

# TEXAS REGISTER

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How to Use the Texas Register

Information Available: The 10 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Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.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.

Open Meetings - notices of open meetings.

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

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

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

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

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

Texas Administrative Code

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

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 22, April 16, July 13, and October 12, 1993). In its second issue each month the Texas Register contains a cumulative Table of TAC Titles Affected for the preceding month. If a rule has changed during the time period covered by the table, the rule's TAC number will be printed with one or more Texas Register page numbers, as shown in the following example.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE
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40 TAC §3.704.....950, 1820

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

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

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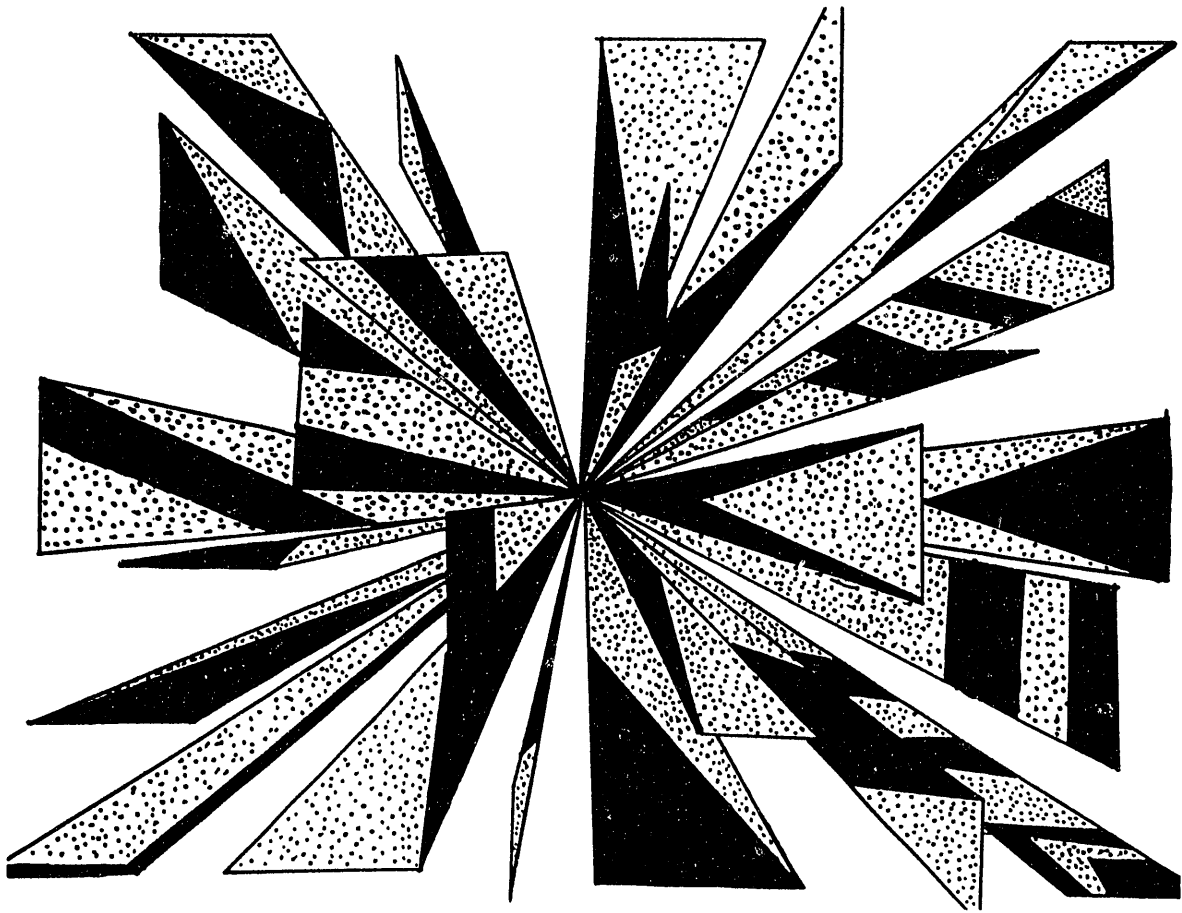


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# THE GOVERNOR

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

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## Appointments Made January 26, 1994

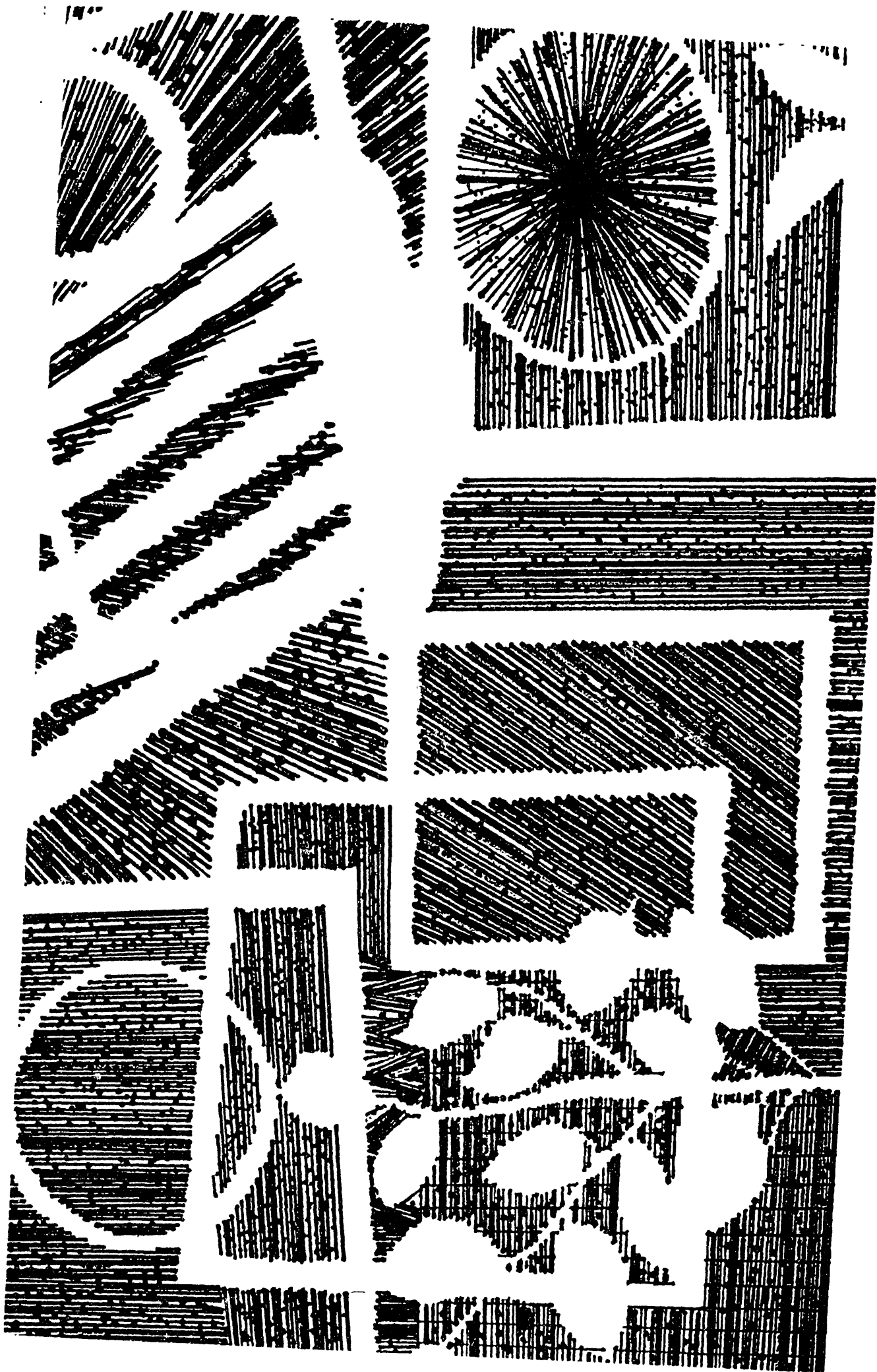
To be a Executive Director of the Texas Department of Commerce for a term to expire February 1, 1995: Deborah C. Kastrin, P.O. Box 12728, Austin, Texas 78711-2728. Ms. Kastrin will be filling the unexpired term of Cathy Bonner of Austin, who resigned.

Issued in Austin, Texas, on February 2, 1994.

TRD-9435573

Ann W. Richards  
Governor of Texas





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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.

## Texas Ethics Commission Opinions

**EAO-179.** Whether the revolving door and recusal provisions of Chapter 572 of the Government Code apply to members of the Texas Certified Self-Insurer Guaranty Association. (AOR-175).

**Summary of Opinion.** The Texas Certified Self-Insurer Guaranty Association (TCSGA) is not a state agency for purposes of Chapter 572 of the Government Code.

**EAO-180.** Whether members of the Texas Peace Officers' Memorial Advisory Committee (POMAC) are required to file annual financial disclosure statements under Chapter 572 of the Government Code (AOR-195).

**Summary of Opinion.** Members of POMAC are appointed officers of a state agency who are required to file annual financial disclosure statements. Ethics Advisory Opinion Number 138 (1993) is superseded, in part, by statute.

**EAO-181.** Whether an incorporated association may raise funds for a general-purpose committee that it has established by combining contribution solicitations with the association's yearly dues invoice. (AOR-200).

**Summary of Opinion.** An incorporated association may raise funds for a general-purpose committee it has established by combining contribution solicitations with the association's yearly dues invoices to its members.

**EAO-182.** Whether state employees may use state time and state resources to raise funds for charitable organizations. (AOR-203).

**Summary of Opinion.** In order for a violation of §39.01 of the Penal Code to occur, there must be both a "misapplication" of state resources and the misapplication must be made with intent to obtain a benefit or with intent to harm another. A use of state resources for charitable fundraising in compliance with Texas Civil Statutes, Article 6813h, would not be a misapplication of such resources. Nor would a use of state resources in connection with a charitable fundraising drive involve an intent to obtain a "benefit" or an intent to "harm" another as defined by §1.07(a) of the Penal Code.

**EAO-183.** Whether a newsletter that generally addresses issues about a local real estate market must bear a political advertising disclosure if it contains communications opposing a local measure, and related question. (AOR-204).

**Summary of Opinion.** Communications supporting or opposing candidates, officeholders, or measures that appear in a newspaper, magazine, or periodical do not constitute political advertising if the publisher receives no consideration for publishing them. If such communications appear in a publication other than a newspaper, magazine, or periodical, they constitute political advertising and must be accompanied by the political advertising disclosure information set out in the Election Code, §255.001.

**EAO-184.** Whether §255.001 of the Election Code requires that a political advertising disclosure statement be printed on lapel stickers, pens, magnets, and emery boards produced for campaign purposes, whether an invitation to an "open house" held by two officeholders is required to carry the political advertising disclosure set out in the Election Code, §255.001 (AOR Numbers 205, 208, 209).

**Summary of Opinion.** A political advertising disclosure statement is not required on lapel stickers, pens, magnets, or emery boards, nor on an invitation to an "open house" held by an officeholder.

**EAO-185.** Whether "paying or agreeing to pay an employee or outside consultant a commission fee for soliciting, acquiring and closing underwriting projects for state bond issuers constitute[s] a violation of §305.022 of the Government Code." (AOR-206).

**Summary of Opinion.** Section 305.022 of the Government Code does not prohibit contingent fees for efforts to influence state agency purchasing decisions.

The Texas Ethics Commission is authorized by §1.29 of Subchapter D of Chapter 571 of the Government Code, to issue advisory opinions in regard to the following statutes: (1) Subchapter D of Chapter 572 of the Government Code, (2) Chapter 302, Government Code, (1) Chapter 305, Government Code; (3) Title 15, Election Code; (5) Chapter 36, Penal Code, and (6) Chapter 39, Penal Code.

Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

Issued in Austin, Texas, on February 1, 1994

TRD-9435579

Sarah Woelk  
Director, Advisory Opinions  
Texas Ethics Commission

Filed February 2, 1994





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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 10. COMMUNITY DEVELOPMENT

### Part I. Texas Department of Housing and Community Affairs

#### Chapter 1. Administration

##### Subchapter A. General Policies and Procedures

###### • 10 TAC §1.2

The Texas Department of Housing and Community Affairs (TDHCA) proposes an amendment to §1.2, concerning TDHCA's complaint system. The proposed amendment changes the person to whom complaints are submitted. Complaints concerning the Texas Community Development Program and TDHCA's administration of the Community Services Block Grant are governed by TDHCA's Block Grant Complaint System at §1.11 and §1.13.

Hershal E Blankenship, executive assistant, 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. Blankenship 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 more efficient disposition of complaints. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Anne Osburn Paddock, Deputy General Counsel, 811 Barton Springs, Austin, Texas 78704, within 30 days of the date of this publication.

The amendment is proposed under Texas Government Code, §2306.066, which provides Texas Department of Housing and Community Affairs with the authority to develop procedures by which complaints are filed with the department.

#### §1.2. Department Complaint System.

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

(c) Procedures. A person who has a written complaint may submit such complaint to the department's **deputy executive director** [internal auditor] or to any employee of the department for submission to the **deputy executive director** or his designee [internal auditor].

(1) The **deputy executive director** or his designee [internal auditor] assigns a control number to the complaint, reviews the complaint, investigates, or causes an investigation to be completed, and submits the department's findings to the executive director of the department.

(2) The executive director or his designee shall either notify the complainant of the resolution of the complaint within 15 business days after the date the **deputy executive director** [internal auditor] received the complaint, or notify the complainant, within such period, of the date the complaint can be resolved.

(3) The executive director or his designee shall notify the complainant of the status of the complaint at least quarterly and until the final disposition of the complaint unless the notice would jeopardize an undercover investigation.

(4) An [The internal auditor shall maintain an] information file about each complaint shall be maintained.

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 February 6, 1994.

TRD-9435761

Henry Flores  
Executive Director  
Texas Department of  
Housing and  
Community Affairs

Earliest possible date of adoption. March 14, 1994

For further information, please call. (512) 475-3948

## Subchapter B. Block Grants

### • 10 TAC §1.13

The Texas Department of Housing and Community Affairs (TDHCA) proposes an amendment to §1.13, concerning the formal complaint system established to investigate complaints received about programs funded by federal block grants administered by TDHCA. The proposed amendment changes the person to whom complaints are submitted.

Hershal E. Blankenship, executive assistant, 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. Blankenship 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 more efficient disposition of complaints. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Anne Osburn Paddock, Deputy General Counsel, 811 Barton Springs, Austin, Texas 78704, within 30 days of the date of this publication.

The amendment is proposed under Texas Government Code, Chapter 2105, which provides Texas Department of Housing and Community Affairs with the authority to maintain a procedure for investigating complaints about programs funded by federal block grants administered by the department.

#### §1.13. Complaint System.

(a) A recipient who has a comment or complaint about the quality of services funded by a block grant administered by the department may submit such comment or complaint in writing to the **deputy executive director** [internal auditor] of the department.

(b) The **deputy executive director** [internal auditor] shall transmit a copy of the comment or complaint to the entity which is the subject of the comment or

compliant within two calendar days for comments or complaints arising under the Texas Community Development Program or within five calendar days for all other block grant programs after the date the comment or complaint was received by the deputy executive director [internal auditor].

(c) The entity shall complete its investigation of the comment or complaint and submit its findings, in writing to the [internal auditor] deputy executive director within seven business days for Texas Community Development Program comments or complaints or 20 calendar days for all other entities after the date the entity received the comment or complaint or notify the deputy executive director [internal auditor] within such period, of the date the investigation can be completed.

(d) The executive director of the department or his designee shall notify the complainant of the department's and the entity's findings before the 15th business day for the Texas Community Development Program comments or complaints or the 31st calendar day for all other comments or complaints after the date the comment or complaint was received by the deputy executive director [internal auditor] or the executive director or his designee shall notify the complainant, within such period, of the date the investigation can be completed

(e) The executive director of the department or his designee shall notify the complainant of the status of the complaint at least quarterly and until the final disposition of the complaint unless the notice would jeopardize an undercover investigation.

(f) (No change.)

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

Issued in Austin, Texas, on February 6, 1994.

TRD-9435760

Henry Flores  
Executive Director  
Texas Department of  
Housing and  
Community Affairs

Earliest possible date of adoption: March 14, 1994

For further information, please call (512) 475-3948



## TITLE 16. ECONOMIC REGULATION

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

#### Chapter 65. Boiler Division

- 16 TAC §§65.20, 65.50, 65.65, 65.70, 65.80

The Texas Department of Licensing and Regulation proposes new §65.65 and amendments to §§65.20, 65.50, 65.70, and 65.80, concerning the certification of boilers. The new section defines the purpose, method of reporting, and reimbursement of expenses of the Boiler Board. Section 65.20 clarifies the time requirement for a boiler inspection, §65.50 allows for the acceptance of certain data to be electronically transmitted from inspection agencies to this department, §65.70 clarifies the requirement for a boiler inspection prior to commencement of service, and §65.80 provides for a boiler certificate of operation fee increase for boiler inspections performed by an authorized inspector and clarifies the commission late renewal fee.

George Bynog, chief boiler inspector, Policies and Standards Division, has determined there will be fiscal implications as a result of enforcing or administering §65.80. The effect on state government for the first five year period this section is in effect will be an increase in revenue of \$428,925 for fiscal years 1994-1998. There will be no fiscal implications on local government.

Mr Bynog also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the clarification of existing rules and the state will recover the cost of enforcement and administration as required by statute for the inspection of boilers. There will be a fiscal effect on persons, some of which will be an undeterminable amount of small business owners, who are required to comply with §65.80 as proposed. The cost of compliance will be an additional \$15 per certificate of operation issued as a result of a boiler inspection performed by an authorized inspector.

Comments on the proposal may be submitted to George Bynog, Chief Boiler Inspector, Policies and Standards Division, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711, (512) 463-2904.

The amendments are proposed under the Health and Safety Code, Chapter 755, which provides the Texas Department of Licensing and Regulation with the authority to promulgate and enforce a code of rules in keeping with standard usage for the construction, inspection, installation, use, maintenance, repair, alternation, and operation of boilers.

The statute affected by the rules is the Health and Safety Code, Chapter 755.

*§65.20. Licensing/Certification/Registration Requirements.*

(a) (No change.)

(b) Notice to owners or operators of boilers.

(1) All boilers, unless otherwise exempted, shall be prepared for initial inspection, regular inspections, or hydrostatic tests, whenever necessary, by the owner or operator when notified by the chief inspector, deputy inspector, or authorized inspector.

(2)-(3) (No change.)

(c) Registration.

(1) The procedure for an owner or operator to follow in registering a boiler with the department shall be:

(A) at the time of purchase, [or] installation, or prior to commencing service, the owner or operator shall notify the inspection agency that the time for assigning the state number and the initial inspection is imminent. The inspection agency will register the boiler within 30 days of the owner or operator notification;

(B)-(D) (No change.)

(2)-(3) (No change.)

(d)-(i) (No change.)

*§65.50. Reporting Requirements.*

(a) (No change.)

(b) Risks—new, canceled, or suspended.

(1) All inspection agencies shall promptly notify the chief inspector, or Form NB-4, of all boiler risks written, as well as all boiler risks rejected, canceled, not renewed, or suspended because of unsafe conditions. Notification may be made electronically or manually on Form NB-4 or other forms provided by the department. This notification shall list, by Texas boiler number, all objects affected by the notice.

(2) (No change.)

(c)-(g) (No change.)

*§65.65. Boiler Board.*

(a) The purpose of the Boiler Board is to advise the commissioner in the adoption of definitions and rules relating to the safe construction, installation, inspection, operating limits, alteration, and repair of boilers and their appurtenances.

(b) Recommendations of the board will be transmitted to the commissioner by the chairman of the board through the director of policies and standards.



(c) Expenses reimbursed to board members shall be limited to authorized expenses incurred while on board business and travelling to from board meetings. The least expensive method of travel should be used.

(d) Expenses paid to board members shall be limited to those allowed by the State of Texas Travel Allowance Guide and Texas Department of Licensing and Regulation policies governing travel allowances for employees.

*§65.70. Responsibilities of the Licensee/Certificate Holder/Registrant.*

(a) New installations.

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

(3) New boilers, including reinstalled boilers, shall be installed in accordance with the requirements of the latest revision of the applicable section of the ASME code and these rules. These boilers shall be inspected prior to commencing service.

(4) (No change.)

(b)-(e) (No change.)

(f) Clearance.

(1) (No change.)

(2) A minimum clearance of two feet shall be maintained on all sides of a boiler except portable boilers [and potable water heaters]. A minimum of four feet shall be maintained between top of a boiler and roof joist. A minimum of one foot shall be maintained between the bottom of scotch-type boilers and the foundation or floor.

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

*§65.80. Fees.*

(a) Certificate/inspection fees.

(1) Inspection by authorized inspector. The owner or operator or his/her agent shall make a \$30 [\$15] payment for the certificate of operation fee.

(2)-(3) (No change.)

(b) (No change.)

(c) Commission fees.

(1) (No change.)

(2) New-\$25, renewal-\$10, late renewal-additional \$12.50 (total \$22.50).

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

(d) (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 February 3, 1994.

TRD-9435658

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

Earliest possible date of adoption: March 14, 1994

For further information, please call: (512) 463-2904

◆ ◆ ◆  
**TITLE 22. EXAMINING BOARD**

**Part XXVI. Texas Board of Licensure for Professional Medical Physicists**

**Chapter 601. Medical Physicists**

• **22 TAC §§601.2, 601.7, 601.14-601.16**

The Texas Board of Licensure for Professional Medical Physicists (Board) with the approval of the Texas Department of Health (department) proposes amendments to existing §§601.2, 601.7, and 601.14-601.16, concerning licensed medical physicists and temporary licensed medical physicists.

The amendments will update existing sections and implement the provisions of Senate Bill 1062 and 674, 73rd Legislature Regular Session, 1993, relating to the regulation of medical physicists.

The amendments add a new definition; expand the full-time work experience date for licensure without examination; add a passing score for the examination taken by out-of-state applicants; define deceptive advertising, and add a criminal conviction related to the profession of medical physicists.

Ms. Jeanette Hilsabeck, executive secretary, has determined that for the first five year period the section will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section as proposed.

Ms. Hilsabeck also has determined that for each year of the first five years the rule as proposed is in effect the public benefits anticipated as a result of enforcing the amendment as proposed will be to implement new legislation and clarify existing sections. There is no anticipated cost or effect on small or large businesses. There is no anticipated cost to persons who are required to comply with the amendment as proposed. There will be no effect in local employment.

Comments on the proposal may be submitted to Jeanette Hilsabeck, Texas Board of Licensure for Professional Medical Physicists, 1100 West 49th Street, Austin, Texas 78756-3183, (512) 834-6655. Public comments will be accepted for 30 days after publication of the sections in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 4512n, §11, which re-

quire the Texas Board of Licensure for Professional Medical Physicists to adopt rules, with the approval of the Texas Department of Health, that are reasonably necessary for the proper performance of its duties under the Texas Medical Physics Practice Act (Act). The sections implement the Texas Medical Physics Practice Act, Texas Civil Statutes, Article 4512n.

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

Upper division semester hour credits—Third-year level or above (junior, senior or graduate) course work completed from an accredited college or university.

*§601.7. Licensure Without Examination.*

(a) The Texas Board of Licensure for Professional Medical Physicists (board) may issue an annual license without an examination to a person who, before September 1, 1994:

(1)-(2) (No Change.)

(3) has demonstrated to the board's satisfaction the completion of at least two years of full-time work experience between January 1, 1988 [September 1, 1986], and December 31, 1992 [August 31, 1991], in the medical physics specialty for which application is made; and

(4) has full-time equivalent work experience which includes six additional months between January 1, 1988 and December 31, 1992, for each additional specialty.

(b) The board may issue an annual license without an examination to a person who, before September 1, 1994:

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

(3) has demonstrated to the board's satisfaction the completion of at least 10 years of full-time work experience between January 1, 1981 [September 1, 1979], and December 31, 1992 [August 31, 1991], in the medical physics specialty for which application is made; and

(4) has full-time equivalent work experience which includes six additional months between January 1, 1981 and December 31, 1992, for each additional specialty.

(c) (No change.)

(d) The board may issue an annual license to a person who prior to September 1, 1994:

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

(3) has demonstrated to the board's satisfaction a working knowledge of Texas rules pertaining to the license specialty requested by:

(A) (No change.)

(B) successful completion of an examination offered by the board. The passing score for successful completion will be 80%. [A list of the Texas rules is available from the board upon request.]

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

*§601.14. Code of Ethics.*

(a)-(l) (No change.)

(m) A licensed medical physicist shall make a reasonable attempt to notify each contractor, employer or client of the name, mailing address, and telephone number of the board for the purpose of directing complaints to the board by providing notification:

(1) on each written contract for services of a licensee; or

(2) on a sign prominently displayed in the primary place of business of each licensee; or

(3) in a bill for service provided by a licensee to a contractor, employer, client or third party.

(n) A licensee shall not use advertising that is false, misleading, or deceptive or that is not readily subject to verification.

(1) False, misleading, or deceptive advertising or advertising that is not readily subject to verification includes advertising that:

(A) makes a material misrepresentation of fact or omits a fact necessary to make the statement as a whole not materially misleading;

(B) makes a representation likely to create an unjustified expectation about the results of a health care service or procedure;

(C) compares a health care professional's service with another health care professional's services unless the comparison can be factually substantiated;

(D) contains a testimonial;

(E) causes confusion or misunderstanding as to the credentials, education, or licensure of a health care professional;

(F) advertises or represents that health care insurance deductibles or copayments may be waived or are not applicable to health care services to be provided if the deductibles or copayments are required;

(G) advertises or represents that the benefits of a health benefit plan will be accepted as full payment when deductibles or copayments are required;

(H) makes a representation that is designed to take advantage of the fears or emotions of a particularly susceptible type of patient; or

(I) advertises or represents in the use of a professional name a title or professional identification that is expressly or commonly reserved to or used by another profession or professional.

(2) A "health care professional" includes a licensed medical physicist, temporary licensed medical physicist, or any other person licensed, certified, or registered by the state in a health-related profession.

*§601.15. Criminal Backgrounds.*

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

(c) The following felonies and misdemeanors directly relate to a license of a medical physicist because these criminal offenses indicate an inability or a tendency to be unable to properly engage in the practice of medical physics:

(1)-(8) (No change.)

(9) an offense under various titles of the Texas Penal Code:

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

(E) offenses of attempting or conspiring to commit any of the offenses in this subsection (Title 4); [and]

(F) insurance claim fraud under the Penal Code, §32.55; and

(10) (No change.)

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

*§601.16. Violations, Complaints, and Subsequent Actions.*

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

(e) Investigation of complaints.

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

(7) If an investigation is done, the investigator shall always attempt to

contact the complainant to discuss the complaint.

(f)-(i) (No change.)

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

Issued in Austin, Texas, on February 4, 1994.

TRD-9435702

Susan K. Steeg  
General Counsel, Office of  
General Counsel  
Texas Department of  
Health

Earliest possible date of adoption: March 14, 1994

For further information, please call: (512) 834-6628

◆ ◆ ◆  
**TITLE 25. HEALTH SERVICES**

**Part I. Texas Department of Health**

**Chapter 14. County Indigent Health Care Program**

**Subchapter B. Determining Eligibility**

The Texas Department of Health (department) proposes amendments to §14.103 and §14.104, the repeal of §14.109, and amendments to §14.203 and §14.204, concerning the County Indigent Health Care Program. The sections cover household determinations; income; maximum monthly income standards; payments for mandatory services; and services and payment liability, limitations, and options. The justification for these amendments is to comply with Health and Safety Code, Chapter 61, the Indigent Health Care and Treatment Act, which specifies that the standards and procedures must be consistent with the standards and procedures used to determine eligibility in the AFDC-Medicaid program.

