

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Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.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

Texas Administrative Code

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

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

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

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

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

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

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

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

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE
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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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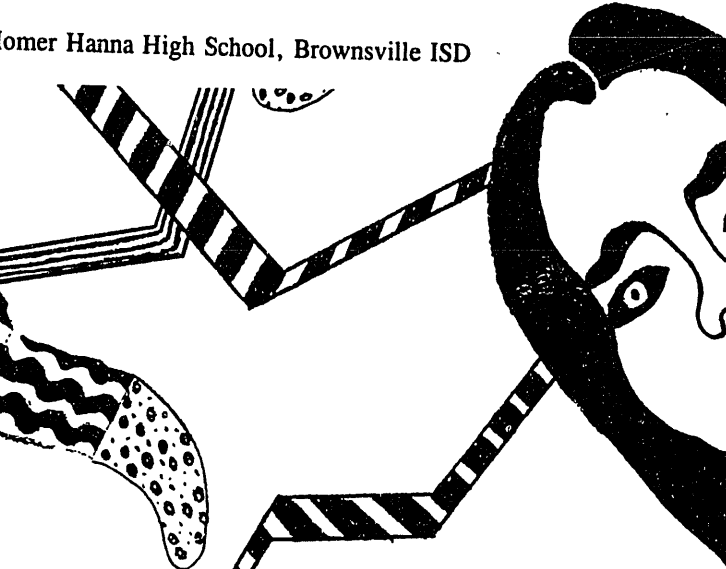
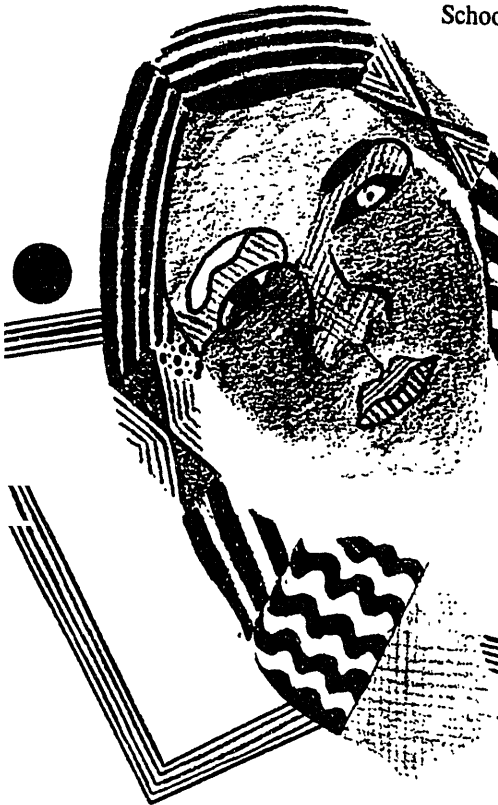
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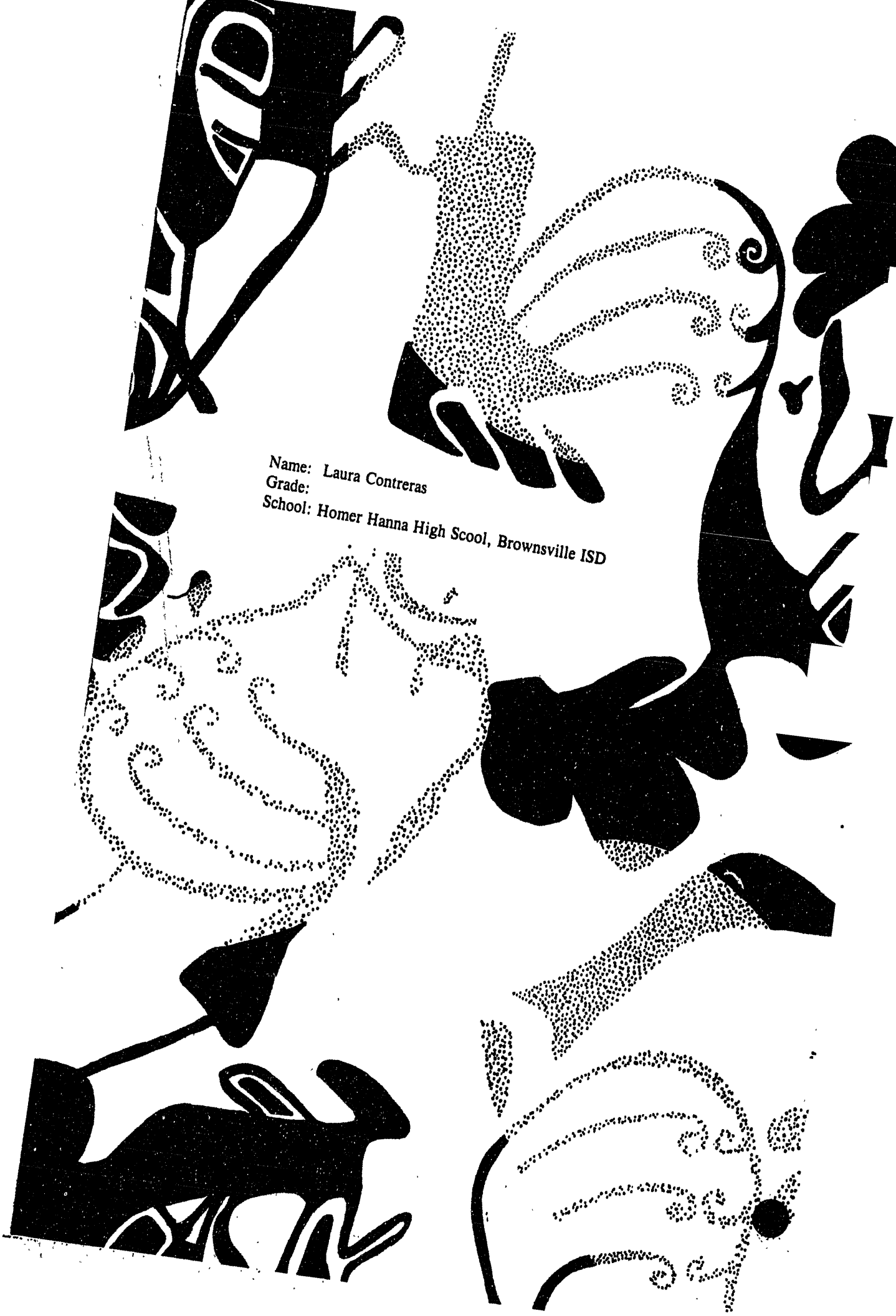
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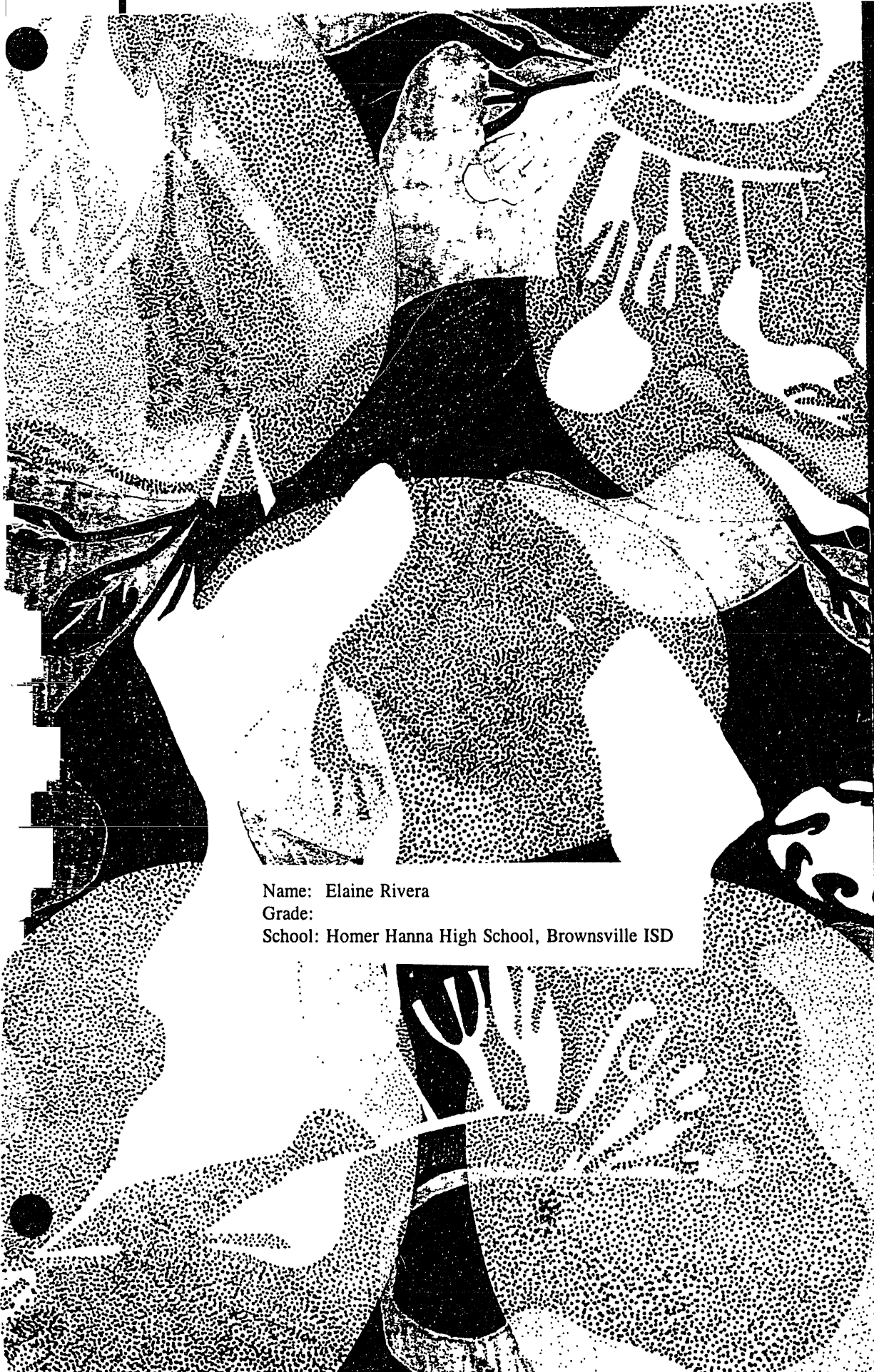


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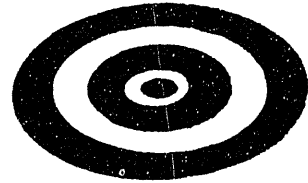
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PROPOSED RULES

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 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 35. Pharmacy Services

On behalf of the State Medicaid Director, the Texas Department of Health (department) submits a proposed repeal of existing §35.901 and a new §35.901, concerning the reimbursement methodology for the pharmacy dispensing fee.

The new section defines an alternative methodology for determining reimbursement, which is based on analysis of market-related conditions, to contracted vendors. The determination of pharmacy costs will continue to be made by the department, but determinations will be done on a less frequent basis. Additionally, the analysis will employ a reduced sample size, and be only one component examined before annual recommendations to the Texas Board of Health. The reduction in the sampling requirement will provide relief to contracted vendors who currently maintain substantial, complex record keeping of their costs. The proposed new section allows the department to base its reimbursement methodology for determining dispensing fees on a broader range of factors. While pharmacy costs continue to be examined, the department will also have the authority to obtain information about other third-party arrangements.

Gary Bego, health care financing budget director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local governments as a result of enforcing or administering the repeal and new section. The new section changes only the methodology for determining the dispensing fee, and does not change the rates of reimbursement. The effect on those rates of reimbursement is unknown at this time.

Mr. Bego 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 repeal and new section will be a more efficient, concise, and clear statement of provider participation requirements associated with the Vendor Drug program. There will be no effect on small businesses. There are no anticipated economic costs to

persons who are required to comply with the rule as proposed. There is no anticipated effect on local employment.

Comments on the proposal may be sent to Jeffrey Phelps, Program Specialist, Statistics and Analysis Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78758, (512) 794-6856. Comments will be accepted for 30 days following publication of this proposal in the *Texas Register*.

Subchapter I. Support Documents

• 25 TAC §35.901

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

The repeal is proposed under the Human Resources Code, §32.021 and Texas Civil Statutes, Article 4413 (502), §16, which provides the Health and Human Services Commission with the authority to adopt rules to administer the state's medical assistance program and is submitted by the Texas Department of Health under its agreement with the Health and Human Services Commission to operate the purchased health services program and as authorized under Chapter 15, §1.07, Acts of the 72nd Legislature, First Called Session (1991).

The repeal affects Chapter 32 of the Human Resources Code.

§35.901. Reimbursement Methodology for the Pharmacy Dispensing Fee.

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 June 7, 1995.

TRD-9508908

Susan K. Steag
General Counsel
Texas Department of
Health

Earliest possible date of adoption: July 17, 1995

For further information, please call: (512) 458-7238

The new section is proposed under the Human Resources Code, §32.021 and Texas Civil Statutes, Article 4413 (502), §16, which provides the Health and Human Services Commission with the authority to adopt rules to administer the state's medical assistance program and is submitted by the Texas Department of Health under its agreement with the Health and Human Services Commission to operate the purchased health services program and as authorized under Chapter 15, §1.07, Acts of the 72nd Legislature, First Called Session (1991).

The new section affects Chapter 32 of the Human Resources Code.

§35.901. Reimbursement Methodology for the Pharmacy Dispensing Fee(s).

(a) Purpose. This section describes the reimbursement methodology to be used for reimbursing contracted Medicaid pharmacy providers for prescription dispensing services provided to Medicaid clients.

(b) Definition. For the purposes of this section, the term "pharmacy" is defined as the entire store, including prescription and other departments. However, if a pharmacy is part of a large supermarket or department store, the pharmacy is defined as that portion of the store that includes the following departments:

- (1) prescription;
- (2) over-the-counter drug; and
- (3) durable medical equipment.

(c) Dispensing fee(s). The department shall reimburse contracted Medicaid pharmacy providers on a market-related basis for prescription dispensing services provided to Medicaid clients.

(1) The department shall take into consideration current market conditions, practices, and levels of reimbursement.

(2) The department shall recommend the dispensing fee(s) to be paid to contracted vendors after analyzing market-based survey information, client access to Medicaid pharmacy services, payments made by other third-party payors and under

other comparable purchasing arrangements, and statewide financial and demographic information about the cost of dispensing prescriptions.

(3) The Texas Board of Health (board) shall then determine the dispensing fee(s) based upon the factors set forth in paragraph (2) of this subsection and the availability of funds.

(4) The department shall prospectively recommend and the board shall prospectively determine the dispensing fee(s).

(5) The board shall determine the dispensing fee(s) at least every five years and no more often than annually. The dispensing fee determination period shall be from April 1-March 31. The board shall determine the interim dispensing fee(s) for the period of September 1, 1995, to March 31, 1996.

(d) Method for calculating total payment made for each prescription. The department shall calculate the total payment to the provider for each transaction by adding the dispensing fee(s) determined by the board to the estimated acquisition cost (EAC) of the drug product as defined by the department.

(e) Methodology for determining market-based dispensing fee(s).

(1) Market survey process. The department shall survey a representative sample of providers to determine payments made by comparable third-party payors and other comparable purchasing arrangements. The department shall consider, but not be limited to, the following factors in choosing the sample:

(A) geographic distribution of pharmacy services; and

(B) volume of business a contracted vendor does with the Medicaid vendor drug program.

(2) Cost-finding process. Using the cost-finding process, the department shall gather, in the form of cost reports, financial and demographic information from pharmacy providers in a consistent manner.

(A) Adjustment and allocation of costs. The department shall adjust and allocate cost data to yield a reasonable dispensing fee(s) paid to each provider. These costs are projected from the various provider reporting periods to a future dispensing fee period.

(B) Updates. Use of cost reports to update the cost-finding process shall occur at least every five years. During

the interim period, the board may adjust the dispensing fee for inflation annually using the Implicit Price Deflator-Personal Consumption Expenditures (IPD-PCE) as a general measure of inflation. The IPD-PCE is a nationally recognized measure of inflation published by the Bureau of Economic Analysis of the United States Department of Commerce. To adjust the dispensing fee for inflation during the interim period, the department shall use the lowest feasible IPD-PCE forecast consistent with the forecasts of nationally recognized sources available to the department at the time that updates are prepared. Inflation adjustments to the cost-finding process shall be made using item-specific or program-specific inflation indices for cost report line items such as payroll taxes, professional and non-professional wage indices, Federal Insurance Contributions Act (FICA), Social Security payroll taxes, Workers Compensation Insurance (WCI), Federal and State Unemployment tax (FUTA/SUTA), and other appropriate elements of the cost report. Absent appropriate item-specific inflators, the department shall employ the IPD-PCE to adjust costs for inflation.

(i) When owner pharmacist draw is not reported for sole owner or partnership pharmacy operations, the department shall impute a value for the owners who are pharmacists and work in the prescription department as their primary function. The imputed value is determined as the 75th percentile value from the array of pharmacy/prescription department manager reported salaries or the 75th percentile of the reported employee pharmacist salary array, whichever is higher. The imputed value used for a specific cost report in the cost-finding process is the lower of the selected 75th percentile or reported net profit before taxes. All reported salaries representing a single individual are capped at the 75th percentile imputed value for purposes of dispensing cost determination.

(ii) Allowable reported pharmacy costs as discussed in this section are allocated to the prescription department. Salary allocations to the prescription department for calculation of the dispensing cost will be made as follows.

(I) Owner-pharmacist salaries will be allocated based on the percentage of prescription sales to total sales. The amount of time spent in the prescription department will also be considered when other pharmacists are employed.

(II) Employee pharmacist salaries will be allocated based on the percentage of time spent working in the prescription department.

(III) Non-pharmacist employees' wages will be allocated based upon the percentage of prescription sales to total pharmacy sales.

(iii) Providers offering and providing no-charge prescription delivery service to Medicaid recipients requesting the service may receive an incentive for each delivery. This amount of incentive shall be determined by the Board and is awarded subject to the availability of funds. Department staff shall periodically conduct on-site audit verification. Providers must notify the department within 30 days of the date that no-charge delivery is being deleted. All overpayments to providers shall be recouped.

(iv) The department shall determine the projected statewide uniform dispensing cost at the median point in the array of adjusted, projected allowable dispensing cost incurred by the pharmacies. The statewide dispensing cost is the sum of the median expense for each cost center.

(C) Cost reports. The department shall prescribe the format and content of the cost report. Providers must base the cost report on the accrual method of accounting except for governmental entities that operate on a cash basis.

(i) Providers required to file cost reports. The department shall select a representative sample of providers to provide appropriate financial and statistical information. The department shall mail the cost reporting form to those providers selected for completing the documentation.

(ii) Notice to provider to file a cost report. Providers required or selected to file a cost report generally are notified to file at least three months before the cost report due date. Notice is considered made the date of delivery to the United States Postal Service.

(iii) Extension of due date. The department may grant extensions of due dates for good cause. A good cause is one which the provider could not reasonably be expected to control. Providers must submit written requests for extensions to the department before the cost report due date.

(iv) Failure to file an acceptable cost report. If a provider fails to file a cost report or files an unacceptable report and refuses to supply the department with the required information, the provider may be subject to the penalties specified in §35.110 of this title (relating to Reason for Placing a Pharmacy on Vendor Hold) until the deficiencies are corrected.

(v) Cost report certification. Providers must sign and have notarized a cost report certification page

provided with the cost report. This page certifies that the individual legally responsible for the conduct of the contracted pharmacy has submitted accurate data in the format prescribed by the department.

(vi) Notification by provider. The provider must notify the department immediately when it changes its fiscal year.

(vii) Miscellaneous information requirements. The provider must furnish other operational information that the department determines is relevant to the cost-finding process.

(D) Allowable and unallowable costs. The department shall make determinations regarding allowable and unallowable costs. Generally, reasonable expenses incurred in the legal and normal conduct of business affairs are considered to be allowable costs. Providers must eliminate unallowable expenses from the cost report. The department shall exclude from the dispensing cost base any unallowable expenses included in the cost report and shall make adjustments to expenses reported by providers to ensure that the dispensing cost base reflects costs that are reasonable and necessary for prescription dispensing, represents economic and efficient use of resources, and is consistent with federal and state regulations. Cost reporting by department Medicaid-contracted providers should be consistent with generally accepted accounting principles (GAAP). In cases where department cost reporting rules conflict with GAAP, IRS, or other authorities, department rules take precedence for Medicaid provider cost reporting purposes. In this section, it is assumed that each transaction occurs at arm's length in a free and open market between a willing buyer and a willing seller with each seeking to maximize income. Exceptions are described in clause (iii)(XXI) of this subparagraph. When incurred costs involve more than pharmacy operations, allocation methods used by the provider in reporting costs for the pharmacy operations in the cost report must be reasonable. Expenses based on methods the department considers unreasonable shall be adjusted.

(i) The department may exclude from the dispensing cost base whole cost reports for the following reasons:

(I) the cost report is the basis for a fraud referral to the Office of the Attorney General; and

(II) audit staff of the department's Internal Audit Division recommend exclusion.

(ii) The department shall exclude unallowable transportation-related costs from the dispensing cost base to calculate the dispensing expense.

(iii) The following list is not intended to include all possible unallowable costs. It is intended, however, to be a general guide to unallowable costs that may not be considered in the cost-finding process and that may be adjusted by the department in the cost-finding process:

(I) compensation in the form of salaries, benefits, or any form of perquisite provided to owners, partners, officers, directors, stockholders, employees, or others, any of whom do not provide pharmacy-related services. For owner pharmacists who work in the pharmacy, benefits that are not offered to other employees are subject to a reasonableness test on an individual basis. These benefits may include life and health insurance premiums;

(II) personal expenses not directly related to the provision of services or the dispensing of prescriptions;

(III) forms of compensation that are not clearly enumerated to the dollar amount. Bonuses based on profit that are paid to owners, partners, officers, directors, and stockholders are unallowable unless it can be documented that this form of bonus is available to other employees. A bonus is considered an allowable expense in instances where a pharmacy or prescription department manager is an employee of the pharmacy and receives a bonus as a part of his compensation;

(IV) management fees paid to an organization that are not clearly derived from the actual cost of materials, supplies, or services provided directly to an individual pharmacy;

(V) advertising expenses, except allowable expenses for yellow pages advertising, ads for employee recruitment, and advertising to meet any statutory or regulatory requirement;

(VI) business expenses not directly related to the pharmacy operations or to prescription dispensing. These expenses include business investment activities and stockholder and public relations activities. Public relations activities reflecting pharmacy services or health/medication information, including health-related educational pamphlets, are allowable;

(VII) political contributions;

(VIII) depreciation and amortization expenses of unallowable items. These expenses include amounts exceeding straight-line depreciation methods, capitalized lease expenses exceeding actual lease payments, and good will or any excess above the actual value of physical assets at the time of purchase;

(IX) trade discounts of all types. A trade discount is a reduction in selling price for selected individuals or groups and is not a cost of dispensing prescriptions. These discounts are accounted for in the net sales section of the financial summary of the cost report;

(X) donated buildings, materials, supplies, and services to the pharmacy,

(XI) dues to all types of political and social organizations and to professional associations not directly and primarily concerned with the pharmacy operations or prescription dispensing. These expenses include dues paid to country clubs, private clubs, social clubs, and service clubs;

(XII) entertainment expenses except those incurred for entertainment provided to the employees of the pharmacy as a benefit;

(XIII) corporation or association board of directors fees, limited partnership filing fees, and corporation filing fees;

(XIV) fines and penalties for violations of regulations, statutes, and ordinances of all types;

(XV) interest expenses on loans pertaining to unallowable items and on that portion of interest paid that is reduced or offset by interest income;

(XVI) insurance premiums pertaining to unallowable cost items;

(XVII) accrued expenses that are not legal obligations of the provider entity or are not clearly enumerated to the dollar amount. These expenses include any form of profit sharing and the accrued liabilities of deferred compensation plans,

(XVIII) motor vehicle expenses not generally suited or not commonly used for delivering prescriptions.

This includes expenses for motor homes and recreational vehicles, sports and luxury automobiles, and large trucks. Standard size vans or mini-vans that are used to deliver prescriptions or durable medical equipment may be considered acceptable delivery vehicles and may be considered allowable on an individual basis;

(XIX) values assigned to the services of unpaid workers and volunteers;

(XX) returns, allowances, and refunds. These adjustments are accounted for in the net sales and cost of goods information of the financial summary of the cost report;

(XXI) costs of purchases from a related party that exceed the original cost to the related party. "Related to the provider" means that the provider, to a significant extent, is associated or affiliated with, has control of, or is controlled by the organization furnishing the services, facilities, or supplies. Common ownership exists when an individual or individuals possess significant ownership or equity in the provider and the institution or organization serving the provider. Control exists when an individual or an organization has the power, directly or indirectly, to influence significantly or direct the actions or policies of an organization or institution;

(XXII) legal and other costs associated with litigation between a provider and state or federal agencies that relates to pharmacy activities, unless the litigation is decided in the provider's favor;

(XXIII) contributions to self-insurance funds that do not represent payments based on current liabilities;

(XXIV) any expense incurred because of imprudent business practices. The prudent and cost-conscious buyer shall not only refuse to pay more than the going price for an item or service, (s)he shall also seek to economize by minimizing the cost. The department may exclude excess costs in determining allowable costs in those instances where the department has determined that no clear justification for the premium payment exists;

(XXV) expenses that cannot be documented;

(XXVI) any expense not allowable under other pertinent federal, state, or local laws and regulations;

(XXVII) travel, except expenses for transportation, meals, lodging, and registration fees to attend seminars in the United States that provide curricula directly related to drug therapy and usage and that improve the skills in the practice of pharmacy;

(XXVIII) vacation expenses, except bona fide employee benefits;

(XXIX) allowances for bad debts. These allowances are not considered a cost of operations, but rather a reduction in potential revenues. These allowances shall be deducted from the income/loss amounts of the financial summary page; and

(XXX) tax expense for federal, state, or local income taxes. These expenses shall be deducted from the net income/loss figure on the financial summary page. FICA taxes shall be considered an allowable expense and shall be reported on the cost report in the appropriate section. Sales tax is an unallowable expense.

(f) On-site audits.

(1) Number of on-site cost-report audits performed. The department shall perform a sufficient number of on-site audits to ensure the accurate cost reporting by providers. The department shall arrange on-site audits to maximize the number of on-site audited cost reports available for use in cost report projections

(2) On-site audit standards. The department shall perform on-site cost report audits in a manner consistent with generally accepted auditing standards (GAAS) approved by the American Institute of Certified Public Accountants and included in the Standards for Audit of Governmental Organization, Programs, Activities and Functions, issued by the United States Comptroller General.

(3) Access to records. Each provider entity or its designated agent(s) must allow access to all records necessary to determine the acquisition cost of drugs and costs related to the pharmacies' dispensing services. This requirement includes records pertaining to payments from other third-party payors, related-party transactions, and other business activities engaged in by the provider. If a provider does not allow inspection of pertinent records within 30 days following written notice from the department, the provider may be subject to the penalties specified in §35.110 of this title (relating to Reason for Placing a Pharmacy on Vendor Hold). If a central office or other entity pertaining to a multipharmacy operation refuses access to records, then the penalty may be extended to all related parties

having Medicaid contracts with the department.

(4) Use of on-site cost report audits. The department shall include in the dispensing cost base the maximum number of on-site audited cost report findings that are reasonably possible. At least every five years, and no more often than annually, the department shall make adjustments to the dispensing cost base that are consistent with the results of on-site audits of cost reports.

(5) Record keeping requirements. Each provider must maintain records in accordance with the requirements specified in 40 TAC, §69.202 (relating to Contractors' Records). Providers must ensure that records are accurate and sufficiently detailed to support the legal, financial, and other statistical information contained in the cost report. Failure to maintain records in accordance with department procedures may result in noncompliance. In the case of noncompliance, the provider may be subject to the penalties specified in §35.110 of this title. If the provider fails to correct the deficiencies within 90 days from the notification date, the department may cancel the provider's contract.

