TEXAS REGISTER

IN THIS ISSUE

Volume 20, Number 6 January 24, 1995 *Page 307-404*

Emergency Sections

Texas Department of Health

Zoonosis [Veterinary Public Health]

25 TAC §169.34 317

Texas Department of Criminal Justice

State Jail Felony Facilities

37 TAC §157.31 317

Texas Department of Transportation

Management

43 TAC §1.85 318

Proposed Sections

Texas Department of Agriculture

Quarantines

4 TAC §5.179 319

Boll Weevil Control

4 TAC §6.4 319

Texas Department of Health

Zoonosis Control [Veterinary Public Health]

25 TAC §169.34 320

Center for Rural Health Initiatives

Executive Committee for the Center for Rural Health Initiatives

25 TAC §§500.21-500.42 321

25 TAC §§500.21-500.30 321

Texas Water Development Board

Research and Planning Fund

31 TAC §355.72 326

Comptroller of Public Accounts

Tax Administration

34 TAC §3.807 327

34 TAC §3.808 327

34 TAC §3.826 328

Contents Continued Inside

The *Texas Register* is printed on recycled paper

Texas Register

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

Secretary of State
Tony Garza, Jr.

Director
Dan Procter

Assistant Director
Dee Wright

Circulation/Marketing
Tamara Joiner
Jill S. Ledbetter

TAC Editor
Dana Blanton

TAC Typographer
Madeline Chrisner

Documents Section
Supervisor
Patty Webster

Document Editors
Roberta Knight

Open Meetings/Editor
Jamie Alworth

Production Section
Supervisor
Ann Franklin

Production Editors/
Typographers
Carla Carter
Roy Felps
Mimi Sanchez

Receptionist
Daneane Jarzombek

Texas Register, ISSN **0362-4781**, is published semi-weekly 100 times a year except July 7, November 10, November 28, and December 29, 1995. Issues will be published by the Office of the Secretary of State 1019 Brazos, Austin, Texas 78701. Subscription costs: one year - printed, $95 and electronic, $90; six-month printed, $75 and electronic, $70. Single copies of most issues are available at $7 per copy.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced or republished by any person without permission of the *Texas Register* Director provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Texas Register* is published under the Government Code, Title 10, Chapter 2002. Second class postage is paid at Austin, Texas.

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

How to Use the Texas Register

Information Available: The 11 sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

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

Secretary of State - opinions based on the election laws.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules- sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following a 30-day public comment period.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Open Meetings - notices of open meetings.

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

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

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 19 (1994) is cited as follows: 19 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page would be written "19 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 19 TexReg 3."

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, Room 245, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, section numbers, or TRD number.

Texas Administrative Code

The *Texas Administrative Code* (*TAC*) is the official compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*. West Publishing Company, the official publisher of the *TAC*, publishes on an annual basis.

The *TAC* volumes are arranged into Titles (using Arabic numerals) and Parts (using Roman numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency. The *Official TAC* also is available on WESTLAW, West's computerized legal research service, in the TX-ADC database.

To purchase printed volumes of the *TAC* or to inquire about WESTLAW access to the *TAC* call West 1-800-328-9352.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

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

1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

How to update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Table of TAC Titles Affected*. The table is published cumulatively in the blue-cover quarterly indexes to the *Texas Register* (January 21, April 15, July 12, and October 11, 1994). In its second issue each month the *Texas Register* contains a cumulative *Table of TAC Titles Affected* for the preceding month. If a rule has changed during the time period covered by the table, the rule's *TAC* number will be printed with one or more *Texas Register* page numbers, as shown in the following example.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE
Part I. Texas Department of Human Services
40 TAC §3.704..... .. 950, 1820

The *Table of TAC Titles Affected* is cumulative for each volume of the *Texas Register* (calendar year).

Update by FAX: An up-to-date *Table of TAC Titles Affected* is available by FAX upon request. Please specify the state agency and the TAC number(s) you wish to update. This service is free to *Texas Register* subscribers. Please have your subscription number ready when you make your request. For non-subscribers there will be a fee of $2.00 per page (VISA, MasterCard). (512) 463-5561.

The Office of the Secretary of State does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

Texas Department of Criminal Justice

State Jail Felony Facilities
37 TAC §157.31 329

Texas Department of Transportation

Management
43 TAC §1.85 329

Withdrawn Sections

Public Utility Commission of Texas

Substantive Rules
16 TAC §23.42 331
16 TAC §23.43 331
16 TAC §23.46 331

Texas Natural Resource Conservation Commission

Control of Certain Activities by Rule
30 TAC §§321.51-321.54, 321.56-321.58 331
30 TAC §§321.171-321.180 331
30 TAC §§321.191-321.200 331

Adopted Sections

Railroad Commission of Texas

Oil and Gas Division
16 TAC §§3.101-3.105 333

Texas State Board of Plumbing Examiners

Licensing
22 TAC §365.14 333

Texas Department of Insurance

Property and Casualty Insurance
28 TAC §5.206 334
28 TAC §5.12000 337

Corporate and Financial Regulation
28 TAC §7.64 338

Texas Natural Resource Conservation Commission

Control of Certain Activities by Rule
30 TAC §§321.131-321.138 346
30 TAC §§321.133-321.138 351

Municipal Solid Waste
30 TAC §330.4 352
30 TAC §330.65 353

General Land Office

Land Resources
31 TAC §13.20 353

Texas Department of Human Services

Certification of Long Term Care Facilities
40 TAC §96.7 353

Texas Rehabilitation Commission

General Rules
40 TAC §101.14 354
40 TAC §§101.14-101.22 354

Veterans Land Board

General Rules
40 TAC §175.24 355

Veterans Housing Assistance Program
40 TAC §177.5 355

Texas Turnpike Authority

Rules and Procedures for Environmental Reviews of Turnpike Projects
43 TAC §§55.1-55.9 355

Tables and Graphics Sections

Tables and Graphics 357

Open Meetings Sections

Texas Department on Aging 369
Texas Department of Agriculture 369
Texas Commission on Alcohol and Drug Abuse 370
Texas Alcoholic Beverage Commission 371
State Bar of Texas 371
Texas Cancer Council 371
Texas Court Reporters Certification Board 371
Texas Commission for the Deaf and Hearing Impaired 371
Texas Interagency Council on Early Childhood Intervention 372
Texas Education Agency 372
Employees Retirement System of Texas 372
Texas Employment Commission 373
Texas General Land Office 373

General Services Commission 373
Texas Department of Health 373
Health Professions Council 374
Texas Historical Commission 374
Texas Commission on Human Rights 375
Texas Department of Human Services 375
Texas Department of Insurance 376
Texas Juvenile Probation Commission 376
Legislative Oversight Committee on Workers' Compensation 376
Texas Department of Licensing and Regulation 376
Texas Lottery Commission 377
Texas State Board of Examiners of Marriage and Family Therapists 377
Texas Natural Resource Conservation Commission ... 378
Polygraph Examiners Board 379
Texas Board of Private Investigators and Private Security Agencies 379
Texas State Board of Examiners of Psychologists ... 379
Public Utility Commission of Texas 379
Railroad Commission of Texas 380
Texas Real Estate Commission 381
Council on Sex Offender Treatment 382
State Board of Examiners for Speech-Language Pathology and Audiology 382
Boards for Lease of State-Owned Lands 382
Texas Sustainable Energy Development Council 383
Teacher Retirement System of Texas 383
The Texas A&M University System, Board of Regents 383
Texas Southern University 383
Texas State Technical College System 384
Texas Department of Transportation 384
Texas State Treasury 384
Texas Turnpike Authority 385
University of Houston 385
University Interscholastic League 385
University of Texas Health Science Center at San Antonio 385
Texas Water Development Board 385
Texas Workers' Compensation Commission 386
Texas Workers' Compensation Insurance Fund 386
Regional Meetings 386

In Addition Sections

Texas Department of Agriculture

Notice of Public Hearings 391

Texas Commission on Alcohol and Drug Abuse

Multicultural Affairs Advisory Council Meeting 391
Request for Proposal 391

Texas Department of Banking

Notice of Application 392

Texas Cancer Council

Texas Register Funding Announcement 392

Comptroller of Public Accounts

Notice of Consultant Contract Award 393
Notice of Request for Proposals 393

Texas Education Agency

Request for Proposals Concerning the Texas Library Connection (TLC) Union Catalogue Phase II, 1994-1995 393

Advisory Commission on State Emergency Communications

Request for Proposal 394

General Services Commission, State Energy Conservation Office

Consultant Contract Award 394

Texas Department of Health

Correction of Error 394
Notice of Emergency Cease and Desist Order 395
Notice of Intent to Revoke Certificates of Registration 395
Notice of Intent to Revoke Radioactive Material Licenses 396
Notice of Revocation of Certificates of Registration 396
Notice of Revocation of Radioactive Material Licenses 396

Texas Department of Human Services

Public Notice of Closed Solicitation 396

Texas Department of Insurance

Company License 397
Notice of Public Hearing 397

Texas State Library and Archives Commission

Consultant Contract Reports 397

Texas Natural Resource Conservation Commission

Enforcement Orders 398
Notice of Application for Waste Disposal Permits 398

Notice of Opportunity to Comment on Permitting Actions 400

Notices of Receipt of Applications and Declaration for Administrative Completeness for Sludge Registrations 400

Notices of Receipt of Application for Municipal Solid Waste Facilities 400

Provisionally-Issued Temporary Permits to Appropriate State Water 401

Public Utility Commission of Texas

Notices of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27 401

Texas Department of Transportation

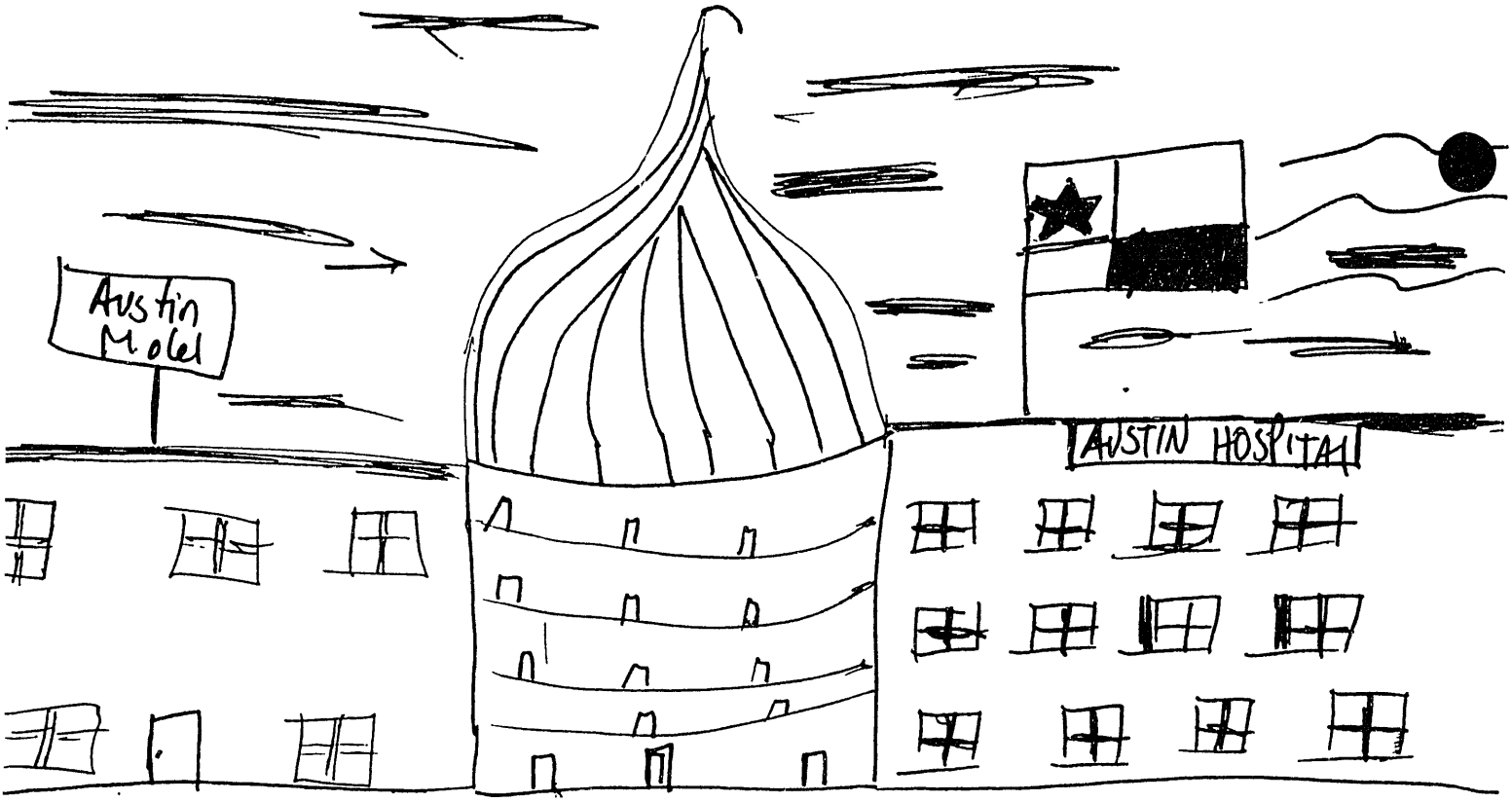
Request for Proposals 403

The University of Texas System

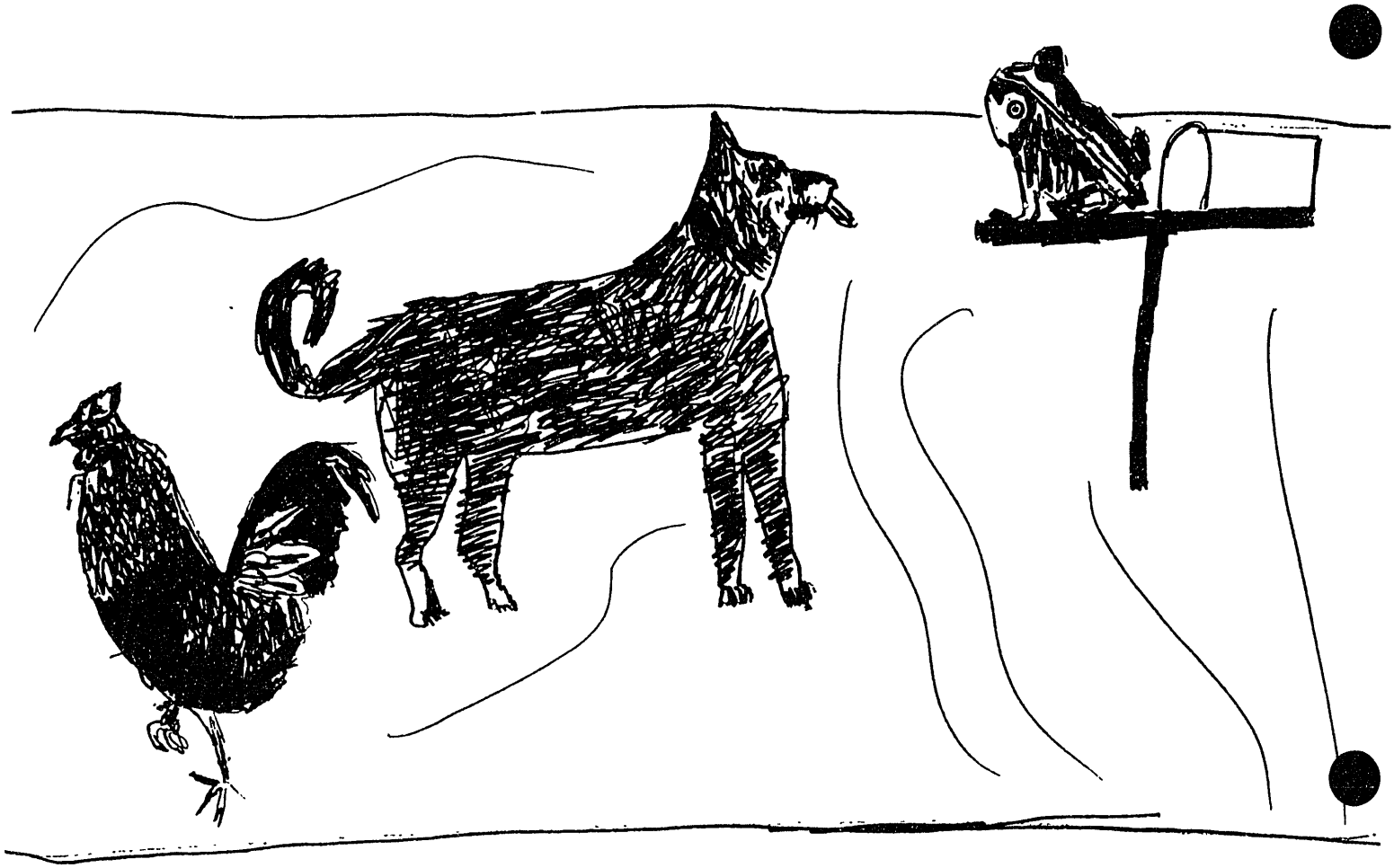
Request for Proposal 403

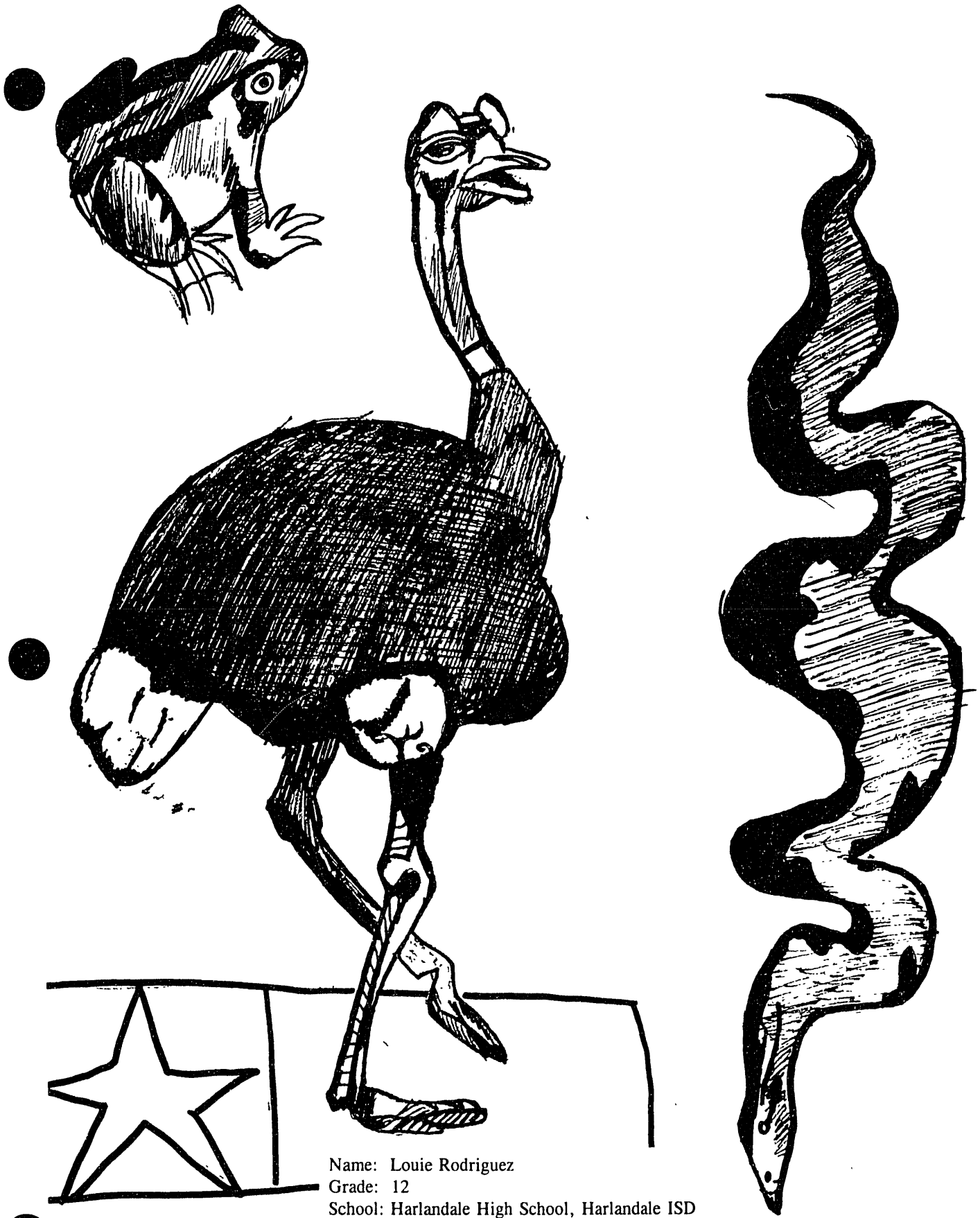
Texas Water Development Board

Applications Received 404

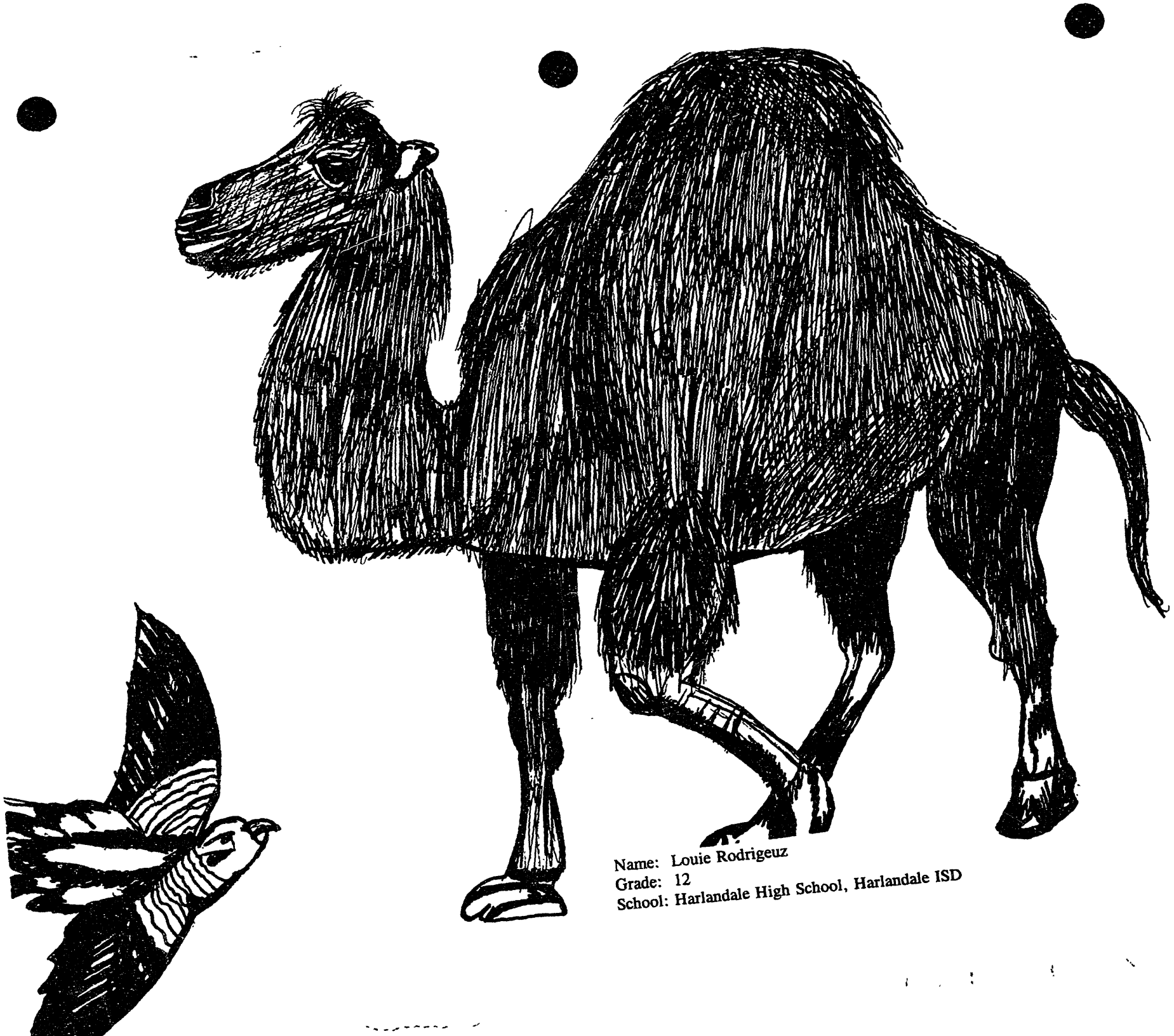


Name: Frank DelaRosa
Grade: 12
School: Harlandale High School, Harlandale ISD

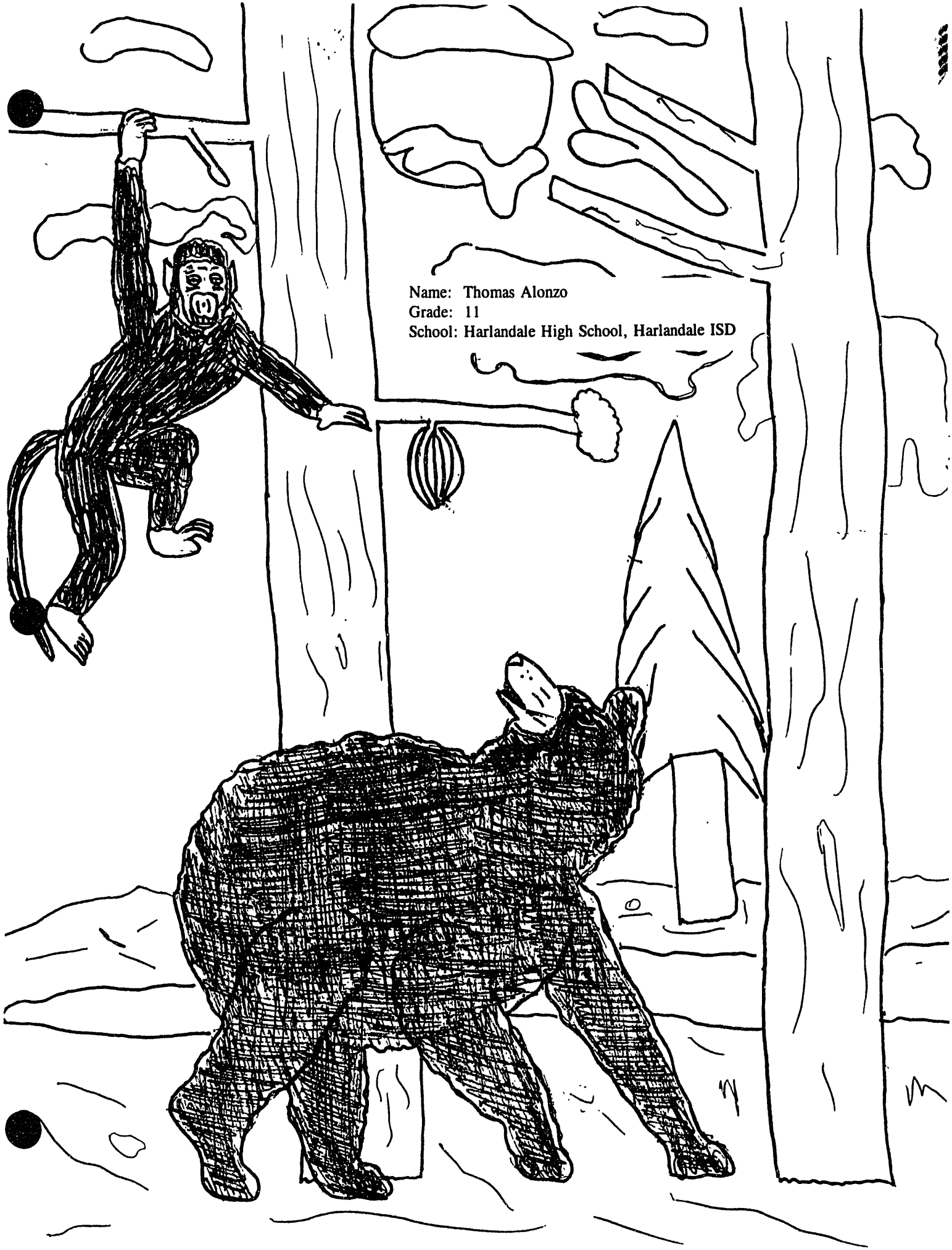




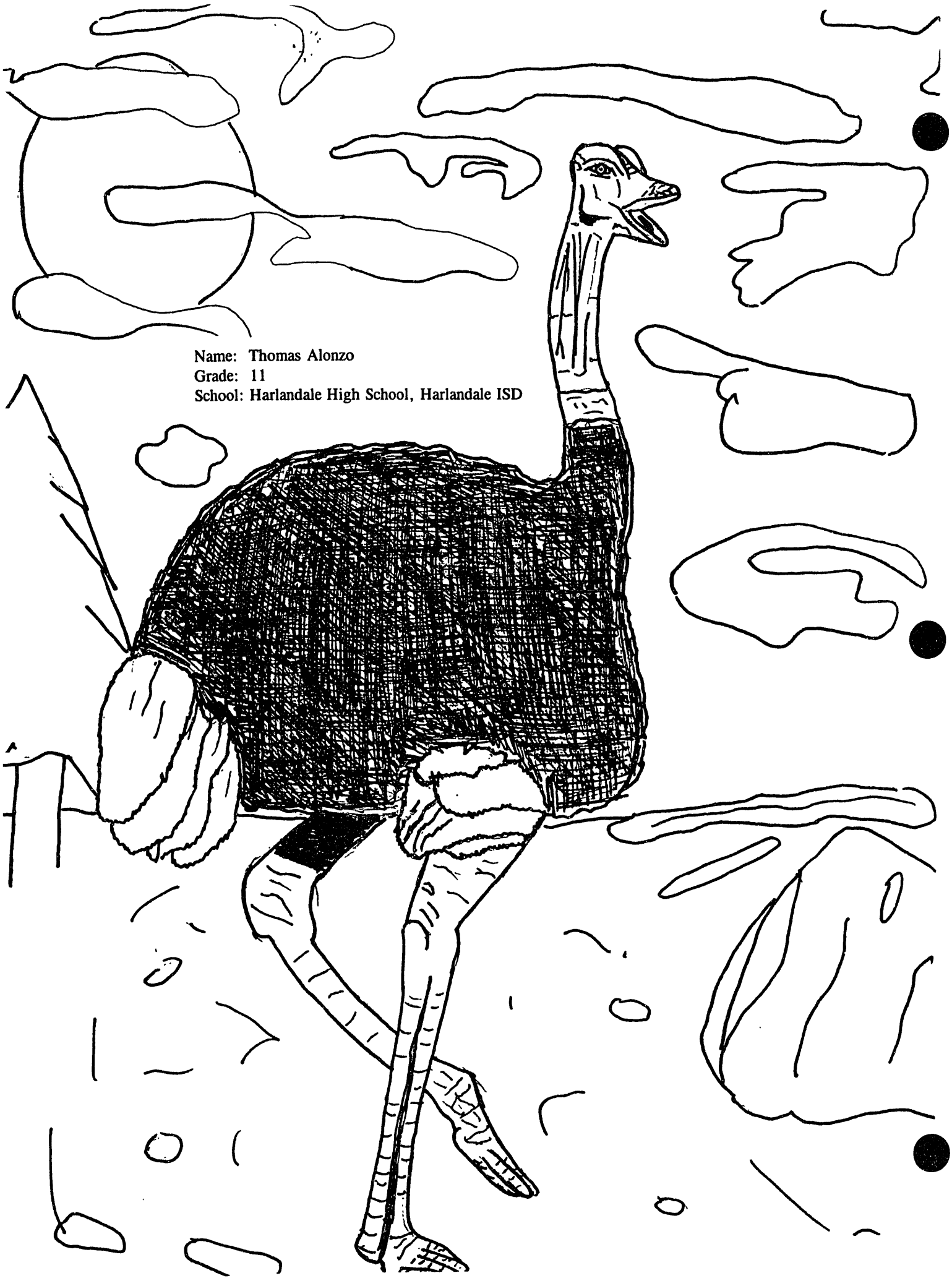
Name: Louie Rodriguez
Grade: 12
School: Harlandale High School, Harlandale ISD



Name: Louie Rodrigeuz
Grade: 12
School: Harlandale High School, Harlandale ISD



Name: Thomas Alonzo
Grade: 11
School: Harlandale High School, Harlandale ISD



Name: Thomas Alonzo
Grade: 11
School: Harlandale High School, Harlandale ISD

EMERGENCY RULES

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

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

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 169. Zoonosis [Veterinary Public Health]

Rabies Control and Eradication

• 25 TAC §169.34

The Texas Department of Health (department) adopts on an emergency basis new §169.34, concerning an area quarantine to prevent the spread of the south Texas canine, and Texas fox rabies epizootics. The new section is necessary to prevent the removal of potentially infected animals from within, and south of the department's vaccination area, and from Texas to other states. The new section is proposed for permanent adoption in this issue of the *Texas Register*

The section is adopted on an emergency basis to prevent the spread of the rabies strains from areas it currently affects in south and west Texas It is imperative to address this serious and imminent threat as soon as possible.

The new section is adopted under the Texas Health and Safety Code, Chapter 826, "Rabies," Subchapter E, "Reports and Quarantine," §826.045 which provides the board with the authority to declare an area rabies quarantine to prevent or contain a rabies epizootic and adopt permanent or emergency rules, §12.001, which provides the board with the authority to adopt rules for the performance of every duty imposed by law on the board, the department, and the commissioner of health; and under the Government Code, §2001.034, which provides the board with the authority to adopt rules on an emergency basis.

§169.34. Area Quarantine.

(a) Introduction. The purpose of these rules is to prevent the spread of the south Texas canine, and Texas fox rabies epizootics in accordance with Health and Safety Code, Chapter 826, §826.045. This rule will be administered with the cooperation of the governing bodies of counties and municipalities within the quarantine area.

(b) Definitions. Words and terms used in this section, shall have the definitions assigned by Texas Health and Safety Code, §826.002 unless the context clearly indicates otherwise.

(c) Declaration. The board declares an area rabies quarantine.

(1) Area quarantine. The area is defined by the borders of the state of Texas.

(2) Animals subject to the area quarantine. Any high risk animal, or hybrid, as those terms are defined by §169.22 of this title (relating to Definitions), or dog or cat over three months of age for which a current official rabies vaccination certificate as described in §169.29 of this title (relating to Vaccination Requirement) cannot be produced, is subject to the area quarantine.

(d) Board's designee. The board's designee is the commissioner, whom the board appoints to act as its designee as described in Texas Health and Safety Code, Chapter 826, §826.045.

(e) Public notification. The Texas Department of Health shall insure that the public is notified of the area rabies quarantine by:

(1) publishing a notice in the *Texas Register;*

(2) issuing news releases statewide; and

(3) posting notice of the quarantine in appropriate public places.

(f) Prohibited acts. A person shall not remove from, nor transport within the area quarantine, any animal as described in subsection (c)(2) of this section.

(g) Violation of quarantine. As provided in Texas Health and Safety Code, §826.046:

(1) a person commits an offense if the person violates or attempts to violate subsection (f) of this section; and

(2) an offense is a Class C misdemeanor.

Issued in Austin, Texas, on January 13, 1995

TRD-9500630 Susan K Steeg
General Counsel
Texas Department of Health

Effective date: January 13, 1995

Expiration date: May 13, 1995

For further information, please call: (512) 458-7255

♦ ♦ ♦

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part IV. Texas Department of Criminal Justice

Chapter 157. State Jail Felony Facilities

Subchapter B. Operational Standards

• 37 TAC §157.31

The Texas Board of Criminal Justice adopts on an emergency basis an amendment to §157 31, concerning use of a facility for a transfer facility. The reason for emergency is the continuing necessity to alleviate crowded conditions in many county jails, which will be alleviated by designation of state jails as transfer facilities to use for housing backlogged prison inmates

The amendment is adopted on an emergency basis under the Government Code, §507.006, which allows state jails to be used for transfer inmates, and the Government Code, §492.013, which gives the Board of Criminal Justice the authority to adopt rules.

§157.31. Use of Facility for Transfer Inmates.

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

(c) The TBCJ delegates to the State Jail Division Director the authority to designate all of, or any semi-autonomous housing unit within, any facility designed as a state jail to be used for housing transfer inmates.

Issued in Austin, Texas, on January 14, 1995

TRD-9500692 Carl Reynolds
General Counsel
Texas Department of
Criminal Justice

Effective date. January 17, 1995

Expiration date: May 17, 1995

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

♦ ♦ ♦

TITLE 43. TRANSPORTATION

Part I. Texas Department of Transportation

Chapter 1. Management

• 43 TAC §1.85

The Texas Department of Transportation adopts on an emergency basis an amendment to §1 85, concerning department advisory committees

Section 1 85 is amended by adding paragraph (21) to establish the Public Transportation Assessment Committee to create a forum for communication among the department, the transit industry, and transit users for issues pertaining to the comprehensive assessment of public transportation which is being conducted to assess program efficiency and effectiveness, demand and ridership, funding requirements, and future program direction. The committee will review reports and other deliverables developed during the assessment and shall provide advice and recommendations to the department pertaining to the assessment, its findings, and recommendations.

These rules are adopted on an emergency basis to address recommendations for legislative action that may be necessary in order to implement some of the program-improving recommendations expected to be identified during the course of the study, and to identify ways of improving transit services for transit users, many of who are dependent upon transit services for transportation to and from work, medical services, and other essential life activities

The amendment is adopted on emergency basis under Texas Civil Statutes, Article 6666, which provide the Texas Transportation Commission with the authority to establish rules for the conduct of the work of the Texas Department of Transportation, and more specifically Texas Civil Statutes, Article 6252-33, which provide that a state agency that is advised by an advisory committee shall adopt rules that state the purpose of the committee and describe the task of the committee and the manner in which the committee will report to the agency.

Texas Civil Statutes, Article 6252-33 is affected by this proposed amendment

§1.85 Department Advisory Committees

(a) Creation The following committees are established as department advisory committees

(1)-(20) (No change)

(21) Public Transportation Assessment Advisory Committee.

(A) Purpose. The purpose of the Public Transportation Assessment Advisory Committee is to provide a forum for communication among the department, the transit industry and transit users for issues pertaining to a comprehensive assessment of public transportation (an evaluation being undertaken by the department through the engagement and services of a private consultant). The comprehensive assessment will address, but not be limited to, program efficiency and effectiveness, demand and ridership, funding requirements, and future program direction.

(B) Duties. The committee, consisting of department staff, representatives from various sectors of the transit industry, and transit users shall:

(i) **at the request of the department review reports and other deliverables developed by the consultant; and**

(ii) **provide advice and recommendations pertaining to the assessment, its finding, and recommendations made by the consultant.**

(C) Manner of Reporting. The committee shall report its advice and recommendations to the Assistant Executive Director for Multimodal Transportation or his or her designated representative.

(D) Duration. The committee will automatically be abolished upon termination of the private consultant contract, but no later than August 31, 1995.

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

Issued in Austin, Texas, on January 11, 1995

TRD-9500453 Diane L Northam
Legal Executive Assistant
Texas Department of
Transportation

Effective date. January 11, 1995

Expiration date May 11, 1995

For further information, please call: (512) 463-8630

♦ ♦ ♦

PROPOSED RULES

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

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

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 5. Quarantines

Pink Bollworm Quarantine

• 4 TAC §5.179

The Texas Department of Agriculture (the department) proposes an amendment to §5.179, concerning authorized planting and stalk destruction dates. The proposed amendment to §5 179 will allow the department to issue penalties for failure to request an extension. Currently, where fields have standing cotton and farm owners/operators are unable to comply with the stalk destruction deadline due to adverse weather or other good cause, the fields are in violation of the stalk destruction deadline unless extensions have been granted The proposed amendment will allow the department to assess a penalty, under these circumstances only, for failure to apply for an extension, without also penalizing the farm owner and/or operator for failure to destroy the cotton by the required deadline. In addition, the proposed amendment will allow the department to use pest management committee member recommendations in determining whether to grant extension requests

Rick Smathers, coordinator for cotton programs, 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 Smathers also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be decreased pesticide use and increased cotton production There is no anticipated economic cost to persons who are required to comply with the rule as proposed. There will be no effect on large or small businesses

Comments on the proposal may be submitted to Rick Smathers, Coordinator for Cotton Programs, Texas Department of Agriculture, P O. Box 12847, Austin, Texas 78711, and must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*

The amendment is proposed under the Texas Agriculture Code, §74.054, which provides the Texas Department of Agriculture with the authority to adopt rules necessary for the control and eradication of the Pink Bollworm; and the Code, §12.020, which provides for administrative penalties for violations of Chapter 74 or rules adopted thereunder.

The code sections that will be affected by the proposal are Texas Agriculture Code, Chapter 74, Subchapter B.

§5 179. Authorized Planting and Stalk Destruction Dates.

(a) (No change.)

(b) **The commissioner may, on written request by a farm owner and/or operator, grant an extension of the cotton planting or destruction dates. The commissioner may also, on written request by farm owner and/or operator, authorize an alternative to the method of mechanical destruction of cotton prescribed by these rules. Requests for extensions or changes in the method of the destruction of cotton may be granted due to adverse weather conditions or other good cause. When an extension is needed, the department may request a recommendation from the pest management committee. If a farm owner and/or operator cannot comply with the destruction deadline, the farm owner and/or operator must apply for an extension on or before the deadline date.** [Granting extensions of dates. The department, may on written request by a farm owner or operator, grant an extension of the planting or stalk destruction dates.]

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

(3) **Failure to submit an extension request where required, constitutes a violation and shall subject the farm owner and/or operator to administrative penalties as allowed by Texas Agriculture Code, Chapter 74, and §12.020.**

(4) **Extension requests will be considered for approval only if compliance with subsection (a) of this section is delayed for one or more of the following reasons:**

(A) **research;**

(B) **weather conditions;**

(C) **illness; or**

(D) **mechanical failure.**

(c) (No change.)

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

Issued in Austin, Texas, on January 11, 1995

TRD-9500457 Dolores Alvarado Hibbs
Chief Administrative Law Judge
Texas Department of Agriculture

Earliest possible date of adoption: February 24, 1995

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

♦ ♦ ♦

Chapter 6. Boll Weevil Control

• 4 TAC §6.4

The Texas Department of Agriculture (the department) proposes an amendment to §6.4, concerning authorized planting dates, cotton destruction dates, and prescribed methods of destruction. The proposed amendment to §6.4 will allow the department to issue penalties for failure to request an extension. Currently, where fields have standing cotton and farm owners/operators are unable to comply with the stalk destruction deadline due to adverse weather or other good cause, the fields are in violation of the stalk destruction deadline unless extensions have been granted. The proposed amendment will allow the department to assess a penalty, under these circumstances, for failure to apply for an extension without also penalizing the farm owner and/or operator for failure to destroy the cotton by the required deadline.

Rick Smathers, coordinator for cotton programs, 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. Smathers also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be decreased pesticide use and increased cotton production. There is no anticipated economic cost to persons who are required to comply with the rule as proposed. There will be no effect on large or small businesses.

Comments on the proposal may be submitted to Rick Smathers, Coordinator for Cotton Programs, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711, and must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*

The amendment is proposed under the Texas Agriculture Code, §74.006, which provides the Texas Department of Agriculture with the authority to adopt rules necessary for the control and eradication of the boll weevil; and the Code, §12.020, which provides for administrative penalties for violations of Chapter 74 or rules adopted thereunder.

The code section that will be affected by the proposal is Texas Agriculture Code, Chapter 74, Subchapter A.

§6.4. Authorizing Planting Dates, Cotton Destruction Dates, and Prescribed Methods of Destruction.

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

(c) The commissioner may, on written request by a farm owner and/or operator, grant an extension of the cotton planting or [cotton] destruction dates. The commissioner may also, on written request by a farm owner and/or operator, authorize an alternative to the method of mechanical destruction of cotton prescribed by these rules. Requests for extensions or changes in the method of destruction of the cotton may be granted due to adverse weather conditions or other good cause. When an extension [due to other good cause] is needed, the department may request a recommendation from the pest management committee. **If a farm owner and/or operator cannot comply with the destruction deadline, the farm owner and/or operator must apply for an extension on or before the deadline date.**

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

(3) Failure to submit an extension request where required constitutes a violation and shall subject the farm owner and/or operator to administrative penalties as allowed by Texas Agriculture Code, Chapter 74, and §12.020.

(4) Extension requests will be considered for approval only if compliance with subsection (a) of this section is delayed for one or more of the following reasons:

(A) research;

(B) weather conditions;

(C) illness; or

(D) mechanical failure.

(d) (No change.)

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

Issued in Austin, Texas, on January 11, 1995.

TRD-9500456 Dolores Alvarado Hibbs
Chief Administrative Law Judge
Texas Department of Agriculture

Earliest possible date of adoption: February 24, 1995

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

♦ ♦ ♦

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 169. Zoonosis Control [Veterinary Public Health]

Rabies Control and Eradication

• 25 TAC §169.34

(Editor's Note: The Texas Department of Health proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is in the Emergency Rules section of this issue.)

The Texas Department of Health (department) proposes new §169.34, concerning an area quarantine to prevent the spread of the south Texas canine, and Texas fox rabies epizootics. The new section is necessary to prevent the removal of potentially infected animals from within, and south of the department's vaccination area, and from Texas to other states. This section is also adopted on an emergency basis in this issue of the *Texas Register.*

Keith A. Clark, D.V.M. of the Zoonosis Control Division has determined that for the first five-year period the section is in effect there will be no net cost to state or local government as a result of enforcing the section as proposed.

Dr. Clark also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the rule will be a smaller than projected number of rabies cases occurring among susceptible animal populations outside the areas currently affected and a corresponding reduction in the threat to public health. There will be a negligible effect on small businesses because the number of businesses currently engaged in the activity the quarantine will prohibit is very small. There is no anticipated economic cost to persons who are required to comply with the section as proposed, and no effect on employment.

Comments may be submitted to Dr. Keith A. Clark, of the Zoonosis Control Division, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7255. Comments on the proposed rule will be accepted for 30 days following publication in the *Texas Register.*

The new section is proposed under the Texas Health and Safety Code, Chapter 826, "Rabies," Subchapter E, "Reports and quarantine," §826.045, which provides the board with the authority to declare an area rabies quarantine to prevent or contain a rabies epizootic and adopt permanent or emergency rules; and §12.001, which provides the board with the authority to adopt rules for the performance of every duty imposed by law on the board, the department, and the commissioner of health.

The Health and Safety Code, §826.045 is affected by the new section.

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

Issued in Austin, Texas, on January 13, 1995.

TRD-9500629 Susan K Steeg
General Counsel
Texas Department of Health

Earliest possible date of adoption: February 24, 1995

For further information, please call: (512) 458-7255

♦ ♦ ♦

Part V. Center for Rural Health Initiatives

Chapter 500. Executive Committee for the Center for Rural Health Initiatives

The Center for Rural Health Initiatives (Center) proposes the repeal of §§500.21-500.42 and new §§500.21-500.30, concerning the outstanding rural scholar recognition program which provides forgiveness loans to students pursuing health care professions. The proposed new sections establish the purpose and administration of the program; provide definitions; establish administration and coordination of the advisory committee; establish requirements for recognition; establish requirements for forgiveness loans; establish conditions for breach of contract; provide for repayment and enforcement of collection; provide for cancellations and postponements;

and provide for dissemination of program information, tracking and reports. These new sections are proposed to streamline administrative procedures and increase the efficiency and effectiveness of the outstanding rural scholar recognition program.

William J. Lydon, Program Administrator, has determined that for the first five years the proposed sections are in effect there will be fiscal implications for state and local entities private and public. State government will be required to provide 50% of the cost of attendance for a student and local entities will be required to provide the other 50% to cover the full amount of a student's cost of attendance as determined by the financial aid office at the academic institution where the student attends. The Center's Executive Committee will award forgiveness loans to qualified outstanding rural scholars based on the availability of state funds.

Mr. Lydon also has determined that for each year of the first five years that the proposed sections are in effect, the long-term benefit to rural communities will be an increase in the number of health care professionals practicing in rural areas in the state. There will be no effect on small businesses. There will be no cost to persons who comply with the requirements of the proposed sections. In the event the individual does not comply with the requirements of the proposed sections, the individual shall be held liable for liquidated damages equal to one time the total forgiveness loan amount plus all applicable costs, fees and interest at the highest rate allowed by law.

Comments on the proposed sections may be submitted to William J. Lydon, Program Administrator, Center for Rural Health Initiatives, P.O. Drawer 1708, Austin, Texas 78767-1708, within 30 days of the date of publication.

Subchapter C. Outstanding Rural Scholar Recognition Program

• 25 TAC §§500.21-500.42

(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 Center for Rural Health Initiatives or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The repeals are proposed under the Health and Safety Code, Chapter 106, Subchapter C, which authorizes the Executive Committee of the Center for Rural Health Initiatives to adopt rules to administer the Center's program.

No other code or article is affected by these repeals.

§500.21. Purpose, Administration, Delegation of Powers.

§500.22. Definitions.

§500.23. Allied Health Professional.

§500.24. Eligible Institution of Higher Education.

§500.25. Community Agent.

§500.26. Eligible Scholar.

§500.27. Rural Scholar.

§500.28. Outstanding Rural Scholar.

§500.29. Outstanding Rural Scholar Advisory Committee.

§500.30. Outstanding Rural Scholar Recognition Program.

§500.31. Designation of Outstanding Rural Scholars.

§500.32. Qualifications for Forgiveness Loans.

§500.33. Priorities for Application Processing.

§500.34. Annual Loan Limits.

§500.35. Payments to Students.

§500.36. Change in Student Status.

§500.37. Returned Funds.

§500.38. Conditions of Loans.

§500.39. Interest on Forgiveness Loans.

§500.40. Compliance with Conditions of Forgiveness Loans.

§500.41. Noncompliance with Conditions of Forgiveness Loans.

§500.42. Directory of Community Agents, Dissemination of Program Information, Tracking and Reports.

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

Issued in Austin, Texas, on January 13, 1995.

TRD-9500641 Laura M. Jordan
Executive Director
Center for Rural Health Initiatives

Earliest possible date of adoption: February 24, 1995

For further information, please call: (512) 479-8891

♦ ♦ ♦

• 25 TAC §§500.21-500.30

The new sections are proposed under the Health and Safety Code, Chapter 106, Subchapter C, which authorizes the Executive Committee of the Center for Rural Health Initiatives to adopt rules to administer the Center's program.

§500.21. Purpose, Administration and Delegation of Powers and Duties.

(a) The purpose of the Outstanding Rural Scholar Recognition Program is to recognize, encourage, and financially support students in health care professions studies at institutions of higher education and to lead them to provide health care in rural communities in Texas.

(b) The Center shall administer the Outstanding Rural Scholar Recognition Program in accordance with the Health and Safety Code, Chapter 106, Subchapter C.

(c) The executive committee delegates to the executive director of the Center the powers and duties to administer the program.

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

Academic term-Is equal to one of the following:

(A) a semester;

(B) a trimester;

(C) a quarter.

Advisory committee-The Outstanding Rural Scholar Advisory Committee.

Allied health professional-A provider of health care or health related services, including services relating to: the identification, evaluation, and prevention of diseases and disorders; diet and nutrition; health promotion; rehabilitation; or health systems management.

Allied health professions-Fields relating to the delivery of health care or health related services responsible for the identification, evaluation and prevention of diseases and disorders; dietary and nutritional services; health promotion, rehabilitation; or health systems management.

Center-The Center for Rural Health Initiatives.

Cost of attendance-Allowable costs as determined to be necessary by the financial aid office of the academic institution a student attends which includes costs for tuition, fees, books, supplies, room and board, transportation and personal expenses.

