

TEXAS REGISTER

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Texas Register



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How to Use the Texas Register

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

Governor - Appointments, executive orders, and proclamations.

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

Secretary of State - opinions based on the election laws.

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

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

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

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

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

Open Meetings - notices of open meetings.

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

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

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

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

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

Texas Administrative Code

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

The TAC volumes are arranged into Titles (using Arabic numerals) and Parts (using Roman numerals)

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

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

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

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

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

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

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

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

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

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

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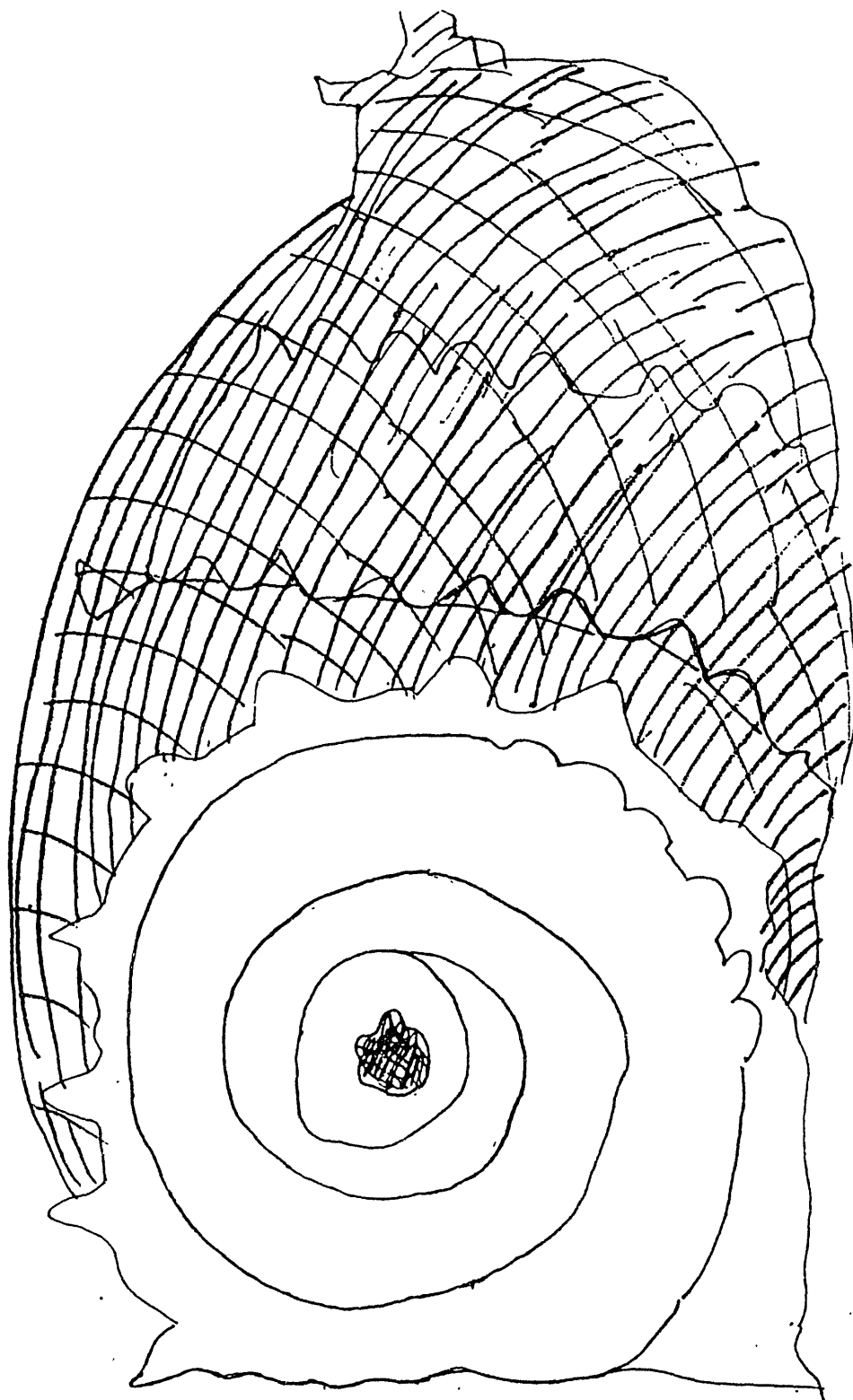
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State Securities Board

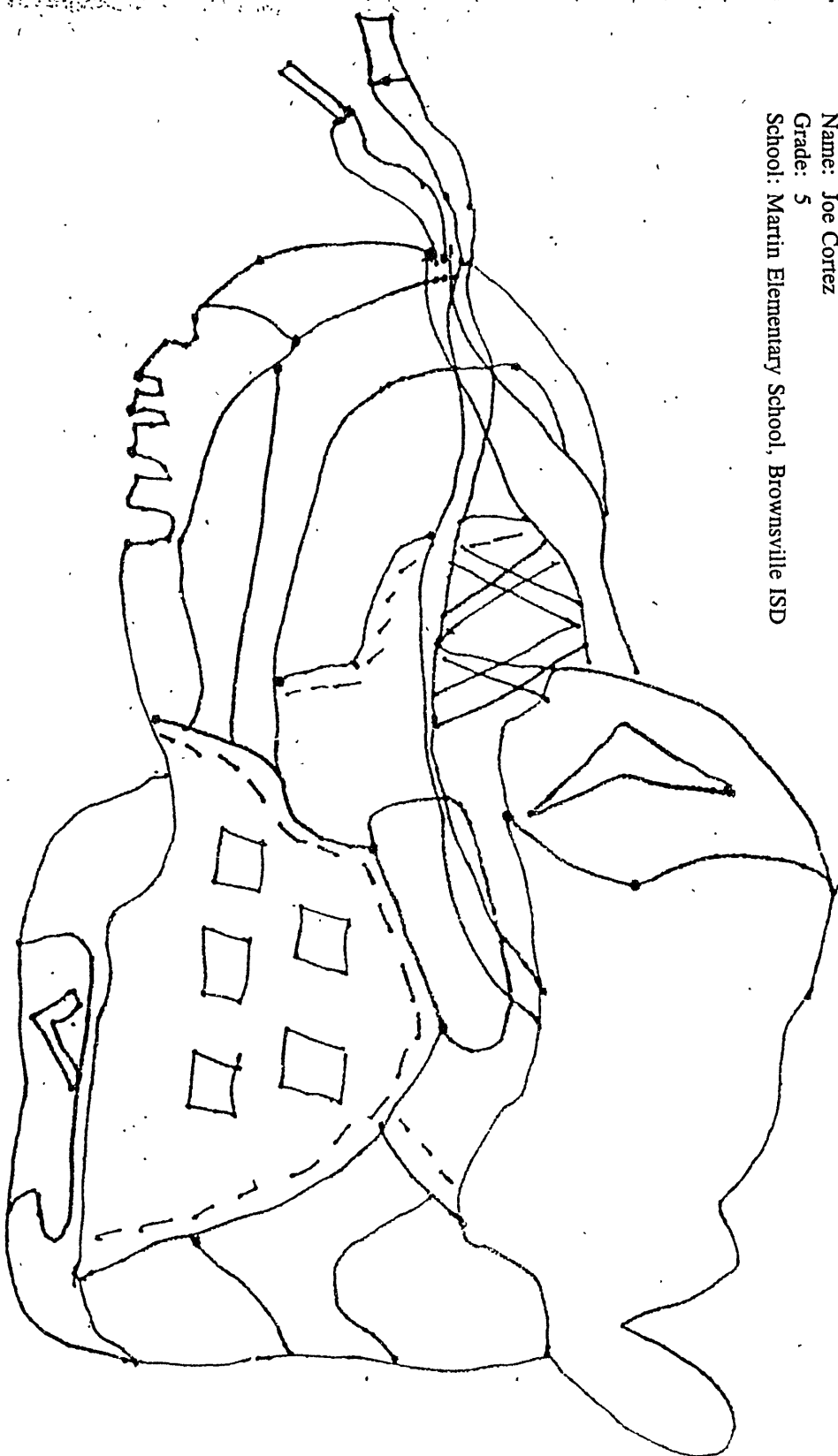
Correction of Error 3210

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Grade: 5
School: Martin Elementary School, Brownsville ISD

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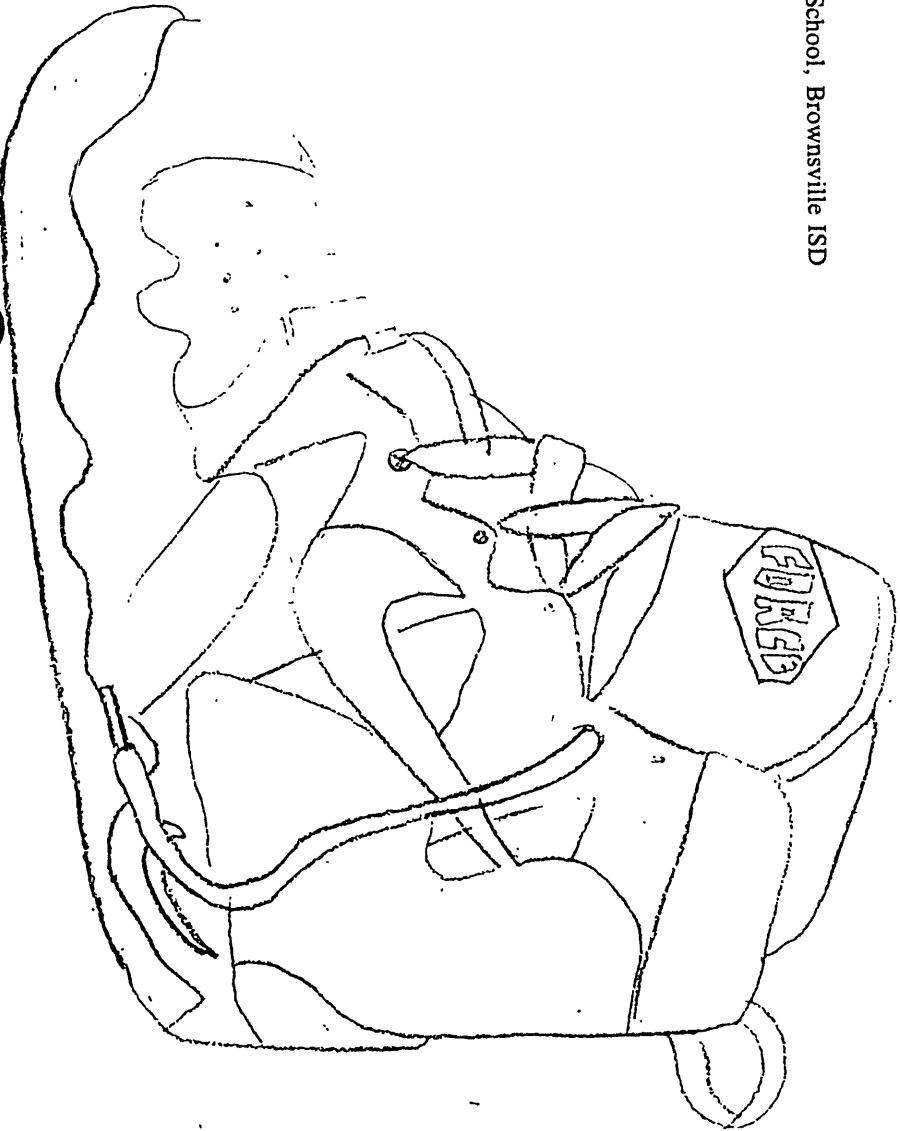


Name: Joe Cortez
Grade: 5
School: Martin Elementary School, Brownsville ISD



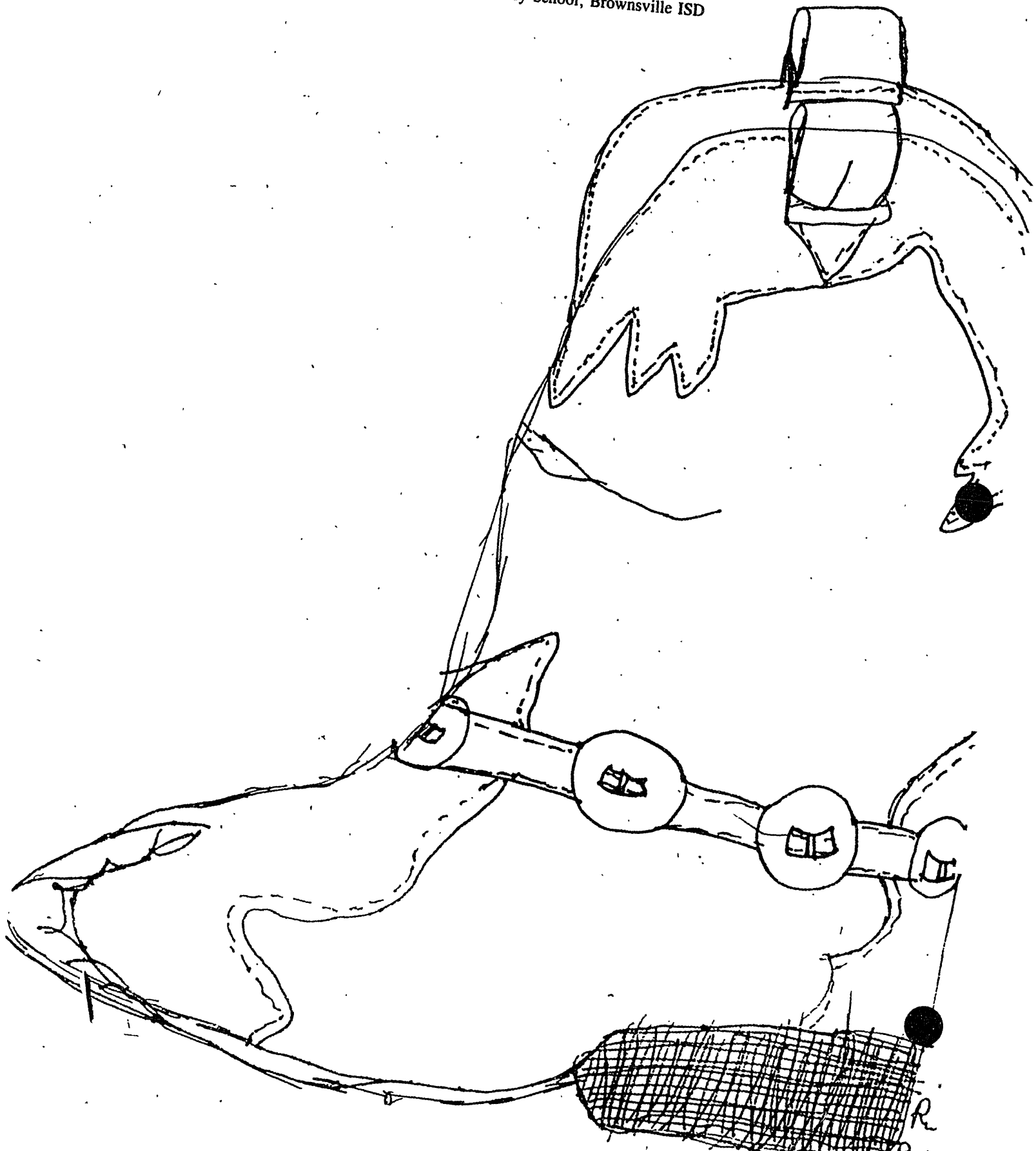
Joe Cortez
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Name: Carlos Carazos
Grade: 5
School: Marin Elementary School, Brownsville ISD



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Name: Nancy Rubalcaba
Grade: 5
School: Martin Elementary School, Brownsville ISD



Name: Laarni Rameses
Grade: 4
School: Martin Elementary School, Brownsville ISD

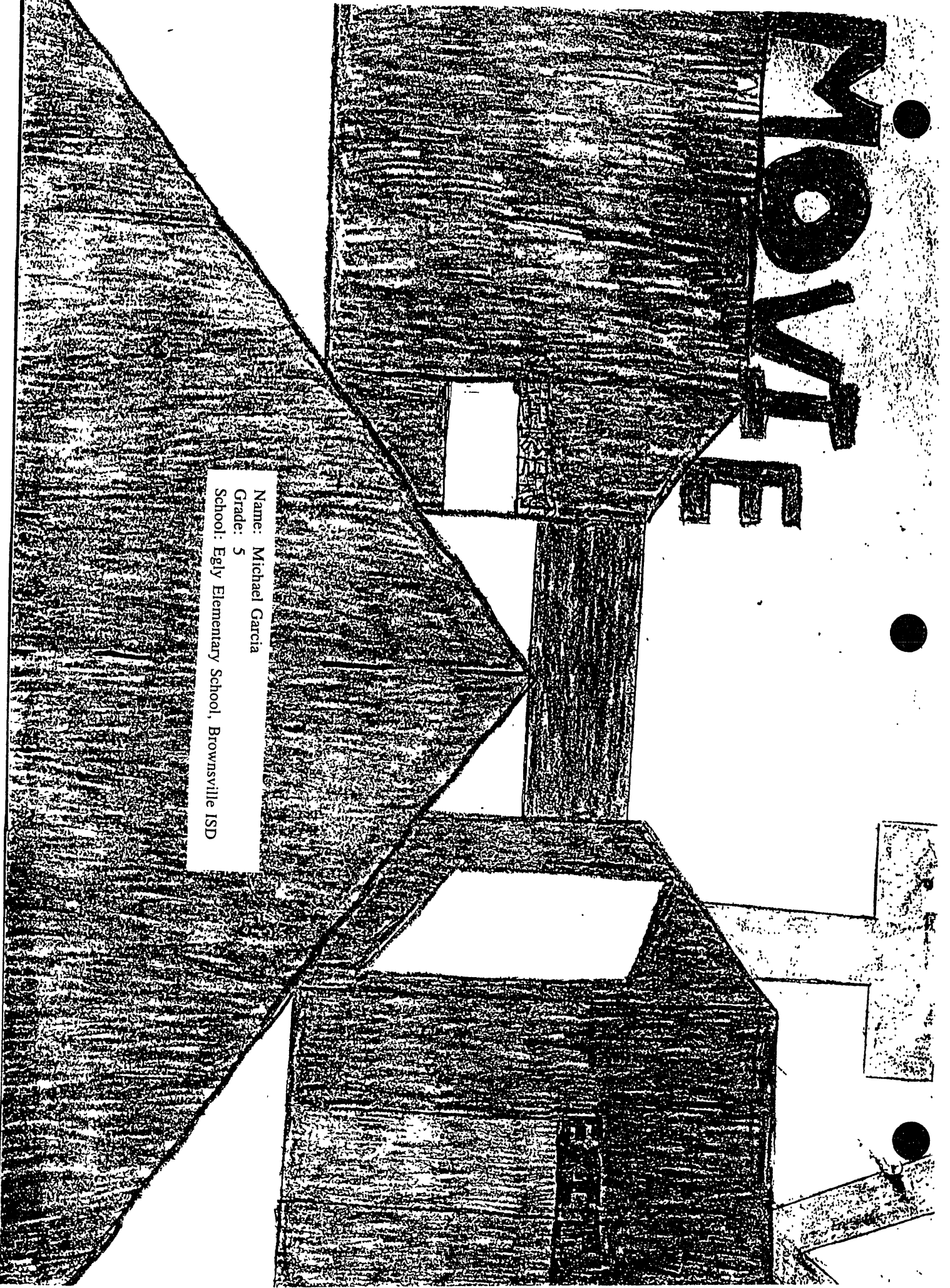


*Laarni
Rameses*

room 10

NOVEMBER

Name: Michael Garcia
Grade: 5
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THE GOVERNOR

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1828.

Appointments Made April 18, 1995

To be chairman of the **Texas Higher Education Coordinating Board** for a term at the pleasure of the Governor: Leonard Rauch of Houston. Mr. Rauch will be replacing Nancy Atlas of Houston as chairman. Ms. Atlas will continue to serve on the board.

To be presiding officer of the **Texas Department of Commerce Policy Board** for a term at the pleasure of the Governor: Walter H. Criner of Houston. Mr. Criner will be replacing Kenneth Carlile of Marshall who is no longer a member of the board.

To be a member of the **State Board of Nurse Examiners** for a term to expire January 31, 2001: Nancy Boston, P.O. Box 173, Temple, Texas 76503-0173. Mrs. Boston will be replacing Morris H. Parrish of Irving whose term expired.

To be a member of the **State Board of Nurse Examiners** for a term to expire January 31, 2001: Kenneth W. Lowrance, R.N., 1211 West 23rd Street, Clifton, Texas 76634. Mr. Lowrance will be replacing Nelwyn Pettey Ross of El Paso whose term expired.

Appointments Made April 20, 1995

To be a member of the **Texas National Research Laboratory Commission** for a term to expire February 1, 2001: George S. Bayoud, Jr., 3841 Normandy, Dallas, Texas 75205. Mr. Bayoud will be replacing Linda W. Hart of Dallas who resigned.

To be a member of the **Texas National Research Laboratory Commission** for a term to expire February 1, 2001: J. Fred Bucy, P.O. Box 780929, Dallas, Texas 75378-0929. Mr. Bucy will be replacing Charles R. Perry of Midland whose term expired.

To be a member of the **Texas National Research Laboratory Commission** for a term to expire February 1, 2001: G. W. "Bill" Ceverha, 4306 Bobbitt Drive, Dallas, Texas 75229. Mr. Ceverha will be replacing Shelton Smith of Houston whose term expired.

To be a member of the **Texas Historical Commission** for a term to expire February 1, 1997: Carl R. McQueary, P.O. Box 626, Salado, Texas 76571. Mr. McQueary will be filling the unexpired term of Dr. Clotilde P. Garcia of Corpus Christi who resigned.

To be a member of the **Texas Historical Commission** for a term to expire February 1, 2001: Bruce T. Aiken, 365 Sagua La Grande, Brownsville, Texas 78521-1968. Mr. Aiken will be replacing Sheldon Hall of El Paso whose term expired.

To be a member of the **Texas Historical Commission** for a term to expire February 1, 2001: Jane Cook Barnhill, Route 7, Box 7176, Brenham, Texas 77833. Mrs. Barnhill will be replacing Jean Kaspar of Shiner whose term expired.

To be a member of the **Texas Historical Commission** for a term to expire February 1, 2001: Shirley W. Caldwell, P.O. Box 1208, Albany, Texas 76430. Mrs. Caldwell will be replacing Al Davis of Houston whose term expired.

To be a member of the **Texas Historical Commission** for a term to expire February 1, 2001: T. R. Fehrenbach, 131 Mary D. Avenue, San Antonio, Texas 78209. Mr. Fehrenbach is being reappointed.

To be a member of the **Texas Historical Commission** for a term to expire February 1, 2001: F. Lee Lawrence, 529 Park Heights Circle, Tyler, Texas 75701. Mr. Lawrence will be replacing Dr. Brian Babin of Woodville whose term expired.

To be a member of the **Texas Historical Commission** for a term to expire February 1, 2001: Susan Mead, 4131 Cochran, Dallas, Texas 75209. Ms. Mead will be replacing Karl A. Komatsu of Fort Worth whose term expired.

To be chair of the **Texas Board of Architectural Examiners** for a term at the pleasure of the Governor: John Only Greer of College Station. Mr. Greer will be replacing Theodore S. Maffitt, Jr. of Palestine as chair. Mr. Maffitt is no longer a member of the board.

To be **Commissioner of Transportation Texas Department of Transportation** for a term at the pleasure of the Governor: David M. Laney of Dallas. Mr. Laney will be replacing David Bernsen of Beaumont. Mr. Bernsen will continue to serve on the commission.

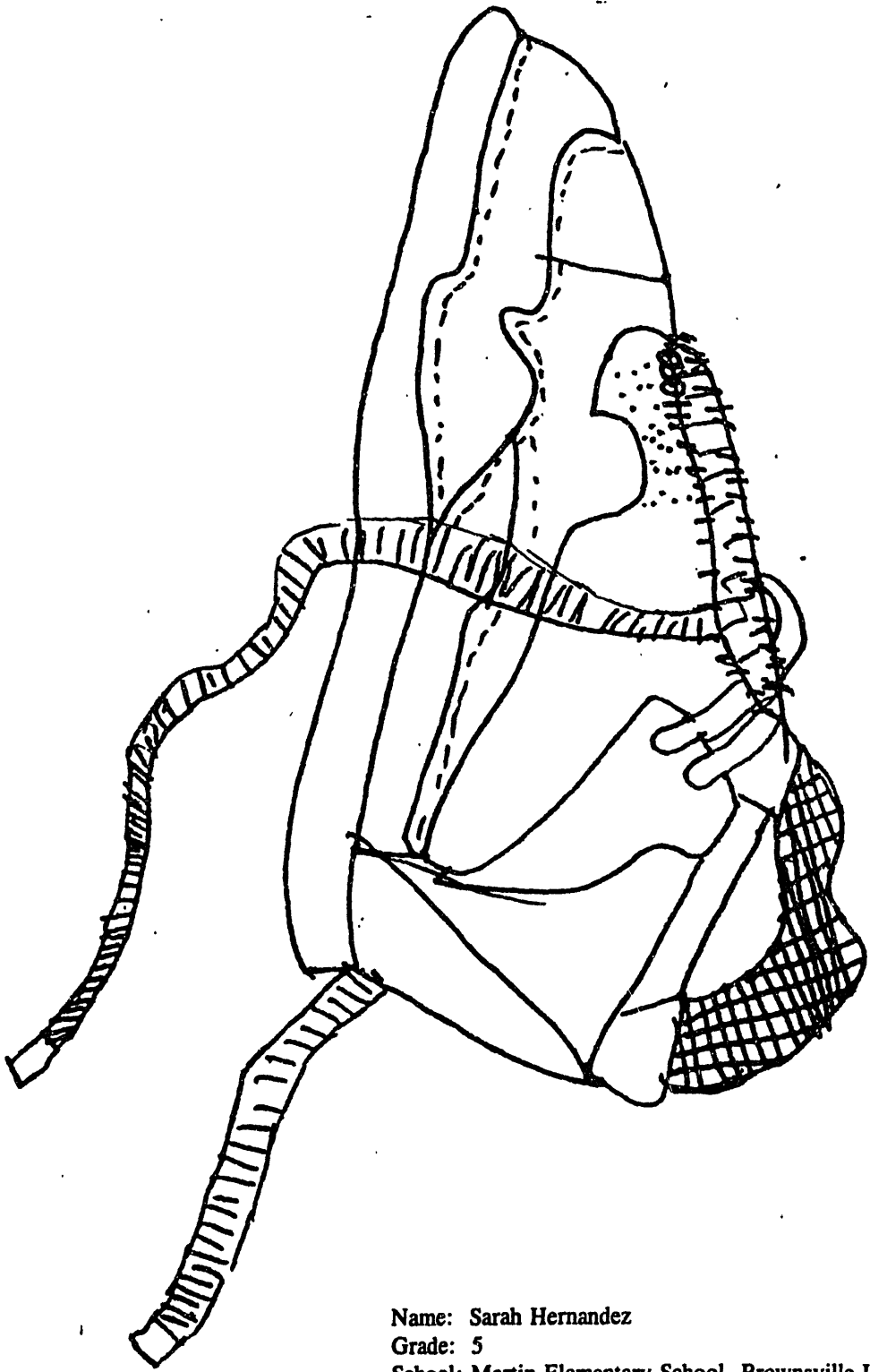
Issued in Austin, Texas, on April 21, 1995.

TRD-9504869

George W Bush
Governor of Texas



SARA Hernandez
Room 111



Name: Sarah Hernandez
Grade: 5
School: Martin Elementary School, Brownsville ISD

TEXAS ETHICS COMMISSION

The Texas Ethics Commission is authorized by Government Code, §571.091, to issue advisory opinions in regard to the following statutes: the Government Code, Chapter 302; the Government Code, Chapter 305; the Government Code, Chapter 572; the Election Code, Title 15; the Penal Code, Chapter 36; and the Penal Code, Chapter 39.

Requests for copies of the full text of opinions or questions on particular submissions should be addressed to the Office of the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

Ethics Advisory Opinions

EAO-257 (AOR-285). Whether a member of the Board of Vocational Nurse Examiners may provide continuing education workshops for licensed vocational nurses seeking license renewal.

Summary of Opinion. A member of the Board of Vocational Nurse Examiners should not offer continuing education courses for profit for vocational nurses seeking license renewal.

EAO-258 (AOR-289). Reimbursement from political contributions for political expenditures made from personal funds and reported as loans.

Summary of Opinion. Although the technically correct way to report the use of personal funds is to disclose expenditures made from these funds on Schedule G of Form C/OH, a candidate who has reported his use of personal funds for political expenditures as loans to his campaign is not prohibited from reimbursing himself from political contributions in the amount of the personal funds spent for political purposes.

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

TRD-9504825

Sarah Woelk
Director, Advisory Opinions
Texas Ethics Commission

Filed: April 20, 1995

◆ ◆ ◆



Name: Sofia Garcia
Grade: 2
School: Martin Elementary School, Brownsville ISD

Room

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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 use of **bold text**. [Brackets] indicate deletion of existing material within a section.

TITLE 13. CULTURAL RESOURCES

Part I. Texas State Library and Archives Commission

Chapter 7. Local Records

Records Retention Schedules

• 13 TAC §7.125

The Texas State Library and Archives Commission proposes an amendment to §7.125, adopting a records retention schedule for records of various public works and services departments of local governments and a revised records retention schedule for records common to all local governments pursuant to the Government Code, §441.158(a). The schedules establish mandatory minimum periods of time the records listed must be retained by local governments and elected county officers before disposal. Local Schedule PW provides retention periods for building inspection records, traffic and transportation records, environmental hazards records, parks and recreation records, libraries and museum records, records of social services, and records of other public works or services activities in local governments. Local Schedule GR is amended by adding retention periods for records relating to workplace safety and data processing.

William L. Dyess, Director, State and Local Records Management Division, has determined that for each year of the first five years the section is in effect there will be fiscal implications for state or local government as a result of administering or enforcing the section. There is no effect on state government. Use of the schedules can result in a cost reduction for local government but the amount per government cannot be accurately determined as it will depend on whether a government chooses to dispose of its records in accordance with the minimum retention periods established in the schedules or chooses to keep its records for longer periods. Mr. Dyess estimates that the cost reduction for local governments that choose to retain records at or slightly above the minimum retention periods will range from less than \$100 per year in small governments to several thousand dollars per year in larger governments.

Mr. Dyess also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be that local governments will be able to meet the requirements of the Local Government Code, §203.041 and §203.042, which require that records control schedules be prepared and submitted to the director and librarian of the Texas State Library that conform to records retention schedules issued by the commission. The information included in scheduled records document the actions of local governments. If such records are destroyed while they still have fiscal, legal, administrative, and historical value, then the public's rights to access public information contained in them are effectively denied. Application of schedules will further benefit the public through avoidance of storage and personnel costs associated with maintaining records after they have ceased to have value. There will be no effect on small businesses. There is no anticipated economic cost to persons required to comply with the section as proposed.

Comments on the proposal may be submitted to Michael Heskett, Policy and Program Development Manager, State and Local Records Management Division, Texas State Library, Box 12927, Austin, Texas 78711-2927, within 30 days of publication in the *Texas Register*.

The amendment is proposed under the Government Code, §441.158(a). The Government Code, §441.158(a), requires the commission to prepare and distribute records retention schedules for local government records and to adopt the schedules by rule.

The proposed amendment affects the Government Code, §441.158(a).

§7.125. Records Retention Schedules.

(a) The following records retention schedules, required to be adopted by rule under the Government Code, §441.158(a), are adopted by reference. Copies of the schedules are available from the State and Local Records Management Division, Texas State Library, P.O. Box 12927, Austin, Texas 78711-2927; (512) 452-9242

[(1) Local Schedule GR: Records Common to All Local Governments, 2nd Edition;]

(1)[(2)] Local Schedule LC: Records of Justice and Municipal Courts;

(2)[(3)] Local Schedule TX: Records of Property Taxation, 2nd Edition;

(3)[(4)] Local Schedule EL: Records of Elections and Voter Registration,

(4)[(5)] Local Schedule SD: Records of Public School Districts ;

(5)[(6)] Local Schedule JC: Records of Public Junior Colleges,

(6)[(7)] Local Schedule HR: Records of Public Health Agencies,

(7)[(8)] Local Schedule PS: Records of Public Safety Agencies,

(8)[(9)] Local Schedule CC: Records of County Clerks,

(9)[(10)] Local Schedule DC: Records of District Clerks;

(10)[(11)] Local Schedule UT: Records of Utility Services.

(b) The following records retention schedules, required to be adopted by rule under the Government Code, §441.158(a), are adopted.

(1) Local Schedule GR: Records Common to All Local Governments, 3rd Edition;
FIGURE 1. 13 TAC §7.125(b)(1)

(2) Local Schedule PW: Records of Public Works and Services.
FIGURE 2. 13 TAC §7.125(b)(2)

(c)[(b)] The retention periods in the records retention schedules adopted under subsections [subsection] (a) and (b) of this section serve to amend and replace the retention periods in all editions of the county records manual published by the commission between 1978 and 1988. The retention periods in the manual, which were validated and continued in effect by the Government Code, §441.159, until amended, are now without effect.

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

Issued in Austin, Texas, on April 20, 1995.

TRD-9504840

Raymond Hitt
Assistant State Librarian
Texas State Library and
Archives Commission

Earliest possible date of adoption: May 29, 1995

For further information, please call: (512) 463-5460

TITLE 22. EXAMINING BOARDS

Part I. Texas Board of Architectural Examiners

Chapter 1. Architects

Subchapter A. Scope; Defini- tions

• 22 TAC §§1.3, 1.5, 1.8

The Texas Board of Architectural Examiners proposes amendments to §§1.3, 1.5, and 1.8, to reflect legislative changes from Administrative Procedure and Texas Register Act (APTRA) to Administrative Procedure Act (APA). The amendments are being proposed to conform to the legislative changes.

Cathy Hendricks, executive director, Texas Board of Architectural Examiners, 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.

Ms. Hendricks also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be clarification of terminology. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Cathy Hendricks, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78757.

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

The proposed amendments do not affect any other statutes.

§1.3. Board's Regulatory Authority. The cited rules of the Board are promulgated under authority of the cited statute, Texas Civil Statutes, Article 249a, a practice and title law, and shall be in conformity with applicable provisions of the [Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, (APTRA)] Administrative Procedure Act, Government Code, Chapter 2001, (APA).

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

[APTRA-Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a]

APA-Administrative Procedure Act, Government Code, Chapter 2001.

§1.8. Meetings and Notices Thereof. Two regular meetings shall be held each year and as many special meetings as may be necessary for the proper performance of the duties of the Board. An annual meeting of the Board shall be held during the month of January of each year at a time, place, and date which shall be determined by the Board. Special meetings of the Board may be called by the Chairman or upon the request of any two members, by giving at least five days written notice to each member of the time and place of such meeting. All meetings of the Board shall be held in accordance with the Open Meetings Act [(Texas Civil Statutes, Article 6252-17)] (Government Code, Chapter 551).

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

Issued in Austin, Texas, on April 20, 1995.

TRD-9504859

Cathy Hendricks
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: May 29, 1995

For further information, please call: (512) 458-1375

Subchapter I. Charges Against Architects: Action

• 22 TAC §1.165, §1.174

The Texas Board of Architectural Examiners proposes amendments to §1.165 and §1.174, to reflect legislative changes from Administrative Procedure and Texas Register Act (APTRA) to Administrative Procedure Act (APA). The amendments are being proposed to conform to the legislative changes.

Cathy Hendricks, executive director, Texas Board of Architectural Examiners, 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.

Ms. Hendricks also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be clarification of terminology. There will be no effect on small businesses. There is no anticipated

economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Cathy Hendricks, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78757.

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

The proposed amendments do not affect any other statutes.

§1.165. [Administrative Procedure and Texas Register Act] Administrative Procedure Act. The provisions of the [Administrative Procedure and Texas Register Act (APTRA)] Administrative Procedure Act (APA) shall apply to the conduct of all disciplinary hearings, with additional rules as may be hereinafter adopted by the Board which shall be in addition to and not inconsistent with the [APTRA] APA.

§1.174. Administrative Fine Notice and Payment.

(a) (No change.)

(b) Within the 30-day period immediately following the day on which the administrative fine order becomes final as provided by the [Administrative Procedure and Texas Register Act (APTRA)] Administrative Procedure Act (APA), the architect charged with the administrative fine shall:

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

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

(e) Judicial review of the order by the Board levying the administrative fine shall be in accordance with [APTRA] APA procedures.

(f) (No change.)

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

Issued in Austin, Texas, on April 20, 1995.

TRD-9504856

Cathy Hendricks
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: May 29, 1995

For further information, please call: (512) 458-1375

Chapter 3. Landscape Architects

Subchapter A. Scope; Definitions

• 22 TAC §§3.3, 3.5, 3.8

The Texas Board of Architectural Examiners proposes amendments to §§3.3, 3.5, and 3.8, to reflect legislative changes from Administrative Procedure and Texas Register Act (APTRA) to Administrative Procedure Act (APA). The amendments are being proposed to conform to the legislative changes.

Cathy Hendricks, Executive Director, Texas Board of Architectural Examiners, 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.

Ms. Hendricks also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the rules will be clarification of terminology. There will be no effect on small businesses. There is no anticipated economic costs to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Cathy Hendricks, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78757.

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

The proposed amendments does not affect any other statutes.

§3.3 Board's Regulatory Authority. The cited rules of the Board are promulgated under authority of the cited statute, Texas Civil Statutes, Article 249c, and shall be in conformity with applicable provisions of the [Administrative Procedure and Texas Register Act (APTRA), Texas Civil Statutes, Article 6252-13a] Administrative Procedure Act (APA), Government Code, Chapter 2001

§3.5 Terms Defined Herein. The following words and terms, when used in these rules, shall have the following meanings, unless the context clearly indicates otherwise

[APTRA-Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a]

APA-Administrative Procedure Act, Government Code, Chapter 2001.

§3.8 Meetings and Notices Thereof. Two regular meetings shall be held each year and as many special meetings as may be necessary for the proper performance of the du-

ties of the Board. An annual meeting of the Board shall be held during the month of January of each year at a time, place, and date which shall be determined by the Board. Special meetings of the Board may be called by the Chairman or upon the request of any two members, by giving at least five days' written notice to each member of the time and place of such meeting. All meetings of the Board shall be held in accordance with the Open Meetings Act [(Texas Civil Statutes, Article 6252-17)] (Government Code, Chapter 551).

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

Issued in Austin, Texas, on April 19, 1995.

TRD-9504816 Cathy Hendricks
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: May 29, 1995

For further information, please call: (512) 458-1375

Subchapter C. Written Examinations

• 22 TAC §3.46

The Texas Board of Architectural Examiners proposes an amendment to §3.46, concerning examination review for landscape architectural candidates. The amendment is being proposed to conform to the Council of Landscape Architectural Registration Boards requirements.

Cathy Hendricks, Executive Director, Texas Board of Architectural Examiners, 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. Hendricks also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be clarification of confusing terminology. There will be no effect on small businesses. There is no anticipated economic costs to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Cathy Hendricks, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78757

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

The proposed amendment does not affect any other statutes

§3.46. Scoring.

(a) (No change.)

(b) There will be no Board review of examinations with candidates [Candidates may request an appointment, within 90 days after receipt of their grades, to come into the Board offices and look at their graphic solutions] Candidates must request review of their examinations within 14 days of receipt of their exam results. Once they are notified by TBAE that their exam is available for review, the candidate must schedule and complete the review within 20 days. Any exam review requested outside of these time frames will require an additional fee per charges imposed by CLARB.

