

TEXAS REGISTER

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Texas Register



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Secretary of State Antonio O. Garza, Jr.

Director Dan Procter

Assistant Director Dee Wright

Circulation/Marketing Tamara Joiner Jill S. Ledbetter

TAC Editor Dana Blanton

TAC Typographer Madeline Chriscer

Documents Section Supervisor Patty Webster

Document Editors Roberta Knight

Open Meetings/Editor Jamie Alworth

Production Section Supervisor Ann Franklin

Production Editors/Typographers Carla Carter Roy Felps Mimi Sanchez

Receptionist Darane Jarzombek

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Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.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

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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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22 TAC §187.17 5240

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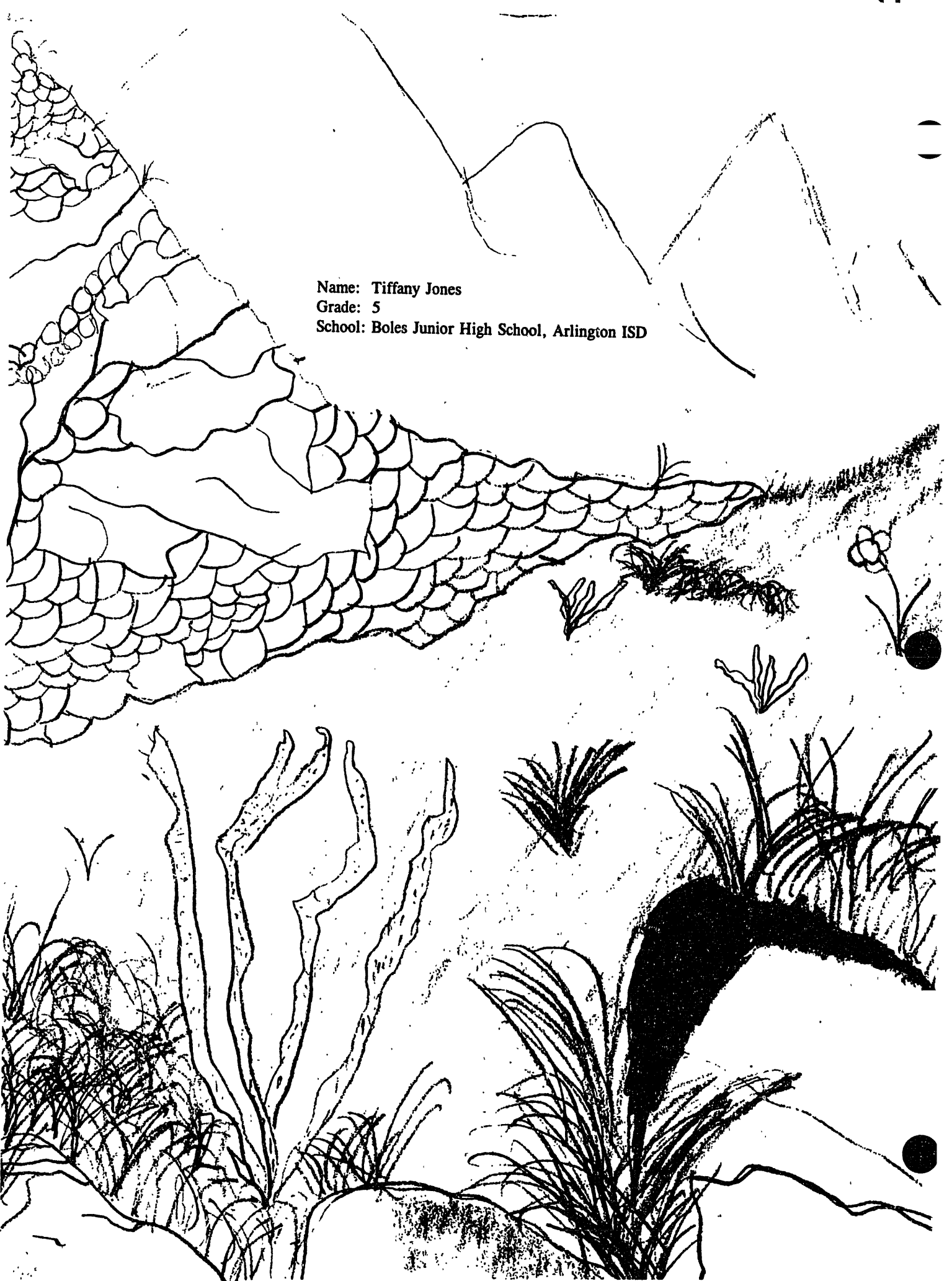
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Name: Tiffany Jones
Grade: 5
School: Boles Junior High School, Arlington ISD



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 4. AGRICULTURE Part I. Texas Department of Agriculture

Chapter 5. Quarantines

Sweet Potato Weevil Quarantine

- 4 TAC §5.62, §5.63

The Texas Department of Agriculture has withdrawn from consideration for permanent adoption a proposed amendment to §5.62 and §5.63, which appeared in the January 13, 1995, issue of the *Texas Register* (20 TexReg 187). The effective date of this withdrawal is July 10, 1995.

Issued in Austin, Texas, on July 10, 1995.

TRD-9508407

Dolores Alvarado Hibbs
Chief Administrative Law
Judge
Texas Department of
Agriculture

Effective date: January 13, 1995

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

TITLE 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 409. Medicaid Program

Subchapter D. Home and Community-Based Services

- 25 TAC §409.118

Pursuant to Texas Government Code, §2001.027 and 1 TAC §91.24(b), the proposed repeal of §409.118, submitted by the Texas Department of Mental Health and Mental Retardation has been automatically withdrawn, effective July 5, 1995. The repeal as proposed appeared in the January 3, 1995, issue of the *Texas Register* (20 TexReg 12).

TRD-9508261

TITLE 28. INSURANCE Part II. Texas Workers' Compensation Commission

Chapter 166. Accident Prevention Services

- 28 TAC §166.8

The Texas Workers' Compensation Commission has withdrawn from consideration for permanent adoption a proposed new section which appeared in the April 21, 1995 issue of the *Texas Register* (20 TexReg 2994). The effective date of this withdrawal is July 12, 1995.

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

TRD-9508649

Susan Cory
General Counsel
Texas Workers'
Compensation
Commission

Effective date: July 12, 1995

For further information, please call: (512)
440-3700

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 19. Nursing Facility Requirements for Licensure and Medicaid Certification

Subchapter V. Enforcement Remedies in Medicaid-Certified Facilities

- 40 TAC §§19.2122-19.2127,
19.2129-19.2132, 19.2134-19.2143,
19.2145, 19.2148

The Texas Department of Human Services has withdrawn from consideration proposed new §§19.2122-19.2127, 19.2129-19.2132, 19.2134-19.2143, 19.2145, and 19.2148, concerning enforcement, in its Nursing Facility Requirements for Licensure and Medicaid Certification chapter. The text of the proposed new sections appeared in the May 9, 1995,

issue of the *Texas Register* (20 TexReg 3455). The effective date of the withdrawal is immediately upon filing.

Issued in Austin, Texas, on July 10, 1995.

TRD-9508460

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

Effective date: July 10, 1995

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

Part XII. Texas Board of Occupational Therapy Examiners

Chapter 373. Examinations

- 40 TAC §373.1

The Texas Board of Occupational Therapy Examiners has withdrawn from consideration for permanent adoption a proposed repeal of §373.1, which appeared in the January 13, 1995, issue of the *Texas Register* (20 TexReg 216). The effective date of this withdrawal is July 7, 1995.

Issued in Austin, Texas, on July 7, 1995.

TRD-9508395

John P. Maline
Executive Director
Texas Board of
Occupational Therapy
Examiners

Effective date: July 7, 1995

For further information, please call: (512)
443-8202

The Texas Board of Occupational Therapy Examiners has withdrawn from consideration for permanent adoption a proposed new §373.1, which appeared in the January 13, 1995, issue of the *Texas Register* (20 TexReg 216). The effective date of this withdrawal is July 7, 1995.

Issued in Austin, Texas, on July 7, 1995.

TRD-9508439

John P. Maline
Executive Director
Texas Board of
Occupational Therapy
Examiners

Effective date: July 7, 1995

For further information, please call: (512)
443-8202



Name: Jo Tower
Grade: 11
School: Plano Senior High School, Plano 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 10. COMMUNITY DEVELOPMENT Part V. Texas Department of Commerce

Chapter 187. Job Training Partnership Act Rules

Subchapter D. Performance Standards

- 10 TAC §§187.161, 187.163,
187.164

The Texas Department of Commerce adopts amendments to §§187.161, 187.163, and 187.164, concerning incentive grants for exceeding Job Training Partnership Act Performance Standards. Section 187.163, Incentive Grants for Exceeding DOL Performance Standards, is adopted with changes to the proposed text as published in the May 2, 1995, issue of the *Texas Register* (20 TexReg 3227). Section 187.161, Variations to DOL Performance Standards, and §187.164, Incentive Grants for Exceeding State Standards, are adopted without changes and will not be republished.

The amendments are being adopted to incorporate policy modifications and clarification of procedures. Section 187.163(a)(5) has been amended to clarify that the criteria regarding exceeding performance standards refers to either the "federally required performance measures" or state established performance measures.

Written comments were received from West Central Council of Governments, WorkForce Development Corporation and the Working Connection. None of the commenters opposed the adoption of the rules; however, some expressed concerns about specific parts of the rule, raised questions and made recommendations.

COMMENT: A commenter suggested that §187.163(a)(5) be eliminated or clarified.

RESPONSE: The Texas Department of Commerce agrees and has amended the rule to clarify that, "federally required performance measures" are included in the standards.

COMMENT: A commenter suggested changes to the incentive policy, which was recommended by the Texas Council on Workforce and Economic Competitiveness (TCWEC), and approved by the Governor.

RESPONSE: The Texas Department of Commerce will assure that TCWEC staff is provided copies of the comments and suggestions, which do not apply to the rule itself, but rather to the incentive policy, for their consideration in formulating future incentive policy.

COMMENT: A commenter questioned the fiscal implications of enforcing or administering the rules at the Service Delivery Area (SDA) level.

RESPONSE: The Texas Department of Commerce responds that since the SDA is not charged with either the enforcement or administration of the rules, there are none.

COMMENT: A commenter expressed concern that some SDAs might be unaware of certain requirements with respect to eligibility for incentive awards for the current program year.

RESPONSE: The requirements expressed in the rule are consistent with both Federal requirements and state policy which were effective at the beginning of the program year and were made available to the SDAs at that time.

The amendments are adopted under the Texas Government Code, §481.0044(a), which authorizes the policy board to adopt rules necessary for the administration of department programs.

The Texas Labor Code, §301.051 is affected by the adopted amendments to §§187.161, 187.163 and 187.164. No other statute or regulation will be affected.

§187.163. Incentive Grants for Exceeding DOL Performance Standards.

(a) Incentive grants will be awarded only to eligible SDAs that exceed established standards for Title IIA and IIC programs. To be eligible for consideration, an SDA must meet all of the following criteria:

(1) meets at least four of the following DOL standards:

(A) adult follow-up employment rate;

(B) adult follow-up weekly earnings;

(C) adult welfare follow-up employment rate;

(D) adult welfare follow-up weekly earnings;

(E) youth entered employment rate; and

(F) youth employability enhancement rate;

(2) meets at least one of the DOL youth standards;

(3) meets the requirement that at least 65% of the SDA's Title IIA participants be hard-to-serve;

(4) meets the requirement that at least 65% of the SDA's Title IIC participants be hard-to-serve;

(5) exceeds at least one of the federally required or state established performance measures published by the Department in the *Texas Register*.

(b) SDAs will receive incentive awards only for performance measures which have been exceeded.

(c) Each SDA's available incentive award funds will be allocated among the established performance standards in the percentages established by the governor, at the end of a program year based on the SDA's reported performance.

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 July 7, 1995.

TRD-9508388
Brenda F. Arnett
Executive Director
Texas Department of
Commerce

Effective date: July 28, 1995

Proposal publication date: May 2, 1995

For further information, please call: (512) 936-0515

Subchapter F. Financial Management Rules

• 10 TAC §§187.200-187.237

The Texas Department of Commerce adopts the repeal of §§187.200-187.237, concerning rules to implement the Job Training Partnership Act, pursuant to the Texas Government Code, §481.0044, which authorizes the policy board of the Texas Department of Commerce to adopt rules to administer department programs, without changes to the proposed text as published in the May 2, 1995, issue of the *Texas Register* (20 TexReg 3227).

The repeals are being replaced with new rules published in this issue of the *Texas Register*.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Government Code, §481.0044(a), which authorizes the policy board to adopt rules necessary for the administration of department programs; Texas Civil Statutes, Article 4413(52), §5A (as amended by Senate Bill 405, §29, Acts 1993, 73rd Legislature), which give the policy board of the Texas Department of Commerce the authority to adopt necessary rules for the implementation and management of the job training program; and pursuant to the Administrative Procedure Act, Texas Government Code, Chapter 2001, Subchapter B, which mandates the rulemaking procedures for state agencies. The repeal deletes obsolete requirements and burdensome language.

Texas Labor Code, §301.052 is affected by the repeals. No other statute or regulation will be affected.

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 July 7, 1995.

TRD-9508387 Brenda F. Arnett
Executive Director
Texas Department of
Commerce

Effective date: July 28, 1995

Proposal publication date: May 2, 1995

For further information, please call: (512) 936-0515

• 10 TAC §§187.200-187.232

The Texas Department of Commerce adopts new §§187.200-187.232, concerning rules to implement the Job Training Partnership Act, pursuant to the Texas Government Code, §481.0044, which authorizes the policy board of the Texas Department of Commerce to adopt rules to administer department programs. Sections 187.207, Allowable and Unallowable Costs; 187.208, Definition of an Obligation; 187.210, Voluntary Deobligation; 187.225, Property Maintenance and Security; 187.226, Shared Use of JTPA Property; 187.228 Reporting Requirements; and 187.230, Resolution of Questioned Costs, of the Finan-

cial Management Rules are adopted with changes to the proposed text as published in the May 2, 1995, issue of the *Texas Register* (20 TexReg 3227). Sections 187.200, Purpose and Authority; 187.201, General; 187.202, Subrecipient Bonding; 187.203, Repayment of Disallowed Costs; 187.204, Historically Underutilized Businesses (HUBs); 187.205, Insurance Requirements; 187.206, Refund Policy; 187.209, Reporting Obligations; 187.211, Contractor Code of Conduct; 187.212, JTPA Records and Files; 187.213, Methods of Procurement; 187.214, Competitive Negotiation Method; 187.215, Request for Proposal (RFP); 187.216, Statement of Work; 187.217, Noncompetitive Negotiation (Sole Source) Method; 187.218, Processing of Noncompetitive Procurements; 187.219, Cost/Price Analysis; 187.220, Contract Payments; 187.221, Contract Budgets; 187.222, Fixed-unit Price Contracts; 187.223, Nonexpendable Personal Property Management; 187.224, Subrecipient Property Inventory; 187.227, Disposition of Excess Nonexpendable JTPA Property; 187.229, The Closeout Process; 187.231, Subrecipient Time Limitations; 187.232, Variance from Uniform Grants and Contract Management Standards, are adopted without changes and will not be republished.

The rules are adopted to establish uniform accounting and financial management rules for the administration of all JTPA programs funded through the Texas Department of Commerce. Section 187.207(1)(C) has been amended by the addition of the following final sentence, "If direct assignment to final cost objectives is impractical, costs may be pooled and subsequently allocated based on some accepted measure of benefits received." Section 187.207(5) Printing and Reproduction Costs has been amended by the deletion of the phrase "without limitation." Section 187.207(6) Interest Expense is amended by clarification of the final sentence, as follows, "Interest expense is allowable on equipment leases procured through a sole source if justified by an accurate, clearly written lease versus purchase analysis, which is maintained by the Contractor and made available to monitors and other representatives of the Department." Section 187.207(11) Participant Supportive Services has been amended by the deletion of item number (11) Participant Supportive Services, and subsequent following items are renumbered. Section 187.208(a) Definition of an Obligation is amended to include the following final sentence, "The Department reserves the right to waive the 90-day limitation on obligations." Section 187.208(b) Definition of an Obligation is amended for clarification to read as follows, "If the Subrecipient is using obligations to meet the required 85% threshold in Title II at the end of the first program year, the Subrecipient shall maintain on file for review the following information on all obligations being reported for a given program year." Section 187.210 Voluntary Deobligation is amended by the deletion of the following final sentence, "All voluntary deobligations as well as involuntary deobligations shall be deobligated equally among the statutory cost categories." Section 187.225(c) is amended in order to correctly identify the reference to Disposition of Excess Nonexpendable JTPA

property, the sentence is clarified to read, "On missing or lost property with a unit acquisition cost of \$1,000 or more, subrecipients shall submit to the department documentation of the insurance proceeds on the loss, a copy of the police report, and the disposition information required in §187.227(3) of this title (relating to Disposition of Excess Nonexpendable JTPA Property)." Section 187.226 Shared Use of JTPA Property is amended in order to further clarify item (e) by including the following final sentence, "The Shared Use Schedule shall be prepared quarterly. The Schedule should be kept on file and available for review by monitors, auditors, and other Department representatives." Section 187.228(e)(7) Reporting Requirements is amended to clarify the meaning by the following, "the sum of the total expenditures less cash on hand and program income." Section 187.230 Resolution of Questioned Costs is amended for clarification to read as follows, "(a) Problem findings and questioned costs arising from an annual monitoring review of a subrecipient by the Department, or Labor Department, or the subrecipient's annual independent audit, or Office of Inspector General (OIG) audit, shall be investigated and resolved according to the procedures and audit resolution process established by Subchapter E. State Monitoring and Sanctions Policies."

Written comments were received regarding the adoption of the rules. Oral comments were received from three individuals. None of the commenters were opposed to the adoption of the rules; however, some expressed concerns about specific parts of the rule, and made recommendations.

COMMENT: One commenter suggested that the word "reasonable" be defined in §187.205(b) and (c) regarding General Liability Insurance.

RESPONSE: It is the State's intention to allow the local programs to determine the amount of the deductible and associated risk based on a valid cost/benefit analysis.

COMMENT: One commenter stated that the term "appropriate documentation" in §187.206(c) Refund Policy should be more specific.

RESPONSE: The Department disagrees, since the information required, which would qualify as appropriate documentation, may vary depending on the circumstances of the refund. The specific details are described in the JTPA Financial Management Manual.

COMMENT: One commenter suggested that we change the wording "comparable work in the subrecipient's area" in §187.207(1)(A) Compensation for Personal Services, to "comparable work in the subrecipient's agency".

RESPONSE: The suggested language is too restrictive. The intent is that pay should be consistent with similar work in a particular labor market, not just within an agency.

COMMENT: One commenter stated that §187.207(1)(C) Personal Compensation, does not provide flexibility for cost allocation based on pools with acceptable distribution basis.

RESPONSE: The Department agrees and has amended this section by adding the following sentence, "If direct assignment to final cost objectives is impractical, costs may be pooled and subsequently allocated based on some accepted measure of benefits received."

COMMENT: One commenter stated that in §187.207(4) Depreciation, the rule does not include any specific criteria regarding useful life.

RESPONSE: The Department will consider providing such guidance in future revisions of the JTPA Financial Management Manual.

COMMENT: One commenter had reservations regarding the phrase in §187.207(5) Printing and Reproduction Costs, "without limitations" contained in the sentence, "Costs for printing and reproduction services necessary for grant administration are allowable including without limitation, forms, reports, manuals, informational literature, and reports relating to grant program accomplishments or results." The commenter felt that the phrase implied no limitation whatsoever on costs.

RESPONSE: The Department agrees and therefore, the phrase has been deleted.

COMMENT: One commenter stated that in §187.207(6) Interest Expense, interest expense should be allowable for all equipment leases procured through a competitive procurement process, including those resulting in a sole source agreement. Previously, interest expense on equipment leases procured through a sole source agreement was not allowable.

RESPONSE: The Department agrees and the rule has been amended as follows, "Interest expense is allowable on equipment leases procured through a sole source if justified by an accurate, clearly written lease versus purchase analysis, which is maintained by the Contractor and made available to monitors and other representatives of the Department."

COMMENT: One commenter suggested changing the wording in §187.207(7)(A) Expenditures for Travel and Transportation, from "local government travel policy" to "local travel policy".

RESPONSE: The Department disagrees since the removal of the word government would create a broader policy than intended.

COMMENT: One commenter stated that §187.207(8) OJT Payments, should mention "training institutions and other vendors".

RESPONSE: The Department disagrees, since the lengthy detail of the policy is provided in the Federal Regulations and the JTPA Financial Management Manual. The rules were broadly written and it was intended that the JTPA Financial Management Manual would provide further detail.

COMMENT: One commenter stated that §187.207(9) Fees or Profits, needs to specify if the 10% limitation on fees, profits or program income shall also apply to private-for-profit subcontractors.

RESPONSE: The Department believes that the rule applies to all subcontractors.

COMMENT: One commenter said program income should not be mentioned under §187.207(9).

RESPONSE: The Department disagrees since profit is regarded as program income.

COMMENT: Two commenters indicated that under §187.207, item (11) Participant Supportive Services, is no longer referenced in the Final Federal Regulations at 20 Code of Federal Regulation 627.435(i) under Cost Principles and Allowable Costs, previously referred to as the "Governor's Seventeen".

RESPONSE: The Department agrees, since this item was removed from the Final Regulations as a point requiring Governor's discretion; the Participant Supportive Services is deleted from the rule at §187.207(11); and subsequent items are renumbered.

COMMENT: One commenter suggested deleting the sentence in §187.207(14) Preagreement costs, which states, "Authorization to incur expenses is not a guarantee of reimbursement by the State."

RESPONSE: The Department has decided to retain the sentence, because of the many requirements, which would have to be met before payment could be made.

COMMENT: One commenter stated that in reference to §187.208 Definition of an Obligation, a definition of obligations is already present in the Federal Regulations at 20 Code of Federal Regulation 626.5.

RESPONSE: The Department agrees; however the state rule does not change the federal definition, but provides greater detail.

COMMENT: One oral commenter, in light of potential funding fluctuations, suggested extending the 90-day limitation for obligations, contained in §187.208 Definition of an Obligation.

RESPONSE: The Department believes such an extension is not necessary at this time, but amends the rule to permit such extensions, if future circumstances require such flexibility. The Department has added the following sentence, "The Department reserves the right to waive the 90-day limitation on obligations."

COMMENT: One commenter said it wasn't clear whether the list of obligations in §187.208 Definition of an Obligation, was to be provided to the Department regularly with a deadline, or if the subrecipients should keep this list for review only.

RESPONSE: The Department agrees and amended the §187.208(b) as follows, "If the Subrecipient is using obligations to meet the required 85% threshold in Title II at the end of the first program year, the Subrecipient shall maintain on file for review the following information on all obligations being reported for a given program year." This sentence clarifies the point that it is not necessary to submit to the Department on a regular basis the backup documentation and worksheets used to arrive at the amount of obligations.

COMMENT: Two oral commenters said that the last sentence in §187.210 Voluntary Deobligation was too restrictive and should be deleted. The sentence reads as follows, "All voluntary Deobligation as well as involun-

tary Deobligation shall be deobligated equally among the statutory cost categories."

RESPONSE: The Department agrees, since Deobligation is addressed in the JTPA Financial Management Manual and provides greater detailed guidance. Therefore, the sentence has been deleted.

COMMENT: One commenter suggested addressing specific situations in §187.217 Non-competitive Negotiation (Sole Source), regarding public exigency and cooperative alliances.

RESPONSE: The Department disagrees, since these situations are addressed in the Financial Management Manual, which provides greater detailed guidance.

COMMENT: One commenter stated that a reference is made to subsection (b) in §187.220 Contract Payments; however, there is no reference to subsection (a).

RESPONSE: The Department disagrees, since in the published proposed version of the rules, no reference is made to either.

COMMENT: One commenter stated that a detailed breakout of indirect costs under §187.221 Contract Budgets, will place an undue burden on those entities who have a large number of indirect costs.

RESPONSE: The Department disagrees, since the rule does not require a detailed breakout of indirect costs. It only requires that the total amount of indirect costs be listed as a line item in the contract budget.

COMMENT: One commenter noted that the reference in §187.225(c) Property Maintenance and Security, to Disposition of Excess Nonexpendable JTPA property was misidentified as §187.231(3).

RESPONSE: The Department agrees and the reference has been amended in §187.225(c) to read, "On missing or lost property with a unit acquisition cost of \$1,000 or more, subrecipients shall submit to the department documentation of the insurance proceeds on the loss, a copy of the police report, and the disposition information required in §187.227(3) of this title (relating to Disposition of Excess Nonexpendable JTPA Property)."

COMMENT: One commenter suggested that under §187.226 Shared Use of JTPA Property, the Shared Use Schedule form reporting requirements be more specific.

RESPONSE: The Department agrees and the following final sentence is added to item (e): "The Shared Used Schedule shall be prepared quarterly. The Schedule should be kept on file and available for review by monitors, auditors, and other Department representatives."

COMMENT: One commenter suggested that in §187.228(e)(7) Reporting Requirements, program income should also be subtracted from total projected expenditures for purposes of calculating the amount of advance or reimbursement request.

RESPONSE: The Department agrees and §187.228(e)(7) has been amended to read, "the sum of the total expenditures less cash on hand and program income."

COMMENTS: Two commenters mentioned the length of time required, in §187. 229 The Closeout Process, for submission of closeouts for contracts covering less than two years. One commenter stated that 90 days is necessary to close out contracts lasting less than two years. Another commenter stated that the 60-day requirement differs from the Financial Management Manual, which allows 90 days to closeout.

RESPONSE: The Department adheres to the 60-day requirement, since only one commenter found the policy to be inconvenient. In addition, the JTPA Financial Management Manual will be corrected to be in agreement with this rule.

COMMENT: One commenter indicated that under §187.230 Resolution of Questioned Costs, subsection (a) should not be limited to problems arising from annual monitoring reviews, but should include a reference to questioned costs resulting from the Subrecipient's annual independent audits, and DOL/OIG audits or reviews.

RESPONSE: The Department agrees and has amended the following subsection (a) of §187.230 Resolution of Questioned Costs, by the following, "(a) Problem findings and questioned costs arising from an annual monitoring review of a subrecipient by the Department, or Labor Department, or the subrecipient's annual independent audit, or Office of Inspector General (OIG) audit, shall be investigated and resolved according to the procedures and audit resolution process established by Subchapter E. State Monitoring and Sanctions Policies."

The new sections are adopted under the Texas Government Code, §481.0044(e), which authorizes the policy board to adopt rules necessary for the administration of department programs; Texas Civil Statutes, Article 4413(52), §5A (as amended by Senate Bill 405, §29, Acts 1993, 73rd Legislature), which give the policy board of the Texas Department of Commerce the authority to adopt necessary rules for the implementation and management of the job training program; and pursuant to the Administrative Procedure Act, Texas Government Code, Chapter 2001, Subchapter B, which mandates the rulemaking procedures for state agencies.

Texas Labor Code, §301.052 is affected by the new sections. No other statute or regulation will be affected.

§187.207. Allowable and Unallowable Costs. Pursuant to Federal Regulations 29 Code of Federal Regulation 627.435(i), the following guidelines shall be used for calculating a subrecipient's allowable and unallowable costs among the listed cost items.

(1) Compensation for personal services. Any costs currently paid or accrued for services rendered during a grant period including, without limitation, wages, salaries, supplementary compensation and fringe benefits are allowable if they meet these requirements:

(A) the compensation is reasonable for the services rendered or consistent with pay for comparable work in the subrecipient's area or the labor market in which the employing subrecipient competes for similar employees;

(B) the compensation follows an appointment made according to subrecipient policy, state and local laws, or other applicable requirements;

(C) the compensation is determined and supported by individual time and attendance records accounting for the total activity being compensated. If an employee is chargeable to more than one cost objective, cost distribution records shall reflect an after-the-fact determination of the actual employee activity, and shall be signed by a supervisor having direct knowledge of the validity of the data. If direct assignment to final cost objectives is impractical, costs may be pooled and subsequently allocated based on some accepted measure of benefits received; and

(D) employee compensation used in meeting cost sharing and matching requirements on awards shall be supported by individual time and attendance records in the same manner as salary and wage claims for reimbursement from granting agencies.

(2) Costs of the Council. Reasonable costs incurred by the TCWEC, PICs and other advisory councils or committees are allowable costs.

(3) Advertising. Costs for advertising are allowable to the extent that they are reasonable, necessary, and directly benefit the program.

(4) Depreciation or use allowances. Compensation for the use of buildings, capital improvements, equipments and other capital assets purchased with non JTPA funds may be made through depreciation or use allowances.

(A) The basis, or value for depreciation purposes, shall be the acquisition cost of the equipment. The acquisition cost of the equipment shall not include interest or any other charges that do not impact the cost of the asset. Shipping, installation, set-up fees and other costs necessary to get the asset "up and running" may be added to the basis of the asset for JTPA allowable depreciation purposes. Capital improvements are material repairs (or improvements) that have a useful life greater than one year and have not been expended or charged to JTPA. Capital improvements for assets other than buildings, shall be capitalized and depreciated separately. The depreciable life of these capital

improvements shall be determined by the department.

(B) In the case of buildings, basis shall be acquisition cost plus the cost of any capital improvements. Capital improvements to the building in years subsequent to the building's original purchase year shall be capitalized and depreciated separately. The depreciable life of these capital improvements shall be determined by the department.

(C) It shall be the responsibility of the Subrecipient to verify the cost, depreciable basis, and year of purchase and maintain documentation of the same for monitor and/or auditor verification.

(D) The department shall determine the useful lives for non-JTPA purchased property depreciation allowances. In determining the useful life for JTPA depreciation purposes, start year shall be the earlier of the year of purchase or the year in which the asset is used for JTPA.

(E) The only allowable method for depreciation charged to JTPA grants and contracts is straight line without regard to anticipated salvage value. The smallest unit for depreciation shall be a month.

(F) If the useful life of the asset, computed from the date of purchase, has expired the only allowable charge to JTPA shall be the use allowance. Use allowance rates for buildings, capital improvements, and all other assets shall be set by the department.

(G) Both depreciation and the use allowance shall be computed based on the percentage of JTPA use of the asset. Both depreciation and use allowances shall be computed net of the cost of any land, and other assets or component thereof that are not normally depreciated or fail to benefit the JTPA program.

(5) Printing and reproduction costs. Costs for printing and reproduction services necessary for grant administration are allowable including, forms, reports, manuals, informational literature, and reports relating to grant program accomplishments or results.

(6) Interest expense. A cost allowance for interest expense on competitively procured equipment leases may be allowed contingent upon the accuracy and validity of the procurement process. Interest expense is allowable on equipment leases procured through a sole source if justified by an accurate, clearly written lease versus

purchase analysis, which is maintained by the Contractor and made available to monitors and other representatives of the Department.

(7) Expenditures for travel and transportation. Costs for transportation, lodging, subsistence, and related items incurred by employees on official business travel are allowable subject to the following.

(A) The subrecipient's travel policy shall be based on existing federal, state or local government travel policy. Any deviation from the existing governmental travel policy must be approved by the department.

(B) Travel expenses may be charged as actual costs incurred or on a reasonable per diem or mileage basis, or a combination of the two methods, provided the charges are consistent with those normally allowed by the subrecipient in its regular operation.

(C) Direct charges are not allowed for foreign travel outside of the United States, its territories and possessions, and Canada.

(8) Payments for on-the-job training (OJT). Costs for on-the-job training activities are allowable.

(9) Fees or profits. Subcontractor fees and profits are allowable to the extent that they are not excessive, according to the complexity of the work performed, the risk borne by the contractor, and market conditions in the surrounding geographical area, and that they are permitted under the Federal Act, §164(a)(3)(D) and (I). Under no circumstances shall subcontractor fees, profits, or program income exceed 10% of the contract amount.

(10) Insurance costs. Insurance costs are allowable, including insurance coverage for injuries suffered by participants who are not covered by existing workers' compensation, and personal liability insurance for PIC members. Costs are not allowable for insurance policies offering protection against debts established by the federal or state government.

(11) Acquisitions of capital assets. Costs for acquisitions of capital assets are allowable.

(12) Building space costs. Costs for building space, including rent, repairs and alterations are allowable to the extent they are properly procured, reasonable, and necessary for the administration of the program.

(13) Pre-agreement costs. Pre-agreement costs are allowable if prior ap-

proval by the department is obtained. The department may allow such expenses when the situation requires that costs be incurred before the award of a contract. The substate area (SSA) or sub-state grantees (SSG) must request such authorization in writing before incurring any costs. Preagreement costs are only allowable to the extent that they would have been allowable if incurred after the date of the award. Authorization to incur expenses is not a guarantee of reimbursement by the state. The state may disallow such costs because of Department of Labor limitations, violation of a statute or regulation by the SSA or SSG, or for other cause considered sufficient by the department.

(14) Fund raising activities. Costs of fund raising activities are not allowable.

(15) Professional services. Costs of professional services are allowable to the extent they are ordinary and necessary, and the selection and award of such contracts was based on the demonstrated competence and qualifications for the professional services to be performed. Such contracts may be procured through to the use of a Request for Information (RFI) or a Request for Quotations (RFQ).

(16) Taxes. Taxes are allowable costs to the extent they are incurred in the operation of the JTPA program, and are attributable to JTPA operations, assets, or resources.

§187.208. Definition of an Obligation.

(a) An SDA obligation is a debt established by legal contract, letter of agreement, subgrant award, or purchase order which has been executed prior to the end of a program year, and which will be performed within the program year or 90 days after the program year ends. Any obligation periods extending beyond 90 days after the program year ends shall be prorated using the straight line method or other acceptable proration method which accurately matches benefits received with dollars included as obligations. Deviations from the straight line method must be supported by worksheets and a documented rationale. The Department reserves the right to waive the 90-day limitation on obligations.

(b) If the Subrecipient is using obligations to meet the required 85% threshold in Title II at the end of the first program year, the Subrecipient shall maintain on file for review the following information on all obligations being reported for a given program year:

- (1) the number of the contract, purchase order or document;
- (2) the contract amount;

- (3) the contractor's name;
- (4) the amount of the contract included as an obligation;
- (5) the contract or agreement period; and
- (6) the basis used for calculating the amounts included as obligations.

(c) The following agreements or encumbrances are deemed not to be obligations:

- (1) procurements in any stage prior to the execution of the contract;
- (2) the amount of a lease agreement extending beyond 90 days after the program year end, even though the agreement may have been signed within the last month of a program year;
- (3) remaining balances within the SDA internal budget;
- (4) letters of intent; and
- (5) funds set aside (earmarked) in the budget as estimates for future commitments.

(d) Any reported obligations and worksheets generated by a proration of an obligation shall be subject to review by the department. Deliberate unreasonable misstatement of obligations to meet expenditure requirements or cost category compliance shall subject the subrecipient to possible sanctions.

§187.210. Voluntary Deobligation. SDAs/SSGs which determine they cannot meet the 85% obligation level may request to voluntarily deobligate funds. An SDA/SSG request for voluntary deobligation must be received by the department within a reasonable time frame for the funds to be reobligated and utilized elsewhere. For Title IIA, IIC, and Title III formula funds, the deadline is the end of the third quarter of the applicable JTPA program year. The request for voluntary deobligation must be approved by the department. A waiver of the voluntary deobligation deadline may be granted by the Department.

§187.225. Property Maintenance and Security.

(a) Nonexpendable personal property purchased in whole or in part with JTPA funds, or transferred from the Comprehensive Employment and Training Act (CETA), shall be tagged to indicate the item was acquired with JTPA funds.

(b) Subrecipients shall maintain documentation on any JTPA property destroyed, including a property description, the date and cause of the destruction. Information on destroyed property with a unit

acquisition cost of \$1,000 or more shall be submitted to the department.

(c) Subrecipients shall contact the appropriate police department to report any missing or stolen JTPA property and must maintain a copy of the police report in the subrecipient's property records. On missing or lost property with a unit acquisition cost of \$1,000 or more, subrecipients shall submit to the department documentation of the insurance proceeds on the loss, a copy of the police report, and the disposition information required in §187.227(3) of this title (relating to Disposition of Excess Nonexpendable JTPA Property).

§187.226. *Shared Use of JTPA Property.*

(a) JTPA funded activities, accountable property, equipment, or personnel may be made available for non-JTPA use provided such use will not interfere with the JTPA purpose for which such items were funded or acquired. Records shall be maintained showing the actual JTPA and non-JTPA shared use on a monthly basis.

(b) Subrecipients must document the shared use of JTPA activities, property or personnel by entering into a shared use agreement with the non-JTPA entity. Such agreements shall be subject to review by the department, and must:

- (1) describe the basis, or benefits received, for the prorated share;
- (2) describe the non-JTPA use and the percentage of such usage;
- (3) describe the method used to verify the usage percentages, which must be determined at minimum on a quarterly basis;
- (4) describe the basis for determining that any user fees are reasonable.
- (5) assure that any shared use will not interfere with the JTPA use of such property, activity or personnel and that priority will be given to JTPA participants;
- (6) assure that an amended shared use plan will be retained on file to document any change in the shared usage; and
- (7) provide a list of JTPA property and a description of both the JTPA and non-JTPA activities.

(c) Subrecipients must be reimbursed for reasonable cost by the non-JTPA entities whenever JTPA property, activities or personnel are used for non-JTPA funded programs or activities. Such reimbursement, or user fee, may be in cash or in kind. The user fee must be in proportion to the contribution by JTPA to a specific project. If the usage of the property, activities or personnel by JTPA participants falls below 50%, the department shall determine the type of user fees and method of payment.

(d) Matching contributions from non-JTPA entities for shared use may be in-kind contributions, such as buildings, utilities, staff time, equipment, property or other tangible items, or may be matching funds in cash. Such contributions by a non-JTPA entity may be accepted in exchange for access to JTPA activities, property or personnel. Shared use agreements may provide for shared classroom training activities, facilities, or other appropriate activities. Such contributions, whether in-kind or as matching funds, must be properly valued, must be used to further JTPA objectives, and must be fully documented and recorded.

(e) Subrecipients submitting a Shared Use Schedule form shall be deemed to have complied with the reporting requirements of this section. The Shared Use Schedule shall be prepared quarterly. The Schedule should be kept on file and available for review by monitors, auditors, and other Department representatives.

§187.228. *Reporting Requirements.*

(a) Subrecipients must submit to the department, no later than the 20th calendar day of each month, monthly reports for each contract with the department to provide financial information for budgeting and program management oversight, including the following information.

(1) The contractor's name, address and telephone number, the name of the contractor's representative who approves fiscal information, and the name of the person preparing the report.

(2) The assigned contract number, the contract time period by month and year, and the most current contract amount, which should agree with the total budgeted amounts.

(3) The specific month being reported and whether the information is a monthly expenditure report, final expenditure report or a budget report.

(4) The appropriate title or program funding source for the contract.

(5) A listing by cost category, as defined in Federal Regulation 26 Code of Federal Regulation 627.440, of the following items:

(A) program expenditures for the current month and a cumulative total (cash and accrual);

(B) the budgeted amounts according to the contractor's JTPA plan, which should agree with the current contract amount;

(C) the current balance, calculated by subtracting the cumulative expenses from the budget amounts;

(D) any recorded expenses which have not been paid (reported as monthly accruals);

(E) a listing of the obligations;

(F) program income, earned and expended, for the current month and a cumulative total; and

(G) program costs paid from non-federal sources for the month and cumulatively.

(b) Subrecipients submitting such reports on the JTPA Financial Report forms shall be deemed to have complied with the reporting requirements of this paragraph. Monthly reports are required although the contract and expense information may remain unchanged.

(c) Subrecipients may obtain cash required to cover immediate needs resulting from expenditures under a contract by submitting to the department a request for advance or reimbursement including the following information.

(1) The contractor's name, address and telephone number, the name of the contractor's representative who approves fiscal information, and the name of the person preparing the report.

(2) The assigned contract number, the contract time period by month and year, and the sequential request number.

(3) The time period during which the expenditures generating the need for cash were incurred, or will be incurred.

(4) The following information on the status of funds:

(A) the authorized contract amount as of the latest Letter of Notification;

(B) cumulative cash received as of the last request;

(C) cash previously requested but not received;

(D) the total cash received and requested;

(E) cumulative expenses to date;

(F) projected expenses for this request;

(G) the total of cumulative and projected expenses;

(H) the amount of funds presently requested; and

(I) the funds remaining in the contract.

(d) Subrecipients that submit a Request for Advance or Reimbursement form shall be deemed to have complied with the requirements of subsection (c) of this section.

(e) In addition to the requirements of subsection (c) of this section, subrecipients requesting advance funds must submit the following information:

- (1) the total payroll costs;
- (2) the total rent and utilities costs;
- (3) the total subcontractor payments;
- (4) the total projected costs for support services, needs based/related payments, postage, and workers' compensation costs;
- (5) the total projected variable expenses, such as office supplies, printing costs, repairs and maintenance, and capital expenditures;
- (6) the total cash on hand; and
- (7) the sum of the total expenditures less cash on hand and program income. Subrecipients that submit a Cash Request Support Form shall be deemed to have complied with the requirements of this paragraph.

(f) Subrecipients shall submit to the department a state purchase voucher and a signed statement indicating the contract number and the names and signatures of each individual authorized to sign a request for advance or reimbursement. Subrecipients submitting an Authorized Signature Designation form shall be deemed to have complied with the requirements of this paragraph.

§187.230. Resolution of Questioned Costs.

(a) Problem findings and questioned costs arising from an annual monitoring review of a subrecipient by the Department, or Labor Department, or the subrecipient's annual independent audit, or Office of Inspector General (OIG) audit, shall be investigated and resolved according to the procedures and audit resolution process established by Subchapter E of this chapter (relating to State Monitoring and Sanctions Policies).

(b) Subrecipients proposing to use stand-in costs as a substitute for otherwise

unallowable costs shall include the proposal in the information provided to the department during the informal resolution period and, if accepted by the department, shall be subject to final DOL review and approval.

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 July 7, 1995.

TRD-9508386

Brenda F. Amett
Executive Director
Texas Department of
Commerce

Effective date: July 28, 1995

Proposal publication date: May 2, 1995

For further information, please call: (512) 936-0515

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TITLE 16. ECONOMIC REGULATION

Part III. Texas Alcoholic Beverage Commission

Chapter 36. Gun Regulation

• 16 TAC §36.1

The Texas Alcoholic Beverage Commission adopts a new rule, 16 TAC §36.1, Possession and Sale of Firearms on Licensed Premises. The rule is adopted with changes to the proposed text as published in the March 24, 1995, issue of the *Texas Register* (20 TexReg 2189).

The rule is adopted to define when, and under what circumstances, firearms can be possessed and sold on premises where alcoholic beverages are served or sold. The rule allows retail merchandise stores to sell firearms and alcoholic beverages without the additional financial hardship of separate locations. The rule also allows local government entities and fraternal and charitable organizations to lease their facilities for gun shows while continuing to maintain an alcoholic beverage license or permit on those premises.

The following changes were made to the text as proposed. §36.1(a)(1), (3); §36.1(b)(1), (2), (4), (5) were omitted as unnecessary regulation. The adopted rule contains new provisions in §36.1(a)(1) and the last clause of §36.1(c)(2). The new text was adopted to provide greater safety to members of the public.

Comments received pointed out that §36.1(a)(3), as written in the proposal, could be interpreted to forbid sale and consumption of alcoholic beverages on portions of a municipality's premises during functions not related to gun shows. Further comment noted that inclusion of the word "and" between §36.1(c)(1) and (2) of the text as proposed would impose restrictions greater than that allowed by the relevant statute. Finally, one comment indicated that allowing municipalities, fraternal and charitable organizations to hold gun shows on licensed premises without

making similar provisions for private entities was unfair.

The Texas Hotel and Motel Association was opposed to adoption of the rule.

This rule is adopted under the authority of §5.31 of the Texas Alcoholic Beverage Code.

§36.1. Possession and Sale of Firearms on Licensed Premises.

(a) Gun Shows. A permittee/licensee may use or allow a portion of the grounds, buildings, vehicles and appurtenances of the licensed premises for the use of gun shows if the permittee/licensee:

(1) suspends all sales, complimentary offers and consumption of all alcoholic beverages during the gun show including time required for preparation or set-up and dismantling of the gun show; and

(2) operates its licensed premises at a facility regularly used for special functions, directly or indirectly, under a lease, concession or similar agreement from a governmental entity or legally formed and duly recognized civic, religious, charitable, fraternal or veterans organization.

(b) Off-Premise Retailers and Gun Sales. The holder of a retail dealer's off-premise license, a wine and beer retail dealer's off-premise permit, a wine only package store or package store permit may allow the sale or offer for sale firearms at the licensed location if:

(1) alcoholic beverages are not being displayed or sold in any area where firearms are readily accessible or can be viewed; and

(2) the firearms are secure from the general public and are only accessible by employees of the person or entity offering the firearms for sale.

(c) On-Premise Possession of Firearms. The holder of a permit or license allowing on-premise consumption of alcoholic beverages may possess firearms on the licensed premise if the firearms are:

(1) possessed by the permittee/licensee as defined in the Texas Alcoholic Beverage Code, §1.04(11) and 16; or

(2) possessed for ceremonial and/or display purposes, if such firearm is disabled from use as a firearm.

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 July 11, 1995.

TRD-9508498

Doyle Bailey
Administrator
Texas Alcoholic Beverage
Commission

Effective date: August 1, 1995

Proposal publication date: March 24, 1995

For further information, please call: (512) 206-3204

TITLE 22. EXAMINING BOARDS

Part IX. Texas State Board of Medical Examiners

Chapter 163. Licensure

• 22 TAC §163.16

The Texas State Board of Medical Examiners adopts new §163.16, without changes to the proposed text as published in the May 30, 1995, issue of the *Texas Register* (20 TexReg 3951).

The section as adopted will allow the executive director, at his discretion, to issue a temporary license to primary care physicians practicing in rural counties or medically underserved areas in Texas. This provision will hopefully aid in placing qualified physicians in underserved areas in a more expeditious manner.

The section as adopted will function by expediting the issuance of a temporary license to physicians practicing in rural counties or medically underserved areas in Texas.

No comments were received regarding adoption of the new section.

The new section is adopted under the Medical Practice Act, Texas Civil Statutes, Article 4495b, §2.09(a), which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations and by-laws not inconsistent with this act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this act.

Article 4495b, §3.03, is affected by this new section.

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 July 12, 1995.

TRD-9508595 Bruce A. Levy, M.D., J.D.
Executive Director
Texas State Board of
Medical Examiners

Effective date: August 2, 1995

Proposal publication date: May 30, 1995

For further information, please call: (512) 834-7728

Chapter 166. Physician Registration

• 22 TAC §166.2

The Texas State Board of Medical Examiners adopts an amendment to §166.2, without

changes to the proposed text as published in the March 24, 1995, issue of the *Texas Register* (20 TexReg 2191).

The section as adopted will ensure that only those physicians who have complied with the continuing medical education requirements will be re-registered each year

The section as adopted will function by clarifying the penalties for failure to comply with the requirement of obtaining at least 24 hours of continuing medical education each year as a prerequisite to physician annual registration.

One comment was received from The University of Texas Medical Branch at Galveston concerning the requirement that those physicians completing residency/fellowship training more than six months, but less than one year, prior to their renewal application would be subject to the continuing medical education requirement for the current year. The commenter felt that a physician completing training during the twelve months prior to registration should be exempt from the current year's CME requirement. The board considered the comment, but felt that the six month time period was adequate.

The amendment is adopted under the Medical Practice Act, Texas Civil Statutes, Article 4495b, §2.09(a), which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations and by-laws not inconsistent with this act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this act.

Article 4495b, §3.025 is affected by this amendment.

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 July 12, 1995.

