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POSTMASTER: Please send form 3579 changes to the Texas Register, P.O. Box 13824, Austin, TX 78711-3824.

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Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.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
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The Table of TAC Titles Affected is cumulative for each volume of the Texas Register (calendar year).

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

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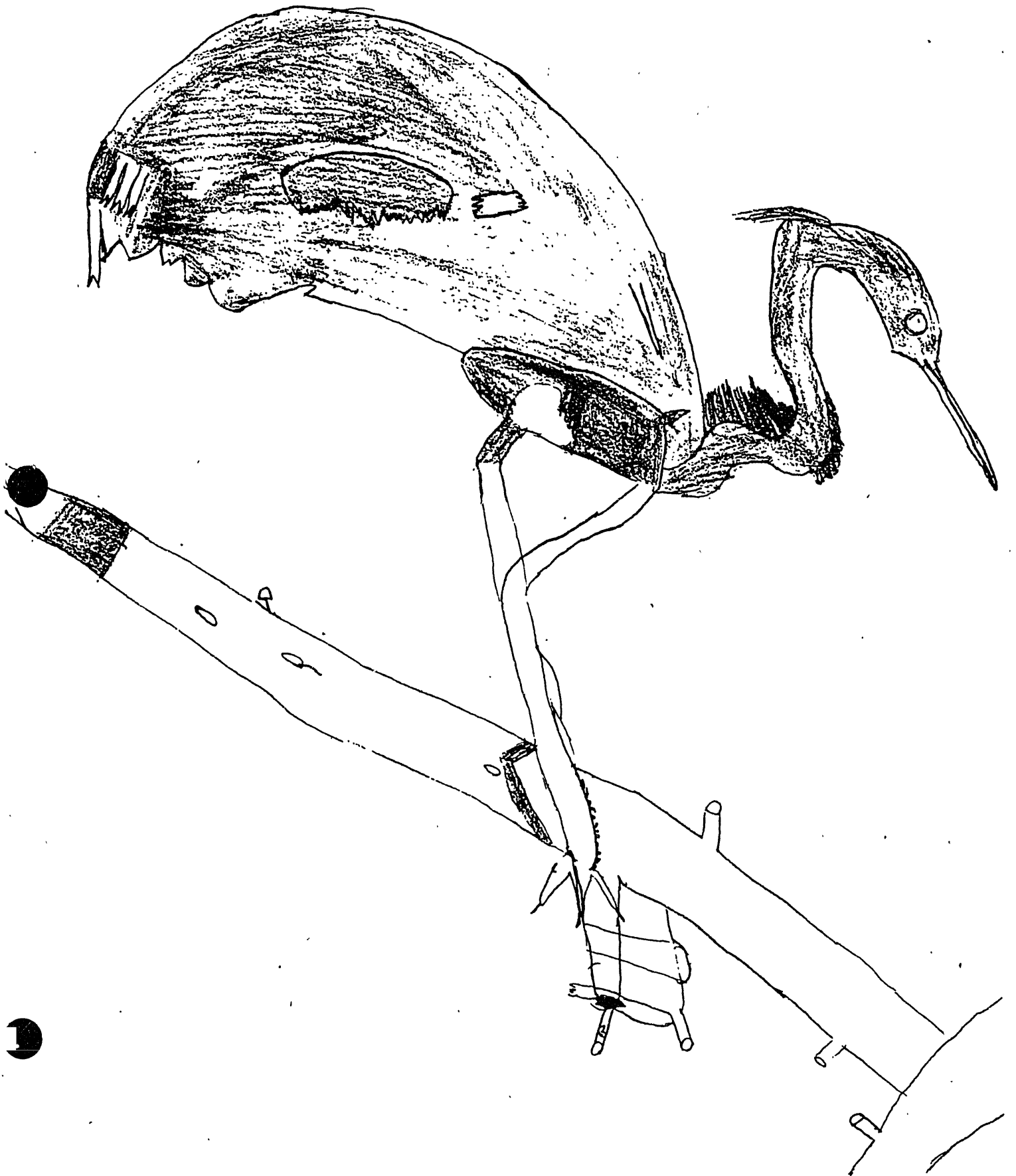
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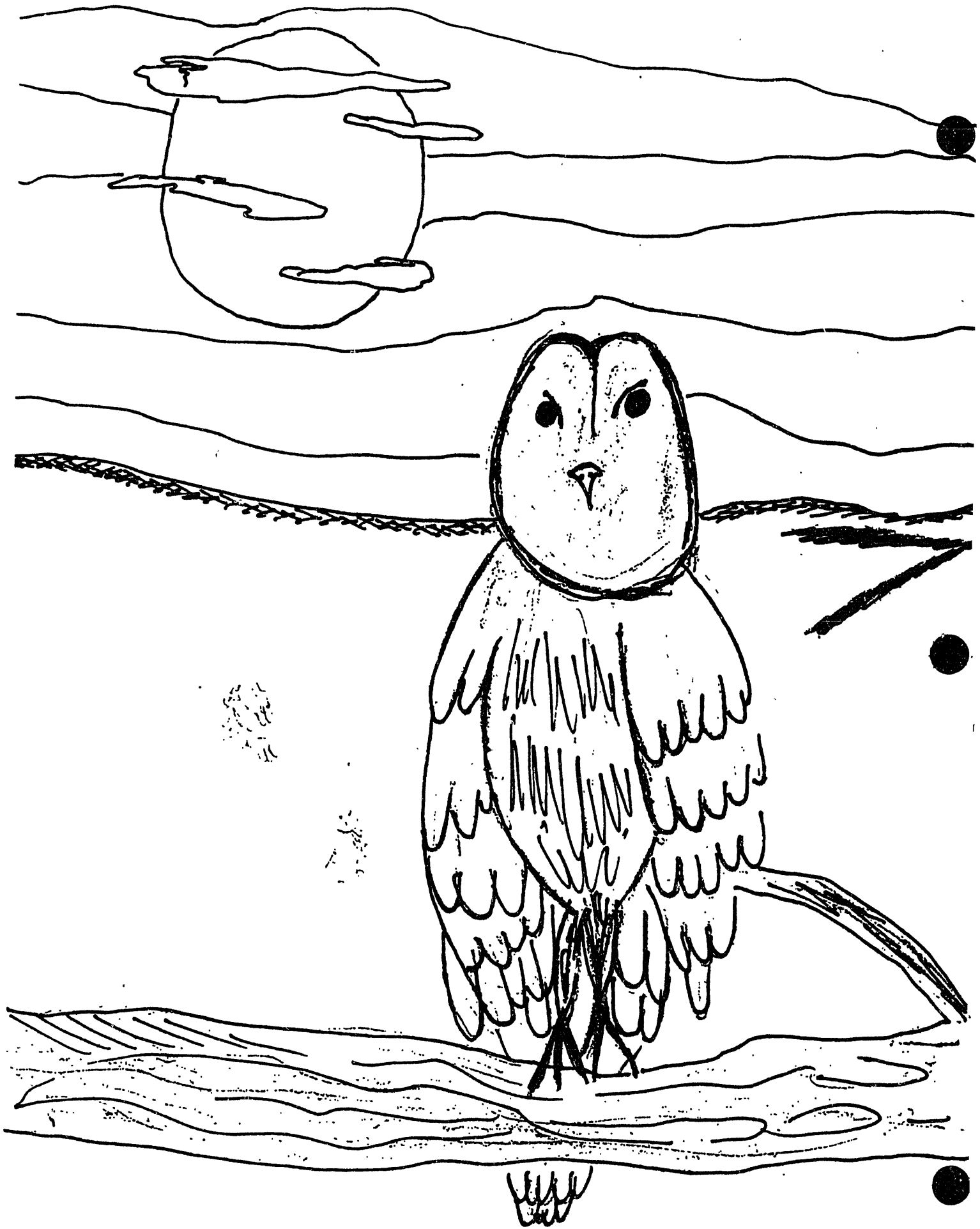
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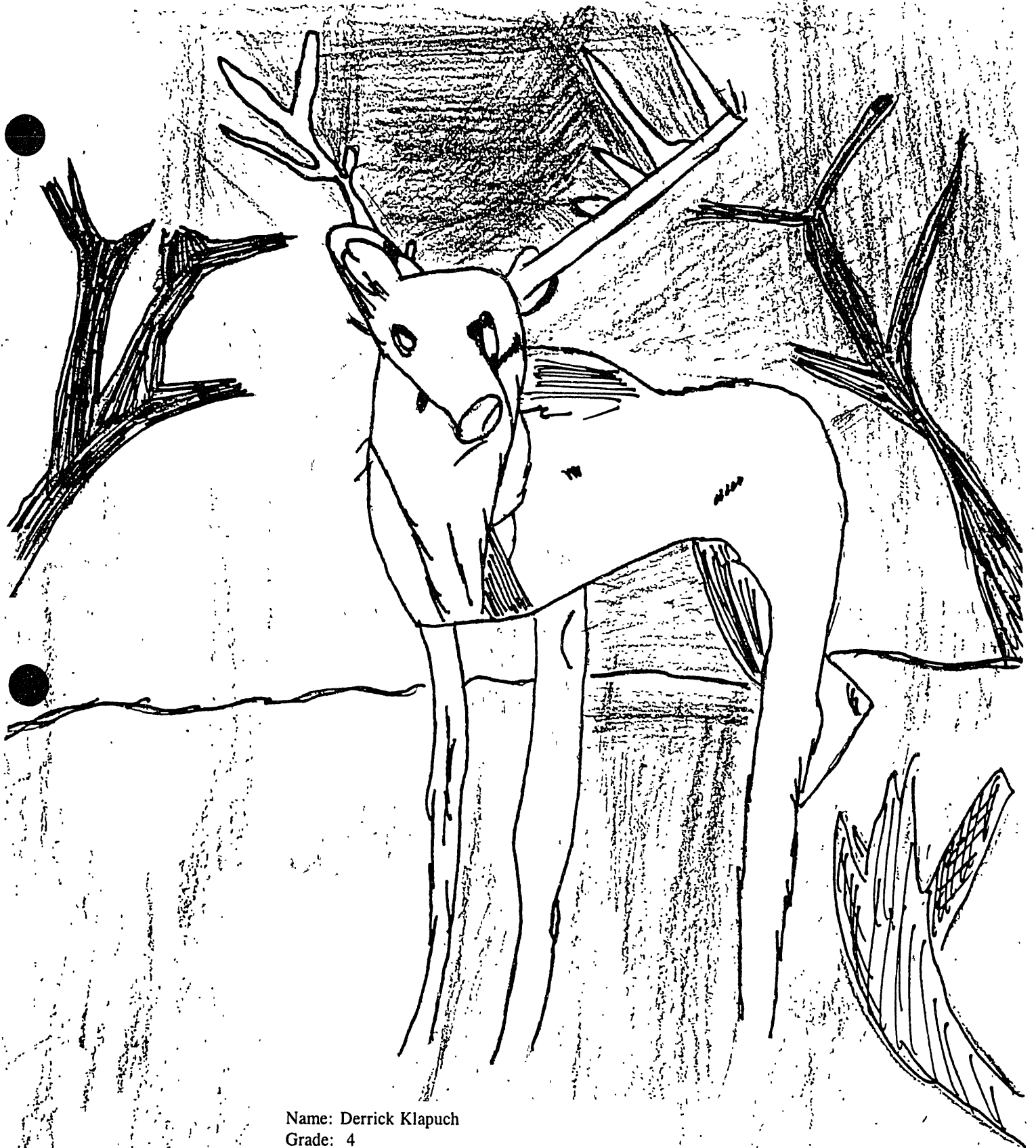
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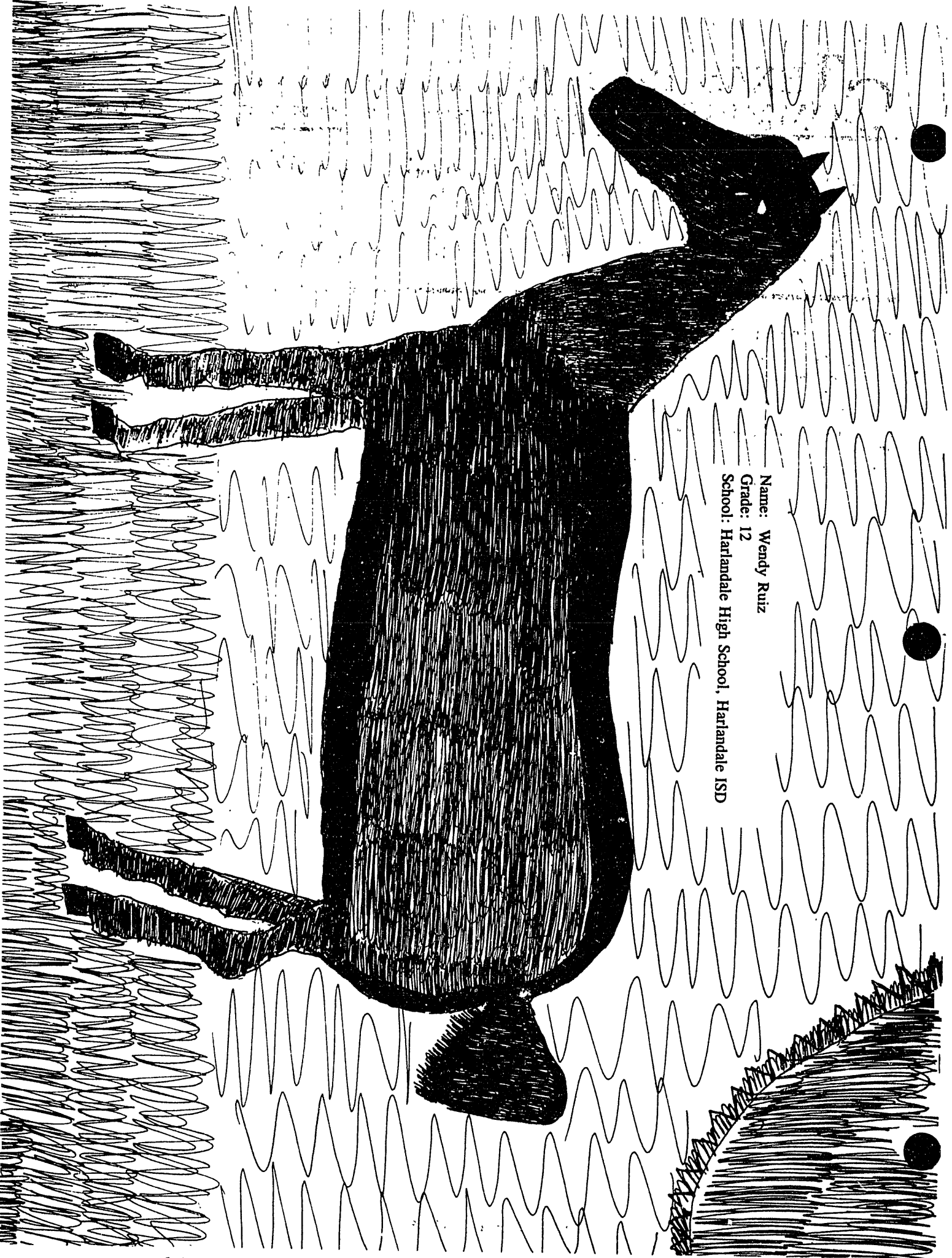
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TEXAS ETHICS COMMISSION

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.

Advisory Opinion Request

AOR-325 The Ethics Commission has been asked to consider whether a former judge may pay for continuing legal education courses.

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

TRD-9515062

Lucia Dodson
Executive Assistant
Texas Ethics Commission
Filed: November 20, 1995



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PROPOSED RULES

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

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

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 87. Notary Public

The Office of the Secretary of State proposes amendments to §87.1, concerning the Application for Appointment as a Texas Notary Public Form, §87.4, concerning the Appointment by the Secretary of State, §87.22, concerning the Completion and Execution of the Oath of Office Form, §87.23, concerning the Qualification with the Secretary of State, §87.41, concerning Rejection of Application and Revocation of Commission, and §87.44, concerning Qualification under New Name. These amendments are proposed to implement changes, effective January 1, 1996, to the Notary Public Act, Texas Government Code, §§406.001-406.025, that were enacted by the 74th Texas Legislature.

Guy Joyner, Chief, Legal Support Unit, Statutory Documents Section, has determined that there will be an initial one-time cost to state government of \$5,520, and an estimated cost savings of \$17,100 for each year of the first five year period that the proposed amendments are in effect. There will be no fiscal implications for local government or small business as a result of enforcing the amendments.

Mr. Joyner also has determined that for each year of the first five years that the amendments are in effect the public benefit anticipated as a result of enforcing the amendments will be to provide individuals with a clarification of the procedure for application as a notary public. There is no anticipated additional economic cost to persons who are required to comply with the amendments as proposed.

Comments on the proposed amendments may be submitted to Guy Joyner, Chief, Legal Support Unit, Statutory Documents Section, P.O. Box 12887, Austin, Texas 78711-2887.

Notary Public Qualifications [Notary Public Appointments]

• 1 TAC §§87.1, 87.4, 87.22, 87.23

The amendments are proposed under the Texas Government Code, §2001.004(1) and

the Notary Public Act, Texas Government Code, §406.023(a), which provides the Secretary of State with the authority to prescribe and adopt rules.

The amendments affect the Texas Government Code, §§406.001-406.025.

§87.1. *Application for a Commission as a Notary Public* [Application for Appointment as a Texas Notary Public Form].

(a) All persons applying for a commission [appointment] as a notary public shall use the application form prescribed by the secretary of state.

(b) The application form may be obtained by writing the Office of the Secretary of State, Notary Public Unit, P.O. Box 12079, Austin, Texas 78711.

§87.4. *Issuance of the Notary Public Commission* [Appointment] by the Secretary of State.

(a) The secretary of state shall commission [appoint] each applicant if:

(1) the application is properly completed and executed;

(2) the applicant is a resident of the United States and of Texas, and is at least 18 years of age; [and]

(3) the applicant is eligible and no good cause is known for rejection of the application as provided by law and hereafter by §87.41 of this title (relating to Rejection of Application and Revocation of Commission); [.]

(4) the fees specified in the Texas Government Code, §406.007 are submitted with the application form; and

(5) If a renewal, the form is received by the secretary of state no later than the expiration date of the term for which the notary public is presently serving.

(b) The secretary of state shall not commission [appoint] an applicant if he or she has had a prior application rejected or a commission revoked for a finding of ineligibility or good cause which still continues.

[(c) The time allowed for qualification for any appointment shall be as provided by law and hereafter by §87.23(a)(2) and (c) of this title (relating to Qualification with Secretary of State). The appointment for any person failing to qualify within the time allowed shall be void.]

(c)[(d)] If any application [for appointment] is received that is not properly completed and executed, the qualification [appointment] of that particular applicant will be delayed. The secretary of state shall notify the applicant by means of a rejection notice stating why the commission [appointment] was not issued [made], and the steps which should be taken to correct the errors or omissions. The applicant will have 30 days from the date of the notice to respond; otherwise, the application will be considered abandoned and all fees deposited forfeited.

(e) When an applicant states that he or she has been convicted of either a felony or a crime involving moral turpitude, or for the violation of any law concerning the regulation of the conduct of notaries public, the secretary of state may request such additional facts or supporting documentation as may be deemed necessary for fair consideration of the application [appointment]. Once a request for additional facts or supporting documentation is made, the applicant shall have 30 days from the date of the request to respond; otherwise, the application will be considered abandoned and all fees deposited forfeited.

[(f) When all conditions for appointment have been met, the application shall be approved, stamped "appointed" with the date of appointment, and filed.]

§87.22. *Completion and Execution of the Bond and Statement of Officer* [Oath of Office Form]. The bond and statement of officer [oath of office form] will be completed as follows.

(1) (No change.)

(2) The name and social security number of the applicant [appointed notary

public] will be entered in the space provided in the application [bond].

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

(5) The applicant [appointed notary public] will sign in the space provided for signature for the principal [in the form in which appointed]. The surety officer or an attorney-in-fact for an insurance or bonding company will sign in the space provided and give the surety company's Texas Department of Insurance license number.

(6) A bond form that is pre-printed with a surety company's name may be used only by that surety for the issuance of a notary bond.

(7)[(6)] The applicant's name to be used as a notary public [of the notary public in the form in which appointed] will be entered in the space provided in the statement of officer [oath of office].

(8)[(7)] The applicant [notary public] will execute the statement of officer [take the oath of office] before a notary public or other qualified officer and sign in the space provided for signature [in the form in which appointed]. Both the initial qualification as well as renewals require the referenced statement of officer [oath of office].

§87.23. Review of the Bond and Statement of Officer [Qualification with the Secretary of State]

(a) The bond and statement of officer [oath of office form] shall be approved by the secretary of state if:

(1) the form is properly completed and executed as hereinabove provided in §87.22(a) of this title (relating to Completion and Execution of the Bond and statement of officer [Oath of Office Form]); and

(2) the form is received by the secretary of state within 30 days from the date of appointment or no later than the expiration date of the term for which the notary public is presently serving when appointed for another term of office in response to a notice of expiration as hereinabove provided in §87.4 of this title (relating to Appointment by the Secretary of State); and]

(2)[(3)] the fees specified in the Notary Public Act, §406.007, Texas Government Code Annotated, §§406.001-406.024 (Vernon 1990) are remitted with the form to the secretary of state.

(b) If the bond and oath of office form are not properly completed and executed or are not received with the correct fees, the secretary of state shall delay the approval and filing of the form. The bond

and oath of office form shall be returned to the applicant together with a rejection notice identifying any errors or omissions. When the corrected form and fees are properly received by the secretary of state within the time limits imposed by this section, they shall be approved and filed. All forms not properly received will be considered abandoned and all fees deposited forfeited.]

(b)[(c)] When all conditions for qualification have been met, the application [bond and oath of office] form shall be approved, stamped "qualified" with the date of qualification, and filed. The secretary of state shall cause a commission to be issued and sent to each notary public who has qualified, which commission shall be effective as of the date of qualification for a term of office as provided by law.

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 November 27, 1995

TRD-9515241

Clark Kent Ervin
Assistant Secretary of
State
Office of the Secretary of
State

Earliest possible date of adoption: January 1, 1996

For further information, please call: (512) 463-5570

Rejection and Revocation

• 1 TAC §87.41

The amendment is proposed under the Texas Government Code, §2001.004(1) and the Notary Public Act, Texas Government Code, §406.023(a), which provides the Secretary of State with the authority to prescribe and adopt rules

The amendment affects the Texas Government Code, §§406.001-406.025.

§87.41. *Rejection of Application and Revocation of Commission.* The secretary of state by final decision and order may, for ineligibility or good cause, reject any application, suspend or revoke the commission of any notary public, or take other disciplinary action against a notary public. The other disciplinary action shall include, but not be limited to, those actions outlined in §87.48 of this title (relating to Other Disciplinary Acts). Rejection, revocation, and disciplinary proceedings will be held pursuant to the right of notice, hearing, and adjudication as set out in the rules of practice and procedure before the Office of the Secretary of State and the Administrative Procedure [and Texas Register] Act, Texas Government Code, §§2001.001-2001.902 [Texas Civil Statutes, Article 6252-13a]. Any party to a contested case has the right to be repre-

sented by legal counsel. Such action will be subject to the right of appeal to a district court of Travis County.

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 November 27, 1995.

TRD-9515243

Clark Kent Ervin
Assistant Secretary of
State
Office of the Secretary of
State

Earliest possible date of adoption: January 1, 1996

For further information, please call: (512) 463-5570

Administrative Action

• 1 TAC §87.44

The amendment is proposed under the Texas Government Code, §2001.004(1) and the Notary Public Act, Texas Government Code, §406.023(a), which provides the Secretary of State with the authority to prescribe and adopt rules.

The amendment affects the Texas Government Code, §§406.001-406.025.

§87.44. *Qualification Under New Name.*

(a) During the four-year term of office, a notary public may change the name on the notary commission by submitting the following to the secretary of state:

(1) a completed change of name form [application for appointment executed in accordance with §87.3 of this title (relating to Completion and Execution of the Application for Appointment)];

(2) a rider or endorsement to the bond on file with the secretary of state from the surety company or its agent or representative specifying the change of name;

(3) the current certificate of commission or a statement that the notary public will perform all future notarial acts under the name specified on the amended commission; and

(4) the statutory fees for the issuance of a commission and the filing of a bond.

(b) The change of name will be effective as of the date of receipt of the properly completed and executed elements listed in this section.

(c) When the name change is effective, the notary public will perform all notarial acts using the name on the amended commission.

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 November 27, 1995.

TRD-9515242 Clark Kent Ervin
Assistant Secretary of
State
Office of the Secretary of
State

Earliest possible date of adoption: January 1, 1996

For further information, please call: (512) 463-5570

Notary Public Appointments

• 1 TAC §87.2, §87.5

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

The Office of the Secretary of State proposes the repeal of §87.2, concerning the Notice of Expiration and Application for Appointment as a Notary Public for the State of Texas, and §87.5, concerning the Notice of Expiration by the Secretary of State. The sections are proposed for repeal in order to implement changes to the Notary Public Act, Texas Government Code, §§406.001-406.025, that were enacted by the 74th Texas Legislature.

Guy Joyner, Chief, Legal Support Unit, Statutory Documents Section has determined that for the first five year period that the proposed repeals are in effect there will be a savings to state government of: \$37,044 for 1996; \$39,144 for 1997; \$26,544 for 1998; \$24,444 for 1999; and \$34,944 for the year 2000. During this same five-year period, there will be no fiscal implications for local government or small business as a result of enforcing the repeals.

Mr. Joyner also has determined that for each year of the first five years that the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to provide individuals with a clarification of the procedure for application as a notary public. There is no anticipated additional economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposed repeals may be submitted to Guy Joyner, Chief, Legal Support Unit, Statutory Documents Section, P.O. Box 12887, Austin, Texas 78711-2887.

The repeals are proposed under the Texas Government Code, §2001.004(1) and the Notary Public Act, Texas Government Code, §406.023(a), which provides the Secretary of State with the authority to prescribe and adopt rules.

The repeals affect the Texas Government Code, §§406.001-406.025.

§87.2. Notice of Expiration and Application for Appointment as a Notary Public for the State of Texas.

§87.5. Notice of Expiration by the Secretary of State.

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 November 27, 1995.

TRD-9515210 Clark Kent Ervin
Assistant Secretary of
State
Office of the Secretary of
State

Earliest possible date of adoption: January 1, 1996

For further information, please call: (512) 463-5570

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 9. Liquefied Petroleum Gas Division

Subchapter D. LP-Gas Appliances and Appurtenant Equipment

• 16 TAC §9.239

The Railroad Commission of Texas proposes an amendment to §9.239, relating to appliance connectors. Section 9.239 specifies requirements for appliance connectors, including length, types of connectors, and methods of attachment.

The commission proposes this action to add new subsection (g) to allow an additional method of connection to be used only in broiler houses or other types of poultry houses.

Thomas D. Petru, assistant director, LP-Gas Section, Gas Services Division, 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. Petru 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 an additional method of connecting the supply piping to the appliance connector used in poultry houses. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Kellie Martinec, Rules Coordinator, Office of General Counsel, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967. Comments will be accepted for 30 days after publication in the *Texas Register*.

The amendment is proposed under the Texas Natural Resources Code, §113.051, which

authorizes the commission to adopt rules relating to any and all aspects or phases of the LP-gas industry that will protect or tend to protect the health, welfare, and safety of the general public.

The following are the statutes, articles, or codes affected by the proposed amendment: Texas Natural Resources Code, §113.051.

§9.239. Appliance Connectors.

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

(g) LP-gas piping in broiler houses and other types of poultry houses may use stainless steel screw-type banded clamps in lieu of the required manufactured hose connections specified in subsection (f)(4) of this section, provided that the clamps are properly installed and the connections are gas-tight, that the clamps are used in conjunction with hose barb adaptors, and that the system's operating pressure is 6 1/2 ounces or less. Other agricultural structures shall comply with the requirements of subsection (f)(4) of this section.

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 November 21, 1995.

TRD-9515109 Mary Ross McDonald
Acting General Counsel,
Office of General
Counsel
Railroad Commission of
Texas

Earliest possible date of adoption: January 1, 1996

For further information, please call: (512) 469-7008

Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules

Telephone

• 16 TAC §23.93

The Public Utility Commission of Texas proposes an amendment to §23.93, relating to Distance Learning and Interactive Multimedia Communications, to address application of the rule to libraries' information sharing programs.

As mandated by the Public Utility Regulatory Act of 1995 (PURA), §3.605, the rule requires that dominant certificated telecommunications utilities provide reduced rates for information sharing programs and interactive multimedia communications conducted or that could be conducted by libraries, as defined by the statute. Consumer-specific contracts, cost determination and annual report filing provisions also are applicable to libraries' information sharing programs.

Robert Rice, assistant general counsel, has determined that for the first five-year period

the section is in effect there will be an indeterminate cost to local and state governments whose libraries voluntarily decide to implement information sharing programs. Mr. Rice further has determined that once such programs are operational local and state governments will realize cost savings that are not possible to quantify at this time. There will be no fiscal implications for state or local government as a result of the enforcing or administering the section.

Mr. Rice 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 is reduced rates for library information sharing programs resulting in greater access to informational and educational resources for the State's citizens and students. The proposed section has no effect on small businesses. The section may have a slight effect on the dominant certificated telecommunications utility's revenues, as the rule provides for reduced rates for a subset of services provided to a small class of customers.

Mr. Rice has determined further that for the first five years the section is in effect it is likely to have no effect on the opportunities for employment in the geographic areas of Texas affected by implementing this section.

Comments on the proposed rule (15 copies) may be submitted within 30 days to Paula Mueller, Secretary of the Commission, 7800 Shoal Creek Boulevard, Austin, Texas 78757. Comments should refer to Project Number 14675. The Commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the amendment. The Commission will consider the costs and benefits in deciding whether to adopt the section.

The Commission Staff will conduct a public hearing on this rulemaking under Government Code, §2001.029 at the Commission's offices on December 12, 1995, at 10:00 a.m.

The amendment is proposed under the Public Utility Regulatory Act of 1995, §1.101, which provides the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction and §3.605, which requires that a dominant carrier file reduced rates for telecommunications services used by a library in an information sharing program.

The following statute is affected by this amendment: the Public Utility Regulatory Act of 1995, §1.101 and §3.605 and Education Code, §14.451.

§23.93. Distance Learning, Information Sharing Programs, and Interactive Multimedia Communications.

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

(1) (No change.)

(2) Educational institution—Accredited primary or secondary

schools owned or operated by state and local government entities or by private entities; institutions of higher education as defined by the Education Code, §61.003(13); the Texas [Central] Education Agency, its successors and assigns; regional education service centers established and operated pursuant to the Education Code, Chapter 8; [§11.32 and §11.33] and the Texas Higher Education Coordinating Board, its successors and assigns.

(3) Information sharing program. Instruction, learning, and training that is transmitted from one site to one or more sites by telecommunications services that are used by a library predominantly for such instruction, learning, or training, including video, data, voice, and electronic information.

(4)[(3)] Interactive multimedia communications. Real-time, two way, interactive voice, video, and data communications conducted over networks that link geographically dispersed locations. This definition includes interactive communications within or between buildings on the same campus or library site.

(5) Library. Public library or regional library system as defined by Government Code, §441.122, or a library operated by an institution of higher education or a school district.

(b) Telecommunications services eligible for reduced rates.

(1) Any tariffed service, if used predominantly for distance learning purposes by an educational institution or information sharing program purposes by a library, is eligible for reduced rates, as set forth in this section.

(2) A service is used predominantly for distance learning purposes by an educational institution or information sharing program purposes by a library when over 50% of the traffic carried, whether in video, data, voice, and/or electronic information, is identified for such use pursuant to the requirements of paragraph (1) of subsection (c) [used for distance learning].

(c) Process by which an educational institution or library qualifies for reduced rates other than through a customer-specific contract.

(1) Affidavit. To qualify for a discounted rate, an educational institution or library, as defined in subsection (a) of this section, must provide a sworn affidavit to the dominant certificated telecommunications utility [local exchange company] account representative or, if no account representative is assigned, to the business office of the utility [local exchange company].

