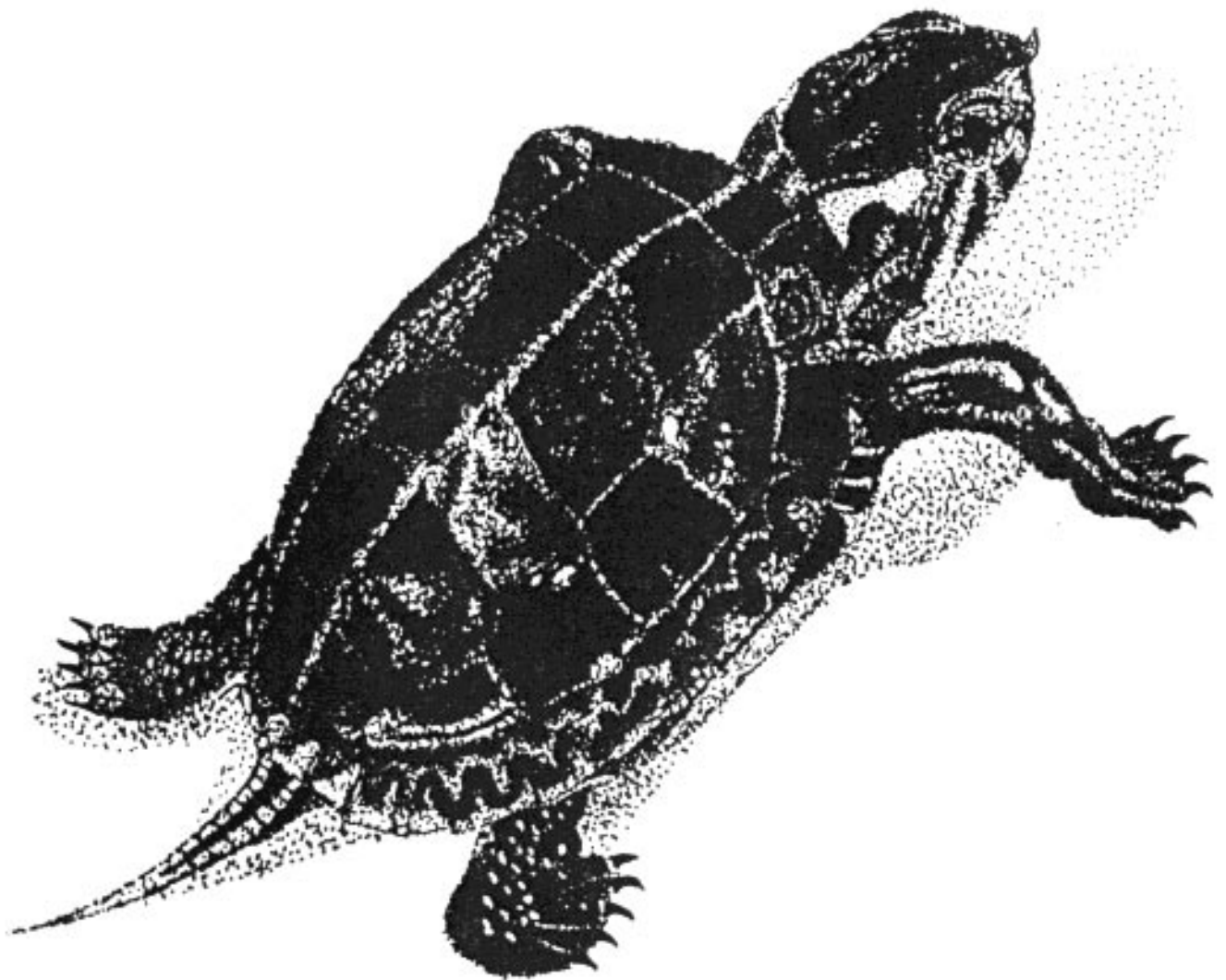


# TEXAS REGISTER

*Volume 22 Number 57 August 1, 1997*

*Pages 7105-7195*

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***Artist: Robyn Phillips***

***9th Grade***

***Grand Prairie High School***

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# ATTORNEY GENERAL

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Under provisions set out in the Texas Constitution, the Texas Government Code, Title 4, §402.042 and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record. To request copies of opinions, phone (512) 462-0011. To inquire about pending requests for opinions, phone (512) 463-2110.

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## Open Records

**ORD-655 (ORQ-17)** The Honorable David Sibley, State Senator, P.O. Box 12068, Austin, Texas 78711, concerning whether a Housing Authority may obtain criminal history record information regarding housing applicants and whether a county may obtain criminal history record information regarding applicants for county employment pursuant to subchapter F of Chapter 411 of the Government Code.

**SUMMARY.** Local public housing authorities are authorized to obtain criminal history record information for the purposes of applicant screening, lease enforcement, and eviction as provided by federal statute. Counties acting as a noncriminal justice agency, on the other hand, are not authorized by the Government Code to obtain criminal history record information regarding applicants for county employment.

**ORD-656 (ORQ-18)** Honorable Antonio O. Garza, Jr., Secretary of State of Texas, Elections Division, P.O. Box 12060, Austin, Texas 78711-2060, concerning whether section 552.027 of the Government Code applies to a request for voter registration information pursuant to section 18.008 of the Election Code when the request is made by an individual who is confined in a correctional facility.

**SUMMARY.** A governmental body that receives a request for voter registration information under section 18.008 of the Election Code from an individual who is confined in a correctional facility has the discretion, under section 552.027 of the Government Code, to comply with the request or deny it in its entirety.

TRD-9709656

## Request for Opinions.

**ID# 39608.** Request from the Honorable Steven C. Hilbig, Bexar County Criminal District Attorney, Bexar County Justice Center, 300 Dolorosa, Suite 5072, San Antonio, Texas 78205-3030, concerning whether a commissioners court may grant a tax abatement to a corporation owned in part by a member of the court, and related questions.

**ID# 39611.** Request from Mr. Todd K. Brown, Director, Texas Workers' Compensation Commission, Southfield Building, MS-4D,

4000 South IH-35, Austin, Texas 78704, concerning Allocation of costs for risk management service provided to the Texas Department of Criminal Justice by the Texas Workers Compensation Commission.

**ID# 39617.** Request from the Honorable Mark W. Stiles, Texas House of Representatives, P.O. Box 2910, Austin, Texas 78768, concerning whether a retired judge may accept appointment as a guardian ad litem.

**ID# 39619.** Request from Ms. Brenda Jenkins, Executive Director, Public Utility Commission of Texas, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, concerning implementation of Senate Bill 667, acts 1997, 75th Leg. which authorizes voucher payments to provide "specialized telecommunication devices" for persons who are speech or hearing impaired.

**ID# 39621.** Request from Mr. Tim Curry, Criminal District, Attorney, Tarrant County, Justice Center, 401 West Belknap, Fort Worth, Texas 76196-0201, concerning authority of a county bail bond board to promulgate a rule regarding the use of real property as collateral by an applicant for a bail bond license.

**ID# 39622.** Request from Helen L. Campbell, Commissioner, Fire Fighters' Pension Commission, P.O. Box 12577, Austin, Texas 78711, concerning constitutionality of an increase in the level of benefits paid to retired fire fighters and related questions.

TRD-9709660

**RQ-945.** Request from Mr. Kenneth H. Ashworth, Commissioner, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711, concerning applicability of Attorney General Letter Opinion No. 97-001 (1997) to a fund established at Austin Community College on behalf of students of Hispanic origin.

**RQ-946.** Request from the Honorable Tom Craddick, Chair, House Ways and Means, Committee, Texas House of Representatives, P.O. Box 2910, Austin, Texas 78768-2910, concerning whether Capital Metropolitan, Transportation Authority may purchase a railroad and associated right-of-way, and related question.

TRD-9709661

# PROPOSED RULES

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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.

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## TITLE 1. ADMINISTRATION

### Part XII. Advisory Commission on State Emergency Communications

#### Chapter 252. Administration

##### 1 TAC §252.5

The Advisory Commission on State Emergency Communications (ACSEC) proposes new section 252.5, concerning procedure for emergency communication districts adopting provisions of Health and Safety Code, Chapter 771 and ACSEC rules as authorized by recent legislation.

H.B. 1324 from the 75th Legislative Session provides that an emergency communication district may voluntarily adopt ACSEC rules and provisions of Health and Safety Code, Chapter 771. This section establishes the procedures for a district to adopt provisions of Chapter 771 and ACSEC rules.

James D. Goerke, Executive Director, 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. Goerke 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 this rule will be greater uniformity in 9-1-1 provisions and rules statewide.

Comments on the proposal may be submitted to James D. Goerke, Executive Director, Advisory Commission on State Emergency Communications, 333 Guadalupe Street, Suite 2-212, Austin, Texas 78701-3942, within 30 days of the date of this publication.

The new section is proposed under the Health and Safety Code, Chapter 771, §771.051, which authorizes ACSEC to administer the implementation of statewide 9-1-1 service and provide assistance in the establishment and operation of 9-1-1 service.

The proposed new rule affects the Health and Safety Code, Chapter 771, §771.062.

##### §§252.5 *Local Adoption of State Provision or Rule*

An emergency communication district that wants to voluntarily adopt a provision of Health and Safety Code, Chapter 771 or a commission rule shall submit a letter in writing to the executive director specifying those particular provision(s) or rule(s).

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 July 22, 1997.

TRD-9709495

James D. Goerke

Executive Director

Advisory Commission on State Emergency Communications

Earliest possible date of adoption: September 2, 1997

For further information, please call: (512) 305-6911



##### 1 TAC §252.6

The Advisory Commission on State Emergency Communications (ACSEC) proposes new section 252.6, concerning the administration and financing of wireless 9-1-1 service.

H.B. 2129 from the 75th Legislative Session authorized ACSEC to impose a statewide 9-1-1 service fee on wireless telecommunication connections. This recent legislation provides that ACSEC shall distribute to each regional planning commission and emergency communication district a portion of the money collected that bears the same proportion to the total amount collected that the population of the area served by the commission or district bears to the total combined population of the areas served by a commission or district. This new rule establishes procedures for implementing the distribution to the 9-1-1 entities.

James D. Goerke, Executive Director, 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. Goerke 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 this rule will be that each regional planning commission and emergency communication district in Texas will receive the proportional distribution of money collected from wireless service providers for 9-1-1 services.

Comments on the proposal may be submitted to James D. Goerke, Executive Director, Advisory Commission on State Emergency Communications, 333 Guadalupe Street, Suite 2-212, Austin, Texas 78701-3942, within 30 days of the date of this publication.

The new section is proposed under the authority of Health and Safety Code, Chapter 771, §771.0711, which establishes a statewide 9-1-1 emergency service fee and requirements for its distribution to regional planning commissions and emergency communication districts.

The proposed new rule affects the Health and Safety Code, Chapter 771, §771.0711.

§§252.6 *Wireless Service Fee Proportional Distribution*

The commission shall use the most recent annual estimate from the Texas State Data Center to proportionally distribute the wireless emergency service fee to regional planning commissions and emergency communication districts. The commission shall approve the specific proportional distributions for a given year at its last open meeting before September 1 of each year. At least two weeks before that open meeting, commission staff shall submit for publication in the Texas Register the proportional distributions for that particular year to allow regional planning commissions and emergency communications districts to comment on the proportional distribution before or during the open meeting.

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 July 22, 1997.

TRD-9709799

James D. Goerke

Executive Director

Advisory Commission on State Emergency Communications

Earliest possible date of adoption: September 2, 1997

For further information, please call: (512) 305-6911



## Chapter 255. Finance

### 1 TAC §255.10

The Advisory Commission on State Emergency Communications (ACSEC) proposes new section 255.10, concerning notification by a regional planning commission of a service provider's and a business service user's failure to timely deliver 9-1-1 fees.

The new section establishes the procedure to be used by a regional planning commission or designated public agency to

notify the ACSEC of a service provider's or a business service user's failure to timely deliver 9-1-1 fees.

James D. Goerke, Executive Director, 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. Goerke 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 this rule will be more timely receipt of 9-1-1 fees. There will be no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to James D. Goerke, Executive Director, Advisory Commission on State Emergency Communications, 333 Guadalupe Street, Suite 2-212, Austin, Texas 78701-3942, within 30 days of the date of this publication.

The new section is proposed under the Health and Safety Code, Chapter 771, §771.051, which authorizes ACSEC to administer the implementation of statewide 9-1-1 service, and 771.077, which specifically authorizes the establishment of procedures to be used by a regional planning commission to notify ACSEC of a service provider's or business service user's failure to timely deliver 9-1-1 fees. The proposed new rule affects the Health and Safety Code, Chapter 771, §771.077.

§§255.10 *Notification of Untimely Remittance of Fees*

A regional planning commission shall include with each of its financial and performance reports submitted pursuant to § 251.6(C)(5), a list of service providers and business service users that have failed to timely deliver the 9-1-1 emergency service fees, the dates that the remittance of the fees were due for each of those service providers and business service users, and an explanation of any action taken by the regional planning commission on the untimely remittance with each of those service providers and business service users.

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 July 22, 1997.

TRD-9709496

James D. Goerke

Executive Director

Advisory Commission on State Emergency Communications

Earliest possible date of adoption: September 2, 1997

For further information, please call: (512) 305-6911



# TITLE 16. ECONOMIC REGULATION

## Part I. Railroad Commission of Texas

### Chapter 3. Oil and Gas Division

#### Conservation Rules and Regulations

##### 16 TAC §3.31

The Railroad Commission of Texas proposes amendments to §3.31 regarding gas reservoirs and gas well allowable. The proposed amendments relieve an unnecessary regulatory burden on marginal gas wells by exempting them from proration under certain circumstances.

Rita E. Percival, planner, Oil and Gas Division, has determined that there will be fiscal implications as a result of enforcing or administering the amended rule. The effect on the state government for the first five-year period the amended rule will be in effect will be a cost of \$1560 in fiscal year 1997 for computer programming and no cost for the fiscal years 1998 through 2001. There will be no effect on local government. There will be no cost of compliance with the amended rule for small businesses or individuals.

Marshall F. Enquist, hearings examiner, Office of General Counsel, has determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of adopting this amendment will be the economic benefit associated with reduced reporting to the commission and lowered cost of administering the proration system.

Comments may be submitted to Marshall Enquist, Hearings Examiner, Office of General Counsel, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967. Comments will be accepted for 30 days after publication in the *Texas Register*. For further information, call Marshall Enquist at (512) 463-5764.

This amendment is proposed under the Texas Natural Resources Code, §§81.51, 81.52, 85.55, 85.201-85.202, 86.11, 86.12, 86.41, 86.42, 86.81, 86.83-86.90, 111.83, 111.90 and 111.133 which provide the Railroad Commission of Texas with the authority to adopt rules for the following purposes: to govern and regulate persons and their operations under the jurisdiction of the Railroad Commission; to determine the status of gas production from all gas reservoirs; to distribute, prorate and apportion allowable production; to determine the lawful market demand for gas to be produced from each reservoir; to adjust correlative rights and opportunities; to determine the daily allowable production for each gas well; to effectuate the provisions and purposes of Chapter 86 of the Natural Resources Code; and to conserve and prevent waste of gas.

The Texas Natural Resources Code, Chapter 86, is affected by the proposed amendments.

##### §3.31. *Gas Reservoirs and Gas Well Allowable.*

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

(g) Definitions of prorated and nonprorated wells and fields.

(1)-(8) (No change.)

(9) The maximum allowable for a well is the largest allowable that can be assigned under applicable rules. For a limited

well, the maximum allowable is the allowable the well would receive under the allocation formula. For a special allowable well, the maximum allowable is the allowable assigned pursuant to paragraph (7) of this subsection. For administrative special allowable wells, the maximum allowable is 100 Mcf/day for wells qualifying as administrative special wells under subsection (k)(1) of this section and is the allowable the well would receive under the allocation formula for wells qualifying as administrative special allowable wells under subsection (k)(2) of this section. **Additionally, for administrative special allowable wells in prorated gas fields without special field rules, the maximum allowable is 250 Mcf a day.** For a well in a one well field, the maximum allowable is the well's deliverability based on the latest deliverability test of record. For an associated gas well, the maximum allowable is the gas well allowable calculated by §3.49(b)(1) or (2) of this title (relating to Gas-Oil Ratio) (Statewide Rule 49).

(h)-(j) (No change.)

(k) Administrative Special Allowable.

(1) A well which has a deliverability, capability, and six consecutive months of production of 100 Mcf per day or less, **and the well is not producing in a 49(b) field**, will be assigned an administrative special allowable pursuant to subsection (h) of this section. **Additionally, a well which has a deliverability, capability, and six consecutive months of production of 250 Mcf a day or less, and the well is producing in a prorated field without special field rules, will be assigned an administrative special allowable pursuant to subsection (h) of this section.**

(2) (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 July 22, 1997.

TRD-9709517

Mary Ross McDonald

Deputy General Counsel, Office of General Counsel

Railroad Commission of Texas

Earliest possible date of adoption: September 2, 1997

For further information, please call: (512) 463-7008



## Chapter 7. Gas Utilities Division

### Substantive Rules

#### 16 TAC §7.70, §7.81

The Railroad Commission of Texas proposes to amend §7.70, concerning general and definitions with respect to minimum safety standards and regulations applicable to natural gas pipeline facilities and natural gas transportation within the state of Texas, and §7.81, relating to safety regulations adopted concerning the transportation of hazardous liquids within the state. By these changes, the commission proposes to adopt by reference the new amendments issued by the United States Department of Transportation (DOT) in 49 Code of Federal Regulations (CFR), Parts 192, 193, 195, and 199, concerning natural gas, liquefied natural gas, hazardous liquids pipelines, and drug testing requirements.

The commission proposes to change the date stated in §7.70 and §7.81 to reflect the new date - June 2, 1997, - on which the commission adopts by reference the federal regulations in 49 CFR Parts 192, 193, 195, and 199 in order to adopt 15 recent amendments to those regulations.

Amendment 192-74, published at 60 Federal Register (FR) 41821, prescribes requirements for written notice to customers regarding the natural gas piping downstream of the company meter in a new section, 49 CFR 192.16. The notice must include information relating to the maintenance of the piping by the customer and some of the potential hazards associated with piping not maintained by the gas company. This amendment applies to both natural gas distribution, transmission, and master metered systems that operate service lines. Based on a petition for modification submitted by the American Gas Association in response to the original customer notification amendment, a subsequent amendment, 192-74A, was adopted. Amendment 192-74A concerns the requirements for notification by natural gas suppliers to their customers regarding the maintenance of their "customer-owned" lines downstream of the customer meter. The rule requires all natural gas operators who do not currently maintain customer-owned lines to provide notification to their customers regarding the need for maintenance on their facilities. The gas operator can either shut off the gas, advise the customer to make repairs, or repair the leak.

Amendments 192-75, 193-10, 195-55, and 199-13, found at 61 FR 18512, were adopted in response to the President's directive to federal agencies on regulatory reform. Changes were made to the natural gas, liquefied natural gas, hazardous liquids, and drug testing regulations to correct nomenclature, addresses, typographical errors, and penalty amounts. The changes involved updating industry standards and dealt mostly with reporting and record-keeping requirements; they imposed no new procedural requirements.

In May 1996, the Research and Special Projects Administration of DOT (RSPA) adopted amendments 192-76, 193-11, and 195-56 (61 FR 26121), which provided for periodic updates to the pipeline safety regulations and removed the requirement for odorization of hydrogen pipelines. The amendments adopted the most recently published editions of each of the documents incorporated by reference by removing the specific edition or date of a standard publication. This amendment was also a part of the regulatory reform initiative.

A third set of amendments, 190-7, 191-11, 192-77, and 193-12, was adopted in June 1996 as a further step in the regulatory reform initiative. These amendments, found at 61 FR 27789, modified various administrative practices in the pipeline safety program and changes to the requirements for gas detection, construction within enclosed structures, and pipeline testing temperatures. These changes were made to reduce costs without compromising safety. Amendment 190-7 made changes to the procedures used in safety inspections and assessments of penalties for violations. Amendment 191-11 removed the production (or flow) lines from DOT's jurisdiction; 192-77 changed the pressure testing temperature requirement for plastic pipe; and 193-12 addressed liquefied natural gas (LNG) detection equipment and building specifications for enclosed structures.

The last amendment included in the regulatory reform initiative was adopted in August 1996. Found at 61 FR 28770, amendment 192-78 is the most comprehensive change made to the gas pipeline safety regulations. The changes were made to provide clarity, eliminate unnecessary burdens, and reduce costs without compromising safety. The amendment also included some revisions suggested by the National Association of Pipeline Safety Representatives, of which the Railroad Commission is a member.

Federal Amendments 192-79 and 192-80 concern performance standards for the use of excess flow valves. Both the National Transportation Safety Board and Congress (in 49 United States Code 60110) directed RSPA to adopt regulations prescribing the conditions for using excess flow valves in natural gas operations. Because the cost greatly exceeds the benefit, RSPA determined that there are no circumstances under which excess flow valves should be required. Amendment 192-79 (61 FR 31449) establishes performance standards for excess flow valves that are installed in natural gas distribution systems, as directed by Congress; Amendment 192-80 (62 FR 2618), issued in response to a petition for reconsideration, deleted certain language concerning the sizing of excess flow valves and the location of their installation.

Federal Amendment 199-14, Reporting of Drug and Alcohol Testing Results, was adopted in December 1996 (61 FR 65364). The amendment allows for submission of drug testing results to RSPA by computer disks, along with a signature page for verification.

Amendment 193-13, published at 62 FR 8402, allows for mobile and temporary LNG facilities within natural gas distribution systems to be installed in compliance with NFPA 59A.

Mary L. McDaniel, P.E., assistant director for the Pipeline Safety Section, Gas Services Division, has determined that for each year of the first five years the sections as proposed are in effect there will be no fiscal implications for state or local governments as a result of enforcing the sections.

The public benefits anticipated as a result of the enforcement of these amendments will be enhanced public safety and increased awareness of safety requirements in the transportation of natural gas, carbon dioxide, and hazardous liquids. The anticipated economic cost to individuals who are required to comply will be minimal. The cost of compliance will be the same for small and large businesses; but the cost cannot be determined because it depends on the type and size of the pipeline systems. Texas pipelines are already required to comply with the federal rules.

Comments on the proposal may be submitted to Mary McDaniel, Pipeline Safety Section, Gas Services Division, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967. Comments should refer to Gas Utilities Docket No. 8763, and should be filed no later than 14 days after publication in the *Texas Register*. The Railroad Commission has determined that 14 days is a reasonable opportunity for persons to submit data, views, or arguments, inasmuch as the federal rules already apply to pipelines in Texas. For additional information call Mary McDaniel at (512) 463-7058.

The amendments are proposed under Texas Civil Statutes, Article 6053-1, which authorizes the commission to adopt safety standards and practices applicable to the transportation of gas and all gas pipeline facilities within Texas to the maximum degree permissible under, and to take any other requisite action in accordance with, the Pipeline Safety Act, 49 United States Code Annotated, §60101.

These amendments are also proposed under the Texas Natural Resources Code, §117.1, which authorizes the commission to regulate the pipeline transportation of hazardous liquids and carbon dioxide and facilities related thereto under, and to take any other requisite action in accordance with, the Pipeline Safety Act, 49 United States Code Annotated, §60101.

Texas Civil Statutes, Article 6053-1, and Texas Natural Resources Code, §117.1, are affected by the proposal.

*§7.70. General and Definitions.*

(a) Minimum safety standards. All gas pipeline facilities and the transportation of gas within this state, except those facilities and that transportation of gas which are subject to exclusive federal jurisdiction under the Natural Gas Pipeline Safety Act, 49 United States Code Annotated, §60101 et seq, shall be designed, constructed, maintained, and operated in accordance with the Minimum Safety Standards for Natural Gas, 49 C.F.R. Part 192, and Liquefied Natural Gas Facilities, 49 Code of Federal Regulations (CFR) Part 193, and the Control of Drug Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations, 49 CFR Part 199, with amendments, effective **June 2, 1997** [February 11, 1995], and with the additional regulations set out in this section.

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

*§7.81. Safety Regulations Adopted.*

The Commission adopts by specific reference the provisions (except as modified herein or hereafter) established by the United States Secretary of Transportation under the Pipeline Safety Act **49 U.S.C.A. §60101 et seq.** [of 1979 (Public Law 96-129)] and set forth in 49 CFR Part 195, Regulations For Transportation of Hazardous Liquids by Pipeline, and 49 CFR Part 199, Control of Drug Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations, effective **June 2, 1997** [February 11, 1995]. Nothing in this section shall prevent the Commission, after notice and hearing, from prescribing more stringent standards in individual situations. Any documents or parts of documents incorporated by reference into these rules shall be a part of these rules as if set out in full.

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 July 22, 1997.

TRD-9709516

Mary Ross McDonald

Deputy General Counsel, Office of General Counsel

Railroad Commission of Texas

Earliest possible date of adoption: September 2, 1997

For further information, please call: (512) 463-7008



## Part IX. Texas Lottery Commission

### Chapter 401. Administration of State Lottery Act 16 TAC §401.369

The Texas Lottery Commission proposes new section §401.369, concerning Retailer Sales Incentive. The new section will reduce the weekly on-line service charge from \$20 to \$10 for these lottery sales agents who have held continuously, in good standing, a lottery sales agent's license and sold on-line games for a minimum of three years. The Texas Lottery reserves the right, in the future, to revert to the weekly on-line service charge of \$20 for such retailers should the Executive Director determine, in his/her sole discretion, that is in the best interests of the Texas Lottery to do so.

Richard Sookiasian, Budget Analyst, has determined that there will be fiscal implications as a result of enforcing or administering the section as proposed. The effect on state government for the first five-year period the section will be in effect is an estimated loss in revenue for FY 1998 \$3,842,000; FY 1999 \$5,148,000; FY 2000 \$5,730,400; FY 2001 \$7,580,040; FY 2002 \$8,382,400. There will be no fiscal implications on local government as a result of enforcing or administering the section as proposed.

Mr. Sookiasian also has determined that there will be no adverse effect on small or large businesses as a result of complying with this section as proposed. There is no anticipated economic cost to individuals who are required to comply with this section as proposed.

Greg Hoelk, Sales and Retailer Relations Assistant Director, has determined that for each year of the first five years the section as proposed is in effect the public benefits anticipated as a result of enforcing the section as proposed will be an enhanced ability of retailers to participate in and continue to sell Texas Lottery on-line tickets in a profitable manner, and, as such, result in a higher number of on-line retailers.

Comments on the proposal may be submitted to Kimberly L. Kiplin, General Counsel, Texas Lottery Commission, P.O. Box 16630, Austin, Texas 78761-6630.

The new section is proposed under Texas Government Code, §466.015 which gives the Texas Lottery Commission authority to adopt rules necessary to administer the State Lottery Act and to adopt rules governing the establishment and operation of the lottery and Texas Government Code, §467.102 which authorizes the Texas Lottery Commission to adopt rules for the enforcement and administration of Texas Government Code, Chapter 467 and the laws under the Commission's jurisdiction.

The section affects Texas Government Code, Chapter 466.

*§401.369. Retailer Sales Incentive.*

(a) The Executive Director may reduce a lottery sales agent's on-line weekly service charge from \$20 to \$10 if the sales agent meets the following criteria.

(1) The sales agent must sell on-line tickets for a time period of at least three years. The time period for on-line ticket sales must be continuous and without interruption;

(2) The sales agent's license must be in good standing for the entire time period. "Good standing" for purposes of this

rules means that the sales agent's license has not been summarily suspended, suspended, or revoked during the time period; and,

(3) The license must be held by the same sales agent and must not have been transferred to another entity during the time period.

(b) The Texas Lottery reserves the right to revert to the \$20 weekly on-line service charge for sales agents who have had the charge reduced from \$20 to \$10 if the sales agent fails to maintain the criteria identified in this section or if the Executive Director determines, in his/her sole discretion, that is in the best interest of the Texas Lottery to revert to the \$20 weekly on-line service charge.

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 July 23, 1997.

TRD-9709560

Kimberly L. Kiplin

General Counsel

Texas Lottery Commission

Earliest possible date of adoption: September 2, 1997

For further information, please call: (512) 344-5113

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## TITLE 19. EDUCATION

### Part II. Texas Education Agency

#### Chapter 74. Curriculum Requirements

The Texas Education Agency (TEA) proposes amendments to §74.3 and §§74.11-74.13, concerning curriculum requirements. The sections establish definitions, requirements, and procedures related to required curriculum and graduation requirements. The proposed amendments would provide school districts the option of offering the technology applications courses in the recently adopted 19 TAC Chapter 126, Texas Essential Knowledge and Skills (TEKS) for Technology Applications, beginning in the 1997-1998 school year for state high school graduation credit. The proposed amendments will align the graduation requirements with the Texas essential knowledge and skills. All students entering Grade 9 during the 1997-1998 school year must have one technology applications graduation credit. In addition to the technology applications courses, courses from 19 TAC Chapter 120, TEKS for Business Education, and 19 TAC Chapter 123, TEKS for Technology Education/Industrial Technology Education, are also proposed to receive state high school technology applications graduation credit. The proposed amendments would revise the technology applications graduation requirement under the minimum, recommended, and distinguished achievement graduation plans.

Felipe Alanis, deputy commissioner for programs and instruction, has determined that for the first five-year period the sections are in effect there will be fiscal implications as a result of enforcing or administering the sections. The effect on local governments (school districts) cannot be estimated. As specified in legislation, school districts are to offer technology applications courses for state graduation credit using the essential knowledge and skills as guidelines in providing instruction. In doing

so, some districts may incur costs for professional development, equipment, and instructional materials. Many districts already have made investments in hardware, software, and instructional materials due to the emphasis and benefits of using technology in their schools. Districts may draw upon a variety of fund sources such as the technology allotment, the Telecommunications Infrastructure Fund, Technology Literacy Challenge Fund, and other consolidated federal funds. There will be no effect on state government or small businesses.

Mr. Alanis and Criss Cloudt, associate commissioner for policy planning and research, have determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a greater choice of current technology courses offered to students to meet the required one credit technology applications graduation requirement under the minimum, recommended, and distinguished achievement graduation plans. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Criss Cloudt, Policy Planning and Research, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701, or may be submitted electronically at the following address: <http://www.tea.state.tx.us/sboe/rules/proposed>. All requests for a public hearing on the proposed sections submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in the sections has been published in the *Texas Register*.

#### Subchapter A. Required Curriculum

##### 19 TAC §74.3

The amendment is proposed under the Texas Education Code (TEC), §28.002, which directs the State Board of Education (SBOE) to adopt rules related to essential knowledge and skills and required curricula, and §28.025, which directs the SBOE to adopt rules that determine curriculum requirements for the minimum, recommended, and advanced high school programs that are consistent with the required curriculum under TEC, §28.002.

The amendment implements the Texas Education Code, §28.002 and §28.025.

##### §74.3. *Description of a Required Secondary Curriculum.*

(a) (No change.)

(b) Secondary Grades 9-12.

(1) (No change.)

(2) The school district must offer the courses listed in this paragraph and maintain evidence that students have the opportunity to take these courses:

(A)-(J) (No change.)

(K) technology applications - one unit of credit selected from a variety of computer-related courses **including:** [as described in Chapter 75, Subchapter D, of this title (relating to Essential Elements-Grades 9-12), including Business Computer Applications I and II, Business Computer Programming I and II, Computer Applications, Computer Science I and II, Microcomputer Applica-

tions, Business Information Processing, Computer Mathematics, and Industrial Technology Computer Applications; and]

(i) all courses in Chapter 126 of this title (relating to Texas Essential Knowledge and Skills for Technology Applications);

(ii) the following courses in Chapter 120 of this title (relating to Texas Essential Knowledge and Skills for Business Education): Business Computer Information Systems I and II, Business Computer Programming, Telecommunications and Networking, and Business Image Management and Multimedia;

(iii) the following courses in Chapter 123 of this title (relating to Texas Essential Knowledge and Skills for Technology Education/Industrial Technology Education): Computer Applications, Technology Systems (modular computer laboratory-based), Communication Graphics (modular computer laboratory-based), and Computer Multimedia and Animation Technology;

(iv) Business Computer Applications I and II, Business Computer Programming I and II, Computer Applications, Computer Science I and II, Microcomputer Applications, Business Information Processing, and Industrial Technology Computer Applications as provided in Chapter 75, Subchapter D, of this title (relating to Essential Elements-Grades 9-12) until August 31, 1998; and

(v) Computer Mathematics as provided in Chapter 75, Subchapter D, of this title (relating to Essential Elements-Grades 9-12) until August 31, 1999; and

(L) (No change.)

(3) (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 July 23, 1997.

TRD-9709562

Criss Cloudt

Associate Commissioner, Policy Planning and Research  
Texas Education Agency

Earliest possible date of adoption: September 2, 1997

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



## Subchapter B. Graduation Requirements

### 19 TAC §§74.11-74.13

The amendments are proposed under the Texas Education Code (TEC), §28.002, which directs the State Board of Education (SBOE) to adopt rules related to essential knowledge and skills and required curricula, and §28.025, which directs the SBOE to adopt rules that determine curriculum requirements for the minimum, recommended, and advanced high school programs that are consistent with the required curriculum under TEC, §28.002.

The amendments implement the Texas Education Code, §28.002 and §28.025.

### §74.11. High School Graduation Requirements.

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

(d) A student must complete at least 22 credits to receive a minimum high school program diploma. Credit may be awarded without prior instruction under Texas Education Code, §28.023 (relating to Credit by Examination), or §39.023(i) (relating to end-of-course tests). A student must demonstrate proficiency in the following.

(1)-(9) (No change.)

(10) Technology applications - one credit, which may be satisfied by: [Business Computer Applications I or II, Business Computer Programming I or II, Computer Applications, Computer Science I or II, Microcomputer Applications, Business Information Processing, Computer Mathematics, or Industrial Technology Computer Applications.]

(A) all courses in Chapter 126 of this title (relating to Texas Essential Knowledge and Skills for Technology Applications);

(B) the following courses in Chapter 120 of this title (relating to Texas Essential Knowledge and Skills for Business Education): Business Computer Information Systems I or II, Business Computer Programming, Telecommunications and Networking, or Business Image Management and Multimedia;

(C) the following courses in Chapter 123 of this title (relating to Texas Essential Knowledge and Skills for Technology Education/Industrial Technology Education): Computer Applications, Technology Systems (modular computer laboratory-based), Communication Graphics (modular computer laboratory-based), or Computer Multimedia and Animation Technology;

(D) Business Computer Applications I or II, Business Computer Programming I or II, Computer Applications, Computer Science I or II, Microcomputer Applications, Business Information Processing, or Industrial Technology Computer Applications as provided in Chapter 75, Subchapter D, of this title (relating to Essential Elements - Grades 9-12) until August 31, 1998; or

(E) Computer Mathematics as provided in Chapter 75, Subchapter D, of this title (relating to Essential Elements - Grades 9-12) until August 31, 1999.

(11) (No change.)

(e)-(h) (No change.)

### §74.12. Recommended High School Program.

(a) (No change.)

(b) Academic core components. College Board advanced placement and International Baccalaureate courses may be substituted for requirements in appropriate proficiency areas. Credit may be awarded without prior instruction under Texas Education Code, §28.023 (relating to Credit by Examination), or §39.023(i) (relating to end-of-course tests). The student must demonstrate proficiency in the following.

(1)-(9) (No change.)

(10) Technology applications - one credit, which may be satisfied by: [Computer Science I or II, Business Computer Applications I or II, Business Computer Programming I or II, Computer Ap-

plications, Microcomputer Applications, Business Information Processing, Computer Mathematics, or Industrial Technology Computer Applications.]

(A) all courses in Chapter 126 of this title (relating to Texas Essential Knowledge and Skills for Technology Applications);

(B) the following courses in Chapter 120 of this title (relating to Texas Essential Knowledge and Skills for Business Education): Business Computer Information Systems I or II, Business Computer Programming, Telecommunications and Networking, or Business Image Management and Multimedia;

(C) the following courses in Chapter 123 of this title (relating to Texas Essential Knowledge and Skills for Technology Education/Industrial Technology Education): Computer Applications, Technology Systems (modular computer laboratory-based), Communication Graphics (modular computer laboratory-based), or Computer Multimedia and Animation Technology;

(D) Computer Science I or II, Business Computer Applications I or II, Business Computer Programming I or II, Computer Applications, Microcomputer Applications, Business Information Processing, or Industrial Technology Computer Applications as provided in Chapter 75, Subchapter D, of this title (relating to Essential Elements - Grades 9-12) until August 31, 1998; or

(E) Computer Mathematics as provided in Chapter 75, Subchapter D, of this title (relating to Essential Elements - Grades 9-12) until August 31, 1999.

(11) (No change.)

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

§74.13. *Distinguished Achievement Program-Advanced High School Program.*

(a) Beginning in the 1999-2000 school year, a student who wishes to complete an advanced high school program (called the distinguished achievement program) and have the accomplishment recognized and distinguished on the academic achievement record (transcript) must complete the following requirements.

(1) Academic core components. College Board advanced placement and International Baccalaureate courses may be substituted for requirements in appropriate proficiency areas. The student must demonstrate proficiency in the following.

(A)-(I) (No change.)

(J) Technology applications - one credit, which may be satisfied by: [Computer Science I or II, Business Computer Applications I or II, Business Computer Programming I or II, Computer Applications, Microcomputer Applications, Business Information Processing, Computer Mathematics, or Industrial Technology Computer Applications.]

(i) all courses in Chapter 126 of this title (relating to Texas Essential Knowledge and Skills for Technology Applications);

(ii) the following courses in Chapter 120 of this title (relating to Texas Essential Knowledge and Skills for Business Education): Business Computer Information Systems I or

II, Business Computer Programming, Telecommunications and Networking, or Business Image Management and Multimedia;

(iii) the following courses in Chapter 123 of this title (relating to Texas Essential Knowledge and Skills for Technology Education/Industrial Technology Education): Computer Applications, Technology Systems (modular computer laboratory-based), Communication Graphics (modular computer laboratory-based), or Computer Multimedia and Animation Technology;

(iv) Computer Science I or II, Business Computer Applications I or II, Business Computer Programming I or II, Computer Applications, Microcomputer Applications, Business Information Processing, or Industrial Technology Computer Applications as provided in Chapter 75, Subchapter D, of this title (relating to Essential Elements - Grades 9-12) until August 31, 1998; or

(v) Computer Mathematics as provided in Chapter 75, Subchapter D, of this title (relating to Essential Elements - Grades 9-12) until August 31, 1999.

(K) (No change.)

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

(b)-(g) (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 July 23, 1997.

TRD-9709561

Criss Cloudt

Associate Commissioner, Policy Planning and Research

Texas Education Agency

Earliest possible date of adoption: September 2, 1997

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

## TITLE 22. EXAMINING BOARDS

### Part X. Texas Funeral Service Commission

#### Chapter 203. Licensing and Enforcement - Specific Substantive Rules

##### 22 TAC §203.6

The Texas Funeral Service Commission proposes an amendment to §203.6, concerning Provisional Licensees. The section is being proposed to delete direct and personal from subsection (a). The section is also being amended to add a new subsection (m) which defines the term "supervision".

David W. Ashmore, Legal Counsel, has determined that for the first five-year period the amendment is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Ashmore also has determined that for each year of the first five years the amendment is in effect, the public



benefit anticipated as a result of enforcing the section will be the deletion of language which is no longer applicable and clarification of the term "supervision". There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to David W. Ashmore, Legal Counsel, Texas Funeral Service Commission, 510 South Congress Avenue, Suite 206, Austin, Texas 78704-1716.

The amendment is proposed pursuant to Texas Civil Statutes, Article 4582b, §5, which authorize the Texas Funeral Service Commission to adopt rules to administer the statute.

Texas Civil Statutes, Article 4582b is affected by the proposed amendment.

§203.6. *Provisional Licensees.*

(a) Participants in the provisional licensure program may serve as provisional licensees only in funeral establishments or commercial embalming establishments licensed by the commission, and all work must be performed under the [direct and personal] supervision of a duly licensed funeral director or embalmer, depending on the provisional license. However, the provisional funeral director program may not be served in a commercial embalming establishment.

(b)-(l) (No change.)

**(m) Supervision is defined as the presence of the designated supervisor on the premise at the time and place that the provisional training occurs, with prior knowledge and approval of the provisional training activity, and a review of the activity as soon as possible after completion.**

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 July 22, 1997.