TRD-9508594 Bruce A. Levy, M.D., J.D.
Executive Director
Texas State Board of
Medical Examiners

Effective date: August 2, 1995

Proposal publication date: March 24, 1995

For further information, please call: (512) 834-7728

Chapter 187. Procedure Subchapter B. Prehearing

• 22 TAC §187.17

The Texas State Board of Medical Examiners adopts an amendment to §187.17, without changes to the proposed text as published in the March 24, 1995, issue of the *Texas Register* (20 TexReg 2192).

The section as adopted will streamline the administrative process through the use of certified copies of depositions.

The section as adopted will function by using certified copies of depositions in the event the original is unavailable.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Medical Practice Act, Texas Civil Statutes, Article 4495b, §2.09(a), which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations and by-laws not inconsistent with this act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this act.

Article 4495b, §4.05, is affected by this amendment.

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 July 12, 1995.

TRD-9508591 Bruce A. Levy, M.D., J.D.
Executive Director
Texas State Board of
Medical Examiners

Effective date: August 2, 1995

Proposal publication date: March 24, 1995

For further information, please call: (512) 834-7728

Chapter 199. Public Information

• 22 TAC §199.4

The Texas State Board of Medical Examiners adopts the repeal of §199.4, without changes to the proposed text as published in the March 24, 1995, issue of the *Texas Register* (20 TexReg 2192).

The section as adopted will eliminate obsolete language.

The section as adopted will function through clarification by omission.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Medical Practice Act, Texas Civil Statutes, Article 4495b, §2.09(a), which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations and by-laws not inconsistent with this act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this act.

Article 4495b, §3.10, is affected by this repeal.

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 July 12, 1995.

TRD-9508593 Bruce A. Levy, M.D., J.D.
Executive Director
Texas State Board of
Medical Examiners

Effective date: August 2, 1995

Proposal publication date: March 24, 1995

For further information, please call: (512) 834-7728

The Texas State Board of Medical Examiners adopts new §199.4, without changes to the proposed text as published in the March 24, 1995, issue of the *Texas Register* (20 TexReg 2192).

The section as adopted will identify the charges for copies of routinely requested items.

The section as adopted will function by establishing reasonable charges for copies of public records.

No comments were received regarding adoption of the new section.

The new section is adopted under the Medical Practice Act, Texas Civil Statutes, Article 4495b, §2.09(a), which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations and by-laws not inconsistent with this act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this act.

Article 4495b, §3.10, is affected by this new section.

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 July 12, 1995.

TRD-9508592
Bruce A. Levy, M.D., J.D.
Executive Director
Texas State Board of
Medical Examiners

Effective date: August 2, 1995

Proposal publication date: March 24, 1995

For further information, please call: (512) 834-7728

Part XXII. Texas State Board of Public Accountancy

Chapter 521 Fee Schedule

• 22 TAC §521.1

The Texas State Board of Public Accountancy adopts an amendment to §521.1 without changes to the proposed text as published in the May 19, 1995, issue of the *Texas Register* (20 TexReg 3705).

The amendment allows the reduction of the annual fee for a license issued to a practice unit.

The amendment will function by reducing the fee amount required to register a practice unit to a more accurate cost recovery amount.

No comments were received concerning adoption of the rule.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6, which provides the Texas State Board of Public Accountancy with the authority to make such rules as may be necessary or advisable to carry in effect the purposes of the law; and §19, which requires each practice unit to register with the Board.

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

Issued in Austin, Texas, on June 29, 1995.

TRD-9508530
William Treacy
Executive Director
Texas State Board of
Public Accountancy

Effective date: August 1, 1995

Proposal publication date: May 19, 1995

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

Chapter 523. Continuing Professional Education

Continuing Professional Education Standards

• 22 TAC §521.1

The Texas State Board of Public Accountancy adopts an amendment to §523.32, without changes to the proposed text as published in the April 28, 1995, issue of the *Texas Register* (20 TexReg 3129).

The amendment requires CPAs to complete a four-hour course on the Board's Rules of Professional Conduct at least once every three years.

The amendment will function by ensuring that licensees know which ethics courses are acceptable to the Board, informing ethics course sponsors whether the content of their ethics courses are acceptable to the Board, assuring the public that Certified Public Accountants are completing appropriate ethics courses, and by having Certified Public Accountants current on the Board's rules of professional conduct.

Two comments were received concerning adoption of the rule.

The first comment was from D. Kent Kay, Treasurer of the Texas Association of College University Auditors ("TACUA")

TACUA opposes the amendment because TACUA believes that there should be a transition period to allow sufficient time for course sponsors to develop their programs pursuant to Board directives. TACUA states if the amendment must be adopted then the rule should be effective far enough into the future to allow enough time to secure the CPE committee's course approval.

TACUA feels adopting the rule amendment effective May 29, 1995 is detrimental.

Response to TACUA:

The Board adopted this amendment on June 29, 1995 with an effective date of approximately a month later. This should effectively provide the transition period requested.

The second comment was from Robin Abbott, a staff attorney for the Office of the State Auditor ("OSA"). OSA does not take issue with the part of the amendment which requires Board approval of courses, but requests it be permitted to complete courses in progress. OSA suggests the rules be modified to approve other areas of ethics study for CPAs not in private practice. OSA has designed a five-hour, four-part training course on ethics focusing on state laws, standards of conduct, and ethical decision making relevant to CPAs who are state government auditors, and two of these parts have already been presented. OSA says the remaining two parts will be presented after the amendment's effective date; these two remaining parts will not be in compliance with the amendment; the courses were prepared to comply with the earlier rule which was not so specific; some resources will have been expended for naught; and in-house training at state expense for non-state related subjects is inappropriate. OSA wants course work completed or in progress prior to the amendment's adoption to be grandfathered, and a modification to allow governmental accountants to study ethical rules and standards relevant to their particular practice.

Response to OSA:

Course work completed under the current rule before the effective date of the amendment would satisfy the current rule's requirements.

The Board appreciates OSA's efforts to offer ethics courses which address the rules of professional conduct but are geared toward a unique class of CPAs.

The Board considers a four-hour course on its rules of professional conduct once every three years to be important and necessary to insure ethical conduct. Although many of the ethics rules required to be taught may not apply to CPAs in government and industry practice, many of the CPAs are simultaneously in the client practice of public accountancy and need an understanding of these rules. In addition, the Board has also experienced numerous instances where CPAs in industry and government practice move back to client practice. All of the ethics rules need to be taught in order to insure that CPAs understand their responsibilities regardless of the type of their current practice.

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

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 29, 1995.

TRD-9508529

William Treacy
Executive Director
Texas State Board of
Public Accountancy

Effective date: August 1, 1995

Proposal publication date: April 28, 1995

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

TITLE 22. EXAMINING BOARDS

Part XXIII. Texas Real Estate Commission

Chapter 535. Provisions of the Real Estate License Act

Licensed Real Estate Inspec- tors

• 22 TAC §535.222

The Texas Real Estate Commission adopts an amendment to §535.222, concerning standards of practice, with changes to the text as published in the March 17, 1995, issue of the *Texas Register* (20 TexReg 1856). The section provides minimum inspection guidelines for inspectors licensed by the commission when inspecting the parts, components and systems typically found in residential property. The amendment was recommended by the Texas Real Estate Inspector Committee, an advisory committee of nine professional inspectors appointed by the commission.

The amendment primarily reorganizes the section, combining related components into the same subsection for clarity and ease of reading. Wherever possible, related items are grouped along with their related components, and a number of specific limitations which generally list what inspectors are not required to do in the course of an inspection have been eliminated as unnecessary. Recognized hazards specifically listed in the section as such would continue to be required to be reported as in need of repair. Language has been added for precise identification of the parts or components being inspected, and a number of nonsubstantive language changes were made for clarity. Adoption of the amendment is necessary for the commission to provide clear minimum standards for licensed inspectors to follow.

Upon the recommendation of the Texas Real Estate Inspector Committee, the section was adopted with a change addressing the inspector's report. The report must be arranged in the same order as the parts, components and systems are listed in the section; the inspector is not required to follow this format, however, if either an agency of the federal government or a client who buys or sells properties in the course of the client's business requires a different form of report to be used.

The Texas Association of Realtors (TAR) suggested a number of changes to the pro-

posed text of the amendment related to specific conditions which the section requires the inspector to report as in need of repair when they are found in the home. TAR suggested that a general definition of the term "hazard" should be added and that the inspector should be required to report all hazards as in need of repair. TAR also suggested changes to provisions relating to ground fault circuit interruptor devices, water heaters, switches and oven thermometers. The commission concluded changes to the section as proposed were not appropriate, as the section addresses specific conditions posing the greatest risk of injury or property loss due to fire, electrocution or explosion. The commission also concluded that the inspector should not be required to report all hazards as in need of repair; the section as adopted will continue to require the inspector to report on all visible and recognized hazards, and the inspector is permitted to provide a higher level of inspection performance than required by the section.

A number of inspectors commented in opposition to provisions in the section which would cause the inspector to determine whether an item functioned in a safe manner, urging deletion of safety-related provisions unless specific guidelines were also provided for the inspector's use. The commission determined that where the section requires the inspector to address safety-related issues, it is not necessary for the section to provide detailed guidelines for the inspector to inspect for safety in accordance with established codes or industry standards. The commenters also suggested the elimination of the requirement that the inspector report specific conditions as in need of repair, expressing concern that the list of specific conditions would expand and create financial hardships for sellers compelled to make repairs. The commission determined that the section addressed the conditions posing the greatest risk to the consumer, and declined to make the requested change. Commenters also suggested adding exceptions to take the place of deleted specific limitations and offered a number of wording changes to the proposed text. The commission determined that it was not necessary to expand on the exceptions, since the section only requires the inspector to perform the specific tasks set forth for each part, component or system, and that other wording changes were not needed.

The amendment is adopted under Texas Civil Statutes, Article 6573a, §5(h), which authorize the Texas Real Estate Commission to adopt and enforce all rules and regulations necessary for the performance of its duties.

§535.222. *Standards of Practice.*

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

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

(4) Identify--To determine and report as a particular item, condition or thing.

(5)-(11) (No change.)

(b) Scope. The standards of inspection practice established by this section are the minimum levels of inspection practice required of inspectors for the accessible parts, components, and systems typically found in improvements to real property, excluding detached structures, decks, docks and fences. The inspection is of conditions which are present and visible at the time of the inspection. All mechanical and electrical equipment, systems, and appliances are operated in normal modes and operating range at the time of the inspection. The inspector shall observe, render an opinion and report which of the parts, components, and systems present in the property have or have not been inspected. The inspector's report must specifically indicate if the inspected parts, components or systems are not functioning or in need of repair. The inspector shall report on visible existing recognized hazards and shall report as in need of repair any recognized hazard specifically listed as such in this section. The report used by the inspector must address all of the parts, components, and systems contained in subsections (c)-(g) of this section and found in the property being inspected, listed in the same order as they appear in this section. Provided, however, the inspector may use a form of report which is arranged differently than in the manner required by this section if use of a different form of report is required by an agency of the federal government or by a client who buys or sells properties in the due course of the client's business. All written inspection reports must contain the name and license number of the inspector who performed the inspection. The inspector may provide a higher level of inspection performance than required by this section and may inspect parts, components, and systems in addition to those described by this section. In the event of a conflict between a specific provision and a general provision, the specific provision shall control. These standards do not apply to the following:

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

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

(e) Structural systems.

(1) (No change.)

(2) Components for inspection.

(A) Foundations.

(i) Inspection guidelines.

The inspector shall do the following:

(I)-(II) (No change.)

(III) inspect the crawl space area to determine the general condition of foundation components and report

the method used to observe the crawl space when an area is not entered due to inaccessibility or hazardous conditions or when access or visibility is limited;

(IV)-(VII) (No

change.)

(ii) Specific limitations.

The inspector is not required to enter a crawl space or any areas where headroom is less than two feet, or where the inspector reasonably determines conditions or materials are hazardous to health or safety of the inspector.

(B) Interior walls, doors, ceilings and floors.

(i) Inspection guidelines.

The inspector shall do the following:

(I) observe the deficiencies of the surfaces of walls, ceilings and floors as related to structural performance or water penetration;

(II) inspect operation of accessible doors;

(III) inspect steps, stairways, balconies and railings.

(ii) Specific limitations.

The inspector is not required to do the following:

(I)-(II) (No change.)

(III) determine the condition of paints, stains and other surface coatings;

(IV) determine condition of cabinets; or

(V) inspect for the presence of safety glass.

(C) Exterior walls and doors, windows and door glazing.

(i) Inspection guidelines.

The inspector shall do the following:

(I) observe deficiencies of exterior walls as related to structural performance and water penetration;

(II) (No change.)

(III) inspect the condition of windows and exterior doors to determine whether glazing is present and undamaged;

(IV) inspect insulated glass windows for fogging or other evidence of broken seals;

(V) observe the presence and condition of window and door screens;

(VI) inspect burglar bars for functional egress in appropriate areas; and

(VII) operate windows at burglar bar locations of sleeping rooms or egress areas and a random sampling of others which are accessible.

(ii) Specific limitations.

The inspector is not required to do the following:

(I) (No change.)

(II) determine the condition of paints stains or other surface coatings;

(III) determine the presence of, or extent or type of, insulation or vapor barriers in exterior walls; or

(IV) check for the presence of safety glass.

(D) Fireplace and chimney.

(i) Inspection guidelines.

The inspector shall do the following:

(I) inspect the visible components and structure of the chimney and fireplace;

(II) inspect the interior of the firebox and the visible flue area, excepting the adequacy of the draft or performance of a chimney smoke test;

(III)-(V) (No change.)

(VI) observe attic penetration of chimney flue, where accessible, for firestopping;

(VII) inspect gas log lighter valves for function and for gas leaks;

(VIII) inspect operation of circulating fan, if present;

(IX) observe for deficiencies in combustion air vent, if present; and

(X) observe chimney coping or crown, caps or spark arrestor (from ground level at a minimum).

(ii) Specific limitations.

There are no specific limitations for fireplace and chimney.

(E) Roof, roof structure and attic.

(i) Inspection guidelines.

The inspector shall do the following:

(I) identify the type of roof covering and inspect its visible components and their condition (excepting the life expectancy of the roof covering);

(II)-(IV) (No change.)

(V) enter attic space(s) except when there is inadequate access or hazardous conditions exist as reasonably determined by the inspector (observation from attic access opening only must be reported as such);

(VI) report the method used to inspect roofing if the inspection is performed from other than roof level (if the inspector reasonably determines that conditions are unsafe or that damage to the roof or roof covering material may result from walking on the roof, the inspector shall report the method used to inspect the roof);

(VII) observe the presence and approximate depth of insulation where visible; and

(VIII) observe the general condition of visible installed gutter and downspout systems.

(ii) Specific limitations. There are no specific limitations for roof, roof structure, and attic.

(F) Porches and Decks.

(i) Inspection guidelines.

The inspector shall inspect porches, decks, steps, balconies and carports for structural performance as to visible footings, joists, deckings, railings and attachment points, where applicable.

(ii) Specific limitations. The inspector is not required to inspect detached structures or waterfront structures and equipment, such as docks or piers.

(f) Mechanical systems.

(1) (No change.)

(2) Components for inspection.

(A) Inspection guidelines for appliances.

(i) Dishwasher. The inspector shall do the following:

(I)-(III) (No change.)

(IV) observe the discharge hose or piping for condition and presence of back flow prevention;

(V)-(VI) (No change.)

(VII) operate the unit in normal mode with the soap dispenser closed; and

(VIII) inspect operation, noting that the spray arms turn, the soap dispenser opens and the drying element operates.

(ii)-(iii) (No change.)

(iv) Electric or gas ranges. The inspector shall do the following:

(I) inspect for broken or missing knobs, elements, drip pans or other parts;

(II) inspect for operation of the signal lights and elements or burners at low and high settings;

(III) observe and report materials used for the gas branch line and the connection to the appliance; and

(IV) inspect for presence, location and accessibility of gas shut-off valve and for leaks at the valve.

(v) Electric or gas ovens. The inspector shall do the following:

(I) inspect for broken or missing knobs, handles, glass panels, lights or light covers or other parts;

(II) inspect the door for gasket condition, tightness of closure and operation of the latch;

(III) inspect the oven for secure mounting;

(IV) inspect the heating elements and thermostat sensing element for proper support;

(V) observe the operation of the heating elements or the lighting, operation and condition of the flame;

(VI) inspect the operation of the clock and timer, thermostat and door springs; and

(VII) observe the accuracy of the thermostat with a thermometer for a 25 degree range plus or minus of a 350 degree setting.

(vi) Microwave oven. The inspector shall do the following:

(I) inspect for broken or missing knobs, handles, glass panels, or other parts;

(II) inspect the condition of the door and seal;

(III) observe the oven operation by heating a container of water or with other test equipment, as reasonably determined by the inspector; and

(IV) observe the operation of the light.

(vii) Trash compactor. The inspector shall do the following:

(I) inspect the overall condition of the unit;

(II) operate the unit, observing noise and vibration level; and

(III) check the unit for secure mounting in place.

(viii) Other built-in appliances. The inspector shall inspect overall condition, operate the appliance as practicable or note otherwise in the report.

(ix) Bathroom exhaust vents and electric heaters. The inspector shall operate the unit, observing sound, speed and vibration level.

(x) Whole house vacuum system; The inspector shall do the following:

(I) inspect the condition of the main unit;

(II) operate the unit if possible; and

(III) inspect the systems from all accessible outlets throughout the house.

(xi) Water heaters. The inspector shall do the following:

(I) identify the energy source;

(II) inspect the tank and fittings for leaks and corrosion;

(III) observe temperature and pressure relief valve piping for gravity drainage, size of drain pipe (no smaller than the outlet fittings), material, and termination (which conditions are recognized hazards);

(IV) operate the temperature and pressure relief valve when of an operable type and operation will not cause damage to persons or property as reasonably determined by the inspector;

(V) inspect for broken or missing parts, covers or controls;

(VI) observe the condition of burner, flame and burner compartment or the operation of heating elements and the condition of wiring;

(VII) observe and report materials used for the gas branch line and the connection to the appliance, and inspect presence, location and accessibility of gas shut-off valve and for leaks at the valve;

(VIII) if applicable, inspect the type of vent pipe and its condition, draft, proximity to combustibles and its termination point, observing for adequate combustion and draft air;

(IX) observe for presence of safety pan and drain when applicable;

(X) observe for safe location and installation; and

(XI) inspect garage units or units which are located in rooms opening into a garage for the following:

(-a-) protection for physical damage to the unit; and

(-b-) ignition source a minimum clearance of 18 inches above the garage floor, the absence of which is a recognized hazard.

(xii) Doorbell and chimes. The inspector shall do the following:

(I) inspect the condition and operation of the unit; and

(II) inspect installation of all visible and accessible parts.

(xiii) Attic power vents. The inspector shall do the following:

(I) inspect the operation of the thermostat control, if so equipped and accessible; and

(II) observe the sound, speed and vibration level.

(xiv) Garage door operator. The inspector shall do the following:

(I) inspect the condition and operation of the garage door operator;

(II) operate the door manually or by an installed automatic door control; and

(III) test whether the door automatically reverses during closing cycle.

(xv) Hydrotherapy or whirlpool equipment. The inspector shall do the following:

(I) observe operation;

(II) inspect for the presence and operation of ground fault circuit interrupter,

(III) inspect for safe location and operation of switches;

(IV) observe under the tub for evidence of leaks if the access cover is available and accessible; and

(V) inspect the movement of the discharge ports and the operation of air intake valves.

(B) Specific limitations for appliances. The inspector is not required to do the following:

(i) operate or determine the condition of other auxiliary components of inspected items; or

(ii) inspect self-cleaning functions.

(C) Inspection guidelines for cooling systems.

(i) Cooling systems other than evaporative coolers. The inspector shall do the following.

(I) (No change.)

(II) operate the system using normal control devices except when the outdoor temperature is less than 60 degrees Fahrenheit,

(III) (No change.)

(IV) observe for the presence and drainage of the condensate drain line and secondary drain line when applicable;

(V) (No change.)

(VI) inspect condensing unit for clearances, air circulation, condition of fins, location, levelness and elevation above ground surfaces.

(ii) (No change.)

(D) Specific limitations for cooling systems. The inspector is not required to do the following:

(i) inspect for the pressure of the system coolant or determine the presence of leaks;

(ii) program digital-type thermostats or controls; or

(iii) operate setback features on thermostats or controls.

(E) Inspection guidelines for heating systems. The inspector shall do the following:

(i)-(iii) (No change.)

(iv) observe in gas units the burner, the condition of the burner compartment; the type, condition, draft and termination of the vent pipe and proximity to combustibles; the availability of combustion and draft air and the presence of forced air in the burner compartment (full evaluation of the integrity of a heat exchanger requires dismantling of the furnace and is beyond the scope of a visual inspection);

(v)-(viii) (No change.)

(F) Specific limitations for heating systems. The inspector is not required to do the following:

(i) inspect accessories such as humidifiers, air purifiers, motorized

dampers, heat reclaimers, electronic air filters or wood-burning stoves;

(ii) determine the efficiency or adequacy of a system;

(iii) program digital-type thermostats or controls; or

(iv) operate radiant heaters, steam heat systems or unvented gas-fired heating appliances.

(G) Inspection guidelines for ducts, vents (including dryer vents) and flues. The inspector shall do the following:

(i) (No change.)

(ii) inspect for air flow at all accessible supply registers in the habitable areas of the structure (except for determining the adequacy of the balance of conditioned air);

(iii)-(vii) (No change.)

(H) (No change.)

(I) Inspection guidelines for plumbing systems. The inspector shall do the following:

(i) inspect for the type and condition of all accessible and visible water supply and waste-water and vent pipes;

(ii)-(v) (No change.)

(vi) observe and report deficiencies in installation and identification of hot and cold faucets;

(vii)-(xii) (No change.)

(J) (No change.)

(g) Electrical systems.

(1) (No change.)

(2) Components for inspection.

(A) Service entrance and panels.

(i) Inspection guidelines. The inspector shall do the following:

(I) observe service entrance cables for integrity of insulation, drip loop, separation of conductors at weatherheads and clearances;

(II) (No change.)

(III) inspect for the presence of a grounding electrode conductor in the service where visible, secure connection to the grounding electrode or grounding system;

(IV) inspect all accessible main and subpanels to ensure they are secured to the structure and appropriate for their location (weather-tight if exposed to weather, appropriate clearances and accessibility), with inside covers (dead fronts) in place and knock-outs filled;

(V) inspect the condition of the wiring in the panels, its type (for example, copper or aluminum) and the compatibility of overcurrent protectors for the size of conductor being used and for proper sizing of listed equipment of overcurrent protection and conductors, when power requirements for listed equipment are readily available;

(VI) report the presence or absence of appropriate connections, such as copper/aluminum approved devices, pig-tailed connections or crimp connections; and

(VII) observe the presence of main disconnect(s).

(ii) Specific limitations. The inspector is not required to do the following:

(I) determine service capacity amperage or voltage or the capacity of the electrical system relative to present or future use;

(II) determine the insurability of the property; or

(III) conduct voltage drop calculations;

(B) Branch circuits, connected devices and fixtures.

(i) Inspection guidelines. The inspector shall do the following:

(I) inspect all accessible receptacles to determine whether.

(-a-) (No change.)

(-b-) polarity is correct;

(-c-) (No change.)

(-d-) there is evidence of arcing or excessive heat;

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

(II) operate all accessible wall and appliance switches to determine if:

operational; (-a-) they are

(-b-) there is evidence of arcing or excessive heat; and

(-c-) they are fastened securely with covers in place.

(III) (No change.)

(IV) report inoperable or missing fixtures;

(V) observe and report deficiencies of exposed wiring and junction boxes;

(VI) observe and report deficiencies or absences of conduit in appropriate locations and for secure termination of conduit;

(VII) inspect appliances and electrical gutters for proper bonding;

(VIII) observe subpanels for bonding and grounding;

(IX)-(X) (No change.)

(ii) Specific limitations. There are no specific limitations for branch circuits, connected devices and fixtures.

(h) (No change.)

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 July 7, 1995.

TRD-9508319

Mark A. Moseley
General Counsel
Texas Real Estate
Commission

Effective date: January 1, 1996

Proposal publication date: March 17, 1995

For further information, please call: (512) 465-3900

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TITLE 28. INSURANCE
Part I. Texas Department
of Insurance

Chapter 9. Title Insurance

Subchapter A. Basic Manual
of Rules, Rates and Forms
for the Writing of Title Insurance
in the State of
Texas

• **28 TAC §9.1**

The Texas Department of Insurance adopts an amendment to §9.1, with changes to the

proposed text as published in the May 12, 1995, issue of the *Texas Register* (20 TexReg 3560).

The amendment concerns the adoption by reference of the **Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas** (the Basic Manual). The amended section is necessary to reflect amendments to the Basic Manual, which the section adopts by reference. The amendments to the Basic Manual modify existing promulgated rules and add or expand other rules and forms. Agenda Item 94-4 was adopted as published. This item amends Section V of the Basic Manual concerning Exhibits and Forms to include a new Insured Closing Service Letter form for the purchaser and seller. The new forms are necessary to protect the purchaser and seller in a real estate transaction against the loss of their settlement funds if such loss is a direct result of the fraud or dishonesty of the title insurance agent. The title insurance underwriter is guaranteeing replacement of the purchaser's or seller's lost settlement funds subject to the exceptions and limitations specified in the Insured Closing Service Letter form. Agenda Item 94-5 adopts new Procedural Rule P-17 with changes to the text as published. Agenda Item 94-5 was changed to add the notation "(Replaces former P-17 which was withdrawn December 17, 1976 by Board Order 31705)" as a footnote to new P-17. New P-17 provides that title insurers are allowed to computer generate or electronically produce a hard copy of any Texas promulgated endorsement form. The amendment is necessary to promote more efficient production of endorsements to title policies. Production of endorsements to a title policy can be a time consuming process because the endorsements are so varied they must be typed on a typewriter. The electronic production of endorsements would shorten production time which would reduce policy production costs and expedite the consumer's receipt of the policy. Agenda Item 94-6 was adopted as published and it amends the Revolving Credit Endorsement to the Mortgagee Title Policy (Form T-35) to except bankruptcies and governmental statutory liens and to clarify that the endorsement does not extend the date of the Mortgagee Title Policy. These changes are necessary to update the endorsement form so that it harmonizes with changes made in 1993 to Schedule A of the Mortgagee Title Policy concerning exceptions to claims arising out of bankruptcy and governmental statutory liens. Agenda Item 94-7 was adopted as published. This item amends the "Minimum Standards of Audit of Trust Funds Required of Texas Title Insurance Agents and Title Attorneys, Specific Instructions and Audit Report Forms" of the Basic Manual to collectively refer to all individuals and entities subject to escrow audits as "escrow agents"; to provide for the elimination of the State Board of Insurance; to clarify receipt, deposit, and disbursement audit procedures of good funds for every transaction; to write out the term "guaranty file" instead of abbreviating the term as "GF file"; to clarify procedures for auditing accounts in a dormant condition and escheat requirements; to clarify audit reporting procedures concerning escrow receivables; to consolidate and clarify audit

procedures regarding policy guaranty fees and guaranty assessment recoupment charges; and to clarify the specific instructions for completion of the exhibits to escrow audits. Agenda Item 94-7 also amends the "Minimum Escrow Accounting Procedures and Internal Controls" of the Basic Manual to require management approval of each reconciliation for monthly bank balance, book balance, and escrow trail balance; to require that each reconciliation be prepared by or reviewed by the manager or owner, to require two signatures on all escrow checks unless the escrow agent is a sole proprietorship and the owner signs the escrow checks; to set guidelines for information entered on disbursement sheets; to set up procedures for making corrections of settlement statements; and to require signed, pre-numbered receipts for escrow funds received in cash. Agenda Item 94-8 was adopted as published and it amends the Insured Closing Service Letter form for lenders to include licensed direct operations in addition to title agents. This amendment is necessary to clarify that a title underwriter licensed as a direct operation in a particular county would also be responsible for the loss of a lender's settlement funds due to the fraud or dishonesty of a licensed Texas direct operation. Agenda Item 94-9 was adopted with changes to the text as published. This item amends Procedural Rule P-1 which is the definition section of the procedural rules in the Basic Manual. Procedural Rule P-1c which defines "Board" was amended to reflect the reorganization of the Texas Department of Insurance which dissolved the three member board and replaced it with a single Commissioner. Procedural Rule P-1p which defines "Title Insurance" was amended to include impairment of lien as one of the risks that the title policy covers. Procedural Rule P-1cc which defines "Commitment For Title Insurance" was added in order to clarify the nature of a title commitment and the role that it serves in the title insurance process. The last sentence of P-1cc which refers to abstracts of title was deleted to clarify the definition of "Commitment for Title Insurance". Procedural Rule P-1dd which defines "Department" was added to clarify that when a reference to the Department is made in a rule or form it means the Texas Department of Insurance. Agenda Item 94-10 repeals Procedural Rule P-34 which described certain conduct, relating to an agent's use of escrow funds to pay operating expenses and to an agent's failure to comply with escrow accounting procedures, that was considered to demonstrate a lack of trustworthiness and competence as a matter of law. This repeal was necessary because House Bill 1461 repealed lack of trustworthiness and competence as a ground for disciplinary action against a title agent or direct operation. Agenda Item 94-11 was not adopted. Agenda Item 94-12 was adopted with changes to the text as published. This item was changed to include a notation on Form T-40 that the jurat is not applicable to claims made under a Texas Residential Owner Policy. Agenda Item 94-12 amends Form T-40, Texas Title Insurance Proof of Loss Form to include a jurat. This amendment is necessary because the Owner Policy of Title Insurance (Form T-1) and the Mortgage Policy of Title Insurance

(Form T-2) specify that the proof of loss must be signed and sworn to by the insured claimant. Agenda Item 94-13 was adopted with changes to the text as published. In response to comments received, the Department amends Form T-20, Owner Title Policy Commitment to the Texas State Highway Department and the Owner Title Policy Commitment for Eminent Domain Proceedings form to standardize the survey exception in the two forms so that the survey exception will be consistent with the one in the existing Commitment for Title Insurance. Agenda Item 94-13 amends Form T-20, Owner Title Policy Commitment to the Texas State Highway Department, the Owner Title Policy Form for Eminent Domain Proceedings Form, Procedural Rule P-24 and Rate Rule R-23 to reflect the name change of the Texas State Highway Department to Texas Department of Transportation and the substitution of the "Texas Department of Insurance" for the term "State Board of Insurance". Agenda Item 94-14 was adopted with changes to the text as published. This item proposed new Procedural Rule P-41 which requires title insurers, when handling residential refinance transactions, to accept an affidavit by the mortgagor in lieu of requiring a current survey. In response to amendments that were proposed at the June 14, 1995 public hearing this item was amended. First, new Procedural Rule P-41 was deleted and the substantive content of proposed P-41 was reformatted as an amendment to existing Procedural Rule P-2. Second, in the amendment to P-2 the factual content of the mortgagor's affidavit as to changes in the property is explicitly specified whereas in the original proposal the mortgagor's affidavit was conclusory and generalized. The third significant change to this item is that the prior survey being relied upon can be no older than seven years. This amendment to P-2 is necessary because in residential refinance transactions, where the survey is less than seven years old and there have been no changes made to the property, it would burden the consumer with unnecessary survey costs to require a new survey. This amendment also standardizes industry criteria for requiring a new survey in residential refinance transactions.

Amended §9.1 incorporates by reference certain amendments to the Basic Manual which the Commissioner considered as individual agenda items at the biennial hearing on June 14, 1995. Agenda Item 94-4 adopts a new Insurance Closing Service Letter form for purchaser and seller which extends protection from loss through dishonesty of the title agent to the settlement funds of the purchaser and seller. Agenda Item 94-5 adopts a new Procedural Rule P-17 permitting computer generation of Texas promulgated endorsement forms in order to increase the efficiency of title policy production. Agenda Item 94-6 amends the Revolving Credit Endorsement to the Mortgage Policy (Form T-35) to except bankruptcies and governmental statutory liens in order to harmonize the endorsement with previous changes made to the Mortgage Title Policy. Agenda Item 94-7 amends the Minimum Escrow Accounting Procedures and Internal Controls in Section V of the Basic Manual. The effect of these amendments will be a strengthening of accounting controls

over trust funds and a revision of the reporting instructions to facilitate understanding of the minimum standards for trust fund audits thereby improving the quality of these audits. Agenda Item 94-8 amends the Insured Closing Service Letter for lenders to include licensed Texas direct operations. The effect of this amendment is to clarify that direct operations are also included in the coverage provided under the Insured Closing Service Letter. Agenda Item 94-9 amends Procedural Rule P-1 by clarifying the existing definitions of the term "Board" (P-1c) and the term "Title Insurance" (P-1p). The amendment also adds new definitions to P-1 for the terms "Commitment for Title Insurance" (P-1cc) and "Department" (P-1dd). Agenda Item 94-10 repeals Procedural Rule P-34 which no longer had statutory authority because House Bill 1461 removed from Article 9.37 lack of trustworthiness and competence as a ground for disciplinary action. Agenda Item 94-12 amends the Title Insurance Proof of Loss Form so that it includes a jurat which would require a claimant to sign the loss form under oath as specified in the Mortgage Policy. Agenda Item 94-13 amends the title insurance forms used by the Texas Department of Transportation to reflect the name change of the Texas State Highway Department and the State Board of Insurance. Agenda Item 94-13 also amends the survey exception in both the Owner Title Policy Commitment to the State Highway Department and the Owner Title Policy Commitment for Eminent Domain Proceedings so that the language is consistent with the survey exception in the Commitment for Title Insurance (Form T-1). Agenda Item 94-14 amends Procedural Rule P-2 to require title insurers, when handling refinance transactions, to accept an affidavit from the mortgagor stating that certain conditions have been met in lieu of requiring a current survey. The effect of this amendment will be to allow the borrowers to save on survey costs provided the survey is not older than seven years and there have been no significant physical changes to the property since it was last surveyed.

No comments were received regarding adoption of the amendment to 28 TAC §9.1. Comments were received on proposed Agenda Item 94-13 which concerns modifications to the title insurance forms used in transactions with the Texas Department of Transportation. A commenter proposed that the survey exceptions in the Owner Title Policy Commitment to the State Highway Department and the Owner Title Policy for Eminent Domain Proceedings be amended to be consistent with the language of the survey exception in the Commitment For Title Insurance and the Owner Title Policy (Form T-1). The agency agrees and has made the suggested changes so that the language in the survey exception is consistent in the above referenced forms.

For with changes-Texas Department of Transportation, Against-none

The amendment is adopted under the Insurance Code, Articles 1.03A, 1.02, 9.07, and 9.21, and the Government Code, §§2001.004, et seq. 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 1.02 provides that a reference in the Insurance Code or another insurance law to the State Board of Insurance means the Commissioner of Insurance or the Texas Department of Insurance as consistent with the respective powers and duties of the Commissioner and the Department under Article 1.02. Article 9.07 authorizes and requires the Commissioner to hold a biennial hearing to promulgate or approve rules and policy forms of title insurance and otherwise to provide for the regulation of the business of title insurance. Article 9.21 authorizes the Commissioner to promulgate and enforce rules and regulations prescribing underwriting standards and practices, and to promulgate and enforce all other rules and regulations necessary to accomplish the purposes of Chapter 9, concerning regulation of title insurance. The Government Code, §§2001.004, et seq (Administrative Procedures Act), authorizes and requires each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedure for adoption of rules by a state administrative agency.

The following statutes is affected by this proposal Articles 9.07, 9.21.

§9.1 Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas The Texas Department of Insurance adopts by reference the Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas, as amended effective August 1, 1995. The document is published by and available from Hart Information Services, 11500 Metric Boulevard, Austin, Texas 78758, and is available from and on file at the Texas Department of Insurance, Title Insurance Section, MC 103-1T, 333 Guadalupe Street, Austin, Texas 78701-1998.

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 July 7, 1995

TRD-9508343 Alicia M Fechtel
General Counsel and Chief
Clerk
Texas Department of
Insurance

Effective date: August 1, 1995

Proposal publication date: May 12, 1995

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

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**Part II. Texas Workers'
Compensation
Commission**

**Chapter 166. Accident
Prevention Services**

The Texas Workers' Compensation Commission (TWCC) adopts new §§166. 1-166.7 and

§166.9, and the simultaneous repeal of existing §166.2, §§166.100-166.108, and §§166.111-166.113, concerning accident prevention services Rules 166.1, 166.4, 166.6 and 166.7 are adopted with changes to the proposed text as published in the April 21, 1995, issue of the *Texas Register* (20 TexReg 2994). Rules 166.2, 166.3, 166.5 and 166.9 are adopted without changes and will not be republished. The commission has filed a withdrawal of the current proposal of new §166.8, concerning qualifications of field safety representatives, and simultaneously proposed a new §166.8 concerning the same subject matter. The new proposal of §166.8 incorporates provisions statutorily mandated by HB 1089, 74th Legislature, 1995. The withdrawal and reproposal of 166.8 are published elsewhere in this issue of the *Texas Register*. The repeal of existing §166.109, which was proposed in the April 21, 1995 issue of the *Texas Register*, will be adopted at a later date than the other repeals in this package. The adoption of the repeal of §166.109, which contains some provisions that are transferred to the latest proposal of new §166.8, will coincide with the adoption of the latest proposal of new §166.8.

The new rules and repeal of existing rules add and revise provisions regarding accident prevention services required of insurance companies, and add reasonable service requirements to assist policyholders with injury reduction, as well as to implement the commission's ongoing goal of rules consolidation and simplification. The differences in the new rules and the repealed rules are outlined later in this preamble. The changes made to the rules were made in response to written public comment received and testimony heard at a public hearing held on these rules on June 14, 1995, and are addressed in the summary of comments portion of this preamble.

The original 14 rules in Chapter 166 have been refined and consolidated into nine, with a more conventional numbering system (§§166.1 - 166.9). New §166.8 will be adopted in the near future, as explained in the initial paragraph of this preamble. Definitions have been added for the terms "on-site" and "other appropriate services", to distinguish between the two categories of service. Service requirements (the major area of change) has been consolidated with respect to premium categories and loss ratios and expanded to include service based on a fatality. A specific requirement has been established for an "on site" visit within three days of a work-related fatality, except in the case of common carrier accidents or out of state fatalities. Provisions relating to the commission's enhanced compliance initiative (already in place) have been added, including the questionnaire and expanded inspections when non-compliance areas are detected.

The timing criteria for required services to the insured by the insurance company are more specific. Services are required at least every 12 months. The requirement for on-site visits to policyholders with premiums greater than \$25,000 and a loss ratio greater than 100% and for policyholders with premiums between \$5,000 and \$24,999 and a loss ratio greater than 250% will likely increase the number of visits to policyholders. This increase in visits

to policyholders will likely result in a decrease in the potential for injuries/accidents. Fewer injuries should result in a reduction in claim payout, savings to the insurance company (and, ultimately, the policyholder), increased production for the employer, and maintenance of a healthy, safe workplace for Texas workers.

The nature of the revisions to individual Chapter 166 rules are discussed as follows.

Some provisions of repealed §166.2 were incorporated into new §166.1 - the existing definitions were revised and definitions were added.

Some provisions of repealed §166.100 were consolidated with provisions of repealed §166.112 to become new §166.4 - text revised.

Some provisions of repealed §166.101 have become new §166.2 - text revised.

Some provisions of repealed §166.102 were consolidated with repealed §166.103 to become new §166.5 - text revised.

Some provisions of repealed §166.103 were consolidated with provisions of repealed §166.102 to become new §166.5 - text revised.

Some provisions of repealed §166.104 were consolidated with provisions of repealed §166.106 to become new §166.6 - text revised.

Some provisions of repealed §166.105 were consolidated with provisions of repealed §166.107 and provisions of repealed §166.108 to become new §166.7 - text revised.

Some provisions of repealed §166.106 were consolidated with provisions of repealed §166.104 to become new §166.6 - text revised.

Some provisions of repealed §166.107 were consolidated with provisions of repealed §166.105 and repealed §166.108 to become new §166.7 - text revised.

Some provisions of repealed §166.108 were consolidated with repealed §166.105 and repealed §166.107 to become new §166.7 - text revised.

Some provisions of repealed §166.111 have become new §166.9 - text revised.

Some provisions of §166.112 were consolidated with repealed §166.100 to become new §166.4 - text revised.

Repealed §166.113 has become new §166.3 - text revised.

The new rules include the following new provisions

In new §166.1, the number of defined terms has increased to provide for clarity and consistency throughout the Chapter 166 rules.

New §166.2 contains the following new provisions:

Subsection (a)(1) requires an insurance company to submit an accident prevention services program plan for evaluation and approval by the division when submitting a

request to enter the workers' compensation insurance market. Subparagraph (A) provides the insurance company with a resolution mechanism should they disagree with the evaluation of the division. Subparagraphs (A-C) provide administrative procedures for the division regarding approval of accident prevention services plans.

In subsection (a)(2), the time frame within which the insurance company's services will be initially inspected by the division has been changed, so that an insurance company new to the workers' compensation insurance market will have written sufficient policies to allow for a comprehensive inspection of its accident prevention services.

Subsection (a)(3) provides direction to insurance companies that are reinsurers or excess insurers.

Subsection (b) was expanded to include those companies who were previously approved and writing workers' compensation insurance, exited the market for a period of time, and are now re-entering the market.

New §166.3 provides the insurance company with clearer direction on when and how to complete the annual report.

New §166.4 contains the following new provisions:

The new rule combines information pertaining to required accident prevention services under one rule.

Subsection (a) requires insurance companies to maintain or provide accident prevention services and distinguishes insurance companies writing workers' compensation insurance from those desiring to write. The procedures for those desiring to write are listed under new §166.2. Insurance companies which write only excess or reinsurance are exempted from the requirement to provide accident prevention services.

Subsection (c) establishes a 12-month time frame in which services must be provided. Previously, the use of the word "annual" in current §166.100 (c)(1) and (c)(2)(B)-(D) created confusion as to whether it meant calendar year, policy year or a 12-month period.

Subsection (c)(2) was changed to emphasize required service, rather than the personnel performing the service.

Subsection (c)(2)(A) requires that requested services, which might be provided to policyholders without a visit to the work site, be provided within 15 days. Requested services which require an on-site visit must be provided within 30 days as opposed to the 60-day time frame contained in the repealed rule. A provision was added allowing a longer time for provision of services if circumstances require and the policyholder agrees.

Subsection (c)(2)(B)(i) and (ii) set out the criteria which require either an on-site visit or provision of other appropriate services.

Subsection (c)(2)(C)(i) and (ii) set out the criteria which require a mandatory on-site visit.

Subsection (c)(2)(D) establishes when a safety professional must visit a policyholder site that has experienced a fatality.

Subsection (c)(2)(E) requires written solicitation of comments from each policyholder every 12 months together with a new requirement for a notification of availability of accident prevention services.

Subsection (c)(4) consolidates and clarifies all requirements for written procedures into one paragraph.

Subsection (c)(6) requires written notification of actual claims experience every 12 months. The word "periodic" in repealed §166.100(c)(7) offered no definitive time frame in which claims experience and accident analysis must be provided to policyholders.

Subsection (c)(7) contains the "Notification to Policyholders of Accident Prevention Services" in repealed §166.112.

New §166.5 contains the following new provisions.

Subsection (a) eliminates reference to a time frame associated with a certificate of inspection. Paragraph (a)(1) requires inspection of accident prevention services at least every two years and new §166.7 provides information on inspection and issuance of certificates.

Subsection (a)(3) identifies mailing as the method of notification for upcoming inspections. The change clarifies the method of notification.

Subsection (b)(2) allows insurance companies with no office in Texas to request that TWCC inspectors travel to the insurance company home office at the insurance company's expense for the inspection. Presently insurance companies with no office in Texas are required to travel to TWCC headquarters.

New §166.6 contains the following new provisions.

Subsection (a)(1)(A) identifies material required by TWCC for use in performing the inspection of the insurance company. This material is used to identify those accounts to be reviewed by TWCC and was previously requested by TWCC letter. Incorporating the requirement for specific information in the rules will facilitate the flow of necessary material.

Subsection (a)(3) incorporates a questionnaire required for the inspection. This questionnaire has been used since August, 1993.

Subsection (b)(1) clarifies the "as of" date for the information necessary for the inspection.

Subsection (b)(1)(D) includes information regarding fatalities as necessary for the inspection. The information is necessary to properly assess the insurance company's performance following the fatality.

Subsection (b)(1)(G) allows procurement of additional information if an expanded inspection (such as described in new §166.7(a)(3)) is necessary.

Subsection (b)(3) identifies a procedure to be followed by the division inspector which allows procurement of authenticated documents.

New §166.7 contains the following new provisions:

Subsection (a)(1)(A) clarifies the "as of" date for TWCC's inspection of insurance company services.

Subsection (a)(3) allows for an extended inspection should inspectors determine non-compliance.

Subsection (b)(3) eliminates quarterly progress reports and allows inspectors to establish reporting dates based upon the gravity and complexity of the discrepancies identified.

Subsection (b)(4) allows insurance companies a means to appeal ratings.

New §166.9 contains the following new provisions:

The title of the rule was changed to more closely reflect the contents of the rule.

Subsection (b) establishes that only accredited educational institutions may apply for approval to conduct occupational health and safety education programs.

In subsection (d), the five-year approval period was changed to three years. This provides for more frequent oversight to ensure programs are meeting commission requirements.

Subsection (e) specifies that organizations approved to conduct occupational health and safety education programs will submit an annual report for review by the commission. This change allows the division to track active education programs.

Subsection (f) adds language to allow on-site monitoring of approved occupational health and safety education programs to insure standardization and compliance with TWCC direction.

Written comments were received on the proposed new rules from the following individuals and organizations: Austin Community College; Reliance National; CNA Insurance Companies; the American Insurance Association (AIA); ITT Hartford; Liberty Mutual; Texas Workers' Compensation Insurance Fund; Alliance of American Insurers; the Travelers Companies; American International Companies; CIGNA Property and Casualty, the National Association of Independent Insurers (NAII); and Colonial Casualty Insurance Company.

Representatives from the following organizations gave testimony at the public hearing held on June 14, 1995: Cigna Property and Casualty; Liberty Mutual; State Farm Insurance; Chubb and Sones, Inc.; National Association of Independent Insurers (NAII); Lumberman's Insurance Company; American Insurance Association (AIA); and the Alliance of America Insurers.

All commenters expressed overall opposition to the majority of the proposed rules.

Following is a summary of the comments received and testimony heard, and the commission's responses. *The following general comments were received regarding §166.1.*

COMMENT: One commenter requested definitions for numerous phrases and requested the opportunity to review them before adoption. The recommendation is to develop defi-

nitions for "accident prevention services questionnaire", "A. M. Best Hazard Index", "actual claims experience", "business record affidavit", "catastrophic type accidents", "exposure indices" and "solicitation of comments". Another commenter requested that the components of the "loss ratio" calculation be defined and that a definition of "days" be included and defined as "working days".

RESPONSE: The commission agrees in part. The commission disagrees that the terms "accident prevention services questionnaire", "actual claims experience", "catastrophic type accidents" or "solicitation of comments" require further definition, since they are clear or defined by use in the appropriate paragraphs in the rules. No definition of the A.M. Best Hazard Index on exposure indices is necessary because the A.M. Best Hazard Index requirement has been deleted from Rule 166.4 and Rule 166.6. The term "exposure indices" has been deleted from §166.4(c)(1)(A). The commission agrees that "business record affidavit" requires clarification and has done so in §166.6(b)(3) (See the commission response to a comment on §166.6(b)(3) regarding business record affidavit.) The commission does not agree with the modification of "days" to mean "working days". Reference to a time frame serves only to establish intervals necessary to accomplish tasks. Converting to working days would extend the time for the entire inspection process beyond the time necessary to complete all necessary tasks. The commission agrees that "loss ratio" should be defined as part of Rule 166.1. The following definitions have been added to Rule 166.1 in alphabetical order.

Loss Ratio - Loss ratio is the result of dividing the accumulated claims (including reserves) in a policy year by the manual premium determined when the policy is written, but before any adjustments or discounts are applied.

