

# TEXAS REGISTER

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

Director Dan Procter Assistant Director Dee Wright Circulation/Marketing Tamara Joiner Jill S. Ledbetter

Texas Administrative Code Section Dana Blanton Madeline Chrisner

Documents Section Roberts Knight Jamie McCormack Patty Webster

Open Meetings Clerk Jamie McCormack

Production Section Carla Carter Roy Felps Ann Franklin Mimi Sanchez

Receptionist Daneane 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Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.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 20 (1995) is cited as follows: 20 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 "20 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 20 TexReg 3."

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

Texas Administrative Code

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

The TAC volumes are arranged into Titles (using

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

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

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

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

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

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

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

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

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

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

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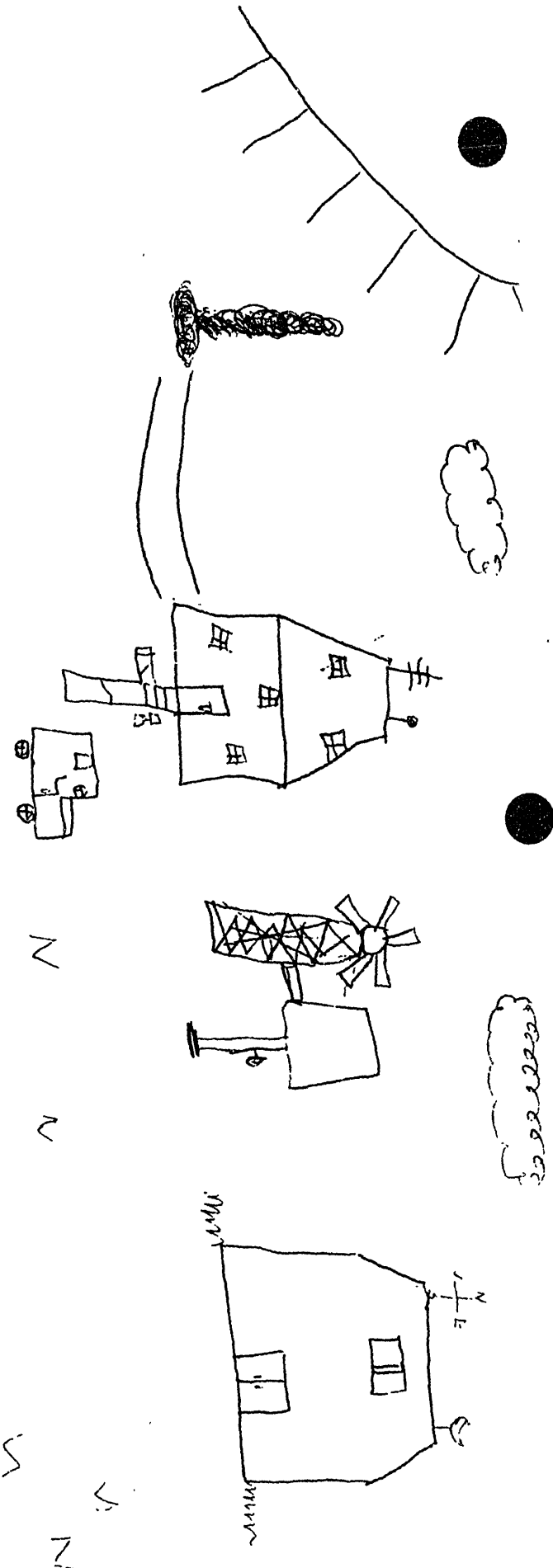
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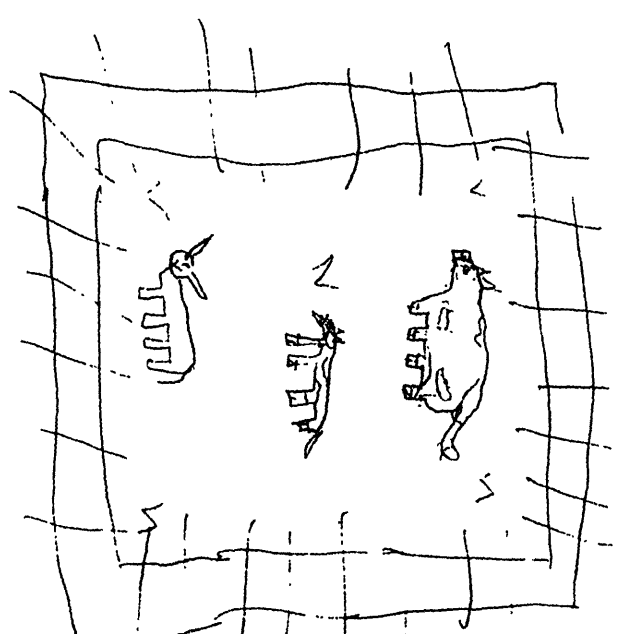
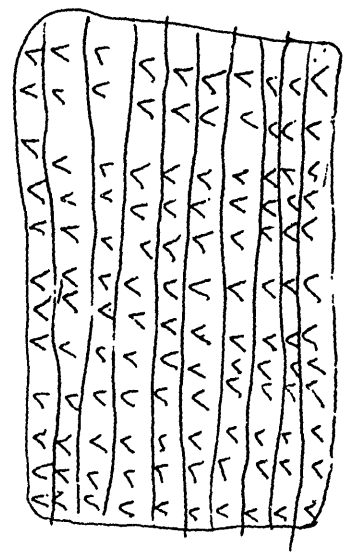
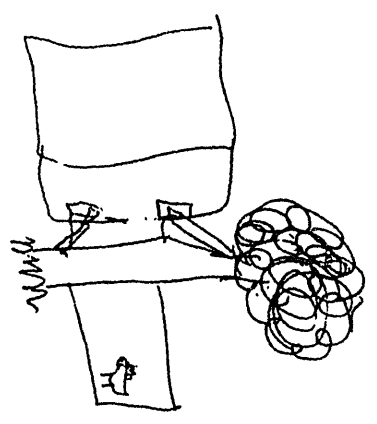
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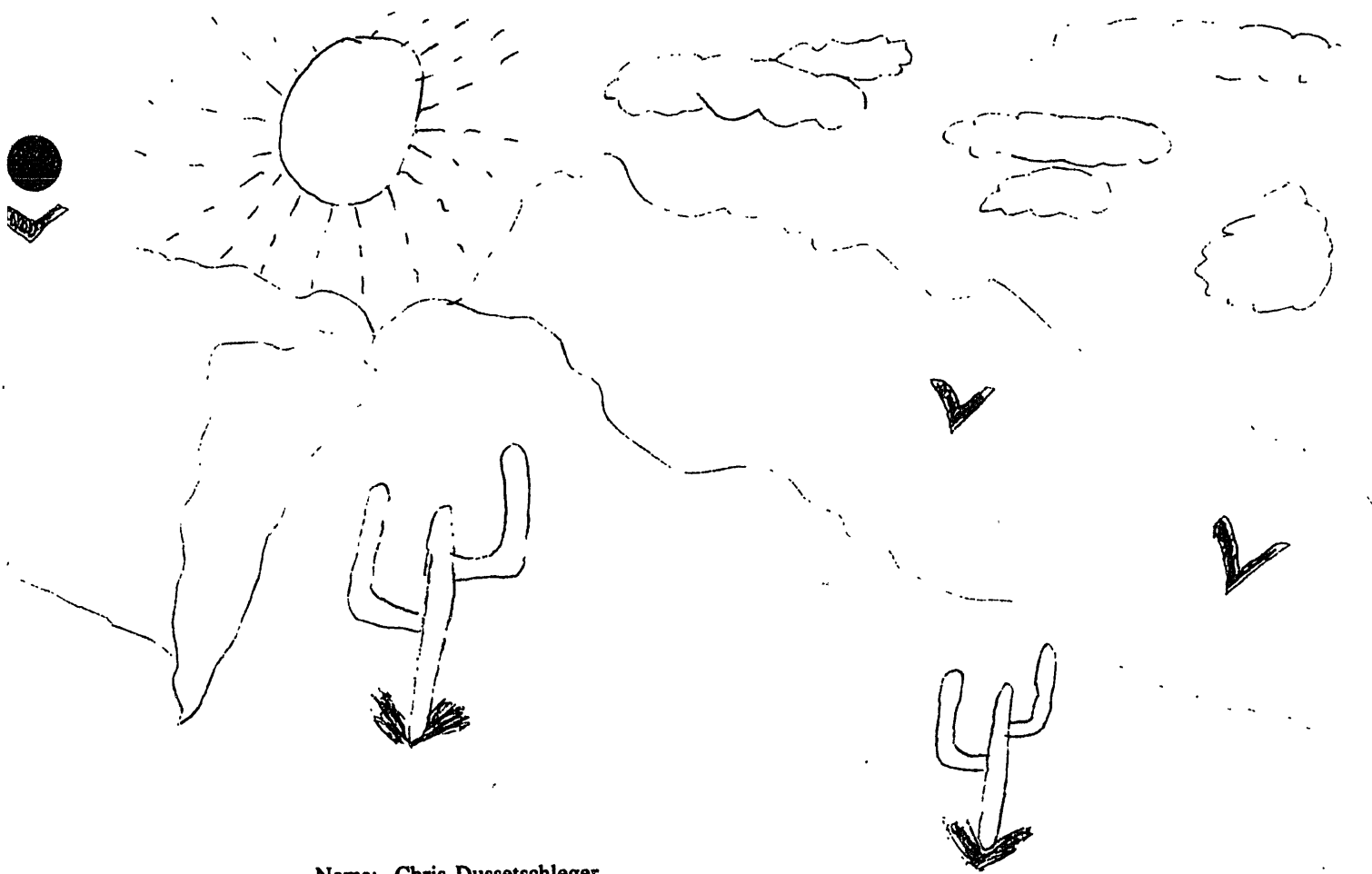
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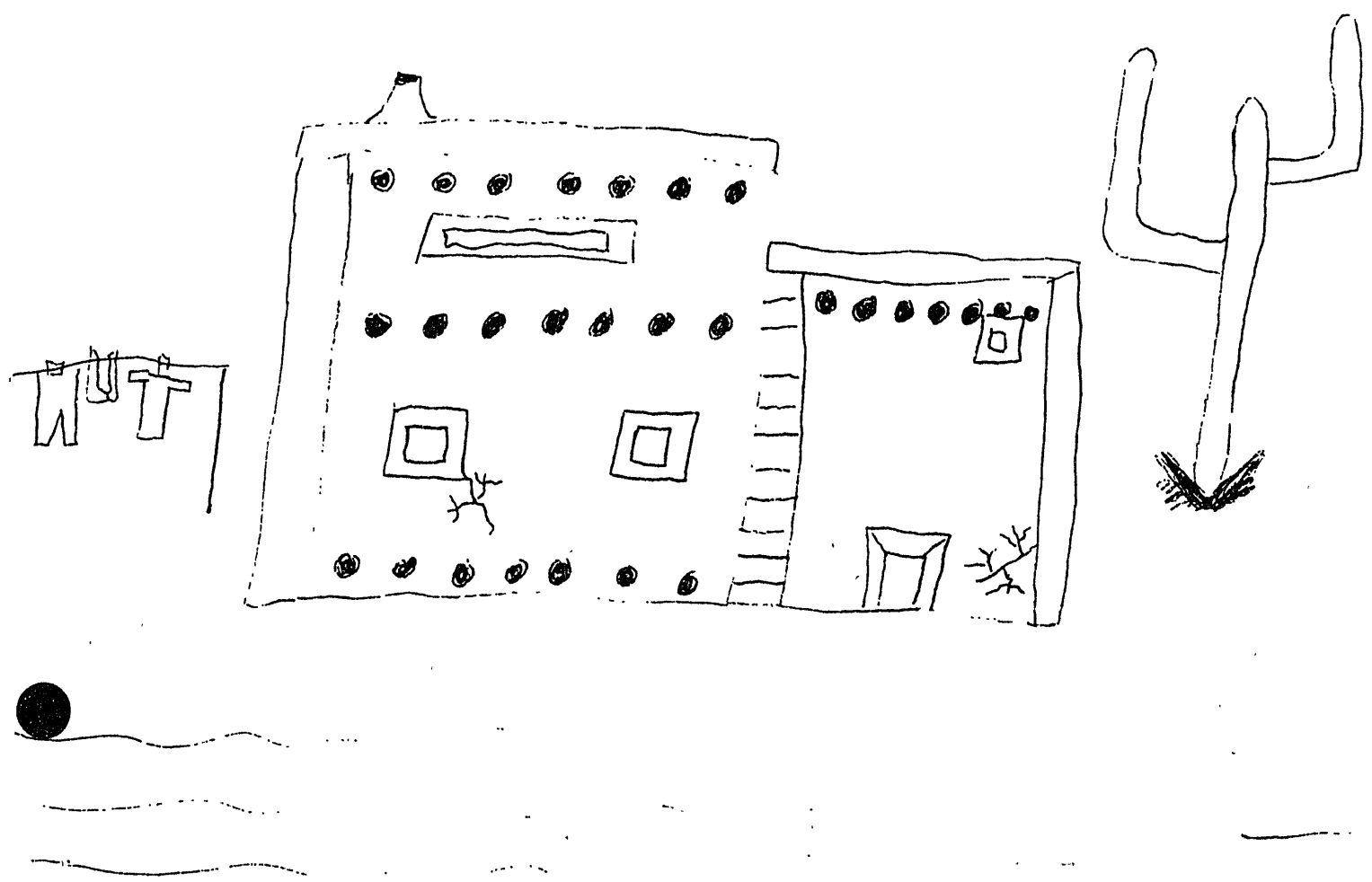


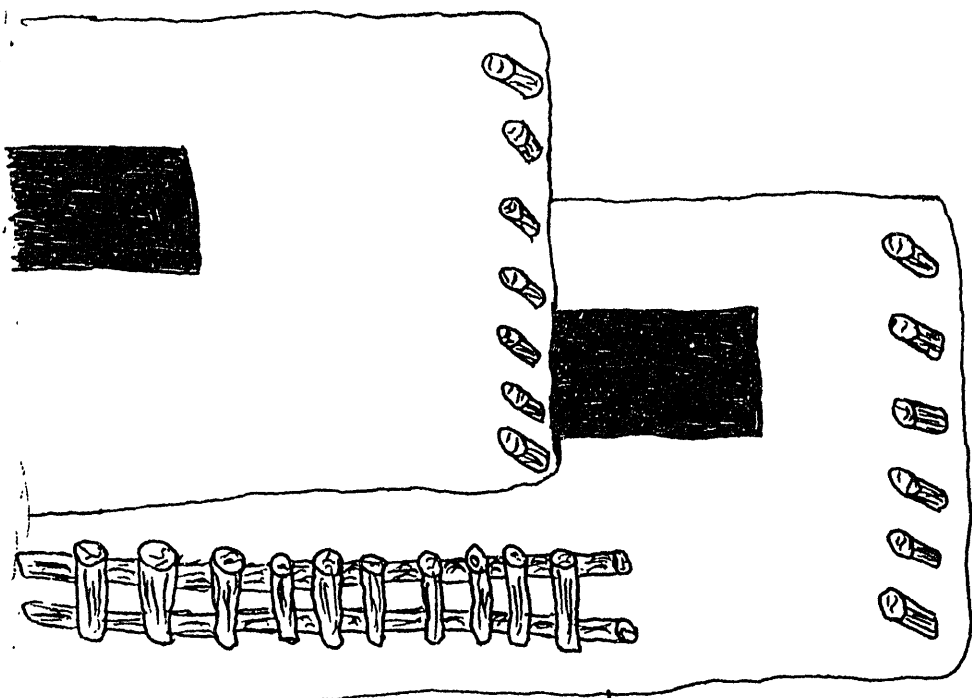
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 Grade: 5  
 School: Moulton Elementary School, Moulton ISD



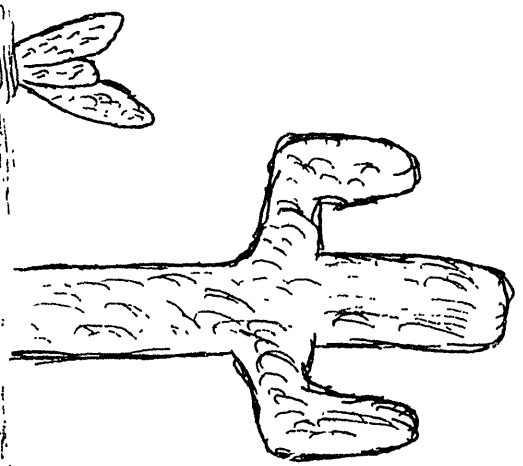
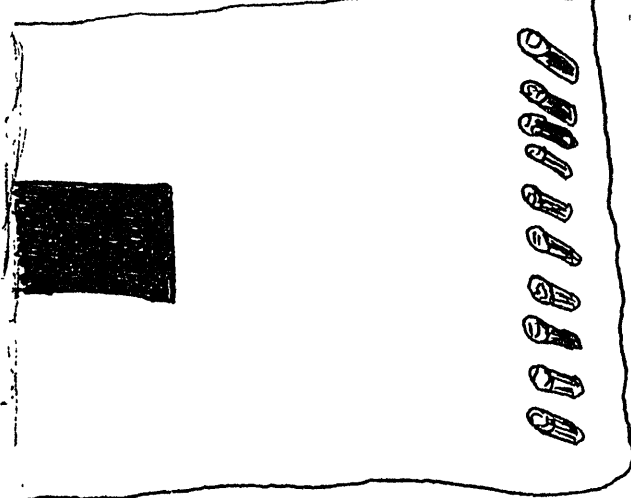


Name: Chris Dussetschleger  
Grade: 5  
School: Moulton Elementary School, Moulton ISD



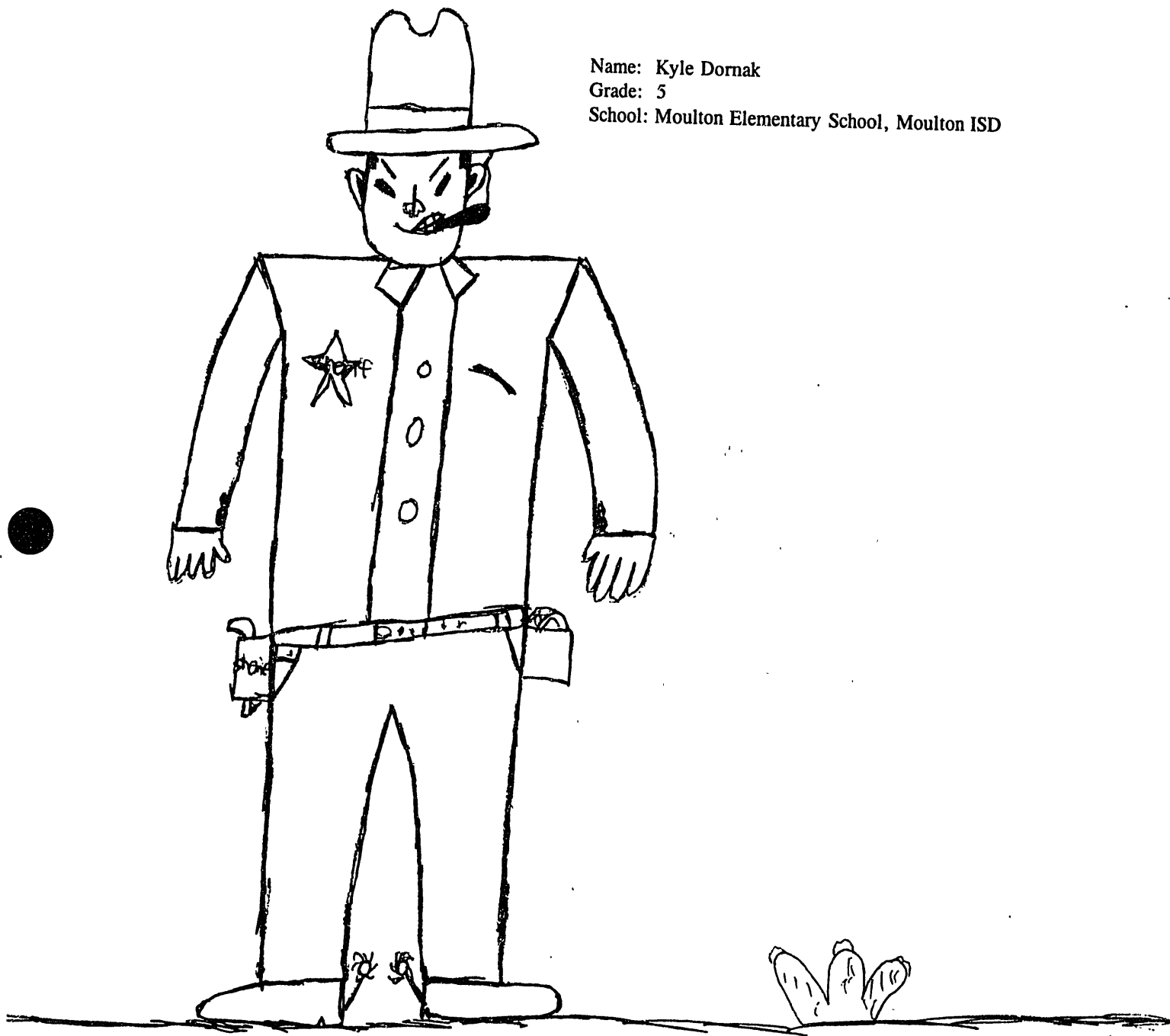


Name: Michael Caballero  
Grade: 5  
School: Moulton Elementary School, Moulton ISD

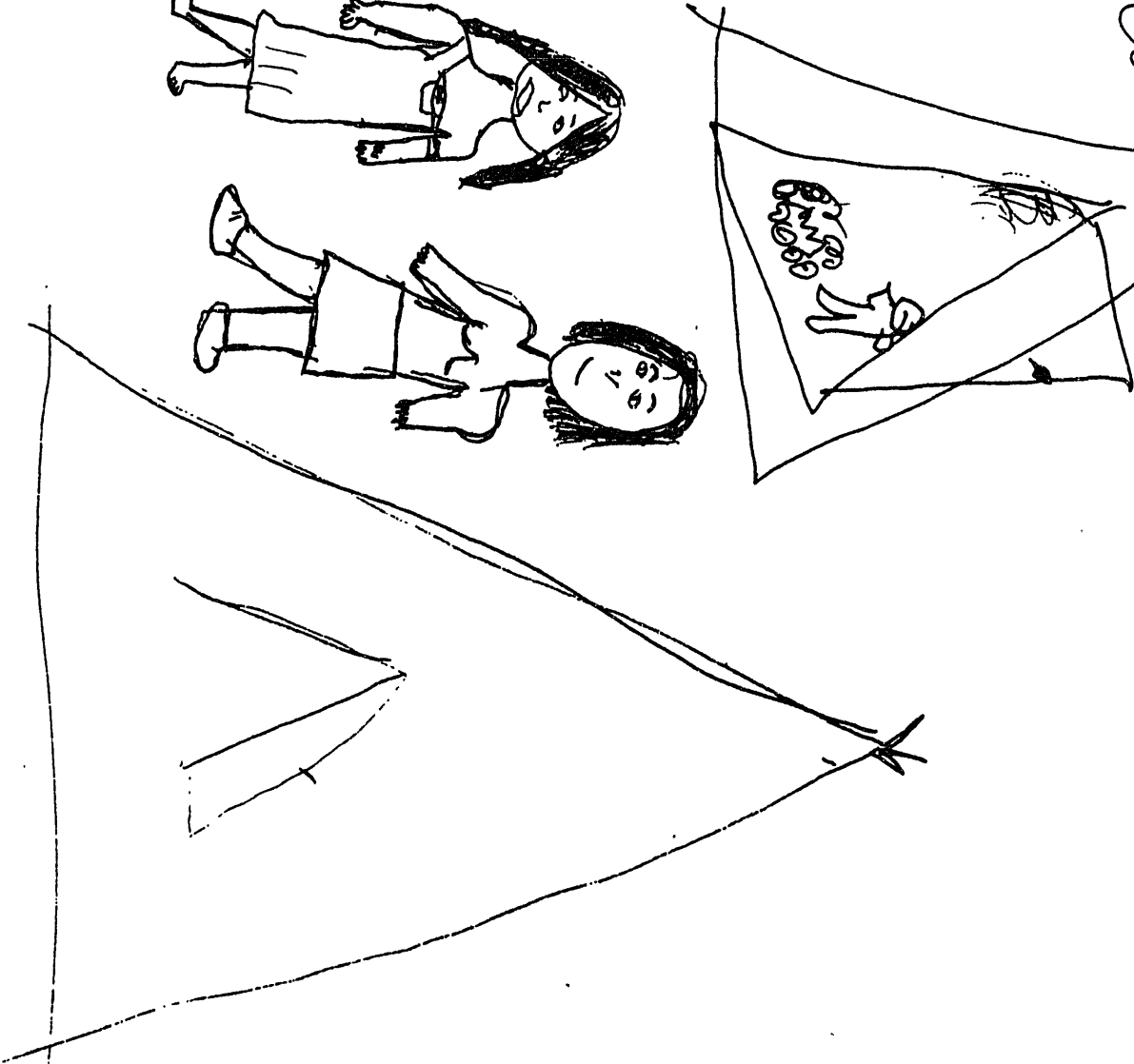
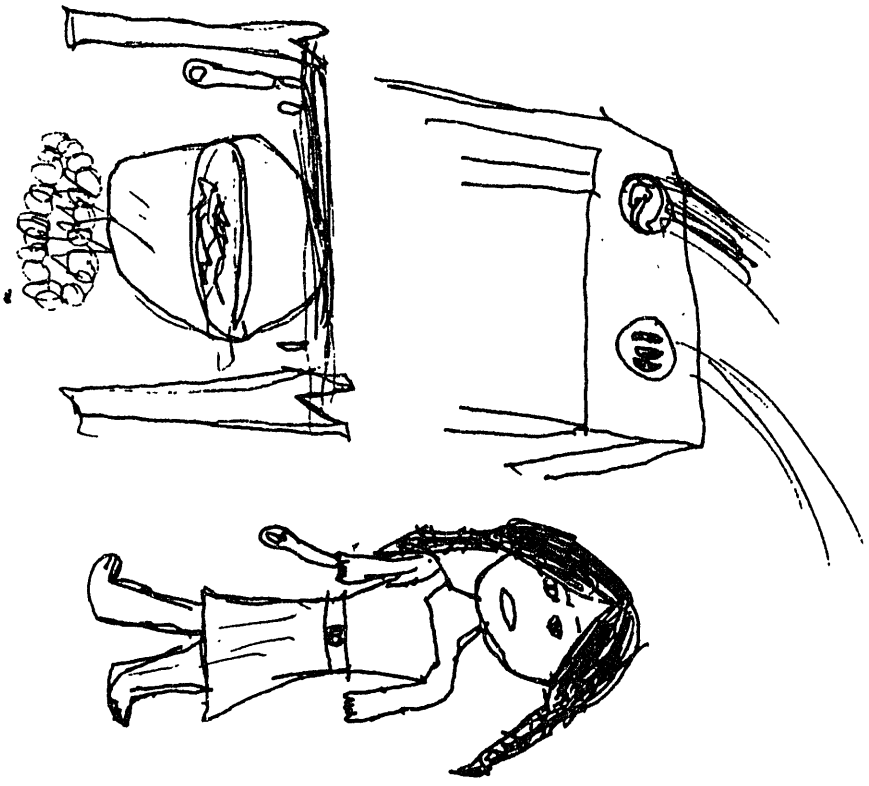




Name: Kyle Dornak  
Grade: 5  
School: Moulton Elementary School, Moulton ISD



Name: Cody Maresh  
Grade: 5  
School: Moulton Elementary School, Moulton ISD



# ATTORNEY GENERAL

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Under provisions set out in the Texas Constitution, the Texas Government Code, Title 4, §402.042 and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the **Texas Register**. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record. To request copies of opinions, phone (512) 462-0011. To inquire about pending requests for opinions, phone (512) 463-2110.

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## Open Records Requests

**ORQ-1 (ID#-35523)**. Request from G. Todd Stewart Olson and Olson, 333 Clay Street, Suite 3485, Houston, Texas 77002, concerning whether numbers called by individuals with specific law enforcement responsibilities on cellular telephones provided to the individual by a governmental body are subject to disclosure under the Open Records Act.

**ORQ-2 (ID#-32030)**. Request from Laura Reardon, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, concerning whether Health and Safety Code, §382.041, supplants common law trade secret protection for certain information filed with the commission and related questions.

TRD-9513460



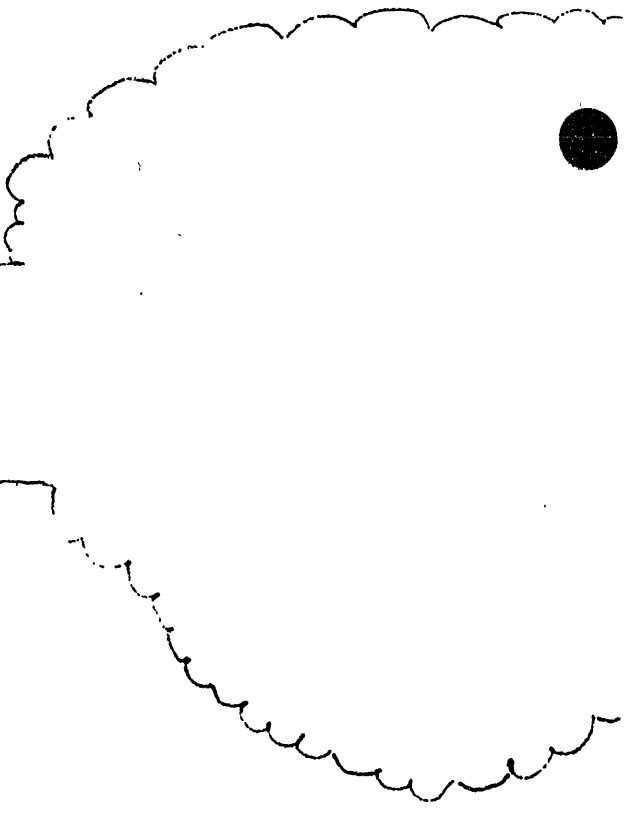
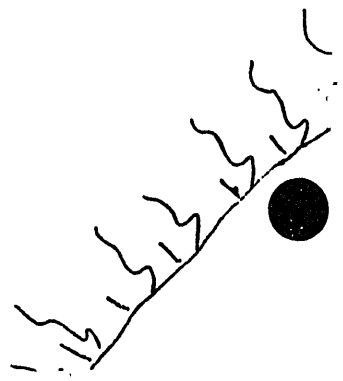
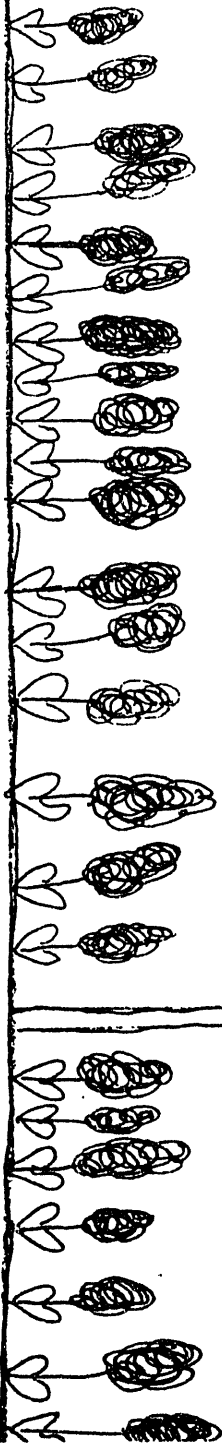
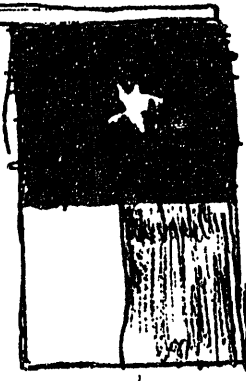
## Request for Opinion

**(RQ-853)**. Requested by Bruce A. Levy, Executive Director, Texas State Board of Acupuncture Examiners, P.O. Box 149134, Austin, Texas 78714-9134, whether a licensed chiropractor may practice acupuncture, and, if so, may advertise that practice.

TRD-9513565



Name: Danielle Rother  
Grade: 5  
School: Moulton Elementary School, Moulton ISD



# TEXAS ETHICS COMMISSION

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

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

## Texas Ethics Commission Ethics Advisory Opinions

**EAO-278 (AOR-311).** Whether the "revolving door" provisions restrict former members of the Texas Commission on Fire Protection from serving on statutory advisory committees and councils of the commission.

**Summary of Opinion.** The revolving door provisions in the Government Code, §572.054 do not prohibit a former member of the Texas Commission on Fire Protection from serving on an advisory committee to the commission.

**EAO-279 (AOR-313).** Whether a senior judge may use political funds to pay for continuing legal education.

**Summary of Opinion.** A senior judge may use surplus political funds to pay for continuing legal education courses.

**EAO-280 (AOR-314).** Whether an incorporated hospital may finance certain costs connected with fundraising for a political committee.

**Summary of Opinion.** An incorporated hospital may finance the costs of green fees and small token prizes in connection with a golf tournament fundraiser for the hospital's general-purpose committee. The hospital may pay for t-shirts sold to corporate employees and their families to raise funds for the political committee if the sale complies with the Federal Election Commission's "one-third" rule.

**EAO-281 (AOR-315).** Whether a specific-purpose political committee may transfer its remaining funds to the judge it supports without violating the 1995 Judicial Campaign Fairness Act.

**Summary of Opinion.** A transfer between a judicial candidate and a specific-purpose

political committee supporting the candidate is not subject to the contribution limits in the Judicial Campaign Fairness Act.

**EAO-282 (AOR-316).** Whether chapter 36 of the Penal Code prohibits city employees from accepting discounts from child care providers under a group discount program offered to personnel of large employers.

**Summary of Opinion.** City employees may accept discounts from child care providers under a group discount program offered to personnel of large employers in the private as well as the public sector.

**EAO-283 (AOR-317).** Whether a legislator may accept payment from a law firm for services rendered before the legislator held public office.

**Summary of Opinion.** A legislator may accept payment from a law firm for services rendered to the law firm as long as the services were rendered in a capacity other than as a public servant.

**EAO-284 (AOR-318).** Whether a judge may use political contributions to pay for social events sponsored by a bar association.

**Summary of Opinion.** A judge may use political contributions to pay the expenses of a social event sponsored by a bar association as long as the payments are in connection with a judge's activities as a candidate or officeholder.

**EAO-285 (AOR-319).** The Texas Ethics Commission has been asked to construe the meaning of "participated" in the revolving door provision set out in the Government Code, §572.054(b).

**Summary of Opinion.** The revolving door law restricts certain former state officers and employees from receiving compensation in connection with any matter over

which the former officer or employee had authority, even if the former officer or employee was not aware that his subordinates were working on the matter.

**EAO-286 (AOR-320).** Whether it is permissible to contribute surplus funds from a campaign for Speaker of the House of Representatives to charitable organizations.

**Summary of Opinion.** It is permissible to donate surplus funds from a campaign for speaker of the House of Representatives to a recognized tax-exempt charitable organization. The Texas Ethics Commission is authorized by the Government Code, §571.091 to issue advisory opinions in regard to the following statutes: (1) Chapter 572, Government Code; (2) Chapter 302, Government Code; (3) Chapter 305, Government Code; (4) Title 15, Election Code; (5) Chapter 36, Penal Code; and (6) Chapter 39, Penal Code.

