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Texas Register

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Proposed Sections—sections proposed for adoption

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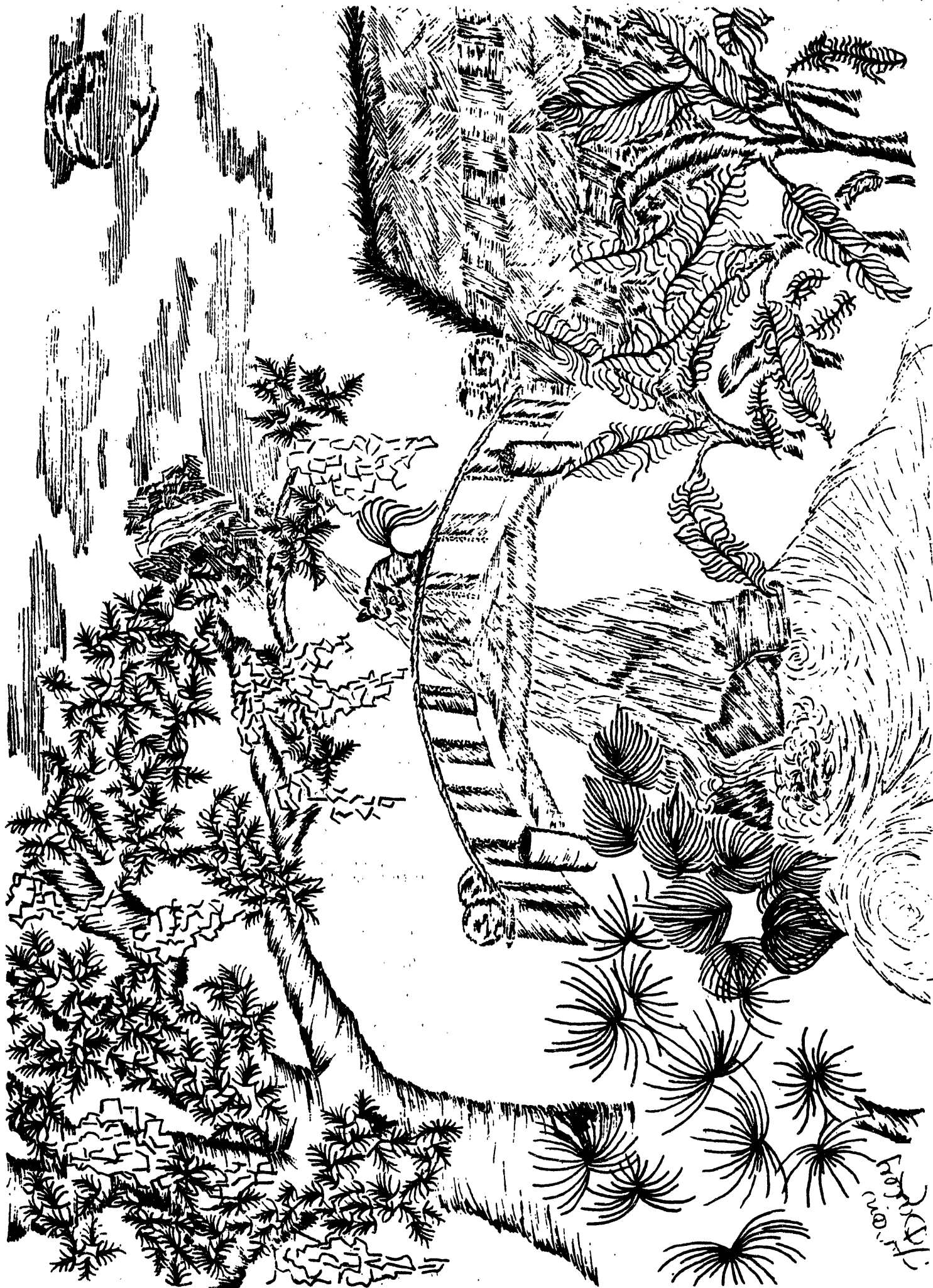
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40 TAC §189.18—5562

Part IX. Texas Department on Aging

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TITLE 43. TRANSPORTATION

Part I. State Department of Highways and Public Transportation

43 TAC §§1.100-1.111—5350



Emergency Sections

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

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

TITLE 19. EDUCATION

Part II. Texas Education Agency

Chapter 61. School Districts

Subchapter D. School

Districts-Pupil Relationships

Attendance

• 19 TAC §61.65

The Texas Education Agency adopts on an emergency basis new §61.65, concerning student absences. The new section establishes guidelines for school districts to use in determining extenuating circumstances under which students' absences may be excused and directs school districts to adopt policies establishing alternative ways for students to make up work missed or regain credit lost because of excused and unexcused absences. The new section also provides that absences due to extenuating circumstances shall be used in computing the 90-day requirement for students' driver's license eligibility. The new section is adopted in response to Senate Bill 417 and House Bill 850 of the 71st Texas Legislature which changed the statutes governing student absences and required students to attend school for 80 days as one eligibility criterion to obtain a driver's license, respectively.

The agency finds that imminent peril to the public health and welfare requires the adoption of this new section on an emergency basis to allow local school boards to adopt their own board rules and to establish procedures for monitoring attendance earlier in the school year.

The new section is adopted on an emergency basis under the Texas Education Code, §21.041, which provides the State Board of Education with the authority to adopt rules establishing guidelines for school districts in defining extenuating circumstances for student absences and in establishing alternative ways for students to make up work missed and regain credit lost because of absences.

§61.65. Absences.

(a) For purposes of reviewing student absences extenuating circumstances include, but are not limited to, the following:

(1) an excused absence as defined in the Texas Education Code, §21.035, concerning violations of attendance requirements;

(2) days of suspension for which students have satisfactorily completed as-

signments for the suspension period as provided in the Texas Education Code, §21.301(h);

(3) participation in a court proceeding or a child abuse/neglect investigation in accordance with §129.62 of this title (relating to Court-Related Students);

(4) the late enrollment and/or early withdrawal of a migratory student as defined by Code of Federal Regulations, §201.3;

(5) days missed by a runaway as defined by the Texas Family Code, §51.03, concerning delinquent conduct; conduct indicating a need for supervision;

(6) completion of a competency-based education program for students identified as at-risk in §75.195 of this title (relating to Alternatives to Social Promotion) and dropouts;

(7) the late enrollment or early withdrawal of a student placed in or having resided in a community care home by the Texas Youth Commission (TYC);

(8) the absences of a teen parent due to caring for his or her child; and

(9) participation in a substance abuse rehabilitation program.

(b) Each school district shall adopt policies establishing alternative ways for students to make up work missed or regain credit lost because of absences for extenuating circumstances. Alternative ways for students to make up work missed or regain credit include tutorials, evening school, Saturday classes, correspondence courses, independent study projects, computer assisted instruction, student contracts, and summer school.

(c) Each school district may adopt policies establishing alternative ways for students to make up work missed or regain credit lost due to unexcused absences. A district may impose a grade adjustment on the work made up by a student for an unexcused absence. Districts adopting such policies shall file a copy of the policies with the commissioner of education upon approval of the policies by the district board of trustees.

(d) Provisions under subsection (c) of this section, do not permit or allow credit for work missed due to student absences for participation in extracurricular activities in excess of those permitted in §97.113(a) and

(b) of this title (relating to Student Absences for Extracurricular Activities).

(e) For students, grades K-eight, absences may be aggregated on the basis of 160 days per year.

(f) Absences in excess of those permitted under §97.113 of this title (relating to Student Absences for Extracurricular Activities) may not be considered as extenuating circumstances.

(g) For students identified in §89.211 of this title (relating to Handicapped Students) as handicapped students, the Admission, Review and Dismissal (ARD) Committee shall determine absences due to the handicapping condition as extenuating circumstances. The ARD Committee shall determine any modifications necessary regarding work to be made up by the handicapped student in order to regain class credit lost due to the absences.

(h) The Attendance Committee shall hear all cases where a student's attendance falls below 80 days and a petition by the student or the student's parent, legal guardian, or other person having lawful control pursuant to an order of a court has been filed and may review other cases at local option. The hearing may be a review of student attendance records and other appropriate documents; an oral presentation before the committee with the student, his or her parent, or other appropriate representatives such as case worker or substance abuse counselor; or another process established in policy by the district.

(i) If a student has an absence that the district recognizes as an extenuating circumstance and if the student satisfactorily makes up missed work, the student shall be considered in attendance for purpose of computing compulsory attendance under the Texas Education Code, §21.032, and for driver's license eligibility under the Texas Civil Statutes, Article 6687b.

Issued in Austin, Texas, on October 20, 1989.

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W. N. Kirby

Commissioner of Education

Effective date: October 23, 1989

Expiration date: February 20, 1990

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

Chapter 89. Adaptations for Special Populations

Subchapter J. Migrant Education Program

• 19 TAC §89.334

The Texas Education Agency adopts on an emergency basis an amendment to §89.334, concerning the membership and length of terms of the state parent advisory council for migrant education. The amendment requires that the council be comprised of 15 members, allow that there be more than one representative from the same State Board of Education district, and extends the length of terms from two to three years.

The agency finds that imminent peril to the public health and welfare requires the adoption of this amendment on an emergency basis in order to begin the three-year membership cycle with the nominations under consideration by the State Board of Education.

The amendment is adopted on an emergency basis under the Texas Education Code, §11.25, which provides the State Board of Education with the authority to authorize the appointment of official commissions composed of citizens of the state.

§89.334. State Parent Advisory Council for Migrant Education.

(a) (No change.)

(b) Membership of the advisory council shall consist of [not exceed] 15 members [nor be less than eight members]. The majority of members shall be parents of identified migrant students served in a migrant project. All members of council shall be knowledgeable of the needs of migratory children. Because of the high concentration of migrant education programs in a few areas of the state, the committee may have more than one representative from the same State Board of Education [congressional] district.

(c) Members of the council shall be appointed by the State Board of Education for a term of three [two] years upon recommendation of the commissioner of education. Members shall be eligible for reappointment once.

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

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For further information, please call: (512) 463-8701

Chapter 149. Education Personnel Development

Subchapter D. Teacher Career Ladder

• 19 TAC §149.71

The Texas Education Agency adopts on an emergency basis an amendment to §149.71, concerning the teacher career ladder. The amendment provides for a transition strategy to permit those school districts that previously paid monthly payments of supplements beginning as early as September to continue to do so in school year 1989-1990, requires that current year appraisals be used for making entry and maintenance decisions in school year 1990-1991, and direct that effective in school year 1990-1991, career ladder salary supplements for all advanced levels will be paid after the conclusion of the appropriate appraisal period(s) that year. In addition the amendment identifies master teacher duties to be utilized by the districts for purposes of reviewing level three maintenance requirements during the current school year; and provides for career ladder level assignments for teachers who experience interruptions in service.

The agency finds that imminent peril to the public health and welfare requires the adoption of this amendment on an emergency basis to allow for immediate implementation of this section by local school districts.

The amendment is adopted on an emergency basis under the Texas Education Code, §16.057, which provides for career ladder salary supplements; §§13.301-13.322, which establishes the teacher career ladder; and §16.005, which authorizes the State Board of Education to make rules for implementation of the Foundation School Program.

§149.71. Assignment to the Teacher Career Ladder.

(a) General provisions Each teacher shall be assigned to a position on the career ladder unless excluded under other provisions of this section. Assignment shall be based on performance experience, job-related education, and/or advanced academic training, job assignments, and other requirements as specified in subsection (e) of this section. [For the 1984-1985 school year, all teacher career ladder assignments and salary allotments shall be made in accordance with the guidelines for the teacher career ladder authorized by the State Board of Education and issued by the Central Education Agency in July, 1984. Effective with the 1985-1986 school year, each] Each teacher as defined in subsection (b) of this section shall be assigned to an appropriate level, maintained at an assigned level, and provided salary allotments for the teacher career ladder in accordance with the provisions of this section.

(b) Eligibility by job assignment. Eligibility for assignment to the teacher career ladder shall include a certified person who teaches or provides instructionally-related services to students at least four

hours each day or not less than 60% of the school year [day].

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

(6) A person who is employed full time but who does not teach in the classroom at least four hours per day or 60% of the [regular] school year [day] as defined in paragraphs (1) and (4) of this subsection shall not be assigned to the teacher career ladder.

(7) [Effective with the 1985-1986 school year, a] A person shall not be assigned to the teacher career ladder if that person is serving as:

(A)-(H) (No change.)

(I) a guidance associate who teaches less than four hours per day or less than 60% of the school year [day] in the classroom as defined in paragraph (1) of this subsection; or

(J) (No change.)

(c) The selection process.

(1) Local school districts shall use current school year performance evaluations and preceding year(s) performance evaluations for purposes of placing a teacher on an advanced level of the career ladder. For school year 1989-1990 school districts shall use only preceding years performance evaluations for purposes of placing a teacher on level three of the career ladder.

(2) Local school districts shall use current school year performances evaluations for purposes of maintaining a teacher on an advanced level of the career ladder. For school year 1989-1990 school districts shall use 1988-1989 performance evaluations for purposes of maintaining teachers on levels two or three of the career ladder.

(3) Current school year performance evaluations shall be used for purposes of placing or maintaining teachers on an advanced level of the career ladder in the following circumstances:

(A) a teacher was not appraised in the prior year because the teacher was on a local district approved temporary disability leave or a local district approved professional development leave;

(B) no performance evaluation was completed by the district for a teacher who taught in the immediately preceding school year;

(C) a performance evaluation for the teacher from the immediately preceding school year was destroyed or is otherwise unavailable to the district; or

(D) upon approval by the commissioner of education of a written request from the district for a teacher under extenuating circumstances that are fully disclosed in the request.

(4) Interruption in service will be addressed in the following manner.

(A) A teacher who is not employed as a teacher for a period of not more than two school years may be assigned to the same career ladder level to which the person was assigned before the interruption in service.

(B) A teacher who has an interruption in service as a teacher of more than two school years may be assigned to the career ladder level that is one level below the level to which the person was assigned before the interruption in service.

(C) A teacher who is assigned to a career ladder level following an interruption in service as a teacher must meet the same performance requirements for advancement on the career ladder that all other teachers must meet for advancement.

[(1) A local district shall use a current school year performance evaluation as a criterion for placing a teacher on an advanced level of the career ladder or maintaining a teacher on an advanced level if one or more of the following conditions exist:

[(A) no performance evaluation was completed for the teacher by that district in the immediately preceding school year; or

[(B) a performance evaluation for the teacher from the immediately preceding school year was destroyed or otherwise removed from the district by former employees.

[(2) A local district may use current school year performance evaluations as a criterion for placing or maintaining teachers on career ladder levels only under the conditions specified in paragraphs (2) and (4) of this subsection or in accordance with the following:

[(A) when extenuating circumstances exist for which an exception is sought, a local district must submit to the commissioner of education a written request in which extenuating circumstances are fully disclosed; and

[(B) the commissioner of education may allow a local district to use

current school year performance evaluations if the circumstances are deemed extenuating.

[(3) Current school year performance evaluations shall be used for Purposes of placing or maintaining teachers on advanced levels of the teacher career ladder in the following circumstances:

[(A) a teacher was not appraised in the prior year because the teacher was on a local district approved temporary disability leave; or

[(B) a teacher was not appraised in the prior year because the teacher was on a local district approved professional development leave.]

(5)[(4)] Texas Civil Statutes, Articles 5996a and 5996d, concerning nepotism, do not apply to the selection of level two, three, or four teachers pursuant to the Texas Education Code, Chapter 13, Subchapter E, added by House Bill 72 of the 68th Legislature, Second Called Session.

(d) Higher education course work and advanced academic training.

(1) The local school district shall determine in accordance with the provisions of this subsection whether courses taken for credit at accredited institutions of higher education or work obtained through programs of advanced academic training may be applied toward requirements for level placement and maintenance on the teacher career ladder. [Effective September 1, 1985, higher] Higher education course work or advanced academic training must be related to the job assignment in one of the following ways:

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

(2) (No change.)

(3) Higher education course work and advanced academic training that is in accordance with this subsection and earned after the bachelor's degree and prior to September 1 of each year shall be creditable toward requirements for level placement [and maintenance] on the teacher career ladder for the subsequent year. Decisions made in accordance with 1984-1985 guidelines concerning credits retained for purposes of career ladder advancement shall not be invalidated by the implementation of this subsection.

(4) (No change.)

(5) Higher education course work used for level placement [or maintenance] on the teacher career ladder must satisfy the requirements stated in paragraphs (1) and (2) of this subsection and may carry lower division, upper division, or graduate level credit. No more than one-third of the course work may be in lower

division courses unless the work is being taken in a subject or area that has been designated by the State Board of Education or a local school district as an area or field of acute teacher shortage as specified in subsection (d)(1)(A) of this section.

(6) All higher education course work creditable toward level placement [or maintenance] on the teacher career ladder must be awarded by a college or university that is accredited by a recognized regional accrediting [agency] organization, or approved by a state department of education or a recognized governmental entity.

(7)-(8) (No change.)

(e) Use of stricter performance criteria. If the funds available for the support of the teacher career ladder are insufficient to fund the supplements as provided in the Texas Education Code, §16.057, a local school district may require stricter performance criteria for placing teachers on career ladder levels and for maintaining teachers on previously assigned levels. Criteria not related to the quality of Performance shall not be utilized to restrict eligibility for consideration for career ladder advancement.

(1) Local districts must specify requirements for stricter performance in written policy no later than September 30 of the school year for which the criteria are to apply. However, a district that has adopted stricter performance criteria may reduce the strictness of the criteria or revoke the adoption entirely if the district determines that funds are available to place more teachers at an advanced level on the career ladder than would be placed under the stricter criteria [the requirements for stricter performance]. Local district requirements for stricter performance that are consistent with this section shall be considered approved.

(2) Criteria for stricter performance may be required in one or more of the following areas:

(A) a higher category of performance may be required for each of the years for placement on or maintenance of a career ladder level; for example, "exceeding expectations" may be required for maintaining level two rather than "meets expectations."

(B) (No change.)

(C) a higher level of performance may be required within a category; for example, performance that excels [needs improvement] in a majority of [only one] major areas [area] rather than some major areas could be designated as "exceeding expectations." ["below expectation."]

(f) Criteria for selection. [For the 1984-1985 school year, all] All teachers

[classified in accordance with the Texas Education Code, §16.056, including nondegreed teachers,] shall be assigned to [level one or level two on] the teacher career ladder except for positions listed in subsection (b)(7) of this section. An individual being considered for career ladder level assignment or advancement shall satisfy the following requirements for the respective level.

(1) Level one placement shall require that a teacher[:]

[(A)] possess a [provisional or professional] teaching certificate as defined in §141.2(a) of this title (relating to Classes of Certificates) [or a level one certificate] or its equivalent as determined by the State Board of Education. [; and]

[(B)] demonstrate at least "satisfactory" performance in every appraisal category for the year immediately preceding placement].

(2) Level two placement shall require that a teacher:

(A) possess an appropriate [a provisional or professional] teaching certificate as defined in §141.2(a) of this title (relating to Classes of Certificates) or [a level two certificate or] its equivalent as determined by the State Board of Education;

(B) receive performance evaluations which reflect at least performance "exceeding expectations" during the current year [immediately preceding consideration for placement at level two] and "meets expectations" ["satisfactory"] performance during the other year or years, or performance evaluations as specified by the local district in accordance with subsection (e) of this section; and

(C) possess one of the following combinations of education and experience:

(i) Option I.

(I) (No change.)

(II) three years of classroom teaching experience on level one (need not be consecutive years); and

(III) (No change.)

(ii) Option II.

(I) (No change.)

(II) two years of classroom teaching experience on level one (need not be consecutive years).

(3) Level three placement shall require that a teacher:

(A) possess an appropriate teaching certificate as defined in §141.2(a) of this title (relating to Classes of Certificates) [a level three certificate] or its equivalent as approved by the State Board of Education;

(B) file a uniform application for consideration of advancement to level three with mandatory submission to the district no sooner than October 1 of the year in which entry is sought; for school year 1989-1990 only, any application used by the district shall require submission by the teacher no sooner than December 15, 1989.

(C)[(B)] possess a baccalaureate degree and one of the following combinations of education, experience, and evaluation:

(i) Option I:

(I)-(II) (No change.)