Section 14.103 is amended to delete the language to "a male parent" that was adopted in error. Section 14.104 language is changed to state that the monthly maximum income standards shall correspond to the current AFDC recognizable needs amounts for the household's size. Currently the actual dollar amounts used for the maximum monthly income standards are published in §14.109 which is being repealed, therefore the actual dollar amounts will no longer be included. The current actual dollar amounts correspond to the current AFDC recognizable needs amounts. Section 14.203 is amended to correspond to new payment methodology in Medicaid. Section 14.204 is amended to delete a reference to Medicare that is in error.

Gary Bego, health care financing budget director, has determined that for the first five-year period that the proposed 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. Bego also has determined that for each year of the first five years that the sections are in effect the public benefit anticipated as a result of enforcing the sections will be compliance with state law. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed sections and no impact on local employment.

Comments on the proposed amendments and repeal may be submitted to Bonnie Magers, Program Specialist, Indigent Health Care, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3168, (512) 338-6458. Ms. Magers will accept comments for 30 days after publication of the proposed amendments in the *Texas Register*.

• 25 TAC §14.103, §14.104

The amendments are proposed under the Health and Safety Code, Chapter 61, and the Human Resources Code, Chapters 22 and 32. The authority to administer the County Indigent Health Care Program was transferred to the Texas Department of Health under Chapter 15, §1.07, Acts of the 72nd Legislature, First Called Session (1991).

§14.103. Household Determinations

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

(g) Eligibility staff must consider the following persons as a one-person household:

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

(4) a [male] parent, ineligible for Medicaid, whose spouse and/or minor children are Medicaid eligible.

(h)-(k) (No change.)

§14.104. Income

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

(d) Net income test and deductions. The net income test is used to determine eligibility:

(1) Net income test. Net monthly income is gross monthly income minus allowable deductions. A household is eligible if its net monthly income, after rounding down cents, is not more than the maximum income limit as corresponds to the current AFDC recognizable needs amounts [specified in §14.109 of this title (relating to Monthly Maximum Countable Income Standards)] for the household's size. All households must pass the net income test.

(2) (No change.)

(e) Budgeting

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

(4) How to budget stepparent, spouse, or legal parent income. The policy in this paragraph only applies to family units that include a stepparent, spouse, or one or both parents who are excluded from a Medicaid group. Eligibility staff must:

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

(C) deduct from the spouse's or parent's income, computed in subparagraph (B) of this paragraph, an amount equal to the maximum income limit for the Medicaid household's size as corresponds to the current AFDC recognizable needs amounts [specified in §14.109 of this title (relating to Monthly Maximum Countable Income Standards)]; and

(D) (No change.)

(5) How to budget the income of the alien's sponsor. Eligibility staff must consider as unearned income available to the alien's household all the sponsor's and sponsor's spouse's gross countable income(s) after subtracting the following deductions:

(A) (No change.)

(B) an amount equal to the maximum income limit for the sponsor's family size as corresponds to the current AFDC recognizable needs amounts [specified in §14.109 of this title (relating to Monthly Maximum Countable Income Standards)]. Include all members of the household who the sponsor claims or could claim as tax dependents;

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

(f) (No change.)

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

Issued in Austin, Texas, on February 7, 1994.

TRD-9435790

Susan K. Steeg  
General Counsel  
Texas Department of  
Health

Earliest possible date of adoption: March 14, 1994.

For further information, please call (512) 338-6458.

• 25 TAC §14.109

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

The repeal is proposed under the Health and Safety Code, Chapter 61, and the Human Resources Code, Chapters 22 and 32. The authority to administer the County Indigent Health Care Program was transferred to the Texas Department of Health under Chapter

15, §1.07, Acts of the 72nd Legislature, First Called Session (1991).

§14.109. Monthly Maximum Countable Income Standards.

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 February 7, 1994.

TRD-9435791

Susan K. Steeg  
General Counsel  
Texas Department of  
Health

Earliest possible date of adoption: March 14, 1994.

For further information, please call: (512) 338-6458.

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Subchapter C. Providing Services

• 25 TAC §14.203, §14.204

The amendments are proposed under the Health and Safety Code, Chapter 61, and the Human Resources Code, Chapters 22 and 32. The authority to administer the County Indigent Health Care Program was transferred to the Texas Department of Health under Chapter 15, §1.07, Acts of the 72nd Legislature, First Called Session (1991).

§14.203. Payments for Mandatory Services.

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

(c) The payment standards for the individual mandatory service are as follows.[:]

(1) (No change.)

(2) Physician, laboratory, and x-ray services. The payment standard for the procedures the department [DHS] identifies as the most commonly performed procedures in the Medicaid Program is the [average] Texas Medicaid payment for the procedure.

(A) If providers perform a procedure that the department [DHS] has not identified as a common Medicaid procedure, counties may use either the:

(i) (No change.)

(ii) [average] Medicaid payment standard for the uncommon procedure. The county must contact the department [DHS] for payment information for uncommon procedures.

(B) (No change.)

(3) (No change.)

(4) Family planning clinic services. The reimbursement rate is the [cur-

rent] fee established by the department [DHS] for the Medicaid Family Planning Program.

(5) (No change.)

(6) Rural health clinic (RHC) services. The reimbursement rate is the [current] fee established by the department [DHS] for the Medicaid program.

(d) (No change.)

*§14.204. Services and Payment Liability, Limitations, and Options.*

(a) This section defines county liability. Counties are liable for payment for mandatory services unless an eligible county resident:

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

(3) is eligible for Medicaid [or Medicare] benefits or would be eligible if he/she [he] applied.

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

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

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TRD-9435792

Susan K. Steeg  
General Counsel  
Texas Department of  
Health

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For further information, please call. (512) 338-6458

◆ ◆ ◆  
**Chapter 143. Medical Radiologic Technologists**

• 25 TAC §§143.4, 143.7, 143.10, 143.11, 143.14

The Texas Department of Health (department) proposes amendments to §§143.4, 143.7, 143.10, 143.11, and 143.14, concerning the certification of medical radiologic technologists

The proposed amendments allow a technologist to apply for late renewal up to one year after certificate expiration, allow a technologist to convert a general certificate to a limited certificate; allow more continuing education credits to be earned in the "indirectly" related category; and allow disciplinary action to be taken against technologists who allow their names or credentials to be used by other persons or who use another person's name or credentials.

Donna Hardin, program administrator, has determined that for the first five year period the sections will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections as proposed.

Ms. Hardin has determined that for each year of the first five years the sections as proposed are in effect, the public benefits anticipated as a result of enforcing the sections as proposed will be to update and clarify existing sections. There is no anticipated cost or effect on small or large businesses.

The possible economic cost to persons who are required to comply with the sections as proposed will be the payment of the late renewal fee of \$50 each time the medical radiologic technologist renews between 91 days and one year after the certificate expires. There will be no effect in local employment.

Comments on the proposal may be submitted to Donna Hardin, Professional Licensing and Certification Division, 1100 West 49th Street, Austin, Texas 78756-3183, (512) 834-6617. Public comments will be accepted for 30 days after publication of the sections in the *Texas Register*

The amendments are proposed under Texas Civil Statutes, Article 4512m, §2. 05, which provide the Texas Board of Health with the authority to adopt rules concerning the regulation and certification of medical radiologic technologists; and the Health and Safety Code, §12.001 which provides the Texas Board of Health with authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the commissioner of health. The sections implement the Medical Radiologic Technologist Certification Act, Texas Civil Statutes, Article 4512m

*§143.4 Fees.*

(a) (No change.)

(b) The schedule of fees for general or limited certification as a medical radiologic technologist is [are] as follows:

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

(4) one to 90-day [60-day] late renewal fee-\$25 (plus all unpaid renewal fees when the certificate is renewed within 90 [60] days of expiration);

(5) 91-day to one year late renewal fee-\$50 (plus all unpaid renewal fees when the certificate is renewed more than 90 days after expiration but not more than one year after expiration); and

(6)[(5)] certificate and/or identification card replacement fee-\$10.

(c)-(g) (No change.)

*§143.7. Types of Certificates and Applicant Eligibility.*

(a) General. The purpose of this section is to set out the types of certificates issued and the qualifications of applicants for certification as a medical radiologic technologist (MRT) or limited medical radiologic technologist (LMRT).

(1) The Texas Department of Health (department) [department] shall is-

sue general certificates, limited certificates, or temporary certificates (general or limited).

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

(b)-(e) (No change.)

(f) Limited medical radiologic technologist. To qualify for a limited certificate, an applicant shall meet the requirements in paragraph (4) of this subsection and subsection (d) of this section.

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

(4) To qualify for a certificate as a limited medical radiologic technologist an applicant must provide documentary evidence satisfactory to the department of the following:

(A) the successful completion of a limited course of study as set out in the §143.9 of this title (relating to Standards for the Approval of Curricula and Instructors) and the successful completion of the appropriate limited examination in accordance with §143.8 of this title (relating to Examinations), [or]

(B) current licensure or registration as a LMRT [licensed medical radiologic technologist] by another state, District of Columbia, or territory of the United States of America whose requirements are more stringent than or substantially equal to the requirements for the Texas limited certificate at the time of application to the department; or[ ]

(C) current general certification as a MRT issued by the department. The MRT must surrender the general certificate and submit a written request for a limited certificate indicating the limited categories requested. The request shall be post-marked on or before the certificate expiration date and shall be accompanied by the general certificate and the certificate and/or identification card replacement fee

(g)-(i) (No change.)

*§143.10. Certificate Issuance, Renewals and Late Renewals*

(a) Purpose. The purpose of this section is to set out the rules for issuing certificates (limited or general) and temporary certificates (limited or general) and certificate renewal.

(b) Issuance of certificates.

(1) The Texas Department of Health (department) [department] shall send each applicant whose application has been approved for a general or limited certificate a form to complete and return with the prorated certification fee. Failure to pay

the fee requested within 60 days of the date of origin approval letter shall result in the application being invalidated.

(2)-(3) (No change.)

(c)-(e) (No change.)

(f) Late renewals.

(1) A person whose certificate has expired for not more than one year [60 days] may renew the certificate by submitting to the department the completed renewal form, completed continuing education report forms (if required), [and] the renewal fee, and the late renewal fee [This subsection shall not apply to a person whose certificate expired due to failure to complete the continuing education requirements]

(A) If the certificate has been expired for 90 days or less, the person may renew the certificate by paying the one to 90-day late renewal fee.

(B) If the certificate has been expired for over 90 days but not more than one year, the person may renew the certificate by paying the 91-day to one year late renewal fee.

(C) The person must comply with the continuing education requirements for renewal as set out in §143.11 of this title (relating to Continuing Education Requirements) before the late renewal is effective.

(2) The late renewal is effective if it is mailed to the department or personally delivered by the MRT or LMRT or his/her agent to the department not more than one year [60 days] after certificate expiration. If mailed, the postmark date shall be considered the date of mailing. A postage-metered date is not considered as a postmark. A certificate not renewed within one year [60 days] after expiration cannot be renewed.

(3) A person whose certificate has expired may not administer a radiologic procedure during the one-year [60-day] period in violation of the Act. A person may not use a title that implies certification while the certificate is expired.

(4) A person whose certificate has been expired for more than one year may apply for another certificate by meeting the then-current requirements of the Act and this chapter which apply to all new applicants.

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

(i) Reinstatement or reapplication.

[(1) If a person fails to renew his certificate or fails to complete and send

proof of the completion of the continuing education requirements on or before the expiration of the certificate, the person may reinstate or reapply for a certificate only in accordance with this subsection.

[(2) On or before one year after the expiration of the person's biennial certificate, the person may file an application for reinstatement of the certificate on official department forms and pay the application processing fee.

[(A) The applicant shall be entitled to a certificate of the same type as that which expired based upon the applicant's previously accepted qualifications except as provided otherwise in this subsection.

[(B) The applicant shall pay the prorated certification fee determined by the department.

[(C) Applicants under this subsection shall be required to successfully complete the NMTCB examination, the appropriate examination of the ARRT, or the ARCRT examination after the department has received a complete application.

[(i) The applicant shall comply with subsection (g) of §143.8 of this title (relating to Examinations)

[(ii) The examination requirement of this subsection shall not be waived for persons who were nationally certified on September 1, 1987; are nationally certified by ARRT, NMTCB, or ARCRT, have previously completed the required examination, qualified by reciprocity, or qualified under any other provision of this chapter.

[(D) From the time of expiration of a person's certificate until reinstatement of the certificate, the person may not administer a radiologic procedure in violation of the Act

[(3) A person whose biennial certificate has been expired for at least one year may apply for another certificate by meeting the then-current requirements of the Act and this chapter which apply to all new applicants]

#### §143.11 Continuing Education Requirements.

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

(c) Content. All continuing education activities should provide for the professional growth of the technologist

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

(3) No more than 50% [25%] of the required number of hours may be satisfied by completing or participating in learn-

ing activities which are indirectly related to radiologic technology. For the purpose of the section, indirectly related topics include, but are not limited to, patient care, computer science, computer literacy, introduction to computers or computer software, physics, human behavioral sciences, mathematics, communication skills, public speaking, technical writing, management, administration, accounting, ethics, adult education, medical sciences, and health sciences. Other courses may be accepted for credit provided there is a demonstrated benefit to patient care.

(d)-(g) (No change.)

(h) Activities unacceptable as continuing education. The department shall not grant credit for:

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

(6) learning activities indirectly related to radiologic technology which exceed 50% [25%] of the contact hour requirement as set out in subsection (c)(3) of this section;

(7)-(11) (No change.)

(j)-(k) (No change.)

(i) Failure to complete the required continuing education.

(1) An MRT or LMRT who has failed to complete the requirements for continuing education may be granted a 120-day certificate as described in §143.10 (e)(7)[(8)] of this title (relating to Certificates, Renewals, and Late Renewals). The 120-day extension is the maximum that shall be granted and there will be no exceptions, nor may an additional extension period.

(2) (No change.)

(3) An MRT or LMRT who has not corrected the deficiency by the expiration date of the 120-day certificate shall be considered as non-compliant with the renewal requirements and may no longer perform radiologic procedures.

(4) The person may renew late under §143.10(f) of this title.

#### §143.14 Violations and Subsequent Actions.

(a) Disciplinary action. The Texas Department of Health (department) [department] may suspend, revoke, or not renew any certificate for any of the following reasons:

(1)-(34) (No change.)

(35) assaulting any person in connection with the practice of medical radiologic technologist or in the workplace; [or]

(36) intentionally or knowingly offering to pay or agreeing to accept any

remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association, of persons, partnerships, or corporation for securing or soliciting patients or patronage. The provisions of the Health and Safety Code, §161.091, relating to the prohibition of illegal remuneration apply to MRTs and LMRTs; or

(37) using or permitting or allowing the use of any MRT's or LMRT's name, certificate, or professional credentials in a way that the person knows, or with the exercise of reasonable diligence should know:

(A) violates the Act, this chapter or department rule relating to the performance of radiologic procedures; or

(B) is fraudulent, deceitful or misleading.

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 February 4, 1994.

TRD-9435703 Susan K. Steeg  
General Counsel, Office of  
General Counsel  
Texas Department  
of Health

Earliest possible date of adoption: March 14, 1994

For further information, please call (512) 834-6617

## Chapter 265. General Sanitation

### Standards for Public Restroom Facilities

#### • 25 TAC §§265.121-265.123

The Texas Department of Health (department) proposes new §§265.121-265.123, concerning restroom facilities in places where the public congregates. The sections will cover general provisions, definitions, and minimum standards for toilet facilities and toilet rooms.

The new sections will implement the provisions of Senate Bill 274 which became effective on September 1, 1993. Senate Bill 274 requires the department to adopt by rule minimum standards for the management and control of sanitation for both temporary and permanent public restrooms at publicly- and privately-owned facilities where the public congregates.

Charles R. Maddox, P.E., acting director, General Sanitation Division, has determined that for each year of the first five years that the new sections will be in effect, there will be fiscal implications as a result of administering

or enforcing the new sections. The estimated cost to state government will range from \$72,217 to \$78,217 for each year for the administration and enforcement of the new sections. There will be no cost to local government.

Mr. Maddox also has determined that for the first five-year period that the new sections will be in effect the public benefit of enforcing or administering the proposed new sections is that the department will have official rules in effect which establishes the minimum ratio of women's to men's restrooms where the public congregates and establishes minimum construction and sanitation standards for toilet facilities and toilet rooms. The cost to small businesses, persons, and political subdivisions of Texas is difficult to calculate. The cost of compliance for new construction should be minimal as the number of toilets, calculated by an estimated ratio of women to men who will utilize the facility, and will be determined and drawn into plans at the design stage of the facility. The cost for new construction will consist of the cost of toilet fixtures, plumbing and labor above what would be expended if this rule was not in effect. The cost of renovation projects falling under this rule will be determined by the cost of materials, labor, fixtures, and plumbing needed to redesign those women's restrooms that are unable to accommodate the placement of additional toilets into their space. The cost to renovation projects with sufficient space in the women's restroom to accommodate additional toilets will be determined by the cost of the toilet fixtures, plumbing, and labor for their installation. There should be no impact on local employment for new construction or renovation projects. Compliance with this rule may lengthen the time it takes to complete a new or renovation project but the work would be done by the same employees hired if this rule were not in effect.

Comments on the proposed new sections may be sent to Elias Briseno, R.S., Assistant Division Director, General Sanitation Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199, (512) 834-6635. Mr. Briseno will accept comments for 30 days after the publication of the proposed new section in the *Texas Register*.

The new sections are being proposed under the Health and Safety Code, Chapter 341, which provides the Texas Board of Health (Board) with the authority to adopt rules consistent with Chapter 341 and establish standards and procedures for the management and control of sanitation and for health protection measures; and §12.001 which provides the Board with authority to adopt rules to implement every duty imposed on the board, the department and the commissioner of health.

The new sections affect the Health and Safety Code, Chapter 341.

#### §265.121 General Provisions

(a) Scope. These sections apply to facilities where the public congregates. This includes sports and entertainment arenas, stadiums, community and convention halls,

specialty event centers, and amusement facilities.

(b) Exclusion. The term "facilities where the public congregates" does not include hotels, churches, restaurants, bowling centers, public or private elementary or secondary schools, or historic buildings

(c) Purpose. The purpose of these sections is to prescribe minimum standards for the availability of sufficient temporary or permanent restrooms to meet the needs of the public at peak hours at publicly- and privately-owned facilities where the public congregates

(d) Penalty and enforcement. The statutory penalty and enforcement provisions covering violations of Chapter 341 and these sections are contained in the Health and Safety Code, Chapter 341, §341.091 and §341.092

(e) Applicability date. These sections apply to facilities on which construction is started on or after January 1, 1994, or on which structural alterations, repairs, or improvements exceeding 50% of the entire facility are undertaken on or after January 1, 1994

§265.122 Definitions. The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise

Approved—Approved by the Texas Department of Health, the local health authority, or the local building code enforcement officer whichever shall maintain jurisdiction

Chemical toilets—A toilet facility in which human waste is collected in a container charged with a chemical for the purpose of disinfecting and deodorizing prior to disposal

Construction—The actual, physical initiation of the building process such as the clearing of land, moving of dirt or preparation of a building to begin work

Exceeding 50% of the entire facility—Structural alterations, repairs, or improvements with a cost exceeding 50% of the worth of the facility, as determined by the taxing authority maintaining jurisdiction.

Facilities where the public congregates—Sports and entertainment arenas, stadiums, community and convention halls, specialty event centers, and amusement facilities. The term does not include hotels, churches, restaurants, bowling centers, public or private elementary or secondary schools, or historic buildings

Historic buildings—Buildings listed as historic by the Texas Historical Commission

May—Used to denote authorized alternatives to mandatory provisions of this regulation

**Restroom-Toilet, chemical toilet, or water closet.**

**Sanitary condition**-That condition of good order and cleanliness which precludes the probability of disease transmission.

**Shall (or must)**-Used to denote mandatory provisions of these sections.

**Should**-Indicates provisions which are not mandatory, but which are recommended as good practice.

**Standards-Methods, practices, processes or operations** necessary or appropriate to establish healthful conditions.

**Toilet or toilet facility**-A plumbing device for the purpose of defecation or urination, or both, including water closets and biological or chemical toilets, and urinals.

**Toilet room**-An enclosed area containing one or more toilet facilities and offering personal privacy. Toilet rooms may be either permanently located (fixed) or portable.

**Urinal**-A water flushed fixture connected with a sewer, maintained within a toilet room for the sole purpose of urination.

**Water closet**-A toilet facility which is connected to a sewer and flushed with water.

*§265.123. Standards for Toilet Facilities and Toilet Rooms.*

(a) General standards.

(1) Toilet facilities shall be provided in separate toilet rooms for both sexes in all facilities where the public congregates. They shall be readily accessible and may be either fixed (permanently located) or portable.

(2) Toilet facilities shall be either water-actuated, chemical, or biological toilets. Other systems may be used only upon specific permission of the health authority having local jurisdiction.

(3) If the use of restrooms is designated by gender, toilet facilities shall be provided for each sex at a ratio of not less than 2: 1 women's to men's or according to the following table:

**Water Closets**  
**(Fixtures per Person)**

Male	Female
1:1-100	3:1-50
2:101-200	4:51-100
3:201-400	8:101-200
	11:201-400

Over 400, add one fixture for each additional 500 males and 2 for each 300 females.

**Urinals**  
**(Fixtures per Person)**

1:1-100
2:101-200
3:201-400
4:401-600

Over 600 add 1 fixture for each additional 500 males.

(4) Toilet rooms and facilities shall be maintained in a sanitary condition, free of objectionable odors during all hours the facility is open to the public. The floors, walls, ceilings, partitions and doors of all toilet rooms shall be of a finish that can be easily cleaned. An adequate supply of toilet paper in a suitable holder shall be maintained for each toilet. Covered waste receptacles shall be provided in all toilet rooms used by women.

(b) Specifications for toilet facilities and rooms at fixed locations.

(1) Each toilet facility (water closet, chemical or biological toilet) at a fixed (permanent) location shall occupy a separate compartment equipped with a door and latch. Walls or partitions between fixtures shall be sufficiently high to assure

privacy. Urinals do not need to occupy separate compartments.

(2) Each toilet facility shall be so installed that the space around it can be easily cleaned. This provision does not prohibit the use of wall-hung toilet stools or urinals.

(3) Each toilet seat shall have a seat made of substantial material having a nonabsorbent finish.

(4) Toilet rooms at fixed locations that are not ventilated by mechanical means shall be provided with a screened ventilation opening sufficiently large to permit adequate ventilation.

(c) Specifications for portable toilet facilities and rooms.

(1) Portable toilet facilities shall be so constructed as to be readily accessible.

(2) Buildings housing portable toilet rooms may be mobile trailers or prefabricated, skid-mounted, or otherwise portable structures. If they contain more than one facility, each shall occupy a separate compartment with a door and a latch. Walls or partitions between toilets shall be sufficiently high to assure privacy. Urinals need not occupy separate compartments.

(3) If the structure contains a tank in which waste is stored, the tank shall be vented to the outside of the structure.

(4) Portable toilet rooms that are not ventilated by mechanical means shall be provided with an adequate screened ventilation opening.

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 February 7, 1994

TRD-9435794

Susan K. Steeg  
General Counsel  
Texas Department of  
Health

Proposed date of adoption: April 13, 1994

For further information, please call: (512)  
834-6635

## TITLE 28. INSURANCE

### Part I. Texas Department of Insurance

#### Chapter 7. Corporate and Financial Regulation

##### Subchapter B. Insurance Hold- ing Company System Regu- latory Act

- 28 TAC §§7.201-7.205,  
7.209-7.211, 7.213

The Texas Department of Insurance proposes amendments to §§7.201-7.205, 7.209-7.211 and 7.213, concerning administrative regulation under the Insurance Code, Article 21.49-1, also known as the Insurance Holding Company System Regulatory Act (the Act). The amendments are necessary to provide technical corrections and clarifications and to implement amendments to Article 21.49-1 enacted by passage of House Bill 1461, 73rd Legislature, 1993. The amendment to §7.201 adopts by reference the biographical affidavit form for use in accordance with §7.209(d). The amendment to §7.202 revises the definitions for "commissioner" and "insurer" and adds definitions for "commercially domiciled insurer" and "domestic insurer", renumbers certain definitions, and permits exemption for commercially-domiciled insurers in certain instances. The amendment to §7.203 provides that commercially domiciled insurers are not exempt from registration; provides clarification that a registration statement includes each annual amendment and the completely restated registration statement; provides an exemption in the total reinsurance of a mutual assessment company by a stipulated premium insurance company; provides that filing a disclaimer relieves the person filing the disclaimer of the duty to comply with the Act, §5(a)-(c), unless disallowed by the commissioner, requires at least ten days notice prior to payment of dividends and distributions to shareholders, provides that prepayment notices of dividends and distributions will be considered promptly, subject to the standards contained in the Act, §4(b); provides for annual review of dividends and distributions, and makes dividends to shareholders subject to appropriate action as may be authorized by other provisions of the Insurance Code. The amendment to §7.204 broadens the scope for certain transactions requiring notice or approval; provide clarification of the applicable filing fee of an extraordinary dividend application and of when the application is complete; and sets forth certain sanctions and administrative

penalties which may be taken. The amendment to §7.205 provides that a change of ownership of a commercially-domiciled insurer is subject to the Act, §5, and provides clarification that a restructuring is subject to the Act, §5(e)(3)(i). The amendment to §7.209 provides for the filing of biographical affidavit forms for individual applicants and the executive officers and directors of the applicant if the applicant is not an individual, removes a requirement of disclosing the criteria utilized in determining the purchase price; provide for the filing of biographical affidavit forms for proposed management; and provides for the filing of a business plan and for projections covering at least three years. The amendment to §7.210 requires disclosure of certain additional transactions. The amendment to §7.211 removes an ambiguity in language. The amendment to §7.213 removes a requirement for disclosing the criteria utilized in determining the purchase price in the purchase of additional control, and requires the filing of a business plan and projections covering at least two years.

Sandra A. Autry, associate commissioner for the financial program, has determined that, for the first five-year period the proposed sections will be in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the sections and that there will be no effect on local employment or local economy.

Ms. Autry also has determined that, for each year of the first five years the proposed sections are in effect, the public benefits anticipated as a result of administering and enforcing the sections will be more effective regulation of insurers. There is no anticipated economic cost to persons or entities who are required to comply with the sections, as proposed, other than the minimal cost of completion of the appropriate forms and obtaining approval of the Commissioner. On the basis of cost per hour of labor, there is no anticipated difference in cost of compliance between small and large businesses.

Comments on the proposal must be submitted in writing within 30 days after publication of the proposal in the *Texas Register* to Linda K. von Quintus-Dorn, Chief Clerk, Texas Department of Insurance, P.O. Box 149104, MC 113-2A, Austin, Texas 78714-9104. An additional copy of the comments should be submitted to Sandra A. Autry, Financial Program, Texas Department of Insurance, P.O. Box 149104, MC 305-2A, Austin, Texas 78714-9104. Request for a public hearing on this proposal should be submitted separately in writing to the Office of the Chief Clerk.

The sections are proposed under the Insurance Code, Articles 21.49-1 and 1.03A. Article 21.49-1, §11, authorizes the board to issue such rules, regulations, and orders as shall be consistent with and shall carry out the provisions of the Insurance Holding Company System Regulatory Act and to govern the conduct of its business and proceedings under the Act. Article 1.03A provides the commissioner with the authorization to adopt rules and regulations for the conduct and execution of the duties and functions by the department.

The proposed amendments implement the Insurance Code, Article 21.49-1, Articles 1.10, 1.10A, 1.32, 21.28, 21.28-A, 21.31, 21.32, and 21.49-1.