**EAO-287 (AOR-321).** Whether members of a legislative committee may accept meals, lodging, and transportation (in vans) from public universities and community colleges in connection with a committee visit to the universities and colleges.

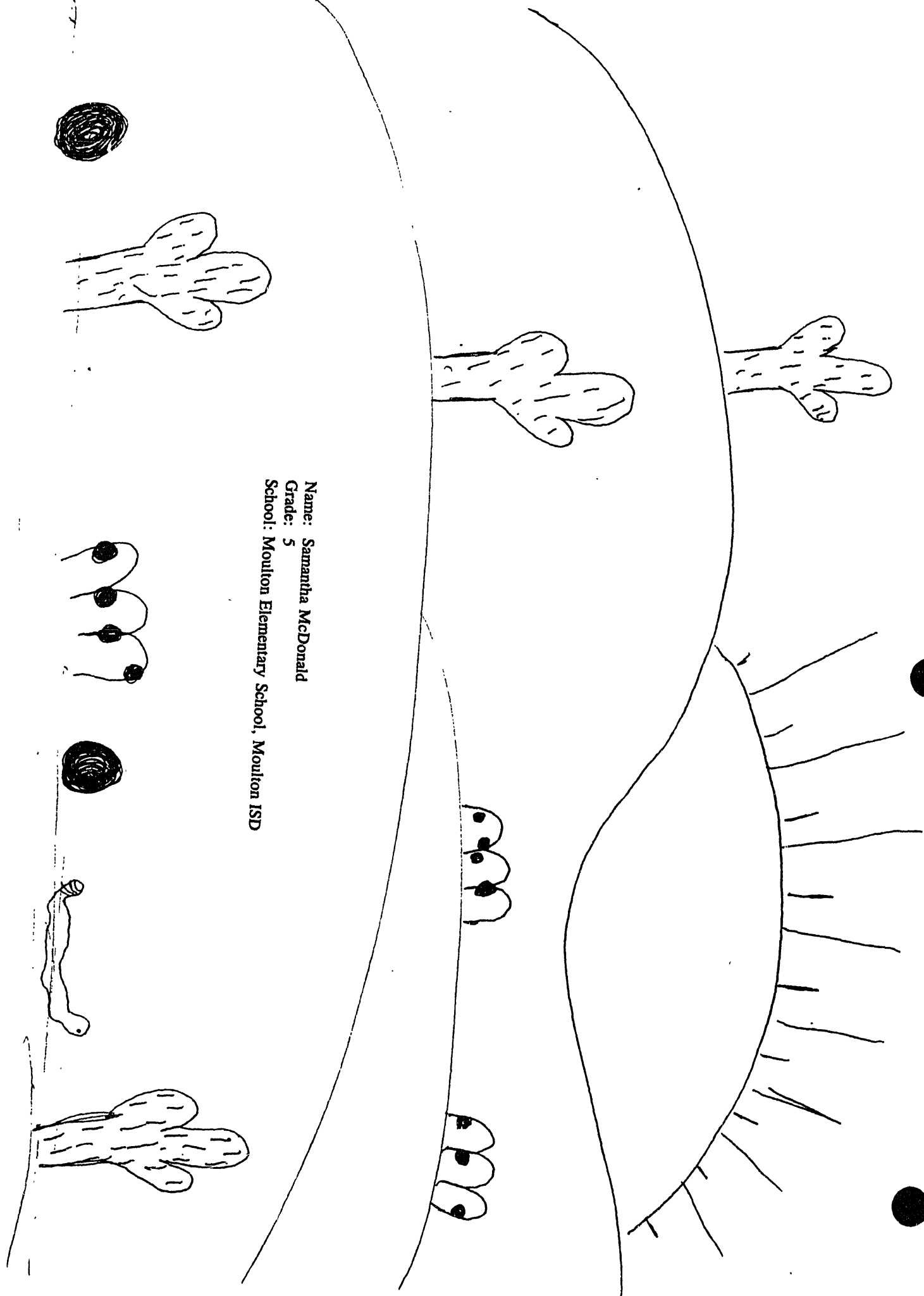
**Summary of Opinion.** Members of the legislature may accept food, transportation, and lodging from public universities and community colleges in connection with a visits to the public universities and community colleges as long as representatives of the universities and community colleges are present during the visit.

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

9513474

Lucia Dodson  
Director, Advisory Opinions  
Texas Ethics Commission

Filed: October 19, 1995



Name: Samantha McDonald  
Grade: 5  
School: Moulton Elementary School, Moulton ISD

# EMERGENCY RULES

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

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

## TITLE 4. AGRICULTURE

### Part I. Texas Department of Agriculture

#### Chapter 6. Cotton Pest Control

##### • 4 TAC §6.9

The Texas Department of Agriculture (the department) adopts on an emergency basis, an amendment to §6.9, concerning authorized planting and stalk destruction dates.

The department is acting on behalf of cotton farmers in Washington County. The current cotton destruction deadline for this county is October 20. The cotton destruction date will now be extended through November 20 for Washington County only. The department believes that changing the cotton destruction date is both necessary and appropriate.

Adverse weather conditions have created a situation compelling an immediate extension of the cotton destruction date for this county. The unusually wet weather prevented many cotton producers from cotton destruction by the October 20 deadline. A failure to act to extend the cotton destruction deadline could create a significant loss to Texas cotton producers and the state's economy.

The department believes that extending the cotton destruction deadline in Washington County as requested will not result in a significant pest population increasing in the zone.

The emergency amendment to §6.9(a)(5)(B) will extend the date for cotton destruction through November 20 of this year in Washington County.

The amendment is adopted on an emergency basis under Texas Agriculture Code, §74.006, which provides the Texas Department of Agriculture with the authority to adopt rules as necessary for the effective enforcement and administration of Chapter 74, Subchapter A; and §74.004, which provides the department with the authority to establish regulated areas, dates and appropriate methods of destruction of stalks, other parts, and products of host plants for boll weevil and provides the department with the authority to consider a request for a cotton destruction extension due to adverse weather conditions; and the Government Code, §2001.34, which provides for the adoption of administrative rules on an emergency basis, without notice and comment.

##### §6.9. Authorized Planting and Stalk Destruction Dates.

(a) All cotton plants in any of the pest management zones set forth in §6.7 of this title (relating to Pest Management Zones) shall be planted within and mechanically destroyed by the authorized planting and stalk destruction dates indicated for each zone. Destruction shall be accom-

plished by the methods described as follows.

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

(5) Zone 5.

(A) (No change.)

(B) Cotton destruction date: on or before October 20 except for Washington County which is on or before November 20. Destruction shall be accomplished by shredding and/or plowing out the plants to prevent further growth of any cotton plants.

(6)-(9) (No change.)

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

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

TRD-9513551

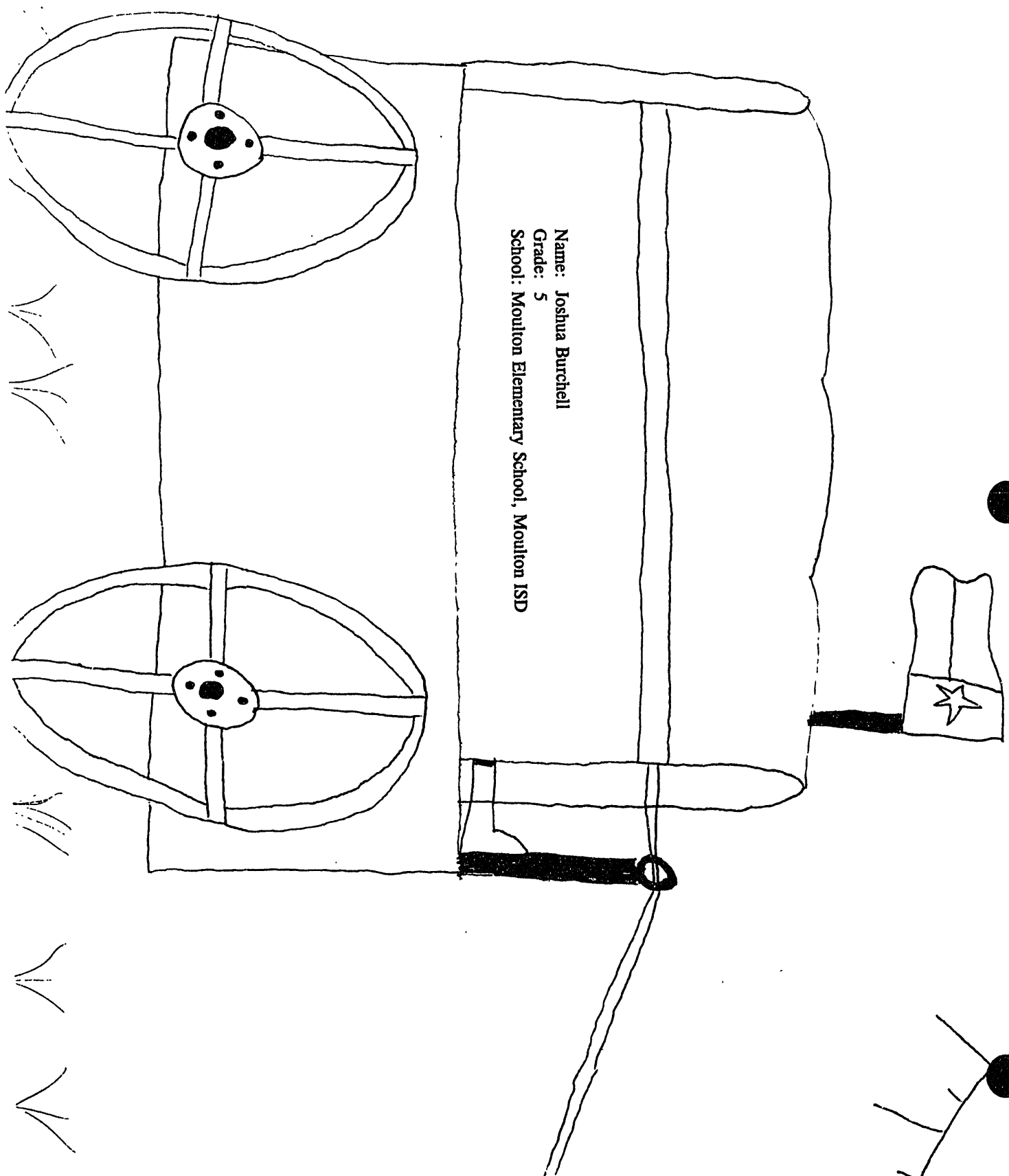
Dolores Alverado  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Effective date: October 20, 1995

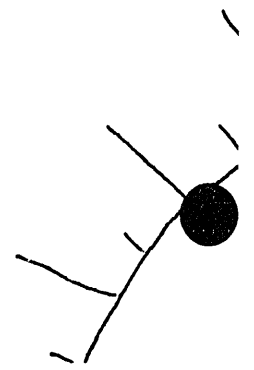
Expiration date: November 21, 1995

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

◆ ◆ ◆



Name: Joshua Burchell  
Grade: 5  
School: Moulton Elementary School, Moulton ISD





# PROPOSED RULES

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

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

## TITLE 4. AGRICULTURE

### Part VII. Texas

#### Agriculture Resources Protection Authority

#### Chapter 101. General Rules

#### Subchapter A. Routine Proce- dures

#### • 4 TAC §101.1, §101.2

The Agriculture Resources Protection Authority (the Authority) proposes amendments to §101.1 and §101.2, concerning definitions and meetings. The amendments are proposed to make the rules consistent with legislative changes made to the Texas Agriculture Code, §76.009 by the 74th Legislature (1995).

Steve Bearden, assistant commissioner for pesticide programs, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Bearden also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be greater clarity and consistency between the statutes and regulations of the Authority. There will be no effect on small or large businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Steve Bearden, Assistant Commissioner for Pesticide Programs, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas, 78711. Comments must be received no later than 30 days from the date of publication of the proposed amendments in the *Texas Register*.

The amendments are proposed under the Texas Agriculture Code, §76.009, which provides the Texas Agriculture Resources Protection Authority with the authority to adopt rules relating to any duty of the Authority.

The Texas Agriculture Code, Chapters 75 and 76, are affected by this proposal.

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

Act-Administrative Procedure [and *Texas Register*] Act, Texas Government Code, Chapter 2001 [Civil Statutes, Article 6252-13a].

Member-

(A)-(C) (No change.)

(D) the director of the environmental epidemiology programs [program] of the Texas Department of Health;

(E) the chief of the groundwater conservation section of the Texas Natural Resource Conservation Commission, which is the head of that section of the Texas Natural Resource Conservation [Water] Commission responsible for groundwater conservation and pesticide-related groundwater protection;

(F) (No change. )

(G) one [a] person appointed by the governor to represent the interests of consumers;

(H) a producer of agricultural products appointed by the governor; [and]

(I) the executive director of the Texas Structural Pest Control Board; [the commissioner of agriculture.]

(J) the executive director of the State Soil and Water Conservation Board;

(K) a person appointed by the governor and licensed by the department as a commercial, noncommercial, or private applicator;

(L) a person appointed by the governor and licensed by the department as a pesticide dealer or involved in the development of manufacture of agricultural chemicals;

(M) a person appointed by the governor and employed as a farm worker or serving as a representative of farm workers;

(N) a person appointed by the governor and associated with an organization primarily engaged in environmental conservation or protection efforts; and

(O) the commissioner of agriculture.

Pesticide agency-The Texas Department of Agriculture, the State Soil and Water Conservation Board, the Texas Agricultural Extension Service, the Texas Department of Health, the Texas Natural Resource Conservation [Water] Commission, or the Texas Structural Pest Control Board.

[Pleading-Any written petition, answer, motion, or other written instrument filed with the authority with respect to any authorized proceeding.]

Texas Register-Official publication of the secretary of state's office created by the Act, Texas Government Code, Chapter 2001 [§6].

*§101.2. Meetings.*

(a) (No change.)

(b) Alternative quarterly meetings or special meetings may be called by the **presiding officer of the Authority** [commissioner] or by a majority of the members of the Authority. A call by a majority of the members must be in writing and delivered to the commissioner at least ten days in advance. The call shall state the time, place, and purpose of the meeting, including a proposed agenda.

(c) The governor shall designate the [commissioner, if present, shall be the] presiding officer, but if he is absent [or excluded by statute from participating in the discussion of the matter to be considered,] the other members of the Authority by a majority of those present, shall designate one of themselves to be the presiding officer.

(d) Any member may cause an item to be placed on the agenda of any meeting of the Authority at a sufficient time prior to the meeting to meet the notice requirements of Texas Government Code, Chapter 551 [Civil Statutes, Article 6252-17].

(e) (No change.)

[(f) The concurring vote of at least five members is required for action.]

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

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

TRD-9513516

Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Agriculture  
Resources Protection  
Authority

Earliest possible date of adoption: November 27, 1995

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

## TITLE 7. BANKING AND SECURITIES

### Part VI. Credit Union Department

#### Chapter 91. Chartering, Operations, Mergers, Liquidations

#### Powers of Credit Unions

##### • 7 TAC §91.401

The Credit Union Commission proposes an amendment to §91.401, concerning a standard for Automated Teller Machine safety which should limit the liability of credit unions which are in compliance.

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

Mr. Rogers also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a safer environment for unmanned, outdoor, free-standing Automated Teller Machines. There will be no effect on small businesses. The

anticipated economic cost to persons who are required to comply with the rule as proposed will vary depending on the types of security measures currently being used for Automated Teller Machines owned by credit unions and under their control.

Comments on the proposal will be submitted to James W. Ratzman, Director of Finance/Operations, 914 East Anderson Lane, Austin, Texas 78752-1699.

The amendment is proposed under the provisions of Texas Civil Statutes, Article 2461-11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of the Texas Credit Union Act.

The specific statute affected by this proposed amendment is Texas Civil Statute, Article 2461-4.01, General Powers.

#### §91.401. General Powers [Purchase, Lease and Sale of Property.]

##### (a) Purchase, Lease and Sale of Property.

(1)[(a)] Restrictions. A credit union shall not purchase real estate (land or buildings) for the principal purpose of engaging in real estate rentals or speculation.

(2)[(b)] Insurance. A credit union shall purchase insurance covering physical damages and personal liability sufficient to protect the credit union from loss relating to property owned or occupied by the credit union. The coverages shall be reviewed annually by the board of directors.

(3)[(c)] Investment or obligation of funds. Any investment or obligation of funds in a building or other fixed assets, by purchase or lease, which in an aggregate amount exceeds 5.0% of the credit union's total assets at the time of the investment shall require the prior written approval of the commissioner. Requests for the approval must be submitted to the commissioner prior to entering into any contracts to purchase, to build, or to lease, and shall be supported by the following information:

(A)[(1)] a current financial and statistical report of the credit union, including a delinquency report;

(B)[(2)] projections showing expected growth in assets, loans, savings and membership, for a five year period, which may be based upon a rate of growth for the previous five years;

(C)[(3)] a description, including current usage, of currently owned real estate;

(D)[(4)] a plan for financing the purchase of land or the construction of any building;

(E)[(5)] a brief statement of the economic advantage and disadvantages relating to the proposed investment;

(F)[(6)] modifications expected, if any, to the site or any improvements thereon and the estimated cost thereof; and

(G)[(7)] the commissioner may require any additional information regarding the economic impact on the credit union of the investment deemed necessary for an informed evaluation of the investment.

##### (b) Unmanned Teller Machine. User Safety

(1) Definitions. The definitions set out in Article 3d, §1, are incorporated and made a part of this rule as if actually set out herein. As used in this rule, "the Act" means Article 3d.

(2) Safety requirements. Not later than September 1, 1996, and unless exempted under the Act, §6, a credit union owner or operator shall comply with the safety requirements of the Act. In complying with the minimum lighting requirements, candlefoot power shall be measured under normal, dry weather conditions (i.e. without complicating factors such as fog, rain, snow, sand or duststorm or any other complicating condition).

(3) Leased premises. The Act, §3(c), provides that if an access area or defined parking area for an unmanned teller machine is not controlled by the owner or operator of the machine, then the landlord or owner of the property is required to comply with the safety procedures in §3. If a credit union owner or operator is unable to obtain compliance from such a person, then it shall notify, in writing, the Credit Union Department of such non-compliance.

##### (4) Notice.

(A) Existing accounts. No later than January 1, 1996, a credit union which issues access devices shall furnish its members with a notice of basic safety precautions that should be employed while using an unmanned teller machine. The notice may be included as a statement stuffer with any other mailing or may be delivered personally or be mailed in any other form to each member whose mailing address is in this state and who has been issued an access device.

(B) New Access Devices. A credit union which issues access devices

shall furnish its members with the notice of basic safety precautions at the time the initial disclosure of terms and conditions is provided to such member in accordance with Regulation E (12 Code of Federal Regulation 205).

(C) Annual notice. After January 1, 1996, each credit union issuer of access devices shall furnish its members with the notice of basic safety precautions on a basis no less frequently than annually.

(D) Content. The notice of basic safety precautions shall be provided in written form in a media which can be retained by the customer and may include information such as the following:

(i) recommendations regarding security at walk-unmanned teller machines;

(ii) protection of code or PIN;

(iii) security at drive-up unmanned teller machines;

(iv) procedures for lost or stolen access devices;

(v) reaction to suspicious circumstances;

(vi) taking receipt instead of leaving it at or near the unmanned teller machine;

(vii) not giving out information about an access device over the telephone;

(viii) treating an access device as if it were cash;

(ix) checking receipts against monthly statements to detect fraud; or

(x) any other recommendations which the credit union reasonably believes are appropriate to facilitate the security of its users.

(5) Video surveillance equipment. After evaluating the usefulness and practicality of usage of video surveillance equipment, the Credit Union Commission has determined that such equipment need not be required at credit union unmanned teller machines.

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

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

TRD-9513398

Robert W. Rogers  
Commissioner  
Credit Union Department

Earliest possible date of adoption: November 27, 1995

For further information, please call: (512) 837-9236

## TITLE 10. COMMUNITY DEVELOPMENT

### Part V. Texas Department of Commerce

#### Chapter 187. Job Training Partnership Act Rules

##### Subchapter I. JTPA Grievance Procedures

- 10 TAC §§187.280, 187.282, 187.283, 187.286-187.288, 187.290, 187.296-187.298

The Texas Department of Commerce proposes amendments to 187.280, 187.282, 187.283, 187.286-187.288, 187.290, 187.296-187.298, concerning Grievance Procedures for the Job Training Partnership program. The amendments are being proposed to incorporate modifications and clarification of procedures.

Margo Kaiser, Assistant General Counsel, Texas Department of Commerce, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Margo Kaiser also has determined that for each year of the first five years the proposed sections are in effect, the public benefit anticipated as a result of enforcing the sections will be to ensure compliance with JTPA hearing requirements and access to administrative proceedings. There is no anticipated economic cost to persons or small businesses who are required to comply with the sections as proposed.

Comments on the proposed amendments may be submitted, in duplicate, to Margo Kaiser, Legal Division, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711, within 30 days of the publication of the proposed sections.

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

There is no other statute, articles, codes or regulations effected by these proposed amendments.

*§187.280. Purpose and Coverage.* In addition to the grievance procedures set forth in Federal Act §144, and in accordance with the grievance procedures in 20 CFR, Part 627, Subpart E, this subchapter establishes state procedures for resolving allegations of violations of the Federal Act in the operation of JTPA programs and activities. These procedures cover complaints alleging a non-criminal violation of the Federal Act, and

do not apply to complaints of discrimination pursuant to Federal Act §167. The department may waive specific provisions of this [state] grievance procedure [upon the agreement of all parties].

#### *§187.282. Grievance Filing Procedures at the Local Level.*

(a) Any person or organization alleging a violation of the Federal Act at the local level may file a complaint by submitting a written grievance to the JTPA contractor responsible for the alleged action, with a copy of the grievance to the department. The grievance must be signed and dated by the complainant and shall include the following information:

(1) (No change.)

(2) a detailed description of the action which is the subject of the complaint. [that caused the complaint.] If the complainant believes the complaint involves a violation of the Job Training Partnership Act, the federal JTPA regulations, the state JTPA rules, the JTPA grant or other agreement under the Job Training Partnership Act, the complainant shall provide a reference to or describe the provision that was violated; and

(3) the name and address of each party or parties believed to be responsible for the action which is the subject of the complaint. [causing the complaint]. The complainant must explain how each party is responsible for the action which is the subject of the complaint. [that caused the complaint.]

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

#### *§187.283. Time Limitations at Local Level.*

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

#### *§187.286. Local Level Informal Conference Procedure.*

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

(c) Within three days after [from] the informal conference date, the EO Officer shall provide each party with a written determination including a statement of whether or not a resolution was reached, the details of any resolution and, if the complaint was unresolved, notice to the complainant of the opportunity for a hearing.

#### *§187.287. Opportunity and Request for a Hearing.*

(a) If an informal resolution was not achieved the written determination sent to the complainant must include notification of an opportunity for a hearing. The notification must inform the complainant that:

(1) (No change.)

(2) a hearing held pursuant to the complainant's request will involve only those issues that were [have been] presented at the informal conference;

(3)-(4) (No change.)

(5) the complainant shall have the opportunity to have records or documents relevant to the complaint produced by their custodian when such records are kept by or for any party to the complaint in the ordinary course of business. The respondent shall have the authority [opportunity] to obtain documents within the custody and control of the complainant.

(b) (No change.)

*§187.288. Notice of Hearing at Local Level.*

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

*§187.290. Local Level Hearing Procedure.*

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

(d) The Hearing Officer shall inform all parties that, for each issue considered, the complainant is responsible for proving that the actions complained of [about] involved a violation of the JTPA, the JTPA regulations and rules, a contract or other agreement under JTPA, or were committed in connection with the operation of a JTPA program, and caused specific harm or injury either to the complainant or to the JTPA program.

(e) (No change.)

*§187.296. Appeal of a Department Action or Decision.*

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

(c) Within 30 days of the receipt by the department of a notice of appeal, the complainant shall be notified of the date scheduled for a formal hearing unless complainant agrees to an extension of time.

*§187.297. Formal Hearing Procedure at State Level.*

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

(f) Within 30 days of the completion of a formal hearing, the Hearing Officer shall render a written Proposal for Decision with findings of fact, conclusions of law, and recommendations as to disposition of the appeal and of the action causing the appeal unless all parties agree to an extension of time.

*§187.298. Final State Action.* The Hearing Officer shall forward a copy of the Proposal for Decision and the hearing record to the governor or a person designated by the governor for independent review and action.

Within 30 days of the receipt of such hearing documents, the Proposal for Decision may be ratified, modified or rejected by the governor, as the final state [level] action on the appeal.

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

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

TRD-9513486

Brenda F. Arnett  
Executive Director  
Texas Department of  
Commerce

Earliest possible date of adoption: November 27, 1995

For further information, please call: (512) 936-0176

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**TITLE 16. ECONOMIC  
REGULATION**  
**Part I. Railroad  
Commission of Texas**  
**Chapter 20. Administration**

**Subchapter B. Access To and  
Charges For Records**

- 16 TAC §§20.101, 20.103, 20.104, 20.105, 20.110, 20.111, 20. 114, 20.115, 20.120

The Railroad Commission of Texas proposes amendments to §§20.101, 20. 105, 20.110, 20.115, and 20.120, and new §§20.103, 20.104, 20.111, and 20. 114, relating to access to and copies of public records. The proposed amendments define new terms and revise some charges and procedures for providing copies of public records and access to public information for inspection. House Bill 1718, Acts 1995, 74th Legislature, Chapter 1035, §15, amended the Open Records Act, Government Code, Chapter 552, Subchapter F, to require state agencies to follow rules adopted by the General Services Commission (GSC) for determining charges for public information, unless expressly exempted by GSC. On August 25, 1995, the commission requested an exemption from GSC for charges different from GSC's as well as approval for charges for items not currently listed by GSC. The commission submitted calculations determining actual cost for each of its proposed charges. GSC, on September 15, 1995, gave its determination on the commission's requested exemption. Calculations relating to the commission's charges and the correspondence between GSC and the commission are a part of the record of this rulemaking and are available for inspection from the commission's internal auditor, Gary Brinkley, at Railroad Commission of Texas, 1701 North Congress Avenue, Room 12-109, Austin, Texas, (512) 463-7276.

The proposed amendments to §20.105 relating to charges for providing copies of public information and §20.120, relating to charge

schedule, reflect changes in commission charges in accordance with the determination of GSC and clarification on when additional charges may be assessed consistent with House Bill 1718. Changes in charges include reductions in the cost of paper copies of microfilm, microfiche or unit jackets (reduced from \$.25 to \$. 10 per copy); oversized copies (reduced from \$.35 to \$.10 per foot); and personnel (reduced from \$17.40 to \$15 per hour). The commission is also adding charges for taxing requested information as approved by GSC.

The proposed amendment to §20.110, relating to inspection of paper records, implements House Bill 1718's requirement of no charge for inspection of paper records with the exception of deleting confidential information. The proposed amendment to §20.115, relating to estimates and waivers of public information charges, clarifies when a bond or deposit may be required and when information has to be made available to a requestor—both changes as a result of House Bill 1718.

The proposed new §§20.103, 20.104, and 20.111, relating to information in an electronic or magnetic medium; requests for information that require programming or manipulation of data; and inspection of electronic record if copy not requested, implement House Bill 1718's new requirements for processing requests for computer information. The proposed new §20.114, relating to information excepted from disclosure, clarifies that the commission, by Chapter 20 of this title (relating to Access to and Charges for Open Records), does not waive any right or duty to withhold information it considers excepted from disclosure in accordance with Government Code, Chapter 552, Subchapter C. Chapter 20 only applies to information that is not excepted from disclosure under the Open Records Act, Government Code, Chapter 552.

Brenda Loudermilk, special counsel, has determined that there will be fiscal implications to state government as a result of administering the rules as proposed. Based on calculations for the prior fiscal year provided by Jeannette Mathews, budget analyst, Oil and Gas Division, it is estimated that for each year of the first five years the proposed changes are in effect, the commission will see a reduction in revenue from paper copies of microfilm, microfiche and unit jackets, of at least \$20,000, and possibly \$30,000, due to the change in rate from \$.25 to \$.10 per copy. The fiscal impact of the other changes in rates are expected to be minimal but cannot be accurately determined. The proposed charge of \$.10 per foot for oversized copies from the published rate of \$.35 per foot is not expected to have any impact. The lower rate was implemented soon after publication of the original rules based on a revised calculation of actual cost. Ms. Loudermilk has determined that there will be no effect on local governments as a result of the proposed actions.

Ms. Loudermilk also has determined that the public benefit anticipated as a result of the proposed actions will be a reduction in the cost of the specified paper copies and labor that may be associated with a particular re-

quest. The availability of fax transmission will further facilitate the public's access to public information.

While the fiscal impact could not be accurately estimated, the effect on small business and individuals, for each year of the first five years the proposed rules are in effect, will be a reduction in the cost of obtaining public records on file with the commission, depending on the nature of the request and the type of copies requested. The cost of compliance, that is paying the required charges, is the same for a small business, a large business or an individual.

Comments may be submitted to Brenda Loudermilk, Office of Special Counsel, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967. Comments will be accepted for 30 days following publication in the *Texas Register*.

The amendments and new section are proposed under Government Code, Chapter 552, Subchapter F; House Bill 1009, Acts 1993, 73rd Legislature, Chapter 428, §5; and House Bill 1718, Acts 1995, 74th Legislature, Chapter 1035, §15, which require state agencies to promulgate rules setting out charges for copies of public records.

The following code is affected by the proposed amendments to §§20.101, 20.105, 20.110, 20.115, and 20.120: Government Code, Chapter 552, Subchapter F.

**§20.101. Charges for Commission Records.** Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

**Manipulation**—The process of modifying, reordering, or decoding of information with human intervention.

**Nonstandard-size copy**—A copy of public information that is made available to a requestor in any available format other than a standard-size paper copy. Microfiche, microfilm, diskettes, audio and video cassettes, and paper copies in excess of 8-1/2 [8] by 14 inches are examples of nonstandard-size copies.

**Processing**—The execution of a sequence of coded instructions by a computer producing a result.

**Programming**—The process of producing a sequence of coded instructions that can be executed by a computer.

**Public information**—Information that is collected, assembled, or maintained under a law or in connection with the transaction of official business of the commission.

**Requestor**—A person who submits a request to the commission for inspection or copies of public information.

**§20.103. Information in an Electronic or Magnetic Medium.**

(a) If public information exists in an electronic or magnetic medium, the re-

questor may request a copy either on paper or in an electronic medium, such as on diskette or on magnetic tape. The commission will provide a copy in the requested medium if:

(1) the commission has the technological ability to produce a copy of the requested information in the requested medium;

(2) the commission is not required to purchase any software or hardware to accommodate the request; and

(3) providing a copy of the information in the requested medium will not violate the terms of any copyright agreement between the commission and a third party.

(b) If the commission is unable to comply with a request to produce a copy of information in a requested medium for any of the reasons described by subsection (a) of this section, the commission will provide a paper copy of the requested information or a copy in another medium that is acceptable to the requestor unless to do so would violate copyright laws, or the terms of any copyright between the commission and a third party. The commission is not required to copy information onto a diskette or other material provided by the requestor but may use its own supplies.

**§20.104. Requests for Information that Require Programming or Manipulation of Data.**

(a) The commission will provide to a requestor the written statement described by subsection (c) of this section if the commission determines:

(1) that responding to a request for public information will require programming or manipulation of data; and

(2) that:

(A) compliance with the request is not feasible or will result in substantial interference with its ongoing operations; or

(B) the information could be made available in the requested form only at a cost that covers the programming and manipulation of data.

(b) For the purposes of subsection (a) of this section, if the commission has the information in the form requested, accessing the requested information is not considered to be programming or manipulation of data for which a programming charge would be assessed under §20.105(j) of this title (relating to Charges for Providing Copies of Public Information).

(c) The written statement must include:

(1) a statement that the information is not available in the requested form;

(2) a description of the form in which the information is available;

(3) a description of any contract or services that would be required to provide the information in the requested form;

(4) a statement of the estimated cost of providing the information in the requested form, as determined in accordance with the rules established by the General Services Commission; and

(5) a statement of the anticipated time required to provide the information in the requested form.

(d) The commission will provide the written statement to the requestor within 20 days after the date of receipt of the request. The commission has an additional 10 days to provide the statement if the commission gives written notice to the requestor, within 20 days after the date of receipt of the request, that additional time is needed.

(e) On providing the written statement to the requestor as required by this section, the commission does not have any further obligation to provide the information in the requested form or in the form in which it is available until the requestor states in writing to the commission that the requestor:

(1) wants the commission to provide the information in the requested form according to the cost and time parameters set out in the statement or according to other terms to which the requestor and the commission agree; or

(2) wants the information in the form in which it is available.

**§20.105. Charges for Providing Copies of Public Information.**

(a) (No change.)

(b) Nonstandard-size copies. The charge for the following nonstandard size copies are:

(1) diskette—actual cost, not to exceed \$.95 each;

(2) VHS video cassette—\$2.50 each [actual cost];

(3) audio cassette—\$1 each [actual cost];

(4) oversized copy (12 inch roll)—\$.10 [\$.35] per foot;

(5) oversized copy (24 inch roll)—\$.10 [\$.35] per foot;

(6) -(8) (No change.)

(c) Microfiche and microfilm charge.

(1) (No change.)

(2) If a master copy of information in microfilm or microfiche [microform] is readily available, the charge is \$.10 [\$.25] per paper copy [paper]. Each unit jacket paper copy is \$.10 [\$.25].

(3) (No change.)

(d) Depending on the nature of a particular request, other [The charges in subsections (a)-(c) of the section cover only the cost of materials onto which information is copied and do not include any additional] charges [that] may be assessed in addition to the charges in subsections (a)-(c) and (n) of this section [for a particular request].

(e) If a request for copying public information is for 50 or fewer pages of paper records, no additional charges will be assessed for personnel, cost of materials or overhead unless the records are located in more than one building or in a remote storage facility.

(f)[(e)] Personnel Charge.

(1) The charge for personnel costs incurred in processing a request for public information, not including time spent on research, is \$15 [\$17.40] an hour. The personnel charge covers the cost for personnel time spent to take requests, locate documents, and reproduce requested information and will be prorated, where applicable, at \$2.50 [\$2.90] per each 10 minutes.

(2) A personnel charge will not be assessed in connection with complying with requests that are for readily available information.

(g)[(f)] Research Charge. A charge of \$5.00 per each half hour will be assessed for time spent by a commission employee searching commission records for public information at the request of a member of the public. This charge is in addition to any applicable personnel and overhead charges. Nothing in these rules shall be construed to require the commission to provide research services.

(h)[(g)] Overhead Charge. In response to a request for information that is not readily available, a charge for direct and indirect costs at a rate of 20% of the personnel charge will be assessed, in addition to the personnel charge. This overhead charge covers such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead.

(i)[(h)] Remote Document Retrieval Charge. The actual cost of retrieving a document from an off-site storage location will be assessed. If a remote retrieval charge is assessed, no personnel charge for locating documents will be assessed.

(j)[(i)] Computer Resource Charge.

(1) The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following: central processing units (CPUs), servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities.

(2) Charges are as follows:

(A) mainframe-\$9.95 per minute;

(B) midsize [mid-range]-\$3.00 per minute;

(C) PC or LAN-.50 per minute;

(D) ADP operations-\$36.40 per hour;

(E) mapping operator-\$27.05 per hour.