(III) performance evaluations of "clearly outstanding" during the current year and "clearly outstanding" during one of the preceding two years of service with "exceeding expectations" the other year, or performance evaluations as specified by the local district in accordance with subsection (e) of this section; for school year 1989-1990 only, performance evaluations must be "exceeding expectations" for three of the four years of service preceding consideration and at least "meets expectations" the other year [during three of the four years immediately preceding consideration for placement at level three indicating performance "exceeding expectations" and at least "satisfactory" performance during the other year], or performance evaluations as specified by the local district in accordance with subsection (e) of this section; or

(ii) Option II:

(I) three years of classroom teaching at level two (need not be consecutive years);

(II) (No change.)

(III) performance evaluations of "clearly outstanding" during the current year and the preceding two years of service, or performance evaluations as specified by the local district in accordance with subsection (e) of this section; for school year 1989-1990 only, performance evaluations during two of the three years of service [immediately

preceding consideration for placement at level three indicating "clearly outstanding" and at least "meets expectations" ["satisfactory"] performance during the other year, or performance evaluations as specified by the local district in accordance with subsection (e) of this section.

(4) Level four placement shall require that a teacher:

(A) (No change.)

(B) demonstrate satisfactory performance on the master teacher examination; [and]

(C) possess a baccalaureate degree; [and one of the following combinations of education, experience, and evaluation:

(i) Option I:

(I) three years of classroom teaching experience at or above level three;

(II) complete six semester hours of higher education course work; or complete 90 hours of advanced academic training (a portion of which must emphasize classroom management training only if classroom management or discipline is identified as an area that needs improvement on the teacher's performance appraisal for the preceding year), or an equivalent combination so that one semester hour of higher education course work is equivalent to 15 hours of advanced academic training; and

(III) receive performance evaluations during two of the three years immediately preceding consideration for placement at level four indicating "clearly outstanding" performance and at least "satisfactory" performance during the other year; or performance evaluations as specified by the local district in accordance with subsection (e) of this section; or

(ii) Option II:]

(D)[(I)] have three [two] years of classroom teaching at or above level three (need not be consecutive years);

(E)[(II)] have three semester hours of higher education course work, or 45 hours of advanced academic training (a portion of which must emphasize classroom management training only if classroom management or discipline is identified as an area that needs improvement on the teacher's performance appraisal for the preceding year), or an equivalent combination so that one semester hour of higher education

course work is equivalent to 15 hours of advanced academic training; and

(F) demonstrate "clearly outstanding" performance during the current year and the two preceding years of service, or performance evaluations as specified by the local district in accordance with subsection (e) of this section; and [.]

(G) file a uniform application for consideration of advancement to level four with mandatory submission to the district no sooner than October 1 of the year in which entry is sought.

[(III) receive performance evaluations during the three years immediately preceding consideration for placement at level four indicating "clearly outstanding" performance,]

(g) Maintenance or reassignment of career ladder levels [level].

(1) Level one maintenance. To remain at level one, a teacher must perform at a level that "meets expectations" during the current year in every appraisal domain. In the event that a level one teacher fails to perform at a level that "meets expectations," the teacher shall be retained at the current salary level and the district shall be required to prescribe specific remediation that the teacher must satisfactorily complete during the following school year. [A teacher shall remain at career ladder level one until full eligibility requirements for a level two, level three, or master teacher certificate as described in Chapter 141 of this title (relating to Teacher Certification) have been met and the teacher has been assigned to career ladder level two.] A district may not renew the contract of a teacher who fails to achieve at least "meets expectations" ["satisfactory"] performance during either of the next [first] two years [of experience at level one].

(2) Level two maintenance. [A teacher shall remain at career ladder level two until full eligibility requirements for a level three or master teacher certificate as described in Chapter 141 of this title (relating to Teacher Certification) and level three entry requirements have been met.] A teacher shall be reassigned from career ladder level two to career ladder level one if the teacher's performance is "below expectations" during the current [preceding] year, or fails to achieve performance evaluations as specified by the local district in accordance with subsection (e) of this section. For school year 1989-1990 school districts shall use the 1988-1989 performance evaluations for purposes of maintaining teachers on level two of the career ladder.

(3) Level three maintenance. [A teacher shall remain at career ladder

level three until full eligibility requirements for a master teacher certificate as described in Chapter 141 of this title (relating to Teacher Certification) and level four entry requirements have been met.]

(A) A teacher shall be reassigned from career ladder level three to career ladder level two if the:

(i) teacher's performance at level three during the current year is [teacher demonstrates] less than "exceeding expectations" [performance at level three for two consecutive years], or fails to achieve performance evaluations as specified by the local district in accordance with subsection (e) of this section. For school year 1989-1990 school districts shall use the 1988-1989 performance evaluations for purposes of maintaining teachers on level three of the career ladder.

(ii) teacher has not been teaching in a classroom for at least 60% of the school year; or

(iii) teacher has not performed at least one master teacher duty every three years at level three, unless the district fails to provide the teacher an opportunity to perform a master teacher duty. Among the duties that may be included are: supervising student teachers; acting as team leader, induction year mentor, or department chairman; conducting advanced academic training; and assessing teachers at a career ladder level below that teacher's level to assist those teachers in developing their teaching skills independently of the career ladder appraisal process.

(B) A teacher shall be reassigned from career ladder level three to career ladder level one if the teacher demonstrates performance which is "below expectations" during the current [preceding] year, or fails to achieve performance evaluations as specified by the local district in accordance with subsection (e) of this section.

(4) Level four maintenance. To remain at level four, a teacher must have "clearly outstanding" performance during the current year, been teaching in a classroom for not less than 60% of the school year, and performed two master teacher duties every three years. The performance of master teacher duties is not required if the district fails to provide the opportunity to perform the duties [A teacher shall remain at career ladder level four unless the requirements stated in this subsection are no longer satisfied].

[(A) A teacher shall be required:

[(i) to demonstrate "clearly outstanding" performance during

two of every three years and at least "satisfactory" performance during the other year and complete three semester hours of higher education course work or 45 hours of advanced academic training or an equivalent combination so that one semester hour of higher education course work is equivalent to 15 hours of advanced academic training, to demonstrate "clearly outstanding" performance during each of the three years, or to achieve performance evaluations as specified by the local district in accordance with subsection (e) of this section;

[(ii) to teach in a classroom for not less than four hours or 60% of the school day in accordance with the provisions of subsection (b)(4) of this section; and

[(iii) to perform at least two master teacher duties every three years.]

(5) Reinstatement to former level. In the event that a school district determines that reassignment to a lower level resulted from performance appraisals that were influenced by extraordinary personal circumstances and the teacher receives a "clearly outstanding" performance appraisal in the year following reassignment, the school district may reinstate the teacher to the former level. In any other case, a teacher reassigned under this subsection may reenter higher levels only by requalifying under the performance standards for entry into the higher levels.

(h) Out-of-state teachers entering the career ladder.

[(1)] A teacher who possesses a valid classroom teaching certificate issued by another state department of education or foreign country may enter the career ladder at any level assigned by the employing school district, at the commensurate salary step, under a probationary contract, with the following requirements.

(1)[(2)] At the end of the first year of teaching in Texas, the teacher must meet the current year performance requirements for that level [established in subsection (f) of this section with the exception of the requirement for the prior certificate held].

(2)[(A)] In the event that such performance requirements are not met [satisfactorily], the teacher shall be maintained at the career ladder level below assignment with no salary step increase.

(3)[(B)] Failure to [satisfactorily] meet current year performance [such] requirements during the second year of teaching shall result in termination of contract.

[(3) Upon satisfactory achievement of certification requirements, the district may recommend certification at the appropriate level as established in Chapter 141 of this title (relating to Teacher Certification).

[(4) The employing school district shall have the authority to accept or reject the performance appraisal or appraisals based on service completed in other districts.]

(i)-(j) (No change.)

(k) Property right of teacher.

[(1) A teacher who has earned a level one, level two, level three, or master teacher certificate in accordance with Chapter 141 of this title (relating to Teacher Certification) has a right to retain that certificate until it has expired or is duly suspended, revoked, or otherwise removed in accordance with law.]

[(2)] Assignment to career ladder level one, level two, level three, or level four is neither a property right nor the equivalent of tenure.

(1) Career ladder salary supplement. The career ladder salary supplement shall be paid during the school year at a time not later than August 31 of the school year in which the teacher entered or was maintained and in a manner to be determined by the local school district in accordance with law and this section.

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

(3) If the allotment to the district that is designated for support of the career ladder will not fully fund the supplements for the teachers meeting the minimum state requirements, the district may:

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

[(4) In the event that funds designated at the allotment for career ladder salary supplements are deemed insufficient for placement and/or maintenance of all teachers meeting the state-mandated minimum criteria for selection and/or maintenance on the teacher career ladder, the local district may fund additional career ladder salary supplements from local or other funds permitted by law and State Board of Education rules effective with the 1985-1986 school year, provided that the following requirements have been met:

[(A) that funds available for any legal purpose in accordance with the Texas Education Code, §16.158, have been fully exhausted in the payment of teacher career ladder salary supplements; and

[(B) that the local school district demonstrates its intent to utilize career

ladder supplements as a means of identifying and rewarding excellence in teacher performance as opposed to a salary supplement for all teachers meeting the minimum requirements by establishing in written policy one or more requirements for stricter performance as specified in subsection (e) of this section.]

(4)[(5)] Monies received by the district from the state as the allotment for career ladder salary supplements may not be used to supplement the salary of an employee for directing cocurricular or extracurricular activities.

(5)[(6)] The district must pay each teacher selected for a specific career ladder level the same amount of supplement for a particular career ladder level during that particular school year.

(6)[(7)] Districts may reduce the amount of the career ladder supplement on a pro rata basis utilizing the number of days of employment, not the date when the award is made, when the teacher is employed for fewer than 183 days.

(7) [(8)] Teachers employed for no less than half-time as defined in subsection (b)(5) of this section shall be paid no less than one-half of the designated salary supplement awarded by the local school district for that particular level for the specific school year or a proportionate amount consistent with the portion of the school day served.

Issued in Austin, Texas on October 23, 1989.

TRD-8910214

W. N. Kirby
Commissioner of Education

Effective date: October 24, 1989

Expiration date: February 21, 1990

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

Chapter 161. Advisory Groups

• 19 TAC §161.2

The Texas Education Agency adopts on an emergency basis an amendment to §161.2, concerning procedures for appointing official advisory committees. The amendment allows the State Board of Education to authorize the commissioner of education to recommend for approval a final list of proposed advisory group members in a timeframe of less than 30 days and without the submission of three names per vacancy, not withstanding other requirements in the rule.

The agency finds that imminent peril to the public health and welfare requires the adoption of this amendment on an emergency basis to allow the State Board of Education to appoint the various advisory committees necessitated by actions of the 71st Texas Legislature.

The amendment is adopted on an emergency basis under the Texas Education Code, §11.25, which provides the State Board of Education with the authority to authorize the appointment of official commissions composed of citizens of the state; and §11.24, which provides the State Board of Education with the authority to establish rules for carrying out the duties placed on it or the Central Education Agency by the legislature.

§161.2. Procedures for Appointment.

(a) (No change.)

(b) Unless otherwise prescribed by state statutes, federal law or regulations, or board rule establishing a particular committee, the following procedures for appointment of members shall apply.

(1) (No change.)

(2) No appointments to an advisory committee shall be recommended by the commissioner of education without consultation with the State Board of Education member representing the State Board of Education district in which the candidate resides.

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

(C) Notwithstanding the requirements in subparagraphs (A)-(B) of this paragraph, a majority vote of the State Board of Education may authorize the commissioner to recommend a final list of proposed advisory group members to the board for approval without either the submission of three names per vacancy or in a timeframe of less than 30 days.

Issued in Austin, Texas, on October 20, 1989.

TRD-8910170

W. N. Kirby
Commissioner of Education

Effective date: October 23, 1989

Expiration date: February 20, 1990

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

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 §23.55

The Public Utility Commission of Texas proposes new §23.55, concerning operator services. The new section is intended to ensure that competitive operator services are provided in a fair and reasonable manner.

Martin Wilson, deputy general counsel, has determined that for the first five-year period the proposed section is in effect, the Public Utility Commission and the Office of Public Utility Counsel need to spend an additional \$167,188 annually to administer and enforce the section. However, these funds were not appropriated to the agencies in the budget for this biennium. Otherwise, there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Wilson 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 includes: (1) greater access by consumers to their interexchange carrier of choice; (2) information about the identity of the company servicing the calls and the rates being charged; and (3) enhanced competition by elimination of preferential treatment being given to any interexchange carrier. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Mr. Wilson also has determined that for each year of the first five years the proposed section is in effect there will be no impact on employment in the geographical areas affected by implementing the requirements of the section.

Comments on the proposal may be submitted to Mary Ross McDonald, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, within 30 days after publication.

The new section is proposed under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction, and §18A(h), which

grant the commission all necessary power and authority to promulgate rules and establish procedures for the purposes of enforcing and implementing §18A.

§23.55. Operator Services.

(a) Purpose. The provisions of this section are intended to ensure that competitive operator services are provided in a fair and reasonable manner.

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

(1) Operator service—Any service using live operator or automated operator functions for the handling of telephone service such as toll calling via collect, third number billing, and calling card services. The transmission of 800 numbers, where the called party has arranged to be billed, is not operator service.

(2) Operator service provider (OSP)—Any person or entity, except a dominant carrier, that provides operator services. Providers of equipment with automated features that allow completion of non-sent-paid calls as sent-paid calls, or providers of services peculiarly necessary to support such features, are operator service providers.

(3) Commission—The Public Utility Commission of Texas.

(4) Call aggregator—Any person, or entity, through which an OSP provides operator service.

(5) Rate information—All charges ultimately charged to the end user, including any surcharges or commissions charged by the operator service provider on behalf of the call aggregator.

(6) Call transferring—Handing off a call from one operator service provider to another operator service provider.

(7) Call splashing—Call transferring (whether caller-requested or operator service provider-initiated) that results in incorrect billing because the point from which the call is rated and/or billed is different from the point from which the call originates.

(8) "0-" call—A call made by the caller dialing the digit "0" and no other digits within five seconds. A "0-" call may be made after a digit to access the network is dialed.

(9) Automatic number identification (ANI)—The ability to automatically identify the calling customer's telephone number from the local switching system.

(10) Originating line screening—A two digit code passed by the local switching system with the ANI at the beginning of a call that provides information about the originating line.

(c) Information to be provided at the telephone set.

(1) Any contract between an OSP and a call aggregator for the provision of operator service must require the call aggregator to attach to each telephone set that has access to the operator service and that is intended to be utilized by the public a card furnished by the OSP that provides the following information:

(A) the name and address of the operator service provider;

(B) a toll-free number that users may utilize to obtain rate information 24 hours a day, seven days a week;

(C) instructions for accessing the local exchange carrier operator;

(D) a toll-free number for registering a complaint about the service to the operator service provider;

(E) the telephone number of the Public Utility Commission of Texas for registering a complaint; and

(F) instructions for accessing emergency service:

(i) where 911 emergency service is available, instructions for dialing 911;

(ii) where 911 emergency service is not available, instructions for dialing local emergency numbers, which shall be listed on the card.

(2) Requests for modification of the requirements contained in this subsection may be granted by the commission upon showing of good cause. Requests for modification may be filed by the operator

service provider. Within three days of filing the request, the OSP must deliver to the Office of Public Utility Counsel a copy of the filing.

(A) Modification requests must clearly state why a modification is necessary.

(B) All requests for modification shall initially be reviewed administratively.

(C) Any objections to a modification must be filed within 20 days of the filing of the request for modification. A recommendation shall be filed by the staff of the commission within 25 days of the filing of the request.

(D) The presiding examiner shall rule on the request within 35 days of the date of filing of the request for modification.

(E) If the presiding examiner either approves or denies the request for modification, any party may request, within 10 days of the examiner's ruling, that the application be docketed, and upon such request, the application shall be docketed.

(F) If the presiding examiner either approves or denies the request for modification and no party has requested that the application be docketed, a copy of the examiner's ruling shall be provided to the commission. The commission may, within 40 days of the examiner's ruling, overrule the approval or denial and order that the request for modification be docketed.

(d) Requirements before call is completed. The provider of operator services must:

(1) audibly and distinctly identify itself to the customer upon answering calls;

(2) quote rate information at the caller's request; and

(3) permit the caller to terminate the telephone call at no charge prior to completion of the call by the operator.

(e) Uncompleted call. There shall be no charge for any uncompleted call.

(1) No operator service provider shall knowingly bill for uncompleted calls.

(2) If the operator service provider cannot determine with certainty that a call was completed, it shall provide a full credit for any call of one minute or less upon being informed by a customer that the call was not completed.

(3) An uncompleted call includes, but shall not be limited to, calls terminating to an intercept recording, line intercept operator, or a busy tone.

(f) 911 and "0-" calls.

(1) An operator service provider shall, by contract, require call aggregators to route 911 calls directly to the local 911 service authority without charge to the calling party.

(2) An operator service provider shall, by contract, require call aggregators to route all "0-" calls to the local exchange carrier operator without charge to the calling party.

(3) The local exchange carrier operator shall route all "0-" interLATA calls to the presubscribed interexchange carrier.

(4) For purposes of this subsection, a confinement facility shall not be considered a call aggregator.

(g) Customer complaints.

(1) The operator service provider shall have a toll-free telephone number that callers may utilize, during normal business hours, to voice complaints and make inquiries.

(2) Upon complaint to the operator service provider by a customer either at its office, by letter, or by telephone, the operator service provider shall promptly make a suitable investigation and advise the complainant of the results thereof.

(3) In the event the complainant is dissatisfied with the operator service provider's report, the operator service provider must advise the complainant of the Public Utility Commission of Texas complaint process, giving the customer the address and telephone number of the Public Information Division of the commission. If applicable, the operator service provider shall also give the customer the commission's TDD number for the speech- and hearing-impaired.

(4) The operator service provider shall make a suitable investigation of all complaints forwarded from the commission on behalf of a customer. The operator service provider shall advise the commission of the results of the investigation in writing. Initial response to the commission must be made within 30 days after the complaint is forwarded by the commission.

(5) The operator service provider shall keep a record of all complaints, showing the name and address of the complainant, the date and nature of the complaint, and the adjustment or disposition thereof. Such record shall be maintained for a period of two years subsequent to the final settlement of the complaint.

(h) Access. An operator service provider shall require, by contract, that call aggregators allow access to the local exchange carrier operator serving the ex-

change from which the call is made and to other telecommunications utilities unless otherwise provided in paragraph (3) of this subsection.

(1) The access required by this subsection shall be provided subject to the conditions contained in subparagraphs (A)-(C) of this paragraph.

(A) Access to the local exchange carrier operator shall be accomplished by routing all "0-" calls to the local exchange carrier operator.

(B) Access to interexchange carriers by "950-XXXX" and "1-800" numbers shall not be blocked.

(C) Access to interexchange carriers by "10XXX+0" dialing shall not be blocked if the end office serving the originating line has originating line screening capability. A nonpresubscribed interexchange carrier shall not bill the call aggregator for local or toll messages originated at the call aggregator's facility by use of "10XXX+0" dialing if the call aggregator:

(i) has subscribed to the necessary telephone company-provided outgoing call screening to ensure that appropriate originating line screening is transmitted with each call; and

(ii) has notified the interexchange carrier that originating line screening is available.

(2) The local exchange carrier shall provide to the call aggregator, upon request, the names, with addresses or telephone numbers, of interexchange carriers that can be accessed from the call aggregator's facilities.

(3) Waivers to the access requirement may be granted by the commission to prevent fraudulent use of telephone services or for other good cause.

(A) The commission finds that the following generic waivers of the access requirement are required to prevent fraudulent use.

(i) Access to interexchange carriers by "10XXX+0" dialing may be blocked if the end office serving the originating line does not have originating line screening capability.

(ii) Access to interexchange carriers by "10XXX+1" dialing may be blocked in order to prevent fraud.

(iii) Access to the local exchange carrier operator and to other telecommunications utilities from telephones located in confinement facilities is not required.

(B) Requests for waiver of the requirement for access to the local exchange carrier operator or to other telecommunications utilities may be granted by the commission upon showing of good cause. Requests for waiver may be filed by the call aggregator or the OSP. Within three days of filing the request, the call aggregator or the OSP must deliver to the Office of Public Utility Counsel and affected telecommunications utilities a copy of the filing. An affidavit certifying to whom such copies have been delivered shall be filed with the commission not later than 20 days after the filing of the waiver request.