The following comments were received on §166.1 regarding the definition of "Field Safety Representative" (FSR).

COMMENT: The commenter recommended retaining the present definition of a Field Safety Representative.

RESPONSE: The commission disagrees, since the proposed definition is specifically designed to formalize the distinction between a Field Safety Representative and an Approved Professional Source qualification.

The following comments were received on §166.1 regarding the definition of "on-site visit"

COMMENT: One commenter requested use of modern technology in providing accident prevention services and recommended that the definition read "On-site visit - A survey, consultation or training conducted on the premises of the policyholder either in person or by means of video-based telecommunication." Another stated that "on the premises of the policyholder" may not always be the most appropriate location for conducting training during an "on-site visit", and recommended "premises" be redefined to include other appropriate locations. A third commenter stated that the definition of an on-site visit needs clarification as to which policyholder's pre-

mises would satisfy this requirement and recommended that "on-site visit" be defined to include "any premises upon which the policyholder operates a business within the State of Texas."

RESPONSE: The commission agrees in part. Insurance companies should have the opportunity to select policyholder operating locations for service, based upon hazard potential, loss history and policyholder desires. The commission does not agree that "on-site" can be defined as providing safety training or materials through any means other than physical presence of an FSR at the site. Such activity would more appropriately fit within the definition of "other appropriate services". The definition of "On-site visit" has been amended to read "On-site visit - A survey or consultation, or training conducted at any premises upon which the policyholder operates a business within the State of Texas."

The following comments were received on §166.1 regarding the definition of "other appropriate services".

COMMENT: Commenters disagreed with the definition requiring service "specifically tailored" to policyholder history and operations. One commenter recommended deleting the definition or, along with another commenter, substituting "applicable" for "specifically tailored". Another recommendation was to define "other appropriate services" as ". . . specifically tailored to the nature and loss of similar policyholders' operations, designed to help policyholders implement hazard exposure controls and further safety management practices."

RESPONSE: The commission agrees with changing "specifically tailored" to "applicable". The definition has been changed to read "Other appropriate services - Services provided in lieu of on-site visits which require direct contact between the insurance company and the policyholder and are applicable to the nature and loss history of each policyholders' operations."

The following comments were received on §166.1 regarding the definition of "other appropriate services".

COMMENT: The commenter requested that the section be modified so that a carrier might take advantage of existing and emerging technology as a service option.

RESPONSE: The commission disagrees. No amendment is necessary. While the commenter's request is valid, the definition of "Other appropriate services" does not preclude use of technological means to achieve direct contact or provide such services.

The following comments were received on §166.3(a) regarding the annual report to the commission.

COMMENT: The commenter felt annual reports to the commission are expensive and redundant because the information could be obtained by the commission from a carrier's annual report to the State. The commenter stated that when a carrier writes multi-line coverage it is often impossible to distinguish between kinds of services provided for work-

ers' compensation exposures and others and recommended that this rule be deleted.

RESPONSE: The commission disagrees. The annual report is required by §411.065 of the Texas Labor Code. This report is needed for industry data base development to determine program effectiveness. The annual report also assists the commission in identifying the companies currently writing workers' compensation insurance and requiring inspection.

The following comments were received on §166.3(e) regarding expenses for accident prevention services

COMMENT: The commenter stated that most carriers do not equate "underwriting visits" with "accident prevention services" and recommends deletion of the paragraph as unnecessary and confusing.

RESPONSE: The commission disagrees. A significant portion of the accident prevention services survey reports routinely seen by commission inspectors indicate the survey took place as a part of a larger underwriting inspection. Some are presented to inspectors as workers' compensation accident prevention services surveys when they deal only with other lines and other underwriting concerns. This requirement is to ensure workers' compensation policyholders receive recognizable, defined accident prevention services.

The following comments were received on §166.4(b) regarding providing services at no charge

COMMENT: Commenters generally objected to the requirement that insurance companies provide accident prevention services at no charge to the insured. Commenters stated that carriers write various types of policies. In "loss sensitive" contracts, final costs depend upon policyholder claims for the contract period. These policies often unbundle loss control services from the rest of the premium either because policyholders do not believe they need such service or because it is more equitable to require employers that want these services to purchase them individually. Including the costs of accident prevention services creates a pricing scheme that distributes these costs among all employers, even among those who do not want them. Commenters also expressed concern that there is no statutory authority to require that service be provided at no charge. Additionally, one stated that no payment for accident prevention services exists in the premium paid by the policyholder and that insurance shoppers should have the right to purchase an insurance program that suits their individual needs. It was recommended that workers' compensation carriers be allowed to charge a reasonable, negotiated fee for providing loss control services to employers that want services. One commenter stated that there are costs to providing accident prevention services and that it should be acknowledged that these costs are passed on to policyholders in the rate structure. He recommended modifying the definition by deleting "at no charge" and adding "within the premium structure."

RESPONSE: The commission disagrees. The commission acknowledges that a cost for

providing accident prevention services is already accounted for in the premium rate structure submitted by insurance companies and approved by the Texas Department of Insurance (TDI), and is paid for by the policyholder. A policyholder should not be charged a second time for these services. The Texas Labor Code, Chapter 411, Subchapter E. Accident Prevention Services, requires accident prevention services, but does not provide that insurance companies may impose additional charges for such service. In fact, the State Board of Insurance position on this issue is that accident prevention services must be at the expense of the insurer and cannot be waived. There are provisions in the Texas Insurance Code (Article 5.76-3, §10(k) and Article 5.76-2, § 4. 06(k)) and in the Texas Labor Code, §411 048, which mandate that the commission charge for accident prevention services it provides to an employer. In addition, commission rule 164.3(g) allows consultants who perform accident prevention services under the Extra-Hazardous Employer Program to charge for services. These situations are specifically mentioned by statute and rule because they are out of the ordinary and distinguishable from regular required accident prevention services. The commission has no other means to recoup the expenditures for accident prevention services as opposed to an insurance carrier which is expected to consider such expenses when setting premium rates. In the case of accident prevention services under the Extra-Hazardous Employer Program, such services are not anticipated when setting premiums and are therefore in addition to the premium. The absence of statutory authority for insurance companies to charge for accident prevention services implies that the authority was intentionally excluded.

COMMENT: One commenter pointed out that the expression, "at no charge," is inconsistent with the wording in Rule 166.4(c)(7) and recommended that TWCC change the wording in this paragraph to "at no additional charge."

RESPONSE The commission agrees. Section 166.4(b) has been amended to change "at no charge" to read "at no additional charge".

COMMENT: A commenter stated that insurers should be allowed to adequately fund for anticipated and/or agreed to services based upon the policy form chosen with the insured. Agents, brokers and policyholders often interpret the rule as allowing any safety related services to be "free of charge". There needs to be clarity in what is intended and what kinds of policy forms will be recognized. Safety service is a cost which must be recovered by the insurance company. The commenter recommended that the rule specifically identify and clarify policy forms and costs to be included.

RESPONSE: The commission agrees in part. The commission disagrees that costs for services need to be specified, since the Act and the rules are specific about services and service frequency required. The costs to perform such service would vary by insurance company. The forms of policies effected, however, should be specified. Section 166.4(a) has been revised to exclude excess and rein-

surance policies from the requirement to provide service.

The following general comments §166 4(c)(2) regarding accident prevention servicing requirements

COMMENT: Commenters stated that the rule will: increase on-site visits; significantly increase workload and costs; require insurers to provide services to recalcitrant employers, which will not be used, thus wasting safety resources, and force unwanted or unnecessary service on policyholders, especially small policyholders. Using loss ratios as indicators for service was thought to be not as good as using measures of frequency or severity. Some commenters anticipate that resources would be diverted from employers who need services. One commenter additionally stated that although a company operates under a questionable classification, it does not necessarily follow that they will have uncontrollable losses. It was expressed that the annual evaluation coupled with the offer of accident prevention services and the ability of the commission to require services for extra-hazardous employers should adequately address those risks which need service. A commenter stated that as the volume and specificity of regulations increase, insurance companies must spend more and more of their resources to review, analyze, administer and comply with regulations. Additionally, the commenter stated he can note no improvement in the workers' compensation results of his subscribers that can be directly linked to any of the recently-enacted regulations. A commenter felt service should only be provided when requested by the policyholder or as determined jointly by the insurer and the insured. One commenter believes that the Act purposely leaves the details of providing services to the insurers and that rules should be flexible to allow insurers to use judgment to carry out the requirements. Most disagreed with the use of the A.M. Best Hazard Index (See the general comments at the beginning of this summary of comments and responses.) The commenters recommended that: TWCC should retain the existing rules without change; premium and loss ratio triggers for mandatory service should be eliminated; and if a reference to A.M. Best classification is included, a realistic loss component should be included, not simply a loss ratio.

RESPONSE The commission agrees in part. New requirements may result in more on-site visits and services being provided to policyholders by some insurance companies, and a corresponding increase in costs for providing such services. The commission disagrees that overall cost to insurance companies or the workers' compensation system will result, since increased service should result in fewer injuries and less costs for claims. The commission disagrees that loss ratio is not a good indicator of need for service. It is a good means of focusing service to employers who have experienced unacceptable levels of injuries. A similar reactive program is the commission's Extra Hazardous Program, which requires essentially the same type of service as the Act requires of insurance companies (surveys, consultations, etc.) and has resulted in dramatic reductions in injuries for

participants. Additionally, the commission disagrees that any insurers, except the insurer of last resort, will be required to insure employers with high loss ratios, since Texas is a voluntary workers' compensation state and carriers are not required to write high risk policies.

Premium amount is a product of exposure and the population exposed and assists in focusing service where it is needed by anticipating the need and preventing injuries before they occur. The commission disagrees with the comment that current regulations have had no noted success in reducing injuries in Texas. Statistics gathered since the Workers' Compensation Act took effect in 1991 indicate a significant decrease in injuries in the state and have allowed Texas to attain an injury rate well below the national average.

COMMENT: Another commenter expressed confusion about servicing requirements stating that a small policy (under \$25,000) with a loss ratio above 100% requires on-site service, but a very large policy must receive only a letter.

RESPONSE: The commission disagrees. The commenter's assumption that a letter to a large policyholder is sufficient to constitute "other appropriate service" is incorrect. The definition of "other appropriate service" in proposed rule 166.1 requires more than a letter. Additionally, the minimum service any small policyholder (under \$25,000 premium) must receive in Texas is solicitation of comments by mail at least annually. To assume this requirement can be applied as the only service a large policyholder should receive is not substantiated in the rules.

The following comments were received on §166.4(c)(2)(A) regarding the time for response to policyholder service requests.

COMMENT: A commenter stated that, while striving to respond, circumstances may not always allow them to achieve 100% timeliness. Commenters disagreed with the shortened time frames proposed for responding to requests for service, stating that: 30 days is insufficient time; the time frames will not allow for flexibility for extenuating circumstances; and that they may result in reduced service to other policyholders. A commenter also stated that insurers should be relieved of the need to provide duplicate service where in-house services or contracts with third party administrators for those services are provided and recommended allowing 90 days to provide such service or, in the alternative, the current 60 days. All commenters recommended that the new rules incorporate the time frames currently stated in the existing rules. Two commenters also recommended that "days" be changed to "working days".

RESPONSE: The commission agrees in part. The time outlined in the paragraph is adequate, given the paramount concern for policyholder workplace safety and the practices and procedures of insurance companies observed by the commission in the past four years of experience. The commission agrees, however, that extenuating circumstances on the part of the policyholder may make these time frames impossible. Section 166.4(c)(2)(A) has been revised to read "(A)

provide services requested by policyholders within 15 days of the date services were first requested, if appropriate services can be provided from the insurance company offices and within 30 days of the date of first request, if the services require an on-site visit. Services may be provided at a later time if circumstances require and the time is agreed upon by the policyholder."

The following comments were received on §166.4(c)(2)(B)(i) regarding the A.M. Best Hazard Index

COMMENT: The majority of the commenters disagreed with the use of the A.M. Best Hazard Index as part of the criteria for determining the need for service, stating that many carriers do not use this index and adopting it would be costly, the index is arbitrary, unscientific and based on small samples, one-third of industries are not identified in the index, it is out of date and no other states use it. Some commenters felt that going to locations with no losses, just because of a potentially hazardous operation, is a waste of time and money. One commenter prefers using the Standard Industrial Classification (SIC) as it is a better tool to compare the loss level of a policyholder to the industry and recommends its use, in conjunction with Bureau of Labor Statistics (BLS) data. Another recommends use of loss ratios, restricting required service only to those with loss ratios over 100%. One additional commenter agreed with the use of the A.M. Best Hazard Index in the criteria for on-site visits as a move in the right direction by adding some measure of flexibility for employers with premiums \$25,000 and over. All but one commenter recommended that the A.M. Best Hazard Index be removed from the criteria for service in the rule.

RESPONSE: The commission agrees with removing the A.M. Best Hazard Index criteria from the rules. While the A.M. Best Hazard Index is the most widely used product of its type in the insurance industry, it is not an industry standard and requiring its use could result in significant administrative cost. However, the purpose for its inclusion, a proactive approach to injury reduction, is still relevant. This goal shall be met with the use of premium triggers for service. All references to A.M. Best Hazard Index have been removed from the proposed rules.

The following comments were received on §166.4(c)(2)(C)(ii) regarding service provided to policyholders with premiums under \$25,000 and loss ratios over 100%

COMMENT: Most commenters disagreed with the criteria set out in the subject subparagraph due to the minor nature of injuries which could cause a loss ratio of over 100%. The concern was also expressed that this rule could lead to increase in premiums for small companies and would add cost without proven benefit. One commenter suggested that group seminars designed specifically to help small business employers would be more appropriate. Additionally, one commenter agreed that service is appropriate for an employer with a high loss ratio, since such criteria does indicate a safety problem. Another commenter stated that the large majority of his company's business is with small policies and that requiring on-site visits, as

well as any other services required in the proposed rules, would double or triple costs to his company. Numerous commenters recommended that the insurance companies be allowed to provide "other appropriate services" in lieu of a mandatory on-site visit or that paragraphs (B) and (C) be combined, as in the current rule. One commenter recommended allowing the field safety representative to determine the need for service. Another commenter recommended the subsection be deleted, or, in the alternative, that, if an account's annual premium is less than \$25,000 and its loss ratio exceeds 100%, then an on-site survey would be mandatory only if that account has experienced at least one lost-time injury or multiple injuries other than lost-time injuries.

RESPONSE: The commission agrees in part. The commission disagrees that loss ratio should be eliminated as a trigger for service. Loss ratio is an indicator of past loss history, with all its ramifications, and it is available throughout the insurance industry. Most insurance companies use loss ratio to focus services where needed. Its use will also alert the policyholder to safety problems and attempts will be made to prevent recurrence. The commission agrees, however, that an on-site visit may not always be the most appropriate service to prevent recurrence of an accident. References to A.M. Best Hazard Index has been deleted. Section 166.4(c)(2)(B) and (C) have been revised to read

"(B) an on-site visit, or provision of other appropriate services, on a periodic basis and at least every 12 months to each policyholder with

(i) a premium of less than \$25,000 and a loss ratio greater than 100% or

(ii) a premium of \$25,000 or more,

(C) a mandatory on-site visit on a periodic basis and at least every 12 months to each policyholder with

(i) a premium of \$25,000 or more and a loss ratio greater than 100%, or

(ii) a premium between \$5,000 and \$24,999 and a loss ratio greater than 250%.

The following comments were received on §166.4(c)(2)(D) regarding on-site visit for a fatality within three days

COMMENT: Commenters disagreed with the requirement for an on-site visit within three days of a workplace fatality because OSHA and law enforcement would also have investigators on the site or the distance to the site may preclude response within three days. Commenters also stated that visits should not be required for fatalities such as vehicle fatalities, homicides, terrorist activities, medical related deaths or other unpreventable acts. Other concerns expressed were three days is not enough time to determine cause or relationship, making the trip to visit the site non-productive, a TPA may be handling claims and the carrier will receive late notification, the carrier's data system does not classify fatalities separately, the fatality may be out-of-state, and compensability may not be clear. Recommendations included elimi-

nating the requirement, extending the time frame allowed for the visit (15 days, 30 days and/or as determined by the carrier), and allowing carriers to determine the need for services.

RESPONSE: The commission agrees in part. The commission disagrees that the requirement for service be deleted or that insurance company accident prevention services are not appropriate when a fatality occurs. Such service will provide assistance to an employer to help prevent recurrence and would be significantly more productive than no visit. The commission recognizes that a fatality may occur out-of-state, at a site no longer in operation or at a transient site and does not intend that "an on-site visit" necessarily means at the scene of the fatality. The intent is to assist the employer, as previously stated. The commission agrees that carriers should be allowed to determine need for services in these cases, but only after a visit with the employer involved has provided sufficient information to make such a determination. The commission also agrees that fatalities can occur which have no direct association with the job. As a result, §166.4(c)(2)(D) has been revised to read "(D) a visit to the insured within three working days of notification and/or knowledge of a fatality. If the fatality occurred outside of Texas or was the result of an accident on a common carrier, no visit is required."

The following comments were received on §166.4(c)(2)(E) regarding solicitation of comments

COMMENT: One commenter stated that carriers should not be required to solicit information regarding the policyholder's need for accident prevention services because carriers are already required to provide service, it implies that the carriers services must be used, it creates the unrealistic expectation that the services may reduce accidents, and policyholders may want to use outside consultants. Other commenters stated that "A policyholder's wants may not reflect the actual needs for managing accident potential", and that mandating this solicitation creates significant expenses with no clear indication of additional benefit. The recommendation is to delete the provision.

RESPONSE: The commission disagrees. Policyholder needs and wants are essential elements when determining services to be provided. Employers have the greatest knowledge of their processes and, when properly advised by insurance company accident prevention services experts, can be very instrumental in decisions about how potentially harmful situations may be alleviated. See the commission response later in this preamble to the comment regarding annual notification of services available to policyholders.

The following comments were received on §166.4(c)(3) regarding sufficient number of FSRs

COMMENT: The commenter stated that the term "sufficient" when referring to the number of FSRs needed to provide service is too vague for evaluation purposes. The recommendation is for TWCC to eliminate this requirement altogether or define the term "sufficient."

RESPONSE: The commission disagrees. If adequate services are provided according to the Workers' Compensation Act and commission rules, it would be considered that the insurance company employs a sufficient number of FSRs.

The following comments were received on §166.4(c)(4) regarding maintaining written procedures

COMMENT: The commenter stated that carriers should develop their own procedures to meet their own needs. Moreover, it is unreasonable to require "Texas-only" procedures. The recommendation was to retain the original language of Rule 166 100(c)(4).

RESPONSE: The commission disagrees. Written procedures serve as policy statements and guidance to those required to adhere to them. Experience has shown the commission that lack of procedures specifying Texas requirements has often led to non-compliance with essential accident prevention services program elements.

The following comments were received on §166.4(c)(5) regarding evidence of services provided

COMMENT: The commenter stated that the requirement would result in a burden for carriers and not improve the safety of Texas employees. The recommendation is to delete the provision.

RESPONSE: The commission disagrees. Complete records are necessary not only for audit purposes, but also for determination of reasonable service to policyholders by insurance companies. Requiring the insurance companies to maintain records of accident prevention services provided to policyholders helps insurance companies and the commission to evaluate the need for services and the most efficient application of those services. Comment category D(11): 166.4(c)(6) Written notification of claims experience

COMMENT: The commenter recommended that a notification of claims experience be necessary required only for those accounts that have experienced claims during the applicable 12-month period.

RESPONSE: The commission agrees that if no claims have occurred with the applicable 12-month period, no notification of claims should be filed.

The following comments were received on §166.4(c)(7) regarding notification of services on the declarations page.

COMMENT: One commenter pointed out that the change to placing the notification on the front of the policy is unnecessary since the requirement was recently changed to make sure it is on the declarations page. Another commenter recommended that carriers be allowed to use an additional page stapled to the policy, or a permanently affixed sticker or stamp that displays this notice prominently without obliterating any other important policy language. Another alternative offered is to permit notices to appear on either the declarations page or on the front of the policy.

RESPONSE: The commission agrees. Subsection (c)(7) has been revised to read "(7)

evidence that each workers' compensation insurance policy delivered or issued for delivery in Texas shall contain the following notice on the declarations page or on the front of the policy in at least 10 point bold type:

The following comments were received on §166.4(c)(8) regarding annual notification of services available to policyholders

COMMENT: The commenters disagree with the notification requirement and state that their company makes contact with policyholders generating \$25,000 or more in premium to offer loss control services and only 60% respond. The commenters concluded that requiring an annual notification to policyholders with premiums of less than \$25,000 could triple administrative workload. The commenters also state that such workload increase would result in no real benefit. Commenters recommended that this requirement be eliminated and the notification of services on the declarations page be used. One commenter also recommended combining similar requirements into one requirement.

RESPONSE: The commission agrees in part. The intent of this requirement is to ensure that all policyholders, regardless of size, are made aware of all accident prevention services available to them. Many insurance carriers inspected by the commission already provide such information. The commission agrees that adding this requisite in addition to the "solicitation of comments" in §166.4(c)(2)(D) is redundant and could add to administrative expenses. Section 166 4(c)(8) has been deleted and subsection (c)(2)(D) has been changed to read "(D) written solicitation of comments from each policyholder, at least every 12 months to determine the need for safety information or assistance. Such letter shall specifically explain that accident prevention services, including surveys, recommendations, training programs, consultations, analysis of accident causes, industrial hygiene and industrial health services, are available at no additional charge and shall be provided upon request directly to the policyholder. This requirement is in addition to the requirements in paragraph (7) of this subsection;"

The following comments were received on §166 5(a)(1) regarding required periodic inspection of insurance companies

COMMENT: One commenter pointed out that a large carrier uses 20 person/days for an inspection and recommended that inspections take place every two years, and every three years for carriers that are in good standing with the Division, and have adequate internal procedures in place to ensure regulatory compliance. Another commenter disagreed that inspections should occur every two years for insurance companies which are familiar with the accident prevention services requirements and recommended that: insurers who have passed two consecutive inspections should be inspected every three or four years; and when the inspection occurs, it be of an audit format to verify continuing compliance instead of the full inspection

RESPONSE: The commission disagrees. Inspections are required at least every two

years by the Texas Labor Code, §411 064. Based upon the past four years of compliance inspection experience, the statutory frequency of inspections appears to be sufficient for the commission to adequately provide insurance companies assistance with maintaining compliance or returning to compliance with the Act

The following comments were received on §166 5(a)(3) regarding the 60-day inspection notification

COMMENT: The commenter stated that the 60-day notification of an insurance company inspection should be identified as 60 working days

RESPONSE: The commission disagrees. See the previous commission response in this preamble to the comment on §166.4(c)(2)(B)(i) regarding the a.m. Best Hazard index.

The following comments were received on §166 5(b)(2) regarding the site of inspection

COMMENT: The commenter supports the provision allowing inspections out-of-state, on a reimbursement basis, if requested by the carrier

RESPONSE: The commission agrees

The following comments were received on §166 6(a)(1),(2),(3), and (5) regarding the timing for exchange of information

COMMENT: The commenter stated that the established periods for submittal are not consistently defined. The recommendation is for TWCC to change the referenced "days" to "working days"

RESPONSE: The commission disagrees. (See the general comments at the beginning of this summary of comments and responses)

The following general comments were received on §166 6 regarding the exchange of information for the inspection

COMMENT: Commenters stated that the information required is very detailed, extensive and, perhaps, unnecessary and that most information requested is not readily available to the carriers' loss control unit. Concern was expressed regarding the commission's broad authority under the rule to seek any source of information and the possibility that this authority could be abused. One recommended paring down the material necessary for the inspection while another recommended that information should only be provided for the accounts being audited. Two recommended that TWCC retain existing rules without change

RESPONSE: The commission disagrees. The information requested is necessary to conduct a comprehensive inspection of the adequacy of the accident prevention services provided by the insurance company and to assist in selection of policyholders for mandated job site inspections

The following general comments were received on §166.6(a) and (b) regarding the exchange of information for the inspection.

COMMENT: The commenter expressed concern with the rule making process and the

fact that some of the information is already being requested, without going through the formal rule making process. The commenter specifically noted the detailed information in §166.6(a)(1)(A), the Accident Prevention Services Questionnaire and loss runs.

RESPONSE: The commission agrees that some of the information listed is already being requested for inspections. The purpose of this rule is to formalize the information requirements for inspections in the rules structure. However, the commission disagrees that requiring loss run information is not in the current rules. This requirement is in current Rule 166.106(a)(4).

The following comments were received on §166.6(a)(1)(A) regarding the A.M. Best Hazard Index information.

COMMENT: Several commenters disagreed with the requirement to include the A.M. Best Hazard Index on the policyholder list submitted for inspections. Many do not use the index in normal operations. One felt that the loss ratio is a more accurate criterion. They all recommended that TWCC delete the requirement for the A.M. Best Hazard Index from the paragraph.

RESPONSE: The commission agrees. Reference to A.M. Best Hazard Index has been deleted. See the previous commission response in this preamble to the comment on §166.4(c)(2)(B)(i) regarding the A.M. Best Hazard index.

The following comments were received on §166.6(a)(1)(A) regarding the information required since preparation of the last inspection policyholder list.

COMMENT: One commenter stated they cannot isolate policies written since the last inspection list was prepared and another stated that providing lists of policies in effect since the last list had been prepared would be labor intensive. One recommendation was that the list include only those policies written since preparation of the previous list.

RESPONSE: The commission disagrees that the time frame inspected should be reduced. The Texas Workers' Compensation Act requires inspection at least every two years. Exclusion of those policies in effect at the time of the last inspection, and, often, for many months after that inspection, would be contrary to the intent of the statute and not allow for a full inspection of services rendered.

COMMENT: One commenter was unsure which policies the division is desiring information about in subsection (a)(1)(A). He asked whether the subsection applies to new policies or canceled or expired policies. He also asked if the rule requires a complete and separate listing of current in-force business.

RESPONSE: The commission disagrees that the subsection is confusing. The language clearly states "The list shall . . . include all policies which have been in effect or have been written since the policyholder list was prepared for the last inspection . . ." This includes new policies, policies cancelled or expired since the last inspection, and policies currently in effect.

The following comments were received on §166.6(a)(4) regarding the Accident Prevention Services worksheets.

COMMENT: Commenters were of the opinion that the rule requires that a new accident prevention services form be prepared for inspections and one disagreed with changing the format. One commenter requested participation in developing the worksheet.

RESPONSE: The commission disagrees that the rule indicates that a new form is necessary. The current form is essentially unchanged since February, 1991, and sufficient for inspection purposes under the new rules.

The following comments were received on §166.6(b)(1)(A) regarding providing account files for the inspection.

COMMENT: Commenters stated that the loss control department should have access to loss control files, but not account files because their availability is of no value in the inspection process and having them may disable the operation of other insurance company departments during the inspection. They recommended deleting reference to "account files".

RESPONSE: The commission agrees. Section 166.6(b)(1)(A) has been revised to read, "the loss control files corresponding to the requested worksheets."

The following comments were received on §166.6(b)(1)(E) regarding FSR training information.

COMMENT: The commenter expressed concern with the requirement that carriers report training received by FSRs, because many carriers use third party FSRs and it is difficult to get such information from these entities. Commenter recommends that this rule apply only to FSRs employed by the carrier.

RESPONSE: The commission agrees in part. If the need for training records applies, it should apply to all Field Safety Representatives (FSR) acting on behalf of an insurance company, regardless of affiliation. The insurance company alone is responsible to assure that loss control staff servicing its policyholders meet TWCC requirements. The comment, however, does give rise to a question about FSR continuing education. Recently passed legislation (HB 1089) mandated that the commission establish qualifications for FSRs. The new rule does not include continuing education requirements. Because continuing education is not required at this time, §166.6(b)(1)(E) has been modified to add "if continuing education or training are required by the commission,

" This revision does not, however, relieve the insurance company of providing proof that approved certifications of their FSRs are current.

The following comments were received on §166.6(b)(3) regarding business record affidavit.

COMMENT: One commenter stated that "requiring carriers to provide 'any documents requested' and 'business record affidavits' is an open opportunity to add unnecessary bureaucracy to the already burdensome and complicated audit process." Another ex-

pressed uncertainty about what the affidavit is and who may sign it, and a third pointed out that the Business Record Affidavit required input from many sources and that one person in the Loss Prevention department could not attest to the accuracy of all records provided. The recommendation was to delete the provision.

RESPONSE: The commission agrees in part. Business record affidavits attest to the fact that documents are maintained in the regular course of business, not to the accuracy of the information in the documents. They are requested only when documentation is needed to verify inspection findings. Also, the rule clearly states that the insurance company will determine who is authorized to be the responsible individual, and that the form shall be provided by the TWCC inspector. The commission agrees, however, that the information which may be requested should be specified in the rule. Section 166.6(b)(3) has been revised to read "(3) Upon request from the division inspector, the insurance company shall provide copies of documents requested, accompanied by a notarized Business Record Affidavit. Information which may be requested shall be limited to records of surveys, consultations, recommendations, training provided, training materials available, loss runs and loss analyses, industrial health and hygiene services, accident prevention procedures and Field Safety Representative qualifications. The Business Record Affidavit form shall be provided by the inspector and shall be completed and signed by an individual authorized by the insurance company."

The following general comments were received on §166.7.

COMMENT: The commenter expressed concern that many insurance companies have been inspected by individuals with limited knowledge of insurance industry loss control and recommends that TWCC inspectors meet the same qualifications as those required by carrier field safety representatives.

RESPONSE: The commission agrees that all commission inspectors conducting inspections of insurance company accident prevention services must be and are field safety representative qualified, as required by §411.067 of the Texas Workers' Compensation Act. No commission personnel are allowed to perform inspections independently until qualified to do so.

The following comments were received on §166.7(a)(1)(C) regarding complaints from policyholders.

COMMENT: Commenters disagreed with the need to review "any complaints" from the policyholder, as time could be wasted on potentially frivolous complaints. The Commenters recommended inserting the word "written" between the words "any" and "complaints."

RESPONSE: The commission disagrees since complaints about insurance company service can come verbally as a result of policyholder inspections, other Workers' Health and Safety inspections, by telephone and from various other sources. Policyholders in Texas have the right to contact TWCC through any means available.

COMMENT: The commenter felt the section needs clarification.

RESPONSE: The commission agrees. Section 166.7(a)(1)(C) has been revised to read "(C) any complaints from policyholders which have been received by the division since the insurance company's last inspection relating to accident prevention services;"

The following comments were received on §166.7(a)(3) regarding extended inspections.

COMMENT: Commenters felt this section was too broad and added to the complexity and time involved in the inspection. The term "possibly out of compliance" and the possible frequency of use of the rule were questioned. Another commenter stated that objective inspection standards are inherently limited and that broadening an inspection does not alleviate these difficulties nor provide any better indication of the adequacy of the services. Commenters recommended either deleting the section, deleting the phrase "to be possibly out of compliance" or establishing a benchmark or measure appropriate for a demonstrated pattern of non-compliance.

RESPONSE: The commission agrees in part. A benchmark for non-compliance is unnecessary, since the Act and rules are specific concerning when and how required services must be provided. An extended inspection will become necessary when the inspectors have selected only a sampling of files to inspect. If the files indicate non-compliance, the degree to which the insurance company is out of compliance cannot be determined until the extended inspection is complete. The word "possibly" has been deleted from §166.7(a)(3), because the initial inspection would already indicate compliance status.

The following comments were received on §166.7(b)(3) regarding inspection of accident prevention services: conducting and reporting.

COMMENT: The commenter recommends an administrative mechanism that allows the carrier to respond to the inspectors allegations that carrier services are inadequate.

RESPONSE: The commission agrees. Section 166.7(a)(2) has been revised to read, "(2) Based on the information obtained under subsection (a)(1) of this section and a review of the selected files and other accident prevention related information, the division inspector shall make the insurance company representative aware of any areas of non-compliance noted. The insurance company will be afforded an opportunity to respond to the findings. The inspector shall evaluate the adequacy of the accident prevention services of the insurance company and, if no other relevant information is available or anticipated, advise the insurance company's representative of the resulting conclusions."

The following comments were received on §166.7(b)(3) regarding required actions from inspections.

COMMENT: The commenter disagreed with having to respond to all discrepancies noted in an inspection, rather than just the serious ones, since inspections can perform not only a statutory function, but also provide sugges-

tions for improvement. The commenter's concern was that the rule would elevate all issues to serious issues and focus too much time on non-serious discrepancies. The recommendation was to retain the current reporting requirements.

RESPONSE: The commission disagrees. The rule anticipates that deficiencies noted will be those which require corrective action by the insurance company and justify the time spent addressing them in a report.

The following comments were received on §166.8 regarding qualifications for Field Safety Representative (FSR)

COMMENT: The commenter expressed concern that insurance company representatives who are not considered "qualified" cannot make recommendations to policyholders if they identify clearly unsafe conditions or procedures.

RESPONSE: The commission agrees that unqualified individuals cannot perform functions which require FSR qualifications. The commission suggests, however, that, if a non-FSR qualified insurance company representative recognizes a situation which might require the services of a trained safety specialist, the representative should refer the case to the company's loss control department for action.

The following comments were received on §166.8(b)(3) regarding qualifications for Field Safety Representative (FSR)

COMMENT: Commenters suggested that Associate Safety Professional (ASP), Occupational Health and Safety Technician (OHST) and the Associate in Loss Control Management (ALCM) be approved certifications for qualification as a Field Safety Representative.

RESPONSE: The commission agrees in part. The process exists by which a certifying organization may request approval by the Division for FSR qualification. The Board of Certified Safety Professionals (BCSP) has requested and the Division has approved the Occupational Health and Safety Technician (OHST) as a qualification for FSR. No request has been made to the division to establish the Associate Safety Professional (ASP) certification as a means of FSR qualification. The ALCM has been a certification which the commission accepts as qualification to be a FSR for many years and will continue to be so.

The following comments were received on §166.8 Qualifications for Field Safety Representative (related to The Texas Labor Code, §411.062 as amended by HB 1089, 74th Legislature, 1995)

COMMENT: Numerous commenters discussed a draft FSR qualification rule developed to implement recent legislation (HB 1089, 74th Legislature, 1995).

RESPONSE: These comments address a rule which has not been proposed by the commission for adoption. The passage of HB 1089 necessitated some revisions to the proposed §166.8. As a result, the previous proposal of §166.8 is being withdrawn by the commission and a new proposal of §166.8, incorporating the legislative amendments, is

simultaneously published in this issue of the Texas Register. Comments to the new proposal are being solicited elsewhere in this edition of the Texas Register. All comments on §166.8 which were previously submitted to the commission will be retained and addressed together with additional comments received.

The following comments were received on §166.9 regarding FSR training courses

COMMENT: The commenter expressed the concern that the cost to hire and train a FSR applicant would prohibit insurance companies from choosing to train FSRs.

RESPONSE: The commission agrees that maintaining a training program as outlined in the rule could be costly. The decision to use this method of qualifying a FSR belongs entirely to the organization considering it. Recent legislation (HB 1089, 74th Legislature, 1995) has made a change to Field Safety Representative (FSR) qualifications necessary. A new rule establishing FSR qualifications has been proposed and includes a provision for an intern program which insurance companies may use to train and qualify FSRs. Currently approved or proposed FSR training programs can be utilized as an intern program as long as the program meets the new requirements.

The following comments were received on §166.9 regarding FSR training courses

COMMENT: Commenters expressed concern that insurance companies were eliminated from the option to have their own training programs and pointed out that the new wording in this rule cancels training programs previously approved for five years by TWCC. Commenters recommended that insurance companies have the option to conduct their own training programs, approved by the division, as is allowed in the current rules.

RESPONSE: The commission disagrees. See the commission response to the comment immediately preceding this one.

The following comments were received on §166.9 regarding educational programs.

COMMENT: The commenter disagreed with adopting more rigorous standards for occupational safety and health education programs used to train FSRs and stated the adequacy of the services insurers provide is most appropriately measured by the audit of services provided, not standards of the program used to train the personnel providing the services. The recommendation is for TWCC to retain existing rules without change.

RESPONSE: The commission disagrees. The standards in the proposed rules are essentially the same as required in the current rule. The most significant change is to restrict these programs to educational institutions. Insurance company intern programs may be used as an option to institutional programs to meet insurance company needs. See the commission response to the first comment regarding FSR training courses.

• 28 TAC §§166.1-166.7, 166.9

The new rules are adopted under the Texas Labor Code, §402.061, which authorizes the

commission to adopt rules necessary to administer the Act; the Texas Labor Code, §401.011, General Definitions; the Texas Labor Code, §411.061, which requires an insurance company to provide accident prevention services; the Texas Labor Code, §411.062, as amended by HB 1089, 74th Legislature, 1995, which mandates the commission to establish qualifications for field safety representatives; and the Texas Labor Code, §§411.063 - 411.068, which require an insurance company to provide qualified accident prevention personnel, notice of the accident prevention services, set certain specifications for the program, require an insurance company to annually submit information to the commission, require bi-annual inspections by the division; and provides for an administrative penalty for violation of the requirements.

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

Accident prevention facilities - All personnel, procedures, equipment, materials, documents, buildings and programs necessary to provide accident prevention services to the policyholder.

Division - The Workers' Health and Safety Division of the Texas Workers' Compensation Commission.

Field safety representative - An individual providing accident prevention services to workers' compensation policyholders. Qualification as a field safety representative under this chapter does not qualify the individual as an approved professional source, as described in §164.9 of this title (relating to Approval of Professional Sources for Safety Consultations).

Loss Ratio - Loss ratio is the result of dividing the accumulated claims (including reserves) in a policy year by the manual premium determined when the policy is written, but before any adjustments or discounts are applied.

Nature of the policyholders' operations - Type of business or industry with specific reference to potential for accident, injury or disease determined by the standard hazards associated with the most hazardous industrial operations in which the policyholder is engaged.

On-site visit - A survey or consultation, or training conducted at any premises upon which the policyholder operates a business within the State of Texas.

Other appropriate services - Services provided in lieu of on-site visits which require direct contact between the insurance company and the policyholder and are applicable to the nature and loss history of each policyholders' operations.

§166.4. Required Accident Prevention Services.

(a) An insurance company writing workers' compensation insurance in Texas

shall maintain or provide accident prevention facilities and services and shall have them inspected by the division. An insurance company writing only excess or reinsurance are not required to maintain or provide such facilities or services.

(b) An insurance company shall provide accident prevention services to policyholders at no additional charge.

(c) An accident prevention service program as required by the Texas Labor Code, §411.061, shall provide, at a minimum:

(1) an evaluation of the policyholder's need for accident prevention services every 12 months based on the following criteria:

(A) hazard, including classification by hazard group, probability of serious or catastrophic type accidents, probability of frequent accidents, and probability of occupational illness or disease;

(B) experience, including loss ratio, experience modifiers, frequency rate, and severity rate; and

(C) size, including total number of employees, number of locations per policyholder business and number of employees per location.

(2) service in accordance with the following requirements:

(A) provide services requested by policyholders within 15 days of the date services were first requested, if appropriate services can be provided from the insurance company offices and within 30 days of the date of first request, if the services require an on-site visit. Services may be provided at a later time if circumstances require and the time is agreed upon by the policyholder.

(B) an on-site visit, or provision of other appropriate services, on a periodic basis and at least every 12 months to each policyholder with:

(i) a premium of less than \$25,000 and a loss ratio greater than 100%; or

(ii) a premium of \$25,000 or more;

(C) a mandatory on-site visit on a periodic basis and at least every 12 months to each policyholder with:

(i) a premium of \$25,000 or more and a loss ratio greater than 100%; or

(ii) a premium between \$5,000 and \$24,999 and a loss ratio greater than 250%;

(D) a visit to the insured within three working days of notification and/or knowledge of a fatality. If the fatality occurred outside of Texas or was the result of an accident on a common carrier, no visit is required; and

(E) written solicitation of comments from each policyholder, at least every 12 months, to determine the need for safety information or assistance. Such letter shall specifically explain that accident prevention services, including surveys, recommendations, training programs, consultations, analysis of accident causes, industrial hygiene and industrial health services are available at no additional charge and shall be provided upon request directly to the policyholder. This requirement is in addition to the requirements in paragraph (7) of this subsection;

(3) a sufficient number of qualified personnel performing the duties of field safety representative to provide service at the frequency required in paragraph (2) of this subsection;

(4) written procedures for:

(A) determining the appropriate accident prevention services to be provided to a policyholder;

(B) the time frame and manner in which the services identified under paragraph (2) of this subsection will be delivered to a policyholder;

(C) providing safety training to policyholders and providing promotional and course materials that are available for each safety training program; and

(D) providing written reports to the insurance company and the policyholders which identify hazardous conditions and work practices on the policyholders' premises;

(5) written records, reports, and evidence of all accident prevention services provided to each policyholder;

(6) written notification at least every 12 months to policyholders of actual claims experience and, if the policyholder meets the criteria of paragraph (2)(B) and (C) of this subsection, a loss analysis;

(7) evidence that each workers' compensation insurance policy delivered or issued for delivery in Texas contains the following notice on the declarations page or

on the front of the policy in at least 10 point bold type: "(Name of company) is required by law to provide its policyholders with certain accident prevention services as required by the Texas Labor Code, §411.066, at no additional charge. If you would like more information call (insurance company's loss control division or provider's telephone number). If you have any questions about this requirement, call the Division of Workers' Health and Safety, Texas Workers' Compensation Commission at 1-800-452-9595." ; and

(8) annual reports as required by §166.3 of this title (relating to Annual Report to the Commission).

§166.6. Exchange of Information for the Inspection.

(a) Pre-Inspection Exchange of Information

(1) At least 45 days prior to the date set for inspection, the insurance company shall provide the division with:

(A) a list of policyholder accounts by policyholder name, policy number, effective date or expiration date of policy, written premium before any adjustments, including deductibles or discounts and Texas locations. The list shall be taken from the insurance company's most current records, separated by affiliated companies, arranged in descending order by premium, and include all policies which had been in effect or have been written since the policyholder list was prepared for the last inspection of the insurance company's accident prevention services by the division; and

(B) a list of the name, location, status (whether employee or contractor), and proof of qualifications as set forth in the Texas Labor Code §411.062 and §166.8 of this title (relating to Qualification of Field Safety Representatives) of each person acting as a field safety representative for the insurance company.

(2) Within 10 days of receipt of the list, the division shall select the specific accounts to be evaluated and notify the insurance company of those accounts. The list of policyholder accounts will be kept confidential to the extent permitted by law. The division shall return the list to the insurance company at the time of the inspection.

(3) At least 35 days prior to the date set for inspection, the insurance company shall provide the division with the completed Accident Prevention Services Questionnaire provided by the Commission. The questionnaire shall have been completed and signed by an individual authorized by the insurance company to be

responsible and whose signature has been notarized on the questionnaire form.

(4) For each account selected by the division, the insurance company shall prepare an accident prevention services worksheet on the form prescribed by the commission.

(5) At least five days prior to the date of the inspection, the insurance company shall file the completed worksheets with the division.

(b) Information to be Made Available at the Inspection

(1) The insurance company shall make available the following information, as of the date of the last inspection or start of writing worker's compensation coverage, whichever is later, at the time and site of the inspection:

(A) the loss control files corresponding to the requested worksheets;

(B) evidence that the policyholder has been provided the notice required by this chapter and any other material used to notify policyholders of the accident prevention services;

(C) a copy of all accident prevention services procedures;

(D) a copy of loss runs for each selected account that will include:

(i) number of injuries;
(ii) accident or illness types;

(iii) body parts involved;
(iv) injury causes; and
(v) fatalities;

(E) if continuing education or training are required by the commission, a record of any training received by the field safety representatives since the previous inspection

(F) a sample of policyholder training materials, audio visual aids, and training programs; and

(G) other information requested by the inspector which is necessary to complete the inspection.

(2) The insurance company shall also provide the information required by subsection (a) of this section which is not already in the possession of the division.

(3) Upon request from the division inspector, the insurance company shall

provide copies of documents requested, accompanied by a notarized Business Record Affidavit. Information which may be requested shall be limited to records of surveys, consultations, recommendations, training provided, training materials available, loss runs and loss analyses, industrial health and hygiene services, accident prevention procedures and Field Safety Representative qualifications. The Business Record Affidavit form shall be provided by the inspector and shall be completed and signed by an individual authorized by the insurance company.

§166.7. Inspection of Accident Prevention Services: Conducting and Reporting.

(a) Conducting the Inspection

(1) The division inspector and the insurance company's representative shall review:

(A) the insurance company's accident prevention services since the last inspection;

(B) any changes that have been made in response to recommendations made during previous inspections;

(C) any complaints from policyholders which have been received by the division since the insurance company's last inspection; and

(D) if appropriate, services rendered under the extra hazardous employer program.

(2) Based on the information obtained under subsection (a)(1) of this section and a review of the selected files and other accident prevention related information, the division inspector shall make the insurance company representative aware of any areas of non-compliance noted.

(3) An insurance company determined by inspectors, in the course of the inspection, to be out of compliance with the Act shall receive an extended inspection, if necessary, to provide inspectors with sufficient information to determine if an administrative violation of the Act has occurred.

(4) In addition, the division inspector will make scheduled or unscheduled inspections of policyholder job sites, conducted and completed during normal work hours, to obtain additional information about the insurance company's accident prevention services.

(b) Written Report of Inspection

(1) The division inspector shall prepare a written report of the inspection and shall provide a copy to the insurance

company's executive management and to the Texas Department of Insurance, Loss Control Regulation Division. The division shall, whenever possible, prepare and provide this report within 30 days of the completion of the inspection.

(2) The report shall contain the division inspector's rating for services set out in the Texas Labor Code, §411.061 and §166.4 of this title (relating to Required Accident Prevention Services), to include specific findings and required corrective actions. The rating will state that the mandatory service either meets or does not meet standards.

(3) An insurance company with deficiencies shall comply with the required actions contained in the report and submit reports to the division until certified in writing, by the division, that they are in compliance.

(A) The reports shall detail the corrective actions being taken to address each specific finding.

(B) The date on which the reports are due shall be specified in the report of the inspection prepared in accordance with this section.

(4) Any appeal of the report by the insurance company shall be made in accordance with the applicable commission rules and the Texas Labor Code, §415.034.

(5) The division shall issue a certificate of inspection to each insurance company after completion of an inspection in which the mandatory services meet the standards.

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 July 12, 1995.

TRD-9508646 Susan Cory
General Counsel
Texas Workers'
Compensation
Commission

Effective date: September 1, 1995

Proposal publication date: April 21, 1995 \

For further information, please call: (512) 440-3700

Subchapter A. Accident Prevention Services Program Transfer

• 28 TAC §166.2

The repeal is adopted under the Texas Labor Code, §402.061, which authorizes the commission to adopt rules necessary to administer the Act; the Texas Labor Code, §401.011,

General Definitions; the Texas Labor Code, §411.061, which requires an insurance company to provide accident prevention services; the Texas Labor Code, §411.062, as amended by House Bill 1089, 74th Legislature, 1995, which mandates the commission to establish qualifications for field safety representatives; and the Texas Labor Code, §§411.063-411.068, which require an insurance company to provide qualified accident prevention personnel, notice of the accident prevention services, set certain specifications for the program, require an insurance company to annually submit information to the commission, require bi-annual inspections by the division; and provides for an administrative penalty for violation of the requirements.

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.

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TRD-9508648 Susan Cory
General Counsel
Texas Workers'
Compensation
Commission

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Subchapter B. Program Inspections and Certification of Field Safety Representatives

• 28 TAC §§166.100-166.108, 166.111-166.113

The repeals are adopted under the Texas Labor Code, §402.061, which authorizes the commission to adopt rules necessary to administer the Act; the Texas Labor Code, §401.011, General Definitions; the Texas Labor Code, §411.061, which requires an insurance company to provide accident prevention services; the Texas Labor Code, §411.062, as amended by House Bill 1089, 74th Legislature, 1995, which mandates the commission to establish qualifications for field safety representatives; and the Texas Labor Code, §§411.063-411.068, which require an insurance company to provide qualified accident prevention personnel, notice of the accident prevention services, set certain specifications for the program, require an insurance company to annually submit information to the commission, require bi-annual inspections by the division; and provides for an administrative penalty for violation of the requirements.

