

Texas Register

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Texas Register

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

Governor—appointments, executive orders, and proclamations

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

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

Proposed Sections—sections proposed for adoption

Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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

Open Meetings—notices of open meetings

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

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

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

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

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



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**In Memory of
Christopher Knight
November 5, 1979 - December 2, 1989**

TAC Titles Affected

TAC Titles Affected—December

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

TITLE 1. ADMINISTRATION

Part V. State Purchasing and General Services Commission

1 TAC §111.37—6415

1 TAC §125.13—6415

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

4 TAC §§7.1, 7.4, 7.8-7.20, 7.22-7.24, 7.26, 7.28, 7.32, 7.33, 7.34, 7.40—6221

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4 TAC §§17.51-17.56—6251

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TITLE 7. BANKING AND SECURITIES

Part V. Office of Consumer Credit Commission

7 TAC §81.20—6343

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Part V. Texas Department of Commerce

10 TAC §184.101—6233

TITLE 16. ECONOMIC REGULATION

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16 TAC §21.106—6415

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19 TAC §149.71—6274

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34 TAC §3.415—6292

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Part IX. Bond Review Board

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**TITLE 37. PUBLIC SAFETY AND
CORRECTIONS**

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37 TAC §§31.1-31.8—6295

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37 TAC §91.51—6337, 6410

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Cometown Culp
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Attorney General

Description of Attorney General submissions. Under provisions set out in the Texas Constitution, the Texas Government Code, Title 4, §402.042 and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies maybe held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record.

Open Records Decisions

ORD-535(RQ-1901). Request from Thomas Lowe, Clerk, Court of Criminal Appeals, State of Texas, Austin, concerning whether a copy of the contract between the Court of Criminal Appeals and West Publishing Company for Westlaw services is a public record under the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a.

Summary of Decision. The Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, §2(1)(G) excludes the "judiciary" from the act's definition of "governmental body." Consequently, the Texas Court of Criminal Appeals is not subject to the Open Records Act. The contract between the court and West Publishing Company for Westlaw services is not available to the public under the Open Records Act.

TRD-8911530

Opinions

JM-1116 (RQ-1747). Request from Bob McFarland, Chairman, Criminal Justice Committee, Texas State Senate, Austin, concerning validity under of the Texas Constitution, Article I, §8, Texas Civil Statutes, Article 5196, which requires a corporation to give a discharged employee a statement of reasons for the termination.

Summary of Opinion. In *Saint Louis Southwestern Ry. v. Griffin*, 171 S.W. 703 (Texas 1914), the Texas Supreme Court held that Texas Civil Statutes, Article 5196, §3 was invalid because it was inconsistent with the Texas Constitution, Article I, §8. On the basis of judicial decisions of Texas courts of other jurisdictions, we predict that the Texas Supreme Court, if it again considered this question, would find Texas Civil Statutes, Article 5196, §3 consistent with of the constitution, Article I, §8. Until the Texas Supreme Court overrules its decision in *Griffin*, however, Texas Civil Statutes,

Article 5196, §3, will be unconstitutional. The decision in *Griffin* does not prevent the legislature from amending Texas Civil Statutes, Article 5196, §3. Attorney General Opinion JM-623 (1987) is modified with respect to its discussion of the Texas Constitution, Article I, §8.

TRD-8911529

JM-1117 (RQ-1789). Request from Vernon M. Arrell, Commissioner, Texas Rehabilitation Commission, Austin, concerning what constitutes a quorum of the Texas Council on Disabilities, and related questions.

Summary of Opinion. A quorum of the Council on Disabilities is a majority of the number of members provided for by law. Persons appointed to the council under the Human Resources Code, §132.002(g), serve in the same capacity as persons appointed under subsections (b), (c), (d), and (e) of that section.

TRD-8911528

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 28. INSURANCE

Part I. State Board of Insurance

Chapter 7. Corporate and Financial Regulation

Subchapter A. Examination and Corporate Custodian and Tax

• 28 TAC §7.50

The State Board of Insurance adopts on an emergency basis new §7.50, concerning election by a reciprocal exchange or by an interinsurance exchange, pursuant to the Insurance Code, Article 4.11C, to be taxed under the Insurance Code, Article 4.10. An imminent peril to the public welfare requires adoption of this new section on an emergency basis to provide reciprocal exchanges and interinsurance exchanges the opportunity to file such election before the statutory deadline (November 30, next preceding the tax year for which the election is to be effective). Section 7.50 adopts by reference the election form with instructions, to be used by reciprocal exchanges and interinsurance exchanges. The form provides that the election shall remain in effect for all subsequent tax years until withdrawn by written notice, as provided by Article 4.11C. The board has filed with the Office of the Secretary of State, Texas Register Section, a copy of the form adopted by reference. Other copies of the form are available from the Tax Collection Division, Mail Code 099-4, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The new section is adopted on an emergency basis under the Insurance Code, Articles 1.04 and 4.11C. Article 1.04 authorizes the State Board of Insurance to determine rules in accordance with the laws of this state. Article 4.11C allows reciprocal exchanges or interinsurance exchanges to elect to be taxed under the Insurance Code, Article 4.10, and requires that the election be made on forms adopted by the State Board of Insurance.

§7.50. Election by Reciprocal or Interinsurance Exchange Pursuant to the Insurance Code, Article 4.11C. For use in notice of election under the Insurance Code, Article 4.11C, the State Board of Insurance adopts by reference the reciprocal or interinsurance exchange election form with instructions, as effective for taxes due after December 31, 1989. This document is published by the State Board of Insurance and is available from the Tax Collection Divi-

sion, Mail Code 009-4, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

Issued in Austin, Texas, on November 30, 1989.

TRD-8911469

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: November 30, 1989

Expiration date: March 30, 1990

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

Chapter 28. Supervision and Conservation

Subchapter A. General Provisions Regarding Supervision and Conservation

• 28 TAC §28.1, §28.2

The State Board of Insurance adopts on an emergency basis new §28.1 and §28.2, concerning supervision and conservatorship of delinquent insurers. Sections 28.1 and §28.2 are adopted on an emergency basis as new Subchapter A, concerning general provisions regarding supervision and conservation, of new Chapter 28, concerning supervision and conservation. The State Board of Insurance finds that an imminent peril to the public welfare requires adoption of these new sections on an emergency basis in order to assure the orderly and efficient administration and implementation of the laws governing the supervision of and conservatorship of insurer delinquencies pursuant to the Insurance Code, Article 21.28A, and to facilitate implementation of amendments to Article 21.28-A, occasioned by the passage of Senate Bill 255 into law during the 71st Legislature. New §28.1 specifies circumstances for tolling the running of the statutory time periods for the commissioner, supervisor, or conservator to complete his statutory duties regarding a delinquent insurer as provided in the Insurance Code, Article 21.28-A. The section requires that, in the event the commissioner, supervisor, or conservator is prevented from completing his statutory duties due to judicial or administrative order or by operation of law, the statutory time period fixed for the completion of the duties is tolled for an amount of time equivalent to the amount of time that the judicial or administrative order or other existing controlling law is in effect. Section 28.2 relates to the time period in which delinquent insurer must comply with the lawful requirements of the commissioner of insurance in

order to abate the commissioner's determination of insurer insolvency or the insurer's hazardous condition to the public or to holders of policies or certificates of insurance. The section requires that the status of the affected insurer remains unchanged pending the issuance of a decision or order by the commissioner as provided in Texas Civil Statutes, Article 6252-13a, §16. An imminent peril to the public welfare requires adoption of the new sections on an emergency basis in order for the commissioner to continue to provide for protection of the assets of an insurer and prevention of dissipation of the assets of an insurer pending determination of whether or not a company in supervision or conservatorship can be successfully rehabilitated and in order to comply with recently enacted laws applicable to the duration of supervisions and conservatorships of delinquent insurers and the time periods in which the commissioner, supervisor, or conservator must complete his statutory duties.

The new sections are adopted on an emergency basis under the Insurance Code, Articles 1.04 and 21.28-A, §11, and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 1.04, authorizes the State Board of Insurance to determine rules in accordance with the laws of this state. The Insurance Code, Article 21.28-A, §11, provides that the State Board of Insurance shall be empowered to adopt and promulgate such reasonable rules and regulations as may be necessary for the augmentation and accomplishment of Article 21.28-A, which concerns insurer delinquencies and prevention of insurer delinquencies and supervisions and conservatorships and proceedings. Texas Civil Statutes, Article 6252-13a, §4, authorize and require each state administrative agency to adopt rules of practice setting forth the nature and requirements of available procedures. Section 5 prescribes the procedure for adoption of rules by a state administrative agency.

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

cial or administrative order or other existing controlling law.

§28.2. Decisions and Orders. In the event that a compliance hearing is held pursuant to the provisions of the Insurance Code, Article 21.28A, §3 or §5, the status of the affected company remains unchanged pending the issuance of a decision or order by the commissioner pursuant to the statutory time periods as provided in Texas Civil Statutes, Article 6252-13a, §16. The statutory time period as provided in the provisions of the Administrative Procedure and Texas Register Act governs where an ambiguity or difference exists between this section and the Texas Insurance Code.

Issued in Austin, Texas, on November 30, 1989.

TRD-8911466

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: November 30, 1989

Expiration date: March 30, 1990

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



Proposed Sections

Before an agency may permanently adopt a new or amended section, or repeal an existing section, a proposal detailing the action must be published in the *Texas Register* at least 30 days before any action may be taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the section. Also, in the case of substantive sections, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

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

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 89. Adaptations for Special Populations

Subchapter E. General Educational Development

• 19 TAC §89.113

The Texas Education Agency proposes an amendment to §89.113, concerning eligibility for a Texas certificate of high school equivalency. The amendment is proposed pursuant to Senate Bill 417 of the 71st Texas Legislature which amended state law to provide high school equivalency testing to persons who are at least 16 years old if recommended by a public agency having supervision or custody. The proposed amendment would describe procedures for testing 16- and 17-year-olds and would make General Educational Development (GED) testing accessible this year to certain 17-year-olds whose eligibility for testing has been affected by the revised age for compulsory attendance.

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

Mr. Moak and Criss Cloudt McCuller, director for planning coordination, also have determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section is that school districts will be allowed to establish eligibility for high school equivalency testing for 17-year-old applicants who, although subject to compulsory attendance, cannot reasonably be expected to graduate. There will be no effect on small businesses. 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 Criss Cloudt McCuller, Office of Planning Coordination, 1701 North Congress Avenue, Austin, Texas, 78701, (512) 463-9701. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in sections has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §11.35, which authorizes

the State Board of Education to provide for the administration of high school equivalency examinations.

§89.113. Eligibility for a Texas Certificate of High School Equivalency.

(a) The requirements which applicants for certificates of high school equivalency shall meet are as follows.

(1) (No change.)

(2) Age. Must be 18 years old. A 17-year-old is eligible with parental or guardian consent. Seventeen-year-olds must present written permission signed by their parent or guardian. Seventeen-year-olds who are married, who have entered military service, who have been declared adults by the court, or who have otherwise legally severed the child/parent relationship are not required to present parent or guardian permission to be tested. Any applicant who is at least 16 years old may test if recommended by a public agency having supervision or custody under a court order. Recommendations must include the applicant's name and date of birth and must be signed by an official of the public agency having supervision or custody of the person under a court order.

(3) Educational status. Must not be enrolled in school [be officially withdrawn from school] and must not have received a high school diploma from an accredited high school in the United States. Test centers shall require that a 17-year-old applicant [applicants] whose 16th birthday was prior to September 1, 1989, present a letter from the resident district stating that the applicant is not in attendance and has not earned sufficient high school credits to be reasonably expected to graduate. [proof of withdrawal from the last school attended.]

(4) (No change.)

(b) (No change.)

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

Issued in Austin, Texas on November 28, 1989.

TRD-8911430

W. N. Kirby
Commissioner of Education

Proposed date of adoption: February 10, 1990

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

Chapter 143. Assignment of Personnel

Subchapter B. Assignment Requirements

• 19 TAC §143.11

The Texas Education Agency proposes an amendment to §143.11, concerning the requirements for assignment of school personnel. The proposed amendment would add various certificates and credentials to those accepted for the following positions: instructional officer I-VIII, supervisor, vocational administrator/director/supervisor, and special education director/supervisor. The proposed amendment would provide for consistency and reasonable flexibility in the requirements for assignment of personnel, and would take place in only Part III of the charts, entitled "Requirements for Assignment of Administrators, Other Instructional and Professional Support Personnel, Special Education Related Services Personnel, and Paraprofessional Personnel," included in §143.11.

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

Mr. Moak and Criss Cloudt McCuller, director for planning coordination, also have determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section is the improved flexibility and consistency in the assignment of school personnel. There will be no effect on small businesses. There is no anticipated economic cost for individuals who are required to comply with the sections.

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

The amendment is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules

for administration of the Foundation School Program.

§143.11. Requirements for Assignment of School Personnel.

(a)-(d) (No change.)

**REQUIREMENTS FOR ASSIGNMENT OF ADMINISTRATORS,
OTHER INSTRUCTIONAL AND PROFESSIONAL SUPPORT PERSONNEL,
SPECIAL EDUCATION RELATED SERVICES PERSONNEL, AND
PARAPROFESSIONAL PERSONNEL**

PART III

ADMINISTRATORS AND OTHER INSTRUCTIONAL PERSONNEL

CERTIFICATES (NUMERICAL CODES)/CREDENTIALS

TITLE

Superintendent

Superintendent (26,27)
Administrator (25)

Principal

Superintendent (26,27)
Administrator (25)
Mid-Management Administrator (24)
Principal (22,28)

**Part-time
Principal**

Superintendent (26,27)
Administrator (25)
Mid-Management Administrator (24)
Principal (22,28)

NOTE: If administrative duties are less than 50 percent of the day, a bachelor's degree and a teacher certificate for grade level of assignment are appropriate.

Assistant Principal

Superintendent (26,27)
Administrator (25)
Mid-Management Administrator (24)
Principal (22,28)
Assistant Principal (23)

**Administrative
Officer I-VIII**

Bachelor's degree (unless specifically exempted by the commissioner of education based upon other specialized training and/or experience and other unusual justifications.)

NOTE: Responsibilities may not include assignments in instructional programs. Responsibilities may include coordinating or supervising groups or major functions in personnel, business, accounting, planning, research, etc.

**Instructional
Officer I-VIII**

Superintendent (26,27)
Administrator (25)
Mid-Management Administrator (24)
Principal (22,28)
Supervisor (30)
Vocational Supervisor (62)
Special Education Supervisor

ADMINISTRATORS AND OTHER INSTRUCTIONAL PERSONNEL

CERTIFICATES (NUMERICAL CODES)/CREDENTIALS

TITLE

Supervisor	Supervisor (30) Superintendent (26, 27) Administrators (25) Mid-Management Administrators (26) Principal (22, 28) Vocational Supervisor (69) Special Education Supervisor
Counselor	Counselor (31)
Vocational Administrator Vocational Director Vocational Supervisor	Vocational Supervisor (69) Vocational education certificate plus one of the following: Superintendent (26, 27) Administrators (25) Mid-Management Administrator (24) Principal (22, 28) Supervisor (30) Special Education Supervisor
Vocational Counselor	Vocational Counselor (70)
Librarian I	Provisional or Professional Librarian (32) Learning Resources Endorsement Learning Resources Specialist
Librarian II	Professional Librarian (32) Learning Resources Specialist
Athletic Director	Teacher certificate
Athletic Trainer	Licensed by the Texas Board of Athletic Trainers
Visiting Teacher I	Visiting Teacher (35) Bachelor's degree plus teacher certificate
Visiting Teacher II	Visiting Teacher (35) Master's degree plus teacher certificate
Special Duty Teacher	Appropriate teaching certificate plus special training for special assignment

ADMINISTRATORS AND OTHER INSTRUCTIONAL PERSONNEL

CERTIFICATES (NUMERICAL CODES)/CREDENTIALS

TITLE

Teacher of Gifted and Talented Students
Teacher certification in appropriate area and level of assignment
Gifted and Talented Endorsement (optional, not required for assignment)

Nurse, RN
Current registration with Texas State Board of Nurse Examiners
School Nurse (33)

SPECIAL EDUCATION SUPPORT AND INSTRUCTIONAL PERSONNEL

TITLE

CERTIFICATES (NUMERICAL CODES)/CREDENTIALS

SPECIAL EDUCATION

Special Education Director
Special Education Supervisor

Special Education Supervisor
Special education certificate or endorsement plus one of the following:
Superintendent (26,27)
Administrator (25)
Mid-Management Administrator (24)
Principal (22,28)
Supervisor (30)
Vocational Supervisor (69)

Special Education Counselor

Special Education Counselor
Special Education Visiting Teacher
School Psychologist (48)
Associate School Psychologist (49)
Licensure by the Texas State Board of Examiners of Psychologists as a
psychologist or certification as a psychological associate
Licensure by the Texas State Board of Examiners of Professional Counselors
Certified as a social worker by the Texas Department of Human Services

School Psychologist

School Psychologist (48)
Licensure by the Texas State Board of Examiners of Psychologists as a psychologist

Associate School Psychologist

Associate School Psychologist (49)
School Psychologist (48)
Licensure by the Texas State Board of Examiners of Psychologists as a psychologist
or certification as a psychological associate

Educational Diagnostician

Educational Diagnostician (40)

SPECIAL EDUCATION SUPPORT AND INSTRUCTIONAL PERSONNEL

CERTIFICATES (NUMERICAL CODES)/CREDENTIALS

TITLE

Special Education Teacher

Deaf and Severely Hard of Hearing (43)
Hearing Impaired
Deficient Vision (41)
Visually Handicapped
Emotionally Disturbed (47)
Severely Emotionally Disturbed and Autistic
Generic Special Education
Elementary - Generic Special Education
Elementary (Grades 1-8) - Generic Special Education
High School - Generic Special Education
Secondary (Grades 6-12) - Generic Special Education (grades 6-12 only)
NOTE: The State Board of Education will review the requirement that assignments be limited to grades 6-12 for this certificate.
Language and/or Learning Disabilities (51)
Mentally Retarded (44)
Physically Handicapped (42)
Severely and Profoundly Handicapped
Speech and Hearing Therapy (45)
Speech and Language Therapy
Deaf School (01) (Texas State School for the Deaf only)
Blind School (02) (Texas State School for the Blind only)
Deaf-Blind
Early Childhood Education for Handicapped Children (52) (ages 3-6 students only)

These certificates are appropriate for special education assignment in grades PK-12 except where otherwise noted.

NOTE: Teachers whose salaries are paid from special education funds must hold special education certification or endorsement and demonstrate the necessary skills for the particular assignment. In most cases, generic certification is appropriate; however, the district should make every effort to secure educators trained in the specialized skills needed to serve the special needs of the children. If a staff member does not have the skills and knowledge needed for the assignment, the district will make provisions for the person to acquire the necessary skills and knowledge.

SPECIAL EDUCATION SUPPORT AND INSTRUCTIONAL PERSONNEL

TITLE

CERTIFICATES (NUMERICAL CODES)/CREDENTIALS

Teacher of Pregnant Students
Served in a Special Education
Setting

Full Time:

Teacher certificate plus
necessary skills and knowledge
in the following:*

- Prenatal care
- Infant and child development
- Child health and emergency care
- Discipline and other parenting skills including prevention of child abuse

Part Time:

Teacher certificate

Teacher of Adaptive Physical
Education

Special education certificate, endorsement, teaching field, area of
specialization, or related service credential plus the necessary skills
and knowledge*

Teacher certificate with an area of specialization or teaching field in
Physical Education (82) or Health and Physical Education (80)

All-Level - Physical Education

All-Level - Health and Physical Education (07)

All-Level (Grades 1-12) - Physical Education

Special Subject Physical Education

Grades 6-8 - Physical Education

Grades 9-12 - Physical Education

Grades 6-12 - Physical Education

Licensure as occupational therapist

Licensure as physical therapist

Occupational therapy assistants or physical therapy assistants working
under supervision in accordance with the standards of their profession

*Evidence of "necessary skills and knowledge" may be documented through inservice records, seminar attendance records,
or transcripts of college courses.

SPECIAL EDUCATION SUPPORT AND INSTRUCTIONAL PERSONNEL

CERTIFICATES (NUMERICAL CODES)/CREDENTIALS

TITLE

**Teacher in Hospital Class
or Home-Based Instruction**

Teacher of 3 or more students:
Special education certificate or endorsement
Teacher certificate plus:
Three semester hour survey course in education of the handicapped and
Three semester hour course related to teaching physically handicapped or
other health impaired

Teacher of 1 or 2 students:
Teacher certificate

Speech Therapist

Speech and Hearing Therapy (45)
Speech and Language Therapy
Licensure by the State Committee of Examiners for Speech-Language Pathology
and Audiology as a speech-language pathologist

Note: Preference in employment should be given to applicants holding state licensure

**Special Education Visiting
Teacher**

Special Education Visiting Teacher

Teacher of Visually Handicapped

Deficient Vision (41)
Visually Handicapped
Teachers assigned to visually handicapped students from birth through age two:
Early Childhood Education for Handicapped Children (52)
Deficient Vision (41)
Visually Handicapped

NOTE: This teacher must be available to visually handicapped students.

SPECIAL EDUCATION SUPPORT AND INSTRUCTIONAL PERSONNEL

CERTIFICATES (NUMERICAL CODES)/CREDENTIALS

TITLE

Teacher of Auditorially
Handicapped

Deaf and Severely Hard of Hearing (43)
Hearing Impaired

NOTE: This teacher must be available to auditorially handicapped students.

Vocational Adjustment
Coordinator

If initially assigned as a Vocational Adjustment Coordinator prior to 9/1/85:
Special education certificate
Teacher certificate plus special education endorsement

If initially assigned as a Vocational Adjustment Coordinator after 9/1/85:
Generic Special Education

Art Therapy

Registration by the American Art Therapy Association

Audiologist

Licensure as an audiologist by the State Committee of Examiners for
Speech-Language Pathology and Audiology

Corrective Therapist

Teacher certificate with the following:
Academic specialization in physical education
Institutional verification of a minimum of 400 hours of clinical experience
in working with handicapped individuals
Certification by the American Board of Certified Corrective Therapy

Interpreter for the Deaf

Certification by one of the following:
Registry of Interpreters for the Deaf
Texas Society of Interpreters for the Deaf
Texas Commission for the Deaf
Letter of approval from the appropriate regional director of services for the deaf

SPECIAL EDUCATION RELATED SERVICES PERSONNEL

CERTIFICATES (NUMERICAL CODES)/CREDENTIALS

TITLE

Physician

Licensed physician

Music Therapist

Registered by the National Association for Music Therapy

Occupational Therapist

Licensure by the Texas Board of Occupational Therapy Examiners

Occupational Therapy Assistant

Orientation and Mobility

Degree with a major in the field of orientation and mobility instruction plus certification by one of the following:

The American Association of Workers for the Blind

The Association for Education and Rehabilitation for the Blind

and Visually Handicapped

Physical Therapist

Licensure by the Texas Board of Physical Therapy Examiners

Physical Therapy Assistant

Recreation Therapist

Degree in therapeutic recreation and certified by the National Council on Therapeutic Recreation Certification

Social Worker

Special Education Counselor

Special Education Visiting Teacher

School Psychologist (48)

Associate School Psychologist (49)

Licensure by the Texas State Board of Examiners of Psychologists as a psychologist or certification as a psychological associate

Licensure by the State Board of Examiners of Professional Counselors

Certified as a social worker by the Texas Department of Human Service

A master's degree in social work

Visual Training Therapist

Texas licensed eye specialist with special professional preparation in visual training

PARAPROFESSIONAL PERSONNEL

CERTIFICATES

RESPONSIBILITIES

TITLE

EDUCATIONAL AIDE

Educational Aide I

Performs routine tasks under the direction and supervision of a certified teacher or other professional personnel.

Educational Aide I, II, III

Educational Aide II

Performs tasks under the general supervision of a certified teacher or other professional personnel.

Educational Aide II, III

Educational Aide III

Performs and assumes responsibilities for tasks under the general guidance of a certified teacher or other professional personnel. Responsibilities may include relieving teacher of selected exercises and instructional drills with students.

Educational Aide III

EDUCATIONAL SECRETARY

Educational Secretary I

Performs routine clerical tasks under the direction and supervision of professional staff.

Educational Secretary I, II, III

Educational Secretary II

Performs clerical tasks under the general supervision of professional staff. Responsibilities may include some limited supervisory functions.

Educational Secretary II, III

Educational Secretary III

Performs and assumes clerical/secretarial tasks under the general guidance of professional personnel. Responsibilities may include routine decision making, supervision of office operations, and maintaining fiscal accounts.

Educational Secretary III

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

Issued in Austin, Texas on November 28, 1989.

TRD-8911429 W. N. Kirby
Commissioner of Education

Proposed date of adoption: February 10, 1990

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

TITLE 22. EXAMINING BOARDS

Part I. Texas Board of Architectural Examiners

Chapter 1. Architects

Subchapter A. Scope; Definitions

• 22 TAC §§1.3, 1.5, 1.10

The Texas Board of Architectural Examiners proposes amendments to §§1.3, 1.5, 1.10, concerning the administrative and functional structure of the board. These amendments refer to the legal authority for the rules; clarify definitions for terms used in the rules; and, explain certain duties of the officers of the board.

Robert H. Norris, AIA, executive director, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Norris also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be clarification to the public of terms used in the rules, and functions of the board officers. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The amendments are proposed under Texas Civil Statutes, Article 249a, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§1.3. Board's Regulatory Authority. The cited rules of the board are promulgated under authority of the cited statute, Texas Civil Statutes, Article 249a, a practice and title law, and shall be in conformity with applicable provisions of the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, (APTRA).

§1.5. Terms Defined Herein. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Architect(s)-of-Responsibility—The architect(s) through whom a firm is authorized to offer/perform architectural services and/or whose architect's(s') [architect(s')] seal(s) and signature(s) appears on contract documents issued from that firm.

Institutional residential facility—Any building intended for occupancy of persons on a 24-hour basis who are receiving custodial care from the proprietors or operators of the building.

§1.10. Committees [Rules Committee].

(a) A standing rules committee consisting of a minimum of three board members, with equal representation, shall be appointed by the chairman at the annual meeting. Duties of the rules committee shall be:

(1) to review and accept or modify proposed changes to board rules as presented by staff;

(2) to initiate proposed changes and review with staff; and

(3) present agreed proposed changes to the board at the fall meeting of the board, or at an interim meeting when the immediate attention of the board is required.

(b) A standing personnel committee consisting of the current board officers and immediate past chairman shall have the following duties and responsibilities:

(1) meet with the executive director on a periodic basis to discuss personnel matters and the operation and organization of the agency;

(2) meet at least once a year with the executive director for the purpose of evaluation of the executive director's performance in accordance with the job description; and

(3) review and recommend any salary adjustments for the executive director prior to the preparation and submittal of the agency's budget request.

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

Issued in Austin, Texas on November 30, 1989.

TRD-8911458 Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

Subchapter B. Registration

• 22 TAC §1.22

The Texas Board of Architectural Examiners proposes an amendment to §1.22, concerning the eligibility of an applicant as a candidate for registration as an architect in Texas. The amendment will clarify the actions which may affect a person's eligibility as a candidate for registration.

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

Mr. Norris also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a clearer understanding of the eligibility requirements for filing an application for examination, and the conditions under which a violation may affect consideration of an application. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The amendment is proposed under Texas Civil Statutes, Article 249a, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§1.22. Exceptions.

(a) The following are sufficient individually to deny [preclude] an applicant's eligibility as a candidate for registration:

(1) violations of the statutes governing the [practicing architecture without] registration [in violation] of architects of another jurisdiction [any jurisdictional regulation];

(2) conviction of a crime [felony, unless] consistent with the provisions of Texas Civil Statutes, Article 6252-13c [applicant has been fully pardoned];

(3) (No change.)

(b) The application of a person against whom the board has initiated legal action may be held at the board's discretion, without approval, disapproval, or rejection until the applicant is in full compliance with:

(1) any order or judgment [the applicant is in full compliance with all orders and judgments] of the court[.]; and

(2) any action brought by the board; and

(3) [all] rules of the board; [.] and

(4) all provisions of the architects' registration law [Act; and such applicant has filed evidence satisfactory to the board of such compliance].

(c) (No change.)

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911457

Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

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For further information, please call: (512) 458-1363

Subchapter E. Fees

• 22 TAC §1.85, §1.88

The Texas Board of Architectural Examiners proposes amendments to §1.85, §1.88, concerning fees. The amendments explain the reinstatement fee for persons desiring reinstatement of their licenses.

Robert H. Norris, AIA, executive director, has determined that there will be fiscal implications as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections are in effect will be an estimated loss in revenue of \$3,000 in the years 1990-1994.

There will be no effect on local government.

Mr. Norris 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 sections will be clarification of the reinstatement fee due from persons desiring to reinstate their license to practice architecture and emeritus architects who wish to continue the entitlement only. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard Suite 107, Austin, Texas 78758, (512) 458-1363.

The amendments are proposed under Texas Civil Statutes, Article 249a, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§1.85. Reinstatement Fee. Certificates of registration revoked for any cause stated in this subchapter, may be reinstated by board action only upon payment of \$100 as a reinstatement fee plus [.] current renewal fee [at the board's discretion, back year renewals and penalties due for the period of revocation]. Payments thus required can be remitted only as directed by notices from

the board office. The reinstatement fee will be waived for emeritus architects.

§1.88. Emeritus Fee. Architects 62 years of age or older, who have retired from active practice and/or other related professional activities, may request emeritus status. The annual renewal fee for approved emeritus status architects will be \$5.00. [Failure to pay the renewal fee will result in revocation. Application for reinstatement may be made for which there will be no reinstatement fee.]

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911458

Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

• 22 TAC §1.89

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

The Texas Board of Architectural Examiners proposes the repeal of §1.89, concerning the temporary increase in fees of \$110. The repeal deletes the obsolete fee increase from the rules.

Robert H. Norris, AIA, executive director, has determined that there will be fiscal implications as a result of enforcing or administering the repeal. The effect on state government for the first five-year period the section will be in effect is an estimated loss in revenue of \$975,900 in the years 1990-1994. There will be no fiscal implications for state or local government as a result of enforcing or administering the repeal.

Mr. Norris also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the section will be knowledge of the expiration of the temporary fee of \$110 imposed during the 2nd Called Session of the 70th Legislature, 1987, by House Bill 61. There will be no effect on small businesses as result of enforcing the repeal. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard Suite 107, Austin, Texas 78758, (512) 458-1363.

The repeal is proposed under Texas Civil Statutes, Article 249a, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§1.89. Temporary Increase in Fees.

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911454

Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

Subchapter F. Architect's Seal

• 22 TAC §1.103

The Texas Board of Architectural Examiners proposes an amendment to §1.103, concerning the affixation of the architect's seal to documents issued for use in this state. The amendment clarifies which documents must bear an architect's seal; and, delete the obsolete mandatory date of September 1, 1988, from the rules.

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

Mr. Norris also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a clear understanding of which documents must bear an architect's seal when issued for use in this state. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard Suite 107, Austin, Texas 78758, (512) 458-1363.

The amendment is proposed under Texas Civil Statutes, Article 249a, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§1.103 Use of Seal.

(a) Architects shall affix their seal, actual signature, and date of affixation to all original contract documents [construction drawings], including index sheets identifying all drawings covered; specification cover and index pages identifying all specification pages covered; addenda; and change orders which are developed and issued under the direct supervision or authority of the architect as contract documents. Presentation documents (renderings, drawings used to communicate conceptual information only) are not required to be sealed, signed, or dated.

(b) Contract documents [Construction drawings] considered incomplete by the architect may be released for interim review without the architect's seal or signature affixed, but shall be dated, bear the architect's name and registration number, and be conspicuously marked to clearly indicate the documents are for interim review and not intended for bidding, permit, or construction purposes.

(c)-(g) (No change.)

(h) Preprinting of blank forms bearing [under] an architect's seal [, or the use of decal, computer aided drafting, or other seal replicas.] is prohibited. Any misuse of such seal reproductions shall be charged against the responsible architect. [Compliance with this rule shall become mandatory as of September 1, 1988.]

(i)-(k) (No change.)

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911453

Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

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**Subchapter G. Titles, Firm
Names, and Assumed
Names**

• 22 TAC §1.121, §1.122

The Texas Board of Architectural Examiners proposes amendments to §1.121 and §1.122, concerning the title used by persons holding certificates of registration in this state, and the authority for architectural firms to offer or perform architectural services in this state. These amendments clarify the requirements for an architect in each separate office where architectural service is offered or performed.

Robert H. Norris, executive director, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Norris also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be clarification of the conditions under which a registered architect is required in each separate office location in this state. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Robert H. Norris, Executive Director, Texas Board of Architectural Examiners,

8213 Shoal Creek Boulevard, Suite 107,
Austin, Texas 78758, (512) 458-1363.

The amendments are proposed under Texas Civil Statutes, Article 249a, which provides the Texas Board of Architectural Examiners with the authority to promulgate rules.

§1.121. Titles.

(a) Persons holding certificates of registration issued by this board are authorized to employ the title "architect" and use the word architect, or various constructions thereof, in describing or identifying services he/she [he] solicits, offers, or executes.

(b) (No change.)

§1.122. Authority for Practice.

(a) (No change.)

(b) Each architectural firm in the state of Texas where architectural service is offered or performed shall have a Texas registered architect in charge of [employed and practicing on a full-time basis in] each separate office location except where a project office is established for on-site construction administration.

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

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

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TRD-8911452

Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

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**Subchapter H. Rules of
Conduct**

• 22 TAC §§1.141, 1.143-1.146

The Texas Board of Architectural Examiners proposes amendments to §§1.141, 1.143-1.146, concerning the rules of conduct for architects in this state. These amendments explain the board's authority to levy fines; standards of practice required of architects; and, conditions for denial of applicants' eligibility for examination.