#### §7.201 Forms Filings

##### (a) General requirements.

(1) The forms that are specified in §§7.209-7.213 of this title (relating to Form A, Form B, Form C, Form D, and Form E) are intended to be guides in the preparation of the statements, notices, and applications required by the Insurance Code, Article 21.49-1. They are to provide notice of the information required and the location in which it will be expected to be found. In preparing any statement, notice, or application, the text of the form need not be repeated so long as there is clear identity of the matter to which the answer or material applies. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made. The forms specified in §§7.209-7.213 of this title (relating to Form A, Form B, Form C, Form D, and Form E) are also referred to in this subchapter as Forms A-E. Form A is also referred to as the acquisition statement, Form B as the registration statement, Form C as a disclaimer, Form D as an extraordinary dividend, and Form E as an exemption statement. For use in accordance with §7.209(d) and (f) of this title (relating to Form A) and §7.210(e) of this title (relating to Form B), the Texas Department of Insurance adopts by reference the biographical affidavit form published by and available from the Texas Department of Insurance. Copies of this form may be obtained from Holding Company Activity, Mail Code 305-4A, Texas Department of Insurance, P.O. Box 149104, 333 Guadalupe, Austin, Texas 78714-9104.

(2) Three complete originally signed copies of each statement, notice, or application, including exhibits and all other papers and documents filed as a part thereof, in connection with any acquisition statement filed under §7.209 of this title (relating to Form A), and one complete originally signed copy of every other statement, notice, or application, including exhibits and all other papers and documents filed as a part thereof, shall be filed with the commissioner by personal delivery or by mail addressed to Holding Company Activity, Mail Code 305-4A, Texas Department of Insurance, P.O. Box 149104, 333 Guadalupe, Austin, Texas 78714-9104. Each statement, notice, or application shall be subject to the appropriate filing fee provided for in §7.1301 of this title (relating to Regulatory Fees). The appropriate filing fee shall be forwarded to the Holding Company Activity of the Texas Department of Insurance under separate cover along with a copy



of the letter transmitting the statement, notice, or application.

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

(b)-(e) (No change.)

**§7.202. Definitions.**

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

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

(3) **Commercially domiciled insurer**-A foreign or alien insurer authorized to do business in this state that during its three preceding fiscal years taken together, or any lesser period if it has been licensed to transact business in this state only for that lesser period, has written an average of more gross premiums in this state than it has written in its state of domicile during the same period, and such gross premiums constitute 20% or more of its total gross premiums everywhere in the United States for that three-year or lesser period, as reported in its three most recent annual statements. To determine if an insurer is a commercially domiciled insurer, the annual average ratio for premium receipts addressed in subparagraphs (A) and (B) of this paragraph shall be calculated, as follows:

(A) total Texas premium for the preceding three fiscal years (or any lesser period if licensed in Texas less than three years) divided by total premium countrywide for the preceding three years; and

(B) total premium in the state of domicile for the preceding three years divided by total premium countrywide for the preceding three years. [Board-The State Board of Insurance of the State of Texas.]

(4)((3)) **Commissioner**-The Commissioner of Insurance of the State of Texas, [or] the Commissioner's associates or deputies, or their designees, as appropriate

(5)((4)) **Control**-The term "control," including the terms "controlling," "controlled by," and "under common control with," means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, or with

members of the person's immediate family, owns, controls, or holds with the power to vote, or if any person other than a corporate officer or director of a person holds proxies representing, 10% or more of the voting securities or authority of any other person, or if any person by contract or agreement is designated as an attorney-in-fact for a Lloyd's plan insurer under the Insurance Code, Article 18.02, or for a reciprocal or interinsurance exchange under the Insurance Code, Articles 19.02 and 19.10. This presumption may be rebutted by a showing made in the manner provided by the Act, §3(j), that control does not exist in fact [and that the person rebutting the presumption is in compliance with the Act, §§5(a)-(c)]. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect, where a person exercises directly or indirectly either alone or pursuant to an agreement with one or more other persons such a controlling influence over the management or policies of an authorized insurer as to make it necessary or appropriate in the public interest or for the protection of the policyholders of the insurer that the person be deemed to control the insurer.

(6)((5)) **Controlled insurer**-An insurer controlled directly or indirectly by a holding company (as a holding company is defined in this section).

(7)((6)) **Controlled person**-Any person, other than a controlled insurer, who is controlled directly or indirectly by a holding company (as a holding company is defined in this section)

(8)((7)) **Controlling producer**-An insurance broker or brokers or any person, firm, association or corporation domiciled, licensed, or operating in a state other than Texas, when, for any compensation, commission or other thing of value, such person, firm, association or corporation acts or aids in any manner in soliciting, negotiating or procuring the making of any insurance contract on behalf of an insured other than such person, firm, association or corporation, and who, directly or indirectly:

(A) controls or seeks to control a property and casualty insurer as the term control is defined in paragraph (5)((4)) of this subsection, and

(B) writes or places, in any calendar year, an aggregate amount of gross written premiums with such controlled property and casualty insurer which is equal to or greater than 5.0% of the admitted assets of such insurer as reported in such insurer's quarterly statement filed as of Sep-

tember thirtieth of the prior year. The term "producer" or "controlling producer" as used in these sections is not intended to include an agent or any independent agent acting on behalf of the controlled insurer, licensed pursuant to the Insurance Code, Chapter 21, Subchapter A, and any subagent or representative of the agent, who acts as such in the solicitation of, negotiation for, or procurement or making of an insurance contract, if the agent is not also acting on behalf of an insured as set forth in this paragraph [(7) of this subsection], in the transaction in question. The term "producer" or "controlling producer" as used in these sections is not intended to include an attorney-in-fact acting on behalf of a licensed Lloyds or licensed reciprocal or interinsurance exchange.

(9)((8)) **Domestic insurer**-For purposes of these sections, a commercially domiciled insurer is considered to be a domestic insurer, and subject to regulation as an insurer domiciled in this state.

(10)((9)) **Executive officer**-The chairman of the board of directors, the president, any vice-president of an applicant in charge of a principal business unit, division, or function (such as sales, administration, finance, or underwriting), any other officer who performs a policy-making function, or any other person who performs similar policy-making functions for an applicant. Executive officers of subsidiaries may be deemed executive officers of an applicant if they perform such policy-making functions for an applicant

(11)((10)) **Foreign insurer**-Includes an alien insurer

(12)((11)) **Holding company**-Any person who directly or indirectly controls any insurer except that it shall not be deemed to include the United States, a state or any political subdivision, agency or instrumentality thereof or any corporation which is wholly owned directly or indirectly by one or more of the foregoing

(13)((12)) **Immediate family**-A person's spouse, father, mother, children, brothers, sisters, and grandchildren, the father, mother, brothers, and sisters of the person's spouse, and the spouse of the person's child, brother or sister, mother, father, or grandparent.

(14)((13)) **Insurance holding company system**-Consists of two or more affiliated persons, one or more of which is an insurer

(15)((14)) **Insurer**-Includes all insurance companies organized or chartered under the laws of this state, commercially domiciled insurers, or insurers licensed to do business in this state, including capital stock companies, mutual companies, farm mutual insurance companies, title insurance

companies, fraternal benefit societies, local mutual aid associations, local mutual burial associations, statewide mutual assessment companies, county mutual insurance companies, Lloyds' plan companies, reciprocal or interinsurance exchanges, stipulated premium insurance companies and group hospital service companies, and any other entity which is made subject to the Insurance Code, Article 21.49-1, by applicable law, except that it shall not include agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

(16)[(15)] Person—An individual, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing acting in concert, but shall not include any securities broker performing no more than the usual and customary broker's function.

(17)[(16)] Security holder—Of a specified person is one who owns any security of such person, including common stock, preferred stock, debt obligations, and any other security convertible into or evidencing the right to acquire any of the foregoing. The term "debt obligation" shall not include trade, commercial, or open accounts, matured claims, or agents' commissions.

(18)[(17)] Subsidiary—Of a specified person is an affiliate controlled by such person directly or indirectly through one or more intermediaries.

(19)[(18)] Ultimate controlling person—That person which is not controlled by another person (as defined in this subsection)

(20)[(19)] Voting security—Any security or other instrument giving or granting to the holder the power to vote at a meeting of shareholders of a person for or against the election of directors or any other matter involving the direction of the management and policies of such person, or any other security or instrument which the Texas Department of Insurance deems to be of similar nature including, but not limited to, those described in such rules and regulations as the Texas Department of Insurance may prescribe in the public interest as a voting security.

(b) Exemption

(1) Certain insurance holding company systems of the type specified in the Act, §2(r), may be exempted or partially exempted from the Act and these sections in the manner provided in the Act, §2(r).

(2) The commissioner may exempt from the provisions of the Act and these sections any commercially-

domiciled insurer if the commissioner determines that the insurer has assets physically located in this state or an asset to liability ratio sufficient to justify the conclusion that there is no reasonable danger that the operations or conduct of the business of the insurer could present a danger of loss to the policyholders of this state. An exemption granted under this subsection shall be subject to annual review. The commissioner may, after notice and hearing, rescind an exemption granted to a commercially-domiciled insurer under the provisions of the Act and these sections. A rescission of an exemption shall set forth the rationale for the rescission. Requests for an exemption under this subsection shall be filed with Holding Company Activity, Mail Code 305-4A, Texas Department of Insurance, P. O. Box 149104, 333 Guadalupe, Austin, Texas 78714-9104. The request must contain a signed and notarized affidavit of an executive officer of the insurer that, should the exemption be granted, the insurer will notify the Holding Company Activity within 10 days of the insurer no longer meeting the criteria utilized in granting the exemption. The commissioner may consider the criteria in subparagraphs (A)-(D) of this paragraph in connection with an exemption requested under the Act, §2(s), and these sections.

(A) Assets in Texas, which are either:

(i) permanent, free, and unencumbered and physically located in Texas in an amount equal to the total unpaid losses attributable to Texas risks; or

(ii) qualifying authorized investments under the Insurance Code comprising 20% of the insurer's admitted assets and physically located in Texas.

(B) Adequacy of policyholder surplus, based upon:

(i) an asset to liability ratio of two to one, if the insurer is a property and casualty insurer;

(ii) an asset to liability ratio of one and one-half to one, if the insurer is a life, accident and health insurer;

(iii) the insurer having capital and surplus equal to 250% of the minimum risk-based capital described in §7.410 of this title (relating to Minimum Risk-Based Capital and Surplus Requirements for Stock Property/Casualty Insurers) or §7.401 of this title (relating to Minimum Risk-Based Capital and Sur-

plus Requirements for Life, Accident and Health Insurers); or

(iv) the insurer having total capital and surplus of at least \$50 million.

(C) Consideration may be given to financial conditions specified in §8.3 of this title (relating to Hazardous Conditions) to justify the conclusion that there is no reasonable danger that the operations or conduct of the business of the insurer could present a danger of loss to the policyholders of this state.

(D) Consideration may be given to other positive factors regarding an insurer's operations or conduct.

§7.203. Registration of Insurers.

(a) Except as provided by the Act, every insurer which is authorized or incorporated to do business in this state and which is a member of an insurance holding company system shall register in accordance with the Act, §3. The exemption from registration for a foreign insurer does not apply to a commercially domiciled insurer doing business in this state.

(b)-(d) (No change)

(e) Amendments to registration statements. Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions (whether single transactions or cumulative in total). Such amendment shall be in accordance with §7.210 of this title (relating to Form B), the registration statement, the cover page requirements of §7.201(d) of this title (relating to Forms Filings), and with a positive statement as to the items of the form not being amended instead of setting out such unamended portions. Such amendment shall be filed within 15 days after the end of the month in which the registered insurer learns of each such change or addition. Within 60 days after the effective date of these sections, each insurer shall amend its registration statement to comply with these sections. Any transaction that is formally approved by official order of the commissioner under any of the following enumerated provisions shall be deemed to be an amendment to the registration statement without further action or filing:

(1)-(9) (No change.)

(10) the Insurance Code, Article 22.15, provided that all requirements of the article are met;

(11)[(10)] the Insurance Code, Article 22.19, provided that the reinsurance is a total direct reinsurance; and

(12)(11) any other transaction formally approved by official order of the commissioner under authority authorized by any other provisions of the Insurance Code.

(f) (No change.)

(g) Annual amendment. Within 120 days after the end of each fiscal year of the ultimate controlling person (that person which is not controlled by another person) of the insurance holding company system, the registrant shall file an amendment to the registration statement which shall make the registration statement current. Within 120 days of the end of each calendar year ending in a five or a zero, the registrant shall file a completely restated up-to-date registration statement as set out in §7.210 of this title (relating to Form B), with amendments consolidated therein. The registrant is not required to file an annual amendment to its registration statement under this subsection in the year that it files a completely restated up-to-date registration statement. **The registration statement referred to in §7.1301(d)(23) of this title (relating to Regulatory Fees) includes each annual amendment to the registration statement and the completely restated up-to-date registration statement.**

(h)-(j) (No change.)

(k) Exemptions. The provisions of this section shall not apply to any insurer, information, or transaction if and to the extent that the commissioner [board] by rule, regulation, or order shall exempt the same.

(l) Disclaimer. Any person may file with the commissioner a disclaimer of control or affiliation with any insurer, or such a disclaimer may be filed by such insurer or any member of an insurance holding company system. The disclaimer shall be in accordance with §7.211 of this title (relating to Form C) and shall disclose all material relationships and bases for affiliation between such persons and such insurer as well as the basis for disclaiming such affiliation. A copy of any disclaimer filed with the commissioner, if the affected insurer is not a party thereto, shall also be furnished by the applicant to the insurer at the same time it is filed with the commissioner. The insurer shall, within 15 business days after receipt thereof, unless the time is extended by the commissioner for good cause, respond to the matters raised in the disclaimer if it does not have a current registration statement on file with the commissioner. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under subsection (a) of this section which may arise out of the insurer's relationship with such person unless and until the commissioner disallows such a disclaimer. **Unless disallowed by the commissioner, a [A] disclaimer filed under this**

subsection relieves [does not relieve] a person of the duty to comply with the requirements of the Act, §5(a)-(c). The commissioner shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support such disallowance. After a disclaimer of control or affiliation has been filed by any person, any acquisition, in any manner, directly or indirectly, of a voting security of the domestic insurer by such person shall be subject to the Act, §5, in absence of the filing, within five business days, of an amendment which shall make current the disclaimer of control or affiliation previously filed pursuant to this subsection.

(m) (No change.)

(n) Dividends and distributions. Each registered insurer shall, by personal delivery or by mail addressed to: Holding Company Activity [Division], Mail Code 305-4A [304-2A], Texas Department of Insurance, P.O. Box 149104, 333 Guadalupe, Austin, Texas 78714-9104, provide notice to the commissioner of all dividends and other distributions to shareholders within two business days following the declaration thereof and at least 10 days prior to payment in the form prescribed by the commissioner and adopted herein by reference as Form HCDividend and such notice shall be deemed an amendment to the registration statement without further action or filing. **Prepayment notices will be considered promptly. Each prepayment notice shall be accompanied by documentation supporting each of the standards specified in the Act, §4(b). Dividends and distributions, including those declared by property and casualty insurers where the dividend exceeds the net income as of the preceding December 31, shall be reviewed by the commissioner and, if the standards in the Act, §4(b) are not met, the commissioner shall take appropriate action, including but not limited to that provided under the Insurance Code, Articles 1.10, 1.10A, 1.32, 21.28, 21.28-A, 21.31, and 21.32. All reported dividends and distributions shall be reviewed annually in the registration statement filed pursuant to §7.210 of this title (relating to Form B). See §7.204(d) of this title (relating to Commissioner's Approval Required) for requirements regarding extraordinary dividends and distributions. [All dividends and distributions to shareholders are subject to the applicable provisions of the Insurance Code, Articles 3.11, 21.31, 21.32 and 21.32A.]**

*§7.204 Commissioner's Approval Required.*

(a) Prior approval and notice.

(1) (No change)

(2) The following transactions between a domestic insurer and any person in its holding company system may not be entered into unless the insurer has notified the commissioner in writing of its intention to enter into any such transaction at least 30 days prior thereto, or such shorter period as he may permit, and he has not disapproved it within such period:

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

(D) the payment of a bonus to a control person;

(E)(D) management or service agreements, cost sharing agreements, rental or leasing agreements,

(F)(E) agreements to consolidate federal income tax returns, which agreements shall provide that a domestic insurer will be adequately indemnified in the event the Internal Revenue Service levies upon the insurance company's assets for unpaid taxes in excess of the amount paid under the agreement,

(G)(F) transactions with affiliated financial institutions, other than fully insured deposits; and

(H)(G) any material transactions which the commissioner has determined after notice may adversely affect the interest of the insurer's policyholders or of the public

(3)-(6) (No change.)

(b)-(c) (No change)

(d) Extraordinary dividends and other distributions

(1) No insurer subject to registration under §7.203(a) of this title (relating to Registration of Insurers) shall pay any extraordinary dividend or make any other extraordinary distribution to its shareholders until

(A) 30 days after the commissioner has received written notice in accordance with §7.212 of this title (relating to Form D) of the declaration thereof, including the applicable filing fee pursuant to §7.1301(d)(24) of this title (relating to Regulatory Fees), and the commissioner has not within such period disapproved such payment; or

(B) the commissioner shall have approved such payment within such 30-day period. The written notice re-

quired under this paragraph shall be deemed filed with the commissioner only when all material sufficient to constitute a complete filing has been provided, including satisfaction of the standards set forth in the Act, §4(b), as well as payment of any required filing fee pursuant to §7.1301(d)(24) of this title (relating to Regulatory Fees).

(2)-(3) (No change.)

(e) (No change.)

(f) Revocation, suspension, or non-renewal of insurer's license. Whenever it appears to the commissioner that any person has committed a violation of this section which makes the continued operation of an insurer contrary to the interest of policyholders or the public, the commissioner may, after giving notice and an opportunity to be heard, determine to suspend, revoke, or refuse to renew such insurer's license or authority to do business in this State for such period as he finds is required for the protection of policyholders or the public. Any such determination shall be accompanied by specific findings of fact and conclusions of law.

(g) Rescission, revocation, and reversal of unauthorized transactions. Whenever it appears to the commissioner that any person has entered into any transaction or act without having first complied with the provisions of this section applicable to such transaction or act, and in violation hereof, or has obtained the commissioner's approval of or acquiescence in a transaction or act subject to this section based upon a material fraudulent misrepresentation, misstatement, or omission, the commissioner may, after giving notice and an opportunity to be heard, determine and order that such transaction or act be set aside, rescinded, revoked, reversed, and rendered void and of no force or effect, and that the parties to such transaction or act shall be returned to the position they would have occupied had not such transaction or act occurred in violation of this section. The foregoing sanctions are in addition to actions the commissioner may order or take as may be authorized by other provisions of the Insurance Code, including, but not limited to, Articles 1.10, §7, 1.10A, and 1.32.

*§7.205. Acquisition Statements-Filing Requirements.*

(a) Filing Requirements. Filing and other regulatory requirements for acquisitions of control and certain other matters as specified in the Act, §5(a), are governed by the Act, §5(a). For purposes of this subsection, a domestic insurer as defined in the Act, §5(a)(2), shall include any person con-

trolling a domestic insurer, including a commercially domiciled insurer, unless such person is either directly or through its affiliates primarily engaged in business other than the business of insurance. A change or substitution of an attorney-in-fact of a Lloyd's or reciprocal or interinsurance exchange is subject to the Act, §5. A failure to file complete and accurate information in all material respects is grounds for a denial by the commissioner under the Act, §5(c).

(b)-(g) (No change.)

(h) Exemptions. The provisions of this section shall not apply to transactions and other matters exempted under the Act, §5(e). A restructuring within an insurance holding company system which results in a direct or indirect change in control of a domestic insurer is subject to the Act, §5(e)(3)(i). An acquisition of a voting security of a domestic insurer specified in the Act, §5(e)(4) and (6), shall be disclosed by amendment to the registration statement as provided in §7.203(f) of this title (relating to Registration of Insurers). The written application for exemption in the acquisition of a voting security specified in the Act, §5(e) (5), shall be made in accordance with §7.213 of this title (relating to Form E), the exemption statement. The approval of an application under §7.213 shall be deemed an amendment under §7.203 to an insurer's registration statement without further filing. An acquisition of a voting security of a domestic insurer by a security holder controlling, directly and indirectly, 50% of the then issued and outstanding voting securities of such domestic insurer, shall be subject to the Act, §5(e)(5). An acquisition of a voting security of an insurer domiciled in this state which is not subject to the Act, §5(a)(1), by virtue of the Act, §5(a)(2), shall be subject to the Act, §5(e)(3)(ii) [§5(e)(3)].

(i)-(n) (No change.)

(o) Producer-Controlled Property and Casualty Insurer.

(1) For purposes of this section, a controlling producer, as defined in §7.202(a)(8) [§7.202(a)(7)] of this title (relating to Definitions), is subject to the filing requirements of the Act, §5 in addition to the following requirements.

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

(2) (No change.)

(p) (No change.)

*§7.209. Form A.*

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

(d) Identity and background of individuals associated with the applicant. Furnish biographical data for the applicant if

such person is an individual, or for all persons who are directors, executive officers, or owners of 10% or more of the voting securities of the applicant if the applicant is not an individual, with such biographical data in the form of the biographical affidavit form adopted by reference under §7.201(a)(1) of this title (relating to Forms Filings). Copies of this form are available from the Holding Company Activity, Mail Code 305-4A, Texas Department of Insurance, P. O. Box 149104, 333 Guadalupe, Austin, Texas 78714-9104. [State the following with respect to the applicant if he is an individual, or all persons who are directors, executive officers, or owners of 10% or more of the voting securities of the applicant if the applicant is not an individual:

[(1) name and business address;

[(2) present principal business activity, occupation or employment including position and office held and the name, principal business, and address of any corporation or other organization in which such employment is carried on;

[(3) material occupations, positions, offices, or employments during the last five years, giving the starting and ending dates of each and the name, principal business, and address of any business corporation, or other organization in which each such occupation, position, office, or employment was carried on; if any such occupation, position, office, or employment required licensing by or registration with any federal, state or municipal governmental agency, indicate such fact, the current status of such licensing or registration, and an explanation of any surrender, revocation, suspension, or disciplinary proceedings in connection therewith; and

[(4) whether or not such person has ever been convicted in a criminal proceeding (excluding minor traffic violations) during the last 10 years and, if so, give the date, nature of conviction, name and location of court, and penalty imposed or of the dispositions of the case].

(e) Nature, source, and amount of funds or other consideration.

(1) (No change.)

[(2) Explain the criteria used in determining the nature and amount of such consideration.]

(2)[(3)] If the source of the consideration is provided by a commercial lender in the ordinary course of business and if the applicant wishes the identity to remain confidential, he must specifically request that the identity be kept confidential. When confidentiality is requested such identity shall be provided by a separate instrument filed with, but not forming a part of, the acquisition statement.

(3)[(4)] If the consideration is to consist in whole or in part of the insurance business and assets of the insurer or of a person controlled by the insurer, state the value thereof and how such value was arrived at.

(f) Future plans for insurer.

(1) Provide a business plan which describes [Describe] any plans or proposals which the applicant may have or may contemplate making to cause the insurer to pay dividends or make other distributions, to liquidate such insurer, to sell any of its assets, to merge or consolidate it with any person or persons, to make any other material change in its business operations or corporate structure or management, or to cause the insurer to enter into material agreements, arrangements, or transactions of any kind with any party, and describe any financial or employment guarantees given to present and contemplated management.

(2) (No change.)

(3) For the domestic insurer, provide the full name of each individual[, if known.] who will be responsible for major areas of operations of the domestic insurer, including but not limited to, supervision of agents, underwriting, advertising, production of business through agents and through reinsurance, policyholder services, premium accounting, claims processing and litigation, reinsurance cessions, investments, and financial accounting and reporting. For each area, evidence such individual's ability and experience to perform same by providing biographical data in the form of the biographical affidavit form adopted by reference under §7.201(a)(1) of this title (relating to Forms Filings).

(4) (No change.)

(g)-(l) (No change.)

(m) Financial statements and exhibits.

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

(3) File as exhibits copies of all tender offers for, requests or invitations for, tenders of, exchange offers for, and agreements to acquire or exchange any voting securities of the insurer and (if distributed) of additional soliciting material relating thereto, and proposed employment, consultation, advisory, or management contracts concerning the insurer; budget projections of the domestic insurer and the applicant for a period equal to the greater of three years or the succeeding length of time of debt service required by applicant in its acquisition of control, and any additional document or papers required by regulation

§7.210. Form B.

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

(e) Biographical information. Furnish biographical data for the ultimate controlling person(s) if such person is an individual, or for the directors and executive officers of the ultimate controlling person if the ultimate controlling person is not an individual, with such biographical data in the form of the biographical affidavit form adopted by reference under §7.201(a)(1) of this title (relating to Forms Filings). Copies of this form are available from Holding Company Activity [Division], Mail Code 305-4A [304-2A], Texas Department of Insurance, P.O. Box 149104, 333 Guadalupe, Austin, Texas 78714-9104.

(f) Transactions, relationships, and agreements.

(1) Briefly describe the following agreements in force, relationships subsisting, and transactions currently outstanding between the registrant and its holding company, its subsidiaries, and its affiliates:

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

(E) all bonuses paid to a control person;

(F)[(E)] all management and service contracts and all cost sharing arrangements;

(G)[(F)] reinsurance agreements covering all or substantially all of one or more lines of insurance of the ceding company;

(H)[(G)] all dividends and other distributions to shareholders,

(I)[(H)] agreements with affiliates to consolidate federal income tax returns;

(J)[(I)] all transactions with affiliated financial institutions,

(K)[(J)] the amount of commissions paid to the controlling producer, the percentage such amount represents of the net premium written, and comparable amounts and percentages paid to noncontrolling producers for placements of the same kinds of insurance,

(L) all surplus debentures, surplus notes, premium income notes, bonds, or debentures, and other contingent evidences of indebtedness outstanding;

(M)[(K)] any affiliated transaction not disclosed in subparagraphs (A)-(L) [(A)-(J)] of this paragraph which is subject to the Act, §4(d); and

(N)[(L)] any pledge of an insurer's stock, including stock of any subsidiary or controlling affiliate, for a loan made to any member of its insurance holding company system.

(2) (No change.)

(g)-(j) (No change.)

§7 211. Form C

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

(c) Applicant is [not] directly or indirectly controlled by or under common control with the previously named insurer. \_\_\_ Yes \_\_\_ No

(d)-(f) (No change.)

§7 213. Form E

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

(d) Nature, source, and amount of funds or other consideration.

(1) (No change.)

(2) Explain the criteria used in determining the nature and amount of such consideration ]

(2)[(3)] If the consideration is to consist in whole or in part of the insurance business and assets of the insurer or of a person controlled by the insurer, state the value thereof and how such value was arrived at.

(e) Future plans for insurer.

(1) (No change.)

(2) Provide a business plan which describes [Describe] applicant's operational plans for the domestic insurer covering the succeeding 24 months, including, but not limited to, change of location, change of name, increase in capital and/or surplus, type business to be written, and anticipated premium volume. For the domestic insurer, provide the full name of any new employee or officer to be employed as a result of the further acquisition of control and provide biographical information in the form specified in §7 210(e) of this title (relating to Form B).

(f)-(g) (No change.)

(h) Financial statements and exhibits.

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

(3) File as exhibits copies of all tender offers for, requests or invitations for, tenders of, exchange offers for, and agreements to acquire or exchange any voting

securities of the insurer and (if distributed) of additional soliciting material relating thereto; and proposed employment, consultation, advisory, or management contracts concerning the insurer; budget projections of the domestic insurer and the applicant for a period equal to the greater of two years or the succeeding length of time of debt service required by applicant in its acquisition of control; and any additional document or papers required by regulation.

(i) (No change.)

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

Issued in Austin, Texas, on February 7, 1994.