(6) Review.

(A) General requirements. A provider who disagrees with the department's on-site audit exclusions or adjustments must follow the procedures for informal reviews and administrative hearings set forth in this subsection to resolve the disagreement. Only contracted providers have standing to file for informal reviews and administration hearings.

(B) Informal review. If a provider disagrees with the department's on-site audit exclusions or adjustments, the provider must provide written notice to the department within 30 calendar days of receiving the department's written notification of the exclusions or adjustments, and request a review.

(i) The review is an informal meeting with department staff rather than a formal administrative hearing.

(ii) The review is intended to encourage open discussion between the provider and the staff, and to promote resolution of the matters in dispute.

(iii) Within 30 days of the receipt of the request for review, the department shall send the provider its written decision by certified mail, return receipt requested.

(C) Administrative hearings. If a provider disagrees with the result of an informal review, the provider may request a formal administrative hearing under the de-

partment's formal hearing rules contained in Chapter 1 of this title (relating to Board of Health).

(i) The provider shall submit a written request for a hearing to the Texas Department of Health, 1100 West 49th Street, Austin, Texas, 78756-3174

(ii) The request shall be submitted within 15 days after receiving the department's decision. A provider shall not request an administrative hearing before receiving the department's written review decision as specified in subparagraph (B)(iii) of this paragraph

(iii) The administrative hearing is limited to the issues that were considered in the informal review process

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 June 7, 1995

TRD-9506907

Susan K Steeg
General Counsel
Texas Department of
Health

Earliest possible date of adoption July 17, 1995

For further information, please call (512) 458-7236

◆ ◆ ◆
Chapter 289. Radiation Control
Texas Regulation for Control
of Radiation

• **25 TAC §289.130**

The Texas Department of Health (department) proposes new §289.130, concerning the Radiation Advisory Board (board) At the December Board of Health meeting, a proposed new §289.130 was approved and published in the *Texas Register* for public comment Several comments were received which necessitates the withdrawal of the proposed rule. The section was rewritten to incorporate changes recommended by the commenters and is now being repropoed This section was previously proposed and published for public comment in the December 27, 1994 issue of the *Texas Register* (19 TexReg 10300) and is being withdrawn in this issue. A new section is being proposed due to numerous comments received The proposed new section covers applicable law, purpose, tasks, abolishment, terms of office, officers, meetings, attendance, staff, procedures, subcommittees, statements by members, reports to the board, reimbursement of members' expenses, and the section's effective date.

In accordance with Texas Civil Statutes, Article 6252-33, the department must evaluate each of its advisory committees to determine whether the committee should be continued, modified, consolidated with other committees, or abolished The advisory board was estab-

lished in 1961 The board members are appointed by the governor

Bill Harris, Chief of Staff Services for the Environmental and Consumer Health Associateship, has determined that for the first five-year period the section will be in effect, there will be no fiscal implications for state or local government as a result of administering the section as proposed

Richard A Ratliff, P E, Chief, Bureau of Radiation Control, also has determined that for each year of the first five years the section is in effect, the public benefit anticipated are the department's continued access to the board's advice concerning state regulation of radiation There are no anticipated economic costs to small businesses or individuals who are required to comply with the section as proposed, and no effect on local employment is anticipated

Written comments on the proposed addition may be submitted to Ruth E McBurney, C.H.P., Director, Licensing, Registration and Standards Division, Bureau of Radiation Control, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3168 Telephone inquiries also may be made to Ruth McBurney, at (512) 834-6688 Comments will be accepted for 30 days following the date of publication of this proposal in the *Texas Register*

The new section is proposed under Texas Civil Statutes, Article 6252-33, which set standards for the evaluation of advisory committees by the agencies for which they function, and under Health and Safety Code, §12.001, which provides the board with authority to adopt rules for the performance of every duty imposed by law upon the board, the department, and the Commissioner of Health

The new section will affect Health and Safety Code, Chapter 401

§289.130 *Radiation Advisory Board*

(a) The board. A Radiation Advisory Board shall be appointed under and governed by this section

(1) The name of the board shall be the Radiation Advisory Board (board)

(2) The board is required to be established by Health and Safety Code, §401.015.

(b) Applicable law The board is subject to Texas Civil Statutes, Article 6252-33 relating to state agency advisory committees.

(c) Purpose. The purpose of the board is to provide advice to the Texas Board of Health and to the Texas Department of Health's (department) radiation program in the area of state radiation policies and programs

(d) Tasks.

(1) The board shall advise the Texas Board of Health and the department's radiation program concerning rules relating to state regulation of radiation.

(2) The board shall review and evaluate policies and programs of the state relating to radiation, make recommendations to the department, furnish technical advice as may be required on matters relating to development, use, and regulation of sources of radiation, and review proposed department rules and guidelines relating to regulation of sources of radiation and recommend changes in proposed or existing rules and guidelines relating to sources of radiation

(e) Review and duration By September 1, 1999, the Texas Board of Health will initiate and complete a review of the board to determine whether the board should be continued, consolidated with another board, or abolished. If the board is not continued or consolidated, the board shall be abolished on that date

(f) Composition The board shall be composed of 18 members appointed by the governor. The composition of the board shall include representatives from those areas as delineated in Chapter 401 of the Health and Safety Code

(g) Terms of office. The term of office of each member shall be six years.

(1) Members shall be appointed for staggered terms so that the terms of a substantial equivalent number of members will expire at the discretion of the governor.

(2) If a vacancy occurs, a person shall be appointed by the governor to serve the unexpired portion of that term

(h) Officers The board shall elect a chairman, vice-chairman and secretary at its first meeting after August 31st of each year

(1) Each officer shall serve until the next regular election of officers

(2) The chairman shall preside at all board meetings at which he or she is in attendance, call meetings in accordance with this section, appoint subcommittees of the board as necessary, and cause proper reports to be made to the board. The chairman may serve as an ex-officio member of any subcommittee of the board.

(3) The vice-chairman shall perform the duties of the chairman in case of the absence or disability of the chairman. In case the office of chairman becomes vacant, the vice-chairman will serve until a successor is elected to complete the unexpired portion of the term of the office of chairman

(4) A vacancy which occurs in the offices of chairman, vice-chairman or secretary may be filled at the next board meeting.

(5) The board may reference its officers by other terms, such as chairperson and vice-chairperson.

(i) Meetings. The board shall meet quarterly on dates set by the board to conduct board business.

(1) A meeting may be called by the Commissioner of Health (commissioner) or at least three members of the board.

(2) Meeting arrangements shall be made by department staff. Department staff shall contact board members to determine availability for a meeting date and place.

(3) Each meeting of the board shall be announced and conducted in accordance with the Open Meetings Act, Texas Government Code, Chapter 551.

(4) Each member of the board shall be informed of a board meeting in a timely manner.

(5) A simple majority of the members of the board shall constitute a quorum for the purpose of transacting official business.

(6) The Board is authorized to transact official business only when in a legally constituted meeting with quorum present.

(7) The agenda for each board meeting shall include an item entitled public comment under which any person will be allowed to address the board on matters relating to board business. The chairman may establish procedures for public comment, including a time limit on each comment.

(j) Attendance. Members shall attend board meetings as scheduled. Members shall attend meetings of subcommittees to which the member is assigned.

(1) A member shall notify the chairman or appropriate department staff if he or she is unable to attend a scheduled meeting.

(2) It is grounds for removal from the board if a member cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability, is absent from more than half of the board and subcommittee meetings during a calendar year, or is absent from at least three consecutive board meetings.

(3) The validity of an action of the board is not affected by the fact that it is taken when a ground for removal of a member exists.

(4) The attendance records of the members shall be reported to the board. The report shall include attendance at board and subcommittee meetings.

(k) Staff. Staff support for the board shall be provided by the department.

(l) Procedures. *Roberts Rules of Order, Newly Revised*, shall be the basis of parliamentary decisions except where otherwise provided by law or rule.

(1) Any action taken by the board must be approved by a majority vote of the members present once quorum is established.

(2) Each member shall have one vote.

(3) A member may not authorize another individual to represent the member by proxy.

(4) The board shall make decisions in the discharge of its duties without discrimination based on any person's race, creed, gender, religion, national origin, age, physical condition, or economic status.

(5) Minutes of each board meeting shall be taken by department staff.

(A) A draft of the minutes approved by the chairman shall be provided to the board and each member of the board within 30 days of each meeting.

(B) After approval by the board, the minutes shall be signed by the secretary.

(m) Subcommittees. The board may establish subcommittees as necessary to assist the board in carrying out its duties.

(1) The chairman shall appoint members of the board to serve on subcommittees and to act as subcommittee chairpersons. The chairman presiding officer may also appoint nonmembers of the board to serve on subcommittees as the need for additional expertise arises.

(2) Subcommittees shall meet when called by the subcommittee chairperson or when so directed by the board.

(3) A subcommittee chairperson shall make regular reports to the advisory board at each board meeting or in interim written reports as needed. The reports shall include an executive summary or minutes of each subcommittee meeting.

(n) Statement by members. The Texas Board of Health, the department, and the board shall not be bound in any way by any statement or action on the part of any board member except when a statement or action is in pursuit of specific instructions from the Texas Board of Health, department, or board.

(o) Reports to Texas Board of Health. The board shall file an annual written report with the Texas Board of Health.

(1) The report shall list the meeting dates of the board and any subcommittees, the attendance records of its mem-

bers, a brief description of actions taken by the board, a description of how the board has accomplished the tasks given to the board by the Texas Board of Health, the status of any rules which were recommended by the board to the Texas Board of Health, anticipated activities of the board for the next year, and any amendments to this section requested by the board.

(2) The report shall identify the costs related to the board's existence, including the cost of agency staff time spent in support of the board's activities.

(3) The report shall cover the meetings and activities in the immediate preceding 12 months and shall be filed with the Texas Board of Health each August. It shall be signed by the chairman and appropriate department staff.

(p) Reimbursement for expenses. In accordance with the requirements set forth in Texas Civil Statutes, Article 6252-33, a board member may receive reimbursement for the member's expenses incurred for each day the member engages in official board business.

(1) No per diem shall be paid to board members unless required by law but members shall be reimbursed for travel, meals, lodging, and incidental expenses in accordance with the Appropriations Act.

(2) A board member who is an employee of a state agency, other than the department, may not receive reimbursement for expenses from the department if he or she is reimbursed by that state agency.

(3) A nonmember of the board who is appointed to serve on a subcommittee may not receive reimbursement for expenses from the department.

(4) Each member who is to be reimbursed for expenses shall submit to staff the member's receipts for expenses and any required official forms no later than 14 days after each board meeting.

(5) Requests for reimbursement of expenses shall be made on official state travel vouchers prepared by department staff.

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 June 7, 1995.

TRD-9506905

Susan K Steeg
General Counsel
Texas Department of
Health

Earliest possible date of adoption: July 17, 1995

For further information, please call: (512) 458-7236

TITLE 28. INSURANCE

Part I. Texas Department of Insurance

Chapter 21. Trade Practices

Subchapter J. Prohibited Trade Practices

• 28 TAC §21.1002

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

The Texas Department of Insurance proposes the repeal of §21.1002, relating to unfair underwriting guidelines in the sale of private passenger automobile and residential property insurance coverages. Repeal of the section is necessary because the standards, requirements and prohibitions set out in §21.1002 have been addressed by the 74th Legislature in two enactments, one of which contains provisions for immediate effectiveness, and the other of which will take effect September 1, 1995. Specifically, the legislature has enacted House Bill 1367, which includes, among other provisions, a new Insurance Code, Article 21.21-6, relating to unfair discrimination; and House Bill 668, which includes, among other provisions, a new Insurance Code, Article 21.21-8, also relating to unfair discrimination. Article 21.21-6 prohibits any legal entity engaged in the business of insurance in Texas from refusing to insure or to continue to insure; limiting the amount, extent or kind of coverage available; or charging an individual a different rate for the same coverage because of race, color, religion or national origin. It also prohibits any legal entity engaged in the business of insurance in Texas from refusing to insure or to continue to insure; limiting the amount, extent or kind of coverage available; or charging an individual a different rate for the same coverage because of the age, gender, marital status, geographic location, disability or partial disability of the individual, except to the extent justified by sound underwriting or actuarial principles reasonably related to actual or anticipated loss experience. Article 21.21-8 prohibits any person from engaging in any unfair discrimination by making or permitting any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of insurance or in the benefits which are payable under such policy or contract, or in any of the terms or conditions of such contract, or in any other manner whatever. Article 21.21-8 applies to all lines of coverage, and to any person engaged in the business of insurance, including all licensees of the department. It provides for a private cause of action in the event a person violates its prohibitions.

Mary F. Keller, Senior Associate Commissioner, Legal and Compliance Division, has determined that for the first five-year period the proposed repeal will be in effect there will

be no fiscal implications for state or local government, or for small businesses, resulting from enforcement or administration of the repeal, and that there will be no effect on local employment or the local economy.

Ms. Keller also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the implementation of legislative revisions of the Insurance Code aimed at elimination of unfair practices in the business of insurance; greater availability and affordability of insurance; and greater ability of individuals in Texas to obtain insurance at fair rates.

There is no anticipated economic cost to persons who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to the Chief Clerk, Texas Department of Insurance, 333 Guadalupe Street, P.O. Box 149104, Austin, Texas 78714-9104, Mail Code 113-2A, within 30 days following the date of this publication. An additional copy of comments should be submitted to Mary F. Keller, Senior Associate Commissioner, Legal and Compliance, P.O. Box 149104, MC 110-1A, Austin, Texas 78714-9104. A request for public hearing on the proposed sections should be submitted separately to the Office of the Chief Clerk.

The repeal is proposed under Insurance Code, Articles 1.03A and 21.21, §13. Article 1.03A authorizes the Commissioner to adopt rules and regulations for the conduct and execution of the duties and functions of the department as authorized by statute. Article 21.21, §13 authorizes the Department to promulgate rules and regulations to accomplish the purposes of Insurance Code, Articles 21.20 and 21.21.

No other code, article or statute is affected by this repeal.

§21.1002. Unfair Underwriting Guidelines.

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 June 9, 1995.

TRD-9506984
Alicia M. Fechtel
General Counsel and Chief Clerk
Texas Department of Insurance

Earliest possible date of adoption: July 17, 1995

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

• 28 TAC §21.1004

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

The Texas Department of Insurance proposes the repeal of §21.1004, relating to discrimination in the sale of insurance on the basis of race, color, religion, or national origin and, to the extent not justified by sound actuarial principles, on the basis of geographic location, disability, sex, or age. Repeal of the section is necessary because the standards, requirements and prohibitions set out in §21.1004 have been addressed by the 74th Legislature in two enactments, one of which contains provisions for immediate effectiveness, and the other of which will take effect September 1, 1995. Specifically, the legislature has enacted House Bill 1367, which includes, among other provisions, a new Insurance Code, Article 21.21-6, relating to unfair discrimination; and House Bill 668, which includes, among other provisions, a new Insurance Code, Article 21.21-8, also relating to unfair discrimination. Article 21.21-6 prohibits any legal entity engaged in the business of insurance in Texas from refusing to insure or to continue to insure, limiting the amount, extent or kind of coverage available; or charging an individual a different rate for the same coverage because of race, color, religion or national origin. It also prohibits any legal entity engaged in the business of insurance in Texas from refusing to insure or to continue to insure; limiting the amount, extent or kind of coverage available; or charging an individual a different rate for the same coverage because of the age, gender, marital status, geographic location, disability or partial disability of the individual, except to the extent justified by sound underwriting or actuarial principles reasonably related to actual or anticipated loss experience. Article 21.21-8 prohibits any person from engaging in any unfair discrimination by making or permitting any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of insurance or in the benefits which are payable under such policy or contract, or in any of the terms or conditions of such contract, or in any other manner whatever. Article 21.21-8 applies to any person engaged in the business of insurance, including all licensees of the department. It provides for a private cause of action in the event a person violates its prohibitions.

Mary F. Keller, Senior Associate Commissioner, Legal and Compliance Division, has determined that for the first five-year period the proposed repeal will be in effect there will be no fiscal implications for state or local government, or for small businesses, resulting from enforcement or administration of the repeal, and that there will be no effect on local employment or the local economy.

Ms. Keller also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the implementation of legislative revisions of the Insurance Code aimed at elimination of unfair practices in the business of insurance; greater availability and affordability of insurance; and greater ability of individuals in Texas to obtain insurance at fair rates.

There is no anticipated economic cost to persons who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to the Chief Clerk, Texas Department of Insurance, 333 Guadalupe Street, P.O. Box 149104, Austin, Texas 78714-9104, Mail Code 113-2A, within 30 days following the date of this publication. An additional copy of comments should be submitted to Mary F. Keller, Senior Associate Commissioner, Legal and Compliance, P.O. Box 149104, MC 110-1A, Austin, Texas 78714-9104. A request for public hearing on the proposed sections should be submitted separately to the Office of the Chief Clerk.

The repeal is proposed under Insurance Code, Articles 103A and 21.21, §13. Article 103A authorizes the Commissioner to adopt rules and regulations for the conduct and execution of the duties and functions of the department as authorized by statute. Article 21.21, §13 authorizes the Department to promulgate rules and regulations to accomplish the purposes of Insurance Code, Articles 21.20 and 21.21.

No other code, article or statute is affected by this repeal.

§21.1004 Discrimination in the Sale of Insurance.

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 June 9, 1995.

TRD-9506985 Alicia M. Fechtel
General Counsel and Chief
Clerk
Texas Department of
Insurance

Earliest possible date of adoption: July 17, 1995.

For further information, please call (512) 453-6327.

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**TITLE 31. NATURAL RE-
SOURCES AND CON-
SERVATION**

**Part X. Texas Water
Development Board**

**Chapter 370. Colonia Plumbing
Loan Program**

The Texas Water Development Board (board) proposes amendments to §370.21, concerning General Policies, §370.22, concerning Application, §370.23, concerning Amount of Funding, §370.24, concerning Eligible Plumbing Improvements, §370.26, concerning Eligible Political Subdivisions, §370.27, concerning Loans, §370.29, concerning Eligible Households, §370.31, concerning Local Program Operating Procedures, §370.34, concerning Labor Standards, and §370.41, concerning Required Information. The proposed rules will reflect the changes in the Colonia Plumbing Loan Program as a result of amendments to the Operating Agreement between the board and the Environmental

Protection Agency (EPA) governing the use of funds. The amendment to §370.21, concerning General Policies, will add the provision for making grants to political subdivisions for administrative expenses. The amendment to §370.22, concerning Application, will change the title to Additional Policies and require the board to provide technical assistance to the borrower to determine the minimum requirements necessary for individuals to qualify for assistance under the program. The amendment to §370.23, concerning Amount of Funding, will clarify the amount of financial assistance provided to political subdivisions and will require that the amount requested by a borrower for administrative expenses in the form of a grant can not exceed 9.0% of the total amount requested for loans. The amendment to §370.24, concerning Eligible Plumbing Improvements, will add the option for plumbing work to be performed, supervised or approved by licensed plumbers or an installer authorized by the qualified and appropriate authority. The current rule requires the work to be done only by licensed plumbers. Also added is the option for required design work to be supervised or approved by a registered engineer. The current rule requires the design work to be performed by a registered engineer. The amendment to §370.24 also adds subsection (c) which requires that no loans will be made by the borrower to individuals for the purpose of providing suitable on-site wastewater disposal systems if the individual will receive wastewater service within a reasonable time as determined by the board but in no event greater than five years. The amendments to §370.26, concerning Eligible Political Subdivisions and §370.41, concerning Required Information, changes the Department of Health to the Texas Natural Resource Conservation Commission as the entity responsible for designation of authorized agents under the Health and Safety Code, Chapter 366, consistent with a similar change made to statute. The amendment to §370.27, concerning Loans, will require that borrowers set their interest rates to individuals at the same interest rates provided to the borrower by the board. The amendment to §370.29, concerning Eligible Households, will expand the eligible applicants for loans under the program by eliminating income limits for individual borrowers consistent with the Operating Agreement amendments with the EPA. The proposed section will eliminate the possibility of owners who lease their property receiving loans. The amendment to §370.31, concerning Local Program Operating Procedures, will require that the borrower adopt local program operating procedures prior to closing a loan with the board and have such procedure approved by the director of the board's Economically Distressed Areas Program. The amendment to §370.34, concerning Labor Standards, will delete the requirement for specific compliance with certain federal laws which was deleted in the amendments to the Operating Agreement with the EPA.

Pamela Ansboury, Director of Finance, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state government as a result of enforcing or administering the sections. Ms. Ansboury has determined that for

the first five-year period the section are in effect the fiscal implications on local government will be zero for 1995, a savings of approximately \$250,000 for 1996, \$250,000 for 1997, \$250,000 for 1998, and \$250,000 for 1999.

Ms. Ansboury 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 to enable more homes to be eligible for a loan under the Colonia Plumbing Loan Program in order to hook-up to water and wastewater services and alleviate the public health threat. Various requirements in the rule have been modified to make the program more accessible. 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 within 30 days of the date of the publication hereof to Lisa Adelman, Attorney, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231, (512) 475-2051.

Policy Declarations

- 31 TAC §§370.21-370.24, 370.26, 370.27, 370.29, 370.31, 370.34

The amendments are proposed under the Texas Water Code, §6.101, which requires the board to adopt rules to carry out the powers and duties of the board, under the Texas Water Code, and other laws of this state.

The proposed sections affect Texas Water Code, Chapter 15, Subchapter L.

§370.21 General Policies. The plumbing loan fund established in Texas Water Code, §15.732 is to be used for the sole purpose of making loans, and grants for administrative expenses, to political subdivisions which then make loans to individuals for plumbing improvements in colonias in the following federally designated counties: Cameron, Hidalgo, Zapata, Starr, Webb, Maverick, Val Verde, Terrell, Brewster, Presidio, Hudspeth, and El Paso. The program is funded through a special allocation from the Environmental Protection Agency.

§370.22 Additional Policies. [Application].

Political subdivisions may make application to the board under this program. The political subdivisions will in turn make loans to individuals for plumbing improvements in colonias. Applicants may contract with non-profit corporations for administration of these funds. The board will not directly loan money to individuals. The board shall assist the borrower in determining the minimum requirements needed for individuals to qualify for assistance under this program.

§370.23 Amount of Funding

- (a) The board shall determine the amount of financial assistance to be made to each political subdivisions which shall

not exceed the amount requested in the application.

(b) The amount of the loan to the political subdivision which will be used by the political subdivision to individual borrowers [The maximum amount of funds to be made available to any political subdivision] will not exceed \$4,000 times the number of project area households which are without adequate water and wastewater facilities[, plus the cost of reasonable administrative expenses,] unless the political subdivision [applicant] can demonstrate to the board's satisfaction that the average costs to bring an average household in the project area into compliance with existing county or city code requirements would exceed \$4,000. The board shall determine the interest rate to be charged for the loan to the political subdivision. [Applicants are not required to provide any local match under this program.]

(c) The amount of the grant to the political subdivision for the administrative expenses of the political subdivision in making the loans to individual borrowers will not exceed 9.0% of the total amount provided to the political subdivision for loans to individual borrowers.

§370.24. Eligible Plumbing Improvements.

(a) (No change.)

(b) All work must be completed according to local building, and plumbing codes and other applicable regulations. In areas that lack plumbing codes, improvements must be made to meet the standards of the Southern Plumbing Code. In areas that lack building codes, improvements must be made to meet the standards of the Southern Building Code. All plumbing improvements will [must] be [done by] performed, supervised or approved by licensed plumbers or an installer authorized by the regulatory authority with jurisdiction over the installation of the plumbing improvement at issue. Any required design work must be performed, supervised or approved by a registered engineer.

(c) No loans will be made by the borrower to individuals for the purpose of providing suitable on-site wastewater disposal systems if the board finds that the individuals will receive wastewater services within a reasonable time as determined by the board but in no event greater than five years from the date the loan is closed with the board.

§370.26. Eligible Political Subdivisions.

(a) (No change.)

(b) The board may approve a loan to a political subdivision only if the political subdivision is, or is in an area within the

jurisdiction of, an authorized agent of the Texas Natural Resource Conservation Commission [Department of Health] under Health and Safety Code, Subchapter C, Chapter 366.

§370.27. *Loans.* Borrowers shall set their interest rates to individuals at the same interest rates provided to the borrower by the board. [The board shall determine the amount of loans and interest rate provided to applicants. Unless an interest rate to individuals is set in the loan from the board to the applicant, applicants may set their interest rates to individuals, but in no event shall this interest rate ever exceed the market rate for 90-day treasury bills prevailing at the time of closing the loan to the individual.] The maximum term of the loan to individuals must not exceed ten years. Borrowers are prohibited from generating any profit from program interest, connection fees or other charges. [Program interest may be utilized by borrowers only to pay program administrative expenses or provide funds to repay the borrowers for loan defaults.] Upon final audit of the loan provided in §370.61 of this title (relating to Audit), the borrower [applicant] shall return to the board any money collected from individual loan repayment which has not been spent on program administration or to provide loan repayments to the board.

§370.29. *Eligible Households.* Borrowers may provide loans [to the following individuals] for plumbing improvements to[:

[(1)] residents of a colonia outside an incorporated municipality or such other colonia approved by the United States Environmental Protection Agency that existed on November 9, 1989, and that are located within one of the counties specified in §370.21 [and whose income is below the HUD Section 8 low-to-moderate income limits for the particular county in which the household is located; and

[(2)] owners of real property who receive loans for plumbing improvements for real property leased to others in the project areas, provided the owner owned the property in a colonia outside an incorporated municipality or such other colonia approved by the United States Environmental Protection Agency that existed on November 9, 1989, agrees to rent the household unit(s) only to persons of low-to-moderate income until the loan is repaid in full, provides evidence of adequate collateral and credit history, and agrees not to displace the family currently living in any household unit which will receive the plumbing improvements, except for breach of a valid contract or lease.]

§370.31. *Local Program Operating Procedures.* Applicants which receive funding under this program will be required to adopt local program operating procedures approved by the director of the Economically Distressed Areas Program prior to closing a loan with the board [issuance of any loans] which contain the following:

(1)-(6)(No change.)

§370.34. *Labor Standards.* Construction related activities funded in whole or in part by this program are not required to comply with the Davis-Bacon Act. [Borrowers must comply with the provisions of the Contract Work Hours and Safety and Health Standards Act, 40 United States Code, 327-333, the Copeland Act, and the Fair Labor Standards Act.]

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 June 10, 1995.

TRD-9507047

Craig D. Pedersen
Executive Administrator
Texas Water Development
Board

Proposed date of adoption: July 20, 1995

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

Applications to the Board

• 31 TAC §370.41

The amendment is proposed under the Texas Water Code, §6.101, which requires the board to adopt rules to carry out the powers and duties of the board, under the Texas Water Code, and other laws of this state.

§370.41. *Required Information.* The following information is required on all applications to the board for plumbing improvement loans:

(1)-(10) (No change.)

(11) evidence that the political subdivision is, or is in an area within the jurisdiction of, an authorized agent of the Texas Natural Resource Conservation Commission [Department of Health] under Health and Safety Code, Subchapter C, Chapter 366.

(12) description of plan to provide plumbing improvements and draft operating procedures acceptable to the Director of the Economically Distressed Areas Program, which include a detailed explanation of the proposed billing and collection arrangements and inspection service agreements, and including any associated costs[, to include development of local program operating procedures required by §370.31 of this title (relating to Local Program Operating Procedures);]

(13)-(18) (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 June 10, 1995.

