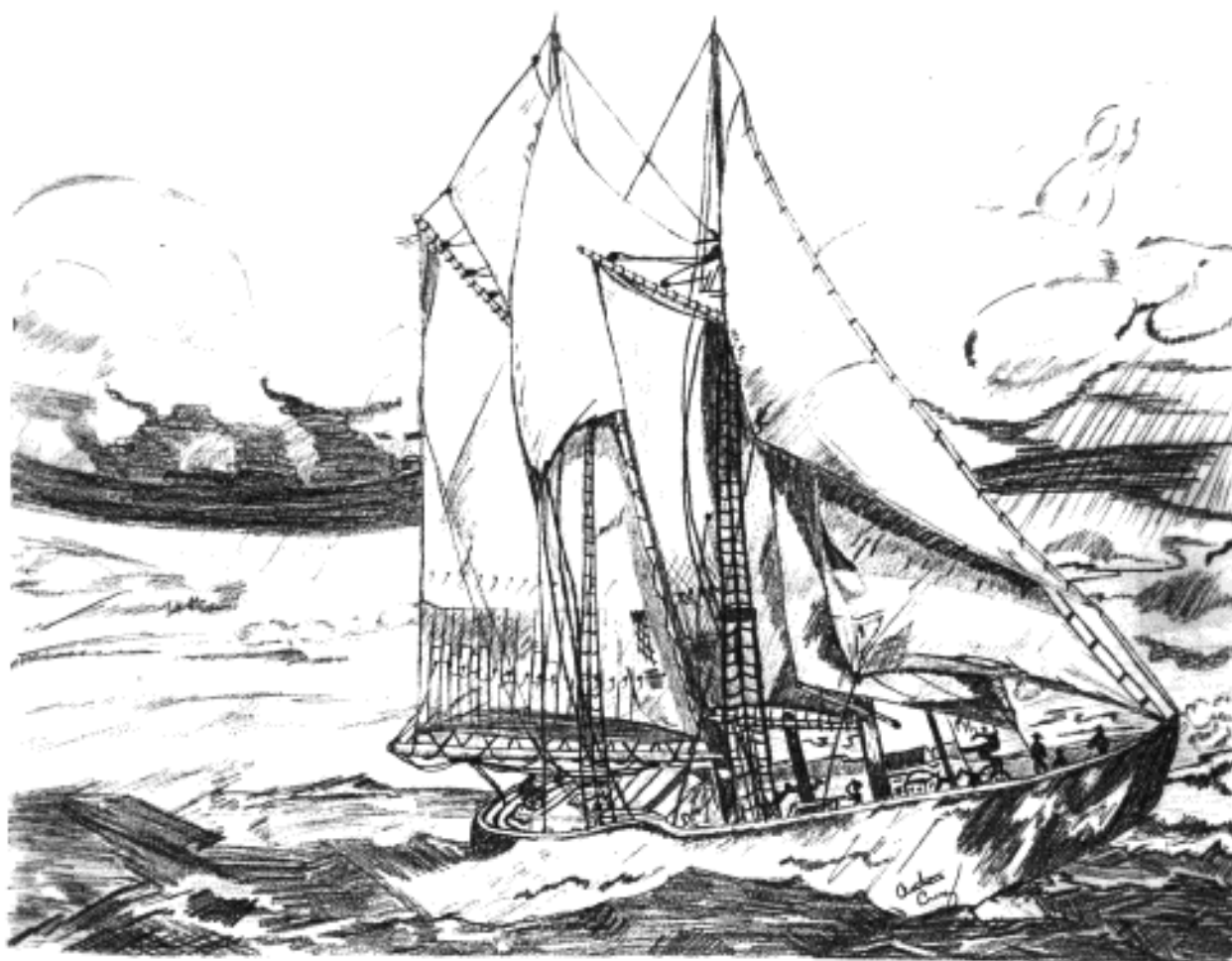


TEXAS REGISTER

Volume 23 Number 35 August 28, 1998

Pages 8769-8933



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11th Grade

Dalhart High School

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***Texas Register*, ISSN 0362-4781**, is published weekly, 52 times a year. Issues will be published by the Office of the Secretary of State, 1019 Brazos, Austin, Texas 78701. Subscription costs: printed, one year \$95, six month \$75. First Class mail subscriptions are available at a cost of \$200 per year. Single copies of most issues for the current year are available at \$7 per copy in printed format.

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

POSTMASTER: Send address changes to the ***Texas Register***, P.O. Box 13824, Austin, TX 78711-3824.

a section of the
Office of the Secretary of State
P.O. Box 13824
Austin, TX 78711-3824
(800) 226-7199
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<http://www.sos.state.tx.us>

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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 text being underlined. [Brackets] and ~~strike-through~~ of text indicates deletion of existing material within a section.

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules

Subchapter E. Customer Service and Protection 16 TAC §23.47

The Public Utility Commission of Texas (commission) adopts on an emergency basis new §23.47, relating to Disconnection During 1998 Heat Emergency. Section 23.47 prohibits the disconnection of electric service for residential customers during the heat emergency, requires utilities and owners of master-metered or submetered residential facilities to offer deferred payment plans to assist residential customers in managing their unusually high electric bills caused by the extreme heat, and requires utilities to provide notice of the rule to social service agencies within their service territories that provide low income energy assistance. This section is being adopted under Project Number 19697.

This section prohibits the disconnection of electric service for unpaid past due electric bills during the period August 12, 1998 through September 30, 1998. This section does not affect a customers' ability to arrange a deferred payment plan pursuant to §23.45(d) of this title (relating to Billing). Moreover, the commission encourages customers and electric utilities to continue to work together to develop mutually agreeable deferred payment plans pursuant to §23.45(d) to avoid delinquent bills.

This emergency adoption is necessary because disconnection of electric service during the extreme and persistent heat currently being experienced in Texas poses an imminent peril to the health of residential customers.

The new section shall be effective immediately upon filing with the secretary of state because of imminent peril to the public health.

The new section is adopted on an emergency basis under §§11.002, 14.001 and 14.002 of the Public Utility Regulatory Act (PURA), Texas Utilities Code Annotated (Vernon 1998). Section 11.002 states the purpose of the Public Utility Regulatory Act is to protect the public interest inherent in the rates and services of public utilities; §14.001 grants the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by PURA that is necessary and convenient to the exercise of that power and jurisdiction;

and §14.002 provides the commission with the authority to adopt rules which are necessary and convenient to the exercise of its authority.

Cross Reference to Statute: Public Utility Regulatory Act §§11.002, 14.001 and 14.002.

§23.47. Disconnection During 1998 Heat Emergency.

(a) Definition. For purposes of this section, the term "electric utility" shall include an entity defined as an electric utility in the Public Utility Regulatory Act (PURA) §31.002(1), owners of master-metered residential facilities, or owners of submetered residential facilities.

(b) Disconnection prohibited. No electric utility may discontinue service to a residential customer, a master-metered residential facility, or a submetered residential facility during the period August 12, 1998 through September 30, 1998, for delinquent payment of utility service. Nor may an electric utility send disconnection notices, or perform other related collection activities except as otherwise provided in this section, to a residential customer, residential user of a master-metered residential facility, or residential user of a submetered residential facility during the period August 12, 1998 through September 30, 1998.

(1) If notice of disconnection was provided prior to August 12, 1998, then an electric utility may disconnect service October 1, 1998 provided that the delinquent bill remains unpaid and the customer has not entered into a deferred payment plan.

(2) If notice of disconnection was not provided prior to August 12, 1998, then an electric utility must provide notice of disconnection as required by §23.46 of this title (relating to Discontinuance of Service) and electric service may not be disconnected prior to October 10, 1998.

(c) Deferred payment plan. An electric utility shall contact and offer a deferred payment plan for any delinquent bill of a residential customer rendered during the period August 12, 1998 through September 30, 1998. The information included in the deferred payment plan shall be provided in English and Spanish as necessary to adequately inform the customer of the provisions of the plan. The deferred payment plan shall provide that the delinquent amount may be paid in equal installments over a period of up to six billing cycles, at the customer's request. However, if the customer and electric utility agree, then the customer may enter into a level payment plan that recovers the delinquent amount, with other months' bills, over a 12-month period.

(1) A deferred payment plan under this subsection may not include:

(A) a late payment penalty for the delinquent balance as long as the installments are made on time;

(B) interest on the delinquent balance; or

(C) a deposit.

(2) A residential customer may enter into a deferred payment plan pursuant to this subsection by visiting the electric utility's business office or by telephone. If the customer visits the electric utility's business office, the plan shall be reduced to writing at that time. If the agreement is made over the telephone, the electric utility shall send a copy of the plan to the customer. Immediately preceding the customers' signature, the plan shall state in boldface capitals of at least fourteen point type the following: IF YOU ARE NOT SATISFIED WITH THIS CONTRACT, OR IF AGREEMENT WAS MADE BY TELEPHONE AND YOU BELIEVE THIS CONTRACT DOES NOT REFLECT YOUR UNDERSTANDING OF THAT AGREEMENT, CONTACT THE UTILITY IMMEDIATELY AND DO NOT SIGN THIS CONTRACT. IF YOU DO NOT CONTACT THE UTILITY, OR IF YOU SIGN THIS AGREEMENT, YOU GIVE UP YOUR RIGHT TO DISPUTE THE AMOUNT DUE UNDER THE AGREEMENT EXCEPT FOR THE UTILITY'S FAILURE OR REFUSAL TO COMPLY WITH THE TERMS OF THIS AGREEMENT. In addition, where the customer and utility representative or agent meet in person, the utility representative shall read the preceding statement to the customer. The utility shall also provide information to the customer in English and Spanish as necessary to make the preceding boldface language understandable to the customer. A copy of the signed plan shall be provided to the customer by the electric utility.

(3) A deferred payment plan under this subsection shall include the following:

(A) the term of the plan;

(B) the total amount to be paid under the plan; and

(C) the specific amount of each installment.

(4) If a customer fails to fulfill the terms of a deferred payment plan pursuant to this subsection, the utility shall have the right to disconnect service subsequent to September 30, 1998. However, the utility may not disconnect service until a disconnect notice has been issued to the customer indicating the customer has not met the terms of the plan. Such notice and disconnection shall conform with the disconnection requirements of §23.46 of this title, or its successor.

(d) Notice to social service agencies. For purposes of this subsection, an electric utility shall not include owners of master-metered or submetered residential facilities. An electric utility shall provide written notice of this section by August 17, 1998, to:

(1) those social service agencies that distribute funds from the Low Income Home Energy Assistance Program within its certificated service area; and

(2) any other social service agency of which the electric utility is aware that provides energy assistance to low income customers in its certificated service area.

Filed with the Office of the Secretary of State, on August 12, 1998.

TRD-9812802

Rhonda Dempsey

Rules Coordinator

Public Utility Commission of Texas

Effective date: August 12, 1998

Expiration date: December 10, 1998

For further information, please call: (512) 936-7308

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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 text being underlined. [Brackets] and ~~strike-through~~ of text indicates deletion of existing material within a section.

TITLE 4. AGRICULTURE

Part II. Texas Animal Health Commission

Chapter 34. Veterinary Biologics

4 TAC §34.1, §34.2

The Texas Animal Health Commission proposes amendments to §34.1 and §34.2, concerning veterinary biologics.

The sections are being amended to keep the rules in harmony with the currently utilized vocabulary. Also, the rules will be more readily understood and the intent of the rules will be clarified.

Kathryn A. Reed, General Counsel, has determined for the first five-year period the rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Ms. Reed also has determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing the rules will be more readily understood and clarified rules. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rules as proposed.

Comments regarding the proposed amendments may be submitted to Edith Smith, Executive Assistant, 2105 Kramer Lane, Austin, Texas 78745.

The amendments are proposed under the Texas Agriculture Code, Chapter 161, §161.041(b) and §161.042, which authorizes the Commission to promulgate rules in accordance with the Texas Agriculture Code.

No other statutes, articles, or codes are affected by the amendments.

§34.1. Definitions.

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

(1) Commission—Texas Animal Health Commission (TAHC).

(2) Executive director—The executive director of the commission.

(3) Recognized laboratory—A laboratory recognized by the executive director for purposes of this chapter.

(4) USDA, APHIS, VS—The United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services.

(5) Veterinary biologics include, but are not limited to—

(A) viruses, serums, toxoids, allergins, toxins (excluding substances that are selectively toxic to microorganisms, e.g. antibiotics), and analogous products of natural or synthetic origin;

(B) products synthesized or prepared from any type of genetic manipulation [engineering], such as diagnostics, reagents, antitoxins, vaccines, bacterins, live microorganisms, [and] killed microorganisms, and genes or genetic sequences; and

(C) the antibodies, antitoxins, immunostimulants, and antigenic or immunizing components of microorganisms, intended for use in the diagnosis, treatment, or prevention of diseases in animals.

§34.2. General Requirements.

(a) Importation. Veterinary biologics produced under a regular license issued by the USDA, APHIS, VS may be imported into the State of Texas[-], however, prior [Prior] to initial importation of any [newly] licensed veterinary biologic for sale, use, or distribution within the state, written approval of the executive director is [shall be] required. The executive director may allow the importation of unlicensed or conditionally licensed veterinary biologics when it is determined necessary for the protection of humans or domestic animals or for research purposes.

(b) Restriction of biologics for disease control.

(1) Rabies vaccines shall be sold, distributed, and administered as prescribed by Chapter 826, Health and Safety Code, and rules adopted by the Texas Board of Health.

(2) [(+) All veterinary biologics used to control or diagnose any of the following diseases listed in subparagraphs (A)-(K) of this paragraph are restricted:

(A) brucellosis;

- (B) equine infectious anemia;
- (C) equine viral arteritis;
- (D) hog cholera;
- (E) laryngotracheitis;
- (F) *Mycoplasma gallisepticum* (MG);
- (G) paratuberculosis;
- (H) pseudorabies;
- (I) *Salmonella arizonae*;
- (J) tuberculosis;
- (K) vesicular stomatitis.

(3) [(2)] Restricted veterinary biologics may be purchased, administered, or otherwise used under the following conditions listed in subparagraphs (A)-(D) of this paragraph.

(A) Laryngotracheitis (LT) chick embryo origin vaccine may be used upon tentative or confirmed diagnosis by a recognized laboratory and pursuant to a written agreement between the commission and the flock owners in a designated area.

(B) *Salmonella arizonae* bacterin may be used upon confirmed diagnosis by a recognized laboratory, and where a written permit for its use has been issued by the commission.

(C) *Mycoplasma gallisepticum* (MG) attenuated vaccine may be used upon confirmed diagnosis by a recognized laboratory, and where a written permit for its use has been issued by the commission. MG vaccine may be used without restriction following approval outlined in subsection (a) of this section.

(D) Other restricted veterinary biologics may be purchased, administered, or otherwise used:

- (i) under the direct supervision of licensed veterinarians;
- (ii) by employees of the commission or USDA;
- (iii) by research agencies or laboratories as authorized by the commission;
- (iv) in emergency disease control programs as authorized by the commission; or
- (v) for other limited purposes authorized by the commission and not likely to pose a threat to public health or to the health of animals.

(c) Solicitation of information. The commission may solicit information and recommendations on the following topics listed in paragraphs (1)-(4) of this subsection prior to approving a veterinary biologic for sale, use, or distribution within the state [recommendations. Recommendations for the sale and distribution of veterinary biologics may be solicited by the commission to ascertain the following information]:

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

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

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

Filed with the Office of the Secretary of State, on August 17, 1998.

TRD-9812992

Kathryn A. Reed
 General Counsel
 Texas Animal Health Commission
 Earliest possible date of adoption: September 27, 1998
 For further information, please call: (512) 719-0714

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TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 25. Substantive Rules Applicable to Electric Service Providers

Subchapter B. Customer Service and Protection

16 TAC §25.27

The Public Utility Commission of Texas (PUC) proposes new §25.27, relating to Retail Electric Service Switchovers. The rule will address the procedures and charges for switching retail electric service for a consuming facility from one utility to another in areas where more than one utility has the right to provide service. The rule will replace existing §23.44(c)(1). Section 25.27 will provide more specificity for the procedures and charges for switchovers than §23.44(c)(1). In addition, the section will provide a new switchover option that involves the connecting utility obtaining transmission service from the disconnecting utility for delivery of the connecting utility's power to the consuming facility. Project Number 18876 has been assigned to this proceeding.

Keith Rogas, assistant general counsel, Office of Regulatory Affairs, has determined that for each year of the first five-year period that the proposed section is in effect there should be a reduction in the cost to the PUC of enforcing its policies on retail electric service switchovers, because the proposed section will provide more specificity for the procedures and charges for retail electric service switchovers than existing §23.44(c)(1). Mr. Rogas has also determined that there may be a similar reduction in cost to municipalities exercising original jurisdiction over electric utilities. In addition, Mr. Rogas has determined that there should be no other cost increases or decreases, or any loss or increase in revenue, to the state and to local governments as a result of enforcing or administering the proposed section.

Mr. Rogas has determined that, for each year of the first five years the proposed section is in effect, the public benefit resulting from adoption of the proposed section should be more clarity for procedures and charges for retail electric service switchovers and a new switchover option that costs less than the existing option. In addition, Mr. Rogas has determined that there should be no adverse effect on small businesses as a result of enforcing the section. Mr. Rogas has also determined that there should be a reduction in economic cost to persons who are required to comply with the section, because it will better inform them of the procedures and charges that are appropriate for retail electric service switchovers.

Mr. Rogas has also determined that for each year of the first five years the proposed section is in effect there should be no adverse impact on employment in the geographic areas affected by implementing the requirements of the proposed new section.

The PUC is particularly interested in comments on the following issues. Whether, pursuant to §25.27(e), the partial switchover option is worthwhile at this time. Whether it would be appropriate to mandate the partial switchover option where underground facilities are used to provide electric service to the consuming facility being switched. Whether the PUC should first establish by rule standards for the setting of rates for transmission service to effectuate partial switchovers or whether the PUC should proceed directly to establish rates for such transmission service on a utility by utility basis. If the PUC should first establish rate-setting standards by rule, what should those standards be? Whether, pursuant to §25.27(f)(1), a switchover fee should apply regardless of whether the consumer requesting the full switchover has ever received service from the disconnecting utility at the consuming facility. Whether, pursuant to §25.27(f)(1)(B)(i), a consumer should be allowed to purchase idle facilities or whether the sale of idle facilities should be limited to the connecting utility because of liability concerns. Whether, pursuant to §25.27(f)(2)(E), the disconnection requirements imposed on the connecting utility for the consumer's failure to pay the disconnecting utility or remove idle facilities are necessary.

Comments on the proposed new rule (16 copies) may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 N. Congress Avenue, PO Box 13326, Austin, Texas 78711-3326, within 30 days after publication. Reply comments may be submitted within 45 days after publication. All comments should refer to Project Number 18876.

This new section is proposed under the Public Utility Regulatory Act (PURA), Texas Utilities Code Annotated §14.002 (Vernon 1998), which provides the PUC with the power to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; PURA §14.001, which provides the PUC with the general power to regulate and supervise the business of electric utilities; PURA §31.002(7), which defines transmission service to include transmission over distribution facilities; PURA §35.004, which requires that a utility provide transmission service to eligible transmission service customers; PURA §35.005, which gives the PUC the power to require a utility to provide transmission service; PURA §35.006, which requires the PUC to adopt rules relating to transmission service; PURA §36.001, which provides the PUC with the power to establish and regulate the rates of electric utilities; PURA §36.003, which requires that the PUC ensure that rates are just and reasonable; PURA §37.151, which requires that a utility must serve every consumer in the utility's certificated service area; PURA §37.152, which describes the circumstances in which service can be discontinued; PURA §38.002, which provides the PUC with the power to adopt just and reasonable standards, rules, and practices that an electric utility must follow; PURA §38.021, which prohibits an electric utility from subjecting a consumer to an unreasonable prejudice or disadvantage; and PURA §38.022, which prohibits an electric utility from engaging in a practice that tends to restrict or impair competition between the electric utility and others who are in competition with the electric utility.

Cross index to statutes: Public Utility Regulatory Act §§14.001, 14.002, 31.002(7), 35.004, 35.005, 35.006, 36.001, 36.003, 37.151, 37.152, 38.002, 38.021, and 38.022.

§25.27. Retail Electric Service Switchovers.

(a) Right to switchover. A consumer has the right to switch retail electric service to any electric or municipally owned utility that

has the right to provide service in the area in which the consumer's consuming facility is located, subject to the terms of any contract for electric service entered into pursuant to the disconnecting utility's tariff. Because a consuming facility for which a switchover is sought can obtain electric service from the disconnecting utility prior to the switchover, an electric utility shall give a switchover a lower priority than the elimination of outages and requests for service to consuming facilities that do not have service. Nevertheless, a switchover shall be performed as soon as reasonably possible, and the disconnecting and connecting utilities shall strive to take the actions required below more quickly than the deadlines listed below. In addition, the disconnecting and connecting utilities shall minimize any outages related to making a switchover. This section provides two switchover options: partial switchover or full switchover. The partial switchover option is not available until such time as the disconnecting utility has an approved tariff for transmission service at the transmission and primary and secondary distribution voltage levels. Until the disconnecting utility has such an approved transmission tariff, subsections (d) and (e) of this section do not apply.

(b) Definitions. As used in this section, the following terms have the following meanings.

(1) Idle facilities - The disconnecting utility's facilities that are used to serve only the consuming facility being switched. Idle facilities do not include facilities that were installed or are being used to serve more than one consuming facility, including: facilities that were designed with a capacity greater than necessary to serve the consuming facility being switched in order that additional consuming facilities could be served using the facilities in the future; and upgrades that were made to common facilities in order to serve the consuming facility being switched.

(2) Common facilities - The disconnecting utility's facilities that are used, installed, or designed to serve more than one consuming facility.

(c) Documentation. The notices, offers, agreements, and switchover requests provided for in this section must be in writing, unless otherwise indicated.

(d) Notice of switchover options. Upon receiving a verbal switchover request, the disconnecting utility shall at that time verbally describe the two switchover options, including stating that there is no charge for a partial switchover, stating that there will be a switchover fee for a full switchover, stating that switchover requests must be in writing, stating that written information on switchover fees will be provided within one working day, and providing a facsimile number and mailing address to send the switchover request. Within one working day of a verbal switchover request or within two working days of a written switchover request that does not specify whether a partial or full switchover is being requested, the disconnecting utility shall provide the consumer a document describing the two switchover options, including a statement that there is no charge for a partial switchover, specifying for a full switchover the base charge and base charge adder and stating that the facilities recovery charge will vary depending on the circumstances, and providing the deadlines prescribed in subsection (f)(2)(C) of this subsection for the disconnecting utility to notify the connecting utility after payment of the switchover fee that the full switchover can proceed.

(e) Partial switchover.

(1) Description. The disconnecting utility shall provide the connecting utility transmission service to the same point of delivery that the disconnecting utility provided electricity to the consuming facility prior to the switchover. Except where necessary

or where the connecting utility requests it, all of the disconnecting utility's facilities needed to serve the consuming facility prior to the switchover shall remain in place. The disconnecting utility may not charge a fee for a partial switchover, except that it may charge the connecting utility a cost-based fee where the connecting utility requests that the disconnecting utility remove facilities that were needed by the disconnecting utility to serve the consuming facility prior to the switchover.

(2) Procedure for partial switchover. The disconnecting utility shall contact the connecting utility within three working days of receiving a request for a partial switchover in order to coordinate the switchover. The switchover shall occur within eight working days of the disconnecting utility's receipt of the request, unless the consumer agrees to a longer schedule or unless good cause exists for not completing the switchover within eight working days. If the switchover will not be completed within eight working days, then the disconnecting utility must notify the consumer, with copies to the commission's Office of Customer Protection and to the connecting utility, providing the reasons why the switchover has been delayed and when the switchover will be completed. This notice must be provided as soon as possible, by facsimile transmission to the commission's Office of Customer Protection and the connecting utility, and by facsimile transmission to the consumer if a facsimile machine is available to the consumer.

(f) Full switchover. A full switchover involves the disconnecting utility disconnecting its facilities and the connecting utility installing transmission and/or distribution facilities to serve the consuming facility. If the consumer is a tenant, the consumer must obtain the agreement of the owner to switch over the consuming facility and must provide it to the disconnecting utility as an attachment to a notarized affidavit stating that the consumer has obtained the owner's agreement.

(1) Switchover fee. The switchover fee applies regardless of whether the consumer requesting the switchover has ever received service from the disconnecting utility at the consuming facility. The fee consists of a base charge and, where applicable, a base charge adder and facilities recovery charge. The disconnecting utility may not charge for general administrative expenses related to closing the consumer's account. Where the disconnecting utility is allowed to charge for the original cost of facilities, it must deduct contributions in aid of construction that apply to those facilities. Accumulated depreciation shall be calculated using the depreciation rates that were used for setting the base rates that applied during the period that the idle facilities were in service. Upon the payment of the switchover fee or purchase, or refusal of an offer to purchase, under the circumstances described in subsection (f)(1)(B)(i) of this section, any construction charges owed by the consumer for idle facilities used to provide service to the consuming facility being switched are extinguished.

(A) Base charge and base charge adder. The base charge is equal to the cost of removing any meter and drop line used to serve the consuming facility, and shall be specified in the disconnecting utility's tariff. The switchover fee shall not include the original cost less depreciation and gross salvage of the meter and drop line. It is permissible to have base charges that vary by voltage level. A base charge adder that is less than the base charge must also be specified in the tariff to cover the situation where a consumer switches more than one consuming facility on the same premises at the same time.

(B) Facilities recovery charge. The purpose of the facilities recovery charge is to recover certain costs related

to idle facilities, other than costs related to any meter and drop line. Where average original cost information is used, the average original cost information shall be determined using the information for the operating division in which the consuming facility to be switched is located, if the disconnecting utility maintains original cost information by division.

(i) Availability of facilities recovery charge. The disconnecting utility may not impose a facilities recovery charge if: the connecting utility purchases the idle facilities at a price equal to net book value and signs an agreement indemnifying the disconnecting utility from liability for the facilities after the purchase of the facilities; or if the consumer purchases the idle facilities at a price equal to net book value, signs an indemnity agreement, and, at the request of the disconnecting utility, agrees to remove the facilities within 60 days of the switchover. Where more than one consumer requests a switchover, the disconnecting utility may not impose a facilities recovery charge if the connecting utility purchases the idle facilities and the common facilities used to serve the consuming facilities being switched, but not used to serve any consuming facilities not being switched, at a price equal to a replacement cost less depreciation and signs an indemnity agreement. Replacement cost is equal to the average original cost of like facilities installed in the most recent full calendar year for which information is available. The disconnecting utility also may not impose a facilities recovery charge if it refuses an offer to purchase under the conditions described in this subsection.

(ii) Components of facilities recovery charge. The facilities recovery charge consists of a reasonable estimate of the cost of removing the idle facilities and the net book value of the facilities. In determining the net book value of the facilities, the original cost of the specific facilities should be used. If the original cost of the specific facilities is not available, the installation date of the facilities shall be determined or estimated and the average original cost of like facilities installed by the disconnecting utility in that year shall be used. If average original cost information is not available for the year in which the idle facilities were installed, then the average original cost of like facilities installed in the most recent full calendar year for which information is available shall be used and shall be deflated to the installation date of the idle facilities.

(C) Labor charges. Labor charges for removing facilities are limited to a reasonable estimate of the direct labor cost (salary, insurance, pension, payroll taxes, etc.) for the time of persons needed to remove the facilities. No allocation of general overhead labor is allowed, but any necessary supervisory or engineering labor may be included.

(D) Quantification of charges. The calculation of the base charge, base charge adder, and facilities recovery charge may involve the making of estimates. To the extent that there is a range of reasonable estimates for a particular charge, the estimate at the low end of the range should be used, so that the amount of the switchover fee will be minimized, but still be reasonable and in conformance with this section. Unless the consumer agrees otherwise, there will be no refund or surcharge if the actual cost of performing the switchover is less than or greater than the switchover fee. Instead of a utility-specific base charge and base charge adder, the commission may, through the issuance of an order, establish a single base charge and a single base charge adder to be used by all electric utilities. Likewise, the commission may, through the issuance of an order, establish fixed dollar charges for components of the facilities recovery charge.

(E) Payment of switchover fee and other charges. Before the connecting utility provides service, the disconnecting

utility has the right to receive payment of the switchover fee and any other outstanding charges. The connecting utility has the option to pay the switchover fee. If the consumer agrees, the connecting utility can receive reimbursement of the switchover fee from the consumer through a payment plan. The connecting utility may not recover the cost of the switchover fee from its other customers.

(2) Procedure for full switchover.

(A) Notice of switchover fee and procedure. Upon receiving a request for a full switchover, the disconnecting utility must provide the consumer a document that quantifies the switchover fee within 15 working days. The text of the document that the disconnecting utility provides in response must be in 12 point, non-bold type and must itemize the base charge, base charge adder, and the facilities recovery charge of the switchover fee. In addition, the document must itemize the components of the facilities recovery charge, including a description of the idle facilities, the installation dates of the idle facilities, the original cost of the idle facilities, the accumulated depreciation associated with the idle facilities, the depreciation rates used to calculate the accumulated depreciation, transportation charges for removing the idle facilities, labor rates, and labor hours for removing the idle facilities. The document must also state immediately below these itemizations, in bold, and in not less than 12 point type: "(Disconnecting utility) may not impose a facilities recovery charge under the circumstances described in Public Utility Commission of Texas Substantive Rule §25.27(f)(1)(B)(i). On request, you will be provided a copy of Rule §25.27."

(B) Sale of facilities. Where more than one consumer has requested a switchover, within 15 working days of receipt of a request by the connecting utility, the disconnecting utility must provide the connecting utility by facsimile transmission and mail a detailed, reasonable estimate of replacement cost less depreciation for the idle facilities and the common facilities used to serve the consuming facilities to be switched, but not used to serve any consuming facilities not being switched. Within five working days of receipt of an offer to purchase idle and/or common facilities under the conditions described in subsection (f)(1)(B)(i) of this section, the disconnecting utility must notify the connecting utility by facsimile transmission, with copies by mail or facsimile transmission to the consumers, whether it accepts or rejects the offer. If the disconnecting utility rejects the offer, it must also provide revised switchover fees that delete the facilities recovery charge, at the same time that it provides notice of rejection of the offer.

(C) Payment of switchover fee and outstanding balances. Until the switchover fee and all outstanding balances are paid to the disconnecting utility, neither the disconnecting utility nor the connecting utility is under any obligation to take steps to make the switchover, and the connecting utility must not provide service to the consuming facility being switched until it receives notice from the disconnecting utility that the switchover can proceed. The disconnecting utility must notify the connecting utility by facsimile transmission that the switchover can proceed within the following deadlines from the receipt of payment: two working days for payment by cash, money order, cashier's check, or, if accepted by the disconnecting utility for bill payment, credit card, and five working days for payment by personal check or other forms of payment.

(D) Deadline for full switchover. Once the disconnecting utility notifies the connecting utility by facsimile transmission that the switchover can proceed and once the connecting utility notifies the disconnecting utility by facsimile transmission that the consumer has satisfied the conditions for service from the connecting utility, the switchover must be completed within ten working

days unless the consumer agrees to a longer schedule or unless good cause exists for not completing the switchover within ten working days. If the switchover will not be completed within ten working days of when the conditions for the switchover have been met or the date that the consumer agreed to, then the disconnecting utility must notify the consumer, with copies to the commission's Office of Customer Protection and the connecting utility, providing the reasons why the switchover has been delayed and when the switchover will be completed. This notice must be provided as soon as possible, by facsimile transmission to the commission's Office of Customer Protection and the connecting utility, and by facsimile transmission to the consumer if a facsimile machine is available to the consumer.

(E) Consumer's failure to pay or remove idle facilities. The consumer might continue to incur charges for retail electric service from the disconnecting utility after the consumer pays the switchover fee and outstanding balances. The disconnecting utility has the right to payment of these charges. If the consumer has not paid the charges during the time allotted for payment through the disconnecting utility's normal billing procedures or if the consumer purchased the disconnecting utility's idle facilities and agreed to remove the facilities within 60 days but failed to do so, the disconnecting utility may notify the connecting utility of the consumer's failure and request that the consumer be disconnected, and must at the same time provide a copy of the notice to the consumer, by facsimile transmission if possible. Upon receipt of such notification and request and upon receipt from the disconnecting utility of an agreement indemnifying the connecting utility from liability for improper cause for disconnection of service, the connecting utility must disconnect the consumer's service in compliance with the procedures in §23.46 of this title (relating to Discontinuance of Service). Immediately upon verification of the consumer's correction of its failure, the disconnecting utility must notify the connecting utility by facsimile transmission that the consumer's failure has been corrected, and the connecting utility must immediately reconnect service.

(g) Complaint concerning a switchover. A consumer complaint concerning a switchover shall be handled according to §23.41(c) of this title (relating to Customer Relations), with the following modification. The commission will forward a complaint that it receives to both the disconnecting utility and the connecting utility, and both utilities must provide an initial response within 30 days after the complaint is forwarded by the commission.

(h) Compliance tariffs. The commission will by order establish deadlines for the filing of tariffs to comply with this section, including tariffs to address both the partial and full switchover options.

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

Filed with the Office of the Secretary of State, on August 13, 1998.

TRD-9812854

Rhonda Dempsey

Rules Coordinator

Public Utility Commission of Texas

Earliest possible date of adoption: September 27, 1998

For further information, please call: (512) 936-7308



Chapter 26. Substantive Rules Applicable to
Telecommunications Service Providers

Subchapter B. Customer Service and Protection

16 TAC §26.45

The Public Utility Commission of Texas (PUC or commission) proposes new §26.45, relating to Truth in Telecommunications Billing; Avoidance of Unauthorized Billing Charges ("Cramming"). The proposed new rule will prevent telecommunications utility customers from being billed ("crammed") on their telecommunications bill for products and/or services they have not authorized. Project Number 19516 has been assigned to this proceeding.

The authority for promulgation of this rule derives from the stated policy in §52.001 of the Public Utility Regulatory Act (PURA) for the PUC "to protect the public interest in having ... just, fair, and reasonable {telecommunications} rates." The proposed rule implements the commission's continuing mandate to "protect the public interest." Further, §52.002 of PURA grants the commission "exclusive original jurisdiction over the business and property of a telecommunications utility in this state subject to the limitations imposed by this title." The commission specifically requests comments on the commission's authority to revoke certificates of service provider certificate of operating authority (SPCOA) holders pursuant to subsection (h)(4) of this proposed rule.

Ms. Jo Alene Kirkel, assistant director, Office of Customer Protection, has determined that for each year of the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Kirkel has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be to prevent unfair, fraudulent, and deceptive practices in telecommunications utility billing for miscellaneous products and/or service charges. There will be no net effect on small businesses as a result of enforcing this section. There may be an anticipated economic cost to persons who are required to comply with the section as proposed.

Ms. Kirkel has also determined that for each year of the first five years the proposed section is in effect there will be no impact on employment in the geographic area affected by implementing the requirements of the section.

Comments on the proposed section (16 copies) may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 N. Congress Avenue, P. O. Box 13326, Austin, Texas 78711-3326, within 30 days after publication. Reply comments may be submitted within 45 days after publication. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed section. The commission will consider the costs and benefits in deciding whether to adopt the section. All comments should refer to Project Number 19516.

This section is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 1998) (PURA), which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

Cross Index to Statutes: Public Utility Regulatory Act §§14.002, 52.001 and 52.002.

§26.45. Truth in Telecommunications Billing; Avoidance of Unauthorized Billing Charges ("Cramming").

(a) Purpose. The provisions of this section are intended to ensure that all customers in this state are protected from any unauthorized charges on a customer's telecommunications utility bill.

(b) Application. This section applies to all "telecommunications utilities," as that term is defined in §26.5 of this title (relating to Definitions) or the Public Utility Regulatory Act.

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

(1) Billing agent - Any entity that submits charges to the billing telecommunications utility on behalf of any provider of a product or service.

(2) Billing telecommunications utility - Any telecommunications utility that issues a bill directly to a customer for any telecommunications products and/or services.

(3) Customer - Any person in whose name telephone service is billed.

(d) Authorized charges billed by a telecommunications utility. No person, corporation, telecommunications utility, or any billing agent shall submit charges for any product or service to be billed on any customer's telephone bill unless all of the following have occurred:

(1) The person, corporation, or telecommunications utility offering the product or service has thoroughly informed the customer of the product or service being offered, including all associated charges, and has explicitly informed the customer that the associated charges for the product or service will appear on the customer's telephone bill.

(2) The customer has clearly and explicitly consented to obtaining the product or service offered and to have the associated charges appear on the customer's telephone bill. Such consent must be verified by the person, corporation, or telecommunications utility offering the product or service by written authorization from the customer in a form that meets the requirements of subsection (e) of this section. A record of such consent, including verification, must be maintained by the person, corporation, or telecommunications utility offering the product or service and any billing agent for such person, corporation, or telecommunications utility for a period of at least 12 months immediately after the consent and verification have been obtained.

(3) The person, corporation, or telecommunications utility offering the product or service and any billing agent for such person, corporation, or telecommunications utility has provided the customer with a toll-free telephone number for the customer to call and an address for the customer to write to resolve any billing dispute and to answer questions.

(4) The person, corporation, or telecommunications utility, other than the billing telecommunications utility, offering the product or service and any billing agent for such person, corporation, or telecommunications utility has provided the billing telecommunications utility with its name, business address, business telephone number, and a list with accurate descriptions of the products and services for which it intends to charge on any customer's telephone bill so that any product or service being charged can clearly and easily be identified on the customer's telephone bill.

(5) The person, corporation, or telecommunications utility offering the product or service and any billing agent for such person, corporation, or telecommunications utility has obtained the billing telecommunications utility's written consent to bill for a product or service on the billing telecommunications utility's telephone bill. Record of this consent shall be maintained by:

(A) the person, corporation, or telecommunications utility offering the product or service,

(B) any billing agent for such person, corporation, or telecommunications utility, and,

(C) the billing telecommunications utility for as long as the billing for such product or service continues and for the 12 months immediately following the permanent discontinuation for such billing.

(e) Letters of Agency (LOA). A person, corporation, or telecommunications utility offering a product or service shall obtain written authorization from a customer for an order for a product or service as specified in subsection (d)(2) of this section using a letter of agency (LOA) as specified in this subsection.

(1) The LOA shall be a separate document containing only the authorizing language described in paragraph (3) of this subsection for the sole purpose of authorizing the charges for a product or service to be placed on a customer's telephone bill. The LOA must be signed and dated by the customer whose telephone bill is to be charged for the product or service and the customer must fill in the telephone number that is to be billed.

(2) The LOA shall not be combined with inducements of any kind on the same document.

(3) LOA language.

(A) The entire LOA must be produced clearly and legibly in twelve point or larger print and use only the following language:

Figure: 16 TAC §26.45(e)(3)(A)

(B) In any LOA as set out by subparagraph (A) of this paragraph, the person, corporation, or telecommunications utility offering the product or service and seeking authorization for the billing of such product or service shall replace, in bold type, the words:

(i) "(name of the billing telecommunications utility)," with the corporate name of the billing telecommunications utility;

(ii) "(name of the person, corporation, or telecommunications utility offering the product or service)," with its corporate name; and

(iii) "(a clear and explicit description of the product(s) or service(s) that will be provided to the customer)," with the type of product(s) or service(s) that it will be providing to the customer.

(4) If any portion of a LOA is translated into another language, then all portions of the LOA must be translated into that language. Every LOA must be translated into the same language as any promotional materials, oral descriptions, or instructions provided with the LOA.

(f) Unauthorized charges.

(1) Responsibilities of the billing telecommunications utility for unauthorized charges to a customer's telephone bill.

(A) If a customer's telephone bill is charged for any product or service and the charge or charges for such product or service were not made or verified consistent with this section, the telecommunications utility that billed the customer, upon its knowledge or notification of any unauthorized charge, shall promptly, but in no event later than forty-five days after such knowledge or notification of such charge:

(i) remove any unauthorized charge from the customer's bill;

(ii) refund or credit, at the customer's sole option, all money to the customer that has been paid by the customer for any unauthorized charge;

(iii) provide the customer with all billing records related to any unauthorized charge within ten business days of the removal of any unauthorized charge from the customer's telephone bill; and,

(iv) maintain a record of all customers who have experienced any unauthorized charge for a product or service on the customer's telephone bill. Such record shall contain:

(I) the name of the person, corporation, or telecommunications utility that offered the product or service;

(II) the telephone number(s) that were affected by any unauthorized charge;

(III) the date each customer requested that the billing telecommunications utility remove any unauthorized charge from the customer's telephone bill;

(IV) the date any unauthorized charge was removed from the customer's telephone bill; and,

(V) the date the customer was refunded any money that the customer paid for the unauthorized charges.

(B) The record required by subparagraph (A)(iv) of this paragraph shall be maintained for at least 12 months following the completion of all steps required by this paragraph.

(C) Except as provided in §23.45(j)(3) of this title (relating to Rendering and Form of Bills) concerning disputed bills and §23.46(k) of this title (relating to Discontinuance of Service) concerning resolution of disputes, no billing telecommunications utility shall disconnect nor terminate telecommunications service of any customer who disputes any billing charge pursuant to this section.

(2) Responsibility of the person, corporation, or telecommunications utility offering a product or service to be billed to a customer's telephone bill. The person, corporation, or telecommunications utility offering a product or service for which unauthorized charges have been placed on a customer's telephone bill shall maintain a record of all customers for which it has placed any unauthorized charge for a product or service on the customer's telephone bill. Such record shall contain:

(A) the telephone number(s) that were affected by any unauthorized charge;

(B) the date each customer requested that the billing telecommunications utility remove any unauthorized charge from the customer's telephone bill;

(C) the date any unauthorized charge was removed from the customer's telephone bill; and,

(D) the date the customer was refunded any money that the customer paid for the unauthorized charges.

(E) The record required by this paragraph shall be maintained for at least 12 months following the completion of all steps required by paragraph (1)(A)-(C) of this subsection.

(g) Notice of customer rights.

(1) Each notice provided as set out in paragraph (3) of this subsection shall also contain the name, address and toll-free telephone number(s) where a customer can contact the billing telecommunications utility.

(2) Customer notice. The notice shall state:
Figure: 16 TAC §26.45(g)(2)

(3) Distribution and timing of notice.

(A) Each billing telecommunications utility shall mail the notice as set out in paragraph (2) of this subsection to each of its residential and business customers within 30 days of the effective date of this section. In addition, each billing telecommunications utility shall send the notice to new customers at the time service is initiated, and upon customer request.

(B) Every telecommunications utility which prints its own telephone directories shall print the notice in the white pages of such directories, in ten point print or larger, beginning with the first publication of such directories subsequent to the effective date of this section; thereafter, the notice must appear in the white pages of each telephone directory published for the telecommunications utility.

(4) Any bill sent to a customer from a telecommunications utility must provide the notice and information contained in paragraph (2) of this subsection in legible, bold, ten point or larger type.

(5) Each billing telecommunications utility shall make available to its customers the notice set out in paragraph (2) of this subsection in both English and Spanish as necessary to adequately inform the customer; however, the commission may exempt a billing telecommunications utility from the requirement that the information be provided in Spanish upon application and a showing that 10% or fewer of its customers are exclusively Spanish-speaking, and that the billing telecommunications utility will notify all customers through a statement in both English and Spanish, in the notice, that the information is available in Spanish from the telecommunications utility, both by mail and at the utility's offices.

(h) Compliance and enforcement.

(1) Records of customer verifications. A billing telecommunications utility shall provide a copy of records maintained under the requirements of subsections (d) and (e) of this section to the commission staff upon request.

(2) Records of unauthorized charges. A billing telecommunications utility shall provide a copy of records maintained under the requirements of subsection (f) of this section to the commission staff upon request.

(3) Administrative penalties. If the commission finds that a billing telecommunications utility has engaged in any violation of this section, the commission shall order the utility to take corrective action as necessary, and the utility may be subject to administrative penalties pursuant to the Public Utility Regulatory Act §15.023 and §15.024. For purposes of §15.024(b) and (c), there shall be a rebuttable presumption that a single incident of an unauthorized charge on a customer's telephone bill ("cramming") is not accidental or inadvertent if subsequent incidents of cramming by the same utility occur any time after the 30-day remedy period following a first penalty notice from the commission.

(4) Certificate revocation. If the commission finds that a billing telecommunications utility is repeatedly and recklessly in violation of this section, and if consistent with the public interest, the commission may suspend, restrict, or revoke the registration or certificate of the telecommunications utility, thereby denying the telecommunications utility the right to provide service in this state. For purposes of this section, a single incident of cramming may be deemed reckless if any incident of cramming by the same telecommunications utility occurs subsequent to the 30-day remedy period following a first penalty notice from the commission.

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

Filed with the Office of the Secretary of State, on August 13, 1998.

TRD-9812933

Rhonda Dempsey

Rules Coordinator

Public Utility Commission of Texas

Earliest possible date of adoption: September 27, 1998

For further information, please call: (512) 936-7308



Part IV. Texas Department of Licensing and Regulation

Chapter 76. Water Well Drillers and Water Well Pump Installers

16 TAC §§76.1, 76.10, 76.200-76.206, 76.220, 76.300, 76.600-76.602, 76.650, 76.700-76.707, 76.800, 76.900, 76.910, and 76.1000-76.1009

The Texas Department of Licensing and Regulation proposes new rules §§76.1, 76.10, 76.200-76.206, 76.220, 76.300, 76.600-76.602, 76.650, 76.700-76.707, 76.800, 76.900, 76.910, and 76.1000-76.1009 concerning the licensing and regulation of water well drillers and water well pump installers.

The Texas Water Code, Chapters 32 and 33 (1997) and Texas Revised Civil Statutes Annotated, article 9100 (Vernon 1991) provide the department with the authority to license and regulate water well drillers and water well pump installers who operate in this state.

These rules are necessary to implement SB1955, Acts of the 75th Legislature, Regular Session 1997 and establish procedures and requirements necessary for the licensing and regulation of water well drillers and water well pump installers.

Jimmy G. Martin, Manager, Consumer Protection Section, has determined that for the first five-year period these rules are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering these new rules.

Mr. Martin has also determined that for each year of the first five years these rules are in effect the public benefit as a result of enforcing these sections will be to ensure the quality of the state's groundwater for the safety and welfare of the public. The anticipated economic effect on small businesses and persons required to comply with these sections as proposed will be \$225 for the exam and license with an annual renewal fee of \$125

for each type of license. A combination exam and license is available for \$375 with a renewal of \$175.

The cost of compliance on the average is approximately \$10 per well for the driller and \$8 for the pump installer.

In accordance with the requirements of Government Code §2001.0225, Regulatory Analysis of Major Environment Rules which applies only to a major environmental rule adopted by a state agency, the result of which is to: (1) exceed a standard set by federal law, unless the rule is specifically required by state law; (2) exceed an express requirement of state law, unless the rule is specifically required by federal law; (3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or (4) adopt a rule solely under the general powers of the agency instead of under a specific state law, the Department has determined that these proposed rules do not meet any of the four results applicable to §2001.0225, therefore a regulatory impact analysis is not required.

Comments on the proposal may be submitted to Jimmy G. Martin, Manager, Consumer Protection Section, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711. Fax. (512) 475-2872

The new rules are proposed under the Texas Water Code, Chapters 32 and 33 (1997) which authorizes the Texas Department of Licensing and Regulation to promulgate and enforce a code of rules and take all action necessary to assure compliance with the intent and purpose of the Code.

The Code and Article affected by the new rules is Texas Water Code, Chapters 32 and 33 (1997) and Texas Revised Civil Statutes Annotated, article 9100 (Vernon 1991).

§76.1. Purpose of Rules.

To provide procedural and substantive requirements for the licensing, complaint procedures, continuing education, and technical standards for well drillers and pump installers, and to ensure the quality of the State's ground water for the safety and welfare of the public under the Texas Water Code, Chapters 32 and 33.

§76.10. Definitions.

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

(1) Abandoned well - A well that has not been used for six consecutive months. A well is considered to be in use in the following cases:

(A) a non-deteriorated well which contains the casing, pump, and pump column in good condition; or

(B) a non-deteriorated well which has been capped.

(2) Annular space - The space between the casing and borehole wall.

(3) Atmospheric barrier - A section of cement placed from two feet below land surface to the land surface when using granular sodium bentonite as a casing sealant or plugging sealant in lieu of cement.

(4) Bentonite - A sodium hydrous aluminum silicate clay mineral (montmorillonite) commercially available in powdered, granular, or pellet form which is mixed with potable water and used for a variety of purposes including the stabilization of borehole walls

during drilling, the control potential or existing high fluid pressures encountered during drilling below a water table, and to provide a seal in the annular space between the well casing and borehole wall.

(5) Bentonite grout - A fluid mixture of sodium bentonite and potable water mixed at manufacturers' specifications to a slurry consistency which can be pumped through a pipe directly into the annular space between the casing and the borehole wall. Its primary function is to seal the borehole in order to prevent the subsurface migration or communication of fluids.

(6) Capped well - A well that is closed or capped with a covering capable of preventing surface pollutants from entering the well and sustaining weight of at least 400 pounds and constructed in such a way that the covering cannot be easily removed by hand.

(7) Casing - A watertight pipe which is installed in an excavated or drilled hole, temporarily or permanently, to maintain the hole sidewalls against caving, advance the borehole, and in conjunction with cementing and/or bentonite grouting, to confine the ground waters to their respective zones of origin, and to prevent surface contaminant infiltration.

(A) Plastic casing - National Sanitation Foundation (NSF-WC) or American Society of Testing Material (ASTM) F-480 minimum SDR 26 approved water well casing.

(B) Steel Casing - ASTM A-53 Grade B or better and have a minimum weight and thickness of American National Standards Institute (ANSI) schedule 10.

(C) Monitoring wells may use other materials, such as fluoropolymer (Teflon), glass-fiber-reinforced epoxy, or various stainless steel alloys.

(8) Commission- The Texas Commission of Licensing and Regulation.

(9) Cement - A neat portland or construction cement mixture of not more than seven gallons of water per 94-pound sack of dry cement.

(10) Chemigation - A process whereby pesticides, fertilizers or other chemicals, or effluent from animal wastes is added to irrigation water applied to land or crop, or both, through an irrigation distribution system.

(11) Complainant - A person who has filed a complaint with the Department against any party subject to the jurisdiction of the Department. The Department may be the complainant.

(12) Completed monitoring well - A monitoring well which allows water from a single water-producing zone to enter the well bore, but isolates the single water-producing zone from the surface and from all other water-bearing zones by proper casing and/or cementing procedures. The single water-producing zone shall not include more than one continuous water-producing unit unless a qualified geologist or a groundwater hydrologist has determined that all the units screened or sampled by the well are interconnected naturally.

(13) Completed to produce undesirable water - A completed well which is designed to extract water from a zone which contains undesirable water.

(14) Completed water well - A water well which has sealed off access of undesirable water to the well bore by proper casing and/or cementing procedures.

(15) Constituents - Elements, ions, compounds, or substances which may cause the degradation of the soil or ground water.

(16) Dry litter poultry facility - Fully enclosed poultry operation where wood shavings or similar material is used as litter.

(17) Easy access - Access is not obstructed by other equipment and the fitting can be removed and replaced with a minimum of tools without risk of breakage of the attachment parts.

(18) Edwards aquifer - That portion of an arcuate belt of porous, water bearing, predominantly carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Hays, Travis, and Williamson Counties; and composed of the Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, Edwards Formation and Georgetown Formation. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

(19) Environmental soil boring - An artificial excavation constructed to measure or monitor the quality and quantity or movement of substances, elements, chemicals, or fluids beneath the surface of the ground. The term shall not include any well which is used in conjunction with the production of oil, gas, or any other minerals.

(20) Flapper - The clapper, closing, or checking device within the body of the check valve.

(21) Foreign substance - Elements, ions, compounds, or substances which may cause the degradation of ground water. Includes recirculated tailwater and open-ditch water when a pump discharge pipe is submerged in the ditch.

(22) Freshwater - Water whose bacteriological, physical, and chemical properties are such that it is suitable and feasible for beneficial use.

(23) Granular sodium bentonite - Sized, coarse ground, untreated, sodium based bentonite (montmorillonite) which has the specific characteristic of swelling in freshwater.

(24) Groundwater conservation district - Any district or authority created under Article III, Section 52, or Article XVI, Section 59 of the Texas Constitution or under the provisions of Chapters 35 and 36 of the Texas Water Code that has the authority to regulate the spacing or production of water wells.

(25) Installer - An individual who installs or repairs water well pumps and equipment for hire or compensation.

(26) Irrigation distribution system - A device or combination of devices having a hose, pipe, or other conduit which connects directly to any water well or reservoir connected to the well, through which water or a mixture of water and chemicals is drawn and applied to land. The term does not include any hand held hose sprayer or other similar device which is constructed so that an interruption in water flow automatically prevents any backflow to the water source.

(27) Monitoring well - An artificial excavation constructed to measure or monitor the quality and/or quantity or movement of substances, elements, chemicals, or fluids beneath the surface of the ground. Included within this definition are environmental soil borings, piezometer wells, observation wells, and recovery wells. The term shall not include any well which is used in conjunction with the production of oil, gas, coal, lignite, or other minerals.

(28) Mud - A relatively homogenous; viscous fluid produced by the suspension of clay-size particles in water.

(29) Piezometer - A device so constructed and sealed as to measure hydraulic head at a point in the subsurface.

(30) Piezometer well - A well of a temporary nature constructed to monitor well standards for the purpose of measuring water levels or used for the installation of piezometer resulting in the determination of locations and depths of permanent monitor wells.

(31) Plugging - An absolute sealing of the well bore.

(32) Pollution - The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water that renders the water harmful, detrimental, or injurious to humans, animals, vegetation, or property, or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any or reasonable purpose.

(33) Public water system - A system supplying water to a number of connections or individuals, as defined by current rules and regulations of the Texas Natural Resource Conservation Commission 30 TAC Chapter 290.

(34) Recharge zone - Generally, that area where the stratigraphic units constituting the Edward Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such in official maps in the appropriate regional office of the Texas National Resource Conservation Commission.

(35) Recovery well - A well constructed for the purpose of recovering undesirable groundwater for treatment or removal of contamination.

(36) Sanitary well seal - A water tight device to maintain a junction between the casing and the pump column.

(37) Undesirable water - Water that is injurious to human health and the environment or water that can cause pollution to land or other waters.

(38) Water or waters in the state - Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, 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 watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

(39) Well - A water well, injection well, dewatering well, monitoring well, piezometer well, observation well, or recovery well.

(40) State well report (Well Log) - A log recorded on forms prescribed by the Department, at the time of drilling showing the depth, thickness, character of the different strata penetrated, location of water-bearing strata, depth, size, and character of casing installed, together with any other data or information required by the Executive Director.

§76.200. Licensing Requirements-General.

It shall be unlawful for any person to act as, or to offer to perform services as a driller or pump installer without first obtaining a license pursuant to the Texas Water Code Chapters 32 and 33 and this chapter.

§76.201. Requirements for Issuance of a License.

(a) An application, accompanied by the required examination fee, must be submitted by each person desiring to obtain a water well driller's or pump installer's license.

(b) Within 90 days after approval, each applicant must pass an examination.

(c) Upon passing the examination, an applicant must submit the required license fee to the Department.

(d) A licensee, not licensed to perform all types of well drilling and pump installation, may apply for designation for additional types of well drilling or pump installation. Applications for additional designations shall be accompanied by the appropriate application fee and shall contain all information required by these rules for an initial license. Upon examination of the applicant's qualifications, the Executive Director, with advice of the Council, shall deny or grant additional grades of licensure.

(1) An applicant who has demonstrated competency in water well drilling shall be deemed qualified for licensing for Dewatering, Injection, and Monitoring drilling which are regulated under these rules.

(2) An applicant who has demonstrated competency in all types of pump installation shall be deemed qualified for a master pump installer's license.

§76.202. Applications for Licenses and Renewals.

(a) Application shall be made on forms provided by the Department.

(b) Application shall include:

(1) a sworn letter of reference from a licensed water well driller or pump installer, as applicable, who has at least two years licensed experience in water well drilling/pump installing;

(2) letters of reference from two water well drilling or pump installer customers, as applicable, who are not related within the second degree of consanguinity to the applicant (i.e., may not be the applicant's spouse, or related to the applicant or applicant's spouse, as a child, grandchild, parent, sister, brother, or grandparent);

(3) the applicant's sworn statement that he has drilled water wells or installed pumps under the supervision of a driller or pump installer licensed under the Texas Water Code, Chapters 32 and 33 for two years or that he has other comparable water well drilling or pump installing experience; and

(4) the applicant's sworn statement that he has read and will adhere to the requirements of the Texas Water Code, Chapters 32 and 33 and this chapter.

(c) The application must be received by the Department at least 28 days before a Council meeting in order to be scheduled for consideration at the next meeting.

(1) The Department will send written notice to the applicant informing the applicant that the application is administratively complete and accepted for filing, or that the application is deficient in specific areas and the applicant has 30 days to submit additional information to correct the deficiency or deficiencies.

(2) If the required information is not forthcoming from the applicant within 30 days of the date of mailing of the deficiency notice, the Department shall return the incomplete application to the applicant.

(3) If the applicant disagrees that the application is deficient, the applicant may file a motion for reconsideration of the Department's action.

(d) A license issued by the Department will expire annually from the date of issuance.

(e) Intentionally misstating or misrepresenting a fact on an application, renewal application, state well report, plugging report, or with any other information or evidence furnished to the Department in connection with official Departmental matters shall be grounds for assessing penalties and/or sanctions.

§76.203. Examinations.

(a) Examinations shall be designed to determine if the applicant possesses the requisite knowledge of pump installation techniques, well drilling, completion, and plugging methods and techniques, and of groundwater formations to ensure that the licensee will not present a serious risk of pollution of a groundwater source.

(b) Examinations shall be offered on a regular basis at a time and place designated by the Executive Director.

(c) Additional examinations shall be offered if more than ten applicants petition the Executive Director in writing.

(d) An applicant may only take the examination twice within any 12-month period.

(e) Each time an applicant applies to retake the Department's examination, an applicant must submit the examination fee.

§76.204. License Renewal.

(a) On or before the expiration date of the license, the licensee shall pay an annual renewal fee to the Department and submit an application for renewal.

(b) To renew a license, the licensee is required to show proof of four hours of continuing education.

(c) If a person's license is expired 90 days or less, the person may renew the license by paying the Department the required renewal fee and a late fee equal to one-half the examination fee.

(d) If a person's license is expired for more than 90 days but less than two years, the person may renew the license by paying all renewal fees and a late fee that is equal to the examination fee.

(e) If a person's license has been expired for two years or more, the person may not renew the license, but may apply for a new license.

§76.205. Registration for Driller or Pump Installer Apprenticeship.

(a) A person who wishes to undertake an apprentice program under the supervision of a licensed driller or a licensed pump installer who has been licensed for a minimum of two years, must submit a registration form to the department and provide proof that the licensed driller or pump installer has agreed to accept the responsibility of supervising the training. A driller or pump installer may not supervise more than three apprentices at any one time.

(b) The Department, with advice of the Council, shall review driller and pump installer apprentice registration forms.

(c) Registration forms shall include:

(1) the name, business address, and permanent mailing address of the apprentice in training;

(2) the name, business address, and license number of the licensed driller or pump installer who will supervise the training;

(3) a brief description of the training program;

(4) the effective commencement and termination date of the training program;

(5) a statement by the licensed driller or pump installer accepting financial responsibility for the activities of the apprentice

associated with the training program or undertaken on behalf of the licensed driller or pump installer; and

(6) the signatures of the apprentice and the licensed driller or pump installer and the sworn statement of both that the information provided is true and correct.

(d) If the application conforms to the rules and the apprentice program meets Department requirements, the Department will notify the apprentice and the supervising driller or pump installer that the apprentice has been accepted as a registered driller or pump installer apprentice and that the registration form shall remain in the Department's files for the stated duration of the apprentice period.

(e) If the application and apprentice program do not conform to the rules and the registration is not approved, the apprentice and the licensed pump installer shall be notified by the Department.

§76.206. Responsibilities of the Apprentice.

(a) A registered driller apprentice shall:

(1) represent his supervising driller during operations at the well site;

(2) co-sign state well reports with the supervising driller; and

(3) perform services associated with drilling, deepening, or altering a water well under the direct supervision of the supervising driller.

(b) A registered driller apprentice may not perform, or offer to perform, any services associated with drilling, deepening, or altering a water well except under the direct supervision of a licensed driller and/or according to the supervising driller's express directions. A driller apprentice's registration may be revoked for engaging in prohibited activities.

(c) Upon completion of a training program of at least one year, an apprentice may apply to obtain a water well driller's or pump installer's license or renew the status as an apprentice. The supervising driller, pump installer, or apprentice may terminate the training program by written notice to the Department. A reason for termination is not required. Upon receipt of the notice, the Department shall terminate the apprentice's status as a registered apprentice.

(d) The licensed driller or licensed pump installer shall be present at the well site at all times during all operations or may be represented by an apprentice capable of immediate communication with the licensed driller or pump installer at all times, provided that the licensed driller is less than one hour from the well site and visits the well site at least once each day of operation to direct the manner in which the operations are conducted.

(e) The supervising licensed driller or licensed pump installer is responsible for compliance with the Texas Water Code, Chapters 32 and 33 (relating to Water Well Drillers and Water Well Pump Installers) and this chapter.

§76.220. Continuing Education.

(a) Competence in the performance of services by a licensee requires that the licensee's knowledge and skill encompass the current knowledge of drilling, completion, pump installation, and plugging techniques, and of the occurrence and availability of groundwater, to the extent that the performance of services by the driller or pump installer will not create a risk of polluting waters. Therefore, licensees must maintain proficiency in the field of water well drilling and pump installation.

(b) A licensed driller or licensed pump installer is required to have four hours of continuing education annually by a provider that is approved by the Department. This section is effective beginning with the 1999 renewal period.

§76.300. Exemptions.

The following are not required to obtain a license under Chapters 32 and 33 of the Texas Water Code:

(1) any person who drills, bores, cores, or constructs a water well on his property for his own use.

(2) any person who assists in the construction of a water well under the direct supervision of a licensed water well driller and is not primarily responsible for the drilling operation;

(3) pursuant to 30 TAC, Chapter 334, Subchapter I: Underground Storage Tank Contractor Registration and Installer Licensing, any person who possesses a Class A or Class B Underground Storage Tank (UST) Installers' license who drills observation wells within the backfill of the original excavation for UST's, including associated piping and pipe trenches (tank plumbing and piping), to a depth of no more than two feet below the tank bottom. However, if the total depth exceeds 20 feet below ground surface, a licensed driller is required to drill the well;

(4) any person who drills environmental hand auger soil borings no more than 10 feet in depth;

(5) any person who installs or repairs water well pumps and equipment on his own property, or on property that he has leased or rented, for his own use;

(6) any person who assists in the procedure of pump installation under the direct supervision of a licensed installer and who is not primarily responsible for the installation;

(7) any person who is a ranch or farm employee whose general duties include installing or repairing a water well pump or equipment on his employer's property for his employer's use, but who is not employed or in the business of installation or repair of water pumps or equipment; or,

(8) any registered water well driller apprentice or pump installer apprentice.

(9) Pump manufacturers and sellers of new and used pumps and/or pump equipment including pump distributors and pump dealers who do not install pumps and/or pump equipment.

§76.600. Responsibilities of the Department - Certification by the Executive Director.

(a) The Department, with advice of the Council, shall review and pass upon each applicant's qualifications.

(b) In assessing an applicant's qualifications, the Department and the Council shall examine the letters of reference submitted, the applicant's experience and competence in water well drilling or pump installing and related fields, and any other relevant information which may be presented including, but not limited to, compliance history.

(c) An applicant, at the discretion of the Department, may not be certified for up to one-year following the revocation of the applicant's license or a finding that the applicant operated without a license.

(d) After assessing the qualifications of an applicant, the Department, with advice of the Council, shall determine the type(s) of well drilling or pump installation, the applicant is competent to perform. Types of drilling include water well, monitoring well, injection well, and dewatering well. Types of pump installation

include: windmills, hand pumps, and pump jacks; fractional to five horsepower; submersible five horsepower and over; and line-shaft turbine pumps.

(e) The Executive Director may waive any applicant requirements stated herein.

§76.601. Responsibilities of the Department - General.

The Department may initiate field inspection and investigation of well drilling, capping, plugging, or completion operations.

§76.602. Responsibilities of the Department - Undesirable water.

(a) The Department shall determine whether undesirable water or constituents have been encountered. If undesirable water or constituents are encountered, the Department shall determine whether the person having the well drilled, deepened, or altered intends to have the well plugged or completed within 30 days;

(b) Where a person having a well drilled, deepened, or altered does not intend to have the well plugged or completed as required by this chapter, or where he or she does not have the well plugged or completed within the prescribed time period, the Department shall direct that the person having the well drilled, deepened, or altered appear at a hearing and show cause why the well should not be plugged or completed.

§76.650. Advisory Council.

(a) Officers of the Council shall be elected at the first meeting of each fiscal year.

(b) All notices of regular or special meetings of the Council shall be directed to the official residence of the members of the Council as they are recorded on the official records of the Council and Department.

(1) The chairman shall preside at all Council meetings and shall not vote except to break a tie vote.

(2) In the absence of the chairman or vice chairman of the Council, the members present shall choose one member to act as chairman.

(3) The permanent or temporary chairman may appoint any member of the Council present to act for any other officer of the Council who is not present.

(c) The Executive Director appoints Council members.

§76.700. Responsibilities of the Licensee - State Well Reports.

Every well driller who drills, deepens, or alters a well, within this state shall cause to be made and kept, a legible and accurate State Well Report on forms supplied by the Department. Each copy of a State Well Report, other than a Department copy, shall include the name, mailing address, and telephone number of the Department.

(1) Every well driller shall deliver or transmit by certified mail the original of the State Well Report to the Department and a copy to the owner or person for whom the well was drilled, within 60 days from the completion or cessation of drilling, deepening, or otherwise altering a well.

(2) The person that plugs a well described in §76.702(a), (b), or (d) of this title (relating to Responsibilities of the Licensee and Landowner - Well Drilling, Completion, Capping and Plugging) shall, within 30 days after completion or plugging is complete, submit a State Well Report or Plugging Report to the Department on forms supplied by the Department and mail a copy of the report to the local groundwater conservation district if applicable.

§76.701. Responsibilities of the Licensee - Reporting Undesirable Water or Constituents.

Each well driller shall inform, within 24 hours, the landowner or person having a well drilled, deepened, or otherwise altered or their agent when undesirable water or constituents have been encountered. The well driller shall submit, within 30 days of encountering undesirable water or constituents to the Department, the local groundwater conservation district if required by the local authority, and the landowner or person having the well drilled, deepened, or altered, on forms supplied by the Department, a statement signed by the well driller indicating that the landowner or person having the well drilled, deepened, or altered, has been informed that undesirable water or constituents have been encountered.

§76.702. Responsibilities of the Licensee and Landowner - Well Drilling, Completion, Capping and Plugging.

(a) All well drillers and persons having a well drilled, deepened, or altered shall adhere to the provisions of this chapter prescribing the location of wells and proper drilling, completion, capping, and plugging.

(1) Where a landowner, or person having the well drilled, deepened, or altered, denies a licensed well driller access to the well to complete the well to established standards and thereby precludes the driller from performing his or her duties under the Texas Water Code, Chapters 32 and 33 and this chapter, the well driller shall file with the Department a statement to that effect within five days of the denial. The landowner or person authorizing the well work must complete the well to established standards within ten days of notification by the Department.

(2) It is the responsibility of the landowner or person having the well drilled, deepened, or otherwise altered, to cap or have capped, under standards set forth in §76.1004 of this title (relating to Technical Requirements - Standards for Capping and Plugging of Wells and Plugging Wells that Penetrate Undesirable Water or Constituent Zones), any well which is open at the surface.

(3) It is the responsibility of the landowner or person having the well drilled, deepened, or otherwise altered to plug or have plugged a well which is abandoned under standards set forth in §76.1004 of this title.

(b) It shall be the responsibility of each licensed well driller to inform a landowner or person having a well drilled, deepened, or altered that the well must be plugged by the landowner, a licensed driller, or a licensed pump installer if it is abandoned.

(c) It is the responsibility of the licensed well driller to see that any well which encounters undesirable water or constituents is plugged or is converted into a monitoring well and under the standards set forth in §76.1004 of this title. For class V injection wells which encounter undesirable water or constituents, the driller must comply with applicable requirements of the Texas Natural Resource Conservation Commission rules under 30 TAC, Chapter 331.

(d) It shall be the responsibility of the driller of a newly drilled well or the pump installer responsibility of a newly drilled well to place a cover over the boring or casing of any well that is to be left unattended with the pump removed.

(e) A licensed well driller is responsible for assuring that a well which encounters undesirable water or constituents is plugged or completed forthwith pursuant to the following:

(1) Where a person or landowner having the well drilled, deepened, or altered denies a licensed driller access to a well which requires plugging or completion or otherwise precludes the driller from plugging or completing a well which has encountered undesirable water or constituents, the driller shall immediately file

a signed statement to that effect with the Department and provide a copy of the statement to the local groundwater conservation district. The statement shall indicate that:

(A) The driller, or person under his or her supervision, encountered undesirable water or constituents while drilling the well;

(B) The driller has informed the person having the well drilled, deepened, or otherwise altered that undesirable water or constituents were encountered and that the well must be plugged or completed pursuant to the Texas Water Code §32.017;

(C) The person or landowner having the well drilled, deepened, or altered has denied the driller access to the well;

(D) The reason, if known, for which access has been denied and,

(E) if known, whether the person having the well drilled, deepened, or otherwise altered intends to have the well plugged or completed.

(2) For class V wells which encounter undesirable water or constituents, the driller must comply with applicable requirements of the Texas Natural Resource Conservation Commission rules under 30 TAC, Chapter 33.

(f) Each licensed well driller shall ensure that all wells are plugged, repaired, or properly completed pursuant to this chapter and Texas Water Code §32.017 (Plugging of Water Wells) each pump installer shall install or repair pumps pursuant to this title and Texas Water Code §33.014 (Completion, Repair, and Plugging of Water Wells).

(g) A licensed driller or licensed pump installer shall notify the Department, the local underground water conservation district if required by the local authority, and the landowner or person having a well drilled or pump installed when he encounters water injurious to vegetation, land, or other water, and inform the landowner that the well must be plugged, repaired, or properly completed in order to avoid injury or pollution.

(h) A licensed driller or licensed pump installer who knows of an abandoned or deteriorated well, as defined by Texas Water Code §32.017 (Plugging of Water Wells) and §33.014 (relating to Completion, Repair, and Plugging of Water Wells), and §76.1005(a) of this title (relating to Technical Requirements- Standards for Water Wells drilled before June 1, 1983) shall notify the landowner or person possessing the well that the well must be plugged or capped in order to avoid injury or pollution.

§76.703. Responsibilities of the Licensee - Standards of Completion for Public Water System Wells.

A licensed water well driller shall complete a well supplying a public water system in accordance with plans approved by the Texas Natural Resource Conservation Commission under 30 TAC, Chapter 290 (Water Hygiene).

(1) The licensed water well driller shall to the best of his or her abilities, ascertain whether a well which is to be drilled, deepened, or altered is intended for use as part of a public water system and shall comply with all applicable rules and regulations of the Texas National Resource Conservation Commission under 30 TAC, Chapter 290 and any other local or regional regulations.

(2) The licensed water well driller shall inform the Department of the well's intended use, by submitting a State Well Report.

(3) The person or landowner having the well drilled, deepened, or altered is responsible for ensuring that a well intended for use as a part of a public water system meets the current rules and regulations of the Texas National Resource Conservation Commission under 30 TAC, Chapter 290 and any other local or regional regulations.

§76.704. Responsibilities of the Licensee -Marking Vehicles and Equipment.

Licensee shall mark their water well rigs and pump installer vehicles used by them or their employees in the water well drilling or pump installer business with legible and plainly visible identification numbers.

(1) The identification number to be used on rigs and vehicles shall be the licensee's license number.

(2) License numbers shall be printed, upon each side of every water well rig or pump installer vehicle, not less than two inches high and in a color sufficiently different from the color of the vehicle or equipment so that the license number shall be plainly visual.

(3) A licensee shall have 30 days from the date a license is issued to see that all water well rigs or pump installer vehicles used by him or his employees are marked as provided in paragraphs (1) and (2) of this section.

§76.705. Responsibilities of the Licensee - Representations.

(a) No licensee shall offer to perform services unless such services can be competently performed.

(b) A licensee shall accurately and truthfully represent to a prospective client his qualifications and the capabilities of his equipment to perform the services to be rendered.

(c) A licensee shall neither perform nor offer to perform services for which he is not qualified by experience or knowledge in any of the technical fields involved.

(d) A licensee shall not enter into a partnership or any agreement with a person, not legally qualified to perform the services to be rendered, or who has control over the licensee's equipment and/or independent judgment as related to construction, alteration, or plugging of a water well or installation of pumps or equipment in a water well.

(e) A licensee shall not make false, misleading, or deceptive representations.

(f) A licensee shall make known to prospective clients, all adverse, or suspicions of adverse conditions concerning the quantity or quality of groundwater in the area. If there is any uncertainty regarding the quality of water in any water well, the licensee shall recommend that the client have the suspected water analyzed.

§76.706. Responsibilities of the Licensee - Unauthorized Practice.

(a) A licensee shall inform the Department of any unauthorized well drilling or pump installation practice of which the licensee has personal knowledge.

(b) A licensee shall not aid or abet an unlicensed person to unlawfully drill or offer to drill water wells or install pump equipment.

(c) A licensee shall, upon request of the Department, furnish any information the licensee possesses concerning any alleged violation of the Texas Water Code, Chapters 32 and 33 (Water Well Drillers or Water Well Pump Installers) or this title.

(d) A licensee shall have the following information on all proposals and invoices given to consumers: Regulated by The Texas

Department of Licensing and Regulation, P.O. Box 12157, Austin Texas 78711, 1-800-803-9202, 512-463-7880.

§76.707. Responsibilities of the Licensee - Adherence to Statutes and Codes.

A licensee shall comply with Texas Revised Civil Statutes Annotated, article 9100 (Vernon 1991), Chapter 60; the Texas Water Code, Chapters 32 and 33; and §76.1000 of this title (relating to Technical Requirements - Locations and Standards of Completion for Wells) in connection with all water well drilling or pump installation services rendered.

§76.800. Fees.

(a) Exam Fees.

(1) Driller and Installer application exam fees are \$125 per exam.

(2) Re-exam fee is \$100 for each exam.

(b) License Fees.

(1) Driller's license is \$125.

(2) Installer's license is \$125.

(3) A combination Driller and Installer license is \$175.

(4) Apprentice registration is \$50.

(c) License Renewal Fees.

(1) Driller's renewal license is \$125.

(2) Installer's renewal license is \$125.

(3) A combination Driller and Installer license is \$175.

(4) Apprentice renewal registration is \$50.

(d) Lost, revised, or duplicate license \$25.

(e) Late Fees.

(1) Up to 90 days after expiration is \$50.

(2) After 90 days \$100.

(f) Variance request fee is \$100.

§76.900. Disciplinary Actions.

(a) The Executive Director may assess an administrative penalty, reprimand a licensee, suspend or revoke a license, and the Texas Commission of Licensing and Regulation may assess administrative penalties or take any appropriate action described in 16 TAC, Chapter 60 (Vernon 1994), Texas Revised Civil Statutes Annotated, article 9100 (Vernon 1991), or the Texas Water Code, Chapters 32 and 33 (Vernon 1997) (relating to Water Well Drillers and Pump Installers) for violations of the statutes or this chapter.

(b) If a person violates the Texas Water Code, Chapters 32 and 33 (Vernon 1997), or a rule or order, of the Executive Director or Commission relating to the Code, proceedings may be instituted to impose administrative sanctions and/or recommend administrative penalties in accordance with the Code or Texas Revised Civil Statutes Annotated, article 9100 (Vernon 1991) and 16 TAC, Chapter 60 (Vernon 1994) of this title (relating to the Texas Department of Licensing and Regulation).

§76.910. Disciplinary Actions - Disposition of Application.

The Department shall mail notice to each applicant as to the disposition of their application within 10 days of the final decision. An applicant who disagrees with the Department's final decision may request a hearing.

§76.1000. Technical Requirements - Locations and Standards of Completion for Wells.

(a) Wells shall be completed in accordance with the following specifications and in compliance with the local groundwater conservation district or incorporated city ordinances:

(1) The annular space to a minimum of ten feet shall be three inches larger in diameter than the casing and filled from ground level to a depth of not less than ten feet below the land surface or well head with cement slurry or eight feet solid column of granular sodium bentonite topped with a two foot cement atmospheric barrier, except in the case of monitoring, dewatering, piezometer, and recovery wells when the water to be monitored, recovered, or dewatered is located at a more shallow depth. In that situation, the cement slurry or bentonite column shall only extend down to the level immediately above the monitoring, recovery, or dewatering level. Unless the well is drilled within the Edwards Aquifer, the distances given for separation of wells from sources of potential contamination in subsection (b)(2) of this section may be decreased to a minimum of 50 feet provided the well is cemented with positive displacement technique to a minimum of 100 feet to surface or the well is tremie pressured filled to the depth of 100 feet to the surface provided the annular space is three inches larger than the casing. Except in cases of wells which are subject to completion standards of the Texas Natural Resource Conservation Commission under 30 TAC, Chapter 331 for class V injection wells.

(2) A well is cemented with positive displacement technique to a minimum of 100 feet to surface or the well is tremie pressured filled to the depth of 100 feet to the surface provided the annular space is three inches larger than the casing may encroach up to five feet of the property line.

(b) Water wells located within public water supply system sanitary easements must be constructed to public well standards 30 TAC, Chapter 290.

(1) A well shall be located a minimum horizontal distance of 50 feet from any water-tight sewage and liquid-waste collection facility, except in the case of monitoring, dewatering, piezometer, and recovery wells which may be located where necessity dictates.

(2) Except as noted in subsection (a)(1) of this section, a well shall be located a minimum horizontal distance of 150 feet from any concentrated sources of potential contamination such as, but not limited to, existing or proposed livestock or poultry yards, cemeteries, pesticide mixing/loading facilities, and privies, except in the case of monitoring, dewatering, piezometer, and recovery wells which may be located where necessity dictates. A well shall be located a minimum horizontal distance of 100 ft. from an existing or proposed septic system absorption field, septic systems spray area, a dry litter poultry facility and 50 feet from any property line provided the well is located at the minimum horizontal distance from the sources of potential contamination.

(3) A well shall be located at a site not generally subject to flooding; provided, however, that if a well must be placed in a flood prone area, it shall be completed with a watertight sanitary well seal, so as to maintain a junction between the casing & pump column, and a steel sleeve extending a minimum of 36 inches above ground level and 24 inches below the ground surface.

(4) The following are exceptions to the property line distance requirement where:

(A) groundwater district rules are in place regulating the spacing of wells;

(B) platted or deed restriction subdivision spacing of wells and on-site sewage systems are part of planning; and

(C) public wastewater treatment is provided and utilized by the landowner.

(c) In all wells where plastic casing is used, except when a steel or polyvinyl chloride (PVC) sleeve or pitless adapter, as described in paragraph (3) of this subsection, is used, a concrete slab or sealing block shall be placed above the cement slurry around the well at the ground surface.

(1) The slab or block shall extend at least two feet from the well in all directions and have a minimum thickness of four inches and should be separated from the well casing by a plastic or mastic coating or sleeve to prevent bonding of the slab to the casing.

(2) The surface of the slab shall be sloped to drain away from the well.

(3) The top of the casing shall extend a minimum of 12 inches above the land surface except in the case of monitoring wells when it is impractical or unreasonable to extend the casing above the ground. Monitoring wells shall be placed in a waterproof vault the rim of which extends two inches above the ground surface and a sloping cement slurry shall be placed 18 inches around and two feet below the base of the vault between the casing and the wall of the borehole so as to prevent surface pollutants from entering the monitoring well. The well casing shall have a locking cap that will prevent pollutants from entering the well. The annular space of the monitoring well shall be sealed with an impervious bentonite or similar material from the top of the interval to be tested to the cement slurry below the vault of the monitoring well.