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

Issued in Austin, Texas, on April 19, 1995

TRD-9504815 Cathy Hendricks
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: May 29, 1995

For further information, please call: (512) 458-1375

Subchapter I. Charges Against Landscape Architects: Action

• 22 TAC §3.161, §3.164

The Texas Board of Architectural Examiners proposes amendments to §3.161 and §3.164, to reflect legislative changes from Administrative Procedure and Texas Register Act (APTRA) to Administrative Procedure Act (APA). The amendment is being proposed to conform to the legislative changes

Cathy Hendricks, Executive Director, Texas Board of Architectural Examiners, 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

Ms. Hendricks also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the rules will be clarification of terminology. There will be no effect on small businesses. There is no anticipated economic costs to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Cathy Hendricks, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78757

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

The proposed amendments does not affect any other statutes

§3 161 [Administrative Procedure and Texas Register Act] **Administrative Procedure Act.** The provisions of the [Administrative Procedure and Texas Register Act] **Administrative Procedure Act** shall apply to the conduct of all disciplinary hearings, with additional rules as may be hereinafter adopted by the Board which shall be in addition to and not inconsistent with [APTRA] APA

§3 164 *Appeals from Board Orders* A landscape architect who is aggrieved by a decision of the Board, may file an appeal within 30 days of receipt of a copy of the Board's Order as set out in the Landscape Architects' Registration Law and in compliance with [APTRA] APA 19(d)

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

Issued in Austin, Texas, on April 19, 1995

TRD-9504817 Cathy Hendricks
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption May 29, 1995

For further information, please call (512) 458-1375

◆ ◆ ◆
Chapter 5. Interior Designers
Subchapter A. Scope; Definitions

• 22 TAC §§5.3, 5.5, 5.8

The Texas Board of Architectural Examiners proposes amendments to §§5 3, 5 5, and 5 8, to reflect legislative changes from Administrative Procedure and Texas Register Act (APTRA) to Administrative Procedure Act (APA). The amendments are being proposed to conform to the legislative changes

Cathy Hendricks, executive director, Texas Board of Architectural Examiners, 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

Ms. Hendricks also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections rule will be clarification of terminology There will be no effect on small businesses There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Cathy Hendricks, Executive Director,

Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78757

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

The proposed amendments do not affect any other statutes

§5.3 *Board's Regulatory Authority* The cited rules of the Board are promulgated under authority of the cited statute, Texas Civil Statutes, Article 249e, a title law, and shall be in conformity with applicable provisions of the [Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, (APTRA)] **Administrative Procedure Act, Government Code, Chapter 2001, (APA).**

§5 5. *Terms Defined Herein.* The following words and terms, when used in these rules, shall have the following meanings, unless the context clearly indicates otherwise

[APTRA-Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a]

APA-Administrative Procedure Act, Government Code, Chapter 2001.

§5 8 *Meetings and Notices Thereof* Two regular meetings shall be held each year and as many special meetings as may be necessary for the proper performance of the duties of the Board An annual meeting of the Board shall be held during the month of January of each year at a time, place, and date which shall be determined by the Board. Special meetings of the Board may be called by the Chairman or upon the request of any two members, by giving at least five days written notice to each member of the time and place of such meeting. All meetings of the Board shall be held in accordance with the Open Meetings Act [(Texas Civil Statutes, Article 6252-17)] (Government Code, Chapter 551).

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

Issued in Austin, Texas, on April 20, 1995

TRD-9504857 Cathy Hendricks
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption May 29, 1995

For further information, please call (512) 458-1375

Subchapter I. Charges Against Interior Designers: Action

• 22 TAC §5.174

The Texas Board of Architectural Examiners proposes an amendment to §5. 174, to reflect legislative changes from Administrative Procedure and Texas Register Act (APTRA) to Administrative Procedure Act (APA). The amendment is being proposed to conform to the legislative changes

Cathy Hendricks, executive director, Texas Board of Architectural Examiners, 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. Hendricks also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be clarification of terminology. There will be no effect on small businesses. There is no anticipated economic costs to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Cathy Hendricks, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78757

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

The proposed amendment does not affect any other statutes

§5 174. [Administrative Procedure and Texas Register Act] **Administrative Procedure Act.** The provisions of the [Administrative Procedure and Texas Register Act (APTRA)] **Administrative Procedure Act (APA)** shall apply to the conduct of all disciplinary hearings, with additional rules as may be hereinafter adopted by the Board which shall be in addition to and not inconsistent with the [APTRA] APA.

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

Issued in Austin, Texas, on April 20, 1995.

TRD-9504858 Cathy Hendricks
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption: May 29, 1995

For further information, please call. (512) 458-1375

Part XXII. Texas State Board of Public Accountancy

Chapter 523. Continuing Professional Education

Continuing Professional Education Standards

• 22 TAC §523.32

The Texas State Board of Public Accountancy proposes an amendment to §523.32, concerning Ethics Courses

The proposed amendment specifies that CPAs must take Ethics courses which are approved by the Board.

William Treacy, Executive Director, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering this rule

Mr Treacy also has determined that during the first five-year period the rule is in effect, the anticipated public benefit as a result of enforcing or administering the rule will be a higher standard of ethical considerations taught in approved ethics courses There is no effect on small businesses There is no anticipated economic cost to persons required to comply with the section as proposed.

Comments on the proposal may be submitted to J. Randel (Jerry) Hill, General Counsel, 333 Guadalupe, Tower III, Suite 900, Austin, Texas, 78701-3942

The amendment is proposed under Texas Civil Statutes, Article 41a-1, Section 6, which provide the Texas State Board of Public Accountancy with the authority to make such rules as may be necessary or advisable to carry in effect the purposes of the law; and §15A which requires certified public accountants to participate in continuing professional education courses.

The rule implements Texas Civil Statutes, Article 41a-1, §6 and §15A

§523.32. *Ethics Course.* Effective January 1, 1995, each certificate or registration holder, unless granted retired or permanent disability status or other exemption, is required every three years to successfully complete [a minimum of our hours of ethics course a part of which shall include] a four-hour course of comprehensive study on the Rules of Professional Conduct of the Board, offered through a Board-registered provider of continuing professional education. Before a provider of continuing professional education can offer this course, the contents of the course must be submitted to the continuing professional education committee of the board for approval. The course [may] must be claimed as a non-technical course when reporting continuing professional education hours

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

Issued in Austin, Texas, on April 19, 1995

TRD-9504893

William Treacy
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption. May 29, 1995

For further information, please call (512) 505-5566

TITLE 30. ENVIRONMENTAL QUALITY

Part I. Texas Natural Resource Conservation Commission

Chapter 335. Industrial Solid Waste and Municipal Hazardous Waste

Subchapter J. Industrial Solid Waste and Hazardous Waste Fee System

• 30 TAC §335.325, §335.326

The Texas Natural Resource Conservation Commission (TNRCC or commission) proposes amendments to §335.325 and §335.326, concerning industrial solid waste and hazardous waste fee system The Texas Health and Safety Code, Chapter 361, Subchapter D authorizes the commission to establish an industrial solid waste and hazardous waste fee system related to the generation and disposition of waste and the operation of waste management facilities subject to permits Under the current fee program, annual assessments are levied based on the quantities of industrial solid waste and hazardous waste generated and the capacity of permitted treatment, storage and disposal facilities. In addition, monthly waste management fees are assessed based on the actual amounts of waste which are treated, stored or disposed at permitted facilities Under provisions of the Texas Health and Safety Code, §361.136(c), these waste management fees are based on the total weight of the amounts of waste managed, except for wastes which are disposed in underground injection wells, which are based on the dry weight of the waste The Texas Health and Safety Code, §361.131 defines dry weight to be weight of waste stream constituents other than water The Texas Health and Safety Code, §361.136(m) authorizes the commission to establish by rule a method for computing the dry weight of a waste

The wastewater streams that are injected into underground injection wells are typically very dilute aqueous solutions The reported dry weight ratio values (dry weight/total weight) for most waste streams is less than 2% Some companies, however, generate waste

streams that may exceed 10% dry weight ratios due to the presence of naturally-occurring brines at high concentrations The brine is not a constituent for which the wastewater is listed as a hazardous waste Due to the high specific gravity and dry weight measure of these wastes, the fee payments that are calculated are proportionally higher on a per ton or per gallon basis (sometimes by an order of magnitude) when compared to the large majority of other waste streams being injected The proposed rule would mitigate the impact of the highly saline waste streams on fee calculations by assessing a lower fee for the brine component of wastes above a threshold dry weight measure The commission also proposes alternative procedures for the determination of the dry-weight measurement of hazardous wastes which are high in inorganic salts or brines

Section 335.135 (relating to Industrial Solid Waste and Hazardous Waste Management Fee Assessment) is amended by the addition of new subsection (q) which authorizes an alternative fee rate for disposal in non-commercial injection wells of certain wastes which demonstrate high dry-weight ratios. The new subsection would authorize a fee of 20% of the current applicable fee rate for the component of a waste stream that is an inorganic salt The section is further amended at subsection (j) to change a reference to existing subsections (k)-(p) to reflect the addition of the new subsection (q)

Section 335.326 (relating to Dry Weight Determination) is amended by the addition of new §335.326(c), which authorizes an alternative determination of dry weight of a waste stream if certain conditions associated with salt or brine content of the waste exist. For wastes which exceed a 10% dry weight ratio, the new subsection would authorize an operator to separately measure and record the weight of inorganic salts in the waste stream Current subsection (c) is renumbered as subsection (d).

Stephen Minick, Strategic Planning and Appropriations Division, has determined that for the first five years these sections as proposed are in effect there will be fiscal implications as a result of enforcement and administration of the sections. The effect on state government will be a reduction in potential revenue earnings of approximately \$280,000 per year when averaged over the first five years the rule is in effect. The reduction in potential revenue will not effect current cash flow and, with current projections of fund balances available, will not impact current program budgets There are no significant increases in costs to state government anticipated from implementation of the rule There are no significant fiscal implications anticipated for local governments or small businesses.

Mr. Minick also has determined that for each year of the first five years these sections as proposed are in effect the public benefit anticipated as a result of enforcement of and compliance with the sections will be improvements in enforcement of the provisions of the Health and Safety Code and the regulations of the TNRCC regarding the criteria for establishing fees for the generation and management of industrial solid wastes

and hazardous wastes, and the equitable distribution of financial support of the commission's regulatory activities under authorized fee revenue programs.

Written comments may be submitted to the TNRCC central office in Austin through May 29, 1995. Material received by the TNRCC Office of Policy and Regulatory Development by 4.00 p.m. on that date will be considered by the commission prior to any final action on the proposal. Please mail written comments to Bettie Mabry-Bell, Office of Policy and Regulatory Development, MC-201, P O Box 13087, Austin, Texas 78711-3087 and refer to Rule Log Number 95104-335-WS when commenting on the proposed rule. For further information contact Stephen Minick at (512) 239-0214.

The amendments are proposed under the Health and Safety Code, Chapter 361, which provides the TNRCC with the authority to establish an industrial solid waste and hazardous waste fee program and implement fee assessments for industrial solid waste and hazardous waste generators, waste management facilities and permit applicants.

The sections will implement provisions of Health and Safety Code §361.131, §361.136, and §361.139.

§335.325. *Industrial Solid Waste and Hazardous Waste Management Fee Assessment.*

(a)-(p) (No change.)

(q) An operator of a hazardous waste injection well electing to separately measure inorganic salts in the determination of dry weight under the provisions of §335.326(c) of this subchapter shall pay a fee equivalent to 20% of the fee for underground injection assessed in subsection (j) of this section for the components of the waste stream determined to be inorganic salts.

§335.326. *Dry Weight Determination.*

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

(c) If the dry weight ratio of a hazardous waste as measured under this section exceeds 10%, an operator of a hazardous waste injection well may elect to determine the composition of the waste stream that is inorganic salts or brines and separately record the weight of such inorganic salts for the purpose of assessment of the fee under §335.325(p) of this subchapter. The methods used to determine the weight of inorganic salts in a hazardous waste stream are subject to review and approval by the executive director. [This subsection does not apply to:

(1) any component of a waste stream that is a hazardous constituent or is a constituent for which the waste is designated as hazardous, or

(2) any waste stream received by a commercial facility for a charge.

(d)[(c)] For purposes of a fee assessed under §335.325 of this title (relating to Industrial Solid Waste and Hazardous Waste Management Fee Assessment), the dry weight of a waste disposed in an underground injection well, to which brine, inorganic salts, or other authorized agents are added to maintain density control to assure compliance with no-migration requirements of 40 Code of Federal Regulations 148 Subpart C, shall be determined prior to the addition of the agent. No solid waste, as defined by the Health and Safety Code, §361.003(37), may be excluded from the determination of dry weight under this subsection.

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

Issued in Austin, Texas, on April 24, 1995.

TRD-9504923

Lydia Gonzalez Gromatzky
Acting Director, Legal
Division
Texas Natural Resource
Conservation
Commission

Earliest possible date of adoption: May 29, 1995

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 53. Finance

Selling Price of Departmental Information

• 31 TAC §53.3

The Texas Parks and Wildlife Department proposes an amendment to §53.3, concerning obsolete stamps and decals.

Existing §53.3 provides for the sale of obsolete stamps for two years following issue and states that all other obsolete stamps will be destroyed. However, there is no stipulated timeframe for the destruction of obsolete stamps, and thus the Department still has these stamps in possession. The proposed amendment would provide for the sale of and set the prices for obsolete Nongame and Endangered Species stamps, individually and in sets, to commemorate the tenth anniversary of the issuance of Nongame and Endangered Species stamps.

John Herron, Nongame and Urban Program Leader, has determined that for each year of the first five-year period the rule as proposed is in effect there will be an estimated increase in revenue to state government of \$6,000. There will be no fiscal implications for local governments.

Mr. Herron also has determined that for the first five years the rule as proposed is in effect, the anticipated public benefit as a result of enforcing or administering the rule as proposed will be the opportunity to purchase commemorative stamps for collecting and aesthetic purposes. There will be no effect on small businesses. There is no anticipated economic cost for persons required to comply with the rule as proposed. The department has not filed a local impact statement with the Texas Employment Commission as required by the Administrative Procedure Act, §2001.022, as this agency has determined the rule as proposed will not impact local economies.

Comments on the proposed rule may be submitted to John Herron, Nongame and Urban Wildlife Program Leader, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4771 or 1-800-792-1112 extension 4771.

The amendment is proposed under Parks and Wildlife Code, Chapter 11, Subchapter D, which authorizes the Texas Parks and Wildlife Department to sell wildlife art prints, decals, and stamps.

The proposed amendment implements Parks and Wildlife Code, Chapter 11, Subchapter D.

§53.3. *Obsolete Stamps and Decals.*

(a) Except for Nongame and Endangered Species stamps, obsolete [Obsolete] stamps and decals shall be sold for informational purposes at face value, plus a processing charge sufficient to recover shipment, postage, and sales tax.

(b) Except for Nongame and Endangered Species stamps, stamps [Stamps] and decals shall remain on sale for a maximum of one fiscal year after expiration. During the second year, obsolete stamps and decals, other than the Nongame and Endangered Species stamp, shall be sold only by book or sheet.

(c) Previous issues of Nongame and Endangered Species stamps may be made available for sale at \$10 for individual stamps or decals, and \$75 for a complete set of the 11 stamps issued from 1985-1995. The Department may sell a limited number of collector's sets of the 11 stamps issued from 1985-1995, framed and mounted, for \$300 for per set. The Department may add to this price a processing charge sufficient to recover shipment, postage, and sales tax. The Department may give away earlier issues of decals and use previously issued stamps in merchandise items that are offered for sale or as promotional items.

(d)[(c)] The executive director may maintain a limited number of stamps and decals of each type and year.

(e)[(d)] All other obsolete stamps and decals shall be destroyed.

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

Issued in Austin, Texas, on April 24, 1995

TRD-9504921

Paul M Shinkawa
Acting General Counsel
Texas Parks and Wildlife
Department

Earliest possible date of adoption: May 29, 1995

For further information, please call (512) 389-4433

License Fees and Boat and Motor Fees

• 31 TAC §53.8

The Texas Parks and Wildlife Department proposes an amendment to §53.8, concerning license fees. The amendment changes the fees for a variety of existing licenses, adds new fees, and designates nonresident hunters under the age of 17 as resident hunters.

The amendment would set the fee for a resident combination hunting and fishing license at a figure between \$25-\$30, and for the resident hunting license, the fee would be between \$13-\$20. The general nonresident hunting license fee would increase to \$250 and the nonresident special hunting license fee would increase to \$100. The amendment would set the fee for the resident fishing license at a figure between \$13-\$20 and establish the fee for a special resident sportfishing license at a figure between \$150-\$600. The amendment would establish the fee for the lifetime combination hunting and fishing license at \$1,000, and the fee for individual lifetime hunting or fishing licenses would be \$600. The amendment also designates nonresident hunters under the age of 17 as resident hunters for the purpose of purchasing the resident hunting license; sets a \$7.00 fee for turkey stamps, creates a five-day nonresident special hunting license fee of \$50, sets the fee for a nonresident spring turkey hunting license at \$100; sets the fee for a conservation permit at a figure between \$25-\$30; and adds new fees for an exempt red drum tag and a duplicate exempt red drum tag at \$6.00. The amendment additionally increases the fees for certain commercial licenses by 15% (not to exceed \$25), contingent upon the passage of bills now pending before the legislature. Should the legislature choose not to enact the bills, the fees would not be adopted. The amendment would increase the retail fish dealer's license to \$46, the wholesale fish dealer's license to \$525, the wholesale fish dealer's truck license to \$325, the retail fish dealer's truck license to \$86.25, the resident commercial gulf shrimp boat license to \$275, the shrimp house operator license to \$425; the bait shrimp trawl tag to \$23; the bait shrimp dealer's license to \$115; the transfer fee for a commercial bay shrimp boat to \$195; the resident commercial bait shrimp boat license to \$195; the nonresident commercial gulf shrimp boat license to

\$1,025; the nonresident commercial bait shrimp boat to \$525; and the commercial bait shrimp boat license transfer fee to \$195. The amendment also exempts commercial bay shrimp boat and commercial bait shrimp boat licenses from the current \$5.00 transfer fee.

Finally, the amendment sets a fee for a sportsman's license that would include the costs of hunting and fishing licenses and associated stamps in a single license. The fee for a sportsman's license would be between \$40-\$80. Adoption of this new fee is also contingent upon passage of pending legislation.

Jim Dickinson, Deputy Executive Director, has determined that for the first five-year period the rule is in effect the fiscal implications as a result of enforcing or administering the rule will be an estimated minimum net increase in revenue to state government of \$1,780,000 in 1996; \$1,856,000 in 1997; \$1,932,000 in 1998; \$2,006,000 in 1999, and \$2,080,000 in 2000. The estimated maximum net increase in revenue to state government will be \$12,815,000 in 1996; \$12,891,000 in 1997; \$12,960,000 in 1998; \$13,041,000 in 1999, and \$13,115,000 in 2000. There will be no fiscal implications for local governments.

Mr Dickinson also has determined that for each of the first five years the rule as proposed is in effect, the anticipated public benefit expected as result of enforcing or administering the rule will be that license fees will be sufficient to permit continuation of services for the public good. There will be no effect on small businesses. The anticipated economic cost to persons required to comply with the rule as proposed will be the cost of licenses. The department has not filed a local employment impact statement with the Texas Employment Commission as required by the Administrative Procedure Act, §2001.022, as this agency has determined that the amendment as proposed will not impact local economies.

Public comments concerning the proposed fee increases may be directed to Paul Israel, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas, 78744; (512) 389-4823 or 1-800-792-1112, extension 4823.

The amendment is proposed under the authority of Parks and Wildlife Code, §11.027, which provides the Parks and Wildlife Commission with authority to set certain license fees, and under §46.0045, which authorizes the Parks and Wildlife Commission to establish fees for initial and duplicate tags red drum tags.

The proposed amendment implements Parks and Wildlife Code, §11.027 and §46.0045.

§53.8 License Fees Set by Commission.

[(a)] The following license fee amounts are effective for the licensing period beginning September 1, 1995 [1993]:

- (1) resident combination hunting and fishing-\$25-\$30 [\$25];
- (2) resident hunting-\$13-\$20 [\$13];

(3) special resident hunting-\$6.00. Nonresident hunters who are under 17 years of age on the date of license purchase are designated as residents and may purchase a special resident hunting license;

- (4) duplicate hunting-\$6.00.
- (5) general nonresident hunting-\$250 [\$200];
- (6) resident trapper-\$15;
- (7) nonresident special hunting-\$100 [\$75];
- (8) resident retail fur buyer-\$75;
- (9) resident wholesale fur dealer-\$150;
- (10) nonresident five-day special hunting-\$25;
- (11) nonresident banded bird hunting-\$10;
- (12) game breeder-\$15;
- (13) hunting boat-\$75;
- (14) scientific breeder's permit-\$150;
- (15) fur-bearing animal propagation-\$75;
- (16) nonresident trapper-\$250;
- (17) commercial game bird breeder-Class I-\$150;
- (18) apprentice falconer's permit-\$50;
- (19) general falconer's permit-\$100;
- (20) master falconer's permit-\$150;
- (21) falconer's renewal permit-\$50;
- (22) nonresident five-day falconer's permit-\$20;
- (23) white-winged dove stamp-\$7.00;
- (24) commercial game bird breeder-Class 2-\$15;
- (25) wild caught alligator hide tag-\$10;
- (26) hunting lease-small-\$25;
- (27) hunting lease-medium-\$50;
- (28) hunting lease-large-\$75;
- (29) archery hunting stamp-\$7.00;
- (30) waterfowl hunting stamp-\$7.00;
- (31) nonresident retail fur buyer's-\$300;

(32) nonresident wholesale fur dealer's-\$500;

(33) resident fishing-\$13-\$20; [\$13];

(34) [blind or qualified disabled veteran or commercial fisherman-] special resident sportfishing-\$1.50-\$6.00 [\$1.50];

(35) nonresident fishing-\$20;

(36) fishing duplicate-\$6.00;

(37) temporary nonresident fishing-\$10;

(38) Lake Texoma fishing-\$7.50;

(39) saltwater sportfishing stamp-\$7.00;

(40) freshwater trout stamp-\$7.00;

(41) retail fish dealer's-\$46 [\$40];

(42) saltwater trotline tags-\$3.00;

(43) fishing guide-\$75;

(44) resident commercial fishing boat-\$15;

(45) bait dealer's-\$30;

(46) wholesale fish dealer's-\$525 [\$500];

(47) wholesale fish dealer's-truck-\$325 [\$300];

(48) retail fish dealer's-truck-\$86.25 [\$75];

(49) commercial fishing boat-Menhaden Only-\$3,500;

(50) Menhaden Fish Plant Permit-\$150;

(51) resident commercial gulf shrimp boat-\$275 [\$250];

(52) shrimp house operator-\$425 [\$400];

(53) individual bait shrimp trawl tags-\$23 [\$20];

(54) bait shrimp dealer's-\$115 [\$100];

(55) [resident] commercial bay shrimp boat license transfer-\$195 [\$150];

(56) resident commercial bait shrimp boat-\$195 [\$170];

(57) nonresident general commercial fisherman-\$150;

(58) nonresident general commercial finfish fisherman-\$150;

(59) resident commercial finfish fisherman-\$75;

(60) resident general commercial fisherman-\$20;

(61) nonresident commercial gulf shrimp boat-\$1,025 [\$1,000];

(62) finfish import-\$75;

(63) resident fishing under 17 or 65 years old or older-no charge;

(64) Lifetime Combination Hunting and Fishing-\$1,000 [\$800];

(65) Lifetime Hunting-\$600 [\$500];

(66) Lifetime Fishing-\$600 [\$400];

(67) resident commercial oyster boat captain's-\$25;

(68) nonresident commercial oyster boat captain's-\$100;

(69) nonresident commercial bait shrimp boat-\$525 [\$500];

(70) duplicate resident commercial bay shrimp boat license plates-\$5.00;

(71) duplicate resident commercial bait shrimp boat license plates-\$5.00;

(72) duplicate resident commercial gulf shrimp boat license plates-\$5.00;

(73) duplicate nonresident commercial bay shrimp boat license plates-\$5.00;

(74) duplicate nonresident commercial bait shrimp boat license plates-\$5.00;

(75) duplicate nonresident commercial gulf shrimp boat license plates-\$5.00;

(76) duplicate resident commercial fishing boat license plates-\$5.00;

(77) duplicate resident commercial oyster boat license plates-\$5.00;

(78) duplicate nonresident commercial fishing boat license plates-\$5.00;

(79) duplicate nonresident commercial oyster boat license plates-\$5.00;

(80) commercial bait shrimp boat license transfer-\$195 [\$5.00];

(81) transfer of any licenses (except commercial bay shrimp boat and commercial bait shrimp boat licenses) authorized by Parks and Wildlife Code, Chapter 47, 66, 76, or 77-\$5.00;

(82) resident commercial mussel and clam fisherman's-\$30;

(83) nonresident commercial mussel and clam fisherman's-\$800;

(84) resident shell buyer's-\$100;

(85) nonresident shell buyer's-\$1,500;

(86) mussel dredge fee-\$30;

(87) muzzleloader stamp-\$10;[.];

(88) turkey stamp-\$7.00;

(89) nonresident five-day special hunting-\$50;

(90) nonresident spring turkey hunting-\$100;

(91) conservation permit-\$25-\$30;

(92) exempt red drum tag-\$6.00;

(93) duplicate exempt red drum tag-\$6.00.

[(b) The following license fee amounts are effective for the licensing period beginning September 1, 1994:]

(94)[(1)] resident commercial bay shrimp boat-\$195 [\$170];

(95)[(2)] nonresident commercial bay shrimp boat-\$525 [\$500];

(96)[(3)] tarpon tag fee-\$100;

(97)[(4)] duplicate tarpon tag fee-\$25;

(98)[(5)] nonresident fishing-\$30;

(99)[(6)] temporary nonresident fishing-\$20;

(100)[(7)] temporary resident sportfishing-\$10;[.];

(101) sportsman's license-\$40-\$80.

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

Issued in Austin, Texas, on April 24, 1995.

TRD-9504920

Paul M. Shinkava
Acting General Counsel
Texas Parks and Wildlife
Department

Earliest possible date of adoption: May 29, 1995

For further information, please call: (512) 389-4433

Stamps

• 31 TAC §53.15

The Texas Parks and Wildlife Department proposes an amendment to §53.15, concerning stamp exemptions. The amendment exempts special resident hunting license holders under the age of 17 and lifetime resident hunting license holders from having to purchase or possess white-winged dove stamps, turkey stamps, archery hunting stamps and state waterfowl stamps; exempts lifetime resident combination hunting and fishing license holders from having to purchase or possess white-winged dove stamps,

turkey stamps, archery hunting stamps, state waterfowl stamps, saltwater sportfishing stamps and freshwater trout stamps; exempts lifetime resident fishing license holders from acquisition and possession of saltwater sportfishing stamps and freshwater trout stamps; and exempts nonresident spring turkey hunting license holders from acquisition and possession of turkey stamps. The proposed amendment is necessary for the department to comply with passage of pending legislation.

Jim Dickinson, Deputy Executive Director, has determined that for the first five-year period the rule is in effect the fiscal implications as a result of enforcing or administering the rule a net revenue decrease of \$400,000 per year for each of the next five years. There will be no fiscal implications for local governments.

Mr. Dickinson also has determined that for each of the first five years the rule as proposed is in effect the public benefit from removal of requirements for certain hunting and fishing-associated stamp acquisition and purchase. The anticipated effect will be greater involvement of youth in outdoor hunting activities. Further, citizens who hold lifetime hunting or fishing licenses will be exempt from further requirements to purchase and possess hunting and fishing-associated stamps. The anticipated economic cost to persons required to comply with the rule as proposed will be a decrease in the costs of involvement in hunting and fishing activities. The department has not filed a local employment impact statement with the Texas Employment Commission as required by the Administrative Procedure Act, §2001.022, as this agency has determined that the amendments as proposed will not impact local economies.

Public comments concerning the proposed fee increases may be directed to Paul Israel, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4823 or 1-800-792-1112, extension 4823.

The amendment is proposed under the authority of Parks and Wildlife Code, §43.011(b), which provides the Parks and Wildlife Commission with authority to exempt persons from white-winged dove stamp requirements; §43.201(b), which provides the Parks and Wildlife Commission with authority to exempt persons from archery hunting stamp requirements; §43.302(b), which provides the Parks and Wildlife Commission with authority to exempt persons from waterfowl stamp requirements; §43.402(c), which provides the Parks and Wildlife Commission with authority to exempt persons from saltwater stamp requirements; and §43.502(c), which provides the Parks and Wildlife Commission with authority to exempt persons from freshwater trout stamp requirements. Designation of nonresidents under the age of 17 as residents for the purpose of purchasing hunting licenses is authorized under Parks and Wildlife Code, §42.001(1)(D).

The Parks and Wildlife Code, §§43.201, 43.302, 43.402, 43.502, and 42.001 is affected by the proposed amendment.

§53.15. Stamp Exemptions.

(a) The commission grants the director authority to exempt persons participating in any event organized for the primary purpose of promoting participation in fishing or hunting activities from the requirement to purchase or possess the following stamps:

- (1) white-winged dove stamp;
- (2) archery hunting stamp;
- (3) turkey stamp.
- (4) waterfowl stamp;
- (5) saltwater sportfishing stamp;
- [and]
- (6) freshwater trout stamp;[.]
- (7) muzzleloader hunting stamp; and
- (8) quail stamp.

(b) Special resident hunting license holders who are under 17 years of age on the date of license purchase and all lifetime resident hunting license holders are exempt from requirements for acquisition and possession of the following stamps:

- (1) white-winged dove stamp;
- (2) turkey stamp;
- (3) archery hunting stamp;
- (4) state waterfowl stamp;
- (5) muzzleloader hunting stamp; and
- (6) quail stamp.

(c) All lifetime resident combination hunting and fishing license holders are exempt from requirements for acquisition and possession of the following stamps:

- (1) white-winged dove stamp;
- (2) turkey stamp;
- (3) archery hunting stamp;
- (4) state waterfowl stamp;
- (5) saltwater sportfishing stamp;
- (6) freshwater trout stamp;
- (7) muzzleloader hunting stamp; and
- (8) quail stamp.

(d) All lifetime resident fishing license holders are exempt from requirements for acquisition and possession of the following stamps:

- (1) saltwater sportfishing stamp; and
- (2) freshwater trout stamp.

(e) All non-resident spring turkey hunting license holders are exempt from requirements for acquisition and possession of the turkey stamp.

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

Issued in Austin, Texas, on April 24, 1995.

TRD-9504922 Paul M. Shinkawa
Acting General Counsel
Texas Parks and Wildlife
Department

Earliest possible date of adoption: May 29, 1995

For further information, please call: (512) 389-4433

◆ ◆ ◆
Chapter 57. Fisheries

Shrimp

• 31 TAC §57.661

The Texas Parks and Wildlife Department proposes an amendment to §57.661, concerning shrimp management.

In March 1994, the Parks and Wildlife Commission directed staff to develop a limited entry plan for the Texas bay shrimp fishery. This management initiative lays the foundation for reassessing all traditional fishing effort restrictions currently in place on the shrimp fishery, with the goal of achieving optimum yield. In light of this new management approach in the Texas trawl fishery, it is appropriate to rescind the 1 1/2-inch mesh change which was to take effect September 1, 1995, and to reassess management needs in the trawl fishery.

The amendment rescinds the 1 1/2-inch mesh size requirement scheduled to be implemented September 1, 1995, for commercial bait shrimp trawls, commercial bay shrimp trawls, and commercial gulf trawls used to catch seabobs. Mesh size requirements revert to those as authorized by Parks and Wildlife Code, Chapter 77.

Under Parks and Wildlife Code, §77.007(d), regulations promulgated under authority granted to the Commission by §77.007 prevail over any conflicting provision of Chapter 77 or Chapter 61 to the extent of the conflict.

Robin Reichers, staff economist, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Reichers also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to minimize disruption and costs to small businesses. The development of a limited entry plan for the Texas bay shrimp fishery through a co-management process with the industry should allow greater opportunity for increasing efficiency throughout the Texas

trawl fishery. There will be no negative effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the amendment as proposed. The department has not filed a local impact statement with the Texas Employment Commission as required by the Administrative Procedure Act, §2001. 022, as this agency has determined that the rules as proposed will not impact local economies.

Comments on the proposed amendment may be submitted to Gene McCarty, Director, Coastal Fisheries Division, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, 1-800-792-1112, extension 4862 or (512) 389-4862.

The amendment is proposed under Texas Parks and Wildlife Code, §77.004 and §77.007, which provides the Texas Parks and Wildlife Commission with authority to regulate the catching, possession, purchase, and sale of shrimp after approval and adoption of a shrimp management plan and an economic impact analysis prepared by the department.

The proposed amendment implements Parks and Wildlife Code, Chapter 77.

§57.661. General Rules.

(a)-(k) (No change.)

[(1) From and after September 1, 1995 and notwithstanding Parks and Wildlife Code, Chapter 77, it is a violation for any person to take or attempt to take shrimp with a trawl having meshes, including meshes of the bag or liner, less than eight and three-quarter inches in length between the two most widely separated knots in any consecutive series of five stretched meshes; except that a trawl having meshes, including meshes of the bag or liner, not less than seven and one-half inches in length between the two most widely separated knots in any consecutive series of five stretched meshes may be used to take shrimp:

[(1) on licensed commercial bait-shrimp boats on inside waters:

[(2) on licensed commercial bay shrimp boats on inside waters during the annual periods:

[(A) February 1 through April 15;

[(B) May 15 through July 15; and

[(C) November 1 through December 15.

[(3) on licensed commercial gulf shrimp boats on outside waters when taking seabobs under provisions of Parks and Wildlife Code §77.066.]

[(1) [(m)] From and after May 1, 1994 and notwithstanding Parks and Wildlife Code, Chapter 77, it is unlawful for any person:

(1) aboard a vessel licensed as a commercial bay shrimp boat to off-load, transfer, sell, or barter any amount of live or dead shrimp to a person aboard another vessel;

(2) aboard a vessel to off-load, transfer, purchase, or barter from a person aboard a vessel licensed as a commercial bay shrimp boat any amount of live or dead shrimp;

(3) aboard a vessel licensed as a commercial bait shrimp boat to off-load, transfer, sell, or barter an amount of live or dead shrimp, except an amount of live or dead shrimp not to exceed two quarts per sport fisherman or one gallon (by volume) for two or more sportfishermen may be off-loaded, transferred, sold or bartered to a person aboard a sport fishing vessel;

(4) aboard a vessel to off-load, transfer, purchase, or barter from a person aboard a vessel licensed as a commercial bait-shrimp boat any amount of live or dead shrimp, except a person aboard a sport fishing vessel may off-load, transfer, purchase, or barter an amount of live or dead shrimp not to exceed two quarts per sport fisherman or one gallon (by volume) for two or more sportfishermen.

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

Issued in Austin, Texas, on April 24, 1995.

TRD-9504919

Paul M. Shinkawa
Acting General Counsel
Texas Parks and Wildlife
Department

Earliest possible date of adoption: May 29, 1995

For further information, please call: (512) 389-4433

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 15. Medicaid Eligibility

The Texas Department of Human Services (DHS) proposes amendments to §§15.100, 15.201, 15.310, 15.435, 15.455, 15.460, and 15.475, concerning general information, Medicare and third-party resources general information, basic program requirements, resources, and income in its Medicaid Eligibility rule chapter. The purpose of the amendments is to provide definitions for medical services and social service and clarify rules concerning qualified Medicare beneficiaries, eligibility requirements for residents of public institu-

tions, liquid resources, unearned income, income exemptions, and deeming of income.

Burton F. Raiford, commissioner, has determined that for the first five-year period the proposed amendments are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the amendments.

Mr. Raiford also has determined that for each year of the first five years the amendments are in effect the public benefit anticipated as a result of enforcing the amendments will be that eligibility policy will be consistently applied, statewide. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed sections.

Questions about the content of the proposal may be directed to Judy Coker at (512) 450-3227 in DHS's Long-Term Care Division. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Media and Policy Services-256, Texas Department of Human Services W-402, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

Subchapter A. General Information

• 40 TAC §15.100

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Civil Statutes, Article 4413 (502), §16, which provide the Health and Human Service Commission with the authority to administer federal medical assistance funds.

The amendment implements the Human Resources Code §§22.001-22.024 and §§32.001-32.042.

§15.100. Definitions. The following words and terms, when used in this chapter [section], have the following meanings, unless the context clearly indicates otherwise.

Medical services—Those services which are directed toward diagnostic, preventive, therapeutic, or palliative treatment of a medical condition and which are performed, directed, or supervised by a state-licensed health professional.

Social service—Any service, other than medical, which is intended to assist a person with a physical disability or social disadvantage to function in society on a level comparable to that of a person who does not have such a disability or disadvantage. No in-kind items are expressly identified as social services.

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

Issued in Austin, Texas, on April 19, 1995.

TRD-9504787

Nancy Murphy
Section Manager, Policy
and Media Services
Texas Department of
Human Services

Proposed date of adoption: July 1, 1995

For further information, please call: (512)
450-3765

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**Subchapter B. Medicare and
Third-Party Resources Gen-
eral Information**

◆ ◆ ◆
• 40 TAC §15.201

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Civil Statutes, Article 4413 (502), §16, which provide the Health and Human Service Commission with the authority to administer federal medical assistance funds.

The amendment implements the Human Resources Code §§22.001-22.024 and §§32.001-32.042.

§15.201. Qualified Medicare Beneficiaries (QMB) (Type Program 24).

(a) Public Law 100-360, the Medicare Catastrophic Coverage Act of 1988, requires the Texas Department of Human Services (DHS) to pay Medicare premiums, deductibles, and coinsurance for certain clients. Effective January 1, 1989, DHS pays Medicare premiums, deductibles, and coinsurance charges [premiums] for clients who:

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

(b)-(h) (No change.)

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

Issued in Austin, Texas, on April 19, 1995.

TRD-9504788

Nancy Murphy
Section Manager, Policy
and Media Services
Texas Department of
Human Services

Proposed date of adoption: July 1, 1995

For further information, please call: (512)
450-3765

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**Subchapter C. Basic Program
Requirements**

◆ ◆ ◆
• 40 TAC §15.310

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Civil Statutes, Article 4413 (502), §16, which pro-

vide the Health and Human Service Commission with the authority to administer federal medical assistance funds.

The amendment implements the Human Resources Code §§22.001-22.024 and §§32.001-32.042.

§15.310. Eligibility Requirements for Residents of Public Institutions.

(a) Except for patients in Title XIX medical facilities and certain individuals described in this section, individuals who are inmates and live in public institutions throughout the calendar month are not eligible for medical assistance.

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

(3) An individual who is placed in a Title XIX-contracted long-term care facility (Medicare skilled nursing facility (SNF), nursing facility (NF), or intermediate care facility-mental retardation (ICF-MR)) after permanent release from a jail, prison, reformatory, or other correctional or holding facility is not considered to be under the control of that institution [if he does not have to return to it after release from the Title XIX-contracted long-term care facility (Medicare SNF, NF, or ICF-MR)]. In these cases, an individual could be eligible for Medicaid if he meets all eligibility criteria.

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

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

Issued in Austin, Texas, on April 19, 1995.