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 July 12, 1995.

TRD-9508647 Susan Cory
General Counsel
Texas Workers'
Compensation
Commission

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For further information, please call: (512) 440-3700

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 19. Nursing Facility Requirements for Licensure and Medicaid Certification

Subchapter U. Inspections, Surveys, and Visits

• 40 TAC §19.2009

The Texas Department of Human Services (DHS) adopts new §19.2009, with changes to the proposed text as published in the May 9, 1995, issue of the *Texas Register* (20 TexReg 3445).

As a result of public comments and the statutory changes to the Human Resources Code, §32.021(h), made by the 74th Legislature, the department has decided to adopt the rules incorporating by reference the federal enforcement requirements. Section 19.2009 is being amended to include only the information on the conduct of hearings in Texas, which is not included in the comparable federal regulation. The title of the abbreviated section is now more appropriately titled "Hearings on Complaints of Resident Neglect and Abuse, and Misappropriation of Resident Property in Medicaid-Certified Facilities."

The justification for the new section is establishment of federally-mandated procedures for pre-referral hearings, including notification and appeal of findings of an individual's responsibility for resident neglect, abuse, and misappropriation of resident property in Medicaid nursing facilities.

The amendment will function by establishing federally-mandated procedures for pre-referral hearings including the notification and appeal of findings of an individual's responsibility for resident neglect, abuse, and misappropriation of resident property in Medicaid nursing facilities.

The department received one comment regarding the section from Texas Health Care Association.

Comment: Regarding subsection (b), why is the department not allowing a formal hearing for abuse and neglect? All hearings must be consistent with the APA. Abuse and neglect cases must also allow for a formal hearing consistent with Government Code, Chapter 2001.001. Delete "DHS will conduct the hearing according to DHS's rules for informal hearings found in Chapter 79 of this title (Relating to Legal Services), except in cases involving medication aides."

Response: Except for medication aides and nurse aides, disciplinary or other adverse action is not taken by DHS against individuals affected by this section. If DHS finds that there is reason to believe that grounds exist for a referral to the appropriate licensing authority the referral will be made; it is up to the licensing agency to then give a hearing in accordance with state law before adverse action is taken against the individual. With respect to medication aides and nurse aides, the department's hearings prior to taking any adverse action meet all state and federal requirements.

The new section is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs; and under Texas Civil Statutes, Article 4413(502), §16, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds

The new section implements the Human Resources Code, §§22.001-22.024 and §§32.001-32.042.

§19.2009. *Hearings on Complaints of Resident Neglect and Abuse, and Misappropriation of Resident Property in Medicaid-Certified Facilities.* With the following two exceptions, hearings required by 42 Code of Federal Regulations (CFR), §488.335 will be conducted by an impartial Long Term Care - Regulatory staff person who may hear testimony in person or by telephone for the purpose of determining whether sufficient grounds exist for a referral of an individual to the appropriate licensure authority and the facility administrator. Cases involving nurse aides will be conducted according to the Texas Department of Human Services' rules for informal hearings found in Chapter 79 of this title (relating to Legal Services). Cases involving medication aides and nurse aides who are also certified as medication aides will be conducted according to the rules for formal hearings found in the same chapter. The hearings referenced in this section are not applicable to information provided by the department pursuant to 42 CFR §488.325(h).

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 July 10, 1995.

TRD-9508457 Nancy Murphy
Section Manager, Media
and Policy Services
Texas Department of
Human Services

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Proposal publication date: May 9, 1995

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

Subchapter V. Enforcement

The Texas Department of Human Services (DHS) adopts the repeal of §§19.2121, 19.2122, 19.2124, 19.2126, 19.2128, 19.2130-19.2132, 19.2134, 19.2136, 19.2138, and 19.2142, and adopts new 19.2149-19.2151, without changes to the proposed text as published in the May 9, 1995, issue of the *Texas Register* (20 TexReg 3446) and will not be republished. DHS also adopts an amendment to §19.2120, and new §§19.2121, 19.2128, 19.2133, 19.2144, 19.2146 and 19.2147 with changes to the proposed text. DHS is withdrawing §§19.2122-19.2127, 19.2129-19.2132, 19.2134-19.2143, 19.2145, and 19.2148.

The justification for the repeals, amendment, and new sections is the implementation of new federal enforcement rules for Medicaid nursing facilities.

The sections will function by implementing federal Medicaid nursing facility enforcement rules.

DHS received comments from two provider associations: Texas Health Care Association and Texas Association of Homes and Services for the Aging. Many of the comments requested the use of the actual federal language in the rules. As a result of these comments and the statutory changes to the Human Resources Code, §32.021(h), made by the 74th Legislature, the department has decided to adopt the federal enforcement requirements and retain only those rules regarding additional or alternative remedies and appeals. Consequently, most of the comments are rendered moot. Responses to comments related to the remaining rules follow

Comment: Numerous comments objected to the additional and alternative remedies the department has chosen. These remedies include the "three strike rule," and the existing procedures, established in state law, for appointment of a trustee and the emergency closure of a facility, in place of the federal procedures for appointment of a temporary manager and emergency closure, respectively.

Response: Federal law provides for the states to choose alternative or additional remedies, if they can justify their use to be more effective in achieving compliance. The alternative or additional remedies must be submitted to the Health Care Financing Administration (HCFA) for approval as part of the Medicaid State Plan amendment on enforcement. When HCFA approves the alternative or additional remedies, they will possess the same status as federal rules. Therefore, the department will retain the additional or alternative remedies which were proposed

Comment: Regarding §19.2128, these rules do not allow for a voluntary trustee to be placed in a facility as a remedy. Add a voluntary appointment of a trustee as an available optional remedy.

Response: The department has not chosen a voluntary trustee as one of the additional remedies. The option is always available to a facility under the licensure regulations

Comment: Regarding §19.2128(d)(1), §19.2143 is Termination of Provider Agreement and not Duration of Remedies. Delete "Duration of Remedies" and replace it with "Termination of Provider Agreement"

Response: The correction has been made.

Comment: Regarding §§19.2149, 19.2150, and 19.2151, what is undesignated head in each of these sections?

Response: Undesignated head is a rule-making term similar to a subchapter heading. In this instance, it refers to the rules sub-titled "Enforcement Remedies in Medicaid-Certified Facilities."

Comment: Regarding the definition of vendor hold in §19.2120, this item should cross reference and specify "as referenced in 19.2145." We object to the use of vendor hold as a remedy since it is a state specific rule and does not follow the federal enforcement rules for certification purposes.

Response: The department is withdrawing §19.2145, regarding vendor hold, in response to comment

Comment: Regarding §19.2147(1)(A), the amount of time for the facility to submit a written request and supporting documentation and the amount of time for the Long Term-Regulatory staff to respond is different. The facility should have the same amount of time to respond as the survey staff.

Response: The department disagrees. It is the department's prerogative to set the time frames

Comment: Regarding §19.2147(4), this item indicates that upon request, DHS will provide the facility with written notification of the informal dispute resolution process. What is written notification of the informal dispute resolution process?

Response: In response to comment, this portion of the rule has been deleted.

All definitions, except for "accountability period," are being deleted from §19.2120 because they are contained in 42 Code of Federal Regulations §488.301. The deleted definitions, some of which existed in the rule and some of which were proposed, are for compliance letter, contract violation, deficiency, dually participating facility, immediate family, immediate jeopardy, immediate jeopardy to health and safety, misappropriation of property, neglect, new Medicaid admission, noncompliance, plan of correction, requirements for participation, scope, severity, standard survey, substandard quality of care, substantial compliance, survey, and vendor hold.

Section 19.2121 was changed to state that enforcement actions will be performed according to the federal regulations.

Changes were made to §19.2128 and §19.2133, inserting references to the comparable remedies in the CFR.

Changes were made to §19.2144 and §19.2146 for clarification.

Medicaid Remedies

- 40 TAC §§19.2121, 19.2122, 19.2124, 19.2126, 19.2128, 19.2130-19.2132, 19.2134, 19.2136, 19.2138, 19.2142

The repeals are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs; and under Texas Civil Statutes, Article 4413(502), §16, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

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

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 July 10, 1995.

TRD-9508458

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

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

Remedies in Medicaid-Certified Facilities

- 40 TAC §§19.2120, 19.2121, 19.2128, 19.2133, 19.2144, 19.2146, 19.2147, 19.2149-19.2151

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

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

§19.2120. Definitions Pertaining to Medicaid Remedies. The following term, when used in this undesignated head, Remedies in Medicaid-Certified Facilities, shall have the following meaning, unless the context clearly indicates otherwise.

Accountability period—A 24-month period which begins each time the Texas Department of Human Services (DHS) imposes on a facility a required Category II or III remedy. Accountability periods may overlap.

§19.2121. General Provisions. Enforcement actions in Medicaid-certified facilities are performed according to regulations found in 42 Code of Federal Regulations, §§431.151, 431.153, 488.301, 488.325(g), 488.330, 488.331, 488.335, 488.400-488.414, 488.417-488.425, and 488.430-488.456.

§19.2128. Appointment of a Trustee.

(a) Definition. Appointment of a trustee means the appointment by the court of a trustee under the Health and Safety Code, Chapter 242. This remedy is the alternative remedy to temporary manager, as specified in 42 Code of Federal Regulations (CFR), §488.415.

(b) Qualifications. The trustee must:

(1) be qualified to oversee correction of deficiencies on the basis of experience and education, as determined by the Texas Department of Human Services (DHS);

(2) not have been found guilty of misconduct by any licensing board or professional society in any state;

(3) have, or a member of his or her immediate family have, no financial ownership interest in the facility; and

(4) not currently serve or, within the past two years, have served as a member of the staff of the facility.

(c) Payment of salary. The trustee's salary:

(1) is paid directly by the facility while the trustee is assigned to that facility; and

(2) must be at least equivalent to the sum of the following:

(A) the prevailing salary paid by providers for positions of this type in the facility's geographic area;

(B) additional costs that would have reasonably been incurred by the provider if such person had been in an employment relationship; and

(C) any other costs incurred by such a person in furnishing services under such an arrangement or as otherwise set by DHS.

(3) may exceed the amount specified in paragraph (2) of this subsection if the state is otherwise unable to attract a qualified trustee.

(d) Failure to relinquish authority to a trustee.

(1) Termination of provider agreement. If a facility fails to relinquish

authority to the trustee as described in this section, DHS terminates the provider agreement in accordance with 42 CFR §488.456, concerning termination of provider agreement.

(2) Failure to pay salary of trustee. A facility's failure to pay the salary of the trustee is considered a failure to relinquish authority to appointment of a trustee.

(e) Duration of appointment of a trustee. Appointment of a trustee ends as determined by the court.

(f) Exemption from notification. The remedy of appointment of a trustee is not subject to the notification requirements found at 42 CFR §488.402, relating to General Provisions.

§19.2133. Closure of a Facility or Transfer of Residents, or Both. For the remedy of closure of a facility or transfer of residents, or both, see §19.2108 of this title (relating to Emergency Suspension and Closing Order). These remedies are not subject to the notification requirements found in 42 Code of Federal Regulations, §488.402, concerning general provisions. This remedy is the alternative remedy to closure of a facility or transfer of residents, or both, found in 42 CFR §488.426.

§19.2144. Procedures Following Termination of the Provider Agreement.

(a) The Texas Department of Human Services (DHS) may continue payments for no more than 30 days from the date DHS cancels a facility's provider agreement if DHS determines that:

(1) reasonable efforts are being made to transfer the residents to another facility, to community care, or to other alternate care; and

(2) additional time is needed to effect an orderly transfer of the residents.

(b) When a facility's provider agreement is terminated by DHS, the department will not enter into another provider agreement with the facility until 30 days have expired. If the facility reapplies for a provider agreement, DHS conducts an on-site visit to determine if the facility is complying with Medicaid requirements. If the facility is complying with Medicaid requirements and a provider agreement with the facility is not prohibited by DHS debarment rules, DHS enters into a provider agreement with the facility. This remedy will be applied in any category which results in the termination of the provider agreement.

§19.2146. Termination of Provider Agreement on the Basis of the Imposition of En-

forcement Actions Three Times Within an Accountability Period.

(a) The Texas Department of Human Services (DHS) notifies the facility in writing of its decision to terminate the facility's provider agreement when DHS has imposed required Category II or III remedies on the facility three times within an accountability period.

(b) The provider agreement is terminated on the 20th day after the facility receives notice of DHS's decision to terminate the provider agreement.

(c) The appeal for this remedy is the appeal on the issue of noncompliance that led to the imposition of enforcement actions for the third time within the accountability period.

§19.2147. Informal Dispute Resolution. Facilities may request an informal opportunity to dispute survey findings upon the facility's receipt of the official statement of deficiencies as follows. The Texas Department of Human Services (DHS) provides the following informal opportunities to dispute survey findings.

(1) For survey findings which constitute immediate jeopardy to resident health and safety, a written request and all supporting documentation must be submitted to the Regional Director, Long Term Care-Regulatory, within five calendar days of receipt of the official statement of deficiencies. Long Term Care-Regulatory staff will provide a written response to the facil-

ity within seven calendar days after receipt of the request.

(2) For survey findings which do not constitute immediate jeopardy to resident health and safety, a written request and all supporting documentation must be submitted to the Regional Director, Long Term Care-Regulatory, within seven calendar days of receipt of the official statement of deficiencies. Long Term Care-Regulatory staff will provide a written response to the facility within ten calendar days after receipt of the request.

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 July 10, 1995.

TRD-9508459 Nancy Murphy
Section Manager, Media
and Policy Services
Texas Department of
Human Services

Effective date: July 31, 1995

Proposal publication date: May 9, 1995

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

◆ ◆ ◆
**Chapter 96. Certification of
Long-Term Care Facilities**

◆ ◆ ◆
• 40 TAC §96.7

The Texas Department of Human Services (DHS) adopts an amendment to §96. 7, without changes to the proposed text as pub-

lished in the May 9, 1995, issue of the *Texas Register* (20 TexReg 3456).

The justification for the amendment is compliance with federal regulations.

The amendment will function by implementing amendments to federal rules which specify that the informal reconsideration rules apply only to the intermediate care facilities for the mentally retarded.

The department received no public comments regarding the adoption of the rules.

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

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

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 July 10, 1995.

TRD-9508461 Nancy Murphy
Section Manager, Media
and Policy Services
Texas Department of
Human Services

Effective date: July 31, 1995

Proposal publication date: May 9, 1995

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



Name: Shannon Fitzpatrick
Grade: 11
School: Plano Senior High School, Plano ISD

TABLES AND GRAPHICS

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

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

Figure 1: 16 TAC 401.308

Table 1: First Five-year

Net Revenue to the State	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>
	-0-	\$63,000,000	\$65,520,000	\$65,520,000	\$65,520,000

Figure 2: 16 TAC 401.308 (c) (1)

Table 2: Prize Amounts

Matching Combinations	Prize Category	Odds of Winning
All five matching numbers in one play - (Top prize)	First Prize	1:575,757
Any four, but not five matching numbers in one play	Second Prize	1:3,387
Any three, but not four or five matching numbers in one play	Third Prize	1:103

Figure 1: 22 TAC, §131.138

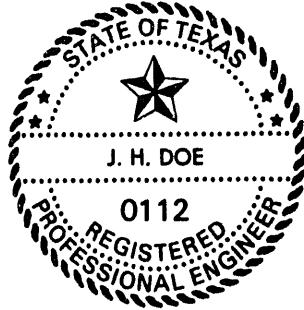


Figure 1: 25 TAC 403.49 indicates that this material is located in rule 403.49.

**TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION
MONTHLY ABILITY-TO-PAY FEE SCHEDULE**

Annual Gross Income	Monthly Gross Income	Maximum Monthly Fee by Family Size									% Monthly Income (Size=1)
		1	2	3	4	5	6	7	8	9+	
\$ 7,360	\$ 613	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	2.00%
9,200	767	0	0	0	0	0	0	0	0	0	2.25%
11,040	920	23	0	0	0	0	0	0	0	0	2.50%
12,880	1,073	30	23	0	0	0	0	0	0	0	2.75%
14,720	1,227	37	30	23	0	0	0	0	0	0	3.00%
16,560	1,380	45	37	30	23	0	0	0	0	0	3.25%
18,400	1,533	54	45	37	30	23	0	0	0	0	3.50%
20,240	1,687	63	54	45	37	30	23	0	0	0	3.75%
22,080	1,840	74	63	54	45	37	30	23	0	0	4.00%
23,920	1,993	85	74	63	54	45	37	30	23	0	4.25%
25,760	2,147	97	85	74	63	54	45	37	30	23	4.50%
27,600	2,300	109	97	85	74	63	54	45	37	30	4.75%
29,440	2,453	123	109	97	85	74	63	54	45	37	5.00%
31,280	2,607	137	123	109	97	85	74	63	54	45	5.25%
33,120	2,760	152	137	123	109	97	85	74	63	54	5.50%
34,960	2,913	168	152	137	123	109	97	85	74	63	5.75%
36,800	3,067	184	168	152	137	123	109	97	85	74	6.00%
38,640	3,220	201	184	168	152	137	123	109	97	85	6.25%
40,480	3,373	219	201	184	168	152	137	123	109	97	6.50%
42,320	3,527	238	219	201	184	168	152	137	123	109	6.75%
44,160	3,680	258	238	219	201	184	168	152	137	123	7.00%
46,000	3,833	278	258	238	219	201	184	168	152	137	7.25%
47,840	3,987	299	278	258	238	219	201	184	168	152	7.50%
49,680	4,140	321	299	278	258	238	219	201	184	168	7.75%
51,520	4,293	343	321	299	278	258	238	219	201	184	8.00%
53,360	4,447	367	343	321	299	278	258	238	219	201	8.25%
55,200	4,600	391	367	343	321	299	278	258	238	219	8.50%
57,040	4,753	416	391	367	343	321	299	278	258	238	8.75%
58,880	4,907	442	416	391	367	343	321	299	278	258	9.00%
60,720	5,060	468	442	416	391	367	343	321	299	278	9.25%
62,560	5,213	495	468	442	416	391	367	343	321	299	9.50%
64,400	5,367	523	495	468	442	416	391	367	343	321	9.75%
66,240	5,520	552	523	495	468	442	416	391	367	343	10.00%
68,080	5,673	582	552	523	495	468	442	416	391	367	10.25%
69,920	5,827	612	582	552	523	495	468	442	416	391	10.50%
71,760	5,980	643	612	582	552	523	495	468	442	416	10.75%
73,600	6,133	675	643	612	582	552	523	495	468	442	11.00%
75,440	6,287	707	675	643	612	582	552	523	495	468	11.25%
77,280	6,440	741	707	675	643	612	582	552	523	495	11.50%
79,120	6,593	775	741	707	675	643	612	582	552	523	11.75%
80,960	6,747	810	775	741	707	675	643	612	582	552	12.00%
82,800	6,900	845	810	775	741	707	675	643	612	582	12.25%
84,640	7,053	882	845	810	775	741	707	675	643	612	12.50%
86,480	7,207	919	882	845	810	775	741	707	675	643	12.75%
88,320	7,360	957	919	882	845	810	775	741	707	675	13.00%
90,160	7,513	996	957	919	882	845	810	775	741	707	13.25%
92,000	7,667	1,035	996	957	919	882	845	810	775	741	13.50%
93,840	7,820	1,075	1,035	996	957	919	882	845	810	775	13.75%
95,680	7,973	1,116	1,075	1,035	996	957	919	882	845	810	14.00%
97,520	8,127	1,158	1,116	1,075	1,035	996	957	919	882	845	14.25%
99,360	8,280	1,201	1,158	1,116	1,075	1,035	996	957	919	882	14.50%
101,200	8,433	1,244	1,201	1,158	1,116	1,075	1,035	996	957	919	14.75%
103,040	8,587	1,288	1,244	1,201	1,158	1,116	1,075	1,035	996	957	15.00%
104,880	8,740	1,333	1,288	1,244	1,201	1,158	1,116	1,075	1,035	996	15.25%

Figure 1: 30 TAC 334.97(b)(1)

Name: (name of each covered location)

Address: (address of each covered location)

Policy Number:

Period of Coverage: (current policy period)

Name of (Insurer or Risk Retention Group):

Address of (Insurer or Risk Retention Group):

Name of Insured:

Address of Insured:

Endorsement:

1. This endorsement certifies that the policy to which the endorsement is attached provides liability insurance covering the following underground storage tanks:

(List the number of tanks at each facility and the names(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the registration information submitted pursuant to Title 30, Texas Administrative Code, §334.7, and the name and address of the facility.)

for (insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location) arising from operating the underground storage tank(s) identified in this paragraph.

The limits of liability are (insert the dollar amount of the "each occurrence" and "annual aggregate" limits of the Insurer's or Group's liability; if the amount of coverage is different for different types of coverage or for different underground storage tanks or locations, indicate the amount of coverage for each type of coverage and/or for each underground storage tank or location), exclusive of legal defense costs. This coverage is provided under (policy number). The effective date of said policy is (date).

2. The insurance afforded with respect to such occurrences is subject to all of the terms and conditions of the policy; provided, however, that any provisions inconsistent with subsections (a) through (e) of paragraph 2 are hereby amended to conform with these subsections (a) through (e):

a. Bankruptcy or insolvency of the insured shall not relieve the ("Insurer" or "Group") of its obligations under the policy to which this endorsement is attached.

b. The ("Insurer" or "Group") is liable for the payment of amounts within any deductible applicable to the policy to the provider of corrective action or a damaged third-party, with a right of reimbursement by the insured for any such payment made by the ("Insurer" or "Group"). This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in Title 30, Texas Administrative Code, §334.95 through 334.100 (relating to Financial Test of Self-Insurance; Guarantee; Insurance and Risk Retention Group Coverage; Surety Bond; Letter of Credit; and Trust Fund).

c. Whenever requested by the Executive Director of the Texas Natural Resource Conservation Commission, the ("Insurer" or "Group") agrees to furnish to the executive director of the Texas Natural Resource Conservation Commission a signed duplicate original of the policy and all endorsements.

d. Cancellation or any other termination of the insurance by the ("Insurer" or "Group") will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured.

(Insert for claims-made policies:

e. The insurance covers claims for any occurrence that commenced during the term of the policy that is discovered and reported to the ("Insurer" or "Group") within six months of the effective date of the cancellation or termination of the policy.)

I hereby certify that the wording of this instrument is identical to the wording in Title 30, Texas Administrative Code, §334.97(b)(1), and that the ("Insurer" or "Group") is ("licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer in Texas").

(Signature of authorized representative of Insurer or Risk Retention Group)

(Name of person signing)

(Title of person signing), Authorized Representative of (Name of Insurer or Risk Retention Group)

(Address of Representative)

[Name: [name of each covered location]

Address: [address of each covered location]

Policy Number:

Period of Coverage: [current policy period]

Name of [Insurer or Risk Retention Group]:

Address of [Insurer or Risk Retention Group]:

Name of Insured:

Address of Insured:

Endorsement:

1. This endorsement certifies that the policy to which the endorsement is attached provides liability insurance covering the following underground storage tanks:

(List the number of tanks at each facility and the names(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the registration information submitted pursuant to §334.7 of Title 31, Texas Administrative Code, and the name and address of the facility.)

for (insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the underground storage tank(s) identified in this paragraph.

The limits of liability are (insert the dollar amount of the "each occurrence" and "annual aggregate" limits of the Insurer's or Group's liability; if the amount of coverage is different for different types of coverage or for different underground storage tanks or locations, indicate the amount of coverage for each type of coverage and/or for each underground storage tank or location], exclusive of legal defense costs. This coverage is provided under [policy number]. The effective date of said policy is [date].

2. The insurance afforded with respect to such occurrences is subject to all of the terms and conditions of the policy; provided, however, that any provisions inconsistent with subsections (a) through (e) of paragraph 2 are hereby amended to conform with these subsections (a) through (e):

a. Bankruptcy or insolvency of the insured shall not relieve the ["Insurer" or "Group"] of its obligations under the policy to which this endorsement is attached.

b. The ["Insurer" or "Group"] is liable for the payment of amounts within any deductible applicable to the policy to the provider of corrective action or a damaged third-party, with a right of reimbursement by the insured for any such payment made by the ["Insurer" or "Group"]. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in §<*>334.95 through 334.100 of this title (relating to Financial Test of Self-Insurance; Guarantee; Insurance and Risk Retention Group Coverage; Surety Bond; Letter of Credit; and Trust Fund) of Title 31, Texas Administrative Code.

c. Whenever requested by the Executive Director of the Texas Water Commission, the ["Insurer" or "Group"] agrees to furnish to the executive director of the Texas Water Commission a signed duplicate original of the policy and all endorsements.

d. Cancellation or any other termination of the insurance by the ["Insurer" or "Group"] will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured.

[Insert for claims-made policies:

e. The insurance covers claims for any occurrence that commenced during the term of the policy that is discovered and reported to the ["Insurer" or "Group"] within six months of the effective date of the cancellation or termination of the policy.]

I hereby certify that the wording of this instrument is identical to the wording in §334.97(b) (1) of Title 31, Texas Administrative Code and that the ["Insurer" or "Group"] is ["licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer in one or more states"].

[Signature of authorized representative of Insurer or Risk Retention Group]

[Name of person signing]

[Title of person signing], Authorized Representative of [Name of Insurer or Risk Retention Group]

[Address of Representative]]

Figure 2: 30 TAC 334.97(b) (2)

Name: (name of each covered location)

Address: (address of each covered location)

Policy Number:

Endorsement (if applicable):

Period of Coverage: (current policy period)

Name of (Insurer or Risk Retention Group):

Address of (Insurer or Risk Retention Group):

Name of Insured:

Address of Insured:

Certification:

1. (Name of Insurer or Risk Retention Group), (the "Insurer" or "Group"), as identified above, hereby certifies that it has issued liability insurance covering the following underground storage tank(s):

(List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the registration information submitted pursuant to Title 30, Texas Administrative Code, §334.7, and the name and address of the facility.) for (insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location) arising from operating the underground storage tank(s) identified above.

The limits of liability are (insert the dollar amount of the "each occurrence" and "annual aggregate" limits of the Insurer's or Group's liability; if the amount of coverage is different for different types of coverage or for different underground storage tanks or locations, indicate the amount of coverage for each type of coverage and/or for each underground storage tank or location), exclusive of legal defense costs. This coverage is provided under (policy number). The effective date of said policy is (date).

2. The ("Insurer" or "Group") further certifies the following with respect to the insurance described in paragraph (1):

a. Bankruptcy or insolvency of the insured shall not relieve the ("Insurer" or "Group") of its obligations under the policy to which this certificate applies.

b. The ("Insurer" or "Group") is liable for the payment of amounts within any deductible applicable to the policy, to the provider of corrective action or a damaged third-party, with a right of reimbursement by the insured for any such payment made by the ("Insurer" or "Group"). This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in Title 30, Texas Administrative Code, §334.95 through 334.100 (relating to Financial Test of Self-Insurance; Guarantee; Insurance and Risk Retention Group Coverage; Surety Bond; Letter of Credit; and Trust Fund).

c. Whenever requested by the Executive Director of the Texas Natural Resource Conservation Commission, the ("Insurer" or "Group") agrees to furnish to the Executive Director of the Texas Natural Resource Conservation Commission a signed duplicate original of the policy and all endorsements.

d. Cancellation or any other termination of the insurance by the ("Insurer" or "Group") will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured.

(Insert for claims-made policies:

e. The insurance covers claims for any occurrence that commenced during the term of the policy that is discovered and reported to the ("Insurer" or "Group") within six months of the effective date of the cancellation or termination of the policy.)

I hereby certify that the wording of this instrument is identical to the wording in Title 30, Texas Administrative Code, §334.97(b)(2), and that the ("Insurer" or "Group") is ("licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer in Texas").

(Signature of authorized representative of Insurer)

(Type name)

(Title), Authorized Representative of (name of Insurer or Risk Retention Group)

(Address of Representative)

[Name: [name of each covered location]

Address: [address of each covered location]

Policy Number:

Endorsement (if applicable):

Period of Coverage: [current policy period]

Name of [Insurer or Risk Retention Group]:

Address of [Insurer or Risk Retention Group]:

Name of Insured:

Address of Insured:

Certification:

1. [Name of Insurer or Risk Retention Group], [the "Insurer" or "Group"], as identified above, hereby certifies that it has issued liability insurance covering the following underground storage tank(s):

[List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the registration information submitted pursuant to §334.7 of Title 31, Texas Administrative Code, and the name and address of the facility.] for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the underground storage tank(s) identified above.

The limits of liability are [insert the dollar amount of the "each occurrence" and "annual aggregate" limits of the Insurer's or Group's liability; if the amount of coverage is different for different types of coverage or for different underground storage tanks or locations, indicate the amount of coverage for each type of coverage and/or for each underground storage tank or location], exclusive of legal defense costs. This coverage is provided under [policy number]. The effective date of said policy is [date].

2. The ["Insurer" or "Group"] further certifies the following with respect to the insurance described in paragraph (1):

a. Bankruptcy or insolvency of the insured shall not relieve the ["Insurer" or "Group"] of its obligations under the policy to which this certificate applies.

b. The ["Insurer" or "Group"] is liable for the payment of amounts within any deductible applicable to the policy, to the provider of corrective action or a damaged third-party, with a right of reimbursement by the insured for any such payment made by the ["Insurer" or "Group"]. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in §334.95 through 334.100 of this title (relating to Financial Test of Self-Insurance; Guarantee; Insurance and Risk Retention Group Coverage; Surety Bond; Letter of Credit; and Trust Fund) of Title 31, Texas Administrative Code.

c. Whenever requested by the Executive Director of the Texas Water Commission, the ["Insurer" or "Group"] agrees to furnish to the Executive Director of the Texas Water Commission a signed duplicate original of the policy and all endorsements.

d. Cancellation or any other termination of the insurance by the ["Insurer" or "Group"] will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured.

[Insert for claims-made policies:

e. The insurance covers claims for any occurrence that commenced during the term of the policy that is discovered and reported to the ["Insurer" or "Group"] within six months of the effective date of the cancellation or termination of the policy.]

I hereby certify that the wording of this instrument is identical to the wording in §334.97(b)(2) of Title 31, Texas Administrative Code and that the ["Insurer" or "Group"] is ["licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer in one or more states"].

[Signature of authorized representative of Insurer]

[Type name]

[Title], Authorized Representative of [name of Insurer or Risk Retention Group]

[Address of Representative]]

Figure 3: 30 TAC 334.208 (a)

STATE OF TEXAS

_____ COUNTY

NOTICE OF (type of substance) CONTAMINATED SITE
(for Commercial/Industrial Properties)

KNOW ALL MEN BY THESE PRESENTS THAT:

Pursuant to the rules and/or requirements of the Texas Natural Resource Conservation Commission ("TNRCC"), this document is hereby filed in the Deed Records of _____ County, Texas in compliance with the said requirements of the TNRCC:

I

This notice pertains to the tract of land (hereinafter, the "Property") described within Exhibit "A" attached hereto and incorporated herein as if set forth at length. The Property is located at _____, in (_____ County), Texas. The Property is the former location of a storage tank system that leaked and released (type of substance) into the (list all affected media). Residual subsurface contamination remains at the Property. Notwithstanding such residual contamination, the TNRCC has determined that no additional remediation of the Property is required as of the date of this filing, subject to the provisions of Paragraph II below regarding the use of the Property.

II

Without limitation of any other permissible uses, use of the Property for commercial or industrial use is not prohibited or restricted by the TNRCC. However, notwithstanding the foregoing, should a planned use of the Property result in chronic exposure by persons at the Property to such residual subsurface contamination, then the owner of the Property at that time must provide notice to the TNRCC at least 120 days prior to commencing such planned land use. Such change in land use or a change in site conditions involving excavation or disturbance of (type of substance) affected soil or groundwater may require additional remediation of the contamination located on this Property, if and to the extent required by, and in accordance with, then applicable laws, rules and regulations. Persons who will be conducting subsurface construction activities such as, but not in way of limitation, the excavation of soils, installation or repair of subsurface utilities, installation of foundation piers, groundwater extraction, or other such activity may encounter the soils, soil vapors, or groundwater which have been affected by the release. The owner of the Property at the time of any future subsurface construction activities must comply with all environmental, worker protection and other laws, rules and regulations then applicable.

III

The current owner of the Property and/or any facility thereon is (Landowner), whose address is (City), (State) (Zip) where more specific information may be obtained from the agents or assigns thereof.

IV

This deed notice is not a representation or warranty by the TNRCC as to the suitability of the Property described within Exhibit A for any particular use or purpose, nor does it constitute any guarantee by the TNRCC that additional remediation will not be required in the future at the Property. Further information concerning this matter may be found in the TNRCC Underground Storage Tank Notice of Registration No. _____ file and Leaking Petroleum Storage Tank ("LPST") No. _____ file, which are available for inspection upon request at the office of the TNRCC in Austin, Texas.

EXECUTED this the _____ day of _____, 19____.

(Landowner or Authorized Representative)
By: _____

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on _____, 19____, by (Owner).

Notary Public in and for the State
of (State)

My Commission Expires:

Typed or Printed Name of Notary

Figure 4: 30 TAC 334.208(b)

STATE OF TEXAS

_____ COUNTY

NOTICE OF (type of substance) CONTAMINATED SITE
(for Residential Properties)

KNOW ALL MEN BY THESE PRESENTS THAT:

Pursuant to the rules and/or requirements of the Texas Natural Resource Conservation Commission ("TNRCC"), this document is hereby filed in the Deed Records of _____ County, Texas in compliance with the said requirements of the TNRCC:

I

This notice pertains to the tract of land (hereinafter, the "Property") described within Exhibit "A" attached hereto and incorporated herein as if set forth at length. The Property is located at _____, in (_____ County), Texas. The Property is the former location of a storage tank system that leaked and released (type of substance) into the (list all affected media). Residual subsurface contamination remains at the Property. Notwithstanding such residual contamination, the TNRCC has determined that no additional remediation of the Property is required as of the date of this filing, subject to the provisions of Paragraph II below regarding the use of the Property.

II

Without limitation of any other permissible uses, use of the Property for residential use is not prohibited or restricted by the TNRCC. However, notwithstanding the foregoing, should a planned use of the Property include the installation of (a water well), then the owner of the Property at that time must provide notice to the TNRCC at least 120 days prior to commencing such planned land use. Such change in land use or a change in site conditions involving the disturbance of (type of substance) affected groundwater or soil may require additional remediation of the contamination located on this Property in accordance with, then applicable laws, rules and regulations. Persons who will be conducting subsurface construction activities such as, but not in way of limitation, the excavation of soils, installation or repair of subsurface utilities, installation of foundation piers, groundwater extraction, or other such activity may encounter the soils, soil vapors, or groundwater which have been affected by the release. The owner of the Property at the time of any future subsurface construction activities must comply with all environmental, worker protection and other laws, rules and regulations then applicable to the Property. The remediation plan (does/does not) require continued post closure care, engineering control measures, or legal controls (describe).

III

The current owner of the Property and/or any facility thereon is (Landowner), whose address is (City), (State) (Zip) where more specific information may be obtained from the agents or assigns thereof.

IV

This deed notice is not a representation or warranty by the TNRCC as to the suitability of the Property described within Exhibit A for any particular use or purpose, nor does it constitute any guarantee by the TNRCC that additional remediation will not be required in the future. Further information concerning this matter may be found in the TNRCC Underground Storage Tank Notice of Registration No. _____ file and Leaking Petroleum Storage Tank ("LPST") No. _____ file, which are available for inspection upon request at the office of the TNRCC in Austin, Texas.

EXECUTED this the _____ day of _____, 19____.

Landowner or Authorized Representative
By: _____

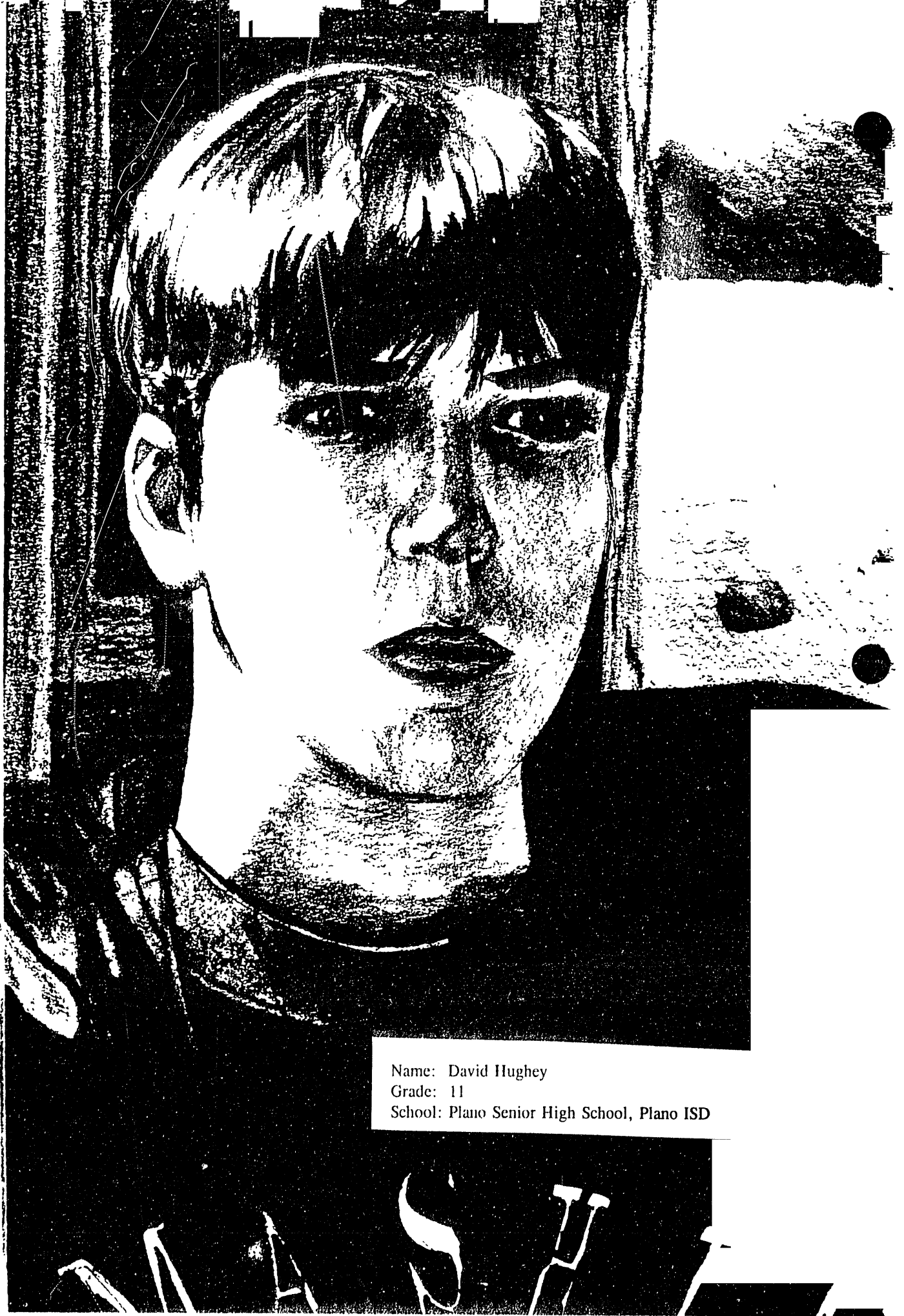
STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on _____, 19____
_, by (Owner).

Notary Public in and for the State of
(State)

My Commission Expires:

Typed or Printed Name of Notary



Name: David Hughey

Grade: 11

School: Plano Senior High School, Plano ISD

OPEN MEETINGS

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

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

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

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

Texas Department of Agriculture

Tuesday, July 25, 1995, 10:00 a.m.

Texas Department of Agriculture, 1700 North Congress Avenue, Room 928B

Austin

Office of Hearings

AGENDA:

Administrative hearing to review alleged violations of Texas Agriculture Code, §13.035(b), by Our Store.

Contact: Joyce C. Arnold, P.O. Box 12847, Austin, Texas 78711, (512) 475-1668.

Filed: July 7, 1995, 1:40 p.m.

TRD-9508352

Thursday, July 27, 1995, 10:00 a.m.

Texas Department of Agriculture, 1700 North Congress Avenue, Room 298B

Austin

Office of Hearings

AGENDA:

Administrative hearing to review alleged violation of 4 Texas Administrative Code, §6.4, by Southwest Farm and Ranch.

Contact: Joyce C. Arnold, P.O. Box 12847, Austin, Texas 78711, (512) 475-1668.

Filed: July 10, 1995, 9:48 a.m.

TRD-9508413

Tuesday, August 15, 1995, 10:00 a.m.

Texas Department of Agriculture, 1700 North Congress Avenue, Room 928B

Austin

Office of Hearings

AGENDA:

Administrative hearing to take further testimony in the case of Charles Wetgrove Company, Incorporated vs Teddy Bertuca Company, Incorporated, regarding alleged violations of Texas Agriculture Code, §103.001-103.015 (Vernon 1995).

Contact: Barbara B. Deane, P.O. Box 12847, Austin, Texas 78711, (512) 463-7448.

Filed: July 7, 1995, 1:40 p.m.

TRD-9508351

The State Bar of Texas

Friday, July 21, 1995, 9:00 a.m.

Del Lago Conference Center and Resort on Lake Conroe, Tejas III Room

Between Conroe and Montgomery

Executive Committee

AGENDA:

Call to order/roll call/approval of minutes/reports from president, president-elect, executive director, Office of General Counsel, Texas Young Lawyers Association president, immediate past president, and supreme court liaison/adjourn.

Contact: Pat Hiller, P.O. Box 12487, Austin, Texas 78711, 1-800-204-2222.

Filed: July 12, 1995, 3:42 p.m.

TRD-9508672

Texas Bond Review Board

Thursday, July 20, 1995, 10:00 a.m.

300 West 15th Street, Committee Room #5, Clements Building, Fifth Floor

Austin

AGENDA:

I. Call to order

II. Approval of minutes

III. Consideration of proposed issues

A. Texas Department of Criminal Justice-lease purchase of fabric waste reclamation line

B. Texas Public Finance Authority-Tax-Exempt General Obligation Commercial Paper Notes for projects for Texas Youth Commission

C. Texas Woman's University-Constitutional Appropriation Bonds, Series 1995

D. Texas Woman's University-Combined Fee Revenue Bonds, Series 1995

IV. Other business

A. Texas Public Finance Authority-transfer of unobligated construction fund balances from projects funded for the Texas Department of Mental Health and Mental Retarda-

tion (Series 1987, 1988C and 1990A General Obligation Bonds)

B. Texas Department of Housing and Community Affairs—amendments to documents related to Texas Housing Agency Multi-Family Housing Revenue Bonds, Series 1984

C. Texas Department of Housing and Community Affairs—amendments to documents related to Texas Housing Agency Adjustable Rate Demand Multi-Family Housing Revenue Bonds 1984, Series A and B

D. Report on ratings

V. Adjourn

Contact: Albert L. Bacarisse, 300 West 15th Street, Suite 409, Austin, Texas 78701, (512) 463-1741

Filed: July* 12, 1995, 2:54 p.m.

TRD-9508663

Texas Board of Chiropractic Examiners

Tuesday, July 25, 1995, 10:00 a.m.

333 Guadalupe, Tower III, Room 101

Austin

AGENDA

Board member training

Contact: Patte B. Kent, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701, (512) 305-6700

Filed: July 13, 1995, 10:01 a.m.

TRD-9508694

Tuesday, July 25, 1995, 1:00 p.m.

333 Guadalupe, Tower III, Room 101

Austin

AGENDA

Consideration, discussion, any appropriate action and/or approval of: 1. the minutes of the March 2, 1995 board meeting; 2. The report of the president; 3. The report of the executive director; 4. Committee reports. A. Enforcement Committee, i. Enforcement actions for fiscal year 1995, B. Education Committee, i. Report of the Education Committee, ii. Consideration, discussion, any appropriate action and/or approval of licensure of Enrique Castro, D.C.; 5. Committee appointments, 6. fee structure as required in the appropriation act approved by the 74th Texas Legislature; 7. Provisional licensure procedures and states whose laws are substantially equivalent to Texas law; 8. Executive session. The board may meet from time to time in executive session to consult with its attorneys regarding matters authorized by §551.071 of the Government Code, including the Chiropractic Society of

Texas, et al v. the Texas Board of Chiropractic Examiners, Cause #9408315 in the District Court of Travis County, Texas as appealed to the Third Court of Appeals. The board may also consult with its attorneys regarding personnel matters authorized by §551.074 of the Government Code, including the annual performance evaluation of the executive director and possible achievement process, 9. Legal advice in the Chiropractic Society of Texas, et al v. the Texas Board of Chiropractic Examiners, Cause #9408315 in the District Court of Travis County, Texas as appealed to the Third Court of Appeals; 10. Items to be considered for future agenda

Contact: Patte B. Kent, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701, (512) 305-6700

Filed: July 13, 1995, 10:01 a.m.

TRD-9508693

Texas Department of Criminal Justice

Thursday, July 20, 1995, 2:30 p.m.

Camino Real Paso Del Norte Hotel, 101 South El Paso Street

El Paso

Administration Committee

AGENDA:

I. Update on fiscal year 1996 operating budget

II. Fiscal year 1996 Education and Recreation Fund budget

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required to contact Amanda Ogden (512) 463-9472 at least two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 12, 1995, 8:19 a.m.

TRD-9508565

Thursday, July 20, 1995, 3:00 p.m.

Camino Real Paso Del Norte Hotel, 101 South El Paso Street

El Paso

Facilities Committee

AGENDA:

I. Authorization for construction/remodeling Refurbish all water lines, Ferguson unit-\$359,290 II. Items furnished to subcommittee for information

a. Bid tab for Western Regional Medical Facility-\$8,000,000 (original cost estimate)

Adjacent to the 550 bed John Montford Psychiatric Unit at Lubbock, Texas. This project was approved by the TBCJ Construction and Repair Subcommittee at a special meeting in Huntsville, Texas on October 20, 1994. Bids were received on July 11 and the bid tab is attached with the original project documentation.

b. Funds moved between projects, Mode I State Jail Program

\$2,000,000-Hidalgo 1100 co-gender SJF to Dallas County 2000 SJF

\$1,000,000-Hidalgo 1100 co-gender SJF to El Paso 1100 co-gender SJF

\$500,000-Mitchell County 900 SJF to Plainview 1100 co-gender SJF

\$1,000,000-Burnet SATF to College Station 1000 bed SATF

\$750,000-Wood County SATF to Beaumont 1000 SATF

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required to contact Amanda Ogden (512) 463-9472 at least two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 12, 1995, 8:19 a.m.

TRD-9508566

Thursday, July 20, 1995, 3:00 p.m.

Camino Real Paso Del Norte Hotel, 101 South El Paso Street

El Paso

CJAD Liaison with Counties and Other Criminal Justice Agencies

AGENDA:

I. Discussion of fiscal year 1996-1997 Diversion Target Program funding recommendations

II. Program performance review

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required to contact Amanda Ogden (512) 463-9472 at least two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 12, 1995, 8:20 a.m.

TRD-9508567

Thursday, July 20, 1995, 3:30 p.m.

Camino Real Paso Del Norte Hotel, 101
South El Paso Street

El Paso

Minority and Employee Relations Committee

AGENDA:

- I. Reduction in force
- II. Selection policy implementation
- III. Human resources legislation
- IV. Executive level cultural diversity training
- V. Other items

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required to contact Amanda Ogden (512) 463-9472 at least two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 12, 1995, 8:20 a.m.

TRD-9508568

Thursday, July 20, 1995, 4:30 p.m.