(A) The affidavit shall:

(i)-(ii) (No change.)

(iii) state that the discounted service(s) will be used predominantly for distance learning purposes or information sharing program purposes; and

(iv) (No change.)

(B) The affidavit shall be signed by the administrative head of the institution (e.g., principal, president, chancellor) or library, or a designee given the task and authority to execute the affidavit on behalf of the educational institution or library requesting the discounted rates.

(C) (No change.)

(D) The educational institution or library shall provide an affidavit each time it orders services that will be used predominantly for distance learning purposes or information sharing program purposes.

(2) Tariff filing. Within 30 days after the effective date of this section, each dominant certificated telecommunications utility as of September 1, 1995 [local exchange carrier] shall file a distance learning and information sharing program tariff, providing for a 25% discount on any service used predominantly for distance learning or information sharing program purposes, other than a service offered pursuant to a customer-specific contract. The tariff filing shall concern only the implementation of this section and not affect any of the utility's [carrier's] other rates or services not utilized for distance learning or information sharing program purposes. Once the tariff goes into effect, any educational institution or library subsequently filing an affidavit, as described in paragraph (1) of this subsection, shall be eligible to receive the requested service at the discounted rate.

(d) Interactive multimedia communications services. Any dominant certificated telecommunications utility [local exchange company] that provides interactive multimedia communications services may file a tariff to establish rates at levels necessary, using sound rate-making principles, to recover costs associated with providing such services to educational institutions or libraries. Those interactive multimedia communications services used predominantly for distance learning or information sharing program purposes, however, shall qualify for a 25% discount pursuant to subsection (c) of this section.

(e) Customer-specific contracts. When a service is provided to an educa-

tional institution or library pursuant to §23.27(c) of this title (relating to Rate-Setting Flexibility for Services Subject to Significant Competitive Challenges), the dominant certificated telecommunications utility [LEC] shall price those components of the service used predominantly for distance learning or an information sharing program no less than 105%, and no greater than 110%, of the customer-specific long-run incremental cost.

(f) (No change.)

(g) Filing requirements. Each dominant certificated telecommunications utility [LEC] shall file an annual report with the commission on September 1 of each year indicating the demand for distance learning or information sharing program services provided under the distance learning or information sharing program tariff. The report shall include the following:

(1) the type of institution(s) or libraries provided service(s) ;

(2) type(s) of service(s) provided to each institution or libraries; and

(3) (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 November 22, 1995.

TRD-9515171

Paula Mueller
Secretary of the
Commission
Public Utility Commission
of Texas

Earliest possible date of adoption: January 1, 1996

For further information, please call: (512) 458-2100

TITLE 22. EXAMINING BOARDS

Part V. State Board of Dental Examiners

Chapter 109. Conduct

• 22 TAC §109.2

The State Board of Dental Examiners proposes an amendment to §109.2, concerning redesignation of a dental practice specialty. The proposed amendment changes the dental specialty currently designated as "orthodontics" to "orthodontics and dentofacial orthopedics" to comply with Resolution 73 adopted by the American Dental Association at its 1994 annual meeting.

Douglas A. Beran, executive director, State Board of Dental Examiners, has determined that for the first five-year period the section is in effect there will be no fiscal implications for

state or local government as a result of enforcing or administering the section.

Mr. Beran also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be clarification to the general public that dentists who limit their practices to orthodontics may announce that they are "specialists in orthodontics and dentofacial orthopedics" or that their practices are "limited to orthodontics and dentofacial orthopedics." However, they still may announce themselves as "orthodontists." The costs to small and/or large business will be contingent upon whether or not those dentists who are practicing under a trade name choose to identify the redesignated specialty after the earned dental degree or after the word "dentist" or "dentistry" on signage either permitted or required by §109.2. The anticipated economic costs to persons who are required to comply with the section as proposed also will be contingent on whether or not those individuals choose to identify the redesignated specialty after the earned degree or after the word "dentist" or "dentistry" on signage either permitted or required by §109.2.

Comments on the proposal may be submitted to Mei Ling Clendennen, Executive Assistant, State Board of Dental Examiners, 333 Guadalupe, Tower 3, Suite 800, Austin, Texas 78701.

The amendment is proposed under the Texas Government Code, §§2001.001 et seq; Texas Civil Statutes, Article 4543a, §2, which provide the State Board of Dental Examiners the authority to adopt and prescribe rules and regulations in harmony with the provisions the Dental Practice Act, Articles 4543 et seq.

The proposed amendment does not affect other statutes, articles or codes.

§109.2. Content.

(a) A dentist legally engaged in the practice of dentistry may use signs which shall be on the premises and in the immediate area of the dental office to designate his professional office where he is actually engaged in the practice of his profession.

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

(3) if he limits his practice, in accordance with §109.107 of this title (relating to Specialty Advertising or Listings—Limitation of Practice), he may add after the earned dental degree(s) or the word "dentist" or "dentistry" one of the following specialties:

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

(D) Orthodontics and
Dentofacial Orthopedics [Orthodontics]

(E)-(G) (No change.)

(b) (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 November 20, 1995.

TRD-9515057

Douglas A. Beran, Ph D
Executive Director
State Board of Dental
Examiners

Earliest possible date of adoption: January 1, 1996

For further information, please call (512) 463-6400

• 22 TAC §109.107

The State Board of Dental Examiners proposes an amendment to §109.107, concerning redesignation of a dental practice specialty. The proposed amendment changes the dental specialty currently designated as "orthodontics" to "orthodontics and dentofacial orthopedics" to comply with Resolution 73 adopted by the American Dental Association at its 1994 annual meeting.

Douglas A. Beran, executive director, State Board of Dental Examiners, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Beran also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be clarification to the general public that orthodontists may advertise that they are "specialists in orthodontics and dentofacial orthopedics" or that their practice is "limited to orthodontics and dentofacial orthopedics" provided they are such a specialist as defined by the American Dental Association. The costs to small and/or large businesses will be contingent upon whether or not those dentists who are specialists as defined by the American Dental Association and are practicing under a trade name choose to advertise the redesignated specialty as permitted in §109.107 and after the earned dental degree or after the word "dentist" or "dentistry" on signage either permitted or required by §109.2. The anticipated economic costs to persons who are required to comply with the section as proposed also will be contingent on whether or not those individuals choose to advertise the redesignated specialty as permitted in §109.7 and/or identify the redesignated specialty after the earned degree or after the word "dentist" or "dentistry" on signage either permitted or required by §109.2.

Comments on the proposal may be submitted to Mei Ling Clendennen, Executive Assistant, State Board of Dental Examiners, 333 Guadalupe, Tower 3, Suite 800, Austin, Texas 78701.

The amendment is proposed under the Texas Government Code, §§2001.001 et seq; Texas Civil Statutes, Article 4543a, §2, which provide the State Board of Dental Examiners with the authority to adopt and prescribe rules and regulations in harmony with the provisions of the Dental Practice Act, Articles 4543 et seq.

The proposed amendment does not affect other statutes, articles or codes.

§109.107. Specialty Advertising or Listings-Limitation of Practice.

(a) Dentists may advertise as being a specialist in or practice limited to a particular field of dentistry; i.e. orthodontics and dentofacial orthopedics [orthodontist], pediatric dentistry, periodontist, prosthodontist, endodontist, oral and maxillofacial surgery, oral pathology, or dental public health, provided they are a specialist as defined by the American Dental Association.

(b)-(e) (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 November 20, 1995

TRD-9515058

Douglas A. Beran, Ph.D.
Executive Director
State Board of Dental
Examiners

Earliest possible date of adoption: January 1, 1996

For further information, please call: (512) 463-6400

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**Chapter 119. Special Areas of
Dental Practice**

• **22 TAC §119.5**

The State Board of Dental Examiners proposes an amendment to §119.5, concerning redesignation of a dental practice specialty. The proposed amendment changes the dental specialty currently designated as "orthodontics" to "orthodontics and dentofacial orthopedics" to comply with Resolution 73 adopted by the American Dental Association at its 1994 annual meeting

Douglas A. Beran, executive director, State Board of Dental Examiner, 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. Beran also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be clarification of terminology regarding the dental specialty "orthodontics and dentofacial orthopedics." There will be no effect on small business. There are no anticipated economic costs to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Mei Ling Clendennen, Executive Assistant, State Board of Dental Examiners, 333 Guadalupe, Tower 3, Suite 800, Austin, Texas 78701.

The amendment is proposed under the Texas Government Code, §§2001.001 et seq; Texas

Civil Statutes, Article 4543a, §2, which provide the State Board of Dental Examiners the authority to adopt and prescribe rules and regulations in harmony with the provisions of the Dental Practice Act, Articles 4543 et seq.

The proposed amendment does not affect other statutes, articles or codes.

§119.5. Orthodontics and Dentofacial Orthopedics [Orthodontics]. Orthodontics and Dentofacial Orthopedics [Orthodontics] is that area of dentistry concerned with the supervision, guidance and correction of the growing or mature dentofacial structures, including those conditions that require movement of teeth or correction of malrelationships and malformations of their related structures and the adjustment of relationships between and among teeth and facial bones by the application of forces and/or the stimulation and redirection of functional forces within the craniofacial complex. Major responsibilities of orthodontics and dentofacial orthopedics [orthodontic] practice include the diagnosis, prevention, interception and treatment of all forms of malocclusion of the teeth and associated alterations in their surrounding structures; the design, application and control of functional and corrective appliances; and the guidance of the dentition and its supporting structures to attain and maintain optimum occlusal relations in physiologic and esthetic harmony among facial and cranial structures.

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 November 20, 1995.

TRD-9515059

Douglas A. Beran, Ph.D.
Executive Director
State Board of Dental
Examiners

Earliest possible date of adoption: January 1, 1996

For further information, please call: (512) 463-6400

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TITLE 25. HEALTH SERVICES

**Part I. Texas Department
of Health**

**Chapter 31. Special
Supplemental Nutritional
Program for Women,
Infants, and Children (WIC)**

The Texas Department of Health (department) proposes the repeal of §§31.1-31.4, and new §§31.1-31.3, concerning nutrition services. Specifically, the sections cover the Special Supplemental Food Program for Women, Infants, and Children (WIC); the

Farmers' Market Coupon Demonstration Project; and the register of mother-friendly businesses. The repeal of §§31.1-31.4 will allow Chapter 31 to be reorganized and renamed "Nutrition Services." When Chapter 31 was originally created, WIC was the only nutrition program requiring rules. Section 31.4, concerning the Farmers' Market Coupon Demonstration Project, was added to Chapter 31 effective June 1, 1989, but was not related to WIC. This year the addition of a new nutrition program also unrelated to WIC concerning the establishment of a register of "mother-friendly" businesses requires the reorganization and renaming of Chapter 31. The new title, "Nutrition Services", more appropriately includes all the department's related programs. New §31.1 will include language currently found in §§31.1-31.3, relating to WIC. New §31.2 will include language currently found in §31.4, relating to the Farmers' Market Coupon Demonstration Project. New §31.3 establishes procedures that a business must employ in order to comply with the minimum standards in Health and Safety Code, §165.003(a). A business seeking to use the term "mother-friendly" in its promotional materials must submit its policies to the department for review and approval. The department will make the register of "mother-friendly" businesses available to the public.

Dennis H. Bach, Chief, Bureau of Nutrition Services, 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. Bach 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 are that more working mothers will be able to breast-feed for a longer period of time, thereby improving the health of both mothers and their children. Participation in the program by businesses is voluntary, so no compliance costs for small or large businesses or individuals are clearly foreseeable. Costs to businesses that do participate will vary depending on the services they offer, and may be offset by reduced costs relating to lower employee absenteeism and higher morale. There is no anticipated effect on local employment.

Comments on the proposed rule may be submitted to Dennis H. Bach, Chief, Bureau of Nutrition Services, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7444. Public comments will be accepted for 30 days following publication of the proposed rule in the *Texas Register*.

• **25 TAC §§31.1-31.4**

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

The repeals are proposed under Health and Safety Code, §12.001(b), which authorizes the board to adopt rules for the performance of every duty imposed by law on the board, the department, and the commissioner of health.

The repeals affect Health and Safety Code, Chapter 165.

§31.1. *Federal Regulations on Special Supplemental Food Program for Women, Infants, and Children (WIC).*

§31.2. *WIC State plan of Operations.*

§31.3. *WIC Policy and Procedure Manual.*

§31.4. *Farmer's Market Coupon Demonstration Project.*

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 November 20, 1995.

TRD-9515147

Susan K. Steeg
General Counsel
Texas Department of
Health

Earliest possible date of adoption: January 1, 1996

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

Chapter 31. Nutrition Services [Special Supplemental Nutrition Program For Women, Infants, and Children (WIC)]

• 25 TAC §§31.1-31.3

The new sections are proposed under Health and Safety Code, §12.001(B), which authorizes the board to adopt rules for the performance of every duty imposed by law on the board, the department, and the commissioner of health.

The new §31.3 will affect Health and Safety Code, Chapter 165.

§31.1. *Special Supplemental Food Program for Women, Infants, and Children (WIC).*

(a) Federal regulations.

(1) The department adopts by reference the United States Department of Agriculture regulations on the Special Supplemental Food Program for Women, Infants, and Children (WIC). These regulations are contained in the Federal Register publication entitled "Special Supplemental Food Program for Women, Infants, and Children" dated February 13, 1985, as amended October 4, 1993, November 29, 1993, March 10, 1994, and March 11, 1994.

(2) Copies of the regulations described in §31.1(a)(1) are filed in the department's Bureau of Nutrition Services-Women, Infants, and Children (WIC) Pro-

gram, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and are available for public inspection during regular working hours.

(b) WIC State Plan of Operations.

(1) The department adopts by reference the publication titled "WIC State Plan of Operations, as amended in October, 1994. This plan has been developed by the department's WIC Program and approved by the United State Department of Agriculture.

(2) Copies of the state plan are filed in the department's Bureau of Nutrition Services-Women, Infants, and Children (WIC) Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and are available for public inspection during regular working hours.

(c) WIC Policy and Procedure Manual.

(1) The department adopts by reference the publication titled "WIC Policy and Procedure Manual," which the department developed, as amended May 1, 1994. This policy and procedure manual has been developed by the department's WIC Program and approved by the United States Department of Agriculture.

(2) Copies of the manual are filed in the department's Bureau of Nutrition Services-Women, Infants, and Children (WIC) Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and are available for public inspection during regular working hours.

§31.2. *Farmers' Market Coupon Demonstration Project.*

(a) The department adopts by reference the state plan for operations for the Farmers' Market Coupon Demonstration Project in Texas. The state plan is titled "Plan for Project Operations."

(b) Copies of the state plan described in §31.2(a) are filed in the Bureau of Nutrition Services-Women, Infants, and Children (WIC), Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and are available for public inspection during regular working hours.

§31.3. *Register of Mother-Friendly Businesses.*

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

(1) Mother-friendly business—A business that actively promotes and supports breast-feeding by its employees.

(2) Department—Texas Department of Health.

(b) Minimum standards. To be considered mother-friendly, a business must:

(1) adhere to the definition of a mother-friendly business;

(2) provide work schedule flexibility to allow employees time for either expressing breast milk or breast-feeding;

(3) provide employees access to a private area for either expressing breast milk or breast-feeding;

(4) provide access to a sink; and

(5) provide access to a hygienic place to store expressed breast milk.

(c) Application for designation as a mother-friendly business. To apply for designation as a mother-friendly business, a business must:

(1) complete a mother-friendly application. Applications are available from the Breast-feeding Promotion Section, Bureau of Nutrition Services (BNS), Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and should be completed by the contact person for mother-friendly activities. Completed applications should be returned to the department's Breast-feeding Promotion Section; and

(2) submit completed applications for review. Completed applications will be reviewed by the staff of the Breast-feeding Promotion Section for compliance with the minimum standards set forth in subsection (b) of this section. Businesses that meet the standards will receive a letter signed by the Commissioner of Health and a certificate suitable for framing and display. Businesses that do not meet the standards will be notified by letter and will be offered technical assistance to achieve compliance.

(d) Maintaining designated status. A business designated as mother-friendly must:

(1) be listed as such by the department. The list of mother-friendly businesses will be maintained by the staff of the department's Breast-feeding Promotion Section. The department will make the list available for public inspection;

(2) keep the staff of the Breast-feeding Promotion Section informed of any changes in the company's mother-friendly policies. If its mother-friendly policies change, a business must submit an amended application; and

(3) comply with minimum standards at all times. If a business does not comply with the program's minimum standards at all times, the department may suspend or revoke the mother-friendly designation. A businesses may amend its nonconforming policies and may reapply for the mother-friendly designation. Em-

ployees and clients should direct complaints about the activities of a business that employs the mother-friendly designation to the department's Breast-feeding Promotion Section

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 November 20, 1995.

TRD-9515146

Susan K Steeg
General Counsel
Texas Department of
Health

Earliest possible date of adoption. January 1, 1996

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

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter O. State Sales and Use Tax

• 34 TAC §3.300

The Comptroller of Public Accounts proposes an amendment to §3.300, concerning manufacturing; custom manufacturing; fabricating; processing. The amendment incorporates legislative changes that extend the exemption to leased equipment provided the lease is for at least a year and adds an exemption for clean room equipment not previously exempted. A definition of "semiconductor cleanroom" is added. Other minor changes were made for clarity that do not affect the administration of the exemption.

Mike Reissig, chief revenue estimator, 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. 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 rule 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 proposal may be submitted to Karey W. Barton, Manager, Tax Policy Division, P.O. Box 13528, Austin, Texas 78711.

The amendment 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 amendment implements the Tax Code, §151.318.

§3.300. Manufacturing: Custom Manufacturing: Fabricating: Processing.

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

(1)-(13) (No change.)

(14) Semiconductor fabrication cleanrooms and equipment—All tangible personal property, without regard to whether the property is affixed to or incorporated into realty, that is used in connection with the manufacturing, processing, or fabrication in a cleanroom environment of a semiconductor product, without regard to whether the property is actually contained in the cleanroom environment.

(A) The term includes integrated systems, fixtures, and piping, moveable cleanroom partitions and cleanroom lighting, all property necessary or adapted to reduce contamination or to control airflow, temperature, humidity, chemical purity, or other environmental conditions or manufacturing tolerances, and production equipment and machinery.

(B) Semiconductor fabrication cleanroom equipment is not "intraplant transportation equipment" nor is it used incidentally in a manufacturing, processing, or fabrication operation.

(C) The term does not include the building or any permanent, nonremovable structural component part of the building, such as vibration-isolation platforms and vibration columns, that houses the cleanroom environment.

(15)[(14)] Useful life—The time it takes for an item used in the manufacturing process to be entirely consumed or without value beginning the date the item was purchased new.

(b) (No change.)

(c) Nonexempt manufacturing items. Certain items are specifically subject to tax:

(1) (No change.)

(2) [except as provided under subsection (f) of this section,] machinery, equipment, replacement parts, and accesso-

ries rented or leased for a term of less than one year [having a useful life when new in excess of six months];

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

(d) Exempt manufacturing items.

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

(3) Necessary and essential materials.

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

(C) Labor charges for repair, maintenance, remodeling, or restoration services to pollution control equipment or machinery required by law or regulation and other tangible personal property that is exempt under this section are exempt.

(D) (No change.)

(4)-(7) (No change.)

(e) Rented or leased taxable items. The exemptions provided in this section do not apply to any taxable item rented or leased before October 1, 1995, under an operating lease to a person engaged in manufacturing. Taxable items used in a manner exempted under this section and leased on or after October 1, 1995, for a term exceeding one year qualify for exemption.

(f) Useful life of more than six months.

(1) State tax paid on qualifying machinery, equipment, replacement parts, and accessories with a useful life exceeding six months qualified for a partial refund [may be partially refunded] by the comptroller if the items were [are] purchased by a manufacturer and the tax was [is] paid after December 31, 1989. A reduction in the [reduced] amount of tax due applies [may be paid] at the time of purchase to [if the] items [are] purchased on or after October 1, 1993. Purchases on or after January 1, 1995, are exempt. The date that title or possession transfers from the retailer to the manufacturer [purchaser] is the purchase date. Items purchased out of state will be considered purchased on the date they are brought into this state.

(2) Manufacturing machinery, equipment, replacement parts, and accessories purchased by a manufacturer qualify for a refund, [or] a reduction in the amount of tax paid, or for exemption:

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

(3) Qualifying items [which are] purchased in 1990 and from January 1, 1991, through September 30, 1991, and on which tax is paid qualify for a refund of 25% of the state tax paid. The refund may

be claimed only during the calendar year after the tax is paid.

(4) Manufacturing machinery and equipment purchased from October 1, 1991, through September 30, 1993, do not qualify for sales tax refunds or tax reductions.

(A) Fifty percent of the sales price of qualifying items purchased from October 1, 1993, through December 31, 1993, is exempted from the state sales and use tax.

(B) Seventy-five percent of the sales price of qualifying items purchased during 1994 is exempted from the state sales and use tax.

(C) Qualifying items purchased on or after January 1, 1995, are exempt.

(5) Except for equipment listed in subparagraphs (A)-(C) of this paragraph, semiconductor fabrication cleanroom equipment qualifies for exemption as provided under paragraph (4) of this subsection. Equipment listed in subparagraphs (A)-(C) of this paragraph, is exempt if purchased on or after October 1, 1995:

(A) tangible personal property that moves the product or other materials necessary and essential to the process including piping used to move gas, liquids, deionized water and hazardous waste material; silicon wafer moving, handling and tracking systems;

(B) electrical supply and control equipment such as switches, wiring and monitoring equipment incorporated into the realty; and

(C) partition panels that are not incorporated into realty.

(g)-(h) (No change.)

(i) Tax refund or reduced amount. A person engaged in overhauling, retrofitting, or repairing jet turbine engines and their component parts is entitled to a refund, [or] a reduction, or an exemption in the amount of sales and use tax for the purchase of qualifying items including aluminum oxide, nitric acid, and sodium cyanide used in electrochemical plating or a similar process that are used or consumed in the overhauling, retrofitting, or repairing of jet turbine engines or their component parts. The refund or reduced amount of tax is obtained in the same manner as is provided for manufacturers under subsections (g) and (h) of this section.

(j) Divergent use. Machinery and equipment purchased on or after January 1, 1995, and on which the full sales tax exemption is claimed is subject to tax on either the fair market rental value or on the full purchase price during any period of use for other than manufacturing purposes as provided for under §3.287 of this title (relating to Exemption Certificates). Machinery and equipment purchased between January 1, 1990, and December 31, 1994, and on which the reduced tax was paid must be used primarily or predominantly in the manufacturing process. No additional tax is due on a divergent use provided the divergent use is less than 50% of the overall use. Tax is due on the full purchase price if the use is primarily for a use not eligible for exemption.

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 November 21, 1995.

TRD-9515140

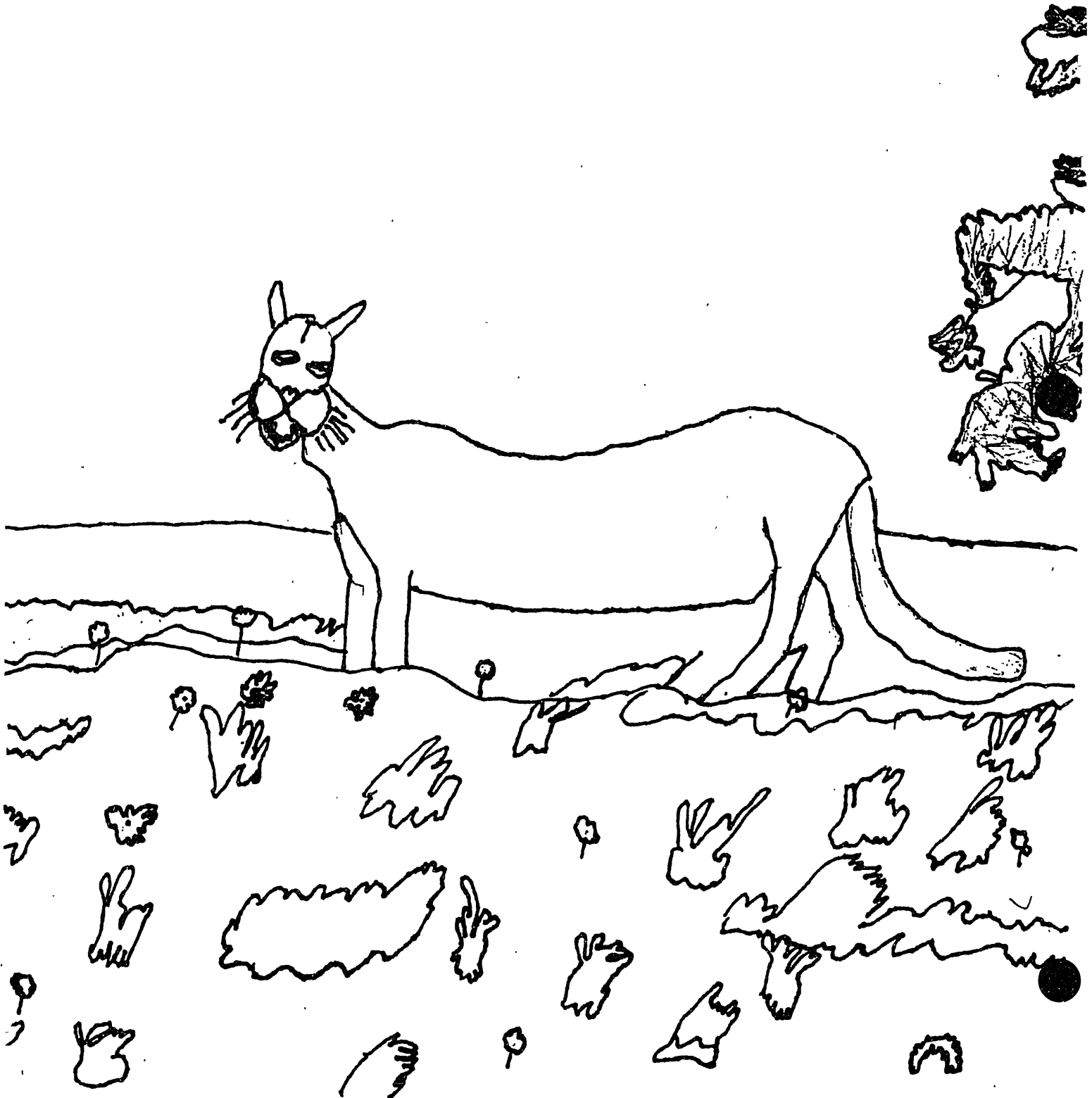
Martin Cherry
Chief, General Law
Comptroller of Public
Accounts

Earliest possible date of adoption: January 1, 1996

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



Name: Chrystal McLaughlin
Grade: 4
School: Nursery Elementary School, Nursery ISD



WITHDRAWN RULES

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

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Licensing and Regulation

Chapter 60. Texas Commission of Licensing and Regulation

Subchapter B. Organization of the Commission of Licens- ing and Regulation

• 16 TAC §60.22

The Texas Department of Licensing and Regulation has withdrawn from consideration for permanent adoption a proposed amendment to §60.22, which appeared in the May 23, 1995, issue of the *Texas Register* (20 TexReg 3816). The effective date of this withdrawal is November 20, 1995.

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

TRD-9515056

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

Effective date: November 20, 1995

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



TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

Chapter 5. Program Development

Subchapter P. Testing and Re- mediation

• 19 TAC §5.313

The Texas Higher Education Coordinating Board has withdrawn the emergency effectiveness of amendment to §5.313, concerning Program Development. The text of the emergency amendment appeared in the August 11, 1995, issue of the *Texas Register* (20 TexReg 6055). The effective date of this withdrawal is November 22, 1995.

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

TRD-9515187

James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: November 22, 1995

For further information, please call: (512)
483-6160



The Texas Higher Education Coordinating Board has withdrawn from consideration for permanent adoption a proposed amendment to §5.313, which appeared in the August 11, 1995, issue of the *Texas Register* (20 TexReg 6055). The effective date of this withdrawal is November 22, 1995.

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

TRD-9515186

James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: November 22, 1995

For further information, please call: (512)
483-6160



TITLE 22. EXAMINING BOARDS

Part XXXIII. Texas State Board of Examiners of Perfusionists

Chapter 761. Perfusionists

• 22 TAC §761.10

The Texas State Board of Examiners of Perfusionists has withdrawn from consideration for permanent adoption a proposed amendment to §761.10, which appeared in the September 22, 1995, issue of the *Texas Register* (20 TexReg 7557). The effective date of this withdrawal is December 11, 1995.

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

TRD-9515112

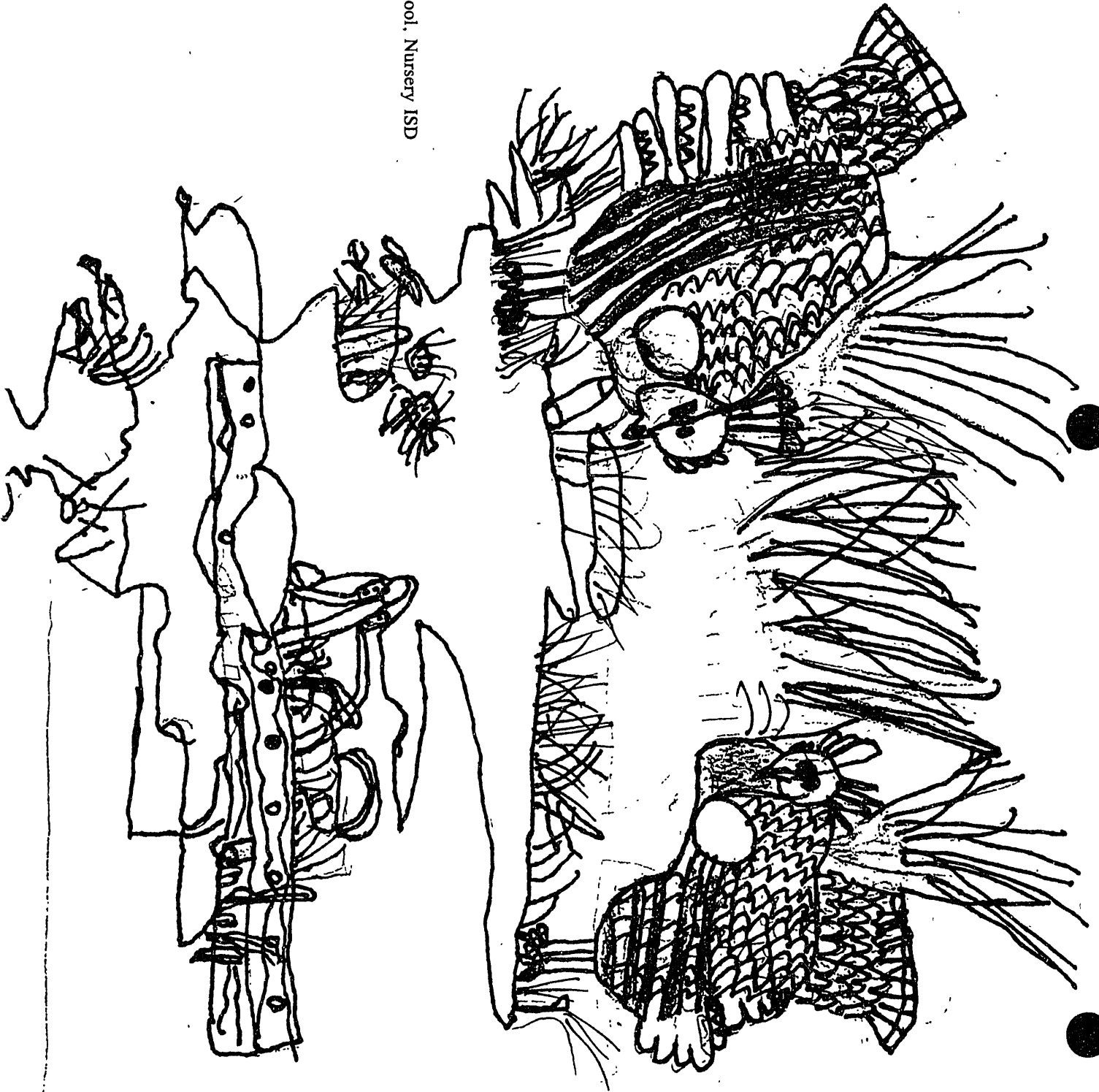
Shannon E. Ballard,
Chairman
Texas State Board of
Examiners of
Perfusionists

Effective date: December 11, 1995

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



Name: Chris Morgan
Grade: 4
School: Nursery Elementary School, Nursery 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 1. ADMINISTRATION

Part XII. Advisory Commission on State Emergency Communications

Chapter 251. Standards

• 1 TAC §251.7

The Advisory Commission on State Emergency Communications (ACSEC) adopts new §251.7, concerning guidelines for implementing integration of new technology and 9-1-1 functionality to facilitate the delivery of an emergency call, without changes to the proposed text as published in the October 10, 1995, issue of the *Texas Register* (20 TexReg 8263).

