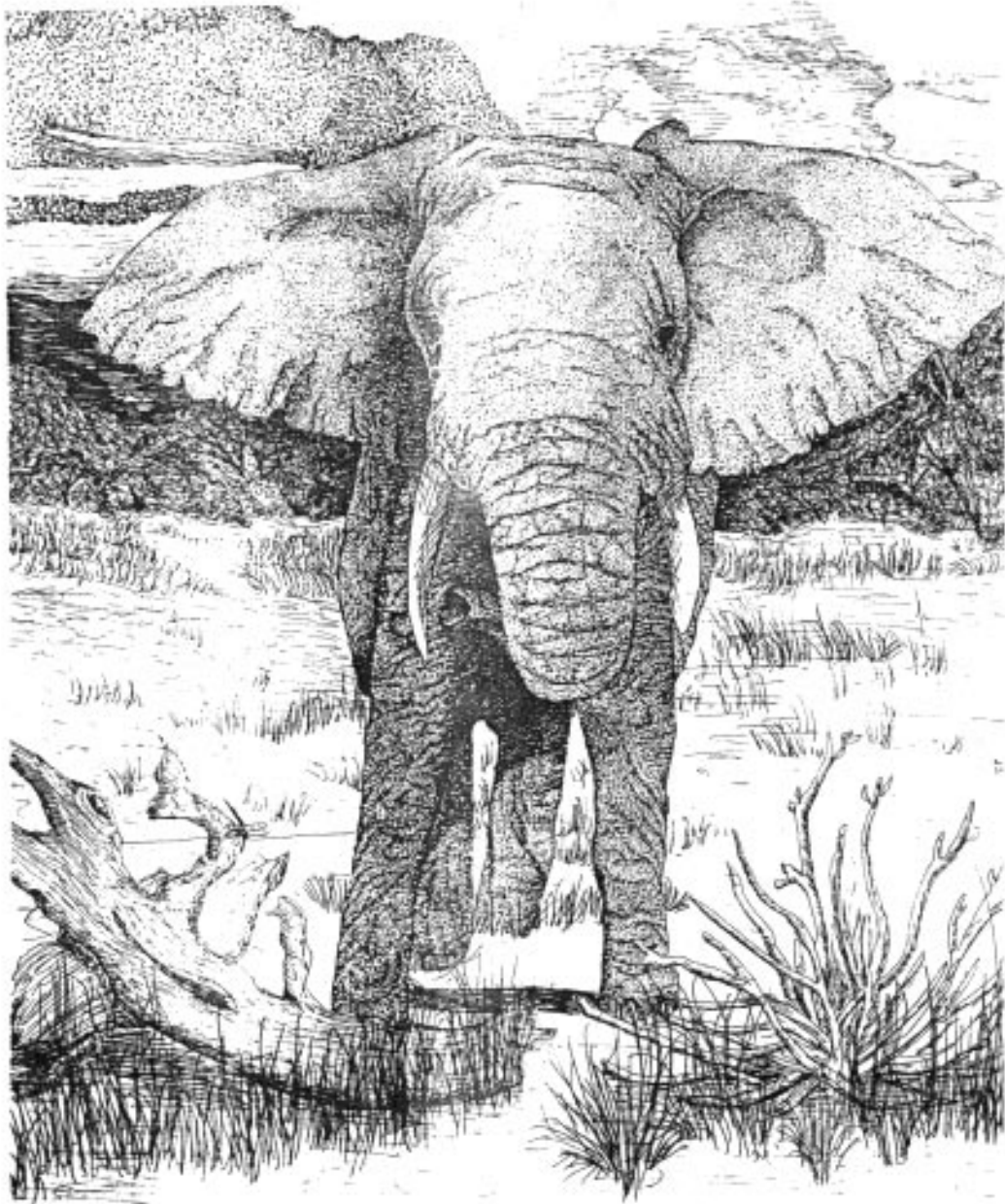


# TEXAS REGISTER

*Volume 22 Number 29 April 18, 1997*

*Pages 3561-3637*



***This month's front cover artwork:***

***Artist: Paul Atwell***

***10th Grade***

***Clear Creek High School, Clear Creek ISD***

School children's artwork has decorated the blank filler pages of the *Texas Register* since 1987. Teachers throughout the state submit the drawings for students in grades K-12. The drawings dress up the otherwise gray pages of the *Texas Register* and introduce students to this obscure but important facet of state government.

We will display artwork on the cover of each *Texas Register*. The artwork featured on the front cover is chosen at random.

The artwork is published on what would otherwise be blank pages in the *Texas Register*. These blank pages are caused by the production process used to print the *Texas Register*. The artwork does not add additional pages to each issue and does not increase the cost of the *Texas Register*.

For more information about the student art project, please call (800) 226-7199.

***Texas Register***, ISSN 0362-4781, is published twice weekly 100 times a year except May 30, November 14, December 2, and December 30, 1997. Issues will be published by the Office of the Secretary of State, 1019 Brazos, Austin, Texas 78701. Subscription costs: printed, one year \$95, six month \$75. Costs for diskette and online versions vary by number of users (see back cover for rates). Single copies of most issues for the current year are available at \$7 per copy in printed or electronic format.

Material in the ***Texas Register*** is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person without permission of the ***Texas Register*** Director, provided no such republication shall bear the legend ***Texas Register*** or "Official" without the written permission of the director.

The ***Texas Register*** is published under the Government Code, Title 10, Chapter 2002. Periodical Postage is paid at Austin, Texas.

**POSTMASTER:** Please send form 3579 changes to the ***Texas Register***, P.O. Box 13824, Austin, TX 78711-3824.

a section of the  
Office of the Secretary of State  
P.O. Box 13824  
Austin, TX 78711-3824  
(800) 226-7199  
(512) 463-5561  
FAX (512) 463-5569

**Secretary of State** - Antonio O. Garza, Jr.

**Director** - Dan Procter

**Assistant Director** - Dee Wright

***Texas Administrative Code***  
Dana Blanton

***Texas Register***  
Carla Carter  
Ann Franklin  
Daneane Jarzombek  
Roberta Knight  
Kelly Ramsey  
Becca Williams

**Circulation/Marketing**  
Jill S. Ledbetter  
Liz Stern

**PROPOSED RULES**

**State Securities Board**

Terminology

7 TAC §107.2.....3567

**Board of Vocational Nurse Examiners**

Licensing

22 TAC §235.42.....3567

Contested Case Procedure

22 TAC §239.19.....3568

**Texas Department of Mental Health and Mental Retardation**

Other Agencies and the Public

25 TAC §§403.221–403.232.....3569

**Texas Natural Resource Conservation Commission**

Memoranda of Understanding

30 TAC §7.104.....3573

**General Land Office**

Coastal Area Planning

31 TAC §15.3.....3574

**ADOPTED RULES**

**Texas Historical Commission**

Practice and Procedure

13 TAC §§26.2, 26.3, 26.5, 26.8, 26.9, 26.10, 26.12, 26.13, 26.17, 26.20, 26.21.....3577

**State Board for Educator Certification**

Professional Educator Preparation and Certification

19 TAC §230.5, §230.6.....3581

19 TAC §§230.153, 230.156, 230.160, 230.161.....3582

19 TAC §§230.191, 230.195–230.199.....3582

19 TAC §230.231.....3583

19 TAC §§230.263, 230.266, 230.270, 230.271.....3583

19 TAC §§230.303–230.308, 230.310, 230.311, 230.13, 230.316, 230.319.....3583

19 TAC §230.361.....3584

19 TAC §230.391.....3584

19 TAC §230.413.....3584

19 TAC §230.437.....3585

19 TAC §230.483.....3585

19 TAC §230.501, §230.504.....3585

19 TAC §230.554, §230.555, §230.557, §230.558.....3586

19 TAC §230.601.....3586

19 TAC §230.801.....3586

American Sign Language Certificate

19 TAC §240.1.....3586

**Texas Board of Physical Therapy Examiners**

Definitions

22 TAC §321.1.....3588

Licensing Procedure

22 TAC §329.1.....3588

22 TAC §329.3.....3588

22 TAC §329.5.....3589

Practice Settings for Physical Therapy

22 TAC §346.1.....3589

Registration of Physical Therapy Facilities

22 TAC §347.5.....3589

**Texas Department of Human Services**

Special Nutrition Programs

40 TAC §§12.3, 12.5, 12.8, 12.9, 12.11, 12.14, 12.15, 12.21, 12.23-12.25.....3589

Primary Home Care

40 TAC §§47.3901-47.3905.....3591

40 TAC §47.3906.....3592

40 TAC §§47.4901, 47.903, 47.4904.....3592

40 TAC §47.6901, §47.6902.....3592

40 TAC §47.6902.....3592

Community Care for Aged and Disabled

40 TAC §48.2105.....3593

40 TAC §§48.2106, 48.2108, 48.2110.....3593

40 TAC §48.2808, §48.2810.....3593

40 TAC §§48.5901–48.5906, 48.5908, 48.5909.....3593

40 TAC §48.6011.....3593

40 TAC §48.6012, §48.6014.....3594

40 TAC §48.8904.....3594

40 TAC §48.9301.....3594

40 TAC §48.9401, §48.9410.....3594

40 TAC §48.9501, §48.9510.....3595

Contracting for Community Care Services

40 TAC §§49.1, 49.3, 49.5, 49.7, 49.9, 49.11, 49.13, 49.15, 49.17, 49.19, 49.21, 49.23, 49.25.....3595

Day Activity and Health Services

40 TAC §50.2, §50.5.....3600

40 TAC §§50.101, 50.103-50.105.....3600

40 TAC §50.407.....	3600	Wednesday, April 23, 1997, 8:00 a.m.....	3608
40 TAC §50.501.....	3600	Thursday, April 24, 1997, 8:00 a.m.....	3608
40 TAC §50.502.....	3601	Friday, April 25, 1997, 8:00 a.m.....	3608
40 TAC §50.601.....	3601	Monday, April 28, 1997, 8:00 a.m.....	3609
40 TAC §50.701.....	3601	Tuesday, April 29, 1997, 8:00 a.m.....	3609
40 TAC §50.702.....	3601	Tuesday, April 29, 1997, 8:00 a.m.....	3609
40 TAC §50.801.....	3602	Tuesday, April 29, 1997, 8:00 a.m.....	3609
40 TAC §50.802, §50.803.....	3602	Thursday, May 1, 1997, 8:00 a.m.....	3609
Emergency Response Services		Friday, May 2, 1997, 8:00 a.m.....	3609
40 TAC §52.201.....	3602	Tuesday, May 13, 1997, 1:30 p.m.....	3610
40 TAC §§52.202-52.204.....	3602	<b>State Employee Charitable Campaign</b>	
40 TAC §52.501, §52.503.....	3602	Wednesday, April 16, 1997, 10:00 a.m.....	3610
40 TAC §52.601.....	3603	Thursday, May 1, 1997, 10:00 a.m.....	3610
40 TAC §52.602, §52.603.....	3603	<b>General Land Office</b>	
<b>OPEN MEETINGS</b>		Monday, April 28, 1997, 10:00 a.m.....	3610
<b>Texas Department of Agriculture</b>		<b>Texas Department of Health</b>	
Thursday, May 8, 1997, 10:00 a.m.....	3605	Friday, April 25, 1997, 9:30 a.m.....	3610
Tuesday, May 13, 1997, 11:00 a.m.....	3605	Friday, May 2, 1997, 10:00 a.m.....	3611
Tuesday, May 13, 1997, 1:00 p.m.....	3605	<b>Texas Statewide Health Coordinating Council</b>	
Wednesday, May 21, 1997, 1:30 p.m.....	3605	Tuesday, April 22, 1997, 10:00 a.m.....	3611
<b>Anatomical Board of the State of Texas</b>		Tuesday, April 22, 1997, 11:00 a.m.....	3611
Friday, May 2, 1997, 10:00 a.m.....	3605	<b>Texas Department of Housing and Community Affairs</b>	
<b>Texas Commission for the Blind</b>		Sunday, April 20, 1997, 2:00 p.m.....	3611
Monday, April 21, 1997, 10:00 a.m.....	3606	Sunday, April 20, 1997, 4:30 p.m.....	3612
<b>Texas Commission for the Deaf and Hard of Hearing</b>		Monday, April 21, 1997, 8:30 a.m.....	3612
Wednesday, April 16, 1997, 6:00 p.m.....	3606	Monday, April 21, 1997, 10:00 a.m.....	3612
Thursday, April 17, 1997, 8:30 a.m.....	3606	<b>Texas State Affordable Housing Corporation</b>	
Thursday, April 17, 1997, 8:30 a.m.....	3606	Monday, April 21, 1997, 12:00 noon.....	3612
Friday, April 18, 1997, 8:30 a.m.....	3606	<b>Texas Department of Human Services (TDHS)</b>	
Friday, April 18, 1997, 3:00 p.m.....	3606	Friday, April 18, 1997, 10:00 a.m.....	3612
<b>State Board of Dental Examiners</b>		<b>Texas Department of Insurance</b>	
Thursday, April 24, 1997, 1:00 p.m.....	3607	Monday, April 28, 1997, 9:00 a.m.....	3613
<b>Interagency Council on Early Childhood Intervention</b>		Tuesday, April 29, 1997, 9:00 a.m.....	3613
Thursday, Friday, April 24–25, 1997, 9:00 a.m. and 8:30 a.m. respectively .....	3607	Thursday, May 1, 1997, 9:00 a.m.....	3613
<b>Texas Education Agency (TEA)</b>		<b>Texas Department of Licensing and Regulation</b>	
Monday, April 21, 1997, 8:00 a.m.....	3607	Wednesday, April 23, 1997, 9:00 a.m.....	3613
Tuesday, April 22, 1997, 8:00 a.m.....	3607	Thursday, May 1, 1997, 1:00 p.m.....	3613
Wednesday, April 23, 1997, 8:00 a.m.....	3608	<b>Texas Medical Liability Insurance Underwriting Association (JUA)</b>	
Wednesday, April 23, 1997, 8:00 a.m.....	3608	Thursday, May 1, 1997, 3:00 p.m.....	3614

Friday, May 2, 1997, 8:00 a.m.....	3614	<b>Texas Ethics Commission</b>	
<b>Texas Natural Resource Conservation Commission</b>		Correction of Errors .....	3622
Thursday, April 17, 1997, 1:30 p.m.....	3614	Texas Ethics Commission List of Late Filers.....	3622
Friday, April 18, 1997, 9:00 a.m.....	3615	<b>Texas Department of Health</b>	
Thursday, April 24, 1997, 3:00 p.m.....	3615	Designation of a Site Serving a Medically Underserved Population - Dallas County .....	3623
<b>Texas Board of Occupational Therapy Examiners</b>		Local Emergency Planning Committee (LEPC) Development Grants/ Request for Proposals.....	3623
Monday, April 21, 1997, 10:30 a.m.....	3615	Schedule for Development and Review of Block Grant Funds..	3624
<b>Texas State Pension Review Board</b>		<b>Texas Department of Insurance</b>	
Thursday, April 10, 1997 — 1:00 p.m.....	3615	Insurer Services.....	3624
Monday, April 14, 1997 — 9:30 a.m.....	3615	Third Party Administrator Applications.....	3625
<b>Texas Property and Casualty Insurance Guaranty Association</b>		<b>Texas Lottery Commission</b>	
Tuesday, April 22, 1997, 9:00 a.m. ....	3616	Request for Proposals .....	3625
<b>Texas State Board of Examiners of Psychologists</b>		<b>Texas Natural Resource Conservation Commission</b>	
Wednesday, April 30, 1997, 8:00 a.m.....	3616	Notice of Application for Waste Disposal Permits .....	3626
Thursday, Friday, May 1–2, 1997, 8:30 a.m.....	3616	Notice of Opportunity to Comment on Default Orders of Administrative Enforcement Actions .....	3626
<b>Public Utility Commission of Texas</b>		Notice of Opportunity to Comment on Settlement Agreements of Administrative Enforcement Actions .....	3627
Friday, April 18, 1997, 1:00 p.m.....	3616	Notice of Opportunity to Comment on Settlement Agreements of Administrative Enforcement Actions .....	3628
<b>Railroad Commission of Texas</b>		Notice of Public Hearing—Chapter 335 .....	3629
Tuesday, April 22, 1997, 9:00 a.m.....	3616	Notice of Receipt of Application and Declaration of Administrative Completeness for Municipal Solid Waste Management Facility Permits .....	3629
Tuesday, April 22, 1997, 9:30 a.m.....	3617	Provisionally-Issued Temporary Permits to Appropriate State Water 3630	
Tuesday, April 22, 1997, 2:00 p.m.....	3617	Public Notice.....	3630
<b>State Securities Board</b>		Public Notice.....	3631
Monday, May 5, 1997, 9:00 a.m.....	3617	Waste Tire Recycling Program Fiscal Year 1997 Funding Report.....	3632
<b>The University of Texas at Austin</b>		<b>Texas Parks and Wildlife Department</b>	
Thursday, April 17, 1997, 1:00 p.m. (Executive Session).....	3617	Barton Springs Salamander Conservation Team Meeting.....	3632
<b>The University of Texas M.D. Anderson Cancer Center</b>		<b>Texas State Board of Pharmacy</b>	
Tuesday, April 15, 1997, 9:00 a.m. ....	3617	Correction of Errors .....	3633
<b>Texas Worker’s Compensation Insurance Facility</b>		<b>Texas Department of Protective and Regulatory Services</b>	
Wednesday, April 23, 1997, 9:15 a.m.....	3618	Request for Proposal-Court Improvement Implementation Project.....	3633
Monday, May 12, 1997, 10:45 a.m.....	3618	Request for Proposal-Mediation in Child Protective Services Cases.....	3633
<b>Regional Meetings</b>		Request for Proposal .....	3634
<b>IN ADDITION</b>		<b>Public Utility Commission of Texas</b>	
<b>Coastal Coordination Council</b>		DSM and Power Plant Efficiency Reporting.....	3635
Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence under the Texas Coastal Management Program .....	3621		
<b>Office of the Consumer Credit Commissioner</b>			
Notice of Rate Ceiling .....	3621		
<b>Texas Department of Criminal Justice</b>			
Public Notice .....	3622		

Notice of Intent to File Pursuant to Public Utility Commission  
Substantive Rule 23.27.....3635

Requests for Proposals .....3635

**Texas Department of Transportation**

# PROPOSED RULES

---

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 action is 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 action, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

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

---

## **TITLE 7. BANKING AND SECURITIES**

### **Part VII. State Securities Board**

#### **Chapter 107. Terminology**

##### **7 TAC §107.2**

The State Securities Board proposes an amendment to §107.2, concerning definitions, to define the term "solicitor."

Michael S. Gunst, Director, Dealer Registration Division, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Gunst also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be to eliminate confusion in the industry by formalizing existing agency policy and identifying persons subject to registration as agents. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal should be submitted in writing to David Weaver, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167, or sent by facsimile to (512) 305-8310.

The amendment is proposed under Texas Civil Statutes, Article 581-28-1. Section 28-1 provide the Board with the authority to adopt rules and regulations necessary to carry out and implement the provisions of the Texas Securities Act, including rules and regulations governing registration statements and applications; defining terms; classifying securities, persons, and matters within its jurisdiction; and prescribing different requirements for different classes.

The proposed amendment affects Texas Civil Statutes, Article 581-4, et seq.

*§107.2. Definitions.*

The following words and terms, when used in Part VII of this title (relating to the State Securities Board), shall have the following meanings, unless the context clearly indicates otherwise.

**Solicitor -Any person or entity who, for compensation, acts as an agent of an adviser in referring potential clients.**

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704687

Denise Voight Crawford  
Securities Commissioner  
State Securities Board

Earliest possible date of adoption: May 19, 1997

For further information, please call: (512) 305-8300

## **TITLE 22. EXAMINING BOARDS**

### **Part XII. Board of Vocational Nurse Examiners**

#### **Chapter 235. Licensing**

##### **Issuance of Licenses**

##### **22 TAC §235.42**

The Board of Vocational Nurse Examiners proposes amendments to §235.42 relative to copying of licenses. This rule is amended to delete the restriction of copying licenses.

Marjorie A. Bronk, Executive Director, has determined that for the first five year period the rule is in effect, there will be no fiscal implication for state or local government as a result of enforcing or administering the rule.

Mrs. Bronk also has determined that for each of first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be the ability of licensed vocational nurses and their employers to copy the licenses, which is consistent with the Board of Nurse Examiners' rules and less confusing.

Comments on the proposed amendment may be submitted to Marjorie A. Bronk, R.N., M.S.H.P., Executive Director, Board of Vocational Nurse Examiners, 333 Guadalupe, Suite 3-400, Austin, Texas 78701 (512) 305-8100.

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

No other statute, article or code will be affected by this proposal.

§235.42. *License*

**The license issued by the Board in compliance with the provisions of the Act and Board rules shall be uniform in all cases.**

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

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

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

[(1) State to state licensure endorsement process;

[(2) Investigative processes involving a license;

[(3) Any exception deemed appropriate by the Executive Director acting as an agent for the Board.

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

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704688

Marjorie A. Bronk

Executive Director

Board of Vocational Nurse Examiners

Earliest possible date of adoption: May 19, 1997

For further information, please call: (512) 305-8100



## Chapter 239. Contested Case Procedure

### Enforcement

#### 22 TAC §239.19

The Board of Vocational Nurse Examiners proposes amendments to §239.19, relative to Schedule of Fines in disciplinary matters. This rule is amended to increase the monetary fines that can be charged in disciplinary matters. The fees are being increased to make individuals more conscious of the importance

of meeting the continuing education mandates and keep their license current when working.

Marjorie A. Bronk, Executive Director, has determined that for the first five year period the rule is in effect, the fiscal implication for state government would be an increase in revenues. There would be no fiscal implication for local government as a result of enforcing or administering the rule.

Mrs. Bronk also has determined that for each of the first five years the rule is in effect, the public benefit anticipated as result of enforcing the rule will be that individuals will be more compliant in their knowledge of nursing practice.

Comments on the proposed amendments may be submitted to Marjorie A. Bronk, R.N., M.S.H.P., Executive Director, Board of Vocational Nurse Examiners, 333 Guadalupe, Suite 3-400, Austin, Texas 78701 (512) 305-8100.

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

No other statute, article or code will be affected by this proposal.

§239.19. *Schedule of Fines.*

In disciplinary matters, the Board shall assess a monetary fine in the circumstances and amounts as described:

(1) The following violations shall be subject to a fine with or without additional stipulations:

(A) practice on a delinquent license for more than six months but less than two years:

(i) 1st occurrence: **\$250-\$1,000** [\$100];

(ii) subsequent of occurrence: **\$500-\$1,000** [\$250];

(B) practice on a delinquent license for two to four years:

(i) first occurrence: **\$500-\$1,000** [\$250];

(ii) subsequent occurrence: **\$1,000-\$1,500** [\$500];

(C) practice on a delinquent license over four years: **\$1,500 plus \$250** [\$500 plus \$100] for each year over four years not to exceed **\$2,000** [\$1,000] accrued amount.

(D) failure to comply with Continuing Education requirements:

(i) first occurrence: **\$250-\$1,000** [\$100]

(ii) subsequent occurrence: **\$500-\$1,000** [\$250]

(2)-(4) (No change.)

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704686

Marjorie A. Bronk

Executive Director

Board of Vocational Nurse Examiners

Earliest possible date of adoption: May 19, 1997  
For further information, please call: (512) 305-8100



## TITLE 25. HEALTH SERVICES

### Part II. Texas Department of Mental Health and Mental Retardation

#### Chapter 403. Other Agencies and the Public

##### Subchapter H. Interstate Transfer

###### 25 TAC §§403.221-403.232

*(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 Department of Mental Health and Mental Retardation or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes the repeal of §§403.221 - 403.232, concerning interstate transfer. New §§403.221-403.232, concerning the same, which would replace the repealed sections, are contemporaneously proposed in this issue of the *Texas Register*.

The repeals are being proposed to allow for the adoption of new sections.

Don Green, chief financial officer, has determined that for each year of the first five-year period the sections are in effect there will be no significant fiscal implications for state or local governments as a result of enforcing or administering the repeals.

Karen Hale, assistant commissioner, has determined that for each year of the first five-year period the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the adoption of clear and concise information regarding the interstate transfer of persons with mental illness and mental retardation. There will be no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Linda Logan, director, Policy Development, Texas Department Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, within 30 days of publication.

These repeals are proposed under the Texas Health and Safety Code, §532.015, which provides the Texas Mental Health and Mental Retardation Board with broad rulemaking authority.

The Texas Health and Safety Code, Chapter 612, §571.008 and §533.011 are affected by these proposed repeals.

§403.221. *Purpose.*

§403.222. *Application.*

§403.223. *Definitions.*

§403.224. *Residency.*

§403.225. *Legal Bases for Institutionalization.*

§403.226. *Forwarding Requests for Interstate Transfer*

§403.227. *Requests for Persons with Mental Retardation to be Transferred Out of Texas.*

§403.228. *Requests for Persons with Mental Illness to be Transferred Out of Texas.*

§403.229. *Requests for Persons with Mental Retardation to Transfer into Texas.*

§403.230. *Requests for Persons with Mental Illness to be Transferred into Texas.*

§403.231. *Exhibits.*

§403.232. *References.*

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704685

Ann Utley

Chairman, Texas MHMR Board

Texas Department of Mental Health and Mental Retardation

Earliest possible date of adoption: May 19, 1997

For further information, please call: (512) 206-4516



The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes new §§403.221 - 403.232, concerning interstate transfer. The repeal of existing §§403.221 - 403.232, concerning the same, are contemporaneously proposed in this issue of the *Texas Register*.

The new sections would change the term "consumer services and rights protection" to "interstate compact coordinator (ICC)"; would change the title of Exhibit B "Interstate Transfer Data Sheet" to "Request for Interstate Transfer"; would change the terms "MHA or mental health authority" and "MRA or mental retardation authority" to "local authority"; and would add a definition of "person." Language would be added to §403.225 citing state statute for procedures for involuntary court commitments of persons with mental retardation. The text would also be reorganized and updated for clarity and consistency with current practice.

Don Green, chief financial officer, has determined that for each year of the first five-year period the new sections as proposed are in effect there will be no significant fiscal implications for state or local governments as a result of enforcing or administering the new sections.

Karen Hale, assistant commissioner, has determined that for each year of the first five-years the new sections as proposed are in effect the public benefit anticipated as a result of enforcing the sections will be the provision of clear and concise information regarding the interstate transfer of persons with mental illness and mental retardation. There will be no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the new sections as proposed.

Comments on the proposal may be submitted to Linda Logan, director, Policy Development, Texas Department Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, within 30 days of publication.

These sections are proposed under the Texas Health and Safety Code, §532.015, which provides the Texas Mental Health and Mental Retardation Board with broad rulemaking authority.

The Texas Health and Safety Code, Chapter 612, §571.008 and §533.011 are affected by these proposed new sections.

*§403.221. Purpose.*

The purpose of this subchapter is to implement Texas laws authorizing the transfer of persons with mental retardation and mental illness between Texas and other states.

*§403.222. Application.*

This subchapter applies to all facilities of the Texas Department of Mental Health and Mental Retardation and its local authorities.

*§403.223. Definitions.*

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Department - The Texas Department of Mental Health and Mental Retardation (TDMHMR).

Facility - Any state hospital, state school, state center, or state-operated community services of the Texas Department of Mental Health and Mental Retardation, and any entity that may hereafter be made a part of the department.

Interstate compact coordinator (ICC) - The employee at the department's Central Office responsible for coordinating interstate transfers.

Local authority - An entity to which the Texas Mental Health and Mental Retardation Board delegates its authority and responsibility within a specified region for the planning, policy development, coordination, resource development and allocation, and for supervising and ensuring the provision of mental health services to persons with mental illness and/or mental retardation services to persons with mental retardation in one or more local service areas.

Person - The person for whom interstate transfer is requested.

Single portal authority - A local authority that has been designated by the Texas Mental Health and Mental Retardation Board to serve as the agency with responsibility for coordinating and facilitating the delivery of mental health services to involuntarily committed persons in its local service area.

TXMHMR service system - All facilities of the Texas Department of Mental Health and Mental Retardation and its local authorities.

Transfer - The importation or deportation of a person under the provisions of the Texas Mental Health Code, Texas Health and Safety Code, Title 7, §571.008; the Texas Mental Health and Mental Retardation Act, Texas Health and Safety Code, Title 7, §533.011; or the Interstate Compact on Mental Health, Texas Health and Safety Code, Title 7, Chapter 612.

*§403.224. Residency.*

(a) To transfer a person to another state from a facility in Texas, the person must be a resident, former resident, or have a family member who is a resident of the receiving state.

(b) To transfer a person from an institution in another state to the TXMHMR service system, the person must be a resident, former resident, or have a family member who is a resident of Texas.

(c) Texas residency is established if:

(1) the person is physically present in Texas;

(2) a family member, parent, or guardian of the person is physically present in Texas;

(3) the person, family member, parent, or guardian intends to remain in Texas; or

(4) it has been determined that the person wishes to return to Texas.

(d) As a general rule, the residency of a minor child is the same as:

(1) the residency of the minor child's parents; or

(2) the residency of the minor child's legally appointed guardian or the minor child's conservator.

*§403.225. Legal Basis for Institutionalization.*

(a) Texas gives full faith and credit for 96 hours to another state's commitment. Persons with mental illness or mental retardation who are involuntarily committed by another state and are transferred to Texas may be detained for a period not to exceed 96 hours. Detention in excess of 96 hours may only be for:

(1) a voluntary admission;

(2) a commitment order of a Texas court; or

(3) an order of protective custody.

(b) An appropriate court in the county of a mental health facility or single portal authority's location is authorized to conduct commitment proceedings of persons transferred to the mental health facility or single portal authority from another state.

(c) Court commitments of persons with mental retardation are accomplished in accordance with the Texas Health and Safety Code, §593.041.

(d) If a diagnosis of mental retardation is determined, application for voluntary admission to a mental retardation facility may be made by the person or by the parents of a minor child (17 years old or younger).

(e) The voluntary admission of a person with mental illness is authorized if a written application for voluntary admission is made and signed by the person if legally of age (16 years old in Texas), by the parent or legal guardian if the person is a minor, or by the managing conservator. If the managing conservator is a state agency and the person is less than 16 years old, the consent of the person is also necessary.

*§403.226. Forwarding Requests for Interstate Transfer.*

All requests for interstate transfer must be submitted to, with a cover letter signed by the requesting authority, the Interstate Compact Coordinator, Texas Department of Mental Health and Mental Retardation, Box 12668, Austin, Texas 78711-2668.

*§403.227. Requests for Persons with Mental Retardation to be Transferred from Texas.*

(a) All requests for transfer from Texas are made using the "Consent to Interstate Transfer and to Release Confidential Information" form and the "Interstate Transfer Data Sheet" form, which are referenced in §403.231 of this title (relating to Exhibits) as Exhibits A and B, respectively.

(b) When requesting the transfer of a person, the facility shall:

(1) ensure the completion of and obtain the signature of the person to be transferred, the parent if the person is a minor, or the guardian, as appropriate, on the "Consent to Interstate Transfer and to Release Confidential Information" form;

(2) complete the "Request for Interstate Transfer" form; and

(3) forward to the interstate compact coordinator (ICC) the following:

(A) the completed and signed "Consent to Interstate Transfer and to Release Confidential Information" form;

(B) the completed "Request for Interstate Transfer" form;

(C) a copy of the person's current individual habilitation plan;

(D) a copy of the person's diagnosis of mental retardation;

(E) a copy of the most recent monthly program summary from the person's unit record;

(F) a copy of the person's social history and most recent psychological examination; and

(G) a brief cover letter signed by the facility chief executive officer or designee stating why the transfer is desired.

(c) Upon receipt of a transfer request, the ICC contacts the receiving state and makes a reasonable effort to obtain authorization for the transfer.

(d) If the receiving state decides to accept the person for immediate transfer, then the facility shall:

(1) make all travel arrangements, choosing the most comfortable and expeditious mode of travel that is acceptable to the person being transferred;

(2) be responsible for all transfer expenses;

(3) ensure that arrangements are made for an escort or escorts to accompany and assist the person in reaching the final destination;

(4) inform the ICC of the completed transfer; and

(5) ensure that the following items accompany the person upon transfer;

(A) a copy of the person's birth certificate;

(B) copies of all legal documents;

(C) a copy of the person's Social Security card;

(D) a copy of the person's immunization record;

(E) a copy of the person's weight and height record;

(F) a copy of the person's seizure record, if appropriate;

(G) a copy of the person's treatment and diet record;

(H) a copy of the person's most recent medical and dental examination record;

(I) copies of all the person's laboratory reports of exams conducted within the past 30 days and any additional significant reports made within the past year (including, X-ray, EEG, and EKG);

(J) all personal belongings;

(K) transfer program summary; and

(L) a 14-day supply of all prescribed medication.

(e) The ICC ensures that all interested parties are informed of the progress made on the transfer request as allowed by the signed "Consent to Interstate Transfer and to Release Confidential Information" form.

*§403.228. Requests for Persons with Mental Illness to be Transferred from Texas.*

(a) All requests for transfers from Texas are made using the "Consent to Interstate Transfer and to Release Confidential Information" form and the "Request for Interstate Transfer" form, which are referenced in §403.231 of this title (relating to Exhibits) as Exhibits A and B, respectively.

(b) When requesting the transfer of a person, the facility shall:

(1) document eligibility for residency in the receiving state;

(2) establish through contact with the person and the person's family, friends, or other available sources to determine if the interstate transfer would be in the best interest of the person;

(3) ensure completion of and obtain the signature of the person to be transferred, the parent if the person is a minor, or the guardian, as appropriate, on the "Consent to Interstate Transfer and to Release Confidential Information" form;

(4) complete the "Request for Interstate Transfer" form;

(5) forward to the ICC the following:

(A) the completed and signed "Consent to Interstate Transfer and to Release Confidential Information" form;

(B) the completed "Request for Interstate Transfer" form;

(C) a copy of the person's comprehensive medical history;

(D) a copy of the person's history of mental illness and psychiatric evaluation;

(E) a copy of the person's current diagnosis;

(F) a list of the person's current medication;

(G) a copy of the person's psychological evaluation (if available); and

(H) a brief cover letter signed by the facility chief executive officer or designee stating why the transfer is desired; and

(6) inform the ICC of any changes in the person's status, the request, or of anything that would affect the transfer request.

(c) Upon receipt of a transfer request, the ICC contacts the receiving state and makes a reasonable effort to obtain authorization for the transfer.