TRD-9709518

Eliza May, M.S.S.W.

Executive Director

Texas Funeral Service Commission

Earliest possible date of adoption: September 2, 1997

For further information, please call: (512) 479-7222



## Part XXIV. Texas Board of Veterinary Medical Examiners

### Chapter 571. Licensing

#### Examination

##### 22 TAC §571.18

The Texas Board of Veterinary Medical Examiners proposes an amendment to §571.18, concerning Provisional Licensure. The amendments clarify when the Board may issue a provisional license, sponsorship requirements and cancellation. The amendments are necessary to ensure that provisional licenses

are issued only to qualified applicants and that probationary licensees who have not provided evidence of their competency through testing are adequately supervised. Additional non-substantive drafting amendments are made, including the deletion of redundant language.

Mr. Ron Allen, Executive Director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Allen has also determined that for the first five years the section is in effect, the public benefit anticipated as a result of enforcing the section will be to ensure proper supervision of provisional licensees prior to establishment of their competency through testing and restriction of provisional licenses to first-time applicants for regular licensure. There will be no effect on small businesses. There is no anticipated economic cost to persons required to comply with the section as proposed.

Comments on the proposal may be submitted in writing to Judy Smith, Texas Board of Veterinary Medical Examiners, 333 Guadalupe, Suite 2-330, Austin, Texas 78701-3998, phone: (512) 305-7555, and must be received by September 1, 1997.

The amendment is proposed under the authority of the Veterinary Licensing Act, Texas Civil Statutes, article 8890, §7(a) which states "The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this act."

The amendment is affect the Veterinary Licensing Act, article 8890, §10(b) which authorizes the Board to grant provisional licenses.

§571.18. *Provisional Licensure.*

(a) **The Board may issue a provisional license to a person seeking regular licensure in Texas. The Board may not issue a [A] provisional license [is not available] to an individual [individuals] who has previously taken and [have] failed any examination offered by the Board and required to obtain a Texas license [the Texas State Board Examination prior to making application for a provisional license].**

(b) The Board **may** [will] grant a provisional license **containing specific practice restrictions** to a person who **meets the following criteria** [provides]:

(1) proof of a current license in good standing in another state, **or jurisdiction** [the District of Columbia; or a territory] of the United States that has licensing requirements that are substantially equivalent to the requirements of the Veterinary Licensing Act;

(2) proof of **receipt of a minimum passing score of 75% on** [having passed] the National Board **Examination (NBE)** and the Clinical Competency Test (**CCT**) [with a minimum passing score of 75%].

(3) proof of **sponsorship** [being sponsored] by a **veterinarian** [person] licensed by the Board **who will directly supervise** [under the Veterinary Licensing Act under whose supervision] the provisional licensee's [licensee may] practice **during the term of the provisional license** [under this section]. **An** [If an] applicant **requesting waiver of the sponsorship requirement due to hardship** [submits that obtaining a sponsor is a hardship, the applicant] must **make a personal appearance** [appear] before the Board **to obtain a**

**waiver** [at a regularly scheduled meeting to justify why a provisional license should be issued without a sponsor];

(4) **passing score on** [proof of having taken and passed] the Texas jurisprudence examination.

(5) payment of the required application fee. [; and,]

(6) **proof of graduation from an American Veterinary Medical Association (AVMA) accredited college of veterinary medicine or** [possess] an Educational Commission for Foreign Veterinary Graduates Certificate **issued by the** [if not a graduate of an] AVMA [accredited college of veterinary medicine].

(7) **proof of veterinary experience. This requirement can be satisfied by letter of reference from at least two veterinarian employers or persons with direct knowledge of the applicant's veterinary practice and experience.**

(c) [(b)] [Upon] **The Board's Executive Director will issue a provisional license to an applicant following** verification of [by the Executive Director that] the requirements **set out** in subsection **(b) of this section** [(a)(1)-(3) of this section are valid, that no active disciplinary actions are in effect under the authority of any jurisdiction in which the applicant is licensed, and the jurisprudence examination has been taken and passed, the Executive Director shall issue the applicant a provisional license].

(d) [(c)] [At the time application is made for a provisional license, the] **An applicant for provisional license must submit** [complete] an application form **designated** [furnished] by the Board, **together with all required** [and submit] supporting documentation [as required] including but not limited to:

(1) a letter of good standing from **each** [any] **jurisdiction** [jurisdictions] **in which** [where] the applicant is **currently licensed** or has been [,] **previously** licensed[;].

(2) a certified copy of **the applicant's** [the] veterinary school transcript **including a** [with] graduation date. [thereon;]

(3) a certified copy of **the applicant's** [his/her] birth certificate.[;]

(4) a certified [score] report from the Interstate Reporting Service verifying **that the applicant passed the** [required] NBE **and** [/] CCT [score]. [;]

(5) a letter from the **applicant's** sponsoring **veterinarian acknowledging responsibility for direct supervision of the provisional licensee.** [; and]

(6) an application fee in an amount set by the Board **and contained in §577.15 of this title (relating to Fee Schedule).**

(e) [d] [The provisional licensure] **The** jurisprudence examination will be conducted [on an as needed basis] **on request at the earliest time practical for the Board.** [A 14-day processing period will begin the date of receipt of a completed application for provisional licensure.]

[(e)] As part of the application process by a provisional licensee for a regular Texas veterinary license, the Act, §10(d)(2), requires the applicant to furnish evidence of experience. This requirement can be satisfied by providing the Board with two letters of reference from persons such as employers or associates who have had direct knowledge of the applicant's experience.]

(f) A provisional license **is** [shall be] valid until **the earlier of:**

(1) 14 days after the first available regularly scheduled licensure examination,

(2) **announcement of** [or when] the results of the **first available regularly scheduled examination, or**

(3) **cancellation pursuant to this section** [are official, whichever comes first]. **The Board will issue a** [A] regular license **to a provisional licensee who** [will be issued, provided the applicant] has passed **all examinations administered by the Board and required to obtain a Texas license.** [the Texas State Board Licensing Examination as described in the Veterinary Licensing Act, Texas Civil Statutes, Article 8890, §§12(a)-(f), and has complied with §§571.1-571.3 and §§571.5-571.12 of this title (relating to Examinations)]. **The Board will cancel a provisional license if the provisional licensee fails to** [If an applicant does not] appear at the **first available** regularly scheduled examination **held after the issuance of the provisional license** [for full Texas licensure for which he/she has been processed, the applicant forfeits the provisional license he/she currently holds, as the Board will not extend the provisional license beyond the first available examination date]. **The Board** [A provisional license] will not [be] **reissue, extend, or renew the provisional license of a person who has failed any examination offered by the Board** [renewed upon failure of the examination(s)].

(g) The Board shall **process any additional requirements necessary** to complete [the processing of] a provisional licensee's application for [a] regular **licensure** [license] within 180 days after [the date] the **issuance of a provisional license** [is issued]. **The Board is not required to conduct a licensure examination if a regularly scheduled licensure examination does not occur within the 180 day period.**

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 July 21, 1997.

TRD-9709552

Ron Allen

Executive Director

Texas Board of Veterinary Medical Examiners

Proposed date of adoption: October 2, 1997

For further information, please call: (512) 305-7555



## Chapter 573. Rules of Professional Conduct

### Supervision of Personnel

#### 22 TAC §573.10

The Texas Board of Veterinary Medical Examiners proposes an amendment to §573.10, concerning Supervision of Non-Licensed Employees. The amendments clarify the responsibility of a veterinarian providing general, direct or immediate supervision of a non-licensuree. The rule is further amended to ensure consistency with §573.53, concerning Rabies Control, which allows a non-licensuree to authenticate Rabies vaccinations under certain circumstances. The rule is further amended to recraft the provision delineating licensee responsibility for

the actions of non-licensed employees; this is not a substantive amendment. Additional non-substantive amendments were made to the rule.

Mr. Ron Allen, Executive Director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Allen has determined that for the first five years the section is in effect that the public benefit anticipated as a result of enforcing the section will be to ensure that a licensed veterinarian adequately supervises non-licensed employees who administer and/or document rabies vaccinations. There will be no effect on small businesses. There is no anticipated economic cost to persons required to comply with the section as proposed.

Comments on the proposal may be submitted in writing to Judy Smith, Texas Board of Veterinary Medical Examiners, 333 Guadalupe, Suite 2-330, Austin, Texas 78701-3998, phone: (512) 305-7555, and must be received by September 1, 1997.

The amendment is proposed under the authority of the Veterinary Licensing Act, Texas Civil Statutes, article 8890, §7(a) which states "The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this act."

The amendment affects the Veterinary Licensing Act, article 8890, §14(a)(7) which prohibits fraudulent issuance of vaccination certificates relating to the presence or absence of an animal disease by a licensed veterinarian.

§573.10. *Supervision of Non-Licensed Employees.*

(a) General Supervision. **A veterinarian required to generally supervise a non-licensee must be** [Supervision by a responsible veterinarian being] readily available to communicate with the person **under supervision** [being supervised by the veterinarian].

(b) Direct Supervision. **A veterinarian required to directly supervise a non-licensee must be physically present on the same premises as the non-licensee under supervision** [The actual physical presence of a responsible veterinarian on the premises].

(c) Immediate Supervision. [The responsible] **A veterinarian required to immediately supervise a non-licensee must be within** [is in] audible and visual range of **both** the animal patient and the person **under supervision** [treating the animal].

(d) **Delegation Relating to Official Health/Test Documents.**

(1) A licensee must personally sign any official health documents, [other than "rabies certificates"] issued by **the** [said] licensee **provided, however, rabies certificates may be authenticated by either:**

(A) **the licensee's personal signature or**

(B) **use of a signature stamp in accordance with the requirements of §573.51 of this title (relating to Rabies Control).** The issuance of any pre-signed or pre-stamped official health documents by a licensee is a violation of this rule.

(2) Unless otherwise prohibited by **the** [this] Act, Board rule [Rule], state [State] or federal law, a licensee may permit **a non-licensed** [an unlicensed] employee[,] under **his/her direct**

**supervision** [Direct Supervision of the licensee.] to collect samples from animals for official tests [test]. **A veterinarian shall only allow the use of his/her signature stamp by a non-licensed employee under direct supervision.**

(e) **Responsibility for Acts of Non-Licensed Employees** [Employee Qualifications.] **A licensee may determine a non-licensed** [The veterinarian is the sole judge of the] employee's qualifications necessary **to perform** [for the performance of] routine **patient care and** treatment. [Consequently, the] **The licensee is directly responsible for all** [will be held accountable before the Board for the] actions [and/or potential problems associated with] **of non-licensed employees acting under** [at] his/her directions **or authorization. A licensee failing to properly supervise a non-licensed employee or improperly delegating care and/or treatment responsibilities may be subject to disciplinary action by the Board.**

(f)-(i) (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 July 21, 1997.

TRD-9709554

Ron Allen

Executive Director

Texas Board of Veterinary Medical Examiners

Proposed date of adoption: October 2, 1997

For further information, please call: (512) 305-7555

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**Records Keeping**

**22 TAC §573.51**

The Texas Board of Veterinary Medical Examiners proposes an amendment to §573.51, concerning Rabies Control. The amendments are necessary to clarify the requirement that direct supervision by a veterinarian is required when a signature stamp is utilized to authenticate a rabies certificate. Additional amendments clarify when it is permissible for non-licensees to administer rabies vaccinations. Additional non-substantive drafting amendments are made, including reference to applicable Texas Department of Health Rules.

Mr. Ron Allen, Executive Director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Allen also has determined that for the first five years the section is in effect, the public benefit anticipated as a result of enforcing the section will be increased public safety through better regulation of the issuance of rabies certificates by veterinarians. There will be no effect on small businesses. There is no anticipated economic cost to persons required to comply with the section as proposed.

Comments on the proposal may be submitted in writing to Judy Smith, Texas Board of Veterinary Medical Examiners, 333 Guadalupe, Suite 2-330, Austin, Texas 78701-3998, phone: (512) 305-7555, and must be received by September 1, 1997.

The amendment is proposed under the authority of the Veterinary Licensing Act, Texas Civil Statutes, article 8890, §7(a) which states "The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this act."

The amendment affects the Veterinary Licensing Act, article 8890, §14(a)(7) which prohibits the fraudulent issuance of vaccination certificates that relate to the presence or absence of an animal disease by a veterinarian.

§573.51. *Rabies control.*

(a) **Only the vaccinating veterinarian shall issue** official rabies vaccination certificates [shall be issued by the vaccinating veterinarian and shall contain]. **The veterinarian will ensure that each rabies vaccination certificate contains the** [certain standard] information **required by 25 TAC, §169.29 adopted** [as designated] by the Texas Department of Health, **including** [as follows]:

- (1) owner's name, address and telephone number . [;]
- (2) animal identification (species, sex, age, size (pounds), predominate breed and color. [;]
- (3) vaccine used, producer, expiration date and serial number. [;]
- (4) date vaccinated. [;]
- (5) rabies tag number if a tag is issued . [; and]
- (6) Veterinarian's signature or signature stamp and license number. **A veterinarian shall only allow use of his/her signature stamp on a rabies vaccination certificate by a non-licensed employee under his/her direct supervision. Use of a veterinarians' signature stamp on a rabies vaccination certificate by any other person not under the veterinarian's direct supervision may be grounds for disciplinary action.**

(b) **A veterinarian may allow a non-licensed employee to administer a rabies vaccine, provided the non-licensed employee is under the direct supervision of the veterinarian.**

(c) [(b)] Each Texas licensed veterinarian shall keep a copy of each rabies vaccination certification **he/she has issued** [administered by him/her] for **a minimum of three**[at least ] three years.

(d) [(c)] [It is the duty of the] **A veterinarian having knowledge of an animal bite to a human shall** [to] immediately report the incident to the local health authority. **A** [If the] veterinarian **preparing an** [prepares the biting] animal's body for rabies diagnosis [, he] shall **comply with all requirements of 25 TAC §169.33 adopted by the Texas Department of Health.** [follow instructions detailed in the Texas Rabies Control and Eradication Act, §169.33].

(e) [(d)] **A** [If a] veterinarian **who ceases the practice of veterinary medicine, shall deliver to the local health authority all** [the] duplicate rabies vaccination certificates **issued by the veterinarian within the preceding three-year period** [retained by that practice shall turned over to the local health authority]. **A veterinarian who sells or leases his/her** [This does not apply to the sale or lease of a] practice **to another licensed veterinarian may transfer duplicate rabies certificates with** [when] the records of the practice **which** are transferred to a new owner.

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 July 21, 1997.

TRD-9709555

Ron Allen

Executive Director

Texas Board of Veterinary Medical Examiners

Proposed date of adoption: October 2, 1997

For further information, please call: (512) 305-7555

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**Other Provisions**

**22 TAC §573.60**

The Texas Board of Veterinary Medical Examiners proposes an amendment to §573.60, concerning Practice Prohibitions. The amendments are necessary to specify that a licensed veterinarian will be subject to sanctions for providing care and treatment to humans, including dispensing medications for personal use, except in an emergency situation.

Mr. Ron Allen, Executive Director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Allen also has determined that for the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to prevent the unlawful treatment of humans by veterinarians. There will be no effect on small businesses. There is no anticipated economic cost to persons required to comply with the section as proposed.

Comments on the proposal may be submitted in writing to Judy Smith, Texas Board of Veterinary Medical Examiners, 333 Guadalupe, Suite 2-330, Austin, Texas 78701-3998, phone: (512) 305-7555, and must be received by September 1, 1997.

The amendment is proposed under the authority of the Veterinary Licensing Act, Texas Civil Statutes, article 8890, §7(a) which states "The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this act."

The amendment affects the Veterinary Licensing Act, article 8890, §14(a)(3) prohibiting illegal acts by veterinarians connected to their practice of veterinary medicine.

§573.60. *[Practice] Prohibition Against treatment of humans.*

**A veterinarian shall not provide** [A Texas veterinary license does not extend to the] care and treatment of humans **including dispensing medication for personal use by a human.** A [The foregoing does not apply to a] licensee **may render** [who renders] first aid or emergency care **to a human if such action is**[,] without expectation of compensation[, ] in **response to** an emergency or disaster situation.

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 July 21, 1997.

TRD-9709553

Ron Allen  
Executive Director  
Texas Board of Veterinary Medical Examiners  
Proposed date of adoption: October 2, 1997  
For further information, please call: (512) 305-7555



## Chapter 575. Practice and Procedure

### 22 TAC §575.20

The Texas Board of Veterinary Medical Examiners proposes an amendment to §575.20, concerning Subpoena Fees and Expenses of Witnesses. The amendments make the Board's rule consistent with the language in the Administrative Procedure Act.

Mr. Ron Allen, Executive Director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Allen also has determined that for the first five years the section is in effect that the public benefit anticipated as a result of enforcing the section will be to provide consistency in the rules affecting the Board's administrative proceedings. There will be no effect on small businesses. There is not any anticipated economic cost to persons required to comply with the section as proposed.

Comments on the proposal may be submitted in writing to Judy Smith, Texas Board of Veterinary Medical Examiners, 333 Guadalupe, Suite 2-330, Austin, Texas 78701-3998, phone: (512) 305-7555, and must be received by September 1, 1997.

The amendment is proposed under the authority of the Veterinary Licensing Act, Texas Civil Statutes, article 8890, §7(a) which states "The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this act."

The amendment affects the Veterinary Licensing Act, article 8890, §15 authorizing the Board to hold administrative hearings.

§575.20. *Subpoena Fees and Expenses of Witnesses.*

(a) A witness or deponent who **is** [may or may] not [be] a party and who is subpoenaed, **or otherwise** compelled, [or requested] to attend **or testify at** any hearing or proceeding [to testify] or to give a deposition or to produce books, records, papers, or other objects **in connection with** [that may be necessary and proper for the purposes of the] **a** proceeding under the authority of **the Board's rules or the Administrative Procedure Act** [this section] is entitled to receive:

(1) mileage, meal and lodging expenses [which will be] paid in accordance with the current classified employee travel regulations of the State of Texas; **and**

(2) a fee of \$25 a day to be paid for each day or part of a day the person is necessarily present as a witness or deponent. [; and]

(b) **Amounts required to be reimbursed or paid**

[(3)] [fees to which a witness or deponent is entitled] under this section [which] shall be **reimbursed or paid** [by the Agency

from funds deposited] by the party [or agency] at whose request the witness appears or the deposition is taken. [on presentation of proper] **If the Board is required to make reimbursement or payment, the witness must execute a sworn voucher** [vouchers] [sworn by the witness, and] accompanied by receipts for commercial transportation, hotel, parking and tolls [and approved by the agency]. **The Board may directly pay the transportation and lodging expenses of a witness if it would otherwise be required to reimburse the witness for those expenses.**

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 July 21, 1997.

TRD-9709556  
Ron Allen  
Executive Director  
Texas Board of Veterinary Medical Examiners  
Proposed date of adoption: October 2, 1997  
For further information, please call: (512) 305-7555



## Chapter 577. General Administration and Duties

### Staff and Miscellaneous

#### 22 TAC §577.15

The Texas Board of Veterinary Medical Examiners proposes an amendment to §577.15, concerning the Fee Schedule. The amendment will change the amount of the Board's fees for renewal of regular, special, and inactive licenses from \$110 to \$114. The increase in revenues is necessary to cover the legislative appropriations made to the Board for fiscal year 1998 beginning September 1, 1997. An additional amendment creates a new fee for checks that are returned for insufficient funds.

Mr. Ron Allen, Executive Director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Allen also has determined that for the first five years the section is in effect that the public benefit anticipated as a result of enforcing the section will be to ensure that adequate funds are provided for the Board's operations for licensing, complaint investigation, and enforcement of the Veterinary Licensing Act and related laws and rules applying to the practice of veterinary medicine. The economic cost to persons required to comply with the section as proposed will be a four dollar increase in veterinarians' fee to maintain a license to practice veterinary medicine in Texas. There will be a \$25 charge to individuals submitting checks that are returned for insufficient funds. While not insignificant, the amount of the increase is not expected to have a negative impact on licensees or their clients.

Comments on the proposal may be submitted in writing to Judy Smith, Texas Board of Veterinary Medical Examiners, 333 Guadalupe, Suite 2-330, Austin, Texas 78701-3998, phone: (512) 305-7555, and must be received by September 1, 1997.

The amendment is proposed under the authority of the Veterinary Licensing Act, Texas Civil Statutes, article 8890, §7(a) which states "The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this act."

The amendment affects the Veterinary Licensing Act, article 8890, § 19.

§577.15. *Fee Schedule.*

The Board shall establish fee amounts in accordance with Section 19(a), (b), and (c) of the Veterinary Licensing Act, art. 8890. Figure 1: 22 TAC §577.15

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 July 21, 1997.

TRD-9709557

Ron Allen

Executive Director

Texas Board of Veterinary Medical Examiners

Proposed date of adoption: October 2, 1997

For further information, please call: (512) 305-7555

◆ ◆ ◆  
**TITLE 31. NATURAL RESOURCES AND CONSERVATION**

**Part X. Texas Water Development Board**

**Chapter 363. Financial Assistance Programs**

The Texas Water Development Board (board) proposes new §363.18 and amendments to §§363.2, 363.42, and 363.43, concerning Financial Assistance Programs. New §363.18 provides an option for water supply corporations to execute a promissory note and loan agreement instead of issuing bonds to secure financial assistance through the Water Supply Account. Amendment to §363.2 adds a definition for corporation. Amendments to §363.42 and §363.43 add provisions for execution of a promissory note and loan agreement to fulfill requirements for loan closing and/or release of funds.

Bruce Wood, Director of Accounting and Finance, has determined that for the first five year period the sections are in effect there will be no fiscal implications on state or local government.

Mr. Wood also has determined that for each year of the first five years that the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a reduction in costs incurred by water supply corporations for financial advisory and bond counsel fees associated with bond issuance. There will not be an effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the amendments and new section as proposed.

Comments on the proposed amendments and new section will be accepted for 30 days following publication and may be submitted to Lana Lutringer, (512) 463-7879, Texas Water Development Board, P.O. Box 13231, Austin, Texas, 78711-3231.

**Subchapter A. General Provisions**

**Introductory Provisions**

**31 TAC §363.2**

The amendment is proposed under the authority of the Texas Water Code, §6.101 which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State.

The statutory provisions affected by the amendment are Texas Water Code, Chapter 17, Subchapter D.

§363.2. *Definitions of Terms.*

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. **Words defined in the Texas Water Code Chapters 15, 16 or 17, and not defined here shall have the meanings provided by the appropriate Texas Water Code chapter.**

**Corporation - a nonprofit water supply corporation created and operating under Chapter 76, Acts of the 43rd Legislature, 1st Called Session, 1933 as amended (Article 1434a, Vernon's Texas Civil Statutes).**

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 July 22, 1997.

TRD-9709510

Craig D. Pedersen

Executive Administrator

Texas Water Development Board

Proposed date of adoption: September 18, 1997

For further information, please call: (512) 463-7981

◆ ◆ ◆  
**General Application Procedures**

**31 TAC §363.18**

The new section is proposed under the authority of the Texas Water Code, §6.101 which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State.

The statutory provisions affected by the new section are Texas Water Code, Chapter 17, Subchapter D.

§363.18. *Promissory Notes and Loan Agreements with Non-profit Water Supply Corporations.*

(a) The board may provide financial assistance to corporations by either purchasing bonds issued by the corporation or by purchasing a promissory note and entering into a loan agreement with the corporation.

(b) If a corporation executes a promissory note and loan agreement with the board, the corporation is not required to engage the services of a bond counsel or a financial advisor.

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 July 22, 1997.

TRD-9709511

Craig D. Pedersen

Executive Administrator

Texas Water Development Board

Proposed date of adoption: September 18, 1997

For further information, please call: (512) 463-7981



## Prerequisites to Release of State Funds

### 31 TAC §363.42, §363.43

The amendments are proposed under the authority of the Texas Water Code, §6.101, which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State.

The statutory provisions affected by the amendments are Texas Water Code, Chapter 17, Subchapter D.

#### §363.42. *Loan Closing.*

(a) Instruments needed for closing. The documents which shall be required at the time of closing shall include the following:

(1) (No change.)

(2) certified copy of the ordinances or resolutions adopted by the governing body authorizing issuance of debt sold to the board which has received prior approval by the executive administrator and which shall have sections providing **for the following, or alternatively, for a water supply corporation, an executed promissory note and loan agreement and related documents which contain the following:**

(A)-(I) (No change.)

(3) (No change.)

(4) unqualified approving opinions of the attorney general of Texas and **if bonds are issued**, a certification from the comptroller of public accounts that such debt has been registered in that office;

(5) **if bonds are issued, an unqualified approving opinion by a recognized bond attorney acceptable to the executive administrator, or if a promissory note and loan agreement is used, an opinion from the corporation's attorney which is acceptable to the executive administrator;**

(6)-(7) (No change.)

(b) Certified **bond** transcript. At such time as available following the final release of funds the political subdivision shall submit a transcript of proceedings relating to the debt purchased by the board which shall contain those instruments normally furnished a purchaser of debt.

(c) Closing requirements **for bonds**. A political subdivision shall be required to comply with the following closing requirements **if the applicant issues bonds that are purchased by the board:**

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

#### §363.43. *Release of Funds.*

(a)-(e) (No change.)

**(f) Release of funds in installments to water supply corporations. Funds may be released to water supply corporations in installments and pursuant to the provisions of this section.**

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 July 22, 1997.

TRD-9709512

Craig D. Pedersen

Executive Administrator

Texas Water Development Board

Proposed date of adoption: September 18, 1997

For further information, please call: (512) 463-7981



## Chapter 371. Drinking Water State Revolving Fund

The Texas Water Development Board (board) proposes new §371.40 and amendments to §§371.2, 371.71, and 371.72, concerning the Drinking Water State Revolving Fund. New §371.40 provides an option for water supply corporations to execute a promissory note and loan agreement instead of issuing bonds to secure financial assistance through the Drinking Water State Revolving Fund. Amendment to §371.2 adds a definition for corporation. Amendments to §371.71 and §371.72 add provisions for execution of a promissory note and loan agreement to fulfill requirements for loan closing and/or the release of funds.

Bruce Wood, Director of Accounting and Finance, has determined that for the first five year period the sections are in effect there will be no fiscal implications on State or local government.

Mr. Wood also has determined that for each year of the first five years that the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a reduction in costs incurred by water supply corporations for financial advisory and bond counsel fees associated with bond issuance. There will not be an effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the amendments and new section as proposed.

Comments on the proposed amendments and new section will be accepted for 30 days following publication and may be submitted to Lana Lutringer, (512) 463-7879, Texas Water Development Board, P.O. Box 13231, Austin, Texas, 78711-3231.

### Introductory Provisions

#### 31 TAC §371.2

The amendment is proposed under the authority of the Texas Water Code, §6.101 and §15.605, which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, including the SRF Program.

The statutory provisions affected by the amendment are Texas Water Code, Chapter 15, Subchapter J.

§371.2. *Definition of Terms.*

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Words defined in the Texas Water Code, Chapter 15 and not defined here shall have the meanings provided by Chapter 15.

**Corporation - a nonprofit water supply corporation created and operating under Chapter 76, Acts of the 43rd Legislature, 1st Called Session, 1933 as amended (Article 1434a, Vernon's Texas Civil Statutes).**

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 July 22, 1997.

TRD-9709513

Craig D. Pedersen

Executive Administrator

Texas Water Development Board

Proposed date of adoption: September 18, 1997

For further information, please call: (512) 463-7981



## Application for Assistance

### 31 TAC §371.40

The new section is proposed under the authority of the Texas Water Code, §6.101 and §15.605, which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, including the SRF Program.

The statutory provisions affected by the new section are Texas Water Code, Chapter 15, Subchapter J.

§371.40. *Promissory Notes and Loan Agreements with Non-profit Water Supply Corporations.*

(a) The board may provide financial assistance to corporations by either purchasing bonds issued by the corporation or by purchasing a promissory note and entering into a loan agreement with the corporation.

(b) If a corporation executes a promissory note and loan agreement with the board, the corporation is not required to engage the services of a bond counsel or a financial advisor.

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 July 22, 1997.

TRD-9709514

Craig D. Pedersen

Executive Administrator

Texas Water Development Board

Proposed date of adoption: September 18, 1997

For further information, please call: (512) 463-7981



## Prerequisites to Release of Funds

### 31 TAC §371.71, §371.72

The amendments are proposed under the authority of the Texas Water Code, §6.101 and §15.605, which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, including the SRF Program.

The statutory provisions affected by the amendments are Texas Water Code, Chapter 15, Subchapter J.

§371.71. *Loan Closing.*

(a) Instruments needed for closing. The documents which shall be required at the time of closing shall include the following:

(1) (No change.)

(2) certified copy of the ordinances or resolutions adopted by the governing body authorizing issuance of debt sold to the board which has received prior approval by the executive administrator and which shall have sections providing **for the following, or alternatively, for a water supply corporation, an executed promissory note and loan agreement and related documents which contain the following:**

(A)-(I) (No change.)

(3) (No change.)

(4) unqualified approving opinions of the attorney general of Texas and **if bonds are issued**, a certification from the comptroller of public accounts that such debt has been registered in that office;

(5) **if bonds are issued, an** unqualified approving opinion by a recognized bond attorney acceptable to the executive administrator, **or if a promissory note and loan agreement is used, an opinion from the corporation's attorney which is acceptable to the executive administrator;**

(6)-(8) (No change.)

(b) Certified **bond** transcript. At such time as available following the final release of funds the applicant shall submit a transcript of proceedings relating to the debt purchased by the board which shall contain those instruments normally furnished a purchaser of debt.

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

(f) Closing requirements **for bonds**. An applicant shall be required to comply with the following closing requirements **if the applicant issues bonds that are purchased by the Board :**

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

§371.72. *Release of Funds.*

(a)-(e) (No change.)

(f) **Release of funds in installments to water supply corporations. Funds may be released to water supply corporations in installments and pursuant to the provisions of this section.**

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 July 22, 1997.

TRD-9709515



Craig D. Pedersen  
Executive Administrator  
Texas Water Development Board  
Proposed date of adoption: September 18, 1997  
For further information, please call: (512) 463-7981

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**TITLE 37. PUBLIC SAFETY AND CORRECTIONS**

**Part VI. Texas Department of Criminal Justice**

**Chapter 161. Community Justice Assistance Division Administration**

**37 TAC §161.21**

The Texas Department of Criminal Justice - Community Justice Assistance Division (TDCJ-CJAD) proposes an amendment to §161.21, concerning Role of the Judicial Advisory Council. The TDCJ-CJAD proposes either enactment of new standards or enhancements to existing standards. Among new standards are provisions for a standardized educational screening instrument, deletion of certain Community Supervision Officer (CSO) eligibility requirements, training requirements for Community Supervision and Corrections Department supervisory and management staff, limits on attempts to pass the CSO certification examination, training requirements for residential facility personnel, and deletion of requirements for annual HIV/AIDS training. Enhancements include changes in time allotted for completion of case classification, SCS assessments, and supervision plans.

David P. McNutt, Deputy Director for Administrative Services of the Department of Criminal Justice, has determined that there may be minimal fiscal implication resulting from amendments on CSCDs for the first-five year period of operations. He has further determined that there may be minimal fiscal effect on local government for the next five-year period, and that the implementation of these amendments will have no effect on small businesses, as they will not have to comply with the rules.

The Department of Criminal Justice has determined that the public benefit and cost the proposals represent are an effort to improve Community Supervision and Corrections Departments resulting in increased public safety.

Comments should be directed to Susan Cranford, TDCJ-CJAD Price Daniel Sr. Building, 209 West 14th Street, Suite 400, Austin, Texas 78701. Written comments should be submitted within 30 days after the date of the publication of this rule in the *Texas Register*.

The amendment is proposed under Texas Government Code: §493.003(b), which establishes the Judicial Advisory Council; and §509.003, which gives the Board of Criminal Justice authority to adopt reasonable rules establishing minimum standards for the operations and programs of community supervision and corrections departments.

The amendment affects Government Code §493.003 and §509.003.

*§161.21. Role of the Judicial Advisory Council.*

(a) Policy. The Texas Board of Criminal Justice (board) acknowledges **statutory responsibility** and the valuable and critical role of the judiciary in the growth, development, and implementation of community corrections policies and programs in Texas. The Judicial Advisory Council (council) is intended to provide a structure for fulfilling that role.

(b) State-Level Role of the Council. In accordance with **Texas Government Code, §493.003(b)** [Texas Civil Statutes, Article 4413(401), §1.12(b)], the function of the Judicial Advisory Council is to advise the board and the director of the **Texas Department of Criminal Justice- Community Justice Assistance Division (TDCJ-CJAD)** on matters of interest to the judiciary. To accomplish this purpose, the council shall:

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

(3) conduct a review of requests for funding of community corrections programs and projects to **TDCJ- CJAD**, and make recommendations to the director of **TDCJ- CJAD** on the funding of reviewed requests, subject to the review, ratification, and final judgment by the board, if such review is determined to be necessary by the executive director of the Department of Criminal Justice (department).

(c) Local-Level Role of the Council. In addition to the duties set out in subsection (b) of this section, the council shall:

(1) (No change.)

(2) coordinate its activities with the community justice liaison member of the board, the director of **TDCJ- CJAD**, the local community supervision and corrections departments, and any other significant entities identified by the director of **TDCJ- CJAD** or the executive director of the department; and

(3) (No change.)

(d) Additional Authority of the Council. The chair of the council may appoint committees of council members or advisory groups of noncouncil members to achieve the purposes of this section. The chair of the council shall consult with the director of **TDCJ- CJAD** regarding the scheduling of meetings of the council, committees of the council, or advisory groups to the council, to ensure that arrangements can be made and that sufficient funds exist to allow reimbursement of expenses for attendance, where authorized by law.

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 July 23, 1997.

TRD-9709532

Carl Reynolds

General Counsel

Texas Department of Criminal Justice

Earliest possible date of adoption: September 2, 1997

For further information, please call: (512) 463-9693

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## Chapter 163. Community Justice Assistance Division Standards

### 37 TAC §163.34

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

The Texas Department of Criminal Justice - Community Justice Assistance Division (TDCJ-CJAD) proposes the repeal of §163.34, concerning Prohibition on Carrying Handguns; and amendments to §163.3, concerning Objectives; 163.21, concerning Administration; 163.25, concerning Community Justice Councils, Task Forces, and Plans; 163.31, concerning Sanctions, Programs, and Services; 163.33, concerning Community Supervision Officers; 163.35, concerning Supervision; 163.37, concerning Reports and Records; 163.41, concerning Medical and Psychological Information; 163.43, concerning Funding and Financial Management; 163.46, concerning Allocation Formula For Community Corrections Program; and 163.47, concerning Contested Matters.

The TDCJ-CJAD proposes either enactment of new standards or enhancements to existing standards. Among new standards are provisions for a standardized educational screening instrument, deletion of certain Community Supervision Officer (CSO) eligibility requirements, training requirements for Community Supervision and Corrections Department supervisory and management staff, limits on attempts to pass the CSO certification examination, training requirements for residential facility personnel, and deletion of requirements for annual HIV/AIDS training. Enhancements include changes in time allotted for completion of case classification, SCS assessments, and supervision plans.

David P. McNutt, Deputy Director for Administrative Services of the Department of Criminal Justice, has determined that there may be minimal fiscal implication resulting from amendments and repeal on CSCDs for the first-five year period of operations. He has further determined that there may be minimal fiscal effect on local government for the next five-year period, and that the implementation of these amendments and repeal will have no effect on small businesses, as they will not have to comply with the rules.

The Department of Criminal Justice has determined that for the first five year period the public benefit and cost the proposals represent are an effort to improve Community Supervision and Corrections Departments resulting in increased public safety.

Comments should be directed to Susan Cranford, TDCJ-CJAD Price Daniel Sr. Building, 209 West 14th Street, Suite 400, Austin, Texas 78701. Written comments should be submitted within 30 days after the date of the publication of this rule in the *Texas Register*.

The repeal is proposed under Texas Government Code: §509.003, which gives the Board of Criminal Justice authority to adopt reasonable rules establishing minimum standards for the operations and programs of community supervision and corrections departments; §509.007, which governs the

requirements for community justice plans; §509.008, which governs community supervision officer certification standards; §509.009, which allows TDCJ-CJAD to provide training to community supervision officers; §509.011, which provides for state aid to CSCDs; §509.012, which provides for the refusal or suspension of state aid for non-compliance with TDCJ-CJAD standards; §76.009 and §76.010, which govern the use of state aid to provide facilities, utilities, and equipment for CSCDs; and §492.013, which grants the Board general rulemaking authority.

The repeal affects Government Code §§76.009, 76.010, 493.003, 509.003, 509.007, 509.008, 509.009, 509.010, 509.011, and 509.012.

#### §163.34. Prohibition on Carrying Handguns.

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 July 23, 1997.

TRD-9709534

Carl Reynolds

General Counsel

Texas Department of Criminal Justice

Earliest possible date of adoption: September 2, 1997

For further information, please call: (512) 463-9693

### 37 TAC §§163.3, 163.21, 163.25, 163.31, 163.33, 163.35, 163.37, 163.41, 163.43, 163.46, 163.47

The amendments proposed under Texas Government Code: §509.003, which gives the Board of Criminal Justice authority to adopt reasonable rules establishing minimum standards for the operations and programs of community supervision and corrections departments; §509.007, which governs the requirements for community justice plans; §509.008, which governs community supervision officer certification standards; §509.009, which allows TDCJ-CJAD to provide training to community supervision officers; §509.011, which provides for state aid to CSCDs; §509.012, which provides for the refusal or suspension of state aid for non-compliance with TDCJ-CJAD standards; §76.009 and §76.010, which govern the use of state aid to provide facilities, utilities, and equipment for CSCDs; and §492.013, which grants the Board general rulemaking authority.

The amendments affect Government Code, §§76.009, 76.010, 493.003, 509.003, 509.007, 509.008, 509.009, 509.010, 509.011, and 509.012.

#### §163.3. Objectives.

The objectives of the Texas Department of Criminal Justice-Community Justice Assistance Division (TDCJ-CJAD) standards are:

- (1) (No change.)
- (2) to **continue** [make] community supervision and corrections as a viable criminal justice sanction;
- (3) to assist community supervision and corrections departments (CSCDs) in providing protection to the community [through risk control, management of,] and rehabilitation services for the offender;

(4)-(5) (No change.)

(6) to establish **minimum** uniform community supervision and corrections administration standards;

(7)-(10) (No change.)

§163.21. *Administration.*

(a) CSCD director. The judge or judges shall appoint a CSCD director, who shall meet, at a minimum, the same eligibility criteria as a community supervision officer as cited in the **Texas Government Code, §76.005**, [Texas Code of Criminal Procedure, Article 42.131. §5] and §163.33 of this title (relating to Community Supervision Officers). It is the responsibility of the CSCD director to apply state, local, and other available resources to employ a sufficient number of officers and other employees to perform the professional and clerical work of the department as required by law, TDCJ-CJAD standards, and local community corrections needs as identified in the local community justice plan. The TDCJ-CJAD director is to be notified by the administrative judge of the appointment of a CSCD director.

(b) Administrative manual. CSCD directors shall be responsible for the development of an administrative manual defining general purposes and functional objectives, incorporating all written policies and procedures, assuring that they are made available to all staff members. These policies and procedures **shall** [should] include, at a minimum, **those administrative issues as provided in section 23 of the** [the guidelines as noted in] Guidelines for the Organization, Management, and Operation of CSCDs, in the State of Texas. The policies and procedures shall be reviewed by the CSCD director periodically and revised as necessary. The CSCD director shall provide the TDCJ-CJAD director with a copy of the CSCD's administrative manual for review when requested.

(c) Ethics. CSCD directors shall provide each CSCD employee with a copy of the Code of Ethics adopted by the TDCJ-CJAD and a copy of the procedure developed by the CSCD director to be used in reviewing and investigating any alleged violation. **All employees of the CSCD must comply with the Code of Ethics developed by the TDCJ-CJAD.**

(d) Internal audits. CSCDs shall have a designated procedure to monitor the skill levels and training needs of individual staff members and develop a plan for meeting those needs. Internal audits shall be conducted of direct supervision cases to check for standards compliance, [for] utilization of case classification, and [for] supervision planning.