(4) The well casing of a temporary monitoring well shall have a locking cap and the annular space shall be sealed 0 to 1 foot below ground level with an impervious bentonite or similar material; after 48 hours, the well must be completed or plugged in accordance with this section and §76.1004 of this title (relating to Technical Requirements - Standards for Capping and Plugging of Wells and Plugging Wells that Penetrate Undesirable Water or Constituent Zones).

(5) The annular space of a closed loop injection well used to circulate water or other fluids shall be backfilled to the total depth with impervious bentonite or similar material, closed loop injection well where there is no water or only one zone of water is encountered you may use sand, gravel or drill cuttings to back fill up to 30 feet from the surface. The top 30 feet shall be filled with impervious bentonite or similar materials and meets the standards pursuant to Texas Natural Resource Conservation Commission 30 TAC, Chapter 331.

(d) In wells where a steel or PVC sleeve is used:

(1) The steel sleeve shall be a minimum of 3/16 inches in thickness and/or the plastic sleeve shall be a minimum of Schedule 80 sun resistant and 24 inches in length, and shall extend 12 inches into the cement, except when steel casing or a pitless adapter as described in paragraph (2) of this subsection is used. The casing shall extend a minimum of 12 inches above the land surface, and the steel/plastic sleeve shall be two inches larger in diameter than the plastic casing being used; or

(2) A slab or block as described in subsection (c)(1) and (2) of this section is required above the cement slurry except when a pitless adapter is used. Pitless adapters may be used in such wells provided that:

(A) the adapter is welded to the casing or fitted with another suitably effective seal;

(B) the annular space between the borehole and the casing is filled with cement to a depth not less than 20 feet below the adapter connection; and

(C) in lieu of cement, the annular space may be filled with a solid column of granular sodium bentonite to a depth of not less than 20 feet below the adapter connection.

(e) All wells, especially those that are gravel packed, shall be completed so that aquifers or zones containing waters that differ in chemical quality are not allowed to commingle through the borehole-casing annulus or the gravel pack and cause quality degradation of any aquifer or zone.

(f) The well casing shall be capped or completed in a manner that will prevent pollutants from entering the well.

(g) Each licensed well driller drilling, deepening, or altering a well shall keep any drilling fluids, tailings, cuttings, or spoils contained in such a manner so as to prevent spillage onto adjacent property not under the jurisdiction or control of the well owner without the adjacent property owners written consent.

(h) Each licensed well driller drilling, deepening, or altering a well shall prevent the spillage of any drilling fluids, tailings, cuttings, or spoils into any body of surface water.

(i) Unless waived by written request from the landowner, a new, repaired, or reconditioned well or pump installation or repair on a well used to supply water for human consumption shall be properly disinfected. The well shall be properly disinfected with chlorine or other appropriate disinfecting agent under the circumstances. A disinfecting solution with a minimum concentration of 50 milligrams per liter (mg/l) (same as parts per million), shall be placed in the well as required by the American Water Works Association (AWWA), pursuant to ANST/AWWA C654-87 and the United States Environmental Protection Agency (EPA).

(j) Unless waived in writing by the landowner, after performing an installation or repair, the licensed installer shall disinfect the well by:

(1) treating the water in the well casing to provide an average disinfectant residual to the entire volume of water in the well casing of 50 mg/l. This may be accomplished by the addition of calcium hypochlorite tablets or sodium hypochlorite solution in the prescribed amounts;

(2) circulating, to the extent possible, the disinfected water in the well casing and pump column; and

(3) pumping the well to remove disinfected water for a minimum of 15 minutes.

(4) If calcium hypochlorite (granules or tablets) is used, it is suggested that the installer dribble the tablets of approximately five-gram (g) size down the casing vent and wait at least 30 minutes for the tablets to fall through the water and dissolve. If sodium hypochlorite (liquid solution) is used, care should be taken that the solution reaches all parts of the well. It is suggested that a tube be used to pipe the solution through the well-casing vent so that it reaches the bottom of the well. The tube may then be withdrawn as the sodium hypochlorite solution is pumped through the tube. After the disinfectant has been applied, the installer should surge the well at least three times to improve the mixing and to induce contact of disinfected water with the adjacent aquifer. The installer should then allow the disinfected water to rest in the casing for at least twelve

hours, but for not more than twenty-four hours. Where possible, the installer should pump the well for a minimum of 15 minutes after completing the disinfection procedures set forth above until a zero disinfectant residual is obtained. In wells where bacteriological contamination is suspected, the installer should inform the well or property owner that bacteriological testing may be necessary or desirable.

§76.1001. Technical Requirements - Standards of Completion for Water Wells Encountering Undesirable Water or Constituents.

If a water well driller knowingly encounters undesirable water or constituents and the well is not plugged or made into a completed monitoring well, the licensed well driller shall see that the well drilled, deepened, or altered is forthwith completed in accordance with the following:

(1) When undesirable water or constituents are encountered in a water well, the undesirable water or constituents shall be sealed off and confined to the zone(s) of origin.

(2) When undesirable water or constituents are encountered in a zone overlying fresh water, the driller shall case the water well from an adequate depth below the undesirable water or constituent zone to the land surface to ensure the protection of water quality.

(3) The annular space between the casing and the wall of the borehole shall be pressured cemented an adequate depth below the undesirable water or constituent zone to the land surface to ensure the protection of groundwater.

(4) When undesirable water or constituents are encountered in a zone underlying a fresh water zone, the part of the wellbore opposite the undesirable water or constituent zone shall be filled with pressured cement to a height that will prevent the entrance of the undesirable water or constituents into the water well.

(5) For class V injection wells which encounter undesirable water or constituents, the driller must comply with applicable requirements of the Texas Natural Resource Conservation Commission under 30 TAC, Chapter 331.

§76.1002. Technical Requirements - Standards for Wells Producing Undesirable Water or Constituents.

(a) Wells completed to produce undesirable water or constituents shall be cased to prevent the mixing of water or constituent zones.

(b) The annular space between the casing and the wall of the borehole shall be pressured cemented to the land surface.

(c) Wells producing undesirable water or constituents shall be completed in such a manner that will not allow undesirable fluids to flow onto the land surface except when the Department's authorization is obtained by the landowner or the person(s) having the well drilled.

§76.1003. Technical Requirements - Re-completions.

The landowner shall have the continuing responsibility of insuring that a well does not allow the commingling of undesirable water or constituents with fresh water through the wellbore to other porous strata.

(1) If a well is allowing the commingling of undesirable water or constituents and fresh water or the unwanted loss of water, and the casing in the well cannot be removed and the well re-completed in accordance with the applicable rules, the casing in the well shall be perforated and squeeze cemented in a manner that will prevent the commingling or loss of water. If such a well has no

casing then the well shall be cased and cemented, or plugged in a manner that will prevent such commingling or loss of water.

(2) The Executive Director may direct the landowner to take proper steps to prevent the commingling of undesirable water or constituents and fresh water, or the unwanted loss of water.

§76.1004. Technical Requirements - Standards for Capping and Plugging of Wells and Plugging Wells that Penetrate Undesirable Water or Constituent Zones.

(a) If a well is abandoned or deteriorating, all removable casing shall be removed from the well and the entire well pressure filled via a tremie pipe with cement from bottom up to the land surface.

(b) In lieu of the procedure in subsection (a) of this section, the well shall be pressure filled via a tremie tube with a bentonite grout (ten pounds per gallon mud or more with a marsh funnel viscosity of 50 seconds or equivalent) followed by a cement plug extending from land surface to a depth of not less than two feet, or if the well to be plugged has 100 feet or less of standing water the entire well may be filled with a solid column of 3/8 inch or larger granular sodium bentonite hydrated at frequent intervals while strictly adhering to the manufacturers recommended rate and method of application. If a bentonite grout is used, the entire well from not less than two feet below land surface may be filled with the bentonite grout. The top two feet above any bentonite grout or granular sodium bentonite shall be filled with cement as an atmospheric barrier.

(c) Undesirable water or constituents, or the fresh water zone(s) shall be isolated with cement plugs and the remainder of the wellbore filled with bentonite grout (nine and half pounds per gallon mud or more with a marsh funnel viscosity of 50 seconds or equivalent) followed by a cement plug extending from land surface to a depth of not less than ten feet.

(d) Drillers may petition the Executive Director in writing for a variance from the methods stated in subsection (a) of this section. The variance should state in detail, an alternative method proposed and all conditions applicable to the well that would make the alternative method preferable to those methods stated in subsection (a) and (b) of this section.

(e) A non-deteriorated well which contains casing in good condition and is beneficial to the landowner can be capped with a covering capable of preventing surface pollutants from entering the well and sustaining weight of at least 400 pounds and constructed in such a way that the covering cannot be easily removed by hand.

§76.1005. Technical Requirements - Standards for Water Wells (drilled before June 1, 1983).

(a) Wells drilled prior to June 1, 1983, shall be grand fathered from this chapter without further modification unless the well is found to be a threat to public health and safety or to water quality. The following will be considered a threat to public health and safety or to groundwater quality:

(1) Annular space around the well casing is open at or near the land surface;

(2) An unprotected opening into the well casing that is above ground level;

(3) Top of well casing below known flood level and not appropriately sealed;

(4) Deteriorated well casing allowing commingling of aquifers or zones of water of different quality.

(b) If the annular space around the well casing is not adequately sealed as set forth in this section, it shall be the responsibility of each licensed driller or licensed pump installer to inform the landowner that the well is considered to be a deteriorated well and must be recompleted when repairs are made to the pump or well in accordance with this chapter, and the following specifications:

(1) The well casing shall be excavated to a minimum depth of four feet and the annular space shall be filled from ground level to a depth of not less than four feet below the land surface with cement. In areas of shallow, unconfined groundwater aquifers, the cement need not be placed below the static water level. In areas of shallow, confined groundwater aquifers having artesian head, the cement need not be placed below the top of the water bearing strata.

(2) A cement slab or sealing block shall be placed above the cement around the well at the ground surface except when a pitless adapter as described in §76.1000(d)(2) of this title (relating to Technical Requirements - Locations and Standards of Completion for Wells) or a steel or plastic sleeve as described in §76.1000(d)(1) of this title is used.

(A) The slab or block shall extend at least two feet from the well in all directions and have a minimum thickness of four inches.

(B) The surface of the slab shall be sloped to drain away from the well.

(C) The top of the casing shall extend a minimum of 12 inches above ground level or two feet above known flood level and unprotected openings into the well casing that is above ground shall be sealed water tight.

(3) If deteriorated well casing is allowing commingling of aquifers or zones of water of different quality and causing degradation of any water including groundwater, the well shall be plugged according to §76.1004 of this title (relating to Technical Requirements - Standards for Capping and Plugging of Wells and Plugging Wells that Penetrate Undesirable Water or Constituent Zones) or repaired. Procedures for repairs shall be submitted to the Department for approval prior to implementation.

(c) If a licensed well driller or pump installer finds any of the procedures described by this section to be inapplicable, unworkable, or inadequate, alternative procedures may be employed provided that the proposed alternative procedures will prevent injury and pollution and that the procedures shall be submitted to the Executive Director for approval prior to their implementation, except for class V injection wells pursuant to 30 TAC, Chapter 331.

(d) Well covers shall be capable of supporting a minimum of 400 pounds and constructed in such a way that they cannot be easily removed by hand.

(e) This section shall not apply to a public water supply system well.

§76.1006. Technical Requirements - Water Distribution and Delivery Systems.

(a) The licensee shall inform the land owner and well owner that the land owner and well owner are responsible for complying with the rules and regulations under the standards set forth in this chapter.

(b) A buried discharge line between the pump discharge and the pressure tank or pressure system in any installation, including a deep well turbine or a submersible pump, shall not be under negative pressure at any time. With the exception of jet pumps, a check valve

or an air gap shall be installed in a water line between the well casing and the pressure tank. Either a check valve or an air gap, as applicable, shall be required on all irrigation well pumps whenever a pump is installed or repaired. All wells shall have either a check valve, or an air gap as applicable.

(c) Wells shall be vented with watertight joints except as provided by subsection (b) of this section.

(1) Watertight joints, where applicable pursuant to the provisions of this rule, shall terminate at least two feet above the regional flood level or one foot above the established ground surface or the floor of a pump room or well room, whichever is higher.

(2) The casing vent shall be screened and point downward.

(3) Vents may be offset provided they meet the provisions of this rule.

(4) Toxic or flammable gases, if present, shall be vented from the well. The vent shall extend to the outside atmosphere above the roof level at a point where the gases will not produce a hazard.

§76.1007. Technical Requirements - Chemical Injection, Chemigation, and Foreign Substance Systems.

(a) All irrigation distribution systems or water distribution systems into which any type of chemical (except disinfecting agents) or other foreign substances will be injected into the water pumped from water wells shall be equipped with an in-line, automatic quick-closing check valve capable of preventing pollution of the ground water. The required equipment shall be installed on all systems whenever a pump is installed or repaired or at the time of a chemical injection, Chemigation or foreign substance unit is added to a water delivery system or not later than January 1, 2000, if the well has a chemical injection, Chemigation, or foreign substance unit in the delivery system. The type of check valve installed shall meet the following specifications:

(b) The body of the check valve shall be constructed of cast iron, stainless steel, cast aluminum, cast steel, or of a material and design that provides a sturdy integrity to the unit and is resistant to the foreign substance being injected. All materials shall be corrosion resistant or coated to prevent corrosion. The valve working pressure rating shall exceed the highest pressure to which the valve will be subjected.

(c) The check valve shall contain a suitable automatic, quick-closing and tight-sealing mechanism designed to close at the moment water ceases to flow in the downstream or output direction. The device shall, by a mechanical force greater than the weight of the closing device, provide drip-tight closure against reverse flow. Hydraulic back pressure from the system does not satisfy this requirement.

(d) The check valve construction should allow for easy access for internal and external inspection and maintenance. All internal parts shall be corrosion resistant. All moving parts shall be designed to operate without binding, distortion, or misalignment.

(e) The check valve shall be installed in accordance with the manufacturer's specifications and maintained in a working condition during all times in which any fertilizer, pesticide, chemical, animal waste, or other foreign substance is injected into the water system. The check valve shall be installed between the pump discharge and the point of chemical injection or foreign substance injection.

(f) A vacuum-relief device shall be installed between the pump discharge and the check valve in such a position and in such

a manner that insects, animals, floodwater, or other pollutants cannot enter the well through the vacuum-relief device. The vacuum-relief device may be mounted on the inspection port as long as it does not interfere with the inspection of other anti-pollution devices.

(g) An automatic low pressure drain shall also be installed between the pump discharge and the check valve in such a position and in such a manner that any fluid which may seep toward the well around the flapper will automatically flow out of the pump discharge pipe. The drain must discharge away from rather than flow into the water supply. The drain must not collect on the ground surface or seep into the soil around the well casing.

(1) The drain shall be at least three-quarter inch in diameter and shall be located on the bottom of the horizontal pipe between the pump discharge and the check valve.

(2) The drain must be flush with the inside surface of the bottom of the pipe unless special provisions, such as a dam made downstream of the drain, forces seepage to flow into the drain.

(3) The outside opening of the drain shall be at least two inches above the grade.

(h) An easily-accessible inspection port shall be located between the pump discharge and the check valve, and situated so the automatic low pressure drain can be observed through the port and the flapper can be physically manipulated.

(1) The port shall allow for visual inspection to determine if leakage occurs past the flapper, seal, seat, and/or any other components of the checking device.

(2) The port shall have a minimum four-inch diameter orifice or viewing area. For irrigation distribution systems with pipe lines too small to install a four-inch diameter inspection port, the check valve and other anti-pollution devices shall be mounted with quick disconnects, flange fittings, dresser couplings, or other fittings that allow for easy removal of these devices.

(i) Any check valve not fully meeting the specifications set forth in this section may on request to the Executive Director be considered for a variance.

§76.1008. Technical Requirements - Pump Installation.

(a) During any repair or installation of a water well pump, the licensed installer shall make a reasonable effort to maintain the integrity of ground water as to prevent contamination by elevating the pump column and fittings, or by other means suitable under the circumstances.

(b) This section shall include every type of connection device, including but not limited to, flange connections, hose-clamp connections, and other flexible couplings. Except as provided by this chapter, a pump shall be constructed so that no unprotected openings into the interior of the pump or well casing exist.

(1) A hand pump, hand pump head, stand, or similar device shall have a spout, directed downward.

(2) A power driven pump shall be attached to the casing or approved suction or discharge line by a closed connection. For the purposes of this section a closed connection is defined to be a sealed connection.

(c) The provisions of this section relating to the requirement of closed connections shall not apply to the following types of pumps and pumping equipment:

(1) sucker rod pumps and windmills; and

(2) hand pumps.

(d) A new, repaired, or reconditioned well, or pump installation or repair on a well used to supply water for human consumption shall be properly disinfected. The landowner may waive the disinfection process by submitting a written request to the driller or pump installer.

§76.1009. Technical Requirements - Alternative Standards.

(a) If the party having the well drilled, deepened or altered, the licensed well driller, or the party, landowner or person drilling or plugging the well, finds any of the procedures prescribed by §76.1004 of this title (relating to Technical Requirements - Standards for Capping and Plugging of Wells and Plugging Wells that Penetrate Undesirable Water or Constituent Zones and §76.1000 of this title (relating to Technical Requirements - Locations and Standards of Completion for Wells) inapplicable, unworkable, or inadequate, combinations of the prescribed procedures or alternative procedures may be employed, provided that the proposed alternative procedures will prevent injury and pollution.

(b) Proposals to use combinations of prescribed procedures or alternative procedures shall be considered application for a variance and must be submitted to the Executive Director for approval prior to their implementation.

(c) This section shall not apply to a public water system well.

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

Filed with the Office of the Secretary of State on August 10, 1998.

TRD-9812646

Rachelle A. Martin

Executive Director

Texas Department of Licensing and Regulation

Earliest possible date of adoption: September 27, 1998

For further information, please call: (512) 463-7348



Part VI. Texas Motor Vehicle Board

Chapter 105. Advertising

16 TAC §105.4, §105.32

The Texas Motor Vehicle Board proposes amendments to §105.4, Definitions, and new §105.32, concerning enforcement of its advertising rules.

Proposed new definitions in §105.4 define "balloon payment" a term used in §105.25 of this title (relating to Sales Payment Disclosures), and add definitions to clarify the language of new §105.32. The "Code" is defined as the Texas Motor Vehicle Commission Code. The relationship of an "advertising provision" to the Code and rules is clarified. "Board" is defined as the Texas Motor Vehicle Board. "Subsequent violation", a term created in new §105.32, is defined as conduct that is the same or substantially the same as alleged in a prior action. The definitions have been numbered in accordance with Texas Register requirements and for ease of reference.

New §105.32 is proposed pursuant to action taken by the 75th Legislative Session, House Bill 1595, which, effective June 11,

1997, mandates notice of and an opportunity to cure an alleged advertising rule violation before an administrative complaint may be filed. The new section sets forth the procedures for providing notice of an alleged violation and provides that publication of a retraction notice may be required as part of the cure procedure.

Brett Bray, director, Motor Vehicle Division, has determined that for the first five-year period the sections are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Bray has also determined that for each year of the first five years the sections are in effect, the anticipated public benefit of the amendments to §105.4 will be to provide a clearer understanding of the advertising rules and conserve the time and resources of the agency and entities appearing before it. The public benefit of new §105.32 will be to provide guidance to the agency and those who allegedly violate advertising rules by providing a procedure for due process notice and at least one cure option, that of publishing an retraction notice.

There will be no effect on small businesses and no anticipated economic cost to persons who are required to comply with the sections as proposed. Mr. Bray has also certified that there will be no impact on local economies or overall employment as a result of enforcing or administering the sections.

Comments may be submitted to Brett Bray, Director, Motor Vehicle Division, Texas Department of Transportation, P. O. Box 2293, Austin, Texas 78768, (512) 416-4910. The Motor Vehicle Board will consider adoption of the proposals at its meeting on November 12, 1998. The deadline for receipt of comments on the proposed amendments is 5:00 p.m. on October 23, 1998.

The amendments and new section are proposed under the Texas Motor Vehicle Commission Code, §3.06, which provides the Board with authority to adopt rules as necessary and convenient to effectuate the provisions of the Act and to govern practice and procedure before the agency.

Motor Vehicle Commission Code, §3.05(b) is affected by the proposed amendments and new section.

§105.4. Definitions.

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

(1) Advertisement—An oral, written, graphic, or pictorial statement made in the course of soliciting business, including, without limitation, a statement or representation made in a newspaper, magazine, or other publication, or contained in a notice, sign, poster, display, circular, pamphlet, or letter, or on radio, the Internet, or via an on-line computer service, or on television. The term does not include an in-person oral communication by a dealer's employee with a prospective purchaser.

(2) Advertising provision—

(A) a provision of the Code relating to the regulation of advertising; or

(B) a rule relating to the regulation of advertising adopted pursuant to the authority of the Code.

(3) Bait advertisement—An alluring but insincere offer to sell or lease a product of which the primary purpose is to obtain leads to persons interested in buying or leasing merchandise of the type advertised and to switch consumers from buying or leasing the

advertised product in order to sell or lease some other product at a higher price or on a basis more advantageous to the advertiser.

(4) Balloon payment—Any scheduled payment made as required by a consumer credit transaction that is more than twice as large as the average of all prior scheduled payments except the down payment.

(5) Board—The Texas Motor Vehicle Board.

(6) Buyers guide—A form as required by the Federal Trade Commission under 16 Code of Federal Regulations, Part 455. This form is to be completed and displayed on the side window of a vehicle that has been driven more than the limited use necessary in moving or road testing a new vehicle prior to delivery to a consumer.

(7) Clear and conspicuous—The statement, representation, or term being disclosed is of such size, color, contrast, and audibility and is presented so as to be readily noticed and understood. All language and terms, including abbreviations, shall be used in accordance with their common or ordinary usage and meaning.

(8) Code—The Texas Motor Vehicle Commission Code (Article 4413(36), Vernon's Texas Civil Statutes).

(9) Dealership addendum—A form which is to be displayed on a window of a motor vehicle when the dealership installs special features, equipment, parts or accessories, or charges for services not already compensated by the manufacturer or distributor for work required to prepare a vehicle for delivery to a buyer. The addendum is to disclose:

(A) that it is supplemental;

(B) any added feature, service, equipment, part, or accessory charged and added by the dealership and the retail price therefore;

(C) any additional charge to the selling price such as additional dealership markup; and

(D) the total dealer selling price. The dealership addendum form shall not be deceptively similar in appearance to the manufacturer's label, which is required to be affixed by every manufacturer to the windshield or side window of each new motor vehicle under the Automobile Information Disclosure Act.

(10) Demonstrator—A new motor vehicle that is currently in the inventory of the automobile dealership and used or has been used primarily for test drives by customers and other dealership purposes and so designated by the dealership.

(11) Disclosure—Required information that is clear, conspicuous, and accurate.

(12) Factory executive/official vehicle—A new motor vehicle that has been used exclusively by an executive or official of the dealer's franchising manufacturer, distributor, or their subsidiaries.

(13) Internet—A system that connects computers or computer networks.

(14) Licensee—Any person required to obtain a license from the Texas Motor Vehicle Board [Commission].

(15) Manufacturer's label—The label required by the Automobile Information Disclosure Act, 15 United States Code 1231-1233, to be affixed by the manufacturer to the windshield or side window of each new automobile delivered to the dealer.

(16) On-line service—A network that connects computer users.

(17) Rebate or cash back—A sum of money refunded to a purchaser or for the benefit of the purchaser after full payment has been rendered. The purchaser may choose to reduce the amount of the purchase price by the sum of money or the purchaser may opt for the money to be returned to himself or for his benefit subsequent to payment in full.

(18) Subsequent violation—Conduct that is the same or substantially the same as conduct the Board has previously alleged to be a violation of an advertising provision.

§105.32. Enforcement.

(a) The Board may file a complaint against a licensee alleging a violation of an advertising provision pursuant to Section 3.05(b) of the Code only if the Board can show:

(1) that the licensee who allegedly violated an advertising provision has received from the Board a notice of an opportunity to cure the violation by certified mail, return receipt requested, in compliance with subsection (b) of this section relating to effectiveness of notice; and

(2) that the licensee committed a subsequent violation of the same relevant advertising provision within the period beginning 6 days and ending 12 months after the licensee has received the notice required by paragraph (1) of this subsection.

(b) An effective notice issued under subsection (a)(1) of this section must:

(1) state that the Board has reason to believe that the licensee violated an advertising provision and identify the relevant provision;

(2) set forth the facts upon which the Board bases its allegation of a violation; and

(3) state that if the licensee commits a subsequent violation of the same relevant advertising provision within the time set forth in subsection (a)(2) of this section, the Board will formally file a complaint.

(c) As a part of the cure procedure, the Board may require a licensee, who allegedly violated an advertising provision, to publish a retraction notice to effect an adequate cure of the alleged violation. An adequate retraction notice must:

(1) appear in a newspaper of general circulation in the area in which the alleged violation occurred;

(2) appear in that portion of the newspaper, if any, devoted to motor vehicle advertising;

(3) identify the date and the medium of publication, print, electronic or other, in which the advertising alleged to be a violation appeared; and

(4) identify the alleged violation of the advertising provision and contain a statement of correction.

(d) Performance of a cure is made solely for the purpose of settling an allegation and is not an admission of a violation of these rules, the Code, or other law.

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

Filed with the Office of the Secretary of State, on August 17, 1998.

TRD-9812977

Brett Bray
Director, Motor Vehicle Division
Texas Motor Vehicle Board
Proposed date of adoption: November 12, 1998
For further information, please call: (512) 416-4899

◆ ◆ ◆
TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

Chapter 5. Program Development

Subchapter H. Approval of Distance Learning for Public Colleges and Universities

19 TAC §§5.151–5.159

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

The Texas Higher Education Coordinating Board proposes the repeal of §§5.151 - 5.159 concerning Approval of Distance Learning for Public Colleges and Universities. The repeal of the rules will provide guidance to all Texas public institutions of higher education in the delivery of distance learning courses and programs. The repeal of the rules would retain the Board's ultimate authority over the delivery of courses and programs and would require accurate reporting of all activities by the location of the students receiving instruction.

Glenda Barron, Assistant Commissioner for Community and Technical Colleges has determined that for the first five-year period the repeal of the rules is in effect there will be no fiscal implications as a result of enforcing or administering the rule.

Dr. Barron also has determined that for the first five years the rule is in effect the public benefit will be that the repeal of the rules will ensure the quality of Texas-based distance learning courses at the highest level possible and will provide the broadest possible opportunity for Texas residents to meet their educational needs through access to the distance learning programs enabled by these revisions and delivered by Texas institutions of higher learning. There will be no effect on state or local government or small businesses. There is no anticipated economic costs to persons who are required to comply with the rule as proposed.

Comments on the repealed rules may be submitted to Dr. Don W. Brown, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P.O. Box 12788, Capitol Station, Austin, Texas 78711.

The repeal of the rules is proposed under Texas Education Code, Sections 61.051(j) and 61.027, which provides the Texas Higher Education Coordinating Board with the authority to adopt rules concerning Approval of Distance Learning for Public Colleges and Universities.

There were no other sections or articles affected by the proposed amendments.

§5.151. *Terminology.*

- §5.152. *General Provisions.*
 §5.153. *Standards and Criteria for Distance Learning.*
 §5.154. *Institutional Plan for Instructional Telecommunications.*
 §5.155. *Annual Plan for Distance Learning.*
 §5.156. *Procedures for Review and Approval of Lower-Division Distance Learning.*
 §5.157. *Procedures for Review and Approval of Upper-Level and Graduate Distance Learning.*
 §5.158. *Approval of State-Funded Out-of-State and Foreign Courses.*
 §5.159. *Non-State-Funded Out-of-State and Foreign Classes.*

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

Filed with the Office of the Secretary of State on August 13, 1998.

TRD-9812873

James McWhorter

Assistant Commissioner for Administration

Texas Higher Education Coordinating Board

Proposed date of adoption: October 23, 1998

For further information, please call: (512) 483-6162



19 TAC §§5.151-5.161

The Texas Higher Education Coordinating Board proposes new §§5.151 - 5.161 concerning Approval of Distance Learning for Public Colleges and Universities. The new rules will provide guidance to all Texas public institutions of higher education in the delivery of distance learning courses and programs. The new rules would retain the Board's ultimate authority over the delivery of courses and programs and would require accurate reporting of all activities by the location of the students receiving instruction.

Glenda Barron, Assistant Commissioner for Community and Technical Colleges has determined that for the first five-year period the rule is in effect there will be no fiscal implications as a result of enforcing or administering the rule.

Dr. Barron also has determined that for the first five years the rule is in effect the public benefit will be that the new rules will ensure the quality of Texas-based distance learning courses at the highest level possible and will provide the broadest possible opportunity for Texas residents to meet their educational needs through access to the distance learning programs enabled by these revisions and delivered by Texas institutions of higher learning. There will be no effect on state or local government or small businesses. There is no anticipated economic costs to persons who are required to comply with the rule as proposed.

Comments on the amendments to the rules may be submitted to Dr. Don W. Brown, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P.O. Box 12788, Capitol Station, Austin, Texas 78711.

The new rules are proposed under Texas Education Code, Sections 61.051(j) and 61.027, which provides the Texas Higher Education Coordinating Board with the authority to adopt rules concerning Approval of Distance Learning for Public Colleges and Universities.

There were no other sections or articles affected by the proposed new rules.

§5.151. *Purpose.*

This subchapter provides guidance to all public institutions of higher education in Texas regarding the delivery of distance learning courses and programs. The goals are to ensure the quality of Texas-based distance learning courses and programs and to provide residents with access to distance learning programs that meet their needs. The rules are designed to assure the quality of courses and programs as well as the adequacy of the technical and managerial infrastructures to support those courses and programs.

§5.152. *Definitions.*

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

(1) Instruction Plan - An institution's listing by location of live distance learning courses and programs planned to be taught during an academic period.

(2) Board or Coordinating Board - The Texas Higher Education Coordinating Board.

(3) Commissioner - The Commissioner of Higher Education.

(4) Distance learning - Instruction delivered by any means to any single or multiple location(s):

(A) other than the "main campus" of a senior institution (or "on campus"), where the primary office of the chief executive officer of the campus is located;

(B) outside the boundaries of the service area of a community/junior college district; or

(C) via instructional telecommunications to any other distance location.

(5) Instructional Telecommunications - Distance learning instruction delivered primarily by telecommunications technology.

(6) Live - Distance learning provided by face-to-face instruction in which the instructor and student are in the same physical setting.

(7) Program - Any certificate or degree program offered by a public institution of higher education.

(8) Regional Council - A cooperative arrangement among representatives of all public and independent higher education institutions within a State Uniform Service Region.

(9) Remote - Distance learning instruction provided where the instructor is located in one physical setting and the student is located in another physical setting.

(10) Senior institution - Public universities, health science centers and health-related institutions.

(11) Service area - The territory served by a community/junior college district as defined in Subchapter J, Texas Education Code (relating to Junior College District Service Areas).

§5.153. *Certification.*

(a) Prior to offering any distance learning course or program for the first time via telecommunications technology, a public community/junior college, technical college, university, or health-related institution must have approved by the Board an Institutional Plan for Distance Learning as required by §5.156 of this title (relating to Institutional Plans for Distance Learning).

(b) An institution offering a full degree or certificate program is responsible for complying with relevant procedures and rules of the appropriate regulatory or accrediting agency, such as the Southern Association of Colleges and Schools (SACS), and professional certification boards.

(c) No graduate degree program may be offered via distance learning without express prior notification by the institution to the Commission on Colleges of the Southern Association of Colleges and Schools.

§5.154. General Provisions.

(a) The provisions of this subchapter are in accordance with Texas Education Code 61.051 and 130.086, and apply to all distance learning instruction provided live or remote for academic credit by a public community/junior college outside of the boundaries of its service area, or by a technical college, university, or health-related institution at a site other than the main campus where the primary office of the chief executive officer of the campus is located. The subchapter also applies to instruction offered at out-of-state or foreign locations by public institutions of higher education.

(b) Distance learning may occur in one or both of the following forms:

(1) live face-to-face instruction in which the instructor and student(s) are in the same physical setting; or

(2) via any combination of remote synchronous or asynchronous correspondence- or telecommunications-based delivery systems.

(c) To be identified as a live distance learning course, a student must receive one-half or more of the instruction in the same physical setting as the instructor.

(d) A program is understood to be offered via distance learning if a student may complete the program without taking any courses on the main campus of the senior institution responsible for providing the instruction, or without physically attending classes within the boundaries of the service area of the community/junior college district responsible for providing the instruction.

(e) Notice of each course and program offered via distance learning under the provisions of this subchapter, except to individual students, must be submitted to the Coordinating Board prior to its being offered in accordance with provisions and schedules determined by the Commissioner and the Board's uniform reporting system. The Board may also request special reports on distance learning courses and programs for inclusion in institutional and statewide reports.

(f) State-funded distance learning instruction which is not reported in accordance with the Board's uniform reporting system will be disallowed for funding.

(g) Following approval of its Institutional Plan for Distance Learning as required by §5.156 of this title, (relating to Institutional Plan for Distance Learning), the governing board of the institution may give final approval for delivering courses and programs via distance learning, with the following conditions and exceptions:

(1) Each course and program offered under the provisions of this subchapter must be within the role and mission of the institution responsible for offering the instruction.

(2) Prior approval may be required before an institution may offer courses and programs in certain subject area disciplines or under other conditions specified by the Board.

(3) Each institution or system must have in place a process for the review and approval of distance learning plans for that entity.

(4) Before initiating a program delivered by distance learning, an institution must affirm in writing its commitment to offer the program in accordance with the Principles of Good Practice for Academic Degree and Certificate Programs and Credit Courses Offered Electronically, as adopted by the Board, and the quality standards and criteria identified in this subchapter.

(5) All distance education courses and programs to be offered live by a public senior institution or by a community/junior college outside its service area must be reviewed by the appropriate regional council(s) and/or peer institutions, and must be approved by the Commissioner before they are offered.

(6) No distance learning doctoral degree programs may be offered without specific prior approval by the Board.

(h) A class offered both on-campus and through distance learning instruction is subject to the reporting provisions of this subchapter if any student receives more than one-half of the instruction via a distance learning delivery system.

(i) If an institution offers an array of courses by distance learning that would permit a student to complete a program in accordance with the definition in this subchapter, the array of courses will be considered to be a program.

(j) The Board shall periodically review Institutional Plans for Distance Learning and courses and programs offered by distance learning and may disallow the offering of such courses and programs if such action is deemed to be in the interests of students, the institution or the state.

(k) The Board retains final authority under statute for the offering of classes, courses, programs, and degrees, and may take whatever action it deems appropriate to comply with the Texas Education Code or to maintain a high quality and cost effective system of distance learning instruction for the state.

§5.155. Standards and Criteria for Distance Learning.

(a) Distance learning instruction offered by any combination of live and/or remote telecommunications delivery systems must meet the quality standards which an institution requires of similar instruction offered on-campus to regularly enrolled students.

(b) A distance learning course which offers either regular college credit or Continuing Education Units must do so in accordance with the standards of the Commission on Colleges of the Southern Association of Colleges and Schools.

(c) Students enrolled in distance learning must satisfy the same requirements for admission to the institution, to the program of which the course is a part, and to the class/section itself, as are required of on-campus students.

(d) Faculty providing distance learning instruction must be selected and evaluated by the same standards, review, and approval procedures used by the institution to select and evaluate faculty responsible for on-campus instruction. Institutions must provide training and support to enhance the added skills required of faculty teaching classes via instructional telecommunications.

(e) The instructor of record must participate in the delivery of instruction and evaluation of student progress.

(f) Providers of graduate-level distance learning instruction must be approved by the graduate faculty of the institution.

(g) All distance learning instruction must be administered under the authority of the same office or person administering the corresponding on-campus instruction. The supervision, monitoring, and evaluation processes for instructors must be comparable to those for on-campus instruction.

(h) Students must be provided academic support services – including academic advising, counseling, library and other learning resources, tutoring services, and financial aid – that are comparable to those available for on-campus students.

(i) Facilities for distance learning instruction (other than homes as instructional telecommunications reception sites) must be adequate for the purpose of delivering instruction which is comparable in quality to on-campus instruction.

§5.156. Institutional Plan for Distance Learning.

(a) Each institution seeking first-time authority to offer distance learning instruction via telecommunications technology must submit an Institutional Plan for Distance Learning for approval by the Board before offering such instruction. The plan must describe how the institution will ensure that:

(1) Institutional academic and administrative policies reflect a commitment to maintain the quality of distance learning programs in accordance with the provisions of this subchapter.

(2) The institution has an internal evaluation and approval process for distance learning courses and programs.

(3) Courses and programs provide for timely and appropriate interaction between students and faculty, and among students.

(4) The institution's faculty has responsibility for and exercises oversight over distance learning, ensuring both the rigor of programs and the quality of instruction.

(5) The institution ensures that the technology used is appropriate to the nature and objectives of the programs. The institution ensures the currency of materials, programs and courses.

(6) The institution's distance learning policies are clear concerning ownership of materials, faculty compensation, copyright issues, and the utilization of revenue derived from the creation and production of software, telecourses or other media products.

(7) The institution provides appropriate faculty support services specifically related to distance learning.

(8) The institution provides programs for faculty training and development that address both the technological and the instructional issues encountered in distance teaching.

(9) The institution assesses student capability to succeed in distance learning programs and applies this information to admission and recruitment policies and decisions.

(10) The institution evaluates the educational effectiveness of its distance learning programs (including assessments of student learning outcomes, student retention, and student satisfaction) to ensure comparability to campus-based programs.

(11) The institution has an evaluation plan for courses or programs with regard to the effectiveness of the technology chosen to deliver the courses.

(12) The institution ensures the integrity of student work and the credibility of the degrees and credits it awards.

(13) The institution ensures that students have access to and can effectively use appropriate library and learning resources.

(14) The institution monitors whether students make appropriate use of learning resources.

(15) The institution provides laboratories, facilities, and equipment appropriate to the courses or programs.

(16) If clinical or lab courses are planned, the means to facilitate those labs should be described in detail with regard to location and oversight by appropriate personnel.

(17) The institution provides adequate access to the range of student services appropriate to support the programs, including admissions, financial aid, academic advising, delivery of course materials, and placement and counseling.

(18) The institution provides an adequate means for resolving student complaints.

(19) The institution provides to students advertising, recruiting, and admissions and financial aid information that adequately and accurately represents the programs, requirements, and services available.

(20) The institution ensures that students admitted possess the knowledge and equipment necessary to use the technology employed in the program, and provides aid to students who are experiencing difficulty using the required technology.

(21) The institution possesses the equipment and technical expertise required for distance learning.

(22) The institution's long range planning, budgeting, and policy development processes reflect the facilities, staffing, equipment and other resources essential to the viability and effectiveness of its distance learning program.

(23) The institution has a plan for the administration, operation, and use of technology to deliver distance learning which addresses the capability of the institution to provide the technology required. If the institution plans to utilize technology housed at a separate location, this information must be provided as well.

(24) The institution has developed a proposed budget for delivery of distance learning courses or programs. This budget is critical in degree programs where students are dependent upon availability of courses to complete their degree.

(b) An Institutional Plan for Distance Learning should be accompanied by a proposal for approval of the initial courses to be offered by the institution which addresses applicable requirements in the Institutional Plan.

(c) Prior to Board consideration of an Institutional Plan, the Commissioner may approve a one-time offering of a limited number of distance learning courses for experimental purposes.

§5.157. Instruction Plan for Live Distance Learning.

(a) Unless specifically exempted by the Board, all live distance learning instruction taught for credit and which will be reported for formula funding must be submitted for review by appropriate higher education Regional Councils or peer institutions as provided in this subchapter. Non-credit adult and continuing education courses offered at a distance by universities and health science centers do not fall under the purview of this subchapter.

(b) The Commissioner may exempt from live instruction review procedures the following types of live distance education courses and programs:

(1) courses offered by one public institution on the campus of another public institution; at multi-institution teaching

centers and university system centers, universities and at other sites designated by the Board;

(2) courses taught on military bases or in correctional institutions;

(3) courses offered as part of approved distance learning certificates or degree programs; and

(4) courses pertaining to student teaching, internships, clinical instruction, practica, cooperative education work stations, and field classes (when limited to campus-based students).

(c) Instruction offered under all such exemptions, however, must still be reported in accordance with the Board's uniform reporting system and will be subject to monitoring for quality.

§5.158. Procedures for Review and Approval of Live Lower-Division Distance Learning.

(a) Each institution must submit for review by all affected Regional Councils an Instruction Plan in accordance with §5.157 of this title (relating to Instruction Plan for Live Distance Learning) which lists by location all proposed live lower-division distance learning instruction. Requests for new locations and/or substantially different classes or programs at previously approved locations must be submitted on application forms provided by the Commissioner for that purpose.

(b) Proposed live lower-division distance learning instruction must be reviewed by the Regional Council of the Uniform Service Region containing each proposed site for the receiving of instruction in accordance with the provisions of this subchapter.

(c) The Coordinating Board recognizes Regional Councils in each of the ten state Uniform Service Regions. The presidents – or designated representatives of each public and independent institution of higher education with its main campus in the Region comprise the Council membership. A Council Chair shall be elected by the members, with term of service to be determined by the respective Council.

(d) Each Regional Council has the following responsibilities:

(1) Develop and file with the Universities and Community & Technical College Divisions of the Coordinating Board its procedures and guidelines for reviewing Instruction Plans for proposed live lower-division distance learning classes, programs, and locations in the Region.

(2) Facilitate inter-institutional cooperation in the conduct of distance learning instruction, assure that each institution in the Region has notification in advance of all live lower-division classes, programs, and locations proposed to be offered in the Region by any other institution, and provide each institution in the Region full opportunity to review and comment on the plans of other institutions.

(3) Make recommendations to the Commissioner regarding Instruction Plans for Live Distance Learning proposed to be offered within its Uniform Service Region in accordance with the consensus views of Council members.

(4) Advise the Commissioner on appropriate policies and procedures for effective state-level administration of lower-division distance learning.

(5) Encourage excellence in the conduct of lower-division distance learning instruction.

(6) Study cooperatively the various methods of providing lower-division distance learning instruction, and promote the use of

those methods which support quality and promise the most effective and efficient use of state resources.

(e) Procedures for submitting applications to the Board for authorization to offer live lower-division distance learning classes are as follows:

(1) Live distance learning instruction proposed by an institution must be reviewed by the Regional Council and forwarded to the Coordinating Board by a deadline set by the Commissioner, together with the Council's recommendations for approval or disapproval.

(2) If proposed live classes could affect an institution which is a member of another Regional Council, the Instruction Plan must also be sent to that institution and to the Council to which it belongs. The full membership of that Council must review the proposal and return a recommendation to the originating Council. This recommendation and that of the originating Council must both be sent to the Commissioner.

(3) Recommendations of the Regional Councils must be submitted in a time frame determined by the Commissioner to permit consideration by the Board at its appropriate quarterly meeting.

(4) The Commissioner will consider the recommendations of Regional Councils as well as any dissenting report filed by an institution. Subject to the following section, the Commissioner has the authority to approve or disapprove courses and Instruction Plans, and to resolve disputes between or among institutions which cannot be resolved by the Councils. The Commissioner shall devise a procedure to encourage and assist Regional Councils in the resolution of such disputes. The Commissioner will report to all affected institutions on approvals and disapprovals of classes proposed under each Instruction Plan at least two weeks before the scheduled April Board meeting, at which time the Board may hear appeals to approvals and disapprovals made by the Commissioner.

(f) During the passage of the year it may be necessary for an institution to request approval of live lower-division distance learning activities not submitted as part of its Instruction Plan. Such proposed amendments to a Plan must be submitted to affected Regional Councils prior to the teaching of any additional classes. Each Council Chair will forward recommendations to the Commissioner regarding the appropriateness of such instruction.

§5.159. Procedures for Review and Approval of Live Upper-Level and Graduate Distance Learning.

(a) Senior institutions must notify all other potentially affected institutions of their plans to offer upper-level or graduate courses or programs by live distance learning for the next instructional period within the time frame prescribed by the Commissioner, and must seek to eliminate any conflicts or duplication.

(b) The Commissioner has the authority to resolve disputes between or among institutions, and has the authority to approve or disapprove the offering of courses or programs.

(c) The Commissioner will report to all affected institutions on approvals and disapprovals of proposed live distance learning activities at least two weeks before a regularly scheduled Board meeting, at which time the Board may hear appeals to approvals and disapprovals made by the Commissioner.

§5.160. Approval of State-Funded Out-of-State and Foreign Courses.

(a) State-funded out-of-state and foreign courses offered by Texas public institutions of higher education or by an approved consortium composed of Texas public institutions must have prior

approval by the Commissioner in order for the semester credit hours or contact hours to be used for formula reimbursement. The following procedures shall apply:

(1) An institution or consortium must submit to the Commissioner a form which certifies that the course meets the standards and criteria set forth in subsection (b) of this section.

(2) A course that has been previously approved to be offered at an out-of-state or foreign location need not be resubmitted if the course is the same as that previously approved.

(3) State-funded courses taught out of Texas are intended for students who are currently enrolled on campus at a Texas institution. Faculty should not teach courses out of state for state funding unless the faculty member is accompanying a cohort of students from a Texas institution.

(4) Institutions may enroll students who reside at the out-of-state locations provided the credit hours generated by the out-of-state students are not submitted for formula funding.

(b) State-funded out-of-state and foreign courses are subject to the following standards and criteria:

(1) All students enrolled must meet all institutional standards for admission and must be actually admitted to the institution or one of the participating institutions in an approved consortium. All students enrolled must pay the appropriate tuition and fees for their residency category for the total number of credit hours earned. Financial aid must be available to students registering in foreign classes on the same basis as it would be for such students seeking financial aid for on-campus instruction. Additional financial aid may be furnished by the institution as appropriate.

(2) Instruction must be provided by faculty of the institution or one of the consortium institutions and be supervised and evaluated according to appropriate institutional policies. Exceptions may be made by the Commissioner to take advantage of uniquely qualified instructors at an out-of-state or foreign location if the institution provides for individual justification and approval by the appropriate faculty or institutional officials.

(3) Individual courses must meet the following standards and criteria:

(A) Each course must be on the approved course inventory of the main campus of the institution or a consortium institution, must be a part of an approved degree or certificate program, and must be justified in terms of academic, cultural, or other resources available at the specific location(s).

(B) Instruction must conform to all relevant academic policies of the institution. All classes must conform to the institution's workload and enrollment requirements, contact hour/credit ratio, and similar matters.

(C) Courses may not offer credit for activities undertaken primarily for travel, recreation, or pleasure.

(D) Minimum class enrollments must conform to the same standards applicable were the class to be offered on-campus.

(4) Multi-course offerings must meet the following standards and criteria:

(A) A group of courses taught by an individual faculty member and offered in the same time period and in the same out-of-state or foreign location may be considered as an aggregate for approval purposes.

(B) Some courses may be approved within an aggregate request without satisfying paragraph (3)(A) of this subsection; however, the Commissioner may approve a multi-course aggregate only if at least one-half of the classes (making up at least one-half of the combined credit hours) comply with paragraph (3)(A) of this subsection. All other criteria in this subsection must be fully met by all courses that make up a multi-course aggregate.

(5) Advertising or marketing for out-of-state and foreign classes should emphasize the instructional nature of the classes, and may not emphasize or create the impression that the classes are primarily credit-for-travel experiences.

(6) Faculty and staff may not realize unusual perquisites or unusual financial gain for teaching out-of-state or foreign classes.

(7) Except for funds specifically appropriated for international activities (e.g. state incentive programs, scholarships, etc.), state funds may not be used for faculty or student travel, meals and lodging, or other incidental expenses associated with out-of-state or foreign instruction.

(8) Any free tickets for travel, accommodations, or other expenses provided by travel agents, carriers, or hotels must be used in direct support of the instructional program and may not be made as gifts to faculty or staff members or their families.

(9) No state funding will be provided for courses or credits delivered by Instructional Telecommunications (see §5.152(5) of this title (relating to Definitions)) to reception sites outside state boundaries.

(10) Out-of-state and foreign courses are subject to reporting in accordance with the uniform reporting system. Out-of-state and foreign courses that are not reported by location will be disallowed for funding.

§5.161. Non-State-Funded Out-of-State and Foreign Classes.

(a) In-state-non-funded credit courses are governed by the same rules and regulations as regular funded courses; non-state-funded credit courses need not be included in the live instruction plan requests. Requests for authorization to offer non-state-funded credit courses may be submitted for approval as the need arises. Non-credit adult and continuing education courses offered at a distance by universities and health science centers do not fall under the purview of this subchapter.

(b) Out-of-state and foreign courses offered by public universities and health related institutions, for which no state funds are expended, may be taught without prior approval of the Board. However, prior Board approval is required for full degree programs offered under these circumstances. Institutions are expected to ensure that all such instruction meets the quality standards expected of Texas higher education institutions.

(c) Community and technical colleges proposing to offer out-of-state or foreign courses for which no state funds are expended are subject to the provisions of Chapter 9, Subchapter I of this title (relating to Distance Education).

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

Filed with the Office of the Secretary of State on August 13, 1998.

TRD-9812872

James McWhorter

Assistant Commissioner for Administration

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Subchapter K. Private and Out-of-State Public Degree-Granting Institutions Operating in Texas
19 TAC §5.217

The Texas Higher Education Coordinating Board proposes amendments to §5.217 concerning Off-Campus Operations, Changes of Level at Exempt Institutions, and Out-of-State Public Institutions. The amendments to the rules would grant an institution state authorization to seek accreditation for a higher-level degree after notifying the Commissioner of the new degree(s). This would result in less duplication of effort while allowing the accreditation process, which is the ultimate goal of certification oversight, to work. The amendments to the rules would simplify the procedures by which exempt institutions obtain state authorization to add an advanced degree level, while continuing the Board's responsibilities under law.

Glenda Barron, Assistant Commissioner for Community and Technical Colleges has determined that for the first five-year period the rule is in effect there will be no fiscal implications as a result of enforcing or administering the rule.

Dr. Barron also has determined that for the first five years the rule is in effect the public benefit will be that the interests of the state would be protected by an agreement (currently being negotiated) with the accrediting agencies to allow the staff to work directly with those agencies in reviewing the degree-level changes. There will be no effect on state or local government or small businesses. There is no anticipated economic costs to persons who are required to comply with the rule as proposed.

Comments on the amendments to the rules may be submitted to Dr. Don W. Brown, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P.O. Box 12788, Capitol Station, Austin, Texas 78711.

The amendment to the rule is proposed under Texas Education Code, Chapter 61, Subchapters G and H, which provides the Texas Higher Education Coordinating Board with the authority to adopt rules concerning Off-Campus Operations, Changes of Level at Exempt Institutions, and Out-of-State Public Institutions.

There were no other sections or articles affected by the proposed amendment.

§5.217. Off-Campus Operations, Changes of Level at Exempt Institutions, and Out-of-State Public Institutions.

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

(d) Changes of level for exempt private institutions. An institution which is exempt by accreditation from a recognized agency and which has established stability by being so accredited for the previous ten years and which wishes to expand to a different degree level not covered by its existing accreditation ~~may submit a description of its plans, including such information as provided for on an application form furnished by the board, instead of seeking a certificate of authority. If the plan is found to be acceptable, the institution will be granted state authorization by the commissioner to seek the change in level with the~~ shall, by submission of a letter to the Commissioner outlining the degree or degrees to be offered at the higher level, be granted state authorization to seek accreditation

at the higher level with the recognized accrediting agency. If the recognized accrediting agency does not extend accreditation to the higher level or if the institution has not been accredited for ten or more years, ~~plan is found to be unacceptable~~ the institution may seek a certificate of authority by the procedures listed in §5.215 of this title (relating to Certificate of Authority To Grant Degrees and Offer Courses at Nonexempt Institutions).

(e) (No change.)

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

Filed with the Office of the Secretary of State on August 13, 1998.

TRD-9812874

James McWhorter

Assistant Commissioner for Administration

Texas Higher Education Coordinating Board

Proposed date of adoption: October 23, 1998

For further information, please call: (512) 483-6162

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Subchapter L. Operation of Off-Campus Educational Units of Senior Colleges and Universities

19 TAC §§5.241-5.243

The Texas Higher Education Coordinating Board proposes amendments to §§5.241 - 5.243 concerning Operation of Off-Campus Educational Units of Senior Colleges and Universities. The amendments to the rules will provide for the creation of university system centers as well as describe their role, structure, degree programs, and other essential characteristics and they would provide for the supply/demand pathway by which public higher education could respond to areas of the state with limited or no access to public higher education.

Glenda Barron, Assistant Commissioner for Community and Technical Colleges has determined that for the first five-year period the rule is in effect there will be no fiscal implications as a result of enforcing or administering the rule.

Dr. Barron also has determined that for the first five years the rule is in effect the public benefit will be that it will provide a method for communities to demonstrate the need for educational services in a way that does not over or under-commit state resources. There will be no effect on state or local government or small businesses. There is no anticipated economic costs to persons who are required to comply with the rule as proposed.

Comments on the amendments to the rules may be submitted to Dr. Don W. Brown, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P.O. Box 12788, Capitol Station, Austin, Texas 78711.

The amendments to the rules are proposed under Texas Education Code, Sections 61.051 and 61.027, which provides the Texas Higher Education Coordinating Board with the authority to adopt rules concerning Operation of Off-Campus Educational Units of Senior Colleges and Universities.

There were no other sections or articles affected by the proposed amendments.

§5.241. Purpose.

The provisions of this subchapter define off-campus educational units, ~~and~~ establish criteria and procedures applicable to the classification, authorization, operation, and reclassification of these units and establish the supply/demand pathway as a developmental approach to providing access which allows for the gradual increase of resources as demand grows. The provisions of this subchapter are applicable to all units which offer courses of instruction for resident credit at a public senior college or university, but are geographically separate from that college or university

§5.242. *Definitions.*

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

(1) Off-campus educational unit - A subdivision under the management and control of an existing public university or central administration (hereinafter referred to as the parent institution) in a geographic setting separate from the parent institution. It exists for a specific purpose which is directly related to the teaching of courses for resident credit at the parent institution, or for providing administrative support which facilitates the teaching of such courses. An off-campus unit, as used herein, is not a separate general academic institution and therefore does not have completely independent life within itself as regards academic, administrative, and fiscal matters, but has dependence upon the parent institution in such matters. Off-campus educational units include upper-level centers such as the Rio Grande College [Uvalde Center] of Sul Ross State University.

(2) Separate general academic institution - A degree-granting public university established by the Texas Legislature as an independent educational unit under the direct authority of a statutory governing board. Within the limits of the policies and regulations established by appropriate state authority and its governing board, an operationally separate institution is autonomous in academic, administrative, and fiscal matters. It is located on its own individual campus; is accredited by the Southern Association of Colleges and Schools; and has degree-granting authority. The minimum enrollment level which must be met before the Coordinating Board will consider recommending that the legislature establish an existing off-campus educational unit as a separate general academic institution is established as 3,500 [1,500] full-time student equivalents (FTSE) enrolled on the campus. Off-campus enrollments may not be counted in reaching these enrollment levels.

(3) Multi-Institution - Teaching Center An "off-campus educational unit" or an "auxiliary location" administered under a formal agreement between two or more public higher education institutions. It may also involve one or more private institutions. It exists for the purpose of providing credit instruction from several "parent institutions" in a common geographic setting. It is not a separate general academic institution and does not have independence regarding academic, administrative, or fiscal matters. Each signatory to the agreement may offer credit courses and, with prior Coordinating Board approval, may also offer degree programs by and in the name of the parent institution.

(4) University System Center - An "off-campus educational unit" of a designated existing general academic institution and created by a university system with Coordinating Board approval. It is not a separate general academic institution and does not have independence regarding academic, administrative, or fiscal matters.

(5) Upper-Level General Academic Institution - An upper-level general academic institution is established for the primary purpose of expanding baccalaureate and degree opportunities to Texas citizens in certain geographic areas in relation to one or more local

public community junior colleges. An upper-level general academic institution offers junior, senior, and certain graduate level courses in programs approved by the Coordinating Board. It is restricted to accepting students eligible for upper division classification and may not offer freshman and sophomore level courses.

(6) Supply/Demand Pathway - The Supply/Demand pathway is a developmental approach to providing access which allows for the gradual increase of resources as demand grows, operating under the principle of avoiding over-commitment as well as under-commitment of state resources.

§5.243. *Supply/Demand Pathway [Upper Level Centers].*

(a) The proposed Supply/Demand Pathway shall be used as the model to address higher education needs in areas without ready geographic access to existing public higher education institutions. [Role and scope. An upper level center is an off-campus educational unit established for the primary purpose of expanding baccalaureate and degree opportunities to Texas citizens in certain geographic areas in relation to one or more local public community junior colleges. It must have a role and scope statement, approved by the Coordinating Board, which further defines its purpose and will control the programs, courses, and organizational structure of the center. It is normally located on the campus of an existing public community junior college, thereby providing these educational opportunities at the lowest possible cost by not duplicating facilities and programs already available in the junior college. An upper level center offers junior, senior, and certain graduate level courses in programs approved by the Coordinating Board. It is restricted to accepting students eligible for upper division classification at the parent institution and may not offer freshman and sophomore level courses. Its initial classification, continued operation, and, if necessary, reclassification will be guided by the conditions and constraints contained in subsections (b)-(f) of this section.]

(b) The supply/demand pathway incorporates three categories:

(1) Category A. Test the market both in terms of demand and lasting power by providing off-campus courses and/or programs by one or more institutions. Should demand decrease or not materialize, courses and programs can be discontinued and resources moved to areas of greater demand.

(2) Category B. As demand increases, offerings may be organized through a multi-institution teaching center or as a university system center. The MITC can be housed in a shopping center, a high school, a community college, or some other type of space on loan or for a nominal cost. Alternatively, a university system may request that the Coordinating Board authorize the establishment of a university system center. The system would designate a parent institution to provide leadership for the center and would facilitate the provision of programs and resources from other institutions in the system. In either case, the system and parent institution must commit to providing a program long enough for a student to have a reasonable opportunity to graduate before the resource is withdrawn.

(3) Category C. At least five years after a university system center is established and the center has attained a full-time equivalent enrollment of 3,500 for four fall semesters (approximating the headcount enrollment included in the current university funding formula as the minimum size needed to achieve economies of scale), the parent institution and its Board of Regents may request that the Coordinating Board review the status of the center and recommend that the Legislature reclassify the university center as an upper-level general academic institution - a university.

[(b) Authority. To be designated as an upper level center, a unit must be authorized by the Texas Legislature or by action of the Coordinating Board, based upon a request from the governing board of the parent institution. An essential feature of the authority is that it establishes the unit concerned as an element of an existing senior institution, but at a different location.]

[(c) Enrollment criteria. To be designated an upper level center, a unit must meet both of the following enrollment standards, with the exception of those currently designated centers listed in subsection (i) of this section, which have been authorized by legislature or Coordinating Board authority prior to the effective date of this subchapter.]

[(1) The minimum headcount enrollment on the campus of the center for the most recent fall semester is established as 1,500 students.]

[(2) The minimum number of semester credit hours completed in approved resident credit courses offered on the campus of the center during the most recent academic year (fall semester, spring semester, and combined summer sessions) must be at least 30,000.]

[(d) Course and program approval. An upper level center is not authorized to award degrees. Course and program offerings are subject Coordinating Board approval, and must be based upon careful surveys of need, availability of qualified faculty, and other resources. They may be offered subject to the following conditions:]

[(1) Courses may lead to the fulfillment of requirements of degrees, which must be granted by and in the name of the parent institution.]

[(2) Programs must be developed with the assistance and counsel of the parent institution.]

[(3) Some special need courses and programs may be offered by the center subject to demonstrated need and prior approval of the parent institution and the Coordinating Board.]

[(4) A center, upon approval of the parent institution and the Coordinating Board, may seek accreditation as an operationally separate unit by the Southern Association of Colleges and Schools.]

[(5) Student records will distinguish between courses taken at the center and at the parent institution.]

[(6) Subject to compliance with policies established by the parent institution, admissions requirements, and procedures; course approval, content, and numbering; faculty recruitment, promotion, and tenure; and other policy decisions may be under the administration and supervision of the center. If the parent institution so desires, approval and supervision in these matters may be retained by appropriate authorities or departments within the parent institution.]

[(e) Administration and staffing. The upper level center will be under the general management and control of the parent institution; however, certain administrative functions may be delegated to the center. Personnel adequate in number and type to provide for student needs and to insure smooth functioning of the center should be maintained. The organizational structure will be simple compared with that of a separate institution. The size and structure of the administrative organization are subject to approval by the Coordinating Board. In determining the size and composition of the administrative and support staff the following guidelines will apply:]

[(1) The parent institution shall provide for assistance to the center in business affairs, including accounting, auditing, purchas-

ing, and budget preparation; personnel administration; admissions and maintenance of student records; data processing; and processing of library material.]

[(2) With approval of the parent institution and after compliance with state regulations, the center may enter into contracts with local institutions, agencies, organizations, and firms for the delivery of administrative and support services.]

[(3) To avoid unnecessary duplication, every effort should be made to obtain services from or share services with, other educational institutions where the role and scope or physical location of the center or both provide the opportunity for doing so. The following are examples of areas considered appropriate for such cooperative arrangements: student services such as health, recreation, and extra class activities; auxiliary services such as bookstore and food service; counseling and guidance; data processing, if not provided by the parent institution; safety and security; library facilities and service; audiovisual and other learning resources not provided by the parent institution; maintenance; and custodial services.]

[(f) Funding. An upper level center is eligible to request funding as a "general academic institution" as defined in the Texas Legislative Appropriations Act; however, funding under this designation does not constitute recognition as a separate institution in other respects. Appropriation requests will be based on the formulas designated by the Coordinating Board for the public senior colleges and universities for those elements of institutional cost appropriate to the operation of the center.]

[(g) Facilities. The acquisition of real property establishes a permanency inconsistent with the nature of such centers. Facilities should be shared with another educational institution and in most situations should be leased from the public junior college on whose campus the center is located.]

[(h) Reclassification.]

[(1) The Coordinating Board may consider upper level center for recommendation to the legislature as a separate general academic institution, provided all the following criteria have been met:]

[(A) the role and scope of the center provides justification for consideration as a separate institution:]

[(B) the standards of an upper level center have been maintained for at least five consecutive years, and the need for and support of its approved courses and programs have been demonstrated:]

[(C) full-time student equivalent enrollment on the campus of the center has reached 1,500 and has been maintained for not less than two consecutive fall semesters:]

[(D) enrollment projections indicate that 2,500 or more full-time student equivalents can be expected within the next five years; and]

[(E) the governing board of the parent institution recommends and requests such action.]

[(2) The Coordinating Board may discontinue an upper level center when:]

[(A) its total headcount enrollment falls below 500 for two consecutive fall semesters and there is an absence of conclusive evidence that enrollment will increase to this level by the next fall semester:]

~~[(B) its total on-campus semester credit hours in approved courses falls below 10,000 for an academic year and there is an absence of conclusive evidence that semester credit hours will rise to this level during the next academic year; or]~~

~~[(C) the governing board of the parent institution recommends such action.]~~

~~[(i) Currently designated centers. The upper level centers recognized at the time of adoption of the provisions of this subchapter and subject to all the foregoing provisions governing such centers, with the exception of subsection (c) of this section on enrollment criteria, are as follows:]~~

~~[(1) Texas A&I University at Laredo. By action of the 61st Legislature (House Bill 607, May 27, 1969), and the 63rd Legislature (Senate Bill 106, May 12, 1973), Texas A&I University at Laredo is also exempt from subsection (d)(first sentence) of this section and subsection (d)(1) of this section, in that it may award degrees in its own name.]~~

~~[(2) University of Houston Victoria Center.]~~

~~[(3) East Texas State University Center at Texarkana.]~~

~~[(4) Pan American University Brownsville Center.]~~

~~[(5) Sul Ross State University Uvalde Study Center.]~~

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

Filed with the Office of the Secretary of State on August 13, 1998.

TRD-9812875

James McWhorter

Assistant Commissioner for Administration

Texas Higher Education Coordinating Board

Proposed date of adoption: October 23, 1998

For further information, please call: (512) 483-6162



19 TAC §5.246

The Texas Higher Education Coordinating Board proposes new §5.246 concerning Operation of Off-Campus Educational Units of Senior Colleges and Universities. The new section to the rules will provide for the creation of university system centers as well as describe their role, structure, degree programs, and other essential characteristics and they would provide for the supply/demand pathway by which public higher education could respond to areas of the state with limited or no access to public higher education.

Glenda Barron, Assistant Commissioner for Community and Technical Colleges has determined that for the first five-year period the rule is in effect there will be no fiscal implications as a result of enforcing or administering the rule.

Dr. Barron also has determined that for the first five years the rule is in effect the public benefit will be that it will provide a method for communities to demonstrate the need for educational services in a way that does not over or under-commit state resources. There will be no effect on state or local government or small businesses. There is no anticipated economic costs to persons who are required to comply with the rule as proposed.

Comments on the new section to the rules may be submitted to Dr. Don W. Brown, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P.O. Box 12788, Capitol Station, Austin, Texas 78711.

The new section to the rule is proposed under Texas Education Code, Sections 61.051 and 61.027, which provides the Texas Higher Education Coordinating Board with the authority to adopt rules concerning Operation of Off-Campus Educational Units of Senior Colleges and Universities.

There were no other sections or articles affected by the proposed new rule.

§5.246. University System Centers.

(a) Role and Mission. University system centers are off-campus educational units of a designated existing public university and created by a university system with Coordinating Board approval. The centers are intended to respond to the academic needs of local regions and provide greater access to students who are location bound. The strength of a university system center is the quality of its teaching and its focus on student-learning outcomes.

(b) Funding. State funding for university centers shall be provided through the parent institution's formula appropriation.

(c) Course and program approval. University system centers shall focus on teaching and emphasize a limited range of baccalaureate programs. Additional programs may be offered by other institutions within the university system.

(1) Upon review and approval of the Coordinating Board, the parent university shall be authorized to offer high-demand degrees at the university system center.

(2) A limited range of master's programs in such areas will also be allowed.

(3) Additional criteria for courses and programs shall include the following:

(A) Programs offered by the university system center's own faculty should have average enrollments of at least 75 students.

(B) Programs no longer meeting adequate enrollment levels shall be continued long enough for a student to have a reasonable opportunity to graduate.

(C) Degrees shall be awarded by the parent institution or the institution offering the degree.

(D) Additional baccalaureate and master's degree programs may be delivered by telecommunications or on-site by the parent institution and by other universities as arranged by the university system, which will provide support in the delivery of programs to meet local needs. Programs offered by this method must be recommended by the system and reviewed and approved by the Coordinating Board in compliance with its rules.

(d) Technology. University centers shall take full advantage of technological advances that promise to improve quality of learning, access to programs, and efficient use of existing resources. Libraries shall be models of the effective use of technology in libraries and depend heavily on the TexShare electronic resource sharing efforts.

(e) Administrative and Academic Support. The university system center shall be headed by a dean or executive director as determined by the parent university and system. The number of local administrators and faculty shall be less than that at a free standing general academic institution of comparable size. Additional

administrative and academic program support shall be provided by both the parent institution and the system.

(f) University system centers:

(1) Shall use locally provided facilities, located on or near community or technical college campuses whenever possible.

(2) Shall develop articulation agreements and partnerships with local community and technical colleges and other universities.

(3) Shall generate formula appropriations for semester credit hours taught. Appropriations shall be made to the parent university and to other universities that provide courses at the center.

(4) Shall develop flexible scheduling and course options, credit and non-credit course and program offerings, distance education opportunities, and support services for traditional and non-traditional students from diverse backgrounds.

(5) Shall meet the Coordinating Board's Technology Standards.

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

Filed with the Office of the Secretary of State on August 13, 1998.

TRD-9812876

James McWhorter

Assistant Commissioner for Administration

Texas Higher Education Coordinating Board

Proposed date of adoption: October 23, 1998

For further information, please call: (512) 483-6162



Chapter 9. Program Development in Public Community/Junior College Districts and Technical Colleges

Subchapter H. Partnerships Between Secondary Schools and Public Two-Year Associate Degree-Granting Institutions

19 TAC §§9.141-9.146

The Texas Higher Education Coordinating Board proposes new §§9.141 - 9.146 concerning Partnerships Between Secondary Schools and Public Two-Year Associate Degree-Granting Institutions. The new rules will explain the types of partnerships between high schools and public two-year colleges; list required elements to be included in partnership agreements; and establish criteria to ensure quality instruction at the college-level in courses offered for concurrent credit.

Glenda Barron, Assistant Commissioner for Community and Technical Colleges has determined that for the first five-year period the rules are in effect there will be no fiscal implications as a result of enforcing or administering the rules.

Dr. Barron also has determined that for the first five years the rules are in effect the public benefit will be that there will be clarification of the different kinds of courses which the partnership agreements allow and will establish criteria to be covered in partnership agreements to ensure and promote

quality instruction at the college level for all students. There will be no effect on state or local government or small businesses. There is no anticipated economic costs to persons who are required to comply with the rules as proposed.

Comments on the new rules may be submitted to Dr. Don W. Brown, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P.O. Box 12788, Capitol Station, Austin, Texas 78711.

The new rules are proposed under Texas Education Code, Sections 130.001(b)(3)-(4), 130.008, 130.090, and 135.06(d), which provides the Texas Higher Education Coordinating Board with the authority to adopt rules concerning Partnerships Between Secondary Schools and Public Two-Year Associate Degree-Granting Institutions.

There were no other sections or articles affected by the proposed new rules.

§9.141. Purpose.

(a) The Coordinating Board encourages and supports partnerships between secondary schools and public two-year associate degree-granting institutions, including such initiatives as Tech-Prep and concurrent course credit which allow secondary students to receive both high school and college-level credit for college-level courses.

(b) The purpose of this subchapter shall be to provide rules and regulations for public community/junior and technical colleges in partnership initiatives with secondary schools.

§9.142. Authority.

Texas Education Code, Sections 130.001(b)(3)-(4), 130.008, 130.090, and 135.06(d), authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for public community/junior colleges to enter into agreements with secondary schools to offer courses which grant credit toward the student's high school academic requirements and/or college-level credit in cooperation with a public two-year associate degree-granting institution.

§9.143. Types of Partnerships.

(a) Partnerships for Award of High School Credit Only. Contractual agreements between public school districts and public two-year associate degree-granting institutions in which the latter provides instruction in courses to high school students for award of high school credit only. Rules for these agreements are located in Subchapter G, §9.125 of this title (relating to Contractual Agreements).

(b) Partnerships for Award of Concurrent Course Credit. Partnerships between secondary schools and public two-year associate degree-granting institutions in which the latter provides instruction to high school students for immediate award of both high school credit and college associate degree credit.

(c) Partnerships for Tech-Prep Programs. Partnerships between public school districts and public two-year associate degree-granting institutions to allow for the articulation of high school technical courses taught by the high school to high school students for immediate high school credit and later college credit, to be awarded upon enrollment of the students in a community or technical college in an associate degree or certificate program.

(d) Partnerships for Remedial Developmental Instruction for High School Graduates. Partnerships between public school districts and public two-year associate degree-granting institutions to provide instruction by the latter to high school students for either remedial course work to prepare students to pass the Texas Assessment of

Academic Skills (TAAS) test or developmental course work to prepare the students to pass the Texas Academic Skills Program (TASP) test.

§9.144. Partnership Agreements.

(a) Need For Partnership Agreement. For any instructional partnership between a secondary school and a public two-year associate degree-granting institution, an agreement must be approved by the governing boards or designated authorities of both the public school district or private secondary school and the public two-year associate degree-granting institution prior to the offering of courses.

(b) Elements of Partnership Agreements. Any partnership agreement as described in §9.143 of this title (relating to Types of Partnerships) must address the following elements:

- (1) student eligibility requirements;
- (2) faculty qualifications;
- (3) location and student composition of classes;
- (4) provision of student learning and support services;
- (5) eligible courses;
- (6) grading criteria;
- (7) transcripting of credit; and
- (8) funding provisions.

§9.145. Concurrent Course Credit.

(a) Student Eligibility Requirements.

(1) To be eligible for enrollment in a concurrent credit course in an associate degree or level two certificate (TASP-eligible) program, the high school student must present a passing score on the Texas Academic Skills Program (TASP) test or a Board-approved alternative assessment instrument in at least one area (mathematics, reading, writing) as deemed applicable by the college for the intended concurrent course in which the student shall enroll. Students who are exempt from taking the TASP test or the alternative assessment are also exempt for purposes of concurrent course credit. Concurrent course credit students must comply with the rules and regulations of Chapter 5, Subchapter P of this title (relating to Testing and Developmental Education).

(2) To be eligible for enrollment in a concurrent credit course in a TASP-waived college certificate program, the high school student must have passed all sections of the exit-level TAAS test.

(3) Students who are home-schooled or enrolled in private or non-accredited secondary schools must satisfy paragraph (1) of this subsection.

(4) The class load of a high school student shall not exceed two college credit courses per semester. However, under special circumstances that indicate a student with exceptional academic abilities is capable of college-level work, based on such factors as grade-point average, ACT or SAT scores, and other assessment indicators, the chief academic officer of a community or technical college may grant exceptions to this requirement.

(b) Faculty Qualifications.

(1) All instructors must meet the minimal requirements as specified by the Commission on Colleges of the Southern Association of Colleges and Schools.

(2) The college shall select, supervise, and evaluate instructors for courses which result in the award of concurrent credit.

(3) Instructors teaching courses which result in the award of concurrent credit must be regularly employed faculty members or must meet the same standards, review, and approval procedures used by the college to select faculty responsible for teaching the same courses at the main campus of the college.

(4) Official transcripts of instructors must be kept on file at the college.

(c) Location and Student Composition of Classes for Concurrent Course Credit. Concurrent credit courses must be taught on the college campus or in classes composed solely of concurrent, advanced placement (AP), and/or college credit students.

(d) Student Services.

(1) Students must be given access to the college library, accorded appropriate privileges, and have adequate library resources convenient for use at the site where concurrent course credit is offered.

(2) Students enrolled in concurrent course credit must be provided adequate academic support services including academic advising and counseling.

(e) Eligible Courses.

(1) Courses offered for concurrent course credit must be identified as college-level academic courses in the current edition of the Community College General Academic Course Guide Manual or as college-level technical courses in an approved Tech-Prep or Associate of Applied Science (AAS) degree program.

(2) Instruction and materials for concurrent course credit must be at the equivalent level of the instruction and materials used for the identical course taught on the main campus of the college.

(f) Grading Criteria. For technical and academic concurrent credit courses, grading criteria should be devised to allow faculty the opportunity to award high school only or high school and college credit depending upon student performance.

(g) Transcripting of Credit. For technical and academic concurrent credit courses, high school as well as college credit should be transcripted immediately upon a student's successful completion of the performance required in the course.

(h) Funding.

(1) The state funding for concurrent credit courses will be available to both public school districts and public two-year associate degree-granting institutions based upon the current agreement between the Commissioner of Education and the Commissioner of Higher Education.

(2) The college may claim funding for all students enrolled in concurrent course credit.

(3) Only a public community/junior college may waive tuition and fees for a Texas public high school student enrolled in a course for which the student may receive concurrent course enrollment credit. Public technical colleges may not waive tuition and fees.

§9.146. Remedial and Developmental Instruction for High School Students.

(a) As outlined under Chapter 9, Subchapter G, §9.125 of this title, (relating to Contractual Agreements for Instruction with Public Secondary Schools) community/junior and technical colleges may contract with public secondary school districts to provide remedial courses for students enrolled in public secondary schools

in preparation for graduation from high school. Such courses are not eligible for state formula funding.

(b) High school students who have passed all sections of the exit-level TAAS test may be permitted to enroll in state-funded developmental courses offered by a college at the college's discretion if a need for such course work is indicated by student performance on the TASP test or an approved alternative assessment instrument.

(c) Remedial and developmental courses may not be offered for concurrent course credit.

(d) Only a public community/junior college may waive tuition and fees for a Texas public high school student enrolled in a remedial course or a developmental course. Public technical colleges may not waive tuition and fees.

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

Filed with the Office of the Secretary of State on August 13, 1998.

TRD-9812877

James McWhorter

Assistant Commissioner for Administration

Texas Higher Education Coordinating Board

Proposed date of adoption: October 23, 1998

For further information, please call: (512) 483-6162



TITLE 22. EXAMINING BOARDS

Part X. Texas Funeral Service Commission

Chapter 203. Licensing and Enforcement - Specific Substantive Rules

22 TAC §203.17

The Texas Funeral Service Commission proposes an amendment to §203.17, concerning clarification of other facilities necessary in a preparation room. The section is being amended to delete subsection (a) and the language contained in subsections (b) and (c).

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

Ms. May 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 deletion of language no longer applicable to the rule. There will be no effect on small businesses. There is no anticipated economic cost for persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Eliza May, Executive Director, Texas Funeral Service Commission, 510 South Congress Avenue, Suite 206, Austin, Texas 78704-1716.

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

No other statute, code, or article is affected by the proposed amendment.

§203.17. *Clarification of Other Facilities Necessary in a Preparation Room.*

{(a)} The commission will approve only those preparation rooms which meet the requirements of Texas Civil Statutes, Article 4582b, §4(C)(4), and the following minimum standards listed in paragraphs (1)-(12) of this section prescribed by the commission:

(1) must be of sufficient size and dimensions to accommodate an operating table, a sink with water connections, and an instrument table, cabinet, or shelves:

(A) the operating table must have a rust proof metal or porcelain top, with edges raised at least 3/4 inch around the entire table and a drain opening at the lower end;

(B) the sink must have hot and cold running water and drain freely;

(C) the faucet must be equipped with an aspirator;

(2) must contain an injection/embalming machine and sufficient supplies and equipment for normal operations;

(3) must be clean, sanitary, and not used for other purposes;

(4) must not have defective construction which permits the entrance of rodents;

(5) must not have evidence of infestation of insects or rodents;

(6) must be private and have no general passageway through it;

(7) must be properly ventilated with an exhaust fan that provides at least five room air exchanges per hour;

(8) must not have unenclosed or public restroom facilities located within the room;

(9) must have walls which run from floor to ceiling and be covered with tile, or by plaster or sheetrock painted with washable paint;

(10) must have floors of concrete with a glazed surface, or tiled in order to provide the greatest sanitary condition possible;

(11) must have doors, windows, and walls constructed to prevent odors from entering any other part of the building;

(12) must have all windows and openings to the outside screened.

{(b)} The majority owner or designated agent of record of a funeral establishment may submit a written petition to the commission requesting an exemption to subsection (a) of this section. Each petition shall clearly state:}

{(1) each location's name and address;}

{(2) that the exempt establishment is located within 50 miles of the facility at which embalming services are to be performed;}

{(3) that no embalming services will be performed at the exempt funeral establishment location.}

{(c)} Upon receipt of the petition and the determination by the executive director that the criteria listed in subsection (b) of this section have been met, the executive director will notify the petitioner

that the exemption has been granted and will remain in effect so long as the criteria listed in subsection (b) of this section remain unchanged.]

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

Filed with the Office of the Secretary of State on August 10, 1998.

TRD-9812649

Eliza May, M.S.S.W.

Executive Director

Texas Funeral Service Commission

Earliest possible date of adoption: September 27, 1998

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



TITLE 28. INSURANCE

Part I. Texas Department of Insurance

Chapter 1. General Administration

Subchapter C. Maintenance Taxes and Fees

28 TAC §1.406, §1.407

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

The Texas Department of Insurance proposes the repeal of §1.406 and §1.407, concerning assessment of maintenance taxes and fees. The repeal of these sections is necessary to eliminate provisions which have become obsolete. Section 1.406 adopted the maintenance tax rates for 1988 and §1.407 adopted the maintenance tax rates for 1989. Those taxes have been assessed and the sections are no longer necessary.

Karen A. Phillips, Chief Financial Officer, has determined that for each year of 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. There will be no effect on local employment or local economy as a result of the repeal.