(d) If the receiving state decides to accept the person for immediate transfer, the facility shall:

(1) make all travel arrangements, choosing the most comfortable and expeditious mode of travel acceptable to the person being transferred;

(2) be responsible for all transfer expenses;

(3) ensure arrangements are made for an escort or escorts to accompany and assist the person in reaching the final destination;

(4) ensure that all personal belongings and a 14-day supply of all prescribed medications accompany the person upon transfer to the receiving state; and

(5) inform the ICC of the completed transfer.

(e) The ICC ensures that all interested parties are informed of the progress made on the transfer request as allowed by the signed "Consent to Interstate Transfer and to Release Confidential Information" form.

*§403.229. Requests for Persons with Mental Retardation to Transfer to Texas.*

(a) Individuals desiring the transfer of a person to the TXMHMR service system must send a letter of request to the ICC, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668. The letter of request must include the following:

(1) documentation for Texas residency determined in accordance with §403.224(c) of this title (relating to Residency);

(2) the reasons for requesting the transfer and why it would benefit the person;

(3) a consent to the release of records to the department and to the proposed transfer, signed by the person if competent and of legal age, by the parent if the person is a minor, or by the guardian;

(4) the person's social history or summary prepared within the last 12 months and updated within the last three months;

(5) a psychological report prepared within the last 12 months and updated within the last three months to include adaptive behavior level and an estimate of general intellectual functioning as measured by a standardized psychometric instrument;

(6) a copy of the person's diagnosis of mental retardation;

(7) a complete copy of the person's medical history signed by a physician;

(8) a copy of the person's immunization record;

(9) a copy of the person's Social Security card;

(10) a copy of the person's birth certificate or appropriate substitute;

(11) the person's habilitation plan, if available;

(12) the person's completed "Request for Interstate Transfer" form or appropriate substitute; and

(13) copies of applicable legal documents.

(b) Upon receipt of the letter of request, the ICC reviews the documents to determine whether the person is eligible for admission to the TXMHMR service system.

(c) If the person is determined eligible for admission to the TXMHMR service system, then the person is referred to the appropriate local authority for placement. If facility placement is appropriate, then the local authority arranges for the person's name to be placed on the register of the appropriate facility. The ICC notifies the sending state of the department's action on the request for transfer and supplies the necessary transfer information.

(d) If the person is determined ineligible for admission to the TXMHMR service system, then the ICC notifies the requesting authority of such ineligibility.

(e) The ICC ensures that all interested parties are informed of the progress made on the transfer request as allowed by the signed consent to release confidential information document or in accordance with law.

*§403.230. Requests for Persons with Mental Illness to Transfer to Texas.*

(a) Persons desiring to be transferred to the TXMHMR service system or individuals desiring the transfer of a person to the TXMHMR service system must send a letter of request to the Interstate Compact Coordinator, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668. The letter of request must include the following:

(1) documentation for Texas residency determined in accordance with §403.224(c) of this title (relating to Residency);

(2) the reasons for requesting the transfer and why it would benefit the person;

(3) authorization for the sending state to release medical records to the department signed by the person or guardian;

(4) a consent to the transfer and a consent to discuss the proposed transfer with designated persons, both signed by the person or guardian;

(5) a comprehensive medical history of the person;

(6) a copy of the person's history of mental illness and psychiatric evaluation;

(7) a copy of the person's current diagnosis;

(8) a list of person's current medication;

(9) a psychological evaluation of the person (if available); and

(10) the completed "Request for Interstate Transfer" form or appropriate substitute.

(b) Upon receipt of the letter of request, the ICC reviews the documents to determine the person's eligibility for admission to the TXMHMR service system.

(c) If the person is eligible for admission to the TXMHMR service system, then the person is referred to the appropriate local authority or facility. The ICC notifies the sending state of the action taken by the department on the request for transfer and supplies necessary transfer information.

(d) If the person has been determined ineligible for admission to the TXMHMR service system, then the ICC notifies the requesting authority of such ineligibility.

(e) Disputed issues relating to the benefit derived from a proposed transfer and issues of a medical or psychiatric nature relating to eligibility for admission to the TXMHMR service system are referred to the director of mental health facilities at the department's Central Office by the ICC.

(f) The ICC ensures that all interested parties are informed of the progress made on the transfer request as allowed by the signed consent to release confidential information document or in accordance with law.

#### §403.231. Exhibits.

The following exhibits referenced in this subchapter are available from the Texas Department of Mental Health and Mental Retardation, Office of Policy Development, P.O. Box 12668, Austin, TX 78711-2668.

(1) Exhibit A - "Consent to Interstate Transfer and to Release Confidential Information."

(2) Exhibit B - "Request for Interstate Transfer."

#### §403.232. References.

Reference is made to the following statutes:

(1) Texas Health and Safety Code, Title 7, §571.008;

(2) Texas Health and Safety Code, Title 7, §533.011;

(3) Texas Health and Safety Code, Title 7, Chapter 612; and

(4) Texas Health and Safety Code, §593.041.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704683

Ann Utley

Chairman, Texas MHMR Board

Texas Department of Mental Health and Mental Retardation

Earliest possible date of adoption: May 19, 1997

For further information, please call: (512) 206-4516

## TITLE 30. ENVIRONMENTAL QUALITY

### Part I. Texas Natural Resource Conservation Commission

#### Chapter 7. Memoranda of Understanding

##### 30 TAC §7.104

The commission proposes new §7.104, concerning a Memorandum of Understanding (MOU) between the Texas Water Development Board (board) and the commission.

#### EXPLANATION OF THE PROPOSED RULE

The MOU establishes a formal agreement on the respective duties and responsibilities of the two agencies in the establishment and implementation of a Drinking Water State Revolving Loan Fund under the Safe Drinking Water Act Amendments of 1996 (Amendments of 1996), and to improve the efficiency and effectiveness of the board and commission operation in administering the provisions of the Amendments of 1996. The board is proposing the MOU by rule as required by Water Code, §5.104. The commission is proposing to adopt the MOU by reference. The proposed MOU may be found in the April 4 issue of the *Texas Register*.

#### FISCAL NOTE

Stephen Minick, Strategic Planning and Appropriations Division, has determined that for the first five-year period the section as proposed is in effect, there will be no significant fiscal implications anticipated for state and local governments as a result of administration or enforcement of the section.

#### PUBLIC BENEFIT

Mr. Minick 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 implementing the section will be improvement in the coordination between the board and commission to more efficiently and effectively implement the Drinking Water State Revolving Loan Fund. There are no economic costs to persons, including small businesses, who are required to comply with the section as proposed.

#### TAKINGS IMPACT ASSESSMENT

The commission has prepared a Takings Impact Assessment pursuant to Texas Government Code, §2007.043; the following is a summary of that assessment. The specific purpose of the rule is to adopt an MOU between the commission and the board concerning the implementation of the Safe Drinking Water Act Amendments of 1996, including the implementation of a Drinking Water State Revolving Loan Fund. The rule will substantially advance this specific purpose by clarifying the respective duties of the two agencies in that regard. Promulgation and enforcement of the rule will not burden private real property because it does not restrict or limit an owner's right to the property that would otherwise exist in the absence of the rulemaking.

#### COASTAL MANAGEMENT PROGRAM (CMP)

The executive director has reviewed the proposed rulemaking and found that the rule is neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11, relating to Actions and Rules Subject to the Coastal Management Program, nor will affect any action/authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11. Therefore, the proposed rule is not subject to the CMP.

#### SUBMITTAL OF COMMENTS

Written comments may be submitted to Lutrecia Oshoko, Texas Natural Resource Conservation Commission, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-5687. All comments should reference Rule Log Number 97123-007-WT. Comments must be received by 5:00 p.m., 30 days after the date of publication of this proposal in the *Texas Register*. For further

information concerning this proposal, please contact Steve Walden, Public Drinking Water, Water Utilities Division, (512) 239-6017.

#### STATUTORY AUTHORITY

The new section is proposed under Texas Water Code, §5.104, which authorizes the commission to enter into an MOU with the board to clarify and provide for their respective duties, responsibilities, or functions on any matter within their jurisdictions.

In addition, this new section is proposed under Texas Health and Safety Code, Chapter 341, Subchapter C, which authorizes the commission to adopt rules to implement the federal Safe Drinking Water Act.

The proposed new section implements Texas Water Code, §15.602(1).

*§7.104. Memorandum of Understanding between the Texas Water Development Board and the Texas Natural Resource Conservation Commission.*

The commission adopts by reference the rules of the Texas Water Development Board in 31 TAC §371.5 (relating to Memorandum of Understanding between Texas Water Development Board and Texas Natural Resource Conservation Commission).

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 April 2, 1997.

TRD-9704417

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Earliest possible date of adoption: May 19, 1997

For further information, please call: (512) 239-4640

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part I. General Land Office

#### Chapter 15. Coastal Area Planning

##### Subchapter A. Management of the Beach/Dune System

#### 31 TAC §15.3

The General Land Office (GLO) proposes amendments to §15.3, concerning the GLO rules for Management of the Beach/Dune System.

These amendments are proposed in response to requests and recommendations from local governments and coastal citizens who are affected by the rules for the protection and maintenance of the beach/dune system of the State of Texas. The amendments are intended to address the concerns embodied in the local government recommendations and to enable those who must administer the local implementation of the rules to

better address the unique values, needs, and standards of their respective jurisdictions.

The proposed amendments will benefit local governments that implement the rules by providing the GLO a mechanism with which to consider a local government request for a waiver of provisions of these rules in order to recognize the differences that exist between the various jurisdictions. The proposed amendments will also benefit those who use public beaches and who derive recreational, spiritual, and economic benefit from the continued existence of this natural resource.

Both local government officials and individual citizens have expressed to the GLO concerns regarding the practical application of the rules for Management of the Beach/Dune System after they were implemented. The intent of the proposed amendments is to make the process for managing Texas beaches and dunes more flexible to meet the particular needs and concerns of local jurisdictions who must apply the rules.

The present procedure for review and certification of local government plans for management of their beach/dune systems, as set forth in §15.3(o), does not include a process whereby a local government may have a certified plan which does not comply with all the requirements of Chapter 15. The substantive amendment to this section will add a procedure through which local governments may request to modify or seek a waiver of a requirement of Chapter 15 in order to adopt a management plan which is formulated to address uniquely local needs, concerns, or conditions. Other grammatical and format changes, such as the creation of several subparagraphs, are being made at this same time to provide better organization and to facilitate easier reading of §15.3(o).

In order for a local government to obtain the modification or waiver of a requirement of Chapter 15, it must be demonstrated that the overall goals and policies of the beach/dune management program can be satisfied under the modified provision or without a provision which is waived. GLO approval of plans which vary from the requirements of Chapter 15 will be conditioned on a determination by the commissioner that such approval is within statutory limitations and is in the public interest.

Caryn K. Cospers, deputy commissioner for the Resource Management Program, has determined that for the first five-year period the rule is in effect the only fiscal implications for state or local governments as a result of enforcing or administering the amendments to the rule will be a savings to the citizens of Texas through implementation of beach/dune management plans best suited to meet their needs.

Ms. Cospers has also determined that for each year of the first five years that the rule is in effect the estimated costs to local government are expected to be lower than those incurred under the prior rule. Ms. Cospers has further determined that there will be no effect on small businesses nor for the individuals who may have been previously required to comply with requirements which may have been inconsistent with local conditions, standards or practices.

Comments on the proposed amendments may be submitted to Cheli Cook, Texas General Land Office, Legal Services Division, 1700 North Congress Avenue, Room 626, Austin,

Texas 78701. Fax: (512) 463-6311. Comments must be received by 5:00 p.m. on May 2, 1997.

The amendment is proposed under the Texas Natural Resources Code, §§61.011, 61.015(b), and 63.121, which provides the GLO with the authority to identify and protect critical dune areas and to preserve and enhance public beach access; the Texas Natural Resources Code, §33.601, which provides the GLO with the authority to adopt rules on erosion; and the Texas Water Code, §16.321, which provides the GLO with the authority to adopt rules on coastal flood protection.

Texas Natural Resources Code, §§61.011(d), 61.013, and 61.015 are affected by this proposed amendment.

§15.3. Administration.

(a)-(n) (No change)

(o) Submission of local government plans to state agencies.

Local governments shall submit dune protection and beach access plans to the General Land Office for review, comment, and certification as to compliance with this subchapter, the Dune Protection Act, and the Open Beaches Act and to the attorney general's office for review and comment.

(1) A local government's governing body must formally approve the plan prior to submission to the state agencies. Prior to formally approving its plan, a local government may request legal and technical advice from the General Land Office for assistance in meeting the requirements for state agency approval.

(2) The General Land Office shall either grant or deny certification of a local government's formally approved dune protection and beach access plan within 60 days of receipt of the plan. In the event of denial, the General Land Office shall send the plan back to the local government with a statement of specific objections and the reasons for denial **of certification**, along with suggested modifications. On receipt, the local government shall revise and resubmit the plan for state agency review.

(3) The General Land Office shall use the same procedure for reviewing revised **or amended** plans as the procedure used for reviewing the plan originally submitted.

(4) The General Land Office's certification of local government plans shall be by adoption into the rules authorized under

the Texas Natural Resources Code, §61.011. The rules adopted by the General Land Office to certify plans will consist of state approval of the plans, but the text of plans will not be adopted by the General Land Office.

(5) **Subsequent to initial certification, local** [Local] governments may amend their dune protection and beach access plans by submitting the proposed changes to the General Land Office for review, comment, and certification and to the attorney general's office for review and comment. [The General Land Office shall process the proposed plan amendments using the same procedures and criteria as used in approving the initial submissions.]

(6) **A local government may request General Land Office approval of a modification or waiver of any requirement or prohibition of this chapter or of any provision of an approved local government plan. The standard for granting a variance or waiver shall be based on it being shown by a local government desiring to obtain a variance or waiver that the overall goals and policies of the beach/dune management program can be satisfied under the modified provision. The General Land Office may approve such requests if it would be within statutory limitations and in the public interest, as determined by the commissioner pursuant to Chapter 61 and Chapter 63, Texas Natural Resources Code.**

(p)-(u) (No change)

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

Issued in Austin, Texas, on April 10, 1997.

TRD-9704853

Garry Mauro

Commissioner

General Land Office

Earliest possible date of adoption: May 19, 1997

For further information, please call: (512) 305-9129

◆ ◆ ◆

# ADOPTED RULES

---

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

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

---

## TITLE 13. CULTURAL RESOURCES

### Part II. Texas Historical Commission

#### Chapter 26. Practice and Procedure

##### 13 TAC §§26.2, 26.3, 26.5, 26.8, 26.9, 26.10, 26.12, 26.13, 26.17, 26.20, 26.21

The Texas Historical Commission adopts amendments to §§26.2, 26.3, 26.5, 26.8, 26.9, 26.10, 26.12, 26.13, 26.17, 26.20, and 26.21, concerning Scope, Compliance with Rules and Regulations, Definitions, Specific Criteria for Evaluating Archeological Sites, Specific Criteria for Evaluating Caches and Collections, Specific Criteria for Evaluating Shipwrecks, Designation Procedure, Designation of Private Property, Issuance of Permits, Archeological Permit Categories, and Application for Archeological Permits with changes to the proposed text as published in the October 25, 1996, issue of the *Texas Register* (21 TexReg 10482). These amendments are needed to clarify issues related to the protection of State Archeological Landmarks (SAL's), and explain the criteria that are used in evaluating the significance of archeological sites that are considered for official State Archeological Landmark designation. The proposed amendments also address problems that have arisen regarding the regulation of archeologists and investigative firms that perform archeological investigations on public land without permits, and the regulations relating to the qualifications of professional archeologists that function as principal investigators under Antiquities Permits.

Rules relating to a new category of permit, some new permit restrictions, and a definition for a geoarcheologist were adopted. These changes along with amendments to the responsibilities of the Antiquities Advisory Board should result in fewer intentional and unintentional violations of the Antiquities Code of Texas, and streamline the State Archeological Landmark designation process. A public hearing on the amendments was held by the Antiquities Advisory Board on January 29, 1997, in Austin, Texas at 9:30 a.m., and by the Commission, in Austin, Texas on January 30, 1997, at 9:30 a.m. Representatives of the Texas Department of Transportation and the Texas Parks and Wildlife Department attended the Antiquities Advisory Board meeting and both agencies provided comments for the public record. Those same agencies also attended the Commission meeting, but made no comments for the record. The comments made to the Antiquities Advisory Board were primarily concerned with proposals concerning the creation of a definition for a new

category of professional archeologist. The original intent of the staff of the Commission was to create an official category for a project archeologist that could function in the absence of a principal investigator. The project archeologist could have served the purpose of performing administrative and archeological tasks associated with permit level archeological investigations under the Antiquities Code of Texas, and thereby assure that a qualified archeologist was on site at all times to manage the investigations being performed under an Antiquities Permit. Discussions of this issue before the Antiquities Advisory Board resulted in a recommendation to the Commission that was supported by the commenters, Commission staff, and the Antiquities Advisory Board. That recommendation was that the issue of a project archeologist should be delayed until a study panel could thoroughly review the matter and refine the definition of a project archeologist. The Commission approved the amendment to remove the definition of a project archeologist and all other references to the project archeologist as proposed and published in October 25, 1996, issue of the *Texas Register* (21 TexReg 10482).

The Commission also received written comments on the proposed amendments from several professional archeologists and those comments were also primarily concerned with the definition of a project archeologist. Most commenters felt that requiring the project archeologist to have a graduate degree in archeology before he or she could qualify to serve as a project archeologist was too high of a standard. The Commission agreed in part with the concerns expressed, and the current postponement of action on this issue of the project archeologist should afford all concerned parties an opportunity to assist the Commission in the creation of a final definition for the category of professional archeologist.

A commenter was also concerned that some of the proposed changes in the definition of a principal investigator, because a proposed new standard related to graduate school training and experience might exclude a few individuals that are currently serving as principal investigators. The Commission concurred with that conclusion, and altered the definition to clarify that any person that had completed, or was holding an active permit not in default, prior to the date that these rules become effective would be eligible to be issued additional permits in the future. In effect those individuals will be grandfathered into the continuing permit process under the Antiquities Code of Texas.

A commenter suggested changes related to the cancellation and extension of ongoing permits, including the creation of an

appeal process associated with those permit issues. Those proposals were not directly related to rule amendments that were currently before the Commission, nor were they part of the proposed rules published in October 25, 1996, issue of the *Texas Register* (21 TexReg 10482) therefore, the Commission did not address or deal with those proposals at this time. They may be addressed in future rule changes.

A commenter suggested that the language of a proposed change to §26.8(2) would potentially broaden eligibility standards for official State Archeological Landmark designation beyond the intent of the Commission. The Commission concurred with that conclusion and amended the language to adjust landmark designation standards so that archeological sites considered under §26.8(2) need to have real research potential rather than just the potential for standard archeological investigation techniques to be used on them before they could be considered eligible for designation as official state landmarks.

These adopted amendments are proposed under the Natural Resources Code, Title 9, Chapter 191 (revised by Senate Bill 365, 74th Legislature, 1995), §191.002, which provides the Texas Historical Commission with authority to promulgate rules and require contract or permit conditions to reasonably effect the purposes of this chapter.

#### §26.2. *Scope.*

State archeological landmarks include all sites, objects, buildings, pre-twentieth century shipwrecks and locations of historical, archeological, educational, or scientific interest including, but not limited to, prehistoric American Indian or aboriginal campsites, dwellings, and habitation sites, archeological sites of every character, treasure imbedded in the earth, sunken or abandoned ships and wrecks of the sea or any part of their contents thereof, maps, records, documents, books, artifacts, and implements of culture in any way related to the inhabitants, prehistory, history, natural history, government, or culture in, on, or under any of the lands of the State of Texas, including the tidelands, submerged land, and the bed of the sea within the jurisdiction of the State of Texas. Section 191.092 of the Code provides that historical and archeological sites on lands belonging to any county, city, or other political subdivision of the State of Texas are state archeological landmarks and may not be taken, altered, damaged or destroyed, salvaged, or excavated without a permit from the committee. Also protected under the Antiquities Code of Texas are specially designated archeological landmarks on private property, as well as all American Indian or aboriginal paintings, hieroglyphic, or other marks or carvings on rock or elsewhere which pertain to early American Indian or aboriginal habitation of the country. The committee is further empowered to provide for a system of permits and contracts for salvage of treasures embedded in the earth and the excavation or study of archeological and historical sites and objects. Sections 191.002, 191.051, 191.091, 191.092, 191.093, and 191.094 of the Antiquities Code of Texas specifically discuss the interests of the State of Texas in the recordation, protection, preservation, and study of archeological sites in and on public lands, or under the public seas and waterways in the State of Texas. All publicly owned archeological sites in Texas have intrinsic historic values, and as such are protected under the Antiquities Code regardless of their size, character, or ability to yield data that will contribute important information on the history or prehistory of Texas. All such sites are protected under the Antiquities Code as State Archeological Landmarks regardless of whether they warrant official landmark designation. Therefore,

all publicly owned sites are protected from vandalism, or other actions meant to take, alter, or destroy them, and information directly related to their specific locations is restricted from an open records requests. All archeological sites do not, however, contribute equally valuable scientific information on the history and prehistory of Texas, and some sites may not possess research values sufficient to warrant long term preservation, or archeological investigations beyond survey level recordation. Therefore, the issue of whether sites are significant and warrant preservation, and/or further research, (such as archeological testing and data recovery level investigations) is dealt with through both official landmark designations and permit issuance and regulation. Official State Archeological Landmark designation is an administrative procedure that provides for public notice of sites being considered for designation, and allows the land-owning or controlling public agency and the public the opportunity to have input into the designation process. The permit issuance and regulation procedures provide for an investigative and consultative process that allows the committee, permittee, land-owning agency, sponsor, principal investigator, and investigative firm a system by which sites can be documented and assessed to determine whether further investigations are necessary.

#### §26.3. *Compliance with Rules and Regulations.*

If the permittee, project sponsor, principal investigator, or investigative firm, fails to comply with any of the rules and regulations of the committee or any of the terms of the specific permit involved, or fails to properly conduct or complete the project, or fails to act in the best interest of the state, or fails to meet terms and conditions of defaulted permits, the committee may cancel the permit and notify the permittee of such cancellation by registered letter, mailed to the first address furnished to the committee by the permit applicant. Upon notification of cancellation, when determined to be appropriate, the permittee and principal investigator/investigative firm shall, in the case of ongoing projects, cease work immediately, remove all personnel and equipment, and vacate the area or site within 24 hours. Upon cancellation of a permit, the permittee forfeits all rights to the specimens and data recovered. A permit which has been canceled can be reinstated by the committee if good cause is shown within 30 days. A principal investigator and investigative firm shall not proceed with an archeological investigation, or other permitted investigation, without applying for, and having been issued a permit by the committee, or without having been officially authorized by the committee to proceed prior to issuance of an emergency permit. Failure to do so may result in the principal investigator and investigative firm being censured and denied issuance of a permit for the investigation in question, and any other investigations that require permits, for a six month period. The committee will send a letter of reprimand the principal investigator and/or investigative firm for each application offense. More than one permit application offense in one calendar year could result in permit censuring for a period of six months for each offense. Final determinations on permit censuring will be made by the board of the committee, in consultation with the Antiquities Advisory Board, at their earliest possible quarterly meeting. If the committee determines that more than one permit application offense has occurred in one calendar year, they may direct the staff to censure the principal investigator and investigative firm in question. The censured parties will then be ineligible to be issued a permit for a period of six months for each offense. Any decisions relative to permit censuring can be appealed to the State Office of Administrative Hearing (SOAH), and a formal evidentiary hearing on the matter will be set. Project sponsors and permittees shall not encourage principal in-

investigators or investigative firms to perform investigations on public lands in the State of Texas without a properly issued permit, and such investigations proceeding with the knowledge of the project sponsor and/or permittee would constitute a violation of the Antiquities Code of Texas. This action may result in the denial of a permit and compromise authorization for a development project to proceed relative to jurisdiction under the Antiquities Code of Texas. The committee may also require that the investigations performed without a permit be performed again under a properly issued permit.

#### §26.5. *Definitions.*

The following words and terms, when used in this chapter and the Antiquities Code of Texas, shall have the following meanings unless the context clearly indicates otherwise.

**Board**-The board of the Texas Historical Commission (committee).

**Emergency Permit**- A permit that authorizes investigations to be performed prior to the formal application for those investigations. This permit will only be issued under emergency conditions when archeological deposits are discovered during development or other construction projects, or under conditions of natural or man-made disasters that necessitate immediate action to deal with the findings.

**Permit Application Offense**- Failure to properly apply for a permit, and/or receive authorization for an emergency permit by the committee, prior to the actual performance of an archeological or architectural investigation.

**Permit Censuring**-A restriction in the ability of a principal investigator and investigative firm to be issued a permit under the auspices of the Antiquities Code of Texas.

**Professional personnel**-Appropriately trained specialists required to perform adequate archeological and architectural investigations. These personnel include the following:

(A) **Principal investigator.** A professional archeologist with demonstrated competence in field archeology and laboratory analysis, as well as experience in administration, logistics, personnel deployment, report publication, and fiscal management. In addition to these criteria the principal investigator shall:

(i) hold a graduate degree in anthropology/archeology, or closely related field such as, geography, geology, or history, if their degree program also included formal training in archeological field methods, research, and site interpretation from an accredited institution of higher education; and/or be accredited by the Society of Professional Archeologists (SOPA) with emphasis in field research, historical archeology, or underwater archeology as appropriate; and/or have successfully completed investigations under an Antiquities Permit; and/or hold an active permit not in default, prior to the date that these rules become effective;

(ii) (No change)

(iii) have at least twelve months of full-time experience in a supervisory role involving complete responsibility for a major portion of an archeological project of comparable complexity to that which is to be undertaken under permit;

(iv) have demonstrated the ability to disseminate the results of an archeological investigation in published form conforming to current professional standards;

(v) remain on-site a minimum of 25% of the time required for the field investigation, and whose names must appear on the project report;

(vi) provide a field archeologist to supervise the field investigation in his or her absence; and

(vii) testify concerning report findings in the interest of controversy or challenge.

(B) **Professional archeologist.** One who has a degree in anthropology/archeology or closely related field if that degree also included formal training in archeological field methods, research, and site interpretation, conducts archeological investigations as a vocation, and whose primary source of income is from archeological work. Qualifications for specialized types of professional archeologists are listed below.

(i)-(iv) (No change.)

(C) **Project architect.** A professional architect who is a qualified architect and has had full-time experience in a supervisory role on at least one historic preservation project. The project architect must be involved, at a minimum, in 25% of the time required for an historic structures permit project and, when not involved with the project, must assign a qualified historic architect to supervise the preservation project.

(D) **Historic architect.** One who has a professional degree in architecture or a state license to practice architecture, plus one of the following:

(E) **Historian.** The minimum professional qualifications are a graduate degree in history or closely related field; or a bachelor's degree in history or a closely related field plus one of the following:

(i) at least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution; or

(ii) substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

(F) **Geomorphologist or Geoarcheologist.** A person that holds a graduate degree in geology, geomorphology, archeology, or other closely related field, and has had sufficient training to adequately evaluate the sedimentology, stratigraphy, and pedology of deposits in the field and be competent to describe and analyze the deposits using standard terminology and methods. This person should also have general archeological experience in area in which the investigations are to occur.

**Project sponsor**-An individual, institution, investigative firm, or company paying costs of, or managing the archeological investigation or historic preservation activity for the owner of the public land, or permittee listed under the Antiquities Permit.

#### §26.8. *Criteria for Evaluating Archeological Sites.*

The committee uses one or more of the following criteria when assessing the appropriateness of official landmark designation, and/or the need for further investigations under the permit process:

(1) the site has the potential to contribute to a better understanding of the prehistory and/or history of Texas by the addition of new and important information;

(2) the site's archeological deposits and the artifacts within the site are preserved and intact, thereby supporting the research potential or preservation interests of the site;

(3) the site possesses unique or rare attributes concerning Texas prehistory and/or history;

(4) the study of the site offers the opportunity to test theories, and methods of preservation, thereby contributing to new scientific knowledge;

(5) the high likelihood that vandalism and relic collecting has occurred or could occur, and official landmark designation is needed to insure maximum legal protection, or alternatively further investigations are needed to mitigate the effects of vandalism and relic collecting when the site cannot be protected.

§ 26.9. *Criteria for Evaluating Caches and Collections.*

Caches and collections may be considered significant and be recognized or designated as State Archeological Landmarks, provided that at least one of the following conditions is met:

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

§26.10. *Criteria for Evaluating Shipwrecks.*

Shipwrecks may be considered significant and be recognized or designated as State Archeological Landmarks provided that the following conditions are met:

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

§26.12. *Designation Procedure.*

(a) Nomination. Any group or individual, public or private, and public agencies may submit a property in public ownership to the committee for official designation. The nomination must be submitted to the committee on an approved form, available from the Texas Historical Commission, P.O. Box 12276, Capitol Station, Austin, Texas 78711-2276, at least 30 days in advance of the scheduled committee meeting date.

(1) Any third-party private individual or a private group that desires to nominate a building or site owned by a political subdivision as a State Archeological Landmark must complete and return to the committee an Application for Nomination Form, and must give notice of the nomination at the individual's or group's own expense, in a newspaper of general circulation published in the city, town, or county in which the building or site is located. If no newspaper of general circulation is published in the city, town, or county, the notice must be published in a newspaper of general circulation in an adjoining or neighboring county that is circulated in the county of the applicant's residence. The notice must:

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

(D) An original copy of the notice and an affidavit of publication signed by the newspaper's publisher must be submitted to the committee with a Application for Nomination Form. The committee will not consider a site owned by a political subdivision for designation as a State Archeological Landmark unless the notice and affidavit required by this section are attached to an Application for Nomination Form. This notification must be received by both the committee and the public agency a minimum of 30 day prior to a regularly scheduled public meeting of the committee at which the nomination is scheduled to be presented.

(2) (No change.)

(b) (No change.)

(c) Presentation. Following staff evaluation and recommendation, the nomination will be presented to the Antiquities Advisory Board at its next available meeting. Written notice of the presentation will be sent to the owner. The Antiquities Advisory Board will review each nomination, the staff recommendations related to each nomination, and any testimony given by the owner of the property, and the public at large. The Antiquities Advisory Board will then pass on their recommendations regarding each nomination to the full board of the committee. The committee's staff and the Chair of the Antiquities Advisory Board will present the nomination and recommendations to the committee at its meeting.

(d) (No change.)

(e) Designation. After the minimum comment period of 30 days has elapsed, the committee may consider the property for designation at its next available meeting. Concerned parties will be informed of the agenda by written notice at least 15 calendar days in advance of the meeting date. Anyone may present evidence or testify at the meeting when the final decision is to be made. Prior to a hearing on the proposed designation by the committee, the Antiquities Advisory Board will hear and review the proposed designation, staff recommendations, and any testimony by the owner of the property and the public at large related to each proposed designation. The Antiquities Advisory Board will then pass on their recommendations regarding each proposed designation to the full board of the committee. The committee's staff and the Chair of the Antiquities Advisory Board will present the proposed designation and recommendations to the committee at its meeting. The committee may then vote to designate, to deny designation, to request further information, or to make any other appropriate decision.

(f)-(j) (No change.)

§26.13. *Designation of Private Property.*

Cultural resources of national, state, or local significance in private ownership may be nominated by individuals or institutions holding title to the property on which the resources are located. Nominations must be made on a committee approved form. By submitting an approved form, the owner agrees that if the property in question is designated as a State Archeological Landmark, he or she will file a notice of the designation with the deeds clerk of the county where the property is located, and pay any filing fees required. After filing of the designation form, the committee may provide the owner of the landmark with one cast aluminum marker. The owner will be responsible for prompt and permanent placement of the marker or markers on the site in such a way as not to damage the resource. A site or structure on privately owned property which is designated as a State Archeological Landmark is afforded the same protection under the Code as resources on public property. The nomination and designation hearing process for the designation of privately owned sites or buildings will follow procedures set forth in §26.12 of this title (relating to Designation Procedure).

§26.17. *Issuance and Restriction of Permits.*

(a)-(h) (No change.)

(i) Permit cancellation. The committee may cancel an Antiquities Permit, and any appeals of such cancellations must be made before the State Office of Administrative Hearings. One or more of the following conditions must exist before a permit may be canceled by the committee:

- (1) the death of the principal investigator;
- (2) failure of the project sponsor or permittee to fully fund the investigation;
- (3) cancellation of the project by the sponsor or permittee, before the investigations have begun, or are substantively complete;
- (4) violation of §26.3 of this title (relating to Compliance with Rules and Regulations), and/or;
- (5) destruction of the permit area or associated cultural resources due to natural causes, prior to the substantive completion of the investigations being performed under the permit.

(j) Permit censuring. The committee may censure a principal investigator and investigative firm if it is found that two or more permit application offenses have occurred in one calendar year. Permit application offenses result when investigations are performed without first obtaining a permit from the committee. Permit censuring will render a principal investigator and investigative firm ineligible for issuance of another permit for six months after a finding by the board that two or more permit application offenses have occurred in one calendar year.

*§26.20. Archeological Permit Categories.*

Several categories of permits oriented toward specific types of investigation are issued by the committee.

(1)-(12) (No change.)

(13) Emergency permit. A permit that may be authorized by the committee for the purposes of performing investigations prior to formal application for a permit. Any of the above-referenced categories of investigations can be authorized under an emergency permit, but an emergency permit will only be issued under emergency conditions where the investigations must be initiated or performed prior to the formal issuance of the permit. Legitimate emergency conditions include those situations when archeological deposits are discovered during development or other construction projects, or under conditions of natural or man-made disasters that necessitate immediate action to deal with the situation and findings.

*§26.21. Application for Archeological Permit.*

(a) (No change.)

(b) Eligibility for application. Permits to conduct investigations of any nature on State Archeological Landmarks or for the discovery of potential landmarks, or on lands owned or controlled by agencies or political subdivisions of the state will be issued exclusively by the committee under the conditions provided in the Antiquities Code and in these rules and regulations.

(1) Permits may be issued by the committee to scientific and educational institutions, nonprofit corporations and organizations, investigative firms, and governmental agencies which have demonstrated their ability to carry out proper archeological investigations through their own staffs, including one or more professional archeologists that can serve as principal investigators, and who will supervise the project, or through a contract with a professional archeologist that can serve as principal investigators. Permits may also be issued to individuals and private corporations who:

(A) retain a professional archeologist that can serve as a principal investigator for the investigations, and can be in direct charge of the project from field investigation through preservation of collections and analysis of data to reporting of results; and

(B) (No change.)

(2) State or local archeological societies and archeological stewards wishing to conduct investigations on State Archeological Landmarks must have a principal investigator and are limited to non-compliance, investigation activities.

(3) Principal investigators holding one or more defaulted permits are not eligible for additional permits until all terms and conditions of defaulted permits are met.