TRD-9504789

Nancy Murphy
Section Manager, Policy
and Media Services
Texas Department of
Human Services

Proposed date of adoption: July 1, 1995

For further information, please call: (512)
450-3765

◆ ◆ ◆
Subchapter D. Resources

◆ ◆ ◆
• 40 TAC §15.435

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Civil Statutes, Article 4413 (502), §16, which provide the Health and Human Service Commission with the authority to administer federal medical assistance funds.

The amendment implements the Human Resources Code §§22.001-22.024 and §§32.001-32.042.

§15.435. Liquid Resources.

(a)-(g) (No change.)

(h) Prepaid burial contracts. The amount that a client would receive upon revocation or liquidation of his prepaid burial contract is considered an available resource.

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

(4) If life insurance is used to fund a burial contract, the client owns a life insurance policy. The contract has no value and is merely an instrument that explains the burial arrangement. Because the client purchased insurance and not the actual funeral service or merchandise items that may be listed in a burial arrangement, the client does not own the funeral service or merchandise items. The burial space items are not excluded. Some burial arrangements funded with life insurance have the life insurance ownership or proceeds assigned to a funeral director or home or a trust-type instrument. These assignments may be either revocable or irrevocable.

(A) (No change.)

(B) Irrevocable assignment. If assignment of ownership is irrevocable, the life insurance is not a resource because it is no longer owned by the client. The prepaid burial contract also is not a resource because it has no value independent of the life insurance policy. If the terms of the contract itemize the burial space items that have been purchased, the value of those items is disregarded in determining the amount of the irrevocable arrangement that reduces the \$1,500 allowable burial fund exclusion. Irrevocable assignment of life insurance policy ownership to the funeral home or director or to a trust-type instrument is not a transfer of resources, as that term is defined in §15.431 (of this title relating to Transfer of Resources-July 1, 1988, and After).

(i) An irrevocable prepaid burial contract for the client's burial, which is in force and which is owned by someone other than the client, whether paid in full or not, reduces the \$1,500 maximum burial fund exclusion by the face value of the contract, with no deduction for the value of burial spaces itemized in the contract.

(ii) An irrevocable prepaid burial contract owned by the client, but not paid in full, reduces the \$1,500 maximum burial fund exclusion by the face value of the contract, with no deduction for the value of burial spaces itemized in the contract.

(5) If a prepaid burial contract is made irrevocable before an application is certified, the contract is considered irrevocable for the month of application and the three prior months.

(i)-(o) (No change.)

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

Issued in Austin, Texas, on April 19, 1995

TRD-9504790 Nancy Murphy
Section Manager, Policy
and Media Services
Texas Department of
Human Services

Proposed date of adoption: July 1, 1995

For further information, please call (512)
450-3765



Subchapter E. Income

• 40 TAC §§15.455, 15.460, 15.475

The amendments are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Civil Statutes, Article 4413 (502), §16, which provide the Health and Human Service Commission with the authority to administer federal medical assistance funds

The amendments implement the Human Resources Code §§22.001-22.024 and §§32.001-32.042.

§15.455. Unearned Income

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

(c) Fixed income. Sources of unearned, fixed income are as follows:

(1)-(2) (No change)

(3) VA compensation, pension, and dependency and indemnity compensation (DIC) [DIC] payments

(A) (No change.)

(B) VA aid-and-attendance and housebound benefits are excluded in the income-eligibility test and [included] in determining the amount of applied income. These benefits are also excluded for deeming [or determining the amount of the spouse's contribution. Because aid-and-attendance and household benefits are excluded from the eligibility pre-test, the department does not deny a VA client for excess income without verifying these benefits]

(C) (No change.)

(d)-(e) (No change.)

§15.460 Income Exemptions.

(a) (No change)

(b) The department exempts income that a client receives from any of the following sources:

(1) (No change)

(2) value of medical services provided to a client free of charge or paid for with direct payment to the provider by someone else. Medical services, including in-kind medical items, are never income regardless of the source of the service or the source of payment for the service. Payments by a third party of an individual's medical insurance premiums are not considered a medical service, but they are not income. Items which do not qualify as a medical service may qualify as items received in conjunction with a social service and may not be income.

(3)-(12) (No change)

(13) benefits received under Title III, Public Law 100-175 [XII of the Older Americans Act (Nutrition Program for the Elderly)].

(14)-(43) (No change.)

§15.475. Deeming of Income.

(a) The following requirements apply:

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

(4) The department exempts certain types of income that may be received by a client's ineligible spouse, ineligible parent, a parent's ineligible spouse, or any ineligible children living in the household. The following types of income are not deemed to the client:

(A)-(K) (No change.)

(L) benefits received under Title III Public Law 100-175 [XII of the Older Americans Act (Nutrition Program for the Elderly)];

(M)-(MM) (No change.)

(NN) value of medical services provided free of charge or paid for with direct payment to the provider by someone else.

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

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

Issued in Austin, Texas, on April 19, 1995.

TRD-9504791 Nancy Murphy
Section Manager, Policy
and Media Services
Texas Department of
Human Services

Proposed date of adoption: July 1, 1995

For further information, please call. (512)
450-3765



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 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

Chapter 501. Professional Conduct

Professional Practices

• 22 TAC §501.11

The Texas State Board of Public Accountancy adopts an amendment to §501.11, without changes to the proposed text as published in the March 17, 1995, issue of the *Texas Register* (20 TexReg 1853).

The amendment allows the public to offer, and Certified Public Accountants to accept, contingent fees in specified circumstances.

The amendment will function by making it clear that during the preparation of financial statements independence is not impaired when a contingent fee is a result of a court or public or governmental authority's determination or associated with the preparation of tax returns.

No comments were received concerning adoption of the rule.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, Section 6, which provides the Texas State Board of Public Accountancy with the authority to make such rules as may be necessary or advisable to carry in effect the purposes of the law.

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

Issued in Austin, Texas, on April 19, 1995

TRD-9504894

William Treacy
Executive Director
Texas State Board of
Public Accountancy

Effective date: May 12, 1995

Proposal publication date: March 17, 1995

For further information, please call: (512) 505-5566

TITLE 40. SOCIAL SER- VICES AND ASSIS- TANCE

Part I. Texas Department of Human Services

Chapter 3. Income Assistance Services

Subchapter NN. Electronic Benefit Transfer

• 40 TAC §3.4005

The Texas Department of Human Services (DHS) adopts an amendment to §3.4005, concerning benefit availability dates, in its Income Assistance Services rule chapter, without changes to the proposed text as published in the March 17, 1995, issue of the *Texas Register* (20 TexReg 1874).

The justification for the amendment is to modify the Food Stamp availability dates for benefits to ensure that no participating household has more than a 40-day lapse between issuances during the transition to the Electronic Benefit Transfer (EBT) system

The amendment will function by ensuring that availability dates for benefits will be in compliance with federal requirements that specify the 40-day limit.

The department received no comments regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 33, which provides the department with the authority to administer public and nutritional assistance programs.

The amendment implements the Human Resources Code, §22.001 and §33.002.

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

Issued in Austin, Texas, on April 19, 1995.

TRD-9504792

Nancy Murphy
Section Manager, Media
and Policy Services
Texas Department of
Human Services

Effective date: June 1, 1995

Proposal publication date: March 17, 1995

For further information, please call: (512) 450-3765

Texas Department of Insurance Exempt Filing

Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

(Editor's Note: As required by the Insurance Code, Article 5.96 and 5.97, the Texas Register publishes notices of actions taken by the Department of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure Act.)

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the Department of Insurance, 333 Guadalupe, Austin.)

The Commissioner of Insurance, at a public hearing under Docket Number 2141 held at 1:00 p.m., April 17, 1995, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas, adopted amendments proposed by staff to the Texas Standard Provisions for Automobile Policies (the Standard Provisions) and the Texas Au-

tomobile Rules and Rating Manual (the Manual), Amendatory Endorsement 593B, and Endorsement TE 99 17F. Staff's petition (Reference Number A-0295-5-1) was published in the March 10, 1995, issue of the *Texas Register* (20 TexReg 1745).

The "family exclusion" in liability coverage in the Personal Auto Policy, is amended through a revision to Amendatory Endorsement 593B (to be redesignated as 593C) in the Standard Provisions and the Manual. The Manual's Endorsement TE 99 17F (to be redesignated

TE 99 17G) "Individual Named Insured," which provides personal auto coverage when attached to the Business Auto, Garage, or Truckers Coverage Forms, is also amended.

Personal auto coverage has been subject to the following exclusion: "We do not provide Liability Coverage for you or any family member for bodily injury to you or any family member." This order changes the period to a comma, and adds "except to the extent of the minimum limits of Liability Coverage required by Texas Civil Statutes, Article 6701h, entitled Texas Motor Vehicle Safety-Responsibility Act."

On October 27, 1993 (motion for rehearing overruled June 2, 1994), the Supreme Court of Texas ruled (National County Mutual Fire Insurance Company v Johnson, 879 S.W.2d 1) that the "family exclusion" in the Personal Auto Policy, Part A-Liability Coverage, Exclusions, paragraph C, is invalid, to the extent that it prevents the Personal Auto Policy from providing the minimum coverage limits required by Texas Civil Statutes, Article 6701h (mentioned previ-

ously). The Court reaffirmed its above position in Liberty Mutual Fire Insurance Company v Sanford, 879 S.W.2d 9 (Texas Supplement 1994). Therefore, this policy provision is modified by Amendatory Endorsement 593C, as shown in an exhibit attached to staff's petition. The modification brings the Personal Auto Policy into compliance with the Court's decisions. The same modification is made in the form of Endorsement TI: 99 17G, also attached as an exhibit to staff's petition.

The amendments as adopted by the Commissioner of Insurance are shown in exhibits on file with the Chief Clerk under Reference Number A-0295-5-1, which is incorporated by reference into Commissioner's Order Number 95-0345.

The Commissioner of Insurance has jurisdiction over this matter pursuant to the Insurance Code, Articles 5.06, 5.10, 5.96, and 5.98

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it

from the requirements of the Government Code.

Consistent with the Insurance Code, Article 5.96(h), the Department will notify all insurers writing automobile insurance of this adoption by letter summarizing the Commissioner's action.

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

Issued in Austin, Texas, on April 19, 1995.

TRD-9504811

Alicia M. Fecthel
General Counsel and Chief
Clerk
Texas Department of
Insurance

Effective date: August 1, 1995

Proposal publication date: March 10, 1995

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

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● TABLES AND GRAPHICS

Graphic material from the emergency, proposed, and adopted sections is published separately in this tables and graphics section. Graphic material is arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic material is indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph and so on. Multiple graphics in a rule are designated as "Figure 1" followed by the TAC citation, "Figure 2" followed by the TAC citation.



TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

LOCAL SCHEDULE GR (3rd Edition)

RETENTION SCHEDULE FOR RECORDS COMMON TO ALL LOCAL GOVERNMENTS

This schedule establishes mandatory minimum retention periods for the records listed. No local government office may dispose of a record listed in this schedule prior to the expiration of its retention period. A records control schedule of a local government may not set a retention period for a record that is less than that established for the record on this schedule. The originals of records listed in this schedule may be disposed of prior to the expiration of the stated minimum retention period if they have been microfilmed or electronically stored pursuant to the provisions of the Local Government Code, Chapter 204 or Chapter 205, as applicable, and rules of the Texas State Library and Archives Commission adopted under authority of those chapters. Actual disposal of such records by a local government or an elective county office is subject to the policies and procedures of its records management program.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted under its authority, including this schedule, is a Class A misdemeanor and, under certain circumstances, a third degree felony (Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Open Records Act (Government Code, Chapter 552).

INTRODUCTION

The Government Code, Section 441.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the commission.

Local Schedule GR sets mandatory minimum retention periods for records series that are usually found in all local governments, regardless of type. If the retention period for a record is established in a federal or state law, rule of court, or regulation, a citation to the relevant provision is given; if no citation is given, the authority for the retention period is this schedule.

The retention period for a record applies to the record regardless of the medium in which it is maintained. Some records listed in this schedule are maintained electronically in many offices, but electronically stored data used to create in any manner a record or the functional equivalent of a record as described in this schedule must be retained, along with the hardware and software necessary to access the data, for the retention period assigned to the record, unless backup copies of the data generated from electronic storage are retained in paper or on microfilm for the retention period.

FIGURE 1: 13 TAC §7.125(b)(1)

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period, again unless otherwise noted, applies only to an official record as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record and in which of its divisions or departments it will be maintained. Local governments in their records management programs should establish policies and procedures to provide for the systematic disposal of copies.

If a record described in this schedule is maintained in a bound volume of a type in which pages are not designed to be removed, the retention period, unless otherwise stated, dates from the date of last entry.

If two or more records listed in this schedule are maintained together by a local government and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A record whose minimum retention period on this schedule has not yet expired and is *less than permanent* may be disposed of if it has been so badly damaged by fire, water, or insect or rodent infestation as to render it unreadable, or if portions of the information in the record have been so thoroughly destroyed that remaining portions are unintelligible. If the retention period for the record is *permanent* on this schedule, authorization to dispose of the damaged record must be obtained from the director and librarian of the Texas State Library. The Request for Authorization to Destroy Unscheduled Records (Form SLR 501) should be used for this purpose.

Requests for Authorization to Destroy Unscheduled Records (SLR 501), whose submission to the director and librarian of the Texas State Library is required by the Local Government Code, Section 203.045, need not be filed for records shown as exempt from the requirement.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described. Although AV may be used as a retention period on a records control schedule of a local government, it is in the best interests of any records management program that fixed retention periods be assigned for each records series. AV records tend to accumulate and go unmanaged.

Circumstances occasionally dictate that the retention period for a record listed in this schedule be longer if it is maintained in a particular type of local government or documents a particular type of activity. Consequently, if the retention period for a record on another commission schedule, issued for a particular type of local government or local government activity, is longer than that listed for the same record in this schedule, the longer retention period must be followed.

USE OF ASTERISK (*)

The appearance of an asterisk (*) before a record item number (or subitem number) or retention note indicates that either the record is new to this edition of Local Schedule GR or that the records description or retention period has been changed from the description or retention period that appeared in the 2nd edition of the schedule.

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ABBREVIATIONS USED IN THIS SCHEDULE

- AV - As long as administratively valuable
- CE - Calendar year end
- CFR - Code of Federal Regulations
- FE - Fiscal year end
- TAC - Texas Administrative Code

PART 1: ADMINISTRATIVE RECORDS

SECTION 1-1: RECORDS OF GOVERNING BODIES

Retention Note: *SCOPE OF SECTION* - The retention periods established in this section also apply to the records of subsidiary boards, bureaus, commissions, or committees established by the governing body of a local government that have rulemaking or quasi-judicial authority over any activity or program of the government or that were established by ordinance, order, or resolution for the purposes of advising the governing body or a subsidiary body on policy. Consequently, the use of the term "governing body" in a records description includes the corresponding records of these subsidiary bodies.

1000-01 AGENDAS

- a) Open meetings. RETENTION: 2 years.
- b) Closed sessions. RETENTION: 2 years. [By law - Government Code, Section 551.104(a).]

1000-02 DEDICATIONS. RETENTION: PERMANENT.

1000-03 MINUTES (the use of the term audio tape in (c)-(e) includes videotapes with sound).

- a) Written minutes. RETENTION: PERMANENT.
- b) Notes taken during meetings from which written minutes are prepared. RETENTION: 90 days after approval of minutes by the governing body. (Exempt from destruction request requirement)
- c) Audio tapes of open meetings, except as described in (d), for which written minutes *are not* prepared. RETENTION: PERMANENT.
- d) Audio tapes of workshop sessions of governing bodies in which votes are not made and written minutes are not required by law to be taken. RETENTION: 2 years.
- e) Audio tapes of open meetings for which written minutes *are* prepared. RETENTION: 90 days after approval of minutes by the governing body. (Exempt from destruction request requirement)
- f) Audio tapes of closed meetings. RETENTION: 2 years. [By law - Government Code, Section 551.104(a).]
- g) Supporting documentation - One copy of each document of *any type* submitted to a meeting of a governing body for consideration, approval, or other action; if such action is reflected in the minutes of the meeting. RETENTION: 2 years.

Retention Notes: a) *The retention periods for many of the documents submitted to a governing body for action are established elsewhere in this or other commission schedules and are often longer than the 2-year retention period for supporting documentation set here. The 2-year retention requirement does not override a longer retention requirement set elsewhere, but rather is meant to ensure that all documents presented for action by a governing body are retained at least two years. This schedule does not require that supporting documentation be maintained together, but the retention by the clerk or secretary to the governing body of one set of the documents submitted at each meeting (often called "council packets" in municipalities) for two years would ensure satisfaction of the minimum retention requirement. Clerks or secretaries to governing bodies should exercise caution in disposing of supporting documentation to avoid destruction of the record copy of a document for which they are custodian before the expiration of its retention period.*

b) *Review before disposal; some supporting documentation, not already required to be maintained permanently elsewhere in this or other commission schedules, may merit permanent retention for historical reasons.*

1000-04 OPEN MEETING NOTICES. RETENTION: 2 years.

FIGURE 1: 13 TAC §7.125(b)(1)

1000-05 **ORDINANCES, ORDERS, RESOLUTIONS** (including those that have been repealed, revoked, or amended). RETENTION: PERMANENT.

1000-06 **PETITIONS** - Petitions from the public to the governing body or subsidiary boards or commissions of a local government. RETENTION: Consideration of the petition + 2 years.

Retention Note: Does not include petitions noted elsewhere in this or other commission schedules or any petition presented to a commissioners court that state law requires a county clerk to record. See Local Schedule CC (Records of County Clerks).

1000-07 **PROCLAMATIONS**. RETENTION: 2 years.

SECTION 1-2: GENERAL RECORDS

1000-20 **ACCIDENT REPORTS** - Reports of accidents to persons on local government property or in any other situation in which a local government could be party to a law suit.

a) Reports of accidents to adults. RETENTION: 5 years.

b) Reports of accidents to minors. RETENTION: 5 years; or 2 years after the minor reaches the age of 18, whichever later.

1000-21 **AFFIDAVITS OF PUBLICATION** (including any accompanying clipping proofs or tear sheets)

a) Publication of municipal ordinances. RETENTION: PERMANENT

Retention Note: It is an exception to the permanent retention period that affidavits of publication and associated documentation for ordinances that are codified or re-codified may be disposed of after the effective date of the new code and are exempt from the destruction notice requirement.

b) Election notices.

1) Notices of election in which candidates for federal office *are not* involved. RETENTION: 60 days after election day. [By law - Election Code, Sections 4.005(d) and 66.058(a).] (Exempt from destruction request requirement)

2) Notices of election in which candidates for federal office *are* involved. RETENTION: 22 months after election day. [By law - Election Code, Sections 4.005(d) and 66.058(a).] (Exempt from destruction request requirement)

c) All other published legal notices. RETENTION: 2 years.

1000-22 **ANNEXATION, DISANNEXATION, ABOLITION, AND OTHER JURISDICTIONAL RECORDS** - Records relating to the annexation or disannexation of territory to or from a local government, to its abolition, or to other actions which affect its territorial jurisdiction or service area, including reports, correspondence, records of public hearings, agreements, and similar records. RETENTION: 5 years.

Retention Notes: a) A contract or agreement relating to territorial jurisdiction or the delivery of services between two or more governments (e.g., between a city and a county for fire services in an unincorporated area) must be kept for the retention period in item number 1000-25.

b) Review before disposal; many records of this type may merit permanent retention for historical reasons.

1000-23 **CHARTERS**. RETENTION: PERMANENT.

FIGURE 1: 13 TAC §7.125(b)(1)

1000-24 **COMPLAINTS** - Complaints received from the public by a governing body or any officer or employee of a local government relating to government policy. RETENTION: Resolution or dismissal of complaint + 2 years.

Retention Note: The 2-year retention period applies only to complaints of a general nature that do not fall into a different category of complaint noted in this or other commission schedules. For example, complaints from the public about potential fire hazards are scheduled in Local Schedule PS (Records of Public Safety Agencies) and have a longer retention period.

1000-25 **CONTRACTS, LEASES, AND AGREEMENTS** - Contracts, leases, and agreements, including reports, correspondence, performance bonds, and similar records relating to their negotiation, administration, renewal, or termination, except construction contracts (see item number 1075-16). RETENTION: 4 years after the expiration or termination of the instrument according to its terms.

1000-26 **CORRESPONDENCE AND INTERNAL MEMORANDA** (includes incoming and copies of outgoing correspondence and internal correspondence and memoranda).

Retention Note: The minimum retention period for correspondence or internal memoranda in categories (a) and (b) directly linked to another record series or group listed in this or other commission schedules is that assigned to the other group or series. For example, a letter from an external auditor regarding an audit of a local government's financial records should be retained for the retention period given under item number 1025-01(e); a letter concerning a workers compensation claim should be retained for the period given under item number 1050-32, etc. The retention periods that follow are for correspondence and internal memoranda that do not readily fall within other record groups.

a) Policy and program development - Correspondence and internal memoranda pertaining to the formulation, planning, implementation, modification, or redefinition of the policies, programs, services, or projects of a local government. RETENTION: 5 years.

Retention Note: Review before disposal; some correspondence of this type may merit permanent retention for historical reasons.

b) Administrative - Correspondence and internal memoranda pertaining to or arising from the routine administration or operation of the policies, programs, services, and projects of a local government. RETENTION: 2 years.

c) Routine - Correspondence and internal memoranda such as letters of transmittal, requests for publications, internal meeting notices, and similar routine matters. RETENTION: AV. (Exempt from destruction request requirement)

1000-27 **DEEDS** (including title opinions, abstracts and certificates of title, title insurance, documentation concerning alteration or transfer of title, and similar records evidencing public ownership of real property). RETENTION: PERMANENT.

1000-28 **EASEMENTS** - Documentation relating to easements and rights-of-way for public works or other local government purposes, including releases. RETENTION: PERMANENT.

1000-29 **INSURANCE POLICIES** - Liability, theft, fire, health, life, automobile, and other policies for local government property and personnel, including supporting documentation relevant to the implementation, modification, renewal, or replacement of policies. RETENTION: 4 years after expiration or termination of the policy according to its terms.

1000-30 **LEGAL OPINIONS** - Legal opinions rendered by counsel for a local government or the Attorney General, including any written requests for opinions, concerning the governance and administration of a local government. RETENTION: PERMANENT.

1000-31 **LITIGATION CASE FILES** (including all cases to which a local government is a party unless the case file is of a type noted elsewhere in this or other commission schedules). RETENTION: AV after final disposition of the case. (Exempt from destruction request requirement)

Retention Note: Review before disposal; some case files may merit permanent retention for historical reasons.

FIGURE 1: 13 TAC §7.125(b)(1)

1000-32 **MINUTES (STAFF)** - Minutes of internal staff meetings. RETENTION: AV. (Exempt from destruction request requirement)

1000-33 **NEWS RELEASES.** RETENTION: AV. (Exempt from destruction request requirement)

1000-34 **OPEN RECORDS REQUESTS** - Open records requests, including correspondence and other documentation relating to the request. RETENTION: 1 year after final decision on request. (Exempt from destruction request requirement)

1000-35 **ORGANIZATIONAL CHARTS.** RETENTION: Until superseded. (Exempt from destruction request requirement)

1000-36 **PERMITS AND LICENSES** - Records documenting the application for and the issuance of permits and licenses by a local government for sales, solicitation, facility usage, and similar activities. *Does not include* permits and licenses issued for the construction of or alterations to real property, for those relating to health and sanitation, or for those issued by police or fire departments listed in other commission schedules. RETENTION: Expiration, cancellation, revocation, or denial + 2 years.

1000-37 **PHOTOGRAPHS, RECORDINGS, AND OTHER NON-TEXTUAL MEDIA** - Photographs, photographic scrapbooks, slides, sound recordings, videotapes, posters, and other non-textual media that document the history and activities of a local government or any of its departments, programs, or projects *except* such records noted elsewhere in this or other commission schedules. RETENTION: PERMANENT, but see retention note.

Retention Note: Most photographs and other non-textual media of the types described must be retained permanently for historical reasons, but latitude is allowed to the records management officer and the custodians of records in a local government to determine to what extent a particular photograph, for example, documents the history and activities of the local government. If it is determined that it does not, it need be kept only as long as administratively valuable. Be certain that photographs and other non-textual media do not fall within other records series. For example, mug shots and photographs of fire damage are listed in Local Schedule PS (Records of Public Safety Agencies) under police and fire department records respectively.

1000-38 **POLICY AND PROCEDURE DOCUMENTATION** - Executive orders, directives, manuals, and similar documents that establish and define the policies, procedures, rules, and regulations governing the operations or activities of a local government as a whole or any of its departments, programs, services, or projects. RETENTION: US + 5 years.

Retention Note: Review before disposal; some documentation of this type may merit permanent or long-term retention for historical or legal reasons.

1000-39 **PUBLICATIONS** - Pamphlets, reports, studies, proposals, and similar material printed by or for a local government or any of its departments, subdivisions, or programs and distributed to or intended for distribution to the public on request and departmental or program newsletters designed for internal distribution. RETENTION: One copy of each PERMANENT.

Retention Note: The following categories of printed material, whether distributed publicly or internally, are exempted from the retention period and may be disposed of at option; (a) educational or solicitative matter provided by charitable or public awareness organizations (e.g., United Way, American Heart Association); and (b) public service leaflets or flyers prepared by a local government or others whose contents are of a general nature and not specific to the government distributing them, beyond the inclusion of an address, telephone number, office hours, and similar information (e.g., a flyer detailing water conservation tips sent to customers of a municipal water utility; a pamphlet explaining the appraisal review board process sent to taxpayers by an appraisal district).

1000-40 **RECORDS MANAGEMENT RECORDS**

a) Records control schedules (including all successive versions of and amendments to schedules). RETENTION: PERMANENT.

b) Records destruction documentation - Records documenting the destruction of records under records control schedules, including requests submitted to the Texas State Library and Archives Commission for authorization to

FIGURE 1: 13 TAC §7.125(b)(1)

destroy unscheduled records or the originals of permanent records that have been microfilmed. RETENTION: PERMANENT

c) Records inventories - Lists or inventories of the active and inactive records created or received by a local government. RETENTION: AV. (Exempt from destruction notice requirement)

d) Records management plans and policy documents - Plans and similar documents establishing the policies and procedures under which a records management program operates. RETENTION: Until superseded + 5 years.

1000-41 REPORTS AND STUDIES (NON-FISCAL)

a) Annual, sub-annual, or irregularly prepared reports, performance audits, or planning studies submitted to the governing body or chief administrative officer of a local government or by the local government to a state agency, as may be required by law or regulation, on the non-fiscal performance of a department, program, or project or for planning purposes, including those prepared by consultants under contract with a local government, *except* documents of similar types noted in this or other commission schedules.

1) Annual reports. RETENTION: PERMANENT.

2) Special reports or studies prepared by order or request of the governing body or considered by the governing body (as reflected in its minutes) or ordered or requested by a state agency or a court. RETENTION: PERMANENT.

3) Special reports or studies prepared by order or request of the chief administrative officer. RETENTION: PERMANENT.

Retention Note: Review before disposal; many records of this type may merit permanent retention for historical reasons.

4) Monthly, bimonthly, quarterly, or semi-annual reports. RETENTION: 3 years.

b) Activity reports compiled on a daily or other periodic basis pertaining to workload measures, time studies, number of public contacts, etc., *except* reports of similar types noted in this or other commission schedules. RETENTION: 1 year. (Exempt from destruction notice requirement)

1000-42 **WAIVERS OF LIABILITY** (including statements signed by volunteers acknowledging non-entitlement to benefits, agreeing to abide by local government policies, etc.). RETENTION: 3 years from date of cessation of activity for which the waiver was signed.

PART 2: FINANCIAL RECORDS

Retention Notes: a) AUDIT REQUIREMENTS - Most local governments are required by state law to conduct annual or biennial audits of their records and accounts. These audit requirements were taken into account in setting the retention periods in this schedule. The following retention rules also apply:

1) In any local government for which there is no statutory audit requirement and audits are conducted irregularly or in a local government in which a statutorily required audit is delayed, any record in this schedule whose retention period dates from the end of a fiscal year (FE) must be retained for the retention period stated or one year after audit, whichever later.

2) With regard to any special fund of a local government or elective county office for which there is no statutory audit requirement and the fund is not audited, any records listed under item numbers 1025-26, 1025-27, 1025-28, and 1025-30 associated with receipts and disbursements from or to the fund must be retained for FE + 10 years.

b) GRANT RECORDS - Subsections (1)-(3) apply to any local government, except school districts, receiving federal, state, or private grants; subsection (4) applies to school districts only.

FIGURE 1: 13 TAC §7.125(b)(1)

1) Direct Federal Grants - This subsection applies to grants received by a local government directly from a federal grantor agency.

i) Most federal grantor agencies require that grant-related records be retained for audit purposes for 3 years from the filing of expenditure reports. A few agencies, however, require a 5-year retention. Reference should be made to the specific terms of each grant to determine whether a 3-year or 5-year retention period is required and whether additional retention provisions apply.

ii) In addition to item number 1025-08(a)-(b), financial and programmatic records of grant-funded projects, including copies or documentation of relevant accounting, banking, purchasing, and payroll records, and other documents and working papers associated with the financial and programmatic administration of the grant funds or used to prepare reports or forms required by federal law or regulation must be retained for the following periods:

A) For grants continued or renewed annually or at other intervals except quarterly - 3 or 5 years from the date of submission of the annual or other periodic expenditure report.

B) For grants continued or renewed quarterly - 3 or 5 years from the date of submission of the expenditure report for the last quarter of the federal fiscal year.

C) For grants for which the requirement of a final expenditure report has been waived - 3 or 5 years from the date the report would have been due.

D) For all other grants - 3 or 5 years from the date of submission of the final expenditure report.

iii) The retention periods for the following types of records are exceptions to the periods noted above:

A) Records of non-expendable property or equipment acquired with grant funds - 3 or 5 years from the date of transfer, replacement, sale, or junking of the item.

B) Cost allocation plans and indirect cost records - 3 or 5 years from date of submission or, for plans prepared and retained by the grantee, from the close of the fiscal year covered by the plan.

C) Income records - 3 or 5 years from the end of the fiscal year in which the income is used.

iv) If any litigation or audit commences before the expiration of the 3 or 5 year period, the records must be retained until all litigation or audit findings are resolved or until the end of the regular 3 or 5 year period, whichever later.

v) If records are transferred to the grantor agency at its request, copies of the records need not be retained.

2) Indirect Federal Grants - This subsection applies to federal grants received as subgrants from state agencies or other local governments (e.g., regional councils of government).

The expenditure reports are submitted to the federal agency by the state or local subgrantor agency after all subgrantees have submitted reports to the subgrantor. Consequently, records under item number 1025-08(a)-(b) and records described in section (b)(1) must be retained by local government subgrantees for the following minimum retention periods:

i) For grant programs with a 3-year federal retention requirement - FE + 5 years.

ii) For grant programs with a 5-year federal retention requirement - FE + 7 years.

Copies of reports or records submitted to the subgrantor agency must be retained by the local government for the periods indicated.

3) State and Private Grants - This schedule extends the 3-year federal retention requirement described in section (b)(1) to state (excluding federal subgrants) and private grant records unless the state or private grantor agency has

FIGURE 1: 13 TAC §7.125(b)(1)

established different retention requirements, in which case those requirements shall prevail. It is an exception to the extension of federal grant requirements to state and private grants that for state or private grants renewed quarterly as described in section (b)(1)(ii)(B), the 3-year retention requirement runs from the date of submission of the expenditure report for the last quarter of the state fiscal year for state grants and from the last quarter of the local government's fiscal year for private grants.

4) Grant Records and School Districts (including Educational Service Centers) - See Local Schedule SD (Records of Public School Districts). Because of the difficulty of effectively separating financial data that evidence the expenditure of federal funds from those that document the expenditure of local or state-allocated funds, a 7-year retention period has been adopted for most financial records of school districts. The use of the term "school district" in this schedule includes educational service centers, county departments of education, and educational cooperatives.

SECTION 2-1: FISCAL ADMINISTRATION AND REPORTING

1025-01 AUDIT RECORDS (by both internal and external auditors).

- a) Annual or biennial cumulative audit. RETENTION: PERMANENT.
- b) Annual, biennial, or other periodic audit of a department, program, fund, or account *if included* in a cumulative audit under (a). RETENTION: 2 years.
- c) Annual, biennial, or other periodic audit of a department, program, fund, or account *if not included* in a cumulative audit under (a). RETENTION: PERMANENT.
- d) Special audits ordered by a governing body, a court or grand jury, or mandated by administrative rules of a state or federal agency. RETENTION: PERMANENT.
- e) Working papers, summaries, and similar records created for the purposes of conducting an audit. RETENTION: 3 years after all questions arising from the audit have been resolved.

1025-02 BANK SECURITY RECORDS - Records documenting the pledging of bonds or securities by banks serving as depositories for public funds including depository contracts, security pledges and statements, surety bonds, and similar records. RETENTION: 4 years after termination, expiration, or release of contractual obligations.

1025-03 BOND RECORDS (*see retention note to item number 1025-09*).

- a) Bond administrative records consisting of preliminary studies, proposals and prospectuses, authorizations and certifications for issuance or cancellation, and related policy correspondence. RETENTION: PERMANENT.
- b) Bond certificates and redeemed coupons. RETENTION: 1 year after payment. (Exempt from destruction notice requirement) [By law - Civil Statutes, art. 7171-1 for counties (see statute for procedural instructions for destruction); by authority of this schedule for all other local governments.]
- c) Bond registers. RETENTION: PERMANENT
- d) Records relating to the exchange, conversion, or replacement of bonds by bondholders. RETENTION: 1 year and exempt from destruction request requirement if information is contained in a bond register; PERMANENT, if information is not contained in a bond register.

1025-04 BUDGETS AND BUDGET DOCUMENTATION

- a) Annual budgets (including amendments). RETENTION: PERMANENT.
- b) Special budgets (includes budgets for capital improvement projects, grant-funded projects, or other projects prepared on a special or emergency basis and not included in an annual budget). RETENTION: PERMANENT

FIGURE 1: 13 TAC §7.125(b)(1)

c) Working papers created exclusively for the preparation of budgets, including budget requests, justification statements, and similar documents. RETENTION: 2 years.

d) Encumbrance and expenditure reports (status reports showing expenditures and encumbrances against a budget). RETENTION: 2 years.

e) Budget change documentation, including line item or contingency/reserve fund transfers and supplemental budget requests. RETENTION: 2 years.

1025-05 CAPITAL ASSETS RECORDS - Documentation relating to the capital and fixed assets of a local government.

a) Equipment or property history cards or similar records containing data on initial cost, including disposal authorizations when disposed of. RETENTION: FE of date of disposal + 7 years for school districts; + 3 years for other governments.

b) Equipment or property cost and depreciation schedules or summaries used for capital outlay budgeting or other financial or budget control purposes. RETENTION: FE + 7 years for school districts; + 3 years for other governments.

c) Equipment or property inventories (including sequential number property logs). RETENTION: Until superseded + 3 years.

d) Property sale, auction, or disposal records of government-owned equipment or property. RETENTION: 1 year. (Exempt from destruction notice requirement). [By law - Local Government Code, Section 263.155(b) for counties; by authority of this schedule for all other local governments.]

Retention Note: Property sale or auction records under (d) do not include records arising from the sale or auction of property foreclosed or seized by a taxing unit for failure to pay property taxes or for the sale or auction of property seized by law enforcement officers. For such records use Local Schedule TX (Records of Property Taxation) or Local Schedule PS (Records of Public Safety Agencies) respectively.

1025-06 FEDERAL REVENUE SHARING RECORDS - Records concerning the use of federal revenue sharing funds by a local government, including revenue and expenditure summaries; status, budget, and audit reports; and other reports or documentation required by federal law or regulation. RETENTION: 3 years. [By regulation - 31 CFR 51.11(b), 51.12(c), and 51.108(a) and (d).]

1025-07 FINANCIAL REPORTS - Annual, sub-annual, or irregularly prepared financial reports or statements on the accounts, funds, or projects of a local government created either for internal use or for submission to state agencies as may be required by law or regulation, *except* reports of similar types noted in this or other commission schedules.

a) Monthly, bimonthly, quarterly, or semi-annual reports. RETENTION: FE + 3 years.

b) Annual reports. RETENTION: PERMANENT.

c) Long range fiscal planning reports. RETENTION: PERMANENT.

d) Capital improvement reports. RETENTION: PERMANENT.

1025-08 GRANT DEVELOPMENT AND ADMINISTRATIVE RECORDS

a) Successful grant applications and proposals and any documentation that modifies the terms of a grant. RETENTION: FE + 7 years for school districts; + 3, 5, or 7 years for other governments.

Retention Note: See note (b) at beginning of Part 2 of this schedule.

b) Financial, performance, and compliance reports submitted to grantor or subgrantor agencies. RETENTION: FE + 7 years for school districts; + 3, 5 or 7 years for other governments.

FIGURE 1: 13 TAC §7.125(b)(1)

Retention Note: See note (b) at beginning of Part 2 of this schedule.

c) Reports, planning memoranda, studies, correspondence, and similar records created for and used in the development of successful grant proposals. RETENTION: 3 years.

d) Any records of the type noted in (a) or (b) relating to unsuccessful grant proposals. RETENTION: AV.
(Exempt from destruction notice requirement)

1025-09 INVESTMENT TRANSACTION RECORDS - Documentation relating to the investment of public funds (e.g., certificates of deposit) that evidences the investment of funds, the performance or return of investments, the cancellation or withdrawal of investments, and similar activity. RETENTION: FE + 7 years for school districts; + 5 years for other governments.

Retention Note: It is an exception to the retention period for this item that records of investments and the calculation of arbitrage rebate amounts (if any) on proceeds from the sale of tax exempt bonds must be retained for 6 years after the retirement of the last obligation of the bond issue.

SECTION 2-2: ACCOUNTING RECORDS

Retention Note: PAYROLL RECORDS - For records relating to the disbursement of payroll see Section 3-2.

1025-25 ACCOUNTING POLICIES AND PROCEDURES DOCUMENTATION - Policy and procedure directives and similar records documenting accounting methodology. RETENTION: Until superseded + 5 years.

1025-26 ACCOUNTS PAYABLE AND DISBURSEMENT RECORDS - Claims, invoices, statements, copies of checks and purchase orders, expenditure authorizations, and similar records that serve to document disbursements, including those documenting claims for and reimbursement to employees for travel and other employment-related expenses.

RETENTION: FE of date of payment + 7 years for school districts; + 3 years for other governments, *except for the following:*

a) Accounts payable records sufficient to document the purchase costs of capital equipment or other fixed assets *if* capital asset documentation of the type noted under item number 1025-05(a) *is not* created. RETENTION: FE of date of disposal + 7 years for school districts; + 3 years for other governments.

b) Fund transmittal reports accompanying the transmittal of funds to federal, state, or other local government agencies (e.g., sales tax to the State Comptroller of Public Accounts), to retirement systems, or to other entities if the funds are collected in whole or in part on behalf of other agencies or individuals (e.g., retirement deductions of employees), *except* those accompanying the transmittal of federal and state payroll and unemployment taxes [see item number 1050-53(b)]. RETENTION: FE of period covered by report + 3 years.