Executive committee–The executive committee of the Center for Rural Health Initiatives.

Executive director–The executive director of the Center for Rural Health Initiatives.

Family member–An individual related to the student by kinship, adoption, or marriage, as well as foster children certified by the Texas Department of Protective and Regulatory Services.

Forgiveness loan–A loan made through the Outstanding Rural Scholar Recognition Program.

Fund–The Outstanding Rural Scholar Loan Fund administered by the executive committee.

Health care professional–Any provider of health care or health related services in the fields of medicine, dentistry, optometry, pharmacy, chiropractic, psychology, nursing or allied health.

Health care professions–The fields of medicine, dentistry, optometry, pharmacy, chiropractic, psychology, nursing and allied health.

Primary care–The specialties of family practice, emergency medicine, general internal medicine, general pediatrics, general obstetrics and gynecology.

Resident of Texas–As described in Education Code, Chapter 54, Subchapter B.

Rural community–An incorporated or unincorporated municipality in a nonmetropolitan county in Texas as defined by the United States Census Bureau in its most recent census.

Satisfactory academic progress–Maintenance of satisfactory cumulative grade point average and course load to qualify the student for placement in planned subsequent years of the degree plan.

§500.23. Advisory Committee.

(a) Appointments to the advisory committee by the executive committee shall be made with consideration to geographical areas of the state.

(b) The composition of the advisory committee shall be:

(1) one rural practicing family practice physician;

(2) one rural hospital administrator;

(3) one rural practicing registered professional nurse;

(4) one rural practicing allied health professional;

(5) one dean of a medical school;

(6) one dean of a nursing school;

(7) one dean of a school of allied health science;

(8) one head of a vocational/technical institution;

(9) one community college administrator;

(10) one individual knowledgeable in student financial assistance programs;

(11) one rural public school superintendent; and

(12) one rural resident.

(c) The committee members serve terms of six years with the terms of one-third of the members expiring on August 31 of each odd-numbered year. All committee members are eligible for reappointment to consecutive terms.

(d) A member of the advisory committee shall be reimbursed for expenses incurred in performing duties pertaining to the Outstanding Rural Scholar Recognition Program. Reimbursement may not exceed the amount specified in the General Appropriations Act for travel and per diem allowances for state employees.

(e) The advisory committee may elect a chairman, vice-chairman and secretary from among its members and may adopt rules for the conduct of its activities.

(f) Vacancies on the advisory committee shall be filled by the executive committee in the same manner as indicated in subsections (a), (b) and (c) of this section.

(g) The advisory committee advises the executive committee on the progress of the Outstanding Rural Scholar Recognition Program and shall:

(1) recommend students to be recognized as outstanding rural scholars;

(2) recommend guidelines for sponsors to nominate students;

(3) recommend guidelines for awarding forgiveness loans;

(4) recommend the amount of the loan to be awarded to the student;

(5) review cases and make recommendations concerning exceptions regarding the community in which a student may fulfill the obligated service period; and

(6) review cases and make recommendations concerning student academic progress.

§500.24. Requirements for Recognition.

(a) Eligibility Requirements for Recognition.

(1) Eligible Sponsor. To nominate a student for recognition, a sponsor shall:

(A) be located in a rural community in Texas;

(B) be an entity with a council, board of trustees or commissioners which is responsible to the rural community in which it is located, and is legally authorized to raise funds, or accept grants, financial gifts, scholarship funds, or private foundation funds;

(C) agree to provide 50% of the cost of attendance, if the nominee is selected to receive a forgiveness loan; and

(D) be in good standing with the Outstanding Rural Scholar Recognition Program.

(2) Eligible Student. To be nominated for recognition, a student shall:

(A) be a Texas resident, who is sponsored by and has financial support committed from a rural community sponsor;

(B) be enrolled or intend to enroll in an eligible academic institution of higher education to become a health care professional:

(i) be a high school student who is in the upper 25% of the high school's class, if such class numbers 48 or greater, or have an overall B average; or

(ii) be a college student who has a cumulative grade point average of 3.00 on a 4.00 scale; or

(iii) be an individual who has a high school diploma or equivalent and demonstrates to the satisfaction of the rural community sponsor the motivation, qualities, and abilities that lead to success in the chosen health care profession.

(3) Eligible Academic Institution.

(A) An eligible academic institution shall be a Texas institution of higher education which may be any public institution as defined in Texas Education Code, §61.003(8) or any nonprofit, independent institution as defined in Texas Education Code, §61. 222 or any other nonprofit health-related school or program.

(B) Any health related schools or programs within eligible academic institutions must be accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, the Liaison Committee on Medical Education, the American Osteopathic Association, the Texas State Board of Nurse Examiners for Registered Nurses, the Texas Board of Vo-

cational Nurse Examiners, or, in the case of allied health, an accrediting body recognized by the U.S. Department of Education.

(C) An eligible academic institution must follow the Civil Rights Act of 1964 (Public Law 88-353) Title VI to prevent discrimination in admissions.

(b) Application Requirements for Recognition.

(1) The application shall be coordinated and submitted by the sponsor. The application shall be in a form prescribed by the Center and may include but is not limited to

(A) the student's name, social security number, home address and phone number,

(B) academic credentials;

(C) the results of one or more sponsor interviews with the student;

(D) a typed essay of no more than 500 words stating the following:

(i) the reasons for entering the competition,

(ii) a description of the chosen health care profession;

(iii) the reasons for entering the chosen health care profession;

(iv) the reasons for wanting to provide health care to rural Texans;

(E) no more than three letters of recommendation from the professional staff of the high school or college, or from employers or community leaders who have known the student for at least one year; and

(F) evidence of sponsor eligibility.

(2) The advisory committee may request additional information or interviews from the sponsor or the student as needed.

(c) Criteria for Recognition.

(1) A student shall be recommended for recognition as an outstanding rural scholar by the advisory committee based on the student's:

(A) academic credentials,

(B) one or more interviews with the sponsor,

(C) a statement written by the student of the student's reasons for entering the competition and a health care profession and the student's reasons for wanting to provide health care to rural Texans;

(D) financial support committed by the sponsoring rural community;

(E) standardized tests, but in no event shall the student's performance on a standardized test be used as the sole criterion to determine selection.

(2) The advisory committee shall evaluate and rank the students and inform the executive committee of its recommendations. The executive committee shall notify each sponsor of the results and provide the sponsor with a certificate of award signed by the executive director and the executive committee chairman for each student recognized as an outstanding rural scholar.

§500.25 Requirements for Forgiveness Loan.

(a) Eligibility Criteria for Forgiveness Loan.

(1) Initial Loan. To be eligible to apply for a forgiveness loan under this program, the student shall:

(A) meet the eligibility requirements and be recognized as an outstanding rural scholar;

(B) receive public recognition of the student's selection as an outstanding rural scholar. Each sponsor shall send the Center proof of public recognition of the student. Such recognition may include an announcement in local newspapers of the student's selection and public recognition of the student at civic gatherings or school assemblies;

(C) have the sponsor's commitment to provide 50% of the student's costs of education;

(D) not have defaulted on nor owe a refund on any state or federal aid;

(2) Subsequent Loan. A student who has received an initial loan shall have priority for subsequent loans provided the following requirements are satisfied:

(A) the student maintains satisfactory academic progress in the educational program in accordance with the prescribed degree plan;

(B) the student files a degree plan complete with graduation date;

(C) the student files a course plan, financial aid disclosure statement and grade report each academic term;

(D) the student completes the same number of credit hours for which the student enrolled at the beginning of the academic term each academic term, unless circumstances outside the student's control such as severe illness suffered by the student or a family member, or death of a family member have necessitated the student to reduce the credit load. The student shall present to the Center verification of the reason for dropping below the initial number of credit hours for which initially enrolled at the beginning of the academic term. Such verification may include a sworn affidavit from a qualified physician as to the student's or family member's health status, or a death certificate in the case of a death in the student's family. If the student repeatedly drops below the initial number of credit hours during the course of the academic term, the Center in concurrence with the sponsor shall determine whether the student is in breach of contract and whether the student should be discontinued from the program. However, the advisory committee may unilaterally recommend removal of a student from the program should the advisory committee determine that the student is not maintaining satisfactory academic progress to attain the prescribed degree; and

(E) state funds are available for subsequent loans.

(b) Application for Forgiveness Loan. The student shall submit the completed forgiveness loan application. The forgiveness loan application shall be in a form prescribed by the Center and may include but is not limited to:

(1) student personal information;

(2) health care professional education program the student is pursuing;

(3) name and relation of a cosigner for forgiveness loan;

(4) name of the academic institution the student shall attend;

(5) cost of attendance at the academic institution;

(6) other financial aid the student will receive;

(7) length of academic year;

(8) estimated graduation date;

(9) signature of financial aid officer;

(10) name and address of sponsoring rural community organization; and

(11) signature of sponsor representative.

(c) Conditions for Forgiveness Loan.

(1) The student shall use the proceeds of the forgiveness loan only for educational expenses at the agreed upon academic institution.

(2) The annual forgiveness loan shall not exceed the annual cost of attendance at the eligible academic institution the student attends.

(3) The cost of attendance shall be determined by the academic institution's financial aid office. A student may receive other financial aid in the form of grants, scholarships and loans for which the student may be eligible. However, it is recommended that the student decline any loans other than the forgiveness loan. The Center shall reduce the amount of the forgiveness loan by the amount of other financial aid a student receives in order that the total financial aid a student receives does not exceed the allowable cost of attendance as determined by the financial aid office.

(4) The executive director may authorize forgiveness loans to be awarded to eligible students provided the:

(A) student has submitted a forgiveness loan application;

(B) sponsor has executed a Memorandum of Understanding with the Center in which the sponsor agrees to provide 50% of the student's costs of attendance for the academic year;

(C) sponsor and the student have executed a contract with the Center in which the:

(i) sponsor agrees to provide 50% of the student's cost of attendance for the duration of the student's academic program as determined by the eligible academic institution;

(ii) sponsor agrees to provide a practice or employment opportunity for the student upon certification or licensure in the prescribed health care profession;

(iii) student agrees to a provide course plan, grade report or transcript and a financial aid disclosure statement each academic term;

(iv) student agrees to complete the prescribed health care professional education program within the time period determined by the eligible academic institution for the specified degree;

(v) student agrees to attain certification or licensure in the prescribed health care profession,

(vi) student agrees to return to the sponsoring rural community within sixty days of attaining certification or licensure or completing the prescribed residency program in the case of medical students;

(vii) student agrees to provide health care on a full-time basis in the sponsoring rural community for a period of obligated service equal to the same number of years loan support was provided.

(viii) Center agrees to provide 50% of the student's cost of attendance for the duration of the student's academic program; and

(ix) Center agrees to report the student's status to the sponsor at least once a year

(d) Disbursement of Forgiveness Loan Funds Disbursements shall be made according to a schedule determined by the Center Before a disbursement is made.

(1) the student shall execute a promissory note with the Center to pay the forgiveness loan in the event of breach of contract The promissory note must be cosigned.

(A) A cosigner of a promissory note executed under these rules shall be a person signing a note, other than the student, who is a citizen or permanent resident of the United States over 21 years of age and who is gainfully employed or otherwise demonstrates financial responsibility

(B) A cosigner may be a relative other than the student's spouse and may not be a student

(C) A cosigner is jointly and severally responsible for the promissory note in the event of breach of contract.

(2) the sponsor shall remit to the Center an amount equal to 50% of the disbursement; and

(3) a state warrant for the prescribed disbursement will be made payable to the student at the academic institution the student attends, and shall be sent to the financial aid office of the academic institution. Disbursements shall not be sent directly to the student.

(e) Refunds.

(1) A student shall be responsible for refunding the Center an amount equal to.

(A) the cost of attendance paid for courses not completed; and

(B) any amount of financial aid received from other sources.

(2) The Center may:

(A) deduct the refund from the student's next scheduled loan disbursement;

(B) request the financial aid office of the academic institution the student attends to remit an institutional check for the amount of the refund; or

(C) require the student to remit a personal check for the amount of the refund in the event the student will not receive any more loan disbursements.

(f) Loan Forgiveness.

(1) A student who receives a forgiveness loan under this program shall be forgiven the total forgiveness loan by providing full-time health care practice for an obligated period of service equal to 12 months for each year loan support is provided. If employment is on less than a full-time basis, forgiveness shall be prorated.

(2) The obligated period of service shall begin on the date full-time employment or practice begins in the sponsoring rural community after the student has become certified or licensed in the health care profession for which sponsored.

(3) Only outstanding principal and interest remaining unpaid shall be eligible for forgiveness.

§500.26. Breach of Contract. A contract executed under this subchapter between the Center, the sponsor and the student is a binding contract.

(1) Sponsor.

(A) A sponsor shall be in breach of contract on the date the sponsor failed to meet the conditions of this subchapter.

(B) A sponsor shall notify the Center in writing within two weeks of any change in status.

(C) A sponsor shall be in breach of contract if the sponsor:

(i) fails to provide 50% of the student's costs of attendance as determined by the academic institution for the duration of the student's agreed upon health care academic program; or

(ii) fails to provide a full-time employment or practice opportunity for the student as a health care professional for which sponsored upon the student's certification or licensure.

(D) If the sponsor is found to be in breach of contract, the Center may require any or all of the following:

(i) forfeiture of all claim to funds forwarded to the student;

(ii) cancellation of the student's obligated period of service; and;

(iii) forfeiture of opportunity to sponsor a student in the future.

(E) In the event of a sponsor breach of contract, the Center may assist the student in obtaining alternative sponsorship, employment or practice opportunity in another rural community where loan forgiveness may be granted. In such an event, the original sponsor may not seek reimbursement from either the student, another rural community sponsor nor the Center.

(2) Student.

(A) The student shall be in breach of contract on the date the student failed to meet the conditions of this subchapter.

(B) The Center shall hold the student who breaches a contract liable for liquidated damages equal to one time the total forgiveness loan amount plus all applicable costs, fees and interest at the highest rate allowed by law.

(C) The student shall be considered in breach of contract and shall not be eligible to receive forgiveness loan funds if the student fails to meet any of the conditions of this subchapter. The student shall notify the Center in writing within two weeks of any change in status. The student shall be in breach of contract if the student:

(i) fails to maintain satisfactory academic progress according to the academic institution the student attends except that one academic term of grace will be extended to the student if the student is placed on scholastic probation during which time the student may receive a loan disbursement;

(ii) fails to attain satisfactory academic progress following an academic term of scholastic probation;

(iii) voluntarily withdraws from the Outstanding Rural Scholar Recognition Program forgiveness loan;

(iv) fails to accept payment or instructs the academic institution not to accept payment, in whole or in part, of a forgiveness loan under contract as described in this subsection;

(v) voluntarily withdraws from or terminates enrollment in the agreed upon academic program or institution before completion of the agreed upon academic program;

(vi) fails to complete the academic program according to the degree plan;

(vii) ceases to be enrolled full-time in an academic program which requires full-time enrollment;

(viii) is dismissed for disciplinary reasons from the agreed upon academic program or institution;

(ix) fails to begin or complete the required practicum, internship or residency;

(x) fails to begin or complete a residency program in primary care as defined in these rules, in the case of medical students;

(xi) fails to begin the obligated period of service within 60 days of attaining certification or licensure, or within 60 days of completing a residency program in the case of medical students; or

(xii) fails to complete the obligated period of service.

(D) A student shall sit for the first certification or licensure examination for which eligible upon completion of the prescribed academic program. If certification or licensure is delayed because of failure to pass the examination, the student shall retake it the next time the student is eligible to do so. If the student fails to become certified or licensed after the second attempt, the student shall be in breach of contract.

§500.27. Repayment.

(a) In the event a student is found to be in breach of contract, the student shall remedy the breach by paying to the Center liquidated damages equal to one time the total forgiveness loan amount plus collection costs, fees and interest as specified in this subsection.

(b) In the event the student breaches the contract by beginning but failing to complete the obligated period of service, the student shall pay to the Center a prorated share of the damages based on the percent of the obligated period of service which has not been completed plus collection costs, fees and interest as specified in this subsection.

(c) Interest assessed to the loan shall be simple interest at the highest rate allowed by law and shall commence with the date of the first disbursement.

(d) To remedy the breach of contract, the student shall remit all payments directly to the Center according to a schedule determined by the Center.

(e) Repayment shall begin immediately upon a breach of contract.

(f) The repayment period shall not exceed five years.

(g) A charge of 5.0% of the monthly payment or five dollars, whichever is greater, shall be assessed on any payment received later than ten days from the due date.

(h) The Center shall repay the sponsor its portion of the forgiveness loan plus interest which pertains to that portion according to a schedule determined by the Center.

(i) The Center shall not be responsible for repaying to the sponsor any forgiveness loan portions or interest accrued on those portions provided by the sponsor in the event the Center is unsuccessful in collecting repayment from the student.

(j) The Center shall report all outstanding loans in repayment to a national credit bureau to be placed on the students' credit reports.

§500.28. Enforcement of Collection.

(a) The Center shall initiate collection procedures immediately against a student who fails or refuses to make as many as six payments due in accordance with the repayment schedule.

(b) The Center shall report the student's name and last known address and other information requested to the attorney general.

(c) Suit for the remaining sum shall be instituted by the attorney general or any county or district attorney acting on behalf of the attorney general in the county of the student's residence or in Travis county, at the option of the Center, unless the attorney general finds reasonable justification for delaying suit and so advises the Center in writing.

(d) Should the default continue beyond 60 days from the date suit service was obtained, the Center shall cause a judgement to be entered which may be filed in the county where the service was obtained. The Center will release the judgement once the student has completed the repayment of the debt as stipulated in the judgement.

(e) The Center shall request the academic institution to cause the student's transcripts to be unavailable to the student or any other person outside the institution

until the academic institution has been notified that the default has been corrected.

(f) The student shall be responsible for the payment of the liquidated damages and all accrued charges including interest at the highest rate allowed by law, late charges, skiptracking fees and other collection fees, administrative costs, court costs and attorney fees.

§500.29. Cancellations and Postponements.

(a) The Center shall have the authority to cancel a student's service or repayment obligation if the Center determines that:

(1) the student is unable to complete the academic program, internship or residency, or attain certification or licensure, or practice health care because of a total and permanent disability verified by a sworn affidavit of a qualified physician; or

(2) the student has died, verified by a court-certified copy of a death certificate or other evidence of death that is conclusive under state law.

(b) The cosigner of a promissory note shall not be responsible for loan repayment, accrued interest or other charges if the student dies or becomes totally and permanently disabled.

(c) The Center may postpone the repayment requirement for a student who is enrolled at least half-time at an eligible academic institution. A postponement period is not included when determining the maximum repayment period. The Center may also cancel or postpone repayment for a student who provides evidence of extreme financial hardship. In the case of postponement, the period of postponement will not be included in determining the maximum repayment period. The Center may require periodic payments on the accrued interest during the postponement period.

§500.30. Dissemination of Program Information, Tracking and Reports.

(a) The Center shall disseminate information about the program to all interested parties.

(b) The Center shall send postsecondary academic institutions the list of outstanding rural scholars and program rules.

(c) The Center shall track the academic progress of each student and report to the advisory committee annually on the status of each student.

(d) The Center shall report a student's academic status to the sponsor at least annually.

(e) After a student begins the obligated period of service, the Center shall track the student and report to the executive committee on the student's employment or practice status at least annually.

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

Issued in Austin, Texas, on January 9, 1995.

TRD-9500365 Laura M. Jordan
Executive Director
Center for Rural Health Initiatives

Earliest possible date of adoption: February 24, 1995

For further information, please call: (512) 479-8891

♦ ♦ ♦

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 355. Research and Planning Fund

Subchapter B. Economically Distressed Areas Facility Engineering

Criteria for Eligibility

• **31 TAC §355.72**

The Texas Water Development Board (the board) proposes an amendment to §355.72, relating to Criteria for Eligibility, Research and Planning Fund, Economically Distressed Areas Facility Engineering. New subsection (a) will set forth the method that the board uses to identify affected counties as that term is defined in Texas Water Code, §16.341, will provide for publication of the list of eligible counties in the *Texas Register*, and will allow political subdivisions in affected counties to continue to be eligible to apply for financial assistance for facility engineering until a new list of eligible counties is published in the *Texas Register*. The current implied (a) is changed to subsection (b) to accommodate the new subsection (a).

Pamela Ansboury, the Director of Finance, has determined that there will not be fiscal implications as a result of administering the rule. There will be no effect on state government for the first five-year period that the rule will be in effect. There will be no effect on local government for the first five-year period the rule will be in effect.

Ms. Ansboury also has further determined that for each year of the first five years that the proposed amendment is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be to give notice to affected counties and political subdivisions therein of eligibility for funds to address serious health problems, and will allow entities that may be removed from the list time to complete applications for funding that may be pending. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with this amendment as proposed.

Comments on the proposals may be submitted within 30 days from the date of the publication hereof to to Jonathan Steinberg, Attorney, Texas Water Development Board, P.O. Box 13231, Austin, Texas, 78711-3231, (512) 475-2051.

The amendment is proposed under Texas Water Code, §6.101 and §15.403, which requires the Board to adopt rules to carry out the purposes of the Texas Water Code and the Texas Water Assistance Program.

Texas Water Code, §15.407 is the only provision affected by the proposed amendment.

§355.72. Criteria for Eligibility.

(a) The board shall determine the counties that are affected as that term is defined in Texas Water Code, §16.341 based on and subject to the receipt of annual statistics found by the executive administrator to be sufficiently reliable to make such determination. Within 60 days of the receipt of the necessary statistics to determine the state average of per capita income and unemployment rate, the executive administrator shall submit for publication in the *Texas Register* a list of affected counties. Political subdivisions in the affected counties identified on this list shall be eligible to apply to the board for funds to pay for all or part of the cost of facility engineering in economically distressed areas, including plans and specifications, until the next list of eligible counties is published in the *Texas Register*.

(b) Political subdivisions must meet the appropriate requirements of this section before the board may provide financial assistance for facility planning.

(1) A county within which the political subdivision applying for assistance is wholly or partially located must have adopted the model subdivision rules required by the Texas Water Code, §16.343. The board adopts these model political subdivision rules by reference. Copies of the model subdivision rules are available upon request from the Texas Water Development Board, Project Director, Economically Distressed Areas, P.O. Box 13231, Austin, Texas 78711.

(2) A municipality which applies for financial assistance or within which a political subdivision applying for assistance is wholly or partially located must have adopted the model subdivision rules required by the Texas Water Code, §16.343, if the economically distressed area to be served is partially or wholly located within the incorporated limits of the municipality.

(3) A political subdivision applying for facility planning assistance must have any required certificate of public convenience and necessity that includes the project area and that is for the same type of service to be addressed in the proposed facility planning study; or if the project area does not have a holder of a certificate of public convenience and necessity and one is required, the applicant must have applied for the certificate of public convenience and necessity before the applicant applies for facility plan assistance; or the application must be a joint application with the holder of the certificate of public convenience and necessity.

(4) A district or a nonprofit water supply corporation may apply for assistance from the board if the eligible county or municipality in which the economically distressed area is located do not intend to apply for financial assistance for the same project in the same area and the eligible county or municipality approves by resolution the district's or nonprofit water supply corporation's submittal of an application for financial assistance.

(5) If, after submission of a facility planning assistance application, the county average per capita income increases or the average unemployment rate decreases so that the county no longer meets the definition of affected county in §355.70 of this title (relating to Definitions), the political subdivision submitting the application will continue to be eligible for financial assistance provided the application is not substantially amended

(6) The applicant must present evidence from the Texas Department of Health that there is an authorized agent that has jurisdiction over the project area pursuant to Texas Health and Safety Code, §366.033 and Texas Civil Statutes, 4477-7e §5(h).

(7) The applicant must present evidence that the county commissioners court has prepared a map showing the part of the county, outside the limits of the municipalities, in which the different types of on-site sewage disposal systems may be appropriately located and the parts of the county in which the different types of systems may not be appropriately located.

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

Issued in Austin, Texas, on January 11, 1995

TRD-9500434 Craig D Pedersen
Executive Administrator
Texas Water Development Board

Earliest possible date of adoption: February 24, 1995

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

♦ ♦ ♦

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter GG. Insurance Tax

• 34 TAC §3.807

(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 Comptroller of Public Accounts or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin)

The Comptroller of Public Accounts proposes the repeal of §3.807, concerning late payment of premium tax liability during any quarterly prepayment tax period. The section is being repealed in order that it can be incorporated into new §3 826, concerning Tax Return and Prepayment Due Dates and Penalty and Interest for Failing to Report or the Underreporting of Tax.

Mike Reissig, chief revenue estimator, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal

Mr. Reissig also has determined that repeal of the rule will benefit the public by facilitating the dissemination of uniform, consolidated penalty and interest information consistent with legislative changes enacted by House Bill 1461, 73rd Legislature, 1993. This rule is adopted under the Tax Code, Title 2, and does not require a statement of fiscal implications for small businesses. There is no significant anticipated economic cost to persons who are required to comply with the proposed repeal.

Comments on the repeal may be submitted to Joe A Galvan, Jr., Manager, Tax Administration Division, P.O. Box 13528, Austin, Texas 78711

The repeal is proposed under the Tax Code, §111 002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

The repeal implements the Insurance Code, Article 4.10, §6(b); Article 4. 11, §13(a); Article 9.59, §3(b).

§3.807. Late Payment of Premium Tax Liability During Any Quarterly Prepayment Tax Period

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

Issued in Austin, Texas, on January 12, 1995.

TRD-9500502 Martin Cherry
Chief, General Law
Comptroller of Public Accounts

Earliest possible date of adoption: February 24, 1995

For further information, please call: (512) 463-4028

♦ ♦ ♦

• 34 TAC §3.808

(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 Comptroller of Public Accounts or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Comptroller of Public Accounts proposes the repeal of §3.808, concerning underpayment of quarterly premium tax. The section is being repealed in order that it can be incorporated into new §3.826, concerning Tax Return and Prepayment Due Dates and Penalty and Interest for Failing to Report or the Underreporting of Tax.

Mike Reissig, chief revenue estimator, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal.

Mr. Reissig also has determined that repeal of the rule will benefit the public by facilitating the dissemination of uniform, consolidated penalty and interest information consistent with legislative changes enacted by House Bill 1461, 73rd Legislature, 1993. This rule is adopted under the Tax Code, Title 2, and does not require a statement of fiscal implications for small businesses. There is no significant anticipated economic cost to persons who are required to comply with the proposed repeal.

Comments on the repeal may be submitted to Joe A. Galvan, Jr., Manager, Tax Administration Division, P.O. Box 13528, Austin, Texas 78711.

The repeal is proposed under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

The repeal implements the Insurance Code, Article 4.10, §6(b); Article 4. 11, §13(a); Article 9.59, §3(b); Article 4.13; Article 4.14.

§3.808. Underpayment of Quarterly Premium Tax.

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

Issued in Austin, Texas, on January 12, 1995.

TRD-9500503 Martin Cherry
Chief, General Law
Comptroller of Public Accounts

Earliest possible date of adoption: February 24, 1995

For further information, please call: (512) 463-4028

♦ ♦ ♦

• 34 TAC §3.826

The Comptroller of Public Accounts proposes new §3.826, concerning tax return and prepayment due dates and penalty and interest for failing to report or underreporting of tax due. The proposal specifies the due dates for the tax returns and premium tax prepayments. It also explains the application of penalty and/or interest for failing to make payment, underpaying, underreporting or failing to file a report. This proposal replaces current §3.807, concerning Late Payment of Premium Tax Liability During Any Quarterly Prepayment Tax Period and §3.808, concerning Underpayment of Quarterly Premium Tax, which are being repealed simultaneously.

Mike Reissig, chief revenue estimator, 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. Reissig also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be in facilitating the dissemination of uniform, consolidated penalty and interest information consistent with legislative changes enacted by House Bill 1461, 73rd Legislature, 1993. This rule is adopted under the Tax Code, Title 2, and does not require a statement of fiscal implications for small businesses. There is no significant anticipated economic cost to persons who are required to comply with the proposed rule.

Comments on the new section may be submitted to Joe A. Galvan, Jr., Manager, Tax Administration Division, P.O. Box 13528, Austin, Texas 78711.

The new section is proposed under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

The new section implements the Insurance Code, Articles 4.10, 4.11, 4.11B, 9.59, and 20A.33; and Title 2, Tax Code, Subtitles A and B.

§3.826. Tax Return and Prepayment Due Dates and Penalty and Interest for Failing to Report or the Underreporting of Tax.

(a) Premium and Maintenance Tax Return due date. The premium tax and maintenance tax return for each taxable year ending the preceding December 31st shall be filed and the total amount of tax due shall be paid on or before the first day of March of each year or if a company is required to file an annual statement after March 1, the premium maintenance tax report is required to be filed at that time.

(b) Premium tax prepayments.

(1) Prepayments due on or after March 1, 1994. A semiannual prepayment of premium tax must be made on March 1, or at the same time that the annual statement is required to be filed, and August 1 by all insurers with a net tax liability for the previous calendar year in excess of $1,000. The prepayment shall equal the lesser of one-half of the total premium tax paid for the previous calendar year, or one-half of the current year's tax liability. If no premium tax was paid during the previous calendar year, the prepayment will be based on the tax which would be owed on the aggregate of premium receipts for the two preceding calendar quarters based on the minimum tax rate specified by law. If the premium tax liability for the previous year was between $.01 and $1,000, no prepayment is due.

(2) The amount due is the lesser of the total annual premium tax liability from the previous year, or the actual tax liability for the current year multiplied by 50%.

(c) Penalty and interest. Any taxes due prior to September 1, 1993, including prepayments, are subject to the Insurance Code in effect at that time. Therefore, any assessments issued by the comptroller for additional taxes which were originally due prior to September 1, 1993, fall under the penalty and interest provisions contained within the Insurance Code, Article 4.13 and Article 4.14, in effect through August 31, 1993. Refer to paragraph (1) of this subsection. The comptrolier does not have the authority to waive penalty or interest on assessments made for periods prior to September 1, 1993.

(1) Prepayments and tax returns due prior to September 1, 1993.

(A) Late payment.

(i) Penalty. A penalty equal to 5.0% of the amount of taxes due shall be assessed for each month or portion of a month for which such payment is late. The penalty shall not exceed 20%.

(ii) Interest. Interest shall accrue at an annual rate of 9.0% from the due date until the date paid.

(B) Underpayment.

(i) Penalty. Insurance carriers failing to satisfy the provisions of subsection (a) or (b) (1) of this section will be assessed penalty, as prescribed in subparagraph (A) (i) of this paragraph, on the difference between the amount of quarterly prepayment tax liability actually paid and the amount due.

(ii) Interest. Insurance carriers failing to satisfy the provisions of subsection (a) or (b)(1) of this section will be assessed interest, as prescribed in subparagraph (A)(ii) of this paragraph, on the difference between the amount of quarterly prepayment tax liability actually paid and the amount due.

(2) Prepayments and tax returns due on or after September 1, 1993.

(A) Late payment.

(i) A penalty of 5.0% will be assessed on all payments which are received 1-30 days after the due date. An additional 5.0% penalty will be assessed on tax payments received more than 30 days after the due date.

(ii) Interest will be assessed on payments received more than 60 days after the due date at the rate of 12% per annum. Interest will begin to accrue on the 61st day from the due date and continue through date of the tax payment. The interest will be in addition to the 10% penalty assessed in clause (i) of this subparagraph.

(B) Underpayment.

(i) Penalty. Insurance carriers failing to satisfy the provisions of subsection (a) or (b)(2) of this section will be assessed penalty, as prescribed in subparagraph (A)(i) of this paragraph, on the difference between the amount of semiannual prepayment tax liability actually paid and the amount due.

(ii) Interest. Insurance carriers failing to satisfy the provisions of subsection (a) or (b)(2) of this section will be assessed interest, as prescribed in subparagraph (A)(ii) of this paragraph, on the difference between the amount of semiannual prepayment tax liability actually paid and the amount due.

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

Issued in Austin, Texas, on January 12, 1995.

TRD-9500504 Martin Cherry
Chief, General Law
Comptroller of Public Accounts

Earliest possible date of adoption: February 24, 1995

For further information, please call: (512) 463-4028

♦ ♦ ♦

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VI. Texas Department of Criminal Justice

Chapter 157. State Jail Felony Facilities

Subchapter B. Operational Standards

- **37 TAC §157.31**

(Editor's Note: The Texas Department of Criminal Justice proposes for permanent adoption the amended section it adopts on an emergency basis in this issue. The text of the amended section is in the Emergency Rules section of this issue.)

The Texas Department of Criminal Justice proposes an amendment to §157. 31, concerning use of a facility for a transfer facility. The amendment adds a new subsection (c) which provides that "the TBCJ delegates to the State Jail Division Director the authority to designate all of, or any semi-autonomous housing unit within, any facility designed as a state jail to be used for housing transfer inmates."

David McNutt, Assistant Director for Budget and Management Services, has determined that the effect on state government for the first five-year period will be efficient utilization of state jails to hold transfer inmates, which means that operational costs will be incurred and payments to counties will be reduced. Reciprocally, county governments will experience decreasing jail backlogs and reduced compensation from the state. There will be no effect on local government.

Mr. McNutt also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is enhanced public safety due to the efficient regulation of a comprehensive system of confinement of convicted felons in state-run facilities. There will be no effect on small businesses. There is no anticipated economic costs to persons who are required to comply with the rule as proposed.

Comments should be directed to Carl Reynolds, General Counsel, Texas Board of Criminal Justice, P.O. Box 13084, Austin, Texas 78711. Written comments from the general public should be received within 30 days of the publication of this proposal.

The amendment is proposed under the Government Code, §507.006, which allows state jails to be used for transfer inmates, and the Government Code, §492.013, which gives the Board of Criminal Justice the authority to adopt rules.

The Government Code, Chapter 507 is affected by the proposed amendment.

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

Issued in Austin, Texas, on January 14, 1995.

TRD-9500693 Carl Reynolds
General Counsel
Texas Department of Criminal Justice

Earliest possible date of adoption: February 24, 1995

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

♦ ♦ ♦

TITLE 43. TRANSPORTATION

Part I. Texas Department of Transportation

Chapter 1. Management

- **43 TAC §1.85**

(Editor's Note: The Texas Department of Transportation proposes for permanent adoption the amendment it adopts on an emergency basis in this issue. The text of the amendment is in the Emergency Rules section of this issue.)

The Texas Department of Transportation proposes an amendment to §1.85, concerning department advisory committees. Section 1.85 is amended to establish the Public Transportation Assessment Committee.

The Public Transportation Assessment Committee is proposed to create a forum for communication among the department, the transit industry, and transit users for issues pertaining to the comprehensive assessment of public transportation which is being conducted to assess program efficiency and effectiveness, demand and ridership, funding requirements, and future program direction. The committee will review reports and other deliverables developed during the assessment and shall provide advice and recommendations to the department pertaining to the assessment, its findings, and recommendations.

Thomas A. Griebel, Assistant Executive Director for Multimodal Transportation, has determined that there will be fiscal implications as a result of enforcing or administering the section. The committee will be abolished no later than August 31, 1995. The effect on state government for the eight-month period will be an estimated additional cost to the state of $10,000 as a result of enforcing or administrating the section. There will be no fiscal implications for local government as a result of enforcing or administering the amendment.

Mr. Griebel has certified that there will be no significant impact on local economies or overall employment as a result of enforcing or administering the proposed section.

Mr. Griebel also has determined that for the eight months the amendment is in effect the public benefit anticipated as a result of enforcing the amendment will be a forum to address recommendations for legislative action that may be necessary in order to implement some of the program-improving recommendations expected to be identified during the course of the study; and to identify ways of improving transit services for transit users, many of who are dependent upon transit services for transportation to and from work, medical services, and other essential life activities.

There will be no effect on small businesses and no anticipated economic cost to persons who are required to comply with the amendment as proposed.

Comments on the proposal may be submitted to Thomas A. Griebel, Assistant Executive Director for Multimodal Transportation, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701. The deadline for receipt of written comments will be at 5:00 p.m. on February 24, 1995.

Pursuant to the Administrative Procedure Act, the Government Code, Chapter 2001, the Texas Department of Transportation will conduct a public hearing to receive comments concerning the proposed amendments to §1.85. The public hearing will be held at 10:00 a.m., on Monday, February 6, 1995 in Room 101, Building 200, 200 East Riverside Drive, Austin, Texas, and will be conducted in accordance with the procedures specified in 43 TAC §1.5. Those desiring to make comments or presentations may register starting at 9:30 a.m. Any interested person may appear and offer comments, either orally or in writing, however, questioning of those making presentations will be reserved exclusively to the presiding officer as may be necessary to ensure a complete record. While any person with pertinent comments will be granted an opportunity to present them during the course of the hearing, the presiding officer reserves the right to restrict testimony in terms of time and repetitive content. Organizations, associations, or groups are encouraged to present their commonly held views, and same or similar comments, through a representative member where possible. Presentations must remain pertinent to the issue being discussed. A person may not assign a portion of his or her time to another speaker. A person who disrupts a public hearing must leave the hearing room if ordered to do so by the presiding officer. 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 Eloise Lundgren, Director of the Public Information Office, at 125 East 11th Street, Austin, Texas 78701-2383, (512) 463-8588 at least two work days prior to the meeting so that appropriate arrangement can be made.

The amendment is proposed under Texas Civil Statutes, Article 6666, which provide the Texas Transportation Commission with the authority to establish rules for the conduct of the work of the Texas Department of Transportation, and more specifically Texas Civil Statutes, Article 6252-33, which provide that a state agency that is advised by an advisory committee shall adopt rules that state the purpose of the committee and describe the task of the committee and the manner in which the committee will report to the agency.

Texas Civil Statutes, Article 6252-33 is affected by this proposed amendment.

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

Issued in Austin, Texas, on January 11, 1995.

TRD-9500452

Diane L. Northam
Legal Executive Assistant
Texas Department of Transportation

Earliest possible date of adoption: February 24, 1995

For further information, please call: (512) 463-8630

♦ ♦ ♦

WITHDRAWN RULES

An agency may withdraw a proposed action or the remaining effectiveness of an emergency action by filing a notice of withdrawal with the ***Texas Register***. The notice is effective immediately upon filling or 20 days after filing as specified by the agency withdrawing the action. If a proposal is not adopted or withdrawn within six months of the date of publication in the ***Texas Register***, it will automatically be withdrawn by the office of the Texas Register and a notice of the withdrawal will appear in the ***Texas Register***.

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules

Customer Service and Protection

• 16 TAC §23.42

Pursuant to Texas Government Code, §2001.027 and 1 TAC §91.24(b), the proposed amendment to §23.42, submitted by the Public Utility Commission of Texas has been automatically withdrawn, effective January 18, 1995. The amendment as proposed appeared in the July 15, 1994, issue of the *Texas Register* (19 TexReg 5458)

TRD-9500737

♦ ♦ ♦

• 16 TAC §23.43

Pursuant to Texas Government Code, §2001.027 and 1 TAC §91.24(b), the proposed amendment to §23 43, submitted by the Public Utility Commission of Texas has been automatically withdrawn, effective January 18, 1995. The amendment as proposed appeared in the July 15, 1994, issue of the *Texas Register* (19 TexReg 5438)

TRD-9500739

♦ ♦ ♦

• 16 TAC §23.46

Pursuant to Texas Government Code, §2001.027 and 1 TAC §91 24(b), the proposed amendment to §23 46, submitted by the Public Utility Commission of Texas has been automatically withdrawn, effective January 18, 1995 The amendment as proposed appeared in the July 15, 1994, issue of the *Texas Register* (19 TexReg 5439)

TRD-9500738

♦ ♦ ♦

TITLE 30. ENVIRONMENTAL QUALITY

Part I. Texas Natural Resource Conservation Commission

Chapter 321. Control of Certain Activities by Rule

Subchapter C. Meat and Seafood Processing

• 30 TAC §§321.51-321.54, 321.56-321.58

The Texas Natural Resource Conservation Commission has withdrawn from consideration for permanent adoption a proposed new and amended which appeared in the August 19, 1994, issue of the *Texas Register* (19 TexReg 6507) The effective date of this withdrawal is January 18, 1995.

Issued in Austin, Texas, on January 18, 1995

TRD-9500728 Kevin McCalla
Acting Director, Legal Division
Texas Natural Resource Conservation Commission

Effective date. January 18, 1995

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

♦ ♦ ♦

Subchapter K. Discharge to Surface Waters from Sand and Gravel Mining and Processing Facilities

• 30 TAC §§321.171-321.180

The Texas Natural Resource Conservation Commission has withdrawn from consideration for permanent adoption a proposed new which appeared in the August 18, 1995, issue of the *Texas Register* (19 TexReg 6515). The effective date of this withdrawal is January 18, 1995.

Issued in Austin, Texas, on January 18, 1995.

TRD-9500725 Kevin McCalla
Acting Director, Legal Division
Texas Natural Resource Conservation Commission

Effective date: January 18, 1995

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

♦ ♦ ♦

Subchapter L. Handling of Wastes from Livestock Trailer Cleaning Facilities

• 30 TAC §§321.191-321.200

The Texas Natural Resource Conservation Commission has withdrawn from consideration for permanent adoption a proposed new which appeared in the August 19, 1995, issue of the *Texas Register* (19 TexReg 6518). The effective date of this withdrawal is January 18, 1995.

Issued in Austin, Texas, on January 18, 1995.

TRD-9500724 Kevin McCalla
Acting Director, Legal Division
Texas Natural Resource Conservation Commission

Effective date: January 18, 1995

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

♦ ♦ ♦

Name: Francisco DelaRosa
Grade: 12
School: Harlandale High School, Harlandale ISD

ADOPTED RULES

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

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

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 3. Oil and Gas Division

Conservation Rules and Regulations

• 16 TAC §§3.101-3.105

The Railroad Commission of Texas adopts the repeal of §§3.101-3.105, concerning Natural Gas Policy Act (NGPA) state jurisdictional agency procedures and state certification for severance tax exemption for gas produced from high cost wells, without changes to the proposed text as published in the July 29, 1994, issue of the *Texas Register* (19 TexReg 5817). The applicable provisions of the NGPA expired on December 31, 1993. Therefore, §§3.101-3.104 are no longer viable. Section 3.105 is the state severance tax exemption rule which is keyed, in part, to certain provisions of the NGPA. The application time period for the state severance tax law, however, does not expire until September 1, 1996. Statewide Rule 105 has been revised to reflect that the NGPA provisions are no longer in effect. The revision of §3.105 is the subject of the new rule §3.101.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Natural Resources Code, §81.052, which authorizes the commission to adopt all necessary rules for governing and regulating persons and their operations under the jurisdiction of the commission.

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

Issued in Austin, Texas, on January 11, 1995.

TRD-9500428 Mary Ross McDonald
Assistant Director, Legal Division, Gas Utilities/LP Gas
Railroad Commission of Texas

Effective date: January 11, 1995

Proposal publication date: July 29, 1994

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

♦ ♦ ♦

TITLE 22. EXAMINING BOARDS

Part XVII. Texas State Board of Plumbing Examiners

Chapter 365. Licensing

License Categories; Description; Scope of Work Permitted

• 22 TAC §365.14

The Texas State Board of Plumbing Examiners adopts an amendment to §365. 14, concerning approval criteria and other performance criteria for providers of continuing education, with changes to the proposed text as published in the October 21, 1994, issue of the *Texas Register* (19 TexReg 8343).

The rule is justified because the public health, safety, and welfare will be enhanced by ensuring each person has access to clean water because of plumbing installed and maintained by well-trained and competent plumbers who have undergone quality continuing education programs.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6243-101, which provide the Texas State Board of Plumbing Examiners with the authority to prescribe, amend, and enforce all rules necessary to carry out the Plumbing License Law.

§365.14. Continuing Education Programs.

(a) Any provider wishing to offer continuing education in plumbing must make application at least 60 days prior to the March board meeting each year. The 60-day deadline will become effective September 1, 1995. The board shall approve no more than four providers annually. All providers will submit to the board a list of instructors and instructors' credentials for board approval. The board will approve a course and textbook each year as well as a course outline and establish the required minimum hours. The providers shall meet the certification requirements of the Central Education Agency or be exempted from the Central Education Agency certification requirements under Chapter 32, §32.12(a)(5), Texas Education Code (Texas Proprietary School Act) or be approved by the United States Department of Labor-Bureau of Apprenticeship Training Schools and/or Programs.

(b) Instructors must be licensees of the board, successfully complete the instructor certification workshop each year conducted by the board, and be employed by a provider approved by the board.

(c) Instructors will be required to successfully complete a board approved program of 160 clock hours which meets the following generic criteria. The board will allow credit for approved courses.

(1) 40 hours to provide the instructor with the basic educational techniques and instructional strategies necessary to plan and conduct effective training programs.

(2) 40 hours to provide the instructor with the basic techniques and strategies necessary to analyze, select, develop, and organize instructional material for effective training programs.

(3) 40 hours to provide the instructor with the basic principles, techniques, theories, and strategies to establish and maintain effective relationships with students, co-workers, and other personnel in the classroom, industry, and community.

(4) 40 hours to provide the instructor with the basic principles, techniques, theories, and strategies to communicate effectively with the use of instructional media.

(5) To maintain his/her status as an approved instructor of continuing education, the instructor shall undergo one of the aforementioned training programs every 12 months such that the entire training (160 hours) is complete within four years.

(d) Continuing education providers shall be reviewed annually by the board to ensure that classes have been provided equitably across the state of Texas.

(e) The board shall review continuing education providers for quality in instruction. The board shall also respond to complaints regarding approved providers.

(f) Each approved provider must notify the board 30 days before conducting classes; the notice shall contain the time(s) and place(s) where the classes will occur.

(g) Each approved provider will perform self-monitoring and reporting as required by the board.

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

Issued in Austin, Texas, on January 11, 1995.

TRD-9500465 Gilbert Kissling
Administrator
Texas State Board of Plumbing Examiners

Effective date: February 2, 1995

Proposal publication date: October 21, 1994

For further information, please call: (512) 458-2145

♦ ♦ ♦

TITLE 28. INSURANCE

Part I. Texas Department of Insurance

Chapter 5. Property and Casualty Insurance

Subchapter A. Automobile Insurance Miscellaneous Interpretations

• 28 TAC 5.206

The Texas Department of Insurance adopts new §5.206, which designates geographic areas as underserved for automobile liability insurance for purposes of determining credits to offset an insurer's quota of assignments through the Texas Automobile Insurance Plan Association, with nonsubstantive changes to subsections (g) and (h) of the proposed text as published in the November 15, 1994, issue of the *Texas Register* (19 TexReg 8934). A public hearing on the proposed section was held on December 16, 1994.

The new section is necessary to designate certain ZIP Codes in Texas as underserved for the purpose of establishing Texas Automobile Insurance Plan Association (TAIPA) credits and incentives for the voluntary sale of automobile insurance in those geographic areas. The Commissioner is required by Insurance Code, Article 21.81 §3(e) to designate underserved areas for the purpose of providing credits against TAIPA assignments.

Department staff has worked with insurers, agents and other interested parties over the past year on the issue of TAIPA credits generally and specifically on the issue of crafting a program of credits for underserved markets. The issues have been thoroughly discussed and the adopted rule, in conjunction with the recently approved TAIPA Plan of Operation and the Texas Private Passenger Automobile Statistical Plan, offers an equitable and efficient method of developing the incentive program targeting underserved geographic areas which was mandated by the Legislature in Article 21 81, §3(e)

There are four pieces of the program to establish credits against TAIPA quota for voluntary writings in underserved areas:

1 The TAIPA Plan of Operation establishes the method of calculating basic quota and credit-adjusted quotas. For example, the Plan specifies the number of credits earned by an insurer for an average vehicle on policy in force for each Category of ZIP Code. An eligible average vehicle in a Category 4 ZIP code, as designated in this rule, earns four credits. The Plan also specifies which writings are eligible for the purpose of calculating basic quota and which writings earn credits Vehicles written at rates at or below the TAIPA rate established by the Commissioner are eligible for both basic quota and credits. Vehicles written at rates above the TAIPA rate, as well as county mutual writings, are not eligible. The premise is that consumers do not benefit from a voluntary writing at rates above the TAIPA rate, so credits should not be earned for writing at non-standard rates

2. The Texas Private Passenger Automobile Statistical Plan specifies the reporting of data necessary for the calculation of quotas and credits. The quota calculation procedures in the TAIPA Plan of Operation and the formula for identifying underserved areas in the proposed rule specifically reference data elements in the Statistical Plan.

3. The NAIC/Texas Special Call provided experience by ZIP Code from the top 40 insurer groups writing private passenger for calendar year 1992. These data serve as the initial basis for determining and designating underserved areas.

4. Adopted Rule 28 TAC §5.206 represents the Commissioner's actual designation of certain ZIP Codes as underserved by categories to match those categories in the TAIPA Plan of Operation.

The Department adopts 28 TAC §5.206 under the authority and requirements of Insurance Code Article 21.81 Section 3(e) which directs the TAIPA to develop an incentive program to target underserved geographic areas, "which shall be determined and designed by the commissioner by rule. In determining which areas will be designated as underserved, the commissioner shall consider the availability of insurance, the number of uninsured drivers, the number of drivers insured through the association and any other relevant factors." The adopted rules implements this statutory requirement.

Department staff initiated discussions on the credit program with the TAIPA Governing Committee in April of 1994 and continued those discussions with the TAIPA Quota Subcommittee. The Governing Committee and Quota Subcommittee are comprised of insurers, agents and public members In addition, all meetings were open to the public and were attended by other interested parties, including other insurers and the Office of Public Insurance Counsel

In early August of 1994, Department staff sent a letter to Mike Gerik, chair of the Quota Subcommittee, outlining a proposal for the quota program including recommendations on the rule for designating underserved areas. In that letter, items 5 through 8 refer to the designation of underserved ZIP Codes by the Commissioner

"5. The Commissioner shall adopt the designation of all ZIP Codes as Category 0 through Category 4 by rule The category number refers to the number of credits awarded an insurer for each eligible vehicle written in the ZIP Code No credits are awarded for eligible vehicles written in a Category 0 ZIP Code while four credits are awarded for an eligible vehicle written in a Category 4 ZIP Code. All changes to ZIP Code designations shall be adopted by rule

6 After initial determination of the ZIP Code designations, a ZIP Code's designation may not be decreased (to a lower credit) for three years The Commissioner may decrease a ZIP Code's designation with a minimum of one-year notice. The end of the one-year notice period and the three-year designation period may coincide. The Commissioner may increase a ZIP Code's designation (to a higher credit) at any time by rule.

7 The Commissioner shall designate each ZIP Code in the state as one of five designations-Category 0 through Category 4. The Commissioner shall base his or her decisions on the following factors. availability, the number of uninsured drivers, the number of drivers insured through TAIPA and any other relevant factors. The primary formula for analyzing availability shall be the number of vehicles written voluntarily at rates at or below the rate for assigned risk automobile insurance set by the Commissioner as a percentage of some measure of total vehicles, total vehicles insured or total drivers per ZIP Code. The denominator in this percentage may be:

the sum of all vehicles written by ZIP Code, measured as average vehicles on policies in force from the Quarterly Market Report, including all voluntary and involuntary writings. This measure has the benefit of relying solely on insurance data from the same source of data from which all quota calculations are made. The disadvantage is the potential absence of uninsured drivers from the calculation;

the number of registered private passenger vehicles by ZIP Code, as reported by the Division of Vehicle Titles and Registration of the Texas Department of Transportation. This measure has the benefits of being relatively timely and potentially identifying some uninsured drivers. The disadvantages of this measure is that registration addresses may differ from insurance addresses and that uninsured vehicles may not be registered;

the number of licensed drivers by ZIP Code, as reported by the Texas Department of Public Safety. This measure has the potential

benefit of capturing uninsured drivers. However, since licenses are valid for four years, this measure has the disadvantage of potentially misreporting significant numbers of drivers;

the number of driving age population by ZIP Code, as reported in the 1990 U. S. Census. This measure has the potential benefit of capturing uninsured drivers, but the disadvantage of being a static number. Over time, the Census data will become more and more inaccurate.