(4) Principal investigators and investigative firms that are currently censured due to permit application offenses are not eligible to be issued a permit. Once the censure period has lapsed the censured principal investigator or investigative firm will be eligible to be issued a permit.

(5) No permits will be issued if the principal investigator and/or investigative firm cannot commit to the full-time on-site performance of, or on-site direction of the permitted investigations by the principal investigator or a qualified project archeologist.

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

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

Issued in Austin, Texas, on April 10, 1997.

TRD-9704444

Curtis Tunnell

Executive Director

Texas Historical Commission

Effective date: April 22, 1997

Proposal publication date: October 25, 1996

For further information, please call: (512) 463-5711

◆ ◆ ◆  
**TITLE 19. EDUCATION**

**Part VII. State Board for Educator Certification**

**Chapter 230. Professional Educator Preparation and Certification**

**Subchapter A. Educator Preparation Accountability System**

**19 TAC §230.5, §230.6**

The State Board for Educator Certification (SBEC) adopts amendments to §230.5, concerning educator assessment and §230.6, concerning the effective date without changes to the proposed text as published in the February 7, 1997, issue of the *Texas Register* (22 TexReg 1367).

These rules are being amended to delete definitions of terms because of adding a new Subchapter Y which provides definition of terms used in the entire Chapter and to clarify educator program in the effective date.

These rules as amended clarify confusing terminology to be consistent with definitions used throughout the chapter.

No comments were received regarding adoption of the amendments.

The amended sections are adopted under Texas Education Code (TEC), Chapter 21, Subchapter B, §21.045, which authorizes the State Board for Educator Certification to establish standards to govern the continuing accountability of all educator preparation programs

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704614

Mark Littleton

Executive Director

State Board for Educator Certification

Effective date: April 28, 1997

Proposal publication date: February 7, 1997

For further information, please call: (512) 469-3004



## Subchapter F. Professional Educator Preparation

### 19 TAC §§230.153, 230.156, 230.160, 230.161

The State Board for Educator Certification (SBEC) adopts amendments to §230.153, concerning the Standard III. Organizational Structure for Teacher Education; 230.156, concerning Standard VI. Characteristics of Teacher Education Faculty; 230.160, concerning Standard X. Collaborative Planning and Review Processes; and 230.161, concerning Standard XI. Evaluation for Quality Control; without changes to the proposed text as published in the February 7, 1997, issue of the *Texas Register* (22 TexReg 1368).

These rules are being amended to clarify the types of schools recognized by the SBEC for purposes of student teaching, internship, and previous experience requirements and providing a consistent reference to "creditable" experience.

These rules as amended clarify confusing terminology to be consistent with definitions used throughout the chapter.

No comments were received regarding adoption of the amendments.

The amended sections are adopted under Texas Education Code (TEC), Chapter 21, Subchapter B, §21.045, which authorizes the State Board for Educator Certification to establish standards to govern the approval of all educator preparation programs.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704615

Mark Littleton

Executive Director

State Board for Educator Certification

Effective date: April 28, 1997

Proposal publication date: February 7, 1997

For further information, please call: (512) 469-3004



## Subchapter G. Program Requirements for Preparation of School Personnel for Initial Certificates and Endorsements

### 19 TAC §§230.191, 230.195-230.199

The State Board for Educator Certification (SBEC) adopts amendments to §230.191, concerning preparation required in all programs; §230.195, concerning special education certificates; §230.196, concerning vocational agriculture certificate; §230.197, concerning vocational home economics certificates; §230.198, concerning vocational marketing education certificates and §230.199, concerning endorsements without changes to the proposed text as published in the February 7, 1997, issue of the *Texas Register* (22 TexReg 1369).

These rules are being amended to clarify types of schools recognized by the SBEC for purposes of student teaching, internship, and previous experience requirements and to provide a consistent reference to "creditable" experience; and an amendment to add the endorsement of driver education instructors because SBEC is the appropriate certifying agency.

These rules as amended clarify confusing terminology to be consistent with definitions used throughout the chapter and add the endorsement of driver education instructors because SBEC is the appropriate certifying agency.

No comments were received regarding adoption of the amendments.

The amended sections are adopted under Texas Education Code (TEC), Chapter 21, Subchapter B, §§21.041 (b)(2) and (4), 21.044, 21.048 and 21.050 which require the State Board for Educator Certification to establish the academic, internship, and examination requirements for all candidates for certification as well as the classes of certificates offered and TEC, Chapter 29, Subchapter Z, §29.902 which requires establishment of standards for professional and paraprofessional personnel who conduct driver education courses.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704616

Mark Littleton

Executive Director

State Board for Educator Certification

Effective date: April 28, 1997

Proposal publication date: February 7, 1997

For further information, please call: (512) 469-3004



## Subchapter H. Alternative Certification of Teachers

### 19 TAC §230.231

The State Board for Educator Certification (SBEC) adopts an amendment to §230.231, concerning requirements for the alternative certification of teachers without changes to the proposed text as published in the February 7, 1997, issue of the *Texas Register* (22 TexReg 1373).

This rule is being amended to clarify types of schools recognized by the SBEC for purposes of student teaching, internship.

This rule as amended clarify confusing terminology to be consistent with definitions used throughout the chapter.

No comments were received regarding adoption of the amendment.

The amended section is adopted under Texas Education Code (TEC), Chapter 21, Subchapter B, §21.049 which requires the State Board for Educator Certification to provide for alternative certification programs.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704617

Mark Littleton

Executive Director

State Board for Educator Certification

Effective date: April 28, 1997

Proposal publication date: February 7, 1997

For further information, please call: (512) 469-3004



## Subchapter I. Standards for Approval of Institutions Offering Graduate Education Programs for Professional Certification

### 19 TAC §§230.263, 230.266, 230.270, 230.271

The State Board for Educator Certification (SBEC) adopts amendments to §230.263, concerning Standard III. Organizational Structure for Graduate Teacher Education; §230.266, concerning Standard VI. Characteristics of Graduate Teacher Education Faculty; §230.270, concerning Standard X. Collaborative Planning and Review Processes; §230.271, concerning Standard XI. Evaluation for Quality Control of Graduate Programs; without changes to the proposed text as published in the February 7, 1997, issue of the *Texas Register* (22 TexReg 1373).

These rules are being amended to clarify types of schools recognized by the SBEC for purposes of student teaching, internship, and previous experience requirements; to provide a consistent reference to "creditable" experience; and to conform with similar language in Subchapter F.

These rules as amended clarify confusing terminology to be consistent with definitions used throughout the chapter.

No comments were received regarding adoption of the amendments.

The amended sections are adopted under Texas Education Code (TEC), Chapter 21, Subchapter B, §21.045 which requires the State Board for Educator Certification to establish the standards to govern the approval of all educator preparation programs.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704618

Mark Littleton

Executive Director

State Board for Educator Certification

Effective date: April 28, 1997

Proposal publication date: February 7, 1997

For further information, please call: (512) 469-3004



## Subchapter J. Graduate Education Programs for Professional Certification

### 19 TAC §§230.303-230.308, 230.310, 230.311, 230.13, 230.316, 230.319

The State Board for Educator Certification (SBEC) adopts amendments to §230.303, concerning planned program of preparation; §230.304, concerning professional administrator's certificates; §230.305, concerning the temporary certificate; §230.306, concerning Supervisor; §230.307, concerning Counselor; §230.308, concerning Visiting Teacher; §230.310, concerning Reading Specialist; §230.311, concerning Learning Resources Specialist; §230.313, concerning Special Education Supervisor; §230.316, concerning Educational Diagnostician (Special Education); and §230.319, concerning certification standards for vocational education supportive professional personnel; without changes to the proposed text as published in the February 7, 1997, issue of the *Texas Register* (22 TexReg 1375).

These rules are being amended to clarify types of schools recognized by the SBEC for purposes of student teaching, internship, and previous experience requirements; to provide a consistent reference to "creditable" experience.

These rules as amended clarify confusing terminology to be consistent with definitions used throughout the chapter.

No comments were received regarding adoption of the amendments.

The amended sections are adopted under Texas Education Code (TEC), Chapter 21, Subchapter B, §§21.041(b)(2) and (4), 21.044, 21.048, 21.050 which require the State Board for Educator Certification to establish the academic, internship, and examination requirements for all candidates for certification as well as the classes of certificates offered.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704619

Mark Littleton

Executive Director

State Board for Educator Certification

Effective date: April 28, 1997

Proposal publication date: February 7, 1997

For further information, please call: (512) 469-3004



## Subchapter K. Alternative Certification of Administrators

### 19 TAC §230.361

The State Board for Educator Certification (SBEC) adopts an amendment to §230.361, concerning requirements for the alternative certification of administrators without changes to the proposed text as published in the February 7, 1997, issue of the *Texas Register* (22 TexReg 1377).

This rule is being amended to clarify types of schools recognized by the SBEC for purposes of student teaching, internship, and previous experience requirements; to provide a consistent reference to "creditable" experience.

This rule as amended clarifies confusing terminology to be consistent with definitions used throughout the chapter.

No comments were received regarding adoption of the amendment.

The amended section is adopted under Texas Education Code (TEC), Chapter 21, Subchapter B, §21.049 which requires the State Board for Educator Certification to provide for alternative certification programs.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704620

Mark Littleton

Executive Director

State Board for Educator Certification

Effective date: April 28, 1997

Proposal publication date: February 7, 1997

For further information, please call: (512) 469-3004



## Subchapter L. Postbaccalaureate Requirements for Persons Seeking Initial Teacher Certification through Approved Texas Colleges and Universities

### 19 TAC §230.391

The State Board for Educator Certification (SBEC) adopts an amendment to §230.391, concerning general program requirements without changes to the proposed text as published in the February 7, 1997, issue of the *Texas Register* (22 TexReg 1378).

This rule is being amended to clarify types of schools recognized by the SBEC for purposes of student teaching, internship, and previous experience requirements.

This rule as amended clarifies confusing terminology to be consistent with definitions used throughout the chapter.

No comments were received regarding adoption of the amendment.

The amended section is adopted under Texas Education Code (TEC), Chapter 21, Subchapter B, §§21.041(b)(2) and (4), 21.044, 21.048, and 21.050 which require the State Board for Educator Certification to establish the academic, internship, and examination requirements for all candidates for certification as well as the classes of certificates offered.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704621

Mark Littleton

Executive Director

State Board for Educator Certification

Effective date: April 28, 1997

Proposal publication date: February 7, 1997

For further information, please call: (512) 469-3004



## Subchapter M. Certification of Educators in General

### 19 TAC §230.413

The State Board for Educator Certification (SBEC) adopts an amendment to §230.413, concerning certification of educators in general without changes to the proposed text as published in the February 7, 1997, issue of the *Texas Register* (22 TexReg 1378).

This rule is being amended to provide a consistent reference to "creditable" experience.

This rule as amended clarifies confusing terminology to be consistent with definitions used throughout the chapter.

No comments were received regarding adoption of the amendment.

The amended section is adopted under Texas Education Code (TEC), Chapter 21, Subchapter B, §§21.041(b)(2) and (4), 21.044, 21.048, 21.050 and 21.082 which require the State Board for Educator Certification to establish the academic, internship, and examination requirements for all candidates for certification, specify the classes of certificates offered; and to obtain all criminal history information that relates to an applicant for certification.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704622

Mark Littleton

Executive Director

State Board for Educator Certification

Effective date: April 28, 1997

Proposal publication date: February 7, 1997

For further information, please call: (512) 469-3004



## Subchapter N. Certificate Issuance Procedures

### 19 TAC §230.437

The State Board for Educator Certification (SBEC) adopts an amendment to §230.437, concerning certificate issuance procedures without changes to the proposed text as published in the February 7, 1997, issue of the *Texas Register* (22 TexReg 1379).

This rule is being amended to provide a consistent reference to "creditable" experience.

This rule as amended clarifies confusing terminology to be consistent with definitions used throughout the chapter.

No comments were received regarding adoption of the amendment.

The amended section is adopted under Texas Education Code (TEC), Chapter 21, Subchapter B, §21.041(b) (4) and (c) and §21.048 which require the State Board for Educator Certification to specify the standards, assessments, and fees required for the issuance of an educator certificate.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704623

Mark Littleton

Executive Director

State Board for Educator Certification

Effective date: April 28, 1997

Proposal publication date: February 7, 1997

For further information, please call: (512) 469-3004



## Subchapter P. Requirements for Provisional Certificates and Specialized Assignments or Programs

### 19 TAC §230.483

The State Board for Educator Certification (SBEC) adopts an amendment to §230.483, concerning requirements for provisional certificates and specialized assignments or programs without changes to the proposed text as published in the February 7, 1997, issue of the *Texas Register* (22 TexReg 1379).

This rule is being amended to provide a consistent reference to "creditable" experience.

This rule as amended clarifies confusing terminology to be consistent with definitions used throughout the chapter.

No comments were received regarding adoption of the amendment.

The amended section is adopted under Texas Education Code (TEC), Chapter 21, Subchapter B, §21.041(b) (2), (4) and (6) which require the State Board for Educator Certification to specify the classes of certificates offered, the requirements for the issuance of an educator certificate, and to provide for special or restricted certification of educators.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704624

Mark Littleton

Executive Director

State Board for Educator Certification

Effective date: April 28, 1997

Proposal publication date: February 7, 1997

For further information, please call: (512) 469-3004



## Subchapter Q. Permits

### 19 TAC §230.501, §230.504

The State Board for Educator Certification (SBEC) adopts amendments to §230.501, concerning general provisions and §230.504, concerning specific requirements for initial emergency permits without changes to the proposed text as published in the February 7, 1997, issue of the *Texas Register* (22 TexReg 1380).

These rules are being amended to provide a consistent reference to "creditable" experience.

These rules as amended clarify confusing terminology to be consistent with definitions used throughout the chapter.

No comments were received regarding adoption of the amendments.

The amended sections are adopted under Texas Education Code (TEC), Chapter 21, Subchapter B, §21.041(b)(2) which requires the State Board for Educator Certification to rules that specify the classes of certificates offered.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704613

Mark Littleton

Executive Director

State Board for Educator Certification

Effective date: April 28, 1997

Proposal publication date: February 7, 1997  
For further information, please call: (512) 469-3004



## Subchapter S. Paraprofessional Certification

### 19 TAC §230.554, §230.555, §230.557, §230.558

The State Board for Educator Certification (SBEC) adopts amendments to §230.554, concerning education requirements for Educational Aide II; §230.555, concerning certification requirements for Educational Aide III; §230.557, concerning certification requirements for Educational Secretary II; and §230.558, concerning certification requirements for Educational Secretary III, without changes to the proposed text as published in the February 7, 1997, issue of the *Texas Register* (22 TexReg 1382).

These rules are being amended to provide a consistent reference to "creditable" experience.

These rules as amended clarify confusing terminology to be consistent with definitions used throughout the chapter.

No comments were received regarding adoption of the amendments.

The amended sections are adopted under Texas Education Code (TEC), Chapter 21, Subchapter B, §21.041

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704610  
Mark Littleton  
Executive Director  
State Board for Educator Certification  
Effective date: April 28, 1997  
Proposal publication date: February 7, 1997  
For further information, please call: (512) 469-3004



## Subchapter U. Assignment of Public School Personnel

### 19 TAC §230.601

The State Board for Educator Certification adopts an amendment to §230.601(f) concerning assignment of public school personnel in Figure: 19 TAC §230.601(f) Part III, without changes to the proposed text as published in the February 7, 1997, issue of the *Texas Register* (22 TexReg 1383).

This rule is being amended to transfer to the appropriate state licensing agency the licensure of professionals working in the Texas public school system.

This rule as amended transfers to the appropriate state licensing agency the licensure of professionals working in the Texas public school system.

No comments were received regarding adoption of the amendment.

The amended section is adopted under Texas Education Code (TEC), Chapter 21, Subchapter B, §21.041(b)(2) which requires the State Board for Educator Certification to specify the classes of certificates offered.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704611  
Mark Littleton  
Executive Director  
State Board for Educator Certification  
Effective date: April 28, 1997  
Proposal publication date: February 7, 1997  
For further information, please call: (512) 469-3004



## Subchapter Y. Definitions

### 19 TAC §230.801

The State Board for Educator Certification adopts new §230.801 concerning definitions, without changes to the proposed text as published in the February 7, 1997, issue of the *Texas Register* (22 TexReg 1383).

This new rule is to ensure consistent interpretation of terms frequently used throughout Chapter 230.

This new rule provides definitions of terms frequently used throughout Chapter 230.

No comments were received regarding adoption of the new rule.

The new section is adopted under Texas Education Code (TEC), Chapter 21, Subchapter B, §21.041(b)(1) which requires the State Board for Educator Certification to provide for regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704612  
Mark Littleton  
Executive Director  
State Board for Educator Certification  
Effective date: April 28, 1997  
Proposal publication date: February 7, 1997  
For further information, please call: (512) 469-3004



## Chapter 240. American Sign Language Certificate

### 19 TAC §240.1

The State Board for Educator Certification (SBEC) adopts new §240.1, concerning American Sign Language Certification with changes to the proposed text as published in the February 28, 1997, issue of the *Texas Register* (22 TexReg 2325). The

change is nonsubstantive and is being made to subsection (c)(1) to conform with Texas Register format structure.

This new rule is to provide requirements for the American Sign Language Certificate.

This rule provides requirements for the American Sign Language Certificate.

No comments were received regarding adoption of the new rule.

The new section is adopted under Texas Education Code (TEC), Chapter 21, Subchapter B, §21.041(b)(6) which requires the State Board for Educator Certification to provide for special or restricted certification of educators, including certification of instructors of American Sign Language.

*§240.1. American Sign Language Certificate.*

(a) The American Sign Language certificate shall be based upon completion of a teacher education program as described in §230.191 of this title (relating to Preparation Required in All Programs).

(b) Program requirements for the American Sign Language certificate shall consist of the development and assessment of proficiency of the following competencies in teacher candidates:

(1) Professional Development and Knowledge: The teacher demonstrates knowledge of learners (e.g., human development and learning processes), techniques for enhancing student achievement (e.g., planning, instructional strategies, assessment, communication methods), and the teaching environment.

(2) General Language Acquisition: The teacher demonstrates knowledge of general language acquisition and communications process theory, and knowledge of historical and current research on American Sign Language and signed/visual languages across language groups.

(3) Second Language Acquisition: The teacher demonstrates knowledge of language as a vehicle of culture, and knowledge of theories of second language learning.

(4) Teaching American Sign Language: The teacher demonstrates knowledge of effective methodologies for teaching particular aspects of American Sign Language, and knowledge of the history of American Sign Language and its evolution to modern usage.

(5) Linguistics of American Sign Language: The teacher demonstrates knowledge of grammatical features unique to American Sign Language and other visual languages, and knowledge of comparative and contrastive attributes of American Sign Language and English.

(6) Sociology/Cultural Anthropology: The teacher demonstrates knowledge of sociological theories, especially as related to the American Deaf culture and community, and can compare and contrast cultures.

(7) Aspects of the American Deaf Culture: The teacher demonstrates knowledge of the evolution of the American and International Deaf cultures, and knowledge of the social, political, educational, and audiological aspects of American Deaf culture, including cultural folklore as evidenced through humor, storytelling, art, poetry, and theater. The teacher demonstrates knowledge of

federal and state legislation regarding the education and civil rights of individuals who are deaf.

(8) Communicating in American Sign Language: The teacher demonstrates the ability to communicate in American Sign Language at an appropriate level of proficiency, including using appropriate speed and enunciation and adherence to pronunciation parameters.

(c) Effective dates. Effective with the 1998-99 school year, individuals must hold an American Sign Language certificate to teach American Sign Language I, II, and III courses. Until that time, current rules for assignment of American Sign Language teachers apply.

(d) Assessment requirements.

(1) Teacher candidates for the American Sign Language certificate must have acceptable scores on appropriate state-adopted examinations of professional education and content knowledge.

(2) Individuals already certified in Texas who seek American Sign Language certification prior to September 1, 1999, must pass the Texas Assessment of Sign Communication–American Sign Language (TASC-ASL). Individuals assigned to teach American Sign Language in the 1996-97 school year or earlier must pass the TASC-ASL by the 1998-99 school year to become certified in American Sign Language and remain in the assignment.

(3) Individuals who are not certified who seek American Sign Language certification prior to September 1, 1999, must complete an approved program and have acceptable scores on the appropriate state-adopted examination of professional education and on the TASC-ASL.

(4) Individuals who are not already certified in Texas who seek American Sign Language certification on September 1, 1999, or later, must complete an approved program (unless certified out of state) and have acceptable scores on the appropriate state-adopted examination of professional education, the American Sign Language Examination for the Certification of Educators in Texas, and on the TASC-ASL.

(5) Individuals already certified in Texas who seek American Sign Language certification on September 1, 1999, or later, must have acceptable scores on the American Sign Language Examination for the Certification of Educators in Texas and on the TASC-ASL.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704625

Mark Littleton

Executive Director

State Board for Educator Certification

Effective date: April 29, 1997

Proposal publication date: February 7, 1997

For further information, please call: (512) 469-3004

◆ ◆ ◆  
**TITLE 22. EXAMINING BOARDS**

## Part XVI. Texas Board of Physical Therapy Examiners

### Chapter 321. Definitions

#### 22 TAC §321.1

The Texas Board of Physical Therapy Examiners adopts an amendment to §321.1, concerning Definitions, with changes to the proposed text as published in the February 14, 1997, issue of the *Texas Register* (22 TexReg 1705).

This section is being amended to clarify the procedure by which a physical therapist supervises physical therapy aides. The section defines the term "Foreign Trained Applicant." The board did not adopt the posted change that would have allowed the physical therapist or physical therapist assistant to interact with patients once per treatment day.

Public comments in support of allowing daily interaction were received from: The Texas Hospital Association, Baylor Health Care System, Columbia Medical Centers-north Texas region, Texas Physical Therapy Association. Written comment in support of was received from: Baylor Physical Medicine, Presbyterian Hospital/Dallas, M.C.H. Physical Therapy, Nacogdoches Memorial Hospital, Harris Methodist Hospital, and Parkland Health & Hospital System.

No comments were received that opposed proposed changes that were adopted to this amendment.

The amendment is adopted under the Physical Therapy Practice Act, Texas Civil Statutes, Article 4512e, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

#### §321.1. Definitions.

The following words, terms, and phrases, when used in the rules of the Texas Board of Physical Therapy Examiners, shall have the following meanings, unless the context clearly indicates otherwise.

Accredited curriculum in physical therapy education-A body of courses in a physical therapy program at a school, college, or university which has satisfied the accreditation standards of the Commission on Accreditation for Physical Therapy Education.

Foreign-Trained Applicant-Any applicant whose education is from a country outside the United States, the District of Columbia, or Territories of the United States.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704638

John P. Maline

Executive Director

Texas Board of Physical Therapy Examiners

Effective date: April 28, 1997

Proposal publication date: February 14, 1997

For further information, please call: (512) 305-6900



### Chapter 329. Licensing Procedure

#### 22 TAC §329.1

The Texas Board of Physical Therapy Examiners adopts an amendment to §329.1, concerning Licensing Procedures without changes to the proposed text as published in the February 14, 1997, issue of the *Texas Register* (22 TexReg 1705).

This section is being amended to explain the procedures to receive a license to practice physical therapy in Texas.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Physical Therapy Practice Act, Texas Civil Statutes, Article 4512e, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704636

John P. Maline

Executive Director

Texas Board of Physical Therapy Examiners

Effective date: April 28, 1997

Proposal publication date: February 14, 1997

For further information, please call: (512) 305-6900



#### 22 TAC §329.3

The Texas Board of Physical Therapy Examiners adopts an amendment to §329.3, concerning Temporary License for Examination Candidates without changes to the proposed text as published in the February 14, 1997, issue of the *Texas Register* (22 TexReg 1706).

This section is being amended to explain the requirements to receive a temporary license to practice physical therapy in Texas.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Physical Therapy Practice Act, Texas Civil Statutes, Article 4512e, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704637

John P. Maline

Executive Director

Texas Board of Physical Therapy Examiners

Effective date: April 28, 1997

Proposal publication date: February 14, 1997  
For further information, please call: (512) 305-6900

◆ ◆ ◆  
**22 TAC §329.5**

The Texas Board of Physical Therapy Examiners adopts an amendment to §329.5, concerning License Procedure for Foreign-Trained Applicants without changes to the proposed text as published in the February 14, 1997, issue of the *Texas Register* (22 TexReg 1706).

This section is being amended to explain the requirements to receive a license to practice physical therapy in Texas.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Physical Therapy Practice Act, Texas Civil Statutes, Article 4512e, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704635  
John P. Maline  
Executive Director  
Texas Board of Physical Therapy Examiners  
Effective date: April 28, 1997  
Proposal publication date: February 14, 1997  
For further information, please call: (512) 305-6900

◆ ◆ ◆  
**Chapter 346. Practice Settings for Physical Therapy**

**22 TAC §346.1**

The Texas Board of Physical Therapy Examiners adopts an amendment to §346.1, concerning Educational Settings without changes to the proposed text as published in the February 14, 1997, issue of the *Texas Register* (22 TexReg 1707).

This section is being amended to explain the role of a physical therapist in the educational setting.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Physical Therapy Practice Act, Texas Civil Statutes, Article 4512e, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704634  
John P. Maline  
Executive Director  
Texas Board of Physical Therapy Examiners  
Effective date: April 28, 1997  
Proposal publication date: February 14, 1997  
For further information, please call: (512) 305-6900

◆ ◆ ◆  
**Chapter 347. Registration of Physical Therapy Facilities**

**22 TAC §347.5**

The Texas Board of Physical Therapy Examiners adopts an amendment to §347.5, concerning Registration of Physical Therapy Facilities without changes to the proposed text as published in the February 14, 1997, issue of the *Texas Register* (22 TexReg 1707).

This section is being amended to explain when a facility is required to register with the board.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Physical Therapy Practice Act, Texas Civil Statutes, Article 4512e, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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

Issued in Austin, Texas, on April 7, 1997.

TRD-9704633  
John P. Maline  
Executive Director  
Texas Board of Physical Therapy Examiners  
Effective date: April 28, 1997  
Proposal publication date: February 14, 1997  
For further information, please call: (512) 305-6900

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

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

**Chapter 12. Special Nutrition Programs**  
**Child and Adult Care Food Program**

**40 TAC §§12.3, 12.5, 12.8, 12.9, 12.11, 12.14, 12.15, 12.21, 12.23-12.25**

The Texas Department of Human Services (DHS) adopts amendments to §§12.3, 12.5, 12.8, 12.9, 12.11, 12.14, 12.15, 12.21, and 12.23-12.25, concerning eligibility of contractors and

facilities, application for program benefits - contractors, financial management, reporting and record retention, participant eligibility for free and reduced-price meals, meal requirements, reimbursement methodology, rights and responsibilities - day home provider, overpayments, sanctions and penalties, and denials and terminations, in its Special Nutrition Programs chapter.

The justification for the amendments is to incorporate changes to the Child and Adult Care Food Program (CACFP) mandated by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Welfare Reform). The rules establish a two-tiered reimbursement rate structure for day care homes which targets higher reimbursement rates to low-income providers and children and to providers who are located in low-income areas. In addition, the Act prohibits contractors from compensating staff based on the number of day care homes they recruit.

The amendments will function by better targeting federal funds to the low-income children the CACFP is primarily intended to serve.

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 33, which provides the department with the authority to administer public and nutritional assistance programs. The amendments are adopted in compliance with federal requirements effective April 21, 1997.

The amendments implement §§22.001-22.030 and 33.001-33.024 of the Human Resources Code.

#### §12.3. *Eligibility of Contractors and Facilities.*

(a) To be eligible to participate in the Child and Adult Care Food Program (CACFP), contractors and facilities must meet the definitions in, and perform in accordance with, 7 Code of Federal Regulations §226.2, the appropriate requirements of 7 Code of Federal Regulations §§226.6, 226.15-226.19(a), 226.23, and this chapter.

(b)-(k) (No change.)

#### §12.5. *Application for Program Benefits - Contractors.*

(a) To participate in the Child Care Food Program, contractors must submit applications to the Texas Department of Human Services (DHS). The contractor must submit an amended application to DHS when changes occur. DHS approves or denies application for participation according to 7 Code of Federal Regulations §§226.6, 226.15- 226.18, 226.23, and this chapter.

(b)-(e) (No change.)

#### §12.8. *Financial Management.*

(a) Contractors must implement the financial management system established by the Texas Department of Human Services (DHS) according to 7 Code of Federal Regulations §§226.6, 226.7, 226.11, and 226.13 and maintain records supporting the financial management system according to §12.9 of this title (relating to Reporting and Record Retention).

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

(d) Sponsoring organizations of family day care homes are prohibited from paying or otherwise compensating any individual, employee, contractor, or day care home provider, based on the number of homes recruited, or changes in program participation as measured by an increase or decrease in meals, children, or providers. The above prohibited cash and noncash compensation includes, but

is not limited to salaries, hourly wages, payments for a specific work function (piece work), incentive payments, bonuses, and paid leave charged as a cost to the Child and Adult Care Food Program.

#### §12.9. *Reporting and Record Retention.*

(a)-(f) (No change.)

(g) Unless indicated otherwise in §12.10(a)-(b) of this title (relating to Procurement Standards), contractors must maintain and submit records according to 7 Code of Federal Regulations §§226.6, 226.7, 226.10, 226.11, 226.13, 226.15-226.20, 226.22- 226.23.

(h) Contractors that sponsor day care home providers must submit a uniform set of management information each month. The information must be submitted in fixed-length, ASCII-text (Standard Data File) format. DHS may require all or selected items of the information listed in paragraphs (1)-(4) of this subsection:

(1) individual provider information, including:

(A)-(G) (No change.)

(H) operation of shifts;

(I) (No change.)

(J) number of income-eligible children;

(K) provider's tier determination;

(L) basis for provider's tier I determination, geographic or income; and

(M) effective dates of provider's tier determination;

(2) provider payment information, including:

(A)-(G) (No change.)

(H) number of meals, by type of meal and reimbursement category (tier I or tier II), claimed for each child for the claim month;

(I) number of meals, by type of meal and reimbursement category (tier I or tier II), disallowed for each child for the claim month;

(J) (No change.)

(K) dollar amount for disallowed meals, by type of meal, for the claim month;

(L) (No change.)

(M) number of tier I and tier II children enrolled, used to determine claiming percentages or blended rates;

(N) number of tier I and tier II children in attendance, used to determine claiming percentages or blended rates;

(O) beginning and ending dates for claiming percentages or blended rate calculations;

(P) total number of days food service was provided in tier I, tier II, and tier II mix homes; and

(3)-(4) (No change.)

#### §12.11. *Participant Eligibility for Free and Reduced-price Meals.*

(a) Contractors must determine eligibility of program participants for free and reduced-price meals according to 7 Code of Federal Regulations §§226.2, 226.6, 226.13, 226.15, 226.17-19a, 226.23, and 245.6a.

(b) The Texas Department of Human Services and contractors must verify eligibility of program participants for free and reduced-price meals according to 7 Code of Federal Regulations §§226.2, 226.6, 226.13, 226.15, 226.23, and 245.6a.

(c) (No change.)

**§12.14. Meal Requirements.**

(a) Contractors must ensure that all program meals served and claimed for reimbursement fulfill the requirements of 7 Code of Federal Regulations §§226.2, 226.6, 226.13, 226.15-226.20, and 226, Appendix A, Alternate Foods for Meals.

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

**§12.15. Reimbursement Methodology.**

(a) The Texas Department of Human Services (DHS) reimburses contractors and contractors reimburse facilities according to 7 Code of Federal Regulations §§226.2, 226.4, 226.6, 226.7, and 226.9-19a, 226.23, and Code 7 of Federal Regulations Part 3015. To assign rates of reimbursement for contractors, DHS uses the option in 7 Code of Federal Regulations §226.9(b)(3). DHS reimburses contractors according to the options in 7 Code of Federal Regulations §226.9(c)(1). DHS does not use the option described in 7 Code of Federal Regulations §226.9(d). DHS computes reimbursement for approved child care centers, outside-school-hours-care centers, adult day care centers, and family day care homes, according to the option in 7 Code of Federal Regulations §226.11(c)(3) and 226.13.

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

**§12.21. Rights and Responsibilities - Day Home Provider.**

In addition to the provisions of 7 Code of Federal Regulations §§226.13 and 226.18, contractors who sponsor day homes must not allow any officer, agent, consultant, contractor or any other employee to:

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

**§12.23. Overpayments.**

(a) The Texas Department of Human Services (DHS) handles overpayment of claims for reimbursement, advance payments, and start-up payments according to 7 Code of Federal Regulations §§226.6-226.8, 226.10, 226.12-226.14, and §69.303 of this title (relating to Recoupment of Improper Payments).

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

**§12.24. Sanctions and Penalties.**

(a) The Texas Department of Human Services (DHS) investigates and resolves program deficiencies, program irregularities, or evidence of violations of criminal law or civil fraud statutes according to 7 Code of Federal Regulations §§226.6, 226.8, 226.10, and 226.14.

(b)-(m) (No change.)

**§12.25. Denials and Terminations.**

(a) The Texas Department of Human Services (DHS) denies applications for participation and terminates agreements between DHS and contractors for failure to meet basic eligibility requirements, and according to 7 Code of Federal Regulations §§226.6, 226.14-226.16, 226.18, 226.23, 226.25, and 7 Code of Federal Regulations Part 3015.

(b)-(k) (No change.)

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704722

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: April 21, 1997

Proposal publication date: N/A

For further information, please call: (512) 438-3765



## Chapter 47. Primary Home Care

The Texas Department of Human Services (DHS) adopts the repeal of §§47.3901-47.3905, 47.4901, 47.4903, 47.4904, 47.6901, and 47.6902; adopts an amendment to §47.3906; and adopts new §47.6902, without changes to the proposed text as published in the November 26, 1996, issue of the *Texas Register* (21 TexReg 11450).

The justification for the repeals, amendment, and new section is to delete community care rules that are applicable to more than one Community Care for Aged and Disabled (CCAD) program and move them into a new Chapter 49, Contracting for Community Care Services, which DHS is adopting in this issue of the *Texas Register*.

The sections will function by providing a greater consistency of the rules governing contracts for Community Care services.

No comments were received regarding adoption of the sections.