(k)[(j)] Programming Time. If a particular request requires a programmer to enter data in order to execute an existing program, to manipulate data or to create or modify a program so that requested information may be accessed, the commission may charge for the programmer's time. The average hourly charge for a programmer's time is \$26 an hour. [Nothing in these rules shall be construed to require the commission to create a new program in order to provide requested information in a requested format.]

(l)[(k)] Miscellaneous Supplies. The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information will be added to the total charge for public information.

(m)[(l)] Postage and Handling. The actual cost of mailing requested information, along with a handling charge of \$4.45, will be added to the total charge. Mail orders for computer-generated information will be assessed a handling charge at actual cost.

(n) Fax Charge. No charge for faxing will be assessed for a locally transmitted fax of nine pages or less. The charge for a locally transmitted fax of ten pages or more is \$.10 per page. The charge for long distance transmission is \$.50 per page for a fax sent within the same area code as the sender and \$1.00 per page for a fax transmitted to a differ-

ent area code. A transmittal page is not counted in determining the number of pages subject to a charge. In order to have a document faxed, the requestor must have an approved credit card to use in the payment of charges.

*§20.110. Inspection of Paper Records [Access to Information] Where Copies Are Not Requested.*

[(a)] Access to information in a paper record for purposes of inspection, regardless of the number of pages, is not subject to any charge. However, if a requested page contains confidential information that must be edited from the record before the information can be made available, the commission may charge for the cost of making a copy of the page from which information must be edited.

[(b)] In response to requests for access to information that is not readily available, for purposes of inspection, the requesting party will be charged the cost of preparing and making available such information. Preparation may involve retrieval of information from a database and deletion of confidential information. In such a case, charges for the cost of personnel as set forth in §20.105(e) of this title (relating to Charges for Providing Copies of Public Information) will be assessed.]

*§20.111. Inspection of Electronic Record if Copy Not Requested.*

(a) In response to a request to inspect information that exists in an electronic medium and that is not available directly on-line to a requestor, no charge will be imposed for access to the information, unless complying with the request will require programming or manipulation of data. If programming or manipulation of data is required, the commission before assembling the information will provide the requestor with an estimate of charges that will be assessed to make the information available. Charges under this section will be assessed in accordance with this subchapter.

(b) If public information exists in an electronic form on a computer owned or leased by the commission and if the public has direct access to that computer through a computer network or other means, the electronic form of the information may be electronically copied from that computer without charge if accessing the information does not require processing, programming, or manipulation on the commission-owned or commission-leased computer before the information is copied.

(c) If public information exists in an electronic form on a computer owned or leased by the commission and if the public

has direct access to that computer through a computer network or other means and the information requires processing, programming, or manipulation before it can be electronically copied, the commission may impose charges in accordance with this subchapter.

**§20.114. Information Exempted from Disclosure.** None of the provisions of this chapter waive the commission's right or duty to withhold information it considers to be exempted from disclosure under Government Code, Chapter 552, Subchapter C.

**§20.115. Estimates and Waivers of Public Information Charges.**

(a) When a particular request will involve considerable time and resources to process, the commission will advise the requesting party of the activities that may be required to process the request, the anticipated date of completion, and an estimate of charges that may be assessed. If the information can not be made available for inspection or copying within 10 calendar days after the date of the request, the commission's officer for public information will certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available.

(b) The commission may require that a bond or deposit in the amount of the estimated charges be paid before a request is processed, if the estimated charges exceed \$100.

(c) (No change.)

**§20.120. Charge Schedule.** The following is a summary of the charges for copies of public information at the commission:

(1) (No change.)

(2) nonstandard-size copy:

(A) diskette—actual cost, not to exceed \$.95 each;

(B) VHS video cassette—\$.25 each [actual cost];

(C) audio cassette—\$1.00 each [actual cost];

(D) oversized copy (12 inch roll)—\$.10 [\$.35] per foot;

(E) oversized copy (24 inch roll)—\$.10 [\$.35] per foot;

(F)-(H) (No change.)

(3) Microfiche or microfilm charge:

(A)-(C) (No change.)

(D) paper copy—\$.10 [\$.25] per page;

(E) unit jacket paper copy—\$.10 [\$.25] each;

(F) (No change.)

(4) (No change.)

(5) personnel charge—\$15 [\$.40] per hour;

(6)-(13) (No change.)

(14) fax charge:

(A) local:

(i) no charge for nine pages or less;

(ii) for ten pages or more—\$.10 per page;

(B) long distance, same area code—\$.50 per page;

(C) long distance, different area code—\$1.00 per page;

(15)[(14)] other costs—actual cost.

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

Issued in Austin, Texas, on October 17, 1995.

TRD-9513562

Mary Ross McDonald  
Acting General Counsel  
Railroad Commission of  
Texas

Earliest possible date of adoption: November 27, 1995

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

## TITLE 25. HEALTH SERVICES

### Part II. Texas Department of Mental Health and Mental Retardation

#### Chapter 407. Internal Facilities Management

##### Lease of TDMHMR Surplus Property

###### • 25 TAC §407.120

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes an

amendment to §407.120, governing lease of TDMHMR property, of Chapter 407, concerning internal facilities management.

The amendment implements provisions of House Bill 2377 of the 74th Legislature which created new §533.087 of the Texas Health and Safety Code. The statute authorizes the department to lease real property not designated as "surplus" property; additionally it permits the department to lease real property to certain government agencies, not-for-profit organizations, and entities related to the department by a service contract at less than the prevailing market rate without advertising or competitive bidding if sufficient public benefit is derived.

Donald C. Green, chief financial officer, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Karen Hale, assistant commissioner, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is the department's compliance with state law. There will be no effect on small businesses. There is no anticipated local economic impact and economic cost to persons who are required to comply with the section as proposed.

Questions about the content of the proposal may be directed to Steve Craddock, Director, Asset Management, at (512) 206-4579. Written comments on this proposal may be sent to Linda Logan, Director, Policy Development, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, within 30 days of publication.

A hearing has been scheduled for 1:30 p.m., Thursday, November 16, 1995, in the department's Central Office Auditorium (main building) at 909 West 45th Street in Austin to accept public comment concerning the proposed amendment. If interpreters for the hearing impaired are required, please contact Laura Thomas in the Office of Policy Development at (512) 206-4516 at least 72 hours prior to the hearing.

The amendment is proposed under the Texas Health and Safety Code, §532.015, which provides the Texas Mental Health and Mental Retardation Board with broad rulemaking authority, and with §533.084 and §533.087, which requires the board to adopt rules relating to the lease of real property.

The amendment affects the Texas Health and Safety Code, §533.084 and §533.087.

**§407.120. Lease of TDMHMR [Surplus] Property.**

(a) Leases [Commercial leases] may only be executed for department property that the Texas [Board of] Mental Health and Mental Retardation Board has declared to be:

(1) surplus property in accordance with Texas Health and Safety Code,

§533.084, [Texas Civil Statutes, Article 5547-205, §5.03(a)]: or

(2) suitable for lease in accordance with Texas Health and Safety Code, §533.087.

(b) Proposals to lease surplus property shall be made to the board by the department or by the General Land Office. Except as provided by subsection (c) of this section, all [All] lease proposals shall be advertised at least once a week for four consecutive weeks in at least two newspapers, one of which shall be published in the city where the property is located, or the nearest daily paper thereto, and the other in a paper with statewide circulation. The advertisement shall summarize the lease proposal, provide the name and address of a person to whom interested parties may submit bids for consideration by the department, and state where a copy of the proposal and the board's criteria for awarding the lease can be obtained.

(c) The department may lease real property or an improvement for less than the prevailing market rate, without advertisement or without competitive bidding, if:

(1) the board determines that sufficient public benefit will be derived from the lease; and

(2) the property is leased to:

(A) a federal or state agency;

(B) a unit of local government;

(C) a not-for-profit organization; or

(D) an entity related to the department by a service contract.

(d)[(c)] The department shall review any bids received based upon the adopted criteria, and may conduct a review of other factors which it deems to be appropriate on any or all bids.

(e)[(d)] Prior to the award of any lease that will have a term exceeding five years, the board shall be apprised of all bids received.

(f) [(e)] The department may reject any and all bids.

(g) [(f)] Proceeds from a lease shall be used and held in accordance with Texas Health and Safety Code, §533.084(b), [Civil Statutes, Article 5547-205, §5.03(b)].

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

Issued in Austin, Texas, on October 23, 1995.

TRD-8513577

Ann K. Utley  
Chairman, Texas MHMR  
Board  
Texas Department of  
Mental Health and  
Mental Retardation

Earliest possible date of adoption: November 27, 1995

For further information, please call: (512) 206-4516

## TITLE 30. ENVIRONMENTAL QUALITY

### Part I. Texas Natural Resource Conservation Commission

#### Chapter 335. Industrial Solid Waste and Municipal Hazardous Waste

The Texas Natural Resource Conservation Commission (TNRCC) proposes amendments to §§335.1 and 335.6, Subchapter A; §335.41, Subchapter B; §335.78, Subchapter C; §335.221, Subchapter H; and §335.504, Subchapter R, concerning used oil management.

The United States Environmental Protection Agency (EPA) has published a new 40 Code of Federal Regulations (CFR), Part 279, Standards for the Management of Used Oil (57 FedReg 41566, September 10, 1992). On May 3, 1993, EPA published technical corrections to the rule (58 FedReg 26420). On June 17, 1993, EPA corrected several errors in the May 3, 1993, notice (58 FedReg 33341). On March 4, 1994, EPA published a change to 40 CFR, Part 279 clarifying exemptions related to mixing used oil with crude oil and providing some exemptions from the definition of processor (59 FedReg 10550). This new rule extends EPA's regulation to all non-hazardous used oil, oil made characteristically hazardous by use (rather than by mixing), used oil recycled by means other than burning for energy recovery (in addition to used oil burned for energy recovery), and used oil generated by municipal or industrial generators. It also regulates do-it-yourself changer used oil (household used oil) after collection. The portion of 40 CFR, Part 279 addressing the burning of used oil for energy recovery was effective March 8, 1993 and has essentially the same requirements as the old 40 CFR, Part 266, Subpart E that it replaces. The remainder of 40 CFR, Part 279 will not be effective in Texas until the TNRCC adopts an implementing rule. Senate Bill 1683, 74th Texas Legislature, 1995, made statutory changes to Texas Health and Safety Code, Chapter 371, Used Oil Collection, Management, and Recycling, to permit 40 CFR, Part 279 implementation.

These amendments are proposed to remove appropriate used oil requirements from 30 Texas Administrative Code (TAC), Chapter 335 for placement in a new 40 CFR, Part 279 implementing rule in a new 30 TAC Chapter 324, Used Oil Recycling.

Section 335.1 is proposed to be amended so that the definition of used oil includes "synthetic" used oil, as in the new 40 CFR, §279.1 definition of "used oil." Also, a statement is proposed to be added to refer the reader to the new comprehensive used oil rule in 30 TAC Chapter 324, Subchapter A, Used Oil Recycling.

Section 335.6 contains industrial waste notification requirements. Section 335.6 is proposed to be amended by adding subsection (j) to refer readers to Chapter 324, Subchapter A, for industrial used oil notification requirements.

Section 335.24(b)(3) and (c)(3) are proposed to be deleted and the subsequent paragraphs renumbered, so that all nonhazardous used oil requirements can be found in one new rule (30 TAC Chapter 324, Subchapter A).

Section 335.41 is proposed to be amended to add an appropriate cross-reference to Chapter 324 (relating to Used Oil), as in a cross-reference to 40 CFR, Part 279 added by the EPA to 40 CFR, §264.1(g)(2) and §265.1(c)(6).

Section 335.78(j) is proposed to be amended to refer readers to Chapter 324, Subchapter A on Conditionally Exempt Small Quantity Generator (CESQG) used oil mixtures, to delete the old 40 CFR, Part 266, Subpart E citation and replace it with the new 40 CFR, Part 279 citation, and to delete language restricting the applicability of the requirement to CESQG used oil burned for energy recovery. 40 CFR, Part 279 applies to CESQG used oil regardless of the method of recycling.

Section 335.221(b)(1) is proposed to be amended to add language clarifying that only used oil characteristically hazardous from use versus mixing is exempt from hazardous waste regulation, to delete the old 40 CFR, Part 266, Subpart E citation and replace it with the new 40 CFR, Part 279 citation, to add a cross-reference to 30 TAC Chapter 324, Subchapter A and to delete obsolete references to 40 CFR, Part 266 and §335.24(g).

Section 335.504(1) is proposed to be amended for clarification and to add a requirement in a hazardous waste determination to determine if a material is excluded from being a solid waste or hazardous waste per 40 CFR, §261.2, §261.3, or §261.4. This will assure full compliance with federal rule changes made to implement 40 CFR, Part 279 in 40 in §261.4(b)(12), (13), and (14). Section 335.504(2) is proposed to be amended for clarification and consistency with the changes to §335.504(1). Section 335.504(3) is proposed to be amended for clarification. Section 335.504(4) is proposed to be amended to add a requirement for a determination to be made as to whether used oil is listed hazardous per 40 CFR, §261.3(a)(2)(v) and to note that used oil made hazardous by mixing with listed or



characteristically hazardous waste is managed as a hazardous waste under 30 TAC Chapter 335 and other used oil is managed under 30 TAC Chapter 324.

Stephen Minick, Strategic Planning and Appropriations Division, has determined that for the first five-year period these sections as proposed are in effect, there will be fiscal implications as a result of administration and enforcement of the sections. There are no significant fiscal implications anticipated for state government. The commission will incur additional costs to implement a program for management of used oil consistent with federal requirements. Changes in other uses of the used oil fund and reductions in grant and administrative support expenses will result in no significant net cost increases to the state. There are no significant fiscal implications anticipated for local governments. The fiscal implications for the commission will be related to and contingent on income to the used oil fund for fiscal year 1996 and subsequent fiscal years. Apart from the proposed rules, statutory changes in the fee rate structure supporting the used oil fund will have the anticipated effect of reducing revenue to the fund beginning in fiscal year 1996. The level of reduction is dependent on the response of automotive oil marketers to the opportunity for exemption from fee assessment and cannot be determined at this time. Reductions in revenue below a level sufficient to support the used oil program will result in corresponding reductions in program costs.

Mr. Minick also has determined that for the first five years these sections as proposed are in effect the public benefit anticipated as a result of enforcement of and compliance with the sections will be improvement in the state's used oil regulations, more cost-effective management and regulation of used oil, enhanced consistency of state and federal regulations, and the avoidance of duplicative regulatory requirements. The adoption of regulations consistent with federal requirements will have fiscal implications for persons required to comply with these sections similar to those for the federal rules. There may be additional costs realized by transfer facilities, processors, re-refiners and burners of used oil related to the requirement to install secondary containment features in container and aboveground tank storage areas. Used oil processors and re-refiners may also incur one-time costs in the development of contingency and analysis plans and compliance with closure requirements. These costs will vary widely on a case-by-case basis with individual facilities. No significant costs are anticipated for the vast majority of used oil generators. The most significant costs, for facilities in the processing sector, have been estimated to be up to \$65,000 on an annualized basis, although the costs are anticipated to be substantially less. On a national basis, these costs have been translated to represent an increase within the commercial used oil recycling system of between 0.2 and 0.6 cents per gallon of used oil. The effects on small businesses (primarily small processors and fuel oil dealers) will be larger on a per unit or per gallon basis because the most significant costs are generally fixed costs and not directly proportional to the

amount of used oil handled at smaller facilities.

A public hearing on this proposal will be held at the TNRCC Office Complex, Building E, Room 254-S, 12118 North IH-35, Austin, Texas on November 14, 1995 at 10:00 a.m. 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 by 5:00 p.m., 30 days from the date of publication of this proposal in the *Texas Register*. Please mail any written comments to Bettie Mabry Bell, Texas Natural Resource Conservation Commission, Office of Policy and Regulatory Development (MC-205), Post Office Box 13087, Austin, Texas 78711-3087, and please reference TNRCC Rule Log Number 95011-324-WS. For further information, contact Hygie Reynolds, Waste Policy and Regulations Division, at (512) 239-6825.

### Subchapter A. Industrial Solid Waste and Municipal Hazardous Waste in General

#### • 30 TAC §§335.1, 335.6

These amendments are proposed under the Texas Water Code, §§5.103, 5.105, and 26.011, which provide the TNRCC the authority to adopt rules necessary to carry out its powers, duties, and policies and to protect water quality in the state. These amendments are also proposed under the Solid Waste Disposal Act, §361.017, which provides the TNRCC the authority to regulate industrial solid wastes and hazardous municipal wastes; §361.024, which allows the TNRCC to adopt rules consistent with the general intent and purposes of the Act; and Chapter 371 relating to Used Oil Collection, Management and Recycling.

These proposed rule amendments affect Health and Safety Code, Chapter 361 and 371.

**§335.1. Definitions.** The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly requires otherwise.

**Used oil**—Any oil that has been refined from crude oil, or any synthetic oil, that has been used, and, as a result of such use, is contaminated by physical or chemical impurities. Used oil fuel includes any fuel produced from used oil by processing, blending, or other treatment. Rules applicable to nonhazardous used oil, oil characteristically hazardous from use versus mixing, Conditionally Exempt Small Quantity Generator (CESQG) hazardous used oil, and household used oil after collection are found in 30 TAC Chapter

324, Subchapter A (relating to Used Oil Recycling) and 40 CFR, Part 279 (relating to Standards for Management of Used Oil).

#### §335.6. Notification Requirements.

(a)-(i) (No change.)

(j) Notification requirements on nonhazardous used oil, oil made characteristically hazardous by use (instead of mixing), CESQG hazardous used oil, and household used oil after collection are found in Chapter 324, Subchapter A (relating to Used Oil Recycling).

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

Issued in Austin, Texas, on October 23, 1995.

TRD-9513504

Kevin McCalla  
Director, Legal Division  
Texas Natural Resource  
Conservation  
Commission

Earliest possible date of adoption: November 27, 1995

For further information, please call: (512) 239-6087

### Subchapter B. Hazardous Waste Management

#### General Provisions

#### • 30 TAC §335.41

The amendment is proposed under the Texas Water Code, §5.103, and the Texas Solid Waste Disposal Act, §361.024(a), which provides the Texas Natural Resource Conservation Commission with the authority to adopt any rules necessary to carry out its powers and duties under the provisions of the Texas Water Code, the Texas Solid Waste Disposal Act, and other laws of this state.

The proposed amendment affects the Texas Health and Safety Code, Chapters 361 and 371.

#### §335.41. Purpose, Scope and Applicability.

(a)-(f) (No change.)

(g) Subchapters B-F and O of this chapter (relating to Hazardous Waste Management General Provisions; Standards Applicable to Generators of Hazardous Waste; Standards Applicable to Transporters of Hazardous Waste; Interim Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities; Permitting Standards for Owners and Operators of Hazardous Waste Storage, Processing or Disposal Facilities; and Land Disposal Restrictions) do not apply to hazardous waste which is managed as a recyclable material described in §335.24(b) and

(c) of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials), except to the extent that requirements of these subchapters are referred to in Subchapter H of this chapter (relating to Standards for the Management of Specific Wastes and Specific Types of Facilities) and Chapter 324 of this title (relating to Used Oil).

(h)-(i) (No change.)

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

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

TRD-9513505 Kevin McCalla  
Director, Legal Division  
Texas Natural Resource  
Conservation  
Commission

Earliest possible date of adoption: November 27, 1995

For further information, please call: (512) 239-6087

### Subchapter C. Standards Applicable to Generators of Hazardous Waste

#### • 30 TAC §335.78

The amendment is proposed under the Texas Water Code, §§5.103, 5.105, and 26.011, which provides the Texas Natural Resource Conservation Commission (TNRCC) the authority to adopt rules necessary to carry out its powers, duties, and policies and to protect water quality in the state. The amendment is also proposed under the Solid Waste Disposal Act, §361.017, which provides the TNRCC the authority to regulate industrial solid wastes and hazardous municipal wastes; §361.024, which allows the TNRCC to adopt rules consistent with the general intent and purposes of the Act; and Chapter 371 relating to Used Oil Collection, Management and Recycling.

The proposed amendment affects the Health and Safety Code, Chapters 361 and 371.

§335.78. *Special Requirements for Hazardous Waste Generated By Conditionally Exempt Small Quantity Generators.*

(a)-(i) (No change.)

(j) If a conditionally exempt small quantity generator's wastes are mixed with used oil, the mixture is subject to Chapter 324, Subchapter A (relating to Used Oil Recycling) and 40 Code of Federal Regulations, Part 279. [266, Subpart E, if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated if it is destined to be burned for energy recovery.]

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

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

TRD-9513506 Kevin McCalla  
Director, Legal Division  
Texas Natural Resource  
Conservation  
Commission

Earliest possible date of adoption: November 27, 1995

For further information, please call: (512) 239-6087

### Subchapter H. Standards for the Management of Specific Wastes and Specific Types of Facilities

#### Hazardous Waste Burned for Energy Recovery

##### • 30 TAC §335.221

The amendment is proposed under the Texas Water Code, §§5.103, 5.105, and 26.011, which provides the Texas Natural Resource Conservation Commission (TNRCC) the authority to adopt rules necessary to carry out its powers, duties, and policies and to protect water quality in the state. The amendment is also proposed under the Solid Waste Disposal Act, §361.017, which provides the TNRCC the authority to regulate industrial solid wastes and hazardous municipal wastes; §361.024, which allows the TNRCC to adopt rules consistent with the general intent and purposes of the Act; and Chapter 371 relating to Used Oil Collection, Management and Recycling.

The proposed amendment affects the Health and Safety Code, Chapters 361 and 371.

§335.221. *Applicability and Standards.*

(a) (No change.)

(b) The following hazardous wastes and facilities are not regulated under §§335.221-335.229 of this title (relating to Hazardous Waste Burned in Boilers and Industrial Furnaces):

(1) used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in 40 Code of Federal Regulations, Part 261, Subpart C, from use versus mixing. Such used oil is subject to regulation by the United States Environmental Protection Agency under 40 Code of Federal Regulations, Part 279 [266, Subpart E] and Chapter 324, Subchapter A of this title (relating to Used Oil Recycling). This exception does not apply if the used oil has been made hazardous by mixing with characteristic or listed [mixed with] hazardous waste other than by a CESQG or household generator [or if the

used oil is considered to be a hazardous waste by EPA under 40 Code of Federal Regulations, §266.40(c). Used oil exhibiting a characteristic of hazardous waste remains subject to the requirements of §335.24(g) of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials);

(2)-(4) (No change.)

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

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

TRD-9513507 Kevin McCalla  
Director, Legal Division  
Texas Natural Resource  
Conservation  
Commission

Earliest possible date of adoption: November 27, 1995

For further information, please call: (512) 239-6087

### Subchapter R. Waste Classification

#### • 30 TAC §335.504

The amendment is proposed under the Texas Water Code, §5.103 and §26.011, which authorizes the Texas Natural Resource Conservation Commission to promulgate rules necessary to carry out its power and duty to protect water quality in the state. The amendment is also proposed under Texas Health and Safety Code, §361.017 and §361.024, which authorizes the Texas Natural Resource Conservation Commission to promulgate rules necessary to manage industrial solid and municipal hazardous wastes.

The proposed amendment affects the Texas Health and Safety Code, Chapters 361 and 371.

§335.504. *Hazardous Waste Determination.* A person who generates a solid waste must determine if that waste is hazardous using the following method:

(1) Determine if the material is excluded from being a solid waste or hazardous waste per 40 Code of Federal Regulations, §§261.2, 261.3, or 261.4.

(2)[(1)] If your material is a waste, [First] determine if the waste is listed as, or mixed with, or derived from a listed hazardous waste identified in 40 Code of Federal Regulations (CFR), Part 261, Subpart D.

(3) [(2)] For purposes of complying with 40 CFR, Part 268 or if the waste is not listed as a hazardous waste in 40 CFR, Part 261, Subpart D, he or she must then determine whether the waste exhibits any characteristics of a hazardous

waste as is identified in 40 CFR, Part 261, Subpart C, by either:

(A) Testing the waste according to methods set forth in 40 CFR, Part 261, Subpart C, or according to an equivalent method approved by the administrator under 40 CFR, §260.21; or

(B) Applying knowledge of the hazardous characteristic of the waste in light of the materials and/ or process used to generate the waste, pursuant to §335.511 of this title (relating to Use of Process Knowledge).

(4) For purposes of complying with Chapter 324 of this title (relating to Used Oil), if the waste is a used oil, determine whether used oil is a listed hazardous waste per 40 Code of Federal Regulations, §261.3(a)(2)(v). Used oil made hazardous by mixing with listed or characteristically hazardous waste is regulated as hazardous waste under this chapter. Other used oil is managed per Chapter 324 of this title.

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

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

TRD-9513508

Kevin McCalla  
Director, Legal Division  
Texas Natural Resource  
Conservation  
Commission

Earliest possible date of adoption. November 27, 1995

For further information, please call: (512) 239-6087

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**Title 34. PUBLIC FINANCE**  
**Part I. Comptroller of Public Accounts**  
**Chapter 3. Tax Administration**  
**Subchapter F. Motor Vehicle Sales Tax**  
• 34 TAC §3.95

The Comptroller of Public Accounts proposes new §3.95, concerning motor vehicle resale certificates and sales for resale. The Tax Code, §152.063 and §152.0635, requires a resale certificate be secured by a seller when selling a motor vehicle for resale purposes only. Amendments to the Tax Code, §152.001, effective January 1, 1996, provide that only licensed dealers may purchase for resale tax free. The new section prescribes the contents of the resale certificate, and adopts the form by reference.

Mike Reissig, chief revenue estimator, has determined that for the first five-year period the section will be in effect there will be no significant revenue impact on state or local

government as a result of enforcing or administering the section.

Mr. Reissig also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be in providing new information regarding tax responsibilities. This section is adopted under the Tax Code, Title 2, and does not require a statement of fiscal implications for small businesses. There is no significant anticipated economic cost to persons who are required to comply with the proposed section.

Comments on the new section may be submitted to Karey W. Barton, Manager, Tax Policy Division, P.O. Box 13528, Austin, Texas 78711.

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

The new section implements the Tax Code, §§152.001, 152.063, and 152.0635.

*§3.95. Motor Vehicle Sales Tax Resale Certificate; Sales for Resale. (Texas Tax Code §§152.001, 152.063, 152.065).*

(a) Sale for resale. A sale for resale is not taxable. A sale for resale is a sale of a motor vehicle to a purchaser who is a dealer who holds a general distinguishing number issued under Article 6686, Revised Statutes, as amended, and the Transportation Code, Chapter 503; and

(1) holds the motor vehicle exclusively for resale; or

(2) operates the motor vehicle with metal dealer plates in accordance with Article 6686, Revised Statutes, as amended, and the Transportation Code, Chapter 503.

(b) Acceptance of resale certificate.

(1) A motor vehicle seller must document a sale for resale by obtaining from the purchaser a properly completed resale certificate. A properly completed resale certificate contains the information required by subsection (e) of this section.

(2) The seller must retain properly executed Motor Vehicle Sales Tax Resale Certificates at the seller's principal office for at least four years from the date of sale.

(c) Blanket resale certificate. A blanket Motor Vehicle Sales Tax Resale Certificate may be provided to a seller by a purchaser who purchases from that seller only motor vehicles for resale. The seller may rely on the blanket certificate until it is revoked in writing. The information required in subsection (e)(2) of this section is not required for a blanket resale certificate. However, vehicle identification information for vehicles sold under blanket certificates must be retained by the seller.

(d) Use of a motor vehicle purchased for resale. A motor vehicle purchased for resale may be operated with metal dealer plates in accordance with Article 6686, Revised Statutes, as amended, and the Transportation Code, Chapter 503. Motor vehicle sales tax imposed in the Tax Code, §152.021, will be due on a motor vehicle purchase by a dealer who operates a motor vehicle with a metal dealer plate if the dealer does not hold a general distinguishing number of the category to sell that vehicle, or if the motor vehicle is operated with other registration.

(e) Content of a Motor Vehicle Sales Tax Resale Certificate. Except as provided in subsection (c) of this section, the resale certificate must show:

(1) the name and address of the purchaser;

(2) a description of the vehicle being purchased (including the vehicle identification number, make of vehicle, and year model);

(3) the signature of the purchaser and the date;

(4) the name and address of the seller; and

(5) the purchaser's general distinguishing number issued by the Texas Department of Transportation.

(f) Form of a Motor Vehicle Sales Tax Resale Certificate. The resale certificate may be combined with related sale transaction documents that are provided to the seller. The comptroller adopts the certificate by reference. Copies are available for inspection at the office of the *Texas Register* or may be obtained from the Comptroller of Public Accounts, Tax Administration Division, 111 West 6th Street, Austin, Texas 78701-2913. Copies may also be requested by calling our toll-free number 1-800-252-5555. In Austin, call 463-4600. (From a Telecommunication Device for the Deaf (TDD) only, call 1-800-248-4099 toll free. In Austin, the local TDD number is 463-4621).

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

Issued in Austin, Texas, on October 17, 1995

TRD-9513478

Martin E. Cherry  
Chief, General Law  
Section  
Comptroller of Public  
Accounts

Earliest possible date of adoption: November 27, 1995

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

# TITLE 34. PUBLIC FINANCE

## Part IV. Employees Retirement System of Texas

### Chapter 87. Deferred Compensation

- 34 TAC §§87.1, 87.3, 87.5, 87.9, 87.13, 87.15, 87.17, 87.19, 87.21

The Employees Retirement System of Texas proposes amendments to §§87.1, 87.3, 87.5, 87.9, 87.13, 87.15, 87.17, 87.19, and 87.21, concerning the deferred compensation program. These amendments will clarify that agency coordinators have the responsibility to ensure that the participant does not exceed with the plan's annual deferral limits or the catch-up limits. The amendments provide that vendors will promptly process emergency withdrawals. Finally, the amendments make other minor changes that make plan administration more effective.

William S. Nail, general counsel, has determined that for the first five-year period the proposed amendments are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Nail also has determined that for each year of the first five years the proposed amendments are in effect the public benefit anticipated as a result of enforcing the amendments will be that the deferred compensation plan will stay in compliance with federal tax requirements and plan participants will receive emergency withdrawals on a more timely basis. The above-mentioned changes will allow the plan administrator to more effectively administer the state deferred compensation plan and to better serve plan participants. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the amendments as proposed.

Comments on the proposal may be submitted to William S. Nail, General Counsel, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207.

The amendments are proposed under the Government Code, Title 6, Subtitle A, Chapter 609, §609.508, which provides authorization for the board to adopt rules, regulations, plans, and procedures to carry out the purposes of this Act.

There are no statutes or codes affected by these rules.

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

Non-filer-A qualified vendor which does not ensure that the plan administrator receives a quarterly report by the due date specified in §87.19(d)(1) [§87.19(c)(1)] of this title (relating to Reporting and Record Keeping by Qualified Vendors).

### §87.3. Administrative and Miscellaneous Provisions.

- (a) (No change.)
- (b) Participation by state agencies in the plan.

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

- (3) Agency Coordinators. An agency coordinator is responsible for:

(A)-(D) (No change.)

(E) monitoring the annual deferral limits for each plan participant to ensure the maximum annual deferral limit of the lesser of \$7,500 or 25% of the participant's gross income is not exceeded;

(F) calculating and monitoring catch-up limits and furnishing the plan administrator with the applicable catch-up forms;

(G)[(E)] insuring that all forms and other paperwork are properly completed and forwarded to the appropriate party;

(H)[(F)] balancing participant records and reconciling those records with the data provided by qualified vendors and the plan administrator;

(I)[(G)] informing employees and participants about the plan, including the necessity to file distribution agreements in accordance with §87.17 concerning Distributions;

(J)[(H)] acting as a buffer between employees and participants on the one hand and qualified vendors on the other, although an agency coordinator is not required to provide investment advice;

(K)[(I)] attempting to locate missing participants and beneficiaries in accordance with §87.17(q) concerning Distributions;

(L)[(J)] assisting a participant who has retired or left state employment if the participant's last position in state government was with that particular agency that employs the agency coordinator;

(M)[(K)] continuing to assist a participant with all deferred compensation matters if a participant transfers from a participating state agency to a non-

participating state agency until the participant returns to a different participating agency;

(N)[(L)] assisting the beneficiary of a participant whose last position in state government was with that particular state agency that employs the agency coordinator; and

(O)[(M)] notifying the plan administrator when a participant dies or separates from service.

(P)[(N)] performing any other duties specified in the sections in this chapter.

- (c) Miscellaneous provisions.

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

(5) The participation of an employee in the plan does not give the employee a legal or equitable right against the participant's employing state agency, the plan administrator, or the State of Texas except as provided in the sections in this chapter. The plan does not affect the terms of employment between a participant and the participant's [his] employing state agency.

(6)-(7) (No change.)

### §87.5. Participation by Employees.

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

(f) Normal maximum amount of deferrals.

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

(4) The participant's employing agency will monitor the annual deferral limits for each plan participant to ensure the maximum annual deferral limit of the lesser of \$7,500 or 25% of a participant's gross income is not exceeded. If a participant makes deferrals in excess of the normal maximum annual deferral limit and is not participating under the catch-up provision, the following actions will be taken.

(A) Upon notification by the participant's agency, the vendor will return to the participant's agency the amount of deferrals in excess of the normal plan limits, that is, the lesser of \$7,500 or 25% of the participant's gross income without any reduction for fees or other charges.

(B) Upon receipt of the funds, the participant's agency will reimburse the participant through its payroll system.

(g) Catch-up exception to the normal maximum amount of deferrals.

(1)-(5) (No change.)

(6) The participant's employing agency will calculate and monitor all catch-up limits and furnish the plan administrator with the applicable catch-up forms. If a participant makes deferrals in excess of the participant's catch-up limit, the following actions will be taken.

(A) Upon notification by the participant's agency, the vendor will return to the participant's agency, the amount of deferrals in excess of the catch-up limit without any reduction for fees or other charges.

(B) Upon receipt of the funds, the participant's agency will reimburse the participant through its payroll system.

(7)[(6)] This subsection applies only if the participant has not previously used the catch-up exception with respect to a different normal retirement age under the plan or another deferred compensation plan governed by the Internal Revenue Code of 1986, §457.

(8)[(7)] No participant shall be permitted to participate in any catch-up provision during or after the calendar year in which the participant reaches normal retirement age. If a participant makes deferrals in excess of the normal plan limits under the catch-up provision during or after the calendar year in which the participant reaches normal retirement age, the following actions will be taken.

(A) Upon notification by the participant's state agency, the vendor will return to the participant's state agency, the amount of deferrals in excess of the normal plan limits, that is, the lesser of \$7,500 or 33 1/3% of includible compensation without any reduction for fees or other charges.

(B) Upon receipt of the funds, the participant's state agency will reimburse the participant through its payroll system.

(h)-(n) (No change.)

#### §87.9. Investment Products.

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

(c) Eligibility of investment products. The investment products that are eligible for approval as qualified investment products are:

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

(4) money market accounts, certificates of deposit, share certificates or

passbook savings accounts offered by a bank, savings and loan association, or credit union.

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

(f) Withdrawal of a qualified investment product from the plan.

(1)-(5) (No change.)

(6) When a qualified vendor that is an insurance company with existing life policies in the plan withdraws a life insurance product from the plan, this paragraph applies in addition to the preceding paragraphs of this subsection.