(i) If the waiver request pertains to technical limitations of certain equipment, the equipment must be clearly identified in the request, including the manufacturer and the model. The request should indicate the extent to which equipment is available to allow the access requirements to be met.

(ii) The access requirement shall not be enforced while the request for waiver is pending.

(iii) All requests for waiver shall initially be reviewed administratively.

(iv) Any objections to a waiver must be filed within 20 days of the filing of the request for waiver. A recommendation shall be filed by the staff of the commission within 25 days of the filing of the request.

(v) The presiding examiner shall rule on the request within 35 days of the date of filing of the request for waiver.

(vi) If the presiding examiner either approves or denies the request for waiver, any party may request, within 10 days of the examiner's ruling, that the application be docketed, and upon such request, the application shall be docketed.

(vii) If the presiding examiner either approves or denies the request for waiver and no party has requested that the application be docketed, a copy of the examiner's ruling shall be provided to the commission. The commission may, within 40 days of the examiner's ruling, overrule the approval or denial and order that the request for waiver be docketed.

(i) Nondiscriminatory treatment by local exchange carriers.

(1) Each local exchange carrier shall make available to all interexchange carriers requesting it the same validation data for its calling cards that the company provides to any interexchange carrier, on the same prices, terms, and conditions.

(2) Each local exchange carrier shall make available to all interexchange carriers requesting it the same line screening and billed number screening data that the company provides to any interexchange

carrier, on the same prices, terms, and conditions.

(3) If a local exchange carrier provides billing services to any interexchange carrier, the local exchange carrier may not discontinue local exchange service to any customer because of nonpayment of interexchange carrier charges unless it offers to provide billing services to all interexchange carriers.

(j) Call splashing. Call splashing shall not be allowed unless:

(1) the originating operator first notifies the caller that the call will be splashed and may result in billing from a distant location; and

(2) the caller is able to abort the call without charge after notification that the call will be splashed.

(k) Other requirements. Providers of operator services are subject to the requirements contained in the Public Utility Regulatory Act and the commission's substantive rules for nondominant interexchange carriers.

(1) Enforcement. The commission may investigate any complaint against any operator service provider, interexchange carrier, or local exchange carrier alleged to have violated the provisions of this section. The utility shall be given an opportunity to informally resolve any complaint involving violation of these rules. If no resolution is achieved informally, the commission may upon its own motion or upon request of the original complainant, formally investigate the complaint and upon proper notice, evidentiary hearing, and determination that a violation has occurred or is about to occur, may take action to stop, correct, or prevent the violation.

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 24, 1989.

TRD-8910213

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

Earliest possible date of adoption: December 1, 1989

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

TITLE 22. EXAMINING BOARDS

Part XXI. Texas State Board of Examiners of Psychologists

Chapter 463. Applications

• 22 TAC §463.27

The Texas State Board of Examiners of Psychologists proposes new §463.27, concerning a time limit on exam failure. The board determined that persons should satisfy all of the requirements for certification within a specified time period. This allows the board to monitor the activities of its applicants to insure that no major changes have occurred between the time of application and the granting of the certificate.

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

Ms. Bizzell 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 insure that the board has established a way to monitor the activities of its applicants as they satisfy the requirements of the board. Currently, it is possible for an applicant who failed the examination 10 years ago to simply request a retake without a review of professional and personal activities which may have occurred in the interim. There will be no effect on small businesses. The possible economic cost to persons who are required to comply with the section as proposed will be a re-applying fee of \$300 if requirements are not satisfied within three years.

Comments on the proposal may be submitted to Patti Bizzell, Texas State Board of Examiners of Psychologists, 9101 Burnet Road, Suite 202, Austin, Texas 78758.

The new section is proposed under Texas Civil Statutes, Article 4512c, which provide the Texas State Board of Examiners of Psychologists with the authority to make all rules; not inconsistent with the Constitution and laws of this state, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

§463.27. Time Limit on Exam Failures. Applicants must successfully pass all examinations required of them within three years of the date they are approved to sit for each exam. Failure to do so results in termination of application.

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 19, 1989.

TRD-8910157

Patti Bizzell
Executive Director
Texas State Board of
Examiners of
Psychologists

Earliest possible date of adoption: December 1, 1989

For further information, please call: (512) 835-2036

Chapter 465. Rules of Practice

• 22 TAC §465.24

The Texas State Board of Examiners of Psychologists proposes new §465.24, concerning record disposition. The profession has asked for a ruling from the board concerning the procedure to dispose of records either temporarily or permanently when a psychologist is not practicing. The public may need to have access to information contained within their patient/client file at some later date.

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

Ms. Bizzell 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 public's knowledge of the location of their records should that information be needed in the future. 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 Patti Bizzell, Texas State Board of Examiners of Psychologists, 9101 Burnet Road, Suite 202, Austin, Texas 78758.

The new section is proposed under Texas Civil Statutes, Article 4512c, which provide the Texas State Board of Examiners of Psychologists with the authority to make all rules, not inconsistent with the Constitution and laws of this state, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

§465.24. Record Disposition. For any situation in which a psychologist is temporarily or permanently removed from the practice of psychology in Texas, it is the responsibility of the psychologist to implement a system so that former and current client/patient records may be obtained by mental health professionals. Notification of these arrangements should be sent to the board's office.

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 19, 1989.

TRD-8910158

Patti Bizzell
Executive Director
Texas State Board of
Examiners of
Psychologists

Earliest possible date of adoption: December 1, 1989

For further information, please call: (512) 835-2036

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 9. Title Insurance

Subchapter A. Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas

• 28 TAC §9.1

The State Board of Insurance proposes an amendment to §9.1, concerning adoption by reference of the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas* (the manual). This proposal is an amendment of a proposal which appeared in the August 22, 1989, issue of the *Texas Register* (14 TexReg 4226). The amendment to §9.1 itself is necessary to reflect amendments which the board is proposing to the manual, which the section adopts by reference. The amendments to the manual are necessary to facilitate the administration of regulation of title insurance in this state and to adjust division of premium revenue from title insurance policies in accordance with current economic conditions. The amendment to §9.1 would incorporate by reference amendments to the manual. The amendments to the manual would modify currently existing promulgated rate rules and would add or expand other rules and forms. These amendments to the manual will be considered as agenda items at public hearings before the State Board of Insurance beginning at 9 a.m. on Tuesday, November 28, 1989. The hearings will be in the hearing room on the first floor of the DeWitt Greer State Office Building at 125 East 11th Street in Austin, Texas. Agenda Item 89-6 would replace the current owner and mortgagee policy by creating new Texas owner and mortgagee policies. It would add new Texas owner and mortgagee policy coverage endorsements and create a new procedural rule to require mandatory attachment of said endorsements. Said endorsements will clarify the terms, conditions, stipulations, and coverages in proposed owner and mortgagee policy. It would also amend the commitment for title insurance, leasehold owner policy endorsement, leasehold mortgagee policy endorsement, mortgagee title policy binder on interim construction loan, adjustable mortgage loan endorsement, increased value endorsement, manufactured housing endorsement, the T-30 endorsement, endorsement instructions Number VII, VIII, VI, V, III, and IX, Procedural Rule P-2, P-6, P-8, P-9(a)(i), P-9(b)(5), P-11(b)(8), P-16, and P-20. It would amend the tax exception to add standby fees to the current owner and mortgagee policy mortgage title policy binder on interim construction loan and commitment for title insurance. It would also create a new procedural rule for deletion of arbitration clause in the proposed owners and mortgagee policy. Agenda Item 89-7 would amend Procedural Rule P-9(b) (3) to clarify when the endorsement may be used. Agenda Item 89-8 would create a new endorsement, T-38, to accompany the proposed Procedural Rule P-9(b)(3) in Agenda Item 88-7. Agenda

Item 89-9 would create a new endorsement, T-38, to accompany the proposed Procedural Rule P-9(b)(3) in Agenda Item 89-7 but would provide the company would have no liability by reason of the legal effect of the instrument subject of the endorsement. Agenda Item 89-10 would add a new procedural rule requiring agents under certain circumstances to maintain separate trust accounts for all portions of the title premium due title insurance companies. Agenda Item 89-11 would amend Rate Rule R-2 to require agents to remit the portion of the title insurance premium due title insurance companies no later than the 27th day of the following month in which the premium was collected. Agenda Item 89-12 would amend Procedural Rule P-24 to change the percentages of premium paid to a company that furnished title evidence, examines title, or closes a transaction as a service for another company. Said agenda item would also add clarifying language to Procedural P-24. Agenda Item 89-13 would add a new procedural rule to define direct issue, home office, and describe a procedure for direct issue. Agenda Item 89-14 would amend the definition of title insurance agent in Procedural Rule P-1(h). Agenda Item 89-15 amends Rate Rule R-13(B) to reduce the amount of the credit when the binder is issued for \$26,500 or less and eliminates the credit when the binder is issued for \$10,000. Agenda Item 89-16 would amend Rate Rule R-18 to clarify how to calculate the credit and what type of loan is subject to the credit. Agenda Item 89-17 would amend Rate Rule R-20 to explain the calculation of the credit. Agenda Item 89-18 would add a new Section G.3 to the administrative rules. The new Section G.3 would allow uniform distribution of required statistical reports. Agenda Item 89-19 would add a new procedural rule to require the board to consider experience of certain segments of the title industry in specific categories for ratemaking purposes. It would also require reporting of identical information by affiliated, non-affiliated, and direct operations on statistical reports. Agenda Item 89-20 would amend the tax exception to add standby fees on the following forms, viz: owners title policy, commitment for eminent domain proceedings, certificate of title for easements (U.S.A.), policy of title insurance (U.S.A.), endorsement instructions pertaining to assignment of lien, and owner title policy commitment to the Texas State Highway Department. Agenda Item 89-21 would amend the minimum standards of audit of trust funds required of title insurance agents, direct operations, title attorneys, attorneys licensed as escrow officers under the Insurance Code, Article 9.41(B), to provide the instruction to the audits, and to strengthen the financial controls over the public's funds. Agenda Item 89-22 would create minimum escrow accounting procedures and internal controls to better safeguard the public's trust funds. Agenda Item 89-23 would amend the Form T-19 to require title insurance companies to report agents failing to timely remit premiums. Agenda Item 89-24 would add a new Procedural Rule P-9(b)10 to provide a post foreclosure endorsement to the existing mortgagee title policy. It would add an endorsement instruction X to the endorsement instructions. It would also add a new rate rule requiring a \$50 charge for the endorsement. Agenda Item 89-25 would create a new procedural rule, rate rule, and endorsement form to allow for coverage of pre-existing-violations of restrictive covenant in both

owner and mortgagee policies. Agenda Item 89-26 would create a new procedural rule, rate rule, and endorsement form to provide property description coverage in both the owner and mortgagee policy. The rate rule would provide for a \$50 charge for the endorsement. Agenda Item 89-27 would create a new procedural rule, rate rule, and endorsement form to provide for mineral development coverage in both the owner and mortgagee policy. The rate rule would require a premium charge equal to the then existing minimum policy and basic premium rate and a credit when a owner and mortgagee policy are issued simultaneously. Agenda Item 89-28 would create a new procedural rule, rate rule, and endorsement form to provide coverage regarding non-imputation of knowledge to the insured by operation of law. The rate rule would require a premium charge of \$.50 for each \$1,000 of policy coverage. Agenda Item 89-29 would create new procedural rules, rate rules, and endorsement forms to provide zoning classification coverage for unimproved and completed structures to both the owner and mortgagee policy. The rate rules would require a premium charge of 10% of the basic premium applicable to the original owner and/or mortgagee policy. Agenda Item 89-30 would create new procedural rules, rate rules, and endorsement forms to provide zoning classification for unimproved property and completed structures to both the owner and/or mortgagee policy. The rate rules would require a premium charge of 20% of the basic premium applicable to the original owner and/or mortgagee policy. Agenda Item 89-31 would amend Procedural Rule P-23 to revise the formula for division of premium revenues between title insurance companies and title insurance agents. The board has filed with the Secretary of State's Office, *Texas Register*, copies of the proposals for amendments to the manual under the agenda items. Persons desiring copies of the proposals can obtain copies from the Title Insurance Section of the State Board of Insurance at 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

Stephen A. Hester, Jr., title insurance manager, 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 and no effect on local employment or local economy as a result of enforcing or administering the section.

Mr. Hester also has determined that for the first five-year period the section is in effect the public benefit anticipated as a result of enforcing the section will be clarification and standardization of rules and forms in the regulation of title insurance and an increase in the availability of title insurance coverage to the consumer, as well as the adjustment of the division of premium revenues from title insurance policies in accordance with current economic conditions. The cost of compliance with the amendment for small businesses will be an increase of not more than \$25 in expenses for completion of any form required by the amendment. On the basis of cost per hour of labor, there will be no difference in cost of compliance between small businesses and large businesses. Other than adjustment of the division of premium revenues between title insurance companies and title insurance agents, the only anticipated economic cost to persons who are required to comply with the proposed amendment will be a minimal increase of no more than \$25 in expenses for completion of any form as required by amendment of the manual.

Comments on the proposal may be submitted to Stephen A. Hester, Jr., Title Insurance Manager, Mail Code 012-7, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998. The board will also receive comments on Agenda Item 89-31 at a public hearing beginning at 9 a.m. on Tuesday, November 28, 1989, and on Agenda Items 89-6 through 89-30 at a public hearing beginning at 9 a.m. on Wednesday, November 29, 1989, in the hearing room on the first floor of the DeWitt Greer State Office Building at the corner of Brazos and East 11th Streets in Austin. For agreement by parties and persons wishing to become parties on such matters as may aid in simplification of proceedings at the hearing, there will be a prehearing conference before the general counsel or the chief clerk of the State Board of Insurance beginning at 9 a.m. on Monday, November 13, 1989, in Room 414 of the State Insurance Building at 1110 San Jacinto Boulevard in Austin.

The amendment is proposed under the Insurance Code, Articles 1.04, 9.07, 9.21, and 9.30, and Texas Civil Statutes, Articles 6252-13a, §4 and §5. The Insurance Code, Article 1.04, authorizes the State Board of Insurance to determine policy and rules. The Insurance Code, Article 9.07, authorizes and requires the board to fix and promulgate the premium rates to be charged by title insurance companies and title insurance agents, to promulgate or approve forms for policies of title insurance, to require title insurance companies and agents to submit information material for the board's consideration, and otherwise to provide for the regulation of the business of title insurance. The Insurance Code, Article 9.21, authorizes the board to promulgate and enforce rules and regulations prescribing underwriting standards and practices, and to promulgate and enforce all other rules and regulations necessary to accomplish the purposes of the Insurance Code, Chapter 9, concerning regulation of title insurance. The Insurance Code, Article 9.30, prohibits rebates and discounts and provides for division of premium between title insurance companies and title insurance agents as shall be set by the State Board of Insurance. Texas Civil Statutes, Article 6252-13a, §4, authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures. Section 5 prescribes the procedure for adoption of rules by a state administrative agency.

§9.1. Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas. The State Board of Insurance adopts by reference the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas* as amended effective March 1, 1990 [March 6, 1989]. The document is published by and is available from Hart Graphics, P.O. Box 968, Austin, Texas 78767, and is available from and on file at the Title Insurance Section, Mail Code 012-7 [Division Code 0513], State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

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

issued in Austin, Texas, on October 24, 1989.

TRD-8910216

Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: December 1, 1989

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part VI. Texas Commission for the Deaf

Chapter 181. General Rules of Practice and Procedures

Subchapter H. Memoranda of Understanding with Other States

• 40 TAC §181.918

The Texas Commission for the Deaf proposes new §181.918, concerning general provisions pertaining to a memorandum of understanding with the Texas Rehabilitation Commission. The proposal is made pursuant to House Bill 550 of the 70th Texas Legislature, which mandates specified state agencies to adopt by rule memoranda of understanding that describe their respective responsibilities, coordinate the delivery of services to persons who are deaf, and reduce duplication of services. In the course of developing memoranda gaps in the delivery of services and methods to reduce or eliminate such gaps will be identified.

Section 181.916, concerning memorandum of understanding adopts by reference an agreement between the Texas Commission for the Deaf and the Texas Rehabilitation Commission.

Section 181.918(a), concerning terms of the memorandum which is hereby adopted by reference, identical to the terms of induction and purpose and description of programs and services contained in the November 25, 1988, edition of the *Texas Register* (13 TexReg 5901). Copies of the memoranda of understanding are available from the Texas Commission for the Deaf.

Larry D. Evans, executive director, 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. Fiscal implications to other state agencies that are party to the agreement will be discussed in their proposals of this memorandum for adoption in rule form.

Mr. Evans 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 coordination of effort by the designated state agency. There will be no effect on small business 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 William F. Eckstein, Coordinator of Administrative Procedures and Program Services, P.O. Box 12904, Austin, Texas 78711.

The new section is proposed under the Texas Human Resources Code, §81.017, which provides the Texas Commission for the Deaf with the authority to adopt rules relating to memoranda of understanding with the designated state agencies.

§181.918. The Texas Rehabilitation Commission.

(a) Terms. Memorandum of understanding between the Texas Commission for the Deaf and the Texas Rehabilitation Commission includes the same terms, except the name of the designated agency, as stated in §181.912(a) and (b)(1) of this subchapter (relating to The Texas Department of Corrections.) These terms will not be repeated in this publication for each agency involved in the memorandum of understanding. However, the Texas Commission for the Deaf and the Texas Rehabilitation Commission herein agree to the memorandum of understanding.

(b) Additional terms. In addition to subsection (a) of this section, House Bill 550 requires the Texas Commission for the Deaf to work jointly with the Texas Rehabilitation Commission to develop a communication competency evaluation for vocational rehabilitation counselors and other TRC staff who work directly with clients who are deaf. The evaluation program must be included in this memorandum and it must specify which Texas Rehabilitation Commission employees will be evaluated.

(c) The Texas Rehabilitation Commission.

(1) The Texas Rehabilitation Commission, hereafter referred to as TRC, is the state's principal authority on the rehabilitation of disabled persons, except for those who have primary visual impairments. All TRC programs impact persons who are deaf because they compose one segment of the disabled community.

(2) TRC certifies and monitors the services of rehabilitation facilities across the state which provide services to TRC clients who are deaf. These services must meet TRC standards regarding nondiscrimination to the handicapped; quality of services (communication assessment, communication training, career orientation training, personal-social adjustment training, interpreter service fees); staff qualifications for various positions; program evaluation; client rights; required records, reports, and safety of physical facilities; and administration.

(A) Specific programs and services.

(i) Vocational rehabilitation services.

(I) One hundred and twenty-eight field offices geographically located throughout the state deliver vocational rehabilitation services which include evaluations to determine vocational, educational, medical and psychological status and needs; vocationally necessary medical treatment; training in trade schools, colleges and universities, rehabilitation centers and halfway houses, and special facilities which serve persons who are deaf; and job placement and assistance to employers in modifying jobs for disabled individuals.

(II) These services are provided by vocational rehabilitation counselors (VRC). Currently, there are 68 VRCs who have 15 or more persons who are deaf or hard of hearing on their caseload. An estimated 250 counselors serve from one-14 clients who are deaf and clients with other disabilities as well. These counselors evaluate rehabilitation potential and provide vocational counseling and guidance; arrange for vocational training and restoration services; provide job placement assistance; and assist clients to access other services.

(III) TRC has developed contracts with approximately 46 full or part-time vocational communication specialists (VCS), mostly located in metropolitan areas, to assist VR counselors with the delivery of services to persons who are deaf. The VCSs are expected to be able to communicate with clients who are deaf; therefore, they serve as interpreters or in a dual capacity as VCS/interpreter service providers. They also serve as job coaches and may work in other TRC supported programs such as extended rehabilitation services, independent living, and deaf-blind multihandicapped services. Each service is tailored to meet individual client needs.

(IV) Vocational training may include college, university, business, or vocational school tuition and fees; college room and board; on-the-job training; halfway house services; adjustment training; vocational communication specialist services; interpreter services, notetaker services, and other training-related services, etc.

(V) Restoration services are primarily medical and medical-related services to help ameliorate, correct, or remove a client's disability to enable the person to become employed. For clients who are deaf this includes provision of hearing aids, cochlear implants, medical and surgical fees, hospital costs, speech training, speech therapy, etc.

(VI) Additional services include maintenance and transportation, TDDs and other assistive communication devices, and interpreter services for other services.

(VII) VR counselors also provide indirect services to clients who are deaf by developing community services which support the vocational rehabilitation program. Counselors must actively utilize services from the community which support their clients' efforts to become employed. They assist local human services providers and employers with identification of deaf service needs and development of remediation procedures.