(e)-(g) (No change.)

(h) Complaint notice. Each CSCD shall notify the public, offenders and victims of crimes, that they can direct written complaints to the CSCD and/or TDCJ-CJAD. The notification shall be in the form of a sign posted in a conspicuous public area in each of the CSCD's offices, or shall be in the form of written brochures which are to be displayed in a conspicuous public area in each of the CSCD's offices. The signs/brochures **shall be written in both English and Spanish and** shall list the address of the CSCD director and TDCJ-CJAD's address **and shall inform persons that attempts should first be made to resolve complaints locally;** [they should inform persons that complaints should first attempt to be resolved locally, but] **that** unsatisfactory results may be reported to **TDCJ- CJAD.** [; and the signs/brochures shall be written in both English and Spanish.]

(i) Compliance with statutes **And TDCJ-CJAD policy statements** . CSCD directors shall ensure that all CSCD operations comply with all applicable local, state, and federal laws **and TDCJ-CJAD policy statements pertaining to CSCDs.**

(j) **Citizen Involvement and Volunteers. If volunteers are used, the CSCD director shall ensure that written policy, procedure, and practice exists for guiding the selection and utilization of citizen involvement.**

§163.25. *Community Justice Councils, Task Forces, and Plans.*

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

(d) Community Justice Plan Acceptance and Modification.

(1) (No change.)

(2) A plan may be amended [with the approval of TDCJ-CJAD,] through an amendment process as defined by TDCJ-CJAD.

§163.31. *Sanctions, Programs, and Services.*

(a) Core Services. All CSCDs shall provide the following core services:

(1) Court Services:

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

(E) make recommendations to the court regarding conditions of supervision; **and[.]**

(F) **maintain case files.**

(2) Basic Supervision:

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

(D) provide contacts to offenders on direct community supervision per **TDCJ-CJAD** standards;

(E) (No change.)

(F) develop and monitor community service restitution **programs;**

(G) (No change.)

(H) monitor **employment and provide job and/or vocational services to** [and facilitate full employment for] employable offenders;

(I) (No change.)

(3) Administrative Services. Provide adequate management and support service to the CSCD operation, **commensurate with available resources,** to include but not be limited to:

(A)-(E) (No change.)

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

(d) Community service restitution (CSR). CSCD directors shall maintain written agreements with governmental and/or nonprofit agencies and organizations to provide offenders opportunities to comply with court-ordered community service restitution according to the Texas Code of Criminal Procedure, **Article 42.12, §16,**[The CSCD directors shall have written policies and procedures regarding.] CSR programs and referrals.

(e) Educational skill level. **Utilizing a standardized educational screening instrument, the** [The] CSCD director shall ensure that all persons placed on community supervision , **who are**

**unable to document attainment of a high school diploma or GED,** shall be screened to determine if they:

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

(f) Methods for measuring the success of community supervision and corrections programs. For purposes of **Government Code §509.007(b)**, [Texas Code of Criminal Procedure, Article 42.13, §2(a)(3)] the method for measuring program completion is defined as the completion of all required components of the program, and/or an offender's release from the program that is not related to any non-compliant behavior; an inappropriate placement; or death. The method for measuring recidivism is defined as a rearrest for a new separate offense that is punishable by incarceration (i.e., Class B Misdemeanors and up). This definition does not include arrests for Motions To Revoke community supervision and bond forfeitures.

**(g) Conflicts of interest. The CSCD director shall ensure that there is a written policy concerning conflicts of interest. The policy shall address the prohibition of possible conflicts of interest between the CSCD, and any other groups or individuals.**

*§163.33. Community Supervision Officers.*

(a) Eligibility. To be eligible for employment as a community supervision officer who supervises offenders, a person:

(1) must have [acquired ]a bachelor's degree conferred by an institution of higher education accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board; and

(2) unless the bachelor's degree is in **criminal justice, criminology, corrections, counseling, human services development, law, law enforcement, police science, pre-law, public administration, rehabilitative studies,** social work, psychology, or sociology, [or a related field that has been approved by the TDCJ-CJAD director, ]the person must have:

(A) (No change.)

(B) one year of experience in full-time casework, counseling, or community or group work [that has been approved by the TDCJ- CJAD director]; or

**(C) other education or experience, documented by letter in the employees personnel file, which indicates that they were the most qualified applicant at the time of hiring. Such letter shall be signed by the CSCD Director;**

(3) (No change.)

(4) cannot be currently on community supervision or parole or serving a sentence for a criminal offense. [CSCD directors may apply to the TDCJ- CJAD director, as specified in §163.5 of this title (relating to Waiver to Standards), for a waiver of paragraph (2) of this subsection. The request for waiver shall document what efforts were made to employ a community supervision officer meeting the requirements specified in the Texas Code of Criminal Procedure and state why the efforts were unsuccessful. All community supervision officers employed by the CSCD director must comply with the code of ethics developed by the TDCJ-CJAD.]

(b) Training. CSCD directors, **assistant directors, residential directors, assistant residential directors, CSO supervisory staff** and [all] community supervision officers shall **obtain** [be provided] not less than **80** [40] documented hours of professional skill-based training **each biennium** [per fiscal year]. **Forty** [ All of the]

hours are to be approved by the CSCD director [with at least 20 of these] **and 40** hours to be approved by the TDCJ-CJAD director, or her/his designee. Up to **40** [20] hours, in excess of the **80** [40] hours, may be carried over from one **biennium** [fiscal year] to the next. The CSCD director or his/her designee shall ensure that training records are maintained and available for TDCJ-CJAD auditors. Those records shall reflect the number of training hours accrued, and the type of training attended, for all employees required to have **any TDCJ-CJAD training hours** [training as designated in this section]. A community supervision officer failing to obtain the required **80** [40] hours of training within a **biennium** [fiscal year] will be ineligible to serve as a community supervision officer. [From the time when the CSCD employee becomes ineligible to serve as a community supervision officer, s/he has 90 days in which to obtain the required 40 hours of training, otherwise s/he will then have to meet all applicable certification/recertification requirements in accordance with this section.]

(c) (No change.)

(d) Certification examination. A [If a] new community supervision officer, employed on or after September 2, 1987, **who** completes the certification course work but fails the examination, [the officer] will be allowed to **take** [attempt to pass] the examination one more time. **An** [If the] officer **failing** [fails] the examination a second time, [the officer] will be required to complete the certification course work again before being allowed to **take** [attempt to pass] the examination a third **and final** time. **CSOs will be eligible to pursue the certification requirements two years after the last testing date, and are ineligible to supervise direct cases until certification is achieved.** [In any event, the officer must pass the certification exam within one year of his/her employment date to remain employed as a community supervision officer of the CSCD.]

(e) Exempt officers certification. Certification course work and the certification examination will be available to community supervision officers appointed prior to September 2, 1987. **An exempt** [Such an] officer who wishes to be certified will be given **one opportunity** [two opportunities] to pass the certification examination in order to be certified. If the officer fails [both attempts to pass] the examination, the officer must complete the certification course work before attempting to pass the examination again.

(f) Residential officer certification. A residential community supervision officer, employed or appointed as such on or after September 2, 1989, shall satisfactorily complete the [certification] course work and examination **for** [of] residential **certification** [officers] offered by TDCJ-CJAD not later than the first anniversary of the date on which the officer begins employment with the department's residential facility. Provisions of subsections (c)-(h) of this section shall also apply to residential community supervision officers. [Community supervision officers with both regular and residential certification need only complete 40 hours of skill-based community supervision related training as specified in subsection (b) of this section to maintain both certifications.]

(g) Recertification. Once an officer is certified, if the officer fails to maintain certification, recertification will be immediately required by successful completion of the certification examination. **An** [If the] officer **who** fails the examination, [the certification course work and examination] must **complete the certification coursework** [be completed] for recertification.

(h) Certification status. **An officer who fails** [If any officer fails] to maintain his/her certification or residential certification by not **obtaining 80** [receiving 40] hours of training in accordance with subsection (b) of this section, **is immediately ineligible to supervise direct cases** [cases she or he supervises will be ineligible for funding] until recertification is achieved.

(i) **Dual certifications.** Residential community supervision officers are required to be certified as a community supervision officer and to obtain certification in residential service. They must complete both certification courses as noted by the time frames specified in subsections (c) and (f) of this section. However, they only need to complete 80 hours of skill-based training related to community supervision and residential programs per biennium as specified in subsection (b) of this section to maintain both certifications.

(j) [(i)] Residential personnel training. All CSCD direct care staff of a residential facility shall be provided at least 40 hours of **documented professional skill-based training per biennium** [applicable to their job duties every two consecutive fiscal years beginning September 1, 1993]. **At least 20 training hours per biennium shall be applicable to the needs of the population served by the facility. All of the hours shall be approved by the CSCD director. At least 20 of the hours per biennium must be approved by the TDCJ-CJAD director or his/her designee. The CSCD director shall have written policy regarding training records for each employee that are maintained to reflect the following: the number of training hours accrued, the type of training attended with supporting documentation, specification of the number of accrued hours that are approved by the CSCD director, and the number of training hours carried over from one biennium to another. A maximum of 20 hours earned per biennium, which are in excess of the 40 required hours that biennium may be carried over to the next biennium. All direct care staff of residential facility shall receive training in the reintegration model training programs offered by the TDCJ-CJAD.** [All direct care staff of a residential facility shall receive training in: specific reintegration model training programs offered by TDCJ-CJAD designed to improve their skills in working with offenders in residential facilities; first aid procedures as well as CPR certification, and they must continue to receive the necessary training required to maintain certification in those procedures. Additional training requirements for specific residential staff include: all staff whose primary duty is to transport facility residents must receive a defensive driving course, or course updates, annually, and all other direct care staff must receive this training at least once every three years; substance abuse treatment facility direct care staff shall receive a minimum of 20 hours of substance abuse training every two consecutive fiscal years; and court residential treatment center direct care staff shall receive a minimum of 20 hours of training, every two consecutive fiscal years, in working with the mentally impaired offender and/or substance abusers. The facility administrator will be responsible for arranging the appropriate training and keeping documentation of the successful completion of staff training. Such documentation shall be provided to the CSCD director and TDCJ-CJAD auditors upon request. CSCD directors contracting for residential services shall ensure that the services offered by the contractors include a case management system equivalent to the residential training modules offered by the TDCJ-CJAD.]

(1) **Initial Training Requirements.** Within one year from the date of employment with the facility, all direct care staff shall receive initial training in the following areas: ethics; discrimination/sexual harassment issues; first aid procedures; cardiopulmonary resuscitation (CPR) procedures; and HIV/AIDS education. Direct care staff shall continue to receive the necessary training required to maintain certification in first aid and CPR procedures.

(2) **Defensive Driving.** All direct care staff, whose primary duties include transporting offenders, shall attend a defensive driving course within one year from date of employment. Direct care staff shall take defensive driving courses as needed to maintain certification.

(k)[(j)] Supervision officers of SAFPF program participants. Supervision officers who supervise participants in the substance abuse felony punishment facility (SAFPF) program shall be required to attend and complete TDCJ-CJAD approved training designed specifically for officers who supervise SAFPF program participants during the course of treatment in a SAFPF and in the continuum of care component of the SAFPF program. The required training shall be completed within 12 months of being assigned supervision of SAFPF program participants, unless TDCJ-CJAD has granted an extension for completion of the course work. Supervision officers who supervise SAFPF program participants as of the adoption date of this requirement and who have not attended the required training, must complete the training within 12 months of the adoption date.

§163.35. *Supervision.*

(a) Definitions. The following words and terms, when used in this section, shall be defined as follows and apply to both felonies and misdemeanors, unless the context clearly indicates otherwise.

(1) Case — An offender assigned to a community supervision officer for supervision.

[(2)] Collateral contact — A community supervision officer communicates by telephone, in person, or in written form with any person providing information about the offender.

[(3)] Collateral field visit — A community supervision officer visits outside the office with a family member, community resource, or other relevant individual who provides significant information regarding the offender.]

(2) [(4)] Direct supervision—Offenders who are legally on community supervision and who work and/or reside in the jurisdiction in which they are being supervised and receive a minimum of one face-to-face contact with a community supervision officer every three months. **Direct supervision begins at the time of initial face-to-face contact with an eligible CSO.** Local CSCDs may maintain direct supervision of offenders living and/or working in adjoining jurisdictions if the CSCD has documented approval from the adjoining jurisdictions.

(3) [(5)] Face-to-face contact — A community supervision officer communicates in person with the offender.

(4) [(6)] Field visit — A community supervision officer communicates in person with the offender at the offender's place of residence or at another location outside the CSCD office.

(5) [(7)] Indirect supervision — Maintenance of a file and/or record of an offender under supervision who meets one of the following criteria:

(A) an offender who neither resides nor works within the jurisdiction of the CSCD and who receives the supervision in other jurisdictions;

(B) an offender who neither resides nor works within the jurisdiction but continues to submit written reports on a monthly basis because he is ineligible or unacceptable for supervision in another jurisdiction;

(C) an offender who has absconded or who has not contacted his community supervision officer in person within three months;

(D) an offender who resides or works in the jurisdiction, but who, while in compliance with the orders of the court, nevertheless does not meet the criteria for direct supervision; or

(E) offenders who reside and work outside the jurisdiction but report in person and who do not fall under paragraph (2)(4) of this subsection.

(b) System of offender supervision. CSCD directors shall develop a system of offender supervision that is based upon, but not limited to:

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

(4) availability of sanctions, programs, services, and community resources; [and]

(5) applicable law and TDCJ-CJAD standards and policy; **and**

(6) **policies of the local judiciary.**

(c) Supervision process. Community supervision officers shall provide direct supervision for cases to include, but not be limited to, the following tasks.

(1) (No change.)

(2) Assessments. An assessment process that gathers relevant and valid information shall be completed on every offender. This process shall specifically address the offender's risk factors, need areas, obstacles to meeting those needs, offender **strengths**, [strength] and offender resources. The community supervision officer shall request specialized assessments for offenders when **it is determined that** alcohol or drug abuse contributed to the offense and pursue specialized evaluations when they would significantly assist in the development of appropriate supervision plans for special needs offenders.

(3) Case classification. Within **two months** [60 days] of the date of community supervision placement, **acceptance of a transfer case, or discharge from any residential facility, jail, or institution**, the community supervision officer shall complete an approved [the] TDCJ-CJAD case classification instrument to assist in the evaluation of the degree of supervision needed by each individual based on the offender's risk and/or needs. **Within ten working days of the date of an offender's admission to a CCF or a CCC, the CSO assigned to supervise the offender in the facility shall complete the TDCJ-CJAD case classification/assessment instrument.**

(4) Strategies for case supervision (SCS) **assessments** [interviews] . Within **two months** [60 days] of the date of community supervision placement, **acceptance of a transfer case, or discharge from any residential facility, jail, or institution**, the

community supervision officer shall conduct a [an] **SCS assessment on** [interview on] each felony offender classified as maximum on case classification, **unless a SCS was previously completed** [or supervised on specialized or intensive caseloads. SCS should be conducted on misdemeanors scoring maximum on case classification where workload factors permit]. **While the SCS assessment may be a useful case management tool, it is not required for offenders during participation in residential programs.**

(5) Case supervision or **Treatment** plan. Within **two months** [60 days] of the date of **the most recent** community supervision placement, **acceptance of a transfer case, or discharge from any residential facility**, the community supervision officer shall develop a written individualized case supervision **or treatment** plan based on the offender's risk and need factors to address specific problem areas and assist the offender to achieve responsible behavior. **The supervision or treatment plan shall be completed within ten working days from the date of an offender's admission to a CCF or a CCC.**

(6) Reassessments. Community supervision officers shall reevaluate risk and need factors and supervision plans at least every **12 months for all** [six months for all maximum and medium direct cases, and at least every 12 months for all minimum] direct cases. **An approved TDCJ-CJAD reassessment** [Reassessments] shall be completed any time a significant change occurs in the status of the offender. Any necessary modification of the supervision plan shall be indicated in writing in the case file. **Upon discharge from a residential facility, the CSO assigned to supervise the offender in the facility shall complete a discharge plan.**

(7)-(9) (No change.)

(10) Courtesy supervision. Except in cases of non-CSCD residential facility placements, courtesy supervision shall be requested if an offender will be in another jurisdiction for more than 30 days, except when good cause can be shown. Only the court retaining jurisdiction over a defendant has the authority to modify or alter a condition of community supervision. [As such,] CSCD directors shall ensure that community supervision officers providing direct supervision to offenders transferred from other Texas jurisdictions shall fully enforce the order of the court that placed the individual on community supervision. It is the responsibility of the offender to comply with the conditions of community supervision as imposed by the court. CSCD directors shall ensure that community supervision officers provide the same level of supervision to courtesy cases as they do for the offenders in their jurisdiction. When transferring a case for courtesy supervision, the documents necessary for transfer shall include, at a minimum, the transfer form, the court order placing the person on community supervision citing all conditions of community supervision, **the offense report, criminal history, TRN and SID number**, the pre/post-sentence investigation report where legally mandated, and any assessments that have been completed. CSCD directors who decline to provide courtesy supervision to offenders from other jurisdictions shall immediately notify the original jurisdiction of the reasons for declining courtesy supervision.

(11) (No change.)

§163.37. *Reports and Records.*

(a) Case records. CSCD directors shall develop and maintain a case record management system on offenders receiving any type of supervision by the CSCD. Each case record shall contain a

chronological recording of all significant actions, decisions, services rendered, assessments, pre/post-sentence investigation reports (PSIR), and periodic evaluations. Confidential items relating to medical and psychological information from any of these documents shall be handled in accordance with §163.41 of this title (relating to Medical and Psychological Information). All case records shall contain a written criminal history record or summary issued by a law enforcement agency [unless it is already included in the PSIR in the case file]. **Confidentiality of case records shall be maintained in accordance with federal and state laws. Information may only be released under the circumstances as authorized by law or as directed by the court.**

(b) PSIR confidentiality. All PSIRs prepared or approved by a community supervision officer, and all information obtained in connection with the pre/post-sentence investigations, are confidential and may be released only to those persons and under those circumstances as authorized by law and as directed by the judge [for the effective supervision of the defendant]. Medical and psychological records obtained by court order shall be sealed within, or kept separate from, the offender's community supervision case file and may be released only by order of the judge.

(c) (No change.)

(d) PSIR format. CSCD directors shall ensure that community supervision officers (or designated others) completing PSIRs follow, at a minimum, **an approved** [the required] TDCJ-CJAD PSIR format in preparing felony PSI reports. [CSCD] Community supervision officers may use a format other than the TDCJ-CJAD PSIR format [in preparing misdemeanor reports] as long as the content requirements outlined in subsection (c) of this section are met **and the format is approved by TDCJ-CJAD.**

(e)-(g) (No change.)

(h) [Intrastate and] Interstate transfer. CSCD directors shall utilize uniform transfer procedures as provided by and approved by the TDCJ-**Interstate Compact Unit**[CJAD].

(i) **Intrastate transfer. CSCD directors shall utilize uniform transfer procedures as provided by and approved by the TDCJ-CJAD.**

§163.41. *Medical and Psychological Information.*

(a) (No change.)

(b) Employee training. In accordance with statute, each employee of the CSCD shall attend an HIV-AIDS training program, **within the first year of employment.** [ Upon completion of an initial training, all employees shall attend an annual training in HIV-AIDS as updated information regarding HIV-AIDS becomes available. TDCJ-CJAD shall provide CSCDs with necessary information concerning training and requirements for complying with the law.]

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

§163.43. *Funding And Financial Management .*

(a) Funding.

(1) Qualifying for TDCJ-CJAD funding. CSCDs qualify for TDCJ-CJAD state aid by:

(A) being in substantial compliance with **TDCJ-CJAD** standards;

(B)-(F) (No change.)

(2) (No change.)

(3) Allocating state aid. State aid will be made available to eligible CSCDs in accordance with statutory requirements and requirements as set forth in the Financial Management Manual for **TDCJ- CJAD** Funding.

(4) Awarding TDCJ-CJAD grant funding. CSCDs, counties, municipalities, and nonprofit organizations who are eligible to receive grant funding must meet requirements as set forth in the Financial Management Manual for **TDCJ- CJAD** Funding to be approved by the TDCJ-CJAD director to receive such funds. Grant funding will be made available in accordance with statutory requirements and requirements as set forth in the Financial Management Manual for **TDCJ- CJAD** Funding.

(b) Financial procedures.

(1) Requested information from CSCDs and other potentially eligible TDCJ-CJAD funding recipients. The director of a CSCD or other eligible **TDCJ- CJAD** funding recipient shall present data and information requested by the TDCJ-CJAD as necessary to determine the amount of state financial aid to which the CSCD or other eligible recipient is entitled. A CSCD or other recipient receiving TDCJ-CJAD funding shall submit reports and other documentation as required by the TDCJ-CJAD.

(2) Deposit of TDCJ-CJAD funding. Each CSCD, county, or municipality shall deposit all **TDCJ-CJAD** funding received in a special fund of the county treasury or municipal treasury, as appropriate, to be used solely for the provision of services, programs, and facilities. Nonprofit organizations shall deposit all TDCJ-CJAD funding received in a separate fund, to be used solely for the provision of services, programs, and facilities approved by TDCJ-CJAD.

(3) (No change.)

(4) Restrictions on CSCD generated revenue. No CSCD generated revenue shall be used to:

(A) provide physical facilities, utilities, and equipment for CSCDs unless approved by the district judge(s) in accordance with **Government Code §76.009 and §76.010** [Texas Code of Criminal Procedure, Article 42.131, §9 and §10], and/or as provided for in the Financial Management Manual for **TDCJ- CJAD** Funding; or

(B) (No change.)

(5) Available records. The CSCD and/or the designated chief fiscal officer accounting for, disbursing, and reporting on the TDCJ-CJAD funding shall make financial records available to the TDCJ-CJAD. CSCDs and/or other TDCJ-CJAD funding recipients shall provide financial reports to TDCJ-CJAD as set forth in the Financial Management Manual for **TDCJ- CJAD** Funding.

(6) Budgets. TDCJ-CJAD funding recipients shall prepare and operate from a budget(s) developed and approved within the guidelines set forth in the Financial Management Manual for **TDCJ-CJAD** Funding.

(7) Funding recipient obligations. All TDCJ-CJAD funding recipients shall comply with all funding provisions as set forth in the Financial Management Manual for **TDCJ- CJAD** Funding and any special conditions associated with their respective funding awards.

(8) (No change.)

(9) Travel reimbursements. Mileage and per diem shall not be less than the state rates and no higher than the county rates **if the county rates are higher than the state rates** [if it is in excess of the state rates].

(c) Determination and recovery of unexpended monies. **Determination and return by the CSCD of unexpended funds shall be in accordance with the Financial Management Manual for TDCJ-CJAD Funding.** [All unexpended unencumbered TDCJ-CJAD funding, allotted or awarded to any entity, organization, or CSCD, shall be refunded to TDCJ-CJAD in accordance with law and the Financial Management Manual for CJAD Funding.]

(d) Facilities, utilities, and equipment.

(1) CSCDs. The county or counties served by a CSCD shall provide, at a minimum, the following facilities, **utilities, and** equipment, [and utilities] for a CSCD.

(A)-(E) (No change.)

(2) Inventory and disposal of equipment, furniture, and/or vehicles purchased with TDCJ-CJAD funding.

(A) All equipment, furniture, and vehicles purchased with TDCJ-CJAD funding are to be inventoried with TDCJ-CJAD in accordance with procedures set forth in the Financial Management Manual for **TDCJ- CJAD Funding.**

(B) Any CSCD or other entity wanting to dispose of equipment, furniture, and/or vehicles purchased with TDCJ-CJAD funding shall adhere to procedures set forth in the Financial Management Manual for **TDCJ-CJAD Funding.**

(e) Certification of facilities, utilities, and equipment for CSCDS. Certification of facilities, utilities, and equipment for CSCDS shall be in accordance with **Government Code §76.009 and §76.010** [Texas Code of Criminal Procedure, Article 42.131, §9 and §10] and as provided for in the Financial Management Manual for **TDCJ-CJAD Funding.**

§163.46. *Allocation Formula For Community Corrections Program.*

(a) Purpose. The Texas **Government Code §509.011(f)**, [Code of Criminal Procedure, Article 42.13, §10] gives the Texas Board of Criminal Justice (TBCJ) discretion to adopt a policy limiting the percentage of benefit or loss that may be realized by a community supervision and corrections department (CSCD) as a result of the Community Corrections Program allocation formula.

(b) (No change.)

§163.47. *Contested Matters.*

(a) (No change.)

(b) Notice of proposed action.

(1) The division shall issue a written notice that:

(A) defines with specificity the **alleged** conduct that constitutes substantial noncompliance with division standards or requirements;

(B)-(E) (No change.)

(2) (No change.)

(c) (No change.)

(d) The division and the affected party shall each be given 30 minutes to present their respective **sides** [side]. Testimony may be given orally or as a prepared written statement. No more than three witnesses per side shall testify. However, upon the request of either party made prior to the hearing and at the discretion of the chairperson, the time for making a presentation and the number of witnesses needed to testify may be increased.

(e)-(g) (No change.)

(h) Administrative hearing procedures.

(1) (No change.)

(2) Motions for consideration.

(A) All motions for consideration must be filed with the clerk of the administrative law judge no **fewer** [less] than five days prior to the date in which the matter is scheduled to be heard.

(B)-(C) (No change.)

(3)-(6) (No change.)

(7) Conduct of hearings.

(A) (No change.)

(B) The petitioner shall open and present its evidence to establish its position on the matters involved. The respondent shall follow and present its evidence. The petitioner **and respondent** may thereafter present rebuttal evidence only. The petitioner shall be given the opportunity to offer final argument and the respondent the opportunity to respond in final argument but no additional evidence shall be presented absent leave of the administrative law judge for good cause shown.

(C) ((No change.)

(8) (No change.)

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

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

Issued in Austin, Texas, on July 23, 1997.

TRD-9709533

Carl Reynolds

General Counsel

Texas Department of Criminal Justice

Earliest possible date of adoption: September 2, 1997

For further information, please call: (512) 463-9693

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

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

**Chapter 11. Food Distribution and Processing**

The Texas Department of Human Services (DHS) proposes the repeal of §§11.123 and 11.6001-11.6009, concerning soup kitchens, food banks and institutions, purpose, eligibility re-



quirements for applicant households, applicant responsibilities, applicant rights, eligibility guidelines, distributing commodities, responsibilities of contracted agencies, reimbursement of contractors, and selection of contractors; and proposes new §§11.6001-11.6011, concerning purpose, eligibility requirements, applicant responsibilities, applicant rights, eligibility guidelines, commodity distribution, responsibilities of contracted agencies, corrective action, reimbursement, selection of contractors, and adverse action, appeal, and complaint procedures, in its Food Distribution and Processing chapter. The purposes of the repeals and new sections are to (1) consolidate federal commodity programs, as required by the Personal Responsibility and Work Opportunity Act, which is also known as Welfare Reform legislation, and (2) comply with federal regulations to distribute donated commodities by the most efficient and effective means available. DHS is also changing the name of the undesignated head from "The Emergency Food Assistance Program (TEFAP)" to "The Texas Commodity Assistance Program (TEXCAP)."

Terry Trimble, interim commissioner, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Trimble also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be improved efficiency and effectiveness in the equitable distribution of donated commodities to needy persons throughout the state. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed sections.

Questions about the content of the proposal may be directed to Johnny Adams at (512) 467-5822 in DHS's Special Nutrition Programs. Written comments on the proposal may be submitted to Supervisor, Rules and Handbooks Unit-202, Texas Department of Human Services E-205, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

## Food Distribution Program

### 40 TAC §11.123

*(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 Human Services or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The repeal is proposed 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 repeal implements the Human Resources Code, §§22.001-22.030 and 33.001-33.024.

§11.123. *Soup Kitchens, Food Banks, and Institutions.*

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 July 23, 1997.

TRD-9709537

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Proposed date of adoption: October 1, 1997

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

## The Emergency Food Assistance Program (TEFAP)

### 40 TAC §§11.6001-11.6009

*(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 Human Services or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The repeals are proposed 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 repeals implement the Human Resources Code, §§22.001-22.030 and 33.001-33.024.

§11.6001. *Purpose.*

§11.6002. *Eligibility Requirements for Applicant Households.*

§11.6003. *Applicant Responsibilities.*

§11.6004. *Applicant Rights.*

§11.6005. *Eligibility Guideline.*

§11.6006. *Distributing Commodities.*

§11.6007. *Responsibilities of Contracted Agencies.*

§11.6008. *Reimbursement.*

§11.6009. *Selection of Contractors.*

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 July 23, 1997.

TRD-9709536

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Proposed date of adoption: October 1, 1997

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

## The Texas Commodity Assistance Program (TEXCAP)

### 40 TAC §§11.6001-11.6011

The new sections are proposed 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 new sections implement the Human Resources Code, §§22.001-22.030 and 33.001-33.02.

*§11.6001. Purpose.*

(a) Authority. Title II of Public Law 98-8 creates the Emergency Food Assistance Program (TEFAP). By agreement with the United States Department of Agriculture (USDA), the Texas Department of Human Services (DHS) administers TEFAP for the state of Texas. DHS manages and operates the program as the Texas Commodity Assistance Program (TEXCAP), in accordance with federal regulations at 7 Code of Federal Regulations (CFR) Part 251 and, as applicable, 7 CFR Part 250. Public Law 98-8, as amended, authorizes USDA to:

(1) purchase and donate surplus food to states for distribution to needy persons by recipient agencies (RAs), as approved by the state; and

(2) provide states with administrative funds, as appropriated annually by Congress, to be used to reimburse the state and RAs, in whole or in part, their costs of distributing donated commodities.

(b) Purpose. The purpose of TEXCAP is to supply meals or distribute food to unemployed and indigent people.

(c) Definitions and terms.

(1) Additional commodities - Commodities purchased and distributed to the states by USDA under authority of the TEFAP Act (TEFAP or TEXCAP commodities).

(2) Allocation - A process of distributing fair shares of USDA commodities and administrative funds. Allocation methods may vary. For example, USDA allocates commodities and funds to each state, each state allocates to eligible contractors, and contractors allocate (or distribute) to other agencies which serve needy persons, or in some cases, distribute directly to needy persons.

(3) Bonus commodities - Special USDA commodity purchases which are uncertain from year to year. When bonus commodities are purchased and distributed to the states, USDA will designate which recipient agencies are eligible for a share of the commodities. DHS allocates the commodities according to USDA's designation.

(4) Charitable institution (CI) - A public or private agency or organization, including a private hospital, which meets community needs by providing meal service to needy persons on a regular basis. CIs must be nonpenal, noneducational, non-profit, and tax-exempt.

(5) Commodities (or donated commodities) - A term identifying food donated to the states by USDA for distribution to needy persons and households. If so specified, the term also includes food donated from non-USDA sources.

(6) Commodity recipient - See recipient.

(7) DHS policy - A reference to a specific state rule or a body of state rules. DHS policy for operating and administering an assistance program, such as TEXCAP, is based on federal laws and regulations. Federal requirements for TEXCAP are included as state rules in the Texas Administrative Code. TEXCAP policy may be communicated by handbook revisions, policy alerts, bulletins, notices, forms and forms instructions, and other types of communication. DHS may implement changes prior to amending state rules, as required by federal laws and regulations or as needed to implement an option allowed by federal laws, federal regulations, or state rules.

(8) Distribution site - A place at which an emergency feeding organization distributes donated commodities to needy persons, including food for home consumption and prepared meals consumed on site.

(9) Emergency feeding organization - A public or private, non-profit organization providing nutrition assistance to relieve situations of emergency and distress by providing food to needy persons, including low-income and unemployed persons (such as CIs, food banks, food pantries, hunger relief centers, soup kitchens, or other similar operations).

(10) Food bank - A public or charitable institution that regularly provides donated food or food products to other institutions that prepare meals or distribute food to needy persons on a regular basis as an integral part of its normal operations. Other institutions include food pantries, soup kitchens, hunger relief centers, and other food or feeding centers.

(11) Food pantry - A public or private non-profit organization that distributes commodities, donated by USDA or others, to low-income and unemployed households to relieve situations of emergency and distress.

(12) Homeless - A person without a fixed and regular nighttime residence or whose primary nighttime residence is a:

(A) supervised shelter, designed to be temporary;

(B) halfway house or similar institution;

(C) temporary accommodation in the residence of another individual; or

(D) place not designated for, or ordinarily used for, sleeping accommodations.

(13) Household - An individual or group of related or non-related individuals (excluding boarders and residents of institutions) who live together as a single economic unit and customarily purchase and prepare food in common.

(14) In-kind replacement - The replacement of USDA-donated food losses with a quantity of the same food, of U.S. origin, that is of equal or better quality than the lost food and that is of at least equal monetary value to USDA's cost of replacing the lost food.

(15) Means-tested - A term, as used in TEXCAP, for determining a household's eligibility for receipt of USDA-commodities on the basis of gross income. Maximum income levels set by recipient agencies must be based on household size and must not exceed 185%, or another percentage, as specified, of the official federal poverty line. See household, needy person, and recipient.

(16) Needy person - A person who because of economic status is eligible to receive food assistance from a public or private, non-profit institution. A homeless person qualifies for meals containing USDA-donated commodities. Household members qualify for USDA-donated commodities, distributed for home consumption, on the basis of a means-test. See homeless, household, and recipient.

(17) Recipient - A person or household receiving USDA-donated commodities, or if used with the word agency, refers to agencies and organizations that are eligible to receive and distribute USDA-donated commodities. See homeless, needy person, and household.

(18) Recipient agency (RA) - A public or non-profit agency or organization eligible to receive distributions of USDA-donated food. RAs include DHS commodity contractors and agencies or organizations that are subagencies or subcontractors of DHS commodity contractors. Examples of RAs are emergency feeding organizations, charitable institutions (to the extent they serve needy people), summer camps/nutrition programs for children, nutrition programs for the elderly, and disaster relief programs.

(19) Soup kitchen - A public or charitable institution that maintains an established feeding operation to provide food to needy homeless persons on a regular basis as an integral part of its normal activities.

(20) Subagency or subcontractor - As used in TEXCAP, subagencies or subcontractors are terms used to identify various agencies and organizations which obtain USDA-donated commodities through agreements or contracts with DHS contractors, such as food banks. Subagency and subcontractor agreements and contracts with food banks must include terms and conditions, as required by DHS, for receiving and using USDA-donated commodities.

(21) Subcontractor - See subagency.

(22) Tax-exempt - Refers to a non-profit agency's or organization's status with the United States Internal Revenue Service (IRS), such as §501(c)(3) of the IRS Code, which exempts the agency or organization from paying income tax.

(23) Texas Administrative Code (TAC) - State rules governing the administration and operation of a program, such as, TEXCAP.

*§11.6002. Eligibility Requirements.*

(a) Households. A Texas Commodity Assistance Program (TEXCAP) household's certification period must not exceed 12 months. To continue receiving benefits after a certification period has ended, a household must reapply and be recertified. To qualify for TEXCAP food assistance, applicants must meet the following requirements.

(1) Income. Except as otherwise specified, the applicant's gross yearly or monthly income (before deductions) in relation to household size must not exceed 185%, or another percentage as established by the Texas Department of Human Services (DHS) policy, of the federal poverty level published by the United States Office of Management and Budget. Income reported for intervals other than yearly or monthly, such as daily or weekly, must be converted to a yearly or monthly amount, as specified by DHS policy. Maximum gross income limits in relation to household size which are less than 185%, or another percentage as established by DHS policy, of federal poverty levels are subject to review and approval by DHS or the appropriate DHS contractor. Exceptions are listed in subparagraphs (A)-(C) of this paragraph.

(A) If income is from farming or self-employment, eligibility is based on net income.

(B) Applicant households are automatically (or categorically) eligible for United States Department of Agriculture (USDA) commodities if currently receiving assistance from one of the following programs: food stamps, Temporary Cash Assistance (Aid to Families with Dependent Children - AFDC), Supplemental Security Income (SSI), or noninstitutional Medicaid benefits.

(C) Applicant households with incomes exceeding 185% of the federal poverty level are eligible if the household qualifies for emergency food assistance as defined in clause (i) of this subparagraph. A qualified household may receive USDA commodities distributed during the month the household is certified and during the five months following the month of certification, as determined by instructions in clause (ii) of this subparagraph. During a certification period that is less than the maximum period allowed (that is, the month of certification and the five months that follow), a recipient agency may extend the period, as necessary, up to the maximum period. Distributions in more than the six months specified are allowed as described in clause (iii) of this subparagraph. The six-month limit does not apply to a subsequent application for emergency food assistance if the household's subsequent application is based on new circumstances.

(i) An emergency need for food assistance may exist because of expenses of an unexpected, temporary household crisis that is beyond the household's control. Unexpected expenses include those necessary for medical treatment of an illness or injury of a household member, burial of a household member, repairing damages to the household's home or vehicle, or replacing contents of the home, lost because of a disaster. Household disasters may include fire, flood, hurricanes, tornados, or other circumstances, as defined and documented by the recipient agency.

(ii) The recipient agency must document a household's need for emergency food assistance and estimate the period of time the assistance will be needed.

(iii) Within any 12-month period, distributions of USDA-donated commodities to a household certified for emergency food assistance are limited to the certification month and the five months following the certification month. Except, if necessary and with written approval from DHS, a recipient agency may distribute USDA-donated commodities to a household during more than six months. DHS approval is not required if the six-month limit is exceeded because of a separate occurrence of emergency need, as provided by subparagraph (C) of this paragraph.

(2) Residency. Applicant households are not required to meet durational residency requirements but must reside within the contracted service area at the time of application. A contracted service area is defined as the specific geographical area served by a single TEXCAP contractor and may be a county or counties, zip code areas, neighborhoods, or any predefined area or areas within the state. Exceptions may be made for an applicant household that resides in a city or location that is closer to a distribution site in another contracted service area in Texas. Exceptions require agreement and coordination between both affected contractors.

(3) Identity and citizenship. Applicant households are not required to:

(A) prove identity; or

(B) clarify or prove citizenship or alien status.

(b) Prepared meals. A person admitted to or allowed to remain in a recipient agency's facility who requests a meal containing USDA-donated commodities:

(1) must not be required to meet any eligibility criteria for the meal which are not specified by federal regulations or DHS policy. If questionable, a recipient agency may clarify a person's

residency; however, the recipient agency must not refuse a meal to a person who:

(A) stayed within the contracted service area of the appropriate DHS contractor during the previous night; or

(B) did not stay within the service area during the previous night but intends to stay within the area during the next night; and

(2) is not required to pay, in money or in-kind (labor, service, or activity) for a meal.

*§11.6003. Applicant Responsibilities.*

(a) Households. A household applying for the Texas Commodity Assistance Program (TEXCAP) must:

(1) provide the certifying recipient agency with information sufficient to determine eligibility;

(2) cooperate with the recipient agency to clarify or provide information needed to establish eligibility;

(3) repay, on demand, to the Texas Department of Human Services (DHS) or to an authorized DHS contractor the value of commodities received if an error in eligibility is found because of erroneous information provided by the household. If the household is found to have received multiple issuances of commodities, the recipient agency may deny the household receipt of commodities for as many months as equals the extra issuances;

(4) not sell or exchange United States Department of Agriculture (USDA) commodities; and

(5) report to the recipient agency changes in circumstances, such as income or household size.

(b) Person requesting prepared meals. A person who requests a meal containing USDA-donated commodities is not required to meet any eligibility requirements.

*§11.6004. Applicant Rights.*

As authorized by the Emergency Food Assistance Act and/or other federal laws which may apply, an applicant has the following rights.

(1) Meals. Any person who is living or staying within a Texas Department of Human Services (DHS) contractor's service area, has a right to request and to receive, (from a recipient agency operating in the contracted area, which admits the person to or allows him to stay in the recipient agency's facility), a prepared meal containing United States Department of Agriculture (USDA)-donated commodities.

(2) Households. Any person or household has a right to apply for, and if eligible, to receive distributions of USDA-donated commodities for home consumption.

(3) Civil rights. Any person or household has the right to request or apply for prepared meals or commodity distributions containing USDA-donated commodities without regard to race, color, national origin, sex, age, disability, religion, or political beliefs.

(4) Administrative review.