(A) (No change.)

(B) A participant whose deferrals and investment income have been invested in a withdrawn life insurance product may continue [his] life insurance coverage with the insurance company offering the product.

(C)-(D) (No change.)

(E) If a participant continues [his] life insurance coverage in a life insurance product that is not a qualified investment product, the participant must pay the premiums for the coverage directly to the insurance company. The premiums may not be paid with deferrals or investment income.

(F) A participant may exercise the participant's [his] right to continue [his] life insurance coverage only if the participant mails to the insurance company written notice of [his] intention to continue the coverage. The written notice must be postmarked no later than the 60th day after the effective date of the withdrawal of the life insurance product from the plan. However, an insurance company may increase the 60-day time limit for a participant or for all participants.

(G) When a participant elects to continue [his] life insurance coverage, the insurance company with which the coverage is continuing may not:

(i)-(viii) (No change.)

(H) (No change.)

(I) If a vendor does not comply with subparagraph (H) of this paragraph, then a participant may exercise the participant's [his] right to continue [his] insurance up to the 120th day after the vendor actually mails written notice to the participant containing a full explanation of the participant's rights.

#### §87.13. Disclosure.

(a) Approval of a disclosure form.

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

(3) Upon receipt, the plan administrator shall review a disclosure form to determine whether it complies with the requirements of this section in addition to any other applicable state or federal regulatory requirements. The plan administrator must approve the disclosure form if it complies. Otherwise, the plan administrator shall disapprove the disclosure form.

(4)-(5) (No change.)

(b) Contents of disclosure forms.

(1) A qualified vendor must uniformly state on all its disclosure forms basic information common to all qualified investment products offered by the vendor and also disclose any other state or federal regulatory information required.

(2)-(6) (No change.)

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

#### §87.15. Transfers

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

(h) Telephone transfers within qualified vendors.

(1) (No change.)

(2) When a participant is in distribution, the telephone transfer option may be used; however, it must be used in accordance with §87.17(i)(6) (C) of this title (relating to Transfers). [When a participant is in distribution, the telephone transfer option may be used. However, deferrals and investment income may not be divided and transferred from one qualified investment product to two or more qualified investment products] in accordance with §87.17(i)(6)(C) of this title (relating to Transfers).]

(3) (No change.)

#### §87.17. Distributions.

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

(c) Content of a distribution agreement.

(1) (No change.)

(2) The person filing the distribution agreement must attach a properly executed Form W-4 [Form] to the agreement.

(3) (No change.)

(d) (No change.)

(e) Filing of distribution agreements by participants.

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

(7) Notwithstanding anything to the contrary in this subsection, a participant who has not separated from service and who has reached age 70.5 must file a distribution agreement only if the participant [he] wants distributions to begin [to him]. The distribution agreement must be filed with the participant's agency coordinator. The agency coordinator shall review and forward the distribution agreement in accordance with paragraphs (4)-(5) of this subsection. A participation agreement to stop deferrals effective no later than the distribution begin date must also be filed with the participant's agency coordinator.

(8) (No change.)

(f)-(h) (No change.)

(i) Amendments of distribution agreements.

(1) -(5) (No change.)

(6) Transfers after a distribution has begun.

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

(C) Unless previously approved by the plan administrator in accordance with subparagraph (D) of this paragraph, deferrals [Deferrals] and investment income may not be transferred from one qualified investment product to two or more qualified investment products. In other words, deferrals and investment income that have been invested in a single qualified investment product may not be separated into two or more qualified investment products.

(D) A participant may apply for approval from the plan administrator to transfer funds from one qualified investment product to two or more qualified investment products prior to the transfer. Upon approval, the participant and the vendor must follow all instructions and procedures prescribed by the plan administrator. The plan administrator may not grant such approval unless distributions continue in essentially the same manner as prior to the transfer and in accordance with subsections (g), (h) and (i) of this section and with federal regulations relating to distributions.

(7)-(8) (No change.)

(j) (No change.)

(k) Emergency withdrawals.

(1) (No change.)

(2) The participant must request the emergency withdrawal by filing a com-

pleted emergency withdrawal application with the plan administrator. An emergency withdrawal application:

(A) (No change.)

(B) must be accompanied by two copies of a Form W-4 [Form] specifically tailored to the withdrawal.

(3)-(10) (No change.)

(l)-(q) (No change.)

(r) Processing of distributions and emergency withdrawals. A qualified vendor shall process distributions and emergency withdrawals and resolve administrative problems with the plan administrator within a reasonable length of time, [but] not to exceed the 30th day after receiving a letter of authorization for distributions and not to exceed the 15th day after receiving a letter of authorization for emergency withdrawals.

(s) (No change.)

(t) Federal withholding and reporting requirements.

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

(4) Federal tax withholding is mandatory for distributions to participants. A qualified vendor shall accurately determine any amounts to be withheld for federal taxes based on a Form W-4 submitted by the participant at the time of a distribution. If no Form W-4 is provided, the participant must be considered single with no dependents. The Tax Equity and Fiscal Responsibility Act does not apply to a deferred compensation plan governed by the Internal Revenue Code of 1986, §457.

(5)-(6) (No change.)

#### §87.19. Reporting and Recordkeeping by Qualified Vendors.

(a) (No change.)

(b) Reports to participants or beneficiaries.

(1) Generally.

(A) A qualified vendor shall issue a report after the end of each calendar quarter to each participant or beneficiary whose deferrals and investment income are invested in a qualified investment product offered by the vendor, except if the investment is in a product that is annuitized.

(B) (No change.)

(C) A qualified vendor shall ensure that the participant or beneficiary receives the report no later than the 45th day after the end of each calendar quarter.

(D) The report must show for each qualified investment product:

(i) The amount of the participant's or beneficiary's deferrals and investment income in the product, including transfers;

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

(iv) The current market value of the participant's or beneficiary's deferrals and investment income.

(2) (No change.)

(3) Final reports. If a participant or beneficiary receives a lump-sum distribution, the qualified vendor from whom the lump-sum distribution is made shall issue a final report to the participant or beneficiary containing the information required in paragraph (1) of this subsection. The report must accompany the lump-sum distribution.

(c) (No change.)

(d) Quarterly reports to the plan administrator.

(1) Frequency and coverage of quarterly reports. Every vendor that has participant or beneficiary deferrals, investment income, and/or annuitized accounts must ensure that the plan administrator receives a report no later than the 35th day after the end of each calendar quarter. The report must be in the format specified in this subsection and must cover all transactions during the calendar quarter.

(2) Content of quarterly reports. For each participant or beneficiary whose deferrals and investment income are invested in a qualified investment product offered by the vendor, the report required by this subsection must contain but is not limited to:

(A) The participant's or beneficiary's name, agency code and social security number(s) [number];

(B) A list of the qualified investment products in which the participant's or beneficiary's deferrals and investment income have been invested even if the investment is in a product that is annuitized;

(C)-(E) (No change.)

(F) The current market value of each participant's or beneficiary's deferrals and investment income in each qualified investment product, including annuitized accounts and, including, if appropriate, the number of shares and per share market value;

(G)-(I) (No change.)

(J) the amount of each separate net distribution to the participant or beneficiary.

(3) Format of quarterly reports.

(A) -(C) (No change.)

[(D) Each report must contain participant information in alphabetical order according to the last name of the participant.]

(D)[(E)] The product types must be defined and coded as prescribed by the plan administrator and as in the DCP quarterly reporting specifications.

(E)[(F)] If a participant or beneficiary has invested deferrals and investment income in two or more qualified investment products offered by the same qualified vendor and the products are of the same type, then the vendor must report a cumulative total of those deferrals and investment income.

(F)[(G)] Failure to submit a quarterly report with an authorized signature will result in a formal reprimand. After three formal reprimands, a vendor is subject to suspension or expulsion from the plan.

(4) (No change.)

(e) (No change.)

(f) Quarterly reconciliation. In accordance with §87.3(b)(3)(H) [§87.3(b)(3)(F)] of this title (relating to Participation by State Agencies), an agency coordinator is responsible for balancing par-

ticipant and beneficiary records and reconciling those records with the data provided by qualified vendors and the plan administrator. Vendors shall assist the plan administrator and state agencies with correcting and explaining any discrepancies. Failure to assist the plan administrator and state agencies with this reconciliation will be considered a rules violation, and the plan administrator may take appropriate action under §87.21 of this title (relating to Remedies).

§87.21. Remedies.

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

(c) Continuation of life insurance coverage.

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

(3) A participant whose deferrals and investment income were invested in a terminated life insurance product may continue [his] life insurance coverage with the insurance company offering the terminated life insurance product.

(4)-(5) (No change.)

(6) If a participant continues [his] life insurance coverage in a life insurance product that is not a qualified investment product, the participant must pay the premiums for the product directly to the insurance company. The premiums may not be paid with deferrals or investment income.

(7) A participant may exercise the participant's [his] right to continue [his] life insurance coverage only if the participant mails to the qualified vendor written notice of [his] intention to continue the coverage. The written notice must be postmarked no later than the 60th day after the effective date of the termination of par-

ticipation in the plan. However, an insurance company may increase the 60-day time limit for a participant or for all participants.

(8) When a participant elects to continue [his] life insurance coverage, the life insurance company offering the product via which the participant is continuing [his] coverage may not:

(A)-(G) (No change.)

(9) An insurance company must ensure that each participant entitled to continue [his] life insurance coverage under this subsection receives written notice of the participant's [his] right by no later than the 30th day after the plan administrator mails notice to the company of a termination described in paragraph (1) of this subsection.

(10) An insurance company does not comply with paragraph (9) of this subsection, then a participant may exercise the [his] right to continue [his] life insurance coverage up to the 60th day after the insurance company actually mails written notice to the participant containing a full explanation of the participant's rights.

(d)-(h) (No change.)

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

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

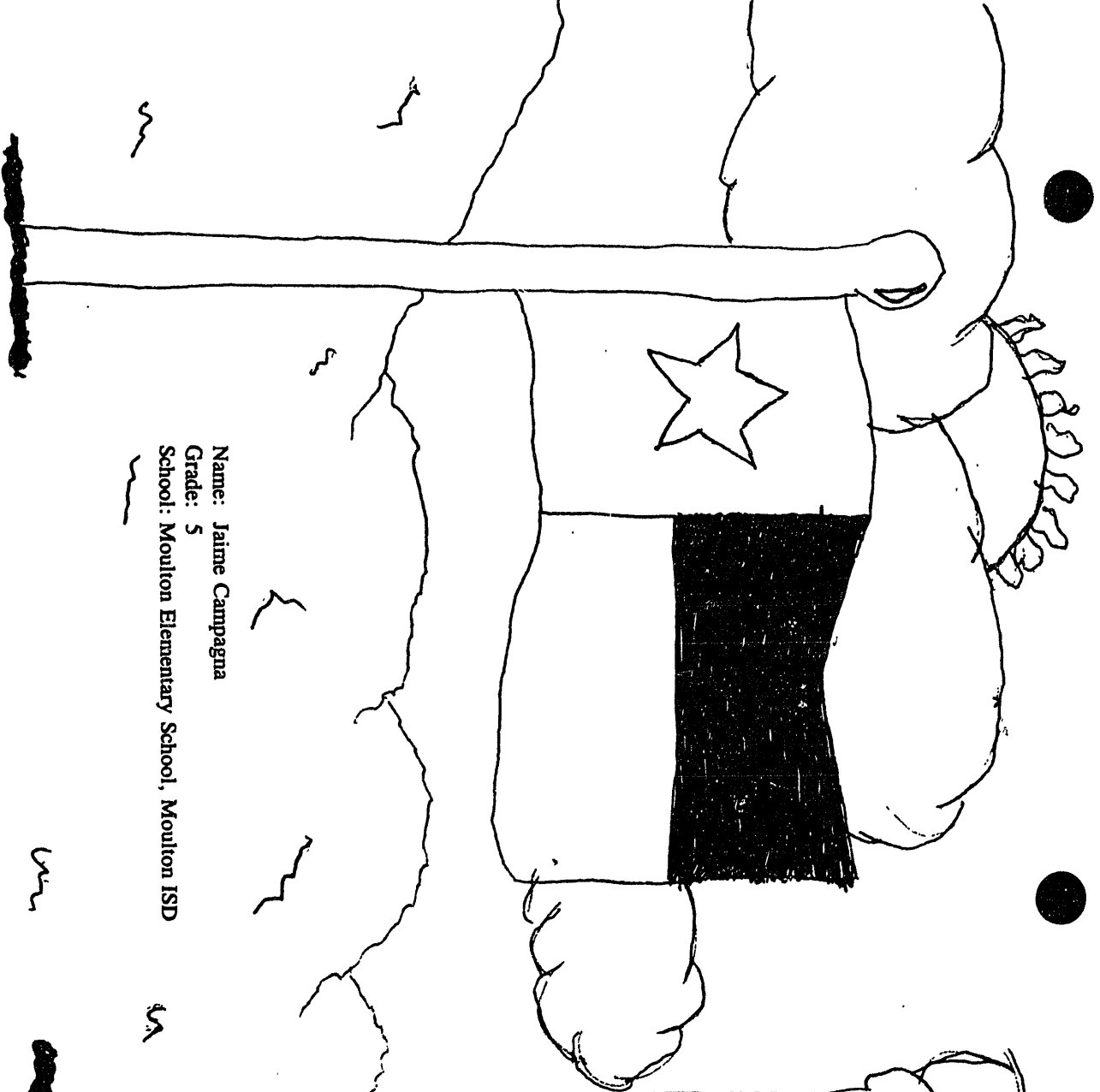
TRD-9513519

Charles D. Travis  
Executive Director  
Employees Retirement  
System of Texas

Earliest possible date of adoption: November 27, 1995

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

◆ ◆ ◆



Name: Jaime Campagna  
Grade: 5  
School: Moulton Elementary School, Moulton ISD





# WITHDRAWN RULES

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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*.

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## TITLE 4. AGRICULTURE

### Part X. Texas Boll Weevil Eradication Foundation

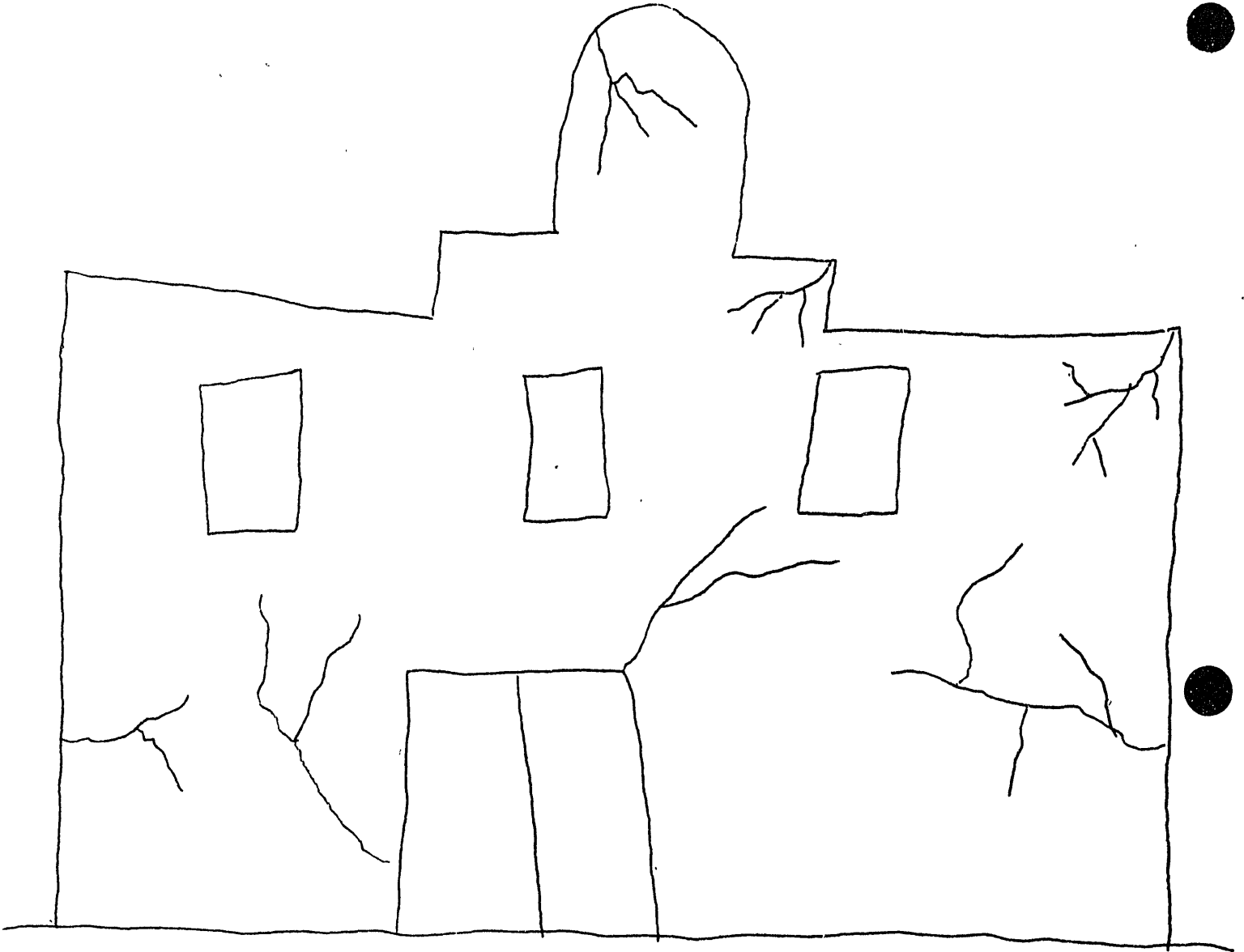
#### Chapter 195. Organic Cotton Regulations

- 4 TAC §§195.1-195.5

Pursuant to Texas Government Code, §2001.027 and 1 TAC §91.24(b), the proposed new to §§195.1-195.5, submitted by the Texas Boll Weevil Eradication Foundation has been automatically withdrawn, effective April 12, 1995. The new sections as proposed appeared in the April 12, 1995, issue of the *Texas Register* (20 TexReg 2892).

TRD-9513152





Name: Ashley Palmer

Grade: 5

School: Moulton Elementary School, Moulton ISD

# ADOPTED RULES

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

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

## TITLE 16. ECONOMIC REGULATION

### Part IV. Texas Department of Licensing and Regulation

#### Chapter 71. Nonagricultural Public Warehouses

- 16 TAC §§71.1, 71.10,  
71.20-71.22, 71.40, 71.60, 71.70,  
71.80, 71.81, 71.90

The Texas Department of Licensing and Regulation adopts the repeal of §§71.1, 71.10, 71.20-71.22, 71.40, 71.60, 71.70, 71.80, 71.81, and 71.90 concerning nonagricultural public warehouses without changes to the proposed text as published in the September 15, 1995, issue of the *Texas Register* (20 TexReg 7254).

These sections are being repealed because Senate Bill 237 passed by the 74th Legislature repealed Texas Civil Statutes, Article 9103, Nonagricultural Public Warehouses.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 9103, which provide the Texas Department of Licensing and Regulation with the authority to promulgate and enforce a code of rules and take all action necessary to assure compliance with the intent and purposes of the Act.

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

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

TRD-9513413      Jack W. Garrison  
Executive Director  
Texas Department of  
Licensing and  
Regulation

Effective date: November 8, 1995

Proposal publication date: September 15,  
1995

For further information, please call: (512)  
463-7357

## TITLE 22. EXAMINING BOARDS

### Part XXIV. Texas Board of Veterinary Medical Examiners

#### Chapter 571. Licensing

##### Examinations

- 22 TAC §571.5

The Texas Board of Veterinary Medical Examiners adopts an amendment to §571.5, concerning Certification of Score, without changes to the proposed text as published in the June 27, 1995 issue of the *Texas Register* (20 TexReg 4617).

The adopted amendment removes the reference to the -1.5 standard deviation, since the Professional Examination Services no longer uses this in calculating passing scores on the national examinations.

The agency did not receive any written comments concerning the amendments to this rule.

The amendment is adopted under Texas Civil Statutes, Article 8890, §7(a), which provide the Texas Board of Veterinary Medical Examiners with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

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

Issued in Austin, Texas, on October 17, 1995.

TRD-9513437      Ron Allen  
Executive Director  
Texas Board of Veterinary  
Medical Examiners

Effective date: November 8, 1995

Proposal publication date: June 27, 1995

For further information, please call: (512)  
305-7555

## License Renewals

- 22 TAC §571.61

The Texas Board of Veterinary Medical Examiners adopts new §571.61, concerning Inactive License Status, with changes to the proposed text as published in the June 27, 1995, issue of the *Texas Register* (20 TexReg 4618).

This new rule will allow an inactive status for licensees wishing to maintain a Texas license, but who will not be practicing veterinary medicine in this state.

The agency received the following written comment concerning this rule: Comment: Dr. V. W. Koch questioned subsection (e) of the rule concerning the need to place a 10-year limit on inactive licenses. Response: §10B(b) of the Veterinary Licensing Act, Article 8890, states: "Rules adopted under this section shall include a time limit for a license to remain on inactive status." The Board believes ten years is a reasonable period of time to allow a licensee to maintain inactive status. Comment: Steve Holzheuser, DVM, called on the rule with comments on the following sections of the rule: Subsection (b) (1) Should be clarified. As written, the rule implies a licensee on inactive status could not work on any animal, including his own. While the statute clearly allows this, the current language could cause unnecessary confusion. Subsection (b)(2): Disagrees with the approach taken. This provision would deny a licensee from treating and caring for his own animals, something the licensee would be totally capable of doing. One effect is that a licensee who is not actively practicing but intends to treat his or her own animals would lose any incentive to go on inactive status. Further, the inclusion of this provision for enforcement purposes to prevent a licensee from treating animals belonging to others is unnecessary because of other provisions in the rule, specifically provision found in subsection (g) that authorizes penalties of up to \$500 per day for violating the rule. Subsection (e): Believes that the provision is unnecessarily complicated. As proposed, the rule would require a licensee on inactive status to go on active status for one year after the tenth year if the person wanted to continue inactive status longer than the maximum ten-year period. Dr. Holzheuser believes that legislative intent would be met if the maximum period were increased substantially or some simpler approach were taken.

Response: To address Dr. Holzhauser's concern that an inactive licensee would be prohibited from working on his own animals, subsection (b)(1) was amended to clearly exempt from this rule, owners from working on their own animals. The Board agreed that a licensee in good standing should be allowed to obtain controlled and legend (prescription) drugs for use on the licensees' own animals, and the rule was so modified. Provisions were added to ensure adequate record keeping is maintained. The Board felt a period of ten years was the maximum time a licensee should remain on inactive status without verification of their continuing education.

The new section is adopted under Texas Civil Statutes, Article 8890, §7(a), which provide the Texas Board of Veterinary Medical Examiners with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

#### §571.61. Inactive License Status.

(a) Application. A licensee may request his/her license be placed on inactive status, whether or not he/she is practicing within the state of Texas, provided:

(1) his or her current license is active and is in good standing;

(2) a request in writing, on the form prescribed by the board, is made for his or her license to be placed on official inactive status; and

(3) the request is made during the annual license renewal period between January 1 and February 28.

(b) Restrictions. The following restrictions shall apply to licensees whose licenses are on inactive status.

(1) Except as provided in the Act, §3(a)(1), the licensee may not engage in the practice of veterinary medicine or otherwise provide treatment to any animal in the State of Texas.

(2) If the licensee possesses or obtains a DEA and/or Texas Controlled Substances registration for location in Texas, the licensee must comply with Board §573.43 and §573.50 of this title (relating to Rules of Professional Conduct). Violation of these rules will result in disciplinary action.

(c) Return to Active Status. A licensee on inactive status wishing to practice veterinary medicine within the State of Texas must receive written approval from the Board prior to returning to active status. In addition to other information which may be requested or required by the Board, the following conditions apply to licensees applying to return to active status.

(1) A veterinarian licensed and practicing in another state or jurisdiction must prove he or she is in good standing in that state or jurisdiction.

(2) A licensee on inactive status must pay the total annual renewal fee, less the amount of the inactive annual renewal fee, plus a \$25 administrative processing fee to obtain a regular license. The regular annual renewal fee shall not be prorated for applications to return to active status made after the annual renewal period.

(d) Continuing Education Requirements. If a licensee on inactive status requesting to return to regular license status has maintained an annual average of 15 hours of continuing education, the licensee will be placed on regular license status without any additional requirements. If the average annual continuing education is less than 15 hours, the licensee must complete 30 hours of continuing education in the 12 months immediately following regular license status.

(e) Cancellation of Inactive License. A license maintained on inactive status will be automatically cancelled after ten years. A new license will be issued only upon completion of all requirements for licensure. During the ninth year of inactive status, the Board will notify the inactive licensee that during the following year, his or her license must be on regular status or the license will be cancelled.

(f) Annual Renewal Fees: The annual fee for a license on inactive status shall be as set by the Board in §577.15 of this title (relating to Fee Schedule).

(g) Penalty. A licensee on inactive status found to be actively practicing veterinary medicine in the State of Texas shall be subject to an administrative penalty of \$500 per day for each violation. Submission of false or otherwise misleading information or any other misrepresentation contained on any request for inactive status, renewal of inactive status or return to active status shall be a violation of this rule.

(h) Reinstatement Directly to Inactive Status. Licensees failing to timely renew their licenses during the 1995 renewal period (January 1, 1995-February 28, 1995), whose licenses have not been cancelled for previous non-renewals, may apply for reinstatement directly to inactive status.

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 October 17, 1995.

TRD-9513435

Ron Allen  
Executive Director  
Texas Board of Veterinary  
Medical Examiners

Effective date: November 8, 1995

Proposal publication date: June 27, 1995

For further information, please call: (512) 305-7555

## Chapter 573. Rules of Professional Conduct

### Supervision of Personnel

#### • 22 TAC §573.10

The Texas Board of Veterinary Medical Examiners adopts new §573.10 to replace the current rule concerning supervision of Non-Licensed Employees, with changes to the proposed text as published in the September 1, 1995, issue of the *Texas Register* (20 TexReg 6790). The changes are editorial in nature and have no impact on those required to comply with this new rule.

The adopted rule defines acceptable levels of supervision and provides licensees with guidelines on what tasks a non-licensed employee may perform. It places sole responsibility for determining the employee qualifications on the employing licensee.

The agency received no written comments concerning this new rule.

The new section is adopted under Texas Civil Statutes, Article 8890, §7(a), which provide the Texas Board of Veterinary Medical Examiners with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

#### §573.10. Supervision of Non-Licensed Employees.

(a) General Supervision. Supervision by a responsible veterinarian being readily available to communicate with the person being supervised by the veterinarian.

(b) Direct Supervision. The actual physical presence of a responsible veterinarian on the premises.

(c) Immediate Supervision. The responsible veterinarian is in audible and visual range of the animal patient and the person treating the animal.

(d) Official Health Test/Documents. A licensee must personally sign any official health documents, other than "rabies certificates" issued by said licensee. The issuance of any pre-signed official health documents by a licensee is a violation of this rule. Unless otherwise prohibited by this Act, Board Rule, State or federal law, a licensee may permit an unlicensed employee, under Direct Supervision of the licensee, to collect samples from animals for official test.

(e) Employee Qualifications. The veterinarian is the sole judge of the employee's qualifications necessary for the performance of routine treatment. Consequently, the licensee will be held accountable before the Board for the actions and/or potential problems associated with employees acting at his/her directions.

(f) Prohibited Services. An unlicensed individual shall not perform the fol-

lowing health care services: surgery; invasive dental procedure; diagnosis and prognosis of animal diseases and/or conditions; or, prescribing drugs and appliances.

(g) The Level of Supervision on Non-Licensed Employees. General or Direct supervision as defined by the Act, shall be at the discretion and responsibility of the licensed veterinarian except where such acts of non-licensees are prohibited by the Act or Board Rule. Licensees should consider both the level of training and experience when determining level of supervision and duties of non-licensed employees. When feasible a licensee should delegate greater responsibility to Registered Veterinary Technician (RVT) over non-registered veterinary technicians. RVT's may perform those duties they have been trained to do as set forth by American Veterinary Medical Association (Committee on Veterinary Technician Education and Activities) provided those duties are performed under the direction, supervision and responsibility of a veterinarian licensed by Board, and such duties are not prohibited by Board Rule, State or Federal law, and where employment of the RVT is not an attempt to circumvent the Act or Board Rule. An RVT may suture existing surgical skin incisions and induce anesthesia under the direct or immediate supervision of a veterinarian. These procedures may be performed by a non-registered veterinary technician only under the immediate supervision by a veterinarian. Euthanasia may be performed by a veterinary technician only under the immediate supervision of a veterinarian.

(h) Emergency Care; A licensee, in an emergency situation where prompt treatment is essential for the prevention of death or alleviation of extreme suffering, may, after determining the nature of the emergency, and the condition of the animal, issue treatment directions to an unlicensed person by means of telephone or radio communication. The Board can take action against a veterinarian if, in the Board's sole discretion, the veterinarian uses the privilege to circumvent this rule. The veterinarian assumes full responsibility for such treatment. However, nothing in this rule requires a licensee to accept a case under these circumstances.

(i) Care of Hospitalized Animals; It is permissible for an unlicensed person, in the absence of direct supervision, to follow the oral or written treatment orders of a licensed veterinarian in the care of hospitalized animals; provided however, that the veterinarian has examined the animal(s) and that a valid veterinarian/client/patient relationship exists.

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 October 17, 1995.

TRD-9513434

Ron Allen  
Executive Director  
Texas Board of Veterinary  
Medical Examiners

Effective date: November 8, 1995

Proposal publication date: September 1, 1995

For further information, please call: (512) 305-7555

## Responsibilities to Clients

### • 22 TAC §573.23

The Texas Board of Veterinary Medical Examiners adopts new §573.23, concerning Board Certified Specialist and Duty of Licensee to Refer a Case, with changes to the proposed as text published in the June 27, 1995, issue of the *Texas Register* (20 TexReg 4619). The changes are editorial in nature and have no impact on those required to comply with this new rule.

This new rule defines a Board Certified Specialist, establishes a higher standard of care to be provided by such specialists, sets out the licensees' responsibilities in referring cases to specialists, and outlines the procedures for investigating complaints involving specialists.

The agency received the following comments concerning this new rule. Comment: Dr. Paul Dean feels that the statement "or otherwise more qualified licensee" should be deleted from subsection (c) since "more qualified" is not defined, and the rule is designed to only address board certified specialists. He points out that some non-board certified practitioners perceive themselves to be "more qualified" since they receive referrals based on their experience in a given area of veterinary medicine. He believes that the very act of referring a patient implies a higher standard of care, and if "more qualified licensee" is to be included, then non-board certified licensees should be held to the same standard of care as they board certified specialist.

Board Response: The requirement of a referral to a more qualified licensee, even if not board certified, will afford the public and referring veterinarians with a greater range of potential referrals in complex cases. Not all locations have board certified specialists for many situations. Requiring referrals be made to board certified specialists would greatly increase the cost and availability of expert treatment. Referral for treatment by a non-board certified veterinarian with a specialized practice or greater practical skills or experience than the referring veterinarian is likely to benefit the client and patient by requiring referrals by less experienced or capable veterinarians even when a board certified specialist is unavailable. The board believes this new rule appropriately establishes both a higher standard of care for board certified specialists and an independent duty to make referrals in certain circumstances.

COMMENT: William D. Liska, DVM, Diplomate, American College of Veterinary Surgeons, proposed that the definition be

changed to read "A licensee is a Specialist if he/she is a Board Certified Diplomate of a specialty organization recognized by the (AVMA). Thereafter in the rule, just the term specialist would be used. He also proposes that in subsections (c) and (d) (2) the phrase "... or otherwise more qualified licensee..." be expanded to read "... or otherwise more qualified licensee if no Specialists are available in the area."

RESPONSE: Dr. Liska's first suggestion was adopted. The Board did not adopt the suggestion to add the phrase "if no Specialists are available in the area". The Board does not intend to limit referrals only to specialists but to also include other veterinarians who would logically have greater practical skills and experience.

The new section is adopted under Texas Civil Statutes, Article 8890, §7(a), which provide the Texas Board of Veterinary Medical Examiners with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

### §573.23. Board Certified Specialists and Duty of Licensee to Refer a Case.

(a) Definition. A licensee is a Specialist if he/she is a Board Certified Diplomate of a specialty organization recognized by the American Veterinary Medical Association.

(b) Standard of Care for Board Certified Specialist: Board Certified Specialists are held to a higher standard of care than non-specialist licensees, notwithstanding §573.22 of this title (relating to Professional Standard of Humane Treatment).

(c) Responsibility of Licensee to Refer a Case. A licensee shall have a duty to a client to suggest a referral to a Specialist, or otherwise more qualified licensee, in any case where the care and treatment of the animal is beyond the licensee's capabilities. A licensee's decision on whether to accept or continue care and treatment of an animal, which may require expertise beyond the licensee's capabilities, shall be based on the exercise of sound judgment within the prevailing standard of care for a licensee faced with the same or similar circumstances.

### (d) Complaint Investigations.

(1) Complaints against Board Certified Specialists. Board investigations of complaints alleging substandard care by a Specialist in his/her area of specialty will include consultations with one or more Specialists licensed by the Board practicing the same specialty on the species involved in the complaint. The Board, at its sole discretion, may consult with Specialists from outside of Texas. If the Board determines an informal conference is warranted, both complainant and respondent may, at their own expense, present oral or written com-

mentary by a Specialist practicing the same specialty on the species involved in the complaint.

(2) Complaints Regarding Failure to Make Proper Referral. Board investigations of complaints alleging failure to properly make referrals will include evaluation of the training and experience of the licensee, the availability of a specialist or more qualified licensee, the timeliness and adequacy of information provided to the client regarding the possible need for a referral, the requests of the client, and the likelihood that an adverse result could have been prevented by a timely referral.

(e) Record-keeping. A licensee should enter the date and substance of any referral recommendations, with reference to the response of the client, and the date and substance of any consultation concerning a case with a specialist or other more qualified veterinarian in the patient's permanent record.

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 October 17, 1995.

TRD-9513433 Ron Allen  
Executive Director  
Texas Board of Veterinary  
Medical Examiners

Effective date: November 8, 1995

Proposal publication date: June 27, 1995

For further information, please call: (512) 305-7555

## Other Provisions

### • 22 TAC §573.71

The Texas Board of Veterinary Medical Examiners adopts new §573.71, concerning Employment by Nonprofit or Municipal Corporations, without changes to the proposed text as published in the August 25, 1995, issue of the *Texas Register* (20 TexReg 6581).

The adopted rule is designed to clarify the Board's authority and licensees' responsibilities when employment involves nonprofit and/or municipal corporations. This rule is in response to Attorney General Letter Opinion, LO-95-003, which states that §22(a) of the Veterinary Licensing Act does not apply to nonprofit and/or municipal corporations. The new rule clarifies the responsibilities of licensees employed by non-profit or municipal corporations that are rendering veterinary services in connection with sheltering, spaying/neutering, or providing other medical care/treatment of animals. It stipulates that licensees employed by these corporations are liable for violations of the Act or rules, as well as acts or omissions of non-licensed employees and volunteers.

The agency did not receive any written comments concerning the new section.