Ms. Phillips has determined that for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of the repeal of the sections will be more efficient regulation of insurance. There will be no effect on small businesses as a result of the repeal of the sections. There is no anticipated economic cost to persons as a result of repealing the sections.

Comments on the proposal must be submitted in writing within 30 days after publication of the proposed repeal in the *Texas Register* to Lynda Nesenholtz, General Counsel and Chief Clerk, Mail Code #113-2A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. A copy of the comments should be submitted to Karen A. Phillips, Chief Financial Officer, Mail Code #108-3A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104.

The repeals are proposed under the Insurance Code, Articles 4.17, 5.12, 5.24, 5.49, 5.68, 9.46, 20A.33, 21.07-6, §21, and

1.03A, which authorizes the commissioner of insurance to assess maintenance taxes and fees on lines of insurance and related activities. Article 4.17 establishes a maintenance tax based on insurance premiums for life, accident, and health coverage and the gross considerations for annuity and endowment contracts. Article 5.12 establishes a maintenance tax based on insurance premiums for motor vehicle coverage. Article 5.24 establishes a maintenance tax based on insurance premiums for casualty insurance and fidelity, guaranty and surety bonds coverage. Article 5.49 establishes a maintenance tax based on insurance premiums for fire and allied lines coverage, including inland marine. Article 5.68 establishes a maintenance tax based on insurance premiums for workers' compensation coverage. Article 9.46 establishes a maintenance fee based on insurance premiums for title coverage. Article 20A.33 establishes an annual tax based on the gross amounts of revenues collected for the issuance of health maintenance certificates or contracts. Article 21.07-6, §21 establishes a maintenance tax based on the gross amount of administrative or service fees for third party administrators. Article 1.03A authorizes the commissioner of insurance to adopt rules and regulations for the conduct and execution of the duties and functions of the department as authorized by statute.

The following articles of the Insurance Code are affected by these rules: Articles 4.17, 5.12, 5.24, 5.49, 5.68, 9.46, 20A.33, 21.07-6, §21, 21.46, and 21.54.

§1.406. *Assessment of Maintenance Taxes and Fees, 1988.*

§1.407. *Assessment of Maintenance Taxes and Fees, 1989.*

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

Filed with the Office of the Secretary of State, on August 17, 1998.

TRD-9812995

Lynda H. Nesenholtz

General Counsel and Chief Clerk

Texas Department of Insurance

Earliest possible date of adoption: September 27, 1998

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



Chapter 5. Property and Casualty Insurance

Subchapter B. Insurance Code, Chapter 5, Subchapter B

Rules to Implement the Omnibus Health Care Rescue Act's Reduction in Certain Professional Liability Insurance Premiums

28 TAC §§5.1301-5.1309

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

The Texas Department of Insurance proposes the repeal of §§5.1301-5.1309, relating to the reduction in certain medical professional liability insurance premiums in accordance with Article 5.15-4. Article 5.15-4 was enacted by the 71st Legislature in 1989 to provide a reduction in professional liability insurance

premiums for health care professionals and health clinics who were providing charity care or services in 10% or more of their patient encounters. Sections 5.1301– 5.1309 were adopted to implement the provisions of Article 5.15-4 and to provide orderly and efficient procedures for determining which health care professionals and health clinics qualify for health care liability insurance premium reductions. These sections specify the filing requirements with the department that participating insurers must fulfill and they address the amount of premium discount that health care providers may receive. These sections also specify the qualifications that health care professionals and health clinics must meet to be entitled to a discount and specify the requirements for requesting a discount. These sections further provide audit procedures, penalties for failure to meet the statutory requirements, provisions governing the insurers' right to cancel or non renew policies, data collection and reporting requirements, and an expiration date for the program. Article 5.15-4 of the Insurance Code, concerning the reduction in certain medical professional liability insurance premiums expired on September 1, 1997. Repeal of §§5.1301–5.1309 is necessary because the statutory authority that formed the basis for the implementation of these sections has expired.

Marilyn Hamilton, deputy commissioner for the commercial property/casualty group has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal and that there will be no effect on local employment or the local economy.

Ms. Hamilton has also determined that for each year of the first five years the proposed repeal is in effect the public benefit anticipated as a result of administering the repeal will be to clarify the administrative rules regulating professional liability insurance by deleting sections that no longer have a statutory basis for implementation and that might otherwise result in confusion to the public. There is no anticipated adverse economic effect on persons who are required to comply with the repeal as proposed.

Comments on the proposal to be considered by the Department must be submitted within 30 days after publication of the proposed section in the *Texas Register* to Lynda H. Nesenholtz, General Counsel and Chief Clerk, Texas Department of Insurance, P. O. Box 149104, Mail Code 113-2A, Austin Texas 78714-9104. An additional copy of the comment should be submitted to Marilyn Hamilton, Deputy Commissioner for the Commercial Property/Casualty Group, Texas Department of Insurance, P. O. Box 149104, MC 104-PC, Austin Texas 78714-9104. A request for public hearing on the proposed repeal must be submitted separately to the Office of the Chief Clerk.

The repeals are proposed under the Insurance Code, Articles 5.15-4, 5.98, and 1.03A; and the Government Code §§2001.004 et seq. Article 5.15-4 provided that the department shall administer this article and shall adopt necessary rules, forms, endorsements, and procedures to carry out this article. Article 5.98 provides that the Commissioner of Insurance may adopt reasonable rules that are appropriate to accomplish the purposes of Chapter 5, Texas Insurance Code entitled Rating and Policy Forms, and which contains statutes governing medical professional liability insurance. 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. The Government Code §§2001.004 et seq. (Administrative Procedures Code) authorizes and requires

each state agency to adopt rules of practice stating the nature and requirements of available procedures and to prescribe the procedure for adoption of rules by a state administrative agency.

The following articles of the Insurance Code are affected by these repeals: Insurance Code, Article 5.15-4.

- §5.1301. *Definitions.*
- §5.1302. *Insurer Filing Requirements.*
- §5.1303. *Determination of Premium Discount Amount.*
- §5.1304. *Qualifications for Premium Discount.*
- §5.1305. *Request for Premium Discount.*
- §5.1306. *Audit and Penalty Provisions.*
- §5.1307. *Prohibitions and Sanctions on Insurers.*
- §5.1308. *Data Collection and Reporting Requirements.*
- §5.1309. *Expiration.*

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

Filed with the Office of the Secretary of State, on August 17, 1998.

TRD-9813015
Lynda H. Nesenholtz
General Counsel and Chief Clerk
Texas Department of Insurance
Earliest possible date of adoption: September 27, 1998
For further information, please call: (512) 463-6327



Subchapter D. Fire and Allied Lines Insurance Prohibited Practices by Insurers Subject to the Insurance Code, Article 5.26

28 TAC §§5.3001–5.3004

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

The Texas Department of Insurance proposes the repeal of §§5.3001-5.3004, relating to the prohibition against regulated and nonregulated insurers entering into guaranty agreements, indemnity agreements, or reinsurance agreements designed to circumvent the application of Article 5.26 to regulated insurers. Sections 5.3001 and 5.3002 describe certain practices that insurers were engaging in to circumvent the promulgated rating system established by Article 5.26. These sections focused on the practice of nonregulated insurers issuing policies at rates less than those authorized for use by regulated insurers and these blocks of policies were being assumed by the rate regulated insurers through guaranty, indemnity, or reinsurance agreements. Through these arrangements, the regulated insurers were charging rates that were inadequate and not actuarially sound and the board was concerned that such practices could lead to insurer insolvency. The board was particularly concerned with the practice of regulated insurers establishing affiliated Lloyds companies and reciprocal exchanges expressly for the purpose of writing policies below the promulgated rate

and then ceding those policies to the regulated affiliate. Section 5.3002 specified these practices to be in violation of Articles 5.26 and 5.41, issued a mandate to insurers to cease and desist from such practices, and issued a directive to the commissioner to investigate insurers engaging in such practices. Sections 5.3003 and 5.3004 included multi-peril policies under the prohibitions described in §§5.3001 and 5.3002 if the multi-peril policy included coverage that was regulated under Article 5.26. In 1991, Articles 5.26 and 5.41 were amended to reflect that a new benchmark rating system, outlined in Subchapter M, would be used to regulate residential property insurance rates instead of the promulgated rating system. Simultaneous with these amendments to Articles 5.26 and 5.41, Article 5.101 was enacted to establish the benchmark rating system. The effect of these legislative changes was that the benchmark rating system supplanted the promulgated rating system for residential property insurance rates. The repeal of §§5.3001 through 5.3004 is necessary because the department may not enforce these sections since their enforcement was dependent upon a promulgated rating system. Since the promulgated rating system no longer has a function in the present benchmark rating system, §§5.3001 through 5.3004 need to be repealed to remove sections which no longer serve a purpose.

David Durden, deputy commissioner for the automobile and homeowners group has determined that for the first five-year period the repeal will be in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal and there will be no effect on local employment or the local economy.

Mr. Durden has also determined that for each year of the first five years the proposed repeal is in effect, the public benefit anticipated as a result of administering the repeal will be to clarify the administrative rules regulating fire insurance and allied lines of insurance by deleting an unnecessary section that might otherwise result in confusion to the public. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal to be considered by the Department must be submitted within 30 days after publication of the proposed section in the *Texas Register* to Lynda H. Nesenholtz, General Counsel and Chief Clerk, Texas Department of Insurance, P. O. Box 149104, Mail Code 113-2A, Austin Texas 78714-9104. An additional copy of the comment should be submitted to David Durden, Deputy Commissioner for the Automobile and Homeowners Group, Texas Department of Insurance, P. O. Box 149104, MC 104-5A, Austin Texas 78714-9104. A request for public hearing on the proposed repeal must be submitted separately to the Office of the Chief Clerk.

The repeals are proposed under the Insurance Code, Articles 5.98 and 1.03A; and the Government Code §§2001.004 et seq. Article 5.98 provides that the Commissioner of Insurance may adopt reasonable rules that are appropriate to accomplish the purposes of Chapter 5, Texas Insurance Code entitled Rating and Policy Forms, and which contains statutes governing fire insurance and allied lines. 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. The Government Code §§2001.004 et seq. (Administrative Procedures Code) authorizes and requires each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and

to prescribe the procedure for adoption of rules by a state administrative agency.

The following articles of the Insurance Code are affected by these repeals: Insurance Code, Articles 5.26 and 5.41.

§5.3001. *Purpose, Scope, Findings, and History.*

§5.3002. *Prohibited Practices, Specifications of Illegal Acts.*

§5.3003. *Purpose and Scope.*

§5.3004. *Prohibited Practices.*

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

Filed with the Office of the Secretary of State, on August 17, 1998.

TRD-9813009

Lynda H. Nesenholtz

General Counsel and Chief Clerk

Texas Department of Insurance

Earliest possible date of adoption: September 27, 1998

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



Rate Deviations and the Payment of Dividends to Policyholders for Fire and Allied Lines Insurance

28 TAC §5.3101

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

The Texas Department of Insurance proposes the repeal of §5.3101, concerning commercial and residential property insurance rate deviations, policy form deviations, and dividend payments. Article 5.25 established a promulgated rating system which specified that any insurer writing commercial or residential property insurance in Texas was required to issue policies at the premium rates fixed, determined, and promulgated by the board. Article 5.26 specified that any insurer desiring to write commercial or residential property insurance at rates different from those promulgated by the board was required to make application to the board requesting permission to file a rate deviation of a uniform percentage on a statewide basis. Section 5.3101 was adopted to regulate insurers seeking to make any deviation on a commercial or residential property insurance rate or premium, seeking to change the promulgated policy provisions, or seeking to pay a policy dividend in a manner that would circumvent the rates promulgated by the board. Section 5.3101 placed a general prohibition on rate deviations, changes to the promulgated policy forms, and payment of dividends except those made under the authorization of statute. In 1991, Articles 5.25, 5.26, and 5.41 were amended to reflect that a new benchmark rating system, outlined in Subchapter M, would be used to regulate residential property insurance rates instead of the system of promulgated rates with rate deviation filings. Additionally, Article 5.25, 5.26, and 5.41 were amended to reflect that commercial property insurance rates would no longer be promulgated but would be placed under the file and use regulatory scheme in Article 5.13-2. Simultaneous with these amendments to Articles 5.25, 5.26, and 5.41, Article 5.101 was enacted to establish the benchmark rating system.

The effect of these legislative changes was that the benchmark rating system supplanted both the promulgated rating system in Article 5.25 for residential property insurance rates and the provisions for rate deviation filings in Article 5.26. The repeal of §5.3101 is necessary because rate deviation filings have no function in the rate setting process and bear no relationship to the benchmark rating system which is currently used for residential property rate regulation. Since rate deviation filings no longer have a function in the present residential or commercial property rating system, it is necessary to repeal §5.3101 to remove a section which no longer serves a purpose.

David Durden, deputy commissioner for the automobile and homeowners group has determined that for the first five-year period the repeal will be in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal and that there will be no effect on local employment or the local economy.

Mr. Durden has also determined that for each year of the first five years the proposed repeal is in effect, the public benefit anticipated as a result of administering the repeal will be to clarify the administrative rules regulating residential and commercial property insurance by deleting an unnecessary section that might otherwise result in confusion to the public. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal to be considered by the Department must be submitted within 30 days after publication of the proposed section in the *Texas Register* to Lynda H. Nesenholtz, General Counsel and Chief Clerk, Texas Department of Insurance, P. O. Box 149104, Mail Code 113-2A, Austin Texas 78714-9104. An additional copy of the comment should be submitted to David Durden, Deputy Commissioner for the Automobile and Homeowners Group, Texas Department of Insurance, P. O. Box 149104, MC 104-5A, Austin Texas 78714-9104. A request for public hearing on the proposed repeal must be submitted separately to the Office of the Chief Clerk.

The repeal is proposed under the Insurance Code, Articles 5.98 and 1.03A; and the Government Code §§2001.004 et seq. Article 5.98 provides that the Commissioner of Insurance may adopt reasonable rules that are appropriate to accomplish the purposes of Chapter 5, Texas Insurance Code entitled Rating and Policy Forms, and which contains statutes governing commercial and residential property insurance. 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. The Government Code §§2001.004 et seq. (Administrative Procedures Code) authorizes and requires each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedure for adoption of rules by a state administrative agency.

The following articles of the Insurance Code are affected by this repeal: Insurance Code, Articles 5.25, 5.26, and 5.41.

§5.3101. General Prohibition.

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

Filed with the Office of the Secretary of State, on August 17, 1998.

TRD-9813008

Lynda H. Nesenholtz
General Counsel and Chief Clerk
Texas Department of Insurance
Earliest possible date of adoption: September 27, 1998
For further information, please call: (512) 463-6327

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Mitigation of Residential Property Insurance Losses

28 TAC §5.3600

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

The Texas Department of Insurance proposes the repeal of §5.3600 relating to the Residential Property Insurance Loss Mitigation Advisory Committee (Advisory Committee). Commissioner's Order Number 94-1029 created the Advisory Committee and appointed the members. The purpose of the Advisory Committee is to advise and make recommendations, including proposals for rules and legislation, to the Commissioner of Insurance on reducing residential property insurance losses. The purpose of this section is to specify the purpose, tasks, reporting requirements, membership composition, and duration of the Advisory Committee. Subsection (d) specifies that the Advisory Committee is authorized to operate until December 31, 1995, at which time, the Advisory Committee shall be automatically abolished unless continued in existence by order of the commissioner. Since the Advisory Committee was not continued in existence by order of the commissioner, then it was automatically abolished by operation of this rule on December 31, 1995 making the repeal of this section necessary with the purposes and objectives of the Advisory Committee having been fulfilled.

David Durden, deputy commissioner for the automobile and homeowners group has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal and that there will be no effect on local employment or the local economy.

Mr. Durden has also determined that for each year of the first five years the proposed repeal is in effect the public benefit anticipated as a result of administering the repeal will be to clarify the administrative rules regulating residential property insurance by deleting an unnecessary section that might otherwise result in confusion to the public. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal to be considered by the Department must be submitted within 30 days after publication of the proposed section in the *Texas Register* to Lynda H. Nesenholtz, General Counsel and Chief Clerk, Texas Department of Insurance, P. O. Box 149104, Mail Code 113-2A, Austin Texas 78714-9104. An additional copy of the comment should be submitted to David Durden, Deputy Commissioner for the Automobile and Homeowners Group, Texas Department of Insurance, P. O. Box 149104, MC 104-5A, Austin Texas 78714-9104. A request for public hearing on the proposed repeal must be submitted separately to the Office of the Chief Clerk.

The repeal is proposed under the Insurance Code, Articles 5.98 and 1.03A; and the Government Code §§2001.004 et

seq. Article 5.98 provides that the Commissioner of Insurance may adopt reasonable rules that are appropriate to accomplish the purposes of Chapter 5, Texas Insurance Code entitled Rating and Policy Forms, and which contains statutes governing residential property insurance. 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. The Government Code §§2001.004 et seq. (Administrative Procedures Code) authorizes and requires each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedure for adoption of rules by a state administrative agency.

The following articles of the Insurance Code are affected by this repeal: Insurance Code, Articles 5.25, and 5.33.

§5.3600. *Residential Property Insurance Loss Mitigation Advisory Committee.*

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

Filed with the Office of the Secretary of State, on August 17, 1998.

TRD-9813014

Lynda H. Nesenholtz

General Counsel and Chief Clerk

Texas Department of Insurance

Earliest possible date of adoption: September 27, 1998

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



Chapter 7. Corporate and Financial Regulation

The Texas Department of Insurance proposes the repeal of §§7.14, 7.63-7.64, 7.301-7.309, 7.631-7.636, and 7.901. The repeal of these sections is necessary to eliminate provisions which have become obsolete, unnecessary or redundant of other statutes or rules. Section 7.14 concerns the annual credit insurance privilege fee. Insurance Code, Article 4.09, which authorized the fee has been repealed. Sections 7.63 and 7.64 concern the adoption by reference of 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. Those documents have been filed with the department and the sections are no longer necessary. Sections 7.301-7.309 concern the regulation and reporting of securities lending transactions. Insurance Code, Article 3.33 now governs these transactions. Sections 7.631-7.636 concern the withdrawal from the state by the use of reinsurance agreements. Insurance Code, Article 21.49-2C now governs this activity. Section 7.901 concerns insider trading and proxy solicitation. Insurance Code, Article 21.49-1 no longer requires the department to protect the interests of shareholders in transactions governed by the article, therefore section 7.901 is unnecessary.

José Montemayor, associate commissioner for the financial program, has determined that for each year of the first five-year period the repeal of the sections as proposed is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal of the sections. There will be no effect on local employment or local economy as a result of the repeal of the sections.

Mr. Montemayor has determined that for each year of the first five years the repeal of the sections as proposed is in effect, the public benefit anticipated as a result of the repeal will be more efficient regulation of insurance. There will be no effect on small businesses as a result of the repeal of the sections. There is no anticipated economic cost to persons as a result of repealing the sections.

Comments on the proposal must be submitted in writing within 30 days after publication of the proposal in the *Texas Register* to Lynda H. Nesenholtz, General Counsel and Chief Clerk, Mail Code 113-2A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. An additional copy of the comments should be submitted to Jose Montemayor, Associate Commissioner-Financial Program, Mail Code 305-2A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104.

Subchapter A. Examination and Financial Analysis

28 TAC §7.14, §7.63, §7.64

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

The repeal of the sections is proposed under the Insurance Code, Articles 1.11, 3.33, 3.53, 21.49-1, 21.49-2C and 1.03A. 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. Article 3.33 governs investments for life insurance companies, including securities lending transactions, and authorizes the commissioner to adopt rules to implement the article. Article 3.53 authorizes the commissioner to adopt rules to regulate credit life insurance. Article 21.49-1 authorizes the commissioner to adopt rules to implement the provisions of this article (The Insurance Holding Company System Regulatory Act). Article 21.49-2C now governs the withdrawal of an insurer from the state, by reinsurance or otherwise. Article 1.03A authorizes the commissioner to adopt rules for the conduct and execution of the duties of the department as authorized by statute.

The following are the articles of the Insurance Code that are affected by the repeal of these sections: Articles 1.11, 3.33, 3.53, 21.49-2C, 21.49-1.

§7.14. *Annual Credit Insurance Privilege Fee under the Insurance Code, Article 3.53.*

§7.63. *Requirements for Filing the 1993 Annual and 1994 Quarterly Statements, Other Reporting Forms and Diskettes.*

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

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

Filed with the Office of the Secretary of State, on August 17, 1998.

TRD-9812996

Lynda H. Nesenholtz

General Counsel and Chief Clerk

Texas Department of Insurance

Earliest possible date of adoption: September 27, 1998
For further information, please call: (512) 463-6327



Subchapter C. Transfer of Securities Under Certain Agreements

28 TAC §§7.301-7.309

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

The repeal of the sections are proposed under the Insurance Code, Articles 1.11, 3.33, 3.53, 21.49-1, 21.49-2C and 1.03A. 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. Article 3.33 governs investments for life insurance companies, including securities lending transactions, and authorizes the commissioner to adopt rules to implement the article. Article 3.53 authorizes the commissioner to adopt rules to regulate credit life insurance. Article 21.49-1 authorizes the commissioner to adopt rules to implement the provisions of this article (The Insurance Holding Company System Regulatory Act). Article 21.49-2C now governs the withdrawal of an insurer from the state, by reinsurance or otherwise. Article 1.03A authorizes the commissioner to adopt rules for the conduct and execution of the duties of the department as authorized by statute.

The following are the articles of the Insurance Code that are affected by the repeal of these sections: Articles 1.11, 3.33, 3.53, 21.49-2C, 21.49-1.

§7.301. *Purpose.*

§7.302. *Definitions.*

§7.303. *Securities Lending Agreement.*

§7.304. *Investment of Collateral.*

§7.305. *Maintenance of the Collateral (Marking-to-Market).*

§7.306. *Reporting of Securities Lending Transactions.*

§7.307. *Availability of Records.*

§7.308. *Noncompliance with These Sections.*

§7.309. *Severance Clause.*

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

Filed with the Office of the Secretary of State, on August 17, 1998.

TRD-9812997

Lynda H. Nesenholtz
General Counsel and Chief Clerk
Texas Department of Insurance

Earliest possible date of adoption: September 27, 1998
For further information, please call: (512) 463-6327



Subchapter F. Reinsurance

Foreign Insurers' Withdrawal From State By Virtue of Reinsurance Agreements

28 TAC §§7.631-7.636

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

The repeal of the sections are proposed under the Insurance Code, Articles 1.11, 3.33, 3.53, 21.49-1, 21.49-2C and 1.03A. 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. Article 3.33 governs investments for life insurance companies, including securities lending transactions, and authorizes the commissioner to adopt rules to implement the article. Article 3.53 authorizes the commissioner to adopt rules to regulate credit life insurance. Article 21.49-1 authorizes the commissioner to adopt rules to implement the provisions of this article (The Insurance Holding Company System Regulatory Act). Article 21.49-2C now governs the withdrawal of an insurer from the state, by reinsurance or otherwise. Article 1.03A authorizes the commissioner to adopt rules for the conduct and execution of the duties of the department as authorized by statute.

The following are the articles of the Insurance Code that are affected by the repeal of these sections: Articles 1.11, 3.33, 3.53, 21.49-2C, 21.49-1.

§7.631. *Application of Foreign and Alien Insurers to Withdraw from the State by Reinsuring the Total Business.*

§7.632. *Policyholder Obligations.*

§7.633. *Reinsurance of Business.*

§7.634. *Conclusion of Business.*

§7.635. *Statutory Deposit.*

§7.636. *Outstanding Proceedings.*

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

Filed with the Office of the Secretary of State, on August 17, 1998.

TRD-9812998

Lynda H. Nesenholtz
General Counsel and Chief Clerk
Texas Department of Insurance

Earliest possible date of adoption: September 27, 1998
For further information, please call: (512) 463-6327



Subchapter I. Insider Trading and Proxy Solicitation

28 TAC §7.901

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

The repeal of the section is proposed under the Insurance Code, Articles 1.11, 3.33, 3.53, 21.49-1, 21.49-2C and 1.03A. 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. Article 3.33 governs investments for life insurance companies, including securities lending transactions, and authorizes the commissioner to adopt rules to implement the article. Article 3.53 authorizes the commissioner to adopt rules to regulate credit life insurance. Article 21.49-1 authorizes the commissioner to adopt rules to implement the provisions of this article (The Insurance Holding Company System Regulatory Act). Article 21.49-2C now governs the withdrawal of an insurer from the state, by reinsurance or otherwise. Article 1.03A authorizes the commissioner to adopt rules for the conduct and execution of the duties of the department as authorized by statute.

The following are the articles of the Insurance Code that are affected by the repeal of this section: Articles 1.11, 3.33, 3.53, 21.49-2C, 21.49-1.

§7.901. *Insider Trading and Proxy Solicitation.*

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

Filed with the Office of the Secretary of State, on August 17, 1998.

TRD-9812999

Lynda H. Nesenholtz
General Counsel and Chief Clerk
Texas Department of Insurance

Earliest possible date of adoption: September 27, 1998

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



Chapter 15. Surplus Lines Insurance

Subchapter A. General Regulation of Surplus Lines Insurance

28 TAC §15.15, §15.28

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

The Texas Department of Insurance proposes the repeal of §15.15 and §15.28. Section 15.15 concerns reports of unauthorized insurance. Section 15.28 concerns the use of surplus lines insurance under the Private Investigators and Private Security Agencies Act. The repeal of these sections is necessary to eliminate provisions which have become obsolete, unnecessary and redundant of other statutes or rules. These sections duplicate and/or conflict with the provisions of Insurance Code, Article 1.14-2, the surplus lines law.

José Montemayor, associate commissioner for the financial program, has determined that for each year of the first five-year period the repeal of the sections as proposed is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal of the sections. There will be no effect on local employment or local economy as a result of the repeal of the sections.

Mr. Montemayor has determined that for each year of the first five years the repeal of the sections as proposed is in effect, the public benefit anticipated as a result of the repeal will be

more efficient regulation of insurance. There will be no effect on small businesses as a result of the repeal of the sections. There is no anticipated economic cost to persons as a result of repealing the sections.

Comments on the proposal must be submitted in writing within 30 days after publication of the proposal in the *Texas Register* to Lynda H. Nesenholtz, General Counsel and Chief Clerk, Mail Code 113-2A, Texas Department of Insurance, P.O. BOX 149104, Austin, Texas 78714-9104. A copy of the comments should be submitted to Jose Montemayor, Associate Commissioner-Financial Program, Mail Code 305-2A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104.

The repeal of the sections are proposed under the Insurance Code, Article 1.14-2. Article 1.14-2, which governs surplus lines insurance, authorizes the commissioner to adopt rules to enforce the article.

The following are the articles of the Insurance Code that are affected by the repeal of these sections: 1.14-2.

§15.15. *Reports of Unauthorized Insurance.*

§15.28. *Use of Surplus Lines Insurance Under the Private Investigators and Private Security Agencies Act.*

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

Filed with the Office of the Secretary of State, on August 17, 1998.

TRD-9813000

Lynda H. Nesenholtz
General Counsel and Chief Clerk
Texas Department of Insurance

Earliest possible date of adoption: September 17, 1998

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



Chapter 19. Agents Licensing

The Texas Department of Insurance proposes repeal of §§19.101 - 19.104, 19.205 - 19.210, and 19.305 - 19.310 concerning examinations for applicants for certain types of agent licenses. Repeal of these sections is necessary because TDI no longer administers agent examinations. These examinations are provided through an independent testing service under authority of Insurance Code Article 21.01-1. If TDI resumes administering the examinations, new rules will be necessary, and the department will follow the proper rulemaking process for the new rules.

Matt Ray, Deputy Commissioner, Licensing Group, has determined that during the first five years that the proposed repeal is in effect, there will be no fiscal impact on state or local government as a result of enforcing or administering the sections. There will be no measurable effect on local employment or the local economy as a result of the proposal.

Mr. Ray has also determined that for each year of the first five years the repeal of the sections is in effect, the public benefit anticipated as a result of the proposed repeal will be the removal of unnecessary rules. There is no anticipated economic cost to persons who are required to comply with the proposed repeal. There is no anticipated difference in cost of compliance between small and large businesses.

Comments on the proposal must be submitted within 30 days after publication of the proposed sections in the *Texas Register* to Lynda H. Neseholtz, General Counsel and Chief Clerk, Mail Code 113-2A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. An additional copy of the comment must be submitted to Matt Ray, Deputy Commissioner, Licensing Group, MC 107-1A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104.

Subchapter B. Examinations of Legal Reserve Life Insurance Agent Applicants and Health Insurance Agent Applicants

28 TAC §§19.101–19.104

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

Repeal of §§19.101 - 19.104 are proposed pursuant to the Insurance Code Articles 21.01-1, 21.07, §13, and 1.03A. Insurance Code Article 21.01-1 gives the commissioner the authority to adopt rules and regulations necessary to administer agents licensing examinations. Insurance Code Article 21.07, §13 provides broad authority to the commissioner to establish rules for the proper administration of insurance laws. Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance only as authorized by statute.

The proposed repeals affect regulation pursuant to the following statutes: The Insurance Code Articles 21.07-1 and 21.07.

§19.101. *Study material.*

§19.102. *Place and Time of Examinations.*

§19.103. *Conduct of Examination.*

§19.104. *Written Request to Take Examinations.*

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

Filed with the Office of the Secretary of State, on August 17, 1998.

TRD-9813010

Lynda H. Neseholtz
General Counsel and Chief Clerk
Texas Department of Insurance

Earliest possible date of adoption: September 27, 1998

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



Subchapter C. Written Examination for Applicants for License to Write Insurance Upon Any One Life in Excess of \$10,000, Under Insurance Code, Article 21.07, §4A

28 TAC §§19.205–19.210

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

Repeal of §§19.205 - 19.210 are proposed pursuant to the Insurance Code Articles 21.01-1, 21.07, §13, and 1.03A. Insurance Code Article 21.01-1 gives the commissioner the authority to adopt rules and regulations necessary to administer agents licensing examinations. Insurance Code Article 21.07, §13 provides broad authority to the commissioner to establish rules for the proper administration of insurance laws. Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance only as authorized by statute.

The proposed repeals affect regulation pursuant to the following statutes: The Insurance Code Articles 21.07-1 and 21.07.

§19.205. *Study Materials.*

§19.206. *Admission to the Examination.*

§19.207. *Format.*

§19.208. *Grading.*

§19.209. *Failures.*

§19.210. *Notice of Results.*

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

Filed with the Office of the Secretary of State, on August 17, 1998.

TRD-9813011

Lynda H. Neseholtz
General Counsel and Chief Clerk
Texas Department of Insurance

Earliest possible date of adoption: September 27, 1998

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



Subchapter D. Written Examination for Applicants for Accident and Health Insurance Agents License Under the Insurance Code §21.07–1, §16

28 TAC §§19.305–19.310

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

Repeal of §§19.305 - 19.310 are proposed pursuant to the Insurance Code Articles 21.01-1, 21.07, §13, and 1.03A. Insurance Code Article 21.01-1 gives the commissioner the authority to adopt rules and regulations necessary to administer agents licensing examinations. Insurance Code Article 21.07, §13 provides broad authority to the commissioner to establish rules for the proper administration of insurance laws. Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance only as authorized by statute.

The proposed repeals affect regulation pursuant to the following statutes: The Insurance Code Articles 21.07-1 and 21.07.

§19.305. *Study Materials.*

§19.306. *Admission to the Examination.*

§19.307. *Format.*

§19.308. *Grading.*

§19.309. *Failures.*

§19.310. *Notice of Results.*

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

Filed with the Office of the Secretary of State, on August 17, 1998.

TRD-9813012

Lynda h. Nesenholtz

General Counsel and Chief Clerk

Texas Department of Insurance

Earliest possible date of adoption: September 27, 1998

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



Chapter 21. Trade Practices

Subchapter J. Prohibited Trade Practices

28 TAC §21.1000, §21.1003

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

The Texas Department of Insurance proposes the repeal of §21.1000, relating to the prohibition against an insurer's refusal to insure based on the underwriting decision of another company, and §21.1003, relating to the prohibition against using the number of vehicles insured or number of policies purchased in the issuing or pricing of automobile insurance. Repeal of these sections is necessary because the department may not enforce the current adoption of either, as a result of their invalidation by the Texas Supreme Court on July 12, 1996. Section 21.1000 prohibits an insurer from using the fact that another insurer canceled, nonrenewed, or refused to insure an applicant as its own reason to refuse to insure such applicant for personal automobile or residential property coverages. The Supreme Court invalidated the rule because it found the department failed to explain in its reasoned justification why an insurer's consideration of previous denial of insurance as one of perhaps several factors determining refusal to insure is unacceptable. Section 21.1003 prohibits an insurer from conditioning issuance, price, and limits of coverage of personal automobile insurance on the number of vehicles to be insured or the purchase of another policy or policies. The Supreme Court invalidated the rule because it found the department failed to provide a rationale explaining why such practices are unfairly discriminatory or what effect the rule will have on consumers and the insurance market.

Mary F. Keller, Senior Associate Commissioner, Legal and Compliance Division, has determined that for the first five-year period the proposed repeal will be in effect there will be no fiscal implications for state or local government, or for small businesses, resulting from enforcement or administration of the repeal, and that there will be no effect on local employment or the local economy.

Ms. Keller also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be greater clarity in Chapter 21 of this title by removing provisions that may otherwise result in

confusion to the public. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal must be submitted in writing within 30 days after publication of the proposal in the *Texas Register* to Lynda H. Nesenholtz, General Counsel and Chief Clerk, P.O. Box 149104, MC 113-2A, Austin, Texas 78714-9104, within 30 days following the date of this publication. An additional copy of comments should be submitted to Mary F. Keller, Senior Associate Commissioner, Legal and Compliance, P.O. Box 149104, MC 110-1A, Austin, Texas 78714-9104. A request for public hearing on the proposed repeal must be submitted separately to the Office of the Chief Clerk.

The repeals are proposed pursuant to the Insurance Code, Articles 21.21 and 1.03A, and the Government Code, §2001.004. The Insurance Code, Article 21.21, §13, provides that the department is authorized to promulgate and enforce reasonable rules and regulations and order such provision as is necessary in the accomplishment of the purposes of Article 21.21, relating to unfair competition and unfair practices. Article 1.03A provides that the commissioner may adopt rules for the conduct and execution of the duties and function of the department only as authorized by a statute. The Government Code, §2001.004 authorizes and requires each state agency to adopt rules of practice setting forth the nature and requirements of available procedures, and prescribes the procedure for adoption of rules by a state administrative agency.

The proposed repeals affects regulation pursuant to the following statutes: Insurance Code, Article 21.21.

§21.1000. Prohibition against Insurer's Refusal to Insure Based on the Underwriting Decision of Another Company.

§21.1003. Prohibition against Using Number of Vehicles Insured or Number of Policies Purchased in Issuing, Renewing, or Pricing Personal Auto Insurance.

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

Filed with the Office of the Secretary of State, on , 1998.

TRD-9812994

Lynda H. Nesenholtz

General Counsel and Chief Clerk

Texas Department of Insurance

Earliest possible date of adoption: September 27, 1998

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



TITLE 34. PUBLIC FINANCE

Part V. Texas County and District Retirement System

Chapter 103. Calculations or Types of Benefits

34 TAC §103.6

The Texas County and District Retirement System proposes the adoption of new §103.6, concerning the recalculation of a retirement annuity to take into account those contributions that were based on compensation for services performed during membership in the retirement system but which were deposited with the system after the member's effective retirement date.

This section lists those post-retirement deposits that will cause a recalculation of the retirement annuity, sets forth factors to be used in the recalculation process, and limits the application of the annuity increase to future payments only.

Terry Horton, director of the Texas County and District Retirement System, 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. Horton 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 the payment of a retirement annuity that is based on all of a member's contributions attributable to compensation for services performed during membership. There will be no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Terry Horton, Director, Texas County and District Retirement System, P.O. Box 2034, Austin, TX 78768-2034.

The rule is proposed under the Government Code, Chapter 845, Subchapter B, §845.102 which provides the board of trustees with the authority to promulgate rules necessary or desirable for the effective administration of the system.

The Government Code, Chapter 844, §§844.103, 844.104, 844.304 and 844.305 are affected by this proposed rule.

§103.6. Recalculation of Retirement Annuities to Include Post-Retirement Deposits.

(a) If a contribution that would otherwise be credited to the member's individual account in the System is deposited after the member's effective retirement date, the retirement annuity shall be recalculated.

(b) The following deposits shall be treated as additional accumulated contributions for purposes of recalculating the retirement annuity:

(1) employee contributions attributable to compensation for services performed while a member of the System but deposited after the effective retirement date of the member;

(2) employee contributions attributable to compensation for services performed while a member of the System but deposited after the effective retirement date of a deceased member; and,

(3) employee contributions deposited as a result of a correction of a reporting error made in accordance with the Government Code, §842.112.

(c) A retirement annuity subject to this section will be recalculated as of the effective retirement date by taking into account the additional accumulated contributions and the related increases in current service credit and matching credit. The recalculated retirement annuity will be based on the age of the retiree (and the age of the beneficiary in the case of a joint and survivor option) as of the effective retirement date.

(d) The recalculated retirement annuity is payable only prospectively beginning with the month following the month in which the retirement system receives the deposit.

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

Filed with the Office of the Secretary of State, on August 17, 1998.

TRD-9812973

Terry Horton

Director

Texas County and District Retirement System

Proposed date of adoption: September 30, 1998

For further information, please call: (512) 328-8889

◆ ◆ ◆
34 TAC §103.7

The Texas County and District Retirement System proposes the adoption of new §103.7, concerning the manner of determining the amount of reestablished current service credit and multiple matching credit that is to be credited to the account of the member when the amount originally withdrawn plus a withdrawal charge is paid into the system in accordance with a subdivision order under the Government Code, Section 843.003 authorizing the reestablishment of such credit. This proposed rule provides that for purposes of determining the amount of current service credit and multiple matching credit of the member under the Government Code, §843.403, the amount deposited less the withdrawal charge is considered to be accumulated contributions made by the member to the retirement system during the calendar year of deposit. The multiple matching credit percentage with respect to such deposit is that percentage in effect during the month in which the deposit is made. This proposed rule is effective with respect to those deposits made after December 31, 1998 to reestablish credit in the retirement system.

Terry Horton, director of the Texas County and District Retirement System, 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. Horton 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 consistency in the crediting of all deposits of the member, as well as all deposits of all members of the subdivision, that are paid to the system during the calendar year. There will be no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Terry Horton, Director, Texas County and District Retirement System, P.O. Box 2034, Austin, TX 78768-2034.

The rule is proposed under the Government Code, Chapter 845, Subchapter B, §845.102 which provides the board of trustees with the authority to promulgate rules necessary or desirable for the effective administration of the system.

The Government Code, Chapter 843, §843.003 and §843.403 are affected by this proposed rule.

§103.7. Determination of Reestablished Credit.

(a) For purposes of determining the current service credit and multiple matching credit of the member under the Government Code, §843.403, the amount deposited by the member (excluding the withdrawal charge) after December 31, 1998 to reestablish credit in the retirement system pursuant to §843.003 of that code shall be considered to be accumulated contributions made by the member to the retirement system during the calendar year of deposit. The percentage to be used for the determination of the multiple matching

credit of the member with respect to such deposit is that percentage adopted by the governing board of the authorizing subdivision and in effect during the month in which the deposit is made. The multiple matching credit percentage may be increased by the governing board on the terms provided by the Government Code, Chapter 844, Subchapter H.

(b) This section shall apply to those deposits made after December 31, 1998 to reestablish credit in the retirement system in accordance with the Government Code, §843.003(c).

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

Filed with the Office of the Secretary of State, on August 17, 1998.

TRD-9813235

Terry Horton

Director

Texas County and District Retirement System

Proposed date of adoption: September 30, 1998

For further information, please call: (512) 328-8889



34 TAC §103.8

The Texas County and District Retirement System proposes the adoption of new §103.8, concerning the determination of the monthly amount of the retirement annuity payable with respect to a retiree during the limitation year. The limitation year of the system is the calendar year. Section 415 of the Internal Revenue Code establishes a limit on the annual benefit which may be paid with respect to a participant during a limitation year. This proposed rule clarifies that the monthly amount of a retirement annuity will be the lesser of the amount determined under the provisions of the Government Code, Chapter 844 (excluding the limitations of §844.008), or the amount determined by dividing the annual limit for the limitation year with respect to the retiree by the number of monthly payments scheduled to be paid during the limitation year. The operation of this proposed rule will cause the scheduled monthly annuity payments to be of equal amounts during the limitation year; and, in the event of an effective retirement date other than December 31st, this rule will cause the Section 415 limit to be prorated over the number of scheduled payments during the calendar year in which retirement occurs.

Terry Horton, director of the Texas County and District Retirement System, 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. Horton 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 the equalization of monthly annuity amounts payable with respect to a retiree during the limitation year. There will be no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Terry Horton, Director, Texas County and District Retirement System, P.O. Box 2034, Austin, TX 78768-2034.

The rule is proposed under the Government Code, Chapter 845, Subchapter B, §845.102 which provides the board of trustees with the authority to promulgate rules necessary or desirable for the effective administration of the system.

The Government Code, Chapter 844, §§844.103, 844.104, 844.304 and 844.305 are affected by this proposed rule.

§103.8. *Limit on Payments During the Limitation Year.*

(a) The limitation year used by the retirement system for determining the maximum annual benefit which may be paid under Section 415 of the Internal Revenue Code is the calendar year.

(b) The maximum monthly amount of the retirement annuity payable with respect to the retiree during the limitation year shall be the lesser of:

(1) the amount determined under the provisions of the Government Code, Chapter 844 (excluding the limitations of Section 844.008); or

(2) the amount determined by dividing the annual limit for the limitation year (as determined in accordance with Section 415 of the Internal Revenue Code) by the number of monthly payments scheduled to be paid with respect to the retiree during the limitation year.

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

Filed with the Office of the Secretary of State, on August 17, 1998.

TRD-9813234

Terry Horton

Director

Texas County and District Retirement System

Proposed date of adoption: September 30, 1998

For further information, please call: (512) 328-8889



Chapter 107. Miscellaneous Rules

34 TAC §107.5

The Texas County and District Retirement System proposes the adoption of new §107.5, concerning the date upon which a membership in the retirement system terminates by the withdrawal of contributions. This proposed rule provides clarification that membership terminates under the Government Code, §842.109(a)(3) on the date the retirement system mails or electronically transfers payment of any portion of the accumulated contributions credited to the member's individual account in the employees saving fund. The proposed rule also allows for the reinstatement of membership and restoration of the person's account if the payment by the retirement system was made by check or checks and all such checks are returned to and received by the retirement system within 30 days of the date of termination.

Terry Horton, director of the Texas County and District Retirement System, 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. Horton 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 the uniform and consistent treatment of membership terminations resulting from withdrawals of contributions, and the establishment of clear and definite guidelines under which terminations may be rescinded and memberships reinstated. There will be no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Terry Horton, Director, Texas County and District Retirement System, P.O. Box 2034, Austin, TX 78768-2034.

The rule is proposed under the Government Code, Chapter 845, Subchapter B, §845.102 which provides the board of trustees with the authority to promulgate rules necessary or desirable for the effective administration of the system.

The Government Code, Chapter 842, Subchapter B, §842.109 is affected by this proposed rule.

§107.5. Date of Termination of Membership upon Payment of Refund.

The date on which the retirement system mails, or electronically transfers in the event of an electronic funds transfer, payment of any portion of the accumulated contributions credited to a member's individual account in the employees saving fund pursuant to the Government Code, §842.108 is the date on which the person's membership in the retirement system terminates under §842.109 of that code as a result of that payment. However, if the payment by the retirement system was made by check or checks and all such checks are returned to and received by the retirement system within 30 days of such date, together with the person's written request to be reinstated as a member, the person's account shall be reopened to the same effect as if the payment to the member had not been made.

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

Filed with the Office of the Secretary of State, on August 17, 1998.

TRD-9812974

Terry Horton

Director

Texas County and District Retirement System

Proposed date of adoption: September 30, 1998

For further information, please call: (512) 328-8889



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part II. Texas Rehabilitation Commission

Chapter 106. Contract Administration

Subchapter A. Acquisition of Client Goods and Services

40 TAC §106.3

The Texas Rehabilitation Commission proposes an amendment to §106.3, concerning acquisition of client goods and services.

The section is being amended to rearrange language in subsections (b) and (c). The subsections contain paragraphs that

currently have language at the end that applies to the entire subsection. Therefore, the language contained in paragraph (2) of subsection (b) and paragraph (6) of subsection (c) is being moved into the subsection area so that the language will apply to the entire subsection.

Charles E. Harrison, Jr., Deputy Commissioner for Financial Services, 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.

Mr. Harrison also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be clarification on language contained in subsections (b) and (c). There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Roger Darley, Assistant General Counsel, Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Suite 7300, Austin, Texas 78751.

The amendment is proposed under the Texas Human Resources Code, Title 7, Chapter 111, §111.018 and §111.023, House Bill Number 1, Article IX, §167, which provides the Texas Rehabilitation Commission with the authority to promulgate rules consistent with Title 7, Texas Human Resources Code.

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

§106.3. Criteria for Determining When a Contract Is Required.

(a) (No change.)

(b) If the business relationship with the other party involves purchase of client goods or services and if both of the conditions listed in paragraphs (1) and (2) of this subsection are met, then the appropriate instrument to establish the relationship with the other party is a purchase order, and no additional express contract is required. [;]

(1) ~~[and the]~~ The services are allowed by state or federal law . [;]

(2) ~~The [and the]~~ services are available to the general public ~~[then the appropriate instrument to establish the relationship with the other party is a purchase order, and no additional express contract is required]~~ .

(c) If the business relationship with the other party involves purchase of client goods or services and one of the following conditions listed in paragraphs (1)-(6) of this subsection is met , then the appropriate instrument to establish the relationship with the other party is an express contract. [;]

(1) ~~[a]~~ A contract is required by state or federal law . [;]

(2) Special ~~[special]~~ or technical goods or services are to be provided by another state agency . [;]

(3) The ~~[the]~~ goods or services are provided according to Commission designated standards and criteria . [;]

(4) The ~~[the]~~ need exists to provide special protection to the Commission or Commission clients . [;]

(5) The ~~[the]~~ need exists to clearly differentiate employee versus independent contractor status . [; ~~then the appropriate instrument to establish the relationship with the other party is an express contract;~~]

(6) ~~Defined [defined]~~ high risk factors, or other conditions, exist that would make the establishment of an express contract in the best interests of the Commission [~~; then the appropriate instrument to establish the relationship with the other party is an express contract~~].

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

Filed with the Office of the Secretary of State on August 10, 1998.

TRD-9812647

Charles Schiesser

Chief of Staff

Texas Rehabilitation Commission

Earliest possible date of adoption: September 27, 1998

For further information, please call: (512) 424-4050



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 filing 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 25. Substantive Rules Applicable to Electric Service Providers

Subchapter D. Records, Reports and Required Information

16 TAC §25.84

The Public Utility Commission of Texas has withdrawn from consideration for permanent adoption the proposed new §25.84, which appeared in the May 22, 1998, issue of the *Texas Register* (23 TexReg 5294).

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812952

Rhonda Dempsey
Rules Coordinator

Public Utility Commission of Texas

Effective date: August 14, 1998

For further information, please call: (512) 936-7308



Subchapter K. Relationships with Affiliates

16 TAC §25.271

The Public Utility Commission of Texas has withdrawn from consideration for permanent adoption the proposed new §25.271, which appeared in the May 22, 1998, issue of the *Texas Register* (23 TexReg 5294).

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812953

Rhonda Dempsey
Rules Coordinator

Public Utility Commission of Texas

Effective date: August 14, 1998

For further information, please call: (512) 936-7308



16 TAC §25.272

The Public Utility Commission of Texas has withdrawn from consideration for permanent adoption the proposed new §25.272, which appeared in the May 22, 1998, issue of the *Texas Register* (23 TexReg 5294).

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812954

Rhonda Dempsey
Rules Coordinator

Public Utility Commission of Texas

Effective date: August 14, 1998

For further information, please call: (512) 936-7308



16 TAC §25.273

The Public Utility Commission of Texas has withdrawn from consideration for permanent adoption the proposed new §25.273, which appeared in the May 22, 1998, issue of the *Texas Register* (23 TexReg 5294).

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812955

Rhonda Dempsey
Rules Coordinator

Public Utility Commission of Texas

Effective date: August 14, 1998

For further information, please call: (512) 936-7308



16 TAC §25.274

The Public Utility Commission of Texas has withdrawn from consideration for permanent adoption the proposed new §25.274, which appeared in the May 22, 1998, issue of the *Texas Register* (23 TexReg 5294).

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812956

Rhonda Dempsey
Rules Coordinator

Public Utility Commission of Texas

Effective date: August 14, 1998

For further information, please call: (512) 936-7308



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VII. Texas Commission on Law Enforcement Officer Standards and Education

Chapter 211. Administration Division

37 TAC §211.9

The Texas Commission on Law Enforcement Officer Standards and Education has withdrawn from consideration for permanent adoption the proposed amendment to §211.9, which appeared in the April 17, 1998, issue of the *Texas Register* (23 TexReg 3805).

Filed with the Office of the Secretary of State on August 12, 1998.

TRD-9812792

Edward T. Laine

Chief, Professional Standards and Administrative Operations

Texas Commission on Law Enforcement Officer Standards and Education

Effective date: August 12, 1998

For further information, please call: (512) 936-7700

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Chapter 219. Prelicensing and Reactivation Courses, Tests and Endorsements of Eligibility Division

37 TAC §219.78

The Texas Commission on Law Enforcement Officer Standards and Education has withdrawn from consideration for permanent adoption the proposed amendment to §219.78 which appeared in the April 17, 1998, issue of the *Texas Register* (23 TexReg 3806).

Filed with the Office of the Secretary of State on August 12, 1998.

TRD-9812791

Edward T. Laine

Chief, Professional Standards and Administrative Operations

Texas Commission on Law Enforcement Officer Standards and Education

Effective date: August 12, 1998

For further information, please call: (512) 936-7700

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 1. ADMINISTRATION

Part XII. Advisory Commission on State Emergency Communications

Chapter 251. Regional Plans - Standards

1 TAC §251.3

The Advisory Commission on State Emergency Communications (ACSEC) adopts an amendment to §251.3, Guidelines for Addressing Funds, concerning the use and distribution of 9-1-1 funds and other related funds, without changes to the proposed text as published in the April 3, 1998, issue of the *Texas Register* (23 TexReg 3391) and will not be republished.

The addressing resource availability and evolving technologies have provided the basis for the reevaluation of this rule. Indicators identify a need to reassess the definitions of addressing activities and addressing completion. The amendment will provide for more timely completion of county rural addressing projects.

There were no comments received regarding adoption of the amendment.

The amendment is adopted under Health and Safety Code, Chapter 771, §§771.051, 771.056, and 771.057, which provide the Advisory Commission on State Emergency Communications with the authority to develop and amend a regional plan that meets standards set for the operation of prompt and efficient 9-1-1 services throughout a region. Street addresses are essential to E9-1-1 systems utilizing the Automatic Location Identifier feature which displays locations of 9-1-1 callers.

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

Filed with the Office of the Secretary of State on August 17, 1998.

TRD-9813005

James D. Goerke
Executive Director

Advisory Commission on State Emergency Communication
Effective date: September 6, 1998

Proposal publication date: April 3, 1998

For further information, please call: (512) 305-6933



1 TAC §251.9

The Advisory Commission on State Emergency Communications (ACSEC) adopts new §251.9, Guidelines for Addressing Maintenance Funds, concerning the use and distribution of 9-1-1 funds and other related funds, without changes to the proposed text as published in the May 8, 1998, issue of the *Texas Register* (23 TexReg 4433) and will not be republished.

The justification for the new section is to require proper maintenance of maps and records associated with an addressing system for the proper operation of an E9-1-1 system and the delivery of a caller's location.

The section will function by providing guidelines to assist local governments in requesting funds for the maintenance of rural addressing systems in Texas.

During the comment period, the ACSEC received comments from Map Specialists Addressing Group, Inc., State Representative Clyde Alexander, the Alamo Area Council of Governments, the Heart of Texas Council of Governments, Llano County, and the Capital Area Planning Council. A summary of the comments and ACSEC's responses follow:

Map Specialists Addressing Group, Inc., submitted that the new proposed rule limits their right to free enterprise by excluding mechanisms to allow the Counties to receive maintenance funds from the State program to pay for their services. They further stated that the proposed rule would only worsen the existing problem of training and staffing in the majority of the rural counties.

Texas State Representative Clyde Alexander (District 12) is concerned about the paragraph regarding street sign replacement. He states that because of recent budget constraints involving the ACSEC and Councils of Governments, many of the counties in his district cannot afford to share the cost of replacing street signs. The core function of a 9-1-1 system is proper addressing, including street signage.

The Alamo Area Council of Governments stated that as a result of local government input the cap on personnel should not be included in the proposed rule and that the purchase of new signs in the county should be considered as an authorized expenditure. The Council further states that both new street signs and the replacement/maintenance of existing street signs should be authorized and that the counties be allowed to use the funds as they see fit.

The Heart of Texas Council of Governments 9-1-1 Advisory Committee requested clarification regarding the cost share portion of the replacement of existing street signs. The committee felt that each county would be willing to install the

signs as their cost share portion. The Committee requests that sign installation be included as part of street sign replacement.

Llano County submitted a resolution requesting the Commission to fund at least one full-time person for Llano County.

The Capital Area Planning Council provided a letter from its Emergency Communications Advisory Committee urging the ACSEC to provide funding for at least one full-time person in its region.

The Advisory Commission on State Emergency Communications does not agree that an increase in the maximum allowable full time equivalent level of 0.5 is reasonable without appropriate justification. However, there remains a question as to what justification may be used. The Commission recommends that population statistics and growth rates, based on those statistics, be used to determine justification for an increase in full time equivalent for addressing maintenance. Statistics used should be provided by the Texas State Data Center at Texas A&M University to ensure a consistent baseline.

The Commission does not agree with using sign installation labor as the cost share portion of street sign replacement. As street signs provide benefits for more than just 9-1-1 services, the Commission proposes a 50/50 cost share for the replacement of existing street signs in the unincorporated areas of a county. Should there be a need for the installation of new street signs, due to the development of a new subdivision in the county, the county should modify its existing subdivision regulations to require the developer to assume those costs. In all other cases, it would be the responsibility of the county to place the new signs. The Commission does not agree that counties be able to use addressing maintenance funds except as outlined within this rule.

The new section is adopted under Texas Health and Safety Code, Chapter 771, §§771.051, 771.056, and 771.057, which provides the Advisory Commission on State Emergency Communications with the authority to develop and amend a regional plan that meets standards set for the operation of prompt and efficient 9-1-1 services throughout a region. The maintenance of street addresses is essential to E9-1-1 systems utilizing the Automatic Location Identification feature which displays the locations of 9-1-1 callers.

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

Filed with the Office of the Secretary of State on August 17, 1998.

TRD-9813006
James D. Goerke
Executive Director
Advisory Commission on State Emergency Communication
Effective date: September 6, 1998
Proposal publication date: May 8, 1998
For further information, please call: (512) 305-6933

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TITLE 4. AGRICULTURE

Part II. Texas Animal Health Commission

Chapter 32. Hearing and Appeal Procedures

The Texas Animal Health Commission adopts amendments to §§32.1, 32.2 and 32.5 and the repeal of §32.3 and §32.4, concerning hearing and appeal procedures, without changes to the proposed text as published in the June 26, 1998, issue of the *Texas Register* (23 TexReg 6678).

Section 32.1 and §32.2 are being amended to update statutory references. The definitions in §32.1 are also amended to comply with new Texas Register requirements. Section 32.5(a) and (b) are replaced by the reference in §32.2 to the rules of the State Office of Administrative Hearings. Section 32.3 and §32.4 are no longer necessary because §32.2 adopts rules of State Office of Administrative Hearings.

No comments were received regarding adoption of the repeals and amendments.

4 TAC §§32.1, 32.2, 32.5

The amendments are adopted under the Texas Agriculture Code, Chapter 161, §§161.038, 161.041 and 161.046, which authorizes the Commission to enact rules to eradicate communicable disease.

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

Filed with the Office of the Secretary of State on August 17, 1998.

TRD-9812983
Kathryn A. Reed
General Counsel
Texas Animal Health Commission
Effective date: September 6, 1998
Proposal publication date: June 26, 1998
For further information, please call: (512)719-0714

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4 TAC §32.3, §32.4

The repeals are adopted under the Texas Agriculture Code, Chapter 161, §§161.038, 161.041 and 161.046, which authorizes the Commission to enact rules to eradicate communicable disease. 32.3. Hearing Officer and Commission Authority.

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

Filed with the Office of the Secretary of State on August 17, 1998.

TRD-9812984
Kathryn A. Reed
General Counsel
Texas Animal Health Commission
Effective date: September 6, 1998
Proposal publication date: June 26, 1998
For further information, please call: (512)719-0714

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Chapter 35. Brucellosis

The Texas Animal Health Commission adopts amendments to §§35.1-35.4, 35.6, 35.41, and new §35.49, concerning eradication of brucellosis in cattle and swine. Section 35.6 is adopted with changes from the proposed text as published

in the July 3, 1998, issue of the *Texas Register* (23 TexReg 6803). Sections 35.1-35.5, 35.41, and 35.49 are adopted without changes and will not be republished.

The amendment to §35.1 is necessary so RB 51 vaccinated cattle are not given leniency in interpretation of test results to insure that infection is not overlooked. Also, some obsolete definitions are being removed to simplify and clarify the regulations. If adopted, the proposal will provide understandable definitions that minimize the possibility of mistaking brucellosis vaccine reactions with brucellosis disease.

The amendment to §35.2 is necessary to increase surveillance for brucellosis by testing cattle at a younger age and to insure that infection is not misdiagnosed as a vaccine reaction to RB51. Editorial changes are also being made to clarify the regulations. If adopted, the revision will provide clear regulations that will enhance case finding and ultimately reduce time needed for disease eradication.

The amendment to §35.3 is necessary to minimize the possibility of mistaking brucellosis vaccine reactions with brucellosis disease. Also, some regulations are being removed because they are no longer in use. If adopted, there will be less misdiagnosis due to confusion in test interpretation when using RB 51 vaccine.

The amendment to §35.4 is necessary to increase surveillance testing by required cattle to be tested at younger ages. Some regulations involving Class C States and areas are being removed because they are no longer in use. If adopted, the public will benefit from simplified regulations and increased surveillance which minimizes the possibility of disease spread.

The amendment to §35.6 is necessary to enhance depopulation of infected herds which should reduce the time necessary to accomplish disease eradication. If adopted, the public will benefit from reduced disease transmission and this should reduce time required to eradicate the disease.

The amendment to §35.41 will expedite interstate movement of hogs when there is no change of ownership. This will not pose any significant disease risk for swine in Texas. New §35.49 requires swine semen to be from validated swine brucellosis free herds. The new section is necessary to comply with national program standards to maintain current status and prevent movement restrictions on Texas swine.

No comments were received regarding adoption of the amendments and new section.

Subchapter A. Eradication of Brucellosis in Cattle 4 TAC §§35.1-35.4, 35.6

The amendments are adopted under the Texas Agriculture Code, Chapter 161, §§161.041, 161.046, 163.061, and 163.068, which authorizes the Commission to promulgate rules in accordance with the Texas Agriculture Code.

§35.6. *Indemnity Payments to Owners of Cattle Exposed to Brucellosis.*

- (a) (No change.)
- (b) Criteria for selection of herds for indemnity payment:
 - (1) the herd must have a professional diagnosis, supported by culture or significant serology and compatible history; or
 - (2) a herd not meeting paragraph (1) of this subsection is recommended for indemnity by the state epidemiologist;

(3) all selections of herds or cattle for payment of indemnity are subject to availability of funds.

(c) General Requirements.

(1) The Commission, through its Executive Director, will determine the amount and number of animals for which indemnity will be paid. The owner of a herd selected for indemnity may be reimbursed from TAHC funds for depopulation at a total rate not to exceed:

(A) \$100 per head for up to a total of 100 head of cattle which can be composed of exposed nursing males and negative exposed sexually intact females 18 months of age and older; and

(B) \$100 per head for not more than five negative exposed bulls 18 months of age and older; and

(C) Actual cost of spaying not to exceed \$10 per head. A spaying certificate and the proof of payment for cost of spaying must be submitted simultaneously with the indemnity claim.

(2) Depopulation funds shall not be paid for weaned steers or spayed heifers.

(3) All nursing male calves shall be castrated or "B" branded and permitted for immediate slaughter.

(4) (No change.)

(5) Depopulated sexually intact cattle shall be branded with the letter "B" high on the left hip near the tailhead and identified with a reactor eartag within the specified time intervals according to applicable state/federal requirements and prior to movement from the premise.

(6) Sexually intact cattle shall be moved from the premise accompanied with a VS 1-27. They shall either be moved directly to slaughter or through an approved livestock market for sale directly to slaughter and accompanied with a VS 1-27 from the market. In either case the cattle shall be slaughtered within the specified time intervals according to applicable state/federal regulations following identification. Steers and spayed heifers may be retained on the premise or move without restrictions.

(7) The owner of a herd approved for depopulation must agree to complete a herd test of all cattle 18 months of age and older except steers and spayed heifers no later than six months after repopulation with test-eligible breeding replacements.

(8) The owner of a herd approved for depopulation must agree to complete a herd test of all cattle 18 months of age and older except steers and spayed heifers in units not depopulated six to 12 months after depopulation.

(d) (No change.)

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

Filed with the Office of the Secretary of State on August 17, 1998.

TRD-9812985

Kathryn A. Reed

General Counsel

Texas Animal Health Commission

Effective date: September 6, 1998

Proposal publication date: July 3, 1998

For further information, please call: (512)719-0714

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Subchapter B. Eradication of Brucellosis in Swine

4 TAC §35.41, §35.49

The amendment and new section are adopted under the Texas Agriculture Code, Chapter 161, §§161.041, 161.046, and 165.023, which authorizes the Commission to promulgate rules in accordance with the Texas Agriculture Code.

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

Filed with the Office of the Secretary of State on August 17, 1998.

TRD-9812986
Kathryn A. Reed
General Counsel

Texas Animal Health Commission
Effective date: September 6, 1998

Proposal publication date: July 3, 1998

For further information, please call: (512) 719-0714

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Chapter 43. Tuberculosis

Subchapter A. Cattle

4 TAC §43.2

The Texas Animal Health Commission adopts an amendment to §43.2, concerning tuberculosis, without changes to the proposed text as published in the July 3, 1998, issue of the *Texas Register* (23 TexReg 6811).

The amendment is necessary to clarify the current regulations.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Agriculture Code, Chapter 161, §§161.041, 161.046, and 162.003, which authorizes the Commission to promulgate rules in accordance with the Texas Agriculture Code.

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

Filed with the Office of the Secretary of State on August 17, 1998.

TRD-9812987
Kathryn A. Reed
General Counsel

Texas Animal Health Commission
Effective date: September 6, 1998

Proposal publication date: July 3, 1998

For further information, please call: (512)719-0714

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Chapter 51. Interstate Shows and Fairs

4 TAC §51.2

The Texas Animal Health Commission adopts an amendment to §51.2, concerning interstate shows and fairs, with changes to the proposed text as published in the July 3, 1998, issue of the *Texas Register* (23 TexReg 6812).

The amendment is necessary to reflect the reduced test eligible age for cattle entering from other states.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Agriculture Code, Chapter 161, §§161.041, 161.046, and 163.061, which authorizes the Commission to promulgate rules in accordance with the Texas Agriculture Code.

§51.2. General Requirements.

(a) (No change.)

(b) Certificate of veterinary inspection.

(1) All nonquarantined livestock or poultry entering Texas from any state, territory, or foreign country shall have a certificate of veterinary inspection, except:

(A) cattle 18 months of age and over delivered directly from the farm of origin to slaughter or a USDA specifically approved livestock market by the owner or consigned there and accompanied by a waybill;

(B) cattle 18 months of age and over entering from other than a farm-of-origin may be moved to slaughter, to a designated pen, or to a quarantined feedlot when accompanied by an "S" permit on which each animal is individually identified. Brucellosis test data shall be written on the "S" permit and include test date and results of that test;

(C) steers, spayed heifers, cattle under 18 months of age, sheep, goats, and equine delivered to slaughter or livestock market by the owner or consigned there and accompanied by a waybill;

(D)-(E) (No change.)

(F) steers, spayed heifers, and cattle under 18 months of age originating in New Mexico which are accompanied by a New Mexico official certificate of livestock inspection along with proof of brucellosis vaccination of heifers which are required to be vaccinated.

(2) The certificate of veterinary inspection shall state that:

(A) (No change.)

(B) the animals were subjected to tests, immunizations, and treatment required by rule of the commission. Animals that have been vaccinated or tested for any disease as required by the commission shall be individually identified on the certificate of veterinary inspection except that brucellosis vaccinated heifers under 18 months of age with tattoos and vaccination tags require only a statement by the veterinarian that they are vaccinated and individually identified.

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

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

Filed with the Office of the Secretary of State on August 17, 1998.

TRD-9812988
Kathryn A. Reed

General Counsel
Texas Animal Health Commission
Effective date: September 6, 1998
Proposal publication date: July 3, 1998
For further information, please call: (512)719-0714

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Chapter 55. Swine

The Texas Animal Health Commission adopts the repeal of §55.1 and new §55.1 and amendments to §§55.4, 55.6, and 55.9, concerning swine, without changes to the proposed text as published in the July 3, 1998, issue of the *Texas Register* (23 TexReg 6813).

The amendment to §55.4 adds requirements for livestock markets handling swine. The amendment is necessary to comply with national program standards to maintain current status and prevent movement restrictions on Texas swine.

The amendment to §55.6 provides that an entry permit is not necessary for swine entering Texas from a swine commuter herd. This provision with the amendment to §35.41 expedites interstate movement of hogs when there is no change of ownership.

The amendment to §55.9 changes the definition of "feral swine" to match the definitions in the federal standards. This is necessary to assure that Texas maintains its current status and to prevent movement restrictions on Texas swine.

Section 55.1 is repealed and replaced to comply with national swine brucellosis and pseudorabies programs in order to maintain current status and prevent movement restrictions on Texas swine. The new section establishes change of ownership requirements for swine.

No comments were received regarding adoption of the repeal, new section, and amendments.

4 TAC §55.1

The repeal is adopted under the Texas Agriculture Code, Chapter 161, §§161.041, 161.046, and 165.022, which authorizes the Commission to promulgate rules in accordance with the Texas Agriculture Code.

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

Filed with the Office of the Secretary of State on August 17, 1998.

TRD-9812989
Kathryn A. Reed
General Counsel
Texas Animal Health Commission
Effective date: September 6, 1998
Proposal publication date: July 3, 1998
For further information, please call: (512)719-0714

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4 TAC §§55.1, 55.4, 55.6, 55.9

The new section and amendments are adopted under the Texas Agriculture Code, Chapter 161, §§161.041, 161.046, and 165.022, which authorizes the Commission to promulgate rules in accordance with the Texas Agriculture Code.

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

Filed with the Office of the Secretary of State on August 17, 1998.

TRD-9812990
Kathryn A. Reed
General Counsel
Texas Animal Health Commission
Effective date: September 6, 1998
Proposal publication date: July 3, 1998
For further information, please call: (512)719-0714

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Chapter 59. General Practice and Procedures

4 TAC §§59.2, 59.3, 59.6

The Texas Animal Health Commission adopts amendments to §§59.2, 59.3 and 59.6, concerning general practice and procedures, without changes to the proposed text as published in the June 26, 1998, issue of the *Texas Register* (23 TexReg 6681).

The amendment to §59.2 clarifies that comments, as well as complaints, can be addressed to the Commission complaint address and telephone line. Section 59.3 is amended to specify how Commission committees will operate. The amendment to §59.6 specifies what action the Commission may take in response to a Petition for Rulemaking.

No comments were received regarding adoption of the amendments.

The amendments to §59.2 are adopted under the Texas Agriculture Code, Chapter 161, §§161.033, 161.034, 161.041 and 161.046, which authorizes the Commission to enact rules to eradicate communicable disease. The amendments to §59.3 and §59.6 are adopted under the Texas Agriculture Code, Chapter 161, §§161.030, 161.041 and 161.046, which authorizes the Commission to enact rules to eradicate communicable disease.

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

Filed with the Office of the Secretary of State on August 17, 1998.

TRD-9812991
Kathryn A. Reed
General Counsel
Texas Animal Health Commission
Effective date: September 6, 1998
Proposal publication date: June 26, 1998
For further information, please call: (512)719-0714

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TITLE 7. BANKING AND SECURITIES

Part II. Texas Department of Banking

Chapter 17. Trust Company Regulation

Subchapter A. General

7 TAC §17.4

The Finance Commission of Texas (the commission) adopts new §17.4, concerning bonding requirements for directors, managers, managing participants, officers, and employees, of trust companies. The section is adopted without changes to the proposed text as published in the June 26, 1998, issue of the *Texas Register* (23 TexReg 6681), and the text will not be published.

Pursuant to Texas Civil Statutes, Article 342a-4.110, a trust company is required to maintain a bond for protection and indemnity of clients, in reasonable amounts against dishonesty, fraud, defalcation, forgery, theft, and other insurable losses with a corporate insurance or surety company. A bond is required for each director, manager, managing participant, officer, and employee without regard to whether the person receives salary or other compensation. Upon application, the banking commissioner may eliminate the bonding requirement for a particular individual if the banking commissioner finds that the bonding requirement is unnecessary or burdensome. The commission invites comments from interested parties on whether exemptions from bonding requirements for family trusts should be permitted.

New §17.4 requires trust companies to comply with the bonding requirements of Texas Civil Statutes, Article 342a-4.110, and §17.4, and specifies the types of bonds required to comply with Texas Civil Statutes, Article 342a-4.110, and §17.4. The new section also requires that a trust company's board demonstrate that it has thoroughly reviewed the risks associated with its trust business to determine if additional specialized bond coverage is necessary. Additionally, §17.4 allows a trust company, under certain circumstances, to utilize a holding company's comprehensive insurance coverage to comply with Texas Civil Statutes, Article 342a-4.110, and §17.4. Finally, §17.4 requires that a trust company retain all original bonds and make them available to the Texas Department of Banking.

The commission received no comments regarding the proposals.

The section is adopted under Texas Civil Statutes, Article 342a-1.003(a), which authorizes the commission to adopt rules to implement and clarify the law and to preserve or protect the safety and soundness of trust companies.

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

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812909

Everette D. Jobe

General Counsel

Texas Department of Banking

Effective date: September 3, 1998

Proposal publication date: June 26, 1998

For further information, please call: (512) 475-1300



Chapter 21. Trust Company Corporate Activities

The Finance Commission of Texas (the commission) adopts new §21.24, concerning statutory exemptions for trust companies administering family trusts, and new §21.51, concerning

change of control applications for trust companies. The sections are adopted without changes to the proposed text as published in the June 26, 1998, issue of the *Texas Register* (23 TexReg 6682), and the text will not be published.

Pursuant to Texas Civil Statutes, Article 342a-3.011, a trust company may request in writing that it be exempted from specified provisions of Texas Civil Statutes, Article 342a-1.001 et seq. The banking commissioner may grant the exemption in whole or in part if the banking commissioner finds that the trust company does not transact business with the public. A trust company does not transact business with the public if it acts as a corporate fiduciary for accounts in which all beneficiaries are related within the fourth degree of affinity or consanguinity to the person who controls the trust company. Pursuant to Texas Civil Statutes, Article 342a-3.012(6), a trust company requesting an exemption from the banking commissioner, must provide a list of the specific statutory provisions for which the exemption request is made.

New §21.24 specifies the information that must be contained in an exemption application, and further specifies the specific provisions of Texas Civil Statutes, Article 342a-1.001 et seq., from which a trust company may request an exemption, subject to conditions or limitations imposed by the banking commissioner. Exemption from these provisions is permissible because trust companies that do not transact business with the public will be limited to administration of family trusts.

New §21.24 also specifies the provisions from which a trust company may not request an exemption, detailed in subsection (c) and described in the following paragraphs.

An exemption may not be requested from Texas Civil Statutes, Article 342a, Chapter 1 (relating to General Provisions). An exemption may not be requested from Texas Civil Statutes, Article 342a-2.002, requiring annual examinations, or Texas Civil Statutes, Article 342a-2.003, requiring the quarterly filing of Statements of Condition and Income, except as otherwise provided by this section. Thus, trust companies that do not transact business with the public will be subject to annual examinations and quarterly filings of Statements of Condition and Income. These provisions are necessary for the Texas Department of Banking (the department) to meet its operational and oversight responsibilities to ensure the safety and soundness of trust companies, thus exemptions from these provisions are not appropriate. However, a trust company may request an exemption from public disclosure of the Report of Trust Assets.

Except for Texas Civil Statutes, Article 342a-3.002(11), an exemption may not be made from Chapter 3 (relating to Powers, Organization, Organizational Changes, and Capital and Surplus). These provisions are necessary for the department to ensure the safety and soundness of trust companies, to limit trust companies not transacting business with the public from exceeding their limited purpose of administering family trusts, and to ensure that Texas corporate governance requirements are met. An exemption from Texas Civil Statutes, Article 342a-3.002(11), requiring that the number of directors, managers, or managing participants, be specified in the articles of association as at least five and no more than 25, one of which must be a resident of this state, is appropriate because under subsection (b)(3) of this section, a minimum of three directors, managers, or managing participants is permissible. Also, although trust companies not transacting business with the public may be authorized to maintain restricted capital at an amount less than

the statutory minimum, an exemption from Texas Civil Statutes, Article 342a-3.007(a) (relating to Restricted Capital), is unnecessary because Texas Civil Statutes, Article 342a-3.007(e), allows the banking commissioner, on a case-by-case basis, to reduce the minimum restricted capital amount if certain conditions are met. Generally, however, the banking commissioner will not grant approval for a trust company that does not transact business with the public to maintain restricted capital of less than \$250,000. Additionally, an exemption from Texas Civil Statutes, Article 342a-4.110 (relating to Bonding), is unnecessary because Texas Civil Statutes, Article 342a-4.110(c), grants the commissioner the authority to eliminate the bonding requirement for a particular individual if the bonding requirement is unnecessary or burdensome.

A trust company may not request an exemption from Texas Civil Statutes, Article 342a, Chapter 4 (relating to Shares and Participation Shares, Shareholders and Participants, and Management), except that an exemption may be requested from Texas Civil Statutes, Article 342a-4.103(a) (relating to the minimum number of directors, managers, and managing participants) and Article 342a-4.107(a)-(c) (relating to insider transactions). These provisions are necessary for the department to ensure the safety and soundness of trust companies, to limit trust companies not transacting business with the public from exceeding their limited purpose of administering family trusts, and to ensure that Texas corporate governance requirements are met.

A trust company may not request an exemption from Texas Civil Statutes, Article 342a, Chapter 5, Subchapter B (relating to State Trust Company Investments); Subchapter D (relating to Other Investment Provisions); Subchapter E (relating to Trust Deposits); and Subchapter F (relating to Liabilities and Pledge of Assets), except that an exemption may be requested from Texas Civil Statutes, Article 342a-5.103 (relating to Subsidiaries). These provisions are necessary for the department to ensure the safety and soundness of trust companies and to limit trust companies not transacting business with the public from exceeding their limited purpose of administering family trusts.

New §21.24(c) does not allow a trust company to request an exemption from Texas Civil Statutes, Article 342a, Chapter 6 (relating to Enforcement Actions), Chapter 7 (relating to Dissolution and Receivership), and Chapter 8 (relating to General Provisions). These provisions are necessary for the department to meet its operational and oversight responsibilities to ensure the safety and soundness of trust companies and to limit trust companies not transacting business with the public from exceeding their limited purpose of administering family trusts.

As adopted, §21.24(d) requires the banking commissioner to issue a written notice pursuant to §21.4 informing the applicant of the status of the exemption application. Section 21.24(e) requires that all beneficiaries of family trusts obtain a copy of the exemptions granted by the banking commissioner to a trust company.

New §21.51 pertains to requirements and procedures for change of control applications for trust companies. The adopted rule is based on existing §15.81, the change of control rule applicable to banks that will continue to apply to trust companies until the adopted §21.51 becomes effective.

The commission received no comments regarding the proposals.

Subchapter B. Trust Company Chartering and Powers

7 TAC §21.24

The section is adopted pursuant to Texas Civil Statutes, Article 342a-3.011(e)(2), which authorizes the commission to adopt rules specifying the provisions of Texas Civil Statutes, Article 342a-1.001 et seq., that are subject to an exemption request. The section is also adopted pursuant to Texas Civil Statutes, Article 342a-1.003(a), which authorizes the commission to adopt rules necessary or reasonable to implement and clarify Texas Civil Statutes, Article 342a-1.001 et seq.

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

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812908

Everette D. Jobe

General Counsel

Texas Department of Banking

Effective date: September 3, 1998

Proposal publication date: June 26, 1998

For further information, please call: (512) 475-1300



Subchapter E. Change of Control

7 TAC §21.51

The section is adopted under Texas Civil Statutes, Article 342a-1.003(a)(1), which authorizes the commission to adopt rules to implement and clarify Texas Civil Statutes, Article 342a-1.001 et seq.

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

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812907

Everette D. Jobe

General Counsel

Texas Department of Banking

Effective date: September 3, 1998

Proposal publication date: June 26, 1998

For further information, please call: (512) 475-1300



TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 15. Alternative Fuels Research and Education Division

Subchapter A. General Rules

16 TAC §15.30

The Railroad Commission of Texas adopts amendments to §15.30, relating to the Propane Alternative Fuels Advisory Committee, without changes to the proposed version published in the July 17, 1998, issue of the *Texas Register* (23 TexReg 7322). Specifically, the commission amends the date on which the advisory committee is abolished in order to continue the committee in existence until September 1, 2002.

The commission received no comments on the proposed amendment.

The commission adopts the amendment under Texas Natural Resources Code, §113.241, which gives the commission the authority to adopt all necessary rules relating to conducting research and educating the public regarding the use of propane; and Texas Natural Resources Code, §113.242, which gives the commission the authority to appoint one or more advisory committees composed of members representing the propane industry, consumers, and other interests to consult with and advise the commission on opportunities and methods to expand the use of propane.

Texas Natural Resources Code, §§113.241 and 113.242, are affected by the proposed amendment.

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

Filed with the Office of the Secretary of State on August 11, 1998.

TRD-9812705

Mary Ross McDonald

Deputy General Counsel

Railroad Commission of Texas

Effective date: August 31, 1998

Proposal publication date: July 17, 1998

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

TITLE 28. INSURANCE

Part I. Texas Department of Insurance

Chapter 9. Title Insurance

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

28 TAC §9.1

The Commissioner of Insurance adopts an amendment to 28 TAC §9.1 concerning the Basic Manual of Rules, Rates and Forms for the Writing of Title Insurance in the State of Texas (the Basic Manual). Amended §9.1 incorporates by reference amendments to the Basic Manual which add a new procedural rule and new forms that provide for a limited coverage mortgagee title policy for home equity Texas homestead property pursuant to Section 50, Article XVI, Texas Constitution. By voter approval on November 4, 1997, the Texas Constitution was amended to permit an encumbrance against homestead property for certain extensions of equity credit. Section 9.1 is adopted with three changes to the proposed

text as published in the March 6, 1998, issue of the *Texas Register* (23 TexReg 2228) and with changes to the proposed amendments to the Basic Manual which the section adopts by reference, all of which are more particularly described below.