Robert H. Norris, AIA, executive director, has determined that for the first five-year period the sections are in effect there will be fiscal implications as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections are in effect will be an estimated increase in revenue of \$5,000 in the years 1990-1994. There will be no effect on local government.

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

of enforcing the sections will be a better understanding as a result of clarifying language concerning standards of practice required of architects and reasons for which the board may consider denial of an applicant's eligibility. There will be no effect on small businesses, unless in violation of law, as a result of enforcing the sections.

There will be no anticipated economic cost to persons who are required to comply with the sections as proposed, unless in violation of law.

Comments on the proposal may be submitted to Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The amendments are proposed under Texas Civil Statutes, Article 249a, which provides the Texas Board of Architectural Examiners with the authority to promulgate rules.

§1.141. Authority.

(a) (No change.)

(b) The board is charged with adoption of all reasonable and necessary rules and regulations which it may deem advisable and is empowered with authority to suspend or revoke certificates of registration, and levy fines for certain causes.

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

§1.143. Grounds for Suspension, [or] Revocation, or Denial. The [After due notice and hearing, upon its own motion, this] board may deny [.] an applicant's eligibility and suspend [.] or revoke an architect's [a] certificate of registration upon proof satisfactory to the board [that] the applicant or architect [holder of such certificate] is guilty of:

(1)-(4) (No change.)

§1.144. Gross Incompetence Defined. The following practices, among others, may be deemed gross incompetence, and cause for denial [.] of an applicant's eligibility and suspension [.] or revocation of an architect's certificate [certificates] of registration [in Texas]:

(1)-(3) (No change.)

§1.145. Recklessness Defined. The following practices, among others, may be deemed recklessness, and cause for denial [.] of an applicant's eligibility and suspension [.] or revocation of an architect's certificate [certificates] of registration [in Texas]:

(1)-(3) (No change.)

§1.146. Dishonest Practice Defined

(a) The following practices, among others, may be deemed dishonest practice and cause for denial [.] of an applicant's eligibility and suspension [.] or revocation

of an architect's certificate [certificates] of registration [in Texas]:

(1)-(7) (No change.)

(b) An architect possessing knowledge of a violation of these sections by another architect, person, or firm shall report such knowledge to TBAB. Failure to report such knowledge may be cause for disciplinary action.

(c) (No change.)

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

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TRD-8911451 Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

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For further information, please call: (512) 458-1363

Subchapter I. Charges Against Architects: Action

• 22 TAC §1.161

The Texas Board of Architectural Examiners proposes an amendment to §1.161, concerning complaints and actions against architects. The amendment explains the board's authority to levy a fine against a registrant as a result of violation of the law or rules.

Robert H. Norris, AIA, executive director, has determined that there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the section is in effect will be an estimated additional cost of \$8,000 in the years 1990-1994 and an estimated increase in revenue of \$5,000 in the years 1990-1994. There will be no effect on local government.

Mr. Norris 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 better protection for the public as a result of the board's ability to levy fines against architects. There will be no effect on small businesses, unless in violation of law, 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, unless in violation of law.

Comments on the proposal may be submitted to Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard Suite 107, Austin, Texas 78758, (512) 458-1363.

The amendment is proposed under Texas Civil Statutes, Article 249a, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§1.161. Suspension; [and] Revocation; Fine.

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

(c) The board may levy a fine not to exceed \$1,000 against any registrant upon the proof of the violation of the architects' registration law or rules regulating the practice of architecture after due notice and hearing.

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

Issued in Austin, Texas, on November 30, 1989.

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Architectural Examiners

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For further information, please call: (512) 458-1363

Subchapter J. Violations by Unregistered Persons

• 22 TAC §1.191

The Texas Board of Architectural Examiners proposes an amendment to §1.191, concerning alleged violations of law and rules by unregistered persons. The amendment changes Act to be the architects' registration law and increases the maximum fine to \$1,000 for violations of law or rules by unregistered persons.

Robert H. Norris, AIA, executive director, has determined that there will be fiscal implications as a result of enforcing or administering the section.

Effect on state government for the first five-year period the section is in effect will be an estimated additional cost of \$8,000 in the years 1990-1994 and an estimated increase in revenue of \$5,000 in the years 1990-1994. There will be no effect on local government.

Mr. Norris 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 clarification of language referring to the law and punitive risks an unregistered person may take when practicing architecture unlawfully in Texas. 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 Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard Suite 107, Austin, Texas 78758, (512) 458-1363.

The amendment is proposed under Texas Civil Statutes, Article 249a, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§1.191. Authority.

(a) The Texas Architects' Registration Law is specific in its provisions, authorizing the lawful practice of architecture. It

is equally specific in charging the Texas Board of Architectural Examiners with responsibility for enforcement of the architects' registration law [Act]. The statute exempts certain persons from provisions of the architects' registration law [Act], but otherwise, unregistered persons are liable for violations.

(b) Persons or firms offering or performing services under an exception as permitted under the architects' registration law [Act], §14, should be aware that this board has authority to seek fines up to \$1,000 [\$200] for each day of each offense as defined in the architects' registration law [Act], §13.

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

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TRD 8911498 Robert H. Norris, AIA
Executive Director
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For further information, please call: (512) 458-1363

Subchapter K. Practice; Architect Required

• 22 TAC §§1.211-1.214

The Texas Board of Architectural Examiners proposes new §§1.211-1.214, concerning a description of new and altered buildings which require architectural services prepared by an architect.

Robert H. Norris, AIA, executive director, has determined that there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the section will be in effect is an estimated additional cost of \$7,998 for the years 1990-1994. For the first five-year period the sections are in effect there will be no effect on local government as a result of enforcing or administering the sections.

The cost of compliance with the section for small businesses will be the difference, if any, between professional fees related to architecture charged by architects versus those charged by unregistered persons.

Mr. Norris also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be greater protection of the public health, safety, and welfare on matters concerning the practice of architecture. The anticipated economic cost to persons who are required to comply with the section as proposed will be subject to the marketplace.

Comments on the proposal may be submitted to Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107,

Austin, Texas 78758, (512) 458-1363.

The new sections are proposed under Texas Civil Statutes, Article 249a, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§1.211. Privately Owned Buildings. Contract documents for all privately owned, new, or altered buildings constructed in the State of Texas shall be prepared under the supervision of an architect, except for the following:

- (1) buildings used primarily for farm, ranch, or agricultural purposes;
- (2) single family or duplex family dwellings of any height or building area
- (3) multifamily dwellings which do not exceed 16 living units per building, or two stories in height, including basements, lofts, and mezzanines;
- (4) buildings used for other than institutional residential purpose which do not exceed two stories in height including basements and mezzanines, or 20,000 square feet of gross building area.

§1.212. Publicly Owned Buildings. Contract documents for new buildings constructed by a political subdivision of the State of Texas or any other public entity and whose total construction cost when originally begun exceeds \$100,000 shall be prepared by an architect if the building is intended for any of the following occupancy uses:

- (1) educational: the use of a building by six or more people at any time for instructional purposes;
- (2) assembly: the use of a building for the gathering together of 50 or more persons for purposes such as civic, social, or religious functions, for recreation, food, drink consumption, or awaiting transportation;
- (3) office: the use of a building for business office, professional, or service type transactions including normal accessory storage and the keeping of records and accounts.

§1.213. Alterations to Existing Buildings. Contract documents for alterations to any building involving structural changes which require the professional services of a registered professional engineer in accordance with Texas Civil Statutes, Article 3271a, the Texas Engineering Practice Act; or, which involve exitway changes affecting the a building's egress by more than 50 building occupants shall be prepared under the supervision of an architect unless excepted in §1.211 of this title (relating to privately owned buildings).

§1.214. Institutional Residential Facilities. Architectural plans and specifications

for any new building or for the modification of an existing building intended for use as an institutional residential facility, regardless of the number of stories or square footage of the building, shall be prepared by a person who is registered in accordance with the architects' registration law.

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

Issued in Austin, Texas, on November 30, 1989.

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Robert H. Norris, AIA
Executive Director
Texas Board of
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For further information, please call: (512) 458-1363

Chapter 3. Landscape Architects

Subchapter A. Rules Affecting Board

• 22 TAC §§3.1-3.13

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

The Texas Board of Architectural Examiners proposes the repeal of §§3.1-3. 13, concerning the conduct and procedures for board business, including the records of the board. These repeals allow the board to add five new sections explaining the purpose of the rules; reference the legal authority for the rules; add the definitions for terms used in the rules; and renumber the sections which are being repealed.

Robert H. Norris, executive director, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Norris also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be better communication and understanding with the public as a result of establishing new rules. There will be no effect on small businesses as a result of enforcing the repeals. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Robert H. Norris, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The repeals are proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.1. Office.

§3.2. Person for Service of Process.

§3.3. Meetings and Notices Thereof.

§3.4. Officers and Employees.

§3.5. Committees.

§3.6. Official Seal.

§3.7. Attorneys.

§3.8. Roberts' Rules of Order.

§3.9. Quorum.

§3.10. Signing Certificates.

§3.11. Official Records.

§3.12. Expenses.

§3.13. Membership in Professional Organizations.

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

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Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

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For further information, please call: (512) 458-4126

• 22 TAC §§3.1-3.18

The Texas Board of Architectural Examiners proposes new §§3.1-3.18, concerning the administrative and functional structure of the board. These new sections explain the purpose of the rules; reference the legal authority for the rules; show the definitions for the terms used in the rules; and explain the officers and duties of the board.

Robert H. Norris, executive director, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Norris also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be public understanding of the purpose of the rules of the board; citation of reference for the legal authority for the rules of the board; and a clear

understanding of the terms in the rules of the board. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Robert H. Norris, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The new sections are proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.1. Purpose. The rules and regulations of the Texas Board of Architectural Examiners are set forth for the purpose of interpreting and implementing Texas Civil Statutes, Article 249c (the regulation of the practice of landscape architecture) in Texas, and establishing the board and conferring upon it responsibility for registration of landscape architects and the regulation of the practice of landscape architecture.

§3.2. Citation. The rules and regulations shall be known, and may be cited as rules of the board.

§3.3. Board's Regulatory Authority. The cited rules of the board are promulgated under authority of the cited statute, Texas Civil Statutes, Article 249c, and shall be in conformity with applicable provisions of the Administrative Procedure and Texas Register Act (APTRA), Texas Civil Statutes, Article 6252-13a.

§3.4. Severability. If any provision of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

§3.5. Terms defined herein. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

Applicant—An individual who has submitted an application for registration.

APTRA—Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

Candidate—An individual who has qualified for examination.

CLARE—Council of Landscape Architectural Registration Boards.

Contract documents—Documents issued for bidding, permit, or contract construction purposes, consisting of drawings, specifications, addenda, or change orders.

Coordination of consultant's work—Comparative review by the landscape

architect of the construction documents as prepared by the landscape architect and by each of his/her consultants for the purpose of revealing possible conflicts and omissions and for observing the consultant's proper seal or other certification applied to his/her own work. Revisions necessary for coordination shall remain the responsibility of the consultants.

LAAB—Landscape Architectural Accreditation Board.

Landscape architect—An individual currently registered to practice landscape architecture in the State of Texas.

Landscape architect(s)-of-responsibility—The landscape architect(s) through whom a firm is authorized to offer/perform landscape architectural services and/or whose landscape architect(s)' seal(s) and signature(s) appears on contract documents issued from that firm.

Landscape Architects' Registration Law—Regulation of the practice of landscape architecture, Texas Civil Statutes, Article 249c.

Principal—An individual who is a landscape architect and in charge of an organization's landscape architecture practice, either alone or with others.

Registrant—See landscape architect.

TBAE—Texas Board of Architectural Examiners.

U.N.E.—Uniform national examination, prepared by CLARB.

§3.6. Office. The board shall maintain an office as its official place of business, which shall be the board's office for its executive director, staff, and records in Austin.

§3.7. Person for Service of Process. The name and address of the person designated by the board upon whom service of process may be served in judicial procedures against the board is the executive director and/or the secretary-treasurer at the address of the official place of business of the board.

§3.8. Meetings and notices thereof. Two regular meetings shall be held each year and as many special meetings as may be necessary for the proper performance of the duties of the board. An annual meeting of the board shall be held during the month of January of each year at a time, place, and date which shall be determined by the board. Special meetings of the board may be called by the chairman or upon the request of any two members, by giving at least five days' written notice to each member of the time and place of such meeting. All meetings of the board shall be held in accordance with the Open Meetings Act (Texas Civil Statutes, Article 6252-17).

§3.9. Officers and Employees. As prescribed by law, the board shall elect a chairman, vice-chairman, and secretary-treasurer.

These officers shall hold office until their successors shall have been elected and qualified.

(1) The chairman shall, when present, preside at all appoint all committees; sign all certificates of registration issued; and perform all other duties pertaining to his office.

(2) The vice-chairman shall, in the absence of the chairman, fulfill all responsibilities of the chairman and, if necessary, succeed the chairman without election during the then current year.

(3) The secretary-treasurer shall, with the assistance of such executive and clerical help as may be required, keep a record of all the proceedings of the board and of all monies received or expended by the board, which record shall be open to public inspection at all reasonable times.

(4) The board may employ such executive, stenographic, and office assistance, including an executive director, as is necessary and such professional assistance at examinations as is required, and shall rent office space as necessary to house the staff and records.

(5) The board may designate the executive director who shall have possession, on behalf of the secretary-treasurer, of all the official records of the board and who may, under the supervision of the board and the secretary-treasurer, perform such administrative and ministerial duties as the board authorizes.

(6) The board authorizes the executive director and staff services officer I or administrative technician IV to sign expenditure vouchers.

§3.10. Committees.

(a) A standing rules committee consisting of a minimum of three board members with equal representation, shall be appointed by the chairman at the annual meeting. Duties of the rules committee shall be:

(1) to review and accept or modify proposed changes to board rules as presented by staff;

(2) to initiate proposed changes and review with staff; and

(3) present agreed proposed changes to the board at the fall meeting of the board, or at an interim meeting when the immediate attention of the board is required.

(b) A standing personnel committee consisting of the current board officers and immediate past chairman shall have the following duties and responsibilities:

(1) meet with the executive director on a periodic basis to discuss personnel matters and the operation and organization of the agency;

(2) meet at least once a year with the executive director for the purpose of evaluation of the executive director's performance in accordance with the job description; and

(3) review and recommend any salary adjustments for the executive director prior to the preparation and submittal of the agency's budget request.

§3.11. Official Seal. As its official seal, the board will use a seal similar to that of the State of Texas with the words "Texas Board of Architectural Examiners" replacing the words "The State of Texas," inscribed around the perimeter.

§3.12. Attorneys. In discharging its responsibilities the Texas Board of Architectural Examiners may utilize the services of the attorney general, the district attorney, the county attorney, or may engage private counsel as prescribed by statutes.

§3.13. Robert's Rules of Order. Unless required otherwise by law or these rules, Robert's Rules of Order shall be used in the conduct of business by this board.

§3.14. Quorum. Five members of the board shall constitute a quorum, but official action may not be taken upon any question unless five members vote in accord, and the chairman may cast a vote.

§3.15. Signing Certificates. Each certificate of registration shall be signed by the chairman, vice-chairman, and secretary-treasurer of the board, and shall bear the seal of the Texas Board of Architectural Examiners.

§3.16. Official Records. Among other official records required by law, or by rules of other agencies in support of law, there shall be kept in the board offices accurate and current records, including, but not limited to:

(1) minutes. A record containing in proper order, proceedings of each meeting of the board;

(2) record of registrants. A record containing the name and registration number of all persons to whom certificates of registration are issued, the last known address of all landscape architects, and a record of all current renewals effected through annual registration;

(3) registrant files. An individual file for each landscape architect, containing the original application, relevant verification and evaluation data, records of examinations and scores, date of original registration and a record of annual registrations and fees received after original registration, and, when applicable, records of alleged violations, suspensions, and revocations;

(4) finances. A system of record keeping correctly and currently indicating funds budgeted, committed, spent, and remaining, as well as projections of appropriate requests for consideration in budget development;

(5) records of candidates. An individual file for each candidate for licensing, containing the original application, educational transcripts, and/or employer certification, evaluation data, records of examinations and scores, and date of original registration. Upon registration, such files shall be transferred to the registrant's permanent file. (see also §3.10 of this title (relating to Committees)); and

(6) records of nonregistrants. Records which shall be kept of those unregistered persons or firms, against whom allegations of violations have been filed, together with the resulting actions taken, in accordance with the authority in Subchapter J of this chapter (relating to Violations by Unregistered Persons).

§3.17. Expenses. Members of the board and board staff shall be reimbursed expenses incurred in the conduct of board business, as allowed by law.

§3.18. The Council of Landscape Architectural Registration Boards. (CLARB).

(a) The board shall maintain membership in CLARB and its regional conference.

(b) Up-to-date information on the examination syllabus and policies adopted from time to time by CLARB shall be developed by the board staff, and reported to the board regularly.

(c) This board will cooperate with CLARB in furnishing transcripts of records, giving examinations upon request, and rendering all other assistance calculated to aid in establishing uniform standards of professional qualification throughout the United States.

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

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Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

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For further information, please call: (512) 458-1363



Subchapter B. Registration Definitions

• 22 TAC §§3.21, 3.22, 3.25, 3.27, 3.28

The Texas Board of Architectural Examiners proposes amendments to §§3.21, 3.22, 3.25, 3.27, and 3.28, concerning the eligibility, application process, and registration of a landscape architect in the State of Texas. The subchapter title is changed because the definitions are being placed in another subchapter. The application deadline dates are clarified.

Robert H. Norris, AIA, executive director, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Norris also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a clearer understanding of the eligibility requirements for filing an application for examination, the application process, and the conditions under which a violation may affect consideration of an application. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Robert H. Norris, AIA, Executive Director Texas Board of Architectural Examiners, 6213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The amendments are proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.21. Eligibility. An applicant for registration by examination as a landscape architect in Texas shall have received [be a person of good moral character, not less than 18 years of age. Further, the landscape architect applicant shall] a professional degree from a recognized school whose study of landscape architecture is approved by the board prior to submittal of an application, or shall have had not less than seven years actual experience in the office of a licensed landscape architect.

§3.22. Exceptions [Ineligibility].

(a) The following [acts] are sufficient individually to deny [preclude] an applicant's eligibility as a candidate for registration: [.]

(1) violations of the statutes governing the [practicing landscape architecture without] registration of landscape architects of another jurisdiction [any jurisdictional regulation];

(2) conviction of a crime consistent with the provisions of Texas Civil Statutes, Article 6252-13c; [felony involving moral turpitude];

(3) (No change.)

(b) The application of a person against whom the board has initiated legal action may be held at the board's discretion, without approval, disapproval, or rejection until the applicant is in full compliance with:

- (1) any order or judgment of the court;
- (2) any action brought by the board;
- (3) rules of the board; and
- (4) all provisions of the Act.

(c) When such compliance as referred to in subsection (b) of this section has been secured and evidence furnished, the board shall complete the consideration of the application in the regular order of business for other applications to the board.

§3.25 Processing.

(a) All applications [for registration may be made at any time but] and supporting documentation must be postmarked no later than February 10 (beginning 1991 thereafter) or delivered to the board office no later than 5 p.m. on that [received at least 90 days prior to an examination] date [.] except where that date falls on a Saturday or Sunday, in which case the date shall be the following Monday.

(b) When received incomplete or without required fees, applications will be returned for completion and resubmittal. [Information submitted will be verified and evaluated, and subsequent submittals may be required of the applicant.]

(c) When received complete and accompanied by required fees, applications [they] will be entered into the board [board's] records. Information submitted will be verified and evaluated, and subsequent submittals may be required of the applicant.

§3.27. Continuance.

(a) Properly submitted applications for registration by written examination, approved or in the process of approval, will be effective for three years only [one year]. Thereafter, the board may [will] require the applicant [candidate] to update the application or reapply.

(b) Should the board require additional information of an applicant, in support of the application, such must be submitted promptly [within the time specified and in the form requested]. Files not completed as required will be withdrawn after one year, and the applicant may be required to reapply.

§3.28. Reciprocal Transfer [Reciprocity].

(a) Individuals. [landscape architects] holding certificates of registration in

other states, nations, or territories applying for registration in Texas by reciprocal transfer [reciprocity] shall [will] be considered [only by written application and] upon transmittal of: [their certification record from the state in which they are applying.]

(1) their Council Certificate from the Council of Landscape Architectural Registration Boards (CLARB); or

(2) their written application on a form provided by the board. Acceptance of the information submitted will be subject to confirmation by the applicant's state from which he or she is applying.

[(b) Landscape architect applications for registration by reciprocity, through CLARB only, will be written applications and upon receipt of the CLARB record.]

(b)[c] Criteria for reciprocal [landscape architect] registration as outlined in subsection (a)(2) of this section includes [by reciprocity is as follows]:

(1) certification by individual state boards [.] (in which candidate holds current registration) that the applicant has qualified for [passed] the CLARB-UNE either as a result of approved education in landscape architecture, or having had seven years of professional experience under a registered landscape architect, supported with references and has passed the examination [examples of work accomplished];

(2) persons registered in their base state without examination through qualifications of having represented himself/herself to be a landscape architect for a period of time after September 1, [under the grandfather clause in any state since] 1969, (grandfather clause) [unless they have passed the CLARB-UNE] are not eligible for registration by reciprocal transfer [reciprocity] unless they have passed the CLARB-UNE [in the State of Texas];

(3) those persons who have been registered by the grandfather clause in any state prior to 1970 must provide satisfactory references, [and] examples of work accomplished, and at the discretion of the board, must pass an oral examination [administered by the Texas Board of Architectural Examiners].

(c)[d] All arrangements for development of the certification record will be the responsibility of the applicant.

(d)[e] Application fees for registration in Texas, as stated in §3.86 of this title (relating to Reciprocal Transfer Fee) [Subchapter E of this chapter (relating to Fees)], must be submitted with the certification record and application.

(e)[f] Approval of applications [application] for registration by reciprocal transfer [reciprocity] will be by letter confirming the board action. The fee for registration,

after approval of application, as stated in Subchapter E of this chapter (relating to Fees), must be remitted within 60 days after notification of the approval. [The certificate of registration will follow upon compliance with Subchapter F of this chapter (relating to Landscape Architect's Seal).]

(f)[g] Rejections of applications for registration by reciprocal transfer [reciprocity] will be by letter explaining the reasons and outlining procedures under which reconsideration may be possible.

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911490

Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

Subchapter B. Registration

• 22 TAC §3.26

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

The Texas Board of Architectural Examiners proposes the repeal of §3.26, concerning applications for the examination approval or rejection of application. The repeal allows the board to propose a new section for clarification of language.

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

Mr. Norris 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 better communication and understanding for the exam applicants and public as a result of establishing a new section. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Robert H. Norris, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758.

The repeal is proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.26. Acceptance-Non Acceptance.

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911492

Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

The Texas Board of Architectural Examiners proposes new §3.26, concerning application approval or rejection for the examination administered for registration of landscape architects in Texas. The new section replaces the existing section which is being repealed.

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

Mr. Norris 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 more concise and clear communication with the examination candidate and the public. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Robert H. Norris, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The new section is proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.26. Approval/rejection. Applicants will be notified of approval or rejection. Rejections of such applications will include evaluation reports and instructions for completing requirements.

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911491

Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

Subchapter C. Written Examinations

• 22 TAC §§3.41-3.47

The Texas Board of Architectural Examiners proposes amendments to §§3.41-3.47, concerning the examination for registration as a landscape architect in the State of Texas. The amendments clarify the examination for registration.

Robert H. Norris, AIA, executive director, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Norris also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a better understanding of the landscape architect registration examination administered by the board; and reemphasize the board will not review examinations. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Robert H. Norris, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The amendments are proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.41. Required. Applicants for registration by examination, with required approval as candidates [a candidate] by this board, [or by the executive director,] must submit to the written examination as outlined in this subchapter [chapter].

§3.42. Schedules. Written examinations will be administered by this board, in June of each year, to approved candidates only. Examination format [formats], dates, times, and places will be announced in notices mailed to candidates approximately March 1 of each year [at least 90 days prior to the date of examination].

§3.43. Format.

(a) Examinations offered by the Texas Board of Architectural Examiners [candidates] will be the uniform national examination (UNE) [,] developed by CLARB and as approved for administration on specific [specified] dates, in June of each year. The UNE will be the only examination offered for registration.

(b) Landscape architect candidates will meet the following minimum requirements: Any person having or holding a degree from a school whose study of landscape architecture is approved by the board, or having not less than seven years actual experience in the office of a licensed land-

scape architect, may apply for examination.]

(b) [c] To pass the examination an applicant must achieve a passing grade on each section. Scores from the individual sections may not [cannot] be averaged.

§3.44. Reporting. Approved candidates shall appear personally for examination at the designated date, time, and place [arriving no less than 10 minutes prior to the announced hour]. Each candidate will be identified by an authorized candidate identification card mailed to the candidate prior to the examination dates.

§3.45. Conditions.

(a) Examinations will be conducted under conditions warranting honest and best results. Landscape architect board members, board staff, and/or appointees will monitor all tests; and candidates will not be permitted to communicate with one another, or others, during examination periods.

(b) Candidates will be responsible for all materials required, other than examination papers, to complete the work assigned them.

§3.46. Scoring [Grading].

(a) Scoring [Grading] procedures for all examinations will be given to the candidates prior to the examination.

(b) There will be no board review of examinations. Candidates may request an appointment, within 90 days after receipt of their grades, to come into the board offices and look at their graphic solutions.

§3.47. Subject Matter. Subject matter explaining examination format is [information regarding study material will be] available [upon request] from the board of office upon request.

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8C11489

Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

Subchapter C. Written Examinations

• 22 TAC §3.48

(Editor's note: The text of the following section proposed for repeal will not be published. The

section may be examined in the offices of the Texas Board of Architectural Examiners or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Board of Architectural Examiners proposes the repeal of §3.48, concerning procedures for reexamination of failed sections of the examination for registration of landscape architects. The repeal allows the board to propose a new section for clarification of language.

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

Mr. Robert Norris, also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be to permit the board to make a more concise rule for retaking sections of the examination. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Robert H. Norris, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The repeal is proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.48. Reexamination.

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911488 Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

The Texas Board of Architectural Examiners proposes new §3.48, concerning reexamination procedures for examination applicants retaking failed sections of the exam. The new section replaces the existing section which is being repealed.

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

Mr. Norris, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a more concise and clear understanding of reexamina-

tion procedures. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Robert H. Norris, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The new section is proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.48. Reexamination. Candidates will have unlimited opportunities to retake individual sections of the Uniform National Examination they have failed.

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911487 Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

Subchapter C. Written Examinations

• 22 TAC §3.49

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

The Texas Board of Architectural Examiners proposes the repeal of §3.49, concerning procedures for examination records of the board. The repeal allows the Texas Board of Architectural Examiners to add two new section explaining the purpose of the rules.

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

Mr. Norris also has determined that for each year of the first five years the repeal will be in effect the public benefit anticipated as a result of enforcing the repeal as proposed will be better communication and understanding with the public as a result of establishing new rules. There will be no effect on small businesses as a result of enforcing the repeal. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Robert H. Norris, Executive Director, Texas Board of Architectural Examiners,

8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The repeal is proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.49. Disposal of Examination Material.

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

Issued in Austin, Texas on November 30, 1989.

TRD-8911488 Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

• 22 TAC §§3.49-3.51

The Texas Board of Architectural Examiners proposes new §§3.49-3.51, concerning the examination for registration as a landscape architect in Texas. These new sections will allow the acceptance of examination scores passed in other jurisdictions and clarify the reapplication for examination process and the disposal of examination materials.

Robert H. Norris, executive director, has determined that there will be fiscal implications for state government as a result of enforcing or administering the section. The effect on state government for the first five-year period the section will be in effect is an estimated increase in revenue of \$100 for fiscal years 1990 and 1991 and \$30 for fiscal years 1992-1994. There will be no effect on local government as a result of enforcing or administering the sections.

Mr. Norris also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that acceptance of transferred scores will avoid requiring a candidate to pass all sections of the examination a second time; there will be a three-year period to appear for the examination; and serving of notice that the board will not maintain an applicant's file indefinitely. There will be no effect on small businesses. The anticipated economic cost to individuals who are required to comply with the section as proposed will be \$10 for fiscal years 1990-1994 for the applicant.

Comments on the proposal may be submitted to Robert H. Norris, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The new sections are proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.49. Transfer of Passing Scores. At the board's discretion candidates' passing

scores may be exchanged with other CLARB member boards. The acceptance of such scores shall terminate the candidate's application with the board forwarding the scores.

§3.50. Reapplication. Candidates who do not appear for examination within a three-year period may be required to reapply for admission to the examination. Any credit for parts previously passed may be forfeited.

§3.51. Disposal of Examination Material. Upon certification as a registered landscape architect, examination material of the candidate will be held for a period of one year before destruction. The examination materials of unsuccessful candidates will be held until all sections have been passed or the candidate has shown no further interest in seeking certification within a period of three consecutive examinations.

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

Issued in Austin, Texas on November 30, 1989.

TRD-9911485

Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

Subchapter D. Certification and Registration

• 22 TAC §§3.61, 3.62, 3.64-3.69

The Texas Board of Architectural Examiners proposes amendments to §§3.61, 3.62 and 3.64-3.69, concerning the certificate of registration and annual registration of a landscape architect in the State of Texas. The amendments change language which brings it into compliance with the language in the statute and clarifies the procedure for a request for reinstatement of registration.

Robert H. Norris, executive director, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Norris also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a clearer understanding that landscape architects must register annually and the result if they fail to do so. There will be no effect on small businesses. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Robert H. Norris, Executive Director,

Texas Board of Architectural Examiners,
8213 Shoal Creek Boulevard, Suite 107,
Austin, Texas 78758, (512) 458-1363.

The amendments are proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.61. Certificates [Certificate] of Registration. Certificates of registration [Registration certificates] will be issued to individuals only, and to such individuals only, as have met statutory registration requirements through established board rules and regulations. No certificates [certificates] of registration will be issued to any firm, partnership, corporation, or other group of persons.

§3.62. Issuance and Description. Certificates of registration will be issued by this board for the life of the registrant, subject to powers of suspension and revocation vested in this board by law. Such certificates will identify the registrant by name and registration number, show the effective date [(year)], confirm the registrant's qualifications, and acknowledge the registrant's right to practice landscape architecture in this state.

§3.64. Replacement [of] Certificate. A replacement [of] certificate will be issued to a registrant to replace one lost or destroyed [.] provided:

(1) (No change.)

(2) the registrant makes proper request for such replacement certificate and submits [a notarized affidavit containing] an acceptable explanation of the loss or destruction of the original certificate; and

(3) the registrant pays the fee prescribed in §3.67 [§3.86] of this title (relating to Fees [Replacement Certificate or Pocket Identification Card]).

§3.65. Surrender of Certificates. Upon request [notice] of this board, certificates of registration suspended or revoked by board action shall be surrendered immediately in the manner prescribed by that request [notice, unless a hearing before the board is requested within 30 days].

§3.66. Annual Registration Required. Statutes require that all landscape [landscape] architects desiring to continue their practice in Texas must annually register with this board and pay [each year] an annual registration renewal fee [before the expiration date indicated on the board's identification card].

§3.67. Annual Registration Procedure. Annual registration renewal notices will be sent all registrants to the last known address of record [at least one

month prior to the expiration date of all certificates of registration]. Instructions and dates for remitting will appear on such notices. It is the responsibility of the registrant to notify the board in writing of any address change. [Each licensee shall notify the board within 30 days of a change in mailing address. Failure to renew prior to the expiration date of each year shall automatically suspend one's license and will subject the individual to all penalties prescribed by law until such time as the fee and penalty is paid in full. If failure to renew shall continue for more than 90 days after the date of expiration of the certificate, the applicant must apply for reinstatement and must qualify under §5 of the law or as prescribed by the board. All renewal certificates shall carry the same registration number as the original certificate. The roster will be compiled on those persons having renewed by the date or dates required for renewal.]

§3.68. Failure to Register Annually.

(a) Failure to register annually and remit renewal fees, as prescribed by law, will result in board hearing for [automatic suspension and be subject to] revocation of the registrant's certificate [certification] of registration.

(b) Notices of board hearing and final action [suspension and/or revocation] will be sent [by certified mail] to the last known address of registrants failing to [annually] register annually and remit renewal fees.

§3.69. Reinstatement.

(a) Registrations [Registration] revoked, for any cause, may be reinstated only by board action, and only then in the manner determined by such board action.

(b) Requests for reinstatement of registration revoked should be addressed to the executive director, and should show cause why such board action is justified.

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

Issued in Austin, Texas on November 30, 1989.

TRD-9911484

Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

• 22 TAC §3.70

(Editor's note: The text of the following section proposed for repeal will not be published. The

section may be examined in the offices of the Texas Board of Architectural Examiners or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Board of Architectural Examiners proposes the repeal of §3.70, concerning the revocation notice and hearing of a landscape architect's license for failure to register annually. Language is repealed because it appears elsewhere in the subchapter.

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

Mr. Norris also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be better communication with the public because the same information appears in rules elsewhere. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The repeal is proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.70. Revocation Notice and Hearing.

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

Issued in Austin, Texas on November 30, 1989.

TRD-8911483 Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

Subchapter E. Fees

• 22 TAC §3.82

The Texas Board of Architectural Examiners proposes an amendment to §3.82, concerning the application and examination fees. The amendment advises candidates that the application fee is not refundable and allows the board to set the fee for the application.

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

Mr. Norris also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result

of enforcing the section will be a better understanding regarding the fee required with an application for admittance to the examination. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Robert H. Norris, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The amendment is proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.82. Application and Examination (Examination(s)) Fees.

(a) All applicants for registration by examination must remit a fee as prescribed by the board [\$10] with their original application. This fee is not refundable [returnable].

(b) (No change.)

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911482 Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

• 22 TAC §§3.84-3.88

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

The Texas Board of Architectural Examiners proposes the repeal of §§3.84-3.88, concerning fees. These repeals allow the board to propose new sections for clarification of language.