The Commissioner shall publish as a rule for adoption the proposals for ZIP Code designations. Interested parties may also petition the Commissioner for changes in ZIP Code designations. The Commissioner shall make available the statistical and economic analysis supporting the proposal for ZIP Code designations. Where a ZIP Code's designation is not based solely upon a statistical formula, the Commissioner shall provide a rationale for departing from the formulaic result.

(Note: Some interested parties have expressed a preference for the Commissioner to promulgate formulas for designating underserved ZIP Codes in a rule and then the underserved areas will be automatically identified. The problem with this approach is that a ZIP Code could move from one Category to another as a result of new writings by insurers seeking the credits. Thus, the automatic formula could violate the requirement that a ZIP Code's designation be lowered for three years after initial designation. In addition, while it is likely that underserved ZIP Codes in a region are contiguous, it may be that the Commissioner wants to create a contiguous block of designated underserved ZIP Codes to facilitate writings by insurers. Such an approach may also be inconsistent with the strictly formulaic approach to designating underserved areas.)

8. The Commissioner shall direct the designated statistical agent for Private Passenger and Commercial Automobile experience to make available any and all relevant data to the TAIPA Manager and/or any data processing organization designated by the TAIPA Governing Committee for the purposes of calculating quotas. The TAIPA Manager shall report quarterly to all subscribers on credits for underserved areas and quota calculation."

Regarding the approach to developing a formula for determining underserved areas, the Quota Subcommittee endorsed the use of insurance data. All the factors listed in 21.81 Section 3 (e) were considered, including the number of uninsured drivers.

After further discussion, the proposal was refined on August 31, 1994. On November 3, 1994, Department staff distributed to the TAIPA Governing Committee and other interested parties the proposed designation of underserved ZIP Codes with a discussion of that selection process. Staff also distributed a complete list of all ZIP Codes with the relevant data and calculation for each ZIP Code, including the list of non-standard, standard and preferred companies. These documents were included in the record at the December 16, 1994 hearing and are incorporated by reference.

Finally, the proposal to designate certain ZIP Codes as underserved was crafted as a rule and published in the Texas Register for public comment.

In response to comments, the Department has made two non-substantive revisions to the rule as published. In subsection (g), the word "principally" was removed. In subsection (h), the requirement that the Department publish a listing of the number of average vehicles on policies in force by company by Zip Code was changed to provide that the Department shall publish the listing upon request from any member of the public.

The TAIPA Plan of Operation establishes the method of calculating basic quota and credit-adjusted quotas. The Plan specifies the number of credits earned by an insurer for an average vehicle on policies in force for each Category of ZIP Code. The Texas Automobile Insurance Plan Association Plan of Operation defines an average vehicle on policies in force. Subsection (a) of the adopted rule provides that all ZIP Codes listed in that subsection are designated as Class 4 Zip Codes and an insurer will earn four credits for each eligible average vehicle on policies in force in a Category 4 ZIP code. Subsection (b) of the adopted rule provides that all ZIP Codes listed in that subsection are designated as Class 3 Zip Codes and an insurer will earn three credits for each eligible average vehicle on policies in force in a Category 3 ZIP code. Subsection (c) of the adopted rule provides that all ZIP Codes listed in that subsection are designated as Class 2 Zip Codes and an insurer will earn two credits for each eligible average vehicle on policies in force in a Category 2 ZIP code. Subsection (d) of the adopted rule provides that all ZIP Codes listed in that subsection are designated as Class 1 Zip Codes and an insurer will earn one credit for each eligible average vehicle on policies in force in a Category 1 ZIP code. Subsection (e) of the adopted rule provides that all ZIP Codes not listed in subsections (a) through (d) are designated as Class 0 Zip Codes and an insurer will not earn credits for eligible average vehicle on policies in force in a Category 0 ZIP code. Subsection (f) of the adopted rule provides that a ZIP Code may not be decreased (to a lower numbered class) for three years. Subsection (g) of the adopted rule provides guidance for the future designation of zip codes. Subsection (h) of the adopted rule provides that, upon request, the Department will provide a listing of average vehicles on policies in force by company by ZIP Code.

Written comments against various portions of the section were received from State Farm Insurance Companies, the National Association of Independent Insurers, and USAA. A representative of TAIPA testified orally at the hearing in favor of the adoption.

COMMENT: A commenter argued that the rule does not properly implement the statutory mandate of Article 21.81 Section 3(e) because the statute directs the Commissioner to consider the availability of insurance, the number of uninsured drivers, the number of drivers insured through the association, and any other relevant factor. The commenter contends that nothing in the proposed regulation considers the availability of insurance or the number of uninsured drivers. The commenter further comments that the formula for determining an underserved market is not disclosed in the rule nor made a part of the regulation and questions what other factors the Commissioner is entitled to use under the proposed regulation and how much weight should be given the formula if other factors are used.

DEPARTMENT RESPONSE: The Department disagrees. As described above, the proposed designation considers all the factors specified in Article 21.81 3(e), including the number of uninsured drivers. The rule does contain a formula and does contain direction about the weight given to that formula. The formula directly measures the availability of insurance and includes the number of drivers insured through the plan. Since Article 21.81 3(e) specifically requires the consideration of certain factors, there is no reason to repeat those factors in this rule. The absence of such mention in the rule does not excuse the Commissioner from considering these factors.

The Department anticipates that as various data sources become available to help identify underserved areas, these other data shall be considered by the Commissioner. The Department discussed the issue of including a specific formula in the regulation, but found that such an action would be inappropriate for the reasons initially mentioned in staff's letter to Mike Gerik. Total reliance on a formula would eliminate the discretion necessary and required by statute for the Commissioner to consider other factors. Further, total reliance on a formula may result in a conflict between the results of the formula and the requirement that a designation not be lowered for three years. This three-year requirement is an essential part of the credit program and should not be violated.

COMMENT: A commenter argued that there is no definition of "non-standard" and that AIP rates are competitive with voluntary market rates and, therefore, county mutual writings are erroneously considered in determining underserved areas.

DEPARTMENT'S RESPONSE: In conjunction with the TAIPA Plan of Operation, the definition of non-standard for the purpose of calculating credits for underserved areas and for future designations of underserved areas is business written at rates above the TAIPA rate approved by the Commissioner. Staff's November 3, 1994 memo included the list of those companies identified as non-standard for the calculations. The non-standard companies include county mutuals and those rate-regulated companies with approval for rates above the top of the flex band. For future calculations, non-standard is defined through the definition of average eligible vehicles in the Texas Automobile Insurance Plan Association Plan of Operation.

The share of TAIP plus non-standard to total exposures is an excellent measure of insurance availability. When someone goes to buy insurance, that person would naturally seek the greatest choice of coverage at the lowest price. No one would voluntarily choose higher-priced county mutuals or the TAIP if they could obtain coverage in the standard or

preferred market. The TAIP and county mutuals are understood to be the markets for high-risk drivers. Since we have no reason to expect that high-risk drivers are concentrated in any particular ZIP Code, those ZIP Codes with greater share of TAIP plus non-standard clearly represent areas with less availability in standard and preferred carriers. Thus, the formula explicitly considers availability of insurance and, in conjunction with the TAIPA plan of operation and the Statistical Plan, includes a definition of non-standard. The Department disagrees that TAIPA is competitive with standard market carriers. TAIPA offers only minimum limits liability, does not offer physical damage coverage and assigns consumers to insurers at random. In comparison, a consumer going to a standard or preferred insurer has a choice of liability limits, physical damage coverage and insurer.

COMMENT: A commenter claims that TDI should not publish quarterly a listing of the number of average vehicles on policies in force by company by ZIP Code in this state because they feel the data is proprietary and would give its competitors a competitive advantage. At the hearing, however, the commenter testified that the reports described in subsection (h) were not the kind of information that the commenter's company considered to be a trade secret. He did express concern about the regular release of company-specific data asking why the reports need be made public on a regular basis if not requested.

DEPARTMENT'S RESPONSE: The Department disagrees that an individual insurer's premium by Zip Code or number of average vehicles on policies in force by Zip Code data would be a trade secret and such data should not be made publicly available. First, the Department disagrees that these data represent a trade secret and would provide competitors with competitive advantage. More current information on a company's marketing and pricing strategy are readily available in the marketplace such that public availability of these data would not reveal any trade secrets or business strategy. Long before these data are available–five months after the end of the reporting quarter–competitors will be aware of other insurers marketing and pricing strategies.

Second, even if certain information were a trade secret, a strong public policy purpose justifies the public availability of that information. In the case of the ZIP Code level exposure data, there are at least two compelling public policy reasons to publish these data. First, public availability of these data allow insurers and other interested parties to verify the data and the quota calculation. This is particularly important in light of past credit calculation schemes which resulted in huge shifts of quota from one insurer to another and tremendous fluctuation in these credits from year to year. Second, these data are essential to monitor the availability of automobile insurance and the effectiveness of credit programs and other efforts to increase availability, such as the commitments made by insurers as part of the Houston Redlining Compact. These data are essential for the public to hold both regulators and insurers accountable. Further, in agreeing to the release of their company specific ZIP Code data from the NAIC Call, State Farm acknowledged the important public policy issue being addressed with the public release of company-specific ZIP Code data.

In response to this comment, however, the Department has changed the wording of subsection (h) to exclude the word "quarterly" and to include the words "Upon request" at the beginning of the sentence. In that way, the Department will only be required to publish the report if requested by any member of the public.

COMMENT: A commenter argued that there is an inconsistency between the requirement that a ZIP Code's designation not be lowered for three years and the ability of the Commissioner to raise a designation at any time.

DEPARTMENT'S RESPONSE: The Department disagrees and believes there is no inconsistency. First, the commenter is incorrect that the actual requirement is four years. The rule states three years with one year notice. The one-year notice can be the third year of designation.

The three-year requirement is an integral part of the overall credit program. In order to provide insurers with the proper incentive, the insurer must know that the incentive will be available for a certain period of time. Without the three-year requirement, if insurers wrote the business in underserved areas, that area would immediately become well-served and lose the designation. Instead of a long-term solution, we would either see a roller coaster of activity and non-activity or simply a lack of interest by insurers because of the uncertainty involved.

On the other hand, if an area remains underserved with a relatively low designation, it makes sense for the Commissioner to increase that designation to create the necessary incentive to encourage voluntary writings in the underserved area. The ability to increase a designation by rule at any time does not conflict with the intent or the effect of the three-year rule for lowering a designation.

COMMENT: A commenter suggests that proposed regulation be re-examined by the Commissioner to be appointed in place of Commissioner Hunter and not be adopted at the public hearing scheduled for December 16, 1994.

DEPARTMENT'S RESPONSE: The Department disagrees. The existence of an incentive for insurers to start new writings in underserved areas will not exist until this rule is adopted. Writings in January 1995 will be included in the quota calculations incorporating credits for underserved areas. Delay in adopting these rules will mean delay in an important incentive for insurers to voluntarily write insurance in underserved areas. A TAIPA representative offered testimony at the hearing about the importance of immediate adoption of the rule.

COMMENT: Commenters argued that the rule will have a negative impact upon the Texas insurance market and the Department lacks statutory authority to adopt this regulation.

DEPARTMENT'S RESPONSE: The Department disagrees. Article 21.81 not only allows but requires the Commissioner to promulgate and adopt a rule designating underserved areas. The representative for TAIPA agreed at the hearing that the Department not only has the authority to promulgate this rule, it has a duty to promulgate the rule. In addition, a program of incentives is an integral part of an overall program to address market failures which cause a lack of insurance availability in parts of the state. Adoption of the rule will have a positive impact on the Texas automobile insurance market. It will provide the needed incentives for companies to write in areas that are currently underserved. Availability problems represent failures of the market. The market mechanism is not operating effectively to provide insureds with insurance products at affordable prices. The incentives provided in these rules will change the market calculation for insurers that will encourage them to provide insurance in those areas of the state that are currently underserved and thereby improve the market.

COMMENT: A commenter argued that certain ZIP Codes proposed for designation as underserved contain a small number of exposures. The commenter contended that ZIP Codes with small numbers of exposures should not be designated as underserved and that TDI should perform statistical tests to determine the credibility of the data in each ZIP Code.

DEPARTMENT'S RESPONSE: The Department disagrees. The measure of insurance availability is the share of TAIP plus non-standard to total exposures. If the ZIP Code has a high percentage but few exposures, it is an underserved ZIP Code, albeit with few exposures. If the concern is that the formula produces a list with too many ZIP Codes, the Department disagrees and notes that a ZIP Code with few exposures can only produce few credits. Finally, the Department believes that an arbitrary cap on designating ZIP Codes because of the number of vehicles has no logical or statistical support. Credibility is a statistical technique used in ratemaking and has no relevance in this issue because the designation of underserved ZIP Codes is not ratemaking.

COMMENT: A commenter raised several complaints about the credit program contained in the TAIPA Plan of Operation previously approved by the Commissioner.

DEPARTMENT'S RESPONSE: The credit program is not at issue in this rule proceeding. The TAIPA Governing Committee discussed the credits for underserved areas and made their decision in the Plan of Operation. Commissioner Hunter adopted that Plan which finalized the structure of the credit program. The subject of this proposed rule is not the structure of the credit program, but the designation of ZIP Codes as underserved.

COMMENT: A commenter argued that the methodology for determining underserved areas is incorrect and a more appropriate measure of availability would be simply the share of TAIP exposures to total exposures. The commenter claims that the legislature was interested in depopulating the TAIPA and not in depopulating non-standard companies.

DEPARTMENT'S RESPONSE: The Department disagrees. Article 21.81 3(e) states,

"Among other provisions, the plan of operation must contain certain incentive programs to encourage members to write insurance on a voluntary basis and to minimize the use of the association as a means to obtain insurance." (emphasis added). This sets out two purposes: (1) to encourage members to write insurance on a voluntary basis and (2) to minimize the use of the association.

Regarding the first purpose, the clear intent is to provide an incentive for association members to write consumers who they are not otherwise willing to insure. County mutual insurers are not members of TAIPA. Therefore, the legislature intended that members of TAIPA-rate-regulated insurers predominantly writing standard and preferred business-write consumers who are currently insured through TAIPA or county mutuals. Those drivers insured through TAIPA and county mutuals have been rejected by the members of TAIPA. Therefore, it is appropriate to include the number of county mutual exposures in the calculation.

The second purpose of the incentive program, to depopulate the association, is not affected by the use of county mutual exposures in the calculation.

There would be no benefit to consumers if TAIPA were depopulated only by forcing these insureds into higher-priced county mutuals. The only logical and meaningful intent of an incentive for writing in underserved areas is to encourage standard and preferred writers to voluntarily write business that would otherwise end up in TAIPA, nonstandard carriers or simply uninsured.

The new section is adopted pursuant to Insurance Code, Articles 1.03A and 21.81 § 3(e). Article 1.03A authorizes the Commissioner to adopt rules and regulations for the conduct and execution of the duties and functions of the department as authorized by statute. Article 21.81 requires that the Commissioner designate underserved geographic areas by rule.

The following Article of the Insurance Code are affected by this rule: Article 21.81.

§5.206. Designation of Underserved ZIP Codes.

(a) FIGURE 1: 28 TAC §5.206(a)

(b) FIGURE 2: 28 TAC §5.206(b)

(c) FIGURE 3: 28 TAC §5.206(c)

(d) FIGURE 4: 28 TAC §5.206(d)

(e) Class 0. Any ZIP Code not listed in subsections (a) through (d) of this section are designated as a Class 0 ZIP Code.

(f) Changes to designations. After initial designation of a ZIP Code, the designation may not be decreased (to a lower numbered class) for three years. Any such decrease in designation shall not be effective until one year after the changed designation is adopted as an amendment to this rule. An increase in the designation of a ZIP Code (to a higher numbered class) may occur at any time by amending this rule.

(g) In designating ZIP Codes as Class 0, 1, 2, 3 or 4, the Commissioner shall use the share of average vehicles on policies in force in assigned risk and nonstandard markets as a percentage of total average vehicles on polices in force by ZIP Code.

(h) Upon request, the Department shall publish a listing of the number of average vehicles on policies in force by company by ZIP Code in this state. This information will enable the Texas Automobile Insurance Plan Association, insurers and the public to make the necessary credit calculations and allow all interested parties to monitor which ZIP Codes may be underserved in the future.

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

Issued in Austin, Texas, on January 13, 1995.

TRD-9500627 D. J Powers
General Counsel and Chief Clerk
Texas Department of Insurance

Effective date. February 3, 1995

Proposal publication date. November 15, 1994

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

♦ ♦ ♦

Subchapter P. Commercial Property Insurance

• 28 TAC §5.12000

The Texas Department of Insurance adopts new §5.12000, concerning the conduct of commercial property inspection and rating functions by private entities and the Department's regulatory oversight of these functions, without changes to the proposed text as published in the September 16, 1994, issue of the *Texas Register* (19 TexReg 7229).

The new section provides necessary and appropriate procedures and standards for those private entities that will provide on and after September 1, 1994, commercial property inspection and rating services to the commercial property insurance industry in Texas These new procedures and standards are needed to assure that the consumers of Texas are adequately and fairly served by these private entities.

The newly adopted procedures and standards address the regulatory requirements for the private entities performing commercial property inspections and rating functions; the duties and responsibilities of the Commissioner of Insurance and the Texas Department of Insurance relating to the oversight of these entities in their conduct of the commercial property inspection and rating functions; and the complaint handling procedures relating to these inspection and rating functions. Subsection (a) outlines the purpose and scope of the new section. Subsection (b) defines terms used in the new section. Subsection (c) specifies inspection, reporting, computer access, personnel training, and consumer information requirements for the private entities in their conduct of the commercial property inspections and rating functions. Subsection (d) provides that these private entities are advisory organizations and subject to regulation under Article 5.73 of the Insurance Code and specifies regulatory sanctions for certain violations. Subsection (e) defines the duties and responsibilities of the Department and the Commissioner over the commercial property inspections and rating functions as conducted by private entities. These duties and responsibilities include oversight of the commercial property inspections and rating; review of commercial property rating schedules and/or public fire protection grading or classification schedules used by a private entity to establish base fire rates and/or public fire protection gradings or classifications of communities in Texas prior to the filing of those rating schedules by individual insurers pursuant to the Insurance Code, Article 5.13-2; providing of advice and assistance in the development of commercial property rating schedules, standards of construction, standards of fire protection (public or private), or any other standard relating to the establishment of a base fire rate or a public fire protection grading or classification; continued Departmental inspection and rating of certain residential risks; and dissemination of public information through publications and educational programs. Subsection (f) specifies procedures for handling complaints relating to the commercial property inspections and rating functions performed by private entities.

No comments were received regarding adoption of the new section.

The new section is adopted pursuant to the Insurance Code, Articles 5.25, 5. 13-2, 5.73, 5.98, 1.02, and 1.03A and the Government Code, §§2001.004 et seq. It is the Department's interpretation that the language in Article 5.25(b) (Acts 1991, 72nd Legislature, Chapter 242, §2.23, effective September 1, 1991) which addresses the Department's conduct of commercial property inspections and prescription of rating schedules does not create a requirement for the Department to perform these functions, and therefore the Department may authorize third-parties to perform these functions. Article 5.13-2 provides for a file and use rate system for insurers writing commercial property insurance in Texas and requires each such insurer to file with the Commissioner all rates, supplementary rating information, and reasonable and pertinent supporting information for risks written in this state. Article 5. 13-2 authorizes the Commissioner to disapprove a rate if the Commissioner determines that the rate filing made under this article does not meet the standards established under the rate standards section of Article 5.13-2. These rate standards include the requirement that rates may not be excessive, inadequate, or unfairly discriminatory. Section 1 of Article 5.73 provides a functional definition of an advisory organization, i.e., that every insurer transacting business in the state may, but is not required to, subscribe to an advisory organization and is permitted to submit to and re-

ceive from any advisory organization statistical plans, historical data, prospective loss costs, supplementary rating information, policy forms and endorsements, research and performance of inspections except final rates or recommendations regarding profit or expense provisions, other than loss adjustment expenses. Sections 2 and 3(a) and (b) of Article 5.73 specify certain prohibited activities for insurers and advisory organizations. Section 3(c) of Article 5. 73 provides that if, after a hearing, the Commissioner of Insurance finds that the furnishing of specified services by an advisory organization involves any act or practice which is unfair or unreasonable or otherwise inconsistent with the provisions of Subchapter F, Chapter 5 of the Insurance Code (governing Joint Underwriting and Reinsurance; Advisory Organizations) or with the applicable laws of this state, the Commissioner may issue an order specifying in what respects such act or practice is unfair or unreasonable or otherwise inconsistent with the provisions of law and requiring the discontinuance of such act or practice, and in addition to any other remedies available at law, impose any sanction authorized under Article 1.10 of the Insurance Code. Section 4(b) of Article 5.73 provides that an advisory organization is subject to examination under Article 5.74 of the Insurance Code. Article 5.98 authorizes the Commissioner of Insurance to adopt reasonable rules that are appropriate to accomplish the purposes of Chapter 5 of the Insurance Code (Rating and Policy Forms). Articles 5.73 and 5.98 by their terms delegate the foregoing authority to the State Board of Insurance. However, under Article 1. 02 of the Insurance Code, as amended by the 73rd Texas Legislature in House Bill 1461 (Acts 1993, 73rd Legislature, Chapter 685, §1.01, effective September 1, 1993), a reference in the Insurance Code or another insurance law to the State Board of Insurance means the Commissioner of Insurance or the Texas Department of Insurance, as consistent with the respective powers and duties of the Commissioner and the Department under Article 1.02. Section 1. 23(c) of House Bill 1461 provides that on September 1, 1993, the Board shall relinquish authority over all areas of activity of the Texas Department of Insurance except the promulgation and approval of rates and policy forms and endorsements and hearings, proceedings, and rules related to these activities; such authority shall be exercised by the Board until no later than September 1, 1994. Section 1.23(d) of House Bill 1461 provides that on and after the date a Commissioner of Insurance is appointed under subsection (a) of §1.23 the Commissioner shall cooperate with the Board to assume the authority granted to the Board under subsection (c) of §1.23 and shall adopt rules as necessary to govern those activities. Section 1.23(d) further provides that as soon as possible after the appointment of the Commissioner under §1.23(a) but not later than September 1, 1994, the Commissioner shall assume the authority granted to the Board under §1.23(c). Pursuant to Board Order No. 60574, November 29, 1993, the State Board of Insurance transferred the authority granted to the Board under §1.23(c) of House Bill 1461 to the Commissioner of Insurance, effective December 16, 1993. Article 1.03A, as enacted by the 73rd Texas Legislature in House Bill 1461 (Acts 1993, 73rd Legislature, Chapter 685, §1.03, effective September 1, 1993), provides that the Commissioner of Insurance may adopt rules and regulations, which must be for general and uniform application, for the conduct and execution of the duties and functions of the Texas Department of Insurance only as authorized by a statute. The Government Code, §§2001.004 et seq (Administrative Procedure Act), authorize and require each state agency to adopt rules of practice setting forth the nature and requirement of available procedures and to prescribe the procedures for adoption of rules by a state agency.

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

Issued in Austin, Texas, on January 13, 1995.

TRD-9500623 D. J. Powers
General Counsel and Chief Clerk
Texas Department of Insurance

Effective date: February 3, 1995

Proposal publication date: September 16, 1994

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

♦ ♦ ♦

Chapter 7. Corporate and Financial Regulation

Subchapter A. Examination and Corporate Custodian and Tax

• 28 TAC §7.64

The Texas Department of Insurance adopts the repeal of §7.64, concerning the annual statement blanks, instructions, and other forms used by insurers and certain other entities regulated by the Texas Department of Insurance to report their financial condition and business operations and activities for calendar year 1985, without changes to the proposed text as published in the December 2, 1994, issue of the *Texas Register* (19 TexReg 9457)

The repeal of the section is necessary to eliminate unnecessary provisions and to enable the Texas Department of Insurance simultaneously to adopt new §7.64, which replaces the repealed section with new provisions concerning the filing requirements for annual and quarterly statements and other reporting forms for calendar years 1994 and 1995.

The repeal of this section will eliminate unnecessary and outdated provisions pertaining to reports of financial condition and business operations and activities for calendar year 1985.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Articles 1.11, 1.10, 3.07, 3.20-1, 3.27-2, 6.11, 6.12, 8.07, 8.08, 8.21, 8.24, 9.22, 9.47, 10.30, 11.06, 11.19, 14.15, 14.39, 15.15, 15.16, 16.18, 16.24, 17.22, 17.25, 18.12, 19.08, 20.02, 20A.10, 20A.22, 21.39, 21.43, 21.54, 22.06, 23.02, 23.26., 1.03A; and Texas Government Code, §§2001.004-2001.038. The Insurance Code, Article 1. 11 authorizes the commissioner to make changes in the forms of the annual statements required of insurance companies of any kind, as shall seem best adapted to elicit a true exhibit of their condition and methods of transacting business, and requires certain insurers to make filings with the National Association of Insurance Commissioners. Article 1.10(9), requires the department to furnish the statement blanks and other reporting forms necessary for companies to comply with the filing requirements. Articles 3.07, 3.20-1, 3. 27-2, 6.11, 6.12, 8.07, 8.08, 8.21, 8.24, 9.22, 9.47, 10.30, 11.06, 11.19, 14. 15, 14.39, 15.15, 15.16, 16.18, 16.24, 17.22, 17.25, 18.12, 19.08, 20.02, 20A. 10, 20A.22, 21.54, 22.06, 23.02, and 23.26, require the filing of financial reports and other information by insurers and other regulated entities, and specify particular rule-making authority of the commissioner relating to those insurers and other regulated entities. Article 21.39 requires insurers to establish adequate reserves and provides for the adoption of each current formula for establishing reserves applicable to each line of insurance. Article 21.43 provides the conditions under which foreign insurers are permitted to do business in this state and requires foreign insurers to comply with the provisions of the Insurance Code. Article 1.03A authorizes the commissioner to adopt rules for the conduct and execution of the duties and functions of the department only as authorized by statute for general and uniform application. Texas Government Code, §§2001.004-2001.038, authorize and require each state agency to adopt rules of practice setting forth the nature and requirement of available procedures, and prescribe the procedures for adoption of rules by a state administrative agency.

The following are the articles of the Insurance Code that are affected by this section: Articles 1.11, 1.10, 3.07, 3.20-1, 3.27-2, 6.11, 6.12, 8.07, 8. 08, 8.21, 8.24, 9.22, 9.47, 10.30, 11.06, 11.19, 14.15, 14.39, 15.15, 15.16, 16.18, 16.24, 17.22, 17.25, 18.12, 19.08, 20.02, 20A.10, 20A.22, 21.39, 21.43, 21.54, 22.06, 23.02, 23.26.

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

Issued in Austin, Texas, on January 13, 1995.

TRD-9500626 D. J. Powers
General Counsel and Chief Clerk
Texas Department of Insurance

Effective date: February 3, 1995

Proposal publication date: December 2, 1994

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

♦ ♦ ♦

The Texas Department of Insurance adopts new §7.64, with changes to the proposed text as published in the December 2, 1994, issue of the *Texas Register* (19 TexReg 9457).

The new section concerns annual and quarterly statement blanks, other reporting forms, diskettes and instructions to be used by insurers and certain other entities regulated by the Texas Department of Insurance when reporting their financial condition and business operations and activities, and the requirement to file such completed statement blanks and other reporting forms, including diskettes. These statement blanks, other reporting forms, and diskettes are required for reporting, in 1995, the financial condition and business operations and activities conducted during the 1994 and 1995 calendar years. The adoption of new §7.64 is simultaneous with the repeal of existing §7.64, concerning the 1985 annual statement filings. The adoption includes a change to subsections (c)(1)(G) and (d)(1)(I) to conform the due date stated in the rule to the due date stated in the Credit Insurance Experience Exhibit form which is adopted by reference in this new section. The due date in the subsections is changed from May 1, 1995 to April 1, 1995. Subsections (c)(2)(B) , (d)(2)(B) and (e)(2)(A) are changed to conform the due date in the Accident and Health Policy Experience Exhibit form which is adopted by reference in this new section. The due date is changed in the subsections from June 30, 1995 to May 1, 1995. Subsection (c)(1)(I) and (J) are changed to conform the due date stated in the rule to the due date stated in the Life, Health and Annuity Guaranty Association Model Act Assessment Base Reconciliation Exhibit and the Adjustments to the Life, Health and Annuity Guaranty Association Model Act Assessment Base Reconciliation Exhibit forms which are adopted by reference in the new section. The due date in the rule is changed from June 30, 1995 to April 1, 1995.

The new section defines terms relevant to the statement blanks and reporting forms; provides the dates by which certain reports are to be filed; adopts by reference the annual and quarterly statement blanks, other reporting forms, and instructions for reporting the financial condition and business operations and activities; and requires insurance companies and certain other regulated entities to file such annual and quarterly statements and other reporting forms with the department and/or the National Association of Insurance Commissioners as directed. The department has filed with the Secretary of State, Texas Register Division, copies of the annual and quarterly statement blanks, other reporting forms, and manuals adopted by reference. Other copies are available for inspection in the office of the Financial Analysis Unit of the Texas Department of Insurance, William P. Hobby State Office Building, 333 Guadalupe, Building 3, Third Floor, Austin, Texas.

No comments were received regarding adoption of the new section.

The new section is adopted under the Insurance Code, Articles 1.11, 1.10, 3. 07, 3.20-1, 3.27-2, 6.11, 6.12, 8.07, 8.08, 8.21, 8.24, 9.22, 9.47, 10.30, 11. 06, 11.19, 14.15, 14.39, 15.15, 15.16, 16.18, 16.24, 17.22, 17.25, 18.12, 19. 08, 20.02, 20A.10, 20A.22, 21.39, 21.43, 21.54, 22.06, 23.02 23.26, 1.03A; and Texas Government Code, §§2001.004-2001.038. The Insurance Code, Article 1. 11 authorizes the commissioner to make changes in the forms of the annual statements required of insurance companies of any kind, as shall seem best adapted to elicit a true exhibit of their condition and methods of transacting business, and requires certain insurers to make filings with the National Association of Insurance Commissioners. Article 1.10(9), requires the department to furnish the statement blanks and other reporting forms necessary for companies to comply with the filing requirements. Articles 3.07, 3.20-1, 3. 27-2, 6.11, 6.12, 8.07, 8.08, 8.21, 8.24, 9.22, 9.47, 10.30, 11.06, 11.19, 14. 15, 14.39, 15.15, 15.16, 16.18, 16.24, 17.22, 17.25, 18.12, 19.08, 20.02, 20A. 10, 20A.22, 21.54, 22.06, 23.02, and 23.26, require the filing of financial reports and other information by insurers and other regulated entities, and specify particular rule-making authority of the commissioner relating to those insurers and other regulated entities. Article 21.39 requires insurers to establish adequate reserves and provides for the adoption of each current formula for establishing reserves applicable to each line of insurance. Article 21.43 provides the conditions under which foreign insurers are permitted to do business in this state and requires foreign insurers to comply with the provisions of the Insurance Code. Article 1.03A authorizes the commissioner to adopt rules for the conduct and execution of the duties and functions of the department only as authorized by statute for general and uniform application. Texas Government Code, §§2001.004-2001.038, authorize and require each state agency to adopt rules of practice setting forth the nature and requirement of available procedures, and prescribe the procedures for adoption of rules by a state administrative agency. The proposed section affects the filing of the annual statement, other reporting forms, and diskettes to elicit the financial condition of insurers under the Insurance Code, Article 1.11.

The following are the articles of the Insurance Code that are affected by this section: Articles 1.11, 1.10, 3.07, 3.20-1, 3.27-2, 6.11, 6.12, 8.07, 8. 08, 8.21, 8.24, 9.22, 9.47, 10.30, 11.06, 11.19, 14.15, 14.39, 15.15, 15.16, 16.18, 16.24, 17.22, 17.25, 18.12, 19 08, 20.02, 20A.10, 20A.22, 21.39, 21.43, 21.54, 22.06, 23.02, and 23.26.

§7.64. Requirements for filing the 1994 Annual and 1995 Quarterly Statements, Other Reporting Forms, and Diskettes.

(a) Scope. This section provides insurers and other regulated entities with the filing requirements for the 1994 annual statement, 1995 quarterly statements, other reporting forms, and diskettes necessary to report information concerning the financial condition and business operations and activities of insurers. This section applies to all insurers and other regulated entities authorized to do the business of insurance in this state and includes, but is not limited to, life insurers; accident insurers; life and accident insurers; life and health insurers; accident and health insurers; life, accident and health insurers; mutual life insurers; stipulated premium insurers; group hospital service corporations; fire insurers; fire and marine insurers; general casualty insurers; fire and casualty insurers; mutual insurers other than life; county mutual insurers; Lloyd's plans; reciprocal and inter-insurance exchanges; domestic risk retention groups; domestic joint underwriting associations; title insurers; fraternal benefit societies; local mutual aid associations; statewide mutual assessment companies; mutual burial associations; exempt associations; farm mutual insurers; health maintenance organizations; and nonprofit legal services corporations. The commissioner of insurance adopts by reference the 1994 annual and 1995 quarterly statement blanks, instruction manuals, and other reporting forms specified in this section. The annual and quarterly statement blanks and other reporting forms are available from the Texas Department of Insurance, Financial Monitoring Activity, Mail Code 303-1A, P.O. Box 149099, Austin, Texas 78714-9099. Insurers and other regulated entities shall properly report to the Texas Department of Insurance and the National Association of Insurance Commissioners (NAIC), using the appropriate annual and quarterly statement blanks, other reporting forms and machine-readable diskettes and following the applicable instructions as outlined in subsections (c)-(l) of this section.

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

(1) Association edition-Blanks and forms promulgated by the National Association of Insurance Commissioners.

(2) Commissioner-The commissioner of insurance appointed under the Insurance Code, Article 1.09.

(3) Department-The Texas Department of Insurance.

(4) Insurer-A person or business entity legally organized in and authorized by its domiciliary jurisdiction to do the business of insurance.

(5) NAIC-The National Association of Insurance Commissioners.

(6) Texas edition-Blanks and forms promulgated by the commissioner of insurance.

(c) Filing requirements for life, accident and health insurers. Each life, life and accident, life and health, accident and health, mutual life, or life, accident and health insurance company, stipulated premium insurance company, and group hospital services corporation shall complete and file the following blanks, forms, and diskettes for the 1994 calendar year and the first

three quarters of the 1995 calendar year. The forms, reports and diskettes identified in paragraphs (1)(A)-(L); (2)(A)-(C); and (3)(A) of this subsection shall be completed in accordance with the current NAIC Annual Statement Instructions, Life, Accident and Health, except as provided by paragraph (4) of this subsection. The diskettes identified in paragraph (3)(B) and (C) shall be completed in accordance with the current NAIC Annual Statement Diskette Filing Specifications-Life/Health, except as provided by paragraph (4) of this subsection.

(1) Reports to be filed with the department and the NAIC include the following:

(A) Annual Statement (association edition, Form 1 or Form 11 with a blue colored cover), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before March 1, 1995 (stipulated premium insurance companies, April 1, 1995);

(B) Annual Statement of the Separate Accounts (association edition, Form 1-S with a green colored cover) (required of companies maintaining separate accounts), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before March 1, 1995 (stipulated premium insurance companies, April 1, 1995);

(C) Trusted Surplus Statement (association edition, Life, Accident and Health Supplement) (required of the U.S. branch of an alien insurer), 9 inch x 14 inch size to be filed on or before March 1, May 15, August 15, and November 15, 1995;

(D) Management's Discussion and Analysis (a narrative document setting forth information which enables regulators to enhance their understanding of the insurer's financial position, results of operations, changes in capital and surplus accounts and cash flow), to be filed on or before April 1, 1995 (stipulated premium insurance companies, May 1, 1995);

(E) Long-Term Care Insurance Exhibit (association edition) (required of companies writing long-term care business), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before March 1, 1995 (stipulated premium insurance companies, April 1, 1995), in addition to the Long-Term Care Experience Reporting Form included in the annual statement required by subparagraph (A) of this paragraph;

(F) Schedule DS (association edition) (required of companies that have included equity in the undistributed income of consolidated subsidiaries in its net gain/(loss) from operations), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before March 1, 1995 (stipulated premium insurance companies, April 1, 1995);

(G) Credit Insurance Experience Exhibit (association edition) (required of companies writing credit business), 9 inch x 14 inch size, to be filed on or before April 1, 1995;

(H) Interest Sensitive Life Insurance Products Report (association edition) (required of companies writing interest sensitive products), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before April 1, 1995 (stipulated premium insurance companies, May 1, 1995);

(I) Life, Health and Annuity Guaranty Association Model Act Assessment Base Reconciliation Exhibit (association edition), 9 inch x 14 inch size, to be filed on or before April 1, 1995;

(J) Adjustments to the Life, Health & Annuity Guaranty Association Model Act Assessment Base Reconciliation Exhibit (association edition), 9 inch x 14 inch size, to be filed on or before April 1, 1995;

(K) Life and Accident and Health Quarterly Statement (association edition) (required of companies filing Form 1), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before May 15, August 15, and November 15, 1995. However, a Texas stipulated premium insurance company, unless specifically requested to do so by the department, is not required to file quarterly statements with the department or the NAIC if it meets all three of the following conditions:

(i) it is authorized to write only life insurance on its certificate of authority;

(ii) it collected premiums in the prior calendar year of less than $1 million; and

(iii) it had a profit from operations in the prior two calendar years;

(L) Certificate of Compliance with All Required Reporting Requirements of the Securities Valuation Office of the NAIC (required of all companies to certify that the requirements of the Securities Valuation Office (SVO) have been met in a timely fashion), to be attached to each annual and quarterly statement required by paragraphs (1)(A) and (K) of this subsection; and

(M) Actuarial Opinion (the statement of a qualified actuary, setting forth his or her opinion relating to policy reserves and other actuarial items; required of all companies), to be attached to the annual statement required by paragraph (1)(A) of this subsection.

(2) Reports to be filed only with the department:

(A) Schedule SIS, Stockholder Information Supplement (association edition) (required of domestic stock companies which have 100 or more stockholders), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before March 1, 1995;

(B) Accident and Health Policy Experience Exhibit (association edition) (required of companies writing accident and/or health business), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before May 1, 1995;

(C) Supplemental Compensation Exhibit (association edition) 9 inch x 14 inch size, to be filed on or before March 1, 1995;

(D) Annual Statement (Texas edition, green) (required of companies writing prepaid legal business in 1994), 8 1/2 inch x 14 inch size, to be filed on or before March 1, 1995;

(E) Affidavit in Lieu of Annual Statement (Texas edition, green) (required of companies authorized to write prepaid legal business that did not write such business in 1994), to be filed on or before March 1, 1995;

(F) Texas Overhead Assessment Form (required of Texas domestic companies only), to be filed on or before March 1, 1995 (stipulated premium insurance companies, April 1, 1995);

(G) Analysis of Surplus, for life, accident and health insurers, to be filed on or before March 1, 1995 (stipulated premium insurance companies, April 1, 1995);

(H) TX Disclosure Form (reports whether the annual or quarterly statement filing with the department differs from the annual or quarterly statement filing with the NAIC or the insurer's state of domicile and reports any individual treatment of assets, liabilities, operations, or capital and

surplus accounts granted by an insurer's state of domicile or any other state insurance regulatory department), to be filed on or before March 1, May 15, August 15, and November 15, 1995 (stipulated premium companies, April 1, 1995 and, for those stipulated premium companies subject to quarterly reporting in accordance with paragraph (1)(K) of this subsection, May 15, August 15, and November 15, 1995);

(I) Supplemental Investment Income Exhibit (shows percent of net investment income by type of investment, as an attachment to page ten of the annual statement as required by paragraph (1)(A) of this subsection), to be filed on or before March 1, 1995 (stipulated premium companies, April 1, 1995); and

(3) Reports and diskettes to be filed only with the NAIC:

(A) Officers and Directors Information (association edition) (required of companies upon their initial filing with the NAIC and to report any changes in previously filed information), to be filed on or before March 1, 1995 (stipulated premium insurance companies, April 1, 1995);

(B) machine-readable diskettes containing computerized annual statement data (required of companies filing annual statement Form 1), to be filed on or before March 1, 1995 (stipulated premium insurance companies, April 1, 1995); and

(C) machine-readable diskettes containing computerized quarterly statement data (required of companies filing annual statement Form 1), to be filed on or before May 15, August 15, and November 15, 1995. However, a Texas stipulated premium insurance company, unless specifically requested to do so by the department, is not required to file diskettes with the NAIC if it meets all three of the following conditions:

(i) it is authorized to write only life insurance on its certificate of authority;

(ii) it collected premiums in the prior calendar year of less than $1 million; and

(iii) it had a profit from operations in the prior two calendar years.

(4) The following provisions shall apply to the filings required in paragraphs (1)-(3) of this subsection.

(A) Since Texas domestic companies have historically not been required to establish Asset Valuation Reserve (AVR) or Interest Maintenance Reserve (IMR), they are not required at the present time to establish an Asset Valuation Reserve (AVR) or Interest Maintenance Reserve (IMR) unless the company is licensed in a state that requires an AVR or IMR, in which case the reserve must be calculated in accordance with the instructions established by the NAIC.

(B) In the event of a conflict between the Insurance Code, any currently existing departmental rule, form, or instruction, or any specific requirement of this subsection and the NAIC manuals listed in this subsection, then and in that event, the Insurance Code, the department's promulgated rule, form, or instruction, or the specific requirement of this subsection shall take precedence and in all respects control. It is the express intent of this subsection that it shall not repeal or otherwise modify or amend any department rule or the Insurance Code.

(d) Requirements for property and casualty insurers. Each fire, fire and marine, general casualty, fire and casualty, county mutual insurance company, mutual insurance company other than life, Lloyd's plan, reciprocal or inter-insurance exchange, domestic risk retention group, life insurance company that is licensed to write workers' compensation, any farm mutual insurance company that filed on a Form 2 for the 1993 calendar year, and domestic joint underwriting associations shall complete and file the following blanks, forms, and diskettes for the 1994 calendar year and the first three quarters of the 1995 calendar year. The forms, reports, and diskettes identified in paragraphs (1)(A)-(K); (2)(A)-(C); and (3)(A)-(C) of this subsection shall be completed in accordance with the current NAIC Annual Statement Instructions, Property and Casualty, except as provided by paragraph (4) of this section. The diskettes identified in paragraph (3)(B) and (C) of this subsection shall be completed in accordance with the current NAIC Annual Statement Diskette Filing Specifications-Property/Casualty, except as provided by paragraph (4) of this subsection.

(1) Reports to be filed with the department and the NAIC:

(A) Annual Statement (association edition, Form 2 with a yellow colored cover), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before March 1, 1995;

(B) Trusted Surplus Statement (association edition, Property and Casualty Supplement) (required of the U.S. branch of an alien insurer), 9 inch x 14 inch size to be filed on or before March 1, May 15, August 15, and November 15, 1995;

(C) Management's Discussion and Analysis (a narrative document setting forth information which enables regulators to enhance their understanding of the insurer's financial position, results of operations, changes in capital and surplus accounts and cash flow), to be filed on or before April 1, 1995;

(D) Long-Term Care Insurance Exhibit (association edition) (required of companies writing long-term care business), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before March 1, 1995, in addition to the Long-Term Care Experience Reporting Form required by paragraph (1)(E) of this subsection;

(E) Long-Term Care Experience Reporting Form (association edition) (required of companies writing long-term care business), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before May 1, 1995;

(F) Financial Guaranty Insurance Exhibit (association edition) (required of companies writing financial guaranty business), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before March 1, 1995;

(G) Supplement "A" to Schedule T, Exhibit of Medical Malpractice Premiums Written (association edition) (required of companies writing medical malpractice business), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before March 1, 1995;

(H) Insurance Expense Exhibit (association edition), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed in duplicate on or before April 1, 1995; and

(I) Credit Insurance Experience Exhibit (association edition) (required of companies writing credit accident and/or health business), 9 inch x 14 inch size, to be filed on or before April 1, 1995;

(J) Fire and Casualty Quarterly Statement (association edition), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before May 15, August 15, and November 15, 1995; and

(K) Actuarial Opinion (the statement of a qualified actuary, setting

forth his or her opinion relating to policy reserves and other actuarial items; required of all companies), to be attached to the annual statement required by paragraph (1)(A) of this subsection.

(2) Reports to be filed only with the department:

(A) Schedule SIS, Stockholder Information Supplement (association edition) (required of domestic stock companies which have 100 or more stockholders), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before March 1, 1995;

(B) Accident and Health Policy Experience Exhibit (association edition) (required of companies writing accident and/or health business), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before May 1, 1995;

(C) Supplemental Compensation Exhibit (association edition) 9 inch x 14 inch size, to be filed on or before March 1, 1995;

(D) Annual Statement (Texas edition, green) (required of companies writing prepaid legal business), 8 1/2 inch x 14 inch size, to be filed on or before March 1, 1995;

(E) Affidavit in Lieu of Annual Statement (Texas edition, green) (required of companies authorized to write prepaid legal business that did not write such business in 1994), to be filed on or before March 1, 1995;

(F) Texas Overhead Assessment Form (required of Texas domestic companies only), to be filed on or before March 1, 1995;

(G) Analysis of Surplus, for property and casualty insurers (required of all licensed companies, except Texas domestic county mutual companies), to be filed on or before March 1, 1995;

(H) Supplement for County Mutuals (required of Texas domestic county mutual companies, as an attachment to page sixteen of the annual statement as required by paragraph (1)(A) of this subsection), to be filed on or before March 1, 1995;

(I) Supplement A for County Mutuals (required of Texas domestic county mutual companies, as an attachment to page eight of the annual statement as required by paragraph (1)(A) of this subsection), to be filed on or before March 1, 1995;

(J) TX Disclosure Form (reports whether the annual or quarterly statement filing with the department differs from the annual or quarterly statement filing with the NAIC or the insurer's state of domicile and reports any individual treatment of assets, liabilities, operations, or capital and surplus accounts granted by an insurer's state of domicile or any other state insurance regulatory department), to be filed on or before March 1, May 15, August 15, and November 15, 1995; and

(K) Supplemental Investment Income Exhibit (shows percent of net investment income by type of investment, as an attachment to page six of the annual statement as required by paragraph (1)(A) of this subsection), to be filed on or before March 1, 1995; and

(L) Form ALT/P/WC, Application for Alternative Excess Statutory Over Statement Reserves for Workers' Compensation (required of deductible plan workers' compensation writers if applying for an alternative basis of calculating the excess statutory over statement reserves for workers' compensation business), to be filed on or before January 31, 1995.

(3) Reports and diskettes to be filed only with the NAIC:

(A) Officers and Directors Information (association edition) (required of companies upon their initial filing with the NAIC and to report any changes in previously filed information), to be filed on or before March 1, 1995;

(B) machine-readable diskettes containing computerized annual statement data, to be filed on or before March 1, 1995; and

(C) machine-readable diskettes containing computerized quarterly statement data, to be filed on or before May 15, August 15, and November 15, 1995.

(4) The following provisions shall apply to all filings required by paragraphs (1)-(3) of this subsection.

(A) No loss reserve discounts, other than as respects fixed and determinable payments such as those emanating from workers' compensation tabular indemnity reserves and long-term disability claims for which specific segregated investments have been established, shall be allowed; provided, however, any company that claimed loss reserve discounts, other than as respects fixed and determinable payments such as those emanating from workers' compensation tabular indemnity reserves and long-term disability claims, as of December 31, 1991, shall be allowed to claim such reserve discounts at the applicable percentage. The applicable percentage for claiming such loss reserve discounts shall be 100% for 1992, 75% for 1993, 50% for 1994, 25% for 1995, 0% for 1996 and subsequent years. In no event shall the dollar amount of discounts, other than as respects fixed and determinable payments such as those emanating from workers' compensation tabular indemnity reserves and long-term disability claims, claimed as of December 31, 1991, and subject to the applicable percentage, be increased as of December 31, 1992 and thereafter. The commissioner shall have the authority to determine the appropriateness of, and may disapprove, discounts taken as respects fixed and determinable payments such as those emanating from workers' compensation tabular indemnity reserves and long-term disability claims.

(B) The commissioner shall have the authority to determine the appropriateness of, and may disapprove, anticipated salvage and subrogation.

(C) Because SB1, acts of the 71st Texas Legislature, effective January 1, 1991, may have had a dramatic effect on the pricing and loss ratios for workers' compensation business written in the State of Texas, some insurers may be exempt from establishing the entire excess of statutory reserves over statement reserves, also known as the Schedule P penalty reserve, as would otherwise be required by the NAIC Annual Statement Instructions, Property and Casualty. Specifically, Texas domestic insurers that wrote workers' compensation in Texas, but no state other than Texas, in years 1992, 1993, and 1994 and whose loss experience prior to 1992 would require the establishment of a Schedule P penalty reserve using a loss ratio greater than 65% may calculate the reserve based on a loss ratio of 65%. The exemption herein described shall only be for the 1994 annual and 1995 interim financial statements. Reserving in this manner is intended to be consistent with the regulatory desire to attain competitive rates for workers' compensation written in Texas.

(D) Insurers meeting certain eligibility criteria and not claiming the exemption provided in paragraph (4)(C) of this subsection may apply for approval of an alternative basis of calculating the Excess of Statutory Over Statement Reserve, also known as the Schedule P penalty reserve, for workers' compensation business. The application for an alternative basis for

calculating this reserve applies only to workers' compensation business written pursuant to deductible plans authorized by Texas Insurance Code, Article 5.55C.

(i) Eligibility is generally available to insurers that are domiciled or commercially domiciled in Texas and that demonstrate that their standard premium, prior to application of deductible credits, written pursuant to deductible plans was at least 80% of total standard premium for all workers' compensation business for each of the years for which an alternative calculation is requested.

(ii) To apply for an alternative basis of calculating the penalty reserve, an eligible insurer must complete Form ALT/P/WC, Application for Alternative Excess of Statutory Over Statement Reserve for Worker's Compensation. Forms may be obtained from the Financial Monitoring Activity of the Department of Insurance, MC 303-1A, P.O. Box 149099, Austin, Texas 78714-9099, (512) 322-5002. Completed applications must be filed with the department on or before January 31, 1995.

(iii) The Texas Department of Insurance may grant an exception or alternative to requiring the full Schedule P penalty reserve for workers' compensation business, if, in the department's opinion, such treatment is warranted based on the insurer's application. Insurers that do not obtain the prior written approval of the department for an alternative basis of calculating the Schedule P penalty reserve as provided in the subparagraph shall calculate the penalty reserve in accordance with the current NAIC Annual Statement Instruction, Property and Casualty.

(E) In the event of a conflict between the Insurance Code, any currently existing departmental rule, form, or instruction, or any specific requirement of this section and the NAIC manuals listed in this subsection, then and in that event, the Insurance Code, the department's promulgated rule, form, or instruction, or the specific requirement of this section shall take precedence and in all respects control. It is the express intent of this subsection that it shall not repeal or otherwise modify or amend any department rule or the Insurance Code.