(A) A person or household has a right to request a recipient agency, which is a sub-agency or subcontractor of a DHS contractor, to administratively review the recipient agency's decision, action, or inaction which adversely affects the person's or household's participation in TEXCAP.

(B) If dissatisfied with a recipient agency's administrative review decision, a person or household has the right to request an administrative review of the decision by the appropriate DHS contractor.

(C) A person or household has a right to request DHS to administratively review the decisions, actions, or inactions of a DHS contractor only if the contractor directly serves needy persons or households and has already administratively reviewed the decision, action, or inaction in question.

*§11.6005. Eligibility Guidelines.*

(a) Households. A recipient agency must:

(1) at initial certification and at least yearly thereafter, obtain from a household member the eligibility information required for the household to receive United States Department of Agriculture (USDA)-donated commodities, and must obtain a signature from a household member. The household member must be at least 18 years of age, unless all members are less than 18. The recipient agency must document its eligibility decision and retain a record of its action. Records are retained as required by paragraph (3) of this subsection or by Texas Department of Human Services (DHS) policy;

(2) maintain for each household a record of the dates of distribution of USDA-donated commodities;

(3) if the recipient agency is a subagency or subcontractor of a DHS contractor, retain household eligibility and distribution records for the current agreement or contract year. A recipient agency that is a DHS contractor must retain records as required by its contract with DHS. All recipient agencies must retain records until any audit findings are resolved;

(4) provide eligible households with USDA-donated commodities, on a first come, first served basis, according to the priorities provided by DHS policy; and

(5) inform a household of its right to request an administrative review by a recipient agency of a decision, action, or inaction which adversely affects the household's participation in TEXCAP. Additionally, if the household is dissatisfied with the results of the recipient agency's administrative review determination, the household may request an administrative review by the DHS contractor. The decision of the DHS contractor is final. Note: A DHS contractor that distributes commodities directly to households will administratively review disputed decisions, actions, or inactions. An administrative review by DHS is available only to households that are dissatisfied with the results of administrative reviews by contractors who directly serve households. In such a case, the decision of DHS is final.

(b) Prepared meals. A recipient agency which admits a person to its facility, or allows a person to remain, may not require the person to file an application or meet any eligibility criteria for a meal containing USDA-donated commodities which are not required by federal regulations or DHS policy. Additionally, a recipient agency must:

(1) serve persons requesting a meal containing USDA-donated commodities on a first come, first served basis; and

(2) inform a person of his right to an administrative review by the recipient agency of the recipient agency's decision, action, or inaction which adversely affects the person's participation in TEXCAP. If dissatisfied with the recipient agency's administrative

review decision, the person may request an administrative review by the DHS contractor. The decision of the DHS contractor is final.

*§11.6006. Commodity Distribution.*

(a) Allocation to contractors.

(1) The Texas Department of Human Services (DHS) uses a "60/40" formula to allocate United States Department of Agriculture (USDA)-donated commodities by county. DHS allocates USDA-donated commodities to eligible DHS contractors according to the counties served. Exception: For DHS contractors whose service areas include only a portion of a county or counties or when the contractors' distributions of commodities are limited to a particular needy group (such as households), as approved by DHS, DHS may allocate USDA-donated commodities according to historical or projected commodity usage rates (such as the number of meals and/or households served). DHS allocates a fair share of USDA-donated commodities to contractors which serve a portion of a county or counties or limit services within an identified service area, on a first come, first served basis and according to DHS distribution priorities, as specified by DHS policy and contracts. The 60/40 formula for allocating a fair share of USDA-donated commodities by county is similar to the formula used by USDA to allocate commodities to the states. The formula is based 60% on the number of persons in a county who have incomes at or below the official poverty line, and 40% on the number of unemployed persons who live in the county.

(2) If necessary to ensure the availability of the Texas Commodity Assistance Program (TEXCAP) to areas where poor economic conditions are known to exist, to serve needy recipient groups (such as children and/or elderly or disabled persons), and/or to distribute USDA-donated commodities in an equitable manner to DHS contractors and/or to needy persons and households, DHS may:

- (A) allocate USDA-donated commodities by another method; and/or
- (B) modify the terms of any commodity agreement or contract.

(b) Allocation to subagencies/subcontractors. Contractor allocations of USDA-donated commodities to eligible subagencies and subcontractors are subject to DHS's review and approval. Contractors must allocate a fair share of commodities to subagencies and subcontractors, on a first come, first served basis, according to the priorities specified by DHS's policy and contracts. A subagency's or subcontractor's fair share of commodities must be based on historical or projected usage information, such as the number of meals and/or households served.

(c) Distribution to commodity recipients. Subject to DHS's or DHS contractor's review and approval, recipient agencies distributing USDA-donated commodities to needy persons and/or households must distribute commodities:

- (1) in an equitable manner, on a first come, first serve basis; and
- (2) in intervals which are at least monthly, unless DHS grants an exception to the recipient agency to provide distribution on a less than monthly basis.

(d) Distribution quantities. Subject to DHS's or a DHS contractor's review and approval, a recipient agency may determine the quantity of USDA-donated commodities to be included in:

(1) meals. This is based on available resources and the days/hours of operation, the number of people requesting meals, the customary size of food portions served to children, adults, or to categories of people with special nutritional needs, or other factors, as identified by the recipient agency; and

(2) distributions to households. This is based on household size. Other considerations include available resources, the days and hours of operation, the number of households requesting commodities, and other circumstances, as identified by the recipient agency.

(e) Monitoring. DHS will review at least 25% of all contractors annually, and each no less than every four years, as required by federal regulations and DHS policy. During reviews, DHS will evaluate program operations, including storage and warehousing practices, inventory controls, approval and monitoring of subagencies and subcontractors, reporting and recordkeeping, and other factors, as specified by DHS policy. DHS contractors and DHS staff will monitor subagencies' and subcontractors' program operations, as specified in DHS policy, including, but not limited to:

- (1) determining if all eligible, needy persons have access to USDA-donated commodities; and
- (2) evaluating the frequency of meal service or commodity distribution, the quantity of commodities included in meals or commodity packages, and other factors, as necessary.

*§11.6007. Responsibilities of Contracted Agencies.*

Texas Commodity Assistance Program (TEXCAP) contractors must directly, or indirectly through contracts or agreements with recipient agencies which are subcontractors or subagencies, fulfill the requirements stated in this section.

(1) Public information. Contractors must inform the public of the availability of mass distributions of United States Department of Agriculture (USDA)-donated commodities. Public information notices must include the locations of distribution sites and the days and hours of distributions. The public must also be informed if regularly scheduled distributions are unavailable, and the reasons. Commodity availability must be advertised in a manner specifically targeted to eligible needy populations, including low income and unemployed households, elderly people, and persons with disabilities. Recipient agencies, including contractors, subagencies, and subcontractors are encouraged to inform the public of the availability of USDA-donated commodities, by distributions other than mass distribution, using any means available, including their own established and customary means of communication. Suggested methods of advertisement of commodity availability include, but are not limited to, the following:

- (A) the media (TV, radio, and newspapers);
- (B) civic and religious organizations;
- (C) city and county governments; and
- (D) social service organizations, upon request.

(2) Training. Contractors must ensure that appropriate contractor, subcontractor, and subagency staff and volunteers, as appropriate, are trained and supervised in transporting, storing, handling and use of USDA-donated commodities, eligibility criteria, client rights (including civil rights requirements), complaint and administrative review procedures, and the processing of applications or re-

quests for meals in the contracted service area. This includes helping applicant households, when necessary, complete their applications.

(3) Eligibility determinations. Contractors must determine household eligibility at least yearly based on eligibility criteria specified in Texas Department of Human Services (DHS) policy. Additionally, DHS contractors must make reasonable efforts to safeguard against dual or multiple participation by households.

(4) Adverse actions. Contractors must inform needy recipients and households whose participation in TEXCAP may be adversely affected by a recipient agency's decision, action, or inaction of their right to administrative reviews of the adverse action, as provided by DHS policy and rules. Also, the person or household must be informed of the results of administrative reviews.

(5) Households. Contractors must distribute USDA-donated commodities to eligible households in an equitable manner, based on household size. The distribution methods are subject to the review and approval by DHS and/or the DHS contractor.

(6) Receipt of commodities. Contractors must receive, handle, and store commodities properly, as specified by DHS. If applicable, contractors must meet DHS's requirements for receiving USDA commodities directly, as specified in rules, contracts, and/or policy. Additionally, contractors must submit an annual inventory report which includes a report of a review of their storage facilities, as required by DHS.

(7) Civil rights. Contractors must serve all persons eligible for USDA-donated commodities in the contracted service area without regard to race, color, national origin, sex, age, disability, religion, or political beliefs.

(8) Maintenance of records. Contractors must maintain financial and other pertinent records for a minimum of three years and 90 days after its DHS contract terminates or until audits are resolved. Subagencies and subcontractors must maintain statistical data and records as required by DHS policy.

(9) Confidentiality. Contractors must protect confidential commodity recipient information as required by federal regulations, state law, and/or DHS policy for distributions of USDA-donated commodities.

(10) Payment for commodities prohibited. Recipient agencies may not require, solicit, or accept payment in money, materials, or services for, or in connection with, receiving USDA-donated commodities from commodity recipients or subagencies and subcontractors, except that contractors may charge fees that are allowed by DHS for shared maintenance and/or special program-related costs, such as training. Note: This is not intended to restrict any person or persons from volunteering services in their communities, as they choose, which are not conditions for receiving USDA commodities.

(11) Requirement to join an organization prohibited. Contractors must not require, as a condition for receiving, distributing, or using USDA-donated commodities, any agency, organization, needy person, or household, to belong to, attend meetings of, or pay dues to a specific organization.

(12) Negligence and fraud. Contractors must be financially liable for negligent or fraudulent administration of the program if aware of such activity.

(13) Report of suspected fraud. Contractors must immediately report to DHS suspected fraud or misuse of USDA-donated commodities.

(14) Compliance with contract terms and conditions. Contractors must comply with all provisions of the signed contract during the contracted period, including developing distribution sites in counties within the contracted service area which are either not served or are inadequately served, the requirements for inventory controls, completing and submitting an annual inventory report, along with the storage facility review, and reporting changes which may affect contract terms and conditions. Additionally, contractors agree to be monitored and reviewed by DHS, as specified in DHS contracts, policy, and/or rules.

(15) Contractor monitoring requirements. To ensure program compliance, contractors must annually monitor, on site, a percentage of subagencies and subcontractors that distribute USDA-donated commodities, as required by DHS. Contractors must monitor each subagency and subcontractor within the timeframes required by federal regulations or DHS policy.

(16) Selling commodities prohibited. Contractors must not sell or dispose of USDA-donated commodities in commercial or other channels.

(17) Transfer of commodities. Contractors must not transfer USDA-donated commodities to any other entity without prior approval from DHS.

(18) Unrelated activities. Contractors must ensure that persons conducting activities at USDA-donated commodity distribution sites that are unrelated to the distribution of commodities comply with the requirements in subparagraphs (A) and (B) of this paragraph. For contractors who do not comply with these requirements, DHS may require the submittal of a corrective action plan. Additionally, contractors must require subagencies or subcontractors who do not comply with requirements of this paragraph to submit a corrective action plan. As appropriate, DHS or DHS contractors will monitor corrective action plans to ensure compliance. DHS may immediately terminate the contracts of contractors who fail to complete corrective action plans or who fail to ensure that subagencies or subcontractors complete corrective action plans, as specified, and contractors may terminate those portions of agreements or contracts with subagencies and subcontractors relating to the receipt and distribution of USDA-donated commodities for failure to complete corrective action plans, as specified. DHS contractors may appeal contract termination or corrective action requirements according to DHS's appeal procedures. Subagencies and subcontractors may request an administrative review according to DHS's administrative review procedures.

(A) The person conducting the activity, which is unrelated to the distribution of USDA-donated commodities, must make it clear that the activity is not a part of TEXCAP, is not endorsed by USDA or DHS, and is not a condition for receiving USDA-donated commodities that are included in prepared meals or in food distributions to households.

(B) The person conducting the unrelated activity must not disrupt the serving of meals or commodity distribution.

(19) Commodity losses, claims, and out-of-condition commodities. Contractors must comply with DHS requirements for reporting commodity losses, filing claims, paying the value of or

replacing in-kind, lost commodities, and following procedures for disposing of out-of-condition commodities.

*§11.6008. Corrective Action.*

Corrective action plans may be required of contractors by the Texas Department of Human Services (DHS) or may be required of subagencies and subcontractors by contractors. Corrective action plans must include specific steps and time frames for correcting deficiencies, as identified.

(1) Contractors. If warranted by review findings or information otherwise received by DHS, DHS will require contractors to submit to DHS for approval, as instructed, a plan to correct deficiencies and/or to comply with contract terms and conditions. DHS may terminate the commodity contract of contractors who refuse or fail to correct deficiencies or to comply with contract requirements according to approved corrective action plans. DHS may amend or modify corrective action plans, based on new information, changes in circumstances, or progress to date, and/or extend time frames for contractors who have made good faith efforts, as defined by DHS policy, to correct deficiencies or to comply with requirements.

(2) Subagencies and subcontractors. If warranted by review findings or information otherwise received by DHS or by a DHS contractor, the contractor must require subagencies and subcontractors to submit to the contractor for approval, as instructed, a plan to correct deficiencies and/or to comply with agreement or contract terms and conditions relating to the receipt of United States Department of Agriculture (USDA)-donated commodities. Contractors may terminate those portions of agreements or contracts relating to the receipt of USDA-donated commodities if subagencies or subcontractors refuse or fail to correct deficiencies or to comply with agreement or contract requirements according to approved corrective action plans. Contractors may amend or modify corrective action plans of subagencies and subcontractors, based on new information, changes in circumstances, or progress to date, and/or extend time frames for subagencies and subcontractors who make good faith efforts, as defined by DHS policy, to correct deficiencies or to comply with requirements.

(3) Corrective action examples. Corrective action examples are stated in subparagraphs (A)-(B) of this paragraph.

(A) For an area within a contractor's service area in which needy persons have little or no access to USDA-donated commodities, DHS may require the contractor to submit a plan to develop food providers in that area within a specified time frame. The time frame may be extended if the contractor has attempted to develop food providers but, within the original time frame, has not received an application from a qualified agency or organization.

(B) A contractor may require a subcontractor to develop, within a specified time frame, a system for maintaining records of distributions of USDA-donated commodities which may be required for reviews by the contractor. The contractor may, after monitoring the subcontractor's progress, take action, as warranted by the circumstances, such as determine that corrective action is complete, take steps to terminate the contract, or extend the corrective action time frame.

*§11.6009. Reimbursement.*

(a) Reimbursable costs.

(1) Congress annually appropriates funds to be used by the United States Department of Agriculture (USDA) to reimburse

state agencies their direct and indirect costs of processing, transporting, and distributing commodities donated by USDA and other sources.

(A) The Texas Department of Human Services (DHS) reimburses eligible DHS contractors allowable costs which are associated with the distribution of USDA-donated commodities, including shared maintenance fees, special transportation costs in rural or difficult to serve areas, and/or other allowable, actual, direct and indirect costs of transporting, processing, repackaging, storing, and handling donated commodities. DHS may reimburse other administrative costs which are reasonably attributable to distributing donated commodities, including cost of supplies, printing, recordkeeping, auditing, and publishing commodity information, training material, and announcements of distributions.

(B) DHS reimburses eligible DHS contractors for costs, as identified in subparagraph (A) of this paragraph, of distributing non-USDA donated commodities only after costs of distributing USDA-donated commodities have been reimbursed or as otherwise specified in DHS policy.

(2) DHS reimburses from available administrative funds:

(A) DHS contractors, who distribute donated commodities directly to needy recipients, their allowable, actual, direct and indirect costs, as identified in paragraph (1)(A) of this subsection;

(B) DHS contractors, who distribute donated commodities to needy recipients through eligible subagencies and subcontractors, or, if applicable, through other DHS contractors, their allowable shared maintenance costs and special transportation fees. DHS will not reimburse any shared maintenance costs or transportation costs which subagencies and subcontractors, or if applicable, other DHS contractors have paid or owe to DHS contractors. Additionally, the following restrictions apply:

(i) DHS contractors must not charge shared maintenance or special transportation fees to certain, eligible subagencies and subcontractors, as identified by DHS, or, other DHS contractors, as identified by contract terms with DHS. Instead, DHS contractors must claim from DHS reimbursement of their usual and customary shared maintenance and special transportation fees, as provided by DHS policy and/or contracts.

(ii) If administrative funds are available, DHS will reimburse DHS contractors for other allowable costs, as identified in paragraph (1)(A) of this subsection, which exceed allowable shared maintenance and special transportation costs of distributing USDA-donated commodities to eligible subagencies, subcontractors, and, if applicable, other DHS contractors. Such reimbursable costs are those that exceed the shared maintenance and special transportation fees which were:

(I) included in monthly reimbursement claims, as provided in clause (i) of this subparagraph, for costs of distributing to certain, eligible subagencies, subcontractors, and, if applicable, other DHS contractors, as identified by DHS; or

(II) paid or owed to DHS contractors by subagencies, subcontractors, and, if applicable, other DHS contractors.

(C) DHS reimburses contractors for costs of distributing non-USDA commodities from any reallocated administrative funds which may remain after the allowable costs of distributing USDA-donated commodities have been reimbursed.

(3) If administrative funds are unavailable from DHS to reimburse the costs of distributing USDA-donated commodities, DHS contractors may, according to the terms and conditions of their contracts, disregard the requirements in paragraph (2)(B)(i) of this subsection and may directly charge subagencies, subcontractors, and, if applicable, other DHS contractors, their usual and customary shared maintenance and/or transportation fees.

(4) If necessary to ensure the equitable distribution of USDA-donated commodities, DHS may, after consulting with the affected contractors and other stakeholders, change policy to add or delete costs associated with distributing donated commodities, including allowable shared maintenance fees.

(b) Local costs. Federal regulations require DHS to make not less than 40% of administrative funds available to reimburse the allowable costs of contractors, either by direct reimbursement or by DHS payment of funds, on behalf of contractors.

(c) State match. The state is required to match the amount of federal administrative funds which are retained by DHS for state-level costs.

(d) Allocation formula.

(1) At the beginning of each contract year, DHS uses a "60/40" formula to allocate administrative funds by county. DHS retains the right to reserve an amount of administrative funds, as determined necessary, to add new contractors during a contract year. If possible, DHS contracts, by county, exclusively with and allocates administrative funds to emergency feeding organizations which are food banks. DHS's "60/40" formula for allocating a fair share of administrative funds by county is similar to the formula used by USDA to allocate administrative funds to the states and is based 60% on the number of persons residing in a contractor's service area, by county, who live at or below the official poverty line, and 40% on the number of unemployed persons residing in the county.

(2) DHS reserves the right to contract with and allocate administrative funds to emergency feeding organizations that are not food banks. DHS may contract with organizations other than food banks to ensure the availability of the Texas Commodity Assistance Program (TEXCAP) to all needy persons and households who reside in a county, counties, and/or areas within a county or counties where poor economic conditions are known to exist. DHS will determine the need to contract with organizations other than food banks, based on information provided by potential food bank contractors or otherwise determined by DHS. DHS may allocate administrative funds to contractors which serve a portion of a county or counties or to contractors distributing commodities to a particular needy group in a county or counties (such as distributions to households only), as approved by DHS, according to historical or projected commodity usage (such as the number of meals and/or households served). DHS allocates a fair share of administrative funds to contractors which serve a portion of counties or limit services within a county, on a first come, first served basis and in accordance with DHS distribution priorities, as specified by DHS policy and contracts.

(3) If necessary to ensure an availability of the TEXCAP Program to areas where poor economic conditions are known to exist, to serve needy client groups (such as children and/or elderly and disabled persons), and/or to distribute USDA-donated commodities in an equitable manner, DHS may, after consulting with affected contractors and other stakeholders, by policy change, elect an

alternative method(s) to allocate administrative funds. Additionally, DHS may modify the terms of any commodity agreement or contract, as needed, to ensure equitable payment of administrative funds as required by federal regulations or DHS policy.

(4) After USDA notifies the state of Texas' share of federal administrative funds, DHS will calculate and notify contractors of their "shares." DHS will include Letter of Credit amounts in contractor notices. A Letter of Credit amount is the reimbursement limit during the contract year. Exception: DHS may reimburse above a Letter of Credit level if reallocated or other funds become available.

(e) Reimbursement rates.

(1) During the application approval process and when contracts are renewed, contractors must submit budgets to project the costs of distributing donated commodities. A budget is a planning document only, and is not the amount that DHS will reimburse the contractor.

(2) The actual reimbursement rate or amount depends on the amount of available administrative funds and the allocation method used.

(3) If necessary, when DHS contracts are renewed or during a contract year, DHS will notify contractors who are eligible for administrative funds of any changes to the allocation and/or the reimbursement rate or amount.

(4) Contractors must submit completed and signed monthly reimbursement claim forms, including all allowable costs of distributing USDA and other donated commodities, as instructed by DHS. Claim forms must separately identify costs of distributing USDA-donated commodities, such as direct and indirect costs, and, if applicable, shared maintenance fees, special transportation costs, and direct and indirect costs which exceed shared maintenance fees and special transportation costs. Additionally, contractors may include on claim forms the reimbursable costs of distributing non-USDA commodities.

(A) On a monthly basis, DHS will reimburse DHS contractors who primarily serve commodity recipients directly, their actual, direct and indirect costs, up to Letter of Credit amounts, of distributing USDA-donated commodities.

(B) On a monthly basis, DHS will reimburse DHS contractors who primarily serve commodity recipients through subagencies, subcontractors, and if applicable, other DHS contractors, for allowable shared maintenance and special transportation fees, up to Letter of Credit amounts, of distributing USDA-donated commodities. Additionally, prior to reallocating administrative funds at the end of the year, DHS will reimburse such contractors their actual, direct and indirect costs of distributing USDA-donated commodities which exceed the shared maintenance fees and special transportation costs which were:

(i) included in monthly reimbursement claims for costs, as allowed by DHS policy, of distributing to those subagencies, subcontractors, and if applicable, other DHS contractors that DHS exempts from such costs; or

(ii) paid or owed to DHS contractors by subagencies, subcontractors, and if applicable, other DHS contractors that DHS does not exempt from such costs.



(C) At the end of each contract year, DHS will, by the appropriate allocation method, reallocate any uncommitted administrative funds. All uncommitted funds will be reallocated first to reimburse any remaining costs of distributing USDA-donated commodities, and second to reimburse the costs of distributing non-USDA commodities.

(5) Monthly claims for reimbursement must be received by DHS within 60 days after the claim month has ended.

(f) Late claims.

(1) The contractor must submit to DHS a written justification to explain why a claim form was received late. DHS will reimburse late claims if circumstances were beyond the contractor's control, and if reasonable, DHS may accept other fully documented justifications. Additionally, DHS may grant a one-time exception and reimburse a late claim without justification, provided that, during the 36 months immediately prior to the current claim month, the contractor has not received reimbursement of a late claim as a result of a one-time exception.

(2) DHS will notify contractors of a final, end-of-the-year date, after which DHS will not reimburse monthly claims. An end-of-year cut-off is necessary for DHS to reallocate administrative funds which were not committed during the contract year. DHS uses reallocated funds to reimburse TEXCAP contractors for allowable costs which were timely submitted on monthly claims, or as otherwise approved, but not previously reimbursed:

(A) first, for costs of distributing USDA-donated commodities; and

(B) second, for costs of distributing non-USDA donated commodities.

(g) Fiscal sanctions on contractor's whose single audit is due before June 1, 1996. DHS imposes fiscal sanctions specified in this subsection on contractors whose required single audit falls due before June 1, 1996, for failure to comply with the requirements of the Single Audit Act. The contractor has the right to appeal this action as specified in Chapter 79 of this title (relating to Legal Services).

(1) DHS takes fiscal sanctions against a contractor according to the procedures specified in subparagraphs (A)-(E) of this paragraph.

(A) DHS notifies each contractor upon approval of their application for program participation of the date by which an acceptable audit must be received by DHS, and that failure to comply will result in sanctions up to and including contract termination and recovery of payments.

(B) DHS notifies contractors by certified mail within 15 days after a required audit is not received, or an audit is determined to be unacceptable, that failure to submit an acceptable audit within 30 days of receipt of the notification will result in suspension of payments.

(C) If an acceptable audit is not received within the 30 days specified in subparagraph (B) of this paragraph, DHS notifies the contractor by certified mail that payments will be withheld beginning the next claim month, and that failure to submit the required audit within 30 days of receipt of this notification will result in termination.

(D) If an acceptable audit is not received within the 30 days specified in subparagraph (C) of this paragraph, DHS notifies

the contractor by certified mail that failure to submit the required audit within 30 days of receipt of this notification will result in termination in the next claim month.

(E) If an acceptable audit is not received within the 30 days specified in subparagraph (D) of this paragraph, DHS notifies the contractor that the contract is terminated effective upon receipt of this notification.

(2) If DHS has determined there are extenuating circumstances, DHS may conduct an audit, either directly or through the engagement of a third party. All costs associated with such an audit must be paid by the contractor.

(3) If DHS imposes sanctions according to the procedures specified in paragraph (1) of this subsection for failure to submit an audit in compliance with the requirements of the Single Audit Act, and a contractor submits an audit which does not meet the requirements of the Single Audit Act, the sanction procedures will be re-initiated as specified in paragraph (1)(B) of this subsection. DHS may extend the time within which a contractor must submit an audit if DHS determines such an extension is justified.

(h) Fiscal sanctions on contractors whose single audit is due June 30, 1996, or later. DHS imposes fiscal sanctions specified in this subsection on contractors whose required single audit falls due on June 30, 1996, or later for failure to comply with the requirements of the Single Audit Act. The contractor has the right to appeal this action as specified in Chapter 79 of this title (relating to Legal Services).

(1) DHS takes fiscal sanctions against a contractor according to the procedures specified in this paragraph and paragraphs (2)-(4) of this subsection.

(A) DHS notifies each contractor upon approval of the application for program participation of the date by which an acceptable audit must be received by DHS, and that failure to comply will result in contract termination and recovery of overpayments as identified through audit findings.

(B) DHS provides the contractor three advance notices reminding the contractor of the specific date that the audit is due.

(i) DHS issues the first notice by regular mail six months after the end of the contractor's fiscal year for which the audit is due.

(ii) DHS issues the second notice by regular mail nine months after the end of the contractor's fiscal year for which the audit is due.

(iii) DHS issues the third notice by certified and regular mail 11 months after the end of the contractor's fiscal year for which the audit is due. DHS notifies the contractor that:

(I) DHS must receive the audit on or before the due date specified in the notice;

(II) if DHS does not receive the audit on or before the specified due date, DHS will terminate the contractor's contract effective the first day of the month following the month in which the audit was due; and

(III) the contractor has the right to appeal this decision.

(C) If DHS does not receive the audit on or before the specified due date, DHS notifies the contractor by certified and regular mail that their contract was terminated effective the first day of the month following the month in which the audit was due.

(2) If DHS has determined there are extenuating circumstances, DHS may conduct an audit, either directly or through the engagement of a third party. All costs associated with such an audit must be paid by the contractor.

(3) If a contractor submits an audit which does not meet the requirements of the Single Audit Act, then DHS notifies the contractor in writing that the audit is unacceptable, how it is unacceptable, and that the contractor has 30 calendar days from the date on the notification to submit an acceptable audit to DHS. If DHS does not receive the required audit by the specified time frame and has not granted an extension of the due date, DHS notifies the contractor by certified and regular mail that:

(A) the contractor failed to provide an acceptable audit within the specified time frames;

(B) DHS must receive an acceptable audit by the due date specified in this notification;

(C) if DHS does not receive an acceptable audit by the specified due date, DHS will terminate their contract effective the first day of the month following the due date specified in this notification; and

(D) the contractor has the right to appeal this decision. DHS may extend the time within which a contractor must submit an audit if DHS determines such an extension is justified.

(4) If DHS does not receive the required audit by the specified due date and has not granted an extension of the due date, DHS notifies the contractor by certified and regular mail that:

(A) the contractor failed to provide an acceptable audit by the specified due date; and

(B) DHS terminated their contract effective the first day of the month following the specified due date.

(5) Once a contractor has been terminated for failure to submit an acceptable audit, the contractor must provide an acceptable audit for any outstanding audit year(s) and comply with the requirements of the Single Audit Act in order to be eligible to participate in the Special Nutrition Programs.

*§11.6010. Selection of Contractors.*

(a) Contractors are public or private non-profit emergency feeding organizations, as identified by federal regulations at 7 Code of Federal Regulations (CFR) 251. Contractors are selected, based on the following criteria:

(1) the geographic location of the organization;

(2) the number of needy persons, as identified by poverty, unemployment, or other statistics, who live in the organization's service area;

(3) the organization's food storage capacity and ability to receive, handle, and distribute large volumes of product;

(4) the organization's ability to effectively and efficiently distribute United States Department of Agriculture (USDA)-donated commodities throughout its area of service with or without access to

limited administrative funds earmarked to reimburse certain allowable costs. Additionally, the organization's ability and willingness to submit financial statements, reports, or other information, as required by the Texas Department of Human Services (DHS) is considered; and

(5) the organization's willingness and capacity to:

(A) serve all people in the area, including needy homeless persons and needy households, through contractor services and/or through services provided by subagencies or subcontractors;

(B) handle, safeguard, and use food properly;

(C) publicize the availability of commodities;

(D) handle the administration, distribution, record-keeping, and eligibility determination; and

(E) comply with all program requirements, including cooperation with annual reviews by DHS which include eligibility determination, inventory, storage, and warehousing practices if applicable, approval of subagencies and subcontractors and a willingness to monitor and supervise their distribution of USDA-donated commodities, and other items as appropriate.

(b) When selecting Texas Commodity Assistance Program (TEXCAP) contractors, DHS gives preference to emergency feeding organizations that are food banks. However, on the basis of information obtained from a food bank contractor or a potential food bank contractor, or on the basis of a DHS determination, DHS reserves the right to contract with alternate and/or additional emergency feeding organizations to ensure program access (such as areas of the state where poor economic conditions are known to exist and/or needy households, children and/or elderly and disabled persons who would not otherwise be served). For each contracted service area, DHS will select among emergency feeding organizations according to an assessment of each organization's ability to meet all or, or a portion of, the need for donated commodities, as determined by DHS, within an identified geographic area and, as applicable, the organization's:

(1) access to donated food and funds from sources other than USDA;

(2) willingness to supplement USDA-donated commodities it provides to eligible subagencies and subcontractors with non-USDA commodities;

(3) existing food distribution channels and also its activity in developing or assisting other entities to develop distribution or feeding sites to ensure service to all parts of its areas of service;

(4) link to and level of cooperation with organizations which have similar operations and goals, including a goal to ensure the availability of food assistance in all areas of the state;

(5) ability and willingness to network with and distribute commodities to other food providers; and

(6) total caseload in a minimum of one county, or as applicable and approved by DHS, total caseload in a portion of a county or counties, or based on services provided to a specific recipient group within any identified service area.

(c) DHS requires contractors to submit documentation of compliance with the requirements of the Single Audit Act. Contractors must submit as proof of eligibility one or more of the forms

of documentation of compliance specified in paragraphs (1)-(3) of this subsection:

(1) a copy of an audit for a specific contractor fiscal year which has been determined to meet the requirements of the Single Audit Act;

(2) a completed DHS Single Audit Identification Data form containing assurance that the recipient agency will obtain an acceptable audit which will meet the requirements of the Single Audit Act; or

(3) documentation that the contractor is not subject to the Single Audit Act.

*§11.6011. Adverse Action, Appeal, and Complaint Procedures.*

(a) Contract termination. Federal regulations specified in 7 Code of Federal Regulations Part 251 and as applicable, Part 250, allow:

(1) the Texas Department of Human Services (DHS) to:

(A) immediately terminate or suspend Texas Commodity Assistance Program (TEXCAP) contracts for failure to comply with contract terms and conditions; and

(B) take other actions which may adversely affect a contractor's participation in the TEXCAP program; and

(2) DHS contractors to terminate, suspend, and/or take other action on those portions of TEXCAP agreements and contracts with subagencies and subcontractors which relate to eligibility for United States Department of Agriculture (USDA)-donated commodities, as provided in paragraph (1) of this subsection and/or by DHS policy.

(b) Contractor appeal rights. A DHS contractor may request an administrative review of a DHS decision, action, or inaction which adversely affects the contractor's participation in TEXCAP. If dissatisfied with the results of the administrative hearing, the contractor may submit a written petition or letter appealing the DHS decision and requesting a hearing, as specified in the Food Distribution Handbook. The written appeal must include a statement as to why the contractor is not subject to the adverse action and the appeal must be received by DHS no later than 15 days after the date the contractor was notified of the results of DHS's administrative review of the decision, action or inaction. Adverse actions include:

(1) contract termination or suspension before the contract's stated expiration date;

(2) denial of payment or rejection of a statement of costs, in whole or in part;

(3) demands for settlement or repayment of funds; and

(4) any action taken by DHS that adversely affects the contractor's participation in TEXCAP.

(c) Subagency and subcontractor rights.

(1) Complaints. Contractors must maintain a file of complaints registered by subagencies and subcontractors. The file must contain documentation of how the complaints were resolved.

(2) Administrative reviews. Subagencies and subcontractors may request the contractor to administratively review a contractor or DHS decision, action, or inaction which adversely affects the organization's participation in TEXCAP, as defined in subsection (b)

of this section. The contractor must maintain a record of the results of administrative reviews. The contractor's administrative review decision is final.

(d) Commodity recipient rights.

(1) Complaints. Recipient agencies, including contractors, subagencies, and subcontractors, must provide persons or households with a complaint process and must maintain a file of complaints registered by people who request or apply for USDA-donated commodities. The documentation of each complaint must include how the complaint was resolved. Exception: Complaints of violation of civil rights must be referred to DHS immediately.

(2) Administrative reviews.

(A) Recipient agencies whose primary function is to directly serve commodity recipients, including households, must provide its recipients with an administrative review process. Recipients may request the recipient agency to administratively review a decision, action, or inaction which adversely affects the recipient's participation in TEXCAP. Adverse actions are associated with the distribution of USDA-donated commodities and may include denial or refusal of commodities, claims of not being provided a fair share of commodities, untimely provision of commodities, unreasonable eligibility requirements, and/or other decisions, actions, or inactions.

(B) A recipient who is dissatisfied with the results of an administrative review by a recipient agency that is a subagency or subcontractor may request an administrative review by the DHS contractor. The decision of the DHS contractor is final.

(C) A recipient who is dissatisfied with the results of an administrative review by a recipient agency that is a DHS contractor that directly serves commodity recipients (such as needy persons and/or households) may request an administrative review by DHS. The contractor must comply with DHS's decision.

(D) Recipient agencies must maintain, for review by DHS, a file which contains the documented results of administrative reviews, including any action that was required.

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 July 23, 1997.

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Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

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



## Part XX. Texas Workforce Commission

### Chapter 803. Skills Development Fund

#### Subchapter

The Texas Workforce Commission proposes repeal of §803.1, and new §§803.1-803.3, §§803.11-803.15 and §§803.31-

803.35, concerning the operation of the Skills Development Fund.

New Subchapter A is added concerning General Provisions.

New §803.1 of Subchapter A, Scope and Purpose, includes language from old §803.1(a) and (b) proposed for repeal, and adds that the Texas Engineering Extension Service (TEEX) may respond to industry and workforce training needs and provide customized assessment and training as authorized by Senate Bill 1712, 75th Legislature, Regular Session.

New §803.3, concerning Uses of the Fund, incorporates language from old §803.1(c) proposed for repeal and adds that TEEX may use the skills development fund as start-up or emergency funds to develop customized training programs and to sponsor small and medium-sized business networks and consortiums; that TEEX shall focus on training programs that are statewide or are not available from a local community or technical college or a consortium of junior college districts; that TEEX may participate with a consortium of junior college districts or with a technical college; that technical college training activities shall focus on statewide programs that are not available from a local community college, except in the technical college's local service area; that travel and drug testing are not eligible costs under the program since these are not considered costs related to direct training or to the administration of the grant; and that lease of equipment is not an allowable cost if the lease transaction meets any of the four criteria in the rule that would characterize the lease as a proprietary or production equipment purchase in which substantially all of the risks and benefits of ownership are assumed by the lessee.

New §803.2, concerning Definitions, includes language from old §803.1(d) proposed for repeal and adds a definition for the Texas Engineering Extension Service (TEEX). The following definitions are also amended to add references to TEEX: Customized Training Program, Grant Recipient, Prospective Private Partner, and Training Provider. The definition for Director is also amended to clarify that it may refer to the Executive Director's designee.

New Subchapter B is added, concerning Program Administration.

New §803.11, concerning Grant Administration, and new § 803.12, concerning Limitations on Awards, includes language from old §803.1(e)(1) proposed for repeal. New §803.11, concerning Grant Administration, adds that the executive director or a designated employee or employees of the Texas Workforce Commission (Commission) may allocate the use of funds during the biennium on a quarterly basis. New § 803.12, concerning Limitations on Awards, adds the Commission's authority to limit the amount of awarded funds, including limits on single employer training programs, caps on allowable purchases of proprietary or production equipment and on administrative costs.

New §803.13, concerning Program Objectives, incorporates the training program objectives from §803.1(e)(4) proposed for repeal, and adds new program objectives, for the following Skills Development Fund program objectives: to ensure that program funds are spent in all areas of this state, to respond to the training needs of business consortiums consisting of micro-businesses to medium-sized businesses; to develop

projects that will create jobs in Local Workforce Development Areas where the unemployment rate is above the state's annual average; to facilitate projects eligible for the Self-Sufficiency Fund; to sponsor pilot programs in allied health professions to certain recipients of financial assistance under Human Resources Code, Chapter 31; to develop projects that at completion of training will result in wages greater than the prevailing wage and employment benefits; to develop projects that will result in employment benefits for participants, to facilitate the statewide growth of industry and emerging occupations; to sponsor creation and attraction of high value, high skill jobs for the state, to ensure retention of jobs; to develop projects that include contributions from other resources; and to ensure that available resources are utilized to respond to workforce training needs.

New §803.14, concerning Procedure for Requesting Funding, includes language from old §803.1(e)(2) and adds language to allow TEEX to present a joint proposal with a prospective private partner requesting skills development funds; allowing TEEX to be a non-local partner to a joint training proposal as long as the training proposal does not duplicate a training program available in the local workforce development area; adding a reference to TEEX in the information that is included in the proposal; and requiring a written proposal that indicates the number of proposed jobs created and preserved, the skills acquired through training, the occupations and wages at the end of the training, the amount of the private partner's contribution, a comparison of program costs, and a list of the employment benefits.

New §803.15, concerning Procedure for Proposal Evaluation, includes language from old §803.1(e)(2)(D) proposed for repeal and adds the list of the following additional factors in the Commission's evaluation of a proposal: the program objectives, the information contained in the proposal, the prevailing wage for occupations in the local labor market area, the financial stability of the prospective private partner, and the regional economic impact. The section also authorizes the director to enter into a contract with the grant recipient if a contract is approved for funding.

New Subchapter C is added relating to Program Administration After Award of Contract.

New §803.31, concerning Grant Recipient Responsibilities, includes language from old §803.1(e)(2)(E), proposed for repeal, adds subsection (b) requiring that contractors maintain fiscal data needed for independent verification of expenditures; and subsection (c) requiring that contract amendments be requested and approved in writing before a change to the contract is implemented.

New §803.32, concerning Contract Completion Reports, includes language from old §803.1(e)(2)(F) proposed for repeal, and adds a reference to TEEX and clarifies that the 90 day requirement to submit a final report is tied to the end of the contract period instead of the completion of the customized training program. New § 803.32(2) adds that the occupations trainees were placed in and wages for those occupations need to be included in the final report from the Contractor.

New §803.32(3) clarifies that the final report from the Contractor should summarize the training program results, including the

results of the training objectives and outcomes specified in the contract to ensure that the contractual obligations were met and may include an evaluation of the effectiveness of the training program from the private partner since the business will be effected by the outcome of the customized training program.

New §803.32(4) adds that payroll records and/or reports certified by an independent auditor must be provided that include the name, social security number, occupation, and trainee's wage or a statement that each trainee's wage is equal to the prevailing wage for that occupation.