The amendment concerns the adoption by reference of certain amendments to the Basic Manual. The amended section is necessary to reflect amendments to the Basic Manual, which the section adopts by reference, and to delete unnecessary wording from §9.1. The amendments to the Basic Manual are necessary to facilitate the administration and regulation of title insurance in this state by adopting new rules and forms which clarify and standardize the rules and forms which regulate title insurance. The effective date of the section as published in the proposal was April 30, 1998; however, in order to allow for at least twenty days after filing with the Texas Register for the section to become effective, the effective date of the section has been changed to October 1, 1998. The mail code and the name of the Title Insurance Section as published in the proposal have been changed to Mail Code "106-2T" and to "Title Division" to reflect the new mail code and the new name of the Title Division. The new procedural rule in the Basic Manual facilitates the issuing of mortgagee title policies insuring home equity liens on homestead property. Procedural Rule P-46, relating to the Texas Residential Limited Coverage Junior Mortgagee Policy (T-44); Texas Residential Limited Coverage Junior Mortgagee Policy Down Date Endorsement (T-45); Texas Residential Limited Coverage Junior Mortgagee Policy Variable Rate Endorsement (T-46); and Texas Residential Limited Coverage Junior Mortgagee Policy Additional Coverage Endorsement will enable title insurance companies to issue limited coverage mortgagee title policies for home equity Texas homestead property. The new forms are the Texas Residential Limited Coverage Junior Mortgagee Policy Combined Schedule (T-44); Texas Residential Limited Coverage Junior Mortgagee Policy Down Date Endorsement (T-45); and Texas Residential Limited Coverage Junior Mortgagee Policy Variable Rate Endorsement (T-46).

Amendments to the procedural rule and form T-44 were proposed by Stewart Title Guaranty Company, Texas Land Title Association, and the Office of Public Insurance Counsel, and all the amendments have been accepted. The amendments to the procedural rule by Texas Land Title Association provide that the amount of loans that could be covered by the junior mortgagee policy would not exceed \$100,000; that the junior mortgagee policy additional coverage endorsement could be issued only on the issuance of the Texas Residential Limited Coverage Junior Mortgagee Policy (T-44), simultaneously with the issuance of the mortgagee policy; and that a non-substantive change in the order of paragraphs be made in the additional coverage endorsement. The amendments to form T-44 by the Office of Public Insurance Counsel provide the addition of the word "adverse" before "claim" in the section dealing with notification by the insured to the company and clarify the determination of value in the payment of loss. All of the amendments were accepted and incorporated by Stewart Title Guaranty Company, which amended its petition to reflect these amendments.

The proposed Rate Rule R-27, Premium For Texas Residential Limited Coverage Junior Mortgagee Policy (T-44); Texas Residential Limited Coverage Junior Mortgagee Policy Down Date Endorsement (T-45); Texas Residential Limited Coverage Junior Mortgagee Policy Variable Rate Endorsement (T-46); Texas Residential Limited Coverage Junior Mortgagee Policy

Additional Coverage Endorsement are considered under Docket Number 2336.

Amended §9.1 incorporates by reference certain amendments to the Basic Manual, which facilitate the issuance of mortgagee title policies insuring home equity liens on homestead property. The section adopts by reference and amends the Basic Manual, Section IV, Procedural Rules, to add new Procedural Rule P-46, relating to the Texas Residential Limited Coverage Junior Mortgagee Policy (T-44); Texas Residential Limited Coverage Junior Mortgagee Policy Down Date Endorsement (T-45); Texas Residential Limited Coverage Junior Mortgagee Policy Variable Rate Endorsement (T-46); and Texas Residential Limited Coverage Junior Mortgagee Policy Additional Coverage Endorsement. The new procedural rule provides the scope of coverage and the restrictions required by the constitutional amendment. The new procedural rule also provides that a company may issue a Texas Residential Limited Coverage Junior Mortgagee Policy Additional Coverage Endorsement to the Texas Residential Limited Coverage Junior Mortgagee Policy (T-44) by adding promulgated language provisions in Endorsement Form T-3. The section also adopts by reference and amends the Basic Manual, Section II, Insuring Forms, to add the following new forms. The new Texas Residential Limited Coverage Junior Mortgagee Policy Combined Schedule (T-44) is the form of the schedule that states the recording information, the exceptions to coverage, and the disclosures regarding the status of the title insurance agent. The new Texas Residential Limited Coverage Junior Mortgagee Policy Down Date Endorsement (T-45) is the form that states the coverage and exceptions based on the date of the policy. The new Texas Residential Limited Coverage Junior Mortgagee Policy Variable Rate Endorsement (T-46) is the form that states the coverage and exceptions due to changes in the rate of interest of the insured's mortgage loan.

Comment: A commenter expressed support for the amendment, but noted that all home equity products need to be put into context as an evolving process. The title insurance industry is attempting to address the concerns of lenders regarding the issues related to making home equity loans and getting title insurance coverage, and the title insurance industry may return within a year with changes to some of these products.

Agency Response: The department agrees that the current amendment is an appropriate interim step, and the department may consider suggested additional coverage in future proposed rules.

Comment: A commenter expressed concerns and proposed changes to the policy regarding the addition of the word "adverse" before "claim" in the section dealing with notification by the insured to the company and to clarify the determination of value in the payment of loss. The commenter further stated that binding arbitration should not be in a contract of insurance unless it has been negotiated between the parties.

Agency Response: The department notes the acceptance and incorporation of the proposed changes by Stewart Title Guaranty Company and acknowledges the general concern regarding binding arbitration, but notes that the product under consideration is designed for purchase by institutional lenders, rather than laypersons. Further, the department notes the responsive comments made by Stewart Title Guaranty Company at the public hearing, that arbitration will be conducive to expedited claims settlements and a lower priced product.

The amended section is adopted pursuant to the Insurance Code, Articles 9.07, 9.21, and 1.03A and Section 50, Article XVI, Texas Constitution. Article 9.07 authorizes and requires the commissioner to promulgate or approve rules and policy forms of title insurance and otherwise to provide for the regulation of the business of title insurance. Article 9.21 authorizes the commissioner to promulgate and enforce rules and regulations prescribing underwriting standards and practices, and to promulgate and enforce all other rules and regulations necessary to accomplish the purposes of Insurance Code, Chapter 9, concerning regulation of title insurance. 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. By voter approval on November 4, 1997, Section 50, Article XVI, Texas Constitution was amended to permit an encumbrance against homestead property for certain extensions of equity credit. The Government Code, §§2001.004-2001.038 et seq. (Administrative Procedure Act) authorizes and requires each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedure for adoption of rules by a state administrative agency.

§9.1. Basic Manual Of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas.

The Texas Department of Insurance adopts by reference the Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas as amended effective October 1, 1998. The document is available from and on file at the Texas Department of Insurance, Title Division, Mail Code 106-2T, 333 Guadalupe Street, Austin, Texas 78701-1998.

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

Filed with the Office of the Secretary of State on August 17, 1998.

TRD-9813001

Lynda H. Nesenholtz

General Counsel and Chief Clerk

Texas Department of Insurance

Effective date: October 1, 1998

Proposal publication date: March 6, 1998

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

TITLE 30. ENVIRONMENTAL QUALITY

Part I. Texas Natural Resource Conservation

Chapter 39. Public Notice

Subchapter F. Public Notice of Radioactive Material License Applications

30 TAC §§39.303, 39.305, 39.307, 39.309, 39.313

The Texas Natural Resource Conservation Commission (commission) adopts amendments to §§39.303, 39.305, 39.307, 39.309 and new §39.313, concerning Public Notice. Section 39.313 is adopted with a change to the proposed text as published in the April 24, 1998, issue of the *Texas Register* (23

TexReg 3997). Sections 39.303, 39.305, 39.307, and 39.309 are adopted without changes and will not be republished.

EXPLANATION OF ADOPTED RULE The purpose of these rules is to remove commission rule language related to the source material licensing and by-product disposal jurisdiction transferred to the Texas Department of Health (TDH) by Senate Bill (SB) 1857, 75th Legislature, 1997; to incorporate revisions and additions which are needed to maintain compatibility with the rules of the United States Nuclear Regulatory Commission (NRC); and to continue with agency-wide regulatory reform efforts to simplify language and requirements. Compatibility of the commission's rules with the federal program is necessary to preserve the status of Texas as an Agreement State under Title 10 Code of Federal Regulations Part 150 and the "Articles of Agreement between the United States Atomic Energy Commission and the State of Texas for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended."

In §39.313 (relating to Public Notification and Public Participation), the first sentence is amended to remove an incorrect reference and replace it with the correct one. The removed incorrect reference to "§336.603 of this title (relating to Radiological Criteria for Unrestricted Use)" would have made this requirement more stringent than the federal rule and in disagreement with the cross reference to this notice requirement in §336.611 (relating to Public Notification and Public Participation). This incorrect reference has been replaced with the correct reference to "§336.609 of this title (relating to Alternate Criteria for License Termination)."

FINAL REGULATORY IMPACT ANALYSIS The commission has reviewed the adopted rulemaking in light of the regulatory analysis requirements of Texas Government Code §2001.0225 and has determined that the rulemaking is not subject to §2001.0225 because it does not meet the definition of a "major environmental rule" as defined in the act, and it does not meet any of the four applicability requirements listed in §2001.0225(a).

Although this rule is to protect the environment and reduce the risk to human health from environmental exposure, this is not a major environmental rule because it does not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state.

In addition, this rule does not exceed a standard set by federal law, exceed an express requirement of state law, exceed a requirement of a delegation agreement, or adopt a rule solely under the general powers of the agency. The rule adds federal requirements that are necessary to maintain compatibility with the rules of the NRC.

TAKINGS IMPACT ASSESSMENT The commission has prepared a Takings Impact Assessment for these rules pursuant to Texas Government Code §2007.043. The following is a summary of that Assessment. The specific purpose of the rules is to remove commission rule language related to the source material licensing and by-product disposal jurisdiction transferred to the TDH by SB 1857, 75th Legislature, 1997, to incorporate revisions and additions which are needed to maintain compatibility with the rules of the NRC, and to continue with agency-wide regulatory reform efforts to simplify language and requirements. Compatibility of the commission's rules with the federal program

is necessary to preserve the status of Texas as an Agreement State under Title 10 Code of Federal Regulations Part 150 and the "Articles of Agreement between the United States Atomic Energy Commission and the State of Texas for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to the Atomic Energy Act §274 of 1954, as Amended." The rules will substantially advance this specific purpose by removing commission rule language related to the source material licensing and by-product disposal jurisdiction transferred to the TDH and by incorporating into commission rules the new federal requirements contained in "Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials, Clean Air Act", 61 Fed. Reg. 65120, December 10, 1996, effective January 9, 1997 and "Radiological Criteria for License Termination", 62 Fed. Reg. 39058, July 21, 1997, effective August 20, 1997. Promulgation and enforcement of these rules will not burden private real property which is the subject of the rules because they primarily implement less stringent federal decommissioning requirements. Section 336.501 extends the deadline to apply for a license to decommission from January 1, 1999, to January 1, 2000. If these existing, unlicensed sites decommission before January 1, 2000, owners or operators will avoid license application and annual fees. For both licensed and unlicensed disposal sites, new alternatives for decommissioning without meeting the criteria for unrestricted use are offered in new sections §336.607 (relating to Criteria for License Termination under Restricted Conditions) and §336.609 (relating to Alternate Criteria for License Termination). A site using one of these alternatives may save on decommissioning cost.

Also, the following exceptions to the application of Chapter 2007 of the Texas Government Code listed in Texas Government Code §2007.003(b) apply to these rules: Section 2007.003(b)(4)—an action that is reasonably taken to fulfill an obligation mandated by federal law.

COASTAL MANAGEMENT PROGRAM CONSISTENCY REVIEW The commission has reviewed the adopted rulemaking and found that the rule is neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11, nor will it affect any action/authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11. Therefore, the adoption is not subject to the Coastal Management Program.

HEARING AND COMMENTERS A public hearing was not held for this rulemaking. The comment period closed May 26, 1998. No comments were received.

STATUTORY AUTHORITY The amendments and new sections are adopted under the Texas Radiation Control Act, Texas Health and Safety Code §§401.011, 401.051, and 401.412, and Texas Water Code §5.103, which give the commission the authority to adopt rules necessary to carry out its responsibilities to regulate and license the disposal of radioactive substances.

§39.313. *Public Notification and Public Participation.*

Upon the receipt of a license termination plan or decommissioning plan from the licensee, or a proposal by the licensee for release of a site under §336.607 of this title (relating to Criteria for License Termination under Restricted Conditions) or §336.609 of this title (relating to Alternate Criteria for License Termination), or whenever the commission deems notice to be in the public interest, the commission shall:

- (1) notify and solicit comments from:

(A) local and state governments in the vicinity of the site and any Indian Nation or other indigenous people that have treaty or statutory rights that could be affected by the decommissioning; and

(B) the United States Environmental Protection Agency for cases where the licensee proposes to release a site under §336.609 of this title (relating to Alternate Criteria for License Termination); and

(2) publish a notice in the *Texas Register* and in a forum, such as local newspapers, letters to state or local organizations, or other appropriate forum, that is readily accessible to individuals in the vicinity of the site, and solicit comments from affected parties.

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

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812918

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation

Effective date: September 3, 1998

Proposal publication date: April 24, 1998

For further information, please call: (512) 239-6087



Chapter 305. Consolidated Permits

Subchapter C. Application for Permit

30 TAC §305.54

The Texas Natural Resource Conservation Commission (commission) adopts an amendment to §305.54, concerning Additional Requirements for Radioactive Material Licenses. Section 305.54 is adopted without change to the proposed text as published in the April 24, 1998, issue of the *Texas Register* (23 TexReg 4015) and will not be republished.

EXPLANATION OF ADOPTED RULE The purpose of these rules is to remove commission rule language related to the source material licensing and by-product disposal jurisdiction transferred to the Texas Department of Health (TDH) by Senate Bill (SB) 1857, 75th Legislature, 1997.

FINAL REGULATORY IMPACT ANALYSIS The commission has reviewed the adopted rulemaking in light of the regulatory analysis requirements of Texas Government Code §2001.0225 and has determined that the rulemaking is not subject to §2001.0225 because it does not meet the definition of a "major environmental rule" as defined in the act, and it does not meet any of the four applicability requirements listed in §2001.0225(a).

Although this rule is to protect the environment and reduce the risk to human health from environmental exposure, this is not a major environmental rule because it does not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state.

In addition, this rule does not exceed a standard set by federal law, exceed an express requirement of state law, exceed a requirement of a delegation agreement, or adopt a rule solely under the general powers of the agency.

TAKINGS IMPACT ASSESSMENT The Commission has prepared a Takings Impact Assessment for these rules pursuant to Texas Government Code §2007.043. The following is a summary of that Assessment. The specific purpose of the rules is to remove commission rule language related to the source material licensing and by-product disposal jurisdiction transferred to the TDH by SB 1857, 75th Legislature, 1997. The rules will substantially advance this specific purpose by removing commission rule language related to the source material licensing and by-product disposal jurisdiction transferred to the TDH. Promulgation and enforcement of these rules will not burden private real property which is the subject of the rules because they merely delete commission rule language on a jurisdiction transferred to the TDH by statute.

COASTAL MANAGEMENT PROGRAM CONSISTENCY REVIEW The commission has reviewed the adopted rulemaking and found that the rule is neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11, nor will it affect any action/authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11. Therefore, the adoption is not subject to the Coastal Management Program.

HEARING AND COMMENTERS A public hearing was not held for this rulemaking. The comment period closed May 26, 1998. No comments were received.

STATUTORY AUTHORITY This amendment is adopted under the Texas Radiation Control Act, Texas Health and Safety Code §§401.011, 401.051, and 401.412, and Texas Water Code §5.103, which give the commission the authority to adopt rules necessary to carry out its responsibilities to regulate and license the disposal of radioactive substances.

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

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812919

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation

Effective date: September 3, 1998

Proposal publication date: April 24, 1998

For further information, please call: (512) 239-6087



Chapter 336. Radioactive Substance Rules

The Texas Natural Resource Conservation Commission (commission) adopts amendments to §§336.1, 336.2, 336.101, 336.102, 336.107, 336.201, 336.203, 336.209, 336.211, 336.213, 336.304, 336.331, 336.332, 336.334, 336.341, 336.348, 336.352, 336.356, 336.501, 336.502, 336.503, 336.512, 336.513, 336.701, 336.702, 336.802, 336.803, 336.804, 336.805, 336.806, 336.807; repeals of §§336.104, 336.108, 336.217, 336.357, 336.366, 336.514, 336.601-336.606, 336.613-336.629, 336.636; and new §§336.514, 336.515, 336.517, 336.519, 336.601, 336.603, 336.605, 336.607, 336.609, 336.611, 336.613, concerning Radioactive Substance Rules. Section 336.519 is adopted with changes to the proposed text as published in the April 24, 1998, issue of the *Texas Register* (23 TexReg 4016). The remaining sections are adopted without changes and will not be republished.

EXPLANATION OF ADOPTED RULE The purpose of these rules is to remove commission rule language related to the source material licensing and by-product disposal jurisdiction transferred to the Texas Department of Health (TDH) by Senate Bill (SB) 1857, 75th Legislature, 1997; to incorporate revisions and additions which are needed to maintain compatibility with the rules of the United States Nuclear Regulatory Commission (NRC); and to continue with agency-wide regulatory reform efforts to simplify language and requirements. Compatibility of the commission's rules with the federal program is necessary to preserve the status of Texas as an Agreement State under Title 10 Code of Federal Regulations Part 150 and the "Articles of Agreement between the United States Atomic Energy Commission and the State of Texas for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended."

In §336.519(a) a typographical error has been corrected. In the second sentence, in the phrase "30 days before to the expiration date," the unnecessary word "to" has been deleted.

FINAL REGULATORY IMPACT ANALYSIS The commission has reviewed the adopted rulemaking in light of the regulatory analysis requirements of Texas Government Code §2001.0225 and has determined that the rulemaking is not subject to §2001.0225 because it does not meet the definition of a "major environmental rule" as defined in the act, and it does not meet any of the four applicability requirements listed in §2001.0225(a).

Although this rule is to protect the environment and reduce the risk to human health from environmental exposure, this is not a major environmental rule because it does not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state.

In addition, this rule does not exceed a standard set by federal law, exceed an express requirement of state law, exceed a requirement of a delegation agreement, or adopt a rule solely under the general powers of the agency. The rule adds federal requirements that are necessary to maintain compatibility with the rules of the Nuclear Regulatory Commission.

TAKINGS IMPACT ASSESSMENT The commission has prepared a Takings Impact Assessment for these rules pursuant to Texas Government Code §2007.043. The following is a summary of that Assessment. The specific purpose of the rules is to remove commission rule language related to the source material licensing and by-product disposal jurisdiction transferred to the TDH by SB 1857, 75th Legislature, 1997, to incorporate revisions and additions which are needed to maintain compatibility with the rules of the NRC, and to continue with agency-wide regulatory reform efforts to simplify language and requirements. Compatibility of the commission's rules with the federal program is necessary to preserve the status of Texas as an Agreement State under Title 10 Code of Federal Regulations Part 150 and the "Articles of Agreement between the United States Atomic Energy Commission and the State of Texas for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to the Atomic Energy Act §274 of 1954, as Amended." The rules will substantially advance this specific purpose by removing commission rule language related to the source material licensing and by-product disposal jurisdiction transferred to the TDH and by incorporating into com-

mission rules the new federal requirements contained in "Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials, Clean Air Act", 61 Fed. Reg. 65120, December 10, 1996, effective January 9, 1997 and "Radiological Criteria for License Termination", 62 Fed. Reg. 39058, July 21, 1997, effective August 20, 1997. Promulgation and enforcement of these rules will not burden private real property which is the subject of the rules because they primarily implement less stringent federal decommissioning requirements. Section 336.501 extends the deadline to apply for a license to decommission from January 1, 1999, to January 1, 2000. If these existing, unlicensed sites decommission before January 1, 2000, owners or operators will avoid license application and annual fees. For both licensed and unlicensed disposal sites, new alternatives for decommissioning without meeting the criteria for unrestricted use are offered in new sections §336.607 (relating to Criteria for License Termination under Restricted Conditions) and §336.609 (relating to Alternate Criteria for License Termination). A site using one of these alternatives may save on decommissioning cost.

Also, the following exceptions to the application of Chapter 2007 of the Texas Government Code listed in Texas Government Code §2007.003(b) apply to these rules: Section 2007.003(b)(4)—an action that is reasonably taken to fulfill an obligation mandated by federal law.

COASTAL MANAGEMENT PROGRAM CONSISTENCY REVIEW The commission has reviewed the adopted rulemaking and found that the rule is neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11, nor will it affect any action/authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11. Therefore, the adoption is not subject to the Coastal Management Program.

ADOPTED NOTICE OF REVIEW The commission adopts the review of Chapter 336 concerning Radioactive Substance Rules. The review was conducted in accordance with the General Appropriations Act, Article IX, §167, 75th Legislature, 1997.

The commission readopts the rules contained in 30 TAC Chapter 336, concerning Radioactive Substance Rules, as required by the General Appropriations Act, Article IX, §167. Section 167 requires state agencies to review and consider for readoption rules adopted under the Administrative Procedure Act. The reviews must include, at a minimum, an assessment that the reasons for the rules continue to exist. The commission has reviewed the rules in Chapter 336 and determined that the reasons for adopting those rules continue to exist. The rules are necessary to implement Texas Health and Safety Code Chapter 401 (relating to Radioactive Materials and Other Sources of Radiation) and are needed to maintain compatibility with the rules of the NRC. Compatibility of the commission's rules with the federal program is necessary to preserve the status of Texas as an Agreement State under Title 10 Code of Federal Regulations Part 150 and the "Articles of Agreement between the United States Atomic Energy Commission and the State of Texas for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended." In addition, the rules are needed in the protection of human health and the environment from radioactive substances.

The comment period on the review closed May 26, 1997. No comments were received related to the rule review.

HEARING AND COMMENTERS A public hearing was not held for this rulemaking. The comment period closed May 26, 1998. No comments were received.

Subchapter A. General Provisions

30 TAC §§336.1, §336.2

STATUTORY AUTHORITY These amendments are adopted under the Texas Radiation Control Act (TRCA), Texas Health and Safety Code §§401.011, 401.051, and 401.412, and Texas Water Code §5.103, which give the commission the authority to adopt rules necessary to carry out its responsibilities to regulate and license the disposal of radioactive substances. The readoption of the commission's rules is under Article IX, Section 167, General Appropriations Act, 75th Legislature.

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

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812920
Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation
Effective date: September 3, 1998
Proposal publication date: April 24, 1998
For further information, please call: (512) 239-6087



Subchapter B. Radioactive Substance Fees

30 TAC §§336.101, 336.102, 336.107

STATUTORY AUTHORITY. These amendments are adopted under the Texas Radiation Control Act (TRCA), Texas Health and Safety Code §§401.011, 401.051, and 401.412, and Texas Water Code §5.103, which give the commission the authority to adopt rules necessary to carry out its responsibilities to regulate and license the disposal of radioactive substances.

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

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812921
Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation
Effective date: September 3, 1998
Proposal publication date: April 24, 1998
For further information, please call: (512) 239-6087



30 TAC §§336.104, §336.108

These repeals are adopted under the Texas Radiation Control Act, Texas Health and Safety Code §§401.011, 401.051, and 401.412, and Texas Water Code §5.103, which give the commission the authority to adopt rules necessary to carry out its responsibilities to regulate and license the disposal of radioactive substances.

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

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812922
Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation
Effective date: September 3, 1998
Proposal publication date: April 24, 1998
For further information, please call: (512) 239-6087



Subchapter C. Additional Application, Operation, and License Requirements

30 TAC §§336.201, 336.203, 336.209, 336.211, 336.213

STATUTORY AUTHORITY These amendments are adopted under the Texas Radiation Control Act (TRCA), Texas Health and Safety Code §§401.011, 401.051, and 401.412, and Texas Water Code §5.103, which give the commission the authority to adopt rules necessary to carry out its responsibilities to regulate and license the disposal of radioactive substances.

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

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812923
Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation
Effective date: September 3, 1998
Proposal publication date: April 24, 1998
For further information, please call: (512) 239-6087



30 TAC §336.217

STATUTORY AUTHORITY The repeal is adopted under the Texas Radiation Control Act, Texas Health and Safety Code §§401.011, 401.051, and 401.412, and Texas Water Code §5.103, which give the commission the authority to adopt rules necessary to carry out its responsibilities to regulate and license the disposal of radioactive substances.

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

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812924
Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation
Effective date: September 3, 1998
Proposal publication date: April 24, 1998
For further information, please call: (512) 239-6087

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Subchapter D. Standards for Protection Against Radiation

30 TAC §§336.304, 336.331, 336.332, 336.334, 336.341, 336.348, 336.352, 336.356

STATUTORY AUTHORITY These amendments are adopted under the Texas Radiation Control Act (TRCA), Texas Health and Safety Code §§401.011, 401.051, and 401.412, and Texas Water Code §5.103, which give the commission the authority to adopt rules necessary to carry out its responsibilities to regulate and license the disposal of radioactive substances.

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

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812925
Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation
Effective date: September 3, 1998
Proposal publication date: April 24, 1998
For further information, please call: (512) 239-6087

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30 TAC §§336.357, §336.366

STATUTORY AUTHORITY These repeals are adopted under the Texas Radiation Control Act, Texas Health and Safety Code §§401.011, 401.051, and 401.412, and Texas Water Code §5.103, which give the commission the authority to adopt rules necessary to carry out its responsibilities to regulate and license the disposal of radioactive substances.

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

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812926
Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation
Effective date: September 3, 1998
Proposal publication date: April 24, 1998
For further information, please call: (512) 239-6087

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Subchapter F. Licensing of Alternative Methods of Disposal of Radioactive Material

30 TAC §§336.501–336.503, 336.512–336.515, 336.517, 336.519

STATUTORY AUTHORITY These new and amended sections are adopted under the Texas Radiation Control Act (TRCA), Texas Health and Safety Code §§401.011, 401.051, and 401.412, and Texas Water Code §5.103, which give the commission the authority to adopt rules necessary to carry

out its responsibilities to regulate and license the disposal of radioactive substances.

§ 336.519. *Expiration and Termination of Licenses.*

(a) Each license expires at the end of the day on the expiration date stated in the license unless the licensee has filed an application for renewal not less than 30 days before the expiration date stated in the existing license. If an application for renewal in proper form has been filed at least 30 days before the expiration date stated in the existing license, the existing license shall not expire until the application has been finally determined by the commission. For the purposes of this section, "proper form" shall mean that the application includes the information required by §336.512 of this title (relating to Technical Requirements for Inactive Disposal Sites) or §336.513 of this title (relating to Technical Requirements for Active Disposal Sites). The existing license expires at the end of the day on which the commission makes a final determination to deny the renewal application or, if the determination states an expiration date, the expiration date stated in the determination.

(b) Each license revoked by the commission expires at the end of the day on the date of the commission's final determination to revoke the license, or on the expiration date stated in the determination, or as otherwise provided by commission order.

(c) Each license continues in effect, beyond the expiration date if necessary, with respect to possession of source material, byproduct material, or other radioactive material until the commission notifies the licensee in writing that the license is terminated. During this time, the licensee shall:

(1) limit actions involving source material, byproduct material, or other radioactive material to those related to decommissioning; and

(2) continue to control entry to restricted areas until they are suitable for release in accordance with commission requirements.

(d) Within 60 days of the occurrence of any of the following, each licensee of an active disposal site shall provide written notification to the executive director:

(1) The license has expired under subsection (a) or (b) of this section; or

(2) The licensee has decided to permanently cease principal activities at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for unrestricted release in accordance with commission requirements; or

(3) No principal activities under the license have been conducted for a period of 24 months; or

(4) No principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with commission requirements.

(e) The licensee of an active disposal site shall either:

(1) within 60 days of the occurrence for which notification is required by subsection (d) of this section, begin decommissioning its site or any separate building or outdoor area that contains residual radioactivity, according to an approved decommissioning plan, so that the building or outdoor area is suitable for release in accordance with commission requirements; or

(2) if no decommissioning plan has been submitted, submit a decommissioning plan to the executive director, including

a signed statement adjusting the amount of financial assurance based upon the detailed cost estimate included in the decommissioning plan, within 12 months of the notification required by subsection (d) of this section and request an amendment of the license to incorporate the plan into the license; and

(3) begin decommissioning within 60 days of the approval of that plan by the commission.

(f) The licensee of an inactive disposal site licensed under §336.501(c) of this title (relating to Scope and General Provisions), shall provide notice of and begin decommissioning within 90 days of license renewal. The owner or operator of an unlicensed inactive disposal site must apply for a license to decommission the site and begin decommissioning with 90 days of license approval.

(g) All licensees shall follow a commission-approved closure plan for decontamination, decommissioning, restoration, and reclamation of buildings and the site.

(1) Coincident with the notification required by subsections (d) or (f) of this section, the licensee shall continue to maintain in effect all decommissioning financial assurance until the license is terminated by the commission.

(2) The amount of the financial assurance must be increased, or may be decreased, as appropriate, to cover the detailed cost estimate for decommissioning established under §336.613(f)(5) of this title (relating to Additional Requirements).

(3) Any licensee who has not provided financial assurance to cover the detailed cost estimate submitted with the decommissioning plan shall do so on or before January 1, 1998.

(4) Following approval of the decommissioning plan, with the approval of the executive director, a licensee may reduce the amount of the financial assurance as decommissioning proceeds and radiological contamination is reduced at the site.

(h) The executive director may grant in writing a request to extend the time periods established in subsections (d), (e) or (f) of this section, or to delay or postpone the decommissioning process, if the executive director determines that this relief is not detrimental to the public health and safety and is otherwise in the public interest. The request must be submitted in writing no later than 30 days before notification under subsection (d) or (f) of this section. The schedule for decommissioning set forth in subsection (e) or (f) of this section may not commence until the executive director has made a determination on the request.

(i) Licenses, including expired licenses, will be terminated by the commission by written notice to the licensee when the executive director determines that:

(1) Source material, byproduct material, and other radioactive material has been properly disposed;

(2) Reasonable effort has been made to eliminate residual radioactive contamination, if present;

(3) The site is suitable for release.

(A) A radiation survey has been performed which demonstrates that the premises are suitable for release in accordance with commission requirements; or

(B) Other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release in accordance with commission requirements;

(4) The licensee has paid any outstanding fees required by Subchapter B of Chapter 336 of this title (relating to Radioactive Substance Fees) and has resolved any outstanding notice(s) of violation issued to the licensee; and

(5) The licensee has complied with all other applicable decommissioning criteria required by Subchapter G of this chapter (relating to Decommissioning Standards).

(j) A licensee may request that a subsite or a portion of a licensed area be released for unrestricted use before full license termination as long as release of the area of concern will not adversely impact the remaining unaffected areas and will not be recontaminated by ongoing authorized activities. When the licensee is confident that the area of concern will be acceptable to the state for release for unrestricted use, a written request for release for unrestricted use and agency confirmation of close-out work performed must be submitted to the executive director. The request should include a comprehensive report, accompanied by survey and sample results which show contamination is less than the limits specified in §336.603 of this title (relating to Radiological Criteria for Unrestricted Use), and an explanation of how ongoing authorized activities will not adversely affect the area proposed to be released. Upon confirmation by the executive director that the area of concern is indeed releasable for unrestricted use, the licensee may apply for a license amendment, if required.

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

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812928

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation

Effective date: September 3, 1998

Proposal publication date: April 24, 1998

For further information, please call: (512) 239-6087

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30 TAC §336.514

STATUTORY AUTHORITY The repeal is adopted under the Texas Radiation Control Act, Texas Health and Safety Code §§401.011, 401.051, and 401.412, and Texas Water Code §5.103, which give the commission the authority to adopt rules necessary to carry out its responsibilities to regulate and license the disposal of radioactive substances.

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

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812927

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation

Effective date: September 3, 1998

Proposal publication date: April 24, 1998

For further information, please call: (512) 239-6087
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Subchapter G. Licensing Requirements for Source Material (Uranium or Thorium) Recovery and Processing Facilities

30 TAC §§336.601–336.606, 336.613–336.629, 336.636

STATUTORY AUTHORITY These repeals are adopted under the Texas Radiation Control Act (TRCA), Texas Health and Safety Code §§401.011, 401.051, and 401.412, and Texas Water Code §5.103, which give the commission the authority to adopt rules necessary to carry out its responsibilities to regulate and license the disposal of radioactive substances.

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

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812929
Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation
Effective date: September 3, 1998
Proposal publication date: April 24, 1998
For further information, please call: (512) 239-6087



Subchapter G. Decommissioning Standards

30 TAC §§336.601, 336.603, 336.605, 336.607, 336.609, 336.611, 336.613

STATUTORY AUTHORITY These new sections are adopted under the Texas Radiation Control Act (TRCA), Texas Health and Safety Code §§401.011, 401.051, and 401.412, and Texas Water Code §5.103, which give the commission the authority to adopt rules necessary to carry out its responsibilities to regulate and license the disposal of radioactive substances.

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

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812930
Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation
Effective date: September 3, 1998
Proposal publication date: April 24, 1998
For further information, please call: (512) 239-6087



Subchapter H. Licensing Requirements for Near-Surface Land Disposal of Radioactive Waste

30 TAC §§336.701, §336.702

STATUTORY AUTHORITY These amendment are adopted under the Texas Radiation Control Act (TRCA), Texas Health and Safety Code §§401.011, 401.051, and 401.412, and Texas Water Code §5.103, which give the commission the authority to

adopt rules necessary to carry out its responsibilities to regulate and license the disposal of radioactive substances.

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

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812931
Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation
Effective date: September 3, 1998
Proposal publication date: April 24, 1998
For further information, please call: (512) 239-6087



Subchapter I. Financial Assurance

30 TAC §§336.802–336.807

STATUTORY AUTHORITY These amendments are adopted under the Texas Radiation Control Act (TRCA), Texas Health and Safety Code §§401.011, 401.051, and 401.412, and Texas Water Code §5.103, which give the commission the authority to adopt rules necessary to carry out its responsibilities to regulate and license the disposal of radioactive substances.

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

Filed with the Office of the Secretary of State on August 14, 1998.

TRD-9812932
Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation
Effective date: September 3, 1998
Proposal publication date: April 24, 1998
For further information, please call: (512) 239-6087



TITLE 34. PUBLIC FINANCE

Part III. Teacher Retirement System of Texas

Chapter 41. Insurance

34 TAC §41.8

The Teacher Retirement System adopts amendments to §41.8 concerning the bidding process for TRS Insurance. The amendments to §41.8 are adopted without changes to the proposed text published in the June 19, 1998 issue of the *Texas Register* (23 TexReg 6425) and will not be republished.

New law passed by the 75th Legislature found at Insurance Code, §8, article 3.50-4(i), requires rules with the information outlined in the proposed amendment. It is a requirement that prospective bidders provide information, for areas consisting of a county and adjacent counties, on the number and types of qualified providers willing to participate in the coverage or plan.

In addition, the Board of Trustees or its designee will consider relevant factors or criteria in making a decision. The justification for TRS to adopt the amendment is to ensure that TRS complies with the new law and to have notice available for those who might wish to bid on TRS-Care in the future.

The amendment to the rule will provide the basis for bidding on insurance needs of TRS. The rule provides notice to bidders of what kinds of information will be required when a bid is submitted for consideration.

No comments were received regarding adoption of the amendment.

The amendment is proposed under the Government Code, §825.102, which provides the Board of Trustees with the authority to adopt rules for the administration of the funds of the retirement system. In addition, the amendment is proposed under the Insurance Code, §8, Article 3.50-4(i) authorizing the Board of Trustees to adopt a rule requiring prospective bidders to provide information, for areas consisting of a county and all adjacent counties, on the number and types of qualified providers willing to participate in coverage.

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

Filed with the Office of the Secretary of State on August 11, 1998.

TRD-9812714

Charles Dunlap

Executive Director

Teacher Retirement System of Texas

Effective date: August 31, 1998

Proposal publication date: June 19, 1998

For further information, please call: (512) 391-2115

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VII. Texas Commission on Law Enforcement Officer Standards and Education

Chapter 211. Administration Division

37 TAC §211.22

The Texas Commission on Law Enforcement Officer Standards and Education adopts amendments to §211.22 concerning issuance of duplicate or delayed documents, without changes to the proposed text as published in the April 17, 1998 issue of the *Texas Register* (23 TexReg 3805).

This section is amended to require the submission of an application form for duplicate documents, as well as a \$20.00 nonrefundable application fee.

No comments were received regarding the adoption of these amendments.

The amendment is adopted under Texas Government Code Annotated, Chapter 415, §415.010, which authorizes the Commission to promulgate rules for the administration of Chapter 415; and which authorizes the commission to establish reasonable and necessary fees for the administration of Chapter 415.

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

Filed with the Office of the Secretary of State on August 12, 1998.

TRD-9812789

Edward T. Laine

Chief, Professional Standards and Administrative Operations

Texas Commission on Law Enforcement Officer Standards and Education

Effective date: September 1, 1998

Proposal publication date: April 17, 1998

For further information, please call: (512) 936-7700

Chapter 221. Proficiency Certificates and Other Post-Basic Licenses Division

37 TAC §221.19

The Texas Commission on Law Enforcement Officer Standards and Education adopts amendments to §221.19 concerning jailer proficiency certificates, without changes to the proposed text as published in the April 17, 1998, issue of the *Texas Register* (23 TexReg 3807).

The amendments add a requirement for successful completion of a course relating to employment issues before a basic jailer proficiency certificate may be issued. The course will be provided by the employing agency. This course requirement was added by House Bill 1856, passed by the 75th Legislature, which amended §415.062 of the Government Code.

No comments were received regarding the adoption of the new section.

The amendment is adopted under Texas Government Code Annotated, Chapter 415, §415.010, which authorizes the Commission to promulgate rules for the administration of Chapter 415, and which authorizes the Commission to set requirements for a basic jailer certificate; and by §415.062, which requires courses relating to employment issues before a basic proficiency certificate may be issued.

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

Filed with the Office of the Secretary of State on August 12, 1998.

TRD-9812788

Edward T. Laine

Chief, Professional Standards and Administrative Operations

Texas Commission on Law Enforcement Officer Standards and Education

Effective date: September 1, 1998

Proposal publication date: April 17, 1998

For further information, please call: (512) 936-7700

Chapter 225. Contract Jailer Certification Divisions

37 TAC §225.3, §225.11

The Texas Commission on Law Enforcement Officer Standards and Education adopts amendments to §225.3 and §225.11 concerning minimum standards and enforcement for contract jailer certificates, without changes to the proposed text as published in the April 17, 1998, issue of the *Texas Register* (23 TexReg 3808). Section 225.3 will be amended to include a new section prohibiting a person who has ever been convicted or placed on deferred adjudication probation for a misdemeanor or felony offense from being issued a contract jailer certificate, if that offense was related to the duties and responsibilities of an office requiring such a certificate. The amendments to §225.11 increase the general suspension term for contract jailer certificates from 12 months to five years, bringing this term in line with the general suspension term for Commission licenses. The amendments also allow the Commission to suspend the certificate of a person convicted of a Class C Misdemeanor that was directly related to the duties and responsibilities of their office as a contract jailer.

No comments were received regarding the adoption of this new section.

The amendment is authorized under Texas Government Code Annotated, Chapter 415, §415.010, which authorizes the Commission to promulgate rules for the administration of Chapter 415, and under Texas Government Code Annotated, Chapter 511, §511.0092, which requires a county, municipality or private vendor operating a facility which holds out-of-state inmates to require all employees at the facility to maintain certification as required by the Commission.

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

Filed with the Office of the Secretary of State on August 12, 1998.

TRD-9812790

Edward T. Laine

Chief, Professional Standards and Administrative Operations

Texas Commission on Law Enforcement Officer Standards and Education

Effective date: September 1, 1998

Proposal publication date: April 17, 1998

For further information, please call: (512) 936-7700



Part IX. Texas Commission on Jail Standards

Chapter 259. New Construction Rules

Subchapter B. New Maximum Security Design, Construction and Furnishing Requirements

37 TAC §259.146

The Texas Commission on Jail Standards adopts amendments to §§259.146, 259.341, and 259.750 concerning New Construction, Construction and Furnishing Requirements, with changes to the proposed text as published in the *Texas Register* (23 TexReg 6149).

The reasoned justification for this rule is that the Commission determined that it will be more economical and easier to install, thereby, saving the counties money.

This rule changes the requirement that ceilings in inmate housing areas shall be constructed of 3/16" thick steel plate to 10 gauge steel.

No comments were received regarding adoption of the amendments.

The amendment is adopted under Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

§259.146. Ceilings.

Ceilings within inmate housing areas shall be constructed of a minimum 4" thick concrete plank reinforced with #4 bars 8" on center each way or a minimum 10 gauge steel plate. Innovative design concepts are encouraged and comparable materials and methods approved by the Commission may be utilized for ceiling construction.

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

Filed with the Office of the Secretary of State on August 12, 1998.

TRD-9812732

Jack E. Crump

Executive Director

Texas Commission on Jail Standards

Effective date: September 1, 1998

Proposal publication date: June 12, 1998

For further information, please call: (512) 463-5505



37 TAC §259.341

The amendment is adopted under Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

§259.341. Ceilings.

Ceilings within inmate housing areas shall be constructed of a minimum 4" thick concrete plank reinforced with #4 bars 8" on center each way or a minimum 10 gauge steel plate. Innovative design concepts are encouraged and comparable materials and methods approved by the Commission may be utilized for ceiling construction.

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

Filed with the Office of the Secretary of State on August 12, 1998.

TRD-9812733

Jack E. Crump

Executive Director

Texas Commission on Jail Standards

Effective date: September 1, 1998

Proposal publication date: June 12, 1998

For further information, please call: (512) 463-5505

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37 TAC §259.750

The amendment is adopted under Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

§259.750. Ceilings.

Ceilings within inmate housing areas shall be constructed of a minimum 4" thick concrete plank reinforced with #4 bars 8" on center each way or a minimum 10 gauge steel plate. Innovative design concepts are encouraged and comparable materials and methods approved by the Commission may be utilized for ceiling construction.

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

Filed with the Office of the Secretary of State on August 12, 1998.

TRD-9812734

Jack E. Crump

Executive Director

Texas Commission on Jail Standards

Effective date: September 1, 1998

Proposal publication date: June 12, 1998

For further information, please call: (512) 463-5505

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Chapter 273. Health Services

37 TAC §273.4

The Texas Commission on Jail Standards adopts an amendment to §273.4, concerning Health Services without changes to the proposed text as published in the June 12, 1998, issue of the *Texas Register* (23 TexReg 6150).

The reasoned justification for this rule is that the Commission determined that there is a need for county jails to maintain more comprehensive health records for inmates.

This rule adds the requirement that each jail complete a summary which reflects the status of each inmates' health and care at the time that the inmate is transferred to another criminal justice facility in the State of Texas.

The amendment is adopted under Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners.

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

Filed with the Office of the Secretary of State on August 12, 1998.

TRD-9812731

Jack E. Crump

Executive Director

Texas Commission on Jail Standards

Effective date: September 1, 1998

Proposal publication date: June 12, 1998

For further information, please call: (512) 463-5505

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part IV. Texas Commission for the Blind

Chapter 165. Facilities Program

40 TAC §165.1-165.3

The Texas Commission for the Blind adopts the repeal of Chapter 165, §§165.1-165.3, pertaining to the facilities program without changes to the proposed text as published in the June 12, 1998, issue of the *Texas Register* (23 TexReg 6175). The repeal of the chapter is adopted to eliminate rules no longer needed by the Commission in the administration of its programs. The chapter and rules refer to a facilities program and a facilities manual, which are no longer applicable for the purpose of providing vocational rehabilitation services to consumers.

No comments were received on the proposal.

The repeal is adopted under the authority of Human Resources Code, Title 5, Chapter 91, §91.011(g), which authorizes the commission to adopt rules prescribing the policies and procedures followed by the commission in the administration of its programs.

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

Filed with the Office of the Secretary of State on August 12, 1998.

TRD-9812723

Terrell I. Murphy

Executive Director

Texas Commission for the Blind

Effective date: September 1, 1998

Proposal publication date: June 12, 1998

For further information, please call: (512) 459-2611

◆ ◆ ◆
Chapter 169. Blind and Visually Impaired Children's Program

The Texas Commission for the Blind adopts the repeal of §§169.1-169.5; §§169.10-169.16; §§169.25-169.34; §169.40; §§169.50-169.52; and §§169.60-169.63, concerning the Blind and Visually Impaired Children's Program. The repeals are adopted without changes to the proposed text as published in the June 12, 1998, issue of the *Texas Register* (23 TexReg 6176).

The rules are repealed in order for the agency to simultaneously adopt new rules that will function as the policies followed by the Commission in providing services to children with visual impairments.

No comments were received concerning the proposal.

Subchapter A. General Information

40 TAC §§169.1-169.5

The repeals are adopted under the authority of the Human Resources Code, Title 5, Chapter 91, which authorizes the commission to adopt rules prescribing the policies and procedures followed by the commission in the administration of its programs.

The repeals affect Human Resources Code, Title 5, Chapter 91, §91.028, Services for Visually Handicapped Children.

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

Filed with the Office of the Secretary of State on August 11, 1998.

TRD-9812670
Terrell I. Murphy
Executive Director
Texas Commission for the Blind
Effective date: August 31, 1998
Proposal publication date: June 12, 1998
For further information, please call: (512) 459-2611



Subchapter B. Basic Program Requirements

40 TAC §§169.10–169.16

The repeals are adopted under the authority of the Human Resources Code, Title 5, Chapter 91, which authorizes the commission to adopt rules prescribing the policies and procedures followed by the commission in the administration of its programs.

The repeals affect Human Resources Code, Title 5, Chapter 91, §91.028, Services for Visually Handicapped Children.

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

Filed with the Office of the Secretary of State on August 11, 1998.

TRD-9812671
Terrell I. Murphy
Executive Director
Texas Commission for the Blind
Effective date: August 31, 1998
Proposal publication date: June 12, 1998
For further information, please call: (512) 459-2611



Subchapter C. Scope of Services

40 TAC §§169.25–169.34

The repeals are adopted under the authority of the Human Resources Code, Title 5, Chapter 91, which authorizes the commission to adopt rules prescribing the policies and procedures followed by the commission in the administration of its programs.

The repeals affect Human Resources Code, Title 5, Chapter 91, §91.028, Services for Visually Handicapped Children.

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

Filed with the Office of the Secretary of State on August 12, 1998.

TRD-9812672
Terrell I. Murphy
Executive Director
Texas Commission for the Blind
Effective date: August 31, 1998
Proposal publication date: June 12, 1998
For further information, please call: (512) 459-2611



Subchapter D. Economic Need

40 TAC §169.40

The repeals are adopted under the authority of the Human Resources Code, Title 5, Chapter 91, which authorizes the commission to adopt rules prescribing the policies and procedures followed by the commission in the administration of its programs.

The repeals affect Human Resources Code, Title 5, Chapter 91, §91.028, Services for Visually Handicapped Children.

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

Filed with the Office of the Secretary of State on August 12, 1998.

TRD-9812673
Terrell I. Murphy
Executive Director
Texas Commission for the Blind
Effective date: August 31, 1998
Proposal publication date: June 12, 1998
For further information, please call: (512) 459-2611



Subchapter E. Order of Selection for Payment of Services

40 TAC §§169.50–169.52

The repeals are adopted under the authority of the Human Resources Code, Title 5, Chapter 91, which authorizes the commission to adopt rules prescribing the policies and procedures followed by the commission in the administration of its programs.

The repeals affect Human Resources Code, Title 5, Chapter 91, §91.028, Services for Visually Handicapped Children.

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

Filed with the Office of the Secretary of State on August 12, 1998.

TRD-9812674
Terrell I. Murphy
Executive Director
Texas Commission for the Blind
Effective date: August 31, 1998
Proposal publication date: June 12, 1998
For further information, please call: (512) 459-2611



Subchapter F. Case Management Reimbursement Charges

40 TAC §§169.60–169.63

The repeals are adopted under the authority of the Human Resources Code, Title 5, Chapter 91, which authorizes the commission to adopt rules prescribing the policies and procedures followed by the commission in the administration of its programs.

The repeals affect Human Resources Code, Title 5, Chapter 91, §91.028, Services for Visually Handicapped Children.

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

Filed with the Office of the Secretary of State on August 12, 1998.

TRD-9812675

Terrell I. Murphy

Executive Director

Texas Commission for the Blind

Effective date: August 31, 1998

Proposal publication date: June 12, 1998

For further information, please call: (512) 459-2611



Subchapter A. General Information

40 TAC §§169.1–169.5

The Texas Commission for the Blind adopts new §§169.1-169.5; §§169.10-169.16; §§169.25-169.35; §169.40; §§169.50-169.52; and §§169.60-169.63, concerning the Blind and Visually Impaired Children's Program. All sections are adopted without changes to the proposed text as published in the June 12, 1998, issue of the *Texas Register*(23 TexReg 6178) except §169.28, which is adopted with changes. The words "better than" should have preceded the visual acuity of 20/70 in lieu of the phrase "or better" after 20/70 in proposed §169.28(a) to conform to current practice. This correction has been made.

The rules are the result of the agency's complete review of the program and existing rules over the past year and will function as the policies followed by the Commission in providing services to children with visual impairments.

Comments were received from the Texas Respite Resource Network concerning §169.33 of the proposal. The organization supported the rule and encouraged the Commission to continue to increase the annual amount of funding available to families for respite and support services. The Commission made no changes to the rules as a result of the comments. The rule provides a limit of \$1,000 per child per state fiscal year. The agency periodically reviews all of its procedures for their effectiveness in meeting identified needs of families in relation to the agency's overall budget. The amount of resources available for respite support will be considered as a part of this routine process.

The rules are adopted under the authority of the Human Resources Code, Title 5, Chapter 91, which authorizes the commission to adopt rules prescribing the policies and procedures followed by the commission in the administration of its programs.

The rules affect Human Resources Code, Title 5, Chapter 91, §91.028, Services for Visually Handicapped Children.

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

Filed with the Office of the Secretary of State on August 11, 1998.

TRD-9812676

Terrell I. Murphy

Executive Director

Texas Commission for the Blind

Effective date: August 31, 1998

Proposal publication date: June 12, 1998

For further information, please call: (512) 459-2611



Subchapter B. Basic Program Requirements

40 TAC §§169.10–169.16

The rules are adopted under the authority of Human Resources Code, Title 5, Chapter 91, which authorizes the commission to adopt rules prescribing the policies and procedures followed by the commission in the administration of its programs.

The rules affect Human Resources Code, Title 5, Chapter 91, §91.028, Services for Visually Handicapped Children.

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

Filed with the Office of the Secretary of State on August 11, 1998.

TRD-9812678

Terrell I. Murphy

Executive Director

Texas Commission for the Blind

Effective date: August 31, 1998

Proposal publication date: June 12, 1998

For further information, please call: (512) 459-2611



Subchapter C. Services

40 TAC §§169.25–169.35

The rules are adopted under the authority of Human Resources Code, Title 5, Chapter 91, which authorizes the commission to adopt rules prescribing the policies and procedures followed by the commission in the administration of its programs.

The rules affect Human Resources Code, Title 5, Chapter 91, §91.028, Services for Visually Handicapped Children.

§169.28. *Restoration Services.*

(a) Restoration services do not include routine eye exams, treatments such as drops for glaucoma and conjunctivitis, or glasses or contact lenses for children whose only eye problem is a refractive error in which the uncorrected visual acuity is better than 20/70 in both eyes.

(b) Restoration services must be recommended in writing by an ophthalmologist, optometrist, ophthalmologist, or orthoptist and jointly agreed to by the caseworker and parent.

(c) Only one pair of replacement glasses or contact lenses may be purchased in a 12-month period for a child receiving restoration services unless there is a .5 or greater diopter change in either prescribed lens.

(d) Restoration services are subject to application of Subchapter D of this chapter (relating to Economic Resources), Subchapter E of this chapter (relating to Order of Selection for Payment of Services), and Subchapter F of this chapter (relating to Case Management Reimbursement Charges).

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

Filed with the Office of the Secretary of State on August 11, 1998.

TRD-9812679
Terrell I. Murphy
Executive Director
Texas Commission for the Blind
Effective date: August 31, 1998
Proposal publication date: June 12, 1998
For further information, please call: (512) 459-2611



Subchapter D. Economic Resources

40 TAC §§169.40

The rules are adopted under the authority of Human Resources Code, Title 5, Chapter 91, which authorizes the commission to adopt rules prescribing the policies and procedures followed by the commission in the administration of its programs.

The rules affect Human Resources Code, Title 5, Chapter 91, §91.028, Services for Visually Handicapped Children.

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

Filed with the Office of the Secretary of State on August 11, 1998.

TRD-9812680
Terrell I. Murphy
Executive Director
Texas Commission for the Blind
Effective date: August 31, 1998
Proposal publication date: June 12, 1998
For further information, please call: (512) 459-2611



Subchapter E. Order of Selection for Payment of Services

40 TAC §§169.50–169.52

The rules are adopted under the authority of Human Resources Code, Title 5, Chapter 91, which authorizes the commission to adopt rules prescribing the policies and procedures followed by the commission in the administration of its programs.

The rules affect Human Resources Code, Title 5, Chapter 91, §91.028, Services for Visually Handicapped Children.

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

Filed with the Office of the Secretary of State on August 11, 1998.

TRD-9812681
Terrell I. Murphy
Executive Director
Texas Commission for the Blind
Effective date: August 31, 1998
Proposal publication date: June 12, 1998
For further information, please call: (512) 459-2611



Subchapter F. Case Management Reimbursement Charges

40 TAC §§169.60–169.63

The rules are adopted under the authority of Human Resources Code, Title 5, Chapter 91, which authorizes the commission to adopt rules prescribing the policies and procedures followed by the commission in the administration of its programs.

The rules affect Human Resources Code, Title 5, Chapter 91, §91.028, Services for Visually Handicapped Children.

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

Filed with the Office of the Secretary of State on August 11, 1998.

TRD-9812682
Terrell I. Murphy
Executive Director
Texas Commission for the Blind
Effective date: August 31, 1998
Proposal publication date: June 12, 1998
For further information, please call: (512) 459-2611



== REVIEW OF AGENCY RULES ==

This Section contains notices of state agency rules review as directed by the 75th Legislature, Regular Session, House Bill 1 (General Appropriations Act) Art. IX, Section 167. Included here are: (1) notices of *plan to review*; (2) notices of *intention to review*, which invite public comment to specified rules; and (3) notices of *readoption*, which summarize public comment to specified rules. The complete text of an agency's *plan to review* is available after it is filed with the Secretary of State on the Secretary of State's web site (<http://www.sos.state.tx.us/texreg>). The complete text of an agency's rule being reviewed and considered for *readoption* is available in the ***Texas Administrative Code*** on the web site (<http://www.sos.state.tx.us/tac>).

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the web site and printed copies of these notices may be directed to the ***Texas Register*** office.

Agency Rule Review Plans

Office of the Attorney General

Title 1, Part III

Filed: August 14, 1998

State Finance Commission

Title 7, Part I

Filed: August 14, 1998

Texas Department of Banking

Title 7, Part II

Filed: August 14, 1998

State Office of Risk Management

Title 28, Part IV

Filed: August 17, 1998

Texas Department of Information Resources

Title 1, Part X

Filed: August 20, 1998

Proposed Rule Reviews

Office of Consumer Credit Commissioner

Title 7, Part V

In accordance with House Bill 1, the Appropriations Act, Article IX, §167 ("Section 167"), the Office of Consumer Credit Commissioner (the "agency") is undertaking a comprehensive review of its substantive and procedural rules which became final prior to September 1, 1997; and, as required by §167, the agency submits the following plan for review and consideration for readoption of these rules.

All comments and questions should be address to Leslie L. Pettijohn, Commissioner, Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705-4207; fax to (512) 936-7610; or e-mail to leslie_pettijohn@occc.state.tx.us.

All rules adopted prior to September 1, 1997, will be reviewed, in accordance with the requirements of §167, on or before the following schedule:

January through March, 2000, 7 TAC §§82.1-82.2 (Administration).

September, 1998 through March, 1999, 7 TAC §§85.1-85.2 (Rules of Operation for Pawnshops).

TRD-9813036

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: August 17, 1998

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Office of State Entomologist

Title 4, Part IV

The Office of the State Entomologist proposes to readopt Chapter 71, Bees, in accordance with the Appropriations Act, §167.

The agency's reasons for adopting the rules contained in this chapter continue to exist.

Comments on the proposal may be submitted to Paul W. Jackson, State Entomologist, Entomology Department, Texas A&M University, College Station, Texas 77843-2475; phone (409) 845-9713; fax (409) 845-0983; e-mail p-jackson28476@tamu.edu.

TRD-9813033

Paul W. Jackson

State Entomologist

Office of State Entomologist

Filed: August 17, 1998

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Finance Commission of Texas

Title 7, Part I

In accordance with House Bill 1, the Appropriations Act, Article IX, §167 ("Section 167"), the Finance Commission of Texas (the "commission") is undertaking a comprehensive review of the substantive and procedural rules related to the Office of Consumer Credit Com-

missioner which became final prior to September 1, 1997; and, as required by §167, the commission submits the following plan for review and consideration for readoption of these rules.

All comments and questions should be addressed to Leslie L. Pettijohn, Commissioner, Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705-4207; fax to (512) 936-7610; or e-mail to leslie_pettijohn@occc.state.tx.us.

All rules adopted prior to September 1, 1997, will be reviewed, in accordance with the requirements of §167, on or before the following schedule:

September, 1998 through August, 1999, 7 TAC Chapter 1, Subchapter A (§§1.2 - 1.11; §§1.13-1.15; §§1.51-1.54; §§1.71-1.80; §§1.91-1.96; §§1.131-1.135; §§1.151-1.156; §§1.171-1.179)

September, 1999 through August, 2000, 7 TAC Chapter 1, Subchapter B

TRD-9813035
Leslie L. Pettijohn
Commissioner
Finance Commission of Texas
Filed: August 17, 1998



General Land Office

Title 31, Part I

The General Land Office (GLO), with the approval of the School Land Board (SLB), submits the following Notice of Intent to Review the chapter referenced relating to agency actions and consistency with the goals and policies of the Coastal Management Program, pursuant to the Appropriations Act of 1997, HB 1, Article IX, §167.

The GLO intends to complete the review of these rules by August 31, 1999.

Any comments and/or questions pertaining to this Notice of Intent to Review should be directed to Ms. Carol Milner, Texas Register Liaison, General Land Office, 1700 North Congress Avenue, Room 626, Austin, Texas 78701-1495 or to facsimile 512/463-6311.

TRD-9813200
Garry Mauro
Commissioner
General Land Office
Filed: August 19, 1998



State Office of Risk Management

Title 28, Part IV

NOTICE OF INTENTION TO REVIEW:

The State Office of Risk Management (SORM) proposes to review Title 28, Texas Administrative Code (TAC) Chapter 251, Workers' Compensation, and Chapter 252, State Risk Management in accordance with the Appropriations Act, §167. These rules were previously codified at Title 1, chapter 51 and Title 28, chapter 170. Administrative transfer of these rules was published in the *Texas Register*, April 24, 1998 issue.

As required by §167, SORM will accept comments regarding whether the reason for adopting each of the rules in 28 Texas Administrative Code, Chapters 251 and 252 continue to exist.

Any questions or written comments pertaining to this notice of intention to review should be directed to Albert Betts, Jr., General Counsel, P.O. Box 13777, Austin, Texas 78711-3777, fax (512) 472-0234.

TRD-9813003
Albert Betts, Jr.
General Counsel
State Office of Risk Management
Filed: August 17, 1998



Adopted Rule Reviews

Coastal Coordination Council

Title 31, Part XVI

Chapter 501. Coastal Management Program.

Chapter 503. Coastal Management Program Boundary.

Chapter 504. Coastal Management Program.

Chapter 505. Council Procedures for State Consistency with Coastal Management Program Goals and Policies.

Chapter 506. Council Procedures for Federal Consistency with Coastal Management Program Goals and Policies.

The Coastal Coordination Council (Council) adopts without changes the Coastal Management Program (CMP) rules, Chapter 501, Coastal Management Program; Chapter 503, Coastal Management Program Boundary; Chapter 504, Coastal Management Program; Chapter 505, Council Procedures for State Consistency with Coastal Management Program Goals and Policies; and Chapter 506, Council Procedures for Federal Consistency with Coastal Management Program Goals and Policies in accordance with the Appropriations Act, §167.

No comments were received regarding the adoption of the CMP rules. The Council's reasons for adopting the CMP rules continue to exist. The Council will continue to amend and revise the CMP rules as needed.

TRD-9812821
Garry Mauro
Chairman
Coastal Coordination Council
Filed: August 12, 1998



Texas Workforce Commission

Title 28, Part II

The Texas Workforce Commission (Commission) adopts Chapter 807, Proprietary School Rules, in accordance with the Appropriations Act of 1997, House Bill 1, Article IX, §167. Changes and comments to the Rules are contained in the adoption preamble in the August 14, 1998 issue of the *Texas Register* (23 TexReg 8479).

The proposed review appeared in the May 22, 1998 issue of the *Texas Register* (23 TexReg 5464).

The Texas Workforce Commission has determined that the reasons for adopting the chapter continue to exist.

TRD-9812980
J. Randel (Jerry) Hill
General Counsel
Texas Workforce Commission



TABLES & 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.

PUBLIC UTILITY COMMISSION OF TEXAS

Figure: 16 TAC §26.45(e)(3)(A).

Customer billing name: _____

Customer billing address: _____

Customer street address: _____

City, state, zip code: _____

Name of individual authorized to act for customer (if applicable):

Telephone number of individual authorized to act for customer (if different from customer's): _____

By signing below, I am authorizing (name of the billing telecommunications utility) to allow the charges from (name of the person, corporation, or telecommunications utility offering the product or service) for (a clear and explicit description of the product(s) or service(s) to be provided to the customer) to be placed on my telephone bill. By signing below, I indicate that I am willing to be billed accordingly.

I certify that I have read and understand this Letter of Agency.

I further certify that I am at least eighteen years of age, and that I am authorized to make changes on the bill for the telephone number listed above.

Signed: _____ Date: _____

Telephone number to be charged: _____

(To be filled in only by the customer whose signature appears immediately above.)

PUBLIC UTILITY COMMISSION OF TEXAS

Figure: 16 TAC §26.45(g)(2).

Charges on your telephone bill -- Your Rights as a Customer.

No person, corporation, nor telecommunications utility (telephone company) is permitted to place charges on your telephone bill without your authorization (a practice commonly known as "cramming").

If you are "crammed", you should contact your billing telecommunications utility — the telephone company that bills you for your telephone service — and request that it: 1) remove any unauthorized charges from your telephone bill; **and** 2) refund or credit, at your option, to you any money you have already paid for any unauthorized charge.

Regulations of the Public Utility Commission of Texas require a billing telecommunications utility that has crammed you to promptly (no later than 45 days of its knowledge or notification from you of any unauthorized charge to your telephone bill) do the following:

- remove any unauthorized charge from your bill;
- refund or credit at your choice, all money to you that you have paid for any unauthorized charge; and,
- provide you with all billing records related to any unauthorized charge within ten business days of the removal of any unauthorized charge from your telephone bill.

If you call a telecommunications utility that has crammed you and the company fails to resolve your request to remove any unauthorized charge from your bill and refund or credit to you all money that you have paid for any unauthorized charge, or if you would like a complaint history for a particular telephone company, please write or call the Public Utility Commission of Texas, PO Box 13326, Austin, Texas 78711-3326, 512-936-7120 or in Texas (toll-free) 1-888-782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the Commission at 512-936-7136.

Be advised that you may have additional rights under state and federal law. Please contact the Federal Communications Commission, the Attorney General of Texas, or the Public Utility Commission of Texas if you would like further information about possible additional rights.

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 State Board of Public Accountancy

Thursday, August 13, 1998, 11:00 a.m.

333 Guadalupe Street, Tower III, Suite 900, Room 950G
Austin

By Telephone Conference-Major Case Enforcement Committee

EMERGENCY MEETING AGENDA:

Consultation with Counsel to discuss American Express Lawsuit (Executive Session)

Reason for emergency: This meeting is scheduled under sections 551.045 and 551.125 Texas Government Code (Vernon's 1998) for the Board to consult promptly with counsel in order to respond to developing events to active litigation. It is difficult or impossible for all subcommittee members to be present in one place because of previous business commitments.

Contact: Amanda G. Birrell, 333 Guadalupe, Tower III, Suite 900, Austin, Texas 78701-3900, 512/305-7848.
Filed: August 12, 1998, 3:59 p.m.

TRD-9812820



Wednesday, September 2, 1998, 9:00 a.m.

333 Guadalupe Street, Tower III, Suite 900, Room 910
Austin

Behavioral Enforcement Committee

AGENDA:

A. Investigations: 1. File Number 98-06-01L; 2. File Number 98-05-05L; 3. File Number 98-06-02L; 4. File Number 98-06-05L; 5. File

Number 98-06-07L; 6. File Numbers 98-06-03L; 7. File Numbers 98-07-03L.

B. Discussion Items: 1. 1st Global, Inc.-Rule 501.14; 2. Gregory Distefano-Rule 501.47; 3. Jeff Parrack-Rule 501.43; 4. Tracy Good-Rule 501.15.

C. Informal Conferences: 1. File Number 98-03-17L; 2. File Number 97-11-04L; 3. File Number 98-04-10L; 4. File Number 98-03-20L; 5. File Number 97-12-18L.

All discussion of investigative files will be in Executive Session.

Contact: Amanda G. Birrell, 333 Guadalupe, Tower III, Suite 900, Austin, Texas 78701-3900, 512/305-7848.

Filed: August 14, 1998, 3:39 p.m.

TRD-9812958



State Office of Administrative Hearings

Monday, August 24, 1998, 10:00 a.m.

1700 North Congress Avenue

Austin

Utility Division

AGENDA:

A Prehearing Conference is scheduled for the above date and time in SOAH Docket No. 473-98-1457; PUC Docket No. 19461; Application of Southwestern Bell Telephone Company to Introduce a New Optional Service, Nationwide Listing Service, Pursuant to Substantive Rule 23.25.

Contact: William G. Newchurch, 300 West 15th Street, Suite 502, Austin, Texas 78701-1649, 512/936-0728.

Filed: August 14, 1998, 3:20 p.m.

TRD-9812945



Wednesday, August 26, 1998, 1:30 p.m.

1700 North Congress Avenue

Austin

Utility Division

AGENDA:

A hearing on the merits is scheduled for the above date and time in SOAH Docket No. 473-98-1409 – Complaint of Carla Thorpe against Central Power and Light Company (PUC Docket No. 18034).

Contact: William G. Newchurch, 300 West 15th Street, Suite 502, Austin, Texas 78701-1649, 512/936-0728.

Filed: August 14, 1998, 2:44 p.m.

TRD-9812941



Friday, August 28, 1998, 1:30 p.m.

1700 North Congress Avenue

Austin

Utility Division

AGENDA:

A hearing on the merits is scheduled for the above date and time in SOAH Docket No. 473-98-1408 – Complaint of Christ Turner against Trinity Valley Electric Cooperative, Inc. (PUC Docket No. 19068).

Contact: William G. Newchurch, 300 West 15th Street, Suite 502, Austin, Texas 78701-1649, 512/936-0728.

Filed: August 14, 1998, 2:44 p.m.

TRD-9812942



Texas Aerospace Commission

Thursday, August 20, 1998, 9:00 a.m.

Stephen F. Austin Building, Conference Room 300-A, 1700 North Congress Avenue

Austin

Commissioners Bi-Monthly Meeting

AGENDA:

1. Welcome and Call to order by the Chairman; 2. Approval of the minutes of the June 18, 1998, Bi-Monthly Meeting; 3. Staff Reports and Discussion; 4. Old Business; 5. New Business; 6. Summary of votes, Orders, Decisions, or Other Actions Taken at This Meeting; and 7. Adjournment.

Contact: Tom Moser, P.O. Box 12088, Austin, Texas 78711-2088, 512/936-4822.

Filed: August 14, 1998, 8:52 a.m.

TRD-9812886



Texas Commission on Alcohol and Drug Abuse

Friday, August 28, 1998, 11:00 a.m.

3930 Kirby, Suite 207, Texas Youth Commission

Houston

Regional Advisory Consortium (RAC), Regional 6

AGENDA:

Call to order; welcome and introduction of guest; approval of minutes; old business: committee reports and TCADA update; new business: new meeting location; public comment; and adjournment.

Contact: Albert Ruiz, 9001 North IH-35, Suite 105, Austin, Texas 78753, 512/349-6607 or 1/800/832-9623 Ext. 6607.

Filed: August 18, 1998, 9:25 a.m.

TRD-9813086



Friday, August 28, 1998, 11:00 a.m.

Multipurpose Center. Fort Ringgold Campus of the Rio Grande City Independent School District

Rio Grande

Regional Advisory Consortium (RAC), Regional 11

AGENDA:

Call to order; welcome and introduction of guest; approval of minutes; old business: border task force membership committee, and managed care; new business: TCADA reorganization; public comment; and adjournment.

Contact: Albert Ruiz, 9001 North IH-35, Suite 105, Austin, Texas 78753, 512/349-6607 or 1/800/832-9623 Ext. 6607.

Filed: August 19, 1998, 11:52 a.m.

TRD-9813204



Texas Alcoholic Beverage Commission

Monday, August 24, 1998, 1:30 p.m.

5806 Mesa Drive, Suite 185

Austin

AGENDA:

1:30 p.m. – call to order; convene in open meeting; announcement of executive session.

1. Executive session:

a. briefing regarding operations of the general counsel's office.

Continue open meeting.

2. take action, including a vote, if appropriate on topics listed for discussion under executive session.

3. recognition of agency employees with 20 or more years of service.

4. approval of minutes of July 27, 1998 meeting.

5. administrator's report.

6. consider approval of 1999 fiscal year audit plan.

7. consider acceptance of two ALCO Sensor IV Portable Instruments.

8. consider amendment to 16 TAC §45.109.

9. consider new 16 TAC §45.111.

10. consider amendment to 16 TAC §45.117.

11. consider publication of amendment to 16 TAC §45.110.
12. consider publication of amendment to 16 TAC §45.113.
13. consider publication of rules contained in 16 TAC Chapter 31–33.
14. Public comment.
15. Adjourn

Contact: Doyne Bailey, P.O. Box 13127, Austin, Texas 78711, 512/206–3217.
 Filed: August 14, 1998, 8:51 a.m.
 TRD-9812883



Texas Citrus Producers Board

Tuesday, August 25, 1998, 9:00 a.m.

TexasSweet Buildings, Board Room, 901 Business Park Drive
 Mission

AGENDA:

Call meeting to order and opening remarks Action: elect officers for 1998–1999; approve minutes of July 21, 1998, meeting: review and approve financial statement for year to date: review and approve recommendation regarding personnel supporting TCPB; selection of 1998–1999 projects and the amount for each; assessment rate for 1998–1999; approval of 1998–1999 budget; consideration of establishing a Citrus Budwood Advisory Committee; set date for next meeting. Discussion: presentation of proposals for 1998–1999; review old or new business and adjourn.

Contact: Ray Prewett, 901 Business Park Drive, Mission, Texas 78572, 210/584–1581.
 Filed: August 17, 1998, 10:51 a.m.
 TRD-9812982



Texas Corn Producers

Wednesday, August 26, 1998, 10:00 a.m. 11:00 a.m. and 3:00 p.m. (respectively)

Sheraton Four Points, 505 Avenue Q
 Lubbock

Committee Meetings

AGENDA:

10:00 a.m. Research Committee-Call to order; presentation of proposal “ Influence of Corn Smut on the Feeding Value of silage” by Charlie Rush and Andy Cole; review proposed research budget 1998–1999; other business; adjourn.

11:00 a.m. Advertising, Promotion, and Education Committee-Call to order; Discussion on terms of directors on TCPB appointed boards; promotional video proposal by Trafton Printing; Update on Alfatoxin Problems; Testing and Sampling Procedures; Promotional Proposal by Graham and Associates; Review Proposed Promotion Budget for 1998–1999; Other Business. Adjourn.

3:00 p.m. Finance Committee-Call to order; presentation and discussed on May, June, and July 1998 Financial Statements; Presentation and Discussion on Proposed 1998–1999 Budget; Presentation and Discussion on Resolution Authorizing TCPB to Make Deposits,

Withdrawals, Set up and Cash in Certificate of Deposits, and Borrow Funds as needed. Other Business: Adjourn.

Contact: Jerry Don Glover, 218 East Bedford, Dimmitt, Texas 79027, 806/647–4224.
 Filed: August 18, 1998, 1:38 p.m.
 TRD-9813100



Thursday August 27, 1998, 8:00 a.m.

Sheraton Four Points Hotel, 505 Avenue Q
 Lubbock

AGENDA:

Call to order, action: minutes of May 28, 1998 meeting; on position vacated by Andy Armstrong; on May-July 1998 Financial Statements; On Resolution Authorizing TCPB to make Deposits; Withdrawals, Set up and Cash in CD’s and Borrow Funds; On Video Proposal by Trafting Printing and Graham and Associates; On proposal by Charlie Rush and Andy Cole.

Presentation and Action: On proposed 1998–1999 Budget; On Finance Committee Recommendations; On A.P.E. Committee Recommendations; Concerning Terms of Directors on TCPB appointed boards; On Research Oversight Committee Recommendations.

Adjourn for Executive Session

Executive Session: Discussion Concerning Prospective Purchase of Real Estate in accordance with Texas Govt. Code Ann., Section 551.072; Discussion concerning Personnel in accordance with Texas Government Code Ann. Section 551.074; Adjourn Executive Session.

Action: On Executive Session, if necessary.

Report: On USGC Activities; On NCGA Activities; Executive Director’s Report.

Discussion: Update on proposed changes to Texas Commodity Referendum Law; Other

Discussion and Action: Setting date and location of November 1998 meeting and adjourn.

Contact: Jerry Don Glover, 218 East Bedford, Dimmitt, Texas 79027, 806/647–4224.
 Filed: August 18, 1998, 1:38 p.m.
 TRD-9813101



Texas County and District Retirement System

Friday, September 11, 1998, 9:30 a.m.

1919 Briar Oaks Lane
 Houston

Investment Committee Meeting

AGENDA:

Chairperson will open meeting. Approve minutes of preceding meeting. Receive report from Investment Officer. Receive report on implementation of new REIT asset class. Review changes to the Investment Policy primarily involving incorporation of new REIT asset class. Set date and location of December 1998 meeting. Adjourn meeting.

Contact: Alan Adams, 901 South Mopac Building 4, Suite 340, Austin, Texas 78746-5789, 512/328-8448, Ext 306.
Filed: August 17, 1998, 10:17 a.m.

TRD-9812978

◆ ◆ ◆
Texas Planning Council for Developmental Disabilities

Thursday, August 27, 1998, 9:30 a.m.

Holiday Inn South, 3401 South IH-35

Austin

Traumatic Brain Injury Advisory Board

AGENDA:

9:30 a.m. Call to order-I. welcome, introductions; II. approval of minutes; III. chair's report; IV. report of executive committee; V. consideration of mission statement; VI. discussion of administrative location for TBI Advisory Board; VII. review of needs assessment and public meetings report; VIII. review of policy analysis report; IX. discussion of TBI Advisory Board Comprehensive Plan; X. presentation from information and referral network project

4:30 p.m. 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 Sandra Knutson at 972/726-7790.

Contact: Sandra Knutson, 16209 Dalmalley Lane, Dallas, Texas 75248, 972/726-7790.

Filed: August 18, 1998, 9:53 p.m.

TRD-9813087

◆ ◆ ◆
Texas Council on Purchasing from People with Disabilities

Thursday, September 3, 1998, 10:00 a.m.

Capitol Extension, Conference Room E2.026, 1400 North Congress Avenue

Austin

Pricing Subcommittee

AGENDA:

Introduction of Subcommittee Members and Guests;

Acceptance of Minutes for June 12, 1998 Meeting;

Discussion and Recommendation for Action on Service Contracts Completed Under Temporary Approval Authority;

Discussion and Recommendation for Action on New services;

Discussion and Recommendation for Action on Renewal Services;

Discussion and Recommendation for Action on Temporary Employment Service Contracts for the Greater Austin Metropolitan Area;

Discussion and Recommendation for Action on Temporary Employment Service Contracts for the Greater Austin Metropolitan Area, Quarterly Review.

Discussion and Recommendation for Action on New Products;

Discussion and Recommendation for Action on Product changes and Revisions;

Discussion and Report from August 4, 1998 Pricing Subcommittee Worksession (To Include Requested Labor Range Information on Persons with Disabilities); and

Discussion and Recommendation for Action on Presentation of Study on Statewide Automated Temporary Employment

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 Erica Goldbloom at 512/463-3244 two working days prior to the meeting so that appropriate arrangements can be made.

Contact: Chester Beattle, Jr., 1711 San Jacinto, Austin, Texas 78701, 512/463-3583.

Filed: August 17, 1998, 1:49 p.m.

TRD-9813027

◆ ◆ ◆
Texas Department of Economic Development

Tuesday, August 25, 1998, 1:00 p.m.

1700 North Congress, Room 118

Austin

Rural Advisory Board Committee Meeting

AGENDA:

1:00 p.m. Welcome/Introductions; 1:15 p.m. Discuss/Establish Advisory Board Goals; 1:30 p.m. Description of Advisory Board Representation and Priorities; 1:40 p.m. Office of Rural Affairs Overview; 1:50 p.m. Rural Issues Discussion; 2:10 p.m. Public Comments; 2:15 p.m. Adjourn.

Presentation Times are approximate.

Persons with disabilities who plan to attend this meeting who may need auxiliary aids or services or who need assistance in having English translated into Spanish, should contact Yolanda Adams, 512/936-0171, at least two days before this meeting so that appropriate arrangements can be made.

Contact: Susan Wilson, 1700 North Congress, Austin, Texas 78701, 512/936-0158.

Filed: August 17, 1998, 4:09 p.m.

TRD-9813065

◆ ◆ ◆
Tuesday, August 25, 1998, 2:30 p.m.

1700 North Congress, Room 118

Austin

Small Business Advisory Committee Meeting

AGENDA:

2:30 p.m. Welcome/Introductions/Meeting Overview; 2:45 p.m. Discuss/Establish Advisory Committee Goals; 3:00 p.m. Discuss Advisory Committee Representation and Recommendations; 3:20 p.m. Small Business Priorities; 3:40 p.m. Plan Future Meeting Schedule; 3:45 p.m. Public Comments; 3:50 p.m. Adjourn.

Presentation Times are approximate.

Persons with disabilities who plan to attend this meeting who may need auxiliary aids or services or who need assistance in having English translated into Spanish, should contact Yolanda Adams, 512/936-0171, at least two days before this meeting so that appropriate arrangements can be made.

Contact: Susan Wilson, 1700 North Congress, Austin, Texas 78701, 512/936-0158.

Filed: August 17, 1998, 4:09 p.m.

TRD-9813066



Tuesday, August 25, 1998, 4:00 p.m.

Stephen F. Austin Building, 1700 North Congress, Room 300A

Austin

Governing Board

AGENDA:

4:00 p.m. Call to order; Recess into Executive Session Pursuant to Government Code, §551.075 for Conference with Employees to receive information regarding (1) Legal issues affecting the agency (2) Defense Economic Adjustment Assistance Grants, and (3) Legislative Appropriations Request; Call back to order; possible discussion and action on executive session; adjourn.

Presentation Times are approximate.

Persons with disabilities who plan to attend this meeting who may need auxiliary aids or services or who need assistance in having English translated into Spanish, should contact Yolanda Adams, 512/936-0171, at least two days before this meeting so that appropriate arrangements can be made.

Contact: Debra Clonts, 1700 North Congress, Austin, Texas 78701, 512/936-0104.

Filed: August 17, 1998, 4:09 p.m.

TRD-9813067



Wednesday, August 26, 1998, 9:00 a.m.