TRD-9507046

Craig D. Pedersen
Executive Administrator
Texas Water Development
Board

Proposed date of adoption: July 20, 1995

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 12. Special Nutrition Programs

Child and Adult Care Food Program

• 40 TAC §§12.19, 12.24, 12.25

The Texas Department of Human Services (DHS) proposes amendments to §§12.19, 12.24, and 12.25, concerning program reviews, sanctions and penalties, and denials and terminations, in its Special Nutrition Programs chapter. The purpose of the amendments is to require Child and Adult Care Food Program (CACFP) sponsors to: increase by one the number of reviews required for each day care home provider each year; conduct a minimum of three reviews without prior notification; and verify the participation of children in the CACFP by contacting family members of the children. The amendments will also improve the oversight and accountability of the day care home portion of the CACFP to safeguard the integrity of the program.

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

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be improved program efficiency and increased program integrity. 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 Keith N. Churchill at (512) 467-5837 in DHS's Special Nutrition Programs. Written comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Media and Policy Services-447, Texas Department of Human Services E-205, P.O. Box 149030, Austin, Texas 78714-9030,

within 30 days of publication in the *Texas Register*.

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

The amendments implement the Human Resources Code, §§22.001-22.024 and §§33.001-33.024.

§12.19. Program Reviews.

(a) Contractors must monitor their program operations and conduct administrative reviews according to 7 Code of Federal Regulations §226.15 and §226.16. The Texas Department of Human Services does not use the averaging option described in 7 Code of Federal Regulations §226.16(d)(4)(ii).

(b) Contractors that sponsor day homes conduct their reviews of day home providers according to 7 Code of Federal Regulations §226.16 and this chapter. [DHS does not use the averaging option described in 7 Code of Federal Regulations §226.16(d)(4)(ii).]

(c) Day home sponsoring organizations must conduct at least four monitoring reviews of each of their day care homes each 12 months. A meal service must be observed during at least three of the four reviews. Three reviews of each provider must be conducted without prior notice (unannounced) each year. An unannounced follow-up review must be made no more than two weeks after a review at which the sponsor is unable to confirm program participation. [ensure that at least one of their three monitoring reviews of day home providers participating on weekends is conducted on Saturday or Sunday. Day home providers must be providing day care services on the day of the review.]

(d) Each fiscal year, day care home sponsoring organizations must select by random sampling at least 25% of their providers for verification that the children are enrolled for and receiving child care services and participating in the program. Exception: With prior DHS approval, contractors may identify 10% of the providers selected for verification by random sampling; the remaining 15% may be selected using other means of identification. For each provider selected, the sponsor must contact at least two families of children reported as enrolled for child care and participating in the program, excluding the day care home provider. The families to be contacted must be selected by random sample. Exception: If the total enrollment of the day care home provider is from two or fewer families, excluding the provider's own

children, the provider must contact the families of each enrolled child.

(e) Day home sponsoring organizations must ensure that at least one of their four monitoring reviews of day home providers participating on weekends is conducted on Saturday or Sunday.

§12.24. Sanctions and Penalties.

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

(f) If a sponsoring organization of day homes determines during a monitoring review, or by other means, that a provider has failed to comply with program requirements, the sponsor must execute a corrective action plan to achieve compliance. If a sponsoring organization conducts two or more unannounced monitoring reviews in any 12-month period during which the sponsor cannot confirm that children are enrolled for child care and participating in the program, the sponsor must execute a corrective action plan to ensure they are able to effectively monitor the provider's participation in the program. The corrective action plan must:

(1) prescribe the actions to be taken by the sponsor and the provider to achieve compliance; and

(2) include the date by which corrective action must be completed.

§12.25. Denials and Terminations.

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

(f) Sponsoring organizations of day homes must:

(1) terminate the participation of any day care home provider that they have determined has knowingly claimed meals for a child not enrolled for child care or not in attendance on a day that meals were claimed for the child; and

(2) submit the provider for inclusion on a list of seriously deficient providers.

(g) Sponsoring organizations of day homes must:

(1) terminate the participation of any day care home provider that refuses to enter into or comply with a corrective action plan designed to achieve compliance with program requirements; and

(2) submit the provider for inclusion on a list of seriously deficient providers.

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 June 12, 1995

TRD-9507095

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

Proposed date of adoption October 1, 1995

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

Part IX. Texas Department on Aging

Chapter 254. Operation of the Texas Department on Aging

• 40 TAC §254.13

The Texas Department on Aging proposes an amendment to §254.13, relating to the Department's responsibility to impose sanctions.

The purpose of this amendment is to amend the references contained in specified paragraphs in Department rules to correlate with the other paragraphs in Department rules and eliminate spurious references.

Ann Ammons, director of field operations, Texas Department on Aging, has determined that there will not be fiscal implications to state or local government as a result of enforcing or administering the section.

Ms. Ammons also has determined that for each year of the first five years the section as proposed are in effect the public benefit anticipated as a result of enforcing the section will be a greater understanding of the role, responsibility, and mission of the Department. There will be no effect on small businesses. There is no anticipated economic costs to persons who are required to comply with this section.

Comments on the proposal may be submitted to Ann Ammons, Director of Field Operations, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The amendment is proposed under Chapter 101, Human Resources Code, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the Department.

The Human Resources Code, Chapter 101, relating to the operation of the Texas Department on Aging, is affected by this proposed action

§254.13. Department Responsibilities for Imposing Sanctions.

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

(d) Dedesignation. The Department may withdraw an area agency designation whenever the Department, for specific reasons and after reasonable notice and opportunity for a hearing as provided in §254.15 of this title (relating to Hearing Procedures for Area Agencies on Aging)

[§§257.11-257.20, 257.22, and 257.23 of this title (relating to Hearing Procedures for Area Agencies)] finds that:

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

(e) (No change.)

(f) Notification of the Grantee/Contractor. The grantee shall be notified, by certified mail, return receipt requested, ten working days prior to the effective date of the dedesignation as an area agency on aging. Such notification shall explain the right of the agency to appear such decisions as outlines in §254.15 of this title (relating to Hearing Procedures for Area Agencies on Aging) [§257.11].

(1) Emergency situations. If, in the Department's judgement, an emergency situation exists as to seriously threaten the health and welfare of a significant segment of the elderly population, the dedesignation/termination may be made effective immediately and so stated in the letter of notification to the grantee. Emergency dedesignation does not preclude processing appeals under §254.15 of this title (relating to Hearing Procedures for Area Agencies on Aging) [§257.11 of this title (relating to Designation of Area Agencies on Aging)].

(2) (No change.)

(g) (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 June 9, 1995.

TRD-9507004

Mary Sapp
Executive Director
Texas Department on
Aging

Earliest possible date of adoption: July 17, 1995

For further information, please call: (512) 444-2727

Chapter 260. Area Agency on Aging Administrative Requirements

• 40 TAC §260.1, §260.2

The Texas Department on Aging proposes amendments to §260.1 and §260.2, relating to area agency on aging administrative monitoring requirements.

Section 260.2 is being proposed to amend a statement relating to direct purchase of services policy, and the Ombudsman Maintenance-of-Effort.

The purpose of these amendments is to update policy regarding these activities.

Ann Ammons, director of field operations, Texas Department on Aging, has determined that there will not be fiscal implications to

state or local government as a result of enforcing or administering these sections.

Ms. Ammons also has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing the sections will be a greater understanding of the role, responsibility, and mission of the Department. There will be no effect on small businesses. There is no anticipated economic costs to persons who are required to comply with this sections.

Comments on the proposal may be submitted to Ann Ammons, Director of Field Operations, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711

The amendments are proposed under Chapter 101, Human Resources Code, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the Department.

The Human Resources Code, Chapter 101, relating to the operation of the Texas Department on Aging, is affected by this proposed action.

§260.1. Area Agency on Aging Administrative Requirements.

(a)-(d) (No change.)

(e) Monitoring.

(1) Area agencies shall conduct not less than one on-site fiscal and program monitoring of service providers during the legislative biennium. Fiscal and program monitoring shall be conducted concurrently if possible.

(2) Desk reviews of subcontractors shall be conducted by the area agency on aging on all service providers during the fiscal year an on-site visit is not conducted.

(3) Should the biannual monitoring reveal that the service provider is at "high risk," as defined in §270.2 of this title (relating to definitions), the area agency will conduct annual followup monitoring until the high risk environment has been corrected.

(4) A customer satisfaction survey will be conducted annually of all service providers by the area agency on aging. [Area agencies shall conduct not less than one annual on-site fiscal and program monitoring of service providers. Fiscal and program monitoring shall be conducted concurrently if possible.]

(f)-(l) (No change.)

§260.2. Area Agency on Aging Fiscal Responsibilities.

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

(f) Contracting. Area agencies shall apply prudent business judgement in areas on contracting for services and goods to be

purchased and the reimbursement methodologies to be used in funding such contracts.

(1) (No change.)

(2) The area agency shall use any or all of the four contracting methodologies for the procurement of goods and services for provision of services to older persons. These contracting methods are known as cost reimbursement, performance based unit rate, direct purchase of services and sole source procurement.

(A)-(B) (No change.)

(C) Direct purchase of service contracting is an alternative contracting methodology for the purchase of services. It allows for the purchase of service on a client-by-client basis instead of contracting annually by either the performance based or cost reimbursement methods. The area agency sets aside a sum of money, known as a direct purchase pool, to be used by case managers and benefits counselors when developing an individual's care plan. Direct purchase of services match requirements are established in §260.19 of this title (relating to Direct Purchase of Services). [Direct purchase of service does not require a match contribution by the vendor].

(D) (No change.)

(3)-(8) (No change.)

(g) (No change.)

(h) Ombudsman Maintenance-of-Effort. Area agencies shall expend, in each fiscal year, a percentage of Title III-B funds for Ombudsman activities which shall represent the equivalent percentage of Title III funds expended in the base year of Fiscal Year 1991 for such activities.

(1) The Fiscal Year 1991 base year percentage shall be calculated under the following methodology:

(A) determine the total Title III Ombudsman expenditures as reported on the final Form 269 for Fiscal Year 1991;

(B) subtract from the amount obtained in subparagraph (A) of this paragraph the amount of Title III-G funds expended in Ombudsman activities;

(C) add to the amount obtained in subparagraph (B) of this paragraph the amount of funds expended from the Ombudsman Training grant and the OBRA grant during Fiscal Year 1991 as reported to the Department;

(D) divide the amount obtained in subparagraph (C) of this paragraph by the Title III-B allocation for Fiscal Year 1991.

(2) The percentage calculated in accordance with the methodology established in paragraph (1) of this subsection shall be multiplied, each year, by the amount of Title III-B funding allocated to each area agency to determine each area's Ombudsman Maintenance-of-Effort requirement.

(3) The Department shall issue a listing of the Ombudsman Maintenance-of-Effort requirements within 45 days following receipt of each year's federal funds allocation.

(4) The Ombudsman Maintenance-of-Effort requirement shall not be increased or decreased due to categorical fund transfers.

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 June 9, 1995.

TRD-9507005

Mary Sapp
Executive Director
Texas Department on
Aging

Earliest possible date of adoption: July 17, 1995

For further information, please call: (512) 444-2727

Chapter 270. General Service Requirements

• 40 TAC §270.2

The Texas Department on Aging proposes an amendment to §270.2, concerning service definitions

The purpose of this amendment is to include definitions for risk and risk analysis into the current definitions used by the Texas Department on Aging and Area Agencies on Aging in the monitoring of service delivery.

Ann Ammons, director of field operations, Texas Department on Aging, has determined

that there will not be fiscal implications to state or local government as a result of enforcing or administering the section.

Ms. Ammons also has determined that for each year of the first five years the section as proposed are in effect the public benefit anticipated as a result of enforcing the section will be a greater understanding of the role, responsibility, and mission of the Department. There will be no effect on small businesses. There is no anticipated economic costs to persons who are required to comply with this section.

Comments on the proposal may be submitted to Ann Ammons, Director of Field Operations, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The amendment is proposed under Chapter 101, Human Resources Code, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the Department.

The Human Resources Code, Chapter 101, relating to the operation of the Texas Department on Aging, is affected by this proposed action.

§270.2. Services Definitions.

Risk—The degree to which activities are exposed to the potential for financial loss, inappropriate disclosure of data, or other deficiencies which result from inadequate controls or ineffective use of human resources; the possibility that an event could adversely affect the organization; the tendency of a system or function to have problems; the chance of injury, damage, or loss; hazard.

Risk Analysis—The process of gaining an understanding of the amount of inherent risk and control risk present in the system to be examined and the use of that knowledge to correct the deficiencies creating that risk.

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 June 9, 1995.

TRD-9507006

Mary Sapp
Executive Director
Texas Department on
Aging

Earliest possible date of adoption: July 17, 1995

For further information, please call: (512) 444-2727

WITHDRAWN RULES

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part IX. Texas Department on Aging

Chapter 254. Operation of the Texas Department on Aging

• 40 TAC §254.1

The Texas Department on Aging has withdrawn from consideration for permanent adoption proposed amendment to §254.1, which appeared in the March 21, 1995, issue of the *Texas Register* (20 TexReg 2999). The effective date of this withdrawal is June 9, 1995.

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

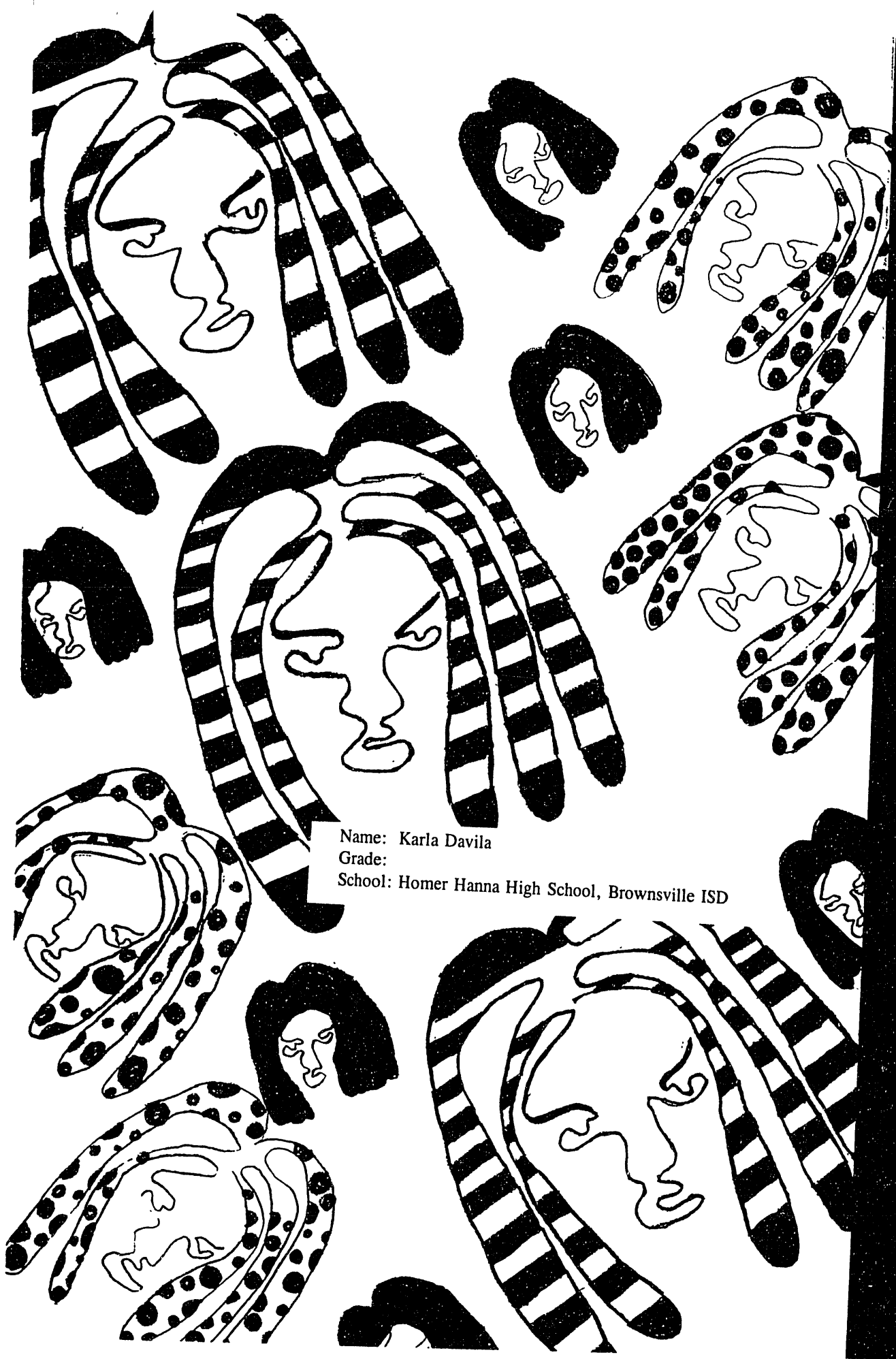
TRD-9507008

Mary Sapp
Executive Director
Texas Department on
Aging

Effective date: June 9, 1995

For further information, please call: (512) 444-2727





Name: Karla Davila
Grade:
School: Homer Hanna High School, Brownsville ISD

ADOPTED RULES

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

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

TITLE 16. ECONOMIC REGULATIONS

Part I. Railroad Commission of Texas

Chapter 7. Gas Utilities Division

Substantive Rules

• 16 TAC §7.70, §7.81

The Railroad Commission of Texas adopts amendments to §7.70, concerning minimum safety standards and regulations applicable to natural gas pipeline facilities and natural gas transportation within the state of Texas, and §7.81, relating to the transportation of hazardous liquids within the state, without changes to the proposed text as published in the April 18, 1995, issue of the *Texas Register* (20 TexReg 2766). By these amendments, the commission adopts new rules recently issued by the Department of Transportation in 49 Code of Federal Regulations (CFR), Parts 192 and 195, concerning natural gas and hazardous liquids pipeline safety rules. The commission also proposes to adopt by reference, 49 CFR, Part 193, concerning federal safety standards for liquified natural gas facilities.

A new federal rule, which applies to both 49 CFR, Parts 192 and 195, concerns requirements for operation and maintenance procedural manuals. This new federal rule requires natural gas operators to prepare more detailed manuals and to review and update their manuals each calendar year. This federal rule now also requires both natural gas and hazardous liquids pipeline operators to prepare and follow procedures to safeguard personnel from the hazards associated with the unsafe accumulation of vapor or gas in excavated trenches.

An amended federal rule is found in 49 CFR Part 195. Previously, all steel hazardous liquid pipelines operating at less than 20% of specified minimum yield strength (SMYS) were exempt from the hazardous liquid pipeline safety regulations. The amended rule removes the percent SMYS exemption and extends the hazardous liquid pipeline safety regulations to all pipelines that transport highly volatile liquids, all pipelines or pipeline segments in populated areas, and all pipelines or pipeline segments in navigable water-

ways regardless of maximum operating pressure.

Part 193 of 49 CFR contains the federal regulations for liquified natural gas (LNG) facilities. The commission has not previously adopted these federal regulations because of the absence of LNG facilities in Texas. Last year an LNG facility was built in Texas; therefore, there is need for state regulation of LNG facilities. The federal regulations adopted by reference cover the siting, design, construction, equipment, operations, maintenance, personnel qualifications and training, and security of LNG facilities.

No comments were received regarding the adoption of the amendments

The amendments are adopted under Texas Civil Statutes, Article 6053-1, which authorize the commission to adopt safety standards and practices applicable to the transportation of gas and all gas pipeline facilities within Texas to the maximum degrees permissible under, and to take any other requisite action in accordance with, the Natural Gas Pipeline Safety Act of 1968, §5(a), 49 United States Code Annotated, §1674(a) (West 1968 and Supplement 1995).

The amendments are also adopted under the Texas Natural Resources Code, §§117.001-117.101, which authorizes the commission to regulate the pipeline transportation of hazardous liquids and facilities related thereto under, and to take any other requisite action in accordance with, the Hazardous Liquid Pipeline Safety Act of 1979, §205, 49 United States Code Annotated, §2004 (West Supplement 1995.)

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 June 6, 1995.

TRD-9506972

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

Effective Date: June 30, 1995

Proposal publication date: April 18, 1995

For further information, please call: (512)
463-7166

TITLE 28. INSURANCE

Part I. Texas Department of Insurance

Chapter 7. Corporate and Financial Regulation

The Texas Department of Insurance adopts amendments to §7.27, concerning Regulation of Accounting for Reinsurance Agreements by Life, Accident and Health, and Annuity Insurers, and §7.611, concerning Indemnity Reinsurance Agreements-Required Provisions. The amendments, published in the March 10, 1995, issue of the *Texas Register* (20 TexReg 1741), are adopted without changes to §7.27 and with one change to §7.611.

The amendment to §7.611(4) is necessary to implement House Bill 1461, 73rd Legislature, which amended Insurance Code, Article 5.75-1(n) to allow property and casualty insurers to offset mutual debts and credits between the ceding insurer and the assuming insurer, whether arising out of one or more indemnification reinsurance agreements. This statutory amendment overrules the requirement of the existing §7.611(4) which requires both property and casualty insurers and life, accident and health, and annuity insurers to restrict the remedy of offset to the mutual obligations within one reinsurance contract. The amendment to §7.611(4) will require a reinsurance contract to contain a provision that limits the remedy of offset to all of the reinsurance agreements between a ceding insurer and an assuming insurer instead of the existing limitation to one reinsurance contract. Also, the adopted amendment to paragraph (4) will allow life, accident and health, and annuity insurers the same right to offset. The department is recommending the latter change to provide equal treatment of these two types of insurers. The Legislature did not change the law regarding life, accident and health, and annuity insurers, but the department believes that a consistent policy on the practice of offset and efficient regulation require equal treatment of these insurers. The same existing requirement for life, accident and health, and annuity insurers is found in §7.27 and the department is adopting the amendment of §7.27 to provide for the same treatment. The amendment to §7.611 also adds new paragraphs (8)-(10) and renumbers existing paragraph (8) as paragraph (11). The new paragraphs will require indemnity rein-

insurance agreements to contain a provision concerning the status of any reinsurance intermediary and a provision that the written reinsurance agreement is the entire agreement between the parties. Such provisions are standard in most reinsurance contracts, but have not been required by regulation. Staff believes these new requirements are necessary to promote standardization of reinsurance contracts. A similar proposal, that did not include life insurers in the amendment to §7.611(4), was published in the May 20, 1994, issue of the *Texas Register* (19 TexReg 3899). The proposal was withdrawn after a public hearing on October 3, 1994. The new proposal is identical to the previous proposal except for the inclusion of life, accident and health, and annuity insurers regarding offsets, which necessitated the amendment of §7.27 in this proposal.

The amendment to paragraph (4) relating to property and casualty insurers is required by House Bill 1461, and is less restrictive than the existing regulation. The amendment to paragraph (4) relating to life, accident and health insurers is proposed to provide consistent regulation of offset provisions in reinsurance contracts. New paragraph (8) will require the reinsurance agreement to provide that all credit and solvency risk associated with payments to a reinsurance intermediary under a reinsurance contract must be borne by the reinsurer. New paragraph (9) requires a provision that the written reinsurance agreement is the entire agreement and there are no other understandings between the parties to the agreement. New paragraph (10) supports paragraph (9) by requiring a provision that any amendment to a reinsurance agreement must be signed by the parties to the reinsurance agreement. Paragraph (10) is changed in response to a comment by deleting language that declared an amendment to a reinsurance agreement null and void if the amendment did not comply with this paragraph. The "null and void" language is not generally used and is unnecessary to effect this requirement. These provisions are generally used in reinsurance agreements so the new provisions codify standard practices that support the safe and efficient execution of reinsurance agreements.

One commenter criticized the null and void provision in §7.611(10) and recommended it be deleted to make the rule consistent with the standard language governing amendments used in reinsurance contracts. The standard language states that any amendments must be in writing and executed by the parties. The agency agrees with the commenter and has deleted the language declaring any amendment not in writing to be null and void to avoid the expense of changing reinsurance agreements which would otherwise comply with the requirements to this new paragraph. Two comments were received in support of the proposed amendments.

The Reinsurance Association of America objected to certain language in a proposed amendment. The American Council of Life Insurance and American General Corporation commented in support of the proposed amendments.

Subchapter A. Examination and Corporate Custodian and Tax

• 28 TAC §7.27

The amendments are adopted under the authority of the Insurance Code, Articles 5.75-1, 3.10 and 1.03A and Government Code §§2001.004-2001.038. Articles 5.75-1(n) and 3.10 authorize the commissioner to adopt reasonable rules relating to the accounting and financial statement requirements and the treatment of reinsurance agreements between insurers, including asset debits or credits, reinsurance debits or credits, and reserve debits or credits relating to the transfer of risks or liabilities by reinsurance agreements and to any contingencies arising from reinsurance agreements. Article 1.03A authorizes the commissioner to determine rules for general and uniform application for the conduct and execution of the duties and functions of the department only as authorized by statute for general and uniform application. The Government Code, §§2001.004-2001.038, authorize each state agency to adopt rules of practice setting forth the nature and requirement of available procedures, and prescribe the procedures for adoption of rules by a state agency.

The following articles of the Insurance Code are affected by these amendments: Article 3.10, §7.27.

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 June 9, 1995

TRD-9506982 Alicia M. Fechtel
General Counsel and Chief
Clerk
Texas Department of
Insurance

Effective date: June 30, 1995

Proposal publication date: March 10, 1995

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

Subchapter F. Reinsurance Credit for Reinsurance

• 28 TAC §7.611

The amendments are adopted under the authority of the Insurance Code, Articles 5.75-1, 3.10 and 1.03A and Government Code §§2001.004-2001.038. Articles 5.75-1(n) and 3.10 authorize the commissioner to adopt reasonable rules relating to the accounting and financial statement requirements and the treatment of reinsurance agreements between insurers, including asset debits or credits, reinsurance debits or credits, and reserve debits or credits relating to the transfer of risks or liabilities by reinsurance agreements and to any contingencies arising from reinsurance agreements. Article 1.03A authorizes the commissioner to determine rules for general and uniform application for the conduct and execution of the duties

and functions of the department only as authorized by statute for general and uniform application. The Government Code, §§2001.004-2001.038, authorize each state agency to adopt rules of practice setting forth the nature and requirement of available procedures, and prescribe the procedures for adoption of rules by a state agency.

The following articles of the Insurance Code are affected by these amendments: §7.611—Articles 3.10 and 5.75-1.

§7.611. *Indemnity Reinsurance Agreements—Required Provisions.* Credit will not be granted to a ceding insurer for reinsurance effected with assuming insurers meeting the requirements of the Insurance Code, Article 3.10 or Article 5.75-1, or otherwise in compliance with this subchapter unless the reinsurance agreement

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

(4) provides that the operation of any offsetting provisions shall be to limit offset to reinsurance agreements between the ceding insurer and the reinsurer.

(5)-(7) (No change.)

(8) provides that where payments are made to a reinsurance intermediary (intermediary) the reinsurer assumes all credit risk of the intermediary related to payments made to the intermediary. The following shall be deemed acceptable for evidencing compliance with this subsection: payments by the ceding insurer to the intermediary shall be deemed to constitute payments to the reinsurer and that payments by the reinsurer to the intermediary shall be deemed to constitute payment to the ceding insurer only to the extent that such payments are actually received by the ceding insurer.

(9) includes a provision indicating that the written agreement shall constitute the entire agreement between the parties with respect to the business being reinsured thereunder and that there are no understandings between the parties other than as expressed in the agreement.

(10) includes a provision whereby any change or modification to the agreement to be made by amendment to the agreement and signed by the parties; and

(11) complies with any other Texas Department of Insurance rules in effect.

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 June 9, 1995.