1025-27 ACCOUNTS RECEIVABLE RECORDS - Bill copies or stubs, statements, billing registers, account cards, deposit warrants, cash receipts, receipt books, cash transfers, daily cash reports, cash drawer reconciliations, and similar records that serve to document money owed to or received by a local government and its collection or receipt. RETENTION: FE of date of receipt + 7 years for school districts; + 3 years for other governments, *except for the following:*

a) Accounts receivable records documenting the receipt of any monies by any local government that are remittable to the State Comptroller of Public Accounts (e.g., court costs in criminal cases, sales tax). RETENTION: Remittance due date + 7 years for school districts; + 5 years for other governments.

b) Account card or similar record documenting payments to a local government in which the government holds a property lien until the debt is satisfied (e.g., liens arising from demolition, lot cleaning), including original liens and lien releases. RETENTION: FE of date of final payment and release of lien + 3 years.

c) Account card or similar record relating to the receipt of cash deposits as sureties for the delivery of services (e.g., water and wastewater). RETENTION: FE of termination of service or refund of deposit + 3 years.

FIGURE 1: 13 TAC §7.125(b)(1)

d) Records of accounts deemed uncollectable, including write-off authorizations. RETENTION: FE of write-off date + 7 years for school districts; + 3 years for other governments.

Retention Note: For accounts receivable records associated with the collection of property taxes, all local governments, including school districts, should use Local Schedule TX (Records of Property Taxation).

1025-28 **BANKING RECORDS** - Bank statements, canceled checks, check registers, deposit slips, debit and credit notices, reconciliations, notices of interest earned, etc. RETENTION: FE + 7 years for school districts; + 5 years for other governments.

1025-29 **COST ALLOCATION AND DISTRIBUTION RECORDS** - Records created to document the allocation of costs among accounts and funds of a local government, including records relating to chargebacks and other interdepartmental or interfund accounting transactions. RETENTION: FE + 7 years for school districts; + 3 years for other governments.

Retention Note: If any of the records in this group are used as ledger and journal entry documentation, they must be retained for FE + 5 years (see item number 1025-30) by all local governments.

1025-30 **LEDGERS, JOURNALS, AND ENTRY DOCUMENTATION**

Retention Note: Be certain to verify before the disposal of any ledger or journal under this item number that the ledger or journal does not serve to document financial activities that require a longer retention period (e.g. investment documentation of proceeds of tax exempt bonds under item number 1025-09).

a) General ledger showing receipts and expenditures from all accounts and funds of a local government.

1) For fiscal years for which an annual audit report (see item number 1025-01) exists. RETENTION: FE + 7 years for school districts; + 5 years for other governments.

Retention Note: Review before disposal; some ledgers may merit permanent retention for historical reasons.

2) For fiscal years for which an annual audit report (see item number 1025-01) does not exist. RETENTION: PERMANENT.

b) Subsidiary ledgers. RETENTION: FE + 7 years for school districts; + 5 years for other governments.

Retention Note: Review before disposal; some ledgers may merit permanent retention for historical reasons.

c) Receipt, disbursement, general, or subsidiary journals. RETENTION: FE + 7 years for school districts; + 5 years for other governments.

Retention Note: Review before disposal; some journals may merit permanent retention for historical reasons.

d) Journal vouchers and entries or similar posting control forms (including supporting documentation such as correspondence and auditor adjustments that evidence journal entries and amendments). RETENTION: FE + 7 years for school districts; + 5 years for other governments.

Retention Note: If bill stubs (see item number 1025-27) are used as entry documentation for account journals, they must be retained by all local governments other than school districts for FE + 5 years rather than the FE + 3 year retention period for accounts receivable records.

e) Perpetual care fund registers of municipally-owned cemeteries. RETENTION: PERMANENT. [By law - Health and Safety Code, Section 713.005(a).]

FIGURE 1: 13 TAC §7.125(b)(1)

1025-31 TRANSACTION SUMMARIES - Periodic summaries or reports of accounting transactions or activity by department, budget code, program, account, fund, or type of activity, including trial balances, *unless* the summary is of a type noted elsewhere in this part.

- a) Daily. RETENTION: 30 days. (Exempt from destruction notice requirement)
- b) Weekly. RETENTION: 90 days. (Exempt from destruction notice requirement)
- c) Monthly, bimonthly, quarterly, or semi-annual. RETENTION: 2 years.
- d) Annual. RETENTION: FE + 7 years for school districts; + 3 years for other governments.

Retention Note: If an annual trial balance is not maintained, then the least frequent sub-yearly trial balance must be retained for FE + 7 years by school districts and FE + 3 years by all other local governments.

1025-32 UNCLAIMED PROPERTY DOCUMENTATION - Any form of record sufficient to verify information on unclaimed property previously reported to the State Treasurer showing the name and last known address of the apparent owner of reportable unclaimed property, a brief description of the property, and the balance of each unclaimed account, if appropriate. RETENTION: Date on which property is reportable + 10 years. [By law - Property Code, Section 74.103(b).]

PART 3: PERSONNEL AND PAYROLL RECORDS

Retention Notes: a) FEDERAL RETENTION REQUIREMENTS - Federal retention periods for personnel and payroll records arise principally from the administration of the Civil Rights Act of 1964, Title VII; the Age Discrimination and Employment Act of 1967; the Equal Pay Act; the Fair Labor Standards Act; the Federal Insurance Contribution Act; and the Federal Unemployment Tax Act. These acts are administered by various federal agencies or departments of agencies and, because retention periods are set to enable each agency to carry out its particular oversight authority, different retention periods are often established for the same record. In compiling Schedule GR, the longest applicable federal retention period is cited as authority for the retention period indicated. A federal regulation is not cited if a state law or regulation requires a longer retention period. A federal retention period is also not cited if a Texas statute of limitations makes a longer retention period advisable. For example, the federal retention requirement for employment contracts [see item number 1050-15(a)] is given as 3 years from the last effective date of the contract in 26 CFR 516.5, but suits in Texas may be brought by either party to such a contract within four years of the occurrence of an alleged breach; therefore a retention period of 4 years from the last effective date of the contract is set in this schedule. All retention periods in this part apply, by authority of this schedule, to all local governments, although some of them may be otherwise exempt from the federal requirement cited. This provision does not require the creation by exempted local governments of any special documentation demonstrating compliance with federal regulations that may be required of non-exempted governments.

b) PERSONNEL FILES - The individual employee personnel file is not scheduled as a unit in this section; documents normally placed in such files are scheduled separately. Please note, however, that some information must be retained permanently [see item numbers 1050-12, 1050-52(b) and 1050-54(a)] on each employee.

c) TERMINATED EMPLOYEES - Notwithstanding any retention periods in this part, all personnel records existing on the date of termination of an involuntarily terminated employee must be retained for 2 years from the date of termination [29 CFR 1602.31, 1602.40, and 1602.49].

d) JTPA AND CETA EMPLOYEES - Any records maintained on applicants for or holders of positions paid in whole or in part from Comprehensive Employees' Training Act (CETA) funds or affirmative action apprenticeship program funds administered by the U. S. Department of Labor must be retained for 5 years from the date of enrollment in the program. [20 CFR 676.35(b) and 29 CFR 30.8(e)]. This 5 year retention period is extended by authority of this schedule to comparable records on applicants for or holders of positions paid in whole or in part from Job Training Partnership Act (JTPA) funds.

e) DEFINITION OF EMPLOYEE - For the purposes of this part, the term "employee" also includes elected or appointed officials of a local government who are paid wages or a salary from any funds of the local government.

FIGURE 1: 13 TAC §7.125(b)(1)

f) **PERSONNEL RECORDS IN SHERIFF'S DEPARTMENTS IN CERTAIN COUNTIES** - *The Local Government Code, Section 157.904, provides that sheriff's departments in counties with a population of 2,000,000 or more shall maintain "a permanent personnel file on each department employee." The precise contents of a personnel file are not specified, but three groups of records are expressly mentioned. Consequently, any record in item numbers 1050-03, 1050-07, and 1050-21, all of which are records of a type mentioned in the statute, must be retained permanently. What other records may be includable in a permanent personnel file in sheriffs' departments subject to the law should be determined by the sheriffs and their legal counsel.*

SECTION 3-1: PERSONNEL RECORDS

1050-01 AFFIRMATIVE ACTION PLANS

a) Reports, analyses, and statistical data compiled from source documentation used to develop, implement, and monitor affirmative action plans. RETENTION: 5 years. [By regulation - 29 CFR 30.8(e).]

b) Affirmative action plans. RETENTION: Until superseded + 5 years. [By regulation - 29 CFR 30.8(e).]

1050-02 APTITUDE AND SKILLS TEST RECORDS - Records relating to aptitude or skills tests *required* of job applicants or of current personnel to qualify for promotion or transfer, including civil service examinations.

a) Validation studies. RETENTION: Life of test + 2 years.

b) Tests. RETENTION: Until superseded + 2 years. [By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.]

Retention Note: One copy of each different test (different in terms of either questions or administration procedures) should be retained for the period indicated.

c) Test papers of persons taking tests. RETENTION: 2 years. [By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.]

d) Records, *other* than those noted (a)-(c), relating to the planning and administration of tests. RETENTION: 3 years.

1050-03 AWARDS AND COMMENDATIONS. RETENTION: Date of separation + 5 years.

1050-04 CERTIFICATES AND LICENSES - Certificates, licenses, or permits required of employees to qualify for or remain eligible to hold a position requiring certification or licensing. RETENTION: Until superseded or separation of employee + 5 years.

Retention Note: If the submission of copies of certificates, licenses, or permits is required of all applicants for a position, those of applicants not hired must be retained for 2 years under item number 1050-14.

1050-05 CONFLICT OF INTEREST AFFIDAVITS. RETENTION: 5 years after leaving position for which the affidavit was filed.

1050-06 COUNSELING PROGRAM FILES

a) Reports of interviews, analyses, and similar records relating to the counseling of an employee for work-related, personal, or substance abuse problems. RETENTION: 3 years after termination of counseling.

b) Records relating to the planning, coordination, implementation, direction, and evaluation of a employee counseling program. RETENTION: 3 years.

1050-07 DISCIPLINARY AND ADVERSE ACTION RECORDS - Records created by civil service boards or by personnel or supervisory officers in considering, or reconsidering on appeal, an adverse action (e.g., demotion, probation, termination, suspension, leave without pay) against an employee, including, as applicable, witness and employee statements,

FIGURE 1: 13 TAC §7.125(b)(1)

interview reports, exhibits, reports of findings, and decisions and judgments. **RETENTION:** 2 years after case closed or action taken, as applicable. [By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.]

1050-08 EMPLOYEE PENSION AND BENEFITS RECORDS [for records of pension and deferred compensation deductions from payroll see 1050-52(b)].

a) Employee benefit plans such as pension; life, health, and disability insurance; seniority and merit systems; and deferred compensation plans, including amendments. **RETENTION:** Termination of plan + 1 year. [By regulation - 29 CFR 1627.3(b)(2).]

***Retention Note:** If the plan or system is not in writing, a memorandum fully outlining the terms of the plan or system and the manner in which it has been communicated to affected employees, together with notations relating to any changes or revisions, must be retained for the same period as written plans.*

b) Enrollment forms providing personal identifying data, beneficiary information, option selection, and similar information.

1) If the official record is maintained by the retirement system of which the local government is a member or by the service provider. **RETENTION:** AV. (Exempt from destruction notice requirement)

2) If the official record is maintained by the local government.

A) Pension and deferred compensation. **RETENTION:** PERMANENT.

B) Life, health, and disability insurance. **RETENTION:** Termination of coverage + 4 years.

c) Annual reports from a pension system or fund. **RETENTION:** PERMANENT.

1050-09 EMPLOYEE RECOGNITION RECORDS - Award committee reports, selection criteria, nominations, and similar administrative records of employee award or incentive programs. **RETENTION:** 2 years.

1050-10 EMPLOYEE SECURITY RECORDS

a) Records created to control and monitor the issuance of keys, identification cards, passes, or similar instruments of identification and access. **RETENTION:** Until superseded, date of expiration, or date of separation + 2 years, as applicable.

b) Records relating to the issuance of parking permits. **RETENTION:** Until superseded. (Exempt from destruction notice requirement)

1050-11 EMPLOYEE SELECTION RECORDS - Notes of interviews with candidates; audio and videotapes of job interviews; applicant rosters; eligibility lists; test ranking sheets; justification statements for violating eligibility or ranking sequence; background, criminal history, and previous injury checks; polygraph examination results; offers of employment letters; and similar records documenting the filling of a vacant position. **RETENTION:** 2 years from the creation (or receipt) of the record or the personnel action involved, whichever later. [By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.]

1050-12 EMPLOYEE SERVICE RECORD - Summary employment history record for each employee maintained on one or more forms, containing the following *minimum* information: name; sex; date of birth; social security number; positions held with dates of hire, promotion, transfer, or demotion; dates of leaves of absence or suspension that affect computation of length of service; wage or salary rate for each position held, including step or merit increases within grades; and date of separation. [For other information on employees that must also be retained permanently either as part of this record or in another form, see item numbers 1050-52(b) and 1050-54(a)]. **RETENTION:** PERMANENT.

***Retention Notes:** a) This schedule does not require the creation of an employee service record of the type described, but the creation of the record is strongly recommended to allow frequent disposal of documents from which information has been summarized. If an employee service record is not maintained, documents (e.g., employment applications, personnel action forms) containing the prescribed information must be retained permanently. More than one document providing the same element of required information need not be retained.*

FIGURE 1: 13 TAC §7.125(b)(1)

b) *The Teacher Service Record (Texas Education Agency Form FIN-115 or its equivalent), containing information required by statute or regulation, shall be considered an employee service record of the type described and must be retained permanently.*

c) *Salary or wage data on an employee service record may be indicated by grade and step numbers if all corresponding wage rate tables (see item number 1050-59) applicable to a person's employment history are retained permanently.*

1050-13 EMPLOYMENT ADVERTISEMENTS OR ANNOUNCEMENTS - Advertisements or postings relating to job openings, promotions, training programs, or overtime opportunities, including jobs orders submitted to employment agencies. RETENTION: 2 years. [By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.]

1050-14 EMPLOYMENT APPLICATIONS - Applications, transcripts, letters of reference, and similar documents whose submission by candidates for vacant positions (both hired and not hired) or for promotion, transfer, or training opportunity (both selected and not selected) is required on the application form, by application procedures, or in the employment advertisement. RETENTION: 2 years from the creation (or receipt) of the record or the personnel action involved, whichever later, *except the following*: [By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.]

a) Samples of publications, artwork, or other products of prior achievement not returned to applicants. RETENTION: AV. (Exempt from destruction notice requirement)

b) Transcripts of persons *hired* if state or federal law or regulation mandates a level of education needed to qualify for employment (e.g., school district professional and paraprofessional personnel). See also item number 1050-28(a). RETENTION: Date of separation + 5 years.

Retention Note: If applicant screening or hiring decisions are based on resumes, with only successful or interviewed candidates completing employment applications, then resumes of persons not hired must be kept for the same period as employment applications. If resumes are supplemental to employment application forms, they need only be retained as long as administratively valuable.

1050-15 EMPLOYMENT CONTRACT/COLLECTIVE BARGAINING RECORDS

a) Contracts and agreements, including collective bargaining agreements, between a local government and an employee or a group of employees, including written acceptances of such contracts. RETENTION: Last effective date of contract + 4 years.

b) Records relating to the negotiation of collective bargaining agreements or similar group contracts, including reports; correspondence; mediation or arbitration agreements; the proceedings, findings, and awards of arbitration boards; and similar records. RETENTION: Last effective date of contract + 4 years or, if no agreement or contract results, 4 years.

1050-16 EQUAL EMPLOYMENT OPPORTUNITY RECORDS AND REPORTS

a) Reports, analyses, or statistical data compiled from source documentation used to complete EEO reports. RETENTION: 3 years. [By regulation - 29 CFR 1602.30, 1602.39, and 1602.48.]

b) EE0-1, EEO-4, EE0-5, and EE0-6 reports. RETENTION: 3 years. [By regulation - 29 CFR 1602.32, 1602.41; and 1602.50.]

c) Case files relating to discrimination complaints, including complaints, legal and investigative documents, exhibits, related correspondence, withdrawal notices, and decisions or judgments. RETENTION: Resolution of case + 3 years.

1050-17 EQUAL PAY RECORDS - Reports, studies, aggregated or summarized data, and similar documentation compiled to monitor and demonstrate compliance with the Equal Pay Act. RETENTION: 2 years. [By regulation - 29 CFR 1620.32(c).]

FIGURE 1: 13 TAC §7.125(b)(1)

1050-18 **FIDELITY BONDS.** RETENTION: Effective life of bond + 5 years.

Retention Note: Does not include the Official Bond Record maintained by county clerks, which must be retained permanently.

1050-19 **FINGERPRINT CARDS.** RETENTION: Date of separation + 5 years.

Retention Note: If fingerprint cards are created for all applicants for a position, those of persons not hired must be retained 2 years under item number 1050-14.

1050-20 **GRIEVANCE RECORDS** - Records relating to the review of employee grievances against personnel policies, working conditions, etc. RETENTION: 2 years.

Retention Note: Do not confuse these records with those involving EEO complaints [see item number 1050-16(c)].

1050-21 **JOB EVALUATIONS (PERFORMANCE APPRAISALS)**

a) Evaluations of public school teachers, subject to the career ladder system, for the 1983-84 school year and subsequent years only. RETENTION: PERMANENT.

b) Evaluations of all other local government employees. RETENTION: Until superseded + 2 years. [By regulation - 29 CFR 1620.32(c).]

1050-22 **MEDICAL AND EXPOSURE REPORTS**

a) Health or physical examination reports or certificates of all job applicants if physical condition is a factor in hiring decisions, including the promotion, transfer or selection for training of current personnel. RETENTION: 2 years. [By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.]

b) Health or physical examination reports or certificates of employees for whom periodic monitoring of health or fitness is required.

* 1) For employees exposed in the course of their work to toxic substances, harmful physical agents, or bloodborne pathogens. RETENTION: Date of separation + 30 years. [By regulation - 29 CFR 1910.20(d)(1)(i) and 1910-1030(h)(1)(iv).]

2) For all other employees. RETENTION: Until superseded + 2 years.

c) Environmental, biological, and material safety monitoring reports concerning toxic substances and harmful physical agents in the workplace, including analyses derived from such reports. RETENTION: 30 years. [By regulation - 29 CFR 1910.20(d)(1)(ii).]

1050-23 **OATHS OF OFFICE.** RETENTION: Until superseded + 5 years; or, 5 years after leaving position for which oath required, whichever applicable.

1050-24 **PERSONNEL ACTION OR INFORMATION NOTICES** - Documents used by personnel officers to create or change information in the personnel records of individual employees concerning hiring, termination, transfer, pay grade, position or job title, leaves of absence, name changes, and similar personnel actions *except* those noted elsewhere in this part. RETENTION: 2 years. [By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.]

1050-25 **PERSONNEL STUDIES AND SURVEYS** - Studies, statistical reports, surveys, cost analyses and projections, and similar records, *except* those noted elsewhere in this part, on any aspect of the personnel management or administration of a local government. RETENTION: 3 years.
3 years.

Retention Note: Review before disposal; some documents may merit permanent retention for historical reasons.

FIGURE 1: 13 TAC §7.125(b)(1)

1050-26 **POSITION DESCRIPTION, CLASSIFICATION, AND STAFF MONITORING RECORDS**

a) Job descriptions, including any associated task or skill statements. **RETENTION:** Until superseded or position abolished + 4 years. [By regulation - 40 TAC 301.6(i).]

b) Documentation concerning the development and analysis of job descriptions and classification systems, including survey, review and audit reports; classification standards and guidelines; selection criteria, determination of classification appeals, etc., as follows:

- 1) Documents linked to a specific position. **RETENTION:** Dispose with job description under (a).
- 2) Survey, audit, or other reports issued on a regular basis. **RETENTION:** Until superseded + 4 years.
- 3) Other documentation not included in (b)(1) or (b)(2). **RETENTION:** PERMANENT.

c) Position staffing and vacancy reports. **RETENTION:** Until superseded. (Exempt from destruction notice requirement)

d) Personnel requisitions. **RETENTION:** 2 years.

1050-27 **REDUCTION IN FORCE PLANS** (including any related implementation documentation). **RETENTION:** Until superseded, or if implemented, 2 years from date of last RIF action under the plan.

1050-28 **TRAINING AND EDUCATIONAL ATTAINMENT RECORDS** (for other records relating to aptitude or skills tests *required* of job applicants or of current personnel to qualify for promotion or transfer see item number 1050-02).

a) Certificates of completion, transcripts, test scores, or similar records documenting the training, testing, or continuing education achievements of an employee if such training or testing is required for the position held or if the educational or skill attainment or enhancement affects or could affect career advancement in the local government or, in the case of licensed or certified personnel (e.g., school professionals, firefighters, police officers, health care professionals), in other governments or the private sector. **RETENTION:** Date of separation + 5 years.

Retention Note: If information concerning training or testing (e.g., test scores) is transferred to an Employee Service Record (item number 1050-12), the document from which the information is taken need be retained for only 2 years.

b) Records documenting the planning, development, implementation, administration and evaluation of in-house training programs. **RETENTION:** 3 years.

c) Training manuals, syllabuses, course outlines, and similar training aids used in in-house training programs. **RETENTION:** Until superseded. (Exempt from destruction notice requirement)

d) Skill or achievement measurement records of a training group or class as a whole (e.g., rosters with scores). **RETENTION:** 2 years.

Retention Note: If the only information documenting the in-house training of an employee of the types described in (a) is contained in the measurement records of a group or class as a whole, the group records must be retained for the date of separation + 5 years for all employees included in the group records.

1050-29 **UNEMPLOYMENT COMPENSATION CLAIMS FILES** - Unemployment claims, pertinent correspondence, and similar records documenting unemployment compensation cases. **RETENTION:** 5 years.

1050-30 **VERIFICATION OF EMPLOYMENT ELIGIBILITY (INS Form I-9)**. **RETENTION:** 3 years from hire or 1 year after separation, whichever later. [By regulation - 8 CFR 474a.2(b)(2)(i)(A) and (c)(2).]

Retention Note: If a former employee is rehired and an INS Form I-9 is still on file for the employee, the 3 year retention period dates from date of first hire.

1050-31 **WORK SCHEDULES** - Work, duty, shift, crew, or case schedules, rosters, or assignments *except* work schedules includable in item number 1050-56. **RETENTION:** 1 year. (Exempt from destruction notice requirement)

1050-32 **WORKERS COMPENSATION CLAIM FILES** - Initial and supplemental reports of accidents to or job-related illnesses of employees and documentation relating to any subsequent filing of claims by employees. **RETENTION:** 5 years. [By regulation - 29 CFR 1904.06 for accident and illness reports.]

1050-33 **FINANCIAL DISCLOSURE STATEMENTS** - Financial disclosure statements of officers and/or employees of a local government. **RETENTION:** 2 years.

Retention Note: For campaign contribution and expenditure statements see item number 3125-01 in Local Schedule EL (Records of Elections and Voter Registration).

SECTION 3-2: PAYROLL RECORDS

Retention Note: OTHER ACCOUNTING RECORDS - This section supplements Section 2-2 and schedules financial and accounting records found in most local governments specific to the disbursement of payroll. If a payroll-related record is not scheduled in this section, use Section 2-2 for the comparable record; e.g., payroll fund reconciliations should be retained for FE + 3 years (or FE + 7 years in school districts) under the retention for Banking Records (see item number 1025-28).

1050-50 **DEDUCTION AUTHORIZATIONS** - Documentation used to start, modify, or stop all voluntary or required deductions from payroll, including orders of garnishment or other court-ordered attachments. **RETENTION:** 4 years after separation or 4 years after amendment, expiration, or termination of authorization, whichever sooner.

1050-51 **DIRECT DEPOSIT APPLICATIONS/AUTHORIZATIONS.** **RETENTION:** Until superseded. (Exempt from destruction notice requirement)

1050-52 EARNINGS AND DEDUCTION RECORDS

a) A record containing the following payroll information on each employee: name, last known address and social security number; amount of wages paid to the employee for each payroll period, including all deductions, and date of payment. **RETENTION:** Retention of any one of the following records for 7 years by school districts or 4 years by other governments will satisfy the retention requirement: [By regulation - See Local Schedule SD for school districts; 20 CFR 404.1225(b)(3) and 40 TAC 301.6(a) and (i) for other governments.]

- 1) Individual employee earnings card or record that shows earnings and deductions for each pay period.
- 2) Master payroll register which shows earnings and deductions for each pay period.

b) A record containing the following minimum pension and deferred compensation information on each employee: name, date of birth, social security number, and amount of pension and deferred compensation deductions. **RETENTION:** PERMANENT retention of any one of the following will satisfy the retention requirement:

- 1) Individual employee earnings card or record as in (a)(1).
- 2) Employee Service Record (see item number 1050-12) if it contains the prescribed pension and deferred compensation deduction data.
- 3) Master payroll register, or the final year-to-date register of each calendar year, if the register shows *all* persons employed during the year from whose wages pension and deferred compensation deductions were made.
- 4) Pension and deferred compensation deduction register, or the final year-to-date pension deduction register of each calendar year, if the register lists *all* persons employed during the year from whose wages pension and deferred compensation deductions were made.

FIGURE 1: 13 TAC §7.125(b)(1)

- 5) Copies of annual or other periodic statements furnished to each employee detailing the deductions and contributions to a pension or deferred compensation plan during the past year or period.
- c) Master payroll register, including year-to-date registers, *if not used* to satisfy either of the retention requirements set in (a) or (b). RETENTION: FE + 3 years.
- d) Subsidiary payroll registers, *if not used* to satisfy either of the retention requirements set in (a) or (b).
- 1) If data contained in the subsidiary payroll register *is not* contained in the master payroll register. RETENTION: FE + 3 years.
 - 2) If data contained in the subsidiary payroll register *is* contained in the master payroll register. RETENTION: AV. (Exempt from destruction notice requirement)
- e) Copies of annual or other periodic statements furnished to each employee detailing the deductions and contributions to a pension or deferred compensation plan during the past year or period, *if not used* to satisfy the retention requirement set in (b). RETENTION: 2 years.
- f) Payroll adjustment records, including transaction registers, authorizations, and similar records authorizing and detailing adjustments to payroll records because of overpayment, underpayment, etc. RETENTION: FE + 7 years for school districts; + 3 years for other governments.

1050-53 FEDERAL AND STATE TAX FORMS AND REPORTS

- a) Forms used to determine withholding from wages and salaries for payroll tax purposes. RETENTION: 4 years after separation or 4 years after form amended, whichever sooner. [By regulation - 20 CFR 404.1225(b)(3), 26 CFR 31.6001-1(e)(2) for federal forms and by authority of this schedule for any state forms.]
- b) Forms and reports used to report the collection, distribution, deposit, and transmittal of payroll or unemployment taxes. RETENTION: 4 years after tax due date or date tax paid, whichever later. [By regulation - 20 CFR 404.1225(b)(3), 26 CFR 31.6001-1(e)(2) for federal forms and by authority of this schedule for state forms.]

1050-54 LEAVE RECORDS

- a) A record containing a record of the unused accumulated sick leave of each employee *if* (1) all or a percentage of accumulated sick leave is used to calculate length of service and/or (2) accumulated sick leave is creditable to an employee if rehired. RETENTION: PERMANENT retention of any one of the following will satisfy the retention requirement:
- 1) Individual employee earnings card or record as described in item number 1050-52(a) if it also contains accumulated sick leave data.
 - 2) Employee Service Record (see item number 1050-12) if it contains the accumulated sick leave data prescribed.
 - 3) Copy of the final time summary or leave status report, as noted in (d), of each separated employee.
- b) Requests and authorizations for vacation, compensatory, sick and other types of authorized leave. RETENTION: FE + 3 years.
- c) Leave or hours-to-date registers. RETENTION: FE + 3 years.
- d) Copies of periodic time summary or leave status reports furnished to each employee containing information on vacation, sick, compensatory, or other leave earned and used, including the final report of separated employees *if they are not used* to satisfy the retention requirement set in (a). RETENTION: 2 years.

FIGURE 1: 13 TAC §7.125(b)(1)

1050-55 PAYROLL ACTION OR INFORMATION NOTICES - Documents used by payroll officers to create or change information in the payroll records of individual employees *except* deduction authorizations (see item number 1050-50) and federal tax forms [see item number 1050-53(a)].

a) Documents concerning hiring, termination, transfer, pay grade, position or job title, name changes, etc. RETENTION: 2 years. [By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.]

b) Documents concerning adjustments to payroll and leave status. RETENTION: FE + 3 years.

1050-56 TIME AND ATTENDANCE REPORTS - Time cards or sheets, including work schedules and documentation evidencing adherence to or deviation from normal hours for those employees working on fixed schedules. RETENTION: 4 years. [By regulation - 40 TAC 301.6(a) and (i).]

1050-57 TIME CHANGE RECORDS - Requests and authorizations for overtime, time trading, and other actions that affect normal work time *except* leave requests [see item number 1050-54(c)]. RETENTION: 2 years.

1050-58 REQUESTS AND AUTHORIZATIONS TO ENGAGE IN REIMBURSABLE ACTIVITIES - Requests and authorizations for travel; participation in educational programs, workshops, or college classes; or for other *bona fide* work-related activities in which the expenses of an employee are defrayed or reimbursed. RETENTION: FE + 7 years for school districts; + 3 years for other governments.

1050-59 WAGE AND SALARY RATE TABLES

a) If wage or salary rate for each position listed on an Employee Service Record (see item number 1050-12) is expressed in dollars. RETENTION: 2 years after last effective date. [By regulation - 29 CFR 516.6(a)(2).]

b) If wage or salary rate for each position listed on an Employee Service Record (see item number 1050-12) is indicated by grade or step number only. RETENTION: PERMANENT.

PART 4: SUPPORT SERVICES RECORDS

SECTION 4-1: PURCHASING RECORDS

Retention Notes: RELATIONSHIP WITH ACCOUNTS PAYABLE RECORDS - In a local government in which purchasing and accounts payable records (see item number 1025-26) are maintained by the same individual or department, duplicate copies of a record need not be created and/or retained to satisfy the retention requirements of this section if the record is used in documenting both the ordering and procurement of and payment for goods and services. In such instances, retention requirements for accounts payable records prevail over those noted in this section.

1075-01 BIDS AND BID DOCUMENTATION

a) Successful bids and requests for proposals, including invitations to bid, bid bonds and affidavits, bid sheets, and similar supporting documentation. RETENTION: FE of award + 7 years for school districts; + 3 years for other governments.

b) Unsuccessful bids. RETENTION: 2 years.

c) Informal bid records, such as requests for quotations or estimates, for the procurement of goods or services for which state law or local policy does not require the formal letting of bids. RETENTION: 1 year. (Exempt from destruction notice requirement)

1075-02 INVENTORY RECORDS (PARTS AND SUPPLIES). RETENTION: 1 year. (Exempt from destruction notice requirement)

FIGURE 1: 13 TAC §7.125(b)(1)

1075-03 **PURCHASE ORDER AND RECEIPT RECORDS**

- a) Purchase orders, requisitions, and receiving reports. RETENTION: FE + 7 years for school districts; + 3 years for other governments.
- b) Purchasing log, register, or similar record providing a chronological record of purchase orders issued, orders received, and similar data on procurement status. RETENTION: FE + 3 years.
- c) Packing slips and order acknowledgments. RETENTION: AV. (Exempt from destruction notice requirement)
- d) Vendor and commodity lists. RETENTION: Until superseded. (Exempt from destruction notice requirement)

SECTION 4-2: FACILITY, VEHICLE, AND EQUIPMENT MANAGEMENT RECORDS

1075-15 **ACCIDENT AND DAMAGE REPORTS (PROPERTY)** - Reports of accidents or damage to facilities, vehicles, or equipment if no personal injury is involved. RETENTION: 3 years.

Retention Note: For accident reports involving personal injury see item numbers 1000-20 and 1050-32.

1075-16 **CONSTRUCTION PROJECT FILES** - Records concerning the planning, design, construction, conversion, or modernization of local government-owned facilities, structures, and systems, including feasibility, screening, and implementation studies; topographical and soil surveys and reports; architectural and engineering drawings, elevations, profiles, blueprints, and as-builts; inspection and investigative reports; laboratory test reports; environmental impact statements; construction contracts and bonds; correspondence; and similar documentation. RETENTION: PERMANENT, but see retention note.

Retention Note: Files relating to the construction of prefabricated storage sheds, bus shelters, parking lot kiosks, non-structural recreational facilities such as baseball diamonds and tennis courts, and similar structures and facilities need be retained for only 10 years after completion of the project.

1075-17 **LOST AND STOLEN PROPERTY REPORTS.** RETENTION: FE + 3 years.

1075-18 **MAINTENANCE, REPAIR, AND INSPECTION RECORDS** - Records documenting the maintenance, repair, and inspection of facilities, vehicles, and equipment.

Retention Note: This record group schedules records of maintenance and repair to general-purpose vehicles, office equipment, and office facilities. For retention requirements for the maintenance and repair of specialized vehicles (e.g., police cars, fire trucks, school buses), equipment (e.g., airport runway beacons, traffic lights), or facilities (e.g., wastewater treatment plants) see other commission schedules.

a) Vehicles and equipment.

- 1) Routine inspection records. RETENTION: 1 year. (Exempt from destruction notice requirement)
- 2) Maintenance and repair records. RETENTION: Life of asset.

Retention Note: If a vehicle is junked as the result of an accident, the maintenance and repair records for the vehicle must be retained for LA + 3 years.

b) Facilities.

- 1) Routine cleaning, janitorial, and inspection work. RETENTION: 1 year. (Exempt from destruction notice requirement)
- 2) All other facility maintenance, repair and inspection records (including those relating to plumbing, electrical, fire suppression, and other infrastructural systems). RETENTION: 3 years.

FIGURE 1: 13 TAC §7.125(b)(1)

1075-19 SERVICE REQUESTS/WORK ORDERS (for repairs and maintenance to facilities, vehicles, or equipment). RETENTION: 2 years.

Retention Note: If work orders serve as the only form of record documenting repairs to vehicles or equipment [see item number 1075-18(a)] they must be retained for the life of the vehicle or equipment.

1075-20 USAGE REPORTS - Reports of usage of facilities, vehicles, and equipment.

a) Any type of usage report (e.g., mileage, fuel consumption, copies run) if such reports are the basis for allocating costs, for determining payment under rental or lease agreements, etc. RETENTION: FE + 7 years for school districts; + 3 years for other governments.

b) Reservation logs or similar records relating to the use of facilities such as meeting rooms, auditoriums, etc. by the public or other governmental agencies. RETENTION: 2 years.

c) Usage reports compiled for purposes other than those noted in (a) or (b). RETENTION: 1 year. (Exempt from destruction notice requirement)

1075-21 VEHICLE ASSIGNMENT RECORDS - Assignment logs, authorizations, and similar records relating to the assignment and use of government-owned vehicles by employees. RETENTION: 2 year.

1075-22 VISITOR CONTROL REGISTERS - Logs, registers, or similar records documenting visitors to limited access or restricted areas. RETENTION: 3 years.

1075-23 WARRANTIES (for vehicles and equipment). RETENTION: Expiration of warranty + 1 year. (Exempt from destruction notice requirement)

SECTION 4-3: COMMUNICATIONS RECORDS

1075-40 POSTAL AND DELIVERY SERVICE RECORDS

a) Meter and permit usage records. RETENTION: 1 year. (Exempt from destruction notice requirement)

b) Registered, certified, insured, and special delivery mail receipts and similar records of transmittal by express or delivery companies. RETENTION: 1 year.

1075-41 TELEPHONE LOGS OR ACTIVITY REPORTS - Registers or logs of telephone calls made and similar telephone activity reports.

a) If the log, report, or similar record is used for cost allocation purposes. RETENTION: FE + 7 years for school districts; + 3 years for other governments.

b) If the log, report, or similar record is used for internal control purposes other than cost allocation. RETENTION: 2 years.

* SECTION 4-4: WORKPLACE SAFETY RECORDS

* **5750-01 BLOODBORNE PATHOGEN TRAINING RECORDS** - Records of training given employees with exposure to bloodborne pathogens showing the dates of training sessions, contents or summaries of the sessions, names and job titles of those who received training, and names and qualifications of instructors. RETENTION: 3 years. [By regulation - 29 CFR 1910.1030(h)(2)(ii).]

* **5750-02 FACILITY CHEMICAL LISTS** - Copies of tier two forms containing information of hazardous chemicals present in local government facilities submitted to the fire chief of the fire department having jurisdiction over the facilities and to the Texas Department of Health as required by Health and Safety Code, Section 506.006. RETENTION: Until superseded. (Exempt from destruction request requirement)

FIGURE 1: 13 TAC §7.125(b)(1)

* 5750-03 **HAZARD COMMUNICATION PLANS** - Plans describing how criteria of the Hazard Communications Act (Chapter 502, Health and Safety Code) with regard to the education and training of employees will be met. RETENTION: Until superseded + 5 years. [By law - Health and Safety Code, Section 502.009(g).]

* 5750-04 **HAZARDOUS MATERIALS TRAINING RECORDS** - Records of training given employees in a hazard communications program showing the date of each training session, subjects covered during the session, rosters of employees who attended, and the names of instructors. RETENTION: 5 years. [By law - Health and Safety Code, Section 502.009(g).]

* 5750-05 **MATERIAL SAFETY DATA SHEETS (MSDS)** - Material safety data sheets (MSDS) supplied to local government employers by manufacturers or distributors of hazardous chemicals. RETENTION: AV after receipt of updated sheet or the hazardous chemical is no longer present in the local government, as applicable. (Exempt from destruction request requirement)

* 5750-06 **WORKPLACE CHEMICAL LISTS** - Lists of hazardous chemicals, including superseded lists, compiled and maintained by local governments in accordance with the Health and Safety Code, Section 552.005. RETENTION: 30 years. [By law - Health and Safety Code, Section 502.005(d).]

Retention Note: State law (Health and Safety Code, Section 502.005(d)) provides that if a local government is dissolved (e.g., a municipality through disincorporation), it shall send the workplace chemical lists in its possession to the director of the Texas Department of Health.

* PART 5: ELECTRONIC DATA PROCESSING RECORDS

* **Retention Notes:** (a) This part establishes retention periods for records essential to the creation, maintenance, and use of electronic records (information recorded in a form for computer processing including data, graphics, digital images, multi-media records, etc.) and records related to computer operations/technical support not covered elsewhere in this schedule. Records in this part may be maintained on whatever medium is appropriate including electronic (on-line, magnetic tape, optical disk, CD-ROM, etc.), paper, and microform.

(b) Other types of records may be maintained electronically that are listed elsewhere in this schedule, such as administrative, fiscal, personnel, and support services records, or in other specialized schedules adopted by the Texas State Library and Archives Commission, such as Local Schedule PS (Records of Public Safety Agencies), Local Schedule HR (Records of Public Health Agencies), etc. The retention period for those electronic records will be as specified under the appropriate records series item number according to the function of the information. For example, if an electronic system is used to maintain encumbrance and expenditure reports, the retention period for these electronic records would be 2 years as specified in item number 1025-04(d). Retention requirements apply to records maintained on all types of electronic systems including mainframe, minicomputer, microcomputer, local-area-network based systems, etc.

(c) Administrative rules of the Texas State Library and Archives Commission (13 TAC 7.71-7.79) require that retention procedures for electronic records with an approved retention of 10 years or more must include provisions for scheduling the disposition of the electronic records as well as related software, documentation, and indexes; and for regular recopying, reformatting, and other necessary maintenance or conversion activities to ensure the retention and stability of electronic records until the expiration of their retention periods.