### Claims Payment

#### 40 TAC §§47.3901-47.3905

The repeals are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeals implement §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704739

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



#### 40 TAC §47.3906

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 and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The amendment implements §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704738

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



#### Provider Contracts

##### 40 TAC §§47.4901, 47.903, 47.4904

The repeals are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeals implement §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704737

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



#### Sanctions

##### 40 TAC §47.6901, §47.6902

The repeals are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeals implement §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704735

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



##### 40 TAC §47.6902

The new section 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 and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The new section implements §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704734

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



#### Chapter 48. Community Care for Aged and Disabled

The Texas Department of Human Services (DHS) adopts amendments to §§48.2105, 48.6011, 48.8904, 48.9301, 48.9501, and 48.9510; and adopts the repeal of §§48.2106, 48.2108, 48.2110, 48.2808, 48.2810, 48.5901- 48.5906, 48.5908, 48.5909, 48.6012, 48.6014, 48.9401, and 48.9410, concerning Community Care for Aged And Disabled, without changes to the proposed text as published in the November 26, 1996, issue of the *Texas Register* (21 TexReg 11453).

The justification for the amendments and repeals is to delete community care rules that are applicable to more than one CCAD program and move them into a new Chapter 49, Contracting for Community Care Services, which DHS is adopting in this issue of the *Texas Register*.

The sections will function by providing greater consistency of the rules governing contracts for Community Care services.

No comments were received regarding adoption of the sections.

### Medicaid Waiver Program for Persons with Related Conditions

#### 40 TAC §48.2105

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 and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The amendment implements §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704784

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



#### 40 TAC §§48.2106, 48.2108, 48.2110

The repeals are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeals implement §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704783

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



### Program for All-Inclusive Care for the Elderly (PACE)

#### 40 TAC §48.2808, §48.2810

The repeals are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeals implement §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704780

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



### Contracting for CCAD Services

#### 40 TAC §§48.5901-48.5906, 48.5908, 48.5909

The repeals are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeals implement §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704782

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



### 1915(c) Medicaid Home and Community-based Waiver Services for Aged and Disabled Adults Who Meet Criteria for Alternatives to Nursing Facility Care

#### 40 TAC §48.6011

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 and under Texas Government Code §531.021, which

provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The amendment implements §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704746

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



#### **40 TAC §48.6012, §48.6014**

The repeals are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeals implement §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704747

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



#### **Minimum Standards for Adult Foster Care**

##### **40 TAC §48.8904**

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 and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The amendment implements §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704748

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



#### **Minimum Standards for Agencies Contracted to Provide Special Services to Persons with Disabilities**

##### **40 TAC §48.9301**

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 and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The amendment implements §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704749

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



#### **Congregate Meals**

##### **40 TAC §48.9401, §48.9410**

The repeals are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeals implement §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704751

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996  
For further information, please call: (512) 438-3765



## Home-Delivered Meals

### 40 TAC §48.9501, §48.9510

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The amendments implement §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704750

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



## Chapter 49. Contracting for Community Care Services

### 40 TAC §§49.1, 49.3, 49.5, 49.7, 49.9, 49.11, 49.13, 49.15, 49.17, 49.19, 49.21, 49.23, 49.25

The Texas Department of Human Services (DHS) adopts new Chapter 49, §§49.1, 49.3, 49.9, 49.17, 49.19, 49.21, and 49.25, concerning Contracting for Community Care Services, with changes to the proposed text as published in the November 26, 1996, issue of the *Texas Register* (21 TexReg 11459). New §§49.5, 49.7, 49.11, 49.13, 49.15, and 49.23 are adopted without changes to the proposed text and will not be republished.

The justification for the proposal is to publish in one chapter all the requirements that are applicable to more than one community care program. Also in this issue of the *Texas Register*, DHS is deleting related rules in Chapter 47, Primary Home Care, Chapter 48, Community Care for Aged and Disabled, Chapter 50, Day Activity and Health Services, and Chapter 52, Emergency Response Services.

The new sections will function by providing greater consistency of the rules governing contracts for Community Care services.

During the comment period, DHS received comments from EduCare. The comments were positive, however, several questions were asked. A summary of the comments and DHS's responses follow:

Comment concerning §49.1(b)(1): The commenter requested a definition of validated and asked if the focus should be on whether a provider took appropriate preventive action and responded appropriately, rather than if a report was validated.

Response: DHS provides for that intent in the procedures. The current wording "is not required to enter into or maintain a contract" allows DHS to determine if the agency's response was appropriate before an action is taken. A validated report means whether the infraction is investigated and confirmed by an appropriate investigative authority.

Comment concerning §49.3(a)(1): The commenter requested a time frame by when the training must be offered.

Response: The time frame will be included in service specific provider manuals as these rules are implemented. No change to the rule is required.

Comment concerning §49.3(c)(3): The commenter questioned whether this requirement means that a provider must have prior approval from DHS each and every time the provider enters into a subcontract for direct services.

Response: Specific services will include procedures for approving generic subcontracting agreement(s).

Comment concerning §49.15(d): The commenter asked if this section sets up a financial fine for a repeated deficiency.

Response: A financial exception may be assessed for administrative errors if a provider agency fails to take action on their corrective action plans.

Comment concerning §49.19(b)(4): The commenter asked how validated is defined and requested that the focus be on whether a provider took appropriate action and not on whether a report was validated.

Comment: DHS agrees with the comment and provides for that focus in the procedures. The wording in §49.19(b)(4) is changed to "may" instead of "will" initiate contract termination.

Comment concerning §49.21: The commenter asked that if a provider had one contract involuntarily terminated, were all other contracts invalid for six months?

Response: This rule is clarified to reflect that DHS will not recontract with the provider in the same DHS region. This change is consistent with §49.25(o)(2)(D).

Comment concerning §49.25(b), (c), and (i)(2): The commenter had several questions regarding monitoring requirements, such as what are minimum compliance levels, where are they defined, and how will the requirements in §49.25 be applied? The commenter further stated the sample size should be on a sliding scale based on the size of the program.

Response: Minimum compliance levels are established parameters that an agency must achieve when monitored. DHS will review client/agency records to determine the agency's percentage (compliance level) for the cases read. The minimum program compliance levels are found in §49.25(c), which state that the provider agency must attain a minimum compliance level of 90% or above, unless otherwise specified in program requirements. DHS will select a statistically valid random sample. The sample size has a confidence level of 85% plus or minus 5%

and for purposes of sample size determination, is assumed to have a compliance rate of 90% (§49.25(i)(1)). The sample size is based on the number of clients served by the provider except for those agencies having a small number of clients and for whom a sample would not meet statistically valid sampling criteria.

In addition to changes resulting from comments, DHS has initiated several changes to the text for clarification. In §49.(b)(1), DHS has added the word "and" and in §49.(b)(2), DHS has deleted the word "and" and added the word "or." In §49.3(a)(1), DHS has added the words "and must." In §49.3(a)(2), DHS has added the words "if an orientation/training has been received previously." In §49.9, DHS has added the term "facility-initiated referral in subsection (c)(2) and (3). In §49.9(d)(4), DHS has changed the words "monthly claims" to "reimbursement." In §49.17, DHS has added a new paragraph (4) which states, "Upon contract termination, DHS may choose to perform a fiscal monitoring review." In §49.19(b)(3), DHS has added the words "DHS places" and deleted the words "may be placed." In §49.19(b)(4)(H), DHS has added another reason for DHS to initiate contract termination. In §49.19(d), §49.25(a), and §49.25(h), DHS has added the word "calendar." In §49.25(g), DHS has changed the word "one" to "two." In §49.25(k), DHS has deleted the words "service control." In §49.25(k)(1), DHS has deleted the word "calendar" and added the word "work." In §49.25(k)(1)-(2), DHS has changed the word "score" to "findings" in several places. In §49.25(m), DHS has changed the word "days" to "work days." In §49.25(n)(2) and (o)(2), DHS has changed the words "minimum compliance" to "acceptable performance." In §49.25(p), DHS has added the word "calendar."

The new sections are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The new sections implement §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

#### §49.1 General Requirements for Participation.

(a) To contract with the Texas Department of Human Services (DHS) to provide services which require a license, the provider agency must have and maintain the appropriate license(s). A copy of the appropriate license(s), surveys, and/or certifications must be forwarded to the appropriate DHS staff within ten days from receipt.

(b) DHS is not required to enter into or maintain a contract with a legal entity when:

- (1) there is a validated report of abuse, neglect, or exploitation; and
- (2) the perpetrator is an employee, volunteer, or owner who has or will have access to clients served through this contract; or
- (3) the legal entity is found to have knowingly and willfully solicited clients from another provider agency.

(c) A provider agency that is either a private for profit or nonprofit corporation must be chartered by or authorized by the secretary of state to transact business within the state of Texas.

(d) DHS reserves the right to deny a contract if it is not in the best interest of DHS.

#### §49.3. General Contractual Requirements.

(a) A provider agency is:

(1) entitled to and must receive one service-specific orientation/training; and

(2) not eligible to receive referrals from the Texas Department of Human Services (DHS) until the applicable service-specific orientation/training is received or declined if an orientation/training has been received previously.

(b) A provider agency must:

(1) comply with applicable federal and state regulations, the Title XIX of the Social Security Act and/or Title XX of the Social Security Act state plans, applicable statutes, information letters, the plan of operation (if applicable), and DHS's procurement requirements;

(2) have a minimum of two months operating funds to provide services;

(3) have adequate staff to provide services upon receipt of the program-specific training;

(4) communicate problem areas between DHS and the provider agency, in writing, to appropriate DHS staff;

(5) notify the appropriate DHS staff in writing within five calendar days of changes in the:

- (A) director or administrator;
- (B) location of the agency's office(s);
- (C) agency's operation;
- (D) telephone number or address; or
- (E) comptroller's vendor ID number;

(6) report suspected violations to the appropriate investigative authority, such as regulatory violations to DHS, licensure issues to the Texas Department of Health, or abuse, neglect and exploitation cases to the Texas Department of Protective and Regulatory Services; and

(7) comply with the Omnibus Budget Reconciliation Act of 1990, 42 United States Code, §1396a(w)(1), regarding advanced directives under state plans for medical assistance, if Medicaid services are being provided.

(c) A provider agency must not:

(1) be excluded from participating in Title XVIII of the Social Security Act and/or Title XIX of the Social Security Act programs;

(2) allow direct services staff, with communicable diseases or open infectious wounds, to come into direct contact with clients or with products to be consumed or handled by clients; or

(3) subcontract any direct services to be performed under the contract, unless specifically allowed, or assign or transfer the

contract or monies to be paid, without the written prior approval of DHS.

(d) The effective date of a contract is the first of the following month after the contract is fully processed. DHS may award a contract at an earlier date if it is in DHS's best interest.

*§49.9. Billings and Claims Payment.*

(a) A Texas Department of Human Services (DHS) provider agency may not charge or take other recourse against participants, their family members, or persons acting on the client's behalf for any claim denied or reduced by DHS because of the provider agency's failure to comply with any DHS or federal rule, regulation, or procedure.

(b) A provider agency delegating signature authority to office staff or to a billing service for claims preparation is responsible for the accuracy of the claim submitted for payment.

(c) A provider agency is entitled to payment if:

- (1) services are authorized on the appropriate DHS form;
- (2) verbally approved forms or facility-initiated referrals, if applicable, are submitted to DHS within the required time frame;
- (3) verbal prior approval or facility-initiated referral documentation, when applicable, is supportive of verbal approval;
- (4) reimbursement corresponds to the provider agency's service authorizations and service delivery record;
- (5) services, when allowed to be ordered by a physician, are allowed under Title XVIII and Title XIX of the Social Security Act;
- (6) services are ordered, where allowed, by a physician whose license has not been suspended or excluded from participation in either Title XVIII or XIX of the Social Security Act;
- (7) physician orders, when required, are available;
- (8) appropriate billing forms are used and approved billing procedures are followed;
- (9) services are provided to a client on or before the date services are terminated;
- (10) services are provided by an individual whose license or certification has not been suspended or excluded from participation in either Title XVIII or XIX of the Social Security Act;
- (11) billings are submitted after services have been provided;
- (12) the initial monthly claim for services is received in state office within 95 days after the end of the service month;
- (13) the client is eligible for Medicaid benefits (if services are provided through Medicaid); and
- (14) the client is not an inpatient of a hospital, intermediate care facility, skilled nursing facility, or intermediate care facility for the mentally retarded (except when a provider agency is authorized to receive payment for an assessment used to determine eligibility).

*§49.17. Fiscal Monitoring.*

Texas Department of Human Services staff responsible for assuring provider agency compliance with contract/program requirements conduct periodic fiscal monitoring reviews.

(1) A random sample of clients will be chosen that has a confidence level of 85% plus or minus 5.0% and for purposes of sample size determination, is assumed to have a compliance rate of 95%.

(2) Financial errors and administrative errors will be identified and recouped without extrapolation.

(3) Frequency of fiscal monitoring will depend on program specific minimum acceptable levels of performance and other risk factors.

(4) Upon contract termination, DHS may choose to perform a fiscal monitoring review.

*§49.19. Sanctions.*

(a) The Texas Department of Human Services (DHS) may take sanctions against the provider agency for failure to comply with the terms of the contract including program rules, policies, and procedures.

(b) Sanctions may include one or more of the following at the discretion of DHS:

(1) Corrective action plan. DHS requests a corrective action plan from a provider for reasons including, but not limited to:

- (A) health and safety issues;
- (B) failure to provide services according to contract/program requirements; or
- (C) discrepancies which DHS determines are not conducive to program intent.

(2) Hold on client referrals. DHS places a hold on client referrals for reasons including, but not limited to:

- (A) DHS determines the client's health and safety is jeopardized by the agency's failure to provide services;
- (B) the provider agency fails to comply with its corrective action plan;
- (C) the provider agency is potentially terminated or receives notice of contract termination;
- (D) the provider agency fails to provide services according to contract/program requirements;
- (E) the provider agency is on vendor hold; or
- (F) a contract termination is being appealed.

(3) Vendor hold.

(A) DHS places a vendor hold (withholding a provider agency's payment) upon one or all of a provider agency's contracts with DHS for reasons including, but not limited to:

- (i) contract termination, whether voluntary or involuntary;
- (ii) failure to follow the agreed upon audit resolution payment plan;

(iii) failure to comply with licensure requirements, if applicable;

(iv) failure to provide services according to contract/program requirements;

(v) expiration of any required license; or

(vi) monetary penalties assessed by DHS, if allowed by program rules, which have not been appealed or which have been appealed and have been sustained by a final decision.

(B) DHS may accept an irrevocable letter of credit, in a format and an amount approved by DHS, to allow the release of all or a portion of vendor payments on hold. Vendor holds are released after resolution of all outstanding audits and/or after complete resolution of any contract compliance issues.

(4) Contract termination. DHS may initiate contract termination for one or more reasons including, but not limited to, the provider agency's:

(A) failure to comply with the terms of the contract/ rule;

(B) failure to maintain a current required license;

(C) gross failure to ensure a client's health and safety;

(D) failure to comply with corrective action plans;

(E) exclusion from contracting for Title XVIII or XIX of the Social Security Act services;

(F) failure to submit an acceptable cost report by the due date;

(G) having validated report(s) of abuse, neglect, or exploitation when the perpetrator is an employee, volunteer, or owner who has or will have access to clients served through this contract; or

(H) knowingly and willfully soliciting clients from another provider agency.

(c) If the agency has an outstanding audit exception upon termination of a contract, DHS can take the balance owed from outstanding claims submitted.

(d) The provider agency has the right to appeal contract termination by filing a written request for a hearing so that DHS receives it within 15 calendar days after the provider agency receives DHS's termination letter.

(1) When a contract is involuntarily terminated by DHS, clients may be transferred to another provider, even if appealed. If appealed, DHS can give clients a choice of returning to the provider agency.

(2) If the appeal decision is in favor of the provider agency, the contract remains in effect and DHS resumes referrals. Clients are given a choice of returning to the provider agency.

(3) If DHS upholds the decision to terminate, DHS terminates the contract.

#### §49.21. *Recontracting.*

If the contract was involuntarily terminated, the Texas Department of Human Services (DHS) may not recontract with a provider agency to provide services in the region covered by the terminated contract

for six months after contract termination. DHS reserves the right not to recontract with the provider agency if it is not in the best interest of DHS.

#### §49.25. *Contract/Program Monitoring.*

(a) Within 30 calendar days from either the effective date of this section or the receipt of a fully-executed contract, the provider agency is responsible for providing the appropriate Texas Department of Human Services (DHS) staff with the location where DHS staff will conduct reviews. Unless otherwise specified, reviews must occur in the same geographical area where DHS has contracted for service delivery.

(b) Each provider agency is subject to a systematic review of client case records to determine if the provider agency's performance meets the minimum compliance level. If the provider agency fails to meet the minimum compliance level for two consecutive formal reviews, DHS terminates the provider agency's contract.

(c) The provider agency must attain a minimum compliance level of 90% or above, unless otherwise specified in program requirements. If the provider agency fails to meet the 90% minimum compliance level, DHS determines the provider agency to be in overall noncompliance.

(d) The provider agency must provide:

(1) to DHS's review team, upon request, specific records necessary for the conduct of the provider agency review; and

(2) adequate working space for the number of staff specified in the review notification. Lighting, heating, and cooling must be consistent with that provided to provider agency staff.

(e) After the effective date of this section or after entering into a contract, if later, DHS will schedule each provider agency to receive an orientation and/or training on the use of the monitoring guide.

(f) Each provider agency that enters into a contract after adoption of this section is entitled to receive or decline one courtesy review before a formal review is conducted. The review is nonbinding and is intended to identify possible problem areas when formal agency reviews are conducted.

(g) The service quarter for all reviews begins no earlier than two full months after the provider agency has received its orientation/training. The period to be reviewed:

(1) consists of at least one, but no more than, three consecutive months; and

(2) ends one full month before the month in which case readings occur.

(h) The provider agency is entitled to receive written notice of a provider agency review at least 14 calendar days before the review. The notification includes:

(1) the date(s) and time that DHS staff plan to arrive at the agreed-upon review site(s);

(2) the number of DHS staff to conduct the review; and

(3) the approximate number of days necessary to complete the review.

(i) The provider agency is not entitled to receive the list of cases in the sample before DHS staff arrive for the review.

(1) DHS determines a full sample by drawing a random sample, which includes an approximately proportionate number of new and ongoing cases and which has a confidence level of 85% plus or minus 5.0% and for purposes of sample size determination, is assumed to have a compliance rate of 90%.

(2) DHS selects a subsample by choosing one of the following and as described in the service being reviewed:

(A) the larger of 15 cases, or 5.0% of the provider agency's caseload, neither of which can exceed the full sample size; or

(B) the larger of 10 cases, or 5.0% of the provider agency's caseload, neither of which can exceed the full sample size.

(j) If DHS's findings from the subsample do not meet the 90% minimum compliance level, DHS reads the full sample, which includes cases identified in the subsample. If the subsample compliance is 90% or greater, DHS may choose to read the full sample.

(k) Using the monitoring guide, the reviewer:

(1) identifies missing documents. A missing document is defined as a document that existed in either the DHS or provider agency files prior to the date of a DHS review. Within three workdays after DHS staff leave the review site, the missing documents must be received in the office of the reviewer, or the provider agency may submit a written request for some or all the missing documents to be copied from DHS files. The request must be addressed to the appropriate DHS staff with a copy to the reviewer. DHS-provided documents are used to adjust the agency's findings even if the documents are received after the three-day period. The provider agency is entitled to receive its adjusted findings within 21 work days after the review team leaves the review site; and

(2) provides the provider agency its tentative findings before leaving the review site. The findings remain tentative until the exit conference. The provider agency is responsible for identifying and correcting any deficiency identified. DHS does not evaluate or measure corrective action plans but limits reviews to determining compliance with contract and program requirements.

(l) The provider agency is solely responsible for maintaining all necessary service documentation; secondary documentation is not acceptable.

(m) The provider agency is entitled to an exit conference with DHS staff within 21 work days after the review team leaves the review site. The provider agency may receive written suggestions from DHS to improve its performance level during the exit conference and must acknowledge, in writing, receipt of the agency review findings and suggestions to correct any deficiencies.

(n) The provider agency receives from DHS during the exit conference for the first formal agency review:

(1) written findings and problem areas identified; and

(2) if the provider agency failed to meet the acceptable performance level, notice that a second formal agency review will be conducted.

(o) The provider agency receives from DHS during the exit conference for the second formal agency review:

(1) written findings and problem areas identified; or

(2) an intent to terminate letter, if the provider agency fails to meet the acceptable performance level for two consecutive reviews. The letter states:

(A) the effective date of the contract termination;

(B) that the provider agency does not receive additional referrals beginning the date of the exit conference;

(C) that DHS will initiate client transfers to other providers if an appeal is not filed;

(D) that the provider agency may not recontract to provide services in the region covered by the terminated contract for six months after the termination date;

(E) the appeal procedures; and

(F) that DHS will place a vendor hold on the contract effective:

(i) 15 days from receipt of the intent to terminate letter if an appeal is not filed; or

(ii) the date the appeal decision is made if an appeal is filed and DHS upholds the decision to terminate the contract.

(p) The provider agency may request an administrative review of the methodology employed by the review team if the provider agency has reason to suspect that the formal agency review was not conducted according to published rules and the monitoring guide. The request must be in writing and received by the appropriate DHS staff within 10 calendar days of the date of the exit conference.

(q) If the provider agency fails to provide services at a minimally acceptable performance level, DHS may not renew the contract or may terminate it.

(r) If a provider agency is identified by DHS for contract termination, termination occurs no sooner than 46 days from the date of the termination letter and no later than the end of the month in which the 46th day occurs. If DHS is unable to successfully transfer all clients by the contract termination date due to another responsible provider not being available, DHS may:

(1) delete all counties from the contract where there is another provider of the same service; or

(2) extend the termination date for another six months or until placement is found for every client served through the contract.

(s) For six months from the date DHS initially deletes counties from the contract or extends the contract, DHS:

(1) does not add counties to the contract;

(2) may delete additional counties if another provider agency begins to provide services in the county(ies) to be deleted; or

(3) may terminate the provider agency's contract before the extension period expires.

(t) The provider agency may not recontract or add counties for six months from the date of contract termination or initial deletion of counties, unless service specific rules allow exceptions.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704752  
Glenn Scott  
General Counsel, Legal Services  
Texas Department of Human Services  
Effective date: May 1, 1997  
Proposal publication date: November 26, 1996  
For further information, please call: (512) 438-3765



## Chapter 50. Day Activity and Health Services

The Texas Department of Human Services (DHS) adopts amendments to §§50.2, 50.5, 50.407, 50.501, 50.601, 50.701, and 50.801; and adopts the repeal of §§50.101, 50.103-50.105, 50.502, 50.702, 50.802, and 50.803, concerning Day Activity and Health Services, without changes to the proposed text as published in the November 26, 1996, issue of the *Texas Register* (21 TexReg 11465).

The justification for the amendments and repeals is to delete community care rules that are applicable to more than one Community Care for Aged and Disabled (CCAD) program and move them into a new Chapter 49, Contracting for Community Care Services, which DHS is adopting in this issue of the *Texas Register*.

The sections will function by providing greater consistency of the rules governing contracts for Community Care services.

No comments were received regarding adoption of the sections.

### Program Overview

#### 40 TAC §50.2, §50.5

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The amendments implement §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704770  
Glenn Scott  
General Counsel, Legal Services  
Texas Department of Human Services  
Effective date: May 1, 1997  
Proposal publication date: November 26, 1996  
For further information, please call: (512) 438-3765



## Contracting

#### 40 TAC §§50.101, 50.103-50.105

The repeals are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeals implement §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704769  
Glenn Scott  
General Counsel, Legal Services  
Texas Department of Human Services  
Effective date: May 1, 1997  
Proposal publication date: November 26, 1996  
For further information, please call: (512) 438-3765



## Service Requirements

#### 40 TAC §50.407

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 and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The amendment implements §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704768  
Glenn Scott  
General Counsel, Legal Services  
Texas Department of Human Services  
Effective date: May 1, 1997  
Proposal publication date: November 26, 1996  
For further information, please call: (512) 438-3765



## Billing

#### 40 TAC §50.501

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 and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The amendment implements §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704767

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



#### 40 TAC §50.502

The repeal 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 and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeal implements §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704766

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



### Recordkeeping Requirements

#### 40 TAC §50.601

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 and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The amendment implements §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704764

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



### Monitoring/Quality Assurance/Audits

#### 40 TAC §50.701

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 and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The amendment implements §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704763

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



#### 40 TAC §50.702

The repeal 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 and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeal implements §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704762

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



### Sanctions

#### 40 TAC §50.801

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 and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The amendment implements §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704761

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



#### 40 TAC §50.802, §50.803

The repeals are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Government Code §531.021, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeals implement §§22.001-22.030 and 32.001-32.041 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704771

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



### Chapter 52. Emergency Response Services

The Texas Department of Human Services (DHS) adopts amendments to §§52.201, 52.501, 52.503, and 52.601, and adopts the repeal of §§52.202-52.204, 52.602, and 52.603, concerning Emergency Response Services, without changes to the proposed text as published in the November 26, 1996, issue of the *Texas Register* (21 TexReg 11469).

The justification for the amendments and repeals is to delete community care rules that are applicable to more than one Community Care for Aged and Disabled (CCAD) program and

move them into a new Chapter 49, Contracting for Community Care Services, which DHS is adopting in this issue of the *Texas Register*.

The amendments and repeals will function by providing greater consistency of the rules governing contracts for Community Care services.

No comments were received regarding adoption of the sections.

### Contracting for Emergency Response Services

#### 40 TAC §52.201

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

The amendment implements §§22.001-22.030 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704772

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



#### 40 TAC §§52.202-52.204

The repeals are adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

The repeals implement §§22.001-22.030 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704759

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



### Claims

#### 40 TAC §52.501, §52.503

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

The amendments implement §§22.001-22.030 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704758

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



### Reviews and Audits of Provider Agency Records

#### 40 TAC §52.601

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

The amendment implements §§22.001-22.030 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704757

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765



#### 40 TAC §52.602, §52.603

The repeals are adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

The repeals implement §§22.001-22.030 of the Human Resources Code.

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

Issued in Austin, Texas, on April 8, 1997.

TRD-9704756

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: May 1, 1997

Proposal publication date: November 26, 1996

For further information, please call: (512) 438-3765

# 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 before 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 listed 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. All emergency meeting notices filed by governmental agencies will be published.

**Posting of open meeting notices.** All notices are posted on the bulletin board at the main office of the Secretary of State in lobby of the James Earl Rudder Building, 1019 Brazos, Austin. These notices may contain a more detailed agenda than what is published in the *Texas Register*.

**Meeting Accessibility.** Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting summary several days prior to the meeting by mail, telephone, or RELAY Texas (1-800-735-2989).

---

## Texas Department of Agriculture

Thursday, May 8, 1997, 10:00 a.m.

1700 North Congress Avenue, Room 924A

Austin

### AGENDA:

Administrative hearing to review alleged violation of Texas Department of Agriculture Code Annotated §§103.001–015 (Vernon Supplement 1997) by Siwash Farms, Inc. as petitioned by Besh Fresh Farms.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463–7583.

Filed: April 10, 1997, 8:55 a.m.

TRD-9704820



Tuesday, May 13, 1997, 11:00 a.m.

4502 Englewood Avenue

Lubbock

### AGENDA:

Administrative hearing to review alleged violation of Texas Department of Agriculture Code Annotated §§103.001–015 (Vernon Supplement 1997) by Washington Produce as petitioned by Griffin & Brand Sales Agency, Inc.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463–7583.

Filed: April 10, 1997, 8:55 a.m.

TRD-9704819



Tuesday, May 13, 1997, 1:00 p.m.

4502 Englewood Avenue

Lubbock

### AGENDA:

Administrative hearing to review alleged violation of Texas Department of Agriculture Code Annotated §§103.001–015 (Vernon Supplement 1997) by Sunsprouts of Texas, Inc., as petitioned by K.F. Theil & Sons Produce.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463–7583.

Filed: April 10, 1997, 8:56 a.m.

TRD-9704821



Wednesday, May 21, 1997, 1:30 p.m.

1700 North Congress Avenue, Suite 1100

Austin

State Office of Administrative Hearings

### AGENDA:

Administrative hearing before the State Office of Administrative Hearings regarding SOAH Docket Number 551–97–0667, regarding Texas Department of Agriculture vs. Rosie Jara, d/b/a Tmeless Rose concerning alleged violation of Texas Department of Agriculture Code Annotated §71.043(a) and Texas Administrative Code, Title 4, §22.2(a) (1996), as amended.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463–7583.

Filed: April 10, 1997, 8:55 a.m.

TRD-9704818



## Anatomical Board of the State of Texas

Friday, May 2, 1997, 10:00 a.m.

5912 Spencer Highway, Russell Auditorium of the Texas Chiropractic College

Pasadena

AGENDA:

1. Call to order
2. Official welcome to the TCC
3. Approval of the agenda
4. Approval of the 1996 minutes
5. Chairman's comments
6. Report of the Secretary
7. Report of the Treasurer
8. 1995-1996 Cadaver and Procurement report
9. Distribution of the cadavers for 1997-98
10. Election of officers
11. New business
12. Public comment
13. Location of the 1998 meeting
14. Adjourn

Contact: Andrew F. Payer, Ph.D. 301 University Boulevard, Galveston, Texas 77555-0846.  
 Filed: April 8, 1997, 2:01 p.m.  
 TRD-9704802



**Texas Commission for the Blind**

Monday, April 21, 1997, 10:00 a.m.

4800 North Lamar, Suite 320  
 Austin

Governing Board Administration Committee

AGENDA:

1. Call to Order
2. Consideration of proposed outline for Committee review of Board Policies and discussion of same
3. Adjourn

Contact: Diane Vivian, P.O. Box 12866, Austin, Texas 78711, (512) 459-2601.  
 Filed: April 11, 1997, 2:55 p.m.  
 TRD-9704908



**Texas Commission for the Deaf and Hard of Hearing**

Wednesday, April 16, 1997, 6:00 p.m.

425 Woodward Street  
 Austin

Council Training

AGENDA:

Mandala software Demonstration and Council Networking.

Contact: Margaret Susman, 4800 North Lamar, #310, Austin, Texas 78756, (512) 451-8494.  
 Filed: April 9, 1997, 3:32 p.m.  
 TRD-9704810



Thursday, April 17, 1997, 8:30 a.m.

425 Woodward Street  
 Austin

Council Training

AGENDA:

Direct Services Issued including Legislative Issues and Audit Issues; Information Sharing from TEA, TRC, TCADA and TDHS; and Interpreting Issues.

Contact: Margaret Susman, 4800 North Lamar, #310, Austin, Texas 78756, (512) 451-8494.  
 Filed: April 9, 1997, 3:32 p.m.  
 TRD-9704808



Thursday, April 17, 1997, 8:30 a.m.

425 Woodward Street  
 Austin

Council Training

AGENDA:

Senior citizen Planning Session with Ralph White

Contact: Margaret Susman, 4800 North Lamar, #310, Austin, Texas 78756, (512) 451-8494.  
 Filed: April 9, 1997, 3:32 p.m.  
 TRD-9704809



Friday, April 18, 1997, 8:30 a.m.

Texas School for the Deaf, 1102 South Congress  
 Austin

Council Training

AGENDA:

Senior citizen Program Results Report; and Open Meeting with TCDHH Commissioners.

Contact: Margaret Susman, 4800 North Lamar, #310, Austin, Texas 78756, (512) 451-8494.  
 Filed: April 9, 1997, 3:32 p.m.  
 TRD-9704811



Friday, April 18, 1997, 3:00 p.m.

Texas School for the Deaf, Ford Vocational Building, Production Room, 1102 South Congress Avenue

Austin

Board

AGENDA:

The Commission will discuss and possibly take action on the following items: Call to Order; Establish a Quorum; Public Comments: Members of the public are invited to make comments not to exceed five minutes of subjects relevant to the business of the Commission; Approval of Minutes of March 7, 1997 Meeting: ACTION; Executive Director's Report including Equipment Distribution Bill Update and Appropriations Bill Update; Direct Services Report including Camp Sign Update, Strategic Planning Guidelines, Discussion of Possible Future Rulemaking Action on Grant Programs and Procedures for Administration of the Programs, Approval for Distribution of Funds Formula: ACTION; and Hard of Hearing Subcommittee Update; Board for Evaluation of Interpreters Report including Approval of Certification Reinstatement: ACTION; Approval to Amend Evaluator Contracts: ACTION; Discussion and Possible Action on Proposed Amendments to 40 TAC §183.501, Grounds for Denial, Suspension, or Revocation of an Interpreter Certificate or Interpreter Certification Application: ACTION; Discussion of Possible Future Rulemaking Action on BEI Procedures for Administration of the Program, Approval to Refilm Level I Evaluation Materials: ACTION; Approval to Purchase Printer: ACTION; Approval of BEI Calendar: ACTION; and Approval of Certification, Recertification, Revocation of Interpreters; ACTION; Announcements and Adjourn.

Contact: Margaret Susman, 4800 North Lamar, #310, Austin, Texas 78756, (512) 451-8494.

Filed: April 10, 1997, 11:33 a.m.

TRD-9704834



### **State Board of Dental Examiners**

Thursday, April 24, 1997, 1:00 p.m.

SBDE Offices, 333 Guadalupe, Tower 3, Suite 800

Austin

Credentials Review Committee

AGENDA:

I. Call to Order

II. Roll Call

III. Review and Approval of Past Minutes

IV. Review Dental Applications for Licensure by Credential and Make Recommendations to the Board for Approval or Denial of Said Applications

V. Review Dental Hygiene Applications for Licensure by Credentials and Make Recommendations to the Board for Approval or Denial of Said Applications

VI. Public Comments

VII. Announcements

VIII. Adjourn

Contact: Mei Ling Clendennen, 333 Guadalupe, Tower 3, Suite 800, Austin, Texas 78701, (512) 463-6400.

Filed: April 14, 1997, 8:46 a.m.

TRD-9704959



### **Interagency Council on Early Childhood Intervention**

Thursday, Friday, April 24-25, 1997, 9:00 a.m. and 8:30 a.m. respectively

4900 North Lamar

Austin

Advisory Committee

AGENDA:

Call to order. Public Comment. Approval of January 1997 minutes. Chair Report. Committee Recommendations on nominees for program director. Nominee(s) for Chair-Elect. Process for Nominating for Council Membership. Setting FY'98 Schedule. Center for Disease Control Grant-Lesa Walker. Legislative Update- Mary Elder. Discussion of Impact of Council Changes on Committee. Lunch. Subcommittee Meeting. Subcommittee Reports to Committee. Full Committee Adjourn. Executive Committee Meeting. Executive Committee Adjourn.

Contact: Tomas Leal, (512) 424-6754

Filed: April 14, 1997, 9:49 a.m.

TRD-9704979



### **Texas Education Agency (TEA)**

Monday, April 21, 1997, 8:00 a.m.

Ballroom, Sheraton-Austin Hotel, 500 North IH35

Austin

Geometry Textbook Review Panel

AGENDA:

An orientation and training session for the 1997 State Textbook Geometry Review Panel will be held on April 21, 1997, beginning at 8:00 a.m. Presentations will be made by Texas Education Agency staff and by EGS Research and Consulting to review panel members. State Textbook Review Panel members remain under no-contact rules until their evaluations of textbooks under consideration have been transmitted to the Commissioner of Education on August 15, 1997.