Stephen F. Austin Building, 1700 North Congress, Room 118

Austin

Governing Board

AGENDA:

9:00 a.m. call to order; 9:01 a.m. approval of minutes of TDED Governing Board Meeting on June 4, 1998; 9:05 a.m. Report from Executive Director; 9:20 a.m. Presentation of the Smark Jobs Fund Award Recommendation; 9:30 a.m. Update on REMI Purchase; 9:35 a.m. Approve Publication in the Texas Register of Memoranda of Understanding With Other State Agencies for 30 Day Comment Period; 9:40 a.m. Acceptance of Gifts to the Agency for FY 98; 9:45 a.m. Appointment of Public Fund Investment Officer; 9:50 a.m. Renew Letter of Credit for Texas leverage Fund; 9:55 a.m. Approve Legislative Appropriations Request; 10:00 a.m. Defense Economic Adjustment Assistance Grant; City of Bowie; 10:05 a.m. Defense Economic Adjustment Assistance Grant: South Plans Assn. of Governments; 10:10 a.m. Defense Economic Adjustment Assistance Grant: City of Marshall; 10:20 a.m. Defense Economic Adjustment Assistance Grant: City of Lubbock; 10:25 a.m. Defense Economic Adjustment Assistance Grant: City of San Antonio; 10:30 a.m. Defense Economic Adjustment Assistance Grant: City of Dallas;

10:35 a.m. Tourism Television Ad; 10:45 a.m. Board Comments; 11:05 a.m. adjourn.

Presentation Times are approximate.

Persons with disabilities who plan to attend this meeting who may need auxiliary aids or services or who need assistance in having English translated into Spanish, should contact Debra Clonts, 512/936-0104, at least two days before this meeting so that appropriate arrangements can be made.

Contact: Debra Clonts, 1700 North Congress, Austin, Texas 78701, 512/936-0104.

Filed: August 18, 1998, 4:28 p.m.

TRD-9813126



Wednesday, August 26, 1998, 11:05 a.m.

Stephen F. Austin Building, 1700 North Congress, Room 118

Austin

Texas Economic Development Corporation

AGENDA:

11:05 a.m. call to order; 11:06 a.m. approval of minutes from meeting of June 4, 1998; 11:10 a.m. authorize contract with TDED for FY99 with amended operating procedures; 11:15 a.m. approval new resolution authorizing representatives of the corporation to disburse funds; 11:20 a.m. public comments; 11:25 a.m. adjourn.

Presentation Times are approximate.

Persons with disabilities who plan to attend this meeting who may need auxiliary aids or services or who need assistance in having English translated into Spanish, should contact Debra Clonts, 512/936-0104, at least two days before this meeting so that appropriate arrangements can be made.

Contact: Debra Clonts, 1700 North Congress, Austin, Texas 78701, 512/936-0104.

Filed: August 18, 1998, 4:28 p.m.

TRD-9813127



Wednesday, August 26, 1998, 11:25 a.m.

Stephen F. Austin Building, 1700 North Congress, Room 118

Austin

Texas Small Business Industrial Development Corporation

AGENDA:

11:24 a.m. call to order; 11:26 a.m. approval of minutes for June 4, 1998, Board of Director meeting; 11:30 a.m. Ratify Supplement to Reoffering Circular for the Texas Business Industrial Development Corporation Bond Issue; 11:35 a.m. elect Vice President of the Texas Small Business Industrial Development Corporation; 11:40 a.m. Public Comments; 11:45 a.m. adjourn.

Presentation Times are approximate.

Persons with disabilities who plan to attend this meeting who may need auxiliary aids or services or who need assistance in having English translated into Spanish, should contact Debra Clonts, 512/936-0104, at least two days before this meeting so that appropriate arrangements can be made.

Contact: Debra Clonts, 1700 North Congress, Austin, Texas 78701, 512/936-0104.

Filed: August 18, 1998, 4:28 p.m.

TRD-9813128



Wednesday, August 26, 1998, 11:45 a.m.

Stephen F. Austin Building, 1700 North Congress, Room 118

Austin

TEXCAP Financing Corporation

AGENDA:

11:45 a.m. call to order; 11:46 a.m. approval of minutes for June 4, 1998 Board of Directors Meeting; 11:50 a.m. elect vice president of the TEXCAP Financing Corporation; 11:55 a.m. Public Comments; 12:00 p.m. adjourn.

Presentation Times are approximate.

Persons with disabilities who plan to attend this meeting who may need auxiliary aids or services or who need assistance in having English translated into Spanish, should contact Debra Clonts, 512/936-0104, at least two days before this meeting so that appropriate arrangements can be made.

Contact: Debra Clonts, 1700 North Congress, Austin, Texas 78701, 512/936-0104.

Filed: August 18, 1998, 4:28 p.m.

TRD-9813129



State Employee Charitable Campaign

Thursday, August 20, 1998, 11:30 a.m.

1530 SSW Loop 323

Tyler

Local Employee Committee-Tyler/Smith County Area

AGENDA:

Presiding: Joe Vorsas; I. call to order; II. approve minutes of July 20th, 1998 meeting; III. review campaign plan; IV. consider and take action regarding report of results in printing bids; V. consider and take action regarding agency kick-offs; VI. consider and take action regarding post campaign activities; VII. consider and take action regarding agenda scheduling of next meeting.

Contact: Dawn Franks, 4000 Southpark Drive, Suite 1200, Tyler, Texas 75703, 903/581-6367.

Filed: August 12, 1998, 2:51 p.m.

TRD-9812798



Friday, August 21, 1998, 9:30 a.m.

2201 19th Street (located in back of United Way Office)

Lubbock

Local Employee Committee-Lubbock

AGENDA:

I. campaign update-Jim Bob Jones; II. 1997 Audit Review-Kent Chambliss, Auditor; III. review final brochure copy-Jim Bob Jones;

IV. campaign kick-off-Committee; V. training schedule-Jim Bob Jones.

Contact: Jami Pitts, 2201 19th Street, Lubbock, Texas 79401, 806/747-2711.

Filed: August 12, 1998, 2:51 p.m.

TRD-9812799



Wednesday, August 26, 1998, 10:00 a.m.

Capitol Extension, Room E1.016

Austin

State Policy Committee's Policy Development Task Force

AGENDA:

I. Call to order and discussion of the meeting agenda

II. Policy Development Task Force progress report

III. Public comment on agenda issues

IV. Suggestion on criteria to weigh issues/separate between policy and campaign development

V. Discussion by Task Force of other criteria to be used in weighing issues

VI. Report on funds distribution/pledge shrinkage

VII. Discussion and take possible action on the following issues that could involve recommendations that are policy/rule/legislative in nature

VIII. Discussion and take possible action on the following issues that most likely involve policy/managerial/administrative solutions

IX. Public Comment

X. Discuss and take action on next meeting date

XI. Adjourn.

Contact: Laura Lucinda, 823 Congress, Suite 1103, Austin, Texas 78701, 512/478-6601.

Filed: August 17, 1998, 3:18 p.m.

TRD-9813047



Wednesday, August 26, 1998, 3:30 p.m.

2207 Line Avenue

Amarillo

Local Employee Committee-Amarillo

AGENDA:

I. Review and approve minutes of July 28, 1998 meeting-Dr. Lee Taylor; II. Update from State Campaign Manager-Millie Bingham; III. LCM Update —Julie Rios; 1. Materials available; 2. Incentive trip details, consider and take action on incentive; IV. Sub-Committee Reports-Sub-Comm. Chairs; 1. August 1 Kickoff result-Tammie Cervantez; 2. Coordinator Training-August 18-Tonya Detten; V. Other-Dr. Lee Taylor; Fundraiser discussion- a. Common Obstacles-handout; b. Innovative ideas for increasing participation; c. Standard objections/replies and Next LEC Meeting-TBA.

Contact: Julie Rios, 2207 Line Street, Amarillo, Texas 79106, 806/376-6359.

Filed: August 12, 1998, 2:51 p.m.

TRD-9812800



Tuesday, September 1, 1998, 8:30 a.m.

210 East Ninth Street

Ft. Worth

Local Employee Committee-Tarrant County

AGENDA:

I. call to order; II. act on minutes of June 2, 1998; III. Local Campaign Manager's Report; IV. Chair's Report on State Task Force; V. Adjourn

Contact: Patrick Jackson, 210 East Ninth, Ft. Worth, Texas 76102, 817/258-8043.

Filed: August 14, 1998, 3:20 p.m.

TRD-9812948



Texas Commission on Fire Protection

Wednesday-Thursday, September 2-3, 1998, 9:00 a.m.

12675 Research Boulevard

Austin

Fire Fighter Advisory Committee

AGENDA:

1. Overview; staff briefing of agenda items;
2. Report of Testing Committee with discussion; possible action on recommendations;
3. Discussion, action concerning curriculum and requirements for hazardous materials technician certification;
4. Discussion, action concerning curriculum and requirements for basic aircraft rescue fire fighting certification;
5. Discussion, action concerning curriculum and requirements for basic structural fire protection personnel certification;
6. Discussion, action on changes to Chapter 421, Standards for Certification;
7. Discussion, action on requirements for higher level of certification;
8. Discussion, action on changes to Chapter 425, Fire Instructor
9. Discussion, action on changes to Chapter 427, Training Facilities;
10. Discussion, action on changes to Chapter 439, Examinations for Certification;
11. Discussion, action on changes to Chapter 441, Continuing Education;
12. Discussion, action on changes to Chapter 449, Head of a Fire Department.
13. Discussion, action on changes to Chapter 495, Regulation of Nongovernmental Departments;
14. Discussion, action on "Two-In/Two-Out" guidelines in NFPA 1500 and OSHA regulations;
15. Reports from staff on the status of revisions to NFPA standards;
16. Report from staff on the status of the Legislative Appropriations Request for FY 2000-2001;

17. New matters from committee members and the public to be placed on future meeting agenda;

18. Discussion, action on future meeting dates, agenda items, and locations.

Contact: Joyce Spencer, 12675 Research Boulevard, Austin, Texas 78759, 512/918-7100.

Filed: August 18, 1998, 9:53 a.m.

TRD-9813088



General Services Commission

Wednesday, August 26, 1998, 10:00 a.m.

One Texas Center, 500 Barton Springs, Road, Conference Room 1325

Austin

Vendor Advisory Committee

AGENDA:

I. call to order; II. GSC Presentations Reporting Statistics, Ms. Linda Hinojosa, Procurement and Customer Support Program Director; III. Consideration and potential nomination and Election of Chairperson and Vice Chairperson; IV. Update and Progress of Subcommittees; V. Recommendations for Additional Subcommittees; VI. Other discussion; VII. 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, also non-English speaking persons who may need assistance are requested to contact Lorraine Bodoh at 512/463-3418 two days prior to the meeting so that appropriate arrangements may be made.

Contact: Judy Ponder, 1711 San Jacinto Boulevard, Austin, Texas 78701, 512/463-3960.

Filed: August 18, 1998, 9:00 a.m.

TRD-9813076



Thursday, August 27, 1998, 9:30 a.m.

El Paso City Hall, 300 Durango, City Council Chambers

El Paso

AGENDA:

I. call to order; II. staff, guests, and members present; III. approval of minutes; IV presentation of awards; V. consideration of the following agenda items: Item 1. fiscal year 2000/2001 Legislative Appropriations Request Final Review. Item 2. Consideration and potential action on ratifying emergency amendment to change order contingency fund for Project No. 96-001-303, Robert E. Johnson, Legislative Building, Austin, Texas, in the amount of \$25,000.00 for a balance of \$140,354.00 (Related to Item 3). Item 3 Consideration and potential action on authorizing an amendment to the change order contingency fund for Project No. 96-001-303, Robert E. Johnson Legislative Building, Austin, Texas, in the amount of \$650,000.00 for a balance of \$685,551.00 (Related to Item 2). Item 4. Consideration and potential action on the construction contract award to the lowest responsible bidder for Project No. 97-004K-303, Texas School for the Deaf-Phase II, Demolition, Austin, Texas. Authorizing a change order contingency fund for this project in the amount of \$62,000.00. Item 5. Consideration and potential action on authorizing an increase to the change order contingency fund for Project No. 96-018-405,

DPS — Addition and Revocation in Pierce, Texas, in the amount of \$60,000.00 for installation of carpet, new roof to the existing building and other various upgrades to the existing building. Item 6. Consideration and potential action on a resolution to adopt Representative Gallego's nomination to honor State Representative Susan Gurley McBee, by naming the Department of Public Safety (DPS) facility in Del Rio, Texas after her. Item 7. Program Issues: A. Construction Final Report on Existing Construction Projects, B. Fiscal Management Division Report, C. Needs Analysis Consultant Final Report. VI. Executive Session to consider personnel matters pursuant to the provisions of Texas Government code Section 551.074. VII. Executive Session to consider the status of the purchase of real property pursuant to the provisions of Texas Government Code Section 551.072. VII. Executive Session to consult with Legal Counsel concerning pending litigation pursuant to the provisions of Texas Government Code, Section 551.071 and IX. Adjournment.

Contact: Judy Ponder, 1711 San Jacinto Boulevard, Austin, Texas 78701, 512/463-3960.

Filed: August 17, 1998, 3:39 p.m.

TRD-9813051

◆ ◆ ◆
Texas Genetics Network

Thursday, August 27, 1998, 8:00 a.m.

300 East Travis

San Antonio

Texgene Steering Committee

AGENDA:

I. Call to order

II. Public Comments

III. Adoption of Minutes of April 2, 1998 Meeting

IV. Genetics and Public Health Interchange (Questions and Answers)

V. Interagency Council for Genetics (IAC)

VI. Texgene Subcommittee Reports

VII. Reports from Agency Representatives regarding activities for their respective institutions.

VIII. Items for Information and Action

IX. Program Coordinator Items

X. Progress Toward Grant Objectives-Member/Committee Assignments

XI. Next Meeting Date-December 4, 1998

XII. Adjournment

Contact: Molly West, 7703 Floyd Curl Drive, San Antonio, Texas 78284, 210/567-5202.

Filed: August 13, 1998, 2:48 p.m.

TRD-9812860

◆ ◆ ◆
Thursday, August 27, 1998, 2:00 p.m.

300 East Travis

San Antonio

Interagency Council on Genetics

AGENDA:

I. Call to order

II. Public Comments

III. Adoption of Minutes

IV. TexGene Report

V. Agency Reports

VI. Program Coordinator Items

VII. Progress Toward Legislative Mandates and Member Assignments

VIII. Announcements/Comments

IX. Next Meeting Date-December 4, 1998

X. Adjournment

Contact: Molly West, 7703 Floyd Curl Drive, San Antonio, Texas 78284, 210/567-5202.

Filed: August 13, 1998, 2:47 p.m.

TRD-9812859

◆ ◆ ◆
Texas Health Care Information Council

Thursday, August 27, 1998, 3:00 p.m.

Brown-Heatly Building, 4900 North Lamar Room 1410

Austin

HMO Technical Advisory Committee

AGENDA:

The Committee will convene in open session, deliberate, and possibly take formal action on the following items: call to order; approval of minutes; staff report on data collection for HEDIS 3.0/1997; staff report on the HEDIS Guide to Texas Commercial HMO; 1999 HEDIS Reporting Measurers; Discussion about service areas; Update on the HMO conference-Kelly Jones and Laura Stevens; and Adjourn.

Contact: Jim Loyd, 4900 North Lamar, Room 3407, Austin, Texas 78751, 512/424-6490 or fax 512/424-6491.

Filed: August 18, 1998, 3:08 p.m.

TRD-9813117

◆ ◆ ◆
Texas Health Insurance Risk Pool (Health Pool)

Friday, August 28, 1998, 8:00 a.m.

333 Guadalupe, Room 102

Austin

Board of Directors-(9:00 a.m.), Combined Strategic Planning Committee and Staffing Committee-(8:00 a.m.), Grievance Committee Meeting-(9:00 a.m.)

AGENDA:

Some members will participate via teleconference because it is difficult or impossible for such members to attend the meeting.

I. Executive Session: Committee or the Board of Directors may meeting Executive Sessions in accordance with Texas Open Meetings Act to discuss personnel matters or to seek advice of counsel.

II. Board of Directors: 1. committee reports; 2. treasurer's report; 3. 1998 interim assessment by NYL Care Companies and other HMO's;

4. Executive Director's report; 5. Discussion of outside counsel contract; 6. Discussion of Actuarial services contract; 7. Discussion of court report contract; 8. Discussion of matters concerning third party administrator; 9. report on the web site; 10. discussion and review of changes to benefits and eligibility; 11. other administrative matters; 12. public comment; 13. setting of next meeting.

III. Committee Meetings: A. Combined Meeting of the Strategic Planning and Staffing Committees: 1. Report from the Executive Director; 2. Discussion of staffing issues; 3. Discussion of status of management services contract; 4. Discussion of goals; 5. Pool Mission Statement. B. Grievance Committee: 1. Grievance procedures; 2. Review of filed grievances.

Contact: C.S. LaShelle, 301 Congress, Suite 500, Austin, Texas 78701, 512/499-0775.

Filed: August 14, 1998, 2:53 p.m.

TRD-9812944



Texas Statewide Health Coordinating Council

Friday, August 28, 1998, 9:00 a.m.

Tower Building, Room T-607, Texas Department of Health, 1100 West 49th Street

Austin

Legislative Committee

AGENDA:

The committee will meet to discuss and possible act on: update by the council chair; legislative strategies ; and legislative visit assignments.

To request an accommodation under the ADA, please contact Suzzanna C. Currier, ADA Coordinator in the Office of Civil Rights at 512/458-7627 or TDD at 512/458-7708 at least four days prior to the meeting.

Contact: Rick Danko, 1100 West 49th Street, Austin, Texas 78756, 512/458-7261.

Filed: August 18, 1998, 2:32 p.m.

TRD-9813109



Friday, August 28, 1998, 10:00 a.m.

Tower Building, Room T-607, Texas Department of Health, 1100 West 49th Street

Austin

AGENDA:

The council will meet to discuss and possible act on: approval of the minutes of the March, May, and June Legislative Committee meetings and the July Planning Committee meeting; staff update; presentations on (House Committee Report 44; House Interim Committee on Indigent Care; area health education centers (Robert Wood Johnson Grant); and the integrated requirements model); and public comment on the State Health Plan.

To request an accommodation under the ADA, please contact Suzzanna C. Currier, ADA Coordinator in the Office of Civil Rights at 512/458-7627 or TDD at 512/458-7708 at least four days prior to the meeting.

Contact: Rick Danko, 1100 West 49th Street, Austin, Texas 78756, 512/458-7261.

Filed: August 18, 1998, 2:32 p.m.

TRD-9813110



Texas Healthy Kids Corporation

Wednesday, August 26, 1998, 9:30 a.m.

333 Guadalupe, Hobby Tower 2, Room 400-A

Austin

Board of Directors

AGENDA:

call to order; approval of minutes of July 24, 1998, meeting. THKC staff presentation, possible recommendations, and possible THKC board deliberation and action/approval/award regarding:

Budget for fiscal year 1999;

Proposals and Best and final offers to provide dental plan benefits in response to RFP No. THKC 98-003 [possible award of contract(s)];

Request for approval to revise corporate office, statutory registered agent and related information on file with the Secretary of State;

Steps necessary to complete a Management Information Systems contract, including possible need to allow private companies to bid;

Interpretation and/or modification or eligibility criteria for children seeking to enroll in THKC program, including whether short-term policies, COBRA or Medicaid eligibility should affect eligibility for program;

Status update and briefing on enrollment and other program-related activities;

Consideration and approval of the schedule to issue a new RFP for health and dental services in Texas counties in which health, dental benefits are not year available through the THKC program;

Miscellaneous corporate operation issues, including new THKC staff, timelines, future meetings, general updates, other administrative, procedural matters.

public comment

The THKC Board may meet in Executive Session in accordance with the Texas Open Meetings Act to discuss any matters appropriate for an Executive Session.

Persons with disabilities who required auxiliary aids, services, or materials in alternate format, please contact THJC at least three business days before the meeting.

Contact: Tyrette Hamilton, P.O. Box 1506, Austin, Texas 78767-1506, 512/494-0061 or fax 512/494-0278.

Filed: August 18, 1998, 3:24 p.m.

TRD-9813119



Texas Higher Education Coordinating Board

Thursday, August 20, 1998, 9:00 a.m.

Chevy Chase Office Complex, Building 5, Room 5.264, 7745 Chevy Chase Drive

Austin

Coordinating Board

REVISED AGENDA:

The Board will convene and go into Executive Session to discuss pending litigation, specifically, the case South Texas College of Law v. Texas Higher Education Coordinating Board.

The beginning time of this meeting has been changed from 9:30 a.m. to 9:00 a.m.

Contact: Lynn Rodriguez, P.O. Box 12788, Capitol Station, Austin, Texas 78711, 512/483-6163.

Filed: August 17, 1998, 9:20 a.m.

TRD-9812972



Thursday, August 20, 1998, 9:30 a.m.

Chevy Chase Office Complex, Building 5, Room 5.264, 7745 Chevy Chase Drive

Austin

Coordinating Board

AGENDA:

To discuss pending litigation, specifically, the case South Texas College of Law v. Texas Higher Education Coordinating Board.

Contact: Lynn Rodriguez, P.O. Box 12788, Capitol Station, Austin, Texas 78711, 512/483-6163.

Filed: August 12, 1998, 2:01 p.m.

TRD-9812793



Thursday, September 3, 1998, 9:30 a.m.

Chevy Chase Office Complex, Building 1, Room 1.102, 7700 Chevy Chase Drive

Austin

Advisory Committee on Core Curriculum

AGENDA:

Update committee members on the core curriculum rules that were adopted by the Board at its July meeting and consider and comment upon three amendments to the rules; consider policies and procedures that Coordinating Board staff could use in developing curricula; advise the Coordinating Board staff on various procedures that may be used to generate curricula and methods to get concurrence from institutions prior to the October board meeting; make recommendations regarding priority fields for development over the next several months or couple of years; and discuss which curriculum should be brought before the Board for its January 1999 meeting.

Contact: Lynn Rodriguez, P.O. Box 12788, Capitol Station, Austin, Texas 78711, 512/483-6163.

Filed: August 14, 1998, 3:35 p.m.

TRD-9812957



Monday, September 14, 1998, 9:00 a.m.

Chevy Chase Office Complex, Building 1, Room 1.100-A, 7700 Chevy Chase Drive

Austin

Health Professions Education Advisory Committee

AGENDA:

Approval of Summary Notes of the June 15, 1998, HPEAC Meeting. Report on July 1998 Coordinating Board actions-Marshall Hill, THECB Interim Assistant Commissioner for Health Affairs. Consideration of Proposed New School and Degree Programs-The University of North Texas Health Science Center at Fort Worth-Create a School of Public Health and Offer Master's and Doctoral Level Public Health Degree Programs-Review Committee Report by Elaine Neenan. Report on the Statewide Health Coordinating Council-Suzanne Adair, Texas Department of Health HPEAC Ex-Officio Member. Status Report on Graduate Medical Education Programs and Establishment of a Regional Academic Health Center in Texas' Lower Grande Valley-Stacy Silverman, THECB Director of Medical Education. Other Business.

Contact: Marshall Hill, P.O. Box 12788, Capitol Station, Austin, Texas 78711, 512/483-6106.

Filed: August 17, 1998, 3:18 p.m.

TRD-9813049



Texas Commission on Human Rights

Thursday, August 27, 1998, 9:00 a.m.

6330 Highway 290 East, Third Floor Conference Room

Austin

AGENDA:

Executive Session/Commissioner Panels Pursuant Texas Government Code, §551.071; vote on items(s) covered in Executive Session as necessary or required; welcoming of guests; minutes; administrative reports; legislation effecting the commission; Legislative Appropriations Requests; Commissioner's Report on attending Senior Executive in State and Local Government Seminar: Commissioner Travel Reimbursement; Meeting with the Attorney General's Office on Legal Representation; Prioritizing of Task Forces and Projects; Administrative Directives Related to Certain Commission Policies and Other Commission Policies for Consideration; Executive Director's Evaluation; Strategic Plan and budget Structure; Sunset Advisory Commission's Review for Senate Interim Commission on Affirmative Action; Analysis of Commission's ADR Program; Human Resource Task Force; HUD NOFA concerning Fair Housing Service Center Grants for East Texas; EEO Riders; EEO Compliance Training; Commissioner Correspondence; Commissioner Issues; Unfinished Business. All Items on the agenda may be subject to a vote, if appropriate.

Contact: William M. Hale, P.O. Box 13493, Austin, Texas 78711, 512/437-3450.

Filed: August 18, 1998, 4:49 p.m.

TRD-9813130



Texas Department of Human Services (TDHS)

Friday, August 21, 1998, 10:00 a.m.

701 West 51st, East Tower, Public Hearing Room

Austin

Board

AGENDA:

Approval of the minutes of July 17, 1998. 2. Restored Food Stamp Benefit for Certain Immigrants. 3. Licensure Rules for Alzheimer's

Personal Care Home. 4. Revisions to the Personal Care Licensure Rules Regarding Staffing and Training. 5. Payment Rates for the Family Care Program. 6. Payment Ray for the Adult Foster Care Program. 7. Payments Rates for the Residential Care Program. 8. Amendments to Policies and Procedures. 9. Budget Adjustments. 10. Annual Advisory Committee Report and Revision to Committee Name and Scope. 11. Status Report on Sunset Review Process. 12. Commissioner's Report: a. Announcements and Comments. b. Tracking of Board Action Items.

Contact: Sherron Heinemann, P.O. Box 149030, Austin, Texas 78714-9030, 512/438-3048.

Filed: August 13, 1998, 10:10 a.m.

TRD-9812838



Texas Department of Insurance

Tuesday-Wednesday, August 25-26, 1998, 9:30 a.m.

333 Guadalupe, Room 102

Austin

Advisory Committee for the Interim Study for Agents and Agent's Licensing Statutes

AGENDA:

Deliberation and official action regarding adoption of the Advisory Committee's Report to the Commissioner concerning recommendations to streamline and consolidate license types including the "limited" and "specialty" license types.

Discussion and official action regarding the recommendation to amend current Texas law by deleting residency requirements including a possible discussion of non-resident licensing issues such as retaliatory practices among states, licensing reciprocity and the National Association of Insurance Commissioners' Uniform Treatment proposal. Discussion and action on various insurance licenses including Travel, Credit, Pre-Paid Legal, Adjuster, Title and Life Insurance Counselor license types. Discussion and action concerning the registration of Full-Time Home Office Salaried Employees. Discussion and action concerning continuing education of agents including who should be subject to continuing education and how many hours should be required to keep a particular license types in force. Discussion and action concerning the recommendation to require fees for continuing education vendor registration and continuing education course approval. Discussion and action on the proposed statutory changes regarding the licensing of corporate and non-corporate entities. Discussion and action concerning the marketing of insurance products including electronic marketing on the Internet and telemarketing. Discussion and action regarding the procedural requirements for all insurance licenses including examination, disciplinary action, company appointment, license suspension, fees, grandfathering of current licensees and other procedural matters. Discussion and action on the revenue neutrality of the changes proposed to the agents' licensing statutes. Time for public comment.

Deliberation and possible action regarding timelines, future meetings, other administrative or procedural matters.

Contact: Matt Ray, 333 Guadalupe Street, Austin, Texas 78701, 512/305-8197.

Filed: August 14, 1998, 3:41 p.m.

TRD-9812960



Thursday, September 3, 1998, 1:30 p.m.

Stephen F. Austin Building, 1700 North Congress, Suite 1100

Austin

AGENDA:

Docket No. 454-98-1113.H Prehearing conference in the Matter of All-Safe and Sound, Inc.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code, #113-2A, Austin, Texas 78701, 512/463-6328.

Filed: August 19, 1998, 10:30 a.m.

TRD-9813175



Tuesday, September 15, 1998, 9:00 a.m.

Stephen F. Austin Building, 1700 North Congress, Suite 1100

Austin

AGENDA:

Docket No. 454-98-0014.C To consider whether disciplinary action should be taken against Danny James Stone, Austin, Texas, who holds a Local Recording Agent's License issued by the Texas Department of Insurance (reset from March 20, 1998).

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code, #113-2A, Austin, Texas 78701, 512/463-6328.

Filed: August 19, 1998, 10:30 a.m.

TRD-9813176



Tuesday, September 15, 1998, 9:00 a.m.

Stephen F. Austin Building, 1700 North Congress, Suite 1100

Austin

AGENDA:

Docket No. 454-97-2153.C To consider the application of Anthony Dwight Brown, Houston, Texas for a Group I Legal Reserve Combination and Industrial Agent's License to be issued by the Texas Department of Insurance. (reset from September 7, 1998)

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code, #113-2A, Austin, Texas 78701, 512/463-6328.

Filed: August 19, 1998, 10:30 a.m.

TRD-9813177



Tuesday, September 15, 1998, 1:30 p.m.

Stephen F. Austin Building, 1700 North Congress, Suite 1100

Austin

AGENDA:

Docket No. 454-98-1243.C To consider whether disciplinary action should be taken against Jenna Lanetta Newland, Lewisville, Texas, who holds a Group I, Legal Reserve Life Insurance Agent's License, a Local Recording Agent's License, and a Variable Contract 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: August 19, 1998, 10:30 a.m.

TRD-9813178

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Wednesday, September 16, 1998, 9:00 a.m.

Stephen F. Austin Building, 1700 North Congress, Suite 1100

Austin

AGENDA:

Docket No. 454-98-1292.C In the Matter of Manzoor Ali.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code, #113-2A, Austin, Texas 78701, 512/463-6328.

Filed: August 19, 1998, 10:31 a.m.

TRD-9813179

◆ ◆ ◆
Thursday, September 17, 1998, 9:00 a.m.

Stephen F. Austin, Building, 1700 North Congress, Suite 1100

Austin

AGENDA:

Docket No. 454-98-1362.C To consider whether disciplinary action should be taken against Jack Ruben Bernal, San Antonio, Texas who holds a Group I, Legal Reserve Life Insurance Agent's License issued by the Texas Department of Insurance.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code, #113-2A, Austin, Texas 78701, 512/463-6328.

Filed: August 19, 1998, 10:31 a.m.

TRD-9813180

◆ ◆ ◆
Thursday, September 17, 1998, 1:00 p.m.

Stephen F. Austin, Building, 1700 North Congress, Suite 1100

Austin

AGENDA:

Docket No. 454-98-1442.C In the Matter of Herbert Shaw.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code, #113-2A, Austin, Texas 78701, 512/463-6328.

Filed: August 19, 1998, 10:31a.m.

TRD-9813181

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Texas Commission on Law Enforcement Officer Standards and Education

Thursday, September 10, 1998, 1:30 p.m.

Ramada Inn, 5301 South East End Boulevard

Marshall

AGENDA:

call to order, invocation, Pledge of Allegiance, welcoming remarks; Executive Director's report; Status of Memorial Project, receive recommendations to induct officers in Texas Peace Officers' Memorial; receive reports concerning non-compliance of legislatively mandated training, license renewal, academy evaluation process, plan to review and revise commission rules, and basic county corrections course and correspondence components; receive report and recommendations concerning tracking mechanism of temporary jailer license; receive

recommendations for development and implementation of policies to separate policy-making responsibilities of the commission and management responsibilities of the Executive Director and Commission staff; adjourn.

Contact: Vera Kocian, 6330 US Highway 290 East, Suite 200, Austin, Texas 78723, 512/936-7700.

Filed: August 14, 1998 2:15 p.m.

TRD-9812937

◆ ◆ ◆
Friday, September 11, 1998, 9:30 a.m.

Ramada Inn, 5301 South East End Boulevard

Marshall

AGENDA:

call to order, invocation, Pledge of Allegiance, welcoming remarks; approval of minutes of June 11-12, 1998 meeting; take action to induct officers in the Texas Peace Officers' Memorial; discussion of and take action on recommendation concerning non-compliance of mandated training; license renewal, revised academy evaluation process, plan for review and revision of Commission rules, development and implementation of policies to separate policy-making and management responsibilities of the Commission and the Executive Director, the basic county corrections course and correspondence components, and recommendations for tracking mechanism of temporary jailer licenses; set meeting date and location for March 1999 meeting; receive public comments are required by statute on training standards for officers, county jailers, or other individuals licensed by the Commission; take license action for revocation and suspension of licenses, and letters of reprimand; receive report on voluntary surrenders of licenses; receive comments on any subject without discussion; Executive Session to evaluate the performance of the Executive Director under the authority of §551.074, Texas Government Code, of the Open Meetings Act, reconvene to open session to discuss or take action on matters covered in Executive Session.

Contact: Vera Kocian, 6330 US Highway 290 East, Suite 200, Austin, Texas 78723, 512/936-7700.

Filed: August 14, 1998 2:15 p.m.

TRD-9812938

◆ ◆ ◆
Board for Lease of State-owned Lands

Thursday, August 27, 1998, 2:30 p.m.

4200 Smith School Road, Commission Hearing Room —1st Room

Austin

Board for Lease of Texas Parks and Wildlife Department

REVISED AGENDA:

Approval of previous board meeting minutes; consideration and approval of nominations, terms and conditions for the October 6, 1998 oil, gas, and other minerals lease sale; update from staff regarding amendments to the Texas Parks and Wildlife Board for Lease's administrative rules, 31 Texas Administrative Code, Chapter 20. Staff will request that the board adopt previously proposed and published changes to its administrative rules (and that it incorporate into the adopted rules certain comments received by staff regarding the proposed version of the rules), and will request authorization to publish notice of such adoption in the Texas Register.

Contact: Linda K. Fisher, Stephen F. Austin, 1700 North Congress, Austin, Texas 1700 North Congress, Austin, Texas 78701, Room 836, 512/463-5016.

Filed: August 18, 1998, 9:18 a.m.

TRD-9813084



Texas Department of Licensing and Regulations

Tuesday, August 25, 1998, 9:30 a.m.

920 Colorado, E.O. Thompson Building, 1st Floor, Room 108

Austin

Enforcement Division, Air Conditioning

AGENDA:

According to the complete agenda, the Department will hold an Administrative Hearing to consider possible assessment of administrative penalties against the Respondent, Guy Hancock, for 2 counts of failing to provide proper installation, service, and mechanical integrity in violation Texas Revised Civil Statutes, Annotated, Article 8861, §5(a), pursuant to Texas Revised Statutes Annotated, Article 9100, the Texas Government Code Chapter 2001 and 16 Texas Administrative Code Chapter 60.

Contact: Rick Wotton, 920 Colorado, E.O. Thompson Building, Austin, Texas 78701, 512/463-3192.

Filed: August 13, 1998, 1:08 p.m.

TRD-9812857



Wednesday, September 9, 1998, 9:30 a.m.

920 Colorado, E.O. Thompson Building, 1st Floor Conference Room

Austin

Task Force on Heating Boiler Inspection Intervals

AGENDA:

1. call to order
2. roll call
3. approval of agenda
4. approval of minutes of April 22, 1998
5. discussion
6. next meeting
7. adjournment

Persons who plan to attend this meeting and require ADA assistance are requested to contact Barbara Stoll at 512/475-2858 at least two working days prior to the meeting so that appropriate arrangements can be made.

Contact: George Bynog, 920 Colorado, E.O. Thompson Building, Austin, Texas 78701, 512/463-7365.

Filed: August 19, 1998, 10:31 a.m.

TRD-9813182



Wednesday, September 9, 1998, 2:00 p.m.

920 Colorado, E.O. Thompson Building, 1st Floor Conference Room

Austin

Task Force on Boiler Law Rewrite

AGENDA:

1. call to order
2. roll call
3. approval of agenda
4. approval of minutes of April 22, 1998
5. discussion
6. next meeting
7. adjournment

Persons who plan to attend this meeting and require ADA assistance are requested to contact Barbara Stoll at 512/475-2858 at least two working days prior to the meeting so that appropriate arrangements can be made.

Contact: George Bynog, 920 Colorado, E.O. Thompson Building, Austin, Texas 78701, 512/463-7365.

Filed: August 19, 1998, 10:59 a.m.

TRD-9813188



Thursday, September 10, 1998, 9:30 a.m.

920 Colorado, E.O. Thompson Building, 4th Floor Conference Room

Austin

Board of Boiler Rules

AGENDA:

1. call to order
2. roll call
3. introduction of visitors
4. adoption of agenda
5. approval of minutes of meeting on April 23, 1998
6. administrative report
7. task force reports
 - a. controls and safety devised for automatically fired boilers
 - b. nonwelded boilers
 - c. boiler law rewrite
 - d. unfired stream boilers
 - e. heating boiler inspection intervals
8. new business
 - a. alternative stresses-code cases
 - b. portable water heaters-inspection
9. next meeting
10. adjournment

Persons who plan to attend this meeting and require ADA assistance are requested to contact Barbara Stoll at 512/475-2858 at least two working days prior to the meeting so that appropriate arrangements can be made.

Contact: George Bynog, 920 Colorado, E.O. Thompson Building, Austin, Texas 78701, 512/463-7365.

Filed: August 19, 1998, 10:31 a.m.

TRD-9813183

◆ ◆ ◆
Texas Lottery Commission

Thursday, August 20, 1998, 9:30 a.m.

611 East 6th Street, Grant Building, Commission Auditorium

Austin

AGENDA:

According to the agenda summary, the Texas Lottery Commission will call the meeting to order; report on lottery sales; report on promotional and advertising efforts; report on FY 1999 Marketing Plan; report on U.S. Lottery Efficiency Study Comparison; report on state audit report(s) of the Texas Lottery Commission; report on lottery operator audit; possible action on application of 16 TAC §401.309; report on 76th Legislative Session proposals; report on legislative interim committee hearings; report on FY 1999 capital expenditures; report on the agency Year 2000 compliance; report FY 2000 and 2001 LAR; possible action on Bingo Advisory Committee nominations; possible action on the employment of the Bingo Director; report by Division Directors; Commission may meet in Executive Session; return to open session for further deliberation and possible action on any matter discussed in Executive Session; consideration of orders in contested cases; consideration on Motion for Rehearing; report by Executive Director; report by Acting Charitable Bingo Operations Director; and, adjournment.

For ADA assistance, call Michelle Bernal-Guerrero at 512/344-5113 at least two days prior to meeting.

Contact: Michelle Bernal-Guerrero, P.O. Box 16630, Austin, Texas 78761-6630, 512/344-5113.

Filed: August 12, 1998, 3:50 p.m.

TRD-9812819

◆ ◆ ◆
State Medical Education Board

Friday, September 11, 1998, 1:00 p.m.

Chevy Chase Office Complex, Bldg IV, Room 4.100, 7715 Chevy Chase Drive

Austin

Board Meeting

AGENDA:

Review of outstanding cases; old business; and new business.

Contact: Sharon Cobb, P.O. Box 12788, Capitol Station, Austin, Texas 78711, 512/427-6340.

Filed: August 17, 1998, 3:18 p.m.

TRD-9813048

◆ ◆ ◆
Texas State Board of Medical Examiners

Thursday and Saturday, August 20-22, 1998, 9:00 a.m. and 8:30 a.m. (respectively.)

333 Guadalupe, Tower 2, Suite 225

Austin

AGENDA:

The agenda will include a proposal for discussion regarding Amin Jamal, M.D.; approval of orders; approval of committee reports and minutes; executive director's report; consideration and possible action concerning alternative dispute resolution of disciplinary matters; public hearing and consideration of the cancellation of licenses for nonpayment and by request; appointment of Disciplinary Panels for October 1998-March 1999; public hearing and consideration of final adoption of proposed rules.

*Executive session under the authority of the Open Meetings Act, Section 551.071 of the Government Code and the Medical Practice Act, Article 4495b, Texas Revised Civil Statutes, Sections 2.07(b) and 2.09(o) for private consultation and advice of counsel concerning litigation relative to possible disciplinary action.

Contact: Pat Wood, P.O. Box 2018, MC-901, Austin, Texas 78768-2018, 512/305-7016 or fax 512/305-7008.

Filed: August 12, 1998, 3:18 p.m.

TRD-9812803

◆ ◆ ◆
Thursday, August 20, 1998, 10:30 a.m.

333 Guadalupe, Tower 2, Suite 610

Austin

Disciplinary Process Review Committee

AGENDA:

call to order; roll call; review, discussion, and possible acting regarding the May, June and July 1998 Enforcement Report; Discussion, recommendation, and possible action concerning recommendation on billing by hospitals/health care providers and Senate Committee on Health and Human Services; Discussion, recommendation, and possible action regarding deceptive advertising: guidelines for investigations; executive session to review selected files and cases recommended for dismissal by Informal Settlement Conferences* and adjourn.

*Executive session under the authority of the Open Meetings Act, Section 551.071 of the Government Code as related to Article 4495b, Sections 2.07(b) and 2.09(o), 5.06(s)(1) and Attorney General Opinion 1974, No. H-484.

Contact: Pat Wood, P.O. Box 2018, MC-901, Austin, Texas 78768-2018, 512/305-7016 or fax 512/305-7008.

Filed: August 12, 1998, 3:26 p.m.

TRD-9812804

◆ ◆ ◆
Thursday, August 20, 1998, 10:30 a.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Joint Meeting: Endorsement Committee and Examination Committee

AGENDA:

call to order and roll call; executive session under the authority of the Open Meetings Act, section 551.071 of the Government Code and Article 4495b, sections 2.07(b) and 2.09(o), Texas Revised Civil Statutes to consult with counsel regarding pending or contemplated litigation; Federal Credentials Verification Service; Letters of eligibility, section 3.04(g)(3) of the Medical Practice Act; Review of applications for licensure for a determination of eligibility referred to

the committee by the Executive Director; discussion/information regarding recertification process of the American Board of Obstetrics/Gynecology; Discussion/information regarding Federation of State Medical Boards June 1998 report "Fraudulent and/or Substandard Foreign Medical Schools Report"

*Executive session under the authority of the Open Meetings Act, Section 551.071 of the Government Code and the Medical Practice Act, Article 4495b, Texas Revised Civil Statutes, Sections 2.07(b) and 2.09(o), and the Medical Practice Act, Article 4495b, Section 3.081, Texas Civil Statutes.

Contact: Pat Wood, P.O. Box 2018, MC-901, Austin, Texas 78768-2018, 512/305-7016 or fax 512/305-7008.
Filed: August 12, 1998, 3:26 p.m.

TRD-9812805

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Thursday, August 20, 1998, 11:30 a.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Endorsement Committee

AGENDA:

call to order; roll call; executive session under the authority of the Open Meetings Act, section 551.071 of the Government Code and Article 4495b, sections 2.07(b) and 2.09(o), Texas Revised Civil Statutes to consult with counsel regarding pending or contemplated litigation; review of licensure applicants referred to the Endorsement Committee by the Executive Director for determinations of eligibility for licensure; review of licensure applicants to be considered for permanent licensure by endorsement; discussion/information item: notice of withdrawal of application; and adjourn.

*Executive session under the authority of the Open Meetings Act, Section 551.071 of the Government Code and Article 4495b, Texas Revised Civil Statutes, Sections 2.07(b) and 2.09(o), and the Medical Practice Act, Article 4495b, section 3.081, Texas Revised Civil Statutes.

Contact: Pat Wood, P.O. Box 2018, MC-901, Austin, Texas 78768-2018, 512/305-7016 or fax 512/305-7008.
Filed: August 12, 1998, 3:26 p.m.

TRD-9812807

◆ ◆ ◆

Thursday, August 20, 1998, 11:30 a.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Endorsement Committee

AGENDA:

call to order; roll call; executive session under the authority of the Open Meetings Act, section 551.071 of the Government Code and Article 4495b, sections 2.07(b) and 2.09(o), Texas Revised Civil Statutes to consult with counsel regarding pending or contemplated litigation; review of licensure applicants; review of the May 1998 United States Medical Licensing Examination Step 3 and Texas Medical Jurisprudence Examination results; review of examination applicants complete for consideration of licensure; and adjourn.

*Executive session under the authority of the Open Meetings Act, Section 551.071 of the Government Code and Article 4495b, Texas

Revised Civil Statutes, Sections 2.07(b) and 2.09(o), and the Medical Practice Act, Article 4495b, section 3.081, Texas Revised Civil Statutes.

Contact: Pat Wood, P.O. Box 2018, MC-901, Austin, Texas 78768-2018, 512/305-7016 or fax 512/305-7008.

Filed: August 12, 1998, 3:26 p.m.

TRD-9812806

◆ ◆ ◆

Friday, August 21, 1998, 8:15 a.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Finance Committee

AGENDA:

call to order; roll call; discussion of the board's July 1998, Financial Statement; Appropriations Update; Review and approve Information Resources Strategic Plan; Discussion of electronic mail for Board Members and adjourn.

*Executive session under the authority of the Open Meetings Act, Section 551.071 of the Government Code and Article 4495b, Texas Revised Civil Statutes, Sections 2.07(b) and 2.09(o), and the Medical Practice Act, Article 4495b, section 3.081, Texas Revised Civil Statutes.

Contact: Pat Wood, P.O. Box 2018, MC-901, Austin, Texas 78768-2018, 512/305-7016 or fax 512/305-7008.

Filed: August 12, 1998, 3:26 p.m.

TRD-9812808

◆ ◆ ◆

Friday, August 21, 1998, 9:00 a.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Ad Hoc Committee on Continuing Medical Education

AGENDA:

call to order; roll call; discussion, recommendation, and possible action concerning advertising for continuing medical education activities; discussion, recommendation, and possible action relating to calculation of time frame for obtaining continuing medical education hours in ethics/physician responsibility; discussion, recommendation, and possible action regarding continuing medical education exemptions for board certification and adjourn.

*Executive session under the authority of the Open Meetings Act, Section 551.071 of the Government Code and Article 4495b, Texas Revised Civil Statutes, Sections 2.07(b) and 2.09(o), and the Medical Practice Act, Article 4495b, section 3.081, Texas Revised Civil Statutes.

Contact: Pat Wood, P.O. Box 2018, MC-901, Austin, Texas 78768-2018, 512/305-7016 or fax 512/305-7008.

Filed: August 12, 1998, 3:27 p.m.

TRD-9812809

◆ ◆ ◆

Friday, August 21, 1998, 9:15 a.m.

333 Guadalupe, Tower 2, Suite 225

Austin
Standing Orders Committee

AGENDA:

call to order; roll call; recommendation and possible action regarding Chapter 181, Contact Lens Prescriptions, rule review; discussion, recommendation and possible action regarding Chapter 197, Emergency Medical Services, discussion, recommendation, and possible action regarding the approval of National Acupuncture Detoxification Association (NADA) as an approved training program for Acudetox Specialist Certification; consideration and approval of applicants for Acudetox Specialist Certification; consideration and approval of acupuncture licensure applicants as recommended by the Texas State Board of Acupuncture Examiners; consideration and approval of Agreed Board Orders as recommended by the Texas State Board of Acupuncture Examiners; consideration of cancellation of acupuncture licenses for nonpayment and by request as recommended by the Texas State Board of Acupuncture Examiners; discussion, recommendation and possible action relating to ordering prescription through the Internet; discussion, recommendation and possible action regarding procedures for dealing with non-certified radiologic technicians who have not registered with the Texas Board of Medical Examiners; discussion, recommendation and possible action regarding the request made by the Board of Nurse Examiners for an Attorney General opinion regarding the administration of anesthesia by a certified registered nurse anesthetist and whether it constitutes the practice of nursing; discussion, recommendation and possible action regarding an insurance company's request for a ruling by the board as to whether posterior cranial vault remodeling is a medical act and whether it is restricted to an M.D. or D.O degree; correction of error in Rule 183.17(j)(1); adjourn.

*Executive session under the authority of the Open Meetings Act, Section 551.071 of the Government Code and Article 4495b, Texas Revised Civil Statutes, Sections 2.07(b) and 2.09(o), and the Medical Practice Act, Article 4495b, section 3.081, Texas Revised Civil Statutes.

Contact: Pat Wood, P.O. Box 2018, MC-901, Austin, Texas 78768-2018, 512/305-7016 or fax 512/305-7008.
Filed: August 12, 1998, 3:27 p.m.

TRD-9812810



Friday, August 21, 1998, 10:30 a.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Ad Hoc Committee to Study Integrative and Complementary Medicine

AGENDA:

call to order; roll call; discussion, recommendation, and possible action regarding comments received on proposed rule Chapter 200, Standards for Physicians Practicing Integrative and Complementary Medicine and adjourn

*Executive session under the authority of the Open Meetings Act, Section 551.071 of the Government Code and Article 4495b, Texas Revised Civil Statutes, Sections 2.07(b) and 2.09(o), and the Medical Practice Act, Article 4495b, section 3.081, Texas Revised Civil Statutes.

Contact: Pat Wood, P.O. Box 2018, MC-901, Austin, Texas 78768-2018, 512/305-7016 or fax 512/305-7008.

Filed: August 12, 1998, 3:27 p.m.

TRD-9812811



Friday, August 21, 1998, 11:00 a.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Public Information Committee

AGENDA:

call to order; roll call; report on exhibits at Texas Hospital Association, June 1-2; Texas Osteopathic Medical Association, June 18-20; and Texas Commission on Alcohol and Drug Abuse, July 30-August 5; presentation of Agency Resource Guide; Discussion, recommendation and possible action on proposed article for the Fall 1998 Medical Board Report; and adjourn.

*Executive session under the authority of the Open Meetings Act, Section 551.071 of the Government Code and Article 4495b, Texas Revised Civil Statutes, Sections 2.07(b) and 2.09(o), and the Medical Practice Act, Article 4495b, section 3.081, Texas Revised Civil Statutes.

Contact: Pat Wood, P.O. Box 2018, MC-901, Austin, Texas 78768-2018, 512/305-7016 or fax 512/305-7008.
Filed: August 12, 1998, 3:27 p.m.

TRD-9812812



Friday, August 21, 1998, 1:30 p.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Ad Hoc Committee for Physicians in Training

AGENDA:

call to order; roll call; executive session under the authority of the Open Meetings Act, section 551.071 of the Government Code and Article 4495b, sections 2.07(b) and 2.09(o), Texas Revised Civil Statutes to consult with counsel regarding pending or contemplated litigation; discussion, recommendation, and possible action for request of approval of military Mini Trauma Fellowship training at Ben Taub General Hospital; discussion, recommendation, and possible action regarding amendments to Chapter 175, Schedule of Fees and Penalties and Chapter 173, Applications; and discussion, recommendation, and possible action regarding proposed changes to Chapter 171 of Board rules and adjourn.

Contact: Pat Wood, P.O. Box 2018, MC-901, Austin, Texas 78768-2018, 512/305-7016 or fax 512/305-7008.
Filed: August 12, 1998, 3:27 p.m.

TRD-9812814



Friday, August 21, 1998, 2:30 p.m.

333 Guadalupe, Tower 3, Suite 610

Austin

Ethics Committee

AGENDA:

call to order; roll call; discussion regarding ethical advertising; discussion, recommendation, and possible action regarding physician abandonment; discussion regarding ethical performance relating to expert testimony and medical review; discussion regarding patient requests for primary care physicians referrals without first seeing a physician; discussion regarding the ethics of patient referral data bases; discussion regarding the ethics of pharmacies providing physicians prescribing profiles to drug companies and adjourn.

*Executive session under the authority of the Open Meetings Act, Section 551.071 of the Government Code and Article 4495b, Texas Revised Civil Statutes, Sections 2.07(b) and 2.09(o), and the Medical Practice Act, Article 4495b, section 3.081, Texas Revised Civil Statutes.

Contact: Pat Wood, P.O. Box 2018, MC-901, Austin, Texas 78768-2018, 512/305-7016 or fax 512/305-7008.
Filed: August 12, 1998, 3:27 p.m.

TRD-9812815



Friday, August 21, 1998, 3:00 p.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Non—Profit Health Organizations Committee

AGENDA:

call to order; roll call; consideration and possible action on applications for original certification of non-profit health organizations; consideration and possible action on biennial and compliance applications for recertification of non-profit health organizations and adjourn.

*Executive session under the authority of the Open Meetings Act, Section 551.071 of the Government Code and Article 4495b, Texas Revised Civil Statutes, Sections 2.07(b) and 2.09(o), and the Medical Practice Act, Article 4495b, section 3.081, Texas Revised Civil Statutes.

Contact: Pat Wood, P.O. Box 2018, MC-901, Austin, Texas 78768-2018, 512/305-7016 or fax 512/305-7008.
Filed: August 12, 1998, 3:28 p.m.

TRD-9812816



Friday, August 21, 1998, 3:30 p.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Telemedicine Committee

AGENDA:

call to order; roll call; update, discussion, and possible action concerning telemedicine fraud and abuse rule making and Medicare reimbursement of telemedicine; discussion, recommendation and possible action regarding home health service orders written by physicians not currently licensed in Texas; and adjourn.

*Executive session under the authority of the Open Meetings Act, Section 551.071 of the Government Code and Article 4495b, Texas Revised Civil Statutes, Sections 2.07(b) and 2.09(o), and the Medical Practice Act, Article 4495b, section 3.081, Texas Revised Civil Statutes.

Contact: Pat Wood, P.O. Box 2018, MC-901, Austin, Texas 78768-2018, 512/305-7016 or fax 512/305-7008.
Filed: August 12, 1998, 3:28 p.m.

TRD-9812817



Friday, August 21, 1998, 1:00 p.m.

333 Guadalupe, Tower 3, Suite 610

Austin

Executive Committee

AGENDA:

1. call to order; 2. roll call; 3. discussion, recommendation, and possible action regarding a request to return to active status from retired status-Joseph Vincent LeBlanc, M.D., license #F-6277; 4. discussion, recommendation, and possible action regarding possible amendments to board rule, Chapter 161, General Provisions, and Chapter 189, Rule Changes; 5. Executive session under the authority of the Open Meetings act, Section 551.071 of the Government Code, to discuss personnel matters; and adjourn.

*Executive session under the authority of the Open Meetings Act, Section 551.071 of the Government Code and Article 4495b, Texas Revised Civil Statutes, Sections 2.07(b) and 2.09(o), and the Medical Practice Act, Article 4495b, section 3.081, Texas Revised Civil Statutes.

Contact: Pat Wood, P.O. Box 2018, MC-901, Austin, Texas 78768-2018, 512/305-7016 or fax 512/305-7008.
Filed: August 12, 1998, 3:27 p.m.

TRD-9812813



Texas Mental Health and Mental Retardation Board

Friday, September 4, 1998, 11:00 a.m.

909 West 45th Street (Auditorium)

Austin

AGENDA:

Opportunity for public comment on the services proposed to be provided through at-risk payment arrangements as required by section 534.101(d) Texas Health and Safety Code Related to the Texas Community Centers Managed Care, Inc.'s intent to submit an application (bid) in response to the NorthSTAR Request for Application; comments will be limited to five minutes per each speaker; (*Note: This item may begin later than 11:00 a.m. i.e., upon completion of other business on the 9:30 a.m. Board agenda)

If ADA assistance or deaf interpreters are required, notify TXMHMR, 512/206-4506, (voice or Relay Texas, Ellen Hurst, 72 hours prior to the meeting.

Contact: Ellen Hurst, P.O. Box 12688, Austin, Texas 78711, 512/206-4506.
Filed: August 18, 1998, 1:38 p.m.

TRD-9813099



Midwifery Board

Monday, August 24, 1998, 10:30 a.m.

Tower Building, Room T-607, Texas Department of Health, 1100 West 49th Street

Austin

Grievance Rules Committee

AGENDA:

The committee will meet to discuss and possibly act on finalizing the draft complaint procedure rules (25 TAC, Chapter 37) to be presented to the Midwifery Board.

Contact: Belva Alexander, 1100 West 49th Street, Austin, Texas 78756, 512/458-7111, Ext. 2067.

Filed: August 13, 1998, 10:37 a.m.

TRD-9812843



Texas Natural Resource Conservation Commission

Wednesday, August 26, 1998, 8:30 a.m., 9:30 a.m. and 1:00 p.m. (respectively.)

Building E, Room 201S, 12100 Park 35 Circle

Austin

AGENDA:

The Commission will consider approving the following matters on attached agenda: executive session; hearing request; permit renewal; temporary variance; district; authorization to construct; resolutions; budget matters; air enforcement agreed orders; air enforcement default order; municipal waste discharge enforcement agreed orders; agricultural enforcement agreed orders; public water supply enforcement agreed orders; public water supply default orders; petroleum storage tank enforcement agreed orders; petroleum storage tank default order; landscape irrigator enforcement agreed order; municipal solid waste enforcement agreed orders; municipal sold waste enforcement default order; on-site sewage enforcement agreed order; industrial hazardous waste enforcement agreed order; on-site sewage enforcement default order; industrial hazardous waste enforcement agreed order; licensed irrigators enforcement agreed order; rules; the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to rescheduling an item in its entirety or for particular action at a future date or time. (Registration for 9:30 agenda starts 8:45 until 9:25) The commission will consider approving the following matters on the attached 1:00 p.m. agenda: proposal for decisions and orders. (Registration for the 1:00 p.m. agenda starts at 12:30 p.m. until 12:55 p.m.)

Contact: Doug Kitts, 12100 Park 35 Circle, Austin, Texas 78753, 512/239-3317.

Filed: August 18, 1998, 11:42 a.m.

TRD-9813092



Wednesday, August 26, 1998, 9:30 a.m.

Building E, Room 201S, 12100 Park 35 Circle

Austin

REVISED AGENDA:

The Commission will consider the following items on the Second Addendum to the agenda; rule and executive session and designation of El Paso County as a priority Groundwater Management Area.

Contact: Doug Kitts, 12100 Park 35 Circle, Austin, Texas 78753, 512/239-3317.

Filed: August 18, 1998, 3:54 p.m.

TRD-9813122



Wednesday, September 2, 1998, 10:00 a.m.

Gordon Community Center, 109 West Oak Street

Gordon

REVISED AGENDA:

This is an amended notice of public hearing with a changing venue. Please see amended notice attached. This matter has been designated as SOAH Docket No. 582-98-1390.

Contact: Betty Goetz, P.O. Box 13025, Austin, Texas 78711-3025, 512/475-3445.

Filed: August 14, 1998, 1:03 p.m.

TRD-9812916



Thursday, October 1, 1998, 10:00 a.m.

Stephen F. Austin, 1700 Congress Avenue, Room 1100

Austin

AGENDA:

Town of Bayside, P.O. Box 194, Bayside, Texas 78340-0194 has applied to the Texas Natural Resource Conservation Commission (TNRCC) for a new permit (Proposed Permit No. 13892-001) which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 64,200 gallons per day from the Bayside Water Reclamation Facility. The Bayside Water Reclamation Facility will be a facultative pond system.

The facility will be located between Autry Road and Vega Road approximately 1.1 miles southwest of the intersection of 3rd Street and State Rout 136 in Refugio County, Texas. The treated effluent will be discharge to an unnamed tributary; thence to Capano Bay/Port Bay/Mission Bay in Segment No. 2472 of the Bays and Estuaries. The unclassified receiving waters of the unnamed tributary have no significant aquatic life uses. The designated uses for Segment No. 2472 are exceptional aquatic life uses, oyster, waters, and contact recreation. No significant degradation of high quality receiving waters in anticipated.

Contact: Pablo Carrasquillo, P.O. Box 13087, Austin, Texas 787-3087, 512/475-3345.

Filed: August 13, 1998, 10:11 a.m.

TRD-9812841



Tuesday, October 1, 1998, 6:30 p.m.

East Montgomery County Courthouse, 1035 South Highway 59

New Caney

AGENDA:

The applicant has requested Texas Natural Resource Conservation Commission to refer this application to the State Office of Administrative Hearings (SOAH). McNick Recycling, Inc. has applied to the Texas Natural Resource Conservation Commission (TNRCC) for Proposed Permit No. 31596 to authorize construction of a used oil filter processing facility located approximately 500 feet west of Highway 59 and approximately 600 feet north of Route 2, McLeskey Road in Montgomery County, Texas. This matter has been assigned SOAH Docket No. 582-97-0716.

Contact: Betty Goetz, P.O. Box 13087, Austin, Texas 78711-3087, 512/475-3445.

Filed: August 13, 1998, 12:06 p.m.

TRD-9812855



Texas Board of Physical Therapy Examiners

Monday, August 24, 1998, 9:00 a.m.

Ware and Associates, Inc., 5601 Bridge Street, Suite #430

Fort Worth

Investigation Committee

AGENDA:

I. call to order; II. review and possible action on cases: 97098; 97199; 98007; 98018; 98019; 98044; 98062; 98068; 98082; 98095; 98109; 98110; 98111; 98113; 98114; 98116; 98118; 98119; 98123-98133; 98137-98143; 98146; 98149-98153; and 98159. III. review of misc. correspondence and IV. adjourn.

Contact: Nina Hurter, 333 Guadalupe, Suite 2-510, Austin, Texas 78701, 512/305-6900.

Filed: August 14, 1998, 11:35 a.m.

TRD-9812898



Texas Department of Protective and Regulatory Services

Friday, August 28, 1998, 10:00 a.m.

701 West 51st Street, John H. Winters Building, Public Hearing Room

Austin

Board

AGENDA:

The Board will conduct a work session beginning at 10:00 a.m. in the southwest section of the Public Hearing Room. 1. call to order. 2. review of proposed legislative initiatives for the 76th Legislative Session. 3. consideration and approval of the legislative appropriations request.* The Board will move to the main Public Hearing Room 125-E, to address the following agenda items at the conclusion of the work session. 4. Reading, correction and approval of the minutes of June 26, 1998, and August 3, 1998. * 5. Excused absences.* 6. Presentation of Avance, Inc. Rio Grande Valley Fatherhood Program. 7. Public Testimony. 8. Report by Chairman. 9. Report by Executive Director. 10. staff reports: a. budget/finance. b. automation. c. consideration and approval of the FY 1999 Internal Audit Plan.* 11. old business: a. consideration and adoption of proposed rules regarding allowable and unallowable costs applicable to contractors of purchased client services for purposes of budgets, expenditures and cost reporting.* b.

consideration and adoption of proposed rule relating to funding of up to three and one-half months of state-paid foster care assistance for certain youth.* c. consideration and adoption of new and amended rules in child care licensing on requirements for posting notices of probation and non-compliance for parents to view, definition of primary caretaker, prohibition against reapplying for one year if three previous applications have been returned as incomplete, and consolidating application requirements for day care facilities and family homes.* d. consideration and adoption of new rules on administrative penalties in child care licensing.* e. consideration of repeal and adoption of rules for investigations of abuse, neglect and exploitation of persons served by Community Mental Health and Mental Retardation Centers.**Donotes Action Item.

Contact: Virginia Guzman, P.O. Box 149030, Mail Code E-554, Austin, Texas 78714-9030, 512/438-4435.

Filed: August 19, 1998, 9:59 a.m.

TRD-9813168



Texas Public Finance Authority

Tuesday, August 25, 1998, 12:30 p.m.

First Southwest Company, 1700 Pacific Avenue, Suite 500

Dallas

TPFA Board Pricing Committee Meeting

AGENDA:

1. call to order
2. consider and act upon a resolution establishing the terms of the Board of Regents of Stephen F. Austin State University Revenue Financing System, Texas Public Finance Authority Revenue Bonds, Series 1998, approving a bond purchase contract, and approving or authorizing such other action relating thereto.
3. consider and act upon a resolution establishing the terms of the Board of Regents of Midwestern State University Revenue Financing System, Texas Public Finance Authority Revenue Refunding and Improvement Bonds, Series 1998, approving a bond purchase contract, and approving or authorizing such other action relating thereto.

4. Adjourn

Person with disabilities, who have special communication or other needs, who are planning to attend the meeting should contact Jeanine Barron or Marce Watkins at 512/463-5544. Requests should be made as far in advance as possible.

Contact: Jeanine Barron, 300 West 15th Street, Suite 411, Austin, Texas 78701, 512/463-5544.

Filed: August 17, 1998, 2:41 p.m.

TRD-9813034



Wednesday, August 26, 1998, 12:30 p.m.

First Southwest Company, 1700 Pacific Avenue, Suite 500

Dallas

TPFA Board Pricing Committee Meeting

REVISED AGENDA:

1. call to order

2. consider and act upon a resolution establishing the terms of the Board of Regents of Stephen F. Austin State University Revenue Financing System, Texas Public Finance Authority Revenue Bonds, Series 1998, approving a bond purchase contract, and approving or authorizing such other action relating thereto.

3. consider and act upon a resolution establishing the terms of the Board of Regents of Midwestern State University Revenue Financing System, Texas Public Finance Authority Revenue Refunding and Improvement Bonds, Series 1998, approving a bond purchase contract, and approving or authorizing such other action relating thereto.

4. Adjourn

Person with disabilities, who have special communication or other needs, who are planning to attend the meeting should contact Jeanine Barron or Marce Watkins at 512/463-5544. Requests should be made as far in advance as possible.

Contact: Jeanine Barron, 300 West 15th Street, Suite 411, Austin, Texas 78701, 512/463-5544.

Filed: August 18, 1998, 8:59 a.m.

TRD-9813072



Public Utility Commission of Texas

Thursday, August 20, 1998, 3:30 p.m.

1701 North Congress Avenue

Austin

REVISED AGENDA:

The will be an Open meeting for discussion, consideration, and possible action regarding: Docket No. 19730-Application of Houston Lighting and Power Company to Initiate Emergency Low Income Assistance and Modify a Cost Assumption Underlying Commission Accounting Order, and regarding electric industry reliability and customers services issues.

Contact: Linda Rydeen, 1701 North Congress Avenue, Austin, Texas 78701, 512/936-7009.

Filed: August 12, 1998, 3:38 p.m.

TRD-9812818



Wednesday, August 26, 1998, 9:30 a.m.

1701 North Congress Avenue

Austin

AGENDA:

Project No. 16251, Docket Numbers 1900, 19367, 16891, 19272, 19499, 19533, 19549, 19551, 19422, 19423, 19427, 19498, and 19530; Project Numbers 18702, 18515, 18516, 18438, 19699, 16901, 16091, 8290, 12941, 18811, 19466, 19467, and 19293; Federal Telecommunications act of 1996 and other actions taken by the Federal Communications Commission; activities in local telephone markets, including but not limited to correspondence and implementation of interconnection agreements approved by the Commission pursuant to PURA and FTA; Project No. 18000, Informal Dispute Resolution; Electric utility reliability, customer service, and electric industry restructuring; Docket Numbers 16705, 18290, 17751, 17285, 18459, 18263, 18034, 19068, 18716, 19171, and 19233; Project Numbers 16536, 19205, 19102, 19120, and 17709; customer service issues, including but not limited to correspondence and complaint issues;

operating budget appropriations request, agency business plan, project assignments, correspondence, staff report, agency administrative issues, fiscal matters and personnel policy; Project No. 18491, Year 2000 Project for the Public Utility Commission; Adjournment for closed session to consider litigation and personnel matters; reconvene for discussion of decisions on matters considered in closed session.

Contact: Dianne Prior, 1701 North Congress Avenue, Austin, Texas 78701, 512/936-7007.

Filed: August 12, 1998, 2:31 p.m.

TRD-9813108



Tuesday, September 8, 1998, 9:00 a.m.

1701 North Congress Avenue, William B. Travis Building, 7th Floor, Robert W. Gee Hearing Room

Austin

Synchronous Interconnection Committee

AGENDA:

Project Number 14894: A meeting of the Synchronous Interconnection Committee (SIC) will be held to investigate the most economical, reliable, and efficient means to synchronously interconnect the alternating current electric facilities of electric utilities within the Electric Reliability Council of Texas reliability area to the alternative current electric facilities of electric utilities within the Southwest Power Pool reliability area, including the cost and benefit to effect the interconnection, an estimate of the time to construct the interconnecting facilities, and the service territory of the utilities in which those facilities will be locate. The purpose of the SIC meeting it to take oral comments on the draft report and to discuss the comments. The draft report will be available at the commission's Central Records office for the cost of copying after August 17, 1998. Written comments are due by September 2, 1998 and should be sent to Bret Slocum at the commission's offices.

Contact: Bret Slocum, 1701 North Congress Avenue, Austin, Texas 78701, 512/936-7265.

Filed: August 14, 1998, 3:20 p.m.

TRD-9812946



Tuesday, September 15, 1998, 9:00 a.m.

1701 North Congress Avenue, William B. Travis Building, 7th Floor, Robert W. Gee Hearing Room

Austin

AGENDA:

Project Number 14894: A meeting of the Synchronous Interconnection Committee (SIC) will be held to investigate the most economical, reliable, and efficient means to synchronously interconnect the alternating current electric facilities of electric utilities within the Electric Reliability Council of Texas reliability area to the alternative current electric facilities of electric utilities within the Southwest Power Pool reliability area, including the cost and benefit to effect the interconnection, an estimate of the time to construct the interconnecting facilities, and the service territory of the utilities in which those facilities will be locate. The purpose of the SIC meeting it to take oral comments on the draft report and to discuss the comments.

Contact: Linda Rydeen, 1701 North Congress Avenue, Austin, Texas 78701, 512/936-7009.

Filed: August 14, 1998, 3:20 p.m.

TRD-9812947



Railroad Commission of Texas

Tuesday, August 25, 1998, 8:45 a.m.

1701 North Congress, 1st Floor Conference Room 1-111

Austin

AGENDA:

The Commission will hold its monthly statewide hearing on oil and gas to determine the lawful market demand for oil and gas and to consider and/or take action on matters listed on the agenda posted with the Secretary of State's Office.

Contact: Kathy Way, P.O. Box 12967, Austin, Texas 78711, 512/463-6729.

Filed: August 14, 1998, 4:31 p.m.

TRD-9812963



Tuesday, August 25, 1998, 9:00 a.m.

1701 North Congress, 1st Floor Conference Room 1-111

Austin

AGENDA:

According to the complete agenda, the Railroad Commission of Texas will consider various applications and other matters within the jurisdiction of the agency including oral arguments at the time specified on the attached agenda. The Railroad Commission of Texas may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received.

The Commission may meet in Executive Session on any items listed above as authorized by the Open Meetings Act.

Contact: Lindil C. Fowler, Jr., P.O. Box 12967, Austin, Texas 78711-2967, 512/463-7033.

Filed: August 14, 1998, 4:32 p.m.

TRD-9812964



Tuesday, August 25, 1998, 9:00 a.m.

1701 North Congress, 1st Floor Conference Room 1-111

Austin

REVISED AGENDA:

The Railroad Commission of Texas will consider and may act on the following items:

Pending and/or contemplated litigation: Soledad Apodada v. Laura Balentine, No. 97-2066, in the 168th Judicial District Court, El Paso, County, Texas.

Contact: Lindil C. Fowler, Jr., P.O. Box 12967, Austin, Texas 78711-2967, 512/463-7033.

Filed: August 18, 1998, 9:05 a.m.

TRD-9813081



Tuesday, August 25, 1998, 9:30 a.m.

1701 North Congress, 1st Floor Conference Room 1-111

Austin

REVISED AGENDA:

The Railroad Commission of Texas will consider and may act on the following items:

Discussion of Longhorn Partners Pipeline conversion project and action as may be appropriate.

Contact: Lindil C. Fowler, P.O. Box 12967, Austin, Texas 78711-2967, 512/463-6729.

Filed: August 17, 1998, 10:45 a.m.

TRD-9812981



Texas Real Estate Research Center

Sunday, August 30, 1998, 10:00 a.m.

Omni Hotel

Corpus Christi

Advisory Committee

AGENDA:

1. opening remarks
2. approval of minutes
3. current budget report
4. discussion of 1998-1999 plan to work
5. capital campaign update
6. election of officers
7. other business
8. adjourn

Contact: R. Malcolm Richards, Real Estate Center, Texas A&M University College Station, Texas 77843-2115, 409/845-9691.

Filed: August 18, 1998, 10:54 a.m.

TRD-9813091



Research and Oversight Council on Workers' Compensation

Wednesday, September 2, 1998, 1:30 p.m.

Capitol Extension, Room E2.010, 1400 Congress Avenue

Austin

AGENDA:

Individuals who may require auxiliary aids or services for this meeting should contact Leslie Lanphear at 512/469-7811 at least two days prior to the meeting so that appropriate arrangements can be made.

Contact: Leslie Lanphear, 105 West Riverside Drive, Suite 100, Austin, Texas 78704, 512/469-7811.

Filed: August 12, 1998, 1:11

TRD-9812783

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Texas Residential Property Insurance Market Assistance Program

Wednesday, September 2, 1998, 9:30 a.m.

333 Guadalupe, H-1, Rooms 1264

Austin

Executive Committee and Subcommittees

AGENDA:

1. Subcommittee Meetings (9:30 a.m.-11:30 a.m.)

Subcommittee for Monitoring MAP Operations (Room 1264)

Subcommittee on Data Collection (Room No. 1250A)

2. Executive Committee (Room No. 1264, 1:00 p.m.-4:00 p.m.)

Antitrust statement

Opportunity for public input

Staff update on educational initiatives, including public relations and promotional activities

Staff update on status of implementation of MAP operations and MAP activity

Staff update on operations and status of the Department's newly activated Auto MAP

Subcommittee Report-Discussion of possible amendments to Article 21.49-12 and possible recommendations for submission to Commissioner; Discussion of possible amendments to the MAP Plan of Operation (28 TAC §§5.10001-5.10016) and possible recommendations for submission to Commissioner; Report from the Nominations Subcommittees on proposed officers for 1999 and 2000 and election of the new officers; and General administrative matters.

Contact: Kathy Graft, 333 Guadalupe Street, Texas Department of Insurance, Austin, Texas 78701, 512/322-2290.

Filed: August 17, 1998 12:27 p.m.

TRD-9813018

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State Office of Risk Management

Tuesday, August 25, 1998, 10:00 a.m.

Capitol Extension, Room E1.010

Austin

Board

AGENDA:

1. call to order:

2. approval of minutes for June 23, and July 8 public meeting;

3. executive director's progress report:

a. claims activity report

b. cost containment fees

c. request for proposals and invitations for bids-actuarial study

d. budget report

4. discussion, consideration and possible action on proposed workers' compensation claims cost allocation rule: Chapter 251.Work-

ers' Compensation Claims Cost Allocation; Rule 251.500. Definitions; Rule 251.501. Determination of Allocation Participants; Rule 251.502 Allocation Calculation; Rule 251.503. Quarterly Reports; Rule 251.504. Interagency Contracts; Rule 251.505. Reimbursements to the Claims Fund by State Agencies; Rule 251.506. Retention of Savings by State Agencies.

5. Report from staff on status of invitation for bid for cost containment services;

6. Discussion, consideration and possible action on proposed Legislative Appropriations Request for fiscal biennium 2000-2001;

7. Discussion, consideration and possible action on renewal of contract for medical cost containment services;

8. Report from staff on findings of Workers' Compensation Claims Audits;

9. Executive Session. Pursuant to §551.074, Government Code, to discuss matters relating to and to receive advice from counsel concerning privileged attorney-client communications, settlement offers, and/or contemplated and pending litigation;

10. Action or matters considered in executive session;

11. Confirmation of future public meeting dates;

12. Adjournment

Individuals who may require auxiliary aids or services for this meeting should contact Michele Merka at 512/936-1503 at least two days to the meeting so that appropriate arrangements can be made.

Contact: Albert Betts, Jr., P.O. Box 13777, Austin, Texas 78711, 512/936-1503.

Filed: August 17, 1998, 9:20 a.m.

TRD-9812971

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State Seed and Plant Board

Thursday, September 10, 1998, 8:30 a.m.

Texas Department of Agriculture, 8918 Tesoro Drive, Suite 120

San Antonio

AGENDA:

Discussion and action on: minutes of the July 21, 1998 meeting; applicants for license as certified seed growers; foreign designations; nomenclature requests; variety name changes; requests for certification eligibility; and public comment.

Contact: Charles Leamons, P.O. Box 629, Giddings, Texas 78942, 409/542-3691.

Filed: August 19, 1998, 9:40 a.m.

TRD-9813163

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Thursday, September 10, 1998, 9:30 a.m.

Texas Department of Agriculture, Regional Office, 8918 Tesoro Drive, Suite 120

San Antonio

Seed Arbitration Board

AGENDA:

The State Seed and Plant Board, acting as the Seed Arbitration Board, will discuss and possibly take action on the following sworn complaint filed for arbitration: Bill Burns, Bill Burns Farms vs. Condor Seed Production, Inc.

Contact: Charles Leamons, P.O. Box 629, Giddings, Texas 78942, 409/542-3691.

Filed: August 19, 1998, 9:40 a.m.

TRD-9813162



Texas A&M University System, Board of Regents

Wednesday, August 19, 1998, 11:30 a.m.

Board of Regents Room, MSC Annex, Clark Street, Texas &M University

College Station

Board of Regents

AGENDA:

The purpose of this special telephonic meeting is to consider any and all matters and take any and all actions the Board deems necessary and appropriate regarding appointments to the following positions: President of Texas A&M University-Commerce; President of Texas A&M University-Kingsville; President of The Texas A&M University System Health Science Center; and Director of the Texas Agricultural Extension Service.

Contact: Vickie Burt, Texas A&M University System, College Station, Texas 77843, 409/845-9600.

Filed: August 13, 1998, 3:32 p.m.

TRD-9812867



Texas Department of Transportation

Wednesday, August 26, 1998, 9:00 a.m.

125 East 11th Street, First Floor, Dewitt C. Greer Building

Austin

Commission

AGENDA:

Approve minutes. awards/recognitions/resolutions. Rulemaking 43 TAC Chapter 4, 17, 21, 25 and 29, and Rule Review, Chapter 30 Programs. Transportation Planning: development of Segment C of Grande Parkway (SH 99); Adjustment to participation ratios for projects in economically disadvantaged counties. State Infrastructure Bank: Motley County. Public Transportation. Aviation. Contract Awards/Rejections/Defaults/Assignments/Claims. Routine Minute Orders. Executive Session for legal counsel consultation, land acquisition matters, personnel matters and appointment of director of Texas Turnpike Authority Division. Open comment period.

Contact: Diane Northam, 125 East 11th Street, Austin, Texas 78701, 512/463-8630.

Filed: August 18, 1998, 2:09 p.m.

TRD-9813107



Thursday, September 10, 1998, 9:30 a.m.

200 East Riverside

Austin

Texas Motor Vehicle Board

AGENDA:

Call to order; roll call; approval of minutes of Motor Vehicle Board meeting held July 9, 1998. Election of Vice chair. Employee Recognition. Licensing Activity Report. Review of Consumer Complaint Recap Report. Enforcement Status Report. Consideration of Proposals for Decision. Consideration of Licensing Default Proposal for Decision. Consideration of Enforcement Default Proposals for Decision. Consideration of Order of Dismissal upon Remand to Board from District Court. Agreed Orders. Orders of Dismissal-Licensing. Public Hearing and Consideration of Proposed new Board Rule of Practice and Procedure 101.67. Review Chapter 103 of Board Rules of Practice and Procedure. Other. a. Review of Litigation Status Report. b. Division Operations Status Report. c. Consideration of 1999 Board meeting schedule. Adjournment.

Contact: Brett Bray, 150 East Riverside 2nd Floor South, Austin, Texas 78704, 512/416-4800.

Filed: August 19, 1998, 9:17 a.m.

TRD-9813153



University of Houston System

Thursday, August 20, 1998, 9:00 a.m.

2200 East Red River, UH-Victoria/Victoria College Student Center, Room A

Victoria

Board Meeting

AGENDA:

I. Board meeting-A) call to order; B) executive session; C) report from executive session; D) open forum; E) approval of minutes; F) Chancellor's report; G) chairman's report; H) report from executive committee;

I. Items forwarded from the August 3, 1998 executive committee meeting for board approval: 1. resolution in appreciation-Philip J. Carroll; 2. UHS Internal Auditing Department Long-Range Internal Audit Plan for Fiscal Years 1999-2001; J) Recess for Committee meetings

II. Academic and Student Affairs Committee-A) call to order; B) Items forwarded from the August 3, 1998 Executive Committee Meeting for Board approval: 1. discussion of Dr. Brian Middleditch, Professor Biochemistry, University of Houston; 2. math education institute transfer from UH-Victoria to University of Houston; 6. adjourn; C) adjourn; D) board approval of academic/student affairs committee report

III. Institutional Advancement and External Affairs Committee —A) call to order; B) report from August 3, 1998 Committee meeting; C) adjourn.