The new section relates to Attorney General Letter Opinion, LO-95-003, which states §22(a) of the Veterinary Licensing Act, Article 8890, does not apply to nonprofit and/or municipal corporations. Section 22(a) of the Act states "No sole proprietorship, partnership, or corporation shall engage in veterinary medicine unless the owner, partners, or shareholders, respectively, are all licensees."

The new section is adopted under Texas Civil Statutes, Article 8890, §7(a), which provide the Texas Board of Veterinary Medical Examiners with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

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

Issued in Austin, Texas, on October 17, 1995.

TRD-9513432 Ron Allen  
Executive Director  
Texas Board of Veterinary  
Medical Examiners

Effective date: November 8, 1995

Proposal publication date: August 25, 1995

For further information, please call: (512) 305-7555

## Chapter 575. Practice and Procedure

### • 22 TAC §575.5

The Texas Board of Veterinary Medical Examiners adopts an amendment to §575.5, concerning Conduct and Decorum, without changes to the proposed text as published in the June 27, 1995, issue of the *Texas Register* (20 TexReg 4621).

The amendment formalizes the present practices of the Board. Members of the public must be recognized by the chairman before addressing the Board, placement of audio/video equipment will not be disruptive, and the presiding officer may exclude from a meeting any disruptive person after adequate warning has been given.

The agency did not receive any written comments concerning the amendment to this rule.

The amendment is adopted under Texas Civil Statutes, Article 8890, §7(a), which provide the Texas Board of Veterinary Medical Examiners with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

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

Issued in Austin, Texas, on October 17, 1995.

TRD-9513431 Ron Allen  
Executive Director  
Texas Board of Veterinary  
Medical Examiners

Effective date: November 8, 1995

Proposal publication date: June 7, 1995

For further information, please call: (512) 305-7555

### • 22 TAC §575.9

The Texas Board of Veterinary Medical Examiners adopts an amendment to §575.9, concerning Docketing and Numbering of Causes, and Service, without changes to the proposed text as published in the June 27, 1995, issue of the *Texas Register* (20 TexReg 4622).

The amendment corrects an accidental omission of words in the rule and updates the statutory cite regarding ex parte communications. Nothing in this amendment is intended to require the Board to docket complaints unless the Board Secretary finds a violation of the Veterinary Licensing Act and/or Rules of Professional Conduct has occurred.

The agency did not receive any written comments concerning the amendment to this rule.

The amendment is adopted under Texas Civil Statutes, Article 8890, §7(a), which provide the Texas Board of Veterinary Medical Examiners with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

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

Issued in Austin, Texas, on October 17, 1995.

TRD-9513430 Ron Allen  
Executive Director  
Texas Board of Veterinary  
Medical Examiners

Effective date: November 8, 1995

Proposal publication date: June 27, 1995

For further information, please call: (512) 305-7555

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part X. Texas Water Development Board

#### Chapter 363. Financial Assistance Programs

The Texas Water Development Board (the board) adopts new §363.209, Administrative Cost Recovery and amendments to §363.2, Definition of Terms and §363.202, Definitions without changes to the proposed text as published in the September 1, 1995, issue of the *Texas Register* (20 TexReg 6802).

New §363.209 provides for the assessment of charges to SRF applicants by the Board to recover the Board costs of administering the SRF financial assistance program. Amended §363.2 adds a definition for "commitment". Amended §363.202 adds definitions for "ad-

ministrative cost recovery fund", "administrative costs" and "SRF program account". It is the intent of the board to offset the new charges to SRF borrowers by reducing the SRF borrowing rates.

No comments were received regarding adoption of the amendments and new section.

### Subchapter A. General Provisions

#### Introductory Provisions

##### • 31 TAC §363.2

The amendment is adopted under Texas Water Code, §6.101 which requires the board to adopt rules that are necessary to carry out the powers and duties of the Board under the Texas Water Code and other laws of the state.

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 October 19, 1995.

TRD-9513529 Craig D. Pedersen  
Executive Administrator  
Texas Water Development Board

Effective date: November 10, 1995

Proposal publication date: September 1, 1995

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

### Subchapter B. State Water Pollution Control Revolving Fund

#### Introductory Provisions

##### • 31 TAC §363.202, §363.209

The amendment and new section are adopted under Texas Water Code §6.101 which requires the board to adopt rules that are necessary to carry out the powers and duties of the Board under the Texas Water Code and other laws of the state.

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 October 19, 1995.

TRD-9513530 Craig D. Pedersen  
Executive Administrator  
Texas Water Development Board

Effective date: November 10, 1995

Proposal publication date: September 1, 1995

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

### Chapter 365. Investment Rules

The Texas Water Development Board (the board) adopts amendments to §§365.12, 365.21, and 365.35, concerning investment rules, without changes to the proposed text

as published in the September 15, 1995, issue of the *Texas Register* (20 TexReg 7262).

Amendments to §365.12 and §365.21 add provisions for distribution of the Board's investment policy to potential investors and requires written acknowledgement of the investor's intention to comply with the Board's standards for prudent and ethical investment transactions. Amendment to §365.35 ensures that investment maturities will coincide with the Board's cashflow needs for each particular fund. The rule changes are adopted to reflect procedural and substantive changes made to the Public Funds Investment Act, Chapter 2256 of the Government Code by House Bill 2459 effective September 1, 1995.

No comments were received regarding adoption of the amendments.

#### Selection of Authorized Dealers

##### • 31 TAC §365.12

The amendment is adopted under the authority of the Texas Water Code, §6.101 which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, and the Texas Government Code, Chapter 2256, which requires each State agency to adopt rules necessary to invest funds.

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 October 19, 1995.

TRD-9513531 Craig D. Pedersen  
Executive Administrator  
Texas Water Development Board

Effective date: November 10, 1995

Proposal publication date: September 15, 1995

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

#### Investment Procedures

##### • 31 TAC §365.21

The amendment is adopted under the authority of the Texas Water Code, §6.101 which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, and the Texas Government Code, Chapter 2256, which requires each State agency to adopt rules necessary to invest funds.

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 October 19, 1995.

TRD-9513532 Craig D. Pedersen  
Executive Administrator  
Texas Water Development Board

Effective date: November 10, 1995

Proposal publication date: September 15, 1995

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

### Standards for Investments and Reporting of Investments

#### • 31 TAC §365.35

The amendment is adopted under the authority of the Texas Water Code, §6.101 which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, and the Texas Government Code, Chapter 2256, which requires each State agency to adopt rules necessary to invest funds.

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 October 19, 1995.

TRD-9513533 Craig D. Pedersen  
Executive Administrator  
Texas Water Development Board

Effective date: November 10, 1995

Proposal publication date: September 15, 1995

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

### Chapter 375. State Water Pollution Control Revolving Fund

The Texas Water Development Board (board) adopts new §375.21 Administrative Cost Recovery and amendment to §375.2, concerning Definition of Terms without changes to the proposed text as published in the September 1, 1995, issue of the *Texas Register* (20 TexReg 6803).

New §375.21 provides for the assessment of charges to SRF applicants by the Board to recover the Board costs of administering the SRF financial assistance program. Amended §375.2 adds definitions for "administrative cost recovery fund", "administrative costs" and "SRF program account". It is the intent of the board to offset the new charges to SRF borrowers by reducing the SRF borrowing rates.

No comments were received regarding adoption of the amendment and new section.

#### Introductory Provisions

##### • 31 TAC §375.2

The amendment is adopted under the authority of Texas Water Code, §6.101 and §15.605 which requires the board to adopt rules necessary to carry out the powers and duties of the board provided by Texas Water Code, and adopt rules for the State Water Pollution Control Revolving Fund.

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 October 19, 1995.

TRD-9513527

Craig D. Pedersen  
Executive Administrator  
Texas Water Development  
Board

Effective date: November 10, 1995

Proposal publication date: September 1, 1995

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

## Program Requirements

### • 31 TAC §375.21

The new section is adopted under the authority of Texas Water Code §§6. 101 and 15 605, which requires the board to adopt rules necessary to carry out the powers and duties of the board provided by Texas Water Code, and adopt rules for the State Water Pollution Control Revolving Fund.

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 October 19, 1995.

TRD-9513528

Craig D. Pedersen  
Executive Administrator  
Texas Water Development  
Board

Effective date: November 10, 1995

Proposal publication date: September 1, 1995

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

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part III. Texas Youth Commission

#### Chapter 91. Discipline and Control

##### Peace Officers

### • 37 TAC §§91.81, 91.83, 91.85, 91.87

The Texas Youth Commission (TYC) adopts new §§91.81, 91.83, 91.85, and 91.87, concerning commissioning, jurisdiction, continuum of force, and firearms management relating to TYC peace officers, with changes to the proposed text as published in the September 15, 1995, issue of the *Texas Register* (20 TexReg 7267).

These new sections set forth procedures for implementing, under TYC authority, the commissioning of TYC apprehension officers as peace officers. The changes to the proposed

text consist of limiting the firearms carried to those firearms approved by TYC even when off duty. Additional procedures for officer identification and for tracking evidence seized during a search are added.

The justification for the new sections is to provide a more efficient process of apprehending TYC youth on escape

The new rules provide procedures for peace officers in performing their jobs as authorized by the 74th Legislature.

One comment was received regarding adoption of the new rules. The commenter is a trained peace officer acting as a citizen. The commenter suggested additional procedural safeguards for staff in seizing illegal material during a search and for officer identification. Commenter suggested limiting firearms to those approved by TYC.

Response: TYC agrees with commenter and is incorporating the suggested changes.

The new rules are adopted under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules appropriate to the proper accomplishment of its functions, and §61.0931, which provides the Texas Youth Commission with authority to commission peace officers.

#### §91.81. Peace Officer: Commissioning.

(a) Policy. The Texas Youth Commission (TYC) may employ and commission TYC apprehension specialists as peace officers for the purpose of apprehending TYC youth.

##### (b) Rules.

(1) Apprehension specialists must be licensed by the Texas Commission on Law Enforcement Officers Standards and Education (TCLEOSE) prior to being commissioned as peace officers.

(2) The Executive Director of TYC is responsible for the commissioning of agency peace officers.

(3) The agency must report to TCLEOSE the status of its commissioned peace officers as follows:

(A) Report employment of TCLEOSE licensees as commissioned peace officers within 30 days of employment.

(B) Submit updated licensing information if it has been more than 180 days since the person worked as a commissioned peace officer.

(C) Report within 30 days any cessation of employment.

(D) Report within 30 days any event that would disqualify the licensee from retaining the license.

(4) If the agency employs more than two commissioned peace officers, the agency must:

(A) Designate a firearms proficiency officer.

(B) Require each peace officer to demonstrate firearms proficiency annually.

#### §91.83. Peace Officer: Jurisdiction.

(a) Policy. Apprehension specialists will execute arrests and searches only while pursuing the apprehension of a TYC youth.

##### (b) Rules.

(1) Jurisdiction. Apprehension specialists have statewide authority to take TYC youth into custody.

(2) Arrest. Apprehension specialists will only arrest youth committed to TYC who have had a warrant or Directive to Apprehend issued on them.

(3) Cooperative Apprehension. In cooperation with local law enforcement, apprehension specialists may assist local authorities in arrests of other individuals while they are pursuing the apprehension of TYC youth.

(4) Search. Premises searches will only be conducted with a valid warrant or with permission from the property owner.

(5) Seizures. Any weapons, money, illegal substances, or material obtained in an authorized search will be immediately turned over to local law enforcement for disposition. When items are seized in an authorized search, the apprehension specialists will document the date, time, and place of the search as well as a description of the items seized and who received them.

#### §91.85. Peace Officer: Continuum of Force.

(a) Policy. Apprehension specialists commissioned as peace officers will use a continuum of force to effect the apprehension of youth. This continuum includes command presence, verbal direction, physical force, intermediate weapons and use of deadly force. When apprehending an escapee, the apprehension specialists should employ the appropriate amount of force necessary to control the situation and address the level of threat. The Texas Youth Commission (TYC) will ensure that apprehension specialists are trained and certified or licensed as appropriate in the use of physical force, intermediate weapons and deadly force.

##### (b) Rules.



(1) **Command Presence** The apprehension specialist will verbally identify himself as being a peace officer.

(2) **Verbal Direction.** When possible, the apprehension specialist will use verbal direction to obtain compliance from escapees.

(3) **Use of Force.** In situations where physical force is required, the apprehension specialist will apply such force in compliance with GOP.67.09, §91.59 of this title (relating to Use of Force).

(4) **Intermediate Weapons.** Use of intermediate weapons such as approved chemical agents or ASP batons is justified only after training and in the following situations:

(A) When the use of physical force is justified and the use of force under the circumstances would likely result in major physical injury to the apprehension specialist or others.

(B) When less severe methods to gain control have been exhausted and are ineffective, untimely, or impractical.

(5) **Deadly Force.** An apprehension specialist commissioned as a peace officer is authorized to employ deadly force whenever it appears to the specialist that under the following circumstances there are no other viable alternatives:

(A) The use of deadly force is immediately necessary to protect the apprehension specialist or another person from an unlawful use of force which the apprehension specialist reasonably believes poses an imminent threat of death or serious bodily injury.

(B) The use of force is otherwise justified and reasonably appears to be

immediately necessary to make an arrest, or prevent an escape following an arrest, of a person whose arrest is authorized for conduct which is reasonably believed to have included the use or attempted use of deadly force or a person who presents a substantial risk of death or serious bodily injury to the apprehension specialist or another if the person's arrest is delayed.

(6) **Medical Review.** Whenever a situation occurs which requires the use of force, the apprehension specialist will ensure that the youth involved is checked by medical personnel.

(7) **Reporting.** When force or deadly force is utilized, the incident will be reported in compliance with GOP.75.03, §93.53 of this title (relating to Incident Report).

*§91.87. Peace Officer: Firearms Management.*

(a) **Policy.** While on duty, apprehension specialists commissioned as peace officers shall carry or have readily available a firearm issued by the Texas Youth Commission (TYC). Through the assistance of the local law enforcement, TYC will ensure the investigation of any situation during which an apprehension specialist uses deadly force or intentionally or accidentally discharges a firearm. TYC will also conduct an investigation to review whether or not agency policy was complied with in the aforementioned situation.

(b) **Rules.**

(1) **Firearm Carry.**

(A) Apprehension specialists are to carry their issued firearm in a concealed manner.

(B) Firearms shall not be publicly drawn or exhibited except for

maintenance, during training, or with reasonable cause as outlined in GOP.68.05, §91.85 of this title (relating to Continuum of Force).

(C) While on duty, apprehension specialists may only carry their agency issued firearm. The possession of a back-up firearm is prohibited.

(D) As peace officers, apprehension specialists may carry a TYC issued firearm when off duty.

(2) **Ammunition.** Except for target practice, apprehension specialists will load their agency issued firearm with ammunition approved by TYC.

(3) **Firearm Discharge.**

(A) TYC will ensure the investigation of all incidents in which an apprehension specialist discharges a firearm while acting in the capacity of an apprehension specialist, except the discharge of a firearm at an approved range target practice or other organized shooting match.

(B) Firing warning shots is prohibited.

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 October 18, 1995.

TRD-9513438

Steve Robinson  
Executive Director  
Texas Youth Commission

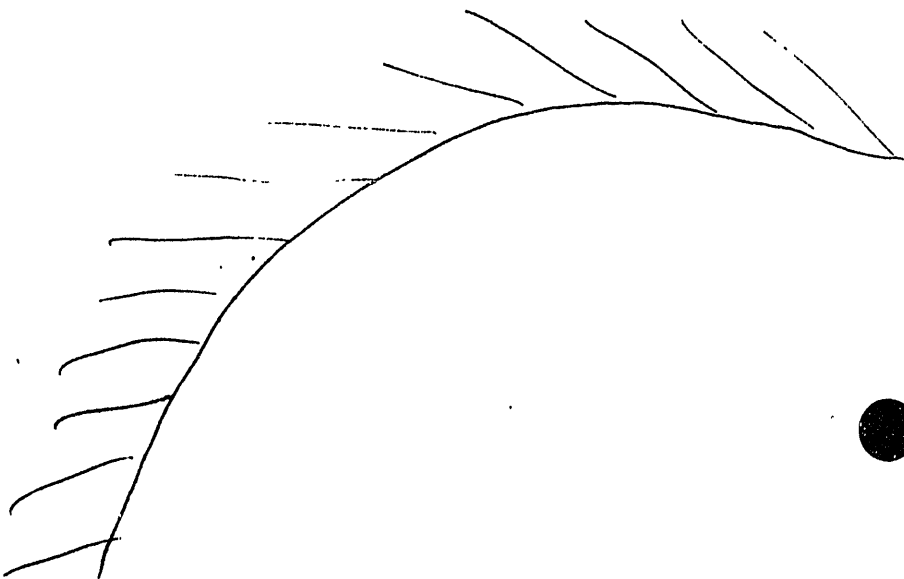
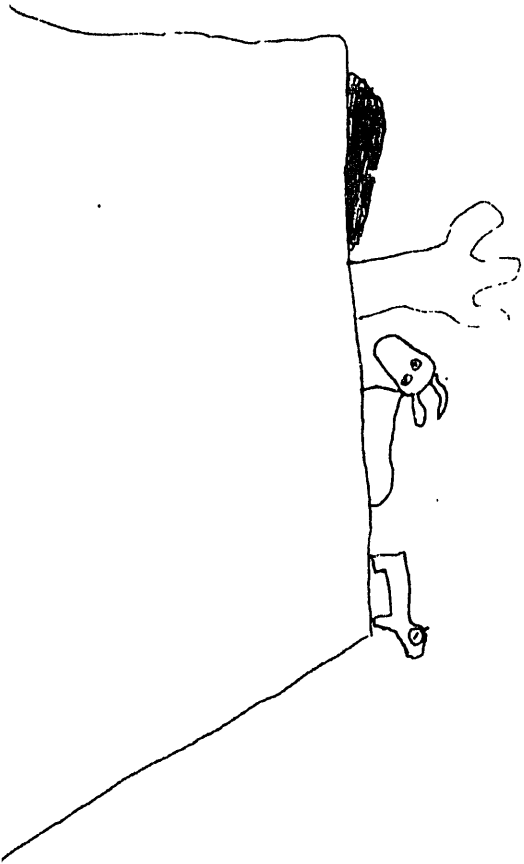
Effective date: November 8, 1995

Proposal publication date: September 15, 1995

For further information, please call: (512) 483-5244

◆ ◆ ◆

Name: Kristopher Kedziora  
Grade: 5  
School: Moulton Elementary School, Moulton 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, December 12, 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 violation of 4 Texas Administrative Code, §6.4 by Glen Wleczyk.

Contact: Barbara B. Deane, P.O. Box 12847, Austin, Texas 78711, (512) 463-7448.

Filed: October 19, 1995, 3:38 p.m.

TRD-9513482

## Texas Board of Architectural Examiners

Wednesday, November 1, 1995, 10:00 a.m.

The Harvey Hotel, Dallas Brook Hollow, 7050 Stemmons Freeway, Second Floor, Newbury Room

Dallas

Rules/Enforcement Committee

AGENDA:

Call to order; roll call; recognition of guests; chairman's opening remarks; consider/act on approval of minutes; consider/act on rules/enforcement matters; fee increases; presentation on electronic seal; public comment; and adjournment.

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 Carolyn Lewis at (512) 305-8525 two working days prior to the meeting so that appropriate arrangements can be made.

Contact: Cathy L. Hendricks, P.O. Box 12337, Austin, Texas 78711-2337, (512) 305-8535.

Filed: October 23, 1995, 1:34 p.m.

TRD-9513599

Thursday, November 2, 1995, 9:00 a.m.

The Harvey Hotel, Dallas Brook Hollow, 7050 Stemmons Freeway, Second Floor, Newbury Room

Dallas

Communication/Newsletter Committee

AGENDA:

Call to order; recognition of guests; roll call; chairman's opening remarks; consider/act on communication/Newsletter Committee matters; public comment; adjournment.

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 Carolyn Lewis at (512) 305-8525 two working days prior to the meeting so that appropriate arrangement can be made.

Contact: Cathy L. Hendricks, P.O. Box 12337, Austin, Texas, 78711-2337, (512) 305-8535.

Filed: October 23, 1995, 1:35 p.m.

TRD-9513600

Thursday, November 2, 1995, 1:00 p.m.

The Harvey Hotel, Dallas Brook Hollow, 7050 Stemmons Freeway, Second Floor, Newbury Room

Dallas

Personnel/Resource Committee

AGENDA:

Call to order; recognition of guests; roll call; chairman's opening remarks; consider/act on personnel/resource matters; executive session to deliberate the evaluation of the executive director per Texas Open Meeting Act, §551.074, Texas Government Code; reconvene in open session to consider/act on evaluation; public comment; and adjournment.

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 Carolyn Lewis at (512) 305-8525 two working days prior to the meeting so that appropriate arrangement can be made.

Contact: Cathy L. Hendricks, P.O. Box 12337, Austin, Texas 78711-2337, (512) 305-8535.

Filed: October 23, 1995, 1:36 p.m.

TRD-9513601

Friday, November 3, 1995, 8:30 a.m.

The Harvey Hotel, Dallas Brook Hollow, 7050 Stemmons Freeway, Second Floor, Newbury Room

Dallas

Board Meeting

AGENDA:

Call to order; recognition of guests; roll call; chairman's opening remarks; approval of minutes; executive session to discuss/consider legal advice from the Office of the Attorney General concerning litigation by Robert Norris in accordance with the Texas Open Meetings Act, §551.071, Texas Government Code; reconvene in open session to consider/act on litigation matters, if necessary; consider/act by consent on director's report; consider/act on hearings, 9:30 a.m. agreed orders; consider/act on renewals; reinstatements; consider/act on examinations; consider/act on committee reports and recommendations; consider/act on rules and regulations; appoint task force; fee increases; consider/act on conferences/meeting; consider/act on public comment; chairman's closing remarks; and adjournment.

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 Carolyn Lewis at (512) 305-8525 two working days prior to the meeting so that appropriate arrangement can be made.

Contact: Cathy L. Hendricks, P.O. Box 12337, Austin, Texas 78711-2337, (512) 305-8535.

Filed: October 23, 1995, 1:36 p.m.

TRD-9513602

### Office of the Attorney General

Thursday, November 2, 1995, 9:00 a.m.

Bell County Exposition Center, 301 West Loop 121

Belton

AGENDA:

1. Welcoming remarks by Attorney General Dan Morales
2. Introduction of elected officials
3. Remarks by elected officials
4. Public comment

Contact: Sarah Duke or Diana Reyes, P.O. Box 12548, Austin, Texas 78711, (512) 463-1415 or (512) 463-2025.

Filed: October 23, 1995, 11:47 a.m.

TRD-9513592

### Texas Commission for the Blind

Thursday, November 2, 1995, 10:00 a.m.

4800 North Lamar Boulevard, Suite 320

Austin

Special Committee of the Governing Board

AGENDA:

1. To discuss the feasibility of a joint meeting of the Governing Board, the Elected Committee of Managers, and the membership of the Business Enterprises Program.

Contact: Diane Vivian, P.O. Box 12866, Austin, Texas 78711, (512) 459-2601.

Filed: October 24, 1995, 8:17 a.m.

TRD-9513646

### Texas Board of Chiropractic Examiners

Thursday, November 2, 1995, 9:00 a.m.

333 Guadalupe, Tower III, Room 825

Austin

Enforcement Committee

AGENDA:

The Enforcement Conference of the Texas Board of Chiropractic Examiners will meet on Thursday, November 2, 1995, at 9:00 a.m. to conduct informal conferences on cases #95-100, 95-183, 95-188, 95-261, 95-192, 95-246, 95-260, and 95-275 concerning possible violations by chiropractic licensees.

Contact: Patte B. Kent, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701, (512) 305-6700.

Filed: October 20, 1995, 4:47 p.m.

TRD-9513558

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

333 Guadalupe, Tower III, Room 102

Austin

Enforcement Committee

AGENDA:

The Enforcement Committee of the Texas Board of Chiropractic Examiners will meet on Friday, November 10, 1995, at 9:00 a.m. to consider and take any appropriate action on cases #95-176, 95-243, 95-259, 95-260, 95-322, and 96-1 through 96-30.

Contact: Patte B. Kent, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701, (512) 305-6700.

Filed: October 20, 1995, 4:47 p.m.

TRD-9513557

Friday, November 10, 1995, 10:00 a.m.

333 Guadalupe, Tower III, Room 825

Austin

Licensure and Educational Standards Committee

AGENDA:

The Licensure and Educational Standards Committee of the Texas Board of Chiropractic Examiners will meet on Friday, November 10, 1995, at 10:00 a.m. to consider and take any appropriate action on: 1) Continuing Education guidelines; 2) Application of Philip J. Greko, D.C. to take December examination; 3) Continuing education credit waivers for full-time medical school students and licensees with medical emergencies; 4) Dates for 1996 examination administration; 5) Use of alternative examinations.

Contact: Patte B. Kent, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701, (512) 305-6700.

Filed: October 20, 1995, 4:47 p.m.

TRD-9513559

Friday, November 10, 1995, 10:00 a.m.

333 Guadalupe, Tower III, Suite 825

Austin

Technical Standards Committee

AGENDA:

The Technical Standards Committee of the Texas Board of Chiropractic Examiners will meet on Friday, November 10, 1995 at 10:00 a.m. to consider, discuss, take any appropriate action, and/or approve technical standards.

Contact: Patte B. Kent, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701, (512) 305-6700.

Filed: October 20, 1995, 4:48 p.m.

TRD-9513561

Friday, November 10, 1995, 1:00 p.m.

333 Guadalupe, Tower III, Room 825

Austin

Executive Committee

AGENDA:

The Executive Committee of the Texas Board of Chiropractic Examiners will meet on Friday, November 10, 1995 at 1:00 p.m. to discuss agenda items on the November 10, 1995 board meeting agenda and to consider and take any appropriate action on annual evaluation of the executive director.

Contact: Patte B. Kent, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701, (512) 305-6700.

Filed: October 20, 1995, 4:48 p.m.

TRD-9513560

## Texas Department of Commerce

Wednesday, October 25, 1995, 10:00 a.m.

State Capitol Building, Extension, Room E2.036, 1400 North Congress Avenue

Austin

Texas Defense Economic Adjustment Advisory Council, Defense Industry Committee

AGENDA:

- I. Welcoming remarks
- II. Texas One presentation
- III. TMAC presentation
- IV. Smart Jobs presentation
- V. Depot privatization presentation (General Curtis)
- VI. Summary of previous study findings (Russ Pacey)
- VII. Committee business
- VIII. Adjourn

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Audra Lipe at (512) 936-0105 at least two days before this meeting so that appropriate arrangement can be made please contact Audra Lipe at (512) 936-0105 if you need assistance in having English translated to Spanish.

Contact: Audra Lipe, 1700 North Congress Avenue, Austin, Texas 78701, (512) 936-0105.

Filed: October 19, 1995, 11:03 a.m.

TRD-9513458

## Conservatorship Board

Monday, October 23, 1995, 2:00 p.m.

710 Brazos, Perry Brooks Building

Emergency Revised Agenda

Austin

AGENDA:

- Approval of fiscal year 1996 budget
- Reason for emergency: Necessary for Conservatorship Board to meet in order to meet statutory mandate.

Contact: Conrad Alexander, 710 Brazos, Austin, Texas 78701, (512) 867-8147.

Filed: October 19, 1995, 3:38 p.m.

TRD-9513483

## Texas Diabetes Council

Friday, October 27, 1995, 10:00 a.m.

Room G-107, Texas Department of Health, 1100 West 49th Street

Austin

AGENDA:

The council will discuss and possibly act on: approval of minutes from the July 14, 1995 meeting; director's report; grant awards (community-based program expansion in African American communities; and pregnancy and diabetes program); and recommendation to endorse American Diabetes Association, Texas Affiliate, as the sole agency responsible for operation: Defeat Diabetes in Jefferson and Tarrant counties.

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: October 19, 1995, 3:38 p.m.

TRD-9513484

## Texas Education Agency

Wednesday-Thursday, November 1-2, 1995, 8:30 a.m.

Norris Conference Center, 1016 LaPosada Drive, Magnolia Room

Austin

English Language Arts and Reading Essential Elements Clarification Team Meeting (QuEST)

AGENDA:

The following meeting is not subject to the Open Meetings Act; however, the agency desires to publicize the event as a courtesy to the public and allow for all interested parties to have opportunity to be informed of the meeting. During the work sessions the team will review current essential elements, update themselves and each other concerning the current status of the project, review prior work, create working drafts, plan future meetings and identify those issues which seem relevant to the progress of the team.

Contact: Sharon O'Neal, 1701 North Congress Avenue, Austin, Texas 78711, (512) 463-4314.

Filed: October 23, 1995, 9:53 a.m.

TRD-9513578

## General Services Commission

Tuesday, October 31, 1995, 9:30 a.m.

Central Services Building, 1711 San Jacinto, Room 402

Austin

AGENDA:

- 1) Consideration of proposed amendments to §§125.3, 125.7, 125.17 and proposed new §125.27 relating to travel management services;
- 2) Consideration of proposed amendments to §125.45, and new §125.49 concerning the State Vehicle Fleet Management Program, and of proposed amendments to §125.63 and §125.65, and new §125.69 concerning the Texas Alternative Fuels Program;
- 3) Consideration of proposed new §111.24 concerning the Historically Underutilized Business (HUB) Certification Program;
- 4) Consideration of proposed amendments to §113.4 concerning the Centralized Master Bidders List (CMBL);
- 5) Consideration of proposed amendment to subsection 113.8(b)(4) relating to bidder preferences in purchasing;
- 6) Consider sale of fiber on the Greater Austin Area Telecommunications Network;
- 7) Consideration of amendments to state lease at 4044 Promontory Point, Austin;
- 8) Consideration on the use of competitive sealed proposals for just-in-time, on-site office supply contract;
- 9) Consideration of resolution confirming authorization to purchase property at 5425 Polk Avenue, Houston, Texas;
- 10) Consideration of request for financing of construction of Phase II of the Master Plan Building Program at the Texas School for the Deaf located at Austin, Texas;
- 11) Consider adjustment of Capitol Complex Telephone System Station rates;
- 12) Consideration of proposed change orders-various projects;
- 13) Consideration of commission policy for placement of items on open meeting agenda;
- 14) Consideration of the appointment of an executive director;
- 15) Program issues; executive session to interview and consider the appointment of an 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 Government Code, §551.072.

Contact: David Ross Brown, 1711 San Jacinto, Austin, Texas 78701, (512) 475-2400.

Filed: October 20, 1995, at 2:46 p.m.

TRD-9513539

Tuesday, October 31, 1995, 9:30 a.m.

Central Services Building, 1711 San Jacinto, Room 402

Austin

Revised Agenda

AGENDA:

We are deleting the following item: Executive session to interview and consider the appointment of an executive director.

Contact: David Ross Brown, 1711 San Jacinto, Austin, Texas 78701, (512) 475-2400.

Filed: October 23, 1995, 3:56 p.m.

TRD-9513623



## Office of the Governor

Wednesday, November 1, 1995, 10:00 a.m.

Room E1.004, Extension Auditorium, 1100 Congress Avenue, State Capitol Extension  
Austin

Transition Oversight Committee on Workforce Development-Working Group

AGENDA:

- I. Call to order
- II. Agency report
- III. Public testimony
- IV. Adjourn

Contact: Richard Evans, P.O. Box 12428, Austin, Texas 78711, (512) 463-1823.

Filed: October 20, 1995, at 4:42 p.m.

TRD-9513556

Wednesday, November 1, 1995, 10:00 a.m.

Room E1.004, Extension Auditorium, 1100 Congress Avenue, State Capitol Extension  
Austin

Transition Oversight Committee on Workforce Development-Working Group

AGENDA:

- I. Call to order
- II. Agency
- III. Public testimony
- IV. Adjourn

Contact: Richard Evans, P.O. Box 12428, Austin, Texas 78711, (512) 463-1823.

Filed: October 24, 1995, 9:15 a.m.

TRD-9513662



## Texas Department of Health

Tuesday, October 31, 1995, 9:00 a.m.

Room T-607, Texas Department of Health, 1100 West 49th Street

Austin

Drug Use Review Board

AGENDA:

The board will discuss and possibly act on: approval of the minutes of the August 29, 1995 meeting; changes to existing criteria sets; smoking cessation product criteria and profiles; responses to Ketorolac Intervention letters; brand name necessary overrides on maximum allowable cost products; meeting of ad hoc committees (Provider Education; and Intervention); selection of targeted drugs for next profiles; and scheduling of next meeting.

Contact: Curtis Burch, 1100 West 49th Street, Austin, Texas 78756, (512) 338-6947. 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: October 23, 1995, 8:35 a.m.

TRD-9513571



## Statewide Health Coordinating Council

Wednesday, November 1, 1995, 2:30 p.m.

Rio Grande Council of Governments, Fourth Floor Conference Room, 100 North Stanton Street

El Paso

AGENDA:

The council will discuss and possibly act on: approval of minutes from the June 26 and September 20, 1995 meetings; local perspective; review of first and future forms; state health plan development schedule; and bureau update.

Contact: Trish O'Day, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: October 23, 1995, 8:35 a.m.

TRD-9513572



## Texas Department of Housing and Community Affairs

Tuesday-Wednesday, October 31 and November 1, 2, and 5-10, 1995, 11:00 a.m.  
811 Barton Springs Road, Suite 500

Austin

Finance Committee Meeting

AGENDA:

The Finance Committee will meet to consider and possibly act on the following: Action on resolutions concerning 1995 bond transaction; selection of bond insurer, GIC provider or broker, or an investment provider or broker; approval of final form of documents; selection of master servicer; and other matters relating to the transaction; action on resolution approving pricing and other matters; recess.

Supporting materials and staff recommendations on these agenda items are available for review at Texas Department of Housing and Community Affairs, 811 Barton Springs Road, Austin, Texas 78704 or copies may be obtained on specific items by calling (512) 475-3934 (copies are subject to open records request copying charge per page).

Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal, ADA Responsible Employee, 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.

Contact: Larry Paul Manley, 811 Barton Springs Road, Suite 500, Austin, Texas 78704, (512) 475-3934.

Filed: October 23, 1995, 8:14 a.m.

TRD-9513567



## Texas Commission on Human Rights

Tuesday, October 31, 1995, 9:00 a.m.

Capitol Extension, 1400 Congress Avenue, Room E2.010

Austin

AGENDA:

Discussion and vote on agenda item(s) covered in executive session as necessary or required; welcoming of guests; minutes; administrative reports; cash flow statement for first quarter of fiscal 1996; commission's move to new office space; current administrative enforcement project; new administrative enforcement grant from HUD under FHIP funds; liability insurance for state officials; fiscal year 1996 HUD contract; affirmative action resolution; NAHRW Conference; executive director's meeting with HUD officials in Washington, D.C. on occupancy standards; audit by the State Auditor's Office on performance measures; filling vacant investigator positions; communication with Texas Department of Housing and Community Affairs concerning Section 8 set-asides on properties auc-

tioned by the Resolution Trust Corporation; commissioner issues; and unfinished business.

Contact: William M. Hale, P.O. Box 13493, Austin, Texas 78711, (512) 837-8534.

Filed: October 19, 1995, 1:59 p.m.

TRD-9513473

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**Texas Department of Insurance**

Thursday, November 2, 1995, 2:00 p.m.

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

Austin

AGENDA:

454-95-1550.e

Prehearing conference in connection with an appeal by Narcisco Cortez from a decision of the Texas Catastrophe Property Insurance Association.