The rule was adopted in order to provide guidelines for integrating typical 9-1-1 features with a digital map display of location information into one work station at an emergency call answering position. This is important as technological changes are occurring, as well as the increasing volume of callers who cannot accurately identify their location (e.g. cellular callers).

The following comments were received in favor of the new rule:

The North Central Texas Council of Governments which is in a joint partnership arrangement to test a Mapped ALI project. They assert that the rule should be adopted if it is necessary for the implementation of Mapped ALI, however, they feel this is an optional feature much the same as optional features now available for ALI level service. It encourages the ACSEC to allow for the inclusion of Mapped ALI as Level II service.

The South East Texas Regional Planning Commission supports the proposed rule adding that in order to obtain the maximum benefit from the costly and time consuming project, Mapped ALI is the next logical and cost efficient step. The display of a map depicting geographic based coordinate locations is essential in facilitating delivery of emergency assistance for 9-1-1 wireless communications users and callers who cannot accurately identify their location.

The Palo Pinto County Sheriff's Office, supports proposed rule stating that Mapped ALI

should be an integral component of "All fully enhanced" 9-1-1 systems for rural areas. In a cooperative effort involving Sprint United, 9-1-1 Mapping Inc., and North Central Texas Council of Governments, they have developed and conducted a "beta site" at the Sheriff's Public Safety Answering Point for the use of mapped ALI. In many instances, 9-1-1 call takers were able to utilize the geographical display for more accurate location information rather than some sketchy information provided by another telephone company.

The Palo Pinto County Judge's Office, offers the same reasoning as the Palo Pinto County Sheriff's Office, and fully supports the inclusion of any technology that provides the geographical display of E9-1-1. It is their position that Mapped ALI should be an integral component of fully enhanced 9-1-1 on an optional basis.

The agency agrees that provisions for Mapped ALI will keep abreast with changing technology and provide enhancement of 9-1-1 systems for more accurate location information.

The following comments was received against the new rule: West Central Texas Council of Governments does not support the proposed rule because Mapped ALI should not be a part of integrated services, that it is simply another means of displaying ALI information. It adds that the proposed rule, in essence, ties them to establish and adopt a plan before the ACSEC has made a decision as to its role in funding maintenance activity.

The agency disagrees with the comments against adoption because the rule does not require implementation of integrated services or Mapped ALI.

The new section is adopted in accordance with the Texas Health and Safety Code, Chapter 771, §§771.051, 771.056, and 771.057, which authorizes the ACSEC to develop and amend a regional plan for the establishment and operation of 9-1-1 services throughout a 9-1-1 region that meets the standards established by the Commission according to procedures determined by the Commission.

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 November 22, 1995.

TRD-9515183

Mary A Boyd
Executive Director
Advisory Commission on
State Emergency
Communications

Effective date: December 13, 1995

Proposal publication date: October 10, 1995

For further information, please call: (512) 305-6911

Chapter 255. Finance

• 1 TAC §255.4

The Advisory Commission on State Emergency Communications adopts an amendment to §255.4, concerning the definition of equivalent local exchange access line, without changes to the proposed text as published in the October 10, 1995, issue of the *Texas Register* (20 TexReg 8264) The amendment is adopted in response to changes in the local telephone service environment since the definition was originally adopted. The amendment modifies the definition of "equivalent local exchange access line" to include wired and wireless local lines notwithstanding whether a federal subscriber line charge is assessed on a customer's bill by a service provider. The amendment would allow for the imposition of up to a \$.50 emergency service fee on local telecommunications subscribers connected to the public switched telecommunications network with the ability to reach a public safety answering point by dialing 9-1-1, except those subscribers exempted by statute and §255.6. For clarification and uniformity of billing the 9-1-1 emergency service fee, the amendment redefines an equivalent local exchange access line.

Comments in support of the amendment were received from Lubbock Emergency Communication District, Bexar Metro 9-1-1 Network District, and Cameron County 9-1-1 Communications District. Comments against the amendment were received from AT&T Wireless Services Inc. (AT&T Wireless), Houston Cellular Telephone Company (Houston Cellular), Galveston Cellular Telephone Company (Galveston Cellular), GTE Mobilnet of Houston Incorporated, GTE Mobilnet of Austin Incorporated, Contel Cellular of the Southwest, Inc. (collectively GTE Mobilnet), Sprint Cellular Company (Sprint Cellular), and Southwestern Bell Mobile Systems (SWB Mobile).

A comment requesting clarification to the amendment was also received from WorldCom, Inc., doing business as LDDS WorldCom (WorldCom)

Lubbock Emergency Communication District (LECD) states that it fully supports the amendment. LECD notes that for 9-1-1 purposes, wireless access to the 9-1-1 system constitutes the functional equivalent of land line service: that is, just as land line telephone subscribers dial 9-1-1 to reach a PSAP, wireless subscribers dial 9-1-1 to reach a PSAP. LECD further notes that its Board of Managers has passed an order imposing the emergency service fee on cellular and wireless customers, and attached a copy of that order to its comments. LECD states that at the time the Texas 9-1-1 legislation was written, cellular and wireless telephones had no statistically significant impact on the provision of 9-1-1 service. LECD further states that now the impact of wireless customers on 9-1-1 centers is staggering, hovering around 30% total call volume and escalating rapidly. LECD also states that without a means of identifying the cellular caller's telephone number or location, those calls take three to four times longer to process than wireline 9-1-1 calls. LECD submits that it is critical that cellular customers begin to pay their share of the costs of improvements to their 9-1-1 service, and that those who argue double imposition of the fee will occur because wireless customers may have wireline service fail to recognize there are costs to provide 9-1-1 to each telephone.

Bexar Metro 9-1-1 Network District (Bexar Metro) supports the amendment to refine the definition of an equivalent local exchange access line. Bexar Metro submits that it has watched the increase in 9-1-1 cellular activity for some time and that it is very important that the district be financially prepared to pay the costs it will soon incur in supporting technology and personnel requirements as the number of cellular calls continues to increase. Cameron County 9-1-1 Communications District also supports the amendment, noting that its Board of Managers adopted an order on October 24, 1995, which will impose the emergency service fee on cellular and wireless customers.

Comments by the cellular and wireless carriers against the amendment 1) challenge the Commission's authority to adopt, or the propriety of adopting, the amendment because of legislative inaction on the issue during the 74th Legislative Session, 2) raise several policy objections to the amendment, and 3) challenge the Commission's authority to adopt or enforce the amendment in view of the definition of "local exchange service provider" in Health and Safety Code, §771.001(5). For the reasons listed, the Commission disagrees with all of these arguments and assertions against adoption of the amendment.

GTE Mobilnet and Sprint Cellular assert that because the Texas Legislature did not pass two bills during the 74th Legislative Session that would have clarified the Commission's authority to impose an emergency service fee on cellular and wireless customers, imposing the emergency service fee is in excess of the Commission's authority. AT&T Wireless, Houston Cellular, and Galveston Cellular

make the same assertion, arguing that such is an obvious circumvention of the legislature's failure to adopt those two bills. The Commission disagrees.

The cellular and wireless carriers are correct that although a bill addressing the issue was reported favorably out of committee and placed on the local and consent calendar, the Texas Legislature ultimately did not pass a bill addressing the issue. The failure to report a bill from committee or inaction by the legislature, however, does not conclusively establish legislative intent. *El Chico Corp. v. Poole*, 732 S.W.2d 306, 314 (Tex. 1987). As the Texas Supreme Court noted, "[w]hile failure to enact a bill may arguably be some evidence of legislative intent, other reasons are equally inferable." *Id.* at 314. The Commission acknowledges that it certainly desired legislative clarification on the issue. The Commission's responsibilities, however, to administer the implementation of statewide 9-1-1 requires that the issue now be addressed in view of changes in the telecommunications market and environment since the original definition of "equivalent local exchange access line" was adopted.

GTE Mobilnet and Sprint Cellular assert that the public interest weighs heavily toward rejection of the amendment. They urge the Commission to carefully review whether the impact on the wireless industry outweighs the benefits from the additional fees that will be collected. AT&T Wireless, Houston Cellular, Galveston Cellular, GTE Mobilnet, and Sprint Cellular note that cellular customers already pay the 9-1-1 equalization and poison control surcharges on intrastate long distance service pursuant to Health and Safety Code, §771.072, and that residential and business customers of wireline local service providers already pay the 9-1-1 emergency service fee at home and/or work. Therefore, they assert that double or triple charging will occur. The Commission rejects these policy arguments for the following reasons.

The potential benefits and adverse impacts on the health and safety of cellular and wireless customers that may result from the Commission's failure to impose the emergency service fee on cellular and wireless customers is one of the major reasons, in addition to equity, for modifying the definition. Cellular carriers currently strongly promote safety as a major benefit of cellular and wireless telephone service. Cellular carriers, however, do not as strongly promote the potential adverse impact to their customers from the degradation of 9-1-1 service that accompanies cellular and wireless telephone service (i.e. no call-back, location identification, or selective routing). The problem has grown to such import to the public health and safety that the Federal Communications Commission has released a Notice of Proposed Rulemaking seeking comments on, among other things, whether it should require the following warning on certain cellular and wireless devices and on their packaging: You may use this transmitter to dial for help through 911. The person answering may not know where you are, or how to call you back, unless you accurately provide your location and your full telephone number, including area and/or roaming codes. *In the Matter of Revision on*

the Commission's rules to ensure compatibility with enhanced 911 emergency calling systems, CC Docket No. 94-102 (Released October 19, 1994) at p. 28. The Commission believes that it must also do its part to protect the health and safety of cellular and wireless customers by funding the sophisticated systems that regional planning commissions, as well as 9-1-1 districts, will need in the near future to provide call-back, location, and selective routing to cellular and wireless 9-1-1 callers. Currently, pilot projects for enhanced 9-1-1 service to cellular and wireless customers are occurring Tarrant County and Harris County.

The Commission, concurrently with the adoption of this amendment is also adopting a new rule, §251.7 [the proposed text is published in the October 10, 1995, issue of the *Texas Register* (20 TexReg 8263)], of guidelines to address the ever increasing burden placed on public safety answering points from the volume of callers who cannot accurately identify their location (e.g. cellular callers). The cellular carriers opposing the amendment to §255.4 do not oppose or question the Commission's adoption of §251.7, which may ultimately increase by even more the amount that each wireline local exchange access line customer subsidizes 9-1-1 service to cellular and wireless customers. The cellular carriers also do not oppose or question the Commission's current §251.1(e)(9), which provides that "[a]ll 9-1-1 service systems must accept emergency calls from mobile telephone systems operating within the 9-1-1 service area." Instead, they only question being treated like wireline customers for purposes of imposing the emergency service fee on cellular and wireless customers. The Commission concludes that protecting the health and safety of cellular and wireless customers, as well as equity to the wireline customers, compels rejection of the cellular and wireless carriers' public interest argument.

The cellular and wireless carriers' double and/or triple charging assertions are also rejected for lack of merit. The equalization and poison control surcharges are not imposed to fund all, or even a major portion, of general 9-1-1 service. The equalization surcharge supplements the emergency service fee to regional planning commissions and districts, regardless of whether the district is participating in the regional plan, and the poison control surcharge is to fund specific needs of poison control centers. The emergency service fee is imposed on a per local exchange access line or equivalent local exchange access line basis and no double or triple charging of the fee will occur as long as the emergency service fee is imposed only once per local exchange access line or equivalent local exchange access line.

The Commission, as a matter of policy, concludes that absent a legal bar to imposing the emergency service fee on cellular and wireless customers, the public's health and safety, as well as equity, currently weighs overwhelmingly in favor of imposing the fee on those customers.

GTE Mobilnet and Sprint Cellular assert that, as a matter of law, cellular and wireless carriers are not within the definition of "local exchange service provider" in Health and Safety

Code, §771.001(5) AT&T Wireless, Houston Cellular, and Galveston Cellular make the same assertion, as does SWB Mobile. The Commission disagrees.

A fundamental rule controlling the construction of a statute is to determine, if possible, the intent of the legislature as expressed in the language of the statute. However, legislative intent is the law itself, and must be enforced if determined, although it may not be consistent with the strict letter of the statute. In determining the meaning of a statute, a court must consider the entire act, its nature and object, and consequences that would follow from each construction. A court will not give one provision of a statute a meaning out of harmony or inconsistent with other provisions, although that provision might be susceptible to such a construction if standing alone. If application of a statute's plain language will lead to consequences the legislature could not have contemplated, then courts are bound to presume that such consequences were not intended and adopt a construction that will promote the purpose for which the legislation was passed.

Health and Safety Code, §671.001(5) provides that "[l]ocal exchange service provider" means a telecommunications carrier providing telecommunications service in a local exchange service area under a certificate of public convenience and necessity issued by the Public Utility Commission of Texas." The cellular and wireless carriers argue that they are not within this definition because they do not provide local telephone service "under a certificate of public convenience and necessity issued by the Public Utility Commission of Texas." The Commission would initially point out that although the definition can be read literally in the manner urged by the cellular carriers, it may also be read literally to mean "a telecommunications carrier providing telecommunications service in a local exchange area . . ." (i.e., the "in a local exchange area . . ." language only signifies the type of telecommunications carrier for purposes of that definition--local carrier--as opposed to a telecommunications carrier providing intrastate long distance service that collects the surcharge). The Commission would also point out the comparable definition in Health and Safety Code, Chapter 772 provides that "[s]ervice supplier" means an entity providing local exchange access lines to a service user in an emergency communication district." (emphasis added) Health and Safety Code, §772.001(15). These two chapters of the Health and Safety Code represent the legislature's comprehensive scheme for providing 9-1-1 emergency service. The Commission, therefore, concludes that it is most appropriate to consider both these chapters together in ascertaining the meaning of the Health and Safety Code, Chapter 771 definition of local exchange service provider.

The Commission would further note that the interpretation of the definition of local exchange service provider urged by the cellular and wireless carriers would not only exclude them. During the 74th Legislative Session, the Public Utility Regulatory Act was amended to allow additional local telecommunications carriers, other than one with a "certificate of public convenience and necessity,"

to compete by obtaining a "certificate of operating authority" or a "service provider certificate of operating authority" from the Public Utility Commission of Texas. These additional new local service providers would unquestionably fall within the Health and Safety Code, Chapter 772 definition of "service supplier," but would not fall under the definition in Health and Safety Code, Chapter 771 if the plain reading of the definition urged by the cellular carriers (i.e. "under a certificate of public convenience and necessity issued by the Public Utility Commission of Texas") were indeed the proper reading of the definition. This in and of itself should be sufficient to confirm legislative intent that the appropriate reading of the Health and Safety Code, Chapter 771 definition is "a telecommunications carrier providing local telephone service" (i.e. like in the Chapter 772 districts, "an entity providing local exchange access lines"). There is, however, further express support in the statute for including cellular and wireless carriers within the Health and Safety Code, Chapter 771 definition.

House Bill 911 first authorized the Commission to fund the development of quality statewide 9-1-1 by imposing an emergency service fee on local telephone customers and an equalization surcharge on intrastate long distance customers. In House Bill 911, the legislature mandated ANI as a minimum performance standard for 9-1-1 service to be followed in developing regional plans. At the time of the enactment of House Bill 911, there was a close balance between the universe of potential 9-1-1 callers and the universe of customers receiving local telephone service from only the local exchange company with a "certificate of public convenience and necessity issued by the Public Utility Commission of Texas." As pointed out by LECD, at the time the Texas 9-1-1 legislation was written, cellular and wireless telephones had no statistically significant impact on 9-1-1 service.

Technological, market, and statutory changes have now created an ever increasing gap between these two universes, especially because of cellular and wireless carriers. For example, the FCC in the NPRM, discussed earlier, noted that in major metropolitan areas, it is estimated that 10% of 9-1-1 calls originate from mobile radio service subscribers, and that it is estimated that by 1998 there will be 32 million cellular customers and 2.6 million Personal Communications Network customers. NPRM at pp. 6-7. Chapters 771 and 772, however, were intended to apply to "any person calling the telephone number 9-1-1." See, Health and Safety Code, §§771.059, 772.102, 772.202, and 772.302. The plain language and purpose of the statutes, as well as common sense, show that the legislature was not intending to specifically exclude certain customers receiving local telephone service from paying emergency service fees based on which local telephone carrier provided local telephone service. The other local telephone service carriers either did not exist or were a minuscule portion of the local telephone market at the time House Bill 911 was enacted.

The legislative history and other parts of the statutes further support the conclusion that there was no intent to exclude customers

from paying the emergency service fee based on the type of local telephone carrier. Senator Sarpalius: I assume the cost is assessed on an individual's phone bill? Representative Carter: Yes, it will be a user fee similar to what was in your bill. The numbers in this particular bill are up to 50 cents on the local access lines and up to one-half of one percent on long distance services . . . 70th Legislature, Senate State Affairs Committee Hearing of May 13, 1987 (tape 1, side 1) The "user fee" concept that the legislature adopted for emergency service fees is inconsistent with requiring customers of the local telephone carrier with a "certificate of public convenience and necessity" or only wireline customers to pay significant costs to fund 9-1-1 service for customers provided local telephone service by another local service provider. The Commission concludes that the legislature intended for the emergency service fee to apply uniformly in an area to local lines that may potentially access 9-1-1, regardless of an entity's authorization for providing that local telephone service." See, e.g. Health and Safety Code, §772.114(b) ("the fee must have uniform application"). The Commission further concludes that the legislature could not have contemplated that the definition of "local exchange service provider" would mean that 9-1-1 entities would be required to make significant investments to provide 9-1-1 service for cellular and wireless customers on the backs of local wireline customers. The reading of the definition urged by the cellular carriers is inconsistent with ascertainable legislative intent and would lead to results the legislature could not have contemplated.

The Commission further notes that in 1995 it is not uncommon for cellular and wireless service to be considered a local exchange access line or an equivalent local exchange access line for 9-1-1 purposes. The South Dakota Legislature recently amended its 9-1-1 statute to define "local exchange access lines" to mean "any telephone line or cellular telephone that connects a telephone subscriber to the local switching office and has the capability of reaching local public safety service agencies." 1995 South Dakota House Bill Number 1128, South Dakota 70th Legislative Assembly. The Louisiana Legislature recently amended its 9-1-1 statute to provide that "[e]xchange access facilities" means all lines or their equivalent wireless service provided by the service supplier for the provision of local exchange service." 1995 Louisiana Senate Bill Number 272, Louisiana Regular Session, 1995. The New Hampshire Legislature addressed the issue somewhat differently by indicating "lines serving cellular communication towers" were local exchange lines. See, New Hampshire Statutes Ann. Chapter 106, H-9 (1994).

The Commission, like a court construing the statutory definition of "local exchange service provider," is to ascertain legislative intent from the statute as a whole and to presume that consequences that could not have been contemplated were unintended and to adopt an interpretation of the statute that will promote the purpose for which the legislation was passed. In that regard, for the reasons expressed in detail above, the Commission interprets that statutory definition of "local ex-

change service provider" to mean "a telecommunications carrier providing local telephone service." The Commission, therefore, rejects the cellular and wireless carriers' argument that the definition of "local exchange service provider" restricts the Commission's authority to include cellular and wireless lines within the definition of an "equivalent local exchange access line" or the Commission's authority to enforce its rule in the same manner as it can against other "local exchange service providers."

WorldCom requests clarification on the intent of the amendment, and, in the alternative, clarification in the amendment if the Commission's intent was other than WorldCom's interpretation that no double imposition of the fee was intended on a single local exchange access line. WorldCom explains that in the new environment under the Public Utility Regulatory Act of 1995, local service providers will be providing not only retail service to end-users, as has been the situation in the past, but also wholesale service to other local service providers who in turn will provide retail service to the end-user customer. WorldCom seeks clarification that the intent of the amendment is not to result in double imposition of the emergency service fee on the same local exchange access line by having the wholesale local exchange service provider impose the fee on the retail local exchange service provider who in turn will impose another emergency service fee on the end-user customer.

The Commission's intent, as stated earlier, is to ensure that changes in the local telecommunications environment will not result in an emergency service fee failing to be imposed on a local line that connects the customer to the public switched telecommunications network and provides the customer with the ability to reach a public safety answering point by dialing the digits 9-1-1. A double imposition on a single local line is inconsistent with both the intent and purposes of our enabling statute and our intent in adopting the amendment. An emergency service fee should be imposed only once per local exchange access line or equivalent local exchange access line by the local service provider serving the end user customer. Having clarified our intent for WorldCom, the Commission adopts the amendment without changes.

The amendment is adopted under the Health and Safety Code, Chapter 771, §§771.001, 771.071, 771.073, and 771.075, which provides the Advisory Commission on State Emergency Communications with the authority to administer the implementation of statewide 9-1-1 emergency telephone service and to determine what constitutes an equivalent local exchange access line for purposes of imposing the emergency service fee.

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 November 22, 1995.

TRD-9515184

Mary A Boyd
Executive Director
Advisory Commission on
State Emergency
Communications

Effective date: December 13, 1995

Proposal publication date: October 10, 1995

For further information, please call: (512) 305-6911

◆ ◆ ◆
• 1 TAC §255.7

The Advisory Commission on State Emergency Communications adopts an amendment to §255.7, concerning the collection and remittance of 9-1-1 emergency service fees and equalization surcharges, without changes to the proposed text as published in the October 10, 1995, issue of the *Texas Register* (20 TexReg 8265).

The rule is amended to include recent Texas legislative action that provides for the Commission to establish collection procedures to collect past due amounts and recover the costs of collection from a service provider or business service user that fails to timely deliver the fees and surcharges.

The amendment provides clarification on collection and remittance of 9-1-1 emergency service fees and equalization surcharges and penalties for non-compliance.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the authority of the Health and Safety Code, Chapter 771, §§771.071(e), 771.072(f), and 771.077, which provides the Commission with the authority to impose the 9-1-1 service fee and equalization surcharges on service providers to bill, collect, and remit the fees and surcharges as instructed.

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 November 22, 1995.

TRD-9515182

Mary A Boyd
Executive Director
Advisory Commission on
State Emergency
Communications

Effective date: December 13, 1995

Proposal publication date: October 10, 1995

For further information, please call: (512) 305-6911

◆ ◆ ◆
TITLE 4. AGRICULTURE

**Part I. Texas Department
of Agriculture**

**Chapter 15. Consumer Services
Division**

Texas Grain Warehouse

◆ ◆ ◆
• 4 TAC §15.76

The Texas Department of Agriculture (the department) adopts the repeal of §15.76, concerning Texas grain warehouse forms, without changes to the proposed text as published in the July 25, 1995, issue of the *Texas Register* (20 TexReg 5457).

This section is being repealed to eliminate the requirement for amending the rule in the event of changes to forms.

The repeal will delete unnecessary rule language.

No comments were received regarding the repeal of this section.

The repeal is adopted under the Texas Agriculture Code, §14.003, which provides the Texas Department of Agriculture with the authority to enforce the provisions of the Texas Agriculture Code, Chapter 14, concerning the regulation of Public Grain Warehouses and authorizing the department to supervise all licensed Public Grain Warehouses in 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 November 27, 1995.

TRD-9515216

Dolores Alavardo Hibbs
Chief Administration Law
Judge
Texas Department of
Agriculture

Effective date: December 17, 1995

Proposal publication date: July 25, 1995

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

◆ ◆ ◆
Grain Sampling

◆ ◆ ◆
• 4 TAC §§15.91-15.97

The Texas Department of Agriculture (the department) adopts the repeal of §§15.91-15.97, concerning definitions, standards for sampling grain, qualifications for licensed samplers, application for license, surety bond, renewal of surety bond and surety bond subscribed by Texas resident agent, without changes to the proposed text as published in the July 25, 1995, issue of the *Texas Register* (20 TexReg 5458).

These sections are being repealed because the enabling legislation adequately describes the requirements for this program and additional rules are unnecessary.

Repeal of these sections will delete unnecessary rule language and reduce state regulations.

No comments were received regarding the repeal of these sections.

The repeals are adopted under the Texas Agriculture Code, §96.002, which provides the Texas Department of Agriculture with the authority to enforce the provisions of the Texas Agriculture Code, Chapter 96, concerning the sampling of grain for grading purposes.

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 November 27, 1995.

TRD-9515215

Dolores Alvarado Hibbs
Chief Administration Law
Judge
Texas Department of
Agriculture

Effective date: December 17, 1995

Proposal publication date: July 25, 1995

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

TITLE 30. ENVIRONMENTAL QUALITY

Part I. Texas Natural Resource Conservation Commission

Chapter 116. Control of Air Pollution by Permits for New Construction or Modification

Subchapter D. Permit Renewals

• 30 TAC §§116.310-116.314

The Texas Natural Resource Conservation Commission (TNRCC or commission) adopts amendments to §116.310, concerning Notification of Permit Holder, §116.311, concerning Permit Renewal Application, §116.312, concerning Public Notification and Comment Procedures, §116.313, concerning Renewal Application Fees, and §116.314, concerning Review Schedule. Sections 116.310, 116.311, and 116.313 are adopted with changes to the proposed text as published in the August 22, 1995, issue of the *Texas Register* (20 TexReg 6393). Section 116.312 and §116.314 are adopted without changes and will not be republished.

The TNRCC permit renewal criteria and procedures have been modified pursuant to Senate Bill (SB) 1125 (74th Legislature). The main regulatory change is the adoption of new §116.311(b), which states that, at the time of permit renewal, the TNRCC may not impose requirements more stringent than the existing permit, unless the TNRCC determines that it is necessary to avoid a condition of air pollution or to ensure compliance with otherwise applicable federal or state air quality control requirements. Some minor administrative changes are adopted in other sections for consistency with new §116.311(b) or for editorial matters, such as the change of the Texas Air Control Board to the TNRCC.

A public hearing was held in Austin on September 21, 1995. No oral testimony was presented at that time.

Twelve commenters submitted written testimony on the proposal. Brown McCarroll and Oaks Hartline (Hartline), Amoco Corporation (Amoco), Southwest Public Service Company (SPS), the City of Dallas, Houston Lighting

and Power (HP&P), the United States Environmental Protection Agency (EPA), Texas Mid-Continent Oil and Gas Association (TMOGA), El Paso Natural Gas Company (El Paso), Texas Utilities Services (TU), the Lone Star Chapter of the Sierra Club (Sierra), Eastman Chemical Company (Eastman), and one individual made objections or recommendations. In general, nine commenters supported the proposal or had no comment and three objected to the proposal

SPS desired changes to §116.310 (concerning Notification of Permit Holder) to clarify the deadlines for notice of permit expiration and subsequent permit applications. This section states that the TNRCC shall provide 180 days' notice that a permit must be renewed, and allows applicants 90 days to respond. In some cases, the TNRCC could send the 180-day notice well in advance of the actual permit expiration date. To address this concern, SPS suggested that the TNRCC permit notice be mailed no earlier than 190 days and no less than 180 days prior to expiration of the permit, and that the application be submitted to the TNRCC no later than 90 days before expiration of the existing permit.

The TNRCC staff agrees to clarify the 90-day application period before permit expiration. However, the TNRCC staff disagrees with the suggested restrictive language regarding the period during which the TNRCC should mail the permit renewal notices. Such a ten-day window would penalize the TNRCC if the renewal notice is inadvertently mailed too early.

Amoco, SPS, HL&P, TMOGA, and the EPA commented on the use of the term "emissions related" in §116.311(a)(1). Amoco, HL&P, and TMOGA desired to delete the words "emissions related" because it is ill-defined and potentially confusing. The EPA noted that in many cases, a change in production could be recognized as being a change in emissions.

The words "emissions related" have been deleted.

HL&P and TMOGA requested the addition of a clause to the end of new §116.311(a)(1) to read "including ... representations in the application for permit to construct and subsequent amendments, and any previously granted renewal unless otherwise authorized for a qualified facility." (suggested new language in bold) This addition would be consistent with §116.311(b)(2).

The TNRCC has added the suggested language to recognize the possibility that a "qualified facility" may not have to comply with all representations in a permit application due to the change in the definition of modification by SB 1126. However, a facility must comply with the conditions of its existing permit until such time that an amendment, alteration, or other mechanism changes the permit conditions. This added language does not authorize or allow a facility to ignore the conditions in its permit.

The TNRCC staff proposed to delete former §116.311(a)(1), which stipulated that the permit holder must demonstrate that "the emissions from the facility comply with all

applicable specifications and requirements in the Texas Natural Resource Conservation Commission (TNRCC) rules and the Texas Clean Air Act (TCAA)." The EPA, Sierra, and one individual questioned the basis for removing this paragraph and how it would ensure compliance with more stringent requirements adopted subsequent to the issuance of a permit

The TNRCC believes that compliance with an existing permit should be the principal focus of the review performed for the renewal of a permit. In addition, the TNRCC does not believe that a reevaluation of the original permit application is necessary or a prudent application of agency resources. These are the bases of the proposed deletion of existing §116.311(a)(1).

An applicant for a permit to construct must demonstrate that a proposed facility will comply with all rules and regulations of the TNRCC and with the intent of the Texas Clean Air Act. It is not necessary to perform this evaluation a second time at permit renewal. After construction, a source or facility is subject to all applicable rules of this agency and a significant portion of the TNRCC's resources are focused on compliance and enforcement. These efforts do not need to be duplicated during permit renewal.

Further, the TNRCC believes that a primary intent of SB 1125 was to refocus the renewal process on the existing permit, unless there was a demonstrated problem. In such a case, the permit renewal could be appropriately expanded as provided in §116.311(b).

The TNRCC has a well-developed program to ensure compliance with agency rules and permits on an on-going basis. This compliance effort is more than adequate to ensure compliance with TNRCC rules, whether they are long-standing or newly adopted rules.

The EPA also questioned the basis for removing former §116.311(a)(3), which requires facilities to have "appropriate means to measure the emission of significant air contaminants..." because owner/operators could conceivably remove sampling ports and platforms.

Existing §116.311(a)(3) also duplicates a requirement applicable to the original permit application. An applicant for a permit to construct must demonstrate that a facility will have provisions for measuring the emissions of significant air contaminants, including the installation of sampling ports and sampling platforms. When necessary, such requirements are written as conditions of the permit. The renewal review will determine whether a facility is in compliance with any sampling requirements in its permit. Contrary to the commenter's suggestion, an owner/operator could not remove sampling ports or platforms in violation of permit conditions.

Further, 30 TAC §101.9 provides independent authority for the TNRCC to require sampling ports and platforms when necessary. The existing §116.311(a)(3) was redundant and unnecessary.

Eastman commented that the words "the emissions from" be deleted from the opening of new §116.311(a)(2) and (3) because fede-

ral New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants programs relate to facility performance instead of solely to emission levels.

The TNRCC staff agrees with this change.

Hartline and SPS supported the proposal, but requested a clarification in §116.311(b)(2) that additional information or permit stringency may be required only under certain circumstances. The commenter stated that the word "only" should be added to the appropriate sentences to limit the TNRCC's review of economic reasonableness and technical practicability.