IV. Administration and Finance Committee-A) call to order; B) Items Forwarded from the August 3, 1998 Committee meeting for board approval: 1. campus master plan update; 2. design and construction of campus infrastructure improvements; 3. award of construction contract with way engineering for the capital renewal/deferred maintenance plumbing II package; 4. large overhead service electrical utility rate agreement with Houston Lighting and Power; 5. appointment of DCW Architects, Inc., as Architect for

the new policies; 6. appointment of Rey De La Reza Architects, Inc. as Architect for the Fine Arts Building Revocation; 7. Periodical subscription service with EBSCO Subscription Services, Inc. 8. Purchase Order with Blackwell North America for Approval Plan Services for the Library; 9. FY99 Maintenance Agreement Renewal with the Texas Department of Information Resources for Digital Equipment Corporation Software and Hardware; 10. award of construction contract with Don Krueger Construction Company for the University of Houston-Victoria Academic/Student Service Building; 11. Personnel recommendations, August 1998 for Executive Management Employees; 12. Insurance Premiums for Fiscal Year 1999; 13. Lease Agreement with Amagulf, ABC/Disney, Inc.; 14. Purchase of an NTSC Television Transmitter for KUHT; 15. Change Custodian for Collateral Pledged to Secure Deposits at Chase Bank of Texas; 16. Resolution Expressing Intent to Finance Expenditures Incurred or to be Incurred for University of Houston, and University-Victoria for the Facility at Fort Bend; 17. Banking Resolutions-Amendment to Banking Resolutions to Permit Transfers for Deferred Compensation Payments; 18. Resolution Governing the University of Houston Annual Giving Account at Universal Savings Bank in Milwaukee, Wisconsin; 19. Resolutions Governing the Establishment and Closing of Various Bank Accounts for University of Houston-Victoria. C) adjourn; D) board approval of administration and finance committee report

V. Reconvene Board of Regents Meeting

VI. Election of Officers

VII. Adjourn.

Contact: Peggy Cervenka, 3100 Cullen, Suite 205, Houston, Texas 77204-6732, 713/743-3444.

Filed: August 19, 1998, 9:46 a.m.

TRD-9813166

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University of Texas System

Tuesday, August 18, 1998, 9:00 a.m.

1515 Holcombe Boulevard, Room B8.4344

Houston

UT M.D. Anderson Cancer Center, Institutional Animal Care and Use Committee

AGENDA:

Review of Protocol for Animal Care and Use and Modifications thereof.

Contact: Anthony Mastromarino, Ph.D. 1515 Holcombe Boulevard, Box 101, Houston, Texas 77030, 713/792-3220.

Filed: August 13, 1998, 8:39 a.m.

TRD-9812835

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Wednesday, August 26, 1998, 3:00 p.m.

7704 Floyd Curl Drive, Room 422A

San Antonio

UT Health Science Center-San Antonio Animal Care and Use Committee

AGENDA:

1. approval of minutes

2. protocol for review (see attached)

3. subcommittee reports/semiannual review of programs

4. other business

Contact: Molly Green, 7703 Floyd Curl Drive, San Antonio, Texas 78284-7822, 210/567-3717.

Filed: August 14, 1998, 4:30 p.m.

TRD-9812961

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Texas Veterans Commission

Thursday, August 27, 1998, 10:00 a.m.

E.O. Thompson Building, 6th Floor, 10th and Colorado Street

Austin

Special Meeting

AGENDA:

Conven; roll call; Executive Session: Executive Session pursuant to Section 551.074, Texas Government Code: Interviewing candidates for position of Executive Director. Discussion of employment, appointment and/or duties of an Executive Director. Open Session: Discussion and possible action concerning employment and/or duties of an Executive Director and Adjournment.

Contact: Charles A. Buerschinger, P.O. B0x 12277, Austin, Texas 78711, 512/463-5538.

Filed: August 14, 1998, 3:39 p.m.

TRD-9812959

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Veterans Land Board

Wednesday, August 26, 1998, 3:00 p.m.

Stephen F. Austin Building, 1700 North Congress Avenue, Suite 831

Austin

Board

AGENDA:

Approval of previous board meeting minutes; consideration and approval of investment custodian for investments in the Land, Housing Assistance, and Veterans' Homes Programs; quarterly investment report for the period ending June 30, 1998.

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

Filed: August 18, 1998, 9:16 a.m.

TRD-9813083

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Wednesday, August 26, 1998, 3:00 p.m.

Stephen F. Austin Building, 1700 North Congress Avenue, Suite 831

Austin

Board

REVISED AGENDA:

Revised agenda adding the following: staff reports.

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

Filed: August 18, 1998, 3:24 p.m.

TRD-9813121



Texas Workers' Compensation Commission

Wednesday, August 19, 1998, 10:30 a.m.

400 South IH-35, Room 910-911, Southfield Building

Austin

Public Meeting

AGENDA:

1. call to order; 2. executive session; 3. action on matters considered in executive session; 4. general reports, discussion and possible action on issues relating to commission activities; 5. confirmation of future public meeting dates; 6. adjournment.

Contact: Virginia A. May, 4000 South IH-35, Austin, Texas 78704, 512/440-5690.

Filed: August 14, 1998, 4:35 p.m.

TRD-9812966



Thursday, August 20, 1998, 9:00 a.m.

208 Barton Springs Road, 16th Floor, Room 1606

Austin

Public Meeting

AGENDA:

1. call to order; 2. executive session; 3. action on matters considered in executive session; 4. general reports, discussion and possible action on issues relating to commission activities; 5. confirmation of future public meeting dates; 6. adjournment.

Contact: Virginia A. May, 4000 South IH-35, Austin, Texas 78704, 512/440-5690.

Filed: August 14, 1998, 4:34 p.m.

TRD-9812965



Friday, August 21, 1998, 9:30 a.m.

208 Barton Springs Road, 16th Floor, Room 1606

Austin

Public Meeting

AGENDA:

1. call to order; 2. executive session; 3. action on matters considered in executive session; 4. general reports, discussion and possible action on issues relating to commission activities; 5. confirmation of future public meeting dates; 6. adjournment.

Contact: Virginia A. May, 4000 South IH-35, Austin, Texas 78704, 512/440-5690.

Filed: August 18, 1998, 9:05 a.m.

TRD-9813080



Texas Workers' Compensation Insurance Fund

Tuesday, August 25, 1998, 8:00 p.m.

Four Season, 98 San Jacinto, Plaza, Suite 716

Austin

Board of Directors

AGENDA:

The Board of Directors of the Texas Workers Compensation Fund ("Fund") will have an information dinner at 8:00 p.m. on Tuesday, August 25, 1998. The dinner is intended to be a social event, and there is no formal agenda. No formal action will be taken, but it is possible that discussions could occur which could be construed to be "deliberations" within the meaning of the Open Meeting Act; therefore, the dinner will be treated as an "open meeting" and the public will be allowed to observe. However, dinner will be provided only for the Board of Directors of the Fund, and certain staff of the Fund. No dinner or refreshments will be provided for members of the public who may wish to attend.

Contact: Jeanette Ward, 221 West 6th Street, Suite 300, Austin, Texas 78701, 512/404-7142.

Filed: August 17, 1998, 11:46 a.m.

TRD-9813016



Wednesday, August 26, 1998, 1:00 p.m.

221 West 6th Street, Suite 328

Austin

Board of Directors

AGENDA:

Call to order; roll call; review and approval of the minutes of the July 29, 1998, Board Meeting, action items; consideration of delegation of authority to enter into banking relationship; consideration of appointment of independent audit for 1998 audit; financial report; status report; informational items; report of the administration committee; report of the audit committee; report of the finance committee; report of the operations committee; public participation; executive session; action items resulting from executive session deliberation; announcements; adjourn.

Contact: Jeanette Ward, 221 West 6th Street, Suite 300, Austin, Texas 78701, 512/404-7142.

Filed: August 18, 1998, 11:40 a.m.

TRD-9813102



Texas Workforce Commission

Tuesday, August 25, 1998, 9:00 a.m.

Room 644, TWC Building, 101 East 15th Street

Austin

AGENDA:

Approval of prior meeting notes: vote on minutes dates July 16, 1998; public comment; discussion, consideration and action on: (1) on acceptance of pledges of Child Care Matching Funds; (2) on the adoption of the Child Care State Advisory Committee Rule (SB 1490, Chapter 809); (3) on the adoption of the Workforce Applicant Child Care Rule (Chapter 809); (4) on the adoption of the rules pertaining to Work and Family and Clearinghouse Distribution of Child Care Appropriations to School Districts (SB 503, Chapter 809); (5) on the adoption of emergency amendments to Section 800.56, regarding Al-

locations for Child Care Services (40 TAC Section 800.56); (6) on the proposal of new Subchapter A, General Provisions, which includes rules regarding Historically Underutilized Business and Ethics Procedures Pertaining to Gifts (40 TAC, Chapter 800, Subchapter A); (7) on the allocation of Block Grant Funding to Local Workforce Development Areas, for state fiscal year 1999, including Job Training Partnership Act (JTPA), Temporary to Needy Families (TANF), Employment Services (ES), Food Stamp, Employment and Training (FS E&T), and Child care Funding; (8) on the reallocation of state fiscal year 1998 TANF funds in those areas of the state served by Job Placement Contracts; (9) on the Texas Workforce Commission Fiscal Year 1999 Operating Budget; (10) on the Texas Workforce Commission Legislative Appropriation Request for the fiscal years 2000 and 2001; (11) regarding potential and pending applications for certification and recommendations to the Governor of Local Workforce Development Boards for Certification; (12) regarding recommendations to TCWEC and status of strategic and operational plans submitted by Local Workforce Development Board; and (13) regarding approval of Local Workforce Board or Private Industry Council Nominees; General discussion and staff report concerning the Employment Service and related functions at the Texas Workforce Commission; Discussion, consideration and possible action relating to House Bill 2777 and the development and implementation of a plan for the integration of services and functions relating to eligibility determination and service delivery by Health and Human Services Agencies and TWC; staff report and discussion-update on activities relating to: Administrative Support Division, Technology and Facilities Management division, Unemployment Insurance and Regulation Division, Workforce Development Division, and Welfare Reform Initiatives Division, Executive Session pursuant to: Government Code section 551.074 to discuss the duties and responsibilities of the executive staff and other personnel; Government Code, section 551.071(1) concerning the pending or contemplated litigation of the Texas AFL-CIO v. TWC; Pat McCowan, Betty McCoy, Ed Carpenter, and Lydia DeLeon individually and on Behalf of Other Similarly Situated v. TWC et al; TSEU/CWA Local 6186, AFL-CIO, Lucinda Robles, and Maria Roussett v. TWC et al; Midfirst Bank v. Reliance Health Care et al (Enforcement of Oklahoma Judgement); Gene E. Merchant et al. v. TWC; and Carolyn Harris v. TEC; Government Code section 551.071(2) concerning all matters identified in this agenda where the Commissioners seek the advice of this attorney as Privileged Communications under the Texas Disciplinary Rules of Professional conduct of the State Bar of Texas and to discuss the Open Meetings Act and the Administrative Procedure Act; Action, if any, resulting from executive session; Consideration, discussion, questions, and possible action on: (1) whether to assume continuing jurisdiction on Unemployment Compensation cases and reconsideration of Unemployment compensation cases, if any; and (2) higher level appeals in Unemployment Compensation cases listed on Texas Workforce Commission Docket 34.

Contact: J. Randel (Jerry) Hill, 101 East 15th Street, Austin, Texas 78778, 512/463-8812

Filed: August 17, 1998, 4:15 p.m.

TRD-9813068



Wednesday, August 26, 1998, 9:00 a.m.

Room 644, TWC Building, 101 East 15th Street

Austin

AGENDA:

Discussion, consideration and possible action: (1) on the allocation of Block Grant Funding to Local Workforce Development Area, for

state fiscal year 1999, including Job Training Partnership Act (JTPA), Temporary Assistance to Needy Families (TANF), Employment Service (ES), Food Stamp, Employment and Training (FS and E&T), and Child Care Funding; (2) on the Texas Workforce Commission Fiscal Year 1999 Operating Budget; and (3) on the Texas Workforce Commission Legislative Appropriation Request for the fiscal year 2000 and 2001.

Contact: J. Randel (Jerry) Hill, 101 15th Street, Austin, Texas 78778, 512/463-8812.

Filed: August 17, 1998, 4:18 p.m.

TRD-9813070



Thursday, August 27, 1998, 9:00 a.m.

Room 644, TWC Building, 101 East 15th Street

Austin

AGENDA:

Discussion, consideration and possible action: (1) on the allocation of Block Grant Funding to Local Workforce Development Area, for state fiscal year 1999, including Job Training Partnership Act (JTPA), Temporary Assistance to Needy Families (TANF), Employment Service (ES), Food Stamp, Employment and Training (FS and E&T), and Child Care Funding; (2) on the Texas Workforce Commission Fiscal Year 1999 Operating Budget; and (3) on the Texas Workforce Commission Legislative Appropriation Request for the fiscal year 2000 and 2001.

Contact: J. Randel (Jerry) Hill, 101 15th Street, Austin, Texas 78778, 512/463-8812.

Filed: August 17, 1998, 4:18 p.m.

TRD-9813069



Regional Meetings

Meetings filed August 12, 1998

Ark-Texas Council of Government, Board of Director, Executive Committee Meeting met at the Chamber of Commerce, 1605 North Jefferson, Mt. Pleasant, August 27, 1998, at 2:15 p.m. Information may be obtained from Sharon Morris, P.O. Box 5307, Texarkana, Texas 75505, 903/832-8636. TRD-9812781.

Bexar Appraisal District, Board of Director met at 535 South Main Street, San Antonio, August 17, 1998, at 5:00 p.m. Information may be obtained from Ann Elizondo, P.O. Box 830248, San Antonio, Texas 78283-0248, 210/224-8511. TRD-9812795.

Bexar Appraisal District, Board met at 535 South Main Street, San Antonio, August 21, 1998, at 9:00 a.m. Information may be obtained from Ann Elizondo, P.O. Box 830248, San Antonio, Texas 78283-0248, 210/224-8511. TRD-9812797.

Bexar Appraisal District, Board will meet at 535 South Main Street, San Antonio, September 1-4, 8-11, 14-18, 21-25, 28-30, 1998, at 8:30 p.m. Information may be obtained from Ann Elizondo, P.O. Box 830248, San Antonio, Texas 78283-0248, 210/224-8511. TRD-9812796.

Education Service Center Region VII, Board of Directors met at 440 Highway 79 South, Henderson, August 20, 1998, at Noon. Information may be obtained from Eddie J. Little, 818 East Main Street, Kilgore, Texas 75662, 903/984-3071. TRD-9812794.

Rio Grande Council of Governments, Board of Directors' Meeting met at McDonald Observatory, Highway, 118 North, Ft. Davis, August 21, 1998, at 9:30 a.m. Information may be obtained from TRD-9812782.

Meetings filed August 13, 1998

Burke Center, Board of Trustee met at 4101 South Medford Drive, Lufkin, August 24, 1998, at 1:00 p.m. Information may be obtained from Chauntel Moore, 4101 South Medford Drive, Lufkin, Texas 75901, 409/639-1141. TRD-9812847.

Burnet Central Appraisal District, Board of Director met at 110 Avenue J, Suite 106, Marble Falls, August 20, 1998 at Noon. Information may be obtained from Barbara Ratliff, P.O. Box 908, Burnet, Texas 78611, 512/756-8291. TRD-9812863.

Burnet Central Appraisal District, Board of Director met in a revised agenda at 110 Avenue H, Suite 106, Marble Falls, August 20, 1998 at Noon. Information may be obtained from Barbara Ratliff, P.O. Box 908, Burnet, Texas 78611, 512/756-8291. TRD-9812862.

Comal Appraisal District, Appraisal Review Board will meet at 178 East Mill Street, #102, New Braunfels, August 31, 1998, at 9:00 a.m. Information may be obtained from Curtis Koehler, P.O. Box 311222, New Braunfels, Texas 78130-1222, 830/625-8597. TRD-9812878.

Comal Appraisal District, Appraisal Review Board will meet at 178 East Mill Street, #102, New Braunfels, September 2 and 4, 1998, at 9:00 a.m. Information may be obtained from Curtis Koehler, P.O. Box 311222, New Braunfels, Texas 78730-1222, 830/625-8597. TRD-9812879.

Comal Appraisal District, Appraisal Review Board will meet at 178 East Mill Street, #102, New Braunfels, September 9, 1998, at 9:00 a.m. Information may be obtained from Curtis Koehler, P.O. Box 311222, New Braunfels, Texas 787131-1222, 830/625-8597. TRD-9812880.

Dallas Housing Authority, Dallas Housing Authority Board of Commissioners met at the Dallas Housing Authority, 3939 North Hampton Road, Dallas, August 20, 1998, at 4:00 p.m. Information may be obtained from Betsy Horn, 3939 North Hampton, Dallas, Texas 75212, 214/951-8302. TRD-9812836.

East Texas Council of Governments, Welfare-to-Work Committee of the Workforce Development Board met at 3119 Estes Parkway, Longview, August 20, 1998, at 9:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, 903/984-8641. TRD-9812881.

East Texas Council of Governments, Workforce Development Board met at 3119 Estes Parkway, Longview, August 20, 1998, at 11:00 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, 903/984-8641. TRD-9812839.

Education Service Center, Region VIII met at Alps Restaurant, 106 East Burton Road, Mt. Pleasant, met at August 27, 198, 6:30 p.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75456-1894. TRD-9812834.

Education Service Center, Region XI, Board of Directors met at Alps Restaurant, 3001 North Freeway, Fort Worth, met at August 24, 1998 at 10:00 a.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75456-1894. TRD-9812861.

Education Service Center, Region XVIII, Board of Directors met at 2811 LaForce Boulevard, Midland, August 25, 1998, at 6:00 p.m. Information may be obtained from Bryan LaBeff, P.O. Box 60580, Midland, Texas 79711, 915/563- 2380. TRD-9812824.

Gonzales County Appraisal District, Appraisal Review board met at 928 St. Paul Street, Gonzales, August 17, 1998, at 9:00 a.m. Information may be obtained from Connie Barfield, 928 St. Paul, Gonzales, Texas 78629, 830/672-2879. TRD-9812862.

Guadalupe-Blanco River Authority, Board of Director met at the Seguin Independent School District Board Room, 1221 East Kingsbury, Seguin, August 19, 1998, at 10:00 a.m. Information may be obtained from W.E. West, Jr., 933 East Court Street, Seguin, Texas 78155, 830/379-5822. TRD-9812842.

Hale County Appraisal District, Board of Directors met at Hale County Appraisal District, 303 West 8th Street, Plainview, August 20, 1998, at 7:30 p.m. Information may be obtained from Linda Jaynes, 302 West 8th, Plainview, Texas 79072, 806/293-4226. TRD-9812864.

Hays County Appraisal District, Board of Directors met at 21001 North IH-35, Kyle, August 19, 1998, at 3:30 p.m. Information may be obtained from Pete T. Islas, 21001 North IH-35, Kyle, Texas 78640, 512/268-2522. TRD-9812866.

Hill Country Transit District, Board of Directors met at 901 South Liveoak, Lampasas Multi Service Center, Lampasas, August 18, 1998, at 5:00 p.m. Information may be obtained from Carole Warlick, 901 South Liveoak, Lampasas, Texas 915/372-3799. TRD-9812856.

Kendall Appraisal District, Board of Director met at 121 South Main Street, Boerne, August 19, 1998, at 6:00 p.m. Information may be obtained from Leta Schlinke or Helen Tamayo, P.O. Box 788, Boerne, Texas 78006, 830/249-8012 or fax 830/249-3975. TRD-9812858.

Kleberg-Kenedy Soil and Water Conservation District #356, Board of Directors met at 1017 South 14th Street, Kingsville, August 17, 1998, at 1:30 p.m. Information may be obtained from Joan D. Rumfield, 910 East Caesar, Suite #4, Kingsville, Texas 78363, 512/592-0309. TRD-9812833.

Northeast Texas Municipal Water District, Board of Directors met at Highway 250 South Hughes Springs, August 24, 1998, at 10:00 a.m. Information may be obtained from Walt Sears, Jr., P.O. Box 955, Hughes Springs, Texas 75656, 903/639-7538. TRD-9812865.

North Plains Ground Water Conservation District Number Two, Regular Board Meeting met at 503 East First, Dumas, August 18, 1998, 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-9812845.

North Texas Municipal Water District, Board of Directors met at the Administration Office, 505 East Brown, Wylie, August 27, 1998, at 4:00 p.m. Information may be obtained from James M. Parks, P.O. Box 2408, Wylie, Texas 75098, 972/442-5405. TRD-9812840.

North Texas Tollway Authority, Board of Directors met at DFW Airport Marriott Hotel, 8440 Freeport Parkway, Irving, August 19, 1998, at 9:30 a.m. Information may be obtained from Jimmie G. Newton, 3015 Raleigh Street, Dallas, Texas 75219, 214/522-6200. TRD-9812871.

Nueces Soil and water Conservation District met at 548 South Highway 77, Suite B, Robstown, August 18, 1998, at 10:30 a.m. Information may be obtained from Joan D. Rumfield, 546 South Highway 77, Suite B, Robstown, Texas 78380, 512/387-4116. TRD-9812844.

Rusk County Appraisal District, Board of Directors met at 107 North Van Buren Street, Henderson, August 20, 1998, at 1:30 p.m. Information may be obtained from Terry W. Decker, P.O. Box 7, Henderson, Texas 75653-0007, 903/657-3578. TRD-9812837.

San Antonio-Bexar County Metropolitan Planning Organization, Transportation Steering Committee met in the Executive Assemblé Center of the Convention Center Complex, Corner of South Alamo and East Market, San Antonio, August 24, 1998, at 1:30 p.m. Information may be obtained from Janet A. Kennison, 601 Navarro, San Antonio, Texas 78204, 210/227-8651. TRD-9812846.

Tarrant Appraisal District, Board of Directors met at 2301 Gravel Road, Fort Worth, August 21, 1998, at 9:00 a.m. Information may be obtained from Mary McCoy, 2315 Gravel Road, Fort Worth, Texas 76118, 817/284-0024. TRD-9812870.

West Central Texas Workforce Development Board, Planning and Oversight Committee met at 1025 EN 10th Street, Abilene, August 19, 1998, at 9:00 a.m. Information may be obtained from Mary Ross, 1025 EN 10th Street, Abilene, Texas 79601, 915/672-8544. TRD-9812848.

West Central Texas Workforce Development Board, School-to-Work Committee met at 1025 EN 10th Street, Abilene, August 19, 1998, at 9:00 a.m. Information may be obtained from Mary Ross, 1025 EN 10th Street, Abilene, Texas 79601, 915/672-8544. TRD-9812849.

West Central Texas Workforce Development Board met at 1025 EN 10th Street, Abilene, August 19, 1998, at 10:00 a.m. Information may be obtained from Mary Ross, 1025 EN 10th Street, Abilene, Texas 79601, 915/672-8544. TRD-9812850.

Meetings filed August 14, 1998

Alamo Area Council of Governments, Management Committee met at 118 Broadway, Suite 400, San Antonio, August 19, 1998, at 10:00 a.m. Information may be obtained from Al J. Nortzon, III, 118 Broad, Suite 400, San Antonio, Texas 78205, 210/362-5200. TRD-9812899.

Barton Springs/Edwards Aquifer Conservation District, Board of Director-Work Session met at 1124A Regal Row, Austin, August 19, 1998, at 4:00 p.m. Information may be obtained from Bill E. Couch, 1124A Regal Row, Austin, Texas 78748, 512/282-8441 or fax 512/282-7016. TRD-9812885.

Brazos Valley Workforce Development Board, Finance/Executive Commission met at 1905 South Texas Avenue, Bryan, August 20, 1998, at 1:30 p.m. Information may be obtained from Mollie Moore, P.O. Box 6030, Bryan, Texas 77805-6030, 409/821-0202 or fax 409/779-9297. TRD-9812892.

Brazos Valley Workforce Development Board met at 1905 South Texas Avenue, Bryan, August 20, 1998, at 2:30 p.m. Information may be obtained from Mollie Moore, P.O. Box 6030, Bryan, Texas 77805-6030, 409/821-0202 or fax 409/779-9297. TRD-9812893.

Capital Area Rural Transportation System, CARTS Board of Directors met at 2010 East 6th Street, Austin, August 20, 1998, at 9:00 a.m. Information may be obtained from Edna M. Burroughs, P.O. Box 6050, Austin, Texas 78702, 512/389-1011. TRD-9812896.

Coastal Bend Workforce Development Board, Board of Director Meeting (Annual Meeting) met at the Holiday Inn-Airport (Florence Room), 5549 Leopard Street, Corpus Christi, August 26, 1998, at 4:00 p.m. Information may be obtained from Shelley Franco, 1616 Martin Luther King Dr., Third Floor, Corpus Christi, Texas 78401, 512/889-5330, Ext. 107. TRD-9812936.

Deep East Texas Council of Governments, Solid Waste Task Force met at 274 East Lamar Street, Jasper, August 26, 1998, at 1:00 p.m. Information may be obtained from Van Bush, 274 East Lamar, Jasper, Texas 75951, 409/384-5704 or fax 409/384-5390. TRD-9812889.

Education Service Center, Region XII, Board of Directors met at 2101 West Loop 340, Waco, August 20, 1998, at 10:00 a.m. Information may be obtained from Tom Norris or Vivian L. McCoy, P.O. Box 23409, Waco, Texas 76702, 254/666-0707. TRD-9812887.

Gonzales County Appraisal District, Appraisal Review Board met in a revised agenda at 928 St. Paul Street, Gonzales, August 18, 1998, at 1:30 p.m. Information may be obtained from Brenda Downey, 928 St. Paul, Gonzales, Texas 78629, 830/672-2879 or fax 830/672-8345. TRD-9812904.

Gonzales County Appraisal District, Appraisal Review Board met in a revised agenda at 928 St. Paul Street, Gonzales, August 19, 1998, at 9:00 a.m. Information may be obtained from Brenda Downey, 928 St. Paul, Gonzales, Texas 78629, 830/672-2879 or fax 830/672-8345. TRD-9812906.

Gonzales County Appraisal District, Appraisal Review Board met in a revised agenda at 928 St. Paul Street, Gonzales, August 20, 1998, at 9:00 a.m. Information may be obtained from Brenda Downey, 928 St. Paul, Gonzales, Texas 78629, 830/672-2879 or fax 830/672-8345. TRD-9812905.

Gonzales County Appraisal District, Board of Director met at 928 St. Paul Street, Gonzales, August 20, 1998, at 6:00 p.m. Information may be obtained from Brenda Downey, 928 St. Paul, Gonzales, Texas 78629, 830/672-2879 or fax 830/672-8345. TRD-9812962.

Hamilton County Appraisal District, Board met at 119 East Henry, Hamilton, August 20, 1998, at 5:00 p.m. Information may be obtained from Doyle Roberts, 119 East Henry, Hamilton, Texas 76531, 254/386-8945. TRD-9812884.

Hickory Underground Water Conservation District Number One, Board and Advisors met at 111 East Main, Brady, August 20, 1998, at 7:00 p.m. Information may be obtained from Stan Reinhard, P.O. Box 1214, Brady, Texas 76825, 915/597-2785. TRD-9812897.

Hood County Appraisal District, Board of Directors met at 1902 West Pearl Street, District, Granbury, August 19, 1998, at 7:30 p.m. Information may be obtained from Jeffery D. Law, P.O. Box 819, Granbury, Texas 760848, 817/5783-2471. TRD-9812940.

Johnson County Rural Water Supply Corporation, Finance Committee Meeting met at the Corporation Office 2849 Highway 171 South, Cleburne, August 18, 1998, at 5:30 p.m. Information may be obtained from Dianna Jones, P.O. Box 509, Cleburne, Texas 76033, 817/645-6646. TRD-9812895.

Johnson County Rural Water Supply Corporation, Regular Board Meeting met at the Corporation Office 2849 Highway 171 South, Cleburne, August 18, 1998, at 6:00 p.m. Information may be obtained from Dianna Jones, P.O. Box 509, Cleburne, Texas 76033, 817/645-6646. TRD-9812894.

Lampasas County Appraisal District, Board of Directors met at 109 East 5th Street, Lampasas, August 20, 1998, at 7:00 p.m. Information may be obtained from Katrina S. Perry, P.O. Box 176, Lampasas, Texas 76750-0175, 512/556-8058. TRD-9812901.

North Central Texas Council of Governments, Workforce Development Finance Committee Meeting met at 616 Six Flags Drive, Suite 200, Second Floor Conference Room, Arlington, August 17, 1998, at 1:30 p.m. Information may be obtained from Sharon Fletcher, P.O. Box 5888, Arlington, Texas 76005-5888, 817/695-9176. TRD-9812912.

North Central Texas Council of Governments, Workforce Development Program Committee Meeting met at 616 Six Flags Drive, Suite 200, Second Floor Conference Room, Arlington, August 18, 1998,

at 9:30 a.m. Information may be obtained from Sharon Fletcher, P.O. Box 5888, Arlington, Texas 76005-5888, 817/695-9176. TRD-9812911.

North Central Texas Council of Governments, Workforce Development Quality Assurance Committee Meeting met at 616 Six Flags Drive, Suite 200, Second Floor Conference Room, Arlington, August 18, 1998, at 9:30 a.m. Information may be obtained from Sharon Fletcher, P.O. Box 5888, Arlington, Texas 76005-5888, 817/695-9176. TRD-9812914.

North Central Texas Council of Governments, Workforce Development Marketing Committee Meeting met at 616 Six Flags Drive, Suite 200, Second Floor Conference Room, Arlington, August 19, 1998, at 9:30 a.m. Information may be obtained from Sharon Fletcher, P.O. Box 5888, Arlington, Texas 76005-5888, 817/695-9176. TRD-9812913.

North Central Texas Council of Governments, Executive board met at Centerpoint Two, 616 Six Flags Drive, Suite 200, Second Floor Conference Room, Arlington, August 21, 1998, at 12:45 p.m. Information may be obtained from Sharon Fletcher, P.O. Box 5888, Arlington, Texas 76005-5888, 817/695-9176. TRD-9812902.

Northeast Texas Municipal Water District, Board of Directors met in a revised agenda at Highway 250 South, Hughes Springs, August 24, 1998, at 10:00 a.m. Information may be obtained from Walt Sear, Jr., P.O. Box 955, Hughes Springs, Texas 75656, 903/639-7538. TRD-9812934.

Palo Pinto Appraisal District, Board of Directors met at 200 Church Avenue, Palo Pinto, August 20, 1998, at 3:00 p.m. Information may be obtained from Carol Holmes or Donna Rhoades, P.O. Box 250, Palo Pinto, Texas 76484, 940/659-1239. TRD-9812951.

Palo Pinto Appraisal District, Board of Directors met at 200 Church Avenue, Palo Pinto, August 20, 1998, at 3:15 p.m. Information may be obtained from Carol Holmes or Donna Rhoades, P.O. Box 250, Palo Pinto, Texas 76484, 940/659-1239. TRD-9812950.

Panhandle Ground Water Conservation District Number Three, Board of Directors Public Hearing met at 201 West Third Street, White Deer, August 19, 1998, at 8:00 p.m. Information may be obtained from C. E. Williams, Box 637, White Deer, Texas 79097, 806/883-2501. TRD-9812890.

Panhandle Ground Water Conservation District Number Three, Board of Directors Public Meeting met at 201 West Third Street, White Deer, August 19, 1998, at 8:30 p.m. Information may be obtained from C. E. Williams, Box 637, White Deer, Texas 79097, 806/883-2501. TRD-9812891.

Panhandle Information Network Executive Committee met in the Resource Room 1314 South Polk Street, Amarillo, August 19, 1998, at 3:00 p.m. Information may be obtained from Dr. Lavelle Mills, P.O. Box 30698, Amarillo, Texas 79120, 806/379-7644 Ext. 216. TRD-9812903.

Riceland Regional Mental Health Authority, Executive Committee met at 3007 North Richmond Road, Wharton, August 02, 1998, at 1:00 p.m. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, 409/532-3098. TRD-9812935.

San Antonio-Bexar County Metropolitan Planning Organization, Transportation Steering Committee met in a revised agenda at the Executive Assembly Center Complex, Corner of South Alamo and East Market, San Antonio, August 24, 1998, at 1:30 p.m. Information may be obtained from Janet A. Kennison, 603 Navarro, San Antonio, Texas 78204, 210/227-8651. TRD-9812917.

Swisher County Appraisal District, Board of Directors met at 130 North Armstrong, Tulia, August 20, 1998, at 7:30 p.m. Information may be obtained from Rose Lee Powell, 130 North Armstrong, Tulia, Texas 79088, 806/995-4118. TRD-9812900.

Wood County Appraisal District, Board of Directors met at 210 Clark Street, (P.O. Box 518), Quitman, August 20, 1998, at 1:30 p.m. Information may be obtained from Lois McKibben or Rhonda Powell, P.O. Box 518, Quitman, Texas 75783-0518, 903/763-4891. TRD-9812888.

Meetings filed August 17, 1998

Barton Springs/Edwards Aquifer Conservation District, Board of Directors-Called Meeting met at 1124A Regal Row, Austin, Texas August 20, 1998, at 2:00 p.m. Information may be obtained from Bill E. Couch, 1124A, Regal Row, Austin, Texas 78748, 512/282-8441 or fax 512/282-7016. TRD-9813023.

Bastrop Central Appraisal district, Board of Directors met at 1200 Cedar Street, Bastrop, August 20, 1998, at 7:00 p.m. Information may be obtained from Dana Ripley, 1200 Cedar Street, Bastrop, Texas 78602, 512/303-3536. TRD-9812970.

Bosque County Central Appraisal District, Board of Directors met at 202 South Highway 6, Meridian, August 20, 1998, at 7:00 p.m. Information may be obtained from Janice Henry, P.O. Box 393, Meridian, Texas 76665-0393, 254/435-2304. TRD-9813028.

Brazos G Regional Water Planning Group will meet at 4400 Cobbs Drive, Waco, August 31, 1998, at 10:00 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, 75714-7555, 254/776-1441. TRD-9812976.

Brazos River Authority, Lake Management Committee, Board of Directors met and will meet at Possum Kingdom Lake, Supervisor's Office, 301 Observation Point Road, Possum Kingdom, August 27-28, 1998, at 8:00 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, 254/776-1441. TRD-9813026.

Burke Center, Board of Trustees met in a revised agenda at 4101 South Medford Drive, Lufkin, August 25, 1998, at 1:00 p.m. Information may be obtained from Chauntel Moore, 4101 South Medford Drive, Lufkin, Texas 75901, 409/639-1141. TRD-98123029.

Burnet Central Appraisal District, Board of Directors met at 110 Avenue H. Suite 106, Marble Falls, August 20, 1998, at Noon. Information may be obtained from Barbara Ratliff, P.O. Box 908, Burnet, Texas 78611, 512/756-8291. TRD-9813022.

Carson County Appraisal District, Appraisal Review Board met at 102 Main Street, Panhandle, August 21, 1998, at 8:30 a.m. Information may be obtained from Donita Davis, P.O. Box 970, Panhandle, Texas 79068, 806/537-3569. TRD-9813050.

Central Texas Water Supply Corporation, Negotiating Committee met at CTWSC Main Office Conference Room, 4020 Lakecliff Drive, Harker Heights, August 20, 1998, at 1:00 p.m. Information may be obtained from Delores Hamilton, 4020 Lake Cliff Drive, Harker Heights, Texas 76548, 254/698-2779. TRD-9813044.

Coryell City Water Supply District, Directors met at 9440 FM 929, Gatesville, August 20, 1998, at 7:30 p.m. Information may be obtained from Helen Swift, 9440 FM 929, Gatesville, Texas 76528, 254/865-6089. TRD-9813062.

Education Services Center, Region One, Region One ESC Board of Directors met at 1900 West Schunior, Edinburg, August 20, 1998, at

1:30 p.m. Information may be obtained from Dr. Sylvia R. Hatton, 1900 West Schunior, Edinburg, Texas 78539, 956/984-6001. TRD-9813045.

Education Service Center, Region V, Board met at 2295 Delaware Street, Beaumont, August 26, 1998, at 1:30 p.m. Information may be obtained from Robert E. Nicks, 2295 Delaware Street, Beaumont, Texas 77703-4299, 409/838-5555. TRD-9813041.

Education Service Center, Region XIV, Board of Directors met at 1850 Highway 351, Abilene, August 20, 1998, at 5:30 p.m. Information may be obtained from Taressa Huey, 1850 Highway, 351, Abilene, Texas 79601, 915/675-8608. TRD-9812979.

Far West Texas Water Planning Group, Committee Meeting met at North Highway 17 (The Hotel Limpia) Club Room, Ft. Davis, August 20, 1998, at 1:30 p.m. Information may be obtained from Michele Maley, 1100 North Stanton, Suite 610, El Paso, Texas 79902, 915/533-0998. TRD-9813019.

Golden Crescent Workforce Development Board met at 2401 Houston Highway, Victoria, August 20, 1998, at 4:30 p.m. Information may be obtained from Laura Sanders, 2401 Highway, Victoria, Texas 77901, 512/576-5872. TRD-9813064.

Lake Livingston Water Supply and Sewer Service Corporation, Special Board of Directors Meeting met at 622 South Washington, Livingston, August 20, 1998, at 10:00 a.m. Information may be obtained from M.D. Simmons, P.O. Box 1149, Livingston, Texas 77351, 409/327-3107 or fax 409/327-8959. TRD-9812975.

Lamar County Appraisal District, Board of Directors met at 521 Bonham Street, Paris, August 20, 1998, at 4:00 p.m. Information may be obtained from Cathy Jackson, P.O. Box 400, Paris, Texas 75461, 903/785-7822. TRD-9813007.

Lavaca County Central Appraisal District, Board of Directors met at 310 South Glendale Street, Hallettsville, August 31, 1998, at 6:00 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, 512/798-4396. TRD-9812969.

Lee County Appraisal District, Board of Directors met at 218 East Richmond Street, Giddings, August 26, 1998, at 9:00 a.m. Information may be obtained from Roy L. Holcome, 218 East Richmond Street, Giddings, Texas 78942, 409/542-9618. TRD-9813046.

North Texas Regional Library System, Board of Directors met at 1111 Foch Street, Suite 100, Fort Worth, August 27, 1998, at 1:30 p.m. Information may be obtained from Marlin Anglin, 1111 Foch Street, Suite 100, Fort Worth, Texas 76107, 817/335-6076. TRD-9813017.

Texas Rural Communities, Inc., Board of Directors Meeting will meet at 6000 Middlefiskville Road, Hilton-North, Austin, September 3, 1998, at 9:00 a.m. Information may be obtained from Leland Beatty, 12401 Hymeadow Drive Building One, Suite 1B, Austin, Texas 78750, 219-0468. TRD-9812993.

Upper Rio Grande Workforce Development Board met at 5919 Brook Hollow, El Paso, August 20, 1998, at 2:00 p.m. Information may be obtained from Norman R. Haley, 5919 Brook Hollow, Texas 79925, 915/772-5627. TRD-9813025.

Meetings filed August 18, 1998

Dallas Central Appraisal District, Appraisal Review Board Meeting met at 2949 North Stemmons Freeway, 2nd Floor Community Room, Dallas, August 26, 1998, at 10:00 a.m. Information may be obtained from Rick Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, 214/631-0520. TRD-9813075.

Education Service Center, Region III, Board of Directors met at 1905 Leary Lane, Victoria, August 27, 1998, at 9:30 a.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, 512/573-0731. TRD-9813104.

Education Service Center, Region III, Board of Directors met at 1905 Leary Lane, Victoria, August 27, 1998, at 1:15 p.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, 512/573-0731. TRD-9813105.

Education Service Center, Region III, Board of Directors met at 1905 Leary Lane, Victoria, August 27, 1998, at 1:15 p.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, 512/573-0731. TRD-9813125.

Education Service Center, Region III, Board of Directors met at 1905 Leary Lane, Victoria, August 27, 1998, at 1:45 p.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, 512/573-0731. TRD-9813106.

Education Service Center, Region XVIII, Board of Directors met at 2811 LaForce Boulevard, Midland, August 25, 1998, at 6:00 p.m. Information may be obtained from Bryan LaBeff, P.O. Box 60580, Midland, Texas 77911, 512/573-2380. TRD-9813124.

Edwards Aquifer Authority, Research and Technology Community met at 1615 North St. Mary's Street, San Antonio, August 26, 1998, at 9:30 a.m. Information may be obtained from Mary Esther R. Cortez, 1615 North St. Mary's Street, San Antonio, Texas 78212, 210/222-2204. TRD-9813082.

Ellis County Appraisal District, Board of Directors met at 400 Ferris Avenue, Waxahachie, August 20, 1998, at 7:00 p.m. Information may be obtained from Kathy A. Rodrigue, 400 Ferris Avenue, Waxahachie, Texas 75165, 972-3552. TRD-9813074.

Gulf Bend Center, Board of Trustees met at 1502 East Airline, Victoria, August 25, 1998, Noon. Information may be obtained from Anges Moeller, 1502 East Airline, Suite 25, Victoria, Texas 77901, 512/582-2309. TRD-9813111.

Harris County Appraisal, Appraisal Review Board met at 2800 North Loop West, Houston, August 21, 1998, at 8:00 a.m. Information may be obtained from Bob Gee, 2800 North Loop West, Houston, Texas 77092, 713/957-5222. TRD-9813093.

Houston-Galveston Area Council, Transportation Policy Council will meet at 3555 Timmons Lane, 2nd Floor, Conference Room A, Houston, August 28, 1998, at 9:30 a.m. Information may be obtained from Alan C. Clark, 3555 Timmons Lane, 2nd Floor, Conference Room A, Houston, Texas 713/933-4585. TRD-9813103.

Liberty County Central Appraisal District, Board of Directors met at 315 Main Street, Liberty, August 26, 1998, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, 409/336-5722. TRD-9813094.

Southwest Miliam Water Supply Corporation, Board met at 114 East Cameron, Rockdale, August 24, 1998, at 7:00 p.m. Information may be obtained from Dwayne Jekel, P.O. Box 232, Rockdale, Texas 76567, 512/446-2604. TRD-9813118.

Meetings filed August 19, 1998

Central Texas MHMR Center, Board of Trustees met at 408 Mulberry, Brownwood, August 24, 1998, at 5:00 p.m. Information may be obtained from David Williams, P.O. Box 250, Brownwood, Texas 76801, 915/643-9574. TRD-9813164.

Coastal Bend Council of Governments, Executive Board met at 2910 Leopard Street, Corpus Christi, August 28, 1998, at Noon.

Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, 512/883-5743. TRD-9813160.

Coastal Bend Council of Governments, Membership met at 2910 Leopard Street, Corpus Christi, August 28, 1998, 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-9813161.

Deep East Texas Council of Governments, Chief Elected Officials met at the Westwood Shores Country Club, Trinity, August 27, 1998, at 1:30 p.m. Information may be obtained from Charlene Meadows, 118 South First Street, Lufkins, Texas 75901, 409/634-2247. TRD-9813174.

Education Service Center, Region XX met at 1314 Hines Avenue, San Antonio, August 26, 1998, at 5:00 p.m. Information may be obtained from Dr. Judy M. Castleberry, 1314 Hines Avenue, San Antonio, Texas 78208-1899, 210/370-5601. TRD-9813148.

Houston-Galveston Area Council, Gulf Coast Workforce Development Board will meet at 3555 Timmons Lane, Conference Room, A, Second Floor, Houston, September 1, 1998, at 10:00 a.m. Information may be obtained from Carol Kimmick, 3555 Timmons Lane, Suite 500, Houston, Texas 77027, 713/627-3200. TRD-9813165.

LRGV Development Council (LRGVDC), Board of Directors Mtg. met at the Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, August 27, 1998, 1:30 p.m. Information may be obtained from Kenneth N. Jones, Jr., 311 North 15th Street, McAllen, Texas 7850-4705, 956/3481. TRD-9813167.

Lower Rio Grande Valley Development Council, Region "M"-Rio Grande Regional Water Planning Group met at Four Points by Sheraton/Cancun Ballroom C, 3777 North Expressway, Brownsville, August 26, 1998, at Noon. Information may be obtained from Kenneth N. Jones, Jr., 311 North 15th Street, McAllen, Texas 7850-4705, 956/3481. TRD-9813172.

Middle Rio Grande Development Council, Executive Committee Meeting met at the Holiday Inn, Sage Room, 920 East Main Street, Uvalde, August 26, 1998, at 11:00 a.m. Information may be obtained from Leodora Martinez, Jr., P.O. Box 1199, Carrizo Springs, Texas 78834, 830/876-3533. TRD-9813185.

Middle Rio Grande Development Council, Middle Rio Grande Foundation Board met at the Holiday Inn, Sage Room, 920 East Main Street, Uvalde, August 26, 1998, at 11:15 a.m. Information may be obtained from Leodora Martinez, Jr., P.O. Box 1199, Carrizo Springs, Texas 78834, 830/876-3533. TRD-9813186.

Middle Rio Grande Development Council, Chief Elected Officials Board Meeting met at the Holiday Inn, Sage Room, 920 East Main Street, Uvalde, August 26, 1998, at 11:30 a.m. Information may be obtained from Leodora Martinez, Jr., P.O. Box 1199, Carrizo Springs, Texas 78834, 830/876-3533. TRD-9813187.

Middle Rio Grande Development Council, Board of Directors Meeting met at the Holiday Inn, Sage Room, 920 East Main Street, Uvalde, August 26, 1998, at 1:00 p.m. Information may be obtained from Leodora Martinez, Jr., P.O. Box 1199, Carrizo Springs, Texas 78834, 830/876-3533. TRD-9813184.

Texas Red River Boundary Commission will meet at the Arlene's Katfish, 2700 Eisenhower Parkway, Denison, September 2, 1998, at 1:00 p.m. Information may be obtained from Bob Moreland, 1700 North Congress Avenue, Room 626, Austin, Texas 78701, 512/305-8592. TRD-9813195.

Texas Red River Boundary Commission will meet at North Central Texas College, Little Theater-Administration and Student Center, 1525 West California, Gainesville, September 3, 1998, at 9:00 a.m. Information may be obtained from Bob Moreland, 1700 North Congress Avenue, Room 626, Austin, Texas 78701, 512/305-8592. TRD-9813192.

IN ADDITION

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

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

Coastal Coordination Council

Notices and Opportunity to Comment on Requests for Consistency Agreement/Concurrence under the Texas Coastal Management Program

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 Federal Register pp. 1439-1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC 501. Requests for federal consistency review were received for the following projects(s) during the period of July 14, 1998, through July 21, 1998.

Due to confusion caused by the format as submitted and published in the July 31, 1998 issue of the *Texas Register* (23 TexReg 7903), the Federal Agency Activities section is being republished and the comment period has been extended.

FEDERAL AGENCY ACTIVITIES:

Applicant: Environmental Protection Agency (EPA); Location: Concentrated Animal Feeding Operations (CAFO) in EPA Region 6 States of New Mexico, Oklahoma, and Texas as well as CAFOs on Indian Country Lands in these states.; Project No.: 98-0315-F2; Description of Proposed Activity: Pursuant to the Clean Water Act 402, 33 USC 1342, the applicant proposes to reissue National Pollutant Discharge Elimination System (NPDES) General Permits for (1) watershed-specific general permits for CAFOs located in watersheds that have been impaired by CAFO-related activities, and (2) general permits for all other CAFOs located in the three States of New Mexico, Oklahoma, and Texas and Indian Country lands in these States. CAFOs are facilities used to confine large numbers of animals, including poultry, for meat, milk, or egg production, or stabling, in pens or houses, where the animals are fed or maintained at the place of concentration and confinement. Fields dedicated for disposal, by land application, of waste and wastewater generated at the facility, are also considered to be part of the CAFO. The general permits will apply to all existing CAFOs with coverage under the general permit that expired on March 10, 1998, and new CAFOs.

Pursuant to §306(d)(14) of the Coastal Zone Management Act of 1972 (16 U.S.C.A. §§1451-1464), as amended, interested parties are invited to submit comments on whether a proposed action should be referred to the Coastal Coordination Council for review and whether

the action is or is not consistent with the Texas Coastal Management Program goals and policies. All comments must be received by 5:00 p.m. on September 8, 1998 and addressed to Ms. Janet Fatheree, Council Secretary, 1700 North Congress Avenue, Room 617, Austin, Texas 78701-1495.

TRD-9812968

Garry Mauro

Chairman

Coastal Coordination Council

Filed: August 14, 1998



On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 Federal Register pp. 1439-1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC 501. Requests for federal consistency review were received for the following projects(s) during the period of August 11, 1998, through August 18, 1998:

FEDERAL AGENCY ACTIONS:

Applicant: Petro-Guard Production, L.L.C.; Location: The project is located in State Tract (ST) 224, Espiritu Santo Bay, Calhoun County, Texas; Project Number: 98-0385-F1; Description of Proposed Action: The applicant proposes to amend Department of the Army Oilfield Development Permit 11006 to add the N/2 of ST 224. Work will consist of erecting and maintaining structures, appurtenances, and flowlines in connection with the drilling of wells for the production of oil and/or natural gas. The structures may be constructed of steel or timber and will include typical marine barges and keyways, derrick platforms, production platforms, gravel or shell pads, protective structures, and foundations. All specific actions under the proposed amendment will be coordinated with the appropriate State and Federal Agencies and others; Type of Application: U.S.C.O.E. permit application #11006(12) under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403), and §404 of the Clean Water Act (33 U.S.C.A. §§125-1387).

Applicant: Garrett Construction Company; Location: The project is located adjacent to the Gulf Intracoastal Waterway at Corps of Engineers Station 965+243, approximately 2.5 miles southeast of Ingleside, San Patricio County, Texas; Project Number: 98-

0386-F1; Description of Proposed Action: The applicant proposes to extend the time of Permit 13192 to complete work authorized by Permit Amendments 13192 (03), (04), and (05), and perform periodic maintenance dredging of an existing channel to the original authorized depth of -14 feet mean low tide. No changes from previous plans are proposed. All work has been completed except for the channel expansion, bulkheading, filling of property around the channel expansion, and construction of an 800-foot roadway along the south property line. Mitigation for impacts to wetlands by the proposed channel extension was required under Amendment 13192(03). The mitigation was completed and verified by Corps of Engineers Regulatory biologists under Amendment 13192(07). Dredged material will be placed within the proposed fill area; Type of Application: U.S.C.O.E. permit application #13192(08) under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403), and §404 of the Clean Water Act (33 U.S.C.A. §§125-1387).

Applicant: Ronald G. Wall; Location: The project is located in the Laguna Madre at Lots 32, 33, & 34, Block 117, Padre Beach Subdivision at the terminus of West Hibiscus Street, South Padre Island, Cameron County, Texas; Project Number: 98-0387-F1; Description of Proposed Action: The applicant proposes to amend Department of the Army Permit 20851(01) to construct three boathouses with decks and walkways, a bulkhead with fill. The bulkheaded fill area will be approximately 13,500 square feet (0.31 acre) of the Laguna Madre. Two of the boathouses will be 26 feet by 35 feet. The third boathouse will be 16 feet by 35 feet. The three walkways will be 4 feet wide by 70 feet, 54 feet, and 32 feet, respectively. The bulkhead will be 35 feet long on the south side by 117 feet wide by 139 feet long on the north side. The area to be filled consists of emergent marsh, oysters, seagrasses and unvegetated flats. Three townhomes will be constructed on Lots 32, 33, and 34 once the bulkhead and fill is completed; Type of Application: U.S.C.O.E. permit application #20851(02) under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403), and §404 of the Clean Water Act (33 U.S.C.A. §§125-1387).

Applicant: Marinelle Bailey; Location: The project is located wetlands adjacent to Laguna Madre at Lot 9, Block 130, Padre Beach Section IX, 202 West Saturn, South Padre Island, Cameron County, Texas; Project Number: 98-0388-F1; Description of Proposed Action: The applicant proposes to discharge approximately 200 cubic yards of clean fill material in an estimated 1,550-square-foot area and install piling within an estimated 1,250-square-foot area to construct a single family resident. Total area of construction is approximately 2,800 square feet. The project area is an Avicennia germanians dominated marsh; Type of Application: U.S.C.O.E. permit application #21368 under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403), and §404 of the Clean Water Act (33 U.S.C.A. §§125-1387).

FEDERAL AGENCY ACTIVITIES:

Applicant: U.S. Army Corps of Engineers Galveston District - General Permit; Project Number: 98-0384-F2; Description of Proposed Activity: This district is proposing an amendment to Department of the Army General Permit (GP) 14114(03), which is currently utilized for authorizing the placement of pipelines, by directional drilling, under navigable waters of the United States at locations within the Galveston District boundaries.

Applicant: EPA Region 6 - General Permit; Project Number: 98-0389-F2; Description of Proposed Activity: The applicant is proposing a general NPDES permit authorizing discharges from ready-mixed concrete plants, concrete products plants and their associated facilities in Texas.

Applicant: EPA Region 6 - General Permit; Project Number: 98-0390-F2; Description of Proposed Activity: The applicant is proposing a general NPDES permit authorizing discharges from petroleum bulk stations and terminals in Texas.

Pursuant to §306(d)(14) of the Coastal Zone Management Act of 1972 (16 U.S.C.A. §§1451-1464), as amended, interested parties are invited to submit comments on whether a proposed action should be referred to the Coastal Coordination Council for review and whether the action is or is not consistent with the Texas Coastal Management Program goals and policies. All comments must be received within 30 days of publication of this notice and addressed to Ms. Janet Fatheree, Council Secretary, 1700 North Congress Avenue, Room 617, Austin, Texas 78701-1495.

TRD-9813173

Garry Mauro

Chairman

Coastal Coordination Council

Filed: August 19, 1998



Comptroller of Public Accounts

Notice for Assistance for Fraud Detection Pilot Project

Notice for Assistance: Pursuant to Section 531.045 of the Texas Government Code, the Texas Comptroller of Public Accounts (Comptroller) and the Texas Department of Human Services ("TDHS") announce their intent to conduct a pilot project on detecting food stamp fraud. The Comptroller and TDHS are part of a task force on electronic benefits transfers. The pilot project will analyze the feasibility of applying computer technologies that use pattern recognition, artificial intelligence or other learning capabilities to assist in detecting food stamp fraud. The Comptroller and TDHS seek a respondent(s) to assist in this effort, and who will be willing to do so on a volunteer, no cost basis. Neither the Comptroller nor TDHS contemplate issuing any additional documentation detailing this request.

On a monthly basis, in excess of six (6) million food stamp transactions take place, involving approximately 14,000 retailers, and approximately 600,000 food stamp clients. The Comptroller and TDHS are interested in a system(s) or technology with the capability of identifying and targeting potentially suspicious food stamp activity.

The ideal respondent(s) will recommend innovative ways to use existing or emerging technologies capable, at a minimum, of analyzing existing electronic benefits technology food stamp data, performing complex searches, and manipulating transaction data to identify patterns of potential non-compliance with relevant food stamp laws.

Respondents are advised that information resulting from this pilot project may be used in the development of a solicitation document as part of a competitive procurement process.

Contact: Interested parties should submit their written responses, no later than Noon, September 25, 1998, to Theresa Poon, Texas Comptroller of Public Accounts, 111 East 17th Street, Room G-24, Austin, Texas 78774.

Questions regarding the project should be addressed to Theresa Poon at (512) 936-6070.

TRD-9813201

Walter Muse

Legal Counsel

Comptroller of Public Accounts

Filed: August 19, 1998



Office of Consumer Credit Commissioner

Notices of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Articles 1D.003 and 1D.009, Title 79, Revised Civil Statutes of Texas, as amended (Articles 5069-1D.003 and 1D.009, Vernon's Texas Civil Statutes).

The weekly ceiling as prescribed by Art. 1D.003 and 1D.009 for the period of 08/17/98 - 08/23/98 is 18% for Consumer ¹/Agricultural/Commercial ²/credit thru \$250,000.

The weekly ceiling as prescribed by Art. 1D.003 and 1D.009 for the period of 08/17/98 - 08/23/98 is 18% for Commercial over \$250,000.

¹Credit for personal, family or household use.

²Credit for business, commercial, investment or other similar purpose.

TRD-9812801

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: August 12, 1998



The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Articles 1D.003, 1D.009, and 1E.003, Title 79, Revised Civil Statutes of Texas, as amended (Articles 5069-1D.003, 1D.009, and 1E.003, Vernon's Texas Civil Statutes).

The weekly ceiling as prescribed by Art. 1D.003 and 1D.009 for the period of 08/24/98 - 08/30/98 is 18% for Consumer ¹/Agricultural/Commercial ²/credit thru \$250,000.

The weekly ceiling as prescribed by Art. 1D.003 and 1D.009 for the period of 08/24/98 - 08/30/98 is 18% for Commercial over \$250,000.

The judgment ceiling as prescribed by Art. 1E.003 for the period of 09/01/98 - 09/30/98 is 10% for Consumer/Agricultural/Commercial/credit thru \$250,000.

The judgment ceiling as prescribed by Art. 1E.003 for the period of 09/01/98 - 09/30/98 is 10% for Commercial over \$250,000.

¹Credit for personal, family or household use.

²Credit for business, commercial, investment or other similar purpose.

TRD-9813071

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: August 18, 1998



Credit Union Department

Application to Amend Articles of Incorporation

Notice is given that the following application has been filed with the Texas Credit Union Department and is under consideration:

An application for a name change was received for Tyler Pipe Employees Credit Union, Tyler, Texas. The proposed new name is Keystone Credit Union.

Comments or a request for a meeting by any interested party relating to an application must be submitted in writing within 30 days from the date of this publication. Any written comments must provide all information that the interested party wishes the Department to consider in evaluating the application. All information received will be weighed during consideration of the merits of an application. Comments or a request for a meeting should be addressed to the Texas Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699.

TRD-9813190

Lynette Pool-Harris

Deputy Commissioner

Credit Union Department

Filed: August 19, 1998



Notice is given that the following applications have been filed with the Texas Credit Union Department and are under consideration:

An application was received from Community Credit Union, Plano, Texas to expand its field of membership. The proposal would permit persons who work or reside within the city of Garland, excluding persons primarily eligible for membership in any occupation or association based credit union with less than 20,000 members as of the date of this amendment (5-14-98) having an office within this area to be eligible for membership in the credit union.

An application was received from Capitol Credit Union, Austin, Texas to expand its field of membership. The proposal would permit the members of Ecology Action of Texas to be eligible for membership in the credit union.

Comments or a request for a meeting by any interested party relating to an application must be submitted in writing within 30 days from the date of this publication. Credit unions that wish to comment on any application must also complete a Notice of Protest form. The form may be obtained by contacting the Department at (512) 837-9236. Any written comments must provide all information that the interested party wishes the Department to consider in evaluating the application. All information received will be weighed during consideration of the merits of an application. Comments or a request for a meeting should be addressed to the Texas Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699.

TRD-9813191

Lynette Pool-Harris

Deputy Commissioner

Texas Credit Union Department

Filed: August 19, 1998



Notice of Final Action Taken

In accordance with the provisions of 7 TAC §91.103, the Texas Credit Union Department provides notice of the final action taken on the following application(s):

Application(s) to Expand Field of Membership

Texans Credit Union, Richardson, Texas - See *Texas Register* issue dated May 29, 1998.

Phillips Employees Credit Union, Pasadena, Texas - See *Texas Register* issue dated May 29, 1998.

South Texas Area Resources (STAR) Credit Union, Corpus Christi, Texas - See *Texas Register* issue dated May 29, 1998.

United Heritage Credit Union, Austin, Texas - See *Texas Register* issue dated May 29, 1998.

Service 1st Credit Union, Greenville, Texas - See *Texas Register* issue dated June 5, 1998.

TRD-9813189

Lynette Pool-Harris

Deputy Commissioner

Credit Union Department

Filed: August 19, 1998



Texas Department of Criminal Justice

Job Order Contracting

The Texas Department of Criminal Justice (TDCJ) announces that it will be increasing two of three construction claims consultants agreements from \$333,333 each to \$750,000 each.

The existing contract(s) are for claims consultants who are addressing a number of construction claims issues. The contracts are scheduled to terminate on August 31, 1999 to allow other service providers an opportunity to qualify for state work.

TRD-9813123

Carl Reynolds

General Counsel

Texas Department of Criminal Justice

Filed: August 18, 1998



Texas Education Agency

Request for Applications Concerning Improving Teaching and Learning, Texas Title I Demonstration Program

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications under Request for Applications (RFA) #701-98-024 from local education agencies (LEAs), including open-enrollment public charter schools, and shared service arrangements of LEAs on behalf of campuses across the state. These applications must describe projects that seek to implement effective, comprehensive school reforms that are based on reliable research and effective practices, resulting in improved student performance for all students. The filing authority for this RFA is the Comprehensive School Reform Demonstration Program, Public Law 105-78.

Description. This RFA represents the efforts of the TEA to provide financial incentives for school campuses that need to substantially improve student achievement, particularly Title I schools. The school campuses must implement comprehensive school reform programs that are based on reliable research and effective practices. Programs will include a strong emphasis on parental involvement and the foundation curricula, aligned with the Texas Essential Knowledge and Skills and the Texas Assessment of Academic Skills (TAAS). A comprehensive school reform program must integrate, in a coherent manner, all nine of the following components: (1) effective, research-based methods and strategies; (2) comprehensive design with aligned components; (3) professional development; (4) measurable goals and objectives; (5) support within the school; (6) parental and community

involvement; (7) external technical support and assistance; (8) evaluation strategies; and (9) coordination of resources. LEAs must provide technical assistance, evaluation data, and flexibility to the campuses receiving "Improving Teaching and Learning" grants.

The TEA will analyze and review data from the Academic Excellence Indicator System and Public Education Information Management System databases to determine program success. In addition, the LEA will be responsible for collecting and maintaining campus specific data for determining program effectiveness. Data will include: (1) number of drug-use and violence incidents on campus; (2) number of parents participating in campus activities; (3) number of community volunteers, other than parents, participating in campus activities; and (4) status of program implementation. The campus principal will participate in a telephone survey regarding the status of program progress and implementation at the end of the first grant period. At the end of the second and third grant periods, respectively, the LEA shall provide two copies of the interim and final evaluation documents to the TEA in the time and manner requested by the TEA.

Dates of Project. Applicants should plan for a starting date of no earlier than March 1, 1999, and an ending date of no later than September 30, 1999. Awards are renewable for two additional years, pending federal appropriation of funds by Congress and accomplishment of program objectives at the local level.

Project Amount. Based on the LEA funding levels described in the RFA, campuses will be awarded a minimum of \$50,000. Eighty-three percent of funds will be awarded to Title I eligible schools, whether or not they are currently served with Title I funds. The remaining 17% will be awarded to any school, whether or not the school is eligible for Title I funds. The LEA will submit the application on behalf of the campus(es), and the LEA will be responsible for determining which campuses participate, the number of campuses to participate, and the funding level of the campuses, ensuring \$50,000 minimum for each campus. This project is funded 100% from Comprehensive School Reform Demonstration Program federal funds (\$11,417,891).

Selection Criteria. Applications will be selected based on the ability of the LEA and each campus to carry out all requirements contained in the RFA. The TEA will base its selection on, among other things, demonstrated competence and qualifications of the applicant. The selection criteria and the review process are specified in the RFA. A comprehensive school reform program must integrate, in a coherent manner, all nine of the components described in the requirements of the RFA. LEAs must provide technical assistance, evaluation data, and flexibility to the campuses receiving "Improving Teaching and Learning" grants. Special consideration will be given to applicants that: (1) serve campuses identified as low-performing by the state accountability rating system in 1997 or 1998; (2) serve campuses with average campus passing rates of 40-69% on the TAAS reading test; (3) serve campuses in feeder patterns or vertical teams that propose to implement the same or compatible reform programs; (4) demonstrate diversity in size of district; and (5) demonstrate diversity in geographic location. The TEA reserves the right to select from the highest-ranking applications those that address all requirements in the RFA and that are most advantageous to the project.

The TEA is not obligated to approve an application, provide funds, or endorse any application submitted in response to this RFA. This RFA does not commit TEA to pay any costs incurred before an application is approved. The issuance of this RFA does not obligate TEA to award a grant or to pay any costs incurred in preparing a response.

Requesting the Application. A complete copy of RFA #701-98-024 may be obtained by writing the: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701

N. Congress Avenue, Austin, Texas 78701-1494, or by calling (512) 463-9304. Please refer to the RFA number in your request.

Further Information. For clarifying information about the RFA, contact Mr. Cory Green, Division of Student Support Programs, Texas Education Agency, (512) 463-9374 or via electronic mail at csrd@tmail.tea.state.tx.us.

Deadline for Receipt of Application. An application must be received in the Document Control Center of the Texas Education Agency by 5:00 p.m. (Central Time), Thursday, December 10, 1998, to be considered for funding.

TRD-9813159

Criss Cloudt

Associate Commissioner, Policy Planning and Research

Texas Education Agency

Filed: August 19, 1998



Texas Department of Health

Corrections of Error

The Texas Department of Health adopted new 22 TAC §§810.1-810.9. The rules appeared in the July 31, 1998, issue of the *Texas Register*, (23 TexReg 7785).

On page 7791, §810.4(1), second sentence should read "...of which three hours "must" be in sexual assault victim related training..." instead of "...of which three hours "may" be in sexual assault victim related training..."

The Texas Department of Health adopted an amendment to 25 TAC §289.230. The rule appeared in the July 31, 1998, issue of the *Texas Register*, (23 TexReg 7810).

On page 7819, §289.230(e)(1)(K), the number for a unit of measure was published as a whole number when it should have been a superscript number. The sentence should read "... (greater than 1 square centimeter (cm²))..."

On page 7820, §289.230(e)(1)(M), subparagraph (M) was split into two subparagraphs and should have been one. The subparagraph should read "(M) Technique settings. The technique settings used for subparagraph (L) of this paragraph and paragraph (2) of this subsection..."

Heart of Texas Council of Governments

Request for Proposals

The Heart of Texas Council of Governments (HOTCOG) is soliciting proposals for an audit of all grants and programs of the Council. This proposal will serve as a basis for a three-year period beginning October 1, 1997-September 30, 1998 and the subsequent two fiscal years ending in 1999 and 2000.

The audit must be conducted under the guidelines of generally accepted auditing standards and other guidelines as presented in HOTCOG's request for proposals. The proposals will be reviewed by HOTCOG and a contract will be awarded on the basis of the firm's experience, firm knowledge of the work to be performed, and the proposed audit cost by year. Small, female-owned, and minority-owned firms are encouraged to submit.

Requests for proposal packages may be obtained by contacting, John C. Minnix, Director of Administration, Heart of Texas Council of Governments, 300 Franklin Avenue, Waco, Texas 76701-2244, (254) 756-7822. Proposal packages will not be faxed or e-mailed. All

proposals must be received no later than 4:30 p.m., Central Standard Time, September 11, 1998. Proposals received after the specified date and time will not be considered.

TRD-9812939

Donna Tomlinson

Executive Assistant

Heart of Texas Council of Governments

Filed: August 14, 1998



Texas Department of Housing and Community Affairs

Announcements of Contract Awards

Announcement of 1998 Planning and Capacity Building Fund Contract Awards

The Texas Department of Housing and Community Affairs announces that the units of general local government listed as follows have been selected as contract recipients for 1998 program year Planning and Capacity Building Funds under the Texas Community Development Program established pursuant to Texas Government Code, Chapter 2306, §2306.096.

A contract is not effective until executed by the unit of general local government and the Executive Director of the Texas Department of Housing and Community Affairs.

Agua Dulce - \$25,100, Beckville - \$22,818, Bells - \$34,350, Burton - \$17,300, Chandler - \$24,600, Clyde - \$32,000, Coolidge - \$22,300, Crawford - \$25,100, East Tawakoni - \$25,300, Eustace - \$26,600, Falfurrias - \$40,000, Garrett - \$20,100, Groveton - \$22,275, Joshua - \$46,550, Leonard - \$4,000, Lometa - \$25,100, Marfa - \$36,000, Maud - \$17,000, Muenster - \$28,050, Oglesby - \$18,700, Paradise - \$20,100, Prairie View - \$32,200, Ralls - \$12,400, Rice - \$17,600, Roxton - \$21,500, Savoy - \$13,600, Talco - \$23,900, Tatum - \$24,181, Tool - \$26,850, Toyah - \$17,300, Valley View - \$26,600, Whitewright - \$34,350, Whitney - \$28,500.

TRD-9812786

Larry Paul Manley

Executive Director

Texas Department of Housing and Community Affairs

Filed: August 12, 1998



Announcement of 1998 Community Development Fund Contract Awards

The Texas Department of Housing and Community Affairs announces that the units of general local government listed as follows have been selected as contract recipients for 1998 program year Community Development Funds under the Texas Community Development Program established pursuant to Texas Government Code, Chapter 2306, §2306.096.

A contract is not effective until executed by the unit of general local government and the Executive Director of the Texas Department of Housing and Community Affairs.

Agua Dulce - \$300,000, Alba - \$151,314, Alvarado - \$250,000, Alvord - \$250,000, Annona - \$245,000, Anthony - \$313,600, Aspermont - \$171,330, Atlanta - \$250,000, Austin County - \$350,000, Bartlett - \$234,750, Bastrop - \$250,000, Bayside - \$300,000, Blackwell - \$250,000, Blue Ridge - \$250,000, Boyd - \$250,000, Bridge

City - \$250,000, Bronte - \$149,000, Burnet - \$250,000, Burton - \$250,000, Caldwell - \$236,300, Cameron - \$188,665, Canyon - \$212,375, Celeste - \$170,244, Center Point - \$250,000, Centerville - \$228,500, Chandler - \$232,000, Charlotte - \$250,000, Cherokee County - \$242,100, Cleveland - \$350,000, Clint - \$312,900, Colorado City - \$250,000, Combes - \$348,545, Como - \$247,600, Coolidge - \$250,000, Cotulla - \$169,544, Crandall - \$250,000, Crowell - \$110,000, Culbertson County - \$313,600, Cushing - \$250,000, Daisetta - \$350,000, Del Rio - \$427,786, Dell City - \$313,600, Detroit - \$250,000, Dimmitt - \$250,000, Domino - \$241,800, Eagle Pass - \$800,000, Earth - \$250,000, Edgewood - \$250,000, Edna - \$250,000, Eldorado - \$149,960, Florence - \$250,000, Floresville - \$250,000, Fort Stockton - \$176,660, Fulton - \$300,000, Galveston County - \$350,000, Garrison - \$250,000, Georgetown - \$171,950, Gonzales - \$250,000, Gonzales County - \$250,000, Goodlow - \$250,000, Gordon - \$213,459, Grandfalls - \$341,850, Granite Shoals - \$250,000, Grayson County - \$250,000, Greenville - \$250,000, Gregory - \$300,000, Groom - \$250,000, Groves - \$250,000, Gruver - \$250,000, Hardin County - \$87,005, Harker Heights - \$250,000, Hawkins - \$250,000, Hemphill - \$250,000, Higgins - \$143,000, Holiday Lakes - \$350,000, Holliday - \$121,909, Horizon City - \$313,600, Hunt County - \$250,000, Jackson County - \$247,808, Jasper County - \$250,000, Johnson City - \$250,000, Joshua - \$250,000, Kaufman County - \$250,000, Keene - \$250,000, Kinney County - \$240,995, La Coste - \$250,000, La Grulla - \$669,634, La Salle County - \$156,571, La Vernia - \$250,000, Laguna Vista - \$348,545, Leonard - \$250,000, Lexington - \$90,794, Liberty - \$200,000, Liberty County - \$350,000, Littlefield - \$250,000, Live Oak County - \$300,000, Liverpool - \$350,000, Los Fresnos - \$348,545, Lott - \$250,000, Lovelady - \$250,000, Lueders - \$144,615, Lytle - \$114,250, Madisonville - \$250,000, Malakoff - \$244,000, Manor - \$250,000, Manvel - \$350,000, Marlin - \$250,000, Marshall Creek - \$236,600, McCulloch County - \$199,900, McGregor - \$250,000, Megargel - \$110,000, Melvin - \$149,969, Meridian - \$250,000, Milford - \$248,732, Muenster - \$194,606, Mullin - \$100,000, Nacogdoches - \$250,000, Naples - \$156,650, Newark - \$250,000, Newcastle - \$109,900, Newton - \$250,000, Newton County - \$134,863, Nome - \$250,000, Oakwood - \$250,000, Oglesby - \$250,000, Olton - \$244,869, Omaha - \$236,300, Panola County - \$250,000, Pearsall - \$250,000, Pecos City - \$350,000, Pineland - \$250,000, Plainview - \$250,000, Pleasanton - \$250,000, Poth - \$250,000, Presidio - \$627,200, Primera - \$348,545, Prosper - \$250,000, Putnam - \$240,000, Quanah - \$109,900, Quinlan - \$250,000, Red River County - \$228,000, Reeves County - \$350,000, Refugio - \$300,000, Richland Springs - \$169,052, Rio Bravo City - \$669,634, Rio Grande City - \$669,634, Rio Hondo - \$128,138, Robert Lee - \$149,999, Rockport - \$300,000, Rocksprings - \$136,520, Rogers - \$250,000, Roma - \$669,634, Rose City - \$250,000, Rotan - \$250,000, Rule - \$246,618, Rusk - \$250,000, Rusk County - \$250,000, Sabinal - \$288,786, Sadler - \$250,000, San Patricio County - \$300,000, San Perlita - \$348,545, Santa Rosa - \$348,544, Schulenburg - \$250,000, Seagraves - \$350,000, Seminole - \$350,000, Silsbee - \$250,000, Sinton - \$298,558, Slaton - \$90,507, Smithville - \$250,000, Smyer - \$250,000, Somerville - \$243,478, Stockdale - \$250,000, Sudan - \$250,000, Sunray - \$215,293, Tahoka - \$250,000, Tenaha - \$250,000, Thorndale - \$133,707, Timpson - \$170,000, Trinidad - \$250,000, Troup - \$250,000, Tye - \$250,000, Val Verde County - \$428,744, Van Zandt County - \$250,000, Vega - \$250,000, Victoria County - \$250,000, Vidor - \$250,000, Wallis - \$350,000, Wellington - \$250,000, Wharton - \$350,000, Willacy County - \$348,544, Wills Point - \$250,000, Windom - \$250,000, Wood County - \$250,000, Woodsboro - \$300,000, Wortham - \$250,000, Yorktown - \$250,000, Zavala County - \$375,077.

TRD-9812787

Larry Paul Manley
Executive Director
Texas Department of Housing and Community Affairs
Filed: August 12, 1998

Texas Department of Human Services

Amendment to Vender Service Request — Delivery of Long Term Care (LTC) Services

The Texas Department of Human Services (DHS) is amending an RFP that was published in August 14, 1998, issue of the *Texas Register* (23 TexReg 8564), for exploring alternative strategies for contracting the delivery of Long Term Care (LTC) services.

DHS is amending the dates that potential offerors can submit questions about this RFP in writing no later than 4:00 p.m. on September 4, 1998. Written questions may be received by courier, mail, or facsimile (FAX) at (512) 438-2845. Oral DHS responses are non-binding. On or about September 11, 1998, DHS will respond in writing to all written questions received by September 4, 1998. Responses to written questions will be mailed to all proposers of record. Written responses to all questions will be binding and will be mailed as an addendum to the RFP to all proposers of record. DHS also amending the phrase "In accordance with the Texas Government Code, Chapter 2157," to read "In accordance with the Texas Government Code, Chapter 2254, Subchapter B."

TRD-9813203
Glenn Scott
Agency Liaison
Texas Department of Human Services
Filed: August 19, 1998

Availability of Funds To Provide Policy Development, Statewide Planning, Technical Assistance, and Information Development and Dissemination Related to Welfare Reform and Domestic Violence

The Department of Human Services (DHS) Family Violence Unit announces the availability of funds for the provision of program administration services related to the provision of policy development, statewide planning, technical assistance, and information development and dissemination as related to welfare reform and domestic violence.

Funds will be awarded on a competitive basis to a public or private non-profit agency that can demonstrate the greatest aptitude for effectively providing the requested services to the Department in response to the Request for Proposal (RFP). **A maximum of \$122,000 is available for this award.**

Applicant agencies must be public or private, non-profit 501(c)(3) organizations who have experience working with Texas Family Violence Program policy, Family Violence service providers, have thorough knowledge of the federal Wellstone/Murray Family Violence Amendment, and Texas House Bill 3428. Additionally, it is preferred that agencies have experience working with DHS, Texas Workforce Commission, and the Office of Attorney General, Child Support Division.

APPLICATION DEADLINE: Typewritten, double-spaced proposals must be received no later than 5:00 p.m. CST, September 21, 1998. A total of 4 copies of each proposal must mailed or hand-

delivered (not faxed) to: Liz Cruz Garbutt, Director of Operations; Texas Department of Human Services, Mail Code W-230; PO Box 149030, Austin, Texas 78714-9030.

A copy of the RFP will be sent upon written or telephone request to Liz Cruz Garbutt, (512) 438-5440. Any questions regarding this request for proposal must be directed in writing to Liz Cruz Garbutt, Department of Human Services, at the above listed address. Questions and requests can also be faxed to Ms. Garbutt at (512) 438-5538.

TRD-9813202
Glenn Scott
Agency Liaison
Texas Department of Human Services
Filed: August 19, 1998



Texas Department of Insurance

Insurer Services

The following applications have been filed with the Texas Department of Insurance and are under consideration:

Application for admission to Texas for NEW HAMPSHIRE INDEMNITY COMPANY, INC., a foreign property and casualty company. The home office is located in Philadelphia, Pennsylvania.

Application to change the name of PREMIER LIFE INSURANCE COMPANY to MISSION LIFE INSURANCE COMPANY OF AMERICA, a foreign life company redomesticating to Texas. The home office is located in Nashville, Tennessee, but will be located in Nashville, Tennessee but home office will be located in Houston, Texas.

Application for admission to Texas for SEGUROS ATLAS, S.A., an alien property and casualty company. The home office is located in Mexico City.

Application for admission to Texas for COUNTRY MUTUAL INSURANCE COMPANY, a foreign property and casualty company. The home office is located in Bloomington, Illinois.

Application for admission to Texas for COUNTRY INVESTORS LIFE ASSURANCE COMPANY, a foreign life company. The home office is located in Bloomington, Illinois.

Any objections must be filed within 20 days after this notice was filed with the Texas Department of Insurance, addressed to the attention of Kathy Wilcox, 333 Guadalupe Street, M/C 305-2C, Austin, Texas 78701.

TRD-9812823
Bernice Ross
Deputy Chief Clerk
Texas Department of Insurance
Filed: August 12, 1998



The following applications have been filed with the Texas Department of Insurance and are under consideration:

Application for incorporation in Texas for TAYLOR LIFE INSURANCE COMPANY, a domestic life company. The home office is located in Taylor, Texas.

Application to change the name of UNICARE INSURANCE COMPANY to UNICARE WORKERS' COMPENSATION INSURANCE

COMPANY, a foreign property and casualty insurance company. The home office is located in Costa Mesa, California.

Application for admission to Texas for STARNET CASUALTY COMPANY, a foreign property and casualty company. The home office is located in Wilmington, Delaware.

Any objections must be filed within 20 days after this notice was filed with the Texas Department of Insurance, addressed to the attention of Kathy Wilcox, 333 Guadalupe Street, M/C 305-2C, Austin, Texas 78701.

TRD-9813193
Bernice Ross
Deputy Chief Clerk
Texas Department of Insurance
Filed: August 19, 1998



Notice

The Commissioner of Insurance, or his designee, will consider approval of a rate filing request submitted by National General Insurance Company proposing to use rates outside the flexibility band promulgated by the Commissioner of Insurance pursuant to Texas Insurance Code Annotated, Article 5.101, §3(g). They are proposing rates ranging from -22.78% below the benchmark to +139.89% above the benchmark by classification, territory, and coverage for private passenger automobile insurance. They are also proposing to deviate by association.

Copies of the filing may be obtained by contacting Gifford Ensey, at the Texas Department of Insurance, Legal and Compliance, P.O. Box 149104, Austin, Texas 78714-9104, extension (512) 475-1761.

This filing is subject to Department approval without a hearing unless a properly filed objection, pursuant to Art. 5.101, §3(h), is made with the Chief Actuary for P&C, Philip Presley, at the Texas Department of Insurance, MC 105-5F, P.O. Box 149104, Austin, Texas 78701 within 30 days after publication of this notice.

TRD-9813002
Bernice Ross
Deputy Chief Clerk
Texas Department of Insurance
Filed: August 17, 1998



Third Party Administrator Applications

The following third party administrator (TPA) application has been filed with the Texas Department of Insurance and is under consideration.