TRD-9435774

Linda K. von Quintus-Dorn  
Chief Clerk  
Texas Department of  
Insurance

Earliest possible date of adoption: March 14, 1994

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

## TITLE 30. ENVIRONMENTAL QUALITY

### Part I. Texas Natural Resource Conservation Commission

#### Chapter 114. Control of Air Pollution From Motor Vehicles

The Texas Natural Resource Conservation Commission (TNRCC) proposes the repeal of §114.11 and new §114.11, concerning the vehicle conversions to alternatively fueled vehicle requirements for motor vehicle fleets. A control strategy which fully describes the technical, administrative, and enforcement provisions of the fleet program is being concurrently proposed. The new section and control strategy, to be known as the Texas Alternative Fuel Fleet (TAFF) program, are proposed as a revision to the State Implementation Plan (SIP) for the control of ozone and carbon monoxide in the Houston/Galveston, Beaumont/Port Arthur, and El Paso nonattainment areas. This revision is necessary under the 1990 Federal Clean Air Act Amendments which requires the establishment of a clean fuel fleet program in serious, severe, and extreme ozone nonattainment areas and carbon monoxide nonattainment areas.

The TAFF program is based on a modification of the provisions of the Texas Alternative Fuel Program which was established in 1989 by the passage of Senate Bills 769 and 740. The reduction documented in the TAFF program constitute the finding required by this legislation that the use of alternative fuels in Texas can be expected to result in environmental benefits under the conditions of the proposed program.

The proposed new §114.11 contains: definition of the affected fleets; definition of the approved alternative fuels for use in fleet motor vehicles; fleet compliance schedules and requirements; vehicle conversion certification requirements; installation requirements of conversion systems by manufacturers and installers; a requirement for fleet vehicles to meet Low-Emission Vehicle (LEV) exhaust emission standards; fleet compliance reporting requirements; fleet record keeping requirements; provisions for program waivers and exemptions; and provision for the generation of mobile emission reduction credits.

Stephen Minick, Budget and Planning Division, has determined that the repeal and new rule will result in no fiscal impact for state government because the provisions of this proposal conform existing state and federal requirements. The benefit to local governments is in the form of emission reductions, lower fuel costs, reduced dependency on foreign oil, increased public health benefits, and job creation.

Mr. Minick also has determined that the public benefit anticipated as a result of adopting the proposed changes will be improved air quality due to reduced aggregate emissions from automobiles, and reduced dependency on foreign oil, in the Houston/Galveston, Beaumont/Port Arthur, and El Paso areas. The fiscal impact of this proposal on small businesses should be minimal due to the availability of waivers for fleets which can demonstrate costs which exceed those for vehicles operated on convention fuels.

Public hearings on this proposal are scheduled for February 28, 1994 at 7:00 p.m. at the Houston-Galveston Area Council located at 3555 Timmons Lane, Houston; March 1, 1994, at 10:00 a.m. in the Auditorium (Room 201S) of the TNRCC Central Office, located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin; March 1, 1994, at 11:00 a.m. at the John Gray Institute located at 855 Florida Avenue, Beaumont; and March 2, 1994, at 6:00 p.m. at the City of El Paso Council Chambers located at Two Civic Center Plaza, El Paso.

The hearings are structured for the receipt of oral and written comments by interested persons on the proposed changes. Interrogation or cross-examination is not permitted; however, a TNRCC staff member will be available to discuss the proposal one hour prior to each hearing.

Written comments not presented at the hearing may be submitted to the TNRCC, at P.O. Box 13087, Austin, 78711-3087 through March 1, 1994. Material received by the Mobile Source Section by 4:00 p.m. on that date will be considered by the Commission prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the TNRCC, located at 12124 Park 35 Circle, Building E, Austin, Texas, and at all TNRCC regional offices. For further information, contact Dr. Basil Ubanwa at (512) 239-1473.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact Sherman Qualls at (512)

463-2188. Requests should be made as far in advance as possible.

#### • 30 TAC §114.11

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

The repeal is proposed under the Texas Health and Safety Code (Vernon 1990), the Texas Clean Air Act (TCAA), §382.017, which provides the TNRCC with the authority to adopt rules consistent with the policy and purposes of the TCAA. The new rule implements the Federal Clean Air Act Amendments of 1990, Title I, Subpart 2, §182(c)(4).

#### §114.11. Alternative Fuel Requirements for Transit Authorities.

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 January 21, 1994.

TRD-9435763

Mary Ruth Holder  
Director, Legal Division  
Texas Natural Resource  
Conservation  
Commission

Earliest possible date of adoption: May 4, 1994

For further information, please call: (512) 239-0615

The new rule is proposed under the Texas Health and Safety Code (Vernon 1990), the Texas Clean Air Act (TCAA), §382.017, which provides the TNRCC with the authority to adopt rules consistent with the policy and purposes of the TCAA. The new rule implements the Federal Clean Air Act Amendments of 1990, Title I, Subpart 2, §182(c)(4).

#### §114.11. Alternative Fuel Requirements for Motor Vehicle Fleets.

(a) Affected fleets. Owners and operators of the following categories of fleets, shall be required to convert alternatively fueled vehicles in accordance with the provision and schedules of this section:

(1) metropolitan rapid transit authorities created under Texas Civil Statutes, Article 1118x; regional transportation authorities created under Texas Civil Statutes, Article 1118y; and city transportation departments created under Texas Civil Statutes, Article 1118z, located in consolidated metropolitan statistical areas or metropolitan statistical areas with populations of 350,000 or more, which have not met the National Ambient Air Quality Standards for ozone, carbon monoxide, nitrogen oxides, and/or inhalable particulate matter;

(2) the following fleets operating in the metropolitan statistical areas which are classified as serious, severe, or extreme in the nonattainment of the National Ambient Air Quality Standards:

(A) all fleets of 15 or more vehicles which are registered in, or located within, the covered nonattainment area (NAA); and

(B) all fleets of 15 or more vehicles located outside the covered NAA which operate 75% or more of their time within the NAAs.

(b) Fuel requirements. All fleet vehicles affected by this section shall be capable of being operated on alternative fuels, which are defined as follows:

(1) natural gas;

(2) liquified petroleum gas;

(3) methanol or methanol/gasoline blends of 85% (M85) or greater;

(4) ethanol or ethanol/gasoline blends of 85% (E85) or greater;

(5) electricity; or

(6) other alternative fuels approved by the Texas Natural Resource Conservation Commission (TNRCC).

(c) Fleet compliance schedules.

(1) For affected fleets under subsection (a)(1) of this section, fleet conversions to alternatively fueled vehicles shall be accomplished in accordance with the following schedule:

(A) 30% or more of fleet vehicles by September 1, 1994;

(B) 50% or more of fleet vehicles by September 1, 1996; and

(C) 90% or more of fleet vehicles by September 1, 1998.

(2) For affected fleets under subsection (a)(2) of this section, fleet conversions to alternatively fueled vehicles which meet a minimum of the low emission vehicle (LEV) standards shall be accomplished in accordance with the following schedule:

(A) 30% by September 1, 1998;

(B) 50% by September 1, 2000; and

(C) 90% by September 1, 2002.

(d) Accepted vehicle technologies.

(1) The percentage requirements set forth in subsection (c) of this section shall be met by alternatively fueled vehicles which are of original equipment manufacture (OEM) or a conversion system that is California Air Resources Board (CARB) certified, or for which the U.S. Environmental Protection Agency (EPA) has issued a letter recognizing compliance with established federal policy memoranda, or that is

EPA certified under the Small Volume Manufacturers Certification Program (40 Code of Federal Regulation (CFR) §86.092-14)).

(2) All conversions under this section must comply with the provisions of §114.1(b)(3) of this title (relating to Maintenance and Operation of Air Pollution Control Systems or Devices Used to Control Emissions from Motor Vehicles) and all applicable federal and state safety standards.

(e) Installer requirements. In addition to the requirements set forth in §114.1 of this title, any installer of alternative fuel conversion systems shall satisfy the following requirements.

(1) Installers shall utilize conversion systems certified for the specific engine family.

(2) Installers must either obtain a certificate of conformity from EPA, in accordance with the Small Volume Manufacturers Certification Program (40 CFR 86.092-14), or CARB certification for all conversion systems.

(3) Upon receipt of a certification of conformity under the Small Volume Manufacturers Certification Program administered by EPA, the installer and the conversion system manufacturer shall be considered as one entity for the purposes of warranty responsibilities under §206 and §207 and related enforcement provisions of the Federal Clean Air Act.

(f) Exhaust emission standards. The following LEV emission standards shall apply to the fleet vehicles listed in subsection (a)(2) of this section.

VEHICLE WEIGHT CLASS	EXHAUST EMISSION STANDARDS in grams/mile									
	NMOG		CO		NO <sub>x</sub>		PM		HCHO	
	LEV	ULEV	LEV	ULEV	LEV	ULEV	LEV	ULEV	LEV	ULEV
Light-duty vehicles and trucks ≤ 3,750 lbs. LVW (≤ 6,000 lbs. GVWR)	0.075	0.040	3.4	1.7	0.2	0.20	0.08	0.08	0.015	0.008
Light-duty trucks > 3,750 lbs. and ≤ 5,750 lbs. LVW (≤ 6,000 lbs. GVWR)	0.100	0.050	4.4	2.2	0.4	0.40	0.08	0.018	0.009	
Light-duty trucks ≤ 3,750 lbs. LVW (> 6,000 lbs. GVWR)	0.125	0.075	3.4	1.7	0.4	0.20	n/a	0.015	0.008	
Light-duty trucks > 3,750 lbs. and ≤ 5,750 lbs. LVW (> 6,000 lbs. GVWR)	0.160	0.100	4.4	2.2	0.7	0.40	n/a	0.018	0.009	
Light-duty trucks > 5,750 lbs. and ≤ 8,500 lbs. LVW (> 6,000 lbs. GVWR)	0.195	0.117	5.0	2.5	1.1	0.60	n/a	0.022	0.011	
Light duty vehicles and trucks ≤ 3,750 lbs. LVW (≤ 6,000 lbs. GVWR)	0.090	0.055	4.2	2.1	0.3	0.30	0.08	0.018	0.011	
Light-Duty trucks > 3,750 lbs. and ≤ 5,750 lbs. LVW (≤ 6,000 lbs. GVWR)	0.130	0.070	5.5	2.8	0.5	0.50	0.08	0.023	0.013	
Light-duty trucks ≤ 3,750 lbs. LVW (> 6,000 lbs. GVWR)	0.180	0.107	5.0	2.5	0.6	0.30	0.08	0.022	0.012	
Light-duty trucks > 3,750 lbs. and ≤ 5,750 lbs. LVW (> 6,000 lbs. GVWR)	0.230	0.143	6.4	3.2	1.0	0.50	0.10	0.027	0.013	
Light-duty trucks > 5,750 lbs. and ≤ 8,500 lbs. LVW (> 6,000 lbs. GVWR)	0.280	0.167	7.3	3.7	1.5	0.80	0.12	0.032	0.016	

• Inherently low emission vehicle (ILEV) standards equal low emission vehicle (LEV) standards for NMOG and CO; and ULEV standards for NO<sub>x</sub>. In addition, ILEV standards require evaporative emissions of no more than 5 grams/test with the vapor recovery system disconnected.

- CO - carbon monoxide
- GVWR - gross vehicle weight rating
- HCHO - formaldehyde
- LVW - loaded vehicle weight
- NMOG - non-methane organic gas
- NO<sub>x</sub> - oxides of nitrogen
- PM - particulate matter
- ULEV - ultra low emission vehicle



VEHICLE WEIGHT CLASS	NMOG Exhaust Emission Standards for Flexible and Dual-Fueled (grams/mile)	
	When Operating on Clean Alternative Fuel	When Operating on Conventional Fuel
Light-duty vehicles and trucks $\leq 3,750$ lbs. LVW ( $\leq 6,000$ lbs. GVWR)	0.075	0.125
Light-duty trucks $> 3,750$ lbs. and $\leq 5,750$ lbs. LVW ( $\leq 6,000$ lbs. GVWR)	0.100	0.160
Light-duty trucks $\leq 3,750$ lbs. LVW ( $> 6,000$ lbs. GVWR)	0.125	0.25
Light-duty trucks $> 3,750$ lbs. and $\leq 5,750$ lbs. LVW ( $> 6,000$ lbs. GVWR)	0.160	0.32
Light-duty trucks $> 5,750$ lbs. and $\leq 8500$ lbs. LVW ( $> 6,000$ lbs. GVWR)	0.195	0.39
Light-duty vehicles and trucks $\leq 3,750$ lbs. LVW ( $\leq 6,000$ lbs. GVWR)	0.090	0.156
Light-duty trucks $> 3,750$ lbs. and $\leq 5,750$ lbs. LVW ( $\leq 6,000$ lbs. GVWR)	0.130	0.200
Light-duty trucks $\leq 3,750$ lbs. LVW ( $> 6,000$ lbs. GVWR)	0.180	0.36
Light-duty trucks $> 3,750$ lbs. and $\leq 5,750$ lbs. LVW ( $> 6,000$ lbs. GVWR)	0.230	0.46
Light-duty trucks $> 5,750$ lbs. and $\leq 8500$ lbs. LVW ( $> 6,000$ lbs. GVWR)	10.280	0.56

(g) Reporting requirements. Beginning September 1, 1994, for fleets referenced in subsection (c)(1) of this section and September 1, 1998, for fleets referenced in subsection (c)(2) of this section, affected fleet owners, operators, or managers shall annually provide and update the following information in a format approved by the TNRCC:

(1) company name, mailing address, telephone and FAX numbers, and the affected fleets physical location (street address) if different than the mailing address;

(2) name, title, mailing address, and telephone number of the person responsible for local management of fleet;

(3) listing of the number of affected fleet vehicles by vehicle class;

(4) year, make, model, and certified emission standard of each affected vehicle;

(5) type of fuel each vehicle uses, including:

(A) whether the vehicle is dedicated, flexible-fueled, dual-fueled, or bi-fueled; and

(B) if the vehicle is not a dedicated alternatively fueled vehicle, documentation demonstrating the vehicle has operated at least 90% of the time on an alternative fuel when in the NAA; and

(6) the status of any vehicle in the fleet exempted in accordance with subsection (i) of this section.

(h) Recordkeeping.

(1) Owners and operators of fleets affected by this section shall maintain complete and accurate records and shall make such records available to the TNRCC or the regional agency having jurisdiction in the area upon request. The information in the records shall include, but shall not be limited to, the following:

(A) a copy of the information listed in subsection (g) of this section;

(B) written documentation verifying that each converted vehicle satisfies conversion requirements;

(C) name, address, and telephone number of the conversion kit installer; and

(D) vehicle miles travelled, fuel consumed, maintenance and repair, and such other records as may be necessary for determining air quality benefits from alternative fuels.

(2) Replacement of lost, stolen, or otherwise missing emission certifications or installers identification certificates shall be the responsibility of the fleet manager.

(i) Waiver and Exemption requirements.

(1) Any alternatively fueled vehicle which fails the appropriate Inspection/Maintenance test and is not repaired or waived will be prohibited from vehicle registration.

(2) The requirements of this section may be waived for any fleet, for period of time up to two years, upon receipt of certification supported by evidence acceptable to the TNRCC that:

(A) the fleet will be operating primarily in an area which neither the fleet owner nor a fuel supplier has or can reasonably be expected to establish a refueling station for approved alternative fuels;

(B) the fleet is unable to acquire or be provided with equipment or refueling facilities necessary to operate vehicles using approved alternative fuels at a projected cost that is reasonably expected to result in no greater net costs than the continued use of traditional gasoline or diesel fuels measured over the expected useful life of the equipment or facilities supplied; or

(C) no applicable technology exists necessary for conversion of a vehicle to operate on approved alternative fuel or the establishment of an alternative fuel refueling station.

(3) The TNRCC may waive specific fleet vehicles from the requirements of this section, for the following specified periods of time, upon receipt of evidence demonstrating:

(A) lack of availability of conversion equipment (90 days);

(B) lack of technology in alternative fuel conversion equipment (two years); or

(C) lack of financing for vehicle conversions to approved alternative fuels (two years).

(4) The following vehicles and fleets are exempted from the requirements of this section:

(A) vehicles which operate outside of a NAA and do not meet the criteria set forth in subsection (a)(2) of this section;

(B) off-road vehicles;

(C) emergency vehicles as defined in the Texas Motor Vehicle Code; and

(D) national security vehicles;

(E) rental vehicles;

(F) vehicles offered for sale at licensed dealership; and

(G) law enforcement vehicles.

(5) All requests for waivers or exemptions from the requirements of this section will be administered by the TNRCC.

(j) Mobile Emission Reduction Credits.

(1) Fleets listed in subsection (a)(2) of this section may earn Mobile Emission Reduction Credits (MERCs) in the following ways:

(A) the acquisition, through purchase or conversion, of an alternative fuel vehicle earlier than required by subsection (c) of this section;

(B) the acquisition, through purchase or conversion, of more alternatively fueled vehicles than the number required by subsection (c) of this section for the year in which the vehicle was purchased;

(C) the acquisition, through purchase or conversion, of vehicles which are listed in subsection (i)(4) of this section, but which operate on alternative fuels and meet LEV standards established under subsection (f) of this section; or

(D) the purchase of, or conversion to alternative fuel, vehicles which meet TNRCC approved standards more stringent than the LEV standard.

(2) A MERC must list, by vehicle identification number, the vehicle for which a credit has been taken.

(3) MERCs may only be used within the same NAA. Covered fleets which earn credits may use them:

(A) to comply with fleet requirements listed in subsection (c)(3) of this section;

(B) to be sold, traded, or transferred for use by another fleet within the same NAA;

(C) to be without artificial emissions bank depreciation; or

(D) to be used to comply with other programs that the TNRCC deems appropriate.

(4) MERCs generated by vehicles acquired before September 1, 1998, expire in accordance with the schedule in subsection (e)(2) of this section.

(5) A credit for an additional alternative fuel vehicle acquired in accordance with subsection (j)(1)(B) of this section may not be used for any purpose, during a particular year, if the vehicle which it represents is counted by the fleet owner/operator toward compliance with the requirements of this section.

(6) All other uses of MERCs are governed by the rules applicable to emission credits in 30 TAC Chapter 114.

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 January 21, 1994.

TRD-8435764

Mary Ruth Holder  
Director, Legal Division  
Texas Natural Resource  
Conservation  
Commission

Proposed date of adoption: May 4, 1994

For further information, please call: (512) 239-0615

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part II. Texas Parks and Wildlife Department

#### Chapter 57. Fisheries

#### Marking of Vehicles

##### • 31 TAC §57.500

The Texas Parks and Wildlife Commission proposes an amendment to §57.500, concerning the marking of vehicles that transport fish for commercial purposes. This amendment will correct a typographical error and amend the required marking of vehicles to allow two different types of marking.

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

Mr. Riechers 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 the correction of a typographical error in the proclamation and the simplification of the marking of commercial fish trucks by requiring only the rear of the truck to be marked instead of both sides and the rear. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

The Department has not filed a local employment impact statement with the Texas Em-

ployment Commission in compliance with the Administrative Procedure and Texas Register Act, §4A, as this agency has determined that the rule as proposed will not impact local economics.

Comments on the proposal may be submitted to Charles Hensley, Director of Law Enforcement, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4845 or 1 (800) 792-1112, extension 4845.

The amendment is proposed under Texas Parks and Wildlife Code, §66.014, which provides the Texas Parks and Wildlife Commission with the authority to regulate the identification of vehicles transporting aquatic products.

*§57.500. Marking of Vehicles.*

(a) All motor vehicles, trailers, or semitrailers transporting fish for commer-

cial purposes shall exhibit the inscription "fish" on the [right, left, and] rear [sides] of the vehicle. The inscription shall read from left to right and shall be plainly visible at all times while transporting fish. The inscription "fish" shall be attached to or painted on the vehicle, trailer, or semitrailer in block [black] arabic letters of good proportion in contrasting color to the background and be at least six [eight] inches in height; or[.]

(b) motor vehicles, trailers, or semitrailers transporting fish for commercial purposes shall exhibit a single decal on the lower left rear portion of the vehicle. The decal shall be in the form designated in Figure 1 of this proclamation and be at least six inches square with an image of the State of Texas, white in color against a dark background in contrasting color to the vehicle or trailer. The decal shall be plainly visible at all times while transporting fish.

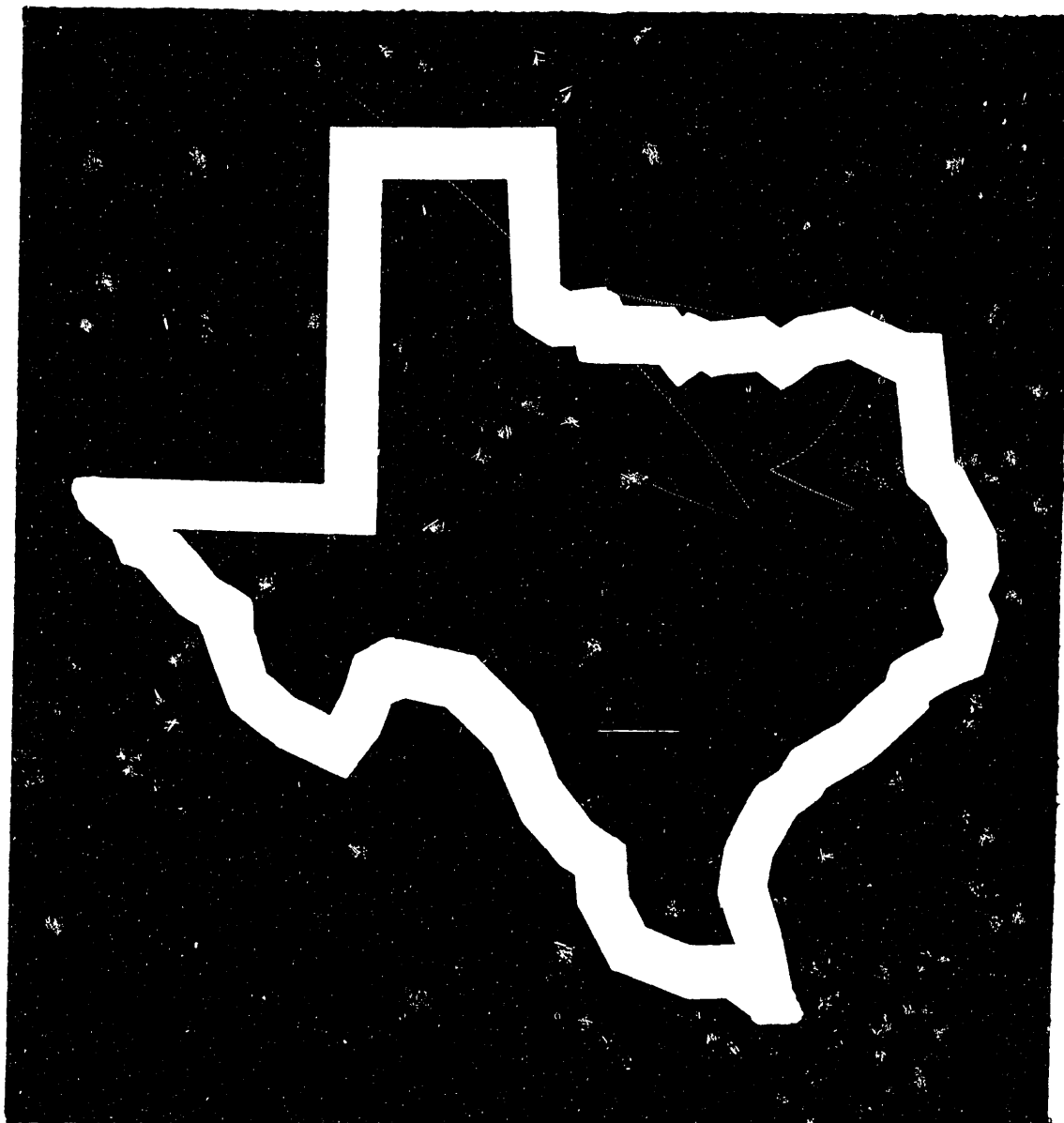


FIGURE 1

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 February 4, 1994.

TRD-9435696

Paul M. Shinkawa  
Director, Legal Services  
Texas Parks and Wildlife  
Department

Earliest possible date of adoption: March 14, 1994

For further information, please call 1 (800) 792-1112, Ext. 4433 or (512) 389-4433

## Part X. Texas Water Development Board

### Chapter 353. Introductory Provisions

#### General Provisions

The Texas Water Development Board (board) proposes the repeal of 31 TAC §353.11, concerning Copies and Certificates, and adoption of new 31 TAC §353.11 concerning the board's charges for providing copies of public information as required by Chapter 428, Acts, 73rd Legislature, Regular Session (1993). The rules will specify the charges for copies, faxes, computer time, and other information. The rates for the various charges are based on the actual cost to the board

Pamela Ansboury, Director of Finance, has determined that for each year of the first five years the section is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Ansboury also has determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of enforcing the section will be to promote uniformity throughout state government for providing public information. There will be no effect on small businesses. There is no anticipated economic cost to persons. The board staff has determined that the rule will have no impact on local economics.

Comments on the proposal may be submitted to Lisa Adelman, Texas Water Development Board, Legal Division, P.O. Box 13231, Austin, Texas 78711-3231, (512) 475-2052.

#### • 31 TAC §353.11

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

The repeal is proposed pursuant to the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out its powers and duties, and Chapter 428, Acts, 73rd Legislature, 1993, which requires state agencies to adopt rules that specify the charges that the agency will make for copies of public records

There are no statutes, articles, or codes affected by the amendments.

#### §353.11. Copies and Certificates.

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 February 7, 1994.

TRD-9435796

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Earliest possible date of adoption: March 14, 1994

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

The new section is proposed pursuant to Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out its powers and duties, and Chapter 428, Acts, 73rd Legislature, 1993, which requires state agencies to adopt rules that specify the charges that the agency will make for copies of public records.

#### §353.11. Charges for Public Records.

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

(1) Nonstandard-size—Anything other than 8.5 inches by 11 inches or 8.5 inches by 14 inches

(2) Readily available information—Information that already exists in printed form, or information that is stored electronically and is ready to be printed or copied without requiring any programming, or information that already exists on microfiche or microfilm, but not information that requires more than 15 minutes to locate or prepare for release.

(3) Standard-size—8.5 inches by 11 inches or 8.5 inches by 14 inches

(4) TNRIS—The Texas Natural Resources Information System.

(b) Copy charge.

(1) The charge for standard-size reproductions, non-certified, readily available will be \$.10 per page for 50 pages or less and \$.85 for the first page and \$.15 for each additional page for more than 50 pages, unless the public performs the copying and then the rate will be \$.10 per page.

(2) The charge for standard-size reproductions, non-certified, not readily available will be \$.70 for the first page and \$.15 per page for subsequent pages plus labor costs of \$18.50 per hour incurred.

(3) Certification of copies will add \$1.00 to the total invoice for each certification required.

(c) Fax charge.

(1) The charge for a local fax is \$.10 per page.

(2) The charge for a long distance fax in the same area code is \$.50 per page and \$1.00 for a different area code.

(d) Nonstandard-size reproductions.

(1) The charge for TNRIS maps is \$5.00 per map.

(2) The charge for audio tapes is \$5.00 per tape.

(3) The charge for microfilm and xerographic reproduction of 11 inches by 17 inches or larger is \$2.50 per page.

(e) Computer time. The charge for computer time is \$71 per hour plus \$18.50 per hour for staff time but there is no charge for five minutes or less of computer time.

(f) TNRIS Cost Recovery Charges

(1) The charge for census tract maps is \$36.25.

(2) The charge for copying data to a 9-track tape is \$60, which includes staff time, computer time, and a blank tape

(3) The charge for census block maps is \$5.00 plus \$18.50 per hour for staff time.

