09/19/89
Throughout Texas	BFO Wireline, Inc.	L03921	Liberty	3	09/21/89
Throughout Texas	The Dow Chemical Company	L00451	Freeport	46	09/21/89
Throughout Texas	Bryant-McClelland Consultants	L03875	Austin	3	09/21/89
Throughout Texas	Olympic Wireline, Inc.	L03674	Victoria	6	09/20/89
Throughout Texas	Brown & Root U.S.A., Inc.	L03391	Houston	13	09/20/89
Throughout Texas	Aluminum Company of America	L04316	Rockdale	1	09/21/89

RENEWALS OF EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Action</u>
Houston	Anheuser-Busch, Inc.	L03361	Houston	2	09/13/89
Throughout Texas	Testing Unlimited Incorporated	L03520	Houston	4	09/25/89
Throughout Texas	Support Consultants and Associates, Inc.	L03353	DeLeon	6	09/25/89

TERMINATIONS OF LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Crane	ARCO Oil and Gas Company	L00801	Crane	12	09/22
Houston	C-E Vetco Services, Inc.	L01958	Houston	21	09/18/89
Throughout Texas	GIE Products Corporation	L03858	Danvers, MA	3	09/12/89
Throughout Texas	Well Analysis Company, Inc.	L03682	Tyler	12	09/22/89

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by Agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday-Friday (except holidays).

Issued in Austin, Texas, on October 10, 1989.

TRD-8909559 Robert A. Maclean, M.D.
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: October 10, 1989

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

Texas Department of Human Services Consultant Proposal Request

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

Description of Services: The consultant shall complete an evaluation of the current commodity distribution system used by TDHS, examine and recommend commercial alternatives, and assist as may be required in implanting a commercial system.

Contact Person: The contact person is E. Wayne Kuykendall, Administrator, Food Distribution Division 560-W, P. O. Box 149030, Austin, Texas 78714-9030.

(512) 450-3148. Proposal packages and further information regarding the consultant services are available upon request.

Closing Date: The closing date for receipt of offers is 5 p.m., November 30, 1989.

Evaluation: TDHS will evaluate offers primarily on the basis of the consultant's knowledge and experience in food distribution in the private sector, knowledge and experience in the distribution of United States Department of Agriculture donated foods program, and price proposal for undertaking and completing the assignment.

Issued in Austin, Texas, on October 10, 1989.

TRD-8909577 Cathy Rossberg
Administrator, Policy Development Services
Division
Texas Department of Human Services

Filed: October 10, 1989.

For further information, please call: (512) 450-3785

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

Description of Services: The consultant will conduct an evaluation of part of the Texas welfare reform waiver project. The project has instituted some of the federal Welfare Reform requirements early, and the evaluation will measure the effectiveness of the changes in helping AFDC clients become employed and self-sufficient. The welfare reform waiver project is providing extended transitional Medicaid benefits and child care to former AFDC caretakers who successfully left AFDC because they became employed. The evaluation will assess whether these services help the former caretakers remain off AFDC as they make the transition from dependency to self-sufficiency. It will also assess whether the program creates incentive to become employed and leave AFDC. The evaluation will emphasize statistical analysis of service costs and caseload changes.

Term of Contract: Work on the evaluation is anticipated to begin approximately January 1, 1990. All evaluation work, including delivery of interim and final reports, will be completed by March 31, 1993.

Contact Person: Proposal packets will be available on or after October 16, 1989. To request a proposal packet, contact Kent Gummerman, Administrator, Research and Evaluation Division, MC 232-E, Texas Department of Human Services, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3743. All questions concerning the contents of the proposal packet must be made to Dr. Gummerman in writing and received by 4 p.m. on October 23, 1989.

Closing Date: Proposals must be received by 4 p.m., November 17, 1989.

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

Issued in Austin, Texas, on October 10, 1989.

TRD-8909578 Cathy Rossberg
Administrator, Policy Development Services
Division
Texas Department of Human Services

Filed: October 10, 1989.

For further information, please call: (512) 450-3785

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Notice of Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) announces this notice of consultant contract award. The invitation for consultant proposals was published in the August 22, 1989, issue of the *Texas Register* (14 TexReg 4251).

Description of Services: The contractor will provide consultation to DHS regarding organizational and transitional issues; integrating multiple outside consulting studies and recommendations; and evaluating the department's current performance measurement systems.