Robert H. Norris, executive director, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Norris also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be a better communication and understanding with the public as a result of establishing new rules. There will be no effect on small businesses as a result of enforcing the repeals. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Robert H. Norris, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78757, (512) 458-1363.

The repeals are proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.84. Annual Registration and Renewal Fee.

§3.85. Reciprocity.

§3.86. Replacement Certificate or Pocket Identification Card.

§3.87. Emeritus.

§3.88. Reinstatement Fee.

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911481 Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

The Texas Board of Architectural Examiners proposes new §§3.84-3.88, concerning fees. These new sections clarify wording by changing "registrant" to "landscape architect" and renumbering sections.

Robert H. Norris, executive director, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Norris also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a better understanding of what is required by the statute. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Robert H. Norris, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard Suite #107, Austin, Texas, (512) 458-1363.

The new sections are proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.84. Annual Registration and Renewal Fee.

(a) Notices of annual registration and renewal will be mailed to all landscape architects. These notices will specify the fee required.

(b) Registrations will expire on staggered dates. Notices will be mailed to landscape architects whose license number ends with an even number on or about July 15, with payment due before September 1. For those whose license number ends with an odd number, notices will be mailed on or about December 15, with payment due before February 2.

(c) Failure to renew a certificate of registration by the expiration date established by the board shall result in an increase of the renewal fee by \$20. If failure to renew shall continue for more than 90 days after the date of expiration of the certificate of registration, such certificate to practice landscape architecture in this state may be revoked and an entry of such revocation made in the official records of the board.

§3.85. Reinstatement Fee. Certificates of registration revoked for any cause stated in these sections, may be reinstated by board action only upon payment of \$100 as a reinstatement fee plus current renewal fee. Payments thus required can be remitted only as directed by notices from the board office. The reinstatement fee will be waived for emeritus landscape architects.

§3.86. Reciprocal Transfer Fee. Applicants requesting registration in Texas by reciprocity from other states must remit an application fee in the amount of \$25. This fee is not refundable. If the application is approved, a certificate of registration will be issued upon receipt of an initial registration fee in the amount of \$100.

§3.87. Replacement Certificate Fee. A replacement certificate authorized by this board will require remittance of \$20 with a letter of request.

§3.88. Emeritus Fee. Landscape architects 62 years of age or older, who have retired from active practice and/or other related professional activities, may request emeritus status. The annual renewal fee for approved emeritus landscape architects will be \$5. Application for reinstatement may be made for which there will be no reinstatement fee.

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911480

Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

Subchapter F. Landscape Architect Seal

• 22 TAC §3.105

The Texas Board of Architectural Examiners proposes an amendment to §3.105, concerning requirement of one full-time landscape architect in each office performing landscape architectural services. The amendment will allow a section to be proposed in a new Subchapter G, concerning title, firm names, and assumed names.

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

Mr. Norris also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section as proposed will be a better and clearer communication and understanding with the public as a result of establishing a new section. There will be no effect on small businesses. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Robert H. Norris, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The amendment is proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.105. Prohibited Use.

[(a)] No registrant shall affix the seal and/or signature and/or registration number to sketches, working drawings, specifications, or other documents developed by others not under the direct and continuing supervision and not subject to the authority of that registrant in critical professional judgments.

[(b) Each office in the State of Texas where landscape architectural service is offered or performed shall have a Texas registered landscape architect employed and practicing on a full-time basis in that 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 November 30, 1989.

TRD-8911479

Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

• 22 TAC §3.107

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

The Texas Board of Architectural Examiners proposes the repeal of §3.107, concerning assumed name certificates for identification of the registered landscape architect. The repeal will allow a section to be proposed in a new Subchapter G, Title, Firm Names, and Assumed Names.

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

Mr. Norris also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be a better communication and understanding with the public as a result of establishing a new section. There will be no small businesses as result of enforcing the repeal. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78757, (512) 458-1363.

The repeal is proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.107. Assumed Names.

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911478

Robert H. Norris, AIA
Executive Director
Texas Board of
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For further information, please call: (512) 458-1363

Subchapter G. Violations of Unregistered Persons

• 22 TAC §§3.121-3.125

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the

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

The Texas Board of Architectural Examiners proposes the repeal of §§3.121-3.125, concerning violations of unregistered persons. The repeals will allow a new Subchapter G, Title, Firm Names, and Assumed Names, to be proposed and sections regarding violations of unregistered persons to be proposed under a new Subchapter J.

Robert H. Norris, executive director, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Norris also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be better communication and understanding with the public as a result of establishing new sections. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Robert H. Norris, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The repeals are proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.121. Authority.

§3.122. Complaints; Alleged Violations.

§3.123. Investigation.

§3.124. Action.

§3.125. Records.

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

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Subchapter G. Title S, Firm Names, and Assumed Names

• 22 TAC §§3.121-3.127

The Texas Board of Architectural Examiners proposes new §§3.121-3.127, concerning

landscape architect firm names and assumed names in this state. These new sections clarify landscape architectural firms' authority for practice of landscape architecture, titles, and identification of the landscape architect-of-responsibility.

Robert H. Norris, executive director, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Norris also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a clear procedure for identification of the landscape architect and the identification of the landscape architect-of-responsibility when an offer to provide or perform landscape architectural services is made. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Robert H. Norris, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The new sections are proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.121. Titles.

(a) Persons holding certificates of registration issued by this board are authorized to employ the title "Landscape Architect" and use the words "landscape architect," or various constructions thereof, in describing or identifying services he/she solicits, offers, or executes.

(b) No other person, firm, partnership, corporation, or groups of persons may employ the title "Landscape Architect" or constructions of the words "landscape architect" to describe persons or services nor do such unregistered individuals or groups have authority to solicit, offer, or execute landscape architectural services in this state.

§3.122. Authority for Practice.

(a) Without lawful authority to practice landscape architecture in Texas, organizations of people however constituted are not authorized to solicit or execute landscape architectural services; such groups of persons organized in practice are dependent on the authority of individual landscape architects responsible to this board. Unregistered persons who offer to provide landscape architectural services in Texas may do so only if the landscape architect who will be performing such services is identified by name and registration number at the time such services are offered.

(b) Each landscape architectural firm in the State of Texas where landscape architectural service is offered or performed

shall have a Texas registered landscape architect in charge for each separate office location except where a project office is established for on-site construction administration.

(c) Corporate practice in landscape architecture is permissible under the statutes, when lawfully constituted, but only then upon the authority of individual landscape architects responsible to this board for the acts and conduct of the corporate practice.

(d) Thus, that responsibility of this board to protect the public interests from the irresponsible practice of landscape architecture is vested in the qualification and responsibility of landscape architects who are accountable individually.

§3.123. Firm Names. Landscape architects holding current certificates of registration may organize or engage in any form of individual or group practice of landscape architecture allowed by statutes in this state, and may entitle such practice accordingly:

(1) The surname or any combination of surnames of a person or persons registered to practice landscape architecture in this state may be used to entitle a firm practicing landscape architecture. Given names and/or initials are not required to accompany a surname in such firm entitlement.

(2) Firm names which include other than those in paragraph (1) of this section (i.e., surnames of nonlandscape architects, initials only, acronyms, etc.) are permissible provided that the landscape architect(s) responsible to this board is properly identified in accordance with §3.124 of this title (relating to Assumed Names).

§3.124. Assumed Names.

(a) Any person engaging in the practice of landscape architecture in this state, under any firm title other than the real name or real names of a landscape architect or landscape architects, whether individually, or as an association, partnership, or corporation, shall file in the office of this board a certificate, on a form promulgated by the board, stating the full name and residence address of each landscape architect-of-responsibility engaging in that practice, the place (including street, number, city, and zip code) where that practice is principally conducted, and the title under which the practice is conducted (see also §3.122 of this title (relating to Authority for Practice)). Said certificate shall be signed before a notary public by the landscape architect(s) - of-responsibility through which the individuals, association, partnership, or corporation is authorized to practice and the principal, senior partner, administrative head, or corporate president, as the case may be, of the firm for which the certificate is filed.

(b) Upon the retirement, withdrawal, disassociation, or new association of any landscape architect-of-responsibility from the firm or upon change of address of the operation's location, a letter on the firm's letterhead must be filed at the board office within 30 days of the effective date of the change to reflect such change.

(c) In the case of the death of the landscape architect-of-responsibility who has previously filed a certificate, the certificate reflecting the changed circumstances may be executed by the executor or administrator of his/her estate.

(d) The board staff shall maintain a suitable index of all certificates so filed, setting forth the pertinent facts.

§3.125. Architectural and/or Engineering Firms. Firms engaging in both architecture and landscape architecture or engineering and landscape architecture shall first file notice with this office stating that:

(1) the actual practice of landscape architecture on behalf of such firms, partnerships, or corporations is to be carried on only by landscape architects registered in this state who will be responsible to this board for acts and conduct of such firms;

(2) landscape architects named in such notice (and named in §3.124 of this title (relating to Assumed Names)) have authority from the governing body of such business entity as would result in it being legally liable for all professional acts and conduct of the landscape architects named. This statement of accepted liability must be over the acknowledgement of a notary public.

§3.126. Others. Firms engaging in landscape architecture when lawfully constituted as joint ventures, design-builders, corporations, and other group regardless of the form of lawful constitution shall first file a properly executed assumed name certificate.

(1) The actual practice of landscape architecture on behalf of such firms, partnerships, or corporations is to be carried on only by landscape architects registered in this state who will be responsible to this board for acts and conduct of such firms.

(2) The landscape architects named in such notice (and named in §3.124 of this title (relating to Assumed Names)) have authority from the governing body of such business entity as would result in it being legally liable for all professional acts and conduct of the landscape architects named. This statement of accepted liability must be over the acknowledgement of a notary public.

§3.127. Corporate Resolutions. A corporation filing an assumed name certificate as required in §3.124 and §3.125 of this title

(relating to Assumed Names; and Architectural and/or Engineering Firms), shall accompany the certificate with a properly executed corporate resolution. Forms are available at the board office.

(1) The resolution shall contain the name and location of the corporation and the names and registration numbers of the landscape architects responsible to this board.

(2) The resolution shall be styled in such a manner as to allow the directors of the corporation to designate the authority for all landscape architectural acts by the corporation to the named landscape architects.

(3) The statements and signatures included in the resolution shall be over the acknowledgement of a notary public.

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

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Robert H. Norris, AIA
Executive Director
Texas Board of
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Subchapter H. Disciplinary Action Against Registrants

• 22 TAC §§3.141-3.145

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

The Texas Board of Architectural Examiners proposes the repeal of §§3. 141-3.145, concerning disciplinary action against registrants. These repeals allow the board to propose a new subchapter concerning rules of conduct and to renumber the repealed subchapter as Subchapter I.

Robert H. Norris, executive director, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Norris, also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the sections as proposed will be a better communication and understanding as a result of establishing new repeals. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Robert H. Norris, Executive Director,

Texas Board of Architectural Examiners,
8213 Shoal Creek Boulevard, Suite 107,
Austin, Texas 78758, (512) 458-1363.

The repeals are proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.141. Definition of Complaints.

§3.142. The Administrative Procedure Act.

§3.143. Informal Disposition.

§3.144. Notice of Hearings.

§3.145. Appeals from Board Orders.

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

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Robert H. Norris, AIA
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Texas Board of
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• 22 TAC §§3.141-3.148

The Texas Board of Architectural Examiners proposes new §§3.141-3.148, concerning the rules of conduct for landscape architects in Texas. These new sections will explain the basis for suspension or revocation of certificates of registration; define gross negligence and misconduct; and add provisions for a landscape architect's completion of the alcohol or drug rehabilitation program in Texas.

Robert H. Norris, executive director, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Norris, also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections as proposed will be a better understanding with language clearly defining the basis for suspension or revocation of certificates of registration, gross negligence, and misconduct. There will be no effect on small businesses as a result of enforcing the sections. The anticipated economic cost to individuals who are required to comply with the sections as proposed cannot be determined by the agency. Rehabilitation program cost will vary with the nature and severity of the addiction.

Robert H. Norris, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The new sections are proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.141. Authority.

(a) Authority for enforcement of the Landscape Architects' Registration Law is vested in the board, with provisions therein for incurring expense reasonably necessary in that behalf.

(b) The board is charged with adoption of all reasonable and necessary rules and regulations which it may deem advisable and is empowered with authority to suspend or revoke certificates of registration for certain causes.

(c) To establish certain standards of procedure and conduct for landscape architects in practice, this and other chapters of these rules should be studied carefully.

(d) These rules of conduct are not intended to suggest or define standards of liability in civil actions against landscape architects involving their professional conduct.

§3.142. Standards of Practice.

(a) This board will require of each landscape architect conduct witnessing to high standards of integrity, judgment, and professional skill in practice

(b) The landscape architect shall submit to client only a that work (plans, specifications, reports, etc.) done by the landscape architect or under his/her responsible supervision; however, a landscape architect, as a third party, may complete, correct, revise, or add to the work of others when engaged to do so by a client, provided:

(1) the client furnishes the documentation of such work submitted to him by the first party;

(2) the first party is notified in writing by the third party landscape architect, of the engagement referred to in paragraph (1) of this subsection immediately upon acceptance of the engagement; and

(3) the completed, corrected, or revised work shall have a seal affixed by and become the responsibility of the third party landscape architect.

§3.143. Grounds For Suspension, Revocation, or Denial. The board may deny an applicant's eligibility and suspend or revoke a landscape architect's certificate of registration upon proof satisfactory to the board the applicant or landscape architect is guilty of:

- (1) violating registration law;
- (2) gross negligence;
- (3) incompetency; or

(4) misconduct.

§3.144. Gross Negligence Defined. The following practices, among others, may be deemed gross negligence, and cause for denial of an applicant's eligibility and suspension or revocation of a landscape architect's certificate of registration:

(1) failure to use due diligence and proper restraint in planning or observation procedures;

(2) failure to engage necessary design professionals competent and authorized to practice in their disciplines; or

(3) failure to clearly, accurately, and completely develop contract documents that properly qualify the requirements intended and provide against misunderstandings jeopardizing the client and/or builder.

§3.145. Incompetency Defined. The following practices, among others, may be deemed incompetency, and cause for denial of an applicant's eligibility and suspension or revocation of a landscape architect's certificate of registration:

(1) failure to fully advise clients of the implications of results of decisions made by the landscape architect when those results are not reasonably predictable;

(2) failure to exercise particular care and attention toward the intended results when procedures, techniques, materials, systems, etc., unfamiliar to the landscape architect, are employed as a result of his/her decision; or

(3) acts which evidence disregard or neglect in complying with regulations, codes, ordinances, and recognized standards regulating construction.

§3.146. Misconduct Defined.

(a) The following practices, among others, may be deemed misconduct and cause for denial of an applicant's eligibility and suspension, or revocation of landscape architect's certificate of registration:

(1) acts which evidence violation, or attempts to violate, any laws or rules of this or any other state relating to registration to practice landscape architecture. The misrepresentation or omission of relevant fact required or requested by application forms, notices, etc., issued by registration authorities are considered violations;

(2) acts which evidence attempts by a landscape architect, through commission or omission, to mislead or defraud any person or persons;

(3) acts which evidence attempts or success in efforts violating rules regarding the use of a landscape architect's seal; see Subchapter F of this chapter (relating to Landscape Architect Seal).

(4) acts which evidence attempts or success in efforts to bribe any person or

persons who may influence the selection of any landscape architect;

(5) acts which evidence attempts to conceal personal interests in conflict with responsibilities of service to a client;

(6) acts which evidence improper partiality as arbiter or interpreter in matters relating to client/contractor agreements resulting in or from unauthorized waivers, deviations, or disregard of provisions in such agreements; or

(7) acts which evidence inaccurate, false, or misleading advertising or representation to a prospective or existing client or employer of his/her qualifications or of the scope of his/her responsibility in connection with work for which he or she is claiming credit.

(b) A landscape architect possessing knowledge of a violation of these rules by another landscape architect, person or firm shall report such knowledge to the Texas Board of Architectural Examiners. Failure to report such knowledge may be cause for disciplinary action.

(c) The following practices, among others, are permissible:

(1) publication and distribution of professional cards and brochures giving factual information;

(2) subscription to telephone listing services including classified sections of telephone directories giving factual information;

(3) subscription to professional directories within business and professional publications giving factual information;

(4) authoring and permitting publication of professional and/or technical papers, descriptive graphics, etc., within the technical press but only to the extent that factual information is presented; and

(5) advertisement in public media; services available, fees, etc., giving factual information except as in subsection (a)(7) of this section.

§3.147. Addiction/Habituating. If in the course of a disciplinary proceeding, it is found by the board that addiction or habituation to alcohol or a controlled substance, as provided by Texas Civil Statutes, Article 4476-15, §1.02, Subdivision 4 (Controlled Substance Act), contributed to a violation of the Landscape Architects' Registration Law or rules of this board, then the board may condition its disposition of the disciplinary matter on the landscape architect's completion of a rehabilitation program approved by the Texas Commission on Alcohol and Drug Abuse at a facility also approved by the commission.

§3.148. Record of Conviction. The board may deny an applicant's eligibility and suspend or revoke a landscape architect's certi-

fication of registration for conviction of a misdemeanor or felony and consistent with Texas Civil Statutes, Article 6252-13c. The procedures for such action by the board will be governed by Texas Civil Statutes, Article 6252-13d.

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

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Robert H. Norris, AIA
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Texas Board of
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For further information, please call: (512) 458-1363

Subchapter I. Charges Against Landscape Architects: Action

• 22 TAC §§3.158-3.174

The Texas Board of Architectural Examiners proposes new §§3.158-3.174, concerning complaints and actions against landscape architects. These are new sections clarifying old language in repealed sections in Subchapter H. The new sections also more clearly define procedures of disciplinary hearing and charges against landscape architects.

Robert H. Norris, AIA, executive director, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Norris also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a more expeditious procedure for achieving due process of law for registrants and the public. There will be no effect on small businesses as result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The new section are proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.158. Suspension and Revocation.

(a) The board may suspend or revoke a certificate of registration for failure to register annually and remit renewal fees as described in Subchapters D and E of this chapter (relating to Certification and Annual Registration; and Fees).

(b) The board may suspend or revoke a certificate of registration for proof of

acts as described in Subchapter H of this chapter (relating to Rules of Conduct).

§3.159. *Definition of Complaint.* In order for the board to act on complaints against landscape architects filed with the board by persons other than the board's enforcement staff, the complaint shall be submitted in writing, on a form provided by the board, and acknowledged before a notary public. No oral communication of complaints shall be investigated by the board. All written complaints shall be kept in an information file as required by Texas Civil Statutes, Article 249c, -§8B (The Regulation of the Practice of Landscape Architecture).

§3.160. Records.

(a) The executive director shall maintain a separate file containing all information in connection with complaints, charges, hearings in connection with such charges, and the action of the board in each case.

(b) On each written complaint relating to a landscape architect filed with the board, a report to the complainant shall be made at least as frequently as quarterly on the status of the complaint until the final disposition of the complaint.

§3.161. *Administrative Procedure and Texas Register Act.* The provisions of the Administrative Procedure and Texas Register Act shall apply to the conduct of all disciplinary hearings, with additional rules as may be hereinafter adopted by the board which shall be in addition to and not inconsistent with APTRA.

§3.162. *Informal Disposition.* Informal hearings of disciplinary actions may be conducted after the filing of a sworn complaint but before a formal board hearing is set. Informal disposition may be made of any proceeding by stipulation, agreed settlement, consent order, or default. Informal hearings may be chaired by one board member, or the designate or representative of the board. The board shall present its evidence substantiating the complaint, and the landscape architect may present evidence by correspondence or appearance at the informal hearings, in an effort to bring about an adjustment and equitable solution to the matter without a formal hearing before the board. All informal dispositions of matters shall not be final and effective until the board, at a regularly called session, endorses and renders its acceptance of the proposed agreement of the parties. If the controversy is not resolved, such informal hearing shall be held without prejudice to the right of the board thereafter, to institute a formal hearing governing the same matters, or the right of the landscape architect involved, to request a formal hearing.

§3.163. *Notice of Hearings.* Prior to an informal or formal hearing by the board, the landscape architect shall be advised of the specifics in the complaint as well as the date, time, and place of such informal or formal hearings; provided, however that notice of said hearing shall be served upon the landscape architect no less than 30 days prior to the date set for said hearing.

§3.164. *Appeals From Board Orders.* A landscape architect who is aggrieved by a decision of the board, may file an appeal within 30 days of receipt of a copy of the board's order as set out in the Landscape Architects' Registration Law and in compliance with APTRA, 19(d).

§3.165. *Witnesses.* The board shall hear such witnesses as are reasonably necessary to fairly present the relevant issues as set forth in the complaint, together with witnesses knowledgeable of material facts to the defense of the landscape architect.

§3.166. *Notices.* Copies of the notices of hearings scheduled by the board shall be filed with the Secretary of State and other appropriate agencies.

§3.167. *Official Record.* The board shall keep an official record of all proceedings and exhibits.

§3.168. *Transcript.* The board may cause a transcript of the proceedings to be made which, together with the evidence and exhibits submitted, shall be the record of the hearing. Such transcript may be made also on written request of either party of said charges, but at the expense of the demand party. A copy of such transcript, however caused to be made, shall be submitted to the board and become part of the record of the case.

§3.169. Findings.

(a) At the conclusion of each hearing and after careful consideration of all the evidence, the board shall make a finding in each case. The board may find that:

(1) the complaint is without merit, and should be dismissed; or

(2) the complaint is substantiated and the landscape architect has violated the Landscape Architects' Registration Law, or board rules and regulations involved. In such case, the board shall then determine the penalty to be imposed. The penalty shall be one of the following.

(A) Suspension. The formal notice of the board that the finding has resulted in suspension of the landscape architect's certificate of registration for a stated period of time as determined by the board; all or part of which suspension may

be probated under such terms as may be determined by the board.

(B) **Revocation.** The formal notice of this board that the finding has resulted in revocation of the landscape architect's certificate of registration.

(b) When the board has made its findings, and imposed the penalty, the meeting of the board shall stand recessed as to that case, subject to recall by the chair. If a hearing is not concluded on the day it commences, the board shall, to the extent possible, proceed with the conduct of the hearing on each subsequent working day until the hearing is concluded.

§3.170. Correspondence. The executive director may carry on correspondence with the landscape architect or the complainant, provided copies of such correspondence with either shall be immediately furnished the other. **3.171. Disqualification of Board Members.** If, for personal reasons, a member of the board finds that he should not act on any charge before the board, he may disqualify himself from acting in the proceedings. By majority vote, the board may request but cannot demand that a member so disqualify himself. Suggestions by any party that a member of the board should disqualify himself shall be included in the record of the proceedings and shall be considered by the board.

§3.172. Absence From a Hearing. Appearance at a hearing may be waived by the landscape architect. If so waived, the hearing shall proceed at the time and place set in the notice of the hearing and said waiver shall be noted in the record. If the landscape architect fails to appear at the hearing, the board may proceed to hear evidence in support of the complaint and render a judgment thereon.

§3.173. Time Extensions. Motions for postponement, continuance, withdrawal, or dismissal of matters which have been duly set for hearing, shall be in writing, shall be filed with the executive director and distributed to all interested parties, under a certificate of service, not less than 10 calendar days prior to the designated date set, unless the cause for motion arises at a later time. Such motion shall set forth, under oath, the specific grounds upon which the moving party seeks such action and shall make reference to all prior motions of the same nature filed in the same proceeding. Once a matter has actually proceeded to a hearing, pursuant to the notice issued thereon, no postponement or continuance shall be granted by the presiding officer without consent of all parties involved, unless the board shall have ordered such postponement or continuance.

§3.174. Summons. The board may summon and question witnesses or examine

other evidence on its own motion in any proceeding. Any party to the charges and any witnesses shall answer fully and truthfully and without reservation all questions asked of them at an hearing which shall be deemed relevant by the board.

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

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Robert H. Norris, AIA
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Subchapter J. Violations by Unregistered Persons

• 22 TAC §§3.184-3.188

The Texas Board of Architectural Examiners proposes new §§3.184-3.188, concerning violations by unregistered persons; investigation of complaints; action of the board; and records of such complaints.

Robert H. Norris, AIA, executive director, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Norris also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a better understanding concerning complaints of alleged violations of law or rules by unregistered persons. There will be no effect on small businesses. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The new sections are proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.184. Authority.

(a) The Texas Landscape Architects' Registration Law is specific in its provisions, authorizing the lawful practice of landscape architecture. It is equally specific in charging the Texas Board of Architectural Examiners with responsibility for enforcement of the Act. The statutes exempt certain persons from provisions of the Act, but otherwise, unregistered persons are liable for violations.

(b) Persons or firms offering or performing services under an exception as per-

mitted under the Act, §2, should be aware that fines up to \$200 for each day of each offense as defined in the Act, §9, may be assessed by a proper court.

§3.185. Complaints; Alleged Violations.

(a) Complaints alleging violation of law or lawful rules and regulations, the enforcement of which is a responsibility of the board, shall be addressed to the board office, substantiated by evidence, and signed by the complainant before a notary public.

(b) No oral communications of complaints shall be investigated by the board. All written complaints shall be kept in a file in the board office.

§3.186. Investigation. Sworn written complaints alleging violations shall be confirmed and preliminarily investigated by the board's enforcement staff and executive director. After preliminary investigation the executive director, with the assistance of the board's enforcement staff and counsel, shall:

(1) dismiss the charges, so notifying the complainant, for lack of evidence;

(2) correspond with the person charged with the complaint, confronting him with such evidence as is available, and request such assurances as the board seeks that such violations will not be repeated; or

(3) refer the matter to the board counsel for injunctive relief.

§3.187. Action.

(a) The board, when referring cases to counsel for court action, shall direct counsel to initiate and maintain such actions against the named respondent as are possible, in support of the Landscape Architects' Registration Law and applicable and lawful rules and regulations.

(b) In support of such requests forwarded to counsel, the board's executive director stands instructed to support and cooperate with counsel and the courts in any manner possible, and to keep the board advised of relevant matters as the case develops.

§3.188. Records.

(a) In the board office there shall be maintained a current file of all complaints alleging violations by unregistered persons, firms, etc. reflecting all information and action pertinent thereto.

(b) Upon its own motion the board may reopen any such case on record and direct a reinvestigation of the respondent's actions subsequent to resolution of the earlier complaint.

This agency hereby certifies that the proposal has been reviewed by legal counsel and

found to be within the agency's authority to adopt.

Issued in Austin, Texas on November 30, 1989.

TRD-8911481

Robert H. Norris, AIA
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 458-1363

Part XXI. Texas State Board of Examiners of Psychologists

Chapter 465. Rules of Practice

• 22 TAC §465.18

The Texas State Board of Examiners of Psychologists proposes new §465.18, concerning supervision rules. The board has initiated several changes in supervision requirements as a result of practice issues that have come to their attention over the past five years. Major changes include the definition of supervisees, the requirement for the psychologist to do the intake evaluation, and after five years allowing, with board approval, psychological associates to do their own intake evaluations of the psychologist's patients/clients.

Patricia S. 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 receive psychological services only from those persons; who are going through training or who are trained in psychology educational programs at regionally accredited educational institutions. 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 Patricia S. Bizzell, Executive Director, 8101 Burnet Road, Suite 212, Austin, Texas 78758.

The new section is proposed under Texas Civil Statutes, Article 4512c, which provides 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 reasonable necessary for the proper performance of its duties and regulations of proceedings before it.

§465.18. Supervision.

(a) General supervision. These rules are to be used in conjunction with the supervision rules for specific areas/settings which are also required in Subsections (b)-(d) of this section.

(1) Purpose:

(A) to provide rules by which a psychologist conducts supervision for the provision of psychological services; and

(B) to provide rules by which a psychologist conducts supervision of students who will use this supervision to meet requirements for certification/licensure, provided the student is matriculating in a masters or doctoral degree psychology program at a regionally accredited educational institution.

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

(A) Psychologist as a supervisor—A person licensed to practice psychology.

(B) Supervisee—A person providing psychological services and supervised by a licensed psychologist is limited to the following:

(i) applicant for certification as a psychological associate;

(ii) applicant for certification as a psychologist;

(iii) applicant for licensure as a psychologist;

(iv) certified psychological associates;

(v) certified psychologist;

or

(vi) individuals who will use this experience for future applications before the Board, including students who are matriculating in a psychology masters or doctoral program.

(3) Supervision contract.

(A) Initiation. The supervising psychologist must submit a Texas State Board of Examiners of Psychologists Supervision Contract to the board prior to the date that supervision is to begin. The Board Supervision Contract includes:

(i) name and signature of supervisor and name and signature of supervisee;

(ii) certificate number of supervisor and certificate number of supervisee if applicable;

(iii) primary location and address where psychological services are to be rendered;

(iv) description of psychological services to be rendered by the supervisee;

(v) statement that the supervisor and the supervisee have read and

agree to adhere to §465.18 at all times; and

(vi) date that the supervisor and the supervisee sign the Board Supervision Contract.

(B) Termination. The supervising psychologist must submit a Notification of Termination of Supervision to the Texas State Board of Examiners of Psychologists when supervision has ceased. The Board Notification of Termination of Supervision includes:

(i) name and signature of supervisor and name of supervisee;

(ii) statement that supervision has terminated;

(iii) reason for termination; and

(iv) Date of termination of supervision.

(C) Changes. Any change in the Board Supervision Contract requires submission of a new Board Supervision Contract.

(4) Requirements of supervision.

(A) The supervisor must have adequate training, knowledge, and skill to render competently any psychological services which the supervisee undertakes. The supervisor has discretion to refer the supervisee for specific supervision from another professional.

(B) The supervisor shall establish and maintain a level of supervisory contact consistent with established professional standards and be fully accountable for professional, ethical, and legal issues.

(C) The supervisor is responsible for determining the adequacy of the supervisee's ability to perform the psychological tasks.

(D) The number of supervisees working under the supervision of a psychologist is limited. See Subsections (b)(6), (c)(3), and (d)(7) of this section.

(E) A supervisee must clearly state the supervised status to patients/clients and other interested parties and must provide the name, address, and telephone number of the supervisor.

(F) The supervisor may not be employed by the supervisee, may not lease or rent space from the supervisee, and avoids any dual relationship with the supervisee which could impair the supervisor's professional judgment.

(G) A written record of a supervisee's work activities must be maintained by the supervisor.

(H) The supervisor must provide each supervisee with no less than one hour of regularly scheduled one-to-one supervision weekly, regardless of the number of hours employed per week. Group supervision may be used as an adjunct to the one-to-one supervision but not as a substitute.

(I) Supervisors must be available for emergency consultation, emergency intervention, and for discussion of any problems encountered by the supervisee at times in addition to the scheduled supervisory sessions.

(J) The supervisor will provide an alternate psychologist to provide supervision for the supervisee in circumstances when the supervisor is not available.

(K) Supervisors shall have both the administrative and the professional authority over the type and quality for all psychological services rendered by the supervisee. See subsection (c)(2) of this section for school settings.

(L) The psychologist is responsible for maintenance of the patient/client files.

(M) A supervisee may not pay for supervision.

(5) Monetary considerations.

(A) Fee setting is the responsibility of the psychologist.

(B) Billing for psychological services must specify both the name of the supervisor and the name of the service provider.

(C) Supervisors may only bill insurance companies for services rendered by a supervisee as defined in paragraph (2)(B) of this subsection and a Board Supervision Contract is on file with the board.

(D) The supervisee cannot pay a portion of officer rent, telephone expense, or any other office or business related expense except malpractice insurance. Also see supervision rule, subsection (a)(4)(F) of this section.

(b) Supervision for a private practice, a non-exempt agency, or an organization or corporation. These rules are to be used in conjunction with subsection (a) of this section.

(1) All patients/clients are to be seen and evaluated by the supervisor during the intake process. After five years, a psychological associate may apply to the board for a waiver of subsection (b)(1) of this section. This waiver may be granted by the board.

(2) Upon patient/client termination, all patient/client files remain in the custody of the supervisor.

(3) The supervisor shall have knowledge of all patients/clients, including ongoing personal contact when necessary, in order to plan effective treatment and services. The progress of the work shall be monitored on a regular basis by the supervisor.

(4) The supervisor and supervisee shall office in the same primary work setting at the same site. The supervisor's office is the base of operations and the location of patient/client records. A rural work setting may warrant special consideration by the board; a request for variance must be approved by the board in advance of implementation.

(5) Patients/clients must be informed that they may periodically meet with the supervisor.

(6) If a supervisor wants to supervise more than three supervisees, the psychologist must obtain board approval in advance.

(7) Public announcements of services and fees, and contact with the public or professional community shall be offered only in the name of the supervising psychologist.

(8) The supervisor's business card, letterhead stationery, insurance forms, and other professional materials may include name of supervisee provided that the supervisee's status is indicated: Psychological Associate, Certified Psychologist, or Psychology Trainee. The designation "Supervisee" must also appear on supervisor's business cards, letterhead stationery, insurance forms, and other professional materials. A supervisee/employee can not use individual business cards, letterhead stationery, insurance forms, and other professional materials.

(9) All professional reports written by the supervisee must be signed by the supervisor and the supervisee and so designated.

(c) Supervision in school settings. These rules are to be used in conjunction with subsection (a) of this section.

(1) A supervisee in a school setting is defined as a person employed by a school district, cooperative, regional educational service center, or state school.

(2) The supervisor may be an employee of the school system. The supervisor must have professional responsibility for the work and behavior of the supervisee.

(3) If supervisor wants to supervise more than three supervisees, the psy-

chologist must obtain board approval in advance.

(4) All professional reports written by the supervisee must be signed by the supervisor and the supervisee and so designated.

(d) Supervision for industrial/organizational settings. These rules are to be used in conjunction with subsection (a) of this section.

(1) Supervisees doing ameliorative work in industrial/organizational settings must follow the supervision rules in subsections (a) and (b) of this section. Supervisees not engaged in ameliorative work are to use the supervision rules in subsections (a) and (d) of this section.