TRD-9506983 Alicia M. Fechtel
General Counsel and Chief
Clerk
Texas Department of
Insurance

Effective date: June 30, 1995

Proposal publication date: March 10, 1995

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

◆ ◆ ◆
**TITLE 31. NATURAL RE-
SOURCES AND CON-
SERVATION**

**Part II. Texas Parks and
Wildlife Department**

Chapter 53. Finance

**Selling Price of Departmental
Information**

• **31 TAC §53.3**

The Texas Parks and Wildlife Commission, in a scheduled meeting held June 1, 1995, adopted an amendment to §53.3, concerning obsolete stamps and decals, with changes to the proposed text as published in the April 28, 1995, issue of the *Texas Register* (20 TexReg 3130). The change clarifies that the department may charge less than \$75 for a complete set of 11 Non-game and Endangered Species Stamps, and less than \$300 for the framed and mounted collector's set of the same stamps.

The amendment is necessary to 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 Non-game and Endangered Species stamps.

The amendment functions by permitting the sale of obsolete Nongame and Endangered Species stamps to the public.

No comments were received regarding adoption of the amendment.

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

§53.3. Obsolete Stamps and Decals.

(a) Except for Nongame and Endangered Species stamps, 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 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 or less 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 or less 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) The executive director may maintain a limited number of stamps and decals of each type and year.

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

This agency hereby certifies that 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 June 5, 1995.

TRD-9506880

Paul Shinkawa
Acting General Counsel
Texas Parks and Wildlife
Department

Effective date: June 28, 1995

Proposal publication date: April 28, 1995

For further information, please call (512) 389-4642

◆ ◆ ◆
**TITLE 34. PUBLIC FI-
NANCE**

**Part IV. Employees
Retirement System of
Texas**

Chapter 81. Insurance

• **34 TAC §81.5, §81.7**

The Employees Retirement System of Texas adopts amendments to §81.5 and §81.7, concerning eligibility and enrollment, without changes to the proposed text as published in the May 5, 1995, issue of the *Texas Register* (20 TexReg 3321).

The amendments will clarify that surviving spouse and eligible dependent children of a member who dies with ten years of service credit will be eligible to continue participation in the Texas Employees Uniform Group Insurance Program (UGIP).

Members and dependents in the UGIP will now be better informed of the eligibility requirements for surviving spouses and dependents.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Insurance Code, Article 3.50-2, §4, which provides the board of trustees with the authority to promulgate all rules, regulations, plans, procedures, and orders reasonably necessary to implement and carry out the purposes

and provisions of the Texas Employees Group Insurance Benefits Act.

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 June 12, 1995.

TRD-9507097

Charles D Travis
Executive Director
Employees Retirement
System of Texas

Effective date: July 3, 1995

Proposal publication date: May 5, 1995

For further information, please call: (512) 867-3336

◆ ◆ ◆
**TITLE 37. PUBLIC
SAFETY AND CORREC-
TIONS**

**Part I. Texas Department
of Public Safety**

Chapter 23. Vehicle Inspection

**Vehicle Inspection Station Li-
censing**

• **37 TAC §§23.1-23.14, 23.16**

The Texas Department of Public Safety adopts amendments to §§23.1-23.3, §§23.12-23.14, and §23.16; and new §§23.4-23.11, concerning vehicle inspection station licensing, without changes to the proposed text as published in the April 18, 1995, issue of the *Texas Register* (20 TexReg 2812).

The justification for the amendments will be a more efficient administration of the Motor Vehicle Inspection Program regarding consistency with existing statutes, clarity in identifying the types of inspection stations and a clearer interpretation of eligibility for inspector licensing following a criminal conviction

Amendments to §§23.1, 23.3, and 23.12-23.14 change license to certificate of appointment in order to make the rule consistent with authorizing statutes. Amendment to §23.3 deletes specific requirements for commercial inspection stations and adds governmental vehicle inspection station requirements. Amendment to §23.16 simplifies the interpretation of the date in which a person can be certified to become a vehicle inspector following a criminal conviction. The department is proposing new §§23.4-23.11 to accommodate the changes in station endorsements, certificates of appointment, display area, station sign, and manpower due to substantive amendments and adding new sections. This action is filed simultaneous with an adoption for repeal of existing sections concerning classification of stations, station licenses, station signs, display area, and manpower. The new sections clarify actual classes of stations, adds language of endorsements to clarify types of inspections and makes the rule consistent with authorizing statutes.

No comments were received regarding adoption of the amendments and new sections

The amendments and new sections are adopted under Texas Civil Statutes, Article 6701d, Article XV, §142(c), which provide the Texas Department of Public Safety with the authority to adopt rules necessary for the administration and enforcement of this Act.

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 May 25, 1995.

TRD-9507100 James R. Wilson
Director
Texas Department of
Public Safety

Effective date: July 3, 1995

Proposal publication date: April 18, 1995

For further information, please call: (512) 465-2890

◆ ◆ ◆
• 37 TAC §§23.4-23.10

The Texas Department of Public Safety adopts the repeal of §§23.4-23.10, concerning vehicle inspection station licensing, without changes to the proposed text as published in the April 18, 1995, issue of the *Texas Register* (20 TexReg 2815).

The department is repealing existing standards for vehicle inspection station licensing to change language in order to comply with existing statutory requirements.

The repeal of these sections are necessary due to substantial amendments. This action is being filed with simultaneous adoption of new sections concerning vehicle inspection station licensing.

No comments were received regarding adoption of the repeals

The repeals are adopted pursuant to Texas Civil Statutes, Article 6701d, Article XV, §142(c), which provide the Texas Department of Public Safety with the authority to adopt rules necessary for the administration and enforcement of this Act.

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 May 25, 1995

TRD-9507102 James R. Wilson
Director
Texas Department of
Public Safety

Effective date: July 3, 1995

Proposal publication date: April 18, 1995

For further information, please call: (512) 465-2890

General Inspection Requirements

• 37 TAC §23.26

The Texas Department of Public Safety adopts an amendment to §23.26, concerning general inspection requirements, without changes to the proposed text as published in the April 18, 1995, issue of the *Texas Register* (20 TexReg 2815).

The justification for the amendment will be clarification in identifying actual classes of stations and types of inspections.

The department adopts the amendment which removes trailer and motorcycle classifications for inspection stations and requires public inspection stations to have vehicle endorsements (trailer, motorcycle, commercial) for the type of vehicles they inspect. Subparagraph (C) is deleted.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6701d, Article XV, §142(c), which provide the Texas Department of Public Safety with the authority to adopt rules necessary for the administration and enforcement of this Act

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 May 25, 1995.

TRD-9507101 James R. Wilson
Director
Texas Department of
Public Safety

Effective date: July 3, 1995

Proposal publication date: April 18, 1995

For further information, please call: (512) 465-2890

◆ ◆ ◆
Inspection Items, Procedures,
and Requirements

• 37 TAC §23.42

The Texas Department of Public Safety adopts an amendment to §23.42, concerning inspection items, procedures, and requirements, without changes to the proposed text as published in the April 18, 1995, issue of the *Texas Register* (20 TexReg 2816).

The justification for the amendment will be to avoid any unnecessary expenses for those institutions who maintain in-house vehicle inspections.

The department adopts the amendment which amends subsection (e) to also include exempting fleet stations from those inspection stations that must inspect suncreening devices (glass tinting) upon providing the department annual written certification that the fleet station has no vehicles equipped with a sunscreening device.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6701d, Article XV, §142(c), which provide the Texas Department of Public Safety with the authority to adopt rules necessary for the administration and enforcement of this Act.

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 May 25, 1995.

TRD-9507103 James R. Wilson
Director
Texas Department of
Public Safety

Effective date: July 3, 1995

Proposal publication date: April 18, 1995

For further information, please call: (512) 465-2890

◆ ◆ ◆
TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part II. Texas Rehabilitation Commission

Chapter 111. Deaf-Blind Multihandicapped Program

• 40 TAC §§111.1-111.4

The Texas Rehabilitation Commission (TRC) adopts the repeal of §§111.1-111.4, concerning the Deaf-Blind Multihandicapped Program, without changes to the proposed text as published in the March 24, 1995, issue of the *Texas Register* (20 TexReg 2196).

The justification for these repeals are to replace them with new sections including a new Medicaid waiver program.

No comments were received regarding adoption of the repeals.

The repeals are adopted pursuant to the Texas Human Resource Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations subject to this section as necessary to carry out the purpose of this chapter.

The repeals implement Title 7, Chapter 113, of the Vernon's Texas Code Annotated, §113.001.

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 May 9, 1995.

TRD-9506884 Charles W. Schlessor
General Counsel, Office of
the General Counsel
Texas Rehabilitation
Commission

Effective date: July 3, 1995

Proposal publication date: March 24, 1995

For further information, please call: (512) 483-4051

Chapter 111. Medicaid Waiver Program for People with Deaf-Blindness and Multiple Disabilities

• 40 TAC §§111.1-111.13

The Texas Rehabilitation Commission (TRC) adopts new §§111.1-111.13, concerning the Medicaid Waiver Program for People with Deaf-Blindness and Multiple Disabilities. Section 111.13 is adopted with changes to the proposed text as published in the March 24, 1995, issue of the Texas Register (20 TexReg 2196). Sections 111.1-111.12 are adopted without changes and will not be republished.

The justification for the adopted new rules are that new sections will include a medicaid waiver program.

Proposed Title for Chapter 111 was published with the word "Multiples" and it should read "Multiple".

During the public comment period, one comment was received from Health and Human Services Commission. A summary of the comment follows:

COMMENT: Under §111.13. Provider Requirements. The following should be deleted Beginning December 1, 1991.

The new rules are adopted under Texas Human Resources Code, Title 7, §111.018, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations subject to this section as necessary to carry out the purpose of this chapter.

The new rules implement Title 7, Chapter 113, of the Vernon's Texas Code Annotated, §113.001.

§111.13. Provider Requirements. Program providers must comply with the Omnibus Budget Reconciliation Act of 1990, 42 United States Code, §1396a(w)(1), regarding advanced directives under state plans for medical assistance.

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 June 12, 1995.

TRD-9507114

Charles W. Schlessner
General Counsel, Office of the General Counsel
Texas Rehabilitation Commission

Effective date: July 3, 1995

Proposal publication date: March 24, 1995

For further information, please call: (512) 483-4051

Part IX. Texas Department on Aging

Chapter 251. Support Documents

• 40 TAC §251.13

The Texas Department on Aging adopts the repeal of §251.13, concerning the Memorandum of Understanding Between Texas Department on Aging, Texas Department of Human Services, Texas Department of Health, and Texas Mental Health and Mental Retardation, without changes to the proposed text as published in the April 21, 1995, issue of the Texas Register (20 TexReg 2999).

This action is necessary as this rule no longer is applicable to the operations of the state agencies concerned.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the Department.

The Human Resources Code, Chapter 101, relating to the operation of the Texas Department on Aging, is affected by this proposed 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 June 9, 1995.

TRD-9507007

Mary Sepp
Executive Director
Texas Department on Aging

Effective date: June 30, 1995

Proposal publication date: April 21, 1995

For further information, please call: (512) 444-2727

Chapter 260. Area Agency on Aging Administrative Requirements

• 40 TAC §260.1

The Texas Department on Aging adopts an amendment to §260.1, concerning compliance by area agencies with the provisions of Section 504, Rehabilitation Act of 1973 as amended and the proper identification of area agencies on aging to assure clear visibility of this activity in Texas, without changes to the proposed text as published in the April 21, 1995, issue of the Texas Register (20 TexReg 300).

This action relocates these rules into the new numbering scheme of the Texas Department on Aging's rules.

No comments were received regarding the adoption of this amendment.

The amendment is adopted under Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the Department.

The Human Resources Code, Chapter 101, relating to the operation of the Texas Department on Aging, is affected by this action. §260.1. Area Agency on Aging Administrative Requirements. (a)-(e) (No change.) (f) Targeting Service Delivery. (1) (No Changes) (2) Scope. These rules shall apply to all area agencies. (A)-(B) (No changes) (C) All area agencies shall comply with the provisions of Section 504, Rehabilitation Act of 1973, as amended. (g) - (l) (No changes) (m) Identification of Area Agency on Aging Facilities. Language will be prominently displayed on a sign outside the location utilized as an area agency on aging indicating the name of the area agency on aging to assure clearly visible access to persons wishing to visit the physical location of the area agency on aging. (1) This sign will adhere to local ordinances concerning signs. (2) The sign will also conform to the uniform logo requirements for Area Agencies on Aging prescribed in subsection (h)(1) of this section (relating to use of logos). (3) The sign will also conform to the citation requirements of the Texas Department on Aging as the primary funding source as prescribed in subsection (j) of this section (relating to identification of funding sources). (4) Failure to physically demonstrate adherence to this policy will be considered noncompliance with this rule.

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 June 9, 1995.

TRD-9507009

Mary Sepp
Executive Director
Texas Department on Aging

Effective date: June 30, 1995

Proposal publication date: April 21, 1995

For further information, please call: (512) 444-2727

• 40 TAC §260.2

The Texas Department on Aging adopts an amendment to §260.2, concerning adequate proportion of funding for supportive services categories, with changes to the proposed text as published in the April 21, 1995, issue of the Texas Register (20 TexReg 3001).

The purpose of this action is revise and relocate this rule according to the new numbering scheme of the Department.

Several comments were received on this rule. The commenter suggested additional wording in paragraph (4) relating to changes

in the local adequate proportion funding level. The Department concurs with the recommended additional language and has amended the paragraphs accordingly.

The Texas Association of Regional Councils commented on this rule.

The amendment is adopted under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the Department.

The Human Resources Code, Chapter 101, relating to the operation of the Texas Department on Aging, is affected by this proposed action.

§260.2. Area Agency on Aging Fiscal Responsibility.

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

(h) Expenditure of adequate proportion of funding for support services categories. Each area agency grantee shall establish an adequate proportion of the funding they receive under Title III, Part B, of the Older Americans Act, as amended, for support services, to be expended to comply with the Act, §306 (a)(2) (Public Law 89-73), and shall include such levels and justification for setting these levels in the area plan or area plan amendment, as appropriate.

(1) adequate proportion of funding for support services shall include each of the following support services categories and their designated services:

(A) services associated with access to services - (transportation, outreach, information and assistance, and case management services);

(B) in-home services (home-maker and home health aides, visiting and telephone reassurance, chore maintenance, and supportive services for families of older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction); and

(C) legal assistance

(2) In determining the adequate proportion of funding for each of these categories, the area agency grantee shall:

(A) analyze information obtained through the local needs assessment conducted for the area plan or area plan amendment;

(B) analyze the availability and accessibility of non-Older Americans Act resources in the region to meet those needs;

(C) take into consideration the views of the elderly and their caregivers concerning the need and accessibility of available resources; and

(D) include information and discussion of the proposed levels for expending an adequate proportion of support service funds in a public hearing held for the area plan or area plan amendment, as appropriate.

(3) The area plan shall indicate the level of adequate proportion for each of the support service categories as a percentage of the Title III, Part B funding and a narrative description of each criterion listed in paragraph (2) of this subsection.

(4) An area agency grantee may propose a change in the local adequate proportion funding level for any of the support service categories at the beginning of the fiscal year; but not during the course of the fiscal year of an approved area plan or area plan amendment. Appropriate justification to change the level of funding shall be submitted using either:

(A) criteria listed in paragraph (2) of this subsection by describing and documenting changes in the conditions of the service delivery system in the region which resulted in the need for such change, or

(B) that a change in funds received from the state or other funding sources due to a new funding formula, which was a result of a revision in the census information from which allocations are determined.

(5) Area agency grantees may seek a waiver from setting and expending an adequate proportion of Title III, Part B funds for these support service categories.

(A) Such a waiver shall be submitted with the area plan or area plan amendment prior to the effective fiscal year. Waivers will not be reviewed or approved during the fiscal year for which the area agency grantee has an approved area plan or area plan amendment.

(B) The burden of proof that an adequate supply of support services in these categories is available in the region is the responsibility of the area agency grantee when applying for such a waiver.

(C) Separate waiver requests shall be submitted for each category of support services for which a waiver is sought and must include appropriate justification using the criteria listed in paragraph (2) of this subsection.

(D) At least one public hearing shall be held on the area plan or area plan amendment containing a request for waiver of this requirement. The area agency grantee shall notify all interested parties in the area of the public hearing and provide them with an opportunity to testify.

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 June 9, 1995

TRD-9507010

Mary Sapp
Executive Director
Texas Department on
Aging

Effective date: June 30, 1995

Proposal publication date: April 21, 1995

For further information, please call: (512) 444-2727

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Chapter 268. Adequate
Proportion of Priority
Services

Statutes and Regulations

- 40 TAC §§268.1, 268.3, 268.5, 268.6, 268.7, 268.9, 268.11, 268.13

The Texas Department on Aging adopts the repeal of §§268.1, 268.3, 268.5, 268.6, 268.7, 268.9, 268.11, 268.13, concerning adequate proportion of priority services, without changes to the proposed text as published in the April 21, 1995, issue of the *Texas Register* (20 TexReg 3002).

This action is necessary to relocate this section elsewhere in the Texas Administrative Code according to the new numbering scheme of the Department.

No comments were received on regarding adoption of these repeals.

The repeals are adopted under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the Department.

The Human Resources Code, Chapter 101, relating to the operation of the Texas Department on Aging, is affected by this proposed action. §268.1. Adequate Proportion of Funding for Supportive Service Categories §268.3. Priority Services Categories §268.5. Adequate Proportion §268.6. Possible Reduction of Minimum Percentages Required To Be Expended §268.7. Waiver of the Requirement to Provide an Adequate Proportion of Funding for Priority Services §268.9. Procedures for Granting a Waiver §268.11. Waivers §268.13. Effective Date of Adequate Proportion Policy

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 June 9, 1995.

TRD-9507011

Mary Sapp
Executive Director
Texas Department on
Aging

Effective date: June 30, 1995

Proposal publication date: April 21, 1995

For further information, please call: (512)
444-2727

◆ ◆ ◆
Chapter 270. General Service Requirements

◆ ◆ ◆
• 40 TAC §270.1

The Texas Department on Aging adopts an amendment to §270.1, relating to the no smoking policy in facilities and vehicles funded in whole or in part by the Older Americans Act and/or the Department, without changes to the proposed text as published in the April 21, 1995, issue of the *Texas Register* (20 TexReg 3002).

The purpose of this action is to provide consistent language with the smoking policy appearing in §270.21 of this section, relating to Senior Center Requirements.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the Department.

The Human Resources Code, Chapter 101, relating to the operation of the Texas Department on Aging, is affected by this action. §270.1.General service requirements. (a) - (m) (No changes)(n)No Smoking Policy. The Surgeon General of the United States has determined that the smoking of tobacco constitutes a health hazard. Smoking of tobacco is prohibited during the hours of operation of senior programs and in footage designated for senior activities funded by the Department.

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

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

TRD-9507012

Mary Sapp
Executive Director
Texas Department on
Aging

Effective date: June 30, 1995

Proposal publication date: April 21, 1995

For further information, please call: (512)
444-2727

◆ ◆ ◆
Chapter 277. Monitoring Retired Senior Volunteer Programs

◆ ◆ ◆
Statutes and Regulations

◆ ◆ ◆
• 40 TAC §§277.1-277.4

The Texas Department on Aging adopts the repeal of §§277.1 - 277.4, concerning monitoring of retired senior volunteer programs, without changes to the proposed text as published in the April 21, 1995, issue of the *Texas Register* (20 TexReg 3003).

The purpose of this action is to revise and relocate this section elsewhere in the Texas Administrative Code.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the Department.

The Human Resources Code, Chapter 101, relating to the operation of the Texas Department on Aging, is affected by this action. §277.1.Program Definition §277.2.Program Monitoring by the Texas Department on Aging§277.3.Program Monitoring Guide for RSVP Grantees §277. 4.Program Review

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 June 9, 1995.

TRD-9507013

Mary Sapp
Executive Director
Texas Department on
Aging

Effective date: June 30, 1995

Proposal publication date: April 21, 1995

For further information, please call: (512)
444-2727

◆ ◆ ◆
Chapter 279. Implementation of Section 504, Rehabilitation Act of 1973 Policies and Procedures

Statutes and Regulations

◆ ◆ ◆
• 40 TAC §§279.1-279.4

The Texas Department on Aging adopts the repeal of §§279.1 - 279.4, concerning the implementation of Section 504, Rehabilitation Act Of 1973, as amended, without changes to the proposed text as published in the April 21, 1995, issue of the *Texas Register* (20 TexReg 3003).

This section was revised and relocated elsewhere in the Texas Administrative Code in accordance with the program to revise and republish rules pertaining to the Department.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the Department.

The Human Resources Code, Chapter 101, relating to the operation of the Texas Department on Aging, is affected by this action. §279.1.Background §279.2.Policy §279.3.Compliance §279.4.Complaint Procedures

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 June 9, 1995.

TRD-9507014

Mary Sapp
Executive Director
Texas Department on
Aging

Effective date: June 30, 1995

Proposal publication date: April 21, 1995

For further information, please call: (512)
444-2727

Name: Deean Spieckermann

Grade:

School: Homer Hanna High School, Brownsville ISD

OPEN MEETINGS

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours before a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the **Texas Register**.

Emergency meetings and agendas. Any of the governmental entities listed above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. All emergency meeting notices filed by governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the bulletin board at the main office of the Secretary of State in lobby of the James Earl Rudder Building, 1019 Brazos, Austin. These notices may contain a more detailed agenda than what is published in the **Texas Register**.

Meeting Accessibility. Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting summary several days prior to the meeting by mail, telephone, or RELAY Texas (1-800-735-2989).

Texas State Board of Public Accountancy

Tuesday, June 20, 1995, 10:00 a.m.

333 Guadalupe, Tower III, Suite 900

Austin

Board Meeting

AGENDA:

Consideration of ethics courses submitted for approval. The committee will review applications from providers of CPE who request approval to grant ethics credit in accordance with §523.32.

1. The Law Firm of Crady, Jewett & McCulley has submitted the draft copy of a speech "Tax Practice Standards" and a tax planning seminar on ethics for the committee's consideration.
2. Mr. Rye's comments on the TSCPA's ethics course are presented for consideration.
3. Houston Chapter TSCPA's "Ethics and Texas State Board of Public Accountancy Complaints" by Richard M. Forrest, CPA, JD, was submitted by Joe T. Rye, CPA, for discussion. Because of copyright, reproduction without permission is prohibited. The committee may review Mr. Rye's copy. Mr. Forrest has not submitted the material to the committee for approval as of this date.
4. Texas Association of College and University Auditors' course on ethics will receive consideration.

Contact: J. Randel (Jerry) Hill, 333 Guadalupe, Tower III, Room 900, Austin, Texas 78701-3900, (512) 505-5542.

Filed: June 12, 1995, 2:57 p.m.

TRD-9507134

State Banking Board

Wednesday, June 21, 1995, 10:00 a.m.

2601 North Lamar Boulevard

Austin

AGENDA:

Review and approval of minutes of previous meeting; resolution of the State Banking Board honoring Jane Macon, former citizen member; consideration of interim charter applications; consideration of change of domicile application for Stewart Trust Company, Houston, Texas; consideration of conversion application for The Farmers and Merchants National Bank, Mart, Texas; consideration of trust company charter application for Smith Barney Shearson Trust Company of Texas, Dallas, Texas; general discussion of limited banking associations; 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: June 12, 1995, 3:36 p.m.

TRD-9507135

Conservatorship Board

Tuesday, June 13, 1995, 2:30 p.m.

710 Brazos, Perry Brooks Building

Emergency Meeting

Austin

AGENDA:

Call to order; reallocation of funds; and adjournment.

Necessary for Conservatorship Board to meet in order to meet statutory mandate.

Contact: Otis E. Williams, 710 Brazos, Austin, Texas 78701, (512) 867-8720.

Filed: June 8, 1995, 11:53 a.m.

TRD-9506926

Tuesday, June 13, 1995, 2:30 p.m.

710 Brazos, Perry Brooks Building

Austin

Emergency Revised Agenda

AGENDA:

Action on shortfall of funds in the criminal justice initiative

Reason for emergency: Necessary for Conservatorship Board to meet in order to meet statutory mandate.

Contact: Otis E. Williams, 710 Brazos, Austin, Texas 78701, (512) 867-8720.

Filed: June 13, 1995, 9:47 a.m.

TRD-9507163

◆ ◆ ◆
Texas Cosmetology Commission

Friday, June 16, 1995, 4:00 p.m.

Texas Cosmetology Commission Hearing Room, 5717 Balcones Drive

Austin

Working Session (Staff)

AGENDA:

Update on fiscal year 1995 operating budget; legislative update.

Contact: Alicia C. Ayers, P.O. Box 26700, Austin, Texas 78755-0700, (512) 454-4674.

Filed: June 8, 1995, 3:53 p.m.

TRD-9506950

◆ ◆ ◆
Texas Education Agency

Friday-Tuesday, June 23-27, 1995, 8:30 a.m.

DoubleTree Hotel, Lincoln Centre, 5410 LBJ Freeway

Dallas

Science Essential Element Clarification Committee

AGENDA:

The Science Essential Element Clarification Committee will:

review the "big ideas" in science

organize science concepts

review science concepts across the grade levels

Contact: James Collins, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9556.

Filed: June 9, 1995, 4:28 p.m.

TRD-9507056

◆ ◆ ◆
State Employee Charitable Campaign

Tuesday, June 20, 1995, 8:00 a.m.

2000 East Martin Luther King, Jr. Boulevard

Austin

Local Employee Committee

AGENDA:

I. Welcome and introduction

II. Review and vote on capital area local campaign manager budget

Adjourn

Contact: Anne Murphy, 2000 East Martin Luther King, Jr. Boulevard, Austin, Texas 78702, (512) 472-6267, Fax: (512) 482-8309. TRD-9507164.

Filed: June 13, 1995, 9:47 a.m.

TRD-9507164

◆ ◆ ◆
Texas Employment Commission

Tuesday, June 20, 1995, 9:00 a.m.

Room 644, TEC Building, 101 East 15th Street

Austin

AGENDA:

Prior meeting notes; consideration and possible approval of bid for modifications to elevator at the Houston San Jacinto Street agency-owned building; consideration and possible approval of bid for modifications to elevators at the Houston Austin Street agency-owned building; staff reports; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 25; and set date of next meeting.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: June 12, 1995, 4:06 p.m.

TRD-9507139

◆ ◆ ◆
Texas Ethics Commission

Friday, June 16, 1995, 9:30 a.m.

1101 Camino La Costa, Room 235

Austin

AGENDA:

The commission will take roll call; hear comments by the commissioners and the executive director, and communications from the public; approve the minutes of the May 12, 1995, meeting; briefing, discussion, and possible action to waive certain fines assessed for late filing of a report; briefing and discussion on Senate Bill 94's effect on campaign reporting and political advertising by judicial candidates and/or officeholders; discussion and possible action in response to the following Advisory Opinions Requests Numbers 293, 297, 299, and 300; the commission will meet in an executive session to discuss personnel matters, specifically, the position of executive director and/or general counsel; possible action

regarding personnel matters, specifically, the position of executive director and/or general counsel; and adjourn.

Contact: Sarah Woelk, 1101 Camino La Costa, Austin, Texas 78711, (512) 463-5800.

Filed: June 8, 1995, 2:22 p.m.

TRD-9506936

◆ ◆ ◆
Texas Commission on Fire Protection

Wednesday-Thursday, June 21-22, 1995, 9:00 a.m.

12675 North Research

Austin

AGENDA:

The Texas Commission on Fire Protection will meet on June 21 and 22, 1995, at 9:00 a.m. each day, at its headquarters office located at 12675 North Research in Austin, Texas. The commission will also meet at the Rabb House, 220 East Palm Valley Road, Round Rock, Texas, at 6:00 p.m., June 21. After convening at 9:00 a.m., June 22, the commission will visit the Capitol Building, the Capitol Extension, and the Regional Office of the Commission located at 300 West 15th Street, Suite 170, Austin, Texas. The commission will lunch at Chuy's located at 3826 Lake Austin Boulevard, and will reconvene at the headquarters office at 1:00 p.m.