New §803.33, concerning Contract Payment, includes language from old §803.1(e)(2)(G) proposed for repeal and adds language authorizing the director to allow an attrition rate of 15% based on the total number of trainees outlined in the contract.

New §803.34, concerning Notice to Texas Higher Education Coordinating Board, includes language from old §803.1(e)(3) and adds a reference to TEEX.

New §803.35, concerning Waivers, is added so that the director has the authority to suspend or waive a section, not statutorily imposed, if there is a showing of good cause and a finding that the public interest would be served by such a suspension or waiver.

Randy Townsend, Director of Finance, has determined that for the first five-year period the section is in effect, there will be minimal fiscal implications as a result of enforcing or administering the rules, beyond the legislative appropriation establishing the corpus of the fund. There will be minimal additional costs to the state as a result of enforcing the rules. There will be no reduction in costs to the state. There will be no costs to local governments other than those attendant to obtaining a grant.

Richard Hall, Director of Business Services has determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of enforcing the sections will be the enhancement of the ability of public community and technical colleges and the Texas Engineering Extension Service to respond to industry and workforce training needs and to provide customized assessment and training in a timely and efficient manner.

The effect on small businesses is that additional skills development funds will be used to develop customized training programs for these businesses. There are no anticipated costs to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Richard Hall, Director of Business Services, Texas Workforce Commission Building, 101 East 15th Street, Room 668, Austin, Texas 78778, fax (512) 475-1133.

#### **40 TAC §803.1**

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

The repeal is proposed under Labor Code, §301.061 which provides the Texas Workforce Commission with the authority

to adopt such rules as it deems necessary for the effective administration of the Act.

The repeal affects Texas Labor Code, Chapter 303.

#### *§803.1. Requirements for Skills Development Fund.*

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 July 23, 1997.

TRD-9709544

Esther L. Hajdar

Deputy Director of Legal Services

Texas Workforce Commission

Earliest possible date of adoption: September 2, 1997

For further information, please call: (512) 463-8812



## Subchapter A. General Provisions Regarding the Skills Development Fund

### **40 TAC §§803.1-803.3**

The new sections are proposed under Labor Code, §301.061 which provides the Texas Workforce Commission with the authority to adopt such rules as it deems necessary for the effective administration of the Act.

The proposed new sections affect Texas Labor Code, Chapter 303.

#### *§803.1. Scope and Purpose.*

(a) Purpose. The purpose of the skills development fund is to enhance the ability of public community and technical colleges and the Texas Engineering Extension Service (TEEX) to respond to industry and workforce training needs and to develop incentives for public community and technical colleges or TEEX to provide customized assessment and training in a timely and efficient manner.

(b) Goal. The goal of the fund is to increase the skills level of the Texas workforce.

#### *§803.2. Definitions.*

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

Assessment— The evaluation of an employer's workforce needs and requirements.

Commission – The Texas Workforce Commission or an employee or employees designated by the director to administer the Skills Development Fund.

Customized Training Program – A program designed by a private business or trade union in partnership with a public community or technical college or TEEX for the purpose of providing specialized workforce training to employees or prospective employees of the private business or members of the trade union with the intent of either adding to the workforce or preventing a reduction in the workforce.

Director – The Executive Director of the Texas Workforce Commission or the Executive Director's designee.

Grant Recipient – Any public community or technical college or TEEEX awarded a grant from the skills development fund.

Non-Local Public Community and Technical College – A public or community technical college providing training outside of its local taxing district.

Prospective Private Partner – Any person, sole proprietorship, partnership, corporation, association, consortium, or private organization that submits a joint proposal for a customized training program in partnership with a public community or technical college or TEEEX.

Public Community Colleges – Two-year institutions primarily serving their local taxing districts and service areas in Texas and offering vocational, technical and academic courses for certification or associate degrees. Public community colleges also provide continuing education, remedial and compensatory education consistent with open-admission policies, and counseling and guidance programs.

Public Technical Colleges – Coeducational institutions of higher education offering courses of study in vocational and technical education, for certification or associate degrees.

Texas Engineering Extension Service (TEEX) – A higher education agency and service established by the Board of Regents of the Texas A&M University System.

Trade Union – Any organization, agency, or employee committee, in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Training Provider – Any public community or technical college or TEEEX that provides training; or any person, sole proprietorship, partnership, corporation, association, consortium, governmental subdivision or public or private organization with whom a public community or technical college or TEEEX has subcontracted to provide training.

### §803.3. *Uses of the Fund.*

(a) The skills development fund may be used by public community and technical colleges or TEEEX as start-up or emergency funds for either of the following:

(1) to develop customized training programs for businesses and trade unions; and

(2) to sponsor small and medium-sized business networks and consortiums.

(b) TEEEX training activities shall focus on programs that are statewide or are not available from a local junior college district, a local technical college, or a consortium of junior college districts. In developing such programs, TEEEX may participate in a consortium of junior college districts or with a technical college that provides training under Texas Labor Code, Chapter 303.

(c) Technical college training activities shall focus on programs that are not available from a local community college, except in the technical college's local service area, and shall be encouraged to focus on programs that are statewide.

(d) The skills development fund may not be used:

(1) to pay the training costs and related costs of an employer who relocates the employer's worksite from one place in Texas to another;

(2) for the purchase of any proprietary or production equipment required for the training program of a single local employer;

(3) for wages for trainees; or

(4) to pay for trainee or instructor travel costs or trainee drug tests.

(e) The skills development fund may not be used to pay for the lease of equipment if any one of the following four criteria is characteristic of the lease transaction:

(1) the lease transfers ownership of the equipment to the lessee at the end of the lease term;

(2) the lease contains a bargain purchase option;

(3) the lease term is equal to 75% or more of the estimated economic life of the leased equipment; or

(4) the present value of the minimum lease payments at the inception of the lease, excluding executory costs, equals at least 90% of the fair value of the leased equipment.

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 July 23, 1997.

TRD-9709545

Esther L. Hajdar

Deputy Director of Legal Services

Texas Workforce Commission

Earliest possible date of adoption: September 2, 1997

For further information, please call: (512) 463-8812



## Subchapter B. Program Administration

### 40 TAC §§803.11–803.15

The new sections are proposed under Labor Code, §301.061 which provides the Texas Workforce Commission with the authority to adopt such rules as it deems necessary for the effective administration of the Act.

The proposed new sections affect Texas Labor Code, Chapter 303.

#### §803.11. *Grant Administration.*

(a) The director is responsible for the distribution of money from the skills development fund. The director may designate an employee or employees of the Texas Workforce Commission (Commission) who are knowledgeable in the administration of grants to administer the program.

(b) The Commission is not required to fund all proposals for customized training programs that are submitted.

(c) The Commission may allocate the use of funds throughout the biennium in any manner that in the director's judgment furthers the goals and objectives of the fund, including quarterly allocations.

#### §803.12. *Limitations on Awards.*

The Commission may impose any or all of the following limitations on the amount of funds awarded under any specific grant:

(1) a limit of \$500,000 for the training program of a single employer;

(2) a limit of 10% of the grant amount for the allowable purchase of any proprietary or production equipment required for the training program;

(3) a limit of 10% for administrative costs related to direct training for the training program of a single employer; or

(4) a limit of 15% for administrative costs related to direct training for the training program of entities other than a single employer.

*§803.13. Program Objectives.*

The following are the program objectives in administering the Skills Development Fund:

(1) to ensure that funds from the program are spent in all areas of this state;

(2) to respond to the training needs of consortiums consisting of at least two micro-, small or medium-sized businesses. The priority shall be for micro-businesses which employ not more than 20 employees as defined under Government Code, §481.151, small businesses that have fewer than 100 employees or less than \$1 million in annual gross receipts as defined under Government Code, §481.101(3), and medium-sized businesses which employ not more than 500 employees;

(3) to develop projects that will create jobs in local workforce development areas where the unemployment rate is above the state's annual average unemployment rate;

(4) to facilitate projects eligible for the Self-Sufficiency Fund, by working with employers and training organizations to provide training for targeted employment for recipients of Temporary Assistance to Needy Families (TANF formerly referred to as Aid For Dependent Children AFDC) and to facilitate other projects which assist in the employment of former welfare recipients;

(5) to sponsor pilot programs in allied health professions for certain recipients of financial assistance under Human Resources Code, Chapter 31;

(6) to develop projects that at completion of the training will result in wages greater than the prevailing wage for that occupation in the local labor market for the participants in the customized training program;

(7) to develop projects that at the completion of training will result in employment benefits, including medical insurance, for the participants in the customized training program;

(8) to facilitate the growth of industry and emerging occupations;

(9) to sponsor creation and attraction of high value, high skill jobs for the state;

(10) to ensure retention of jobs by providing retraining in response to new or changing technology;

(11) to develop projects which include contributions from other resources, including the private partners, that are being committed to the customized training program; and

(12) to ensure expansion of the state's capacity to respond to workforce training needs.

*§803.14. Procedure for Requesting Funding.*

(a) A prospective private partner together with a public community or technical college or TEEX shall present to the director a joint proposal requesting funding for a customized training program or other appropriate use of the fund.

(b) TEEX, or the public community or technical college that is a partner to a joint training proposal for a grant from the Skills Development Fund may be non-local, but the training proposal must not duplicate a training program available in the local workforce development area in which the prospective private partner is located.

(c) Proposals shall be written and contain the following information:

(1) the number of proposed jobs created or retained;

(2) a brief outline of the proposed training program, including the skills acquired through training;

(3) a brief description of the measurable training objectives;

(4) the occupation and wages for participants who complete the customized training program;

(5) a budget summary, disclosing anticipated program costs and resource contributions, including the dollar amount the prospective private partner is willing to commit to the project;

(6) an outline of the agreement between the prospective private partner and the public community or technical college or TEEX;

(7) a statement explaining the basis for the determination that there is an actual or projected labor shortage in the occupation in which the proposed training program will be provided that is not being met by an existing institution or program in the local workforce development area;

(8) a comparison of costs per trainee for the customized training program to the public community or technical college's or TEEX' costs for similar instruction;

(9) a statement describing the prospective private partner's equal opportunity employment policy;

(10) a list of the proposed employment benefits; and

(11) any additional information deemed necessary by the Commission to complete evaluation of a proposal.

*§803.15. Procedure for Proposal Evaluation.*

(a) The director shall evaluate each proposal considering the program objectives listed in §803.13 of this title (relating to Program Objectives), the factors listed in §803.14(c) of this title (relating to Procedure for Requesting Funding), along with the prevailing wage for occupations in the local labor market area, the financial stability of the prospective private partner, the regional economic impact, and any other factors unique to the circumstances which the Commission determines are appropriate.

(b) If the Commission determines that a proposal is appropriate for funding through the skills development fund, the director shall enter into a contract with the grant recipient on behalf of the Commission.

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 July 23, 1997.

TRD-9709546

Esther L. Hajdar

Deputy Director of Legal Services

Texas Workforce Commission

Earliest possible date of adoption: September 2, 1997

For further information, please call: (512) 463-8812



## Subchapter C. Program Administration After Award of Contract

### 40 TAC §§803.31-803.35

The new sections are proposed under Labor Code, §301.061 which provides the Texas Workforce Commission with the authority to adopt such rules as it deems necessary for the effective administration of the Act.

The proposed new sections affect Texas Labor Code, Chapter 303.

#### §803.31. *Grant Recipient Responsibilities.*

(a) The grant recipient shall serve as fiscal agent, shall administer the contract, and in cooperation with the private partner and any separate training provider, submit financial and performance reports to the Commission.

(b) Contractor shall maintain fiscal data needed for independent verification of expenditures of funds received for the customized training program.

(c) Contract amendments must be requested in writing and approved by the director in writing before a change to the contract is implemented.

#### §803.32. *Contract Completion Reports.*

No later than 90 days following the end of the contract period for the customized training program, the grant recipient shall provide the Commission with the following information:

(1) a copy of any audit performed on the customized training program;

(2) the number of jobs created or preserved, the occupations the trainees were placed in, and the wages for those occupations at the completion of the customized training program;

(3) a narrative report by the Contractor summarizing the training program results, including results ensuring that the

training objectives and outcomes specified in the contract have been achieved, and may include a brief narrative by the private partners evaluating the training program's effectiveness in meeting the business' workforce needs and requirements;

(4) payroll records and/or reports certified by an independent auditor that provide the name, the social security number, the occupation, and the trainee's wage at the completion of the training or a statement that the wage at the time of job placement for each individual who successfully completes customized training at the college is equal to the prevailing wage for that occupation in the local labor market area; and

(5) a detailed breakdown reflecting the expenditure of funds received.

#### §803.33. *Contract Payment.*

Final payment under a contract will be contingent upon the director's evaluation of the program using the outcome objectives specified in the contract. The director may allow an attrition rate of 15% based on the total number of trainees as outlined in the contract.

#### §803.34. *Notice to Texas Higher Education Coordinating Board.*

The Texas Workforce Commission will inform the Texas Higher Education Coordinating Board that a grant from the skills development fund has been made to a public community or technical college or TEEX to provide a customized training program in order that it may conduct its review of the training program pursuant to Texas Labor Code, §303.004.

#### §803.35. *Waivers.*

The director may suspend or waive a section of this chapter, not statutorily imposed, in whole or in part upon a showing of good cause and a finding that the public interest would be served by such a suspension or waiver.

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 July 23, 1997.

TRD-9709547

Esther L. Hajdar

Deputy Director of Legal Services

Texas Workforce Commission

Earliest possible date of adoption: September 2, 1997

For further information, please call: (512) 463-8812





# ADOPTED RULES

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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.

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

### **Part VI. Credit Union Department**

#### **Chapter 93. Administrative Proceedings**

##### **General Rules**

###### **7 TAC 93.25**

The Credit Union Commission adopts new §93.25 concerning the assessment of costs to the parties related to the record in a contested case hearing, without changes to the proposed text as published in the May 2, 1997, issue of the *Texas Register* (22 TexReg 3868).

This new section is necessary to ensure that the funds appropriated to the department to ensure the safety and soundness of state-chartered credit unions are not depleted by potentially substantial costs related to transcription and preparation of the official record in the conduct of a contested case hearing.

There were no comments received regarding adoption of the rule.

The new section is adopted under the Texas Civil Statutes annotated, Article 2461-11.07, which provides the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of the Texas Credit Union Act; and Texas Government Code annotated, §§2001.059 and §§2001.177, which provides authority to assess costs of preparing a transcript and an administrative record.

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 July 21, 1997.

TRD-9709476

Harold E. Feeney

Commissioner

Credit Union Department

Effective date: August 11, 1997

Proposal publication date: May 2, 1997

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



# TEXAS DEPARTMENT OF INSURANCE

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## **Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L**

As required by the Insurance Code, Article 5.96 and 5.97, the *Texas Register* publishes notice of proposed actions by the Texas Board of Insurance. Notice of action proposed under Article 5.96 must be published in the *Texas Register* not later than the 30th day before the board adopts the proposal. Notice of action proposed under Article 5.97 must be published in the *Texas Register* not later than the 10th day before the Board of Insurance adopts the proposal. The Administrative Procedure Act, the Government Code, Chapters 2001 and 2002, does not apply to board action under Articles 5.96 and 5.97.

The complete text of the proposal summarized here may be examined in the offices of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104.)

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure Act.

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## Texas Department of Insurance

### ADOPTED

The Commissioner of Insurance, at a public hearing under Docket Number 2297 held at 9:00 a.m., July 24, 1997 in Room 100 of the William P. Hobby, Jr. State Office Building, 333 Guadalupe Street in Austin, Texas, adopted amendments proposed by staff to the Texas Automobile Rules and Rating Manual (the Manual). The amendments consist of new and/or adjusted 1995-98 model Private Passenger Automobile Physical Damage Rating Symbols and revised identification information. Staff's petition (Ref. Number A-0697-19-I) was published in the June 20, 1997 issue of the *Texas Register* (22 TexReg 5930).

The new and/or adjusted symbols for the Manual's Symbols and Identification Section reflect data compiled on damageability, repairability, and other relevant loss factors for the specified model years of the listed vehicles.

The amendments as adopted by the Commissioner of Insurance are shown in a 212-page exhibit on file with the Chief Clerk under Ref. Number A-0697-19-I, which is incorporated by reference into Commissioner's Order Number 97-0762.

The Commissioner of Insurance has jurisdiction over this matter pursuant to the Insurance Code, Articles 5.10, 5.96, 5.98, and 5.101.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Government Code, Chapter 2001 (Administrative Procedure Act).

Consistent with the Insurance Code, Article 5.96(h), the Department will notify all insurers writing automobile insurance of this adoption by letter summarizing the Commissioner's action.

IT IS THEREFORE THE ORDER of the Commissioner of Insurance that the Manual is amended as described herein, and the amendments are adopted to become effective on October 6, 1997.

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 July 25, 1997.

TRD-9709738

Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

Effective date: October 6, 1997

Proposal publication date: June 20, 1997

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

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# TABLES & GRAPHICS

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Graphic material from the emergency, proposed, and adopted sections is published separately in this tables and graphics section. Graphic material is arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic material is indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on. Multiple graphics in a rule are designated as "Figure 1" followed by the TAC citation, "Figure 2" followed by the TAC citation.

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Figure 1. 22 TAC, section 577.15

(a) EXAMINATIONS	FEE		
State Board Exam(SBE)	\$100		
Nat'l. Exam(NBE)	\$225		
Clinical Comp. Exam(CCT)	\$205		
SBE & NBE	\$290		
SBE & CCT	\$265		
SBE & NBE & CCT	\$430		
NBE & CCT	\$380		
Special License	\$100		
 (b) RENEWALS	 BOARD FEE	 PROF. FEE	 TOTAL FEE
License Renewal(Current)	\$114 [110]	\$200	\$314 [310]
 Delinquent Renewals (90 Days or Less)	 \$164 [160]	 \$200	 \$364 [360]
 Delinquent Renewals (Over 90 Days but Less Than One Year)	 \$214 [210]	 \$200	 \$414 [410]
 Inactive Renewals	 \$114 [110]	 -0-	 \$114 [110]
 Delinquent Inactive Renewals (90 Days or Less)	 \$164 [160]	 -0-	 \$164 [160]
 Delinquent Inactive Renewals (Over 90 Days but Less Than One Year)	 \$214 [210]	 -0-	 \$214 [210]
 Special License	 \$114 [110]	 \$200	 \$314 [310]
 Delinquent Special License Renewals (90 Days or Less)	 \$164 [160]	 \$200	 \$364 [360]
 Delinquent Special License Renewals (Over 90 Days but Less than One Year)	 \$214 [210]	 \$200	 \$414 [410]
(c) PROVISIONAL LICENSE	\$250	-0-	\$250
(d) OPEN RECORDS			
Charges for all open records and other goods/services such as tapes, disks, will be in accordance with General Service Commission rules 111.61 through 111.71 - "Charges for Public Records".			
(e) RETURNED CHECK FEE	\$25		

# OPEN MEETINGS

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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).

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## **Texas Alcoholic Beverage Commission**

Tuesday, August 5, 1997, 1:30 p.m.

5806 Mesa Drive, Suite 185

Austin

### **AGENDA:**

1:30 p.m. — Call to order.

Convene in open meeting.

Announcement of executive session.

1. Executive session:

- a. briefing regarding operations of the general counsel's office; and
- b. personnel matters.

Continue open meeting.

2. Take action, including a vote if appropriate, on topics listed for discussion under executive session.

3. Recognition of agency employees.

4. Approval of June 1997 minutes

5. Administrator's report.

6. Consider amendment to 16 TAC §33.23.

7. Consider amendment to 16 TAC §50.4.

8. Consider amendment to 16 TAC §50.5.

9. Consider publication of amendment to 16 TAC §45.109.

10. Consider publication of amendment to 16 TAC §45.110.

11. Consider publication of amendment to 16 TAC §45.113.

12. Consider publication of amendment to 16 TAC §45.117.

13. Public comment.

14. Adjourn.

Contact: Doyne Bailey, P.O. Box 13127, Austin, Texas 78711, (512) 206-3217.

Filed: July 25, 1997, 8:05 a.m.

TRD-9709663



## **State Board of Barber Examiners**

Tuesday, August 5, 1997, 8:30 a.m.

William P. Hobby State Building, 333 Guadalupe, Tower 2, Room 400A

Austin

Board of Directors

### **AGENDA:**

Opening of meeting: Roll call: Read and possibly approve minutes of July 21, 1997 board meeting. Executive Session under Texas Government Code 551.074 for discussion of the employment and/or appointment of an Executive Director.

Open Session: Discussion and possible action concerning the employment and/or appointment of an Executive Director.

Old Business: Discussion and possible action concerning out-of-country applicants and the Board examination. New Business: Set a date for exam to be held in El Paso, Texas. Adjourn.

Contact: Minerva Hall, 333 Guadalupe, #2-110, (512) 305-8475.

Filed: July 25, 1997, 3:56 p.m.

TRD-9709735



## **Texas Commission for the Blind**

Thursday, August 7, 1997, 8:00 a.m.

Hyatt Regency Hotel on the Riverwalk, 123 Losoya Street

San Antonio



Governing Board Budget Committee

AGENDA:

1. Discussion and action, of required: Fy 97 Operating Budget and draft FY 98 Budget.

2. Discussion and action: Grant Applications

Contact: Diane Vivian, P.O. Box 12866, Austin, Texas 78711, (512) 459-2601.

Filed: July 28, 1997, 8:42 a.m.

TRD-9709742



Thursday, August 7, 1997, 10:15 a.m.

Hyatt Regency Hotel on the Riverwalk, 123 Losoya Street

San Antonio

Governing Board Audit Committee

AGENDA:

1. Discussion and action: Election of Chairperson for Audit Committee

2. Discussion and action, if required: Status of FY 1997 Audit Plan

3. Discussion and action, if required: FY 1998 Audit Plan

Contact: Diane Vivian, P.O. Box 12866, Austin, Texas 78711, (512) 459-2601.

Filed: July 28, 1997, 8:43 a.m.

TRD-9709743



Thursday, August 7, 1997, 1:00 p.m.

Hyatt Regency Hotel on the Riverwalk, 123 Losoya Street

San Antonio

Governing Board Administration Committee

AGENDA:

1. Discussion and action: Proposed changes to Chapter 162 of the Texas Administrative Code concerning the Criss Cole Rehabilitation Center

2. Discussion and action: Repeal of §§159.21-159.24 of Chapter 159 of the Texas Administrative Code concerning fair hearing procedures for resolution of consumer dissatisfaction, the repeal of Chapter 161, Scope of Services, and adoption of new Chapter 161, Appeals and Hearing Procedures.

3. Discussion and action: Proposed changes to Chapter 163 of the Texas Administrative Code concerning the Vocational Rehabilitation Program.

4. Discussion and action: Continuation or abolishment of the Medical Advisory Council and the Optometry Advisory Council in accordance with the provisions of Acts 1993, 73rd Legislature, Chapter 398, §1.

5. Discussion and action: Board Policy Manual

Contact: Diane Vivian, P.O. Box 12866, Austin, Texas 78711, (512) 459-2601.

Filed: July 28, 1997, 8:43 a.m.

TRD-9709744



Friday, August 8, 1997, 9:00 a.m.

2305 Roosevelt, San Antonio Lighthouse, Community Conference Facility

San Antonio

Governing Board

AGENDA:

1. Introductions

2. Public Comments

3. Approval: Minutes from board meeting of May 9, 1997

New Business

4. Discussion and action: Executive Director's Report on third quarter activities

5. Discussion and action: Capital Outlay

6. Discussion and action: Board Committee Reports

Planning Committee — Dr. Caldwell, Chair

Budget Committee — Olivia Sandoval, Chair

Audit Committee — New Chair to be announced

Administration Committee — Robert Keeney, Chair

7. Discussion and action: Report on BEP Liaison meeting

8. Discussion and action: Proposed changes to Chapter 162 of the Texas Administrative Code concerning the Criss Cole Rehabilitation Center

9. Discussion and action: Repeal of §§159.21-159.24 of Chapter 159 of the Texas Administrative Code concerning fair hearing procedures for resolution of consumer dissatisfaction, the repeal of Chapter 161, Scope of Services, and adoption of new Chapter 161, Appeals and Hearing Procedures.

10. Discussion and action: Proposed changes to Chapter 163 of the Texas Administrative Code concerning the Vocational Rehabilitation Program.

11. Discussion and action: Continuation or abolishment of the Medical Advisory Council and the Optometry Advisory Council in accordance with the provisions of Acts 1993, 73rd Legislature, Chapter 398, §1.

12. Discussion and action: Audit Plan for Fiscal Year 1998

13. Discussion and action: Grant Applications

14. Executive Session pursuant to Chapter 551 of the Government Code to discuss personnel and pending or contemplated litigation with attorney.

15. Action if required on matters discussed in executive session.

16. Next regular meeting of the Board

Contact: Diane Vivian, P.O. Box 12866, Austin, Texas 78711, (512) 459-2601.

Filed: July 28, 1997, 8:44 a.m.

TRD-9709745



**Texas School for the Blind and Visually Impaired**

Friday, August 1, 1997, 10:45 a.m.

1100 West 45th Street, Room 116

Austin

Board of Trustees, Subcommittee on Finance and Audit

**AGENDA:**

- Approval of Minutes from May 23, 1997 Meeting
- Review Draft Policy CDCA-Gifts and Donations: Legacy Fund Fiscal Year 1997-98 Operating Budget
- Fiscal Year 1997-98 Legacy Budget
- Appropriation Transfer Authority
- Review of State Auditor's Report
- Legacy Revenue Report
- Investments Report
- Operating Revenue Report
- Operating Budget Report
- Contingency Fund Report
- Report from Internal Auditor
- Contact: Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas 78756, (512) 206-9133.
- Filed: July 24, 1997, 11:02 a.m.
- TRD-9709627



Friday, August 1, 1997, 10:45 a.m.

1100 West 45th Street, Room 110

Austin

Board of Trustees, Subcommittee on Policies

**AGENDA:**

- DED-Holidays (Amend)
- DGBA-Personnel-Management Relations: Employee Complaints (Amend)
- DGBA-R-Personnel-Management Relations: Employee Complaints (Delete)
- DGBA-E- Personnel Management Relationships: Employee Complaints (Amend)
- GKD- Community Relations: Use of School Facilities (Amend)
- GR-Relations with Governmental Entities (Amend)
- Contact: Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas 78756, (512) 206-9133.
- Filed: July 24, 1997, 11:02 a.m.
- TRD-9709628



Friday, August 1, 1997, 10:45 a.m.

1100 West 45th Street, Room 151

Austin

Board of Trustees, Subcommittee on Personnel

**AGENDA:**

- Consideration of Personnel Policies: DED- Holidays (Amend); DGBA-Personnel Management Relations: Employee Complaints (Amend); DGBA-R-Personnel Management Relations: Employee Complaints (Delete); DGBA-E- Personnel Management Relationships: Employee Complaints (Amend)
- Consideration of Approval of Salaries of Exempt Employees: Phil Hatlen and Barney Schulz
- Report on final Legislative Action Affecting Human Resources
- Contact: Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas 78756, (512) 206-9133.
- Filed: July 24, 1997, 11:50 a.m.
- TRD-9709636



Friday-Saturday, August 1-2, 1997, 1:00 p.m. and 9:00 a.m. respectively

1100 West 45th Street, Room 116

Austin

Board of Trustees

**AGENDA:**

- Approval of Minutes of May 23, 1997 Board Meeting; Approval of Board Policies; Consideration of Approval of Appropriations Transfers; Consideration of Approval of Internal Audit Plan for 1997-98; Report from the Superintendent on the Administrators' Response to TSBVI's Administrative Structure Audit; Development of Long Range Goals and General outcome Indicators.
- Contact: Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas 78756, (512) 206-9133.
- Filed: July 24, 1997, 11:51 a.m.
- TRD-9709637



**Texas Cancer Council**

Wednesday, August 6, 1997, 9:30 a.m.

May Owens Conference Room, 10th Floor, 401 West 15th Street

Austin

Board of Directors

**REVISED AGENDA:**

- The Council will discuss and possibly act on: minutes of the April 30, 1997 meeting; staff report of FY 1997 fiscal, programmatic, and performance issues; staff report of the 75th Legislature's actions on cancer-related legislation, legislation affecting agency operations, and FY 1998-1999 appropriations and performance targets; the biennial election of the Vice-Chairman and Secretary for the Council; FY 1998 budget allocation regarding the operating budget and miscel-

laneous allocations such as fiscal services contract with the Texas Department of Health, advisory committee travel, additional funding considerations, and/or Texas Cancer Plan expenditures; FY 1998 policy issues, such as the Private Real Property Preservation Act; FY 1998 project funding decisions, including across-the-board salary and travel provisions and the following applications: Office of Tobacco Prevention and Control-TDH, Texas STEP-Southwest Texas State University, Case Management for Promesa Salud-Planned Parenthood/Cameron and Willacy Counties, WE CARE-UTMB Galveston, School/Community-based Adolescent Tobacco Use Cessation- University of Houston, Consejeras and Community Service Advocates-Cancer Consortium/El Paso, Texas Comprehensive School Health Network-TDH, Cancer Risk Reduction Education-Agricultural Extension Service, Hispanic Breast Health Outreach Program- The ROSE-Houston, Cancer Intervention Project- Titus County Memorial Hospital, Cancer Education Outreach Program-Grayson county Health Department, Minority Cancer Prevention Project-Fort Worth-Tarrant County Health Department, Physician Oncology Education Program-Texas Medical Association, Nurse Oncology Education Program-Texas Nurses Foundation, Dental Oncology Education Program-Baylor College of Dentistry, Texas Cancer Data Center- M.D. Anderson Cancer Center, Spit Tobacco Prevention Analysis-M.D. Anderson Cancer Center, Additional Breast Cancer Services-TDH, West Texas Cancer Prevention Partnership-Texas Tech University Health Science Center, and Impact of Managed Care on Cancer Services-University of Houston; and Council suggestions for new FY 1998 initiatives; and a staff report on Texas Cancer Plan revisions. The Council will also hold a planning session on issues related to the Sunset Commission's FY 1998-1999 review of the Texas Cancer Council. The Council will then adjourn.

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 Sue Marshall at (512) 463-3190 five working days prior to the meeting so that appropriate arrangements can be made.

Contact: Emily Untermeyer, P.O. Box 12097, Austin, Texas 78711, (512) 463-3190.  
 Filed: July 23, 1997, 2:48 p.m.  
 TRD-9709591

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### Children's Trust Fund of Texas Council

Tuesday, August 5, 1997, 9:00 a.m.

8440 Freeport Parkway

Irving

AGENDA:

Call to order, approve April 11, 1997 minutes

Discuss and take action:

- Child Abuse and Youth Sports, A Comprehensive Risk Management Program
- HB1914 Child Abuse and Neglect Survey Inter-Agency Contract
- Parent Educator Statewide Database
- Shaken Baby Syndrome Campaign

- FY98 Program Grant Renewals
- FY98 Grant Awards for New Programs
- Executive Director's compensation
- Management Policy in Response to Legislative Riders
- Intent to Procure Directors' and Officers' Liability Insurance
- FY98 Annual Budget

Discuss and take possible action:

- Permission to University of Texas at Austin for restricted use of the Children's Trust Fund of Texas 1995 Statewide Child Survey Data Set

General Discussion

- Division Updates

Administration

Public Education

Programs

Family PRIDE

- Set next board meeting dates

Adjourn.

Contact: Sarah Winkler, 8929 Shoal Creek Boulevard, Suite 200, Austin, Texas 78757-6854, (512) 458-1281.

Filed: July 25, 1997, 4:23 p.m.

TRD-9709737

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### Advisory Commission on State Emergency Communications

Monday, August 4, 1997, 2:15 p.m.

701 East 11th Street, Marriott Hotel, Capital View Terrace Room

Austin

Commission

AGENDA:

The Commission Will Call the Meeting to Order and Recognize Guests: Hear Public Comment; Hear Reports, Discuss and take Commission Action, as necessary: Poison Control Program PCAP Grants; Update on IS Support Contract; Update on Surcharge Allocation; Possible Reallocation of Surcharge in 1997; Request for Information (RFI) Final Approval; Internal Auditor's Audit Plan and Schedule for Reviewing Councils of Governments' Revenue; Update on Regulatory Issues; Approval of July 10, 1997 Commission Meeting Minutes. The commission may meet in Executive Session on any of the items as authorized per Texas Open Meeting Act, and pursuant to Government Code 551, Subchapter D, 551.071, consultation with Assistant Attorneys General on pending or contemplated litigation or to seek legal advice. Adjourn.

Persons requesting interpreter services for the hearing and speech-impaired should contact Velia Williams at (512) 305-6933 at least two working days prior to the meeting.

Contact: Velia Williams, 333 Guadalupe Street, Austin, Texas 78701, (512) 305-6933.  
Filed: July 25, 1997, 12:01 p.m.  
TRD-9709684



Monday, August 4, 1997, 4:00 p.m.  
701 East 11th Street, Marriott Hotel, Capital View Terrace Room  
Austin  
Sunset Review Committee

AGENDA:

The Committee will Call the Meeting to Order and Recognize Guests: Hear Public Comment; Hear Reports, Discuss and take committee Action, as necessary: Sunset Review Discussion, Meeting Schedule. The Commission may meet in Executive Session on any of the items as authorized per Texas Open Meetings Act, and pursuant to Government Code 551, Subchapter D, 551.071, consultation with Assistant Attorneys General on pending or contemplated litigation or to seek legal advice. Adjourn.

Persons requesting interpreter services for the hearing and speech-impaired should contact Velia Williams at (512) 305-6933 at least two working days prior to the meeting.

Contact: Velia Williams, 333 Guadalupe Street, Austin, Texas 78701, (512) 305-6933.  
Filed: July 25, 1997, 12:01 p.m.  
TRD-9709683



**Employees Retirement System of Texas**

Wednesday, August 13, 1997, 1:30 p.m.  
18th and Brazos, Auditorium, First Floor  
Austin  
Group Benefits Advisory Committee

AGENDA:

1. Call to Order

2. Introduction of GBAC Members
3. Recognition of Visitors and Guests
4. Approval of Minutes from Previous Meeting
5. Announcements/Updates
6. ERS Update-Presentation of Fiscal Year 1999 Plan
7. Standing Subcommittee Reports
8. Other Related Benefits Business
9. Adjourn

Contact: James W. Sarver, 18th and Brazos, Austin, Texas 78701, (512) 867-3217.  
Filed: July 25, 1997, 10:49 a.m.  
TRD-9709669



**State Employee Charitable Campaign**

Wednesday, August 6, 1997, 11:00 a.m.  
Joe C. Thompson Conference Center, 2600 Red River Road, Cafeteria  
Austin  
Local Employee Committee

AGENDA:

- Welcome and Introductions
- Campaign Leadership Conference
- Campaign Materials
- Set Next Meeting
- Adjourn

Contact: Anne Murphy, 2000 East MLK Jr. Boulevard, Austin, Texas 78702, (512) 472-6267, fax: (512) 482-8309.  
Filed: July 25, 1997, 8:05 a.m.  
TRD-9709662



## Texas State Board of Registration for Professional Engineers

Monday, August 4, 1997, 10:30 a.m.

1917 IH35 South, Board Room

Austin

### AGENDA:

Call to order; roll call; receive and discuss public comment regarding changes to the Texas Engineering Practice Act and proposed new board rules; discuss and possibly act on final adoption of the repeal of board rules 131.51–131.58, 131.71–131.73, 131.81, 131.91–131.93, 131.101, 131.111–131.120, 131.131–131.133, 131.137–131.141, 131.151–131.157, 131.162–131.167, and 131.224; discuss and possibly act on final adoption of new board rules 131.20, 131.51–131.55, 131.71–131.73, 131.81, 131.91–131.94, 131.101, 131.111–131.116, 131.131–131.133, 131.151–131.156, and 131.162–131.167 concerning practice and procedure; discuss and possibly act on final adoption of amendments to board rules 131.105, 131.106, 131.161, 131.171–131.173, and 131.182 concerning practice and procedure, discuss and possibly act on proposed amendments to board rules 131.1–131.3, 131.6–131.10, 131.12, 131.14, 131.15, and 131.17–131.19 concerning the bylaws; discuss and possibly act on proposed new board rule 131.168 concerning administrative proceedings; discuss and possibly act on enforcement disciplinary matters and cease and desist orders; discuss matters related to the National Council of examiners for Engineering and Surveying; consider and possibly act on automatic non-approvals and reconfirm votes on applications; adjourn.

Contact: John R. Speed, 1917 IH35 South, Austin, Texas 78741, (512) 440-7723.

Filed: July 25, 1997, 10:43 a.m.

TRD-9709668



## General Land Office

Tuesday, August 5, 1997, 10:00 a.m.

Stephen F. Austin Building, 1700 North Congress Avenue, Room 831

Austin

School Land Board

### AGENDA:

Approval of previous board meeting minutes; opening and consideration of bids received for the August 5, 1997 special oil and gas lease sale; consideration and approval of additional tracts, terms and conditions for the October 7, 1997 oil, gas and other minerals lease sale; consideration of request by Global Natural Resources to retain acreage in a shape other than a square on Block 23–L, Jefferson County; pooling applications, Block 98 L Field, Galveston County, Red Number 1 Unit, Orange County; Brookeland (Austin Chalk 8800) Field, Newton County; applications to lease highway rights of way for oil and gas, Karnes County; DeWitt County; Washington County; Milam County; Jasper County; Live Oak County; Freestone County; Lavaca County; Johnson County; and Walker County; direct land sales, Lipscomb County; and Navarro County; Good Faith Claimant application, Bandera County; coastal public

lands-commercial easement applications and renewals, Sabine Pass, Jefferson County; Corpus Christi Bay, Nueces County; Arroyo Colorado, Cameron County; Old Brazos River, Brazoria County; Clear Lake, Galveston County; easement application, Powderhorn Bay, Calhoun County; structure (cabin) permit amendments, terminations and requests, Laguna Madre, Kenedy County; and Bastrop Bay, Brazoria County; Executive Session and Open Session, sale of Paseo Del Este Property, El Paso County; Review bid solicitation documents; consider authorizing solicitation of bids; Executive Session and Open Session — Review and approve access easement to West 38th Street, Ltd. on behalf of Texas Mental Health and Mental Retardation (TXMHMR); Executive Session and Open Session — Review and approve parking easement to Triangle Retail, Ltd., on behalf of Texas Mental Health and Mental Retardation (TXMHMR); and Executive Session- pending or contemplated litigation.

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

Filed: July 25, 1997, 3:16 p.m.

TRD-9709718



## Texas Department of Insurance

Monday, August 11, 1997, 9:00 a.m.

Stephen F. Austin Building, 1700 North Congress Avenue, Suite 1100

Austin

### AGENDA:

Docket Number 454-97-1324.H: In the Matter of ENTERPRISE RENT-A-CAR, ENTERPRISE LEASING COMPANY OF HOUSTON, ENTERPRISE LEASING COMPANY OF DFW, ENTERPRISE RENT-A-CAR COMPANY OF TEXAS, ENTERPRISE LEASING COMPANY-SOUTHWEST, AND ENTERPRISE LEASING COMPANY-WEST.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: July 28, 1997, 9:11 a.m.

TRD-9709747



Tuesday, August 12, 1997, 9:00 a.m.

Stephen F. Austin Building, 1700 North Congress Avenue, Suite 1100

Austin

### AGENDA:

Docket Number 454-97-1324.H: To consider whether disciplinary action should be taken against RHONDA HAYES, Dallas, Texas, who holds a Group I Legal Reserve Life Insurance 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: July 28, 1997, 9:11 a.m.

TRD-9709746



## Texas State Library and Archives Commission

Monday, August 4, 1997, 1:00 p.m.

Lorenzo de Zavala State Archives and Library Building, Room 314,  
1201 Brazos Street

Austin

Audit Committee of the Texas State Library and Archives Commission

AGENDA:

1. Internal Audit of Automated Information Systems.
2. Internal Audit of Electronic Library Services.
3. Internal Audit of grants made to Amarillo Public Library.
4. Audit Plan for FY1998.
5. Discussion and action on Internal Auditor Services for FY1998.

Contact: Michele Lamb, P.O. Box 12927, Austin, Texas 78711, (512) 463-5460, email- michele.lamb@tsl.state.tx.us  
Filed: July 23, 1997, 1:43 p.m.

TRD-9709575



Monday, August 4, 1997, 1:30 p.m.