(2) The supervisee may be employed by a third party.

(3) The supervisor will provide an alternate supervisor when the supervisee is temporarily off-site within the state. The ultimate responsibility remains with the original supervisor.

(4) A minimum of four one-to-one hours of regularly scheduled supervision per month is required. When the supervisee is in another geographic area, regularly scheduled progress contacts at least four times a month are required. Such progress contacts may be done by telephone and must be documented in writing by the supervisor in the same manner as regularly scheduled supervisory sessions.

(5) The supervisor and supervisee must be knowledgeable of the ethical standards which affect the practice of Industrial/Organizational psychology, particularly those standards which relate to the confidentiality in industrial/organizational settings.

(6) The supervisor and supervisee shall define clearly, in writing, the activities which are to be supervised and the level of supervision which is appropriate to each project.

(7) If a supervisor wants to supervise more than three supervisees, the psychologist must obtain board approval in advance.

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 December 1, 1989.

TRD-811551

Patricia S. Bizzell
Executive Director
Texas State Board of
Examiners of
Psychologists

Proposed date of adoption: January 15, 1990

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

Part XXV. Structural Pest Control Board

Chapter 591. General Provisions

• 22 TAC §591.10, §591.11

The Structural Pest Control Board proposes new §591.10 and §591.11, concerning administrative penalties and determination of administrative penalties. The board proposes new §591.10 and §591.11 concerning administrative penalties. The sections are proposed as part of the board's implementation of House Bill 3167, 71st Legislature, 1989, §4, which added §10B to Article 135b-6 Texas Civil Statutes, authorizing the assessment of administrative penalties by the board. Section 591.10 sets the procedure for the issuance of a violation report by the executive director, notice requirements and the basis for a hearing. Section 591.11 establishes guidelines for the determination of administrative penalties.

David A. Ivie, executive director, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Ivie, also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be better service from pest control companies because of better compliance with Structural Pest Control Board laws brought about by prompt assessment of uniform penalties. There will be no effect on small businesses as result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Guy J. Joyner, General Counsel, Structural Pest Control Board, 9101 Burnet Road, Suite 201, Austin, Texas 78758.

The new sections are proposed under Texas Civil Statutes, Article 135b-6, §4(d), which provide the Structural Pest Control Board with the authority to promulgate rules and regulations governing the methods and practices of structural pest control when it determines that the public's health and welfare necessitates such regulations in order to prevent adverse effects on human life and environment.

§591.10. Administrative Penalties.

(a) The executive director shall be responsible, after investigation by the agency staff, for determining whether a violation of the Act or a rule or order adopted by the board has occurred which allows the assessment of an administrative penalty. If after such investigation and determination it is found a violation has occurred, the executive director may issue a violation report as described in the Act, §10B.

(b) The executive director shall base the recommended amount of the proposed penalty on the factors provided by the Act, §10B(c).

(c) Within the time limits stated

and the manner described in §10B, the executive director shall give written notice of the report to the person charged.

(d) If the person charged with the violation accepts the determination of the executive director, the board shall issue an order approving the determination and ordering payment of the recommended penalty.

(e) If the person charged requests a hearing or fails to respond in a timely manner, the executive director shall set a hearing to be conducted in the manner described in the Act, §10B. The findings of fact, conclusions of law and proposal for decision of such hearing shall be issued to the Structural Pest Control Board for its consideration.

§591.11. Determination of Administrative Penalties.

(a) Base Penalty (BP) amounts will be established that consider the seriousness of the violation. Examples of possible violations of the Act and a possible base penalty for each violation and each day a violation exists are as follows. The violations are not limited to the list and the base penalty may vary depending upon the circumstances.

(1) Minor violations such as incomplete records or no TPCL numbers on vehicles may be assessed a penalty of \$100 to \$500 per violation.

(2) violations which do not present a hazard to the public health, safety, welfare or to the environment such as failure to honor contract or failure to notify the board of an address where a licensee may be reached may be assessed a penalty of \$250 or \$1,000 per violation.

(3) violations which present a minor hazard to the public health, safety, welfare, or to the environment that may result from actions such as failure to supervise employees or failure to maintain proper insurance coverage may be assessed a penalty of \$500 to \$2,000 per violation.

(4) violations which present a major hazard to the public health, safety, welfare, or to the environment that may result from actions such as use inconsistent with the label or intentional misrepresentation may be assessed a penalty of \$1,000 to \$5,000 per violation.

(b) Adjustment will be determined in the reduction or addition to the BP as appropriate in four categories.

(1) History of previous violations. Consideration will be given to such items as length of time since violation has occurred and inconsistency of compliance history.

(2) Amount necessary to deter future violations. Consideration will be given to such items as documents provided, licenses surrendered, and cooperative nature

of persons charged.

(3) Efforts to correct the violation. Consideration will be given to such items as completeness of corrective effort and cooperation to accomplish correction.

(4) Other matters that justice may require. Consideration will be given to such items as ability to pay, and events beyond the control of the violator which caused the violation or affected the effort to correct 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 November 30, 1989.

TRD-8911459

David A. Ivie
Executive Director
Structural Pest Control
Board

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 835-4066

TITLE 37. PUBLIC SAFETY AND CORRECTIONS Part III. Texas Youth Commission Chapter 91. Discipline and Control

Control • 37 TAC §91.51

The Texas Youth Commission proposes an amendment to §91.51, concerning use of chemical agents. The amendment will allow the commission to use chemical agents to regain control when a delinquent youth is engaging in behavior which is likely to result in major physical injury to the youth or others.

John Franks, director of fiscal affairs, has determined that there will not be fiscal implications as a result of enforcing or administering the section.

Mr. Franks 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 fewer injuries to employees of the Youth Commission. There will be no effect on small businesses. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Gail Graham, Texas Youth Commission, 4900 North Lamar Boulevard, Austin, Texas 78765.

The amendment is proposed under the Human Resources Code, §61.034 which provides the Texas Youth Commission with the authority to make rules appropriate to the proper accomplishment of its functions.

§91.51. Facility Security.

(a) (No change.)

(b) Rules.

(1) (No change.)

(2) Chemical agents may be used only to the extent necessary to ensure the safety and welfare of youth and staff in accordance with the General Operating Policy (GOP) 67.11, §91.61 of this title (relating to Use of Chemical Agents) [Use of mace is prohibited].

(3) Tear gas may be used only to the extent reasonably necessary to bring under control a riot that threatens imminent harm to life or imminent and substantial destruction of property and only at the direction of the superintendent or designee. Use of tear gas is reported immediately to the executive director.]

(3)[4] Under no circumstances is a stimulant, tranquilizer, or psychotropic drug administered for the purpose of program management and control, or for experimentation and research.

(4)[5] Each facility maintains a control center staffed 24 hours a day.

(5)[6] Each facility maintains a key control system.

(6)[7] Facilities have access to the necessary equipment to maintain essential light and as system of communication within the facility and between the facility and the community for use in an emergency.

(7)[8] All facilities have written emergency plans including fire, riot, hostage, medical, evacuation, and natural disasters. Plans are made available to all personnel and are reviewed and updated annually.

(8)[9] All facilities personnel are trained in the implementation of the emergency plans.

(9)[10] All facilities ensure and maintain procedures for:

(A) securing a dorm and/or facility for day and night activity;

(B) responding to escapes and attempted escapes;

(C) youth using tools, culinary, and medical equipment; and

(D) registering visitors and conducting a search of a visitor in accordance with GOP.61.01, §89.1 of this title (relating to Basic Youth Rights) .

(10)[11] Institutions ensure and maintain procedures for:

(A)-(D) (No change.)

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

Issued in Austin, Texas on November 29, 1989.

TRD-8911537

Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 483-5244

◆ ◆ ◆
• 37 TAC §91.61

The Texas Youth Commission proposes new §91.61, concerning procedures for using a chemical agent to regain control when a delinquent youth is engaging in behavior which is likely to result in major physical injury to the youth and others. Use of chemical agents is limited to incidents when use of force would be justified but when the use of force, under the circumstances, would likely result in major injury to the youth or others.

John Franks has determined that there will not be fiscal implications as a result of enforcing or administering the section. There will be no effect on state or local government for the first five years the section is in effect.

Mr. Franks also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section as proposed will be fewer injuries to employees and youth. There will be no effect on small businesses. 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 Gail Graham, Texas Youth Commission, 4900 North Lamar Boulevard, Austin, Texas 78765.

The new section is proposed under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules appropriate to the proper accomplishment of its functions.

§91.61. Use of Chemical Agents

(a) Policy. Texas Youth Commission (TYC) staff use agency approved chemical agents when necessary to ensure the safety and welfare of youth and staff. The Texas Youth Commission prohibits the use of chemical agents as a form of punishment.

(b) Rules.

(1) Criteria for use.

(A) Use of approved chemical agents is justified only in situations when the use of force would be justified and when the use of force, under the circumstances, would likely result in major physical injury to the youth or others.

(B) Use of chemical agents is authorized only in TYC facilities approved by the executive director.

(2) Staff use.

(A) Only TYC staff who have received appropriate training are authorized to use chemical agents.

(B) A chemical agent may only be used at the direction of the facility administrator or designee. In all instances, the superintendent, assistant superintendent, director of security, or administrative duty officer will be notified prior to its use.

(C) Immediately following the incident, the medical staff will examine and if necessary, treat youth exposed to the agent.

(D) In all cases, the use of a chemical agent will be witnessed by TYC staff members, other than the staff using the agent.

(E) All incidents involving the use of chemical agents are reported on the Incident Report, Form CCF-225, and the use of chemical agent report form which must be completed immediately after the incident by the employee using the chemical agent. All such incidents are reported to the facility administrator no later than the next working day.

(F) The facility administrator is responsible for reporting the use of a chemical agent to the director of institutions, deputy executive director, and executive director within 24 hours of receipt of notification.

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

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

TRD-8911538

Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption: January 8, 1990

For further information, please call: (512) 483-5244

◆ ◆ ◆
TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

The following proposals submitted by the Texas Department of Human Services will be

serialized beginning in the December 12, 1989, issue of the *Texas Register*. The proposed date of adoption is February 15, 1990.

Chapter 2. Medically Needy Program

Program Requirements

- 40 TAC §2.1012 (amendment)

Chapter 4. Medicaid Programs—Children and Pregnant Women

Eligibility Requirements

- 40 TAC §4.1012 (amendment)

Chapter 16. Intermediate Care Facilities/Skilled Nursing Facilities (ICF/SNF)

Support Documents

- 40 TAC §16.9801 (amendment)

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

Subchapter UUUU. Support Documents

- 40 TAC §27.9801 (amendment)

Chapter 31. Case Management for Persons with Mental Retardation or Related Condition

Program Requirements

- 40 TAC §31.11 (amendment)

Chapter 35. Pharmacy Services

Subchapter U. Support Documents

- 40 TAC §35.9001 (amendment)

Chapter 47. Primary Home Care

Support Documents

- 40 TAC §47.5901 (amendment)

Chapter 48. Community Care for Aged and Disabled

Support Documents

- 40 TAC §48.9802 (amendment)

Chapter 85. General Licensing Procedures

Subchapter EE. Agency and Institutional Licensing Procedures

- 40 TAC §85.3047 (amendment)

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Withdrawn Sections

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

TITLE 16. ECONOMIC REGULATION

Part VIII. Texas Racing Commission

Chapter 301. Definitions

• 16 TAC §301.1

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §301.1, submitted by the Texas Racing Commission has been automatically withdrawn, effective December 1, 1989. The amendment as proposed appeared in the May 30, 1989 issue of the *Texas Register* (14 TexReg 2569).

TRD-8911531

Chapter 303. General Provisions

Subchapter B. Powers and Duties of the Commission

• 16 TAC §303.151

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §303.151, submitted by the Texas Racing Commission has been automatically withdrawn, effective December 1, 1989. The amendment as proposed appeared in the May 30, 1989 issue of the *Texas Register* (14 TexReg 2569).

TRD-8911532



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 1.

ADMINISTRATION Part V. State Purchasing and General Services Commission

Chapter 111. Executive Administration Division

Parking

• 1 TAC §111.37

The State Purchasing and General Services Commission adopts an amendment to §111.37, without changes to the proposed text as published in the September 29, 1989 issue of the *Texas Register* (14 TexReg 5103).

At the present time there is no provision in the parking rules to permit the issuance of parking permits to temporary employees. This places such employees in jeopardy of being cited and/or towed from state parking facilities even though they are performing services as employees within the Capitol Complex. Addition of subsection (e) to §111.37 will enable temporary employees to park in state parking facilities without being in violation of the parking rules.

Parking coordinators for each state agency will notify, in writing, the parking and traffic section of Capitol Security of all temporary employees who require parking permits. Upon receipt of this written notification, temporary parking permits will be issued enabling the temporary employees to park in available state parking facilities.

The only comment received was favorable and stated that not only would parking be provided for temporary employees but much unnecessary paperwork would be eliminated.

Commenting in favor of the amendment was the State Department of Highways and Public Transportation.

The amendment is adopted under Texas Civil Statutes, Article 601b, §4.12, which provide the State Purchasing and General Services Commission with the authority to assign parking to state officers and employees and to promulgate necessary rules related thereto.

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

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

TRD-8911426

John R. Neel
General Counsel
State Purchasing and
General Services
Commission

Effective date: December 20, 1989

Proposal publication date: September 29, 1989

For further information, please call: (512) 463-3446

Chapter 125. Travel and Transportation Division

Travel and Transportation

• 1 TAC §125.13

The State Purchasing and General Services Commission adopts an amendment to §125.13, without changes to the proposed text as published in the September 29, 1989, issue of the *Texas Register* (14 TexReg 5103).

Amendments to §125.13 are adopted due to the enactment of Senate Bills 318 and 1813 by the 71st Texas Legislature. These bills revised the definition of "space" as shown in Texas Civil Statutes, Article 601b, Article 6 to exclude space to be utilized for less than one month for meetings, conferences, seminars, conventions, displays, examinations, auctions, or other similar purposes. The effective result of this statutory change is that the Leasing Section of the Facilities Construction and Space Management Division will no longer process state agency requests for acquisition of such space. Therefore, as an alternative for state agencies requiring space acquisition services for such functions, the Group/Meeting Services portion of the State Travel Management Program, with these adopted amendments, may now provide space acquisition services for these functions, as well as for meetings, conferences, seminars, or conventions.

The adoption of amendments to §125.13 would allow state agencies to receive these space acquisition services for displays, examinations, auctions, or other similar purposes through the Group/Meeting Services portion of the State Travel Management Program by submitting a travel service requisition to the commission requesting such services.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 601b, §14.01, which provide the State Purchasing and General Services Commission with the authority to adopt rules necessary to implement the provisions of Texas Civil Statutes, Article 601b, Article 14.

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 November 29, 1989.

TRD-8911426

John R. Neel
General Counsel
State Purchasing and
General Services
Commission

Effective date: December 20, 1989

Proposal publication date: September 29, 1989

For further information, please call: (512) 463-3446

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 21. Practice and Procedure

Hearings

• 16 TAC §21.106

The Public Utility Commission of Texas adopts an amendment to §21.106, with changes to the proposed text as published in the July 25, 1989, issue of the *Texas Register* (14 TexReg 3563).

The amendment is adopted to clarify procedures relating to interim orders, add a response period for appeals of interim orders, and prohibit applications for rehearing of rulings by commissioners on appeals from interim orders.

No comments were received regarding adoption of the amendment.

The proposed text published in the July 25, 1989, issue of the *Texas Register* erroneously omitted the following sentence: "Such appeal may seek a stay of the interim order." The amendment as adopted includes this sentence.

The amendment is adopted under the Public Utility Regulatory Act, Texas Civil Statutes, Article 1446c, §16(a); and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §4(a)(1), which authorize the commission to adopt rules of practice and procedure.

§21.106. *Interim Order and Appeals of Interim Orders.*

(a) Relief through interim order. Prior to any final order of the commission, a party or the staff may seek, through an

examiner, relief through interim order, but that order shall not be considered of the same nature as a final decision. An interim order shall not be subject to exceptions or applications for rehearing, but any party aggrieved by the interim order may appeal that order to the commissioners by filing a written appeal within 10 days of the rendition of the interim order. Such appeal may seek a stay of the interim order. Any response to an appeal must be filed within 15 days of the rendition of the order. The commissioners shall rule on the interim order within 20 days of the filing of the appeal. Pending such ruling by the commissioner, the examiner or the commissioners may grant a stay of the interim order. If the commissioners do not rule on the appeal within 20 days of its filing, or extend the time for ruling, the interim order is deemed approved and any granted stay is lifted. Any ruling by the commissioners on an appeal from an interim order shall not be subject to applications for rehearing.

(b) (No change.)

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

Issued in Austin, Texas, on November 30, 1989.

TRD-9011575

Paul Meek
Chairman
Public Utility Commission
of Texas

Effective date: December 22, 1989

Proposal publication date: July 25, 1989

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

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 89. Adaptations for Special Populations

Subchapter G. Special Education

Clarification of Provisions in Federal Regulations and State Law

The Texas Education Agency adopts amendments to §§89.221, 89.223, 89.220, 89.235, 89.244, and the repeal of §89.230. Sections 89.221, 89.223, 89.235, are adopted with changes to the proposed text as published in the October 3, 1989, issue of the *Texas Register* (14 TexReg 5211). Sections 89.220, 89.244, 89.258, and the repeal of §89.230 are adopted without changes and will not be published. The sections concern special education programs. The amendments are adopted pursuant to legislation passed by the 71st Texas Legislature.

Section 89.221 was amended by adding a requirement that admission, review, and dis-

missal (ARD) committees determine their actions by mutual agreement and by suggesting an alternative method (i.e., a recess) for doing so. An amendment to §89.223 deletes the requirement that ARD committees determine actions by a majority vote. The amendments are intended to promote the goal of reaching mutual agreement.

An amendment to §89.220 requires districts to notify parents that they can request to discuss any service at an ARD committee meeting they think will help their child. Section 89.235 was amended by adding new subsection (j) which describes the extended year services for students with handicaps. The amendments to §89.244 reflect recent statutory changes regarding the appointment by the governor, rather than the State Board of Education, of members of the Continuing Advisory Committee for Special Education. Section 89.258 was amended to replace current language with new provisions stating that early childhood intervention programs are voluntary and that those programs requesting Chapter 1 funds must follow applicable state laws and federal regulations. This amendment confirms current operating procedure with regard to such programs which are receiving Chapter 1 funds through the agency.

The repeal of §89.230 is adopted because federal regulations cover all requirements of surrogate parents.

Major changes include the provision in §89.221(i) for all ARD committee members to participate in a collaborative manner in developing the individual educational plan (IEP) and to allow for an annual IEP or one of shorter duration; the requirement in new paragraph (5) in §89.221(i) that a written statement of the basis for a disagreement be included in the IEP and that members who are in disagreement be given the opportunity to write their own statements; the requirement in new subsection (e) in §89.223 that goals and objectives be specified if extended year services (EYS) are included in the IEP; the clarification in §89.235(i)(6) that the ARD committee must meet only when a student's loss of critical skills interferes with the implementation of the IEP; and the allowance in §89.235(i)(7) that information collected during the current year may be used to determine the need for EYS.

Comments regarding adoption of the amendments were received from the Association for Retarded Citizens/Texas, Advocacy, Inc., the Texas Council of Administrators of Special Education, and the Texas Association of School Boards.

The Association for Retarded Citizens' suggestions regarding §89.221(i) and the agency's responses were as follows: delete the words "whenever possible" so that the rule is stronger in directing the ARD committee to come to mutual agreement. The agency changed the language to "if possible" to try to strengthen the message, but the conditional could not be removed totally because the rule cannot order the committee to agree; add a sentence directing all members of the committee to collaborate in reaching decisions. The agency made this change; add language directing that any parts of an IEP on which mutual agreement has been reached should be implemented. The agency added language to clarify that decisions reached may be short- or long-term. Any areas in which

mutual agreement has been reached can be implemented as a modification of the previous individual educational plan; change paragraph (1) to allow a recess when any member of the committee disagrees. This change was not made. Staff and the Texas Council of Administrators of Special Education agree that the intent of the rule is to allow parents to have additional means of resolving disagreements. It is not the intent to force parents into a recess when they approve of the proposed IEP; change the language in paragraph (2) from "both the school district and the parent or adult student" to "the committee members". This change was made; add language describing the requirement in law to have a statement of the basis for any disagreement in writing. This change was made; change the language requiring a district that is implementing an IEP with which a parent disagrees from "informing the parent of their opportunity for a due process hearing" to "providing written notice as required under federal regulations". This change was made.

Advocacy's suggestions and the agency's responses were as follows: add to §89.221 a provision to ensure that goals and objectives would be specified for EYS. This change was made; amend §89.220 to require that parents be told specifically that the committee would discuss EYS if they requested the service. This change was not made, but an agreement was reached that if, during a monitoring visit, the proper parents' rights booklet had not been distributed, the district would be required to provide specific notice that EYS may be discussed at an ARD committee meeting; require the ARD committee to review a student's IEP if there is severe or substantial regression. This change was made.

The Texas Council of Administrators of Special Education suggested that requiring districts to review a student's IEP when regression has occurred in the fall was unnecessary and duplicative. The agency disagreed and the requirement was retained. The Texas Association of School Boards raised a concern that the rule was not tied specifically to those students for whom EYS were considered and rejected. The agency clarified the language to meet this concern.

No other comments were received regarding adoption of the amendments.

• 19 TAC §§89.221, 89.223, 89.229, 89.235, 89.244

The amendments are adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the administration of the Foundation School Program, and §16.151, which includes special education as a part of that program.

§89.221. *The Admission, Review, and Dismissal (ARD) Committee.*

(a)-(h) (No change.)

(i) All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions of the committee, concerning required elements of the IEP, shall be made by mutual agreement of the required members if possible. The com-

inittee may agree to an annual IEP or an IEP of shorter duration.

(1) When mutual agreement about all required elements of the IEP is not achieved, the parent(s) or adult student who disagree(s) shall be offered a single opportunity to have the committee recess for a period of time not to exceed 10 school days.

(2) During the recess the committee members shall consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons to enable the ARD committee to reach mutual agreement.

(3) The date, time, and place for continuing the ARD committee meeting shall be determined by mutual agreement prior to the recess.

(4) If a 10-day recess is implemented as provided in paragraph (1) of this subsection and the ARD committee still cannot reach mutual agreement, the district shall implement the IEP which it has determined to be appropriate for this student.

(5) When mutual agreement is not reached, a written statement of the basis for the disagreement shall be included in the IEP. The members who disagree shall be offered the opportunity to write their own statements.

(6) When a district implements an IEP with which the parent(s) or adult student disagree(s), the district shall provide prior written notice to the parent(s) or adult student as required in 34 Code of Federal Regulations §300. 504 and §300.505.

(7) Parents shall have the right to file a complaint, request mediation, or request a due process hearing at any point when they disagree with decisions of the ARD committee.

(j) If they choose to do so, the school district, the parent, or the student is allowed to audio record the ARD committee meeting. All participants in the meeting shall be informed that such a recording is being made.

§89.223. Content of the Individual Educational Plan (IEP).

(a) The individual educational plan developed by the admission, review, and dismissal committee for each student shall include the following additional information:

(1)-(3) (No change.)

(4) the IEP shall specify the following:

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

(D) criteria and schedule for evaluating the progress of the student which also allow for determining the student's eligibility for participation in extracurricular activities; and

(E) (No change.)

(5) signatures of the committee members present and an indication of each member's agreement or disagreement with the decisions of the committee.

(b)-(d) (No change.)

(e) If extended year services are included in the IEP, goals and objectives shall be specified.

§89.235. General Program Requirements.

(a)-(h) (No change.)

(i) Extended year services (EYS) are defined as individualized instructional programs beyond the regular school year for eligible handicapped students who are enrolled in a school district's special education program.

(1) The need for EYS must be determined on an individual student basis by the ARD committee.

(2) The need for EYS must be documented from formal and/or informal evaluations provided by the district or the parents. The documentation shall demonstrate that in one or more critical areas addressed in the current IEP objectives, the student has exhibited, or reasonably may be expected to exhibit, severe or substantial regression that cannot be recouped within a reasonable time period. Severe or substantial regression shall mean that the student has been, or will be, unable to maintain one or more acquired critical skills because of the absence of EYS.

(3) The reasonable time period for recoupment of acquired critical skills shall be determined on the basis of needs identified in each student's IEP. If the loss of acquired critical skills would be particularly severe or substantial, or if such loss results, or reasonably may be expected to result, in immediate physical harm to the student or to others, EYS may be justified without consideration of the time period for recoupment of such skills. In any case, the time period for recoupment shall not exceed eight weeks.

(4) A skill is critical when the loss of that skill results, or is reasonably expected to result, in any of the following unplanned occurrences during the first eight weeks of the next regular school year:

(A) placement in a more restrictive instructional arrangement;

(B) significant loss of self-sufficiency in self-help skill areas as evidenced by an increase in the number of direct service staff and/or amount of time required to provide special education or related services;

(C) loss of access to community-based independent living skills instruction or an independent living environment provided by noneducational sources as a result of regression in skills; or

(D) loss of access to on-the-job training or productive employment as a result of regression in skills.

(5) If the district does not propose EYS for discussion at the annual review of a student's IEP, the parent may request that the ARD committee discuss EYS pursuant to §89.229 of this title (relating to Notice Requirements and Complaint Procedures).

(6) If a student for whom EYS was considered and rejected loses critical skills because of the decision not to provide EYS, and if those skills are not regained after the reasonable time period for recoupment, the ARD committee shall reconsider the current IEP if the student's loss of critical skills interferes with implementation of the IEP.

(7) For students enrolling in a district during the school year, information from the prior school district as well as information collected during the current year may be used to determine the need for EYS.

(8) The provision of EYS is limited to the educational needs of the student and shall not supplant or limit the responsibility of other public agencies to continue to provide care and treatment services pursuant to policy or practice, even when those services are similar to, or the same as, the services addressed in the student's IEP. No student shall be denied EYS because that student receives care and treatment services under the auspices of other agencies.

(9) Districts are not eligible for reimbursement for EYS provided to students for reasons other than those set forth in this section.

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

Issued in Austin, Texas on November 20, 1989.

TRD-8911428

W. N. Kirby
Commissioner of Education

Effective date: December 20, 1989

Proposal publication date: October 3, 1989

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

Special Education

• 19 TAC §89.230

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

Program, and §16.151, which includes special education as a part of that program.

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

Issued in Austin, Texas on November 20, 1989.

TRD-8911427

W. N. Kirby
Commissioner of Education

Effective date: December 20, 1989

Proposal publication date: October 3, 1989

For further information, please call: (512) 473-9701

Subchapter G. Special Education

Funding

• 19 TAC §89.258

The amendment is adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the administration of the Foundation School Program, and §16.151, which includes special education as part of that program.

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

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

TRD-8911524

W. N. Kirby
Commissioner of Education

Effective date: December 21, 1989

Proposal publication date: October 3, 1989

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

TITLE 22. EXAMINING BOARDS

Part XII. Board of Vocational Nurse Examiners

Chapter 231. Administration

Disciplinary Action

• 22 TAC §231.81

The Board of Vocational Nurse Examiners adopts the repeal of §231.81, without changes to the proposed text as published in the October 24, 1989, issue of the *Texas Register* (14 TexReg 5675).

Adoption of the repeal allows the board to rewrite §231.81 to include definition of those crimes which the board considers to be directly related to duties and responsibilities of a licensed vocational nurse.

Furthermore, the repeal of this section allows the board to expand on the violations which can result in disciplinary action being taken against a licensee.

No comments were received regarding adoption of the repeal.

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

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911449

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

Effective date: December 21, 1989

Proposal publication date: October 24, 1989

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

The Board of Vocational Nurse Examiners adopts new §231.81, without changes to the proposed text as published in the October 24, 1989, issue of the *Texas Register* (14 TexReg 5675).

The new section is being adopted in order to more clearly delineate the violations which can result in disciplinary action being taken against a licensee. Furthermore the amendment defines those crimes which the board considers to be directly related to the duties and responsibilities of a licensed vocational nurse.

Adoption of the new section will assist both the board and the licensee in determining violations and actions for disciplinary action.

No comments were received regarding adoption of the new section.

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

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911498

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

Effective date: December 21, 1989

Proposal publication date: October 24, 1989

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

• 22 TAC §231.96, §231.98

The Board of Vocational Nurse Examiners adopts the amendments to §231.96 and §231.98, without changes to the proposed text, as published in the October 17, 1989, issue of the *Texas Register* (14 TexReg 5537).

Adoption of these amendments will assist individuals in applying for reinstatement of a license.

The amendments will specify at what time a licensee can apply for reinstatement, what must be submitted to request said reinstatement, and the requirements for proof of fitness to practice.

No comments were received regarding adoption of the amendments.

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

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911497

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

Effective date: December 21, 1989

Proposal publication date: October 17, 1989

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

Chapter 235. Licensing

Issuance of Licenses

• 22 TAC §235.42

The Board of Vocational Nurse Examiners adopts an amendment to §235.42, without changes to the proposed text as published in the October 17, 1989, issue of the *Texas Register* (14 TexReg 5538).

Adoption of this amendment strengthens the board's policy on copying of vocational nurse licenses.

Furthermore, adoption of this section will assist in protecting licenses from theft and/or misuse.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas on November 30, 1989.

TRD-8911448

Merjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Effective date: December 21, 1989

Proposal publication date: October, 17, 1989

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

Part XXI. Texas State Board of Examiners of Psychologists

Chapter 463. Applications

• 22 TAC §463.28

The Texas State Board of Examiners of Psychologists adopts new §463.28, without changes to the proposed text as published in the October 31, 1989, issue of the *Texas Register* (14 TexReg 5775).

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.

The new section states that applicants will have to pass the required exams within three years of the date they are approved to sit for each exam. Failure to do so will result in termination of the application.

No comments were received regarding adoption of the new section.

The new section 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, non inconsistent with the constitution and laws of this state, which are reasonable necessary for the proper performance of its duties and regulations of proceedings 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 December 1, 1989.

TRD-8911553

Patricia S. Bizzell
Executive Director
Texas State Board of
Examiners of
Psychologists

Effective date: December 22, 1989

Proposal publication date: October 31, 1989

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

22 TAC §465.24

The Texas State Board of Examiners of Psychologists adopts new §465.24, without changes to the proposed text as published in the October 31, 1989, issue of the *Texas*

Register (14 TexReg 5776).

The profession asked for a 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.

The public will have knowledge of the location of their records should that information be needed in the future. The psychologist will develop the system to deal with his/her own records disposition.

No comments were received regarding adoption of the new section.

The new section 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 reasonable and necessary for the proper performance of its duties and regulations of proceedings 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 December 1, 1989.

TRD-8911552

Patricia S. Bizzell
Executive Director
Texas State Board of
Examiners of
Psychologists

Effective date: December 22, 1989

Proposal publication date: October 31, 1989

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

TITLE 28. INSURANCE

Part II. Industrial Accident Board

Chapter 43. Insurance Coverage

• 28 TAC §43.10

The Industrial Accident Board adopts the repeal of §43.10, without changes to the proposed text as published in the October 3, 1989, issue of the *Texas Register* (14 TexReg 5219).

The repeal is necessary for the purpose of reorganization. A new section with the same title and section number is simultaneously adopted, and is published elsewhere in this issue.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 8307, §4(a), which authorize the board to adopt rules necessary to administer the workers' compensation laws.

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911525

Richard Fulcher
Acting Executive Director
Industrial Accident Board

Effective date: December 21, 1989

Proposal publication date: October 3, 1989

For further information, please call: (512) 448-7960

The Industrial Accident Board adopts new §43.10, without changes to the proposed text as published in the October 3, 1989, issue of the *Texas Register* (14 TexReg 5219).

The new section, as adopted, is necessary to ensure compliance with the procedures relating to notice required by law when workers' compensation coverage is terminated.

The new section, as adopted, defines terms, established procedures and times for notice, and sets effective dates for termination of coverage.

One individual raised two questions about the proposed section: could an insurance agent be deemed liable for failure to inform an insured about the notice requirements; and did subsection (e)(2) imply that the board would order employers to pay statutory benefits?

The board's response to the first question is this: the proposed rule simply reiterates duties provided by current law, thus it creates no new duty, nor new potential exposure, for an agent. Regarding the second question, the board has no statutory authority to enter awards against employers. The reference to the employer's liability in subsection (e)(2) is intended only to inform the employer of the possible consequences of noncompliance with the notice requirements.

Commenters included: Regina Anderson, Research Manager, Independent Insurance Agents of Texas, Austin.

The new section is adopted under Texas Civil Statutes, Article 8307, §4(a), which authorize the board to adopt rules necessary to administer the workers' compensation laws.

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911526

Richard Fulcher
Acting Executive Director
Industrial Accident Board

Effective date: December 21, 1989

Proposal publication date: October 3, 1989

For further information, please call: (512) 448-7960

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 355. Research and Planning Fund

Water Research

• 31 TAC §355.61

The Texas Water Development Board (board) adopts new §355.61, without changes to the proposed text as published in the August 25, 1989, issue of the *Texas Register* (14 TexReg 4298).

The memorandum allows the board to make a grant to the Soil and Water Conservation Board from the board's Research and Planning Fund. The Soil and Water Conservation Board will use the grant to study the physical conditions of the watersheds of the state that affect surface and underground water quality and quantity, to determine corrective measures, and to report recommendations to the 72nd Texas Legislature, as specified in appropriations riders for the board and the Soil and Water Conservation Board.

No comments were received regarding adoption of the new section.

The section is adopted pursuant to the Texas Water Code, §6.104, which allows the board to enter into memoranda of understanding with other state agencies, and requires the board to adopt such memoranda by rule, and pursuant to the Texas Water Code, §6.101, which gives the board the authority to adopt rules necessary to carry out its powers and duties.