(d) If automated information is copied to paper or microform to create the official record, the electronic files do not have to be maintained for the full retention period of the record. The added value of electronic files for facilitating retrieval, making queries, providing for automated audit trails, etc., should be carefully reviewed prior to destruction of the electronic files even though there is an official record in another medium.

SECTION 5-1: RECORDS OF AUTOMATED APPLICATIONS

* 5800-01 **AUDIT TRAIL RECORDS** - Files needed for electronic data audits such as files or reports showing transactions accepted, rejected, suspended, and/or processed; history files/tapes; records of on-line updates to application files or security logs. RETENTION: Until audit requirements met.

FIGURE 1: 13 TAC §7.125(b)(1)

* 5800-02 **FINDING AIDS, INDEXES, AND TRACKING SYSTEMS** - Automated indexes, lists, registers, and other finding aids used to provide access to the hard copy and electronic records. **RETENTION:** Until the related hard copy or electronic records have been destroyed. [By regulation - 13 TAC 7.77(a) for electronic records with an approved retention of 10 years or more, and by authority of this schedule for all others.]

* 5800-03 **HARDWARE DOCUMENTATION** - Records documenting operational and maintenance requirements of computer hardware such as operating manuals, hardware/operating system requirements, hardware configurations, and equipment control systems. **RETENTION:** Until electronic records are transferred to and made usable in a new hardware environment or there are no electronic records being retained to meet an approved retention period that require the hardware to be retrieved and read. [By regulation - 13 TAC 7.77(a) for electronic records with an approved retention of 10 years or more, and by authority of this schedule for all others.]

Retention Note: If the retention period of electronic records is extended to meet requirements of an audit, litigation, open records action, etc. any hardware documentation required to retrieve and read the records must also be retained for the same period.

* 5800-04 **MASTER FILES** - Relatively long-lived computer files containing organized and consistent sets of complete and accurate electronic records. **RETENTION:** Until completion of 3rd system backup cycle except for: a) Electronic file which replaces or serves in lieu of a textual record - Follow the retention period approved for the equivalent textual record; b) Electronic file containing fiscal information, for which an equivalent textual record exists, but which is also subject to audit - Dispose of after all audit questions have been resolved; c) Output data file extracted from system solely to distribute data to individuals or program units for reference and use or to produce printed reports or other publications - Dispose of after data is distributed or when no longer needed to create publication. [By regulation - 13 TAC 7.77(a) for electronic records with an approved retention of 10 years or more, and by authority of this schedule for all others.]

Retention Note: The need to retain "snapshots" of some continuing master files should be carefully evaluated. For example, if a Geographic Information System has only current mapping information, historical versions of zoning changes would not be available even though these records have long-term legal and historical value.

* 5800-05 **PROCESSING FILES** - Electronic files used to produce a master file, including, but not limited to, work files, maintenance and test files, print files, and intermediate input/output records. **RETENTION:** Until completion of 3rd system backup cycle except for: a) Routine or benchmark file used to test system performance - AV and exempt from destruction notice requirement; b) File which facilitates processing of a particular job or system run, but which does not add to, delete from, or substantially modify information in a master file - AV and exempt from destruction notice requirement.

* 5800-06 **SOFTWARE PROGRAMS** - Automated software applications and operating system files including job control language, program listing/source code, etc. **RETENTION:** Until electronic records are transferred to and made usable in a new software environment or there are no electronic records being retained to meet an approved retention period that require the software to be retrieved and read. [By regulation - 13 TAC 7.77(a) for electronic records with an approved retention of 10 years or more, and by authority of this schedule for all others.]

Retention Note: If the retention period of electronic records is extended to meet requirements of an audit, litigation, open records action, etc. any software program required to retrieve and read the records must also be retained for the same period.

* 5800-07 **SOURCE DOCUMENTS FOR ELECTRONIC RECORDS**- Documents used for the creation of electronic records by data entry or electronic imaging. **RETENTION:** Follow the retention period approved for the type of record but see the retention notes. [By law - Local Government Code, Section 205.008.]

Retention Notes: a) For records with an approved retention period of 10 years or more, the source document may be destroyed or returned to the person who filed it after the creation of the electronic record if an electronic storage authorization has been approved based on certification of compliance with the Standards and Procedures for Electronic Records of Local Governments (13 TAC Chapter 7).

b) For records with an approved retention of less than 10 years, the source document may be destroyed prior to the expiration of the retention period for the source document in a records retention schedule issued by the commission if the magnetic tape, optical disk, or similar medium and hardware and software necessary to provide access to local government record data on the medium are retained for the retention period given in the schedule.

* 5800-08 **TECHNICAL DOCUMENTATION** - Records adequate to specify all technical characteristics necessary for reading or processing of electronic records and their timely, authorized disposition including documentation describing how a system operates and necessary for using the system such as user guides, system or sub-system definitions, system specifications, input and output specifications, and system flow charts; program descriptions and documentation such as program flowcharts, program maintenance logs, change notices, and other records that document modifications to computer programs; and data documentation necessary to access, retrieve, manipulate and interpret data in an automated system such as a data element dictionary, file layout, code book or table, and other records that explain the meaning, purpose, structure, logical relationships, and origin of the data elements. **RETENTION:** Until electronic records are transferred to and made usable in a new hardware or software environment with new documentation or there are no electronic records being retained to meet an approved retention period that require the documentation to be retrieved and read. [By regulation - 13 TAC 7.77(a) for electronic records with an approved retention of 10 years or more, and by authority of this schedule for all others.]

Retention Note: If the retention period of electronic records is extended to meet requirements of an audit, litigation, open records action, etc. any technical documentation required to retrieve and read the records must also be retained for the same period.

SECTION 5-2: COMPUTER OPERATIONS AND TECHNICAL SUPPORT RECORDS

Retention Note: Not all of the following types of records will be created with all electronic systems. A local government should determine which records are needed according to the type of computer operation in use (mainframe, individual personal computers, networked personal computers, etc.). The records in this section may be maintained electronically (on-line, magnetic tape, optical disk, etc.) or on another medium such as paper or microform provided the approved retention period is met.

* 5825-01 **ACCESS SECURITY RECORDS** - Records created for security purposes to control or monitor individual access to a system and its data, including but not limited to user account records, security login information, and password files. **RETENTION:** Until the individual no longer has access to the system or audit requirements for the records modified by the individual have been met, whichever later.

* 5825-02 **BATCH DATA ENTRY CONTROL RECORDS** - Forms and logs used to reconcile batches submitted for processing against batches received and processed. **RETENTION:** AV. (Exempt from destruction notice requirement)

* 5825-03 **CHARGEBACK RECORDS TO DATA PROCESSING SERVICES USERS** - Records used to document, calculate costs and bill program units for computer usage and data processing services. These records are also used for cost recovery, budgeting, or administrative purposes. **RETENTION:** FE + 7 for school districts; FE + 3 years for other governments.

* 5825-04 **COMPUTER JOB SCHEDULES AND REPORTS** - Schedules or similar records showing computer jobs to be run and other reports by computer operators or programmers of work performed. **RETENTION:** 90 days. (Exempt from destruction notice requirement)

* 5825-05 **DATA PROCESSING POLICIES AND PROCEDURES** - Records of data processing policies and procedures including those covering access and security, systems development, data retention and disposition, and data ownership. Records of procedures for data entry, operation of computer equipment, production control, system backup, compliance with electronic records rules, etc. Does not include technical documentation of procedures necessary for reading or processing of electronic records (see item number 5800-08). **RETENTION:** 5 years after policy or procedure is withdrawn, revised, updated, or superseded.

Retention Note: Review before disposal; some documentation of this type may merit permanent or long-term retention for historical or legal reasons.

* 5825-06 **DATA PROCESSING PLANNING RECORDS** - Reports, studies, analyses, projections, and similar records concerning the creation, development, or modification of data processing systems and services *except* for disaster recovery plans (see item number 5825-07). **RETENTION:** 5 years.

FIGURE 1: 13 TAC §7.125(b)(1)

Retention Note: *Before disposal appraise for continuing administrative usefulness and historical value. Those records relating to major development projects and other records considered of historical value should be retained permanently.*

- * **5825-07 DISASTER PREPAREDNESS AND RECOVERY PLANS** - Records related to the protection and re-establishment of data processing services and equipment in case of a disaster. **RETENTION:** Until superseded. (Exempt from destruction notice requirement)
- * **5825-08 ELECTRONIC MEDIA LIBRARY SYSTEM FILES** - Records used to control the location, maintenance, and disposition of media in an electronic media library *except* for records destruction documentation that is maintained permanently (see item number 1000-40). **RETENTION:** Until related records or media are destroyed or withdrawn from the library.
- * **5825-09 INPUT DOCUMENTS** - Copies of records or forms designed and used solely for data input and control when the data processing unit provides centralized data input services and original records are maintained by the program unit *except* for data entry documents noted elsewhere in this schedule or other schedules adopted by the commission. **RETENTION:** Until all data has been entered into the system and, if required, verified. (Exempt from destruction notice requirement)
- * **5825-10 NETWORK CIRCUITS INVENTORY** - Records containing information on network circuits used by the government including circuit number, vendor, type of connection, terminal series, software, contact person, and other relevant information about the circuit. **RETENTION:** Until superseded. (Exempt from destruction notice requirement)
- * **5825-11 NETWORK IMPLEMENTATION FILES** - Records used to implement a computer network including reports, diagrams of network, and wiring schematics. **RETENTION:** Until superseded. (Exempt from destruction notice requirement)
- * **5825-12 OPERATING SYSTEM AND HARDWARE CONVERSION PLANS** - Records relating to the replacement of equipment or computer operating systems not included elsewhere in this schedule. **RETENTION:** 1 year after completion of conversion.
- * **5825-13 OUTPUT RECORDS FOR COMPUTER PRODUCTION** - Reports showing transactions that were accepted, rejected, suspended, and/or processed. **RETENTION:** AV. (Exempt from destruction notice requirement)
- * **5825-14 QUALITY ASSURANCE RECORDS** - Information verifying the quality of system, hardware, or software operations including records of errors or failures and the loss of data resulting from such failures, documentation of abnormal termination and of error free processing, checks of changes put into production, transaction histories, and other records needed as an audit trail to evaluate data accuracy. **RETENTION:** Until no longer needed as an audit trail for records modified.
- * **5825-15 PROJECT FILES** - Records created and used in the development, redesign, or modification of automated systems or applications.

Retention Note: *Does not include purchasing records for computer software or hardware such as individual personal computers, which are covered by Part 4 of this schedule.*

a) Project management records, design documentation, feasibility studies, justifications, user requirements, etc. **RETENTION:** 3 years after completion of project.

b) Routine status reports, memos, and correspondence. **RETENTION:** AV. (Exempt from destruction notice requirement)

* **5825-16 SYSTEM ACTIVITY MONITORING RECORDS** - Electronic files or automated logs created to monitor computer systems such as print spool logs, console logs, tape activity logs, etc. **RETENTION:** AV. (Exempt from destruction notice requirement)

* **5825-17 TRAINING COURSE INFORMATION** - Memoranda, flyers, catalogues, registration forms, rosters, and other records documenting training courses provided users of electronic records systems. **RETENTION:** AV. (Exempt from destruction notice requirement)



TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

LOCAL SCHEDULE PW

RETENTION SCHEDULE FOR RECORDS OF PUBLIC WORKS AND SERVICES

This schedule establishes mandatory minimum retention periods for the records listed. No local government office may dispose of a record listed in this schedule prior to the expiration of its retention period. A records control schedule of a local government may not set a retention period for a record that is less than that established for the record on this schedule. The originals of records listed in this schedule may be disposed of prior to the expiration of the stated minimum retention period if they have been microfilmed or electronically stored pursuant to the provisions of the Local Government Code, Chapter 204 or Chapter 205, as applicable, and rules of the Texas State Library and Archives Commission adopted under authority of those chapters. Actual disposal of such records by a local government or an elective county office is subject to the policies and procedures of its records management program.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted under its authority, including this schedule, is a Class A misdemeanor and, under certain circumstances, a third degree felony (Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Open Records Act (Government Code, Chapter 552).

INTRODUCTION

The Government Code, Section 41.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the commission.

Local Schedule PW sets mandatory minimum retention periods for records series commonly associated with various public works and public services activities carried out by local governments. If the retention period for a record is established in a federal or state law, rule of court, or regulation, a citation to the relevant provision is given; if no citation is given, the authority for the retention period is this schedule.

The retention period for a record applies to the record regardless of the medium in which it is maintained. Some records listed in this schedule are maintained electronically in many offices, but electronically stored data used to create in any manner a record or the functional equivalent of a record as described in this schedule must be retained, along with the hardware and software necessary to access the data, for the retention period assigned to the record, unless backup copies of the data generated from electronic storage are retained in paper or on microfilm for the retention period.

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FIGURE 2: 13 TAC §7.125(b)(2)

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period, again unless otherwise noted, applies only to an official record as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record and in which of its divisions or departments it will be maintained. Local governments in their records management programs should establish policies and procedures to provide for the systematic disposal of copies.

If a record described in this schedule is maintained in a bound volume of a type in which pages are not designed to be removed, the retention period, unless otherwise stated, dates from the date of last entry.

If two or more records listed in this schedule are maintained together by a local government and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A record whose minimum retention period on this schedule has not yet expired and is *less than permanent* may be disposed of if it has been so badly damaged by fire, water, or insect or rodent infestation as to render it unreadable, or if portions of the information in the record have been so thoroughly destroyed that remaining portions are unintelligible. If the retention period for the record is *permanent* on this schedule, authority to dispose of the damaged record must be obtained from the director and librarian of the Texas State Library. The Request for Authority to Destroy Unscheduled Records (Form SLR 501) should be used for this purpose.

Requests for Authorization to Destroy Unscheduled Records (SLR 501), whose submission to the director and librarian of the Texas State Library is required by the Local Government Code, Section 203.045, need not be filed for records shown as exempt from the requirement.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described. Although AV may be used as a retention period on a records control schedule of a local government, it is in the best interests of any records management program that fixed retention periods be assigned for each records series. AV records tend to accumulate and go unmanaged.

ABBREVIATIONS USED IN THIS SCHEDULE

AV - As long as administratively valuable
CE - Calendar year end
CFR - Code of Federal Regulations
FE - Fiscal year end
TAC - Texas Administrative Code

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PART 1: GENERAL RECORDS

Retention Note: *This schedule establishes retention periods for records found in various public works and services departments of local governments or for records kept by certain local government officers (e.g., veterans service officers) or local governments (e.g., soil and water conservation districts). For other administrative, fiscal, personnel, or support service records that may be found in these departments or governments, see Local Schedule GR (Records Common to All Local Governments).*

5200-01 PUBLIC WORKS AND SERVICES PLANNING STUDIES AND REPORTS - Feasibility studies, reports, analyses, projections, graphic material, and similar planning documents by outside consultants or in-house staff relating to comprehensive planning, capital improvements, land use and open space, economic development and outlook, neighborhood and housing renewal and renovation, regional and intergovernmental cooperation, transportation, traffic engineering, transit systems, airport operations, growth patterns, demographics, long range forecasts and projections, and other aspects of local government planning *not* listed elsewhere in this schedule.

a) Special planning studies or reports prepared by order or request of the governing body or considered by the governing body (as reflected in its minutes) or ordered or requested by a state or federal agency or a court.
RETENTION: PERMANENT.

b) All other planning reports or studies. RETENTION: 5 years.

Review before disposal; developed comprehensive and capital improvements plans and other records of this type may merit permanent or long term retention for administrative or historical reasons. See also item number 1000-39 in Local Schedule GR (Records Common to All Local Governments).

5200-02 SERVICE REQUESTS/WORK ORDERS - Service requests and work orders to be performed by public works and services personnel *except* for work orders noted elsewhere in this schedule. RETENTION: 2 years.

PART 2: PLANNING AND ZONING RECORDS

5225-01 ZONING/PLANNING BOARD CASE FILES - Staff reports, determinations and evaluations, correspondence, and comparable records concerning each planning, zoning, building code, or other public works-related case brought before local government zoning, planning, or development commissions or appeal bodies; or before other special or ad hoc committees constituted for similar purposes. RETENTION: Disposition of case + 5 years.

Retention Notes: *a) The minutes of the various commissions noted above must be retained PERMANENTLY in accordance with item number 1000-03 in Local Schedule GR (Records Common to All Local Governments). In any action by these commissions involving real property, the minutes must sufficiently identify the property which the action affects. If the minutes do not sufficiently identify the property, documents referenced in the minutes that do provide such identification must be retained PERMANENTLY.*

b) Review before disposal; some case files may merit permanent retention for historical reasons.

5225-02 ZONING MAPS. RETENTION: PERMANENT.

5225-03 ZONING PERMIT RECORDS

a) Applications for zoning permits or variances. RETENTION: 5 years.

b) Copies of zoning permits or variances or a log or other form of record evidencing their issuance, showing to whom the permit or variance was issued, the property to which it applies, and the zoning classification.
RETENTION: PERMANENT.

FIGURE 2: 13 TAC §7.125(b)(2)

5225-04 **ZONING VIOLATIONS RECORDS** - Records relating to violations of local zoning ordinances, including documents verifying that the violation has ceased or been corrected.

- a) Alleged, but unfounded. RETENTION: 1 year after determination that zoning ordinances have not been violated. (Exempt from destruction request requirement)
- b) Violations. RETENTION: Verification of correction of violation + 3 years.

PART 3: BUILDING PERMIT AND INSPECTION RECORDS

5250-01 **BLUEPRINTS AND SPECIFICATIONS** - Blueprints and specifications submitted by building contractors or property owners when applying for building permits and as-builts submitted for issuance of certificates of occupancy.

- a) For commercial and non-residential building permits or certificates of occupancy. RETENTION: Life of structure, *but see retention notes.*

Retention Notes: a) If submission of as-builts is required before the issuance of a certificate of occupancy, the retention period applies only to the as-builts, and previously submitted blueprints and specifications need be retained only as long as administratively valuable and are exempt from the destruction request requirement.

b) If a structure is remodeled, and new blueprints and specifications and/or as-builts are submitted [see retention note (a)], superseded documentation of the type described need be kept only as long as administratively valuable and is exempt from the destruction request requirement.

d) For records of the types described for buildings or structures owned by the local government that issues the building permit, see item number 1075-16 in Local Schedule GR (Records Common to all Local Governments).

c) Review before disposal; blueprints and/or as-builts of some structures may merit permanent retention for historical reasons.

- b) For residential building permits or certificates of occupancy. RETENTION: AV. (Exempt from destruction request requirement)
- c) For miscellaneous permits (see item number 5250-10). RETENTION: AV. (Exempt from destruction request requirement)

5250-02 **BUILDING CODE VIOLATIONS RECORDS** - Records relating to violations of local building codes or ordinances, including documents verifying that the violation has been corrected.

- a) Alleged, but unfounded. RETENTION: 1 year after determination that building regulations have not been violated. (Exempt from destruction request requirement)
- b) Violations. RETENTION: Verification of correction + 3 years.

5250-03 **BUILDING MASTER RECORD** - Master record of each commercial, non-residential, and residential structure detailing a history of permits issued for construction or alteration, certificates of occupancy issued, inspections carried out, code violations found, and similar information. RETENTION: PERMANENT.

5250-04 **BUILDING PERMIT APPLICATIONS** - Applications from property owners or contractors to erect new structures or to make alterations to existing structures.

- a) Applications for which permit granted. RETENTION: 5 years; or, if property subject to issuance of certificate of occupancy, date of issuance of the certificate + 5 years.

FIGURE 2: 13 TAC §7.125(b)(2)

b) Applications for which permit not granted. RETENTION: 1 year. (Exempt from destruction request requirement)

5250-05 BUILDING PERMIT LOGS - Logs, registers, or similar records providing a listing of building permits and certificates of occupancy issued.

a) If a Building Master Record (5250-03) *is* maintained. RETENTION: AV. (Exempt from destruction request requirement)

b) If a Building Master Record (5250-03) *is not* maintained. RETENTION: PERMANENT.

5250-06 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY - Copies of building permits and certificates of occupancy or record of their issuance.

a) Copies of issued building permits and certificates of occupancy if a Building Permit Log (5250-05b) or a Building Master Record (5250-03) *is not* maintained. RETENTION: PERMANENT.

b) Copies of issued building permits and certificates of occupancy if a Building Permit Log (5250-05b) or a Building Master Record (5250-03) *is* maintained. RETENTION: AV after entry of evidence of issuance in log or record. (Exempt from destruction request requirement)

5250-07 BUILDING TRADES OCCUPATIONAL LICENSING RECORDS - Applications, examinations, references, performance bonds, copies of licenses or permits or record of their issuance, and similar records relating to the issuance of occupational licenses to construction contractors and other members of the building trades, including electricians, plumbers, carpenters, welders, etc. RETENTION: Expiration, cancellation, revocation, or denial of the license + 3 years.

5250-08 INSPECTION REPORTS - Reports of inspections carried out with reference to new construction; alterations to existing structures; code violations; and other projects, activities, or situations requiring inspection by local ordinance, *excluding* those reports that are made part of any other record group noted elsewhere in this part. RETENTION: 3 years.

5250-09 DEMOLITION RECORDS - Records relating to the demolition and clearance of buildings deemed unfit for occupancy and condemned, including demolition orders, inspection reports, notices to property owners, and any related court documents. RETENTION: Date of demolition + 3 years.

5250-10 MISCELLANEOUS APPLICATIONS AND PERMITS - Applications for and copies of permits (or record of their issuance) involving sign installation, fencing, swimming pool construction, driveway construction, and for similar activities as might be required by local ordinance that are *not*, by ordinance or departmental policy, classified as building applications or permits under item numbers 5250-04 and 5250-06.

a) Granted permits. RETENTION: 5 years.

b) Denied permits. RETENTION: 1 year. (Exempt from destruction request requirement)

5250-11 REPORTS OF BUILDING PERMITS ISSUED - Monthly and annual reports prepared for the U. S. Bureau of the Census on the number of commercial and residential building starts and local public construction.

a) Annual. RETENTION: PERMANENT.

b) Monthly. RETENTION: 3 years.

PART 4: PUBLIC TRANSPORTATION AND ENGINEERING RECORDS

SECTION 4-1: ROAD AND STREET MAINTENANCE AND REPAIR RECORDS

Retention Note: For road and street construction records, see item number 1075-16 in Local Schedule GR (Records Common to All Local Governments).

5275-01 INSPECTION REPORTS - Reports of inspection of roads, streets, bridges, street lights, sidewalks, rights of way, etc.

a) Roads, streets, street lights, sidewalks, rights of way, etc. **RETENTION:** 3 years.

b) Bridges and overpasses. **RETENTION:** Life of structure.

5275-02 MAPS AND PLATS - Maps, plats, engineering and field notes, and profiles and cross-sections of roads, streets, rights of way, bridges, etc. **RETENTION:** PERMANENT.

5275-03 PERMITS - Applications for and copies of permits (or record of their issuance) for excavation and fill; alterations to roads, streets, sidewalks, and curbs; and for similar activities involving alteration of streets and rights of way.

a) Granted applications and permits. **RETENTION:** 5 years.

b) Denied applications and permits. **RETENTION:** 1 year. (Exempt from destruction request requirement)

5275-04 SERVICE AND REPAIR REQUESTS - Complaints from the public or from other local government departments on street hazards, potholes, other needed repairs on roads, streets, and rights of way and requests for traffic signs, lights, changes to traffic flow, etc. **RETENTION:** 2 years.

5275-05 STREET CLEANING RECORDS - Reports, logs, or similar records documenting street cleaning operations. **RETENTION:** 1 year. (Exempt from destruction request requirement)

5275-06 STREET NAME AND HOUSE NUMBER FILES - Records relating to street dedications, street closings, the assignment and alteration of street names and house numbers, and similar records that provide official control of the naming and numbering of streets and roads. **RETENTION:** PERMANENT.

5275-07 ROAD AND STREET MAINTENANCE RECORDS - Reports, logs, or similar records, compiled on a daily, weekly, and/or monthly basis documenting repair and maintenance work on the following:

a) Roads, streets, street lights, sidewalks, rights of way, etc. **RETENTION:** 3 years.

b) Bridges and overpasses. **RETENTION:** Life of structure.

5275-08 ROAD AND STREET MASTER RECORD - Master record in some form of every road and street providing a description, history, and classification of each. **RETENTION:** PERMANENT. [By law - Civil Statutes, art. 6812b(3) for county engineers in counties with a population of 198,000 to 400,000; Civil Statutes, art. 6812b-1(2) for county engineers in counties with a population of 160,000 to 185,000; and by authority of this schedule for municipalities and all other counties.]

5275-09 ROAD MASTER PLANS - Planning survey of all existing roads and projected improvements and additions to county road systems developed by county engineers in certain counties. **RETENTION:** PERMANENT. [By law - Civil Statutes, art. 6812b(7) for county engineers in counties with a population of 198,000 to 400,000 and Civil Statutes, art. 6812b-1(4) for county engineers in counties with a population of 160,000 to 185,000.]

5275-10 TREE AND PLANT FILES - Records relating to the planting, trimming, inspection, and removal of trees and shrubs along public streets, roads, and sidewalks. **RETENTION:** 2 years.

SECTION 4-2: TRAFFIC ENGINEERING RECORDS

5300-01 ACCIDENT REPORTS - Reports, usually supplied by the police department, of traffic accidents used to monitor, redevelop, or redesign streets, intersections, speed limits, signal timing, directional flow patterns, etc. RETENTION: AV. (Exempt from destruction request requirement)

5300-02 SPECIAL EVENTS FILES - Reports, notifications, planning documents, and similar records used in the preparation for special events such as parades, motorcades, demonstrations, or situations resulting in unusually heavy traffic or street use requiring street closures, traffic rerouting, barricades, signal timing changes, etc. RETENTION: 2 years.

5300-03 TRAFFIC COUNT REPORTS - Reports of traffic passage on streets, roads, bridges, intersections, etc. or use of local government owned parking lots or structures. RETENTION: 1 year. (Exempt from destruction request requirement)

5300-04 TRAFFIC DEVICE INSTALLATION AND MAINTENANCE RECORDS - Reports, logs, or similar records documenting the following:

a) Installation, inspection, testing, maintenance, repair, or replacement of traffic signs, signals, and signal boxes. RETENTION: 5 years.

b) Painting, inspection, or repainting of pavement and curb markings. RETENTION: 2 years.

5300-05 TRAFFIC PERMITS - Applications for and copies of permits for special parking, house moving, over dimensional movements, and similar permits and permissions issued by or that concern traffic engineering departments. RETENTION: Expiration, cancellation, revocation, or denial of the permit + 2 years.

5300-06 TRAFFIC SIGNAL RECORDS - Drawings, wiring diagrams, code and circuit numbers, and similar data on traffic signal components. RETENTION: Life of signal component.

5300-07 TRAFFIC SIGNS AND SIGNALS INVENTORY RECORDS - Registers, index cards, or similar records providing an inventory of all installed traffic signs and signals showing type of equipment or sign, location, date of installation, and similar data.

a) If a complete inventory is periodically revised and reprinted. RETENTION: US + 1 year (Exempt from destruction request requirement)

b) If an inventory is maintained on cards, databases, or similar medium that permits purging. RETENTION: PERMANENT, but purge records relating to junked signs and signals.

SECTION 4-3: PARKING CONTROL RECORDS

5325-01 PARKING DEVICE INSPECTION RECORDS - Reports, logs, or similar records on the inspection, testing, maintenance, and repair of meters, toll gates, or other parking control devices. RETENTION: 2 years.

5325-02 PARKING DEVICE INVENTORY RECORDS - Registers, index cards, or similar records providing an inventory of meters, toll gates, or other parking control devices showing location, type of equipment, date of installation, and similar data.

a) If a complete inventory is periodically revised and reprinted. RETENTION: US + 1 year.

b) If an inventory is maintained on cards, databases, or similar medium that permits purging. RETENTION: PERMANENT, but purge records relating to junked signs.

SECTION 4-4: TRANSIT SYSTEM RECORDS

5350-01 OPERATIONS REPORTS - Periodic reports on usage of rapid transit services.

- a) Annual reports. RETENTION: PERMANENT.
- b) Monthly reports. RETENTION: 3 years.
- c) Daily or weekly reports. RETENTION: 1 year. (Exempt from destruction request requirement)

5350-02 VEHICLE HISTORY AND MAINTENANCE RECORDS

a) Master record on each transit vehicle containing the following: complete description including identification and license numbers; title and registration papers, annual beginning and ending odometer readings, total annual fuel, maintenance, labor, and parts costs; and complete maintenance and inspection history (in summary form showing date and nature of inspection, service, and repair). RETENTION: Life of asset.

Retention Notes: a) This schedule does not require the creation of a vehicle master record of the type described, but if a vehicle master record is not maintained, records containing the prescribed information must be retained for the life of the vehicle. For example, if work orders in (b) are the only record maintained of repairs to transit vehicles, they must be retained for the life of the vehicle.

b) If a transit vehicle is salvaged as the result of an accident, the vehicle master record or, if one is not created, documents providing the types of information prescribed, must be retained for LA + 3 years.

c) If a transit vehicle is sold or given to another transit authority or department for use as a transit vehicle, the vehicle master record may be transferred with the vehicle.

- b) Service requests/work orders. RETENTION: 3 years.
- c) Daily or other periodic activity reports on fuel and oil consumption, odometer readings, etc. from which data is derived for operating cost reports and the vehicle master record. RETENTION: 3 years.
- d) Daily or other periodic inspection reports of vehicles. RETENTION: 3 years.
- e) Specifications, circuit diagrams, and similar documents relating to vehicles and their apparatus. RETENTION: Life of asset.

SECTION 4-5: AIRPORT RECORDS

5375-01 AIRFIELD INCIDENT FILES - Records of accidents or incidents occurring on the movement areas and involving air carrier aircraft and/or ground vehicles. RETENTION: 5 years.

Retention Note: Review before disposal; some documentation of this type may merit permanent or long-term retention for historical or legal reasons.

5375-02 AIRSIDE REPORT/AIRFIELD LOG - Materials documenting the activity of a work shift including conditions or events that would adversely affect airport operations. RETENTION: 2 years.

5375-03 CARRIER RECORDS - Informational materials such as copies of airline schedules, brochures, advertising materials, correspondence from the U. S. Department of Transportation approving carrier routes. RETENTION: AV. (Exempt from destruction request requirement)

FIGURE 2: 13 TAC §7.125(b)(2)

5375-04 CERTIFICATION MANUAL - Manual specifying procedures, facilities and equipment descriptions, responsibility assignments, and any other information needed by personnel concerned with operating the airport in order to comply with Federal Aviation Authority (FAA) standards for airport operations. RETENTION: Until superseded. [By regulation - 14 CFR 139.207(b).] Review before disposal; some documentation of this type may merit permanent or long-term retention for historical or legal reasons.

5375-05 COMMUNICATION TAPES - Daily recording of all phone lines and radios. RETENTION: 30 days. (Exempt from destruction request requirement)

5375-06 EMERGENCY PLANNING RECORDS - Procedures, instructions, and other records maintained to minimize the possibility and extent of personal injury and property damage on the airport in an emergency. RETENTION: Until superseded. [By regulation - 14 CFR 139/325((g)(4).]

5375-07 FOREIGN TRADE ZONE (FTZ) RECORDS

- a) FTZ company operation records. RETENTION: 2 years after deactivation from FTZ.
- b) FTZ tenants. RETENTION: Until superseded. (Exempt from destruction request requirement)

5375-08 MAINTENANCE AND INSPECTION RECORDS

- a) Non-federal navigation facility reports - Record of meter readings and adjustments, facility maintenance log, radio equipment operation record, ground check error data, facility equipment performance and adjustment data, technical performance report, and similar documentation relating to local government-owned and operated navigational facilities such as VOR facilities, nondirectional radio beacons, instrument landing systems, simplified directional facilities, distance measuring equipment, VHF marker beacons, interim standard microwave landing systems, and microwave landing systems. RETENTION: PERMANENT. [By regulation - 14 CFR 171.13(a-e), 171.33(a-c), 171.53(a-c), 171.117(a-c), 171.163(a-c), 171.213(a-c)171.275(a-c), and 171.327(a-c).]
- b) Runway maintenance records - Logs, reports, and similar records relating to the inspection, maintenance, and repair of runways, runway lights, beacons, and other such ground or device maintenance records directly related to the landing and taking off of aircraft, *except* those included in directional facility records. RETENTION: 10 years
- c) Safety self-inspections - Daily, or as otherwise required by the airport certification manual or airport certification specifications, reports of safety self-inspections of airport conditions in specific locations showing the conditions found and all corrective actions taken. RETENTION: 6 months. [By regulation - 14 CFR 139.327(c).] (Exempt from destruction request requirement)
- d) Tenant inspections - Materials documenting inspections of the physical facilities of each airport tenant fueling agent. RETENTION: 1 year. [By regulation - 14 CFR 139.321(d).] (Exempt from destruction request requirement)
- e) Other inspections. RETENTION: 3 years.

5375-09 NOTICES TO AIRMEN - Reports officially notifying the public, FAA, and airlines that a problem exists with the airport facility. RETENTION: 2 years after notice is canceled.

5375-10 OPERATIONAL PERMITS AND CERTIFICATIONS

- a) Permits and certifications from the FAA or other state and federal agencies and any reports, correspondence, or other documentation bearing directly on the application for, the issuance of, or the renewal of the permit or certification. RETENTION: 5 years after final expiration, cancellation, revocation, or denial of the permit or certification.
- b) Records concerning any exemptions granted or deviations required by an emergency. RETENTION: 5 years after deviation or expiration of exemption.

FIGURE 2: 13 TAC §7.125(b)(2)

5375-11 **OPERATIONS REPORTS** - Periodic reports or logs of airport operations, services, and activities, and statistical summaries of such reports.

- a) Daily reports or logs and weekly and/or monthly statistical summaries of such reports. RETENTION: 3 years.
- b) Annual reports. RETENTION: PERMANENT.

5375-12 **REPORTS TO REGULATORY AGENCIES** - Reports on any aspect of airport operations to the Federal Aviation Administration (FAA) or to other state or federal agencies as required by law, regulation, or agency order.

- a) Annual reports. RETENTION: PERMANENT.
- b) Special reports that *are not* recapitulated in annual reports. RETENTION: PERMANENT.
- c) Interim or periodic reports on a less than annual basis that are recapitulated in an annual report or in a special report under (b). RETENTION: 5 years.

PART 5: SOIL AND WATER CONSERVATION RECORDS

5400-01 **ALLOCATIONS OF FUNDS, REQUESTS AND CLAIMS FOR** - Copies of requests and claims for allocations submitted to the Texas State Soil and Water Conservation Board. RETENTION: FE + 3 years.

5400-02 **VARIANCE OF LAND USE REGULATIONS, PETITIONS FOR**

- a) Granted petitions. RETENTION: As long as variance in effect + 2 years.
- b) Denied petitions. RETENTION: 2 years.

5400-03 **WATER QUALITY MANAGEMENT PLANS** - Water quality management and implementation plans developed by soil and water conservation plans for landowners to prevent and abate pollution, including any associated corrective action plans, notifications of withdrawal of certification, and maintenance agreements. RETENTION: Life of plan + 2 years.

PART 6: RECORDS OF AGRICULTURE EXTENSION AGENTS

5425-01 **CLIENT FILES** - Original records documenting the work of agriculture extension agents with their clients and copies of documents that by law, regulation, or administrative policy of the Agriculture Extension Service at Texas A&M University or other authorizing agency are retained by the agent after filing originals with the service or other agency. RETENTION: 3 years.

PART 7: ENVIRONMENTAL HAZARDS RECORDS

5450-01 **ASBESTOS MANAGEMENT RECORDS**

- a) Records documenting asbestos abatement projects in public buildings. RETENTION: 30 years from the date of project completion. [By regulation - 25 TAC 295.62(a).]
- b) Records of asbestos inspections. RETENTION: 5 years.

5450-02 **ENVIRONMENTAL PROTECTION AND NATURAL RESOURCES MANAGEMENT PLANS** - Planning reports, background materials, and supporting documentation used to provide for the protection of the environment. RETENTION: PERMANENT.

FIGURE 2: 13 TAC §7.125(b)(2)

5450-03 ENVIRONMENTAL QUALITY REVIEW RECORDS - Environmental impact statements and related reports, including background materials and supporting documentation used in preparing statements and reports. **RETENTION: PERMANENT.**

5450-04 PEST CONTROL RECORDS

- a) Records of pesticide applications, inspections and sampling notifications, and other documentation required by pesticide regulations. **RETENTION: 2 years.** [By law - Agriculture Code, Section 76.114(c) and by regulation - 4 TAC 7.18(a) and 22 TAC 595.4.]
- b) Notices of aerial application of insecticides. **RETENTION: 2 years.**

5450-05 STORAGE TANK (IMMOVABLE) SYSTEM RECORDS - Documentation of compliance with regulations for underground tank systems storing hazardous substances and petroleum substances, and immovable aboveground tanks storing petroleum products. (See item number 5450-06 for records of movable aboveground storage tanks.)

- a) Original and amended tank registration documents, original and amended certifications for storage tank system installations and financial responsibility, and notifications to storage tank purchaser. **RETENTION: Operational life of the storage tank system.** [By regulation - 30 TAC 334.130(b)(1)(A) and 334.10(b)(2)(A).]
- b) Records of requests for approval of variances or alternative procedures, and documentation of approval of such requests. **RETENTION: Operational life of the storage tank system.** [By regulation: 30 TAC 334.43(e).]
- c) Installation records.

- 1) General information relating to the installation of new storage tank systems and as-built drawings or plans depicting the sizes, dimensions, and locations of site features, system components, etc. **RETENTION: Operational life of the storage tank system.** [By regulation - 30 TAC 334.46(i)(2).]

- 2) Equipment tests including the air tests and the tightness tests conducted on the tanks and piping at the time of installation. **RETENTION: 5 years.** [By regulation - 30 TAC 334.46(i)(3).]

- d) Records for upgrading of existing storage tank systems.

- 1) General information related to the tank integrity assessment and cathodic protection requirements and as-built drawings or plans depicting the sizes, dimensions, and locations of any system components or equipment added. **RETENTION: Operational life of the storage tank system.** [By regulation - 30 TAC 334.47(d)(2).]

- 2) Results of equipment tests and tank integrity tests required when upgrading existing storage tank systems including internal inspections, tank and piping tightness tests, and site assessments. **RETENTION: 5 years.** [By regulation - 30 TAC 334.47(d)(3).]

- e) Operation and maintenance records of storage tank systems including records related to inspection, servicing, testing, and inventory control. **RETENTION: 5 years.** [By regulation - 30 TAC 334.48(g).]

- f) Corrosion protection records.

- 1) Installation records relating to the corrosion protection system including information on the system designer, drawings or plans depicting the locations of all system components, operating instructions and warranty information, maintenance schedules, and testing procedures. **RETENTION: As long as the corrosion protection system is used.** [By regulation - 30 TAC 334.49(e)(2)(A).]

- 2) Results of tests and inspections of corrosion protection systems and components. **RETENTION: 5 years.** [By regulation - 30 TAC 334.49(e)(2)(B).]

FIGURE 2: 13 TAC §7.125(b)(2)

g) Release detection records.

1) Installation records related to the release detection system; all written performance claims pertaining to the system used and documentation of how those claims have been justified or tested by the equipment manufacturer or installer; and any schedules of required calibration and maintenance provided by the release detection equipment manufacturer. RETENTION: As long as the release detection system is used. [By regulation - 30 TAC 334.50(e)(2)(A), (B), and (E).]