Lorenzo de Zavala State Archives and Library Building, Room 314,  
1201 Brazos Street

Austin

AGENDA:

Approve minutes; report of the Director and Librarian; adopt recommendations of Audit Committee regarding the TSLAC internal audits with discussion for F1998; approve contracts greater than \$100,000; approve acceptance of gifts greater than \$500; Advisory board appointments; discussion of changes in rule making process; approve publication of proposed amendments to rules for the State Records Retention Schedule, 13 TAC §6.10; adopt proposed rules on establishing Records Center storage fees, 13 TAC §§6.122-6.123; adopt proposed amendments to rules for Local Government Retention Schedule, 13 TAC §7.124; adopt proposed amendments to rule on Internet Assistance Grants standards, 13 TAC§1.101; approve proposed changes in the Employee Guide; act on appeals on Library System membership; public comment; and adjourn to Executive Session to approve proposed salaries for exempt positions.

Contact: Michele Lamb, P.O. Box 12927, Austin, Texas 78711, (512) 463-5460, email- michele.lamb@tsl.state.tx.us  
Filed: July 23, 1997, 1:43 p.m.

TRD-9709574



## Texas Department of Licensing and Regulation

Wednesday, August 6, 1997, 9:00 a.m.

920 Colorado, E.O. Thompson Building, Fourth Floor Conference  
Room 420.

Austin

Enforcement Division

AGENDA:

According to the complete agenda, the Department will hold Administrative Hearings to consider the possible assessment of administrative penalties and inspection fees against the following Respondents: Chateau Parker Apartments, Hard Rock Investments; Hunters Pointe Apartments; L&L Business Corporation, d/b/a Dry Clean USA; Registry Cleaners; Sensitive Care; and Widget Apartments for failing to pay boiler inspection/certification fees to obtain certificates of operation for the Respondents' boiler(s) in violation of Texas Health and Safety Code Annotated (the Code), Chapter 755 (Vernon 1991) and 16 Texas Administrative Code (TAC) Chapter 65, (Supplement 1996), pursuant to the Code and Texas Revised Civil Statutes Annotated article 9100; Texas Government Code Chapter 2001 (APA); 16 TAC chapter 65.

Contact: Paula Hamje, 920 Colorado, E.O. Thompson Building,  
Austin, Texas 78701, (512) 463-3192.

Filed: July 25, 1997, 11:21 a.m.

TRD-9709673



## Texas State Board of Medical Examiners, Texas State Board of Physician Assistant Examiners

Friday, August 1, 1997, 9:00 a.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Licensure Committee

AGENDA:

Call to order

Roll Call

Review of licensure applicants referred to the Licensure committee by the Executive Director for determinations of eligibility for licensure.

Review of physician applicants for permanent licensure.

Executive Session under the Authority of the Open Meetings Act, §551.071 of the Government Code and Article 4495b, and Article 4495b-1, §4(h), Texas Revised Civil Statutes and Article 22 of the Texas Administrative Code, Chapter 185.3(h).

Contact: Pat Wood, P.O. Box 2018, Austin, Texas 78768-2018, (512) 305-7016; fax: (512) 305-7008.

Filed: July 24, 1997, 2:00 p.m.

TRD-9709646



Friday, August 1, 1997, 9:30 a.m.

333 Guadalupe, Tower 3, Suite 700

Austin

Disciplinary Committee

AGENDA:

Call to order

Roll Call

Discussion, recommendation, and possible action regarding dissemination of information in newsletter.

Executive Session to review selected investigative files and cases recommended for dismissal by informal settlement conference/show noncompliance proceedings or staff.

Executive Session for Probation appearances for non-Rehabilitation Order #1 and #4.

Executive Session under the Authority of the Open Meetings Act, §551.071 of the Government Code and Article 4495b, and Article 4495b-1, §4(h), Texas Revised Civil Statutes and Article 22 of the Texas Administrative Code, Chapter 185.3(h).

Contact: Pat Wood, P.O. Box 2018, Austin, Texas 78768-2018, (512) 305-7016; fax: (512) 305-7008.

Filed: July 24, 1997, 2:00 p.m.

TRD-9709645



Friday, August 1, 1997, 1:00 p.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Long Range Planning Committee

AGENDA:

Call to order

Roll Call

Discussion, recommendation, and possible action on proposed rules, Chapter 185, Physician Assistants in relation to Senate Bill 1566.

Discussion on House Bill 2099 pertaining to the Physician Assistant Loan Reimbursement Program.

Legislative Update.

Financial Report.

Contact: Pat Wood, P.O. Box 2018, Austin, Texas 78768-2018, (512) 305-7016; fax: (512) 305-7008.

Filed: July 24, 1997, 1:59 p.m.

TRD-9709644



Friday, August 1, 1997, 2:00 p.m.

333 Guadalupe, Tower 2, Suite 225

Austin

AGENDA:

Call to order and roll call

Proposal for decision

Recognition Award presented to Taralynn R. Mackay, R.N., J.D., former attorney to the Texas State Board of Physician Assistant Examiners.

Consideration and Approval of Agreed Order.

Request for Termination of Agreed Order.

Approval of minutes from previous Board meetings

Executive Directors Reports

Reports and recommendations from the Long Range Planning Committee, Licensure Committee, Disciplinary Committee.

Contact: Pat Wood, P.O. Box 2018, Austin, Texas 78768-2018, (512) 305-7016; fax: (512) 305-7008.

Filed: July 24, 1997, 1:59 p.m.

TRD-9709643



## Texas Natural Resource Conservation Commission

Tuesday, August 5, 1997, 9:00 a.m.

Stephen F. Austin Building, 1700 North Congress Avenue, Suite 1100

Austin

State Office of Administrative Hearings (SOAH)

AGENDA:

SOAH Docket Number 582-97-1402; TNRCC Docket Number 97-0352-DIS; By Commission Order issued July 24, 1997, the Commission has remanded for a hearing before an Administrative Law Judge of the State Office of Administrative Hearings (SOAH) Travis County Water Control and Improvement District Number 17's application requesting approval to levy impact fees in a new proposed service area (Apache Shores) of the District. The application for impact fees was filed and the hearing will be held under the jurisdiction and authority of Chapter 395 of the Local Government Code, 30 Texas Administrative Code §§293.171-293.176, the procedural rules of the Texas Natural Resource Conservation Commission and the procedural rules of SOAH. The district is requesting authority to assess an impact fee for water service of \$2,700 per equivalent single family connection for new connections in the proposed Apache Shores service area.

Contact: Water Utilities District Administration Section, Mail Code 152, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-6161.

Filed: July 25, 1997, 9:01 a.m.

TRD-9709664



Thursday, August 14, 1997, 10:00 a.m.

1700 North Congress Avenue, 11th Floor, Suite 1100

Austin

AGENDA:

For a hearing before an administrative law judge of the State Office of Administrative Hearings on applications filed with the Texas Natural Resource Conservation Commission by the TOWN OF WOODLOCH to amend its Certificate of Convenience and Necessity (CCN) Numbers 12312 and 20141 which authorize the provision of water and sewer utility service in Montgomery County, Texas. The proposed utility service area is located approximately 1/3 mile northwest of Woodloch, Texas and is generally bounded on the north by the San Jacinto River, on the east by acreage, on the south by Needham Road, and on the west by Whispering Oaks Subdivision. The total area being requested includes approximately 33.567 acres and one current customer. SOAH Docket Numbers 582-97-1284 (water CCN) and 582-97-1285 (sewer CCN).

Contact: Pablo Carrasquillo, P.O. Box 13025, Austin, Texas 78711-3025, (512) 475-3445.

Filed: July 24, 1997, 8:29 a.m.

TRD-9709613



Thursday, August 14, 1997, 1:00 p.m.

12100 Park 35 Circle, Building F, Room 3201A, TNRCC Park 35 Office Complex

Austin

Agriculture Advisory Committee

AGENDA:

The Agriculture Advisory Committee will meet and discuss the following: old business, Senate Bill One, Particulate Matter 2.5, Senate Bill 1910, Dairy Outreach Program Inspections, AG Advisory Committee Resolution, General Permits (House Bill 1542), Total Maximum Daily Load (TMDL), and other business.

Contact: Darrell Williams, 12100 Park 35 Circle, MC-156, Austin, Texas 78757, (512) 239-4480.

Filed: July 24, 1997, 9:31 a.m.

TRD-9709620



Thursday, August 14, 1997, 7:00 p.m.

Andrews Chamber of Commerce, 700 West Broadway

Andrews

AGENDA:

For an informal public meeting concerning an application by TEC-SAFE, L.L.C. to the Texas Natural Resource Conservation Commission for a Research, Development, and Demonstration permit (Proposed Permit Number 50366) to conduct research and development of innovative and experimental waste treatment technologies. The application requests authorization for the construction and operation of two proposed tanks, and one proposed container storage and process treatment technology building for the storage of hazardous and non hazardous waste for the purpose of developing waste treatment technologies. The applicant will operate a research and development facility to develop innovative and experimental hazardous waste treatment technology and/or processes. The facility is located on State Highway 176, on approximately 100 acres, approximately 30 miles west of Andrews in Andrews County, Texas.

Contact: Office of Public Assistance, Mail Code 108, P.O. Box 13087, Austin, Texas 78711-3087, 1-800-687-4040.

Filed: July 24, 1997, 8:30 a.m.

TRD-9709614



Tuesday, August 19, 1997, 10:00 a.m.

1700 North Congress Avenue, 11th Floor, Suite 1100

Austin

AGENDA:

For a hearing before an administrative law judge of the State Office of Administrative Hearings on a request filed with the Texas Natural Resource Conservation Commission by TARRANT COUNTY FRESH WATER SUPPLY DISTRICT (FWSD) Number One for a cease and desist order against the City of Fort Worth (City). Tarrant County FWSD Number One (CCN#10092) is alleging that the City (CCN#12311) is extending water service within the service area of Tarrant County FWSD Number One in Tarrant County, Texas. SOAH Docket Number 582-97-1286.

Contact: Pablo Carrasquillo, P.O. Box 13025, Austin, Texas 78711-3025, (512) 475-3445.

Filed: July 24, 1997, 8:30 a.m.

TRD-9709616



Wednesday, August 20, 1997, 11:00 a.m.

Childress City Hall-Council Room, 315 Commerce Street

Childress

AGENDA:

TNRCC will conduct an informal public meeting regarding the application of CITY OF CHILDRESS, Proposed Permit Number MSW2263, to authorize construction and operation of a Type I-AE and IV municipal solid waste management facility. The proposed site covers approximately 125 acres of land and is to receive approximately 17.5 tons of residential and commercial waste and 1.5 tons of brush and construction debris. The proposed waste management facility is located 200 feet south of U.S. Highway 287, approximately two miles southeast of the City of Childress in Childress 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: July 24, 1997, 8:30 a.m.

TRD-9709615



Thursday, August 28, 1997, 1:00 p.m.

TNRCC Park 35 Office Complex, Building F, Room 2210, 12100 North IH35

Austin

Texas Groundwater Protection Committee

AGENDA:

The Texas Groundwater Protection Committee will meet to discuss: subcommittee reports from Agricultural Chemicals, Data management, Nonpoint Source, and Water Well Closure; discussion and possible action on TGPC Home Page, Texas Comprehensive State Groundwater Protection Program; Agricultural Chemicals Subcommittee Response to EPA Region VI. set future meeting dates; presentation on Legislative Highlights, 75th Session; status update on CSGWPP Development, comments on committee publication (Joint Monitoring and Contamination Report), TGPC legislative recommendation analysis; TNRCC Rules Update and Public Comment.

Contact: Mary Ambrose, TNRCC, P.O. Box 13087, Austin, Texas 78701, (512) 239-4800.



Filed: July 24, 1997, 9:27 a.m.

TRD-9709618

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**Texas Board of Occupational Therapy Examiners**

Thursday, July 31, 1997, 10:00 a.m.

South Texas Community College Division of Nursing and Allied Health

2624 South Closner Street

Edinburg

Investigations Committee

AGENDA:

I. Call to Order

II. Review and possible action on cases #: 97-05, 97-07, 97-08, 97-09, 97-11, 97-12, 97-13, 97-14, 97-15; 97-16; 97-18, 97-19; 97-20; 97-21; and 97-22.

III. Adjourn

Contact: Alicia Dimmick Essary, 333 Guadalupe, Suite 2-510, Austin, Texas 78701-3942, (512) 305-6900.

Filed: July 23, 1997, 12:45 p.m.

TRD-9709569

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**Texas State Board of Pharmacy**

Tuesday, August 5, 1997, 9:00 a.m.

Stephen F. Austin Boulevard, 1700 North Congress, 11th Floor Suite 1100

Austin

Disciplinary Hearing

AGENDA:

The State Office of Administrative Hearings will conduct a disciplinary hearing in the matter of T. David Tichenor, Jr., R. Ph.; License 18466, Tichenor's Broadway Pharmacy, License #4648, Case #B-96-038.

Contact: Carol Fisher, 333 Guadalupe Street, 3-600, Box 21, Austin, Texas 78701-3942.

Filed: July 28, 1997, 9:11 a.m.

TRD-9709748

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Friday, August 15, 1997, 9:00 a.m.

Stephen F. Austin Boulevard, 1700 North Congress, 11th Floor, Suite 1100

Austin

Disciplinary Hearing

AGENDA:

The State Office of Administrative Hearings will conduct a disciplinary hearing in the matter of Raul E. Guerra, R. Ph., License #16673, Case #R-96-006.

Contact: Carol Fisher, 333 Guadalupe Street, 3-600, Box 21, Austin, Texas 78701-3942.

Filed: July 28, 1997, 8:42 a.m.

TRD-9709741

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**Texas State Board of Plumbing Examiners**

Friday, August 8, 1997, 9:30 a.m.

929 East 41st Street

Austin

Medical Gas Committee

AGENDA:

1. Roll Call — 9:30 a.m. 2. Discussion and possible action on the continuing education course for the inspector, Journeyman and Master license medical gas endorsement. 3. Discussion and possible action on the elimination of the requirement to take the medical gas endorsement continuing education course during the last year of the three year endorsement period. 4. Discussion on the direction of the medical gas endorsement program which includes, but is not limited to, the programs projected rate of growth and the impact it has on medical gas work performed in Texas. 5. Adjourn.

Contact: Ernest Pereyra, 929 East 41st Street, Austin, Texas 78751, (512) 458-2145, Extension 225.

Filed: July 24, 1997, 11:23 a.m.

TRD-9709635

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**Public Utility Commission of Texas**

Monday, August 11, 1997, 9:00 a.m.

1701 North Congress Avenue

Austin

Office of Policy Development

AGENDA:

An Arbitration Hearing is scheduled for the above date and time in Docket Number 16189: Petition of MFS COMMUNICATIONS COMPANY, INC. For Arbitration of Pricing of Unbundled Loops.

Contact: Rhonda Dempsey, 1701 North Congress Avenue, Austin, Texas 78711, (512) 936-7308.

Filed: July 23, 1997, 2:41 p.m.

TRD-9709579

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Monday, August 11, 1997, 9:00 a.m.

1701 North Congress Avenue

Austin

Office of Policy Development

AGENDA:

An Arbitration Hearing is scheduled for the above date and time in Docket Number 16196: Petition of TELEPORT COMMUNICATIONS GROUP, INC., For Arbitration to Establish an Interconnection Agreement.

Contact: Rhonda Dempsey, 1701 North Congress Avenue, Austin, Texas 78711, (512) 936-7308.  
Filed: July 23, 1997, 2:43 p.m.

TRD-9709580

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Monday, August 11, 1997, 9:00 a.m.

1701 North Congress Avenue

Austin

Office of Policy Development

AGENDA:

An Arbitration Hearing is scheduled for the above date and time in Docket Number 16226: Petition of AT&T COMMUNICATIONS OF THE SOUTHWEST, INC. For Arbitration to Establish an Interconnection Agreement Between AT&T and Southwestern Bell Telephone Company.

Contact: Rhonda Dempsey, 1701 North Congress Avenue, Austin, Texas 78711, (512) 936-7308.  
Filed: July 23, 1997, 2:43 p.m.

TRD-9709581

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Monday, August 11, 1997, 9:00 a.m.

1701 North Congress Avenue

Austin

Office of Policy Development

AGENDA:

An Arbitration Hearing is scheduled for the above date and time in Docket Number 16285: Petition of MCI TELECOMMUNICATIONS CORPORATION AND ITS AFFILIATE MCIMETRO ACCESS TRANSMISSION SERVICES, INC. . For Arbitration and Request for Mediation Under the Federal Telecommunications Act of 1996.

Contact: Rhonda Dempsey, 1701 North Congress Avenue, Austin, Texas 78711, (512) 936-7308.  
Filed: July 23, 1997, 2:43 p.m.

TRD-9709582

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Monday, August 11, 1997, 9:00 a.m.

1701 North Congress Avenue

Austin

Office of Policy Development

AGENDA:

An Arbitration Hearing is scheduled for the above date and time in Docket Number 16290: Petition of AMERICAN COMMUNICATIONS SERVICES, INC. and its Local Exchange Operating Subsidiaries For Arbitration with SOUTHWESTERN BELL TELE-

PHONE COMPANY, Pursuant to The Telecommunications Act of 1996.

Contact: Rhonda Dempsey, 1701 North Congress Avenue, Austin, Texas 78711, (512) 936-7308.  
Filed: July 23, 1997, 2:43 p.m.

TRD-9709583

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Monday, August 11, 1997, 9:00 a.m.

1701 North Congress Avenue

Austin

Office of Policy Development

AGENDA:

An Arbitration Hearing is scheduled for the above date and time in Docket Number 16455: Petition of SPRINT COMMUNICATIONS COMPANY L.P. For Arbitration of Interconnection Rates, Terms, Conditions, and Prices from SOUTHWESTERN BELL TELEPHONE COMPANY.

Contact: Rhonda Dempsey, 1701 North Congress Avenue, Austin, Texas 78711, (512) 936-7308.  
Filed: July 23, 1997, 2:43 p.m.

TRD-9709584

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Monday, August 11, 1997, 9:00 a.m.

1701 North Congress Avenue

Austin

Office of Policy Development

AGENDA:

An Arbitration Hearing is scheduled for the above date and time in Docket Number 17065: Petition of BROOKS FIBER COMMUNICATIONS OF TEXAS, INC. For Arbitration with SOUTHWESTERN BELL TELEPHONE COMPANY.

Contact: Rhonda Dempsey, 1701 North Congress Avenue, Austin, Texas 78711, (512) 936-7308.  
Filed: July 23, 1997, 2:43 p.m.

TRD-9709585

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Monday, August 11, 1997, 9:00 a.m.

1701 North Congress Avenue

Austin

Office of Policy Development

AGENDA:

An Arbitration Hearing is scheduled for the above date and time in Docket Number 17579: Application of AT&T COMMUNICATIONS OF THE SOUTHWEST, INC., For Compulsory Arbitration of Further Issues to Establish an Interconnection Agreement Between AT&T and SOUTHWESTERN BELL TELEPHONE COMPANY.

Contact: Rhonda Dempsey, 1701 North Congress Avenue, Austin, Texas 78711, (512) 936-7308.  
Filed: July 23, 1997, 2:43 p.m.  
TRD-9709586



Monday, August 11, 1997, 9:00 a.m.

1701 North Congress Avenue  
Austin

Office of Policy Development

AGENDA:

An Arbitration Hearing is scheduled for the above date and time in Docket Number 17587: REQUEST of MCI TELECOMMUNICATIONS CORPORATION and its Affiliate, MCIMETRO ACCESS TRANSMISSION SERVICES, INC. for Continuing Arbitration of Certain Unresolved Provisions of the Interconnection Agreement Between MCIM and Southwestern Bell Telephone Company.

Contact: Rhonda Dempsey, 1701 North Congress Avenue, Austin, Texas 78711, (512) 936-7308.  
Filed: July 23, 1997, 2:43 p.m.

TRD-9709587



## Railroad Commission of Texas

Thursday, July 31, 1997, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room, 1-100  
Austin

AGENDA:

From 8:30 a.m. to 4:30 p.m., the Railroad Commission staff will conduct an open house of the Commission's Austin offices. Registration will be from 8:30 to 9:30 a.m.; orientation will be from 9:30 to 10:30 a.m.

9:30 a.m. — Introduction of the commissioners by David Schleck, Director, Oil and Gas Division

9:30 to 10:00 a.m. — Call to order by Chairman Charles R. Matthews; individual welcoming remarks by Chairman Matthews, Commissioner Barry Williamson, and Commissioner Carole Keeton Rylander; Adjourn.

10:00 to 10:30 a.m. Overview of the Oil and Gas Division by David Schieck, Director; overview of the Gas Services Division by Stephen Pitner, Assistant Director, Regulatory Analysis and Policy; and overview of the Office of General Counsel by Lindil C. Fowler, Jr., General Counsel.

10:30 a.m. to 4:30 p.m. — Visitors will attend informational presentations by Staff; visit with individual Staff members; and tour the Railroad Commission's Austin offices.

Contact: Debbie LaHood, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7193.

Filed: July 23, 1997, 12:50 p.m.

TRD-9709571



Friday, August 1, 1997, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room, 1-100  
Austin

AGENDA:

From 8:30 a.m. to 4:30 p.m., the Railroad Commission staff will conduct an open house of the Commission's Austin offices. Registration will be from 8:30 to 9:30 a.m.; orientation will be from 9:30 to 10:30 a.m.

9:30 a.m. — Introduction of the commissioners by David Schleck, Director, Oil and Gas Division

9:30 to 10:00 a.m. — Call to order by Chairman Charles R. Matthews; individual welcoming remarks by Chairman Matthews, Commissioner Barry Williamson, and Commissioner Carole Keeton Rylander; Adjourn.

10:00 to 10:30 a.m. Overview of the Oil and Gas Division by David Schieck, Director; overview of the Gas Services Division by Stephen Pitner, Assistant Director, Regulatory Analysis and Policy; and overview of the Office of General Counsel by Lindil C. Fowler, Jr., General Counsel.

10:30 a.m. to 4:30 p.m. — Visitors will attend informational presentations by Staff; visit with individual Staff members; and tour the Railroad Commission's Austin offices.

Contact: Debbie LaHood, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7193.

Filed: July 23, 1997, 12:49 p.m.

TRD-9709570



## Structural Pest Control Board

Tuesday, August 12, 1997, 9:00 a.m.

Joe C. Thompson Conference Center, 2405 East Campus Drive, Room 2.122

Austin

Regular Board

AGENDA:

I. Approval of Board Minutes of June 12, 1997

II. Public Comment and Public Hearing on §593.23, Continuing Education Requirements for Certified Applicators and §593.24, Criteria and Evaluation of Continuing Education

III. Consider for Adoption §593.23, Continuing Education Requirements for Certified Applicators

IV. Consider for Adoption §593.24, Criteria and Evaluation of Continuing Education

V. Consider Revising Licensing Requirements for Fire Ant Control Using Steam

VI. Committee Report from Termite Treatment Committee to Include Baits

VII. Discussion of Possible Amendments to §591.21, Definitions, §599.4, Termite Treatment Disclosure Documents and §599.6 Real Estate Inspection Reports

- VIII. Review and Approve Subcontracting Policy
- IX. Review Agreed Administrative Penalties and Consent Agreements
- X. Consider Renewal of Toll Free Number for Preconstruction Termite Treatment Notification
- XI. Executive Directors Report
- XII. Board Meeting Set for October 7, 1997
- XIII. Executive Session Regarding Performance Review
- XIV. Adjourn.
- XV. Committee Meeting Regarding Termite Treatments to Include Baits

Contact: Benny Mathis, 1106 Clayton Lane, Suite 100 LW, Austin, Texas 78723, (512) 451-7200.

Filed: July 28, 1997, 9:34 a.m.

TRD-9709761



## Texas Department of Transportation

Friday, August 15, 1997, 11:00 a.m.

Quail Springs RV Park Community Center, 2727 Highway 90 East  
Uvalde

Aviation Advisory Committee

AGENDA:

Approve minutes from February 14, 1997, meeting. Review and Comment of the Draft Aviation Facility Development Grant Projects for financial assistance. Review and comment of the draft Three-year Capital Improvement Program for Fiscal Years 1998-2000. Briefing on Innovative Finance Demonstration Program established by the Federal Aviation Administration Reauthorization Act of 1996. Briefing on the Routine Pavement Maintenance Pilot Program as authorized by the Federal Aviation Reauthorization Act of 1996. Briefing on legislative enactments of laws affecting aviation in Texas. Report on the Federal Aviation Administration audit of the State Block Grant Program. Report on Aviation Program Management modifications. Year-end report on the Routine Maintenance Program established by the Texas Department of Transportation in 1997. Public Comments.

Contact: Suetta Murray, 125 East 11th Street, Austin, Texas 78701, (512) 416-4504.

Filed: July 28, 1997 9:31 a.m.

TRD-9709759



## Texas Turnpike Authority

Thursday, July 31, 1997, 9:00 a.m.

3015 Raleigh Street

Dallas

Transition Committee

AGENDA:

The agenda includes approval of minutes of the Board of Directors Transition Committee meeting of July 17, 1997; consideration of interlocal/interagency agreements involving engineering, procurement and construction matters related to the Dallas North Tollway System, the 183A turnpike, the Southwest Parkway, the Trinity Parkway, the SH 45/Loop 1 turnpike and the SH130 turnpike; consideration of award of engineering design and service contracts and supplemental agreements for the Dallas North Tollway system, the 183A turnpike, the SH130 turnpike, the SH45/Loop turnpike and the southwest Parkway; consider acceptance of feasibility assessment report for the Sh45/Loop I turnpike; discussion and possible actions of TTA audit; discussion of planning/coordination/agenda for initial meeting of NTTA board September 3, 1997; discussion and consideration of an agenda for September 3, 1997 NTTA Board meeting; discussions related to FY 1997 and 1998 operating budgets; orientation of future NTTA Board members; review of meetings calendar and discussion of meeting sites; Executive Session-Pursuant to Chapter 551, Subchapter D, Texas Government Code: (a) Subsection 551.071(1), advice from counsel about pending or contemplated litigation and/or settlement offers related to the Dallas North Tollway System, (b) §§551.071, 551.072, and 551.073, deliberations concerning real property value, purchase, exchange, lease, gift, donation, and/or negotiated settlement included in Right-of-Way Appraisal/Offer/Purchase List Number 74 and advice from counsel concerning negotiations/settlements/offers related to the Dallas North Tollway System, the 194A turnpike, or the Southwest Parkway, (c) §551.074, deliberations concerning appointment, employment, evaluation, reassignment, duties, discipline, and/or dismissal of various staff persons and positions, (d) §551.075, briefing by TTA Staff and questioning of TTA staff related to the Dallas North Tollway System and other TTA operations; consideration of acceptance of ROW Appraisal/Offer/Purchase List Number 74 related to the Dallas North Tollway System, the 183A turnpike, and the Southwest Parkway; and other business.

Contact: Jimmie G. Newton, 3015 Raleigh Street, Dallas, Texas 75219, (214) 522-6200.

Filed: July 23, 1997, 2:35 p.m.

TRD-9709578



## The University of Houston System

Monday, August 4, 1997, 8:00 a.m.

1600 Smith Street, Suite 3400, Conference Room One, UH System  
Houston

Board of Regents Committee

AGENDA:

- Policy on Post Tenure Performance Review- All Components
- Monthly Report of Contracts and Grants- UH, UHCL, UHD.
- KUHT Quarterly Report- UH System

Contact: Peggy Cervenka, 1600 Smith, Suite 3400, Houston, Texas 77002, (713) 754-7440.

Filed: July 25, 1997, 2:37 p.m.

TRD-9709717



## The University of Texas at Austin

Thursday, August 7, 1997, 12:30 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 June 11, 1997, Items from Executive Session, Longhorn Foundation, Major Gifts and Planned Giving, Budget/Budget Items, Construction, New Business, Old Business and Adjourn.

Contact: Betty Corley, P.O. Box 7399, Austin, Texas 78713, (512) 471-5757.

Filed: July 24, 1997, 2:57 p.m.

TRD-9709650

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### University Interscholastic League

Wednesday, August 6, 1997, 9:30 a.m.

Omni Southpark Hotel, South IH35 at Ben White

Austin

Policy Standing Committee

AGENDA:

ABCE — Business Meeting

E. — Discussion of Proposals and Staff Recommendations

FGHIJ — Business Meeting

Contact: Richard Floyd, 3001 Lake Austin Boulevard, Austin, Texas, 78713, (512) 471-5883.

Filed: July 24, 1997, 4:23 p.m.

TRD-9709657

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### Texas Council on Workforce and Economic Competitiveness

Thursday, August 21, 1997, 10:00 a.m.

1100 San Jacinto, Room 100

Austin

AGENDA:

10:00 a.m.- Call to Order; Public Comment; Discussion, Consideration and Possible Action Regarding Recommendation from the Apprenticeship and Training Advisory Committee on Recommended Changes to the FY98 Administrative Procedures for the Distribution of Available Fund for the Apprenticeship and Training Program Pertaining to State General Revenue Funds Administered by the Texas Workforce Commission as authorized by the Texas Education Code, Chapter 133; Discussion, Consideration and Possible Action Regarding Recommendations to the Governor on Strategic and Operational Plans Submitted by Local Workforce Development Boards; Adjourn.

Notice: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services should contact Val Balschke,

(512) 936-8103 (or Relay Texas 800-735-2988), at least two days before this meeting so that appropriate arrangements can be made.

Contact: Val Blaschke, TCWEC, P.O. Box 2241, Austin, Texas 78768, (512) 936-8103.

Filed: July 28, 1997, 10:00 a.m.

TRD-9709764

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### Texas Workforce Commission

Thursday, July 31, 1997, 2:00 p.m.

101 East 15th Street, Room 644, TWC Building

Austin

AGENDA:

Prior meeting notes; Public Comment; Staff reports and discussion, update on activities relating to Administration Division, Finance Division, Information Systems Division, Skills Development and Self-Sufficiency Funds, Unemployment Insurance Division, School-To-Work, Welfare-To-Work/Child Care Programs, and Workforce Division, and other activities as determined by the Acting Executive Director and status report on activities of the Internal Audit Department; Consideration and action on tax liability cases listed on Texas Workforce Commission Docket 31; Discussion regarding proposed rule relating to the Self-Sufficiency fund and related matters; Discussion of proposed changes to TWC rule relating to the Skills Development Fund (40 TAC §803.1); Discussion, consideration and possible action on publication in the Texas Register of proposed changes to TWC rule relating to charges for copies of public records, including repeal of Chapter 821 and reproposal at Chapter 800, Subchapter C; Presentation, discussion and possible action relating to the Child Care Matching Fund process and the role of Local Workforce Development Boards and the use of lapsing federal funds from fiscal year 1997 for locally matched child care initiatives; Discussion, consideration and possible action on adoption of rule regarding TWC's allocation formula for distribution of funds to Local Workforce Development Areas (40 TAC §§800.51-800.60) and related matters; Discussion, consideration and possible action on adoption of rule regarding Child Care (40 TAC §§809.1-809.88) and related matters; Discussion, consideration and possible action on adoption of incentive and sanction policy for Local Workforce Boards; Discussion of governance structures for Local Workforce Development Boards and related matters; Discussion of revision of rules related to the TANF employment program; Discussion, consideration and possible action regarding potential and pending applications for certification and recommendations to the Governor of Local Workforce Development boards for certification; Discussion, consideration and possible action regarding recommendations to TCWEC and status of strategic and operational plans submitted by Local Workforce Development Boards; Discussion, consideration and possible action relating to the Commission's policy and criteria relating to appointment and reappointment of Local Workforce Development Board or Private Industry Council nominees; Discussion, consideration and possible action regarding approval of Local Workforce Board or Private Industry Council nominees; Executive session pursuant to Government Code §551.074 to discuss personnel matters with executive staff; Actions, if any, resulting from executive session; Consideration and action on whether to assume continuing jurisdiction on Unemployment Compensation cases and reconsideration of Unemployment Compensation

cases, if any; consideration and action on higher level appeals in Unemployment Compensation cases listed on Texas Workforce Commission Docket 31; and Set date of next meeting.

Contact: Esther Hajdar, 101 East 15th Street, Austin, Texas 78778, (512) 463-7833.

Filed: July 23, 1997, 3:31 p.m.

TRD-9709602



## Regional Meetings

Meetings filed July 23, 1997

Ark-Tex Council of Governments, (ATCOG), Executive Committee, met at Mt. Pleasant Chamber of Commerce, 1604 Jefferson, Mt. Pleasant, July 31, 1997, at 2:00 p.m. Information may be obtained from Sandie Brown, P.O. Box 5307, Texarkana, Texas 75505, (903) 832-8636. TRD-9709603.

Capital Area Rural Transportation System (CARTS), Board of Directors, met at 2010 East Sixth Street, Austin, July 31, 1997, at 9:00 a.m. Information may be obtained from Edna M. Burroughs, P.O. Box 6050, Austin, Texas 78702, (512) 389-1011. TRD-9709566.

Coastal Bend Council of Governments, Executive Board, will meet at 2910 Leopard Street, Corpus Christi, August 1, 1997 at Noon. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743. TRD-9709567.

Coastal Bend Council of Governments, Membership, will meet at 2910 Leopard Street, Corpus Christi, August 1, 1997 at 2:00 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743. TRD-9709568.

Panhandle Regional Planning Commission, Board of Directors, met at 415 West Eighth Avenue, Amarillo, July 31, 1997 at 1:30 p.m. Information may be obtained from Rebecca Rusk, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381. TRD-9709609.

San Antonio-Bexar County Metropolitan Planning Organization, Technical Advisory Committee, will meet at 233 North Pecos, Bexar County Public Works, Fourth Floor Conference Room, San Antonio, August 1, 1997 at 1:30 p.m. Information may be obtained from Charlotte Roszelle, 603 Navarro, Suite 904, San Antonio, Texas 78205, (210) 227-8651. TRD-9709572.

San Antonio-Bexar County Metropolitan Planning Organization, Bicycle Mobility Task Force, will meet at 114 West Commerce, "B" Room, Municipal Plaza Building, San Antonio, August 6, 1997 at 4:00 p.m. Information may be obtained from Scott Ericksen, 603 Navarro, Suite 904, San Antonio, Texas 78205, (210) 227-8651. TRD-9709573.

Meetings filed July 24, 1997

Ark-Tex Council of Governments, (ATCOG), Executive Committee, met with revised agenda, at Mt. Pleasant Chamber of Commerce, 1604 Jefferson, Mt. Pleasant, July 31, 1997, at 2:00 p.m. Information may be obtained from Sandie Brown, P.O. Box 5307, Texarkana, Texas 75505, (903) 832-8636. TRD-9709625.

Bosque County Central Appraisal District, Board of Directors, met at 202 South Highway Six, Meridian, July 29, 1997 at 7:30 p.m. Information may be obtained from Janice Henry, P.O. Box 393, Meridian, Texas 76665-0393, (817) 435-2304. TRD-9709658.

Cass County Appraisal District, Appraisal Review Board, met at 502 North Main Street, Linden, July 29, 1997 at 9:00 a.m. Information may be obtained from Ann Lummus, 502 North Main Street, Linden, Texas 75563, (903) 756-7545. TRD-9709617.

Education Service Center, Region III, Board of Directors, met at 1905 Leary Lane, Victoria, July 31, 1997 at 3:00 p.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731. TRD-9709624.

Edwards Aquifer Authority, Executive Committee, met at 1615 North St. Mary's Street, San Antonio, July 28, 1997 at Noon. Information may be obtained from Sally Tamez-Salas, 1615 North St. Mary's Street, San Antonio, Texas 78212, (210) 222-2204. TRD-9709641.

Edwards Aquifer Authority, Legal Committee, met at 1615 North St. Mary's Street, San Antonio, July 29, 1997 at 6:00 p.m. Information may be obtained from Sally Tamez-Salas, 1615 North St. Mary's Street, San Antonio, Texas 78212, (210) 222-2204. TRD-9709642.

Fisher County Appraisal District, Board of Directors, will meet at Fisher County Courthouse, Court Room, Roby, August 12, 1997 at 8:00 a.m. Information may be obtained from Betty Mize, P.O. Box 516, Roby, Texas 79543, (915) 776-2733. TRD-9709648.

24th Judicial District Community Supervision and Corrections Department, Victoria Area Board of District Judges, met at 135th District Courtroom, Third Floor, Victoria County Courthouse, 115 North Bridge Street, Victoria, July 30, 1997 at 4:30 p.m. Information may be obtained from Terre Henson Davidson, P.O. Box 165, Victoria, Texas 77902, (512) 575-0201. TRD-9709619.

Lower Rio Grande Valley Tech Prep Associate Degree Consortium, Board of Directors, met at Best Western Palm Aire Motel, 415 South International Boulevard, Weslaco, July 30, 1997 at Noon. Information may be obtained from Pat Bubb, TSTC Conference Center, Harlingen, Texas 78550-3967, (210) 425-0729. TRD-9709649.

Nolan County Central Appraisal District Board of Directors, met at Buck's, 103 SW Georgia Avenue, Sweetwater, July 28, 1997 at Noon. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421. TRD-9709659.

Panhandle Information Network, Board of Directors, met at 415 West Eighth, Board Room, Amarillo, July 29, 1997 at 1:00 p.m. Information may be obtained from Linda Pitner, WTAMU Box 215, Canyon, Texas 79016-0001, (806) 656-2983. TRD-9709652.

Sharon Water Supply Corporation, Board of Directors, met at the Office of Sharon Water Supply Corporation, Route 5, Winnsboro, July 28, 1997 at 7:00 p.m. Information may be obtained from Gerald Brewer, Route 5, Winnsboro, Texas 75494, (903) 342-3525. TRD-9709626.

Tarrant Appraisal District, Appraisal Review Board, will meet at 2329 Gravel Road, Fort Worth, August 1, 2, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, and 21, 1997 at 8:00 a.m. Information may be obtained from Linda G. Smith, 2329 Gravel Road, Fort Worth, Texas 76118-6984, (817) 284-8884. TRD-9709622.

TML Group Benefits Risk Pool, Board of Trustees, met at the Sheraton Fiesta, 310 Padre Boulevard, South Padre Island, July 31, 1997, at 9:00 a.m. and will meet August 1, 1997 at 9:00 a.m. Information may be obtained from Gayle Gardner, 1821 Rutherford

Lane, Suite 300, Austin, Texas 78754, (512) 719-6521. TRD-9709651.

Upper Leon River Municipal Water District, Board of Directors, met at the General Office, Located Off FM 2861, Lake Proctor Dam, Comanche, July 28, 1997 at 6:30 p.m. Information may be obtained from Gary D. Lacy, P.O. Box 67, Comanche, Texas 76442, (254) 879-2258. TRD-9709611.

Meetings filed July 25, 1997

Andrews Center, Board of Trustees, met at 2323 West Front Street, Room 208, Tyler, July 31, 1997 at 3:00 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (903) 535-7338. TRD-9709711.

Austin-Travis County MHMR Center, Finance and Control Committee, met at 1430 Collier Street, Board Room, Austin, July 29, 1997 at Noon. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 440-4031. TRD-9709682.

Brazos Valley Development Council, Solid Waste Advisory Committee, met at 1706 East 29th Street, Bryan, July 29, 1997 at 9:30 a.m. Information may be obtained from Tom Wilkinson, Jr, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-4244. TRD-9709722.

Brazos Valley Development Council, Mayor's Workshop, met at the Veranda on Wallis Road, Bryan, July 29, 1997 at 6:00 p.m. Information may be obtained from Tom Wilkinson, Jr, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-4244. TRD-9709723.

Community Action Committee of Victoria, Texas, Called Executive Committee, met at 1501 North DeLeon, Suite A, Victoria, July 28, 1997 at Noon. Information may be obtained from Vicki Smith, 1501 North DeLeon, Suite A, Victoria, Texas 77902-2142, (512) 578-2989. TRD-9709713.

Dallas Area Rapid Transit, Commuter Rail Board Advisory Committee met at 4801 Rock Island Road, Irving, July 30, 1997 at Noon. Information may be obtained from Paula J. Bailey, DART, P.O. Box 660163, Dallas, Texas 75266-0163. TRD-9709671

Education Service Center, Region IX, Regional Advisory Committee, will meet at 301 Loop 11, Wichita Falls, August 5, 1997 at 10:00 a.m. Information may be obtained from Dr. Ron Preston, 301 Loop 11, Wichita Falls, Texas 76305, (940) 322-6928. TRD-9709666.