(e) Requirements for fraternal benefit societies. Each fraternal benefit society shall complete and file the following blanks, forms, and diskettes for the 1994 calendar year and the first three quarters of the 1995 calendar year. The forms, reports, and diskettes identified in paragraphs (1)(A)-(H); (2)(A)-(C); and (3)(A) and (B) of this subsection shall be completed in accordance with the current NAIC Annual Statement Instructions, Fraternal, except as provided by paragraph (4) of this subsection. The diskettes identified in paragraph (3)(B) of this subsection shall be completed in accordance with the current NAIC Annual Statement Diskette Filing Specifications-Fraternal, except as provided by paragraph (4) of this subsection.

(1) Reports to be filed with the department and the NAIC:

(A) Annual Statement (association edition, Form 4 with a brown colored cover), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before March 1, 1995,

(B) Annual Statement of the Separate Accounts (association edition, Form 1-S) (required of companies maintaining separate accounts), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before March 1, 1995;

(C) Trusted Surplus Statement (association edition, Fraternal Supplement) (required of the U.S. branch of an alien insurer), 9 inch x 14 inch size to be filed on or before March 1, May 15, August 15, and November 15, 1995;

(D) Management's Discussion and Analysis (a narrative document setting forth information which enables regulators to enhance their understanding of the insurer's financial position, results of operations, changes in capital and surplus accounts and cash flow), to be filed on or before April 1, 1995;

(E) Long-Term Care Insurance Exhibit (association edition) (required of companies writing long-term care business), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before March 1, 1995, in addition to the Long-Term Care Experience Reporting Form included in the annual statement required in paragraph (1)(A) of this subsection; and

(F) Interest Sensitive Life Insurance Products Report (association edition) (required of companies writing interest sensitive products), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before April 1, 1995.

(G) Certificate of Compliance with All Required Reporting Requirements of the Securities Valuation Office of the NAIC (required of all companies to certify that the requirements of the Securities Valuation Office (SVO) have been met in a timely fashion, to be attached to each annual statement required by subparagraph (1)(A); and

(H) Actuarial Opinion (the statement of a qualified actuary, setting forth his or her opinion relating to policy reserves and other actuarial items; to be filed by all companies), to be attached to the annual statement required by paragraph (1)(A) of this subsection

(2) Reports to be filed only with the department:

(A) Accident and Health Policy Experience Exhibit (association edition) (required of companies writing accident and/or health business), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before May 1, 1995;

(B) Supplemental Compensation Exhibit (association edition) 9 inch x 14 inch size, to be filed on or before March 1, 1995;

(C) Fraternal Quarterly Statement (association edition), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before May 15, August 15, and November 15, 1995;

(D) Texas Overhead Assessment Form (required of Texas domestic companies only), to be filed on or before March 1, 1995;

(E) Analysis of Surplus, for fraternal benefit societies, to be filed on or before March 1, 1995; and

(F) Fraternal Benefit Societies-Supplement to Valuation Report, to be filed on or before June 30, 1995.

(G) TX Disclosure Form (reports whether the annual or quarterly statement filing with the department differs from the annual or quarterly statement filing with the NAIC or the insurer's state of domicile and reports any individual treatment of assets, liabilities, operations, or capital and surplus accounts granted by an insurer's state of domicile or any other state insurance regulatory department), to be filed on or before March 1, May 15, August 15, and November 15, 1995,

(H) Supplemental Investment Income Exhibit (shows percent of net investment income by type of investment, as an attachment to page nine of the annual

statement as required by paragraph (1)(A) of this subsection), to be filed on or before March 1, 1995; and

(I) Certificate of Compliance with All Required Reporting Requirements of the Securities Valuation Office of the NAIC (required of all companies to certify that the requirements of the Securities Valuation Office (SVO) have been met in a timely fashion), to be attached to each quarterly statement required by paragraph (2)(C) of this subsection

(3) Reports and diskettes to be filed only with the NAIC:

(A) Officers and Directors Information (association edition) (required of companies upon their initial filing with the NAIC and to report any changes in previously filed information), to be filed on or before March 1, 1995; and

(B) machine-readable diskettes containing computerized annual statement data, to be filed on or before March 1, 1995.

(4) The following provisions shall apply to the filings required in paragraphs (1)-(3) of this subsection.

(A) Since Texas domestic companies have historically not been required to establish Asset Valuation Reserve (AVR) or Interest Maintenance Reserve (IMR), they are not required at the present time to establish an Asset Valuation Reserve (AVR) or Interest Maintenance Reserve (IMR) unless the company is licensed in a state that requires an AVR or IMR, in which case the reserve must be calculated in accordance with the instructions established by the NAIC

(B) In the event of a conflict between the Insurance Code, any currently existing departmental rule, form, or instruction, or any specific requirement of this subsection and the NAIC manuals listed in this subsection, then and in that event, the Insurance Code, the department's promulgated rule, form, or instruction, or the specific requirement of this subsection shall take precedence and in all respects control. It is the express intent of this subsection that it shall not repeal or otherwise modify or amend any department rule or the Insurance Code.

(f) Requirements for title insurers. Each title insurance company shall complete and file the following blanks and forms for the 1994 calendar year and the first three quarters of the 1995 calendar year. The reports and forms identified in paragraphs (1)(A) and (B); (2)(A) and (B); and (3) of this subsection shall be completed in accordance with the current NAIC Annual Statement Instructions, Title, except as otherwise provided by this section. In the event of a conflict between the Insurance Code, any currently existing departmental rule, form, or instruction, or any specific requirement of this subsection and the NAIC manuals listed in this subsection, then and in that event, the Insurance Code, the department's promulgated rule, form, or instruction, or the specific requirement of this subsection shall take precedence and in all respects control. It is the express intent of this subsection that it shall not repeal or otherwise modify or amend any department rule or the Insurance Code.

(1) Reports to be filed with the department and the NAIC:

(A) Annual Statement (association edition, Form 9 with a salmon colored cover), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before March 1, 1995.

(B) Management's Discussion and Analysis (a narrative document setting forth information which enables regulators to enhance their understanding of the insurer's financial position, results of operations, changes in capital and surplus accounts and cash flow), to be filed on or before April 1, 1995;

(2) Reports to be filed only with the department·

(A) Supplemental Compensation Exhibit (association edition), 9 inch x 14 inch size, to be filed on or before March 1, 1995;

(B) Title Quarterly Statement (association edition), either the 12 inch x 19 inch size, 11 inch x 17 inch size, or 9 inch x 14 inch size, to be filed on or before May 15, August 15, and November 15, 1995;

(C) Texas Overhead Assessment Form (required of Texas domestic companies only), to be filed on or before March 1, 1995; and

(D) Analysis of Surplus, for title insurers, to be filed on or before March 1, 1995.

(E) TX Disclosure Form (reports whether the annual or quarterly statement filing with the department differs from the annual or quarterly statement filing with the NAIC or the insurer's state of domicile and reports any individual treatment of assets, liabilities, operations, or capital and surplus accounts granted by an insurer's state of domicile or any other state insurance regulatory department), to be filed on or before March 1, May 15, August 15, and November 15, 1995,

(F) Supplemental Investment Income Exhibit (shows percent of net investment income by type of investment, as an attachment to page five of the annual statement as required in paragraph (1)(A) of this subsection), to be filed on or before March 1, 1995, and

(3) Reports to be filed only with the NAIC Officers and Directors Information (association edition) (required of companies upon their initial filing with the NAIC and to report any changes in previously filed information) , to be filed on or before March 1, 1995

(g) Requirements for health maintenance organizations Each health maintenance organization shall complete and file the following blanks and forms for the 1994 calendar year and the first three quarters of the 1995 calendar year with the department only. The forms or reports identified in paragraphs (1)-(5) of this subsection shall be completed in accordance with the current NAIC Annual Statements Instructions, Health Maintenance Organizations, except as otherwise provided by this section. In the event of a conflict between the Insurance Code, any currently existing departmental rule, form, or instruction, or any specific requirement of this subsection and the NAIC manuals listed in this subsection, then and in that event, the Insurance Code, the department's promulgated rule, form, or instruction, or the specific requirement of this subsection shall take precedence and in all respects control It is the express intent of this subsection that it shall not repeal or otherwise modify or amend any department rule or the Insurance Code.

(1) Annual Statement (association edition, HMO), 8 1/2 inch x 14 inch size, to be filed on or before March 1, 1995,

(2) Management's Discussion and Analysis, (a narrative document setting forth information which enables regulators to enhance their understanding of the insurer's financial position, results of operations, changes in capital and surplus accounts and cash flow), to be filed on or before April 1, 1995;

(3) Actuarial Opinion (the statement of a qualified actuary, setting forth his or her opinion relating to policy reserves and other actuarial items; to be filed by all health maintenance organizations), to be attached to the annual statement required by paragraph (1)(A) of this subsection;

(4) Supplemental Compensation Exhibit (association edition), 9 inch x 14

inch size, to be filed on or before March 1, 1995;

(5) HMO Quarterly Statement (association edition), 8 1/2 inch x 14 inch size, to be filed on or before May 15, August 15 and November 15, 1995;

(6) HMO Supplement, 8 1/2 inch x 14 inch size, to be filed on or before March 1, 1995;

(7) Texas Overhead Assessment Form (required of Texas domestic companies only), to be filed on or before March 1, 1995; and

(8) Exhibit Z, 8 1/2 inch x 14 inch size, to be filed on or before May 15, August 15, and November 15, 1995;

(9) TX Disclosure Form (reports whether the annual or quarterly statement filing with the department differs from the annual or quarterly statement filing with the insurer's state of domicile and reports any individual treatment of assets, liabilities, operations, or capital and surplus accounts granted by an insurer's state of domicile or any other state insurance regulatory department), to be filed on or before March 1, May 15, August 15, and November 15, 1995.

(h) Requirements for farm mutual insurers not subject to the provisions of subsection (d) of this section. Each farm mutual insurance company shall file the following completed blanks and forms for the 1994 calendar year with the department only:

(1) Annual statement (Texas edition, tan), 8 1/2 inch x 14 inch size, to be filed on or before March 1, 1995;

(2) Texas Overhead Assessment Form, to be filed on or before March 1, 1995;

(3) Actuarial Opinion (the statement of a qualified actuary, setting forth his or her opinion relating to policy reserves and other actuarial items) , to be attached to the annual statement required by paragraph (1) of this subsection, unless otherwise exempted.

(i) Requirements for mutual assessment companies, mutual aid and mutual burial associations, and exempt companies. Each statewide mutual assessment company, local mutual aid association, local mutual burial association, and exempt company shall file the following completed blanks and forms for the 1994 calendar year with the department only:

(1) Annual Statement (Texas edition, orange), 8 1/2 inch x 14 inch size, to be filed on or before April 1, 1995, provided, however, exempt companies are not required to complete lines 22, 23, 24, 25, and 26 on page 3, the special instructions at the bottom of page 3, and pages 4, 5, 6, 7, and 19. All other pages are required;

(2) Texas Overhead Assessment Form, to be filed on or before April 1, 1995;

(3) Release of Contribution Form, to be filed on or before April 1, 1995;

(4) 3 1/2% Chamberlain Reserve Table (Reserve Valuation), to be filed on or before April 1, 1995;

(5) Reserve Summary (1956 Chamberlain Table 3 1/2%), to be filed on or before April 1, 1995;

(6) Inventory of Insurance in Force by Age of Issue or Reserving Year, to be filed on or before April 1, 1995; and

(7) Summary of Inventory of Insurance In Force by Age and Calculation of Net Premiums, to be filed on or before April 1, 1995.

(j) Requirements for nonprofit legal service corporations. Each nonprofit legal service corporation shall file the following completed blanks and forms for the 1994 calendar year only with the department only;

(1) Annual Statement (Texas edition, green), 8 1/2 inch x 14 inch size, to be filed on or before March 1, 1995; and

(2) Texas Overhead Assessment Form, to be filed on or before March 1, 1995.

(k) Requirements for Mexican casualty companies. Each Mexican casualty company doing business as authorized by a Certificate of Authority issued under Texas Insurance Code, Article 8.24, shall complete and file the following blanks and forms for the 1994 calendar year with the department only. All submissions shall be printed or typed in English and all monetary values shall be clearly designated in United States dollars. The form identified in paragraph (1) of this subsection shall be completed in accordance with the current NAIC Annual Statement Instructions, Property and Casualty, except as provided by this section. An actuarial opinion is not required. In the event of a conflict between the Insurance Code, any currently existing departmental rule, form, or instruction, or any specific requirement of this subsection and the NAIC manuals listed in this subsection, then and in that event, the Insurance Code, the department's promulgated rule, form, or instruction, or the specific requirement of this subsection shall take precedence and in all respects control. It is the express intent of this subsection that it shall not repeal or otherwise modify or amend any department rule or the Insurance Code. The blanks or forms are as follows:

(1) Annual Statement (association edition, Form 2 with a yellow colored cover), 12 inch x 19 inch size, provided, however, only pages 1-4, 14, 18, and 97 are required to be completed, to be filed on or before March 1, 1995;

(2) A copy of the balance sheet and the statement of profit and loss from the Mexican financial statement (printed or typed in English), to be filed on or before March 1, 1995;

(3) A copy of the official documents issued by the COMISION NACIONAL DE SEGUROS Y FIANZAS approving the current year's annual statement, to be filed on or before June 30, 1995; and

(4) A copy of the current license to operate in the Republic of Mexico, to be filed on or before March 1, 1995.

(l) Other financial reports. Nothing in this section prohibits the department from requiring any insurer or other regulated entity from filing other financial reports with the department.

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

Issued in Austin, Texas, on January 13, 1995.

TRD-9500625

D J Powers
General Counsel and Chief Clerk
Texas Department of Insurance

Effective date: February 3, 1995

Proposal publication date: December 2, 1994

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

♦ ♦ ♦

TITLE 30. ENVIRONMENTAL QUALITY

Part I. Texas Natural Resource Conservation Commission

Chapter 321. Control of Certain Activities by Rule

The Texas Natural Resource Conservation Commission (TNRCC) adopts the repeal of §§321.133-321.138, amendments to §§321.131-321.132 and new §§321.133-321.138. The amendments to §321.131 and §321.132 and new §§321.133-321.136, and 321-138 are adopted with changes to the proposed text as published in the August 19, 1994, issue of the *Texas Register* (19 TexReg 6508). New §321.137 is adopted without changes and will not be republished. These sections will allow wastewater contaminated by petroleum substances other than those presently allowed by this subchapter to be discharged.

Public comment was solicited and received until September 19, 1994. A public hearing on these rules was held in Austin on November 29, 1994

Several groups and authorities submitted comments on the revision of this subchapter. The following are the names of the groups, businesses and/or industries that submitted comments: Amoco Oil Company, Chevron U.S A. Products Company, Colonial Pipeline Company, Exxon Company U.S A., Gas Produces Association, Marine Spill Response Corporation, Mobil Exploration and Producing U S Inc , Texas Automobile Dealers Association, Texas Mid-Continental Oil and Gas Association, Texas Oil Marketers Association, Railroad Commission of Texas, and Texas General Land Office

All suggested changes to the proposed rules have been considered, and have been incorporated into the rules where appropriate

Comments were received regarding the lengthy section titles of §321 33 and §321 34 The commission agrees with this comment and has shortened the section titles for more clarity

Several comments were received requesting the TNRCC to define or redefine various terms. Also, staff identified several terms that should be defined In response to these comments the TNRCC has proposed several changes in §321. 131 to define the terms, Contaminated Water, Designated Representative, Executive Director, Facility, Release, Treatment, and Vessel. Additionally, the definition of Tank Test was modified to include vessel. A comment regarding pipeline definitions was considered but was not included as it was not necessary to further clarify those activities to which this subchapter applies.

Several comments were received regarding the definition of Operator and Owner The comments generally focused on the fact that these terms are limited to aboveground storage tanks or underground storage tank systems while the proposed revisions of the subchapter would extend the authority to discharge water contaminated by petroleum substance released from vessels other than an aboveground storage tank or underground storage tank systems. The TNRCC agrees that changes are appropriate and these definitions in §321 131 were revised.

Several comments were received concerning the appearance that the TNRCC was extending its jurisdiction to areas where existing state and/or federal law provided for discharge under the authority of other entities, i.e Texas Railroad Commission and Texas General Land Office The TNRCC has revised §321 132(a) to expressly state that the rule is applicable only to those activities within the statutory jurisdiction of the TNRCC to regulate.

One comment was received concerning the applicability requirement to a facility's drainage from a facility for which a Spill Prevention Control and Counter-measure (SPCC) Plan had been prepared and implemented. It is not the intent of the TNRCC to regulate these discharges pursuant to this subchapter, therefore, §321.132(b)(3) has been revised to specifically exclude these discharges.

Several comments were received suggesting that registration of de-minimis discharges should not be required provided the water was treated to discharge levels compliant with discharge limitations prior to disposal. The TNRCC agrees with the recommended change and has provided an exclusion from registration in §321.132(b)(2).

One commenter suggested that the section titles of §321.133 and §321. 134 be shortened and more concise for easy reading. The commission agrees with this comment and has changed the titles accordingly

One commenter suggested removal of the requirement to discharge to a splash pad since some discharges were piped to an underground discharge point. This subchapter does not regulate the reinjection of petroleum substance contaminated water; however, §§321.133(c)(1)(A) and 321.134(c)(1)(A) has been reworded to state that any surface discharge must be to a splash pad.

One commenter recommended that the requirement to submit a registration 60 days prior to the discharge of waters resulting from a diesel release was unnecessary since all discharges were heretofore authorized by the submission of the registration. The TNRCC concurs with this comment and has revised §321.134(a) and §321.134(a)(3) accordingly. Additionally, §321.134(a) was revised to exclude the registration requirement of filing 60 days in advance of any emergency discharge as defined in 30 TAC §305 23(a).

One commenter recommended that the requirement to submit a United States Geologic Survey Topographic Map, §321.134(a)(2), be removed to allow locating a site by other methods. The requirement remains unchanged because the USGS topographic map is necessary for staff to identify the discharge point and waters where a negative impact could occur in order to establish appropriate discharge limits. Also, TNRCC is proposing to regulate the discharge of water contaminated by petroleum substances not previously regulated by this subchapter.

One commenter believed there is an inconsistency with the Polynuclear Aromatic Hydrocarbons (PAH) requirements published in §321 134 and the table published following the printed text of that rule (August 19, 1994, *Texas Register*). The TNRCC has determined that the requirement is appropriately stated.

One commenter suggested that the applicability requirement for registration not apply to contaminated waters recycled in the process or those routed to a permitted TNRCC facility. The TNRCC believes no additional clarification is required since this rule applies only to those seeking a surface discharge where other alternatives for disposal have been considered and/or may not be available for various reasons.

One commenter expressed a concern that the TNRCC may not have correctly determined the cost analysis accompanying this rule. However, this rule provides a more reasonable and less expensive alternative to seeking an individual permit to discharge or to have the water transported elsewhere for treatment and disposal. Thus, the TNRCC believes its fiscal statement published on August 19, 1994 to be accurate.

At the public hearing on November 29, 1994, Exxon Company U.S A. representatives expressed their concern that it was not clear whether the monitoring and reporting requirements of §321 133 and §321.134 of this subchapter would apply to a discharge conducted pursuant to the §321.132(b) (2) (exclusion for the land application of 500 gallons or less per quarter of petroleum substance contaminated water). The Texas Oil Marketers Association supported their comments. The TNRCC did not intend for any discharge resulting from the exclusion to be subject to the monitoring and reporting requirements that would be required if registration were required. Accordingly, proposed §321.132(b)(2) has been reworded to clarify requirements

Subchapter H. Discharge to Surface Waters from Treatment of Petroleum Substance Contaminated Waters

- **30 TAC §§321.131-321.138**

The amendments and new sections are adopted under the authority of the Texas Water Code, §§5.103, 5.105 and 5.120, which provides the TNRCC with the authority to promulgate rules as necessary to carry out its powers and duties under the Water Code and other laws of the state and to establish and approve all general policies of the TNRCC.

There are no other codes, statutes or acts that will be effected by this adoption

§321.131. Definitions. The following words and terms, when used in this subchapter (relating to the Discharge to Surface Waters from Treatment of Petroleum Substance Contaminated Water), shall have the following meanings, unless the context clearly indicates otherwise.

Aboveground storage tank (or AST)-A nonvehicular device (including any associated piping) that is made of nonearthen materials; located on or above the surface of the ground, or on or above the surface of the floor of a structure below ground, such as a mineworking, basement, or vault; and designed to contain an accumulation of petroleum substances.

Free product-Floating gasoline, diesel fuel, fuel oil, kerosene, jet fuel or other petroleum substance.

Gasoline-leaded or unleaded gasoline, all grades of aviation gasoline and all grades of gasohol.

Motor fuel-A petroleum substance which is typically used for the operation of internal combustion engines (including stationary engines and engines used in transportation vehicles and marine vessels), and which is one of the following types of fuels: leaded or unleaded gasoline, aviation gasoline, Number 1 diesel fuel, Number 2 diesel fuel, and any grades of gasohol.

Operator–Any person in control of or having responsibility for the daily operation of an aboveground or underground storage tank system, facility, pipeline or vessel.

Owner–Any person who currently holds legal possession or ownership of a total or partial interest in an aboveground storage tank (AST) or underground storage tank system (UST) or any person, individual, partnership, corporation, association, governmental unit, or public or private organization of any charter owning, operating or responsible for operating, or chartering by demise a vessel and or pipeline, owning, operating or responsible for operating a facility or operating a facility by lease, contract, or other form of agreement. For the purpose of the subchapter, where the actual ownership of an AST or UST system is either uncertain, unknown, or in dispute, the fee simple owner of the surface estate where the AST or UST is located shall be considered the AST or the UST system owner, unless the owner of the surface estate can demonstrate by appropriate documentation (deed reservation, invoice, bill of sale, etc.) or by other legally-acceptable means that the AST or the UST system is owned by others. "Other" does not include a person who holds an interest in an AST or UST system solely for financial security purposes unless, through foreclosure or other related actions, the holder of such security interest has taken legal possession of the AST or UST system. Additionally, this definition does not include a person who owns only the land underlying a facility or a person who owns a security interest in a facility, pipeline or vessel if the person does not participate in the operation of the facility, pipeline or vessel, does not own a controlling interest in the owner or operator of the facility, pipeline or vessel and is not controlled by or under common ownership with the owner or operator of the facility, pipeline or vessel.

Petroleum Substance Contaminated Water Report–A form provided the responsible party or their agent by the executive director in response to the filing of a registration form to enable compliance with the reporting requirements of this subchapter.

Petroleum substance–A crude oil or any refined or unrefined fraction or derivative of crude oil which is liquid at standard conditions of temperature and pressure, and is limited to one or a combination of the substances or mixtures in the following list (except for any substance regulated as a hazardous waste under §335.1 of this title (relating to Definitions)).

(A) Basic petroleum substances–Crude oils, crude oil fractions, petroleum feedstocks, and petroleum fractions.

(B) Motor fuels–(see definition for "motor fuel" in this section.)

(C) Aviation gasolines–Grade 80, Grade 100, and Grade 100-LL.

(D) Aviation jet fuels–Jet A, Jet A-1, Jet B, JP-4, JP-5, and JP-8.

(E) Distillate fuel oils–Number 1-D, Number 1, Number 2-D, and Number 2.

(F) Residual fuel oils–Number 4-D, Number 4-light, Number 4, Number 5-light, Number 5-heavy, and Number 6.

(G) Gas-turbine fuel oils–Grade O-GT, Grade 1-GT, Grade 2-GT, Grade 3-GT, and Grade 4-GT.

(H) Illuminating oils–Kerosene, mineral seal oil, long-time burning oils, 300 oil, and mineral colza oil.

(I) Solvents–Stoddard solvent, petroleum spirits, mineral spirits, petroleum ether, varnish makers' and painters' naphthas, petroleum extender oils, and commercial hexane.

(J) Lubricants–Automotive and industrial lubricants.

(K) Building materials–Liquid asphalt and dust-laying oils.

(L) Insulating and waterproofing materials–Transformer oils and cable oils.

(M) Used oils–(See definition for "used oil" in this section.)

(N) Any other petroleum-based material having physical and chemical properties similar to the above materials and receiving approval by the executive director for designation as a petroleum substance.

(O) Examples of materials which are not petroleum substances include: aldehydes and ketones (e.g. acetone, methyl ethyl ketone); halogenated solvents (e.g. carbon tetrachloride, trichloroethylene), alcohols (e.g. methanol), phenols, nitrogen-containing compounds and transformer oils containing polychlorinated biphenyl compounds.

Responsible Party–The operator or the owner as defined in this subsection or any person having responsibility for or exercising control over activities covered by this subchapter.

Registration Form–An application form provided by the executive director, that must be completed and submitted by the responsible party or their agent, for the purpose of discharging petroleum substance contaminated water pursuant to the authorization provided by this subchapter. Any person signing as an agent must have the express authority of the responsible party to sign the registration form and/or petroleum substance contaminated water report form. The signature of the responsible party or their agent on the registration form and/or petroleum substance contaminated water report form must be an original, preferably in blue ink.

TNRCC–Texas Natural Resource Conservation Commission.

Underground storage tank–Any one or combination of underground tanks and any connecting underground pipes used to contain an accumulation of regulated substances, the volume of which, including the volume of the connecting underground pipes, is ten percent or more beneath the surface of the ground.

Underground storage tank system–An underground storage tank, all associated piping and ancillary equipment, spill and overfill prevention equipment, release detection equipment, corrosion protection system, secondary containment equipment (as applicable), and all other related systems and equipment.

Used oil–Any oil or similar petroleum substance that has been refined from crude oil, used for its designed or intended purposes, and contaminated as a result of such use by physical or chemical impurities; and including spent motor vehicle and aircraft lubricating oils (e.g. car and truck engine oil, transmission fluid, and brake fluid), spent industrial oils (e.g., compressor, turbine, bearing, hydraulic, metalworking, gear, electrical, and refrigerator oils), and spent industrial process oils.

Water in the state–Groundwater, percolating or otherwise, lakes, bays, ponds, impounded waters, springs, rivers, streams, creeks, wetlands, estuaries, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

§321.132. Applicability.

(a) The purpose of this subchapter is to regulate by rule the surface discharge of water contaminated by a release of a

petroleum substance into or adjacent to water in the state, within the statutory jurisdiction of the TNRCC to regulate and not otherwise prohibited elsewhere in the rules of the TNRCC, and:

(1) subject to the conditions of §321.133 of this title (relating to Discharge of Water Contaminated by Gasoline, Jet Fuel or Kerosene); or

(2) subject to the conditions of §321 134 of this title (relating to Discharge of Water Contaminated by Other Petroleum Substances)

(b) TNRCC registration in accordance with §321.133 or §321.134 of this title is not required if one of the following conditions exists:

(1) free product is removed and the remaining contaminated water is routed to an existing TNRCC permitted wastewater treatment system capable of treating the wastes;

(2) petroleum substance contaminated water is land applied on-site with no runoff if:

(A) the volume to be land applied is 500 gallons or less during any quarter However, the General and Specific conditions of §321.133 or §321. 134 of this title, excluding notification of the TNRCC region office, monitoring/reporting requirements and any other condition not appropriate to the land application of petroleum substance contaminated water, shall apply to any discharge. The responsible party must be able to demonstrate that any discharge pursuant to this exclusion was compliant with discharge limits based on laboratory analysis or the petroleum substance contaminated water is treated by a properly operated and maintained system to produce a compliant effluent; and

(B) the discharge does not violate local ordinances;

(3) the discharge is drainage from a facility where preparation and implementation of a Spill Prevention Control and Counter-measure Plan is required pursuant to 40 Code of Federal Regulations, Part 112;

(4) the discharge is performed in accordance with §321.135 of this title (relating to Telephone Utilities); or

(5) exempted by the executive director on a case-by-case basis.

(c) For discharges located in or within ten miles upstream of the Edwards Aquifer recharge zone as defined in Chapter 313 of this title (relating to Edwards Aquifer), the executive director may require a responsible party to obtain a permit or other authorization from the TNRCC for such a discharge, in accordance with §321.138 of this title (relating to Reservation).

(d) An application for an emergency order, temporary order, or permit as provided by Chapter 305 of this title (relating to Consolidated Permits) must be submitted and the order or permit issued by the TNRCC either before water contaminated by any substance not regulated by this subchapter can be discharged or as an alternative to compliance with the requirements of this subchapter.

(e) Regardless of whether registration is required, no person may discharge water in excess of the limitations specified in this subchapter. Any discharge that does not comply with the applicable provision of this subchapter is subject to enforcement proceedings.

(f) A surface discharge may occur during groundwater pump tests, groundwater remediation, tank tests, on-site soil remediation activities, cleanup activities following the release of one or more petroleum substances occurring during transport, removal of water from a tank previously containing a petroleum substance and/or other activities including the removal of petroleum substance contaminated water from groundwater wells, excavations and utility vaults, etc.

§321.133. Discharge of Water Contaminated by Gasoline, Jet Fuel or Kerosene.

(a) Registration. Except as provided in §321.132 of this title (relating to Applicability) and §321.135 of this title (relating to Telephone Utilities), a registration form must be submitted to the Watershed Management Division, TNRCC Austin office prior to discharge. Submittal of the registration form is acknowledgment that the responsible party or their agent has determined that the requirements of this subchapter are applicable to the proposed discharge, and that all requirements for discharge will be satisfied. Submittal of a registration form is sufficient notice to initiate discharge in accordance with this subchapter to include compliance with subsections (b) and (c) of this section.

(b) General Requirements for Discharge. Except as provided in §321. 135 of this title (relating to Telephone Utilities), the following general requirements apply.

(1) The responsible party shall notify the appropriate TNRCC regional office at least 24 hours prior to initiating the discharge.

(2) There shall be no discharge of free product.

(3) Disposal of solid wastes shall be in accordance with Chapter 361 of the Texas Health and Safety Code

(4) The discharge shall not cause any nuisance conditions to land owners along the discharge route.

(5) The responsible party shall take all steps necessary to prevent any adverse effect to human health or safety, or to the environment. Immediately upon the notification from the supervisor of the TNRCC regional office that the discharge is presenting a hazard to the uses of the receiving water, the responsible party shall terminate such discharges. The discharge shall cease immediately whenever problems associated with the discharge may endanger human health or safety, or the environment, and the problems shall be reported to the Watershed Management Division, TNRCC Austin office and appropriate regional office as soon as possible but no later that 24 hours following their discovery. A written report shall be submitted to the TNRCC Austin and regional offices within five working days of the discovery of a problem. The report shall contain a description of the location; the exact date and time the problem was first identified; the potential danger to human health or safety, or the environment; the immediate steps that were taken to correct the problem; steps planned and/or taken to mitigate any adverse effects; and plans to prevent the recurrence of similar problems with further discharge events.

(6) Concentrations of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the waters, or otherwise interfere with the reasonable use of the water in the state.

(c) Specific Requirements for Discharge. Except as provided in §321.135 of this title (relating to Telephone Utilities), the following specific requirements apply.

(1) Point of discharge.

(A) All surface discharges shall be to a splash pad to aerate the treated water.

(B) The rate of discharge shall be controlled to prevent flooding and erosion.

(2) Effluent limitations and monitoring requirements.

(A) The following maximum effluent limitations and minimum monitoring requirements apply to the discharge of petroleum substance contaminated water: Figure 1: 30 TAC §321.133(c)(2)(A)

(B) If the responsible party or their agent determines through sample

collection and analysis that the wastewater is not contaminated with lead or lead compounds then such information shall be noted on the registration form and continued analysis for lead or lead compounds is not required.

(C) The pH of the discharge shall not be less than 6.0 nor greater than 9.0 standard units and shall be measured once per week by grab sample. The petroleum substance contaminated water report form does not require that pH be reported, however, records must be maintained to demonstrate compliance with this requirement.

(D) There shall be no discharge of floating solids or visible foam in other than trace amounts, and no discharge of visible oil.

(E) All samples shall be collected after any final treatment unit that may be used. All sample collection shall be conducted in accordance with the requirements of §319.11 of this title (relating to Sampling and Laboratory Test Methods).

(F) Sample containers, holding times, preservation methods and the physical, chemical and microbiological analyses of effluent shall meet the requirements specified in regulations published in 40 Code of Federal Regulations Part 136 pursuant to the Federal Water Pollution Control Act, §304(g), and be conducted according to this federal regulation or the latest edition of "Standard Methods for the Examination of Water and Wastewater."

(3) Reporting Requirements. All analytical results shall be reported to the Watershed Management Division, TNRCC Austin office using the "Petroleum Substance Contaminated Water Report" form provided by the executive director. Results of sampling activities shall be submitted to the TNRCC no later than the 20th day of the month following the discharge unless the discharge occurs one day per quarter based on the frequency of discharge noted on the registration form and reports for these discharges are due no later than the 20th day in the months of April, July, October, and January. Any report form reflecting that a discharge limit was exceeded must be accompanied by a report prepared in accordance with subsection (b)(5) of this section.

§321.134. Discharge of Water Contaminated by Other Petroleum Substances.

(a) Registration. Except as provided in §321.132 of this title (relating to Applicability) and §321.135 of this title (relating to Telephone Utilities), a registration form must be submitted to the Watershed Management Division, TNRCC Austin office. The registration form shall be submitted a minimum of 60 days prior to the expected date of discharge (except for:

(1) an emergency as defined in §305.23(a) of this title (relating to Emergency Orders) where the registration form may be submitted at any time but a discharge can not occur until approved by the executive director or designated representative as provided by this section; or

(2) water contaminated by a diesel release may be discharged upon the submission of the registration form less the following items but subject to the discharge limits and the monitoring/ reporting requirements of this section) and shall include:

(A) analytical test results for Total Petroleum Hydrocarbons, Total Lead, Benzene, Total BTEX, Polynuclear Aromatic Hydrocarbons and pH;

(B) an original USGS Topographic map; and

(C) a written description of the discharge route. Submittal of the registration form (excluding diesel fuel contaminated water) does not constitute an authorization to discharge. The TNRCC will review requests for registration on a case-by-case basis and the agency may request additional information, including additional sampling and analytical data. Submittal of a registration form is acknowledgement that the responsible party or their agent has determined that the requirements of this subchapter are applicable to the proposed discharge, and that all criteria for discharge will be satisfied. If the registration is approved, the executive director or designated representative shall notify the responsible party or their agent in writing and this notification shall constitute an authorization to discharge wastewater. Requirements in addition to those listed in subsection (c)(2)(A) of this section may be specified on a case-by-case basis.

(b) General Requirements for Discharge. Except as provided in §321.135 of this title (relating to Telephone Utilities), the following general requirements apply.

(1) The responsible party or their agent upon receipt of approval to discharge and prior to the discharge shall notify the appropriate TNRCC regional office at least 24 hours prior to initiating the discharge.

(2) There shall be no discharge of free product.

(3) Disposal of solid wastes shall be in accordance with the Texas Health and Safety Code, Chapter 361.

(4) The discharge shall not cause any nuisance conditions to land owners along the discharge route.

(5) The responsible party or their agent shall take all steps necessary to prevent any adverse effect to human health or safety, or to the environment. Immediately upon the notification from the supervisor of the TNRCC regional office that the discharge is presenting a hazard to the uses of the receiving water, the responsible party or their agent shall terminate such discharges. The discharge shall cease immediately whenever problems associated with the discharge may endanger human health or safety, or the environment, and the problems shall be reported to the Watershed Management Division, TNRCC Austin office and the appropriate regional office as soon as possible but no later that 24 hours following their discovery. A written report shall be submitted to the TNRCC Austin and regional office within five working days of the discovery of a problem. The report shall contain a description of the location; the exact date and time the problem was first identified; the potential danger to human health or safety, or the environment; the immediate steps that were taken to correct the problem; steps planned and/or taken to mitigate any adverse effects; and plans to prevent the recurrence of similar problems with further discharge events.

(6) Concentrations of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the waters, or otherwise interfere with the reasonable use of the water in the state.

(c) Specific Requirements for Discharge. Except as provided in §321.135 of this title (relating to Telephone Utilities), the following specific requirements apply.

(1) Point of discharge.

(A) All surface discharges shall be to a splash pad to aerate the treated water.

(B) The rate of discharge shall be controlled to prevent flooding and erosion.

(2) Effluent limitations and monitoring requirements.

(A) The following maximum effluent limitations and minimum monitoring requirements apply to the discharge of water:

Figure 2: 30 TAC §321.134(c)(2)(A)

(B) If the responsible party or their agent determines through sample collection and analysis that the wastewater is not contaminated with lead or lead compounds then such information shall be noted on the registration form and continued analysis for lead or lead compounds is not required.

(C) The pH of the discharge shall not be less than 6.0 nor greater than 9.0 standard units and shall be measured once per week by grab sample. The petroleum substance contaminated water report form does not require that pH be reported, however, records must be maintained to demonstrate compliance with this requirement.

(D) There shall be no discharge of floating solids or visible foam in other than trace amounts, and no discharge of visible oil.

(E) Discharge of wastewater shall cease within 24 hours of the time that the responsible party or their agent learns that any one of the polynuclear aromatic hydrocarbons has been detected at a concentration of 0.01 mg/l or greater. A written report shall be provided to the TNRCC Austin and regional office within five working days. Discharge may not be resumed under the provisions of this subchapter without written authorization from the executive director. The executive director may require the responsible party to obtain a permit from the TNRCC for such a discharge.

(F) All samples shall be collected after any final treatment unit that may be used. All sample collection shall be conducted in accordance with the requirements of §319.11 of this title (pertaining to Sampling and Laboratory Test Methods) .

(G) Sample containers, holding times, preservation methods and the physical, chemical and microbiological analyses of effluent shall meet the requirements specified in regulations published in 40 Code of Federal Regulations Part 136 pursuant to the Federal Water Pollution Control Act, §304(g), and be conducted according to this federal regulation or the latest edition of "Standard Methods for the Examination of Water and Wastewater."

(3) Reporting Requirements. All analytical results shall be reported to the Watershed Management Division, TNRCC Austin office using the "Petroleum Substance Contaminated Water Report" form provided by the executive director. Results of sampling activities shall be submitted to the TNRCC no later than the 20th day of the month following the discharge unless the discharge occurs one day per quarter based on the frequency of discharge noted on the registration form and reports for these discharges are due no later than the 20th day in the months of April, July, October, and January. Any report form reflecting that a discharge limit was exceeded must be accompanied by a report prepared in accordance with subsection (b)(5) of this section.

§321.135. Telephone Utilities.

(a) Registration Not Required. Telephone utilities are exempt from registration pursuant to §321. 133 and §321.134 of this title (relating to Water Contamination) for the discharge of water contaminated by Gasoline, Jet Fuel, Kerosene or Diesel. The following general requirements apply to discharges from utility vaults.

(1) There shall be no discharge of free product. Free product shall be collected, reused, or disposed of in accordance with state law.

(2) If the responsible party or their agent detects the presence of any hydrocarbon vapors as indicated by standard explosimeter test, the responsible party or their agent shall air purge the vault before discharging its contents. Following this initial air purging, the responsible party or their agent shall again perform a standard explosimeter test. If this second test reveals the presence of hydrocarbon vapors, the responsible party or their agent shall take a water sample and have a laboratory analysis made to determine whether the Benzene concentration is equal to or greater than 0.05 mg/l or the Total BTEX concentration is equal to or greater than 0.50 mg/l. If the analysis confirms an exceedance of the Benzene or BTEX concentration in the water, the entire contents of the utility vault may not be discharged under this subsection but must be disposed of in some other legal manner.

(3) Disposal of solid wastes shall be in accordance with the Texas Health and Safety Code, Chapter 361.

(4) The discharge shall not cause any nuisance conditions to land owners along the discharge route.

(5) The responsible party or their agent shall take all steps necessary to prevent any adverse effect to human health or safety, or to the environment. Immediately upon the notification from the supervisor of the TNRCC regional office that the discharge is presenting a hazard to the uses of the receiving water, the responsible party or their agent shall terminate such discharges. The discharge shall cease immediately whenever problems associated with the discharge may endanger human health or safety, or the environment, and the problems shall be reported to the Watershed Management Division, TNRCC Austin office and appropriate regional office as soon as possible but no later that 24 hours following their discovery. A written report shall be submitted to the TNRCC Austin and regional office within five working days of the discovery of a problem. The report shall contain a description of the location; the exact date and time the problem was first identified; the potential danger to human health or safety, or to the environment; the immediate steps that were taken to correct the problem; steps planned and/or taken to mitigate any adverse effects; and plans to prevent the recurrence of similar problems with further discharge events.

(6) Concentration of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the waters, or otherwise interfere with the reasonable use of the water in the state.

(b) Registration Required. If concentrations of Benzene is 0.05 mg/l or greater and/or Total BTEX is equal to or greater than 0.50 mg/l, the telephone utility may elect to submit a registration in accordance with §321. 133 or §321.134 of this title to discharge water contaminated by Gasoline, Jet Fuel, Kerosene or Diesel.

§321.136. Restrictions.

(a) This subchapter does not convey property rights of any sort and does not grant any exclusive privilege.

(b) The responsible party or their agent may not cause a discharge to a domestic sewage treatment plant and/or a separate storm sewer system without first obtaining the approval of the owner of the sewage treatment plant and/or separate storm sewer system. Air emissions for any activity regulated by this subchapter must be in accordance with TNRCC air regulations.

§321.138. Reservation. The executive director may on a case-by-case basis, where conditions warrant, prohibit the discharge of petroleum substance contaminated water under this subchapter and require that the owner obtain an individual permit or seek other authorization to discharge from the TNRCC, or dispose of the water in some other legal manner. Additionally, the executive director may cancel, revoke or suspend authorization to discharge under this subchapter where the owner has discharged water in significant noncompliance of discharge limits, has had a history of noncompliance of discharge limits or has a history

of failing to submit the petroleum substance contaminated water report within the time requirement specified in this subchapter.

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

Issued in Austin, Texas, on January 17, 1995.

TRD-9500727 Kevin McCalla
Acting Director, Legal Division
Texas Natural Resource Conservation Commission

Effective date: February 8, 1995

Proposal publication date: August 19, 1994

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

♦ ♦ ♦

• 30 TAC §§321.133-321.138

The repeals are adopted under the authority of the Texas Water Code, §§5.103, 5.105 and 5.120, which provides the Texas Natural Resource Conservation Commission (TNRCC) with the authority to promulgate rules as necessary to carry out its powers and duties under the Texas Water Code and other laws of the state and to establish and approve all general policies of the TNRCC.

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

Issued in Austin, Texas, on January 17, 1995.

TRD-9500726 Kevin McCalla
Acting Director, Legal Division
Texas Natural Resource Conservation Commission

Effective date: February 8, 1995

Proposal publication date: August 19, 1994

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

♦ ♦ ♦

Chapter 330. Municipal Solid Waste

The Texas Natural Resource Conservation Commission (TNRCC) adopts amendments to §330.4 and §330.65, concerning municipal solid waste management and design requirements for Type V facilities that are exempt from permit requirements. Section 330.4 is adopted with changes to the proposed text as published in the October 14, 1994, issue of the *Texas Register* (19 TexReg 8096). Section 330.65 is adopted without changes and will not be republished.

The amendments clarify the existing policy that drying grit-trap waste at a car wash does not require a permit or registration, and encourage the development of certain transfer stations and the recovery of reusable material from solid waste received at those transfer stations, thereby reducing transportation costs and the volumes of waste being landfilled.

The changes are consistent with Senate Bill 963, 73rd Legislature (1993), which amended the Texas Solid Waste Disposal Act, §361.111, Texas Health and Safety Code. The bill exempts from TNRCC permitting requirements certain municipal solid waste management facilities involved in the transfer of municipal solid waste. In order to qualify for permit exemption, the facility must comply with certain design and operational requirements, and must recover some materials from the incoming waste.

The amendment to §330.4(f) adds new language that clarifies which material recovery facilities must apply for a permit or registration. New §330.4(p) clarifies that drying grit trap waste at a car wash does not require a permit or registration. New §330.4(q) provides that a permit is not required for a municipal solid waste management facility that is used in the transfer of municipal solid waste and recovers recyclable materials, if certain criteria are met. In lieu of permitting, these facilities must be registered pursuant to requirements of §330.65, concerning Registration for Solid Waste Management Facilities.

The amendment to §330.65(f), concerning Additional Design Criteria, delineates additional design standards for transfer stations that recover some material from incoming waste.

The TNRCC offered an opportunity for public comment on the proposed amendments to the rules. A public hearing was held on November 4, 1994, in Austin, Texas, that ten people attended, and the following organizations and associations offered comments: Southwest Car Wash Association (SWCWA); Blackwell, Lackey, and Associates; American WasteWater Limited; and Center for Maximum Potential Building Systems. Written comments on the proposed rules were received for a period of 30 days from October 14, 1994, to November 14, 1994. Written comments on the proposed rules were received from the following entities during the comment period: Texas Municipal League, Southwest Car Wash Association, Genie Car Washes of Texas, Genie Self-Service Car Wash of Waco, City of Plano, Maintenance Service, Inc., Allwaste Recovery Systems, NSWMA Sunbelt Region, Browning-Ferris Industries, TNRCC staff, Center for Maximum Potential Building Systems, Laidlaw Waste Systems, Inc., Lower Colorado River Authority, American WasteWater Limited, Cold Springs Processing, and Mesa Processors.

The TNRCC received four comments requesting clarification of §330.4(p) with respect to the authorization for drying grit trap waste at a car wash facility for waste brought to the facility from other facilities having the same owner. Three of these commenters suggested language to be added to the rule, using as a guideline language found in §361.090(a)(2) of the Texas Health and Safety Code, that sets a 50-mile limit on industrial waste facilities processing their own waste. The TNRCC believed that the suggested clarification will be useful and clarifying language has been added to §330. 4(p).

Also with respect to §330.4(p) one commenter requested clarification regarding the effect of these rules on more stringent local government rules, especially where a local government permitting system is already in place. TNRCC does not wish to interfere with a local government regulation that is more stringent regarding this issue, and clarification to the language in §330.4(p) has been added to reflect this position. A group of four commenters recommended that the on-site grit trap waste drying process as discussed in §330.4(p) be controlled through additional operational and design rules. The TNRCC will consider a future rulemaking action to add requirements concerning the on-site operation and design of grit trap waste drying facilities at a car wash. In the interim, the TNRCC has a document entitled "Recommended Management Practices for Disposal of Grit Trap Waste" that provides guidance for on-site grit trap waste drying.

With respect to §330.4(p), a group of four commenters expressed concern that this rulemaking will result in ineffective waste management practices allowing pollutants to enter the waters of the state. TNRCC does not agree with this stated concern because no operational rules are being deleted or changed that relate to surface water or groundwater contamination.

In regard to §330.4(p), a group of four commenters suggested that TNRCC by rule require a registration of on-site grit trap waste drying facilities at a car wash. The TNRCC will not act on this suggestion without a clear legislative mandate, because at the present time we believe there is no health and safety concern regarding these facilities.

With respect to §330.4(p), one commenter suggested that the state consider reviewing additional test results of grit trap waste before deregulating the waste. TNRCC is not deregulating grit trap waste. The current testing requirements for disposal are not changed in this rulemaking.

With respect to §330.4(p), two commenters expressed concern regarding safety hazards associated with removal of grit trap waste from grit traps. This rulemaking does not address any new waste removal techniques.

With respect to §330.4(q)(1), one commenter suggested that the 10% recovery standard might not be met, which would result in a lowering of safeguards for protecting public health, safety, and the environment. TNRCC is concerned with its legislative mandate to protect the public health, safety, and the environment. We have examined other types of transfer stations that have been operating with registrations in lieu of permits since 1991. TNRCC finds no substantial public health, safety, or environmental problems at those operating facilities. Additionally, the 10% performance standard is set by legislation in §361.111 of the Texas health and Safety Code, and consequently, TNRCC is unable to set another standard.

TNRCC received one comment that §330.4(q) will promote the collection of unconfined municipal solid waste, allowing contamination and making the marketing of recycled materials less economically viable and therefore contravening the state's legisla-

tively stated intent of recycling 40% of the generated municipal solid waste. TNRCC believes that the transfer stations that recover some useable material from unsegregated waste can work in conjunction with source separation and other recycling initiatives to achieve the state's goal of a 40% reduction in waste reaching landfills.

TNRCC received one comment that §330.4(q) may be in conflict with the Texas Health and Safety Code, §361.061 and §361.086, which requires permits for each solid waste facility. We disagree because §330.4(q) is based on another statute, the Texas Health and Safety Code, §361.111.

With respect to §330.4(f), one comment was received suggesting that material recovery facilities accepting segregated streams of recyclable materials should be considered by separate rule because by definition they do not handle solid waste. The TNRCC does not believe this is necessary because §330.4(f) clearly provides that the listed facilities are exempt from obtaining a permit.

One commenter requested clarification regarding the tier system of authorizing material recovery facilities as established by existing rules compared to the provisions of §330.4(q). TNRCC responds that existing §330. 4(f) allows material recovery facilities that collect and process nonputrescible recyclable materials (clean MRFs) to be exempt from permit or registration requirements. Under new rule §330.4(q) owners and operators of material recovery facilities that accept unsegregated waste (dirty MRFs) and meet permit exemptions established in §330.4(q) must register their facilities in accordance with new §330.65(f). Owners and operators of material recovery facilities that accept unsegregated waste and do not meet exemptions established in §330.4(q) must obtain a permit prior to operation in accordance with §330.51.

One commenter asked for clarification with respect to §330.4(q)(1) regarding whether or not recycling or reuse of the incoming waste stream included using the nonsegregated waste as compost. The commenter further pointed out a possible inconsistency with Senate Bill 1051 that would allow mixed municipal solid waste composting only where a source-separated recycling program exists and would require a permit for composting mixed solid waste. TNRCC believes that the 10% performance standard established in §330.4(q)(1) should be set to exclude composting with respect to the permit exemption of §330.4(q)(1) in order to be in harmony with the intent of Senate Bill 1051, and consequently, modifying language has been added to §330.4(q)(1).

In regard to §330.4(q)(2), two commenters expressed concern that the proposed limitation of 50 miles between a material recovery facility and a landfill to receive a permit exemption is burdensome for material recovery facilities in rural areas, West Texas areas, and the Panhandle area. The 50-mile standard for permit exemption for material recovery facilities is set by legislation in the Texas Health and Safety Code, §361.111(a)(4).

With respect to §330.65(f)(2)(c), one commenter requested clarification regarding the language that refers to 30 TAC Chapter 116, concerning Control of Air Pollution by Permits for New Construction or Modifications. TNRCC intends to clarify in a future rulemaking that transfer stations will be eligible for a permit standard exemption with respect to air quality.

With respect to §330.65(f), two commenters expressed their agreement with new language that will be supportive of recycling efforts.

Subchapter A. General Information

• 30 TAC §330.4

The amendments are adopted under the authority of the Texas Water Code, §5.103, which provides the Texas Natural Resource Conservation Commission with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code, and the Texas Solid Waste Disposal Act (the Act), Texas Health and Safety Code, §361.024 and §361. 061, which provide the Texas Natural Resource Conservation Commission with the authority to regulate the operation, management and control of solid waste under its jurisdiction.

§330.4. Permit Required.

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

(f) A permit or registration under this chapter is not required for a facility or site that is used as: a citizens' collection station; as a collection and processing point for nonputrescible recyclable wastes or for composting of leaves, grass clippings, or wood chips; a collection point for parking-lot or street sweepings or wastes collected and received in sealed plastic bags from such activities as periodic citywide cleanup campaigns and cleanup of rights-of-way or roadside parks; or for the disposal of soil, dirt, rock, sand, or other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements. A permit or registration is not required for a baling operation at a recycling or materials recovery facility that handles only nonputrescible recyclable waste. Facilities that process recyclable wastes that contain more than incidental amounts of putrescible waste must apply for a permit or registration as applicable under subsections (a), (d) or (q) of this section.

(g)-(o) (No change.)