2) Results of sampling, testing, or monitoring of releases (including tank tightness tests); records and calculations related to inventory control reconciliation; and documentation of service, calibration, maintenance, and repair of release detection equipment. RETENTION: 5 years. [By regulation - 30 TAC 334.50(e)(2)(C), (D), and (E).]

h) Spill and overfill control records.

1) Installation records of spill and overfill prevention equipment. RETENTION: As long as the spill and overfill prevention equipment is used. [By regulation - 30 TAC 334.51(c)(2)(A).]

2) Records of servicing, calibration, maintenance, and repair of spill and overfill equipment. RETENTION: 5 years. [By regulation - 30 TAC 334.51(c)(2)(B).]

3) Transfer or inventory records documenting the basis for claiming an exemption from the spill and overfill equipment requirements, if applicable. RETENTION: 5 years. [By regulation - 30 TAC 334.51(c)(3).]

i) Records for repairs and relining.

1) General information related to the repair or relining of a storage tank including materials specifications, warranty information, recommended test procedures, and inspection and maintenance schedules applicable to the relining of a storage tank. RETENTION: Operational life of the storage tank system. [By regulation - 30 TAC 334.52(d)(2)(A) and (C).]

2) Results of inspections, tests, and maintenance activities. RETENTION: 5 years. [By regulation - 30 TAC 334.52(d)(2)(B).]

j) Records of the installation of a used tank including inspection and tank tightness tests required for the reuse of used tanks. RETENTION: As long as the tank remains in operation. [By regulation - 30 TAC 334.53(c).]

k) Documentation of compliance with requirements for the temporary removal from service of a storage tank. RETENTION: 5 years. [By regulation - 30 TAC 334.54(f)(4)(B).]

l) Documentation of compliance with requirements for the permanent removal from service of a storage tank. RETENTION: As long as any underground storage tank remains in service at the facility or 5 years after the storage tank system is permanently removed from service, whichever longer. [By regulation - 30 TAC 334.54(f)(4)(B).]

5450-06 STORAGE TANK (MOVABLE) SYSTEM RECORDS - Records of movable aboveground storage tanks that are regularly used to store petroleum products (e.g., skid tanks), are intended to be moved from one location to another on a regular basis, and are not permanently part of any particular facility. RETENTION: 5 years. [By regulation - 30 TAC 334.127(f)(2).]

5450-07 WASTE GENERATORS, RECORDS OF

a) Authorized discharges to surface waters - Records documenting permit requirements for monitoring and processing the surface discharge of wastewater generated from treatment of water contaminated by petroleum substances, and discharges to surface waters from locally owned or operated activities including ready-mixed concrete plants and concrete products plants and their associated facilities, sand and gravel mining and processing facilities, motor vehicle cleaning facilities, and petroleum bulk stations and terminals. RETENTION: 3 years.

FIGURE 2: 13 TAC §7.125(b)(2)

b) Hazardous waste - Operations records of generators of hazardous waste regarding the quantities generated and shipped off-site for storage. For retention requirements of records for local government-owned facilities that store, process, or dispose of hazardous waste, see Part 3 of Local Schedule UT (Records of Utility Services).

Retention Note: The retention period for the following records maintained by generators of hazardous waste is extended automatically during the course of any unresolved enforcement action regarding the regulated activity.

1) Records of any test results, waste analyses, or other methods used to determine if waste is hazardous. RETENTION: 3 years after the waste was last sent to an on-site or off-site storage, processing, or disposal facility. [By regulation - 30 TAC 335.70(a).]

2) Manifests and shipping papers, such as monthly shipment summaries and exception reports, retained by generators of hazardous waste. RETENTION: 3 years. [By regulation - 30 TAC 335.13(a), (b), (d), and (e).]

3) Annual summary reports submitted by the generator to the Texas Natural Resource Conservation Commission. RETENTION: 3 years. [By regulation - 30 TAC 70(b) and (c).]

c) Spill prevention and control.

1) Notifications of all discharges or spills required to be reported by regulations of the Texas Natural Resource Conservation Commission such as any quantity of oil, hazardous substances, or other substances, discharged or spilled into or which may enter water in the state if not immediately contained, controlled, or removed; any discharge or spill during transportation; any discharge or spill which presents an imminent and substantial endangerment to public health or public safety; etc. RETENTION: 3 years.

2) Records of all discharges or spills and historical contamination, not subject to notification requirements, maintained by facilities registered with the Texas Natural Resource Conservation Commission as a solid waste generator. RETENTION: 3 years.

d) Used oil filters - Shipping documentation retained by generators of used oil filters. RETENTION: 3 years. [By regulation - 30 TAC 330.1186(b).]

e) Whole used or scrap tires - Manifests, work orders, invoices, daily logs, or other documentation used to support activities related to the accumulation, handling, and shipment of whole used or scrap tires. RETENTION: 3 years. [By regulation - 30 TAC 330.807(a) and (e).]

PART 8: WEIGHTS AND MEASURES RECORDS

Retention Note: The retention periods in this part apply to the records of county public weighers and county or municipal sealers of weights and measures. This part should not be used by state public weighers or state sealers of weights and measures.

5475-01 **RECORD OF WEIGHTS** - Copies of certificates of weight or measure issued by a public weigher. RETENTION: 3 years.

5475-02 **WEIGHTS AND MEASURES INSPECTION RECORDS**

a) Record, maintained in a bound volume or on separate forms, of each inspection, measurement, and test made by a sealer of weights and measures. RETENTION: 3 years.

b) Copies of reports to the Texas Department of Agriculture on violations of state weights and measures laws. RETENTION: 1 year. (Exempt from destruction request requirement)

PART 9: LIBRARY AND MUSEUM RECORDS

5500-01 ACCESSION/DEACCESSION RECORDS - Records used to update library catalogs or inventory records of the accession through purchase or gift or the deaccession through loss or withdrawal of library and museum materials. RETENTION: AV. (Exempt from destruction request requirement)

Retention Note: This record series does not include the record copy of purchase requisitions or orders or accounts payable documentation. See item numbers 1025-26 and 1075-03 in Local Schedule GR (Records Common to All Local Governments).

5500-02 BORROWER REGISTRATION RECORDS - Records documenting the registration of borrowers. RETENTION: AV. (Exempt from destruction request requirement)

5500-03 CIRCULATION RECORDS - Records documenting the circulation of library materials to individual borrowers. RETENTION: AV. (Exempt from destruction request requirement)

5500-04 INTERLIBRARY LOAN RECORDS - Records relating to the lending and borrowing of library materials through interlibrary loan. RETENTION: AV. (Exempt from destruction request requirement)

Retention Note: It is an exception to the retention period for this item that if interlibrary loan services are funded by indirect grants from the U.S. Department of Education, the record copy of documents evidencing interlibrary loan activity must be retained for FE + 7 years. See introductory retention note concerning grant records in Part 2 of Local Schedule GR (Records Common to All Local Governments).

5500-05 INVENTORY RECORDS - Shelf lists or equivalent records showing current library and museum holdings. RETENTION: Until superseded. (Exempt from destruction request requirement)

5500-06 LIBRARY CATALOGS. RETENTION: Until superseded. (Exempt from destruction request requirement)

PART 10: PARKS AND RECREATION RECORDS

Retention Note: This part concerns records associated with the use of parks; playgrounds; community centers; swimming pools; theaters; concert halls; golf courses; zoos; civic auditoriums; and other sports, recreational, and cultural facilities owned and operated by a local government.

5525-01 ATTENDANCE REPORTS - Reports, statistical compilations, and similar records of attendance at and the use of parks and recreational facilities.

- a) Annual reports. RETENTION: PERMANENT.
- b) Monthly reports. RETENTION: 3 years.
- c) Daily or weekly reports. RETENTION: 1 year. (Exempt from destruction request requirement)

5525-02 HORTICULTURAL FILES - Inventories, maps, and similar records relating to the botanical description and location of all plants, trees, and shrubs in local government parks, botanical gardens, arboretums, zoos, etc. RETENTION: AV. (Exempt from destruction request requirement)

Retention Note: Review before disposal; some records in this group may merit permanent retention for historical reasons.

5525-03 PROGRAM FILES - Records relating to sports, recreational, or cultural activities and programs sponsored by a local government, including activity schedules, programs, rosters, status sheets, scorebooks, rules and regulations, activity planning records, and all other similar records not noted elsewhere in this part. RETENTION: 2 years.

FIGURE 2: 13 TAC §7.125(b)(2)

5525-04 RESERVATION AND REGISTRATION RECORDS

- a) Logs or similar records documenting the reservation of park and recreational facilities. RETENTION: 2 years.
- b) Applications for reserved use of park and recreational facilities not requiring a permit under local ordinance or policy. RETENTION: 2 years.

Retention Note: For reserved or special use of park or recreational facilities requiring a permit under local ordinance or policy see item number 1000-36 in Local Schedule GR (Records Common to All Local Governments).

- c) Waivers of liability/parental consents. RETENTION: 2 years from cessation of activity for which the waiver was signed.

Retention Note: If an accident occurs to any person covered by a signed waiver of liability, it must be retained for the same period as accident reports. See item number 1000-20 in Local Schedule GR (Records Common to All Governments).

5525-05 SWIMMING POOL REPORTS - Swimming pool water quality test and analysis reports. RETENTION: 3 years.

5525-06 VISITOR'S LOGS - Guest books, registers, logs, or similar records of visitors to museums, historical sites, and other facilities owned or operated by a local government. RETENTION: 2 years.

PART 11: ZOO RECORDS

5550-01 PERMITS AND LICENSES - Permits and licenses required by law or regulation from the U. S. Department of Agriculture, the Fish and Wildlife Service of the U. S. Department of Interior, or other federal or state agencies. RETENTION: Expiration or termination + 3 years.

5550-02 MIGRATORY BIRD RECORDS - Records showing the species and number of migratory birds acquired, possessed and disposed of; the names and addresses of persons from whom the birds were acquired and to whom such birds were donated or sold. RETENTION: CE + 5 years. [By regulation - 50 CFR 21.12(b).]

5550-03 WILDLIFE RECORDS - Records relating to zoo wildlife, *except* migratory birds (see item number 5500-02).

- a) Records relating to the taking, possession, transportation, sale, purchase, barter, exportation, or importation of wildlife under permit issued by the Fish and Wildlife Service of the U. S. Department of Interior. RETENTION: Expiration of permit + 5 years. [By regulation - 50 CFR 13.46.]
- b) Records relating to the euthanization of or disposal of dead zoo animals *except* as noted in (c). RETENTION: 1 year. [By regulation - 9 CFR 2.80(a).] (Exempt from destruction request requirement)
- c) Necropsy reports on dead marine mammals. RETENTION: 3 years. [By regulation - 9 CFR 3.110(g).]
- d) Water quality test reports for marine mammal facilities. RETENTION: 1 year. [By regulation - 9 CFR 3.106(a)(3).] (Exempt from destruction request requirement)

PART 12: PUBLIC BROADCASTING RECORDS

Retention Notes: a) The retention periods in this part are for the records of noncommercial AM or FM radio and television broadcasting stations owned and operated by a local government.

- b) Throughout this part the Federal Communication Commission is referred to as the FCC.

FIGURE 2: 13 TAC §7.125(b)(2)

c) It is an exception to the retention periods given in this part, that records having a substantial bearing on a matter which is the subject of a claim against the licensee, or relating to an FCC investigation or a complaint to the FCC of which the licensee has been advised, shall be retained until the licensee is notified in writing that the records may be discarded, or, if the matter is a private one, the claim has been satisfied or is barred by statutes of limitation. In addition, it is an exception to the retention period for item number 5575-09 that logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the FCC and about which the licensee has been notified, shall be retained by the licensee until specifically authorized in writing by the FCC to destroy them.

5575-01 APPLICATIONS FOR CHANGE IN PROGRAM SERVICE AND OTHER MATTERS - Records relating to applications (granted and denied) for changes in program service or for voluntary or involuntary assignment or transfer not resulting in a substantial change in ownership or control of the station, including copies of applications and all exhibits, letters, and other documents tendered with or incorporated by reference in the application and all correspondence between the applicant and the FCC. **RETENTION:** Until the expiration of the licensing term (5 years for television licensees and 7 years for radio licensees) or until the grant of the renewal application of the license in question, whichever later. [By regulation - 47 CFR 73.3527(e)(2).]

Retention Note: It is an exception to the retention period indicated that any engineering material filed with or referenced in an application need not be retained longer than 3 years after a station commences operation under a new or modified mode. See 47 CFR 73.3527(e)(2)(i).

5575-02 COMMUNITY ISSUE REPORTS - Copies of quarterly reports on the treatment of community issues submitted to the FCC. **RETENTION:** 5 years for television licensees; 7 years for radio licensees. [By regulation - 47 CFR 73.3527(e).]

5575-03 CONSTRUCTION PERMIT RECORDS - Records relating to applications for the construction of new stations in the noncommercial educational broadcast services, including copies of applications and all exhibits, letters, and other documents tendered with or incorporated by reference in the application; all correspondence between the applicant and the FCC; any initial and final decisions in any hearings on the application; copies of any petitions filed to deny the application; and documentation relating to any requests for an extension of time to complete construction.

a) If permit is granted. **RETENTION:** Until the expiration of the first licensing term (5 years for television licensees and 7 years for radio licensees) or until the grant of the first renewal application of the license in question, whichever later. [By regulation - 47 CFR 73.3527(e)(2).]

b) If permit is denied. **RETENTION:** Until denial of permit by the FCC or, if appealed to a court, until decision of FCC upheld.

5575-04 DONOR LISTS - Lists of donors supporting specific programs broadcast by the station. **RETENTION:** 2 years. [By regulation - 47 CFR 73.3527(e).]

5575-05 EMPLOYMENT REPORTS - Copies of annual employment reports filed with the FCC, including all exhibits, letters and other documents filed with or incorporated by reference in the report. **RETENTION:** 5 years for television licensees and 7 years for radio licensees. [By regulation - 47 CFR 73.3527(e)(2).]

5575-06 OPERATIONAL LICENSES AND PERMITS - Station operation and broadcasting licenses and permits from the FCC, *except* those noted elsewhere in this part. **RETENTION:** Expiration or cancellation of license or permit + 3 years.

5575-07 POLITICAL FILES - Record of requests made by or on behalf of political candidates for broadcast time, including a schedule of time purchased or provided free, when spots actually aired, the rates charged (if any), and the classes of time purchased (if any). **RETENTION:** 2 years. [By regulation - 47 CFR 79.1943(c).]

5575-08 STATION LOGS - Logs containing technical data on the operation of the station as required by regulations of the FCC (47 CFR 73.1800 and 73.1820). **RETENTION:** 2 years, *but see retention note.* [By regulation - 47 CFR 73.1840(a).]

Retention Note: It is an exception to the retention period indicated that logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the FCC and about

FIGURE 2: 13 TAC §7.125(b)(2)

which the licensee has been notified, shall be retained by the licensee until specifically authorized in writing by the FCC to destroy them and such records are exempt from destruction request requirement. In addition, logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for filing of suits upon such claims.

PART 13: SOCIAL SERVICES RECORDS

5600-01 AGING, RECORDS OF SERVICES FOR THE - Records of local government services for the elderly, funded through grants from the Texas Department of Aging.

a) Financial records, supporting documents, statistical records, and other records relating to the performance of local governments designated to receive grants as area agencies on aging or local governments subcontracting for services to older persons such as transportation, homemaker services, multipurpose senior centers, information and referral, nutrition services, etc. **RETENTION:** 5 years after the end of grantee's fiscal year or until audit findings or other disputes or litigation have been resolved. [By regulation - 40 TAC 255.35(d)(1)(A).]

b) Records relating to all complaints filed concerning a grantee agency. **RETENTION:** 5 years after the end of grantee's fiscal year or until any pending litigation, claim or audit findings, issuance of proposed disallowed costs, or other disputes have been resolved. [By regulation - 40 TAC 254.21(e).]

c) Training records certifying completion of an approved National Safety Council Defensive Driving Course for vehicle operators providing transportation services authorized under Title III of the Older Americans Act. **RETENTION:** Until superseded. [By regulation - 40 TAC 273.3(b)(6).]

Retention Note: Current certification must be retained to verify that training has been received.

d) Administrative, fiscal, personnel, and client case records documenting case management services. **RETENTION:** 3 years after termination of the contract or until any litigation, claim, or audit is resolved. [By regulation: 40 TAC 293.23(4)(A).]

Retention Note: Any personnel or payroll records in this record group must be kept for the retention period indicated here or for the retention period for the record in Part 3 of Local Schedule GR (Records Common to All Local Governments), whichever longer.

5600-02 CHILD PROTECTIVE SERVICE RECORDS - Records of local government services to protect children from abuse and neglect.

a) Child placement services (24 hour care and adoption).

1) Case records of children placed in substitute care *except* for health records and documentation of the termination of parental rights. **RETENTION:** 10 years. [By regulation - 40 TAC 720.28(h).]

2) For children placed in substitute care, health records that physicians advise will be of medical importance to the child and information concerning the termination of parental rights or the court order. **RETENTION:** PERMANENT. [By regulation - *Minimum Standards for Child-Placing Agencies*, Texas Department of Protective and Regulatory Services.]

3) Case records of children placed in adoption. **RETENTION:** PERMANENT. [By regulation: *Minimum Standards for Child-Placing Agencies*, Texas Department of Protective and Regulatory Services.]

b) Child welfare contracts - Fiscal documents maintained by a county to ensure that claims for federal matching funds for child welfare contracts with the Texas Department of Protective and Regulatory Services (PRS) meet applicable federal requirements. **RETENTION:** 3 years after the date the final expenditure date is submitted. [By regulation - 40 TAC 700.101(c).]

FIGURE 2: 13 TAC §7.125(b)(2)

Retention Note: If audited during the three-year period, the county must keep the documents until any audit exceptions are reconciled.

c) Contracts with PRS for services for runaways and at-risk youth.

1) Financial and supporting documents, statistical records, and any other records pertinent to the services for which a claim or cost report was submitted to the department or its agent. RETENTION: 3 years and 90 days after the end of the contract period or 3 years after the end of the federal fiscal year in which services were provided (if a provider agreement/contract has no specific termination date in effect) or until all litigation, claims, or audit findings are resolved. [By regulation - 40 TAC 700.2103(b) and 40 TAC 732.202(b).]

Retention Note: Contract period means the beginning date through the ending date specified in the original agreement/contract; extensions are considered separate contract periods.

2) Records of nonexpendable property acquired under the contract. RETENTION: 3 years after the final disposition of the property. [By regulation - 40 TAC 700.2103(b) and 40 TAC 732.202(b).]

d) Client files documenting protective services funded through contracts with PRS. RETENTION: 5 years from the last date of services. [By regulation - 40 TAC 732.202(c) for medical records, and by authority of this schedule for documentation of other child welfare services.]

5600-03 PURCHASED SOCIAL SERVICES RECORDS - Documentation of social services funded through a contract with the Texas Department of Human Services *except* purchased health services listed in Local Schedule HR (Records of Public Health Agencies).

a) Financial and supporting documents, statistical records, and any other records pertinent to the services for which a claim or cost report was submitted to the department or its agent. RETENTION: 3 years and 90 days after the end of the contract period or 3 years after the end of the federal fiscal year in which services were provided (if a provider agreement/contract has no specific termination date in effect) or until all litigation, claims, or audit findings are resolved. [By regulation - 40 TAC 69.202(b).]

Retention Note: Contract period means the beginning date through the ending date specified in the original agreement/contract; extensions are considered separate contract periods.

b) Records of nonexpendable property acquired under the contract. RETENTION: 3 years after the final disposition of the property. [By regulation - 40 TAC 69.202(b).]

c) Social services client files. RETENTION: 5 years from the last date of services. [By regulation - 40 TAC 69.202(c) for medical records, and by authority of this schedule for documentation of other social services in the case file.]

5600-04 SOCIAL SERVICE CLIENT CASE FILES - Records of local government programs that provide social services such as emergency assistance, child care programs, services to the aged and disabled, housing and homelessness programs, etc., *except* for those programs funded by contracts with state agencies, as specified elsewhere in this section.

a) Denied applicant records including application, eligibility worksheet, note of eligibility decision, reason for denial, and explanation of appeal process. RETENTION: 3 years.

b) Eligible applicant records documenting services provided including application for services, eligibility verification, case assessment, referrals to community resources, etc. RETENTION: 5 years from last date of service.

5600-05 VOLUNTEER SERVICES FILES - Information about individual volunteers and duties they perform. RETENTION: Termination of services + 3 years.

PART 14: VETERANS SERVICE OFFICER RECORDS

5625-01 **CLIENT FILES** - Original records documenting the work of veterans service officers with their clients and copies of documents that by law, regulation, or administrative policy of authorizing federal or state agencies are retained by the agent after filing originals with the agency. RETENTION: 3 years.

PART 15: GAMING RECORDS

5650-01 **BINGO APPLICATIONS AND LICENSES** - Copies of applications to conduct bingo games and copies of bingo licenses.

- a) Applications. RETENTION: 1 year. (Exempt from destruction request requirement)
- b) Licenses and license renewals. RETENTION: Until superseded, *but see retention note*. (Exempt from destruction request requirement)

Retention Note: If a bingo license is 2 years old and has not been superseded by a new license, it may be disposed of.

5650-02 **REPORTS OF PROCEEDS** - Reports of proceeds of bingo operators licensed to operate in counties and cities.

- a) If the city or county has imposed a gross receipts tax on bingo proceeds. RETENTION: FE + 3 years.
- b) If the city of county has *not* imposed a gross receipts tax on bingo proceeds. RETENTION: AV. (Exempt from destruction request requirement)

PART 16: CEMETERY RECORDS

Retention Note: This part applies to the records of cemeteries operated by counties, cities, or any other local government.

5675-01 **CREMATION RECORDS** - Records relating to the cremation of human remains in a cemetery crematorium showing name and age of deceased (if known), date of cremation, and disposition of cremated remains. RETENTION: PERMANENT.

5675-02 **INTERMENT RECORDS** - Records showing name and age of deceased (if known), date of interment, and type and location of interment. RETENTION: PERMANENT.

5675-03 **DISINTERMENT RECORDS** - Court or health department exhumation orders, copies of disinterment permits, reports concerning the disinterment and subsequent disposition of the exhumed remains, and similar records relating to the disinterment or exhumation of human remains. RETENTION: PERMANENT.

5675-04 **CEMETERY MAPS AND PLATS** - Maps, plats, or similar records showing the location of all graves and gravesites in the cemetery. RETENTION: PERMANENT.

5675-05 **CEMETERY REGISTERS** - Ledgers, registers, or similar records showing all cemetery lots by plat number with the name of the purchaser, purchase price, and date of purchase. RETENTION: PERMANENT.

5675-06 **DEEDS (CEMETERY)** - Deed books or copies of deeds or comparable instruments of ownership of lots and gravesites, including similar records relating to deed transfers. RETENTION: PERMANENT.

PART 17: COUNTY HISTORICAL COMMISSION RECORDS

5700-01 COUNTY REGISTER OF HISTORICAL PLACES AND MEMORABILIA - Register containing data on historical places and memorabilia required of county historical commissions by the Local Government Code, Section 318.006(b). **RETENTION: PERMANENT.**

PART 18: MISCELLANEOUS RECORDS

5725-01 OIL AND GAS DRILLING PERMIT RECORDS - Records relating to drilling for oil and gas on land owned by municipalities or other local governments.

- a) Permits. **RETENTION:** Expiration, cancellation, revocation, or denial of permit + 5 years.
- b) Inspection reports. **RETENTION:** 3 years.
- c) Division orders. **RETENTION:** Expiration, cancellation, or revocation of associated permit + 5 years.

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 Agricultural Experiment Station

Tuesday, May 9, 1995, 10:00 a.m.

Room 707, Rudder Tower, Texas A&M University

College Station

Texas Equine Research Account Advisory Committee

AGENDA:

Receive recommendations for 1996 annual conference. Discuss feasibility for funding ongoing research projects to requested levels. Discuss prospects for funding new research in 1996. Review guidelines for the review of research proposals. Hear status of racing at Texas tracks and receive updates from breed associations.

Contact: Dr. Robert G. Merrifield, Texas Agricultural Experiment Station, College Station, Texas 77843-2147, (409) 845-8486.

Filed: April 21, 1995, 2:26 p.m.

TRD-9504897

Texas Department of Agriculture

Monday, May 1, 1995, 2:30 p.m.

Ambassador Hotel (formerly Harvey Hotel), 3100 I-40 West

Amarillo

Texas Corn Producers Board Committee

AGENDA:

2:30 p.m. Advertising, promotion and education

Report on committee meeting on February 6; report on TCPB; presentation on TDA Corn Production; presentation on promotion proposal; presentation on Clean Fuels Development; presentation on trading Lumina for Taurus; presentation on sponsoring meeting; review U.S. Feed Grains Council; discussion on any other business; adjourn

4:00 p.m. Research proposals and oversight

Report from committee meeting on February 6; update on matching funds for research proposal; presentation on research proposals; discussion on any other business; adjourn.

5:00 p.m. C-O-R-N Committee

Action on report from committee meeting on February 6; presentation on strategic planning session; discussion on any other business; adjourn

6:00 p.m. Finance Committee

Report on committee meeting on February 6; discussion on February and March financial statements; discussion on any other business; adjourn.

Contact: Carl King, 218 East Bedford, Dimmitt, Texas 79027, (806) 647-4224.

Filed: April 20, 1995, 10:37 a.m.

TRD-9504831

Tuesday, May 2, 1995, 8:00 a.m.

Ambassador Hotel (formerly Harvey Hotel), 3100 I-40 West

Amarillo

Texas Corn Producers Board

AGENDA

Call to order

Action on minutes of February meeting

Presentation and action: on proposals from committees; Max Jordan's contract employment; research proposals; financial reports

Presentation: coop information

Executive session: discussion concerning personnel, in accordance with Texas Government Code, Annotated, §551.074

Adjourn executive session

Call to order

Action on executive session

Discussion: other business

Action on date and location of August meeting

Adjourn

Contact: Carl King, 218 East Bedford, Dimmitt, Texas 79027, (806) 647-4224.

Filed: April 20, 1995, 11:16 a.m.

TRD-9504841

Tuesday-Wednesday, May 2-3, 1995, 1:00 p.m. and 8:00 a.m. respectively.

Ambassador Hotel, 3100 H-40 West

Amarillo

Texas Wheat Producers Board

AGENDA:

Action: call meeting to order; minutes from last meeting; financial report; Wheat Foods Council meeting and activity report; swear in new members; elect officers

Presentation: recognition of outgoing board member

Report: year end collection and refunds; member reports on various meetings; private property hearing; NAWG Womens Leadership program; progress of Straw Board operation; update on wheat quality;

Discussion and action: report from TDA; U.S. Wheat Washington directors meeting and Baylor Ag day; quarterly activity reports; consideration of three research projects for funding

Discussion: new business from members

Adjourn

Contact: Bill Nelson, 2201 Civic Circle, Amarillo, Texas 79109-1853, (806) 352-2191.

Filed: April 20, 1995, 11:17 a.m.

TRD-9504842

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State Banking Board

Thursday, May 4, 1995, 1:00 p.m.

2601 North Lamar Boulevard

Austin

AGENDA:

Review and approval of minutes of previous meeting; consideration of interim charter applications; consideration of rescission of approved change of domicile application for First State Bank, Junction, Texas; consideration of status of the approved application for charter for Texas Security Bank, Bryan, Texas; general discussion of limited banking associations; review of the status of other pending applications; and the Board may convene into executive session for consideration of matters pertaining to applications as required by Articles 342-115(6)(a) of the Texas Banking Code.

Contact: Lynda A. Drake, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1300.

Filed: April 24, 1995, 2:24 p.m.

TRD-9504940

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State Board of Barber Examiners

Tuesday, May 2, 1995, 9:00 a.m.

333 Guadalupe, William P. Hobby Building, Room 216

Austin

Board of Directors

AGENDA:

Opening of meeting; roll call; read and possibly approve minutes of November 14, 1994 and January 10, 1995 board meetings; executive session to interview candidates for an Inspector I position, pursuant to Texas Government Code, §551.074; return to open session for further discussion and possible action regarding the hiring of an Inspector I, pursuant to Texas Government Code, §551.074; return to executive session to consider the employment, evaluation, reassignment, duties, discipline, or dismissal of Billie Lankford, Inspector II, pursuant to Texas Government Code, §551.074; return to open session for further discussion and possible action involving the employment, evaluation, reassignment, duties, discipline, or dismissal of Billie Lankford, Inspector II, pursuant to Texas Government Code, §551.074; executive director's report to the Board; a) financial report b) inspection report c) licensing report d) update regarding House Bill 1223 e) update regarding budget request for 1996-1997 f) update regarding cases filed with the Commission on Human Rights g) update regarding Louise Armstrong vs. State Board of Barber Examiners case h) update regarding Bettie Sam case; new business: discussion and possible action regarding the examination schedule for July through December; discussion and possible action regarding the dates of the board meetings from July through December; discussion and possible action regarding Board member travel; the following individuals requested information about obtaining a permit to operate a barber college: January 18, 1995-David Dukes, Sir Dukes Barber Shop, 2709 Rogge Lane, Austin, Texas; March 15, 1995-Sam Hudson, Capital Grounds, Box 2910, Austin, Texas; February 2, 1995-Dave Jeurgenson, 17011 Clan MacIntosh, Houston, Texas; December 19, 1994-Donald Lawson, KCM Barber School, 2408 Lafayette Boulevard, Norfolk, Virginia; March 28, 1995-Donald Nash, 5542 South Hamton Road, Dallas, Texas; January 6, 1995-Shirley Pery, 5122 Override Drive, Arlington; February 7, 1995-Ike Raphael, 1803 East Anderson Lane, Austin, Texas; January 13, 1995-Ken Sajfi, 3345 La Narc Drive, Plano, Texas; December 9, 1994-Pam Yancy, 12811 Clay Gate, Houston, Texas; and adjournment.

Contact: B. Michael Rice, 333 Guadalupe, Room 216, Austin, Texas 78701, (512) 305-8475.

Filed: April 21, 1995, 3:42 p.m.

TRD-9504902

◆ ◆ ◆
Texas Boll Weevil Eradication Foundation

Wednesday, May 10, 1995, 9:00 a.m.

3103 Oldham Lane

Abilene

Technical Committee

AGENDA:

Introduction of new committee members-approval of minutes

Opening remarks and comments

Lower Rio Grande Valley and Southern Rolling Plains program updates

Managing boll weevils in organic cotton under eradication

Overview of research in boll weevil modeling and satellite mapping

Applications for remote sensing technology

Demonstration-Abilene Regional Airport

Boll weevil mapping in the Southern Rolling Plains

Group discussion

Contact: Frank Myers, P.O. Box 5089, Abilene, Texas 79608-5089, 1-800-687-1212, 1-915-672-2800.

Filed: April 20, 1995, 11:44 a.m.

TRD-9504844

◆ ◆ ◆
Texas Catastrophe Property Insurance Association

Tuesday, April 25, 1995, 8:30 a.m. via conference call at TCPIA offices

2028 East Ben White Boulevard, Suite 200

Austin

Board of Directors

Emergency Meeting

AGENDA:

1. Legislative issues.
2. Executive session for discussion of possible litigation.

Reason for Emergency: Discuss legislative issues that must be resolved within the legislative time frame and resolve litigation matters.

Contact: Charles F. McCullough, 2028 East Ben White Boulevard, Suite 200, Austin, Texas 78741, (512) 444-9612.

Filed: April 21, 1995, 12:42 p.m.

TRD-9504891

◆ ◆ ◆
Texas Certified Self-Insurer Guaranty Association

Wednesday, May 3, 1995, 11:00 a.m.

4000 South IH-35, Tippy Foster Meeting Room 910

Austin

Board

AGENDA:

1. Call to order
2. Approval of minutes for the public meeting of April 6, 1995
3. Discussion, consideration, and possible action on the renewal applications for Jeld-Wen, Inc., The Heil Company, Sisters of Charity of the Incarnate Word, Sisters of St. Joseph of Texas doing business as Saint Mary of the Plains Hospital, Mercy Hospital of Laredo doing business as Mercy Regional Medical Center, and Texaco, Inc.
4. Other business
5. Discussion of future public meetings
6. Adjournment

Contact: Judy Roach, 1600 San Jacinto Center, 98 San Jacinto Boulevard, Austin, Texas 78701, (512) 322-2514.

Filed: April 24, 1995, 2:08 p.m.

TRD-9504938

Texas Court Reporters Certification Board

Saturday, April 29, 1995, 8:00 a.m.

Texas Law Center, 1414 Colorado, Room 204

Austin

Testing Committee

AGENDA:

According to the complete agenda, the Testing Committee of the Texas Court Reports Certification Board will call the meeting to order; take attendance; review stenographic notes taken by the court reporters in Cause Number 95046398 to verify eight typographical corrections to the Statement of Facts requested by the Complainant for a hearing held on February 25, 1994; and adjourn.

Contact: Peg Liedtke, 205 West 14th Street, Suite 101, Austin, Texas 78701, (512) 463-1624.

Filed: April 20, 1995, 4:27 p.m.

TRD-9504862

Saturday, April 29, 1995, 9:00 a.m.

Texas Law Center, 1414 Colorado, Room 204

Austin

AGENDA:

According to the complete agenda, the Texas Court Reporters Certification Board will call the meeting to order; take attendance approval of the minutes of the Janu-

ary 28, 1995 meeting; conduct formal hearings in Cause Numbers 94298617, 95298606, and 9529869; hear report from Testing Committee regarding their findings regarding Cause Number 9046205; conduct preliminary reviews in Cause Numbers 95046205, 95166511 and 95298612; consider and possibly act on requests for enforcement action in Injunction Case Numbers 4-01 through 94-06; meet in executive session with AAG to seek legal advice regarding effective date of reinstatement certification pursuant to the Government Code, §55.071(2); return to open session for further discussion and possible action regarding legal advice; consider applicants convicted of a criminal offense; hear report from Court Reporting Curriculum Task Force; consider and possibly act on chairman's appointments or 1995-1996 subcommittees; consider and possibly act on general correspondence; hear legislative update; approve signatures for agency financial transactions; review 1995 expenditures; review 1995 exam and meeting dates; and adjourn.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Peg Liedtke at (512) 463-1624 two working days prior to the meeting so that appropriate arrangements can be made.

Contact: Peg Liedtke, 205 West 14th Street, Suite 101, Austin, Texas 78701, (512) 463-1624.

Filed: April 20, 1995, 4:27 p.m.

TRD-9504861

Texas Commission for the Deaf and Hearing Impaired

Saturday, May 6, 1995, 9:00 a.m.

Criss Cole Training Room, 4800 North Lamar Boulevard

Austin

Board for Evaluation of Interpreters (BEI)

AGENDA:

Call to order; determination of quorum; welcome new board members; reading of minutes; public comments; reports: officers/committees/staff: 1. Chair 2. Vice chair 3. Secretary 4. Staff 5. TSID representative; discussion and possible action on candidate complaints; update on task forces-Billy Collins; executive session: review of applicant and candidate testing materials; new business: 1. Certification/recertification/revocation 2. Calendar 3. New evaluators 4. Evaluator training; unfinished business: 1. Level V-V intermediary materials 2. Status of work groups 3. Task forces; announcements; and adjournment 5:00 p.m.

Contact: Loyce Kessler, 4800 North Lamar Boulevard, #310, Austin, Texas 78756, (512) 451-8494.

Filed: April 24, 1995, 10:14 a.m.

TRD-9504925

Texas Planning Council for Developmental Disabilities

Thursday, May 4, 1995, 9:00 a.m.

Holiday Inn Townlake, IH-35 and Townlake, Boardroom

Austin

Executive Committee Meeting

AGENDA:

Thursday, May 4, 1995

9:00 a.m.-Call to order

1. Introductions
2. Approval of consent items (noted with *)
3. *Approval of minutes
4. Public comments
5. *Consideration of stipends applications
6. Consideration of associate members applications
7. Chair's report
8. Executive director's report

Noon-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 Rosalinda Lopez at (512) 483-4094.

Contact: Roger Webb, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4080.

Filed: April 24, 1995, 1:14 p.m.

TRD-9504936

Thursday-Friday, May 4-5, 1995, 1:30 p.m. and 8:30 a.m., respectively.

Holiday Inn Townlake, IH-35 and Townlake, Sunflower/Marigold Room

Austin

Council Meeting

AGENDA:

Thursday, May 4, 1995

1:30 p.m.-Call to order

1. Introductions
2. Public comments
3. Approval of consent items (noted with *)
4. *Approval of minutes

5. Advocacy and Public Information Committee report

- A. State policy issues
- B. Federal policy issues
- C. Other discussion items

6. Presentation—Juvenile and adult offenders with mental retardation in Texas criminal justice systems

5:30 p.m.—Recess

Friday, May 5, 1995

8:30 a.m.—Reconvene

- 1. Continuation of unfinished business
 - 2. Planning and Evaluation Committee report
 - A. Consideration of transportation demonstration models RFP
 - B. Other discussion items
 - 3. Executive Committee report
 - A. Consideration of proposed bylaws amendments
 - B. Consideration of associate members
 - C. Other discussion items
 - 4. Grants Monitoring Committee report
 - 5. DD definition expansion grant update
 - 6. Chair's report
 - 7. Executive director's report
 - 8. Advocacy, Inc., report
 - 9. UT-Austin University Affiliated Program report
 - 10. Announcements
- 2:30 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 Rosalinda Lopez at (512) 483-4094.

Contact: Roger Webb, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4080.

Filed: April 24, 1995, 1:14 p.m.

TRD-9504937

◆ ◆ ◆
Texas Education Agency

Tuesday, May 9, 1995, 2:00 p.m.

Room 1-104, William B. Travis Building, 1701 North Congress Avenue

Austin

State Textbook Environmental Science Committee

AGENDA:

Publishers of instructional materials that will be reviewed by the State Textbook Environmental Science Committee are scheduled to make presentations to the committee on Tuesday, May 9, 1995, beginning at 9:00 a.m. State Textbook Environmental Science Committee members remain under no-contact rules until the close of the discussion and balloting meeting in June 1995.

Contact: Debra Kile, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: April 24, 1995, 9:43 a.m.

TRD-9504916

◆ ◆ ◆
State Employee Charitable Campaign

Thursday, May 4, 1995, 9:00 a.m.

1300 East 40th Street, Texas Department of Human Services Building

Houston

Local Employee Committee-Houston

AGENDA:

- Call to order
- Welcome and introductions
- Federation Overview
- SECC overview and updates
- Local eligibility update
- Campaign material update
- Approval of local campaign manager
- Discussion of agenda and schedule next meeting

Contact: Clara Cooper, 2200 North Loop West, Houston, Texas 77018, (713) 685-2809, Fax (713) 956-2868.

Filed: April 20, 1995, 2:34 p.m.

TRD-9504848

◆ ◆ ◆
Texas Employment Commission

Tuesday, May 2, 1995, 9:00 a.m.

Room 644, TEC Building, 101 East 15th Street

Austin

AGENDA:

Prior meeting notes; approval to pay cafeteria expenses necessary to transition operations to a new vendor; consideration and possible approval of policy on alcohol and drug testing for commission drivers; consideration and possible approval of bid for chiller repairs at the agency-owned building at 1117 Trinity, Austin, Texas;

staff reports, internal procedures of commission appeals; consideration and action on higher level appeals in unemployment compensation cases listed on Commission Docket 18; and set date of next meeting.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: April 24, 1995, 3:14 p.m.