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911555

Suzanne Schwartz
General Counsel
Texas Water Development
Board

Effective date: December 22, 1989

Proposal publication date: August 25, 1989

For further information, please call: (512) 463-7981

TITLE 34. PUBLIC FINANCE

Part II. State Treasurer

Chapter 15. Electronic Transfer of Certain Payments to State Agencies

• 34 TAC §§15.1-15.16

The Texas State Treasury Department adopts new §§15.1-15.16. Section 15.2 is adopted with changes to the proposed text as published in the October 27, 1989, issue of the *Texas Register* (14 TexReg 5719). Sections 15.1 and 15.3-15.16, are adopted without changes and will not be published.

The new sections state that large payments made to state agencies will be available for investment purposes by the treasury on the business day following the date payment is made. The anticipated public benefit will be an increase in revenue for the State of Texas.

The new sections state that persons that paid

a state agency \$2 million or more in a category of payments the preceding state fiscal year and anticipate paying \$2 million or more in a category of payments in the current fiscal year will be required to do so by electronic funds transfer pursuant to the instructions set forth in these sections.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Government Code, §404.095(d) (Vernon, 1989) which provides the State Treasurer with the authority to adopt rules specifying approved means of electronic funds transfer and specifying the types of taxes constituting separate categories.

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

Access code—A unique and confidential series of numbers assigned to each person which allows the person to communicate payment information to the data collection center.

ACH (Automated Clearing House)—A central distribution and settlement point for the electronic clearing of debits and credits between financial institutions rather than the physical movement of paper items.

ACH credit—An ACH transaction initiated by the person for credit to the treasury.

ACH debit—An ACH transaction initiated by the treasury, upon instruction from the person, for credit to the treasury.

ACH transaction—The electronic transfer of funds through the ACH.

Banking holiday—A holiday observed by the Federal Reserve Bank of Dallas and/or its member institutions located in the State of Texas.

Business day—Any day of the week other than Saturday, Sunday or a banking holiday.

Call-in day—Day on which a person communicates payment information to the data collection center.

Category of payments—Each of the following is a separate category of payments to a state agency:

(A) fees;

(B) fines;

(C) civil penalties;

(D) taxes, with each type of tax listed in the category of taxes definition below, considered a separate category of payments; and

(E) other payments to the state agency excluding extraordinary payments such as gifts, grants, donations, interest and dividend income, and onetime

surcharges.

Category of taxes—Each of the following taxes shall be considered a separate category of payments as set forth in Subparagraph (D) of the category of payments definition above. Subject to amendment, the categories of taxes include, but are not limited to:

- (A) bank franchise tax;
- (B) beer reporting system tax;
- (C) bingo gross receipts;
- (D) cement production tax;
- (E) cigarette tax;
- (F) cigar and tobacco products tax;
- (G) coin operated services tax;
- (H) controlled substances tax;
- (I) diesel fuel tax;
- (J) franchise tax;
- (K) gas, electric, and water utility gross receipts tax;
- (L) gasoline tax;
- (M) hotel/motel tax;
- (N) insurance maintenance tax;
- (O) insurance premium and retaliatory taxes;
- (P) interstate motor carrier sales and use tax;
- (Q) liquefied gas tax;
- (R) liquor reporting system tax;
- (S) manufactured housing sales and use tax;
- (T) mixed drinks gross receipts tax;
- (U) motor vehicle rental tax;

- (V) motor vehicle sales tax;
- (W) natural gas production tax;
- (X) oil production tax;
- (Y) petroleum product delivery fee;
- (Z) public utility commission gross receipts assessment;
- (AA) sales and use taxes;
- (BB) sulphur production tax; and
- (CC) unemployment compensation tax.

CCD format (Cash Concentration or Disbursement format)—A standard ACH transaction format.

Data collection center—A facility that collects payment information from the person making payment to a state agency.

Due date—Date on which a payment to a state agency by a person is due. In the event the due date is a Saturday, Sunday, or banking holiday, the next business day shall be the due date.

Dumb terminal—A device with a printer and/or video display unit that can receive or send data electronically.

Payor—See definition of persons below.

Payor identification number—A number used by a state agency to identify a particular person who makes payments to that agency.

Payment information—Information required by the state agency from the person making payment to be communicated to the data collection center for accurate credit of the payment to the person's account by the state agency.

Persons—Payors who make payments to a state agency in any of the separate categories of payments listed above which includes, but is not limited to an individual, corporation, partnership, association, legal representative, trustee, trustee in bankruptcy, receiver, municipality, county, district, or political subdivisions.

Reference field—An informational field in a wire transfer that carries supplemental data.

State agency—All agencies of the state that during the preceding state fiscal year collected or received more than \$100 million in fees, fines, penalties, taxes, charges, gifts, grants, donations, and other funds, excluding federal grants and interest and dividend income. Subject to amendment, the following list of state agencies that collected or received more than \$100 million in the preceding state fiscal year is

as follows:

- (A) Comptroller of Public Accounts;
- (B) Employees Retirement System;
- (C) General Land Office;
- (D) State Board of Insurance;
- (E) State Department of Highways and Public Transportation;
- (F) Texas Alcoholic Beverage Commission;
- (G) Texas Department of Public Safety;
- (H) Texas Employment Commission;
- (I) Teacher Retirement System;
- (J) Texas State Treasury Department;
- (K) University of Texas System.

State fiscal year—Begins on September 1 of each year and terminates on August 31 of the following year.

Trace number—A code provided by the data collection center upon receipt of all payment information from the person which uniquely identifies the completed communication.

Treasury—The Texas State Treasury Department.

Treasury's bank—A financial institution which is a member of the Federal Reserve System and with which the treasury has contracted to originate ACH debits and receive ACH credits and wire transfers.

Wire transfer—An instantaneous electronic funds transfer initiated by the payor for credit to the treasury.

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

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

TRD-8911413 Anne L. Schwartz
General Counsel
Texas State Treasury
Department

Effective date: December 20, 1989

Proposal publication date: October 27, 1989

For further information, please call: (512) 463-5971

Part IV. Employees Retirement System

Chapter 65. Executive Director

• 34 TAC §65.9

The Employees Retirement System of Texas adopts new §65.9, without changes to the proposed text as published in the September 15, 1989, issue of the *Texas Register* (14 TexReg 4682).

The new section will allow for increased flexibility in administration of the Employees Retirement System of Texas by allowing certain duties of the executive director to be performed by the deputy executive director.

The executive director will determine which duties should be performed by the deputy executive director on a regular basis and also provide for duties to be performed by the deputy executive director in case of the absence of the executive director.

No comments were received regarding adoption of the new section.

The new section is adopted under (Formerly Texas Civil Statutes,) §§25.102, 25.202 Title 110B) the Government Code, §815.102 and §815.202, which provides the Board of Trustees of The Employees Retirement System of Texas with the authority to delegate any right, power, or duty imposed or conferred on the executive director by law to another employee of the retirement system.

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911515 Clayton T. Garrison
Executive Director
Employees Retirement
System of Texas

Effective date: December 21, 1989

Proposal publication date: September 15, 1989

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 2. Medically Needy Program

Program Requirements

• 40 TAC §2.1010

The Texas Department of Human Services (DHS) adopts an amendment to §2.1010, concerning determining income eligibility, in its Medically Needy Program chapter. The amendment is necessary to comply with new Health Care Financing Administration (HCFA) guidelines. The new guidelines will allow the caretaker relative to exclude any child when

determining Medicaid eligibility for the child's siblings. Previously, the caretaker relative could only exclude children with income. The department is also adopting a similar amendment to §4.1010 of this title, concerning determining income eligibility, in its Medical Program - Children and Pregnant Women chapter. The amendment is published in this issue of the *Texas Register*.

The justification for the amendment to §2.1010 is that the Health Care Financing Administration (HCFA) has mandated that the department change its policy on excluding children when determining eligibility for the medical programs.

The amendment will function by preventing denial of children because of a sibling's failure to meet an eligibility requirement.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs. Also, the amendment is adopted pursuant to federal requirements to be effective December 1, 1989.

§2.1010. Determining Income Eligibility. Income eligibility is determined using the AFDC eligibility requirements outlined in the AFDC rules with the following exceptions:

(1)-(3) (No change.)

(4) the income, resources, and needs of eligible and ineligible members of the budget group are considered when determining eligibility. Exception: The caretaker relative of a child in the budget group may choose to exclude the child's income, resources, and needs when determining eligibility of the child's siblings who are also in the budget group.

(5)-(8) (No change.)

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

Issued in Austin, Texas, on December 4, 1989.

TRD-8911802 Cathy Rossberg
Agency Liaison, Policy
Communication
Services
Texas Department of
Human Services

Effective date: December 1, 1989.

Proposal publication date: N/A

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

Chapter 3. Income Assistance Services

Subchapter J. Budgeting

• 40 TAC §3.1001

The repeal is adopted under the Human Resources Code, Title 2, Chapters 22 and 31, which provides the department with the au-

thority to administer public assistance programs.

§3.1001. Definitions.

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 December 1, 1989.

TRD-8911571 Cathy Rossberg
Agency Liaison, Policy
Communication
Services
Texas Department of
Human Services

Effective date: January 1, 1990.

Proposal publication date: October 24, 1989.

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

• 40 TAC §3.1004

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 31, which provides the department with the authority to administer public assistance programs.

§3.1004. Budgeting.

(a) (No change.)

(b) AFDC - DHS uses a best estimate of the client's future income and circumstances to determine eligibility and benefit amount for all months.

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 December 1, 1989.

TRD-8911572 Cathy Rossberg
Agency Liaison, Policy
Communication
Services
Texas Department of
Human Services

Effective date: January 1, 1990.

Proposal publication date: October 24, 1989.

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

Subchapter H. Monthly Reporting

The Texas Department of Human Services (DHS) adopts the repeal of §§3.801 and 3.1001 and an amendment to §3.1004, without changes to the proposed text as published in the October 24, 1989, issue of the *Texas Register* (14 TexReg 5679).

The repeals and amendment are necessary because the United States Department of Health and Human Services (HHS) approved DHS's request to eliminate AFDC monthly reporting and retrospective budgeting (MRRB). DHS is eliminating MRRB

to remove a barrier to client participation, simplify case budgeting, and reduce workload. Section 3.801 is repealed because households are no longer required to report monthly. Section 3.1001 is repealed because the definitions pertain to MRRB. Section 3.1004 is amended to delete references to retrospective budgeting. DHS now uses a best estimate of the client's future income and circumstances to determine eligibility and benefits for all months.

The repeals and amendment will function by reducing the number of erroneous delays and reductions in benefits that resulted from the monthly reporting requirement.

One comment supporting the department's repeal of AFDC monthly reporting and retrospective budgeting was received from the Houston Welfare Rights Organization.

• 40 TAC §3.801

The repeal is adopted under the Human Resources Code, Title 2, Chapters 22 and 31, which provides the department with the authority to administer public assistance programs.

§3.801. AFDC Monthly Reporting Criteria.

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 December 1, 1989.

TRD-8911570 Cathy Rossberg
Agency Liaison, Policy
Communication
Services
Texas Department of
Human Services

Effective date: January 1, 1990.

Proposal publication date: October 24, 1989.

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

Chapter 4. Medicaid Programs—Children and Pregnant Women

Eligibility Requirements

• 40 TAC §4.1010

The Texas Department of Human Services (DHS) adopts an amendment to §4.1010, concerning determining income eligibility, in its Medicaid Programs—Children and Pregnant Women chapter. The amendment is necessary to comply with new Health Care Financing Administration (HCFA) guidelines. The new guidelines will allow the caretaker relative to exclude any child when determining Medicaid eligibility for the child's siblings. Previously, the caretaker relative could only exclude children with income. The department is also adopting an amendment to §2.1010 of this title, concerning determining income eligibility, in its Medically Needy Program. The amendment is published in this issue of the *Texas Register*.

The justification for the amendment to §4.1010 is that the Health Care Financing

Administration (HCFA) has mandated that the department change its policy on excluding children when determining eligibility for the medical programs.

The amendment will function by preventing denial of children because of a sibling's failure to meet an eligibility requirement.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs. Also the amendment is adopted pursuant to federal requirements to be effective December 1, 1989.

§4.1010. Determining Income Eligibility. Income eligibility is determined using the AFDC eligibility requirements outlined in the AFDC rules with the following exceptions:

(1)-(3) (No change.)

(4) the income, resources, and needs of eligible and ineligible members of the budget group are considered when determining eligibility. Exception: The caretaker relative of a child in the budget group may choose to exclude the child's income, resources, and needs when determining eligibility of the child's siblings who are also in the budget group.

(5) (No change.)

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

Issued in Austin, Texas, on December 4, 1989.

TRD-8911803

Cathy Rosenberg
Agency Liaison, Policy
Communication
Services
Texas Department of
Human Services

Effective date: December 1, 1989.

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

Chapter 29. Purchased Health Services

Subchapter D. Medicaid Home Health Program

\$40 TAC §29. 310

The Texas Department of Human Services (DHS) adopts an amendment to §29. 310, without changes to the proposed text as published in the October 20, 1989, issue of the *Texas Register* (14 TexReg 5613).

The justification for the amendment is that it allows the department to continue payment of home health services on a cost reimbursement basis.

The amendment will function by continuing payment for durable medical equipment under current department methodologies. It is anticipated that this process will prevent excessive drain on state resources while maintaining the quality of services.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on November 30, 1989.

TRD-8911435

Cathy Rosenberg
Agency Liaison, Policy
Communication
Services
Texas Department of
Human Services

Effective date: January 1, 1990.

Proposal publication date: October 20, 1989.

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

State Board of Insurance Exempt Filing

Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L.

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.)

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)

The State Board of Insurance has adopted a filing submitted by the Texas Department of Licensing and Regulation of a form for the talent agency bond.

In accordance with the provisions of the Insurance Code, Article 5.97, a text of the proposed filing has been filed in the Office of the Chief Clerk of the State Board of Insurance since August 25, 1989.

The Texas Talent Agency Act, Senate Bill 759, was passed by the 71st Legislature and signed into law by the governor. Texas Civil Statutes, Article 5221a-9, took effect September 1, 1989, and requires talent agents to be

registered and bonded. The bond must be in the penal sum of \$10,000 and maintained until two years after the registrant ceases to operate as a talent agency in this state. The bond may be canceled by the surety at any time by giving 30 days' written notice to the Texas Department of Licensing and Regulation.

The State Board of Insurance has adopted a rate of \$10 per M per Annum and a Class Code of 478.

This filing becomes effective at 12:01 a.m. on the 15th day after notice of this action is published in the *Texas Register*. Upon the effective date, adoption hereunder of this filing supersedes emergency action by the board under Board Order Number 55095, dated September 5, 1989.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 November 27, 1989.

TRD-8911419

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: December 23, 1989

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

The State Board of Insurance has adopted a filing submitted by the State Department of Highways and Public Transportation of a form for the over axle and over gross weight tolerance permit bond.

In accordance with the provisions of the Texas Insurance Code, Article 5.97, a text of the proposed filing has been filed in the Office of the Chief Clerk of the State Board of Insurance. The proposed filing has been available for the public inspection for 15 days and a public hearing was not requested by any party.

The over axle and over gross weight tolerance permit bond has been created to comply with the changes to Texas Civil Statutes, Article 6701d-11, §5B(g), reference House Bill 2060 as passed by the 71st Legislature and signed into law by the governor. This permit bond allows an applicant, after filing a permit bond with a penal sum in the amount of \$15,000, to operate at various tolerances over the legal axle and gross vehicle weight. The permit bond is to cover all damages to highways caused by the applicant.

The State Board of Insurance has adopted a premium rate of \$10 per M per Annum with a

Class Code 448.

This bond form and rate filing becomes effective at 12:01 a.m. on the 15th day after notice of this action is published in the *Texas Register*. Upon the effective date, adoption hereunder of this filing supersedes emergency action by the board under Board Order Number 55068, dated August 25, 1989.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 November 27, 1989.

TRD-8911420 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: December 23, 1989

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

The State Board of Insurance has adopted a filing submitted by The Hartford of a revised Rider F-3917-2 for the Financial Institution Bond, Standard Form Number 24.

In accordance with the provisions of the Insurance Code Article 5.97, a text of the proposed filing has been filed in the Office of the Chief Clerk of the State Board of Insurance. The proposed filing has been available for public inspection for 15 days and a public hearing was not requested by any party.

Rider Number F-3917-0 (Claim Expense Coverage Form) was approved by Board Order 44880 on May 22, 1984, to provide coverage for reasonable expense necessarily incurred and paid by the insured in preparing any valid claim for loss covered under the Bankers Blanket Bond, Standard Form 24. This rider was revised by Rider Number F-3917-1 which was approved by Board Order 45935 dated December 19, 1984. The major change was to add a paragraph with the wording that Exclusion (v) of the Conditions and Limitations of the Standard Form Number 24 is not applicable to claim expense coverage.

Rider Number F-3917-2 replaces F-3917-1 and is necessary due to the revision of the Financial Institution Bond, Standard Form Number 24 which was approved by Board Order 48755, dated April 30, 1986, effective June 16, 1986. The important feature of the revised Financial Institution Blanket Bond, Standard Form Number 24 was to limit liability to a predetermined dollar amount. All claims paid during the bond period are applied against the aggregate limit, and upon exhaustion of that limit, the bond is automatically canceled. A single loss limit of liability and single loss deductible are shown for the basic bond and individual insuring agreements. Rider Number F-3917-2 reflects these changes as well as adding a new paragraph, (4), to clarify that the rider is subject to the terms, conditions, agreements, and limitations of the bond, except as stated in the endorsement.

The rider becomes effective January 1, 1990, and there is no rate consequence from the revision of this form.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 November 27, 1989.

TRD-8911418 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: January 1, 1990

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

The State Board of Insurance in open meeting on November 30, 1989, adopted amendments to Article VIII of the rules and regulations applicable to the Texas workers' compensation assigned risk pool.

The amended rule provides for establishment within the pool of a small employers' safety association for employers with annual premiums of \$6,000 or less and with submission procedures different from the assignment procedures for other rejected risks.

The amended rule shall apply effective 12:01 a.m., January 1, 1990; although, the actual establishment of the small employers' safety association may be delayed until certified insurers are designated for servicing of small employer policies.

The board adopted the amended rule under the authority and jurisdiction of the Insurance Code, Articles 5.55-5.68-1, 5.76, 5.77, 5.78, and 5.96, and on an emergency basis as provided in Article 5.96, Section (l).

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 November 30, 1989.

TRD-8911470 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: January 1, 1990

Expiration date: April 30, 1990

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

The State Board of Insurance in an open meeting on November 30, 1989, adopted amendments to Section 1, Article IV in the bylaws applicable to the Texas workers' compensation assigned risk pool.

The amended rules change the character and makeup of the Governing Committee of the

Texas workers' compensation assigned risk pool. The amended rule shall apply effective 12:01 a.m., January 1, 1990.

The board adopted the amended rule under the authority and jurisdiction of the Insurance Code, Articles 5.55-5.68-1, 5.76, 5.77, 5.78, and 5.96, and on an emergency basis as provided in Article 5.96, Section (i).

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 November 30, 1989.

TRD-8911471 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: January 1, 1990

Expiration date: April 30, 1990

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

The State Board of Insurance in an open meeting on November 30, 1989, adopted amendments to Rule III of the rules and regulations governing pool and servicing companies of assigned risks as related to verification of payroll of employers-policyholders, verification of rejections of coverage, and the definition of rejected risk when applying for coverage to the Texas workers' compensation assigned risk pool.

The amended rules and regulations apply effective 12:01 a.m. January 1, 1990.

The board adopted the amendments to the rules and regulations under the authority and jurisdiction of the Insurance Code, Articles 5.55-5.68-1, 5.76, and 5.96, and on an emergency basis as provided in Article 5.96(l).

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 November 30, 1989.

TRD-8911472 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: January 1, 1990

Expiration date: April 30, 1990

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

The State Board of Insurance in an open meeting on November 30, 1989, adopted mandatory tabular surcharge plan for all risks written in the Texas workers' compensation assigned risk pool (pool) having an experience modifier in excess of 1.00. The board

also adopted amendments to the rules and regulations governing pool and servicing companies of assigned risks.

The amended rules require the pool to apply the mandatory tabular surcharge plan to all risks having an experience modification in excess of 1.00. The maximum surcharge will be 1.50.

The amended rules shall apply to new and renewal policies written on or after 12:01 a.m. January 1, 1990.

The board adopted the amended rules and tabular surcharge plan under the authority and jurisdiction of the Insurance Code, Articles 5.55-5.68-1, 5.76, 5.77, 5.78, and 5.96, and on an emergency basis as provided in Article 5.96(i).

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 November 30, 1989.

TRD-8911473 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: January 1, 1990

Expiration date: April 30, 1990

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

The State Board of Insurance in open meeting on November 30, 1989, adopted a mandatory Assigned Risk Rating Program and amendments to the rules and regulations governing the Texas workers compensation assigned risk pool and servicing companies of assigned risks to be applied to risks that obtain workers' compensation and employers' liability insurance through the Texas workers compensation assigned risk pool (pool).

The amended rules require the pool to apply the Assigned Risk Rating Program (ARRP) to risks with audited annual standard premium equal to or greater than \$25,000.

The amended rules and ARRP shall apply to new and renewal policies made effective on and after 12:01 a.m. January 1, 1990.

The board adopted the amended rules and ARRP under the authority and jurisdiction of the Insurance Code, Articles 5.55-5.68-1, 5.76, 5.77, 5.78, and 5.96, and on an emergency basis as provided in Article 5.96(i).

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 November 30, 1989.

TRD-8911474 Nicholas Murphy

Chief Clerk
State Board of Insurance

Effective date: January 1, 1990

Expiration date: April 30, 1990

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

The State Board of Insurance in open meeting on November 30, 1989, adopted amendments to the rules and regulations governing the Texas workers' compensation assigned risk pool (pool) servicing companies of assigned risks.

The amended rules require the pool to establish a loss control division staffed with qualified field safety representatives. The loss control staff is to have the responsibility of working with policyholders, servicing carriers, and the State Board of Insurance, to identify hazards, monitor corrective actions, present educational material, and enhance safety awareness.

The amended rules shall apply effective December 1, 1989.

The board adopted the amended rules under the authority and jurisdiction of the Insurance Code, Article 5.76, and on an emergency basis as provided in Article 5.96(i).

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 November 30, 1989.

TRD-8911475 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: December 1, 1989

Expiration date: March 31, 1990

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

The State Board of Insurance in an open meeting on November 30, 1989, adopted amendments to the ownership rules in the Texas experience rating plan, the *Texas Workers' Compensation Statistical Plan Manual*, and the *Basic Texas Workers' Compensation Manual*.

The amended rules require that, if there is a change in control, management, name, operations, or ownership of an entity other than among related persons, incurred experience shall be used in future ratings unless both a material change in ownership and a substantial change of operations occurs.

The amended rules concerning ownership changes shall apply effective 12:01 a.m. December 1, 1989.

The board adopted the amended rules concerning ownership under the authority and jurisdiction of the Insurance Code, Articles 5.55-5.68, 5.76, 5.77, 5.78, and 5.96, and on an emergency basis as provided in 5.96(i).

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 November 30, 1989.

TRD-8911478 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: December 1, 1989

Expiration date: March 31, 1990

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

The State Board of Insurance has adopted a filing submitted by the License Division of the State Board of Insurance for a managing general agents' bond.

In accordance with the provisions of the Texas Insurance Code, Article 5.97, a text of the proposed filing has been filed in the Office of the Chief Clerk of the State Board of Insurance. The proposed filing has been available for public inspection for 15 days and a public hearing was not requested by any party.

The managing general agents' bond is a new bond form required by the passage of House Bill 1594 by the 71st Legislature and signed into law by the governor. This bond is needed to comply with the Insurance Code, Article 21.07-3, §4C, subsection (a)(2). The article requires any managing general agents licensed after September 1, 1989 and November 1, 1989 (all others) to have the ability to pay an amount up to \$100,000 for which the managing general agent may become legally obligated to pay due to a negligent act, error, or omission in the conduct of its business. A managing general agent can comply with this requirement by posting a surety bond with the State Board of Insurance.

The State Board of Insurance has adopted a rate of \$10 per M per Annum for this bond. This rate is the current rate for the corporate insurance agents bond which is similar in coverage and will have the same Class Code 456.

This form and rate filing becomes effective at 12:01 a.m. on the 15th day after notice of this action is published in the *Texas Register*. Upon the effective date, adoption hereunder of this filing supersedes emergency action by the board under Board Order Number 55085, dated August 25, 1989.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 November 27, 1989.

TRD-8911421 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: December 23, 1989

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

◆ ◆ ◆
The State Board of Insurance has adopted a filing submitted by the Texas Real Estate Commission of a revised form for the residential service company bond.

In accordance with the provisions of the Texas Insurance Code, Article 5.97, a text of the proposed filing has been filed in the Office of the Chief Clerk of the State Board of Insurance. The proposed filing has been available for public inspection for 15 days and a public hearing was not requested by any party.

The residential service company bond has been revised to comply with House Bill 2774 passed by the 71st Legislature and signed into law by the governor. The new law requires a change to the currently approved bond form due to the change in the penal sum, which will be based on whether the licensee is a new applicant (\$25,000) or the amount of the claims paid, i.e., service calls and amount of business. The penal sum may range from \$10,000 to \$100,000. Further, the new law requires a change in the cancellation provisions to extend the time required of giving notice from 30 days to 90 days.

There are no rate consequences associated with the changing of the form.

This form filing becomes effective at 12:01 a.m. on the 15th day after notice of this action is published in the *Texas Register*. Upon the effective date, adoption hereunder of this filing supersedes emergency action by the board under Board Order Number 55087, dated August 25, 1989.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 November 27, 1989.

TRD-8911422

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: December 23, 1989

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

◆ ◆ ◆

Open Meetings

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

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

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

Texas Department of Agriculture

Wednesday, December 13, 1989, 9:30 a.m. The Texas Agricultural Diversification Program Board of the Texas Department of Agriculture will meet in the 9th Floor Conference Room, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, there will be discussion and action on the following items: administrative issues related to existing grantees; 1990 grant preproposals; proposed microenterprise program; and additional administrative matters of the Texas Agricultural Diversification Program.

Contact: Alice Reynolds, P.O. Box 12847, Austin, Texas 78711, (512) 463-7624.

Filed: December 4, 1989, 2:25 p.m.

TRD-8911623

Friday, December 15, 1989, 1 p.m. The Texas Department of Agriculture will meet at 4502 Englewood Avenue, Lubbock. According to the agenda, this administrative hearing will review: alleged violations of Texas Agriculture Code and/or Title IV of the Texas Administrative Code by Don Lybrandt doing business as Johnson Flying Service.

Contact: Cordelia Martinez, P.O. Box 12847, Austin, Texas 78711, (512) 475-1609.

Filed: December 1, 1989, 9 a.m.

TRD-8911535

Monday, December 18, 1989, 10 a.m. The Texas Department of Agriculture will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the department will receive public comment on proposed repeal of §7.41, proposed new §7.34, and proposed amendments to §7.1, 7.4, 7.8-7.20, 7.22-7.24, 7.26, 7.28, 7.32, 7.33, and 7.40 of the department's pesticide regulations, Texas Administration Code, Title IV, Chapter 7.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: November 30, 1989, 1:16 p.m.

TRD-8911445

Wednesday, December 20, 1989, 9 a.m. The Texas Department of Agriculture will meet at the El Campo Civic Center, Duson Room, 2350 North Mechanic, El Campo. According to the agenda, the department will receive public comment on proposed repeal of §7.41, proposed new §7.34, and proposed amendments to §7.1, 7.4, 7.8-7.20, 7.22-7.24, 7.26, 7.28, 7.32, 7.33, and 7.40 of the department's pesticide regulations, Texas Administration Code, Title IV, Chapter 7.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: November 30, 1989, 1:16 p.m.

TRD-8911444

Wednesday, December 20, 1989, 10 a.m. The Texas Department of Agriculture will meet at the San Juan District Office, Expressway 83, 2 blocks West of Morningside Road, San Juan. According to the agenda, the department will receive public comment on proposed repeal of §7.41, proposed new §7.34, and proposed amendments to §7.1, 7.4, 7.8-7.20, 7.22-7.24, 7.26, 7.28, 7.32, 7.33, and 7.40 of the department's pesticide regulations, Texas Administration Code, Title IV, Chapter 7.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: November 30, 1989, 1:16 p.m.

TRD-8911447

Wednesday, December 20, 1989, 10 a.m. The Texas Department of Agriculture will meet at the Dallas District Office, 1801 North Larnar, Suite 103, Dallas. According to the agenda, the department will receive public comment on proposed repeal of §7.41, proposed new §7.34, and proposed amendments to §7.1, 7.4, 7.8-7.20, 7.22-7.24, 7.26, 7.28, 7.32, 7.33, and 7.40 of the department's pesticide regulations, Texas Administration Code, Title IV, Chapter 7.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: November 30, 1989, 1:16 p.m.

TRD-8911446

Wednesday, December 20, 1989, 10 a.m. The Texas Department of Agriculture will meet at the Lubbock District Office, 4502 Englewood Avenue, Lubbock. According to the agenda, the department will receive public comment on proposed repeal of §7.41, proposed new §7.34, and proposed amendments to §7.1, 7.4, 7.8-7.20, 7.22-7.24, 7.26, 7.28, 7.32, 7.33, and 7.40 of the department's pesticide regulations, Texas Administration Code, Title IV, Chapter 7.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: November 30, 1989, 1:16 p.m.

TRD-8911443

Wednesday, December 20, 1989, 10 a.m. The Texas Department of Agriculture will meet at the revised location, Texas A&M Experimental Station, one-half mile east of I-27 on FM 1294, Lubbock. According to the agenda, the department will receive public comment on proposed repeal of §7.41, proposed new §7.34, and proposed amendment to §§7.1, 7.4, 7.8-7.20, 7.22-7.24, 7.26, 7.28, 7.32, 7.33, and 7.40 of the department's pesticide regulations (Texas Administrative Code, Title IV, Chapter 7).

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: December 4, 1989, 1:10 p.m.

TRD-8911619

Thursday, December 21, 1989, 10 a.m. The Texas Department of Agriculture will meet in the District Office, Express 83, two blocks West of Morningside Road, San Juan. According to the agenda, the department will hold an administrative hearing to review the alleged violation of Texas Agriculture Code §103.001 by A-W Produce Company as petitioned by Obst Brothers Farms.

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

Filed: December 4, 1989, 10:26 a.m.

TRD-8911605

Texas Department of Commerce

Tuesday, December 12, 1989, 11 a.m. The Board of Directors of the Texas Department of Commerce will meet at the Anson Jones State Office Building, 410 East Fifth Street, Room 221, Austin. According to the agenda, the board will meet in executive session pursuant to V.A.T.S. 6252-17 §2(g) to discuss personnel matters.

Contact: Mary Lane, P.O. Box 12728, Austin, Texas 78711, (512) 320-9660.

Filed: December 4, 1989, 9:33 a.m.

TRD-8911588

Tuesday, December 12, 1989, 1:05 p.m. The Board of Directors of the Texas Department of Commerce will meet at the Anson Jones State Office Building, 410 East Fifth Street, Room 221, Austin. According to the agenda, the board will discuss tourism advisory committee structure revisions and appointment of new members; adoption of prior minutes; consider enterprise project application for Paris, Texas-Campbell Soup (Texas), Inc.; enterprise project application for Corsicana-Chem Lab Products, Inc.; Corpus Christi-Corpus Christi Greyhound Racing Associates; delegation of authority of the executive director; plan of action for the product development fund; small business incubator fund; presentation on staff training and development; and tourism and marketing updates.

Contact: Mary Lane, P.O. Box 12728, Austin, Texas 78111, (512) 320-9660

Filed: December 4, 1989, 9:33 a.m.

TRD-8911587

Credit Union Department

Monday, December 11, 1989, 1 p.m. The Credit Union Commission of the Credit Union Department will meet at the Westin Galleria Hotel, 13340 Dallas Parkway, Dallas. According to the agenda, the commission will meet to invite public input for future consideration; to receive minutes of August 15, 1989 meeting and communications reported by the commissioner; to consider proposed revision of rule 91.2 (interpretations), Rule 91.206 (amendments), Rule 93.91 (chairman to preside), Rule 95.301 (Application), and resolutions; and to conduct an executive session to discuss credit unions and problem cases, and to confer with legal counsel regarding field of membership guidelines.

Contact: Harry L. Elliott, 914 East Anderson Lane, Austin, Texas 78752-1699, (512) 837-9236.

Filed: December 1, 1989, 9:42 a.m.

TRD-8911533

Texas Commission for the Deaf

Friday, December 1, 1989, 7 p.m. The Board for Evaluation of Interpreters (BEI) of the Texas Commission for the Deaf met at the Embassy Suites, 300 South Congress, Austin. According to the emergency meeting agenda, the board conducted a work session to discuss BEI budget. The emergency status was necessary because discussion of BEI budget would take much time from the BEI's regular open meeting.

Contact: Larry D. Evans, 510 South Congress, Suite 300, Austin, Texas 78704, (512) 469-9891.

Filed: December 1, 1989, 3:38 p.m.

TRD-8911567

Texas School for the Deaf

Saturday, December 9, 1989, 9 a.m. The Policy Committee of the Texas School for the Deaf will meet in the Administration Building Conference Room, 1102 South Congress Avenue, Austin. According to the agenda summary, the committee will discuss policy adoption/amendments: local school governance; policy adoption/amendments: students; and policy adoption: local school governance (First reading).

Contact: Marilyn R. Stephan, (512) 440-5335.

Filed: December 1, 1989, 4:10 p.m.

TRD-8911574

Saturday, December 9, 1989, 10 a.m. The Governing Board of the Texas School for the Deaf will meet in the Administration Building Board Room, 1102 South Congress Avenue, Austin. According to the agenda summary, the board will consider approval of minutes of the October 20, 1989 meeting; business for information purposes; business requiring board action; and comments by members.