Camino Real Paso Del Norte Hotel, 101
South El Paso Street

El Paso

Committee on Substance Abuse and Texas
Commission on Alcohol and Drug Abuse

AGENDA:

- I. Call to order
- II. Approval of minutes
- III. Overview of program changes
 - a. Outpatient program
 - b. Inpatient programs
 - c. Substance abuse felony punishment facilities

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required to contact Amanda Ogden (512) 463-9472 at least two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 12, 1995, 8:20 a.m.

TRD-9508569

Thursday, July 20, 1995, 5:30 p.m.

Camino Real Paso Del Norte Hotel, Board
Room, 101 South El Paso Street

El Paso

Windham School Board

AGENDA:

- Call to order
Convene Windham School Board
I. Executive session

A. Discussion concerning the contract nonrenewal of probationary employee(s).
(Closed in accordance with §551.071, Texas Government Code.)

B. Discussion concerning an employee grievance.
(Closed in accordance with §551.071, Texas Government Code.)

C. Discussion concerning dismissal of a contracted employee.
(Closed in accordance with §551.071, Texas Government Code.)

Adjourn executive session

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required to contact Amanda Ogden (512) 463-9472 at least two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 12, 1995, 8:19 a.m.

TRD-9508563

Friday, July 21, 1995, 8:30 a.m.

Camino Real Paso Del Norte Hotel, 101
South El Paso Street

El Paso

Texas Board of Criminal Justice

AGENDA:

- II. Regular session—Call to order
 - A. Consent items
 - B. Board Committee reports—Non-action items
 - C. Construction briefing
 - D. Transfer of facilities to the Texas Youth Commission
 - E. Briefing on Beneficial Occupancy Plan
 - F. Prison admissions procedures
 - G. Changes in classification plan and administrative segregation plan
 - H. Adoption of CJAD revised standards,

I. Proposed community corrections program funding formula limits

J. Legislative action plan highlights (include budget)

K. Request for financing plan from Public Financing Authority

L. Education and recreation budget

M. Recontracting—Private prisons

N. Approval of land exchange in Jefferson County

O. Report on Project Re-Enterprise Program

P. Review of Board Policy 01.06

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required to contact Amanda Ogden (512) 463-9472 at least two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 11, 1995, 10:50 a.m.

TRD-9508515

Friday, July 21, 1995, 8:30 a.m.

Camino Real Paso Del Norte Hotel, 101
South El Paso Street

El Paso

Revised Agenda

Texas Board of Criminal Justice

AGENDA:

- Convene Texas Board of Criminal Justice
- I. Executive session
 - Adjourn executive session
 - Reconvene
 - II. Regular session
 - A. Consent items
 - B. Board committee reports/division executive summaries
 - Non-action items
 - C. Construction briefing
 - D. Transfer of facilities to the Texas Youth Commission
 - E. Briefing on Beneficial Occupancy Plan
 - F. Prison admissions procedures
 - Texas
 - G. Changes in classification plan and administrative segregation plan
 - H. Briefing by Judicial Advisory Council
 - I. Adoption of CJAD revised standards
 - J. Proposed rule on community supervision officers carrying weapons

- K Proposed Community Corrections Program funding formula limits
 - L Legislative Action Plan highlights
 - M Request for financing from Public Financing Authority
 - N Education and recreation budget
 - O Recontracting-Private prisons
 - P Approval of land exchange in Jefferson County
 - Q Approval of grant easement to be conveyed from Elkins Lake Recreation Corporation to the City of Huntsville
 - R Project Re-Enterprise Program
 - S Review of Board Policy 01 06
 - T Annual Audit Plan fiscal year 1996
- Adjourn

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required to contact Amanda Ogden (512) 463-9472 at least two work days prior to the meeting so that appropriate arrangements can be made

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250

Filed: July 12, 1995, 8:19 a.m.

TRD-9508562

Friday, July 21, 1995, 9:00 a.m.

Camino Real Paso Del Norte Hotel, Salon C and D, 101 South El Paso Street

El Paso

Windham School Board

AGENDA:

Reconvene Windham School Board

II Regular session

A Personnel action items

- 1 Nonrenewal of probationary employee(s)
 2. Dismissal of contract employees
- B. Consent items
1. Minutes of the May 4, 1995, meeting
 2. Employment contracts
 3. Dual employment requests
 - 4 Contract renewal of probationary personnel
 5. Consultant contracts for special education services for 1995-1996
 6. Appraisers for 1995-1996

7. Deletion of policies on term contract nonrenewal, 7.08-1, and dismissal during term of contract, 7.08-2

C. Discussion and action items

1. Revision of the policy on employment of personnel, 7.01
2. Revision of the policy on resignation, 7.08-3
- 3 Policy on progressive discipline
- 4 Policy on sick leave pool
- 5 Revision of policy on reduction in force, 7.08-6
6. Revision of policy on contract and noncontract employment, 7.05
7. Revision of policy on sexual harassment
- 8 1995-1996 depository pledge contract
- 9 WSS budget and salary schedules for 1995-1996

D. Public comment

Adjourn Windham School System Board

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required to contact Amanda Ogden (512) 463-9472 at least two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 12, 1995, 8:19 a.m.

TRD-9508564

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State Board of Dental Examiners

Friday, July 21, 1995, 8:00 a.m.

SBDE Offices, 333 Guadalupe, Tower Three, Suite 800

Austin

Dental Hygiene Advisory Committee

AGENDA:

- I. Call to order
- II. Roll call
- III. Approval of minutes from June 30 committee meeting
- IV. Discuss and consider designating Glenna Johns, RDH, Cathy Blunck, RDH, and Dr. Paul Stubbs to serve as examiners on the WREB examining team
- V. Discuss and consider rules proposed at the June 30 meeting that define licensure by credentials for dental hygienists
- VI. Discuss and consider issues regarding Alabama preceptorship being able to obtain a license through the credentials process

VII. Discuss and consider the dental hygiene licensure by credentials application fee to \$476

VIII. Discuss and consider administrative issues

A. Reimbursement process

B. Participation at future CHAC meetings

IX. Adjourn

Contact: Douglas A. Beren, Ph.D., 333 Guadalupe, Tower III, Suite 800, Austin, Texas 78701, (512) 463-6400.

Filed: July 11, 1995, 3:16 p.m.

TRD-9508550

Friday-Saturday, July 21-22, 1995, 8:00 a.m.

SBDE Offices, William Hobby Building, 333 Guadalupe, Hearing Room 100

Austin

Board Meeting

AGENDA:

I. Call to order

II. Roll call

III. Approval of past minutes

IV. Appearances before the board

Dr. Jack Walker, Bob Robinson for TPAP, Dr. Anthony Kindle, Dr. Lance Trogle, Dr. Gary Ward, Dr. David Hayes

V. Enforcement-A. Discussion and consider approval/denial of settlement conference orders B. Discussion and consider requests for modifications to board orders; Dr. Patricia LaCombe, Dr. Daniel West. C. Enforcement Committee report and discussion of cases pending administrative procedure.

VI. Administration-Administration Committee report to discuss and consider agency operating budget report; discuss and consider authorization and approval of petty cash account; discuss and consider approval of new agency organizational chart; discuss and consider approval of agency newsletter; discuss and consider approval of executive director's financial statement. Legislative Committee report.

VII. Licensing and Examination-Discuss and consider approval/denial of sedation-anesthesia permits; discuss and consider procedures to place a dental/dental hygiene license in retired status; discuss and consider the request for Dr. L. C. McCauley to place his license in a retired status and to waive past fees and penalties. Credentials Committee report to discuss and consider approval/denial of applicants for licensure by credentials-dentists; report on June 30 Credentials Committee meeting. Examination Committee report to discuss and consider specialty examinations and specialty licensure; discuss and consider designating Cathy Blunck, RDH, Glenna Johns, RDH,

and Dr. Paul Stubbs to serve on the WREB dental hygiene examining team as recommended by the DHAC. Continuing Education report. Dental Hygiene Advisory Committee report.

VIII. Discuss existing SBDE rules that conflict with the new Dental Practice Act; discuss new rules required by DFA.

IX. President's report to discuss scheduling future board meetings; discuss scheduling future committee meetings; designate Jeffrey Hill to act in the absence of the executive director; designate Douglas Beran as the Health Professions Council representative for the SBDE.

X. Executive director's report to discuss Health Professions Council status; discuss upgrading agency computer VAX system; discuss agency telephone equipment; discuss Article IX of the Appropriations Act.

XI. Public testimony.

XII. Executive session to discuss pending litigation pursuant to Article §551.071, Texas Government Code, 1994 Robinowitz vs. SBDE; Beck vs. SBDE; Solomon vs. SBDE; Hernandez vs. SBDE; Irish vs. SBDE; Reed vs. SBDE.

XIII. Adjourn

Contact: Douglas A. Beran, Ph.D., 333 Guadalupe, Tower III, Suite 800, Austin, Texas 78701, (512) 463-6400.

Filed: July 11, 1995, 3:17 p.m.

TRD-9508551

Texas Diabetes Council

Thursday, July 27, 1995, 10:00 a.m.

Room G-107, Texas Department of Health, 1100 West 49th Street

Austin

Managed Care Meeting

AGENDA:

The council will discuss and possibly act on: creation of working committees; assignment of committee members; and set completion dates for committee reports.

Contact: Amy Pearson, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7534. For ADA assistance, contact Richard Butler at (512) 458-6410 or T.D.D. at (512) 458-7708 at least two days prior to the meeting.

Filed: July 12, 1995, 1:28 p.m.

TRD-9508652

Texas Education Agency

Tuesday, July 25, 1995, 8:30 a.m.

Wyndham Austin Hotel, Southpark AB Room, 4140 Governor's Row

Austin

Committee on Teacher Appraisal

AGENDA:

Welcome and overview of committee work; discussion of appraisal requirements in Senate Bill 1; review of project activities since January 1995 meeting; future role of the committee.

Contact: Dr. Nolan Wood, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: July 12, 1995, 11:12 a.m.

TRD-9508638

State Employee Charitable Campaign

Monday, July 17, 1995, 2:00 p.m.

Corpus Christi State School, 902 Airport Road

Corpus Christi

Local Employee Committee-Corpus Christi

AGENDA:

1. Review committee responsibilities
2. Develop campaign plans

Contact: Jerry Mijares, 2902 Leopard Street, Corpus Christi, Texas 78469, (512) 882-2529.

Filed: July 12, 1995, 10:38 a.m.

TRD-9508632

Monday, July 17, 1995, 4:00 p.m.

815 Market Street, Seventh Floor

Galveston

Local Employee Committee-Galveston

AGENDA:

1. Welcome
2. Review of 1995 local budget
3. Distribution of SPC action on appeals
4. Review campaign materials, campaign kickoff and publicity
5. Schedule next meeting

Contact: Mary Mathey, 815 Market Street, Seventh Floor, Galveston, Texas 77553, (512) 450-0840.

Filed: July 6, 1995, 12:58 p.m.

TRD-9508275

Monday, July 24, 1995, 10:00 a.m.

University of Texas Health Science Center, Room 422-A

San Antonio

Local Employee Committee-San Antonio

AGENDA:

1. Status of agency appeals
2. 1995 campaign plan: Brochure and pledge forms; recruitment and utilization of loaned executives; campaign coordinator recruitment and training
3. Policies on agency speakers and tours
4. Revised SECC 1995 timetable

Contact: Mary Mathey, University of Texas Health Science Center, Room 422-A, San Antonio, Texas 78293, (512) 450-0840.

Filed: July 6, 1995, 1:56 p.m.

TRD-9508283

Monday, July 24, 1995, 4:00 p.m.

2207 Line Avenue

Amarillo

Local Employee Committee-Amarillo

AGENDA:

1. Review and approve minutes of June 26, 1995 meeting
2. Determine details of campaign kickoff
3. Review key dates of agency coordinator training
4. Develop strategy for successful training of agency coordinators
5. Review SECC print material ordered

Contact: Sheryl Baker, 2207 Line Avenue, Amarillo, Texas 79106, (806) 376-6359.

Filed: July 11, 1995, 9:20 a.m.

TRD-9508499

Texas Employment Commission

Tuesday, July 18, 1995, 9:00 a.m.

Room 644, TEC Building, 101 East 15th Street

Austin

AGENDA:

Prior meeting notes; executive session to consider Grinnel Fire System Company vs. TEC, et al; actions, if any, resulting from executive session; staff reports; internal procedures of commission appeals; consideration and action on tax liability cases listed on Commission Docket 29 and higher level appeals in unemployment compensation

cases listed on Commission Dockets 28, 28A, 29 and 29A, and set date of next meeting.

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

Filed: July 10, 1995, 4:09 p.m.

TRD-9508485

Texas Energy Coordination Council

Friday, July 21, 1995, 10:00 a.m.

J. J. Pickle Research Campus, 10100 Burnet Road

Austin

AGENDA:

1. Call to order—Roberts
2. Verify meal orders—Peterson
3. Approve/modify agenda—Roberts
4. Approve/modify June minutes—Roberts
5. Council business—Peterson

Obtain E-mail addresses

Lowry Crook's address

6. Old business

Oil spill report—Christopher

Model for Texas energy policy—Nelson/Brink/Gilbert/Walters

1995/1996 strategies—Roberts

7. New business

Resignations and governor appointees

8. Regulatory report—Harvey/Wiley

Appointment status—Roberts

9. Institute reports—Stambaugh

10. Budgets
Texas Building Energy Institute—Stambaugh
Energy Storage Technology Institute—Stambaugh

Texas Energy Coordination Council—Roberts

11. Future meeting site and date—Roberts
Bi-monthly?

12. Miscellaneous comments—Members
3:00 p.m.—Adjourn

Contact: Susan Peterson, 10100 Burnet Road, Austin, Texas 78758, (512) 475-6774.

Filed: July 10, 1995, 2:10 p.m.

TRD-9508456

Friday, July 21, 1995, 10:00 a.m.

J. J. Pickle Research Campus, 10100 Burnet Road

Austin

Revised Agenda

AGENDA:

Original agenda posted on July 10, 1995

Under item #6—Old business

Add: Petroleum Research Institute

Under item #7—New business

Add: TECC/UT contract

***Change item #4 from June to May

Contact: Susan Peterson, 10100 Burnet Road, CES-R7100, Austin, Texas 78758, (512) 475-6774.

Filed: July 12, 1995, 4:05 p.m.

TRD-9508676

Texas State Board of Registration for Professional Engineers

Thursday, July 20, 1995, 10:30 a.m. (Rescheduled from July 21, 1995.)

1917 IH-35 South, Board Room

Austin

Ad Hoc Committee on the North American Free Trade Agreement Regarding Registration

AGENDA:

1. A. Meeting convened by Chairman Guerra at 10:30 a.m.

- B. Roll call

2. Discuss the ratification of the North American Free Trade Agreement Resolution at the annual meeting of the National Council of Examiners for Engineering and Surveying and other issues related to that resolution.

3. Adjourn

Contact: John R. Speed, P.E., 1917 IH-35 South, Austin, Texas 78741, (512) 440-7723.

Filed: July 11, 1995, 4:35 p.m.

TRD-9508558

Friday, July 21, 1995, 10:30 a.m.

1917 IH-35 South, Board Room

Austin

Ad Hoc Committee on the North American Free Trade Agreement Regarding Registration

AGENDA:

1. A. Meeting convened by Chairman Guerra at 10:30 a.m.

- B. Roll call

2. Discuss the ratification of the North American Free Trade Agreement Resolution at the annual meeting of the National Council of Examiners for Engineering and Surveying and other issues related to that resolution.

3. Adjourn

Contact: John R. Speed, P.E., 1917 IH-35 South, Austin, Texas 78741, (512) 440-7723.

Filed: July 11, 1995, 9:46 a.m.

TRD-9508511

Texas Ethics Commission

Friday, July 14, 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 June 16, 1995, meeting; briefing, discussion and possible action to waive certain fines assessed for late filing of a report; briefing, discussion, and possible action on staff proposal regarding procedure for posting information about late filing; briefing, discussion, and possible action on purchasing proposed imaging system; discussion and possible action in response to the following Advisory Opinion Requests Numbers 276, 301, 303, 304, and 305; executive session to discuss personnel matters; discussion and possible action on personnel matters; and adjourn.

Contact: Sarah Woelk, 1101 Camino La Costa, Austin, Texas 78711, (512) 463-5880.

Filed: July 6, 1995, 12:58 p.m.

TRD-9508276

Finance Commission of Texas

Friday, July 14, 1995, 9:00 a.m.

Finance Commission Building, 2601 North Lamar Boulevard, Third Floor

Austin

AGENDA:

- I. Call the meeting to order; review and approval of minutes of previous meeting;

- II. Discussion and review of Finance Commission matters, hear update on Finance Commission building repairs, discussion of and vote on proposed new Chapter 9, Finance Commission hearings rules, discuss-

sion of and vote to adopt Finance Commission resolution recognizing David Laney, discussion of an possible vote on Finance Commission responsibility under §1.011(f) of the Texas Banking Act of 1995;

III. Hear report from the Office of Consumer Credit Commissioner regarding industry status, departmental operations, summary of legislative activity, presentation and possible vote on proposal for decision of appeal of commissioner's cease and desist order served upon Odilon Hidalgo, El Paso, discussion of proposed repeal of 7 TAC Chapter 81;

IV. Hear report from the Savings and Loan Department regarding industry status, departmental operations, summary of legislative activity, discussion of and vote to authorize fiscal year 1996 special assignment, discussion of and vote to publish for comment proposed rules regarding savings and loan procedures throughout 7 TAC;

V. Hear report from the Banking Department regarding industry status, departmental operations from all department divisions; summary and discussion of legislative activity and new appropriation, discussion of and vote to publish for comment proposed and amended rules regarding Texas Banking Act procedures throughout 7 TAC;

VI. Convene into executive session, and adjourn.

Contact: Everette D. Jobe, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1300.

Filed: July 6, 1995, 10:24 a.m.

TRD-9508270

General Land Office

Tuesday, July 18, 1995, 10:00 a.m.

Stephen F. Austin Building, 1700 North Congress Avenue, Room 831

Austin

School Land Board

AGENDA:

Approval of previous board meeting minutes; pooling applications, Big Cowboy (Lobo), Webb County; Fort Trinidad (Dexter) Field, Madison and Houston Counties; Keystone (San Andres) and Keystone (Holt) Fields, Winkler County; Wildcat Field, Eastland County; Ballinger, West (Gardner), Runnels County; North Fishers Reef Field, Chambers County; Pine Island Bayou (Yagua EY-1) Field, Hardin and Jefferson Counties; X-Ray, South (Marble Falls), Erath County; Wildcat Field, Hemphill County; Conroe Field and Conroe Cockfield Upper Field, Montgomery County; Redfish Bay, Mustang Island Field, Nueces County;

and Wildcat Field, Galveston and Harris Counties; consideration of nominations, terms, conditions and procedures for the October 3, 1995 oil, gas and other minerals lease sale; applications to lease highway rights of way for oil and gas, Washington County; Colorado County; Lee County; Red River County; DeWitt County; Wilson County; and Brooks County; direct land sale, Brewster County; consideration of compliance program, Chapter 33, Texas Natural Resource Code and proposed rules for implementation; coastal public lands-lease applications, Armand Bayou, Harris County; Pine Gully, Harris County; Clear Lake, Harris County; easement applications and renewals, Galveston Bay, Chambers County; Carancahua Bay, Calhoun County; Galveston Bay, Galveston County; structure (cabin) permit requests, terminations, renewals and amendments, Chocolate Bay, Brazoria County; Laguna Madre, Willacy County; Bastrop Bay, Brazoria County; Laguna Madre, Cameron County; Titlum-Tatum Bayou, Brazoria County; commercial lease renewal, Dickinson Bayou, Galveston County; commercial easement renewal, Packery Channel, Nueces County; executive session-pending and proposed litigation; executive session-consideration of sale of Permanent School Fund land, Bexar County; open session-consideration of sale of Permanent School Fund land, Bexar County; executive session-consideration of lease on Permanent School Fund with preferential right to purchase, Travis County; open session-consideration of lease on Permanent School Fund land with preferential right to purchase, Travis County.

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

Filed: July 7, 1995, 4:48 p.m.

TRD-9508397

Wednesday, July 19, 1995, 3:00 p.m.

1700 North Congress Avenue, Stephen F. Austin Building, Room #831

Austin

Veterans Land Board

AGENDA:

107. Approval of the April 25, 1995, minutes of the Veterans Land Board meeting.
108. Consideration of forfeiture action on delinquent Veterans Land Board accounts.
109. Consideration of forfeiture action on Veterans Land Board accounts with pending tax suits.
110. Consideration of order for sale on forfeited Veterans Land Board accounts.
111. Consideration of October 24, 1995, as the date for the next forfeited land sale at 1:00 p.m.

112. Consideration of the requests by Lonnie Fea and John Tilley in connection with VLB account #455-98762.

113. Consideration of the request by Veteran Edward R. Kohanek to: rescind VLB account #381-143709, reinstate Mr. Kohanek's eligibility, and permit the purchase of adjacent land.

114. Resolution to appoint financial advisor to the Veterans Land Board.

115. Resolution to appoint bond counsel for the Veterans Land Program.

Contact: Karen Pratt, 1700 North Congress Avenue, Room 700, Austin, Texas 78701, (512) 463-5171.

Filed: July 10, 1995, 2:14 p.m.

TRD-9508474

General Services Commission

Monday, July 17, 1995, 10:30 a.m.

Central Services Building, 1711 San Jacinto, Room 402

Austin

AGENDA:

1) Initial review of staff's recommended 1996 fiscal year operating budget; 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 personnel matters; executive session to consider the status of the purchase of real property pursuant to the provisions of Texas Civil Statutes, Article 601b.

Contact: David R. Brown, 1711 San Jacinto, Austin, Texas 78701, (512) 463-3446.

Filed: July 7, 1995, 11:48 a.m.

TRD-9508338

Office of the Governor

Friday, August 4, 1995, 8:30 a.m.

Jasper County Court House, corner of Main and Lamar, District Court Room

Jasper

Governor's Committee on People

AGENDA:

Regular Quarterly Meeting

1. Full committee meeting; call to order, introductions, and approval of minutes

2. Public comment
 3. Reports; chairman, executive director, members, ex officio members, TAMC, Jason Hose
 4. Legislative report
 5. Concurrent subcommittee meeting; programs and long-range planning and policy
 6. Discussion and recommendations regarding Governor's Committee processes for developing recommendations and promoting implementation of recommendations
 7. Adjournment
- Contact: Virginia Roberts, 1100 San Jacinto, Austin, Texas 78711, (512) 463-5739.

Filed: July 7, 1995, 3:02 p.m.

TRD-9508380

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**Office of the Governor,
Criminal Justice Division**

Tuesday, July 18, 1995, 9:00 a.m.

Insurance Annex Building, 221 East 11th Street

Austin

Texas Narcotics Control Program

AGENDA:

The Texas Narcotics Control Program is having an orientation meeting to brief the new members of the Governor's Drug Policy Advisory Board in their duties and responsibilities.

- I. Opening remarks
- II. Board roles and responsibilities
 - Powers and duties-Executive order
 - Board report to the governor
 - Town hall meetings
- III. Role of Criminal Justice Division
- IV. History
 - TNCP and funding programs
 - Advisory Board
- V. Staff roles and responsibilities
 - Grant monitoring
- VI. Travel reimbursements
- VII. Questions/comments
- VIII. Adjourn

Contact: Sharon Chesnutt, P.O. Box 12428, Austin, Texas 78711-2428, (512) 463-1957.

Filed: July 10, 1995, 9:45 a.m.

TRD-9508410

Tuesday, July 18, 1995, 4:00 p.m.

Gardner-Betts Juvenile Justice Center, 2515 South Congress Avenue, Second Floor Training Room

Austin

Governor's Juvenile Justice Advisory Board

AGENDA:

- I. Call to order, II. Review Grant Applications Manual, III. Question/answer session on review process, IV. Discussion of annual planning meeting, V. Adjourn.

Contact: Glenn Brooks and Jim Kester, P.O. Box 12428, Austin, Texas 78701, (512) 463-1919.

Filed: July 6, 1995, 1:53 p.m.

TRD-9508281

Wednesday, July 19, 1995, 9:30 a.m.

Texas Capitol Extension, 1400 Congress Avenue, House of Representatives Hearing Room E2.010

Austin

Governor's Juvenile Justice Advisory Board

AGENDA:

- I. Call to order, II. Approval of minutes, III. Public comment on applications, IV. Funding recommendations on statewide and demonstration projects, V. Funding recommendations on purchase of juvenile justice alternatives, VI. Challenge Grants Report, VII. RFA on Overrepresentation of Minorities Report, VIII. Adjourn.

Contact: Glenn Brooks and Jim Kester, P.O. Box 12428, Austin, Texas 78701, (512) 463-1919.

Filed: July 6, 1995, 1:54 p.m.

TRD-9508282

Friday, July 21, 1995, 10:30 a.m.

Texas A&M Agriculture Center, Administration Building, 2415 East Highway 83

Weslaco

AGENDA:

The Criminal Justice Division of the Office of the Governor will hold a town hall meeting during which Governor George W. Bush, Secretary of State Tony Garza, and the public will comment on the topic "Seeking Solutions: On Juvenile Crime." This meeting is intended to partially satisfy the federal requirement for public hearings on the Safe and Drug-Free Schools and Communities Act.

I. Opening comments by Karen J. Greene, executive director, Criminal Justice Division, Office of the Governor.

II. Introductions by Karen J. Greene, executive director, Criminal Justice Division, Office of the Governor.

III. Comments by George W. Bush, Governor.

IV. Public comment.

V. Adjournment.

Contact: Camille Cain, 221 East 11th Street, First Floor, Austin, Texas 78701, (512) 463-1789.

Filed: July 10, 1995, 9:45 a.m.

TRD-9508409

Sunday, July 23, 1995, 1:00 p.m.

Marriott Hotel, 900 North Shoreline Boulevard

Corpus Christi

Texas Crime Stoppers Advisory Council Regular Meeting

AGENDA:

- I. Call to order, II. Approval of June 12, 1995 meeting minutes, III. Crime Stoppers staff report, A. Texas Department of Criminal Justice Crime Stoppers Report, IV. Discussion on Seventh Annual Crime Stoppers Conference, V. Discussion on December Special Topics School, VI. Discussion on Ninth Annual Texas Crime Stoppers Conference (1997), VII. Next meeting date, VIII. Adjourn.

Contact: David M. Cobos, P.O. Box 12428, Austin, Texas 78711, (512) 463-1784.

Filed: July 7, 1995, 9:42 a.m.

TRD-9508310

Friday, July 28, 1995, 10:30 a.m.

University of Texas, Robert R. Muntz Library, Room 401, 3900 University Boulevard

Tyler

AGENDA:

The Criminal Justice Division of the Office of the Governor will hold a town hall meeting during which Secretary of State Tony Garza and the public will comment on the topic "Seeking Solutions: On Drugs and Related Crime." This meeting is intended to partially satisfy the federal requirement for public hearings on the Safe and Drug-Free Schools and Communities Act and the Edward Byrne Memorial Fund.

I. Opening comments by Karen J. Greene, executive director, Criminal Justice Division, Office of the Governor.

II. Introductions by Karen J. Greene, executive director, Criminal Justice Division, Office of the Governor.

III. Comments by Tony Garza, Secretary of State.

IV. Public comment.

V. Adjournment.

Contact: Camille Cain, 221 East 11th Street, Austin, Texas 78701, (512) 463-1789.

Filed: July 13, 1995, 8:48 a.m.

TRD-9508686

Texas Department of Health

Monday, July 17, 1995, 10:00 a.m.

Room T-607, Texas Department of Health, 1100 West 49th Street

Austin

Home and Community Support Services Advisory Council

AGENDA:

The council will discuss without council action: summary of licensing activity since May, 1994 workshop; legislative update; key licensure issues with suggested rule changes; status of memorandum of understandings; format of workshop; and public comment.

Contact: Becky Beechinor, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6670. For ADA assistance, contact Richard Butler (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: July 10, 1995, 1:13 p.m.

TRD-9508450

Thursday, July 20, 1995, 10:00 a.m.

Room T-607, Texas Department of Health, 1100 West 49th Street

Austin

County Indigent Health Care Program (CIHCP) Advisory Committee

AGENDA:

The committee will discuss approval of the minutes from the January 26, 1995 meeting, and discuss and possibly act on: drawing for terms; election of chair and vice-chair; review of Indigent Health Care Advisory Committee rules and process for claiming committee-related expenses; Senate Bill 10, status of Medicaid waiver and managed care; CIHCP director's report; public comment period; and schedule of future meetings and suggested agenda items.

Contact: Jane Jaggard, 1100 West 49th Street, Austin, Texas 78756, (512) 338-6461. For ADA assistance, contact Richard Butler at (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: July 7, 1995, 2:12 p.m.

TRD-9508370

Friday, July 21, 1995, 9:30 a.m.

Room T-607, Texas Department of Health, 1100 West 49th Street

Austin

Children With Special Health Care Needs Advisory Committee

AGENDA:

The committee will discuss and possibly act on: overview of committee charge; orientation to the health care delivery association; election of officers; determination of member terms; overview of issues affecting major service programs for children with special health care needs; and future committee meetings.

Contact: Paula Russell, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700, Ext. 3046. For ADA assistance, contact Richard Butler (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: July 10, 1995, 1:13 p.m.

TRD-9508452

Texas Department of Human Services

Friday, July 21, 1995, 11:00 a.m.

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

Austin

Texas Board of Human Services

AGENDA:

1. Approval of the minutes of June 16, 1995. 2. Chair's comments and announcements. 3. Adoption of Quality Assurance Rules for Child and Adult Care Food Program day care homes. 4. Adoption of rules for direct shipment of USDA donated commodities. 5. Community-Based Alternatives rule changes. 6. Status report on the OBRA 1993 Personal Care Task Force recommendations. 7. Amendments to policies and procedures. 8. Community care service reduction options. 9. Approval of fiscal year 1996 operating budget. 10. Commissioner's report. a. announcements and comments. b. tracking of board action items. 11. As authorized by the Texas Open Meetings Act, Government Code, §551.074, the board will recess to go into a closed executive session to conduct the commissioner's performance evaluation. 12. The board will reconvene in open session to take action, if necessary, resulting from discussion in executive session.

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

Filed: July 13, 1995, 10:00 a.m.

TRD-9508692

Department of Information Resources

Thursday, July 13, 1995, 9:00 a.m.

Omni-Austin Hotel, 700 San Jacinto, Representative Room

Austin

Emergency Meeting

Board

AGENDA:

1. Adoption of May meeting minutes
2. Consideration of final adoption of 1 TAC §201.7, relating to Interagency Contracts
3. Consideration of final adoption of 1 TAC §201.13(d), relating to Standards for Data Transport Networks for Computers
4. Consideration of resolution relating to fiscal year 1996 operation budget
5. Board planning session
6. Other business

Reason for emergency: Informal planning meeting, however potential of a quorum of members in attendance necessitates posting of meeting.

Contact: John Hawkins, 300 West 15th Street, Austin, Texas (512) 475-4714.

Filed: July 6, 1995, 2:38 p.m.

TRD-9508287

Texas Department of Insurance

Thursday, July 20, 1995, 9:00 a.m.

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

Austin

AGENDA:

454-95-0837.H

To consider whether Cease and Desist Order Number 95-0517 should be affirmed, modified or set aside in the matter of Native Indian Alliance Insurance Company.

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

Filed: July 11, 1995, 9:24 a.m.

TRD-9508500

Monday, July 24, 1995, 9:00 a.m.

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

Austin

AGENDA:

454-95-0727.C

To consider the application of Robert E. Nachlinger, Dallas, Texas, for a Group I

Legal Reserve Life Insurance Agent's License to be issued to by the Texas Department of Insurance (continued from July 14, 1995).

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

Filed: July 11, 1995, 9:24 a.m.

TRD-9508501

Monday, July 24, 1995, 1:00 p.m.

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

Austin

AGENDA:

454-95-0631.C

To consider whether disciplinary action should be taken against Raudel Rosales Hermosillo, San Antonio, in regards to his Group I Legal Reserve Life Insurance Agent's License issued pursuant to Texas Insurance Code Article 21. 07 (continued from May 25, 1995).

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

Filed: July 11, 1995, 9:24 a.m.

TRD-9508502

Monday, July 24, 1995, 1:00 p.m.

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

Austin

AGENDA:

454-95-0621

To consider whether disciplinary action should be taken against Charles W. Taylor, Corpus Christi, Texas, who holds a Group I, Legal Reserve Life Insurance Agent's License and a Local Recording Agent's License issued by the Texas Department of Insurance (continued from June 21, 1995).

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

Filed: July 11, 1995, 9:25 a.m.

TRD-9508503

Tuesday, July 25, 1995, 9:00 a.m.

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

Austin

AGENDA:

454-95-0514.C

To consider whether disciplinary action should be taken against Richard Fantroy, Duncanville, Texas, who holds a Group I, Legal Reserve Life Insurance Agent's Li-

cense and Local Recording Agent's License (continued from May 25, 1995).

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

Filed: July 11, 1995, 9:25 a.m.

TRD-9508504

Tuesday, July 25, 1995, 9:00 a.m.

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

Austin

AGENDA:

454-95-0726.C

To consider whether disciplinary action should be taken against Daniel Michael Self, Pittsburg, Texas, who holds a Group I Legal Reserve Life Insurance Agent's License and a Local Recording Agent's License issued by the Texas Department of Insurance.

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

Filed: July 11, 1995, 9:25 a.m.

TRD-9508505

Wednesday, July 26, 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, 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 (continued from June 30, 1995).

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

Filed: July 11, 1995, 9:38 a.m.

TRD-9508510

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Texas Juvenile Probation Commission

Tuesday, July 18, 1995, 8:30 a.m.

2015 South IH-35

Austin

Budget Committee Meeting

AGENDA:

Call to order; excuse absences; approval of allocation for state aid, border projects,

challenge grants, innovative and creative grants, diversionary placement grants, community corrections; discussion of prevention programs; discussion of federal drug programs; public comment; and adjourn.

Contact: Vicki Wright, 2015 South IH-35, Austin, Texas 78741, (512) 443-2001.

Filed: July 10, 1995, 10:40 a.m.

TRD-9508438

Tuesday, July 18, 1995, 9:30 a.m.

2015 South IH-35

Austin

Program Committee Meeting

AGENDA:

Call to order; excuse absences; approval of guidelines and methodology for state aid, border projects; challenge grants, innovative and creative grants, diversionary placement grants, community corrections; public comment, and adjourn.

Contact: Vicki Wright, 2015 South IH-35, Austin, Texas 78741, (512) 443-2001.

Filed: July 10, 1995, 10:40 a.m.

TRD-9508437

Tuesday, July 18, 1995, 11:00 a.m.

2015 South IH-35

Austin

Board Meeting

AGENDA:

Call to order; excuse absences; approval of June 16, 1995 minutes; Budget Committee report-approval of allocation for state aid, border projects, challenge grants, diversionary placement grants, community corrections, discussion of prevention programs, discussion of federal drug programs; Program Committee report-approval of guidelines and methodology for state aid, border projects, challenge grants, innovative and creative grants, diversionary placement grants, community corrections; adoption of amendments to the Title IV-E Federal Foster Care Program rules; appointments to the Texas Advisory Council on Juvenile Services; discussion of the internal audit contract; closed executive session-revocation of probation, discussion of the executive director position; director's report; public comments; schedule next meeting, and adjourn.

Contact: Vicki Wright, 2015 South IH-35, Austin, Texas 78741, (512) 443-2001.

Filed: July 10, 1995, 10:40 a.m.

TRD-9508436
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Board of Law Examiners

Saturday-Sunday, July 22-23, 1995, 8:30 a.m.

Suite 500, Tom C. Clark Building, 205 West 14th Street

Austin

AGENDA:

The board will: call to order/determine quorum/consider requests for excused absences; consider approval of minutes, financial reports, and investment reports; hear and act on various reports from staff, board members, and Supreme Court Liaison; hold public hearings and conduct deliberations on character and fitness of the following applicant; John Orville Jones (deliberations may be conducted in executive session pursuant to §82.003(c), Texas Government Code); consider recommendations to Supreme Court regarding rule amendments; consider effect of newly enacted legislation on Board functions; consider effect of consent decree regarding ABA accreditation process; consider adoption of ABA standards for bar examiners; consider special requests for rule waivers and interpretations; meet with legal counsel (in executive session pursuant to §2(e), Open Meetings Act) to discuss pending litigation; consider compilation of bar exam data by race and ethnicity; consider details concerning upcoming exam administration; review exam questions (in executive session pursuant to §82.003(b), Texas Government Code); hear communications from the public; consider policy for setting hearings before the board; consider whether character and fitness matters referred to the board should be set for hearing; consider policy regarding placement of items on board agenda; and adjourn.

Contact: Rachael Martin, P.O. Box 13486, Austin, Texas 78711-3486, (512) 463-1621.

Filed: July 11, 1995, 3:32 p.m.

TRD-9508553

Monday, July 24, 1995, 8:30 a.m.

Suite 500, Tom C. Clark Building, 205 West 14th Street

Austin

Hearings Panel

AGENDA:

The hearings panel will hold public hearings and conduct deliberations, including the consideration of a proposed agreed order, on character and fitness of the following applicants and/or declarants: Joseph D. Morrissey; James A. Cooper; Truman J. Pitxer, Jr.; Steven A. Bearman; Robert N. Blocker. (Character and fitness deliberations may be conducted in executive session, pursuant to §82.003(a), Texas Government Code.)

Contact: Rachael Martin, P.O. Box 13486, Austin, Texas 78711-3486, (512) 463-1621.

Filed: July 11, 1995, 3:32 p.m.

TRD-9508554

Texas Department of Licensing and Regulation

Friday, July 21, 1995, 9:30 a.m.

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

Austin

Texas Commission of Licensing and Regulation

AGENDA:

The commission will hold a regular meeting according to the following outline: I. Call to order; II. Roll call and certification of quorum; III. Discussion of manufactured housing move; IV. Rules submission and policy adoptions; V. Executive session; VI. Open meeting; VII. Discussion of date, time and location of next commission meeting; and XIII. Adjournment.

Contact: Phyllis Wilson, 920 Colorado, Austin, Texas 78701, (512) 463-3173.

Filed: July 10, 1995, 2:48 p.m.

TRD-9508475

Texas Life, Accident, Health and Hospital Service Insurance Guaranty Association

Tuesday, July 18, 1995, 8:00 a.m.

301 Congress Avenue, Suite 500, Board Room

Austin

Executive Committee

AGENDA:

Consideration and possible action on: 1) approval of the October 17, 1994 minutes of the Executive Committee meeting; 2) Executive session; a) review of employment contract for the Association's executive director; 3) Matters discussed in executive session; and 4) Next meeting date.

Some or all of the committee members may participate by telephone conference. This meeting is open to the public and those interested in attending should appear at the stated time, at the above location, which has teleconferencing facilities.

Contact: C. S. LaShelle, 301 Congress Avenue, #500, Austin, Texas 78701, (512) 476-5101.

Filed: July 10, 1995, 1:14 p.m.

TRD-9508454

Tuesday, July 18, 1995, 9:00 a.m.

301 Congress Avenue, Suite 500, Board Austin

Board of Directors

AGENDA:

Consideration and possible action on: 1) Approval of minutes; 2) Guaranty Association activities; 3) Executive session; 4) Matters discussed in executive session; 5) Impaired/insolvent member insurers; 6) Financial reports; 7) Report from committees; 8) Guidelines for policyholder "hardship" withdrawal requests; 9) Final report on the 74th Legislative Session; 10) Policy and Procedures Manual changes; and 11) Next meeting date.

Contact: C. S. LaShelle, 301 Congress Avenue, #500, Austin, Texas 78701, (512) 476-5101.

Filed: July 10, 1995, 1:13 p.m.

TRD-9508453

Texas Lottery Commission

Monday, July 17, 1995, 10:00 a.m.

6937 North IH-35, American Founders Building, First Floor Auditorium

Austin

Bingo Advisory Committee

AGENDA:

Monday, July 17, 1995 at 10:00 a.m.

According to the complete agenda, the Bingo Advisory Committee will call the meeting to order; consideration and possible approval of the April 24, 1995 minutes; report by the Bingo Advisory Committee chair of the June 29, 1995 Texas Lottery Commission meeting regarding the procedures relating to future Bingo Advisory Committee activities and meetings; consideration of and possible action on the Bingo Enabling Act, as recently amended, and the Bingo rules, 16 TAC Chapter 402, including prospective rules; consideration of and possible action on the Bingo Advisory Committee's role of representing the interests of the bingo industry and the Bingo Advisory Committee's goal of providing a forum for dialogue between the bingo industry and the Texas Lottery Commission and commissioners; consideration and possible designation of future Bingo Advisory Committee meetings; and adjournment.

For ADA assistance, call Michelle Guerrero at (512) 323-3791 at least two days prior to meeting.

Contact: Kimberly L. Kiplin, P.O. Box 16630, Austin, Texas 78761-6630, (512) 323-3791.

Filed: July 7, 1995, 2:34 p.m.

TRD-9508375

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Midwestern State University

Tuesday, July 11, 1995, 10:00 a.m.

3410 Taft Boulevard, Hardin Board Room

Wichita Falls

Board of Regents

AGENDA:

The Board will consider 1) a recommendation to request permission from the Texas Higher Education Coordinating Board to reduce nonresident tuition rates for Oklahoma residents attending MSU; 2) a recommendation to hold a public hearing to consider an increase in the MSU general use fee to \$12 per semester credit hour in the spring of 1996 and to \$14 per semester credit hour in the fall of 1996; and 3) a modification to the university's ethics policies to cover sexual harassment issues as required by recently passed legislation.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212.

Filed: July 7, 1995, 9:25 a.m.

TRD-9508306

◆ ◆ ◆
Texas Natural Resource Conservation Commission

Thursday-Friday, July 27-28, 1995, 1:30 p.m. and 9:00 a.m., respectively.

12015 Park 35 Circle, Building E, Room 201S

Austin

Municipal Solid Waste Management and Resource Recovery Advisory Council

AGENDA:

The Municipal Solid Waste Management and Resource Recovery Advisory Council will hold its next meeting on July 27 and 28, 1995, at the Texas Natural Resource Conservation Commission complex, located in Building E, 201S.

The meetings on July 27th will begin at 1:30 p.m. and will include the Border Affairs Committee, Education Committee, and the Regulatory Oversight Committee.

The meetings on July 28th will begin at 9:00 a.m. and will include an annual solid waste "options for Texas" update, committee reports of previous day, public comments, legislative report, and reports regarding the Municipal Solid Waste Division, Waste Planning and Assessment Division,

and the Office of Pollution Prevention and Recycling.

Contact: Gary W. Trim, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-6708.

Filed: July 12, 1995, 9:49 a.m.

TRD-9508598

◆ ◆ ◆
Executive Council of Physical Therapy and Occupational Therapy Examiners

Monday, July 24, 1995, 9:30 a.m.

3001 South Lamar Boulevard, Suite 101

Austin

AGENDA:

I. Call to order

II. Public comment

III. Approval of minutes of April 24, 1995 meeting

IV. Executive session pursuant to §551.071 of the Government Code to meet with the Assistant Attorney General to receive legal advice regarding pending or contemplated litigation

V. Return to open session for further discussion and possible action regarding pending or contemplated litigation

VI. Executive session pursuant to §551.074 of the Government Code to deliberate the employment or duties of the OT Coordinator

VII. Return to open session for further discussion and possible action regarding the employment of duties of the OT Coordinator

VIII. Discussion and possible adoption of §651.1, regarding OT Board fees

IX. Review and possible action on rules proposed by the Texas Board of Occupational Therapy Examiners as follow: Chapters 362, 365, 366, 367, 369, 370, and 374

X. Review and possible action on rules proposed by the Texas Board of Physical Therapy Examiners as follow: Chapters 321, 329, 341, and 346

XI. Discussion and possible action regarding council policy on the refund of fee overpayments

XII. Executive director's report

XIII. Presiding officer's report

XIV. Items for future discussion

XV. Next meeting date

XVI. Adjournment

Contact: John P. Maline, 3001 South Lamar Boulevard, Suite 101, Austin, Texas 78704, (512) 443-8202.

Filed: July 13, 1995, 10:03 a.m.

TRD-9508695

◆ ◆ ◆
Texas Board of Occupational Therapy Examiners

Wednesday, July 19, 1995, 9:30 a.m.

Edinburg Hospital, First Floor Conference Room, 333 West Freddy Gonzalez Drive

Edinburg

Investigative Committee Meeting

AGENDA:

I. Call to order

II. Review and possible action on investigation cases: Numbers 95-12, 95-19, 95-16, 95-17, 95-13, 95-14, 95-11, 95-15, 95-20, 95-14

III. Review and possible action on felony applicants and miscellaneous investigation correspondence

IV. Discussion and possible action on proposed investigation procedures

V. Adjournment

Contact: Joy L. Vaughn, 3001 South Lamar Boulevard, Suite 101, Austin, Texas 78704, (512) 443-8202.

Filed: July 11, 1995, 4:21 p.m.

TRD-9508557

◆ ◆ ◆
Texas State Board of Perfusionists

Tuesday, July 18, 1995, 10:00 a.m.

Room S-402, The Exchange Building, 8407 Wall Street

Austin

Revised Agenda

Rule Committee

AGENDA:

The original agenda filed contained an error in the day of the meeting. The meeting will actually be held on Tuesday, July 18, 1995 instead of Friday, July 18, 1995.

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: July 10, 1995, 1:13 p.m.

TRD-9508451

Texas Property and Casualty Insurance Guaranty Association

Thursday, July 20, 1995, 9:00 a.m.

9420 Research Boulevard, Echelon III, Suite 400

Austin

Board of Directors

AGENDA:

The Texas Property and Casualty Insurance Guaranty Association Board of Directors will meet to call the meeting to order, hear public participation, approve minutes of the April 13, 1995 Board of Directors meeting, discussion and possible action on the assessment policy, Board Committee updates, discussion and possible action on the annual review of Association policies, procedures, and philosophy, discussion on the State Auditor's report, discussion and possible action on amending the Association Plan of Operation, presentation of the 1994 annual report, executive session, discussion and possible action on the items discussed in executive session, discussion and possible action on a date for the next regular meeting of the Board of Directors.

Contact: Marvin Kelly, 9420 Research Boulevard, Suite 400, Austin, Texas 78759, (512) 345-9335.

Filed: July 12, 1995, 10:47 a.m.

TRD-9508636

Texas Department of Protective and Regulatory Services

Tuesday, July 18, 1995, 9:00 a.m.

Wyndham Hotel, Room C, 4100 Governor's Row

Austin

Texas Board of Protective and Regulatory Services

AGENDA:

Meeting with regional directors. Welcome and call to order. Discussion of goals and objectives of the agency. Biennial budget 1996-1997. Legislative update, 1996-1997. Child and adult protective system overview. Reception prior to lunch with staff awards. Luncheon guest speaker. Board workshop. Call to order. Reading, correction, and approval of the minutes of May 9 and June 9, 1995. Public testimony on items not on the agenda. Persons wishing to address the board must submit a completed registration card at the desk on the day of the meeting and follow the guidelines provided. Testimony is limited to three minutes per person.

Report by the chair. Report by the interim executive director. Staff reports: sunset process; quarterly report on Ombudsman Office, and quarterly report on child and adult protective system. Unfinished business: update on selection process for executive director. Executive session: board will meet with attorneys to seek legal advice regarding pending or contemplated litigation and will then return to open session for further discussion and possible action involving pending or contemplated litigation. New business: discussion of fiscal year 1996 operating budget and presentation of initiative and action plan for responsiveness to inquiries and complaints in the regions. Announcements. Adjournment.

Contact: Michael Gee, P.O. Box 149030, Mail Code E-554, Austin, Texas 78714-9030, (512) 450-3645.

Filed: July 10, 1995, 4:03 p.m.

TRD-9508484

Texas Public Finance Authority

Wednesday, July 19, 1995, 10:00 a.m.