Contact: Debra Kile, 1701 North Congress Avenue, Austin, Texas, 78701, (512) 463-9601.

Filed: April 14, 1997, 8:14 a.m.

TRD-9704951



Tuesday, April 22, 1997, 8:00 a.m.

Ballroom, Sheraton-Austin Hotel, 500 North IH35

Austin

Algebra I Textbook Review Panel

AGENDA:

An orientation and training session for the 1997 State Textbook Algebra I Review Panel will be held on April 22, 1997, beginning at 8:00 a.m. Presentations will be made by Texas Education Agency staff and by EGS Research and Consulting to review panel members. State Textbook Review Panel members remain under no-contact rules until their evaluations of textbooks under consideration have been transmitted to the Commissioner of Education on August 15, 1997.

Contact: Debra Kile, 1701 North Congress Avenue, Austin, Texas , 78701, (512) 463-9601.  
Filed: April 14, 1997, 8:14 a.m.

TRD-9704950



Wednesday, April 23, 1997, 8:00 a.m.

Ballroom, Sheraton-Austin Hotel, 500 North IH35

Austin

Exploratory Languages Textbook Review Panel

AGENDA:

An orientation and training session for the 1997 State Textbook Exploratory Language Review Panel will be held on April 23, 1997, beginning at 8:00 a.m. Presentations will be made by Texas Education Agency staff and by EGS Research and Consulting to review panel members. State Textbook Review Panel members remain under no-contact rules until their evaluations of textbooks under consideration have been transmitted to the Commissioner of Education on August 15, 1997.

Contact: Debra Kile, 1701 North Congress Avenue, Austin, Texas , 78701, (512) 463-9601.  
Filed: April 14, 1997, 8:13 a.m.

TRD-9704949



Wednesday, April 23, 1997, 8:00 a.m.

Ballroom, Sheraton-Austin Hotel, 500 North IH35

Austin

Latin Textbook Review Panel

AGENDA:

An orientation and training session for the 1997 State Textbook Latin Review Panel will be held on April 23, 1997, beginning at 8:00 a.m. Presentations will be made by Texas Education Agency staff and by EGS Research and Consulting to review panel members. State Textbook Review Panel members remain under no-contact rules until their evaluations of textbooks under consideration have been transmitted to the Commissioner of Education on August 15, 1997.

Contact: Debra Kile, 1701 North Congress Avenue, Austin, Texas , 78701, (512) 463-9601.  
Filed: April 14, 1997, 8:13 a.m.

TRD-9704948



Wednesday, April 23, 1997, 8:00 a.m.

Ballroom, Sheraton-Austin Hotel, 500 North IH35

Austin

French Textbook Review Panel

AGENDA:

An orientation and training session for the 1997 State Textbook French Review Panel will be held on April 23, 1997, beginning at 8:00 a.m. Presentations will be made by Texas Education Agency staff and by EGS Research and Consulting to review panel members. State Textbook Review Panel members remain under no-contact rules until their evaluations of textbooks under consideration have been transmitted to the Commissioner of Education on August 15, 1997.

Contact: Debra Kile, 1701 North Congress Avenue, Austin, Texas , 78701, (512) 463-9601.

Filed: April 14, 1997, 8:14 a.m.

TRD-9704954



Thursday, April 24, 1997, 8:00 a.m.

Ballroom, Sheraton-Austin Hotel, 500 North IH35

Austin

Algebra II Textbook Review Panel

AGENDA:

An orientation and training session for the 1997 State Textbook Algebra II Review Panel will be held on April 24, 1997, beginning at 8:00 a.m. Presentations will be made by Texas Education Agency staff and by EGS Research and Consulting to review panel members. State Textbook Review Panel members remain under no-contact rules until their evaluations of textbooks under consideration have been transmitted to the Commissioner of Education on August 15, 1997.

Contact: Debra Kile, 1701 North Congress Avenue, Austin, Texas , 78701, (512) 463-9601.

Filed: April 14, 1997, 8:10 a.m.

TRD-9704947



Friday, April 25, 1997, 8:00 a.m.

Ballroom, Sheraton-Austin Hotel, 500 North IH35

Austin

Art Textbook Review Panel

AGENDA:

An orientation and training session for the 1997 State Textbook Art Review Panel will be held on April 25, 1997, beginning at 8:00 a.m. Presentations will be made by Texas Education Agency staff and by EGS Research and Consulting to review panel members. State Textbook Review Panel members remain under no-contact rules until their evaluations of textbooks under consideration have been transmitted to the Commissioner of Education on August 15, 1997.

Contact: Debra Kile, 1701 North Congress Avenue, Austin, Texas , 78701, (512) 463-9601.

Filed: April 14, 1997, 8:10 a.m.

TRD-9704946



Monday, April 28, 1997, 8:00 a.m.  
Ballroom, Sheraton-Austin Hotel, 500 North IH35  
Austin

Computer Science Textbook Review Panel

AGENDA:

An orientation and training session for the 1997 State Textbook Computer Science Review Panel will be held on April 28, 1997, beginning at 8:00 a.m. Presentations will be made by Texas Education Agency staff and by EGS Research and Consulting to review panel members. State Textbook Review Panel members remain under no-contact rules until their evaluations of textbooks under consideration have been transmitted to the Commissioner of Education on August 15, 1997.

Contact: Debra Kile, 1701 North Congress Avenue, Austin, Texas , 78701, (512) 463-9601.  
Filed: April 14, 1997, 8:10 a.m.

TRD-9704945



Tuesday, April 29, 1997, 8:00 a.m.  
Ballroom, Sheraton-Austin Hotel, 500 North IH35  
Austin

Microcomputer Applications Textbook Review Panel

AGENDA:

An orientation and training session for the 1997 State Textbook Microcomputer Applications Review Panel will be held on April 29, 1997, beginning at 8:00 a.m. Presentations will be made by Texas Education Agency staff and by EGS Research and Consulting to review panel members. State Textbook Review Panel members remain under no-contact rules until their evaluations of textbooks under consideration have been transmitted to the Commissioner of Education on August 15, 1997.

Contact: Debra Kile, 1701 North Congress Avenue, Austin, Texas , 78701, (512) 463-9601.  
Filed: April 14, 1997, 8:10 a.m.

TRD-9704944



Tuesday, April 29, 1997, 8:00 a.m.  
Ballroom, Sheraton-Austin Hotel, 500 North IH35  
Austin

Business Computer Programming Textbook Review Panel

AGENDA:

An orientation and training session for the 1997 State Textbook Business Computer Programming Review Panel will be held on April 29, 1997, beginning at 8:00 a.m. Presentations will be made by Texas Education Agency staff and by EGS Research and Consulting to review panel members. State Textbook Review Panel members remain under no-contact rules until their evaluations of textbooks under consideration have been transmitted to the Commissioner of Education on August 15, 1997.

Contact: Debra Kile, 1701 North Congress Avenue, Austin, Texas , 78701, (512) 463-9601.  
Filed: April 14, 1997, 8:10 a.m.

TRD-9704943



Tuesday, April 29, 1997, 8:00 a.m.  
Ballroom, Sheraton-Austin Hotel, 500 North IH35  
Austin

Business Computer Applications Textbook Review Panel

AGENDA:

An orientation and training session for the 1997 State Textbook Business Computer Applications Review Panel will be held on April 29, 1997, beginning at 8:00 a.m. Presentations will be made by Texas Education Agency staff and by EGS Research and Consulting to review panel members. State Textbook Review Panel members remain under no-contact rules until their evaluations of textbooks under consideration have been transmitted to the Commissioner of Education on August 15, 1997.

Contact: Debra Kile, 1701 North Congress Avenue, Austin, Texas , 78701, (512) 463-9601.  
Filed: April 14, 1997, 8:10 a.m.

TRD-9704942



Thursday, May 1, 1997, 8:00 a.m.  
Ballroom, Sheraton-Austin Hotel, 500 North IH35  
Austin

Biology Textbook Review Panel

AGENDA:

An orientation and training session for the 1997 State Textbook Biology Review Panel will be held on May 1, 1997, beginning at 8:00 a.m. Presentations will be made by Texas Education Agency staff and by EGS Research and Consulting to review panel members. State Textbook Review Panel members remain under no-contact rules until their evaluations of textbooks under consideration have been transmitted to the Commissioner of Education on August 15, 1997.

Contact: Debra Kile, 1701 North Congress Avenue, Austin, Texas , 78701, (512) 463-9601.  
Filed: April 14, 1997, 8:10 a.m.

TRD-9704941



Friday, May 2, 1997, 8:00 a.m.  
Ballroom, Sheraton-Austin Hotel, 500 North IH35  
Austin

Spelling Textbook Review Panel

AGENDA:

An orientation and training session for the 1997 State Textbook Spelling Review Panel will be held on May 2, 1997, beginning at 8:00 a.m. Presentations will be made by Texas Education Agency

staff and by EGS Research and Consulting to review panel members. State Textbook Review Panel members remain under no-contact rules until their evaluations of textbooks under consideration have been transmitted to the Commissioner of Education on August 15, 1997.

Contact: Debra Kile, 1701 North Congress Avenue, Austin, Texas , 78701, (512) 463-9601.

Filed: April 14, 1997, 8:10 a.m.

TRD-9704940



Tuesday, May 13, 1997, 1:30 p.m.

Room 1-104, William B. Travis Building, 1701 North Congress Avenue

Austin

Texas Ed-Flex Committee

AGENDA:

This is a regular meeting of the Texas Ed-Flex Committee. The agenda is as follows: (1) Call to order; (2) approval of minutes; (3) recommendations on specific district and campus waiver requests; (4) discussion of evaluation of Ed-Flex; (5) discussion of response of the United States Department of Education to the Annual report on Ed-Flex; (6) discussion of waivers applicable to the state education agency; (7) status report; and (8) adjournment.

Contact: Madeleine Draeger Manigold, 1701 North Congress Avenue, Austin, Texas (512) 463-9077.

Filed: April 10, 1997, 1:35 p.m.

TRD-9704839



## State Employee Charitable Campaign

Wednesday, April 16, 1997, 10:00 a.m.

1918 Texas Avenue

El Paso

Local Employee Committee

EMERGENCY MEETING AGENDA:

1. New Committee Members
2. Elect New LEC Chair
3. Review and approve 1997 Timeline and Budget
4. Other Business

REASON FOR EMERGENCY: Emergency meeting due to the fact this is the only day the Local Employee committee members are available to review the agenda items.

Contact: Resa Martinez, P.O. Box 3488, El Paso, Texas, 79923, (915) 533-2434, fax: (915) 532-2104.

Filed: April 10, 1997, 10:00 a.m.

TRD-9704827



Thursday, May 1, 1997, 10:00 a.m.

Public Hearing Room, 701 West 51st Street

Austin

Local Employee Committee

AGENDA:

Welcome and Introductions

Awards Ceremony Critique

Local Charitable Organization Eligibility Determinations

Team Assignments

1997 Campaign Plan

Set Next Meeting

Adjourn

Contact: Anne Murphy, 2000 East MLK Jr. Boulevard, Austin, Texas 78702, (512) 472-6267, fax: (512) 482-8309.

Filed: April 9, 1997, 12:25 p.m.

TRD-9704798



## General Land Office

Monday, April 28, 1997, 10:00 a.m.

Austin State Hospital, Canteen, 909 West 45th Street

Austin

West 38th Street PUD Site Plan Review Committee

AGENDA:

I. Call to Order

II. Discuss procedures for conducting the Committee's business

III. Receive a presentation to the Committee by MEDCATH, Inc. of its plan for development of the Heart Hospital of Austin development

IV. Public Comment

V. Vote to approve the site plan for compliance with the PUD zoning/ Architectural Guidelines

Contact: Bob Hewgley, 1700 North Congress Avenue, Room 720, Austin, Texas 78701, (512) 463-5013.

Filed: April 11, 1997, 3:12 p.m.

TRD-9704915



## Texas Department of Health

Friday, April 25, 1997, 9:30 a.m.

Moreton Building, Room M-618, Texas Department of Health

1100 West 49th Street

Austin

Kidney Health Care Advisory Committee

AGENDA:

The committee will meet to discuss and possibly act on: updates (status of Fiscal Year 1997 budget and benefits changes; status of budget request for Fiscal Years 1998 and 1999; legislative update; community input meetings; highlights from the 1996 annual report;

and report from the Department of Urban Planning, Texas A&M University); revision procedures for reimbursable drug list; proposed revisions to reimbursable drug list (Prilosec), (tabled from previous meeting); Nutritional Supplements (tabled from previous meeting); Sporanox; Miacalcin Nasal Spray; Lipitor; MagtabSR; Valtrex; and Prograf); drug issues for discussion only (Nephroderm Cream); and public comment.

To request an accommodation under the ADA, please contact Suzzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Juanita Waley, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7796.

Filed: April 14, 1997, 8:09 a.m.

TRD-9704938



Friday, May 2, 1997, 10:00 a.m.

Texas Animal Health Commission, 2105 Kramer Lane

Austin

HIV/AIDS Interagency Coordinating Council

AGENDA:

The council will introduce new council members and facilitator and discuss and possibly act on: approval of minutes from the July 26, 1997, meeting; 1997 annual report; proposal to place limit on number of absences of council members at meetings; 1998 annual report; establishing mission and vision of the council; and set date for next meeting.

To request an accommodation under the ADA, please contact Suzzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Linda Moore, 1100 49th Street, Austin, Texas 78756, (512) 490-2505.

Filed: April 14, 1997, 8:09 a.m.

TRD-9704939



## **Texas Statewide Health Coordinating Council**

Tuesday, April 22, 1997, 10:00 a.m.

Tower Building, Room T607, Texas Department of Health

1100 West 49th Street

Austin

Legislative Committee

AGENDA:

The committee will discuss and possibly act on: legislative reports; legislative update on the recommendations of the Ad Hoc Committee concerning local health departments and hospital closures and/or reconfigurations; review of legislative priorities for the remainder of the session; and setting of the next meeting time and proposed agenda

To request an accommodation under the ADA, please contact Suzzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Nancy Burkhardt, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: April 11, 1997, 9:23 a.m.

TRD-9704866



Tuesday, April 22, 1997, 11:00 a.m.

Tower Building, Room T607, Texas Department of Health, 1100 West 49th Street,

Austin

AGENDA:

The council will discuss and possibly act on: approval of the minutes of the March 25, 1997, meeting; presentation on demographic trends in Texas; report of the Legislative committee; discussion of the next planning cycle; bureau report; and setting of the next meeting time and proposed agenda.

To request an accommodation under the ADA, please contact Suzzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Nancy Burkhardt, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: April 11, 1997, 9:22 a.m.

TRD-9704865



## **Texas Department of Housing and Community Affairs**

Sunday, April 20, 1997, 2:00 p.m.

507 Sabine Street, Room 400

Austin

Low Income Housing Tax Credit Committee

AGENDA:

The Low Income Housing Tax Credit Committee of the Board of Texas Department of Housing and Community Affairs will meet to consider and possibly act on: Qualified Allocation Plan for 1997 and Repeal of Rules for 1996; Issuance of Determination Notice for Tax Credits for Stone Ridge Apartments; Trails of Ashford Apartments; Park on the Creek Apartments; San Tierra Apartments; La Providencia Apartments; Babcock Villas Apartments; Resolutions defining roles and responsibilities of Committee. Executive Session— Personnel Matters, anticipated Litigation (§551.071 and §551.1-3), Act in Open Session on items action upon in Executive Session; Adjourn.

Contact: Larry Paul Manley, 507 Sabine, Suite 900, Austin, Texas 78701, (512) 475-3934.

Filed: April 11, 1997, 11:25 a.m.

TRD-9704884



Sunday, April 20, 1997, 4:30 p.m.

507 Sabine Street, Room 437

Austin

Finance Committee

AGENDA:

The Finance Committee of the Board of Texas Department of Housing and Community Affairs will meet to consider and possibly act on the following: Minutes of November 4, 1996 Meeting; program guidelines and preliminary structure of single family program 52 and authorization to file application with the Bond Review Board; second quarter investment report; extension of origination period for single family series 1994C and certain amendments with respect to Program 47; Adjourn.

Contact: Larry Paul Manley, 507 Sabine, Suite 900, Austin, Texas 78701, (512) 475-3934.

Filed: April 11, 1997, 4:25 p.m.

TRD-9704928



Monday, April 21, 1997, 8:30 a.m.

507 Sabine Street, Room 437

Austin

Program Committee

AGENDA:

The Program Committee of the Board of Texas Department of Housing and Community Affairs will meet to consider and possibly act on: Minutes of the August 19, 1996 Meeting; Request from Housing Trust Fund to repeal the \$1.9 million set aside for a Home Improvement Loan Program and made available to other projects; Modification of Parkview Place Loan; Modification of America Institute for Learning Grant; Homebuyer assistance for Temple Housing Authority; Emergency Funds for Cameron County; Reassignment of Midland County Housing Authority Home Program Loan to Midland Visions 2000, Inc.; Neighborhood Partnership for SKIP II for Homebuyer Assistance; Utilize \$375,000 for Acquisition and Home Construction for Pharr; Utilize \$2000,000 of Interim Construction Funds for Edinburg; Adjourn.

Contact: Larry Paul Manley, 507 Sabine, Suite 900, Austin, Texas 78701, (512) 475-3934.

Filed: April 11, 1997, 4:32 p.m.

TRD-9704932



Monday, April 21, 1997, 10:00 a.m.

507 Sabine Street, Room 437

Austin

Board Meeting

AGENDA:

The Board of Texas Department of Housing and Community Affairs will meet to consider and possibly act on: Minutes of the March 3 and March 19, 1997; Qualified Allocation Plan for 1997 and Repeal of Rules for 1996; Issuance of Determination Notice for Tax

Credits for Stone Ridge Apartments; Trails of Ashford Apartments; Park on the Creek Apartments; San Tierra Apartments; La Providencia Apartments; Babcock Villas Apartments; Program Guidelines and Preliminary Structure of Single Family Program 52 and Authorization to file Application with the bond Review board; Second Quarter Investment Report; Extension of Origination Period for Single Family Series 1994C and Certain Amendments with Respect to Program 47; Request from Housing Trust Fund to Repeal the \$1.9 million Set Aside for a Home Improvement Loan Program and Made Available to Other Projects; Modification of Parkview Place Loan; Modification of America Institute for Learning Grant; Homebuyer assistance for Temple Housing Authority; Emergency Funds for Cameron County; Reassignment of Midland County Housing Authority Home Program Loan to Midland Visions 2000, Inc.; Neighborhood Partnership for SKIP II for Homebuyer Assistance; Utilize \$375,000 for Acquisition and Home Construction for Pharr; Utilize \$2000,000 of Interim Construction Funds for Edinburg; Manufactured Housing Case Docket Number 332-96-2429, Complaint Number MHD199600181M, American Mobile Home Transporters; Report Item; Executive Session for Personnel Matters; Anticipated Litigation under §§551.071 and 551.103, Texas Government Code, Personnel Matters regarding duties and responsibilities in relationship to Budget under §551.074, Texas Government Code; Act in Open Session on items discussed in Executive Session. Adjourn.

Contact: Larry Paul Manley, 507 Sabine, Suite 900, Austin, Texas 78701, (512) 475-3934.

Filed: April 11, 1997, 3:46 p.m.

TRD-9704917



## **Texas State Affordable Housing Corporation**

Monday, April 21, 1997, 12:00 noon

507 Sabine Street, Room 437

Austin

Board Meeting

AGENDA:

The Board of Texas State Affordable Housing Corporation will meet to consider and possibly act on: Approval of Minutes of the March 3 1997, Annual Financial and Compliance Report; Report to the board; First Quarter and Second Quarter Investment Reports; Appointment of Vice-President of the Corporation and Granting of Signature Authority to Vice-President; \$600,000 Participation Loan with Houston Savings Bank to Waller Hillside, Plaza, Ltd. President's Report; Executive Session — Personnel Matters; Consultation with attorney under §551.071(2) of Texas Government Code; Action in Open Session on Items Discussed in Executive Session; Adjourn.

Contact: Larry Paul Manley, 507 Sabine, Suite 900, Austin, Texas 78701, (512) 475-3934.

Filed: April 11, 1997, 4:32 p.m.

TRD-9704930



## **Texas Department of Human Services (TDHS)**

Friday, April 18, 1997, 10:00 a.m.

701 West 51st Street, East Tower, Public Hearing Room

Austin  
Texas Board of Human Services

AGENDA:

1. Approval of the Minutes of March 21, 1997. 2. Chair's Comments and Announcements. 3. Election of Board Chair and Vice Chair. 4. Report on Payment and Delivery Systems for Long-term Care. 5. Emergency Appropriation Request for FY 1997. 6. Commissioner's Report: a. Public Service Recognition Week 1997 and Public Service Excellence Award. b. State Employee Charitable Campaign (SECC) Award. c. Announcements and Comments. d. Tracking of Board Action Items.

Contact: Sherron Heinemann, P.O. Box 149030, Austin, Texas 78714-9030, (512) 438-3048.

Filed: April 10, 1997, 2:28 p.m.

TRD-9704843



**Texas Department of Insurance**

Monday, April 28, 1997, 9:00 a.m.

William P. Clements Building, 300 West 15th Street, Suite 502

Austin

AGENDA:

Docket Number 454-970-0325.C. To consider whether disciplinary action should be taken against JAYENDRA K. BHATT, Sugar Land, Texas, who holds a Group I, Legal Reserve Life Insurance Agent's License and a Local Recording Agent's License issued by the Texas Department of Insurance.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: April 11, 1997, 2:27 p.m.

TRD-9704896



Tuesday, April 29, 1997, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

Docket Number 454-97-0565.C. To consider whether disciplinary action should be taken against JOHN GREGORY BRASHEAR, Dallas, Texas, who holds a Group I, Legal Reserve Life Insurance Agent's License, Group II Insurance Agent's License and Prepaid Legal Services Agent's Licenses issued by the Texas Department of Insurance.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: April 11, 1997, 2:27 p.m.

TRD-9704895



Thursday, May 1, 1997, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

Docket Number 454-96-2129.C. To consider whether disciplinary action should be taken against WILLIAM RICHARD RAMSEY, Dallas, Texas, who holds a Group II, County Mutual Insurance Agent's License, a Corporate Managing General Agent's License, and a Corporate Local Recording Agent's License issued by the Texas Department of Insurance.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: April 11, 1997, 2:27 p.m.

TRD-9704894



**Texas Department of Licensing and Regulation**

Wednesday, April 23, 1997, 9:00 a.m.

920 Colorado, E.O. Thompson Building, First Floor, Room 108

Austin

Enforcement Division, Air Conditioning

AGENDA:

According to the complete agenda, the Department will hold an Administrative Hearing to consider possible assessment of administrative penalties against the Respondent, Paul Holder, for engaging in air conditioning and refrigeration contracting without first becoming licensed as an air conditioning and refrigeration contractor in violation of the Texas Revised Civil Statutes Annotated Article 8861 (the Act), §3B, pursuant to the Act and Texas Revised Civil Statutes Annotated Article 9100, Texas Government Code, Chapter 2001 (APA), and 16 Texas Administrative Code, Chapters 60 and 75.

Contact: Paula Hamje, 920 Colorado, Austin, Texas 78701, (512) 463-3192.

Filed: April 11, 1997, 2:50 p.m.

TRD-9704900



Thursday, May 1, 1997, 1:00 p.m.

920 Colorado, E.O. Thompson Building, Fourth Floor Conference Room

Austin

Texas Industrialized Building Code Council

REVISED AGENDA:

- I. Call to Order
- II. Welcome/Introduction of New Council Members
- III. Record of Attendance
- IV. Approval of Minutes of June 7, 1997 meeting
- V. Department Update
  - A. Staff Introductions

B. Organization

C. Council Procedures

D. Legislative Update

VI. Old Business

A. Update on Rule/Fee Changes

VII. New Business

A. Request from Arrow Mobile for approval of an alternate to the code

B. Change in criteria for approval of design review agencies

C. Approval of design review agencies, third party inspection agencies and third party inspectors.

D. Request for a variance in the criteria for approval of design review agencies.

VIII. Public Comment

IX. Election of Chairman and Vice-Chairman

X. Next Meeting

XI. Adjourn

Persons who plan to attend this meeting and require ADA assistance are requested to contact Caroline Jackson at (512) 463-7348 at least two working days prior to the meeting so that appropriate arrangements can be made.

Contact: Jimmy G. Martin, 920 Colorado, Austin, Texas 78701, (512) 463-7356.

Filed: April 14, 1997, 9:43 a.m.

TRD-9704978



## **Texas Medical Liability Insurance Underwriting Association (JUA)**

Thursday, May 1, 1997, 3:00 p.m.

2500 South Shore Boulevard, South Shore Harbour Resort and Conference Center

League City

Joint Meeting of Executive and Audit Committees

AGENDA:

1. Report from KPMG Peat Marwick, LLP, Certified Public Accountants, to include:

a. Statutory Financial Statements for 12/31/95 and 12/31/96 (with Independent Auditors' Report thereon);

b. Report to the Board of Directors

c. Independence Letter; and

d. Statement of Opinion as of 12/31/96 with regard to the Association's Loss and Loss Adjustment Expense Reserves; and discussion and possible action regarding the report.

2. Report of claims activity including status of pending mass litigation.

3. Report from counsel on pending legal matters.

4. First Quarter 1997 Status Report concerning in-force policies.

5. Determine date and place of next meeting.

6. Adjourn.

Contact: Joe Chilton, 505 East Huntland Drive, Suite 180, Austin, Texas 78752, (512) 452-4370.

Filed: April 11, 1997, 3:50 p.m.

TRD-9704919



Friday, May 2, 1997, 8:00 a.m.

2500 South Shore Boulevard, South Shore Harbour Resort and Conference Center

League City

Board of Directors

AGENDA:

1. Report from KPMG Peat Marwick, LLP, Certified Public Accountants, to include:

a. Statutory Financial Statements for 12/31/95 and 12/31/96 (with Independent Auditors' Report thereon);

b. Report to the Board of Directors

c. Independence Letter; and

d. Statement of Opinion as of 12/31/96 with regard to the Association's Loss and Loss Adjustment Expense Reserves; and discussion and possible action regarding the report.

2. Report of claims activity including status of pending mass litigation.

3. Report from counsel on pending legal matters.

4. First Quarter 1997 Status Report concerning in-force policies.

5. Report from Texas Department of Insurance concerning current med-mal market conditions.

6. Report from Insurance Information Institute concerning miscellaneous industry matters.

7. Report from investment managers concerning JUA investment account performance and future expected market conditions.

8. Determine date and place of next meeting.

9. Adjourn.

Contact: Joe Chilton, 505 East Huntland Drive, Suite 180, Austin, Texas 78752, (512) 452-4370.

Filed: April 11, 1997, 3:50 p.m.

TRD-9704920



## **Texas Natural Resource Conservation Commission**

Thursday, April 17, 1997, 1:30 p.m.

Room 201S, Building E, 12100 Park 35 Circle

Austin

REVISED AGENDA:

This meeting is a work session for discussion between Commissioners and staff. No public testimony or comment will be accepted except by invitation of the Commission.

Contact: Doug Kitts, 12100 Park 35 Circle, Austin, Texas 78753, (512) 239-3317.

Filed: April 9, 1997, 1:55 p.m.

TRD-9704800



Friday, April 18, 1997, 9:00 a.m.

Room 201S, Building E, 12100 Park 35 Circle

Austin

AGENDA:

The Commission will meet in Executive Session to consider participation issues as they relate to delegation of federal programs from the U.S. Environmental Protection Agency, including notice, response to comments, permissive intervention in enforcement and related items.

Contact: Doug Kitts, 12100 Park 35 Circle, Austin, Texas 78753, (512) 239-3317.

Filed: April 10, 1997, 3:58 p.m.

TRD-9704952



Thursday, April 24, 1997, 3:00 p.m.

Alamo Community Church, 901 West Bowie,

Alamo

AGENDA:

TNRCC will conduct an informal public meeting regarding the application of Mr. Howard Adams (The Grease Specialist), Proposed Permit Number MSW2258, to authorize construction and operation of a Type VGG (Grease and Grit Trap) municipal solid waste management facility. The proposed site covers about 1.1 acres of land, and is located on Western Avenue, about 3.5 miles north of Farm to Market road 2221, near Citrus City, in Hidalgo County, Texas.

Contact: Charles Stavley or Ann Scudday, TNRCC, P.O. Box 13087, Mail code 176, Austin, Texas 78701, (512) 239-6688 or (512) 239-4756.

Filed: April 14, 1997, 4:06 p.m.

TRD-9704994



**Texas Board of Occupational Therapy Examiners**

Monday, April 21, 1997, 10:30 a.m.

Harris County Department of Education, 6300 Irvington, Room 301

Houston

Rules Committee

AGENDA:

I. Call to Order.

II. Discussion and possible action on proposed rule changes.

III. Chapter 362. Definitions

IV. Chapter 374. Disciplinary Actions/Complaints/Code of Ethics

V. A proposed new chapter dealing with evaluation, planning, treatment and discharge from occupational therapy.

VI. Chapter 372. Referral

VII. Chapter 373. Supervision

VIII. Chapter 365. Types of Licenses

IX. Adjourn.

Contact: Alicia Dimmick Essary, 333 Guadalupe, Suite 2-510, Austin, Texas 78701-3942, (512) 305-6900.

Filed: April 11, 1997, 4:25 p.m.

TRD-9704926



**Texas State Pension Review Board**

Thursday, April 10, 1997 — 1:00 p.m.

State Capitol Extension, Room E1.016

Austin

Legislative Advisory Committee

EMERGENCY MEETING AGENDA:

Preparation of Actuarial Impact Statement on bills from which actuarial information is available by meeting time and for which requests have been received from legislative committee.

REASON FOR EMERGENCY: Need to respond to request received from legislative committee.

Contact: Lynda Baker, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: April 9, 1997, 4:30 p.m.

TRD-9704816



Monday, April 14, 1997 — 9:30 a.m.

300 West 15th Street, Fourth Floor, Room 406

Austin

Pension Review Board Conference

EMERGENCY MEETING AGENDA:

Preparation of Actuarial Impact Statement on bills from which actuarial information is available by meeting time and for which requests have been received from legislative committee.

REASON FOR EMERGENCY: Need to respond to request received from legislative committee.

Contact: Lynda Baker, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: April 11, 1997, 3:38 p.m.

TRD-9704916

◆ ◆ ◆  
**Texas Property and Casualty Insurance Guaranty Association**

Tuesday, April 22, 1997, 9:00 a.m.

9420 Research Boulevard, Echelon III, Suite 400

Austin

Board of Directors

AGENDA:

The Texas Property and Casualty Insurance Guaranty Association Board of Directors will meet to call the meeting to order, read the Antitrust Statement, public participation, approve minutes of the February 27, 1997 Board Meeting; Action Items- discuss and take possible action on the following: Executive Committee Report, Finance and Audit Committee Report, Personnel Committee Report, Governmental Affairs Task Force Report. Informational Items- Claims update, Executive Session — Regulator's/Conservator's Report, Attorney's Report, Personnel Issues, and discuss and take possible action on the items considered in Executive Session.

Contact: Marvin Kelly, 9420 Research Boulevard, Echelon III, Suite 400, Austin, Texas 78759, (512) 345-9335.

Filed: April 14, 1997, 8:59 a.m.

TRD-9704962

◆ ◆ ◆  
**Texas State Board of Examiners of Psychologists**

Wednesday, April 30, 1997, 8:00 a.m.

333 Guadalupe, Suite 2-400A

Austin

Disciplinary Review Panel # One

AGENDA:

Disciplinary Review Panel # One, of the Board will meet to discuss, consider, and vote on recommendations for disposition of various complaints. The Panel will also go into Executive Session to take confidential interviews concerning pending complaints pursuant to §551.084, Texas Government Code, V.T.C.S., 1996, as well as Executive Session to seek legal advice pursuant to §551.071, Texas Government Code, V.T.C.S., 1996.

Contact: Sherry L. Lee, 333 Guadalupe, Suite 2-450, Austin, Texas 78701, (512) 305-7700.

Filed: April 9, 1997, 2:03 p.m.

TRD-9704801

◆ ◆ ◆  
Thursday, Friday, May 1-2, 1997, 8:30 a.m.

333 Guadalupe, Suite 2-400A

Austin

AGENDA:

The board will meet to consider public comments, minutes of the last meeting; the licensed specialist in school psychology; legislative matters; legal matters; planning for the next meeting; a report from the Board liaison to the Psychological Associate Advisory Committee; and reports from the chair of the board, the Executive Director and the following committees: Legislative—Ad Hoc, Applications, Budget, Complaint and Enforcement, Continuing Education, Evaluation, Information Technology, Newsletter, Oral Examination, Personnel, Policies and Procedures, Public Information, Reciprocity, Rules, and Written Examinations. The Board will consider Board orders for approval; dismissals of allegations for ratification; reconsideration of or possible modification to an agreed order; application appeals; and proposed and adopted rules. The Board will hear from and ask questions of Barbara Bailey, Ph.D., President, Association of State and Provincial Psychology Boards. The Board will also hold an executive session to seek legal advice.

Contact: Sherry L. Lee, 333 Guadalupe, Suite 2-450, Austin, Texas 78701, (512) 305-7700.

Filed: April 10, 1997, 12:19 p.m.

TRD-9704836

◆ ◆ ◆  
**Public Utility Commission of Texas**

Friday, April 18, 1997, 1:00 p.m.

425 Woodward Street

Austin

Relay Texas Advisory Committee

AGENDA:

The Relay Texas Advisory Committee will meet on Friday, April 18, 1997 at 1:00 p.m. The Advisory Committee was appointed by the Public Utility Commission pursuant to House Bill 174, passed by the 71st Texas Legislature. At this meeting the Committee will welcome and make opening remarks; consider the next Relay Texas Advisory Committee meeting date; consider minutes; the Public Utility Commission of Texas report; the Sprint report; old business; new business; and public comment.

Contact: Paula Mueller, 1701 North Congress Avenue, Austin, Texas 78711, (512) 936-7152.

Filed: April 9, 1997, 3:48 p.m.

TRD-9704812

◆ ◆ ◆  
**Railroad Commission of Texas**

Tuesday, April 22, 1997, 9:00 a.m.

1701 North Congress, First Floor Conference Room — 1-111

Austin

AGENDA:

The Commission will hold its monthly statewide hearing on oil and gas to determine the lawful market demand for oil and gas and to consider and/or take action on matters listed on the agenda posted with the Secretary of State's Office.

Contact: Kathy Way, Oil & Gas Division, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6729.