Contact: Marilyn R. Stephan, (512) 440-5335.

Filed: December 1, 1989, 4:10 p.m.

TRD-8911573

Texas Education Agency

Tuesday, December 12, 1989, 1 p.m. and Wednesday, December 13, 1989, 8:30 a.m. The State Legalization Impact Assistance Grants Education Work Group of the Texas Education Agency will meet at the Howard Johnson Plaza Hotel, 3401 South Interstate 35, Austin, Texas. According to the agenda, the group will update information on the state legalization impact assistance grants; and receive reports from committees concerning teacher training, curriculum, rural programs, and outreach programs.

Contact: Lillis Elizondo, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9294.

Filed: December 4, 1989, 4:29 p.m.

TRD-8911646

Thursday, December 14, 1989, 1 p.m. and Friday, December 15, 1989, 8:30 a.m. The Apprenticeship and Training Advisory Committee of the Texas Education Agency will meet at the Howard Johnson Plaza Hotel, 3401 South Interstate 35, Austin, Texas. According to the agenda, the committee will hear the reports from: ATAC chairperson; director of programs of adult education/employment and training, funding and compliance division of TEA; Texas state director bureau of apprenticeship and training; U.S. Department of Labor; finance and budget subcommittee; planning subcommittee; resource subcommittee; presentations: "Update on the Reauthorization of the Carl D. Perkins vocational Education Act"; "Overview of the Occupational Safety and Health Administration"; "Update on the Apprenticeship Task Force of the Regional Planning Committee of San Antonio"; "Administering Secondary Vocational Education Programs"; "Responsibilities of the Apprentice".

Contact: James C. Woodman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9294.

Filed: December 4, 1989, 4:29 p.m.

TRD-8911645

Employees Retirement System of Texas

Tuesday, December 12, 1989, 9 a.m. The Group Insurance Advisory Committee of the Employee Retirement System of Texas will meet at the Texas Rehabilitation Commission, Brown-Heatley Building, 4900 North Lamar Boulevard, Room 1420-1430, Austin. According to the agenda summary, the committee will consider approval of minutes from previous meetings; presentation from prescription mail order program; dental insurance carrier; update on board of trustee actions; discuss and make recommendations on cost containment issues and related insurance matters.

Contact: James W. Sarver, 18th and Brazos, Austin, Texas 78701, (512) 476-6431, ext. 217

Filed: December 4, 1989, 10:52 a.m.

TRD-8911614

Tuesday, December 12, 1989, 9 a.m. The Group Insurance Advisory Committee of the Employee Retirement System of Texas will meet at the Texas Rehabilitation Commission, Brown-Heatley Building, 4900 North Lamar Boulevard, Room 1420-1430, Austin. According to the agenda summary,

the committee will consider approval of minutes from previous meetings; presentation from prescription mail order program; dental insurance carrier; update on board of trustee actions; discuss and make recommendations on prescription drug program and general cost containment issues and other related insurance matters.

Contact: James W. Sarver, 18th and Brazos, Austin, Texas 78701, (512) 476-6431, ext. 217

Filed: December 4, 1989, 2:40 p.m.

TRD-8911624

Texas Employment Commission

Tuesday, December 12, 1989, 8:30 a.m. The Texas Employment Commission will meet at 101 East 15th Street, Room 644, Austin. According to the agenda, the commission will review 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 docket number 50 and set date of next meeting.

Contact: Courtenay Browning, 101 East 15th Street, Austin, Texas 78778, (512) 463-2226.

Filed: December 4, 1989, 4:21 p.m.

TRD-8911642

Texas Department of Health

Friday, December 8, 1989, 1 p.m. The Emergency and Disaster Committee of the Texas Board of Health of the Texas Department of Health will meet at the Guest Quarters Hotel, 303 West 15th Street, Bluebonnet I Room, Austin. According to the agenda summary, the committee will consider emergency and final rules on emergency medical services fees; final repeal of EMS rules on eligibility, application process, criteria for application, and evaluation; status report on trauma cost study.

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

Filed: November 30, 1989, 4:30 p.m.

TRD-8911520

Friday, December 8, 1989, 1:30 p.m. The On-Site Wastewater Treatment Research Council of the Texas Department of Health will meet at the Center for Environmental Research, Hornsby Bend Wastewater and Treatment Facility, 2210 South FM 973, Austin. According to the agenda summary, the council will hear staff reports; discuss and possibly act on final proposal to Texas Water Development Board (TWDB); task outline for on-site wastewater treatment research related to TWDB grant; budgetary

and operating procedures for the Council, Texas Department of Health, and Center for Environmental Research.

Contact: Stephen J. Tencza, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7293.

Filed: November 30, 1989, 4:30 p.m.

TRD-8911517

Friday, December 8, 1989, 2 p.m. The Alternate Care Committee of the Texas Board of Health of the Texas Department of Health will meet at the Guest Quarters Hotel, 303 West 15th Street, Room 1500, Austin. According to the agenda summary, the committee will consider proposed rules on home health agencies and home dialysis technicians; final rules on home health agencies; final repeal and new rules on licensed professional counselors; final rules on massage therapy; registry of health related services; kidney health program; health maintenance organizations; and discuss proposed rules on abortion facilities.

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

Filed: November 30, 1989, 4:12 p.m.

TRD-8911516

Friday, December 8, 1989, 3:30 p.m. The Budget Committee of the Texas Board of Health of the Texas Department of Health will meet at the Guest Quarters Hotel, 303 West 15th Street, Bluebonnet I Room, Austin. According to the agenda summary, the committee will consider approval of transfer of general revenue funds to chronically ill and disabled children's services program, including an update on the status of programs affected by gramm-rudmann reductions; internal audit activity report.

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

Filed: November 30, 1989, 4:30 p.m.

TRD-8911519

Friday, December 8, 1989, 4:30 p.m. The Environmental Health Committee of the Texas Board of Health of the Texas Department of Health will meet at the Guest Quarters Hotel, 303 West 15th Street, Room 1500, Austin. According to the agenda summary, the committee will consider emergency and proposed rule on municipal solid waste facility fees and reports; proposed rule on youth camp licenses; final rule on crab meat; proposed rules on uranium recovery facilities; appointments to sanitarian advisory committee.

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

Filed: November 30, 1989, 4:30 p.m.

TRD-8911518

Saturday, December 9, 1989, 7:30 a.m. The Executive Committee of the Texas

Board of Health of the Texas Department of Health will meet at Texas Department of Health, 1100 West 49th Street, Room M-749, Austin. According to the agenda summary, the committee will meet to discuss items of procedure for December 1989 board meeting.

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

Filed: December 1, 1989, 3:52 p.m.

TRD-8911609

Saturday, December 9, 1989, 8 a.m. The Public Health Promotion Committee of the Texas Board of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-741, Austin. According to the agenda summary, the committee will consider adoption of final rules on signs on the prohibition of the sale of tobacco products to a minor under eighteen years of age; state employee health fitness and education; emergency and proposed rules on HIV/AIDS model workplace guidelines; model health education program/resource guide for HIV/AIDS education of school-age children; and public information progress report.

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

Filed: December 1, 1989, 3:51 p.m.

TRD-8911607

Saturday, December 9, 1989, 9 a.m. The Nursing Homes Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-754, Austin. According to the agenda summary, the committee will consider proposed rules on long term care procedures and minimum licensing standards for nursing homes.

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

Filed: December 1, 1989, 3:52 p.m.

TRD-8911606

Saturday, December 9, 1989, 9 a.m. The Disease Control Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-721, Austin. According to the agenda summary, the committee will consider rule on proposed HIV counseling and testing course; final rules on Texas HIV medication program and control of communicable diseases; appointments to HIV medication program advisory committee; update on advisory committee for HIV services.

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

Filed: December 1, 1989, 3:52 p.m.

TRD-8911615

Saturday, December 9, 1989, 10 a.m. The Chronically Ill and Disabled Children's Services and Maternal and Child Health Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-652, Austin. According to the agenda summary, the committee will consider emergency, proposed, and final rules on chronically ill and disabled children's services; adoption under federal mandate of WIC state plan of operations and WIC policy and procedure manual; update on WIC program; report on chronically ill and disabled children's services administrative changes.

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

Filed: December 1, 1989, 3:52 p.m.

TRD-8911613

Saturday, December 9, 1989, 11 a.m. The Hospitals Committee of the Texas Board of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-741, Austin. According to the agenda summary, the committee will consider final rules on hospital licensing standards and special care facilities.

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

Filed: December 1, 1989, 3:52 p.m.

TRD-8911612

Saturday, December 9, 1989, 11 p.m. The Personnel Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-721, Austin. According to the agenda summary, the committee will consider advisory committee appointments (children's speech, hearing, and language screening; sanitarian; hospital patient transfer; lay midwifery; HIV medication program); and update on advisory committee for HIV services.

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

Filed: December 1, 1989, 3:52 p.m.

TRD-8911611

Saturday, December 9, 1989, noon. The Legislative Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-652, Austin. According to the agenda summary, the committee will consider proposed legislation for the 72nd legislative session.

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

Filed: December 1, 1989, 3:52 p.m.

TRD-8911610

Saturday, December 9, 1989, 1 p.m. The Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-739, Austin. According to the agenda summary, the board will approve minutes; hear reports (commissioner; aids; department organization and functions); adopt emergency, proposed, and new rules (home health agencies; home dialysis technicians youth camps; uranium recovery facilities; professional counselors; massage therapy; registry of health related services; kidney health; health maintenance organizations; hospitals; special care facilities; chronically ill and disabled children; women, infants, and children; HIV/AIDS medication, education, workplace guidelines, counseling and testing; communicable diseases; sale of tobacco to minors; state employee health fitness and education; crab meat; Texas Emergency Medical Services Advisory Council; emergency medical services; municipal solid waste); transfer general revenue funds to chronically ill and disabled children's services program; consider women, infants, and children's program for 1989 fiscal year; committee reports and appointments; proposed legislation for 72nd legislature; announcements and comments.

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

Filed: December 1, 1989, 3:51 p.m.

TRD-8911608

Texas Health and Human Services Coordinating Council

Wednesday, December 13, 1989, 1:30 p.m. The Ad-Hoc Outreach Subcommittee of the Texas Health and Human Services Coordinating Council will meet at the Howard Johnson Plaza Hotel South, IH 35 and Woodward Streets, Austin. According to the agenda, the committee will review: SLIAG regulations; assessment of outreach needs; adopt definition of outreach; current materials and resource networks; develop timeline, and assign subcommittee to review needs.

Contact: Marguerite Rivera Houze, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: December 4, 1989, 3:04 p.m.

TRD-8911631

Texas Commission on Human Rights

Friday, December 15, 1989, 11 a.m. The Commission on Human Rights will meet at the John H. Reagan Building, 105 West

15th Street, Room 107, Austin. According to the agenda summary, the commission will discuss and vote on agenda item(s) covered in the executive session as necessary or required; welcoming of guests; consider approval of minutes; discuss newspaper coverage; administrative reports (executive director's report, complaint monitoring report, operations report, finance report); review of rules for final approval; attorney general's opinion related to confidentiality of case files; status of substantial review of the Texas Fair Housing Act by HUD and special projects submitted to HUD; performance and funds management report; status of EEO compliance training; commissioner issues; and unfinished business.

Contact: William M. Hale, P.O. Box 13493, Austin, Texas 78711, (512) 837-8534.

Filed: December 1, 1989, 2:07 p.m.

TRD-8911554

Texas Department of Human Services

Monday and Tuesday, December 11-12, 1989, 1 p.m. The Family Violence Advisory Committee Meeting of the Texas Department of Human Services will meet at the Driskill Hotel, Sixth and Brazos, Jim Hogg Room, Austin. According to the agenda, the committee will discuss minutes; announcements; subcommittee meetings; reports; and old business.

Contact: Kathleen Hamilton, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3365.

Filed: November 30, 1989, 4:30 p.m.

TRD-8911522

Department of Information Resources

Friday, December 8, 1989, 9 a.m. The Open Board Meeting of the Department of Information Resources will meet at the John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the board will discuss executive director's report; approval of October 6, 1989 minutes; approval of November 3, 1989 minutes; policy issues/old business: highway update, threshold designations, IRM designations, agency strategic planning, and agency operation planning; new business: water development board request or certification and State Board of Insurance budget execution; approval of 1989 biennial report; approval of funds management report; approval of 1989 annual financial report; approval of LBB Operating budget; and approval of delegation of authority.

Contact: Molly Yates, 3307 Northland,
Austin, Texas 78731, (512) 371-1120.

Filed: November 30, 1989, 10:27 a.m.

TRD-8911442

State Board of Insurance

Tuesday, December 12, 1989, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the agenda, the section will conduct a public hearing on Docket Number 10636 to consider the application for approval of merger of Churchill Life Insurance Company, an Arizona insurer, into Reserve Life Insurance Company, Dallas.

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

Filed: December 4, 1989, 3:22 p.m.

TRD-8911640

Tuesday, December 12, 1989, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 460, Austin. According to the agenda, the section will conduct a public hearing on Docket Number 10633 to consider the proposed plan of merger of TIB Life Insurance Company, into Service Life and Casualty Insurance Company.

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

Filed: December 4, 1989, 3:22 p.m.

TRD-8911639

Tuesday, December 12, 1989, 10 a.m. The State Board of Insurance will meet at 1110 San Jacinto Street, Room 414, Austin. According to the agenda, the board will consider under the Texas Insurance Code, Article 5.96(i), of adoption on an emergency basis of manual rules, policy and endorsement forms, and amendments to rules and forms for workers' compensation insurance. Emergency and proposed action on 28 TAC 1.408, 3.3308, 7.58, 7.1008 and 25.714. Final action on new 28 TAC 21.122 and amendment to 28 TAC 5.2002. Extension of emergency amendments to 28 TAC 21.704, 33.1-33.3, 33.107, 33.108, 33.401, 33.404, 33.405, 33.505, and 33.506. Report by Agents' Conduct Advisory Committee. Decision on employee grievance. Board orders on several different matters as itemized on the complete agenda. Proposals for decision in the appeals of Alejandro Perez de la Vega and James S. Finley from actions of the Texas Catastrophe Property Insurance Association. Review of activities of the State Fire Marshal's Office, personnel matters, litigation, solvency matters, and property reorganization.

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

Filed: December 4, 1989, 2:52 p.m.

TRD-8911625

Tuesday, December 12, 1989, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 342, Austin. According to the agenda, the section will conduct a public hearing on Docket Number 10632 to consider whether disciplinary action should be taken against Martin H. Brown, Dallas, who holds a Group I, Legal Reserve Life Insurance Agent's license, a Group II, Insurance Agent's license and a Variable Contract Insurance Agent's license issued by the State Board of Insurance.

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

Filed: December 4, 1989, 3:22 p.m.

TRD-8911638

Tuesday, December 12, 1989, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the agenda, the section will conduct a public hearing on Docket Number 10645 to consider the application of Institutional Founders Life Insurance Company of Texas for a waiver from the Commissioner of Insurance, pursuant to Texas Insurance Code Article 3.33, §6, of certain limitations on investments established by Texas Insurance Code Article 3.33, §4(c).

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

Filed: December 4, 1989, 3:22 p.m.

TRD-8911637

Wednesday, December 20, 1989, 9:30 a.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 on docket number 1707 to consider a request by the staff of the commissioner for determination by the board of appropriate rates for previously approved rate filing plans by Forum Insurance Company.

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

Filed: November 30, 1989, 2:25 p.m.

TRD-8911467

State Board of Insurance

Wednesday, December 20, 1989, 9:30 a.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 on docket number 1706 to consider a request by the staff of the commissioner for determination by the board of appropriate rates for previously approved rate filing plans by Montgomery Ward Insurance Company.

Contact: Pat Wagner, 1110 San Jacinto,

Austin, Texas 78701-1998, (512) 463-6328.

Filed: November 30, 1989, 2:25 p.m.

TRD-8911466

Texas Board of Professional Land Surveying

Friday, December 15, 1989, 1:30 p.m. The Third Called Meeting of the Texas Board of Professional Land Surveying will meet at 7701 North Lamar Boulevard, Suite 400, Austin. According to the agenda, the board will meet to discuss the October, 1989 examination results, discuss a formal response to the Sunset Advisory Commission Report, hear committee reports, adopt the amendment to rule 663.9 published November 10, 1989 and consider new business.

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

Filed: November 30, 1989, 2:06 p.m.

TRD-8911509

Texas State Board of Medical Examiners

Monday, December 4, 1989, 8 a.m. The Examination Committee of the Texas State Board of Medical Examiners met at 1101 Camino LaCosta, Austin. According to the emergency agenda summary, the committee met to discuss the addition to previously posted agenda: review of exam applicants complete for consideration of licensure. The emergency status was necessary because information of importance needs to come to committee's attention prior to date set for next meeting.

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

Filed: December 1, 1989, 1:43 p.m.

TRD-8911546

Monday, December 4, 1989, 11:30 a.m., Tuesday, December 5, 1989, 9 a.m., Wednesday and Thursday, December 6-7, 1989, 8 a.m. The Texas State Board of Medical Examiners met at 1101 Camino LaCosta, Austin. According to the emergency agenda summary, the board met to discuss in addition to previously posted agenda: additional board order approvals. The emergency status was necessary because information had come to agency and merits board attention prior to next scheduled meeting.

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

Filed: December 1, 1989, 1:43 p.m.

TRD-8911545

Texas Department of Mental Health and Mental Retardation

Friday, December 8, 1989, 9:15 a.m. The Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet at the Central Office, 909 West 45th Street (Auditorium), Austin. According to the emergency agenda summary, the board will consider citizens comments. Emergency addition: consider adoption of amendment to rules governing continuity of services—mental health. If deaf interpreters are required, notify TDMHMR (512) 465-4585, Ernest Fuentes, 72 hours prior to the meeting. The emergency status was necessary to avoid automatic withdrawal of the proposed amendment to rules under Texas Register procedures.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756.

Filed: December 4, 1989, 4:05 p.m.

TRD-8911641

Texas Council on Offenders with Mental Impairments

Monday, December 11, 1989, 10 a.m. The Executive Committee of the Texas Council on Offenders with Mental Impairments will meet at the Mental Health Association in Texas, 8401 Shoal Creek Boulevard, Austin. According to the agenda summary, the committee will go into executive session to discuss personnel matters, hear a fiscal report, discuss legislative issues, and discuss old and new business.

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

Filed: December 1, 1989, 2:36 p.m.

TRD-8911550

Board of Pardons and Paroles

Monday-Thursday, December 11-14, 1989, 1:30 p.m., Friday, December 15, 1989, 11 a.m. The A Board Panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board will meet to receive, review and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: K. Armstrong, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: December 1, 1989, 11:10 a.m.

TRD-8911540

Tuesday, December 12, 1989, 9 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will act on the following items: minutes of November 7, 1989; intermediate sanction facility contract; HH contract renewals; PPT warrant withdrawals; modifications to electronic restraint device policy; recommended supervision status; procedures for victim input; notice to trial officials procedures; adoption of revised parole panels; criteria for special review caseload/intensive supervision; adoption of various proclamations/resolutions; adoption of transition resolution; public input/comments and the executive director's report.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-7249.

Filed: December 4, 1989, 4:27 p.m.

TRD-8911643

Tuesday, December 12, 1989, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will meet to consider executive clemency recommendations and related actions (other than Out of Country Conditional Pardons), including: full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; other reprieves, remissions and executive clemency actions.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-7249.

Filed: December 1, 1989, 11:10 a.m.

TRD-8911539

State Pension Review Board

Monday, December 18, 1989, 10 a.m. The State Pension Review Board will meet at the Employees Retirement System Building, Conference Room Fourth Floor, Room 403, 18th and Brazos, Austin. According to the agenda, the board will discuss reading and adoption of minutes of previous meeting; executive director's report; old business; report on investment review committee; PRB seminar for public retirement systems; election of officers for calendar year 1990; and announcements and invitation for audience participation.

Contact: Lynda Baker, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: December 4, 1989, 3:43 p.m.

TRD-8911632

Texas State Board of Public Accountancy

Friday, December 8, 1989, 1 p.m. The

Sponsor Compliance Committee of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the agenda, the committee will review status of sponsor renewal; responses from sponsors discussed at previous meeting; review and recommendations of advisory committee members; other matters involving creation of policy and procedures in evaluating courses offered by sponsors; review dates for next committee meeting and other business.

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

Filed: November 30, 1989, 3:53 p.m.

TRD-8911508

Texas Department of Public Safety

Tuesday, December 12, 1989, 8 a.m. The Public Safety Commission of the Texas Department of Public Safety will meet at the DPS Headquarters, Commission Room, 5805 North Lamar Boulevard, Austin. According to the agenda, the commission will consider approval of minutes; continuation of appeal hearing of discharged employee; budget matters; personnel matters; real estate matters; pending and contemplated litigation; miscellaneous and other unfinished business.

Contact: Joe E. Milner, 5805 North Lamar Boulevard, Austin, Texas, (512) 465-2000, ext. 3700.

Filed: November 30, 1989, 10:19 a.m.

TRD-8911439

Public Utility Commission of Texas

Friday, December 8, 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 commission will have an open meeting to consider the following dockets: 8664, 8730 and 8798. The commission will consider adoption of substantive rules 23.45 billing; 23.46 discontinuance of service (project number 8637) and 23.3 definition (project number 8651).

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

Filed: November 30, 1989, 3:43 p.m.

TRD-8911502

Friday, December 8, 1989, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the revised agenda, the commission will also consider docket number 8790, application of South-

western Bell Telephone Company to offer an experimental optional calling plan (discounted IntraLATA rates).

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

Filed: November 30, 1989, 3:42 p.m.

TRD-8911506

Friday, December 8, 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, the commission will discuss: adjournment for executive session to consider; litigation and personnel matters. Reconvene for discussions considered in executive session; reports, discussion and action on budget and fiscal matters including a report on the status of the lease on the PUC offices; consideration of a contract among Shumaker and Company, West Texas Utilities (WTU), and the PUC for a management audit of WTU; approval of TECA expenses relating to administration of the Universal Service Fund; amendment to contract with TECA to add administration of expenses for dual party relay service; approval of request for proposals for an audit of the Universal Service Fund, and status report on the operations of the PUC central records; set time and place for next meeting.

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

Filed: November 30, 1989, 3:41 p.m.

TRD-8911507

Wednesday, December 13, 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, a prehearing conference has been scheduled in docket number 9165, application of El Paso Electric Company for authority to change rates.

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

Filed: November 30, 1989, 3:43 p.m.

TRD-8911503

Wednesday, December 13, 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, the division will hold a joint prehearing conference for Docket Number 9069 to consider application of El Paso Electric Company for approval of deferred accounting treatment of certain costs related to Palo Verde Unit 3.

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

Filed: December 4, 1989, 3:42 p.m.

TRD-8911635

Friday, December 15, 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, a second prehearing conference is scheduled for docket number 9128, application of Central Texas Telephone Cooperative to revise tariff pursuant to PUC substantive rule 23.24(b)(1).

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

Filed: November 30, 1989, 3:43 p.m.

TRD-8911501

Tuesday, December 19, 1989, 9 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, the division will hold a prehearing conference for Docket Numbers 8585 and 8218 for inquiry of the general counsel into the reasonableness of the rates and services of Southwestern Bell Telephone Company; and the WATS prorate credit.

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

Filed: December 1, 1989, 3:45 p.m.

TRD-8911618

Tuesday, December 19, 1989, 2:30 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, a prehearing conference has been scheduled for docket number 9143, petition of Hughes Long Distance, Inc. for waiver of PUC substantive rule 23.61(m).

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

Filed: November 30, 1989, 3:42 p.m.

TRD-8911505

Thursday, January 18, 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, the division will hold a prehearing conference for Docket Number 9163 to discuss the application of Southwestern Bell Telephone Company for approval of customer specific contract for plexar custom service for IBM Corporation in Austin.

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

Filed: December 4, 1989, 3:42 p.m.

TRD-8911636

Thursday, January 25, 1990, noon. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, the division will hold a prehearing conference for Docket Number 8914 to discuss complaint of the National Telecommunications of Austin against Southwestern Bell Telephone Company.

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

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

Filed: December 4, 1989, 3:42 p.m.

TRD-08911633

Monday, January 29, 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 has been scheduled for docket number 9103, application of Mustang Telephone Company to add private pay telephone service.

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

Filed: November 30, 1989, 3:42 p.m.

TRD-8911504

Tuesday, February 20, 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 is scheduled for docket number 9112 to discuss application of United Telephone Company of Texas, Inc. to implement a billing change relating to TRA billing credits.

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

Filed: November 30, 1989, 3:43 p.m.

TRD-8911500

Wednesday, February 28, 1990, 9 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, the division will hold a hearing on the merits in Docket Number 8927 to discuss application of Southwestern Bell Telephone Company for approval of new service; and customer billing reports (toll summaries).

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

Filed: December 1, 1989, 3:45 p.m.

TRD-8911617

Monday, April 9, 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, the division will hold a hearing in Docket Number 9090 to discuss the 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: December 1, 1989, 3:45 p.m.

TRD-8911616

Monday, April 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, the division will hold a hearing on the merits for Docket Number 8914 to discuss complaint of National Telecommunications of Austin against Southwestern Bell Telephone Company.

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

Filed: December 4, 1989, 3:42 a.m.

TRD-8911634

State Purchasing and General Services Commission and the Texas Public Finance Authority

Wednesday, December 13, 1989, 10:00 a.m. The State Purchasing and General Services Commission and the Texas Public Finance Authority will meet in the Central Services Building, Conference Room 402, 1711 San Jacinto, Austin. According to the revised agenda, the authority and the commission will meet to discuss and consider the impact of \$7652, exception from arbitrage rebate requirement, Omnibus Budget Reconciliation Act of 1989 (amending §148(f) of the Internal Revenue Code of 1986, as amended) on the financing and construction of projects by the Authority and the commission, respectively.

Contact: John R. Neel, 1711 San Jacinto, Austin, Texas 78701, (512) 463-3446

Filed: December 1, 1989, 9:31 a.m.

TRD-8911534

Wednesday, December 13, 1989, 10:00 a.m. The State Purchasing and General Services Commission and the Texas Public

Finance Authority will meet in the Central Services Building, Conference Room 402, 1711 San Jacinto, Austin. According to the revised agenda, the authority and the commission will meet to also hear, discuss and consider a presentation by commission staff of its process for estimating costs associated with construction projects and the bases and justification for the estimated construction costs of the proposed projects for the Texas School for the Deaf and the State Board of Insurance warehouse

Contact: John R. Neel, 1711 San Jacinto, Austin, Texas 78701, (512) 463-3446

Filed: December 5, 1989, 9:59 a.m.

TRD-8911652

Texas Racing Commission

Monday, December 11, 1989, 9 a.m. The Texas Racing Commission will meet at the John H. Reagan Building, 105 West 15th, Room 101, Austin. According to the agenda summary, the commission will consider approval of minutes; presentation of certificate of appreciation, consideration, and vote on TxRC Annual Report; final adoption of §§307.223, 309.25, 309.56, 309.58, 309.61, 309.68, 309.69, 309.114, 309.195, 311.11, 311.12, 311.101, 311.10, 309.201, 311.208, 311.156, 313.103, 313.406, 319.4, 319.365; vote to adopt as emergency rules and propose for publication in the Texas Register §§307.224, 307.261, 319.306; hear presentation on status of Valley Greyhound Park; consideration and votes on matters relating to motions for rehearing regarding Galveston County, greyhound racetrack license; executive session; discuss consideration and votes on La Bahia request for additional nonpari-mutuel racedays; presentation by Texas Quarter Horse Association; Texas Appaloosa Racing Association; consideration and votes regarding Gillespie County Fairground Association; G. Rollie White Downs; consideration of matters regarding Del Rio Downs; consideration and votes regarding Bandera Downs; motion of rehearing in Houston Turf Club; application period for Class I, Harris County.

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

Filed: December 1, 1989, 4:22 p.m.

TRD-8911576

Railroad Commission of Texas

Monday, December 11, 1989, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The commission will consider various matters within the jurisdiction of the commis-

sion. 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 its entirety or for particular action at a future time or date. The commission may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received. The commission will meet in executive session to receive legal advice regarding pending and/or contemplated litigation.

Contact: Cue D. Boykin, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

Filed: December 1, 1989, 1:52 p.m.

TRD-08911566

The commission will consider and act on the Administrative Services Division director's report on division administration, budget, procedure, and personnel matters. Discussion of the development of a natural gas clearinghouse that would match companies that need gas to fuel new plants with producers that have gas to sell-possible action.

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

Filed: December 1, 1989, 1:50 p.m.

TRD-08911565

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

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

Filed: December 1, 1989, 1:52 p.m.

TRD-08911559

The commission will consider and act on the executive director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. Consider reorganization of various commission divisions; consolidation of positions; and appointment, reassignment and/or termination of various positions, including division directors. Consideration of reorganization of the well plugging program. The commission will meet in executive session to consider the appointment, employment, evaluation, reassignment, duties, discipline and/or dismissal of personnel.

Contact: Office of the Executive Director, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7274.

Filed: December 1, 1989, 1:51 p.m.

TRD-08911562

The commission will consider and act on the OIS Director's Report on division administration, budget, procedures and personnel matters.

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

Filed: December 1, 1989, 1:51 p.m.

TRD-08911561

The commission will consider and act on the investigation division director's report on division administration, investigations, budget, and personnel matters.

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

Filed: December 1, 1989, 1:51 p.m.

TRD-08911563

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

Contact: Mark Bogan, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6981.

Filed: December 1, 1989, 1:51 p.m.

TRD-08911564

The commission will consider category determinations under the §§102(c)(1) (B), 102(c)(1)(C), 103, 107, and 108.

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

Filed: December 1, 1989, 1:51 p.m.

TRD-08911560

Texas Real Estate Commission

Monday, December 11, 1989, 8:30 a.m. The Texas Real Estate Appraiser Certification Committee of the Texas Real Estate Commission will meet at the TREC Headquarters, Conference Room, 1101 Camino La Costa, Austin. According to the agenda summary, the committee will meet to discuss minutes of November 28, 1989 committee meeting; policy issues and possible action to establish operating procedures to implement Texas Civil Statutes, Article 6573a, §22; Title XI, Real Estate Appraisal Reform Amendments of 1989; possible action to prioritize actions required by the committee; and selection of date and place of subsequent meetings.

Contact: Mark A. Moseley, 1101 Camino La Costa, Austin, Texas 78752, (512) 465-3960.

Filed: December 1, 1989, 1:18 p.m.

TRD-8911542

Teacher Retirement System of Texas

Friday, December 8, 1989, 9 a.m. The Board of Trustees, of the Teacher Retirement System of Texas will meet in the Board Room, 1001 Trinity, Austin. According to the agenda summary, the board will discuss the consideration of petition of Robert Palter; member discussion of benefit structure; approval of minutes; review of investments for quarter ending September 30, 1989; report of portfolio performance; review of discussion and recommendations at IAC meeting; economic outlook and market conditions; report of real estate counsel; appointment to Texas Growth Fund; appointment to Investment Advisory Committee; dissolution of TRST Eldridge; appointments to Insurance Advisory Committee; adoption of policy on sick leave pooling; report of building expansion construction project; award of architect's contract for remodeling of present building; authorization to approve remodeling contract and change orders; update of special session of legislature; report of member benefits division; report of Texas Public School Retired Employees Group Insurance Program; report of general counsel concerning litigation; and executive session to discuss personnel.

Contact: Mary Godzik, 1001 Trinity, Austin, Texas 78701, (512) 397-6400.

Filed: November 30, 1989, 10:26 a.m.

TRD-8911441

The Texas A&M University System, Board of Regents

Sunday, December 3, 1989, 10:30 a.m. The Audit Committee of the Texas A&M University System, Board of Regents met at the Texas A&M University, MSC Annex, College Station. According to the agenda, the committee met in an emergency meeting to receive a report regarding the recent meeting of the Legislative Audit Committee. The emergency status was necessary to discuss the recent meeting of the Legislative Audit Committee which created unreasonable unforeseen situation.

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

Filed: November 30, 1989, 1:52 p.m.

TRD-8911547

Sunday, December 3, 1989, 1 p.m. The Planning and Building Committee of the Texas A&M University System, Board of Regents met at the Texas A&M University, MSC Annex, College Station. According to

the agenda summary, the committee met in an emergency meeting to discuss initiation of major construction projects; report of contract actions by the chancellor; report of a contract actions by the presidents or deputy chancellors; report of construction project appropriations/authorizations by the chancellor; actions on bids; and appropriations. The emergency status was necessary to review a number of bids just opened, recreating unreasonable unforeseen situation.

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

Filed: November 30, 1989, 1:52 p.m.

TRD-8911548

Sunday, December 3, 1989, 2:10 p.m. The Committee for Service Units of the Texas A&M University System, Board of Regents met in the Texas A&M University, MSC Annex, College Station. According to the agenda, the committee considered authorization to execute a broadform license agreement, Texas agricultural experiment station.

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

Filed: November 30, 1989, 1:51 p.m.

TRD-8911512

Sunday, December 3, 1989, 2:15 p.m. The Committee for Academic Campuses of the Texas A&M University System, Board of Regents met at the Texas A&M University, MSC Annex, College Station. According to the agenda summary, the committee discussed establishment of institutes, centers; approval of enrollment management plan; authorization to change name of the college of business administration; authorization to offer master and doctoral degrees; establish quasi-endowment; emeritus titles; vending machine contracts; and execute easement.

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

Filed: November 30, 1989, 1:51 p.m.

TRD-8911513

Sunday, December 3, 1989, 2:30 p.m. and reconvene Monday, December 4, 1989, 9 a.m. The Executive Committee of the Texas A&M University System, Board of Regents met at the Texas A&M University, MSC Annex, College Station. According to the agenda summary, the committee discussed appropriation of funds; authorization for bank accounts, revolving funds; development of system combined fee financing structure; gifts and grants; budget and fiscal transfers; funding of art acquisitions; authorization to issue system travel regulations and delegations of authority; amendments of objectives, rules, regulations; appointments, promotions, terminations, tenure; consideration of pending or proposed real estate acquisitions, disposals, leases or other

matters related to real estate negotiations; naming of facilities; litigation; acceptance of land; appointment of personnel; authorization for TAMU athletic department post-season bowl competition policy; and consideration of proposed sublease by the former students association.