(ii) Extended rehabilitation services (ERS).

(I) TRC contracts with non-profit community based organizations to provide long-term sheltered work opportunities and semi-independent residential services for people so severely disabled that they cannot work in competitive jobs. These services provide an alternative to institutional living. Employment opportunities are offered to qualified workers with severe disabilities in non-competitive settings. Other ERS services include medical assistance, counseling, diagnostics, and evaluation, transportation to and from work, job readiness evaluations, job training, and assistive devices including hearing aids.

(II) Persons who are deaf who are eligible may participate in 34 ERS programs across the state with a total of 24 ERS program managers. The two ERS programs which currently serve clients who are deaf are Vaughn House Residence and Workshop in Austin and the Goodwill Center in San Antonio.

(iii) Independent living services.

(I) TRC contracts with non-profit community-based organizations to provide funding for independent living centers and independent living services. Independent living centers (ILC) provide services which help persons with severe disabilities to live as independently as possible within the community. These centers are mandated to serve all disabilities, including persons who are deaf.

(II) ILCs are directed and staffed primarily by persons with disabilities. The ILCs provide assistance in peer counseling; information and referral for housing, transportation, and attendant services; and advocacy support to encourage people with disabilities to make their own decisions. The centers also train participants in the skills necessary to live inde-

pendently including financial management, living arrangements, vocational/educational opportunities, attendant management, functional skills, social skills, medical needs, consumer affairs, sexuality, and time management.

(III) Currently, there are 10 independent living centers located in Amarillo, Austin, Crockett, Dallas, El Paso, Fort Worth, Houston, Lubbock, San Antonio, and Harlingen.

(iv) Disability determination services. This program determines eligibility for people applying for Social Security disability benefits and is funded entirely from federal funds. A large number of persons who are deaf access this federal financial assistance before, during, and after other TRC sponsored services are received.

(v) Governor's committee for disabled persons. TRC provides staff support for this committee which consists of volunteers appointed by the Governor to promote employment and public awareness of the abilities and special needs of Texans with disabilities. With employment as its central focus, this program reaches the general public through statewide and local activities which create job opportunities, impact public attitudes, remove physical barriers, foster independence and productivity of disabled persons, and integrate disabled individuals into the community.

(vi) Texas planning council for developmental disabilities.

(I) TRC provides staff support and facilities for this 27-member council, appointed by the Governor, to plan, monitor, and advocate services for an estimated 270,000 people with severe, chronic disabilities, mental, and/or physical, which are evident before age 22. Developmental disabilities include autism, cerebral palsy, epilepsy, mental retardation, chronic mental illness, and various birth defects, such as deafness.

(II) The council develops and carries out a statewide plan to assist Texas in developing a comprehensive service delivery system to help people with developmental disabilities achieve the maximum potential for independence, productivity, and life in the community.

(vii) Texas advisory board of occupational therapy. TRC provides staff support for this board which consists of six members appointed by the Governor. It oversees the licensing and license renewal of occupational therapists and occupational therapy assistants. It also investigates complaints, provides consumer information and monitors continuing education requirements.

(viii) Comprehensive medical rehabilitation program. This pro-

gram serves persons who recently have suffered spinal cord or traumatic brain injuries and who require medical services at a comprehensive rehabilitation facility. It provides inpatient medical rehabilitation services such as physical therapy, adaptive equipment, and occupational therapy. Persons are eligible if they cannot receive these services through other resources, and there is reasonable expectation that with services they will improve their independent functioning.

(ix) Interagency transitional services. TRC provides support staff for this interagency group which endeavors to coordinate services for the transition of disabled persons from schools and/or institutions to the community. It consists of TRC, the Texas Department of Mental Health and Mental Retardation, and the Texas Education Agency. TRC has placed a transitional counselor and an office at the Texas School for the Deaf to serve deaf students/clients. Demonstration models for transition programs are currently operating at 10 sites across the state.

(B) Special programs for the deaf.

(i) Deaf-blind multihandicapped services program.

(I) This program addresses the needs of the most severely disabled deaf-blind individuals by providing opportunities for residential services, skills training, self-sufficiency, and recreation, and by providing the families with counseling, training, and respite services. TRC currently contracts for the following services: deaf-blind group homes in Dallas, San Antonio, and Houston; an annual summer camp for youth; respite services; and community-based case services to assist with maintenance of deaf-blind individuals at home in order to avoid institutionalization.

(II) For fiscal year 1989, 24 deaf-blind multihandicapped persons were served in three residential living programs; 100 parents received specialized training and guidance; 50 deaf-blind multihandicapped persons attended a special summer camp; and 40 parents benefited from a planned two week break.

(III) Additionally, for the 1987, TRC received federal grant monies which were directed to services for persons who are deaf-blind and elderly which were dispersed through the independent living centers.

(ii) Specialized activities.

(I) During FY 88 TRC entered into a contract agreement with Texas State Technical Institute to develop a live voice-to-print communication system

and released an Request For Proposal requesting proposals to fund mental health services to persons who are deaf. An orientation to deafness rehabilitation training packet has been designed for staff training. TRC is piloting a 24-hour digital paging service in Houston to enable VR clients to receive messages.

(II) The TRC library, located in the central office, is a support service facility that maintains a collection of materials in a variety of formats on subjects relating to rehabilitation and other matters. A section is devoted to deafness, and many materials are designed especially for persons who are deaf.

(III) TRC's rehabilitation technology program keeps track of the latest innovations and equipment to help persons with disabilities including those who are deaf. This program provides information and demonstrates and loans equipment including communication aids and devices.

(IV) TRC's media department has captioning equipments so that all video materials that it produces can be captioned.

(V) The supported employment program is a relatively new effort to extend employment potential beyond the structure of the ERS program for people with disabilities too severe to benefit from traditional VR services by providing support services so that the clients can work in the community. TRC contracts with nine community organizations for this program, two of which serve exclusively deaf clients.

(d) Coordination of services.

(1) Both TCD and TRC provide services to persons who are deaf. In recent years they have begun to work more closely to facilitate the coordination of services to these persons. Examples of such coordination are TCD's letter of support for TRC's literacy program; the TRC/TCD interagency task force on the development of a communication competency evaluation; their mutual participation on the interagency Deaf-Blind Task Force; their mutual support for the need for demographics on persons who are deaf in Texas; their mutual participation in Symposium 1988 for Persons who are Deaf and Hearing Impaired; and their sponsorship along with two other agencies of the National Conference on Deaf and Hard of Hearing People in El Paso.

(2) In addition, some vocational rehabilitation offices have interpreter service agreements to locate and provide interpreters with community-based organizations across the state, some of which are organizations which TCD contracts with for services. These agreements are not made

through TCD but rather directly with the individual organizations. The agreements usually do not involve a set amount of funds, they simply allow the TRC offices to obtain and pay for interpreter services when they are needed for TRC clients. These contracts are important for rural TRC offices which may have only one or two clients who are deaf and therefore do not have a contracted VCS. However, in many instances, offices with heavy caseloads of clients who are deaf also use interpreters coordinated by TCD contracted councils.

(3) TCD is responsible for the provision of services solely to persons who are deaf, while TRC provides services not only to persons who are deaf but also to other disabled populations seeking vocational rehabilitation services and other services.

(4) Both agencies endeavor to follow and promote the Rehabilitation Act of 1973, §504 which requires that all programs which receive federal funds must be accessible to persons who are disabled. For persons who are deaf, this means the use of interpreters, TDDs and other communication adaptive equipment, and staff who are skilled in sign language and who have special knowledge of deafness.

(e) Duplication of services. In their review of services and programs, TCD and TRC identified no duplication of services.

(f) Statewide gaps in the delivery of services to the deaf population. In the preparation of this document, the following gaps in the delivery of services were identified. Methods for reducing or eliminating these gaps are included.

(1) Telephone relay services/telecommunication devices for the deaf (TDDs).

(A) A telephone relay service is a system where special operators function something like an answering service. The person who is deaf calls the relay operator on a TDD. The operator receives the call on a TDD and then uses a regular telephone to transmit the caller's message to the desired party. The relay operator either can relay a message and later call the original caller back with an answer, or interpret the ongoing conversation as it occurs, communicating with the TDD-user by TDD and the non-TDD user by voice.

(B) Persons who are deaf have no comprehensive, statewide mechanism for accessing public services via the telephone. Current avenues of access by telephone in Texas for persons who are deaf are extremely limited in scope and costly for all concerned. TCD's contracted relay services are primarily provided to 15 of the cities which have councils, and the funds provided for this purpose by TCD are typically expended within the first three quarters of each fiscal year.

(C) While many of TRC's central, regional, and field offices have TDDs which have either been purchased by TRC or loaned through TCD's TDD placement program, there are some which do not. There is no agency requirement that every field office have a TDD.

(D) Thus, without TDD accessibility, in order for persons who are deaf to call to ask a question or get any sort of information, they must make an appointment, come to the office to meet with the staff, and the staff arrange for an interpreter, if sign language is the primary means of communication. This is a costly and time consuming process for the person who is deaf, the staff person, and the agency. (Note: the only exceptions to this scenario would be that the person who is deaf might use an interpreter through a regular telephone to contact the service provider or write a letter.)

(E) A telephone relay system, if it is comprehensive, eliminates the need for every state agency office to have a TDD. Agency staff can use regular telephones and through the relay service operator talk with a client who is deaf provided the client has a TDD.

(F) Methods to address this gap in services are as follows.

(i) TCD will seek funding from the legislature for the 1990-1991 biennium to expand telephone relay services.

(ii) TRC will consider the feasibility of establishing a pilot message project employing automatic recording TDD equipment to record TDD calls after working hours.

(iii) TRC will continue expansion of its current program of providing sensory adaptive communication devices, including TDD's to recipients of TRC services.

(2) Interpreter services.

(A) Interpreting services are the primary means for making health and human services accessible to persons who have a profound hearing loss and who use sign language as their primary means of communication.

(B) TCD is mandated by the legislature to provide interpreting services for specific types of situations: medical, governmental, educational, and legal. TCD interpreting services are not intended to be used by other state agencies in order to make their services accessible to clients who are deaf. In accordance with the Rehabilitation Act of 1973, §504, any entity which receives any federal funds is required

to make their services accessible to persons who are disabled. The funds for interpreting services available through TCD's 17 contracted councils are typically expended within the first three quarters of each fiscal year; there is always a greater demand for the services than there are funds available.

(C) In addition, TCD is mandated by the legislature to establish a recommended fee schedule for the payment of interpreters; to evaluate and certify interpreters; and to provide a registry of interpreters. Because of TCD's knowledge of interpreters and its established network of interpreter services across the state, some state agencies choose to tap this knowledge and network by contracting directly with TCD for interpreter services. Such interagency contracts with TCD assure the use of certified interpreters and the payment of interpreters at set hourly rates according to skill level.

(D) TCD interpreter services can only be provided for certain situations that are not VR-related: medical, governmental, legal, economic, and a few special instances such as Lamaze classes. TCD provides interpreter services for these situations to any person who is deaf for as many years as the service is needed. However, at a certain income level a person who receives interpreter services must pay \$10 per assignment towards the cost of the services.

(E) TRC provides interpreter services for persons who are deaf and who are clients of TRC. Primarily, these clients receive vocational rehabilitation services, but in some instances TRC provides interpreters in its other programs of rehabilitation services and also for staff development activities and public meetings. No charge is made to the client or service provider for the interpreter services.

(F) TRC does not employ TCD's recommended fee schedule for the payment of interpreters. Instead, it establishes a periodic scale for the payment of interpreters at an hourly rate which cannot be exceeded. This scale is called a maximum affordable payment schedule (MAPS).

(G) TRC encourages the use of certified interpreters, but non-certified interpreters are used by field staff when certified interpreters are not available on a timely basis. However, TRC uses certified interpreters, as required by state law, for legal proceedings such as client or staff appeals.

(H) Both agencies agree that there are insufficient funds and too few interpreters to provide all needed interpreter services in the State of Texas.

(I) Methods to address this gap in services are as follows.

(i) TCD will seek additional funding from the Legislature for the 1990-1991 biennium to expand current interpreting services provided through contracts with community based organizations.

(ii) TRC will periodically review its MAPS interpreter fee schedule taking into consideration TCD's recommended fee schedule for interpreters.

(iii) TRC will provide information to counselors that will facilitate recruitment, training, and placement of clients interested in becoming interpreters.

(3) Sharing information. Information regarding needs, issues, and services available to the deaf population is critical to the effective functioning of both TCD and TRC. A system of information sharing is needed between the two agencies. Methods to address this gap in services are as follows.

(A) At least every two years TCD will furnish TRC with copies of a brochure or other information concerning its contracted services provided through community-based organizations throughout the state called councils for the deaf. TRC will distribute these brochures to every TRC field office.

(B) At least every two years, TRC will furnish TCD with copies of a brochure or other information which summarizes the services available through TRC for clients who are deaf. TCD will distribute these brochures to every council for the deaf.

(C) TRC will provide each council for the deaf with a packet of information, brochures, etc. about the services that TRC provides.

(D) TRC will purchase from TCD the TCD Registry of Interpreters for the Deaf and the Directory of Services for the Deaf in Texas and make copies of each of these publications available to TRC field office staff. Additionally, TRC will include on its mailing lists for the TRC newsletter News and Views, each of TCD's councils for the deaf.

(E) TRC will encourage all TRC counselors with clients who are deaf to obtain free subscriptions to the TCD newsletter, DEAFinitely Texas.

(F) TRC will allow TCD staff, service providers, and persons who are deaf to use their library. TRC will provide TCD with an inventory of materials on

deafness that are available through the library.

(G) TRC will furnish TCD with a copy of its Orientation to Deafness packet.

(4) Federal and private funding. Because state funding is insufficient to meet the needs for services to the deaf community, federal funding should be pursued for this purpose whenever possible, as well as any other additional avenues of funding. TRC is the recipient of federal funds which have the potential of being targeted for services for persons who are deaf. TCD, on the other hand, because it does not provide rehabilitation-related services, is unable to qualify for rehabilitation-related federal funding. Yet, because TCD is the state agency mandated to advocate for persons who are deaf, it would be beneficial for TCD to be kept closely informed regarding federal funding that is available for deaf services through TRC. Methods to address this gap in services are as follows.

(A) TRC will inform TCD about any grants which are being targeted for services to persons who are deaf at a stage so that the latter could offer some possible assistance in the special needs of the deaf community and therefore possible directions for dispersing the funds. The proper stage for such input will be determined by TRC.

(B) TCD will inform TRC about any grants which are being targeted for services for persons who are deaf at a stage so that the latter may determine impact, possible deficiency of services, provide technical support or consultation, or suggest directions for dispersing the funds.

(5) Demographic/ service data. There is insufficient data collection regarding the numbers of persons in the state who are deaf and the services that are provided to them through state agencies. TRC has a data base for identifying the number of persons who are deaf to whom it provides interpreting, VCS, and some other services. TCD is unable to collect accurate numbers of persons served due to limited funding. Methods to address this gap in services are as follows.

(A) TRC will expand its data base to record the number of their clients who are deaf, the types of services they are provided, and the cost of these services in each of its programs.

(B) TRC and TCD will support efforts to access and compile data related to the deaf population in the state.

(6) Staff training and development. It is important that staff of TRC become familiar with basic information re-

garding the use of interpreters for clients who are deaf, general information about deafness, and the procedures and policies that TRC has regarding services to persons who are deaf. Methods to address this gap in services are as follows.

(A) TRC will incorporate into existing policy and procedure manuals amplified information regarding interpreter services. TCD will recommend to TRC any needed changes in these areas.

(B) TRC will encourage all persons who serve as VCS service providers to pass Level III of TCD's interpreter tests or equivalent tests of national or state organizations by fiscal year 1990.

(C) TRC proposes to include in current quality assurance standards communication competency required levels for specialist counselors serving persons who are deaf, VCS vendors, and service providers for facilities certified to serve TRC clients. TRC agrees to consult with TCD in the formulation of these standards.

(7) Higher education support services. Many colleges and universities in our state do not offer the specialized support services needed by students who are deaf. Methods to address this gap in services are as follows.

(A) TRC and TCD will study the feasibility of Texas creating a system of evaluation and sharing of information to upgrade specialized support systems required by students who are deaf. Specifically, the agencies will review the model for such a project, the Southeastern Regional Postsecondary Education Consortium administered by the University of Tennessee.

(B) TCD and TRC will jointly develop a statement of need and rationale to encourage the Texas Higher Education Coordinating Board to develop model standards for institutions of higher education to adopt voluntarily regarding standards of accessibility to higher education for persons who are deaf.

(8) Literacy and communication development for adults who are deaf. There is a need by a substantial number of adults who are deaf and not in the public education system to have additional skill training in reading and writing the English language. English is a second language to most deaf persons who became deaf before the age of three; American Sign Language (ASL) is their native language.

(A) TRC requested funds from the 71st Legislature to establish a literacy and communication development program for deaf adults. This request was not funded. TRC will review the proposal and

determine whether or not to submit it or a revised request to the 72nd Legislature.

(B) TCD will support efforts to raise the level of awareness regarding literacy needs of persons who are deaf through its publications and by having a representative attend, when possible, Texas Literacy Council meetings and forums in Texas related to literacy.

(9) Mental health services. While mental health services for persons who are deaf are not the mandated responsibility of either TCD or TRC, both agencies believe that there is substantial gap in services in this area. Methods to address this gap in services are as follows.

(A) TCD will continue to advocate for improved mental health and mental retardation services for persons who are deaf by developing a memorandum of understanding with the Texas Department of Mental Health and Mental Retardation and by annually reviewing this document.

(B) TRC will develop opportunities for field counselors serving clients who are deaf to receive training in the area of mental health services for clients who are deaf.

(C) TRC and TCD will work cooperatively with TDMHMR and the Texas School for the Deaf in developing the 71st Legislature's mandate to establish a pilot program for adult persons who are deaf with mental health needs and a history of aggressive behavior. This program will have both a residential and vocational rehabilitation focus.

(10) Special services to persons who are hard of hearing. The largest hearing impaired population in Texas involves those who are hard of hearing. Persons who are hard of hearing, like persons who are profoundly deaf, need special communication assistance. Although TCD was established primarily to serve the profoundly deaf, there is a need to incorporate and expand services to the hard of hearing by both TCD and TRC. Methods to address this gap in services are as follows.

(A) TCD will encourage all TCD affiliated councils to serve persons who are hard of hearing whenever feasible, develop affiliations with the local Self-Help for Hard of Hearing People, Inc. (SHHH) groups on an as requested/as needed basis.

(B) TRC will make available to SHHH groups and TCD councils technical assistance from its rehabilitation technology department. This assistance will primarily involve information and the loaning of assistive communication devices.

(g) Communication competency evaluation procedure.

(1) House Bill 550 passed by the 70th Legislature requires that TCD work jointly with TRC to develop a communication competency evaluation for vocational rehabilitation counselors and other TRC staff who work with deaf and hearing impaired clients. This program is required to be included in this memorandum of understanding. Also, the memorandum is required to specify which TRC employees will be evaluated by this program.

(2) A task force was established to study and design a communication skills assessment system. The task force consists of the following representatives: three from TRC, two from the board for evaluation of interpreters, one from TCD, and one from the general public.

(3) The task force is proposing to incorporate, with some modifications, the Sign Communication Proficiency Interview (SCPI) developed at the National Technical Institute for the Deaf. This assessment tool utilizes highly skilled, native or native-like signers as interviewers who take the candidate through a full range of sign competency, beginning at the basics and going through increasingly demanding levels of communication skills. The interview may be videotaped.

(4) The task force recommended to TRC modifications to be made to the assessment tool and suggested evaluators/interviewers. The task force also provided basic procedures for notifying persons of the results of their tests.

(5) Those selected for the special communication assessment will include current field counselors, secretaries, ERS program managers, program specialists and miscellaneous staff who have job descriptions involving primary or considerable contact with deaf clients. It is currently estimated that during the first year of assessment that 50 employees, five to eight from each region and three to four from the central office will complete this assessment. Other staff who may need to communicate with clients who are deaf will be expected to use interpreters skilled in sign language.

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 23, 1989.