In response, the TNRCC staff has agreed to add the word "only" to §116.311(b)(2)

El Paso objected to proposed §116.311(b)(1) and (2) on the basis that these provisions are more stringent than either the original permits or the spirit of SB 1125. Specifically, the commenter felt that §116.311(b)(1) appears to require permit modeling and §116.311(b)(2) may require Reasonable Available Control Technology (RACT), when the intent was to prevent such an economic burden and technological review. El Paso suggested restricting the discussion of RACT to nonattainment area applications

The TNRCC staff disagrees that §116.311(b) was intended to require impacts modeling and RACT determinations for all permit renewal applications. The only need for additional data is contingent upon the TNRCC documenting a condition of air pollution or a rule violation, and paragraphs (1) and (2) are only required if such a condition of air pollution or rule violation is found to exist. Nonattainment area review regulations are located in Subchapter B, §116.150 and §116.151.

Sierra disagreed with the language in §116.311(b)(1) and (2) on the basis that additional permit information should always be a requirement and that the age of a facility should not be considered in renewal determinations. Sierra also raised the possibility that amendments under this rulemaking may inadvertently cause racial discrimination.

While the mandate of SB 1125 clearly restricts the TNRCC's ability to require additional information without documenting a condition of air pollution or rule violation, the first obligation of the TNRCC to citizens in Texas is the protection of the health, welfare, and safety of their communities. In addressing air pollution concerns, the age of a facility is an important determinant in the consideration of the reasonableness of a particular emission control technology. The TNRCC is prohibited from discriminating on the basis of race, color, religion, sex, national origin, age, or disability.

One individual commented that the proposed revision which prohibits requirements for more stringent permits generally violates the TCAA. In addition, this individual questioned whether the proposed changes in §116.311(b) would prevent tightening of permits in nonattainment areas.

SB 1125 is meant to protect against conditions of air pollution or violations of state of

federal rules, as discussed previously. Nonattainment issues are addressed in Subchapter B, §116.150 and §116.151. This rulemaking does not prohibit implementation of rules regarding nonattainment areas, since these are defined as "state or federal air quality regulations."

The City of Dallas desired that the actual deadline for the close of public comments be plainly stated in the rule proposal.

The TNRCC staff has recently incorporated more generalized language in air-related rule proposals to indicate the close of comment date. This change provides consistency among all TNRCC rule proposals and also ensures that all rule proposals are open for comment 30 days after publication in the *Texas Register*.

The amendments are adopted under the Texas Health and Safety Code, TCAA, §382.017, which provides the TNRCC with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§116.310. Notification of Permit Holder. The Texas Natural Resource Conservation Commission (TNRCC) shall provide written notice to the holder of a permit that the permit is scheduled for review. Such notice will be provided by certified or registered United States mail no less than 180 days prior to the expiration of the permit. The notice shall specify the procedure for filing an application for review and the information to be included in the application. The application shall be completed by the holder of the permit and returned to the TNRCC no later than 90 days before expiration of the permit. Pursuant to Texas Civil Statutes, Article 9027, the TNRCC shall exempt a holder of a permit from any increased fee or other penalty for failure to renew the permit if the individual establishes, to the satisfaction of the TNRCC, that the failure to renew in a timely manner occurred because the individual was on active duty in the United States Armed Forces serving outside the State of Texas.

§116.311. Permit Renewal Application.

(a) In order to be granted a permit renewal, the owner or operator of the facility shall submit information in support of the application which demonstrates that:

(1) the facility is being operated in accordance with all requirements and conditions of the existing permit, including representations in the application for permit to construct and subsequent amendments, and any previously granted renewal, unless otherwise authorized for a qualified facility;

(2) the facility meets at least the requirements of any applicable New Source Performance Standards promulgated by the United States Environmental Protection Agency (EPA) under the authority of the

Federal Clean Air Act (FCAA), §111, as amended; and

(3) the facility meets at least the requirements of any applicable emission standard for hazardous air pollutants promulgated by EPA under the authority of the FCAA, §112, as amended.

(b) In addition to the requirements in subsection (a) of this section, if the TNRCC determines it necessary to avoid a condition of air pollution or to ensure compliance with otherwise applicable federal or state air quality control requirements, then:

(1) the applicant may be required to submit additional information regarding the emissions from the facility and their impacts on the surrounding area; and

(2) the TNRCC shall impose as a condition for renewal only those requirements the executive director determines to be economically reasonable and technically practicable considering the age of the facility and the impact of its emissions on the surrounding area.

(c) The TNRCC shall review the compliance history of the facility in consideration of granting a permit renewal. The compliance history review shall be conducted in accordance with §§116.120-116.126 of this title (relating to Compliance History). In order for the permit to be renewed, the application shall include information demonstrating that the facility is or has been in substantial compliance with the provisions of the TCAA and the terms of the existing permit. If the facility has a history which demonstrates failure to maintain substantial compliance with the provisions of the TCAA or the terms of the existing permit, the renewal shall not be granted. If it is found that violations in the compliance history constitute a recurring pattern of egregious conduct which demonstrates a consistent disregard for the regulatory process, including failure to make a timely and substantial attempt to correct the violations, the renewal shall be denied. If a contested case hearing has not been called, then the staff must notify the applicant of the intent to recommend denial and state the basis of the findings. The applicant will be given an opportunity to respond to the notice. If the findings reflect a pattern of disregard for applicable regulations which do not warrant denial, additional conditions may be placed in the permit.

(d) A permit holder that fails to submit an application for review and renewal within 90 days prior to expiration of the permit, pursuant to §116.310 of this title (relating to Notification of Permit Holder), will cause the subject permit to expire, unless the time period for the submission of the application is extended by the executive director. Permits are subject to the following renewal schedule:

(1) any permit issued before December 1, 1991, is subject for review 15 years after the date of issuance; or

(2) any permit issued on or after December 1, 1991, is subject for review every ten years after the date of issuance;

(3) for cause, a permit issued on or after December 1, 1991, for a facility at a nonfederal source may contain a provision requiring the permit to be renewed at a period of between five and ten years.

§116.313. Renewal Application Fees.

(a) The holder of a permit to be reviewed for renewal by the Texas Natural Resource Conservation Commission (TNRCC) shall remit a fee with each renewal application, pursuant to the Texas Clean Air Act, §382.062(a)(1)(B), based on the total annual allowable emissions from

the permitted facility for which the renewal is being sought, as applied to the following table.

Figure 1: 30 TAC §116.313(a)

(b) This fee shall be due and payable at the time application for review and renewal is filed with the TNRCC in response to written notice from the TNRCC consistent with §116.310 of this title (relating to Notification of Permit Holder). No fee will be accepted before the permit holder has been notified by the TNRCC that the permit is scheduled for review. The basis for fees is the schedule in effect at the time the application is filed. All permit review fees shall be remitted by check or money order payable to the TNRCC and mailed to the TNRCC, P.O. Box 13088, MC 214, Austin, Texas 78711-3088. Required fees must be received before the

agency will consider an application to be complete.

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 November 1, 1995

TRD-9515074

Kevin McCalla
Director, Legal Services
Division
Texas Natural Resource
Conservation
Commission

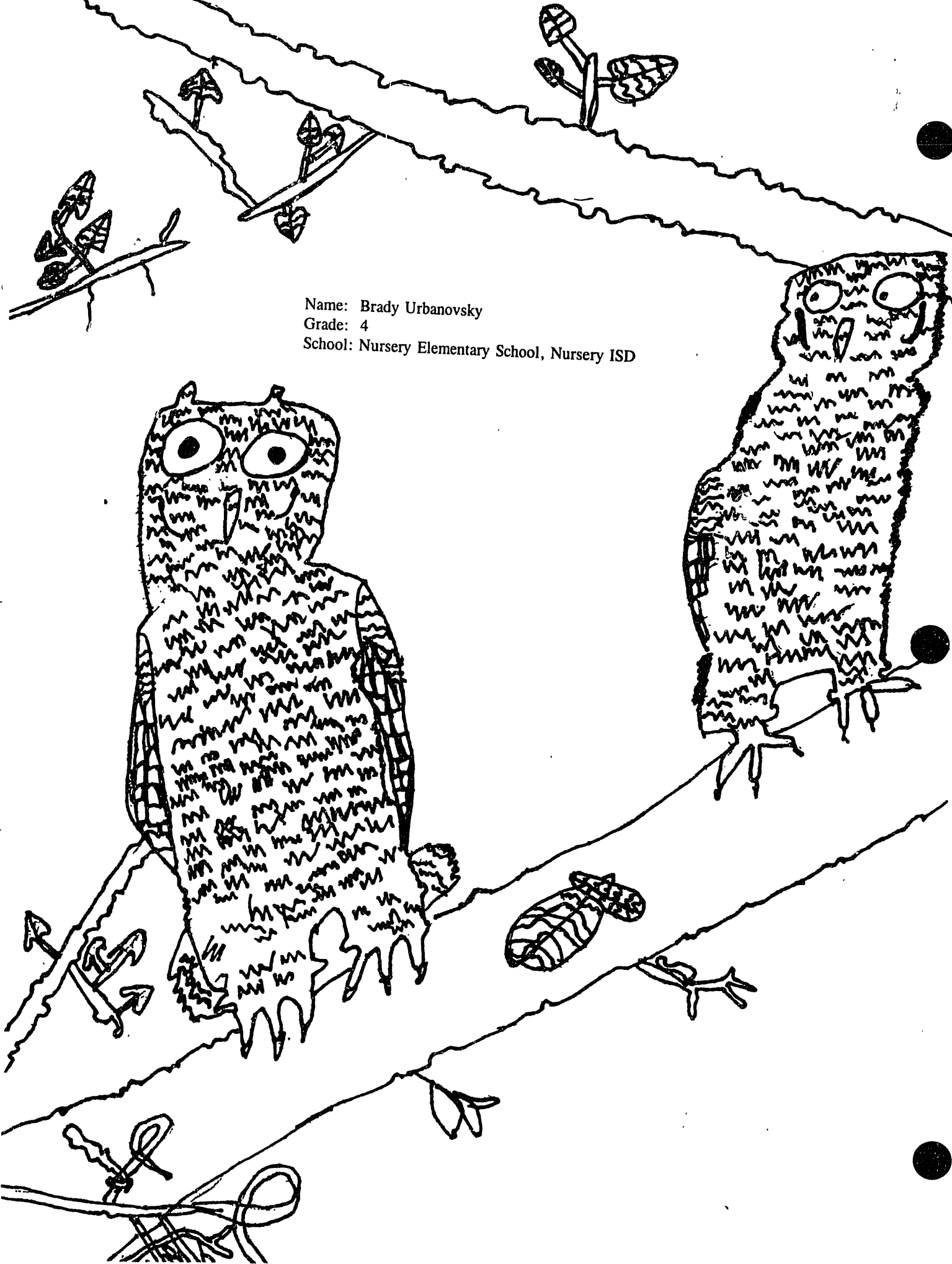
Effective date: December 11, 1995

Proposal publication date August 22, 1995

For further information, please call: (512) 239-1966

◆ ◆ ◆

Name: Brady Urbanovsky
Grade: 4
School: Nursery Elementary School, Nursery ISD



TABLES AND GRAPHICS

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

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

Figure: 30 TAC §116.313(a)

RENEWAL FEE TABLE*

X = TOTAL

ALLOWABLE

INCREMENTAL

(TONS/YEAR)

BASE FEE

FEE

X ≤ 5	\$ 300	-
5 < X ≤ 24	\$ 300	\$35/ton
24 < X ≤ 99	\$ 965	\$25/ton
99 < X ≤ 994	\$ 2,840	\$ 8/ton
X > 994	\$10,000	-

Minimum fee: \$300

Maximum fee: \$10,000

* To calculate the fee, multiply the number of tons in excess of the lower limit of the appropriate category by the incremental fee, then add this amount to the base fee. For example, if total emissions of all air contaminants are 50 tons per year, the total fee would be \$1,615 (base fee of \$965, plus incremental fee of \$25 x 26 tons or \$650).

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).

State Office of Administrative Hearings

Monday, December 4, 1995, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

Utility Division

AGENDA:

A prehearing conference will be held at the above date and time in SOAH Docket Number 473-95-1563-Application of Central Power and Light Company for authority to change rates (PUC Docket Number 14965).

Contact: J. Kay Trostle, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0233.

Filed: November 22, 1995, 11:28 a.m.

TRD-9515164

Monday, December 4, 1995, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

Utility Division

AGENDA:

A prehearing conference will be held at the above date and time in SOAH Docket Number 473-95-1567-Complaint of Larry Wade against GTE Southwest, Inc. (PUC Docket Number 14434).

Contact: J. Kay Trostle, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0233.

Filed: November 22, 1995, 11:28 a.m.

TRD-9515165

Monday, December 4, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Utility Division

AGENDA:

A joint prehearing conference is scheduled for the above date and time in the following docket: SOAH Docket Number 473-95-1570; PUC Docket Number 14686-Joint petition of Southwestern Bell Telephone Company, the governmental representative to the communities comprising the Dallas and Fort Worth metropolitan areas, and certain independent local exchange companies for extended area service (EAS).

Contact: J. Kay Trostle, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0233.

Filed: November 22, 1995, 1:00 p.m.

TRD-9515179

Monday, December 4, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Utility Division

AGENDA:

A joint prehearing conference is scheduled for the above date and time in the following docket: SOAH Docket Number 473-95-1569; PUC Docket Number 14032-App-

lication of Southwestern Bell Telephone Company, GTE Southwest Inc., Sugar Land Telephone Company, Central Telephone Company, and Community of Cleveland, Texas for optional one-way extended area calling service (EAS) to the Houston metropolitan calling area and the Kingwood and Porter exchanges.

Contact: J. Kay Trostle, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0233.

Filed: November 22, 1995, 12:59 a.m.

TRD-9515178

Monday, December 4, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Utility Division

AGENDA:

A joint prehearing conference is scheduled for the above date and time in the following docket: SOAH Docket Number 473-95-1569; PUC Docket Number 14031-Application of Southwestern Bell Telephone Company, GTE Southwest Inc., Sugar Land Telephone Company; Central Telephone Company; and cities of Texas City, La Marque, Galveston, Jamaica Beach, and Port Boliver for extended area service (EAS) from the Texas City, Galveston and Port Bolivar exchanges to the Houston metropolitan, Atascocita, Arcola, Humble-South, Stafford, Sugar Land (Houston), and to the Dickenson Hitchcock-Santa Fe, Bacliff, League City, Kemah, and Nassau Bay exchanges.

Contact: J. Kay Trostle, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0233.

Filed: November 22, 1995, 12:59 a.m.

TRD-9515177

Monday, December 4, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Utility Division

AGENDA:

A joint prehearing conference is scheduled for the above date and time in the following docket: SOAH Docket Number 473-95-1568; PUC Docket Number 12817—Application of Southwestern Bell Telephone Company, Texas Alltel, Inc., and the City of Godley for extended area service (EAS) from the Acton, Cresson, and Godley exchanges to the Fort Worth metropolitan exchange.

Contact: J. Kay Trostle, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0233.

Filed: November 22, 1995, 12:59 a.m.

TRD-9515176

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

7800 Shoal Creek Boulevard

Austin

Utility Division

AGENDA:

A joint prehearing conference is scheduled for the above date and time in the following dockets:

SOAH Docket Number 473-95-1564/PUC Docket Number 14940—Application of Southwestern Bell Telephone Company for interim number portability pursuant to the Public Utility Regulatory Act, §3.455.

SOAH Docket Number 473-95-1565/PUC Docket Number 14943—Application of GTE Southwest, Inc. to provide interim measures for telecommunications number portability pursuant to the Public Utility Regulatory Act of 1995, §3.455.

SOAH Docket Number 473-95-1566/PUC Docket Number 14944—Application of Contel of Texas, Inc. to provide interim measures for telecommunications number portability pursuant to the Public Utility Regulatory Act of 1995, §3.455.

Contact: J. Kay Trostle, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0233.

Filed: November 22, 1995, 11:19 a.m.

TRD-9515162

Monday, January 15, 1996, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

Utility Division

AGENDA:

A hearing on the merits is scheduled for the above date and time in the following proceeding: SOAH Docket Number 473-95-1210/PUC Docket Number 14659: Applications of Southwestern Bell Telephone Company, GTE Southwest Inc., and Contel of Texas, Inc. for approval of usage-sensitive loop resale tariffs pursuant to PURA 1995, §3.453

Contact: J. Kay Trostle, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0233.

Filed: November 28, 1995, 9:59 a.m.

TRD-9515291

◆ ◆ ◆
Texas Department of Agriculture

Monday, December 4, 1995, 10:00 a.m.

Holiday Inn, 6911 North Interregional Highway 35

Austin

Texas Peanut Producers Board

AGENDA:

Roll call

Discussion and action: On minutes; and high oleic Spanish variety breeding program.

Discussion: Promotion activities; peanut program; other business.

Adjourn

Contact: Mary Webb, P.O. Box 398, Gorman, Texas 76454, (817) 734-2853.

Filed: November 22, 1995, 11:33 a.m.

TRD-9515166

Wednesday, December 6, 1995, 7:30 a.m.

Hilton Inn, 801 University Drive East

College Station

Texas Corn Producers Board

AGENDA:

Call to order

Action on minutes of August 30, 1995 meeting

Presentation and action: Various reports from committees and proposals presented at meeting on December 5, 1995; end of year

financial report; biennial election voting regions and workplan.

Report: Activity report

Discussion and action: Replacement for John Baker's director position; committee chair assignments and committee assignments.

Discussion: TCPB directors travel arrangements; adjourn for executive session

Executive session: Discussion concerning Texas Corn Producer Board personnel in accordance with Texas Government Code Annotated, §551.074; adjourn executive session

Call to order

Action on executive session

Discussion: Other business

Discussion and action: Setting time and place of next board meeting.

Adjourn

Contact: Carl King, 218 East Bedford, Dimmitt, Texas 79027, (806) 647-4224.

Filed: November 27, 1995, 10:58 a.m.

TRD-9515228

◆ ◆ ◆
Texas Commission for the Blind

Thursday, December 7, 1995, 3:00 p.m.

Sheraton Corpus Christi Bayfront, 707 North Shoreline Drive

Corpus Christi

Audit Committee of the Governing Board

AGENDA:

1. Election of Audit Committee chairperson
2. Review of annual internal audit report for fiscal year 1995

3. Review and discussion of internal audit plan for fiscal year 1996

4. Update of current fiscal year internal audit projects and activities

5. Discussion of the state auditor's office management control audit report

6. Discussion of Business Enterprises Program auditor position

7. Discussion of internal audit mission, goals, and performance measures

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

Filed: November 28, 1995, 10:04 a.m.

TRD-9515292

Friday, December 8, 1995, 8:30 a.m.

Sheraton Corpus Christi Bayfront, 707 North Shoreline Drive

Corpus Christi

Governing Board Committee on Grant Proposals

AGENDA:

1. Review of grant proposal from the National Federation of the Blind of Texas

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

Filed: November 28, 1995, 10:04 a.m.

TRD-9515293

Friday, December 8, 1995, 9:30 a.m.

Sheraton Corpus Christi Bayfront, 707 North Shoreline Drive

Corpus Christi

Governing Board Meeting

AGENDA:

1. Introductions

2. Public comments

3. Approval: minutes from board meeting of August 18, 1995

Old business

4. Discussion and action: board personnel evaluation form for executive director and internal auditor

5. Discussion and action: Use of Avenue A facility

New business

6. Discussion and action: election of board vice-chairman

7. Discussion and approval: executive director's report on fourth quarter and end-of-year agency activities

8. Approval: capital outlay

9. Discussion and action: management control audit

10. Discussion and action: auditor position for the Business Enterprises Program

11. Discussion and action: repeal of Chapter 169, Blind and Visually Impaired Children's Program, and propose new Chapter 169

12. Discussion and action: propose new §163.5, Vocational Rehabilitation Program's Appeals of Determinations, and propose amendments to: §163.25, Goods and Services; §163.28, Vocational and Other Training Services, including academic probation; §163.32, Interpreter Services and Note-taking Services for Individuals Who are Deaf and Tactile Interpreting for Individuals Who are Deaf-Blind; §163.62, Defi-

nitions; §163.63, General Provisions; and §163.75, Maximum Affordable Payment

13. Discussion and action: adoption of rule on public participation

14. Discussion and action: petition for the adoption of rule concerning frequency of meetings

15. Discussion and action: proposal of amendments to Chapter 174, Endowment Loan Fund

16. Discussion and action: approval of internal audit plan for fiscal year 1996

17. Committee reports and action on recommendations: Grant Proposals Committee; Special Committee: Joint meeting of the Board, Elected Committee of Managers, and membership of the Business Enterprises Program; Audit Committee

18. Discussion and action: employment outcomes of homemaker closures

19. Discussion and action: approval of commission's ethics policy

20. Executive session pursuant to Chapter 551 of the Government Code to discuss:

- Personnel and pending or contemplated litigation with attorney

- Annual appointment of executive director

- Salary of executive director

- Salary of director of internal audit

21. Action, if required, on matters discussed in executive session

22. Discussion and action: date and location of next regular meeting

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

Filed: November 28, 1995, 10:04 a.m.

TRD-9515294

Texas Bond Review Board

Monday, December 4, 1995, 2:00 p.m.

Capitol Extension, Room E1.012, 14th and North Congress Avenue

Austin

AGENDA:

I. Call to order

II. Consideration of proposed issues

A. Texas Turnpike Authority-Dallas North Tollway System Revenue Bonds, Series 1995

B. Texas Turnpike Authority-Subordinated loan agreement between Texas Turnpike Authority, Texas Department of Transportation and the Federal Highway Administration

C. Texas Turnpike Authority-Dallas North Tollway System Revenue Refunding Bonds, Series 1997

III. Adjourn

Contact: Albert L. Bacarisse, 300 West 15th Street, Suite 409, Austin, Texas 78701, (512) 463-1741.

Filed: November 22, 1995, 12:31 p.m.

TRD-9515172

State Child Fatality Review Team Committee

Friday, December 1, 1995, 9:30 a.m.

1100 West 49th Street, Morton Building, Room 652

Austin

AGENDA:

Discuss legislation creating the State Child Fatality Review Team Committee including its duties and responsibilities.

Contact: Ann Ramsey, P.O. Box 149030, Mail Code 6-11, Austin, Texas 78714, (512) 438-5029.

Filed: November 21, 1995, 1:05 p.m.

TRD-9515106

Coastal Coordination Council

Friday, December 1, 1995, 10:30 a.m.

South Padre Island Convention Center, 7355 Padre Boulevard, Room 202

South Padre Island

Coastal Coordination Council

AGENDA:

I. Call to order and opening remarks

II. Approval of minutes of the October 5, 1995, meeting

III. Report from the council task force on the permitting assistance process for individuals and small business

IV. Status report on the federal approval process

V. Council rules

a. Discussion of rules

b. Public comment

c. Adoption

VI. Public comment

(Recess)

VII. Lunch (location to be announced at meeting)

(Reconvene)

VIII. Field tour of the Schwartz Tract, adjacent wetlands, and a nearby artificial dune system (specifics and/or directions regarding tour to be provided at meeting; transportation for members of public not provided).

IX. Adjourn

Contact: Janet Fatheree, 1700 North Congress Avenue, Room 617, Austin, Texas 78701, (512) 463-5385.

Filed: November 21, 1995, 3:50 p.m.

TRD-9515127

◆ ◆ ◆
Texas Department of Commerce

Monday, December 4, 1995, 10:00 a.m.

The University of Texas at El Paso, 500 West University Avenue, Burges Halls, Room 411

El Paso

Texas Manufacturing Institute

AGENDA:

10:00 a.m.—Call to order

Action items

10:01 a.m.—Adoption of minutes from meeting of August 28, 1995

10:05 a.m.—Approve Kevin Carr of National Institute of Standards and Technology (NIST) as ex-officio member of TMI Board

10:15 a.m.—Discuss role of TMI Board and authorize TMI Board chairman to create committees as necessary

11:30 a.m.—Approve Texas Manufacturing Assistance Center TMAC strategic plan

12:45 p.m.—Recommend program income distribution policy

Information item

2:15 p.m.—Update on TMAC operation

3:00 p.m.—Adjourn

Persons with disabilities who plan to attend this meeting who may need auxiliary aids or services, or who need assistance in having English translated into Spanish, should contact Lena Chiu (512) 936-0234, at least two days before this meeting so that appropriate arrangements can be made.

Contact: Lena Chiu, 1700 North Congress Avenue, Austin, Texas 78701, (512) 936-0234.

Filed: November 22, 1995, 9:16 a.m.

TRD-9515143

Wednesday, December 6, 1995, 10:00 a.m.

Hyatt Regency DFW Airport, West Tower, Penthouse Level, Skyline A, International

Parkway

Dallas

Texas Defense Economic Adjustment Advisory Council Community Development Committee Meeting

AGENDA:

I. Welcome

II. Briefly review committee objectives/strategies/timeline

III. Discuss developing issues and proposed defense economic adjustment initiatives

IV. International marketing project pilot

V. Discuss community development issues

- Local contracts for environmental cleanup

- Environmental/air quality issues for expansion

- Workforce training: Local Workforce Development Boards; education issues; incumbent worker training; job referrals, etc.

- Transportation infrastructure needs

- Analysis of "Value-Added Industries" expansion

- Analysis of other industries impacted in base closure communities (e.g. retail, services and construction/housing)

VI. Discuss next steps for Community Development Committee

VII. 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 arrangements 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: November 27, 1995, 1:26 p.m.

TRD-9515246

Wednesday, December 6, 1995, 10:00 a.m.

Hyatt Regency DFW Airport, West Tower, Penthouse Level, Skyline B, International Parkway

Dallas

Texas Defense Economic Adjustment Advisory Council Community Defense Industry Committee Meeting

AGENDA:

I. Welcome

II. Discuss and finalize committee objectives and strategies

III. Member presentation of critical issues and reform initiatives

IV. International marketing project pilot

V. Discuss and action assignments for selected issues/initiatives

VI. Discuss future activities and meetings

VII. 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 arrangements 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: November 27, 1995, 1:26 p.m.

TRD-9515247

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Texas Corn Producers

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

Hilton Inn, 801 University Drive East

College Station

Committee Meetings

AGENDA:

9:00 a.m.—Advertising, Promotion and Education

Call to order; report from Advertising, Promotion and Education Committee held on August 29, 1995; presentation on proposal to trade E83 Lumina for a Ford Taurus; discussion on other promotional projects and activities; discussion on any other business; and adjourn.

10:00 a.m.—Finance Committee

Call to order; report on committee meeting August 29; discussion on July, August, and September financial statements; discussion on any other business; and adjourn.

11:00 a.m.—C-O-R-N Committee

Call to order; report from committee meeting on August 29; discussion on TCPB future activities; discussion on any other business; and adjourn.

4:00 p.m.—Research Proposals and Oversight Committee

Call to order; report on Research Proposals Committee meeting on August 29; presentation on research proposal for Dr. Runge; presentation on research proposal; discussion of current and proposed research projects; discussion on any other business; and adjourn.

Contact: Carl King, 218 East Bedford, Dimmitt, Texas 79027, (806) 647-4224.

Filed: November 27, 1995, 9:55 a.m.

TRD-9515223

Interagency Council on Early Childhood Intervention

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

909 West 45th Street

Austin

AGENDA:

Public comment. Discussion and approval of minutes from October 26, 1995 and November 14, 1995 meetings. Discussion and approval of the Early Childhood Intervention Advisory Committee and Director's forum report. Discussion and approval to fund transition services from Motivation, Education, and Training, Inc. Executive session: completion of performance evaluation of the executive director.

Contact: Linda Hill, 1100 West 49th Street, Austin, Texas 78756-3199, (512) 502-4900.

Filed: November 27, 1995, 2:26 p.m.

TRD-9515249

Employees Retirement System of Texas

Wednesday, December 6, 1995, 11:00 a.m.

ERS Auditorium-ERS Building, 18th and Brazos

Austin

ERS Audit Committee

AGENDA:

1. Report on internal auditing activity for fiscal year 1995
2. Status reports on audit activities
 - a. Fiscal year 1996 internal audit plan
 - b. State auditor recommendations from prior fiscal years
 - c. Internal auditing recommendations from prior fiscal years
3. Future meeting date
4. Adjournment

Contact: William S. Nail, 18th and Brazos, Austin, Texas 78701, (512) 867-3336.

Filed: November 28, 1995, 8:31 a.m.

TRD-9515274

Wednesday, December 6, 1995, 1:30 p.m. (Meeting will reconvene on Thursday, December 7, 1995, 9:00 a.m.)

ERS Auditorium-ERS Building, 18th and Brazos

Austin

ERS Board of Trustees

AGENDA:

Approval of minutes; consideration of the system's assets; appointment of investment advisory committee members; change in investment advisory services; selection of master trust custodian/securities lending agent; consideration of HealthSelect Exclusive Provider Organization; approval of HealthSelect Prescription Drug Network/Mail Order Drug Program; briefing on Cancer/Catastrophic Illness Insurance; appeals of contested cases; actuarial valuation as of August 31, 1995 of retirement funds administered by ERS; adoption of amendments to 34 TAC §73.31 relating to Adjustment to Annuities; adoption of amendments to 34 TAC §73.11 relating to Supplemental Retirement Program; funding adjustment in retirement annuity reserve account; appointment to ERS medical board; adoption of amendments to 34 TAC Chapter 87 relating to Deferred Compensation Plan; internal audit status report; next trustee meeting date; adjournment

Contact: William S. Nail, 18th and Brazos, Austin, Texas 78701, (512) 867-3336.

Filed: November 28, 1995, 8:32 a.m.

TRD-9515275

Texas Funeral Service Commission

Thursday, November 30, 1995, 10:00 a.m.

1513 South IH-35

Austin

Commission Meeting

AGENDA:

Meeting called to order

Invocation

Agenda items:

1. Consideration and possible adoption of the minutes of the September 27, 1995 and November 7, 1995 commission meetings
2. Public comment
3. Reports from all committees
4. Discussion and possible action on policy and procedure regarding exit interviews, state and national law exams, and continuing education requirements.

5. Discussion and possible action on the form and content of licensee wall certificates.

6. Discussion and possible action on settlement of Taylor v. TFSC, Cause #A95CV337JN, TCHR #1950714-S, and EEOC #31C951490

7. Discussion and possible action on TFSC license types

8. Discussion and possible action on reciprocal license requirements

Adjourn

Contact: Marc Connelly, 8100 Cameron Road #550, Austin, Texas 78754-3896.

Filed: November 21, 1995, 11:07 a.m.

TRD-9515099

General Land Office

Monday, December 4, 1995, 10:00 a.m.

Texas MHMR Central Office, 909 West 45th Street, Room 240

Austin

West 38th Street PUD Site Plan Review Committee

AGENDA:

I. Call to order

II. Discuss procedures for conducting the committee's business

III. Receive a presentation to the committee by Gables Residential Trust, Inc., of its site plan for development of a multi-family development

IV. Public comment

V. Vote to approve the site plan for compliance with the PUD zoning

VI. Adjourn

Contact: Bob Hewgley, 1700 North Congress Avenue, Room 720, Austin, Texas 78701, (512) 463-5013.

Filed: November 21, 1995, 10:36 a.m.

TRD-9515093

Tuesday, December 5, 1995, 10:00 a.m.

Stephen F. Austin Building, 1700 North Congress Avenue, Room 831

Austin

School Land Board

AGENDA:

Approval of previous board meeting minutes; McGee Bend (Austin Chalk), Angelina County; Gladewater (Haynesville Field), Gregg County; Wildcat Field, Starr County; Palacios Field, Matagorda County; application to purchase excess acreage,

Donley County; coastal public land lease amendment, Bolivar Peninsula, Galveston County; easement renewal application, Copano Bay, Aransas County; structure (cabin) permit application, and Mud Island/Guyton Cut, Brazoria County; executive session-pending or contemplated litigation.

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

Filed: November 27, 1995, 3:59 p.m.

TRD-9515258

Office of the Governor

Friday, December 8, 1995, 10:00 a.m.

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

Austin

Transition Oversight Committee on Workforce Development and Working Group Joint Meeting

AGENDA:

- I. Call to order
- II. Agency reports
- III. Discuss Comptroller's report
- IV. Public testimony
- V. Adjourn

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

Filed: November 22, 1995, 11:35 a.m.