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

Filed: November 30, 1989, 1:51 p.m.

TRD-8911521

Monday, December 4, 1989, 1:30 p.m. The Board of Regents of the Texas A&M University System met at the Texas A&M University, MSC Annex, College Station. According to the agenda summary, the board discussed appropriations; authorization for bank accounts, revolving funds, fee financing structure, funding of art acquisitions, travel regulations; gifts, budget and fiscal transfers; amendments of objectives, rules, regulations; appointments, promotions, terminations, tenure; consideration of pending or proposed real estate acquisitions, disposals, leases or other matters related to real estate negotiations; naming of facilities; litigation; acceptance of land; appointment of personnel; authorization for TAMU athletic department post-season bowl competition policy; consideration of proposed sublease of land by the former students association; construction matters for the system parts; establish institutes, centers; enrollment management plan; change name of the college of business administration; authorization to officer master and doctoral degrees; quasi-endowment; emeritus titles; contracts; easements, license agreements.

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

Filed: November 30, 1989, 1:51 p.m.

TRD-8911523

Thursday, December 14, 1989, 10:30 a.m. The Committee for Strategic Objectives of the Texas A&M University System, Board of Regents will meet at the Hirshfeld House, 814 Lavaca, Austin. According to the agenda, the committee will receive a report from McKinsey and Company and discuss strategy, criteria for assessing potential affiliates, and other related subjects.

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

Filed: November 30, 1989, 1:51 p.m.

TRD-8911514

Texas Turnpike Authority

Wednesday, December 13, 1989, 7:30 a.m. The Board of Directors of the Texas Turnpike Authority will meet at the Dallas Marriott Quorum, 14901 Dallas Parkway,

Dallas. According to the agenda, the board will discuss and consider the Sunset review policy issues.

Contact: Harry Kabler, P.O. Box 190369, Dallas, Texas 75219, (214) 522-6200.

Filed: December 5, 1989, 8:59 a.m.

TRD-8911649

Wednesday, December 13, 1989, 10 a.m. The Board of Directors of the Texas Turnpike Authority will meet at the Dallas Marriott Quorum, 14901 Dallas Parkway, Dallas. According to the agenda, the board will consider the following items: approval of minutes of the last board meeting; approval of final adoption of annual budgets for calendar year 1990; purchase of right-of-way parcels; Sunset review policy issues; management audit of the authority; reduction of speed limit through the toll plazas; with respect to Sam Houston Tollway-East project, supplemental report from traffic consultants and report from financial advisor and an executive session.

Contact: Harry Kabler, P.O. Box 190369, Dallas, Texas 75219, (214) 522-6200.

Filed: December 5, 1989, 8:58 a.m.

TRD-8911648

University of Texas Health Center at Tyler

Thursday, December 7, 1989, noon. The Animal Research Committee of the University of Texas Health Center at Tyler met at the University of Texas Health Center, Chaplain's Conference Room, Highways 155 South and 271 North, Tyler. According to the agenda, the committee considered approval of minutes from November meeting; chairman's report on activities since last meeting; old business: training tapes—Dr. Jeff Carraway, new requirements on literature searches—Dr. Barry Peterson, status of annual review of protocols—Dr. Jeff Carraway; and new business.

Contact: Dr. Barry Peterson, P.O. Box 2003, Tyler, Texas 75710, (214) 877-7012.

Filed: December 1, 1989, 2:34 p.m.

TRD-8911549

University of Texas System

Thursday, December 7, 1989, 12:00 p.m. The Board of Regents and Standing Committees of the University of Texas System met in the University of Texas Health Science Center, Nursing School Building, Room 1.208, 7703 Floyd Curl Drive, San Antonio. According to the agenda summary the board considered PUF variable rate notes; amendments to RRR; Chancellor's Docket (submitted by System Administration); degree programs; appointments to advisory councils and endowed academic po-

sitions; establishment of UTSA/San Antonio Alliance for Education; role and scope table-UT Pan American (Brownsville); plan for professional medical liability self-insurance; agreements; buildings and grounds matters including approval for projects, preliminary and final plans; land and investment matters; acceptance of gifts, bequests and estates; establishment of endowed positions and funds; intellectual property matters, litigation; land acquisition and negotiated contracts; and personnel matters.

Contact: Arthur H. Dilly, P.O. Box N, University Texas Station, Austin, Texas 78713-7328, (512) 499-4402

Filed: December 1, 1989, 1:11 p.m.

TRD-8911541

Wednesday, December 13, 1989, 9 a.m. The Board for Lease of University Lands of the University of Texas System will meet at the Midland Hilton Hotel, Midland. According to the agenda summary, the board will discuss approval of minutes; future lease sales; recess for 10 a.m. sealed bid sale; and discuss approval of lease awards to highest bidders.

Contact: Linward Shivers, 201 West Seventh Street, Austin, Texas 78701, (512) 499-4462.

Filed: November 30, 1989, 2:15 p.m.

TRD-8911455

Texas Water Commission

Thursday, December 7, 1989, 10 a.m. The Texas Water Commission met in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the emergency revised 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 postpone or continue to this date. The commission may take various actions with regard to any item, including but not limited to scheduling an item in the entirety or for particular action at a future date or time. The emergency status was due to reasonably unforeseen circumstances beyond agency control, an emergency addition was necessary.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: December 4, 1989, 1:24 p.m.

TRD-8911627

Tuesday, December 12, 1989, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider various matters within the regula-

tory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postpone or continue to this date. The commission may take various actions with regard to any item, 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: December 1, 1989, 10:38 a.m.

TRD-8911544

Tuesday, December 12, 1989, 2 p.m. The Texas Water Commission will meet in Room 123, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider the executive director's report on agency administration, policy, budget procedures and personnel matters.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7909.

Filed: December 1, 1989, 3:09 p.m.

TRD-8911557

Thursday, December 14, 1989, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, 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 postpone or continue to this date. The commission may take various actions with regard to any item, 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: December 1, 1989, 10:39 a.m.

TRD-8911543

Monday, December 18, 1989, 10 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet in Room 214, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the hearing on rate increase of Terra Southwest Water Company, Inc., docket number 8026-R.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: December 4, 1989, 1:17 p.m.

TRD-8911630

Monday, December 18, 1989, 1 p.m. The Office of Hearings Examiners of the Texas Water Commission will meet in the Brazos River Authority Board Room, 4400 Cobbs Drive, Waco. According to the agenda, the

hearing regarding applications by Randy Hunt doing business as Hunt's Water Operations, docket number 7911-S; 7912-S; 7913-T; and 7914-S. These applications relate to the sale and transfer of various CCN's.

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

Filed: December 4, 1989, 1:18 p.m.

TRD-8911629

Thursday, January 11, 1990, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Lower Neches Valley Authority, Meeting Room, 7850 Eastex Freeway, Beaumont. According to the agenda, the commission will consider the application by Wildwood Property Owners Association for amendment to permit number 11184-01 to authorize an increase in the discharge of treated domestic wastewater effluent into an unnamed tributary of Village Creek, thence to Village Creek in segment number 0608 of the Neches River Basin.

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

Filed: November 30, 1989, 2:56 p.m.

TRD-8911510

Wednesday, January 24, 1990, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Tyler City Hall, Council Room, Second Floor, 212 North Bonner Avenue, Tyler. According to the agenda, the commission will consider the application by West Rusk County Consolidated Independent School District for proposed permit number 13495-01 authorizing discharge of treated domestic wastewater effluent into a pipe; thence to an unnamed tributary of Johnson Creek; thence to Johnson Creek; thence to Striker Creek, through Lake Striker; thence to the Angelina River in segment number 0611 of the Neches River Basin.

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

Filed: November 30, 1989, 2:56 p.m.

TRD-8911511

Regional Meetings

Meetings Filed November 30, 1989

The Callahan County Appraisal District Board of Directors will meet at the District Office, 130 West 4th Street, Baird, December 11, 1989 at 7 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 806, Baird, Texas 79504, (915) 854-1165.

The Colorado River Municipal Water District Board of Directors met at 400 East 24th Street, Big Spring, December 7, 1989 at 10 a.m. Information may be obtained

from O.H. Ivie, P.O. Box 869, Big Spring, Texas 79721, (915) 267-6341.

The Dallas Central Appraisal District Audit Committee met at 1420 West Mockingbird Lane, Suite 500, Dallas, December 6, 1989 at 7 a.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

The Dallas Central Appraisal District Board of Directors met at 1420 West Mockingbird Lane, Suite 500, Dallas, December 6, 1989 at 7:30 a.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

The Dawson County Central Appraisal District Board of Directors met at 920 North Dallas Avenue, Lamesa, December 6, 1989 at 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Education Service Center, Region 20 Board of Directors will meet at 1314 Hines Avenue, San Antonio, December 13, 1989, at 2 p.m. Information may be obtained from Dr. Judy M. Castleberry, 1314 Hines Avenue, San Antonio, Texas 78208, (512) 299-2400.

The Golden Crescent Regional Review Committee met at the GCRPC Board Room, Regional Airport, Building 102, Victoria, December 6, 1989 at 10 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The High Plains Underground Water Conservation District Number 1 Board of Directors will meet in the Conference Room, 2930 Avenue Q, Lubbock, December 12, 1989, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405.

The South Texas Regional Review Committee will meet at the Starr County Court House, County Commissioners Courtroom, Rio Grande City, December 13, 1989, at 1:30 p.m. Information may be obtained from Juan Vargas, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995.

TRD-8911438

Meetings Filed December 1, 1989

The Alamo Area Council of Governments Budget and Workplan Committee will meet at the Menger Hotel, 204 Alamo Plaza, San Antonio, December 12, 1989 at 9:30 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Alamo Area Council of Governments Area Judges of the Alamo Service Delivery Area will meet at the Menger Ho-

tel, 204 Alamo Plaza, San Antonio, December 12, 1989 at 10:00 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Alamo Area Council of Governments Executive Committee will meet at the Menger Hotel, 204 Alamo Plaza, San Antonio, December 12, 1989 at 10:30 a.m. Information may be obtained from Al J. Notzon, III 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Barton Springs/Edwards Aquifer Conservation District Board of Directors met at 1124-A Regal Row, Austin, December 4, 1989, at 5:30 p.m. Information may be obtained from Bill E. Couch, 1124-A Regal Row, Austin, 78748.

The Burnet County Appraisal District will meet at 215 South Pierce, Burnet, December 13, 1989, at 1 p.m. Information may be obtained from Melissa Cude, Drawer E, Burnet, Texas 78611.

The Dallas Area Rapid Transit ByLaws Ad Hoc Committee met at 601 Pacific Avenue, Dallas, December 5, 1989 at noon. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit Planning and Development Committee met at 601 Pacific Avenue, Dallas, December 5, 1989 at 2 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Education Service Center Region XV Board of Directors met at 612 South Irene Street, Conference Room 1, San Angelo, December 7, 1989 at 1:30 p.m. Information may be obtained from Clyde Warren, 612 South Irene Street, San Angelo, Texas, (915) 658-6571.

The Gray County Appraisal District Appraisal Review Board met at 815 North Sumner, Pampa, December 6, 1989 at 1:30 p.m. Information may be obtained from W. Pat Bagley, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791.

The Kendall County Appraisal District Appraisal Review Board will meet at 207 East San Antonio Street, Boerne, December 14, 1989 at 9 a.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Sabine Valley Regional Mental Health and Mental Retardation Center Board of Trustees will meet at the Holiday Inn, Estes Parkway at I-20, Longview, December 14, 1989, 7 p.m. Information may be obtained from Ron Cookston, P.O. Box 6800, Longview, Texas 75608, (214) 758-2471.

The Texas Association of Regional Councils Board of Directors will meet at the Lone Star Room, Radisson Plaza Hotel, 700 San Jacinto, Austin, December 8, 1989 at 9 a.m. Information may be obtained from Sheila Jennings, 508 West 12th Street, Austin, Texas, (512) 478-4715.

The Tyler County Appraisal District Board of Directors met at 806 West Bluff, Woodville, December 7, 1989 at 4 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Wise County Appraisal District Board of Directors will meet at 206 South State, Decatur, December 14, 1989 at 9 a.m. Information may be obtained from Brenda Jones, 206 South State Street, Decatur, Texas 76234, (817) 627-3081, ext. 70.

TRD-8911527

Meetings Filed December 4, 1989

The Bosque County Appraisal District Appraisal Review Board met at the District Office, 104 West Morgan, Meridian, December 7, 1989 at 9 a.m. Information may be obtained from Billye McGehee, P.O. Box 393, Meridian, Texas 76665, (812) 435-2305.

The Brazos Valley Development Council Regional Advisory Committee on Aging met at 3006 East 29th Street, Bryan, December 7, 1989 at 2 p.m. Information may be obtained from Roberta Lindquist, 3006 East 29th Street, Bryan, Texas, (409) 776-2277.

The Erath County Appraisal District Board of Directors will meet at 1390 Harbin Drive, Board Room, Stephenville, December 13, 1989 at 9 a.m. Information may be obtained from Jerry Lee, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434.

The Mason County Appraisal District will meet at 206 Ft. McKavitt Street, Mason, December 20, 1989 at 7 p.m. Information may be obtained from Neal Little, P.O. Box 1119, Mason, Texas, (915) 347-5989.

The Palo Pinto Appraisal District Board of Directors will meet at 1701 East Hubbard, Mineral Wells, December 12, 1989 at 6:30 p.m. Information may be obtained from Jack F. Samford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-1234.

The Palo Pinto Appraisal District Appraisal Review Board will meet at 1701 East Hubbard, Mineral Wells, December 12, 1989 at 6:30 p.m. Information may be

obtained from Jack F. Samford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-1234.

The Region III Education Service Center Board of Directors will meet at 1905 Leary Lane, Victoria, December 11, 1989 at 1:30 p.m. Information may be obtained from Dr. Julius Cano, 1905 Leary Lane, Victoria, Texas 77901.

The Region 14 Education Service Center Board of Directors will meet at 1850 State Highway 351, Abilene, December 14, 1989 at 5:30 p.m. Information may be obtained from Taressa Huey, Rt. 1, Box 70-A, Abilene, Texas 79601, (915) 676-8201.

The San Jacinto River Authority Board of Directors will meet at the Lake Conroe Office Building, Highway 105 West, Conroe, December 13, 1989 at 1 p.m. Information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas 77305, (409) 588-1111.

The Upshur County Appraisal District Board of Directors will meet at the district office, Warren and Trinity Streets, Gilmer, December 11, 1989 at 1 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

The West Central Texas Council of Governments Ombudsman Task Force will meet at 1025 East, North 10th Street, Abilene, December 8, 1989 at 10 a.m. Information may be obtained from Jimmy Walls, 1025 East, North 10th Street, Abilene, Texas 79604, (915) 672-8544.

The West Central Texas Council of Governments Regional Review Committee will meet at 1025 East, North 10th Street, Abilene, December 13, 1989 at 9 a.m. Information may be obtained from Jim Compton, 1025 East, North 10th Street, Abilene, Texas 79604, (915) 672-8544.

TRD-8911577

Meetings Filed December 5, 1989

The Greater Austin-San Antonio Corridor Council, Inc. Executive Committee will meet at the New Braunfels Civic Center, New Braunfels, December 8, 1989 at 10 a.m. Information may be obtained from Dana Douglass, P.O. Box 1618, San Marcos, Texas 78667-1618.

TRD-8911644

In Addition

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

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

Texas Air Control Board

Notice of Contested Case Hearing

An examiner for the Texas Air Control Board (TACB) will conduct a contested case hearing to consider whether or not a permit should be issued to Capitol Aggregates, Incorporated (the applicant), to construct an asphalt plant in Oak Hill, Travis County.

Time and Place of Hearing. The examiner has set the hearing to begin at 1:30 p.m., February 6, 1990, at the TACB Central Office, Auditorium, 6330 Highway 290 East, Austin.

What the Applicant Must Prove. This hearing is a contested case hearing under the Administrative Procedure and Texas Register Act, §13, Texas Civil Statutes, Article 6252-13a. It is generally conducted like a trial in district court. The applicant must demonstrate, by a preponderance of the evidence, that the proposed facility will meet the requirements of the Texas Clean Air Act, Chapter 382, Texas Civil Statutes (the Act), §382.051, and TACB, §116.3. These requirements include applicable TACB and federal regulations, and will use best available control technology, considering the technical practicability and economic reasonableness of reducing or eliminating emissions.

Deadline for Requesting to be a Party. At the hearing, only those persons admitted as parties and their witnesses will be allowed to participate. Presently, the only prospective parties are the applicant and the TACB Staff. Any person affected by emissions from the proposed facility who wants to be made a party must send a specific written request for party status to Hearings Examiner, Cindy Hurd and make sure that this request is actually received at the TACB Central Office, 6330 Highway 290 East, Austin, Texas 78723, by 5 p.m. on January 3, 1990. The examiner cannot grant party status after that deadline, unless there is good cause for the request arriving late. Hearing requests, comments, or other correspondence sent to the TACB before publication of this notice will not be considered as requests for party status. The examiner will make a decision on party status at the prehearing conference.

Prehearing Conference. The examiner has scheduled a prehearing conference at 1:30 p.m., on January 10, 1990, at the TACB Central Office, Auditorium, 6330 Highway 290 East, Austin. At this conference, the examiner will consider any motions of the parties, but may grant contested motions for continuance only upon proof of good cause. The examiner will also establish a specific date prior to the hearing on the merits for the exchange of written and documentary evidence.

Public Attendance and Testimony. Members of the general public may attend the hearing. Those who plan to attend are encouraged to telephone the TACB Central Office in Austin, at (512) 451-5711, extension 350, 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 TACB Legal Division at (512) 451-5711, extension 350, 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 and TACB Rules. Information about the application and copies of the TACB's Rules and Regulations are available at the TACB Central Office located at 6330 Highway 290 East, Austin, Texas 78723.

Legal Authority. This hearing is called and will be conducted under the authority of the Texas Clean Air Act, §§382.029, 382.030, 382.031 and 382.051, and TACB Procedural Rules, §§103.113, 103.31, and 103.41.

Issued in Austin, Texas on November 29, 1989.

TRD-8911460

Allen Eli Bell
Executive Director
Texas Air Control Board

Filed: November 30, 1989

For further information, please call: (512) 451-5711

Texas Department of Banking Notice of Application

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On November 29, 1989, the banking commissioner received an application to acquire control of the Giddings Citizens State Bancshares, Inc., Giddings, by Donald B. Hayes, Austin; David L. Kriegel, Van Wert, Ohio; Reed Rubin, New York, New York; Robert Feldman, New York, New York; Richard D. Segal, White Plains, New York; BMR Financial Group, Inc., Atlanta, Georgia; Pinnacle Banc Group, Inc., Oak Brook, Illinois; and South Atlantic Venture Fund, II, Limited Partnership, Tampa, Florida.

Additional information may be obtained from: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

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

TRD-8911499

William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: November 30, 1989

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

Notice of Hearing

The hearing officer of the Texas Department of Banking will conduct a hearing on the application to acquire control of National Guaranty Trust Company, Houston, by Charles A. Barron, Van Nuys, California; Richard Bender, Rialto, California; K. Barron Bradshaw, P.C., Evergreen, Colorado; C. J. Chrzan, Burbank, California; John Farber, Shoreview, Minnesota; Calvin Fong, Beverly Hills, California; Warren Brownfield, Burbank, California; Rowena Bennett, Canoga Park, California; Dianne Calver, Burbank, California; Dendron Trust, Saratoga, California; Brian W. Fisher, Los Angeles, California; Jack Koga, Sylmar, California; Carol McGowan, La Crescenta, California; Darryl Sato, Tujunga, California; Raven Limited, Burbank, California; Albert Snell, Monterey Park, California; Kenneth Tiele, Glendale, California; William C. Wiles, Burbank, California; M. W. LeCrone, Pasadena, California; Dragi Milor, Glendale, California; Thomas Soto, Tujunga, California; Frank Simmeth, Glendale, California; George F. Stroope, M.D., North Little Rock, Arkansas; Janis Wiles, Burbank, California and Rodney L. Wilson, Glendale, California. The hearing was originally scheduled for November 21, 1989, and has been continued to January 10, 1990, at 9 a.m. at the Texas Department of Banking, 2601 North Lamar Boulevard, Austin.

Additional information may be obtained from Carlos J. Contreras, III, Assistant General Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on November 30, 1989.

TRD-8911437 Ann Graham
General Counsel
Texas Department of Banking

Filed: November 30, 1989

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

Texas Department of Commerce

Weekly Report on the 1989 Allocation of the State Ceiling on Certain Private Activity Bonds

The Tax Reform Act of 1986 (the Tax Act) imposes a volume ceiling on the aggregate principal amount of private activity bonds that may be issued within the State of Texas during any calendar year. The state ceiling for Texas, imposed by the Tax Act for calendar year 1989, is \$839,250,000.

State legislation, Texas Civil Statutes, Article 5190.9(a), (the Act), established the allocation process for the State of Texas. The Act specifies that prior to October 1, one-third of the state ceiling is to be made available to qualified mortgage bonds and of that one-third, one-third is

available to the Texas Housing Agency. One-fourth of the state ceiling is available to state-voted issues, and the balance of the state ceiling is available for all other issuers of bonds requiring an allocation.

On or after October 1, that portion of the state ceiling available for reservations shall become available to any issuer for any bonds requiring an allocation.

Generally, the state ceiling is allocated on a first-come, first-served basis, with the Texas Department of Commerce (the department) administering the allocation system.

The information that follows is a weekly report of the allocation activity for the period, November 13, 1989-November 24, 1989.

Weekly report on the 1989 allocation of the state ceiling on certain private activity bonds as pursuant to Texas Civil Statutes, Article 5190.9(a).

Total amount of the \$839,250,000 state ceiling remaining unreserved as of November 24, 1989: \$4,787,166.

Comprehensive listing of bond issues which have received a reservation date pursuant to the Act from November 13, 1989-November 24, 1989: none.

Comprehensive listing of bonds issued and delivered as pursuant to the Act from November 13, 1989-November 24, 1989: Matagorda County Navigation District Number One, Houston Lighting and Power Company-South Texas Nuclear Generating Station, water pollution control facility and solid waste disposal facility, \$70,315,000; Rockwall Industrial Development Corporation, Columbia Extrusion Corporation, aluminum manufacturer, \$7 million; Corpus Christi Industrial Development Corporation, De Dietrich (USA), Inc., glassing of large pressure manufacturer, \$2 million.

Issued in Austin, Texas, on November 28, 1989.

TRD-8911538 William D. Taylor
Executive Director
Texas Department of Commerce

Filed: December 1, 1989

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

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

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

Type of Rate Ceilings	Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ /Agri- cultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate - Art. 1.04(a)(1)	12/04/89-12/10/89	18.00%	18.00
Monthly Rate ⁽¹⁾ Art. 1.04(c)	12/01/89-12/31/89	18.00%	18.00%

Standard Quarterly Rate - Art. 1.04(a)(2)	01/01/90-03/31/90	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 ⁽³⁾	01/01/90-03/31/90	18.00%	N.A.
Lender Credit Card Quar- terly Rate - Art. 15.02(d) ⁽³⁾	01/01/90-03/31/90	15.19%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) ⁽²⁾	01/01/90-03/31/90	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 ⁽³⁾	01/01/90-03/31/90	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from:	01/01/90-03/31/90	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	12/01/89-12/31/89	10.00%	10.00%

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

Issued in Austin, Texas, on November 27, 1989.

TRD-8911440 Al Endsley
Consumer Credit Commissioner

Filed: November 30, 1989

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

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Texas Education Agency
Consultant Proposal Request

The following consultant proposal request is filed in accordance with provisions of Texas Civil Statutes, Article 6252-11c.

The Texas Education Agency invites proposals in response to RFP #701-90-033 entitled "Comprehensive Study of the Windham School System" from entities experienced in correctional education to conduct a research study of the Windham School System of the Texas Department of Corrections. The purpose of the study is to identify, analyze and evaluate the mission, goals, objectives, implementation, and funding of Windham's educational pro-

gram. The study will also include an analytical review of current funding procedures and governance policies. The study will be based on examination of fiscal records, and on interviews with Windham's administrators, staff, and students. A final report of the study will be due no later than April 30, 1990. The final report will include research findings and conclusions reflective of the purpose of the study. The Texas Education Agency will utilize the study to make recommendations to the legislature with regard to funding and governance of the Windham School System. The study will be funded in an amount not to exceed \$50,000.

To obtain a complete copy of the request for proposal (RFP #701-90-003), call (512) 463-9304 or write the Document Control Center, Room 6--108, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494. Proposals may be delivered by mail or in person to the Document Control Center at the previously stated address. To be considered for funding, the proposal must be received no later than 5 p.m. on January 10, 1990.

For clarifying information about this request, contact Robert Martinez, Program Director, Division of Education and Training, Texas Education Agency, (512) 463-9294.

Issued in Austin, Texas, on December 1, 1989.

TRD-8911589

W. N. Kirby
Commissioner of Education

Filed: December 4, 1989

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

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State Department of Highways and Public Transportation

Request for Proposals

Pursuant to Texas Civil Statutes, Article 4413(56), the Oil Overcharge Restitutionary Act, the State Department of Highways and Public Transportation issues the following notice for solicitation of proposals and/or applications from nonurbanized transit properties to utilize funds available under the local match for transit providers (LMT) program, administered by the department for the Office of the Governor.

Notice of Invitation. The State Department of Highways and Public Transportation (SDHPT) in conjunction with the Governor's Energy Management Center (GEMC) is issuing this request for proposals. The United States Department of Energy recently approved a program submitted by the GEMC which would authorize the sum of \$700,000, currently available from the stripper well cases, for nonurbanized transit properties as the 20% local capital match needed for Urban Mass Transportation Administration (UMTA) §18 grant funding. It should be noted that no additional federal §18 funds will be available for administrative/operating expenses prior to September 1, 1990, and prospective LMT applicants should consider this point before submitting a proposal. This LMT program is expected to realize significant energy savings as single occupancy vehicle usage declines with the increased availability of public transportation services in nonurbanized areas.

Eligible capital expenses under the LMT program include: (1) the replacement/refurbishment of revenue vehicles such as buses, vans, trolleys, etc., and such auxiliary equipment as is normally acquired with revenue vehicles; (2) the construction or renovation of maintenance facilities, terminal/transfer facilities, bus pullouts, and other passenger amenities; and (3) the purchase of revenue vehicles for service expansions and new services, and such auxiliary equipment as is normally acquired with revenue vehicles. LMT funds must be used for public mass transportation projects.

LMT program monies shall not be used to supplant or replace existing matching funds. That is, if a current or prospective nonurbanized UMTA §18 grant recipient has prior match commitments from another source, those monies may not be released and then replaced by LMT funds.

Priorities for LMT projects have been established through the suballocation of available LMT funds as follows: (1) replacement/refurbishment of revenue vehicles—\$448,000; (2) construction/renovation of facilities—\$154,000; and (3) revenue vehicles for service expansions and new services—\$98,000.

Each project will be evaluated in the appropriate category in accordance with the stated selection criteria. However, the SDHPT reserves the right to establish minimum required scores. If sufficient meritorious projects are not submitted for a particular category, the remaining balance of funds will be transferred to the next higher category of priorities.

Projects must meet federal funding criteria, particularly relative to schedules for the replacement/refurbishment of revenue service vehicles. To be eligible for consideration, each LMT proposal must include the following documents and information.

(1) Applicants that are not currently receiving UMTA §18 grant funds must submit a complete §18 application, copies of which are available at SDHPT district offices.

(2) A written narrative which describes the capital project to be undertaken with LMT matching funds. Applicants requesting funds for multiple projects should group them within the narrative by funding category (replacement/refurbished vehicles, facilities, and expansion vehicles). Further, the applicant must clearly indicate priorities within those categories or all of the applicant's projects in that category will be approved or not approved as a group (for example, System X proposes to replace 15 vans, all of which meet the federal criteria for replacement. However, eight of those vans are much older and their replacement is a higher priority than that of the other seven. Therefore, it may be to System X's advantage to split this request into two pieces to indicate the relative importance of each and thereby improve their chances for approval of replacement of at least eight vans). The narrative should demonstrate the need for the capital improvement. Particular attention should be given to innovate concepts and energy conservation elements.

(3) A line item budget for each project which shows the total project cost and the proposed LMT share.

(4) Documentation that an opportunity for public hearing has been published in general circulation newspapers in the proposed project area and that a hearing has been conducted (if requested).

(5) A signed certification by an authorized official of the applicant organization that the LMT funds will not supplant or replace existing matching funds already committed to the project.

(6) A worksheet computing a five-year cost analysis for the proposed capital investment(s), including operating expenses.

(7) A worksheet computing a five-year cost analysis for at least two alternatives to the proposed capital investment(s), including operating expenses.

(8) A worksheet computing the anticipated increase in annual one-way passenger trips resulting from the proposed capital investment(s).

(9) A worksheet computing the dollar value of the estimated energy savings to be realized in the first year following the capital investment(s).

(10) The latest annual one-way passenger trip figures for the applicant transit system, with the source of the information shown (such as SDHPT reports, etc.).

(11) The latest annual administrative/operating budget for the applicant transit system. Capital costs should not be included.

(12) The latest population estimates for the applicant's authorized service area, with the source of the information shown.

Applicants requesting LMT funds for the purchase or refurbishment of vehicles (replacement or expansion) must also submit the following information: (a) a complete inventory of the current vehicle fleet, with the following information provided for each vehicle: type (bus, van, etc.), license or serial number, size (length), passenger capacity, special equipment onboard (radio, lift, etc.),

model year, odometer reading, date of odometer reading, and whether vehicle is a spare or revenue service unit.

Applicants requesting LMT funds for the construction or renovation of passenger facilities or bus pullouts must also submit the following information: (a) an environmental assessment in accordance with the provisions of UMTA circular 5620.1 dated October 16, 1979, copies of which are available at SDHPT district offices; (b) a worksheet computing the estimated passengers per day to use the proposed facility; (c) the latest system passengers per day, including the source for this information.

Applicants requesting LMT funds for the construction or renovation of maintenance facilities must also submit the following information: (a) an environmental assessment in accordance with the provisions of UMTA circular 5620.1 dated October 16, 1979, copies of which are available at SDHPT district offices; (b) the latest annual system revenue vehicle miles, indicating the source of the information (SDHPT reports, etc.); (c) the current system maintenance budget; (d) a worksheet computing the estimated annual system revenue vehicle miles for the year following the proposed capital investment(s); (e) a worksheet computing the estimated annual system maintenance budget for the year following the proposed capital investment(s).

All worksheets must identify underlying assumptions and outline each step of the computation process. Any computations which cannot be verified by the SDHPT may result in rejection of that worksheet.

Agency Contact. Questions concerning the request for proposals should be referred to Margot Massey, Grant Manager, Public Transportation Division, State Department of Highways and Public Transportation, (512) 483-3662.

Response Date. Written proposals must be received by Margot Massey, State Department of Highways and Public Transportation, 11th and Brazos, Austin, Texas 78701-2483, on or before January 31, 1990.

Selection Criteria. The SDHPT will select projects for LMT funding based on quantitative measures such as the estimated dollar savings, anticipated service increases, energy savings, persons to benefit from project, fleet age and spare ratio, passengers expected to use a facility, and the relationship of expected increases in fleet miles to maintenance expenditures. Only those measures appropriate to a specific funding category will be used in evaluating projects within that category. As this is a competitive grant program, the selection process will focus on the quantifiable measures. However, projects will also be evaluated in terms of the clarity of the proposal and evidence of innovative concepts and energy conservation elements.

Issued in Austin, Texas, on November 30, 1989.

TRD-8911578 Diane L. Northam
Administrative Procedures Technician
State Department of Highways and Public
Transportation

Filed: December 4, 1989

For further information, please call: (512) 463-8630

Pursuant to Texas Civil Statutes, Article 4413(56), the Oil Overcharge Restitutionary Act, the State Department of Highways and Public Transportation issues the following notice for solicitation of proposals and/or applications from private nonprofit organizations serving elderly and/or handicapped persons to utilize funds available under the local match for transit providers (LMT) program, administered by the department for the Office of the Governor.

Notice of Invitation. The State Department of Highways and Public Transportation (SDHPT) in conjunction with the Governor's Energy Management Center (GEMC) is issuing this request for proposals. The United States Department of Energy recently approved a program submitted by the GEMC which would authorize the sum of \$300,000, currently available from the stripper well cases, for private nonprofit organizations serving elderly and/or handicapped persons as the 20% local capital match needed for Urban Mass Transportation Administration (UMTA) §16(b)(2) program funding. This LMT program is expected to realize significant energy savings as single occupancy vehicle usage declines with the increased availability of public transportation services to elderly and/or handicapped persons.

Eligible capital expenses under the LMT program include: (1) the replacement of vehicles such as buses, vans, trolleys, etc., currently used to transport elderly and/or handicapped persons, and such auxiliary equipment as is normally acquired with vehicles of this type; (2) the purchase of vehicles for service expansions and new services to elderly and/or handicapped persons, and such auxiliary equipment as is normally acquired with vehicles of this type; and (3) the purchase of radio equipment only, i.e. equipment that is not part of a vehicle purchase allowed under categories 1 and 2 of this paragraph. LMT funds must be used for transportation projects serving elderly and/or handicapped persons.

LMT program monies shall not be used to supplant or replace existing matching funds. That is, if a prospective UMTA §16(b)(2) grant recipient has prior match commitments from another source, those monies may not be released and then replaced by LMT funds.

Priorities for LMT projects have been established through the suballocation of available LMT funds as follows: (1) replacement of vehicles—\$240,000; (2) purchase of vehicles for service expansions or new services—\$45,000; and (3) purchase of radios—\$15,000.