TRD-9504943

◆ ◆ ◆
Texas Energy Coordination Council

Thursday, May 4, 1995, 10:00 a.m.

J. J. Pickle Research Campus, 10100 Burnet Road, Commons Building, Room 1. 130

Austin

AGENDA:

- Call to order
- Approval of minutes
- Executive director's report
- Executive session: Discussion of personnel issues
- Discussion of appointment and confirmation process
- Update/review of Building Energy Institute
- Update/review of Energy Storage Technology Institute
- Proposal on an oil spill recovery center
- Proposal on a petroleum technology institute
- Discussion of the Texas Committee on Energy policy
- Discussion of policy recommendations
- Discussion of items of pertinence to TECC mission and goals

Contact: Lowry Cook, 10100 Burnet Road, Austin, Texas 78758, (512) 475-6774.

Filed: April 24, 1995, 11:31 a.m.

TRD-9504930

◆ ◆ ◆
General Land Office

Tuesday, May 2, 1995, 10:00 a.m.

Stephen F. Austin Building, 1700 North Congress Avenue, Room 831

Austin

School Land Board

AGENDA:

Approval of previous board meeting minutes; pooling applications, Wildcat Field, Galveston County; Giddings (Austin Chalk-3), Brazos and Grimes County; Roma West (Reklaw), Roma West (Wilcox 7500), Starr

County; Lopeno, NE Field, Zapata County; consideration of nominations, terms, conditions and procedures for June 6, 1995 special oil and gas lease sale; Good Faith Claimant applications, Kimble County; Kimble County; coastal public lands-easement applications and amendments, Carancahua Bay, Calhoun County; lease applications and renewals, Galveston Bay, Galveston County and Oyster Bay, Brazoria County; structure (cabin) permit requests, requests to be voided, reinstatement requests, permit amendments, renewals, renewal revisions, and terminations; Laguna Madre, Kleberg County; Corpus Christi Bay, Nueces County; Titlum-Tatum Bayou, Brazoria County; Chocolate Bay, Brazoria County; Bastrop Bay, Brazoria County; and Espiritu Santo Bay, Calhoun County; commercial easement applications, renewals and amendments, Cow Bayou, Harris County; Clear Creek, Galveston County; Clear Lake, Galveston County; and Gulf of Mexico, Galveston County; preliminary consideration on compliance program, Chapter 33, Natural Resources Code; executive session-pending and proposed litigation, executive session-discussion of reduction of penalty and interest, Kilroy Company of Texas, Inc. audit; open session-consideration of reduction of penalty and interest, Kilroy Company of Texas, Inc. audit.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: April 24, 1995, 3:03 p.m.

TRD-9504942

Tuesday, May 2, 1995, 10:00 a.m.

Stephen F. Austin Building, 1700 North Congress Avenue, Room 831

Austin

Revised Agenda

School Land Board

AGENDA:

Approval of previous board meeting minutes; pooling applications, Wildcat Field, Galveston County; Giddings (Austin Chalk-3); Brazos and Grimes County; Roma West (Reklaw), Roma West (Wilcox 7500); Starr County; Lopeno, Northeast Field, Zapata County; East Flour Bluff Field, Nueces County; consideration of nominations, terms, conditions and procedures for June 6, 1995 special oil and gas lease sale; Good Faith Claimant applications, Kimble County; Kimble County; coastal public lands-easement applications and amendments, Carancahua Bay, Calhoun County; lease applications and renewals, Galveston Bay, Galveston County and Oyster Bay, Brazoria County; structure (cabin) permit requests, requests to be voided, reinstatement

requests, permit amendments, renewals, renewal revisions, and terminations; Laguna Madre, Kleberg County; Corpus Christi Bay, Nueces County; Titlum-Tatum Bayou, Brazoria County; Chocolate Bay, Brazoria County; Bastrop Bay, Brazoria County; and Espiritu Santo Bay, Calhoun County; commercial easement applications, renewals and amendments, Cow Bayou, Harris County; Clear Creek, Galveston County; Clear Lake, Galveston County; and Gulf of Mexico, Galveston County; preliminary consideration of compliance program, Chapter 33, Natural Resources Code; executive session-pending and proposed litigation; executive session-discussion of reduction of penalty and interest, Kilroy Company of Texas, Inc. audit; open session-consideration of reduction of penalty and interest, Kilroy Company of Texas, Inc. audit.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: April 24, 1995, 3:30 p.m.

TRD-9504947

Office of the Governor

Friday, May 5, 1995, 9:a.m.

4900 North Lamar Boulevard, Brown Heatly Building, Room 1410, Texas Rehabilitation Commission

Austin

Texas Governor's Committee on People

AGENDA:

Regular Quarterly Meeting

1. Full committee meeting, call to order, introductions, and approval of minutes.
2. Executive director's report, organization reports, members' reports.
3. Tour of Texas Commission for the Blind, Adaptive Technology Unit.
4. Tour of Texas Rehabilitation Commission, Technology Unit.
5. Legislative report.
6. Subcommittee meetings.
7. Selection of date and location for August GCPD meeting.
8. Subcommittee action item and reports.
9. Public comment.
10. Adjournment.

Contact: Virginia Roberts, 201 East 14th Street, Austin, Texas 78711, (512) 463-5739.

Filed: April 20, 1995, 3:09 p.m.

TRD-9504855

Texas Department of Human Services

Friday, May 5, 1995, 10:00 a.m.

701 West 51st Street, First Floor, East Tower, Public Hearing Room

Austin

Aged and Disabled Advisory Committee

AGENDA:

1. Opening comments.
2. Deputy commissioner's comments.
3. Approval of minutes.
- Action items: 4. Amendments to reimbursement methodology for the PHC Services.
5. Revision to reimbursement methodology for the DAHS Program.
6. Residency requirements for the CLASS program.
- Information/Technical items: 7. Health Insurance premium payment reimbursement program.
8. Clean-up of Medicaid eligibility rules: PASARR; medical effective date.
9. Amendments to the rules for nurse aide certification in the licensing standards for long-term care facilities.
10. DAHS Program: technical rules changes.
11. PHC Program: supervisory visits. Reports: Federal legislative update; proceedings of the Subcommittee on Services to Persons with Disabilities; proceedings of the Nursing Facility Subcommittee.
12. Open discussion by members.
13. Next meeting/adjournment.

Contact: Anthony Venza, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4943.

Filed: April 24, 1995, 1:11 p.m.

TRD-9504933

Texas Incentive and Productivity Commission

Thursday, May 4, 1995, 10:00 a.m.

Clements Building, Fifth Floor, Committee Room #5, 15th and Lavaca

Austin

AGENDA:

- I. Call to order and roll call
- II. Approval of minutes of previous meeting
- III. Consideration of employee suggestions for approval
- IV. Consideration of 1995 productivity bonus plans for approval
- V. Report on administrative matters
- VI. Adjournment

Contact: M. Elaine Powell, P.O. Box 12482, Austin, Texas 78711, (512) 475-2393.

Filed: April 21, 1995; 9:29 a.m.

TRD-9504868

Texas Department of Insurance

Tuesday, May 9, 1995, 9:00 a.m.

State Office of Administrative Hearings,
300 West 15th Street, Suite 502

Austin

AGENDA:

454-95-0214.F

Application by Allstate Indemnity Company for approval of a proposed revision to the Texas Automobile Rules and Rating Manual pursuant to Article 5, 101, §3(g) (continued from April 20, 1995).

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: April 25, 1995, 9:16 a.m.

TRD-9504956

Wednesday, May 10, 1995, 10:00 a.m.

State Office of Administrative Hearings,
300 West 15th Street, Suite 502

Austin

AGENDA:

454-95-0598

To consider whether disciplinary action should be taken against Ernest Cardenas Aleman, Corpus Christi, Texas, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Local Recording Agent's license issued by the Texas Department of Insurance.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: April 25, 1995, 9:16 a.m.

TRD-9504957

Wednesday, May 10, 1995, 1:00 p.m.

State Office of Administrative Hearings,
300 West 15th Street, Suite 502

Austin

AGENDA:

454-95-0512.C

To consider the application of Kenneth C. Brumfield, New Braunfels, Texas, for an Insurance Adjuster's license to be issued by the Texas Department of Insurance.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: April 25, 1995, 9:16 a.m.

TRD-9504958

Thursday, May 11, 1995, 1:00 p.m.

State Office of Administrative Hearings,

300 West 15th Street, Suite 502

Austin

AGENDA:

454-95-0560

To consider whether disciplinary action should be taken against Scott D. Puzey, Houston, Texas, who holds a Local Recording Agent's license and 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: April 25, 1995, 9:16 a.m.

TRD-9504959

Board of Law Examiners

Friday, May 5, 1995, 8:30 a.m.

Suite 500, Tom C. Clark, 205 West 14th Street

Austin

Hearings Panel

AGENDA:

The hearings panel will hold public hearings and conduct deliberations on character and fitness of the following applicants and/or declarants: William C. Jones, Jr.; Georgie B. Soliman; Angie L. Dickson; Mark S. Ravis; David W. Frank. (Character and fitness deliberations may be conducted in executive session, pursuant to §82.003(a), Texas Government Code.)

Contact: Rachael Martin, P.O. Box 13486, Austin, Texas 78711-3486, (512) 463-1621.

Filed: April 20, 1995, 3:06 p.m.

TRD-9504851

Saturday-Monday, May 6-8, 1995, 8:30 a.m.

Suite 500, Tom C. Clark, 205 West 14th Street

Austin

AGENDA:

The board will: call to order/determine quorum/consider requests for excused absences; hold public hearings and conduct deliberations on character and fitness of the following applicants/declarants: Barry W. Finkel; Glen R. Peterson; Valerie R. Vance (deliberations may be conducted in executive session pursuant to §82.003(c), Texas Government Code); meet with legal counsel (in executive session pursuant to §2(e), Open Meetings Act) to discuss pending litigation; consider approval of minutes, financial reports, and investment reports; consider whether to recommend amendments to

Rules Governing Admission to the Bar of Texas; consider to retain outside counsel; consider special requests for waivers and interpretations relating to: Jean Sudduth, Khatonio McCarty, Barry Finkel, Frederick Ellis, and Mel McFarland; consider NCBE communications; consider and act on various reports from staff, board members, and Supreme Court Liaison; consider requests of commercial bar review courses; consider ethics commission opinion; consider proposed bar revision of bar exam subjects; consider Multi-state Essay Examination and its applicability in Texas; meet with legal counsel in executive session pursuant to section to (e), Open Meetings Act) to discuss and receive advice on pending litigation; consider long-range planning meeting; consider matters relating to July 1995 bar exam; conduct Bar Admissions Forum from noon until approximately 2:00 p.m., Monday, May 8, 1995, at Guest Quarters Hotel); hear communications from the public; adjourn.

Contact: Rachael Martin, P.O. Box 13486, Austin, Texas 78711-3486, (512) 463-1621.

Filed: April 25, 1995, 8:14 a.m.

TRD-9504953

Texas Board of Licensure for Professional Medical Physicists

Tuesday, May 2, 1995, 1:00 p.m.

Room S-402, The Exchange Building, 8407 Wall Street

Austin

Credentials Committee

AGENDA:

The committee will discuss and possibly act on applicants under 22 Texas Administrative Code, §601.6 relating to application procedures.

Contact: Jeanette A. Hilsabeck, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6655. For ADA assistance, contact Richard Butler at (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 24, 1995, 11:52 a.m.

TRD-9504932

Wednesday, May 3, 1995, 10:30 a.m.

Room S-402, The Exchange Building, 8407 Wall Street

Austin

AGENDA:

The committee will discuss and possibly act on: approval of minutes from February 22, 1995 meeting; chairman's report; executive

secretary's report, Bureau of Radiation Control rules (current rules and interpretation and future rules); rules pertaining to the licensure of professional medical physicists, 22 Texas Administrative Code, Chapter 601; medical physicists open book examination; supervision of temporary licensed medical physicists; "Guidelines for Delineating the Practice of Medical Physics"; orders denying application of D H., and F P.; ratification of applications approved by executive secretary; ratification of applications approved by the Credentials Committee, other matters relating to the regulation of professional medical physicists not requiring board action; and setting of next meeting date.

Contact: Jeanette Hilsabeck, 1100 West 49 Street, Austin, Texas 78756, (512) 834-6655. For ADA assistance, contact Richard Butler at (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 24, 1995, 11:51 a.m.

TRD-9504931

◆ ◆ ◆
Texas Natural Resource Conservation Commission

Tuesday, May 9, 1995, 10:00 a.m.

Shamrock Community Center-Auditorium on the 900 Block of South Main (U.S. Highway 83)

Shamrock

Office of Hearings Examiners

AGENDA:

For a hearing before a hearings examiner on a petition by James R. Tindall doing business as Twitty Water System to discontinue water utility service for its service area which is located in the vicinity of Twitty, approximately six miles north of Shamrock in Wheeler County, Texas. TNRCC Docket Number 95-0586-UCR.

Contact: Alexandre Bourgeois, Mail Code 102, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: April 20, 10:39 a.m.

TRD-9504832

Thursday, May 18, 1995, 10:00 a.m.

Building C, Room 107W, 12124 Park 35 Circle

Austin

Office of Hearings Examiners

AGENDA:

For a hearing before a hearings examiner on an application by City of Sherman to amend Certificate of Convenience and Necessity (CCN) Number 10203 to expand the area to

which it provides water utility service in Grayson County, Texas and to request dual certification with WSWS Water System (CCN Number 11752) and Robert J. Tate doing business as the Oaks Water System (CCN Number 12610). The proposed utility service area is located approximately 2.5 miles northwest of downtown Sherman, Texas and is generally bounded on the north by U.S. Highway 82, on the east by Farm to Market Road 1417 and on the south by Sand Creek. The proposed utility area includes the Carriage House Estates, Lamberth Road Estates and Shady Oaks Subdivisions. The total area being requested includes approximately 216 acres and 0 current customers of the City of Sherman. TNRCC Docket Number 95-0615-UCR.

Contact: Leslie Craven, Mail Code 102, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: April 20, 1995, 10:39 a.m.

TRD-9504833

Wednesday, May 24, 1995, 9:00 a.m.

Panola County Courthouse, Commissioners' Courtroom, 110 South Sycamore

Carthage

Office of Hearings Examiners

AGENDA:

For a hearing before a hearing examiner on an appeal by ratepayers concerning a water rate increase by Hollands Quarter Water Supply Corporation effective January 1, 1995, in Panola County. TNRCC Docket Number 95-0613-UCR.

Contact: Sylvia McClellan, Mail Code 102, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: April 20, 1995, 10:40 a.m.

TRD-9504834

Thursday, May 25, 1995, 9:00 a.m.

Orange Public Library, Council Chambers, 220 North Fifth Street

Orange

Office of Hearings Examiners

AGENDA:

For a hearing before a hearings examiner on an application by Han-Man Investments, Inc doing business as Chase Hollow Water System for an increase in water and sewer rates effective April 1, 1995, for its service area located in Orange County, Texas. TNRCC Docket Number 95-0564-UCR.

Contact: Kerry Sullivan, Mail Code 102, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: April 20, 1995, 10:40 a.m.

TRD-9504835

Friday, May 26, 1995, 10:00 a.m.

Building C, Room 107-W, 12124 Park 35 Circle

Austin

Office of Hearings Examiners

AGENDA:

For a hearing before a hearings examiner on an application by Cedar Creek Water Supply for a water rate increase effective April 1, 1995, for its service area located in Limestone County, Texas. TNRCC Docket Number 95-0584-UCR.

Contact: Kerry Sullivan, Mail Code 102, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: April 20, 1995, 10:40 a.m.

TRD-9504836

Wednesday, May 31, 1995, 10:00 a.m.

Building C, Room 131-E, 12124 Park 35 Circle

Austin

Office of Hearings Examiners

AGENDA:

For a hearing before a hearings examiner on an application by Cody Lewis doing business as Water Works I and II for an increase in water rates effective February 1, 1995, for its service area located in Llano County, Texas. TNRCC Docket Number 95-0505-UCR.

Contact: Mike Rogan, Mail Code 102, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: April 20, 1995, 10:41 a.m.

TRD-9504837

Thursday, June 1, 1995, 9:00 a.m.

Washington County Courthouse, Conference Room 105, 100 East Main

Brenham

Office of Hearings Examiners

AGENDA:

For a hearing before a hearings examiner on an application by City of Brenham for renewal of Permit Number 10388-01 which authorizes a discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 2,550,000 gallons per day. The wastewater treatment plant is at 2005 East Alamo Street, south of and adjacent to Hog Branch in the City of Brenham, in Washington County, Texas. TNRCC Docket Number 95-0577-MWD.

Contact: Cecile Hanna, Mail Code 102, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: April 20, 1995, 10:41 a.m.

TRD-9504838

Tuesday, June 6, 1995, 10:00 a.m.

City Hall, Council Chamber, 2121 Cross
Timber Road

Flower Mound

Office of Hearings Examiners

AGENDA:

For a hearing before a hearings examiner on an application by CMH Parks, Inc. for proposed Permit Number 13732-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day. The proposed permit would also authorize a variance to the buffer zone requirements in accordance with 30 TAC Chapter 309.13(c)(1)(C). The wastewater treatment facility will serve the Rocky Point Mobile Home Park. The plant size is at 4601 Shiloh Road in the Town of Flower Mound in Denton County, Texas. TNRCC Docket Number 95-0578-MWD.

Contact: Carol Wood, Mail Code 102, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: April 20, 1995, 10:42 a.m.

TRD-9504839

Board of Nurse Examiners

Tuesday, May 9, 1995, 4:00 p.m.

9101 Burnet Road, Suite 104

Austin

Executive Committee

AGENDA:

Call to order

Roll call

Minutes of March 14, 1995 meeting

1. Old business

1.1. August retreat

2. New business

2.1. Membership on Strategic Planning and Eligibility and Disciplinary Committees

Adjourn

Contact: Erlene Fisher, P.O. Box 140466, Austin, Texas 78714, (512) 835-8675.

Filed: April 20, 1995, 2:59 p.m.

TRD-9504849

Wednesday-Thursday, May 10-11, 1995, 8:00 a.m.

1101 Camino LaCosta, Room 235

Austin

The Board of Nurse Examiners will receive the minutes from the March meeting; Feb-

ruary and March financial statements; consider education/examination, practice and investigation matters. An open forum will be held from 1:30-2:00 p.m. on May 10 to provide an opportunity for public comment. The board will receive reports from various committees; consider the publication of proposed amendments to rules 215.12, Curriculum; 217.18, prohibition on copying license, 217.2, 217.5, and 217.6 regarding renewal of licenses; consider adoption of repeal of §221, advanced Nurse Practitioners and new §221, advance Practice Nurses; take action on ten proposed board orders, ten petitions for declaratory orders and one ALJ proposal for decision.

Contact: Erlene Fisher, P.O. Box 140466, Austin, Texas 78714, (512) 835-8675

Filed: April 20, 1995, 2:59 p.m.

TRD-9504850

Wednesday-Thursday, May 10-11, 1995, 8:00 a.m.

1101 Camino La Costa, Room 235

Austin

Revised Agenda

AGENDA:

Additions to regular agenda filed on April 20, 1995:

9. New business

*9.3. Consider proposed amendments to Rule 215.1 and 215.2, Nurse Education

*9.5. Request for exception, William Grant Collins, Texas #594112

*9.6. Request from Jerry Wyatt, Memorial Healthcare System

Contact: Erlene Fisher, Box 140466, Austin, Texas 78714, (512) 835-8675

Filed: April 25, 1995, 9:25 a.m.

TRD-9504961

State Pension Review Board

Friday, April 21, 1995, 10:00 a.m. (telephone conference call)

State Pension Review Board Conference Room, Fourth Floor, Room 406, William Clements Building

Austin

PRB Legislative Subcommittee

Emergency Meeting

AGENDA:

Preparation of actuarial impact statements on bills from which actuarial information is available by meeting time, and for which requests have been received from legislative committees

Reason for Emergency: In order to obtain a quorum and respond to request in appropriate time

Contact: Lynda Baker, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: April 20, 1995, 3:07 p.m.

TRD-9504854

Public Utility Commission of Texas

Monday, May 1, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Administrative

AGENDA:

There will be an Administrative Meeting to discuss adjournment for executive session to consider litigation, reconvene for discussion on matters considered in executive session, set time and place for next meeting, and final adjournment

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: April 21, 1995, 9:28 a.m.

TRD-9504866

Texas Low-Level Radioactive Waste Disposal Authority

Thursday, May 11, 1995, 2:00 p.m.

Hudspeth County Courthouse, District Court Room

Sierra Blanca

Board of Directors

AGENDA:

The board will approve minutes, hear the general manager's report on the year-to-date financial status, be updated on the agency legislative appropriations request, and hear a report on rebates from the US Department of Energy, be updated on the Texas compact and the status of current legislation; be given status reports on the license application, and site access; discuss the proposed disposal fee schedule, hear a presentation on the recent earthquake near Alpine, and review the status of agency contracts, hear a report on the community development and county working groups, public information program, and the quality assurance program. The board will consider the adoption of rules for waste acceptance, discuss the issuance of bonds and possible action to solicit proposals for retaining bond counsel, and consider the approval of a contract amendment with the University of

Texas Bureau of Economic Geology The board will recognize agency employees and hear public comments before adjourning

Contact: Lawrence R. Jacobi, Jr., P.E., 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752, (512) 451-5292.

Filed: April 24, 1995, 3:58 p.m

TRD-9504950

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Railroad Commission of Texas

Tuesday, May 2, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor, Conference Room 1-111

Austin

AGENDA.

The Commission will consider and act on agency administration, budget, policy and procedures, and personnel matters for all divisions. The Commission may meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6981.

Filed: April 21, 1995, 10:47 a m

TRD-9504877

Tuesday, May 2, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor, Conference Room 1-111

Austin

AGENDA.

The Commission will consider and act on the Surface Mining and Reclamation Division Director's report on division administration, budget, procedures, and personnel matters.

Contact: Melvin B. Hodgkiss, P.E., P.O. Box 12967, Austin, Texas 78711, (512) 463-6901.

Filed: April 21, 1995, 10:48 a.m

TRD-9504878

Tuesday, May 2, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor, Conference Room 1-111

Austin

AGENDA:

The Commission will consider and act on the Automatic Data Processing Division Director's report on division administration, budget, procedures, equipment acquisitions and personnel matters. The Commission will consider and act on the Information Resource Manager's report on information resource planning documents.

The Commission will consider and act on the Automatic Data Processing Division Director's report on the administration, budget, procedures, equipment acquisitions, contracts and work schedules associated with the Department of Energy-RRC Area of Review (AOR) Data Management Enhancements Grants Status Review.

Contact: Bob Kmetz, P.O. Box 12967, Austin, Texas 78701, (512) 463-7251.

Filed: April 21, 1995, 10:48 a.m.

TRD-9504879

Tuesday, May 2, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor, Conference Room 1-111

Austin

AGENDA:

The Commission will consider and act on the agency budget, fiscal and administrative matters and the Administrative Services Division Director's report on division administration, budget, procedures and personnel matters

Contact: Roger Dillon, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7257.

Filed: April 21, 1995, 10:48 a.m.

TRD-9504880

Tuesday, May 2, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor, Conference Room 1-111

Austin

AGENDA:

According to the complete agenda, the Railroad Commission of Texas will consider various applications and other matters within the jurisdiction of the agency including oral arguments at the time specified. The Railroad Commission of Texas may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received.

The Commission may meet in Executive Session on any items listed above as authorized by the Open Meetings Act.

Contact: Carole J Vogel, P.O. Box 12967, Austin, Texas 78711, (512) 463-7033.

Filed: April 21, 1995, 10:49 a.m.

TRD-9504882

Tuesday, May 2, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor, Conference Room 1-111

Austin

AGENDA:

The Commission will consider and act on the Office of Information Services Direc-

tor's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Box 12967, Austin, Texas 78701, (512) 463-6710.

Filed: April 21, 1995, 10:49 a.m.

TRD-9504881

Tuesday, May 2, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

Revised Agenda

AGENDA:

The commission will consider and act on the agency budget, fiscal and administrative matters and the Administrative Services Division director's report on division administration, budget, procedures and personnel matters, including discussion of Abilene and Dallas district office lease proposals and take action on the division's recommendation

Contact: Roger Dillon, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7257.

Filed: April 21, 1995, 3:31 p.m.

TRD-9504901

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Stephen F. Austin State University

Friday, April 28, 1995, 1:30 p.m.

1936 North Street, Room 307, Austin Building

Nacogdoches

Board of Regents

AGENDA.

I Open Session-Committee of the Whole

II. Executive session

A. Report on pending litigation

1. All pending lawsuits

B. Personnel matters regarding specific University employees

1. General counsel

2. President

C. Real estate transactions

III. Open discussion of Wednesday board items

Contact: Dan Angel, 1936 North Street, Nacogdoches, Texas 75961, (409) 468-2201.

Filed: April 25, 1995, 9:00 a.m.

TRD-9504954

Saturday, April 29, 1995, 9:00 a.m.

1936 North Street, Room 307, Austin Building

Nacogdoches

Board of Regents

AGENDA: I. Open Session

II. Approval of January 25, 1995 and March 10, 1995 minutes

III. Election of board officers

IV. Administration

A. Election of General Counsel

B. Election of president

V. Personnel

A. Faculty and staff appointments for Spring 1995

B. Faculty and staff appointments for Fall 1995

C. Changes of status

D. Promotions

E. Tenure

F. Regents professorships for 1995-1996

G. Faculty development leaves

H. Retirement

VI. Academic and student affairs

A. Faculty workload report

B. Approval of general bulletin

C. Approval of ROTC scholarships

VIII. Financial affairs

A. Selection of Bond Counsel

B. Selection of construction project manager

C. Proposed bond sale HEAF funds

D. Proposed bond sale Auxiliary Bonds

E. Budget changes less than \$50,000

F. Summer budget

G. Revised policy on food and beverage purchases

H. Food service contract with ARAMARK

I. Room and apartment rates

VIII. Buildings and grounds

A. Approval of music building design

IX. University affairs

A. Americans with Disabilities Act self study and transition plan

X. Reports

A. Purchase of SFA theater

B. Chair, faculty senate

C. President, student Government Association

D. Dr. Tom Franks and Dr. Patsy Hallman-report on restructured Teacher Certification Program

E. President

Contact: Dan Angel, 1936 North Street, Nacogdoches, Texas 75961, (409) 468-2201.

Filed: April 25, 1995

TRD-9504955

The University of Texas Health Center at Tyler

Thursday, May 4, 1995, 11:30 a.m.

Highway 271 at Highway 155, Room 116 Tyler

Animal Research Committee

AGENDA:

Approval of minutes

Chairman report

Veterinarian report

Old business

New business

Adjournment

Contact: Cindy Pessink, P.O. Box 2203, Tyler, Texas 75710, (903) 877-7594.

Filed: April 24, 1995, 1:13 p.m.

TRD-9504935

Texans' War on Drug

Monday, April 24, 1995, 10:00 a.m.

313 East Anderson Lane, Suite 101

Austin

Board of Director's Meeting

Emergency Meeting

AGENDA:

1) Call to order

2) Establish Quorum

3) Approval of minutes

4) President's report

5) Executive session

6) Action on matters discussed in executive session

7) Set next meeting date

8) Other business

9) Adjourn

Reason for Emergency: Urgent personnel policy/procedural matters.

Contact: Janis Pittel, 313 East Anderson Lane, Suite 101, Austin, Texas 78752-1222.

Filed: April 20, 1995, 1:21 p.m.

TRD-9504845

Texas Water Development Board

Tuesday, June 13, 1995, 10:00 a.m.

Stephen F. Austin Building, Room 118, 1700 North Congress Avenue

Austin

AGENDA.

An attorney with the Board will conduct a public hearing on a proposed amendment to the Board's federal fiscal year 1995 intended use plan for wastewater treatment projects under the State Water Pollution Control Revolving Program. Testimony will be taken from interested persons.

Contact: Frank Forsyth, Jr., P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: April 24, 1995, 2:44 p.m.

TRD-9504941

Regional Meetings

Meetings Filed April 20, 1995

The Capital Area Rural Transportation System (CARTS) CARTS Board of Directors met at 2010 East Sixth Street, Austin, April 27, 1995, at 9:00 a. m. Information may be obtained from Edna M. Burroughs, P.O. Box 6050, Austin, Texas 78702, (512) 389-1011. TRD-9504863.

The Golden Crescent Private Industry Council met at 2401 Houston Highway, Victoria, April 26, 1995, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9504853.

The Lamb County Appraisal District Appraisal Review Board will meet at 331 LFD Drive, Littlefield, May 16, 1995, at 8:00 a.m. Information may be obtained from Vaughn E. McKee, P.O. Box 950, Littlefield, Texas 79339-0950, (806) 385-6474. TRD-9504852.

The Pecan Valley MHMR Region Board of Trustees met at 104 Pirate Drive, Granbury, April 26, 1995, at 8:30 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806. TRD-9504843

The West Central Texas Council of Governments Executive Committee met at 1025 EastNorth Tenth Street, Abilene, April 26, 1995, at 12: 45 p.m. Information may be obtained from Brad Helbert, 1025

EastNorth Tenth Street, Abilene, Texas 79601, (915) 672-8544. TRD-9504860.

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Meetings Filed April 21, 1995

The Alamo Area Council of Governments Rural Area Judges met at 118 Broadway, Suite 400, San Antonio, April 26, 1995, at 11:00 a.m. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9504884.

The Alamo Area Council of Governments Alamo Area Housing Finance Corporation Board of Directors met at 118 Broadway, Suite 400, San Antonio, April 26, 1995, at Noon. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9504883.

The Alamo Area Council of Governments Board of Directors met at 118 Broadway, Suite 400, San Antonio, April 26, 1995, at 1:00 p.m. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9504885.

The Aqua Water Supply Corporation Board of Directors will meet at 305 Eskew, Bastrop, May 1, 1995, at 7:30 p.m. Information may be obtained from Adlinie Rathman, P.O. Drawer P, Bastrop, Texas 78602, (512) 303-3943. TRD-9504907.

The Austin Travis County MHMR Center Finance and Control Committee met at 1430 Collier Street, Austin, April 25, 1995, at Noon. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141 TRD-9504875.

The Bosque County Central Appraisal District Board of Directors met at 202 South Highway 6, Meridian, April 27, 1995, at 8:00 p.m. Information may be obtained from Janice Henry, P.O. Box 393, Meridian, Texas 76665-0393 TRD-9504876.

The Brazos Valley Development Council Regional Solid Waste Management Advisory Committee met at Brazos Valley Development Council, 1706 East 29th Street, Bryan, April 25, 1995, at 1 30 p.m. Information may be obtained from Robert Gresham, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-4244. TRD-9504865.

The Burnet County Appraisal District Appraisal Review Board will meet at 223 South Pierce, Burnet, April 28, 1995, at 11:00 a.m. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9504904.

The Dallas Area Rapid Transit Procurement Workshop, Conference Room "C" met

at 1401 Pacific Avenue, Dallas, April 25, 1995, at 9:00 a.m. Information may be obtained from Vanessa A. Knight, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3371 TRD-9504887

The Dallas Area Rapid Transit Audit Committee Meeting, Conference Room "B" met at the Dallas Area Rapid Transit, Board Room, 1401 Pacific Avenue, Dallas, April 25, 1995, at 11:00 a.m. Information may be obtained from Vanessa A. Knight, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3371. TRD-9504888.

The Dallas Area Rapid Transit Committee-of-the-Whole Meeting Conference Room "C" met at 1401 Pacific Avenue, Dallas, April 25, 1995, at 1: 00 p.m. Information may be obtained from Vanessa A Knight, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3371. TRD-9504889.

The Dallas Area Rapid Transit Board Meeting, Board Room-First Floor met at 1401 Pacific Avenue, Dallas, April 25, 1995, at 6:30 p.m. Information may be obtained from Vanessa A. Knight, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3371. TRD-9504890.

The Education Service Center Region 12 Board of Directors met at 2101 West Loop 340, Waco, April 27, 1995, at 11.00 a.m. Information may be obtained from Harry J. Beavers or Vivian L McCoy, P.O. Box 23409, Waco, Texas 76702-3409, (817) 666-0707 TRD-9504886

The Kempner Water Supply Corporation Annual Membership Meeting met at Pecan Street, Kempner Fire Station, Kempner, April 27, 1995, at 7:00 p. m. Information may be obtained from Donald W. Guthrie, P.O. Box 103, Kempner, Texas 76539, (512) 932-3701 TRD-9504895.

The Kempner Water Supply Corporation Board of Directors met at Pecan Street, Kempner Fire Station, Kempner, April 27, 1995, at 8:30 p.m. Information may be obtained from Donald W. Guthrie, P.O. Box 103, Kempner, Texas 76539, (512) 932-3701. TRD-9504896.

The Lavaca County Central Appraisal District Board of Directors will meet at 113 North Main Street, Hallettsville, May 8, 1995, at 4:00 p.m. Information may be obtained from Diane Munson, P O Box 386, Hallettsville, Texas 77964, (512) 798-4396 TRD-9504906

The Lower Rio Grande Valley Development Council Hidalgo County Metropolitan Planning Organization met at UT-Pan American, 1201 University Drive, College of Art and Science Theater, Edinburg, April 25, 1995, Noon Information may be obtained from Edward L. Molitor, 4900 North 23rd Street, McAllen, Texas 78504, (210) 682-3481 TRD-9504867.

The Middle Rio Grande Development Council Board of Directors met at the Holiday Inn, Sage Room, 920 East Main, Uvalde, April 26, 1995, at 1.00 p.m. Information may be obtained from Leodoro Martinez, Jr., P.O. Box 1199, Carrizo Springs, Texas 78834, (210) 876-3533 TRD-9504903

The Quality Work Force Planning, Region VIII Upper Rio Grande Quality Work Force Planning Committee will meet at the Western Technical Institute, 1000 Texas Avenue, El Paso, May 5, 1995, at 11 30 a.m. Information may be obtained from Mark J. Walder, 1155 Westmoreland, El Paso, Texas 79925, (915) 799-6623 TRD-9504899.

The South Texas Private Industry Council, Inc. met at 901 Kennedy Street, Zapata, April 27, 1995, at 4:00 p.m. Information may be obtained from Myrna V. Herbst, P.O. Box 1757, Laredo, Texas 78044-1757, (210) 722-0546 TRD-9504898.

The Texas Council Risk Management Fund Board of Trustees and Advisory Committee met at the Doubletree Guest Suites Hotel, 303 West 15th Street, Austin, April 26, 1995, at 10.00 a.m. Information may be obtained from Spencer McClure, Westpark Building Three, Suite 240, 8140 Mopac Expressway, Austin, Texas 78759, (512) 346-5314 TRD-9504900.

The Tyler County Appraisal District Board of Directors will meet at 806 West Bluff, Woodville, May 4, 1995, 4:00 p.m. Information may be obtained from Eddie Chalmers, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9504892

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Meetings Filed April 24, 1995

The Ark-Tex Council of Governments met at Two Senioritas, I-30 and Highway 271, Mt. Pleasant, April 27, 1995 at 5:30 p.m. Information may be obtained from Becky Borgenson, P.O. Box 5307, Texarkana, Texas 75505, (903) 832-8636 TRD-9504910

The Austin-Travis County MHMR Center Executive Committee met at 1430 Collier Street, Executive Conference Room, Austin, April 27, 1995, at 4. 00 p.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9504948

The Austin-Travis County MHMR Center Board of Trustees met at 1430 Collier Street, Board Room, Austin, April 27, 1995, at 5 00 p.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141 TRD-9504909.

The Dallas Central Appraisal District Appraisal Review Board will meet at 2949

North Stemmons Freeway, Second Floor, Community Room, Dallas, May 1, 1995, at 8:30 a.m. Information may be obtained from Rick Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520. TRD-9504945.

The Fisher County Appraisal District Fisher CAD Board of Directors will meet at the Fisher County Courthouse, Court Room, Roby, May 11, 1995, at 8:00 a.m. Information may be obtained from Betty Mize, P.O. Box 516, Roby, Texas 79543, (915) 776-2733. TRD-9504929.

The Grayson Appraisal District Appraisal Review Board will meet at 205 North Travis, Sherman, May 4, 1995, at 9:00 a.m. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9504914.

The Heart of Texas Region MHMR Center Board of Trustees will meet at 110 South 12th Street, Waco, April 28, 1995, at 11:45 a.m. Information may be obtained from Helen Jasso, P.O. Box 890, Waco, Texas 76703, (817) 752-3451, Ext. 290. TRD-9504928.

The Parmer County Appraisal District Board of Directors will meet at 305 Third Street, Bovina, May 11, 1995, at 7:00 p.m. Information may be obtained from Ronald E. Procter, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405. TRD-9504946.

The Techforce 2000 Inc. (Revised Agenda)(Rescheduled from May 2, 1995.) Gulf Coast Quality Work Force Planning Committee will meet at 12605 East Freeway, Second Floor, Houston, May 16, 1995, at 10:00 a.m. Information may be obtained from Karen E. Baird, 250 North Sam Houston Parkway East, Houston, Texas 77060, (713) 591-9306. TRD-9504911.

The Texas Water Conservation Association Risk Management Fund Board of Trustees met at J. I. Specialty Services, Inc., 9420 Research Boulevard, Echeleon III, Suite 300, Austin, April 27, 1995, at 10:30 a.m. Information may be obtained from Leroy Goodson, 221 East Ninth Street, Suite 206, Austin, Texas 78701, (512) 472-7216. TRD-9504926.

The TML Group Benefits Risk Pool Board of Trustees met at the Marriott Beach Resort, 1500 Reynolds Street, Key West, April 27, 1995, at 9:45 a.m. Information

may be obtained from Suzanne Steindorf, 1821 Rutherford Lane, Suite 300, Austin, Texas 78754, (512) 719-6521. TRD-9504908.

The Tyler County Appraisal District Board of Directors will meet at 806 West Bluff, Woodville, May 4, 1995, at 4:00 p.m. Information may be obtained from Eddie Chalmers, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9504915.

The Upper Leon River Municipal Water District Board of Directors met at the General Office, located off of FM 2861, Lake Proctor Dam, Comanche, April 27, 1995, at 6:30 p.m. Information may be obtained from Gary D. Lacy, P. O. Box 67, Comanche, Texas 76442, (817) 879-2258. TRD-9504944.

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Meetings Filed April 25, 1995

The Education Service Center, Region XX Board of Directors will meet at 1314 Hines Avenue, San Antonio, May 3, 1995, at 2:00 p.m. Information may be obtained from Dr. Judy M. Castleberry, 1314 Hines Avenue, San Antonio, Texas 78208-1899, (210) 299-2471. TRD-9504960.

IN ADDITION

The **Texas Register** is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Commission on Alcohol and Drug Abuse

Multicultural Affairs Advisory Council Meeting

The Multicultural Affairs Advisory Council of the Texas Commission on Alcohol and Drug Abuse will meet Thursday, May 18, 1995, 1:00 p.m. to 5:00 p.m. and Friday, May 19, 1995, 10:00 a.m. to 4:00 p.m. The meeting will be held at the Texas Commission on Alcohol and Drug Abuse, 710 Brazos Street, Austin, Texas.

Issued in Austin, Texas, on April 20, 1995.