Application for incorporation in Texas of EBSS, L.L.C., a domestic third party administrator. The home office is Houston, Texas.

Any objections must be filed within 20 days after this notice was filed with the Secretary of State, addressed to the attention of Charles M. Waits, MC 107-5A, 333 Guadalupe, Austin, Texas 78714-9104.

TRD-9813116
Bernice Ross
Deputy Chief Clerk
Texas Department of Insurance
Filed: August 18, 1998



The following third party administrator (TPA) applications have been filed with the Texas Department of Insurance and are under consideration:

Application for incorporation in Texas of State Bar of Texas Insurance Trust, a domestic third party administrator. The home office is Austin, Texas.

Application for admission to Texas of TDI Managed Care Services, Inc., (using the assumed name of Eckerd Health Services), a foreign third party administrator. The home office is Wilmington, Delaware.

Any objections must be filed within 20 days after this notice was filed with the Secretary of State, addressed to the attention of Charles M. Waits, MC 107-5A, Texas Department of Insurance, 333 Guadalupe, Austin, Texas 78714-9104.

TRD-9813194

Bernice Ross

Deputy Chief Clerk

Texas Department of Insurance

Filed: August 19, 1998

Commission on Jail Standards

Grant

Pursuant to the Texas Civil Statutes, Article 6252-11C, the Commission on Jail Standards invites proposals for consulting services from qualified individuals to advise and assist TCJS in a survey of jails across the state under the terms of the Juvenile Justice and Delinquency Prevention Act, Public Law 93-415, as amended.

The individual selected will conduct on-site analyses of records and facilities at approximately 60 county and municipal jails and prepare required documentation and reports to verify compliance information regarding the removal of juveniles from the facilities. The selected consultant shall report directly to Lynn Weatherby at the Texas Commission on Jail Standards.

All work performed under this contract shall be reimbursed on an hourly basis and is expected to be completed by March 1, 1999.

Travel expenses shall be reimbursed based upon state per diem rates with direct operating expenses provided by TCJS.

Detailed specifications are contained in the Consultant Proposal Request available August 21, 1998 from the Texas Commission on Jail Standards, 300 W. 15th Street, Suite 503, Austin, Texas between the hours of 8:30 a.m. and 4:30 p.m., Monday-Friday. For detailed information, contact Lynn Weatherby at (512) 463-5505.

Responses will be accepted only if actually received in writing in the Texas Commission on Jail Standards office no later than September 25, 1998 no later than 5:00 p.m., Central Daylight Time on this date. The Texas Commission on Jail Standards reserves the right to reject any or all proposals.

All proposals submitted by the deadline will be reviewed by the executive director. The executive director may request interviews with the top rated proposers. Based on proposers response, availability, experience, qualifications and demonstrated ability to work independently, the executive director will select the individual most qualified to provide services.

TRD-9813149

Jack E. Crump

Executive Director

Commission on Jail Standards

Filed: August 19, 1998

Texas Commission on Law Enforcement Officer Standards and Education

Texas Peace Officers' Memorial-Officers to be Enrolled and Inducted

Officers enrolled March 6

Ronnie Donald Cox, Addison Police Department, December 15, 1986
Matthew Charles Murphy, Alice Police Department, December 1, 1974
Preston G. Burnam, Amarillo Police Department, January 5, 1934
Jerry Wayne Cawthon, Amarillo Police Department, January 1, 1964
Claude Bishop Evans, Amarillo Police Department, December 19, 1961
Chester Lewis Grounds, Amarillo Police Department, February 14, 1934
Berry Joe McGuire, Amarillo Police Department, December 25, 1980
William Stanley Meadows, Amarillo Police Department, June 8, 1964
Delbert Wayne Miller, Amarillo Police Department, November 24, 1982
James Delbert Mitchell, Jr., Amarillo Police Department, November 11, 1985
Marvin E. Moore, Jr., Amarillo Police Department, January 10, 1960
Lemuel Dodd Savage, Amarillo Police Department, March 15, 1945
B. W. Woods, Jr., Amarillo Police Department, January 17, 1955
Byford Henry Hunter, Angelina County Sheriff's Office, September 11, 1982
Don H. Willmon, Angelina County Sheriff's Office, May 13, 1979
Jerry J. Crocker, Arlington Police Department, October 9, 1992
James Evan Johnson, Arlington Police Department, November 23, 1930
Terry Lynn Lewis, Arlington Police Department, October 9, 1992
Ralph A. Ablanado, Austin Police Department, May 18, 1978
Tom Allen, Austin Police Department, October 24, 1915
Leland Dale Anderson, Austin Police Department, June 6, 1975
Thomas Wayne Birtrong, Austin Police Department, August 23, 1974
Donald Eugene Carpenter, Austin Police Department, January 30, 1964
James R. Cummings, Austin Police Department, December 3, 1933
John Gaines, Austin Police Department, November 19, 1913
James N. Littlepage, Austin Police Department, October 9, 1928
Robert Townes Martinez, Jr., Austin Police Department, February 25, 1989
Elkins P. Morrison, Austin Police Department, February 3, 1936
Lee Craig Smith, Austin Police Department, December 15, 1979
Billy Paul Speed, Austin Police Department, August 1, 1966
William Murray Stuart, Austin Police Department, October 16, 1933
Walter Lee Tucker, Austin Police Department, October 14, 1948
Arnold H. Knippel, Columbus Police Department, July 8, 1968
Elvis Murphy, Comal County Sheriff's Office, September 22, 1981
Ruben Tristan Almanza, Corpus Christi Police Department, July 27, 1984
Joseph Daniel Bock, Corpus Christi Police Department, September 9, 1987
Juan Ricon Prieto, Corpus Christi Police Department, February 3, 1993
John William Sartain, Corpus Christi Police Department, August 20, 1971
Charles Raymond Billeck, Corrigan Police Department, July 10, 1992
Lewis Wayne Wahl, Crockett County Sheriff's Office, April 28, 1985
W. Riley Burnett, Dallas County Constable Precinct 8, August 2, 1893
Willis Glover Champion, Dallas County Sheriff's Office, September 26, 1923
James Weldon Hill, Dallas County Sheriff's Office, November 9, 1964
Samuel Garcia Infante, Dallas County Sheriff's Office, February 15, 1971
Suzanne Lee Kays, Dallas County Sheriff's Office, January 4, 1989
Ray Edward Kovar, Dallas County Sheriff's Office, June 20, 1982
Charles H. Nichols, Dallas County Sheriff's Office, January 20, 1871
Addison C. Pate, Dallas County Sheriff's Office, September 9, 1895
William Don Reese, Dallas County Sheriff's Office, February 15, 1971
Esteban Velasquez, Jr., Dallas County Sheriff's Office, February 24, 1980
Eddie Ray "Buddy" Walthers, Dallas County Sheriff's Office, January 10, 1969
Thomas I. Woods, Dal-

las County Sheriff's Office, December 21, 1922 Ronald Dale Baker, Dallas Police Department, May 2, 1983 Ernest Elmer Bates, Dallas Police Department, December 5, 1942 Luke J. Bell, Dallas Police Department, May 18, 1934 Francis Weldon Bennett, Dallas Police Department, September 5, 1964 Gary Reeves Blair, Dallas Police Department, March 20, 1986 C. O. Brewer, Dallas Police Department, May 24, 1892 Lawrence David Bromley, Dallas Police Department, December 11, 1991 Henry Allen Brown, Dallas Police Department, April 25, 1997 Thomas G. Burchfield, Dallas Police Department, May 6, 1990 Lawrence Rudy Cadena, Sr., Dallas Police Department, December 13, 1988 Allen Perry Camp, Dallas Police Department, March 25, 1972 John Glenn Chase, Dallas Police Department, January 23, 1988 Carl Jackson Cooke III, Dallas Police Department, May 2, 1972 Robert Lawrence Cormier, Dallas Police Department, July 24, 1984 Billy Walter Daugherty, Dallas Police Department, August 14, 1992 John W. Dieken, Dallas Police Department, August 10, 1935 Mark Lewis Fleming, Dallas Police Department, January 14, 1989 Johnnie Christie "Hoot" Gibson, Dallas Police Department, April 19, 1923 Jesse Emmitt Griffin, Dallas Police Department, December 28, 1933 Preston D. Hale, Dallas Police Department, February 12, 1947 Alvin Duane Hallum, Dallas Police Department, August 21, 1975 Harold Lee Hammons, Dallas Police Department, January 22, 1992 Thomas Lee Harris, Dallas Police Department, July 20, 1985 Johnnie Tillman Hartwell, Dallas Police Department, November 10, 1971 Howard Kenton Hicks, Dallas Police Department, June 23, 1972 Ralph Wendell Hoyt, Dallas Police Department, February 20, 1937 Clarence Marshall Isbell, Dallas Police Department, February 4, 1926 James Allen Joe, Dallas Police Department, January 14, 1988 Joe Cobb Jones, Dallas Police Department, July 28, 1972 John Paul Jones, Jr., Dallas Police Department, September 3, 1992 Floyd Alexander Knight, Dallas Police Department, December 8, 1968 Leslie Granville Lane, Jr., Dallas Police Department, March 2, 1974 Sam Griffin Lanford, Dallas Police Department, June 29, 1933 Richard Alvin Lawrence, Dallas Police Department, November 9, 1993 Ernest E. Leonard, Jr., Dallas Police Department, May 28, 1935 Sunny Ma Lov, Dallas Police Department, November 4, 1990 Charles Joseph Maltese, Jr., Dallas Police Department, July 31, 1981 Gary Don McCarthy, Dallas Police Department, February 26, 1988 John Thomas McCarthy, Dallas Police Department, February 25, 1981 William McDuff, Dallas Police Department, December 24, 1896 Alvin E. Moore, Dallas Police Department, November 13, 1976 Victor Leon Morris, Dallas Police Department, September 15, 1941 Leonard Clint Mullenax, Dallas Police Department, February 10, 1962 Carl Joel Norris, Dallas Police Department, March 2, 1983 Michael Ross Okelberry, Dallas Police Department, May 6, 1990 John R. Pasco, Dallas Police Department, January 16, 1983 Leslie N. Patrick, Dallas Police Department, June 13, 1901 Dexter Clayton Phillips, Dallas Police Department, August 11, 1923 William H. Riddell, Dallas Police Department, June 17, 1892 Lisa Louise Sandel, Dallas Police Department, January 13, 1989 Robert H. Shipp, Dallas Police Department, January 13, 1970 Johnny Willis Sides, Dallas Police Department, February 7, 1951 William Edward Stafford, Dallas Police Department, September 5, 1948 James Douglas Stewart, Dallas Police Department, November 12, 1967 James Charles Taylor, Dallas Police Department, July 24, 1984 Alex W. Tedford, Dallas Police Department, December 26, 1927 T. A. Tedford, Dallas Police Department, July 28, 1912 W. Roy Thornton, Dallas Police Department, January 12, 1916 J. D. Tippit, Dallas Police Department, November 22, 1963 Donald Paul Tucker, Sr., Dallas Police Department, December 13, 1973 Ray Allen Underwood, Dallas Police Department, August 27, 1963 Milton Earl Whitley, Dallas Police Department, October 7, 1973 Walter Leon Williams, Dallas Police Department, August 2, 1988 Leroy Wood, Dallas Police Department, February 25, 1922 Robert William Wood, Dallas Police Department,

November 28, 1976 Richard David Barreda, D/FW Airport Police Department (DPS), February 14, 1997 Ben P. "Doc" Murray, Dimmit County Sheriff's Office, January 6, 1991 Gus Chitwood, El Paso Police Department, February 13, 1915 George F. Drake, El Paso Police Department, September 22, 1918 Charles Douglas Heinrich, El Paso Police Department, August 29, 1985 Newton Stewart, El Paso Police Department, February 17, 1900 Leo Spicer, Jr., Forest Hill Police Department, August 11, 1982 David Lee Braunholz, Fort Bend County Sheriff's Office, April 9, 1990 Dominick Samuel Carso, Fort Bend County Sheriff's Office, March 8, 1977 Jon Anthony Farrar, Fort Bend County Sheriff's Office, August 5, 1977 Tom J. Garvey, Fort Bend County Sheriff's Office, August 16, 1889 Edmond H. Hardin, Fort Bend County Sheriff's Office, September 15, 1927 Eugene James Heimann, Fort Bend County Sheriff's Office, March 21, 1988 Heinrich Wilhelm Hoffman, Fort Bend County Sheriff's Office, February 19, 1893 Edward Martin Belcher, Fort Worth Police Department, October 29, 1971 Jack D. Bell, Fort Worth Police Department, August 14, 1921 Ludwig Bruno, Fort Worth Police Department, March 2, 1977 Robert F. Camfield, Fort Worth Police Department, November 19, 1983 James Franklin Chadwell, Fort Worth Police Department, December 11, 1978 Frederick Alan Chick, Fort Worth Police Department, December 27, 1993 Henry E. Cleveland, Fort Worth Police Department, February 7, 1952 G. Frank Coffey, Fort Worth Police Department, June 26, 1915 J. C. Couch, Fort Worth Police Department, December 20, 1920 Namon L. Cox, Fort Worth Police Department, June 20, 1952 James Lee Dowdy, Fort Worth Police Department, June 17, 1956 Randall Lynn Fletcher, Fort Worth Police Department, August 30, 1977 James Curtiss Gaul, Fort Worth Police Department, January 10, 1979 George C. Gresham, Fort Worth Police Department, April 9, 1920 Claude Henry Harmon, Jr., Fort Worth Police Department, October 5, 1957 Charles Wayne Hoffman, Fort Worth Police Department, June 17, 1952 Frank Maco, Fort Worth Police Department, December 23, 1926 Henry Paul Mailloux, Fort Worth Police Department, November 29, 1975 Don Manning, Fort Worth Police Department, June 27, 1993 Darrell Gene Moon, Fort Worth Police Department, July 14, 1980 John A. Ogletree, Fort Worth Police Department, May 15, 1913 Jesse Ray Parris, Fort Worth Police Department, September 6, 1977 Kenneth Wayne Pendergraf, Fort Worth Police Department, April 8, 1980 Hal Clovis Stephenson, Fort Worth Police Department, October 2, 1968 Walter Stephen Taylor, Fort Worth Police Department, October 5, 1988 George Turner, Fort Worth Police Department, May 21, 1928 Loy Howard Walton, Fort Worth Police Department, May 20, 1959 William Vernon Welch, Fort Worth Police Department, May 21, 1973 Walton Odell Whatley, Fort Worth Police Department, July 29, 1949 Brent David Wisdom, Fort Worth Police Department, September 2, 1992 Bobby Max Biggerstaff, Franklin County Sheriff's Office, June 19, 1993 Michael David Moore, Garland Police Department, February 15, 1997 Gerald Ray Walke, Garland Police Department, November 15, 1989 James W. Killingsworth, Gregg County Sheriff's Department, December 29, 1939 Gary Cecil Hires, Haltom City Police Department, March 6, 1993 Robert Eli "Bob" Martin, Hansford County Sheriff's Office, January 26, 1911 Billy Keith Roberts, Hardin County Sheriff's Office, March 18, 1994 Royce Melvin Anderson, Harris County Sheriff's Office, October 26, 1981 Richard Maurice Blackwell, Harris County Sheriff's Office, September 6, 1989 Leo Busby, Harris County Sheriff's Office, September 10, 1953 Randolph Michael Eng, Harris County Sheriff's Office, December 21, 1996 Albert Ochoa Garza, Harris County Sheriff's Office, July 30, 1979 Walter Howard Harvey, Harris County Sheriff's Office, November 5, 1962 Clark Harold Henry, Harris County Sheriff's Office, July 25, 1988 Donald Eugene Knowlton, Harris County Sheriff's Office, August 22, 1960 Haskell Junior McCoy, Harris County Sheriff's Office, February 2, 1987 Jimmie Howard McKay, Harris County Sheriff's Office, March

22, 1974 Rodney Scott "Scotty" Morgan, Harris County Sheriff's Office, February 26, 1974 Reginald Floyd Norwood, Harris County Sheriff's Office, September 3, 1985 Fred Barkow Peebles, Harris County Sheriff's Office, September 23, 1965 Marion "Corky" Lee Guthrie, Hemphill County Sheriff's Office, July 12, 1980 Thomas T. McGee, Hemphill County Sheriff's Office, December 24, 1894 Ricky Steven Lewis, Hidalgo County Constable Precinct 3, February 17, 1979 Benito Eduardo Bravo, Hidalgo County Sheriff's Office, July 21, 1987 George M. Dennett, Hidalgo County Sheriff's Office, July 7, 1935 Manuel Abelardo Segovia, Jr., Hidalgo County Sheriff's Office, October 31, 1986 William Edwin DeLeon, Houston Police Department, March 29, 1982 Floyd Taylor DeLoach, Jr., Houston Police Department, June 30, 1965 Timothy Lowe Hearn, Houston Police Department, June 8, 1978 James Bruce Irby, Houston Police Department, June 27, 1990 James Frederick Kilty, Houston Police Department, April 8, 1976 Charles Raymond McDaniel, Houston Police Department, August 4, 1963 Kenneth Wayne Moody, Houston Police Department, November 26, 1969 Herbert N. Planer, Houston Police Department, February 18, 1965 Sandra Ann Robbins, Houston Police Department, March 17, 1991 Louis Lyndon Sander, Houston Police Department, January 17, 1967 Kathleen Cochran Schaefer, Houston Police Department, August 18, 1982 Bruno Soboleski, Houston Police Department, April 12, 1991 D. P. Kenyon, Hutchinson County Sheriff's Office, April 1, 1927 Almer L. Terry, Hutchinson County Sheriff's Office, April 1, 1927 Jack Lauris Thompson, Hutchinson County Sheriff's Office, June 11, 1979 Raymond Eugene Cooper, Ingleside Police Department, January 15, 1978 Glenn Homs, Irving Police Department, July 3, 1993 Alfred Floyd "Burto" Burden, Kerens Police Department, January 28, 1984 Franklin A Loyd, Lamb County Courthouse, March 21, 1937 Claud William Johnson, Lamesa Police Department, March 29, 1950 Pablo E. Albidrez, Jr., Laredo Police Department, July 31, 1976 Pedro Ayala, Laredo Police Department, June 11, 1936 Susano Castillo, Laredo Police Department, June 9, 1962 Eugenio Luna, Laredo Police Department, April 26, 1947 Victor Pablo Serna, Laredo Police Department, September 12, 1984 Alfredo Flores Araiza, Live Oak Police Department, January 17, 1980 Walter Andrew Connell, Longview Police Department, May 27, 1971 Randy Loy Davis, Longview Police Department, January 27, 1984 Boyd Gaunt, Longview Police Department, May 2, 1948 Bura Clara Roberts, Longview Police Department, May 2, 1948 Marshall Jefferson Sowders, Jr., Longview Police Department, November 22, 1977 Harvey Lawrence Stevens, Longview Police Department, January 5, 1972 Billy Earl Jones, Lorenzo Police Department, March 23, 1985 Enrique Lopez Carrisalez, Los Fresnos Police Department, October 7, 1981 Bernie F. Forrester, Lubbock County Sheriff's Office, November 24, 1951 Kenneth Dwin Fowler, Lubbock Police Department, June 18, 1992 Julio Herrera, Lubbock Police Department, July 19, 1947 Larry Jack Stevens, Lubbock Police Department, February 9, 1973 Ralph Clayton White, Lubbock Police Department, September 1, 1953 Thomas S. Milligan, Mason County Sheriff's Office, February 19, 1860 Allan Thomas Murray, Mason County Sheriff's Office, February 28, 1929 Reynaldo V. Lopez, McAllen Police Department, July 10, 1993 Federico R. Saenz, McAllen Police Department, March 26, 1933 Rosalin Suarez, Jr., McAllen Police Department, May 19, 1981 George William Raffield, Jr., Midlothian Police Department, October 23, 1987 Humberto Javier Avila, Mission Police Department, October 2, 1974 Fulgencio Velasco III, Mission Police Department, December 16, 1978 Lawrence Graham, Mitchell County Constable, March 30, 1972 Melvin Kenneth Drum, Ochiltree County Sheriff's Office, March 28, 1987 Scott Stanton Smith, Odessa Police Department, February 6, 1988 David Wilburn Roberts, Paris Police Department, September 21, 1985 Arthur Claude Dowdy, Pasadena Police Department, December 24, 1944 Leslie Ian Early, Pasadena Police Department, November 5, 1993 Jeffery Dean Ginn, Pasadena Po-

lice Department, July 10, 1991 James Howard Cassidy, Jr., Pearland Police Department, May 16, 1973 Henry O. Wendell, Jr., Pearland Police Department, October 6, 1967 Willie Ward Christian, Pecos County Sheriff's Office, May 29, 1990 Allen Archie Graham, Pecos County Sheriff's Office, September 18, 1973 Tim Hudson, Pecos County Sheriff's Office, August 20, 1988 Dale Conway Stiles, Pecos County Sheriff's Office, January 12, 1987 C. S. "Pete" Ten Eyck, Pecos County Sheriff's Office, February 24, 1978 George Washington Gross, Jr. Port Isabel Police Department, August 15, 1986 James Ralph Turner, Port Isabel Police Department, May 22, 1978 Joseph Edward Cernoch, Rosenberg Police Department, February 9, 1978 Henry Hays Miculka, Rosenberg Police Department, January 26, 1963, Freddie Ernest Wagner, San Angelo Police Department, August 6, 1955 William I. Maldonado III, San Antonio ISD Police Department, May 27, 1994 Julius N. Alberson, San Antonio Police Department, December 4, 1941 James E. Anderson, San Antonio Police Department, July 1, 1975 James Wilson Bennett, Jr., San Antonio Police Department, September 13, 1975 Harry James Brackman, San Antonio Police Department, June 27, 1974 Antonio Trevino Canales, San Antonio Police Department, May 18, 1972 George E. Copeland III, San Antonio Police Department, September 13, 1975 Richard Marcial Cuellar, San Antonio Police Department, August 2, 1968 Fabian Dale Dominguez, San Antonio Police Department, January 15, 1995 Michael J. Ellis, Jr., San Antonio Police Department, May 11, 1944 Antonio Portillo Garcia, San Antonio Police Department, December 4, 1988 Douglas Scott Goeble, San Antonio Police Department, April 20, 1991 Eloy Flores Gonzales, San Antonio Police Department, August 15, 1977 Edwyn Joseph Gorrell, San Antonio Police Department, July 5, 1988 Patricia Calderon Hawkins, San Antonio Police Department, December 27, 1988 Roger Carl Henarie, San Antonio Police Department, April 13, 1990 Earl William Kanning, San Antonio Police Department, December 23, 1938 Guadalupe Jose Martinez, San Antonio Police Department, September 4, 1970 Gilbert Esquivel Ramirez, San Antonio Police Department, December 24, 1983 Jesse Mack Minton, Scurry County Sheriff's Office, September 21, 1965 Jose Leal Carrillo, Seguin Police Department, July 20, 1975 Ronald Douglas Slockett, Sugarland Police Department, July 4, 1987 John C. Moseley, Swisher County Sheriff's Office, January 23, 1933 Charles Wade Willis, Taylor County Sheriff's Office, February 12, 1942 William Robert Stout, Terrell Police Department, June 5, 1980 W. C. Simmons, Texas City Police Department, July 13, 1974 Minnie R. Houston, Texas Department of Criminal Justice, June 3, 1985 Ernesto Alanis, Texas Department of Public Safety, February 27, 1983 Milton Curtis Alexander, Texas Department of Public Safety, April 14, 1983 Joseph Newton Avary, Texas Department of Public Safety, May 17, 1935 Richard Dale Berens, Jr., Texas Department of Public Safety, March 8, 1963 Bobby Steve Booth, Texas Department of Public Safety, June 16, 1993 Russell Lynn Boyd, Texas Department of Public Safety, October 11, 1983 Oscar Bowen Brett, Texas Department of Public Safety, December 8, 1961 Milton Doyell Brooks, Texas Department of Public Safety, January 2, 1955 Fred Carlton Burns, Texas Department of Public Safety, January 2, 1968 Gara Oliver Cooper, Texas Department of Public Safety, October 2, 1970 Robert James Crosby, Texas Department of Public Safety, November 27, 1954 James Lewis Dalrymple, Jr., Texas Department of Public Safety, June 5, 1978 Bill Davidson, Texas Department of Public Safety, April 14, 1992 Jerry Don Davis, Texas Department of Public Safety, October 5, 1980 Louis Walton Dickson, Texas Department of Public Safety, April 17, 1949 Ernest Clarence Dobbs, Texas Department of Public Safety, February 15, 1974 Bobby Paul Doherty, Texas Department of Public Safety, February 20, 1978 Arthur William Fischer, Texas Department of Public Safety, January 18, 1932 Mark Alan Frederick, Texas Department of Public Safety, April 4, 1976 Guy Albert Freese, Texas Department of Public Safety,

July 11, 1935 Roel Garcia, Texas Department of Public Safety, March 26, 1997 Stanley Keith Guffey, Texas Department of Public Safety, January 22, 1987 Harold D. Hambrick, Texas Department of Public Safety, July 7, 1974 Winfred Ottis Hanna, Texas Department of Public Safety, January 25, 1954 Kenneth Warren Harrison, Texas Department of Public Safety, June 8, 1963 Roger Q. Harriss, Jr., Texas Department of Public Safety, April 5, 1942 Daniel Morrison Higdon, Jr., Texas Department of Public Safety, March 13, 1983 Larry Eugene Hobson, Texas Department of Public Safety, December 1, 1973 Darwin Kenneth Hogg, Texas Department of Public Safety, April 25, 1966 Troy Merle Hogue, Texas Department of Public Safety, December 30, 1994 Tom Paul Holland, Texas Department of Public Safety, April 23, 1969 Gayle Lamar Holmes, Texas Department of Public Safety, May 19, 1972 Billy Dan Howry, Texas Department of Public Safety, March 18, 1972 Audie Alger Isbell, Texas Department of Public Safety, April 7, 1955 Robert Ray Jones, Texas Department of Public Safety, September 16, 1983 Howard Wayne Jordan, Texas Department of Public Safety, June 2, 1981 William Paul Kohllepel III, Texas Department of Public Safety, April 19, 1985 William John Kuhnle, Jr., Texas Department of Public Safety, May 21, 1989 Hollis Stephen Lacy, Texas Department of Public Safety, December 26, 1980 Floyd Eugene Lawson, Texas Department of Public Safety, April 7, 1948 Travis Raburn Locker, Texas Department of Public Safety, November 9, 1969 Sammy Charles Long, Texas Department of Public Safety, November 21, 1976 Bill James Mahoney, Texas Department of Public Safety, April 18, 1949 Herman Paul Marshall, Texas Department of Public Safety, May 17, 1960 Bobby Lee Maynard, Texas Department of Public Safety, November 30, 1964 Timothy Wade McDermott, Texas Department of Public Safety, May 14, 1995 David Alex McGonagill, Texas Department of Public Safety, September 4, 1940 Harry Lee Mills, Jr., Texas Department of Public Safety, April 3, 1965 Aubrey Lee Moore, Texas Department of Public Safety, April 16, 1932 Felix Austin Murphey, Texas Department of Public Safety, March 4, 1954 H. D. Murphy, Texas Department of Public Safety, April 1, 1934 Clarence Robert Nordyke, Texas Department of Public Safety, July 18, 1955 John David Oldham, Texas Department of Public Safety, July 7, 1974 Jimmie Weldon Parks, Texas Department of Public Safety, August 10, 1975 Mark Jeffrey Phebus, Texas Department of Public Safety, September 17, 1990 Charles Austin Pryor, Texas Department of Public Safety, April 27, 1965 Patrick Allen Randel, Texas Department of Public Safety, October 23, 1974 David Irvine Rucker, Texas Department of Public Safety, September 29, 1981 Benjamin Kyle Smith, Texas Department of Public Safety, June 23, 1958 Lynn Ray Smith, Texas Department of Public Safety, January 25, 1957 Robert Franklin Stinnett, Texas Department of Public Safety, July 2, 1965 Mart Dennis Tarrant, Texas Department of Public Safety, November 4, 1935 Willie Dale Taylor, Texas Department of Public Safety, May 19, 1990 Douglas Houston Thompson, Texas Department of Public Safety, December 7, 1969 Tomie Michael Tucker, Texas Department of Public Safety, May 29, 1976 Hollie Lamar Tull, Texas Department of Public Safety, September 14, 1974 Carlos Ray Warren, Texas Department of Public Safety, March 5, 1991 Edward Bryan Wheeler, Texas Department of Public Safety, April 1, 1934 Homer A. White, Texas Department of Public Safety, December 8, 1961 Kobler Coleman Winn, Jr., Texas Department of Public Safety, December 1, 1973 Billy Ray Wynn, Texas Department of Public Safety, December 24, 1967 Norman Edward Zator, Texas Department of Public Safety, October 6, 1969 Ralph George Zerda, Texas Department of Public Safety, May 21, 1989 George L. Duncan, Travis County Sheriff's Office, September 23, 1911 Maurice Moore, Travis County Sheriff's Office, January 10, 1887 Robert Henry Potter, Tulia Police Department, December 25, 1960 Malcom J. Buie, Tyler Police Department, June 6, 1946 Milus F. Nichol, Tyler Police Department, October 12, 1962 Eugene Verdell

Vickers, Tyler Police Department, March 29, 1963 Burl B. Whittington, Tyler Police Department, May 8, 1955 Richard Kyle Hardesty, Victoria County Sheriff's Office, June 5, 1975 Terry Lee Jaynes, Victoria County Sheriff's Office, December 29, 1989 Walter Murray Kibbe, Victoria County Sheriff's Office, July 24, 1911 Leroy N. "Buck" Hutchison, Ward County Sheriff's Office, June 10, 1961 Juan Novoa, Webb County Constable Precinct 1, July 7, 1945 Jose Gerardo Herrera, Webb County Sheriff's Office, February 4, 1986 Joseph ParTEE Marshall, Windcrest Police Department, January 27, 1982 Robert Earl Matkin, Woodville Police Department, October 23, 1990 George Thomas Cherryholmes, Young County Sheriff's Office, February 24, 1915 Stately Cox, Young County Sheriff's Office, September 15, 1864 Richard Kirk, Young County Sheriff's Office, February 21, 1876 Marion DeKalb Wallace, Young County Sheriff's Office, December 24, 1888 Ken Norris Meister, Zavala County Sheriff's Office, April 20, 1991 Officers enrolled June 12 Ernesto Rascon, Anthony Police Department, June 27, 1976 Craig Michael Hanking, Arlington Police Department, August 3, 1994 Gary Dwaine Harl, Arlington Police Department, July 16, 1975 Ray Ralph Burton, Armstrong County Sheriff's Office, June 7, 1946 Larry Wayne King, Armstrong County Sheriff's Office, September 1, 1979 Drew A. Bolin, Austin Police Department, June 2, 1995 Cornelius L. Fahey, Austin Police Department, March 9, 1875 Bobby Tyson Paulk, Baytown Police Department, September 9, 1977 Paul Douglas Hulsey, Jr., Beaumont Police Department, March 22, 1988 Adrian Salazar Aguilar, Bexar County Sheriff's Office, June 30, 1985 David Delgado Castillo, Bexar County Sheriff's Office, April 11, 1991 George Petrogallo, Bexar County Sheriff's Office, May 9, 1967 Joshua B. Rodriguez, Jr., Bexar County Sheriff's Office, February 2, 1973 Vincent L. "Jerry" Walker, Bexar County Sheriff's Office, February 2, 1973 Henry Franklin Howie, Big Spring Police Department, August 10, 1931 William J. O'Leary, Big Spring Police Department, November 28, 1939 Alfred Basler, Brownsville Police Department, March 9, 1945 Janice Marlene Vanderveer, Burleson Police Department, December 27, 1987 Daniel Davis Tubbs, Camp County Constable Precinct 1, June 29, 1972 John Lighter Frost, Chambers County Sheriff's Office, November 10, 1900 Alvis F. "Tuffy" Maddox, Childress Police Department, June 22, 1980 Mac Wesley Hancock, Cochran County Sheriff's Office, May 3, 1948 Dewitt Talmadge Smith, Cochran County Sheriff's Office, December 8, 1939 George Christopher Brakefield, Collin County Sheriff's Office, January 11, 1982 Joseph Ray Steenbergen, Collin County Sheriff's Office, February 5, 1985 Donald Wayne Swearingin, Coppel Police Department, December 12, 1972 E.J. "Lige" Harris, Dallas County Constable Precinct 4, September 4, 1924 James Robert Allman, Dallas County Sheriff's Office, August 5, 1995 John Thomas Miller, Del Rio Police Department, July 4, 1990 Mario Alberto Salas, Del Rio Police Department, January 7, 1988 Arthur J. Robertson, Ellis County Sheriff's Office, February 15, 1971 Bragg Dunbar, Freestone County Constable Precinct 1, August 9, 1918 Gary J. Bryant, Giddings Police Department, October 27, 1996 Robert L. "Bob" May, Grayson County Sheriff's Office, May 26, 1889 Sidney Nelson Padgett, Hardin County Sheriff's Office, January 1, 1969 Carl I. LeVin, Harker Heights Police Department, August 7, 1978 John Monroe Weaver, Harris County Constable Precinct 8, June 19, 1929 Douglas John Noll, Harris County Sheriff's Office, July 22, 1996 James Alex Wier, Harris County Sheriff's Office, August 18, 1978 William C. "Dubb" Williams Jr., Harris County Sheriff's Office, April 16, 1930 Edgar Eugene Isgitt, Harrisburg City Constable's Office, June 14, 1911 Thomas Jack Tubre, Highland Park Police Department, February 15, 1938 Charles H. Baker, Houston City Marshalls Office, August 16, 1979 John Terrell Bamsch, Houston Police Department, January 30, 1975 Claude Ronald "Ronnie" Beck, Houston Police Department, December 10, 1971 Jack Bill Beets, Houston Police Department, March 30, 1955 James Charles Boswell, Houston

Police Department, December 9, 1989 Claude Emmett Branon, Houston Police Department, March 20, 1959 John M. Cain, Houston Police Department, August 4, 1911 Richard Howard Calhoun, Houston Police Department, October 10, 1975 E. C. Chavez, Houston Police Department, September 17, 1925 Charles Robert Coates, II, Houston Police Department, February 23, 1983 Pete Corrales, Houston Police Department, January 25, 1925 Rufus H. Daniels, Houston Police Department, August 23, 1917 Johnnie Davidson, Houston Police Department, February 19, 1921 A. Worth Davis, Houston Police Department, June 17, 1928 George Dewey Edwards, Houston Police Department, June 30, 1939 Dawn S. Erickson, Houston Police Department, December 24, 1995 J. Clark Etheridge, Houston Police Department, August 23, 1924 James E. Fenn, Houston Police Department, March 15, 1891 Edward D. Fitzgerald, Houston Police Department, September 20, 1930 James T. Gambill, Houston Police Department, December 1, 1936 Florentino Munoz Garcia, Houston Police Department, November 10, 1989 Ben Eddie Gerhart, Houston Police Department, June 28, 1968 Gonzalo Quinones Gonzalez, Houston Police Department, February 28, 1960 Charles R. Gougenheim, Houston Police Department, April 30, 1955 Carl Greene, Houston Police Department, March 14, 1928 Leon Griggs, Houston Police Department, January 31, 1970 Maria Michelle Groves, Houston Police Department, April 10, 1987 Antonio Guzman, Jr., Houston Police Department, January 9, 1973 Howard B. Hammond, Houston Police Department, August 18, 1946 James Donald Harris, Houston Police Department, July 13, 1982 Oscar Hope, Houston Police Department, June 22, 1929 Elston Morris Howard, Houston Police Department, July 19, 1988 David Huerta, Houston Police Department, September 19, 1973 Bobby Lee James, Houston Police Department, June 26, 1968 John C. James, Houston Police Department, December 12, 1901 Ed Jones, Houston Police Department, September 13, 1929 Perry Page Jones, Houston Police Department, January 30, 1927 Frank L. Kellogg, Houston Police Department, November 30, 1955 Smith Anderson Kent, Houston Police Department, January 12, 1954 Louis Raymond Kuba, Houston Police Department, May 17, 1967 J. D. Landry, Houston Police Department, December 4, 1930 Robert Wayne Lee, Houston Police Department, January 31, 1971 Fred Maddox, Jr., Houston Police Department, February 24, 1954 Adolph P. Martial, Houston Police Department, November 8, 1937 E. G. Meinke, Houston Police Department, August 23, 1917 Harry T. Alcott Mereness, Houston Police Department, October 18, 1933 Noel R. Miller, Houston Police Department, June 6, 1958 Horace Moody, Houston Police Department, August 23, 1917 Dave Murdock, Houston Police Department, June 27, 1921 David Franklin Noel, Houston Police Department, June 17, 1972 M. E. Palmer, Houston Police Department, March 24, 1938 Ross Patton, Houston Police Department, August 23, 1917 Willie Bonner Phares, Houston Police Department, September 30, 1930 Ira D. Raney, Houston Police Department, August 23, 1917 Winston James Rawlins, Houston Police Department, March 29, 1982 Jerry Lawrence Riley, Houston Police Department, June 18, 1974 George G. Rojas, Houston Police Department, January 28, 1976 John Anthony Salvaggio, Houston Police Department, November 25, 1990 Robert Schultea, Houston Police Department, August 25, 1956 Daryl Wayne Shirley, Houston Police Department, April 28, 1982 Jerry L. Spruill, Houston Police Department, October 27, 1972 Rempsey Hays Sullivan, Houston Police Department, March 9, 1935 John Wesley Suttle, Houston Police Department, August 3, 1959 C. F. Thomas, Houston Police Department, December 17, 1929 R. O. Wells, Houston Police Department, July 30, 1927 Victor Ray Wells III, Houston Police Department, October 2, 1980 Henry Williams, Houston Police Department, February 8, 1886 Andrew Winzer, Houston Police Department, February 18, 1988 Francis E. Wright, Houston Police Department, August 12, 1975 Peter J. Young, Houston Police Department, June 19, 1921 Herman Youngst, Houston Police Department, December

12, 1901 Jose Zamarron, Houston Police Department, April 18, 1981 Rayburn Lonzo Shipp, Hunt County Sheriff's Office, July 18, 1972 C. B. "Cap" Birmingham, Huntsville Police Department, October 13, 1926 Hill J. Cates, Huntsville Police Department, September 29, 1901 Randy J. Zimmerman, Jacksonville Police Department, October 2, 1992 Edward Raymond Claude, Jasper County Sheriff's Office, July 9, 1982 Jake Giles, Jefferson County Sheriff's Office, March 24, 1916 Rex H. St. John, Karnes County Sheriff's Office, February 29, 1992 Paul Ray Vinson, King County Sheriff's Office, May 19, 1972 Gene Wilson Christopher, Kingsville Police Department, February 9, 1958 Ronnie Ray Dodds, Lavaca County Sheriff's Office, September 28, 1969 Danny Forest Cordes, Mansfield Police Department, May 23, 1986 Ricky L. Ward, Mexia Police Department, August 2, 1993 Darrell Lunsford, Nacagdoches County Constable Precinct 5, January 23, 1991 Patrick Stephen Runyon, Nueces County Constable Precinct 6, February 7, 1981 Verval Lee "Billy" Estes, Orange Grove Police Department, December 13, 1993 James Howard Cassidy, Jr., Pearland Police Department, May 16, 1973 James Franklin Willis, Pearland Police Department, July 1, 1964 Virgle Lee Thompson, Plainview Police Department, July 17, 1961 Milton Thomas Levy II, Port Arthur Police Department, November 14, 1992 Peter S. Lantermo, Refugio County Sheriff's Office, August 24, 1951 William Frederick Colblentz, San Antonio Police Department, November 8, 1942 George E. Jacobs, San Antonio Police Department, January 14, 1973 William M. Lacey, San Antonio Police Department, November 29, 1900 Joseph J. Pedraza, San Antonio Police Department, October 6, 1924 Henry C. Perrow, San Antonio Police Department, December 12, 1933 Bernabe Salazar, Jr., San Antonio Police Department, November 16, 1978 Peter J. Scrivano, San Antonio Police Department, May 28, 1931 Rondall Sisco, San Antonio Police Department, September 22, 1992 Russell DeWayne Spannagel, San Antonio Police Department, June 30, 1973 John Stowe, San Antonio Police Department, December 3, 1936 Raleigh Walter Taylor, San Antonio Police Department, December 25, 1930 Van Ness Wells, San Antonio Police Department, September 26, 1867 Gary Lee Williams, San Antonio Police Department, March 27, 1989 Oda Hyatt, San Saba Police Constable's Office, June 7, 1965 Walter Leroy Terry, Smith County Sheriff's Office, October 12, 1985 Joseph Thomas Crews, Texas Alcoholic Beverage Commission, September 21, 1979 Delbert H. Pearson, Texas Alcoholic Beverage Commission, January 18, 1973 John B. Brown, Texas Department of Criminal Justice, July 18, 1977 Cephus D. Burson, Texas Department of Criminal Justice, October 1, 1980 Joe F. Gurney, Texas Department of Criminal Justice, August 12, 1988 Sidney L. Lyons, Texas Department of Criminal Justice, November 19, 1989 Billy M. Moore, Texas Department of Criminal Justice, April 4, 1981 Wallace M. Pack, Texas Department of Criminal Justice, April 4, 1981 James Eugene Daughtrey, Texas Parks and Wildlife, December 8, 1978 William Barry Decker, Texas Parks and Wildlife, May 26, 1990 Gus A. Engeling, Texas Parks and Wildlife, December 14, 1951 Joe Marshall Evans, Texas Parks and Wildlife, May 6, 1965 Lloyd Dean Gustin, Texas Parks and Wildlife, March 25, 1968 Ronnie L. Germany, Texas Parks and Wildlife, July 29, 1973 Bruce Franklin Hill, Texas Parks and Wildlife, May 26, 1990 Claude Keller, Texas Parks and Wildlife, February 22, 1956 Dawson R. Murchison, Texas Parks and Wildlife, December 20, 1938 John David "J.D." Murphree, Texas Parks and Wildlife, December 8, 1963 Richard Moore Wynne, Texas Parks and Wildlife, November 1, 1948 Charles Albert Renfro, Upton County Sheriff's Office, July 15, 1983 Richard Allen Beck, Vernon Police Department, November 17, 1991 Holly Ray "Andy" Anderson, Waco Police Department, October 8, 1940 Roger Barrett, Waco Police Department, June 12, 1976 James Monroe Baskin, Waco Police Department, August 28, 1936 Donald Hartley Basquette, Waco Police Department, February 11, 1969 Elmer Wright Huddleston, Waco Police Department, July 2, 1940 rby

Joe Thompson, Waco Police Department, July 24, 1933
Carroll Vinson Copeland, Wheeler County Sheriff's Office, December 31, 1972
Robert Darrell Wright, Williamson County Sheriff's Office, August 6, 1985
John Paul Frisco, Windcrest Police Department, December 13, 1985
Edd C. Lankford, Young County Constable Precinct 3, November 18, 1929

TRD-9812822

Edward T. Laine

Chief Professional Standards and Administrative Operations

Texas Commission on Law Enforcement Officer Standards and Education

Filed: August 12, 1998



Legislative Budget Board

Schedule for Joint Budget Hearings on Appropriations Requests for the 2000-2001 Biennium

Schedule for Joint Budget Hearings (for the period of August 31 to September 11, 1998) on Appropriations Requests for the 2000-2001 Biennium.s

Department of Protective and Regulatory Services Monday, August 31, 1998	9:00 AM	Capitol Extension, E1.010, 14th & Congress Ave.	Austin, Texas
Texas Public Finance Authority Monday, August 31, 1998	10:00 AM	Clements Bldg., Committee Room 5, Fifth Floor 300 West 15th Street	Austin, Texas
Advisory Commission on State Emergency Communications Monday, August 31, 1998	10:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Aircraft Pooling Board Monday, August 31, 1998	2:00 PM	Clements Bldg., Committee Room 5, Fifth Floor 300 West 15th Street	Austin, Texas
State Board for Educator Certification Monday, August 31, 1998	2:00 PM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Sul Ross State University Rio Grande College Tuesday, September 01, 1998	9:00 AM	UTS-Rust Bldg., Suite 600 200 East 10th Street	Austin, Texas
Lamar Institute of Technology Tuesday, September 01, 1998	9:00 AM	UTS-Rust Bldg., Suite 600 200 East 10th Street	Austin, Texas
Sam Houston State University Tuesday, September 01, 1998	9:00 AM	UTS-Rust Bldg., Suite 600 200 East 10th Street	Austin, Texas
Texas State University System Board of Regents Tuesday, September 01, 1998	9:00 AM	UTS-Rust Bldg., Suite 600 200 East 10th Street	Austin, Texas

Schedule for Joint Budget Hearings (for the period of August 31 to September 11, 1998) on Appropriations Requests for the 2000-2001 Biennium.s

Lamar University- Port Arthur Tuesday, September 01, 1998	9:00 AM	UTS-Rust Bldg., Suite 600 200 East 10th Street	Austin, Texas
Lamar University System Tuesday, September 01, 1998	9:00 AM	UTS-Rust Bldg., Suite 600 200 East 10th Street	Austin, Texas
Lamar University-Orange Tuesday, September 01, 1998	9:00 AM	UTS-Rust Bldg., Suite 600 200 East 10th Street	Austin, Texas
Southwest Texas State University Tuesday, September 01, 1998	9:00 AM	UTS-Rust Bldg., Suite 600 200 East 10th Street	Austin, Texas
Angelo State University Tuesday, September 01, 1998	9:00 AM	UTS-Rust Bldg., Suite 600 200 East 10th Street	Austin, Texas
Sul Ross State University Tuesday, September 01, 1998	9:00 AM	UTS-Rust Bldg., Suite 600 200 East 10th Street	Austin, Texas
Lamar University-Beaumont Tuesday, September 01, 1998	9:00 AM	UTS-Rust Bldg., Suite 600 200 East 10th Street	Austin, Texas
Texas Juvenile Probation Commission Tuesday, September 01, 1998	10:00 AM	Capitol Extension, E1.026, 14th & Congress Ave.	Austin, Texas
Texas Department on Aging Tuesday, September 01, 1998	1:00 PM	Capitol Extension, E1.010, 14th & Congress Ave.	Austin, Texas

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Schedule for Joint Budget Hearings (for the period of August 31 to September 11, 1998) on Appropriations Requests for the 2000-2001 Biennium.s

Criminal Justice Policy Council Wednesday, September 02, 1998	10:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Railroad Commission of Texas Wednesday, September 02, 1998	10:00 AM	Capitol Extension, E1.010, 14th & Congress Ave.	Austin, Texas
Finance Commission of Texas Wednesday, September 02, 1998	1:00 PM	Capitol Extension, E1.010, 14th & Congress Ave.	Austin, Texas
Department of Banking Wednesday, September 02, 1998	1:30 PM	Capitol Extension, E1.010, 14th & Congress Ave.	Austin, Texas
Adjutant General's Department Wednesday, September 02, 1998	1:30 PM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Texas Commission on Alcohol & Drug Abuse Wednesday, September 02, 1998	2:00 PM	Capitol Extension, E1.026, 14th & Congress Ave.	Austin, Texas
Texas Military Facilities Commission Wednesday, September 02, 1998	2:30 PM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Texas Savings and Loan Department Wednesday, September 02, 1998	2:30 PM	Capitol Extension, E1.010, 14th & Congress Ave.	Austin, Texas
Office of Consumer Credit Commissioner Wednesday, September 02, 1998	3:30 PM	Capitol Extension, E1.010, 14th & Congress Ave.	Austin, Texas

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Schedule for Joint Budget Hearings (for the period of August 31 to September 11, 1998) on Appropriations Requests for the 2000-2001 Biennium.s

General Land Office and Veterans' Land Board Thursday, September 03, 1998	9:30 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Texas Department of Licensing and Regulation Thursday, September 03, 1998	10:00 AM	Capitol Extension, E1.010, 14th & Congress Ave.	Austin, Texas
Credit Union Department Thursday, September 03, 1998	1:00 PM	Capitol Extension, E1.010, 14th & Congress Ave.	Austin, Texas
Texas Water Development Board Thursday, September 03, 1998	1:30 PM	Capitol Extension, E1.026, 14th & Congress Ave.	Austin, Texas
State Securities Board Thursday, September 03, 1998	2:00 PM	Capitol Extension, E1.010, 14th & Congress Ave.	Austin, Texas
Texas Higher Education Coordinating Board Thursday, September 03, 1998	2:00 PM	Bldg. 1, Suite 1.100 7700 Chevy Chase Dr.	Austin, Texas
Texas Rehabilitation Commission Friday, September 04, 1998	10:00 AM	Brown-Heatley Bldg., 1st Floor Conference Room 4900 North Lamar	Austin, Texas
Department of Human Services Tuesday, September 08, 1998	10:00 AM	Winters Bldg., Room 125E 701 West 15th Street	Austin, Texas
Parks and Wildlife Department Tuesday, September 08, 1998	10:00 AM	Capitol Extension, E1.014 14th & Congress Ave.	Austin, Texas

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Schedule for Joint Budget Hearings (for the period of August 31 to September 11, 1998) on Appropriations Requests for the 2000-2001 Biennium.s

Texas A&M University System-Baylor College of Dentistry Tuesday, September 08, 1998	10:00 AM	TA&M-John B. Connally Bldg., Room 122 301 Tarrow Street	College Station,
Texas Ethics Commission Tuesday, September 08, 1998	10:00 AM	Capitol Extension, E1.010, 14 & Congress Ave.	Austin, Texas
Texas A&M University Health Science Center Tuesday, September 08, 1998	1:00 PM	TA&M-John B. Connally Bldg., Room 122 301 Tarrow Street	College Station,
Texas Department of Economic Development Tuesday, September 08, 1998	2:00 PM	Capitol Extension, E1.010, 14th & Congress Ave.	Austin, Texas
Texas Low-Level Radioactive Waste Disposal Authority Tuesday, September 08, 1998	2:00 PM	Capitol Extension, E1.026, 14th & Congress Ave.	Austin, Texas
Department of Public Safety Tuesday, September 08, 1998	3:00 PM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Texas Agricultural Experiment Station Wednesday, September 09, 1998	9:00 AM	TA&M-John B. Connally Bldg., Room 122 301 Tarrow Street	College Station,
Texas Engineering Extension Service Wednesday, September 09, 1998	9:00 AM	TA&M-John B. Connally Bldg., Room 122 301 Tarrow Street	College Station,
Texas Forest Service Wednesday, September 09, 1998	9:00 AM	TA&M-John B. Connally Bldg., Room 122 301 Tarrow Street	College Station,

Schedule for Joint Budget Hearings (for the period of August 31 to September 11, 1998) on Appropriations Requests for the 2000-2001 Biennium.s

Texas Transportation Institute Wednesday, September 09, 1998	9:00 AM	TA&M-John B. Connally Bldg., Room 122 301 Tarrow Street	College Station,
Texas Veterinary Medical Diagnostic Laboratory Wednesday, September 09, 1998	9:00 AM	TA&M-John B. Connally Bldg., Room 122 301 Tarrow Street	College Station,
Texas Engineering Experiment Station Wednesday, September 09, 1998	9:00 AM	TA&M-John B. Connally Bldg., Room 122 301 Tarrow Street	College Station,
Texas Agricultural Extension Service Wednesday, September 09, 1998	9:00 AM	TA&M-John B. Connally Bldg., Room 122 301 Tarrow Street	College Station,
Texas Wildlife Damage Management Service Wednesday, September 09, 1998	9:00 AM	TA&M-John B. Connally Bldg., Room 122 301 Tarrow Street	College Station,
Texas Natural Resource Conservation Commission Wednesday, September 09, 1998	9:00 AM	@ TNRCC,	Austin, Texas
Commission on Jail Standards Wednesday, September 09, 1998	10:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Texas Real Estate Commission Wednesday, September 09, 1998	10:00 AM	Capitol Extension, E1.010, 14th & Congress Ave.	Austin, Texas
Employees Retirement System Wednesday, September 09, 1998	10:00 AM	Capitol Extension, E1.026, 14th & Congress Ave.	Austin, Texas

8/19/98 8:42:16 AM

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Schedule for Joint Budget Hearings (for the period of August 31 to September 11, 1998) on Appropriations Requests for the 2000-2001 Biennium.s

Texas A&M University at Galveston Thursday, September 10, 1998	9:00 AM	TA&M-John B. Connally Bldg., Room 122 301 Tarrow Street	College Station,
Stephen F. Austin State University Thursday, September 10, 1998	9:00 AM	TA&M-John B. Connally Bldg., Room 122 301 Tarrow Street	College Station,
Texas A&M University System Thursday, September 10, 1998	9:00 AM	TA&M-John B. Connally Bldg., Room 122 301 Tarrow Street	College Station,
Tarleton State University Thursday, September 10, 1998	9:00 AM	TA&M-John B. Connally Bldg., Room 122 301 Tarrow Street	College Station,
Texas Youth Commission Thursday, September 10, 1998	9:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Research & Oversight Council on Worker's Compensation Thursday, September 10, 1998	9:00 AM	Capitol Extension, E1.010, 14th & Congress Ave.	Austin, Texas
Prairie View A&M University Thursday, September 10, 1998	9:00 AM	TA&M-John B. Connally Bldg., Room 122 301 Tarrow Street	College Station,
Texas A&M University Thursday, September 10, 1998	9:00 AM	TA&M-John B. Connally Bldg., Room 122 301 Tarrow Street	College Station,
Mental Health and Mental Retardation Thursday, September 10, 1998	1:00 PM	Capitol Extension, E1.010, 14th & Congress Ave.	Austin, Texas

Schedule for Joint Budget Hearings (for the period of August 31 to September 11, 1998) on Appropriations Requests for the 2000-2001 Biennium.s

Office of the Governor Thursday, September 10, 1998	2:00 PM	Capitol Extension, E1.026, 14th & Congress Ave.	Austin, Texas
Animal Health Commission Thursday, September 10, 1998	2:00 PM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Texas Department of Agriculture Thursday, September 10, 1998	3:00 PM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Sixth District Court of Appeals Friday, September 11, 1998	8:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Eleventh District Court of Appeals Friday, September 11, 1998	8:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Twelfth District Court of Appeals Friday, September 11, 1998	8:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Court of Criminal Appeals Friday, September 11, 1998	8:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Fifth District Court of Appeals Friday, September 11, 1998	8:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Fourteenth District Court of Appeals Friday, September 11, 1998	8:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas

Schedule for Joint Budget Hearings (for the period of August 31 to September 11, 1998) on Appropriations Requests for the 2000-2001 Biennium.s

Supreme Court of Texas Friday, September 11, 1998	8:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Ninth District Court of Appeals Friday, September 11, 1998	8:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Second District Court of Appeals Friday, September 11, 1998	8:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Office of Court Administration Friday, September 11, 1998	8:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Tenth District Court of Appeals Friday, September 11, 1998	8:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Thirteenth District Court of Appeals Friday, September 11, 1998	8:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Fourth District Court of Appeals Friday, September 11, 1998	8:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
First District Court of Appeals Friday, September 11, 1998	8:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Eighth District Court of Appeals Friday, September 11, 1998	8:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas

Schedule for Joint Budget Hearings (for the period of August 31 to September 11, 1998) on Appropriations Requests for the 2000-2001 Biennium.s

Third District Court of Appeals Friday, September 11, 1998	8:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Seventh District Court of Appeals Friday, September 11, 1998	8:00 AM	Capitol Extension, E1.014, 14th & Congress Ave.	Austin, Texas
Texas Worker's Compensation Commission Friday, September 11, 1998	10:00 AM	Capitol Extension, E1.010, 14th & Congress Ave.	Austin, Texas
River Compact Commissions Friday, September 11, 1998	10:00 AM	Capitol Extension, E2.028, 14th & Congress Ave.	Austin, Texas
Texas School for the Blind & Visually Impaired Friday, September 11, 1998	10:00 AM	Capitol Extension, E1.026, 14 & Congress Ave.	Austin, Texas
State Office of Risk Management Friday, September 11, 1998	2:00 PM	Capitol Extension, E1.010, 14th & Congress Ave.	Austin, Texas
Texas School for the Deaf Friday, September 11, 1998	2:00 PM	Capitol Extension, E1.026, 14 & Congress Ave.	Austin, Texas

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8/19/98 8:42:22 AM

Filed: August 19, 1998

TRD-9813151
John Keel
Director
Legislative Budget Board

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Texas Lottery Commission
Correction of Error

The Texas Lottery Commission proposed an amendment to 16 TAC §402.567. The rule appeared in the July 31, 1998, issue of the *Texas Register*, (23 TexReg 7690).

On page 7691, §402.567(i), the subsection should end at the word "existence." The following sentence should be omitted "This proposed amendment to the rules has been reviewed by legal counsel and has been found to be within the Texas Lottery Commission's statutory authority to adopt."

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Texas Natural Resource Conservation Commission

Notice of Opportunity to Comment on Default Orders of Administrative Enforcement Actions

The Texas Natural Resource Conservation Commission (TNRCC or commission) Staff is providing an opportunity for written public comment on the listed Default Orders. The TNRCC Staff proposes Default Orders when the Staff has sent an Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; and the proposed technical requirements necessary to bring the entity back into compliance, and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPR. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the TNRCC pursuant to the Texas Water Code, §7.075, this notice of the proposed orders and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **September 26, 1998**. The TNRCC will consider any written comments received and the TNRCC may withdraw or withhold approval of a Default Order if a comment discloses facts or considerations that indicate that the proposed Default Order is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the TNRCC's jurisdiction, or the TNRCC's orders and permits issued pursuant to the TNRCC's regulatory authority. Additional notice of changes to a proposed Default Order is not required to be published if those changes are made in response to written comments.

A copy of each of the proposed Default Orders is available for public inspection at both the TNRCC's Central Office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable Regional Office listed as follows. Written comments about these Default Orders should be sent to the attorney designated for each Default Order at the TNRCC's Central Office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on September 26, 1998. Written comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The TNRCC attorneys are available to discuss the Default Orders and/or the comment procedure at the listed phone number; however, comments on the Default Orders should be submitted to the TNRCC in **writing**.

(1)COMPANY: Jack Miller; DOCKET NUMBER: 97-0916-AGR-E; ENF ID NUMBER 11664; LOCATION: Burselson, Johnson County, Texas; TYPE OF FACILITY: dairy facility; RULE VIOLATED: 30 TAC §321.31 and Texas Water Code, §26.121 by allowing an unauthorized discharge of wastewater; 30 TAC §321.35(a) by failing to construct adequate facilities to retain waste in several areas at the dairy. Runoff from these areas flowed into an unnamed creek during the inspection; 30 TAC §321.37(b) by failing to contain waste stockpiles. The inspector found uncontained stockpiles near the solids separator. Runoff from these stockpiles flowed into the

adjacent, unnamed creek; PENALTY: \$8,680; STAFF ATTORNEY: John Peeler, Legal-Litigation Division, MC 175, (512) 239-3506; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010, (817) 469-6750.

(2)COMPANY: Robert Webb; DOCKET NUMBER: 96-0266-AGR-E; ENFORCEMENT ID NUMBER: 9556; LOCATION: Riverside Drive and Lemmon Road, Dallas County, Texas; TYPE OF FACILITY: concentrated animal feeding operation; RULES VIOLATED: 30 TAC §§321.33(e), 321.35, and 321.36, and Texas Water Code, §26.121 by failing to locate, construct, and manage waste control facilities to protect surface and ground waters; 30 TAC §321.37 by failing to utilize and dispose of waste by land spreading; PENALTY: \$2,200; STAFF ATTORNEY: Lisa Z. Hernandez, Legal-Litigation Division, MC 175, (512) 239-0612; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

(3)COMPANY: Scrap Tire Recycling, Incorporated; DOCKET NUMBER: 97-0391-MSW-E; TNRCC ID NUMBER: 44096; LOCATION: Houston, Harris County, Texas; TYPE OF FACILITY: scrap tire storage facility; RULE VIOLATED: 30 TAC §330.835(a)(4)(A) by failing to submit an amendment to its registration within 15 days of changing the data reflected in its application for registration. The fire lanes running east/west ranged between 12 and 30 feet rather than the 20 feet sought in the registration application and approved by the commission. Additionally, the number of tire piles in the four rows from the north/east corner of the Facility to the front gate were five, six, seven, and six piles deep. Scrap Tire's registration application approved by the commission provides for the first two rows to be four piles deep and the next two rows to be five piles deep; 30 TAC §330.835(b)(2)(A) by creating a storage pile in excess of 8,000 square feet. The last storage pile in the first row of the north/east corner of the site was in excess of 8,736 square feet in size; 30 TAC §330.835(b)(5) by failing to maintain fire lanes that are a minimum of 20 feet, are all-weather road, and that are free of rubbish, equipment, tires, or other materials. The fire lanes at the Facility with ponded water and were rutted and muddy; PENALTY: \$7,920; STAFF ATTORNEY: Mary Risner, Legal-Litigation Division, MC 175, (512) 239-6224; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

TRD-9813158

Margaret Hoffman

Director, Legal-Environmental Law Division

Texas Natural Resource Conservation Commission

Filed: August 19, 1998

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Notices of Opportunity to Comment on Settlement Agreements of Administrative Enforcement Actions

The Texas Natural Resource Conservation Commission (TNRCC or commission) Staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) pursuant to Texas Water Code (the Code), §7.075, which requires that the TNRCC may not approve these AOs unless the public has been provided an opportunity to submit written comments. Section 7.075 requires that notice of the proposed orders and of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **September 27, 1998**. Section 7.075 also requires that the TNRCC promptly consider any written comments received and that the TNRCC may withhold approval of an AO if a comment discloses facts or considerations that indicate the proposed AO is inappropriate, improper, inadequate, or inconsistent with the requirements of the

Code, the Texas Health and Safety Code (THSC), and/or the Texas Clean Air Act (the Act). Additional notice is not required if changes to an AO are made in response to written comments.

A copy of each of the proposed AOs is available for public inspection at both the TNRCC's Central Office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-1864 and at the applicable Regional Office listed as follows. Written comments about these AOs should be sent to the enforcement coordinator designated for each AO at the TNRCC's Central Office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by **5:00 p.m. on September 27, 1998**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The TNRCC enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, §7.075 provides that comments on the AOs should be submitted to the TNRCC in **writing**.

(1)COMPANY: Adagio, Inc.; DOCKET NUMBER: 98-0156-MWD-E; IDENTIFIER: Permit Number 12406-001; LOCATION: Houston, Harris County, Texas; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: Permit Number 12406-001 and the Code, §26.121, by allowing an unauthorized discharge of wastewater; and 30 TAC §305.503 and §312.9(d), by failing to pay wastewater treatment inspection and water quality assessment fees; PENALTY: \$3,750; ENFORCEMENT COORDINATOR: Craig Carson, (512) 239-2175; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(2)COMPANY: The City of Annona; DOCKET NUMBER: 98-0163-MWD-E; IDENTIFIER: Permit Number 10863-001; LOCATION: Annona, Red River County, Texas; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: Permit Number 10863-001 and the Code, §26.121, by exceeding the permitted daily average limit for total suspended solids; PENALTY: \$2,500; ENFORCEMENT COORDINATOR: Bill Main, (512) 239-4481; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3756, (903) 535-5100.

(3)COMPANY: Continental/Taurus Energy Company, L.P.; DOCKET NUMBER: 98-0324-AIR-E; IDENTIFIER: Account Number FD-0003-I; LOCATION: Hamlin, Fisher County, Texas; TYPE OF FACILITY: natural gas processing plant; RULE VIOLATED: 30 TAC §122.130(a) and the Act, §382.085(b), by failing to submit the initial federal operating permit application by July 25, 1997; and 30 TAC §122.121 and the Act, §382.085(b), by operating affected emission units without a federal operating permit having been issued; PENALTY: \$9,375; ENFORCEMENT COORDINATOR: Rod Weeks, (915) 698-9674; REGIONAL OFFICE: 209 South Danville, Suite B200, Abilene, Texas 79605-1491, (915) 698-9674.

(4)COMPANY: Continental/Taurus Energy Company, L.P.; DOCKET NUMBER: 98-0323-AIR-E; IDENTIFIER: Account Number SH-0015-C; LOCATION: Albany, Shackelford County, Texas; TYPE OF FACILITY: natural gas compressor station; RULE VIOLATED: 30 TAC §122.130(a) and the Act, §382.085(b), by failing to submit the initial federal operating permit application by July 25, 1997; and 30 TAC §122.121 and the Act, §382.085(b), by operating affected emission units without a federal operating permit having been issued; PENALTY: \$9,375; ENFORCEMENT COORDINATOR: Rod Weeks, (915) 698-9674; REGIONAL OFFICE: 209 South Danville, Suite B200, Abilene, Texas 79605-1491, (915) 698-9674.

(5)COMPANY: Del Valle Grain, Inc.; DOCKET NUMBER: 98-0533-AIR-E; IDENTIFIER: Account Number CD-0150-W; LOCATION: La Feria, Cameron County, Texas; TYPE OF FACILITY: grain handling and storage; RULE VIOLATED: 30 TAC §116.110 and the Act, §382.085(b) and §382.0518(a), by failing to renew Permit

Number 9117 for operation of the facility; PENALTY: \$1,000; ENFORCEMENT COORDINATOR: Martin Ramirez, (956) 425-6010; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(6)COMPANY: Electra Resources, Inc.; DOCKET NUMBER: 98-0316-AIR-E; IDENTIFIER: Account Number WI-0016-D; LOCATION: Electra, Wilbarger County, Texas; TYPE OF FACILITY: gas processing plant; RULE VIOLATED: 30 TAC §122.130(a) and the Act, §382.085(b), by failing to submit the initial federal operating permit application by July 25, 1997; and 30 TAC §122.121 and the Act, §382.085(b), by operating affected emission units without a federal operating permit having been issued; PENALTY: \$6,250; ENFORCEMENT COORDINATOR: Connie Basel, (915) 698-9674; REGIONAL OFFICE: 209 South Danville, Suite B200, Abilene, Texas 79605-1491, (915) 698-9674.

(7)COMPANY: E-Z Mart Stores Inc.; DOCKET NUMBER: 98-0265-PST-E; IDENTIFIER: Petroleum Storage Tank Facility Identification Number 0010478; LOCATION: Arlington, Tarrant County, Texas; TYPE OF FACILITY: petroleum storage tank retail; RULE VIOLATED: 30 TAC §115.245(2), by failing to have pressure decay testing conducted annually and in accordance with the test procedures referenced in 30 TAC §115.245(1); PENALTY: \$2,500; ENFORCEMENT COORDINATOR: Doug Reske, (817) 469-6750; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

(8)COMPANY: Mr. Hiram B. Hyde; DOCKET NUMBER: 98-0058-AIR-E; IDENTIFIER: Account Number KF-0055-K; LOCATION: Ingram, Kerr County, Texas; TYPE OF FACILITY: landscaping service; RULE VIOLATED: 30 TAC §111.201 and the Act, §382.085(b), by allowing on-site outdoor burning of vegetative waste; 30 TAC §330.4(a), by allowing the disposal of municipal solid waste without obtaining a permit; and 30 TAC §330.5(a)(1) and the Code, §26.121, by allowing an unauthorized discharge of municipal solid waste; PENALTY: \$6,250; ENFORCEMENT COORDINATOR: Adele Noel, (512) 239-1045; REGIONAL OFFICE: 140 Heimer Road, Suite 360, San Antonio, Texas 78232-5042, (210) 490-3096.

(9)COMPANY: Lafarge Corporation; DOCKET NUMBER: 98-0130-IWD-E; IDENTIFIER: Permit Number 01730; LOCATION: Dallas, Dallas County, Texas; TYPE OF FACILITY: cement plant; RULE VIOLATED: Permit Number 01730 and the Code, §26.121, by failing to comply with the daily maximum total suspended solids limit of 50 milligrams per liter; PENALTY: \$2,500; ENFORCEMENT COORDINATOR: Mike Meyer, (512) 239-4492; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

(10)COMPANY: John Badgerow dba Lakeside RV Resort & Marine; DOCKET NUMBER: 98-0106-PWS-E; IDENTIFIER: Public Water Supply Number 1870060; LOCATION: Onalaska, Polk County, Texas; TYPE OF FACILITY: public drinking water; RULE VIOLATED: 30 TAC §290.46(p)(1), by failing to maintain the interior and exterior surface of the ground storage tank; 30 TAC §290.43(c)(2), (e), and (d)(3), by failing to provide a ground storage tank with a 30-inch diameter access opening, by failing to provide an intruder-resistant fence, and by failing to provide a filter on the compressor injection line; 30 TAC §290.45(c)(1)(B)(iv) and (iii), by failing to provide sufficient pressure tank and service pump capacities; and 30 TAC §290.41(c)(3)(J) and (1)(F), by failing to provide a sealing block that slopes to drain away from the well casing and by failing to provide a sanitary control easement; PENALTY: \$938; ENFORCEMENT COORDINATOR: Gilbert Angelle, (512) 239-4489;

REGIONAL OFFICE: 3870 Eastex Freeway, Suite 110, Beaumont, Texas 77703-1892, (409) 898-3838.

(11)COMPANY: Live Oak County; DOCKET NUMBER: 98-0050-MSW-E; IDENTIFIER: Municipal Solid Waste Transfer Station Facility Number 40002; LOCATION: George West, Live Oak County, Texas; TYPE OF FACILITY: solid waste transfer; RULE VIOLATED: 30 TAC §330.282, by failing to establish and maintain financial assurance; PENALTY: \$5,000; ENFORCEMENT COORDINATOR: John Mead, (512) 239-6010; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, (512) 980-3100.

(12)COMPANY: Masih Corporation; DOCKET NUMBER: 98-0194-PST-E; IDENTIFIER: Petroleum Storage Tank Facility Identification Number 35240; LOCATION: Galveston, Galveston County, Texas; TYPE OF FACILITY: convenience store with retail gasoline sales; RULE VIOLATED: 30 TAC §115.246, by failing to maintain recordkeeping for the Stage II vapor recovery system; PENALTY: \$1,600; ENFORCEMENT COORDINATOR: Tim Haase, (512) 239-6007; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(13)COMPANY: Jerry Vallade dba NuVal Machine Company; DOCKET NUMBER: 98-0134-AIR-E; IDENTIFIER: Account Number HX-1631-V; LOCATION: Houston, Harris County, Texas; TYPE OF FACILITY: fiberglass parts molding and fabrication plant; RULE VIOLATED: 30 TAC §116.115(a), §106.392(1) and (3), and the Act, §382.085(b), by failing to submit Form PI-7 to register the plant prior to construction and by failing to comply with all the conditions of exemption from permitting; PENALTY: \$1,600; ENFORCEMENT COORDINATOR: Miriam Hall, (512) 239-1044; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(14)COMPANY: Occidental Chemical Corporation; DOCKET NUMBER: 98-0296-AIR-E; IDENTIFIER: Account Number HG-1451-S; LOCATION: Pasadena, Harris County, Texas; TYPE OF FACILITY: polyvinyl chloride manufacturing plant; RULE VIOLATED: 30 TAC §116.115(a), §101.20(2), 40 Code of Federal Regulations §61.64(a)(2), Permit Number 18384, and the Act, §382.085(b), by failing to prevent the release of 2,800 pounds of vinyl chloride monomer to the atmosphere; PENALTY: \$10,000; ENFORCEMENT COORDINATOR: Atiq Sediqi, (713) 767-3763; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(15)COMPANY: Redman Homes, Incorporated; DOCKET NUMBER: 98-0094-AIR-E; IDENTIFIER: Account Number JH-0092-W; LOCATION: Burleson, Johnson County, Texas; TYPE OF FACILITY: mobile home fabrication plant; RULE VIOLATED: 30 TAC §116.110(a) and the THSC, §382.0518(a) and §382.085(b), by failing to obtain a permit prior to the construction of a new addition to the existing facility to house an additional mobile home production assembly line; PENALTY: \$7,200; ENFORCEMENT COORDINATOR: Suzanne Walrath, (512) 239-2134; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

(16)COMPANY: Ryder Transportation Services; DOCKET NUMBER: 98-0159-AIR-E; IDENTIFIER: Account Number EE-1046-M; LOCATION: El Paso, El Paso County, Texas; TYPE OF FACILITY: vehicle rental store; RULE VIOLATED: 30 TAC §115.252(1) and the Act, §382.085(b), by placing, storing, or holding in any stationary tank, reservoir, or other container any gasoline which may ultimately be used in a motor vehicle in the El Paso area with a Reid Vapor Pressure greater than 7.0 pounds per square inch absolute; PENALTY: \$2,500; ENFORCEMENT COORDINATOR: Stacey Young, (512)

239-1899; REGIONAL OFFICE: 7500 Viscount Boulevard, Suite 147, El Paso, Texas 79925-5633, (915) 778-9634.

(17)COMPANY: Mr. Garrett Scales; DOCKET NUMBER: 97-0434-LII-E; IDENTIFIER: Enforcement Identification Number 12111; LOCATION: Houston, Harris County, Texas; TYPE OF FACILITY: landscape irrigation; RULE VIOLATED: The Code, §34.007(a), by failing to obtain a valid certificate of registration as a licensed irrigator in order to legally install landscape irrigation systems; PENALTY: \$2,000; ENFORCEMENT COORDINATOR: Karen Berryman, (512) 239-2172; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(18)COMPANY: Richard Hetzel dba The Zephyr Store; DOCKET NUMBER: 98-0047-PST-E; IDENTIFIER: Petroleum Storage Tank Facility Identification Number 70138; LOCATION: Zephyr, Brown County, Texas; TYPE OF FACILITY: antique store; RULE VIOLATED: 30 TAC §334.55(a)(3), by failing to have tanks removed by qualified personnel possessing required license or certification; 30 TAC §334.55(a)(5) and (b)(5)(C)(i), by failing to provide safe and environmentally sound removal of regulated substances; and 30 TAC §334.55(a)(6) and (e), by failing to conduct a site assessment to determine if a release of stored regulated substance has occurred from the system; PENALTY: \$1,000; ENFORCEMENT COORDINATOR: J. Mac Vilas, (512) 239-2557; REGIONAL OFFICE: 209 South Danville, Suite B200, Abilene, Texas 79605-1491, (915) 698-9674.

TRD-9813077

Margaret Hoffman

Director, Legal-Environmental Law Division

Texas Natural Resource Conservation Commission

Filed: August 18, 1998



The Texas Natural Resource Conservation Commission (TNRCC) Staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) pursuant to the Texas Water Code, §7.075. Section 7.075 requires that before the TNRCC may approve the AOs, the TNRCC shall allow the public an opportunity to submit written comments on the proposed AOs. Section 7.075 requires that notice of the opportunity to comment must be published in the *Texas Register* not later than the 30th day before the date on which the public comment period closes, which in this case is **September 26, 1998**. Section 7.075 also requires that the TNRCC promptly consider any written comments received and that the TNRCC may withdraw or hold approval of an AOs if a comment discloses facts or considerations that the consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the TNRCC's Orders and permits issued pursuant to the TNRCC's regulatory authority. Additional notice of changes to a proposed AOs is not required to be published if those changes are made in response to written comments.

A copy of each of the proposed AOs is available for public inspection at both the TNRCC's Central Office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable Regional Office listed as follows. Written comments about the AOs should be sent to the attorney designated for the AOs at the TNRCC's Central Office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on September 26, 1998**. Written comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The TNRCC attorney is available to discuss the AOs and/or the comment procedure at the listed phone number; however, §7.075 provides that comments on the AOs should be submitted to the TNRCC in **writing**.

(1)COMPANY: D and D International Incorporated; DOCKET NUMBER: 97-1011-PST-E; TNRCC ID NUMBER: 35350; LOCATION: Houston, Harris County, Texas; TYPE OF FACILITY: retail gasoline dispensing facility; RULES VIOLATED: 30 TAC §115.241 and Texas Health and Safety Code, §382.085(b), by failing to install an approved Stage II vapor recovery system which is certified to reduce the emissions of volatile organic compounds to the atmosphere by 95%; PENALTY: \$18,750; STAFF ATTORNEY: Ali Abazari, Legal-Litigation Division, MC 175, (512) 239-5915; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(2)COMPANY: Calvin Pareo dba Pareo Dairy; DOCKET NUMBER: 97-0902-AGR-E; TNRCC NUMBER 11708; LOCATION: Dublin, Erath County, Texas; TYPE OF FACILITY: dairy feedlot facility; RULES VIOLATED: 30 TAC §321.31 and Texas Water Code, §26.121 by allowing unauthorized discharges into or adjacent to the waters in the State; 30 TAC § 321.35 by failing to provide adequate facilities to prevent feedlot runoff; 30 TAC §238.48 by failing to properly cap an abandoned well near the Facility fence line; PENALTY: \$19,180; STAFF ATTORNEY: Kathy Keils, Legal-Litigation Division, MC 175, (512) 239-0678; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

TRD-9813154
Margaret Hoffman
Director, Legal-Environmental Law Division
Texas Natural Resource Conservation Commission
Filed: August 19, 1998



Public Notices

The executive director of the Texas Natural Resource Conservation Commission (TNRCC) by this notice is issuing a public notice of deletion (delisting) of a facility from the state registry (state Superfund registry) of sites which may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment.

The site which has been deleted is the Aztec Mercury state Superfund site which was originally placed on the state Superfund registry in the October 16, 1987, issue of the *Texas Register* (12 TexReg 3538). The site is in Alvin, Brazoria County, Texas, at 970 Callaway Drive. The property is approximately 3.5 acres in size. Several buildings are on the property, including the property owner's residence, a former mercury distillation building, a covered work and storage area, and various other storage buildings. Drainage ditches are immediately north and east of the property. The surrounding area is residential.

As a result of a removal action of soil and sediment which contained mercury, and the additional groundwater investigation, the executive director has determined that this site no longer presents an imminent and substantial endangerment to public health and safety or the environment.

This notice is issued to finalize the deletion process which began on July 3, 1998, when the executive director of the TNRCC issued a public notice in the *Texas Register* (23 TexReg 7135-7136) of TNRCC's intent to delete the Aztec Mercury site from the state Superfund registry, following the determination made pursuant to 30 TAC §335.344(c), that the site does not present an imminent and substantial endangerment to public health and safety or the environment. The notice (23 TexReg 7135-7136) further indicated

that the TNRCC shall hold a public meeting, as required by 30 TAC §335.344(b), if a written request is filed with the executive director of the TNRCC within 30 days, challenging the determination by the executive director made pursuant to 30 TAC §335.344(c). Equivalent publication of the notice (23 TexReg 7135-7136) was also published in the July 6, 1998 edition of the *Alvin Sun*.

The TNRCC did not receive a request for a public meeting from the potentially responsible parties or any interested persons during the request period (within 30 days of publication of notice); therefore, the Aztec Mercury site is hereby deleted from the Texas state Superfund registry. All inquiries regarding the deletion of this site should be directed to Barbara Daywood, TNRCC Community Relations, 1-800-633-9363 (within Texas only) or 512-239-2463.

TRD-9813169
Margaret Hoffman
Director, Environmental Law Division
Texas Natural Resource Conservation Commission
Filed: August 19, 1998



The executive director of the Texas Natural Resource Conservation Commission (TNRCC) by this notice is issuing a public notice of deletion (delisting) of a facility from the state registry (state Superfund registry) of sites which may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment.

The site which has been deleted is the Hi-Yield state Superfund site which was originally placed on the state Superfund registry in the September 21, 1993, issue of the *Texas Register* (18 TexReg 6486-6487). This site is located in northeast Texas in and near the Norris community of Commerce, Hunt County, Texas. It lies in the vicinity of Ross, Sycamore and Johnson Streets.

As a result of the study and the removal of soils containing arsenic and pesticides conducted regarding this site, the executive director has determined that this site no longer presents an imminent and substantial endangerment to public health and safety or the environment.

This notice is issued to finalize the deletion process which began on July 3, 1998, when the executive director of the TNRCC issued a public notice in the *Texas Register* (23 TexReg 7136-7137) of TNRCC's intent to delete the Hi-Yield site from the state Superfund registry, following the determination made pursuant to 30 TAC §335.344(c), that the site does not present an imminent and substantial endangerment to public health and safety or the environment. The notice (23 TexReg 7136-7137) further indicated that the TNRCC shall hold a public meeting, as required by 30 TAC §335.344(b), if a written request is filed with the executive director of the TNRCC within 30 days, challenging the determination by the executive director made pursuant to 30 TAC §335.344(c). Equivalent publication of the notice (23 TexReg 7136-7137) was also published in the July 1, 1998 edition of the *Commerce Journal*.