The commissioners will receive orientation from the agency staff, and may also hear remarks from representatives of the Offices of the Governor, the Attorney General, and the Ethics Commission. The orientation will include presentations regarding the legal authority of the commission, its budget, and the organization of the agency, as well as on ethics, open meetings and open records laws, and administrative procedure law. There may be some discussion among the commissioners of all these subjects, as well as the duties of the commissioners. However, no action or votes will be taken on these subjects.

The commissioners may, however, consider and take action regarding the subject of dates, times, and locations of future commission meetings.

Contact: Carol Menchu, 12675 North Research, Austin, Texas 78759, (512) 918-7100.

Filed: June 12, 1995, 2:39 p.m.

TRD-9507130

General Land Office

Tuesday, June 20, 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 application and amendments, Big Cowboy (Lobo) Field, Webb County; Fort Trinidad (Dexter, Madison and Houston Counties; Thompson North, Fort Bend County; Flour Bluff, East, Field, Nueces County; applications to lease highway rights of way for oil and gas, Colorado County, Jackson County, and Fayette County; direct land sales, Terrell County and Brewster County; coastal public lands—lease cancellations and renewals, Sabine Lake, Jefferson County; and West Bay, Galveston County; easement applications and renewals, Copano Bay, Aransas County; West Bay, Chambers County; Galveston Bay, Chambers County; Robinson Lake, Chambers County; reconsideration of coastal public lands applications, Galveston Bay, Chambers County; structure (cabin) permit amendments, Laguna Madre, Willacy County; and Laguna Madre, Cameron County; commercial lease applications and renewals, Copano Bay, Aransas County; Dickinson Bayou, Galveston County; Sabine Pass, Jefferson County; Offats Bayou, Galveston County; consideration of rehearing on commercial easement amendment application, Clear Lake, Galveston County; discussion of credit allowance for survey costs in sale of vacancies under Natural Resources Code, §51.193(d); executive session—pending and proposed litigation; executive session—discussion of offer to purchase land in Travis County; open session—consideration of offer to purchase land in Travis County.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Houston, Texas 78701, (512) 463-5016.

Filed: June 12, 1995, 3:45 p.m.

TRD-9507136

General Services Commission

Monday, June 19, 1995, 10:30 a.m.

Central Services Building, 1711 San Jacinto Austin

AGENDA:

1) Consideration of lease with option to purchase for Texas Department of Protective and Regulatory Services; 2) Consideration of adoption of a resolution for reimbursement of capital expense relating to a

construction project in Travis County for the Texas Department of Health; 3) Consideration of proposed change orders—various projects; 4) Program issues; executive session to interview and consider applicants for the position of executive director; executive session to consider the status of the purchase of real property pursuant to the provisions of Texas Civil Statutes, Article 601b.

Contact: Judith M. Porras, 1711 San Jacinto Boulevard, Austin, Texas 78701, (512) 463-3446.

Filed: June 8, 1995, 3:20 p.m.

TRD-9506944

Texas Higher Education Coordinating Board

Wednesday, June 21, 1995, 10:00 a.m.

Texas Tech University Health Science Center, Health Science Center Building, Room 2.B152

Lubbock

Campus Planning Committee

AGENDA:

View and/or hear presentations on the following: Texas Tech University—new Athletic Support Services Building; The University of Texas at Arlington—re-approval of Hazardous Waste Storage Building; The University of San Antonio—Engineering/Biotechnology Building—Phase II; The University of Texas of the Permian Basin—repair Mesa Deck; Midwestern State University—Central Utility Plant; University of North Texas—Music and Fine Arts Education Building; and Sul Ross State University—new Equine Science facility.

Contact: Don Brown, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 483-6101.

Filed: June 12, 1995, 9:20 a.m.

TRD-9507094

Thursday, June 22, 1995, 10:00 a.m.

UT Medical Branch at Galveston, Administration Building, Sixth Floor, Caduceus Room

Galveston

Campus Planning Committee

AGENDA:

View and/or hear presentations on the following: The University of Texas Medical Branch at Galveston—support services renovation, Phase I and chiller equipment for super services renovation; The University of Texas—Pan American—new Science Building; Lamar University—Port Arthur—purchase of lots containing 45,892 square feet at 1734 and 1409 Procter Street and

1101-1117 Lakeshore Drive; and Sam Houston State University—Estill Classroom Building renovation and purchase of an 11,325 square feet lot at 1501 University Avenue.

Contact: Don Brown, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 483-6101.

Filed: June 12, 1995, 9:23 a.m.

TRD-9507098

Thursday, June 22, 1995, 1:30 p.m.

Texas A&M University—Galveston Campus, Physical Education Building, Room 107

Galveston

Campus Planning Committee

AGENDA:

View and/or hear presentations on the following: Texas A&M University—Galveston Campus—Fort Crockett facility renovation; Texas A&M University—cooling towers replacement; Texas Transportation Institute Hangar rehabilitation, materials research facility, and West Campus utility renovation; and University of Houston—re-approval of Music Building.

Contact: Don Brown, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 483-6101.

Filed: June 12, 1995, 9:23 a.m.

TRD-9507099

Texas Department of Human Services

Friday, June 16, 1995, 11:00 a.m.

701 West 51st Street, First Floor, East Tower, Public Hearing Room

Austin

Texas Board of Human Services

AGENDA:

1. Approve of the minutes of April 21, 1995. 2. Chair's comments and announcements. 3. Adoption of final federal enforcement rules for Medicaid nursing facilities. 4. Adoption of cost determination rules for certain long-term care programs. 5. Revision of rules for family violence program contractors. 6. Amendments to policies and procedures. 7. Fiscal year 1995 budget adjustments. 8. Proposed fiscal year 1996 operating budget. 9. Commissioner's report, a. status report on Affirmative Action Program. b. Historically Underutilized Business (HUB) Program status. c. announcements and comments. d. tracking of board action items.

Contact: Sherron Heinemann, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3048.

Filed: June 8, 1995, 10:28 a.m.

TRD-9506920

◆ ◆ ◆
Texas Incentive and Productivity Commission

Friday, June 23, 1995, 9:00 a.m.

Clements Building, Fifth Floor, Committee Room #2, 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: June 13, 1995, 8:34 a.m.

TRD-9507151

Friday, June 23, 1995, 9:30 a.m.

Clements Building, Fifth Floor, Committee Room #2, 15th and Lavaca

Austin

AGENDA:

Session on the State Employee Incentive Program and Productivity Bonus Program

Commissioners will receive information and discuss issues. Quorum may or may not be present. No votes will be taken.

(Note: The commission's regular meeting will be held at 9:00 a.m. on the same day. See other meeting notice for agenda and location.)

Contact: M. Elaine Powell, P.O. Box 12482, Austin, Texas 78711, (512) 475-2393.

Filed: June 13, 1995, 8:34 a.m.

TRD-9507150

◆ ◆ ◆
Texas Department of Insurance

Tuesday, June 27, 1995, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

454-95-0668

Request for appeal hearing by special deputy receivers of Western Lloyds, International Service, American Guardian, Lloyds US and Guaranty County Mutual from decision of the Texas Catastrophe Property Insurance Association.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: June 13, 1995, 8:34 a.m.

TRD-9507152

Tuesday, June 27, 1995, 1:00 p.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

454-95-0443.c

To consider whether disciplinary action should be taken against Jesse Gillette Stewart who holds 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: June 13, 1995, 8:34 a.m.

TRD-9507153

Wednesday, June 28, 1995, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

454-95-0622

To consider whether disciplinary action should be taken against John D. Meacham, Amarillo, Texas who holds a Group I, Legal Reserve Life Insurance Agent's License and a Solicitor'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: June 13, 1995, 8:34 a.m.

TRD-9507154

Friday, June 30, 1995, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

454-95-0699.H

In the matter of Roger Gordon Wolf and Ricky D. Lewelling doing business as A-Affordable Insurance Agency, doing business as A-Affordable Insurance Agency, Inc., and doing business as A-Affordable Insurance, Inc.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: June 13, 1995, 8:34 a.m.

TRD-9507155

Friday, June 30, 1995, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

454-95-0703.C

To consider whether disciplinary action should be taken against Billy Carroll Frazier, doing business as Sun Vista Insurance Agency, El Paso, Texas, who holds a Group I, Legal Reserve Life Insurance Agent's License, a Variable Contract Agent's License, a Group II, Stipulated Premium 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: June 13, 1995, 8:34 a.m.

TRD-9507156

◆ ◆ ◆
Texas Department of Licensing and Regulation

Monday, June 19, 1995, 9:00 a.m.

920 Colorado, E.O. Thompson Building, Fourth Floor

Austin

Inspections and Investigations: Boxing

AGENDA:

According to the complete agenda, the department will hold an administrative hearing to consider the complaint of Harold Warren in accordance with the statutes, Articles 8501 and 9100; 16 Texas Administrative Code (TAC) §61.104(h) and the Texas Government Code, Chapter 2001.

Contact: Paula Hamje, 920 Colorado, Austin, Texas 78701, (512) 463-3192.

Filed: June 9, 1995, 2:26 p.m.

TRD-9507016

◆ ◆ ◆
Texas Natural Resource Conservation Commission

Wednesday, July 12, 1995, 9:00 a.m.

Grayson County Courthouse, West Courtroom, 100 West Houston

Sherman

Office of Hearings Examiners

AGENDA:

For a hearing before a hearings examiner on an application by Keystone Consolidated Industries, Inc. for Proposed Permit Number 13762-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 5,000 gallons per day. The proposed wastewater treatment facility will serve employee's facilities at the west manufacturing plant site owned and operated by the applicant. The wastewater treatment facilities are approximately 0.5 mile north of State Highway 56 on the east side of Gibbons Road, approximately six miles west of Sherman in Grayson County, Texas. TNRCC Docket Number 95-0927-MWD.

Contact: Alexandre Bourgeois, Mail Code 102, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: June 9, 1995, 8:28 a.m.

TRD-9506956

Texas State Board of Perfusionists

Tuesday, June 27, 1995, 8:00 a.m.

Room T-207, Texas Department of Health, 1100 West 49th Street

Austin

Application Committee

AGENDA:

The committee will discuss and possibly act on: applications PF0087 through PF0107; policy interpretation on applicants applying under 22 Texas Administrative Code §761.11; and set next meeting date.

Contact: Jo Whittenberg, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6751. 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: June 12, 1995, 4:47 p.m.

TRD-9507143

Texas State Board of Podiatry Examiners

Friday, June 9, 1995, 10:00 a.m.

Four Seasons Hotel, 98 San Jacinto Boulevard

Austin

Emergency Meeting

Board Certification

AGENDA:

Saturday, June 9, 1995, the committee will meet to discuss board certification requirements and to discuss CME guidelines.

Reason for emergency: We were just notified that all committee members will be present in Austin for another meeting and this will eliminate their need to travel a second time and the expenses attached thereto.

Contact: Janie Alonzo, 3420 Executive Center Drive, Suite 305, Austin, Texas 78731, (512) 794-0145.

Filed: June 8, 1995, 11:52 a.m.

TRD-9506925

Public Utility Commission of Texas

Tuesday, June 20, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A prehearing conference will be held on the above date and time in Docket Number 14245—complaint of Montgomery County against Lufkin-Conroe Telephone Exchange, Inc.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 9, 1995, 1:16 p.m.

TRD-9506999

Tuesday, September 5, 1995, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

AGENDA:

A hearing on the merits will be held on the above date and time for Docket Number 14121—complaint of David and Carolyn Jaska against GTE Southwest, Inc.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 9, 1995, 1:55 p.m.

TRD-9507003

Railroad Commission of Texas

Thursday, June 22, 1995, 2:00 p.m.

1701 North Congress Avenue, 12th Floor, Conference Room 12-126

Austin

AGENDA:

The commission will hold its monthly statewide hearing on oil and gas to determine the lawful market demand for oil and gas and to consider and/or take action on matters listed on the agenda posted with the Secretary of State's office.

Contact: Paula Middleton, P.O. Box 12967, Austin, Texas 78711, (512) 463-6729.

Filed: June 9, 1995, 10:43 a.m.

TRD-9506976

Texas County and District Retirement System

Wednesday, June 21, 1995, 7:30 p.m.

Four Seasons Hotel

Austin

Investment Committee Meeting

AGENDA:

Chairperson will open meeting. Approve minutes of preceding meeting. Receive report from investment officer. Consider and act on investment policy revisions. Consider and act on authorization of signatures for Mellon Bank. Review draft of custodian depository contract. Consider and act on method for initial money manager selection procedure. Consider and act on budget amendment for custodian fees, money manager fees, and additional software costs. Set date and location of September, 1995 meeting. Adjourn meeting.

Contact: Alan Adams, 400 West 14th Street, Austin, Texas 78701, (512) 469-9668.

Filed: June 12, 1995, 4:55 p.m.

TRD-9507148

Thursday-Friday, June 22-23, 1995, 1:30 p.m. and 8:30 a.m., respectively.

Four Seasons Hotel, 98 San Jacinto Boulevard

Austin

Board of Trustees

AGENDA:

Building Committee meeting. Regular board meeting. Review and approval of minutes of March 1995 regular board meeting. Consider and act on Building Committee recommendations. Report from legal counsel. Report from investment officer. Consider and act on investment policy revisions. Consider and act on banking and custodial service arrangements. Consider and act on method for initial investments manager selection process. Consider and act on budget amendment for custodian fees.

investments manager fees, and software costs for investment accounting systems. Review and approval of service and disability retirement benefits. Review and approval of subdivision applications for retirement plan participation and supplemental death benefits fund participation. Review and approval of financial statements. Report from independent auditor. Report from actuary. Review and approval of annual report. Consider and act on possible future modifications of reinstatement (buy-back) provision. Report from chairman. Report from director. Set date of September board meeting and required special meeting. Adjournment.

Contact: Terry Horton, 400 West 14th Street, Austin, Texas 78701, (512) 476-6651.

Filed: June 12, 1995, 1:13 p.m.

TRD-9507127

Teacher Retirement System of Texas

Friday, June 16, 1995, 8:00 a.m.

1000 Red River, Room 514

Austin

Board of Trustees Nominations Committee

AGENDA:

Approval of minutes of April 25, 1995, meeting and consideration of recommendation of candidate to be appointed to the Retirees Advisory Committee.

Contact: Mary Godzik, 1000 Red River, Austin, Texas 78701-2698, (512) 397-6400.

Filed: June 8, 1995, 3:43 p.m.

TRD-9506948

Friday, June 16, 1995, 8:30 a.m.

1000 Red River, Fifth Floor Board Room

Austin

Board of Trustees

AGENDA:

Roll call of board members; public comments; approval of minutes of May 18, 1995, consideration of board member absence from May 18, 1995, Board of Trustees meeting; discussion and consideration of inputs and assumptions for asset/liability study; report of Nominations Committee and consideration of appointment to the Retirees Advisory Committee; report of Search Committee; report of Real Estate Committee; consideration of policy exception regarding the sale of the Denver Tech Center Hyatt Regency Hotel; report of Investment Committee; discussion of board workshop for strategic planning; report of Benefits Division; report of Texas Public

School Retired Employees Group Insurance Program; consideration of budget amendment for Public School Active Employees Insurance Reserve Fund; consideration of TRS participation in the State's Master Lease Purchase Program; review of proposed 1995-1996 operating budget; report of interim executive director; comments by board members; report of general counsel on litigation.

Contact: Mary Godzik, 1000 Red River, Austin, Texas 78701-2698, (512) 397-6400.

Filed: June 8, 1995, 3:43 p.m.

TRD-9506949

Tuesday, June 20, 1995, 2:00 p.m.

1000 Red River, Room 514

Austin

Board of Trustees Policy Committee

AGENDA:

Approval of minutes of March 3, 1995, meeting; discussion and consideration of board travel policy; and discussion and consideration of employment-at-will.

Contact: Mary Godzik, 1000 Red River, Austin, Texas 78701-2698, (512) 397-6400.

Filed: June 12, 1995, 2:39 p.m.

TRD-9507131

Wednesday, June 21, 1995, 8:30 a.m.

1000 Red River, Fifth Floor Board Room

Austin

Board of Trustees

AGENDA:

Roll call of board members; discussion of the employment of the executive director and interview of candidates for position; consideration of the employment of the executive director; consideration of signature authorization to approve and sign vouchers.

Contact: Mary Godzik, 1000 Red River, Austin, Texas 78701-2698, (512) 397-6400.

Filed: June 12, 1995, 2:39 p.m.

TRD-9507132

The Texas A&M University System, Board of Regents

Thursday, June 15, 1995, 8:00 a.m.

Texas A&M University, MSC, Room 292, Joe Routt Boulevard

College Station

Facilities Planning and Building Committee

AGENDA:

Action on bids for residence halls rehabilitation, Phase I (Jarrett Hall), West Texas

A&M University; action on bids for campus facilities, Phase II, Texas A&M International University; action on bids for reroofing the Steinke Physical Education Center, Texas A&M University-Kingsville; increase budget and reduce scope for the University Services Center, Texas A&M University-Corpus Christi; state reports of construction projects; confirm report of construction contract actions by the chancellor or CEOs, confirm report on appropriations by the chancellor.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: June 9, 1995, 3:45 p.m.

TRD-9507037

Thursday, June 15, 1995, 8:30 a.m., or upon adjournment of meeting of the Facilities Planning and Building Committee.

Texas A&M University, MSC, Room 292, Joe Routt Boulevard

College Station

Executive Committee

AGENDA:

Approval of minutes of board meetings; naming of facilities at system institutions and service agencies; appointment to Board of Directors of the TAMU Private Enterprise Research Center; appointment of Provost and Vice President for Academic Affairs (closed session); West Texas A&M University, adoption of resolution congratulating sports clubs, athletic teams and individuals of the system's academic institutions; grant Emeritus titles; confirm appointments and promotions; approve academic tenure; confirm terminations of employment.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: June 9, 1995, 3:45 p.m.

TRD-9507038

Thursday, June 15, 1995, 8:45 a.m., or upon adjournment of the meeting of the Executive Committee.

Texas A&M University, MSC, Room 292, Joe Routt Boulevard

College Station

Committee for Academic Campuses

AGENDA:

Adoption of a resolution supporting Prairie View A&M University's participation in the North Harris Montgomery Community College District's Developing University Center; adoption of a resolution supporting Texas A&M University's participation in the North Harris Montgomery Community College District's Developing University

Center; adoption of a resolution to further define the contractual and academic relationships between Texas A&M University and Scott and White Clinic and Hospital; authorization and/or discussion of a Master of Arts in Teaching Degree, a Master of Science Degree in Kinesiology, and a Master of Science Degree in Reading, Texas A&M University-Corpus Christi; approval of a cooperative Ed.D. Program in Educational Leadership between West Texas A&M University and Texas Tech University.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: June 9, 1995, 3:45 p.m.

TRD-9507039

Thursday, June 15, 1995, 9:00 a.m., or upon adjournment of the meeting of the Committee for Academic Campuses.

Texas A&M University, MSC, Room 292, Joe Routt Boulevard

College Station

System Policies Committee

AGENDA:

Status report on the implementation of system policies and status report on policies under revision or under development.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: June 9, 1995, 3:45 p.m.

TRD-9507040

Thursday, June 15, 1995, 9:45 a.m., or upon adjournment of the meeting of the System Policies Committee.

Texas A&M University, MSC, Room 292, Joe Routt Boulevard

College Station

Committee for Service Units

AGENDA:

Status report on technology licensing

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: June 9, 1995, 3:46 p.m.

TRD-9507041

Thursday, June 15, 1995, 10:15 a.m., or upon adjournment of the meeting of the Committee for Service Units.

Texas A&M University, MSC, Room 292, Joe Routt Boulevard

College Station

Finance and Audit Committee

AGENDA:

Authorization to purchase equipment through the Equipment Master Acquisition Program, Texas Engineering Extension Service; approval of increased fees effective fall 1995 at the academic institutions of the Texas A&M University System; authorization for a student library fee, Texas A&M University; authorization to establish a quasi-endowment, Texas A&M University; confirmation of field trip fees, Texas A&M University at Galveston; authorization for a library access fee, Tarleton State University; approval of a contract for vending services, Prairie View A&M University; authorization to reduce nonresident tuition rates, West Texas A&M University; approval of Boatmen's First National Bank of Amarillo at local depository, West Texas A&M University; approval of distribution of income from the estate of Ardella R. Helm, Texas A&M University System; approval of budget guidelines for fiscal year 1995-1996, Texas A&M University System; confirmation of budget and fiscal transfers, salary increases and new positions; confirmation of gifts, grants, loans and bequests.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: June 9, 1995, 3:46 p.m.

TRD-9507042

Thursday, June 15, 1995, 10:45 a.m., or upon adjournment of meeting of the Finance and Audit Committee.

Texas A&M University, MSC, Room 292, Joe Routt Boulevard

College Station

Committee for Land and Mineral Resources

AGENDA:

Renewal of aerial electrical easement to the City of College Station, Texas A&M University; authorization to executive surface easement with Bluebonnet Water Supply Corporation, McLennan County, Texas Agricultural Experiment Station; acceptance of gift of land, Jim Wells County, Texas Agricultural Experiment Station (closed session); renewal of easement to KCS Pipeline Systems, Inc., Texas Forest Service.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: June 9, 1995, 3:46 p.m.

TRD-9507043

Thursday, June 15, 1995, 11:00 a.m., or upon adjournment of the meeting of the Land and Mineral Leases Committee.

Texas A&M University, MSC, Room 292, Joe Routt Boulevard

College Station

Board of Regents

AGENDA:

Action on bids; increase budget and scope for project; report of contract actions by the chancellor or CEOs; reports on construction projects and appropriations by the chancellor; approval of minutes; resolutions congratulating sports clubs, athletic teams and individuals; naming of facilities; granting of Emeritus titles; appointments and promotions; academic tenure; terminations of employment; resolutions supporting participation in North Harris Montgomery Community College District's Developing University Center for Prairie View A&M University and Texas A&M University; resolution to further define the contractual and academic relationships between Texas A&M University and Scott and White Clinic and Hospital; appointment to the Board of the TAMU Private Enterprise Center; authorization for Master of Arts in Teaching degree and Master of Science degree in reading, Texas A&M University-Corpus Christi; cooperative Ed.D. Program in Educational Leadership between West Texas A&M University and Texas Tech University; renewal of aerial electrical easement, Texas A&M University; execute surface easement, Texas Agricultural Experiment Station; renewal of easement, Texas Forest Service; purchase equipment through the Equipment Master Acquisition Program, Texas Engineering Extension Service; approve increased fees effective fall 1995 at the academic institutions of Texas A&M University System; authorization for a student library fee, Texas A&M University; establish a quasi-endowment, Texas A&M University; field trip fees, Texas A&M University at Galveston; authorization for a library access fee, Tarleton State University; contract for vending services, Prairie View A&M University; authorization to reduce nonresident tuition rates, West Texas A&M University; approval of local depository, West Texas A&M University; approval of distribution of income from the estate of Ardella R. Helm, Texas A&M University System; approval of budget guidelines for fiscal year 1995-1996, Texas A&M University System; budget and fiscal transfers, salary increases and new positions; gifts, grants, loans and requests; reports from officials; delegation of authority to CEOs to hold public hearings on increase of student fees.

Closed session discussions: Including but not limited to the following: Consultation with system attorneys on pending and threatened litigation; acquisition, lease, exchange, disposition and value of real estate including acceptance of gift of land, Texas Agricultural Experiment Station; discussion of negotiated contracts for prospective gifts or donations; deliberations to consider the appointment of the Provost and Vice President for Academic Affairs at West Texas A&M University; discussion of matters in-

volving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal, or to hear complaints or charges against an officer or employee.

Closed session conferences: Including but not limited to: Reports from the chancellor, general counsel and system internal auditor.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: June 9, 1995, 3:44 p.m.

TRD-9507036

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University of Houston System

Tuesday, June 13, 1995, Noon

Shamrock Room, Conrad Hilton College Building, University of Houston

Houston

Board of Regents

AGENDA:

To discuss and/or approve the following: Executive session: Appointment, evaluation, or dismissal of personnel-UH System; and appointment of chancellor-UH System.

Contact: Peggy Cervenka, 1600 Smith, Suite 3400, Houston, Texas 77002, (713) 754-7440.

Filed: June 8, 1995, 3:35 p.m.

TRD-9506947

Tuesday, June 13, 1995, Noon

Waldorf Astoria Room, Conrad Hilton College Building, University of Houston

Houston

Board of Regents

AGENDA:

To discuss and/or approve the following: Executive session: Appointment, evaluation, or dismissal of personnel-University of Houston System; announcement of nominee for chancellor-University of Houston System, and announcement of nominees for president of University of Houston and University of Houston-Victoria.

Contact: Peggy Cervenka, 1600 Smith, Suite 3400, Houston, Texas 77002, (713) 754-7440.

Filed: June 9, 1995, 4:29 p.m.

TRD-9507057

Monday, June 19, 1995, Noon

1600 Smith, Suite 3400, Conference Room One, University of Houston System Offices

Houston

Facilities Planning and Building Committee

AGENDA:

To discuss and/or approve the following: Executive session; purchase, exchange, lease or value of real property, negotiated contracts for prospective gifts or donations; and construction program management services-University of Houston.

Contact: Peggy Cervenka, 1600 Smith, Suite 3400, Houston, Texas 77002, (713) 754-7440.

Filed: June 12, 1995, 4:48 p.m.

TRD-9507147

Tuesday, June 20, 1995, Noon

1600 Smith, Suite 3400, Conference Room One, University of Houston System Offices

Houston

Asset Management Committee

AGENDA:

To discuss and/or approve the following: Endowment performance report; non-endowed investment report; endowment manager performance report by Capital Technology, Inc.; and selection of historical underutilized business as an investment manager for the endowment fund.

Contact: Peggy Cervenka, 1600 Smith, Suite 3400, Houston, Texas 77002, (713) 754-7440.

Filed: June 12, 1995, 4:48 p.m.

TRD-9507146

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University of North Texas/University of North Texas Health Science Center

Wednesday, June 14, 1995, 9:00 a.m.

Administration Building, Suite 201, University of North Texas

Denton

Board of Regents

AGENDA:

UNT: Response to Black Student Alliance. (Executive session. UNT: Personnel-evaluation of chancellor; claims of Black Student Alliance.)

Contact: Jana Dean, P.O. Box 13707, Denton, Texas 76203, (817) 369-8515.

Filed: June 9, 1995, 4:05 p.m.

TRD-9507045

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Texas Workers' Compensation Commission

Wednesday, June 14, 1995, 11:00 a.m.

4000 South IH-35, Room 910-911, Southfield Building

Austin

Public Meeting

AGENDA:

1. Call to order
2. Discussion and possible action on proposal of Rule 166.8
3. Discussion and possible action on withdrawal of current proposal: Rule 166.8
4. Public comments taken on Rules 166.1-166.9
5. Adjournment

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 440-5690.

Filed: June 9, 1995, 1:52 p.m.

TRD-9507001

Wednesday, June 14, 1995, 11:00 a.m.

4000 South IH-35, Room 910-911, Southfield Building

Austin

Public Meeting

AGENDA:

1. Call to order
2. Discussion and possible action on proposal of Rule 156.8
3. Discussion and possible action on withdrawal of current proposal: Rule 166.8
4. Public comments taken Rules 166.1-166.9
5. Adjournment

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 440-5690.

Filed: June 9, 1995, 2:46 p.m.

TRD-9507018

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Texas Workers' Compensation Insurance Facility

Thursday, June 22, 1995, 9:45 a.m.