300 West 15th Street, Committee Room 5, Fifth Floor

Austin

Board Meeting

AGENDA:

1. Call to order.
2. Approval of minutes of the June 21, 1995 board meeting.
3. Consider selection of financial advisor.
4. Consider selection of co-financial advisor.
5. Executive session to discuss certain personnel matters, specifically pertaining to the position of executive director, and to take whatever action may be required in regard thereto, all in accordance with §551.074, Article 6252-17, §2(g), Texas Open Meetings Act.

Persons with disabilities, who have special communications or other needs, who are planning to attend the meeting should contact Jeanine Barron or Patricia Logan at (512) 463-5544. Requests should be made as far in advance as possible.

Contact: Jeanine Barron, 300 West 15th Street, Suite 411, Austin, Texas 78701, (512) 463-5544.

Filed: July 11, 1995, 11:11 a.m.

TRD-9508520

Public Utility Commission of Texas

Thursday, July 13, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Emergency Meeting

AGENDA:

The commission will hold a workshop on Project Number 14045—rulemaking on transmission pricing and access.

Reason for emergency: Reasonably unforeseeable necessity to have quorum of governing body discuss public business with third parties.

Contact: Amalija J. Hodgins, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 13, 1995, 8:06 a.m.

TRD-9508683

Monday, July 17, 1995, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

AGENDA:

The commission will hold a workshop on Project Number 14045—rulemaking on transmission pricing and access.

Contact: Amalija J. Hodgins, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 10, 1995, 2:56 p.m.

TRD-9508479

Tuesday, July 18, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A prehearing conference has been scheduled for the above date and time in Docket Number 14202—Application of Brazos Electric Cooperative, Inc. for approval of new interruptible service to Dickens Electric Cooperative, Inc., and application of Dickens Electric Cooperative, Inc., for approval of interruptible service to Mobil Exploration and Producing, U.S., Inc.

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

Filed: July 6, 1995, 3:10 p.m.

TRD-9508294

Wednesday, July 19, 1995, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

AGENDA:

There will be an open meeting at which the commissioners will consider; Docket Number 13575, application of Texas Utilities Electric Company for approval of notices of intent, approval of demand side management programs, and for other relief; Docket Number 13479, application of Texas Utilities Electric Company for approval of third-party demand-side management contracts, renewable resources agreement, and cost recovery mechanisms, and Docket Number 12700, application of El Paso Electric Company for authority to change rates and of Central and South West Corporation and El Paso Electric for approval of acquisition.

Contact: Amalija J. Hodgins, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 11, 1995, 2:47 p.m.

TRD-9508532

Wednesday, July 19, 1995, 9:05 a.m.

7800 Shoal Creek Boulevard

Austin

Administrative

AGENDA:

There will be an administrative meeting for discussion, consideration, and possible action on presentation of outstanding employees; staff report on potential for stranded investment; GSU request to Internal Revenue Service for letter ruling as per commission order in Docket Number 12852; GC's recommendation in Project Number 10477--report on earnings sharing by SWB (fourth year); discussion and possible action on agency reorganization; report on "urgent" rulemaking timetable; discussion of internal operating procedures; setting future commission meetings for the rest of 1995; discussion of transfer of hearings to SOAH; budget and fiscal matters; adjournment for executive session to consider litigation and personnel matters; reconvene for discussion and decisions on matters considered in executive session; set time and place for next meeting; and final adjournment.

Contact: Amalija J. Hodgins, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 11, 1995, 3:22 p.m.

TRD-9508552

Friday, July 21, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A prehearing conference has been scheduled in Docket Number 14293--complaint of

Michael M. Philips Farms, Inc. against Houston Lighting and Power Company.

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

Filed: July 7, 1995, 3:18 p.m.

TRD-9508381

Friday, July 21, 1995, 1:00 p.m.

7800 Shoal Creek Boulevard

Austin

AGENDA:

The Relay Texas Advisory Committee will meet at the above date and time. The Advisory Committee was appointment by the Public Utility Commission pursuant to House Bill 174, passed by the 71st Texas Legislature. At this meeting the committee will hear welcome and opening remarks; consider minutes; old business; PUC report; Sprint report; and public comment.

Contact: Amalija J. Hodgins, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 11, 1995, 3:15 p.m.

TRD-9508544

Monday, July 24, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A joint prehearing conference will be held at the above date and time in Docket Numbers 13542, 13648, 13717, 13769, 13770, 13834, and 13849.

Contact: Amalija J. Hodgins, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 12, 1995, 3:23 p.m.

TRD-9508667

Monday, August 14, 1995, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

AGENDA:

The commission will hold a workshop on Project Number 14045--rulemaking on transmission pricing and access.

Contact: Amalija J. Hodgins, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 10, 1995, 2:56 p.m.

TRD-9508478

Friday, August 18, 1995, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

AGENDA:

The commission will hold a workshop on Project Number 14045--rulemaking on transmission pricing and access.

Contact: Amalija J. Hodgins, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 10, 1995, 2:56 p.m.

TRD-9508477

Tuesday, August 29, 1995, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

The hearing on the merits has been scheduled for the above date and time in Docket Number 14266--application of Brazos Electric Power Cooperative, Inc. for an amendment of its Certificate of Convenience and Necessity to construct a transmission line and related facilities in Cooke County, Texas.

Contact: Amalija J. Hodges, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 10, 1995, 4:03 p.m.

TRD-9508483

Tuesday, September 12, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A hearing on the merits has been scheduled in Docket Number 14356--petition of Texas Utilities Electric Company for authority to refund overcollection of fuel can revenues.

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

Filed: July 12, 1995, 3:11 p.m.

TRD-9508664

◆ ◆ ◆
Railroad Commission of Texas

Tuesday, July 18, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

According to the complete agenda, the Railroad Commission of Texas will consider various applications and other matters within the jurisdiction of the agency includ-

ing oral arguments. The Railroad Commission of Texas may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received.

The commission may meet in executive session on any items listed above as authorized by the Open Meetings Act.

Contact: Carole J. Vogel, P.O. Box 12967, Austin, Texas 78711, (512) 463-7033.

Filed: July 7, 1995, 11:47 a.m.

TRD-9508336

Tuesday, July 18, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

The commission will consider and act on the agency budget, fiscal and administrative matters and the Administrative Services Division director's report on division administration, budget, procedures and personnel matters, including Abilene and San Antonio District Office recommendation, the Alternative Fuels Training and Conversion Center, and the Railroad Commission Consolidated Print Shop.

Contact: Roger Dillon, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7257.

Filed: July 7, 1995, 11:22 a.m.

TRD-9508333

Tuesday, July 18, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

The commission will consider and act on a request to proceed with bids on the Butler Weddington 2A Abandoned Mine Land Reclamation Project. The commission will consider and act on the Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Melvin B. Hodgkiss, P.E., P.O. Box 12967, Austin, Texas 78711, (512) 463-6901.

Filed: July 7, 1995, 11:29 a.m.

TRD-9508334

Tuesday, July 18, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

The commission will consider and act on agency administration, budget, policy and

procedures, and personnel matters for all divisions. The commission may meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6981.

Filed: July 7, 1995, 11:29 a.m.

TRD-9508335

Tuesday, July 18, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

The commission will consider and act on the Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Box 12967, Austin, Texas 78701, (512) 463-6710.

Filed: July 7, 1995, 11:22 a.m.

TRD-9508332

Tuesday, July 18, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

The commission will consider and act on the Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions and personnel matters.

Contact: Bob Kmetz, P.O. Box 12967, Austin, Texas 78701, (512) 463-7251.

Filed: July 7, 1995, 11:06 a.m.

TRD-9508330

Tuesday, July 18, 1995, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

The commission will consider and act on the Information Resource Manager's report on information resource planning documents.

The commission will consider and act on the Information Resource Manager's report on the administration, budget, procedures, equipment acquisitions, contracts, work schedules and quarterly updates associated with the Department of Energy-RRC Area of Review (AOR) data management enhancements grant status review.

Contact: Mel Mireles, P.O. Box 12967, Austin, Texas 78701, (512) 463-7249.

Filed: July 7, 1995, 11:05 a.m.

TRD-9508329

Friday, July 21, 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: July 13, 1995, 9:34 a.m.

TRD-9508691

◆ ◆ ◆
Texas Rehabilitation Commission

Thursday, July 27, 1995, 9:00 a.m.

Brown-Heatly Building, 4900 North Lamar Boulevard

Austin

Texas Rehabilitation Advisory Council

AGENDA:

Call to order/roll call/agenda review/announcements/feedback on TRC public forums/feedback on Supported Employment Systems Change Grant Advisory Panel/legislative report/commissioner's report/break/re-engineering update: VR process/public comment/lunch

Nominations for TRAC officers, candidate's speeches, election of officers/presentation on transition/break/approval of April 1995 meeting minutes/chairperson's report/TRC consumer affairs report/TRAC staff report/adjourn.

Contact: Barbara Ritter, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4160.

Filed: July 11, 1995, 1:14 p.m.

TRD-9508525

Friday, July 28, 1995, 9:00 a.m.

Brown-Heatly Building, 4900 North Lamar Boulevard

Austin

Texas Rehabilitation Advisory Council

AGENDA:

Subcommittee meetings/rehabilitation services update/subcommittee reports/TRC's Statewide Placement Plan: Discussions/lunch

Council discussion re: 1995 annual report/council meeting dates for 1996/break/recommendations/action items/agenda items for next meeting/ad-journ.

Contact: Barbara Ritter, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4160.

Filed: July 11, 1995, 1:14 p.m.

TRD-9508526

◆ ◆ ◆
**Texas National Research
Laboratory Commission**

Tuesday, July 18, 1995, 1:00 p.m.

Terminal A, Second Floor, The Cloud Room, Houston Hobby Airport

Houston

Commission

AGENDA:

Call to order and administrative actions

Chairman's report—J. Fred Bucy

Executive director's report—Edward C. Bingler

Other reports

Action items

Public comment

Adjourn

Contact: Dixie Eoff, 2275 North Highway 77, Suite 100, Waxahachie, Texas 75165, (214) 935-7810.

Filed: July 10, 1995, 3:55 p.m.

TRD-9508482

◆ ◆ ◆
**Council on Sex Offender
Treatment**

Wednesday, July 12, 1995, 8:30 a.m.

Wyndham Hotel, The Board Room, 4140 Governor's Row

Austin

Retreat Meeting of the Council on Sex Offender Treatment and the Interagency Advisory Committee

AGENDA:

I. Convene, Dr. Collier M. Cole, chairperson

II. Retreat meeting

III. Adjourn

Contact: Al Montes, P.O. Box 12546, Austin, Texas 78711, (512) 463-2323.

Filed: July 6, 1995, 10:12 a.m.

TRD-9508269

Friday, July 14, 1995, 11:00 a.m.

Wyndham Hotel, The Board Room, 4140 Governor's Row

Austin

Meeting of the Council on Sex Offender Treatment

AGENDA:

I. Convene, Dr. Collier M. Cole, chairperson

II. Executive session to consider the appointment, employment, evaluation reassignment and duties of the executive director, pursuant to Texas Civil Statutes, Article 6252-17, §2(g).

III. Discussion and possible action on retreat recommendation.

IV. Discussion and possible action on contracting for payroll and accounting services.

V. Adjourn

Contact: Al Montes, P.O. Box 12546, Austin, Texas 78711, (512) 463-2323.

Filed: July 7, 1995, 8:29 a.m.

TRD-9508301

◆ ◆ ◆
**Texas State Soil and Water
Conservation Board**

Thursday, July 20, 1995, 8:00 a.m.

311 North Fifth Street, Hearings Room Temple

AGENDA:

Review and take appropriate action on the following:

Minutes from May 17, 1995 board meeting; district director appointments; fiscal year 1995 conservation assistance allocations; fiscal year 1996 conservation assistance allocations; 1995 fiscal year technical assistance allocations; 1996 fiscal year technical assistance allocations; expenditure report ending June 30, 1995; 1996 fiscal year operating budget; board members travel report; reports from agencies and guests; fiscal year 1995 cost share fund allocations; fiscal year 1996 cost share fund allocations; §319 program status report; Senate Bill 503 status report; TNRCC Dairy Outreach Program; TNRCC confined animal feeding operation rules; clean water act reauthorization; water conservation in the Edwards Aquifer; Texas Coastal Management Program; Corpus Christi Bay and Galveston Bay National Estuary programs; proposed Association of Watershed Sponsors; subdivision boundary changes for Upper Pecos SWCD #213; 1995 annual statewide meeting of Soil and Water Conservation District directors; 1996 Conservation

Awards Program; legislative update; public information/education report; 1995 Farm Bill; Natural Resources Conservation Service 1996 fiscal year appropriations; staffing update; next regular state board meeting scheduled for September 20, 1995; designation of program areas under Senate Bill 503.

Contact: Robert G. Buckley, P.O. Box 658, Temple, Texas 76503, (817) 773-2250 or TEX-AN 820-1250.

Filed: July 11, 1995, 2:47 p.m.

TRD-9508534

◆ ◆ ◆
**Boards for Lease of State-
Owned Lands**

Tuesday, July 18, 1995, 4:15 p.m.

General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Room 833

Austin

Board for Lease of Texas Parks and Wildlife Department

AGENDA:

Approval of previous board meeting minutes; surface lease renewal application, Candy Abshire Wildlife Management Area, Chambers County; pipeline easement application, Lower Neches Wildlife Management Area, Jefferson County.

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

Filed: July 7, 1995, 4:46 p.m.

TRD-9508396

◆ ◆ ◆
**Stephen F. Austin State Uni-
versity**

Friday, July 14, 1995, 9:15 a.m.

1936 North Street, Room 307, Austin Building

Nacogdoches

Board of Regents Telephone Meeting

AGENDA:

1. Financial affairs

A. Request for Coordinating Board approval to reduce non-resident tuition rates at Stephen F. Austin State University, following passage of House Bill 1792.

Contact: Dan Angel, P.O. Box 6078, SFA Station, Nacogdoches, Texas 75962-6078, (409) 468-2201.

Filed: July 11, 1995, 9:09 a.m.

TRD-9508497

Wednesday, July 26, 1995, Noon.

1936 North Street, Room 307, Austin Building

Nacogdoches

Board of Regents Building Committee Meeting

AGENDA:

I. Buildings and grounds

A. Review academic and auxiliary building needs

Contact: Dan Angel, P.O. Box 6078, SFA Station, Nacogdoches, Texas 75962-6078, (409) 468-2201.

Filed: July 12, 1995, 3:11 p.m.

TRD-9508665

◆ ◆ ◆
Texas Sustainable Energy Development Council

Tuesday, July 18, 1995, 8:30 a.m.

Kokernot Lodge, Loop Road

Alpine

AGENDA:

I. Call to order

II. Public comment

III. Review strategic planning schedule

IV. Strategic planning activities

Confirm goals and objectives

Finalize action items and responsibility for implementation

V. Public comment

VI. Adjourn

Contact: Charlotte Banks, 1700 North Congress Avenue, Room 1136A, Austin, Texas 78701, (512) 463-1745.

Filed: July 10, 1995, 11:10 a.m.

TRD-9508440

Wednesday, July 19, 1995, 8:30 a.m.

Kokernot Lodge, Loop Road

Alpine

AGENDA:

I. Call to order

II. Public comment

III. Review strategic planning schedule

IV. Strategic planning activities

Confirm goals and objectives

Finalize action items and responsibility for implementation

V. Public comment

VI. Tour of renewable energy installations near Fort Davis

VII. Adjourn

Contact: Charlotte Banks, 1700 North Congress Avenue, Room 1136A, Austin, Texas 78701, (512) 463-1745.

Filed: July 10, 1995, 11:10 a.m.

TRD-9508441

Thursday, July 20, 1995, 8:30 a.m.

Kokernot Lodge, Loop Road

Alpine

AGENDA:

I. Call to order

II. Public comment

III. Review strategic planning schedule

IV. Strategic planning activities

Confirm goals and objectives

Finalize action items and responsibility for implementation

V. Public comment

VI. Adjourn

Contact: Charlotte Banks, 1700 North Congress Avenue, Room 1136A, Austin, Texas 78701, (512) 463-1745.

Filed: July 10, 1995, 11:10 a.m.

TRD-9508442

◆ ◆ ◆
Teacher Retirement System of Texas

Monday, July 17, 1995, 9:00 a.m.

1000 Red River, Room 514E

Austin

Board of Trustees Search Committee

AGENDA:

Approval of minutes of June 14, 1995, meeting; executive session to review applications of candidates for executive director; and consideration of recommendation of candidates for executive director to be interviewed by the Board of Trustees.

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

Filed: July 7, 1995, 2:34 p.m.

TRD-9508376

Thursday, July 20, 1995, 10:00 a.m.

1000 Red River, Henry M. Bell, Jr. Boardroom

Austin

Board of Trustees Policy Committee

AGENDA:

Approval of minutes of June 20, 1995, meeting; open hearing for public and em-

ployee comment on proposal to clarify agency employees' status as "at-will" employees; consideration of recommendations for regarding employment-at-will; and discussion and consideration of board travel policy.

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

Filed: July 12, 1995, 3:38 p.m.

TRD-9508669

Thursday, July 20, 1995, 3:00 p.m.

1000 Red River, Room 229

Austin

Board of Trustees Budget Committee

AGENDA:

Approval of minutes of May 18, 1995, meeting and review and consideration of proposed 1995-1996 operating budget.

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

Filed: July 12, 1995, 3:38 p.m.

TRD-9508670

Tuesday, July 25, 1995, Noon.

1000 Red River, Room 420E

Austin

Medical Board

AGENDA:

Discussion of 1) the files of members who are currently applying for disability retirement and 2) the files of disability retirees who are due a re-examination report.

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

Filed: July 12, 1995, 3:38 p.m.

TRD-9508671

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The Texas State University System

Thursday, July 13, 1995, 11:00 a.m.

Speaker phone available in Conference Room, The Texas State University System, 333 Guadalupe, Tower III, Suite 810

Austin

Board of Regents

AGENDA:

Review of matters of the board and the four universities in the System including: acquisition of computer hardware at Angelo State University; purchase requisition for laboratory equipment, authorization to increase student center fee, bond sales for Subordinated Junior Lien Combined Fee Revenue Bonds, Series 1995, and Housing System

Revenue Bonds, Series 1995, and award of a contract for the new L.B.J. Student Center, all at Southwest Texas State University. (Where appropriate and permitted by law, executive sessions may be held for the above listed subjects.)

Contact: Lamar Urbanovsky, 333 Guadalupe, Tower III, Suite 810, Austin, Texas 78701, (512) 463-1808.

Filed: July 10, 1995, 10:17 a.m.

TRD-9508419

Texas Department of Transportation

Thursday, July 20, 1995, 9:00 a.m.

815 Brazos, Suite 302

Austin

Motor Vehicle Board

AGENDA:

Call to order; roll call. Approval of minutes of Motor Vehicle Board meeting on May 18, 1995. Argument on proposal for decisions. Agreed orders. Consumer Affairs orders of dismissal and settlement orders. Orders of dismissal. Other: a. Recognition of employees; b. Review of litigation status report; c. Review of consumer complaint recap report including decisions made by examiners, division director and board members; d. Review of Article 6686 (P-number) contested cases; e. Division budget status; e. Legislative update. f. Preview of proposed lemon law rules. g. Division relocation update. Adjournment.

Contact: Brett Bray, 815 Brazos, #300, Austin, Texas 78701, (512) 476-3587.

Filed: July 11, 1995, 11:54 a.m.

TRD-9508522

Texas State Treasury

Monday, July 24, 1995, 10:00 a.m.

200 East Tenth Street, Room 227

Austin

Cash Management Committee

AGENDA:

To approve the maximum balance of tax and revenue anticipation notes which may be issued and outstanding in any fiscal year and whether the notes will be sold on a negotiated or competitive bid basis.

Contact: Jim Howell, 200 East Tenth Street, Suite 309, Austin, Texas 78701, (512) 463-5971.

Filed: July 7, 1995, 1:33 p.m.

TRD-9508350

Texas Water Development Board

Wednesday, July 19, 1995, 3:00 p.m.

Stephen F. Austin Building, Room 513-F, 1700 North Congress Avenue

Austin

Finance Committee

AGENDA:

1. Consider approval of the minutes of the meeting of June 14, 1995.
2. Briefing on present and future EDAP projects.
3. Cash and Securities Management report.
4. Report on the status of approved contracts.
5. May consider items on the agenda of the July 20, 1995 board and/or Texas Water Resources Finance Authority meeting.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: July 11, 1995, 3:01 p.m.

TRD-9508541

Wednesday, July 19, 1995, 4:00 p.m.

Stephen F. Austin Building, Room 513-F, 1700 North Congress Avenue

Austin

Audit Committee

AGENDA:

1. The committee will consider approval of the minutes of the meeting of May 17, 1995.
2. The committee will be briefed on external audit activities of the Development Fund Audit Section.
3. The committee will be briefed on general accounting items.
4. The committee will be briefed on current audit activities of the internal auditor.
5. The committee may discuss items on the agenda of the July 20, 1995 board and/or Texas Water Resources Finance Authority meeting.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: July 11, 1995, 3:01 p.m.

TRD-9508542

Thursday, July 20, 1995, 9:00 a.m.

Stephen F. Austin Building, Room 118, 1700 North Congress Avenue

Austin

AGENDA:

The board will consider: minutes; executive, financial and committee reports; finan-

cial assistance for Corpus Christi, Yoakum, Ingleside, El Paso, Donna, Weslaco, San Jacinto River Authority, Mauriceville SUD, Hidalgo County Irrigation District #19, Upper Pecos S&WCD #213, and Uvalde County; contracts for fiscal year 1996 environmental and water research studies and contracts/agreements/amendments with U.S. Geological Survey, Brownsville, Lower Rio Grande Water Committee, Lower Colorado River Authority, Educational Development Specialists, Pequod Associates, Gilmer and Gilmer Economic Development Corporation, Upper Trinity Regional Water District and transfer of funds; fiscal year 1995-2000 project priority list for the State Revolving Fund; changes in scope existing commitments to Longview and Beaumont; 31 TAC Chapter 370 amendments; authorizing actions for bond sale; transfer of TWPFA funds to pay EDAP debt service; capital improvement program processing methodology and procedure for bond purchase agreements; delegation to executive Research and Planning Fund contracts/amendments; allocation of fiscal year 1996-1997 water assistance funds; effectiveness of environmental rules; enforcement of model subdivision rules in Starr County; water supply and response plan for Lower Rio Grande drought; site assessments for board funded projects; executive session for executive administrator's performance review; appointment of directors for the Lower Neches Valley Authority; and contamination cleanup issues.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: July 12, 1995, 3:52 p.m.

TRD-9508674

Texas Water Resources Finance Authority

Thursday, July 20, 1995, 9:00 a.m.

Stephen F. Austin Building, Room 118, 1700 North Congress Avenue

Austin

AGENDA:

1. Consider approval of the minutes of the meeting of June 15, 1995.
2. Consider the approval of the payment of expenses to be incurred for fiscal year 1996.
3. Consider authorizing the Development Fund director to transfer \$1,346,491.64 from the Texas Water Resources Finance Authority to the Economically Distressed Areas Account, Interest and Sinking Fund of the Water Development Fund to pay debt service required on Economically Distressed Areas bonds.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: July 12, 1995, 3:52 p.m.

TRD-9508675

Texas Workers' Compensation Insurance Facility

Monday, July 17, 1995, 9:45 a.m.

Double Tree Guest Suites Hotel, 303 West 15th Street

Austin

Governing Committee Meeting

AGENDA:

Approval of minutes from the June 22, 1995 Governing Committee meeting. 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: July 6, 1995, 1:38 p.m.

TRD-9508277

Texas Youth Commission

Thursday, July 20, 1995, 8:30 a.m.

Sheraton Bayfront Hotel, 707 North Shoreline

Corpus Christi

Board

AGENDA:

Audit Committee report on the quality assurance review of the Internal Audit Department

Authority to commission apprehension specialists as peace officers

Approval of operating budget and accompanying transfers for fiscal year 1996

Approval of trust funds revised operating budgets for fiscal year 1995 and budgets for fiscal 1996

Authorize the awarding of contracts for construction projects authorized by the 73rd Legislature and deletion of a previously approved project

Approval of request for financing for the initial phase of construction projects authorized by the 74th Legislature

Contact: Steve Robinson, 4900 North Lamar Boulevard, Austin, Texas 78765, (512) 483-5001.

Filed: July 12, 1995, 3:30 p.m.

TRD-9508668

Regional Meetings

Meetings Filed July 6, 1995

The Brazos Valley Development Council Executive Committee met in the BVDC Conference Room, 1706 East 29th Street, Bryan, July 12, 1995, at 1:30 p.m. Information may be obtained from Tom Wilkinson, Jr., P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-4244. TRD-9508279.

The Burnet County Appraisal District Appraisal Review Board met at 223 South Pierce, Burnet, July 12, 1995, at 8:30 a.m. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9508292.

The Burnet County Appraisal District Appraisal Review Board met at 223 South Pierce, Burnet, July 13, 1995, at 8:30 a.m. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9508293.

The Cass County Appraisal District Board of Directors met at 502 North Main Street, Linden, July 11, 1995, at 7:00 p.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (903) 756-7545. TRD-9508298.

The East Texas Council of Governments Executive Committee met at 1306 Houston Street, Kilgore, July 13, 1995, at Noon. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9508284.

The Education Service Center, Region V Board met at 2295 Delaware Street, Beaumont, July 12, 1995, at 1:00 p.m. Information may be obtained from Robert E. Nicks, 2295 Delaware Street, Beaumont, Texas 77703-4299, (409) 838-5555. TRD-9508295.

The Golden Crescent Quality Work Force Planning Full Committee will meet at Victoria College, Student Center, 2200 East Red River, Victoria, July 20, 1995, at 3:30 p.m. Information may be obtained from Melissa Roth, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9508273.

The Gregg Appraisal District Appraisal Review Board met at 2010 Gilmer Road, Longview, July 12, 1995, at 9:00 a.m. Information may be obtained from William T. Carroll, 2010 Gilmer Road, Longview, Texas 75604, (903) 759-0015. TRD-9508285.

The Gregg Appraisal District Appraisal Review Board met at 2010 Gilmer Road, Longview, July 13, 1995, at 9:00 a.m. Information may be obtained from William T. Carroll, 2010 Gilmer Road, Longview, Texas 75604, (903) 759-0015. TRD-9508286.

The Gregg Appraisal District Appraisal Review Board met at 2010 Gilmer Road, Longview, July 14, 1995, at 9:00 a.m. Information may be obtained from William T. Carroll, 2010 Gilmer Road, Longview, Texas 75604, (903) 759-0015. TRD-9508288.

The Gulf Bend Center (Revised Agenda.) Board of Trustees met at 1502 East Airline, Victoria, July 12, 1995, at Noon. Information may be obtained from Agnes Moeller, 1502 East Airline, Victoria, Texas 77901, (512) 575-0611. TRD-9508274.

The Leon County Central Appraisal District Appraisal Review Board met at 103 North Commerce, corner of Highway 7 and 75, Gresham Building, Centerville, July 11, 1995, at 9:00 a.m. Information may be obtained from Jeff Beshears, P.O. Box 536, Centerville, Texas 75833-0536, (903) 536-2252. TRD-9508278.

The Central Plains Center for MHMR and SA Board of Trustees met at 203 South Columbia, Plainview, July 12, 1995, at 3:00 p.m. Information may be obtained from Gail P. Davis, 2700 Yonkers, Plainview, Texas 79072, (806) 293-2636. TRD-9508280.

The Nortex Regional Planning Commission Executive Committee will meet at the Galaxy Center #2 North, 4309 Jacksboro Highway, Suite 200, Wichita Falls, July 20, 1995, at Noon. Information may be obtained from Dennis Wilde, P.O. Box 5144, Wichita Falls, Texas 76307, (817) 322-5281, Fax: (817) 322-6743. TRD-9508271.

The Sabine Valley Center Finance Committee met at 107 Woodbine Place, Administration Building, Judson Road, Longview, July 13, 1995, at 6:00 p.m. Information may be obtained from Mack Blackwell or LaVerne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 237-2362. TRD-9508290.

The Sabine Valley Center Board of Trustees met at 107 Woodbine Place, Administration Building, Judson Road, Longview, July 13, 1995, at 7:00 p.m. Information may be obtained from Mack Blackwell or

LaVerne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 237-2362. TRD-9508291.

The San Antonio-Bexar County Metropolitan Planning Organization Technical Advisory Committee met at 434 South Main, Suite 205, San Antonio, July 11, 1995, at 9:00 a.m. Information may be obtained from Charlotte A. Roszelle, 434 South Main, Suite 205, San Antonio, Texas 78204, (210) 227-8651. TRD-9508289.

The San Antonio-Bexar County Metropolitan Planning Organization (Revised Agenda.) Technical Advisory Committee met at 434 South Main, Suite 205, San Antonio, July 11, 1995, at 9:00 a.m. Information may be obtained from Charlotte A. Roszelle, 434 South Main, Suite 205, San Antonio, Texas 78204, (210) 227-8651. TRD-9508299.

The Tyler County Appraisal District Appraisal Review Board met at 806 West Bluff, Woodville, July 12, 1995, at 4:00 p.m. Information may be obtained from Eddie Chalmers, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9508272.



Meetings Filed July 7, 1995

The Barton Springs/Edwards Aquifer Conservation District Board of Directors met at 1124A Regal Row, Austin, July 13, 1995, at 5:30 p.m. Information may be obtained from Bill E. Couch, 1124A Regal Row, Austin, Texas 78748, (512) 282-8441, Fax (512) 282-7016. TRD-9508331.

The Bastrop Central Appraisal District Appraisal Review Board met at 1200 Cedar Street, Bastrop, July 13, 1995, at 8:30 a.m. Information may be obtained from Dana Ripley, 1200 Cedar Street, Bastrop, Texas 78602, (512) 303-3536. TRD-9508391.

The Brazos Valley Development Council Personnel Committee met at 1706 East 29th Street, Bryan, July 12, 1995, at 3:00 p.m. Information may be obtained from Tom Wilkinson, Jr., P.O. Drawer 4128, Bryan, Texas 77805-4123, (409) 775-4244. TRD-9508307.

The Carson County Appraisal District Appraisal Review Board met at 102 Main Street, Panhandle, July 13, 1995, at 8:30 a.m. Information may be obtained from Donita Herber, Box 970, Panhandle, Texas 79068, (806) 537-3569. TRD-9508317.

The Coleman County Water Supply Corporation Board of Directors met at 214 Santa Anna Avenue, Coleman, July 12, 1995, at 1:30 p.m. Information may be obtained from Davey Thweatt, 214 Santa Anna Avenue, Coleman, Texas 76834, (915) 625-2133. TRD-9508374.

The East Texas Council of Governments JTPA Board of Directors met at 1306 Houston Street, Kilgore, July 13, 1995, at 9:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9508320.

The Ellis County Appraisal District Board of Directors met at 400 Ferris Avenue, Waxahachie, July 13, 1995, at 7:00 p.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552. TRD-9508340.

The Ellis County Appraisal District Board of Directors met at 400 Ferris Avenue, Waxahachie, July 13, 1995, at 7:30 p.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552. TRD-9508341.

The Grayson Appraisal District Appraisal Review Board will meet at 205 North Travis, Sherman, July 26, 1995, at 8:15 a.m. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9508322.

The Grayson Appraisal District Appraisal Review Board will meet at 205 North Travis, Sherman, July 27, 1995, at 8:15 a.m. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9508323.

The Grayson Appraisal District Appraisal Review Board will meet at 205 North Travis, Sherman, July 28, 1995, at 8:15 a.m. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9508324.

The Grayson Appraisal District Appraisal Review Board will meet at 205 North Travis, Sherman, July 31, 1995, at 8:15 a.m. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9508325.

The Grayson Appraisal District Appraisal Review Board will meet at 205 North Travis, Sherman, August 1, 1995, at 8:15 a.m. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9508326.

The Grayson Appraisal District Appraisal Review Board will meet at 205 North Travis, Sherman, August 2, 1995, at 8:15 a.m. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9508327.

The Grayson Appraisal District Appraisal Review Board will meet at 205 North

Travis, Sherman, August 3, 1995, at 8:15 a.m. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9508328.

The Hamilton County Appraisal Review Board met at 119 East Henry, Hamilton, July 14, 1995, at 10:00 a.m. Information may be obtained from Doyle Roberts, 119 East Henry, Hamilton, Texas 76531, (817) 386-8945. TRD-9508305.

The Hays County Appraisal District Board of Directors met at 21001 North IH 35, Kyle, July 13, 1995, at 3:30 p.m. Information may be obtained from Lynnell Sedlar, 21001 North IH 35, Kyle, Texas 78640, (512) 268-2522. TRD-9508382.

The Hickory Underground Water Conservation District Number 1 Board and Advisors met at 2005 South Bridge Street, Brady, July 13, 1995, at 7:00 p.m. Information may be obtained from Lorna Moore, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785. TRD-9508394.

The Hockley County Appraisal District Board of Directors met at 1103 Houston, Levelland, July 10, 1995, at 7:00 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9508378.

The Hunt County Appraisal District Board of Directors met at 4801 King Street, Greenville, July 13, 1995, at Noon. Information may be obtained from Shirley Smith, P.O. Box 1339, Greenville, Texas 75403, (903) 454-3510. TRD-9508342.

The Kempner Water Supply Corporation Board of Directors met at Highway 190, Kempner, July 13, 1995, at 6:30 p.m. Information may be obtained from Donald W. Guthrie, P.O. Box 103, Kempner, Texas 76539, (512) 932-3701. TRD-9508349.

The Kendall Appraisal District Appraisal Review Board will meet at 121 South Main Street, Boerne, July 26, 1995, at 9:00 a.m. Information may be obtained from Mick Mikulenska or Tammy Johnson, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax (210) 249-3975. TRD-9508359.

The Kendall Appraisal District Appraisal Review Board will meet at 121 South Main Street, Boerne, July 27, 1995, at 9:00 a.m. Information may be obtained from Mick Mikulenska or Tammy Johnson, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax (210) 249-3975. TRD-9508360.

The Kendall Appraisal District Appraisal Review Board will meet at 121 South Main Street, Boerne, August 1, 1995, at 9:00 a.m. Information may be obtained from Mick Mikulenska or Tammy Johnson, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax (210) 249-3975. TRD-9508361.

The Kendall Appraisal District Appraisal Review Board will meet at 121 South Main

Street, Boerne, August 2, 1995, at 9:00 a.m. Information may be obtained from Mick Mikulenska or Tammy Johnson, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax (210) 249-3975. TRD-9508362.

The Kendall Appraisal District Appraisal Review Board will meet at 121 South Main Street, Boerne, August 3, 1995, at 9:00 a.m. Information may be obtained from Mick Mikulenska or Tammy Johnson, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax (210) 249-3975. TRD-9508363.

The Kendall Appraisal District Appraisal Review Board will meet at 121 South Main Street, Boerne, August 8, 1995, at 9:00 a.m. Information may be obtained from Mick Mikulenska or Tammy Johnson, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax (210) 249-3975. TRD-9508364.

The Kendall Appraisal District Appraisal Review Board will meet at 121 South Main Street, Boerne, August 9, 1995, at 9:00 a.m. Information may be obtained from Mick Mikulenska or Tammy Johnson, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax (210) 249-3975. TRD-9508365.

The Kendall Appraisal District Appraisal Review Board will meet at 121 South Main Street, Boerne, August 10, 1995, at 9:00 a.m. Information may be obtained from Mick Mikulenska or Tammy Johnson, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax (210) 249-3975. TRD-9508366.

The Kendall Appraisal District Appraisal Review Board will meet at 121 South Main Street, Boerne, August 14, 1995, at 9:00 a.m. Information may be obtained from Mick Mikulenska or Tammy Johnson, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax (210) 249-3975. TRD-9508367.

The Kendall Appraisal District Appraisal Review Board will meet at 121 South Main Street, Boerne, August 15, 1995, at 9:00 a.m. Information may be obtained from Mick Mikulenska or Tammy Johnson, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax (210) 249-3975. TRD-9508368.

The Lower Colorado River Authority Planning and Public Policy Committee meet at 3701 Lake Austin Boulevard, Hancock Building, Board Conference Room, Austin, July 11, 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-9508390.

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, July 11, 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-9508389.

The Lower Neches Valley Authority Board of Directors will meet at 7850 Eastex Freeway, Beaumont, July 18, 1995, at 10:30 a.m. Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9508379.

The Lower Rio Grande Valley Tech Prep Associate Degree Consortium (a/k/a Tech Prep of the Rio Grande Valley, Inc.) Board of Directors met in the Board Room, Conference Center, Texas State Technical College, Corner of Loop 499 and Oak Street, Harlingen, July 12, 1995, at Noon. Information may be obtained from Pat Bubbs, TSTC Conference Center, Harlingen, Texas 78550-3697, (210) 425-0729. TRD-9508300.

The Montague County Tax Appraisal District Board of Directors met at 312 Rusk Street, Montague, July 12, 1995, at 4:30 p.m. Information may be obtained from Wanda Russell, P.O. Box 121, Montague, Texas 76251, (817) 894-2081. TRD-9508384.

The Montague County Tax Appraisal District Board of Directors met at 312 Rusk Street, Montague, July 12, 1995, at 5:00 p.m. Information may be obtained from Wanda Russell, P.O. Box 121, Montague, Texas 76251, (817) 894-2081. TRD-9508383.

The Texas Municipal Power Agency (TMPA) Board of Directors Workshop and Audit and Budget Committee met at the Chamber of Commerce Offices, 4001 East 29th, Suite 175, Bryan, July 12, 1995, at 6:30 p.m. Information may be obtained from Carl Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013. TRD-9508372.

The Texas Municipal Power Agency (TMPA) Board of Directors met at the Gibbons Creek Steam Electric Station, Administration Building, 2-1/2 miles north of Carlos, on FM-244, Carlos, July 13, 1995, at 9:00 a.m. Information may be obtained from Carl Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013. TRD-9508371.

The Central Appraisal District of Rockwall County Appraisal Review Board met at 106 North San Jacinto, Rockwall, July 12, 1995, at 8:30 a.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 771-2034. TRD-9508303.

The Central Appraisal District of Rockwall County Board of Directors met at 106 North San Jacinto, Rockwall, July 12, 1995, at 8:30 a.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 771-2034. TRD-9508302.

The Shackelford Water Supply Corporation Monthly Director's Meeting met at the Fort Griffin Restaurant, Albany, July 12, 1995, at Noon. Information may be obtained from Gaynell Perkins, Box 11, Albany, Texas 76430, (817) 345-6868. TRD-9508318

The Wheeler County Appraisal Board of Directors met at 103 East Texas, Courthouse Square, Wheeler, July 17, 1995, at 5:00 p.m. Information may be obtained from Larry Schoenhals, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900 TRD-9508314

The Wheeler County Appraisal (Revised Agenda.) Board of Directors met at 103 East Texas, Courthouse Square, Wheeler, July 17, 1995, at 5:00 p.m. Information may be obtained from Larry Schoenhals, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900. TRD-9508321

The Wheeler County Appraisal Appraisal Review Board will meet at 103 East Texas, Courthouse Square, Wheeler, July 20-21, 1995, at 8:00 a.m. Information may be obtained from Larry Schoenhals, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900. TRD-9508315.

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Meetings Filed July 10, 1995

The Aqua Water Supply Corporation (Emergency Meeting.) Board of Directors met at 305 Eskew, Bastrop, July 10, 1995, at 7:30 p.m. (Reason for emergency: limited time for construction activities for water transmission pipeline.) Information may be obtained from Adline Rathman, Drawer P, Bastrop, Texas 78602, (512) 321-3943. TRD-9508455.

The Austin-Travis County MHMR Center Board of Trustees Community Forum will meet at 1430 Collier Street, Board Room, Austin, July 18, 1995, at 5:45 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9508491.

The Colorado County Appraisal District Appraisal Review Board met at 400 Spring, County Courtroom, Columbus, July 14, 1995, at 1:00 p.m. Information may be obtained from Billy Youens, P.O. Box 10, Columbus, Texas 78934, (409) 732-8222. TRD-9508446.

The DeWitt County Appraisal District Appraisal Review Board met at 103 Bailey Street, Cuero, July 17, 1995, at 9:00 a.m. Information may be obtained from Kay Rath, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9508406.

The DeWitt County Appraisal District Board of Directors will meet at 103 Bailey Street, Cuero, July 18, 1995, at 7:30 p.m.

Information may be obtained from Kay Rath, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9508403.

The Edwards CAD Appraisal Review Board will meet at 408 Austin Street, Rocksprings, July 21, 1995, at 10:00 a.m. Information may be obtained from Teresa Sweeten, P.O. Box 378, Rocksprings, Texas 78880, (210) 683-4189. TRD-9508402.

The Edwards CAD Appraisal Review Board will meet at 408 Austin Street, Rocksprings, July 28, 1995, at 10:00 a.m. Information may be obtained from Teresa Sweeten, P.O. Box 378, Rocksprings, Texas 78880, (210) 683-4189. TRD-9508443.

The Erath County Appraisal District (Emergency Meeting and Emergency Revised Agenda.) Appraisal Review Board met at 1390 Harbin Drive, Stephenville, July 13, 1995, at 9:00 a.m. (Reason for emergency: Need to supplement before we certify the roll.) Information may be obtained from Mitzi Meekins, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5464. TRD-9508411.

The Gonzales County Appraisal District Appraisal Review Board met at 928 St. Paul, Gonzales, July 14, 1995, at 9:00 a.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-9508494.

The Gonzales County Appraisal District Appraisal Review Board met at 928 St. Paul, Gonzales, July 17, 1995, at 9:00 a.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-9508492.

The Gonzales County Appraisal District Appraisal Review Board will meet at 928 St. Paul, Gonzales, July 19, 1995, at 9:00 a.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-9508493.

The Harris County Appraisal District Appraisal Review Board met at 2800 North Loop West, Eighth Floor, Houston, July 14, 1995, at 8:00 a.m. Information may be obtained from Susan Jordan, 2800 North Loop West, Houston, Texas 77092, (713) 957-5222. TRD-9508399.

The Hood County Appraisal District Board of Directors will meet at 1902 West Pearl Street, District Office, Granbury, July 18, 1995, at 7:30 p. m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471. TRD-9508400.

The Johnson County Central Appraisal District Board of Director will meet at 109 North Main, Suite 201, Room 202,

Cleburne, July 20, 1995, at 4:30 p.m. Information may be obtained from Priscilla A. Bunch, 109 North Main, Cleburne, Texas 76031, (817) 558-8100. TRD-9508480.

The Manville Water Supply Corporation, att> Board met at Spur 277, Board Room, Coupland, July 13, 1995, at 7:00 p.m. Information may be obtained from Tony Graf and/or Laverne Rohlack, P.O. Box 248, Coupland, Texas 78615, (512) 272-4044. TRD-9508415.

The Mason County Appraisal District Appraisal Review Board met at 202 Westm.cieland, Mason, July 14, 1995, at 9:00 a.m. Information may be obtained from Deborah Geistweidt, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989. TRD-9508489.

The Mills County Appraisal District Board of Directors will meet at the Mills County Courthouse, Jury Room-Fisher Street, Goldthwaite, July 18, 1995, at 6:30 p.m. Information may be obtained from Cynthia Partin, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253. TRD-9508476.

The North Texas Municipal Water District Board of Directors will meet at the Administration Office, 505 East Brown, Wylie, July 27, 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-9508418.

The South East Texas Regional Planning Commission Executive Committee will meet at 1255 Main, Port of Beaumont, Beaumont, July 19, 1995, at 7:00 p.m. Information may be obtained from Jackie Vice Solis, P.O. Drawer 1387, Nederland, Texas 77627, (409) 727-2384. TRD-9508414.

The Tarrant Appraisal District Tarrant Appraisal Review Board will meet at 2329 Gravel Road, Fort Worth, July 5-8, 10-14, 17-20, 24-27, and 31, 1995, at 8:00 a.m. Information may be obtained from Linda G. Smith, 2329 Gravel Road, Fort Worth, Texas 76118-6984, (817) 284-8884. TRD-9508449.



Meetings Filed July 11, 1995

The Brazos Student Finance Corporation Executive Committee of the Board of Directors met at 2600 Washington Avenue, Waco, July 14, 1995, at Noon. Information may be obtained from Tom Robertson, 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9508521.

The Brazos Valley Development Council (Emergency Revised Agenda.) Executive Committee met in the BVDC Conference Room, 1706 East 29th Street, Bryan, July 12, 1995, at 1:30 p.m. (Reason for emer-

gency: Deadline required by Resolution Trust Corporation for pending loan for Brazos Valley Affordable Housing for property purchase.) Information may be obtained from Tom Wilkinson, Jr., P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-4244. TRD-9508518.

The Burnet County Appraisal District Board of Directors will meet at 110 Avenue H, Suite 106, Marble Falls, July 20, 1995, at Noon. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9508524.

The Burnet County Appraisal District (Revised Agenda.) Board of Directors will meet at 110 Avenue H, Suite 106, Marble Falls, July 20, 1995, at Noon. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9508543.

The Hansford Appraisal Review Board ARB met at 709 West Seventh Street, Spearman, July 17, 1995, at 2:00 p.m. Information may be obtained from Alice Peddy, P.O. Box 519, Spearman, Texas 79081-0519, (806) 659-5575. TRD-9508533.

The Heart of Texas Council of Governments Private Industry Council will meet at 300 Franklin Avenue, Waco, July 20, 1995, at 5:30 p.m. Information may be obtained from Donna Teat, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9508516.

The Heart of Texas Council of Governments Executive Committee will meet at 300 Franklin Avenue, Waco, July 27, 1995, at 10:00 a.m. Information may be obtained from Donna Teat, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9508517.

The Henderson County Appraisal District Board of Directors will meet at 1751 Enterprise Street, Athens, July 18, 1995, at 5:00 p.m. Information may be obtained from Lori Fetterman, 1751 Enterprise Street, Athens, Texas 75751, (903) 675-9296. TRD-9508507.

The Henderson County Appraisal District Board of Directors will meet at 1751 Enterprise Street, Athens, July 18, 1995, at 5:30 p.m. Information may be obtained from Lori Fetterman, 1751 Enterprise Street, Athens, Texas 75751, (903) 675-9296. TRD-9508508.

The Hickory Underground Water Conservation District Number 1 (Rescheduled from July 13, 1995.) Board and Advisors will meet at 2005 South Bridge Street, Brady, July 20, 1995, at 7:00 p.m. Information may be obtained from Lorna Moore, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785. TRD-9508519.

The Houston-Galveston Area Council Projects Review Committee will meet at 3555 Timmons Lane, Conference Room A, Second Floor, Houston, July 18, 1995, at 9:00 a.m. Information may be obtained from Rowena Ballas, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9508555.

The Houston-Galveston Area Council Board of Directors will meet at 3555 Timmons Lane, Conference Room A, Second Floor, Houston, July 18, 1995, at 10:00 a.m. Information may be obtained from Jack Steele, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9508556.

The Limestone County Appraisal District Appraisal Review Board will meet at 200 State Street, LCAD Office, Ground Floor, County Courthouse, Groesbeck, July 18, 1995, at 9:00 a.m. Information may be obtained from Karen Wietzikoski, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009. TRD-9508513.

The Limestone County Appraisal District Board of Directors will meet at 200 State Street, LCAD Office, Ground Floor, County Courthouse, Groesbeck, July 18, 1995, at 1:30 p.m. Information may be obtained from Karen Wietzikoski, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009. TRD-9508514

The Central Counties Center for MHMR Services Board of Trustees will meet at 304 South 22nd Street, Temple, July 20, 1995, at 7:00 p.m. Information may be obtained from Eldon Tietje, 304 South 22nd Street, Temple, Texas 76501, (817) 778-4841, Ext. 301. TRD-9508527.

The Rio Grande Council of Governments Board of Directors will meet at the Rio Grande Council of Governments, 1100 North Stanton, Fourth Floor, El Paso, July 21, 1995, at 1:00 p.m. Information may be obtained from Lidia Flynn, 1100 North Stanton, Suite 610, El Paso, Texas 79902, (915) 533-0098. TRD-9508512.