(4) The charge for printouts is \$.15 per page plus \$18.50 per hour staff time plus \$71 per hour computer time

(5) The charge for diskette reproduction is \$5.00 per diskette and an additional labor charge of \$18.50 per hour if the reproduction involves extensive staff time or complex data manipulation

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 February 7, 1994

TRD-9435795

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Earliest possible date of adoption: March 14, 1994

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

# TITLE 34. PUBLIC FINANCE

## Part III. Teacher Retirement System of Texas

### Chapter 25. Membership Credit

#### Joint Service with Employees Retirement System

##### • 34 TAC §25.113

The Teacher Retirement System of Texas (TRS) proposes an amendment to §25.113, concerning the calculation of asset value to be made in transferring assets between TRS and the Employees Retirement System (ERS) when credit is transferred by a member from one system to the other. This amendment provides for the interagency procedures to be used in determining the amount of funds to be transferred between the agencies as required by Texas Government Code, §805.008. The amendment is proposed in order to comply with the requirement set forth in §805.008 that funds be transferred between the retirement systems at the time the annuity becomes payable and in order to resolve the question of how to fairly determine the value of the asset to be transferred in a manner that does not produce a consistent pattern of actuarial gains or losses and that is in accordance with sound actuarial principles. An amendment is also proposed to the section of the rule setting forth the purpose of the rule which will reflect the provision of a systematic method of funding the value of the service transferred. The amendments will facilitate the transfer of funds between the systems in a timely manner.

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

Mr. Barron 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 that the law enacted by the 73rd Texas Legislature providing for the transfer of credit between TRS and ERS will be implemented in an orderly fashion to accomplish legislative intent and to preserve the actuarial soundness of TRS. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposed amendments to be considered by the executive director and the board of trustees must be submitted in writing within 30 days of publication of the proposed section in the *Texas Register*, to Wayne Blevins, Executive Director, Teacher Retirement System of Texas, 1000 Red River, Austin, Texas 78701-2698.

The amendment is proposed under the Texas Government Code, §825.102, which authorizes the Board of Trustees of the Teacher

Retirement System to adopt rules for eligibility for membership, administration of the funds of the system, and the transaction of its business. The amendment is also proposed under the Texas Government Code, §805.009, which authorizes the Board of Trustees to adopt rules to administer the transfer law.

#### §25.113. Transfer of Credit Between TRS and ERS.

(a) Purpose. These rules are intended to implement the provisions of the Government Code, Chapter 805, concerning the transfer of credit between the Teachers Retirement System of Texas and the Employees Retirement System of Texas and to provide a systematic method of funding the actuarial value of the annuity resulting from transferred service.

(b)-(e) (No change.)

(f) Transfer of funds. The ERS and the TRS agree on the following method of transferring funds. Each system shall certify on a monthly basis the total dollar amount of annuities paid by the system which are attributable to service transferred pursuant to Government Code, Chapter 805. The amount certified shall exclude any portion of annuities paid consisting of post-retirement increases. Each system shall remit to the other system the amount certified within 30 days of receipt of such certification. It is recognized that adjustments will be made from month-to-month as a result of such things as administrative errors, the death of the annuitant or a beneficiary, return-to-work, and recovery from disability by an annuitant. The systems will jointly agree on the administrative and accounting procedures to be established in order to ensure the transfer of funds pursuant to this section. [Calculation of asset value. The value of assets transferred pursuant to these rules will be calculated on the basis of the 1983 Group Annuity Mortality Table and a discount rate necessary to determine the actuarial value of the benefit payable by the receiving system that represents the percentage of the total amount of the member's service credited in both systems that was credited in the transferring system. In the absence of an agreement by the two retirement systems, the "actuarial value" shall be based on a discount rate equal to the rate adopted by the receiving system for the actuarial value of its general benefit liabilities.]

(g)-(n) (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 February 4, 1994.

TRD-9435771

Wayne Blevins  
Executive Director  
Teacher Retirement  
System of Texas

Proposed date of adoption: March 15, 1994

For further information, please call. (512) 370-0506

### Chapter 51. General Administration

#### • 34 TAC §51.1

The Teacher Retirement System of Texas (TRS) proposes an amendment to §51.1, concerning the determination of the amount and manner of compensation to advisory committee members. This amendment addresses the amount and manner of compensation for the regional credentialing committees and the Medical Advisory Committee. This amendment is proposed in order to comply with state law that may require a rule governing payments of members of these committees in order for TRS to receive these services which the board has found to be necessary for the performance of its duties. An amendment is also being made to reflect the recodification of Texas Civil Statutes, Article 6252-11c.

P. Michael Barron, TRS chief financial officer, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section. The fiscal impact on TRS administered trust funds as a result of the proposed amendment would be as follows: \$183,000 in 1994, \$214,000 in 1995, \$225,000 in 1996, \$236,000 in 1997, and \$248,000 in 1998.

Mr. Barron also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to permit the TRS board of trustees to obtain appropriate advice in carrying out its fiduciary responsibilities. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal to be considered by the executive director and the board of trustees must be submitted in writing within 30 days of publication of the proposed section in the *Texas Register*, to Wayne Blevins, Executive Director, Teacher Retirement System of Texas, 1000 Red River, Austin, Texas 78701-2698.

The amendment is proposed under the Texas Government Code, §825.102, which authorizes TRS adopt rules governing the administration of its funds and the transaction of its business.

The amendment is also proposed under the Texas Government Code, §825.114, which specifically authorizes the rule.

§51.1. Advisory and Auxiliary Committees.

(a) The following committees are created for an indefinite period to advise or otherwise serve the retirement system and are deemed necessary to assist the Board of Trustees in performing its duties:

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

(3) a Real Estate Finance Committee composed of investment professionals as provided by the retirement system's investment policies; [and]

(4) a Retirees Advisory Committee for the Texas Public School Retired Employees Group Insurance Program, composed as provided by the Insurance Code, Article 3.50-4, §6;[.]

(5) regional credentialing committees composed of health care practitioners as provided by the retirement system's health care network policies; and

(6) a Medical Advisory Committee composed of health care practitioners and administrators as provided by the retirement system's health care network policies.

(b) (No change)

(c) Except for such retirement system personnel as may serve ex officio on such committees, the members of the Medical Board, Investment Advisory Committee, and Real Estate Finance Committee shall be paid, as independent contractors' fees and expenses in accordance with contracts negotiated by the executive director or his designee subject to the applicable resolutions, policies, and annual budget adopted by the Board of Trustees. The members of the credentialing committees and the Medical Advisory Committee may be paid fees and expenses in accordance with contracts negotiated by the executive director or his designee subject to the applicable resolutions, policies, and annual budget adopted by the Board of Trustees. To the extent advisory [such] committees are composed of independent contractors they are to be considered consultants employed by the retirement system under the authority recognized by the Government Code, §2254.024 [Texas Civil Statutes, Article 6252-11c, §2(a)].

(d) (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 February 4, 1994

TRD-9435772

Wayne Blevins  
Executive Director  
Teacher Retirement  
System of Texas

Proposed date of adoption. March 15, 1994

For further information, please call: (512) 370-0506

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

**Chapter 71. Creditable Service**

• 34 TAC §§71.5, 71.17, 71.19, 71.21

The Employees Retirement System of Texas (ERS) proposes amendments to §§71.5, 71.17, 71.19, and 71.21, concerning credit previously transferred from the Teacher Retirement System of Texas (TRS), credit for unused accumulated sick leave, and transfer of service between the ERS and the TRS. The amendments will implement legislation passed by the 73rd Legislature.

William S Nail, general counsel, 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 Nail also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that employees will have a procedure for transferring service between the ERS and the TRS, employees will receive additional credit for accumulated sick leave, and the retirement systems will be provided a method for funding transfers between the ERS and the TRS. 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 William S. Nail, General Counsel, P.O. Box 13207, Austin, Texas 78711-3207.

These amendments are proposed under the Government Code, §§805.008, 805.009, and 815.102, which provide the ERS the authority to adopt rules for the administration of the funds of the retirement system

Contact: Phillip A. Howler, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

*§71.5. Credit Previously Transferred from Teacher Retirement System (TRS) and Credit Transferred from TRS Pursuant to Texas Civil Statutes, Title 110B, §23.508*

(a) Credit for 4-1/2 months or more of service performed in a fiscal year under the Teacher Retirement Act prior to September 1, 1958 was transferred to the Employees Retirement System (ERS) as one year of service credit. No credit was established for less than 4-1/2 months service in a fiscal year ending prior to September 1, 1958.

(b) Service of 9 or more months in a fiscal year beginning after August 31,

1958, was established as 12 months credit. All other service performed under TRS after August 31, 1958, was transferred to the ERS [Employees Retirement System] on a month-for-month basis.

(c) Credit for military service transferred from the TRS [Teacher Retirement System] is established in the ERS [Employees Retirement System] only if that military service was eligible for credit under provisions of Texas Civil Statutes, Title 110B, Subtitle C.

(d) Credit for service transferred from the TRS [Teacher Retirement System of Texas] to the ERS [Employees Retirement System of Texas] pursuant to Texas Civil Statutes, Title 110B, §23.508, shall be established in the ERS [Employees Retirement System of Texas] on a month-for-month basis notwithstanding any other provision of this section.

(e) Credit for service transferred from the TRS to the ERS after August 1, 1993 shall be according to the rules adopted by the TRS for determining creditable service.

*§71.17. Credit for Unused Accumulated Sick Leave.*

(a) Unused accumulated sick leave is creditable only in the employee class of membership and only so long as the last day of employment occurs during the month in which the retirement becomes effective. Credit for unused accumulated sick leave cannot be used to establish length of service requirements for purposes of retirement or death benefit plan eligibility

(b) Before the amount of service credit can be determined, an authorized State agency official must certify on a form prescribed by the Employees Retirement System (ERS) [system] the amount of unused accumulated sick leave to the credit of the member on the last day of employment

(c) Eligible sick leave credit will become effective as service credit only after retirement. Subject to that limitation and upon receipt of a certification pursuant to subsection (b) of this section, the ERS [system] shall grant any service credit to which a retiree is thereby entitled. An increase in the computation of an annuity because of sick leave credit shall be effective from the time of certification.

[(d) The amount determined necessary to fund the benefit shall be calculated and certified by the system to the State Comptroller or to the state agency head when such state agency's operating budget is from local funds. If funding for the benefit is inadequate or cannot be made to the system, the additional benefit will not be paid.]

(d) [(e)] The reserve factor tables used to calculate the amount required to [be paid by a state agency to] fund sick leave credit are described in §73 21(e) of this title (relating to Reduction Factor for Age and Retirement Option)

(d)[(f)] The percentage value of all service creditable in the employee class of membership shall not exceed 100%.

*§71.19. Transfer of Service Between the Teacher Retirement System of Texas (TRS) and the Employees Retirement System of Texas (ERS)*

(a) Purpose These rules are intended to implement the provisions of the Government Code, Chapter 805, concerning the transfer of credit between the TRS [Teacher Retirement System of Texas] and the ERS, and to provide a systematic method of funding the actuarial value of the annuity resulting from transferred service [Employees Retirement System of Texas].

(b)-(d) (No change)

(e) Transfer of funds. The ERS and the TRS agree on the following method of transferring funds. Each system shall certify on a monthly basis the total dollar amount of annuities paid by the system which are attributable to service transferred pursuant to the Government Code Chapter 805. The amount certified shall exclude any portion of annuities paid consisting of post-retirement increases. Each system shall remit to the other system the amount certified within thirty days of receipt of such certification. It is recognized that adjustments will be made from month-to-month as a result of such things as administrative errors, the death of the annuitant or a beneficiary, return-to-work, and recovery from disability by an annuitant. The systems will jointly agree on the administrative and accounting procedures to be established in order to ensure the transfer of funds pursuant to this section. [Calculation of asset value. The value of assets transferred pursuant to these rules will be calculated on the basis of the 1983 Group Annuity Mortality Table and a discount rate equal to the yield for ten-year United States Treasury notes averaged during the August prior to the effective transfer date and rounded to the nearest 0.25% The actuarial value of an annuity paid on the basis of these calculations will be determined as of the date the first payment is due]

(f)-(i) (No change)

*§71 21 Transfer of Certain State Employees from the Teacher Retirement System of Texas TRS) to the Employees Retirement System of Texas (ERS)*

(a) Purpose. These rules are intended to make clear that persons whose retirement system membership is transferred from the TRS to the ERS pursuant to Acts of the 73rd Legislature, 1993, will be members of the ERS for all purposes, including the retirement incentive, and will be subject to all applicable laws and ERS rules unless otherwise provided herein. These rules will provide a systematic method of funding the actuarial value of the annuity resulting from transferred service.

(b)-(d) (No change)

(e) Transfer of funds. The ERS and the TRS agree on the following method of transferring funds. Each system shall certify on a monthly basis the total dollar amount of annuities paid by the system which are attributable to service transferred pursuant to the Government Code, Chapter 805. The amount certified shall exclude any portion of annuities paid consisting of post-retirement increases. Each system shall remit to the other system the amount certified within thirty days of receipt of such certification. It is recognized that adjustments will be made from month-to-month as a result of such things as administrative errors, the death of the annuitant, or a beneficiary, return-to-work, and recovery from disability by an annuitant. The systems will jointly agree on the administrative and accounting procedures to be established in order to ensure the transfer of funds pursuant to this section. [Calculation of asset value. The value of assets transferred pursuant to these rules will be calculated on the basis of the 1983 Group Annuity Mortality Table and a discount rate equal to the yield for ten-year United States Treasury notes averaged during the August prior to the effective transfer date and rounded to the nearest 0.25% The actuarial value of an annuity paid on the basis of these calculations will be determined as of the date the first payment is due.]

(f) (No change)

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

Issued in Austin, Texas, on February 4, 1994

TRD-9435735

Charles D Travis  
Executive Director  
Employees Retirement  
System of Texas

Earliest possible date of adoption March 14, 1994

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



## Chapter 73. Benefits

### • 34 TAC §73.11, §73.21

The Employees Retirement System of Texas (ERS) proposes amendments to §73.11 and §73 21, concerning the supplemental retirement program and the reduction factor for age and retirement options. The amendments will take into consideration new assumption factors adopted by the board of trustees

William S Nail, general counsel, 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. Nail also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that retirements will be calculated based on new reserve tables utilizing new assumptions adopted by the board of trustees 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 William S. Nail, General Counsel, P.O. Box 13207, Austin, Texas, 78711-3207

These amendments are proposed under Government Code, §815 105, which provides the ERS with the authority to adopt mortality, service, and other tables the board considers necessary for the retirement system.

### *§73 11 Supplemental Retirement Program.*

(a) For the purpose of this section:

(1) "supplemental program" is the program of retirement benefits for commissioned peace officers and custodial officers established by the [Texas] Government Code, [Title 8.] §824 107

(2) (No change.)

(b)-(c) (No change)

(d) The reserve factors for retirements with an effective date of January 31, 1991 through August 31, 1991, shall be those developed by the actuaries and based on the actuarial assumptions adopted by the board [of trustees] in September 1990 Reserve factors for retirements after September 1, 1991, based on the actuarial assumptions adopted by the board [of trustees] in September 1990, shall be those developed by the actuaries to recognize the pop-up feature. Reserve factors for retirements with an effective date after September 1, 1993 shall be based on the assumption factors adopted by the board in January 1994. Reserve factors for disability retirement annuities effective after September 1, 1991, shall be based on assumptions developed by the actuaries and adopted by the board [of trustees] in November 1991. The reserve factors are



adopted by reference and made a part of this rule for all purposes. Copies of these tables are available from the executive director of the Employees Retirement System of Texas at 18th and Brazos Streets, P.O. Box 13207, Austin, Texas, 78711-3207

(e)-(f) (No change.)

**§73.21. Reduction Factor for Age and Retirement Option**

(a)-(c) (No change)

(d) Reserve factors

(1) (No change)

(2) The reserve factors for retirements with an effective date of January 31, 1991[.] - August 31, 1991, shall be those developed by the actuaries and based on the actuarial assumptions adopted by the board [of trustees] in September 1990. Reserve factors for retirements after September 1, 1991, based on the actuarial assumptions adopted by the board [of trustees] in September 1990, shall be those developed by the actuaries to recognize the pop-up feature [and optional disability retirement annuities]. Reserve factors for disability retirement annuities effective after September 1, 1991 shall be based on assumptions developed by the actuaries and adopted by the board in November 1991. The reserve factors are adopted by reference and made a part of this rule for all purposes. Copies of these reserve tables are available from the executive director of the Employees Retirement System of Texas at 18th and Brazos Streets, P.O. Box 13207, Austin, Texas, 78711-3207

(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 February 4, 1994

TRD-9435736 Charles D Travis  
Executive Director  
Employees Retirement  
System of Texas

Earliest possible date of adoption March 14, 1994

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

◆ ◆ ◆  
• 34 TAC §73.23

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

The Employees Retirement System of Texas (ERS) proposes the repeal of §73.23 concerning benefits

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

Mr. Nail also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the deletion of an unnecessary rule. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal proposed.

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

The repeal is proposed under Government Code, §815.105, which provides the ERS with the authority to promulgate rules the board considers necessary for the retirement system

**§73.23 Transferred Service Salary Average**

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 February 4, 1994.

TRD-9435734 Charles D Travis  
Executive Director  
Employees Retirement  
System of Texas

Earliest possible date of adoption March 14, 1994

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

◆ ◆ ◆  
Chapter 75. Hazardous  
Profession Death Benefits

• 34 TAC §75.1

The Employees Retirement System of Texas (ERS) proposes an amendment to §75.1, concerning the filing of claims by survivors of certain law enforcement officers, fire fighters, and others. The amendment will implement legislation passed by the 73rd Legislature to provide for payment of benefits to adoptive parents of a minor, as well as to the natural parents

William S. Nail, general counsel, 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. Nail 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 that adoptive parents will receive benefit payments on behalf of a minor child. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed

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

This amendment is proposed under the Government Code, §615.002 which provides the ERS with the authority to adopt rules for the administration of the chapter.

**§75.1. Filing of Claims.**

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

(e) Payment on behalf of a minor child will be made only to a surviving natural parent with custody of the child, to a surviving adoptive parent with custody of the child, or to a court-appointed guardian of the child's estate.

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 February 4, 1994.

TRD-9435733 Charles D Travis  
Executive Director  
Employees Retirement  
System of Texas

Earliest possible date of adoption. March 14, 1994

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

◆ ◆ ◆  
**TITLE 37. PUBLIC  
SAFETY AND CORRECTIONS**

**Part VII. Texas  
Commission on Law  
Enforcement Officer  
Standards and Education**

**Chapter 211. Administration  
Division**

• 37 TAC §211.65

The Texas Commission on Law Enforcement Officer Standards and Education ("commission") proposes an amendment to §211.65, concerning academy licensing. The amendment to §211.65 establish required training and the maintaining thereof to be conducted by the commission or by and through other agencies and institutions. Because of the volume of required training, the commission has determined that the most effective method of accomplishing the training mandate is through the use of licensed academies.

Mr. Fred Toler, interim executive director to the commission, has determined that for the first five-year period the proposed amendment is in effect, there will be no major fiscal implications for state or local government as a result of enforcing or administering this section. No increase or decrease in costs nor increase or loss of revenue to state or local government is expected as a result of enforcing or administering this section.

Mr. Toler also has determined that for each year of the first five years this section is in effect, the public benefit anticipated as a result of enforcing this section will be the delivery of quality training to provide the citizens of Texas a better-trained law enforcement community. There will be no effect on small businesses nor anticipated economic costs to persons who comply with this section as proposed.

Comments on the proposal may be submitted to Truman Lewis, Assistant Director, Texas Commission on Law Enforcement Officer Standards and Education, 1033 La Posada, Suite 240, Austin, Texas 78752.

The amendment is proposed under the Texas Government Code, Chapter 415, §§415.010(1), 415.031, 415.032, and 415.033, which provide the commission with the authority to pass rules for the administration of Chapter 415, and under the Texas Government Code, Chapters 2001 and 2002, which taken together establish the procedures for the rulemaking requirements for the commission.

The rule implements Texas Government Code, Chapter 415.

#### §211.65. Academy Licensing, Operations, and Evaluation.

(a) The commission may issue an academy license to an academy that is operated by or for the state or any political subdivision of the state for the specific purpose of providing law enforcement and/or corrections training [training officers or jailers].

(b) Prior to being issued [To be issued] an academy license, an academy must pass an inspection of its facilities and instructional materials and must submit for commission approval:

(1) a completed, written application on a commission form that is signed by the chief administrator or head of the organization exercising administrative control over the academy,

(2) a resolution of support from the governing body of the sponsoring organization;

(3) the formal name of the academy, which must not misrepresent the status of the academy or be confusing to law enforcement or to the public;

(4) a proposed startup and operational budget and a proposed course schedule to show that training will be conducted on a continuing basis;

(5) evidence that an advisory board has already been appointed as provided by §415.031 of the Government Code [by law and rule], including a resume for each board member [list of board members and a brief recitation of their current titles and qualifications];

(6) any advisory board minutes necessary to show the decisions which have been made by that board in all areas required by the commission;

(7) the name, [and] social security number and resume of the proposed training coordinator and any academy staff instructors, and a list of instructors who are scheduled to teach the submitted proposed course schedule; [course coordinators or instructors who will be available to the academy, including any license documentation that may be requested by the commission; and]

(8) evidence that the academy will be, based on the characteristics of the sponsoring organization, at least one of the following:

(A) an agency academy, conducted by a law enforcement agency that has at least 50 full-time paid peace officers and/or county jailers under current appointment;

(B) a college academy, conducted by an institution coordinated by the Texas Higher Education Coordinating Board; or

(C) a regional academy, conducted or sponsored by a regional planning commission or council of governments [COG] board;[.]

(1) The commission will only issue one regional academy license within each regional planning commission or council of governments area at any one time.

(2) To be or remain a regional academy, that particular academy must substantially meet the training needs of all current or prospective license holders who reside in that region and do not attend an agency academy or college academy.

(9) certification that the academy meets the requirements of the Americans with Disabilities Act (ADA), to which its entity is subject, and as those requirements apply to the academy's function (including course materials, course presentation, and facilities). The certification will represent that the academy will maintain this compliance during the term of the license.

(10) the physical location and a description of the proposed training facility; and

(11) a comprehensive training needs assessment justifying the need for an additional academy in the regional planning commission or council of governments area in which the proposed

academy is located. The needs assessment must include as a minimum:

(A) a description of whom the academy will serve, including the identity of each law enforcement agency the academy expects to serve, the number of officers the academy expects to train annually from each agency, and the basis for the academy's expectations;

(B) a schedule of tuition and fees, if any, that will be charged;

(C) a description of existing law enforcement training programs in the proposed service area and evidence justifying the need for an additional academy;

(D) the number and types of courses that will be offered;

(E) what specific training need(s) are not currently being provided by licensed academies in the regional planning commission or council of governments area; and

(F) applicant must show proof of notification by certified mail to all licensed academies within the regional planning commission or council of governments area of their intent to apply for academy license and what specific training needs are not currently being met within the region.

(c) The pre-licensing inspection of the academy's facilities and instructional material shall be conducted by the commission. The commission may appoint an inspection team composed of persons with experience in the field of law enforcement education and training. [The commission will only issue one regional academy license within each COG area at any one time.

[(d) To be or remain a regional academy, that particular academy must substantially meet the training needs of all current or prospective license holders who reside in that region and do not attend an agency or college academy.

[(e) A licensed academy must be inspected by the commission before licensing and may, after licensing, be inspected at any time. The commission may appoint an inspection team composed of persons with experience in the field of law enforcement education or others and at least one member of the commission staff.]

(d)[(f)] To pass a pre-licensing [an] inspection, an academy must have and maintain [, or have access to, and must maintain]:

(1) a classroom that is sufficiently air-conditioned and heated, well lit, free of noise and other unreasonable distractions, and of sufficient size for the number of students to be served [reasonably comfortable classroom and/or testing facility that is:

[(A) sufficiently air conditioned and heated;

[(B) well lit; and

[(C) free of noise or other unreasonable distractions;

(2) a reasonably safe firearms range capable of meeting the firearms instruction requirements of the basic peace officer course, and]

(2)[(3)] instructors and adequate instructional resources [sufficient instructors and instructional material, devices, and equipment necessary] to conduct effective training; [.]

(3) adequate and convenient restrooms, breakroom, and parking area;

(4) adequate and convenient law enforcement reference library for student and staff use; and

(5) must have access to an all-weather accessible firing range suitable for the course of fire required in the basic peace officer course with safety rules clearly posted, and adequate restrooms and first aid equipment on the premises.

(e) The chief administrator or head of the organization exercising administrative control of the academy and the proposed training coordinator must appear before the commissioners to respond to any questions prior to any action being taken on the application.

[(g) All academy licenses must be formally approved by the commissioners upon recommendation of the staff and after the applicant has had an opportunity to be heard ]

[(f)[(h)] A training coordinator must hold a valid instructor license and must be paid and assigned on a full-time basis. To be considered paid and assigned on a full-time basis, the training coordinator must be a full-time paid employee of the agency/institution. If the coordinator has additional job responsibilities other than the academy, one or more professional personnel must be assigned full-time as academy training/educational staff. [However, the commission may, in the discretion of the executive director, waive any part of this requirement in an unusual case if the training coordinator is able to dis-

charge all responsibilities set by commission rules.]

(g)[(i) ] The training coordinator of an academy must:

(1) prepare, maintain, and submit the following reports within the time frame specified: [make timely submission of any required report or other record;]

(A) Reports of training-to be submitted within 30 days of completion of each course;

(B) Quarterly training summaries-to be submitted within 10 days of the close of the reporting period;

(C) Advisory board minutes-to be submitted within 10 days of board approval;

(D) Quarterly training calendars-to be submitted no later than 10 days prior to the beginning of each calendar quarter; and

(E) any other reports or records as requested by the commission;

(2) receive all commission notices [notice] on behalf of the academy and forward each notice to the appointing authority; [person who appointed him or maintains his appointment; and]

(3) be responsible for the administration and conduct of each course, including those conducted at ancillary sites and specifically:

(A) appointing and supervising qualified [course coordinators and] instructors;

(B) maintaining course schedules and course files;

(C) securing and maintaining all facilities [any facility] necessary to meet the inspection standards of this section,

(D) enforcing all [any] admission, attendance, retention, and [or] other standards [standard] set by the advisory board;

(E) distributing learning objectives to all students and insuring that all learning objectives are taught, that all training is effective, and that no required instruction periods are consumed by matters that are frivolous or unrelated to the scheduled training.

(F) controlling the discipline and demeanor of each student and [or] instructor during class; and

(G) proctoring or supervising all examinations to insure fair, honest results;

[(H) making a final report of training to the commission within 30 days after completion of each course; and

[(I) making any report or providing information as required by the advisory board.]

(4) attend or have his or her designee attend each academy coordinator's workshop conducted by the commission.

(h) [(j)] The chief administrator of the academy of the sponsoring agency [A licensed academy] must report in writing to the commission within 10 days:

(1) any change in training coordinator [or course coordinators or instructors];

(2) any substantial failure to meet the inspection standards; [or]

(3) any rule violation by it or by its training [or course] coordinator, instructors [instructor], or advisory board;[.]

(4) when non-compliance with ADA requirements is discovered; or

(5) any change in academy name, physical location, mailing address or telephone number.

(i)[(k)] The commissioners [commission] may cancel an academy license if it was issued in error or based on false or incorrect information.

(j)[(l)] The commissioners [commission] may suspend an academy license, or the executive director or his designee may issue a written reprimand to the sponsoring agency, if:

(1) the academy or the sponsoring agency [it] fails to comply with a commission rule or law; or

(2) the academy receives a rating of "below expectations" or "unacceptable" on any component in the academy evaluation process. If the academy receives a rating of "below expectations" or "unacceptable", the chief administrator of the academy or the sponsoring agency must report to the commission in writing within 30 days what steps have been taken to correct deficiencies and on what date they expect to be in compliance. [it demonstrates inadequate supervision or instruction;]

[(3) it is ineffective due to inadequate facilities or it fails an inspection;

[(4) it fails to maintain the appointment of a qualified training coordinator for more than 30 days;

[(5) its name status changes;

[(6) its training coordinator makes a false report to the commission or fails to comply with any commission rule; or

[(7) it has an inactive advisory board that has failed to:

[(A) meet with a quorum at least once during a calendar year;

[(B) maintain a quorum of appointed members; or

[(C) review or update training needs or curricula.]