Filed: April 11, 1997, 4:23 p.m.

TRD-9704923



Tuesday, April 22, 1997, 9:30 a.m.

1701 North Congress, First Floor Conference Room — 1-111

Austin

**AGENDA:**

According to the complete agenda, the Railroad Commission of Texas will consider various applications and other matters within the jurisdiction of the agency including oral arguments at the time specified on the agenda. The Railroad Commission of Texas 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 may meet in Executive Session on any items listed above as authorized by the Open Meetings Act.

Contact: Lindil C. Fowler, Jr., P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7033.

Filed: April 11, 1997, 4:24 p.m.

TRD-9704925



Tuesday, April 22, 1997, 2:00 p.m.

1701 North Congress, First Floor Conference Room — 1-111

Austin

**AGENDA:**

Re: Gas Utilities Docket number 8778, petition of the Railroad Commission of Texas to create a "Code of Conduct" rule to govern gas gathering and transporting in Texas: prior to determining whether to give notice by publishing for formal comment, the Commission will take public comment on the draft of proposed new rule §7.59, relating to natural gas transportation standards and code of conduct.

2:00 to 2:15 p.m. — Call to order by Chairman Charles R. Matthews; opening remarks (if any) by Chairman Matthews, Commissioner Barry Williamson, and Commissioner Carole Keeton Rylander.

2:15 to adjournment — Staff presentation on draft proposal; speakers' comments to the Commission; closing remarks (if any) by Chairman Matthews, Commissioner Williamson, and Commissioner Rylander.

Contact: Maureen Dooley, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7140.

Filed: April 11, 1997, 4:24 p.m.

TRD-9704924



**State Securities Board**

Monday, May 5, 1997, 9:00 a.m.

Stephen F. Austin Building, 1700 North Congress Avenue, 11th Floor, Suite 1100

Austin

Administrative Hearing

**AGENDA:**

A hearing will be held for the purpose of determining whether the dealer registration of The Exchange House, Inc. ("Respondent Exchange") should be revoked and Respondent Exchange fined; the agent registration of Christian Paul Garces ("Respondent Garces") should be revoked and Respondent Garces fined; Infinitum Capital Management Inc. ("Respondent ICM") should be ordered to cease and desist from acting as a dealer and fined; Juan Carlos Nieto ("Respondent Nieto") should be ordered to cease and desist from acting as a dealer and be fined; Juan Carlos Nieto d/b/a Infinitum ("Respondent d/b/a Infinitum") should be ordered to cease and desist from acting as a dealer and fined; Infinitum Management, Inc. ("Respondent IMI") should be ordered to cease and desist from acting as a dealer and be fined; Infinitum Management Company, Inc. ("Respondent Applicant") should be ordered to cease and desist from acting as a dealer and fined; the application of Respondent Applicant for registration with the Securities Commissioner of the State of Texas ("Securities Commissioner") as an investment adviser should be denied; and the application of Respondent Garces as an agent of Respondent Applicant should be denied.

Contact: David Grauer, 200 East 10th Street, Fifth Floor, Austin, Texas 78701, (512) 305-8392.

Filed: April 9, 1997, 4:30 p.m.

TRD-9704917



**The University of Texas at Austin**

Thursday, April 17, 1997, 1:00 p.m. (Executive Session)

Ex-Student's Association Building, (Schmidt), 21st and San Jacinto Austin

Intercollegiate Athletics for Men

**AGENDA:**

Convene into Open Session, Recess into Executive Session, Reconvene into Open Session, Approve Minutes of January 31, 1997, Items from Executive Session, Longhorn Foundation, Major gifts and Planned Giving, Academics, Awards, Schedules/Schedule Changes, Construction, Budget/Budget Items, Tickets/Ticket Policy, New Business, Old Business, and Adjourn.

Contact: Betty Corley, P.O. Box 7399, Austin, Texas 78713, (512) 471-5757.

Filed: April 11, 1997, 4:15 p.m.

TRD-9704922



**The University of Texas M.D. Anderson Cancer Center**

Tuesday, April 15, 1997, 9:00 a.m.

1515 Holcombe Boulevard, Room YB.5612

Houston

Institutional Animal Care and Use Committee

**AGENDA:**

Review of Protocol for Animal Care and Use and Modifications thereof.

Contact: Anthon Mastromarino, Ph.D., Box 101, Houston, Texas 77030, (713) 792-3220.

Filed: April 10, 1997, 8:59 a.m.

TRD-9704824

◆        ◆        ◆

## Texas Worker's Compensation Insurance Facility

Wednesday, April 23, 1997, 9:15 a.m.

Double Tree Guest Suites Hotel, 303 West 15th Street

Austin

Governing Committee

AGENDA:

Executive Session(s) regarding personnel matters and pending legal matters. Following the closed Executive Session(s), the Governing Committee will reconvene in Open and Public Session and take any action as may be desirable or necessary as a result of the closed deliberations. Approval of minutes from the March 24, 1997 and April 3, 1997 Governing Committee meetings. Discussion and possible action on privatizing the Texas Workers' Compensation Insurance Facility's assets and liabilities. Final report on the 1996 budget. Consideration and possible action on discount rate for rebates or assessments. Consideration and possible action on re-assessment of outstanding assessments. Consideration and possible action on Accounting Committee report which sets the amount of assessments or rebates to member companies for 1996 and other years. Consideration and possible approval of the 1996 Financial Audit report and recommendations from the Accounting Committee. Consideration and possible action on servicing company request for reimbursement of legal fees and expenses. Executive Director's Report.

Contact: Peter E. Potemkin, 8303 MoPac Expressway North, Suite 310, Austin, Texas 78759, (512) 345-1222.

Filed: April 11, 1997, 12:31 p.m.

TRD-9704886

◆        ◆        ◆

Monday, May 12, 1997, 10:45 a.m.

Four Seasons Hotel, 98 San Jacinto

Austin

Annual Meeting

AGENDA:

Approval of minutes of the Annual Meeting held June 17, 1996. Introduction of the Governing Committee. Annual Report of the Chairman of the Governing Committee. Annual Report of the Executive Director of the Texas Worker's Compensation Insurance Facility. Report and possible action on the transfer of the Texas Workers' Compensation Insurance Facility's claims, liabilities and assets.

Contact: Peter E. Potemkin, 8303 MoPac Expressway North, Suite 310, Austin, Texas 78759, (512) 345-1222.

Filed: April 11, 1997, 10:11 a.m.

TRD-9704872

◆        ◆        ◆

## Regional Meetings

Meetings filed April 9, 1997

Austin Transportation Study, Policy Advisory Committee, met at Joe C. Thompson Conference Center, 26th and Red River, Room 1.102, Austin, April 14, 1997 at 6:00 p.m. Information may be obtained from Michael R. Aulick, 301 West 2nd Street, Austin, Texas 78701, (512) 499-2275. TRD-9704804.

Dallas Area Rapid Transit, Commuter Rail Conference, met at Hyatt Regency Hotel, 300 Reunion Boulevard, Dallas, April 12 Saturday, through Wednesday, April 16, 1997, Times are as follows: Saturday, April 12,- 1:00 p.m.; Sunday, April 13,—1:15 p.m.; Monday, April 14, 8:15 a.m.; Tuesday, April 15, 7:00 a.m.; Wednesday, April 16, 8:30 a.m. Information may be obtained from Paula J. Bailey, DART, P.O. Box 660163, Dallas Texas 75266-0163, (214) 749-3256. TRD-9704807.

Dallas Area Rapid Transit, Legislative AdHoc Committee, met at 1401 Pacific Avenue, Conference Room "B" Dallas, April 14, 1997, at 7:30 a.m. Information may be obtained from Paula J. Bailey, DART, P.O. Box 660163, Dallas Texas 75266-0163, (214) 749-3256. TRD-9704806.

Dallas Area Rapid Transit, Financial Standards Ad Hoc Committee, Conference Room "B", met at 1401 Pacific Avenue, Dallas, April 17, 1997, at 11:00 a.m. Information may be obtained from Paula J. Bailey, DART, P.O. Box 660163, Dallas Texas 75266-0163, (214) 749-3256. TRD-9704805.

Erath County Appraisal District, Board of Directors, met at 1390 Harbin Drive, Stephenville, April 14, 1997 at 8:00 a.m. Information may be obtained from Angi Couch, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434. TRD-9704794.

Houston-Galveston Area Council, Board of Directors, met at 3555 Timmons Lane, Conference Room A, Second Floor, Houston, April 15, 1997, 10:00 a.m. Information may be obtained from Mary Ward, P.O. Box 22777, Houston, Texas, 77227, (713) 627-3200, TRD-9704815.

Kendall Appraisal District, Board of Directors, AG Advisory Committee, met at 121 South Main Street, Boerne, April 17, 1997 at 7:00 p.m. Information may be obtained from Leta Schlinke or Helen Tamayo, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, fax: (210) 249-3975. TRD-9704795

Upshur County Appraisal District, Board of Directors, met at Warren and Trinity Streets, Gilmer, April 14, 1997 at 1:00 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644-0280, (903) 843-3041. TRD-9704797.

Meetings Filed April 10, 1997

Brazos River Authority, Water Utilization, will meet at 4400 Cobbs Drive, Waco, April 21, 1997 at 10:00 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9704832.

Burke Center, Board of Trustees, will meet at will meet at 4101 South Medford Drive, Lufkin, April 22, 1997 at 1:00 p.m. Information may

be obtained from Debra Fox, Burke Center, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141. TRD-9704835.

Central Texas Council of Governments, K-TUTS Planning Policy Board, met at 201 East Second Avenue, Belton, April 16, 1997 at 9:15 a.m. Information may be obtained from Jim Reed, P.O. Box 729, Belton, Texas 76513, (817) 933-7075. TRD-9704849.

Dallas Housing Authority, Board of Commissioners, met at Dallas Housing Authority, Forest Green Manor Development, 9730 Shepard Road, Dallas, April 17, 1997 at 4:00 p.m. Information may be obtained from Betsy Horn, 3939 North Hampton Road, Dallas, Texas 75212, (214) 951-8302. TRD-9704831.

Education Service Center, Region 12, Board of Directors, met at 2101 West Loop 340, Waco, April 17, 1997 at 11:00 a.m. Information may be obtained from Harry J. Beavers or Vivian L. McCoy, P.O. Box 23409, Waco, Texas 76702-3409, (817) 666-0707. TRD-9704841.

Education Service Center, Region XV, Regional Advisory Committee, will meet at 612 South Irene, San Angelo, April 22, 1997 at 10:00 a.m. Information may be obtained from Clyde Warren, P.O. Box 5199, San Angelo, Texas 76902, (915) 658-6571. TRD-9704847.

Education Service Center, Region XV, Board of Directors, will meet at 612 South Irene, San Angelo, April 22, 1997 at 1:30 p.m. Information may be obtained from Clyde Warren, P.O. Box 5199, San Angelo, Texas 76902, (915) 658-6571. TRD-9704848.

Edwards Aquifer Authority, Legal Committee, met at 1615 North St. Marys' Street, San Antonio, April 14, 1997 at 5:30 p.m. Information may be obtained from Sally Tamez-Salas, 1615 North St. Marys' Street, San Antonio, Texas 78212, (210) 222-2204. TRD-9704851.

Garza Central Appraisal District, Ag Advisory Board, met at 124 East Main, Post, April 17, 1997 at 1:30 p.m. Information may be obtained from Billie Y. Windham, P.O. Drawer F, Post, Texas 79356, (806) 495-3518. TRD-9704825.

Houston-Galveston Area Council, Projects Review Committee, met at 3555 Timmons Lane, Conference Room A, Second Floor, Houston, April 15, 1997 at 9:00 a.m. Information may be obtained from Rowena Ballas, 3555 Timmons Lane, Suite 500, Houston, Texas 77027, (713) 627-3200. TRD-9704837.

Lower Colorado River Authority, Planning and Public Policy Committee, met at 3701 Lake Austin boulevard, Hancock Building, Board Conference Room, Austin, April 15, 1997 at 10:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3304. TRD-9704844.

Scurry County Appraisal District, Appraisal Review Board, met at 2612 College Avenue, Snyder, April 17, 1997 at 9:00 a.m. Information may be obtained from L.R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549. TRD-9704845.

Surplus Lines Stamping Office of Texas, Board of Directors, met at Hughes & Luce, L.L.P., 111 Congress Avenue, Suite 900, Austin, April 15, 1997 at 10:00 a.m. Information may be obtained from Charles L. Tea, Jr. P.O. Box 9906, Austin, Texas 78766, (512) 346-3274. TRD-9704838.

Wood County Appraisal District, Board of Directors, met at 210 Clark Street, Quitman, April 17, 1997 at 1:30 p.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 518, Quitman, Texas, 75783-0518, (903) 763-4891. TRD-9704830.

Meetings filed April 11, 1997

Alamo Area Council of Governments, Management Committee, met at 118 Broadway, Suite 400, San Antonio, April 16, 1997 at 10:00 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9704856.

Alamo Area Council of Governments, Audit Committee, met at 118 Broadway, Suite 400, San Antonio, April 16, 1997 at noon. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9704857.

Atascosa County Appraisal District, Appraisal Review Board, met at 4th and Avenue J Streets, Poteet, April 16, 1997 at 9:00 p.m. Information may be obtained from Curtis Stewart, P.O. Box 139, Poteet, Texas 78065-0139, (210) 742-3591. TRD-9704892.

Atascosa County Appraisal District, Board of Directors, met at 4th and Avenue J Streets, Poteet, April 17, 1997 at 1:30 p.m. Information may be obtained from Curtis Stewart, P.O. Box 139, Poteet, Texas 78065-0139, (210) 742-3591. TRD-9704893.

Brazos Valley Development Council, Brazos Valley Workforce Development Board, met at 1905 South Texas Avenue, Bryan, April 17, 1997 at 3:30 p.m. Information may be obtained from Angela Alaniz, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-4244. TRD-9704918.

Burke Center, Board of Trustees, will meet at 4101 South Medford, Lufkin, April 22, 1997 at 1:00 p.m. with revised agenda. Information may be obtained from Debra Fox, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141. TRD-9704913.

Central Texas Council of Governments, Executive Committee, met at 302 East Central Avenue, Belton, April 17, 1997 at 11:30 a.m. Information may be obtained from A.C. Johnson, P.O. Box 729, Belton, Texas 76513, (817) 939-1801. TRD-9704934.

Dallas Area Rapid Transit, Financial Standards Ad Hoc Committee, met at 1401 Pacific Avenue, Conference Room C, First Floor, Dallas, April 17, 1997 with revised agenda, at 11:00 a.m. Information may be obtained from Paula J. Bailey, DART, P.O. Box 660163, Dallas, Texas 75266-0163. TRD-9704891.

Education Service Center, Region Two, Board of Directors, met at 209 North Water, Corpus Christi, Thursday, April 17, 1997 at 6:30 p.m. Information may be obtained from Dr. Ernest Zamora, 209 North Water, Corpus Christi, Texas 78401, (512) 883-9288, extension 2200. TRD-9704873.

Gonzales County Appraisal District, Board of Directors, met at 928 St Paul Street, Gonzales, April 17, 1997 at 6:00 p.m. Information may be obtained from Brenda Downey, 928 St. Paul, Gonzales, Texas 78629, (210) 672-2879 or fax: (210) 672-8345. TRD-9704904.

Grayson Appraisal District, Board of Directors, will meet at 205 North Travis, Sherman, April 23, 1997 at noon. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9704885.

Harris County Appraisal District, Appraisal Review Board, will meet at 2800 North Loop West, 8th Floor, Houston, April 18, 1997 at 8:00 a.m. Information may be obtained from Bob Gee, 2800 North Loop West, Houston, Texas 77092, (713) 957-5222. TRD-9704871.

Hockley County Appraisal District, Board of Directors, met at 1103 Houston Street, Levelland, April 14, 1997 at 7:30 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9704933.

Houston-Galveston Area Council, Transportation Policy Council, will meet at 3555 Timmons, Second Floor, Houston, April 25, 1997 at 1:30 p.m. Information may be obtained from Alan C. Clark, P.O. Box 22777, Houston, Texas 77227-2777, (713) 627-3200. TRD-9704890.

Jack County Appraisal District, Board of Directors, met at 210 North Church Street, Jacksboro, April 15, 1997 at 7:00 p.m. Information may be obtained from Gary L. Zeitler or Liane Horton, P.O. Box 958, Jacksboro, Texas 76458, (817) 567-6301. TRD-9704883.

Johnson County Rural Water Supply Corporation, Five Year Plan Committee, met at Corporation Office, 2849 Highway 171 South, Cleburne, April 15, 1997 at 5:30 p.m. Information may be obtained from Peggy Johnson, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9704882.

Johnson County Rural Water Supply Corporation, Regular Monthly Board Meeting, met at Corporation Office, 2849 Highway 171 South, Cleburne, April 15, 1997 at 6:00 p.m. Information may be obtained from Peggy Johnson, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9704880.

Lake Livingston Water Supply and Sewer Service Corporation, Board of Directors, met at the Park Inn, 2500 US Highway 59 South, Livingston, April 17, 1997 at 10:00 a.m. Information may be obtained from John O. Houchins, 13738 Kingsride, Houston, Texas 77079, (713) 464-3205. TRD-9704912.

Lampasas County Appraisal District, Board of Directors, met at 109 East Fifth Street, Lampasas, April 17, 1997 at 7:00 p.m. Information may be obtained from Katrina Perry, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9704887.

Lometa Rural Water Supply Corporation, Board of Directors, met at 506 West Main Street, Lometa, April 14, 1997 at 7:00 p.m. Information may be obtained from Levi G. Cash or Tina L. Hodge, P.O. Box 158, Lometa, Texas 76853, (512) 752-3505. TRD-9704868.

Lometa Rural Water Supply Corporation, Board of Directors, met with revised agenda, at 506 West Main Street, Lometa, April 14, 1997 at 7:00 p.m. Information may be obtained from Levi G. Cash or Tina L. Hodge, P.O. Box 158, Lometa, Texas 76853, (512) 752-3505. TRD-9704858.

Riceland Regional Mental Health Authority, Board of Trustees, met at 3007 North Richmond Road, Wharton, April 17, 1997 at 1:00 p.m. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9704859.

Rockwall County Central Appraisal District, Board of Directors, met at 106 North San Jacinto, Rockwall, April 17, 1997 at 7:30 p.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (972) 771-2034. TRD-9704869.

Sabine Valley Center, Personnel Committee, met at 107 Woodbine Place, Judy Road, Longview, April 17, 1997 at 6:00 p.m. Information

may be obtained from Inman White or LaVerne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 237-2362. TRD-9704876.

Sabine Valley Center, Finance Committee, met at 107 Woodbine Place, Judson Road, Longview, April 17, 1997 at 6:00 p.m. Information may be obtained from Inman White or LaVerne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 237-2362. TRD-9704877.

Sabine Valley Center, Board of Trustees, met at 107 Woodbine Place, Judson Road, Longview, April 17, 1997 at 7:00 p.m. Information may be obtained from Inman White or LaVerne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 237-2362. TRD-9704878.

Tarrant Appraisal District, Board of Directors, will meet at 2301 Gravel Road, Fort Worth, April 18, 1997 at 9:00 a.m. Information may be obtained from Mary McCoy, 2315 Gravel Road, Fort Worth, Texas 76118, (817) 284-0024. TRD-9704867.

Meetings filed April 14, 1997

Bastrop Central Appraisal District, Board of Directors, met at 1200 Cedar Street, Bastrop, April 17, 1997 at 7:30 p.m. Information may be obtained from Dana Ripley, 1200 Cedar Street, Bastrop, Texas 78602, (512) 303-3536. TRD-9704958.

Bexar-Medina-Atascosa Counties Water Control and Improvement District One, Board of Directors, met at 2047 West Malone, San Antonio, April 17, 1997, at 1:30 p.m. Information may be obtained from John W. Ward III, P.O. Box 170, San Antonio, Texas 78059, (210) 665-2132. TRD-9704974.

Dallas Central Appraisal District, Appraisal Review Board, will meet at 2949 North Stemmons Freeway, Second Floor Community Room, Dallas, April 30, 1997 at 8:00 a.m. Information may be obtained from Rick Kuehler, 2949 North Stemmons Freeway, Dallas Texas, 75247, (214) 631-0520. TRD-9704955.

Garza Central Appraisal District, Board of Directors, will meet at 124 East Main, Post, April 18, 1997 at 9:00 a.m. Information may be obtained from Billie Y. Windham, P.O. Drawer F, Post, Texas 79356, (806) 495-3518. TRD-9704965.

North Texas Municipal Water District, Board of Directors, will meet at Administration Office, 505 East Brown Street, Wylie, April 24, 1997 at 4:00 p.m. Information may be obtained from Carl W. Riehn, P.O. Box 2408, Wylie, Texas 75098, (972) 442-5405. TRD-9704980.

Palo Pinto Appraisal District, Board of Directors, met at 200 Church Avenue, March 17, 1997 at 3:00 p.m. Information may be obtained from Carol Holmes, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1281. TRD-9704953.

Tarrant Appraisal District, Board of Directors, will meet at 2301 Gravel Road, Fort Worth, April 18, 1997 at 9:00 a.m. Information may be obtained from Mary McCoy, 2315 Gravel Road, Fort Worth, Texas 76118, (817) 284-0024. TRD-9704977.

Wichita Falls MPO, Policy Advisory Committee, will meet at 1300 Seventh Street, Council Conference Room, Memorial Auditorium, Wichita Falls, April 22, 1997 at 8:15 a.m. Information may be obtained from Richard E. Luedke, AICP, (817) 761-7447, TRD-9704975.

# 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.

---

## **Coastal Coordination Council**

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence under the Texas Coastal Management Program

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 Federal Register pp. 1439-1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC 501. Requests for federal consistency review were received for the following projects(s) during the period of April 9, 1997, through April 11, 1997:

### **FEDERAL AGENCY ACTIONS:**

Applicant: Texas Parks & Wildlife Department; Location: Santa Anna's Bayou, San Jacinto Battleground State Park, near Park Road 1836, La Porte, Harris County, Texas; Project Number: 97- 0085-F1; Description of Proposed Action: The applicant proposes to restore an additional 106 acres of shallow water to vegetated marsh. Approximately 300,000 cubic yards of material will be deposited into the Phase II area. The applicant also proposes to construct a containment berm, levee, water control structure, baffle levees, and repair old levees; Type of Application: .S.C.O.E. permit application #20314(01) under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403), and §404 of the Clean Water Act (33 U.S.C.A. §§125-1387).

Pursuant to §306(d)(14) of the Coastal Zone Management Act of 1972 (16 .S.C.A. §1451-1464), as amended, interested parties are invited to submit comments on whether a proposed action should be referred to the Coastal Coordination Council for review and whether the action is or is not consistent with the Texas Coastal Management Program goals and policies. All comments must be received within 30 days of publication of this notice and addressed to Ms. Janet Fatheree, Council Secretary, 1700 North Congress Avenue, Room 617, Austin, Texas 78701-1495.

Issued in Austin, Texas, on April 14, 1997.

TRD-9704976

Garry Mauro

Chairman

Coastal Coordination Council

Filed: April 14, 1997



## **Office of the Consumer Credit Commissioner**

Notice of Rate Ceiling

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Title 79, Texas Civil Statutes, Article 1.04, as amended (Texas Civil Statutes, Article 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u>	<u>Commercial(2) over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	04/14/97-04/20/97	18.00%	18.00%

(1)Credit for personal, family or household use. (2)Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on April 8, 1997.

TRD-9704826

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: April 10, 1997



## Texas Department of Criminal Justice

### Public Notice

The Texas Department of Criminal Justice published a notice of contract award in the July 26, 1996, issue of the *Texas Register* (21 TexReg 7184). The contract was for consulting services between the Texas Department of Criminal Justice (TDCJ) and Mpo Wer beginning July 15, 1996 and to terminate on August 30, 1996, with the option to renew at the end of 30 days.

This notice is to retroactively renew the contract with Mpo Wer to August 31, 1996 through January 28, 1997, with no change to the agreed upon dollar amount. Due to a change in personnel, the agency neglected to formally announce the renewal of the contract as the fiscal year changed.

Issued in Austin, Texas, on April 14, 1997.

TRD-9704973

Carl Reynolds

General Counsel

Texas Department of Criminal Justice

Filed: April 14, 1997



## Texas Ethics Commission

### Correction of Errors

The Ethics Commission submitted Advisory Opinion Requests dated March 24, 1997. The requests appeared in the April 4, 1997, issue of the *Texas Register*, (22 TexReg 3273).

The request contained a mistake in the statement of question for AOR-402. The wording for AOR-402 should read as follows:

AOR-402 The Texas Ethics Commission has been asked to consider whether a former employee of a state regulatory agency would violate the revolving door law by performing work under a contract with the agency on a project he worked on as an employee of the agency.

### Texas Ethics Commission List of Late Filers

Listed below are the names of filers from the Texas Ethics Commission who did not file reports, or failed to pay penalty fines for late reports in reference to the listed filing deadline. If you have any questions, you may contact Kristin Newkirk at (512) 463-5800 or (800) 325-8506.

Deadline: Specific Purpose PAC Semi-Annual Campaign Finance Report, due July 15, 1996

Robert D. Napier

Texans Against State Income Tax

2624 Wesleyan #423

Houston, Texas 77027

Deadline: Annual Personal Financial Statement, due April 30, 1996

Eduardo M. Salinas

P.O. Box K

Lyford, Texas 78569

Deadline: Monthly PAC Report, due November 5, 1996

Jose A. Ramos

Webb County Deputy Sheriffs PAC

P.O. Box 29

Laredo, Texas 78040

Stephen E. Vitasek  
Plano Police Association PAC  
P.O. Box 861956  
Plano, Texas 75086  
David N. Calvillo  
South Texans Physicians PAC  
1111 West Nolana  
McAllen, Texas 78504  
Guadalupe F. Valdez  
Fort Bend County HISPAC  
2119 Echo Ridge  
Sugar Land, Texas 77478  
Deadline: Monthly PAC Report, due December 5, 1996  
David N. Calvillo  
South Texans Physicians PAC  
1111 West Nolana  
McAllen, Texas 78504  
Guadalupe F. Valdez  
Fort Bend County HISPAC  
2119 Echo Ridge  
Sugar Land, Texas 77478  
Deadline: Monthly PAC Report, due January 6, 1997  
David N. Calvillo  
South Texans Physicians PAC  
1111 W. Nolana  
McAllen, Texas 78504  
Issued in Austin, Texas, on April 11, 1997.  
TRD-9704914  
Tom Harrison  
Executive Director  
Texas Ethics Commission  
Filed: April 11, 1997



## Texas Department of Health

### Designation of a Site Serving a Medically Underserved Population - Dallas County

The Texas Department of Health (department) is required under Texas Civil Statutes, Article 4495b, §3.06, to designate sites serving medically underserved populations.

In addition, the department is required to publish notice of its designations in the *Texas Register* and to provide an opportunity for public comment on the designations.

Accordingly, the department has designated the following as a site serving a medically underserved population: The Emergency

Department - Parkland Memorial Hospital, located at 5201 Harry Hines Boulevard, Dallas, (Dallas County), Texas. Designation is based on proven eligibility as a site serving a disproportionate number of clients eligible for federal, state or locally funded health care programs.

Oral and written comments on this designation may be directed to Demetria Montgomery, M.D., Chief Director, Health Professions Resource Center, Bureau of Community Oriented Primary Care, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756; Telephone (512)-458-7771. Comments will be accepted for 30 days after the publication of this notice in the *Texas Register*.

Issued in Austin, Texas, on April 10, 1997.

TRD-9704833  
Susan K. Steeg  
General Counsel  
Texas Department of Health  
Filed: April 10, 1997



### Local Emergency Planning Committee (LEPC) Development Grants/Request for Proposals

**Introduction.** The Texas Department of Health (department) is requesting proposals for "LEPC Computer Grants" to be awarded to counties or cities governing Local Emergency Planning Committees (LEPCs) to further their work in chemical emergency planning and community right-to-know.

**Description of Activities.** LEPCs are mandated by the federal Emergency Planning and Community Right-to-Know Act (EPCRA or SARA, Title III) to provide planning and information for the community relating to chemicals in use, storage and transit. A grant may be used by a LEPC to purchase computer equipment necessary in utilizing a software program called the Computer Aided Management of Emergency Operations (CAMEO) for Windows, which is currently being supplied by the U.S. Environmental Protection Agency (EPA).

**Eligible Applicants.** Each proposal shall be developed by a LEPC,

Windows software program for a proposed project. The grant may also be used to purchase additional licenses for the use of the CAMEO for Windows software program.

**Final Selection and Contract Period.** The Hazard Communication Branch at the department shall review the proposals. The department is under no obligation to award all of the grants. Grant contracts begin June 15, 1997, and end August 31, 1997.

**Application Forms and Deadline.** A more complete request for proposals and application package can be obtained from Annabelle R. Dillard, Information Coordinator, Hazard Communication Branch, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (800) 452-2791, or (512) 834-6603. Completed applications must be received at the previously mentioned address by 5:00 p.m., May 23, 1997.

Issued in Austin, Texas, on April 11, 1997.

TRD-9704929

Susan K. Steeg

General Counsel

Texas Department of Health

Filed: April 11, 1997



#### Schedule for Development and Review of Block Grant Funds

Under the authority of the Preventive Health Amendments of 1992, the Texas Department of Health (TDH) is making application to the U.S. Public Health Service for funds to continue the Preventive Health and Health Services (PHHS) Block Grant during federal fiscal year (FFY) 1998. Provisions in the Act require the Chief Executive Officer of each State to annually furnish a description of the intended use of block grant funds in advance of each FFY. This description is to be made public within each State in such a manner as to facilitate comments and/or any complaints regarding the quality of services funded by the block grant.

The PHHS Block Grant previously funded only six of our agency's programs. The grant can now be used to support virtually any public health activity. This was accomplished by new language in the 1992 amendments that allows block grant monies to be expended for "activities consistent with making progress toward achieving the objectives established by the year 2000 health objectives."

In FFY 1997, fourteen activities were funded under the block grant. These included children and tobacco use prevention media campaign, sexual assault prevention and crisis services, public information, health promotion, minority health initiative, minority health initiative (low birth weights), minority health initiative (language services), continuing nursing education, behavioral risk factor surveillance system, trauma registry, local health departments, regional emergency health care system, Texas drinking water fluoridation program, border environmental health, adult and community health, and community-based primary care (put prevention into practice).

The PHHS Block Grant award for FFY 1997 was \$6,312,227. Although this is a 5.7% increase from 1996, it is still 3.5% less than the amount we received in 1995. Of this amount, \$486,381 was required to be used for sexual assault prevention and crisis services.

The Crime Bill, which was enacted in FFY 1996, provides approximately \$35 million for rape prevention education activities which will be divided among the states by population. Texas received

\$2,431,906 in FFY 1997. Although these monies are appropriated through the U.S. Department of Justice, the federal government has chosen to pass the funding to the states through the PHHS Block Grant award.

TDH prepared the following schedule for the development and review of the FFY 1998 State Plan for the PHHS Block Grant: In May of 1997, TDH will hold public hearings in four public health regions (PHR):

May 5, 1997- PHR 7, 1100 West 49th St., Austin, Texas, 4:00 - 6:00 p.m.

May 5, 1997- PHR 11, 601 West Sesame Drive, Harlingen, Texas, 3:00 p.m.

May 6, 1997- PHR 1, 1109 Kemper, Lubbock, Texas, 4:00 - 6:00 p.m.

May 8, 1997- PHR 2 & 3, 1351 East Bardin Road, Arlington, Texas, 2:00 p.m.

Following these hearings, TDH will summarize and consider the impact of the public comments received. TDH will then notify the public of the availability of published summaries of these hearings. In July of 1997, TDH will prepare the final 1998 State Plan for the PHHS Block Grant and forward it to the Governor and federal government.

Please note that TDH will continuously conduct activities to inform recipients of the availability of services/benefits, the rules and eligibility requirements, and complaint procedures. Written comments regarding the PHHS Block Grant may be submitted through May 23, 1997, to Philip Huang, M.D., Chief, Bureau of Chronic Disease Prevention & Control, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199. For further information, call (512) 458-7200.

Issued in Austin, Texas, on April 11, 1997.

TRD-9704879

Susan K. Steeg

General Counsel

Texas Department of Health

Filed: April 11, 1997



## Texas Department of Insurance

### Insurer Services

The following applications have been filed with the Texas Department of Insurance and are under consideration:

Application for admission in Texas for AmeriHealth Insurance Company, a foreign life, accident and health company. The home office is in Philadelphia, Pennsylvania.

Application for admission in Texas for The Doctors' Life Insurance Company, a foreign life, accident and health company. The home office is in Napa, California.

Application for admission in Texas for USF&G Business Insurance Company, a foreign fire and casualty company. The home office is in Baltimore, Maryland.

Application for admission in Texas for USF&G Family Insurance Company, a foreign fire and casualty company. The home office is in Baltimore, Maryland.

Application for admission in Texas for USF&G Insurance Company of Mississippi, a foreign fire and casualty company. The home office is in Jackson, Mississippi.

Application for admission in Texas for Lexington National Insurance Corporation, a foreign fire and casualty company. The home office is in Baltimore, Maryland.

Application for incorporation in Texas for International Service Insurance Company, a domestic fire and casualty company. The home office is in Dallas, Texas.

Application for a name change in Texas for Comco Insurance Company, a domestic fire and casualty company. The proposed new name is American Century Casualty Company. The home office is in Dallas, Texas.

Application for a name change in Texas for Frontier Insurance Company, a foreign life, accident and health company. The proposed new name is Washington Security Life Insurance Company. The home office is in Jefferson City, Missouri.

Any objections must be filed within 20 days after this notice was filed with the Texas Department of Insurance, addressed to the attention of Cindy Thurman, 333 Guadalupe Street, M/C 305-2C, Austin, Texas 78701.

Issued in Austin, Texas, on April 11, 1997.

TRD-9704903  
Bernice Ross  
Deputy Chief Clerk  
Texas Department of Insurance  
Filed: April 11, 1997



The following third party administrator (TPA) application has been filed with the Texas Department of Insurance and is under consideration.

Application for admission to Texas of Managed Group Underwriting, Inc., a foreign third party administrator. The home office is Overland Park, Kansas.

Any objections must be filed within 20 days after this notice was filed with the Secretary of State, addressed to the attention of Charles M. Waits, MC 107-5A, 333 Guadalupe, Austin, Texas 78714-9104.

Issued in Austin, Texas, on April 11, 1997.

TRD-9704902  
Bernice Ross  
Deputy Chief Clerk  
Texas Department of Insurance  
Filed: April 11, 1997



### Third Party Administrator Applications

The following third party administrator (TPA) applications has been filed with the Texas Department of Insurance and is under consideration.