Name of Consultant: The contract was awarded to Toni A. Neal, 4702 Fieldstone, Austin, Texas 78735.

Term and Amount of the Contract: The contract period is October 6, 1989-August 31, 1990. Total value of the contract is \$70,000.

Study Completion Date: All reports will be due no later than August 31, 1990.

Issued in Austin, Texas, on October 10, 1989.

TRD-800679

Cathy Rosenberg
Administrator, Policy Development Services
Division
Texas Department of Human Services

Filed: October 10, 1989.

For further information, please call: (512) 450-3785

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Notice of Public Hearings

The Department of Human Services (TDHS) has established its planning and budget schedule for fiscal years (FY) 1991-93. TDHS administers federal block grants including funds for Title 20 and Low-income Home Energy Assistance programs. TDHS will conduct public hearings to receive comments on the use of the block grants and other funds in the development of the department's operating plan for FY 1991 and legislative appropriations request for FY 1992-1993. Public and private sector representatives, advisory groups, clients, providers of services, agencies, and other interested persons are invited to testify.

Schedule: The following are key dates in the budgeting process: October/November 1990—Public hearings will be conducted. The dates, times, and locations for the hearings are:

Date	Location	Time
10-25-89	Civic Center 1501 6th Street Rooms 104 and 105 Lubbock	9 am
10-25-89	TDHS Regional Office 4380 Spindletop Bluebonnet Room Abilene	5 pm
10-26-89	Dallas Central Library Auditorium - Plaza Level 1515 Young Street Dallas	9 am
10-26-89	Fort Worth Central Library David Tandy Room 300 Taylor Street Fort Worth	3 pm
11-1-89	Institute of Texas Cultures Auditorium Hemisphere Plaza 801 South Bowie San Antonio	9 am
11-1-89	Corpus Christi State School Pavilion 902 Airport Road Corpus Christi	4 pm
11-2-89	Ramada Hotel Constellation Room 5701 South Broadway Tyler	2 pm
11-8-89	TDHS Office 285 Liberty 20th Floor Conference Room Beaumont	10 am
11-8-89	West End Multi-Service Center 170 Heights Boulevard Houston	5 pm
11-9-89	City Hall 2 Civic Center Plaza 10th Floor Conference Room El Paso	5 pm
11-15-89	TDHS Office Public Hearing Room 701 West 51st Austin	10 am

November 1989/January 1990—Alternatives developed by TDHS staff and advisory committees; April 1990—Board of Human Services and TDHS executive staff review recommendations, alternatives, and issues; May 1990—Proposed FY 1991 operating plan and appropriations request for FY 1992-1993 presented to the Board of Human Services for review and comment (public testimony will be taken); May 1990—Proposed intended use report for Title 20 block grant published; (Written comments may be submitted); June 1990—The FY 1991 operating plan and legislative appropriations request for FY 1992-1993 presented to the Board of Human Services for final approval; July 1990—Appropriations request submitted to the Legislative Budget Office and Governor's Budget Office; August 1990—draft state plan for low-income home energy assistance block grant published. (Written comments may be submitted).

Contact Person: Questions, requests, or written comments may be directed to Burt Raiford, Texas Department of Human Services, MC 400-W, P.O. Box 149030, Austin, Texas 78714-9030.

Issued in Austin, Texas, on October 10, 1989.

TRD-8909580 Cathy Rossberg
Administrator, Policy Development Services
Division
Texas Department of Human Services

Filed: October 10, 1989.

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

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Texas Industrial Accident Board
Consumer Price Index for the State of
Texas

To all interested parties: The adjusted gross annual payroll requirement of an employer for coverage of seasonal workers under the provisions of Article 8306, §2b is \$28,451.

The comptroller has established that Texas inflation increased 2.99% during the period of September 1988-August 31 1989.

Issued in Austin, Texas, on October 4, 1989.

TRD-8909522 Richard Fulcher
Acting Executive Director
Industrial Accident Board

Filed: October 9, 1989

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

◆ ◆ ◆
Notice of Reopened Period for Public
Comment on §42.110, Official Health
Facility Fee Guidelines

The Industrial Accident Board has reopened the period for public comment on proposed §42.110, concerning official health facility fee guidelines, as published in the July 21, 1989, issue of the *Texas Register* (14 TexReg 3506; TRD-806257). The board also encourages comment on the alternatives to the proposed section submitted at a public hearing held on August 11, 1989.