DoubleTree Guest Suites Hotel, 303 West 15th Street

Austin

Governing Committee Meeting

AGENDA:

Approval of minutes from the May 18, 1995 Governing Committee meeting. Consideration and possible approval of proposed amendments to the bylaws of the Texas Workers' Compensation Insurance Facility. Consideration and possible approval of proposed amendments to the rules and regulations governing the Small Pre-

mium Policy Plan. Consideration and possible approval of proposed amendments to the rules and regulations governing the Employers Rejected Risk Fund. Consideration and possible approval of amendments to the Texas Workers' Compensation Insurance Facility's procedures for hearing appeals. Consideration and possible approval of the 1994 financial audit report and recommendations from the Accounting Committee. Consideration and possible approval of the Accounting Committee report which sets the amount of assessments or rebates to member companies for 1994 and other years. Consideration and possible action on servicing company request for reimbursement of legal fees and expenses. Consideration and possible action on recommendations from the Appeals Committee. Executive director's report. Executive session(s) regarding personnel matters and pending legal matters. Following the closed executive session(s), the Governing Committee will reconvene in open and public session and take any action as may be desirable or necessary as a result of the closed deliberations, including possible approval of settlements of potential or existing litigation, possible approval of facility transition plans and personnel policies.

Contact: Peter E. Potemkin, 8303 MoPac Expressway North, Suite 310, Austin, Texas 78759, (512) 345-1222.

Filed: June 12, 1995, 9:41 a.m.

TRD-9507107

Regional Meetings

Meetings Filed June 8, 1995

The Atascosa County Appraisal District Appraisal Review Board met at Fourth and Avenue J, Poteet, June 15, 1995, at 8:00 a.m. Information may be obtained from Vernon A. Warren, P.O. Box 139, Poteet, Texas 78065, (210) 742-3591. TRD-9506924.

The Austin-Travis County MHMR Center Board of Trustees, Human Resources Committee met at 1700 South Lamar Boulevard, Building Three, Suite 312, Austin, June 14, 1995, at 4:30 p.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 440-4031. TRD-9506935.

The Callahan County Appraisal District Board of Directors will meet at 130-A West Fourth Street, Baird, June 19, 1995, at 8:00 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 806, Baird, Texas 79504, (915) 854-1165. TRD-9506928.

The Cash Water Supply Corporation Board of Directors met at the Corporation Office, FM 1564 at Highway 34, Green-

ville, June 13, 1995, at 7:00 p.m. Information may be obtained from Eddy W. Daniel, P.O. Box 8129, Greenville, Texas 75404-8129, (903) 883-2695. TRD-9506937.

The Denton Central Appraisal District Appraisal Review Board will meet at 3911 Morse Street, Denton, June 21, 1995, at 9:00 a.m. Information may be obtained from Kathy Pierson, P.O. Box 2816, Denton, Texas 76202-2816, (817) 566-0904. TRD-9506953.

The Denton Central Appraisal District Board of Directors will meet at 3911 Morse Street, Denton, June 22, 1995, at 4:00 p.m. Information may be obtained from Kathy Pierson, P.O. Box 2816, Denton, Texas 76202-2816, (817) 566-0904. TRD-9506954.

The Dewitt County Appraisal District Board of Directors will meet at 103 Bailey Street, Cuero, June 20, 1995, at 7:30 p.m. Information may be obtained from Kay Rath, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9506923.

The Education Service Center, Region X Board of Directors met at 400 East Spring Valley Road, Richardson, June 14, 1995, at 12:30 p.m. Information may be obtained from Joe Farmer, 400 East Spring Valley Road, Richardson, Texas 75081, (214) 231-6301. TRD-9506919.

The Education Service Center, Region XI Board of Directors will meet at 3001 North Freeway, Fort Worth, June 20, 1995, at Noon. Information may be obtained from Dr. Ray L. Chancellor, 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311. TRD-9506927.

The Education Service Center, Region XII Board of Directors met at 2101 North Loop 340, Waco, June 15, 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-9506952.

The Education Service Center, Region XV Regional Advisory Committee met at 612 South Irene Street, San Angelo, June 15, 1995, at 10:00 a.m. Information may be obtained from Clyde Warren, P.O. Box 5199, San Angelo, Texas 76902, (915) 658-6571. TRD-9506946.

The Education Service Center, Region XV Board of Directors met at 612 South Irene Street, San Angelo, June 15, 1995, at 1:30 p.m. Information may be obtained from Clyde Warren, P.O. Box 5199, San Angelo, Texas 76902, (915) 658-6571. TRD-9506945.

The Erath County Appraisal District Appraisal Review Board met at 1390 Harbin Drive, Stephenville, June 13, 1995, at 9:00 a.m. Information may be obtained from

Mitzi Meekins, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434. TRD-9506938.

The Johnson County Rural Water Supply Corporation Personnel Committee met at the Corporation Office, 2849 Highway 1718, Cleburne, June 13, 1995, at 5:30 p.m. Information may be obtained from Peggy Johnson, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9506918.

The Lower Colorado River Authority Planning and Public Policy Committee met at 3701 Lake Austin Boulevard, Hancock Building, Board Conference Room, Austin, June 13, 1995, at 10:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3287. TRD-9506939.

The Lower Colorado River Authority Investment Subcommittee of the Board of Trustees for LCRA's Benefit Plans met at 3701 Lake Austin Boulevard, Hancock Building, Board Room, Austin, June 13, 1995, at 1:00 p.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-4043. TRD-9506940.

The Lower Rio Grande Valley Tech Prep Associate Degree Consortium (also known as Tech Prep of the Rio Grande Valley, Inc.) Consortium met at the Treasure Hills Country Club, 3009 West Augusta National Drive, Harlingen, June 14, 1995, at 1:15 p.m. Information may be obtained from Pat Bubb, TSTC Conference Center, Harlingen, Texas 78550-3697, (210) 425-0729. TRD-9506951.

The Nortex Regional Planning Commission (Revised Agenda.) General Membership Committee met at 4309 Jacksboro Highway, Galaxy Center #2 North, Suite 200, Conference Room, Wichita Falls, June 15, 1995, at Noon. Information may be obtained from Dennis Wilde, P.O. Box 5144, Wichita Falls, Texas 76307-5144, (817) 322-5281, Fax: (817) 322-6743. TRD-9506955.

The Central Appraisal District of Rockwall County Board of Directors met at 106 North San Jacinto, Rockwall, June 13, 1995, at 7:30 p.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 771-2034. TRD-9506921.

The Sulphur River Basin Authority Board of Directors met at 1604 North Jefferson Street, Mt. Pleasant, June 15, 1995, at 2:00 p.m. Information may be obtained from David Baucom, P.O. Box 271, Sulphur Springs, Texas 75483, (903) 885-1311. TRD-9506943.

The Tarrant Appraisal District Board of Directors will meet at 2301 Gravel Road, Fort Worth, June 16, 1995, at 9:00 a.m. Information may be obtained from Mary

McCoy, 2315 Gravel Road, Fort Worth, Texas 76118, (817) 284-0024. TRD-9506922.

Meetings Filed June 9, 1995

The Alamo Area Council of Governments Management Committee met at the St. Anthony Hotel, 300 Travis Street, San Antonio, June 14, 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-9507021.

The Alamo Area Council of Governments Rural Area Judges met at the St. Anthony Hotel, 300 Travis Street, San Antonio, June 14, 1995, at 2:00 p.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9507022.

The Alamo Area Council of Governments Board of Directors met at the St. Anthony Hotel, 300 Travis Street, San Antonio, June 14, 1995, at 3:00 p.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9507023.

The Archer County Appraisal District Appraisal District Board of Directors met at 101 South Center, Archer City, June 14, 1995, at 5:00 p.m. Information may be obtained from Edward H. Trigg, III, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172. TRD-9507017.

The Austin Transportation Study Policy Advisory Committee will meet at the Joe C. Thompson Conference Center, 26th and Red River, Room 2.102, Austin, June 12, 1995, at 6:00 p.m. Information may be obtained from Michael R. Aulick, P.O. Box 1088, Austin, Texas 78767, (512) 499-2275. TRD-9506967.

The Bastrop Central Appraisal District Appraisal Review Board met at 1200 Cedar Street, Bastrop, June 15, 1995, at 8:30 a.m. Information may be obtained from Dana Ripley, 1200 Cedar Street, Bastrop, Texas 78602, (512) 321-3925. TRD-9506979.

The Bastrop Central Appraisal District Board of Directors met at 1200 Cedar Street, Bastrop, June 15, 1995, at 6:30 p.m. Information may be obtained from Dana Ripley, 1200 Cedar Street, Bastrop, Texas 78602, (512) 321-3925. TRD-9506978.

The Bi-County WSC met at the Bi-County WSC Office, FM 2254, Pittsburg, June 13, 1995, at 7:00 p.m. Information may be obtained from Freeman Phillips, P.O. Box 848, Pittsburg, Texas 75686, (903) 856-5840. TRD-9506966.

The Brazos Student Finance Corporation Executive Committee met at 2600 Washing-

ton Avenue, Waco, June 13, 1995, at 4:30 p.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9506997.

The Brazos Student Finance Corporation Executive Committee (Conference Call) met at 2200 Ross Avenue, Suite 2800, Dallas, June 14, 1995, at 3:00 p.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 78710, (817) 753-0915. TRD-9506996.

The Burnet County Appraisal District Board of Directors met at 110 Avenue H, Suite 106, Marble Falls, June 15, 1995, at Noon. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9507050.

The Cash Water Supply Corporation Board of Directors met at the Corporation Office, FM 1564 at Highway 34, Greenville, June 13, 1995, at 5:30 p.m. Information may be obtained from Eddy W. Daniel, P.O. Box 8129, Greenville, Texas 75404-8129, (903) 883-2695. TRD-9506986.

The Coleman County Water Supply Corporation Board of Directors met at 214 Santa Anna Avenue, Coleman, June 14, 1995, at 1:30 p.m. Information may be obtained from Davey Thweatt, 214 Santa Anna Avenue, Coleman, Texas 76834, (915) 625-2133. TRD-9506993.

The Dallas Area Rapid Transit Committee-of-the-Whole met in Conference Room C, 1401 Pacific Avenue, Dallas, June 13, 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-9507020.

The Dallas Area Rapid Transit Board met in the Board Room, First Floor, 1401 Pacific, Dallas, June 13, 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-9507019.

The Dallas Area Rapid Transit (Revised Agenda.) Board met in the Board Room, First Floor, 1401 Pacific, Dallas, June 13, 1995, at 6:30 p.m. Information may be obtained from Vanessa A. Knight, P.O. Box 660163, Dallas, Texas 75266-0163. TRD-9507049.

The Dallas Area Rapid Transit (Revised Agenda.) Board met in the Board Room, First Floor, 1401 Pacific, Dallas, June 13, 1995, at 6:30 p.m. Information may be obtained from Vanessa A. Knight, P.O. Box 660163, Dallas, Texas 75266-0163. TRD-9507080.

The Deep East Texas Council of Governments Solid Waste Task Force met at

Diboll City Hall, 400 Kenley Street, Diboll, June 15, 1995, at 10:00 a.m. Information may be obtained from Katie Bayliss or Andy Phillips, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9506957.

The East Texas Council of Governments Private Industry Council met at 3800 Stone Road, Kilgore, June 15, 1995, at 9:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9506994.

The Education Service Center, Region II Board of Directors met in the Board Room, 209 North Water, Corpus Christi, June 15, 1995, at 6:30 p.m. Information may be obtained from Dr. Ernest Zamora, 209 North Water, Corpus Christi, Texas 78401, (512) 883-9288, Ext. 2200. TRD-9506975.

The Education Service Center, Region VI (Revised Agenda.) Board met at Country Club Drive, Bryan, June 15, 1995, at 5:00 p.m. Information may be obtained from Bobby Roberts, 3332 Montgomery Road, Huntsville, Texas 77340, (409) 295-9161. TRD-9506960.

The Education Service Center, Region XIV Board of Directors met at 1850 Highway 351, Abilene, June 15, 1995, at 5:30 p.m. Information may be obtained from Taressa Huey, 1850 Highway 351, Abilene, Texas 79601, (915) 675-8608. TRD-9507028.

The Ellis County Appraisal District Appraisal Review Board met at 400 Ferris Avenue, Waxahachie, June 14, 1995, at 9:00 a.m. Information may be obtained from Dorothy Phillips, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552. TRD-9507048.

The Golden Crescent Quality Work Force Planning Full Committee met at the Victoria College Student Center, 2200 East Red River, Victoria, June 13, 1995, at 5:00 p.m. Information may be obtained from Carol Matula, 2401 Houston Highway, Victoria, Texas 77901, (512) 578-5872. TRD-9506971.

The Gonzales County Appraisal District Board of Directors met at 928 St. Paul, Gonzales, June 15, 1995, at 6:00 p.m. Information may be obtained from Connie Barfield or Glenda Strackbein, 928 St. Paul, Gonzales, Texas 78629, (210) 672-2879. Fax: (210) 672-8345. TRD-9507077.

The Hays County Appraisal District Appraisal Review Board met at 21001 North IH-35, Kyle, June 15, 1995, at 9:00 a.m. Information may be obtained from Lynnell Sedlar, 21001 North IH-35, Kyle, Texas 78640, (512) 268-2522. TRD-9506961.

The Hickory Underground Water Conservation District Number 1 Board and Advisors met at 2005 South Bridge Street,

Brady, June 15, 1995, at 7: 00 p.m. Information may be obtained from Lorna Moore, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785. TRD-9507055.

The Hockley County Appraisal District Board of Directors met at 1103 Houston, Levelland, June 12, 1995, at 7:00 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9507024.

The Jack County Appraisal District Appraisal Review Board met at 210 North Church Street, Jacksboro, June 14, 1995, at 8:00 a.m. Information may be obtained from Gary L. Zeitler or Vicky L. Easter, P.O. Box 958, Jacksboro, Texas 76458, (817) 567-6301. TRD-9507000.

The Lampasas County Appraisal District Board of Directors met at 109 East Fifth Street, Lampasas, June 12, 1995, at 10:00 a.m. Information may be obtained from Tommy L. Watson, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9506963.

The Lampasas County Appraisal District Appraisal Review Board met at 109 East Fifth Street, Lampasas, June 15, 1995, at 8:30 a.m. Information may be obtained from Tommy L. Watson, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9506962.

The Lampasas County Appraisal District Board of Directors met at 109 East Fifth Street, Lampasas, June 15, 1995, at 5:00 p.m. Information may be obtained from Tommy L. Watson, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9506965.

The Lampasas County Appraisal District Board of Directors met at 109 East Fifth Street, Lampasas, June 15, 1995, at 7:00 p.m. Information may be obtained from Tommy L. Watson, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9506964.

The Lavaca County Central Appraisal District (Revised Agenda.) Board of Directors met at 113 North Main Street, Hallettsville, June 12, 1995, at 4:00 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396. TRD-9506969.

The Lavaca County Central Appraisal District Appraisal Review Board will meet at 103 North Main Street, Hallettsville, June 19, 1995, at 8: 30 a.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396. TRD-9506973.

The Lavaca County Central Appraisal District Appraisal Review Board will meet at 113 North Main Street, Hallettsville, June 21, 1995, at 9: 00 a.m. Information may be obtained from Diane Munson, P.O. Box

386, Hallettsville, Texas 77964, (512) 798-4396. TRD-9506968.

The Leon County Central Appraisal District Appraisal Review Board will meet at 103 North Commerce, Corner of Highway 7 and 75, Leon County Central Appraisal District Office, Centerville, June 16, 1995, at 9:00 a.m. Information may be obtained from Jeff Beshears, P.O. Box 536, Centerville, Texas 75833, (903) 536-2602. TRD-9506977.

The Middle Rio Grande Development Council 9-1-1 Advisory Committee met at First State Bank, McNelly Room, 200 East Nopal, Uvalde, June 13, 1995, at Noon. Information may be obtained from M. Forrest Anderson, 209 North Getty Street, Uvalde, Texas 78801, (210) 876-3533, Ext. 31. TRD-9507044.

The Palo Pinto Appraisal District Appraisal Review Board will meet at the Courthouse, Highway 180, Palo Pinto, June 20, 1995, at 1:30 p.m. Information may be obtained from Carol Holmes, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1281. TRD-9507026.

The Palo Pinto Appraisal District Board of Directors will meet at the Courthouse, Highway 180, Palo Pinto, June 21, 1995, at 3:00 p.m. Information may be obtained from Carol Holmes, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1281. TRD-9507027.

The Swisher County Appraisal District Board of Directors met at the Conestoga Restaurant, North Highway 87, Tulia, June 15, 1995, at 7:30 a.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118. TRD-9506970.

The Trinity River Authority of Texas Legal Committee will meet at 5300 South Collins Street, Arlington, June 16, 1995, at 10:30 a.m. Information may be obtained from James L. Murphy, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343. TRD-9507025.

The West Central Texas Council of Governments Area Agency on Aging met at 1025 East North Tenth Street, Abilene, June 15, 1995, at 10:00 a.m. Information may be obtained from Brad Helbert, 1025 East North Street, Abilene, Texas 79601, (915) 672-8544. TRD-9506974.

The Wise County Appraisal District Appraisal Review Board met at 206 South State, Decatur, June 15, 1995, at 9:00 a.m. Information may be obtained from Deidra Deaton, 206 South State, Decatur, Texas 76234, (817) 627-3081. TRD-9506959.

The Wise County Appraisal District Appraisal Review Board will meet at 206 South State, Decatur, June 22, 1995, at 9:00 a.m. Information may be obtained from

Deidra Deaton, 206 South State, Decatur, Texas 76234, (817) 627-3081. TRD-9506958.

The Wise County Appraisal District Appraisal Review Board will meet at 201 East Walnut, Decatur, June 30, 1995, at 10:00 a.m. Information may be obtained from Deidra Deaton, 206 South State, Decatur, Texas 76234, (817) 627-3081. TRD-9507015.

Meetings Filed June 12, 1995

The Bexar Appraisal District (Rescheduled from June 13, 1995.) Board of Directors met at 535 South Main, San Antonio, June 15, 1995, at 5:00 p.m. Information may be obtained from Beverly M. Houston, P.O. Box 830248, San Antonio, Texas 78283-0248, (210) 224-8511. TRD-9507123.

The Bexar Appraisal District (Rescheduled from June 13, 1995.) Board of Directors met at 535 South Main, San Antonio, June 15, 1995, at 5:00 p.m. Information may be obtained from Beverly M. Houston, P.O. Box 830248, San Antonio, Texas 78283-0248, (210) 224-8511. TRD-9507124.

The Blanco County Appraisal District (Emergency Meeting.) 1995 Board of Directors met at Avenue G and Seventh Street, Johnson City, June 13, 1995, at Noon. (Reason for emergency: To pay the bills and to discuss the budget.) Information may be obtained from Hollis Boatright, P.O. Box 338, Johnson City, Texas 78636, (210) 868-4013. TRD-9507085.

The Central Texas MHMR Center Board of Trustees will meet at 1212 Fisher, Goldthwaite, June 19, 1995, at 5:00 p.m. Information may be obtained from Saul Pullman, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574, Ext. 102. TRD-9507145.

The Dallas Central Appraisal District Appraisal Review Board will meet at 2949 North Stemmons Freeway, Second Floor Community Room, Dallas, June 16, 1995, at 11:30 a.m. Information may be obtained from Rick Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520. TRD-9507083.

The Deep East Texas Council of Governments Board of Directors will meet at 3805 Northwest Stallings Drive, Loop 224, Nacogdoches County Exposition Center, Nacogdoches, June 22, 1995, at Noon. Information may be obtained from Walter G. Diggles, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9507122.

The Education Service Center, Region III Board of Directors will meet at 3901 Hous-

ton Highway, Victoria, June 19, 1995, 11:30 a.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731. TRD-9507140.

The Education Service Center, Region III Board of Directors will meet at 1905 Leary Lane, Victoria, June 19, 1995, at 1:30 p.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731. TRD-9507141.

The Education Service Center, Region IX Board of Directors will meet at 301 Loop 11, Wichita Falls, June 28, 1995, at 12:30 p.m. Information may be obtained from Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928. TRD-9507137.

The Education Service Center, Region XV (Revised Agenda.) Board of Directors met at 612 South Irene Street, San Angelo, June 15, 1995, at 1:30 p.m. Information may be obtained from Clyde Warren, P.O. Box 5199, San Angelo, Texas 76902, (915) 658-6571. TRD-9507128.

The Grayson Appraisal District Appraisal Review Board will meet at 205 North Travis, Sherman, June 28, 1995, at 8:15 a.m. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9507089.

The Grayson Appraisal District Appraisal Review Board will meet at 205 North Travis, Sherman, June 29, 1995, at 8:15 a.m. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9507090.

The Grayson Appraisal District Appraisal Review Board will meet at 205 North Travis, Sherman, July 3, 1995, at 8:15 a.m. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9507091.

The Grayson Appraisal District Appraisal Review Board will meet at 205 North Travis, Sherman, July 5, 1995, at 8:15 a.m. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9507092.

The Grayson Appraisal District Appraisal Review Board will meet at 205 North Travis, Sherman, July 6, 1995, at 8:15 a.m. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9507093.

The Harris County Appraisal District Appraisal Review Board will meet at 2800 North Loop West, Eighth Floor, Houston, June 16, 1995, at 8:00 a.m. Information may be obtained from Susan Jordan, 2800 North Loop West, Houston, Texas 77092, (713) 957-5222. TRD-9507088.

The Henderson County Appraisal District Board of Directors will meet at 1751 Enterprise Street, Athens, June 20, 1995, at 5:30 p.m. Information may be obtained from Lori Fetterman, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9507081.

The Henderson County Appraisal District Board of Directors will meet at 1751 Enterprise Street, Athens, June 20, 1995, at 5:30 p.m. Information may be obtained from Lori Fetterman, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9507108.

The Houston-Galveston Area Council Transportation Policy Council will meet at 3555 Timmons Lane, Second Floor, Room A, Houston, June 23, 1995, at 9:30 a.m. Information may be obtained from Alan C. Clark, P.O. Box 22777, Houston, Texas 77227-2777, (713) 627-3200. TRD-9507106.

The Jasper County Appraisal District Appraisal Review Board will meet at 137 North Main, Jasper, June 22, 1995, at 9:00 a.m. Information may be obtained from David W. Luther, 137 North Main, Jasper, Texas 75951, (409) 384-2544. TRD-9507129.

The Kendall Appraisal District Board of Directors (Special Meeting) met at 121 South Main Street, Boerne, June 15, 1995, at 5:30 p.m. Information may be obtained from Mick Mikulenka or Helen Tamayo, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax: (210) 249-3975. TRD-9507110.

The Lamar County Appraisal District Appraisal Review Board will meet at 521 Bonham, Paris, June 22, 1995, at 8:00 a.m. Information may be obtained from Joe A. Welch, P.O. Box 400, Paris, Texas 75460, (903) 785-7822. TRD-9507133.

The Lamb County Appraisal District Appraisal Review Board will meet at 331 LFD Drive, Littlefield, June 29, 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-9507126.

The Lampasas County Appraisal District (Revised Agenda.) Board of Directors met at 109 East Fifth Street, Lampasas, June 15, 1995, at 7:00 p.m. Information may be obtained from Tommy L. Watson, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9507149.

The Lower Colorado River Authority Ad Hoc Committee on General Manager's Evaluation met at 2116 Matthews Street, residence of director Tommy LeTulle, Bay City, June 15, 1995, at 5:00 p.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3287. TRD-9507138.

The Middle Rio Grande Development Council Texas Review and Comment System will meet at the MRGDC Operations Department, 209 North Getty Street, Uvalde, June 19, 1995, at 4:00 p.m. Information may be obtained from Erma Alejandro, 209 North Getty Street, Uvalde, Texas 78801, (210) 278-4151, Fax: (210) 278-4151. TRD-9507117.

The North Texas Municipal Water District Board of Directors will meet at the Administration Office, 505 East Brown, Wylie, June 22, 1995, at 4:00 p.m. Information may be obtained from Carl W. Riehn, P.O. Box 2408, Wylie, Texas 75098, (214) 442-5405. TRD-9507111.

The North Texas Regional Library System Board of Directors will meet at the Watauga Public Library, 7109 Whitley Road, Watauga, June 22, 1995, at 1:30 p.m. Information may be obtained from Cheryl Smith, 1111 Foch Street, Suite 100, Fort Worth, Texas 76107, (817) 335-6076. TRD-9507082.

The Northeast Texas Municipal Water District Board of Directors will meet at Highway 250 South, Hughes Springs, June 19, 1995, at 10:00 a.m. Information may be obtained from J. W. Dean, P.O. Box 955, Hughes Springs, Texas 75656, (903) 639-7358. TRD-9507116.

The Nueces-Jim Wells-Kleberg-Kenedy Board of Directors will meet at the NRCS Office, 548 South Highway 77, Suite B, Robstown, June 20, 1995, at 2:00 p.m. Information may be obtained from Denise Lawhon, 548 South Highway 77, Suite B, Robstown, Texas 78380, (512) 387-4116. TRD-9507112.

The San Antonio River Authority Board of Directors will meet at 100 East Guenther Street, Boardroom, San Antonio, June 21, 1995, at 2:00 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (210) 227-1373. TRD-9507104.

The Trinity River Authority of Texas Resources Development Committee will meet at 5300 South Collins Street, Arlington, June 19, 1995, at 10:30 a.m. Information may be obtained from James L. Murphy, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343. TRD-9507119.

The Upshur County Appraisal District Board of Directors will meet at Warren and Trinity Streets, Gilmer, June 19, 1995, at 1:00 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644-0280, (903) 843-3041. TRD-9507125.

The Upper Leon River Municipal Water District Board of Directors met at the General Office, located off of FM 2861, Lake Proctor Dam, Comanche, June 15, 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-9507142.

The Upper Leon River Municipal Water District Board of Directors met at the General Office, located off of FM 2861, Lake Proctor Dam, Comanche, June 15, 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-9507144.



Meetings Filed June 13, 1995

The Dallas Area Rapid Transit Elected Officials Reception will meet at 3021 Oak Lane, Dallas, June 16, 1995, at 10:30 a.m. Information may be obtained from Vanessa

A. Knight, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3371. TRD-9507159.

The Dallas Area Rapid Transit Former Board Members' Reception will meet at 3021 Oak Lane, Dallas, June 16, 1995, at 6:00 p.m. Information may be obtained from Vanessa A. Knight, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3371. TRD-9507158.

The Fisher County Appraisal District Appraisal Review Board will meet at the Fisher County Commissioners Court, Roby, July 6-14, 1995 during business days, at 9:00 a.m. Information may be obtained from Betty Mize, P.O. Box 516, Roby, Texas 79543, (915) 776-2733. TRD-9507161.

The Fisher County Appraisal District Board of Directors will meet at the Fisher County Courtroom, Courthouse, Roby, July 13, 1995, at 8:00 a.m. Information may be obtained from Betty Mize, P.O. Box 516, Roby, Texas 79543, (915) 776-2733. TRD-9507162.

The Scurry County Appraisal District Board of Directors will meet at Highway 84 and 180 and at 2612 College Avenue, Snyder, June 20, 1995, at 8:00 a.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549. TRD-9507157.



Name: Danny Cardenas
Grade: 4
School: Martin Elementary School, Brownsville ISD



IN ADDITION

The **Texas Register** is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Department of Agriculture Notice of Public Hearings

In accordance with the Texas Agriculture Code, §§13.209, 61.002, and 121.007, the Texas Department of Agriculture will conduct public hearings for the purpose of receiving public comment on proposed new §§9.40, 15.200, and 19.14 of the Department's Regulations (Texas Administrative Code, Title IV) concerning expiration provisions for Chapters 9, 15, and 19. The proposed new sections were published in the May 30, 1995, issue of the *Texas Register*.

The public hearings are scheduled as follows:

- (1) On Tuesday, June 20, 1995, beginning at 9:30 a.m., at Texas Department of Agriculture, 1700 North Congress Avenue, Room 924A, Austin, Texas, regarding §9.40.
- (2) On Tuesday, June 20, 1995, beginning at 10:00 a.m., at Texas Department of Agriculture, 1700 North Congress Avenue, Room 924A, Austin, Texas, regarding §15.200.
- (3) On Tuesday, June 20, 1995, beginning at 10:30 a.m., at Texas Department of Agriculture, 1700 North Congress Avenue, Room 924A, Austin, Texas, regarding §19.14.