Application for incorporation in Texas of Columbia Provider Services, Inc., a domestic third party administrator. The home office is Dallas, Texas.

Any objections must be filed within 20 days after this notice was filed with the Secretary of State, addressed to the attention of Charles M. Waits, MC 107-5A, 333 Guadalupe, Austin, Texas 78714-9104.

Issued in Austin, Texas, on April 11, 1997.

TRD-9704901  
Bernice Ross  
Deputy Chief Clerk  
Texas Department of Insurance  
Filed: April 11, 1997



## Texas Lottery Commission

### Request for Proposals

The purpose of this Request for Proposals (RFP) is to obtain Proposals for Audit of Texas Lottery Operator as provided in this RFP.

It is the intent of the Texas Lottery to obtain the services of a qualified accounting firm to conduct an independent audit of the Texas Lottery Operator.

Proposers responding to this RFP are expected to provide the Texas Lottery with information, evidence and demonstrations that will permit awarding a contract in a manner that best serves the interests of the Texas Lottery.

### Schedule of Events

The time schedule for awarding a contract under this RFP is shown as follows. The Texas Lottery reserves the right to amend the schedule. If significant changes are made, all Prospective Proposers will be notified.

RFP Issued April 8, 1997

Letter of Intent to Propose Due April 25, 1997 (4:00 p.m., CT)

Written Questions Due April 30, 1997 (4:00 p.m. CT)

Answers To Written Questions Issued May 7, 1997

Proposal Due Date May 16, 1997 (4:00 p.m., CT)

Announcement of Apparent Successful Proposer May 26, 1997

To obtain a copy of the RFP, please contact: Ridgely C. Bennett, Staff Attorney, Texas Lottery Commission, Post Office Box 16630, Austin, Texas 78761-6630. (512) 371-4935 or by Fax (512) 371-4989.

Issued in Austin, Texas, on April 11, 1997.

TRD-9704888  
Ridgely G. Bennett  
Deputy General Counsel  
Texas Lottery Commission  
Filed: April 11, 1997



## Texas Natural Resource Conservation Commission

### Notice of Application for Waste Disposal Permits

Attached are Notices of Applications for waste disposal permits issued during the period of April 8, 1997 through April 10, 1997.

The Executive Director will issue these permits unless one or more persons file written protests and/or a request for a hearing within 30 days after newspaper publication of this notice.

To request a hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the applicant and the permit number; (3) the statement "I/we request a public hearing;" (4) a brief description of how you would be adversely affected by the granting of the application in a way not common to the general public; (5) the location of your property relative to the applicant's operations; and (6) your proposed adjustments to the application/permit which would satisfy your concerns and cause you to withdraw your request for hearing. If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TNRCC Commissioners for their consideration at a scheduled Commission meeting. If a hearing is held, it will be a legal proceeding similar to civil trials in state district court. If no protests or requests for hearing are filed, the Executive Director will sign the permit 30 days after newspaper publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Information concerning any aspect of these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, Chief Clerks Office-MC105, P.O. Box 13087, Austin, Texas 78711. Individual members of the public who wish to inquire about the information contained in this notice, or to inquire about other agency permit applications or permitting processes, should call the TNRCC Office of Public Assistance, Toll Free, at 1-800-687-4040.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number and type of application-new permit, amendment, or renewal.

**BROWNSVILLE PUBLIC UTILITIES BOARD**, P.O. Box 3270, Brownsville, Texas 78520, The wastewater treatment facilities are adjacent to and east of Robindale Road approximately one mile north of the intersection of Robindale Road and Farm-to-Market Road 802 in Cameron County, Texas, renewal, 10397-05.

**CITY OF BURTON**, P.O. Box 255, Burton, Texas 77835, The wastewater treatment facilities are approximately 500 feet north of U.S. Highway 290 bridge across Indian Creek in Washington County, Texas, renewal, 12193-01.

**CAPITOL VIEW JOINT VENTURE**, in care of Terrence L. Irion, Esquire, 3755 Capital of Texas Highway, Suite 365, Austin, Texas 78704, The wastewater treatment facilities are off of Thornberry Road approximately 3,300 feet southeast of Dalton Road and 4200 feet northeast of State Highway 71 in Travis County, Texas, renewal, 12972-01.

**HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NUMBERS 166, 257 AND 276**, in care of Schwartz Page and Harding, 1300 Post Oak Boulevard, Suite 1400, Houston, Texas 77056, The wastewater treatment facilities are 16,300 West Little York Road, approximately 3,000 feet west of the intersection of State Highway 6 and West Little York Road in Harris County, Texas, renewal, 12474-01.

**CITY OF MUENSTER**, P.O. Box 208, Muenster, Texas 76252-0208, The wastewater treatment facilities are approximately 800 feet south of the intersection of Hickory and Eddy Streets, south of the City Muenster and north of Brushy Elm Creek in Tarrant County, Texas, renewal, 10341-01.

**CITY OF NEDERLAND**, P.O. Box 967, Nederland, Texas 77627, The wastewater treatment facilities are immediately east of the intersection of Hardy Avenue and Avenue D, east of the main drainage canal in the City of Nederland in Jefferson County, Texas, amendment, 10483-02.

**OAK CREEK MOBILE VILLAGE, INC.**, 1600 Pacific Avenue, Suite 3020, Dallas, Texas 75201, The wastewater treatment facilities are approximately 1,000 feet west and 1800 feet north of the intersection of Farm-to-Market Road 1417 and Farm-to-Market Road 691 in Grayson County, Texas, renewal, 13325-01.

**CITY OF ROTAN**, 302 West Sammy Baugh Avenue, Rotan, Texas 79546, The wastewater treatment facility and disposal site are one mile southeast of the intersection of State Highway 70 and State Highway 92 (Snyder Road), south east of the City of Rotan in Fisher County, Texas, renewal, 11256-01.

**CITY OF SHENANDOAH**, 29811 IH-45 North, Shenandoah, Texas 77381, The wastewater treatment facilities are approximately 800 feet east of Interstate Highway 45 and 4,000 feet north of Tamina Road in the City of Shenandoah in Montgomery County, Texas, renewal, 12212-02.

Issued in Austin, Texas, on April 11, 1997.

TRD-9704906

Eugenia K. Brumm, Ph.D.

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: April 11, 1997

### Notice of Opportunity to Comment on Default Orders of Administrative Enforcement Actions

The Texas Natural Resource Conservation Commission (TNRCC) Staff is providing an opportunity for written public comment on the listed Default Order. The TNRCC Staff proposes Default Orders when the Staff has sent an Executive Director's Preliminary Report (EDPR) to an entity outlining the alleged violations; the proposed penalty; and the proposed technical requirements necessary to bring the entity back into compliance, and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPR. Similar to the procedure followed with respect to Agreed Orders entered into by the Executive Director of the TNRCC pursuant to the Texas Clean Air Act (the Act), this notice of the proposed orders and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **May 17, 1997**. The TNRCC will consider any written comments received and the TNRCC may withhold approval of a Default Order if a comment indicates the proposed Default Order is inappropriate, improper, inadequate, or

inconsistent with the requirements of the Act. Additional notice will not be made if changes to a Default Order are made in response to written comments.

A copy of the proposed Default Order is available for public inspection at both the TNRCC's Central Office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable Regional Office listed as follows. Written comments about the Default Order should be sent to the Staff Attorney designated for the Default Order at the TNRCC's Central Office at P.O. Box 13087 Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on May 17, 1997**. Written comments may also be sent by facsimile machine to the Staff Attorney at (512) 239-3434. The TNRCC Staff Attorneys are available to discuss the Default Order and/or the comment procedure at the listed phone numbers; however, comments on the Default Order should be submitted to the TNRCC in **writing**.

(1)COMPANY: Unique Cars Paint & Body Works, Incorporated formerly dba Discount Paint & Body Shop; DOCKET NUMBER: 96-1177-AIR-E; ACCOUNT NUMBER: DB-3762-P LOCATION: Dallas, Dallas, County, Texas; TYPE OF FACILITY: paint and body shop; RULES VIOLATED: 30 TAC §115.422(1)(A) and the Act, §382.085(b) by failing to have a totally enclosed cleaner system at the shop; and 30 TAC §115.426(a)(1)(A) and the Act, §382.085(b) by failing to maintain material safety data sheets for volatile organic compounds; PENALTY: \$500; STAFF ATTORNEY: Booker Harrison, Litigation Support Division, MC 175; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499.

Issued in Austin, Texas, on April 14, 1997.

TRD-9704961

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: April 14, 1997



#### Notice of Opportunity to Comment on Settlement Agreements of Administrative Enforcement Actions

The Texas Natural Resource Conservation Commission (TNRCC) Staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) pursuant to the Health and Safety Code, the Texas Clean Air Act (the Act), Chapter 382, §382.096. The Act, §382.096 requires that the TNRCC may not approve these AOs unless the public has been provided an opportunity to submit written comments. Section 382.096 requires that notice of the proposed orders and of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **May 17, 1997**. Section 382.096 also requires that the TNRCC promptly consider any written comments received and that the TNRCC may withhold approval of an AO if a comment indicates the proposed AO is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Additional notice is not required if changes to an AO are made in response to written comments.

A copy of each of the proposed AOs is available for public inspection at both the TNRCC's Central Office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-1864 and at the applicable Regional Office listed as follows. Written comments about

these AOs should be sent to the enforcement coordinator designated for each AO at the TNRCC's Central Office at P.O. Box 13087 Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on May 17, 1997**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-1893. The TNRCC enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, §382.096 provides that comments on the AOs should be submitted to the TNRCC in **writing**.

(1)COMPANY: Amoco Production Company; DOCKET NUMBER: 96-1318-AIR-E; ACCOUNT NUMBER: AB-0001-E; LOCATION: Andrews, Andrews County, Texas; TYPE OF FACILITY: oil and gas production plant; RULES VIOLATED: 30 TAC §116.115(a), TNRCC Permit Number 7725, and the Act, §382.085(b), by failing to operate and maintain the Sulfur Recovery Unit's (SRU) efficiency to provide at least 98.5% sulfur recovery, failing to operate continuously the SRU's Continuous Emission Monitoring System (CEMS), and allowing visible emissions from the SRU tail gas incinerator stack; 30 TAC §101.6 and the Act, §382.085(b), by failing to report upset events related to the CEMS; and §101.7 and the Act, §382.085(b), by failing to report maintenance events related to the CEMS; PENALTY: \$16,800; ENFORCEMENT COORDINATOR: Gloria Stanford, (512) 239-1871; REGIONAL OFFICE: 3300 North A Street, Building 4, Suite 107, Midland, Texas 79705-5421, (915) 570-1359.

(2)COMPANY: John Bludworth Marine, Incorporated; DOCKET NUMBER: 97-0018-AIR-E; ACCOUNT NUMBER: HX-1192-D; LOCATION: Pasadena, Harris County, Texas; TYPE OF FACILITY: abrasive cleaning operation; RULE VIOLATED: 30 TAC §116.110(a) and the Act, §382.085(b) and §382.0518(a), by modifying its abrasive cleaning operation without first obtaining a permit or meeting the requirements for Standard Exemption 102; PENALTY: \$800; ENFORCEMENT COORDINATOR: Gloria Stanford, (512) 239-1871; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1423, (713) 767-3500.

(3)COMPANY: Liberty Division of Commercial Metals Company; DOCKET NUMBER: 96-1801-AIR-E; ACCOUNT NUMBER: DB-0193-J; LOCATION: Dallas, Dallas County, Texas; TYPE OF FACILITY: scrap metal recovery and processing plant; RULE VIOLATED: 30 TAC §111.111(a)(1)(A) and the Act, §382.085(b), by exceeding the opacity limit of 30% over a six-minute period; PENALTY: \$1,500; ENFORCEMENT COORDINATOR: Kevin Cauble, (512) 239-1874; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

(4)COMPANY: North American Pipe, Incorporated; DOCKET NUMBER: 97-0073-AIR-E; ACCOUNT NUMBER: TA-2943-L; LOCATION: Saginaw, Tarrant County, Texas; TYPE OF FACILITY: metal pipe coating plant; RULE VIOLATED: 30 TAC §116.115, Agreed Order Number 96-0598-AIR-E, and the Act, §382.085(b), by exceeding volatile organic compound usage rates required by Standard Exemption Number 75; PENALTY: \$2,250; ENFORCEMENT COORDINATOR: Carl Schnitz, (512) 239-1892; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

(5)COMPANY: Odell Geer Construction Company, Incorporated; DOCKET NUMBER: 96-1819-AIR-E; ACCOUNT NUMBER: 90-6084-C; LOCATION: Belton, Bell County, Texas; TYPE OF FACILITY: asphalt plant; RULES VIOLATED: 30 TAC §116.115(a), Per-

mit Number 6084A, Special Condition 3, and the Act, §382.085(b), by allowing the scrubber to emit visible emissions that escaped plant property in excess of 5.0%; 30 TAC §116.115(a), Permit Number 6084A, Special Condition 7, and the Act, §382.085(b), by failing to conduct stack sampling analyses or other tests when visible emissions in excess of 5.0% are documented from the plant; and 30 TAC §116.115(a), Permit Number 6084A, Special Condition 9, and the Act, §382.085(b), by failing to maintain the scrubber in good working order and operating properly; PENALTY: \$7,000; ENFORCEMENT COORDINATOR: Suzanne Walrath, (512) 239-2134; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7807, (817) 751-0335.

(6)COMPANY: PHDLP, Limited; DOCKET NUMBER: 96-1807-AIR-E; ACCOUNT NUMBER: EE-1842-D; LOCATION: El Paso, El Paso County, Texas; TYPE OF FACILITY: housing development; RULES VIOLATED: 30 TAC §111.145(1) and the Act, §382.085(b), by failing to use water, suitable oil, or chemicals for control of dust in construction operations and the clearing of land; and 30 TAC §101.4 and the Act, §382.085(a) and (b), by discharging one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property; PENALTY: \$5,000; ENFORCEMENT COORDINATOR: Stacey Young, (512) 239-1899; REGIONAL OFFICE: 7500 Viscount Boulevard, Suite 147, El Paso, Texas 79925-5633, (915) 778-9634.

(7)COMPANY: Stafford Auto Sales & Glass; DOCKET NUMBER: 97-0008-AIR-E; ACCOUNT NUMBER: FG-0361-P; LOCATION: Stafford, Fort Bend County, Texas; TYPE OF FACILITY: used car dealership; RULE VIOLATED: 30 TAC §114.1(c)(2) and the Act, §382.085(b), by offering for sale a vehicle with inoperable required emission control systems or devices; PENALTY: \$350; ENFORCEMENT COORDINATOR: Stacey Young, (512) 239-1899; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1423, (713) 767-3500.

(8)COMPANY: The Way Energy, Inc.; DOCKET NUMBER: 97-0027-AIR-E; ACCOUNT NUMBER: MH-0006-N; LOCATION: Bay City, Matagorda County, Texas; TYPE OF FACILITY: fuel terminal and storage facility; RULES VIOLATED: 30 TAC §101.20(1), 40 Code of Federal Regulations, §60.8 and §60.503, and the Act, §382.085(b), by failing to test the vapor recovery system in accordance with the required test methods and procedures within 180 days after start up, failing to provide notification of the testing, and failing to submit a written report of the testing; and 30 TAC §116.115(a), Permit Number R-1427B, General Provision 7G, and the Act, §382.085(b), by failing to maintain monthly emission reports of calculated emissions from all storage tanks and loading operations; PENALTY: \$13,600; ENFORCEMENT COORDINATOR: Miriam Hall, (512) 239-1044; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1423, (713) 767-3500.

Issued in Austin, Texas, on April 14, 1997.

TRD-9704957

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: April 14, 1997



## Notice of Opportunity to Comment on Settlement Agreements of Administrative Enforcement Actions

The Texas Natural Resource Conservation Commission (TNRCC) Staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) pursuant to the Health and Safety Code, the Texas Clean Air Act (the Act), Chapter 382, §382.096. The Act, §382.096 requires that the TNRCC may not approve these AOs unless the public has been provided an opportunity to submit written comments. Section 382.096 requires that notice of the proposed orders and of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **May 17, 1997**. Section 382.096 also requires that the TNRCC promptly consider any written comments received and that the TNRCC may withhold approval of an AO if a comment indicates the proposed AO is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Additional notice is not required if changes to an AO are made in response to written comments.

A copy of each of the proposed AOs is available for public inspection at both the TNRCC's Central Office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable Regional Office listed as follows. Written comments about these AOs should be sent to the staff attorney designated for each AO at the TNRCC's Central Office at P.O. Box 13087 Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on May 17, 1997**. Written comments may also be sent by facsimile machine to the staff attorney at (512) 239-3434. The TNRCC staff attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, §382.096 provides that comments on the AOs should be submitted to the TNRCC in **writing**.

(1)COMPANY: Hector's Body Shop; DOCKET NUMBER: 96-1027-AIR-E; ACCOUNT NUMBER: CP-0327-S; LOCATION: McKinney, Collin County; TYPE OF FACILITY: autobody shop; RULES VIOLATED: 30 TAC §116.110(a), 115.422(1)(A), 115.426(a)(1)(A) and (D), 115.421(a)(8)(C) (now 155.421(a)(8)(B)), and the Act, §382.0518(a) and §382.085(a) on May 18, 1995, by failing to obtain a permit or qualify for a standard exemption prior to owning and operating the shop which may emit air contaminants into the air of the state; PENALTY: \$500; STAFF ATTORNEY: Patricia Hershey, Litigation Support Division, MC 175; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499.

(2)COMPANY: Leggett & Platt; DOCKET NUMBER: 96-1503-AIR-E; ACCOUNT NUMBER: ED-0246-U; LOCATION: Ennis, Ellis County; TYPE OF FACILITY: bedspring manufacturing plant; RULE VIOLATED: 30 TAC §111.111(a)(1)(A) and the Act, §382.085(b) by exceeding the 30% average opacity limit on its tempering oven stacks on February 11, 1994 (52% opacity), April 13, 1994 (58% opacity), June 7, 1994 (49% opacity), and March 22, 1995 (38%); PENALTY: \$8,000; STAFF ATTORNEY: Barbara Lazard, Litigation Support Division, MC 175; REGIONAL OFFICE: 101 East Arkansas Lane, Arlington, Texas 76010-6499.

(3)COMPANY: Vetrotex CertainTeed Corporation, A Wholly-Owned Subsidiary of the Saint-Gobain Corporation; DOCKET NUMBER: 96-1167-AIR-E; ACCOUNT NUMBER: WH-0014-S; LOCATION: Wichita Falls, Wichita County, Texas; TYPE OF FACILITY: fiberglass manufacturing plant; RULES VIOLATED: 30 TAC §101.20(1) and §116.115 and the Act, §382.085(b) by failing to provide notification of anticipated startup date of Furnace

5, failing to provide notification of actual startup date of Furnace 5, and failing to conduct initial and subsequent opacity observations of Furnace 5; 30 TAC §116.115 and the Act, §382.085(b) by failing to timely conduct testing for volatile organic compound constituents; 30 TAC §116.110 and the Act, §382.085(b) and §382.0518(a) by constructing and operating equipment; and 30 TAC §116.110(a) and the Act, §382.085(b) and §382.0518(a) by making modifications to Furnace 3 without first amending TNRCC Permit Number 5667; PENALTY: \$89,900; STAFF ATTORNEY: Lisa Dyar, Litigation Support Division, MC 175; REGIONAL OFFICE: 209 South Danville, Suite 200B, Abilene, Texas 79605-1451.

Issued in Austin, Texas, on April 14, 1997.

TRD-9704960  
Kevin McCalla  
Director, Legal Division  
Texas Natural Resource Conservation Commission  
Filed: April 14, 1997



### Notice of Public Hearing—Chapter 335

Notice is hereby given that pursuant to the requirements of the Texas Health and Safety Code Annotated, §382.017 (Vernon's 1992) and Texas Government Code Annotated, Subchapter B, Chapter 2001 (Vernon's 1993), the Texas Natural Resource Conservation Commission (commission) will conduct a public hearing to receive testimony regarding universal waste.

This proposal would adopt by reference new streamlined federal hazardous waste regulations governing the collection and management of certain widely generated wastes known as universal wastes. This proposal adopts by reference the U.S. Environmental Protection Agency's (EPA) Universal Waste Rule promulgated as a final rule in the *Federal Register* on May 11, 1995 (60 FedReg 25492). The EPA's existing hazardous waste regulatory framework under Subtitle C of the Resource Conservation and Recovery Act has been a major impediment to national collection and recycling campaigns for these wastes. The proposed universal waste rule would facilitate the environmentally-sound collection of universal wastes, increase the proper recycling or treatment of universal wastes, and reduce the quantity of universal wastes going to municipal solid waste landfills.

A public hearing on this proposal will be held in Austin on May 9, 1997, at 2:00 p.m. in Building F, Room 2210 at the Texas Natural Resource Conservation Commission complex, located at 12100 North IH-35, Park 35 Technology Center, Austin. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments may be mailed to Heather Evans, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. All comments should reference Rule Log Number 96139-335-WS. Comments must be received by 5:00 p.m., May 15, 1997. For further information, please contact Jace Houston, Waste Policy and Regulations Division, (512) 239-4641.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should

contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

Issued in Austin, Texas, on April 15, 1997.

TRD-9705002  
Kevin McCalla  
Director, Legal Division  
Texas Natural Resource Conservation Commission  
Filed: April 15, 1997



### Notice of Receipt of Application and Declaration of Administrative Completeness for Municipal Solid Waste Management Facility Permits

For the period of March 31, 1997 through April 11, 1997

APPLICATION BY THE CITY OF CHILDRESS, Proposed Permit Number MSW2263, to authorize a Type I-AE (Landfill) and Type IV municipal solid waste management facility permit. The permit would allow the applicant to receive approximately 17.5 tons of residential and commercial wastes and 1.5 tons of brush and construction debris for disposal or other processing. The site covers approximately 125 acres of land which is located 200 feet south of U.S. Highway 287, approximately two miles southeast of the City of Childress, Childress County, Texas.

APPLICATION BY THE CITY OF ELDORADO, Proposed Permit Number MSW2264, to authorize a Type I-AE (landfill) municipal solid waste management facility. The permit would allow the applicant to receive for disposal approximately 18.5 tons of solid waste daily. The proposed site covers approximately 75.465 acres which is located 1.2 miles north of U.S. Highway 190 on County Road 404, approximately five miles west of the City of Eldorado in Schleicher County, Texas.

If you wish to request a public hearing, you must submit your request in writing. You must state (1) your name, mailing address and daytime phone number; (2) the application number, TNRCC docket number or other recognizable reference to the application; (3) the statement I/we request an evidentiary public hearing; (4) a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; and (5) a description of the location of your property relative to the applicant's operations.

Requests for a public hearing or questions concerning procedures should be submitted in writing to the Chief Clerk's Office, Park 35 TNRCC Complex, Building F, Room 1101, Texas Natural Resource Conservation Commission, Mail Code 105, P.O. Box 13087, Austin, Texas 78711. Individual members of the public who wish to inquire about the information contained in this notice, or to inquire about other agency permit applications or permitting processes, should call the TNRCC Office of Public Assistance, Toll Free, at 1-800-687-4040.

Issued in Austin, Texas, on April 11, 1997.

TRD-9704909  
Eugenia K. Brumm, Ph.D.  
Chief Clerk  
Texas Natural Resource Conservation Commission  
Filed: April 11, 1997



Provisionally-Issued Temporary Permits to Appropriate State Water

Listed below are permits issued during the period of April 7, 1997 through April 11, 1997.

Permit Number TP-7789 issued to Tri County Service Co., Inc. to divert and use 1 acre-foot of water from Balcones Creek, a tributary of Cibolo Creek, a tributary of the San Antonio River, San Antonio River Basin for industrial purposes in Kendall County, Texas for a 1-year period of time. Water may be diverted at a maximum rate of 1.11 cfs (500 gpm) from near the I-H 10 West crossing of the Balcones Creek, approximately 2.5 miles east of Boerne, Kendall County, Texas.

Permit Number TP-7788 issued to Champagne-Webber, Inc. to divert and use six acre feet of water from the Trinity River, Trinity River Basin for industrial purposes for a 1-year period of time in Ellis County, Texas. Water may be diverted at a maximum rate of 1.11 cfs (500 gpm) from near the South Highway 34 crossing of the Trinity River, approximately 20 miles southwest of Kaufman, Kaufman County, Texas.

Permit Number TP-7787 issued to Troy Construction to divert and use five acre- feet of water from the Trinity River, Trinity River Basin for industrial purposes for a 6-month period of time in Liberty County, Texas. Water may be diverted at a maximum rate of 6.68 cfs (3,000 gpm) from near the County Road 216 crossing of the Trinity River, approximately 36 miles north of Liberty, Liberty County, Texas.

The Executive Director of the TNRCC has reviewed each application for the permits listed and determined that sufficient water is available at the proposed point of diversion to satisfy the requirements of the application as well as all existing water rights. Any person or persons who own water rights or who are lawful users of water on a stream affected by the temporary permits listed above and who believe that the diversion of water under the temporary permit will impair their rights may file a complaint with the TNRCC. The complaint can be filed at any point after the application has been filed with the TNRCC and the time the permit expires. The Executive Director shall make an immediate investigation to determine whether there is a reasonable basis for such a complaint. If a preliminary investigation determines that diversion under the temporary permit will cause injury to the complainant the commission shall notify the holder that the permit shall be cancelled without notice and hearing. No further diversions may be made pending a full hearing as provided in §295.174. Complaints should be addressed to Water Rights Permitting Section, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 239-4433. Information concerning these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 787311, (512) 239-3300.

Issued in Austin, Texas, on April 11, 1997.

TRD-9704911

Eugenia K. Brumm, Ph.D.

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: April 11, 1997



Public Notice

The Executive Director of the Texas Natural Resource Conservation Commission (TNRCC or commission) by this notice is issuing a final public notice of delisting of a facility from the List of Sites Proposed For Listing on the State Superfund Registry. The State Superfund Registry contains the list of sites believed to present an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment.

The delisted site is the Hagerson Road Drums State Superfund Site. This site was originally published in the *Texas Register* on July 26, 1991 (16 TexReg 4102) as a site proposed for listing on the State Superfund Registry. Hagerson Road Drums State Superfund site is located in the Community of Dewalt in Fort Bend County and consist of two areas: Area A and Area B. Area A, which is approximately 250 ft. south of Hagerson Road, is adjacent to 1215 Hagerson Road, Dewalt while Area B is located approximately 1.25 miles south of Area A.

Available site records indicate that approximately 150 drums of what is believed to be paint waste were illegally dumped at the site in the 1970's. The conditions of the drums deteriorated over time and the contents of the drums were released to the environment. Evidence also suggests that some of the drums were used for shooting ranges and in some cases the drum contents were literally emptied onto the ground.

Between 1980 and 1990, the site was investigated on six occasions by the EPA and the predecessor agencies to the TNRCC. In April 1992 a removal action, involving the removal of all the drums and the visibly contaminated soil in Area A, was conducted. The limited removal action failed to remove all visibly contaminated soil in Area B due to the vertical extent of contamination, hence the resulting excavations in Area B were backfilled with the visibly contaminated soil previously excavated, and further investigative studies were initiated in Area A and Area B. A remedial investigation and risk assessment was conducted at the site from October 1993 through May 1996.

Following the remedial investigations, only paint waste impacted soil, total lead, and Total Petroleum Hydrocarbon (TPH) warranted further consideration in the risk assessment. All other analytes either showed levels of contamination below the Instrument Detection Limit or the prescribed federal or TNRCC action levels. The quantitative and qualitative evaluation of risk associated with the detected levels of total lead and TPH at the site demonstrated that both constituents do not pose an unacceptable risk to human health and the environment even under the most conservative, future land use scenario. No health risk was attributable to the paint waste impacted soil. Because the investigative studies conducted at the Hagerson Road site is consistent with the conclusion that the site does not present an unacceptable risk to human health, safety and the environment, Hagerson Road Drum site is useable for the most conservative use, residential development, without any further remediation.

This notice is issued to finalize the delisting process which began on November 12, 1996, when the Executive Director of the TNRCC issued a public notice in the *Texas Register* (21 TexReg 11126) of TNRCC's intent to delist the Hagerson Road site from the List of Sites Proposed For Listing on the State Superfund Registry, following the determination made pursuant to 30 TAC §335.344(c), that the site does not present an imminent and substantial endangerment to public

health and safety. The notice (21 TexReg 11126) further indicated that the TNRCC shall hold a public contested hearing, as required in 30 TAC §335.344(b), if a written request is filed with the chief hearings examiner of the commission within 30 days, challenging the determination by the executive director made pursuant to 30 TAC §335.344(c). Equivalent publication of this notice (21 TexReg 11126) were also published in the two local newspapers: Fort Bend Sun of November 14, 1996; and Fort Bend Star of November 13, 1996. The TNRCC did not receive any request for a contested public hearing from any interested persons during the request period (within 30 days of publication of notice). Hagerson Road Drums State Superfund Site, Dewalt Texas, is therefore, hereby delisted and ceases to be treated as a superfund site. In accordance with §361.188(d) of the Health and Safety Code, the commission shall file or cause to be filed in the real property records of Fort Bend an affidavit or notice stating that the facility (Hagerson Road Drums State Superfund site) has been deleted from the list of sites proposed for listing on the State Superfund Registry.

All inquiries regarding the delisting of the Hagerson Road Drums State Superfund site should be directed to Bruce McAnally, TNRCC, Community Relations Unit, at 1-800-633-9363.

Issued in Austin, Texas, on April 7, 1997.

TRD-9704823

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: April 10, 1997



#### Public Notice

The Texas Natural Resource Conservation Commission (TNRCC) is required under the Texas Solid Waste Disposal Act, Texas Health and Safety Code Chapter 361, as amended (the Act), to identify and assess facilities that may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment. The first registry of such sites was published in the *Texas Register* on January 16, 1987 (12 TexReg 205). The last registry was published on April 12, 1996 (21 TexReg 3273). Since the last annual publication, there have been two additions (Barlow's Wills Point Plating and Sampson Horrice) to the list of sites proposed for the State Superfund Registry and two deletions (Pip Minerals and Hagerson Road Drum) from the State Superfund Registry list of sites that may constitute an imminent and substantial endangerment. Pursuant to Section 361.181, the registry identifying those facilities that may constitute an imminent and substantial endangerment in Texas lists those facilities in relative priority of need of action as follows:

1. Col-Tex Refinery, adjacent to Colorado City, Mitchell County: Oil refinery, tank farm and sludge pits.
2. Houston Scrap, 3799 Jensen Drive, Houston, Harris County: Scrap metal and battery recycling.
3. Houston Lead, 300 Holmes Road, Houston, Harris County: Battery recycling.
4. State Marine, Yacht Club Rd., Port Arthur, Jefferson County: Barge cleaning.

5. Precision Machine, 500 W. Olive St., Odessa, Ector County: Machine and chrome plating.
6. Sonics International, Inc., 2 miles west of Ranger on the north side of FM Road 101, Eastland County: Two hazardous waste injection wells.
7. Maintech International, 8300 Old Ferry Road, Port Arthur, Jefferson County: Chemical cleaning service.
8. Federated Metals, 9200 Market Street, Houston, Harris County: Metal smelting and reclamation plant.
9. Gulf Metals, northwest corner of the intersection of Mykawa and Alameda-Genoa, Houston, Harris County: Metal slag and organic waste disposal.
10. Wortham Lead Salvage, on the north side of Highway 175 approximately 2.5 miles southeast of Mabank, Henderson County: Battery recycling.
11. Texas American Oil, approximately 3 miles north of Midlothian on State Highway 67, Ellis County: Waste oil recycling and refinery.
12. Niagara Chemical, 421 North C Street, Harlingen, Cameron County: Pesticide formulation plant.
13. International Creosoting, 1110 Pine Street, Beaumont, Jefferson County: Wood creosoting.
14. McBay Oil & Gas, 3 miles northwest of Grapeland on FM Road 1272, Houston County: Waste oil recycling and refinery.
15. Aztec Mercury, 401 Callaway Drive, Alvin, Brazoria County: Mercury recycling.
16. Solvent Recovery Services, 5502 Highway 521 approximately 0.2 mile south of Highway 521 and Highway 6, Arcola, Fort Bend County: Solvent Recovery.
17. Harris Sand Pits, 23340 South Highway 16, 10.5 miles south of San Antonio city limits, Bexar County: Industrial waste disposal.
18. Butler Ranch, 11.8 miles west of Falls City on FM Road 791, Karnes County: Industrial waste disposal.
19. Hayes-Sammons Warehouse, East 8th Street and Moller Avenue, Mission, Hidalgo County: Pesticide storage.
20. Baldwin Waste Oil Company, on County Road 44 approximately 0.1 mile west of Highway 77, Robstown, Nueces County: Waste oil recycling.
21. Waste Oil Tank Service, 2010 Hartwick Road off Highway 59 N, Houston, Harris County: Waste oil recycling.
22. Hall Street, north of intersection of California Street and 20th Street East, north of Dickinson, Galveston County: Industrial waste disposal.
23. Unnamed Plating Site, 6816-6824 Industrial Boulevard, El Paso, El Paso County: Metal plating waste ponds.
24. La Pata Oil/S.W. Oil, 1403 Ennis Street, Houston, Harris County: Waste oil recycling.
25. Munoz Borrow Pits, 0.1 mile south of Highway 83 on FM Road 1016, Mission, Hidalgo County: Pesticide contaminated fill area.

26. South Texas Solvents, approximately 4 miles south of Banquete at the intersection of FM Road 666 and County Road 32, Nueces County: Solvent recycling and oil refinery.

27. Bestplate, 1095 South I-45, south of Hutchins, Dallas County: Chromium plating.

Pursuant to §361.184(a) those facilities which have been determined to be eligible and have been proposed for listing on the State Superfund Registry are listed in relative priority of need of action as follows:

1. Double R Plating Company, on CR 3544 north of Highway 96 three miles west of Queen City, Cass County: Zinc and chromium plating.

2. Pioneer Oil & Refining Co., adjacent to 20280 S. Payne Road, outside of Somerset, Bexar County: Oil refinery.

3. Higgins Wood Preserving, intersection of Paul Ave. and Warren Street, Lufkin, Angelina County: Wood creosoting.

4. Marshall Wood Preserving, 2700 W. Houston Street, Marshall, Harrison County: Wood creosoting.

5. Thompson-Hayward Chemical, on the east side of Highway 277 between Eden and Houston Streets, Munday, Knox County: pesticide formulating.

6. Old Lufkin Creosoting, 1411 E. Lufkin Avenue, Lufkin, Angelina County: Wood creosoting.

7. Harvey Industries, SW Corner, Intersection FM Road 2495 & Highway 31, Athens, Henderson County: Television manufacturing facility and fire training school.