TRD-8910211

Larry D. Evans
Executive Director
Texas Commission for the Deaf

Earliest possible date of adoption: December 1, 1989

For further information, please call: (512) 469-9891

Adopted Sections

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

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

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 17. Marketing Division

• 4 TAC §17.31

The Texas Department of Agriculture adopts amendments to §17.31, without changes to the proposed text as published in the September 15, 1989, issue of the *Texas Register* (14 TexReg 4.673).

The increases in charges are proposed to bring the amounts collected closer to a level that will equal costs of operating the facilities, in accordance with the intent of the 71st Legislature, 1989.

The amendment increases the per head fees for slaughter sheep and goats; increase the charges for all animals handled for air shipment; establish individual stall charges for air shipment and establish an unloading and document verification charge.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Agriculture Code, §146.021, which provides the Texas Department of Agriculture with the authority to receive and hold for processing animals transported in international trade, and establish and collect fees for such holding and other expenses.

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 19, 1989.

TRD-8910130 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: November 15, 1989

Proposal publication date: September 15, 1989

For further information, please call: (512) 463-7583

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Licensing and Regulation

Chapter 65. Boiler Division

• 16 TAC §§65.1, 65.10, 65.20, 65.30, 65.50, 65.60, 65.70, 65.80, 65.90, 65.100

The Texas Department of Licensing and Regulation adopts new §§65.1, 65.10, 65.20, 65.30, 65.50, 65.60, 65.70, 65.80, 65.90, 65.100, without changes to the proposed text as published in the June 9, 1989, issue of the *Texas Register* (14 TexReg 2746).

The agency determined a need for a standard numbering system, therefore, these sections are renumbered and reorganized.

These sections are replacing a non-standard agency numbering system.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 5221c, which provide the Texas Department of Licensing and Regulation with the authority to promulgate rules necessary to effectuate the purpose of the Act.

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

Issued in Austin, Texas, on October 24, 1989.

TRD-8910238 Larry E. Kosta
Acting Executive Director
Texas Department of
Licensing and
Regulation

Effective date: November 15, 1989

Proposal publication date: June 9, 1989

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

Administration

• 16 TAC §§65.12-65.18, 65.20-65.34

The Texas Department of Licensing and Regulation adopts the repeal of §§65.12-65.18, 65.20-65.34, without changes to the proposed text as published in the June 9, 1989, issue of the *Texas Register* (14 TexReg 2747).

The agency determined a need for a standard

numbering system, therefore, these sections are repealed in order to allow for renumbered, reorganized sections.

These sections are being replaced to allow for the adoption of edited, renumbered, and reorganized sections.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 5221c, which provide the Texas Department of Licensing and Regulation with the authority to promulgate rules necessary to effectuate the purpose of the Act.

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

Issued in Austin, Texas on October 24, 1989.

TRD-8910244

Larry E. Kosta
Acting Executive Director
Texas Department of
Licensing and
Regulation

Effective date: November 15, 1989

Proposal publication date: June 9, 1989

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

General Requirements

• 16 TAC §§65.41-65.52

The Texas Department of Licensing and Regulation adopts the repeal of §§65.41-65.52, without changes to the proposed text as published in the June 9, 1989, issue of the *Texas Register* (14 TexReg 2747).

The agency determined a need for a standard numbering system, therefore, these sections are repealed in order to allow for renumbered, reorganized sections.

These sections are being replaced to allow for the adoption of edited, renumbered, and reorganized sections.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 5221c, which provide the Texas Department of Licensing and Regulation with the authority to promulgate rules necessary to effectuate the purpose of the Act.

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

Issued in Austin, Texas on October 24, 1989.

Effective date: November 15, 1989

Proposal publication date: June 9, 1989

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

Power Boilers

• 16 TAC §§65.61-65.70

The Texas Department of Licensing and Regulation adopts the repeal of §§65.61-65.70, without changes to the proposed text as published in the June 9, 1989, issue of the *Texas Register* (14 TexReg 2747).

The agency determined a need for a standard numbering system, therefore, these sections are repealed in order to allow for renumbered, reorganized sections.

These sections are being replaced to allow for the adoption of edited, renumbered, and reorganized sections.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 5221c, which provide the Texas Department of Licensing and Regulation with the authority to promulgate rules necessary to effectuate the purpose of the Act.

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

Issued in Austin, Texas on October 24, 1989.

TRD-8910242

Larry E. Kosta
Acting Executive Director
Texas Department of
Licensing and
Regulation

Effective date: November 15, 1989

Proposal publication date: June 9, 1989

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

Heating Boilers

• 16 TAC §§65.81-65.93

The Texas Department of Licensing and Regulation adopts the repeal of §§65.81-65.93, without changes to the proposed text as published in the June 9, 1989, issue of the *Texas Register* (14 TexReg 2748).

The agency determined a need for a standard numbering system, therefore, these sections are repealed in order to allow for renumbered, reorganized sections.

These sections are being replaced to allow for the adoption of edited, renumbered, and reorganized sections.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 5221c, which provide the

Texas Department of Licensing and Regulation with the authority to promulgate rules necessary to effectuate the purpose of the Act.

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

Issued in Austin, Texas on October 24, 1989.

TRD-8910241

Larry E. Kosta
Acting Executive Director
Texas Department of
Licensing and
Regulation

Effective date: November 15, 1989

Proposal publication date: June 9, 1989

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

Inspection

• 16 TAC §§65.101-65.108

The Texas Department of Licensing and Regulation adopts the repeal of §§65.101-65.108, without changes to the proposed text as published in the June 9, 1989, issue of the *Texas Register* (14 TexReg 2748).

The agency determined a need for a standard numbering system, therefore, these sections are repealed in order to allow for renumbered, reorganized sections.

These sections are being replaced to allow for the adoption of edited, renumbered, and reorganized sections.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 5221c, which provide the Texas Department of Licensing and Regulation with the authority to promulgate rules necessary to effectuate the purpose of the Act.

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

Issued in Austin, Texas on October 24, 1989.

TRD-8910240

Larry E. Kosta
Acting Executive Director
Texas Department of
Licensing and
Regulation

Effective date: November 15, 1989

Proposal publication date: June 9, 1989

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

Repairs and Alterations

• 16 TAC §§65.121-65.124

The Texas Department of Licensing and Regulation adopts the repeal of §§65.121-65.124, without changes to the proposed text as published in the June 9, 1989, issue of the *Texas Register* (14 TexReg 2748).

The agency determined a need for a standard numbering system, therefore, these sections

are repealed in order to allow for renumbered, reorganized sections.

These sections are being replaced to allow for the adoption of edited, renumbered, and reorganized sections.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 5221c, which provide the Texas Department of Licensing and Regulation with the authority to promulgate rules necessary to effectuate the purpose of the Act.

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

Issued in Austin, Texas on October 24, 1989.

TRD-8910239

Larry E. Kosta
Acting Executive Director
Texas Department of
Licensing and
Regulation

Effective date: November 15, 1989

Proposal publication date: June 9, 1989

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

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 141. Teacher Certification

Subchapter S. Testing Program Tests Required for Initial Certification and/or Continued Certification

• 19 TAC §141.443

The Texas Education Agency adopts new §141.443, without changes to the proposed text as published in the July 28, 1989, issue of the *Texas Register* (14 TexReg 3612).

The new section requires that the content of the examination be determined with the advice of representatives of educators, at least 80% of whom are certified and employed classroom teachers serving at career ladder level three during the 1989-1990 school year. These representatives also advise the commissioner of education with respect to the fees, schedule, and conditions for administration of the examination. The new section also requires that master teachers be included in advising the commissioner on these matters after initial implementation of the examination and in the continuing review and revision of the examination.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Education Code, §13.316, which requires the State Board of Education to adopt a comprehensive master teacher written 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 17, 1989.

TRD-8910174 W. N. Kirby
Commissioner of Education

Effective date: November 13, 1989

Proposal publication date: July 28, 1989

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

TITLE 22. EXAMINING BOARDS

Part XXI. Texas State Board of Examiners of Psychologist

Chapter 463. Applications

• 22 TAC §463.8

The Texas State Board of Examiners of Psychologists adopts an amendment to §463.8, without changes to the proposed text as published in the September 12, 1989, issue of the *Texas Register* (14 TexReg 4635).

The board determined that supervised experience should not be received from a relative (either blood or marriage). This allows for a more objective atmosphere to gain experience from a trained professional.

Applicants will have to receive supervision from persons who are not related to them by blood or marriage.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4512C, which provide the Texas State Board of Examiners of Psychologists with the authority to make all rules, not inconsistent with the Constitution and laws of this state, which are reasonably necessary for the proper performance of its duties and regulations of proceeding before it.

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 19, 1989.

TRD-8910156 Patti Bizzell
Executive Director
Texas State Board of
Examiners of
Psychologists

Effective date: November 13, 1989

Proposal publication date: September 12, 1989

For further information, please call: (512) 835-2036

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 1. Central Administration

Practice and Procedure

• 34 TAC §1.3

The Comptroller of Public Accounts adopts an amendment to §1.3, without changes to the proposed text as published in the September 29, 1989, issue of the *Texas Register* (14 TexReg 5161).

The amendment clarified the status of requests for settlement of penalty and interest in the administrative hearings process, and clarified alternative methods for disposing of contested cases.

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 24, 1989.

TRD-8910198 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 14, 1989

Proposal publication date: September 29, 1989

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

• 34 TAC §1.7

The Comptroller of Public Accounts adopts an amendment to §1.7, without changes to the proposed text as published in the September 29, 1989, issue of the *Texas Register* (14 TexReg 5161).

The amendment extends the time allowed for a taxpayer to amend the statement of grounds in an administrative hearing.

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 24, 1989.

TRD-8910192 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 14, 1989

Proposal publication date: September 29, 1989

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

• 34 TAC §1.10

The Comptroller of Public Accounts adopts an amendment to §1.10, without changes to the proposed text as published in the September 29, 1989, issue of the *Texas Register* (14 TexReg 5162).

The amendment removed the detailed instructions to taxpayers for accepting or rejecting the tax division's position in a contested case.

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 24, 1989.

TRD-8910197 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 14, 1989

Proposal publication date: September 29, 1989

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

• 34 TAC §1.12

The Comptroller of Public Accounts adopts an amendment to §1.12, without changes to the proposed text as published in the September 29, 1989, issue of the *Texas Register* (14 TexReg 5162).

The amendment makes the instructions to taxpayers for completing the motion to dismiss/motion to set form conform to the recently revised form.

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 24, 1989.

TRD-8910196 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 14, 1989

Proposal publication date: September 29, 1989

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

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• 34 TAC §1.16

The Comptroller of Public Accounts adopts an amendment to §1.16, without changes to the proposed text as published in the September 29, 1989, issue of the *Texas Register* (14 TexReg 5163).

The amendment clarifies the circumstances under which a hearings attorney will file a response to a taxpayer's reply to a position letter in a contested case.

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 24, 1989.

TRD-8910195 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 14, 1989

Proposal publication date: September 29, 1989

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

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• 34 TAC §1.30

The Comptroller of Public Accounts adopts an amendment to §1.30, without changes to the proposed text as published in the September 29, 1989, issue of the *Texas Register* (14 TexReg 5163).

The amendment clarifies the time limits for taxpayers to file refund and tax protest lawsuits, and specify that the attorney general must be served with pleadings as a party defendant in refund cases. The amendment to this section was a result of changes made during the 71st Legislature, 1989.

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 24, 1989.

TRD-8910194 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 14, 1989

Proposal publication date: September 29, 1989

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

◆ ◆ ◆
• 34 TAC §1.42

The Comptroller of Public Accounts adopts an amendment to §1.42, without changes to the proposed text as published in the September 29, 1989, issue of the *Texas Register* (14 TexReg 5163).

The amendment made the definitions section of the rules of practice and procedure conform with §1.3, concerning contested cases, which is being amended to clarify the status of requests for settlement of penalty and interest in the administrative hearings process.

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 24, 1989.

TRD-8910193 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 14, 1989

Proposal publication date: September 29, 1989

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

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

• 34 TAC §3.286

The Comptroller of Public Accounts adopts an amendment to §3.286, without changes to the proposed text as published in the July 28, 1989, issue of the *Texas Register* (14 TexReg 3681).

The amendment was necessary due to recent changes in the tax treatment of Mexican maquiladoras. A definition of special purpose districts has also been added.

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 23, 1989.

TRD-8910164 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 13, 1989

Proposal publication date: July 28, 1989

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

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• 34 TAC §3.330

The Comptroller of Public Accounts adopts an amendment to §3.330, without changes to the proposed text as published in the August 25, 1989, issue of the *Texas Register* (14 TexReg 4292).

Recent legislative changes provide for certain special purpose districts to be created on a local option basis and funded by a sales tax. The amendment deals with sales of data processing services by vendors located both inside and outside those districts.

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 23, 1989.

TRD-8910169 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 13, 1989

Proposal publication date: August 25, 1989

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

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• 34 TAC §3.333

The Comptroller of Public Accounts adopts an amendment to §3.333, without changes to the proposed text as published in the August 25, 1989, issue of the *Texas Register* (14 TexReg 4292).

As a result of recent legislation, certain special purpose districts may be created on a local option basis and funded by a sales tax. The amendment deals with sales of security services by vendors located both inside and outside those districts.

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 23, 1989.

TRD-8910168 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 13, 1989

Proposal publication date: August 25, 1989

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

◆ ◆ ◆
• 34 TAC §3.342

The Comptroller of Public Accounts adopts an amendment to §3.342, without changes to the proposed text as published in the August 25, 1989, issue of the *Texas Register* (14 TexReg 4293).

As a result of recent legislative changes, certain special purpose districts may be created on a local option basis and funded by a sales tax. The amendment deals with sales of information services by vendors located both inside and outside those districts.

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 23, 1989.

TRD-8910168 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 13, 1989

Proposal publication date: August 25, 1989

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

◆ ◆ ◆
• 34 TAC §3.343

The Comptroller of Public Accounts adopts an amendment to §3.343, without changes to the proposed text as published in the August 25, 1989, issue of the *Texas Register* (14 TexReg 4293).

As a result of recent legislation, certain special purpose districts may be created on a local option basis and funded by a sales tax. The amendment deals with sales of credit reporting services by vendors located both inside and outside those districts.

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 23, 1989.

TRD-8910165 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 13, 1989

Proposal publication date: August 25, 1989

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

◆ ◆ ◆
• 34 TAC §3.354

The Comptroller of Public Accounts adopts an amendment to §3.354, without changes to the proposed text as published in the August 25, 1989, issue of the *Texas Register* (14 TexReg 4294).

As a result of recent legislative changes, certain special purpose districts may be created on a local option basis and funded by a sales tax. The amendment deals with sales of debt collection services by vendors located both inside and outside those districts.

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 23, 1989.

TRD-8910167 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 13, 1989

Proposal publication date: August 25, 1989

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

◆ ◆ ◆
• 34 TAC §3.355

The Comptroller of Public Accounts adopts an amendment to §3.355, without changes to the proposed text as published in the August 25, 1989, issue of the *Texas Register* (14 TexReg 4295).

As a result of recent legislation, certain special purpose districts may be created on a local option basis and funded by a sales tax. The amendment deals with sales of insurance services by vendors located both inside and outside those districts.

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 23, 1989.

TRD-8910163 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 13, 1989

Proposal publication date: August 25, 1989

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

◆ ◆ ◆
• 34 TAC §3.371

The Comptroller of Public Accounts adopts an amendment to §3.371, without changes to the proposed text as published in the August 25, 1989, issue of the *Texas Register* (14 TexReg 4297).

The amendment was necessary because of the disparity in local tax rates throughout the state.

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 23, 1989.

TRD-8910162 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 13, 1989

Proposal publication date: August 25, 1989

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

◆ ◆ ◆
• 34 TAC §3.372

The Comptroller of Public Accounts adopts an amendment to §3.372, without changes to the proposed text as published in the July 14, 1989, issue of the *Texas Register* (14 TexReg 3392).

The amendment was necessary because of recent legislative changes concerning the authority of cities wishing to impose an additional 0.5% sales tax, and the effective date of those taxes.

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 23, 1989.

Effective date: November 13, 1989

Proposal publication date: July 14, 1989

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

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part VI. Texas Commission for the Deaf

Chapter 181. General Rules of Practice and Procedures

Subchapter H. Memoranda of Understanding with Other State Agencies

• 40 TAC §181.916

The Texas Commission for the Deaf adopts
new §181.916, without changes to the pro-

posed text as published in the May 12, 1989,
issue of the *Texas Register* (14 TexReg
2337).

The Texas Commission for the Deaf adopts
new §181.916, concerning general provisions
pertaining to memoranda of understanding
with the Texas Department of Mental Health
and Mental Retardation. The section is made
pursuant to House Bill 550 of the 70th Texas
Legislature, which mandates specified state
agencies to adopt by rule memoranda of un-
derstanding that describe their respective re-
sponsibilities, coordinate the delivery of
services to persons who are deaf, and reduce
duplication of services to persons who are
deaf, and reduce duplication of services. In
the course of developing memoranda gaps in
the delivery of services and methods to re-
duce or eliminate such gaps will be identified.

Section 181.916 concerning memorandum of
understanding adopts by reference an agree-
ment between the Texas Commission for the
Deaf and the Texas Department of Mental
Health and Mental Retardation.

No comments were received regarding adop-
tion of the amendment.

The new section is adopted under the Texas
Human Resources Code, §81.017, which pro-
vides the Texas Commission for the Deaf

with the authority to adopt rules relating to
memoranda of understanding with the desig-
nated state agencies.

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 23, 1989.

TRD-8910210

Larry D. Evans
Executive Director
Texas Commission for the
Deaf

Effective date: November 14, 1989

Proposal publication date: May 12, 1989

For further information, please call: (512)
469-9891

◆ ◆ ◆

Open Meetings

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

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

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

Texas Department of Criminal Justice-Institutional Division

Wednesday, November 8, 1989, 9 a.m. The Sub-Committee on Site Selection of the Texas Department of Criminal Justice-Institutional Division will meet in the John H. Reagan Building, Room 101, 105 West 15th Street, Austin. According to the agenda, the sub-committee for northern proposed sites will meet to rank proposed prison sites in order of sub-committee preference and to report the rank of proposed sites to the department.

Contact: James A. Lynaugh, P.O. Box 99, Huntsville, Texas 77342-0099, (409) 294-2101.

Filed: October 25, 1989, 8:56 a.m.

TRD-8910234

Wednesday, November 8, 1989, 9 a.m. The Sub-Committee on Site Selection of the Texas Department of Criminal Justice-Institutional Division will meet in the John H. Reagan Building, Room 101, 105 West 15th Street, Austin. According to the agenda, the sub-committee for southern proposed sites will meet to rank proposed prison sites in order of sub-committee preference and to report the rank of proposed sites to the department.

Contact: James A. Lynaugh, P.O. Box 99, Huntsville, Texas 77342-0099, (409) 294-2101.

Filed: October 25, 1989, 8:56 a.m.

TRD-8910233

recent Supreme Court decision in *Edgewood v. Kirby*. Other members of the SBOE have also been invited to participate in this work session. Presentations will be made by Texas Education Agency staff and invited organizational representatives.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: October 25, 1989, 4:33 p.m.

TRD-8910271

Texas Employment Commission

Tuesday, October 31, 1989, 8:30 a.m. The Texas Employment Commission will have an emergency meeting in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda, the commission will discuss prior meeting notes; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 44; and set date of next meeting. The emergency status was necessary because of the need to meet federal time requirements.

Contact: Courtenay Browning, 101 East 15th Street, Austin, Texas 78779, (512) 463-2226.

Filed: October 25, 1989, 1:10 p.m.

TRD-8910253

Texas Heroes Monument Commission

Friday, October 27, 1989, 2 p.m. The Regular Meeting of the Texas Heroes Monument Commission had an emergency meeting in the Caduceus Room, UTMB Administrative Building, 301 University, Galveston. According to the agenda, the commission discussed and act upon the secretary's report; treasurer's report; discussion and action items; and other items. The emergency status was necessary because of convenience of commissioners.

Contact: Cindy Sullivan, 51 Colony Park Circle, Galveston, Texas 77551, (409) 744-5632.

Filed: October 25, 1989, 8:55 a.m.

TRD-8910236

Friday, November 17, 1989, 2 p.m. The Regular Meeting of the Texas Heroes Monument Commission will meet in the Caduceus Room, UTMB Administrative Building, 301 University, Galveston. According to the agenda, the commission will discuss and act upon the secretary's report, treasurer's report, discussion and action items; and other items.

Contact: Cindy Sullivan, 51 Colony Park Circle, Galveston, Texas 77551, (409) 744-5632.