Each project will be evaluated in the appropriate category in accordance with the stated selection criteria. However the SDHPT reserves the right to establish minimum required scores. If sufficient meritorious projects are not submitted for a particular category, the remaining balance of funds will be transferred to the next higher category of priorities.

Projects must meet federal funding criteria, particularly relative to schedules for the replacement of vehicles. To be eligible for consideration, each LMT proposal must include the following documents and information.

(1) A complete §16(b)(2) grant application, copies of which are available at SDHPT district offices. Applicants requesting funds for multiple projects should group them within the application by funding category (replacement vehicles, expansion vehicles, and radios). Further, the applicant must clearly indicate priorities within those categories or all of the applicant's projects in that category will be approved or not approved as a group (for example, Agency X proposes to replace five vans, all of which meet the federal criteria for replacement. However, three of those vans are much older and their replacement is a higher priority than that of the other two. Therefore, it may be to Agency X's advantage to split this request into two pieces to indicate the relative importance of each request and thereby improve their chances for approval of replacement of at least three vans). The narrative should demonstrate the need for the equipment and clearly identify the benefits to be derived from the purchase(s). Particular attention should be given to innovative concepts and energy conservation elements.

(2) A budget for each category of equipment which shows the unit cost of each item, the total equipment cost, and the proposed LMT (20%) share.

(3) A signed certification by an authorized official of the applicant organization that the LMT funds will not supplant or replace existing matching funds already committed to the project.

(4) A worksheet estimating the cost of operating each proposed item of equipment over a five-year period.

(5) A worksheet estimating the cost of an alternative to purchasing each item of equipment over the same five-year period. For example, rather than purchasing two new vehicles, Agency X might contract for services with Agency Y. This worksheet would estimate the five-year cost of the contract.

(6) A worksheet estimating the anticipated increase in annual one-way passenger trips resulting from the proposed new item(s) of equipment.

(7) A worksheet estimating the dollar value of the expected energy savings to be realized in the first year following the purchase of the proposed item(s) of equipment.

(8) The latest annual one-way passenger trip figures for the applicant agency, with the source of the information shown (such as SDHPT reports, etc).

(9) The latest annual administrative/operating budget for the transportation services provided by the applicant agency. Equipment costs should not be included.

(10) The latest population estimates for the applicant's authorized service area, with the source of the information shown.

Agencies requesting LMT funds for the purchase of vehicles (replacement or expansion) must also submit the following information: (a) a complete inventory of the current vehicle fleet, with the following information provided for each vehicle: type (bus, van, etc.), license or serial number, size (length), passenger capacity, special equipment onboard (radio, lift, etc.), model year, odometer reading, date of odometer reading, and whether vehicle is a spare or is used regularly to provide service.

Applicants requesting LMT funds for the purchase of radios must also submit the following information: (a) a worksheet estimating the current average response time in minutes to vehicle breakdowns or accidents and/or passenger illnesses or injuries (this should be calculated from the time the incident occurs to the time assistance arrives on the scene); (b) A worksheet estimating the average response time in minutes to vehicle/passenger incidents or accidents once the radio equipment is installed (this should be calculated from the time the incident occurs to the time assistance arrives on the scene).

All worksheets must identify underlying assumptions and outline each step of the computation process. Any computations which cannot be verified by the SDHPT may result in rejection of that worksheet.

Agency Contact. Questions concerning the request for proposals should be referred to Margot Massey, Grant Manager, Public Transportation Division, State Department of Highways and Public Transportation, (512) 483-3662.

Response Date. Written proposals must be received by Margot Massey, State Department of Highways and Public Transportation, 11th and Brazos, Austin, Texas 78701-2483, on or before February 15, 1990.

Selection Criteria. The SDHPT will select projects for

LMT funding based on quantitative measures such as the estimated dollar savings, anticipated service increases, energy savings, persons to benefit from project, fleet age and spare ratio, and expected improvement in response time to vehicle/passenger accidents or incidents. Only those measures appropriate to a specific funding category will be used in evaluating projects within that category. As this is a competitive grant program, the selection process will focus on the quantifiable measures. However, projects will also be evaluated in terms of the clarity of the proposal and evidence of innovative concepts and energy conservation elements.

Issued in Austin, Texas, on November 30, 1989.

TRD-8911579

Diane L. Northam
Administrative Procedures Technician
State Department of Highways and Public
Transportation

Filed: December 4, 1989

For further information, please call: (512) 463-8630

Texas Department of Human Services Consultant Proposal Request

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

Description of Services The consultant will develop and deliver the application software, systems integration services, and technical assistance necessary for an automated system supporting the welfare reform program in Texas. The application software must be based on the GAIN employment and reporting system (GEARS) application software developed by System House, Inc. and used in Los Angeles County, California to support the Greater Avenues for Independence (GAIN) project, California's program for welfare reform. The application software must include development of modifications and enhancements to the GEARS application software to customize it for use in Texas for the welfare reform program. Deliverables include system planning, system analysis, project control and management, development environment, delivery of the GEARS application software, design modifications and enhancements to the GEARS application software to customize it for use with Texas' welfare reform program, technical design documentation, system and functional software application testing, programmatic interfaces between Texas' Aid to Families with Dependent Children (AFDC) eligibility system and the GEARS system, system conversion activities, ongoing changes and enhancements to the application software, technical assistance and coordination in use of the application software, and interface design.

Term of Contract It is anticipated that the contract will begin approximately January 15, 1990 and end August 31, 1990. The system application software, with custom modifications, must be fully operational by July 1, 1990.

Contact Person Proposal packets will be available on or after December 11, 1989. To request a packet, contact Kathy Payne, Senior Contracting Officer, Client Self-support Services Division (MC 524-E), Texas Department of Human Services, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4178. All questions and inquiries concerning this procurement must be made to Ms. Payne.

Closing Date Proposals must be received by 4 p.m., December 22, 1989.

Evaluation and Selection Selection of the contractor shall be based on expertise and knowledge of the GEARS application software; prior experience in systems application software design, development, and delivery; knowledge, skills, abilities, experience, and education of key project staff; proposed approach methodology, including timeframes; and cost. All proposals received will be subject to evaluation by a committee of personnel qualified to select the proposal which most clearly meets the requirements of this procurement.

issued in Austin, Texas, on December 1, 1989.

TRD-8911589 Cathy Rossberg
Agency Liaison, Policy Communication
Services
Texas Department of Human Services

Filed: December 1, 1989.

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

Demonstration Project

The Texas Department of Human Services (TDHS) is requesting proposals for a demonstration project to provide services to street youth and chronic runaways.

Description The goal of the demonstration project for street youth and chronic runaways is to establish services for youth not effectively served by current models or methodologies such as street youth and chronic runaways. Services must be easily accessible and designed in a way that will encourage the targeted population to seek and utilize the service. Emphasis should be placed on assisting the youth to arrange suitable long-term living arrangements once they leave the program.

Limitations Eligible applicants include cities, counties, private non-profit, and profit agencies with preference given to private non-profit organizations. Offerers must be able to provide 10% certified local resources. Funds provided through the program may not be used to replace existing federal, state, or local funding. Demonstration project funds may not be utilized to fund juvenile probation officer positions. Applications from juvenile probation departments may propose the provision of services by personnel other than juvenile probation officers. Services to be provided must be separate from existing juvenile probation services and provided at a site separate from juvenile probation offices and detention centers. The contract awarded under this request for proposal (RFP) will be for an 18-month period subject to evaluation. The funds are not intended to expand current runaway programs, they are intended to develop a new model of service.

Term and total value The contract period will be March 1, 1990-August 31, 1991, and funding will not exceed \$400,000. Funding is not to exceed \$200,000 in the first six months (March 1, 1990-August 31, 1990) or \$200,000 in the last twelve months (September 1, 1990-August 31, 1991). Contractor must provide a 10% certified cash match. In-kind match is not allowable.

Contact Person To obtain a complete copy of the request for proposal, please contact Thomas Chapmond, Program Specialist, Texas Department of Human Services, P.O. Box 149030 (MC 538-W), Austin, Texas 78714-9030, (512) 450-3309. Request for proposal packets will be available on or after December 12, 1989.

Evaluation and selection A panel of TDHS staff and staff from other state and private agencies will rank and score each proposal. Procedures to be used to evaluate

offers will include evaluation of the following criteria: needs assessment, approach, staff and agency experience, community coordination, legal implications, evaluation methodology, and cost.

Closing date The last day to receive offers is January 18, 1990. This is a replacement for the invitation published on September 5, 1989, issue of the *Texas Register* (14 TexReg 4555).

issued in Austin, Texas on December 4, 1989.

TRD-8911604 Cathy Rossberg
Agency Liaison, Policy Communication
Services
Texas Department of Human Services

Filed: December 4, 1989.

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

Notice of Correction

The Texas Department of Human (DHS) submitted an open solicitation notice for potential contractors desiring to construct a 90-bed nursing facility in counties listed in that notice. The notice appeared in the November 21, 1989, issue of the *Texas Register* (14 Tex Reg 6144). The list of counties should not have included Bandera, County Number. 010.

Issued in Austin, Texas, on December 1, 1989.

TRD-8911568 Cathy Rossberg
Agency Liaison, Policy Communication
Services
Texas Department of Human Services

Filed: December 1, 1989.

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

State Board of Insurance Company Licensing

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

1. Application for name change in Texas of Financial Security Assurance of Iowa, Inc., a foreign casualty insurance company. The home office is in Indianapolis. The proposed new name is Financial Security Assurance International, Inc.

2. Application for incorporation in Texas of Employer Administrative Services, Inc., a domestic third party administrator. The home office is in San Antonio.

Issued in Austin, Texas, on November 27, 1989.

TRD-8911410 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: November 29, 1989

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

Notices of Public Hearing

Notice is hereby given that a public hearing under Docket number 1709 will be held before the State Board of Insurance beginning at 8:30 a.m. on Thursday, December 21, 1989. The purpose of the hearing will be consideration of possible adoption of new 28 TAC §1.1001 of the rules of the board and such other matters as may properly be

brought before the board. Section 1.1001 concerns disclosure of guaranty fund nonparticipation on each certificate or evidence of coverage and on each policy, contract, or application delivered or issued for delivery in this state that is not covered by an insurance guaranty fund or other solvency protection arrangement. Additional information, including proposed language for 28 TAC §1.1001, was published in the November 7, 1989, issue of the *Texas Register* (14 TexReg 5831). The hearing will be in Room 414 of the State Insurance Building at 1110 San Jacinto Boulevard in Austin.

This hearing will be held in accordance with the legal authority and jurisdiction provided in the Insurance Code, Article 1.04 and Article 21.28-E.

The hearing and procedure will be governed by the rulemaking provisions of the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a) and the rules of practice and procedure before the State Board of Insurance (28 TAC, Chapter 1, Subchapter A).

Please direct all inquiries regarding this hearing to Lyndon Anderson, Deputy Insurance Commissioner for Property Insurance, Mail Code 011-1 State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998, or telephone (512) 322-2265.

Issued in Austin, Texas, on December 4, 1989.

TRD-8911501 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: December 4, 1989

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

Notice is hereby given that a public hearing under Docket number 1692 will be held before the State Board of Insurance beginning at 1 p.m. on Thursday, December 21, 1989. The purpose of the hearing will be consideration of possible adoption of new 28 TAC §§3.3801-3.3812 and 3.3821-3.3838 of the rules of the board and such other matters as may properly be brought before the board. Sections 3.3801-3.3812 and 3.3821-3.3838 concern minimum standards for benefits for long-term care coverage under individual and group policies and certificates of accident and sickness insurance delivered or issued for delivery in Texas. Additional information, including proposed language for 28 TAC §§3.3801-3.3812 and 3.3821-3.3838, was published in the September 19, 1989, issue of the *Texas Register* (14 TexReg 4848). The hearing will be in Room 414 of the State Insurance Building at 1110 San Jacinto Boulevard in Austin.

This hearing will be held in accordance with the legal authority and jurisdiction provided in the Insurance Code, Articles 1.04, 3.51-6, §5, and 3.70-1(F)(5).

The hearing and procedure will be governed by the rulemaking provisions of the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a) and the rules of practice and procedure before the State Board of Insurance (28 TAC, Chapter 1, Subchapter A).

Please direct all inquiries regarding this hearing to Kay Simonton, Deputy Insurance Commissioner, Life Group, Mail Code 830-0, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998, or telephone (512) 322-3401.

Issued in Austin, Texas, on December 4, 1989.

TRD-8911503 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: December 4, 1989

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

Notice is hereby given that a public hearing under Docket Number 1693 will be held before the State Board of Insurance beginning at 10 a.m. on Thursday, December 21, 1989. The purpose of the hearing will be consideration of possible adoption of amendments to 28 TAC §§3.3302-3.3309 and 3.3313 and new §§3.3314-3.3318 of the rules of the board and such other matters as may properly be brought before the board. Sections 3.3302-3.3309 and 3.3313-3.3318 concern minimum standards for Medicare supplement policies. The amendments and new sections are designed to facilitate implementation of amendments to the Insurance Code, Article 3.74, occasioned by the passage of House Bill 116 into law during the 71st Legislature and to comply with recently enacted federal standards applicable to Medicare supplement insurance. Additional information, including proposed language for 28 TAC §§3.3303-3.3309 and 3.3313-3.3318, was published in the September 19, 1989, issue of the *Texas Register* (14 TexReg 4841). The hearing will be in Room 414 of the State Insurance Building at 1110 San Jacinto Boulevard in Austin.

This hearing will be held in accordance with the legal authority and jurisdiction provided in the Insurance Code, Articles 1.04 and 3.74.

The hearing and procedure will be governed by the rulemaking provisions of the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a) and the rules of practice and procedure before the State Board of Insurance (28 TAC, Chapter 1, Subchapter A).

Please direct all inquiries regarding this hearing to Kay Simonton, Deputy Insurance Commissioner, Life Group, Mail Code 830-0, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998, or telephone (512) 322-3401.

Issued in Austin, Texas, on December 4, 1989.

TRD-8911502 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: December 4, 1989

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

The following document submitted by the Texas Department of Health will be serialized beginning in the December 12, 1989, issue of the *Texas Register*.

Municipal Solid Waste Public Site Public Hearing

North Central Texas Council of Governments

Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the North Central Texas Council of Governments publishes this notice of consultant contract award. The

consultant proposal request appeared in the August 11, 1989, issue of the *Texas Register* (14 TexReg 4007). The consultant is to develop a route profile data base for Dallas Area Rapid Transit (DART).

The consultant selected to perform this study is Dikita Enterprises of Texas, Inc., 8700 Brookriver Drive, Suite 612, Dallas, Texas 75247. The maximum amount of this contract is \$72,547. The contract will begin January 2, 1990, and will terminate in approximately four months.

At the conclusion of this project, the consultant will prepare a technical report documenting the methodology, procedures, findings, and results of the project and shall include the data base update plan.

Issued in Arlington, Texas, on November 29, 1989.

TRD-8911556 William J. Pitstick
Executive Director
North Central Texas Council of
Government

Filed: December 1, 1989

For further information, please call: (817) 640-3300

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Railroad Commission of Texas Minority Business Enterprise (MBE) Policy Statement

The Railroad Commission of Texas, Transportation/Gas Utilities Division (RRC), is publishing its proposed MBE Policy Statement pursuant to federal requirements contained in 49 Code of Federal Regulations Part 23 for compliance with regulations which govern the Local Rail Service Assistance Program. Comments from the public are invited and should be addressed to Mike Esparza, Legal Division, Railroad Commission of Texas, 1701 North Congress Avenue, P.O. Drawer 12967, Austin, Texas 78711-2967. Comments should be received at the RRC no later than 5 p.m. on February 1, 1990.

Minority Business Enterprise Policy Statement/Liaison, 49 Code of Federal Regulations 23.45(a) and (b).

The RRC recognizes the authority and applicability of the Minority Business Enterprise requirements set forth in 49 Code of Federal Regulations Part 23 (1987) and 49 Code of Federal Regulations Part 265 (1987) as it applies to the federally assisted railroad program administered by the RRC.

The RRC agrees to ensure that minority business enterprises as defined in 49 Code of Federal Regulations Parts 23 and 265 (1987) have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds. In this regard the RRC shall take all necessary and reasonable steps in accordance with 49 Code of Federal Regulations Parts 23 and 265 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. The RRC shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of United States Department of Transportation (DOT)-assisted contracts.

This policy shall be treated as a legal obligation, and failure to carry out its terms shall be treated as a violation of the financial assistance program agreement. The RRC shall advise each contractor and subcontractor that failure to carry out the requirements set forth in Parts 23.45(a) and 265.7(2) shall constitute a breach of contract with invocation of remedies deemed appropriate by the RRC with concurrence of DOT.

The RRC will actively seek and identify, in concert with other state, federal, and local agencies and with assistance of minority groups and associations, qualified minority business enterprise sources and offer them the opportunity to participate and become involved in the federally assisted railroad programs.

The RRC will make every effort to assure equal business opportunity both within its own organization and within the organizations of its contractors and subcontractors. To that end the RRC hereby sets a goal of 15% minority business utilization in all contracting, subcontracting, and procurement efforts.

Given the organization of the State of Texas' procurement system for goods and services, the RRC has only a limited role in the formal contracting process. The agency charged with the responsibility and control of state contracts has an active program to assist MBEs.

Michael Esparza, Attorney, Legal Division, serves as the MBE Liaison Officer.

Assistance to Minority Business Enterprises in Competing for Contracts and Subcontracts, 49 Code of Federal Regulations 23.45(c).

The RRC shall use affirmative action techniques to facilitate MBE participation in contracting activities. These techniques include: (1) arranging solicitations, time for the presentation of bids, quantities, specifications, and delivery schedules in such a way that will facilitate the participation of MBEs; (2) recognizing the need to assist MBEs in overcoming barriers such as the inability to obtain bonding, financing, or technical assistance; and (3) carrying out information and communications programs on contracting procedures and specific contracting opportunities in a timely manner.

Banks Owned and Controlled by Minorities and Women, 49 Code of Federal Regulations 23.45(d).

The State of Texas Treasury Department issues guidelines that governs the selection of banks which the RRC may utilize for its financial transactions. To the extent allowed by the Treasury Department, the RRC shall encourage prime contractors to use the services of banks owned and controlled by minorities or women.

MBE Directories, 49 Code of Federal Regulations 23.45(e).

Upon request, the RRC shall assist contractors in locating a directory or source list to facilitate identifying MBEs with capabilities relevant to general contracting requirements and to particular solicitations.

Procedures to Ascertain the Eligibility of MBEs, 49 Code of Federal Regulations 23.45(f).

The RRC accepts MBE certification made by other DOT recipients.

The RRC shall require its prime contractors to make good faith efforts to replace an MBE subcontractor that is unable to perform successfully with another MBE.

Percentage Goals for the Work to be Awarded, 49 Code of Federal Regulations 23.45(g).

The RRC sets the overall goal of MBE participation to equal 15% of the dollar value of work to be awarded. This goal is taken from the RRC's original MBE policy statement of 1980. It reflects the estimated percentage of MBE firms that have submitted bids or proposals on previous RRC construction projects. This goal shall be effective for a period of five years following adoption of this policy by the RRC, and it shall be reviewed annually.

Based on past experience, the engineering firms that respond to RRC requests for proposals (RFPs) are meeting with some difficulty in attaining the RRC's MBE goal of 15% for the type of projects which the RRC carries out.

The RRC will strive to achieve 15% MBE utilization for engineering contracts.

The RRC believes that the 15% MBE goal established for construction contracts remains consistent with the MBE participation potential in the railroad construction industry. The RRC is required to accept the lowest qualified bid on all construction projects so price is a key factor in determining the selection of the main contractor. However, MBE participation in these projects is assured through the use of subcontractors to accomplish specific phases of a project and through the use of MBE suppliers for the materials necessary to carry out the work.

The RRC estimates that it will execute one engineering contract and one construction contract during each of the next two years. Future program activity is dependent on authorization and funding from the federal government or from the state legislature.

All bidders or proposers on each specific prime contract with subcontracting possibilities will make their best efforts to meet or exceed the MBE goal or demonstrate that it could not meet the goal despite its best efforts as prescribed in §23.45 (Appendix A—Guidance Concerning Good Faith Efforts). The RRC and its prime contractors shall, at a minimum, seek MBEs in the same geographic area in which they seek contractors or subcontractors generally for a given solicitation. If the RRC or its prime contractor cannot meet the goal using MBEs from this geographic area, the RRC or contractor, as part of its efforts to meet the goal, shall expand its search to a reasonable wider geographic area.

Good Faith Efforts to Meet MBE Contract Goals, Code of Federal Regulations 23.45(h).

The RRC shall inform the competitors in the solicitation that the apparent successful competitor will be required to submit MBE participation information to the recipient and that the award of the contract will be conditioned upon satisfaction of the MBE goal established by the RRC. The apparent successful competitor's submission shall include the following information: (A) the names and addresses of MBE firms that will participate in the contract; (B) a description of the work each named MBE firm will perform; and (C) the dollar amount of participation by each named MBE.

All required MBE data should be submitted to the RRC before the RRC executes any contract with the apparent successful competitor. If the MBE participation submitted in response to the solicitation does not meet the MBE contract goal, the apparent successful competitor shall satisfy the RRC that the competitor has made good faith efforts to meet the goal.

Meeting MBE contract goals or making good faith efforts as provided in §23.45(h)(2) is a condition of receiving a DOT-assisted contract for which contract goals have been established.

Description of Methods to Require Compliance With MBE Requirements, 49 Code of Federal Regulations 23.45(j).

The RRC shall implement this MBE policy on all railroad project contracts having a dollar value of \$10,000 or greater. All contracts executed by the RRC to which the MBE requirements apply shall contain the following language specified by 49 Code of Federal Regulations at §23.43(a)(1) and (2).

(1) "Policy. It is the policy of the Department of Transportation that minority business enterprises as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently the MBE requirements of 49 CFR Part 23 apply to this agreement."

(2) "MBE Obligation. (i) The recipient or its contractor agrees to ensure that minority business enterprises as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement.

In this regard all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis or

issued in Austin, Texas, on December 1, 1989.

TRD-8911558

Cril Payne
Assistant Director-General Law, Legal
Division
Railroad Commission of Texas

Filed: December 1, 1989

For further information, please call: (512) 463-7098

Texas Southern University

Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, Texas Southern University (TSU) requests all interested parties to submit proposals to review its management information systems, including computer services and fiscal operations, and to make recommendations to improve these areas.

Description of Services. The scope of the proposals shall include, but not be limited to, review and analysis of the purchasing system, the general accounting system, the financial reporting system, management information personnel, and computer equipment. In addition, we seek a review and analysis of the state auditor's most recent report and the steps taken and to be taken to cure findings and recommendations.

As part of the project, the successful bidder will be expected to conduct studies and issue advice in the following specific areas: (1) data processing requirements; (2) data processing division structure; (3) data processing personnel training (internal and external); (4) personnel/staffing of management information areas; (5) integrated student records system; (6) resource allocations; and (7) hardware/software.

Closing Date. Closing date for offers to provide these services is December 13, 1989.

Effective Date. The effective date for the contract is on or about December 15, 1989, and it will terminate on February 2, 1990.

Procedure for Selecting Consultant. Texas Southern University will select the consultant firm based on the evaluation and recommendations of the president and the Board of Regents Finance Committee. Selection of the consultant will be based on the following factors: (1) the availability of a senior or managing partner who will supervise the performance of the contract and have direct involvement in all related activities, including the presentation of findings regarding these areas to government agencies; (2) the adequacy and effectiveness of the methodology recommended in reference to the requirements; (3) an evaluation of the project approach, personnel assigned, tasks outlined, and resulting deliverables; (4) vendor experience in developing short and long-range data processing plans as demonstrated by the references submitted in both the public and private sector; and (5) an

evaluation of the costs submitted. Weighted scoring forms will be used in the evaluation.

Terms and conditions of the contract. The following terms and conditions must be accepted by all respondents. (1) TSU reserves the right to reject any and all proposals. (2) The selected consultant will not be eligible to participate in any subsequent hardware/software procurement contracts arising out of the study. This does not preclude negotiations of subsequent consulting contracts with the vendor selected. (3) All information generated is the exclusive property of TSU. (4) Cost for travel, lodging, telephone, and other services required by the selected contractor must be included in the overall costs. (5) The consultant will be required to submit a weekly status report and participate in progress report meetings, with the time of the meetings to be at the discretion of TSU.

Contact Person. Any consultant interested in submitting a proposal may obtain a copy of the request for proposal for management information analysis by contacting Willie Criddle, Special Assistant to the President, Texas Southern University, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 527-7763.

Issued in Houston, Texas, on December 4, 1989.

TRD-8911622

William H. Harris
President
Texas Southern University

Filed: December 4, 1989

For further information, please call: (713) 527-7034

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Texas Water Commission
Public Notice

The Texas Water Commission is requesting preliminary comments in preparation for the triennial review of the Texas surface water quality standards (31 TAC §§307.1-307.10). Preliminary comments will be used to develop proposed revision of the existing sections in preparation for a public hearing in the summer of 1990. In addition to changes based on preliminary suggestions, the commission intends to propose new specific numerical instream criteria for dioxin and other toxic substances which could have adverse human health effects in drinking water or edible fish tissue. Preliminary comments should be submitted by February 5, 1990, and addressed to Daniel E. Beckett, Water Quality Standards and Evaluation Section, P.O. Box 13087, Austin, Texas 78711-3087.

Issued in Austin, Texas, on December 12, 1989.

TRD-8911586

James F. Haley
Director, Legal Division
Texas Water Commission

Filed: December 4, 1989

For further information, please call: (512) 463-8453

1990 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1990 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. A bullet beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
Tuesday, January 2	Wednesday, December 27	Thursday, December 28
*Friday, January 5	Friday, December 29	Tuesday, January 2
Tuesday, January 9	Wednesday, January 3	Thursday, January 4
Friday, January 12	Monday, January 8	Tuesday, January 9
Tuesday, January 16	Wednesday, January 10	Thursday, January 11
Friday, January 19	1989 ANNUAL INDEX	
Tuesday, January 23	Wednesday, January 17	Thursday, January 18
Friday, January 26	Monday, January 22	Tuesday, January 23
Tuesday, January 30	Wednesday, January 24	Thursday, January 25
Friday, February 2	Monday, January 29	Tuesday, January 30
Tuesday, February 6	Wednesday, January 31	Thursday, February 2
Friday, February 9	Monday, February 5	Tuesday, February 6
Tuesday, February 13	Wednesday, February 7	Thursday, February 8
Friday, February 16	Monday, February 12	Tuesday, February 13
Tuesday, February 20	Wednesday, February 14	Thursday, February 15
*Friday, February 23	Friday, February 16	Tuesday, February 20
Tuesday, February 27	Wednesday, February 21	Thursday, February 22
Friday, March 2	Monday, February 26	Tuesday, February 27
Tuesday, March 6	Wednesday, February 28	Thursday, March 1
Friday, March 9	Monday, March 5	Tuesday, March 6
Tuesday, March 13	Wednesday, March 7	Thursday, March 8
Friday, March 16	Monday, March 12	Tuesday, March 13
Tuesday, March 20	Wednesday, March 14	Thursday, March 15
Friday, March 23	Monday, March 19	Tuesday, March 20
Tuesday, March 27	Wednesday, March 21	Thursday, March 22
Friday, March 30	Monday, March 26	Tuesday, March 27
Tuesday, April 3	Wednesday, March 28	Thursday, March 29
Friday, April 6	Monday, April 2	Tuesday, April 3
Tuesday, April 10	Wednesday, April 4	Thursday, April 5
Friday, April 13	Monday, April 9	Tuesday, April 10
*Tuesday, April 17	FIRST QUARTERLY INDEX	
Friday, April 20	Monday, April 16	Tuesday, April 17

Tuesday, April 24	Wednesday, April 18	Thursday, April 19
Friday, April 27	Monday, April 23	Tuesday, April 24
Tuesday, May 1	Wednesday, April 25	Thursday, April 26
Friday, May 4	Monday, April 30	Tuesday, May 1
Tuesday, May 8	Wednesday, May 2	Thursday, May 3
Friday, May 11	Monday, May 7	Tuesday, May 8
Tuesday, May 15	Wednesday, May 9	Thursday, May 10
Friday, May 18	Monday, May 14	Tuesday, May 15
Tuesday, May 22	Wednesday, May 16	Thursday, May 17
Friday, May 25	Monday, May 21	Tuesday, May 22
Tuesday, May 29	Wednesday, May 23	Thursday, May 24
*Friday, June 1	NO ISSUE PUBLISHED	
Tuesday, June 5	Wednesday, May 30	Thursday, May 31
Friday, June 8	Monday, June 4	Tuesday, June 5
Tuesday, June 12	Wednesday, June 6	Thursday, June 7
Friday, June 15	Monday, June 11	Tuesday, June 12
Tuesday, June 19	Wednesday, June 13	Thursday, June 14
Friday, June 22	Monday, June 18	Tuesday, June 19
Tuesday, June 26	Wednesday, June 20	Thursday, June 21
Friday, June 29	Monday, June 25	Tuesday, June 26
Tuesday, July 3	Wednesday, June 27	Thursday, June 28
Friday, July 6	Monday, July 2	Tuesday, July 3
*Tuesday, July 10	Tuesday, July 3	Thursday, July 5
Friday, July 13	Monday, July 9	Tuesday, July 10
Tuesday, July 17	Wednesday, July 11	Thursday, July 12
*Friday, July 20	SECOND QUARTERLY INDEX	
Tuesday, July 24	Wednesday, July 18	Thursday, July 19
Friday, July 27	Monday, July 23	Tuesday, July 24
Tuesday, July 31	Wednesday, July 25	Thursday, July 26
Friday, August 3	Monday, August 30	Tuesday, August 31
Tuesday, August 7	Wednesday, August 1	Thursday, August 2
Friday, August 10	Monday, August 6	Tuesday, August 7
Tuesday, August 14	Wednesday, August 8	Thursday, August 9
Friday, August 17	Monday, August 13	Tuesday, August 14
Tuesday, August 21	Wednesday, August 15	Thursday, August 16
Friday, August 24	Monday, August 20	Tuesday, August 21
Tuesday, August 28	Wednesday, August 22	Thursday, August 23
Friday, August 31	Monday, August 27	Tuesday, August 28
Tuesday, September 4	Wednesday, August 29	Thursday, August 30
*Friday, September 7	Friday, August 31	Tuesday, September 4

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Tuesday, September 11	Wednesday, September 5	Thursday, September 6
Friday, September 14	Monday, September 10	Tuesday, September 11
Tuesday, September 18	Wednesday, September 12	Thursday, September 13
Friday, September 21	Monday, September 17	Tuesday, September 18
Tuesday, September 25	Wednesday, September 19	Thursday, September 20
Friday, September 28	Monday, September 24	Tuesday, September 25
Tuesday, October 2	Wednesday, September 26	Thursday, September 27
Friday, October 5	Monday, October 1	Tuesday, October 2
Tuesday, October 9	Wednesday, October 3	Thursday, October 4
Friday, October 12	Monday, October 8	Tuesday, October 9
Tuesday, October 16	Wednesday, October 10	Thursday, October 11
Friday, October 19	Monday, October 15	Tuesday, October 16
*Tuesday, October 23	THIRD QUARTERLY INDEX	
Friday, October 26	Monday, October 22	Tuesday, October 23
Tuesday, October 30	Wednesday, October 24	Thursday, October 25
Friday, November 2	Monday, October 29	Tuesday, October 30
Tuesday, November 6	Wednesday, October 31	Thursday, November 1
*Friday, November 9	NO ISSUE PUBLISHED	
Tuesday, November 13	Wednesday, November 7	Thursday, November 8
Friday, November 16	Monday, November 12	Tuesday, November 13
Tuesday, November 20	Wednesday, November 14	Thursday, November 15
Friday, November 23	Monday, November 19	Tuesday, November 20
*Tuesday, November 27	NO ISSUE PUBLISHED	
Friday, November 30	Monday, November 26	Tuesday, November 27
Tuesday, December 4	Wednesday, November 28	Thursday, November 29
Friday, December 7	Monday, December 3	Tuesday, December 4
Tuesday, December 11	Wednesday, December 5	Thursday, December 6
Friday, December 14	Monday, December 10	Tuesday, December 11
Tuesday, December 18	Wednesday, December 12	Thursday, December 13
Friday, December 21	Monday, December 17	Tuesday, December 18
Tuesday, December 25	Wednesday, December 19	Thursday, December 20
*Friday, December 28	NO ISSUE PUBLISHED	

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Texas Court of Criminal Appeals

The Court of Criminal Appeals was established by constitutional amendment in 1891. It was the first appellate court in Anglo-American jurisprudence to be vested with criminal jurisdiction exclusively.

The court consisted of three members but was assisted in later years by commissioners to the court who acted as judges, but whose work required the approval of the court. In 1966, the court was expanded to five members by the addition of two new judgeships. Two men then serving the court as commissioners were made judges to bring the court to full strength. In 1977, again by constitutional amendment, the court gained four new members to raise the total to nine judges.

As a result of another amendment on September 1, 1981, the intermediate Courts of Civil Appeals became the Courts of Appeal and assumed criminal jurisdiction for the first time. The Court of Criminal Appeals

ceased to be a "court of right" for most matters, instead exercising discretionary jurisdiction in all cases except death penalty cases and post conviction writs of habeas corpus.

Today, the court continues to act as the highest court for criminal matters in Texas. The court exercises original jurisdiction in appeals from convictions wherein the death penalty was assessed, in matters involving post conviction applications for writs of habeas corpus from final felony convictions, and in matters involving the original writs which can be issued by this court, such as mandamus and prohibition, as they relate to criminal matters within the state.

In terms of number of cases handled, the Court of Criminal Appeals remains the busiest appellate court in the country. The court is located in Austin and may be contacted at (512) 463-1600.