TRD-9515167

Texas Department of Health

Thursday, November 30, 1995, 10:00 a.m.

Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health, Human Resources Committee

AGENDA:

The committee will discuss and possibly act on: approval of the minutes of the October 19, 1995 meeting; proposed rule concerning the Osteoporosis Advisory Committee; appointments to the Wholesale Drug Distributors Advisory Committee; appointments to the Device Distributors and Manufacturers Advisory Committee; appointments to the Respiratory Care Practitioners Advisory Committee; and appointments to the Asbestos Advisory Committee.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512)

458-7484. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: November 21, 1995, 3:13 p.m.

TRD-9515115

Thursday, November 30, 1995, 11:30 a.m.

Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health Luncheon

AGENDA:

The Texas Board of Health and the Texas Department of Mental Health and Mental Retardation Board will hold a luncheon to discuss issues of mutual interest relating to health and mental health/mental retardation.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: November 21, 1995, 3:12 p.m.

TRD-9515113

Thursday, November 30, 1995, 1:00 p.m.

Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health, Regulatory Committee

AGENDA:

The committee will discuss and possibly act on: approval of the minutes from the October 19, 1995 meeting; withdrawal of proposed repeal and proposed new rules concerning the regulation of health maintenance organizations; proposed rules concerning standards for protection against radiation; proposed rules concerning the regulation of persons performing procedures under the Medical Radiologist Certification Act; proposed rules concerning licensure of device distributors and manufacturers; proposed rules concerning certification and accreditation program for lead-based paint activities; final adoption of rules concerning emergency medical services certification and licensing requirements; final adoption of rules concerning suspension of license for failure to pay child support; discussion of proposed rules concerning licensure of tanning facilities; discussion of proposed rules concerning Texas crab meat; discussion of proposed rules concerning Texas molluscan shellfish; discussion of proposed

rules concerning labeling and purchase of imported beef; discussion of proposed rules concerning administrative penalties for manufacturers and distributors of foods, drugs, medical devices, and cosmetics; discussion of proposed rules concerning department requirements for licenses and radiation safety for irradiators; Environmental and Consumer Health Program update on fish contamination in Texas; and comments and announcements not requiring committee action.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: November 21, 1995, 3:13 p.m.

TRD-9515116

Thursday, November 30, 1995, 2:30 p.m.

Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health, Health and Clinical Services Committee

AGENDA:

The committee will discuss approval of the minutes from the October 20, 1995 meeting, and discuss and possibly act on: approval of Cook-Fort Worth Children's Medical Center as a cardiovascular diagnostic and treatment center under the Chronically Ill and Disabled Children's Services Program; final adoption of rules for reporting of childhood lead poisoning; update on consolidation of pediatric cardiovascular programs in San Antonio; and Title V Futures Project update.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: November 21, 1995, 3:13 p.m.

TRD-9515117

Thursday, November 30, 1995, 3:30 p.m.

Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health, Health Financing Committee

AGENDA:

The committee will discuss and possibly act on: approval of the minutes of the October

19, 1995 meeting; petition for rulemaking submitted by Ray Jones considering hearing aid services requirements; and recommendation to the State Medicaid Director for approval to publish a repeal and proposed new section concerning Medicaid vendor drug reimbursement methodology.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: November 21, 1995, 3:13 p.m.

TRD-9515118

Friday, December 1, 1995, 8:00 a.m.

Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health, Board Briefing

AGENDA:

The board will receive a briefing on the current activities of the Texas Department of Health by the commissioner; and will conduct a discussion concerning procedural and/or administrative issues of the Board of Health.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: November 21, 1995, 3:13 p.m.

TRD-9515119

Friday, December 1, 1995, 9:30 a.m.

Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health, Strategic Management Committee

AGENDA:

The committee will discuss and possibly act on: approval of the minutes of the October 19, 1995 meeting; approval of building coalitions policy; approval of internal audit work plan for 1996; discussion concerning internal audit annual report; briefing by Rudd and Wisdom on Texas Department of Health budget issues; briefing on earned federal funds; monthly report; strategic financial issues (historically underutilized businesses; Chronically Ill and Disabled Children's program; FTEs; new laboratory; and monthly financial update); Office of Border Health update; report from the Of-

fice of Language Services Task Force; discussion of Texas Board of Health Coalition luncheons; and congressional update.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: November 21, 1995, 3:13 p.m.

TRD-9515120

Friday, December 1, 1995, 10:00 a.m.

Suite N-320, The Exchange Building, 8407 Wall Street

Austin

Texas Hazard Communication Act Advisory Committee (THCA)

AGENDA:

The committee will introduce the Hazard Communication Branch staff and committee members; and will discuss and possibly act on: election of presiding officer and assistant presiding officer; committee member terms; overview of the THCA law; discussion of THCA issues likely to be considered by the committee; and public comment.

Contact: Roxanne Cuellar, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6603. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: November 21, 1995, 3:13 p.m.

TRD-9515121

Friday, December 1, 1995, 1:00 p.m.

Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health

AGENDA:

The board will discuss and possibly act on: approval of the minutes from the October 20, 1995 meeting; commissioner's report; introduction of Emergency Health Care Advisory Committee; presentation of certificates of appreciation for contributions to the tuberculosis elimination effort; report on Hanta Virus investigation; Strategic Management Committee report (approval of building coalitions policy; and approval of internal audit work plan for 1996); Health Financing Committee report (petition for rulemaking submitted by Ray Jones considering hearing aid services requirements; and recommendation to the State Medicaid Director for approval to publish a repeal and

proposed new section concerning Medicaid vendor drug reimbursement methodology); Health and Clinical Services Committee report (approval of Cook-Fort Worth Children's Medical Center as a cardiovascular diagnostic and treatment center under the Chronically Ill and Disabled Children's Services Program; and final adoption of rules for reporting of a childhood lead poisoning); Human Resources Committee report (proposed rule concerning the Osteoporosis Advisory Committee; appointments to the Wholesale Drug Distributors Advisory Committee; appointments to the Device Distributors and Manufacturers Advisory Committee; appointments to the Respiratory Care Practitioners Advisory Committee; and appointments to the Asbestos Advisory Committee); Regulatory Committee report (withdrawal of proposed repeal and proposed new rules concerning the regulation of health maintenance organizations; proposed rules concerning standards for protection against radiation; proposed rules concerning the regulation of persons performing procedures under the Medical Radiologist Certification Act; proposed rules concerning the licensure of device distributors and manufacturers; proposed rules concerning certification and accreditation program for lead-based paint activities; final adoption of rules concerning emergency medical services certification and licensing requirements; and final adoption of rules concerning suspension of licensure for failure to pay child support); removal of Philip H. Humke, D.D.S., from the Oral Health Services Advisory Committee; public comments not requiring board action; announcements and comments not requiring board action; and meeting date for January, 1996.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: November 21, 1995, 3:13 p.m.

TRD-9515114

Friday, December 8, 1995, 10:30 a.m.

Room M-618, Texas Department of Health, 1100 West 49th Street

Austin

Hospital Data Advisory Committee New Member Orientation

AGENDA:

The committee will conduct a new member orientation which will include: an overview of the Texas Department of Health and Bureau of State Health Data and Policy Analysis; statutory charge to the committee (function and responsibility); Hospital Data

Advisory Committee activities; and review of bylaws.

Contact: Dora McDonald, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: November 21, 1995, 3:13 p.m.

TRD-9515123

Friday, December 8, 1995, 1:30 p.m.

Room M-652, Texas Department of Health, 1100 West 49th Street

Austin

Hospital Data Advisory Committee

AGENDA:

The committee will discuss and possibly act on: election of officers; approval of minutes; review and approval of 1995 Cooperative Texas Department of Health/American Hospital Association/Texas Hospital Association annual survey of hospitals; review and approval of amendments to rules regarding nonprofit hospital charity and community benefits report; and next meeting date.

Contact: Dora McDonald, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: November 21, 1995, 3:14 p.m.

TRD-9515124

Texas Commission on Human Rights

Tuesday, December 12, 1995, 9:00 a.m.

Clements Building, Ninth Floor Conference Room, 300 West 15th Street

Austin

AGENDA:

Discussion and vote on agenda item(s) covered in executive session as necessary or required; welcoming of guests; minutes; administrative reports; status of EEO compliance training; commission's move to new office space; current administrative enforcement project; new administrative enforcement grant from HUD under FHIP funds; annual report; presentation at international symposium on human rights in Monterrey,

Mexico; annual financial report; 1996 operating budget; communication with Texas Department of Housing and Community Affairs concerning §8 set asides on properties auctioned by the Resolution Trust Corporation; commissioner issues; unfinished business.

Contact: William M. Hale, P.O. Box 13493, Austin, Texas 78711, (512) 837-8534.

Filed: November 22, 1995, 2:53 p.m.

TRD-9515188

Texas Department of Human Services

Friday, December 1, 1995, 1:00 p.m.

701 West 51st, Third Floor, Room 305, East Tower

Austin

Services to Persons with Disabilities Subcommittee

AGENDA:

1. Welcome and introductions. 2. Approval of minutes of August 3, 1995. 3. Public comment. 4. Announcements from SSPD members. 5. Summary of November 17, 1995 TDHS board meeting; OSPD annual report for fiscal year 1995. 6. Subcommittee on SSPD fiscal year 1995 report. 7. Summary of November 3, 1995 ADAC meeting; ADAC action items; ADAC informational/technical items. 8. Follow-up on actions/motions/recommendations made at August 3, 1995 SSPD meeting; guidelines for end of life decisions in long term care facilities. 9. Steering Committee report. 10. Meeting schedule for fiscal year 1996. 11. next meeting scheduled for Friday, February 2, 1995 at 1:00 p.m. 12. Adjournment.

Contact: D. J. Johnson, P.O. Box 149030, Austin, Texas 78714-9030, (512) 438-3533.

Filed: November 22, 1995, 12:19 a.m.

TRD-9515169

Texas Department of Insurance

Tuesday, December 12, 1995, 9:00 a.m.

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

Austin

AGENDA:

454-95-0883

To consider disciplinary action should be taken against Arizona Premium Finance Company, Inc. (continued from September 25, 1995)

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

Filed: November 28, 1995, 8:49 a.m.

TRD-9515280

Thursday, December 14, 1995, 9:00 a.m.

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

Austin

AGENDA:

454-95-1697.c

To consider whether disciplinary action should be taken against George Edward Compton, Waco, Texas, who holds a Group I Insurance Agent's License issued by the Texas Department of Insurance.

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

Filed: November 28, 1995, 8:49 a.m.

TRD-9515282

Friday, December 15, 1995, 9:00 a.m.

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

Austin

AGENDA:

454-95-1280.G

Prehearing conference in the matter of Residential Property Insurance Benchmark rate setting and Catastrophe Property Insurance Association (TCPIA) rate settings.

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

Filed: November 28, 1995, 8:49 a.m.

TRD-9515284

Friday, December 15, 1995, 1:00 p.m.

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

Austin

AGENDA:

454-95-1667.B

Supervision Compliance Hearing for Fidelity American Life Insurance Company.

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

Filed: November 28, 1995, 8:49 a.m.

TRD-9515283

Texas Department of Licensing and Regulation

Tuesday, December 5, 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 administrative penalties against the respondent, Jackie Lee Riley, for violations of 16 Texas Administrative Code (TAC) §67.20(b) and §67.70(b), pursuant to the Texas Civil Statutes Annotated, Articles 8700 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: November 22, 1995, 10:01 a.m.

TRD-9515153

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

920 Colorado, E.O. Thompson Building,
Fourth Floor, Room 420

Austin

Enforcement Division, Boxing

AGENDA:

According to the complete agenda, the department will hold an administrative hearing to consider the application of Ruben Munoz, Applicant, for a boxing license in accordance with 16 Texas Administrative Code (TAC) §67.27(d), the Texas Civil Statutes Annotated, Articles 8501-1 (the Act) and 9100; the Texas Government Code, Chapter 2001 (APA); and 16 TAC, Chapter 61.

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

Filed: November 27, 1995, 3:15 p.m.

TRD-9515252

Wednesday, December 6, 1995, 9:00 a.m.

920 Colorado, E.O. Thompson Building,
First Floor, Room 108

Austin

Enforcement Division, Talent Agencies

AGENDA:

According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of administrative penalties against and revocation of license for Charisma, respondent, for vi-

olations of 16 Texas Administrative Code (TAC) §78.20(a) and §78.75(a) and the Texas Civil Statutes Annotated, Articles 5221a-9 (the Act), §2(b) and §13(b), pursuant to the Act and Article 9100; the Texas Government Code, Chapter 2001 (APA); and 16 TAC, Chapter 78.

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

Filed: November 22, 1995, 10:01 a.m.

TRD-9515154

Thursday, December 7, 1995, 9:00 a.m.

920 Colorado, E.O. Thompson Building,
First Floor, Room 108

Austin

Enforcement Division, Auctioneering

AGENDA:

According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of administrative penalties against the respondent, Felix David Fojtik, for violating an order issued by the Commissioner in violation of 16 Texas Administrative Code (TAC) §67.90, pursuant to the Texas Civil Statutes Annotated, Articles 8700 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: November 27, 1995, 10:10 a.m.

TRD-9515226

Monday, December 11, 1995, 9:30 a.m.

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

Austin

Texas Commission of Licensing and Regulation

AGENDA:

The commission will hold a regular meeting according to the following outline:

I. Call to order; II. Roll call and certification of quorum; III. Contested cases; IV. Agreed orders; V. Consider proposed rules submissions; VI. Staff reports; VII. Operating budget; VIII. Executive session; IX. Open session/public comments; X. Discussion of date, time and location of next commission meeting; and IX. Adjournment.

Contact: Phyllis Wilson, 920 Colorado, Austin, Texas 78701, (512) 463-3173.

Filed: November 27, 1995, 11:24 a.m.

TRD-9515236

Monday, December 11, 1995, 9:30 a.m.

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

Austin

Texas Commission of Licensing and Regulation

AGENDA:

The commission will hold a regular meeting according to the following outline:

I. Call to order; II. Roll call and certification of quorum; III. Contested cases; IV. Agreed orders; V. Consider proposed rules submissions; VI. Staff reports; VII. Operating budget; VIII. Executive session; IX. Open session/public comments; X. Discussion of date, time and location of next commission meeting; and IX. Adjournment.

Contact: Phyllis Wilson, 920 Colorado, Austin, Texas 78701, (512) 463-3173.

Filed: November 27, 1995, 11:42 a.m.

TRD-9515240

Texas State Board of Examiners of Marriage and Family Therapists

Monday, December 4, 1995, 10:00 a.m.

Room S-402, The Exchange Building, 8407
Wall Street

Austin

AGENDA:

The committee will discuss and possibly act on: approval of the minutes from the October 16, 1995 meeting; clarification of the powers and duties of the Texas State Board of Examiners of Marriage and Family Therapists; discussion of Vernon's Texas Civil Statutes, Article 4512c-1, §2 concerning the definition of marriage and family therapy-scope of practice; revision of Title 22, Texas Administrative Code, Chapter 801, §801.42 concerning rendering of professional services; revision of Title 22, Texas Administrative Code, Chapter 801, §801.114 concerning academic course content; discussion of issues relating to insurance reimbursement; request for an attorney general's opinion relating to the scope of practice of licensed marriage and family therapists; and setting of next meeting date.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6657. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: November 21, 1995, 3:13 p.m.

TRD-9515122

Texas State Board of Medical Examiners

Monday, December 4, 1995, 9:00 a.m.

333 Guadalupe, Room 100

Austin

Texas State Board of Acupuncture Examiners Grandfathering, Reciprocity, and Applications Committee

AGENDA:

9:00 a.m.—Call to order, roll call, executive session under the authority of the Open Meetings Act, §551.071 of the Government Code and Article 4495b, §2.07(b) and §2.09(o), Texas Revised Civil Statutes for private consultation and advice of counsel concerning pending litigation relative to applications for licensure and licensee disciplinary action.

9:15 a.m.—Open session to review applicants for licensure by endorsement, Janice W. Russell. Open session to review applicants for automatic licensure, Han Chan, Elhadi Kareem, and Asaya Kareem. Open session to consider action on incomplete licensure application, June Ann Meymand.

Adjourn

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 305-7016, Fax: (512) 305-7008.

Filed: November 22, 1995, 12:40 p.m.

TRD-9515173

Monday, December 4, 1995, 10:15 a.m.

333 Guadalupe, Room 100

Austin

Texas State Board of Acupuncture Examiners Disciplinary/Ethics Committee

AGENDA:

Call to order

Executive session to review selected files and cases recommended for dismissal by informal settlement conferences.

Executive session under authority of the Open Meetings Act, §551.071 of the Government Code, as related to Article 4495b, §§2.07(b), 4.05(d), 5.06(a) (1), and Attorney General Opinion 1974, Number H-484.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 305-7016, Fax: (512) 305-7008.

Filed: November 22, 1995, 12:40 p.m.

TRD-9515174

Monday, December 4, 1995, 10:30 a.m.

333 Guadalupe, Room 100

Austin

Texas State Board of Acupuncture Examiners

AGENDA:

The agenda includes approval of minutes, committee reports and approval of action items, executive session to consult with counsel regarding pending or contemplated litigation, proposal for decision related to John P. Methner II, discussion, recommendations and possible action on auricular acupuncture and related rules, consideration and possible action regarding the extension of the deadline for completion of the NCCA examination and CCAOM clean needle technique examination, and executive director's report.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 305-7016, Fax: (512) 305-7008.

Filed: November 22, 1995, 12:40 p.m.

TRD-9515175

Texas Municipal Retirement System

Saturday, December 9, 1995, 9:00 a.m.

1200 North IH-35

Austin

Regular Meeting, Board of Trustees

AGENDA:

To hear and approve minutes of the September 16, 1995, meeting; review and approve service retirements, disability retirements; review and approve supplemental death benefits payments; consider extended supplemental death benefits coverage; review and act on financial statements; transfer of inactive accounts and unclaimed refunds; consideration of changes in benefit structure by member cities; consider and act on proposal to amend by-laws as to composition of Advisory Committee, and consider and act upon membership of that committee; consider and act upon request from Pension Review Board for voluntary contributions pursuant to §801.113, Government Code; consider and act upon proposal to conduct a comprehensive review and analysis of benefit structure and funding mechanisms; consider and act on amendments to 1995 budget; consider and act on proposed budget for 1996; consider and act on resolution transferring monies from Interest Reserve Fund to Expense Fund; consider and act on resolution granting distributive benefits to annuitants and supplemental interest to certain funds and accounts; consider and act upon resolution designating depository for the period January 1, 1996-December 31, 1998; and designation of positions authorized to act on behalf of the System;

report by legal counsel; reports by director and staff; election of 1996 board officers; set dates for 1996 regular board meetings; consider any other business to come before the board.

Contact: Gary W. Anderson, P.O. Box 149153, Austin, Texas 78714-9153, (512) 476-7577.

Filed: November 22, 1995, 10:30 a.m.

TRD-9515159

Saturday, December 9, 1995, 9:00 a.m.

1200 North IH-35

Austin

Revised Agenda

Regular Meeting, Board of Trustees

AGENDA:

To hear and approve minutes of the September 16, 1995, meeting; review and approve service retirements, disability retirements; review and approve supplemental death benefits payments; consider extended supplemental death benefits coverage; review and act on financial statements; transfer of inactive accounts and unclaimed refunds; consideration of changes in benefit structure by member cities; consider and act on proposal to amend by-laws as to composition of Advisory Committee, and consider and act upon membership of that committee; consider and act upon request from Pension Review Board for voluntary contributions pursuant to §801.113, Government Code; consider and act upon proposal to conduct a comprehensive review and analysis of benefit structure and funding mechanisms; consider and act on amendments to 1995 budget; consider and act on proposed budget for 1996; consider and act on resolution increasing statutory maximum contribution rate for system employees' retirement plan; consider and act on resolution transferring monies from interest reserve fund to expense fund; consider and act on resolution granting distributive benefits to annuitants and supplemental interest to certain funds and accounts; consider and act upon resolution designating depository for the period January 1, 1996-December 31, 1998; and designation of positions authorized to act on behalf of the System; report by legal counsel; reports by director and staff; election of 1996 board officers; set dates for 1996 regular board meetings; consider any other business to come before the board.

Contact: Gary W. Anderson, P.O. Box 149153, Austin, Texas 78714-9153, (512) 476-7577.

Filed: November 22, 1995, 3:33 p.m.

TRD-9515194

Texas Natural Resource Conservation Commission

Thursday, November 30, 1995, 1:30 p.m.
12118 North Interstate 35, Building E,
Room 201S

Austin

AGENDA:

This meeting is a work session for discussion between commissioners and staff. No public testimony of comment will be accepted except by invitation of the commission.

Contact: Doug Kitts, 12100 Park 35 Circle,
Austin, Texas 78753, (512) 239-3317.

Filed: November 21, 1995, 11:47 a.m.

TRD-9515102

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

Texas Natural Resource Conservation Commission, 12124 Park 35 Circle, Building B,
Room 201A

Austin

AGENDA:

A public hearing will be held on Application Number TA-7505 by Edward J. Coufal, SOAH Docket Number 582-95-1633. Applicant seeks a permit from the Texas Natural Resource Conservation Commission pursuant to Texas Water Code §11.138 and the TNRCC rules 30 TAC §§295.61, 295.62, 295.125, 295.154, 295.174 and 297.13 to divert and use ten acre feet of water for a three-year period from a point on Daily Branch, tributary of Little Elm Creek, tributary of Big Elm Creek, tributary of the Little River, tributary of the Brazos River, Brazos River Basin, for irrigation purposes in Bell County, Texas. The proposed point of diversion is on the west side and adjacent to FM 3117, approximately five miles southeast of Temple and approximately 12 miles northeast of Belton, Bell County, where water will be diverted at a maximum rate of 1.11 cfs (500 gpm).

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

Filed: November 22, 1995, 8:09 a.m.

TRD-9515134

Wednesday, December 6, 1995, 9:30 a.m.

12118 North Interstate 35, Building E,
Room 201S

Austin

AGENDA:

The commission will consider approving the following matters: Class 2 modification to hazardous waste permit; district matter; Municipal Solid Waste Advisory Council; hearing request; public water supply en-

forcement; municipal waste discharge enforcement; industrial waste discharge enforcement; industrial hazardous waste enforcement; petroleum storage tank enforcement; rules; administrative law judge's proposal for decisions; 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 until 9:25.)

Contact: Doug Kitts, 12100 Park 35 Circle,
Austin, Texas 78753, (512) 239-3317.

Filed: November 21, 1995, 11:47 a.m.

TRD-9515103

Texas Board of Occupational Therapy Examiners

Friday, December 1, 1995, 9:30 a.m.

333 Guadalupe, Suite 2-510

Austin

Board

AGENDA:

I. Call to order

II. Introduction of board members

III. Approval of October 27, 1995 minutes

IV. Public comment

V. Discussion and possible action on FY 1995 investigation activity report-Mark Turek

VI. Discussion and possible action on proposed rule revisions: Chapter 362, definitions; Chapter 370, license renewal; Chapter 371, inactive/retiree status; Chapter 373, supervision; Chapter 374, disciplinary actions/complaints; Chapter 375, fees

VII. Executive session pursuant to §551.071 of the Government Code, consultation with attorney regarding pending or contemplated litigation

VIII. Executive session pursuant to §551.074 of the Government Code, to deliberate about the evaluation of the executive director

IX. Discussion and possible recommendations on proposed fee changes

X. Discussion and possible action on membership on board committees: application review, continuing education, fees, investigation, rules

XI. Discussion and possible action on chair's report-Esperanza Brattin

XII. Discussion and possible action on executive director's report-John Maline

XIII. Discussion and possible action on acting coordinator's report-Joy Vaughn

XIV. Discussion and possible action on Texas Occupational Therapy Association's report

XV. Discussion and possible action on board position papers: application process, supervision by OTRs and COTAs, and continuing education

XVI. Issues for future discussion

XVII. Discussion and determination of next meeting date

XVIII. Adjournment

Contact: Joy L. Vaughn, 333 Guadalupe,
Suite 2-510, Austin, Texas 78701-3942,
(512) 305-6900.

Filed: November 22, 1995, 9:50 a.m.

TRD-9515151

Texas Optometry Board

Thursday-Friday, November 30-
December 1, 1995, 9:30 a.m. and 8:30
a.m., respectively.

333 Guadalupe, Suite 2-420

Austin

AGENDA:

On November 30, 1995, the board committees will meet throughout the day beginning with informal conferences of the Investigation-Enforcement committee at 9:30 a.m.; the Continuing Education committee will meet at 1:45 p.m., followed by the Rules committee at 4:00 p.m., with all committees meeting at 4:30 p.m. ON the following morning, beginning at 8:30 a.m., committees will complete business before them followed by a special meeting of the Texas Optometry Board to consider reports of Secretary-Treasurer, legal counsel, executive director, committee chairperson; consider matters involving Health Professions Council, 1-800 complaint system, correspondence regarding interpretation of Act, adopt proposed Rule amendment 271.6 clarifying language to National Board Examination and administration of Jurisprudence examination, consider adoption of proposed Rule amendment 280.5(j) regarding the use of cocaine eye drops as a diagnostic drug; discuss possible violations of §5.11, public comment time-certain of 10:00 a.m.; consider adoption of proposed rules concerning fees, telephone/FAX prescriptions, and dispensing and follow-up care by optometrists, executive session to be held in compliance with 551.071 of the Government Code to discuss contemplated and pending litigation with Board attorney regarding matters sent

and to be sent to Attorney General; consideration and possible vote on matters discussed in executive session.

Contact: Lois Ewald, 333 Guadalupe, Suite 2-420, Austin, Texas 78701-3942.

Filed: November 21, 1995, 3:14 p.m.

TRD-9515125

◆ ◆ ◆
Texas Department of Protective and Regulatory Services

Friday, December 1, 1995, 10:00 a.m.

Texas A&M System Office, Hirshfeld-Moore House, 814 Lavaca

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 consider 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 adjourn. 3. Adjournment.

Contact: Marty Chung, P.O. Box 149030, Mail Code E-554, Austin, Texas 78714-9030, (512) 438-4435.

Filed: November 22, 1995, 12:19 p.m.

TRD-9515170

◆ ◆ ◆
Public Utility Commission of Texas

Monday, December 11, 1995, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

AGENDA:

A hearing on the merits will be held by the State Office of Administrative Hearings in Docket Number 15025-application of Time Warner Communications for a Certificate of Operating Authority. This application was filed on November 20, 1995. Time Warner Communications intends to provide all services that can be provided by a local exchange company under the Public Utility Regulatory Act of 1995. Applicant intends to provide a full range of local exchange and access services, including vertical features and basic and primary rate ISDN. Applicant will offer basic local telecommunications service, as defined in PURA §3.002, to all customers in its certificated area. Time Warner Communications intends

to provide service in the cities of Round Rock and Austin, Texas. Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filings or comments to the Commission by December 6, 1995.

Contact: Paula Mueller, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 22, 1995, 8:37 a.m.

TRD-9515136

◆ ◆ ◆
Railroad Commission of Texas

Monday, December 11, 1995, 2:30 p.m.

1701 North Congress Avenue, 12th Floor, Willa Mae Palmer Conference Room

Austin

AGENDA:

Pursuant to Texas Government Code, Chapter 551, the following matters will be taken up by the Railroad Commission of Texas for consideration and/or decision:

I. Reorganization and personnel matters; the commission will conduct interviews and may take action on personnel matters.

II. Pending and/or contemplated litigation: The Lonape Resources Corporation et al v. Tennessee Gas Pipeline Company, motion for rehearing before the Texas Supreme Court.

The commission may meet in executive session as permitted by Texas Government Code, Chapter 551.

Contact: Mary Ross McDonald, P.O. Box 12967, Austin, Texas 78711, (512) 463-7008.

Filed: November 22, 1995, 1:35 p.m.

TRD-9515180

Monday, December 18, 1995, 2:00 p.m.

1701 North Congress Avenue, 12th Floor, Willa Mae Palmer Conference Room

Austin

AGENDA:

Pursuant to Texas Government Code, Chapter 551, the following matters will be taken up by the Railroad Commission of Texas for consideration and/or decision:

I. Reorganization and personnel matters; the commission will conduct interview and may take action on personnel matters.

II. Pending and/or contemplated litigation: The Lonape Resources Corporation et al v. Tennessee Gas Pipeline Company, motion for rehearing before the Texas Supreme Court.

The commission may meet in executive session as permitted by Texas Government Code, Chapter 551.

Contact: Mary Ross McDonald, P.O. Box 12967, Austin, Texas 78711, (512) 463-7008.

Filed: November 22, 1995, 1:35 p.m.

TRD-9515181

◆ ◆ ◆
Texas Rehabilitation Commission

Thursday, December 7, 1995, 9:30 a.m.

4900 North Lamar Boulevard, Brown-Heatly Building, Public Hearing Room, First Floor

Austin

Board of the Texas Rehabilitation Commission

AGENDA:

Roll call-introduction of guests-invocation

Approval of minutes: September 28, 1995, board meeting, commissioner's comments

Legislative update-Comprehensive Rehabilitation Services (CRS) Program

Deaf-Blind multi-handicapped program-National Cristina Foundation update

Strategic plan update-administrative plan update

Annual Article V. §32 report

Disability determination services update

Management control audit update

Executive Session: Review of potential litigation, personnel practices, and staff presentations involving the Texas Rehabilitation Commission, disability determination services and management audit. These subjects will be discussed in executive session pursuant to §§551.071, 551.074, and 551.075 of the Open Meetings Act (Texas Government Code Annotated, Chapter 551).

Adjournment

If all agenda items have been completed, the board will adjourn. If all agenda items have not been completed, the board will recess until 9:30 a.m., Friday, December 8, 1995, to reconvene in the Public Hearing Room, First Floor, Brown-Heatly Building, 4900 North Lamar Boulevard, Austin, Texas

Contact: Charles Schiesser, 4900 North Lamar Boulevard, Suite 7300, Austin, Texas 78751, (512) 483-4051, or T.D.D. (512) 483-4045. For ADA assistance, call Oleta Grizzle, (512) 483-4057.

Filed: November 28, 1995, 8:49 a.m.

TRD-9515278

Friday, December 8, 1995, 9:30 a.m.
4900 North Lamar Boulevard, Brown-Healy Building, Public Hearing Room, First Floor
Austin

Board of the Texas Rehabilitation Commission

AGENDA:

Roll call

Introduction of guests

Continuation of board agenda from December 7, 1995

Executive Session: Review of potential litigation, personnel practices, and staff presentations involving the Texas Rehabilitation Commission, Disability Determination Services and Management Audit. These subjects will be discussed in executive session pursuant to §§551.071, 551.074, and 551.075 of the Open Meetings Act (Texas Government Code Annotated, Chapter 551).

Adjournment

Contact: Charles Schiesser, 4900 North Lamar Boulevard, Suite 7300, Austin, Texas 78751, (512) 483-4051, or T.D.D. (512) 483-4045. For ADA assistance, call Oleta Grizzle, (512) 483-4057.

Filed: November 28, 1995, 8:49 a.m.

TRD-9515279

Research and Oversight Council on Workers' Compensation

Wednesday, December 6, 1995, 2:00 p.m.

Capitol Extension, Room E1.028, 1400 Congress Avenue

Austin

Board of Directors

AGENDA:

The board of directors of the research and Oversight Council on Workers' Compensation will meet to discuss and act on the following items: call to order; introduction of council members; executive session to consider personnel matters, including the employment of the interim executive director; action from executive session; assignment/delegation of authority to sign vouchers; delegation to the Texas Workers' Compensation Commission the authority to release payments through the Uniform State Accounting System (USAS); next meeting date; and adjournment.

Individuals who may require auxiliary aids or services for this meeting should contact Lavon Guerrero at (512) 469-7811 at least two days prior to the meeting so that appropriate arrangements can be made.

Contact: Lavon Guerrero, 105 Congress Avenue, Suite 100, Austin, Texas 78704, (512) 469-7811.