Written public comment will be accepted until October 20, 1989, and should be submitted to Richard Fulcher, Acting Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704-1287. The board will hold a public hearing on October 16, 1989, to take testimony on the proposed section, and the alternatives submitted. The hearing will commence at 9:30 a.m. in Room 107 of the board's Austin office.

Copies of the proposed section, as well as the alternatives submitted, may be obtained at the board's Medical Cost Evaluation Division

Issued in Austin, Texas, on October 10, 1989.

TRD-8909585 Richard Fulcher
Acting Executive Director
Industrial Accident Board

Filed: October 10, 1989

For further information, please call: (512) 448-7960

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Texas Commission on Law
Enforcement Officer Standards and
Education
Correction of Error

The Texas Commission on Law Enforcement Officer Standards and Education submitted an adopted section which was published with typographical errors in the October 3, 1989, issue of the *Texas Register* (14 TexReg 5261). The corrected subsections should read:

Section 211.67. Academy Advisory Boards.

(a) Each licensed academy approved by the commission must establish and maintain an advisory board as required by law. To be established, this board must have at least three members who are appointed by the sponsoring organization. To be maintained, the active, appointed membership of the board must not fall below a quorum for more than 30 days.

(c) The board must elect a chairman and may elect other officers and set its own rules of procedure. A quorum must be present in order to conduct business.

(e) A board will keep written minutes of all meetings. These minutes must be retained for at least five years and a copy forwarded to the commission upon board approval.

(f) Board members will be appointed by the following authority, depending on the type of academy or training:

(h) A board is generally responsible for advising on the development of curricula and any other related duty that may be required by the commission.

(j) A board must advise on the establishment of admission standards, and determine the order of preference between employees or prospective appointees of the sponsoring organization and other persons, if any. No person may be admitted to a training course without meeting the admission standards. The academy is encourage but not required to set admission and retention standards that meet or exceed the current minimum licensing standards set by the commission.

◆ ◆ ◆
Texas Legislative Council
Consultant Proposal Request

This request for consultant proposals is filed under the provisions of Texas Civil Statutes, Article 5252-11c.

The Texas Legislative Council requests proposals for consulting services to provide the council with professional advice and to provide cost estimates of the benefit structure of worker's compensation systems proposed by legislation and to testify before legislative committees concern-

ing those estimates. The consulting services desired by the Texas Legislative Council are a continuation of services previously performed by a private consultant for the Joint Select Committee on Worker's Compensation Insurance and it is the intent of the Texas Legislative Council to award this contract to the private consultant that previously performed the services for the select committee.

Proposals should be submitted to Dorothy Wells, P.O. Box 12128, Austin, Texas 78711-2128, (512) 463-1151. Proposals must be received by 5 p.m. on November 10, 1989.

The contract will be awarded on the basis of demonstrated competence in working on projects similar to the project described in this request; the consultant's knowledge and experience in performing and ability to perform services similar to those described; and accessibility and availability of the consultant for required activities, including attendance of committee meetings and activities related to the services to be performed.

Issued in Austin, Texas, on October 10, 1989.

TRD-8909580 Sharon Carter
Assistant for Legislative Affairs
Texas Legislative Council

Filed: October 10, 1989

For further information, please call: (512) 463-1151

Texas State Library and Archives Commission

Consultant Contract Reports

Senate Bill 737 of the 65th Texas Legislature (Texas Civil Statutes, Article 6252-11c) requires state agencies and regional councils of governments to file with the Office of the Secretary of State invitations to bid and details on bidding on private consultant contracts expected to exceed \$10,000. Within 10 days of the award of the contract, the agency is required to file with the Secretary of State a description of the study to be conducted, the name of the consultant, the amount of the contract, and the due dates of the reports. Additionally, the Act directs the contracting agencies to file copies of the resulting reports with the Texas State Library. The Library is required to compile a list of the reports received and submit the list quarterly for publication in the *Texas Register*.

Below is a list of reports received for the 3rd quarter of 1989. The reports may be examined in Room 300, Texas State Library, 1201 Brazos Street, Austin.

Department of Highways and Public Transportation, Price Waterhouse, Management study of internal controls: final report, three volumes.