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

Filed: October 24, 1995, 9:36 a.m.

TRD-9513665

Thursday, November 2, 1995, 2:00 p.m.

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

Austin

AGENDA:

454-95-1550.e

Prehearing conference in connection with an appeal by Narcisco Cortez from a decision of the Texas Catastrophe Property Insurance Association.

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

Filed: October 24, 1995, 9:03 a.m.

TRD-9513653

Monday, November 6, 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 Sam 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 Insurance Agent's License issued by the Texas Department of Insurance (continued from September 18, 1995).

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

Filed: October 24, 1995, 9:04 a.m.

TRD-9513654

Monday, November 6, 1995, 1:00 p.m.

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

Austin

AGENDA:

454-95-0830.c

To consider whether disciplinary action should be taken against John Henry Glenn, Dallas, Texas who holds a Local Recording Insurance Agent's License issued by the Texas Department of Insurance (continued from October 3, 1995).

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

Filed: October 24, 1995, 9:04 a.m.

TRD-9513655

Wednesday, November 8, 1995, 1:00 p.m.

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

Austin

AGENDA:

454-95-1312.c

To consider whether disciplinary action should be taken against John D. Tubbs, Sulphur Springs, Texas, who holds a Local Recording Agent's License issued by the Texas Department of Insurance.

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

Filed: October 24, 1995, 9:04 a.m.

TRD-9513656

Thursday, November 9, 1995, 9:00 a.m.

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

Austin

AGENDA:

454-95-1262

To consider an appeal request by Bludworth Bond Shipyard, Inc., from a decision of the Texas Workers' Compensation Insurance Facility.

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

Filed: October 24, 1995, 9:04 a.m.

TRD-9513657

Thursday, November 9, 1995, 9:00 a.m.

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

Austin

AGENDA:

454-95-0745.c

To consider whether disciplinary action should be taken against Glen W. Hilburn doing business as Hilburn Insurance Agency, Dallas, Texas, and Duncanville, 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 October 20, 1995).

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

Filed: October 24, 1995, 9:04 a.m.

TRD-9513658

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

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

Austin

AGENDA:

454-95-1581.e

Prehearing conference in the matter of an appeal request by El Paso Auto Truck Stop from a decision of the Texas Workers' Compensation Insurance Facility on additional premiums owed on leased employees.

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

Filed: October 24, 1995, 9:04 a.m.

TRD-9513659

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

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

Austin

AGENDA:

454-95-0968.h

In the matter of United International, Ltd., Affiliated Healthcare Professionals Association, and M. Irving Boncamper.

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

Filed: October 24, 1995, 9:04 a.m.

TRD-9513660

## Texas Department of Licensing and Regulation

Wednesday, November 1, 1995, 9:00 a.m.

920 Colorado, E.O. Thompson Building,  
Fourth Floor, Room 420

Austin

Enforcement Division, Auctioneering

### AGENDA:

According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty, and denial, suspension or revocation of license of the respondent, Rodney Hotopp, for allegedly representing that goods or services had sponsorship, approval, characteristics, ingredients, uses, benefits or qualities which they did not have, a violation of the Texas Business and Commerce Code, §17.460(b)(5), which is a violation of the Texas Revised Civil Statutes Annotated, Articles 8700 (the Act), §7(a)(7) and 9100; the Texas Government Code, Chapter 2001 (APA); and 16 TAC, Chapter 67.

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

Filed: October 23, 1995, 2:47 p.m.

TRD-9513609

## Texas Board of Licensure for Professional Medical Physicists

Wednesday, November 1, 1995, 9:00 a.m.

Room S-402, The Exchange Building, 8407  
Wall Street

Austin

Credentials Committee

### AGENDA:

The committee will discuss and possibly act on applicants under 22 Texas Administrative Code, §601.6, Application Procedures with regard to application numbers (253, 272, 274, 297, 306, 308, 376, 380, 383, 388, 399, 401, 402, 5001, 5004, 5010, 5047, 5055, 5056, and 5057).

Contact: Jeanette A. Hilsabeck, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6655. For ADA assistance, contact Richard Butler at (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: October 23, 1995, 8:35 a.m.

TRD-9513570

Wednesday, November 1, 1995, 1:00 p.m.

Room S-402, The Exchange Building, 8407  
Wall Street

Austin

### AGENDA:

The committee will discuss and possibly act on: approval of minutes from August 16, 1995 meeting; chairman's report; executive secretary's report; Continuing Education Committee report (implementation of continuing education); Bureau of Radiation Control rules (current rules and interpretations, and future rules); action on correspondence received from Othel Pirtle, LMP; reconciliation with Bureau of Radiation Control regulations; rules pertaining to the licensure of professional medical physicists, 22 Texas Administrative Code, Chapter 601; review of "Guidelines for Delineating the Practice of Medical Physics"; proposal for decision concerning denial of applications (K. P. and J. P.); ratification of applications approved by executive secretary; guidelines for independent study; ratification of application approved by the Credentials Committee; and setting of next meeting date.

Contact: Jeanette Hilsabeck, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6655. For ADA assistance, contact Richard Butler at (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: October 23, 1995, 8:35 a.m.

TRD-9513569

## Texas Natural Resource Conservation Commission

Tuesday, October 31, 1995, 1:30 p.m.

12118 North Interstate 35, Building E,  
Room 201S

Austin

### AGENDA:

Commission will meet in a work session to discuss planning for Environmental Council of the States (ECOS), staff briefing on pending issues in rule and policy development, priorities on rule and policy development.

Contact: Doug Kitts, 12100 Park 35 Circle, Austin, Texas 78753, (512) 239-3317.

Filed: October 23, 1995, 2:46 p.m.

TRD-9513604

Wednesday, November 1, 1995, 9:30 a.m.

12118 North Interstate 35, Building E,  
Room 201S

Austin

### AGENDA:

The commission will consider approving the following matters: Municipal solid waste management plan; hearing request de-

nials; agricultural enforcement; public water supply enforcement; industrial hazardous waste enforcement; rules; state office administrative hearing, proposal for decision; motion for rehearings; executive session; the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to rescheduling an item in its entirety or for particular action at a future date or time. (Registration for 9:30 agenda starts 8:45 a.m. until 9:25 a.m.)

Contact: Doug Kitts, 12100 Park 35 Circle, Austin, Texas 78753, (512) 239-3317.

Filed: October 20, 1995, 2:45 p.m.

TRD-9513535

## Board of Nurse Examiners

Tuesday, November 7, 1995, 4:00 p.m.

Red Lion Hotel, Sundance/Cassidy Room,  
6121 North IH-35

Austin

Executive and Search Committees

### AGENDA:

Call to order

Roll call

1. Old business

1.1. August retreat-Work session for November 9, 1995

2. New business

2.1. The Search Committee will meet in executive session at 5:00 p.m. for the purpose of interviewing applicants for the executive director position

Adjourn

Contact: Erlene Fisher, Box 140466, Austin, Texas 78714, (512) 835-8675.

Filed: October 19, 1995, 2:17 p.m.

TRD-9513475

## Texas Board of Occupational Therapy Examiners

Friday, October 27, 1995, 2:00 p.m.

Hyatt Regency Hotel, 1200 Louisiana  
Street, Arboretum Three

Houston

Application Review Committee

### AGENDA:

I. Call to order

II. Introduction of board members



III. Approval of September 13, 1995 minutes

IV. Public comment

V. Discussion and possible action on selection of new vice-chair for board

VI. Discussion and possible action on proposed rule revisions: Chapter 362, Chapter 366, Chapter 369, Chapter 370, Chapter 371, Chapter 375

VII. Executive session pursuant to §551.071 of the Government Code, consultation with attorney regarding pending or contemplated litigation

VIII. Discussion and possible action on chair's report—Esperanza Brattin

IX. Discussion and possible action on executive director's report—John Maline

X. Discussion and possible action on acting coordinator's report—Joy Vaughn

XI. Discussion and possible action on Texas Occupational Therapy Association's report

XII. Discussion and determination of next meeting date

XIII. Adjournment

Contact: Joy L. Vaughn, 333 Guadalupe, Suite 2-510, Austin, Texas 78701-3942, (512) 305-6900.

Filed: October 19, 1995, 4:30 p.m.

TRD-9513488

### State Pension Review Board

Monday, November 6, 1995, 4:00 p.m.

Hyatt Regency Hotel on Town Lake, Texas One Room, 208 Barton Springs Road

Austin

AGENDA:

1. Meeting called to order
  2. Roll call
  3. Reading and adoption of minutes of previous meeting
  4. Chairman's report
  5. Committee reports
- A. Actuarial Study Committee
- Discussion and possible action concerning Houston Firefighters Benefit Improvement Discussion of Volunteer Fire Plans
- B. Other committees
6. Executive director's report
  7. Appointment of Nominating Committee for Pension Review Board officers for calendar year 1996

8. Discussion and possible adoption of a procedure for request of Attorney General's opinions by Pension Review Board director

9. Compliance update: George Smith

10. Discussion and possible action on old business

11. Announcements and invitation for audience participation

12. Adjournment—Announce schedule of board meetings

Contact: Lynda Baker, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: October 24, 1995, 8:17 a.m.

TRD-9513647

### Texas State Board of Perfusionists

Monday, November 6, 1995, 8:00 a.m.

Room S-402, the Exchange Building, 8407 Wall Street

Austin

Application Committee

AGENDA:

The committee will discuss and possibly act on: applications PF0107 through PF0220; and set next meeting date.

Contact: Jo Whittenberg, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6751. For ADA assistance, contact Richard Butler at (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: October 23, 1995, 4:00 p.m.

TRD-9513628

Monday, November 6, 1995, 9:30 a.m.

Room S-402, the Exchange Building, 8407 Wall Street

Austin

AGENDA:

The board will discuss and possibly act on: approval of the minutes from the August 18, 1995 meeting; chairman's report; report and discussion from the Application Committee; division director's report; letter received from Jonathan Hornblower; final adoption of proposed amendments to 22 Texas Administrative Code, Chapter 761; continuing education; and set next meeting date.

Contact: Jo Whittenberg, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6751. For ADA assistance, contact Richard Butler at (512) 458-7410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: October 23, 1995, 4:00 p.m.

TRD-9513627

### Texas State Board of Plumbing Examiners

Monday, October 30, 1995, 1:00 p.m.

929 East 41st Street

Austin

Medical Gas Committee

AGENDA:

Possible action on the following items:

- 1) Review and recommend procedures for renewal of medical gas certificates. Procedures to be in place by January, 1996, for renewals by February 1, 1997. A rule change describing the requirements should be drafted. a.) Provide a class by Medical Gas Providers on changes to NFPA. The NFPA meets every three years. The next meeting is November 12, 13, and 14, 1995. The results of the meeting and the changes to NFPA requirements will be published between August and October, 1996. The classes covering these changes would be after that date but a minimum of three months prior to February 1, 1997. These classes would be the same for both journeymen and masters certifications. b.) Review recommended brazing recertification requirements. c.) Review requirements of certified trainers to receive instructions from State Plumbing Board staff on inspecting and approving brazing coupons. d.) Anyone failing the brazing test given at the local testing sites could be retested in Austin by the State Board. 2) Review the changes to the Inspectors Exam that will now cover medical gas inspection. The questions are being added to this exam. 3) Discuss and recommend a rule change for re-certification of medical gas training providers. 4) Review of proposed Plumbing Board rule change adding to 361.7 that the TSBPE shall act as a depository of qualifications for medical gas certification companies. 5) Review notices given to the municipal inspection departments clarifying that they are responsible for medical gas inspection under the present plumbing license law. 6) Review and discuss any other business that shall be presented to the committee.

Contact: Bob Maxwell, 929 East 41st Street, Austin, Texas 78751, (512) 458-2145, Ext. 233.

Filed: October 20, 1995, 3:12 p.m.

TRD-9513547

## Texas Department of Protective and Regulatory Services

Thursday, November 2, 1995, 9:30 a.m.

2355 North Stemmons Freeway, Stemmons Building, 12th Floor, Executive Conference Room

Austin

Texas Board of Protective and Regulatory Services

### AGENDA:

1. Call to order. 2. Executive session. The Texas Board of Protective and Regulatory Services will meet in closed executive session to discuss applicants for the position of executive director pursuant to §551.074 of the Texas Government Code. At the conclusion of the executive session, the board will return to open session to continue with the remainder of the agenda. 3. Training seminar. Staff from the Office of the Attorney General will provide training to board members on the Texas Open Meetings Act and rulemaking pursuant to the Texas Administrative Procedure Act. 4. Adjournment.

Contact: Michael Gee, P.O. Box 149030, Mail Code E-554, Austin, Texas 78714-9030, (512) 438-3645. TRD-9513624.

Filed: October 23, 1995, 4:00 p.m.

TRD-9513624

## Texas State Board of Examiners of Psychologists

Thursday-Friday, November 9-10, 1995, 8:30 a.m.

Wyndham Hotel, 9821 Colonnade Boulevard

San Antonio

### AGENDA:

The board will meet to consider public comments; minutes of the last meeting; a presentation and comments from the Texas Association of School Psychologists, the Association for Professional Psychologists in the Schools, and the University of Texas/Texas A&M University Doctoral School Psychology Programs, and Stephanie Korcheck with the Senate Education Committee; legislative/legal matters; and reports from the chair of the board, the executive director and the following committees: Applications, Budget, Complaint and Enforcement, Continuing Education, Evaluation, Information Technology, NAFTA, Newsletter, Opinion and Tone, Oral Examination, Personnel, Policies and Procedures, Psychological Associate Advisory Committee, Public Information, Reciprocity, Rules,

and Written Examinations. The board will consider agreed board orders for approval; dismissals of allegations for ratification; a proposal for decision on Jerome Mabli, Ph.D. The board will hold a training session by the general counsel on open records, open meetings, committees and verifications; and the board will plan for the next meeting. The board will also hold an executive session to seek legal advice and an executive session to discuss personnel. The board will hold a joint conversation with the Psychological Associate Advisory Committee to the Texas State Board of Examiners of Psychologists with attendees of the Texas Psychological Association convention.

Contact: Rebecca E. Forkner, 9101 Burnet Road, Suite 212, Austin, Texas 78758, (512) 835-2036.

Filed: October 20, 1995, 8:33 a.m.

TRD-9513491

Friday, November 10, 1995, 3:30 p.m.

Wyndham Hotel, 9821 Colonnade Boulevard

San Antonio

Psychological Associate Advisory Committee

### AGENDA:

The Psychological Associate Advisory Committee to the Texas State Board of Examiners of Psychologists will meet to consider public comments, minutes of the last meeting; rules; reports from the chair of the committee, the executive director of the agency and the general counsel of the agency; reports from the following subcommittees: Disciplinary Sanctions, Financial Advisory, Legislative, Legal Issues, Policies and Procedures, Public Information and Relations, Professional/Ethical Standards and Development, Professional Reimbursement Guidelines, Publications and Research, and Supervisory Guidelines; planning for the next Advisory Committee meeting; and to seek legal advice in executive session pursuant to Title 5, Chapter 551, Government Code, §551.071. The committee will hold a joint conversation hour with the Texas State Board of Examiners of Psychologists with attendees of the Texas Psychological Association convention.

Contact: Rebecca E. Forkner, 9101 Burnet Road, Suite 212, Austin, Texas 78758, (512) 835-2036.

Filed: October 20, 1995, 8:33 a.m.

TRD-9513492

## Public Utility Commission of Texas

Monday, November 6, 1995, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

### AGENDA:

A hearing on the merits will be held in Docket Number 14884—Application of Westel, Inc. for a service provider certificate of operating authority. This application was filed on October 18, 1995. Westel, Inc. plans to provide local exchange services including flat rate local exchange service, EAS service, toll restrictions, call control options, tone dialing, customer calling services and caller I.D. on a resale basis. Applicant intends to serve the geographic regions currently served by the following incumbent LECs and hereby incorporates the boundaries of these LECs' exchanges: Southwestern Bell Telephone Company, GTE Southwest, Inc., Central Telephone Company of Texas, United Telephone Company of Texas, Inc., Texas Alltel; Alltel Texas; and Sugarland Telephone Company; Lufkin-Conroe Telephone Exchange, Inc., any other electing local exchange carrier and/or any other local exchange carrier that files a resale tariff available to SPCOAs. Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filings or comments to the commission by November 1, 1995.

Contact: Paula Mueller, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0241.

Filed: October 19, 1995, 1:18 p.m.

TRD-9513469

## Texas Low-Level Radioactive Waste Disposal Authority

Thursday, November 9, 1995, 2:00 p.m.

District Courtroom, Hudspeth County Courthouse

Sierra Blanca

Board of Directors

### AGENDA:

The board will meet to approve minutes of their previous meeting; hear the general manager's report on the year-to-date financial status, be updated on the Texas compact status, discuss proposed rulemaking for historically underutilized businesses, planning and implementation fee, waste disposal fees, and below-ground disposal of low-level radioactive waste; be given status reports on the license application and site access; be briefed on the Department of Transportation's public hearing on the Interstate 10 overpass project, and review the status of agency contracts; hear a report on the community development and county working groups, public information program, and the quality assurance program.

The board will consider the approval of contracts and contract amendments. The board will hear public comments before adjourning.

Contact: Lawrence R. Jacobi, Jr., P.E., 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752, (512) 451-5292.

Filed: October 24, 1995, 8:58 a.m.

TRD-9513651

## Texas Real Estate Commission

Monday, October 30, 1995, 9:30 a.m.

Conference Room 235, TREC Headquarters Office, 1101 Camino La Costa

Austin

Emergency Revised Agenda

AGENDA:

Call to order; minutes of September 22, 1995 commission meeting; staff reports from August 1995; report on ARELLO national meeting; committee reports; adoption of operating budget for fiscal year 1996; discussion of management control audit; comments from visitors; discussion of the following pending rule changes: (a) amendment to 22 TAC §535.61, concerning acceptance of course; (b) amendment to 22 TAC §535.51, concerning general requirements for real estate licensure (application forms) and to §535.208, concerning application for an inspect or (application form); (c) amendment to 22 TAC §537.11 and new §537.43 and §535.44 concerning standard contract forms; discussion and possible final action to adopt repeal of 22 TAC §535.164 concerning disclosure of agency; report of Consumer Information Task Force; discussion and possible action to approve: (a) statutory information on agency in English and English/Spanish versions; (b) brochures on agency for voluntary use by licensees; (c) agency disclosure forms for voluntary use by licensees; discussion of Senate Bill Number 489 and possible action to approve dissemination of related information to licensees; discussion and possible action to adopt letter agreement with the Texas Appraiser Licensing and Certification Board regarding administrative services provided by TREC; discussion and possible action to authorize staff to prepare rule drafts establishing advertising guidelines for rental locators and providing for a waiver of some or all requirements for real estate license applicants licensed within a five-year period prior to the filing of the application; discussion and possible action to designate Don Dudley and Betty Carpenter as custodians of records; executive session to discuss pending litigation pursuant to §551.071, Texas Government Code and actions and

performance of the administrator pursuant to §551.074, Texas Government Code; discussion and possible action to authorize payments from recovery funds; discussion and possible action to approve education providers, courses or instructors; consideration of complaint information concerning Donald M. Fisher; Lee Young Caldwell; Martin Pace Carlson; Terence Lee Holmes; Barbara Jean Pfafflin; Imelda Eloisa Elizondo; Santos Hernandez, Jr. and Mustapha Stephen Zibili; entry of orders in contested cases; scheduling of future meetings.

For ADA assistance, call Nancy Guevremont at (512) 465-3923 at least two days prior to meeting.

Contact: Mark A. Moseley, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3900.

Filed: October 19, 1995, 11:13 a.m.

TRD-9513466

## Texas Residential Property Insurance Market Assistance Program

Tuesday, October 31, 1995, 9:30 a.m.

333 Guadalupe, Rooms 370A and 1264, Tower I

Austin

Executive Committee

AGENDA:

1. Working Group 1 issues (Room 1264)

Eligibility

Criteria for mandatory participation

Monitoring MAP activity

Suggestion for designating underserved areas

Working Group 2 issues (Room 370A)

Participating insurers

Participating agents

Operations

2. General meeting (Room 1264)

Scheduling

Any other general business

Contact: Lyndon Anderson, 333 Guadalupe Street, Austin, Texas 78714, (512) 322-2235.

Filed: October 23, 1995, 2:48 p.m.

TRD-9513610

## Center for Rural Health Initiatives

Tuesday, October 31, 1995, 1:30 p.m.

211 East Seventh Street, First Floor Conference Room

Austin

Executive Committee

AGENDA:

Center for Rural Health Initiatives Executive Committee will meet to discuss and possibly act on: Minutes from May 23, 1995, meeting; executive director's report; briefing on House Bill 2128 (74th Legislature, Regular Session, 1995)-Telecommunications Infrastructure Fund; discussion and approval of proposed rules for Physician Assistant Loan Reimbursement Program; approval of Outstanding Rural Scholar Recognition Program; Advisory Committee members and program update; HealthFind update; Advisory Committee reports; selection of next meeting date; and adjourn.

Contact: Laura Jordan, P.O. Drawer 1708, Austin, Texas 78767, (512) 479-8891.

Filed: October 20, 1995, 3:31 p.m.

TRD-9513549

Tuesday, October 31, 1995, 1:30 p.m.

211 East Seventh Street, Seventh Floor Conference Room

Austin

Executive Committee

AGENDA:

Center for Rural Health Initiatives Executive Committee will meet to discuss and possibly act on: Minutes from May 23, 1995, meeting; Executive director's report; Briefing on House Bill 2128 (74th Texas Legislature, Regular Session 1995)-Telecommunications infrastructure fund; Discussion and approval of proposed rules for physician assistant Loan Reimbursement Program; Approval of Outstanding Rural Scholar Recognition program Advisory Committee members and program update; Healthfind update; Advisory Committee reports; Selection of next meeting date; and adjourn.

Contact: Laura Jordan, P.O. Drawer 1708, Austin, Texas 78767, (512) 479-8891.

Filed: October 23, 1995, 4:49 p.m.

TRD-9513641

## **Sabine River Compact Administration**

Friday, November 3, 1995, 10:00 a.m.  
2501 Seawall Boulevard  
Galveston

### **AGENDA:**

To conduct business as outlined in Article IV of the Sabine River Compact Administration bylaws.

Contact: Herman Settemeyer, 12100 Park 35 Circle, Austin, Texas 78711, (512) 239-4707.

Filed: October 20, 1995, 4:52 p.m.  
TRD-9513563

## **Texas Savings and Loan Department**

Tuesday, November 21, 1995, 9:00 a.m.  
2601 North Lamar Boulevard, Third Floor  
Austin

### **AGENDA:**

The purpose of this meeting (hearing) is to accumulate a record of evidence in regard to the application of First American Bank, SSB, Bryan, Texas to operate a remote service unit at 2565 Sunset Drive, San Angelo, Texas, from which record the commissioner will determine whether to grant or deny the application.

Contact: Teresa Scarborough, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 475-1350.

Filed: October 23, 1995, 8:58 a.m.  
TRD-9513574

## **Board of Tax Professional Examiners**

Wednesday, November 1, 1995, 10:30 a.m.

5717 Balcones Drive, Second Floor Conference Room, Frank Joseph Building, Texas Cosmetology Commission

Austin

### **AGENDA:**

Special called meeting agenda: Call to order, determine the presence of a quorum, executive session: The board may convene in an executive session under the authority of Title 5, Chapter 551, §551.074(a)(2), of the Government Code for the purpose of hearing a complaint or charge against an officer or employee, reconvene open meeting if the board meets in executive session;

any discussion on the matter considered in executive session and adjournment.

Contact: Peter A. Stone, 333 Guadalupe Street, Tower Two, Suite 520, Austin, Texas 78701-3942, (512) 305-7300.

Filed: October 23, 1995, 2:47 p.m.  
TRD-9513607

Wednesday, November 1, 1995, 10:30 a.m.

5717 Balcones Drive, (Second Floor Conference Room), Frank Joseph Building, (Texas Cosmetology Commission)  
Austin

Board of Tax Professional Examiners  
Revised Agenda

### **AGENDA:**

Special called meeting agenda: Call to order, determine the presence of a quorum, executive session: The Board may convene in an executive session under the authority of Title 5, Chapter 551, §551.074(a)(1) and (2) of the Government Code to deliberate the appointment, employment evaluation, reassignment, duties, discipline or dismissal of a public officer or employee and/or to hear a complaint or charge against an officer or employee, to wit: Peter A. Stone, Executive Director. Reconvene Executive Session: if the Board meets in executive session, it will reconvene its open meeting for any discussion and possible action or vote on the matter considered in executive session. Discussion and possible action or vote on County Tax Assessor/Collectors that have failed to register with the Board and adjournment.

Contact: Peter A. Stone, 333 Guadalupe Street, Tower 2, Suite 520, Austin, Texas 78701-3942, (512) 305-7300.

Filed: October 24, 1995, 10:00 a.m.  
TRD-9513673

## **The Texas A&M University System, Board of Regents**

Saturday, October 28, 1995, 9:30 a.m.

Board of Regents Meeting Room, Texas A&M University, Clark Street

College Station

Board of Regents

### **AGENDA:**

The purpose of this special meeting is to name the School of Government and Public Service at Texas A&M University the "George H. W. Bush School of Government and Public Service."

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

Filed: October 23, 1995, 8:14 a.m.

TRD-9513566

## **Texas Southern University**

Thursday, November 3, 1995, 10:00 a.m.  
3100 Cleburne, Hannah Hall, Room 111  
Houston

Personnel, Student Services and Academic Affairs Committee

### **AGENDA:**

Meeting to consider: Progress reports of academic activities and programs; Personnel actions.

Contact: Everett O. Bell, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: October 23, 1995, 4:36 p.m.

TRD-9513639

Friday, November 3, 1995, 1:00 p.m.  
3100 Cleburne, Hannah Hall, Room 111  
Houston

Finance and Buildings and Grounds Committee

### **AGENDA:**

Meeting to consider: Matters relating to financial reporting systems, and budgets; fiscal reports from the administration; investments; contract awards; and informational items.

Contact: Everett O. Bell, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: October 23, 1995, 4:36 p.m.

TRD-9513640

Friday, December 8, 1995, 8:30 a.m.  
3100 Cleburne, Hannah Hall, Room 111  
Houston

Board of Regents

### **AGENDA:**

Meeting to consider: Minutes; Report of the President; Report from Standing Committee; Executive session.

Contact: Everett O. Bell, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: October 23, 1995, 4:36 p.m.

TRD-9513638

## **The University of Texas at Austin**

Tuesday, October 24, 1995, 3:30 p.m.  
21st and San Jacinto Streets, Ex-Students' Association  
Austin

Council for Intercollegiate Athletics for Women

**AGENDA:**

- I. Call to order
- II. Approval of minutes of the previous meetings
- III. Old business
- IV. New business
- V. Announcements/information reports
- VI. Executive session
- VII. Adjournment

Contact: Jody Conratt, Bellmont Hall 718, Austin, Texas 78712-1286, (512) 471-7693.

Filed: October 20, 1995, 10:54 a.m.

TRD-9513517

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**The University of Texas  
Health Center at Tyler  
Animal Research Committee**

Thursday, November 2, 1995, Noon  
Highway 271 at Highway 155, Room 116  
Tyler

Animal Research Committee

**AGENDA:**

- Approval of minutes
- Chairman report
- Veterinarian report
- New business
- Old business
- Adjournment

Contact: Cindy Pessink, P.O. Box 2003, Tyler, Texas 75710, (903) 877-7594.

Filed: October 23, 1995, 3:25 p.m.

TRD-9513622

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**Texas Water Development  
Board**

Sunday, October 29, 1995, 3:00 p.m.  
Hyatt Regency DFW, Room 205, Dallas-Fort Worth Airport

Dallas

**AGENDA:**

The board will meet in a strategic planning session to consider prioritization of policy issues relating to the agency's mission.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: October 20, 1995, 10:01 a.m.

TRD-9513498

Monday, October 30, 1995, 8:30 a.m.  
Hyatt Regency DFW, Room 205, Dallas-Fort Worth Airport.  
Dallas

**AGENDA:**

The board will meet in a strategic planning session to consider prioritization of policy issues relating to the agency's mission.

Contact: Craig D. Pedersen, P.O. Box 13321, Austin, Texas 78711, (512) 463-7847.

Filed: October 20, 1995, 10:01 a.m.

TRD-9513499

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**Texas Workforce Commission**

Monday, October 30, 1995, 10:30 a.m.  
Room 644, TEC Building, 101 East 15th Street  
Austin

**AGENDA:**

Executive session to discuss qualifications and duties of executive director; actions, if any, resulting from executive session; discussion, consideration, and possible action with regard to transfer of programs pursuant to House Bill 1863.

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

Filed: October 19, 1995, 3:42 p.m.

TRD-9513485

Tuesday, October 31, 1995, 9:00 a.m.  
Room 644, TEC Building, 101 East 15th Street  
Austin

**AGENDA:**

Prior meeting notes; Staff reports; Internal procedures of Commission Appeals; Consideration and action on tax liability cases listed on Texas Employment Commission Docket 44; Executive session to discuss qualifications and duties of Executive Director and Lehmann, et al. v. Texas Employment Commission and Walt Baker; Actions, if any, resulting from executive session; Discussion, consideration, and possible action with regard to transfer of programs pursuant to House Bill 1863; Consideration and action on higher level appeals in unemployment compensation cases listed on Texas Employment Commission Docket 44; and Set date of next meeting.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78774, (512) 463-2291.

Filed: October 23, 1995, 4:09 p.m.

TRD-9513632

Thursday, November 2, 1995, 8:30 a.m.  
Room 644, TEC Building, 101 East 15th Street  
Austin

**AGENDA:**

Executive session to discuss qualifications and duties of Executive Director; Actions, if any, resulting from executive session; Discussion, consideration, and possible action with regard to transfer of programs pursuant to House Bill 1863.

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

Filed: October 23, 1995, 4:09 p.m.

TRD-9513630

Monday, November 6, 1995, 10:30 a.m.  
Room 644, TEC Building, 101 East 15th Street  
Austin

**AGENDA:**

Executive session to discuss qualifications and duties of executive director; Actions, if any, resulting from executive session; Discussion, consideration, and possible action with regard to transfer of programs pursuant to House Bill 1863.

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

Filed: October 23, 1995, 4:09 p.m.

TRD-9513631

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**Texas Council on Workforce  
and Economic Competitiveness**

Wednesday, October 25, 1995, 10:30 a.m.  
Omni Hotel, Ballroom A, 700 San Jacinto  
Austin

Full Council

Revised Agenda

**AGENDA:**

NOTE: Only the location has changed, the agenda remains the same

10:30 a.m.-Call to order, introductions, opening remarks by chair, introduction of Governor's office representative; 11:00 a.m.-Building a system for educating and training the Texas Workforce; 12:00 p.m.-Overview of authorizing Legislation and council responsibilities/House Bill 1863 and SB642; 12:30 p.m.-Lunch; 1:30 p.m.-Continuation of authorizing Legislation and council responsibilities/House Bill 1863 and

SB 642; 2:00 p.m.-Council's role in local delivery system and Workforce Development Boards; 3:00 p.m.-Federal Legislative update; 3:15 p.m.-Break; 3:45 p.m.-Legislative intent for a State/Local Workforce Development system; 4:15 p.m.-Performance and evaluation system; 4:45 p.m.-Vocational education and school-to-work; 5:15 p.m.-One-stop career center grant; 5:45 p.m.-Procedural Information and Proposed Committee structure; 6:00 p.m.-adjourn.

Notice: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, or persons who need assistance in having English translated into Spanish, should contact Val Blaschke, (512) 912-7158 (or Relay Texas 800-735-2988), at least two days before this meeting so that appropriate arrangements can be made.

Contact: Val Blaschke, P.O. Box 2241, Austin, Texas 78768, (512) 912-7158.

Filed: October 23, 1995, 4:03 p.m.

TRD-9513629

## Regional Meetings

### Meetings Filed October 19, 1995

The Bosque County Central Appraisal District Board of Directors met at 202 South Highway 6, Meridian, October 26, 1995, at 7:00 p.m. Information may be obtained from Janice Henry, P.O. Box 393, Meridian, Texas 76665-0393, (817) 435-2304. TRD-9513487.

The Bosque Higher Education Authority, Inc. Board of Directors met in the Cypress Room, Brazos Club of Waco, 510 North Valley Mills Drive, Waco, October 25, 1995, at 11:30 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9513462.

The Brazos Educational Assistance, Inc. (formerly Lavaca Higher Education Authority) Board of Directors met in the Cypress Room, Brazos Club of Waco, 510 North Valley Mills Drive, Waco, October 25, 1995, at 11:45 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9513465.

The Brazos Higher Education Authority, Inc. Board of Directors met in the Cypress Room, Brazos Club of Waco, 510 North Valley Mills Drive, Waco, October 25, 1995, at 11:15 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9513461.

The Brazos Higher Education Service Corporation, Inc. Board of Directors met in the Cypress Room, Brazos Club of Waco, 510 North Valley Mills Drive, Waco, October 25, 1995, at 12:15 p.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9513463.

The Brazos Student Finance Corporation Board of Directors met in the Cypress Room, Brazos Club of Waco, 510 North Valley Mills Drive, Waco, October 25, 1995, at 11:00 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9513459.

The Central Counties Center for MHMR Services (Revised Agenda.) Board of Trustees met at 117 North Rice, Hamilton, October 26, 1995, at 7:00 p.m. Information may be obtained from Eldon Tietje, 304 South 22nd Street, Temple, Texas 76501, (817) 778-4841, Ext. 301. TRD-9513481.

The Central Counties Center for MHMR Services (Revised Agenda.) Board of Trustees met at the Pecan Creek Inn, 117 North Rice, Hamilton, October 26, 1995, at 7:00 p.m. Information may be obtained from Eldon Tietje, 304 South 22nd Street, Temple, Texas 76501, (817) 778-4841, Ext. 301. TRD-9513467.

The Central Texas Council of Governments Executive Committee met at 201 East Avenue D, Killeen, October 26, 1995, at 2:00 p.m. Information may be obtained from A. C. Johnson, P.O. Box 729, Belton, Texas 76513, (817) 939-1801. TRD-9513479.

The Education Service Center, Region VIII Board of Directors met at the Hot Biscuit Restaurant, 2502 West Ferguson, Mt. Pleasant, October 26, 1995, at 6:30 p.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75456, (903) 572-8551. TRD-9513457.

The Middle Rio Grande Development Council Texas Review and Comment System met in the Sage Room, Holiday Inn, 920 East Main Street, Uvalde, October 25, 1995, at 3:00 p.m. Information may be obtained from Erma Alejandro, 209 North Getty Street, Uvalde, Texas 78801, (210) 278-4151, Ext. 10, Fax: (210) 278-2929. TRD-9513477.

The Texas Panhandle Mental Health Authority Board of Trustees, TPMHA met at 7201 I-40 West, Second Floor, Amarillo, October 26, 1995, at 10:30 a.m. Information may be obtained from Shirley Hollis, P.O. Box 3250, Amarillo, Texas 79116-3250, (806) 353-3699, Fax: (806) 353-9537. TRD-9513456.

The Pecan Valley MHMR Region (Revised Agenda.) Board of Trustees met at 104 Pirate Drive, Granbury, October 25, 1995, at 8:30 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806. TRD-9513455.

The Pecos Higher Education Authority, Inc. Board of Directors met in the Cypress Room, Brazos Club of Waco, 510 North Valley Mills Drive, Waco, October 25, 1995, at 12:30 p.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9513464.