Filed: October 25, 1989, 8:55 a.m.

TRD-8910235

State Board of Insurance

Wednesday, November 1, 1989, 3 p.m. The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto, Austin. According to the agenda, the board will hold a public hearing to consider an appeal by Twin Cedar Maintenance of calculation of experience modifier applicable to worker's compensation insurance premium. This meeting is rescheduled from November 2, 1989, at 1:30 p.m.

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

Filed: October 24, 1989, 4:08 p.m.

TRD-8910217

Thursday, November 2, 1989, 9:30 a.m. The State Board of Insurance will meet at 1110 San Jacinto, Austin. According to the agenda, the board will hold a public hearing to consider the Motion for Stay and Appeal by William Morris Risby of Commissioner's Order 89-1291.

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

Filed: October 25, 1989, 3:54 p.m.

TRD-8910266

Texas Education Agency

Friday, November 3, 1989, 1 p.m. The State Board of Education (SBOE) Committee on School Finance and other members of the SBOE 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 SBOE committee on school finance will hold a work session to develop concepts for a plan to resolve the issues relating to the

Board for Lease of State-owned Lands

Thursday, November 2, 1989, 2 p.m. The Board for Lease of Texas Parks and Wildlife Lands, Board for Lease of State-owned lands will meet at the General Land Office in the Stephen F. Austin Building, Room 833, 1700 North Congress Avenue, Austin. According to the agenda, the board will discuss and act upon approval of the minutes of the previous board meeting; and easement applications.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas, 78701, (512) 463-5016.

Filed: October 24, 1989, 3:50 p.m.

TRD-8910207

Texas Department of Licensing and Regulation

Wednesday, November 1, 1989, 9 a.m. The Vehicle Storage Facility Division of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E. O. Thompson Building, 10th Floor Conference Room, Austin. According to the agenda, the division will consider denial of application for license for respondent's, Irwin's Mobile Service Station, for violation of Article 6687-9a of Texas Civil Statutes and the department's vehicle storage facility rules and regulations.

Contact: Elvis Schulze, 920 Colorado, Austin, Texas 78711, (512) 463-3127.

Filed: October 24, 1989, 3:07 p.m.

TRD-8910206

Wednesday, November 15, 1989, 9 a.m. The Manufactured Housing Division of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E. O. Thompson Building, 10th Floor Conference Room, Austin. According to the agenda, the division will consider suspension, revocation, denial or a civil penalty of respondent's, Mobile Home Clearance Center, license/registration for violation of the department's manufactured housing rules and regulations.

Contact: Elvis Schulze, 920 Colorado, Austin, Texas 78711, (512) 463-3127.

Filed: October 24, 1989, 3:07 p.m.

TRD-8910205

Texas State Board of Medical Examiners

Wednesday, October 25, 1989, 8 p.m. The Executive Committee of the Texas State Board of Medical Examiners met for a rescheduled emergency meeting at 1101 Camino LaCosta, Austin. According to the

agenda, the committee discussed personnel matters in executive session under authority of Article 6252-17, § 2(q); executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1) and Opinion Attorney General 1974, Number H-484. The emergency status was necessary because information of significance needed to be presented to committee. This meeting was rescheduled from October 25, 1989, at 5 p.m.

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

Filed: October 25, 1989, 1:58 p.m.

TRD-8910259

Friday, October 27, 1989, 10 a.m. and Saturday, October 28, 1989, 9 a.m. The Texas State Board of Medical Examiners had an emergency meeting at 1101 Camino LaCosta, Austin. According to the agenda, the board discussed and acted upon changes to previously posted agenda: Deletion of a reciprocity appearance and a proposal for decision; addition of a probationary appearance and committee reports. The emergency status was necessary because information had just come to attention of agency and needed prompt attention by board.

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

Filed: October 25, 1989, 1:58

TRD-8910260

Friday, November 3, 1989, 10 a.m.

The Executive Committee of the Texas Council on Offenders with Mental Impairments will meet at the Association for Retarded Citizens-Austin, 2818 San Gabriel, Austin. According to the agenda, the committee will hear a proposal for Substance Abuse Symposium, receive an overview of 90-91 fiscal matters, discuss contracts, hear committee reports and prepare agenda for the November council meeting.

Contact: Pat Hamilton, 2818 San Gabriel, Austin, Texas 78705, (512) 477-9914.

Filed: October 24, 1989, 3:05 p.m.

TRD-8910204

Texas Board of Pardons and Paroles

Thursday, November 2, 1989, 10 a.m. The Texas Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will meet for the purpose of conducting full board interviews; meeting with interested parties in connection with cases subject to the board's jurisdiction, as follows: Larry

Heimendinger, TDC #272876.

Contact: Daniel R. Guerra, Family Information Coordinator, (512) 459-2706.

Filed: October 25, 1989, 4:26 p.m.

TRD-8910267

Texas Parks and Wildlife Department

Wednesday, November 1, 1989, 7 p.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the YO at Onion Creek, FM 967 West, Austin. According to the agenda, the members plan to have dinner at 7:00 p.m., November 1, 1989. Although this function is primarily a social event and no formal action is planned the commission may discuss items on the Public Hearing Agenda scheduled for 9:00 a.m., November 2, 1989.

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

Filed: October 24, 1989, 2:21 p.m.

TRD-8910201

Thursday, November 2, 1989, 9 a.m. The Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Headquarters Complex, Building B, 4200 Smith School Road, Austin. According to the agenda, the commission will have presentation of certificates/awards; resolution commending Forest Product Corporation; shrimp fishery plan; regulating exotic fish, shellfish and aquatic plants; regulating permits to introduce fish/aquatic plants into public waters; repeal noxious plants rules; artwork design/marketing contract; depredating animal control from aircraft; memorandum of understanding/TPWD/Wild Turkey Fed.; oyster transaction receipt; restricted wild animal proc.; Franklin Mtns. SP; Amend 1989-90 Proc. Type I WMA; stocking policy; repeal saltwater game fish rule; law enforcement commission rules; concession contract-Copano Bay; concession contract-Inks Lake SP; concession contract-Tyler SP; power line easement-Guadalupe Delta; 1990 budget-San Jacinto Museum; new facilities-Cedar Hill; acquisition-Chambers County; acquisition-Refugio County; Acquisition-Bastrop County.

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

Filed: October 24, 1989, 2:21 p.m.

TRD-8910200

Thursday, November 2, 1989, 12 noon. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Headquarters Complex, Building B, 4200 Smith School Road, Austin. According to the agenda, the com-

mission will discuss notice of closed meeting; approval of August 31, 1989 executive session court reporter minutes; land acquisition-Cherokee County; land acquisition-Chambers County; land acquisition-Refugio County.

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

Filed: October 24, 1989, 2:21 p.m.

TRD-8910202

Public Utility Commission of Texas

Wednesday, November 1, 1989, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, the commissioners will consider the following dockets: 6992, 8730, 8560, 8829, 8932, 8936, 8938 and 8988 in an open meeting. The commission will also consider adoption of Procedural Rule §21.22 (P8121) (Contents of Notice for Rate Setting) and Substantive Rule §23.23 (P8121) (Fuel Factors and Fuel Reconciliation).

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

Filed: October 24, 1989, 3:31 p.m.

TRD-8910225

Wednesday, November 1, 1989, 1 p.m. The Administrative Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, there will be discussion of reports, discussion and action on budget and fiscal matters including a report on the status of the lease on the PUC offices; consideration of proposed organizational changes; discussion of proposed federal legislation to change Western coal royalties; consideration of retaining a consultant to assist PUC staff and the advisory committee concerning dual party relay service. Adjournment for executive session to consider: litigation and personnel matters. Reconvene for discussions considered in executive session; set time and place for next meeting.

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

Filed: October 24, 1989, 3:33 p.m.

TRD-8910219

Tuesday, November 7, 1989, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, a prehearing conference in Docket Number 9030; petition of general counsel for a fuel reconciliation for Southwestern Public Service Company.

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

Filed: October 25, 1989, 2:46 p.m.

TRD-8910261

Tuesday, November 7, 1989, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, there will be a hearing on the merits in Docket Number 8848; application of San Miguel Electric Cooperative, Inc. for authority to implement a reduction in rates.

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

Filed: October 24, 1989, 3:32 p.m.

TRD-8910220

Tuesday, November 21, 1989, 1:00 p.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, there will be a hearing on the merits in Docket Number 8987; report of Industry Telephone Company of sale of common stock. This meeting is rescheduled from November 13, 1989 at 1:00 p.m.

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

Filed: October 24, 1989, 3:32 p.m.

TRD-8910222

Thursday, November 30, 1989, 10 a.m. The Hearings Division of the Public Utility Commission of Texas has rescheduled their meeting from October 31, 1989 at 10:30 a.m. to the above date, at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, there will be a rescheduled prehearing conference and interim hearing in Docket Number 9090; complaint of DFW Metro Line Services against Southwestern Bell Telephone Company.

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

Filed: October 24, 1989, 3:31 p.m.

TRD-8910224

Tuesday, December 19, 1989, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, there will be a hearing on the merits in Docket Number 9040; application of Southwestern Electric Service Company for authority to change rates.

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

Filed: October 24, 1989, 3:31 p.m.

TRD-8910223

Tuesday, January 16, 1990, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, a hearing on the merits in Docket Number 9000; application of J-A-C Electric Cooperative, Inc. to revise PCRF factor.

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

Filed: October 25, 1989, 2:46 p.m.

TRD-8910262

Tuesday, February 13, 1990 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, there will be a hearing on the merits in Docket Number 9099; application of Texas Midland Telephone Company to merge Texas Midland Telephone Company, Trinity Valley Telephone Company and Romain Telephone Company.

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

Filed: October 24, 1989, 3:32 p.m.

TRD-8910221

Texas Rehabilitation Commission

Friday, November 10, 1989, 9:30 a.m. The Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will meet in the DD Program Conference Room, 4th Floor, #4240, 4900 North Lamar, Austin. According to the agenda, the council will discuss and act upon approval of summary report, August 21, 1989, update of FY 1990 funding activities; continuation funding of respite projects; review of FY 1989 State Plan Implementation; annual project summary reports; and executive director's report.

Contact: Roger A. Webb, 4900 North Lamar, Austin, Texas 78751-2316, (512) 483-4099.

Filed: October 24, 1989, 3:37 p.m.

TRD-8910218

Texas Savings and Loan Department

Thursday, November 2, 1989, 9 a.m. The Texas Savings and Loan Department will meet at 2601 North Lamar, Suite 201, Austin. According to the agenda, the department will have a hearing to accumulate a record of evidence in regard to the application of Guardian Savings Association, Houston, Harris County, Texas for a branch office to be located at 4651 Sheridan Street,

Hollywood, Broward County, Florida, from which record the commissioner will determine whether to grant or deny the application.

Contact: Laura M. Hale, 2601 North Lamar, Suite 201, Austin, Texas 78705, (512) 479-1250.

Filed: October 24, 1989, 2:40 p.m.

TRD-8910203

Texas Southern University

Friday, November 3, 1989, 8:30 a.m. The Board of Regents of the Texas Southern University will meet at the University Library, 5th Floor, Texas Southern University, Houston. According to the agenda, the board will consider minutes; budget changes; investments; budgets for restricted and/or grants and projects funds. Construction change orders; payment to architects contractors and engineers; authorization and ratification of contracts and awards; review of on going construction and current contractual relations; personnel actions, report on progress of academic activities and programs. Report of the president; executive session. This meeting was rescheduled from November 4, 1989.

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

Filed: October 25, 1989, 1:47 p.m.

TRD-8910264

The Texas A&M University System, Board of Regents

Wednesday, November 1, 1989, 11:30 a.m. The Committee for Strategic Objectives for The Texas A&M University System, Board of Regents will meet at Hirshfeld-Moore House, Austin. According to the agenda, the committee will conduct interviews and gather information.

Contact: Vickie E. Burt, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: October 25, 1989, 11:48 a.m.

TRD-8910255

Friday, November 3, 1989, 4 p.m. and Saturday, November 4, 1989, 9:30 a.m. The Board of Regents of the Texas A&M University System will meet at the Board Dining Room MSC Board Annex on November 3, 1989 and at the Board Meeting Room MSC Board Annex on November 4, 1989, College Station. According to the agenda, the board will receive a progress report from the Prairie View A&M University Presidential Selection Committee and to meet jointly with members of the Texas A&M University Development Foundation to receive an economic forecast and discuss matters of mutual concern.

Contact: Vickie E. Burt, The Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: October 25, 1989, 11:49 a.m.

TRD-8910254

Texas Water Commission

Tuesday, November 7, 1989, 10 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Room 118, Austin. According to the agenda, 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 25, 1989, 1:22 p.m.

TRD-8910256

Wednesday, November 8, 1989, 9:30 a.m. The Texas Water Well Drillers Board of the Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda, the board will consider the approval of the minutes of its September 12, 1989, meeting, consider the certification of applicants for registration, consider the application for driller-trainee registration, consider whether to set the following complaints for formal public hearing before the board or other legal appropriate legal action: A.S. McNeil, Kenneth Perry, Kyle Hodges, John Box, Randy Criner, John Loden, Erwin Parks, Gail Pruitt, Eddie Solis, Howell Bowen, Stephen Bufkin, Sr., R.M. Cole, Darrell Dake, John Hanna, Paul Motil, Dean Perkins, Sam Byrd, Ritch Simmons, Charles Singleton, Clifford Sparkman, Denny Troy Stone, Stephen Walter, and George Wise. The Board will consider Frank Canon's request, and consider staff reports.

Contact: Larry Persky, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8087.

Filed: October 25, 1989, 4:49 p.m.

TRD-8910269

Wednesday, November 8, 1989, 1:30 p.m. The Texas Water Well Drillers Board of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda, the board will consider the revocation or suspension of the water well drillers license or imposition of an

administrative penalty in the following: 89-12, Clay Earle, License Number 2539W (Continuation); 8915, Jerry K. Edmonds, License Number 74W; 89-16, Stephen L. Bufkin, License Number 01696W; and 89-17, L. T. Davis, License Number 317W.

Contact: Larry Persky, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Filed: October 25, 1989, 4:49 p.m.

TRD-8910270

Regional Meetings

Meetings Filed October 24, 1989

The Austin Transportation Study, Planning Process Subcommittee will meet at the Austin Central Public Library Auditorium, 800 Guadalupe, Austin, November 1, 1989, at 1:30 p.m. Information may be obtained from Joseph P. Gieselman, 811 Barton Springs Road, # 700, Austin, Texas, (512) 472-7483.

The Central Texas Economic Development District, Executive Committee will meet at the Frank Mayborn Civic and Convention Center, Temple, November 9, 1989, at 4:30 p.m. Information may be obtained from Bruce Gaines, P. O. Box 4408, Waco, Texas 76715, (817) 799-0258.

The Central Texas Economic Development District, Board of Directors will meet in the Frank Mayborn Civic and Convention Center, Temple, November 9, 1989, at 7:00 p.m. Information may be obtained from Bruce Gaines, P. O. Box 4408, Waco, Texas 76715, (817) 799-0258.

The Dallas Area Rapid Transit, Board of Directors had an emergency meeting at 601 Pacific Avenue, Dallas, October 24, 1989, at 4:00 p.m. The emergency status was necessary because it was of the utmost importance that the Dart Board of Directors take immediate action in implementing the Dart Service Plan. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dawson County Central Appraisal District, Board of Directors will meet at 920 North Dallas Avenue, Lamesa, November 1, 1989, at 7:00 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Deep East Texas Regional MHMR Services, Board of Trustees will meet at the Ward R. Burke Community Room-Administration Facility, 4101 South Medford Drive, Lufkin, October 31, 1989, at 4:00 p.m. Information may be obtained from Jim McDermott, 4101 South Medford Drive, Lufkin, Texas 75901.

TRD-8910190

**Meetings Filed October, 25,
1989**

The Trinity River Authority of Texas, Ten Mile Creek Regional Wastewater System Right-of-Way Committee will meet at 300 South Collins, Arlington, October 31, 1989, at 10:30 a.m. Information may be obtained from Jack Worsham, 5300 South Collins, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343.

The Wise County Appraisal District, Board of Directors will meet at 206 South State Street, Decatur, November 1, 1989, 10:00 a.m. Information may be obtained from Brenda Jones, 206 South State, Decatur, Texas 76234, (817) 627-3081.

TRD-8910226

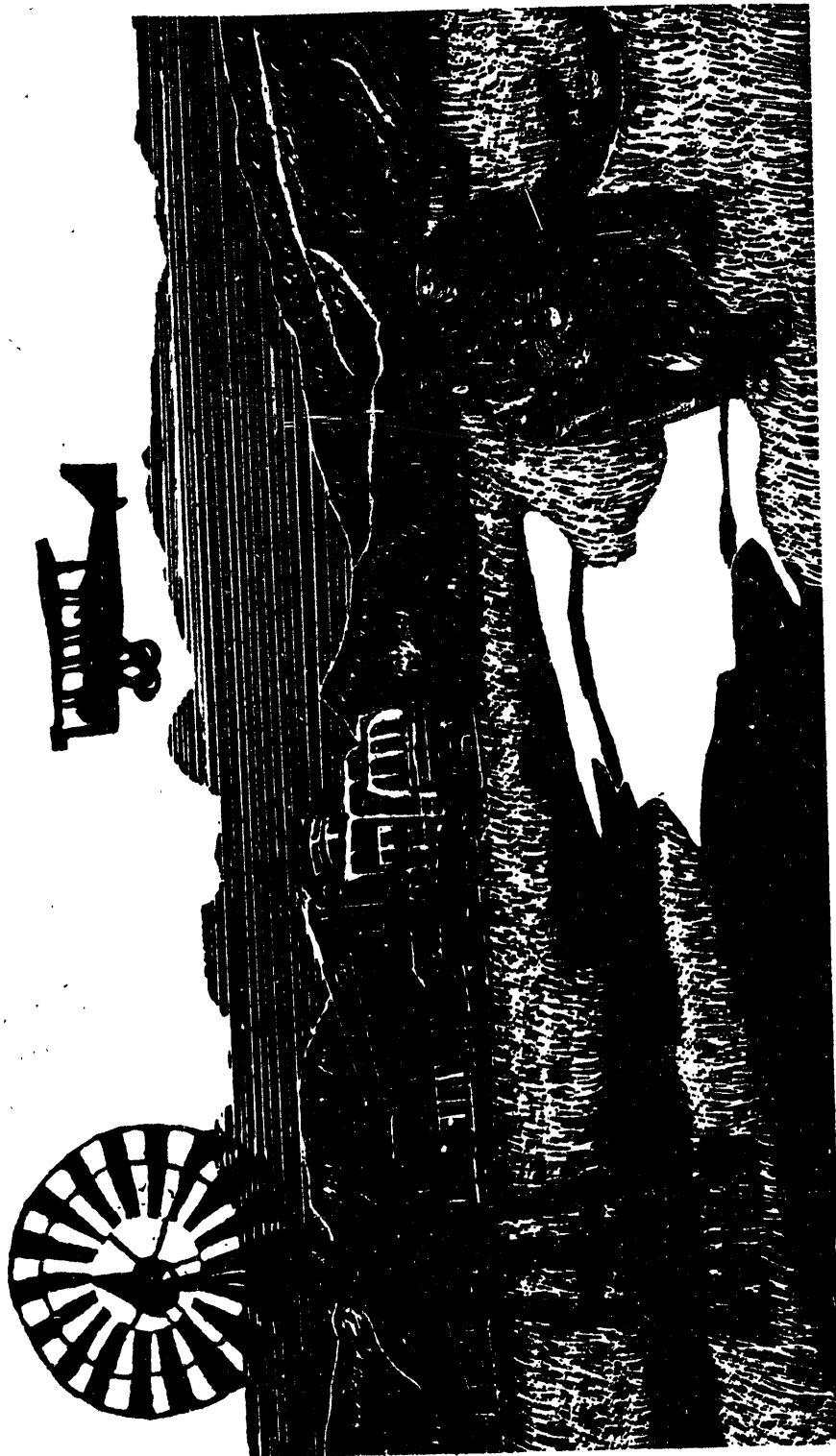
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Meetings Filed October 26, 1989

The Central Texas Mental Health Mental Retardation Center, Board of Trustees will meet at 408 Mulberry Drive, Brownwood, October 30, 1989, at 5: 00 p.m. Information may be obtained from Danny Armstrong, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574.