(k)[(m)] The commissioners [commission] may revoke an academy license if:

(1) it has received two or more suspensions and/or reprimands within a 12-month period; [no longer offers courses on a continuing basis, fails to offer training for more than six months, or offers training insufficient for its region or any sponsoring organization;]

(2) its training coordinator [one of its administrators] intentionally or knowingly submits a falsified document or a false written statement or representation to the commission [violates a commission rule]; or

(3) it has received a rating of "below expectations" or "unacceptable" on the same component in the academy evaluation process on two successive evaluations. [more than two suspensions or reprimands within a four-year period.]

(l)[(n)] An academy may voluntarily surrender its license at any time for any reason. To voluntarily surrender its license, an academy's chief administrator must send written notice, accompanied by the license, to the executive director. The license is surrendered effective immediately upon receipt by the executive director. [A licensed academy must distribute to every student in an approved course a copy of the learning objectives for that course before it is taught. These learning objectives may also be divided by and then distributed before each major unit is taught. However, they must be either provided or approved by the commission or, if not, must be kept on file for at least five years.]

(m)[(o)] The commission will [approve each course taught by an academy and will] award [any basic or in-service]

training credit for any course conducted by a licensed academy as provided by commission rules [for any such course] unless:

(1) the course is not taught as required by commission rules and [provided by] the advisory board; or

(2) the training is not related to a commission license; or

(3) the advisory board, the academy, the training coordinator, the course coordinator, or the instructor substantially failed to discharge any responsibility required by commission rule.

(n) If the position of training coordinator becomes vacant, the commission may at the discretion of the executive director and upon petition of the chief administrator of the academy or sponsoring agency waive the requirement for a full-time paid and assigned coordinator for a period not to exceed six months.

(o) After licensing, the academy may be inspected by the commission at any time and will be evaluated periodically, as determined by the commission. The inspection may be accomplished by commission staff or by training professionals selected and trained by commission staff.

(1) The evaluation program consists of four components:

(A) Analysis—a rating will be assigned based on the overall class average on all licensing exams taken by students of the academy. If an academy does not offer these types of courses this component will not be applicable;

(B) Compliance—commission records will be reviewed to determine if an academy is in compliance with the commission rules and regulations;

(C) Assessment—an on-site inspection of all facilities, equipment, and instructional materials as well as an inspection of the academy's management documentation will be conducted; and

(D) Appraisal—a classroom observation and instructor evaluation will be conducted.

(2) An overall evaluation of the academy will then be made based upon the ratings of the four components. The academy training coordinator and chief administrator will be notified of the results and any recommendations or action to be taken.

(p) The effective date of this section is February 1, 1989. The effective date of subsections (a) -(o) of this section as amended is September 1, 1994.

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 February 4, 1994

TRD-9435686

Fred Toler  
Interim Executive Director  
Texas Commission on Law  
Enforcement Officer  
Standards and  
Education

Earliest possible date of adoption. March 14, 1994

For further information, please call (512) 450-0188

## TITLE 43. TRANSPORTATION

### Part I. Texas Department of Transportation

#### Chapter 13. Materials and Tests Division

##### • 43 TAC §13.2

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

The Texas Department of Transportation proposes the repeal of §13.2, concerning Concrete Admixtures. Section 13.2 requires the department to test concrete admixtures prior to use on department projects. Pre-testing of concrete admixtures is no longer necessary due to the adoption of a department standard specification which requires all admixtures to be in compliance with all requirements specified in the American Society for Testing and Materials standards. The repeal of this section eliminates the requirement for department testing prior to use.

Katherine Hargett, P.E., director, Materials and Tests Division, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal.

Ms. Hargett has certified that there will be no significant impact on local economies or overall employment as a result of enforcing or administering the proposed repeal.

Ms. Hargett also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be a more efficient procedure which will allow more expeditious approval of many new concrete admixtures. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Pursuant to the Administrative Procedure Act, the Government Code, Chapter 2001, the Texas Department of Transportation will conduct a public hearing to receive comments concerning the proposed repeal. The public hearing will be held at 9:00 a.m. on February 28, 1994, in the first-floor hearing room of the Dewitt C. Greer State Highway Building, 125 East 11th Street, Austin, Texas, and will be conducted in accordance with the procedures specified in 43 TAC §1.5. Those desiring to make comments or presentations may register starting at 8:30 a.m. Any interested person may appear and offer comments, either orally or in writing, however, questioning of those making presentations will be reserved exclusively to the presiding officer as may be necessary to ensure a complete record. While any person with pertinent comments will be granted an opportunity to present them during the course of the hearing, the presiding officer reserves the right to restrict testimony in terms of time and repetitive content. Organizations, associations, or groups are encouraged to present their commonly held views,

and same or similar comments, through a representative member where possible. Presentations must remain pertinent to the issue being discussed. A person may not assign a portion of his or her time to another speaker. A person who disrupts a public hearing must leave the hearing room if ordered to do so by the presiding officer. Persons with disabilities who have special communication or accommodation needs and who plan to attend the hearing may contact Eloise Lundgren, Director of the Public Information Office, at 125 East 11th Street, Austin, Texas 78701-2383, (512) 463-8588.

Written comments on the proposed amendments may be submitted to Katherine Hargett, P.E., Director of Materials and Tests Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701-2483. The deadline for receipt of written comments will be at 5:00 p.m. on March 14, 1994.

The repeal is proposed under Texas Civil Statutes, Article 6666, which provide the Texas Transportation Commission with the

authority to promulgate rules for the conduct of the work of the Texas Department of Transportation.

*§13.2 Concrete Admixtures.*

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 February 4, 1994.

TRD-9435701 Diane L. Northam  
Legal Administrative  
Assistant  
Texas Department of  
Transportation

Earliest possible date of adoption, March 14, 1994

For further information, please call (512) 463-8630



**Texas Department of Insurance Exempt Filing**

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

*(Editor's Note: As required by the Insurance Code, Article 5.96 and 5.97, the Texas Register publishes notice of proposed actions by the Texas Board of Insurance. Notice of action proposed under Article 5.96 must be published in the Texas Register not later than the 30th day before the board adopts the proposal. Notice of action proposed under Article 5.97 must be published in the Texas Register not later than the 10th day before the Board of Insurance adopts the proposal. The Administrative Procedure Act, the Government Code, Chapters 2001 and 2002, does not apply to board action under Articles 5.96 and 5.97.)*

The complete text of the proposal summarized here may be examined in the offices of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104.

The Commissioner of Insurance, at a meeting scheduled for 9:00 a.m., March 21, 1994, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas, will consider a proposal filed on behalf of the Texas Automobile Insurance Service Office (TAISO). TAISO's petition proposes amendments to the Texas Automobile Rules and Rating Manual (the Manual). These amendments were proposed in a petition (Reference Number A-0294-03), filed by TAISO on December 31, 1993.

One proposed amendment would add a new paragraph 12 to Subsection D of Manual Rule 57 to provide that liability coverage extends to a trailer used with, or pulled by, a covered private passenger auto or utility vehicle if the trailer is not customarily used for business purposes with another type auto. This coverage is available without charge, and without describing the trailer in the policy. This amendment is needed in order to clarify when coverage extends to trailers. The Business Auto Coverage Form was previously

amended to provide for this coverage.

Another proposed amendment would delete a paragraph from Subsection G of Manual Rule 55. That paragraph currently provides that either a Certificate of Insurance Form E-1 (Involuntary) or a Form E-2 (Voluntary) is required to be filed with the Railroad Commission. This paragraph leads to unnecessary confusion in that it implies that voluntary insurers must always file a Form E-2, but this filing is not always required by law. Instead, the Railroad Commission requires a Form E-2 to be filed by a voluntary insurer only when multiple policies are written, or when the limit of insurance is less than \$500,000.

The remaining proposal would amend endorsement TE 04 09C of the Manual and would redesignate it as TE 04 09D. This amendment is necessary in order to clarify that property damage means loss of "use of" a covered auto rather than "loss of" a covered auto. The words "use of" were inadvertently omitted from this endorsement when it originally was proposed in 1987.

A copy of the petition containing the full text of these proposed amendments to the Manual is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the petition, please contact Angie Arizpe at (512) 322-4147, refer to (Ref No. A-0294-03).

The staff and the Commissioner request that written comments to these proposed amendments be submitted prior to the public meeting on March 21, 1994. The written comments should be directed to Linda K. von Quintus-Dorn, Chief Clerk, Texas Department of Insurance, P.O. Box 149104, MC 113-2A, Austin, Texas 78714-9104. An additional copy of the comment is to be submitted to David Durden, Deputy Commissioner,

Property and Casualty Insurance Lines, Texas Department of Insurance, P.O. Box 149104, MC 103-1L, Austin, Texas 7714-9104. The Commissioner may exercise his discretion and render a decision in the meeting based solely on written comments.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure Act.

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

Issued in Austin, Texas, on February 7, 1994.

TRD-9435777 Linda K. von Quintus-Dorn  
Chief Clerk  
Texas Department of  
Insurance

For further information, please call (512) 463-6328



The Commissioner of Insurance or his designee at a public hearing under Docket Number 2087 scheduled for March 21, 1994, at 9:00 a.m. in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas, will consider amendments proposed by the staff of the Workers' Compensation Division to the Texas Basic Manual of Rules, Classifications and Experience Rating Plan for Workers' Compensation and Employers' Liability Insurance (Manual) pertaining to the calculating of experience modifiers and the making of ownership rulings by the insurance companies.

The following is a summary of the proposed amendments to the rules in the Manual:

(1) The proposed rules require that the company insuring all or part of a risk must

calculate the experience modifier using the formula, rules and forms set forth in the Manual. A copy of the calculation of the modifier and all unit statistical data must be furnished to the insured, without a charge.

(2) An insurance company requesting a copy of either unit statistical data or a copy of an insured's experience modifier calculation from another insurance company must have a letter of authority from the insured. An insurance company receiving a request for this information must respond to the request in a timely manner, but in all instances within 30 days of receipt of the request. Again, no charge can be made for this information.

(3) The rules also provide for an appeal process to the Texas Department of Insurance if issues pertaining to experience rating or ownership rulings cannot be resolved between the affected parties.

(4) The Supplement to the Experience Rating Plan still allows a separate Texas modifier to be calculated for a risk subject to interstate rating. The request for the separate Texas modifier must be made to the insuring company and if calculated, is applicable for the full rating period for which the modifier was calculated.

(5) The insuring company is responsible for making ownership rulings once the required information is received.

(6) In addition to recommended changes in the rules, one endorsement and four forms have been amended to reflect the changes in the rules.

(7) The staff is recommending an effective date of May 1, 1994 for the proposed amendments.

A copy of the amendments containing the full text of the proposed amendments is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the amendments, please contact Angie Arizpe (512)322-4147, (refer to Reference Number W-0294-04).

The staff and the Commissioner request that written comments to these proposed amendments be submitted prior to the public hearing on March 21, 1994. The written comments should be directed to Linda K. von Quintus-Dorn, Chief Clerk, Texas Department of In-

surance, P.O. Box 149104, MC 113-2A, Austin, Texas 78714-9104. An additional copy of the comment is to be submitted to Nancy Moore Deputy Commissioner, Workers Compensation, Texas Department of Insurance, P.O. Box 149104, MC 202-1A, Austin, Texas 78714-9104. Public testimony at the hearing on March 21, 1994, is also invited and encouraged.

This notification is made pursuant to the Texas Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure Act.

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

Issued in Austin, Texas, on February 7, 1994.

TRD-9435776

Linda K. von Quintus-Dorn  
Chief Clerk  
Texas Department of  
Insurance

For further information, please call (512) 463-6328

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# WITHDRAWN RULES

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

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## TITLE 7. BANKING AND SECURITIES

### Part II. Banking Department of Texas

#### Chapter 25. Prepaid Funeral Contracts

• 7 TAC §25.23, §25.24

The Banking Department of Texas has withdrawn the emergency effectiveness of new §25.23 and §25.24, concerning the prepaid funeral contracts. The text of the emergency new §25.23 and §25.24 appeared in the December 24, 1993, issue of the *Texas Register* (18 TexReg 9879). The effective date of this withdrawal is February 24, 1994.

Issued in Austin, Texas, on February 3, 1994.

TRD-9435627      Everett D Jobe  
                            General Counsel  
                            Banking Department of  
                            Texas

Effective date: February 24, 1994

For further information, please call: (512)  
475-1300



## TITLE 37. PUBLIC SAFETY AND CORREC- TIONS

### Part VII. Texas Commission on Law Enforcement Officer Standards and Education

#### Chapter 213. Law Enforcement Management Institute

• 37 TAC §213.1

The Texas Commission on Law Enforcement Officer Standards and Education has withdrawn from consideration for permanent adoption a proposed amendment to §213.1, which appeared in the August 6, 1993, issue of the *Texas Register* (18 TexReg 5201). The effective date of this withdrawal is February 5, 1994.

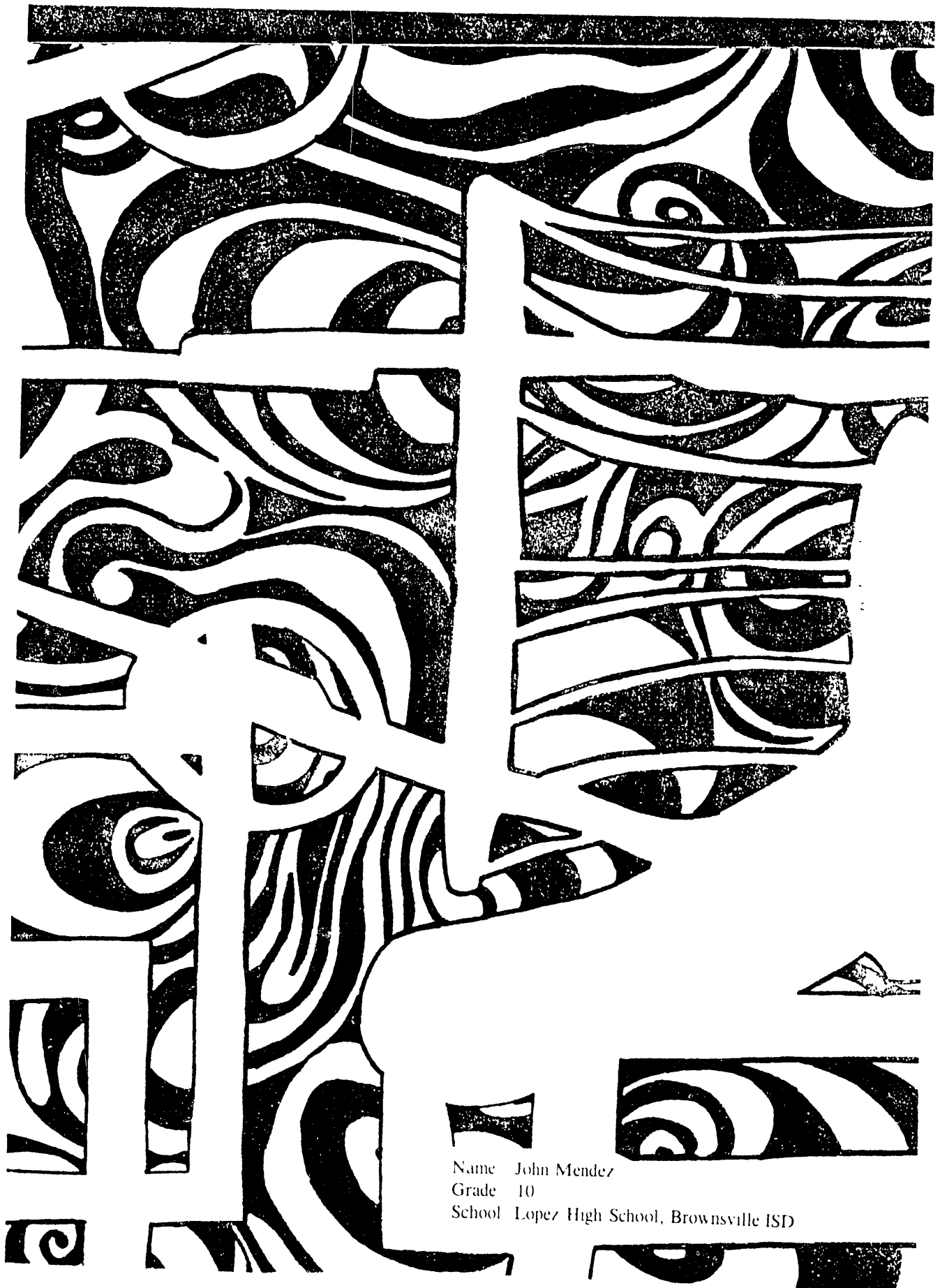
Issued in Austin, Texas, on February 2, 1994.

TRD-9435583      Fred Toler  
                            Interim Executive Director  
                            Texas Commission on Law  
                            Enforcement Officer  
                            Standards and  
                            Education

Effective date: February 5, 1994

For further information, please call. (512)  
406-3613





Name John Mendez  
Grade 10  
School Lopez High School, Brownsville ISD



# ADOPTED RULES

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

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

## TITLE 7. BANKING AND SECURITIES

### Part II. Banking Department of Texas

#### Chapter 25. Prepaid Funeral Contracts

##### • 7 TAC §25.23, §25.24

The Texas Department of Banking (the Department) adopts new §25.23 and §25.24, without changes to the proposed text as published in the December 24, 1993, issue of the *Texas Register* (18 TexReg 9885) Emergency §25.23 and §25.24, promulgated in the December 24, 1993, issue of the *Texas Register* (18 TexReg 9879), are being withdrawn in this issue of the *Texas Register*.

The new sections establish fees applicable to the regulated prepaid funeral services and merchandise industry, sometimes referred to as the prepaid funeral benefits industry, as required by and pursuant to Texas Civil Statutes, Article 548b, as amended effective September 1, 1993 (the Act).

Under new §25.23, the new permit fee is set at \$500. The annual renewal or permit fee is structured to impose fees on a sliding scale, based on the number of outstanding contracts, to diminish the impact on the smallest businesses subject to the rule. The insurance conversion fee is set at \$1,000.

New §25.24 establishes the methodology for calculation, billing, and collection of examination costs on a biennial basis. The section also establishes assessment fees to be periodically assessed against and collected from each prepaid funeral benefits seller based on the number of each seller's total outstanding contracts, for the purpose of recovering the cost of regulation without maintaining unnecessary fund balances. Examination costs actually paid would constitute a credit that can be used against assessment fees imposed in the same fiscal biennium. Examination fees are set at a level that the Department considers insufficient to fund all aspects of administering the Act, thereby giving the Department flexibility to periodically adjust and/or eliminate the assessment fee if the Department has adequate funds on hand to complete its duties in the fiscal biennium. Assessments are anticipated to be made on a quarterly basis.

One comment was received and, while the commenter would prefer that fees not be increased over fees imposed in prior years, the commenter was generally in support of the sections and the manner in which the cost of regulation is allocated among members of the industry.

The Texas Funeral Directors Association commented in favor of adoption of the rules.

The new sections are adopted under Texas Civil Statutes, Article 548b, §§1A(d), 2, 3, and 8, which empower the Department to set fees.

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 February 3, 1994

TRD-9435628      Everette D. Jobe  
General Counsel  
Texas Department of  
Banking

Effective date February 24, 1994

Proposal publication date December 24, 1993

For further information, please call (512) 475-1300

## TITLE 16. ECONOMIC REGULATION

### Part III. Texas Alcoholic Beverage Commission

#### Chapter 31. Administration Administrative Functions of the Commission

##### • 16 TAC §31.3

The Texas Alcoholic Beverage Commission adopts new §31.3, concerning the procedure for the submission, consideration, and disposition of a petition to the commission for the adoption of a rule without changes to the proposed text as published in the November 9, 1993, issue of the *Texas Register* (18 TexReg 8077).

The new section is necessary to establish procedures by which the public may petition the Texas Alcoholic Beverage Commission for the adoption of a rule.

The new section will function by providing procedures to be followed by the public when requesting the adoption of a rule.

No comments were received regarding the adoption of the rule.

The new section is adopted under §5.31, Texas Alcoholic Beverage Code, which provides the Texas Alcoholic Beverage Commission with the authority to prescribe rules necessary to carry out the provisions of the Alcoholic Beverage Code and the Administrative Procedure Act, Government Code, §2001.021(b), which requires each agency to adopt rules concerning public petition for rules.

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 February 3, 1994.

TRD-9435645      Gayle Gordon  
General Counsel  
Texas Alcoholic Beverage  
Commission

Effective date February 24, 1994

Proposal publication date November 9, 1993

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

##### • 16 TAC §31.4

The Texas Alcoholic Beverage Commission adopts new §31.4, concerning Administrative Functions of the Commission, with changes to the proposed text as published in the November 12, 1993, issue of the *Texas Register* (18 TexReg 8300).

The new section is adopted to delineate a method to provide the public with information on how they may pursue a complaint against a licensee of the Texas Alcoholic Beverage Commission. The change substitutes the phrase, "If you have a complaint about the sale or service of alcoholic beverages in this establishment" for "If you have a complaint about any TABC licensee or permittee" to make the message clearer.

The section provides both a phone number and address for persons who might wish to register a complaint against a Texas Alcoholic Beverage Commission licensee or permittee. It further specifies the size of the

sign and manner of display by the licensee or permittee

There were no comments received regarding the adopting of this rule

The new section is adopted under §531 and §553, Alcoholic Beverage Code, which provide the Texas Alcoholic Beverage Commission with the authority to prescribe and publish rules to carry out the general and specific provisions of the code

#### §31.4 Public Information Signs

(a) Any licensed business location in the state which sells or serves alcoholic beverages to the ultimate consumer shall display at his place of business in a prominent place easily seen by the public, i.e. near the door or by the cash register, a sign that provides the following information "If you have a complaint about the sale or service of alcoholic beverages in this establishment, please contact the Texas Alcoholic Beverage Commission, P O Box 13127, Austin, Texas, 78711-3127, or phone (512) 458-2500"

(b) This sign shall be no smaller than 8-1/2" by 3-1/2" and shall be in lettering or type of a size sufficient to render it both conspicuous and readily legible

(c) The sign shall be made of sturdy material, paper weight shall be no less than 65 number stock

(d) The responsibility of furnishing the required sign is the sole responsibility of the licensee or permittee

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 February 3, 1994.

TRD 9435646      Gayle Gordon  
                                General Counsel  
                                Texas Alcoholic Beverage  
                                Commission

Effective date February 24, 1994

Proposal publication date November 12, 1993

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

## Chapter 33. Licensing

### Application Procedures

#### • 16 TAC §33.1

The Texas Alcoholic Beverage Commission adopts the repeal of §33.1, concerning Application Procedures, without changes to the proposed text as published in the November 9, 1993, issue of the *Texas Register* (18 TexReg 8078)

The section is no longer necessary as it is covered by other statutes

The repeal of this section will eliminate a rule duplicative of the extant law

There were no comments received regarding the repeal of this section.

The repeal is adopted under Alcoholic Beverage Code, §5.31, which provides the Texas Alcoholic Beverage Commission with the authority to prescribe and publish rules necessary to carry out the provisions of this code.

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 February 3, 1994.

TRD-9435647      Gayle Gordon  
                                General Counsel  
                                Texas Alcoholic Beverage  
                                Commission

Effective date February 24, 1994

Proposal publication date. November 9, 1993

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

#### • 16 TAC §33.2

The Texas Alcoholic Beverage Commission adopts new §33.2, concerning Application Procedures, without changes to the proposed text as published in the November 9, 1993, issue of the *Texas Register* (18 TexReg 8078)

The new section details procedures for application and fee payment to be utilized by those wishing to obtain a license or permit from the commission

The new section requires proof of payment of applicable fees and completion of application forms required in order to obtain an original or renewal license or permit.

No comments were received regarding the adoption of this rule

The new section is adopted under §5.32, Alcoholic Beverage Code, which provides the Texas Alcoholic Beverage Commission with the authority to prescribe and publish rules necessary to carry out the provisions of the Alcoholic Beverage Code.

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 February 3, 1994.

TRD-9435648      Gayle Gordon  
                                General Counsel  
                                Texas Alcoholic Beverage  
                                Commission

Effective date February 24, 1994

Proposal publication date. November 9, 1993

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

#### • 16 TAC §33.3

The Texas Alcoholic Beverage Commission adopts new §33.3, concerning Application Procedures, without changes to the proposed text as published in the November 9, 1993,

issue of the *Texas Register* (18 TexReg 8079).

The new section covers the procedures to be followed when applying for a brewpub license.

The new section details the form in which payment must be submitted with an application for an original or renewal brewpub license, along with a mixed beverage permit, sets the annual license fee for each brewpub location, and requires proof of payment of all applicable fees by an applicant for an original or renewal brewpub license who is simultaneously applying for a wine and beer retailer's permit or retail dealer's on-premise license.

No comments were received regarding the adoption of the section.

The new section is adopted under Alcoholic Beverage Code, §5.32 and Texas Civil Statutes, §74.01(b), which provide the Texas Alcoholic Beverage Commission with the authority to prescribe and publish rules necessary to carry out the provisions of this act and requires the agency to set an annual license fee for each brewpub location.

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 February 3, 1994.

TRD-9435649      Gayle Gordon  
                                General Counsel  
                                Texas Alcoholic Beverage  
                                Commission

Effective date: February 24, 1994

Proposal publication date: November 9, 1993

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

#### • 16 TAC §33.4

The Texas Alcoholic Beverage Commission adopts new §33.4, concerning Application Procedures, without changes to the proposed text as published in the November 9, 1993, issue of the *Texas Register* (18 TexReg 8079)

This new section sets the fees and application procedures for a manufacturer's warehouse license.

The new section sets a \$300 annual fee and requires proof of payment of all state and county fees and surcharges accompany an application for a manufacturer's warehouse license.

No comments were received regarding the adoption of this rule.

The new section is adopted under Alcoholic Beverage Code, §5.32 and §62.13, which provides the Texas Alcoholic Beverage Commission with the authority to prescribe and publish rules necessary to carry out the provisions of the Alcoholic Beverage Code and requires that the commission set the annual license fee for manufacturer's warehouse licenses.

Issued in Austin, Texas, on February 3, 1994.

TRD-9435650

Gayle Gordon  
General Counsel  
Texas Alcoholic Beverage  
Commission

Effective date: February 24, 1994

Expiration date: November 9, 1993

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

◆ ◆ ◆  
• 16 TAC §33.6

The Texas Alcoholic Beverage Commission adopts new §33.6, concerning Application Procedures, without changes to the proposed text as published in the November 9, 1993, issue of the *Texas Register* (18 TexReg 8079).

The new section was created to set up procedures to be followed when a license or permit renewal is paid after the expiration date but within ten days of that date

The new section sets a late fee, the procedures to be followed by the late paying permittee or licensee, the requirements which must be met, as well as the consequences for failure to comply.

No comments were received by this agency on this new section

The new section is adopted under Alcoholic Beverage Code, §5.31 and §6.04, which provides the Texas Alcoholic Beverage Commission with the authority to prescribe and publish rules necessary to carry out the general provisions of the Alcoholic Beverage Code and specific provisions of this section.

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

Issued in Austin, Texas, on February 3, 1994

TRD-9435651

Gayle Gordon  
General Counsel  
Texas Alcoholic Beverage  
Commission

Effective date: February 24, 1994

Proposal publication date: November 9, 1993

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

◆ ◆ ◆  
Bonds

• 16 TAC §33.22

The Texas Alcoholic Beverage Commission adopts an amendment to §33.22, concerning Bonds, without changes to the proposed text as published in the November 12, 1993, issue of the *Texas Register* (18 TexReg 8300).