Filed: November 22, 1995, 8:10 a.m.

TRD-9515135

Texans' War on Drugs

Monday, December 4, 1995, 8:00 a.m.
(Rescheduled from: November 14, 1995.)

313 East Anderson Lane, Suite 101

Austin

Board of Directors

AGENDA:

- 1) Call to order
- 2) Establish quorum
- 3) Approval of minutes
- 4) Corporate resolutions
- 5) Executive session
- 6) Action on matters discussed in executive session
- 7) President's report
 - a) Financial report
 - b) Service delivery report
 - c) Executive report
- 8) Planning for the future
- 9) Set next meeting dates
- 10) Other business
- 11) Adjourn

Contact: William Halsell, 313 East Anderson Lane, Suite 101, Austin, Texas 78752, (512) 452-0141.

Filed: November 22, 1995, 10:12 a.m.

TRD-9515157

The Texas A&M University System

Wednesday, November 29, 1995, 6:00 p.m.

BOR Meeting Room, MSC, Clark Street
College Station

Board of Regents

AGENDA:

Open house forum for discussion of student related issues

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

Filed: November 22, 1995, 3:33 p.m.

TRD-9515190

Wednesday, November 29, 1995, 6:00 p.m.

BOR Meeting Room, MSC, Clark Street
College Station

Board of Regents

AGENDA:

Open house forum for discussion of student related issues

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

Filed: November 22, 1995, 4:20 p.m.

TRD-9515198

Thursday, November 30, 1995, 9:00 a.m.

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

College Station

Committee for Academic Campuses

AGENDA:

Consideration, action and vote on the following: Create Center for the Humanities at TAMU; approve concept paper for establishment of academy for advanced telecommunications and learning technologies, TAMU; change the name of College of Veterinary Medicine to College of Veterinary Medicine and Biomedical Sciences, TAMU; divide current Department of Education and Psychology into two departments, TSU

Discussion of the following: Academic campuses mission statements; academic campuses core curriculum requirements as they relate to National and International Politics and Cultures

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

Filed: November 22, 1995, 4:20 p.m.

TRD-9515199

Thursday, November 30, 1995, 10:45 a.m.
(or upon adjournment or recess of Meeting of the Committee for Academic Campuses)

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

College Station

Executive Committee

AGENDA:

Consideration, action and vote on the following: Approve minutes; appoint vice president for business and finance, WTAMU; appoint vice president for administration, TAMU; create position and appoint vice president for finance and controller, TAMU; appoint interim executive vice

president and provost, TAMU; appointments to board of visitors at TAMUG; grant emeritus titles; confirm appointments and promotions; approve employment contract for system CEO.

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

Filed: November 22, 1995, 4:20 p.m.

TRD-9515201

Thursday, November 30, 1995, 11:00 a.m. (or upon adjournment or recess of meeting of Executive Committee)

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

College Station

Committee for Land and Mineral Resources

AGENDA:

Consideration, action and vote on the following: Sale of land in Bosque County; authorize execution of oil, gas, and sulphur lease, 252.7 acres, Hardeman County; authorize execution of oil, gas, and sulphur lease, 177.29 acres, Washington County; authorize execution of oil, gas, and sulphur lease, 158.9 acres, Chambers County; grant pipeline right-of-way and surface easements, Brazos County; execute ground lease agreement for renovation, maintenance and operations of McCaslin Hall at WTAMU; purchase of One Research Park Office Building at TAMU

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

Filed: November 22, 1995, 4:20 p.m.

TRD-9515202

Thursday, November 30, 1995, 11:30 a.m. (or upon adjournment or recess of Meeting of the Committee for Land and Minerals Resources)

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

College Station

Finance and Audit Committee

AGENDA:

Consideration, action and vote on the following: Approval of Bryan/College Station local depository, TAMUS; authorization to enter into interagency agreement with the Texas General Services Commission for the operation of the Center for Environmental Studies and Services Building, TAMU-CC; approve contracts for telecommunications services between TAMU and OTR Southwest; transfer funds from TAMU to System University Libraries; adopt resolution on passenger facility charge, Easterwood Airport, TAMU; acceptance of report of appropriations by the Chancellor or Chief Execu-

tive Officers; acceptance of gifts, grants, loans and bequests

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

Filed: November 22, 1995, 4:21 p.m.

TRD-9515203

Thursday, November 30, 1995, 1:30 p.m. (or upon adjournment or recess of the Finance and Audit Committee)

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

College Station

Facilities Planning and Building Committee

AGENDA:

Consideration, action and vote on the following: Appropriation for preliminary design for the University Center, TAMU-CC; selection of project architect/engineer for the University Center, TAMU-CC; initiation of project to renovate Manning Hall and Nierman Hall, TAMU-K; initiation of project for Campus HVAC System improvements, TAMU-K; initiation of project for West Campus Streets development, TAMU; action on bids for athletic facilities renovations/additions, Phase I, Parts a and b, TAMU; initiation of project for athletic facilities, renovation/additions, Phase II, TAMU; initiation of project to demolish DeWare Fieldhouse, Downs Natatorium and Cain Pool, TAMU; action on bids for material research facility, Doherty Building, TAMU; action on bids to replace Cooling Towers 6, 7, and 8, TAMU; action on bids for the chemistry annex exhaust system upgrade, TAMU

Reports: Status of system construction project authorized by the Board of Regents, status of project under construction

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

Filed: November 22, 1995, 4:21 p.m.

TRD-9515204

Thursday, November 30, 1995, 3:00 p.m. (or upon adjournment or recess of the Facilities Planning and Building Committee)

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

College Station

System Policies Committee

AGENDA:

The purpose of the meeting is to discuss Tenure Policy 12.01 and the system mission statement as it relates to multicultural education.

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

Filed: November 22, 1995, 4:21 p.m.

TRD-9515205

Friday, December 1, 1995, 8:00 a.m.

MSC Room 292, Joe Routh Boulevard

College Station

Board of Regents

AGENDA:

Consider, act, and vote on the following: Approve minutes; appoint vice president for business and finance, WTAMU; appoint vice president for administration, TAMU; create position and appoint vice president for finance and controller, TAMU; appoint interim executive vice president and provost, TAMU; approve employment contract for system CEO, appoint members to board of visitors, TAMUG; grant emeritus titles; confirm appointments and promotions; sale of land in Bosque County; authorize execution of oil, gas, and sulphur leases, Hardeman, Washington, and Chambers counties; grant easements, Brazos County; execute ground lease agreement, WTAMU; purchase One Research Park Office Building, TAMU; approval local depository, TAMUS; authorization to enter into interagency agreement with Texas General Services Commission, TAMU-CC; approve contracts for telecommunications services, TAMU; transfer funds from TAMU to System University Libraries; adopt resolution on passenger facility charge, Easterwood Airport, TAMU; accept report of appropriations by Chancellor or CEOs; accept gifts, grants, loans and bequest; appropriation for preliminary design for university center, TAMU-CC; select project architect/engineer for university center, TAMU-CC; initiate project to renovate Manning Hall and Nierman Hall, TAMU-K; initiate project for Campus HVAC System improvements, TAMU-K; initiate project for West Campus Streets development, TAMU; act on bids for athletic facilities renovations/additions, Phase I, Parts a and b, TAMU; initiate project for athletic facilities, renovation/additions, Phase II, TAMU; initiate project to demolish DeWare Fieldhouse, Downs Natatorium and Cain Pool, TAMU; act on bids for material research facility, Doherty Building, TAMU; act on bids to replace Cooling Towers 6, 7, and 8, TAMU; act on bids for the chemistry annex exhaust system upgrade, TAMU; create Center for the Humanities at TAMU; approve concept paper for establishment of academy for advanced telecommunications and learning technologies, TAMU; change name of College of Veterinary Medicine to College of Veterinary Medicine and Biomedical Sciences, TAMU; divide current Department of Education and Psychology into two depart-

ments, TSU; overview of system activities; remarks from presidents and members of chancellor's student advisory board

Closed session discussions items: Consult with system attorneys on pending and proposed litigation and matters recognized as Attorney-Client confidential and privileged; acquisition, lease, exchange, disposition and value of real property; sale of land in Bosque County; purchase of One Research Park Office Building-TAMU; matters involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal, or to hear complaints or charges against an officer or employee; appointments of vice president for Business and Finance at WTAMU, vice president for Administration at TAMU, vice president for Finance and Controller at TAMU, and interim executive vice president and provost at TAMU; approval of employment agreement for system CEO

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

Filed: November 22, 1995, 4:21 p.m.

TRD-9515206

Texas Department of Transportation

Thursday, November 30, 1995, 9:00 a.m.

125 East 11th Street, First Floor, Dewitt C. Greer Building

Austin

Texas Transportation Commission

AGENDA:

Delegations: City of San Antonio, Bexar County; Galveston County; City of Pflugerville. Approve minutes. Contract awards/rejections/defaults/assignments. Programs. Establish reasonable and safe prima facie speed limits. Routine minute orders. District/division/special office reports. Multimodal transportation. Rulemaking: 43 TAC Chapters 1, 4, 9, 11, 15, 17, 18, 25, 28, 29, 30, and 31. Informal understandings for Texas/Mexico commercial vehicle operations. Weapons policy for department property. Executive session for legal counsel, land acquisition, and personnel matters. Open comment period.

Contact: Diane Northam, 125 East 11th Street, Austin, Texas 78701, (512) 463-8630.

Filed: November 22, 1995, 2:29 p.m.

TRD-9515185

Texas State Treasury

Thursday, November 30, 1995, 10:00 a.m.

200 East 10th Street, Room 227

Austin

Texpool Advisory Board

AGENDA:

- I. Call to order
- II. Approval of minutes
- III. Treasurer's remarks
- IV. Texpool overview
- V. Standard and poor's rating review
- VI. Independent audit report
- VII. Texpool investment report
- VIII. Texpool operations and financial status report
- IX. Program insurance
- X. Discussion of agenda for next meeting
- XI. Adjournment

Contact: Ellen Rathgeber, 200 East 10th Street, Suite 309, Austin, Texas 78701, (512) 463-5971.

Filed: November 22, 1995, 8:38 a.m.

TRD-9515137

Tuesday, December 5, 1995, 10:00 a.m.

200 East 10th Street, Room 227

Austin

State Depository Board

AGENDA:

1. Approval of minutes of August 7, 1995 meeting
2. Approval of state depository applications
3. Contingent approval of state depository applications
4. Designation of centrally located depositories and authorization for rapid deposit network.
5. Approval of proposed rule changes regarding acceptable collateral
6. Discussion of placement of time deposits based on capital-to-asset ratios
7. Discussion of agenda for next meeting

Contact: Ellen Rathgeber, 200 East 10th Street, Suite 309, Austin, Texas 78701, (512) 463-5971.

Filed: November 22, 1995, 8:38 a.m.

TRD-9515138

Texas Turnpike Authority

Tuesday, December 5, 1995, 9:30 a.m.

Conference Room of Administration Building, 3015 Raleigh Street

Dallas

Board of Directors (a telephone conference call meeting)

AGENDA:

The agenda includes: 1. consideration of the President George Bush Turnpike matters: (a) consider authorizing and providing for the issuance of Texas Turnpike Authority Dallas North Tollway System Revenue Bonds, Series 1995, authorizing a Fourth Supplemental Trust Agreement to secure said bonds, appointing the members of a Finance Committee, and authorizing and approving other instruments and procedures relating to said bonds; (b) consider authorizing and providing for the issuance of Texas Turnpike Authority Dallas North Tollway System Revenue Refunding Bonds, Series 1997, authorizing a Fifth Supplemental Trust Agreement to secure said bonds, appointing the members of a finance Committee, and authorizing and approving other instruments and procedures relating to said Bonds, including related amendments to contracts with bond counsel and financial advisor; (c) consider adopting a plan for toll collecting facilities and a schedule of rates of tolls for the Dallas North Tollway System in connection with the addition to and expansion of said Tollway System through the construction of the President George Bush Turnpike; (d) consider receiving the transfer of State Highway 190 by the Texas Transportation Commission to the Texas Turnpike Authority, ratifying and approving agreements relating thereto and taking other actions relating to such subjects; (e) consider accepting HNTB Corporation's Consulting Engineers Engineering Report dated December, 1995, on the President George Bush Turnpike and the Dallas Tollway System; and (f) consider adopting the location and alignment of the first three segments of the President George Bush Turnpike; 2. Executive Session: Pursuant to Chapter 551, Subchapter D, Texas Government Code, including (a) §551.071, advice from counsel concerning negotiations/settlement offers related to the President George Bush Turnpike; (b) §551.072 and §551.073, deliberation concerning the purchase, exchange, lease, donation, or value of real property underlying and/or associated with the President George Bush Turnpike; (c) §551.075, conference with employees of the Texas Turnpike Authority to receive information and question the employees; 3. Receive public comments; and 4. Receive comments from members of the Board of Directors of the Texas Turnpike Authority. The complete agenda is attached.

Contact: Jimmie G. Newton, 3015 Raleigh Street, Dallas, Texas 75219. (214) 522-6200.

Filed: November 27, 1995, 5:00 p.m.

TRD-9515273

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

Thursday, November 30, 1995, 1:30 p.m.

3500 Camp Bowie Boulevard, Fort Worth Room 810, Medical Education Building I

Fort Worth

Board of Regents, Budget and Finance Committee

AGENDA:

UNT/UNTHSC: Consultant's report on investments

UNTHSC: Waiver of certain fees for off-campus courses; gift report; investment report; report on interest earnings; internal audit update

UNT: Bond counsel; chancellor's salary; resolution directing the vice president for finance and business affairs to proceed with the issuance of up to \$15 million in revenue bonds as authorized by §55.717, Texas Education Code; union fee; waiver of application fee at Dallas Education Center; waiver of application fee for transient students; fees for continuing education courses; gift report; union food court and bookstore renovations; investment report; report of interest earnings; internal audit update

Contact: Jana Dean, P.O. Box 13737, Denton, Texas 76203, (817) 369-8515.

Filed: November 27, 1995, 10:59 a.m.

TRD-9515231

Thursday, November 30, 1995, 1:30 p.m.

3500 Camp Bowie Boulevard, Fort Worth Rare Book Room, Medical Education Building II

Fort Worth

Board of Regents, Role and Scope Committee

AGENDA:

UNTHSC: Department of Integrative Physiology (name change); naming of buildings, physical spaces and academic programs; year-end report on the practice plan and effects of managed care

UNT: Personnel transaction; small class report for Fall, 1995; faculty on leaves of absence without pay, 1994-1995; regents' faculty lecture series; artist certificate pro-

gram; emeritus recommendations; supplemental tenure recommendation for 1995-1996; Texas academic skills program fee; voluntary alternative dispute resolution system; blue ribbon committee and related audit reports; psychology faculty member request; student petitions

Contact: Jana Dean, P.O. Box 13737, Denton, Texas 76203, (817) 369-8515.

Filed: November 27, 1995, 10:58 a.m.

TRD-9515230

Thursday, November 30, 1995, 3:30 p.m.

3500 Camp Bowie Boulevard, Fort Worth Room 810, Medical Education Building I, University of North Texas Health Science Center at Fort Worth

Fort Worth

Board of Regents, Advancement Committee
AGENDA:

UNTHSC: Gift report; UNTHSC/TCOM foundation update; Silver anniversary update

UNT: Gift report; capital update; athletic marketing initiatives for basketball; public affairs update; special focus-annual fund

Contact: Jana Dean, P.O. Box 13737, Denton, Texas 76203, (817) 369-8515.

Filed: November 27, 1995, 10:59 a.m.

TRD-9515233

Thursday, November 30, 1995, 3:30 p.m.

3500 Camp Bowie Boulevard, Fort Worth Founders Board Room, Eighth Floor, Medical Education Building I

Fort Worth

Board of Regents, Facilities Committee

AGENDA:

UNTHSC: Project status report

UNT: Advancement Center addition; new recreational sports field; campus police and security building; master planning; union food court and bookstore renovations; project status report; telephone contract

Contact: Jana Dean, P.O. Box 13737, Denton, Texas 76203, (817) 369-8515.

Filed: November 27, 1995, 10:59 a.m.

TRD-9515232

Friday, December 1, 1995, 8:00 a.m.

3500 Camp Bowie Boulevard, Medical Education Building II-106, KIVA, UNT Health Science Center

Fort Worth

Board of Regents

AGENDA:

UNTHSC: Approval of minutes; executive session (UNT/UNTHSC: Austin and Washington update; UNTHSC: affiliations; up-

date on current lawsuits; UNT: briefing on discrimination issues; response to student concerns; University Tenure Committee issues; NTRI reorganization; D&O Insurance; athletics update; state management ratios; update on current lawsuits; property acquisition for Music and Fine Arts Education building; advancement employment issue; psychology faculty issue; senior staff compensation; chancellor's evaluation); Department of Integrative Physiology; naming of buildings, physical spaces and academic program; waiver of certain fees for off-campus courses; gift report; project status report; president update on institutional responses to change in healthcare

UNT: Approval of minutes; personnel transaction; small class report for Fall, 1995; facility on leaves of absence without pay, 1994-1995; regents' faculty lecture series; artist certificate program; emeritus recommendation; supplemental tenure recommendation for 1995-1996; Texas academic skills program fee; voluntary alternative dispute resolution system; blue ribbon committee and related reports; psychology faculty member request; student petitions; bond counsel; chancellor's salary; resolution directing vice president for finance and business affairs to proceed with the issuance of up to \$15 million in revenue bonds as authorized by §55.1717, Texas Education Code; union fee; waiver of application fee at Dallas Education Center; waiver of application fee for transient student; fees for continuing education courses; gift report; advancement center addition; new recreation sports field; campus police and security building; master planning; union food court and bookstore renovations; project status report; chancellor's update on new roundtable

Contact: Jana Dean, P.O. Box 13737, Denton, Texas 76203, (817) 369-8515.

Filed: November 27, 1995, 10:58 a.m.

TRD-9515229

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The University of Texas at Austin

Wednesday, November 29, 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 meeting

III. New business

IV. Announcements/information reports

V. Adjournment

Contact: Jody Conradt, Belmont Hall 718, Austin, Texas 78712-1286, (512) 471-7693.

Filed: November 22, 1995, 10:25 a.m.

TRD-9515158

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**The University of Texas
Health Center at Tyler**

Thursday, December 7, 1995, Noon

Highway 271 and Highway 155, Room 116

Tyler

Animal Research Committee

AGENDA:

Approval of minutes

Chairman report

Veterinarian report

Old business

New business

Adjournment

Contact: Cindy Pessink, P.O. Box 2003, Tyler, Texas 75710, (903) 877-7594.

Filed: November 27, 1995, 1:02 p.m.

TRD-9515244

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**Texas Board of Veterinary
Medical Examiners**

Tuesday, December 12, 1995, 11:00 a.m.

Room 140, Memorial Student Center, Texas A&M University Campus

College Station

Examination Review Committee

AGENDA:

The Committee will meet to review the results of the December, 1995 State Board Examination for licensure. The Committee will convene in open session and then go into executive session in accordance with AG Opinions H-484, 1974 and JM 640, 1987.

Contact: Ron Allen, 333 Guadalupe, Suite 2-330, Austin, Texas 78701, (512) 305-7555.

Filed: November 21, 1995, 11:07 a.m.

TRD-9515098

Texas Workforce Commission

Wednesday, November 29, 1995, 2:00 p.m.

Room 644, TEC Building, 101 East 15th Street

Austin

AGENDA:

Executive session to discuss duties and performance of executive director; actions, if any, resulting from executive session.

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

Filed: November 21, 1995, 3:57 p.m.

TRD-9515132

Friday, December 1, 1995, 1:00 p.m.

Room 644, TEC Building, 101 East 15th Street

Austin

AGENDA:

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: November 21, 1995, 3:57 p.m.

TRD-9515131

Tuesday, December 5, 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 higher level appeals in unemployment compensation cases listed on Texas Employment Commission Docket 49; Discussion, consideration, and possible action with regard to transfer of programs pursuant to House Bill 1863; consideration of design and implementation of state-local planning process, procedure for reviewing local plans and making recommendations regarding same, and development of objective criteria for granting waivers; and set date of next meeting.

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

Filed: November 27, 1995, 4:05 p.m.

TRD-9515259

**Texas Council on Workforce
and Economic Competitive-
ness**

Thursday, December 7, 1995, 8:30 a.m.

Austin Convention Center, 201 East Second Street, Colorado Room

Austin

Program Policy and Oversight Committee

AGENDA:

8:30 a.m.-Call to order, announcements, public comment; 8:45 a.m.-Briefing item: Federal and State Funding Flow for Workforce Development Programs; 9:00 a.m.-Briefing item: Overview of the Job Training Partnership Act Programs; 9:30 a.m.-Briefing item: Overview of the National Literacy and Adult Education Act Programs; 10:00 a.m.-Briefing item: Overview of the Wagner-Peyser Act Programs; 10:30 a.m.-Break; 10:45 a.m.-Briefing item: Overview of the Food Stamp Employment and Training Program and the Job Opportunities and Basic Skills program; 11:15 a.m.-Briefing item: JTPA Title III Dislocated Worker Program Policy; 11:45 a.m. Adjourn

Notice: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services 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: November 27, 1995, 4:43 p.m.

TRD-9515269

Thursday, December 7, 1995, 1:30 p.m.

Austin Convention Center, 201 East Second Street, Colorado Room

Austin

Strategic Planning Committee

AGENDA:

1:30 p.m.-Call to order, announcements, public comment; 1:45 p.m.-Briefing item: Federal and State Funding Flow for Workforce Development Programs; 2:00 p.m.-Briefing item: Strategic Plan Goal Alignment with Legislative Intent and Employment/Economic Trend Data; 2:15 p.m.-Action item: Recommendations for the Definition of "Substantial Portion" of a Labor Market as Applicable for Service Delivery Area (SDA) Designation; 2:45 p.m.-Action item: Workforce Development Area Redesignation Policy; 3:15 p.m.-Break; 3:45 p.m.-Action item: Workforce Development Area and JTPA Service Delivery

Redesignation for Alamo Council of Governments and the City of San Antonio; 4:15 p.m.-Action item: Workforce Development Area Redesignation for the Coastal Bend Area; 4:45 p.m. -Action item: Gulf Coast JTPA SDA Redesignation; 5:15 p.m.-Adjourn.

Notice: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services 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: November 27, 1995, 4:51 p.m.

TRD-9515270

Thursday, December 7, 1995, 1:30 p.m.

Performance and Evaluation Committee

AGENDA:

1:30 p.m.-Call to order, announcements, public comment; 1:45 p.m.-Briefing item: Federal and State Funding Flow for Workforce Development Programs; 2:00 p.m.-Policy briefing item: Evaluation Report on the Distribution of Career and Technology Education funds; 2:30 p.m.-Briefing item: Evaluation report on Implementation of the State Plan on Career and Technology Education; 2:45 p.m. -Briefing item: Update on Adult Education and Literacy Assessment System; 3:15 p.m.-Break; 3:45 p.m.-Briefing item: Update on Phase I and next steps for the Performance Measurement System and the Automated Follow-Up System; 5:00 p.m. -Briefing item: Overview of Performance Measurement in the One-Stop Career Center Delivery System; 5:15 p.m.-Adjourn

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services 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: November 27, 1995, 4:51 p.m.

TRD-9515271

Friday, December 8, 1995, 8:30 a.m.

Austin Convention Center, 201 East Second Street, Colorado and Lavaca Rooms

Austin

Full Council

AGENDA:

8:30 a.m.-Call to order, announcements, approval of minutes, public comment; 9:00 a.m.-Committee reports; 9:30 a.m.-Action

item: Consent agenda; 10:00 a.m. -Briefing item: Texas Labor Market; 10:45 a.m.-Break; 11:00 a.m.-Briefing item: TCWEC budget update; 11:15 a.m.-Briefing item: Texas Comptroller of Public Accounts report: Texas Workforce Commission project; 11:45 a.m.-Briefing item: Presentations by local One-Stop Career Center Sites; 12:45 p.m.-Adjourn

Notice: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services 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: November 27, 1995, 4:51 p.m.

TRD-9515272

Regional Meetings

Meetings Filed November 21, 1995

The Eastland County Appraisal District Appraisal Review Board will meet at 100 Main, Eastland, December 6, 1995, at 10:00 a.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597. TRD-9515096.

The Lee County Appraisal District Board of Directors met at 218 East Richmond Street, Giddings, November 29, 1995, at 9:00 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618. TRD-9515097.

The Texas Rural Communities, Inc. Board of Directors will meet at 1016 La Posada Drive, Suite 280, Austin, December 7, 1995, at 9:00 a.m. Information may be obtained from Leslie Janca, 1016 La Posada Drive, Suite 200, Austin, Texas 78752, (512) 458-1016. TRD-9515133.

The Sabine River Authority Board of Directors will meet at the Fredonia Hotel, 200 Fredonia Street, Nacogdoches, December 1, 1995, at 10:00 a. m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 746-3200. TRD-9515111.

The San Antonio-Bexar County Metropolitan Planning Organization Northeast (IH-35) Corridor Major Investment Study Oversight Committee met in the TxDOT Transguide Operations Control Center Training Room (Interchange of IH-10 and IH-410), San Antonio, November 29, 1995, at 9:00 a.m. Information may be obtained from Charlotte A. Roszelle, 434 South Main, Suite 205, San Antonio, Texas 78204, (210) 227-8651. TRD-9515108.

The Sharon Water Supply Corporation Board of Directors met at the Office of Sharon Water Supply Corporation, Route 5, Box 50361, Winnsboro, November 27, 1995, at 7:00 p.m. Information may be obtained from Gerald Brewer, Route 5, Box 50361, Winnsboro, Texas 75494, (903) 342-3525. TRD-9515126.

The Southwest Milam Water Supply Corporation Board met at 114 East Cameron, Rockdale, November 27, 1995, at 7:00 p.m. Information may be obtained from Dwayne Jekel, P.O. Box 232, Rockdale, Texas 76567, (512) 446-2604. TRD-9515101.

The Trinity River Authority of Texas Resources Development Committee met at 5300 South Collins Street, Arlington, November 28, 1995, at 10:30 a.m. Information may be obtained from James L. Murphy, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343. TRD-9515104.

The Trinity River Authority of Texas Utility Services Committee met at 5300 South Collins Street, Arlington, November 29, 1995, at 10:00 a.m. Information may be obtained from James L. Murphy, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343. TRD-9515128.

The Wichita Falls MPO Policy Advisory Committee met at 1300 Seventh Street, Memorial Auditorium, City Council Conference Room, Wichita Falls, November 29, 1995, at 9:00 a.m. Information may be obtained from Richard E. Luedke, P.O. Box 1431, Wichita Falls, Texas 76307, (817) 761-7447. TRD-9515100.

The Wood County Appraisal District Appraisal Review Board met at 210 Clark Street (P.O. Box 518), Quitman, November 29, 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-9515129.

Meetings Filed November 22, 1995

The Dallas Area Rapid Transit Committee-of-the-Whole met in Conference Room "C", 1401 Pacific Avenue, Dallas, November 28, 1995, at 11:00 a.m. Information may be obtained from Paula Bailey, P.O. Box 660163, Dallas, Texas 75266-0163. TRD-9515141.

The Dallas Area Rapid Transit Board met in the Board Room-First Floor, 1401 Pacific Avenue, Dallas, November 28, 1995, at 6:30 p.m. Information may be obtained from Paula J. Bailey, P.O. Box 660163, Dallas, Texas 75266-0163. TRD-9515142.

The Education Service Center, Region XVII Board of Directors will meet at 1111 West Loop 289, Lubbock, December 19, 1995, at 9:00 a.m. Information may be obtained from Virgil (Ed) Flathouse, 1111 West Loop 289, Lubbock, Texas 79416, (806) 793-4852. TRD-9515189.

The Education Service Center, Region XVIII Board of Directors will meet at 2811 LaForce Boulevard, Midland, December 7, 1995, at 6:00 p.m. Information may be obtained from Dr. Vernon Stokes, P.O. Box 60580, Midland, Texas 79711, (915) 563-2380. TRD-9515156.

The Fisher County Appraisal District FCAD Board of Directors will meet at the Fisher County Courthouse/Court Room, Roby, December 14, 1995, at 8:00 a.m. Information may be obtained from Betty Mize, Box 516, Roby, Texas 79543, (915) 776-2733. TRD-9515191.

The Golden Crescent Private Industry Council Executive Committee met at 2401 Houston Highway, Victoria, November 30, 1995, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9515168.

The Golden Crescent Quality Work Force Planning Full Committee will meet at the Victoria College Student Center, 2200 East Red River, Victoria, December 1, 1995, at 2:00 p.m. Information may be obtained from Carol Matula, 2200 East Red River, Victoria, Texas 77901, (512) 572-6486. TRD-9515161.

The Leon County Central Appraisal District Board of Directors met at 103 North Commerce-Corner Highway 7 and 75 Gresham Building, Centerville, November 27, 1995, at 7:00 p.m. Information may be obtained from Jeff Beshears, P.O. Box 536, Centerville, Texas 75833-0536, (903) 536-2252. TRD-9515192.

The Lower Rio Grande Valley Tech Prep Associate Degree Consortium Executive Committee of the Board of Directors met in the Board Room, Conference Center, Texas State Technical College, 2424 Boxwood, Harlingen, November 29, 1995, at Noon. Information may be obtained from Pat Bubb, TSTC Conference Center, Harlingen, Texas 78550-3697, (210) 425-0729. TRD-9515193.

The Northeast Texas Rural Rail Transportation District (Revised Agenda.) Board met at the Sam Rayburn Memorial Student Center, La Salle Room, East Texas State University, Commerce, November 29, 1995, at 2:00 p.m. Information may be obtained from Sue Ann Harting, P.O. Box 306, Commerce, Texas 75428-0306. TRD-9515150.

The Rockwall County Central Appraisal District Appraisal Review Board met at 106 North San Jacinto, Rockwall, November 30, 1995, at 8:30 a.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 771-2034. TRD-9515160.

The Upper Leon River Municipal Water District Board of Directors met at the General Office located off of FM 2861, Lake Proctor Dam, Comanche, November 28, 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-9515207.

The Upshur County Appraisal District Board of Directors will meet at Warren and Trinity Streets, Gilmer, December 4, 1995, at 1:00 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644-0280, (903) 843-3041. TRD-9515139.

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Meetings Filed November 27, 1995

The Aqua Supply Corporation Board of Directors will meet at 305 Eskew, Bastrop, December 4, 1995, at 7:30 p.m. Information may be obtained from Adlinie Rathman, 305 Eskew, Bastrop, Texas 78602, (512) 303-3943. TRD-9515268.

The Texas Automobile Insurance Plan Association Governing Committee will meet at 700 San Jacinto, Omni Austin Hotel, Austin, December 8, 1995, at 9:00 a.m. Information may be obtained from Dianna Brooks, P.O. Box 18447, Austin, Texas 78760-8447, (512) 444-5999 or Fax: (512) 444-7368. TRD-9515253.

The Capital Area Rural Transportation System (CARTS) CARTS Board of Directors met at the Community Transit Service, 300 Northeast Third Street, Smithville, November 30, 1995, at 9:00 a.m. Information may be obtained from Edna M. Burroughs, P.O. Box 6050, Austin, Texas 78702, (512) 389-1011. TRD-9515237.

The Garza Central Appraisal District Board of Directors will meet at 124 East Main, Post, December 5, 1995, at 1:30 p.m. Information may be obtained from Billie Y. Windham, P.O. Drawer F, Post, Texas 79356, (806) 495-3518. TRD-9515234.

The Gulf Bend Center (Emergency Meeting.) Board of Trustees met at 1502 East Airline, Victoria, November 30, 1995, at 4:00 p.m. (Reason for emergency: Fiscal Year 1996 Performance Contract.) Information may be obtained from Agnes Moeller, 1502 East Airline, Victoria, Texas 77901, (512) 575-0611. TRD-9515251.

The Palo Pinto Appraisal District Appraisal Review Board will meet at the Courthouse, Highway 180, Palo Pinto, December 6, 1995, at 1:30 p.m. Information may be obtained from Carol Holmes, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1281. TRD-9515238.