TRD-8910268

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In Addition

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

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

State Banking Board

Notice of Hearing Cancellation

As no opposition has been noted in the application for the County National Bank, Stinnett, to convert to a state charter under the name of Peoples Bank and Trust, the hearing previously scheduled for Monday, October 30, 1989, has been canceled.

Issued in Austin, Texas, on October 23, 1989.

TRD-8910140 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: October 23, 1989

For further information, please call: (512) 479-1200

Credit Union Department

Amended Notice of Hearing

The credit union commissioner will conduct a consolidated hearing to determine whether the applications for amendment to the bylaws for expansions 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; Gifford-Hill Credit Union, Dallas; Texas Industries Employees Credit Union, Arlington.

Time and Place of Hearing—The hearing will be held on January 16, 1990, 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 Supp. 1989); 7 TAC §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

Davis W. Marr, President
City Employees Credit Union
7474 Ferguson Road
Dallas, Texas 75228

Suzanne G. Fewin, President
FFE Operators Credit Union
P. O. Box 444
Lancaster, Texas 75146

Gerald L. Dunn, President
Texas Industries Employees Credit Union
P. O. Box 400
Arlington, Texas 76004

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:

Everette Jobe
Assistant Attorney General
P. O. Box 12548, Capitol Station
Austin, Texas 78711-2548

Other Admitted Parties -

A. J. Stewart, Chief Executive Officer
Security One Federal Credit Union
Box 5583
Arlington, Texas 76011

Harry G. Hall, President
Denton Area Teachers Credit Union
P. O. Box 827
Denton, Texas 76202

Sherry L. O'Bryant, President
Garland Credit Union
626 Austin
Garland, Texas 75040

Larry R. Cole, Chief Executive Officer
Garland Federal Credit Union
703 W. Avenue D
Garland, Texas 75040-7001

Jo Johnston, Chairman
Las Colinas Federal Credit Union
P. O. Box 152072
Irving, Texas 75015

Leo Edwards, Chairman
Employees Federal Credit Union
7800 Stemmons, Suite 100
Dallas, Texas 75247

Edward J. Biela, President
Fort Worth City Credit Union
P. O. Box 100099
Fort Worth, Texas 76185-0099

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: (1) the exact geographic boundaries expressed by city, county, or radius from the credit union's principal or branch office; (2) whether its proposed expansion overlaps the field of membership of another credit union; (3) the nature and degree of the overlap; (4) whether the new group proposed to be served by the expansion has requested the expansion; (5) whether any efforts have been taken to resolve the overlap, if any; (6) 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 Texas Civil Statutes, Articles 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 by October 9, 1989 and their witnesses will be allowed to participate. The commissioner made a determination on party status at the prehearing conference held on October 16, 1989. The listing of parties is presented herein. The commissioner cannot grant party status unless there is good cause for the request arriving late.

Hearing on Motions—The commissioner has scheduled a hearing on November 7, 1989, at 1 p.m. at the Credit Union Department Office, 914 East Anderson Lane, Austin. At this hearing the commissioner will consider testimony on the motion for recusal of John R. Hale as hearings examiner filed on October 16, 1989, by Dallas Teachers Credit Union. This hearing is open to the public.

Prehearing Conference—The commissioner has scheduled a second prehearing conference on November 29, 1989, at 10 a.m. at the Credit Union Department Office, 914 East

Anderson Lane, Austin. At this conference, the commissioner will consider any motions of the parties but may grant contested motions for continuance only upon proof of good cause. The commissioner will also establish a specific date prior to the hearing on the merits for the exchange of written and documentary evidence. This conference is open to the public.

Public Attendance and Testimony—Members of the general public may attend any conference or 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 788752.

Issued in Austin, Texas, on October 20, 1989.

TRD-8910141 John R. Hale
Commissioner
Credit Union Department

Filed: October 23, 1989

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

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Texas Department of Criminal Justice

Request for Proposals

Pursuant to the authority granted by House Bill 2335, Article 1, 71st Legislature, and the Government Code, §492.001, Texas Civil Statutes, the State of Texas and Texas Department of Criminal Justice (TDCJ), Institutional Division, hereby requests all interested parties to

submit proposals for professional engineering services concerning a groundwater assessment plan and report, as well as remedial action alternatives, remedial action plan, and oversight of remedial action. These items pertain to an abandoned wood treatment facility at the Ellis I Unit. Plans, reports, and actions are to be accomplished while satisfying the technical recommendations put forth by the Texas Water Commission in an agreed order, signed August 31, 1989. Further, the selected proposer will be charged with procuring sealed bids from contractors to carry out fieldwork as directed by the plans. These bids will be presented to the Texas Department of Criminal Justice for final decision. Deadline for submission for the request for proposal is noon, November 21, 1989.

A site tour will be held on November 8, 1989, at 9:30 a.m. Any interested parties wishing to participate in this tour will meet at the TDCJ Administration Complex, Office 201, Spur 59, Huntsville.

For a complete copy of the request for proposal, contact: Tom Fordyce, Assistant Director, Environmental Affairs, Texas Department of Criminal Justice, Institutional Division, P.O. Box 99 (Spur 59), Room 215, Huntsville, Texas 77342-0099, (409) 294-2144.

The evaluation of the proposals will be based upon the expertise of the applicant, experience of applicant dealing with similar situations, projected time schedule for project financial assurance of firm, and efficiency of scope of services presented.

Issued in Austin, Texas, on October 23, 1989.

TRD-8910229

Michael R. Davis
Assistant General Counsel
Texas Department of Criminal Justice,
Institutional Division

Filed: October 25, 1989

For further information, please call: (409) 294-6003

Texas Commission for the Deaf Consultant Proposal Request

Pursuant to the authority provided in the Human Resources Code, §81.013, the Texas Commission for the Deaf will implement an outdoor training program for students who are deaf and hearing impaired during the summer of fiscal years 1990 and 1991. In compliance with Texas Civil Statutes, Article 6252-11c, the commission is requesting proposals for the operation of a summer camp program for school age children who are deaf and hearing impaired.

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

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

orientation program should be conducted on the camp site for counselors and CITs.

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

The respondents must coordinate with a camp director who has experience as a director in camping for and working in other related fields with children who are deaf and hearing impaired appointed by the commission. Also, camp counselors must be employed who have a working knowledge of sign language and experience working with children who are deaf and hearing impaired. The desired ratio of staff to children is one to four. A suggested salary schedule for the staff follows this request as furnished in an application package provided by the commission. All staff as described above will be recommended by the commission.

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

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

Funding. Respondents should provide a complete estimated budget of expenditures. The cost shall not exceed \$400 per camper; however, a contractor will be allowed to collect the fees from campers whose parents' income is in excess of a scale determined by the commission. These collected fees will be supplemented to the contractor's fund. (Previous collections range from \$8,000 to \$12,000.) The minimum budget should specify expected costs, minimum and maximum number of campers and shall not exceed a cumulative of \$35,000 (state appropriation) per year of the summer. A contract award represents two years covering the fiscal period from September 1, 1989-August 31, 1991. The respondents should show their own payment schedule for completion of required task. A contractor will be paid 1/3 of the allocation upon completion of each of three segments of the program enumerated and described in an awarded contract. In no event will the final payment be made until the program is completed. No advance payments will be made under contract mechanism.

Deadline for Proposals. Proposals must be postmarked no later than 5 p.m. on Friday, December 1, 1989. Proposals postmarked after this established deadline cannot be considered for selection. Proposals are to be addressed to: Texas Commission for the Deaf, Attention: Mark Seeger, P. O. Box 12904, Austin, Texas 78711.

Proposal Evaluation Criteria and Selection. Proposals will be evaluated by a screening committee on submission of proposal on or before the established deadline; operation of the program within the monetary limits established, including the salary schedule for the staff; submission of proposal utilizing provided format; minimum and maximum number of campers allowed within specified budgets; respondents' program; respondents' ability to provide a sound, high quality recreational and educational program specifically directed to, and suited for youngsters who are deaf and hearing impaired; willingness of respondent to employ staff with knowledge of and experience in working

with the deaf as recommended by the commission. Final selection with the commission approval will be based on the results of the screening committee's evaluation of the listed criteria. However, contract award will not necessarily be made to the respondent offering the lowest cost, but to the best respondent, considering results of the evaluation criteria and cost allocated within the commission's specified budget.

Intent to Award to Prior Consultant. The commission intends to award a contract for outdoor training program to the consultant that previously performed the program unless a better proposal is submitted as determined by the criteria stated in evaluation and selection.

Contact Person. Further information, format guidelines for submitting proposals and a copy of the suggested salary schedule for the camp staff may be obtained by contacting Mark Seeger, Program Specialist, Texas Commission for the Deaf, P.O. Box 12904, 510 South Congress Avenue, Suite 300, Austin, Texas 78711, (512) 469-9891.

Issued in Austin, Texas, on October 23, 1989.

TRD-8910212 Larry D. Evans
Executive Director
Texas Commission for the Deaf

Filed: October 24, 1989

For further information, please call: (512) 469-9891

Texas Education Agency

Request for Application-Regional Inservice Training in Statewide Priority Areas: Least Restrictive Environment and Secondary Programming

RFA# 701-90-025. Description: The Texas Education Agency requests applications for projects designed to improve the quality of services provided by trained professionals to meet the educational and training needs of students with handicaps. The RFA seeks proposals in two areas: (a) inservice training in the least restrictive environment concept; and (b) inservice training in secondary programming. The specific objectives are as follows.

1. To provide specific inservice training in promoting the concept and practice of least restrictive environment (LRE) to 500 regular and special education principals, teachers and others working with students with handicaps; and/or
2. To provide specific inservice training in secondary programming to meet Texas' new graduation standards to 500 principals, teachers, and others working with secondary level students with handicaps; and
3. To pilot cooperative training efforts between the agency, education service centers (ESCs), private nonprofit organizations, and school districts to meet identified inservice training needs.

Any education service center may submit an application to the Document Control Center at the Texas Education Agency. The application may meet one or both priorities on a regional or multiregional basis.

Dates of Projects: The starting date will be January 2, 1990. All projects will end October 31, 1990.

Project Amount: The total funding for six-to-eight regional workshops is \$45,072. Budget proposals submitted by ESCs will be individually approved based on regional needs; however, applications would probably not exceed \$7,512.

Selection Criteria: Contracts for projects will be awarded based on the quality of the following criteria: 1. Technical component (includes task/activity plan); 2. Management component; 3. Evaluation plan; 4. Budget.

Further Information: A copy of the complete request for application (RFA-701-90-025) may be obtained by writing or calling: the Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304.

For clarifying information about this request please contact Dr. Rebecca Martinez, or Dr. Ann Smisko, Special Education Programs, Texas Education Agency, (512) 463-9414.

Deadline for Receipt of Applications: The deadline for submitting an application is 5 p.m., November 27, 1989.

Issued in Austin, Texas, on October 19, 1989.

TRD-8910188 W. N. Kirby
Commissioner of Education

Filed: October 23, 1989

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

Request for Application-Preservice Pilot Training Program for Individuals Seeking Licensure as Speech-Language Pathologists

RFA# 701-90-026. Description: The Texas Education Agency requests applications for projects designed to increase the numbers of highly trained and qualified speech-language pathologists available to work in school districts. The RFA seeks proposals that will meet the following objectives: 1. To pilot a cooperative preservice training model between education service centers (ESCs), universities, and school districts which could be replicated in critical need areas throughout Texas; 2. To assist 30 individuals who will continue to pursue a program of study which will continue to pursue a program of study which will eventually result in licensure as a speech-language pathologist; and 3. To provide financial incentives for personnel retraining to work in speech therapy positions.

For purposes of this application the term preservice defines those individuals currently enrolled in a baccalaureate program in speech-language pathology which eventually results in licensure or those individuals who already hold a baccalaureate degree in speech-language pathology but are not licensed.

This request invites applications from any education service center or university with an accredited program in speech-language pathology. The application will show a coordination of services and efforts between the university, ESCs, and school districts (when appropriate).

Dates of Project: The starting date will be January 2, 1990. The project will end October 31, 1990.

Project Amount: One grant award will be issued in the amount of \$33,000.

Selection Criteria: A grant award/contract will be issued for the application that best meets the following criteria: 1. Technical component (includes task/activity plan); 2. Quality of management component; 3. Evaluation plan; and 4. Budget.

Further Information: A copy of the complete request for application (RFA# 701-90-26) may be obtained by writing

or calling: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 79701, (512) 463-9304.

For clarifying information about this request please contact Dr. Rebecca Martinez or Dr. Ann Smisko, Special Education Programs, Texas Education Agency, (512) 463-9414.

Deadline for Receipt of Applications: The deadline for submitting an application is 5 p.m., December 11, 1989.

Issued in Austin, Texas, on October 19, 1989.

TRD-8910187 W. N. Kirby
Commissioner of Education

Filed: October 23, 1989

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

Office of the Governor

Budget Execution Proposal—Office of the Governor

Pursuant to Texas Government Code §317.002 relating to budget execution authority and in accordance with Article V, §128, Page V-102 and Article I, Rider 14 to the appropriations to the State Board of Insurance, Page I-167 of Senate Bill 222, 71st Legislature, Regular Session (Page I-168 in Supp. to Senate Journal), I make the following budget execution proposal:

I propose that the Department of Information Resources review all proposed hardware and software purchases of the State Board of Insurance and inform the Office of the Governor and the Legislative Budget Board of any proposed hardware or software purchases which are not in compliance with the five-year plan of the State Board of Insurance as submitted to the Department of Information Resources. I further propose that no expenditures shall be made by the State Board of Insurance for hardware or software purchase unless that purchase is approved by the Department of Information Resources.

I hereby certify that this proposal has been reviewed by legal counsel and found to be within my authority.

Issued in Austin, Texas on October 26, 1989.

TRD-8910291 William P. Clements, Jr.
Governor

Filed: October 26, 1989

For further information, please call: (512) 463-1778

Pursuant to Texas Government Code §317.002 relating to budget execution authority and in accordance with Article V, §128, Page V-102 and Article V, §90, Page V-84 of Senate Bill 222, 71st Legislature, Regular Session, I make the following budget execution proposal:

The University of Texas System has requested approval for expenditure of \$110,500 for new construction, repairs, and rehabilitation of the Bauer House. The work contemplated is as follows: \$25,000 for reroofing the entire structure to eliminate major water leaks; \$6,000 to install a new bath on the third floor; \$50,000 to add a new guestroom to provide adequate guest facilities; \$12,000 for construction of a food service facility; and \$17,500 to paint the entire exterior surface of the property which has

not been done since 1970. The Bauer House serves as the official residence of the Chancellor of the University of Texas System and is the principal location for official occasions for the Board of Regents and other officers of the UT System. The house was purchased in 1970 and no significant improvements outside of normal maintenance and minor repairs have been made since the major renovation at that time. Section 90 requires the Legislative Budget Board to approve expenditures exceeding \$10,000 for purchasing, remodeling, or repairing of personal residences or living quarters. Section 128 calls for the budget execution process whenever Legislature Budget Board approval is required. Accordingly, I am proposing that the University of Texas System be allowed to spend \$110,500 from the available university fund, Item-4, Page III-56, Senate Bill Number 222, 71st Legislature, for new construction, repairs, and rehabilitation of the Bauer House. This expenditure will result in significant cost savings over time.

I hereby certify that this proposal has been reviewed by legal counsel and found to be within my authority.

Issued in Austin, Texas on October 26, 1989.

TRD-8910297 William P. Clements, Jr.
Governor

Filed: October 26, 1989

For further information, please call: (512) 463-1778

Pursuant to Texas Government Code §317.002 relating to budget execution authority and in accordance with Article V, §128, Page V-102 and Article II, Rider 21, Page II-72, of Senate Bill 222, 71st Legislature, Regular Session, I make the following budget execution proposal:

I propose that the Texas Rehabilitation Commission be permitted to contract with outside legal counsel for subrogation cases on a contingent fee basis. I further propose that copies of those contingent fee contracts be submitted to the Legislative Budget Board and my Office of Budget and Planning for review. Lastly, I propose that any such contracts be deemed approved unless the Texas Rehabilitation Commission receives written notification within 30 days, signed by the Director of the Legislative Budget Board and my Director of Budget and Planning, that a contract is disapproved.

I hereby certify that this proposal has been reviewed by legal counsel and found to be within my authority.

Issued in Austin, Texas on October 26, 1989.

TRD-8910295 William P. Clements, Jr.
Governor

Filed: October 26, 1989

For further information, please call: (512) 463-1778

Pursuant to Texas Government Code Section 317.002 and in accordance with Article V, Section 128, Page V-102 and Article V, Section 90, Page V-84, of Senate Bill No. 222, 71st Legislature, Regular Session, I make the following budget execution proposal:

The Texas Parks and Wildlife Department (TPWD) has requested approval for expenditure of \$630,000 from funds appropriated to construct residences on the following state parks and fish hatchery:

Palmetto State Park	1 residence
Ray Roberts State Park	2 residences
Cooper Lake State Park	2 residences
Village Creek State Park	1 residence
Big Bend Ranch State Park	2 residences
Dundee Fish Hatchery	1 residence

All of the parks are new, except Palmetto State Park. The residence on that park will replace one which was torn down due to its poor condition. A recent fire destroyed the residence at the Dundee Fish Hatchery. Section 90 requires the Legislative Budget Board to approve expenditures exceeding \$10,000 for purchasing, remodeling or repairing of personal residences or living quarters. Section 128 calls for the budget execution process whenever Legislative Budget Board approval is required. Accordingly, I am proposing that TPWD be allowed to expend \$630,000 from funds appropriated to construct these residences for the purpose of increased safety to personnel, park visitors and state facilities.

I hereby certify that this proposal has been reviewed by legal counsel and found to be within my authority.

Issued in Austin, Texas on October 26, 1989.

TRD-8910290 William P. Clements, Jr.
Governor of Texas

Filed: October 26, 1989

For further information, please call: (512) 463-1778

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Pursuant to Texas Government Code §317.002 relating to budget execution authority and in accordance with Article V, §128, Page V-102 and Rider 19 to the appropriations to the State Board of Insurance, Article I, Page I-167, of Senate Bill 222, 71st Legislature, Regular Session (Page I-168 in Supp. to Senate Journal), I make the following budget execution proposal:

Of the funds appropriated to the State Board of Insurance by Senate Bill Number 222, 71st Legislature, Regular Session, expenditure of \$534,294 of the appropriation to line item 5. Financial in fiscal year 1990 and \$574,264 in fiscal year 1991 is contingent upon approval of a management reorganization plan by the Legislative Budget Board. The three State Board of Insurance members have reviewed the plan and found it satisfactory. I propose that \$534,294 for fiscal years 1990 and \$574,264 for fiscal year 1991 be appropriated to the State Board of Insurance for line item 5. Financial, effective immediately.

I hereby certify that this proposal has been reviewed by legal counsel and found to be within my authority.

Issued in Austin, Texas on October 26, 1989.

TRD-8910292 William P. Clements, Jr.
Governor

Filed: October 26, 1989

For further information, please call: (512) 463-1778

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Pursuant to Texas Government Code Section 317.002 relating to budget execution authority and in accordance with Article V, Section 128, Page V-102 and Rider 20 to the appropriations to the State Board of Insurance, Article I, Page I-167, of Senate Bill 222, 71st Legislature, Regular Session (Page I-168 in Supp. to Senate Journal), I make the following budget execution proposal: Of the funds appropriated to the State Board of Insurance by Senate Bill Number 222, 71st Legislature, Regular Session, expenditure of \$307,573 of the appropriation to line item 6. Compliance in fiscal year 1990 and \$298,050 in fiscal year 1991 is contingent upon approval of a management reorganization plan by the Legislative Budget Board. The three State Board of Insurance members have reviewed the plan and found it satisfactory. I propose that \$307,573 for fiscal years 1990 and \$298,050 for fiscal year 1991 be appropriated to the State Board of Insurance for line item 6. Compliance, effective immediately.

I hereby certify that this proposal has been reviewed by legal counsel and found to be within my authority.

Issued in Austin, Texas, on October 26, 1989.