TRD-9504823 Tom Mann
General Counsel
Texas Commission on Alcohol and Drug
Abuse

Filed: April 20, 1995

Office of the Attorney General

Texas Clean Air Act Enforcement Settlement Notice

Notice is hereby given by the State of Texas of the following proposed resolution of an environmental enforcement lawsuit under the Texas Clean Air Act. The Texas Health and Safety Code, §382.096 provides that before the State may settle a judicial enforcement action under the Clean Air Act, the State shall permit the public to comment in writing on the proposed judgment. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreed judgment if the comments disclose facts or considerations that indicate that the consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Texas Clean Air Act.

Case Title and Court: City of Houston and State of Texas v. Scott Specialty Gases, Inc., Cause Number 94-019705 in the 127th District Court of Harris County, Texas.

Nature of Defendant's Operations: Scott Specialty Gases, Inc. operates a facility which mixes and packages various gas mixtures

Proposed Agreed Judgment: The Agreed Final Judgment provides for the payment of \$65,000 in civil penalties, which is inclusive of \$5,000 in attorney's fees.

For a complete description of the proposed settlement, the complete proposed Agreed Final Judgment should be reviewed. Requests for copies of the judgment and written comments on the judgment should be directed to Burgess

Jackson, Assistant Attorney General, Office of the Texas Attorney General, P.O. Box 12548, Austin, Texas 78711-2548, (512) 463-2012, facsimile (512) 320-0052. Written comments must be received within 30 days of publication of this notice to be considered.

Issued in Austin, Texas, on April 21, 1995

TRD-9504905 Jerry Benedict
Assistant Attorney General
Office of the Attorney General

Filed: April 21, 1995

Comptroller of Public Accounts

Notice of Consultant Contract Award

In accordance with the provisions of Chapter 2254, Subchapter B of the Texas Government Code, the Comptroller of Public Accounts announces this notice of consultant contract award.

The consultant proposal request was published in the February 17, 1995, issue of the *Texas Register* (20 TexReg 1206).

The consultant will assist the Comptroller in conducting a management and performance review of the Beaumont Independent School District, and in producing periodic progress reports and a final report. These reports shall include analyses and recommendations to contain costs, improve management strategies, and to promote better education through school administration efficiency. The successful proposer will be expected to begin performance of the contract on or about April 17, 1995.

The contract is awarded to KPMG Peat Marwick, L.L.P., 111 Congress Avenue, Suite 1100, Austin, Texas 78701. The total dollar value of the contract is not to exceed \$160,000 in the aggregate. The contract was executed April 19, 1995, and extends through December 31, 1995. KPMG Peat Marwick, L.L.P., is to assist the Comptroller in preparing a final report which will be made public on or about September 12, 1995.

Issued in Austin, Texas, on April 20, 1995.

TRD-9504847 Arthur F. Lorton
Senior Legal Counsel
Comptroller of Public Accounts

Filed: April 20, 1995

Notice of Request for Information

The Comptroller of Public Accounts (Comptroller) announces its Request for Information (RFI) to solicit infor-

mation from the private and public sectors regarding the Comptroller's implementation of an Integrated Tax System (ITS). The Comptroller is interested in being informed of and reviewing all reasonable recommendations for the development of the integrated tax application computer system. This RFI solicits information from vendors with application experience in large scale systems development on the products and/or services they offer to assist the Comptroller of Public Accounts in the implementation of the ITS project. There will be no report issued pursuant to the RFI.

Contact: Parties interested in submitting a response to the RFI should contact the Comptroller of Public Accounts, Senior Legal Counsel's Office, 111 East 17th Street, Room 113, Austin, Texas 78774, (512) 475-0866, to obtain a copy of the RFI. The RFI will be available for pick-up at the previously-referenced address on Friday, April 28, 1995, between 1:00 p.m. and 5:00 p.m. Central Zone Time (CZT), and during normal business hours thereafter.

Important Dates: The Comptroller intends to hold a conference for prospective respondents to this RFI. The conference is to be held on Monday, May 15, 1995, at 8:30 a.m.-2:30 p.m. at the William B. Travis Building, located at 1701 Congress Avenue, Room 1.111. Written inquiries concerning the RFI are due Wednesday, May 3, 1995, Noon (CZT); Written questions are due Wednesday, May 10, 1995, 5:00 p.m. (CZT) which will be addressed at the

conference, together with an overview of the ITS project. Written responses to the RFI must be received in the Senior Legal Counsel's Office by Noon (CZT), on Wednesday, May 31, 1995. No assurance can be given that responses received after this time and date will be considered.

The anticipated schedule of events is as follows: Issuance of RFI-April 28, 1995, at 1:00 p.m. (CZT); Written Questions for Conference Due-May 10, 1995, 5:00 p.m.; Written RFI Responses Due-May 31, 1995, Noon (CZT).

Issued in Austin, Texas, on April 24, 1995.

TRD-9504913 Arthur F. Lorton
Senior Legal Counsel
Comptroller of Public Accounts

Filed: April 24, 1995

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**Office of Consumer Credit
Commissioner**

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Title 79, Texas Civil Statutes, Articles 1.04, and 1.05, as amended (Texas Civil Statutes, Articles 5069-1.04 and 1.05).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u>	<u>Commercial(2) over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	04/24/95-04/30/95	18.00%	18.00%
Judgment Rate - Art. 1.05, Section 2	05/01/95-05/31/95	10.00%	10.00%

(1)Credit for personal, family or household use. (2)Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on April 17, 1995.

TRD-9504846 Leslie L. Pettijohn
Commissioner
Office of Consumer Credit Commissioner

Filed: April 20, 1995

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General Land Office
**Notice of Restoration Plan-Request for
Comments**

The Texas General Land Office (GLO), the Texas Parks and Wildlife Department (TPWD), and the Texas Natural Resource Conservation Commission (TNRCC), natural resource trustees for the State of Texas, and the United States Department of the Interior, Fish and Wildlife Service, federal co-trustee, propose a restoration plan to compensate for injuries to natural resources resulting from an oil pipeline rupture which occurred on January 7, 1992. The natural resource damage assessment concluded in a settlement with Exxon Pipeline Corporation, the person responsible for the oil spill. That agreement was published in the *Texas Register* (19 TexReg 1564) on March 4, 1994.

The Texas natural resource trustees are authorized to implement a restoration plan that restores, rehabilitates, replaces or acquires the equivalent of injured natural resources by the Oil Pollution Act of 1990 and by the Texas Oil Spill Prevention and Response Act. Pursuant to their authority under those statutes, the natural resource trustees may use settlement recoveries only to restore, replace, rehabilitate or acquire the equivalent of natural resources injured by an oil spill in Texas coastal waters.

On January 7, 1992, a pipeline owned by Exxon Pipeline Company ruptured and spilled 123,900 gallons of crude oil into approximately 38 acres of a high marsh community adjacent to Chiltipin Creek, San Patricio County, Texas. The oil caused injury to the marsh system by destroying biota and impairing the ecological services provided by the marsh. The loss of the marsh community due to the oil spill and the removal of the oil by an in-situ burn, diminished the services provided to other natural resources, including birds. A habitat evaluation procedure was used to determine the total service reduction, in habitat units, to the oiled marsh.

The proposed restoration plan acquires the equivalent of injured natural resources, the loss of high marsh community resulting from the January 7, 1992, oil spill. The Nature Conservancy of Texas, Inc., will agree to maintain Shamrock Island as a natural area and the trustees will

transfer funds to the Nature Conservancy of Texas, Inc., for the purchase of the island.

The GLO, TPWD and TNRC and the United States Department of the Interior all agree that the purchase of Shamrock Island, to protect and maintain the island for wildlife, satisfies the trustees' obligation to acquire the equivalent of natural resources injured by the oil spill. Shamrock Island, an area of about 130 acres, contains extensive bird rookeries and a highly productive intertidal wetlands. It provides ecological services similar to those diminished by the oil spill at the marsh near Chiltipin Creek. Therefore, the GLO, TPWD, and TNRC and the United States Department of the Interior have determined that the most effective use of the damages recovered as the result of a negotiated natural resources damage assessment in this matter is the preservation of Shamrock Island. The restoration plan proposed herein transfers \$130,000 in recovered damages to the Nature Conservancy of Texas, Inc., for the purchase and enhancement of Shamrock Island.

Further details regarding the proposed restoration plan and comments on this proposal may be obtained by contacting Diane Hyatt, Texas General Land Office, 1700 North Congress Avenue, Room 1134, Austin, Texas 78701-1495. In order to be considered, comments must be received by 5:00 p.m. on Tuesday, May 30, 1995.

Issued in Austin, Texas, on April 20, 1995.

TRD-9504917
Garry Mauro
Commissioner
General Land Office

Filed: April 24, 1995

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**Office of the Governor-Criminal
Justice Division**

**Request for Applications Under the
Bureau of Justice Assistance Violent
Offender Incarceration Grant Program-
Boot Camp Initiative**

Notice of Invitation for Applications. The Criminal Justice Division of the Governor's Office (CJD) is soliciting applications for grants to be awarded under the Bureau of Justice Assistance Violent Offender Incarceration Grant Program-Boot Camp Initiative. Congress has appropriated \$24.5 million for a discretionary grant program to fund construction-related costs of boot camps for nonviolent offenders. The purpose of the program is to free conventional prison, jail, and juvenile corrections space for the confinement of violent offenders. The Criminal Justice Division (CJD) is now accepting grant applications for eligible projects.

Eligible Applicants: Local units of government; i.e. city, county, town, township, village, or other general purpose subdivision of a State or Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, are eligible to receive subgrants through the State. Federal officials have indicated that preference will be given to grant applications that: involve multi-county projects; demonstrate innovative design; and are experimental.

Required Information: All applicants must be able to demonstrate that there is a need for additional secure

confinement space for violent offenders and that this need will be met through the federally funded construction for expansion of a boot camp facility for nonviolent offenders that frees additional secure confinement space; Federal funds will be used to supplement and not supplant other Federal, State and local funds; Federal funds will be used only for construction-related costs, including planning, development, pre-architectural design, construction administration, fixed furnishings and equipment, and project management (whether expansion or new construction) of the boot camp facility; staffing and operating costs for the boot camp program will be funded by other than Federal grant funds; eligibility criteria has been established for offenders participating in the boot camp program; the target population would, without entering this program, be institution-bound and/or spend additional time confined in a secure institution; and the boot camp(s) will include coordinated intensive aftercare services following the offender's release from the boot camp.

Permissible uses for funds/local match: Grants may be used for boot camp planning and development; pre-architectural programming, architectural design, and construction administration; construction-related costs; fixed furnishings and equipment; and construction management or project management costs. Staffing and operating costs do not qualify as matching funds.

Grant funds may not be used for: Site evaluation, acquisition, and offsite improvement; and corrections boot camp facility staffing, operations, and aftercare staffing operations.

Target population: Adults or juveniles may qualify as the target group. Applicants must provide information on offender selection criteria, including demonstrating that the target population has had no previous convictions for violent felonies. Applicants are encouraged to develop programs that exhibit the following characteristics: those admitted to the boot camp are sentenced offenders or parole violators with a very high probability of imprisonment or re-imprisonment; offenders in boot camps are confined for substantially less time than they would have been if they had served their regular prison terms; programs have maintained relatively low in-program and post-release failure rates; and relatively large-scale in relation to the correctional system's total offender population

It is desirable that boot camps be separate institutions, but they may be attached or adjacent to other facilities and share common support services such as food service, laundry, etc. The camp should promote a continuous, seamless service delivery network that uses the institutional portion of the boot camp experience as a platform for reinforcing and enhancing an offender's continuing behavioral change and skill acquisition in the community. The statute requires that the institutional phase of the boot camp program be followed by "aftercare services for participants that are coordinated with the program provided during the period of confinement." Juvenile boot camps should be designed to prevent at-risk juvenile offenders from becoming violent offenders. Key components suggested for inclusion are: education; community service; substance abuse counseling and treatment; health and mental health care; continuous, individualized case management; and intensive aftercare services.

Selection Criteria: Must describe target population; meet program requirements; show sufficient numbers of offenders that meet profile; how the proposed boot camp will impact on the prison/juvenile violent offender population

in secure facilities. The preliminary program plan should include: philosophy and goals, programs and services to be delivered during both institutional and aftercare phases; and administrative mechanisms that will oversee management of the program including the community aftercare and its continuity with the institutional phase. The preliminary facility plan should include a space plan supporting proposed boot camp program elements; the facility's proposed physical structures/components; approximate size; and specific offsite construction issues. Must describe capabilities and work experience of the persons responsible for participant selection, program planning, and facility construction and must demonstrate that the individuals have the authority, capability, and commitment to achieve the goals of the program. A complete preliminary budget containing estimated costs of planning, developing, and/or constructing/modifying/expanding the proposed boot camp facility. Include an evaluation plan as a part of the application that indicates a capacity to generate data required for a rigorous outcome evaluation and the amenability of State/local staff to engage in collaborative efforts with a national evaluation team.

All applications must comply with the program criteria and applicable rules of the BJA, and must be submitted in the form prescribed by the BJA. An overall 25% cash match of the total grant is required of all applicants. The award period is up to 12 months for planning and development grants; 18 months for renovation of existing facilities; and 24 months for new facility construction. Grant amounts will be awarded up to: \$50,000 for planning development grants, \$1 million for renovation of an existing boot camp facility; and \$2 million for the construction of a new facility.

Statutory Assurances: Must meet the following assurances—funds will be used to ensure space for violent offenders, must sign a certification that no supplanting of non-federal funds will take place should an award be made; and must provide a description of the eligibility criteria for boot camps as a part of the application.

Deadline: Applicants need to submit a signed original and three copies to the Criminal Justice Division by 5:00 p.m., Monday, May 15, 1995

Application Forms and Information. Application forms, and guidelines will be provided by the CJD upon request. Requests should be directed to the Criminal Justice Division, Office of the Governor, Attention: Glenn Brooks, P. O. Box 12428, Austin, Texas 78711, (512) 463-1919.

Issued in Austin, Texas, on April 20, 1995.

TRD-9504912 Alberto R. Gonzales
General Counsel
Office of the Governor

Filed: April 24, 1995

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Texas Department of Health
Managed Care External Quality Review
of the Medicaid Health Maintenance
Organizations

Generally. The consultant services described in this notice are required to meet a federal mandate for an external review of the quality of care in Health Maintenance Organizations (HMO) that contract with the Medicaid program as described in The Social Security Act 1902(a)(30)(c).

Payment for these services will be made from state and federal funds (75% federal and 25% state).

Description. The Texas Department of Health (department), Bureau of Managed Care, invites proposals from private health quality consultants to design, conduct and compile results of a research study of the quality of care in the contracting HMO in the Medicaid managed care pilots. The proposal will specify areas needing improvement in service delivery and assess the quality improvement processes within the HMO, the National Heritage Insurance Company (NHIC) STAR Health Plan and the Managed Care Bureau. Data will be collected from the HMO via claims summaries, process evaluation, staff interviews, and documentation provided by the State of Texas, the NHIC STAR Health Plan and the HMO. Follow up studies will be done to assess the incorporation of the corrective action recommended by the consultant. A review of the ongoing performance monitoring within the Health Services Division of the Managed Care Bureau will also be required. The quality of care will be assessed using focused pattern of care studies, individual case reviews, claims analysis, and an assessment of the quality improvement systems in the HMO, NHIC STAR Health Plan and the State. The research and report must support the managed care program in promoting continuous improvement of the quality of care in the HMO.

Selection Procedure. Interested contractors can obtain proposal submission instructions from the department at the address shown under "Contacts and Deadlines". Proposal evaluation criteria will include: Experience in health quality research in a capitated environment; expertise in prepaid health care delivery systems and their internal quality assurance systems; data collection, interpretation and analysis experience; experience with the "Health Care Quality Improvement System for Medicaid Managed Care"; experience with conducting follow up activities with managed care plans, effectiveness of past research studies; availability of qualified professionals who are experienced in the methodology of statistical analytical techniques; and a demonstrated ability to meet strict deadlines. Proposals will be scored by the department. Presentations will not be included in the selection process unless deemed necessary to break a tie.

Dates and amount of contract. The contract period will begin June 28, 1995 and end August 31, 1996. The total amount of this contract may not exceed \$100,000.

Contact and deadlines. A request for proposal packet with proposal submission instructions may be obtained by contacting: Mary Noell, R.N., the Bureau of Managed Care, 1100 West 49th Street, Austin, Texas 78756-3168, (512) 338-6585. Proposals must be received by TDH, Bureau of Managed Care, no later than 4:00 p.m. Wednesday May 28, 1995. For further information, please call (512) 338-6585.

Issued in Austin, Texas, on April 24, 1995.

TRD-9504918 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: April 24, 1995

Texas Department of Human Services Public Notice

The Texas Department of Human Services (TDHS) is planning to submit a Medicaid state plan amendment to incorporate revisions to the reimbursement methodology for Primary Home Care Services. This amendment will establish the determination of unit reimbursements for nonpriority and Priority 1 services on cost-report data rather than on modeled analysis. The increase in annual aggregate expenditures is estimated to be: for May through August 1995 \$1,319,948; and for state fiscal year 1996, \$2,656,026. Contact a local TDHS field office or Kathy Hall, MC W-425, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3702, for a copy of the draft amendment. Written comments can also be submitted to this address.

Issued in Austin, Texas, on April 24, 1995.

TRD-9504864 Nancy Murphy
Section Manager, Media and Policy
Services
Texas Department of Human Services

Filed: April 20, 1995

Texas Natural Resource Conservation Commission

Enforcement Orders

An agreed enforcement order was entered regarding AAA INDUSTRIAL CHROMIUM COMPANY, Docket Number 95-0205-IHW-E (SWR Number 65442) on April 17, 1995, assessing \$10,000 in administrative penalties with \$3,000 deferred.

Information concerning any aspect of this order may be obtained by contacting Lila Beckley, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2130.

An agreed enforcement order was entered regarding JACK KEMPENAAR doing business as STILL MEADOW DAIRY, Docket Number 95-0263-AGR-E (Permit Number 03188) on April 17, 1995, assessing \$4,200 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Raymond Winter, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0477.

An amended agreed enforcement order was entered regarding the CITY OF LLANO, Docket Number 95-0501-MSW-E (Permit Number 10209-01) on April 17, 1995. The City was assessed stipulated administrative penalties in the amount of \$4,000. The City shall also pay \$1,000 in administrative penalties with an additional \$1,000 deferred.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0477.

An agreed enforcement order was entered regarding RED RIVER ARMY DEPOT, Docket Number 95-0105-IHW-E (SWR Number 67004, Permit HW-50178-000, MSW Permits 1313 and 1315) on April 17, 1995, assessing \$152,380 in administrative penalties with the entire amount deferred.

Information concerning any aspect of this order may be obtained by contacting Sally Jo Hahn or Guy Henry, Staff Attorneys, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0600.

An enforcement order was entered regarding B. J. SCHINDLER, Docket Number 95-0314-MSW-E (MSW Unauthorized Site Number 33432) on April 17, 1995, assessing \$55,200 in administrative penalties with \$28,200 deferred.

Information concerning any aspect of this order may be obtained by contacting Patricia Robards, Hearings Examiner, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

An agreed enforcement order was entered regarding FRANCES WILLIAMS AND INEZ SPARKS, Docket Number 95-0506-MSW-E (MSW Permit Number 775) on April 17, 1995, assessing \$2,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Tim Haase, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-6007.

Issued in Austin, Texas, on April 21, 1995.

TRD-9504871 Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: April 21, 1995

Notices of Application for Permits to Appropriate Public Waters of the State of Texas

The following notices of application for permits to appropriate Public Waters of the State of Texas were issued during the period of April 7-13, 1995.

SOUTHLAKE JOINT VENTURE; Application Number 5525 for a permit pursuant to Texas Water Code, §11.121, and TNRC Rules 30 TAC §§295.1, et seq for authorization to reconstruct and maintain an existing, on-channel 17.7 acre-foot capacity reservoir on an unnamed tributary of Big Bear Creek, tributary of West Fork Trinity River, tributary of Trinity River, Trinity River Basin. The reservoir, which will be used for recreational purposes, is located in Tarrant County, approximately 16 miles northeast of Fort Worth, Texas.

TEXAS UTILITIES MINING COMPANY, Application Number 5526 for a permit pursuant to Texas Water Code, §11.121, and TNRC Rules 30 TAC §§295.1, et seq to construct and maintain a dam creating a reservoir (Pond AII-31) on an unnamed tributary of Martin Lake, tributary of the Sabine River, Sabine River Basin. The dam and reservoir will be used for sediment control purposes at applicant's Martin Lake Lignite Mine located approximately 14 miles northwest of Carthage, Texas, in Panola County. No diversions or withdrawals of the impounded surface waters are requested.

These applications are subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue the permits unless one or more persons file written protests and/or requests for hearing within 30 days of the date of newspaper publication of notice concerning the application(s).

If you wish to request a public hearing, you must submit your request in writing. You must state your name, mailing address, and daytime phone number, the application number or other recognizable reference to the application, the statement "I/we request an evidentiary public hearing"; a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application, and a description of the location of your property relative to the applicant's operations.

If one or more protests and/or requests for hearing are filed on an application, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where an evidentiary hearing may be held. If no protests or requests for hearing are filed, the Executive Director will approve the application 30 days after newspaper publication of the notice of application, or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Office of the Chief Clerk, Mail Code 105, no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing or questions concerning procedures should be submitted in writing to the Chief Clerk's Office, Park 35 TNRC Complex, Building F, Room 4301, Texas Natural Resource Conservation Commission, or by mail to the following address: Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-3300.

Issued in Austin, Texas, on April 21, 1995

TRD-9504872
Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed April 21, 1995

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**Notice of Applications for Waste
Disposal Permits**

Notices of Applications for waste disposal permits issued during the period of April 17-21, 1995.

These applications are subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue these permits unless one or more

persons file written protests and/or a request for a hearing within 30 days after newspaper publication of this notice.

If you wish to request a public hearing, you must submit your request in writing. You must state your name, mailing address, and daytime phone number; the permit number or other recognizable reference to this application; the statement "I/we request a public hearing;" a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; a description of the location of your property relative to the applicant's operations, and your proposed adjustment to the application/permit which would satisfy your concerns and cause you to withdraw your request for hearing. If one or more protests and/or requests for hearing are filed, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where a hearing may be held. In the event a hearing is held, the Office of Hearings Examiners will submit a recommendation to the Commission for final decision. If no protests or requests for hearing are filed, the Executive Director will sign the permit 30 days after newspaper publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Information concerning any aspect of these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, Chief Clerks Office-MC105, P.O. Box 13087, Austin, Texas 78711, Telephone (512) 239-3300.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number and type of application-new permit, amendment, or renewal.

ASHLAND, INC., a bulk chemical distribution facility which includes railcar unloading, truck loading and unloading operations, container filling and warehousing; the plant site is at 7010 Mykawa Road in the City of Houston, Harris County, Texas; renewal, 03080.

BEAUMONT FARMS, INC.; the Treasure Cove Wastewater Treatment Facilities, the facilities are approximately 2,200 feet southwest of the intersection of Smith Road and Kidd Road in Jefferson County, Texas; renewal, 13017-01.

BERRY CREEK PARTNERS, doing business as Berry Creek Utilities; the wastewater treatment facilities are approximately 2,000 feet north-northeast of Williamson County Road 190 crossing Berry Creek, approximately 4,250 feet northwest of the intersection of Interstate Highway 35 and State Highway 195 in Williamson County, Texas; renewal, 12831-01.

CITY OF BIG WELLS; the wastewater treatment facilities are approximately 2,200 feet south of U.S. Highway 85 and 2,000 feet west of FM Road 1867, in Dimmit County, Texas, new, 13782-01.

CITY OF CADDO MILLS; the wastewater treatment facilities are approximately 0.7 mile south of the intersection of State Highway 60 and FM Road 36 in Hunt County, Texas; renewal, 10425-01.

CALHOUN COUNTY NAVIGATION DISTRICT; the Calhoun County Navigation District Wastewater Treatment Facilities; the wastewater treatment facilities are approximately 2.3 miles south of the intersection of State

Highway 35 and FM Road 1593 at the Calhoun County Navigation District, Point Comfort Dock in Calhoun County, Texas; renewal; 13524-01.

CASTONE INTERNATIONAL, LTD., A TENNESSEE LIMITED PARTNERSHIP; the wastewater treatment facilities are on the south side of FM Road 1093, at a point approximately 5.5 miles west of State Highway 6 in Fort Bend County, Texas; renewal; 12827-01.

CITY OF CUERO, the City of Cuero Wastewater Treatment Facilities, the facilities are at the south end of Stockdale Road, approximately 1.5 miles south of the intersection of Stockdale Road and Morgan Street in DeWitt County, Texas; renewal; 10403-002

DAN MARTIN DAIRIES, INC.; the dairy is located on the west side of County Road 1109 and west of the intersection of County Road 1109 and County Road 1107 south of the Town of Brashear in Hopkins County, Texas; new, 03788

GREATER WHITEHOUSE UTILITY CO., INC.; the Quail Run Wastewater Treatment Facilities; the facilities are at 100 Quail Lane, at the intersection of Quail Lane and Bobwhite Lane, approximately 1 3/8 miles southwest of the intersection of State Highway 110 and FM Road 346 in Smith County, Texas; renewal; 12910-01

HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER 21; the wastewater treatment plant is at the southeast corner of the intersection of Interstate Highway 10 and Cedar Lane in the City of Channelview in Harris County, Texas; amendment; 10105-01.

HINDERS DAIRY, INC.; the dairy is on the east side of Interstate Highway 27 and approximately two miles south of the intersection of FM Road 1541 and Highway 27 in Randall County, Texas; new; 03797.

CITY OF MAGNOLIA; the City of Magnolia Wastewater Treatment Facilities are on the northeast corner of the intersection of Arnold Branch and Nichols Sawmill Road, approximately 1.5 miles south of the intersection of FM Roads 1774 and 1488 in Montgomery County, Texas; amendment, 11871-01

MONTAGUE COUNTY, the Montague County Wastewater Treatment Plant Number One; the plant is approximately one block south and three blocks east of the intersection of State Highway 59 and State Highway 175 in the City of Montague in Montague County, Texas; renewal; 13513-01

ORANGE COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER 1; the Cloverleaf Wastewater Treatment Facilities, the wastewater treatment facilities are approximately 3/4 mile southwest of the intersection of State Highway 105 and the Southern Pacific Railroad and 1/4 mile east of the intersection of Willow Drive and Dogwood Drive in Orange County, Texas; renewal; 10875-05

CITY OF RENO; the wastewater treatment facilities are approximately 1 1/3 miles southwest of the intersection of FM Road 195 and Northwest Seventh Street in Lamar County, Texas; renewal; 12162-01

RUSSELL CARPENTER; the dairy is one mile south of the intersection of FM Road 219 and an unnamed county road and one mile east of the intersection of County Road 2303 and FM Road 219 in Erath County, Texas; renewal; 03185.

SMITH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER 1, the wastewater treatment plant is 500 feet southeast of State Highway 155 and 0.4 mile south of the intersection of State Highway 155 and FM Road 3311 in Smith County, Texas; renewal; 10285-01.

SOUTH CENTRAL CALHOUN COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER 1; the wastewater treatment facility will serve South Central Calhoun County WCID Number 1; the plant site is 0.8 mile northeast of the intersection of State Highway 316 and FM Road 2760, then one block south of FM Road 2760 on the south corner of the intersection of Blackburn Avenue and Wedig Street in Calhoun County, Texas; new; 13774-01.

SOUTHWEST SHIPYARD, INC.; the facility which cleans, repairs and steams barges is at 18310 Market Street Road, Harris County, Texas; renewal; 02605.

STEWART AND STEVENSON SERVICES, INC., the Stewart and Stevenson Wastewater Treatment Facilities; the facilities are at 16415 Jacintoport Boulevard in Harris County, Texas; renewal; 13365-01

TEXAS DEPARTMENT OF CRIMINAL JUSTICE; from dog kennels, a swine complex, a farrowing unit, and a swine breeding barn (Hogs and Animal Specialties-Kennel operation), is within the Texas Department of Criminal Justice Beto Units I and II approximately six miles south of the intersection of FM Roads 321 and 645 in Anderson County, Texas; renewal; 02412.

TEXAS PARKS AND WILDLIFE DEPARTMENT; from the Abilene State Park Wastewater Treatment Facilities; the wastewater treatment facilities are approximately 0.4 mile east of FM Road 89 on Park Road 32 and approximately one mile southwest of the intersection of FM Road 89 and FM Road 613 in Taylor County, Texas; renewal; 11234-01.

TEXAS PARKS AND WILDLIFE DEPARTMENT; the Perry R. Bass Marine Fisheries Research Station Wastewater Treatment Facilities; the wastewater treatment facilities are immediately west of FM Road 3280 approximately five miles south of the intersection of State Highway 35 and FM Road 3280, and approximately 18 miles east of downtown Port Lavaca in Calhoun County, Texas; renewal; 11587-01.

Issued in Austin, Texas, on April 21, 1995

TRD-9504874
Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: April 21, 1995

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**Notice of Opportunity to Comment on
Permitting Actions-For the Week
Ending April 21, 1995**

The following applications are subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue the permits unless one or more persons file written protests and/or requests for hearing within ten days of the date notice

concerning the application(s) is published in the *Texas Register*.

If you wish to request a public hearing, you must submit your request in writing. You must state your name, mailing address, and daytime phone number; the permit number or other recognizable reference to this application; the statement "I/we request a public hearing"; a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; a description of the location of your property relative to the applicant's operations; and your proposed adjustment to the application/permit which would satisfy your concerns and cause you to withdraw your request for hearing. If one or more protests and/or requests for hearing are filed, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where a hearing may be held. If no protests or requests for hearing are filed, the Executive Director will sign the permit ten days after publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing on this application should be submitted in writing to the Chief Clerk's Office (Mail Code 105), Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 239-3300.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number and type of application-new permit, amendment, or renewal.

Approval of Edward J. Slampa doing business as Crestwood Water Company to transfer Water CCN Number 11425 from Harry E. Fletcher doing business as Crestwood Water Company and amend CCN Number 11425 in Marion County, Texas (Application Number 30650-S, Darrell Nichols)

Approval of Military Highway Water Supply Corporation to Amend Sewer Certificate of Convenience and Necessity Number 20571 in Hidalgo County, Texas (Application Number 30723-C, Darrell Nichols).

Application to extend the expiration date of temporary water use Permit Number TA-6610 by NORMOND AND JO ANN F. LINDER as Co-Trustees of the LINDER TRUST, AND ERIC AND BARBARA LINDER pursuant TO 30 TAC §297.13. Applicant seeks an extension of the expiration date on Temporary Permit Number TA-6610 from May 1, 1995 to May 1, 1996, extending the temporary to its third and final year. Temporary Permit TP-6610 authorizes the diversion and use of 392 acre-feet of water within a two-year period from the Concho River, tributary of the Colorado River, Colorado River Basin, for irrigation purposes in Tom Green County at the three authorized diversion points of Certificate of Adjudication Number 14-1330 near San Angelo, Texas

Issued in Austin, Texas, on April 21, 1995.

TRD-9504873
Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: April 21, 1995

Provisionally-Issued Temporary Permits to Appropriate State Water

Listed are permits issued during the period of April 12-20, 1995.

Application Number TA-7434 by HUNTER INDUSTRIES, INC., for use of two acre-feet of water in a one-year period for industrial use. Water may be diverted near the stream crossing of U.S. 77, approximately 18 miles south of Hallettsville, Lavaca County, Texas, Lavaca River Basin.

Application Number TA-7441 by HUNTER INDUSTRIES, INC., for use of two acre-feet of water in a one-year period for industrial use. Water may be diverted near the stream crossing of U.S. 77, approximately 20.5 miles south of Hallettsville, Lavaca County, Texas, Lavaca River Basin.

Provisionally-Issued Temporary permits to appropriate state water are issued for a period of not more than one year and authorize the use of not more than ten acre-feet of water. The Executive Director of the TNRCC has reviewed each application for the permits listed and determined that sufficient water is available at the proposed point of diversion to satisfy the requirements of the application as well as all existing water rights. Any person or persons who own water rights or who are lawful users of water on a stream affected by the temporary permits listed above and who believe that the diversion of water under the temporary permit will impair their rights may file a complaint with the TNRCC. The complaint can be filed at any point after the application has been filed with the TNRCC and the time the permit expires. The Executive Director shall make an immediate investigation to determine whether there is a reasonable basis for such a complaint. If a preliminary investigation determines that diversion under the temporary permit will cause injury to the complainant the commission shall notify the holder that the permit shall be cancelled without notice and hearing. No further diversions may be made pending a full hearing as provided in 30 TAC §295.174. Complaints should be addressed to Water Rights Permitting Section, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 239-4433. Information concerning these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 239-3300.

Issued in Austin, Texas, on April 21, 1995.

TRD-9504870
Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: April 21, 1995

Request for Proposals

The Texas Natural Resource Conservation Commission (TNRCC) and the Texas State Soil and Water Conservation Board (TSSWCB) announce that they wish to solicit proposals for federal fiscal year 1996 Nonpoint Source Program (NPS) implementation grants under the Federal Clean Water Act, §319(h).

Objective. The objective of the request is to promote the preparation and implementation of high-quality, goal-oriented work plans for NPS watershed and demonstration

projects to improve and protect water quality in targeted priority areas. Section 319(h) grants are awarded preferentially to innovative implementation projects that are determined to be most likely to result in documented water quality improvements. Therefore, projects that have already gone through a planning and development phase and are ready for implementation are likely to be most successful in receiving funding. The proposals regarding urban and non-agricultural/non-silvicultural nonpoint source pollution will be handled by TNRCC. Proposals regarding agricultural and silvicultural nonpoint source pollution will be handled by TSSWCB.

Budget and Schedule The TNRCC and TSSWCB anticipate receiving federal grant funds of approximately \$4.8 million total that will be available for FY 1996 projects. The statute requires a 40% local match with non-federal funds or in-kind services. The TNRCC and TSSWCB may require applicants to match the entire grant they receive, including the administrative overhead as well as the pass-through portion of the grant. The maximum budget allowable will be consistent with the specific scope of work as determined, by the TNRCC and TSSWCB. Only projects which address waters identified in the State's Nonpoint Source Assessment Report and that are consistent with the State's Nonpoint Source Management Program are eligible for funding. Information pertaining to the State's Assessment Report and Management Program will be made available in the Request for Proposals (RFP) materials.

The grant schedule provides for an optional project pre-proposal which can be submitted to the TNRCC and TSSWCB prior to May 26, 1995. Complete project work plan proposals must be submitted to the TNRCC and TSSWCB by June 15, 1995. A project pre-proposal is an optional abbreviated project description that will be screened for potential funding eligibility. Information regarding pre-proposals will be provided in the RFP materials. Complete project work plan formats and submittal procedures will be provided in the RFP materials and explained at a workplan preparation workshop scheduled for May 17, 1995 in Austin for urban, non-agricultural/non-silvicultural projects and for May 12, 1995 in Temple for agricultural and silvicultural projects. Submittals will be reviewed and ranked by a review committee and forwarded to the U.S. EPA. The grant funds are to be awarded in February, 1996.

Submittal Information A copy of the complete Request for Proposal (RFP) materials may be obtained in three ways, by sending a regular or certified letter requesting a copy of the RFP materials to: Denise Cullen (MC 150), Nonpoint Source Program Team, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087 or Bo Spoons, Statewide Management Program, Texas State Soil and Water Conservation Board, P.O. Box 658, Temple, Texas 76503-0658. Upon receipt, the TNRCC and TSSWCB will transmit the RFP materials to the potential applicant by certified mail; by sending an overnight or expedited delivery letter requesting a copy of the RFP materials to the previous address with a prepaid self-addressed overnight or expedited delivery return envelope to accommodate approximately two pounds of 8-1/2" by 11" material; or in person with a signed letter receipt at the Texas Natural Resource Conservation Commission, 12100 Park 35 Circle, Building F, Room 3101/C366, Austin, or Texas State Soil and Water Conservation Board, 311 North Fifth, Temple, Texas.

Ms. Cullen is the designated person to whom proposals which pertain to urban non-agricultural/non-silvicultural

nonpoint source pollution should be submitted. Additional information may be obtained by calling Ms. Cullen at (512) 239-4491. Information concerning agricultural and silvicultural nonpoint source pollution may be obtained by calling Bo Spoons, TSSWCB at (817) 773-2250. Six copies of the complete project work plan proposal must be received at the addresses listed in the previous items before 5:00 p.m. on the closing date, which is June 15, 1995, to be considered. Upon submittal, the proposals become the property of the State of Texas. The contents of the proposals shall be considered as part of the public record unless otherwise identified by the applicant. The submittal of confidential or proprietary information should be made under separate cover on or before the due date. Confidential submittals should be limited and must include an explanation of the basis for confidentiality. TNRCC reserves the right to reject or return confidential information. All contracting procedures shall be conducted in accordance with all applicable state laws.

Issued in Austin, Texas, on April 24, 1995.

TRD-9504924

Lydia Gonzalez-Gromatzky
Acting Director, Legal Division
Texas Natural Resource Conservation
Commission

Filed: April 24, 1995

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Public Utility Commission of Texas

Notice of Applications to Amend Certificate of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on April 7, 1995, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act of 1995, §§1.101, 3.051(b), 3.251, 3.253, and 3.254, Senate Bill 319, 74th Legislature Regular Session 1995. A summary of the application follows.

Docket Title and Number: Application of United Telephone Company of Texas, Inc. to Amend Certificate of Convenience and Necessity within Henderson County, Docket Number 14077 before the Public Utility Commission of Texas.

The Application: In Docket Number 14077, United Telephone Company of Texas, Inc. seeks approval to amend the exchange area boundary between its Murchison and Athens exchanges in order to reflect the manner in which telecommunications service is presently being administered.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas, 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf on or before May 23, 1995.

Issued in Austin, Texas, on April 19, 1995.

TRD-9504794

John M. Rentrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: April 19, 1995

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on April 7, 1995, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act of 1995, §§1.101, 3.051(b), 3.251, 3.253, and 3.254, Senate Bill 319, 74th Legislature Regular Session 1995. A summary of the application follows.

Docket Title and Number: Application of Big Bend Telephone Company to Amend Certificate of Convenience and Necessity within Brewster County, Docket Number 14078 before the Public Utility Commission of Texas.

The Application: In Docket Number 14078, Big Bend Telephone Company seeks approval to amend the exchange area boundary between its Heath Canyon exchange and Southwestern Bell Telephone Company's Marathon exchange in order to provide telecommunications service to a single residential customer at his request.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas, 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf on or before May 10, 1995.

Issued in Austin, Texas, on April 19, 1995.

TRD-9504793 John M. Rentrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: April 19, 1995

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

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule

23.27 for approval of customer-specific PLEXAR-Custom Service for Prairie View A&M University, Prairie View, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for PLEXAR-Custom Service for Prairie View A&M University pursuant to Public Utility Commission Substantive Rule 23.27. Docket Number 14108.

The Application. Southwestern Bell Telephone Company is requesting approval of a new PLEXAR-Custom service for Prairie View A&M University. The geographic service market for this specific service is the Prairie View, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on April 19, 1995.

TRD-9504795 John M. Rentrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: April 19, 1995

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**State Securities Board
Correction of Error**

The State Securities Board adopted new §139.16, concerning an exemption from securities registration for sales to individual accredited investors. The rule appeared in the April 7, 1995, issue of the *Texas Register* (20 TexReg 2622).

Due to editing the following error was published:

Section 139.16(e)(1)(D)-Beginning on line four, the phrase "of this title (relating to Rules and Regulations of the State Securities Board)" must be replaced with "of the Rules and Regulations of the State Securities Board".

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