The TNRCC did not receive a request for a public meeting from the potentially responsible parties or any interested persons during the request period (within 30 days of publication of notice); therefore, the Hi-Yield site is hereby deleted from the Texas state Superfund registry. All inquiries regarding the deletion of this site should be directed to Barbara Daywood, TNRCC Community Relations, 1-800-633-9363 (within Texas only) or 512-239-2463.

TRD-9813170

Margaret Hoffman
Director, Environmental Law Division
Texas Natural Resource Conservation Commission
Filed: August 19, 1998



The executive director of the Texas Natural Resource Conservation Commission (TNRCC) by this notice is issuing a public notice of deletion (delisting) of a facility from the state registry (state Superfund registry) of sites which may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment.

The site which has been deleted is the Wortham Lead Salvage state Superfund site which was originally placed on the state Superfund registry in the January 16, 1987, issue of the *Texas Register* (12 TexReg 205). The site is located on the northeast corner of U. S. Highway 175 and County Road 2938 in the northwest portion of Henderson County, Texas, and is midway between Eustace and Mabank, Texas approximately 100 miles southeast of Dallas. In addition, the site includes any areas outside the site property boundary where hazardous substance(s) came to be located as a result, either directly or indirectly, of releases of hazardous substances(s) from the site property. The site is currently a vacant lot enclosed by a chain link fence with a locked gate.

The site was remediated pursuant to the terms of the Removal Action Scoping Document and in accordance with the Work Plan agreed to by the executive director, and was investigated pursuant to such study as approved by the executive director.

This notice is issued to finalize the deletion process which began on July 3, 1998, when the executive director of the TNRCC issued a public notice in the *Texas Register* (23 TexReg 7137-7138) of TNRCC's intent to delete the Wortham Lead Salvage site from the state Superfund registry, following the determination made pursuant to 30 TAC §335.344(c), that the site does not present an imminent and substantial endangerment to public health and safety or the environment. The notice (23 TexReg 7137-7138) further indicated that the TNRCC shall hold a public meeting, as required by 30 TAC §335.344(b), if a written request is filed with the executive director of the TNRCC within 30 days, challenging the determination by the executive director made pursuant to 30 TAC §335.344(c). Equivalent publication of the notice (23 TexReg 7137-7138) was also published in the July 3, 1998 edition of the *Athens Daily Review*.

The TNRCC did not receive a request for a public meeting from the potentially responsible parties or any interested persons during the request period (within 30 days of publication of notice); therefore, the Wortham Lead Salvage site is hereby deleted from the Texas state Superfund registry. In accordance with §361.188(d) of the Health and Safety Code, a notice was filed in the real property records of Henderson County, Texas stating that the Wortham Lead Salvage state Superfund site has been deleted from the state Superfund registry.

All inquiries regarding the deletion of this site should be directed to Barbara Daywood, TNRCC Community Relations, 1-800-633-9363 (within Texas only) or 512-239-2463.

TRD-9813171
Margaret Hoffman
Director, Environmental Law Division
Texas Natural Resource Conservation Commission
Filed: August 19, 1998



Texas Optometry Board

Correction of Error

The Texas Optometry Board adopted an amendment to 22 TAC §§271.1, 271.2, and 271.3. The rules appeared in the July 31, 1998, issue of the *Texas Register*, (23 TexReg 7561).

The agency name and liaison has been listed incorrectly. Shown on the printing is Dr. George W. Latimer, Jr., Assistant to the Associate Vice Chancellor of Agriculture, Office of the Texas State Chemist/Texas Feed and Fertilizer Control Service, rather than Lois Ewald, Executive Director of the Texas Optometry Board.



Public Utility Commission of Texas

Applications To Introduce New or Modified Rates or Terms Pursuant To P.U.C. Substantive Rule §23.25

Notice is given to the public of an application filed with the Public Utility Commission of Texas on August 14, 1998 to introduce new or modified rates or terms pursuant to P.U.C. Substantive Rule §23.25, *Procedures Applicable to Chapter 58-Electing Incumbent Local Exchange Companies (ILECs)*.

Tariff Title and Number: Application of Southwestern Bell Telephone Company Notification to Introduce a New Optional Service Called Integrated Pathway Pursuant to Substantive Rule §23.25. Tariff Control Number 19756.

The Application: SWBT filed an application to introduce an optional service called Integrated Pathway. Integrated Pathway is a channeled HICAP service which provides up to 24 channels to which various products can be connected. The customer will be able to integrate their voice and data services on the same DS1 facility.

Persons who wish to intervene in this proceeding should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas 78711-3326, or call the commission's Office of Customer Protection at (512)936-7120 by September 2, 1998. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

TRD-9813134
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 18, 1998



Notice is given to the public of an application filed with the Public Utility Commission of Texas on August 14, 1998 to introduce new or modified rates or terms pursuant to P.U.C. Substantive Rule §23.25, *Procedures Applicable to Chapter 58-Electing Incumbent Local Exchange Companies (ILECs)*.

Tariff Title and Number: Notification of Southwestern Bell Telephone Company to Withdraw Discretionary Service, Voice Dial Service, Pursuant to Substantive Rule §23.25. Tariff Control Number 19758.

The Application: SWBT filed a notification that it is withdrawing a discretionary service called Voice Dial Service. Voice Dial is a discretionary voice recognition service that allows residence and business customers to originate a telephone call by speaking the name/phrase of the person or place they wish to call. SWBT is withdrawing Voice Dial service without grandfathering existing customer due to the high costs associated with ongoing vendor right to use fees and

maintenance, as well as the need for additional programming which would be required to make Voice Dial compatible with Local Number Portability and Year 2000. SWBT requests the withdrawal of Voice Dial service to be effective October 1, 1998.

Persons who wish to intervene in this proceeding should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas 78711-3326, or call the commission's Office of Customer Protection at (512) 936-7120 by September 3, 1998. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

TRD-9813135
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 18, 1998

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Notice is given to the public of an application filed with the Public Utility Commission of Texas on August 7, 1998 to introduce new or modified rates or terms pursuant to P.U.C. Substantive Rule §23.25, Procedures Applicable to Chapter 58-Electing Incumbent Local Exchange Companies (ILECs).

Tariff Title and Number: Southwestern Bell Telephone Company (SWBT) Notification of Rate Changes to Re-Establish Competitive Pricing and Terms for MegaLink Service Pursuant to P.U.C. Substantive Rule §23.25. Tariff Control Number 19714.

The Application: SWBT filed an application to adjust prices and terms for MegaLink Service. MegaLink Service is properly classified as a Basket III competitive service. It was approved as a new service by the commission effective January 9, 1992 in Tariff Control Number 10784. SWBT is revising its tariff to: revise and reprice Term Pricing Plans with both increased and reduced rates, reduced early termination charges, and an additional 2-year option; change service name from MegaLink I - Standard Digital service to MegaLink Digital Service; add a service guarantee; add the 64 kbps transmission speed option; add the 19.2 kbps option to multi-station arrangements; introduce customer specific pricing with volume discounts; and raise non-recurring rates for Local Distribution Channels.

Persons who wish to intervene in this proceeding should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas 78711-3326, or call the commission's Office of Customer Protection at (512) 936-7120 by September 3, 1998. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

TRD-9812852
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 13, 1998

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Notice is given to the public of an application filed with the Public Utility Commission of Texas on August 7, 1998 to introduce new or modified rates or terms pursuant to P.U.C. Substantive Rule §23.25, Procedures Applicable to Chapter 58-Electing Incumbent Local Exchange Companies (ILECs).

Tariff Title and Number: Southwestern Bell Telephone Company Notification to Institute Promotional Rates for Residence and Business Customers in Texas, Who Subscribe to Caller ID- Name and/or Num-

ber and Anonymous Call Rejection Services Pursuant to Substantive Rule §23.25. Tariff Control Number 19716.

The Application: SWBT filed an application to institute promotional rates for residence and business customers in Texas, who subscribe to Caller ID-Name and/or Number Services between September 1, 1998 and October 31, 1998. SWBT is also instituting promotional rates for residence customers who subscribe to Anonymous Call Rejection Service during this same period. During the promotional period, new subscribers of Caller ID-Name and/or Number will receive a waiver of installation charges and a credit equal to one month of the monthly recurring rate. Also during the promotional period, new residence subscribers of Anonymous Call Rejection will receive a credit equal to one month of the monthly recurring rate (a \$0.50 value when purchased with Caller ID or \$1.00 if it is purchased as a stand-alone product).

Persons who wish to intervene in this proceeding should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas 78711-3326, or call the commission's Office of Customer Protection at (512) 936-7120 by September 3, 1998. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

TRD-9812853
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 13, 1998

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Correction of Error

The Public Utility Commission of Texas submitted Applications to Introduce New or Modified Rates or Terms. The applications appeared in the July 31, 1998, issue of the *Texas Register*, (23 TexReg 7928).

On page 7928, the second and third paragraphs, the name "MaxiMizeremph: type-name="supe"TM" should read "MaxiMizer™"

◆ ◆ ◆

Notice of Application for Amendment To Service Provider Certificate of Operating Authority

On August 14, 1998, Tech Telephone Company, Ltd., filed an application with the Public Utility Commission of Texas (PUC) to amend its service provider certificate of operating authority (SPCOA) granted in SPCOA Certificate Number 60176. Applicant intends to expand its geographic area to include those areas in Texas currently served by Southwestern Bell Telephone Company and GTE Southwest, Inc., in the exchanges of Brownfield, Idalou, Levelland, Littlefield, Shallowater and Wolfforth.

The Application: Application of Tech Telephone Company, Ltd., for an Amendment to its Service Provider Certificate of Operating Authority, Docket Number 19681.

Persons with questions about this docket, or who wish to intervene or otherwise participate in these proceedings should make appropriate filings or comments to the commission at the Public Utility Commission of Texas, at PO Box 13326, Austin, Texas 78711-3326 no later than September 2, 1998. You may contact the PUC Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission

at (512) 936-7136. All correspondence should refer to Docket Number 19681.

TRD-9813136
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 18, 1998

◆ ◆ ◆
Notices of Application for Approval of Intralata Equal Access Implementation Plan Pursuant To P.U.C. Substantive Rule §23.103

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) an application on August 10, 1998, pursuant to P.U.C. Substantive Rule §23.103 for approval of an intraLATA equal access implementation plan.

Project Number: Application of Community Telephone Company, Inc. for Approval of IntraLATA Equal Access Implementation Plan Pursuant to P.U.C. Substantive Rule §23.103. Project Number 19720.

The Application: Community Telephone Company, Inc.'s intraLATA equal access implementation plan will adopt a two-PIC methodology which will allow a telephone subscriber to select one primary interexchange carrier (PIC) for all 1+ and 0+ interLATA toll calls and either the same carrier or a different carrier for all 1+ and 0+ intraLATA toll calls. The company proposes an implementation date of January 1, 1999.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or call the Public Utility Commission Office of Customer Protection at (512) 936-7120 on or before September 8, 1998. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All comments should reference Project Number 19720.

TRD-9813137
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 18, 1998

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Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) an application on August 10, 1998, pursuant to P.U.C. Substantive Rule §23.103 for approval of an intraLATA equal access implementation plan.

Project Number: Application of ETEX Telephone Cooperative, Inc. for Approval of IntraLATA Equal Access Implementation Plan Pursuant to P.U.C. Substantive Rule §23.103. Project Number 19721.

The Application: ETEX Telephone Cooperative, Inc.'s intraLATA equal access implementation plan will adopt a two-PIC methodology which will allow a telephone subscriber to select one primary interexchange carrier (PIC) for all 1+ and 0+ interLATA toll calls and either the same carrier or a different carrier for all 1+ and 0+ intraLATA toll calls. The company proposes an implementation date of January 1, 1999.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or call the Public Utility Commission Office of Customer Protection at (512) 936-7120 on or before

September 8, 1998. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All comments should reference Project Number 19721.

TRD-9813138
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 18, 1998

◆ ◆ ◆
Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) an application on August 10, 1998, pursuant to P.U.C. Substantive Rule §23.103 for approval of an intraLATA equal access implementation plan.

Project Number: Application of Hill Country Telephone Cooperative, Inc. for Approval of IntraLATA Equal Access Implementation Plan Pursuant to P.U.C. Substantive Rule §23.103. Project Number 19722.

The Application: Hill Country Telephone Cooperative, Inc.'s intraLATA equal access implementation plan will adopt a two-PIC methodology which will allow a telephone subscriber to select one primary interexchange carrier (PIC) for all 1+ and 0+ interLATA toll calls and either the same carrier or a different carrier for all 1+ and 0+ intraLATA toll calls. The company proposes an implementation date of January 1, 1999.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or call the Public Utility Commission Office of Customer Protection at (512) 936-7120 on or before September 8, 1998. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All comments should reference Project Number 19722.

TRD-9813139
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 18, 1998

◆ ◆ ◆
Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) an application on August 10, 1998, pursuant to P.U.C. Substantive Rule §23.103 for approval of an intraLATA equal access implementation plan.

Project Number: Application of Industry Telephone Company, Inc. for Approval of IntraLATA Equal Access Implementation Plan Pursuant to P.U.C. Substantive Rule §23.103. Project Number 19723.

The Application: Industry Telephone Company, Inc.'s intraLATA equal access implementation plan will adopt a two-PIC methodology which will allow a telephone subscriber to select one primary interexchange carrier (PIC) for all 1+ and 0+ interLATA toll calls and either the same carrier or a different carrier for all 1+ and 0+ intraLATA toll calls. The company proposes an implementation date of January 1, 1999.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or call the Public Utility Commission Office of Customer Protection at (512) 936-7120 on or before September 8, 1998. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All comments should reference Project Number 19723.

TRD-9813140
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 18, 1998

◆ ◆ ◆
Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) an application on August 10, 1998, pursuant to P.U.C. Substantive Rule §23.103 for approval of an intraLATA equal access implementation plan.

Project Number: Application of Taylor Telephone Cooperative, Inc. for Approval of IntraLATA Equal Access Implementation Plan Pursuant to P.U.C. Substantive Rule §23.103. Project Number 19724.

The Application: Taylor Telephone Cooperative, Inc.'s intraLATA equal access implementation plan will adopt a two-PIC methodology which will allow a telephone subscriber to select one primary interexchange carrier (PIC) for all 1+ and 0+ interLATA toll calls and either the same carrier or a different carrier for all 1+ and 0+ intraLATA toll calls. The company proposes an implementation date of January 1, 1999.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or call the Public Utility Commission Office of Customer Protection at (512) 936-7120 on or before September 8, 1998. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All comments should reference Project Number 19724.

TRD-9813141
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 18, 1998

◆ ◆ ◆
Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) an application on August 11, 1998, pursuant to P.U.C. Substantive Rule §23.103 for approval of an intraLATA equal access implementation plan.

Project Number: Application of Coleman County Telephone Cooperative, Inc. for Approval of IntraLATA Equal Access Implementation Plan Pursuant to P.U.C. Substantive Rule §23.103. Project Number 19732.

The Application: Coleman County Telephone Cooperative, Inc.'s intraLATA equal access implementation plan will adopt a two-PIC methodology which will allow a telephone subscriber to select one primary interexchange carrier (PIC) for all 1+ and 0+ interLATA toll calls and either the same carrier or a different carrier for all 1+ and 0+ intraLATA toll calls. The company proposes an implementation date of January 1, 1999.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or call the Public Utility Commission Office of Customer Protection at (512) 936-7120 on or before September 8, 1998. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All comments should reference Project Number 19732.

TRD-9813142
Rhonda Dempsey

Rules Coordinator
Public Utility Commission of Texas
Filed: August 18, 1998

◆ ◆ ◆
Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) an application on August 11, 1998, pursuant to P.U.C. Substantive Rule §23.103 for approval of an intraLATA equal access implementation plan.

Project Number: Application of Border to Border Communications, Inc. for Approval of IntraLATA Equal Access Implementation Plan Pursuant to P.U.C. Substantive Rule §23.103. Project Number 19733.

The Application: Border to Border Communications, Inc.'s intraLATA equal access implementation plan will adopt a two-PIC methodology which will allow a telephone subscriber to select one primary interexchange carrier (PIC) for all 1+ and 0+ interLATA toll calls and either the same carrier or a different carrier for all 1+ and 0+ intraLATA toll calls. The company proposes an implementation date of January 1, 1999.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or call the Public Utility Commission Office of Customer Protection at (512) 936-7120 on or before September 8, 1998. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All comments should reference Project Number 19733.

TRD-9813143
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 18, 1998

◆ ◆ ◆
Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) an application on August 11, 1998, pursuant to P.U.C. Substantive Rule §23.103 for approval of an intraLATA equal access implementation plan.

Project Number: Application of Poka Lambro Telephone Company, Inc. for Approval of IntraLATA Equal Access Implementation Plan Pursuant to P.U.C. Substantive Rule §23.103. Project Number 19734.

The Application: Poka Lambro Telephone Company, Inc.'s intraLATA equal access implementation plan will adopt a two-PIC methodology which will allow a telephone subscriber to select one primary interexchange carrier (PIC) for all 1+ and 0+ interLATA toll calls and either the same carrier or a different carrier for all 1+ and 0+ intraLATA toll calls. The company proposes an implementation date of January 1, 1999.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or call the Public Utility Commission Office of Customer Protection at (512) 936-7120 on or before September 8, 1998. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All comments should reference Project Number 19734.

TRD-9813144
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 18, 1998

◆ ◆ ◆
Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) an application on August 6, 1998, pursuant to P.U.C. Substantive Rule §23.103 for approval of an intraLATA equal access implementation plan.

Project Number: Application of Kerrville Telephone Company, Inc. for Approval of IntraLATA Equal Access Implementation Plan Pursuant to P.U.C. Substantive Rule §23.103. Project Number 19706.

The Application: Kerrville Telephone Company, Inc.'s intraLATA equal access implementation plan will adopt a two-PIC methodology which will allow a telephone subscriber to select one primary interexchange carrier (PIC) for all 1+ and 0+ interLATA toll calls and either the same carrier or a different carrier for all 1+ and 0+ intraLATA toll calls. The company proposes an implementation date of February 2, 1999.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or call the Public Utility Commission Office of Customer Protection at (512) 936-7120 on or before September 8, 1998. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All comments should reference Project Number 19706.

TRD-9813146
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 18, 1998

◆ ◆ ◆
Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) an application on August 7, 1998, pursuant to P.U.C. Substantive Rule §23.103 for approval of an intraLATA equal access implementation plan.

Project Number: Application of Cameron Telephone Company-Texas for Approval of IntraLATA Equal Access Implementation Plan Pursuant to P.U.C. Substantive Rule §23.103. Project Number 19711.

The Application: Cameron Telephone Company-Texas 's intraLATA equal access implementation plan will adopt a two-PIC methodology which will allow a telephone subscriber to select one primary interexchange carrier (PIC) for all 1+ and 0+ interLATA toll calls and either the same carrier or a different carrier for all 1+ and 0+ intraLATA toll calls. The company proposes an implementation date of January 1, 1999.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or call the Public Utility Commission Office of Customer Protection at (512) 936-7120 on or before September 8, 1998. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All comments should reference Project Number 19711.

TRD-9813145
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 18, 1998

◆ ◆ ◆
Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) an application on August 5,

1998, pursuant to P.U.C. Substantive Rule §23.103 for approval of an intraLATA equal access implementation plan.

Project Number: Application of Guadalupe Valley Telephone Cooperative, Inc. for Approval of IntraLATA Equal Access Implementation Plan Pursuant to P.U.C. Substantive Rule §23.103. Project Number 19700.

The Application: Guadalupe Valley Telephone Cooperative, Inc.'s intraLATA equal access implementation plan will adopt a two-PIC methodology which will allow a telephone subscriber to select one primary interexchange carrier (PIC) for all 1+ and 0+ interLATA toll calls and either the same carrier or a different carrier for all 1+ and 0+ intraLATA toll calls. The company proposes an implementation date of February 8, 1999.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or call the Public Utility Commission Office of Customer Protection at (512) 936-7120 on or before September 8, 1998. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All comments should reference Project Number 19700.

TRD-9813147
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 18, 1998

◆ ◆ ◆
Notice of Application for Service Provider Certificate of Operating Authority

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on August 11, 1998, for a service provider certificate of operating authority (SPCOA), pursuant to §§54.154 - 54.159 of the Public Utility Regulatory Act (PURA). A summary of the application follows.

Docket Title and Number: Application of PhoneSense, Inc., for a Service Provider Certificate of Operating Authority, Docket Number 19728 before the Public Utility Commission of Texas.

Applicant intends to resell all services which are available from the incumbent local exchange carriers.

Applicant's requested SPCOA geographic area includes the geographic areas of Texas currently served by Southwestern Bell Telephone Company, GTE Southwest, Inc., Texas Alltel, Inc., Lufkin-Conroe Telephone Exchange, United Telephone Company of Texas, Inc., (United- Sprint), and Fort Bend Telephone Company.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at P.O. Box 13326, Austin, Texas 78711-3326, or call the commission's Office of Customer Protection at (512) 936-7120 no later than September 2, 1998. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

TRD-9812869
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 13, 1998

Notices of Intent to File Pursuant to P.U.C. Substantive Rule §23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to P.U.C. Substantive Rule §23.27 for a new PLEXAR-Custom service for Huntsville Independent School District (ISD) in Huntsville, Texas.

Tariff Title and Number: Southwestern Bell Telephone Company Notice of Intent to File a new PLEXAR-Custom service for Huntsville ISD in Huntsville, Texas Pursuant to P.U.C. Substantive Rule §23.27. Tariff Control Number 19755.

The Application: Southwestern Bell Telephone Company is requesting approval for a new PLEXAR-Custom service for Huntsville ISD in Huntsville, Texas. PLEXAR-Custom service is a central office-based PBX-type serving arrangement designed to meet the specific needs of customers who have communication system requirements of 75 or more station lines. The designated exchange for this service is the Huntsville exchange, and the geographic market for this specific PLEXAR-Custom service is the Houston LATA.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas 78711-3326, or call the commission's Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

TRD-9813061
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 17, 1998



Notice is given to the public of the intent to file with the Public Utility Commission of Texas, on or after August 15, 1998, an application for approval of promotional rates, pursuant to P.U.C. Substantive Rule §23.28.

Tariff Title and Number: Application of CenturyTel of San Marcos, Inc. for Approval of Promotional Waiver Request Pursuant to P.U.C. Substantive Rule §23.28. Tariff Control Number 19704.

The Application: CenturyTel of San Marcos, Inc. seeks approval to waive service connection charges on custom calling features, advanced calling services, voice mail, and touch tone for the 60 day period September 15, 1998 through November 15, 1998.

Persons with questions about this docket or who wish to comment on the application should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, PO Box 13326, Austin, Texas 78711-3326. You may call the Public Utility Commission Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Tariff Control Number 19704.

TRD-9813131
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 18, 1998



Notice is given to the public of the intent to file with the Public Utility Commission of Texas, on or after August 15, 1998, an application

for approval of promotional rates, pursuant to P.U.C. Substantive Rule §23.28.

Tariff Title and Number: Application of CenturyTel of Northwest Louisiana, Inc. for Approval of Promotional Waiver Request Pursuant to P.U.C. Substantive Rule §23.28. Tariff Control Number 19703.

The Application: CenturyTel of Northwest Louisiana, Inc. (Vivian, Texas exclusively) seeks approval to waive service connection charges on custom calling features, advanced calling services, voice mail, and touch tone for the 60 day period September 15, 1998 through November 15, 1998. Customers who request voice mail during the promotion would not have to pay the service order charge and the central office line connection charge.

Persons with questions about this docket or who wish to comment on the application should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, P. O. Box 13326, Austin, Texas 78711-3326. You may call the Public Utility Commission Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Tariff Control Number 19703.

TRD-9813132
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 18, 1998



Notice is given to the public of the intent to file with the Public Utility Commission of Texas, on or after August 15, 1998, an application for approval of promotional rates, pursuant to P.U.C. Substantive Rule §23.28.

Tariff Title and Number: Application of CenturyTel of Lake Dallas, Inc. for Approval of Promotional Waiver Request Pursuant to P.U.C. Substantive Rule §23.28. Tariff Control Number 19702.

The Application: CenturyTel of Lake Dallas, Inc. seeks approval to waive service connection charges on custom calling features, advanced calling services, voice mail, and touch tone for the 60 day period September 15, 1998 through November 15, 1998.

Persons with questions about this docket or who wish to comment on the application should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, P. O. Box 13326, Austin, Texas 78711-3326. You may call the Public Utility Commission Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Tariff Control Number 19702.

TRD-9813133
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 18, 1998



Notice of Joint Agreement Seeking Approval of One-Way, Optional Extended Area Service to the Corpus Christi Metropolitan Areas

Notice is given to the public of the filing with the Public Utility Commission of Texas of a joint agreement on July 31, 1998, seeking

approval of one-way, optional, extended area service (EAS) to the Corpus Christi metropolitan areas, pursuant to P.U.C. Substantive Rule §23.49(b)(8).

Docket Title and Number: Joint Petition of Southwestern Bell Telephone Company, the Governmental Representatives of the Communities Comprising the Corpus Christi Metropolitan Areas, and GTE-Southwest, Inc., for Extended Area Service (EAS); Docket Number 19677.

The Joint Petition and Agreement: The proposed plan is a optional, one-way, service to which all Southwestern Bell Telephone Company residence and business local exchange customers within the Corpus Christi Calling Area will be able to call all other telephone customers within the calling area for a flat-rate, monthly additive in addition to their tariffed basic local exchange charges.

The joint applicants have requested that the joint agreement filing be processed administratively pursuant to P.U.C. Substantive Rule §23.49(b)(8)(C). Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or call the Public Utility Commission Office of Customer Protection at (512) 936-7120 by September 29, 1998. Hearing and speech-impaired individuals with text telephones (TTY) may contact the Commission at (512) 936-7136.

TRD-9812868

Rhonda Dempsey

Rules Coordinator

Public Utility Commission of Texas

Filed: August 13, 1998



Notice of Petition to Require Texas-New Mexico Power Company to Purchase Capacity and Energy

Notice is given to the public of the filing with the Public Utility Commission of Texas on August 7, 1998, of an application to require Texas-New Mexico Power Company to purchase capacity and energy from Power Resource Group, Inc. A summary of the application follows.

Docket Title and Number: Petition of Power Resource Group, Inc., to Require Texas-New Mexico Power Company to Purchase Capacity and Energy, Docket Number 19715, before the Public Utility Commission of Texas.

Applicant requests the commission to order Texas-New Mexico Power Company to contract with Power Resource Group, Inc., (PRG) for capacity and energy from the Lewisville Power Project in the form of PRG's last firm offer in the course of ongoing contract negotiations.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at P.O. Box 13326, Austin, Texas 78711-3326, or call the commission's Office of Customer Protection at (512)936-7120 no later than September 21, 1998. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

TRD-9812851

Rhonda Dempsey

Rules Coordinator

Public Utility Commission of Texas

Filed: August 13, 1998



Public Notice of Amendment to Interconnection Agreement

On August 3, 1998, Southwestern Bell Telephone Company and 1-800-Reconex, collectively referred to as applicants, filed a joint application for approval of an amendment to an existing interconnection agreement under §252(i) of the federal Telecommunications Act of 1996, Public Law Number 104-104, 110 Statute 56, (codified as amended in scattered sections of 15 and 47 United States Code) (FTA) and the Public Utility Regulatory Act, Texas Utilities Code Annotated §§11.001 - 63.063 (Vernon 1998) (PURA). The joint application has been designated Docket Number 19689. The joint application and the underlying interconnection agreement are available for public inspection at the commission's offices in Austin, Texas.

The commission must act to approve the interconnection agreement within 35 days after it is submitted by the parties.

The commission finds that additional public comment should be allowed before the commission issues a final decision approving or rejecting the amendment to the interconnection agreement. Any interested person may file written comments on the joint application by filing 13 copies of the comments with the commission's filing clerk. Additionally, a copy of the comments should be served on each of the applicants. The comments should specifically refer to Docket Number 19689. As a part of the comments, an interested person may request that a public hearing be conducted. The comments, including any request for public hearing, shall be filed by September 8, 1998, and shall include:

- 1) a detailed statement of the person's interests in the agreement, including a description of how approval of the agreement may adversely affect those interests;
- 2) specific allegations that the agreement, or some portion thereof:
 - a) discriminates against a telecommunications carrier that is not a party to the agreement; or
 - b) is not consistent with the public interest, convenience, and necessity; or
 - c) is not consistent with other requirements of state law; and
- 3) the specific facts upon which the allegations are based.

After reviewing any comments, the commission will issue a notice of approval, denial, or determine whether to conduct further proceedings concerning the joint application. The commission shall have the authority given to a presiding officer pursuant to P.U.C. Procedural Rule §22.202. The commission may identify issues raised by the joint application and comments and establish a schedule for addressing those issues, including the submission of evidence by the applicants, if necessary, and briefing and oral argument. The commission may conduct a public hearing. Interested persons who file comments are not entitled to participate as intervenors in the public hearing.

Persons with questions about this project or who wish to comment on the joint application should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, P. O. Box 13326, Austin, Texas 78711-3326. You may call the Public Utility Commission Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 19689.

TRD-9813054

Rhonda Dempsey

Rules Coordinator

Public Utility Commission of Texas

Filed: August 17, 1998



Public Notices of Interconnection Agreement

On August 3, 1998, Buy-Tel Communications, Inc. and GTE Southwest, Inc., collectively referred to as applicants, filed a joint application for approval of an interconnection agreement under the federal Telecommunications Act of 1996, Public Law Number 104-104, 110 Statute 56, (codified as amended in scattered sections of 15 and 47 United States Code) (FTA) and the Public Utility Regulatory Act, Texas Utilities Code Annotated §§11.001 - 63.063 (Vernon 1998) (PURA). The joint application has been designated Docket Number 19687. The joint application and the underlying interconnection agreement are available for public inspection at the commission's offices in Austin, Texas.

The FTA authorizes the commission to review and approve any interconnection agreement adopted by negotiation of the parties. Pursuant to FTA §252(e)(2) the commission may reject any agreement if it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement, or any portion thereof, is not consistent with the public interest, convenience, and necessity. Additionally, under FTA §252(e)(3), the commission may establish or enforce other requirements of state law in its review of the agreement, including requiring compliance with intrastate telecommunications service quality standards or requirements. The commission must act to approve the agreement within 90 days after it is submitted by the parties. The parties have requested expedited review of this application.

The commission finds that additional public comment should be allowed before the commission issues a final decision approving or rejecting the interconnection agreement. Any interested person may file written comments on the joint application by filing 13 copies of the comments with the commission's filing clerk. Additionally, a copy of the comments should be served on each of the applicants. The comments should specifically refer to Docket Number 19687. As a part of the comments, an interested person may request that a public hearing be conducted. The comments, including any request for public hearing, shall be filed by September 15, 1998, and shall include:

- 1) a detailed statement of the person's interests in the agreement, including a description of how approval of the agreement may adversely affect those interests;
- 2) specific allegations that the agreement, or some portion thereof:
 - a) discriminates against a telecommunications carrier that is not a party to the agreement; or
 - b) is not consistent with the public interest, convenience, and necessity; or
 - c) is not consistent with other requirements of state law; and
- 3) the specific facts upon which the allegations are based.

After reviewing any comments, the commission will determine whether to conduct further proceedings concerning the joint application. The commission shall have the authority given to a presiding officer pursuant to P.U.C. Procedural Rule §22.202. The commission may identify issues raised by the joint application and comments and establish a schedule for addressing those issues, including the submission of evidence by the applicants, if necessary, and briefing and oral argument. The commission may conduct a public hearing. Interested persons who file comments are not entitled to participate as intervenors in the public hearing.

Persons with questions about this docket or who wish to comment on the application should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, PO Box 13326, Austin, Texas 78711-3326. You may call the Public Utility Commission Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 19687.

TRD-9813052
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 17, 1998



On August 3, 1998, EZ Talk Communications, L.L.C. and GTE Southwest, Inc., collectively referred to as applicants, filed a joint application for approval of an interconnection agreement under the federal Telecommunications Act of 1996, Public Law Number 104-104, 110 Statute 56, (codified as amended in scattered sections of 15 and 47 United States Code) (FTA) and the Public Utility Regulatory Act, Texas Utilities Code Annotated §§11.001 - 63.063 (Vernon 1998) (PURA). The joint application has been designated Docket Number 19688. The joint application and the underlying interconnection agreement are available for public inspection at the commission's offices in Austin, Texas.

The FTA authorizes the commission to review and approve any interconnection agreement adopted by negotiation of the parties. Pursuant to FTA §252(e)(2) the commission may reject any agreement if it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement, or any portion thereof, is not consistent with the public interest, convenience, and necessity. Additionally, under FTA §252(e)(3), the commission may establish or enforce other requirements of state law in its review of the agreement, including requiring compliance with intrastate telecommunications service quality standards or requirements. The commission must act to approve the agreement within 90 days after it is submitted by the parties. The parties have requested expedited review of this application.

The commission finds that additional public comment should be allowed before the commission issues a final decision approving or rejecting the interconnection agreement. Any interested person may file written comments on the joint application by filing 13 copies of the comments with the commission's filing clerk. Additionally, a copy of the comments should be served on each of the applicants. The comments should specifically refer to Docket Number 19688. As a part of the comments, an interested person may request that a public hearing be conducted. The comments, including any request for public hearing, shall be filed by September 15, 1998, and shall include:

- 1) a detailed statement of the person's interests in the agreement, including a description of how approval of the agreement may adversely affect those interests;
- 2) specific allegations that the agreement, or some portion thereof:
 - a) discriminates against a telecommunications carrier that is not a party to the agreement; or
 - b) is not consistent with the public interest, convenience, and necessity; or
 - c) is not consistent with other requirements of state law; and

3) the specific facts upon which the allegations are based.

After reviewing any comments, the commission will determine whether to conduct further proceedings concerning the joint application. The commission shall have the authority given to a presiding officer pursuant to P.U.C. Procedural Rule §22.202. The commission may identify issues raised by the joint application and comments and establish a schedule for addressing those issues, including the submission of evidence by the applicants, if necessary, and briefing and oral argument. The commission may conduct a public hearing. Interested persons who file comments are not entitled to participate as intervenors in the public hearing.

Persons with questions about this docket or who wish to comment on the application should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, P. O. Box 13326, Austin, Texas 78711-3326. You may call the Public Utility Commission Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 19688.

TRD-9813053
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 17, 1998



On August 10, 1998, Southwestern Bell Telephone Company and Shell Offshore Services Company, collectively referred to as applicants, filed a joint application for approval of an interconnection agreement under the federal Telecommunications Act of 1996, Public Law Number 104-104, 110 Statute 56, (codified as amended in scattered sections of 15 and 47 United States Code) (FTA) and the Public Utility Regulatory Act, Texas Utilities Code Annotated §§11.001 - 63.063 (Vernon 1998) (PURA). The joint application has been designated Docket Number 19726. The joint application and the underlying interconnection agreement are available for public inspection at the commission's offices in Austin, Texas.

The FTA authorizes the commission to review and approve any interconnection agreement adopted by negotiation of the parties. Pursuant to FTA §252(e)(2) the commission may reject any agreement if it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement, or any portion thereof, is not consistent with the public interest, convenience, and necessity. Additionally, under FTA §252(e)(3), the commission may establish or enforce other requirements of state law in its review of the agreement, including requiring compliance with intrastate telecommunications service quality standards or requirements. The commission must act to approve the agreement within 90 days after it is submitted by the parties. The parties have requested expedited review of this application.

The commission finds that additional public comment should be allowed before the commission issues a final decision approving or rejecting the interconnection agreement. Any interested person may file written comments on the joint application by filing 13 copies of the comments with the commission's filing clerk. Additionally, a copy of the comments should be served on each of the applicants. The comments should specifically refer to Docket Number 19726. As a part of the comments, an interested person may request that a public hearing be conducted. The comments, including any request for public hearing, shall be filed by September 15, 1998, and shall include:

1) a detailed statement of the person's interests in the agreement, including a description of how approval of the agreement may adversely affect those interests;

2) specific allegations that the agreement, or some portion thereof:

a) discriminates against a telecommunications carrier that is not a party to the agreement; or

b) is not consistent with the public interest, convenience, and necessity; or

c) is not consistent with other requirements of state law; and

3) the specific facts upon which the allegations are based.

After reviewing any comments, the commission will determine whether to conduct further proceedings concerning the joint application. The commission shall have the authority given to a presiding officer pursuant to P.U.C. Procedural Rule §22.202. The commission may identify issues raised by the joint application and comments and establish a schedule for addressing those issues, including the submission of evidence by the applicants, if necessary, and briefing and oral argument. The commission may conduct a public hearing. Interested persons who file comments are not entitled to participate as intervenors in the public hearing.

Persons with questions about this docket or who wish to comment on the application should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, P. O. Box 13326, Austin, Texas 78711-3326. You may call the Public Utility Commission Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 19726.

TRD-9813057
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 17, 1998



On August 10, 1998, Southwestern Bell Telephone Company and Westel, Inc., collectively referred to as applicants, filed a joint application for approval of an existing interconnection agreement under §252(i) of the federal Telecommunications Act of 1996, Public Law Number 104-104, 110 Statute 56, (codified as amended in scattered sections of 15 and 47 United States Code) (FTA) and the Public Utility Regulatory Act, Texas Utilities Code Annotated §§11.001 - 63.063 (Vernon 1998) (PURA). The joint application has been designated Docket Number 19727. The joint application and the underlying interconnection agreement are available for public inspection at the commission's offices in Austin, Texas.

The commission must act to approve the interconnection agreement within 35 days after it is submitted by the parties.

The commission finds that additional public comment should be allowed before the commission issues a final decision approving or rejecting the interconnection agreement. Any interested person may file written comments on the joint application by filing 13 copies of the comments with the commission's filing clerk. Additionally, a copy of the comments should be served on each of the applicants. The comments should specifically refer to Docket Number 19727. As a part of the comments, an interested person may request that a public hearing be conducted. The comments, including any request for public hearing, shall be filed by September 10, 1998, and shall include:

- 1) a detailed statement of the person's interests in the agreement, including a description of how approval of the agreement may adversely affect those interests;
- 2) specific allegations that the agreement, or some portion thereof:
 - a) discriminates against a telecommunications carrier that is not a party to the agreement; or
 - b) is not consistent with the public interest, convenience, and necessity; or
 - c) is not consistent with other requirements of state law; and
- 3) the specific facts upon which the allegations are based.

After reviewing any comments, the commission will issue a notice of approval, denial, or determine whether to conduct further proceedings concerning the joint application. The commission shall have the authority given to a presiding officer pursuant to P.U.C. Procedural Rule §22.202. The commission may identify issues raised by the joint application and comments and establish a schedule for addressing those issues, including the submission of evidence by the applicants, if necessary, and briefing and oral argument. The commission may conduct a public hearing. Interested persons who file comments are not entitled to participate as intervenors in the public hearing.

Persons with questions about this project or who wish to comment on the joint application should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, P. O. Box 13326, Austin, Texas 78711-3326. You may call the Public Utility Commission Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 19727.

TRD-9813058
 Rhonda Dempsey
 Rules Coordinator
 Public Utility Commission of Texas
 Filed: August 17, 1998



On August 11, 1998, Southwestern Bell Telephone Company and Nextlink Texas, Inc., collectively referred to as applicants, filed a joint application for approval of an existing interconnection agreement under §252(i) of the federal Telecommunications Act of 1996, Public Law Number 104-104, 110 Statute 56, (codified as amended in scattered sections of 15 and 47 United States Code) (FTA) and the Public Utility Regulatory Act, Texas Utilities Code Annotated §§11.001 - 63.063 (Vernon 1998) (PURA). The joint application has been designated Docket Number 19731. The joint application and the underlying interconnection agreement are available for public inspection at the commission's offices in Austin, Texas.

The commission must act to approve the interconnection agreement within 35 days after it is submitted by the parties.

The commission finds that additional public comment should be allowed before the commission issues a final decision approving or rejecting the interconnection agreement. Any interested person may file written comments on the joint application by filing 13 copies of the comments with the commission's filing clerk. Additionally, a copy of the comments should be served on each of the applicants. The comments should specifically refer to Docket Number 19731. As a part of the comments, an interested person may request that a public hearing be conducted. The comments, including any request for public hearing, shall be filed by September 10, 1998, and shall include:

- 1) a detailed statement of the person's interests in the agreement, including a description of how approval of the agreement may adversely affect those interests;
- 2) specific allegations that the agreement, or some portion thereof:
 - a) discriminates against a telecommunications carrier that is not a party to the agreement; or
 - b) is not consistent with the public interest, convenience, and necessity; or
 - c) is not consistent with other requirements of state law; and
- 3) the specific facts upon which the allegations are based.

After reviewing any comments, the commission will issue a notice of approval, denial, or determine whether to conduct further proceedings concerning the joint application. The commission shall have the authority given to a presiding officer pursuant to P.U.C. Procedural Rule §22.202. The commission may identify issues raised by the joint application and comments and establish a schedule for addressing those issues, including the submission of evidence by the applicants, if necessary, and briefing and oral argument. The commission may conduct a public hearing. Interested persons who file comments are not entitled to participate as intervenors in the public hearing.

Persons with questions about this project or who wish to comment on the joint application should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, P. O. Box 13326, Austin, Texas 78711-3326. You may call the Public Utility Commission Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 19731.

TRD-9813059
 Rhonda Dempsey
 Rules Coordinator
 Public Utility Commission of Texas
 Filed: August 17, 1998



On August 12, 1998, Cumby Telephone Cooperative, Inc. and GTE Southwest, Inc., collectively referred to as applicants, filed a joint application for approval of an interconnection agreement under the federal Telecommunications Act of 1996, Public Law Number 104-104, 110 Statute 56, (codified as amended in scattered sections of 15 and 47 United States Code) (FTA) and the Public Utility Regulatory Act, Texas Utilities Code Annotated §§11.001 - 63.063 (Vernon 1998) (PURA). The joint application has been designated Docket Number 19738. The joint application and the underlying interconnection agreement are available for public inspection at the commission's offices in Austin, Texas.

The FTA authorizes the commission to review and approve any interconnection agreement adopted by negotiation of the parties. Pursuant to FTA §252(e)(2) the commission may reject any agreement if it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement, or any portion thereof, is not consistent with the public interest, convenience, and necessity. Additionally, under FTA §252(e)(3), the commission may establish or enforce other requirements of state law in its review of the agreement, including requiring compliance with intrastate telecommunications service quality standards or requirements. The commission must act to approve the agreement within 90 days after it is submitted by the parties. The parties have requested expedited review of this application.

The commission finds that additional public comment should be allowed before the commission issues a final decision approving or rejecting the interconnection agreement. Any interested person may file written comments on the joint application by filing 13 copies of the comments with the commission's filing clerk. Additionally, a copy of the comments should be served on each of the applicants. The comments should specifically refer to Docket Number 19738. As a part of the comments, an interested person may request that a public hearing be conducted. The comments, including any request for public hearing, shall be filed by September 15, 1998, and shall include:

- 1) a detailed statement of the person's interests in the agreement, including a description of how approval of the agreement may adversely affect those interests;
- 2) specific allegations that the agreement, or some portion thereof:
 - a) discriminates against a telecommunications carrier that is not a party to the agreement; or
 - b) is not consistent with the public interest, convenience, and necessity; or
 - c) is not consistent with other requirements of state law; and
- 3) the specific facts upon which the allegations are based.

After reviewing any comments, the commission will determine whether to conduct further proceedings concerning the joint application. The commission shall have the authority given to a presiding officer pursuant to P.U.C. Procedural Rule §22.202. The commission may identify issues raised by the joint application and comments and establish a schedule for addressing those issues, including the submission of evidence by the applicants, if necessary, and briefing and oral argument. The commission may conduct a public hearing. Interested persons who file comments are not entitled to participate as intervenors in the public hearing.

Persons with questions about this docket or who wish to comment on the application should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, P. O. Box 13326, Austin, Texas 78711-3326. You may call the Public Utility Commission Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 19738.

TRD-9813055
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 17, 1998



On August 12, 1998, DMJ Communications, Inc. and GTE Southwest, Inc., collectively referred to as applicants, filed a joint application for approval of an interconnection agreement under the federal Telecommunications Act of 1996, Public Law Number 104-104, 110 Statute 56, (codified as amended in scattered sections of 15 and 47 United States Code) (FTA) and the Public Utility Regulatory Act, Texas Utilities Code Annotated §§11.001 - 63.063 (Vernon 1998) (PURA). The joint application has been designated Docket Number 19739. The joint application and the underlying interconnection agreement are available for public inspection at the commission's offices in Austin, Texas.

The FTA authorizes the commission to review and approve any interconnection agreement adopted by negotiation of the parties. Pur-

suant to FTA §252(e)(2) the commission may reject any agreement if it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement, or any portion thereof, is not consistent with the public interest, convenience, and necessity. Additionally, under FTA §252(e)(3), the commission may establish or enforce other requirements of state law in its review of the agreement, including requiring compliance with intrastate telecommunications service quality standards or requirements. The commission must act to approve the agreement within 90 days after it is submitted by the parties. The parties have requested expedited review of this application.

The commission finds that additional public comment should be allowed before the commission issues a final decision approving or rejecting the interconnection agreement. Any interested person may file written comments on the joint application by filing 13 copies of the comments with the commission's filing clerk. Additionally, a copy of the comments should be served on each of the applicants. The comments should specifically refer to Docket Number 19739. As a part of the comments, an interested person may request that a public hearing be conducted. The comments, including any request for public hearing, shall be filed by September 15, 1998, and shall include:

- 1) a detailed statement of the person's interests in the agreement, including a description of how approval of the agreement may adversely affect those interests;
- 2) specific allegations that the agreement, or some portion thereof:
 - a) discriminates against a telecommunications carrier that is not a party to the agreement; or
 - b) is not consistent with the public interest, convenience, and necessity; or
 - c) is not consistent with other requirements of state law; and
- 3) the specific facts upon which the allegations are based.

After reviewing any comments, the commission will determine whether to conduct further proceedings concerning the joint application. The commission shall have the authority given to a presiding officer pursuant to P.U.C. Procedural Rule §22.202. The commission may identify issues raised by the joint application and comments and establish a schedule for addressing those issues, including the submission of evidence by the applicants, if necessary, and briefing and oral argument. The commission may conduct a public hearing. Interested persons who file comments are not entitled to participate as intervenors in the public hearing.

Persons with questions about this docket or who wish to comment on the application should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, P. O. Box 13326, Austin, Texas 78711-3326. You may call the Public Utility Commission Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 19739.

TRD-9813055
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 17, 1998



On August 12, 1998, Southwestern Bell Telephone Company and USN Communications Southwest, Inc., collectively referred to as ap-

plicants, filed a joint application for approval of an existing interconnection agreement under §252(i) of the federal Telecommunications Act of 1996, Public Law Number 104-104, 110 Statute 56, (codified as amended in scattered sections of 15 and 47 United States Code) (FTA) and the Public Utility Regulatory Act, Texas Utilities Code Annotated §§11.001 - 63.063 (Vernon 1998) (PURA). The joint application has been designated Docket Number 19740. The joint application and the underlying interconnection agreement are available for public inspection at the commission's offices in Austin, Texas.

The commission must act to approve the interconnection agreement within 35 days after it is submitted by the parties.

The commission finds that additional public comment should be allowed before the commission issues a final decision approving or rejecting the interconnection agreement. Any interested person may file written comments on the joint application by filing 13 copies of the comments with the commission's filing clerk. Additionally, a copy of the comments should be served on each of the applicants. The comments should specifically refer to Docket Number 19740. As a part of the comments, an interested person may request that a public hearing be conducted. The comments, including any request for public hearing, shall be filed by September 10, 1998, and shall include:

- 1) a detailed statement of the person's interests in the agreement, including a description of how approval of the agreement may adversely affect those interests;
- 2) specific allegations that the agreement, or some portion thereof:
 - a) discriminates against a telecommunications carrier that is not a party to the agreement; or
 - b) is not consistent with the public interest, convenience, and necessity; or
 - c) is not consistent with other requirements of state law; and
- 3) the specific facts upon which the allegations are based.

After reviewing any comments, the commission will issue a notice of approval, denial, or determine whether to conduct further proceedings concerning the joint application. The commission shall have the authority given to a presiding officer pursuant to P.U.C. Procedural Rule §22.202. The commission may identify issues raised by the joint application and comments and establish a schedule for addressing those issues, including the submission of evidence by the applicants, if necessary, and briefing and oral argument. The commission may conduct a public hearing. Interested persons who file comments are not entitled to participate as intervenors in the public hearing.

Persons with questions about this project or who wish to comment on the joint application should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, P. O. Box 13326, Austin, Texas 78711-3326. You may call the Public Utility Commission Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 19740.

TRD-9813060
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: August 17, 1998



Research and Oversight Council on Workers' Compensation

Request for Input into the Biennial Report, 1998

The Research and Oversight Council on Workers' Compensation (ROC) is mandated to present a biennial report to the Legislature assessing the effectiveness, identifying problems and regulatory action, recommending research needed concerning the Texas workers' compensation system and describing the activities of the Council. *Texas Labor Code, Title 5, Subtitle A, §404.007(b)(2)*. The Research and Oversight Council seeks input concerning issues for regulatory or legislative changes regarding the workers' compensation system.

All comments and suggestions should be submitted by **September 30, 1998** to the Research and Oversight Council on Workers' Compensation, 105 West Riverside Drive, Suite 100, Austin, Texas 78704, fax (512) 469-7481, or email at roc@mail.capnet.state.tx.us.

TRD-9813073

Scott McAnally

Executive Director

Research and Oversight Council on Workers' Compensation

Filed: August 18, 1998



Center for Rural Health Initiatives

Notices of Public Hearings

The Center for Rural Health Initiatives (CRHI), the State Office of Rural Health, will be conducting a PUBLIC HEARING to hear public testimony on rural health care issues. The hearing will be at 1:00 P.M., August 17, 1998 at the Scenic Mountain Medical Center located at 1601 West 11th Place, Big Spring, Texas 79720.

Testimony given at this hearing will be used by the Center for Rural Health Initiatives (CRHI) to develop its legislative report on rural health care, which will be presented to the governor and the 76th Texas Legislature in January 1999. The report will contain information about the state of rural health as well as recommendations for legislative and programmatic changes to help improve the rural health care picture in Texas.

The Center is especially interested in receiving verbal and written testimony on the following subjects:

- * Experience in recruiting and retraining health professionals;
- * Hospital, rural health clinic, and other health facility needs;
- * Experience with how managed care has or may affect the rural health system;

The Center would also like to know how it and other agencies could better serve the health care needs of rural Texas.

Persons wishing to present comment at the public hearing may do so by completing a registration form which will be available at the hearing site. Speakers are encouraged to provide written copies of their comments. While any person with relevant comments will be provided an opportunity to present them during the hearing, the Center reserves the right to restrict statements in terms of time or repetitive content.

Written testimony may also be submitted to: CRHI, P.O. Drawer 1708, Austin, Texas 78767-1708.

For more information or to request interpretation or other services for disabled individuals who would like to testify, contact the Center for Rural Health Initiatives at (512) 479-8891.

TRD-9812825

Carol Peters

Agency Liaison

Center for Rural Health Initiatives

Filed: August 13, 1998



The Center for Rural Health Initiatives, the State Office of Rural Health, will be conducting a PUBLIC HEARING to hear public testimony on rural health care issues. The hearing will be held on August 19, 1998, 1:00 P.M. at the Starr County Memorial Hospital located at FM 3167 off of HW 83, Rio Grande City, Texas.

Testimony given at this hearing will be used by the Center for Rural Health Initiatives (CRHI) to develop its legislative report on rural health care, which will be presented to the governor and the 76th Texas Legislature in January 1999. The report will contain information about the state of rural health as well as recommendations for legislative and programmatic changes to help improve the rural health care picture in Texas.

The Center is especially interested in receiving verbal and written testimony on the following subjects:

- * Experience in recruiting and retraining health professionals;
- * Hospital, rural health clinic, and other health facility needs;
- * Experience with how managed care has or may affect the rural health system;

The Center would also like to know how it and other agencies could better serve the health care needs of rural Texas.

Persons wishing to present comments at the public hearing may do so by completing a registration form which will be available at the hearing site. Speakers are encouraged to provide written copies of their comments. While any person with relevant comments will be provided an opportunity to present them during the hearing, the Center reserves the right to restrict statements in terms of time or repetitive content.

Written testimony may also be submitted to: CRHI, P.O. Drawer 1708, Austin, Texas 78767-1708.

For more information or to request interpretation or other services for disabled individuals who would like to testify, contact the Center for Rural Health Initiatives at (512) 479-8891.

TRD-9812826

Carol Peters

Agency Liaison

Center for Rural Health Initiatives

Filed: August 13, 1998



The Center for Rural Health Initiatives, the State Office of Rural Health, will be conducting a PUBLIC HEARING to hear public testimony on rural health care issues. The hearing on August 21, 1998 will be at 1:00 p.m., Eastland Memorial Hospital located at 304 South Daugherty, Eastland, Texas 76648.

Testimony given at this hearing will be used by the Center for Rural Health Initiatives (CRHI) to develop its legislative report on rural health care, which will be presented to the governor and the

76th Texas Legislature in January 1999. The report will contain information about the state of rural health as well as recommendations for legislative and programmatic changes to help improve the rural health care picture in Texas.

The Center is especially interested in receiving verbal and written testimony on the following subjects:

- * Experience in recruiting and retraining health professionals;
- * Hospital, rural health clinic, and other health facility needs;
- * Experience with how managed care has or may affect the rural health system;

The Center would also like to know how it and other agencies could better serve the health care needs of rural Texas.

Persons wishing to present comments at the public hearing may do so by completing a registration form which will be available at the hearing site. Speakers are encouraged to provide written copies of their comments. While any person with relevant comments will be provided an opportunity to present them during the hearing, the Center reserves the right to restrict statements in terms of time or repetitive content.

Written testimony may also be submitted to: CRHI, P.O. Drawer 1708, Austin, Texas 78767-1708.

For more information or to request interpretation or other services for disabled individuals who would like to testify, contact the Center for Rural Health Initiatives at (512) 479-8891.

TRD-9812827

Carol Peters

Agency Liaison

Center for Rural Health Initiatives

Filed: August 13, 1998



The Center for Rural Health Initiatives, the State Office of Rural Health, will be conducting a PUBLIC HEARING to hear public testimony on rural health care issues. The hearing on August 24, 1998 will be at 1:00 P.M., Huntsville Memorial Hospital located at 485 I-45 South, Huntsville, Texas 77340-4362.

Testimony given at this hearing will be used by the Center for Rural Health Initiatives (CRHI) to develop its legislative report on rural health care, which will be presented to the governor and the 76th Texas Legislature in January 1999. The report will contain information about the state of rural health as well as recommendations for legislative and programmatic changes to help improve the rural health care picture in Texas.

The Center is especially interested in receiving verbal and written testimony on the following subjects:

- * Experience in recruiting and retraining health professionals;
- * Hospital, rural health clinic, and other health facility needs;
- * Experience with how managed care has or may affect the rural health system;

The Center would also like to know how it and other agencies could better serve the health care needs of rural Texas.

Persons wishing to present comments at the public hearing may do so by completing a registration form which will be available at the hearing site. Speakers are encouraged to provide written copies of their comments. While any person with relevant comments will be provided an opportunity to present them during the hearing, the

Center reserves the right to restrict statements in terms of time or repetitive content.

Written testimony may also be submitted to: CRHI, P.O. Drawer 1708, Austin, TX 78767-1708.

For more information or to request interpretation or other services for disabled individuals who would like to testify, contact the Center for Rural Health Initiatives at (512) 479-8891.

TRD-9812828
Carol Peters
Agency Liaison
Center for Rural Health Initiatives
Filed: August 13, 1998



The Center for Rural Health Initiatives, the State Office of Rural Health, will be conducting a PUBLIC HEARING to hear public testimony on rural health care issues. The hearing on August 28, 1998, will be at 1:00 P.M., Hopkins County Memorial Hospital located at 115 Airport Road, Sulphur Springs, Texas.

Testimony given at this hearing will be used by the Center for Rural Health Initiatives (CRHI) to develop its legislative report on rural health care, which will be presented to the governor and the 76th Texas Legislature in January 1999. The report will contain information about the state of rural health as well as recommendations for legislative and programmatic changes to help improve the rural health care picture in Texas.

The Center is especially interested in receiving verbal and written testimony on the following subjects:

- * Experience in recruiting and retraining health professionals;
- * Hospital, rural health clinic, and other health facility needs;
- * Experience with how managed care has or may affect the rural health system;

The Center would also like to know how it and other agencies could better serve the health care needs of rural Texas.

Persons wishing to present comments at the public hearing may do so by completing a registration form which will be available at the hearing site. Speakers are encouraged to provide written copies of their comments. While any person with relevant comments will be provided an opportunity to present them during the hearing, the Center reserves the right to restrict statements in terms of time or repetitive content.

Written testimony may also be submitted to: CRHI, P.O. Drawer 1708, Austin, Texas 78767-1708.

For more information or to request interpretation or other services for disabled individuals who would like to testify, contact the Center for Rural Health Initiatives at (512) 479-8891.

TRD-9812829
Carol Peters
Agency Liaison
Center for Rural Health Initiatives
Filed: August 13, 1998



The Center for Rural Health Initiatives, the State Office of Rural Health, will be conducting a PUBLIC HEARING to hear public testimony on rural health care issues. The hearing on September

8, 1998, will be at 1:00 P.M., Valde Community Hospital located at 1025 Garner Field Road, Valde, Texas.

Testimony given at this hearing will be used by the Center for Rural Health Initiatives (CRHI) to develop its legislative report on rural health care, which will be presented to the governor and the 76th Texas Legislature in January 1999. The report will contain information about the state of rural health as well as recommendations for legislative and programmatic changes to help improve the rural health care picture in Texas.

The Center is especially interested in receiving verbal and written testimony on the following subjects:

- * Experience in recruiting and retraining health professionals;
- * Hospital, rural health clinic, and other health facility needs;
- * Experience with how managed care has or may affect the rural health system;

The Center would also like to know how it and other agencies could better serve the health care needs of rural Texas.

Persons wishing to present comments at the public hearing may do so by completing a registration form which will be available at the hearing site. Speakers are encouraged to provide written copies of their comments. While any person with relevant comments will be provided an opportunity to present them during the hearing, the Center reserves the right to restrict statements in terms of time or repetitive content.

Written testimony may also be submitted to: CRHI, P.O. Drawer 1708, Austin, Texas 78767-1708.

For more information or to request interpretation or other services for disabled individuals who would like to testify, contact the Center for Rural Health Initiatives at (512) 479-8891.

TRD-9812830
Carol Peters
Agency Liaison
Center for Rural Health Initiatives
Filed: August 13, 1998



The Center for Rural Health Initiatives, the State Office of Rural Health, will be conducting a PUBLIC HEARING to hear public testimony on rural health care issues. The hearing on September 10, 1998, will be at 1:00 P.M., Memorial Medical Center located at 815 North Virginia Street, Port Lavaca, Texas.

Testimony given at this hearing will be used by the Center for Rural Health Initiatives (CRHI) to develop its legislative report on rural health care, which will be presented to the governor and the 76th Texas Legislature in January 1999. The report will contain information about the state of rural health as well as recommendations for legislative and programmatic changes to help improve the rural health care picture in Texas.

The Center is especially interested in receiving verbal and written testimony on the following subjects:

- * Experience in recruiting and retraining health professionals;
- * Hospital, rural health clinic, and other health facility needs;
- * Experience with how managed care has or may affect the rural health system;

The Center would also like to know how it and other agencies could better serve the health care needs of rural Texas.

Persons wishing to present comments at the public hearing may do so by completing a registration form which will be available at the hearing site. Speakers are encouraged to provide written copies of their comments. While any person with relevant comments will be provided an opportunity to present them during the hearing, the Center reserves the right to restrict statements in terms of time or repetitive content.

Written testimony may also be submitted to: CRHI, P.O. Drawer 1708, Austin, Texas 78767-1708.

For more information or to request interpretation or other services for disabled individuals who would like to testify, contact the Center for Rural Health Initiatives at (512) 479-8891.

TRD-9812831
Carol Peters
Agency Liaison
Center for Rural Health Initiatives
Filed: August 13, 1998

The Center for Rural Health Initiatives, the State Office of Rural Health, will be conducting a PUBLIC HEARING to hear public testimony on rural health care issues. The hearing on September 15, 1998, will be at 1:00 P.M., Golden Plains Community Hospital located at 200 South McGee, Borger, Texas.

Testimony given at this hearing will be used by the Center for Rural Health Initiatives (CRHI) to develop its legislative report on rural health care, which will be presented to the governor and the 76th Texas Legislature in January 1999. The report will contain information about the state of rural health as well as recommendations for legislative and programmatic changes to help improve the rural health care picture in Texas.

The Center is especially interested in receiving verbal and written testimony on the following subjects:

- * Experience in recruiting and retraining health professionals;
- * Hospital, rural health clinic, and other health facility needs;
- * Experience with how managed care has or may affect the rural health system;

The Center would also like to know how it and other agencies could better serve the health care needs of rural Texas.

Persons wishing to present comments at the public hearing may do so by completing a registration form which will be available at the hearing site. Speakers are encouraged to provide written copies of their comments. While any person with relevant comments will be provided an opportunity to present them during the hearing, the Center reserves the right to restrict statements in terms of time or repetitive content.

Written testimony may also be submitted to: CRHI, P.O. Drawer 1708, Austin, Texas 78767-1708.

For more information or to request interpretation or other services for disabled individuals who would like to testify, contact the Center for Rural Health Initiatives at (512) 479-8891.

TRD-9812832
Carol Peters
Agency Liaison
Center for Rural Health Initiatives
Filed: August 13, 1998

Texas Tech University Health Sciences Center

Notice of Request for Proposal

Texas Tech University Health Sciences Center (TTUHSC) requests proposals from licensed nursing home providers for a long-term ground lease for planning, constructing, financing, operating and managing a new geriatric long-term care facility on the TTUHSC campus in Lubbock, Texas.

DESCRIPTION: TTUHSC is pursuing a strategic initiative to develop a comprehensive aging and long-term care education, service and research program. The proposed facility will enable TTUHSC faculty to provide TTUHSC allied health, medicine, nursing, and pharmacy students with training in a fully operational long-term care environment and will provide faculty and students with unique clinical and research opportunities. TTUHSC plans to establish a long-term business relationship with the organization that TTUHSC considers best qualified to plan, construct, finance, operate and manage a new geriatric long-term facility under a long-term ground lease. The geriatric facility should be planned and designed as not less than a 100 bed facility with a diverse payer mix to include Medicare and Medicaid patients and an approximate patient base consisting of 40 to 60% of patients who suffer from dementia and Alzheimer's related diseases. The facility should be designed to offer long-term care services including nursing care, certified Alzheimer's care (as defined by the Texas Department of Human Services), Medicare skilled nursing services, multidisciplinary therapy services, an Alzheimer's research and support center, clinical rotations for TTUHSC students and residents, pharmacological services, and educational programs relevant to aging for health professionals, administrators, nursing assistants and older citizens and their families.

The Ground Lease will be for an initial 20 year term, with an option to renew for two additional 10 year extensions. All improvements shall be the property of the ground tenant for the duration of the Ground Lease, but shall become the property of TTUHSC upon termination of the Ground Lease.

TTUHSC invites responses from applicants who meet the following minimum qualifications: licensed in good standing with the Texas Department of Human Services and the State of Texas as a nursing home provider for long-term care for a minimum of five years; able to provide evidence demonstrating an excellent survey history with the Texas Department of Human Services and an exemplary record of compliance with other applicable local, state, and federal regulatory standards and requirements; able to provide evidence to demonstrate a record in certified Alzheimer's care with related quality programming and resident care; able to provide evidence of a history of community involvement with local school districts, community colleges, health professions schools, or other institutions of higher education; duly registered to do business in the State of Texas and in good standing with the Comptroller's Office of the State of Texas; registered with the Internal Revenue Service as a 501(C)(3) not-for-profit corporation and ownership and ultimate authority are recognized under Section 501(C)(3) of the Internal Revenue Code; meets the requirements of charitable care as defined by the Texas Property Tax Code to obtain tax-exempt status for payment of property taxes on properties related to retirement housing and elder care; and able to demonstrate financial solvency.

RESPONSES: Responses to this RFP should include a physical plant design for the facility that will complement and be consistent with the educational, research, and service missions of TTUHSC and will include classrooms and other features that will facilitate students'

educational experiences; will be consistent with applicable TTUHSC and Texas Tech University architectural and design standards and requirements and will conform to the most current Texas Department of Human Services' *Nursing Facility Requirements for Licensure and Medicaid Certification* and all other applicable building and construction codes and standards. The response should also contain a complete description of the computer and telecommunications systems; a clear description of the organizational line of authority for management personnel; a description of the staff who will be assigned responsibility for managing and operating the proposed facility; a description of the staff training program; and a description of the process to ensure that the Medical Director and manager(s) assigned by the Respondent will be interviewed and approved by TTUHSC representative(s) and that a representative responsible for the coordination and administration of TTUHSC's requirements will be appointed. Respondents will be responsible for all costs related to design, construction, operation and management of the facility on a site on the TTUHSC campus as mutually agreed upon by TTUHSC and Texas Tech University and Respondent.

AWARD PROCEDURE: Proposals will be subject to evaluation by a committee based on the evaluation criteria set forth in the RFP. TTUHSC reserves the right to reject any or all proposals and is under no legal or other obligation to execute a ground lease on the basis of this notice or the distribution of any RFP.

CONTACT: Parties interested in submitting a proposal should request a copy of the RFP from Jim Lewis, Director of Contracting, at 806-743-2971, Texas Tech University Health Sciences Center, 3601 4th Street, Suite 2C175, Lubbock, TX 79430. A pre-proposal meeting will be held September 11 on the TTUHSC campus in Lubbock.

CLOSING DATE: The proposal submittal dead line is October 9, 1998 at 5:00 p.m. CST. Proposals received after this time and date will be returned unopened. Proposals should be addressed to: Jim Lewis, Director of Contracting, Texas Tech University Health Sciences Center, 3601 4th Street, Suite 2C175, Lubbock, TX 79430.

TRD-9813098

Glen Provost, J.D., M.P.H.

Vice President for Health Policy and Planning

Texas Tech University Health Sciences Center

Filed: August 18, 1998



Texas Department of Transportation

Public Notice

Notice of Invitation: In accordance with Title 43, Texas Administrative Code, §2.43 (e)(4)(B), the Texas Department of Transportation is giving public notice of the availability of the Major Investment Study/Draft Environmental Impact Statement (MIS/DEIS) for the proposed construction of a reliever route around the south side of the City of Copperas Cove, Texas. The public and interested organizations will have 45 days following publication of this notice to submit comments.

The proposed project consists of the construction of an approximate 11 km (7 miles) long reliever route around the south side of the City of Copperas Cove, Texas. The proposed reliever route is a four-lane, controlled access facility with wide medians. Three alternatives (referred to as the Green, Yellow, and Blue Alternatives) and a no-build alternative are presented in the DEIS.

All three alternatives cross portions of the City of Copperas Cove, eastern Lampasas and western Coryell Counties, and a portion of the U.S. Army Base-Ft Hood and share common eastern and western

termini at U.S. 190. The proposed eastern terminus is just east of the Copperas Cove city limits and the western terminus is just west of the FM 2657/existing U.S. 190 intersection. The proposed alternatives vary in the middle sections where they cross the north-south arterials of FM 116 and FM 3046. The Green Alternative (northernmost) is 10.5 km (6.5 miles) long and is the closest alignment to densely developed areas of Copperas Cove. The Yellow Alternative is 10.6 km (6.6 miles) long and is south of the Green Alternative. The Blue Alternative is 11.2 km (6.9 miles) long and is farthest from Copperas Cove.

The purpose of the proposed transportation project is to reduce congestion on U.S. 190, improve mobility through the area, and increase accessibility to important public facilities and services and economic activity areas adjacent to U.S. 190. It is anticipated that the proposed action will provide the infrastructure necessary to alleviate the traffic and mobility problems and enable efficient movement of peoples and goods through the U.S. 190 corridor in Copperas Cove. The social, economic, and environmental impacts of the proposed project have been analyzed in the DEIS.

The result of the MIS/DEIS, in accordance with all known public, technical, and agency input throughout engineering, environmental, and financial analyses, indicates that the recommended solution to the traffic and mobility problems in the US 190 corridor at Copperas Cove is the construction of the Green reliever route alternative.

Copies of the MIS/DEIS and other information about the project may be obtained at the Texas Department of Transportation, Waco District, located at 100 S. Loop Drive, Waco, Texas 76705 (mailing address P.O. Box 1010, Waco, Texas 76703-1010). For further information, please contact Reggie Richardson, P.E., at 254/867-2700 in Waco. Copies of the DEIS may also be reviewed at the City of Copperas Cove Library, Copperas Cove City Hall, the Central Texas Council of Governments (CTCOG) Planning and Regional Services Division in Belton, the office of the Coryell County Judge, and the office of the Lampasas County Judge.

TRD-9813152

Bob Jackson

Acting General Counsel

Texas Department of Transportation

Filed: August 19, 1998



University of Houston System—Texas Center for Superconductivity at the University of Houston

Request for Information: Intellectual Property Counsel Services

The Texas Center for Superconductivity at the University of Houston (Center), by and through the University of Houston System (UH System), requests information from law firms interested in representing the Center in intellectual property matters. This RFI is issued to establish (for the time frame beginning September 1, 1998 to August 31, 1999) a referral list from which UH System, by and through its Office of General Counsel, will select appropriate counsel for representation on specific intellectual property matters for the Center as the need arises.

Description. The Texas Center for Superconductivity ("Center") was established by Subchapter H of Chapter 111 of the Texas Education Code as a component of the University of Houston and is under the governance of the Board of Regents of the University of Houston System. The Center is created to conduct research

and development on all aspects of superconductivity from the basic theoretical and experimental framework to the technology transfer of this new technology to the marketplace. Such research activities and other educational pursuits at the Center produce intellectual property that is carefully evaluated for protection and licensing to commercial entities. The Center, by and through the System General Counsel, will engage outside counsel to prepare, file, prosecute, and maintain patent applications in the United States and other countries. The Center will also engage outside counsel from time to time to pursue litigation against infringers of these intellectual property rights. UH System invites responses to this RFI from qualified firms for the provision of such legal services under the direction and supervision of UH System's Office of the General Counsel.

Responses. Responses to this RFI should include at least the following information: (1) a description of the firm's or attorney's qualifications for performing the legal services, including the firm's prior experience in intellectual property-related matters relating to superconductivity and related technology, including electrical, physical, chemical and mechanical sciences and biotechnology as they relate to superconductivity; (2) the names, experience, and technical expertise of each attorney who may be assigned to the work on such matters, and the availability of the lead attorney and others assigned to the project; (3) information regarding efforts made by the firm to encourage and develop the participation of minorities and women in the provision both of the firm's legal services; (4) a comprehensive description of the procedures to be used by the firm to supervise the provision of legal services in a timely and cost-effective manner; (5) disclosures of conflicts of interest (identifying each and every matter in which the firm has, within the past calendar year, represented any entity or individual with an interest adverse to the UH System or to the State of Texas, or any of its board, agencies, commissions, universities, or elected or appointed official(s); and (6) confirmation of willingness to comply with policies, directives, and guidelines of the UH System and the Attorney General of Texas. Law firms responding to this request for information must have an office in Texas. The firm should have a place of business in Houston, Texas, or be willing to either waive, or substantially limit, the expenses attributable to travel. All travel expenses are to be borne by the law firm.

Format and Person to Contact. Two copies of the response are requested. The response should be typed, preferably double spaced, on 8 1/2 x 11 inch paper with all pages sequentially numbered, and either stapled or bound together. They should be sent by mail or delivered in person, marked "Response to Request for Information: Intellectual Property Services—Texas Center for Superconductivity," and addressed to Judy Johncox, Office of the Vice President for Research, University of Houston, 4800 Calhoun Street, Suite 312, Houston, Texas 77204-2163 (telephone (713) 743-0451 for questions). The submitted responses must be executed by a duly authorized representative of the proposer. All unsigned responses will be rejected.

Deadline for Submission of Responses. All responses must be received by the Office of the Vice President for Research of the University of Houston at the address set forth above no later than 5:00 p.m., Friday, September 18, 1998.

TRD-9813089
Dennis P. Duffy
General Counsel
University of Houston System
Filed: August 18, 1998



University of Texas System

Invitation for Consultants to Provide Offers of Consulting Services

The 75th Legislature of the State of Texas passed Senate Bill 606, codified at *Texas Education Code* Sections 74.611 through 74.615, which authorizes The University of Texas System to create a regional academic health center within a four county area (Cameron, Starr, Hidalgo, and Willacy Counties) in the Lower Rio Grande Valley of Texas. In order to accomplish this task, it will be necessary for the University to enter into agreements with hospitals, clinics, and medical institutions in the area and to receive a donation of an acceptable site for the center. Pursuant to the provisions of *Texas Government Code*, Chapter 2254, the University procured the consulting services of Kaludis Consulting Group, Inc., to, among other things: (1) administer the competitive site selection process designed to identify the best site for the location of the center and (2) evaluate responsive proposals, for the University. Pursuant to a contract with the University, Kaludis Consulting Group, Inc., is currently providing such consulting services to the University. At this time, it is necessary to amend and extend the contract between the University and Kaludis Consulting Group, Inc. As required by the provisions of *Texas Government Code*, Chapter 2254, prior to amending and extending its contract with Kaludis Consulting Group, Inc., the University extends this invitation (Invitation) to qualified and experienced consultants interested in providing the consulting services described in this Invitation to the University. Unless a better offer (as determined by the University) is received in response to this Invitation, the University intends to enter into negotiations with Kaludis Consulting Group, Inc., to amend and extend the University's contract with Kaludis Consulting Group, Inc.

Scope of Work:

The successful consultant shall perform the following services: (1) oversee the administration of the competitive site solicitation related to the regional academic health center; (2) evaluate all proposals submitted in response to the solicitation and rank each of the responsive proposals from best to worst using a process which assigns a numerical value for each selection criteria and response; (3) deliver a written report on the proposals received in response to the solicitation and the outcome of the ranking process under item (2) previously listed, to representatives of the University; (4) make one or more presentations to representatives of the University detailing the considerations involved in the development of the competitive site selection process, the administration of the solicitation process, and the evaluation of the proposals which were received in response to the solicitation; and (5) provide, on an as needed basis, additional related services as may be requested by the University in writing from time to time.

Specifications:

Any consultant submitting an offer in response to this Invitation must provide the following: (1) consultant's legal name, including type of entity (individual, partnership, corporation, etc.), and address; (2) background information regarding the consultant, including the number of years in business and the number of employees; (3) information regarding the qualifications, education, and experience of the team members proposed to conduct the requested services; (4) the hourly rate to be charged for each team member providing services; (5) the earliest date by which the consultant could begin providing the services; (6) a list of five client references, including any complex institutions or systems of higher education for which consultant has provided consulting services; (7) a statement of consultant's approach to the project (i.e., the services described

in the Scope of Work section of this Invitation), any unique benefits consultant offers the University, and any other information consultant desires the University to consider in connection with consultant's offer; (8) information to assist University in assessing consultant's demonstrated competence and experience providing consulting services similar to the services requested in this Invitation; (9) information to assist University in assessing the consultant's knowledge of current conditions, demographics and the health care industry, within the Lower Rio Grande Valley of Texas; (10) information to assist University in assessing the consultant's awareness of future directions of health care education, as well as other related fields that may be applicable to the regional academic health center or the University; (11) information to assist University in assessing the consultant's experience performing the requested services for other complex institutions or systems of higher education; (12) information to assist University in assessing whether the consultant will be impartial in the performance of the requested services; (13) information to assist University in assessing whether the consultant will have any conflicts of interest in performing the requested services; (14) information to assist University in assessing the overall cost to University for the requested services to be performed; (15) information to assist University in assessing consultant's capability and financial resources to perform the requested services; (16) information to assist University in assessing consultant's communication skills using all relevant media.

Selection Process:

Selection of the Successful Offer (defined as follows) submitted in response to this Invitation by the Submittal Deadline (defined as follows) will be made using the competitive process described as follows. After the opening of the offers and upon completion of the initial review and evaluation of the offers submitted, selected consultants may be invited to participate in oral presentations. The selection of the Successful Offer may be made by the University on the basis of the offers initially submitted, without discussion, clarification or modification. In the alternative, selection of the Successful Offer may be made by the University on the basis of negotiation with any of the consultants. At the University's sole option and discretion, it may discuss and negotiate all elements of the offers submitted by selected consultants within a specified competitive range. For purposes of negotiation, a competitive range of acceptable or potentially acceptable offers may be established comprising the highest rated offers. The University will provide each consultant within the competitive range with an equal opportunity for discussion and revision of its offer. The University will not disclose any information derived from the offers submitted by competing consultants in conducting such discussions. Further action on offers not included within the competitive range will be deferred pending the selection of the Successful Offer; however, the University reserves the right to include additional offers in the competitive range if deemed to be in its best interest. After the submission of offers but before final selection of the Successful Offer is made, the University may permit a consultant to revise its offer in order to obtain the consultant's best final offer. The University is not bound to accept the lowest priced offer if that offer is not in its best interest, as determined by the University. The University reserves the right to (a) enter into agreements or other contractual arrangements for all or any portion of the Scope of Work set forth in this Invitation with one or more consultants, (b) reject any and all offers and re-solicit offers or (c) reject any and all offers and temporarily or permanently abandon this procurement, if deemed to be in the best interest of the University.

Criteria for Selection:

The successful offer (Successful Offer) will be the offer submitted in response to this Invitation by the Submittal Deadline that is the most advantageous to the University. Offers will be evaluated by University personnel. The evaluation of offers and the selection of the Successful Offer will be based on the information provided to University by consultant in response to the Specifications section of this Invitation. Consideration may also be given to any additional information and comments if such information or comments increase the benefits to the University. The successful consultant will be required to enter into a contract acceptable to the University.

Consultant's Acceptance of Offer Evaluation Methodology:

Submission of an offer by a consultant indicates: (1) consultant's acceptance of (a) the Offer Selection Process, (b) the Criteria for Selection, and (c) all other requirements and specifications set forth in this Invitation; and (2) consultant's recognition that some subjective judgements must be made by the University during this Invitation process.

How To Respond; Submittal Deadline:

To respond to this Invitation, consultants must submit the information requested in the Specifications section of this Invitation and any other relevant information, in a clear and concise written format to: Dr. James C. Guckian, Vice Chancellor of Health Affairs, The University of Texas System, 601 Colorado Street, Room 213, Austin, Texas 78701. Offers must be submitted in an envelope or other appropriate container. "Invitation No. RE-01Amend" and the Submittal Deadline must be clearly shown in the lower left-hand corner on the top surface of such envelope or container. In addition, the name and return address of the consultant must be clearly visible.

All offers must be received at the previously listed address no later than 5:00 p.m., C.S.T., Monday, September 28, 1998 (Submittal Deadline). Submissions received after the Submittal Deadline will not be considered.

Questions:

Questions concerning this Invitation should be directed to Dr. James C. Guckian, Vice Chancellor of Health Affairs, The University of Texas System, 601 Colorado Street, Room 213, Austin, Texas 78701, 512/499-4232. The University may in its sole discretion respond in writing to questions concerning this Invitation. Only the University's responses made by formal written addenda to this Invitation shall be binding. Verbal and other written interpretations or clarifications shall be without legal effect.

TRD-9813095

Francie A. Frederick

Executive Secretary to the Board of Regents

The University of Texas System

Filed: August 18, 1998



Commissioners Court of Zavala County

Correction of Error

The Commissioners Court of Zavala County submitted Notice of Intent, which appeared in the July 24, 1998, issue of the *Texas Register*, (23 TexReg 7643).

In the title and the first line, the word "Zapata" should be "Zavala".



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