The Palo Pinto Appraisal District Board of Directors will meet at the Courthouse, Highway 180, Palo Pinto, December 6, 1995, at 3:00 p.m. Information may be obtained from Carol Holmes, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1281. TRD-9515239.

The Texas Political Subdivisions Joint Self-Insurance Funds Board of Trustees will meet at 5410 LBJ Freeway, Dallas, December 1, 1995, at 8:00 a.m. Information may be obtained from James R. Gresham, 5410 LBJ Freeway, Dallas, Texas 75380, (214) 392-9430. TRD-9515257.

The San Antonio River Industrial Development Authority Board of Directors will meet at 100 East Guenther Street, Boardroom, San Antonio, December 4, 1995, at 1:30 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (210) 227-1373. TRD-9515224.

The Tarrant Appraisal District Tarrant Appraisal Review Board will meet at 2329 Gravel Road, Fort Worth, December 14, 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-9515227.

The Texas Association of Regional Councils (Annual Meeting) will meet at the Austin North Hilton and Towers, 6000 Middle Fiskville Road, Austin, December 8, 1995, at 9:30 p.m. Information may be obtained from Sheila Jennings or Jim Ray, 508 West 12th Street, Austin, Texas 78701, (512) 478-4715 or Fax: (512) 478-1049. TRD-9515248.

The Uniforce, Alamo Quality Workforce Planning Committee will meet at 1222 North Main, Room 108 (UTSA Downtown Campus), San Antonio, December 1, 1995, at 3:00 p.m. Information may be obtained from Roy L. Feutz, Jr., 1222 North Main, Room 108, San Antonio, Texas 78212, (210) 733-2967. TRD-9515225.

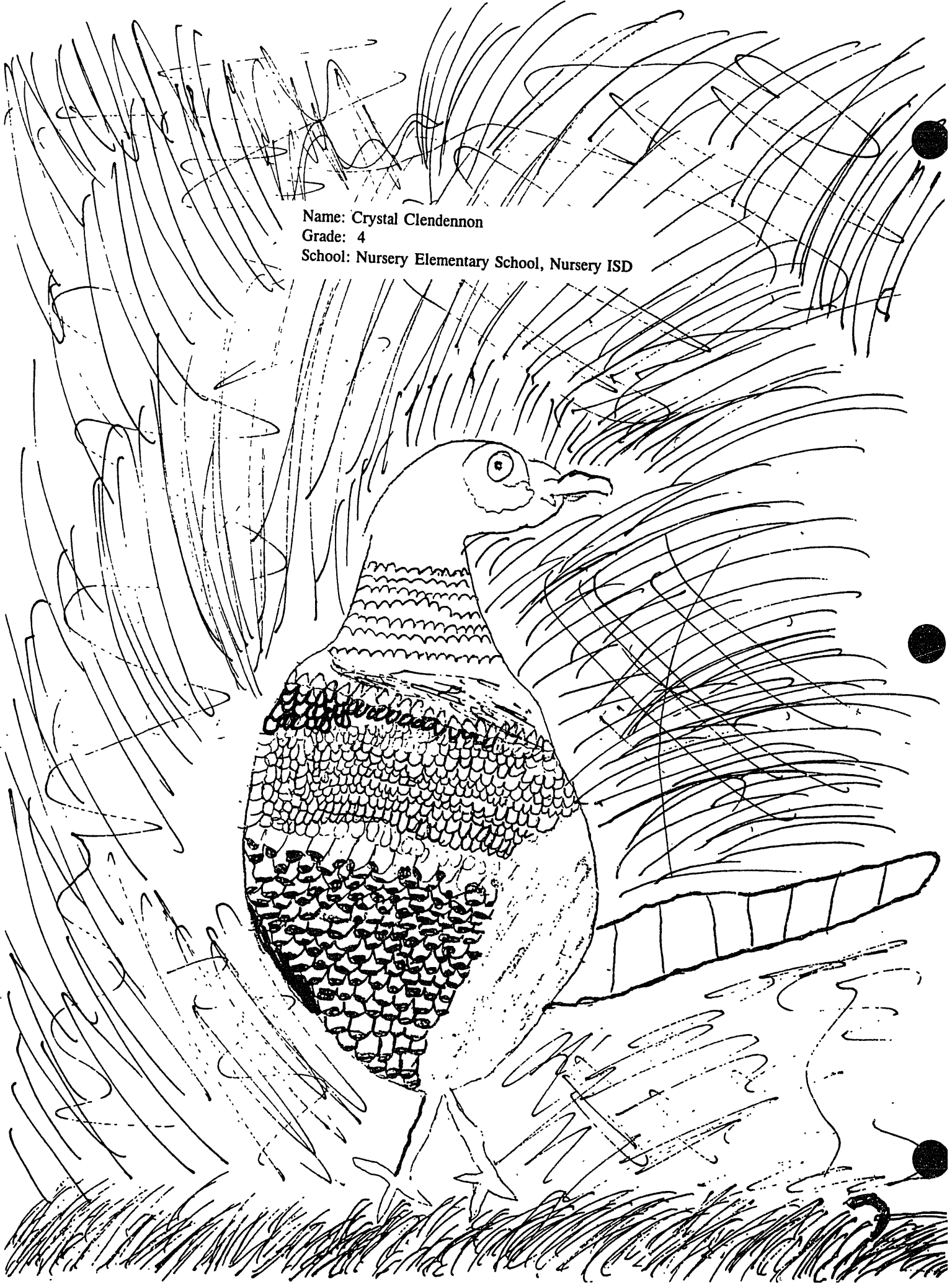
◆ ◆ ◆
Meetings Filed November 28, 1995

The Tyler County Appraisal District Board of Directors will meet at 806 West Bluff, December 7, 1995, at 4:00 p.m. Information may be obtained from Tyler CAD, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9515286.

Name: Crystal Clendennon

Grade: 4

School: Nursery Elementary School, Nursery ISD



IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Department of Agriculture Notice of Public Hearings

In accordance with the Texas Agriculture Code, §76.004 and §76.005, the Texas Department of Agriculture (the department) hereby provides notice of hearings to take public comment on proposed amendments to §§7.1, 7.5, and 7.7, new §7.3 and §7.4 and the proposed repeal of §7.3 and §7.4 of the Department's Pesticide Regulations (Texas Administrative Code, Title IV, Chapter 7), concerning requirements for the registration of pesticides and application for experimental use permits. The proposed amendments, new sections and repeals were published in the November 14, 1995, issue of the *Texas Register* (20 TexReg 9325), and are intended to clarify the regulations and make changes to comply with legislative changes to the Texas Pesticide Law. The amendments redefine the term custom blends and clarify the registration period for experimental use permits. The new sections establish procedures for registration, including fees and a schedule for registration and provide label requirements.

The hearings will be held as follows:

- (1) On Wednesday, December 6, 1995, beginning at 1:30 p.m., at the Texas Department of Agriculture, 900-B East Expressway 83, two blocks west of Morningside Road, San Juan, Texas. For information contact Hector Flores, (210) 787-8866.
- (2) On Wednesday, December 6, 1995, beginning at 1:30 p.m., at the Texas Department of Agriculture, 8918 Tesoro Drive, Suite 120, San Antonio, Texas. For information contact Jo Anne Noble, (210) 820-0288.
- (3) On Thursday, December 7, 1995, beginning at 1:30 p.m., at the Texas Department of Agriculture, 2626 South Loop West, Suite 130, Houston, Texas. For information contact Lacy Fryer, (713) 666-8491.
- (4) On Thursday, December 7, 1995, beginning at 1:30 p.m., at the Texas Department of Agriculture, 1720 Regal Row, Suite 118, Dallas, Texas. For information contact E. W. Wesley, (214) 631-0265.
- (5) On Thursday, December 7, 1995, beginning at 1:30 p.m., at Texas Department of Agriculture, 4502 Englewood Avenue, Lubbock, Texas. For information contact Ronald Bertrand, (806) 799-8555.

Persons with questions concerning the public hearings should contact Steve Bearden, Texas Department of Agriculture, (512) 463-1093. Persons with special seating or communication or other needs, who are planning to attend, are requested to contact (512) 463-1093 or RELAY Texas at 1-800-735-2989 (TDD) or 1-800-735-2988 (voice) as

far in advance of the hearing as possible in order for the department to accommodate these needs.

Issued in Austin, Texas, on November 27, 1995.

TRD-9515214 Dolores Alvarado Hibbs
Chief Administrative Law Judge
Texas Department of Agriculture

Filed: November 27, 1995

Comptroller of Public Accounts Notices of Consultant Contract Award

In accordance with the provisions of Chapter 2254, Subchapter B, Texas Government Code, the Comptroller of Public Accounts announces this notice of consultant contract award.

The consultant proposal request was published in the September 22, 1995, issue of the *Texas Register* (20 TexReg 7761).

The consultant will assist the Comptroller with records administration services in connection with the establishment and maintenance of a prepaid higher education tuition program. The successful proposer will be expected to begin performance of the contract on or about November 20, 1995.

The Comptroller's Office, on behalf of the Texas Prepaid Higher Education Tuition Board has awarded the contract to BTI Services, Inc., 6420 Southpoint Parkway, Jacksonville, Florida 32216. The Comptroller shall make payment to Consultant on a per account basis as set forth in Consultant's proposal. The contract was executed November 17, 1995, and extends through January 1, 1997, with the Board having an option to extend the term for one additional year. BTI Services, Inc., is to assist the Comptroller in preparing and maintaining records with respect to contracts purchased under the program.

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

TRD-9515148 Arthur F. Lorton
Senior Legal Counsel
Comptroller of Public Accounts

Filed: November 22, 1995

In accordance with the provisions of Chapter 2254, Subchapter B, Texas Government Code, the Comptroller of Public Accounts announces this notice of consultant contract award.

The consultant proposal request was published in the September 22, 1995, issue of the *Texas Register* (20 TexReg 7761).

The consultant will assist the Comptroller with marketing agent services in connection with the establishment of a prepaid higher education tuition program. The successful proposer will be expected to begin performance of the contract on or about November 20, 1995.

The Comptroller's Office, on behalf of the Texas Prepaid Higher Education Tuition Board has awarded the contract to Bonner and Associates, Inc., doing business as Bonner, Incorporated, 1507 West Sixth Street, Austin, Texas 78703. The total dollar value of the contract is not to exceed \$1,940,789. The contract was executed November 17, 1995, and extends for one year thereafter, with the Board having an option to extend the term for one additional year. Bonner, Incorporated, is to assist the Comptroller in marketing the new Texas prepaid higher education tuition program through the Texas Tomorrow Fund.

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

TRD-9515149 Arthur F. Lorton
Senior Legal Counsel
Comptroller of Public Accounts

Filed: November 22, 1995

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**Office of Consumer Credit
Commissioner**

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Title 79, Texas Civil Statutes, Articles 1.04 and 1.05, as amended (Texas Civil Statutes, Articles 5069-1.04 and 1.05).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u>	<u>Commercial(2) over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	11/27/95-12/03/95	18.00%	18.00%
Judgment Rate - Art. 1.05, Section 2	12/01/95-12/31/95	10.00%	10.00%

(1)Credit for personal, family or household use. (2)Credit for business, commercial, investment or other similar purpose.

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

TRD-9515110 Leslie L. Pettijohn
Commissioner
Office of Consumer Credit Commissioner

Filed: November 21, 1995

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**Texas Education Agency
Correction of Error**

The Texas Education Agency (TEA) adopted the repeal of §§101.1-101.6, concerning student assessment. The rules appeared in the November 21, 1995, issue of the *Texas Register* (20 TexReg 9691).

An error as submitted appeared in the preamble, the preamble states that, in response to comments from San Antonio ISD, the Texas Education Agency "... agreed to make this clarification to §101.3(c)." The agency response should read as follows.

"Agency Response. No change was made to the rule text. Agency legal staff have determined that the Texas Education Code does not provide the State Board of Education with rulemaking authority related to future exemption from testing for students dismissed from special education."

The Texas Education Agency proposed new §176.1101 and §176.1102. The rules appeared in the November 14, 1995, issue of the *Texas Register* (20 TexReg 9366).

An error as submitted appeared on page 9367, §176.1102(c)(4). In the phrase, "...shall have insurance only indicated in the court information area. ." quotation marks should appear around the phrase "insurance only."

The Texas Education Agency submitted request for applications, which appeared in the November 14, 1995, issue of the *Texas Register* (20 TexReg 9488).

An error as published appeared in the miscellaneous document. The error appeared in line four of the section title "Project Amount." The numeral "(1)" in parentheses should appear following the colon in the phrase, "...an amount equal to the following:..." In line eight the numeral "(2)" in parentheses should appear following the word "less" in the phrase, "...for which the student would be entitled; less..."

The Texas Education Agency submitted an open meeting notice, which appeared in the November 14, 1995, issue of the *Texas Register* (20 TexReg 9465).

Two errors as published appeared in the notice. Beginning on line seven of the agenda, a semicolon should appear following the phrase, "discussion of due process related to appraisal." Also, the contact phone number is listed incorrectly as "463-0925." The correct number should be listed as "463-9525".

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**Office of the Governor, Budget and
Planning**

**Legislative Budget Board Budget
Execution Proposal**

Pursuant to Texas Government Code, §317.002, this budget execution order is hereby proposed for the following actions affecting items of appropriation made in House Bill Number 1, 74th Legislature, Regular Session, 1995.

Miscellaneous Claims and Judgments

We find that the existence of unpaid monetary obligations of certain agencies of the State of Texas creates an emer-

agency requiring that those agencies be authorized to expend appropriated funds for the purpose of paying these obligations.

We therefore propose the following:

(1) That the Department of Human Services be authorized to expend any unexpended balances remaining in appropriations made to the Department by Senate Bill Number 5, 73rd Legislature, Regular Session, 1993, which have been reappropriated to the Department for the biennium beginning September 1, 1995 by House Bill Number 1, 74th Legislature, Regular Session, 1995, for the following additional purposes:

(i) to pay any unpaid claim against the Department of Human Services, other than a claim arising out of a court judgment or settlement, presented to the 74th Legislature, Regular Session, pursuant to Texas Government Code, §403.071(c) and §403.073 or pursuant to Texas Government Code, §404.046, and considered in House Bill 3049 for which:

(a) the original appropriation authority has lapsed pursuant to Texas Government Code, §403.071(b); or

(b) for which no other specific appropriation authority currently exists;

(ii) to pay George Green for the payment of a settlement, including attorney fees, in the case of *George Green v. Department of Human Services* in the amount of \$13,775,000, contingent on the fact that acceptance of this amount by George Green constitutes a complete release by George Green of all claims and causes of action George Green may have against the state of Texas arising from the case of *George Green v. Department of Human Services*;

(iii) to pay Texas Health Enterprises, Inc., doing business as Eastern Hills, according to the terms of a judgment in the case of *Texas Health Enterprises, Inc., doing business as Eastern Hills v. Department of Human Services* in the amount of \$42,136.32; and

(iv) to pay Elizabeth Barrious and her attorney, James Herrman, according to the terms of a judgment in the case of *Elizabeth Barrious v. Department of Human Services* in the amount of \$36,729.45 plus 10% interest per annum from May 19, 1993, until paid, to be computed by the Comptroller.

(2) That the M. D. Anderson Cancer Center be authorized to expend appropriations made to the M. D. Anderson Cancer Center for the biennium beginning September 1, 1995 for the additional purpose of paying Janet Martin and her attorney, Julia R. Lavern, P.C., according to the terms of a judgment in the case of *Janet Martin v. M.D. Anderson* in the amount of \$64,446 plus 10% interest per annum from June 6, 1994, until paid, to be computed by the Comptroller.

(3) That the Office of the Attorney General be authorized to expend appropriations made to the Office of the Attorney General for the biennium beginning September 1, 1995 for the additional purpose of paying Marilou Morrison and her attorney, Jerri Lynn Ward, for payment of a settlement, including all accrued interest and attorney's fees, in the case of *Nora Longoria, et al. v. Office of the Attorney General* in the amount of \$31,608.61.

(4) That the Office of the Attorney General be authorized to expend appropriations made to the Office of the Attorney General for the biennium beginning September 1, 1995 for the additional purpose of paying Nora Longoria

and her attorney, Jerri Lynn Ward, for payment of a settlement, including all accrued interest and attorney's fees, in the case of *Nora Longoria, et al. v. Office of the Attorney General* in the amount of \$80,138.61.

(5) That the Animal Health Commission be authorized to expend funds, transferred to the Animal Health Commission pursuant to this order, for the purpose of paying John David Miller and his attorney, John Charles Fleming, according to the terms of a judgment in the case of *John David Miller v. Texas Animal Health Commission* in the amount of \$357,000 plus 10% interest per annum from September 16, 1991, until paid, to be computed by the Comptroller. A like amount shall be transferred to the Animal Health Commission from appropriations made to the Texas Department of Criminal Justice for fiscal year 1996 in appropriation item A.1.2., Diversion Programs. This paragraph shall be given effect notwithstanding the provisions of House Bill Number 1, Article IX, Section 56, which require that expenditures for the payment of judgments be made out of appropriations made to the agency against which the judgment was entered.

(6) That the Commission on Fire Protection be authorized to expend funds, transferred to the Commission on Fire Protection pursuant to this order, for the purpose of paying Cyril R. Frost and his attorney, Matthew Trevena, according to the terms of a judgment in the case of *Cyril R. Frost v. Texas Commission on Fire Protection* in the amount of \$200,399.55 plus 10% interest per annum from April 7, 1994, until paid, to be computed by the Comptroller. A like amount shall be transferred to the Commission on Fire Protection from appropriations made to the Texas Department of Criminal Justice for fiscal year 1996 in appropriation item A.1.2., Diversion Programs. This paragraph shall be given effect notwithstanding the provisions of House Bill Number 1, Article IX, Section 56, which require that expenditures for the payment of judgments be made out of appropriations made to the agency against which the judgment was entered.

(7) That the Texas Employment Commission be authorized to expend appropriations made to the Texas Employment Commission for the biennium beginning September 1, 1995 for the additional purpose of paying the Ben Hogan Company accrued interest on the principal amount of a judgment previously paid by the state in the case of *Ben Hogan v. Texas Employment Commission* in the amount of \$39,162.

(8) That the University of Texas at Austin be authorized to expend appropriations made to the University of Texas at Austin for the biennium beginning September 1, 1995 for the additional purpose of paying Kathleen Ables according to the terms of a judgment in the case of *Kathleen (Kitty) Ables, et al. v. The University of Texas at Austin, et al.* in the amount of \$108,835.80 plus 10% interest per annum from October 21, 1994, until paid, to be computed by the Comptroller.

(9) That each state agency appropriated funds in House Bill Number 1 be authorized to expend appropriated funds for the additional purpose of paying any unpaid claim against the agency, other than a claim arising out of a court judgment or settlement, presented to the 74th Legislature, Regular Session, pursuant to Texas Government Code, §403.071(c) and §403.073 or pursuant to Texas Government Code, §404.046, and considered in House Bill 3049 for which:

(i) the original appropriation authority has lapsed pursuant to Texas Government Code, §403.071(b); or

(ii) for which no other specific appropriation authority currently exists.

The expenditure of funds authorized by this order for the payment of claims other than those arising out of court judgments or settlements is hereby made contingent on compliance with Texas Government Code, §403.074(b) and (c).

Texas Education Agency

In order to provide for adjusted payments to public school districts resulting from adjustments in property value calculations for fiscal year 1995 and fiscal year 1996 school funding purposes based on the state district court's final judgment order in the case of *Bridge City Independent School District, et al., v. Texas Comptroller of Public Accounts*, we propose the following action.

We propose that the Texas Education Agency be authorized to expend during fiscal year 1996, in addition to amounts appropriated by House Bill Number 1, an amount not to exceed \$180 million out of appropriations made for fiscal year 1997 in item A.1.1., School Finance System, for the purposes for which the appropriation was made, including disbursements of Foundation School Program funding to school districts.

The additional funds authorized for expenditure during fiscal year 1996 may be expended or disbursed by the Texas Education Agency only for the purpose of funding increased Foundation School Program entitlements resulting from the state district court's decision in the *Bridge City* case.

Supreme Court of Texas

We propose that the Supreme Court of Texas be authorized to expend during fiscal year 1996, in addition to amounts appropriated by House Bill Number 1, an amount not to exceed \$50,000 out of appropriations made for fiscal year 1997 in appropriation item 2., Commission on Judicial Efficiency, for the purposes for which the appropriation was made.

We also propose that the Supreme Court of Texas be authorized to expend during fiscal year 1997, in addition to amounts appropriated by House Bill Number 1, an amount not to exceed \$50,000 out of appropriations made for fiscal year 1996 in appropriation item 2., Commission on Judicial Efficiency, for the purposes for which the appropriation was made.

Judiciary Section

We find that the increasing caseload of the state district courts has caused a backlog which has created an emergency requiring that funding be provided for the state district courts and the offices of district attorney created by the 74th Legislature.

We therefore propose that the amounts of \$511,296 for fiscal year 1996 and \$766,953 for fiscal year 1997, or as much of these amounts as may be necessary, out of appropriations made to Texas Department of Criminal Justice for fiscal year 1996 in appropriation item A.1.2, Diversion Programs, be transferred to the Judiciary Section, Comptroller's Department, for the purpose of paying state salaries to the judges of the state district courts created by House Bill 3235, 74th Legislature, Regular Session, 1995.

We also propose that the amounts of \$107,909 for fiscal year 1996 and \$233,559 for fiscal year 1997, or as much of these amounts as may be necessary, out of appropriations made to Texas Department of Criminal Justice for fiscal year 1996 in appropriation item A.1.2, Diversion Programs, be transferred to the Judiciary Section, Comptroller's Department, for the purpose of paying state salaries to the district attorneys in offices created by the 74th Legislature or placed under the application of the professional prosecutor statute by the 74th Legislature and for reimbursing expenses of those offices as authorized by appropriation item 9 on page IV-21.

Texas Historical Commission

We find that an emergency situation exists requiring the transfer of funds to the Texas Historical Commission.

We therefore propose that the amount of \$1,700,000 out of appropriations made to Texas Department of Criminal Justice for fiscal year 1996 in appropriation item A.1.2, Diversion Programs, be transferred to the Texas Historical Commission for the purpose of funding an archaeological project during the biennium beginning September 1, 1995.

Bob Bullock

Lieutenant Governor

Chairman, Legislative Budget Board

Pete Laney

Speaker of the House

Vice Chairman, Legislative Budget Board

John Keel

Director

Legislative Budget Board

George W. Bush

Governor of Texas

I certify that this Budget Execution proposal was adopted by the Legislative Budget Board on November 15, 1995 by the following vote.

On the part of the Senate: yeas 4 Nays: 0

On the part of the House: yeas 4 Nays: 0

Issued in Austin, Texas, on November 15, 1995.

TRD-9515107

Pete Wassdorf

Deputy General Council, Office of the Governor

Filed: November 21, 1995

◆ ◆ ◆ Texas Department of Health

Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Throughout Texas	Metrotech Inspection & Testing Services, Inc.	L04913	Grand Prairie	0	11/10/95

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Amarillo	The Don and Sybil Harrington Cancer Center	L03053	Amarillo	22	11/15/95
Amarillo	Panhandle Nuclear, Rx, Ltd.	L04683	Amarillo	5	11/14/95
Austin	South Austin Medical Center	L03273	Austin	28	11/07/95
Austin	CEDRA Corporation	L04427	Austin	7	11/14/95
Baytown	San Jacinto Methodist Hospital	L02388	Baytown	24	11/01/95
Bellville	Bellville General Hospital	L03295	Bellville	13	11/03/95
Breckenridge	Stephens Memorial Hospital	L04896	Breckenridge	0	11/03/95
Brownsville	Valley Regional Medical Center	L02274	Brownsville	18	11/02/95
Corpus Christi	Bay Area Health Care Group, Ltd dba Bay Area Medical	L04723	Corpus Christi	4	11/13/95
Dallas	Presbyterian Hospital of Dallas	L01586	Dallas	61	11/09/95
Dallas	Medical City Hospital Dallas	L01976	Dallas	88	11/02/95
Duncanville	The Center	L03717	Duncanville	14	11/03/95
El Paso	University of Texas at El Paso	L00159	El Paso	34	11/02/95
Fort Worth	Harris Methodist Fort Worth	L01837	Fort Worth	58	11/03/95
Fort Worth	Heart Center of Fort Worth, Limited	L04659	Fort Worth	2	11/14/95
Greenville	Presbyterian Hospital of Greenville	L01695	Greenville	25	11/09/95
Houston	Bayer Corporation	L00236	Houston	17	11/15/95
Houston	General Welding Works, Inc.	L02895	Houston	32	11/07/95
Houston	General Welding Works, Inc.	L02895	Houston	33	11/09/95
Houston	Mallinckrodt Medical, Inc.	L03008	Houston	40	11/06/95
Houston	Lyndon B. Johnson General Hospital	L04412	Houston	11	11/10/95
Houston	Phoenix Non-Destructive Testing Co., Inc.	L04454	Channelview	22	11/09/95
Houston	Raytheon Engineers and Contractors, Inc.	L02662	Houston	51	11/15/95
Laredo	Notami Hospitals of Texas, Inc. dba Doctors Hospital	L02192	Laredo	13	11/03/95
Lubbock	Highland Health System, Inc.	L02467	Lubbock	12	11/03/95
Lubbock	Methodist Diagnostic Imaging	L03948	Lubbock	17	11/01/95
Lubbock	University Medical Center	L04719	Lubbock	6	11/07/95

CONTINUED AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Lubbock	Joe Arrington Cancer Research and Treatment Center	L04881	Lubbock	1	11/07/95
Lufkin	Woodland Heights Medical Center	L01842	Lufkin	27	11/03/95
Mauriceville	S & T International, Inc.	L03652	Mauriceville	26	11/15/95
McAllen	McAllen Medical Center	L01713	McAllen	50	11/14/95
Missouri City	Fort Bend Hospital, Inc.	L03457	Missouri City	13	11/15/95
Orange	Chevron Chemical Company	L00031	Orange	35	11/01/95
Plano	Plano Diagnostic Imaging Center	L04843	Plano	3	11/07/95
Quitman	Wood County Central Hospital	L03376	Quitman	5	11/03/95
San Angelo	Hirshfeld Steel Company	L04361	San Angelo	4	11/08/95
Texas City	Mainland Medical Center	L02577	Texas City	16	11/08/95
Throughout Texas	Houston Department of Health	L00149	Houston	56	11/15/95
Throughout Texas	Austin Diagnostic Medical Center	L00868	Austin	48	11/09/95
Throughout Texas	Texas Department of Health Disaster Response Program	L01155	Austin	75	11/10/95
Throughout Texas	Longview Inspection	L01774	Houston	99	11/01/95
Throughout Texas	Longview Inspection	L01774	Houston	100	11/09/95
Throughout Texas	Huntingdon Engineering and Environmental, Inc.	L01934	Houston	47	11/01/95
Throughout Texas	H & G Inspection Company, Inc.	L02181	Houston	98	11/06/95
Throughout Texas	Technical Welding Laboratory, Inc.	L02187	Pasadena	104	11/02/95
Throughout Texas	General Inspection Services	L02319	Houston	29	11/02/95
Throughout Texas	Raytheon Engineers & Contractors, Inc.	L02662	Houston	50	11/01/95
Throughout Texas	Reinhart and Associates, Incorporated	L03189	Austin	29	11/01/95
Throughout Texas	Eagle X-Ray	L03246	Mont Belvieu	49	11/07/95
Throughout Texas	Qualitest X-Ray, L.L.C.	L03326	Corpus Christi	34	11/01/95
Throughout Texas	Berger Materials Engineering, Inc.	L03332	Bryan	17	11/15/95
Throughout Texas	Hercules Engineering & Testing Services, Inc.	L03642	Houston	14	11/07/95
Throughout Texas	Global X-Ray & Testing Corporation	L03663	Aransas Pass	46	11/06/95
Throughout Texas	Solus Schall, U.S.A.	L04463	Houston	11	11/14/95
Throughout Texas	Oceaneering International, Inc. Solus Schall Div	L04463	Houston	12	11/09/95
Throughout Texas	Oceaneering International, Inc. Solus Schall Div	L04463	Houston	13	11/14/95
Throughout Texas	Liberty Technical Services	L04570	Deer Park	21	11/01/95
Throughout Texas	Champagne - Webber Incorporated, Texas	L04904	Palmer	3	11/15/95
Throughout Texas	Metrotech Inspection & Testing Services, Inc.	L04913	Grand Prairie	1	11/14/95
Tyler	East Texas Medical Center	L00977	Tyler	64	11/10/95
Wichita Falls	Vetrotex Certainteed Corporation	L02269	Wichita Falls	22	11/07/95

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Houston	University of Texas M.D. Anderson Cancer Center	L02972	Houston	16	11/02/95
Lubbock	Cardiology Associates of Lubbock, P.A.	L04468	Lubbock	8	11/03/95
Throughout Texas	Southwest Research Institute	L00775	San Antonio	55	11/01/95
Throughout Texas	Huntingdon Engineering and Environmental, Inc.	L01934	Houston	46	11/01/95

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Austin	Southern Materials, Inc.	L04192	Austin	4	11/15/95
Carrollton	Merico, Inc.	L04401	Carrollton	4	11/15/95
Dallas	Charles A Sammons Cancer Center	L00554	Dallas	0	11/08/95
Fort Worth	Rosedale Radiology	L04131	Fort Worth	5	11/07/95
Houston	Lacy A. Koonce, M.D.	L01386	Houston	7	11/02/95
McAllen	Vannie E. Cook, Jr., Cancer Center	L02205	McAllen	35	11/02/95
Pflugerville	R.G. Muckelroy	L04330	Pflugerville	2	11/08/95

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or person affected within 30 days of the date of publication of this notice. A person affected is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or person affected may request a hearing by writing Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas, 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, Exchange Building, 8407 Wall Street, Austin, Texas, from 8:00 a.m. to 5:00 p.m., Monday-Friday (except holidays).

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

TRD-9515061 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: November 20, 1995

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Texas Department of Insurance
Correction of Error

The Texas Department of Insurance proposed new §3.5502, The rule appeared in the October 31, 1995, issue of the *Texas Register* (20 TexReg 8965).

The following error was submitted.

On page 8965, fourth sentence of §3.5502(b)(2), which starts as "The joint disability insurance benefit..." was placed in the wrong paragraph, it should have been the last sentence of subsection (b). It should read as follows.

"(b) Coverage may be provided by either of the methods set forth in paragraphs (1) and (2) of this subsection. The joint disability insurance benefit cannot exceed the amount of insurance that would have been provided if coverage had been issued on a single debtor."

◆ ◆ ◆
Notice of Application by Memorial
Sisters of Charity HMO, L.L.C.,
Austin, Texas for Issuance of a
Certificate of Authority to Establish
and Operate an HMO in the State of
Texas

Notice is given to the public of the application of MEMORIAL SISTERS OF CHARITY HMO, L.L.C., Austin, Texas for the issuance of a certificate of authority to establish and operate a health maintenance organization (HMO) offering basic health care services in the State of Texas in compliance with the Texas HMO Act and rules and regulations for HMOs. The application is subject to public inspection at the offices of the Texas Department of Insurance, HMO Unit, 333 Guadalupe, Hobby Tower I, Sixth Floor, Austin, Texas.

Upon consideration of the application, if the Commissioner is satisfied that all requirements of law have been met, the Commissioner or his designee may take action to issue a certificate of authority to MEMORIAL SISTERS OF CHARITY HMO, L.L.C., without a public hearing.

Issued in Austin, Texas, on November 22, 1995.

TRD-9515152

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

Filed: November 22, 1995

Legislative Budget Board

Budget Execution Proposal LBB Number 74-1

Pursuant to Texas Government Code, §317.002, this budget execution order is hereby proposed for the following actions affecting items of appropriation made in House Bill Number 1, 74th Legislature, Regular Session, 1995.