Employment Commission, Roy B. Allen, Response to CIS State Office letter dated May 16, 1989.

State Board of Insurance, Coopers and Lybrand, A study of financial oversight and regulation and the early warning system.

Touche Ross and Company, Final report on a study of agency administrative operations.

Issued in Austin, Texas, on October 9, 1989.

TRD-8909582 Raymond Hitt
Assistant Director
Texas State Library and Archives
Commission

Filed: October 10, 1989

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

Texas Parks and Wildlife Department Land and Water Conservation/Texas Local Park Fund Grant Process Review Workshops

The Comprehensive Planning and Grants-in-Aid Branches, Parks Division, Texas Parks and Wildlife Department, will hold a series of workshops with invited regional and local government entities to review and discuss possible needs for alterations in local government grant application review procedures used for allocation of monies from the Land and Water Conservation Fund and/or the Texas Local Parks, Recreation, and Open Space Fund. The workshops will be held at the Joe C. Thompson Conference Center, Austin. All workshops will begin at approximately 9 a.m. Dates are: Monday, October 30, 1989; Tuesday, October 31, 1989; Wednesday, November 1, 1989; and Friday, November 3, 1989.

For further information, please contact Johnny L. Buck, Comprehensive Planning Branch, Parks Division, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4911.

Issued in Austin, Texas, on October 10, 1989.

TRD-8909582 Charles D. Travis
Executive Director
Texas Parks and Wildlife Department

Filed: October 10, 1989

For further information, please call: (512) 389-4911

Public Utility Commission of Texas Notice of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-custom service for Valero Transmission, L.P., 530 McCullough Avenue, San Antonio.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for Approval of PLEXAR-custom service for Valero Transmission Pursuant to Public Utility Commission Substantive Rule 23.27(k). Tariff Control Number 9083.

The Application. Southwestern Bell Telephone Company is requesting approval of PLEXAR-custom service for Valero Transmission. The geographic service market for this specific service is the San Antonio area.

Persons who wish to comment upon action sought should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0227, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on October 9, 1989.

TRD-8909584 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: October 10, 1989

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

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Texas Department of Public Safety
Correction of Error

The Department of Public Safety submitted a proposed amendment to §13.33 Written and Oral Prescriptions, which contained an error as published in the September 1, 1989, issue of the *Texas Register* (14 TexReg 4464). Subsection (f) should read: "(f) The registered nurse, licensed vocational nurse, physician assistant, or paramedic-emergency medical technician who administers a Schedule II controlled substance in an emergency situation, at the directions of a practitioner, shall comply with the requirements of the Act, §481.074(a) and §481.075(d) [the Texas Controlled Substances Act]."

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The University of Texas System
Consultant Proposal Request

The University of Texas Medical Branch at Galveston (UTMB), in accordance with provisions of Texas Civil Statutes, Article 6252-11c, solicits to contract with a consultant to assist in the development and preparation of specifications for a request for proposal for a new automated laboratory system, for assistance in product evaluation and selection, and for assistance in any subsequent contract negotiations.

Project Description: The contractor selected to provide the required automated laboratory system selection consulting services to UTMB shall perform the following scope of work within two phases: Phase I (software evaluation and selection)—assist the UTMB Department of Pathology and the UTMB Automated Laboratory System Search Committee in defining requirements for a new automated laboratory system; coordinate all activities for the search process with the designated UTMB project administrator; develop criteria for vendor product selection; develop a request for information (RFI) and assist in the evaluation of vendor responses; assist the Search Committee in determining the vendors/products which qualify for further evaluation; assist in the development of a request for proposal (RFP) for a new automated laboratory system; assist in developing evaluation procedures for proposals, interviews, presentations, and site visits; act as Search Committee member in all communications between vendors and UTMB, and assist in answering all vendor questions; interview vendors' client references; develop, coordinate, and participate in intensive interviews and presentations of vendor finalists; develop, coordinate, and participate in site visits to view the finalists' systems in operation; accumulate all criteria used in the selection process and develop an issues document; present the issues document to the UTMB Search Committee to assist in identifying the vendor of choice; maintain records and documentation of the evaluation process; and Phase II (contract negotiation)—act as Search Committee member during all contract negotiation activities; coordinate the contract negotiation process with the designated UTMB project administrator; assist UTMB in determining and defining necessary terms needed to be included in the contract; find contract terms, conditions, and issues that would not be in UTMB's best interest and help resolve any conflicts and differences with the vendor.