The Rusk County Appraisal District Appraisal Review Board met at 107 North Van Buren, Henderson, July 17, 1995, at 9:00 a.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (903) 657-3578. TRD-9508496.

The Taylor County Central Appraisal District Appraisal Review Board met at 1534 South Treadaway, Abilene, July 13-14, 1995, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381. TRD-9508559.

Meetings Filed July 12, 1995

The Bosque County Central Appraisal District Board of Directors will meet at 202 South Highway 6, Meridian, July 20, 1995, at 8:00 p.m. Information may be obtained from Janice Henry, P.O. Box 393, Meridian, Texas 76665-0393, (817) 435-2304. TRD-9508662.

The Brazos River Authority Board of Directors met at 4400 Cobbs Drive, Waco, July 17, 1995, at 9:00 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9508666.

The Cass County Appraisal District Appraisal Review Board met at 502 North Main Street, Linden, July 17, 1995, at 9:00 a.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (903) 756-7545. TRD-9508571.

The Coastal Bend Council of Governments Membership/Board will meet at 2910 Leopard Street, Corpus Christi, July 21, 1995, at 2:00 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743. TRD-9508655.

The Deep East Texas Council of Governments (Public meeting for selection of minority representative to serve on the DETCOG Board) met at the Houston County Courthouse, County Courtroom, Second Floor, Crockett, July 17, 1995, at 5:15 p.m. Information may be obtained from Rusty Phillips, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9508631.

The Deep East Texas Council of Governments (Public meeting for selection of minority representative to serve on the DETCOG Board) met at the Trinity County Courthouse, District Courtroom, Second Floor, Groveton, July 17, 1995, at 6:45 p.m. Information may be obtained from Rusty Phillips, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9508630.

The Deep East Texas Council of Governments (Public meeting for the selection of minority representative to serve on the DETCOG Board) will meet in the Dunbar Gymnasium, 1102 Holhausen, Livingston, July 18, 1995, at 5:30 p.m. Information may be obtained from Rusty Phillips, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9508627

The Deep East Texas Council of Governments (Public meeting for selection of minority representative to serve on the DETCOG Board) will meet at the Jasper County Courthouse, District Courtroom, Second Floor, Jasper, July 19, 1995, at 5:15 p.m. Information may be obtained from

Rusty Phillips, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9508626.

The Deep East Texas Council of Governments (Public meeting for selection of minority representative to serve on the DETCOG Board) will meet at the Newton County Courthouse, Newton, July 19, 1995, at 6:45 p.m. Information may be obtained from Rusty Phillips, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9508625.

The Deep East Texas Council of Governments (Public meeting for selection of minority representative to serve on the DETCOG Board) will meet at the San Augustine County Courthouse, District Courtroom, Second Floor, San Augustine, July 24, 1995, at 5:15 p.m. Information may be obtained from Rusty Phillips, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9508624.

The Deep East Texas Council of Governments (Public meeting for selection of minority representative to serve on the DETCOG Board) will meet at the Sabine County Courthouse, District Courtroom, Third Floor, Hemphill, July 24, 1995, at 6:45 p.m. Information may be obtained from Rusty Phillips, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9508623.

The Deep East Texas Council of Governments Board of Directors and Grants Application Review Committee will meet at FM 2928, Fin and Feather Lodge, Hemphill, July 27, 1995, at 11:00 a.m. Information may be obtained from Walter G. Diggles, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9508641

The Denton Central Appraisal District Board of Directors will meet at 3911 Morse Street, Denton, July 27, 1995, at 4:00 p.m. Information may be obtained from Kathy Williams, P.O. Box 2816, Denton, Texas 76202-2816, (817) 566-0904. TRD-9508618.

The East Texas Council of Governments Private Industry Council will meet at 3800 Stone Road, Kilgore, July 18, 1995, at 9:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9508633.

The Education Service Center, Region VII Board of Directors will meet at 214 Highway 79 South, Henderson, July 20, 1995, at Noon. Information may be obtained from Eddie J. Little, 818 East Main Street, Kilgore, Texas 75662, (903) 984-3071. TRD-9508677.

The Garza Central Appraisal District Appraisal Review Board will meet at 124 East Main, Post, July 18, 1995, at 9:00 a.m. Information may be obtained from Billie Y.

Windham, P.O. Drawer F, Post, Texas 79356, (806) 495-3518. TRD-9508619.

The Gray County Appraisal District Appraisal Review Board will meet at 815 North Sumner, Pampa, July 17-18, 1995, at 9:00 a.m. Information may be obtained from Sherri Schaible, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791. TRD-9508673.

The Guadalupe-Blanco River Authority Legal Committee will meet at 933 East Court Street, Seguin, July 19, 1995, at 9:00 a.m. Information may be obtained from W. E. West, Jr., P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9508579

The Guadalupe-Blanco River Authority Industrial Development Corporation will meet at 933 East Court Street, Seguin, July 19, 1995, at 9:30 a.m. Information may be obtained from W. E. West, Jr., P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9508581.

The Guadalupe-Blanco River Authority Board of Directors will meet at 933 East Court Street, Seguin, July 19, 1995, at 10:00 a.m. Information may be obtained from W. E. West, Jr., P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9508580.

The Harris County Appraisal District Board of Directors will meet at 2800 North Loop West, Eighth Floor, Houston, July 19, 1995, at 9:30 a. m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292, (713) 957-5291. TRD-9508654.

The Lower Rio Grande Valley Development Council Hidalgo County Metropolitan Planning Organization will meet at the Fairway Resort, 2105 South Tenth Street, McAllen, July 18, 1995, at 6:30 p.m. Information may be obtained from Edward L. Moliitor, 4900 North 23rd Street, McAllen, Texas (210) 682-3481. TRD-9508637.

The Middle Rio Grande Development Council Executive Committee will meet at the MRGDC Central Office, 109 North First Street, Carrizo Springs, July 18, 1995, at 1:30 p.m. Information may be obtained from Leodoro Martinez, Jr., P.O. Box 1199, Carrizo Springs, Texas 78834, (210) 876-3533. TRD-9508653.

The Red River Authority of Texas (Revised Agenda.) Board of Directors will meet at 900 Eighth Street, Hamilton Building, Suite 525, Wichita Falls, July 21, 1995, at 10:00 a.m. (Rescheduled from: July 19, 1995.) Information may be obtained from Ronald J. Glenn, 520 Hamilton Building, 900 Eighth Street, Wichita Falls, Texas 76301-6894, (817) 723-0855. TRD-9508678.

The Riceland Regional Mental Health Authority Board of Trustees Joint Hospital Committee will meet at 3007 North Richmond Road, Wharton, July 20, 1995, at 10:30 a.m. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9508681.

The Riceland Regional Mental Health Authority Board of Trustees Finance Committee will meet at 3007 North Richmond Road, Wharton, July 20, 1995, at 10:30 a.m. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9508680.

The Riceland Regional Mental Health Authority Board of Trustees will meet at 3007 North Richmond Road, Wharton, July 20, 1995, at Noon. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9508682.

The Rusk County Appraisal District (Emergency Meeting.) Appraisal Review Board met at 107 North Van Buren, Henderson, July 14, 1995, at 9:00 a.m. (Reason for emergency: Only day to assemble a quorum.) Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (903) 657-3578. TRD-9508570.

The Taylor County Central Appraisal District Appraisal Review Board met at 1534 South Treadaway, Abilene, July 17, 1995, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381. TRD-9508643.

The Taylor County Central Appraisal District Appraisal Review Board will meet at 1534 South Treadaway, Abilene, July 20, 1995, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381. TRD-9508644.

The Taylor County Central Appraisal District Appraisal Review Board will meet at 1534 South Treadaway, Abilene, July 21, 1995, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381. TRD-9508645.

The Taylor County Central Appraisal District Appraisal Review Board will meet at 1534 South Treadaway, Abilene, July 25, 1995, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381. TRD-9508578.

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Meetings Filed July 13, 1995

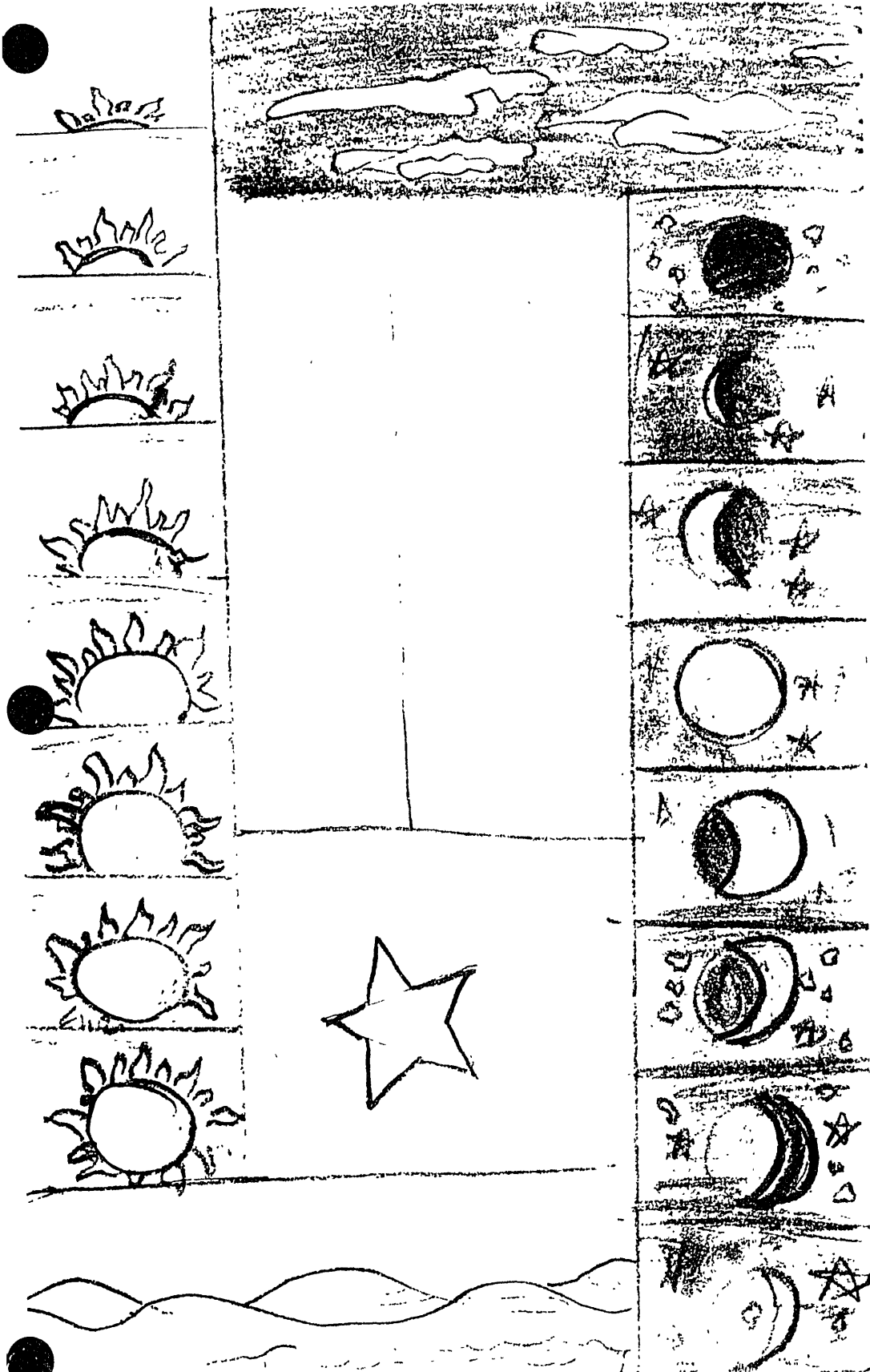
The Cass County Appraisal District Board of Directors will meet at 502 North Main Street, Linden, July 18, 1995, at 7:00 p.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (903) 756-7545. TRD-9508688.

The Middle Rio Grande Development Council (Revised Agenda.) Executive Committee will meet at the MRGDC Operations Office, 209 North Getty Street, Uvalde, July 18, 1995, at 1:30 p.m. Information may be obtained from Leodoro Martinez, Jr., P.O. Box 1199, Carrizo Springs, Texas 78834, (210) 876-3533. TRD-9508685.

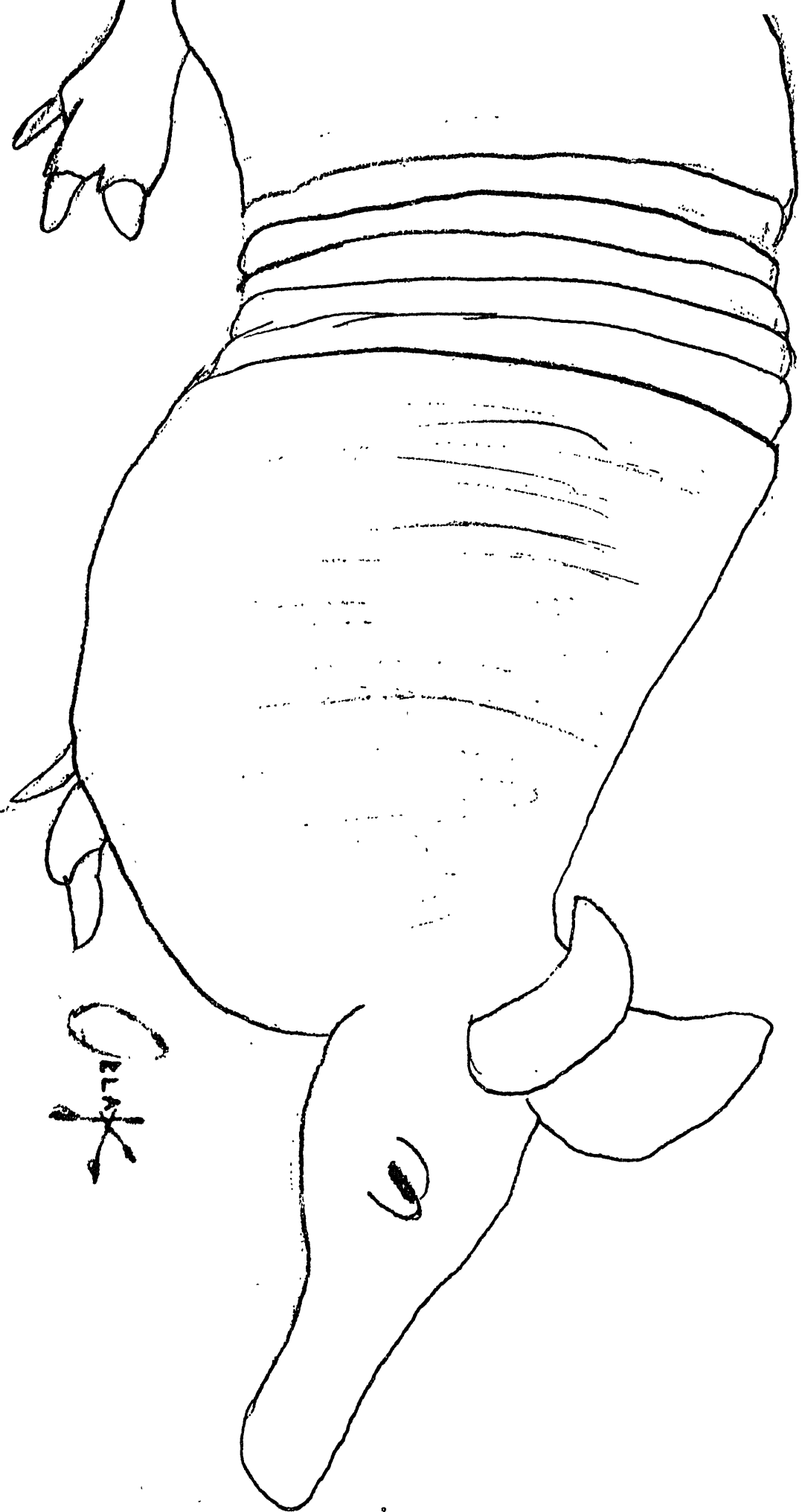
The San Antonio River Authority Board of Directors will meet at 100 East Guenther Street, Boardroom, San Antonio, July 19, 1995, at 2:00 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (210) 227-1373. TRD-9508690.

The Tarrant Appraisal District Board of Directors will meet at 2329 Gravel Road, Fort Worth, July 21, 1995, at 9:00 a.m. Information may be obtained from Mary McCoy, 2315 Gravel Road, Fort Worth, Texas 76118, (817) 284-0024. TRD-9508689.

The TML Group Benefits Risk Pool Board of Trustees will meet at the Sheraton Fiesta Beach Resort, 310 South Padre Boulevard, South Padre Island, July 20-22, 1995, at 8:00 a.m. Information may be obtained from Suzanne Steindorf, 1821 Ruthertford Lane, Suite 300, Austin, Texas 78754, (512) 719-6521. TRD-9508684.



Name: Leah Patridge Hahn
Grade: 7
School: Boles Junior High School, Arlington ISD



Eric Oblak

Name: John Eric Oblak
Grade: 7
School: Boles Junior High School, Arlington 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.

Coastal Coordination Council

Notice of Availability and Request for Public Comment

The Coastal Coordination Council and Texas General Land Office hereby announce the availability of the Texas Coastal Management Program Public Comment Document for public review and comment, including thresholds governing Council review of agency actions and agency rules to be certified by the Council pursuant to Texas Natural Resources Code, §33.2052. The General Land Office, as staff to the Coastal Coordination Council, is developing the Texas Coastal Management Program pursuant to Texas Natural Resources Code, §§33.201 et seq, for submission to the United States Secretary of Commerce for approval under the Coastal Zone Management Act, 16 United States Code, §§1451-1464. The Coastal Coordination Council is amending rules which implement the Texas Coastal Management Program pursuant to Texas Natural Resources Code, §§33.201 et seq and will be responsible for implementing the program.

Persons may request a copy of the Texas Coastal Management Program Public Comment Document by contacting Janet Fatheree, Council Secretary, General Land Office, 1700 North Congress Avenue, Austin, Texas 78701-1495, (512) 463-5385.

Issued in Austin, Texas, on July 5, 1995.

TRD-9508217 Garry Mauro
 Chairman
 Coastal Coordination Council

Filed: July 5, 1995

Notice of Rule Suspension

On June 29, 1995, the Coastal Coordination Council voted to suspend implementation of 31 TAC Chapters 501 and 503-506 until further notice. This suspension is necessitated by changes to the coastal management program mandated by the legislature under House Bill 3226. Until amendments to 31 TAC Chapters 501 and 503-506 take effect, the council shall not enforce, administer, or attempt to implement the provisions of such rules. Further, no state or federal agency or subdivision subject to the requirements of such rules shall be required to comply with such rules. Chapters 501 and 504-506 were adopted by the council on September 16, 1994, and published in the September 27, 1994, issue of the *Texas Register* (19 TexReg 7606).

Issued in Austin, Texas, on July 5, 1995.

TRD-9508218 Garry Mauro

Chairman
Coastal Coordination Council

Filed: July 5, 1995

Statement of Council Chairman Garry Mauro: Changes to Coastal Management Program Rules

At the June 29, 1995, meeting of the Coastal Coordination Council, I cast my first dissenting vote on the Texas Coastal Management Program. I want to explain why. In 1994, people at public hearings all agreed that the Texas Legislature should review the Coastal Management Program cover to cover and have the last word on it. Just over six weeks ago, the Legislature wrote the Coastal Management Program into law by unanimously passing House Bill 3226, a bipartisan compromise supported by the entire coastal legislative delegation, Governor George W. Bush, and myself. However, Council agriculture representative Geoff Connor, an Austin lawyer for the Texas Department of Agriculture, and Barry Williamson, Chairman of the Railroad Commission, are pursuing a separate agenda. They have proposed changes to the Coastal Management Program that unravel what the governor, the Legislature, myself, and coastal residents achieved—a Coastal Management Program that manages our beaches, dunes, bays, and wetlands in a way that is right for Texas and gains control over federal bureaucrats. I want to stay the course that resulted in House Bill 3226, not abandon that agreement before the ink is dry.

From January-May of 1995, the Legislature had the opportunity to review and change every single provision of the Coastal Management Program. When they wanted to make a change, the change was clear and detailed. What they did not want changed, they left alone. A special section of House Bill 3226 directs the Council to make the minimum changes necessary to the original Coastal Management Program. Accordingly, I recommended at the June 29th meeting that the Council make only those changes expressly required by the bill. These changes used the precise language of the bill to avoid lengthy debate over statutory interpretation and legislative intent.

In contrast, Mr. Williamson proposes an additional 117 changes, which he dubbed "Williamson's new rules" in a press release. Mr. Williamson, who attended none of the dozens of Coastal Management Program working meetings or public hearings, is reinterpreting House Bill 3226 and singlehandedly rewriting the Coastal Management Program from the ninth floor of the Travis State Office Building in Austin. He is changing language that was carefully crafted with the participation of coastal residents.

Mr. Connor proposed and the Council voted to seek public comment on whether the Coastal Management Program can legally include basic coastal policies on public beaches, sand dunes, wildlife preserves, shoreline development, floodplains, oyster reefs and wetlands. While their proposals are contrary to the bill's plain language, it is more significant that they are contrary to the shared goal that led to the consensus agreement in House Bill 3226—having a Coastal Management Program that manages our coast well and allows Texans to run Texas. They strike at the heart of the bipartisan compromise reached by the governor, the Legislature, myself, and coastal residents.

Mr. Connor's outrageous proposal is based on the assumption that the Legislature wants the Coastal Management Program stripped of its fundamental policies for managing coastal resources. Having a coastal program without managing beaches, dunes, wetlands and shorelines is ludicrous. These elements are the heart of any coastal program. Why have a Coastal Management Program without them? If the Texas Legislature wanted the Coastal Management Program's basic elements eliminated, they would have done so clearly and directly, not by hinting at it between the lines as Mr. Connor theorizes. I and one other Council member opposed this proposal.

In addition to dozens of wordsmithing changes, Mr. Williamson's substantive changes allow federal agencies to ignore coastal residents' concerns. One change denies Texans the right to be full partners with federal agencies in deciding how federal funds are to be expended in Texas' coastal zone. This is despite express language in House Bill 3226 that the Coastal Management Program is to cover these important funding decisions. Another change denies Texans a place at the table when the United States Fish and Wildlife Service decides what parts of the Texas coast will be denied federal flood insurance under the Coastal Barrier Resources Act. Another change denies Texans the right to demand that the United States Army Corps of Engineers do a better job of rebuilding the coast

when dredging commercial waterways. The Corps uses only the cheapest dredging practices, even if money is available and a small additional expenditure would reap thousands of dollars in benefits by rebuilding beaches or creating wildlife habitat. The change eliminates highly negotiated language in the definition of "practicable" that was demanded by local governments and coastal residents, language that simply requires the Corps to balance cost with other factors.

I have worked in good faith with three governors, four legislatures, and thousands of coastal residents to craft a Coastal Management Program that protects jobs and our coastal resources for future generations and allows us to qualify for Senator John Tower's coastal management program. The compromise between myself, Governor Bush, and the Legislature meets those goals. I remain committed to that agreement and oppose any attempt to kill it through distorted interpretations of the law. It is clear that those who would not come forward and air their concerns before the Legislature have launched a sneak attack on the Coastal Management Program barely six weeks after lawmakers have left town.

Issued in Austin, Texas, on July 5, 1995.

TRD-9508218 Garry Mauro
Chairman
Coastal Coordination Council

Filed: July 5, 1995

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**Office of Consumer Credit
Commissioner**

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Title 79, Texas Civil Statutes, 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)	07/10/95-07/16/95	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 July 3, 1995.

TRD-9508308 Leslie L. Pettijohn
Commissioner
Office of Consumer Credit Commissioner

Filed: July 7, 1995

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)	07/17/95-07/23/95	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 July 10, 1995.

TRD-9508582
Leslie L. Pettijohn
Commissioner
Office of Consumer Credit Commissioner

Filed: July 12, 1995

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Texas Education Agency

Request for Proposals Concerning Special Education Hearing Officers

Filing Authority. This request for proposals (RFP) #701-95-038 is filed under the authority of the Individuals with Disabilities Education Act (IDEA), 20 USC, §§1400 et seq, and its implementing regulations, 34 CFR, Part 300, the Texas Education Code, §29.001, and 19 TAC Chapter 157, Subchapter A.

Eligible Proposers. The Texas Education Agency (TEA) is requesting proposals from individuals, corporations, and organizations to provide services as independent hearing officers for administrative hearings brought under IDEA.

Description. As hearing officers, the selected proposers will preside over administrative hearings concerning the identification, evaluation, or educational placement of students with disabilities or the provision of free and appropriate education to students with disabilities. The hearing officers have authority to administer oaths, call and examine witnesses, make rulings on discovery and dispositive motions, determine admissibility of evidence and amendments to pleadings, maintain decorum, schedule and recess proceedings, and issue final decisions appealable to state or federal district courts.

Dates of Project. Proposers should plan for a starting date of no earlier than September 1, 1995, and an ending date of August 31, 1996.

Project Amount. The selected proposers will be compensated at the hourly rate of \$100 and reimbursed for expenses at state rates. Any contracts resulting from this RFP are funded 100% from IDEA-B federal funds.

Selection Criteria. Proposals will be selected on the ability of each proposer to carry out all the requirements in this RFP. The TEA will base its selection on, among other things, demonstrated competence and qualifications. The selected proposers must be attorneys who: are licensed in Texas; are in good standing with the State Bar of Texas; have at least five years of practice; have at least two years of experience in special education, disability law, administrative law, or civil rights law; possess good research skills; and demonstrate clarity of written expression.

The selected proposers must be independent in that they: cannot be employees of a public agency that is involved in the education or care of students; cannot have any professional or personal interests that would conflict with their objectivity in the hearing; and have not represented parents, students, or school districts in matters involving students with disabilities in the 12 months before being selected.

Special consideration will be given to proposers who have served as administrative hearing officers or who have been actively involved in contested administrative cases. Historically underutilized businesses, as defined by Texas Civil Statutes, Article 601b, §1.02(3), are encouraged to submit proposals.

The TEA reserves the right to select from the highest ranking proposals those that address all requirements in this RFP. The TEA is not obligated to execute a resulting contract, provide funds, or endorse any proposal submitted in response to this RFP. This RFP does not commit TEA to pay any costs incurred before a contract is executed. The issuance of this RFP does not obligate TEA to award a contract or pay any costs incurred in preparing a response.

Requesting the Proposal. A complete copy of RFP #701-95-038 may be obtained by writing the Document Control Center of TEA in Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, or by calling (512) 463-9304. Please refer to the RFP number in your request.

Further Information. For clarifying information number about this RFP, contact Margaret O. Thompson, Office of Legal Services, Texas Education Agency, (512) 463-9720.

Deadline for Receipt of Proposals. Proposals must be received in the Document Control Center of TEA by 5:00 p.m., Friday, August 11, 1995, to be considered.

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

TRD-9508575
Criss Cloudt
Executive Associate Commissioner for
Policy Planning and Information
Management
Texas Education Agency

Filed: July 12, 1995

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Request for Proposals Concerning the Identification of Successful Practices on Title I Schoolwide Programs

Filing Authority. Request for Proposals (RFP) #701-95-034 is authorized under Public Law 103-382, the Elementary and Secondary Education Act (ESEA) as amended by §1002(f), Title I, Part A, Improving Basic Programs Operated by Local Education Agencies.

Eligible Proposers. The Texas Education Agency (TEA) is requesting proposals from institutions of higher education, education service centers, research laboratories, or other profit and nonprofit researchers to identify highly successful Title I schoolwide programs.

Description. The contractor must identify successful practices on successful Title I schoolwide programs, isolate those factors that contributed to the success, and provide information to be disseminated throughout the state. The contractor must have experience in conducting qualitative and quantitative analyses.

Dates of Project. All services and activities related to this proposal will be conducted within specified dates. Proposers should plan for a starting date of no earlier than November 20, 1995, and an ending date of no later than November 20, 1996.

Project Amount. One contractor will be selected to receive a maximum of \$100,000 during the contract period. This project is funded 100% from ESEA, Title I, Part A, federal funds.

Selection Criteria. Proposals will be selected based on the ability of each proposer to carry out all requirements contained in the RFP. The TEA will base its selection on, among other things, the demonstrated competence and qualifications of the proposer. The TEA reserves the right to select from the highest ranking proposals the one that will best address all requirements in the RFP.

The TEA is not obligated to execute a resulting contract, provide funds, or endorse any proposal submitted in response to this RFP. This RFP does not commit TEA to pay any costs incurred before a contract is executed. The issuance of this RFP does not obligate TEA to award a contract or pay any costs incurred in preparing a response.

Requesting the Proposal. A complete copy of RFP #701-95-034 may be obtained by writing the: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, or by calling (512) 463-9304. Please refer to the RFP number in your request.

Further Information. For clarifying information about the RFP, contact Dr. Avis Wallace, Division of Accelerated Instruction, Texas Education Agency, (512) 305-9205.

Deadline for Receipt of Proposals. Proposals must be received in the Document Control Center of the Texas Education Agency by 5:00 p.m., Friday, September 22, 1995, to be considered.

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

TRD-9508574 Criss Cloudt
Executive Associate Commissioner for
Policy Planning and Information
Management
Texas Education Agency

Filed: July 12, 1995

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Advisory Commission on State Emergency Communications Request for Proposals

The Advisory Commission on State Emergency Communications (herein called "ACSEC") is soliciting proposals from qualified entities to provide program monitoring services for the ACSEC. The intent of this request is to

select a vendor to provide assistance to those local government entities in Texas who need help in expediting the local addressing program in their area. Health and Safety Code, Chapter 771 authorizes the ACSEC to conduct services of this nature.

Primary factors in the evaluation process will include:

- (1) Vendor's approach to providing the required services.
- (2) Vendor's experience in providing similar services.
- (3) Reasonableness of the fee and man-hour estimate.
- (4) The response will serve as the primary basis for selecting an entity to provide the required services to the ACSEC.

The Commission desires services which represent the best combination of price and quality.

Questions about the RFP and requests for a copy of the bid package should be directed to: Carey Spence, 9-1-1 Program Manager, (512) 305-6931. Parties interested in making a proposal should request a full bid package and not rely on this summary notice for their proposal.

Written proposals shall be received by the ACSEC by 5:00 p.m., central standard time on July 31, 1995 to be considered. Proposals should be sent to: Advisory Commission on State Emergency Communications, 333 Guadalupe Street, Hobby Building, Suite 2-212, Austin, Texas 78701-3942. Proposals must be clearly marked on the envelope as Addressing Proposal.

Issued in Austin, Texas, on July 7, 1995.

TRD-9508309 Mary A. Boyd
Executive Director
Advisory Commission on State Emergency
Communications

Filed: July 7, 1995

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Texas Environmental Awareness Network Notice of Monthly Meeting

The Texas Environmental Awareness Network, an association of state agencies and environmental and educational organizations, will meet July 18, 1995, at 9:00 a.m. at Texas Parks and Wildlife Department, Wild Basin Preserve Offices, 805 South Capital of Texas Highway, Austin, Texas 78746.

Tentative agenda items include:

1. Introductions
2. Mailing List Update
3. "Eye on Earth" Program
4. Environmental Education Conference Update
5. TEAN Web Page project

For information about the meeting, or to place an item on the agenda, contact Sue Bumpous, TEAN Chair, by mail at P.O. Box 13087, MC 194, Austin, Texas 78711; by phone at (512) 239-0049; or by fax at (512) 239-0055.

Issued in Austin, Texas, on July 6, 1995.

TRD-9508297 Sigrid Clift
Interim Secretary
Texas Environmental Awareness Network

Filed: July 6, 1995

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General Land Office
Correction of Error

The General Land Office submitted an Open Meeting Notice, which was published in the June 30, 1995, issue of the *Texas Register* (20 TexReg 4848).

An incorrect City Ordinance Number was provided to the agency and, therefore, incorrectly published. The correct Ordinance Number is 890525-D.

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Texas Department of Health
African American Immunization
Initiative—Building Community
Coalitions

PURPOSE. The Texas Department of Health (TDH), Office of Minority Health, invites requests for proposals (RFP) from Houston, Dallas, Austin, Fort Worth and Tyler communities to address the low immunization rates among African American children between the ages 0-24 months through the formation and support of effective community coalitions. These communities coalitions will work to: increase public understanding of, involvement in, and support for childhood immunizations; decrease barriers that prevent childhood immunizations; develop and support community immunization campaigns; compliment existing programs in a community to prevent unnecessary duplication of service; coordinate immunization rallies, special events and household campaigns; coordinate community-wide educational campaigns; collaborate with local health departments to maintain a record of children immunized; support public/private partnership efforts on a grassroots level in increasing childhood immunizations rates in African American children; and develop a collaboration with the "Shots Across Texas" coalitions in the designated areas.

ELIGIBLE APPLICANTS. African American communities in Houston, Dallas, Austin, Fort Worth, and Tyler are eligible.

FUNDING CRITERIA. All applicants must meet the following criteria: The proposal must be made on behalf of a community coalition consisting of at least seven members who are either representatives of community agencies or organizations or interested individuals from the community.

The community coalition must identify a public or private nonprofit organization which can serve as fiscal agent for the grant, execute a contract and make the required financial reports. If the organization managing the funds is not-for-profit, the organization must attach a copy of the organization 501(c)3 tax exempt status letter from the Internal Revenue Services, along with a list of the organization's Board of Directors, their addresses and occupations.

The community must be within the cities designated for this initiative.

ISSUANCE OF RFP. Upon issuance of the RFP, the African American Immunization Initiative Coordinator of the Texas Department of Health, Office of Minority

Health, will schedule a meeting of potential grantees and other interested parties to discuss the purposes of this request for proposal.

DISBURSEMENT OF FUNDS. An approved applicant will enter into contract with TDH prior to disbursement of funds. The contract will contain or incorporate by reference: Centers for Minority Health Initiatives and Cultural Competency (CMHICC) program requirements, this RFP, the applicant's response to the RFP, and TDH General Contract Provisions; access to documents or other resources required to meet the objectives of this planning grant; and program monitoring and fiscal requirements related to accounting for funds and recovering funds as required by Texas law, TDH policies, CMHICC policies, and Uniform Grant and Contract Management Act (UGCMA). Reimbursement is based on actual expenses incurred in accordance with the executed contract.

FUNDING PERIOD AND AWARDS. Contract will be for a one-year period, from September 1, 1995 through August 31, 1996 and coalition grants will be available for up to \$25,000.

APPLICATION PROCEDURES. Copies of the RFP will be mailed on request to individuals and organizations in the designated areas. Others may obtain copies of the RFP from the Texas Department of Health Office of Minority Health, 1100 West 49th Street, Suite M-543, Austin, Texas 78756-3199 or by calling the African American Immunization Coalition Coordinator at (512) 458-7629. Proposals must be received at the Centers for Minority Health Initiatives and Cultural Competency office by 5:00 p.m., August 8, 1995.

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

TRD-9508611 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: July 12, 1995

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Early and Periodic Screening, Diagnosis,
and Treatment (EPSDT) Program
Request for Proposals

Purpose. The Texas Department of Health (department) is requesting proposals (RFP) for EPSDT Client Outreach and Support Services in the 49 counties of the department's Public Health Region 2/3.

Description. The department is seeking contract services to expand EPSDT client awareness of existing EPSDT health services and stimulate EPSDT client use of preventive services, so that young people in the EPSDT population can receive medical and dental care before health problems become chronic and irreversible damage occurs. Region 2/3 is contracting for client outreach and informing services and client support/follow-up services. These contracted activities are integral to EPSDT client service delivery. The department will use the competitive procurement process to select one EPSDT services contractor for services throughout Public Health Region 3 (19 counties) or throughout Public Health Region 2/3 (total of 49 counties).

Eligible Applicants. Eligible offerors include government entities, private nonprofit and for-profit agencies, partnerships, and sole proprietorships.

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 this RFP and to cancel this RFP if it is deemed in the best interest of the department.

Term. The effective date for a contract awarded under this competitive procurement is September 1, 1995. Renewal of the competitively-procured contract usually occurs at the beginning of each State fiscal year (September 1). At its option, the department may negotiate the renewal or extension of the contract on a non-competitive basis for a total contract duration not to exceed 48 months.

Deadlines. All proposals to be considered for funding through this RFP must be received by 5:00 p.m. on Friday, August 18, 1995, at the Texas Department of Health, Public Health Region 2/3, EPSDT Program (Attention Jan L. Havins), 2561 Matlock Road, Arlington, Texas 76015. Proposals received after this deadline will not be accepted. Facsimiles will not be accepted.

Evaluation and Selection. A program evaluation selection committee designated by the department will rank and score the proposals. The evaluation for this RFP will be based upon the following criteria: offeror organization and staffing; offeror experience and expertise; and services delivery and administrative plan.

Contact Person. To obtain a complete copy of the RFP, please contact Lauren Rubac, Texas Department of Health, Public Health Region 2/3, EPSDT Program, 2561 Matlock Road, Arlington, Texas 76015, (817) 460-3032.

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

TRD-9508539 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: July 11, 1995

Notice of Intent to Revoke Certificates of Registration

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13 (25 Texas Administrative Code §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following registrants: General Medical Technology, Inc., Pasadena, R17250; Thao's Dental Equipment, Houston, R16591; Douglas Edward, Inc., Lubbock, R20223; Arthur J. Mund, III, D.D.S. and Terence M. Zang, D.D.S., Fort Worth, Z00749; Amha S. Hailemeskel, D.D.S., Dallas, R18682; Image Engineering Corporation, Somerville, Massachusetts, Z00204; Maxwell Radiology, Inc., Houston, R14723; Curtis J. Ryder, M.D., P.A., San Antonio, R13679; Nigel C. McKay, D.C., Houston, R15777; Golden Triangle Chiropractic Center, Denton, R16514; Richard A. Watson, D.V.M., Spring, R16535; Douglas L. Reece, D.O., Lubbock, R17640; North Texas Animal Health Care Assoc., PC, Arlington, R20985.

The department intends to revoke the certificates of registration; order the registrants to cease and desist use of radiation machine(s); order the registrants to divest themselves of such equipment; and order the registrants to present evidence satisfactory to the bureau that they have complied with the orders and the provisions of the Health

and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, the department will not issue an order.

This notice affords the opportunity to the registrants for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

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

TRD-9508535 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: July 11, 1995

Notice of Intent to Revoke an Industrial Radiographer I.D. Card

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13 (25 Texas Administrative Code §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed a complaint against Glenn P. Boudreaux, Opelousas, Louisiana, (Texas Radiographer Number 000294; I.D. Card Audit Number 06809). The department intends to revoke the industrial radiographer I.D. card, order the industrial radiographer to cease and desist use of such radioactive materials; and order the industrial radiographer to present written explanation to the bureau of his involvement in violations of the Health and Safety Code, Chapter 401, as noted during a recent inspection.

This notice affords the opportunity to the industrial radiographer for a hearing to show cause why the industrial radiographer I.D. card 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, the industrial radiographer I.D. card 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 July 11, 1995.

TRD-9508537 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: July 11, 1995

Notices of Intent to Revoke a Radioactive Material License

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 licensee: Robco Production Logging, Inc., Snyder, L03549.

The department intends to revoke the radioactive material license; order the licensee to cease and desist use of such radioactive material; order the licensee to divest himself of the radioactive material; and order the licensee 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 fee is paid within 30 days of the date of the complaint, the department will not issue an order.

This notice affords the opportunity to the licensee for a hearing to show cause why the radioactive material license should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the radioactive material license 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 July 11, 1995.

TRD-9508536 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: July 11, 1995

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 licensee: Real Technical Services, Inc., Houston, L04416.

The department intends to revoke the radioactive material license; order the licensee to cease and desist use of such radioactive material; order the licensee to divest himself of the radioactive material; and order the licensee 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 fee is paid and 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 licensee for a hearing to show cause why the radioactive material license should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid or the items in the complaint are not corrected, the radioactive material li-

cense 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 July 11, 1995.

TRD-9508538 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: July 11, 1995

Public Comments on Block Grant Funding

Under the authority of the Omnibus Budget Reconciliation Act of 1981, the Texas Department of Health (TDH) is making application for funds to continue the Preventive Health and Health Services (PHHS) Block Grant during federal fiscal year (FFY) 1996.

Public hearings were held in four of TDH's public health regions, and public comments received from these hearings have been summarized. This summary is available for public review and comment by any person (including any federal, state, local, or other public agency) and may be viewed at TDH and the following regional offices: Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261; Public Health Region 1, 1109 Kemper, Lubbock, Texas 79403, (806) 744-3577; Public Health Regions 2 and 3, 2561 Matlock Road, Arlington, Texas 76015, (817) 460-3032; Public Health Regions 4 and 5 North, 1517 West Front Street, Tyler, Texas 75702, (903) 595-3585; Public Health Regions 6 and 5 South, 10500 Forum Place, Suite 200, Houston, Texas 77036-8599, (713) 995-1112; Public Health Region 7, 2408 South 37th Street, Temple, Texas 76504-7168, (817) 778-6744; Public Health Region 8, 1015 Jackson Keller Road #222, San Antonio, Texas 78213, (210) 342-3300; Public Health Regions 9 and 10, 6070 Gateway East, Suite 401, El Paso, Texas 79905-2060, (915) 774-6200; and Public Health Region 11, 601 West Sesame Drive, Harlingen, Texas 78550, (210) 423-0130. In addition, the summary may be viewed at the following local health departments: Angelina County and Cities, Health District, 202 South Bynum, Lufkin, Texas 75901, (409) 632-1372; Corpus Christi-Nueces County, Public Health District, 1702 Horne Road, Corpus Christi, Texas 78416, (512) 851-7200; Grayson County Health Department, 515 North Walnut, Sherman, Texas 75090, (903) 893-0131; Harris County Health Department, 223 West Loop South, Houston, Texas 77027, (713) 439-6106; Laredo (City of) Health Department, 2600 Cedar Street, Laredo, Texas 78040, (210) 723-2051; San Angelo-Tom Green County Health Department, 2 City Hall Plaza, San Angelo, Texas 76903, (915) 657-4214; San Antonio Metropolitan Health District, 332 West Commerce Street, San Antonio, Texas 78285, (210) 299-8780; Texarkana-Bowie County Family Health Center, 902 West 12th Street, Texarkana, Texas 75501, (903) 798-3255; Victoria County Health Department, 107 West River Street, Victoria, Texas 77902, (512) 578-6281; and Wichita Falls-Wichita County Public Health District, 1700 Third Street, Wichita Falls, Texas 76701, (817) 761-7800.

Written comments regarding the PHHS Block Grant may be submitted prior to August 18, 1995, to Philip Huang, M.D., Chief, Bureau of Chronic Disease Prevention and

Control, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199.

Issued in Austin, Texas, on July 6, 1995.

TRD-9508373 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: July 7, 1995

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**Public Hearing Notice/Extension of
Public Comment Period**

The Texas Department of Health will hold a public hearing on the proposed rules concerning the reimbursement methodology for the pharmacy dispensing fee which were published in the June 16, 1995, issue of the *Texas Register* (20 TexReg 4393). The public hearing is scheduled at 9:00 a.m., Monday, July 24, 1995, in the Texas Department of Health's Board Room, Morton Building, 1100 West 49th Street, Austin, Texas. The department is extending the comment period to 5:00 p.m., July 24, 1995.

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

TRD-9508540 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: July 11, 1995

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**Texas Department of Housing and
Community Affairs**

**Notice of Amendment to the 1995 Final
Statement**

The Texas Department of Housing and Community Affairs (TDHCA) announces an amendment to the State of Texas' federal fiscal year 1995 final statement which governs expenditure of 1995 Texas Community Development Program funds. The final statement is being amended as follows:

Under PART III, PROJECT LENGTH, this section has been revised to read as follows:

PROJECT LENGTH

All projects except TCF projects must be completed within two years from the execution date of the contract agreement. TCF projects must be completed within three years from the execution date of the contract agreement. Waivers of these requirements for any TCDP contract will only be granted when a waiver request is submitted in writing to TDHCA and TDHCA finds that compelling circumstances exist outside the control of the local government that justify the approval of such a waiver.

Under PART III, APPLICATION CYCLES, the first sentence of the third paragraph has been revised to read as follows:

The Colonia EDAP Fund will distribute on a first-come first-serve basis a maximum of \$2 million to eligible counties and cities that have received funding from the Texas Water Development Board's Economically Distressed Areas Program (EDAP).

Under PART IV, REVIEW PROCESS, SELECTION CRITERIA, COLONIA EDAP FUND, parts one and two

have been deleted and part three has been modified. This section, in its entirety, now reads as follows:

SELECTION CRITERIA

COLONIA EDAP FUND

Each application will be evaluated by a committee composed of state program staff using the following information submitted in the application:

The severity of need within the colonia area(s) and how the proposed activities will resolve the problem of constructing water and sewer improvements on private property, an activity that cannot be accomplished using EDAP funds.

The effective use TCDP funds to provide water or sewer connections/yard lines to water/sewer systems funded through EDAP.

The TCDP cost per low/moderate-income beneficiary.

Whether the applicant has provided any local matching funds for administrative, engineering, or construction activities.

Whether the applicant has adopted and enforced subdivision regulations or a subdivision ordinance.

If applicable, the projected water and/or sewer rates after completion of the project based on 3,000 gallons, 5,000 gallons and 10,000 gallons of usage.

The ability of the applicant to utilize the grant funds in a timely manner; the request should be timed so that the treatment, distribution, and/or collection systems funded by EDAP are nearly complete so that TCDP funds for connections may be expended quickly once grant awards are made.

The availability of grant funds to the applicant for project financing from other sources.

The applicant's past use of CDBG or TCDP funds over each of the past three years and the applicant's Community Needs Assessments or Final Statements, if applicable, for CDBG or TCDP applications during each of the past three years. The applicant's past performance on prior TCDP contracts.

A copy of the final statement as amended is available for review at the Texas Department of Housing and Community Affairs, Texas Community Development Program office, 811 Barton Springs Road, Suite 740, Austin, Texas. Written comments concerning this amendment will be accepted through August 1, 1995, and should be submitted to Anne Paddock, Deputy General Counsel, Texas Department of Housing and Community Affairs, 811 Barton Springs Road, Suite 500, Austin, Texas 78704.

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

TRD-9508531 Henry Flores
Executive Director
Texas Department of Housing and
Community Affairs

Filed: July 11, 1995

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Notice of Grant Hearings

As part of the public information consultation and public hearings requirements for the Community Services Block Grant, a federal block grant and the Low Income Home Energy Assistance Program, the Community Affairs Divi-

sion of the Texas Department of Housing and Community Affairs (TDHCA) is conducting four public hearings. The primary purpose of the hearings is to solicit comments on the proposed use and distribution of federal fiscal year (FFY) 1996 funds provided under the Community Services Block Grant (CSBG), Community Food and Nutrition Program, and the Low Income Home Energy Assistance Program's (LIHEAP) Weatherization Assistance Program and Comprehensive Energy Assistance Program. Additionally, the Department will discuss changes to CSBG Public Law 103-252. Beginning in FY'96, CSBG contractors will be required to submit a community action plan as a condition to receipt of funding. The community action plan must include a community needs assessment and a description of: the service delivery system; linkages developed to meet gaps in services; coordination efforts; and outcome measures to monitor the success in promoting self-sufficiency, family stability, and community revitalization.

The four public hearings have been scheduled as follows:

Thursday, July 27, 1995, 2:00 p.m. at the J. Erik Jonsson Dallas Central Public Library-Auditorium, 1515 Young Street, Dallas, Texas.

Thursday, July 27, 1995, 6:00 p.m. at the Corpus Christi Central Library, La Retama Room, 805 Comanche, Corpus Christi, Texas.

Friday, July 28, 1995, 10:00 a.m. at the Mahon Library, Community Room, 1306 9th Street, Lubbock, Texas.

Friday, July 28, 1995, 2:00 p.m. at the William B. Travis Building, 1701 North Congress Avenue, Room 1-100, Austin, Texas.