TRD-8910293 William P. Clements, Jr.
Governor

Filed: October 26, 1989

For further information, please call: (512) 463-1778

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Pursuant to Texas Government Code Section 317.002 and in accordance with Article V, Section 128, Page V-102 and Article II, Rider 38, Page II-66, of Senate Bill Number 222, 71st Legislature, Regular Session, I make the following budget execution proposal: Federal Medicaid funding for liaison worker services provided by the Texas Department of Mental Health and Mental Retardation (TDMHMR) and community MHMR centers has been terminated by the Health Care Financing Administration (HCFA) effective September 1, 1989. Due to termination of this federal reimbursement, TDMHMR will experience a loss in federal funding of approximately \$7.8 million in FY 1990. In accordance with Rider 38 which was created to offer this funding loss, TDMHMR has requested permission to retain \$6 million in FY 1990 from federal Medicaid per diem reimbursement for state schools. Accordingly, I am proposing that TDMHMR be allowed to retain \$6 million in FY 1990 from federal Medicaid per diem reimbursement for state schools to fund liaison worker services.

I hereby certify that this proposal has been reviewed by legal counsel and found to be within my authority.

Issued in Austin, Texas, on October 26, 1989.

TRD-8910294

William P. Clements, Jr.
Governor

Filed: October 26, 1989

For further information, please call: (512) 463-1778

Texas Department of Health Correction of Error

The Texas Department of Health submitted proposed amendments which were inadvertently printed twice in the September 26, 1989 issue of the *Texas Register* (14 TexReg 5010, 5018).

To avoid further confusion, the amendments to Chapter 115, Home Health Care Agencies, Licensing and Regulation should be cited as 14 TexReg 5018. The text which appeared in 14 TexReg 5010 should be omitted.

(Editor's note: The Texas Register inadvertently left out the following documents filed by the Texas Department of Health on September 27, 1989. The documents were originally filed for the October 6, 1989, issue of the Texas Register. The Texas Register apologizes for any inconvenience this may have caused.)

Intent to Revoke a Certificate of Registration

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Certificate of Registration Number R13920, issued to Neighborhood Minor Emergency Centers, Inc., because the agency determined that the registrant is no longer located at 12801 Burnet Road, Suite 100, Austin, Texas 78758.

All attempts by the agency to contact the registrant by telephone and by certified mail have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* 13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas, on September 26, 1989.

TRD-8909072

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

Filed: September 27, 1989

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

Preliminary Report

Pursuant to Chapter 401, Health and Safety Code, as amended by Chapters 172, 840, 913, and 930, Acts of the 71st Legislature, Regular Session, 1989, the Bureau of

Radiation Control issued a preliminary report for assessment of administrative penalties and notice of violation to Diagnostic Systems Laboratories, Inc., P.O. Box 57946, Webster, Texas 77598, holder of Radioactive Material License Number L03084. The agency recommends and proposes a total assessment of \$6,650 for violations committed by the licensee.

Information concerning the preliminary report may be obtained by contacting Richard A. Ratliff, Bureau of Radiation Control, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3189, (512) 835-7000.

Issued in Austin, Texas, on September 26, 1989.

TRD-8909071

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

Filed: September 27, 1989

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

Houston-Galveston Area Council Request for Proposals

The Houston-Galveston Area Council solicits proposals to provide monitoring and evaluation services for employment and training programs operated under the federal Job Training Partnership Act of 1982, as amended. This request for consulting services is filed in accordance with the provisions of Texas Civil Statutes, Article 6252-11c.

Bidders must have familiarity with and experience in federal employment and training programs, including experience in program monitoring and evaluation. All proposals will be reviewed by H-GAC and a contract will be awarded on the basis of demonstrated experience in evaluating social service programs, particularly employment and training programs; demonstrated knowledge of and experience with federal job training programs; and price.

Organizations or individuals interested in offering proposals may obtain a proposal package by writing Debbie Lampe at H-GAC offices, 3555 Timmons, Fifth floor, P.O. Box 22777, Houston, Texas 77227, or by calling Ms. Lampe at (713) 627-3200. Proposals are due at H-GAC offices by 5 p.m. on Wednesday, November 22, 1989. Late proposals will not be accepted.

Issued in Houston, Texas, on October 19, 1989.

TRD-8910208

Jack Steele
Executive Director
Houston-Galveston Area Council

Filed: October 24, 1989

For further information, please call: (713) 627-3200

Texas Department of Human Services Correction of Error

The Texas Department of Human Services submitted adopted amendments which contained errors as published in the October 20, 1989, issue of the *Texas Register* (14 TexReg 5626).

The heading to Chapter 4. Medicaid Programs-Children and Pregnant Women was published under "Part I. Texas Department of Human Services."

In the Table of Contents Adopted Sections, the listings under Texas Department of Health, should read as follows.

Texas Department of Human Services

5626-Medicaid Programs-Children and Pregnant Women

5626-Case Management for Persons with Mental Retardation or Related Condition

5630-Investigations

**State Board of Insurance
Company Licensing**

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

1. Application for name change by Lomas Bankers Life Insurance Company, a domestic life insurance company. The home office is in Dallas. The proposed new name is First USA Life Insurance Company.
2. Application for name change in Texas by NWNL Reinsurance Company, a foreign casualty insurance company. The home office is in Minneapolis, Minnesota. The proposed new name is Chartwell Reinsurance Company.
3. Application for admission to do business in Texas of The Nissan Fire & Marine Insurance Company, Limited, (United States Branch), a foreign casualty insurance company. The home office is in New York, New York.
4. Application for admission to do business in Texas of LaHood & Associates, Inc., a foreign third party administrator. The home office is in Overland Park, Kansas.
5. Application for incorporation in Texas of Paid Dental Administrators, Inc., a domestic third party administrator. The home office is in Austin.
6. Application for incorporation in Texas of Emshare Benefit Administrators, Inc., a domestic third party administrator. The home office is in Austin.

Issued in Austin, Texas, on October 24, 1989.

TRD-8910230 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: October 25, 1989

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

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

1. Application for admission to do business in Texas of Vision Service Plan Insurance Company, a foreign casualty insurance company. The home office is in Hartford, Connecticut.
2. Application for name change in Texas of American Federation Life Insurance Company, a foreign life insurance company. The home office is in Overland Park, Kansas. The proposed new name is Unified Life Insurance Company.
3. Application for admission to do business in Texas of K-M Insurance Company, a foreign casualty insurance company. The home office is in Oklahoma City, Oklahoma.
4. Application for admission to do business in Texas of ABI Administrative Services Corporation, a foreign third party administrator. The home office is in Minnetonka, Minnesota.

5. Application for admission to do business in Texas of Group Administrators, Inc., a foreign third party administrator. The home office is in Dallas.

Issued in Austin, Texas, on October 18, 1989.

TRD-8910231 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: October 25, 1989

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

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

1. Application for admission to do business in Texas of Templeton Funds Annuity Company, a foreign life, accident and/or health insurance company. The home office is in St. Petersburg, Florida.
2. Application for admission to do business in Texas of American Citizens Life Insurance Company of Texas, a foreign life, accident, and/or health insurance company. The home office is in Warrington, Pennsylvania.
3. Application for admission to do business in Texas of ATL Life Insurance Company, a foreign life accident and/or health insurance company. The home office is in Warrington, Pennsylvania.
4. Application for admission to do business in Texas of AXA Reinsurance Company, a foreign fire and/or casualty insurance company. The home office is in New York, New York.
5. Application for incorporation in Texas of Producers Exchange Benefit Services, Inc., a domestic third party administrator. The home office is in Dallas.
6. Application for admission to do business in Texas of Commercial Industrial Administration Company, Inc., a foreign third party administrator. The home office is in Santa Clara, California.

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

TRD-8910232 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: October 25, 1989

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

Notice of Public Hearing

Notice is hereby given that a hearing under Docket number 1690 will be held before the State Board of Insurance in the hearing room on the first floor of the DeWitt C. Greer State Office Building at East 11th and Brazos Streets in Austin. The subject of this hearing, under Agenda Item 89-6-89-30, will be consideration of an amendment to 28 TAC §9.1, concerning adoption by reference of the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas* (the manual), and more specifically the subject will be addition and amendment of several rules in the manual. Notification of the proposed amendment including proposed language and additional information is published in the proposed sections portion of this issue of the *Texas Register*. This hearing will begin at 9 a.m. on Wednesday, November 29, 1989, or immediately after the hearing under Docket Number 1666 on possible amendment to Proce-

dural Rule P-23 to revise division of premium revenues, whichever is later. The hearing may continue each day thereafter from time to time and from place to place as may be specified by the board.

All parties and anyone desiring admission as a party should attend the prehearing conference which will be held before the General Counsel or Chief Clerk of the State Board of Insurance at 9 a.m. on Monday, November 13, 1989, in Room 414 of the State Insurance Building at 1110 San Jacinto Boulevard in Austin, for agreeing to such matters as may aid in the simplification of the proceedings. The prehearing conference will be held for the purpose of considering the formulation and simplification of issues, the possibility of making admissions of certain averments of fact or stipulations concerning the use by parties of matters of public record, considering the procedure at the hearing, the limitation, where possible, of the number of witnesses, and such other matters as may aid in the simplification of the proceedings, and the disposition of the matters in controversy including rate and rule matters.

The State Board of Insurance has legal authority and jurisdiction over the promulgation of rules and premium rates, over amendments to or promulgation of approved forms, and over other matters to be considered in the writing of title insurance in the State of Texas pursuant to the Insurance Code, Articles 1.04, 9.07, and 9.21, and the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a). The hearing and procedure will be governed by the provisions of the Administrative Procedure and Texas Register Act and the Rules of Practice and Procedure before the State Board of Insurance (28 TAC Chapter 1, Subchapter A).

In addition to statutes and rules to which other paragraphs of this notice direct your attention, the hearing may involve Chapter 9 and other articles of the Insurance Code and Chapter 9 and other sections of Title 28 of the Texas Administrative Code, as well as the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas*.

You may direct inquiries on this hearing to Stephen A. Hester, Jr., Title Insurance Manager, Mail Code 012-7, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998, or (512) 322-3470.

Issued in Austin, Texas, on October 24, 1989.

TRD-8910215 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: October 24, 1989

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

Texas Rehabilitation Commission Request for Proposals

The Texas Rehabilitation Commission (TRC) is authorized by Rider 21, General Appropriations Act, 71st Legislature, to contract with outside legal counsel for subrogation cases on a contingency fee basis. Contracts between the commission and outside legal counsel shall be subject to the prior written approval of the Legislative Budget Board and the attorney general.

This Request for Proposals (RFP) is not required by law. However, commission management has decided to issue an RFP as a matter of commission policy. This RFP specifies the services the commission desires to procure, how those services will be procured, and general terms

and conditions that govern performance of the parties under a resulting outside counsel contract. Any person who desires a copy of this RFP may request one from Charles W. Schiesser, Texas Rehabilitation Commission, Legal Services Division, 4900 North Lamar Boulevard, Austin, Texas 78751-2316, (512) 483-4051.

Questions relating to the RFP content will not be accepted, as it is intended that an offeror's knowledge of this subject and the information in this RFP will be sufficient to submit a proposal. Communication with any commission personnel other than Charles W. Schiesser in reference to this RFP, other than the RFP process, will be grounds for disqualification.

Proposal Submission. Offerors are requested to submit proposals to Charles W. Schiesser, Texas Rehabilitation Commission, Legal Services Division, 4900 North Lamar Boulevard, Austin, Texas 78751-2316. All proposals must include a contingency fee, and all expenses of whatever nature will be paid from that contingency fee by outside legal counsel. TRC will not pay any expenses. All funds recovered above the contingency fee will be paid over upon receipt to the Texas Rehabilitation Commission.

The proposal shall include names and resumes of staff, the assurances as set forth in Attachment A hereto, and affirmative action statistics as required by the Office of the Attorney General. Offeror agrees to complete and submit to the Office of the Attorney General any forms and documents required. Also the names, addresses, and phone numbers of current or previous organizations for whom the offeror has provided services that include the type of services requested in this RFP. An original and two copies of the proposal shall be submitted to the commission, each signed by the offeror in ink.

Proposals must set forth full, accurate, and complete information as required by this RFP. Oral instructions or offers will not be considered. Modifications to the proposal will not be allowed. The response must be date stamped no later than 5 p.m., on the 4th day of December 1989, or hand delivered no later than 5 p.m., on the 4th day of December, 1989 to the Legal Services Division, 4900 North Lamar Boulevard, Room 7300, Seventh Floor, Austin.

If the offeror is a corporation, it must furnish with its proposal a "certificate of authority" signed by the clerk/secretary of the company which lists the specific officers who are duly authorized to execute a statement that the proposal and cost information contained therein shall remain firm for a period of (120) days.

TRC is a government agency subject to the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a. Proposals submitted to TRC in response to an RFP are subject to release by TRC as public information unless the proposal or specific parts thereof can be shown to fall within one or more of the exceptions listed in the Act. If the offeror believes that the proposal, or parts of it, are confidential under the Open Records Act, he must specify that either all or part is excepted, and which exception he believes applies with specific and detailed reasons. Vague and general claims to confidentiality are not acceptable. This is necessary so that TRC will have sufficient information to give the attorney general if his opinion is requested. The attorney general has previously ruled that the statutory exception in subsection 3(a)(4) (advantage to competitors or bidders) generally does not apply after the contract has been awarded. ALL PROPOSALS OR PARTS OF THE PROPOSALS WHICH ARE NOT MARKED AS BEING CONFIDENTIAL WILL AUTOMATICALLY BE CONSIDERED PUBLIC INFORMATION AFTER A CONTRACT HAS BEEN AWARDED. The successful

offeror's proposal will most likely be considered public information even though parts are marked confidential. Proposals must be typed or typeset. Envelopes containing proposals should be marked with the following note in the lower-left corner: IN RESPONSE TO SUBROGATION RFP NUMBER. 90-001. All proposals become the property of the commission. Only material provided in the proposal will be considered in evaluating proposals.

Non-Responsive Proposals. A proposal may be rejected and considered non-responsive if it does not meet the requirements of the RFP. In addition, a proposal will not be considered when: 1) The offeror has filed for bankruptcy under the United States Bankruptcy Code, Chapter 7; 2) The offeror fails to agree to all assurances (refer to Attachment A, affirmative action policies and procedures); 3) The offeror does not adequately and completely address the requirements specified in this RFP.

Proposal Validation. The Commission, in what it considers to be in its best interest, may choose to validate some or all of the proposals from some or all of the offerors at its discretion. Validation may consist of on-site visits, interviews, and/or confirmation with third parties.

Appeals Process. In the procurement process, unsuccessful offerors do not have the right to a formal appeal of the procurement decision within the commission's administrative process. A written request by unsuccessful offerors for an informal review may be scheduled if the request is received by the commission addressed to Charles W. Schiesser, Texas Rehabilitation Commission, Legal Services Division, 4900 North Lamar Boulevard, Suite 7300, Austin, Texas 78751-2126, within seven days of receipt of the commission's decision on the contract award. The sole focus of the informal review will be upon possible areas of improvement in the response (for future reference only). Comparisons among proposal responses will not be made.

Services Description. The objective of this RFP is to obtain outside legal counsel for subrogation cases on a contingency fee basis, with the contracts between the commission and outside legal counsel subject to prior written approval of the Legislative Budget Board and the attorney general.

Tasks. A. Upon receipt of subrogation claim forms from the Commission:

1. Review claims for subrogation potential to include contacting TRC counselors and the Subrogation Unit;

2. Return all claim forms not found to have subrogation potential within 30 days with a written explanation;

3. Identify and investigate claims against third parties from whom the commission has a right of subrogation and pursue recovery for services provided by the commission;

4. Prosecute suits on behalf of the commission only when requested to do so by the commission Legal Services Division and the attorney general.

B. As often as on a daily basis, interact with the Subrogation Unit on:

1. Investigations of subrogation cases;
2. Scheduling of subrogation cases; and
3. Settlement of subrogation cases.

It is contemplated by the commission but not required that the previously stated tasks will require the services of one experienced attorney, one experienced para-legal, and one experienced secretary.

Deliverables. A. File a monthly report detailing work performed and an annual report which documents all work performed under this contract.

B. Deliver to the commission its share of subrogation recoveries upon receipt.

C. File special reports at the request of either the Legal Services Division and the Subrogation Unit.

D. Permit the TRC Management Audit Division to audit offeror's subrogation program once each year, or when a special need arises upon seven days written notice to the offeror.

Evaluation. Offerors will be evaluated on a qualitative basis according to the following criteria.

A. Experience in subrogation recoveries.

B. Past performance in recoveries for other entities including governmental entities.

C. Familiarity with the operations of the Texas Rehabilitation Commission.

D. Knowledge and experience in Civil Trial Law, Personal Injury Law, and the Texas Workers' Compensation Act.

ATTACHMENT A

1. ASSURANCES

I understand that our law firm must comply with each of the following items. Our agreement to comply is signified by my signature at the end of this section.

- A. Our law firm agrees to meet all of the requirements found in this RFP.
- B. Our law firm has not filed for bankruptcy under Chapter 7 of the U.S. Bankruptcy Code.
- C. The attorney responsible for the subrogation services and compliance with the terms of this contract is:

(Name)

(Address)

(Position)

(Phone)

- D. All staff to be used on this proposal shall be named in the proposal with their respective resumes attached. Substitution of staff for the staff named herein is acceptable provided that:
- o The resume of each person added or substituted is provided to the contract monitor on or before the time that the new person is added to the project; and,
 - o Qualifications of any addition or substitute are comparable or superior to those of the person being replaced.
- E. All attorney staff must declare whether or not any client grievances are pending before any Grievance Committee. If grievances are pending, the nature of the grievance must be set forth in full, and the attorney must agree to authorize the Commission to secure information authorized by law to be disclosed.

- F. The proposal and cost information contained therein shall remain firm for a period of one-hundred twenty (120) days.

(Signature)

Issued in Austin, Texas, on October 23, 1989.

TRD-8910125

Charles W. Schiesser
Assistant Commissioner
Texas Rehabilitation Commission

Filed: October 23, 1989

For further information, please call: (512) 483-4051

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Veterans Land Board
Notice of Public Hearing

Notice is hereby given that on the 9th day of November, 1989, at 10:30 a.m., in Conference Room 831, Stephen F. Austin State Office Building, 1700 North Congress Avenue, Austin, Texas 78701-1496, the Veterans' Land Board (The board) will hold a public hearing on behalf of the State of Texas on the proposed issuance by the board of State of Texas veterans' land refunding bonds, Series 1989 (Bonds) in an amount not to exceed \$40,720,000 to provide funds which will be used to refund a portion of the principal of State of Texas veterans' land refunding bonds, Series 1985 (the 1985 Bonds) and State of Texas veterans' land refunding bonds, Series 1986 (the 1986 Bonds), which principal is due on December 1, 1989. The 1985 Bonds and the 1986 Bonds were issued by the board for the purpose of refunding certain outstanding bonds of the board which were issued pursuant to the provisions of the Constitution of the State of Texas, Article III, §49-b and §49-b-1, as amended (such bonds, the Refunded Bonds).

The Refunded Bonds were issued for the purpose of creating and augmenting a fund known as the Veterans' Land fund which is used for purchasing tracts of land located within the State of Texas to be resold to certain eligible Texas veterans (and certain surviving spouses). A description of the size and location of such tracts of land, as well as the names of the purchasers thereof, is on file at the offices of the board at the address set forth as follows. Currently, each contract for resale of land to a veteran is limited to a maximum amount of \$20,000 and must be for

a tract of at least five acres and for a maximum maturity of 30 years. The veterans are required to make a 5.0% down payment and to pay any amount of the land cost in excess of \$20,000.

All interested persons are invited to attend and express any comments they have regarding the proposed issuance of the Bonds.

Additional information may be obtained from, and written comments should be addressed to, Mr. Aaron Evans, Veterans' Land Board, Stephen F. Austin State Office Building, 1700 North Congress Avenue, Room 620, Austin, Texas 78701-1496, (512) 463-5120.

Issued in Austin, Texas, on October 25, 1989.

TRD-8910250

Jack Giberson
Chief Clerk
General Land Office

Filed: October 25, 1989

For further information, please call: (512) 463-5120

◆ ◆ ◆
Texas Water Commission
Corrected Enforcement Order

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

A corrected enforcement order was issued to the City of Port Neches, Permit Number 10477-04 on October 23, 1989, assessing \$10,000 in administrative penalties, and imposing stipulated penalties.

Information concerning any aspect of this order may be obtained by contacting Sharon Smith, Staff Attorney,

Texas Water Commission, P.O. Box 13087, Austin, Texas
78711-3087, (512) 463-8069.

Issued in Austin, Texas, on October 24, 1989.

TRD-8910227 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: October 24, 1989

For further information, please call: (512) 463-8069.