The amendment sets out bonding requirements to insure payment of excise tax on brewpub products

The amendment includes brewpub products in the rules which set forth the bonding requirements.

There were no comments received regarding the adoption of this rule.

The amendment is adopted under Alcoholic Beverage Code, §5.31, which provides the Texas Alcoholic Beverage Commission with the authority to prescribe and publish rules necessary to carry out the provisions of the Alcoholic Beverage Code.

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 February 3, 1994.

TRD-9435652

Gayle Gordon  
General Counsel  
Texas Alcoholic Beverage  
Commission

Effective date: February 24, 1994

Proposal publication date: November 12, 1993

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

◆ ◆ ◆  
License and Permit Actions

• 16 TAC §33.31

The Texas Alcoholic Beverage Commission adopts new §33.31, concerning License and Permit Actions, without changes to the proposed text as published in the November 12, 1993, issue of the *Texas Register* (18 TexReg 8301).

The new section is necessary to outline procedures to be followed in the voluntary suspension of a license or permit and reinstatement.

The new section will allow a permittee or licensee or his landlord to place either a license or permit in suspense, provides for renewal while in suspense, suspense of a lost license and reactivation.

There were no comments received regarding the adoption of this rule.

The new section is adopted under Texas Alcoholic Beverage Code, §5.31, which provides the Texas Alcoholic Beverage Commission with the authority to prescribe and publish rules necessary to carry out the provisions of the Alcoholic Beverage Code.

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 February 3, 1994.

TRD-9435653

Gayle Gordon  
General Counsel  
Texas Alcoholic Beverage  
Commission

Effective date: February 24, 1994

Proposal publication date: November 12, 1993

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

Chapter 41. Auditing

Records and Reports by Licensees and Permittees

• 16 TAC §41.35

The Texas Alcoholic Beverage Commission adopts an amendment to §41.35, concerning Records and Reports by Licensees and Permittees, without changes to the proposed text as published in the November 9, 1993, issue of the *Texas Register* (18 TexReg 8080).

The amendment is necessary to create an inventory of wine manufactured for private label.

The section will set out the recordkeeping requirements for wine manufactured and bottled under private label by wineries.

The amendment is adopted under Alcoholic Beverage Code, §5.31, which provides the Texas Alcoholic Beverage Commission with the authority to prescribe and publish rules necessary to carry out its regulatory function.

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 February 3, 1994.

TRD-9435654

Gayle Gordon  
General Counsel  
Texas Alcoholic Beverage  
Commission

Effective date: February 24, 1994

Proposal publication date: November 9, 1993

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

◆ ◆ ◆  
• 16 TAC §41.53

The Texas Alcoholic Beverage Commission adopts new §41.53, concerning Records and Reports by Licensees and Permittees, without changes to the proposed text as published in the November 9, 1993, issue of the *Texas Register* (18 TexReg 8080).

The new section is necessary to set requirements and procedures for the creation of reports, setting of filing dates for reports and taxes for brewpubs.

The new section will require a monthly report of product manufactured by a brewpub to be filed of the 15th of each month with taxes to be paid on the 15th of the following month on beverages sold, offered without charge, or consumed.

There were no comments received regarding the adoption of this rule.

The new section is adopted under Texas Alcoholic Beverage Code, §5.31 and §740.01, et seq, which provides the Texas Alcoholic Beverage Commission with the authority to prescribe and publish rules necessary to carry out its regulatory function in respect to the manufacture of wine for private label.

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 February 3, 1994.

TRD-9435655 Gayle Gordon  
General Counsel  
Texas Alcoholic Beverage  
Commission

Effective date: February 24, 1994

Proposal publication date: November 9, 1993

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

## Chapter 55. Bingo Regulation and Tax

### • 16 TAC §55.543

The Texas Alcoholic Beverage Commission adopts an amendment to §55.543, concerning denials, suspensions, revocations; hearings, without changes to the proposed text as published in the November 12, 1993, issue of the *Texas Register* (18 TexReg 8301). The amendment amends subsection (c)(2) to require a hearing before a license may be suspended or revoked.

The Bingo Enabling Act has been amended to provide that a license may be revoked or suspended only after a hearing. The amendment to subsection (c)(2) of this section is necessary to delete the requirement that a licensee whose license the commission has proposed to revoke must request a hearing.

The section as amended will function in the following manner. At the same time the commission serves a notice of proposed suspension or revocation, the commission will notify the licensee that the notice will be forwarded to the State Office of Administrative Hearings to be placed on the hearings docket. The commission shall then forward a copy of the notice of proposed suspension or revocation to that agency.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 179d, §16(a), which provide the Commission with the authority to adopt rules relating to the enforcement and administration of the Bingo Enabling Act.

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

Issued in Austin, Texas, on February 4, 1994.

TRD-9435758 Gayle Gordon  
General Counsel  
Texas Alcoholic Beverage  
Commission

Effective date: February 25, 1994

Proposal publication date: November 12, 1993

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

### • 16 TAC §55.545

The Texas Alcoholic Beverage Commission adopts an amendment to §55.545, concerning licenses, fees, and bonds for conduct of bingo and commercial lessor, without changes to the proposed text as published in the November 12, 1993, issue of the *Texas Register* (18 TexReg 8302). The amendment affects subsection (a)(4) by adding a new subparagraph (F) providing that the term "tax" as used in that paragraph (4) includes the fee on prizes. The amendment affects subsection (a)(5) by removing provisions requiring that the applicant's premises must not be adequate and suitable for bingo. The amendment also eliminates §55.545(b)(3)(D) and (E), relating to whether or not a commercial lessor's premises have become unavailable to the lessor for reasons beyond the lessor's control.

Section 38(a) of the Bingo Enabling Act has been amended to provide that one purpose of a required bond is to provide security for payment of the bingo prize fee. It is therefore necessary to amend subsection (a)(4) to treat the fee on prizes as a tax for bond purposes.

Section 13(f) of the Bingo Enabling Act has been amended to repeal the requirement that a licensed authorized organization could only be licensed to conduct bingo at a commercial lessor's premises if the organization's own premises were not adequate and suitable for bingo. It is therefore necessary to repeal that part of the section that set out the criteria the commission used in determining whether an organization's premises were adequate and suitable for bingo.

Section 13(p) of the Bingo Enabling Act, which provided that a grandfathered lessor (licensed on or before June 10, 1989) could renew its license for a different location only if its licensed premises became unavailable due to circumstances beyond its control, was repealed by the legislature. Therefore it is necessary to repeal subsection (b)(3)(D) and (E), which dealt with proof that a lessor's location had become unavailable due to circumstances beyond the lessor's control and restricted the lessor to moving to another location in the same county.

The section as amended will function as follows. Bonds of licensed authorized organizations will be based on the estimated tax liability, including the fee on prizes. The commission will no longer determine whether an applicant's or licensee's own premises are adequate and suitable for bingo before allowing the organization to be licensed at a commercial lessor's premises. The commission will also no longer determine whether a grandfathered lessor's premises became unavailable due to circumstances beyond the lessor's control or whether the proposed new location is in the same county, in processing an application to move the grandfathered license to a new location.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 179d, §16(a), which provide the Commission with the authority to adopt rules relating to the enforcement and administration of the Bingo Enabling Act.

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

Issued in Austin, Texas, on February 4, 1994.

TRD-9435757 Gayle Gordon  
General Counsel  
Texas Alcoholic Beverage  
Commission

Effective date: February 25, 1994

Proposal publication date: November 12, 1993

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

### • 16 TAC §55.548

The Texas Alcoholic Beverage Commission adopts an amendment to §55.548, concerning general restrictions on the conduct of bingo, without changes to the proposed text as published in the November 12, 1993, issue of the *Texas Register* (18 TexReg 8303). The amendment amends subsection (a) to repeal the provision prohibiting a person from being an operator for more than one organization, because that restriction was removed from Texas Civil Statutes, Article 179d, §19(d), by the 73rd Legislature, Regular Session, House Bill 2771.

Section 19(d) of the Bingo Enabling Act was amended to repeal the provision prohibiting a person from being an operator for more than one organization. It is therefore necessary to remove the same restriction from §55.548(a)(1).

The section as amended will function as follows. Subsection (a)(1) will no longer contain a restriction which has been removed from the Bingo Enabling Act. The commission will no longer deem a person who is an operator for other organizations of which he has been a member for the past year.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 179d, §16(a), which provide the Commission with the authority to adopt rules relating to the enforcement and administration of the Bingo Enabling Act.

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

Issued in Austin, Texas, on February 4, 1994.

TRD-9435756 Gayle Gordon  
General Counsel  
Texas Alcoholic Beverage  
Commission

Effective date: February 25, 1994

Proposal publication date: November 12, 1993

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

• 16 TAC §55.550

The Texas Alcoholic Beverage Commission adopts an amendment to §55.550, concerning bingo reports, without changes to the proposed text as published in the November 12, 1993, issue of the *Texas Register* (18 TexReg 8303). The amendment amends subsection (a) to change the due date of the quarterly information reports and to add a reference to prizes, amends subsection (b) to make that subsection applicable only to bingo gross receipts taxes for periods before the date of the repeal of that tax, September 1, 1993, amends subsection (c) to change the prize fee reports from semi-monthly to quarterly and to change the due date, amends subsection (d) to change the due date of the quarterly bingo rental tax report, and amends subsection (f) to specify the reporting periods to which the amendment applies and to delete the existing expiration date of August 31, 1993.

The amendment is necessary to incorporate the changes in Texas Civil Statutes, Article 179d, Bingo Enabling Act, made by House Bill 2771, relating to bingo taxes and reports

The section as amended will function to inform bingo licensees of requirement for filing bingo reports and paying bingo taxes.

No comments were received regarding adoption of the amendment

The amendment is adopted under Texas Civil Statutes, Article 179d, §16(a), which provide the Commission with the authority to adopt rules relating to the enforcement and administration of the Bingo Enabling Act

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

Issued in Austin, Texas, on February 4, 1994

TRD-9435755 Gayle Gordon  
General Counsel  
Texas Alcoholic Beverage  
Commission

Effective date: February 25, 1994

Proposal publication date: November 12, 1993

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

• 16 TAC §55.555

The Texas Alcoholic Beverage Commission adopts the repeal of §55.555, concerning minimum distribution, without changes to the proposed text as published in the November 12, 1993, issue of the *Texas Register* (18 TexReg 8304). The credit set out in the section toward the minimum charitable distribution has been replaced by a different formula added to Texas Civil Statutes, Article 179d, §19a(k), as amended by the 73rd Legislature, Regular Session, House Bill 2771

The repeal is necessary to remove a section that sets out a minimum charitable distribution requirement which is in conflict with a requirement which has been added to Texas

Civil Statutes, Article 179d, §19a(k) by House Bill 2771.

The repeal of this section will function to avoid confusion on the part of bingo licensees by leaving in place only the minimum charitable distribution requirement in Texas Civil Statutes, Article 179d, §19a(k).

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 179d, §16(a), which provide the Commission to adopt rules relating to the enforcement and administration of the Bingo Enabling Act.

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

Issued in Austin, Texas, on February 4, 1994

TRD-9435754 Gayle Gordon  
General Counsel  
Texas Alcoholic Beverage  
Commission

Effective date: February 25, 1994

Proposal publication date: November 12, 1993

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

• 16 TAC §55.566

The Texas Alcoholic Beverage Commission adopts new §55.566, concerning amendment of commercial license to lease bingo premises, without changes to the proposed text as published in the November 12, 1993, issue of the *Texas Register* (18 TexReg 8304). The new section specifies under what conditions a commercial license to lease bingo premises may be amended to change the method of organization from a sole proprietorship to a corporation. The new section is proposed to implement Texas Civil Statutes, Article 179d, Bingo Enabling Act, §13(j), as amended by the 73rd Legislature, Regular Session, House Bill 2771.

The new section is necessary to provide a procedure for a commercial lessor who is an individual person to transfer the lessor's license to a corporation formed by that individual person as provided by an amendment to Texas Civil Statutes, Article 179d, Bingo Enabling Act, §13(j)

The new section will function to specify the procedure by which a commercial lessor's license held by an individual person may be amended change the method of organization to a corporation

No comments were received regarding adoption of the rule.

The new section is adopted under Texas Civil Statutes, Article 179d, §16(a), which provide the Commission with the authority to adopt rules relating to the enforcement and administration of the Bingo Enabling Act.

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

Issued in Austin, Texas, on February 4, 1994.

TRD-9435753 Gayle Gordon  
General Counsel  
Texas Alcoholic Beverage  
Commission

Effective date: February 25, 1994

Proposal publication date: November 12, 1993

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

◆ ◆ ◆  
TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 29. Purchased Health Services

Subchapter G. Hospital Services

• 25 TAC §29.601

On behalf of the State Medicaid Director, the Texas Department of Health submits an adopted amendment to §29.601, concerning hospital services, without changes to the proposed text as published in the November 26, 1993, issue of the *Texas Register* (18 TexReg 8755).

This amendment ensures compliance with the Governor's Health Care Cost Containment Initiative in the fiscal year 1994-fiscal year 1995 appropriations act.

This amendment will reduce the reimbursement for outpatient hospital services by 5.4% in fiscal year 1994 and 10.6% in fiscal year 1995.

No comments were received regarding the amendment.

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

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 February 7, 1994.

TRD-9435793 Susan K. Steeg  
General Counsel  
Texas Department of  
Health

Effective date: February 28, 1994

Proposal publication date: November 26, 1993

For further information, please call. (512) 338-6509

◆ ◆ ◆  
**TITLE 30. ENVIRONMENTAL QUALITY**

**Part I. Texas Natural Resource Conservation Commission**

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

**Subchapter R. Waste Classification**

• **30 TAC §§335.501-335.503, 335.507-335.514**

The Texas Natural Resource Conservation Commission (commission) adopts amendments to §§335 501-335 503 and 335 507-335 514, concerning waste classification, without changes to the proposed text as published in the November 23, 1993, issue of the *Texas Register* (18 TexReg 8660) and will not be republished

The purpose of this adoption is to correct and clarify certain provisions which were inadvertently altered in the November 4, 1992, adoption of the commission rules

A "Correction of Error" notice was filed with the *Texas Register* to correct changes in certain provisions of the proposed rules as published in the November 23, 1993, issue of the *Texas Register*. The correction was published in the December 10, 1993, issue of the *Texas Register* (18 TexReg 9225)

Comments were received from representatives of Pennzoil Company, Browning-Ferris Industries, Texas Mining Reclamation Association, and The North America Coal Corporation during the 30-day comment period. The comments were overwhelmingly supportive of the proposal. Based on the comments received, no changes were made to the proposal. The commission is publishing notice of its adoption of the final rule changes.

The following is a discussion of the concerns received on the November 23, 1993, proposal:

Commenters relating to §335 508 included Pennzoil Company, Browning-Ferris Industries, Texas Mining Reclamation Association, and The North America Coal Corporation.

In regards to §335 508(2)(A), one commenter requested that the TNRC exempt nonindustrial nonhazardous used oil filters from the requirements of §335 508(2)(A). The commission would like to note that at this time nonindustrial non-hazardous waste are not subject to the classification and coding criteria of this Section. The proposed rules will not change the management of these type of wastes.

In regards to §335.508(2)(A)(ii), several commenters requested that the language of this subsection be changed to allow non-

hazardous five gallon containers to be classified as a Class 2 if the container is empty. The commission feels that containers with a holding capacity of five gallons and greater pose a potential threat to human health. These containers, when not properly managed by rinsing and rendering unusable, could be utilized as containers to hold drinking materials. The commission feels that changing the language would not be in the best interest for the protection of human health.

The amendments are adopted under the Texas Water Code, §5.103 and §26. 011, which authorizes the Texas Natural Resource Conservation Commission to promulgate rules necessary to carry out its power and duty to protect water quality in the state.

The sections are also adopted under Texas Health and Safety Code, §361. 017 and §361 024, which authorizes the Texas Natural Resource Conservation Commission to promulgate rules necessary to manage industrial solid and municipal hazardous wastes.

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 February 2, 1994.

TRD-9435664

Mary Ruth Holder  
Director, Legal Division  
Texas Natural Resource  
Conservation  
Commission

Effective date February 24, 1994

Proposal publication date: November 23, 1993

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

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**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

**Part I. Texas Department of Human Services**

**Chapter 19. Long Term Care Nursing Facility Requirements for Licensure and Medicaid Certification**

**Subchapter L. Specialized Rehabilitative Services**

• **40 TAC §19.1103, §19.1104**

(Editor's note: The text of Section 40 TAC §19 1103 and §19 1104 were not published in the February 4, 1994, issue of the *Texas Register* (19 TexReg 811). The rule is being republished in its entirety.)

The new section and amendment are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Civil Statutes, Article 4413

(502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds. The new section and amendment implement the Human Resources Code, §32.021(c) and §32.024.

**§19.1103. Specialized Services.**

(a) Specialized services, identified by the Preadmission Screening and Annual Resident Review (PASARR) team, include physical, occupational and speech and/or language pathology evaluations, and consultation that are preauthorized, further coordinated, and paid through the Texas Department of Human Services' (DHS's) Rehabilitative Services System. Services provided for residents determined by PASARR to need them under this system are for the purposes of maintaining and preventing, to the extent possible, further deterioration in the level of functioning. There is no expectation that the residents' level of functioning will improve measurably within 30 days. These specialized services are not eligible for reimbursement under the Texas Index for Level of Effort (TILE) 202. (See §19.604 of this title (relating to Preadmission Screening and Annual Resident Review (PASARR)). Eligibility for specialized services is determined by DHS without regard to other financial resources.

(b) DHS pays whichever of the following rates is lowest:

(1) the maximum allowable Medicaid rate per visit as determined by the Texas Board of Human Services;

(2) the therapy provider's interim rate per visit as determined by Medicare; or

(3) the provider's customary charge per visit.

**§19.1104. Rehabilitative Services System.**

(a) If a facility admits or retains residents who require physician-prescribed rehabilitative services, the facility must either furnish therapy as a certified Title XVIII provider of services or must have written agreements with Title XVIII providers of rehabilitative services. The facility must ensure that such agreements provide a basis for effective working arrangements under which rehabilitative therapy is made available to residents if needed and ordered by the attending physician.

(b) The Rehabilitative Services System includes physical therapy, occupational therapy, and speech pathology services. The attending physician must order these services in order for provider reimbursement to occur.

(c) Prior authorization by the Texas Department of Human Services (DHS) is required for residents with only Medicaid coverage for rehabilitative services.

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

(d) (No change.)

(e) A visit is defined as one physical therapy service, one occupational therapy service, or one speech therapy service performed for one resident. An evaluation is paid at the same rate as one unit of service. One evaluation is paid for an illness or injury at the unit rate without prior authorization; any additional evaluations performed on the recipient must be supported by the attending physician's documentation indicating a new illness or injury or a substantive change in a pre-existing condition.

(f) (No change.)

(g) Coverage for physical therapy, occupational, or speech pathology services includes evaluation and treatment of functions that have been impaired by illness. Rehabilitative services must be provided with the expectation that the resident's functioning will improve measurably in 30 days.

(h) Rehabilitative services provided by licensed professionals must provide a written discharge plan of care to the nursing facility staff. The professional nursing staff should use this to develop an individual restorative nursing plan of care. Restorative nursing care refers to nursing interventions that promote the resident's ability to adapt and adjust to living as independently and safely as possible. Rehabilitative services may qualify for reimbursement under the Texas Index for Level of Effort (TILE) 202.

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 January 31, 1994

TRD-9435415

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

Effective date: April 1, 1994

Proposal publication date: November 23, 1993

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

### Subchapter S. Reimbursement Methodology for Nursing Facilities

#### • 40 TAC §19.1807

(Editor's note: 40 TAC §19.1807 was erroneously left out of the February 4, 1994, issue of the Texas Register, it is being published in its entirety.)

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Civil Statutes, Article 4413 (502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds. The amendment implements the Human Resources Code, §32. 021(c) and §32.024.

#### §19.1807 Rate-Setting Methodology

(a) (No change.)

(b) Rate determination The Texas Board of Human Services determines general reimbursement rates for medical assistance programs for Medicaid recipients under provisions of the Human Resources Code, Chapter 24 (relating to Reimbursement Methodology) The Texas Board of Human Services determines reimbursement rates for nursing facilities based on consideration of DHS staff recommendations To develop reimbursement rate recommendations for nursing facilities, DHS staff apply the following procedures.

(1)-(4) (No change )

(5) The TILE classification system. The Texas Index for Level of Effort (TILE) classification system is defined in terms of recipient condition and service-descriptors on the Texas Nursing Facility Client Assessment, Review, and Evaluation (CARE) form Classifications are based on criteria for frequency and duration for each descriptor The TILE classification system includes four clinical categories These categories are subdivided on the basis of an activities of daily living (ADL) scale that measures functional abilities for eating, transferring, and toileting The combination of clinical categories and ADL measurements yields an array of 11 TILE case-mix classifications

(A) Clinical categories Each recipient is assigned to one of the following four clinical categories

(i) (No change )

(ii) The rehabilitation group To qualify for the rehabilitation clinical group, a recipient must be receiving physical or occupational therapy at least three times per week The therapy must be ordered by a licensed physician, must be rehabilitative in intent, and must be reimbursed by Medicare or through DHS's Rehabilitative Services System. Specialized services that are identified by a Preadmission Screening and Annual Resident Review (PASARR) and are categorized as maintenance services, are not eligible for this category, unless there is a medical condition or injury that qualifies the resident for rehabilitation services

(iii)-(iv) (No change.)

(B)-(C) (No change.)

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

(c)-(f) (No change.)

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

Issued in Austin, Texas, on January 31, 1994.

TRD-9435416

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

Effective date: April 1, 1994

Proposal publication date: November 23, 1993

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

### Chapter 48. Community Care for Aged and Disabled

#### In-Home and Family Support Program

##### • 40 TAC §48.2707

The Texas Department of Human Services (DHS) adopts an amendment to §48.2707, without changes to the proposed text as published in the January 4, 1994, issue of the Texas Register (19 TexReg 61).

The justification for the amendment is to conserve In-Home and Family Support Program (IH/FSP) state funds for applicants who are ineligible to receive services through other programs and to avoid duplication of services between programs. The amendment prohibits individuals from receiving IH/FSP and Nursing Facility Waiver (NFW) services at the same time. The NFW program offers individuals a wide array of services with a much larger service cap. In addition, the NFW program receives a federal Medicaid match.

The amendment will function by using IH/FSP funds saved as a result of this change to serve individuals now on the IH/FSP waiting list

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 35, which provides the department with the authority to administer public assistance and support services for persons with disabilities programs. The amendment implements the Human Resources Code, §§22.001-22.024 and §§35.001-35.012.

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 February 4, 1994.

TRD-9435697

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

Effective date: April 1, 1994

Proposal publication date: January 4, 1994

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

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**Part VI. Texas  
Commission for the  
Deaf and Hearing  
Impaired**

**Chapter 181. General Rules of  
Practice and Procedures**

**Subchapter F. Fees**

• **40 TAC §181.820**

The Texas Commission for the Deaf and Hearing Impaired adopts the repeal of §181.820, concerning Interpreter Fee Schedule or the Commission Contracts, without changes to the proposed text as published in the November 19, 1993, issue of the *Texas Register* (18 TexReg 8509). The effective date of this repeal will be March 1, 1994.

The repeal is to eliminate the repeat of information already included in §181.830. The benefit of repealing the rule is a reduction in duplicity in rules for the agency.

No comments were received regarding the repeal of the rule.

The repeal is adopted under the Human Resources Code, Chapter 81, which provides the Texas Commission for the Deaf and Hearing Impaired with the authority to adopt rules governing the function of 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 January 31, 1994.

TRD-9435668

David W Myers  
Executive Director  
Texas Commission for the  
Deaf and Hearing  
Impaired

Effective date: March 1, 1994

Proposal publication date: November 19, 1993

For further information, please call: (512)  
451-8494

◆ ◆ ◆  
• **40 TAC §181.830**

The Texas Commission for the Deaf and Hearing Impaired adopts an amendment to §181.830, concerning the Recommended Fees Schedule for the Payment of Interpreters for the Deaf and Hearing Impaired, without changes to the proposed text as

published in the November 19, 1993, issue of the *Texas Register* (18 TexReg 8509). The effective date of the adopted rule will be March 1, 1994.

The adoption of the rule change, relating to fees, will allow providers of interpreting services the ability to collect fees sufficient to cover actual costs of providing the services. It also allows agencies to negotiate rates by contract and establishes the recommended rates as caps for interpreter services.

Association. Travis County Council for the Deaf appeared and spoke favorably for the change. Agency: Texas Rehabilitation Commission chose not to comment for or against the changes. Four contractors of interpreting services: Deaf Action Center, Texas Interpreter Fellowship, Travis County Services for the Deaf, and Goodrich Center for the Deaf, gave favorable comments regarding the changes. No negative comments were received.

The amendment is adopted under the Texas Human Resources Code §81.006 and §81.007, which provides the Texas Commission for the Deaf and Hearing Impaired with the authority to adopt such rules and amendments.

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 January 31, 1994

TRD-9435670

David W. Myers  
Executive Director  
Texas Commission for the  
Deaf and Hearing  
Impaired

Effective date: March 1, 1994

Proposal publication date: November 19, 1993

For further information, please call (512)  
451-8494

◆ ◆ ◆  
• **40 TAC §181.860**

The Texas Commission for the Deaf and Hearing Impaired adopts the repeal of §181.860, concerning Schedule of Fees for Copies of Open Records, without changes to the proposed text as published in the November 19, 1993, issue of the *Texas Register* (18 TexReg 8510). The effective date of this repeal will be March 1, 1994.

The repeal is to eliminate the present fees limitations and enable the Commission to charge fees as recommended by the comptroller. The repeal will allow the fees to be charged to be agency policy rather than rule and eliminate the need to revise agency rules each time there is a change.

No comments were received regarding the repeal of this rule

The repeal is adopted under the Human Resources Code, Chapter 81, which provides the Texas Commission for the Deaf and Hearing Impaired with the authority to adopt rules governing the function of 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 January 31, 1994

TRD-9435669

David W Myers  
Executive Director  
Texas Commission for the  
Deaf and Hearing  
Impaired

Effective date: March 1, 1994

Proposal publication date: November 19, 1993

For further information, please call: (512)  
451-8494

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**Chapter 183. Board for  
Evaluation of Interpreters  
and Interpreter Certification**

**Subchapter A. Definitions and  
Board Operations**

• **40 TAC §183.29, §183.33**

The Texas Commission for the Deaf and Hearing Impaired adopts amendments to §183.29 and §183.33, with changes to the proposed text as published in the November 19, 1993, issue of the *Texas Register* (18 TexReg 8510). The effective date of the adopted rules will be March 1, 1994. The sections contain typographical corrections in both sections (indicating contracted where contract previously appeared).

The adoption of these rules will provide updated procedures and clarification in the operation of the Board for Evaluation of interpreters, using more accurate descriptive terminology.

No comments were received related to these amendments

The amendments are adopted under the Texas Human Resources Code, §81.006 and §81.007, which provides the Texas Commission for the Deaf and Hearing Impaired with the authority to adopt such rules and amendments

*§183.29. Contracted Evaluators.* Contracted evaluators will be composed of interpreters who have applied to be evaluators and have been interviewed, tested, evaluated, trained, and appointed by the board and approved by the commission for the purpose of conducting evaluations of interpreting skills to determine the qualifications of interpreters. The contracted evaluators function under the supervision of the board.

(1)-(3) (No change)

*§183.33. Impartiality.* Any member of the board or contracted evaluator who is unable to be impartial in the determination of an applicant's eligibility or evaluation shall declare this to the board and shall not partici-



pate in any board proceedings or evaluations involving that applicant.

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 January 31, 1994.