(p) A permit or registration is not required for the drying of grit trap waste at a car wash facility as long as these wastes are disposed of in compliance with applicable federal, state, and local regulations. Grit trap waste from car wash facilities may be transported for drying purposes to another car wash facility if the facilities have the same owner and if the facilities are located within 50 miles of each other. This subsection is not intended to pre-empt or supercede local government regulation of grit trap waste-drying facilities. Drying facilities must comply with Chapter 116 of this title (relating to Control of Air Pollution by Permits for New Construction or Modification) if applicable.

(q) In addition to permit exemptions established in subsection (d) of this section, a permit is not required for any new municipal solid waste Type V transfer station that includes a material recovery operation that meets all of the requirements established by this subsection. Owners and operators of Type V transfer facilities meeting the requirements of this subsection are allowed to register their operations in lieu of permitting them. Owners and operators of transfer stations that meet the permit exemption requirements and wish to exercise the exemption option must register their operation in accordance with §330.65 of this title (relating to Registration for Solid Waste Management Facilities), meet the additional design criteria of §330. 65(f) and operate the facility in accordance with Subchapter G of this chapter (relating to Operational Standards for Solid Waste Processing and Experimental Sites).

(1) Materials recovery. The transfer facility must recover 10% or more by weight or weight equivalent of the total incoming waste stream for reuse or recycling. The applicant must demonstrate in the registration application the method that will be used to assure the 10% requirement is achieved. For purposes of this subsection, transfer stations that receive nonsegregated waste and recover material for reuse or recycling are not allowed to use composting as a method of meeting the reuse or recycling permit exemption standard, and a composting process may not be used as an on-site reuse or recycling process.

(2) Distance to a landfill. The transfer facility must demonstrate in the registration application that it will transfer the remaining nonrecyclable waste to a landfill not more than 50 miles from the facility.

(3) Exempt facilities. Transfer facilities exempted from a permit under this subsection shall register with the executive director in accordance with §330.65 and meet the additional design criteria of §330.65(f).

(4) Revocation. Failure to operate such registered facilities in accordance with the requirements established in Subchapter G of this chapter (relating to Operational Standards for Solid Waste Processing and Experimental Sites) may be grounds for revocation of the registration.

(5) Executive director's notice of nuisance. If registered transfer facilities are operated in a manner which causes or results in a nuisance, as defined in §330.2

of this title (relating to Definitions), and the executive director gives written notice that a nuisance exists, the registered facility shall cease operations and the facility's registration shall be suspended until such time as the facility owner or operator receives written notice of the executive director's determination that the nuisance no longer exists.

(6) Receipt of registration. As a condition of receipt of a registration by a transfer facility under this subsection, the owner and operator of that facility agrees that if the facility operates in a manner which causes or results in a nuisance as defined in §330.2, and the executive director sends written notice pursuant to paragraph (5) of this subsection, the facility will immediately cease operations until the executive director notifies the facility of its determination that a nuisance no longer exists at the facility and that the facility may be reopened for operation.

(7) Request for commission decision. If a registered transfer facility is notified that nuisance conditions exist due to the operations of the facility, and that its registration is therefore suspended, the owner or operator of the registered facility may request that the question of whether or not a nuisance exists be decided by the Commission. This request must be in writing and filed within 20 calendar days of receipt of the executive director's written notice of suspension of the registration.

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

Issued in Austin, Texas, on January 12, 1995.

TRD-9500527 Kevin McCalla
Acting Director, Legal Services Division
Texas Natural Resource Conservation Commission

Effective date: February 2, 1995

Proposal publication date: October 14, 1994

For further information, please call: (512) 239-6087

♦ ♦ ♦

Subchapter E. Permit Procedures

• 30 TAC §330.65

The amendment is adopted under the authority of the Texas Water Code, §5.103, which provides the Texas Natural Resource Conservation Commission with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code, and the Texas Solid Waste Disposal Act (the Act), Health and Safety Code, §361.024 and §361.061, which provide the Texas Natural Resource conservation commission with the authority to regulate the operation, management and control of solid waste under its jurisdiction.

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

Issued in Austin, Texas, on January 12, 1995.

TRD-9500526 Kevin McCalla
Acting Director, Legal Services Division
Texas Natural Resource Conservation Commission

Effective date: February 2, 1995

Proposal publication date: October 14, 1994

For further information, please call: (512) 239-6087

♦ ♦ ♦

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office

Chapter 13. Land Resources

• 31 TAC §13.20

The General Land Office (GLO) adopts new §13.20, concerning fees for easements for rights-of-way over public lands granted pursuant to the Texas Natural Resource Code, Chapter 51, without changes to the proposed text as published in the November 8, 1994, issue of the *Texas Register* (19 TexReg 8843).

The new section will enhance the administrative flexibility of the commissioner of the GLO (commissioner) to determine the terms of agreements regarding interests in public land resources. The statutory mandate and policy of the GLO is to sell and lease certain public land resources for the benefit of the Permanent School Fund. The new section will give the commissioner authority to reduce or waive any fee established by the GLO, or to accept non-cash consideration, or both, for certain interests in land resources, including leases and rights-of-way over public lands, if such a reduction or waiver would be in the public interest as determined by the commissioner. In most instances when a reduction or waiver is approved by the commissioner, or when non-cash consideration is accepted, the GLO anticipates that the effect of such action by the commissioner will be to facilitate the closure of transactions in which the public receives other consideration or value substantially equal to the amount of any reduced or waived fee or the amount of cash that would otherwise have been received.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Natural Resources Code, §51. 014, which provides that the commissioner may adopt rules necessary to carry out the provisions of the chapter concerning land, timber, and surface resources.

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

Issued in Austin, Texas, on January 11, 1995.

TRD-9500617 Garry Mauro
Commissioner
General Land Office

Effective date: February 3, 1995

Proposal publication date: November 8, 1994

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

♦ ♦ ♦

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 96. Certification of Long Term Care Facilities

• 40 TAC §96.7

The Texas Department of Human Services (DHS) adopts an amendment to §96. 7, concerning appeals, in its Certification of Long Term Care Facilities rule chapter. The amendment is adopted with changes to the proposed text as published in the November 25, 1994, issue of the *Texas Register* (19 TexReg 9340).

The justification for the proposal is to add to the rule the circumstances under which DHS will or will not provide an informal reconsideration.

The amendment will function by enabling providers and consumers to have a clearer understanding of the informal reconsideration process.

No comments were received regarding the proposal; however, DHS is adopting subsection (a)(4)(B) with a change to correct the cross reference cited in clause (i).

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs; and under Texas Civil Statutes, Article 4413 (502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

§96.7. Appeals.

(a) Informal reconsideration (IR). Prior to the effective date of any termination of certification, the Texas Department of Human Services (DHS) gives the facility an opportunity for an IR.

(1) Elements of the informal reconsideration are as follows.

(A) DHS gives the facility written notice of the proposed termination of certification and the findings upon which the action is based.

(B) The facility will have the opportunity to refute DHS's findings in writing. If the facility does not respond during the specified period, the action will be taken. If there is no response by the facility, DHS is not required to take any other action on the appeals process prior to the proposed action.

(C) If the facility does respond as required in subparagraph (B) of this paragraph, DHS will give the facility a written affirmation or reversal of the proposed action.

(2) DHS will provide IRs for an immediate termination of certification as follows:

(A) The facility must submit a written request for an IR and provide all supporting documentation within five calendar days after receipt of DHS's written notice of the proposed termination of certification. Long Term Care-Regulatory staff will provide a written response to the facility within seven calendar days after receipt of the request.

(B) If, as a result of a credible allegation visit, the immediate termination is changed to a 90-day termination, an IR will be offered based on the findings of this visit. This second IR will follow the procedures in paragraph (4) of this subsection.

(3) DHS will not provide an IR for an immediate termination of certification if, as a result of a credible allegation visit, DHS's proposal to immediately terminate the facility's certification is not changed.

(4) DHS will provide IRs for a 90-day termination of certification as follows:

(A) The facility must submit a written request for an IR and provide all supporting documentation within seven calendar days after receipt of DHS's written notice of the proposed termination of certification. Long Term Care-Regulatory staff will provide a written response to the facility within ten calendar days after receipt of the request.

(B) After the 45-day visit, DHS will provide the following IRs for a 90-day termination of certification:

(i) If DHS proposes to continue the 90-day termination based on new deficiencies, an IR will be offered on the new deficiencies only, following the procedure in paragraph (2)(A) of this subsection.

(ii) If DHS proposes to continue the 90-day termination based only on uncorrected deficiencies, an IR will not be offered.

(iii) If DHS proposes to change the 90-day termination to an immediate termination, an IR will be offered on the new deficiencies only, following the procedure in paragraph (2) of this subsection.

(5) DHS will not provide an IR for a 90-day termination of certification if, as a result of a credible allegation visit, DHS's proposal to terminate the facility's certification in 90 days is not changed.

(b) Formal hearing for all facilities.

(1) The facility will have the opportunity for a formal hearing after the effective date of the termination of certification, denial of certification, or other adverse certification recommendation.

(2) A facility desiring a formal hearing must make a request to DHS, in writing, within 15 calendar days after the facility receives DHS's official notice of the action. Upon receipt of the request, DHS's Office of General Counsel will institute formal hearing procedures. Failure of the facility to request a formal hearing within 15 calendar days constitutes a waiver of the right to a hearing.

(3) The formal hearing will be conducted in accordance with DHS's formal hearing procedures in Chapter 79 of this title (relating to Legal Services).

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

Issued in Austin, Texas, on January 12, 1995.

TRD-9500496 Nancy Murphy
Section Manager, Media and Policy Services
Texas Department of Human Services

Effective date: March 1, 1995

Proposal publication date: November 25, 1994

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

♦ ♦ ♦

Part II. Texas Rehabilitation Commission

Chapter 101. General Rules

• 40 TAC §101.14

The Texas Rehabilitation Commission (TRC) adopts the repeal of §101.14, concerning Petition for Adoption of Rules, without changes to the proposed text as published in the December 16, 1994, issue of the *Texas Register* (19 TexReg 9976).

The justification for the repeal is that §101.14 will be moved and renumbered §101.22, so that it will remain at the end of the section.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Human Resources Code, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations subject to this section as necessary to carry out the purpose of this chapter.

The repeal implements Title 10, Chapter 2001, Texas Government Code, (Vernon's), §2001.021.

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

Issued in Austin, Texas, on January 17, 1995.

TRD-9500680 Charles W. Schiesser
General Counsel for the Office of the General Counsel
Texas Rehabilitation Commission

Effective date: February 7, 1995

Proposal publication date: December 16, 1994

For further information, please call: (512) 483-4051

♦ ♦ ♦

• 40 TAC §§101.14-101.22

The Texas Rehabilitation Commission (TRC) adopts new §§101.14-101.22, concerning General Rules, without changes to the proposed text as published in the December 16, 1994, issue of the *Texas Register* (19 TexReg 9977).

The justification for the new rules are that the public will have greater information concerning the Board of the Commission.

No comments were received regarding adoption of the new rules.

The new rules are adopted under Texas Human Resources Code, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations subject to this section as necessary to carry out the purpose of this chapter.

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

Issued in Austin, Texas, on January 17, 1995.

TRD-9500681 Charles W Schiesser
General Counsel for Office of the General Counsel
Texas Rehabilitation Commission

Effective date. February 7, 1995

Proposal publication date: December 16, 1994

For further information, please call: (512) 483-4051

♦ ♦ ♦

Part V. Veterans Land Board

Chapter 175. General Rules

• 40 TAC §175.24

The Veterans Land Board adopts new §175 24, with changes to the proposed text as published in the October 28, 1994, issue of the *Texas Register* (19 TexReg 8603). As proposed and adopted, the new rule will authorize veterans to apply for a loan in an amount not to exceed $40,000. One change involves the title of the new rule As proposed, the new rule was entitled Enhanced Loan Eligibility; as adopted, the new rule is entitled Enhanced Loan Amount. In addition, a minor change was made in the language of the rule for the sake of clarity.

As adopted, this new rule will increase the maximum loan amount in the Veterans Land Program to $40,000.

No comments were received regarding adoption of the new rule.

The new rule is adopted under the provisions of the Texas Natural Resources Code, §161.061 and §161.063, which provide the Veterans Land Board with the authority to adopt rules that it considers necessary or advisable to ensure the proper administration of the Veterans Land Program

§175.24. Enhanced Loan Amount. An eligible veteran who has not previously participated in the Veterans Land Program may apply for either an Enhanced Land Loan, or the standard Land Loan. Enhanced Land Loans shall be in an amount not to exceed $40,000, and shall bear an interest rate set by the Veterans Land Board. Funding for such loans shall come from the proceeds of the sale of taxable bonds.

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

Issued in Austin, Texas, on January 12, 1995.

TRD-9500618 Garry Mauro
Chairman, Veterans Land Board of the State of Texas
Veterans Land Board

Effective date: February 3, 1995

Proposal publication date: October 28, 1994

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

♦ ♦ ♦

Chapter 177. Veterans Housing Assistance Program

• 40 TAC §177.5

The Veterans Land Board adopts an amendment to §177.5, without changes to the proposed text as published in the October 28, 1994, issue of the *Texas Register* (19 TexReg 8603) The amendment provides for an expansion of the definition of a veteran in the Veterans Housing Assistance Program.

As adopted, this rule will expand the class of veteran who are eligible to participate in the housing assistance program to include members of the Texas National Guard, Reservists who have completed at least 20 years of service, and the unmarried surviving spouse of a veteran killed in the line of duty or missing in action.

No comments were received regarding adoption of the amendment.

This amendment is adopted under the provisions of the Texas Natural Resources Code, §162.003(b), which provides that the Veterans Land Board shall adopt rules governing the administration and the fund and program.

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

Issued in Austin, Texas, on January 12, 1995.

TRD-9500619 Garry Mauro
Chairman, Veterans Land Board of the State of Texas
Veterans Land Board

Effective date. February 3, 1995

Proposal publication date: October 28, 1994

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

♦ ♦ ♦

TITLE 43. TRANSPORTATION

Part II. Texas Turnpike Authority

Chapter 55. Rules and Procedures for Environmental Reviews of Turnpike Projects

• 43 TAC §§55.1-55.9

The Texas Turnpike Authority adopts new §§55.1-55.9, implementing House Bill 749, concerning Rules and Procedures for Environmental Reviews of Turnpike Projects, without changes to the proposed text as published in the October 25, 1994, issue of the *Texas Register* (19 TexReg 8531).

The Rules and Procedures are to be used in evaluating environmental impacts and potential environmental impacts on Turnpike projects.

The Rules and Procedures are promulgated to comply with Texas Civil Statutes, Title 116 (Act effective September 1, 1991, 72nd Legislature, Regular Session, Chapter 766, 1991; Texas General Laws, 2718 (the Turnpike Act)), and in particular the Turnpike Act, §16(b).

No comments were received regarding adoption of the rules.

The rules are adopted pursuant to Texas Civil Statutes, Article 6674v, §16b; and the Texas Administrative Code, Title 43, Part II, Chapter 55.

The adopted rules affect the Texas Civil Statutes, Article 6674v, §16b, which provide the Texas Turnpike Authority the authority to promulgate rules.

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

Issued in Austin, Texas, on January 4, 1995.

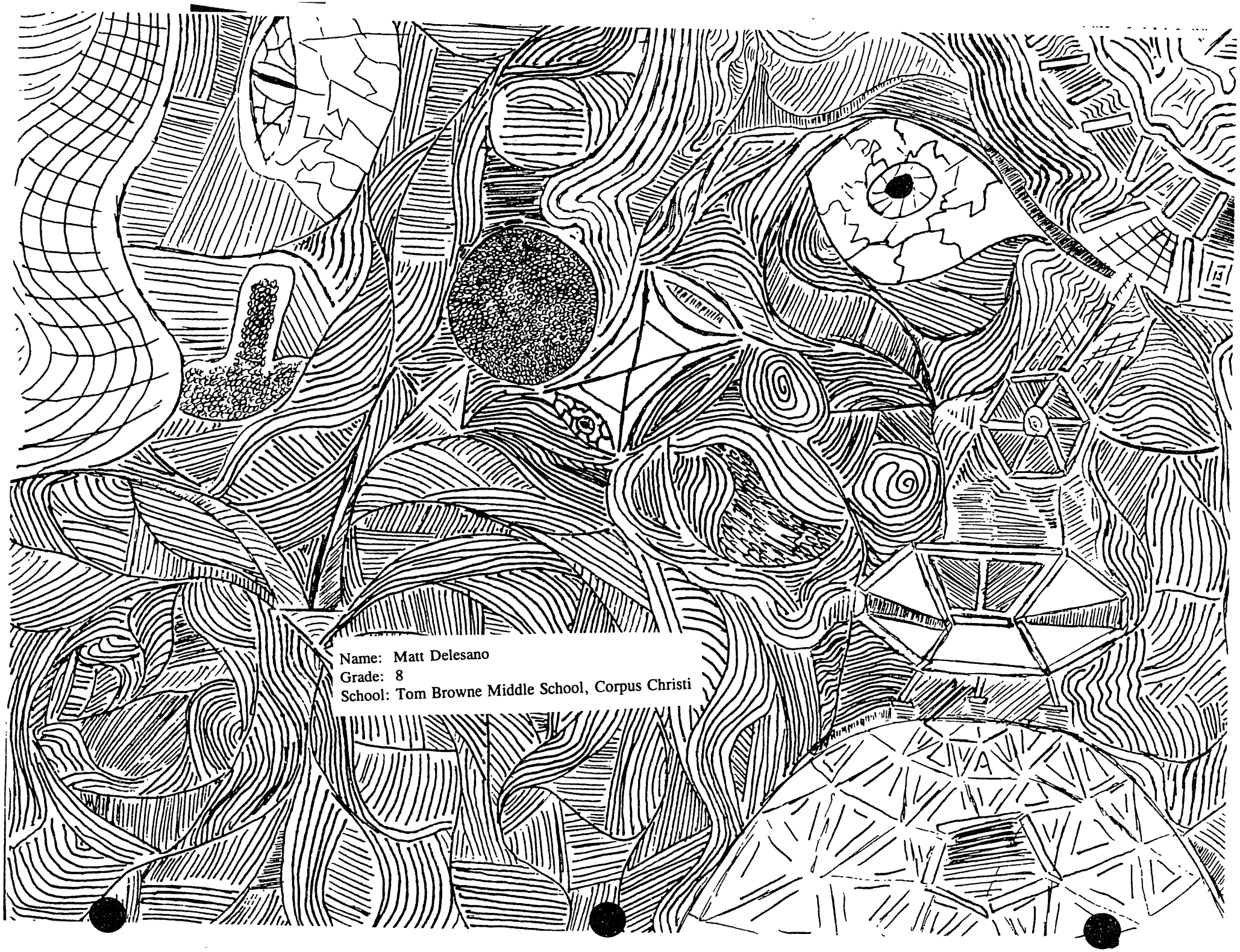
TRD-9500667 James W. Griffin
Executive Director
Texas Turnpike Authority

Effective date: January 27, 1995

Proposal publication date: October 17, 1994

For further information, please call: (512) 522-6200

♦ ♦ ♦



Name: Matt Delesano
Grade: 8
School: Tom Browne Middle School, Corpus Christi

TABLES AND GRAPHICS

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.

Figure 1: 28 TAC §5.206(a)

(a) Class 4. The following ZIP Codes are designated as Class 4 ZIP Codes:

ZIP	Category	City	County
75203	4	DALLAS	DALLAS
75210	4	DALLAS	DALLAS
75212	4	DALLAS	DALLAS
75215	4	DALLAS	DALLAS
75216	4	DALLAS	DALLAS
75237	4	DALLAS	DALLAS
75242	4	DALLAS	DALLAS
75260	4	DALLAS	DALLAS
75263	4	DALLAS	DALLAS
75264	4	DALLAS	DALLAS
75904	4	LUFKIN	ANGELINA
76104	4	FORT WORTH	TARRANT
76105	4	FORT WORTH	TARRANT
76106	4	FORT WORTH	TARRANT
76178	4	FORT WORTH	TARRANT
76625	4	BIROME	HILL
77003	4	HOUSTON	HARRIS
77011	4	HOUSTON	HARRIS
77012	4	HOUSTON	HARRIS
77016	4	HOUSTON	HARRIS
77020	4	HOUSTON	HARRIS
77022	4	HOUSTON	HARRIS
77023	4	HOUSTON	HARRIS
77026	4	HOUSTON	HARRIS
77028	4	HOUSTON	HARRIS
77033	4	HOUSTON	HARRIS
77048	4	HOUSTON	HARRIS
77051	4	HOUSTON	HARRIS
77078	4	HOUSTON	HARRIS
77081	4	HOUSTON	HARRIS
77093	4	HOUSTON	HARRIS
77097	4	HOUSTON	HARRIS
77202	4	HOUSTON	HARRIS
77203	4	HOUSTON	HARRIS
77315	4	NORTH HOUSTON	HARRIS
77445	4	HEMPSTEAD	WALLER
77507	4	PASADENA	HARRIS
77710	4	BEAUMONT	JEFFERSON
77807	4	BRYAN	BRAZOS
78040	4	LAREDO	WEBB
78043	4	RIO BRAVO	WEBB
78067	4	SAN YGNACIO	ZAPATA
78202	4	SAN ANTONIO	BEXAR
78203	4	SAN ANTONIO	BEXAR
78204	4	SAN ANTONIO	BEXAR
78207	4	SAN ANTONIO	BEXAR
78208	4	SAN ANTONIO	BEXAR
78211	4	SAN ANTONIO	BEXAR

78224	4	SAN ANTONIO	BEXAR
78237	4	SAN ANTONIO	BEXAR
78405	4	CORPUS CHRISTI	NUECES
78516	4	ALAMO	HIDALGO
78520	4	BROWNSVILLE	CAMERON
78521	4	BROWNSVILLE	CAMERON
78535	4	COMBES	CAMERON
78537	4	DONNA	HIDALGO
78538	4	MONTE ALTO	HIDALGO
78547	4	GARCIASVILLE	STARR
78548	4	GRULLA	STARR
78557	4	HIDALGO	HIDALGO
78558	4	LA BLANCA	HIDALGO
78560	4	LA JOYA	HIDALGO
78561	4	LASARA	WILLACY
78562	4	LA VILLA	HIDALGO
78563	4	LINN	HIDALGO
78565	4	LOS EBANOS	HIDALGO
78567	4	LOS INDIOS	CAMERON
78572	4	ALTON	HIDALGO
78575	4	OLMITO	CAMERON
78576	4	PENITAS	HIDALGO
78577	4	PHARR	HIDALGO
78579	4	PROGRESO	HIDALGO
78582	4	RIO GRANDE CITY	STARR
78584	4	ROMA	STARR
78585	4	SALINENO	STARR
78589	4	SAN JUAN	HIDALGO
78590	4	SAN PERLITA	WILLACY
78591	4	SANTA ELENA	STARR
78592	4	SANTA MARIA	CAMERON
78595	4	SULLIVAN CITY	HIDALGO
78702	4	AUSTIN	TRAVIS
78721	4	AUSTIN	TRAVIS
78852	4	EAGLE PASS	MAVERICK
78877	4	SPOFFORD	MAVERICK
79013	4	CACTUS	MOORE
79222	4	CAREY	CHILDRESS
79238	4	KIRKLAND	CHILDRESS
79326	4	FIELDTON	LAMB
79706	4	MIDLAND	MIDLAND
79766	4	ODESSA	ECTOR
79835	4	CANUTILLO	EL PASO
79901	4	EL PASO	EL PASO
79905	4	EL PASO	EL PASO
79907	4	EL PASO	EL PASO
79915	4	EL PASO	EL PASO
79916	4	EL PASO	EL PASO
79927	4	EL PASO	EL PASO
79938	4	EL PASO	EL PASO

FIGURE 2: 28 TAC 5.206(b)

(b) Class 3. The following ZIP Codes are designated as Class 3 ZIP Codes:

75217	3	DALLAS	DALLAS
75223	3	DALLAS	DALLAS
75235	3	DALLAS	DALLAS
75241	3	DALLAS	DALLAS
75246	3	DALLAS	DALLAS
75502	3	TEXARKANA	MILLER
76119	3	FORT WORTH	TARRANT
76304	3	WICHITA FALLS	WICHITA
76704	3	WACO	MCLENNAN
77004	3	HOUSTON	HARRIS
77009	3	HOUSTON	HARRIS
77021	3	HOUSTON	HARRIS
77029	3	JACINTO CITY	HARRIS
77036	3	HOUSTON	HARRIS
77038	3	HOUSTON	HARRIS
77039	3	HOUSTON	HARRIS
77045	3	HOUSTON	HARRIS
77050	3	HOUSTON	HARRIS
77053	3	HOUSTON	HARRIS
77060	3	HOUSTON	HARRIS
77087	3	HOUSTON	HARRIS
77091	3	HOUSTON	HARRIS
77506	3	PASADENA	HARRIS
77587	3	SOUTH HOUSTON	HARRIS
77972	3	PORT LAVACA	CALHOUN
77973	3	MCFADDIN	VICTORIA
78041	3	LAREDO	WEBB
78210	3	SAN ANTONIO	BEXAR
78214	3	SAN ANTONIO	BEXAR
78221	3	SAN ANTONIO	BEXAR
78225	3	SAN ANTONIO	BEXAR
78242	3	SAN ANTONIO	BEXAR
78243	3	SAN ANTONIO	BEXAR
78262	3	SAN ANTONIO	BEXAR
78338	3	ARMSTRONG	KENEDY
78401	3	CORPUS CHRISTI	NUECES
78406	3	CORPUS CHRISTI	NUECES
78407	3	CORPUS CHRISTI	NUECES
78408	3	CORPUS CHRISTI	NUECES
78417	3	CORPUS CHRISTI	NUECES
78501	3	MCALLEN	HIDALGO
78503	3	MCALLEN	HIDALGO
78539	3	EDINBURG	HIDALGO
78543	3	ELSA	HIDALGO
78545	3	FALCON HEIGHTS	STARR
78564	3	LOPENO	ZAPATA
78566	3	BAYVIEW	CAMERON
78568	3	LOZANO	CAMERON
78586	3	SAN BENITO	CAMERON

78593	3	SANTA ROSA	CAMERON
78596	3	WESLACO	HIDALGO
78827	3	ASHERTON	DIMMIT
78829	3	BATESVILLE	ZAVALA
78830	3	BIG WELLS	DIMMIT
78834	3	CARRIZO SPRINGS	DIMMIT
78839	3	CRYSTAL CITY	ZAVALA
79405	3	LUBBOCK	LUBBOCK
79836	3	CLINT	EL PASO
79839	3	FORT HANCOCK	HUDSPETH
79845	3	PRESIDIO	PRESIDIO
79903	3	EL PASO	EL PASO
79908	3	EL PASO	EL PASO
79930	3	EL PASO	EL PASO

FIGURE 3: 28 TAC 5.206(c)

(c) Class 2 The following ZIP Codes are disignated as Class 2 ZIP Codes:

75092	2	SHERMAN	GRAYSON
75125	2	FERRIS	ELLIS
75172	2	WILMER	DALLAS
75204	2	DALLAS	DALLAS
75211	2	DALLAS	DALLAS
75219	2	DALLAS	DALLAS
75220	2	DALLAS	DALLAS
75224	2	DALLAS	DALLAS
75226	2	DALLAS	DALLAS
75253	2	DALLAS	DALLAS
75702	2	TYLER	SMITH
75705	2	TYLER	SMITH
75928	2	BON WIER	NEWTON
76102	2	FORT WORTH	TARRANT
76110	2	FORT WORTH	TARRANT
76111	2	FORT WORTH	TARRANT
76115	2	FORT WORTH	TARRANT
76127	2	FORT WORTH	TARRANT
76490	2	WHITT	PARKER
76541	2	KILLEEN	BELL
76544	2	KILLEEN	BELL
76707	2	WACO	MCLENNAN
76903	2	SAN ANGELO	TOM GREEN
76908	2	SAN ANGELO	TOM GREEN
77007	2	HOUSTON	HARRIS
77013	2	HOUSTON	HARRIS
77017	2	HOUSTON	HARRIS
77032	2	HOUSTON	HARRIS
77044	2	HOUSTON	HARRIS
77047	2	HOUSTON	HARRIS
77067	2	HOUSTON	HARRIS
77072	2	HOUSTON	HARRIS
77076	2	HOUSTON	HARRIS
77085	2	HOUSTON	HARRIS
77086	2	HOUSTON	HARRIS
77326	2	ACE	POLK
77423	2	BROOKSHIRE	WALLER
77484	2	WALLER	WALLER
77518	2	BACLIFF	GALVESTON
77545	2	FRESNO	FORT BEND
77547	2	GALENA PARK	HARRIS
77550	2	GALVESTON	GALVESTON
77701	2	BEAUMONT	JEFFERSON
77803	2	BRYAN	BRAZOS
77868	2	NAVASOTA	GRIMES
78069	2	SOMERSET	BEXAR
78073	2	VON ORMY	BEXAR
78076	2	ZAPATA	ZAPATA
78112	2	ELMENDORF	BEXAR

78201	2	SAN ANTONIO	BEXAR
78206	2	SAN ANTONIO	BEXAR
78215	2	SAN ANTONIO	BEXAR
78220	2	SAN ANTONIO	BEXAR
78226	2	SAN ANTONIO	BEXAR
78264	2	SAN ANTONIO	BEXAR
78285	2	SAN ANTONIO	BEXAR
78342	2	ALICE	JIM WELLS
78352	2	EDROY	SAN PATRICIO
78353	2	ENCINO	BROOKS
78355	2	FALFURRIAS	BROOKS
78369	2	MIRANDO CITY	WEBB
78385	2	SARITA	KENEDY
78416	2	CORPUS CHRISTI	NUECES
78549	2	HARGILL	HIDALGO
78550	2	HARLINGEN	CAMERON
78559	2	LA FERIA	CAMERON
78570	2	MERCEDES	HIDALGO
78578	2	PORT ISABEL	CAMERON
78583	2	RIO HONDO	CAMERON
78588	2	SAN ISIDRO	STARR
78594	2	SEBASTIAN	WILLACY
78656	2	MAXWELL	CALDWELL
78724	2	AUSTIN	TRAVIS
78741	2	AUSTIN	TRAVIS
78751	2	AUSTIN	TRAVIS
78840	2	LAUGHLIN AFB	VAL VERDE
78851	2	DRYDEN	TERRELL
79032	2	EDMONSON	HALE
79043	2	HART	CASTRO
79104	2	AMARILLO	POTTER
79107	2	AMARILLO	POTTER
79231	2	DOUGHERTY	FLOYD
79368	2	SOUTHLAND	GARZA
79380	2	WHITHARRAL	HOCKLEY
79402	2	LUBBOCK	LUBBOCK
79403	2	LUBBOCK	LUBBOCK
79415	2	LUBBOCK	LUBBOCK
79600	2	ABILENE	TAYLOR
79745	2	KERMIT	WINKLER
79763	2	ODESSA	ECTOR
79764	2	ODESSA	ECTOR
79772	2	PECOS	REEVES
79852	2	TERLINGUA	BREWSTER
79902	2	EL PASO	EL PASO
79904	2	EL PASO	EL PASO
79906	2	EL PASO	EL PASO
79920	2	EL PASO	EL PASO

FIGURE 4: 28 TAC 5.206(d)

(d) Class 1. The following ZIP Codes are designated as Class 1 ZIP Codes:

75101	1	BARDWELL	ELLIS
75118	1	ELMO	KAUFMAN
75157	1	ROSSER	KAUFMAN
75180	1	MESQUITE	DALLAS
75208	1	DALLAS	DALLAS
75227	1	DALLAS	DALLAS
75231	1	DALLAS	DALLAS
75232	1	DALLAS	DALLAS
75236	1	DALLAS	DALLAS
75239	1	DALLAS	DALLAS
75413	1	BAILEY	FANNIN
75449	1	LADONIA	FANNIN
75474	1	QUINLAN	HUNT
75487	1	TALCO	FRANKLIN
75602	1	LONGVIEW	GREGG
75933	1	CALL	NEWTON
75960	1	MOSCOW	POLK
76009	1	ALVARADO	JOHNSON
76010	1	ARLINGTON	TARRANT
76011	1	ARLINGTON	TARRANT
76041	1	FORRESTON	ELLIS
76071	1	NEWARK	WISE
76140	1	FORT WORTH	TARRANT
76301	1	WICHITA FALLS	WICHITA
76303	1	WICHITA FALLS	WICHITA
76555	1	MAYSFIELD	MILAM
76559	1	NOLANVILLE	BELL
76627	1	BLUM	HILL
76635	1	COOLIDGE	LIMESTONE
76690	1	WALNUT SPRINGS	BOSQUE
76880	1	STAR	MILLS
76886	1	VERIBEST	TOM GREEN
76934	1	CARLSBAD	TOM GREEN
76937	1	EOLA	CONCHO
77000	1	HOUSTON	HARRIS
77006	1	HOUSTON	HARRIS
77014	1	HOUSTON	HARRIS
77015	1	HOUSTON	HARRIS
77034	1	HOUSTON	HARRIS
77035	1	HOUSTON	HARRIS
77037	1	HOUSTON	HARRIS
77049	1	HOUSTON	HARRIS
77054	1	HOUSTON	HARRIS
77055	1	HOUSTON	HARRIS
77061	1	HOUSTON	HARRIS
77074	1	HOUSTON	HARRIS
77075	1	HOUSTON	HARRIS
77080	1	HOUSTON	HARRIS
77088	1	HOUSTON	HARRIS

77099	1	HOUSTON	HARRIS
77301	1	CONROE	MONTGOMERY
77327	1	CLEVELAND	LIBERTY
77357	1	NEW CANEY	MONTGOMERY
77363	1	PLANTERSVILLE	GRIMES
77365	1	PORTER	MONTGOMERY
77372	1	SPLENDORA	MONTGOMERY
77396	1	HUMBLE	HARRIS
77468	1	PLEDGER	MATAGORDA
77489	1	MISSOURI CITY	FORT BEND
77503	1	PASADENA	HARRIS
77520	1	BAYTOWN	HARRIS
77530	1	CHANNELVIEW	HARRIS
77551	1	GALVESTON	GALVESTON
77577	1	LIVERPOOL	BRAZORIA
77583	1	ROSHARON	BRAZORIA
77590	1	TEXAS CITY	GALVESTON
77640	1	PORT ARTHUR	JEFFERSON
77657	1	LUMBERTON	HARDIN
77702	1	BEAUMONT	JEFFERSON
77703	1	BEAUMONT	JEFFERSON
77801	1	BRYAN	BRAZOS
77977	1	PLACEDO	VICTORIA
77988	1	TELFERNER	VICTORIA
78002	1	ATASCOSA	BEXAR
78008	1	CAMPBELLTON	ATASCOSA
78017	1	DILLEY	FRIO
78021	1	FOWLERTON	LA SALLE
78065	1	POTEET	ATASCOSA
78074	1	WARING	KENDALL
78212	1	SAN ANTONIO	BEXAR
78223	1	SAN ANTONIO	BEXAR
78227	1	SAN ANTONIO	BEXAR
78228	1	SAN ANTONIO	BEXAR
78236	1	SAN ANTONIO	BEXAR
78241	1	SAN ANTONIO	BEXAR
78252	1	SAN ANTONIO	BEXAR
78332	1	ALICE	JIM WELLS
78339	1	BANQUETE	NUECES
78349	1	CONCEPCION	DUVAL
78351	1	DRISCOLL	NUECES
78368	1	MATHIS	SAN PATRICIO
78371	1	OILTON	WEBB
78372	1	ORANGE GROVE	JIM WELLS
78380	1	ROBSTOWN	NUECES
78400	1	CORPUS CHRISTI	NUECES
78404	1	CORPUS CHRISTI	NUECES
78415	1	CORPUS CHRISTI	NUECES
78469	1	CORPUS CHRISTI	NUECES
78473	1	CORPUS CHRISTI	NUECES
78580	1	RAYMONDVILLE	WILLACY
78617	1	DEL VALLE	TRAVIS
78722	1	AUSTIN	TRAVIS
78725	1	AUSTIN	TRAVIS

78742	1	AUSTIN	TRAVIS
78744	1	AUSTIN	TRAVIS
78752	1	AUSTIN	TRAVIS
78801	1	UVALDE	UVALDE
78873	1	LEAKEY	REAL
79009	1	BOVINA	PARMER
79041	1	HALE CENTER	HALE
79045	1	HEREFORD	DEAF SMITH
79085	1	SUMMERFIELD	CASTRO
79101	1	AMARILLO	POTTER
79111	1	AMARILLO	POTTER
79230	1	DODSON	COLLINGSWORTH
79322	1	CROSBYTON	CROSBY
79353	1	PEP	HOCKLEY
79401	1	LUBBOCK	LUBBOCK
79404	1	LUBBOCK	LUBBOCK
79539	1	O BRIEN	HASKELL
79701	1	MIDLAND	MIDLAND
79718	1	BALMORHEA	REEVES
79755	1	MIDKIFF	UPTON
79761	1	ODESSA	ECTOR
79783	1	TARZAN	MARTIN
79821	1	ANTHONY	EL PASO
79847	1	SALT FLAT	HUDSPETH
79932	1	EL PASO	EL PASO
79936	1	EL PASO	EL PASO

Figure 1: 30 TAC 321.133 (c) (2) (A)

Parameter	Limitation	Sample Type	Monitoring Frequency
Total Petroleum Hydrocarbons	15 mg/l	Grab	One/week (*1)
Total Lead	0.25 mg/l	Grab	One/week (*1)
Benzene	0.05 mg/l	Grab	One/week (*1)
Total BTEX (*2)	0.50 mg/l	Grab	One/week (*1)

(*1) The executive director may authorize a reduced monitoring frequency of twice/month upon request where demonstrated compliance with limitations has been maintained for a minimum of 6 months. If the responsible party fails to maintain compliance with discharge limits once a reduced monitoring frequency has been approved, the executive director may direct the responsible party to resume weekly monitoring.

(*2) Benzene, Toluene, Ethylbenzene, Total Xylene

Figure 2: 30 TAC §321.134 (c)(2)(A)

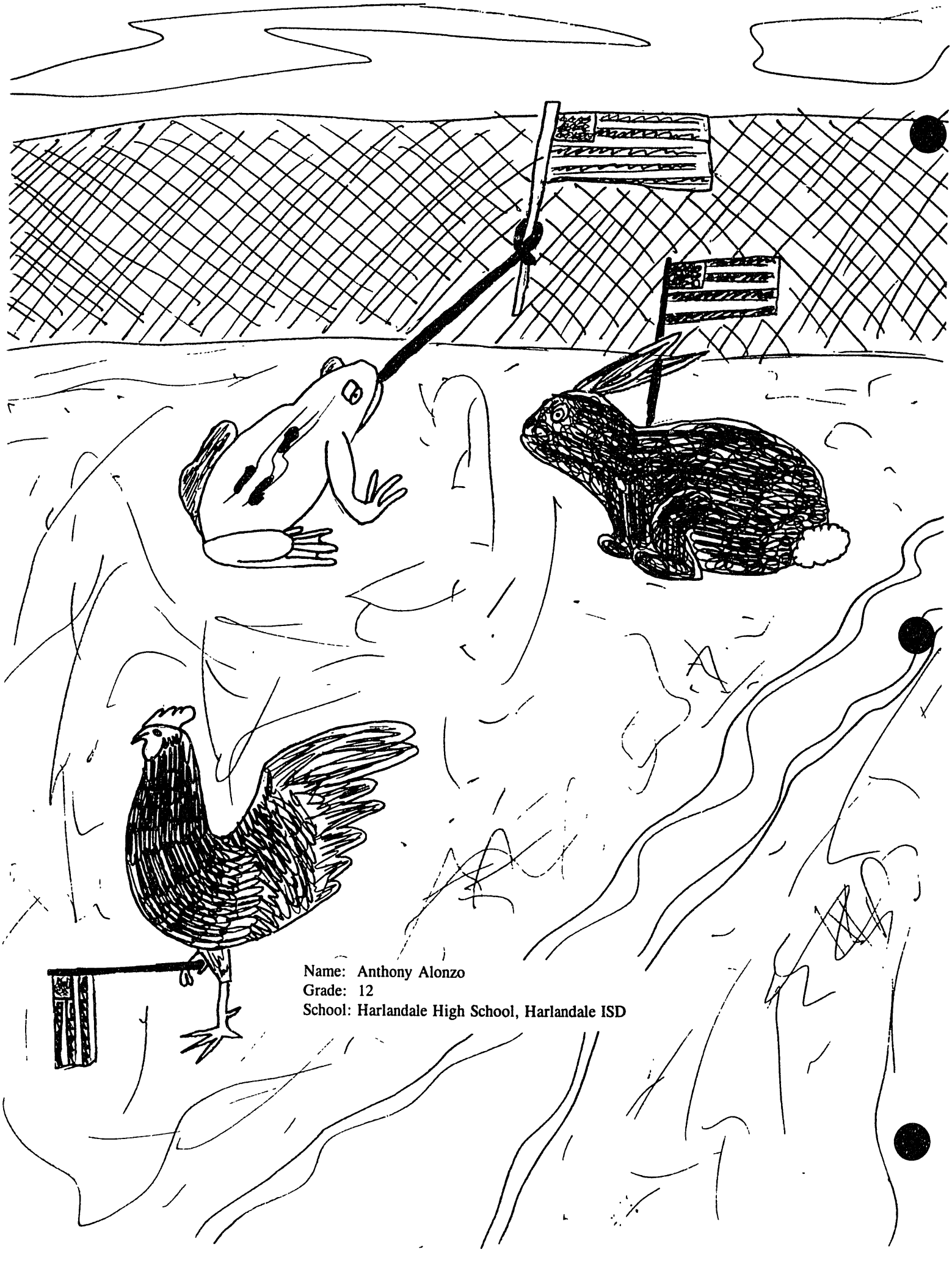
Parameter	Limitation	Sample Type	Monitoring Frequency
Total Petroleum Hydrocarbons	15 mg/l	Grab	One/week(*1)
Total Lead	0.25 mg/l	Grab	One/week(*1)
Benzene	0.05 mg/l	Grab	One/week(*1)
Total BTEX (*2)	0.50 mg/l	Grab	One/week(*1)
Polynuclear Aromatic Hydrocarbons (*3)	0.01 mg/l	Grab	One/month(*4)

(*1) The executive director may authorize a reduced monitoring frequency of twice/month upon request where demonstrated compliance with limitations has been maintained for a minimum of 6 months. If the responsible party fails to maintain compliance with discharge limits once a reduced monitoring frequency has been approved, the executive director may direct the responsible party to resume weekly monitoring.

(*2) Benzene, Toluene, Ethylbenzene, Total Xylene

(*3) Polynuclear Aromatic Hydrocarbons: acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene, benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene), naphthalene, phenanthrene, pyrene.

(*4) The executive director may authorize a reduced monitoring frequency of once/three months upon request where demonstrated compliance with limitations has been maintained for a minimum of 6 months.



Name: Anthony Alonzo
Grade: 12
School: Harlandale High School, Harlandale ISD

OPEN MEETINGS

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

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

Posting of open meeting notices. All notices are posted on the bulletin board at the main office of the Secretary of State in lobby of the James Earl Rudder Building, 1019 Brazos, Austin. These notices may contain a more detailed agenda than what is published in the ***Texas Register***.

Meeting Accessibility. Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting summary several days prior to the meeting by mail, telephone, or RELAY Texas (1-800-735-2989).

Texas Department on Aging

Wednesday, January 25, 1995, 2:30 p.m.

1949 South IH-35, Third Floor Small Conference Room

Austin

Planning Committee

AGENDA:

Consider and possibly act on: Call to order; minutes of December 7, 1994 meeting; staff recommendations for approval of Area Agency on Aging fiscal year 1995 area plan amendments that were approved with conditions at October 13, 1994 Board on Aging meeting; fiscal year 1996 State Plan process; position papers to include Work Force Consolidation, Entitlements, and Statewide Guardianship Program; update on federal issues; and adjourn.

Contact: Mary Sapp, P.O. Box 12786, Austin, Texas 78704, (512) 444-2727.

Filed: January 17, 1995, 4:22 p.m.

TRD-9500699

Thursday, January 26, 1995, 9:30 a.m.

1949 South IH-35, Third Floor Large Conference Room

Austin

Area Agency on Aging (AAA) Operations Committee

AGENDA:

Consider and possibly act on:

Call to order; public hearing to receive comments on new, revised, re-located, and repealed administrative rules; minutes of November 28, 1994, meeting; publish new, revised, re-located, and repealed rules in *Texas Register* for final adoption; publish new, revised, re-located, and repealed rules in *Texas Register* for review and comment; funding methodology for fiscal year 1996 Title VII ombudsman activity, elder abuse, and outreach, counseling and assistance, and health care financing administration; report on elder rights division; and adjourn.

Contact: Mary Sapp, P.O. Box 12786, Austin, Texas 78704, (512) 444-2727.

Filed: January 18, 1995, 1:42 p.m.

TRD-9500752

Thursday, January 26, 1995, 2:00 p.m.

1949 South IH-35, Third Floor Small Conference Room

Austin

Options for Independent Living Ad-Hoc Subcommittee

AGENDA:

Consider and possibly act on: Call to order; fiscal year 1996-1997 Options for Independent Living request for proposals structure and parameters; discuss fiscal year 1996-1997 appropriations; and adjourn.

Contact: Mary Sapp, P.O. Box 12786, Austin, Texas 78704, (512) 444-2727.

Filed: January 18, 1995, 3:58 p.m.

TRD-9500764

◆ ◆ ◆

Texas Department of Agriculture

Monday, January 30, 1995, 9:00 a.m.

Radisson Hotel, 1893 West Mockingbird Lane

Dallas

State Seed and Plant Board

AGENDA:

Discussion and action on: minutes of November 15, 1994 meeting; applicants for license as certified seed growers ; appeal of rejected pearl millet fields; requests for certification eligibility; requests for company name changes; requests for variety name changes; request to allow including plant variety protection statements on labels, inspectors approve to perform certification work for 1995; election of officers for 1995; appointment to Sorghum Advisory Board, approval of foreign designations.

Contact: Charles Leamons, P.O. Box 629, Giddings, Texas 78942, (409) 542-3691

Filed: January 13, 1995, 11:00 a.m.

TRD-9500555

Monday January 30, 1995, 10:30 a.m.

Radisson Hotel, 1893 West Mockingbird Lane

Dallas

State Seed and Plant Board, Seed Arbitration Board

AGENDA:

Meeting before the Board to review and take possible action on the investigation findings of matters complained of by George Sojack concerning petoseed as applicable to the Texas Seed Arbitration Law (Texas Agriculture Code, Chapter 64).

Contact: Charles Leamons, P.O. Box 629, Giddings, Texas 78942, (409) 542-3691.

Filed: January 13, 1995, 11:00 a.m.

TRD-9500554

Wednesday, March 1, 1995, 10:00 a.m.

Texas Department of Agriculture, 1700 North Congress Avenue, Room 928B

Austin

Office of Hearings

AGENDA:

Administrative hearing to review alleged violations of Texas Administrative Code, §74.101 et seq (Vernon Supplement 1994) and 4 Texas Administrative Code, §§3.1-3.57 by Brian Dierschke.

Contact: Joyce Arnold, P.O. Box 12847, Austin, Texas 78711, (512) 475-1668.

Filed: January 18, 1995, 2:57 p.m.

TRD-9500756

Wednesday, March 22, 1995, 10:00 a.m.

Texas Department of Agriculture, 1700 North Congress Avenue, Room 928B

Austin

Office of Hearings

AGENDA:

Administrative hearing to review alleged violations of Texas Administrative Code, §74.101 et seq (Vernon Supplement 1994) and 4 Texas Administrative Code, §§3.1-3.57 by Darryl Weishuhn.

Contact: Joyce Arnold, P.O. Box 12847, Austin, Texas 78711, (512) 475-1568.

Filed: January 18, 1995, 2:57 p.m.

TRD-9500755

Thursday, March 23, 1995, 10:00 a.m.

Texas Department of Agriculture, 900B East Expressway 83

San Juan

Office of Hearings

AGENDA:

Administrative hearing to review alleged violation of Texas Agriculture Code Annotated, §§103.001-103.015 (Vernon 1982) by Teddy Bertuca Company, Inc. as petitioned by Tex-Sandia, Inc.

Contact: Barbara B. Deane, P.O. Box 12847, Austin, Texas 78711, (512) 463-7448.

Filed: January 17, 1995, 11:40 a.m.

TRD-9500669

Thursday, March 23, 1995, 11:00 a.m.

Texas Department of Agriculture, 900B East Expressway 83

San Juan

Office of Hearings

AGENDA:

Administrative hearing to review alleged violation of Texas Agriculture Code Annotated, §§103.001-103.015 (Vernon 1982) by Teddy Bertuca Company, Inc., as petitioned by Del Norte Farms, Inc.

Contact: Barbara B. Deane, P.O. Box 12847, Austin, Texas 78711, (512) 463-7448.

Filed: January 17, 1995, 11:40 a.m.

TRD-9500670

Thursday, March 23, 1995, 1:00 a.m.

Texas Department of Agriculture, 900B East Expressway 83

San Juan

Office of Hearings

AGENDA:

Administrative hearing to review alleged violation of Texas Agriculture Code Annotated, §§103.001-103.015 (Vernon 1982) by Teddy Bertuca Company, Inc. as petitioned by Conn Eastwood.

Contact: Barbara B. Deane, P.O. Box 12847, Austin, Texas 78711, (512) 463-7448.

Filed: January 17, 1995, 11:40 a.m.

TRD-9500671

♦ ♦ ♦

Texas Commission on Alcohol and Drug Abuse

Monday, January 23, 1995, 9:00 a.m.

710 Brazos

Austin

Offender Credentialing Committee

AGENDA:

Call to order; review applications for the Licensed Chemical Dependency Counselor; and adjourn.

Contact: Emelda Mendoza, 710 Brazos, Austin, Texas 78701-2576, (512) 867-8720.

Filed: January 12, 1995, 11:49 a.m.

TRD-9500495

Monday, January 23, 1995, 11:00 a.m.

710 Brazos, Perry Brooks Building, Conference Room, Fourth Floor

Austin

Audit Committee

AGENDA:

Call to order; approval of minutes from December 23, 1994 meeting; update on internal audit activities; update on SWAT Team statewide auditing activities; other business; and adjourn.

Contact: Otis E. Williams, 710 Brazos, Austin, Texas 78701, (512) 867-8720.

Filed: January 12, 1995, 11:49 a.m.

TRD-9500494

Monday, January 23, 1995, 4:00 p.m.

710 Brazos, Eighth Floor Conference Room

Austin

Joint Grants and Contracts Review Committee and Program Development and Initiatives Committee

AGENDA:

Call to order; approval of meeting minutes from December 12, 1994; fiscal year 1995 Transitional Treatment Center Services (TTC); treatment alternatives to incarceration; fiscal year 1995 prevention funding; fiscal year 1994/1995 treatment service; unsolicited proposals; fiscal year 1995 Court Committed Services (CCS); fiscal year 1995 gambling treatment; information items; and adjourn.

Contact: Pam Salinas, 710 Brazos, Suite 428, Austin, Texas 78701, (512) 867-8121.

Filed: January 12, 1995, 11:49 a.m.

TRD-9500493

Monday, January 23, 1995, 4:30 p.m.

710 Brazos, Suite 800

Austin

Program Development and Initiatives Committee

AGENDA:

Call to order; approval of minutes; action on selection of substance abuse felony punishment facility/in-prison therapeutic community treatment program providers; new business old business; old business; and adjourn.