The Sharon Water Supply Corporation Board of Directors met at the office of Sharon Water Supply Corporation, Route 5, Box 50361, Winnsboro, October 23, 1995, at 7:00 p.m. Information may be obtained from Gerald Brewer, Route 5, Box 50361, Winnsboro, Texas 75494, (903) 342-3525. TRD-9513476.

The Trinity Higher Education Authority, Inc. Board of Directors met in the Cypress Room, Brazos Club of Waco, 510 North Valley Mills Drive, Waco, October 25, 1995, at Noon. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9513460.

The West Central Texas Council of Governments (Revised Agenda.) Executive Committee met at 1025 East North Tenth Street, Abilene, October 25, 1995, at 12:45 p.m. Information may be obtained from Brad Helbert, 1025 East North Tenth Street, Abilene, Texas 79601, (915) 672-8544. TRD-9513480.

### Meetings Filed October 20, 1995

The Alamo Area Council of Governments Rural Area Judges-9-1-1 Committee met at 118 Broadway, Suite 400, San Antonio, October 25, 1995, at 10:30 a.m. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9513511.

The Alamo Area Council of Governments Rural Area Judges met at 118 Broadway, Suite 400, San Antonio, October 25, 1995, at 11:30 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9513510.

The Alamo Area Council of Governments Rural Area Judges met at 118 Broadway, Suite 400, San Antonio, October 25, 1995, at 11:30 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9513555.

**The Alamo Area Council of Governments** Board of Directors met at 118 Broadway, Suite 400, San Antonio, October 25, 1995, at 1:00 p.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9513509.

**The Austin-Travis County MHMR Center** Finance and Control Committee met at 1430 Collier Street, Austin, October 24, 1995, at Noon. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9513518.

**The Brazos Valley MHMR Authority** Board of Trustees met at 804 Texas Avenue, Bryan, October 26, 1995, at 1:00 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467. TRD-9513515.

**The Central Texas Economic Development District** Executive Committee will meet at the Heitmiller Steak House, IH-35 South, Elm Mott, November 9, 1995, at 11:00 a.m. Information may be obtained from Bruce Gaines, P.O. Box 154118, Waco, Texas 76715, (817) 799-0258. TRD-9513494.

**The Dallas Area Rapid Transit Audit** Committee met in Conference Room B, 1401 Pacific Avenue, Dallas, October 24, 1995, at 11:00 a.m. Information may be obtained from Paula J. Bailey, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3256. TRD-9513540.

**The Dallas Area Rapid Transit Committee-of-the-Whole** met in Conference Room C, 1401 Pacific Avenue, Dallas, October 24, 1995, at 1:00 p.m. Information may be obtained from Paula J. Bailey, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3256. TRD-9513542.

**The Dallas Area Rapid Transit Board** met in the Board Room First Floor, 1401 Pacific Avenue, Dallas, October 24, 1995, at 6:30 p.m.. Information may be obtained from Paula J. Bailey, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3256. TRD-9513541.

**The Education Service Center, Region III (Revised Agenda.)** met at 1905 Leary Lane, Victoria, October 23, 1995, at 1:30 p.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731. TRD-9513497.

**The Golden Crescent Private Industry Council** met at 2401 Houston Highway, October 25, 1995, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9513538.

**The Heart of Texas Region MHMR Center** Board of Trustees met at 110 South 12th

Street, Waco, October 25, 1995, at 11:45 a.m. Information may be obtained from Helen Jasso, P.O. Box 890, Waco, Texas 76703, (817) 752-3451, Ext. 290. TRD-9513496.

**The Houston-Galveston Area Council** Area Emissions Reduction Credit Organization (AERCO) will meet at 3555 Timmons Lane, Conference Room B, Second Floor, Houston, October 27, 1995, at 9:00 a.m. Information may be obtained from Cynthia Marquez, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9513489.

**The Kendall Appraisal District** Board of Directors met at 121 South Main Street, Boerne, October 25, 1995, at 5:30 p.m. Information may be obtained from Mick Mikulenka or Helen Tamayo, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax: (210) 249-3975. TRD-9513493.

**The Manville Water Supply Corporation** Board met at Spur 277, Board Room, Coupland, October 24, 1995, at 7:00 p.m. Information may be obtained from Tony Graf, P.O. Box 248, Coupland, Texas 78615, (512) 272-4044. TRD-9513534.

**The North Texas Regional Library System** Board of Directors met at 1111 Foch Street, Fort Worth, October 26, 1995, at 1:30 p.m. Information may be obtained from Reba Scot, 1111 Foch Street, Suite 100, Fort Worth, Texas 76107, (817) 335-6076. TRD-9513537.

**The Northeast Texas Rural Rail Transportation District** Board met at 2821 Washington Street, Greenville, October 26, 1995, at 3:00 p.m. Information may be obtained from Sue Harting, P.O. Box 306, Commerce, Texas 75428, (903) 450-0140. TRD-9513554.

**The Permian Basin Regional Planning Commission** Board of Directors Permian Basin Private Industry Council met at 2910 LaForce Boulevard, Midland, October 25, 1995, at 10:00 a.m. Information may be obtained from Carole Burrow, P.O. Box 60660, Midland, Texas 79711-0660, (915) 563-1061. TRD-9513490.

**The Riceland Regional Mental Health Authority** Board of Trustees Finance Committee met at 3007 North Richmond Road, Wharton, October 26, 1995, at 10:30 a.m. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9513512.

**The Riceland Regional Mental Health Authority** Board of Trustees Joint Hospital Committee met at 3007 North Richmond Road, Wharton, October 26, 1995, at 10:30 a.m. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9513514.

**The Riceland Regional Mental Health Authority** Board of Trustees met at 3007 North Richmond Road, Wharton, October 26, 1995, at Noon. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9513513.

**The Upper Leon River Municipal Water District** Board of Directors met at the General Office, located off of FM 2861, Lake Proctor Dam, Comanche, October 24, 1995, at 6:30 p.m. Information may be obtained from Gary D. Lacy, P.O. Box 67, Comanche, Texas 76442, (817) 879-2258. TRD-9513548.

**The Wood County Appraisal District** Board of Directors met at 210 Clark Street, Quitman, October 26, 1995, at 1:30 p.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 518, Quitman, Texas 75783-0518, (903) 763-4891. TRD-9513553.

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**Meetings Filed October 23,  
1995**

**The Ark-Tex Council of Governments** met at 301 West First Street, Mt. Pleasant, October 26, 1995, at 5:30 p.m. Information may be obtained from Becky Borgeson, P.O. Box 5307, Texarkana, Texas 75505, (903) 832-8636. TRD-9513635.

**The Austin Travis County MHMR Center** Executive Committee met at 1430 Collier Street, Board Room, Austin, October 26, 1995, at 4:15 p.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78762, (512) 447-4141. TRD-9513633.

**The Austin-Travis County MHMR Center** Board of Trustees met at 1430 Collier Street, Board Room, Austin, October 26, 1995, at 5:00 p.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9513573.

**The Central Plains Center for MHMR and SA** Board of Trustees met at 208 South Columbia, Plainview, October 26, 1995, at 6:00 p.m. Information may be obtained from Janet L. Dollins, 2700 Yonkers, Plainview, Texas 79072, (806) 293-2636. TRD-9513598.

**The Central Texas Quality Work Force Planning Committee** Full Committee will meet at the Bell County Expo Center, 301 West Loop 121 at I-35, Belton, November 1, 1995, at 11:00 a.m. Information may be obtained from Wanda L. Williams, 102 East Central Avenue, Suite 300, Temple, Texas 76501, (817) 771-2555, Ext. 414. TRD-9513588.

**The Dallas Area Rapid Transit Board** of Directors Retreat will meet at Garrett Creek

Ranch, Route 2, Box 235, Paradise, October 27-28, 1995, at 9:00 a.m. Information may be obtained from Paula J. Bailey, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3256. TRD-9513643.

**The Dallas Area Rapid Transit Reconvening-Transit System Plan Task Force** will meet at Garrett Creek Ranch, Route 2, Box 235, Paradise, October 27, 1995, at Noon. Information may be obtained from Paula J. Bailey, P. O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3256. TRD-9513642.

**The Education Service Center, Region XVI (Revised Agenda.)** Board of Directors will meet at the Region XVI ESC, 1601 South Cleveland, Board Room, Amarillo, October 27, 1995, at 1:00 p.m. Information may be obtained from Darrell L. Garrison, Ed.D., P.O. Box 30600, Amarillo, Texas 79120, (806) 376-5521. TRD-9513596.

**The Education Service Center, Region XVI (Revised Agenda.)** Board of Directors will meet at the Region XVI ESC, 1601 South Cleveland, Board Room, Amarillo, October 27, 1995, at 1:00 p.m. Information may be obtained from Darrell L. Garrison, Ed.D., P.O. Box 30600, Amarillo, Texas 79120, (806) 376-5521. TRD-9513597.

**The Harris County Appraisal District** will meet at 2800 North Loop West, Eighth Floor, Houston, October 27, 1995, at 8:00

a.m. Information may be obtained from 2800 North Loop West, Houston, Texas 77092, (713) 957-5222. TRD-9513568.

**The Leon County Central Appraisal District (Emergency Meeting.)** Board of Directors met at 103 North Commerce, corner of Highway 7 and 75, Gresham Building, Centerville, October 23, 1995, at 7:30 p.m. (Reason for emergency: Faxed meeting notice last October 19, 1995--notification not received October 23, 1995--resubmitted; not able to reach board members.) Information may be obtained from Jeff Beshears, P.O. Box 536, Centerville, Texas 75833-0536, (903) 536-2252. TRD-9513587.

**The Lower Rio Grande Valley Development Council** Board of Directors will meet at the South Padre Island Convention Center, 7355 Padre Boulevard, South Padre Island, October 31, 1995, at 1:30 p.m. Information may be obtained from Kenneth N. Jones, Jr. or Anna M. Hernandez, 4900 North 23rd Street, McAllen, Texas 78504, (210) 682-3481. TRD-9513606.

**The Martin County Appraisal District MCAD-Board of Directors** will meet at 308 North St. Peter, Stanton, October 30, 1995, at 7:00 p.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823. TRD-9513590.

**The North Central Texas Council of Governments Private Industry Council** will

meet at Centerpoint Two, 616 Six Flags Drive, Second Floor, Arlington, November 2, 1995, at 10:00 a.m. Information may be obtained from Cassandra J. Vines, P.O. Box 5888, Arlington, Texas 76005-5888, (817) 695-9176. TRD-9513591.

**The Permian Basin Regional Planning Commission (Revised Agenda.)** Board of Directors, Permian Basin Private Industry Council met at 2910 LaForce Boulevard, Midland, October 25, 1995, at 10:00 a.m. Information may be obtained from Carole Burrow, P.O. Box 60660, Midland, Texas 79711-0660, (915) 563-1061. TRD-9513581.

**The Wood County Appraisal District Appraisal Review Board** will meet at 210 Clark Street, Quitman, October 27, 1995, at 9:00 a.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 518, Quitman, Texas 75783-0518, (903) 763-4891. TRD-9513634.

**Meetings Filed October 23, 1995**

**The Tarrant Appraisal District Tarrant Appraisal Review Board** will meet at 2329 Gravel Road, Fort Worth, November 8, 9, 15, 16, 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-9513670.



# 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.

## Comptroller of Public Accounts Notice of Consultant Contract Amendment

In accordance with the provisions of the Texas Government Code, Chapter 2254, Subchapter B, the Comptroller of Public Accounts (Comptroller) announces this notice of consultant contract amendment.

The contract was awarded to Empirical Management Services, Inc., 8323 Southwest Freeway, Suite 510, Houston, Texas 77074-1609. The consultant contract award was published in the September 15, 1995, issue of the *Texas Register* (20 TexReg 7397).

The amendment provides that the consultant will perform telephone surveys of teachers relating to the management and performance review of the Tyler Independent School District in addition to the survey tasks already required by the contract. The additional work will be conducted during the period of October 30-December 15, 1995 for a cost not to exceed \$6,000.

The total dollar value of the contract as amended is not to exceed \$130,986 in the aggregate. The amendment was

executed October 20, 1995. Empirical Management Services, Inc., is to assist the Comptroller in preparing a final report which will be made public on or about February 15, 1996.

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

TRD-9513575 Arthur F. Lorton  
Senior Legal Counsel  
Comptroller of Public Accounts

Filed: October 23, 1995

## Office of Consumer Credit Commissioner

### Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Title 79, Texas Civil Statutes, Articles 1.04 and 1.05, as amended (Texas Civil Statutes, Articles 5069-1.04 and 1.05).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u>	<u>Commercial(2) over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	10/23/95-10/29/95	18.00%	18.00%
Judgment Rate - Art. 1.05, Section 2	11/01/95-11/30/95	10.00%	10.00%

(1) Credit for personal, family or household use. (2) Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on October 16, 1995.

TRD-9513392 Leslie L. Pettijohn  
Commissioner  
Office of Consumer Credit Commissioner

Filed: October 18, 1995

## Texas Ethics Commission

### Texas Ethics Commission List of Late Filers

Listed are the names of filers from the Texas Ethics Commission who did not file reports, filed late reports, or failed to pay penalty fines for late reports in reference to the listed filing deadline. If you have any questions, you may contact Kristin Newkirk at (512) 463-5800 or (800) 325-8506.

Deadline: Monthly Lobby Activities Report, Due July 10, 1995:

Richard "Rick" Alvarez, P.O. Box 720121, McAllen, Texas 78504; Pauline A. Cashion, 905 D West Oltorf,

Austin, Texas 78704 ; Tol S. Higginbotham, IV , P.O. Box 13052 , Austin, Texas 78711 .

Deadline: Candidate/Officeholder Semi-Annual Report of Contributions and Expenditures, Due July 17, 1995:

Alfred Adask , 9794 Forest Lane, Suite 159 , Dallas, Texas 75243 ; Kathleen Ballanfant , 4153 Lanark , Houston, Texas 77025 ; Katus Blakey , P.O. Box 530903 , Harlingen, Texas 78553 ; The Honorable Kevin Brady , 1400 Woodloch Forest Drive, Suite 590 , The Woodlands, Texas 77380 ; Theldon R. Branch, III , 2832 South Bartell, Suite D-9 , Houston, Texas 77054 ; Robin Collins , 5108 Camino de la Vista , El Paso, Texas 79932 ; Ted Coulter , 4002 Misty Glade , San Antonio, Texas 78247 ; Richard N. Draheim, Jr. , 275 Henry M. Chandler , Rockwall, Texas 75087 ; Deborah Dunsinger , 450 El Dorado, Suite 1303 , Webster, Texas 77598 ; William M. Eastland , P.O. Box 13162 , Arlington, Texas 76094-0162 ; The Honorable Yolanda N. Flores , 4801 Irvington Boulevard , Houston, Texas 77009 ; Victoria Frayser , 3901 Ascot Lane , Houston, Texas 77092 ; Benny Frazier , 911 Haltown , San Antonio, Texas 78213 ; Mario Garcia , 735 West Tenth, Mercedes, Texas 78570 ; Franklin Glasco , 2100 West Loop South, Suite 800 , Houston, Texas 77027 ; Joe L. Granado , 8923 Cartagena Place , Dallas, Texas 75228 ; The Honorable Samuel W. Hudson, III , 2606 MLK Boulevard, Suite 202 , Dallas, Texas 75215-2309 ; The Honorable Elizabeth C. Jandt , 112 North Austin Street, Seguin, Texas 78155 ; Cynthia Jenkins , P.O. Box 65, Stowell, Texas 77661 ; Harry E. Johnson, Sr. , 9606 Running Bird Lane , Missouri City, Texas 77489 ; The Honorable Glenn O. Lewis , 4732 East Lancaster , Fort Worth, Texas 77327 ; The Honorable Mike Martin , 5 Cadena Court, Galveston, Texas 77554 ; Gerard D. Martinez , 421 Robert E. Lee , San Antonio, Texas 78234 ; William E. Muirhead , 158 Countrywood Estates, Cleveland, Texas 77327 ; Linette Ovard , 701 East Shady Grove Road, Irving, Texas 75060-6024 ; Manuel M. Ponce , 4911 Droddy , Houston, Texas 77091-4517 ; Brian A. Quintero , 809 Milwaukee Street , Houston, Texas 77009 ; Fernando R. Ramirez , 2735 Lakeshore Drive, Port Arthur, Texas 77640 ; J. Ray Riley , 1401 East Beach Drive, Galveston, Texas 77550 ; Bonnie J. Schomp , 10805 Quail Circle , Oklahoma City, Oklahoma 73120 ; The Honorable Heriberto Silva , P.O. Box 249 , Garciville, Texas 78547 ; Victor Smith , 1423 West Red Bird Lane , Dallas, Texas 75232 ; Philip A. Thompson , 2369 Benrus Boulevard, Suite 16 , San Antonio, Texas 78228 ; Craig Tounget , P.O. Box 5171 , Lubbock, Texas 79424 ; Juan R. Vega , 1020 Martin , McAllen, Texas 78504 ; Lunita White , 2918 Morgan Drive, Dallas, Texas 75261 ; Harold W. Wilcox, Sr. , P.O. Box 112132 , Houston, Texas 77293 ; The Honorable Ron Wilson , 5039 Reed Road, Houston, Texas 77033 ; Elizabeth Zermeno , 1023 Hoffman , Houston, Texas 77020 .

Deadline: General Purpose PAC Semi-Annual Report of Contributions and Expenditures due July 17, 1995:

Doris M. Hubbard , Acres Homes Community Relations Club , 1925 Dewalt Street, Houston, Texas 77088 ; David W. Wylie , Arlington Republican Club PWR PAC , P.O. Box 13162 , Arlington, Texas 76094 ; Darwin McKee , Central Texas PAC Centre Development , P.O. Box 2513 , Austin, Texas 78758-2513 ; Johnny Atkinson , Committee for Better Education , P.O. Box 612 , Goodrich, Texas 77335 ; Juan A. Sendejar , Corpus Christi Fire Fighters

COPE , 4729 Sierra Blanca , Corpus Christi, Texas 78413 ; J. R. Tyson , DOG PAC , 101 East Sealy , Alvin, Texas 77511 ; Enrique M. Barrera , Edgewood PAC , 6435 Buena Vista , San Antonio, Texas 78237 ; Alfred Adask , Equity Under All Law , 9794 Forest Lane, Suite 159 , Dallas, Texas 75243 ; William M. Eastland , Free Republican Caucus , P.O. Box 13162 , Arlington, Texas 76094-0162 ; Ramon Vela , Harlingen Police Association PAC , 302 East Jackson, Suite 104 , Harlingen, Texas 78550 ; John E. Castillo , Hispanic Vote, 92 6716 Fairfield Drive, Houston, Texas 77023 ; Doris M. Hubbard , Houston Black American Democrats PAC , 1925 Dewalt Street, Houston, Texas 77088 ; Sherry Griffith , Houston Heights PAC , 626 Al Gregg , Houston, Texas 77008 ; James H. LeBlanc , Jefferson County Association of Deputy Sheriffs and Correction Officers , P.O. Box 2008 , Beaumont, Texas 77704 ; Dayna D. Cummings , Johnson County Republican Women's PAC , 815 Woodard Avenue, Suite 1922 , Cleburne, Texas 76031 ; Kelly Kope , Libertarian Party of Texas Campaign Fund , 8717 Southwestern, Suite 261 , Dallas, Texas 75206 ; Barbara Wohlgemuth , Mainstream Austin Coalition , 1615 West Sixth Street , Austin, Texas 78703 ; Vidal G. De Leon , McLennan County Mexican Americans For Better Government PAC , 16619 Baylor Avenue, Waco, Texas 76706 ; Winston L. Watson , PSI PAC , 510 East 22nd Street, Lombard, Illinois 60148 ; H. J. Johnson , Pleasant Wood Pleasant Grove PAC , P.O. Box 150508 , Dallas, Texas 75305-0408 ; Sylvia Meyer , State Employees Political and Educational Fund , 2700 South First Street , Austin, Texas 78704-5454 ; Pat Stevens , South Denton County PAC , 2025 Aspen Drive, Highland Village, Texas 75067 ; William Eastland , Texans For Freedom , P.O. Box 13162 , Arlington, Texas 76094-0162 ; George Boehme , Texans For Jobs , 3005 Robinhood , Houston, Texas 77005 ; Pasco Parker , Texas Association of County Auditors PAC , 210 South McDonald, McKinney, Texas 75069 ; Todd Main , Texas Citizen Action PAC , 3625 Manchaca, Suite 202 , Austin, Texas 78703 ; Billy Roberts, Texas Coalition of Black Mayors , P.O. Box 96 , Cuneo, Texas 75759 ; Brad Beers , Texas People Against Crime , 4727 Devon , Houston, Texas 77027 ; Sandra Haverlah , Texas Populist Alliance PAC , 4702 Avenue H , Austin, Texas 78751 ; Mary Ann Neely , Texas Vote Environment Clean Water Action , 815 Brazos, Suite 604 , Austin, Texas 78701 ; The Honorable Melissa B. Romine , Taylor County Democratic PAC (CEC) , 3005 Robinhood , Houston, Texas 77005 .

Deadline: Specific Purpose PAC Semi-Annual Report of Contributions and Expenditures, Due July 17, 1995:

Joe P. Barnett , Citizens For Honesty In Taxation , P.O. Box 13162 , Arlington, Texas 76094 ; Karen Johnson , Committee To Elect Harry E. Johnson , 8606 Running Bird Lane, Missouri City, Texas 77489 ; Laura Cervantes , Equal Justice For All Committee , 218 Lively , San Antonio, Texas 78213 ; Roosevelt Sutton , Free 95-Supports Curtis Faulkner , 2813 Farrell Lane , Fort Worth, Texas 76119 ; Joe P. Barnett , Independent Committee Supporting John B. Hawley for Supreme Court, Place 1 , P.O. Box 13162 , Arlington, Texas 76094 ; T. Mitchell Gibson , Mary Perkins Election Committee , 125 House Street , Lufkin, Texas 75901 ; William E. Muirhead , Muirhead Election Committee , 158 Countrywood Estate , Cleveland, Texas 77327 ; William M. Eastland , Texans For Freedom in Education , P.O. Box 13162 , Arlington, Texas 76094-0162 .

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

TRD-9513564

Lucia Dodson  
Executive Assistant  
Texas Ethics Commission

Filed: October 20, 1995

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**Texas Department of Health**

**Early and Periodic Screening, Diagnosis  
and Treatment (EPSDT) Program,  
Public Health Region 2/3, Request s  
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 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 or more EPSDT program contractor(s) for services in five specific areas in Public Health Region 2/3. The geographic areas are delineated in RFP packet.

**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 December 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 Monday, November 27, 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 packet, 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 October 20, 1995.

TRD-9513536

Susan K. Steeg  
General Counsel  
Texas Department of Health

Filed: October 20, 1995

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**Texas Higher Education Coordinating  
Board**

**Request for Proposals**

Approximately \$3 million will be available in 1996-1997 for financial assistance to help K-12 teachers and other staff gain access to professional development in mathematics and science.

Funds will be competitively distributed in Texas under Title II (Dwight D. Eisenhower Professional Development Program) of the Improving America's Schools Act of 1994. Begun in 1985 as Title II of the Education for Economic Security Act (EESA), the Eisenhower Professional Development Program is designed to support training and retraining of elementary and secondary teachers and other staff in mathematics and science. Proposals for funding must be submitted by February 26, 1996 to the Texas Higher Education Coordinating Board. Applications are available November 1, 1995.

The Board will approve recommendations for awards at its April 18-19, 1996 meeting. Projects are funded under this application for 17 months and must be completed by September 30, 1997. All public and private colleges and universities, and non-profit organizations of proven effectiveness in educating mathematics and science teachers are eligible to apply for grants under the Dwight D. Eisenhower Professional Development Program.

For more information, contact Nan Broussard at (512) 483-6318.

Issued in Austin, Texas, on October 17, 1995.

TRD-9513453

James McWhorter  
Assistant Commissioner for Administration  
Texas Higher Education Coordinating Board

Filed: October 19, 1995

◆ ◆ ◆  
**Texas Department of Housing and  
Community Affairs**

**1996 State of Texas Consolidated Plan  
Summary and Notice of Public  
Comment Period**

The Consolidated Plan is a requirement of the United States Department of Housing and Urban Development (HUD). The State of Texas is required to submit this plan in order to receive funding for the 1996 Community Development Block Grant (CDBG) Program, the Home Investment Partnerships (HOME) Program, the Emergency Shelter Grants (ESG) Program and the Housing Opportunities for Persons with AIDS (HOPWA) Program.

The Texas Department Housing and Community Affairs (TDHCA) which administers the State of Texas' CDBG,

HOME, and ESG programs is the lead agency responsible for overseeing the development of the Consolidated Plan. The Texas Department of Health, which administers the State of Texas' HOPWA program, has worked closely with TDHCA in the development of this Plan.

**Contents** The 1996 State of Texas Consolidated Plan includes the following major elements:

an assessment of housing and homeless needs in Texas;

an analysis of the state's housing markets;

a strategic plan that identifies priorities, goals and specific objectives for housing and community development activities;

and an action plan that describes the State's method for distributing Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), Emergency Shelter Grants (ESG), and Housing Opportunities for Persons With AIDS (HOPWA) program funds to address the priority needs, goals, and specific objectives identified in the strategic plan.

**Citizen Participation** Public hearings announcing the preparation of the Consolidated Plan were held statewide in the month of March 1995. In addition, public hearings to receive comments on the Consolidated Plan draft will be held in five regions of the state: in the west, on Wednesday, November 1, at 6:30 p.m., Rio Vista Community Center, 901 North Rio Vista, Socorro; contact Tina Jones (915) 858-2915 or Demetrio Jimenez (915) 543-6368. In the north, on Thursday, November 2 at 1:30 p.m., South Plains COG Board Room, 1323 58th Street, Lubbock; contact Julie Ryan (806) 762-8721 or Nancy Banuelos (806) 762-8721. In central Texas, on Tuesday, November 7 at 1:30 p.m., State Capitol Extension, Auditorium, (parking at NE corner of 15th Street and Congress Avenue), Austin; contact David Holmes (512) 463-0070. In the east, on Wednesday, November 8, at 1:30 p.m., City of Lufkin Council Chambers, City Hall, Room 102, 300 East Shepherd Avenue, Lufkin; contact Nellie Mathews (409) 633-0211. In the south, on Thursday, November 9, at 6:30 p.m., Los Fresnos Community Center, 204 North Brazil, Los Fresnos; contact Don Badeaux (210) 233-5768.

The Consolidated Plan Draft was developed through a collaborative process. An external advisory committee was formed to provide recommendations in the preparation of the plan. Representation on the advisory committee was diverse and included representatives from local governments, nonprofit organizations, housing developers, public housing authorities, state and local health and human service agencies, state universities, and advocacy organizations. The advisory committee met on a monthly basis to discuss issues covered in the Consolidated Plan.

An internal steering committee made up of program representatives, a legal counsel, an advisor from internal audit, and an advisor from compliance and monitoring met on a weekly basis to guide the preparation of the plan and to provide progress reports and presentations to the advisory committee.

In addition to the committee meetings, TDHCA distributed a comprehensive Housing and Community Development Needs Survey to all cities and counties in the state and a wide range of housing and health and human services providers; a total of around 3,500 surveys were mailed. The surveys were used to guide discussions within the two committees and to help determine the prioritization of

housing and community development needs. A response rate of 46.8% was achieved for the survey.

**Draft of the Consolidated Plan Available; Public Comment Welcomed** Draft copies of The 1996 Texas Consolidated Plan are available for inspection during the public comment period that runs from October 27 to November 30, 1995. These copies may be viewed during normal business hours at the following locations throughout the state:

**Abilene:** West Central Texas COG, 1025 East North Tenth; contact Jim Compton (915) 672-8544.

**Alpine:** Sul Ross State University, Bryan Wildenthal Memorial Library; Circulation Desk; contact Sherry Williams (915) 837-8417.

**Amarillo:** Panhandle Regional Planning Commission, 2736 West 10th Street; contact Courtney Sharp (806) 372-3381.

**Arlington:** North Central Texas COG, 616 Fifth Flacis, Suite 200; contact Joanne Jackson (817) 640-3300.

**Austin:** Texas State Library, 1201 Brazos, Reading Room 300; contact Diana Houston (512) 463-5426.

**Austin:** Capital Area Planning Council, 2520 IH 35 South, Suite 100; contact Lee Cain (512) 443-7653.

**Baytown:** Lee College Library, 511 South Whiting Street; (713) 425-6497.

**Belton:** Central Texas COG, 100 South East Street; contact Alyse Flannary (817) 939-1803.

**Brownsville:** University of Texas Pan American, Serials Department, 1825 May Street; contact Eva Jerez (210) 982-0295.

**Brownwood:** Howard Payne University, Walker Memorial Library, 1000 Fisk Avenue; contact Nancy Anderson (915) 649-8610.

**Bryan:** Brazos Valley Development Council, 1706 East 29th Street; contact: Robert Grisham (409) 775-4244.

**Canyon:** West Texas A&M University Library, Cornette Library, Documents Department; contact Bennett Pomsford (806) 656-2204.

**Carrizo Springs:** Middle Rio Grande Development Council, 1904 North First Street; contact Anne Vaughn (210) 876-3533.

**College Station:** Texas A&M University, Sterling C. Evans Library, Reference Department; contact Julia Rholes (409) 815-8111.

**Commerce:** East Texas State University, James Gilliam Gee Library, Government Documents; (903) 886-5726.

**Corpus Christi:** Coastal Bend COG, 2910 Leopard Street; contact Richard Bullock (512) 883-5743.

**Corsicana:** Navarro College, Learning Resource Center, 3200 West Seventh Avenue; contact Jorene Helms (903) 874-6501.

**Dallas:** Dallas Public Library, Government Publications Division, 1515 Young Street; contact Kathy Cottage (214) 670-1468.

**Denton:** University of North Texas Willis Library, 1500 Highland; contact Doris Chipman (817) 565-2413.

**Edinburg:** University of Texas Pan American at Edinburg Library, Government Documents Division, Reserve Desk,

1201 West University Drive; contact David Mizener (512) 381-3304.

El Paso: Rio Grande COG, 1100 North Stanton, Suite 610; contact Justin Ormsby (915) 533-0998.

Fort Worth: Fort Worth Public Library, Reference Department, 300 Taylor Street; (817) 871-7701.

Galveston: Rosenberg Public Library, Reference Section, 2310 Sealy Avenue; contact Robert Lipscomb (409) 763-8854.

Garland: Nicholson Memorial Library System, 625 Austin Street; contact Betty Landen (214) 205-2543.

Houston: Houston Public Library, Texas Room, 500 McKinney; contact Carol Johnson (713) 236-1313.

Huntsville: Sam Houston State University, Newton Gresham Library, Government Documents Department; contact Don H. Ko (409) 294-1629.

Irving: Irving Public Library System, 801 West Irving Boulevard; contact Lynn Baker (214) 721-2606.

Jasper: Deep East Texas COG, 274 East Lamar; contact Walter Diggles or Ethel Bluiitt (409) 384-5704.

Kilgore: East Texas COG, 3800 Stone Road; contact Glen Knight (903) 984-8641.

Kingsville: Texas A&M University, Jernigan Library, 1050 University Avenue; contact Sylvia Martinez (512) 595-3416.

Laredo: South Texas Development Council, 1718 East Calton Road, Suite 14; contact Myrna Garza (210) 722-3995.

Longview: Longview Public Library, Adult Services Unit, 222 West Cotton; contact Ron Heezen (903) 237-1353.

Lubbock: South Plains Association of Governments, 1323 58th Street; contact Nancy Banuelos (806) 762-8721.

McAllen: Lower Rio Grande Valley Development Council, 4900 North 23rd Street; contact Terrie Salinas (210) 682-3481.

Midland: Permian Basin Regional Planning Commission, 2910 La Force Boulevard; contact Terry Moore (915) 563-1061.

Nacogdoches: Stephen F. Austin State Library, Steen Library, Documents Department; contact Kayce Halstead (409) 468-4307.

Odessa: University of Texas Permian Basin Library, 4901 East University Boulevard; contact Steve Pettijohn (915) 552-2000.

Port Arthur: South East Texas Regional Planning Commission, 3501 Turtle Creek Drive, Suite 108; contact Fred Hellen (409) 727-2384.

Prairie View: Prairie View A&M University, John B. Coleman Library, Documents Department; contact Phyllis Martin (409) 857-2612.

Richardson: University of Texas at Dallas, McDermott Library, Government Documents Department, 2601 North Floyd Road; contact Paula Sutherland (214) 883-2918

San Angelo: Concho Valley COG, 5002 Knickerbocker; contact Robert Weaver (915) 944-9666

San Antonio: Alamo Area COG, 118 Broadway, Suite 400; contact Al J. Notzon III (210) 225-5201

San Marcos: Southwest Texas State University Library, Documents Division, Allkek Building; contact Ross Dalton (512) 245-3686

Seguin: Texas Lutheran College, Blumberg Memorial Library, 1000 West Court Street; contact Vicki Eckhardt (210) 372-8100

Sherman: Austin College, Abell Library Center, 900 North Grand; contact Beth Pettit (903) 813-2556

Sherman: Texoma COG, 3201 Texoma Parkway, Suite 200; contact Frances Pelli (903) 893-2161.

Stephenville: Tarleton State University, Dick Smith Library; contact Pat Cockrell (817) 968-9937

Texarkana: Ark-Tex COG, 911 N. Bishop Road, Building A, Wake Village; contact Jim Fisher (903) 832-8636

Tyler: University of Texas-Tyler, Muntz Library, Document Department, 3900 University Boulevard; contact Marie Crow (903) 566-7344

Victoria: Golden Crescent Regional Planning Commission, 568 Big Bend Dr.; contact Mary Ann Wyatt (512) 578-1587

Waco: Heart of Texas COG, 300 Franklin Avenue; contact Leon Willhite (817) 756-7822

Wichita Falls: Nortex Regional Planning Commission, 4309 Jacksboro Highway, Suite 200; contact Debra Melburn (817) 322-5281

Complete individual copies of the draft are available for \$15 by sending a letter of request to David Armstrong, (512) 475-3975, TDHCA, in care of Housing Resource Center, P.O. Box 13941, Austin, Texas 78711-3941.

Issued in Austin, Texas on October 23, 1995.

TRD-9513550

Larry Paul Manley  
Executive Director  
Texas Department of Housing and  
Community Affairs

Filed: October 20, 1995

## Texas Department of Human Services Notices of Public Hearing

The Texas Department of Human Services (TDHS) will conduct a public hearing to receive comments on proposed reimbursements for the following programs: Residential Care; Assisted Living Services/Residential Care and related add-ons, and Respite Care Assisted Living Services/Residential Care of the Community Based Alternatives Waiver. The hearing is held in compliance with 40 TAC §24.102(j), which requires a public hearing on proposed reimbursement for medical assistance programs. The public hearing will be held on November 8, 1995, at 2:00 p.m. in Room 651 on the Sixth Floor of the West Tower of the John H. Winters Center, 701 West 51st Street, Austin, Texas. If you are unable to attend the hearing, but wish to comment on the proposed reimbursements, written comments will be accepted if received by 5:00 p.m. of the day of the hearing. Please address written comments to the attention of Sonya Battle. Written comments may be mailed to the address noted as follows, delivered to the receptionist in the lobby in the John H. Winters Center, or faxed to (512) 438-3014. Interested parties may request to have mailed to them or may pick up briefing packages concerning the proposed reimburse-

ments on or after October 25, 1995 by contacting Sonya Battle, MC W-425, P.O. Box 149030, Austin, Texas 78714-9030, (512) 438-4817.