A representative from TDHCA will be present to explain the planning process and receive comments from interested citizens and affected groups regarding the proposed plans. Intended Use Reports may be obtained on or about July 12, 1995 by contacting the Texas Department of Housing and Community Affairs, Community Affairs Division, Section, P.O. Box 13941, Austin, Texas 78711-3941. For questions, contact the Community Affairs Division at (512) 475-1371.

Comments on the intended use of funds may be in the form of written comments or oral testimony at the hearings. Written comments may be submitted to TDHCA at the time of the hearings or by mail no later than August 2, 1995.

Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal at (512) 475-3822 or Relay Texas at 1-800-735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Issued in Austin, Texas, on July 5, 1995.

TRD-9508213 Henry Flores
Executive Director
Texas Department of Housing and
Community Affairs

Filed: July 5, 1995

Texas Department of Human Services Public Hearing

The public hearing will be held on Tuesday, July 18, 1995, at 1:00 p.m., 701 West 51st Street, Public Hearing Room, Austin, Texas.

Long-Term Care Services Agenda: Public discussion with interested Community Care for the Aged and Disabled providers of services and/or associations or advocates of such providers to gather information regarding the department's budgetary constraints in the CCAD programs. Additional information may be obtained by contacting James E. Tennison, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3151.

Issued in Austin, Texas, on July 7, 1995.

TRD-9508312 Nancy Murphy
Section Manager, Media and Policy
Services
Texas Department of Human Services

Filed: July 7, 1995

Texas Department of Insurance Company License

The following applications have been filed with the Texas Department of Insurance and are under consideration:

Application for admission in Texas for Kaiser Permanente Insurance Company, a foreign life, accident and health company. The home office is in Oakland, California.

Application for admission in Texas for American International Pacific Insurance Company, a foreign fire and casualty company. The home office is in Denver, Colorado.

Application for incorporation in Texas for Glympic Insurance Company, a domestic fire and casualty company. The home office is in Dallas, Texas.

Application for incorporation in Texas for Everhart Insurance Company, a domestic fire and casualty company. The home office is in Dallas, Texas.

Application for a name change in Texas for Reliance Life Insurance Company, a foreign life, accident and health company. The proposed new name is AXA Re Life Insurance Company. The home office is in New York, New York.

Application for a name change in Texas for Food Industry Insurance Exchange, a domestic reciprocal exchange company. The proposed new name is Universal Insurance Exchange. The home office is in Dallas, Texas.

Any objections must be filed within 20 days after this notice was filed with the Texas Department of Insurance, addressed to the attention of Cindy Thurman, 333 Guadalupe Street, M/C 305-2C, Austin, Texas 78701.

Issued in Austin, Texas, on July 7, 1995.

TRD-9508348 Alicia M. Fachtel
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: July 7, 1995

Notices

The Commissioner of Insurance or his designee, will consider approval of a rate filing request outside the promulgated flexibility band filed by Liberty Insurance Corporation pursuant to Texas Insurance Code, Article 5.101, §3(f). They are proposing rates ranging from +30% to +70% above the benchmark based on classes, and coverage for private passenger automobile insurance.

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 July 7, 1995.

TRD-9508344 Alicia M. Fecthel
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: July 7, 1995



The Commissioner of Insurance or his designee, will consider approval of a rate filing request outside the promulgated flexibility band filed by Metropolitan General Insurance Company pursuant to Texas Insurance Code, Article 5.101, §3(f). They are proposing rates of +30% for UM, +60% for Comprehensive and Collision and +70% for BI, PD, MP and PIP for private passenger automobile.

Copies of the filing may be obtained by contacting Gifford Ensey, at the Texas Department of Insurance, Legal and Compliance Division, 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 July 7, 1995.

TRD-9508345 Alicia M. Fecthel
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: July 7, 1995



The Commissioner of Insurance or his designee, will consider approval of a rate filing request outside the promulgated flexibility band filed by Metropolitan Property and Casualty Insurance Company pursuant to Texas Insurance Code, Article 5.101, §3(f). They are proposing rates ranging from +9% to +60% based on class, territory and coverage for private passenger automobile insurance.

Copies of the filing may be obtained by contacting Gifford Ensey, at the Texas Department of Insurance, Legal and Compliance Division, P.O. Box 149104, Austin, Texas 78767-9104, 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 Insur-

ance, 333 Guadalupe, P.O. Box 149104, Austin, Texas 78701 within 30 days after publication of this notice.

Issued in Austin, Texas, on July 7, 1995.

TRD-9508346 Alicia M. Fecthel
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: July 7, 1995



The Commissioner of Insurance or his designee, will consider approval of a rate filing request outside the promulgated flexibility band filed by First National Insurance Company of America pursuant to Texas Insurance Code, Article 5.101, §3(f). They are proposing rates of +50% above the benchmark for BI, PD, MP, PIP, Comprehensive and Collision, and +30% above the benchmark for uninsured motorist for private passenger automobile insurance.

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 July 10, 1995.

TRD-9508490 Alicia M. Fecthel
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: July 10, 1995



On June 28, 1995, in Order 95-0669, the Commissioner of Insurance adopted amendments to the Texas Automobile Insurance Plan Association, Plan of Operation. Notice of the possible adoption was published in the June 23, 1995, issue of the *Texas Register* (20 TexReg 4566).

For copies of Commissioner's order number 95-0669 and the Texas Automobile Insurance Association Plan of Operation, contact Angie Arizpe at (512) 463-6326 (refer to file number A-0695-10).

Issued in Austin, Texas, on July 10, 1995.

TRD-9508486 Alicia M. Fecthel
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: July 10, 1995



The Commissioner of Insurance has rescheduled to August 4, 1995, at 9:00 a. m. a hearing under Docket Number 2152, originally set for August 2, 1995, concerning the Texas Association of Insurance Agents, proposed changes to Texas Homeowner's Policy forms and endorsements and amendments to rules in the Homeowner's Section of the Texas Personal Lines Manual.

Notice of the hearing was published in the June 27, 1995, issue of the *Texas Register* (20 TexReg 4623) and (20 TexReg 4655).

Issued in Austin, Texas, on July 10, 1995.

TRD-9508487

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

Filed: July 10, 1995

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**Notice of Application by Dorsey Dental
Plans of America, Inc., Houston,
Texas for Issuance of a Certificate of
Authority to Establish and Operate an
HMO in the State of Texas**

Notice is given to the public of the application of DORSEY DENTAL PLANS OF AMERICA, INC., Houston, Texas for the issuance of a certificate of authority to establish and operate a health maintenance organization (HMO) for the sole purpose of providing a single health care service plan offering a dental care service in the State of Texas in compliance with the Texas HMO Act and rules and regulations for HMOs. The application is subject to public inspection at the offices of the Texas Department of Insurance, HMO Unit, 333 Guadalupe, Hobby Tower I, Sixth Floor, Austin, Texas.

Upon consideration of the application, if the Commissioner is satisfied that all requirements of law have been met, the Commissioner or his designee may take action to issue a certificate of authority to DORSEY DENTAL PLANS OF AMERICA, INC. without a public hearing.

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

TRD-9508589

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

Filed: July 12, 1995

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**Notice of Statement Regarding the
Acquisition of Control of Parliament
Dental Plans, Inc. by Parliament
Management Corporation, Applicant**

Notice is given to the public of the filing of a Form A (HMO), Statement Regarding the Acquisition of Control of Parliament Dental Plans, Inc. by Parliament Management Corporation, Applicant, with the Commissioner of Insurance pursuant to Texas Insurance Code, Article 20A.05(d) and 28 TAC §§11.1201-11.1206. The Statement is subject to public inspection at the offices of the Commissioner of Insurance, HMO Unit, 333 Guadalupe, Hobby Tower I, Sixth Floor, Austin, Texas.

Upon consideration of the acquisition of control, if the Commissioner is satisfied that all requirements of law have been met, the Commissioner or his designee may take action to approve the acquisition of control of Parliament Dental Plans, Inc. by Parliament Management Corporation without a public hearing.

Issued in Austin, Texas, on July 7, 1995.

TRD-9508347

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

Filed: July 7, 1995

**Texas State Library Archives
Commission**

Consultant Contract Reports

By law Texas Civil Statutes, Government Code 2254, Subchapter B, state agencies and regional councils of governments are required to file with the Office of the Secretary of State invitations to bid and details on bidding on private consultant contracts expected to exceed \$10,000. Within ten days of the award of the contract, the agency must file with the Secretary of State a description of the study to be conducted, the name of the consultant, the amount of the contract, and the due dates of the reports. Additionally, Article 6252-11c, directs the contracting agencies to file copies of all documents, films, recordings, or reports developed by the private consultants with the Texas State Library. The Library is required to compile a list of the materials received and submit the list quarterly for publication in the *Texas Register*.

Below is a list of materials received for the second quarter of 1995. These materials may be examined in Room 300, Texas State Library, 1201 Brazos Street, Austin, Texas.

Agency: Attorney General

Consultant: Advanced Risk Technologies Inc.

Title: 2 v.: State of Texas actuarial study: Workers' Compensation Program as of November 30, 1994; Texas Workers' Compensation reserving implementation

Agency: Comptroller of Public Accounts

Consultant: National Economic Research Associates, Inc.

Title: State of Texas disparity study: a report to the Texas Legislature as mandated by House Bill 2626, 73rd Legislature

Agency: Council on Workforce and Economic Competitiveness

Consultant: EGS Research and Consulting

Title: Handbook for developing a school-based integrated support services system

Agency: Council on Workforce and Economic Competitiveness

Consultant: Special Audience Marketing, Inc.

Title: School-to-work opportunities: lessons that last a lifetime: a report to the 73rd Legislature

Agency: Council on Workforce and Economic Competitiveness

Consultant: Tech Prep of the Rio Grande Valley, Inc.

Title: School-to-Work Pilot Project for work-based training in machining with linkages to tech prep and youth apprenticeship: final report-implementation plan

Agency: Texas Higher Education Coordinating Board

Consultant: Inverness Research Associates

Title: Study of the Texas Dwight D. Eisenhower Mathematics and Science Higher Education State Grant Program: Case studies of five long-term projects.

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

TRD-9508488

Raymond Hitt
Assistant State Librarian
State Library and Archives Commission

Filed: July 10, 1995

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Texas Department of Licensing and Regulation

Notice of Contract Award

Pursuant to Government Code, Chapter 2254, Subchapter B, the Texas Department of Licensing and Regulation announces award of a contract for providing licensing examinations for commercial refrigeration/process cooling and heating licensing, including production of examinations, grading, and mailing of results, to Block and Associates, Inc., 5700 S.W. 34th Street, #1303, Gainesville, Florida, 32608. The request for proposals was published in the January 31, 1995, edition of the *Texas Register* (20 TexReg 593). The contract will not exceed \$30,000, and begins on September 1, 1995, and expires August 31, 1997.

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

TRD-9508581 Jack W. Garrison
 Executive Director
 Texas Department of Licensing and
 Regulation

Filed: July 12, 1995

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Texas Natural Resource Conservation Commission

Enforcement Orders

An agreed enforcement order was entered regarding C. H. BROCKETT, Docket Number 95-0867-PST-E (TNRCC Facility I.D. 15364; Enforcement I.D. E10962) on July 5, 1995, assessing \$300 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Raymond C. Winter, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0600.

An agreed enforcement order was entered regarding LARRY DITTBURNER, Docket Number 95-0889-PST-E (TNRCC Facility I.D. 36997; Enforcement I.D. E10858) on July 5, 1995, assessing \$1,200 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Raymond C. Winter, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0600.

An agreed enforcement order was entered regarding EDWIN M. FARROW, Docket Number 95-0904-PST-E (TNRCC Facility I.D. 64387; Enforcement I.D. E10451) on July 5, 1995, assessing \$2,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Raymond C. Winter, Staff Attor-

ney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0600.

An agreed enforcement order was entered regarding IDLEWOOD PROPERTY OWNERS ASSOCIATION (FORMERLY BRYAN-STEWART, INC.), Docket Number 95-0885-MSW-E (Permit Number 11620-01) on July 5, 1995, assessing \$12,800 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Kathy Keils, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0678.

An agreed enforcement order was entered regarding K and K OIL COMPANY, INC., Docket Number 95-0868-PST-E (Enforcement I.D. E10995) on July 5, 1995, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Raymond C. Winter, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0600.

An agreed enforcement order was entered regarding KOSWOOD, INC. DOING BUSINESS AS HARBORLIGHT CAMPGROUND, Docket Number 95-0934-MWD-E (Permit Number 11432-01) on July 5, 1995, assessing \$3,500 in administrative penalties with \$1,500 deferred.

Information concerning any aspect of this order may be obtained by contacting Lin Zhang, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4497.

An agreed enforcement order was entered regarding KS and D, INC., Docket Number 95-0720-IHW-E (Solid Waste Registration Number 83009) on July 5, 1995, assessing \$6,400 in administrative penalties with \$1,920 deferred. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Subhash Jain, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-5867.

An agreed enforcement order was entered regarding DONALD MAHORNEY, Docket Number 95-0782-WWD-E (Water Well Drillers License Number 1055-W) on July 5, 1995, assessing \$2,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Kathy Keils, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0678.

An agreed enforcement order was entered regarding MCCORMICK MARKETING, Docket Number 95-0888-PST-E (TNRCC Facility I.D. 10494; Enforcement I.D. E10932) on July 5, 1995, assessing \$1,080 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Raymond C. Winter, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0600.

An agreed enforcement order was entered regarding MOBIL OIL CORPORATION, Docket Number 95-0307-IHW-E (TNRCC Facility 30587*) on July 5, 1995, assessing \$20,000 in administrative penalties.

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 DON PHELPS, Docket Number 95-0718-AGR-E (Proposed Permit Number 03796) on July 5, 1995, assessing \$3,920 in administrative penalties with \$3,920 deferred. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Claudia Chaffin, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4717.

An agreed enforcement order was entered regarding TRAYE PHELPS, Docket Number 95-0783-WWD-E (Water Well Drillers License Number 2739-W) on July 5, 1995, assessing \$7,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Kathy Keils, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0678.

An agreed enforcement order was entered regarding CITY OF SHAMROCK, Docket Number 95-0928-MWD-E (Permit Number 10279-02) on July 5, 1995, assessing \$3,920 in administrative penalties with \$3,920 deferred.

Information concerning any aspect of this order may be obtained by contacting Lin Zhang, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4497.

Issued in Austin, Texas, on July 7, 1995.

TRD-9508354 Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: July 7, 1995

An agreed enforcement order was entered regarding METCRAFT, INC. (Docket Number 95-0695-PWS-E,

Manufacturer I.D. Number 610095) on July 5, 1995, assessing \$4,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Steve Shepherd, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0464.

An agreed enforcement order was entered regarding GIBSON RECYCLING, INC., A TEXAS CORPORATION (Docket Number 95-0516-PWS-E, PWS I.D. Number 0340064) on July 7, 1995, assessing \$1,030 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Steve Shepherd, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0464.

Issued in Austin, Texas, on July 7, 1995.

TRD-9508358 Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: July 7, 1995

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**Notice of Applications for Municipal
Solid Waste Facilities-For the Week
Ending July 7, 1995**

APPLICATION BY REPUBLIC/MALOY LANDFILL AND SANITATION, INC., Proposed Permit Amendment Number MSW1195-A, authorizing the existing Type I (landfill) municipal solid waste facility to be upgraded to Subtitle D Standards. The site covers approximately 270 acres of land and is located approximately 3.0 miles north of Interstate Highway 30 on FM Road 1568, approximately 4.0 miles south of the city of Commerce in Hunt County, Texas.

ALCO ENVIRONMENTAL, INC. (AEI) WASTE DISPOSAL FACILITY, Proposed Permit Number MSW2243, authorizing a Type VGG sand, grease trap and septic tank solid waste management facility. The site covers approximately 0.97 acres of land and is to be located at 1009 Commercial North in the City of Arlington, Tarrant County, Texas.

These applications are subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue the 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 July 7, 1995.

TRD-9508355
Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: July 7, 1995

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**Notice of Applications for Permits to
Appropriate Public Waters of the State
of Texas**

The following notices of applications for permits to appropriate Public Waters of the State of Texas were issued during the period of June 29-30, 1995.

T. W. WHALEY, JR.; Application Number 4417B to amend Permit Number 4089, as amended, pursuant to Texas Water Code, §11.122, and TNRCC Rules 30 TAC §§295.1, et seq. Permit Number 4089 (Application Number 4417) was issued March 27, 1984 and authorized diversion and use of 200 acre-feet of water per annum from the Brazos River, Brazos River Basin, to irrigate 200 acres of land in Falls and McLennan County, Texas. The permit included a term whereby authorizations would expire December 31, 1994. Flow restrictions were included in the permit whereby permittees could only divert water when the flow of the Brazos River at the U.S.G.S. Gaging Station Number 08098290 near Highbank, Texas equaled or exceeded 705 cfs during months of April-August, and 160 cfs during all other months, exclusive of any releases dedicated by Brazos River Authority from its conservation storage for subsequent use downstream. The permit has been amended once (Application Number 4417A to amend Permit Number 4089) to lower flow restrictions to 610 cfs during months of April-August, and 120 cfs in all other months. Applicant seeks to amend this permit by: extending expiration date of water right for an additional term of years; adding 63 acres of land to existing 200 acres currently authorized. This additional land is contiguous to existing authorized acreage and is located within the same tracts; and adding another diversion point approximately 100 feet upstream of diversion point authorized by Permit Number 4089, as amended. This point will be held in combination with Water Right Permit Number 4042, as amended.

TEXAS UTILITIES MINING COMPANY (Pond H-4); Application Number 5529 for a permit pursuant to Texas Water Code, §11.121, and TNRCC Rules 30 TAC §§295.

1, et seq to construct and maintain a dam creating a reservoir (Pond H-4) on an unnamed tributary of Blundell Creek, tributary of Big Cypress Creek, Cypress Basin. The dam and reservoir will be used for sediment control purposes at the Monticello Winfield-South Mine in Titus County, approximately six miles southwest from Mount Pleasant, Texas. No diversions or withdrawals of the impounded surface waters is being requested. The applicant is also requesting authorization to construct a diversion channel (H-5) Diversion on a separate unnamed tributary of Blundell Creek, which will re-direct water from the tributary to the proposed H-4 Pond. This tributary currently flows into the applicant's existing H-2 Pond at the mine site (Water Use Permit Number 5456). The diversion channel will not be constructed until mining operations reach the immediate area of the H-2 Pond.

These applications are subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue the permits unless one or more persons file written protests and/or requests for hearing within 30 days of the date of newspaper publication of notice concerning the application(s).

If you wish to request a public hearing, you must submit your request in writing. You must state your name, mailing address, and daytime phone number; the application number or other recognizable reference to the application; the statement "I/we request an evidentiary public hearing"; a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; and a description of the location of your property relative to the applicant's operations.

If one or more protests and/or requests for hearing are filed on an application, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where an evidentiary hearing may be held. If no protests or requests for hearing are filed, the Executive Director will approve the application 30 days after newspaper publication of the notice of application, or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Office of the Chief Clerk-Mail Code 105, no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing or questions concerning procedures should be submitted in writing to the Chief Clerk's Office, Park 35 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 July 7, 1995.

TRD-9508353
Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: July 7, 1995

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**Notice of Applications for Waste
Disposal Permits**

Notices of applications for waste disposal permits issued during the period of July 3-7, 1995.

These applications are subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue these permits unless one or more persons file written protests and/or a request for a hearing within 30 days after newspaper publication of this notice.

If you wish to request a public hearing, you must submit your request in writing. You must state your name, mailing address, and daytime phone number; the permit number or other recognizable reference to this application; the statement "I/we request a public hearing"; a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; a description of the location of your property relative to the applicant's operations; and your proposed adjustment to the application/permit which would satisfy your concerns and cause you to withdraw your request for hearing. If one or more protests and/or requests for hearing are filed, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where a hearing may be held. In the event a hearing is held, the Office of Hearings Examiners will submit a recommendation to the Commission for final decision. If no protests or requests for hearing are filed, the Executive Director will sign the permit 30 days after newspaper publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Information concerning any aspect of these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, Chief Clerks Office-MC105, P.O. Box 13087, Austin, Texas 78711, (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.

WOODROW E. BELEW; the dairy is near Dublin, on the west side of FM Road 1702, and approximately 0.6 miles south of the intersection of FM Road 1702 and FM Road 219 in Erath County, Texas; new; 03812.

CAMERON COUNTY FRESH WATER SUPPLY DISTRICT NUMBER 1; the wastewater treatment facilities are approximately 3.7 miles north of the Queen Isabela Causeway (Park Road 100) on the west side of South Padre Island near Andy Bowie Park in Cameron County, Texas; new; 13772-01.

CITY OF CLEVELAND; the City of Cleveland, Texas-West Wastewater Treatment Facilities; the plant site is south of State Highway 105 approximately 0.5 mile west of the intersection of State Highway 105 and U.S. Highway 59 in Liberty County, Texas; renewal; 10766-01.

CLOVER CREEK MUNICIPAL UTILITY DISTRICT; the wastewater treatment facilities are two miles south of Magnolia, Texas, on Nichols-Sawmill Road (Magnolia-Waller Road); south of the intersection of County Place Road and Nichols-Sawmill Road in Montgomery County, Texas; renewal; 13115-01.

DANIEL FLOW PRODUCTS, INC.; a flow measurement equipment manufacturing facility; the plant site is at 9720 Old Katy Road in the City of Houston, Harris County, Texas; renewal; 02731.

DIAMOND SHAMROCK REFINING AND MARKETING COMPANY; the Amarillo Refined Products Terminal, a petroleum bulk storage facility; the plant site is at 4200 West Cliffside in the City of Amarillo, Potter County, Texas; new; 03817.

DIAMOND SHAMROCK REFINING AND MARKETING COMPANY; the Harlingen Refined Products Terminal, a petroleum bulk storage facility; the plant site is at 4 1/2 East Highway 106 in the City of Harlingen, Cameron County, Texas; new; 03818.

DIAMOND SHAMROCK REFINING AND MARKETING COMPANY; a petroleum bulk storage facility; the plant site is adjacent to State Highway 54 approximately 3/4 mile west of the intersection of State Highway 54 and Interstate Highway 27, north of the City of Abernathy, Hale County, Texas; new; 03820.

HUFFMAN INDEPENDENT SCHOOL DISTRICT; the Willie J. Hargrave Senior High School Wastewater Treatment Facilities are in the southeast corner of the high school site, approximately 0.5 mile west of the intersection of Huffman-Eastgate Road and FM Road 1960 in Harris County, Texas; amendment; 11518-01.

CITY OF INGLESIDE; the wastewater treatment plant is on the southwest corner of Avenue B and Eighth Street, approximately 1/10 mile southwest of the intersection of Eighth Street and FM Road 1069 in San Patricio County, Texas; renewal; 10422-01.

CITY OF KEMP; the wastewater treatment plant is 1 1/2 mile southwest of the City of Kemp in Kaufman County, Texas; renewal; 10695-01.

LOWER COLORADO RIVER AUTHORITY; composting of sewage sludge from municipal wastewater treatment facilities; the composting site is adjacent to the City of Burnet wastewater treatment facility; approximately 1.3 miles south of the intersection of U.S. Highway 281 and State Highway 29 in Burnet County, Texas; new; 03802.

MONTGOMERY COUNTY UTILITY DISTRICT NUMBER 3; the wastewater treatment facilities are immediately south of State Highway 105, approximately 8 1/2 miles due west of the intersection of State Highway 105 and Interstate Highway 45 in Montgomery County, Texas; renewal; 11203-01.

CITY OF NORMANGEE; the City of Normangee Wastewater Treatment Facilities; the facilities are on Caney Creek, east of FM Road 39, approximately 1,800 feet north of County Line Road (OSR) in Leon County, Texas; renewal; 10356-01.

CITY OF ORANGE; the Jackson Street Wastewater Treatment Facilities are at 402 South Tenth Street, between Jackson Street and Polk Avenue and approximately 1,800 feet west of FM Road 1006 (Border Street) in Orange County, Texas; amendment; 10626-01.

CITY OF REDWATER; the wastewater treatment facilities are approximately 800 feet east of FM Road 991 from a point located approximately 3,100 feet south of the intersection of FM Road 991 with the St. Louis Southwestern Railway, south of the City of Redwater in Bowie County, Texas; renewal; 10926-01.

SABINE TRANSPORTATION COMPANY; a facility which operates and maintains deep sea tankers, intracoastal tow boats, barges, and harbor tugboats that transport petroleum products; the plant site is at 7200 State

Highway 87 East in the City of Port Arthur, Jefferson County, Texas; renewal; 03135.

TEXAS DEPARTMENT OF CRIMINAL JUSTICE, RETRIEVE UNIT; the swine, dog, and poultry operation is at the Texas Department of Criminal Justice Retrieve Unit. The unit is located on the west side of State Highway 288 approximately two miles north of the intersection of State Highway 288 and FM Road 2004 at Lake Jackson in Brazoria County, Texas; renewal; 02991.

TEXAS DEPARTMENT OF CRIMINAL JUSTICE, RAMSEY UNITS; a swine, poultry, dog operation and dairy; the facilities are at the Texas Department of Criminal Justice Ramsey I, II, and III units. The units are on FM Road 655, approximately five miles west of the intersection of FM Road 521 and FM Road 655. The site is approximately eight miles north of Angleton in Brazoria County, Texas; renewal; 03004.

Issued in Austin, Texas, on July 7, 1995.

TRD-9508357 Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: July 7, 1995

Notice of Opportunity to Comment on Permitting Actions

The following 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 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 is 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.

APPLICATION NUMBER 02-4961A BY THE CITY OF TEXARKANA SEWER AND WATER SYSTEM TO AMEND CERTIFICATE NUMBER 02-4961, PURSUANT TO TEXAS WATER CODE, §11.122. Applicant seeks to change the use of 250 acre-feet of water per annum out of a total of 2,220 acre-feet from municipal purposes to irrigation of 100 acres of golf course land. This water will be diverted from the existing authorized impoundment of 2,792 acre-feet of water in Bringle Lake approximately 5.5 miles northwest of Texarkana on Clear Fork, Red River Basin, Bowie County, Texas.

Issued in Austin, Texas, on July 7, 1995.

TRD-9508356 Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: July 7, 1995

Notice of Opportunity to Comment on Settlement Agreements of Administrative Enforcement Actions

The Texas Natural Resource Conservation Commission (TNRCC) Staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) pursuant to the Texas Clean Air Act (the Act), §382.096, Health and Safety Code Chapter 382. The Act, §382.096 requires that the TNRCC may not approve these AOs unless the public has been provided an opportunity to submit written comments. Section 382.096 requires that notice of the proposed orders and of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is August 16, 1995. Section 382.096 also requires that the TNRCC promptly consider any written comments received and that the TNRCC may withhold approval of an AO if a comment indicates the proposed AO is inappropriate, improper, inadequate or inconsistent with the requirements of the Texas Clean Air Act. Additional notice is not required if changes to an AO are made in response to written comments.

A copy of each of the proposed AOs is available for public inspection at both the TNRCC's Central Office, located at 12100 Park 35 Circle, Building A, Third Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable Regional Office listed. Written comments about these AOs should be sent to the Staff Attorney designated for each AO at the TNRCC's Central Office at P.O. Box 13087 Austin, Texas 78711-3087 and must be received by 5:00 p.m. on August 16, 1995. Written comments may also be sent by facsimile machine to the Staff Attorney at (512) 239-3434. The TNRCC Staff Attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, Section 382.096 provides that comments on the AOs should be submitted to the TNRCC in writing.

(1)COMPANY: National Medical Waste of Texas, Inc.; ACCOUNT NUMBER: MSW-1919; DOCKET NUMBER: 94-0155-MSW-E; LOCATION: Pearland, Brazoria

County; TYPE OF FACILITY: medical waste incinerator; VIOLATIONS: The Executive Director has alleged that: (1) On October 12, 1992; October 13, 1992, October 14, 1992; October 17, 1992; October 19, 1992; December 12, 1992; and March 9, 1993, visible emissions from the facility exceeded 5.0% opacity averaged over a six-minute period. (2) On November 12, 1992; November 13, 1992; November 23, 1992; December 28, 1992; and December 31, 1992, National Medical Waste of Texas, Inc. failed to maintain the recirculated water at the facility at a Ph between 5.0 and 9.0. (3) National Medical Waste of Texas, Inc. exceeded its maximum permitted allowable emission rates for antimony, arsenic, cadmium, chromium, iron, lead, manganese, mercury, nickel, and selenium during December 1992 and January 1992. (4) Stack emission rates for Hydrogen Chloride ("HCL") and Particulate Matter ("PM") at the facility exceeded National Medical Waste of Texas, Inc.'s permitted allowable rates for HCL and PM during September 1992, October, 1992, December 1992, and January 1993. (5) Stack mass emission rates for Sulfur Dioxide ("SO2") at the facility exceeded National Medical Waste of Texas, Inc.'s permitted allowable rates for SO2 during September 1992 and October 1992. (6) The wet scrubbing system at the facility did not meet the 99% removal efficiency rate for HCL required by TNRCC Permit Number MSW-1919 during September 1992, October 1992, December 1992, and January 1993. (7) National Medical Waste of Texas, Inc. failed to zero and span monitors for carbon monoxide ("CO") and oxygen ("O2") daily during September 1992 and December 1992. (8) National Medical Waste of Texas, Inc. failed to notify the TNRCC of major upsets from the permitted Ph range of 5.0 to 9.0 for recirculated water which occurred on November 12, 1992; November 13, 1992; November 23, 1992; November 30, 1992, December 28, 1992; and December 31, 1992, that caused or may have caused excessive emissions from the facility. (9) National Medical Waste of Texas, Inc. did not submit the stack sampling report for compliance testing conducted in April 1992 by Tenerex to the TNRCC within 60 days after the sampling was completed. (10) National Medical Waste of Texas, Inc. did not submit the stack sampling report for compliance testing conducted in July 1993 by Western Environmental to the TNRCC within 60 days after the sampling was completed. PENALTY: A \$256,000 penalty was assessed. This penalty shall be deferred pending compliance with the Agreed Order. STAFF ATTORNEY: Geoff Petrov, (512) 239-0677; REGIONAL OFFICE: 4150 Westheimer, Houston, Texas 77027-4417, (713) 625-7900.

Issued in Austin, Texas on July 12, 1995

TRD-9508590

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

Filed: July 12, 1995

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Notice of Public Hearing (Procedural Rules)

Notice is hereby given that pursuant to the requirements of the Texas Health and Safety Code, §382.017; Texas Water Code, §26.011; Texas Government Code, Subchapter B, Chapter 2001; and 40 Code of Federal Regulations, §25.5, the Texas Natural Resource Conservation Commission (TNRCC or commission) will conduct a public hearing to receive testimony concerning revisions to Chapter 337.

The TNRCC proposes revisions to Chapter 337, concerning TNRCC procedural rules on enforcement proceedings. The proposed changes are part of an agency rulemaking project to implement recent legislation in Senate Bills (SB) 12, 741, and 1546. SB 12 directs the State Office of Administrative Hearings to conduct contested case hearings for the commission (other than hearings before one or more commissioners). SB 741 authorizes the commission to delegate to the executive director the authority to act on uncontested applications. SB 1546 requires the commission to adopt rules concerning whether a person is an "affected person" and is entitled to standing in a contested case hearing. In proposing this rule package, the TNRCC is attempting to limit any rule changes to those necessitated by recent legislation. Additionally, an attempt has been made to recodify the current TNRCC practices and reorganize the procedural rules into a more logical format. No substantive change is intended by this recodification. The commission limited the scope of this review of the procedural rules so that the new rules may be finally adopted by September 1, 1995, which is the effective date of SB 12 and 1546.

A public hearing on the proposal will be held August 17, 1995, at 2:00 p.m. in Room 254S of TNRCC Building E, located at 12118 North IH-35, Park 35 Technology Center, Austin. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, a TNRCC staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments not presented at the hearing may be submitted to the TNRCC central office in Austin through August 17, 1995. Material received by the TNRCC Office of Policy and Regulatory Development by 4:00 p.m. on August 17, 1995, will be considered by the commission prior to any final action on the proposal. Please mail written comments to Lisa Martin, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087, and reference Rules Tracking Log #95124-263-AD. Please fax comments to (512) 239-5687. Copies of the revisions are available at the central office of the TNRCC, Air Policy and Regulations Division, located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, and at all TNRCC regional offices. For further information, please contact Randall Terrell at (512) 239-0577.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

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

TRD-9508549

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

Filed: July 11, 1995

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Request for Nominations

The Texas Natural Resource Conservation Commission is requesting nominations from representatives of oil manufacturers, operators of used oil collection centers, and local

governments to serve on the Used Oil Grant Program Advisory Committee.

The Advisory Committee, created by Senate Bill 1683, during the 74th Legislative Session, will consist of seven members to provide advice to the Commissioners on issues regarding the Used Oil Grant Program.

The Advisory Committee shall: recommend criteria for grants; recommend guidelines for allowable administrative expenses; and recommend grant recipients to the commission based on the used oil collection needs of this state

The Commission by rule shall: establish procedures for the application for and criteria for the award of grants under this section; and adopt guidelines for allowable administrative expenses in accordance with guidelines established by the Advisory Committee.

Each nominee is to submit a letter of agreement to serve, if appointed, and a biographical summary of his/her education, experience and qualifications.

Advisory Committee members will serve without compensation and are not entitled to reimbursement of travel expenses incurred in the performance of their duties.

Advisory Committee members may serve two- or four-year terms, as resolved by the Texas Natural Resource Conservation Commission. Should the Commission resolve that the members are to serve as above, these terms shall initially be staggered, with one half of the members serving two-year terms, and one half serving four-year terms. The terms for each member will be decided by drawing lots in the first committee meeting following the appointment of the membership of the committee, by the Commissioners.

Written nominations must be received by the Municipal Solid Waste Division staff no later than 5:00 p.m., August 8, 1995. Nominations should be sent to Gary W. Trim, Special Programs Director, Texas Natural Resource Conservation Commission, MC 124, Municipal Solid Waste Division, P.O. Box 13087, Austin, Texas 78711-3087.

Questions regarding the appointment of these individuals can be directed to Gary W. Trim, at (512) 239-6708.

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

TRD-9508602 Lydia Gonzalez Gromatzky
Acting Director, Legal Division
Texas Natural Resource Conservation
Commission

Filed: July 12, 1995

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Public Utility Commission of Texas
Notice of Application to Amend
Certification of Convenience and
Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on June 27, 1995, to amend a certificate of convenience and necessity pursuant §§1.101, 3.051(b), 3.251, 3.253, and 3. 254 of the Public Utility Regulatory Act of 1995, Senate Bill 319, 74th Legislature Regular Session 1995 (PURA). A summary of the application follows.

Docket Title and Number: Application of Southwestern Bell Telephone Company to Amend Certificate of Convenience and Necessity within Bexar County, Docket Number 14367, before the Public Utility Commission of Texas.

The Application: In Docket Number 14367, Southwestern Bell Telephone Company seeks approval to amend the boundary between the Babcock and Leon Springs zones of its San Antonio Metropolitan exchange in order to provide telecommunications service to all of a proposed development from only the Babcock zone.

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 August 10, 1995.

Issued in Austin, Texas, on July 10, 1995.

TRD-9508447 Amalja J. Hodgins
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 10, 1995

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Notice of Intent to File Pursuant to
Public Utility Commission Substantive
Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Texas A&M-Laredo, Laredo, Texas.

Docket Title and Number: Application of Southwestern Bell Telephone Company for PLEXAR-Custom Service for Texas A&M-Laredo pursuant to Public Utility Commission Substantive Rule 23.27. Docket Number 14189.

The Application. Southwestern Bell Telephone Company is requesting approval of an addition to the existing PLEXAR-Custom Service for Texas A&M-Laredo. The geographic service market for this specific service is the Laredo, 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 July 5, 1995.

TRD-9508257 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 5, 1995

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Notice of Public Hearing

The General Counsel of the Public Utility Commission of Texas will hold a public hearing and receive oral comments on the proposed changes to the Commission's Rules of Practice and Procedure. The hearing will be held on Friday, July 21, 1995 at 9:00 a.m. in the Commissioner's Hearing Room at the Commission's offices at 7800 Shoal Creek Boulevard, Austin, Texas.

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

TRD-9508523 Amallja J. Hodgins
Secretary of Commission
Public Utility Commission of Texas

Filed: July 11, 1995

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**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 Panhandle Telephone Cooperative, Inc. for Exception to Substantive Rule 23.12(e). Docket Number 14368.

The Application. Panhandle Telephone Cooperative, 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 July 10, 1995.

TRD-9508448 Amallja J. Hodgins
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 10, 1995

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Request for Proposal

The Arkansas Public Service Commission, Louisiana Public Service Commission ("LPSC"), Mississippi Public Service Commission, City Council of New Orleans and the Public Utility Commission of Texas ("PUCT") (collectively, the "Commissions") are seeking an auditing firm to perform an audit of affiliated transactions among Entergy, its regulated utility subsidiaries and its nonregulated businesses for the calendar years 1992-1994. The purpose of the audit is to determine whether appropriate business policies, procedures, processes and practices are in place and in force with respect to affiliate relationships; assess compliance with the terms of the SEC Settlement Agreement of October 1992 and with Appendix 3 to the Louisiana Public Service Commission Order Number U19904, dated May 3, 1993; determine if the transfer of goods, services, trained personnel and use of assets were appropriate and if compensation paid or received was reasonable; and quantify and propose recommendations for any deficiencies noted.

The Request for Proposal and related documentation is available through the audit coordinator. Please telefax your request to Errol Smith at (504) 486-8296. An informational meeting will be held in New Orleans on July 28, 1995. Proposals are due at 5:00 p.m. on August 25, 1995.

Issued in Austin, Texas, on July 10, 1995.

TRD-9508445 Amallja J. Hodgins
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 10, 1995

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**Texas Sustainable Energy Development
Council
Notice of Briefing**

The Texas Sustainable Energy Development Council will hold a briefing session at 4:30 p.m. on Monday, July 17, 1995, at the Kokernot Lodge on Loop Road in Alpine, Texas, to be briefed on the schedule of the Strategic Planning Sessions to be held at the Lodge on Tuesday-Thursday, July 18-20, 1995.

For additional information on the Council, contact Judith Carroll at (512) 463-1871.

Issued in Austin, Texas, on July 10, 1995.

TRD-9508495 Garry Mauro
Chair
Texas Sustainable Energy Development
Council

Filed: July 10, 1995

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**Texas Department of Transportation
Request for Proposals**

Notice of Invitation. The following information replaces the notice published in the December 16, 1994, issue of the *Texas Register* (19 TexReg 10048). The Texas Department of Transportation (TxDOT) intends to engage a professional surveying consultant, pursuant to Texas Government Code, Chapter 2254, Subchapter A, to provide surveying services in Webb, Duval, LaSalle, Dimmit, Zavala, Maverick, Kinney, and Val Verde Counties. The surveying consultant selected must perform a minimum of 30% of the actual contract work to qualify for contract award.

Deadline. A letter of interest notifying TxDOT of the provider's intent to submit a proposal shall be either hand-delivered to TxDOT, Laredo District Office, 302 East Washington, Laredo, Texas 78040, or mailed to P.O. Drawer 2219, Laredo, Texas 78044-2219. Letters of interest will be received until 5:00 p.m. on Wednesday, August 2, 1995. The letter of interest must include the surveying consultant's name, address, telephone number, and name of provider's contact person. Upon receipt of the letter of interest a Request for Proposal packet will be issued.

Proposal Submittal Deadline. Proposals will be accepted until 5:00 p.m. on August 16, 1995, at the TxDOT, Laredo District Office mentioned address.

Agency Contact. Requests for additional information regarding this notice of invitation should be addressed to Juan A. Bernal, P.E. (210) 712-7463 or FAX (210) 712-7401.

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

TRD-9508572 Robert E. Shaddock
General Counsel
Texas Department of Transportation

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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.

El Paso District Office Contract #s 24-545P5007, 24-545P5008, 24-545P5009, 24-545P5010, 24-545P5011—for partial or complete PS&E for projects which major tasks might include: field survey; roadway plans, bridge layouts and structural details; drainage design; TCP, illumination; signing & striping; SW3P and other miscellaneous tasks in various counties in the El Paso District.

Deadline. A letter of interest notifying TxDOT of the provider's intent to submit a proposal shall be either hand-delivered to TxDOT, El Paso District Office, 212 North Clark Drive, El Paso, Texas 79905 or mailed to P.O. Box 10278, El Paso, Texas 79994-0278. Letters of interest will be received until 5:00 p.m. on Wednesday, August 2, 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, August 16, 1995, at the Vista Del Sol, 11189 Rojas Drive, El Paso, 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 Jose Rodarte at (915) 774-4257 at least two work days prior to the meeting so that appropriate arrangements can be made.

Proposal Submittal Deadline. Proposals for contract #s 24-545P5007, 24-545P5008, 24-545P5009, 24-545P5010, 24-545P5011 will be accepted until 5:00 p.m. on Wednesday, August 30, 1995 at the TxDOT El Paso District Office mentioned address.

Agency Contact. Requests for additional information regarding this notice of invitation for the TxDOT, El Paso District Office should be addressed to Jose Rodarte at (915) 774-4257 or Fax (915) 774-4278.

Waco District Office Contract #09-645P5001—The proposed construction will consist of grading, structures and surfacing. The existing two-lane roadway will be expanded to a 4.74 mile long four-lane divided facility with a depressed median. Complete Plans, Specifications and Estimates (PS&E) will be prepared by the consultant in metric units.

Waco District Office Contract #09-645P5002—The proposed construction will consist of grading, structures and surfacing for a rural two-lane roadway with paved shoulders. An existing county road alignment will be followed for approximately 2.7 miles and the remaining project length of 1.2 miles will be on a new location. Complete Plans, Specifications and Estimates (PS&E) will be prepared by the consultant in metric units.

A Proposal can reference one or both of the contracts, but contract award will be made on an individual basis.

Deadline. A letter of interest notifying TxDOT of the provider's intent to submit a proposal shall be either hand-delivered to TxDOT, Waco District Office, 100 South Loop Drive, Waco, Texas 76703, or mailed to P.O. Box 1010, Waco, Texas 76703-1010. Letters of interest will be received until 5:00 p.m. on Wednesday, August 2, 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, August 9, 1995, at the TxDOT, Waco District Office at 100 South Loop Drive, Waco, Texas 76703, at 1:00 p.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 Jerry D. Gregory, P.E., at (817) 867-2731 or FAX (817) 867-2738 at least two work days prior to the meeting so that appropriate arrangements can be made.

Proposal Submittal Deadline. Proposals for contract #s 09-645P5001 and 09-645P5002 will be accepted until 5:00 p.m. on Wednesday, August 23, 1995 at the TxDOT, Waco District Office mentioned addresses.

Agency Contact. Requests for additional information regarding this notice of invitation for the TxDOT, Waco District Office should be addressed to Doug Honeycutt, P.E., (817) 867-2731 or FAX (817) 867-2738.

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

TRD-9508573 Robert E. Shaddock
General Counsel
Texas Department of Transportation

Filed: July 12, 1995

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The University of Texas System Consultant Proposal Request

The University of Texas Medical Branch at Galveston (UTMB) requests, pursuant to the provisions of the Government Code, Chapter 2254, the submission of proposals leading to the award of a contract for a Consultant to design and implement a Cost Reduction Strategy. UTMB's objective of this project is to implement an employee involvement program utilizing a suggestion-based strategy which focuses primarily on cost reduction.

The awarded firm will be responsible for providing a strategy to meet the following minimum requirements: Focus on strategy to utilize UTMB employee involvement; employee award structure must be linked to approved savings; training, administration and management reporting of employee involvement must be included in services provided by Consultant.

UTMB reserves the right to accept or reject any or all proposals submitted.

The Firm awarded a contract, if any, will be the Respondent whose proposal conforming to this request, is deemed

to be the most advantageous by UTMB. Factors in awarding a contract will include, but not be limited to, demonstrated competence, qualifications, experience, and reasonableness in the cost. Proposals must remain valid for acceptance and may not be withdrawn for a period of 180 days after the proposal closing date.

An original and two copies of the full proposal must be submitted to UTMB prior to 3:00 p.m., Monday, August 14, 1995. Proposals received thereafter will not be considered and will be returned unopened. Proposals must be sent to the address indicated in this notice.

For further information or to obtain a complete proposal package (RFP Number 5-24), contact Vikki Ross, Procurement Supervisor, The University of Texas Medical Branch at Galveston, Administration Annex Building, Suite 3.202, Galveston, Texas 77555-0105, (409) 772-2569.

Issued in Austin, Texas, on July 10, 1995.

TRD-9508404 Arthur H. Dilly
Executive Secretary to the Board of
Regents
The University of Texas System

Filed: July 10, 1995

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Consultant Proposal Request-Deadline Extension

As advertised in the June 9, 1995, issue of the *Texas Register* (20 TexReg 4304), the University of Texas Medical Branch at Galveston (UTMB) requests, pursuant to the provisions of the Government Code, Chapter 2254, the submission of proposals leading to the award of a contract for a Malcolm Baldrige National Quality Award (MBNQA) Educating Consultant. UTMB's objective of this project is to satisfy an educational need for Department Directors in Clinical Affairs to effectively use the MBNQA Criteria.

At this time UTMB wishes to extend the deadline for submittal from Thursday, June 29, 1995 to Tuesday, August 1, 1995 prior to 3:00 p.m. Proposals received thereafter will not be considered and will be returned unopened.

For further information or to obtain a complete proposal package (RFP Number 5-23), contact Steven C. Mueller, Senior Procurement Officer, The University of Texas Medical Branch at Galveston, Administration Annex Building, Suite 3.202, Galveston, Texas 77555-0105, (409) 772-2262.

Issued in Austin, Texas, on July 10, 1995.

TRD-9508405 Arthur H. Dilly
Executive Secretary to the Board of
Regents
The University of Texas System

Filed: July 10, 1995

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PUBLICATION SCHEDULE

The following is the 1995 Publication Schedule for the Texas Register. Listed below are the deadline dates for the June-December 1995 issues of the Texas Register. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the Texas Register are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. No issues will be published on July 7, November 10, November 28, and December 29. An asterisk beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
42 Friday, June 2	*Friday, May 26	Tuesday, May 30
43 Tuesday, June 6	Wednesday, May 31	Thursday, June 1
44 Friday, June 9	Monday, June 5	Tuesday, June 6
45 Tuesday, June 13	Wednesday, June 7	Thursday, June 8
46 Friday, June 16	Monday, June 12	Tuesday, June 13
47 Tuesday, June 20	Wednesday, June 14	Thursday, June 15
48 Friday, June 23	Monday, June 19	Tuesday, June 20
49 Tuesday, June 27	Wednesday, June 21	Thursday, June 22
50 Friday, June 30	Monday, June 26	Tuesday, June 27
51 Tuesday, July 4	Wednesday, June 28	Thursday, June 29
Friday, July 7	NO ISSUE PUBLISHED	
52 Tuesday, July 11	Wednesday, July 5	Thursday, July 6
Friday, July 14	Second Quarterly Index	
53 Tuesday, July 18	Wednesday, July 12	Thursday, July 13
54 Friday, July 21	Monday, July 17	Tuesday, July 18
55 Tuesday, July 25	Wednesday, July 19	Thursday, July 20
56 Friday, July 28	Monday, July 24	Tuesday, July 25
57 Tuesday, August 1	Wednesday, July 26	Thursday, July 27
58 Friday, August 4	Monday, July 31	Tuesday, August 1
59 Tuesday, August 8	Wednesday, August 2	Thursday, August 3
60 Friday, August 11	Monday, August 7	Tuesday, August 8
61 Tuesday, August 15	Wednesday, August 9	Thursday, August 10
62 Friday, August 18	Monday, August 14	Tuesday, August 15
63 Tuesday, August 22	Wednesday, August 16	Thursday, August 17
64 Friday, August 25	Monday, August 21	Tuesday, August 22
65 Tuesday, August 29	Wednesday, August 23	Thursday, August 24
66 Friday, September 1	Monday, August 28	Tuesday, August 29