Miscellaneous Claims and Judgments

We find that the existence of unpaid monetary obligations of certain agencies of the State of Texas creates an emergency requiring that those agencies be authorized to expend appropriated funds for the purpose of paying these obligations.

We therefore propose the following:

(1) That the Department of Human Services be authorized to expend any unexpended balances remaining in appropriations made to the Department by Senate Bill Number 5, 73rd Legislature, Regular Session, 1993, which have been reappropriated to the Department for the biennium beginning September 1, 1995 by House Bill Number 1, 74th Legislature, Regular Session, 1995, for the following additional purposes:

(i) to pay any unpaid claim against the Department of Human Services, other than a claim arising out of a court judgment or settlement, presented to the 74th Legislature, Regular Session, pursuant to Texas Government Code, §403.071(c) and §403.073 or pursuant to Texas Government Code, §404.046, and considered in House Bill 3049 for which:

(a) the original appropriation authority has lapsed pursuant to Texas Government Code, §403.071(b); or

(b) for which no other specific appropriation authority currently exists;

(ii) to pay George Green for the payment of a settlement, including attorney fees, in the case of *George Green v. Department of Human Services* in the amount of \$13,775,000, contingent on the fact that acceptance of this amount by George Green constitutes a complete release by George Green of all claims and causes of action George Green may have against the state of Texas arising from the case of *George Green v. Department of Human Services*;

(iii) to pay Texas Health Enterprises, Inc., doing business as Eastern Hills, according to the terms of a judgment in the case of *Texas Health Enterprises, Inc., doing business as Eastern Hills v. Department of Human Services* in the amount of \$42,136.32; and

(iv) to pay Elizabeth Barrious and her attorney, James Herrman, according to the terms of a judgment in the case

of *Elizabeth Barrious v. Department of Human Services* in the amount of \$36,729.45 plus 10% interest per annum from May 19, 1993, until paid, to be computed by the Comptroller.

(2) That the M. D. Anderson Cancer Center be authorized to expend appropriations made to the M. D. Anderson Cancer Center for the biennium beginning September 1, 1995 for the additional purpose of paying Janet Martin and her attorney, Julia R. Lavern, P.C., according to the terms of a judgment in the case of *Janet Martin v. M.D. Anderson* in the amount of \$64,446 plus 10% interest per annum from June 6, 1994, until paid, to be computed by the Comptroller.

(3) That the Office of the Attorney General be authorized to expend appropriations made to the Office of the Attorney General for the biennium beginning September 1, 1995 for the additional purpose of paying Marilou Morrison and her attorney, Jerri Lynn Ward, for payment of a settlement, including all accrued interest and attorney's fees, in the case of *Nora Longoria, et al. v. Office of the Attorney General* in the amount of \$31,608.61.

(4) That the Office of the Attorney General be authorized to expend appropriations made to the Office of the Attorney General for the biennium beginning September 1, 1995 for the additional purpose of paying Nora Longoria and her attorney, Jerri Lynn Ward, for payment of a settlement, including all accrued interest and attorney's fees, in the case of *Nora Longoria, et al. v. Office of the Attorney General* in the amount of \$80,138.61.

(5) That the Animal Health Commission be authorized to expend funds, transferred to the Animal Health Commission pursuant to this order, for the purpose of paying John David Miller and his attorney, John Charles Fleming, according to the terms of a judgment in the case of *John David Miller v. Texas Animal Health Commission* in the amount of \$357,000 plus 10% interest per annum from September 16, 1991, until paid, to be computed by the Comptroller. A like amount shall be transferred to the Animal Health Commission from appropriations made to the Texas Department of Criminal Justice for fiscal year 1996 in appropriation item A.1.2., Diversion Programs. This paragraph shall be given effect notwithstanding the provisions of House Bill Number 1, Article IX, Section 56, which require that expenditures for the payment of judgments be made out of appropriations made to the agency against which the judgment was entered.

(6) That the Commission on Fire Protection be authorized to expend funds, transferred to the Commission on Fire Protection pursuant to this order, for the purpose of paying Cyril R. Frost and his attorney, Matthew Trevena, according to the terms of a judgment in the case of *Cyril R. Frost v. Texas Commission on Fire Protection* in the amount of \$200,399.55 plus 10% interest per annum from April 7, 1994, until paid, to be computed by the Comptroller. A like amount shall be transferred to the Commission on Fire Protection from appropriations made to the Texas Department of Criminal Justice for fiscal year 1996 in appropriation item A.1.2., Diversion Programs. This paragraph shall be given effect notwithstanding the provisions of House Bill Number 1, Article IX, Section 56, which require that expenditures for the payment of judgments be made out of appropriations made to the agency against which the judgment was entered.

(7) That the Texas Employment Commission be authorized to expend appropriations made to the Texas Employment Commission for the biennium beginning September

1, 1995 for the additional purpose of paying the Ben Hogan Company accrued interest on the principal amount of a judgment previously paid by the state in the case of *Ben Hogan v. Texas Employment Commission* in the amount of \$39,162.

(8) That the University of Texas at Austin be authorized to expend appropriations made to the University of Texas at Austin for the biennium beginning September 1, 1995 for the additional purpose of paying Kathleen Ables according to the terms of a judgment in the case of *Kathleen (Kitty) Ables, et al. v. The University of Texas at Austin, et al.* in the amount of \$108,835.80 plus 10% interest per annum from October 21, 1994, until paid, to be computed by the Comptroller.

(9) That each state agency appropriated funds in House Bill Number 1 be authorized to expend appropriated funds for the additional purpose of paying any unpaid claim against the agency, other than a claim arising out of a court judgment or settlement, presented to the 74th Legislature, Regular Session, pursuant to Texas Government Code, §403.071(c) and §403.073 or pursuant to Texas Government Code, §404.046, and considered in House Bill 3049 for which:

(i) the original appropriation authority has lapsed pursuant to Texas Government Code, §403.071(b); or

(ii) for which no other specific appropriation authority currently exists.

The expenditure of funds authorized by this order for the payment of claims other than those arising out of court judgments or settlements is hereby made contingent on compliance with Texas Government Code, §403.074(b) and (c).

Texas Education Agency

In order to provide for adjusted payments to public school districts resulting from adjustments in property value calculations for fiscal year 1995 and fiscal year 1996 school funding purposes based on the state district court's final judgment order in the case of *Bridge City Independent School District, et al., v. Texas Comptroller of Public Accounts*, we propose the following action.

We propose that the Texas Education Agency be authorized to expend during fiscal year 1996, in addition to amounts appropriated by House Bill Number 1, an amount not to exceed \$180 million out of appropriations made for fiscal year 1997 in item A.1.1., School Finance System, for the purposes for which the appropriation was made, including disbursements of Foundation School Program funding to school districts.

The additional funds authorized for expenditure during fiscal year 1996 may be expended or disbursed by the Texas Education Agency only for the purpose of funding increased Foundation School Program entitlements resulting from the state district court's decision in the *Bridge City* case.

Supreme Court of Texas

We propose that the Supreme Court of Texas be authorized to expend during fiscal year 1996, in addition to amounts appropriated by House Bill Number 1, an amount not to exceed \$50,000 out of appropriations made for fiscal year 1997 in appropriation item 2., Commission on Judicial Efficiency, for the purposes for which the appropriation was made.

We also propose that the Supreme Court of Texas be authorized to expend during fiscal year 1997, in addition to amounts appropriated by House Bill Number 1, an amount not to exceed \$50,000 out of appropriations made for fiscal year 1996 in appropriation item 2., Commission on Judicial Efficiency, for the purposes for which the appropriation was made.

Judiciary Section

We find that the increasing caseload of the state district courts has caused a backlog which has created an emergency requiring that funding be provided for the state district courts and the offices of district attorney created by the 74th Legislature.

We therefore propose that the amounts of \$511,296 for fiscal year 1996 and \$766,953 for fiscal year 1997, or as much of these amounts as may be necessary, out of appropriations made to Texas Department of Criminal Justice for fiscal year 1996 in appropriation item A.1.2, Diversion Programs, be transferred to the Judiciary Section, Comptroller's Department, for the purpose of paying state salaries to the judges of the state district courts created by House Bill 3235, 74th Legislature, Regular Session, 1995.

We also propose that the amounts of \$107,909 for fiscal year 1996 and \$233,559 for fiscal year 1997, or as much of these amounts as may be necessary, out of appropriations made to Texas Department of Criminal Justice for fiscal year 1996 in appropriation item A.1.2, Diversion Programs, be transferred to the Judiciary Section, Comptroller's Department, for the purpose of paying state salaries to the district attorneys in offices created by the 74th Legislature or placed under the application of the professional prosecutor statute by the 74th Legislature and for reimbursing expenses of those offices as authorized by appropriation item 9 on page IV-21.

Texas Historical Commission

We find that an emergency situation exists requiring the transfer of funds to the Texas Historical Commission.

We therefore propose that the amount of \$1,700,000 out of appropriations made to Texas Department of Criminal Justice for fiscal year 1996 in appropriation item A.1.2, Diversion Programs, be transferred to the Texas Historical Commission for the purpose of funding an archaeological project during the biennium beginning September 1, 1995.

Bob Bullock

Lieutenant Governor

Chairman, Legislative Budget Board

Pete Laney

Speaker of the House

Vice Chairman, Legislative Budget Board

I certify that this Budget Execution Proposal was adopted by the Legislative Budget Board on November 15, 1995, by the following vote.

On the part of the Senate: Yeas: 4 Nays: 0

On the part of the House: Yeas: 4 Nays: 0

Issued in Austin, Texas, on November 15, 1995.

TRD-9515105 John Keel
Director
Legislative Budget Board

Filed: November 21, 1995

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**Texas Natural Resource Conservation
Commission**

Correction of Errors

The Texas Natural Resource Conservation Commission submitted Figure 1:30 TAC §305.69(i). The figure was published in the October 31, 1995 issue of the *Texas Register* (20 TexReg 9020). Pages 9038 and 9039 should be deleted, because they were duplicates of pages 9036 and 9032.

The Texas Natural Resource Conservation Commission adopted new §§334.201-334.208. The rules appeared in the October 24, 1995, issue of the *Texas Register* (20 TexReg 8808).

As published on page 8812, in the first column, in §334.206(d), on line 16, you will find §334.207 embedded within the end of it. Section 334.207 should be deleted.

The Texas Natural Resource Conservation Commission proposed new §§324.1-324.22, concerning used oil recycling and financial assurance requirements for closure, respectively. The rules appeared in the October 31, 1995, issue of the *Texas Register* (20 TexReg 8970).

In Chapter 324, on page 8972, in the preamble, second column, second paragraph (relating to public hearing), on the third line "Room 245-S" should be "Room 254-S."

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Notice of Availability

The Texas Natural Resource Conservation Commission (commission) has published a document entitled *Implementation of the Texas Natural Resource Conservation Commission Standards Via Permitting* (RG-194), dated August 23, 1995. This document sets out the procedures and technical guidance used by the commission in implementing the Texas Surface Water Quality Standards, 30 TAC Chapter 307, relating to the agency's wastewater discharge permitting program.

Copies of the document may be obtained by calling the commission's Publications Office at (512) 239-0028 or by writing to: TNRCC Publications, 12100 Park 35 Circle, Building A, Room 102, Austin, Texas 78758. There is a nominal cost for the publication, including postage and handling. Copies must be prepaid and checks should be made payable to the "Texas Natural Resource Conservation Commission."

Issued in Austin, Texas, on November 27, 1995.

TRD-9515208 Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation
Commission

Filed: November 27, 1995

Public Utility Commission of Texas
Comments on Applying Service-Quality
Standards/Consumer Safeguards to
Nondominant Certificated
Telecommunications Utilities

The Public Utility Commission of Texas is considering requiring certain telecommunications utilities to comply with rules dealing with service quality and other consumer protections, such as provisions for billing, deposits, and discontinuance of service. The utilities in question are nondominant certificated telecommunications utilities (nondominant CTUs), which hold certificates to provide local exchange telephone service in Texas but are not "dominant carriers" as defined by the Public Utility Regulatory Act of 1995 (PURA 1995). Normally such utilities will be new holders of a Certificate of Operating Authority (COA) or Service Provider Certificate of Operating Authority (SPCOA). These nondominant CTUs will compete with incumbent local exchange companies in the provision of local exchange telephone service in Texas. COAs and SPCOAs were provided for by the Texas Legislature in House Bill 2128, enacted earlier this year in part to facilitate such competition.

To enable it to better evaluate the issues involved, the commission requests comments from interested parties in response to the following questions.

1. Does the commission have the authority under PURA 1995 to apply substantive rules on service quality and/or other consumer protections to nondominant CTUs? Please explain your answer, citing relevant provisions from PURA 1995. Please address the following specific provisions of PURA 1995: §§3.051(s), 3.2531(e), 3.2532(b), and 3.258(a).

2. If the commission does have this authority, should it apply such rules to nondominant CTUs? Specifically:

a) Should the service-quality questions contained in COA and SPCOA applications be incorporated into a substantive rule relating to nondominant CTUs? If so, what if any associated monitoring or reporting provisions should be included in the rule?

b) Which if any provisions in substantive rules §§23.41-23.46, 23.48, 23.57, 23.58, and 23.61 should apply to nondominant CTUs?

c) Would service-quality standards and/or other consumer safeguards not found in the commission's substantive rules be preferable for application to nondominant CTUs?

3. Does the commission have the authority under PURA 1995 to require nondominant CTUs to file reports on customer complaints and/or episodes of deviations from the service-quality standards or other consumer safeguards mentioned in Question Number 2? Please explain your answer.

4. If the answer to Question Number 3 is yes, should the commission require such reports from nondominant CTUs, instead of directly applying other substantive rules to these utilities?

5. If a customer is dissatisfied with the service of his/her local exchange-service provider and decides within 90 days of becoming a customer to discontinue such service, can and should the provider be required to pay the connection fee needed to enable the customer to either reestablish

service with his/her previous local exchange-service provider or establish service with another provider?

The commission's Office of Policy Development will review the responses to these questions and use them in preparing a recommendation to the commission regarding further action.

Comments (15 copies) should be submitted to Paula Mueller, Secretary of the Commission, 7800 Shoal Creek Boulevard, Austin, Texas 78757, within 20 days of publication of this notice. Comments should refer to Project Number 14960, Possible Application of Service-Quality Standards/Consumer Safeguards to Nondominant Certified Telecommunications Utilities.

Issued in Austin, Texas, on November 22, 1995.

TRD-9515163 Paula Mueller
Secretary of the Commission
Public Utility Commission of Texas

Filed: November 22, 1995

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**Notice of Application in Compliance
with Public Utility Regulatory Act of
1995, §3.311**

Notice is given to the public of the filing with the Public Utility Commission of Texas, an application by Lufkin-Conroe Telephone Company, Inc. on November 9, 1995, pursuant to Public Utility Commission Substantive Rule 23.24, to revise its General Exchange Tariff to comply with the Public Utility Regulatory Act (PURA) of 1995, Texas Civil Statutes, Article 1446c-0, §3.311, Hunting Service. A summary of the application follows.

Tariff Title and Number: Application of Lufkin-Conroe Telephone Company, Inc. for Approval of General Exchange Tariff Changes Pursuant to Public Utility Commission Substantive Rule 23.24. Tariff Control Number 14976.

The Application: Lufkin-Conroe Telephone Company, Inc. seeks approval to revise its General Exchange Tariff regarding Hunting Service to be provided from local exchange access lines to access lines with Optional Extended Metropolitan Service to be handled in accordance with PURA, §3.212, Changes by Local Exchange Companies; Hearings; Suspension of Proposed Changes (43A). Lufkin-Conroe Telephone Company Inc.'s application affects regulation only; charges and/or rates are not affected.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Section at (512) 458-0223 or (512) 458-0221 for teletypewriter for the deaf.

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

TRD-9515083 Paula Mueller
Secretary of the Commission
Public Utility Commission of Texas

Filed: November 20, 1995

**Notices of Intent to File Pursuant to
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 IBM in Austin, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for PLEXAR-Custom Service for IBM pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 15019.

The Application. Southwestern Bell Telephone Company is requesting approval of a 75-station addition to the existing PLEXAR-Custom service for IBM. The geographic service market for this specific service is the Austin, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on November 22, 1995.

TRD-9515144 Paula Mueller
Secretary of the Commission
Public Utility Commission of Texas

Filed: November 22, 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 Digital Equipment Corporation in Houston, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for PLEXAR-Custom Service for Digital Equipment Corporation pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 15022.

The Application. Southwestern Bell Telephone Company is requesting approval of a 600-station addition to the existing PLEXAR-Custom service for Digital Equipment Corporation. The geographic service market for this specific service is the Houston 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 November 22, 1995.

TRD-9515145 Paula Mueller
Secretary of the Commission
Public Utility Commission of Texas

Filed: November 22, 1995

Questions Regarding Post Retirement Benefits Other Than Pensions (OPEBs)

The Public Utility Commission of Texas requests interested parties to answer questions about trusts used to fund post retirement benefits other than pensions (OPEBs), which are addressed in Public Utility Commission Substantive Rule 23.21(b)(1)(H). Interested parties may obtain a copy of the rule by contacting Katherine L. Smith, at the Public Utility Commission, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0287.

The commission requests that interested persons respond to the questions set forth as follows. Comments that are longer than ten pages should include an executive summary. Interested persons should file 15 copies of their comments with the commission's Secretary, Paula Mueller, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, within 30 days of publication of this notice in the *Texas Register*. Comments should refer to project number 14950. This notice is not a formal notice of proposed rulemaking, but the comments will assist the commission in considering amendments to Public Utility Commission Substantive Rule 23.21(b)(1)(H).

For the purposes of the following questions, liabilities are defined as payments made for administrative expenses of the trust, and life, sick, accident or other benefits provided under the Company's OPEB plan.

A) Questions for Utilities:

1. Describe the OPEB funding vehicles being used by your company.
2. Assume the Commission orders utilities to use OPEB trusts that allow companies to flow to ratepayers excess funds remaining in the trust after all liabilities of the trust have been satisfied. What would be the revenue requirement impact of such an order? Please fully explain the reasons supporting your response and include supporting calculations.
3. Is the annual OPEB expense requirement based on tax-advantageous funding? If so, please detail the annual OPEB expense requirement based on non-tax advantageous funding. Please provide all supporting calculations for the most recent annual period.
4. For utilities providing service in several states, please provide the regulatory requirements relating to OPEBs for each state. Include in your response the relevant substantive rules addressing OPEBs for each jurisdiction, other than Texas.
5. For a utility providing service in several states and funding OPEBs, does the utility use one trust for OPEB funding purposes for employees in all states or a separate trust for each state?
6. For utilities providing service in several states and funding OPEBs into one trust, please separately provide the funding status of Texas employees and employees in other states.
7. If utilities were given the choice of either changing their funding mechanism to allow ratepayers to receive any excess OPEB funds after all obligations are paid or having the OPEB rule changed to rate recovery on a pay-as-you-go basis, which option would you choose? Please fully explain the reasons supporting your response.

B) Questions for Utilities and Interested Parties:

8. With respect to a company's trust and the rules governing the trust, would distributions to ratepayers of excess funds after termination negate the fund being considered "irrevocable"? Please fully explain the reasons supporting your response. For utilities, please respond on the basis of your individual utility.
9. Would a trust lose its tax-exempt status if it is terminated and all obligations are paid, but remaining excess funds are refunded back to ratepayers? Please fully explain the reasons supporting your response, including any supporting letter rulings issued by the IRS.
10. Please provide any IRS rulings involving the issue of a regulatory authority ordering that excess funds from a terminated OPEB trust be refunded to ratepayers.
11. In lieu of adopting a rule that addresses the disposition of any surplus funds, should the commission adopt a filing requirement that would determine the use of excess assets of a plan after all liabilities are satisfied, when an OPEB plan is terminated? Would a utility or interested party oppose a Commission filing requirement that would determine the use of excess assets of a plan after all liabilities are satisfied? Please fully explain the reasons supporting your responses.
12. Treasury Regulation 1.501(c)(9)-4(d) precludes the trust obtaining tax exempt status if the assets of the funds can inure to the benefit of the company. Additionally, IRC 501(c)(9) precludes a VEBA trust from obtaining tax exempt status if any part of the net earnings of the trust inures to the benefit of any private shareholder or individual. Would a violation of these regulations occur if a utility were directed to refund any excess funds to ratepayers? Please fully explain the reasons supporting your response.
13. Assume the following: Utility X purchases Utility Y, which has an established irrevocable OPEB trust fund. Can Utility X terminate Utility Y's trust fund and use, at its own discretion, any excess funds remaining after all obligations of the trust are satisfied? Please fully explain the reasons supporting your response.
14. Assume that the OPEB fund is terminated by the company: A.) If, after all liabilities of the trust have been satisfied, there are funds remaining in the trust, could the utility flow the remaining funds back to ratepayers? Please fully explain the reasons supporting your response. B.) If a company could not flow back excess OPEB funds to ratepayers, what would it do with the remaining funds?
15. Does any part of the company's OPEB expenses fall under FERC regulation? If so: A.) What is the FERC's regulatory treatment of these expenses? B.) Please discuss FERC's rules regarding treatment of excess assets remaining after termination of a OPEB trust fund and whether the rules allow for the refunding of excess assets to ratepayers.

Issued in Austin, Texas, on November 27, 1995.

TRD-9515209

Paula Mueller
Secretary of the Commission
Public Utility Commission of Texas

Filed: November 27, 1995

Railroad Commission of Texas Correction of Error

The Railroad Commission of Texas proposed an amendment to §9.19, relating to insurance requirements. The rule appeared in the November 7, 1995, issue of the *Texas Register* (20 TexReg 9239).

In the fourth paragraph, line nine of the preamble, the figure shown as "\$1, 000,00" should be "\$1,000, 000" (the last zero is missing).

On page 9240, §9.19(b)-(j), the published rule shows "(b)-(j) (No change.)". However, subsection (j) was deleted in a recent rulemaking which was effective October 25, 1995. The last subsection currently in this rule is (i), so the proposed rule should correctly read: "(b)-(i) (No change.)"

Texas Rehabilitation Commission Request for Proposals

The Texas Planning Council for Developmental Disabilities announces the availability of funds to be awarded by the Texas Rehabilitation Commission on its behalf to provide stipends to enable individuals with developmental disabilities and their family members to attend established in-state professional or informational conferences, workshops and meetings in order to promote consumer empowerment and involvement in activities that enhance independence, productivity and community integration for people with developmental disabilities. Stipends recipients are limited to Texas residents who are not eligible for travel reimbursement from an organization of which they are an employee or member. It is expected that the sponsoring agency/organization share the direct financial support for participants in addition to the Council's stipends. These funds will be awarded by the Texas Rehabilitation Commission as the designated agency for the Texas Planning Council for Developmental Disabilities. Requests for funds must be made by the agency/organization sponsoring the event. Requests will be considered only for in-state events.

For the application materials that includes the full request for proposals, please submit a written request to: Lester Sanders, Grants Management Director, Texas Planning Council for Developmental Disabilities, 4900 North Lamar Boulevard, Austin, Texas 78751-2399, (512) 483-4084. Deadline: Requests for funding must be submitted to the above address at least 120 days in advance of the starting date of the event for which stipends are requested.

Issued in Austin, Texas, on November 14, 1995.

TRD-8515130 Charles W. Schiesser
General Counsel
Texas Rehabilitation Commission

Filed: November 21, 1995

Request for Proposals—Family Support and Permanency Planning for Children with Developmental Disabilities

This announces the availability of funds to be awarded on behalf of the Texas Planning Council for Developmental Disabilities by the Texas Rehabilitation Commission.

The Council is expanding the scope of the family support initiative to include activities which emphasize collaboration of families, service providers, and communities and assure that all stakeholders receive the information and skills needed to support children or return children to a family. A family home may be defined as the child's parental or adoptive home, a long-term foster care home, a shared parenting home, or other long-term family residential situation where the child can have permanent ties to a real family.

The purpose of this RFP is to solicit proposals for one project that will develop and support at least four Family Support Collaboratives and will implement statewide systems change activities which lead to an increase in services and supports to families who have a child with developmental disabilities at risk of out-of-home placement. The Family Support Collaboratives will function to improve coordination and collaboration among community providers and families. The mission of the Collaboratives will be to increase the number of children with developmental disabilities who live in a family or return to a family in their community. The statewide systems change activities of the project will include: policy analysis and policy development; support for Family Support Collaboratives; statewide capacity building through technical assistance and training to stakeholders; and public awareness activities which promote the philosophy that children can and should live in a family. Proposals must have stated outcomes which increase the number of children with developmental disabilities who live in families and receive the benefits of permanency planning. Proposals should be consistent with best practices in family support and permanency planning.

One project will be funded for up to five years. Continuation funding for years two through five will be contingent upon annual review of performance and availability of funds. The initial budget period is June 1, 1996 to May 31, 1997.

Estimated funding not to exceed \$150,000 in year one and up to \$250,000 annually for years two through five.

Nonfederal match of 25% is requested for the first year. A project located in counties designated as federal poverty areas requires a minimum of 10% matching resources for the first year. Increasing nonfederal match will be required in years two through five.

For the application packet containing the full request for proposals, application forms and instructions, please submit a written or fax request to: Lester Sanders, Grants Management Director, Texas Planning Council for Developmental Disabilities, 4900 North Lamar Boulevard, Austin, Texas 78751-2399, (512) 483-4084 or Fax: (512) 483-4097.

Deadline: Proposals will be accepted at the Texas Planning Council Office, 4900 North Lamar Boulevard, Office #4141, Fourth Floor, Austin, Texas until 4: 00 p.m. on February 2, 1996. No fax copies of proposals will be accepted. Copies of application kit may not be faxed to applicants.

Issued in Austin, Texas, on November 22, 1995.

TRD-9515197 Charles W. Schiesser
General Counsel
Texas Rehabilitation Commission

Filed: November 22, 1995

Request for Proposals—Increasing the Use of Plans for Achieving Self-Support (PASS) and Other Social Security Administration Work Incentives

This announces the availability of funds to be awarded on behalf of the Texas Planning Council for Developmental Disabilities by the Texas Rehabilitation Commission.

The Social Security Administration has a number of work incentive programs that may be used to assist people with disabilities in becoming self-supporting. These programs protect Social Security disability status and benefits while the person with disabilities is becoming established in community integrated employment and, possibly, qualifying for employer provided health insurance. All of these programs are significantly underutilized with Plans for Achieving Self-Support (PASS) being the most underutilized.

The purpose of this RFP is to solicit proposals for one project that will result in increased use of Social Security work incentive programs, particularly the PASS program, for individuals with developmental disabilities who wish to work but are at risk of losing their disability status due to their becoming employed.

One project will be funded for up to five years. Continuation funding for years two through five will be contingent upon annual review of performance and availability of funds. The initial budget period is June 1, 1996 to May 31, 1997.

Estimated funding not to exceed \$150,000 in year one and up to \$250,000 annually for years two through five.

Nonfederal match of 25% is requested for the first year. A project located in counties designated as federal poverty areas requires a minimum of 10% matching resources for the first year. Increasing nonfederal match will be required in years two through five.

For the application packet containing the full request for proposals, application forms and instructions, please submit a written or fax request to: Lester Sanders, Grants Management Director, Texas Planning Council for Developmental Disabilities, 4900 North Lamar Boulevard, Austin, Texas 78751-2399, (512) 483-4084 or Fax: (512) 483-4097.

Deadline: Proposals will be accepted at the Texas Planning Council Office, 4900 North Lamar Boulevard, Office #4141, Fourth Floor, Austin, Texas until 4:00 p.m. on February 2, 1996. No fax copies of proposals will be accepted. Copies of application kit may not be faxed to applicants.

Issued in Austin, Texas, on November 22, 1995.

TRD-9515196 Charles W. Schliesser
General Counsel
Texas Rehabilitation Commission

Filed: November 22, 1995

Request for Proposals—Managed Care Access and Safeguards for People with Developmental Disabilities

This announces the availability of funds to be awarded on behalf of the Texas Planning Council for Developmental

Disabilities by the Texas Rehabilitation Commission to create and implement an educational program. This program will train Texans with disabilities and their families how to effectively access managed care, particularly under Medicaid, and obtain services that fully meet their health care needs. It also will provide feedback on implementation of managed care and recommendations to improve the system. For people with disabilities and others with special health care needs, managed care procedures and protocols can be especially difficult to negotiate.

People with disabilities (SSI population) will be able to voluntarily enter managed care at its onset. While there are hazards, the State feels that people with disabilities should be included from the beginning to ensure that the new system is developed in a way that appropriately meets their needs, improves their access to the full range of providers and removes incentives to develop a separate system for people with disabilities. By providing easy to understand material and training on how to access the system, people with developmental disabilities will be better able to successfully access needed health care services. The purpose and expected outcome of the educational project is the satisfactory participation of people with disabilities in the managed care system. Indicators of this outcome include consumer feedback which demonstrates that: consumers are prepared with knowledge about managed care and how to use the system; information is presented in a way that is understandable and useful; consumers know how to solve problems and know how to achieve a satisfactory result; consumers have access to services needed to achieve better health; and managed care providers understand and respond to the health needs of persons with disabilities. The primary focus of the RFP is the education of four groups of stakeholders in the Medicaid managed care system: consumers, managed care organizations and contract providers, HHSC Help Line personnel, and community advocates. The secondary focus includes opportunities for consumers to provide feedback to the managed care system, for the purpose of resolving problems and effecting continuous quality improvement.

One project will be funded for up to three years. Continuation funding for the second and third years will be contingent upon annual review of performance and availability of funds. The initial budget period is June 1, 1996 to May 31, 1997.

Estimated funding not to exceed \$200,000 for the first year and up to \$150,000 for each of the second and third years.

Nonfederal match of 25% is requested for the first year. A project located in counties designated as federal poverty areas requires a minimum of 10% matching resources for the first year. Increasing nonfederal match will be required in the second and third years.

For the application packet containing the full request for proposals, application forms and instructions, please submit a written or fax request to: Lester Sanders, Grants Management Director, Texas Planning Council for Developmental Disabilities, 4900 North Lamar Boulevard, Austin, Texas 78751-2399, (512) 483-4084 or Fax: (512) 483-4097.

Deadline: Proposals will be accepted at the Texas Planning Council Office, 4900 North Lamar Boulevard, Office #4141, Fourth Floor, Austin, Texas until 4:00 p.m. on February 2, 1996. No fax copies of proposals will be accepted. Copies of application kit may not be faxed to applicants.

Issued in Austin, Texas, on November 22, 1995.

TRD-9515195

Charles W. Schiesser
General Counsel
Texas Rehabilitation Commission

Filed: November 22, 1995

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**Texas Workers' Compensation
Commission**

Correction of Error

The Texas Workers' Compensation Commission adopted new §166.8, concerning qualifications for field safety representatives (FSR) providing accident prevention services. The rule appeared in the October 20, 1995, issue of the *Texas Register* (20 TexReg 8613).

The error as submitted appeared in the second response under the category of "comments received on §166.8(e)(4), and consists of:"

Incorrect Language

"The commission disagrees. The premiums and loss ratios established in the rule were designed to allow trainees to

service not only smaller accounts and those with lower loss ratios, but also somewhat more complex accounts (up to \$50,000 in premium) and those which have experienced significant losses (70%), but have not yet reached such a alarming loss level as to meet requirements for mandatory service or on-site visits. The commission does not consider a 70% loss ratio as indicating "little or no trends". Allowing trainees to service policyholders with larger premiums or proven difficulties with injuries and losses might prove a detriment to customer relations and safety matters."

Correct Language

"The commission agrees in part. The premiums and loss ratios established in the rule were designed to allow trainees to service not only smaller accounts and those with lower loss ratios, but also somewhat more complex accounts. The commission has broadened the policyholders that may be served by interns by changing the criteria in subsection (e)(4) to accounts up to \$100,000 in premium and those which have experienced significant losses (70%), but have not yet reached such a alarming loss level as to meet requirements for mandatory service or on-site trends". Allowing trainees to service policyholders with larger premiums or proven difficulties with injuries and losses might prove a detriment to customer relations and safety matters."

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