Persons with disabilities planning to attend this hearing who may need auxiliary aids or services are asked to contact Sonya Battle, (512) 438-4817 by November 1, 1995, so that appropriate arrangements can be made.

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

TRD-9513545 Nancy Murphy  
Section Manager, Media and Policy  
Services  
Texas Department of Human Services

Filed: October 20, 1995

The Texas Department of Human Services (TDHS) will conduct a public hearing to receive comments on proposed reimbursements for the Primary Home Care and the Community Based Alternatives Waiver programs. The hearing is held in compliance with 40 TAC §24.102(j), which requires a public hearing on proposed reimbursement for medical assistance programs. The public hearing will be held on November 8, 1995, at 9:30 a.m. in Room 651 on the Sixth Floor of the West Tower of the John H. Winters Center, 701 West 51st Street, Austin, Texas. If you are unable to attend the hearing, but wish to comment on the proposed reimbursements, written comments will be accepted if received by 5:00 p.m. of the day of the hearing. Please address written comments to the attention of Sonya Battle. Written comments may be mailed to the address noted as follows, delivered to the receptionist in the lobby in the John H. Winters Center, or faxed to (512) 438-3014. Interested parties may request to have mailed to them or may pick up briefing packages concerning the proposed reimbursements on or after October 25, 1995, by contacting Sonya Battle, MC W-425, P.O. Box 149030, Austin, Texas 78714-9030, (512) 438-4817.

Persons with disabilities planning to attend this hearing who may need auxiliary aids or services are asked to

contact Sonya Battle, (512) 438-4817 by November 1, 1995, so that appropriate arrangements can be made.

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

TRD-9513546 Nancy Murphy  
Section Manager, Media and Policy  
Services  
Texas Department of Human Services

Filed: October 20, 1995

### Open Solicitation for Armstrong and Bailey Counties

Pursuant to Title 2, the Human Resources Code, Chapters 22 and 32, and 40 TAC §19.2324, in the March 31, 1995, issue of the *Texas Register* (20 TexReg 2443), the Texas Department of Human Services (TDHS) is announcing an open solicitation period of 30 days, effective the date of this public notice, for Armstrong County #006 and Bailey County #009, identified as follows, where Medicaid contracted nursing facility occupancy rates exceed the threshold (90% occupancy) in each of six months in the continuous, March-August 1995, six-month period. Potential contractors seeking to contract for existing beds which are currently licensed as nursing home beds or hospital beds in the counties identified in this public notice must submit a written reply (as described in 40 TAC §19.2324) to TDHS, Gary L. Allen, Certification, Provider Enrollment, and Billing Services, Long Term Care-Regulatory, Mail Code Y-976, Post Office Box 149030, Austin, Texas 78714-9030. The written reply must be received by TDHS by 5:00 p.m., November 27, 1995, the last day of the open solicitation period. Potential contractors will be placed on a waiting list for the primary selection process in the order that the beds which were being proposed for Medicaid certification were initially licensed. The primary selection process will be completed on December 7, 1995. If there are insufficient available beds after the primary selection to reduce occupancy rates to less than 90%, TDHS will place a public notice in the *Texas Register* announcing an additional open solicitation period for those individuals wishing to construct a facility.

County Number	County Name	Number of Months Over	Number of Months					
			MAR	APR	MAY	JUN	JUL	AUG
006	ARMSTRONG	6	92.3	91.8	97.5	97.6	96.3	94.6
009	BAILEY	6	92.7	99.0	98.3	97.0	99.0	98.1

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

TRD-9513544 Nancy Murphy  
Section Manager, Media and Policy  
Services  
Texas Department of Human Services

Filed: October 20, 1995

### Texas Department of Insurance Insurer Services

The following applications have been filed with the Texas Department of Insurance and are under consideration.

Application for admission in Texas for Republic Mortgage Insurance Company of Florida, a foreign fire and casualty company. The home office is in Tampa, Florida.

Application for admission in Texas for Republic Mortgage Insurance Company of North Carolina, a foreign fire and

casualty company. The home office is in Winston-Salem, North Carolina.

Application for a name change in Texas for American Global Insurance Company, a foreign fire and casualty company. The proposed new name is American International South Insurance Company. The home office is in Philadelphia, Pennsylvania.

Application for a name change in Texas for Republic Bankers Life Insurance Company, a domestic life, accident and health company. The proposed new name is Life of America Insurance Company. The home office is in Dallas, Texas.

Application for incorporation in Texas for Texas Bankers Association Insurance Trust, a domestic Multiple Employer Welfare Arrangement. The home office is in Austin, Texas.

Any objections must be filed within 20 days after this notice was filed with the Texas Department of Insurance, addressed to the attention of Cindy Thurman, 333 Guadalupe Street, M/C 305-2C, Austin, Texas 78701.

Issued in Austin, Texas, on October 23, 1995.

TRD-9513579      Alicia M. Fechtel  
General Counsel and Chief Clerk  
Texas Department of Insurance

Filed: October 23, 1995

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**Texas State Library and Archives  
Commission**

**Appointment of Local Government  
Records Committee**

Notice is hereby given, pursuant to the Texas Government Code, §441.163, as amended by §25 of Senate Bill 366, effective September 1, 1995, of the following appointments made by the director and librarian to the Local Government Records Committee. The terms of all committee members expire February 1, 1997.

Rebecca L. Brewster, City Secretary, Town of Van Horn; The Honorable Hector Enriquez, Jr., County Clerk, El Paso County; Landa Lassberg, Records Management Officer, Blanco Independent School District; George Moff, Chief Appraiser, Nueces County Appraisal District; Jerry Reynolds, Chief Appraiser, Lipscomb County Appraisal District; Donald Schelfhout, Vice President, Clear Lake City Water Authority; Barry J. Schneider, Personnel Director, Fort Worth Independent School District; The Honorable Carol Vaughn, County Treasurer, San Augustine County; Robert Wagner, General Manager, Zavala-Dimmitt Counties WID #1; and Ruby White, City Secretary, City of Luling.

The State Comptroller of Public Accounts and the Attorney General or their designees also serve on the committee.

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

TRD-9513426      Raymond Hitt  
Assistant State Librarian  
Texas State Library

Filed: October 18, 1995

**Texas Natural Resource Conservation  
Commission**

**Application for Standby Fees**

Notice of Application to Levy Standby Fees issued during the period of October 16-October 20, 1995.

Application by Hunterwood Municipal Utility District (the "District") for renewal of the authority to adopt and impose standby fees on undeveloped property. The application has been executed by the Board of Directors of the District. Although the District has current standby fee levy authority for 1995, the application requests that the new recommended fee amounts supersede the previous amounts authorized for 1995 and cover the calendar years 1995 through 1997. Any revenues collected from the standby fees shall be used to pay operation and maintenance expenses and debt service on the bonds. The amount of the standby fee requested is \$572.32 per equivalent single-family connection (ESFC) for the debt service and \$312.92 per ESFC for operation and maintenance for the calendar years 1995 through 1997 on 369 undeveloped ESFCs in the District for which water and/or wastewater and/or stormwater drainage facilities have been constructed and financed by the District.

The Commission may approve the standby fee as requested or it may approve a lower standby fee, but it will not approve a standby fee greater than that requested. The standby fee is a personal obligation of the person owning the undeveloped property on January 1 of the year for which the fee is assessed. A person is not relieved of the obligation on transfer of title to the property. On January 1 of each year, a lien attaches to the undeveloped property to secure payment of any standby fee imposed and the interest or penalty, if any, on the fee. The lien has the same priority as a lien for taxes of the District.

The Executive Director is authorized to act on behalf of the TNRCC and issue final approval on certain applications. The Executive Director will act on this application unless a written hearing request that includes the following information is filed within the 30 days after newspaper publication of this notice: the name, mailing address and daytime phone number of the person requesting the hearing; the name of the District; the statement "I/we request a public hearing"; and a brief description of how the person for whom the hearing is being requested would be adversely affected by the approval of the application in a way not common to the public. A hearing request by a group or association must meet certain additional requirements that may be obtained from the Chief Clerk at the address and telephone number listed below.

If a hearing request is filed, the Executive Director will not act on the application and will forward the application and hearing request to the TNRCC Commissioners for consideration at a scheduled Commission meeting.

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 Office of the Chief Clerk-Mail Code 105, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-3315.

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

TRD-9513520 Gloria A. Vasquez  
Chief Clerk  
Texas Natural Resource Conservation  
Commission

Filed: October 20, 1995

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**Enforcement Orders**

An agreed enforcement order was entered regarding Preston Word and Pres Word Inc, Docket Number 95-1392-MSW-E (MSW Unauthorized Site Number 33546) on October 6, 1995, assessing \$64,400 in administrative penalties with \$57,960 deferred.

Information concerning any aspect of this order may be obtained by contacting Tim Haase, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-6007.

An agreed enforcement order was entered regarding Sac-n-Pac Stores Inc, Docket Number 95-1387-PST-E (TNRCC Facility I.D. 18176; Enforcement I.D. E10999) on October 6, 1995, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jaime Lopez, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2126.

An agreed enforcement order was entered regarding San Antonio Merchant Shippers Inc, Docket Number 95-1386-PST-E (TNRCC Facility I.D. 61738; Enforcement I.D. E11221) on October 6, 1995, assessing \$1,200 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jaime Lopez, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2126.

An agreed enforcement order was entered regarding the City of Austwell, Docket Number 95-1367-MWD-E (Permit Number 11117-01) on October 6, 1995, assessing \$3,680 in administrative penalties with the entire amount deferred.

Information concerning any aspect of this order may be obtained by contacting Gilbert Angelle, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4489.

An agreed enforcement order was entered regarding Southwest Fuel Company, Docket Number 95-1385-PST-E (TNRCC Facility I.D. 4076; Enforcement I.D. E11069) on October 6, 1995, assessing \$1,200 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jaime Lopez, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2126.

An agreed enforcement order was entered regarding Jose J. Cantu, Docket Number 95-1384-PST-E (TNRCC Facility I.D. 11120; Enforcement I.D. E10955) on October 6, 1995, assessing \$1,080 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Sushil Modak, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2126.

An agreed enforcement order was entered regarding the City of Palacios, Docket Number 95-1359-MWD-E (Permit Number 10593-01) on October 6, 1995, assessing \$7,720 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Mary E. Smith, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4484.

An agreed enforcement order was entered regarding Daniel Park, Docket Number 95-1333-PST-E (TNRCC Facility I.D. 55446; Enforcement I.D. E10960) on October 6, 1995, assessing \$1,800 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Mark D. Norman, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2126.

An agreed enforcement order was entered regarding H and D Investment, Docket Number 95-1332-PST-E (TNRCC Facility ID32024; Enforcement I.D. E11196) on October 6, 1995, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Sushil Modak, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2126.

An agreed enforcement order was entered regarding Alvin's Food Store Inc, Docket Number 95-1331-PST-E (TNRCC Facility ID12382; Enforcement I.D. E11203) on October 6, 1995, assessing \$1,200 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Sushil Modak, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2126.

An agreed enforcement order was entered regarding Cantrell Corporation, Docket Number 95-1330-PST-E (TNRCC Facility ID66641; Enforcement I.D. E11096) on October 6, 1995, assessing \$1,080 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Srini R. Kusumanchi, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2126.

An agreed enforcement order was entered regarding McLain Truck Service Inc, Docket Number 95-1329-PST-E (TNRCC Facility ID49014; Enforcement I.D. E11020) on October 6, 1995, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Srini R. Kusumanchi, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2126.



An agreed enforcement order was entered regarding the City of Eagle Pass, Docket Number 95-0666-MWD-E (Permit Number 10406-02) on October 6, 1995, assessing \$10,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Geoffrey Petrov, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2126.

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

TRD-9513521 Gloria A. Vasquez  
Chief Clerk  
Texas Natural Resource Conservation  
Commission

Filed: October 20, 1995

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**Notices of Application for Municipal  
Solid Waste Management Facilities for  
the week ending October 20, 1995**

Application by City of Pampa, Proposed Permit Number MSW2238, authorizing a Type I (Landfill) municipal solid waste management facility. The proposed permit authorizes the solid waste management facility to receive approximately 300 tons of municipal solid waste per day for disposal and other processing. The facility covers approximately 146.778 acres of land and is to be located on Loop 171, adjacent to an existing site (MSW589-B) approximately 0.5 miles northeast of the City of Pampa, in Gray County, Texas

Application by Browning-Ferris, Inc. (Tessman Road Landfill), Proposed Permit Amendment Number MSW1410-B. This amendment will authorize a Type I (Landfill) municipal solid waste management facility. The site covers approximately 264.847 acres of land and will receive approximately 2,800 tons of municipal solid waste per day for disposal and other processing. The facility is located at 7790 Tessman Road, approximately 2.0 miles south of the intersection of Farm to Market Road 1516 and Interstate Highway 10 East at the termination of Tessman Road in the City of San Antonio, Bexar County, Texas.

GTM Services, Inc., Proposed Permit Number MSW 2241 authorizing a Type V (Grease Trap) solid waste management facility. The site covers approximately 1.933 acres of land and is proposed to receive approximately 400,000 gallons of grease trap waste per month for treatment, disposal and other processing. The facility is to be located at 6407 Hurst Street in Houston, Harris County, Texas

Browning-Ferris, Inc., Amendment to Permit Number MSW1558 and designated as Permit Number MSW1558-A. The proposed amendment would authorize operation of a Type I (landfill) municipal solid waste facility to receive, dispose of and process municipal solid waste. The existing site covers approximately 143 acres of land and authorized wastes are to be received at a rate of approximately 70 tons of solid waste per day. The facility is located on LCR 460, approximately 1.2 miles east-southeast of the intersection of State Highway 14 and Farm to Market Road 2705, southwest of the City of Mexia, Limestone County, Texas

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 TNRCC, Chief Clerk's Office, P.O. Box 13087, Mail Code 105, 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 October 20, 1995.

TRD-9513522 Gloria A. Vasquez  
Chief Clerk  
Texas Natural Resource Conservation  
Commission

Filed: October 20, 1995

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**Notices of Application for Permits to  
Appropriate Public Waters of the State  
of Texas issued during the period of  
September 18-October 20, 1995.**

Edmund A. Weinheimer, Jr., Application Number 4560B to amend Water Right Permit 4241 pursuant to §11.122, Texas Water Code, and Texas Natural Resource Conservation Commission Rules 30 TAC §§295.1, et seq. Water Right Permit Number 4241 authorizes the diversion and use of not to exceed 272.63 acre-feet of water per annum from West Mustang Creek, tributary of Mustang Creek, tributary of Navidad River, tributary of Lavaca River. The water is used to irrigate 184.5 acres of land out of an 199.67-acre tract of land approximately 15.5 miles east-southeast of Wharton in Wharton County, Texas. The permit included flow restrictions whereby the permittee may only divert water when the flow of West Mustang Creek equals or exceeds 2.2 cfs at a reference device to be installed by the permittee prior to diversion immediately below his diversion point. The permit also included a term whereby the permit will expire on December 31, 1995. The permit was amended on June 24, 1986 to add diversions of 25.2 acre-feet of water per annum to maintain an off-channel reservoir. Applicant seeks to amend this water right permit by deleting the expiration date of the water right or by extending the expiration date for an additional term of years.

City of San Marcos, Application Number 5539 to authorize use of the bed and banks of the San Marcos River, Guadalupe River Basin, to convey treated sewage effluent

(all of which will be from the municipal use of water from the Edwards Aquifer) from the discharge point at the City's wastewater treatment plant to Cummings Reservoir in Hays County, for subsequent diversion from the reservoir at a maximum rate of 112,200 gallons per minute for municipal use within the City's service area. This use will reduce the existing and future demand on the Edwards Aquifer. The discharge point for the wastewater treatment plant is approximately 1.5 miles southeast of the Hays County Courthouse in San Marcos and approximately 7,000 feet upstream of the confluence of the San Marcos and Blanco Rivers. The dam for Cummings Reservoir is on the San Marcos River approximately 3,000 feet downstream of the confluence of the San Marcos and Guadalupe Rivers and approximately three miles southeast of the Hays County Courthouse. The dam backs up water in both river channels. This application does not include a request to appropriate State water as all of the water to be conveyed and used is the city's private water. Commission records indicate that Green Valley Farms, Inc. is the owner of Certificate of Adjudication Number 18-3887 which authorizes the maintenance of Cummings Dam and Reservoir and impoundment therein of not to exceed 300 acre-feet of water. The certificate also authorizes the diversion and use of not to exceed 792 acre-feet of water per annum from the perimeter of the reservoir at a maximum rate of 7.33 cubic feet per second to irrigate 403 acres of land in the Thomas G. McGehee Grant, Abstract Number 11. The applicant has indicated that it will not divert water under this requested authorization prior to having legal access to Cummings Reservoir. The applicant has also indicated that as the maximum amount of effluent that will be discharged at the treatment plant is 10,081 acre-feet per annum and that as their engineers have determined a one percent loss of the water in the conveyance, that it should be able to divert and use not to exceed 9,980 acre-feet of the effluent discharged per annum. The applicant has agreed that any permit granted for the application include special conditions that will assure that no State water will be diverted under the permit.

Angelina and Neches River Authority, Permit Number 4228 seeks an extension of time to commence and complete construction of a dam and its related facilities pursuant to <sup>TM</sup>11.145, Texas Water Code, and Texas Natural Resource Conservation Commission Rules 30 TAC §§295.1, et seq. Pursuant to 30 TAC §§295.159, the Commission will also consider whether the applicant demonstrated sufficient due diligence and had justification for the delay of this project. If it is determined that the applicant failed to demonstrate sufficient due diligence and justification for the delay of this project, the Commission will consider whether the appropriation authorized under this permit shall be forfeited. Permit Number 4228 authorizes the construction of a dam and reservoir (Lake Eastex) on Mud Creek, tributary of the Angelina River, tributary of the Neches River, and impound therein not to exceed 195,500 acre-feet of water, approximately 9.5 miles north of Rusk, Cherokee County, Texas. The permittee is also authorized to use the impounded waters for recreational (in-place use) purposes, and is further authorized to divert and use not to exceed 85,507 acre-feet of water per annum from the reservoir (55,507 acre feet per annum for domestic and municipal purposes and 30,000 acre-feet per annum for industrial purposes) and to transfer not to exceed 2,200 acre-feet per annum of the aforesaid domestic and municipal appropriation to the Sabine River watershed for use therein. The permittee is also authorized to use the bed and banks of Mud Creek, the Angelina River

and the Neches River to convey the water authorized to be appropriated. This permit required that construction of the dam and its related facilities be in accordance with plans approved by the Executive Director and that the construction of the reservoir be commenced by June 26, 1987 and completed by June 26, 1990. On August 4, 1987, the Commission issued an order extending the time limitation to commence construction of the dam and related facilities to June 26, 1989, and the time to complete construction of the facilities to June 26, 1992. On December 14, 1989, the Commission issued another order granting ANRA's application to extend those times of commencement and completion to September 1, 1995 and September 1, 1998, respectively. The applicant is requesting the time to begin construction of the dam and related facilities be extended to September 1, 2001, with a time completion of the project extended to September 1, 2007. The time extension is necessary due to unforeseen delays and constraints associated with acquiring a Section 404/10 permit from the U.S. Army Corps of Engineers ("USCE"). In order to obtain a Section 404/10 USCE permit, the applicant has had to comply with numerous governmental acts as well as the development of comprehensive mitigation plans.

The Executive Director will issue the permit unless a written hearing request is filed within 30 days after newspaper publication of this notice. To request a hearing, you must submit the following: your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; the name of the applicant and the permit number; the statement "I/we request a public hearing;" a brief description of how you would be adversely affected by the granting of the application in a way not common to the general public; the location of your property relative to the applicant's operations; and your proposed adjustments to the application/permit which would satisfy your concerns and cause you to withdraw your request for hearing.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TNRCC Commissioners for their consideration at a scheduled Commission meeting. If a hearing is held, it will be a legal proceeding similar to civil trials in state district court.

If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing or questions concerning procedures should be submitted in writing to the Chief Clerk's Office, Park 35 TNRCC Complex, Building F, Room 4301, Texas Natural Resource Conservation Commission, P. O. Box 13087, Austin, Texas 78711, (512) 239-3300.

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

TRD-9513524

Gloria A. Vasquez  
Chief Clerk  
Texas Natural Resource Conservation  
Commission

Filed: October 20, 1995

## Notices of Application for Waste Disposal Permits for the week ending October 16-20, 1995

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.

Amerada Hess Corporation; the tank farm and loading terminal is on company controlled property abutting the north shore of the Houston Ship Channel at a point approximately 1/2 mile downstream from the Washburn Tunnel and approximately one mile south of Interstate Highway 10, Harris County, Texas; amendment; 00671.

Buffalo Creek Utility, Inc.; the wastewater treatment facilities are approximately 400 feet south of Rockwall Lake Dam and approximately 400 feet northwest of the point where FM Road 3097 crosses Buffalo Creek in Rockwall County, Texas, amendment, 11974-01.

Conroe Independent School District; the Stephen F. Austin Elementary School Wastewater Treatment Facilities are on the grounds of the Stephen F. Austin Elementary School, approximately 1,250 feet west of the intersection of State Highway 105 and Waukegan Road in the Town of Cut and Shoot in Montgomery County, Texas; amendment; 12204-01.

Great Commission Center; the wastewater treatment facilities and the disposal site are approximately 3.2 miles north and 0.5 mile west of the intersection of FM Road 407 and Chinns Chapel Road in Denton County, Texas; renewal; 13102-01.

Grimes County Municipal Utility District Number 1; the wastewater treatment facilities are approximately 2.5 miles west of the intersection of FM Road 2445 and FM Road 1774, 0.2 mile north of FM Road 2445, 11 miles east-northeast of the City of Navasota in Grimes County, Texas; renewal; 11437-01.

Houston County Water Control and Improvement District Number 1; from the Surface Water Treatment Facilities; the plant site is approximately one mile southwest of Latexo, approximately 1 and 3/4 miles northwest of the intersection of U.S. Highway 287 and Farm-to-Market Road 2160 in Houston County, Texas; renewal; 10871-01.

Houston Lighting and Power Company; from the P.H. Robinson Electric Generating Station; the plant site is at 5501 Highway 146 in the City of Bacliff, Galveston County, Texas; renewal; 01050.

Texas Parks and Wildlife Department; the wastewater treatment facilities are within the boundary of Choke Canyon State Park-Calliham Unit, approximately 12 miles east of the City of Tilden and 10.5 miles west of the City of Three Rivers in McMullen County, Texas; renewal; 13100-01.

Toshiba International Corporation; from a facility which manufactures electric motors, inverters, and other electrical products; the plant site is near the southeast corner of the intersection of West Little York Road and Addicks Fairbanks Road, Harris County, Texas; renewal; 03153.

Detrex Corporation; to authorize the construction and continued operation of one existing tank, three proposed tanks, one existing container storage area, and three proposed container storage areas for the storage and processing of hazardous waste and Class 1 industrial solid waste. The wastes managed at this facility are generated on-site at the permittee's facility in Arlington and received from off-site sources on a commercial basis. The facility will store and process spent halogenated and non-halogenated solvents and sludges, industrial paint wastes and wastewaters, fuel blending wastes, used industrial oil, and scrap metal. The facility is located at 322 International Parkway on approximately 0.98 acres, approximately 0.4 mile west of the intersection of U.S. Highways 360 and 80, south of Arlington Stadium, in Arlington, Tarrant County, Texas; renewal of and amendment to Permit Number HW-50021; 45 day notice.

Issued in Austin, Texas, on October 20, 1995

TRD-9513525      Gloria A. Vasquez  
Chief Clerk  
Texas Natural Resource Conservation  
Commission

Filed. October 20, 1995

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### Notice of Opportunity to Comment on Permitting Actions for the week ending October 20, 1995

The following applications are subject to a Commission resolution adopted August 30, 1995, 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 these applications 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.

Consideration of the application of Euzill Dillon doing business as Countrywood Utilities to Cancel Water Certificate of Convenience and Necessity Number 11613 in Polk County, Texas. (Application #30975-Q, Doug Holcomb).

Consideration of the application of Clyde E. Clardy doing business as Bastrop West Water Systems to Transfer a Portion of Water CCN Number 10294 from Aqua Water Supply Corporation; and to Amend Water CCN Number 12050 and Water CCN Number 10294 in Bastrop County, Texas. (Application #30915-T, Doug Holcomb).

Application Number 23-486C by Central Power and Light Company for a Texas Water Code, §11.122 Water Use Permit Application. Amendment to Certificate Number 23-486, as amended to change the diversion point and place of use to the applicant's existing diversion point under Certificate Number 23-2727 and place of use the applicant's Laredo Power Station, Rio Grande, Rio Grande Basin, Webb County, Texas. (Kellye Rila 239-4612).

Application Number 23-283C by Central Power and Light Company for a Texas Water Code, §11.122 Water Use Permit Application. Amendment to Certificate Number 23-283, as amended, to change the diversion point and place of use to the applicant's existing diversion point under Certificate Number 23-2727 and place of use to applicant's Laredo Power Station, Rio Grande, Rio Grande Basin, Webb County, Texas. (Kellye Rila 239-4612).

Consideration of a proposed order acting on the application by Harris County Municipal Utility District application by Harris County Municipal Utility District Number 356 for approval of \$1,500,000 Unlimited Tax Bonds, Second Issue, 8.215% Net Effective Interest Rate, Series 1995. Applicant requests approval of a bond issue to finance utilities construction within the District.

Consideration of a proposed order acting on the application by Harris-Fort Bend Counties Municipal Utility District Number 1 for Approval of \$700,000 Unlimited Tax

Bonds, Second Issue, 6.76% Net Effective Interest Rate, Series 1995. For Executive Director's consideration. Applicant requests approval of a bond issue to finance costs of stormwater detention interconnect system to serve the fully developed District.

Consideration of a Proposed Order approving the Application by Fort Bend County Municipal Utility District Number 67 for Approval of \$1,640,000 Unlimited Tax Bonds, Sixth Issue, 6.78% Net Effective Interest Rate, Series 1995 and Use of Surplus Funds. The District's application requests Commission approval of a bond issue and use of surplus funds to finance a pro rata share of a wastewater trunk line, lift station upgrade costs, and water, wastewater and drainage facilities for Parcels SP-1, SP-2, SP-3, SF-18 (Ph. 1 and 2) and MF-2.

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

TRD-9513526 Gloria A. Vasquez  
Chief Clerk  
Texas Natural Resource Conservation  
Commission

Filed: October 20, 1995

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**Notices of Receipt of Application and  
Declaration of Administrative  
Completeness for Municipal Solid  
Waste Management Facilities for the  
week ending October 20, 1995**

Application by Browning-Ferris, Inc.; Proposed Permit Amendment Number MSW1749-A, authorizing an amendment to their Type IV (Landfill) municipal solid waste facility permit. The site covers approximately 85 acres of land and is to receive approximately 3,400 cubic yards of Type IV solid waste daily. The proposed permit amendment authorizes a vertical expansion of the current facility. The site is located approximately 0.5 miles east of the M-K-T Railroad, 4,500 feet south of the Lewisville Dam in the city of Lewisville, Denton County, Texas.

Application by Adobe Eco-Systems, Inc.; Proposed Permit Number 2253, authorizing a Type I (Landfill) municipal solid waste management facility. The site covers approximately 424 acres of land and is to receive approximately 830 tons of solid waste per day. The site is located on the east side of Highway 131, is abutted by Highway 131 and Farm to Market Road 1572, one half mile south of Spofford, in Kinney County, Texas.

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.

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 October 20, 1995.

TRD-9513523

Gloria A. Vasquez  
Chief Clerk  
Texas Natural Resource Conservation  
Commission

Filed: October 20, 1995

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**Texas State Occupational Information  
Coordinating Committee**

**Notice of Grant Award**

The Texas State Occupational Information Coordinating Committee (SOICC) posted a request for proposals (RFP) in the August 18, 1995, issue of the *Texas Register* (20 TexReg 6369) to procure the services of a vendor to conduct an employer follow-up survey. All proposals submitted to the SOICC in response to that RFP were rejected as non-responsive. The SOICC reopened the RFP process with another notice posted in the September 15, 1995, issue of the *Texas Register* (20 TexReg 7411). Two proposals were received by the announced deadline. Each was adjudged responsive to the RFP; each was evaluated by a panel of five readers. Based on the average ratings assigned by the panel of readers, a grant will be awarded by inter-agency agreement between the SOICC (the receiving party) to the University of North Texas Survey Research Center (the performing party) in the amount of \$104,048 to conduct the annual employer follow-up survey with Dr. James Glass serving as the performing party's principle investigator. Copies of the University of North Texas proposal, the proposal evaluation instrument, and proposal scores are available upon written request to: Marc Anderberg, Director, Automated Student Follow-Up, c/o Texas SOICC, 3445 Executive Center Drive, Medina Building #223, Austin, Texas 78731.

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

TRD-9513006

Richard Froeschle  
Executive Director  
Texas State Occupational Information  
Coordinating Committee

Filed: October 11, 1995

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**Texas Department of Public Safety  
Notice of Proposed Hazardous Material  
Route, Lubbock County**

Notice is hereby given the County of Lubbock, in cooperation with the City of Lubbock, propose to establish a hazardous materials route through their jurisdictions for Non-Radioactive Hazardous Materials (NRHM) only. This route would designate a hazardous materials transportation route which would reduce the potential exposure of individuals to an accidental release of hazardous materials transported on public roadways through Lubbock County and the City of Lubbock.

The proposed NRHM Route Plan consists of Interstate 27, US 62/82, US 87, Texas 114, and all of Loop 289, except the southwest segment portion of Loop 289 between US 62/82 West and US 87 South. This segment of Loop 289 is excluded from the route plan. A diagram of the proposed NRHM route plan can be obtained from Major Mills, Department of Public Safety Headquarters Building,

5805 North Lamar Boulevard, Austin, Texas, 78752, (512) 465-2116.

A public hearing was held on November 3rd, 1994, in the City Council Chamber at the City Hall in Lubbock at which time citizens were given the opportunity to express their opinion on the hazardous material routes. There were no oral comments given at the hearing concerning the proposed routes.

The Governor of Texas has officially designated the Department of Public Safety as the designated Hazardous Material Routing Agency for the state. The Department has to ensure that political subdivisions follow the guidelines for establishing hazardous material routes as outlined in Title 49, CFR, Part 297. The Department must approve all NRHM Routes and resolve any disputes between affected political subdivisions.

The Department has reviewed the NRHM Route Plan submitted by the County of Lubbock and has tentatively approved the plan. However, in order to ensure that all effected parties throughout the state have an opportunity to review the proposal, the department will provide a 20 day comment period from the date of this notice in which written comments may be submitted by affected parties to the Department. Provided no written comments are received which provide substantial justification for the department to reconsider its decision, the proposed NRHM Route Plan will be formally approved 30 days after the date of this filing.

Written comments should be mailed to: John C. West, Jr., Chief, Legal Services, Texas Department of Public Safety, Box 4087, Austin, Texas, 78773-0001.

Issued in Austin, Texas, on October 16, 1995.

TRD-9513552

James R. Wilson  
Director  
Texas Department of Public Safety

Filed: October 20, 1995

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**Public Utility Commission of Texas  
Notice of Application to Amend  
Certificate of Convenience and  
Necessity**

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on October 13, 1995, to amend a Certificate of Convenience and Necessity pursuant to the Public Utility Regulatory Act of 1995, §§1.101(a), 2.201, 2.101(e), 2.252, 2.255, 3.252, and 3.254. A summary of the application follows.

Docket Title and Number: Application of Lower Colorado River Authority to Amend Certificated Service Area Boundaries within Gonzales County, Docket Number 14849 before the Public Utility Commission of Texas.

The Application: In Docket Number 14849, Lower Colorado River Authority requests approval of its application to revise current certificated service area boundaries within Gonzales County.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Division at (512) 458-0388, or (512)

458-0221 for teletypewriter for the deaf within 15 days of this notice.

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

TRD-9513472 Paula Mueller  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: October 19, 1995

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**Notice of Exemption of Public Utility  
Commission Substantive Rules 23.41(a)  
(5) and 23.46(a)**

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on July 18, 1995, for exemption or waiver from the requirements in Public Utility Commission Substantive Rules 23.41(a) (5) and 23.46(a). A summary of the application follows.

Docket Title and Number: APPLICATION OF CAMERON TELEPHONE COMPANY FOR EXEMPTION FROM REQUIREMENTS IN PUBLIC UTILITY COMMISSION SUBSTANTIVE RULES 23.41(a)(5) and 23.46(a) REGARDING NOTICE TO CUSTOMERS IN SPANISH, Project Number 14439, before the Public Utility Commission of Texas.

The Application: In Docket Number 14439, Cameron Telephone Company requests approval for exemption or waiver from Public Utility Commission Substantive Rules 23.41(a)(5) which requires "Your Rights as a Customer" information to be provided to all residential customers in Spanish, as well as English and 23.46(a) which requires that the termination notice for the discontinuance of service be included in Spanish, as well as English. Cameron Telephone Company seeks its exemptions or waivers because the total number of Hispanic customers served is well below the 10% threshold.

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 November 6, 1995.

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

TRD-9513422 Paula Mueller  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: October 18, 1995

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**Notice of Exemption of Public Utility  
Commission Substantive Rule 23.  
48(e)**

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on February 17, 1995, for exemption from Public Utility Commission Substantive Rule 23.48(e) regarding preparation of maintenance of emergency operations plan. A summary of the application follows.

Docket Title and Number: APPLICATION OF PANHANDLE TELEPHONE COOPERATIVE, INC. FOR EXEMPTION FROM REQUIREMENTS IN PUBLIC UTIL-

**ITY COMMISSION SUBSTANTIVE RULE 23.48  
REGARDING PREPARATION AND MAINTENANCE  
OF EMERGENCY OPERATIONS PLAN, Project Num-  
ber 13958, before the Public Utility Commission of Texas.**

The Application: In Docket Number 13958, Panhandle Telephone Cooperative, Inc. requests approval for exemption from Public Utility Commission Substantive Rule 23.48(e) which requires utilities to file a general description of its emergency operations plan.

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 November 6, 1995.

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

TRD-9513423 Paula Mueller  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: October 18, 1995

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

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Tarrant County in, Fort Worth, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for PLEXAR-Custom Service for Tarrant County in Fort Worth, Texas pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 14880.

The Application. Southwestern Bell Telephone Company is requesting approval of a 600-station addition to the existing PLEXAR-Custom service for the City of Fort Worth. The geographic service market for this specific service is the Dallas LATA 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 October 19, 1995.

TRD-9513470 Paula Mueller  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: October 19, 1995

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Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Texas Natural Resource Conservation Commission (TNRCC) in Austin, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for PLEXAR-Custom Service for Texas Natural Resource Conservation Commission (TNRCC) Austin, Texas pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 14881.

The Application. Southwestern Bell Telephone Company is requesting approval of a 75-station addition to the existing PLEXAR-Custom service for TNRCC in Austin, Texas. The geographic service market for this specific service is the Austin LATA 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 October 19, 1995.

TRD-9519471

Paula Mueller  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: October 19, 1995



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