Contact: Ted Sellers, 710 Brazos, Austin, Texas 78701, (512) 867-8132.

Filed: January 12, 1995, 11:49 a.m.

TRD-9500492

Tuesday, January 24, 1995, 8:30 a.m.

710 Brazos, Eighth Floor Conference Room

Austin

Board of Commissioners

AGENDA:

Call to order; approval of December 13, 1994 minutes; public comments; action on CORE initiative; action on selection of Substance Abuse Felony Punishment Facility/In-Prison Therapeutic Community Treatment program providers; executive director's report; chairman's report; and adjournment.

Contact: Otis E. William, 710 Brazos, Austin, Texas 78701, (512) 867-8720.

Filed: January 13, 1995, 10:17 a.m.

TRD-9500538

♦ ♦ ♦

Texas Alcoholic Beverage Commission

Friday, January 27, 1995, 9:30 a.m. (Executive Session: 8:30 a.m.)

5806 Mesa Drive

Austin

AGENDA:

8:30 a.m.-Call to order.

Convene in open meeting.

Announcement of executive session.

1. Executive session to discuss pending litigation and briefing regarding operations of the general counsel's office and §61.75 of the Alcoholic Beverage Code.

9:30 a.m.-Continue open meeting.

2. Take action, including a vote, if appropriate on topics listed under executive session.

3. Approve minutes of November 28, 1994, meeting.

4. Recognition of TABC employees with 20 and above years of service.

5. Administrator's report.

6. Amendment 16 TAC §31.1 (Powers Delegated to the Administrator).

7. New 16 TAC §37.60 (Standard Penalty Chart).

8. Mothers Against Drunk Driving request for rule making on the following topic:

a: Institute a procedure which would require registration of all sales of beer kegs.

9. Legislative changes to alcoholic beverage laws.

10. Public comment.

Contact: Doyne Bailey, P.O. Box 13127, Austin, Texas 78711, (512) 206-3217.

Filed: January 18, 1995, 1:42 p.m.

TRD-9500751

♦ ♦ ♦

State Bar of Texas

Friday, January 20, 1995, 9:00 a.m.

1000 Zaragoza Street, La Posada Hotel

Laredo

Board of Directors

AGENDA:

Call to order/roll call/invocation/consent agenda-announcements/appointment of new Board member/reports from: president; closed session to discuss potential or pending litigation; reconvene open session: take action on item(s) discussed in closed session; continued report by president/items from president-elect/Budget Committee/reports from: executive director; acting executive director; Supreme Court liaison; Commission for Lawyer Discipline; Office of General Counsel/report on items from board committees: Administrative Advisory; Appeals; Grant Review; Legislative Policy; Nominations and Elections Committee; Policy manual; Public Education and Access Committee; Audit and Finance Committee/items from: State Bar committees/sections/divisions/immediate past president/report from Texas Young Lawyers Association president/items from TexLex, Inc./reports from: Court of Criminal Appeals; Texas Bar Foundation; federal judicial liaison; judicial section liaison; out-of-state lawyer liaison; Board of Disciplinary Appeals/remarks from the general public/and adjourn.

Contact: Pat Hiller, P.O. Box 12487, Austin, Texas 78711, 1-800-204-2222.

Filed: January 12, 1995, 3:52 p.m.

TRD-9500520

♦ ♦ ♦

Texas Cancer Council

Wednesday, February 1, 1995, 9:00 a.m.

Dr. May Owens Conference Room, Texas Medical Association, 401 West 15th Street

Austin

Board of Directors

AGENDA:

Call to order

Adoption of minutes

Executive session: To consider the evaluation of the executive director, pursuant to Texas Government Code, §551.074.

Reconvene in open session: For action involving evaluation of the executive director, pursuant to Texas Government Code, §551.074.

Announcements

Fiscal year 1995 budget and policy issues

Fiscal year 1996 time-line and policies

Legislative issues

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 Debra Perkins 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: January 17, 1995, 9:44 a.m.

TRD-9500656

♦ ♦ ♦

Texas Court Reporters Certification Board

Thursday, January 26, 1995, 2:30 p.m.

Texas Law Center, 1414 Colorado, Suite 101

Austin

Court Reporting Curriculum Task Force

AGENDA:

The Court Reporting Curriculum Task Force will call the meeting to order; roll call and introductions; conduct a general discussion on admissions requirements and developing a core curriculum for court reporting programs to comply with §52.0 3(b)(4) and (5) of the Government Code, V.T.C.A; set date for next meeting; and 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 Shelley Stiley at (512) 475-1368 two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Peg Liedetke, 205 West 14th Street, Suite 101, Austin, Texas 78701, (512) 463-1630.

Filed: January 18, 1995, 3:01 p.m.

TRD-9500757

♦ ♦ ♦

Texas Commission for the Deaf and Hearing Impaired

Friday, January 27, 1995, 9:00 a.m.

Brown-Heatley Building, Room 1430, 4900 North Lamar Boulevard

Austin

Board

AGENDA

Call to order; approval of minutes for November 4, 1994, executive director's report including discussion and possible action on MOUs with other agencies, discussion of and possible decisions on financial/budget information, Board for Evaluation of Interpreters' report including certifications and revocations and calendar revisions; Direct Services report including update on programs and award of contract for Camp Sign, information items; scheduling of next meeting date, public comment, and adjournment

Contact: Loyce Kessler, 4800 North Lamar Boulevard, #310, Austin, Texas 78756, (512) 451-8494

Filed: January 18, 1995, 10 04 a m

TRD-9500730

Saturday, February 4, 1995, 9:00 a.m.

4800 North Lamar Boulevard

Austin

Board for Evaluation of Interpreters (BEI)

AGENDA

Call to order; determination of quorum; reading of minutes; public comments, reports: officers/committees/staff, 1. Chair, 2 Vice chair, 3 Secretary, 4 Committees, 5. Staff, 6 TSID representative; executive session· review of applicant and candidate testing materials; new business 1 Certifications/recertifications/revocations, 2 Recertification criteria, 3. Calendar, 4 Work group status reports, 5. Report deadlines, 6 Educational interpreter evaluation/certification-Lucille Koehl, 7 Definitions of CEUable acuvites, unfinished business. 1. Level V-V intermediary materials; 2 Level III-III intermediary materials, announcements; and adjournment at 5. 00 p m.

Contact: Loyce Kessler, 4800 North Lamar Boulevard, #310, Austin, Texas 78756, (512) 451-8494

Filed: January 18, 1995, 9 42 a m

TRD-9500720

♦ ♦ ♦

Texas Interagency Council on Early Childhood Intervention

Tuesday, January 24, 1995, 10:00 a.m.

4412 Spicewood Springs Road, Building 600

Austin

Interagency Council on Early Childhood Intervention

AGENDA.

According to the complete agenda, the Interagency Council on Early Childhood Intervention will hear public comment; discuss and approve minutes from the December 1, 1994, meeting; Advisory Committee and director's forum report; adoption of 25 TAC §621.31 of the ECI rules related to formal hearing procedures; adoption of 25 TAC §621 49 of the ECI rules related to access of public records; adoption of 25 TAC §§621 121-621.140 of the ECI rules related to case management services; post new rules to 25 TAC related to early intervention specialist; purchase of director's and officer's liability insurance, present internal audit plan for Interagency Council on Early Childhood Intervention; discuss and approve staff recommendations on continuation of fiscal year 1995 contract with Edgewood Independent School District; discuss legislative issues including statutory revision and Texas Performance Review Recommendations; discuss and approve funding application for comprehensive and milestones programs for fiscal year 1996; discuss proposed changes to the compliance monitoring system; and FYI.

Contact: Linda Hill, 1100 West 49th Street, Austin, Texas 78756-3199, (512) 502-4900.

Filed: January 13, 1995, 4:37 p.m.

TRD-9500622

♦ ♦ ♦

Texas Education Agency

Tuesday, January 24, 1995, 9:00 a.m.

Room 1-104, William B. Travis Building, 1701 North Congress Avenue

Austin

State Board of Education (SBOE)

AGENDA:

(1) Proposed repeal and adoption of new 19 TAC Chapter 33, Investment Program of the Permanent School Fund as a result of the new asset allocation mix adopted by the board which requires a revision to Chapter 33 consistent with the asset classes contained therein These proposed rules will be considered by the board for first reading and filing authorization. The authority for this action in Article VII, §5(d), Texas Constitution. (2) Proposed adoption of the Report on Grade Level Retention of Texas Students-1992-1993/1993-1994; (3) State Board of Education nomination process for the Commissioner of Education.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: January 13, 1995, 4:14 p.m.

TRD-9500616

Friday, January 27, 1995, 8:30 a.m.

Room 1-109 of the William B. Travis Building, 1701 North Congress Avenue

Austin

Texas Environmental Education Advisory Committee (TEEAC) Policy Subcommittee

AGENDA:

The Texas Environmental Education Advisory Committee (TEEAC) Policy Subcommittee will:

Review attendance policy for continued membership as TEEAC voting member passed at the December 9, 1994 meeting

Draft letter to all members about the attendance policy

Draft nomination/filing procedure to request a position as a TEEAC voting member

Establish a procedure to recommend a candidate to the State Board of Education when a vacancy is to be filled.

Contact: Irene Pickhardt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9566.

Filed: January 18, 1995, 1:42 p.m.

TRD-9500750

♦ ♦ ♦

Employees Retirement System of Texas

Wednesday, January 25, 1995, 4:00 p.m.

ERS Auditorium, ERS Building, 18th and Brazos

Austin

ERS Audit Committee, ERS Board of Trustees

AGENDA:

1. Results of the ERS Quality Assurance Review Report

2. Status reports on ERS internal audit activities

a. Fiscal year 1995 audit plan

b. Fiscal year 1994 internal audit recommendations

c. Fiscal year 1993 state auditor recommendations

3. Future meeting date

4. Adjournment

Contact: William S. Nail, 18th and Brazos, Austin, Texas 78701, (512) 867-3336.

Filed: January 17, 1995, 9:48 a.m.

TRD-9500657

Thursday, January 26, 1995, 9:00 a.m.

ERS Auditorium, ERS Building, 18th and Brazos

Austin

Board of Trustees

AGENDA:

Investment of system's assets; diversification of fixed income portfolio structure; appeals of contested cases; internal auditing activity report for fiscal year 1995; legislative proposals for 74th Legislature; executive director's report; next trustee meeting date; and adjournment.

Contact: William S. Nail, 18th and Brazos, Austin, Texas 78701, (512) 867-3336.

Filed: January 17, 1995, 3:55 p.m.

TRD-9500695

Friday, February 3, 1995, 1:30 p.m.

18th and Brazos, Auditorium, First Floor

Austin

Group Benefits Advisory Committee

AGENDA.

1. Call to order

2. Recognition of visitors and guests

3. Approval of minutes from previous meeting

4 Announcements/updates-Chair

5. ERS update

6. Standing subcommittee reports

7. Other related Benefits business

8 Adjournment

Contact: James W. Sarver, 18th and Brazos, Austin, Texas 78701, (512) 867-3217.

Filed: January 18, 1995, 8:55 a.m

TRD-9500708

♦ ♦ ♦

Texas Employment Commission

Tuesday, January 24, 1995, 9:00 a.m.

Room 644, TEC Building, 101 East 15th Street

Austin

AGENDA·

Prior meeting notes; executive session to consider Carolyn Winn (sic) v Texas Employment Commission and Warner Cable Communications and Jacyln Tugman and Jim Tugman, doing business as Demos Done Right v. Texas Employment Commission; actions, if any, resulting from executive session; staff reports; internal procedures of Commission appeals; consideration and action on higher level appeals in unemployment compensation cases listed on Commission Docket Number 4; and set date of next meeting.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: January 13, 1995, 4:04 p.m.

TRD-9500613

♦ ♦ ♦

Texas General Land Office

Monday, January 30, 1995, 3:00 p.m.

1700 North Congress, SFA Building, Room #831

Austin

Veterans Land Board

AGENDA:

75. Approval of the December 8, 1994, minutes of the Veterans Land Board meeting.

76. Adoption of a Resolution recognizing Jack Giberson.

77. Present Certificates of Recognition to: Brigadier General Lester McIntyre; Brigader General Wayne Marty; and Major General Sam Turk

78. Consider April 25, 1995, as the date for the next Forfeited Land Sale.

79. Consideration to Order for Sale forfeited land accounts at next sale

80. Consideration to extend the 3 and 4% interest rate to August 31, 1995.

81. Consider increasing loan rates in the Housing assistance Program.

82. Consideration of a proposed issuance of new money bonds in an amount noy to exceed $35,000,000 for the Land Program for the purpose of making new $40,000 loans.

83. Consideration of the selection of underwriter(s) for Land Program bonds.

84. Consideration of Request for Proposals for Bond Counsel and Financial Advisor

85. Consideration of temporary Bond Counsel for the Land Program.

86. Review of completed transaction in Housing Program escrow.

87. Review of rebate calculation in Land Refunding, Series 1989.

Contact: Karen Pratt, 1700 North Congress Avenue, Room 700, Austin, 78701, (512) 463-5171.

Filed: January 19, 1995, 9:16 a.m.

TRD-9500781

♦ ♦ ♦

General Services Commission

Monday, January 30, 1995, 9:00 a.m.

Embassy Suites of McAllen, 1800 South Second Street

McAllen

Texas Commission for National and Community Services Board Meeting

AGENDA·

Call to order, staff report; task force reports and discussion of state plan, discussion and approval of Texas Commission for National and Community Service bylaws, election of Texas Commission for National and Community Service 1995 officers, and discussion and planning of future meetings

Contact: Judith M. Porras, 1711 San Jacinto, Austin, Texas 78701, (512) 463-3960.

Filed: January 18, 1995, 8:51 a.m

TRD-9500707

♦ ♦ ♦

Texas Department of Health

Friday, January 13, 1995, 1:00 p.m.

Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Emergency Revised Agenda

Texas Board of Health

AGENDA:

The committee will meet discuss and possibly act on emergency and proposed rules establishing an area rabies quarantine in Texas

Reason for emergency. To prevent the transportation of rabies-infected animals within and from the state as quickly as possible

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484 For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D (512) 458-7708 at least two days prior to the meeting

Filed: January 12, 1995, 2 35 p m

TRD-9500506

Friday, January 13, 1995, 9:30 a.m.

Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Emergency Revised Agenda

Texas Board of Health, Health and Clinical Services Committee

AGENDA:

The committee will meet to discuss and possibly act on· emergency and proposed rules establishing an area rabies quarantine in Texas.

Reason for emergency: To prevent the transportation of rabies-infected animals within and from the state as quickly as possible.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 12, 1995, 2:35 p.m.

TRD-9500505

Thursday, January 26, 1995, 10:00 a.m.

Room T-607, Texas Department of Health, 1100 West 49th Street

Austin

County Indigent Health Care Program (CIHCP) Advisory Committee

AGENDA:

The committee will discuss approval of the minutes from the November 10, 1994 meeting, and discuss and possibly act on: report from Texas Health and Human Services Commission on prescription for change; questions/answers with Texas Association of Counties on prescription for change; subcommittee reports on legislative initiatives; update on CIHCP handbook revisions; public comment period; and schedule of future meetings and suggested agenda items.

Contact: Jane Jaggar, 1100 West 49th Street, Austin, Texas 78756, (512) 338-6461. For ADA assistance, contact Richard Butler at (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 13, 1995, 12:58 p.m.

TRD-9500566

Friday, January 27, 1995, 1:30 p.m.

Room G-107, Texas Department of Health, 1100 West 49th Street

Austin

Hospital Data Advisory Committee

AGENDA:

The committee will discuss approval of the minutes from the previous meeting and discuss and possibly act on: 1994 Cooperative Texas Department of Health/American Hospital Association/Texas Hospital Association annual survey of hospitals; reporting and collection system for Texas hospitals; updates (Hospital Data Advisory Committee bylaws and appointments; bureau activities; and data collection from facilities licensed by the Texas Commission on Alcohol and Drug Abuse); and next meeting date.

Contact: Ann Henry, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261. For ADA assistance, call Richard Butler (512) 458-6410 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 17, 1995, 4:47 p.m.

TRD-9500700

Monday, January 30, 1995, 10:30 a.m.

Room T-607, Texas Department of Health, 1100 West 49th Street

Austin

Scientific Advisory Committee on Birth Defects

AGENDA:

The committee will discuss and possibly act on: overview of Texas Birth Defects Monitoring Division and Birth Defects Registry (general aspects; and design of registry); update on neural tube defects (NTDs) in Cameron and Hidalgo counties; NTD surveillance and interventions grant, Texas border counties; and committee business during luncheon (purpose and mission; proposed board rules and bylaws; questions and issues from morning presentations; project(s) for Scientific Advisory Committee; future meetings; other business not requiring committee action; and wrap up).

Contact: Mark Canfield, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7232. For ADA assistance, call Richard Butler (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 17, 1995, 4:47 p.m.

TRD-9500701

♦ ♦ ♦

Health Professions Council

Wednesday, January 25, 1995, 9:30 a.m.

Board of Medical Examiners, 1812 Centre Creek Drive, Suite 200

Austin

AGENDA:

The HPC will receive the minutes from the November 30, 1994, meeting; receive reports from the following committees: Administration, Budget and Planning and Board Member Training; and receive updates on the Dental Information Resource Center. New business to be considered will include a report from the Attorney General's office concerning fees charged by the Department of Public Safety for providing criminal background information on current, and prospective, health professional licensees; and the HPC's report to the Governor, Lieutenant Governor and Speaker of the House of Representatives.

Contact: Edward M. Boggess, 9101 Burnet Road, Suite 109, Austin, Texas 78758-5260, (512) 873-6565.

Filed: January 17, 1995, 11:45 a.m.

TRD-9500677

♦ ♦ ♦

Texas Historical Commission

January 20, 1995, 8:00 a.m.

Guest Quarters Suite Hotel, 15th Street Cafe, 303 West 15th

Austin

National Register Committee

AGENDA:

I. Introduction of New Commissioner

II. Update on Departmental Activities

III. Discussion of State/Federal Funding

IV. Discussion of Quarterly Report

Contact: Marlene Casarez, P.O. Box 12276, Austin, Texas 78711, (512) 463-6094.

Filed: January 12, 1995, 11:00 a.m.

TRD-9500483

January 20, 1995, 8:30 a.m.

Guest Quarters Hotel, 15th Street Cafe, 303 West 15th Street

Austin

Local History Programs Committee

AGENDA:

1. Call to order.

2. Review of proposed sites for 1996 annual conference.

Contact: Frances Rickard, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: January 12, 1995, 11:01 a.m.

TRD-9500484

Thursday, January 19, 1995, 1:00 p.m.

1511 Colorado (CCH Library)

Austin

Executive Committee Meeting

AGENDA:

Executive Committee

1. Archeology Advisory Board-Margaret Hines

2. Archeological resolutions

3. Sunset review

4. Legislative appropriations request

5. Legislative liaison

6. Election of officers and appointments

7. New business

Contact: Cindy Laguna Dally, P.O. Box 12276, Austin, Texas 78711-2276, (512) 463-5768.

Filed: January 12, 1995, 11:04 a.m.

TRD-9500487

Friday, January 20, 1995, 7:30 a.m.

Guest Quarters Suite Hotel Restaurant, 303 West 15th Street

Austin

Department of Antiquities Protection Committee Meeting

AGENDA:

1) A general discussion about the current status of the abolishment of the Texas Antiquities Committee; and

2) A letter from Margaret Howard Hines, concerning an Archeology Advisory Committee to replace the Texas Antiquities Committee;

3) Consideration of a new agency resolution for consultation with interested groups under the Native American Graves Protection and Repatriation Act.

Contact: Jim Bruseth, P.O. Box 12276, Austin, Texas 78711, (512) 463-6096.

Filed: January 12, 1995, 11:04 a.m.

TRD-9500488

Friday, January 20, 1995, 9:00 a.m.

Guest Quarters Suite Hotel, Longhorn Room, 303 West 15th Street

Austin

Quarterly Meeting

AGENDA:

1. Chairman's report

2. Action items

3. Information items

Contact: Cindy Laguna Dally, P.O. Box 12276, Austin, Texas 78711-2276, (512) 463-5768.

Filed: January 12, 1995, 11:05 a.m.

TRD-9500409

Thursday, January 19, 1995, 7:00 a.m.

Guest Quarters Suite Hotel, 15th Street Cafe, 303 West 15th Street

Austin

Archeology Committee Meeting

AGENDA:

Archeology Committee meeting

1. New publications

2. Current legislative issues relating to archeology

Contact: Cindy Laguna Dally, P.O. Box 12276, Austin, Texas 78711-2276, (512) 463-5768.

Filed: January 12, 1995, 11:04 a.m.

TRD-9500486

Friday, January 20, 1995, 8:30 a.m.

303 West 15th Street, Guest Quarters Suite Hotel, 15th Street Cafe

Austin

Main Street Committee

AGENDA:

1. Update on Main Street cities

2. First lady's tour

Contact: Cindy Laguna Dally, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: January 12, 1995, 11:04 a.m.

TRD-9500485

♦ ♦ ♦

Texas Commission on Human Rights

Tuesday, January 24, 1995, 9:00 a.m.

300 West 15th Street, Ninth Floor, Conference Room

Austin

Emergency Meeting

AGENDA:

Discussion and vote on agenda item(s) covered in executive session as necessary or required; welcoming of guests; minutes; administrative reports; administrative enforcement project; annual policy conference; participation in the EEOC Task Force; legislative issues for the 74th Legislative Session; recommendations affecting the Commission in the African-American Legislative Summit Report; Legislative Budget Board's recommendations for the Commission's legislative appropriations request; Commission's testimony at hearing for the Subcommittee of the Senate Finance Committee; interagency contract with the Office of the Attorney General; proposed intern program; EEO compliance training; Commission's progressive personnel policy; Commission's annual report; Commission reports required under Article V, §98 and §99; amendment to procedural rules; commissioner issues; unfinished business.

Reason for emergency: Legislative issues

Contact: William M. Hale, P.O. Box 13493, Austin, Texas 78711, (512) 837-8534.

Filed: January 18, 1995, 9:42 a.m.

TRD-9500721

♦ ♦ ♦

Texas Department of Human Services

Tuesday, January 31, 1995, 1:00 p.m.

701 West 51st Street, First Floor Conference Room, West Tower

Austin

Religious Community Advisory Committee Meeting

AGENDA:

According to the complete agenda, the Religious Community Advisory Committee will welcome everyone; make introductions; set date for next meeting; hear PRS legislative issues; review and discuss annual committee report fiscal year 1994 developed by past chair; set action plan for fiscal year 1995; and adjourn.

Contact: Clif Martin, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3072.

Filed: January 12, 1995, 11:00 a.m.

TRD-9500482

Tuesday, January 31, 1995, 1:00 p.m.

701 West 51st Street, Second Floor, West Tower, Classroom Three

Austin

State Advisory Committee on Child Care Programs

AGENDA:

According to the complete agenda, the State Advisory Committee on Child Care Programs will welcome participants and make introductions; approve minutes of October, 1994, meeting; hear reports on child care legislative appropriations request for state fiscal year 1996 and 1997 and national and state welfare reform initiatives; and adjourn.

Contact: Mary Beth O'Hanlon, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4169.

Filed: January 18, 1995, 1:41 p.m.

TRD-9500748

Tuesday, January 31, 1995, 1:30 p.m.

701 West 51st Street, Third Floor, West Tower, Conference Room 3W

Austin

Client Self-Support Services Advisory Council

AGENDA:

According to the agenda, the Client Self-Support Services Advisory Council will be called to order; approve minutes of November 3, 1994, meeting; hear chairman's comments; hear deputy commissioner's comments; take action on food stamp electronic benefit issuance schedule and immunization as requirement for eligibility in the AFDC program; hear request for proposals for the receipt, storage, and handling of USDA commodities for Emergency Food Assistance Program; announcement of next meeting date; and adjourn.

Contact: Toni Lemm, P.O. Box 1490030, Austin, Texas 78714-9030, (512) 450-4147.

Filed: January 12, 1995, 10:59 a.m.

TRD-9500481

Tuesday, January 31, 1995, 1:00 p.m.

701 West 51st, Commissioner's Conference Room, Sixth Floor, West Tower

Austin

Advisory Committee on Fire Safety Standards

AGENDA:

According to the complete agenda, the Advisory Committee on Fire Safety Standards will call the meeting to order; call the roll; introduce new member; consider approval of minutes of September 29, 1994, meeting; review proposal to delete local fire authority approval for licensure; hear discussion and recommendations; and adjourn.

Contact: Helen Swenson, P.O. Box 149030, Austin, Texas 78714-9030, (512) 834-6696.

Filed: January 13, 1995, 1:32 p.m.

TRD-9500579

♦ ♦ ♦

Texas Department of Insurance

Monday, January 30, 1995, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

454-95-0053.C

To consider whether disciplinary action should be taken against Aaron Lewis Ollison, Houston, Texas, who holds a Group I, Legal Reserve Life Insurance Agent's License, Group II Insurance Agent's License, and Local Recording Agent's License issued by the Texas Department of Insurance.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: January 18, 1995, 9:09 a.m.

TRD-9500711

Friday, February 3, 1995, 1:00 p.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

454-95-0088.C

To consider whether disciplinary action should be taken against Victor J. Soriano, Houston, Texas, who holds a Group X, Non-Resident Property and Casualty Agent's License.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: January 18, 1995, 9:09 a.m.

TRD-9500712

Friday, February 10, 1995, 9:00 a.m.

333 Guadalupe Street, Room 1264, Tower One

Austin

Texas HMO Solvency Surveillance Committee

AGENDA:

1. Call to order

2. Approval of December 2, 1994 minutes

3. Staff report

4. Review of overall HMO industry

5. Executive session consultation with attorney regarding contemplated litigation, Texas Government Code §551.071

6. Reconvene in open session

7. Adjourn

Contact: Rosemary Grattan, 333 Guadalupe Street, Mail Code #106-1A, Austin, Texas 78701, (512) 305-7267.

Filed: January 17, 1995, 8:33 a.m.

TRD-9500647

♦ ♦ ♦

Texas Juvenile Probation Commission

Thursday, January 26, 1995, 4:00 p.m.

2015 South IH-35

Austin

Board Meeting

AGENDA:

Call to order; excuse absences; approve minutes of January 13, 1995; closed, executive session to discuss the evaluation, designation and duties of the TJPC executive director (this meeting will be closed to the public under the authority of Texas Civil Statutes, Article 6252.17, §2(g)); open session to discuss and possibly act on the evaluation, designation and duties of the TJPC executive director; public comment; and adjourn.

Contact: Bernard Licarione, P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: January 18, 1995, 11:32 a.m.

TRD-9500743

Thursday, January 26, 1995, 4:00 p.m.

2015 South IH-35

Austin

Revised Agenda

Board Meeting

AGENDA:

4. Closed, executive session to discuss the evaluation, designation and duties of the TJPC executive director (this meeting will be closed to the public pursuant to the Texas Open Meetings Act as codified in §551.074 of the Texas Government Code).

Contact: Bernard Licarione, Ph.D., P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: January 18, 1995, 1:41 p.m.

TRD-9500749

♦ ♦ ♦

Legislative Oversight Committee on Workers' Compensation

Thursday, February 2, 1995, 10:00 a.m., or 30 minutes after adjournment of either the Senate or the House

E2.012 Capitol Extension

Austin

AGENDA:

I. Call to order

II. Roll call

III. Public testimony on the Texas Impairment Schedule

IV. Adjournment

Contact: June Karp, 205 West 14th, Tom C. Clark Building, Room 102, Austin, Texas 78701, (512) 475-4991.

Filed: January 17, 1995, 10:35 a.m.

TRD-9500661

♦ ♦ ♦

Texas Department of Licensing and Regulation

Wednesday, January 25, 1995, 9:30 a.m.

E. O. Thompson Building, 920 Colorado, Fourth Floor

Austin

Texas Commission of Licensing and Regulation

AGENDA:

The Commission will hold a regular meeting according to the following outline: I. Call to order; II. Roll call and certification of quorum; III. Contested cases; IV. Agreed orders; V. Appointments of members to (A) Property Tax Consultants Advisory Council, and (B) Architectural Barriers Advisory

Committees; VI. Rules submissions; VII. Legislative information; VIII. Staff reports; IX. Operating budget; X. Executive session; XI. Open session/public comments; XII. Discussion of date, time and location of next Commission meeting; and XIII. Adjournment.

Contact: Phyllis Wilson, 920 Colorado, Austin, Texas 78701, (512) 463-3173.

Filed: January 18, 1995, 10:46 a.m.

TRD-9500736

Thursday, February 2, 1995, 9:00 a.m.

920 Colorado, E.O. Thompson Building, Fourth Floor

Inspections and Investigations, Air Conditioning

AGENDA:

According to the complete agenda, the Department will hold an administrative hearing to consider the possible assessment of a an administrative penalty and denial, suspension or revocation of the license for Paul E. Dowdy doing business as R.A.C.H.A. Corporation for violation of the Texas Civil Statutes, Article 8861, Article 9100, 16 TAC §§75.70(a), 75.70(b) , and 75.70(e) and the Texas Government Code, Chapter 2001.

Contact: Paula Hamje, 920 Colorado, Austin, Texas 78701, (512) 463-3192.

Filed: January 12, 1995, 2:51 p.m.

TRD-9500511

Wednesday, February 8, 1995, 9:00 a.m.

920 Colorado, E.O. Thompson Building, Third Floor

Austin

Inspections and Investigations, Air Conditioning

AGENDA:

According to the complete agenda, the Department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for George Sanchez doing business as Frio Air Conditioning for violation of the Texas Civil Statutes, Article 8861, §3B, Article 9100, 16 TAC §75.22(a), and the Texas Government Code, Chapter 2001.

Contact: Paula Hamje, 920 Colorado, E.O. Thompson Building, Austin, Texas 78701, (512) 463-3192.

Filed: January 12, 1995, 2:51 p.m.

TRD-9500510

Thursday, February 16, 1995, 9:00 a.m.

920 Colorado, E.O. Thompson Building, Fourth Floor

Austin

Inspections and Investigations, Property Tax Consultants

AGENDA:

According to the complete agenda, the Department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for David McCullough for violation of the Texas Civil Statutes, Article 8886, §2(a) and 2(c), Article 9100, 16 TAC §66.20(a), and the Texas Government Code, Chapter 2001.

Contact: Paula Hamje, 920 Colorado, Austin, Texas 78701, (512) 463-3192.

Filed: January 12, 1995, 2:51 p.m.

TRD-9500512

♦ ♦ ♦

Texas Lottery Commission

Wednesday, January 25, 1995, 9:00 a.m.

6937 North IH-35, American Founders Building, First Floor Auditorium

Austin

AGENDA:

According to agenda summary, the Texas Lottery Commission will call the meeting to order; public comment on any of the items on the agenda; approval of minutes of the November 15, 1994 meeting; consideration and possible action, including adoption, of a rule, 16 TAC §402.567 relating to the creation and operation of a Bingo Advisory Committee; consideration and possible action, including appointment, of persons to the Bingo Advisory Committee; consideration and possible action, on a petition for rulemaking to adopt 16 TAC §402.554, a rule relating to instant bingo, such possible action includes denying the petition or initiating a rulemaking proceeding; consideration and possible action on a petition for rulemaking to adopt 16 TAC §402.558, a rule relating to the seal required on disposable bingo cards, such possible action includes denying the petition or initiating a rulemaking proceeding; consideration of possible action on a petition for rulemaking to adopt a new rule relating to the issuance of temporary licenses to applicants as authorized by §12(d) of the Bingo Enabling Act, such possible action includes denying the petition or initiating a rulemaking proceeding; consideration and possible action on a petition for rulemaking to adopt a new rule relating to the issuance of temporary authorization to applicants as authorized by §13(b) of the Bingo Enabling Act; consideration and possible action, including adoption, of a rule, 16 TAC §403.101, relating to charges for copies of public records; consideration and possible proposal of a new rule, 16 TAC §401.308, relating to the assignability of prizes; consideration and possible approval of proposed amendment to lease creating a lease with option to purchase (Lottery headquarters); consideration and possible action on the evaluation of the executive director; Commission may meet in executive session with its attorneys to receive legal advice regarding pending litigation pursuant to §551.071 of the Texas Government Code, including Wolverine Council Auxiliary v. Texas Lottery Commission, Capitol Bingo, Inc. v. Texas Lottery Commission, and Frenzel v. Sadberry, et al, to deliberate the purchase, exchange, lease, or value of real property pursuant to §551.072 of the Texas Government Code, and to deliberate the evaluation of the executive director pursuant to §551.074 of the Texas Government Code; Commission may consider the status and possible entry of an order in any contested case if a proposal for decision has been received from the assigned administrative law judge and the time period has lapsed for the filing of exceptions and replies; report by the executive director and possible discussion on the financial status of the agency and agency contracts; and adjournment.

For ADA assistance, call Michelle Guerrero at (512) 323-3791 at least two days prior to meeting.

Contact: Michelle Guerrero, 6937 North IH-35, Austin, Texas 78752, (512) 323-3791.

Filed: January 17, 1995, 3:23 p.m.

TRD-9500690

♦ ♦ ♦

Texas State Board of Examiners of Marriage and Family Therapists

Tuesday, January 24, 1995, 1:00 p.m.

Jefferson Room, Doubletree Hotel, Lincoln Center

Dallas

Supervision Committee

AGENDA:

The committee will discuss and possibly act on licensed marriage and family therapists supervision issues (supervision of supervisors; equivalency for 45 hour graduate course; length of supervisor status; and "grandfather" status/period); and other issues not requiring committee action.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6657. For ADA assistance, contact Richard Butler at (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 13, 1995, 12:58 p.m.

TRD-9500568

Tuesday, January 24, 1995, 3:00 p.m.

Jefferson Room, Doubletree Hotel, Lincoln Center

Dallas

Application Review Committee

AGENDA:

The committee will discuss and possibly act on pending application· transcript issues (Rosario Bobadillo; Katherine Milliken, and Victor Ndando-Ngoo); request for inactive status (Myrna Bradley; Lisa J Braverman; Patricia H. Conner; and Judi Jones); denial of renewal (Harlene Anderson; Cecilia DeVargas; and Judith Elaine Zimmerman); and request for ratification of approved/renewed film since October 24, 1994 meeting.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6657. For ADA assistance, contact Richard Butler at (512) 458-7708 at least two days prior to the meeting.

Filed: January 13, 1995, 12.58 p m.

TRD-9500569

Wednesday, January 25, 1985, 8:30 a.m.

Jefferson Room, Doubletree Hotel, Lincoln Center

Dallas

Ethics Committee

AGENDA:

The committee will discuss and possibly act on pending complaints: 093-043-0009; 094-043-0002; 094-043-0003; 094-043-0004; 094-043-0007, 094-043-0011, 094-043-0012, 094-043-0013, 95-043-0001; and other complaints.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6657. For ADA assistance, contact Richard Butler at (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 13, 1995, 12:58 p.m.

TRD-9500570

Wednesday, January 25, 1995, 11:00 a.m.

Jefferson Room, Doubletree Hotel, Lincoln Center

Dallas

AGENDA:

The committee will discuss and possibly act on: minutes from the October 24, 1994 meeting; public comment; board orders; committee reports (application review; complaints; and supervision); board chairman report/comments; executive director report; additional topics not requiring board action/topics for next meeting; and setting of the April 2 and 3, 1995 meetings.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6657. For ADA assistance, contact Richard Butler at (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 13, 1995, 12:58 p m.

TRD-9500567

♦ ♦ ♦

Texas Natural Resource Conservation Commission

Tuesday, January 24, 1995, 9:00 a.m.

12100 Park 35, Building A

Austin

Irrigators Council

AGENDA:

Meeting called to order; approval of minutes of the meeting of October 14, 1994; recommend certification of successful candidates from the Licensed Irrigator and Licensed Installer Examination January 23, 1995; site and date of next exams; staggering terms of Council members; legislative update by TTIA; committee reports; staggering of terms of Council members; complaint files; various items of interest to Council and program by Council chairman.

Contact: Joyce Watson, P.O. Box 13087, Austin, Texas 78711, (512) 239-6719 or (512) 239-6658 or (512) 239-6659.

Filed: January 13, 1995, 12:58 p.m.

TRD-9500571

Thursday, January 26, 1995, 10:00 a.m.

Memorial Civic Center, 1501 Sixth Street, Room 1/3 Banquet Hall

Lubbock

Water Well Drillers Advisory Council

AGENDA:

The Texas Water Well Drillers Advisory Council will meet to discuss and take action on the following: consider the approval of minutes of the November 3, 1994 meeting; consider whether to set the following complaints for a formal hearing or take appropriate legal action: Glenn Wells, Steven "Gerald" Biffle, Lonnie Coles, Mike Coles, Bill David, Roman Gonzales, Eugene Holmes, Stephen Huston, Richard Kennington, Ricky Lovelace, Joe Miles, Buddy Scherff, George Snyder, Roy Stricker, Jr., Murray Walker, Joe Hughes, Thomas Patton, W. G. Mayo and Jeffrey Johnson; consider certification of applicants for registration and driller-trainee registration; discuss legislative issues; and consider staff reports.

Contact: Pat Hilbig, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0534.

Filed: January 17, 1995, 8:59 a.m.

TRD-9500649

Thursday, February 2, 1995, 3:00 p.m.

1102 South Shoreline Boulevard, Holiday Inn Emerald Beach

Corpus Christi

Policy Committee of the Corpus Christi Bay National Estuary Program

AGENDA:

I. Call to order/introduction/minutes

II. Program update

III. Next phase of the program

IV. New NEP nomination

V. Additional items/adjourn

Contact: Richard Volk, 6300 Ocean Drive, Campus Box 290, Corpus Christi, Texas 78412, (512) 985-6767.

Filed: January 18, 1995, 10:52 a.m.

TRD-9500740

Wednesday, February 8, 1995, 9:30 a.m.

Building E, Room 201S, 12118 North Interstate Highway 35

Austin

AGENDA:

The purpose of the hearing will be to determine whether a temporary order (TNRCC Docket Number 95-0218-MWD) should be issued to City of Jacksboro. The City has applied for a temporary order to authorize the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 650, 000 gallons per day. The effluent is discharged into Little Cleveland Creek; thence to Johnson Lake; thence to Little Cleveland Creek; thence to North Creek; thence to the West Fork Trinity River above Bridgeport Reservoir in Segment Number 0812 of the Trinity River Basin.

Contact: E. J. Bernacki, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0600.

Filed: January 17, 1995, 10:22 a.m.

TRD-9500658

Tuesday, February 28, 1995, 10:00 a.m. (Rescheduled from February 2, 1995, 9:00 a.m.)

R. D. Evans Community Center, South Room, 3242 Lackland Road

Fort Worth

AGENDA:

On an application by Silver Creek Materials, Inc., Proposed Permit Number MSW2216, to authorize a Type V (Composting) municipal solid waste management facility. The proposed facility covers approximately 21.03 acres of land and is to receive approximately 650 tons of solid waste per day for disposal or other processing. The proposed facility is to be located 1.9 miles northwest on Silver Creek Road from the intersection of Loop 820, and 1.5 miles west along the site entrance west of Silver Creek Road, west of Fort Worth, in Tarrant County, Texas.

Contact: Teresa Calkins, P.O. Box 13087, Austin, Texas 78711, (512) 239-6229.

Filed: January 18, 1995, 10:28 a.m.

TRD-9500735

Wednesday, March 1, 1995, 9:30 a.m.

Room 201S of Building E, 12118 North Interstate 35, (TNRCC Park 35 Office Complex)

Austin

AGENDA:

For an agenda hearing on Harris County Utility District Number 14's application for authority to adopt and impose a standby fee on undeveloped property within the district for calendar years 1995, 1996, and 1997. The district is requesting approval to levy standby fees in the maximum amounts allowable by Commission Rules. Commission staff has determined that the maximum allowable Operation and Maintenance standby fee is $72.60 per year equivalent single family connection (ESFC) levied uniformly against the 2,064 vacant ESFCs, and (2) the maximum allowable Debt Service standby fee non-uniformly levied against the 2,064 unimproved ESFC's as follows: (1) $106. 71 per year per ESFCs to 35 ESFCs in Lincoln Green South, Section 1 and (2) $44.39 per year ESFC to 381.52 acres Not located in Lincoln Green South, Section 1 (2,029 ESFCs)

Contact: Gloria A. Vasquez, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-3300.

Filed: January 19, 1995, 8:15 a.m.

TRD-9500768

♦ ♦ ♦

Polygraph Examiners Board

Thursday-Friday, January 26-27, 1995, 10:00 a.m.

6100 Guadalupe, Aircraft Conference Room

Austin

AGENDA:

January 26, 1995, 10:00 a.m. Committee to study amendment to Rule 395.12, other proposed rules and amendments to the Board's investigative procedures.

January 27, 1995, 10:00 a.m. Open meeting; close meeting to administer Phase III of licensing examination; 1:00 p.m.-open meeting; election of officers; consideration of October 1994 meeting minutes; consideration of November 1994 meeting minutes; consideration of applications for licensure; adoption of Rule 391.3(13)(J); consideration of Rule 395.17; consideration of amendment to Rule 395.10; discussion of Board investigative procedures; discussion of TAPE Clinical Polygraph Committee; agency update.

Contact: Bryan M. Perot, P.O. Box 4087, Austin, Texas 78773, (512) 465-2058.

Filed: January 18, 1995, 9:47 a.m.

TRD-9500722

♦ ♦ ♦

Texas Board of Private Investigators and Private Security Agencies

Tuesday, January 24, 1995, 8:30 a.m.

The Doubletree Hotel, 6505 North IH-35

Austin

Board Meeting

AGENDA:

New Business

I. Docket call.

II. Review of staff recommendation and Board action on new licenses, suspension orders, reinstatement orders, revocations, denials, reprimands, requests for waivers, other proposals for decision, requests for rehearings and related issues.

Old Business

I. Approval of minutes of October 11, 1994 Board meeting.

New Business (continued) III. Discussion and possible final adoption of proposed Board rule change regarding alarm installer and alarm salesperson training and testing.

Executive Session

I. While in executive session pursuant to Texas Civil Statutes, §2(g), Article 6252-17, consider executive directors's annual review.

New Business (continued)

VII. Action as required in open session on executive director's annual review.

It should be noted that a lunch break will be taken at an appropriate time.

Contact: Clema D. Sanders, 313 East Anderson, #200, Austin, Texas 78752, (512) 463-5545.

Filed: January 13, 1995, 8:39 a.m.

TRD-9500530

♦ ♦ ♦

Texas State Board of Examiners of Psychologists

Wednesday-Friday, January 25-27, 1995, 8:30 a.m.

9101 Burnet Road, Suite 212

Austin

Revised Agenda

AGENDA:

In addition to the previous agenda published in the *Texas Register* on January 10, 1995, the Board will also be discussing proposing an amendment to Board Rule 461.11.

Contact: Rebecca E. Forkner, 9101 Burnet Board, Suite 212, Austin, Texas 78758, (512) 835-2036.

Filed: January 12, 1995, 11:49 a.m.

TRD-9500491

♦ ♦ ♦

Public Utility Commission of Texas

Tuesday, January 17, 1995, 11:00 a.m.

7800 Shoal Creek Boulevard

Austin

Emergency Meeting

AGENDA:

There will be an emergency open meeting to extend the deadline on the appeal of Examiner's Order Number 26 in Docket Number 11823-complaint of Raye E. Stiles against GTE Southwest, Inc.

Reason for emergency: Prompt Commission action is necessary to preserve jurisdiction over the subject matter of the appeal.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 13, 1995, 8:27 a.m.

TRD-9500529

Monday, January 23, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A prehearing conference has been scheduled in Docket Number 13827-application of Southwestern Public Service Company for approval of notices of intent for a 203 MW Phillips Cogeneration Project and a 103 MW Combustion Turbine Project.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 13, 1995, 3:40 p.m.

TRD-9500610

Tuesday, January 31, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A prehearing conference is scheduled for the above date and time in Docket Number 12789: application of Southwestern Bell Telephone Company for expanded interconnection and unbundling of special access DSI and DS3 services.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 12, 1995, 10:35 a.m

TRD-9500477

Tuesday, February 14, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A hearing on the merits is scheduled for the above date and time in Docket Number 13444: application of Golden Spread Electric Cooperative, Inc. for approval of notice of intent.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 13, 1995, 3:25 p.m.

TRD-9500607

Thursday, February 23, 1995, 8:30 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A hearing on the merits is scheduled for the above date and time in Docket Number 13469: application of Texas Utilities Electric Company to amend Certificate of Convenience and Necessity for a transmission line within Williamson County.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1995, 3:01 p.m.

TRD-9500758

♦ ♦ ♦

Railroad Commission of Texas

Friday, January 20, 1995, 9:00 a.m.

State Capitol Extension, Senate Finance Committee, Room E1.036

Austin

Emergency Meeting

AGENDA:

The Railroad Commission will meet with the Senate Finance Committee-Subcommittee Two to discuss the Commission's appropriation and programs.

Reason for emergency: The Senate Finance Commission tentatively set hearing times and the Commission was unable to verify a time certain for its meeting with the committee.

Contact: Brenda Loudermilk, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-3715.

Filed: January 13, 1995, 10:41 a.m.

TRD-9500553

Monday, January 23, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA.

According to the complete agenda, the Railroad Commission of Texas will consider various applications and other matters within the jurisdiction of the agency including oral arguments. The Railroad Commission of Texas may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received.

The Commission may meet in executive session on any items listed above as authorized by the Open Meetings Act.

Contact: Carole J. Vogel, P.O. Box 12967, Austin, Texas 78711, (512) 463-7033.

Filed: January 13, 1995, 10:40 a.m.

TRD-9500552

Monday, January 23, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

The Commission will consider and act on the agency budget, fiscal and administrative matters and the Administrative Services Division director's report on division administration, budget, procedures and personnel matters.

Contact: Roger Dillon, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7257.

Filed: January 13, 1995, 10:40 a.m.

TRD-9500550

Monday, January 23, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

The Commission will consider and act on the Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Melvin B. Hodgkiss, P.E., P.O. Box 12967, Austin, Texas 78711, (512) 463-6901.

Filed: January 13, 1995, 10:40 a.m.

TRD-9500549

Monday, January 23, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

1. Division director's report and commission action on AFRED administration, procedures, budget, personnel and policy matters, and contract awards relating to alternative fuels research, marketing and public education programs.

2. 1995 division work plan. The Commission will consider the division director's recommendations for research, training, public education, marketing and intergovernmental relations activities.

3. Residential fuel spreadsheet. The Commission will consider requesting bids on software that compares residential energy costs of propane and other fuels.

Contact: Dan Kelly, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7110.

Filed: January 13, 1995, 10:39 a.m.

TRD-9500548

Monday, January 23, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

The Commission will consider and act on the Personnel Division director's report on division administration, budget, procedures, and personnel matters. The commission may meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6981.

Filed: January 13, 1995, 10:39 a.m.

TRD-9500547

Monday, January 23, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

The Commission will consider and act on the Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Box 12967, Austin, Texas 78701, (512) 463-6710.

Filed: January 13, 1995, 10:37 a.m.

TRD-9500546

Monday, January 23, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

The Commission will consider and act on the Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions and personnel matters. The Commission will consider and act on the Information Resource Manager's report on information resource planning documents.

Contact: Bob Kmetz, P.O. Box 12967, Austin, Texas 78701, (512) 463-7251.

Filed: January 13, 1995, 10:35 a.m.

TRD-9500545

Monday, January 23, 1995, 2:00 p.m.

1701 North Congress Avenue, 12th Floor Conference Room 12-126

Austin

AGENDA:

The Commission will hold its monthly statewide hearing on oil and gas to determine the lawful market demand for oil and gas and to consider and/or take action on matters listed on the agenda posted with the Secretary of State's office.

Contact: Paula Middleton, P.O. Box 12967, Austin, Texas 78711, (512) 463-6729.

Filed: January 13, 1995, 10:40 a.m.

TRD-9500551

Tuesday, January 24, 1995, 2:00 p.m.

William B. Travis Building, 1701 North Congress Avenue

Austin

AGENDA:

The State of the Transportation Industry meeting will be held at 2:00 p.m., Tuesday, January 24, 1995, in the William B. Travis Building, 1701 North Congress Avenue (17th and Congress Avenue), Austin, Texas. The room in which the meeting will convene will be posted in the lobby of the Travis Building the morning of January 24, 1995.

2:00-2:15 p.m. Call to order by Chairman Barry Williamson; opening remarks (if any) by Chairman Williamson, Commissioner Carole Keeton Rylander, and Commissioner Charles R. Matthews.

2:15 p.m.-adjournment. Speakers' comments to the Commission; closing remarks (if any) by Chairman Williamson, Commissioner Rylander, and Commissioner Matthews.

Contact: Jerry Martin, P.O. Box 12967, Austin, Texas 78711-6927, (512) 463-7001.

Filed: January 13, 1995, 11:23 a.m.

TRD-9500562

♦ ♦ ♦

Texas Real Estate Commission

Monday, January 23, 1995, 8:30 a.m.

Room 236B, Second Floor, TREC Headquarters Office, 1101 Camino La Costa

Austin

Evaluation Committee

AGENDA:

Discussion and possible action to develop evaluation process for administrator.

For ADA assistance, call Nancy Guevremont at (512) 465-3923 at least two days prior to meeting.

Contact: Mark A. Moseley, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3900.

Filed: January 13, 1995, 2:50 p.m.

TRD-9500591

Monday, January 23, 1995, 9:30 a.m.

Conference Room 235, Second Floor, TREC Headquarters Office, 1101 Camino La Costa

Austin

AGENDA:

(1) Call to order; (2) approval of minutes of December 5, 1994 Commission meeting as mailed to the members; (3) staff reports for month of October and November, 1994; committee reports; (4) appearance of Jom Howard Holt and Ken Raupple to discuss license requirements for companies providing occupants for vacant homes; (5) discussion and possible action to propose new 22 TAC §535. 228 concerning standard inspection report form; (6) discussion of possible amendments to 22 TAC §535.164 concerning disclosure of agency; (7) discussion and possible action to approve MCE providers and courses or other providers and courses; possible action to accredit Windsor School of Real Estate and the Houston Building Owners and Managers Institute; (8) discussion of proposed amendment to 22 TAC §539.137 concerning semiannual reports of residential service companies; (9) discussion and possible action to propose amendments to 22 TAC §535.61 concerning acceptance of courses and §535.66 concerning proprietary schools and 22 TAC §§535.71-535.73 concerning mandatory continuing education; (10) discussion and possible action to approve preparation of draft legislation; (11) discussion and possible action to establish evaluation process for administrator; (12) discussion and possible action to authorize administrator to implement recovery fund investment policy; (13) executive session to discuss pending litigation pursuant to Texas Government Code, §551.071 and appointments to the Texas Real Estate Inspector Committee pursuant to §551.074; (14) discussion and possible action to make appointments to the Texas Real Estate Inspector Committee, (15) authorization of payments from recovery funds; (16) consideration of complaint information concerning: John Paul Good; Monty Wayne Meyers; Randy Marcus Olsen; Counie Charles Armstrong; David Zachry Hess; Lyndle Ray Randolph; Roy Irvin Thornton; Jack Clayton Ping; Jimmy W. Pogue; Charles J. Dudly; Jonathan David Hogue; Arnulfo Delarosa; Doyle Marshall Willey; Richard Alan Schor; Frederick Brons Noelke; Russell D. Abergg; Mark Cordell Jones; David Warren Ferebee; Raymond Peterson; (17) entry of orders in contested cases; (18) scheduling of future meetings.

For ADA assistance, call Nancy Guevremont at (512) 465-3923 at least two days prior to meeting.

Contact: Mark A. Moseley, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3900.