This contract shall be for a 12-month period (Phase I—10 months, Phase II—two months), provided the contractor

fulfills all contract requirements and provides the quality of work desired. The possibility of an extension exists at the option of the purchaser.

Contact. The complete consultant services request for proposal may be obtained from Joseph Byers, Director of Purchasing, Room 3.202, Administration Annex Building, The University of Texas Medical Branch at Galveston, Galveston, Texas 77550, (409) 761-2567.

Due Date. Proposals will be opened in the offices of the Director of Purchasing, Room 3.202, Administration Annex Building, UTMB, Galveston, at the time and date specified in the request for proposal. It is the responsibility of the consultant to have proposals in the previously stated offices at that time. Proposals received late for any reason will be returned unopened.

Procedure for Selection of Consultant. Proposals will be evaluated by UTMB, and selection will be based on experience, cost considerations, and other qualifications as further described in the complete consultant request for proposal. The entity selected must be thoroughly familiar with state-of-art automated medical laboratory systems; must submit a resume which fully describes the type of business organization, provides a description of qualifying experience in the study, analysis, and design of automated laboratory systems in the academic/health care field serving multiple users, including project description, associated costs, and time frames of projects successfully completed; provides a client list for implemented systems, provides names, titles, qualifications, and experience of specific personnel to be assigned to provide the services; provides an outline of proposed work plan for each phase of the project; and provides a fixed cost schedule for each phase of the development project including travel, lodging, and other related expenses. Consultants must state in writing that the firm is in no way financially associated with any hardware equipment supplier or software systems vendor, and guarantee that no fee will be solicited or accepted from any vendor associated with any UTMB project.

Issued in Austin, Texas, on October 11, 1989.

TRD-8909818

Arthur H. Dilly
Certifying Official
University of Texas System

Filed: October 11, 1989

For further information, please call: (512) 499-4402

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Texas Water Commission
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 October 2-6, 1989.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received

within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number, and type of application—new permit, amendment, or renewal.

Hi-Tek Polymers, Inc.; Vernon; producer of derivatized and underivatized products from Guar, a natural legume; 201 Harrison Street in the City of Vernon, Wilbarger County; 02537; amendment.

City of Harlingen; wastewater treatment facility; approximately two and one-half miles east of the intersection of 15th Street and East Harrison Avenue (FM 106), and south of Harrison Avenue in the City of Harlingen, Cameron County; 10490-03; amendment.

Hill Petroleum Company; Houston, Refinery; south of the Houston Ship Channel, east of Interstate Highway 610 (Loop 610) and north of State Highway 225, at 9701 Manchester Avenue, Houston, Harris County; 00535; renewal.

City of Anahusc; wastewater treatment facility; on the west bank of the West Fork of Double Bayou, approximately one-half mile south of the intersection of Paskey Road and the West Fork of Double Bayou in Chambers County; 10396-01; renewal.

Three Lakes Municipal Utility District Number 1; Houston; wastewater treatment facility; approximately one mile east of FM Road 149 and approximately 1,200 feet south of Bourdeaux Road in Harris County; 12044-01; renewal.

City of Yorktown; wastewater treatment facility; approximately 0.7 mile southeast of the intersection of State Highway 72 and State Highway 119, at the south end of Eckhardt Street in the City of Yorktown, DeWitt County; 10323-01; renewal.

City of Jacksboro; water treatment plant; northwest of the intersection of Oakwood Avenue and North Bowie Street (State Highway 59) in the City of Jacksboro, Jack County; 10994-02; renewal.

Harris County Municipal Utilities District Number 24; Houston; wastewater treatment facility; 450 feet north of the intersection of Theisswood Road and Theiss Gully in Harris County; 11988-01; renewal.

Elena Pilecki; Harlingen; Fig Tree Recreational Vehicles Resort; approximately six miles west of the City of Harlingen, 2,300 feet east of the intersection of United States Highway 83 and Bass Boulevard, north of the right-of-way of Traxler Way, in Cameron County; 12817-01; renewal.

City of San Antonio; New Northside High School Wastewater Treatment Facility; approximately one mile west of the intersection of State Highway Loop 1604 and FM Road 471 and approximately 0.75 mile southeast of the intersection of FM Road 1560 and FM Road 471 in Bexar County; 10137-36; renewal.