Education Service Center, Region IX, Regional Advisory Committee, will meet at 301 Loop 11, Wichita Falls, August 5, 1997 at 12:30 a.m. Information may be obtained from Dr. Ron Preston, 301 Loop 11, Wichita Falls, Texas 76305, (940) 322-6928. TRD-9709667.

Johnson County Appraisal District, Appraisal Review Board, met at 109 North Main, Conference Room, Cleburne, July 29-30, 1997,

9:00 a.m. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3986. TRD-9709672.

Montague County Tax Appraisal District, Board of Directors, met at 312 Rusk Street, Montague, July 30, 1997 at 5:00 p.m. Information may be obtained from June Deaton, 312 Rusk Street, Montague, Texas 76251, (940) 894-6011. TRD-9709681.

North Central Texas Council of Governments, Workforce Board School-to-Work Committee, will meet at 616 Six Flags Drive, Suite 200, Arlington, August 19, 1997 at 1:30 p.m. Information may be obtained from Casandra J. Vines, P.O. Box 5888, Arlington, Texas 76005-5888, (817) 695-9176. TRD-9709714.

TML Group Benefits Risk Pool, Board of Trustees, met with revised agenda, at the Sheraton Fiesta, 310 Padre Boulevard, South Padre Island, July 31, 1997 at 9:00 a.m. and will meet August 1, 1997 at 9:00 p.m. Information may be obtained from Gayle Gardner, TML Group Benefits Risk Pool, 1821 Rutherford Lane, Suite 300, Austin, Texas 78754, (512) 719-6521. TRD-9709712.

Wichita Falls MPO, Public Hearing, will meet at Wichita Falls ISD, Administration Building, 1104 Board Street, Wichita Falls, August 5, 1997, at 7:00 p.m. Information may be obtained from Richard Luedke, (940) 761-7447. TRD-9709739.

Meetings filed July 28, 1997

Austin-Travis County MHMR Center, Executive Committee, met at 1430 Collier Street, Executive Conference Room, Austin, July 31, 1997 at 4:30 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 440-4031. TRD-9709755.

Austin-Travis County MHMR Center, Board of Trustees, met at 1430 Collier Street, Board Room, Austin, July 31, 1997 at 5:00 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 440-4031. TRD-9709756.

Callahan County Appraisal District, Board of Directors, will meet at 130A West 4th Street, Baird, August 4, 1997 at 7:30 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 800, Baird, Texas 79504, (915) 854-1165, fax: (915) 854-1513. TRD-9709757.

Millersview-Doole Water Supply Corporation, Board of Directors, will meet at Corporation Office, 1 block West of FM 765 and FM 2134, Millersview, August 4, 1997 at 8:00 p.m. Information may be obtained from Glenda M. Hampton, P.O. Box 130, Millersview, Texas 76862-0139, (915) 483-5438. TRD-9709758.

# IN ADDITION

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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.

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## Texas Department of Agriculture

### Notice of Public Hearing

The Texas Department of Agriculture (the department) will hold a public hearing to take comment regarding the department's proposed amendments to the rose grading and quarantine regulations as published in the July 15, 1997, issue of the *Texas Register* (22 TexReg 6512).

The hearing will be held August 7, 1997, at the Texas Department of Agriculture Tyler, 517 North Glenwood, Tyler, Texas, beginning at 10:00 a.m.

For more information, please contact Jimmy Hallmark, Chief Inspector, Texas Department of Agriculture, 517 North Glenwood, Tyler, Texas 75702.

Issued in Austin, Texas, on July 24, 1997.

TRD-9709629

Dolores Alvarado Hibbs  
Deputy General Counsel  
Texas Department of Agriculture  
Filed: June 24, 1997



## 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 July 22, 1997, through July 25, 1997:

#### FEDERAL AGENCY ACTIONS:

Applicant: Mike Cooper; Location: in Sabine Lake, at 3745 T.B. Ellison Parkway on Sabine Island in Port Arthur, Jefferson County, Texas; Project No.: 97-0219 -F1; Description of Proposed Action: The applicant proposes to construct a 10-foot by 20-foot boat lift adjacent to an existing 100-foot by 6-foot pier with a 10-foot by 26-foot L-head; Type of Application: .S.C.O.E. permit application #20996 under §10 of the Rivers and Harbors Act of 1899 (33 .S.C.A. 403).

Applicant: W.R. Standefer; Location: East Galveston Bay, on the property immediately east of 1376 Bay Street, in the Kona Kai Subdivision, approximately 6.5 miles east of the ferry landing, on Bolivar Peninsula, Galveston County, Texas; Project No.: 97-0220 -F1; Description of Proposed Action: The applicant proposes to construct a 260-foot bulkhead and place approximately 130 cubic yards of backfill into approximately 0.08 acre of tidal wetland to protect the shoreline. In addition, the applicant is requesting to place fill into approximately 0.73 acre of adjacent wetlands to level two lots for marketing as waterfront residences; Type of Application: U.S.C.O.E. permit application #20906 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).

Applicant: Freeport Sulphur Company; Location: Galveston Ship Channel, at 4500 Old Port Industrial Road, in Galveston, Galveston County, Texas; Project No.: 97-0221 -F1; Description of Proposed Action: The applicant proposes to amend their existing permit to include dredging of approximately 24,000 cubic yards of material from an 800-foot by 100-foot area in the mouth of Slip A, of their existing facility. The area to be dredged is approximately 18 feet deep and is proposed to be dredged to 20 feet below Mean Low Tide; Type of Application: .S.C.O.E. permit application #14833(09) under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403).

Applicant: Marine Rental, Inc.; Location: southeast of the Texas State Highway 87 bridge, at East Bunch Road, near Bridge County, in Orange County, Texas; Project No.: 97-0224 -F1; Description of Proposed Action: The applicant requests an after-the-fact permit to retain the unauthorized work of a 120-foot walkway pier and proposes to construct another 196 feet of walkway pier, a boat ramp, and a 180-foot bulkhead with back fill; Type of Application: .S.C.O.E. permit

application #20620 under §10 of the Rivers and Harbors Act of 1899 (33 S.C.A. 403), and §404 of the Clean Water Act (33 U.S.C.A. §§125-1387).

Applicant: Mr. Frans Gillebaard; Location: 2323 Park Avenue, Kemah, Galveston County, Texas; Project No.: 97-0225 -F1; Description of Proposed Action: The applicant proposes to construct a 5-foot wide by 500-foot long pier, perpendicular with the shoreline, and an attached 45-foot by 35-foot boatlift located on Galveston Bay; Type of Application: U.S.C.O.E. permit application #21032 under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403).

Applicant: Thomas Lykos; Location: Eckert Bayou, on Lot 1 of the Seabreeze Subdivision, approximately 5 miles southwest of Galveston, Galveston County, Texas; Project No.: 97-0228 -F1; Description of Proposed Action: The applicant proposes to construct a bank stabilization project to control erosion and erect a pier. The bank stabilization will consist of a retaining wall around the upland boundary of the site and a toe wall along the shoreline. The retaining wall will be constructed of sacked concrete and treated timber; Type of Application: S.C.O.E. permit application #21037 under §10 of the Rivers and Harbors Act of 1899 (33 S.C.A. 403) and Section 404 of the Clean Water Act.

Applicant: Southwest Shipyard, L.P.; Location: 18310 Market Street, at the intersection of Interstate 10 East and the San Jacinto River, in Channelview, Harris County, Texas; Project No.: 97-0222 -F1; Description of Proposed Action: The applicant proposes to construct a 20-foot by 60-foot commercial marine pier at their existing shipyard facility; Type of Application: S.C.O.E. permit application #21024 under §10 of the Rivers and Harbors Act of 1899 (33 S.C.A. 403).

Applicant: Lawrence L. Cieslewicz; Location: Lot 18, Block 5, Section 2R, at the end of Fathom Drive, Treasure Island Subdivision, approximately 12 miles northeast of Freeport, Brazoria County, Texas; Project No.: 97-0223 -F1; Description of Proposed Action: The applicant proposes to construct a bulkhead, excavate a protected boat slip area, and build a pier with T-head. The bulkhead will be 149 feet long and located at the mean high water line. The boat slip will be 26 feet long and 22 feet wide. An area 13 feet long by 22 feet wide be excavated from uplands and enclosed by the bulkhead; Type

of Application: U.S.C.O.E. permit application #20963 under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403), and Section 404 of the Clean Water Act.

Applicant: Amerda Hess; Location: Brazos, Block 571, Lease OCS-G 15729, OCS Federal Offshore Waters, Gulf of Mexico; Project No.: 97-0218 -F4; Type of Application: Initial Plan of Exploration, Title 30 CFR 250.33 (f) and (h).

Applicant: Walter Oil & Gas Company; Location: East Breaks, Block 168, Lease OCS-G 17233, OCS Federal Offshore Waters, Gulf of Mexico; Project No.: 97-0227 -F4; Type of Application: Initial Development Operations Coordination, Title 30 CFR 250.34 (g) and (h).

Pursuant to §306(d)(14) of the Coastal Zone Management Act of 1972 (16 U.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 July 28, 1997.

TRD-9709749

Garry Mauro

Chairman

Coastal Coordination Council

Filed: July 28, 1997

## Office of the Consumer Credit Commissioner

### Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Title 79, Texas Civil Statutes, Article 1.04 and 1.05, as amended (Texas Civil Statutes, Article 5069-1.04 and 1.05).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer <sup>(1)</sup>/Agricultural/ Commercial <sup>(2)</sup> thru \$250,000</u>	<u>Commercial<sup>(2)</sup> over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	07/28/97-08/03/97	18.00%	18.00%
Judgment Rate - Art. 1.05, Section 2	08/01/97-08/31/97	10.00%	10.00%

<sup>(1)</sup>Credit for personal, family or household use. <sup>(2)</sup>Credit for business, commercial, investment or other similar purpose.

[graphic]

Issued in Austin, Texas, on July 22, 1997.

TRD-9709623

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: July 24, 1997



## **Texas Education Agency**

### **Request for Proposals Concerning Independent Audit Services for the Texas Permanent School Fund**

**Eligible Proposers.** The Texas Education Agency (TEA) is requesting proposals under the Request for Proposals (RFP) #701-97-024 from qualified public accounting firms to provide independent audit services to the Texas Permanent School Fund (PSF).

**Description.** The purpose of this RFP is to select an independent accounting firm to perform a financial audit of the Texas PSF and perform other related services.

**Dates of Project.** Proposers should plan for a starting date of no earlier than September 17, 1997, and an ending date of no later than November 7, 1997.

**Project Amount.** The total amount of the contract is subject to negotiation.

**Selection Criteria.** The contract will be awarded based on an evaluation of the proposer's ability to provide the requested services; the demonstrated competence and qualifications of the proposer; and the reasonableness of the proposed fee.

The TEA is not obligated to execute a contract, provide funds, or endorse any proposal that is submitted in response to this RFP. This RFP does not commit TEA to pay any costs incurred before a contract

is executed. The issuance of this RFP does not obligate the TEA or the State Board of Education to award a contract or pay any costs incurred in the preparation of a response.

**Requesting the Proposal.** A copy of the complete RFP #701-97-024 may be obtained by writing the: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701-1494, or by calling (512) 463-9304. Please refer to the RFP number in your request.

**Further Information.** For clarifying information about this RFP, contact Dean Murray, Texas Permanent School Fund, Texas Education Agency, (512) 463-9169.

**Deadline for Receipt of Proposals.** Proposals must be received in the Document Control Center of the Texas Education Agency by 5:00 p.m. (Central Standard Time), Friday, August 29, 1997, to be considered.

Issued in Austin, Texas, on July 28, 1997.

TRD-9709754

Criss Cloudt

Associate Commissioner for Policy Planning and Research

Texas Education Agency

Filed: July 28, 1997



## **Texas Department of Health**

### **Licensing Action for Radioactive Materials**

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

Port Arthur	TENET HEALTHCARE LTD	L01707	Port Arthur	31	07/15/97
Rowlett	LAKEPOINTE MEDICAL CENTER	L04060	Rowlett	7	07/15/97
San Angelo	SHANNON MEDICAL CENTER	L02174	San Angelo	30	07/08/97
San Angelo	SHANNON CLINIC	L04216	San Angelo	7	07/10/97
San Antonio	UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER/SAN ANTONIO	L01279	San Antonio	74	07/09/97
San Antonio	METHODIST HEALTHCARE SYSTEM OF SAN ANTONIO	L02266	San Antonio	59	07/03/97
San Antonio	ADVANCED MEDICAL IMAGING	L04305	San Antonio	15	07/02/97
San Antonio	BAPTIST IMAGING CENTER	L04506	San Antonio	7	07/07/97
San Antonio	RADIOLOGY ASSOCIATES OF SAN ANTONIO	L04927	San Antonio	3	07/02/97
Sugarland	FORT BEND IMAGING INC	L04459	Sugarland	17	07/01/97
Throughout Texas	Western Atlas International Inc	L00446	Houston	116	07/09/97
Throughout Texas	Associated Wireline Services, Inc.	L00835	Wichita Falls	11	07/11/97
Throughout Texas	Texas Department of Health	L01155	Austin	80	07/08/97
Throughout Texas	Longview Inspection, Inc.	L01774	La Porte	127	07/09/97
Throughout Texas	Halliburton Energy Services	L02113	Houston	87	07/15/97
Throughout Texas	Shell Development Company	L02116	Houston	33	07/11/97
Throughout Texas	Terra Engineers, Inc.	L02464	Lubbock	27	07/11/97
Throughout Texas	High Plains Underground Water Conservation District 1	L02598	Lubbock	15	07/08/97
Throughout Texas	SIEMENS MEDICAL SYSTEMS	L02601	Grand Prairie	13	07/14/97
Throughout Texas	Non-Destructive Inspection Corporation	L02712	Lake Jackson	53	07/14/97
Throughout Texas	Geotest Engineering, Inc.	L02735	Houston	37	07/08/97
Throughout Texas	Global X-Ray & Testing Corp.	L03663	Aransas Pass	54	07/15/97
Throughout Texas	Koch Engineering Company, Inc.	L03913	La Porte	53	07/15/97
Throughout Texas	Geotech Engineering and Testing, Inc.	L03923	Houston	13	07/09/97
Throughout Texas	Petroleum Industry Inspectors	L04081	Houston	58	07/09/97
Throughout Texas	SGS Industrial Services	L04460	Deer Park	35	07/09/97
Throughout Texas	Black Warrior Wireline Corp.	L04473	Odessa	7	07/08/97
Throughout Texas	Merndon Inspection Service	L04861	Midland	4	07/08/97
Throughout Texas	Escot N.D.E., Inc.	L05002	Corpus Christi	3	07/08/97
Throughout Texas	Beavers Construction Company	L05003	Bowie	5	07/15/97
Throughout Texas	Conam Inspection	L05010	Houston	5	07/08/97
Throughout Texas	Marock, Inc.	L05036	Dallas	2	07/08/97
Vinton	Border Steel Mills, Inc.	L03137	El Paso	12	07/08/97
Waco	HILLCREST BAPTIST MEDICAL CENTER	L00845	Waco	60	07/11/97

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Houston	Prideco, Inc.	L04485	Houston	1	07/10/97
Corpus Christi	CARDIOLOGY ASSOCIATES OF CORPUS CHRISTI	L04611	Corpus Christi	10	07/14/97
Houston	MEMORIAL CITY MEDICAL CENTER	L01168	Houston	45	07/14/97
Throughout Texas	Fugro-McClelland (Southwest), Inc.	L00058	Houston	41	07/11/97
Throughout Texas	Non-Destructive Inspection Corporation	L02712	Lake Jackson	52	07/08/97
Tomball	TOMBALL REGIONAL HOSPITAL	L02514	Tomball	15	07/08/97
Weslaco	KNAPP MEDICAL CENTER	L03290	Weslaco	21	07/01/97

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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## NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Lubbock	HOWARD HURD MD	L05038	Lubbock	0	07/14/97
Tyler	NUMED IMAGING CENTER	L05067	Tyler	0	07/03/97
Brady	HEART OF TEXAS MEMORIAL HOSPITAL	L05074	Brady	0	07/07/97
Dallas	ATC Associates, Inc.	L05087	Dallas	0	07/03/97

## AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Alice	ALICE PHYSICIANS AND SURGEONS HOSPITAL	L02390	Alice	19	07/07/97
Amarillo	NORTHWEST TEXAS HEALTHCARE SYSTEM INC	L02054	Amarillo	50	07/14/97
Amarillo	AMARILLO DIAGNOSTIC CLINIC	L04085	Amarillo	8	07/01/97
Austin	PHARMACO LSR	L04348	Austin	8	07/11/97
Baytown	BAYCOAST MEDICAL CENTER	L02462	Baytown	22	07/14/97
Beaumont	R LEDDON SWEET MD PA DBA OUTPATIENT CARDIOVASCULAR	L05029	Beaumont	1	07/09/97
Conroe	CONROE HOSPITAL CORPORATION	L01769	Conroe	41	07/03/97
Conroe	SADLER CLINIC	L04899	Conroe	4	07/11/97
Dallas	TENET HEALTH SYSTEM HOSPITALS DALLAS INC	L02314	Dallas	33	07/09/97
Dallas	NORTH TEXAS HEART CENTER PA	L04608	Dallas	15	07/09/97
Denison	TEXOMA MEDICAL CENTER	L01624	Denison	46	07/03/97
Duncanville	BPF, Inc.	L04972	Duncanville	1	07/10/97
Edna	JACKSON COUNTY HOSPITAL	L04842	Edna	1	07/14/97
El Paso	SIERRA MEDICAL CENTER	L02365	El Paso	32	07/02/97
Fort Worth	JOHN PETER SMITH HOSPITAL	L02208	Fort Worth	33	07/03/97
Fort Worth	CARTER BLOOD CENTER	L03676	Fort Worth	9	07/09/97
Fredericksburg	FREDERICKSBURG IMAGING CENTER	L03516	Fredericksburg	13	07/02/97
Groves	COMMUNITY HEALTH CARE FOUNDATION INC	L02091	Groves	24	07/01/97
Harlingen	Valley Co-op Oil Mill	L02908	Harlingen	5	07/08/97
Houston	COLUMBIA HOSPITAL CORPORATION	L02038	Houston	28	07/01/97
Houston	WHMC INC	L02224	Houston	36	07/14/97
Houston	UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON	L02774	Houston	34	07/11/97
Houston	Lark Technologies, Inc.	L04387	Houston	8	07/08/97
Houston	LYNDON B JOHNSON GENERAL HOSPITAL	L04412	Houston	17	07/02/97
Houston	BEAR CREEK MRI & DIAGNOSTIC CENTER LTD	L04450	Houston	3	07/08/97
Houston	MACGREGOR MEDICAL ASSOCIATION	L04646	Houston	4	07/03/97
Huntsville	SAM HOUSTON STATE UNIVERSITY	L00873	Huntsville	15	07/11/97
Jacksonville	NAN TRAVIS MEMORIAL HOSPITAL	L00169	Jacksonville	27	07/01/97
McAllen	MCALLEN HEART HOSPITAL	L04902	McAllen	3	07/15/97

## CONTINUED AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Palestine	TRINITY VALLEY MEDICAL CENTER	L04137	Palestine	17	07/11/97

Dallas	SYNCOR INTERNATIONAL CORPORATION	L04576	Dallas	7	07/09/97
San Angelo	Swartz Enterprises, Inc.	L03647	San Angelo	8	07/08/97
Sweetwater	G-P Gypsum Corporation	L01144	Sweetwater	17	07/07/97

EXEMPTIONS ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Throughout Texas	E I Du Pont de Nemours and Company Inc	L00517	Beaumont	0	07/08/97
Throughout Texas	Guardian NDT Services, Inc.	L04099	Corpus Christi	0	07/08/97

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with Texas Regulations for Control of Radiation in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the Texas Regulations for Control of Radiation.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by Agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, Exchange Building, 8407 Wall Street, Austin, Texas, from 8:00 a.m. to 5:00 p.m. Monday-Friday (except holidays).

Issued in Austin, Texas, on July 23, 1997.

TRD-9709563  
 Susan K. Steeg  
 General Counsel  
 Texas Department of Health  
 Filed: July 23, 1997

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**Texas Higher Education Coordinating Board**

**Notice of Meeting**

The Family Practice Residency Advisory Sub-Committee will meet on Wednesday, August 6, 1997 from 10:00 a.m. till 12:00 p.m. The meeting will be held at the Coordinating Board, 7745 Chevy Chase Drive, Building 5 Room 5.209. The agenda is as follows: Incorporation of Public Health Rotations into Rural Rotation Program; and Implementation of Rider 36. For additional information please contact Stacy Silverman at 512-483-6540.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709750  
 James McWhorter  
 Assistant Commissioner for Administration  
 Texas Higher Education Coordinating Board  
 Filed: July 28, 1997

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## Texas Department of Housing and Community Affairs

### Notice of Public Hearing

On or about October 1, 1997, The Administration & Community Affairs Division of the Texas Department of Housing and Community Affairs (TDHCA) anticipates receiving federal funds to continue the operation of certain programs that assist very low-income Texans. The Department is now in the process of deciding how these funds will be used and is seeking the input of groups affected by these programs and/or other interested citizens.

As part of the public information consultation and public hearings requirements for the Community Services Block Grant, a federal block grant, and the Low Income Home Energy Assistance Program, the Administration & Community Affairs Division of the Texas Department of Housing and Community Affairs (TDHCA) will conduct five public hearings. The primary purpose of the hearings is to solicit comments on the proposed use and distribution of Federal Fiscal Year (FFY) 1998 funds provided under the Community Services Block Grant (CSBG), Community Food and Nutrition Program (CFNP), and the Low Income Home Energy Assistance Program (LIHEAP). LIHEAP provides funding for the Weatherization Assistance Program (WAP) and the Comprehensive Energy Assistance Program (CEAP). The public hearings have been scheduled as follows:

Monday, August 18, 1997, 6:00 p.m. at the West End Multi-Service Center, Building 3, 170 Heights Blvd., Houston, TX

Tuesday, August 19, 1997, 2:00 p.m. at the Carver Library, 1161 Angelina Street, Austin, TX

Tuesday, August 19, 1997, 11:30 a.m. at the Centro de Artes, Market Square, 514 West Commerce, San Antonio, TX

Wednesday, August 20, 1997, 6:00 p.m. at the Botanic Garden Center, Conservatory Lecture Hall, 3220 Botanic Garden Boulevard, Ft. Worth, TX

Thursday, August 21, 1997, 6:00 p.m. at the Midland Business Center, 201 East Michigan, Suite 123, Midland, TX

A representative from TDHCA will be present at each meeting to explain the planning process and receive comments from interested citizens and affected groups regarding the proposed plans. Copies of the Intended Use Report can be obtained by contacting the Texas Department of Housing and Community Affairs, P.O. Box 13941, Austin, Texas, 78711-3941. For questions, contact the Administration & Community Affairs Division at (512) 475-1099.

Comments on the intended use of funds may be in the form of written comments or oral testimony at the public hearings. Written comments must be received no later than Tuesday, September 2, 1997. Comments concerning the LIHEAP may be submitted to Nieves López at TDHCA using the address provided above, or via the internet using [nlopez@genesis.tdhca.state.tx.us](mailto:nlopez@genesis.tdhca.state.tx.us). All other comments may be submitted to Dyna Cole at TDHCA using the address provided above, or via the internet using [dcole@genesis.tdhca.state.tx.us](mailto:dcole@genesis.tdhca.state.tx.us). If you have any questions regarding the public hearing process, or any of the programs referenced above, please contact the Community Affairs Division at (512) 475-1099.

Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal at (512) 475-3822 or Relay Texas at 1-800-735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Issued in Austin, Texas, on July 28, 1997.

TRD-9709760

Larry Paul Manley  
Executive Director

Texas Department of Housing and Community Affairs  
Filed: July 28, 1997

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## Texas Department of Human Services

### Amended Request for Information-Best Utilization of Finger-Image; EBT and Point-of-Sale (POS) Technologies

The Texas Department of Human Services (TDHS) inadvertently omitted the deadline date for submittal of information from the Request for Information originally published July 15, 1997, of the *Texas Register* (22 TexReg 6699). The notice is amended to provide the deadline, additional information regarding "Qualified Information System Vendors", and deletions related to the release of updated information from TDHS.

The TDHS, in conjunction with its fully-implemented electronic benefits transfer (EBT) system and its electronic finger-image project, plans to incorporate the digital representation of the finger image on the EBT card to eliminate the use of a personal identification number (PIN) and the possibility of individuals using cards that are not their own.

**Description:** TDHS is interested in obtaining information regarding the best utilization of finger-image, EBT and point-of-sale (POS) technologies to ensure the integrity of its EBT program for Food Stamps and Transitional Assistance to Needy Families (TANF) benefits. Therefore, the purpose of this RFI is threefold, namely: to update its information about current POS and finger-image equipment, software and network capabilities; to obtain information about current industry product and performance standards related to POS and finger-image transactions, processing and liabilities; and to gain useful information about potential POS and finger-image contractors, specifically their area(s) and level of expertise, available products and/or services, and experience in developing/providing innovative EBT/POS applications utilizing finger-image technology.

TDHS currently administers Food Stamps and TANF benefits delivery through a statewide on-line EBT system. The department plans to expand its finger-image at point of eligibility pilot project statewide beginning in early-1998.

TDHS requests general and product-specific information to be used for EBT/finger-image planning and analysis. Examples of needed information include, but are not limited to, the following: hardware product description; technical and functional specifications; unit and quantity pricing; integration/compatibility: file/transaction information and storage capability; performance/failure rates; possible hardware/software configurations, including process flow diagrams depicting processing alternatives and considerations; plastic card technology and technical specifications, manufacture, design and use options; operating system standards and requirements; acquisition options and



their costs; system back-up and recovery capabilities; and standard and product-specific "software ownership" contract clauses.

TDHS is a government agency subject to V.T.C.A., Government Code, Chapter 552, the Texas Open Records Act. Information submitted to TDHS under this RFI will be considered public information unless the specific parts thereof can be shown to fall within one or more of the exceptions listed in this Act. One of those exceptions is for trade secrets and commercial and financial information which is privileged or confidential by law or judicial decision. Respondents must specify these parts and the exception(s) believed to apply with specific and detailed reasons. Vague and general claims to confidentiality are not acceptable.

TDHS is in the process of submitting an Advance Planning Document (APD) for agency planning to secure prior approval and Federal financial participation (FFP) from Food and Nutrition Services, United States Department of Agriculture, and the Administration for Children and Families of the United States Department of Health and Human Services. In the Planning APD, TDHS will propose a small, contained pilot project to begin finger-image verification at POS beginning in September 1998.

TDHS plans to issue a Request-for-Offer (RFO) for a finger-image at POS pilot project in December 1997. An offeror's conference will be held following the release of the RFO. This RFO will likely include, but not be limited to, the provision of equipment, software, training and related services. Only offers from "Qualified Information System Vendors" will be considered in the RFO procurement. For information about how to become a "Qualified Information Systems Vendor", contact the General Services Commission, Purchasing Division, Catalog Section, by calling (512) 463-3567, or by writing P.O. Box 13047, Austin, Texas 78711.

**Contact person:** Written information and responses, including product and services literature, should be forwarded to: Amanda Gossett, Director of Technical Services, Lone-Star Technology Department, Texas Department of Human Services, P.O. Box 149030, MC E-304, Austin, Texas 78714-9030. All information is due no later than 5:00 p.m. on August 29, 1997. Historically underutilized businesses are encouraged to respond.

Telephone inquiries about the TDHS finger-imaging at point-of-sale project should be directed to Colleen Edwards, Public Information Officer at (512) 438-5467.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709736

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Filed: July 25, 1997



#### Notice of Consultant Contract Amendments

In Accordance with the Texas Government Code, Chapter 2254, Subchapter B, Texas Department of Human Services (TDHS) publishes this notice of an amendment to two consultant contracts. The notice of awards for the original contracts was published in the August 17, 1993, issue of the Texas Register (18 TexReg 5522). The notice of the first amendment to the two consultant contracts was published in the July 26, 1994, issue of the Texas Register (19 TexReg 5784).

Notice of the second amendment to the two consultant contracts was published in the August 11, 1995, issue of the Texas Register (20 TexReg 6134). Notice of the third amendment to the two contracts was published in the July 26, 1996, issue of the Texas Register (21 TexReg 7187).

The contracts were awarded to two consultants to provide expertise in information resources for the completion of two separate, but related, consulting projects for the Texas Nursing Facility Medicare Case Mix and Quality Demonstration.

The Texas Department of Human Services awarded one consultant contract to Austin Data Management Associates, 313 West 37th Street, Austin, Texas 78705. The contractor was a partnership when originally contracted, and it has subsequently incorporated as StepWise Systems, Inc. The total dollar amount of the original contract was \$65,000, and was effective from September 1, 1993 through August 31, 1994. TDHS extended this contract through August 31, 1995 and increased the total amount of the contract by \$80,000, for a revised total not to exceed \$145,000. TDHS then extended this contract through August 31, 1996 and increased the total amount of the contract by \$50,000 for a revised total not to exceed \$195,000. TDHS then extended this contract through August 31, 1997 and did not increase the total amount of the contract. TDHS now intends to make a final extension to this contract through August 31, 1998, with no increase in the total amount of the contract.

The Texas Department of Human Services awarded a second consultant contract to Red Bluff Computing Consultants, P.O. Box 90892, Austin, Texas 78709. The total dollar amount of the contract was \$40,000, and was effective from September 1, 1993 through August 31, 1994. TDHS extended this contract through August 31, 1995 and increased the total amount of the contract by \$54,000, for a revised total not to exceed \$94,000. TDHS extended this contract through August 31, 1996 and increased the total amount of the contract by \$54,000 for a revised total not to exceed \$148,000. TDHS then extended the contract through August 31, 1997 and increased the total amount of the contract by \$60,000 for a revised total not to exceed \$208,000. TDHS now intends to make a final extension to this contract through August 31, 1998 and increase the contract by \$46,000 for a revised total not to exceed \$254,000.

Each consultant must provide all deliverables under the amended contracts no later than September 30, 1998.

Issued in Austin, Texas, on July 23, 1997.

TRD-9709608

Glen Scott

Agency Liaison

Texas Department of Human Services

Filed: July 23, 1997



#### Texas Department of Insurance

##### Correction of Error

The Texas Department of Insurance adopted amendments to Part One, Section 1A 13, and Part 2, Section 1 E and F, Texas Retrospective Rating Manual, Workers Compensation and Employers' Liability, published under the Exempt Notification. The rule appeared in the July 18, 1997, issue of the *Texas Register*, (22 TexReg 6751).



The corrective affective date should read as "August 6, 1997". Also the item was inadvertently left out of the table of contents.



#### Insurer Services

The following applications have been filed with the Texas Department of Insurance and are under consideration:

Application for admission in Texas for Mutual Atomic Energy Liability Underwriters, a foreign joint underwriting association. The home office is in Chicago, Illinois.

Application for admission in Texas for Valley Insurance Company, a foreign fire and casualty company. The home office is in Los Angeles, California.

Application for admission in Texas for Valley Property & Casualty Insurance Company, a foreign fire and casualty company. The home office is in Albany, Oregon.

Application for admission in Texas for Colonial Surety Company, a foreign fire and casualty company. The home office is in Duncannon, Pennsylvania.

Application for a name change in Texas for Financial Benefit Life Insurance Company, a foreign life, accident and health company. The proposed new name is American Savers Life Insurance Company. The home office is in Boca Raton, Florida.

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 July 25, 1997.

TRD-9709675  
Bernice Ross  
Deputy Chief Clerk  
Texas Department of Insurance  
Filed: July 25, 1997



#### Notice

On July 11, 1997, in Commissioner's Order Number 97-0689, the Commissioner of Insurance adopted amendments to Part One, Section 1 A. 13, and Part 2, Section 1 E and F, Texas Retrospective Rating Manual, Workers Compensation and Employers' Liability. The Order of the Commissioner was published under the Exempt Notification section of the July 18, 1997, issue of the *Texas Register* (22 TexReg 6751) with the wrong effective date. The correct effective date is August 6, 1997. Also, the item was inadvertently left out of the table of contents of the July 18 issue. On July 21, 1997, in Commissioner's Order Number 97-0738, the Commissioner issued a Nunc Pro Tunc Order clarifying that the effective date of the amendments is August 6, 1997. Copies of the Orders are available from the Chief Clerk, Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709720  
Bernice Ross  
Deputy Chief Clerk  
Texas Department of Insurance

Filed: July 25, 1997



#### Notice of Public Hearing

The Commissioner of Insurance will hold a public hearing Wednesday, August 13, 1997, at 9:00 a.m. in Room 100 of the William P. Hobby, Jr. State Office Building, 333 Guadalupe Street in Austin, Texas under Docket Number 2298 to consider proposed new Chapter 12, independent review organizations. The proposed new sections and the statutory authority for the proposed sections, were published in the July 25, 1997, issue of the *Texas Register* (22 TexReg 6914).

Issued in Austin, Texas, on July 25, 1997.

TRD-9709721  
Bernice Ross  
Deputy Chief Clerk  
Texas Department of Insurance  
Filed: July 25, 1997



#### Third Party Administrator Applications

The following third party administrator (TPA) applications have been filed with the Texas Department of Insurance and are under consideration.

Application for admission to Texas of Allied Health Group, Inc., a foreign third party administrator. The home office is Miramar, Florida.

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 July 23, 1997.

TRD-9709610  
Bernice Ross  
Deputy Chief Clerk  
Texas Department of Insurance  
Filed: July 23, 1997



The following third party administrator (TPA) application has been filed with the Texas Department of Insurance and is under consideration.

Application for incorporation in Texas of Baptist Health Network, Inc., a domestic third party administrator. The home office is San Antonio, 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 July 25, 1997.

TRD-9709674  
Bernice Ross  
Deputy Chief Clerk  
Texas Department of Insurance  
Filed: July 25, 1997



## Texas Lottery Commission

### Invitation for Bids for Installation of Burglar Bars at the Texas Lottery Commission Headquarters

The Texas Lottery Commission is soliciting bids for Installation of Burglar Bars at the Texas Lottery Commission headquarters located at 611 East 6th Street, Austin, Texas.

#### Objectives.

The Texas Lottery requires installation of burglar bars at the main level window and door openings facing onto 6th street. The Texas Lottery Headquarters building is located in Austin, Texas.

#### Schedule.

**Event IFB Issued** Date August 1, 1997

Mandatory Pre-Bid Conference - August 11, 1997 (10:00 a.m. CT)

Bid Due Date - August 14, 1997 (11:00 a.m. CT)

For a copy of the complete Invitation for Bids please contact:

Joanne Severn

Purchasing Supervisor, Texas Lottery Commission

(512) 344-5418

Issued in Austin, Texas, on July 25, 1997.

TRD-9709715

Ridgely C. Bennett

Deputy General Counsel

Texas Lottery Commission

Filed: July 25, 1997



## Texas Natural Resource Conservation Commission

### Correction of Error

The Texas Natural Resource Conservation Commission withdrew 31 TAC §§32.1, 32.3, 32.5, 32.7, 32.9, 32.11, 32.13, and 32.15. The rule appeared in the July 22, 1997, issue of the *Texas Register*, (22 TexReg 6859).

The Title was published incorrectly as "Title 31. Natural Resources and Conservation" it should read "Title 30. Environmental Quality".



### Notice of Applications for Waste Disposal/Discharge Permits

Attached are Notices of Applications for waste disposal/discharge permits issued during the period of July 21 thru July 25, 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 the 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.

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, type of application-permit, amendment, or renewal and permit number.

CITY OF CALLISBURG, Route 8, Box 299, Gainesville, Texas 76240; The City of Callisburg Wastewater Treatment Facilities are located adjacent to and west of Farm-to-Market Road 678 approximately 3000 feet southeast of the intersection of Farm-to-Market Roads 678 and 2896 in Cook County, Texas; renewal; Permit No. 11840-001.

CHAMPION INTERNATIONAL CORPORATION, P.O. Box 100-S, Corrigan, Texas 75939; Applicant operates the Corrigan Plant, a plywood manufacturing facility; The plant site is located on the west side of U.S. Highway 59 (US 59), approximately 6000 feet northwest of the intersection of S 59 and Farm-to-Market Road 352, in the city of Corrigan, Polk County, Texas; amendment with renewal; Permit No. 01902.

CYRESS HILL MUNICIPAL UTILITY DISTRICT NO. 1, c/o Fulbright & Jaworski, 1301 McKinney, Suite 5100, Houston, Texas 77010; The Cypress Hill Municipal Utility District No. 1 Wastewater Treatment Plant is located approximately 400 feet west of Cypress Rose Hill Road and 3/4 mile north of the intersection of Cypress Rose Hill Road with U.S. Highway 390 in Harris County, Texas; renewal; Permit No. 12327-001.

BROWNSVILLE PUBLIC UTILITIES BOARD, 1425 Robinhood Drive, Brownsville, Texas 78520; The wastewater treatment facilities and disposal site are located on the north side of Country Club Road, approximately 3200 feet southwest of the intersection of U.S. Highway 77 Business (Central Boulevard) and Farm-to-Market Road 802 in the City of Brownsville in Cameron County, Texas; renewal; Permit No. 10852-001.

FORNAX INDUSTRIES, INC., P.O. Box 1329, Channelview, Texas 77530; the Fornax Wastewater Treatment Facilities; The facilities are located at 400 South Sheldon Road, approximately 3,100 feet south of Interstate Highway 10 near the southwest side of Cactus property in Harris County, Texas; renewal; Permit No. 12528-001.

GREATER WHITEHOUSE UTILITY COMPANY, INC., 700 N. Pearl, Suite 525, Dallas, Texas 75201; The Quail Run Wastewater Treatment Facilities are located at 100 Quail Lane, at the intersection of Quail Lane and Bobwhite Lane, approximately 1 3/8 miles southwest of the intersection of State Highway 110 and Farm-to-Market Road 346 in Smith County, Texas; renewal; Permit No. 12910-001.

HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 284, 1300 South Post Oak Boulevard, Suite 1400, Houston, Texas 77056;

The wastewater treatment plant will be located approximately 0.75 mile northeast of the intersection of Fry Road and Clay Road, approximately 4 miles north of the intersection of Fry Road and Interstate Highway 10 in Harris County, Texas; renewal; Permit No. 12949-001.

CITY OF HUTTO, P.O. Box 226, Hutto, Texas 78634; The wastewater treatment plant is located 1,300 feet east of Farm-to-Market Road 1660 and 1,500 feet south of State Highway 79 in the City of Hutto in Williamson County, Texas; renewal; Permit No. 11324-001.

LATEXO INDEPENDENT SCHOOL DISTRICT, P.O. Box 975, Latexo, Texas 75849; the Latexo ISD Constructed Wetlands Wastewater Treatment Facilities; The facilities are approximately 1,000 feet east of the intersection of U.S. Highway 287 and Farm-to-Market Road 2663 on the south side of Farm-to-Market Road 2663 at Latexo I.S.D., south of the baseball field in Houston County, Texas; renewal; Permit No. 13780-001.

MONTGOMERY COUNTY UTILITY DISTRICT NO. 2, c/o Coats, Rose, Yale, Holm, Ryman and Lee, 800 First City Tower, 1001 Fannin, Houston, Texas 77002-6707; The wastewater treatment plant is located on the east side of Lake Conroe, immediately south of Farm-to-Market Road 830 and approximately 500 feet east of Kingston Cove Lane in Montgomery County, Texas; renewal; Permit No. 11271-001.

NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 29, c/o Coats, Rose, Yale, Holm, Ryman & Lee, 1001 Fannin, Suite 800, Houston, Texas 77002-6707; The wastewater treatment plant is located 600 feet west of Eldridge Road and 1,500 feet north of U.S. Highway 290, and approximately 4,400 feet southeast of Farm-to-Market Road 1960 in Harris County, Texas; renewal; Permit No. 12795-001.

OWEN SIEPERDA, Rt. 1 Box 100, Dublin, Texas 76446; The dairy is located on the west side of County Road 309; approximately one mile west of the community of Live Oak; approximately 1.5 miles east of Farm-to-Market Road 1702; and approximately four miles south of the intersection of Farm-to-Market Road 1702 and Farm-to-Market Road 219 in Erath County, Texas; renewal; Permit No. 03398.