Filed: January 13, 1995, 2:03 p.m.

TRD-9500582

Monday, January 23, 1995, 9:30 a.m.

Conference Room 235, Second Floor, TREC Headquarters Office, 1101 Camino La Costa

Austin

Emergency Revised Agenda

AGENDA:

(17) Entry of orders in contested cases; consideration of motion for continuance in Hearing Number 93-94-930570, in the matter of Irene Gregorian and in Hearing Num-

ber 93-50-930570, in the matter of Michael Boodagh.

For ADA assistance, call Nancy Guevremont at (512) 465-3923 at least two days prior to meeting.

Reason for emergency: The emergency amendment is necessary to permit the Commission to consider a request for continuance which was filed after the agenda was posted.

Contact: Mark A. Moseley, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3900.

Filed: January 18, 1995, 3:04 p.m.

TRD-9500762

♦ ♦ ♦

Council on Sex Offender Treatment

Wednesday, January 25, 1995, 10:00 a.m.

Tom C. Clark Building, 205 West 14th Street, Room 103

Austin

Clinical Issues Committee

AGENDA:

I. Convene, Linda Reyes, Ph.D.

II. Finalization on Principles of Sex Offender Treatment

III. SOTP application revisited

IV. Development of guidelines for supervision

V. Individual application request

VI. Review new draft on Standards of Practice

VII. Adjourn

Contact: Eliza May, P.O. Box 12546, Austin, Texas 78711-2546, (512) 463-2323.

Filed: January 17, 1995, 4:18 p.m.

TRD-9500698

Friday, January 27, 1995, 8:00 a.m.

Texas Youth Commission, Brown Heatly Building, Room 2301, 4900 North Lamar Boulevard

Austin

Council on Sex Offender Treatment and the Interagency Advisory Committee

AGENDA:

I. Convene, Dr. Collier Cole, Chairperson

II. Adoption of the minutes

III. Presentation of the Parents Anonymous PAPPA program (Parents Anonymous Prison Population Advocacy), Susan Stephens, executive director

IV. Discussion and possible action on Registry rules:

1) Standards of practice, Dr. Glen Kercher

2) Criminal background check, Eliza May, executive director

V. Committee reports:

1) Polygraph Committee, David Cory

2) Clinical Issues Committee, Dr. Linda Reyes

VI. Discussion and possible action on legislative proposals introduced, Eliza May, executive director

VII. Discussion and possible action on sex offender treatment program proposals, Dr. Collier Cole

VIII. Nomination and election of Council officers

IX. Nomination and election of Interagency Advisory Committee officers

X. Public comment

XI. Adjourn

Contact: Eliza May, P.O. Box 12646, Austin, Texas 78711-2546, (512) 463-2323.

Filed: January 18, 1995, 1:40 p.m.

TRD-9500746

♦ ♦ ♦

State Board of Examiners for Speech-Language Pathology and Audiology

Thursday, January 26, 1995, 1:00 p.m.

Room M-721, Texas Department of Health, 1100 West 49th Street

Austin

AGENDA:

The State Board of Examiners for Speech-Language Pathology and Audiology (board) will meet with staff from the Children's Health Division, Texas Department of Health, and representatives of registered nurses employed in the public schools to discuss the definition of hearing screening as referenced by 22 Texas Administrative Code, §741.32. The information will be presented to the full board on Friday, January 27, 1995.

Contact: Dorothy Cawthon, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6627. For ADA assistance, call Richard Butler (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 12, 1995, 2:35 p.m.

TRD-9500508

Friday, January 27, 1995, 9:00 a.m.

Room N-218, The Exchange Building, 8407 Wall Street

Austin

AGENDA:

The State Board of Examiners for Speech-Language Pathology and Audiology (board) will meet to discuss and possibly act on: proposal for decision concerning denial of assistant license for Ms. Lou Gilpin; minutes of September 15, 1994 committee meetings and September 16, 1994 board meeting; complaints (all active complaints; and update on closed complaints); committee reports (rule changes; speech-language pathology scope of practice; audiology scope of practice; and ethics); reports (fees/budgets; applications/renewal; continuing education; exemption to Act; scope of practice-speech-language pathology; scope of practice-audiology; supervision of support personnel; public relations; Health Professions Council; Fitting and Dispensing of Hearing Instruments; and legislative review); set next meeting date; and other matters relating to licensing and regulation of speech-language pathologists and audiologists not requiring board action.

Contact: Dorothy Cawthon, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6627. For ADA assistance, call Richard Butler (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: January 12, 1995, 2:35 p.m.

TRD-9500507

♦ ♦ ♦

Boards for Lease of State-Owned Lands

Tuesday, January 24, 1995, 9:30 a.m.

General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Room 833

Austin

Board for Lease of Texas Parks and Wildlife Lands

AGENDA:

Approval of previous board meeting minutes; consideration of nominations, terms, conditions and procedures for the April 4, 1995 oil, gas and other minerals lease sale; easement and lease applications, Richland Creek Wildlife Management Area, Freestone County; discussion and consideration of comments on surface use rules for mineral development of state park lands.

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

Filed: January 13, 1995, 4:55 p.m.

TRD-9500633

Tuesday, January 24, 1995, 10:00 a.m.

General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Room 833

Austin

Board of Lease of Texas Department of Criminal Justice

AGENDA:

Approval of previous board meeting minutes; consideration of nominations, terms, conditions and procedures for the April 4, 1995 oil, gas and other minerals lease sale.

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

Filed: January 13, 1995, 4:55 p.m.

TRD-9500632

♦ ♦ ♦

Texas Sustainable Energy Development Council

Friday, January 27, 1995, 9:00 a.m.

1700 North Congress Avenue, Stephen F. Austin Building, Room 831

Austin

AGENDA:

I. Call to order/review agenda/discuss next meeting dates

II. Public participation report

III. Industrial efficiency draft report

IV. Approve alternative energy demonstration contracts

V. Discuss and approve requests for proposals

VI. Administrative update

VII. Approval of briefing letter

VIII. Texas Energy Coordination Council legislative recommendation

IX. Schedule of the "Sustainable Cities" Roundtable

X. Adjourn

Contact: Charlotte Banks, 1700 North Congress Avenue, Room 850, Austin, Texas 78701, (512) 463-1745.

Filed: January 18, 1995, 10:04 a.m.

TRD-9500733

♦ ♦ ♦

Teacher Retirement System of Texas

Friday, January 20, 1995, 8:00 a.m.

1000 Red River, Room 514E

Austin

Board of Trustees Real Estate Committee

AGENDA:

Approval of minutes of December 28, 1994, meeting; consideration of the proposed sale of Centerside I; consideration of the purchase offer for One American Center, consideration of proposed restructure of Arco Tower; consideration of proposed restructure of Apple Blossom Mall; and selection of real estate consultants.

Contact: Mary Godzik, 1000 Red River, Austin Texas 78701-2698, (512) 397-6400

Filed: January 12, 1995, 4:06 p.m.

TRD-9500521

Friday, January 20, 1995, 9:00 a.m.

1000 Red River, Fifth Floor Board Room

Austin

Board of Trustees

AGENDA:

Roll call of Board members; consideration of Board members' absence from December 9, 1994, Board of Trustees meeting; consideration of appreciation awards for employees retiring in January, 1995; presentation of Certificate of Achievement for Excellence in Financial Reporting awarded by the Government Finance Officers Association, public comments; approval of minutes of December 9 and December 14, 1994, meetings; report of Nominations Committee and consideration of selection of investment advisor; review of external cash flow; review of TRS financial report as of August 31, 1994; review of TRS actuarial valuation as of August 31, 1994; consideration of actions taken at Sunset Advisory Commission meeting; review and consideration of the use of soft dollars; consideration of designation of at-will employees; consideration of proposed changes to approved common stock lists; consideration of proposed modifications to real estate asset management and loan administration policies; establish dates for future Board of Trustees meetings; report of executive director; consider the resignation of the executive director; discussion and consideration of procedure for selecting executive director.

Contact: Mary Godzik, 1000 Red River, Austin, Texas 78701-2698, (512) 397-6400.

Filed: January 12, 1995, 4:06 p.m.

TRD-9500522

♦ ♦ ♦

The Texas A&M University System, Board of Regents

Thursday, January 19, 1995, 9:00 a.m.

Chapman Conference Room, Corpus Christi Hall, Room 176, Texas A&M University-Corpus Christi

Corpus Christi

AGENDA

The purpose of this special meeting is to authorize the purchase of land for Tarleton State University, Erath County, Texas. This meeting will be held telephonically if a quorum of the Board cannot be assembled in Corpus Christi

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

Filed: January 12, 1995, 3 21 p m.

TRD-9500519

Thursday, January 19, 1995, 9:05 a.m.

Chapman Conference Room, Corpus Christi Hall, Room 276, Texas A&M University-Corpus Christi

Corpus Christi

System Policies Committee

AGENDA:

The agenda for this meeting is to discuss and review the existing and proposed policies of the Texas A&M University System and take any action the committee deems necessary and appropriate on the existing and proposed policies.

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

Filed: January 12, 1995, 3.21 p m.

TRD-9500518

♦ ♦ ♦

Texas Southern University

Thursday, January 19, 1995, 1:30 p.m.

3100 Cleburne, Hannah Hall, Room 111

Houston

Finance and Buildings and Grounds Committee Meeting

AGENDA:

Meeting to consider: Matters relating to financial reporting systems, and budgets; fiscal reports from the administration; investments; contract awards; and informational items.

Contact: Madison H. Scott, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: January 17, 1995, 9:42 a.m.

TRD-9500652

Thursday, January 19, 1995, 3:15 p.m.

3100 Cleburne, Hannah Hall, Room 111

Houston

Personnel, Student Services and Academic Affairs Committee Meeting

AGENDA:

Meeting to consider: Progress reports of academic activities and programs; personnel actions.

Contact: Madison H. Scott, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: January 17, 1995, 9:42 a.m.

TRD-9500653

Friday, February 3, 1995, 8:30 a.m.

3100 Cleburne, University Library, Fifth Floor

Houston

Board of Regents

AGENDA:

Meeting to consider: Minutes; report of the president; reports from standing committees; executive session.

Contact: Madison H. Scott, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: January 17, 1995, 9:43 a.m.

TRD-9500654

♦ ♦ ♦

Texas State Technical College System

Monday, January 23, 1995, 1:00 p.m.

Sheraton Austin Hotel, Atrium, Board Room, 500 North IH-35

Austin

Board of Regents

AGENDA:

Discussion and review of the following TSTC Policy Committee minute orders and reports:

Committee of the Whole–1:00 p.m.

Policy Committee for Instruction and Student Services–1:30 p.m.

Policy Committee for Human Resources and Development–2:15 p.m.

Policy Committee for Facilities–2:45 p.m.

Policy Committee for Fiscal Affairs–3:30 p.m.

Committee of the Whole–4:30 p.m.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: January 17, 1995, 11:32 a.m.

TRD-9500662

Tuesday, January 24, 1995, 9:00 a.m.

Sheraton Austin Hotel, Atrium, Board Room, 500 North IH-35

Austin

Board of Regents

AGENDA:

The Board of Regents will discuss and act on the following minute orders:

Classes meeting with less than ten students, faculty productivity policy, recission of education services minute order, AAS Degree Program in Digital Imaging Technology, declaration of Building 7407 as not needed for instructional purposes, taking of consumable inventories policy, requests for budget change, amended tuition and fees, lease with Chrysler Technologies Airborne System, Inc. (CTAS), lease with A&K Foam and Packaging, lease with Maverick Club, amended family housing rental rates, service charges and deposits schedule, ratification of Executive Committee action of January 9, 1995 approving TSTC Sweetwater Lighting Retrofit Project, building inventory and designation of building usage policy, renewals of easement of right-of-way agreement with Chrysler Technologies Airborne Systems, approval of four pipe design system for TSTC Sweetwater Student Recreation Center, resolution in memory of Bea Crockett, Jr., resolution of appreciation for Ron DeSpain, appointment of TSTC Amarillo president, state scholarships funds policy.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: January 17, 1995, 11:33 a.m.

TRD-9500663

Tuesday, January 24, 1995, 10:00 a.m.

Sheraton Austin Hotel, Atrium, Board Room, 500 North IH-35

Austin

Board of Regents Executive Session

AGENDA.

Following Item VII of the agenda and shown as Item VIII the Board of Regents will go into executive session in accordance with Chapter 511 of the Texas Government Code for the specific purpose provided in §§551.071, 551. 074, and 551.075 and will discuss the following:

Maria Christina Lucio vs. Texas State Technical College and J. Gilbert Leal, Jasie, Inc. v. TSTC, et al., Chancellor's evaluation

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: January 17, 1995, 11:33 a.m.

TRD-9500664

♦ ♦ ♦

Texas Department of Transportation

Thursday, January 26, 1995, 9:00 a.m.

815 Brazos, Suite 302, Brazos Building

Austin

Motor Vehicle Board

AGENDA:

Call to order; roll call. Approval of minutes of Motor Vehicle Board meeting on September 29, 1994. Proposals for decision. Agreed orders. Orders of dismissal. Consideration of proposed new Texas Motor Vehicle Board rules of practice and procedure §§103.13, 105.12, 105.26. Other: a. recognition of employees; b. review of litigation status report; c. review of consumer complaint recap report including decisions made by examiners, division director and Board members; d. review of Article 6686 (P-number) contested cases; e. division budget status; f. approval of 1995 Board meeting schedule. Adjournment.

Contact: Brett Bray, 815 Brazos, #300, Austin, Texas 78701, (512) 476-3587.

Filed: January 17, 1995, 2:36 p.m.

TRD-9500683

Thursday, January 26, 1995, 9:00 a.m.

200 East Riverside Drive, Room 101

Austin

Texas Transportation Commission

AGENDA:

Delegations: Taylor County. Approve minutes. Contract awards/rejections/defaults. Programs. Routine minute orders. District/division/special office reports. Multimodal transportation. Galveston-Port Bolivar ferryboat construction. Rulemaking: 43 TAC Chapters 1, 2, 7, 9, 11, 15, and 19. Executive session for legal counsel and land acquisition matters. Open comment period.

Contact: Diane Northam, 125 East 11th Street, Austin, Texas 78701, (512) 463-8630.

Filed: January 18, 1995, 11:38 a.m.

TRD-9500745

♦ ♦ ♦

Texas State Treasury

Wednesday, January 25, 1995, 11:00 a.m.

200 East Tenth Street, Room 227

Austin

TexPool Advisory Board

AGENDA:

Call to order; approval of minutes; treasurer's remarks/TexPool update; discussion of

potential legislative changes, discussion and amendment of TexPool investment policy to include policy on weighted average maturity of investments; policy on maturity limitations on U.S. Government securities, agencies and instrumentalities, policy on portfolio book value to market value ratio; authorized investments; discussion and amendment of TexPool Participation Agreement to include policy of TexPool management fee; revised participation agreement; TexPool's operation and financial status report; TexPool investment report; discussion of agenda for next meeting; and adjournment.

Contact: Ellen Rathgeber, 200 East Tenth Street, Suite 309, Austin, Texas 78701, (512) 463-5971.

Filed: January 17, 1995, 2.46 p.m.

TRD-9500684

♦ ♦ ♦

Texas Turnpike Authority

Monday, January 23, 1995, 10:30 a.m.

3015 Raleigh Street

Dallas

New Projects Committee Meeting

AGENDA:

The agenda includes consideration of the following: recommendation on award of Contract DNT-236 for engineering design services on Addison Airport Toll Tunnel; recommendation on award of contract to a special consultant to design a computerized accounting system, recommendation of commercial services agreements with NationsBank; discussion of Lago Vista Bridge project, possible action; discussion of request of Austin Transportation Study Policy Advisory Committee that TTA assess potential feasibility of SH-45 connections to IH-35 and of US 183A being constructed and operated as turnpike projects, possible action; discussion of minute order adopted by Texas Transportation Commission requesting TTA assess potential feasibility of SH-130 being constructed as turnpike project, possible action; discussion of request of Denton County Commissioners Court that TTA assess potential feasibility of Lake Lewisville Bridge being constructed and operated as turnpike project, possible action; briefing on status of Laredo Bridge Number 4, memorandum of cooperative intent and progress thereunder, possible action; discussion with staff, general counsel, bond counsel, consultants and advisors on 190T matters; executive session; consider request of Garland, Sachse, and Rowlett for TTA to conduct feasibility studies of potential of extending 190T eastward from SH-78 to IH-30, possible action; discussion of need to perform additional engineering and financial studies on 190T, committee recommendations to TTA Board concerning such additional studies and additional interlocal/interagency agreements needed with other governmental entities relative to 190T, possible action; consider process and procedures for selecting and retaining 190T special counsel, possible action. Adjournment.

Contact: Jimmie G. Newton, 3015 Raleigh Street, Dallas, Texas 75219, (214) 522-6200

Filed: January 13, 1995, 11:01 a.m.

TRD-9500559

♦ ♦ ♦

University of Houston

Monday, January 23, 1995, 2:00 p.m.

SRII Building, Room 201, University of Houston, 4800 Calhoun Boulevard

Houston

Animal Care Committee

AGENDA:

To discuss and/or act upon the following:

Approval of December minutes

New protocol forms

Semi-annual facility inspection report

AAALAC site visit

Contact: Rosemary Grimmet, 4800 Calhoun Boulevard, Houston, Texas 77204, (713) 743-9222.

Filed: January 13, 1995, 11.01 a.m

TRD-9500558

♦ ♦ ♦

University Interscholastic League

Tuesday, January 17, 1995, 9:00 a.m.

Wyndham Hotel, IH-35 at Ben White

Austin

AGENDA.

AA Appeal of the automatic penalty assessed for being ejected from a contest, Dana Hatch, Austin High School.

BB. Case transferred to District 23 AA Executive Committee requesting a penalty greater than reprimand for school district personnel T. J. Mills, Sealy High School for violation of Athletic Code.

CC Coach ejected from two contests, school district personnel Mike Inco, San Antonio Kennedy High School; hearing to assess penalty required by §1208(h).

DD. Alleged violation of the Athletic Code by a fan, Sulphur Bluff High School.

EE. Appeal of automatic penalty for coaches ejection for contests for Coach Trevor Fountain, Huntsville High School and Coach Carroll G. Parker, Jr., Somerville High School.

Contact: C. Ray Daniel, 3001 Lake Austin Boulevard, Austin, Texas 78713, (512) 471-5883.

Filed: January 12, 1995, 4 39 p m.

TRD-9500523

♦ ♦ ♦

University of Texas Health Science Center at San Antonio

Wednesday, January 25, 1995, 3:00 p.m.

7703 Floyd Curl Drive, Room 422A

San Antonio

Institutional Animal Care and Use Committee

AGENDA

1. Approval of minutes
2. Protocols for review
3 Subcommittee reports
4. Other business

Contact: Molly Greene, 7703 Floyd Curl Drive, San Antonio, Texas 78284-7822, (210) 567-3717.

Filed: January 17, 1995, 1.33 p.m.

TRD-9500679

♦ ♦ ♦

Texas Water Development Board

Thursday, January 19, 1995, 9:00 a.m.

Stephen F. Austin Building, Room 118, 1700 North Congress Avenue

Austin

Emergency Revised Agenda

AGENDA

Revised Regular Item #27:

The Board will consider a request by International Boundary and Water Commission (IBWC) to amend the July 1990 Memorandum of Understanding (MOU) between the TWDB and IBWC to provide for immediate release of one-half of the state's $2,000,000 commitment, and the emergency adoption of amendment to 31 TAC §363.3, Adoption of Memorandum of Understanding by Reference.

Reason for emergency: To provide immediate release of one-half of the state's $2,000,000 commitment in order to avoid delays in construction of the wastewater

treatment plant that will treat a major discharge of sewage that currently flows untreated into the Rio Grande, threatening the public health and safety

Contact: Craig D Pedersen, P O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: January 18, 1995, 3:02 p m.

TRD-9500759

♦ ♦ ♦

Texas Workers' Compensation Commission

Friday, January 20, 1995, 9:30 a.m.

4000 South IH-35, Room 910-911, Southfield Building

Austin

Medical Advisory Committee

AGENDA·

I Call to order,

II Discussion on Commission rules,

III Update and possible discussion of subcommittee meetings;

IV. Discussion on Medical Advisory Committee meeting dates,

V Discussion of the rotation of the Medical Advisory Committee chairman,

VI Discussion on the medical fee guideline ground rules,

VII Establish draft agenda,

VIII. Establish next meeting date;

IX. Adjournment.

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 440-5690

Filed: January 13, 1995, 3 47 p.m

TRD-9500611

♦ ♦ ♦

Texas Workers' Compensation Insurance Fund

Wednesday, January 25, 1995, 8:30 a.m.

100 Congress Avenue, Suite 600

Austin

Board of Directors

AGENDA.

Call to order; roll call, review and approval of the minutes of the December 14, 1994, Board meeting, action items; consideration of appointment of additional Appeals Panel members; proposed revised agreement with Texas Workers' Compensation Commission regarding survey and inspection services for START Program policyholders; financial report, fund status report, information items; report of the Administrative Committee; report of the Finance Committee; review of the Public Education Program; review of Fund holiday schedule for 1995; public participation; executive session; action items resulting from executive session deliberations; consideration of the Fund's 1994 annual report; announcements; and adjourn.

Contact: Jeanette Ward, 100 Congress Avenue, Austin, Texas 78701, (512) 404-7142.

Filed: January 17, 1995, 4:10 p.m.

TRD-9500697

♦ ♦ ♦

Regional Meetings

Meetings Filed January 12, 1995

The Alamo Area Council of Governments Management Committee met at 118 Broadway, Suite 400, San Antonio, January 17, 1995, at 10:00 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9500513.

The Education Service Center, Region I Region I ESC Board met at 1990 West Schunior, Edinburg, January 17, 1995, at 7.00 p.m. Information may be obtained from Dr. Roberto Zamora, 1900 West Schunior, Edinburg, Texas (210) 383-5611. TRD-9500499.

The Education Service Center, Region XI Board of Directors will meet at 3001 North Freeway, Fort Worth, January 24, 1995, at Noon. Information may be obtained from Dr. Ray L. Chancellor, 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311. TRD-9500501.

The Gonzales County Appraisal District Board of Directors met at 928 St. Paul Street, Gonzales, January 19, 1995, at 6:00 p.m. Information may be obtained from Tracy M. Brock, P.O. Box 867, Gonzales, Texas 78629, (210) 672-2879. TRD-9500490.

The Jack County Appraisal District Board of Directors met at 210 North Church Street, Jacksboro, January 17, 1995, at 7:00 p.m. Information may be obtained from Gary L. Zeitler or Vicky L. Easter, P.O. Box 958, Jacksboro, Texas 76458, (817) 567-6301. TRD-9500528.

The Johnson County Rural Water Supply Corporation Insurance Committee met at 2849 Corporation Office, Highway 171 South, Cleburne, January 17, 1995, at 5:00 p.m. Information may be obtained from Peggy Johnson, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9500516.

The Johnson County Rural Water Supply Corporation Public Relations Committee met at 2849 Corporation Office, Highway 171 South, Cleburne, January 17, 1995, at 5:30 p.m. Information may be obtained from Peggy Johnson, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9500515.

The Johnson County Rural Water Supply Corporation Regular Board met at 2849 Corporation Office, Highway 171 South, Cleburne, January 17, 1995, at 6:00 p.m. Information may be obtained from Peggy Johnson, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9500517.

The North Texas Regional Library System Board of Directors will meet at the Pilot Point Community Library, 324 South Washington, Pilot Point, January 26, 1995, 1:30 p.m. Information may be obtained from Cheryl Smith, 1111 Foch Street, Suite 100, Fort Worth, Texas 76107, (817) 335-6076 TRD-9500500.

The Riceland Regional Mental Health Authority Joint Hospital Committee met at 3007 North Richmond Road, Wharton, January 19, 1995, at 10:30 a.m. Information may be Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9500497.

The Riceland Regional Mental Health Authority Board of Trustees met at 3007 North Richmond Road, Wharton, January 19, 1995, at Noon. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9500498.

The Tarrant Appraisal District Board of Directors met at 2301 Gravel Road, Fort Worth, January 20, 1995, at 9:00 a.m. Information may be obtained from Mary McCoy, 2315 Gravel Road, Fort Worth, Texas 76120, (817) 595-6198 TRD-9500524.

♦ ♦ ♦

Meetings Filed January 13, 1995

The Burke Center (Deep East Texas MHMR) Board of Trustees will meet at 4101 South Medford Drive, Lufkin, January 24, 1995, at 1:00 p.m. Information may be obtained from Sandra J. Vann, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141. TRD-9500536.

The Burke Center (Deep East Texas MHMR) Board of Trustees, Mental Retardation Joint Conference Committee, will meet at 4101 South Medford Drive, Lufkin, January 24, 1995, at 11:00 a.m. Information may be obtained from Sandra J. Vann, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141. TRD-9500537.

The Burnet County Appraisal District Board of Directors met at 223 South Pierce Street, Burnet, January 19, 1995, at Noon.

Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291 TRD-9500621.

The Carson County Appraisal District Board of Directors met at 102 Main Street, Panhandle, January 18, 1995, at 9:00 a.m. Information may be obtained from Donita Herber, Box 970, Panhandle, Texas 79068, (806) 537-3569 TRD-9500606

The Central Appraisal District of Johnson County Board of Directors will meet at 109 North Main, Suite 201, Room 202, Cleburne, January 26, 1995, at 4:30 p.m. Information may be obtained from Priscilla A. Bunch, 109 North Main, Cleburne, Texas 76031, (817) 558-8100. TRD-9500620.

The Creedmoor Maha Water Supply Corporation (Annual Membership Meeting.) met at 1699 Laws Road, Mustang Ridge, January 18, 1995, at 7:00 p.m. Information may be obtained from Charles Laws, 1699 Laws Road, Buda, Texas 78610, (512) 243-2113, or (512) 243-1991. TRD-9500535.

The Dallas Area Rapid Transit HOV AdHoc met in Conference Room B, 1401 Pacific, Dallas, January 17, 1995, at 11:00 a.m. Information may be obtained from Vanessa A. Knight, P.O. Box 660163, Dallas, Texas 75266-0163. TRD-9500576.

The Dallas Area Rapid Transit Committee-of-the-Whole met at 1401 Pacific Avenue, Dallas, January 17, 1995, at 1:00 p.m. Information may be obtained from Vanessa A. Knight, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3371. TRD-9500575

The Dallas Area Rapid Transit (Revised Agenda: Conference With Employees: Closed Meeting.) Committee-of-the-Whole met at 1401 Pacific Avenue, Dallas, January 17, 1995, at 1:00 p.m. Information may be obtained from Vanessa A. Knight, P.O. Box 660163, Dallas, Texas 75266-0163. TRD-9500612

The Denton Central Appraisal District Board of Directors will meet at 3911 Morse Street, Denton, January 26, 1995, at 4:00 p.m Information may be obtained from Kathy Pierson, P.O Box 2816, Denton, Texas 76202-2816, (817) 566-0904. TRD-9550531.

East Texas Council of Governments Private Industry Council met at 3800 Stone Road, Kilgore, January 19, 1995, at Noon. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9500557.

The Ellis County Appraisal District Appraisal Review Board met at 400 Ferris Avenue, Waxahachie, January 17, 1995, at 8:30 a.m. Information may be obtained from Dorothy Phillips, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552. TRD-9500563.

The Ellis County Appraisal District Board of Directors met at 400 Ferris Avenue, Waxahachie, January 19, 1995, at 7:00 p.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552 TRD-9500577.

The Golden Crescent Private Industry Council Oversight Committee met at 2401 Houston Highway, Victoria, January 16, 1995, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9500565.

The Golden Crescent Private Industry Council Executive Committee met at 2401 Houston Highway, Victoria, January 18, 1995, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9500564.

The Grayson Appraisal District Board of Directors will meet at 205 North Travis, Sherman, January 25, 1995, at Noon. Information may be obtained Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9500590

The Heart of Texas Council of Governments Private Industry Council met at 300 Franklin Avenue, Waco, January 19, 1995, at 5:30 p.m. Information may be obtained from Donna Teat, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9500593.

The Heart of Texas Council of Governments Executive Committee will meet at 300 Franklin Avenue, Waco, January 26, 1995, at 10:00 a.m. Information may be obtained from Donna Teat, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9500592.

The Henderson County Appraisal District Appraisal Review Board met at 1751 Enterprise Street, Athens, January 19, 1995, at 9:00 a.m. Information may be obtained from Lori Fetterman, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9500556.

The Hunt County Appraisal District Appraisal Review Board will meet at 4801 King Street, Greenville, February 2, 1995, at 2:00 p.m. Information may be obtained from Shirley Gregory, P.O. Box 1339, Greenville, Texas 75403, (903) 454-3510. TRD-9500608.

The Liberty County Central Appraisal District Board of Directors will meet at 315 Main Street, Liberty, January 25, 1995, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9500631.

The Lower Colorado River Authority Special Pricing Committee met at 3701 Lake Austin Boulevard, Hancock Building, Board Conference Room, Austin, each business day as needed between January 17-31, 1995, at 9.00 a.m. Information may be obtained from Glen E. Taylor, P.O Box 220, 3701 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3287 TRD-9500596.

The Lower Colorado River Authority Community Resources and Development (Ad Hoc) Committee met at 3701 Lake Austin Boulevard, Hancock Building, Board Conference Room, Austin, January 17, 1995, at 2:00 p.m Information may be obtained from Glen E Taylor, P.O. Box 220, 3701 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3287. TRD-9500597.

The Lower Colorado River Authority Board of Trustees met at 3701 Lake Austin Boulevard, Hancock Building, Board Room, Austin, January 17, 1995, at 3.00 p.m Information may be obtained from Glen E. Taylor, P O. Box 220, 3701 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3287 TRD-9500594

The Lower Colorado River Authority Board of Trustees Investment Subcommittee met at 3701 Lake Austin Boulevard, Hancock Building, Board Conference Room, Austin, January 17, 1995, at 3:00 p.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3701 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3287. TRD-9500595

The Lower Colorado River Authority Audit Committee met at 3701 Lake Austin Boulevard, Hancock Building, Board Room, Austin, January 18, 1995, and reconvening, if necessary, January 19, 1995, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3701 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3287. TRD-9500604.

The Lower Colorado River Authority Board of Directors met at 3701 Lake Austin Boulevard, Hancock Building, Board Room, Austin, January 18, 1995, and reconvening, if necessary, January 19, 1995, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3701 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3287 TRD-9500598.

The Lower Colorado River Authority Community Resources and Development Committee met at 3701 Lake Austin Boulevard, Hancock Building, Board Room, Austin, January 18, 1995, and reconvening, if necessary, January 19, 1995, at 9 00 a m Information may be obtained from Glen E Taylor, P.O. Box 220, 3701 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3287 TRD-9500605.

The Lower Colorado River Authority Conservation and Environmental Protection Committee met at 3701 Lake Austin Boulevard, Hancock Building, Board Room, Austin, January 18, 1995, and reconvening, if necessary, January 19, 1995, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P O. Box 220, 3701 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3287 TRD-9500602

The Lower Colorado River Authority Energy Operations Committee met at 3701 Lake Austin Boulevard, Hancock Building, Board Room, Austin, January 18, 1995, and reconvening, if necessary, January 19, 1995, at 9 00 a m Information may be obtained from Glen E Taylor, P O. Box 220, 3701 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3287 TRD-9500600

The Lower Colorado River Authority Finance and Administration Committee met at 3701 Lake Austin Boulevard, Hancock Building, Board Room, Austin, January 18, 1995, and reconvening, if necessary, January 19, 1995, at 9 00 a.m Information may be obtained from Glen E. Taylor, P.O. Box 220, 3701 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3287. TRD-9500603

The Lower Colorado River Authority Natural Resources Committee met at 3701 Lake Austin Boulevard, Hancock Building, Board Room, Austin, January 18, 1995, and reconvening, if necessary, January 19, 1995, at 9:00 a.m Information may be obtained from Glen E Taylor, P.O. Box 220, 3701 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3287 TRD-9500601.

The Lower Colorado River Authority Planning and Public Policy Committee met at 3701 Lake Austin Boulevard, Hancock Building, Board Room, Austin, January 18, 1995, and reconvening, if necessary, January 19, 1995, at 9:00 a.m. Information may be obtained from Glen E Taylor, P.O Box 220, 3701 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3287. TRD-9500599

The Lower Neches Valley Authority (Revised Agenda.) Board of Directors met at 7850 Eastex Freeway, Beaumont, January 17, 1995, at 10:30 a.m Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9500581.

The Lubbock Regional MHMR Center Board of Trustees, Program Committee, met at 1602 Tenth Street, Board Room, Lubbock, January 18, 1995, at Noon. Information may be obtained from Gene Menefee, P.O. Box 2828, Lubbock, Texas 79408, (806) 766-0202. TRD-9500614

The Lubbock Regional MHMR Center Board of Trustees, Resource Committee, met at 1602 Tenth Street, Board Room, Lubbock, January 19, 1995, at Noon. Information may be obtained from Gene Menefee, P O. Box 2828, Lubbock, Texas 79408, (806) 766-0202. TRD-9500615.

The Parmer County Appraisal District Board of Directors will meet at 305 Third Street, Bovina, February 9, 1995, at 7.00 p.m. Information may be obtained from Ron Procter, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405. TRD-9500628.

The Permian Basin Regional Planning Commission Board of Directors, Permian Basin Private Industry Council met at 2910 LaForce Boulevard, Midland, January 18, 1995, at 10 00 a.m Information may be obtained from Carole Burrow, P O Box 60660, Midland, Texas 79711-0660 TRD-9500580.

The Rusk County Appraisal District Board of Directors will meet at 107 North Van Buren, Henderson, January 26, 1995, at 1:30 p m Information may be obtained from Melvin R Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (903) 657-9697. TRD-9500560.

The Swisher County Appraisal District Board of Directors met at 130 North Armstrong, Tulia, January 19, 1995, at 7.00 p.m Information may be obtained from Rose Lee Powell, P.O Box 8, Tulia, Texas 79088, (806) 995-4118. TRD-9500578.

The Texas Municipal Asset Pool Board of Directors met at Riverway Bank, Five Riverway, Board Room, Second Floor, Houston, January 18, 1995, at 8:00 a.m Information may be obtained from Jamie D. Hall, P.O. Box 56572, Houston, Texas 77256, (713) 552-2618. TRD-9500574

♦ ♦ ♦

Meetings Filed January 17, 1995

The Bandera County Appraisal District Board of Directors will meet at 1116 Main Street, Bandera, January 25, 1995, at 3:00 p.m. Information may be obtained from P. H. Coates, IV, P.O. Box 1119, Bandera, Texas 78003, (210) 796-3039, Fax: (210) 796-3672. TRD-9500646.

The Brazos River Authority Board of Directors met at 4400 Cobbs Drive, Waco, January 23, 1995, at 10:00 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9500660.

The Central Texas Council of Governments Executive Committee will meet at 302 East Central, Belton, January 26, 1995, at 12:30 p.m Information may be obtained from A. C. Johnson, P.O. Box 729, Belton, Texas 76513, (817) 939-1801. TRD-9500688.

The Coastal Bend Quality Work Force Planning Association met at Bee County College, Alice Campus, Alice, January 23, 1995, at 1.00 p.m. Information may be obtained from Raquel Moreno, 1618 Martin Luther King, Corpus Christi, Texas 78401, (512) 889-5300, Ext. 225. TRD-9500689.

The Coryell County Appraisal District Appraisal Review Board will meet at the Coryell County Appraisal District Office, 113 North Seventh Street, Gatesville, February 1, 1995, at 9:30 a.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593 TRD-9500703

The Education Service Center, Region III Board of Directors met at 1905 Leary Lane, Victoria, January 23, 1995, at 4:00 p.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731. TRD-9500696.

The Education Service Center, Region VIII Board of Directors will meet at 2230 North Edward Street, FM 1734, Mt. Pleasant, January 26, 1995, at 7:00 p.m. Information may be obtained from Scott Ferguson, P.O Box 1894, Mt Pleasant, Texas 75455, (903) 572-8551. TRD-9500659.

The Education Service Center, Region IX Board of Directors will meet at 301 Loop 11, Wichita Falls, January 25, 1995, at 3:30 p.m. Information may be obtained from Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928. TRD-9500678.

The Education Service Center, Region XIII Board of Directors met at 5701 Springdale Road, Room H, Austin, January 23, 1995, at 12:30 p m. Information may be obtained from Dr Roy C. Benavides, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1300. TRD-9500687.

The Education Service Center, Region XIV Board of Directors met at 1850 Highway 351, Abilene, January 19, 1995, at 5:30 p.m. Information may be obtained from Taressa Huey, 1850 Highway 351, Abilene, Texas 79601, (915) 675-8608. TRD-9500638.

The El Oso Water Supply Corporation Members met at Highway 123, Karnes City High School Cafeteria, Karnes City, January 21, 1995, at 1:30 p.m. Information may be obtained from Judith Zimmermann, P.O. Box 309, Karnes City, Texas 78118, (210) 780-3539. TRD-9500642.

The El Oso Water Supply Corporation Board of Directors will meet at FM 99, Karnes City, January 24, 1995, at 7:00 p.m. Information may be obtained from Judith Zimmermann, P.O. Box 309, Karnes City, Texas 78118, (210) 780-3539. TRD-9500643.

The Golden Crescent Private Industry Council Quality Work Force Planning Full Committee will meet at Victoria College,

Student Center, 2200 East Red River, Victoria, January 24, 1995, at 3:30 p.m. Information may be obtained from Carol Matula, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9500668.

The Johnson County Central Appraisal District Appraisal Review Board will meet at 109 North Main, Suite 201, Room 202, Cleburne, January 24-26, 1995, at 9:00 a.m. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3986. TRD-9500686.

The Lamb County Appraisal District Appraisal Review Board will meet at 331 LFD Drive, Littlefield, February 7, 1995, at 8:00 a.m. Information may be obtained from Vaughn E. McKee, P.O. Box 950, Littlefield, Texas 79339-0950, (806) 385-6474. TRD-9500651.

The Lee County Appraisal District Board of Directors will meet at 218 East Richmond Street, Giddings, January 25, 1995, at 9:00 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618. TRD-9500694.

The Martin County Appraisal District MCAD Board of Directors met at the Appraisal Office, 308 North St. Peter, Stanton, January 23, 1995, at 7: 00 p.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823. TRD-9500648.

The North Texas Municipal Water District Board of Directors will meet at 505 East Brown Street, Wylie, January 26, 1995, at 4:00 p.m. Information may be obtained from Carl W. Riehn, P.O. Box 2408, Wylie, Texas 75098, (214) 442-5405. TRD-9500665.

The Northeast Texas Municipal Water District Board of Directors met at Highway 250 South, Hughes Springs, January 23, 1995, at 10:00 a.m. Information may be obtained from J. W. Dean, P.O. Box 955, Hughes Springs, Texas 75656, (903) 639-7538. TRD-9500682.

The San Antonio-Bexar County Metropolitan Planning Organization Freight Movement Study Oversight Committee met at 233 North Pecos, #420, Vista Verde Building, San Antonio, January 20, 1995, at 1:30 p.m. Information may be obtained from Charlotte A. Roszelle, 434 South Main, Suite 205, San Antonio, Texas 78204, (210) 227-8651. TRD-9500650.

The San Antonio-Bexar County Metropolitan Planning Organization Transportation Steering Committee met at the International Conference Center of the Convention Center Complex, January 23, 1995, at 1:30 p.m. Information may be obtained from Charlotte A. Roszelle, 434 South Main, Suite 205, San Antonio, Texas 78204, (210) 227-8651. TRD-9500672.

The San Antonio-Bexar Metropolitan Planning Organization Bicycle Mobility Plan Oversight Committee will meet at 233 North Pecos, #420, Vista Verde Building, San Antonio, January 27, 1995, at 1:30 p.m. Information may be obtained from Charlotte A. Roszelle, 434 South Main, Suite 205, San Antonio, Texas 78204, (210) 227-8651. TRD-9500673.

The Scurry County Appraisal District Board of Directors will meet at 2612 College Avenue, Snyder, January 24, 1995, at 8:00 a.m. Information may be obtained from L. R. Pevelor, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549. TRD-9500691.

The West Central Texas Municipal Water District Board of Directors met at 410 Hickory, Abilene, January 19, 1995, at 9:30 a.m. Information may be obtained from Michele R. Sanders, P.O. Box 3195, Abilene, Texas 79604-3195, (915) 673-8254. TRD-9500540.

The West Central Texas Council of Governments Executive Committee will meet at 1025 East North Tenth Street, Abilene, January 25, 1995, at 12:45 p.m. Information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD-9500637.

The West Central Texas Council of Governments (Revised Agenda.) Executive Committee will meet at 1025 East North Tenth Street, Abilene, January 25, 1995, at 12:45 p.m. Information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD-9500644.

♦ ♦ ♦

Meetings Filed January 18, 1995

The Ark-Tex Council of Governments met at 2 Senoritas, Mt. Pleasant, January 19, 1995, at 2:00 p.m. Information may be obtained from Becky Borgeson, P.O. Box 5307, Texarkana, Texas 75505-5307, (903) 832-8683. TRD-9500732.

The Brazos Valley Quality Work Force Planning Committee will meet at 715 University Drive, College Station, January 24, 1995, at 11:30 a.m. Information may be obtained from Patty Groff, 301 Post Office Street, Bryan, Texas 77801-2142, (409) 821-2505. TRD-9500741.

The Central Counties Center for MHMR Services Board of Trustees will meet at 304 South 22nd Street, Temple, January 26, 1995, at 7:00 p.m. Information may be obtained from Eldon Tietje, 304 South 22nd Street, Temple, Texas 76501, (817) 778-4841, Ext. 301. TRD-9500731.

The Central Texas Council of Governments Work Force Development Board of Central Texas will meet at 321 North Penelope, Belton, January 26, 1995, at 10:00 a.m. Information may be obtained from Susan Kamas, P.O. Box 729, Belton, Texas 76513, (817) 939-3771. TRD-9500715.

The Coastal Bend Council of Governments Membership will meet at 2910 Leopard Street, Conference Room, Corpus Christi, January 27, 1995, 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-9500765.

The Deep East Texas Council of Governments Grants Application Review Committee will meet at the San Augustine Civic and Tourism Center, 611 West Columbia, San Augustine, January 26, 1995, at 11:00 a.m. Information may be obtained from Rusty Phillips, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9500729.

The Deep East Texas Private Industry Council, Inc. Public Relations Committee will meet at 300 Shepherd Avenue, Room 102, Lufkin, January 24, 1995, at 1:30 p.m. Information may be obtained from Charlene Meadows, P.O. Box 1423, Lufkin, Texas 75901, (409) 634-4432. TRD-9500753.

The Deep East Texas Private Industry Council, Inc. will meet at 300 Shepherd Avenue, Room 102, Lufkin, January 24, 1995, at 2:30 p.m. Information may be obtained from Charlene Meadows, P.O. Box 1423, Lufkin, Texas 75901, (409) 634-4432. TRD-9500754.

The Education Service Center, Region VII Board of Directors will meet at 2344 Old Longview Road, Henderson, January 20, 1995, at Noon. Information may be obtained from Eddie J. Little, 818 East Main Street, Kilgore, Texas 75662, (903) 984-3071. TRD-9500710.

The Golden Crescent Regional Planning Commission Board of Directors will meet at 1707 West Main, Yorktown, January 25, 1995, at 2:00 p.m. Information may be obtained from Rhonda G. Stastny, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587. TRD-9500705.

The Leon County Central Appraisal District Board of Directors met at 103 North Commerce, Corner of Highways 7 and 75, Leon County Central Appraisal District Office, Gresham Building, January 23, 1995, at 7:00 p.m. Information may be obtained from Donald G. Gillum, P.O. Box 536, Centerville, Texas 75833, (903) 536-2252. TRD-9500744.

The North Central Texas Council of Governments Executive Board will meet at Centerpoint Two, 616 Six Flags Drive, Second Floor, Arlington, January 26, 1995, at Noon (executive session) and 12:45 p.m. (regular session). Information may be ob-

tained from Edwina J. Shires, P.O. Box 5888, Arlington, Texas 76005-5888, (817) 640-3300. TRD-9500763.

The Texas Political Subdivisions Joint Self-Insurance Funds (Emergency Meeting.) Board of Trustees met at (Teleconference originated from:) 14135 Midway Road, Suite 300, Dallas, January 19, 1995, at 9:30 a.m. (Reason for emergency: To address TPS Board vacancies brought about by recent resignations, and to ratify the compliance plan being negotiated by the TWCC.) Information may be obtained from James R. Gresham, P.O. Box 803356, Dallas, Texas 75380, (214) 392-9430. TRD-9500742.

The Scurry County Appraisal District Board of Directors will meet at 2612 College Avenue, Snyder, January 24, 1995, at 8:00 a.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549. TRD-9500704.

The Southwest Milam Water Supply Corporation Board met at 114 East Cameron, Rockdale, January 23, 1995, at 7:00 p.m. Information may be obtained from Dwayne Jekel, P.O. Box 232, Rockdale, Texas 76567, (512) 446-2604. TRD-9500747.

♦ ♦ ♦

Meetings Filed January 19, 1995

The Austin-Travis County MHMR Center Board of Trustees, Human Resource Committee met at 1430 Collier Street, Board Room, Austin, January 23, 1995, at 4:30 p.m. (Rescheduled from Monday, January 11, 1995, at 4:30 p.m.). Information may be obtained from Sharon Taylor at 1430 Collier Street, Austin, Texas, 78704, (512) 440-4031. TRD-9500783.

The Golden Crescent Private Industry Council Executive Committee met at 2401 Houston Highway, Victoria, January 23, 1995, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872 TRD-9500784.

The Golden Crescent Private Industry Council will meet at 2401 Houston Highway, Victoria, January 25, 1995, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9500785.

The Lower Rio Grande Valley Development Council Annual Membership and Board of Directors Meeting will meet at Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, January 26, 1995, at 1:30 p.m. Information may be obtained from Kenneth N. Jones, Jr., 4900 North 23rd Street, McAllen, Texas 78504, (210) 682-3481. TRD-9500775.

The Lower Rio Grande Valley Development Council Hidalgo County Metropolitan Planning Organization will meet at TXDOT District Office, 600 West Expressway, US 83, Pharr, January 26, 1995, at 7:00 p.m. Information may be obtained from Edward L. Molitor, 4900 North 23rd Street, McAllen, Texas (210) 682-3481 TRD-9500782.

The Lubbock Regional MHMR Center Board of Trustees, met at 1602 Tenth Street, Board Room, Lubbock, January 23, 1995, Noon. Information may be obtained from Gene Menefee, P.O. Box 2828, Lubbock, Texas 79408, (806) 766-0202. TRD-9500780.

The North Central Texas Council of Governments (NCTCOG) Transportation Department Regional Transportation Council will meet at Garland City Hall, 200 North Fifth Street, Garland, January 31, 1995, 4:00 p.m. Information may be obtained from Michael Morris, P.O. Box 5888, Arlington, Texas 76005-5888, (817) 695-9240. TRD-9500771.

The North Central Texas Council of Governments (NCTCOG) Transportation Department Regional Transportation Council will meet at Dallas County Commissioner's Court, 411 Elm Street, Dallas, February 1, 1995, 10:00 a.m. Information may be obtained from Michael Morris, P.O. Box 5888, Arlington, Texas 76005-5888, (817) 695-9240. TRD-9500772.

The North Central Texas Council of Governments (NCTCOG) Transportation Department Regional Transportation Council will meet at North Central Texas Council of Governments, 616 Six Flags Drive, Third Floor, Room 324, Arlington, February 1, 1995, at 4:00 p.m. Michael Morris, P.O. Box 5888, Arlington, Texas 76005-5888, (817) 695-9240. TRD-9500773.

The North Central Texas Council of Governments (NCTCOG) Transportation Department Regional Transportation Council will meet at Fort Worth City Council Chamber, Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, February 2, 1995, at 10:00 a.m. Information may be obtained from Michael Morris, P.O. Box 5888, Arlington, Texas 76005-5888, (817) 695-9240. TRD-9500774.

The North Plains Ground Water Conservation District Number Two Board met at 603 East First, Dumas, January 24, 1995, at 10.00 a.m. Information may be obtained from Richard S. Bowers, P.O. Box 795, Dumas, Texas 79029-0795, (806) 935-6401. TRD-9500776.

The Panhandle Regional Planning Commission Board of Directors will meet at 415 West Eighth Avenue, Amarillo, January 26, 1995, at 1:30 p.m. Information may be obtained from Janice Blandford, 415 West Eighth, Amarillo, Texas 79101, (806) 372-3381. TRD-9500769.

The Pecan Valley MHMR Region Board of Trustees will meet at 104 Pirate Drive, Granbury, January 25, 1995, 8:30 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806. TRD-9500779.

♦ ♦ ♦

IN ADDITION

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

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

Texas Department of Agriculture

Notice of Public Hearings

In accordance with the Texas Agriculture Code Annotated, §74.114 (1994 Supplement), the Texas Boll Weevil Eradication Foundation and the Texas Department of Agriculture will hold public hearings to provide information to the public regarding the proposed eradication program for the proposed South Texas/Wintergarden Boll Weevil Eradication Zone. Hearings will be held as follows:

(1) Tuesday, January 24, 1995, at the Texas A & M University Research & Extension Center, 1619 Garner Field Road, Uvalde, Texas, beginning at 1:00 p.m. (for Bexar, Frio, Kinney, Medina, Uvalde and Zavala counties);

(2) Wednesday, January 25, 1995, at the Texas A & M University Research & Extension Center, Highway 44, Corpus Christi, Texas, beginning at 9:00 a.m. (for Aransas, Duval, Jim Wells, Kleberg, Nueces, and San Patricio counties);

(3) Wednesday, January 25, 1995, at the Tynan Recreation Center, Avenue F-Between Third and Fourth Streets, Tynan, Texas, beginning at 1:00 p.m. (for Atascosa, Bee, Dimmit, La Salle, Live Oak and McMullen counties);

(4) Thursday, January 26, 1995, at the Victoria Community Center Annex, 2905 East North Street, Victoria, Texas, beginning at 9:00 a.m. (for Dewitt, Goliad, Karnes, Refugio, Wilson and Victoria counties);

(5) Thursday, January 26, 1995, at Wharton Extension Agent Room, 210 South Rusk, Wharton, Texas, beginning at 1:00 p.m. (for Calhoun, Colorado, Jackson, Lavaca, Matagorda and Wharton counties); and

(6) Thursday, January 26, 1995, at Fort Bend County Fairgrounds, Building B, 4310 Highway 36 South, Rosenberg, Texas, beginning at 3:00 p.m. (for Austin, Brazoria, and Fort Bend counties).

For more information, please contact Frank Myers, Executive Director, Texas Boll Weevil Eradication Foundation, P.O. Box 5089, Abilene, Texas 79608-5089, phone: 1-800-687-1212 or 1 (915) 672-2800.

Issued in Austin, Texas, on January 12, 1995.

TRD-9500509 Dolores Alvarado Hibbs Chief Administrative Law Judge
Texas Department of Agriculture

Filed: January 12, 1995

♦ ♦ ♦

Texas Commission on Alcohol and Drug Abuse

Multicultural Affairs Advisory Council Meeting

The Multicultural Affairs Advisory Council of the Texas Commission on Alcohol and Drug Abuse will meet Thursday, February 16, 1995, 1:00 p.m. to 5: 00 p.m.; and Friday, February 17, 1995, 10:00 a.m. to 4:00 p.m. The meeting will be held at the Texas Commission on Alcohol and Drug Abuse, 710 Brazos Street, Austin, Texas.

Issued in Austin, Texas, on January 13, 1995.