Rayford Road Municipal Utility District; Houston; wastewater treatment facility; north of Rayford Road, approximately 2.1 miles east of the intersection of Rayford Road and Interstate Highway 45, which is about 26 miles north of the City of Houston in Montgomery County; 12030-01; renewal.

James W. Christian ET AL doing business as Stacy Road 25 Joint Venture; Houston; Stacy Road 25 Joint Venture Wastewater Treatment Facility; approximately 6,000 feet west of State Highway 6 and approximately 2,000 feet north of Clay Road in Harris County; 12781-01; renewal.

Big Three Industrial Gas, Inc.; Houston; Dallas Air Separation Plant; on the southeast corner of the intersection of Hard Rock and Oakdale Roads in the City of Grand Prairie, Dallas County; 02284; renewal.

The Paks Corporation; Junction; cedar wood oil plant; on the east side of FM Road 2169, approximately 1.3 miles north of the intersection of FM Road 2169; with United States Highway 290, Kimble County; 01391; renewal.

City of Riesel; wastewater treatment facility; approximately one-half mile west of State Highway 6 on West Charles Street and on the east bank of West Sandy Creek in the City of Riesel in McLennan County; 11015-01; renewal.

Harris County Fresh Water Supply District Number 61; Cypress; wastewater treatment facility; approximately 3,500 feet south of Cypress-North Houston Road and 3,000 feet east of Huffmeister Road in Harris County; 10876-01; renewal.

Issued in Austin, Texas, on October 10, 1989

TRD-8909564

Brenda W. Foster
Chief Clerk
Texas Water Commission

Filed: October 10, 1989

For further information, please call: (512) 463-7906

Texas Water Development Board Applications Received

Pursuant to the Texas Water Code, §6.195, the Texas Water Development Board provides notice of the following applications received by the board:

City of Emory, P.O. 272, Emory, Texas, 75440, received September 21, 1989, for financial assistance in the amount of \$235,000 from the Water Quality Enhancement Account of the Water Development Fund.

City of Johnson City, P.O. Box 369, Johnson City, Texas, 78736, received September 29, 1988, for an increase in financial assistance from \$840,000 to \$1,030,000 from the Water Quality Enhancement Account of the Water Development Fund.

Hurst Creek Municipal Utility District, 102 Trophy Drive, Austin, Texas 78738-1101, received November 18, 1988, for financial assistance in the amount of \$950,000 from the State Water Pollution Control Revolving Fund.

City of Wichita Falls, P.O. Box 1431, Wichita Falls, Texas 76307, received December 12, 1988, for financial assistance in the amount of \$21,350,000 from the State Water Pollution Control Revolving Fund.

City of Laredo, P.O. Box 579, Laredo, Texas, 78042, received March 10, 1989, for financial assistance in the amount of \$1,700,000 from the State Water Pollution Control Revolving Fund.

Martin County, P.O. Box 1330, Stanton, Texas 79782, received September 18, 1989, for financial assistance in the amount of \$50,000 from the Research and Planning Fund.

Additional information concerning this matter may be obtained from G. E. Kretzschmar, Executive Administra-

tor, P.O. Box 13231, Austin, Texas 78711.

Issued in Austin, Texas on October 10, 1989.

TRD-8909587

G. E. Kretzschmar
Executive Administrator
Texas Water Development Board

Filed: October 10, 1989

For further information, please call: (512) 463-7981

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Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Water Development Board publishes this notice of consultant contract award. The consultant proposal request appeared in the August 4, 1989, issue of the *Texas Register* (14 TexReg 3858). The consultant will provide accounting services related to the accounting treatment and

financial presentation of the defeasance and portfolio sale transaction which occurred during 1989.

The consultant selected is KPMG Peat Marwick, 1300 One Capitol Square, 300 West 15th street, Austin, Texas 78701. The maximum amount of this contract is \$3,000. The contract will commence on October 1, 1989, and will be completed by October 31, 1991.

At the conclusion of the project, the consultant will provide to the Texas Water Development Board records and other evidence directly related to the performance of the contract.

Issued in Austin, Texas, on October 10, 1989.

TRD-8909597

Suzanne Schwartz
General Counsel
Texas Water Development Board

Filed: October 11, 1989

For further information, please call: (512) 463-7981
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