Persons with questions concerning the public hearings should contact Jim Pollard, Texas Department of Agriculture, (512) 463-7528. Persons with special seating or communication or other needs, who are planning to attend, are requested to contact (512) 463-1093 or RELAY Texas at 1-800-735-2989 (TDD) or 1-800-735-2988 (voice) as far in advance of the hearing as possible in order for the department to accommodate these needs.

Issued in Austin, Texas on June 9, 1995.

TRD-9506995 Dolores Alvarado Hibbs
Chief Administrative Law Judge
Texas Department of Agriculture

Filed: June 9, 1995

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, Article 1.04, as amended (Texas Civil Statutes, Article 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u>	<u>Commercial(2) over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	06/12/95-06/18/95	18.00%	18.00%

(1)Credit for personal, family or household use. (2)Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on June 5, 1995.

TRD-9506882 Leslie L. Pettijohn
Commissioner
Office of Consumer Credit Commissioner

Filed: June 7, 1995

Texas Department of Health Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Arlington	Pioneer Imaging and Diagnosis	L04817	Arlington	0	06/01/95

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
-----	----	-----	----	-----	-----
Baytown	Baycoast Medical Center	L02462	Baytown	17	06/06/95
Beaumont	The Cancer Institute	L00821	Beaumont	26	06/01/95
Brownwood	3M/Health Physics Services	L00918	St. Paul, MN	25	06/02/95
Corpus Christi	Heart Center Associates	L04754	Corpus Christi	2	06/01/95
El Paso	Columbia Medical Center - East	L02551	El Paso	25	06/01/95
Fort Worth	Heart Center of Fort Worth, Ltd.	L04659	Fort Worth	1	06/06/95
Fort Worth	Huguley Memorial Medical Center	L02920	Fort Worth	15	06/07/95
Houston	Spring Branch Memorial Hospital	L02473	Houston	29	06/01/95
Houston	Spring Branch Memorial Hospital	L02473	Houston	30	06/05/95
Irving	Irving Healthcare System	L02444	Irving	21	06/05/95
McAllen	Vannie E. Cook, Jr., Cancer Center	L02205	McAllen	34	06/01/95
Nederland	AMI Hospitals of Texas, Ltd.	L01756	Nederland	24	06/01/95
Port Arthur	St. Mary Hospital	L04054	Port Arthur	10	06/07/95
Port Arthur	SOLOCO, Inc.	L04708	Bridge City	5	06/09/95
San Antonio	Cardiology Clinic of San Antonio, P.A.	L04489	San Antonio	8	05/31/91
Throughout Texas	East Texas Asphalt Company	L04710	Lufkin	4	05/23/95
Throughout Texas	Fugro-McClelland (Southwest), Inc.	L00058	Houston	40	06/02/95
Throughout Texas	Geo-Technique, Inc.	L04197	Southlake	5	06/05/95
Throughout Texas	H & G Inspection Company, Inc.	L02181	Houston	90	06/05/95
Throughout Texas	Reinhart and Associates, Inc.	L03189	Austin	26	06/07/95
Throughout Texas	Industrial NDT Company, Inc.	L04570	Deer Park	18	06/08/95
Tyler	Cardiovascular Associates of East Texas, P.A.	L04800	Tyler	1	06/01/95

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Port Arthur	The Cancer Center of Port Arthur	L04426	Port Arthur	4	05/30/95

AMENDMENTS TO EXISTING LICENSES DENIED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Throughout Texas	Phoenix Non-Destructive Testing Co., Inc.	L04454	Channelview	0	06/02/95

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of

Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or person affected within 30 days of the date of publication of this notice. A person affected is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or person affected may request a hearing by writing Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas, 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, Exchange Building, 8407 Wall Street, Austin, Texas, from 8:00 a.m. to 5:00 p.m., Monday-Friday (except holidays).

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

TRD-9507088 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: June 12, 1995

Notice of Intent to Revoke a Certificate of Registration

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 TAC §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed a complaint against the following registrant: William L. George, D.D.S., Houston, R09421.

The department intends to revoke the certificate of registration; order the registrant to cease and desist use of such radiation machine(s); order the registrant to divest himself of such equipment; and order the registrant to present evidence satisfactory to the bureau that he has complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the items in the complaint are corrected within 30 days of the date of the complaint, the department will not issue an order.

This notice affords the opportunity to the registrant for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the items in the complaint are not corrected, the certificate of registration will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on June 7, 1995.

TRD-9506904 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: June 7, 1995

Notice of Revocation of a Certificate of Registration

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 Texas Administrative Code §289.112), has revoked the following certificate of registration: Rafael E. Lorenzana, D.D.S., Garland, R15865, June 1, 1995.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on June 7, 1995.

TRD-9506903 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: June 7, 1995

Public Hearing Notice

On behalf of the State Medicaid Director, the Texas Department of Health (department) submitted a proposed amendment to §29.2603, concerning reimbursement for School Health and Related Services (SHARS). Specifically, the amendments cover SHARS reimbursement methods and procedures which will apply to the rate setting process. The purpose of this amendment is to modify the sampling methodology and reduce the reporting burden previously imposed on the school districts. The proposed amendment was published in the June 9, 1995, issue of the *Texas Register* (20 TexReg 4238).

The department will hold a public hearing on the proposed amendments on Thursday, June 22, 1995 from 9:00 a.m. to 10:30 a.m. in Conference Room 430, Building D., Texas Department of Health, 11044 Research Boulevard, Austin, Texas. If you have any questions regarding the proposed amendment or the public hearing, contact Ray Gudar, Health Care Financing, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3168, (512) 338-6469.

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

TRD-9507113 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: June 12, 1995

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Texas Department of Human Services
Request for Proposal—Case Management
Services for CLASS in Bexar, Dallas,
and Harris Counties

The Texas Department of Human Services (DHS) is inviting proposals for the delivery of case management services under the authority of the Community Living Assistance and Support Service Program (CLASS) Waiver Program. Under this waiver, home and community-based services are provided as an alternative to institutionalization to Medicaid eligible individuals with related conditions who would otherwise require the level of care of an intermediate care facility for the mentally retarded with related conditions. The number of qualifying proposals received will determine the number of contracts to be negotiated. There are 40 new participant slots allocated to Harris County, Bexar County, and Dallas County. This RFP is to replace the existing provider in Smith/Gregg counties, and will have an allocation of 45 slots.

Description of services. The case manager enrolls participants in the CLASS program and is the focal point for service planning, coordination, and monitoring. The case manager convenes the interdisciplinary team responsible for developing the plan of care and assures that services are aligned with the aims of the individual participant. Case managers further assist in the identification and development of appropriate community resources, review of service delivery, crisis intervention, advocacy, and safeguarding individual rights. The case manager works in a cooperative relationship with the direct service agency which delivers home and community-based services.

Geographical Area. The department intends to contract with case management services agency provider(s) in Bexar, Dallas, Harris, and Smith/Gregg counties.

Contract Effective Dates. Contract(s) will be effective November 1, 1995, or upon certification by the department as a CLASS provider, whichever is later.

Closing Date and Time. The closing date for receiving proposals will be 5:00 p.m. on August 25, 1995.

Offeror's Conference. An offeror's conference will be held at 10:00 a.m. on August 8, 1995, at the John H. Winters Complex, Texas Department of Human Services, Classroom 3, 701 West 51st Street, Austin, Texas.

Evaluation and Selection. Providers whose proposals receive qualifying scores, and who desire to contract with the department, are eligible to be considered for a contract with the department. Contracted providers must meet CLASS certification standards for case management.

Contact Person. To request an RFP package, please contact Barbara Stegall, Unit Manager, CLASS Waiver Program, Texas Department of Human Services, P.O. Box 149030, (MC W-521), Austin, Texas 78714-9030, (512) 450-3228 or Fax: (512) 706-5133. John H. Winters Human Services Center, 701 West 51st Street, Austin. RFP packages will be available on or after July 7, 1995.

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

TRD-9507079 Nancy Murphy
Section Manager, Media and Policy
Services
Texas Department of Human Services

Filed: June 9, 1995

◆ ◆ ◆
Request for Proposal—Direct Delivery
Services for CLASS in Bexar, Dallas,
and Harris Counties

The Texas Department of Human Services (DHS) is inviting proposals (RFP) for the provision of home and community-based services provided under the authority of the Community Living Assistance and Support Services Program (CLASS). Under this waiver, home and community-based services are provided as alternative to institutionalization to Medicaid eligible individuals with related conditions who would otherwise require the level of care of an intermediate care facility for the mentally retarded with related conditions. There are 40 new participant slots each in Bexar County, Dallas County, and Harris County.

Description of services. The direct services agency is responsible for delivering home and community-based services to eligible waiver participants in accordance with individual plans of care. Services provided by the direct service agency include: habilitation, respite, nursing, physical therapy, psychological, occupational therapy, speech pathology services, adaptive aids and minor home modifications. Direct services agencies also participate on interdisciplinary teams and work in a cooperative relationship with case management providers who serve as the focal point for service, coordination, and monitoring. CLASS requires licensure by the Texas Department of Health as a home and community support services agency to provide licensed home health services and personal assistance services and certification as a CLASS provider.

Geographical Area. The department intends to contract with direct services agency providers in one or more of these service areas: Bexar County, Dallas County, and Harris County.

Contract Effective Dates. Contracts will be effective November 1, 1995, or upon certification by the department as a CLASS provider, whichever is later.

Closing Date and Time. The closing date for receiving proposals will be 5:00 p.m. on August 25, 1995.

Offeror's Conference. An offeror's conference will be held at 10:00 a.m. on August 8, 1995, at the John H. Winters Complex, Texas Department of Human Services, Classroom 3, 701 West 51st Street, Austin, Texas.

Evaluation and Selection. Providers whose proposals receive qualifying scores, and who desire to contract with the department, are eligible to be considered for a contract with the department.

Contact Person. To request an RFP package, please contact Barbara Stegall, Unit Manager, CLASS Waiver Program, Texas Department of Human Services, P.O. Box 149030, (MC W-521), Austin, Texas 78714-9030, (512) 450-3228 or Fax: (512) 706-5133. John H. Winters Human Services Center, 701 West 51st Street, Austin. RFP packages will be available on or after July 7, 1995.

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

TRD-8507078 Nancy Murphy
Section Manager, Media and Policy
Services
Texas Department of Human Services

Filed: June 9, 1995

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**Texas Department of Insurance
Company License**

The following applications have been filed with the Texas Department of Insurance and are under consideration:

Application for a name change in Texas for Abeille General Insurance Company (U.S. Branch), a foreign fire and casualty company. The proposed new name is Abeille General Insurance Company, Inc. The home office is in New York, New York.

Application for a name reservation in Texas for MetraHealth Care Plan of Texas, Inc., a domestic health maintenance organization. The home office is in Austin, Texas.

Any objections must be filed within 20 days after this notice was filed with the Texas Department of Insurance, addressed to the attention of Cindy Thurman, 333 Guadalupe Street, Mail Code 305-2C, Austin, Texas 78701.

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

TRD-8507086 Alicia M. Fecthel
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: June 12, 1995

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Notices

The Commissioner of Insurance or his designee, will consider approval of a rate filing request outside the promulgated flexibility band filed by Preferred Risk Lloyds Insurance Company pursuant to Texas Insurance Code, Article 5.101, §3(f). They are proposing rates of 40% above the benchmark for BI, PD, PIP, MP, and Comprehensive and Collision.

Copies of the filing may be obtained by contacting Gifford Ensey, at the Texas Department of Insurance, Legal and Compliance, P.O. Box 149104, Austin, Texas 78714-9104, Extension (512) 475-1761.

This filing is subject to Department approval without a hearing unless an objection is filed with the Chief Economist, Birny Birnbaum, at the Texas Department of Insurance, 333 Guadalupe, P.O. Box 149104, Austin, Texas 78701 within 30 days after publication of this notice.

Issued in Austin, Texas, on June 8, 1995.

TRD-9506931 Alicia M. Fecthel
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: June 8, 1995

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The Commissioner of Insurance or his designee, will consider approval of a rate filing request outside the promulgated flexibility band filed by Greenwich Insurance Company pursuant to Texas Insurance Code, Article

5.101, §3(f). They are proposing rates of -81% for Comprehensive and -79% for Collision for private passenger automobile for antique, collectible automobile.

Copies of the filing may be obtained by contacting Gifford Ensey, at the Texas Department of Insurance, Legal and Compliance, P.O. Box 149104, Austin, Texas 78714-9104, Extension (512) 475-1761.

This filing is subject to Department approval without a hearing unless an objection is filed with the Chief Economist, Birny Birnbaum, at the Texas Department of Insurance, 333 Guadalupe, P.O. Box 149104, Austin, Texas 78701 within 30 days after publication of this notice.

Issued in Austin, Texas, on June 8, 1995.

TRD-9506932 Alicia M. Fecthel
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: June 8, 1995

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On June 7, 1995, in Order 95-0555, the Commissioner of Insurance adopted amendments to the Texas Automobile Insurance Association Plan of Operation. Notice of the possible adoption was published in the May 23, 1995, issue of the *Texas Register* (20 TexReg 3862).

For copies of Commissioner's order number 95-0555 and the Texas Automobile Insurance Association Plan of Operation, contact Angie Arizpe at (512) 463-6326 (refer to file number A-0295-6).

Issued in Austin, Texas, on June 8, 1995.

TRD-9506934 Alicia M. Fecthel
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: June 8, 1995

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Third Party Administrator Applications

The following third party administrator (TPA) application has been filed with the Texas Department of Insurance and is under consideration.

Application for admission to Texas of Charles Schwab and Company Inc., a foreign third party administrator. The home office is San Francisco, California.

Any objections must be filed within 20 days after this notice was filed with the Secretary of State, addressed to the attention of Charles M. Waits, MC 107-5A, 333 Guadalupe, Austin, Texas 78714-9104.

Issued in Austin, Texas, on June 8, 1995.

TRD-9506930 Alicia M. Fecthel
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: June 8, 1995

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The following third party administrator (TPA) application has been filed with the Texas Department of Insurance and is under consideration.

Application for admission to Texas of Jack Zima Associates, Inc., a foreign third party administrator. The home office is Alexandria, Virginia.

Any objections must be filed within 20 days after this notice was filed with the Secretary of State, addressed to the attention of Charles M. Waits, MC 107-5A, 333 Guadalupe, Austin, Texas 78714-9104.

Issued in Austin, Texas, on June 8, 1995.

TRD-9506933 Alicia M. Fechtel
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: June 8, 1995

Texas Natural Resource Conservation Commission

Application for Temporary Permits to Appropriate Public Waters of the State

Notice of Application Number TA-7463 submitted by Lynn Nolan Ryan for a temporary permit to appropriate Public Waters of the State of Texas was issued on June 9, 1995 to divert and use 300 acre-feet of water for a three-year period from a point on the Nueces River, Nueces River Basin, for irrigation purposes in McMullen County, Texas. The proposed point of diversion is approximately 12.5 miles southeast of Tilden, McMullen County, where water will be diverted only when flow in the stream meets or exceeds 0.5 cfs (224 gpm) and at a maximum rate of 1.11 cfs (500 gpm).

This application is subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue the permit unless one or more persons file written protests and/or requests for hearing within ten days from the date this notice 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 application 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; 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, 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 Texas Register 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 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 Office of the Chief Clerk-Mail Code 105, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-3315.

Issued in Austin, Texas on June 9, 1995.

TRD-9506991 Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: June 9, 1995

Applications for Sludge Registrations

Notices of Receipt of Applications and Declaration of Administrative Completeness for sludge registrations issued during the period of June 5 through June 9, 1995

BELL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER 1; on Featherline Road in the extra territorial jurisdiction of the City of Killeen in Bell County, Texas—from the intersection of U.S. Highway 190 and Farm-to-Market Road 3470, go 1.3 miles south on Farm-to-Market Road 3470 to its' intersection with Cunningham Road, then go left on Cunningham Road approximately one mile to its' intersection with Stagecoach Line Road, then right onto Stagecoach Line Road go 1.6 miles to Featherline Road, then turn left onto Featherline Road go one mile south to the entrance of the site; new; 710712

CITY OF MARLIN; approximately 2,000 feet south of County Road 182, four miles east of the intersection of County Road 182 and State Highway 6, approximately eight miles east of the City of Marlin, Falls County, Texas; new; 710765

These applications have been determined to be administratively complete, and will now be subject to a technical evaluation by the staff of the Texas Natural Resource Conservation Commission. Persons should be advised that these applications are subject to change based on evaluations of the proposed treatment levels, treatment processes and site specific conditions as they relate to the protection of the environment and public health.

Persons desiring a public meeting regarding these applications should submit a written request to the Chief Clerk of the Texas Natural Resource Conservation Commission, Mail Code 105, P.O. Box 13087, Austin, Texas 78711. The request should contain the name, mailing address and phone number of the person making the request; and the reason a public meeting is desired. The deadline for submitting this request is 30 days from the date which the application was posted for public review.

Information concerning these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, Mail Code 105, P.O. Box 13087, Austin, Texas 78711, (512) 239-3300.

Issued in Austin, Texas on June 9, 1995.

TRD-9506989 Gloria Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: June 9, 1995

Applications for Waste Disposal Permits

Applications for waste disposal permits issued during the period of June 5 to June 9, 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 Execu-

tive 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, (512) 239-3300.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number and type of application-new permit, amendment, or renewal.

CITY OF BARTLETT; the Bartlett Wastewater Treatment Facilities; the facilities are approximately 0.5 mile northeast of the intersection of State Highway 95 and Farm-to-Market Road 487 in the City of Bartlett in Bell County, Texas; renewal; 10880-01.

CITY OF BAYTOWN; the wastewater treatment facilities are approximately 2, 250 feet south of the intersection of Ferry Road and Massey Thompkins Road in Harris County, Texas; renewal; 10395-07.

CITY OF COAHOMA; the wastewater treatment facilities and the disposal site are located adjacent to the west side of Farm-to-Market Road 820, approximately 1.2 miles south of the intersection of Interstate Highway 20 and Farm-to-Market Road 820 in Howard County, Texas; renewal; 10723-01.

DIAMOND SHAMROCK REFINING AND MARKETING COMPANY; the Diamond Shamrock Southlake Refined Products Terminal; the Diamond Shamrock Southlake Refined Products Terminal is at 1700 State Highway 26 at Brumlow Road in the City of Southlake, Tarrant County, Texas; new; 03805.

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NUMBER 9; the wastewater treatment plant is approximately 1.7 miles north of the intersection of U.S. Highway 59 and Farm-to-Market Road 359, and approximately 0.4 mile north-northeast of the intersection of Precinct Line Road and Richmond-Foster Road in Fort Bend County, Texas; renewal; 12911-01.

FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER 2; the Fort Bend County WCID Number 2 Wastewater Treatment Plant Number 2; the wastewater treatment plant is approximately 3,300 feet southeast of the intersection of Craven Road and U.S. Highway 90 in Fort Bend County, Texas; renewal; 10086-02.

HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NUMBER 109; the Atascocita Central Wastewater Treatment Plant is on Atascocita Road approximately 0.6 mile south of Farm-to-Market Road 1960 and approximately 2.1 miles west of the intersection of Atascocita Road and Farm-to-Market Road 1960 in Harris County, Texas; amendment; 11533-01.

HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NUMBER 284; the Harris County MUD Number 284 Wastewater Treatment Facilities; the facilities are approximately 0.75 mile northeast of the intersection of Fry Road and Clay Road, approximately four miles north of the intersection of Fry Road and Interstate Highway 10 in Harris County, Texas; renewal; 12949-01.

HOLNAM TEXAS LIMITED PARTNERSHIP; a limestone quarry and Portland cement plant; the plant site is approximately two miles northeast of the City of Midlothian, east of and adjacent with the Atchison, Topeka, and Santa Fe Railroad right-of-way, Ellis County, Texas; renewal; 02580.

IGLOO PRODUCTS CORP.; a plastic container manufacturing facility; the plant site is at 30603 Katy-Brookshire Road adjacent to and south of U.S. Highway 90, approximately 750 feet west of the Willow Fork of Buffalo Bayou, Waller County, Texas; renewal; 02229.

KINGS MANOR MUNICIPAL UTILITY DISTRICT; the Kings Manor Wastewater Treatment Facilities; are 0.6 mile northeast of the intersection of State Highway Loop 494 and Kingwood Drive in Harris County, Texas; renewal; 13526-01.

KLEBERG COUNTY; wastewater treatment facility at 400 West Live Oak in the southwest corner of the City of Riviera, approximately 0.35 mile west of U.S. Highway 77 and approximately 0.4 mile east of State Highway 285 in Kleberg County, Texas; new; 13374-02.

CITY OF PORT ARTHUR; the wastewater treatment facilities are at 6300 Proctor Street, approximately 0.2 mile east of the intersection of Proctor Street and Main Avenue, 3.3 miles northeast of the intersection of U.S. Highway 287/96/69 and State Highway 87 in Jefferson County, Texas; renewal; 10364-01.

CITY OF RAYMONDVILLE; the wastewater treatment facilities are at 1405 East San Francisco Avenue approximately 1/2 mile north of State Highway 186 and approximately 1/4 mile east of U.S. Highway 77 in Willacy County, Texas; renewal; 10365-01.

STEVE MCCOY; the dairy is on the northeast side of Pilot Knob Road approximately 3.5 miles southeast of the intersection of Pilot Knob Road and U. S. Highway 377 which is approximately four miles northeast of the intersection of U.S. Highway 377 and Farm-to-Market Road 205 at Stephenville in Erath County, Texas; renewal; 03192.

NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NUMBER 29; the wastewater treatment plant is approximately 4,400 feet southeast of Farm-to-Market Road 1960, 600 feet west of Eldridge Road and

1,500 feet north of U.S. Highway 290 in Harris County, Texas; amendment; 12795-01.

SAN LEON MUNICIPAL UTILITY DISTRICT; the wastewater treatment plant is in the northeast corner of the intersection of Avenue L and 27th Street in the Community of San Leon in Galveston County, Texas; renewal; 11546-01.

CITY OF SOUTHLAKE; the Bank Place Wastewater Treatment Facilities; the facilities are approximately 2,600 feet due west of the intersection of State Highways 26 and 114 in Tarrant County, Texas; renewal; 11736-03.

SMITH CRUSHED STONE, INC.; a limestone quarry and rock crushing operation; the plant site is at two sites near the City of Tehuacana, Limestone County, Texas; new; 03806.

CITY OF TEAGUE AND CITY OF FAIRFIELD; the Boyd Prison Unit Wastewater Treatment Facilities are approximately 3.4 miles southwest of the intersection of U.S. Highway 84 and Interstate Highway 45 and approximately 1.1 miles south of the intersection of U.S. Highway 84 and Boyd Prison Road in Freestone County, Texas; amendment; 13579-01.

TOTAL PETROLEUM, INC.; the wastewater treatment facilities and the disposal site are located at the intersection of Farm-to-Market Road 2393 and U.S. Highway 287 in Clay County, Texas; renewal; 11349-01.

WALTER LASLEY AND SONS, INC.; the beef cattle operation; is on the north side of a private road approximately one mile west of Farm-to-Market Road 119 and approximately two miles north of the intersection of Farm-to-Market Road 119 and State Highway 15. The site is approximately 14 miles east of the City of Stratford in Sherman County, Texas; amendment; 01525.

WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NUMBER 4; the wastewater treatment facilities are at 4127 Westheimer Place on the south bank of Brays Bayou, approximately one mile east of the intersection of Farm-to-Market Road 1093 and Farm-to-Market Road 1464 in Harris County, Texas; renewal; 12119-01.

WEST TEXAS BOYS RANCH; the wastewater treatment facilities and the disposal site are approximately 0.4 mile southeast of the intersection of U.S. Highway 67 and Farm-to-Market Road 2335 in Tom Green County, Texas; renewal; 13140-01.

U.S. DEPARTMENT OF THE ARMY; the wastewater treatment facility and disposal site (i.e. Camp Bullis Military Reservation) are approximately 1,000 feet east of Military Highway and 0.5 mile southeast of the Headquarters Building at Camp Bullis in Bexar County, Texas; amendment; 12080-01.

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

TRD-9506987
Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: June 9, 1995

Correction of Error

The Texas Natural Resource Conservation Commission adopted amendments and new §§335.501, 335.503, 335.505, 335.507-335.510, 335.514, 335.515, and 335.521. The rules appeared in the May 19, 1995, issue of the *Texas Register* (20 TexReg 3731).

The submission contained errors, which were as follows.

On page 3731, §335.505(4) in the second column, paragraph (4) should read "it contains total recoverable cyanides equal to or greater than 20 parts per million;"

On page 3732, §335.508(A)(iv)(III) in third column, fifth line, the word "reclaimed" should be "recycled".

Enforcement Orders

An agreed enforcement order was entered regarding ANZON INC, Docket Number 95-0484-IHW-E (SWR Number 31403) on June 6, 1995, assessing \$6,000 in administrative penalties with \$3,000 deferred.

Information concerning any aspect of this order may be obtained by contacting Bill Ballard, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-3420.

An agreed enforcement order was entered regarding INLAND CONTAINER CORPORATION, Docket Number 94-0017-IHW-E (SWR Number 30006) on June 6, 1995, assessing \$57,520 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Vic McWherter, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0579.

An agreed enforcement order was entered regarding IRVING CITY OF, Docket Number 95-0734-PST-E (TNRCC Facility I.D. 16261/Enforcement I.D. E10555) on June 6, 1995, assessing \$600 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 agreed enforcement order was entered regarding PINE TREE ESTATES NUMBER 2, Docket Number 95-0818-MWD-E (No Permit) on June 6, 1995, assessing \$1,080 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Laurie Eaves, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4495.

An agreed enforcement order was entered regarding R & R MOBILE HOME JOINT VENTURE, ROSS ALLEN, AND KIP LEWIS, Docket Number 94-0569-MWD-E (Permit Number 11342-01) on June 6, 1995, assessing \$11,400 in administrative penalties with \$5,700 deferred.

Information concerning any aspect of this order may be obtained by contacting Geoff Petrov, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0677.

Issued at Austin, Texas on June 9, 1995.

Filed: June 9, 1995

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Notice of Amendments to Contract

The Texas Natural Resource Conservation Commission (TNRCC) furnishes this notice of changes made in the deliverable dates for the work products from a consulting services contract for development of a strategic plan to assist the TNRCC in the review and improvement of air programs stationary source information collection and management systems and business processes.

The notice for request for proposals was published in the June 7, 1994, issue of the *Texas Register* (19 TexReg 4776) and the Notice of Award was published in the December 20, 1994, issue of the *Texas Register* (19 TexReg 10127).

Description of Services. The contractor was to have developed both short-term and long-range strategic plans to guide the TNRCC in the development of an efficient, cost effective, accurate, and comprehensive stationary source information management system capable of meeting customer needs in a timely manner. The following major products were produced (changed delivery dates in parenthesis after each work product): a project work plan document or documents (January 12, 1995), four written progress reports (January 18, 1995, February 15, 1995, March 15, 1995, April 19, 1995), a preliminary report (February 17, 1995), a survey methodology document and survey forms (February 1, 1995), and three major reports combined into a final report that summarizes the project work and includes recommendations for modifications and enhancements of information management system, for training, and for staffing and organization (April 24, 1995). As mentioned in the Notice of Award the dates provided for deliverables were subject to change depending on the progress of the project work and they did, in fact, change. In addition to the changes shown previously in deliverable dates there were minor changes made in the work content of the contract that were agreed upon by both parties to the contract. A description of these changes is contained in an addendum to the contract titled, "TNRCC OAQ Strategic Plan Deliverable Amendments".

Effective Date and Value of Contract. The contract was effective from December 13, 1994, until April 30, 1995. The total cost of the contract was \$246,605.