8. American Zinc, 3.5 miles north on Highway 287 & 3 miles east on FM Road 119 from Dumas, Moore County: Abandoned zinc smelting facility.

9. Troups, on the w. side of Highway 326, 2.1 miles n. of intersection of Highway 326 & Highway 105 in Sour Lake, Hardin County: Fencepost treating facility, municipal waste dump.

10. JCS Company, on County Road 2410 one and three quarter miles north of Highway 98 east of Phalba, Van Zandt County: Battery recycling.

11. Jerrell B. Thompson, on County Road 2410 one half mile north of Highway 109, east of Phalba, Van Zandt County: Battery recycling.

12. Hi-Yield, NE of Southern Pacific Railroad, bordered by Sycamore St. (S.), Johnson St. (E.), & Ross St. (N.), Commerce, Hunt County: Pesticide blending facility.

13. Aztec Ceramics, 4735 Emil Road, San Antonio, Bexar County: Ceramics tile manufacturing.

14. Jensen Drive Scrap, 3603 Jensen Drive, Houston, Harris County: Scrap salvage.

15. Permian Chemical, 1901 Pronto Road, southeast of Odessa, Ector County: Acid production.

16. Sampson Horrice, 8460 Sparrow Street and 1 Sparrow Street, Dallas County: Gravel pit which illegally accepted solid and hazardous waste.

17. Barlow's Wills Point Plating, U.S. Highway 80 – 3.4 miles east of State Highway 64 intersection, Van Zandt County: Electroplating facility.

18. Tricon America, Inc., 101 E. Hampton Road, Crowley, Tarrant County: Industrial waste pile.

Interested parties may submit comments or questions to the attention of Nancy Overesch, Manager, Superfund Investigation Section (MC 143), Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087. The public records for each of the sites are available for inspection and copying during regular Commission business hours. Such information may be obtained by contacting Ms. Beth Behrend, Central Records Center (MC 199), Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087. Copying of file information is subject to payment of a fee.

Issued in Austin, Texas, on April 7, 1997.

TRD-9704870

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: April 11, 1997



#### Waste Tire Recycling Program Fiscal Year 1997 Funding Report

Notice is provided to the public of the publishing of the Waste Tire Recycling Program Fiscal Year 1997 Funding Report. In accordance with Texas Health and Safety Code, §361.4774(h), the report summarizes the amount of fees collected in the Waste Tire Recycling Fund and makes certain recommendations regarding the expenditure of funds to promote recycling and energy recovery.

Written comments may be mailed to Mark R. Vickery, TNRCC Waste Tire Recycling Program, MC 223, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-6015. Persons who wish to comment should do so by 5:00 p.m. on May 8, 1997. All comments must reference the Waste Tire Recycling Program FY 1997 Funding Report.

Issued in Austin, Texas, on April 11, 1997.

TRD-9704931

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: April 11, 1997



#### Texas Parks and Wildlife Department

##### Barton Springs Salamander Conservation Team Meeting

The Barton Springs Salamander Conservation Team (BSSCT) will hold a working group meeting on Thursday, May 8, 1997, 9:30 a.m. at the U.S. Fish and Wildlife Service, Ecological Services-Field Office (Hartland Bank Building), 10711 Burnet Road, Austin, Texas. The public is invited to observe this meeting. No opportunity for oral comments from the public is allotted for this meeting, but written comments will be accepted. For more information, contact Dr. David E. Bowles, BSSCT Chairman (512) 754-6844.

Issued in Austin, Texas, on April 8, 1997.

TRD-9704813

Bill Harvey

Regulatory Coordinator

Texas Parks and Wildlife Department

Filed: April 9, 1997



## Texas State Board of Pharmacy

### Correction of Errors

The Texas State Board of Pharmacy adopted amendments to 22 TAC §§291.31–291.34, 291.36. The rules appeared in the April 4, 1997, issue of the *Texas Register*, (22 TexReg 3106).

The published text contained errors.

The first sentence of the preamble should read: "...Community Pharmacy (Class A)", instead of "...Community Pharmacy (Class C)"

The third sentence of the preamble should read: "Sections 291.33, 291.34, 291.72, and 291.73..." instead of "Carrying out or signing-A prescription drug order, the completion of..."



## Texas Department of Protective and Regulatory Services

### Request for Proposal-Court Improvement Implementation Project

Texas Court Improvement Program (TDPRS) invites proposals (RFP) from all local district or county courts that preside over child protective services cases. Proposals will be accepted for projects that implement specific recommendations of the Supreme Court Task Force on Foster Care for the improvement of judicial procedures and practices for handling child and neglect cases under state laws implementing Titles IV-B and IV-E of the Social Security Act.

**Available Funding:** \$230,000 will be distributed from Federal Fiscal Year 1995 funds through this request for proposals. Funds must be expended by March 1, 1998.

**Requirement for Local Match:** Funds received from this RFP may be used to pay 75% of the total cost of the project. Local courts must match 25% of the project costs. The match may consist of in-kind resources.

**Funding Categories for Projects:** Funding through this RFP will be divided into two categories: Category A and Category B.

Category A: At least five awards of up to \$40,000 will be awarded to implement the following Task Force recommendations: (1) Expand utilization of visiting/associate judges to hear CPS cases; (2) Develop models for better case flow management in CPS cases; (3) Other proposals for court improvements which address local needs and meet the project objective.

Category B: At least six awards of up to \$5,000 will be awarded to implement other Task Force recommendations requiring limited funding.

(1) The establishment of routine meetings to share information or develop protocols among parties and agencies involved in judicial handling child abuse cases in the community;

(2) Multi-disciplinary training for professionals in child abuse and neglect issues;

(3) The development of guidelines for improving appointment practices as well as performance of attorneys ad litem in CPS cases;

(4) An evaluation of the fiscal impact of a CASA program on court operations;

(5) Other proposals for court improvements which address local needs and meet the project objective.

### Schedule for RFP activities:

April 18, 1997, Release of Request for Proposals

May 2, 1997, Deadline for Notice of Intent to Respond to RFP

May 2, 1997, Deadline for Receipt of Written Questions

May 7, 1997, Deadline for the Department to Mail Written Response to Written Questions (5:00 p.m.)

May 19, 1997, Deadline for Receipt of Completed Proposals (5:00 p.m.)

May 19-29, 1997, Screening, Validation, and Evaluation of Proposals

May 30, 1997, Issue Written Notice of Selected Proposal to Offerors

The information in this notice provides only a general summary description of the services desired for the Court Improvement Implementation Project. Additional terms and conditions relating to this project are contained in the RFP.

The complete RFP package, including supplementary information consisting of the: the Supreme Court Task Force on Foster Care Executive Summary Report and *Resource Guidelines*, published by the National Council of Juvenile and Family Court Judges is available via the internet at <http://www.tdprs.state.tx.us/pozo.html> or by contacting the procurement officer: Sherrie Hayashi Dollison, Court Improvement Coordinator; Texas Department of Protective and Regulatory Services; John H. Winters Building, Mail Code E-554; P.O. Box 149030; 701 West 51st; Austin, Texas, 78714-9030 (78751); (512) 438-5541.

Issued in Austin, Texas, on April 11, 1997.

TRD-9704898

C. Ed Davis

Deputy Commissioner for Legal Services

Texas Department of Protective and Regulatory Services

Filed: April 11, 1997



### Request for Proposal-Mediation in Child Protective Services Cases

The Children's Justice Act Project (CJA), Texas Department of Protective and Regulatory Services, invites proposals from local district or county courts that preside over child protective services (CPS) cases to develop court-based mediation programs for CPS cases. The goal of this project is to develop an alternative process to protective services litigation which will reduce trauma to the child victim and promote the prompt and successful resolution of cases. Other

outcomes expected include: providing more humane alternatives to hostile litigation; reducing the number of cases going to trial, reducing costs due to lengthy litigation; promoting empowerment and participation from parents; and achieving permanency for children in the foster care system.

Although proposals must initiate from district or county courts presiding over CPS cases, courts may designate another legal entity to administer the program.

**Amount of Available Funding:** \$220,000 will be distributed through this request for proposals for a 15-month period. Funds must be expended by September 30, 1998.

**Types of funding:** Two types of funding are available: Category A and Category B.

Category A: \$180,000 have been allocated to fund at least three pilot projects for up to sixty thousand dollars (\$60,000) per project.

Category B: \$40,000 have been allocated to fund at least eight awards of five- thousand (\$5,000) for training or technical assistance to prepare or plan for a mediation project.

**Services to provided:**

Category A (Pilot projects): Offeror may propose to develop a court-based mediation program as described in the Request for Proposal, or may propose other innovative programs that implement the project objectives in accordance with local needs, expertise, and resources. Offers to provide mediation services by developing pro bono programs for CPS cases are specially encouraged. Proposals may address a broad range of issues as long as they meet the project objectives.

Category B funding: Courts not ready to develop a program at this time may apply for limited funds to be used for planning purposes, including training and technical assistance.

**Deadline for RFP:** The deadline for written submission of the RFP is June 6, 1997, at 5:00 p.m.

The information in this notice provides only a general summary description of the services desired. Additional terms and conditions relating to this project are contained in the Request for Proposals, available via the Internet at <http://www.tdprs.state.tx.us/pozo.html> or from the procurement officer: Mussette Richey, CJA Coordinator; Texas Department of Protective and Regulatory Services; John H. Winters Building, Mail Code E-554; P.O. Box 149030; 701 West 51st; Austin, TX 78714- 9030 (78751); (512) 438-5029.

Issued in Austin, Texas, on April 11, 1997.

TRD-9704897

C. Ed Davis

Deputy Commissioner for Legal Services

Texas Department of Protective and Regulatory Services

Filed: April 11, 1997



Request for Proposal

Under the provisions of Texas Human Resources Code Chapter 40 and Texas Family Code Chapter 162, the Texas Department of Protective and Regulatory Services (PRS) requests proposals to implement "Post Adoption Services" during Texas Fiscal Year 1998. PRS intends to award contracts to eligible applicants with offices

located in one or more of the 11 PRS Regional Boundaries of Texas. Each proposal of service delivery submitted by an applicant may cover only one PRS region; however more than one proposal may be submitted by an applicant.

**DESCRIPTION OF SERVICES:** Post Adoption Services are intended to maintain and support the adoptive family unit, to strengthen the parent-child bond, and to alleviate social, emotional, and financial stress for adoptive families. Post Adoption Services include case-work, service planning, support groups, parent training, post adoptive counseling, respite care, residential care, crisis intervention, and related support for adopted children and adoptive families. Service delivery goals under this RFP shall be to provide ample quantity and quality of Post Adoption Services for adopted children and adoptive families who have been served by PRS before adoption. These adopted children and adoptive families are residing in Texas and in other states.

**ELIGIBLE APPLICANTS:** Eligible applicants are public or private, profit or nonprofit agencies and individuals who have demonstrated knowledge, competence, and qualifications in developing and implementing health and human services, especially Post Adoption Services or services substantially related. For Post Adoption Services, PRS generally contracts with (1) licensed child placing agencies that have experience in providing adoptive and Post Adoption Services to children who have been abused and neglected, and (2) social service agencies that have previously contracted with PRS to provide Post Adoption Services to children who have been abused and neglected. Historically Underutilized Businesses who meet eligibility requirements are encouraged to apply.

**CLOSING DATE FOR RECEIPT OF OFFERS:** The last date that offers and modifications of offers will be received is May 16, 1997, at 4:00 p.m. PRS shall be the sole and final arbitrator of when offers are received based on a post mark no later than May 15, 1997, prior to the closing date and on a PRS log of hand delivered offers received on or before the closing date.

**NECESSARY CREDENTIALS:** A panel of PRS designated personnel and others deemed appropriate by PRS who have no conflicts of interest will assess incoming proposals to determine if potential contractors have (1) provided ample service description, (2) demonstrated relevant prior experience of organization and of key assigned staff, and (3) made an offer of reasonable, necessary, and allowable costs that can effectively and efficiently implement Post Adoption Services under the designated regional funding allocation. These credentials are deemed necessary for providing Post Adoption Services further described in the RFP.

**AMOUNT OF AWARD AND LIMITATIONS:** The amount of the award for Post Adoption Services to all 11 PRS regions is projected not to exceed \$2,780,614 during the period of Texas Fiscal Year 1998 (September 1997 through August 1998). Additional funds may be made available to continue this project during Texas Fiscal Years 1999 through 2001. Funding will be dependent upon available federal and state appropriations for Post Adoption Services in Texas. PRS reserves the absolute right to reject any and all offers received in response to the Request for Proposals, and to amend, suspend, or cancel the Request for Proposals in whole or in part if it is deemed in PRS' best interest. PRS does not guarantee that any quantity of service delivery will be made available to any offeror or contractor.

**NOTICE OF OFFERORS' CONFERENCE:** An offerors' conference is scheduled to be held on April 25, 1997 at 10:00 a.m., at the

Winters Building, 701 West 51st Street, Austin, Texas 78751, Room 103W, 1st Floor, West Tower. Potential providers are invited to attend and to present inquiries pertaining to this RFP. Disability Access Notice: Persons with disabilities who plan to attend the offerors' conference and participate in this RFP and who are in need of auxiliary aids or services, such as readers, large print, Braille, or interpreters for persons who are deaf or hearing-impaired, are requested to contact Purchased Protective Services office at (512) 438-3862, and ask for one of the designated procurement officers: Susan Klickman or Deborah Williams. Please contact this office within 72 hours (three business days) prior to the meeting so that reasonable accommodations can be made.

CONTACT PERSONS: Requests for proposal packets may be obtained by writing to or calling the designated PRS purchasing officer as follows: Attention: Deborah Williams, Texas Department of Protective and Regulatory Services, Purchased Services E-559, 701 West 51st Street, P.O. Box 149030, Austin, Texas 78714-9030 (78751), at telephone number (512) 438-3862. Also, designated to answer incoming inquiries concerning this RFP is Susan Klickman, PRS-CPS Program Management, at the same telephone number. Official replies to inquiries will be in writing only from these designated PRS personnel.

Issued in Austin, Texas, on April 11, 1997.

TRD-9704921

C. Ed Davis

Deputy Commissioner for Legal Services

Texas Department of Protective and Regulatory Services

Filed: April 11, 1997



## Public Utility Commission of Texas

### DSM and Power Plant Efficiency Reporting

A workshop in Project Number 16577, Rulemaking Relating to Annual Demand-Side Management (DSM) and Power Plant Efficiency Reporting, was held on March 31, 1997. At this workshop, the commission staff asked the participants interested in this rulemaking to provide comments on the following two questions:

1. To minimize DSM reporting requirements, should utilities terminate all in-house DSM activities and instead contract out all DSM and/or transfer all DSM to an unregulated entity? What would this entail?
2. It was the consensus that utilities are not likely to file rate cases at the commission in coming years. If revenues grow due to decreasing costs and increasing demand, the commission will have no opportunity to review and approve DSM expenditures. Excess earnings that should normally be returned to ratepayers could instead be used to fund promotional programs and programs designed to increase market share. How can the commission continue to monitor utilities' DSM spending given such a scenario? Should DSM expenditures be scrutinized as part of the commission's earnings monitoring activities?

Interested persons who wish to submit written comments and proposals related to these two questions are requested to file 16 copies with the Secretary of the Commission, 1701 North Congress Avenue, P. O. Box 13326, Austin, Texas 78711-3326, no later than 3:00 p.m. on Friday, May 2, 1997. All comments and proposals should

reference Project Number 16577. If you have any questions, contact Danielle Jaussaud at 512-936-7396. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on April 10, 1997.

TRD-9704828

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: April 10, 1997



### Notice of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to P.U.C. SUBSTANTIVE RULE 23.27 for approval of a new PLEXAR-Custom Service for Texas Wesleyan University in Fort Worth, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for Approval of a new PLEXAR-Custom Service for Texas Wesleyan University in Fort Worth, Texas, Pursuant to P.U.C. SUBSTANTIVE RULE 23.27. Tariff Control Number 17320.

The Application. Southwestern Bell Telephone Company is requesting approval for a new PLEXAR-Custom service for Texas Wesleyan University in Fort Worth, Texas. The geographic service market for this specific service is the Dallas, Texas, LATA area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or call the Public Utility Commission Consumer Affairs Section at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on April 10, 1997.

TRD-9704829

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: April 10, 1997



## Texas Department of Transportation

### Requests for Proposals

Notice of Invitation: The Fort Worth District of the Texas Department of Transportation (TxDOT) intends to enter into five contracts with professional engineers, pursuant to Texas Government Code, Chapter 2254, Subchapter A, and 43 TAC §§9.30-9.40, to provide the following services. To qualify for contract award a selected engineer must perform a minimum of 30% of the actual contract work.

Request for Proposal Number 02-7RFP5001: The intent of this proposal is to enter into five separate consultant contracts requiring services for public involvement including environmental assessment (categorical exclusion), complete roadway and bridge design, plan development, specifications assemblage, construction cost estimate, right-of-way map preparation with legal description, and post con-

struction services such as review of shop drawings and forming drawings, and engineering design check as a result of construction errors made in the field and recommendations of an economical solution.

**Deadline:** A letter of interest notifying TxDOT of the provider's intent to submit a proposal will be accepted by fax at (817) 370-6759 or by hand delivery to TxDOT, Fort Worth District Design, Attention: Randy Burkett, P.E., 2501 S.W. Loop, Fort Worth, Texas or by mail, addressed to P.O. Box 6868, Fort Worth, Texas 76115. Letters of interest will be received until 5:00 p.m. on Friday, May 2, 1997. The letter of interest must include the engineer's firm name, address, telephone number, fax number, name of engineer's contact person and reference Contract Number 02-7RFP5001. Upon receipt of the letter of interest a Request for Proposal packet will be issued. (Note: Written requests, either by mail/hand delivery or fax, will be required to receive the Request for Proposal packet. TxDOT will not issue Request for Proposal packet without receipt of letter of interest.)

**Proposal Submittal Deadline:** Proposals for Contract Number 02-7RFP5001 will be accepted until 5:00 p.m. on Friday, May 16, 1997, at the previously mentioned TxDOT, Fort Worth District address.

**Agency Contact:** Requests for additional information regarding this notice of invitation should be addressed to Randy Burkett at (817) 370-6804 or fax (817) 370-6759.

Issued in Austin, Texas, on April 14, 1997.

TRD-9704964

Robert E. Shaddock

General Counsel

Texas Department of Transportation

Filed: April 11, 1997



**Notice of Invitation.** The Paris District of the Texas Department of Transportation (TxDOT) intends to engage an engineer, pursuant to Texas Government Code, Chapter 2254, Subchapter A, to provide the following services. The engineer selected must perform a minimum of 30% of the actual contract work to qualify for contract award.

Contract(s) #01-645P5009 and 01-645P5010 to perform various engineering services in the Paris district. Services may include route studies, schematic preparation, environmental studies, public involvement, right-of-way determination and map preparation, bridge and roadway design and preparation of PS&E This will be a work authorization type contract.

**Deadline.** A Letter of Interest notifying TxDOT of the provider's intent to submit a proposal will be accepted by fax at (903) 737-9289, or by hand delivery to TxDOT Paris District Office, 1365 North Main Street, Paris, Texas, 75460, Attention: DonAnne Williford or mailed to the same address. Letters of interest will be received until 5:00 p.m. on Wednesday, April 30, 1997. The Letter of Interest must include the engineer's firm name, address, telephone number, fax number, name of engineer's contact person and reference TxDOT contract number(s). Upon receipt of the letter of interest, a Request for Proposal packet will be issued. (Note: Written requests, either by mail/had delivery or fax, will be required to receive Request for Proposal packet. TxDOT will not issue Request for Proposal packet without receipt of letter of interest.)

**Pre-proposal Meeting:** A pre-proposal meeting will be held on Wednesday, May 14, 1997, at the Paris Junior College, 2400 Clarksville Street, Alford Center-Room 106, Paris, Texas 75460,

beginning at 1:00 p.m. (TxDOT will not accept a proposal from an engineer who has failed for any reason to attend the mandatory pre-proposal meeting.)

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact DonAnne Williford, at (903) 737-9367 at least two work days prior to the meeting so that appropriate arrangements can be made.

**Proposal Submittal Deadline.** Proposals for contract(s) #01-645P5009 and 01-645P5010 will be accepted until 5:00 p.m., Wednesday, May 28, 1997, at the previously mentioned TxDOT address.

**Agency Contact.** Requests for additional information regarding this notice of invitation should be addressed to DonAnne Williford at (903) 737-9367 or FAX (903) 737-9289.

Contract(s) #01-745P5001 and 01-745P5002 to perform various engineering services in the Paris district. Services may include route studies, schematic preparation, environmental studies, public involvement, right-of-way determination and map preparation, bridge and roadway design and preparation of PS&E This will be a work authorization type contract.

**Deadline.** A Letter of Interest notifying TxDOT of the provider's intent to submit a proposal will be accepted by fax at (903) 737-9289, or by hand delivery to TxDOT Paris District Office, 1365 North Main Street, Paris, Texas, 75460, Attention: DonAnne Williford or mailed to the same address. Letters of interest will be received until 5:00 p.m. on Wednesday, April 30, 1997. The Letter of Interest must include the engineer's firm name, address, telephone number, fax number, name of engineer's contact person and reference TxDOT contract number(s). Upon receipt of the letter of interest, a Request for Proposal packet will be issued. (Note: Written requests, either by mail/had delivery or fax, will be required to receive Request for Proposal packet. TxDOT will not issue Request for Proposal packet without receipt of letter of interest.)

**Pre-proposal Meeting:** A pre-proposal meeting will be held on Wednesday, May 14, 1997, at the Paris Junior College, 2400 Clarksville Street, Alford Center-Room 106, Paris, Texas 75460, beginning at 9:00 a.m. (TxDOT will not accept a proposal from an engineer who has failed for any reason to attend the mandatory pre-proposal meeting.)

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or service such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact DonAnne Williford, at (903) 737-9367 at least two work days prior to the meeting so that appropriate arrangements can be made.

**Proposal Submittal Deadline.** Proposals for contract(s) #01-745P5001 and 01-745P5002 will be accepted until 5:00 p.m., Wednesday, May 28, 1997, at the previously mentioned TxDOT address.

**Agency Contact.** Requests for additional information regarding this notice of invitation should be addressed to DonAnne Williford at (903) 737-9367 or FAX (903) 737-9289.

Issued in Austin, Texas, on April 14, 1997.

TRD-9704963

Robert E. Shaddock

General Counsel  
Texas Department of Transportation  
Filed: April 14, 1997



## March - December 1997 Publication Schedule

---

The following is the March-December 1997 Publication Schedule for the *Texas Register*. Listed below are the deadline dates for these issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. No issues will be published on May 30, November 14, December 2, and December 30. An asterisk beside a publication date indicates that the deadlines are early due to state holidays.

---

<b>FOR ISSUE PUBLISHED ON:</b>	<b>DEADLINES FOR RULES BY 10 A.M.</b>	<b>DEADLINES FOR MISCELLANEOUS DOCUMENTS BY 10 A.M.</b>	<b>DEADLINES FOR OPEN MEETINGS BY 10 A.M.</b>
21 Tuesday, March 18	Monday, March 10	Wednesday, March 12	Wednesday, March 12
22 Friday, March 21	Wednesday, March 12	Monday, March 17	Monday, March 17
23 Tuesday, March 25	Monday, March 17	Wednesday, March 19	Wednesday, March 19
24 Friday, March 28	Wednesday, March 19	Monday, March 24	Monday, March 24
25 Tuesday, April 1	Monday, March 24	Wednesday, March 26	Wednesday, March 26
26 Friday, April 4	Wednesday, March 26	Monday, March 31	Monday, March 31
Tuesday, April 8	<i>First Quarterly Index</i>		
27 Friday, April 11	Wednesday, April 2	Monday, April 7	Monday, April 7
28 Tuesday, April 15	Monday, April 7	Wednesday, April 9	Wednesday, April 9
29 Friday, April 18	Wednesday, April 9	Monday, April 14	Monday, April 14
30 Tuesday, April 22	Monday, April 14	Wednesday, April 16	Wednesday, April 16
31 Friday, April 25	Wednesday, April 16	Monday, April 21	Monday, April 21
32 Tuesday, April 29	Monday, April 21	Wednesday, April 23	Wednesday, April 23
33 Friday, May 2	Wednesday, April 23	Monday, April 28	Monday, April 28
34 Tuesday, May 6	Monday, April 28	Wednesday, April 30	Wednesday, April 30
35 Friday, May 9	Wednesday, April 30	Monday, May 5	Monday, May 5

<b>FOR ISSUE PUBLISHED ON:</b>	<b>DEADLINES FOR RULES BY 10 A.M.</b>	<b>DEADLINES FOR MISCELLANEOUS DOCUMENTS BY 10 A.M.</b>	<b>DEADLINES FOR OPEN MEETINGS BY 10 A.M.</b>
36 Tuesday, May 13	Monday, May 5	Wednesday, May 7	Wednesday, May 7
37 Friday, May 16	Wednesday, May 7	Monday, May 12	Monday, May 12
38 Tuesday, May 20	Monday, May 12	Wednesday, May 14	Wednesday, May 14
39 Friday, May 23	Wednesday, May 14	Monday, May 19	Monday, May 19
40 Tuesday, May 27	Monday, May 19	Wednesday, May 21	Wednesday, May 21
Friday, May 30	<i>No Issue Published</i>		
41 Tuesday, June 3	*Friday, May 23	Wednesday, May 28	Wednesday, May 28
42 Friday, June 6	Wednesday, May 28	Monday, June 2	Monday, June 2
43 Tuesday, June 10	Monday, June 2	Wednesday, June 4	Wednesday, June 4
44 Friday, June 13	Wednesday, June 4	Monday, June 9	Monday, June 9
45 Tuesday, June 17	Monday, June 9	Wednesday, June 11	Wednesday, June 11
46 Friday, June 20	Wednesday, June 11	Monday, June 16	Monday, June 16
47 Tuesday, June 24	Monday, June 16	Wednesday, June 18	Wednesday, June 18
48 Friday, June 27	Wednesday, June 18	Monday, June 23	Monday, June 23
49 Tuesday, July 1	Monday, June 23	Wednesday, June 25	Wednesday, June 25
50 Friday, July 4	Wednesday, June 25	Monday, June 30	Monday, June 30
51 Tuesday, July 8	Monday, June 30	Wednesday, July 2	Wednesday, July 2
Friday, July 11	<i>Second Quarterly Index</i>		
52 Tuesday, July 15	Monday, July 7	Wednesday, July 9	Wednesday, July 9
53 Friday, July 18	Wednesday, July 9	Monday, July 14	Monday, July 14
54 Tuesday, July 22	Monday, July 14	Wednesday, July 16	Wednesday, July 16
55 Friday, July 25	Wednesday, July 16	Monday, July 21	Monday, July 21
56 Tuesday, July 29	Monday, July 21	Wednesday, July 23	Wednesday, July 23
57 Friday, August 1	Wednesday, July 23	Monday, July 28	Monday, July 28

<b>FOR ISSUE PUBLISHED ON:</b>	<b>DEADLINES FOR RULES BY 10 A.M.</b>	<b>DEADLINES FOR MISCELLANEOUS DOCUMENTS BY 10 A.M.</b>	<b>DEADLINES FOR OPEN MEETINGS BY 10 A.M.</b>
58 Tuesday, August 5	Monday, July 28	Wednesday, July 30	Wednesday, July 30
59 Friday, August 8	Wednesday, July 30	Monday, August 4	Monday, August 4
60 Tuesday, August 12	Monday, August 4	Wednesday, August 6	Wednesday, August 6
61 Friday, August 15	Wednesday, August 6	Monday, August 11	Monday, August 11
62 Tuesday, August 19	Monday, August 11	Wednesday, August 13	Wednesday, August 13
63 Friday, August 22	Wednesday, August 13	Monday, August 18	Monday, August 18
64 Tuesday, August 26	Monday, August 18	Wednesday, August 20	Wednesday, August 20
65 Friday, August 29	Wednesday, August 20	Monday, August 25	Monday, August 25
66 Tuesday, September 2	Monday, August 25	Wednesday, August 27	Wednesday, August 27
67 Friday, September 5	Wednesday, August 27	*Friday, August 29	*Friday, August 29
68 Tuesday, September 9	*Friday, August 29	Wednesday, September 3	Wednesday, September 3
69 Friday, September 12	Wednesday, September 3	Monday, September 8	Monday, September 8
70 Tuesday, September 16	Monday, September 8	Wednesday, September 10	Wednesday, September 10
71 Friday, September 19	Wednesday, September 10	Monday, September 15	Monday, September 15
72 Tuesday, September 23	Monday, September 15	Wednesday, September 17	Wednesday, September 17
73 Friday, September 26	Wednesday, September 17	Monday, September 22	Monday, September 22
74 Tuesday, September 30	Monday, September 22	Wednesday, September 24	Wednesday, September 24
75 Friday, October 3	Wednesday, September 24	Monday, September 29	Monday, September 29
Tuesday, October 7	<i>Third Quarterly Index</i>		
76 Friday, October 10	Wednesday, October 1	Monday, October 6	Monday, October 6
77 Tuesday, October 14	Monday, October 6	Wednesday, October 8	Wednesday, October 8
78 Friday, October 17	Wednesday, October 8	Monday, October 13	Monday, October 13
79 Tuesday, October 21	Monday, October 13	Wednesday, October 15	Wednesday, October 15
80 Friday, October 24	Wednesday, October 15	Monday, October 20	Monday, October 20

<b>FOR ISSUE PUBLISHED ON:</b>	<b>DEADLINES FOR RULES BY 10 A.M.</b>	<b>DEADLINES FOR MISCELLANEOUS DOCUMENTS BY 10 A.M.</b>	<b>DEADLINES FOR OPEN MEETINGS BY 10 A.M.</b>
81 Tuesday, October 28	Monday, October 20	Wednesday, October 22	Wednesday, October 22
82 Friday, October 31	Wednesday, October 22	Monday, October 27	Monday, October 27
83 Tuesday, November 4	Monday, October 27	Wednesday, October 29	Wednesday, October 29
84 Friday, November 7	Wednesday, October 29	Monday, November 3	Monday, November 3
85 Tuesday, November 11	Monday, November 3	Wednesday, November 5	Wednesday, November 5
Friday, November 14	<i>No Issue Published</i>		
86 Tuesday, November 18	Monday, November 10	Wednesday, November 12	Wednesday, November 12
87 Friday, November 21	Wednesday, November 12	Monday, November 17	Monday, November 17
88 Tuesday, November 25	Monday, November 17	Wednesday, November 19	Wednesday, November 19
89 Friday, November 28	Wednesday, November 19	Monday, November 24	Monday, November 24
Tuesday, December 2	<i>No Issue Published</i>		
90 Friday, December 5	Wednesday, November 26	Monday, December 1	Monday, December 1
91 Tuesday, December 9	Monday, December 1	Wednesday, December 3	Wednesday, December 3
92 Friday, December 12	Wednesday, December 3	Monday, December 8	Monday, December 8
93 Tuesday, December 16	Monday, December 8	Wednesday, December 10	Wednesday, December 10
94 Friday, December 19	Wednesday, December 10	Monday, December 15	Monday, December 15
95 Tuesday, December 23	Monday, December 15	Wednesday, December 17	Wednesday, December 17
96 Friday, December 26	Wednesday, December 17	Monday, December 22	Monday, December 22
Tuesday, December 30	<i>No Issue Published</i>		

# *Texas Register*

## Services

The *Texas Register* offers the following services. Please check the appropriate box (or boxes).

### **Texas Natural Resource Conservation Commission, Title 30**

- Chapter 285** \$25     update service \$25/year (*On-Site Wastewater Treatment*)  
 **Chapter 290** \$25     update service \$25/year (*Water Hygiene*)  
 **Chapter 330** \$50     update service \$25/year (*Municipal Solid Waste*)  
 **Chapter 334** \$40     update service \$25/year (*Underground/Aboveground Storage Tanks*)  
 **Chapter 335** \$30     update service \$25/year (*Industrial Solid Waste/Municipal Hazardous Waste*)

Update service should be in  printed format     3 1/2" diskette     5 1/4" diskette

### **Texas Workers Compensation Commission, Title 28**

- Update service \$25/year

### **Texas Register Phone Numbers**

	<b>(800) 226-7199</b>
Documents	(512) 463-5561
Circulation	(512) 463-5575
Marketing	(512) 305-9623
Texas Administrative Code	(512) 463-5565

### **Information For Other Divisions of the Secretary of State's Office**

Executive Offices	(512) 463-5701
Corporations/	
Copies and Certifications	(512) 463-5578
Direct Access	(512) 463-2755
Information	(512) 463-5555
Legal Staff	(512) 463-5586
Name Availability	(512) 463-5555
Trademarks	(512) 463-5576
Elections	
Information	(512) 463-5650
Statutory Documents	
Legislation	(512) 463-0872
Notary Public	(512) 463-5705
Public Officials	(512) 463-5552
Uniform Commercial Code	
Information	(512) 475-2700
Financing Statements	(512) 475-2703
Financing Statement Changes	(512) 475-2704
UCC Lien Searches/Certificates	(512) 475-2705

Please use this form to order a subscription to the *Texas Register*, to order a back issue, or to indicate a change of address. Please specify the exact dates and quantities of the back issues required. You may use your VISA or Mastercard. All purchases made by credit card will be subject to an additional 2.1% service charge. Return this form to the Texas Register, P.O. Box 13824, Austin, Texas 78711-3824. For more information, please call (800) 226-7199.

**Change of Address**

**Back Issue**

\_\_\_\_\_ Quantity

Volume \_\_\_\_\_,

Issue # \_\_\_\_\_

*(Prepayment required  
for back issues)*

**New Subscription (Yearly)**

Printed  \$95

Diskette  1 to 10 users \$200

11 to 50 users \$500

51 to 100 users \$750

100 to 150 users \$1000

151 to 200 users \$1250

More than 200 users--please call

Online BBS  1 user \$35

2 to 10 users \$50

11 to 50 users \$90

51 to 150 users \$150

151 to 300 \$200

More than 300 users--please call

NAME \_\_\_\_\_

ORGANIZATION \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

Customer ID Number/Subscription Number \_\_\_\_\_

*(Number for change of address only)*

**Bill Me**

**Payment Enclosed**

Mastercard/VISA Number \_\_\_\_\_

Expiration Date \_\_\_\_\_ Signature \_\_\_\_\_

Please make checks payable to the Secretary of State. Subscription fees are not refundable.  
Do not use this form to renew subscriptions.

\_\_\_\_\_  
\_\_\_\_\_  
Periodical Postage

PAID

Austin, Texas  
and additional entry offices  
\_\_\_\_\_  
\_\_\_\_\_