TRD-9500532 J Ben Bynum
Executive Director
Texas Commission on Alcohol and Drug Abuse

Filed: January 13, 1995

♦ ♦ ♦

Request for Proposal

Pursuant to Texas Health and Safety Code, Chapter 461, Title 6, Subtitle B, the Texas Commission on Alcohol and Drug Abuse (TCADA) invites proposals for the development and production of two distinct videotape productions. The Texas DWI Intervention Program is currently using two videos whose content is considered sufficient and compatible with the existing English printed materials contained in the curriculum, but which are not available in Spanish. For this reason, TCADA wishes to replace these videos with two distinct Spanish language productions that are up-to-date in appearance and are Texas-specific. The videos must be culturally sensitive and targeted at Texas Hispanic population.

To obtain a complete copy of this Request for Proposal (RFP), #517-5-C17, contact Kelly Reichenbach, Texas Commission on Alcohol and Drug Abuse, 710 Brazos, Austin, Texas, 78701, (512) 867-8735.

All proposals in response to the RFP must be received by 4:00 p.m. on February 7, 1995.

A panel from TCADA will score and rank proposals based on criteria described in the RFP.

Issued in Austin, Texas, on January 11, 1995.

TRD-9500448 J. Ben Bynum
Executive Director
Texas Commission on Alcohol and Drug Abuse

Filed: January 11, 1995

♦ ♦ ♦

Texas Department of Banking

Notice of Application

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a state bank to file an application with the Banking Commissioner for the Commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the Commissioner.

On January 10, 1995, the Banking Commissioner received an application to acquire control of American State Financial Corporation, Lubbock, Texas, by LaRita R. Boren of Upland, Indiana.

Additional information may be obtained from Lynda A. Drake, Director of Corporate Activities, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1300.

Issued in Austin, Texas, on January 10, 1995.

TRD-9500439 Lynda A. Drake
Director of Corporate Activities
Texas Department of Banking

Filed: January 11, 1995

♦ ♦ ♦

Texas Cancer Council

Texas Register Funding Announcement

NOTICE OF INVITATION: The Texas Cancer Council hereby solicits the Commission on Cancer of the American College of Surgeons to submit an application for Fiscal Year 1995 funds to facilitate a statewide needs assessment of Texans with cancer. The Commission is uniquely qualified for this funding opportunity because of its central role in a study of cancer patients' needs that is being conducted nationally, and in Texas in partnership with the American Cancer Society, Texas Division; the Texas Tumor Registrars Association; and the Texas Cancer Council.

CONTACT PERSON: For further information, contact Emily Untermeyer, Executive Director, Texas Cancer Council, P.O. Box 12097, Austin, Texas 78711, (512) 463-3190.

BACKGROUND INFORMATION: The Texas Cancer Council is the state agency dedicated to reducing the human and economic impact of cancer on Texans through the promotion and support of collaborative, innovative, and effective programs and policies for cancer prevention and control. The Council's initiatives are guided by a philosophy that a cooperative and unified effort by public, private, and volunteer sector agencies and individuals increases the ability of limited resources to serve more people and maximizes duplication of effort.

The Commission on Cancer, the American Cancer Society and the National Cancer Registrars Association are conducting nationally the Resources, Information, and Guidance Health Survey. The purpose of the study is to assess cancer patients' and their families' awareness, use of, and satisfaction with the resources and programs available in their communities. Texas data will be used by the Texas Cancer Council and the American Cancer Society, Texas Division to determine the types of services that are most needed by Texans with cancer and to establish a baseline for determining progress in developing services.

The survey will be conducted through the Commission's Cancer Liaison Network, a grassroots network of physicians who treat patients with cancer. Local hospital cancer committees also will be involved; the hospitals' cancer registrars will identify potential survey recipients. The anonymous, completed survey forms will be collated and analyzed by staff at the American College of Surgeons. Data will be aggregated nationally, regionally, and at the state level. Hospitals will receive copies of the aggregate data for their patients who participated in the study, as well as the national results.

The Texas Cancer Council will co-sponsor the Texas study. Texas Cancer Council funds will be used to facilitate hospital participation by reimbursing them at fixed rates for surveys that are completed by their cancer patients and submitted to the American College of Surgeons prior to August 31, 1995. Council funds may also be used to cover the administrative costs of reimbursing hospitals for their participation.

The Commission on Cancer of the American College of Surgeons is uniquely positioned to ensure confidentiality of survey results and accountability for the reimbursements to hospitals since they are the direct recipients of the completed surveys.

APPLICATION REQUIREMENTS: The application must conform to the Texas Cancer Council's application requirements, which are available from the Council office.

The application also must include:

an assurance that the Texas Cancer Council will be acknowledged on all announcements and publicity related to the Texas study;

an assurance that the Texas Cancer Council will receive aggregated data for Texas hospitals as soon as it is available;

methodology for determining the fixed rate at which hospitals will be reimbursed; and

an assurance that the Texas Cancer Council's Executive Director will be given an opportunity to review all announcements and publicity related to the Texas study before they are finalized.

The funding period for this initiative ends on August 31, 1995.

FUNDING INFORMATION: The maximum amount of funding that may be requested for Fiscal Year 1995 is $70,000. On October 26, 1994, the Texas Cancer Council adopted a motion authorizing the Council's Executive Director, with final approval by the Council's chairman, to negotiate a contract with an appropriate entity, with the proviso that Texas results must be provided to the Council separately from the national survey results.

Funding for this initiative is contingent upon submission of an acceptable application by the Commission on Cancer and approval by the Texas Cancer Council's Chairman.

Issued in Austin, Texas on January 17, 1995.

TRD-9500655 Emily F. Untermeyer
Executive Director
Texas Cancer Council

Filed: January 17, 1995

♦ ♦ ♦

Comptroller of Public Accounts

Notice of Consultant Contract Award

In accordance with the provisions of the Texas Government Code, Chapter 2254, Subchapter B, the Comptroller of Public Accounts announces this notice of consultant contract award.

The consultant proposal request was published in the November 8, 1994, issue in the *Texas Register* (19 TexReg 8885).

The consultant will perform a management and performance review of the San Angelo Independent School District, and will produce periodic progress reports and a final report containing the consultant's conclusions and recommendations. These reports shall include analyses and recommendations to contain costs, improve management strategies, and to promote better education through school administration efficiency The successful proposer will be expected to begin performance of the contract on or about January 16, 1995.

The contract is awarded to MGT of America, Inc., doing business as MGT Consultants, 100 Congress Avenue, Suite 2018, Austin, Texas 78701. The total dollar value of the contract is not to exceed $125,000 in the aggregate. The contract was executed January 13, 1995, and extends through August 31, 1995. MGT of America, Inc., is to present a final report on or about May 23, 1995, on conclusions reached from the services performed under said contract.

Issued in Austin, Texas, on January 17, 1995.

TRD-9500702 Arthur F Lorton
Senior Legal Counsel
Comptroller of Public Accounts

Filed: January 17, 1995

♦ ♦ ♦

Notice of Request for Proposals

Notice of Request for Proposals: Pursuant to Texas Government Code, Chapter 2254, Subchapter B, the Comptroller of Public Accounts (Comptroller) announces the issuance of a Request for Proposals (RFP) for the purpose of hiring a consultant to review and make recommendations on the current accounting and processing practices of the Comptroller and Texas State Treasury (Treasurer) for investments made by state agencies from funds held by the Treasurer. The Comptroller and Treasurer are interested in providing a system that meets the reporting, financial control, and liquidity requirements of the state while at the same time providing investing agencies the greatest possible investment flexibility. The successful proposer will be expected to begin performance of the contract on or about March 1, 1995.

Contact: Parties interested in submitting a proposal should contact the Comptroller of Public Accounts, Senior Legal Counsel's Office, 111 East 17th Street, Room 113, Austin, Texas 78774, (512) 475-0866, to obtain a complete copy of the RFP. The RFP will be available for pick-up at the previously referenced address on Wednesday, January 25, 1995, between 4:00 p.m. and 5:00 p.m. Central Zone Time (CZT), and during normal business hours thereafter. All written inquiries and mandatory letters of intent to propose must be received at the previously referenced address prior to 4:00 p.m. (CZT) on Wednesday, February 1, 1995.

Closing Date: Proposals must be received in the Senior Legal Counsel's Office no later than 4:00 p.m. (CZT), on Wednesday, February 15, 1995. Proposals received after this time and date will not be considered.

Award Procedure: All proposals will be subject to evaluation by a committee based on the evaluation criteria set forth in the RFP. The committee will determine which proposal best meets these criteria and will make a recommendation to the Deputy Comptroller and Deputy Treasurer, who will then make a recommendation to the Comptroller and Treasurer. The Comptroller and Treasurer will make the final decision. A proposer may be asked to clarify its proposal, which may include an oral presentation prior to final selection.

The Comptroller and Treasurer reserve the right to accept or reject any or all proposals submitted. The Comptroller and Treasurer are under no legal or other obligation to execute a contract on the basis of this notice or the distribution of an RFP. Neither this notice nor the RFP commits the Comptroller and Treasurer to pay for any costs incurred prior to the execution of a contract.

The anticipated schedule of events is as follows: Issuance of RFP-January 25, 1995, 4:00 p.m (CZT); Mandatory Letter of Intent and Questions Due-February 1, 1995, 4.00 p.m. (CZT); Proposals Due-February 15, 1995, 4:00 p.m (CZT); and Contract Execution-February 23, 1995, or soon thereafter as possible

Issued in Austin, Texas, on January 18, 1995.

TRD-9500706 Arthur F Lorton
Senior Legal Counsel
Comptroller of Public Accounts

Filed: January 18, 1995

♦ ♦ ♦

Texas Education Agency

Request for Proposals Concerning the Texas Library Connection (TLC) Union Catalogue Phase II, 1994-1995

Filing Authority Request for Proposals (RFP) #701-95-017 is filed under Senate Bill 5, Rider 61, 73rd Legislature.

Eligible Proposers. The Texas Education Agency (TEA) is requesting proposals from private companies, nonprofit organizations, or individuals to develop a union catalog for the Texas public school libraries.

Description Texas Education Agency staff will supervise the development of a United States Machine Readable Catalogue (USMARC) database of library school holdings, which will contain the records of all books, video and audio tapes, computer software, and filmstrips in multiple school libraries. The selected contractor will merge the records into one database, provide access to the database and a search engine over the Internet, maintain the database, develop and provide training to participating school districts, and may contract with individual school districts to do local retrospective conversion, which will be added to the state database. This database or union catalog will be known as the Texas Library Connection or TLC.

Dates of Project. The TLC will be created during the 1994-1995 school year. Proposers should plan for a starting date of no earlier than March 15, 1995, and an ending date of no later than August 31, 1995.

Project Amount. Funding will be provided for one project. Project funding in the 1995-1996 school year will be based on satisfactory progress of the 1994-1995 objectives and activities and general budget approval by the State Board of Education, the commissioner of education, and the state legislature.

Selection Criteria. Proposals will be selected based on the ability of each proposer to carry out all requirements contained in the RFP. The TEA will base its selection on, among other things, the demonstrated competence and qualifications of the proposer. The TEA reserves the right to select from the highest ranking proposals those that address all requirements in the RFP.

The TEA is not obligated to execute a resulting 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 TEA to award a contract or pay any costs incurred in preparing a response.

Requesting the Proposal. A complete copy of RFP #701-95-017 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, or by calling (512) 463-9304 Please refer to the RFP number in your request.

Further Information. For clarifying information about the RFP, contact Gloria McClanahan, Division of Technology Services, Texas Education Agency, (512) 463-9401.

Deadline for Receipt of Proposals. Proposals must be received in the Document Control Center of the Texas Education Agency by 5:00 p.m , Tuesday, March 15, 1995, to be considered.

Issued in Austin, Texas, on January 18, 1995.

TRD-9500709 Criss Cloudt
Executive Associate Commissioner for Policy Planning and Information Management
Texas Education Agency

Filed: January 18, 1995

♦ ♦ ♦

The Advisory Commission on State Emergency Communications

Request for Proposal

The Advisory Commission on State Emergency Communications (herein called "ACSEC") is soliciting proposals from qualified entities to provide internal auditing services to the ACSEC. The intent of this request is to select a provider of internal audit services which will enable the ACSEC to comply with the Texas Internal Auditing Act pursuant to the Texas Government Code Annotated, §2102.001.

Primary factors in the evaluation process will include:

(1) Proposer's approach to providing the required services.

(2) Proposer's experience in providing similar services, and a list of state agencies with contact person for which proposer has provided similar services will be required.

(3) Reasonableness of the fee and man-hour estimate.

(4) The response will serve as the primary basis for selecting an entity to provide required services to the ACSEC.

(5) Be free of any operational management responsibilities.

The Commission desires services which represent the best combination of price and quality.

Questions about the Request for Proposal and requests for a copy of the bid package should be directed to Brian Millington, Business Manager at (512) 305-6923. Parties interested in making a proposal should request a full bid package and not rely on this summary notice for their proposal.

Written proposals must be received by 5:00 p.m., central standard time on February 12, 1995, to be considered. Proposals shall be sent to Chairman Ron Harris, Collin County Courthouse, Suite 626; 210 South McDonald, McKinney, Texas, 75069.

Issued in Austin, Texas, on January 12, 1995.

TRD-9500514 Mary A. Boyd
Executive Director
Advisory Commission on State Emergency Communications

Filed: January 12, 1995

♦ ♦ ♦

General Services Commission, State Energy Conservation Office

Consultant Contract Award

In accordance with Texas Government Code, Chapter 2254, the State Energy Conservation Office (SECO) furnishes this notice of a consultant contract award. The consultant proposal request was published in the October 21, 1994, issue of the *Texas Register* (19 TexReg 8489)

Description of Service. The private consultant shall provide services to coordinate and conduct a series of five sustainable building work sessions. The work sessions will cover the following topics: water conservation and landscaping/xeriscaping; energy efficiency and renewable energy applications; sustainable building materials; construction and office recycling; and indoor air quality.

Name of Consultant. The consultant selected is the Center for Maximum Potential Building Systems, 8604 FM 969, Austin, Texas 78724.

Amount of Contract. The total value of the contract is a sum not to exceed $36,000.

Due Date. Deliverables are due January 1 through August 31, 1995. The final program evaluation is due 60 days after contract completion.

Issued in Austin, Texas, on January 13, 1995.

TRD-9500533 Sharon Y. Lowe
Legal Counsel
General Services Commission/State Energy Conservation Office

Filed: January 13, 1995

♦ ♦ ♦

Texas Department of Health

Correction of Error

The Texas Department of Health adopted amendments to §§229.251-229.253, concerning licensure of wholesale distributors of drugs including good manufacturing practices.

The rules appeared in the December 23, 1994, issue of the *Texas Register* (19 TexReg 10234).

In §229.252(a), the language "on or before September 1" should be deleted. The language was formally deleted by amendment in July of 1993 and was inadvertantly submitted for publication as existing language and published in the September 13, 1994 (proposed) and the December 23, 1994 (final adoption) issues. The language for §229.252 should read as follows:

"(a) License fee. All wholesale distributors of drugs who sell drugs in Texas shall obtain a license annually with the Texas Department of Health (department) and shall pay a licensing fee for each wholesale distribution place of business operated as follows:"

♦ ♦ ♦

Notice of Emergency Cease and Desist Order

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Central Diagnostic Center of Dallas to cease and desist performing mammographic examinations until all violations noted during a recent inspection have been corrected and the facility has been issued a mammographic certification in accordance with the Texas Regulations for Control of Radiation. The bureau determined the use of uncertified mammographic systems by unqualified individuals, and without a complete quality assurance program and adequate quality assurance testing according to Texas radiation regulations constitutes an immediate threat to public health and safety, and the existence of an emergency.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on January 13, 1995.

TRD-9500539 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: January 13, 1995

♦ ♦ ♦

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Rosedale Radiology of Fort Worth to cease and desist performing mammographic examinations until all violations noted during a recent inspection have been corrected and the facility has been issued a mammographic certification in accordance with the Texas Regulations for Control of Radiation. The bureau determined the use of uncertified mammographic systems without a complete quality assurance program and adequate quality assurance testing according to Texas radiation regulations constitutes an immediate threat to public health and safety, and the existence of an emergency.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on January 13, 1995.

TRD-9500542 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: January 13, 1995

♦ ♦ ♦

Notice of Intent to Revoke Certificates of Registration

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13 (25 Texas Administrative Code, §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following registrants: Goodyear Proving Grounds, San Angelo, R00300; Lifestyle Clinic, Floydada, R16083; Braeswood Medical Clinic, Houston, R20211; Tri-County Veterinary Clinic, Devine, R12526; Thomas E. Wright, III, D.D.S., Inc., Houston, R06485; John O Nix, D.D.S., Texarkana, R06575; Richard J. Montoya, D.D S., El Paso, R07069; Rene M. Rosas, D.D.S., Inc., El Paso, R10326; Michael K. Spencer, D.D.S., Fort Worth, R10402; Randy A. Parham, D.D.S., Fort Worth, R11447; Joseph G. Schmidt, Jr., D.D.S., Austin, R14299; Jerry Colapret, D.D.S., Houston, R14300.

The department intends to revoke the certificates of registration; order the registrants to cease and desist use of radiation machine(s); order the registrants to divest themselves of such equipment; and order the registrants to present evidence satisfactory to the bureau that they have complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, the department will not issue an order.

This notice affords the opportunity to the registrants for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

The department intends to revoke the radioactive material licenses; order the licensees to cease and desist use of such radioactive materials; order the licensees to divest themselves of the radioactive material; and order the licensees to present evidence satisfactory to the bureau that they have complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, the department will not issue an order.

This notice affords the opportunity to the licensees for a hearing to show cause why the radioactive material licenses should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the radioactive material licenses will be revoked at the end of the 30-day period of notice. A copy of all relevant material is

available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on January 13, 1995.

TRD-9500544 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: January 13, 1995

♦ ♦ ♦

Notice of Intent to Revoke Radioactive Material Licenses

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13 (25 Texas Administrative Code, §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following licensees: Galleria Area MRI & Diagnostic Center, Houston, L04598; Maurer Tools, Inc., Houston, L03040.

Issued in Austin, Texas, on January 13, 1995.

TRD-9500543 Susan K Steeg
General Counsel
Texas Department of Health

Filed: January 13, 1995

♦ ♦ ♦

Notice of Revocation of Certificates of Registration

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 Texas Administrative Code §289.112), has revoked the following certificates of registration: Cal Am Chiropractic Clinic, Houston, R19679, January 12, 1995; Diagnostic Marketing Corporation, Farwell, R16749, January 12, 1995; Charles M. Singleton, M.D., San Antonio, R14203, January 12, 1995; Southwest Houston X-Ray Clinic, Houston, R18899, January 12, 1995; Robert E. Coats, D.O., Seagoville, R19731, January 12, 1995; Kelley Veterinary Clinic, Waxahachie, R20460, January 12, 1995.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on January 17, 1995.

TRD-9500713 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: January 18, 1995

♦ ♦ ♦

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 Texas Administrative Code, §289.112), has revoked the following certificates of registration: Huse Chiropractic Rehabilitation Clinic, Georgetown, R14053, January 3, 1995; Southwest School of Medical Assistants, San Antonio, R14093, January 3, 1995; National Safety Consultants, Fremont, California, R15097, January 3, 1995; Terry W. Moore, D.C., P.C., Baytown. R16694, January 3, 1995; Carolyn Byrd, D. D.S., Arlington, R17497, January 3, 1995.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on January 13, 1995.

TRD-9500540 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: January 13, 1995

♦ ♦ ♦

Notice of Revocation of Radioactive Material Licenses

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 Texas Administrative Code, §289.112), has revoked the following radioactive material licenses: Shannon Lee Argo Testing Lab, Inc., Borger, L04472, January 3, 1995; Five Star Home Inspections, Inc., San Antonio, L04647, January 3, 1995.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on January 13, 1995.

TRD-9500539 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: January 13, 1995

♦ ♦ ♦

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 Texas Administrative Code §289.112), has revoked the following radioactive material licenses: Larry McVay Operating Company, Inc., Powell, L04391, January 12, 1995; Carlos Arroyo, M.D., Beaumont, G01549, January 12, 1995.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on January 17, 1995.

TRD-9500714 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: January 18, 1995

♦ ♦ ♦

Texas Department of Human Services

Public Notice of Closed Solicitation

Pursuant to Title 2, Chapters 22 and 32, of the Human Resources Code and 40 TAC §19.2004, in the September 11, 1990, issue of the *Texas Register* (15 TexReg 5315), the Texas Department of Human Services (TDHS) is closing the solicitation for new Medicaid beds in Jim Hogg County, County Number 124, which appeared in the January 6, 1995, issue of the *Texas Register* (20 TexReg 115). The solicitation is being closed effective the date of this public notice.

Issued in Austin, Texas, on January 18, 1995.

TRD-9500716 Nancy Murphy
Agency Liaison

Filed: January 18, 1995

♦ ♦ ♦

Texas Department of Insurance

Company License

The following applications have been filed with the Texas Department of Insurance and are under consideration.

1. Application for name change by The Travelers Insurance Company of Illinois, a foreign life insurance company. The proposed new name is The MetraHealth Insurance Company. The home office is in Hartford, Connecticut.

2. Application for a name change by The Great Lakes Reinsurance Company (United States Branch), a foreign fire and casualty company. The proposed new name is Great Lakes American Reinsurance Company. The home office is in New York, New York.

3. Application for a name change by Nordic Union Reinsurance Corporation, a foreign fire and casualty company. The proposed new name is Permanent General Assurance Corporation. The home office is in Nashville, Tennessee.

4. Application for admission in Texas for Acceptance Indemnity Insurance Company, a foreign fire and casualty company. The home office is in Omaha, Nebraska.

5. Application for a name reservation in Texas for Humana HMO Texas, Inc. , a domestic health maintenance organization. The home office is in San Antonio, Texas. 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 January 13, 1995.

TRD-9500624 D J. Powers
General Counsel and Chief Clerk
Texas Department of Insurance

Filed. January 13, 1995

♦ ♦ ♦

Notice of Public Hearing

The Commissioner of Insurance of the Texas Department of Insurance will consider the adoption of new §7.86, concerning the demonstration of ownership of certificated and uncertificated securities, in a public hearing under Docket Number 2139, scheduled for 9:00 a.m. on March 6, 1995, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas.

The Statutory authority for the proposed new section is cited in the October 7, 1994, issue of the *Texas Register* (19 TexReg 7993).

Issued in Austin, Texas, on January 18, 1995.

TRD-9500723 D. J. Powers
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: January 18, 1995

♦ ♦ ♦

Texas State Library and Archives Commission

Consultant Contract Reports

By law (Texas Civil Statutes, Government Code, Chapter 2254, Subchapter B), state agencies and regional councils of governments are required to file with the Office of the Secretary of State invitations to bid and details on bidding on private consultant contracts expected to exceed $10,000. Within ten days of the award of the contract, the agency must file with the Secretary of State a description of the study to be conducted, the name of the consultant, the amount of the contract, and the due dates of the reports. Additionally, Texas Civil Statutes, Article 6252-11c, directs the contracting agencies to file copies of all documents, films, recordings, or reports developed by the private consultants with the Texas State Library. The Library is required to compile a list of the materials received and submit the list quarterly for publication in the *Texas Register*.

Listed is a list of materials received for the fourth quarter of 1994. These materials may be examined in Room 300, Texas State Library, 1201 Brazos Street, Austin, Texas.

Agency: Comptroller of Public Accounts

Consultant: MGT of America, Inc.

Title: Management and performance review of the Brownsville Independent School District

Consultant: Neal and Associates

Title: Management and performance review of the San Marcos Independent School District

Consultant: Gartner Group, Inc.

Title: Technical architecture strategy, Office of Comptroller of Public Accounts. 2 v. : v.1, architecture plans, final; v.2, architecture alternatives-merged document

Consultant: Neal and Associates

Title: University Interscholastic League performance review

Agency: Education Agency

Consultant: Gallaudet University, Center for Assessment and Demographic Studies

Title: 1993-1994 final report: Texas state survey, deaf and hard of hearing students

Agency: Governor, Office of Budget and Planning

Consultant: David M. Griffith and Associates

Title: Statewide cost allocation plan Fiscal Year 1994 2v.

Agency: Texas Higher Education Coordinating Board

Consultant: Decision Information Resources

Title: Evaluation of Tech Prep System development and implementation in Texas public schools and institutions of higher education: progress report, November 1993

Consultant: Decision Information Resources

Title: Evaluation of Tech Prep System development and implementation in Texas public schools and institutions of higher education: second quarter progress report

Consultant: Decision Information Resources

Title Evaluation of Tech Prep System development and implementation in Texas public schools and institutions of higher education, final report, 1993-1994 2 v.

Issued in Austin, Texas, on January 13, 1995

TRD-9500561 Raymond Hitt
Assistant State Librarian
Texas State Library and Archives Commission

Filed January 13, 1995

♦ ♦ ♦

Texas Natural Resource Conservation Commission

Enforcement Orders

An agreed enforcement order was entered regarding HARRY BIZZELL, Docket Number 94-0264-MWD-E (Wastewater Operator Certificate Number 452-80-5552) on January 10, 1995, assessing $1,690 in administrative penalties

Information concerning any aspect of this order may be obtained by contacting Helen Stovall, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0578

An agreed enforcement order was entered regarding the CITY OF ROGERS, Docket Number 95-0088-MWD-E (Permit Number 10804-01) on January 12, 1995, assessing $3,620 in administrative penalties with $900 deferred

Information concerning any aspect of this order may be obtained by contacting Vic Ramirez, Staff Attorney, Texas Natural Resource Conservation Commission, P.O Box 13087, Austin, Texas 78711-3087, (512) 239-0478

An agreed enforcement order was entered regarding the CITY OF JACKSBORO, Docket Number 95-0100-MSW-E (Permit Number MSW 746) on January 10, 1995, assessing $4,960 in administrative penalties

Information concerning any aspect of this order may be obtained by contacting Vic Ramirez, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0478

An agreed enforcement order was entered regarding STATES ENVIRONMENTAL OIL SERVICE COMPANY INC, Docket Number 95-0073-MSW-E (MSW Unauthorized Site Number 33247) on January 10, 1995, assessing $9,200 in administrative penalties with $4,600 deferred.

Information concerning any aspect of this order may be obtained by contacting Helen Stovall, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0578.

Issued in Austin, Texas, on January 13, 1995

TRD-9500588 Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation Commission

Filed: January 13, 1995

♦ ♦ ♦

An Enforcement Order was entered regarding Herbert Zieben and Douglas Utilities Company (Docket Number 94-0734-PWS-E, PWS Number 1010127, CCN Number 11369) on January 10, 1995, assessing $4,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Steve Shepherd, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0464.

Issued in Austin, Texas, on January 13, 1995.

TRD-9500586 Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation Commission

Filed. January 13, 1995

♦ ♦ ♦

Notice of Application for Waste Disposal Permits

Attached are Notices of Applications for waste disposal permits issued during the period of January 9th to January 13, 1995.

These applications are subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue these permits unless one or more persons file written protests and/or a request for a hearing within 30 days after newspaper publication of this notice.

If you wish to request a public hearing, you must submit your request in writing. You must state your name, mailing address and daytime phone number; the permit number or other recognizable reference to this application; the statement "I/we request a public hearing;" a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; a description of the location of your property relative to the applicant's operations; and your proposed adjustment to the application/permit which would satisfy your concerns and cause you to withdraw your request for hearing. If one or more protests and/or requests for hearing are filed, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where a hearing may be held. In the event a hearing is held, the Office of Hearings Examiners will submit a recommendation to the Commission for final decision. If no protests or requests for hearing are filed, the Executive Director will sign the permit 30 days after publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Information concerning any aspect of these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 239-3300.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number and type of application-new permit, amendment, or renewal.

CITY OF ALICE; the East Wastewater Treatment Facilities; is on the north side of State Highway 44, approximately 1.4 miles south of FM Road 3241 and approximately 1.1 miles west of the intersection of State Highway 359 and State Highway 44 in Jim Wells County, Texas; renewal; 10536-004.

ANTHONY FOREST PRODUCTS COMPANY; a wood chip mill (Anthony Chip Mill Number 2) which will produce wood chips from tree length logs; the plant site is adjacent to and south of County Road 2153, approximately five miles north of the City of Troup in Smith County, Texas; new; 03762.

BLUE RIDGE WEST MUNICIPAL UTILITY DISTRICT, the Hunters Glen Wastewater Treatment Facilities, the facilities are approximately 1.2 miles southeast of Settegast Road and FM Road 2234 in Missouri City in Fort Bend County, Texas; renewal, 11553-01.

DEERCREEK WATERWORKS, INC.; the wastewater treatment facility and irrigation site; are approximately three miles southeast of the intersection of Interstate Highway 20 and FM Road 5, approximately 1.6 miles southwest of the intersection of FM Road 1187 and FM Road 5 in Parker County, Texas; new; 13759-01.

FAULKEY GULLY MUNICIPAL UTILITY DISTRICT, the wastewater treatment facilities; the plant site is at 15503 Hermitage Oak, north of Malcomson Road and west of FM Road 149 in Harris County, Texas; renewal; 11832-01.

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT Number 23; the wastewater treatment facilities; are north of Rabb Road approximately 1.4 miles west of the intersection with FM Road 521, north of Arcola in Fort Bend County, Texas; renewal; 11999-01.

FRM N. E. BELT VENTURE Number 1; the Harris County MUD Number 344 Wastewater Treatment Facilities; the facilities are located approximately 2, 500 feet east of Beltway 8 along the south boundary of HCMUD Number 344, which is approximately 10,000 feet north of Mount Houston Parkway and 9,200 feet south of the Missouri Pacific Railroad in Harris County, Texas; renewal; 13483-01.

CITY OF GAINESVILLE; the wastewater treatment facilities; are on the east bank of the Elm Fork of the Trinity River and approximately 1.5 miles south of the intersection of Interstate Highway 35 and FM Road 51 in Cooke County, Texas; renewal; 10726-01.

GULF REDUCTION CORPORATION; a zinc reclamation facility; the plant site is at 6020 Esperson Street approximately 0.10 mile east of the intersection of Esperson Street and Greenwood Street in the City of Houston, Harris County, Texas; new; 03751.

H & W HOGS, INC.; a swine farm; the swine farm is on the south side of State Highway 20, approximately three miles west of Fort Hancock, in Hudspeth County, Texas; new; 03715.

CITY OF HEMPSTEAD; the wastewater treatment plant; is at the intersection of 23rd Street and Hamilton Street, approximately 1.5 miles southwest of the intersection of U.S. Highway 290 and State Highways 6 and 159 in Waller County, Texas; renewal; 10948-01.

CITY OF HOUSTON; the wastewater treatment facilities; are at 16,500 Park Row in Park Ten Municipal Utility District in Harris County, Texas; renewal; 10495-135.

KOHLER COMPANY, the Brownwood Tank Building, a facility which manufactures ceramic toilets from clay slurry produced at the nearby Kohler facility, the facility is at the southwest corner of Milam Drive and Albert Sidney Johnson Drive, approximately 0 6 miles from the existing Kohler facility in the extraterritorial jurisdiction of the City of Brownwood, Brown County, Texas, new, 03781

PROLER INTERNATIONAL CORPORATION, Jacintoport Wastewater Treatment Facilities, are approximately 1,500 feet south of the intersection of Sheldon Road and Jacintoport Boulevard in the Jacintoport area of Harris County, Texas; renewal, 13498-01

PUBLIC UTILITIES BOARD OF THE CITY OF BROWNSVILLE; Silas Ray Steam Electric Station, the plant site is at the intersection of Power Plant Drive and West 13th Street on the west side of City of Brownsville, Cameron County, Texas; renewal; 03096

CITY OF RICHMOND; the North Second Street Wastewater Treatment Facilities; the facilities are at the southeast corner of the intersection of Ferry Street and North Second Street in the City of Richmond in Fort Bend County, Texas, renewal; 10258-01

SAN ANTONIO RIVER AUTHORITY, the Martinez II Wastewater Treatment Facilities, the facilities are approximately 3,500 south-southeast of the intersection of Interstate Highway 10 and FM Road 1516 in Bexar County, Texas; renewal; 10749-004.

TERRY WAYNE FULGHAM; the Trinity River Authority Water Treatment Plant; the land application site is to be approximately 1/4 mile north of the intersection of FM Road 980 and Rock Road (Old Cincinnati), approximately eight miles north of the City of Huntsville in Walker County, Texas; new, 03766.

TEXAS UTILITIES ELECTRIC COMPANY, the Tradinghouse Creek Steam Electric Station, the steam electric station is adjacent to FM Road 2957 approximately 11.5 miles east of the City of Waco, McLennan County, Texas; renewal; 01267

TOWER MANAGEMENT SERVICE, L.P , the Lackner Sewage Treatment Plant; is approximately 1,000 feet south of the intersection of West 18th Street and East T C Jester Boulevard on the west bank of White Oak Bayou in the City of Houston, In Harris County, Texas, new, 13764-01

GALVESTON ENVIRONMENTAL SERVICES, INC , to authorize the construction and operation of thirteen proposed tanks, one solid waste shredder unit, and three proposed container storage areas for the storage and processing of industrial and hazardous waste at its San Leon facility. The wastes managed at this facility are hazardous, Class 1, Class 2, and Class 3 industrial solid wastes received from off-site sources on a commercial basis, the facility is located on approximately 10.07 acres on FM 517, 1/2 mile east of the intersection of FM 517 and Highway 146 near San Leon, Galveston County, Texas, new; HW-50319-001

Issued in Austin, Texas, on January 13, 1995.

TRD-9500583 Gloria S Vasquez
Chief Clerk
Texas Natural Resource Conservation Commission

Filed: January 13, 1995

♦ ♦ ♦

Notice of Opportunity to Comment on Permitting Actions

E. I. DU PONT DE NEMOURS & COMPANY, INC. for minor amendments to Permit Number WDW-082, WDW-083 and WDW-149 which authorize operation of three Class I non-commercial non-hazardous injection wells. The amended permits will include wastewaters from a captured facility to the wastestream of each well. The waste consists of non-contact process wastewater, deluge system water, contact stormwater from process pads, and stormwater from the facility which is an ethylene vinyl alcohol manufacturing unit located within the DuPont complex but owned by NOLTEX, L.L.C. The unit originally was part of the DuPont plant and was later sold to NOLTEX; the same waste from this facility was included in the original permit. Production wastewaters from the NOLTEX facility will not be injected into the DuPont wells. The injection zone for all three wells is the Lower Miocene Catahoula Formation between the approximate depths of 4, 800 and 5,450 feet. The maximum rate of injection for WDW-082 and WDW-083 is 260 gallons per minute (gpm) for each well and for WDW-149 is 520 gpm. The maximum annual volume of wastewater injected into WDW-082 and WDW-083 shall not exceed 136,656,000 gallons each and for WDW-149 shall not exceed 273,312, 000 gallons annually. The operating surface injection pressure shall not exceed 1,300 per square inch gage for each well. The wells are used to dispose of waste generated from the manufacture of organic chemicals at the La Porte, Texas plant site and to dispose of stormwater from a captured facility owned by NOLTEX, L.L.C. Waste disposal wells WDW-082, WDW-083, and WDW149 are located on company property approximately two miles north-northwest of La Porte. The wells are located in the Enoch Brinson League, A-5, in Harris County, Texas.

ADDICKS UTILITY DISTRICT for a minor amendment to Permit Number 11696-02 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 300,000 gallons per day to a volume not to exceed an average flow of 400,000 gallons per day in the Interim phase. The permit currently authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,000,000 gallons per day in the final phase, which will remain the same. The proposed amendment will enforce more stringent effluent limitations as needed, in order to meet existing applicable rules and regulations. The South Wastewater Treatment Facilities are approximately two miles north of the intersection of Interstate Highway 10 and Barker-Cypress Road and approximately 1.3 miles east of the intersection of Barker-Cypress Road and Morton Road (Groschke Road) adjacent to Morton Road (Groschke Road) in Harris County, Texas.

Issued in Austin, Texas, on January 13, 1995.

TRD-9500587 Gloria A Vasquez
Chief Clerk
Texas Natural Resource Conservation Commission

Filed: January 13, 1995

♦ ♦ ♦

Notices of Receipt of Applications and Declaration for Administrative Completeness for Sludge Registrations

FORREST A. DILLON; approximately 2.5 miles north of U.S. Highway 59, on the west side of County Road 127, approximately one mile north of Appleby, Nacogdoches County, Texas; new; 710317

R. F. PARKINSON, JR.; approximately 0.6 mile east of Highway 51 and 0.5 mile northeast of County Road 407 in Hood County, Texas; new; 710312

These applications have been determined to be administratively complete, and will now be subject to a technical evaluation by the staff of the Texas Natural Resource Conservation Commission. Persons should be advised that these applications are subject to change based on evaluations of the proposed treatment levels, treatment processes and site specific conditions as they relate to the protection of the environment and public health.

Persons desiring a public meeting regarding these applications should submit a written request to the Chief Clerk of the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711. The request should contain the name, mailing address and phone number of the person making the request; and the reason a public meeting is desired. The deadline for submitting this request is 30 days from the date which the application was posted for public review.

Information concerning these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 239-3300.

Issued in Austin, Texas, on January 13, 1995.

TRD-9500584 Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation Commission

Filed: January 13, 1995

♦ ♦ ♦

Notice of Receipt of Application for Municipal Solid Waste Management Facilities

For the Week Ending January 13, 1995.

APPLICATION BY AMERICAN WASTEWATER LIMITED; Proposed Permit Amendment Number MSW2234-A, authorizing a Type V (de-watering) municipal solid waste facility. The site covers approximately 6.65 acres of land and is located at 250 Gellhorn in the City of Houston, Harris County, Texas.

This application is subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue the permit unless one or more persons file written protests and/or requests for hearing within 30 days of the date of newspaper publication.

If you wish to request a public hearing, you must submit your request in writing. You must state your name, mailing address and daytime phone number; the application number, TNRCC docket number or other recognizable

reference to the application; the statement "I/we request an evidentiary public hearing."; a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; and a description of the location of your property relative to the applicant's operations.

If one or more protests and/or requests for hearing are filed on an application, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where an evidentiary hearing may be held. If no protests and/or requests for hearing are filed on an application, the Executive Director will approve the application. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing or questions concerning procedures should be submitted in writing to the Chief Clerk's Office, Park 35 TNRCC Complex, Building F, Room 4301, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 239-3300.

Issued in Austin, Texas, on January 10, 1995.

TRD-9500676 Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation Commission

Filed: January 17, 1995

♦ ♦ ♦

Provisionally-Issued Temporary Permits to Appropriate State Water

Listed below are permits issued during the period of January 9-13, 1995

Application Number TA-7384 by D. L. LENNON, INC. CONTRACTOR, for diversion of four acre-feet of water in a one-year period for industrial use (highway construction, US 69). Water may be diverted from the US 69 crossing of Franks Creek, approximately three miles southwest of Emory, Rains County, Texas, Sabine River Basin.

Application Number TA-7385 by D. L. LENNON, INC. CONTRACTOR, for diversion of one acre-feet of water in a one-year period for industrial use (highway construction, FM 275). Water may be diverted from the US 275 crossing of Turkey Creek, approximately 15 miles southwest of Emory, Hopkins County, Texas, Sabine River Basin.

Application Number TA-7386 by D. L. LENNON, INC. CONTRACTOR, for diversion of three acre-feet of water in a one-year period for industrial use (highway construction, FM 1550). Water may be diverted from the FM 1550 crossing of Pot Creek, approximately eight miles southeast of Bonham, Fannin County, Texas, Sulphur River Basin.

Application Number TA-7387 by D. L. LENNON, INC. CONTRACTOR, for diversion of one acre-foot of water in a one-year period for industrial use (highway construction, FM 1566). Water may be diverted from the FM 1566 crossing of an unnamed tributary of Tidwell Creek, approximately ten miles south of Greenville, Hunt County, Texas, Sabine River Basin.

Provisionally-Issued Temporary permits to appropriate state water are issued for a period of not more than one year and authorize the use of not more than ten acre-feet of water. 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 previously and who believe that the diversion of water under the temporary permit will impair their rights may file a complaint with the TNRCC. The complaint can be filed at any point after the application has been filed with the TNRCC and the time the permit expires. The Executive Director shall make an immediate investigation to determine whether there is a reasonable basis for such a complaint. If a preliminary investigation determines that diversion under the temporary permit will cause injury to the complainant the commission shall notify the holder that the permit shall be cancelled without notice and hearing. No further diversions may be made pending a full hearing as provided in 30 TAC §295.174. Complaints should be addressed to Water Rights Permitting Section, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 239-4433. Information concerning these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 787311, (512) 239-3300.

Issued in Austin, Texas, on January 13, 1995.

TRD-9500585 Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation Commission

Filed: January 13, 1995

♦ ♦ ♦

Public Utility Commission of Texas

Notices of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for General Services Administration-Brownsville, Brownsville, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of a New PLEXAR-Custom Service for the General Services Administration-Brownsville pursuant to Public Utility Commission Substantive Rule 23.27. Docket Number 13823.

The Application. Southwestern Bell Telephone Company is requesting approval of a new PLEXAR-Custom service for the General Services Administration-Brownsville. The geographic service market for this specific service is the Brownsville, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section

at (512) 458-0388, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on January 12, 1995.

TRD-9500478 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: January 12, 1995

♦ ♦ ♦

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for the Pharr-San Juan Alamo ISD, Pharr, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of a 16-Station Addition to the Existing PLEXAR-Custom Service for the Pharr-San Juan Alamo ISD pursuant to Public Utility Commission Substantive Rule 23.27. Docket Number 13824.

The Application. Southwestern Bell Telephone Company is requesting approval of a 16-station addition to the existing PLEXAR-Custom service for the Pharr-San Juan Alamo ISD. The geographic service market for this specific service is the Pharr, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0388, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on January 12, 1995.

TRD-9500479 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: January 12, 1995

♦ ♦ ♦

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for the Amarillo ISD, Amarillo, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of a 72-Station Addition to the Existing PLEXAR-Custom Service for the Amarillo ISD pursuant to Public Utility Commission Substantive Rule 23. 27. Docket Number 13828.

The Application. Southwestern Bell Telephone Company is requesting approval of a 72-station addition to the existing PLEXAR-Custom service for the Amarillo ISD. The geographic service market for this specific service is the Amarillo, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0388, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on January 12, 1995.

TRD-9500480 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: January 12, 1995

♦ ♦ ♦

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for the City of Harlingen, Harlingen, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of a Six-Station Addition to the Existing PLEXAR-Custom Service for the City of Harlingen pursuant to Public Utility Commission Substantive Rule 23.27. Docket Number 13833.

The Application. Southwestern Bell Telephone Company is requesting approval of a six-station addition to the existing PLEXAR-Custom service for the City of Harlingen. The geographic service market for this specific service is the Harlingen, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0388, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on January 17, 1995.

TRD-9500674 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: January 17, 1995

♦ ♦ ♦

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for the City of University Park, Dallas, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of an Optional Feature Addition to the Existing PLEXAR-Custom Service for the City of University Park pursuant to Public Utility Commission Substantive Rule 23.27. Docket Number 13838.

The Application. Southwestern Bell Telephone Company is requesting approval of an optional feature addition to the existing PLEXAR-Custom service for the City of University Park. The geographic service market for this specific service is the Dallas, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0388, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on January 17, 1995.

TRD-9500675 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: January 17, 1995

♦ ♦ ♦

Texas Department of Transportation

Request for Proposals

Notice of Invitation: The Texas Department of Transportation (TxDOT) intends to engage an engineer, pursuant to Texas Government Code, Chapter 2254, Subchapter A, to provide the following services. The engineer selected must perform a minimum of 30% of the actual contract work to qualify for contract award.

Contract #19-5XXP5005-On-system bridge inspection in Harrison county. Contract #19-5XXP5006-On-system bridge inspection in Panola and Upshur counties.

Deadline: A letter of interest notifying TxDOT of the engineering consultant's intent to submit a proposal shall be either hand delivered to TxDOT, Atlanta District Office, FM 249 and Park Street, Atlanta, Texas or mailed to P.O. Box 1210, Atlanta, Texas 75551. The deadline for receipt of letters will be 5:00 p.m. on Friday, February 3, 1995. Upon receipt of the letter of interest, a request for proposal packet will be issued.

Pre-Proposal Meeting: A pre-proposal meeting will be held on Thursday, February 9, 1995, at the TxDOT Atlanta District Office, FM 249 and Park Street, Atlanta, Texas beginning at 10:00 a.m. (TxDOT will not accept a proposal from an engineer who has failed for any reason to attend the mandatory pre- proposal meeting.)

Proposal Submittal Deadline: Proposals will be accepted until 5:00 p.m. on Friday, February 17, 1995 at the previously mentioned addresses.

Agency Contact: For additional information contact David W. Orr, P.E., at the Atlanta District Office, (903) 799-1286 or Fax (903) 799-1288.

Issued in Austin, Texas, on January 13, 1995.

TRD-9500634 Diane L. Northam
Legal Executive Assistant
Texas Department of Transportation

Filed: January 13, 1995

♦ ♦ ♦

Notice of Invitation: The Texas Department of Transportation (TxDOT) intends to engage an architect/engineer, pursuant to Texas Government Code, Chapter 2254, Subchapter A, to provide the following services: Architectural and engineering services for the environmental studies, design, plans preparation and construction management of the Polk County Courthouse and Courthouse Annex enhancement project in Livingston, Texas. The restoration project for the courthouse will include structural repair of brick arches, cleaning and sealing of the exterior walls, repairs to a cornice and repointing of grout joints where needed. The restoration project for the courthouse annex will include leveling and repairing the foundation, new roof, structural stabilization, repair and cleaning of the exterior walls, new doors and windows.

Pre-proposal Meeting: A mandatory pre-proposal meeting will be held at 2:00 p.m. on February 9, 1995, at the Polk County Courthouse, located at US 190 (Church Street) and Business 59 (Washington Street), Commissioners Courtroom, Third Floor, Livingston, Texas.

Deadline: The deadline for receipt of letters of interest notifying TxDOT of the intent to submit a proposal is 5:00 p.m. on February 6, 1995, at the TxDOT Lufkin District Office, P.O. Box 280, Lufkin, Texas 75902-0280.

Deadline. Deadline for receipt of proposals is March 3, 1995, at 5:00 p.m. Proposals can be hand-delivered to TxDOT's Lufkin District Office, 1805 North Timberland Drive, or mailed to P.O. Box 280, Lufkin, Texas 75902-0280.

Agency Contact: For additional information regarding this notice contact Tina L. Walker, P.E. at the Lufkin District Office, (409) 633-4329 or fax (409) 633-4378.

Issued in Austin, Texas, on January 13, 1995

TRD-9500635 Diane L. Northam
Legal Executive Assistant
Texas Department of Transportation

Filed: January 13, 1995

♦ ♦ ♦

Notice of Invitation: The Texas Department of Transportation (TxDOT) intends to engage an engineer, pursuant to Texas Government Code, Chapter 2254, Subchapter A, to provide the following services. The engineer selected must perform a minimum of 30% of the actual contract work to qualify for contract award.

Contract #21-5XXP5003-On-system bridge inspection for bridges in Brooks, Cameron, Hidalgo, Jim Hogg, Kenedy, Starr, Zapata and Willacy counties (Total Bridges: 590).

Deadline: A letter of interest notifying TxDOT of the engineering consultant's intent to submit a proposal shall be either hand delivered to TxDOT, Pharr District Office, 600 West Expressway 83, Pharr, Texas or mailed to P.O. Drawer EE, Pharr, Texas 78577. The deadline for receipt of letters will be 5:00 p.m. on Friday, February 10, 1995. Upon receipt of the letter of interest, a request for proposal packet will be issued.

Proposal Submittal Deadline: Proposals will be accepted until 5:00 p.m. on Friday, February 24, 1995 at the previously mentioned addresses.

Agency Contact: For additional information contact Jody Ellington, P.E., Area Engineer, at the Pharr District Office (210) 689-2183 or by Fax at (210) 689-6690.

Issued in Austin, Texas, on January 13, 1995.

TRD-9500636 Diane L Northam
Legal Executive Assistant
Texas Department of Transportation

Filed: January 13, 1995

♦ ♦ ♦

The University of Texas System

Request for Proposal

The University of Texas System is soliciting proposals for custodial services for its fixed income and equity assets. Organizations who are interested in receiving a Request for Proposal should respond in writing to: University of Texas System, Master Trust Custody Proposal, 210 West Sixth Street, Austin, Texas 78701.

Requests must be received by January 31, 1995.

Issued in Austin, Texas, on January 13, 1995.

TRD-9500609 Arthur H. Dilly
Executive Secretary to the Board of Regents
The University of Texas System

Filed: January 13, 1995

Texas Water Development Board

Applications Received

Pursuant to the Texas Water Code, §6.195, the Texas Water Development Board provides notice of the following applications received by the Board:

City of Homestead Municipal Utility District, 4027-A Las Casitas, El Paso, Texas, 79936, received November 10, 1994, application for grant/loan assistance in the amount $9,313,942 from the Economically Distressed Areas Account and the Water Supply Account of the Texas Water Development Fund.

City of Hemphill, P.O Box 788, Hemphill, Texas, 75948-0788, received October 31, 1994, application for financial assistance in the amount of $495, 000 from the Water Supply Account of the Texas Water Development Fund.

City of Whitehouse, 311 East Main Street, Whitehouse, Texas, 75791, received December 12, 1994, application for financial assistance in the amount of $630,000 from the State Water Pollution Control Revolving Fund.

City of Fort Worth, 1000 Throckmorton, Fort Worth, Texas, 76102, received December 21, 1994, application for financial assistance in the amount of $18, 880,000 from the State Water Pollution Control Revolving Fund.

Greater Texoma Utility Authority for City of Gainesville, 5100 Airport Drive, Denison, Texas, 75020, received December 8, 1994, application for financial assistance in the amount of $1,090,000 from the State Water Pollution Control Revolving Fund.

El Paso County Water Authority Municipal Utility District, 1539 Pawling, El Paso, Texas, 79927, received December 2, 1994, application for financial assistance in the amount of $8,635,000 from the Water Supply Account and Water Quality Enhancement Account of the Texas Water Development Fund and the State Water Pollution Control Revolving Fund.

City of Mission, 900 Doherty, Mission, Texas, 78572, received June 6, 1994, application for additional grant/loan assistance in the amount of $1,613,006 from the Economically Distressed Areas Account of the Texas Water Development Fund and the State Water Pollution Control Revolving Fund.

U.S. Army Corps of Engineers, Fort Worth District Planning Department, 819 Taylor Street, P.O. Box 17300, Fort Worth, Texas, 76102-0300, received January 4, 1995, application for financial assistance in an amount not to exceed $20, 000 from the Research and Planning Fund.

City of Fort Worth Water Department, P.O. Box 870, Fort Worth, Texas, 76101, received October 5, 1994, application for financial assistance in an amount not to exceed $150,000 from the Research and Planning Fund.

Sabine River Authority of Texas, P.O. Box 579, Orange, Texas, 77632, received October 13, 1994, application for financial assistance in an amount not to exceed $740,000 from the Research and Planning Fund and the Water Loan Assistance Fund.

South Plains Underground Water Conservation District, P.O. Box 986, Brownfield, Texas, 79316, received January 3, 1995, application for additional financial assistance in the amount of $106,000 from the Agricultural Water Conservation Fund.

Additional information concerning this matter may be obtained from Craig D. Pedersen, Executive Administrator, P.O. Box 13231, Austin, Texas, 78711.

Issued in Austin, Texas, on January 11, 1995.

TRD-9500441 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Filed: January 11, 1995

♦ ♦ ♦