Name of the Contractor. The contract was awarded to and the work performed by EDS Corporation, 5400 Legacy, Plano, Texas 75024.

Persons who have questions concerning this contract may contact Mike Fishburn, Emissions Inventory, TNRCC, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-1934.

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

TRD-9507084 Lydia Gonzalez-Gromatzky
Acting Director, Legal Division
Texas Natural Resource Conservation
Commission

Filed: June 12, 1995

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Notice of Application

For the Week ending June 9, 1995

APPLICATION BY HARDIN COUNTY, Proposed Permit Number MSW2214, authorizing a Type I (landfill) municipal solid waste facility. The proposed site covers approximately 79 acres of land and is located approximately 0.5 mile west of the intersection of Farm to Market Road 770 and State Highway 326, on the south side of Farm to Market Road 770, approximately three miles south of the City of Kountze in Hardin County, Texas

This application is subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue the permit unless one or more persons file written protests and/or requests for hearing within 30 days of the date of newspaper publication 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 application number, TNRCC docket number or other recognizable reference to the application; the statement "I/we request an evidentiary public hearing."; a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; and a description of the location of your property relative to the applicant's operations.

If one or more protests and/or requests for hearing are filed on an application, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where an evidentiary hearing may be held. If no protests and/or requests for hearing are filed on an application, the Executive Director will approve the application. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing or questions concerning procedures should be submitted in writing to the Chief Clerk's Office, Park 35 TNRCC Complex, Building F, Room 4301, Texas Natural Resource Conservation Commission, Mail Code 105, P.O. Box 13087, Austin, Texas 78711, (512) 239-3300

Issued in Austin, Texas on June 7, 1995

TRD-9506992 Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: June 9, 1995

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Notice of Opportunity to Comment on Permitting Action

Application on Levy Reclamation Project

Application for approval of preliminary plans issued June 7, 1995:

ALUMINUM COMPANY OF AMERICA (ALCOA) Sandow H-Area Mine; APPLICATION NUMBER RE-0297; seeks approval of preliminary plans, pursuant to the

Texas Water Code, §16.236, and the Texas Natural Resource Conservation Commission Rules 30 TAC, §301, to temporarily modify and divert two sections of Walleye Creek, Brazos River Basin, totaling 18,430 linear feet of channel. The channel modifications will provide protection to the natural waters, the mine offices and facilities infrastructure, and the surface coal mining activities at the Sandow H-Area Mine, located in Milam County, approximately 14.4 miles in a southwesterly direction from Rockdale, Texas. After mining is completed, the Walleye Creek channel will be reestablished.

This application is subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain matters. The Executive Director will approve the application 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.

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 approve the application and will forward it 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 or order 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 or order.

Requests for a public hearing or questions concerning procedures should be submitted in writing to the Chief Clerk's Office, Park 35 TNRCC Complex, Building F, Room 4301, Texas Natural Resource Conservation Commission, 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 June 9, 1995.

TRD-9506990 >Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: June 9, 1995

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**Notice of Opportunity to Comment on
Permitting Actions-For the Week
Ending June 9, 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 Brighton Water Systems, Inc. for a Water Certificate of Convenience and Necessity in Wise County, Texas (Application Number 30758-C, Albert Holck).

Application Number 23-2775F by Maria Luisa Vidaurri Stott for a Texas Water Code, §11.122, Water Use Permit Application. Amendment to Certificate Number 23-2775 to change the purpose of 50 acre-feet of applicant's authorized Class "B" irrigation water rights to mining use for a period of five years, Rio Grande, Rio Grande Basin, Zapata County, Texas (Kellye Rila).

Approval of Red River County Water Supply Corporation to amend Water Certificate of Convenience and Necessity Number 10530 in Red River, County (Application Number 30541-C, Roy E. Roberts).

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

TRD-9506998 Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: June 9, 1995

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**Provisionally-Issued Temporary Permits
to Appropriate State Water**

Listed below are permits issued during the period of June 1-9, 1995.

Application Number TA-7462 by IOWA BRIDGE AND CULVERT, INC. for diversion of one acre-foot of water in a six-month period for industrial use (highway construc-

tion). Water may be diverted near the stream crossing of State Highway 5, approximately 12 miles south of McKinney, Collin County, Texas, Trinity River Basin.

Application Number TA-7464 by QL CORP doing business as QUICK LINE SERVICE COMPANY for diversion of four acre-feet of water in a one-year period for mining use. Water may be diverted from the FM 2342 crossing of Sixmile Creek, approximately three miles east of Yellow Pine, Sabine County, Texas, Sabine River Basin.

Application Number TA-7465 by HONDO B&N, INC. for diversion of ten acre-feet of water in a one-year period for mining use. Water may be diverted from the State Highway 16 crossing of the Pedernales River, approximately 12 miles west of Fredricksburg, Gillespie County, Texas, Colorado River Basin.

Application Number TA-7466 by ROSENBERG, TEXAS ASSEMBLY HALL OF JEHOVAH'S WITNESSES, INC. for diversion of ten acre-feet of water in a one-year period for irrigation use. Water may be diverted from Seabourne Creek at the SH 36 crossing, approximately six miles southwest of Richmond, Fort Bend County, Texas, Brazos River Basin.

Application Number TA-7467 by MITCHELL ENERGY CORPORATION for diversion of two acre-feet of water in a six-month period for mining use (oil and/or gas well drilling). Water may be diverted from near the FM 1384 crossing of Oliver Creek, approximately 18 miles southwest of Denton, Denton County, Texas, Trinity River Basin.

Application Number TA-7468 by MITCHELL ENERGY CORPORATION for diversion of two acre-feet of water in a six-month period for mining use (oil and/or gas well drilling). Water may be diverted from near the FM 1384 crossing of Oliver Creek, approximately 18 miles southwest of Denton, Denton County, Texas, Trinity River Basin.

Application Number TA-7469 by AMOCO CHEMICALS COMPANY for diversion of ten acre-feet of water in a three-month period for industrial use (hydrostatic test). Water may be diverted from a ship canal of Galveston Bay, approximately two miles southeast of Texas City, Galveston County, Texas, San Jacinto-Brazos Coastal 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 June 9, 1995.

TRD-9507029

Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: June 9, 1995

Public Notice

The Texas Natural Resource Conservation Commission (TNRCC) furnishes this notice of an amendment of a consulting services contract which was awarded for identification of the current status and historical trends in ambient water, sediment, fish and shellfish tissue quality in the Corpus Christi Bay National Estuary Program (CCBNEP) study area.

The notice for request for proposals was published in the June 17, 1994, issue of the *Texas Register*.

Description of Services. The contractor will provide information regarding identifying any significant or potential contamination of the ambient environment as evidenced by trends in degraded water, sediment, fish and shellfish tissue quality. The following major products will be produced: Quarterly Reports; Final Report, December 31, 1995.

Effective Date and Value of Contract. This amendment is a no cost contract extension of the contract from the original termination date of August 31, 1995 to a new termination date of December 31, 1995. The amendment will make the contract effective from October 31, 1994, until December 31, 1995. The total cost of the contract is the same as the original, \$80,000.

Name of the Contractor. The contract has been awarded to the Center for Research in Water Resources, The University of Texas at Austin, PRC 119, Austin, Texas 78712.

Persons who have questions concerning this award may contact Richard Volk, Corpus Christi Bay National Estuary Program, TAMU-CC, Campus Box 290, 6300 Ocean Drive, Corpus Christi, Texas 78412, (512) 985-6767.

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

TRD-9507087

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

Filed: June 12, 1995

Texas Parks and Wildlife Department Correction of Error

The Texas Parks and Wildlife Commission proposed amendments to §59.2 and §59.3, concerning Park Entrance and Use Fees. The rules appeared in the June 2, 1995, issue of the *Texas Register* (20 TexReg 4035).

Due to an oversight on the agency's part, a sentence was inadvertently omitted from the submission.

The error was as follows:

In the proposed amendment to §59.2(j) (20 TexReg 4036), the new language that begins, "Residents of this state whose birth date..." should read as follows: "A resident of this state whose birth date is after August 31, 1930 and who is also a holder and in possession of a valid state parklands passport shall pay 50% of the normal entrance fee rounded to the nearest higher whole dollar."



Request for Proposals

In accordance with Government Code, Chapter 2254, Subchapter B, the Texas Parks and Wildlife Department (TPWD) requests proposals to conduct a study of the discharge and drainage basin delineation of San Solomon and associated springs, Trans-Pecos, Texas.

The San Solomon Spring group is the only known site containing the Comanche Springs Pupfish (*Cyprinodon elegans*), which is federally listed as an endangered species. Over pumping of the Pecos Aquifer has dried other springs and pupfish habitat in the region, including the Comanche Springs—previously one of the largest springs in western Texas and where the species was first described. The flow of the San Solomon Springs group also provides habitat for another endangered fish, the rare Pecos Gambusia (*Gambusia nobilis*).

The selected consultant will conduct a five-year study to hydrologically and geochemically characterize the drainage basin of the San Solomon Spring group to delineate the areas critical to the springs' flow, and to evaluate land use practices in those areas for their potential impact on spring discharge and quality.

Expected results and benefits of the study include: compilation of historical discharge data and comparison with current discharge to protect future spring flows with increased groundwater pumpage; establishment of the water quality and geochemical character of the springflow; delineation of individual spring drainage basins and their major flow paths; determination of what contaminants, if any, are occurring in the springflow; determination of the likely sources of any contaminants; determination of the likely sources and impacts of future pollutants on the springs; development of a spring monitoring system for long range study of key parameters; and identification of spring-related areas that should be protected.

The consultant will: collect and synthesize all previously collected data; establish a water monitoring system in springs and selected wells; conduct a field survey for detailed water table mapping of additional wells and geologic features; conduct basic water chemistry and contaminant analysis from wells, springs, caves; conduct dye traces; conduct detailed geochemical analysis of water from selected wells, springs, and/or caves during base flow and high flow conditions; conduct any other research as necessary to achieve the expected results and benefits; and prepare annual and final reports and other reports as requested.

Funding for the study is being made available under a grant by the U.S. Fish and Wildlife Service to TPWD. In accordance with the terms of the grant, the consultant shall be required to provide 25% cost-sharing toward completion of the project.

An estimated funding of \$85,000 has been planned for the completion of the five-year study; however, only the funding for the first year of work, in the amount of \$25,000 has been received from the U.S. Fish and Wildlife Service. Completion of the study through years two, three, four, and five will be subject to completion of grant funding by the U.S. Fish and Wildlife Service.

For additional information, interested parties may call or write Lee Ann Linam, Endangered Species Program Coordinator, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, 512/448-4311.

The TPWD will consider the demonstrated competence, knowledge and qualifications of the consultant in the selection process. The selected consultant should have: research credentials in hydrogeology and geochemistry, specifically related to conservation of springflow quality and quantity; familiarity with the hydrogeology and land use of the Trans-Pecos region; and a proven record in producing scientific reports.

Proposals should be typed on 8 1/2-inch by 11-inch paper. Elaborate bindings or other expensive presentations are discouraged. Proposals should adhere to the following format: transmittal letter; study description; approach to the study with identification of elements of the study to be completed during each year; breakdown of costs by year showing consultant's cost share and TPWD cost share for each year; and a resume(s) of the researcher(s) involved in the study. Final scope and fee may be negotiated with the consultant.

Proposals to perform these consulting services will be accepted only if in writing and actually received in the office of Judy Doran, Purchasing and Contracting, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, no later than 3:00 p.m., July 14, 1995. Proposals should be submitted with an original and two copies. The TPWD reserves the right to reject any and all proposals.

Issued in Austin, Texas, on June 5, 1995.

TRD-9506879

Paul Shinkawa
Acting General Counsel
Texas Parks and Wildlife Department

Filed: June 7, 1995



Texas Department of Protective and Regulatory Services

Request for Proposal for Homemaker Services in Houston Region 06

Description: The Texas Department of Protective and Regulatory Services is requesting proposals for homemaker services for children who have been abused and/or neglected and their families/significant others in Region 06.

Eligible Applicants: Eligible offerors include government entities, private non-profit and for profit agencies, partnerships, and individuals. Historically Underutilized Businesses are encouraged to submit proposals.

Limitations: Funding of the selected proposal will be dependent upon available federal and/or state appropriations. The Department reserves the right to reject any and all offers received in response to the RFP and to cancel this RFP if it is deemed in the best interest of the Department.

Term: The effective dates of any contract awarded under this RFP will be September 1, 1995 through August 31, 1996.

Offerors conference: An Offerors Conference is scheduled to be held June 21, 1995. All respondents to this RFP will be notified of the Offerors Conference location and time.

Deadlines: All proposals to be considered for funding through this RFP must be received by 5:00 p.m. July 14, 1995. Proposals received after this deadline will not be accepted.

Evaluation and Selection: A panel of program and administrative staff from the Department will rank and score the proposals. The evaluation method and criteria will be specified in advance. Considerations are program operation, staffing supervision, previous relevant experience, budget and cost of service.

Contact Person: To obtain a complete copy of the RFP, please contact Candace Best, Contract Manager, or Karen Langlois, Contract Technician, Protective Services for Families and Children, Texas Department of Protective and Regulatory Services (M.C. 176-7), 4635 Southwest Freeway, Contract Unit Suite (Third floor), Houston, Texas 77027, (713) 940-5177 or (713) 940-5179.

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

TRD-9507002 Nancy Murphy
Section Manager, Media and Policy
Services
Texas Department of Protective and
Regulatory Services

Filed: June 9, 1995

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Texas Public Finance Authority
Request for Proposals for Co-Financial
Advisor

The Texas Public Finance Authority (TPFA) is requesting proposals for co-financial advisor services. The deadline for proposal submission is Noon, June 26, 1995.

The TPFA Board of Directors (the Board) will make its selection based upon its perception of the need for a co-financial advisor, the demonstrated competence, experience, knowledge and qualifications, as well as the reasonableness of the proposed fee for the services to be rendered. Firms responding to this RFP must maintain a Texas office staffed with personnel who are responsible for the day-to-day co-financial advisory services to the Authority. All things being equal, the Board will give first consideration to firms whose principle place of business is located in Texas and the extent to which minority and women participate in the ownership, management and professional work of the firm: By this request for proposal, however, the Board has not committed itself to employ a co-financial advisor nor does the suggested scope of service or team of agreement therein require that the co-financial advisory be employed for any or all of those purposes. The Board reserves the right to make those decisions after receipt of proposals and the Board's decision of these matters in final. The Authority reserves the right to negotiate individual elements of the Firm's proposal and to reject any and all proposals.

Copies of the request for proposal may be obtained by calling or writing Patricia Logan or Jeanine Barron, Texas

Public Finance Authority, P.O. Box 12906, Austin, Texas 78711, (512) 463-5544.

Issued in Austin, Texas, on June 5, 1995.

TRD-9506753 Anne L. Schwartz
Executive Director
Texas Public Finance Authority

Filed: June 5, 1995

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Request for Proposals for Financial
Advisor

The Texas Public Finance Authority (the Authority) is requesting proposals for financial advisory services. The deadline for proposal submission is Noon, June 26, 1995.

The Board will make its selection based upon demonstrated competence, experience, knowledge and qualifications, as well as the reasonableness of the proposed fee for the services to be rendered. Firms responding to the request for proposal must maintain a Texas office staffed with personnel who are responsible for providing financial advisory services to the Authority. All things being equal, the Board will give first consideration to firms whose principal place of business is located in Texas. By the request for proposal, however, the Board has not committed itself to employ a financial advisor nor does the suggested scope of service or term of agreement therein require that the financial advisor be employed for any or all of those purposes. The Board reserves the right to make those decisions after receipt of proposals and the Board's decision on these matters is final. The Authority reserves the right to negotiate individual elements of the firm's proposal and to reject any and all proposals.

Copies of the request for proposal may be obtained by calling or writing Patricia Logan or Jeanine Barron, Texas Public Finance Authority, P.O. Box 12906, Austin, Texas 78711, (512) 463-5544.

Issued in Austin, Texas, on June 5, 1995.

TRD-9506752 Anne L. Schwartz
Executive Director
Texas Public Finance Authority

Filed: June 5, 1995

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Public Utility Commission of Texas
Notice of Application to Amend
Certificate of Convenience and
Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on May 25, 1995, to amend a certificate of convenience and necessity pursuant of 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 Southwestern Bell Telephone Company to Amend Certificate of Convenience and Necessity within El Paso County, Docket Number 14267, before the Public Utility Commission of Texas.

The Application: In Docket Number 14267, Southwestern Bell Telephone Company seeks approval to amend the exchange area boundary between its Anthony and Canutillo 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 July 18, 1995.

Issued in Austin, Texas, on June 8, 1995.

TRD-9506914 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: June 8, 1995

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

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for AT&T Microelectronics, Mesquite, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for PLEXAR-Custom Service for AT&T Microelectronics pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 14275.

The Application. Southwestern Bell Telephone Company is requesting approval of a new PLEXAR-Custom service for AT&T Microelectronics. The geographic service market for this specific service is the Mesquite, 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 June 8, 1995. *

TRD-9506915 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: June 8, 1995

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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 Connectware, Inc., Richardson, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for PLEXAR-Custom Service for Connectware, Inc. pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 14276.

The Application. Southwestern Bell Telephone Company is requesting approval of a new PLEXAR-Custom service

for Connectware, Inc. The geographic service market for this specific service is the Richardson, 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 June 8, 1995.

TRD-9506916 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: June 8, 1995

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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 Alief ISD, Houston, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for PLEXAR-Custom Service for Alief ISD pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 14277.

The Application. Southwestern Bell Telephone Company is requesting approval of a station addition to the existing PLEXAR-Custom service for Alief ISD. The geographic service market for this specific service is the Houston, 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 June 8, 1995.

TRD-9506917 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: June 8, 1995

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Notices of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.94

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 23.94 for approval of an increase in the rate for public and semi-public pay telephone service.

Tariff Title and Number. Application of Fort Bend Telephone Company for Approval of an increase in the rate for public and semi-public pay telephone service pursuant to Public Utility Commission Substantive Rule 23.94. Tariff Number 14281.

The Application. Fort Bend Telephone Company is requesting approval of an increase in the rate for public and semi-public pay telephone service. Public and semi-public pay telephone services are services whereby customers may make local or long distance calls from telephone instruments that are equipped with coin collecting

devices. Customers pay for each chargeable local call placed from the instrument. Toll messages are charged to the public at the FBTC's established toll rates.

Persons who wish to intervene or otherwise participate in this proceeding should notify the Commission as soon as possible but no later than August 9, 1995. A request to intervene, participate, or for further information should be mailed to the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Section at (512) 458-0233, or (512) 458-0221 for teletypewriter for the deaf.

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

TRD-9506980 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: June 9, 1995



Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.94 for approval to restructure rates for Residential and Business local exchange access service with optional Extended Metropolitan Service and FlexNet service.

Tariff Title and Number. Application of Fort Bend Telephone Company for Approval to restructure rates for Residential and Business local exchange access service with optional Extended Metropolitan Service and FlexNet service pursuant to Public Utility Commission Substantive Rule 23.94. Tariff Number 14263.

The Application. Fort Bend Telephone Company is requesting approval to restructure rates for: (Item 1) Residential and Business local exchange access service with optional Extended Metropolitan Service ("EMS"); and (Item 2) FlexNet service. This application applies to customers in the Brookshire and Katy exchanges only. Approval of this proposal will result in a rate increase for customers who subscribe to seven or less Flex Net trunks and rate decrease for those subscribing to more than seven FlexNet trunks. FBTC proposed to grandfather the rates for existing FlexNet customers who would incur a rate increase from this application until the customer requests a change in his/her service.

Persons who wish to intervene or otherwise participate in this proceeding should notify the Commission as soon as possible but no later than August 7, 1995. A request to intervene, participate, or for further information should be mailed to the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Section at (512) 458-0233, or (512) 458-0221 for teletypewriter for the deaf.

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

TRD-8506981 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: June 9, 1995



Notice of Request for Exception to Public Utility Commission Substantive Rule 23.12(e)

Notice is given to the public of an application filed with the Public Utility Commission of Texas for an exception to Public Utility Commission Substantive Rule 23.12(e), which requires local exchange companies to file a cost allocation manual.

Docket Title and Number: Application of Big Bend Telephone Company, Inc. for Exception to Substantive Rule 23.12(e). Docket Number 14269.

The Application: Big Bend Telephone Company, Inc. is requesting a good cause exception from filing a cost allocation manual.

Persons who wish to comment upon or intervene in this proceeding 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 within two weeks.

Issued in Austin, Texas, on June 8, 1995.

TRD-9506929 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: June 8, 1995



Texas Department of Transportation Public Notice

In accordance with Title 43, Texas Administrative Code, §11.88(e)(6), the Texas Department of Transportation is giving public notice of the availability of the Final Environmental Impact Statement (FEIS) for the proposed construction of the U.S. Highway 82 (East/West) Freeway in the City of Lubbock and the relocation of the Seagraves, Whiteface and Lubbock Railroad to western portions of the City of Lubbock and Lubbock County. The public and interested organizations will have 30 days following publication of this notice to submit comments.

The proposed project is the construction of a controlled access freeway from approximately 1.25 miles southwest of Southwest Loop 289 to approximately 0.80 mile east of Interstate Highway 27 along a corridor generally occupied by the existing U.S. Highway 82 in the City of Lubbock. Four primary route corridors and corridor variations and four primary design alternatives and design alternative variations have been examined as ways to provide a freeway facility east/west across the City of Lubbock. The social, economic, and environmental impacts of the proposed freeway construction/facility have been analyzed in the FEIS.

To accommodate the proposed freeway construction at the preferred U.S. Highway 82 location and utilizing the preferred freeway design, the FEIS has also considered the abandonment of a segment of the Seagraves, Whiteface and Lubbock Railroad line from approximately Milwaukee Avenue to University Avenue in the City of Lubbock, a distance of approximately 6.5 miles, and the relocation of this rail line to western portions of the City of Lubbock and Lubbock County. The preferred rail relocation route corridor is a combination of the existing rights-of-way on

the Brownfield and Levelland branches of the rail line, a north/south segment of new rail construction between FM 179 and Quitsna Avenue, and an east/west segment of new rail construction north of Kent Street. New rail line construction is also proposed west of Milwaukee Avenue to join the existing Brownfield and Levelland branches. Four primary route alignments and variations of these alignments have been examined as ways to provide a route for the relocated Seagraves, Whiteface and Lubbock Railroad line. The total length of new railroad construction is approximately 12 miles. The social, economic, and environmental impacts of the proposed railroad relocation project have been analyzed in the FEIS.

Copies of the FEIS and other information about the project may be obtained at the Texas Department of Transportation Lubbock District Office located at 135 Slaton Road in Lubbock, Texas 79404 (mailing address is Texas Department of Transportation, P.O. Box 771, Lubbock, Texas 79408-0771). For further information, please contact Ronald C. Seal, P.E., at (806) 748-4464 in Lubbock.

Issued in Austin, Texas, on June 8, 1995.

TRD-9506942 Robert E. Shaddock
General Counsel
Texas Department of Transportation

Filed: June 8, 1995

Request for Proposals

Notice of Invitation. The Texas Department of Transportation (TxDOT) intends to engage an engineer, pursuant to Texas Government Code, Chapter 2254, Subchapter A, to provide the following services. The engineer selected must perform a minimum of 30% of the actual contract work to qualify for contract award.

Contract #10-545P5012—involving construction inspection and testing services in Cherokee and Smith County for replacement of nine bridges on the Texas State Railroad.

Deadline. A letter of interest notifying TxDOT of the provider's intent to submit a proposal shall be either hand-delivered or mailed to TxDOT Tyler District Office, 2709 West Front Street, Tyler, Texas 75702. Letters of interest will be received until 5:00 p.m. on Friday, June 30, 1995. The letter of interest must include the engineer's name, address, telephone number, name of engineer's contact person and number of TxDOT contract. Upon receipt of the letter of interest a Request for Proposal packet will be issued.

Pre-proposal Meeting. A pre-proposal meeting will be held on Wednesday, July 5, 1995 at the TxDOT Tyler District Office, 2709 West Front Street, Tyler, Texas at 10:00 a.m. (TxDOT will not accept a proposal from an engineer who has failed for any reason to attend the mandatory pre-proposal meeting.)

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 Frank Conklin at (903) 510-9135 at least two work days prior to the meeting so that appropriate arrangements can be made.

Proposal Submittal Deadline. Proposals for contract #10-545P5012 will be accepted until 5:00 p.m. on Friday, July 14, 1995 at 2709 West Front Street, Tyler, Texas 75702.

Agency Contact. Requests for additional information regarding this notice of invitation should be addressed to Dale T. Booth, P.E. at (903) 510-9113 or Fax (903) 510-9129.

Issued in Austin, Texas, on June 8, 1995.

TRD-9506941 Robert E. Shaddock
General Counsel
Texas Department of Transportation

Filed: June 8, 1995

Texas Water Development Board Applications Received

Pursuant to the Texas Water Code, §6.195, the Texas Water Development Board provides notice of the following applications received by the Board:

City of Saint Jo, 220 East Howell, Saint Jo, Texas 76265, received May 1, 1995, application for financial assistance in the amount of \$850,000 from the State Water Pollution Control Revolving Fund.

City of Needville, P.O. Box 527, Needville, Texas 77461, received May 18, 1995, application for additional financial assistance in the amount of \$150,000 from the State Water Pollution Control Revolving Fund.

City of Whitehouse, 311 East Main Street, Whitehouse, Texas 75791, received May 30, 1995, application for additional financial assistance in the amount of \$130,000 from the State Water Pollution Control Revolving Fund.

City of The Colony, 5151 North Colony Boulevard, The Colony, Texas 75056, received May 1, 1995, application for financial assistance in the amount of \$1,000,000 from the State Water Pollution Control Revolving Fund.

City of Weslaco, 500 South Kansas, Weslaco, Texas 78596, received April 10, 1995, application for additional financial assistance in an amount not to exceed \$24,425.55 from the Research and Planning Fund.

City of Brownsville, Public Utilities Board, 1425 Robinhood Drive, Brownsville, Texas 78520-3270, received May 30, 1995, application for financial assistance in an amount not to exceed \$225,000 from the Research and Planning Fund.

El Paso Water Utilities, Public Service Board, P.O. Box 511, El Paso, Texas 79991-0001, received April 13, 1995, grant application for financial assistance in an amount not to exceed \$1,250,000 from the Research and Planning Fund.

El Paso Water Utilities, Public Service Board, P.O. Box 511, El Paso, Texas 79991-0001, received May 31, 1995, application for additional financial assistance in an amount not to exceed \$196,470 from the Research and Planning Fund.

Additional information concerning this matter may be obtained from Craig D. Pedersen, Executive Administrator, P.O. Box 13231, Austin, Texas 78711.

Issued in Austin, Texas, on June 7, 1995.

TRD-9506913 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Filed: June 8, 1995

**Texas Workers' Compensation
Commission**

**Correction of Clerical Error in Preamble
to the Adopted Mental Health
Treatment Guideline (28 TAC
§134.1000)**

The Texas Workers' Compensation Commission published the adoption of 28 TAC §134.1000 in the January 6, 1995, issue of the *Texas Register* (20 TexReg 68). The preamble, as submitted to the Register, contained a clerical error. The error appeared in the Summary of Comments portion of the preamble, on page 74 of the Register. The error consisted of the failure to delete (in the third commission response from the end of the summary of comments) a reference to the insertion of a definition of a "mental emergency" in subsection (f)(1)(A). The definition was not inserted in the rule. The response should read: "The commission agrees with the proposed definition of a "Mental Emergency" but does not agree with the need to insert this definition in the guideline. This definition will be considered for use in proposed rules where the definition of an emergency, both medical and mental, will require greater clarification."

Issued in Austin, Texas, on June 7, 1995.

TRD-9506898

Susan Cory
General Counsel
Texas Workers' Compensation Commission

Filed: June 7, 1995

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