UNITED STATES DEPARTMENT OF THE INTERIOR, Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, Texas 78418; The wastewater treatment facilities and disposal site are located approximately 12 miles south of the intersection of Park Road 53 and Park Road 22, on Padre Island, on the south side of Malaquite Pavilion in Kleberg County, Texas; renewal; Permit No. 13344-001.

WALLIS-ORCHARD INDEPENDENT SCHOOL DISTRICT, P.O. Box 819, Wallis, Texas 77485; The wastewater treatment plant is located approximately 1.0 mile southeast of the City of Willis and approximately 1000 feet south of State Highway 36 in Austin County, Texas; renewal; Permit No. 11719-001.

PARKANS INTERNATIONAL, L.L.C., d/b/a Delaware Parkans International, L.L.C., 5521 Armour Drive, Houston, Texas 77020; operation of an industrial solid waste storage and processing facility for the management of hazardous and Class I non-hazardous industrial solid waste. Wastes managed at this facility are received from off-site sources on a non-commercial basis. The company stores metal bearing wastes and processes it for shipment to off-site recyclers; The

facility is located at 5521 Armour Drive on approximately 0.8 acre in Houston, Harris County, Texas; amendment; Permit No. HW-50210-001; 45-day notice.

BILL SCHOUTEN, Tex-S LLC Dairy, Rt. 4, Box 24, Hico, TX 76457; The location of the dairy facility is on the east side of U.S. Highway 281 approximately one-half mile north of the intersection of U.S. Highway 281 and Farm-to-Market Road 219 in Hamilton County, Texas; amendment; Permit-By-Rule No. 03640.

ANNE CORNELIS TAMMINGA, Indian Creek Dairy, Rt. 3 Box 212, Comanche, TX 76446; The dairy is located on the north side of State Highway 36 approximately 3.5 miles southeast of the intersection of State Highway 36 and U.S. Highway 377 in Comanche County, Texas; amendment; Permit-By-Rule No. 3289.

TEXAS FARM, INC., Commercial Sow South, 9 Southwest 2nd Avenue, Perryton, TX 79070; The location of the swine feeding facility is on the north side of Farm-to-Market Road 281 approximately three miles west of the intersection of State Highway 70 and Farm-to-Market Road 281 in Ochiltree County, Texas; to obtain an Air & Water Quality Permit-By-Rule No. 03960.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709716

Eugenia K. Brumm, Ph.D.

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: July 25, 1997



#### Notice of Date Extension

The Texas Natural Resource Conservation Commission is announcing that the due dates for submitting the Toxics Release Inventory (TRI) report (Form R) and Source Reduction and Waste Minimization Annual Progress Report (SR/WM Report) have been extended from August 1, 1997, to September 8, 1997. The extensions will align due dates of these two state and federal reporting requirements, which will reduce the burden to the regulated community and result in higher quality data overall.

The TRI reports are required under the federal Emergency Planning and Community Right-to-Know Act (EPCRA), 313 and the State Health and Safety Code, Chapter 370 (Toxic Chemical Release Reporting). The United States Environmental Protection Agency (EPA) recently authorized a similar extension under the federal program in the July 24, 1997, issue of the *Federal Register* (62 FR 39797). The SR/WM Report is required under 30 TAC Chapter 335, Subchapter Q, §§335.471-335.480 and Health and Safety Code, Chapter 361. The SR/WM Report is based on data in the TRI report.

Unless another announcement is forthcoming, this due date extension is only for submittals due in 1997.

For further information on the Toxics Release Inventory date extension, please call Becky Kurka at (512) 239-3100. For further information on the SR/WM Annual Progress Report date extension, please call Emily Coyner at (512) 239-3100.

Issued in Austin, Texas, on July 28, 1997.

TRD-9709765

Kevin McCalla

Director, Legal Division

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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 August 31, 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 August 31, 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: April Marketing & Distribution; DOCKET NUMBER: 96-0750-PST-E; ACCOUNT NUMBER: E11001; LOCATION: Dallas, Dallas County, Texas; TYPE OF FACILITY: underground storage tanks; RULES VIOLATED: 30 TAC §115.241 and §115.249 and the Act, §382.003(12) by failing to install an approved Stage II vapor recovery system and failing to comply with installation requirements according to the schedule implementation date; PENALTY: \$10,000; STAFF ATTORNEY: Lisa Newcombe, Litigation Support Division, MC 175; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

(2)COMPANY: C & J Auto Sales; DOCKET NUMBER: 97-0136-AIR-E; ACCOUNT NUMBER: TA-2888-R; LOCATION: Haltom City, Tarrant County, Texas; TYPE OF FACILITY: used car sales lot; RULES VIOLATED: 30 TAC §114.1(c)(1) and the Act, §382.085(b) by offering for sale automobiles which were equipped with neither the control systems or devices that were originally a part of the motor vehicle, or motor vehicle engine, nor a proper alternate control system or device; PENALTY: \$250; STAFF ATTORNEY: Hodgson Eckel, Litigation Support Division, MC 175; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington Texas, 76010-6499, (817) 469-6750.

(3)COMPANY: Chaparral Steel Midlothian, L.P.; DOCKET NUMBER.: 97-0247-MLM-E; ACCOUNT NUMBER: 30661; LOCATION: Midlothian, Ellis County, Texas; TYPE OF FACILITY: steel manufacturing; RULES VIOLATED: 30 TAC §§335.152(a)(1),

335.173(a)(3), and 335.174(b)(2) and 40 Code of Federal Regulations §§264.15, 264.301(a)(2), 264.310(1a)(3), and 264.310(b)(3) and Permit Provisions VI.A.3 and VI.B.1., IV.C.7., IV.C.8., III.B.1., III.B.7(a) and the Act, §382.085(b) by relating to the use, inspection, maintenance, and reporting requirements of the primary and secondary leachate collection systems for Landfill Number 3; §335.4, concerning General Prohibitions and Texas Water Code, §26.121, concerning unauthorized discharges prohibited by allowing the following unauthorized discharges of: leachate from the automobile upholstery landfill (Facility Number 03), which is located across from Chaparral's facility on the TXI site, was seeping out of the east side of the landfill adjacent to TXI's quarry road. Results of a sediment sample collected in this area indicated the presence of total petroleum hydrocarbons; and a sediment sample collected by the TNRCC investigators during the April 1995 inspection from the drainage ditch beneath the metal walkway to the leachate tank's secondary containment (Facility Number 12) indicated elevated levels of metals (1,210 ppm of Chromium and 425 ppm Lead). A sample collected in the same area on November 6, 1992, had indicated similar concentrations of these constituents (1,300 ppm of total Chromium and 254 ppm of total Lead); 30 TAC §116.116(a) with amendments and alterations by representing in its application for TNRCC Permit Number 8097, that the "C" baghouse dust would be conveyed to railcars in order to transport the material offsite for processing; §101.6 with notification requirements for major upset by failing to notify the executive director and the appropriate local air pollution control agencies as soon as possible of any upset resulting from accidental fires occurring on August 27 and February 21, 1996; 30 TAC §116.115-Special Provision 7 of Permit Number 8097/PSD-TX-138M4-by failing to maintain the air flow rate required by special provision 7,650,000 ACFM, through the "B" furnace canopy hood; 30 TAC §101.20(3) by representations in an application for Prevention of Significant Deterioration (PSD) permit by failing to prevent nitrous oxides and volatile organic compounds in a PSD permit. A review of Chaparral's stack test revealed the emissions from the facility included several compounds that were not included in the original PSD permit application submitted to the United States Environmental Protection Agency; PENALTY: \$99,920; STAFF ATTORNEY: Bill Ballard, Litigation Support Division, MC 175 ; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

(4)COMPANY: Carl Sims and Sons and Frankie Sims; DOCKET NO: 96-1817-AIR-E; ACCOUNT NUMBER: TA-2131-M; LOCATION: Fort Worth, Tarrant County, Texas; TYPE OF FACILITY: motor vehicle inspection station and an automotive repair business; RULE VIOLATED: 30 TAC §114.3(c) and the Act, §382.085(b) by issuing or allowing the issuance of a vehicle inspection certificate without completely and properly performing all the air pollution emission control related requirement of the annual vehicle safety inspection in accordance with the rules and regulations adopted by the Department of Public Safety; PENALTY: \$6,000; STAFF ATTORNEY: Booker Harrison, Litigation Support Division, MC 175; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

(5)COMPANY: Southern Star Paint and Body Shop; DOCKET NO.: 96-1659-AIR-E; ACCOUNT NUMBER: GB-0505-H; LOCATION: Dickinson, Galveston County, Texas; TYPE OF FACILITY: automotive paint and body shop; RULE VIOLATED: 30 TAC §116.115(a) and the Act, §382.085(b) by failing to comply with the conditions of Standard Exemption 124, specifically, failure to have a paint booth stack at the proper height; PENALTY: \$500; STAFF ATTORNEY:

Booker Harrison, Litigation Support Division, MC 175; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

Issued in Austin, Texas, on July 24, 1997.

TRD-9709719

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: July 25, 1997



### Provisionally-Issued Temporary Permits to Appropriate State Water

Listed below are permits issued during the period of July 25, 1997.

Application No. TA-7839 by Elias Dugi for diversion of 10 acre-feet in a 6-month period for irrigation purposes. Water may be diverted from Cibolo Creek, approximately 15 miles southeast of Floresville, Wilson County, Texas, San Antonio River Basin.

Application No. TA-7841 by Cude Drilling, Inc. for diversion of 8 acre-feet in a 6-month period for industrial (oil well drilling) use. Water may be diverted from El Oso Creek, approximately 6 miles south of Corpus Christi, Nueces County, Texas, Nueces-Rio Grande Coastal Basin.

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 canceled without notice and hearing.

No further diversions may be made pending a full hearing as provided in Section 295.174. Complaints should be addressed to Water Rights Permitting Section, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, Telephone (512) 239-4433. Information concerning these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, Telephone (512) 239-3300.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709717

Eugenia K. Brumm, Ph.D.

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: July 25, 1997



### Texas State Board of Pharmacy

Board Announces New Executive Director

Texas State Board of Pharmacy President Marina P. Sifuentes, R.Ph., has announced the appointment of Gay Dodson, R.Ph., as Executive Director of the agency effective June 30, 1997. The selection of Ms. Dodson concludes the Board's two and one-half month nationwide search for an Executive Director. Ms. Dodson has been an employee of the Board since November 1982 and served as Director of Compliance from October 1987 until her appointment as Executive Director.

Prior to her employment with the Board, Ms. Dodson worked as a community pharmacist in the Dallas area for 13 years. In 1997, she received a Recognition Award from the Texas Society of Health-System Pharmacists in "recognition of her commitment, leadership, and dedication in advancing the practice for pharmacists and the patients they serve." In 1993, the Texas Pharmacy Association presented Ms. Dodson an Award for Outstanding Service to the association. She has served as a national chairman and national secretary of Kappa Epsilon, a pharmacy fraternity for women, and received the fraternity's 1989 Linda T. Rogers Memorial Leadership Award.

Ms. Dodson replaces Fred S. Brinkley, Jr., R.Ph., M.B.A., who served as Executive Director of the agency from July 1976 through June 27, 1997.

The Texas State Board of Pharmacy is an independent state regulatory agency whose statutory mission is to promote, preserve, and protect the public health, safety, and welfare by and through the effective control and regulation of the practice of pharmacy and the licensing of pharmacies engaged in the sale, delivery, or distribution of prescription drugs and devices used in the diagnosis and treatment of injury, illness, and disease.

Issued in Austin, Texas, on July 28, 1997.

TRD-9709740

Gay Dodson

Acting Executive Director/Secretary

Texas State Board of Pharmacy

Filed: July 28, 1997



### Public Utility Commission of Texas

Notice of Application to Amend Certificate of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on July 14, 1997, to amend a certificate of convenience and necessity pursuant to §§1.101(a), 2.201, 2.101(e), 2.252, and 2.255, of the Public Utility Regulatory Act of 1995. A summary of the application follows.

Docket Title and Number: Application of Taylor Electric Cooperative, Inc. to Amend Certificated Service Area Boundaries (Service Area Exception) in Callahan County, Docket Number 17692 before the Public Utility Commission of Texas.

The Application: In Docket Number 17692, Taylor Electric Cooperative, Inc. requests approval to amend its certificated service area boundary for a service area exception to serve a single residential customer in Callahan County.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at P.O. Box 13326, Austin,

Texas 78711-3326, or call the commission's Office of Consumer Affairs at (512)936-7120 within 15 days of this notice. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on July 23, 1997.

TRD-9709605  
Rhonda Dempsey  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: July 23, 1997



Notice is given to the public of the filing with the Public Utility Commission of Texas an application on July 15, 1997, to amend a certificate of convenience and necessity pursuant to §§1.101(a), 2.201, 2.101(e), 2.252, and 2.255, of the Public Utility Regulatory Act of 1995. A summary of the application follows.

Docket Title and Number: Application of Central Power and Light Company to Amend Certificated Service Area Boundaries (Service Area Exception) in Real County, Docket Number 17695 before the Public Utility Commission of Texas.

The Application: In Docket Number 17695, Central Power and Light Company requests approval to amend its certificated service area boundary for a service area exception to construct 2.50 miles of 12-kV feeder from its facilities outside the City of Leakey along Highway 83 to a substation of Bandera Electric Cooperative, Inc. from which Central Power & Light Company will purchase power from the Lower Colorado River Authority.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at P.O. Box 13326, Austin, Texas 78711-3326, or call the commission's Office of Consumer Affairs at (512) 936-7120 within 15 days of this notice. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on July 23, 1997.

TRD-9709606  
Rhonda Dempsey  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: July 23, 1997



Notice is given to the public of the filing with the Public Utility Commission of Texas an application on July 14, 1997, to amend a certificate of convenience and necessity pursuant to §§1.101(a), 2.201, 2.101(e), 2.252, and 2.255, of the Public Utility Regulatory Act of 1995. A summary of the application follows.

Docket Title and Number: Application of Texas Utilities Electric Company to Amend Certificate of Convenience and Necessity to Construct a Proposed Transmission Line in Denton County, Docket Number 17686 before the Public Utility Commission of Texas.

The Application: In Docket Number 17686, Texas Utilities Electric Company requests approval to amend its certificate of convenience and necessity to construct 3.0 miles of 138-kV double-circuit transmission line and proposed Intel substation in Denton County.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at P.O. Box 13326, Austin, Texas 78711-3326, or call the commission's Office of Consumer Affairs at (512) 936-7120 within 15 days of this notice. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on July 23, 1997.

TRD-9709607  
Rhonda Dempsey  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: July 23, 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 of an application pursuant to Public Utility Commission Substantive Rule 23.27 for a new PLEXAR-Custom service for Webb County in Laredo, Texas.

Tariff Title and Number: Application of Southwestern Bell Telephone Company for a new PLEXAR-Custom Service for Webb County in Laredo, Texas, Pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 17721.

The Application: Southwestern Bell Telephone Company is requesting approval for a new PLEXAR-Custom service for Webb County in Laredo, Texas. The geographic service market for this specific service is the San Antonio local access and transport 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 commission's Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709677  
Rhonda Dempsey  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: July 25, 1997



Notice is given to the public of the intent to file with the Public Utility Commission of Texas of an application pursuant to Public Utility Commission Substantive Rule 23.27 for a 67 station addition to the existing PLEXAR-Custom service for Le Tourneau, Inc. in Longview, Texas.

Tariff Title and Number: Application of Southwestern Bell Telephone Company for a 67 Station Addition to the Existing PLEXAR-Custom Service for Le Tourneau, Inc. in Longview, Texas, Pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 17722.

The Application: Southwestern Bell Telephone Company is requesting approval for a 67 station addition to the existing PLEXAR-Custom service for Le Tourneau, Inc. in Longview, Texas. The

geographic service market for this specific service is the Longview local access and transport 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 commission's Office of Customer Protection at (512)936-7120. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709678  
Rhonda Dempsey  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: July 25, 1997



Notice is given to the public of the intent to file with the Public Utility Commission of Texas of an application pursuant to Public Utility Commission Substantive Rule 23.27 for an addition to the existing PLEXAR-Custom service for Southwestern Bell Corporation in San Antonio, Texas.

Tariff Title and Number: Application of Southwestern Bell Telephone Company for an Addition to the Existing PLEXAR-Custom Service for Southwestern Bell Corporation in San Antonio, Texas, Pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 17723.

The Application: Southwestern Bell Telephone Company is requesting approval for an addition to the existing PLEXAR-Custom service for Southwestern Bell Corporation in San Antonio, Texas. The geographic service market for this specific service is the San Antonio local access and transport 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 commission's Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709679  
Rhonda Dempsey  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: July 25, 1997



Notice is given to the public of the intent to file with the Public Utility Commission of Texas of an application pursuant to Public Utility Commission Substantive Rule 23.27 for a 50 station addition to the existing PLEXAR-custom service for Fannie Mae in Dallas, Texas.

Tariff Title and Number: Application of Southwestern Bell Telephone Company for a 50 Station Addition to the Existing PLEXAR-Custom Service for Fannie Mae in Dallas, Texas, Pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 17724.

The Application: Southwestern Bell Telephone Company is requesting approval for a 50 station addition to the existing PLEXAR-Custom service for Fannie Mae in Dallas Texas. The geographic service market for this specific service is the Dallas local access and transport 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 commission's Office of Customer Protection at (512)936-7120. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709680  
Rhonda Dempsey  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: July 25, 1997



#### Public Notice Of Application For Declaratory Order

Notice is hereby given of an application for a declaratory order filed by B-K Electric Cooperative, Inc. (B-K), on July 18, 1997. The Public Utility Commission of Texas (commission) is authorized to issue a declaratory order upon request by a party, pursuant to the Public Utility Regulatory Act of 1995 (PURA 95) §1.101 and §1.003(11), Texas Revised Civil Statutes Annotated, article 1446c-0, §1.101, §1.003(11) (Vernon 1997). B-K has requested the commission to interpret B-K's rights and obligations in serving two tracts of land in Baylor County, Texas. The application has been designated Docket Number 17705, Application of B-K Electric Cooperative, Inc. for Declaratory Order and Request for Expedited Consideration, and is available for public inspection at the commission's offices in Austin, Texas.

B-K is a party in a related case before the Baylor County District Court. The district court has abated consideration of that case pending the commission's final decision in Docket Number 17705. Accordingly, B-K has requested the commission expedite ruling in Docket Number 17705.

The commission finds that additional public comment should be allowed before the commission makes a final decision in regard to B-K's application. Any interested person may file written comments on the joint application by submitting 10 copies of the comments to Filing Clerk, Public Utility Commission of Texas, 1701 N. Congress Avenue, P. O. Box 13326, Austin, Texas, 78711- 3236, no later than August 11, 1997. Additionally, a copy of the comments should be served on B-K Electric Cooperative, Inc., 419 North Main, Drawer 672, Seymour, Texas 76380. The comments should specifically refer to Docket Number 17705. In addition to the comments, any interested party may file a motion to intervene.

Persons with questions about this docket should contact the commission's Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 17705.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709676

Rhonda Dempsey  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: July 25, 1997



### Public Notice of Interconnection Agreement

On July 18 1997, Southwestern Bell Telephone Company (SWB) and 360° Communications Company (360° ) collectively referred to as Applicants, filed a joint application for approval of a commercial mobile radio services (CMRS) interconnection agreement under the Federal Telecommunications Act of 1996 (FTA) (47 United States Code, §§151 et. seq.) and the Public Utility Regulatory Act of 1995 (PURA) (Texas Revised Civil Statutes Annotated, Article 1446c-0, Vernon 1997). The joint application has been designated Docket Number 17708. The joint application and the CMRS interconnection agreement are available for public inspection at the commission's offices in Austin, Texas.

The FTA authorizes the commission to review and approve any interconnection agreement adopted by negotiation of the parties. Pursuant to FTA §252(e)(2) the commission may reject any agreement if it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement, or any portion thereof, is not consistent with the public interest, convenience, and necessity. Additionally, under FTA §252(e)(3), the commission may establish or enforce other requirements of state law in its review of the agreement, including requiring compliance with intrastate telecommunications service quality standards or requirements. The commission must act to approve the agreement within 90 days after it is submitted by the parties.

The commission finds that additional public comment should be allowed before the commission issues a final decision approving or rejecting the interconnection agreement. Any interested person may file written comments on the joint application by filing 18 copies of the comments with the commission's filing clerk. Additionally, a copy of the comments should be served on each of the Applicants. The comments should specifically refer to Docket Number 17708. As a part of the comments, an interested person may request that a public hearing be conducted. The comments, including any request for public hearing, shall be filed by August 28, 1997, and shall include:

- 1) a detailed statement of the person's interests in the agreement, including a description of how approval of the agreement may adversely affect those interests;
- 2) specific allegations that the agreement, or some portion thereof:
  - a) discriminates against a telecommunications carrier that is not a party to the agreement; or
  - b) is not consistent with the public interest, convenience, and necessity; or
  - c) is not consistent with other requirements of state law; and
- 3) the specific facts upon which the allegations are based.

After reviewing any comments, the commission will determine whether to conduct further proceedings concerning the joint application. The commission may identify issues raised by the joint application and comments and establish a schedule for addressing those issues, including the submission of evidence by the Applicants, if

necessary, and briefing and oral argument. The commission may conduct a public hearing. Interested persons who file comments are not entitled to participate as intervenors in the public hearing.

Persons with questions about this docket or who wish to comment on the application should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, P. O. Box 13326, Austin, Texas 78711-3326. You may call the Public Utility Commission Office of Consumer Affairs at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 17708.

Issued in Austin, Texas, on July 24, 1997.

TRD-9709612  
Rhonda Dempsey  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: July 24, 1997



### Teacher Retirement System of Texas

#### Consultant Contract Award

This consultant contract information is filed in compliance with the notice requirement under the Government Code, §2254.030.

The request for proposal was published in the May 23, 1997, issue of the *Texas Register* at 22 Tex Reg 4552.

The Teacher Retirement System has contracted with a private consultant to conduct a claims audit of Aetna U. S. Healthcare, the contract insurance carrier for the Texas Public School Employees Group Insurance Program for the period of September 1, 1997 through August 31, 1996.

TRS executed a contract with Wolcott and Associates, Inc. whose address is 7800 West 110th Street, Overland Park, Kansas, 66210.

The agreed compensation set forth in the contract is \$22,000. The contract begins July 10, 1997 and ends September 8, 1997.

The final audit report is due on September 2, 1997.

Issued in Austin, Texas, on July 23, 1997.

TRD-9709604  
Charles Dunlap  
Executive Director  
Teacher Retirement System of Texas  
Filed: July 23, 1997



### The Texas A&M University System

#### Award of Consultant Contract Notification

Pursuant to Texas Government Code Chapter 2254, The Texas A&M University System provides the following information for publication in the *Texas Register*:

#### Award of Consultant Contract Notification

The Texas A&M University System, in accordance with the provisions of Government Code, Chapter 2254, awarded a contract to Andersen Consulting, LLP for consulting services for the Manage-



ment Information System (MIS) project as specified in Request for Proposal published in the July 5, 1996, issue of the *Texas Register* ( 21 TexReg 6277).

Project description: Provide technical advice and counsel in developing, implementing, and integrating a Management Information System for The Texas A&M University System (TAMUS). The consultant will identify current and future TAMUS information requirements and determine how those requirements are met and incorporated into the information/reporting system. The integrated management information system will include financial, student, budget, payroll, human resources and facility information systems.

Total Value of Contract \$99,750 plus out-of-pocket expenses not to exceed 15% of fees (\$14,962)

Contract dates: The contract dated October 23, 1996 will terminate upon the provision of the requested services which should be on or about September 30, 1997.

Name and address of consultant: Andersen Consulting, LLP, 701 Brazos, Suite 1020, Austin, Texas 78704.

Issued in College Station, Texas, on July 22, 1997.

TRD-9709565

Vickie Burt

Executive Secretary to the Board

The Texas A&M University Board

Filed: July 23, 1997

## **Texas Turnpike Authority**

### **Request for Proposal-Personnel Consultant**

The following Request for Proposals to provide Personnel Consulting Services is filed under the provisions of the Government Code, Chapter 2254.

The Texas Turnpike Authority (the "TTA") is requesting proposals from qualified firms for a personnel consultant to review the operations of the TTA so as to establish a position classification system for North Texas Tollway Authority (the "NTTA") employees, reflecting the duties currently performed by the TTA employees; to perform a review of employee compensation rates being paid in the North Texas market that are compatible to the duties being performed by TTA employees; and to establish a schedule of position compensation rates to be recommended to the Board of Directors of the NTTA for its employees.

A copy of the Request for Proposals is available and will be issued to any firm that requests a copy. The proposal must be received in the offices of TTA's Director of Administration before 4:30 p.m., August 1, 1997 to be eligible for consideration. Questions concerning the Request for Proposals may be directed to TTA's Director of Administration, Jerry Shelton (214) 522-6200.

Issued in Dallas, Texas, on July 25, 1997.

TRD-9709665

James W. Griffin

Executive Director

Texas Turnpike Authority

Filed: July 25, 1997

## **Texas Water Development Board**

### **Notice of Hearing**

An attorney with the Texas Water Development Board (Board) will conduct a public hearing beginning at 10:00 a.m., September 2, 1997, Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78701 on the proposed Federal Fiscal Year 1998 Intended Use Plan for set-aside funds for the Drinking Water State Revolving Fund (DWSRF). This first part of the Intended Use Plan will describe the distribution of funds among three set-aside activities for the Texas Natural Resource Conservation Commission (TNRCC): (1) the provision of technical, financial and managerial assistance to public water supply systems, technical assistance and public education for source water protection and to collect entry point and distribution system drinking water samples from public water systems for compliance with the Safe Drinking Water Act of 1996 and the Drinking Water State Revolving Fund; (2) the improvement of water system database and hardware and the consolidation of all databases necessary to carry out TNRCC's responsibilities as required by the Safe Drinking Water Act of 1996 and the Drinking Water State Revolving Fund; (3) the hiring of additional staff to assist in implementing new programs, such as a capacity development program, and the improvement of existing programs such as the source water protection program and operators' certification, as required by the Safe Drinking Water Act of 1996 and the Drinking Water State Revolving Fund.

Copies of the proposed FY 1998 Intended Use Plan will be available in Room 543 of the Stephen F. Austin Building or may be obtained from the Engineering Division, Texas Water Development Board, P.O. Box 13231, Capitol, Station, Austin, Texas 78711, on August 15, 1997. In addition, persons may participate in the hearing by mailing written comments before September 2, 1997 to Frank R. Forsyth, Jr., Chief, Project Support Section, Engineering Division, Texas Water Development Board, P.O. Box 13231, Capitol, Station, Austin, Texas 78711. After the September 2, 1997 public hearing, comments will continue to be accepted for an additional thirty (30) days. Interested persons are encouraged to attend the hearing.

The hearing is being conducted pursuant to 31 TAC Chapter 371 (Rules of the Texas Water Development Board).

Issued in Austin, Texas, on July 28, 1997.

TRD-9709763

Craig D. Pedersen

Executive Administrator

Texas Water Development

Filed: July 28, 1997

## **Texas Workers' Compensation Commission**

### **Correction of Error**

The Texas Workers' Compensation Commission submitted a miscellaneous document entitled "Standards and Procedures for the Medical Advisory Committee". The document appeared in the July 22, 1997, issue of the *Texas Register*, (22 TexReg 6795).

Starting on page 6903 with the second portion of the Notice, each "Texas Workforce Compensation Commission" should be replaced with "Texas Workers' Compensation".



### Standards and Procedures For the Medical Advisory Committee

The Texas Workers' Compensation Commission at its June 12, 1997 public meeting replaced the Medical Advisory Committee bylaws with Standards and Procedures for the Medical Advisory Committee. The approved Standards and Procedures are as follows:

#### LEGAL MANDATE

The Medical Advisory Committee for the Texas Workers' Compensation Commission, Medical Review Division is established under the Texas Workers' Compensation Act, (the Act §413.005).

#### PURPOSE AND ROLE

The purpose of the Medical Advisory Committee (MAC) is to bring together representatives of 12 health care specialties and representatives of labor, business and the general public to advise the Medical Review Division in developing and administering the medical policies, fee guidelines, and the utilization guidelines established under the Act, §413.011.

#### COMPOSITION

##### Membership

The committee, appointed by the Commissioners, is composed of 16 members who must be knowledgeable and qualified regarding work-related injuries and diseases. Twelve members of the committee shall represent specific health care provider groups. These members shall include a public health care facility, a private health care facility, a doctor of medicine, a doctor of osteopathic medicine, a chiropractor, a dentist, a physical therapist, a pharmacist, a podiatrist, an occupational therapist, a medical equipment supplier, and a registered nurse. Appointees must have at least six years of professional experience in the medical profession they are representing and engage in an active practice in their field.

The Commission shall also appoint a representative of employers, a representative of employees, and two representatives of the general public. These appointees shall not hold a license in the health care field and may not derive their income directly or indirectly from the provision of health care services. The Commissioners may appoint one alternate representative for each primary member appointed to the MAC, each of whom shall meet the qualifications of an appointed member.

Neither the health care provider, nor a business they may be associated with, may derive more than 40% of their revenues from workers' compensation patients. This fact must be certified in their application to the MAC.

##### Terms of Appointment

Members serve at the pleasure of the Commissioners. Unless otherwise directed by the Commissioners, the term of appointment for primary and alternate members will be two years. A member may serve a maximum of two terms as a primary, alternate or a combination of primary and alternate member. Terms of appointment will terminate August 31 of the second year following appointment

to the position, unless the member resigns, abandons, or is removed from the position prior to the termination date. Abandonment will be deemed to occur if any primary member is absent from more than two consecutive meetings without an excuse accepted by the Medical Review Division Director. Abandonment will be deemed to occur if any alternate member is absent from more than two consecutive meetings which the alternate is required to attend because of the primary member's absence without an excuse accepted by the Medical Review Division Director. The terms will commence as follow:

Primary: FY Ending 1999

Alternate: FY ending 1999

Chiropractor

Osteopath

Pharmacy

Dentist

General Public A

Private Facility

Occupational Therapist

Primary: FY Ending 2000

Alternate: FY ending 2000

Registered Nurse

Public Facility

Medical Equipment

Physical Therapist

General Public B

Medical Doctor

Podiatrist

Employer

Employee

In the case of a vacancy, the Commissioners will appoint an individual who meets the qualifications for the position to fill the vacancy. The Commissioners may re-appoint the same individual to fill either a primary or alternate position as long as the term limit is not exceeded. Due to the absence of other qualified, acceptable candidates, the Commissioners may grant an exception to its membership criteria which are not required by statute.

#### RESPONSIBILITY OF MAC MEMBERS

##### Primary Members

Make recommendations on medical issues to the Medical Review Division.

Attend the MAC meetings, subcommittee meetings, and work group meetings to which they are appointed.

Ensure attendance by the alternate member at meetings when the primary member cannot attend.

Provide other assistance requested by the Medical Review Division in the development of guidelines and medical policies.

#### Alternate MAC Members

Attend the MAC meetings, subcommittee meetings, and work group meetings to which the primary member is appointed during the primary member's absence.

Maintain knowledge of MAC proceedings.

Make recommendations on medical issues to the Medical Review Division when the primary member is absent at a MAC meeting.

Provide other assistance requested by the Medical Review Division in the development of guidelines and medical policies when the primary member is absent from a MAC meeting.

#### Committee Officers

The chairman of the MAC is designated by the Commissioners. The MAC will elect a vice chairman. A member shall be nominated and elected as vice chairman when he/she receives a majority of the votes from the membership in attendance at a meeting at which nine or more primary or alternate members are present.

#### Responsibilities of the Chairman

Preside at MAC meetings and ensure the orderly and efficient consideration of matters requested by the Medical Review Division.

Prior to a MAC meeting confer with the Medical Review Division Director, and when appropriate, the TWCC Executive Director to receive information and coordinate:

- a. Preparation of a suitable agenda.
- b. Planning MAC activities.
- c. Establishing meeting dates and calling meetings.
- d. Establishing subcommittees.
- e. Recommending MAC members to serve on subcommittees.

If requested by the Commission, appear before the Commissioners to report on MAC meetings.

#### COMMITTEE SUPPORT STAFF

The Director of Medical Review will provide coordination and reasonable support for all MAC activities. In addition, the Director will serve as a liaison between the MAC and the Medical Review Division staff of TWCC, and other Commission staff if necessary.

The Medical Review Director will coordinate the following activities for the MAC and its subcommittees and work groups:

- Preparing agenda and support materials for each meeting.
- Preparing and distributing information and materials for MAC use.
- Maintaining MAC records.
- Preparing minutes of meetings.
- Arranging meetings and meeting sites.
- Maintaining tracking reports of actions taken and issues raised by the MAC.
- Maintaining attendance records.

#### SUBCOMMITTEES

The chairman shall appoint the members of a subcommittee from the membership of the MAC unless the Commissioners or Director

of Medical Review do so. If other expertise is needed to support subcommittees, the Commissioners or the Director of Medical Review may appoint appropriate individuals.

#### WORK GROUPS

When deemed necessary by the Director of Medical Review or the Commissioners, work groups will be formed by the Director. At least one member of the work group must also be a member of the MAC.

#### WORK PRODUCT

No member of the MAC, a subcommittee, or a work group may claim or is entitled to an intellectual property right in work performed by the MAC, a subcommittee, or a work group.

#### MEETINGS

##### Frequency of Meetings

Regular meetings of the MAC shall be held at least quarterly each fiscal year during regular Commission working hours.

#### CONDUCT AS A MAC MEMBER

Special trust has been placed in members of the Medical Advisory Committee. Members act and serve on behalf of the disciplines and segments of the community they represent and provide valuable advice to the Medical Review Division and the Commission. Members, including alternate members, shall observe the following conduct code and will be required to sign a statement attesting to that intent.

##### Comportment Requirements for MAC Members:

Learn their duties and perform them in a responsible manner;

Conduct themselves at all times in a manner that promotes cooperation and effective discussion of issues among MAC members;

Accurately represent their affiliations and notify the MAC chairman and Medical Review Director of changes in their affiliations;

Not use their memberships on the MAC:

- in advertising to promote themselves or their business,

- to gain financial advantage either for themselves or for those they represent; however, members may list MAC membership in their resumes;

Provide accurate information to the Medical Review Division and the Commission;

Consider the goals and standards of the workers' compensation system as a whole in advising the Commission;

Explain, in concise and understandable terms, their positions and/or recommendations together with any supporting facts and the sources of those facts;

Strive to attend all meetings and provide as much advance notice to the Texas Workers' Compensation Commission staff, attn: Medical Review Director, as soon as possible if they will not be able to attend a meeting; and

Conduct themselves in accordance with the MAC Standards and Procedures, the standards of conduct required by their profession, and the guidance provided by the Commissioners, Medical Review Division, or other TWCC staff.

The Commission will consider taking action to cancel all current appointments to the Commission's Medical Advisory Committee at a subsequent public meeting, the next one of which is tentatively scheduled for August 21, 1997. The Commission will consider taking action to appoint members to the MAC in accordance with the MAC Standards and Procedures.

#### INVITATION TO APPLICANTS FOR APPOINTMENT TO THE MEDICAL ADVISORY COMMITTEE

The Texas Workers' Compensation Commission (TWCC) invites all qualified individuals, and representative of public health care facilities and other entities and all current primary and alternate MAC members to apply to fill any of the following positions on the Medical Advisory Committee (MAC) in accordance with the eligibility requirements of the new Standards and Procedures for the Medical Advisory Committee. The purpose and tasks of the MAC are outlined in the Texas Labor Code, §413.005, which includes advising the Medical Review Division of TWCC on the development and administration of medical policies and guidelines. The MAC meets, on the average, once every six weeks. MAC members are not reimbursed for travel, per diem, or other expenses associated with the MAC activities and meetings.

The members of the MAC are appointed by the six commissioners of TWCC and include health care providers, representatives of employees and employers and members of the general public. Each member must be knowledgeable and qualified regarding work-related injuries and diseases. The complete membership of the MAC includes 16 primary members and 16 alternate members.

During the primary member's absence, the alternate member will attend the MAC meetings, subcommittee meetings, and work group meetings to which the primary member is appointed. The alternate may attend all meetings. Alternate members shall fulfill the same responsibilities as primary members, as set out in the Standards and Procedures for the Medical Advisory Committee as adopted by the Commission.

The Commission solicits applications for the following positions on the TWCC Medical Advisory Committee:

#### PRIMARY

1. Primary member - Public Health Care Facility
2. Primary member - Private Health Care Facility
3. Primary member - Doctor of Medicine
4. Primary member - Doctor of Osteopathic Medicine
5. Primary member - Chiropractor
6. Primary member - Dentist
7. Primary member - Physical Therapist
8. Primary member - Pharmacist
9. Primary member - Podiatrist
10. Primary member - Occupational Therapist
11. Primary member - Medical Equipment Supplier
12. Primary member - Registered Nurse
13. Primary member - Representative of Employers
14. Primary member - Representative of Employees

15. Primary member - General Public

16. Primary member - General Public

#### ALTERNATE

17. Alternate member - Public Health Care Facility
18. Alternate member - Private Health Care Facility
19. Alternate member - Doctor of Medicine
20. Alternate member - Doctor of Osteopathic Medicine
21. Alternate member - Chiropractor
22. Alternate member - Dentist
23. Alternate member - Physical Therapist
24. Alternate member - Pharmacist
25. Alternate member - Podiatrist
26. Alternate member - Occupational Therapist
27. Alternate member - Medical Equipment Supplier
28. Alternate member - Registered Nurse
29. Alternate member - Representative of Employers
30. Alternate member - Representative of Employees
31. Alternate member - General Public
32. Alternate member - General Public

Any person or entity interested in serving on the MAC may contact Juanita Salinas in the Commission's Medical Review Division at (512) 707-5888 to obtain an application packet. The deadline for applications has been extended to August 1, 1997. Applications must be received by 5:00 p.m. by the TWCC Medical Review Division on August 1, 1997.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709724

Elaine Crease

Program Assistant, General Counsel's Office

Texas Workers' Compensation Commission

Filed: July 25, 1997



## Workforce Development Board of Central Texas

### Request for Proposals

The Workforce Development Board of Central Texas (WDBCT) is seeking proposals for the management of its Workforce Centers, incorporating, at a minimum: JTPA, JOBS, and FSE&T. Archetype, Inc. has been selected as an independent consulting firm to manage the procurement process for the Board. Proposals will be accepted until 5:00 p.m. on August 25, 1997, at the offices of Mark Schiffgen, CPA 940 E. 51st Street, Austin, TX 78751. A bidders conference will be held to respond to any questions concerning the RFP. The conference will be held at the Central Texas Workforce Center, 102 East Central Avenue, Suite 300, Temple, TX on Friday, August 1, 1997, at 11 a.m. Request for Proposal specifications may be obtained by sending a request via facsimile transmission to Don Shepard, President of Archetype, Inc. at (512) 343-7392. WDBCT reserves the right to accept or reject any or all proposals.

Issued in Austin, Texas, on July 25, 1997.

TRD-9709670

Vivian Naramore

Secretary

Workforce Development Board of Central Texas

Filed: July 25, 1997



## **Texas Youth Commission**

### Request for Proposal

The Texas Youth Commission (TYC) requests all interested parties to submit Proposals for the donation of sites for the construction of a new TYC facility. Such facility will be a 330-bed secure (fenced) juvenile training school. This school will be constructed with support and infrastructure for the eventual planned population of 660 beds. Sites should be located in an area that would enhance the overall mission of TYC and the individual facility. Preliminary plans for the facility are still under development and may vary. Proposed sites

should be in proximity of adequate educational support and medical care. This Request is for site locations for this facility. At the discretion of TYC, existing state property may also be considered in making the selection decision.

It is expected that the RFP will be released to the public on August 1, 1997. To obtain a copy of the Request contact Ron Arnett, Texas Youth Commission, 4900 North Lamar, Austin, Texas 78751, Phone: 512 424-6261, email: arnettr@tyc.state.tx.us.

The deadline for submission of Proposals is 12:00 noon, October 3, 1997.

Issued in Austin, Texas, on July 23, 1997.

TRD-9709576

Steve Robinson

Executive Director

Texas Youth Commission

Filed: July 23, 1997



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