TRD-9435671

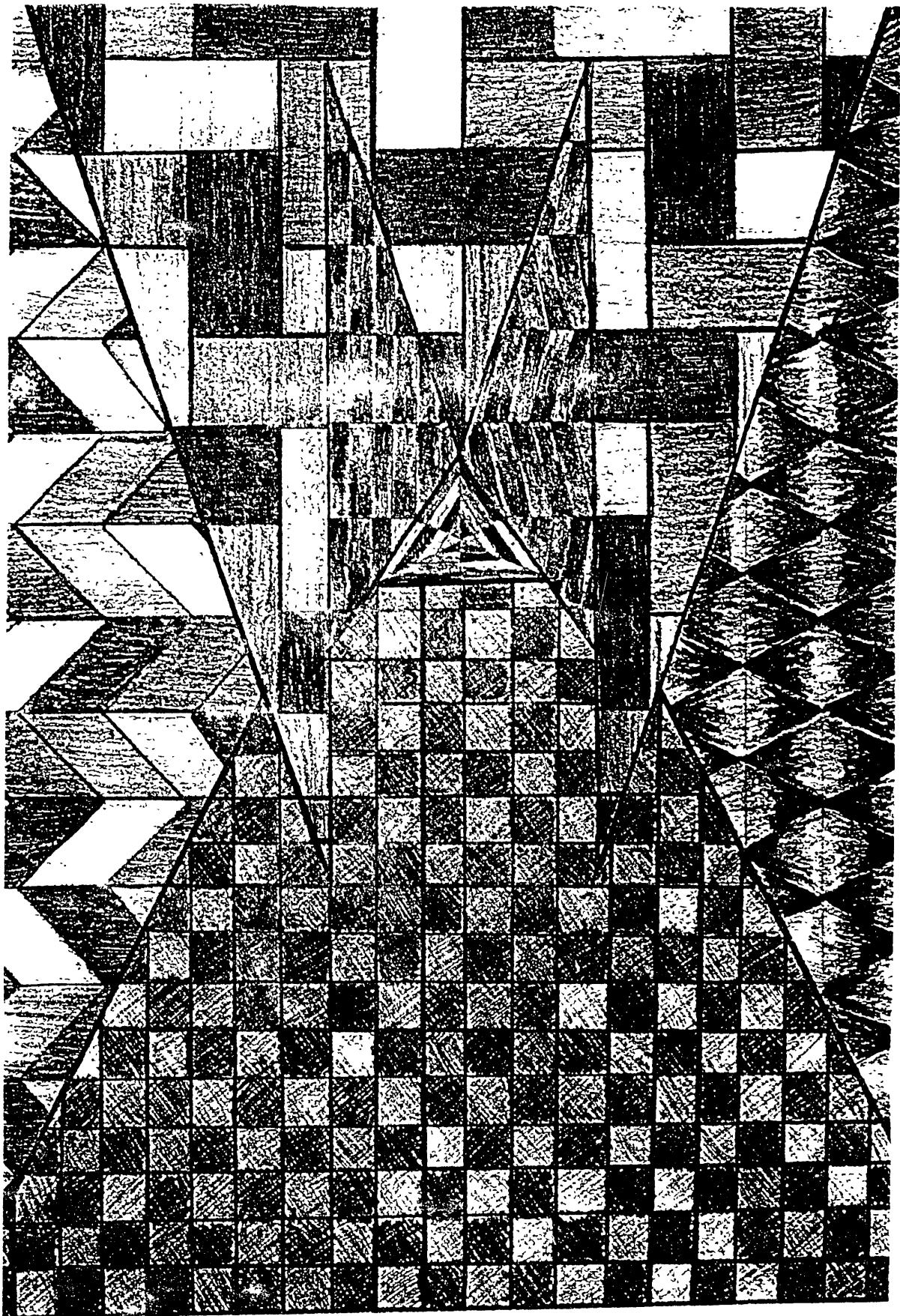
David W. Myers  
Executive Director  
Texas Commission for the  
Deaf and Hearing  
Impaired

Effective date. March 1, 1994

Proposal publication date: November 19, 1993

For further information, please call: (512) 451-8494

◆ ◆ ◆



Name Tony Carrizalez  
Grade 9  
School Lopez High School, Brownsville ISD

# OPEN MEETINGS

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

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

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

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

## Advisory Commission on State Emergency Communications

Tuesday, February 8, 1994, 10:00 a.m.

John H. Reagan Building, Room 106, 15th Street and Congress Avenue

Austin

Emergency Meeting

According to the complete agenda, the ACSEC/Poison Control Committee will call the meeting to order and recognize guests; hear public comment; discuss and consider filing as proposed rule the criteria and process for contractual arrangements with Prison Control Centers, discussion of other ACSEC/Poison Activities; and adjourn.

Reason for Emergency: To take action prior to the February 18, 1994 commission meeting for rulemaking.

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911. Persons requesting interpreter services for the hearing- and speech-impaired should contact Velia Williams at (512) 327-1911 at least two working days prior to the meeting.

Filed: February 3, 1994, 1:24 p.m.

TRD-9435634

## Texas Department of Agriculture

Friday, February 11, 1994, 10:00 a.m.

Texas Department of Agriculture, 1700 North Congress Avenue, Room 924A

Austin

According to the complete agenda, the State Seed and Plant Board will meet to discuss and act on request from Pioneer Seed Company for Certification Eligibility of Corn Lines and Hybrids

Contact: Charles Leamons, P.O. Box 629, Giddings, Texas 78942, (409) 542-3691

Filed: February 3, 1994, 4:16 p.m.

TRD-9435662

## Texas Commission on Alcohol and Drug Abuse

Tuesday, February 8, 1994, Noon

720 Brazos, Suite 800, Perry Brooks Building, Eighth Floor, Conference Room

Austin

Emergency Revised Agenda, Rescheduled From February 8, 1994, 5:30 p.m.

According to the agenda summary, the Grant and Contract Review Committee met to repost meeting due to time change

Reason for Emergency was due to a scheduling conflict with committee members, meeting time must be rescheduled to ensure

a quorum is present to make funding decisions

Contact: Steven Casillas or Lynn Brunn-Shank, 720 Brazos, Suite 403, Austin, Texas 78701-2506, (512) 867-8265

Filed: February 3, 1994, 4 15 p m

TRD-9435661

## Texas Animal Health Commission

February 28, 1994, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th, Suite 408

Austin

According to the agenda summary, the Texas Animal Health Commission will hold an administrative hearing in the matter of the appeal of Alfred Hildebrandt, Number 554-93-1017

Contact: Jo Anne Conner, P.O. Box 12966, Austin, Texas 78711, (512) 719-0714

Filed: February 7, 1994, 8 39 a m

TRD-9435759

## State Banking Board

Monday, February 14, 1994, 2:00 p.m.

2601 North Lamar Boulevard

Austin

According to the agenda summary, the agenda will include. Review and approval of minutes of previous meeting, consideration of final adoption of amendment to 7 TAC §31.5 relating to substitute members of the State Banking Board, consideration of final adoption of amendment to 7 TAC §33.32 concerning recovery of the cost of preparing the agenda record for purpose of Judicial Review of a decision of the Board, consideration of Limited Banking Association application for The First National Bank of Anna, Anna, Texas; consideration of interim charter applications; consideration of change of domicile applications, review of the status of other pending applications, review of discontinuance of unmanned teller machine for Sunwest Bank, El Paso, Texas; and the Board may convene into executive session for consideration of matters pertaining to applications as required by Articles 342-115(6)(a) of TBC

Contact: Lynda A. Drake, 2601 North Lamar Boulevard, Austin, Texas, 78705, (512) 475-1300.

Filed: February 4, 2 42 p m

TRD-9435704

### Texas Commission for the Blind

February 18, 1994, 9:00 a.m.

El Paso Airport Hilton, 2027 Airway Boulevard

El Paso

According to the complete agenda, the Board will call to order and introductions, approval of December 10, 1993, minutes, executive director's report on activities for the first quarter and discussion; discussion and action on rescinding §175 of the agency's rules and concurrently proposing new §175 concerning advisory committees and councils that advise the agency; discussion about the agency's order of selection for the purchase of services; discussion and decision on a date and location for next regular meeting; executive session pursuant to the Texas Government Code, §551.074, to discuss the employment, evaluation, and reassignment of personnel; and adjournment

Contact: Jean Wakefield, P.O. Box 12866, Austin, Texas, 78711 (512) 459-2600

Filed: February 4, 1994, 3.45 p.m

TRD-9435748

### Credit Union Department

Monday, February 14, 1994, 10:00 a.m.

Howard Johnson Hotel, Trinity Room, 7800 North IH-35

Austin

According to the agenda summary, the Credit Union Commission will invite public input for future consideration, receive minutes of December 6, 1993 meeting, communications, and committee reports from the Texas Share Guaranty Credit Union Oversight Committee and Task Force Advisory Committee, elect Commission Chairman and Vice Chairman, consider final adoption of Rule 91.801 (CUSOs) and 91.1 (Definitions); proposed repeal of ten rules in Chapter 91 (Chartering, Operations, Mergers, Liquidations), 42 rules in Chapter 93 (Administrative Proceedings), all rules in Chapter 95 (Texas Share Guaranty Credit Union) and three rules in Chapter 97 (Commission Policies and Administrative Rules), and proposed as new or amended 23 rules in Chapter 91, 15 rules in Chapter 93, and two rules in Chapter 97, conduct an executive session to discuss credit unions and problem cases, and consultation with legal counsel regarding contemplated legal action, existing litigation, and administrative actions

Contact: Penny A. Black, 914 East Anderson Lane, Austin, Texas, 78752-1699, (512) 837-9236

Filed: February 4, 1994, 3 06 p m

TRD-9435713

### Texas Department of Criminal Justice

Friday-Monday, February 11-14, 1994, 6:00 p.m.

Four Seasons Hotel, 98 San Jacinto Boulevard

Austin

According to the complete agenda, the Board of Criminal Justice will call to order, convene Board of Criminal Justice, executive session-deliberation on employment and duties of executive director (closed in accordance with Government Code, §551.074), and adjourn

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250

Filed: February 3, 1994, 3 25 p m

TRD-9435658

Monday, February 14, 1994, 7:30 a.m.

Four Seasons Hotel, 98 San Jacinto Boulevard, Fifth Floor Boardroom

Austin

According to the complete agenda, the Board of Criminal Justice, Subcommittee on Construction, will discuss projects for construction approval: 500 bed substance abuse treatment facility-San Diego, 1,000

bed substance abuse treatment facility-Bonham, and Roof renovations-Eastham, and construction claims management

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250

Filed: February 4, 1994, 4.33 p m

TRD-9435738

### Texas Education Agency

Wednesday, February 23, 1994, 8:30 a.m.

Holiday Inn Civic Center, 801 Avenue Q Lubbock

According to the complete agenda, the State Parent Advisory Council for Migrant Education will discuss minutes, overview of P A D R E S (Padres Aprendiendo a Dirigir, Respetar y Educar con Sabiduria), discussion of the role of the counselor, discussion of ancillary migrant programs, discussion of changes in the Texas Assessment of Academic Skills (TAAS), discussion of agency publications, and agenda recommendations for next meeting

Contact: Frank Contreras, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9067

Filed: February 8, 1994, 9 57 a m

TRD-9435844

### Texas Employment Commission

Tuesday, February 15, 1994, 9:00 a.m.

Room 644, TEC Building, 101 East 15th Street

Austin

According to the agenda summary, the Commission will discuss prior meeting notes, staff reports, internal procedures of Commission appeals, consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket Number 7 and set date of next meeting

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

Filed: February 7, 1994, 4 06 p m

TRD-9435826

### Texas Commission on Fire Protection

Thursday, February 17, 1994, 9:00 a.m.

3006B Longhorn Boulevard

Austin

According to the complete agenda, the Commission will meet in executive session under §551.071, Texas Government Code, to discuss pending litigation with attorney Helen Campbell vs the Texas Commission on Fire Protection in the 98th Judicial District Court of Travis County, Texas, Cyril R. Frost vs. The Texas Commission Fire Protection and Michael E. Hines in the 250th Judicial District Court of Travis County, Texas; Borland vs Lee et al in the 53rd Judicial District Court of Travis County, Texas. Discussion and possible action regarding criteria and procedure for selection of executive director and discussion and possible action on future meeting dates

Contact: Carol Menchu, 3006B Longhorn Boulevard, Austin, Texas 78758, (512) 873-1700.

Filed: February 3, 1994, 2:23 p.m.

TRD-9435644

### General Land Office

Tuesday, February 15, 1994, 10:00 a.m.  
S.F.A. Building, 1700 North Congress Avenue, Room 831

Austin

According to the complete agenda, the School Land Board will approve previous board meeting minutes, pooling applications, Giddings (Austin Chalk-3), Fayette County; Mesquite Bay (Frio G-1), Aransas County; Pearsall (Austin Chalk), Dimmit County; Roche (C), Refugio County, Treasure Isle (Big Gas), Galveston County, applications to lease highway rights of way for oil and gas, Washington County and Fayette County; direct land sales, Red River County; and Tyler County, Coastal public lands-commercial lease renewal, Caney Creek, Matagorda County, structure permit renewals, Ayres Bay, Aransas County, San Antonio Bay, Calhoun County, Espiritu Santo Bay, Calhoun County, Bastrop Bay, Brazoria County; Laguna Madre, Kleberg County, Kenedy County and Willacy County; Corpus Christi Bay, Nueces County; structure permit termination, Laguna Madre, Kleberg County, eastment application, Corpus Christi, Bay Nueces County; lease renewals, OSO Bay, Nueces County; San Bernard River, Brazoria County; lease application, Gulf of Mexico, Galveston County, status report on Cabin management program, executive session-pending and proposed litigation, executive session-direct land sale, El Paso County, open session-direct land sale, El Paso County, executive session-consideration of land exchange/sale, El Paso County, Open session-consideration of land exchange/sale, El Paso County

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

Filed: February 7, 1994, 3:51 p.m.

TRD-9435825

### State Independent Living Council

Thursday, February 17, 1994, 9:00 a.m.

8610 Broadway, San Antonio Independent Living Services Office, Suite 420

San Antonio

According to the complete agenda, the Independent Living State Plan Committee will call to order, public comments; review of agenda; review of last year's State Plan and related issues; work on plan development; funding/allocation issues related to State Plan, next steps, including process for sharing work, progress, and issues relating to full SILC prior to March 7, 8 SILC meeting, recommendations for subcommittees to continue work on State Plan; and next steps for meeting of this committee.

Contact: Larry Correll, 8610 Broadway, Suite 420, San Antonio, Texas 78217, (210) 805-0295

Filed: February 4, 1994, 1:32 p.m.

TRD-9435695

### Texas Department of Insurance

Tuesday, February 15, 1994, 9:00 a.m.

State Office of Administrative Hearings, 300 West 18th Street, Fourth Floor, Suite 408

Austin

According to the agenda summary, the Texas Department of Insurance will consider whether Northern Mutual Insurance Company, which holds a Certificate of Authority issued by the Texas Department of Insurance, should have its Certificate of Authority canceled.

Contact: Melissa Slusher, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas, 78701, (512) 463-6527

Filed: February 4, 1994, 2:44 p.m.

TRD-9435707

Tuesday, February 15, 1994, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Fourth Floor, Suite 408

Austin

According to the agenda summary, the Texas Department of Insurance will con-

sider whether Paradigm Insurance Company's request for exception to minimum capital and surplus for surplus lines insurers should be granted.

Contact: Melissa Slusher, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas, 78701, (512) 463-6527

Filed: February 4, 1994, 2:44 p.m.

TRD-9435708

Wednesday, February 16, 1994, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Fourth Floor, Suite 408

Austin

According to the complete agenda, the Texas Department of Insurance will consider whether the Group I, Legal Reserve Life Insurance Agent's license and Group V, Local Recording Agent's license held by Roger Brent Potter should be revoked.

Contact: Melissa Slusher, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas, 78701, (512) 463-6527

Filed: February 4, 1994, 2:44 p.m.

TRD-9435709

Thursday, February 17, 1994, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Fourth Floor, Suite 408

Austin

According to the complete agenda, the Texas Department of Insurance will consider whether disciplinary action should be taken against American Casualty Company of Reading Pennsylvania, Reading Pennsylvania, Continental Casualty Company, Chicago, Illinois, National Fire Insurance Company of Hartford, Farmington, Connecticut, Transcontinental Insurance Company, New York, New York, Transportation Insurance Company, Chicago, Illinois, and Valley Forge Insurance Company, Valley Forge, Pennsylvania, which holds a Certificate of Authority issued by the Texas Department of Insurance.

Contact: Melissa Slusher, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas, 78701, (512) 463-6527

Filed: February 4, 1994, 2:44 p.m.

TRD-9435710

February 17, 1994, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Fourth Floor, Suite 408

Austin

According to the complete agenda, the Texas Department of Insurance will consider the application of Dale A. Campbell,

Allen, Texas, for a Group I, Legal Reserve Life Insurance Agent's license to be issued by the Texas Department of Insurance.

**Contact:** Melissa Slusher, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas, 78701, (512) 463-6527

**Filed:** February 4, 1994, 2:44 p.m.

TRD-9435711

**Thursday, February 24, 1994, 2:00 p.m.**

Bayfront Plaza Convention Center, 1901 North Shoreline Drive, Room 223

Corpus Christi

According to the agenda summary, the Commissioner of Insurance will meet in Docket Number 2086, the Commissioner of Insurance will hold a public hearing pursuant to Texas Insurance Code, Article 5.35-2, to discuss problems with coverage for real property foundations, and the endorsement, which must be adopted by the Commissioner, that excludes coverage for damage to foundations or slabs of insured dwelling over ten years old

**Contact:** Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6332

**Filed:** February 3, 1994, 4:07 p.m.

TRD-9435659

◆ ◆ ◆  
**Lamar University System  
Board of Regents**

**Thursday, February 10, 1994, 9:00 a.m.**

Gates Memorial Library, 317 Stilwell Boulevard

Port Arthur

According to the agenda summary, the Lamar University System Board of Regents will call to order, chair's report-chancellor's report-component institution reports-special reports, report & discussion of proposals for policy manual revisions, executive session; Advancement Committee; Building and Grounds Committee; Personnel Committee, Finance and Audit Committee, Academic Affairs Committee, and consider approval of committee reports-other reports.

**Contact:** James A (Dolph) Norton, P.O. Box 11900, Beaumont, Texas, 77710, (409) 880-2304.

**Filed:** February 4, 11:49 a.m.

TRD-9435690

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**Texas Department of Licens-  
ing and Regulation**

**Thursday, February 17, 1994, 9:00 a.m.**

920 Colorado, E.O. Thompson Building, Room 1012

Austin

According to the complete agenda, the Department will hold an Administrative Hearing to consider the possible assessment of an administrative penalty and denial, suspension, or revocation of the license for Asher Wainer for violation of Texas Revised Civil Statutes Annotated Article 8700, Sections 7(a)(2) and (7), Article 9100, and the Texas Government Code, Chapter 2001.

**Contact:** Paula Hamje, 920 Colorado, E.O. Thompson Building, Austin, Texas, 78701 (512) 463-3192.

**Filed:** February 4, 1994, 4:06 p.m.

TRD-9435716

**Tuesday, March 8, 1994, 9:00 a.m.**

920 Colorado, E.O. Thompson Building, Room 1012

Austin

According to the complete agenda, the Inspections and Investigations: Manufactured Housing will hold an Administrative Hearing to consider the possible assessment of an administrative penalty and denial, suspension, or revocation of the license for Forrest Lee doing business as Ike's Mobile Home Movers for violation of Texas Civil Statutes, Article 5221f, Section 4(b), 16 T.A.C. Sections 69.121(c) and 69 28(a), Article 9100, and the Texas Government Code, Chapter 2001

**Contact:** Paula Hamje, 920 Colorado, E.O. Thompson Building, Austin, Texas 78701, (512) 463-3192.

**Filed:** February 4, 1994, 4:05 p.m.

TRD-9435715

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**Texas Life, Accident, Health  
and Hospital Services In-  
surance Guaranty Associa-  
tion**

**Tuesday, February 11, 1994, 4:00 p.m.**

301 Congress Avenue, Suite 500

Austin

According to the agenda summary, the Investment Committee will consider and possibly act on approval of minutes; December 31, 1993 financial reports; investment policies, procedures and guidelines and next meeting date.

**Contact:** C. S LaSelle, 301 Congress Avenue, #500, Austin, Texas 78701, (512) 476-5101

**Filed:** February 3, 1994, 3:09 p.m.

TRD-9435657

**Texas Lottery Commission**

**Thursday, February 17, 1994, 1:30 p.m.**

6937 North IH-35, American Founders Building, Fifth Floor, Room 523

Austin

According to the complete agenda, the Texas Lottery Commission will call the meeting to order; approval of minutes of the January 10, 1994, meeting; consideration and appointment of the Executive Director; report by the Acting Executive Director and possible discussion on the organizational structure and staffing needs of the bingo regulatory functions within the Texas Lottery Commission; may meet in executive session on any items listed above as authorized by the Open Meetings Act; and adjournment.

For ADA assistance, call Michelle Guerrero at (512) 323-3791 at least two days prior to the meeting.

**Contact:** Michelle Guerrero, P.O. Box 16630, Austin, Texas 78761, (512) 323-3791

**Filed:** February 7, 1994, 2:11 p.m.

TRD-9435815

◆ ◆ ◆  
**State Medical Education  
Board**

**Saturday, February 26, 1994, 2:30 p.m.**

Chevy Chase Office Complex, Building Four, Room 4.100, 7715 Chevy Chase Drive

Austin

According to the complete agenda, the Board Meeting will meet to consider problem loan accounts.

**Contact:** Mack Adams, P.O. Box 12788, Austin, Texas 78711, (512) 483-6340.

**Filed:** February 3, 1994, 2:17 p.m.

TRD-9435641

◆ ◆ ◆  
**Texas State Board of Medi-  
cal Examiners**

**Thursday, February 17, 1994, 9:00 a.m.**

1812 Centre Creek Drive, Suite 300

Austin

According to the agenda summary, the Hearings Division will include probation appearances and termination requests.

**Contact:** Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402.

**Filed:** February 7, 1994, 3:21 p.m.

TRD-9435822

## Midwestern State University

Thursday, February 10, 1994, 2:00 p.m.

3410 Taft Boulevard, Hardin Board Room  
Wichita Falls

According to the complete agenda, the Board of Regents Executive Committee will tour McCullough-Trigg Hall; and hear a report concerning the Small Business Development Center and Board committee assignments for the remainder of the year. They will consider the appointment of the MSU President for 1994-1995, bids for the Southwest Parkway Land, funding for the Fain Fine Arts Center Sign, Bea Wood Hall renovation, replacement of electrical transformers, modification of the NationsBank scoreboard contract, modification of action concerning advertising on the electronic sign, and receive information concerning the physical facilities utilization. The Board of Regents of Midwestern State University reserves the right to discuss any items in Executive Session whenever legally justified under the Texas Open Meetings Act.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas, (817) 689-4212

Filed: February 4, 1994, 4:19 p.m.

TRD-9435724

Thursday, February 10, 1994, 3:00 p.m.

3410 Taft Boulevard, Hardin Board Room  
Wichita Falls

According to the complete agenda, the Board of Regents Finance and Audit Committee will consider increasing the summer school budget for 1994, adjustments to the internal audit plan for 1993-1994; financial disclosure statement for the Vice President for Business; bond services review; student union fee approval; modification of applied music fee, funding for the production of a new university Viewbook; and ratification of items \$15,000 and under approved by President per Board authorization. The Board of Regents of Midwestern State University reserves the right to discuss any items in Executive Session whenever legally justified under the Texas Open Meetings Act.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas, 76308, (817) 689-4212

Filed: February 4, 1994, 4:19 p.m.

TRD-9435725

Thursday, February 10, 1994, 3:30 p.m.

3410 Taft Boulevard, Hardin Board Room  
Wichita Falls

According to the complete agenda, the Board of Regents Personnel and Curriculum

Committee will receive enrollment reports and small class reports for the spring 1994 semester and the last day enrollment report for the fall 1993 semester. They will consider position changes in the Fiscal Year 1993-1994 budget. The committee will consider new positions in the 1993-1994 budget (governmental relations and business affairs), new positions in the 1994-1995 budget (rad tech clinic supervisor and assistant women's basketball coach/P.E. instructor), position upgrades and salary increases (nursing secretary, SBDC program administrator, and physical plant), change in tenure date for faculty member, respiratory care program, Bachelor of Arts degree with a major in International Trade, and telecourse production studio recommendation. Policy Manual revisions will be presented, including realignment of duties for the institution research and grants development areas, and minor council membership modifications and committee additions. The Board of Regents of Midwestern State University reserves the right to discuss any items in Executive Session whenever legally justified under the Texas Open Meetings Act.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas, 76308, (817) 689-4212.

Filed: February 4, 1994, 4:19 p.m.

TRD-9435726

Thursday, February 10, 1994, 3:30 p.m.

3410 Taft Boulevard, Hardin Board Room  
Wichita Falls

### Revised Agenda

According to the complete agenda, the Board of Regents Personnel and Curriculum Committee will consider adding two faculty positions each in nursing and education beginning with the Fall 1994 semester, subject to the availability of funds. Additional the committee will consider upgrading a fine arts faculty position from adjunct to part-time benefit eligible subject to need and availability of funds.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212

Filed: February 7, 1994, 11:42 a.m.

TRD-9435803

Thursday, February 10, 1994, 4:00 p.m.

3410 Taft Boulevard, Hardin Board Room  
Wichita Falls

According to the complete agenda, the Board of Regents Student Services Committee will receive reports on housing and the construction of McCullough-Trigg Hall Room and board rates for the summer 1994 and 1994-1995 academic year will be considered, as well as the food service contract

for the summer and fall 1994. The Board of Regents of Midwestern State University reserves the right to discuss any items in Executive Session whenever legally justified under the Texas Open Meetings Act.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212

Filed: February 4, 1994, 4:19 p.m.

TRD-9435727

Thursday, February 10, 1994, 4:15 p.m.

3410 Taft Boulevard, Hardin Board Room  
Wichita Falls

According to the complete agenda, the Board of Regents University Development Committee will review the summaries of gifts, grants and pledges September 1, 1993-January 14, 1994. The committee will further review resolutions of appreciation for the West Foundation, Professor Edwards, and Leslee Phillips. The Board of Regents of Midwestern State University reserves the right to discuss any items in Executive Session whenever legally justified under the Texas Open Meetings Act.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212

Filed: February 4, 1994, 4:19 p.m.

TRD-9435728

Thursday, February 10, 1994, 4:30 p.m.

3410 Taft Boulevard, Hardin Board Room  
Wichita Falls

### Revised Agenda

According to the complete agenda, the Board of Regents will consider a resolution of appreciation for Dr. Gerald Stockton upon his retirement from serving as head men's basketball coach at MSU.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212

Filed: February 7, 1994, 11:42 a.m.

TRD-9435802

Thursday, February 10, 1994, 4:30 p.m.

3410 Taft Boulevard, Hardin Board Room  
Wichita Falls

According to the complete agenda, the Board of Regents Athletics Committee will consider recommendations concerning post-season expenses, the affiliation of the overall athletics program, and Title IX. The Board of Regents of Midwestern State University reserves the right to discuss any items in Executive Session whenever legally justified under the Texas Open Meetings Act.

**Contact:** Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212.

**Filed:** February 4, 1994, 4:19 p.m.

TRD-9435729

**Friday, February 11, 1994, 9:00 a.m.**

3410 Taft Boulevard, Hardin Board Room  
Wichita Falls

According to the agenda summary, the Board of Regents will consider recommendations and receive information from the Executive, Finance, Personnel and Curriculum, Student Services, University Development, and Athletics Committees. Information will be presented from the President. Discussion of bids for land owned by the university will be held in closed session as allowed by the Texas Open Meetings Act, Section 2(f). The Board of Regents of Midwestern State University reserves the right to discuss any items in Executive Session whenever legally justified under the Texas Open Meetings Act.

**Contact:** Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212.

**Filed:** February 4, 1994, 4:20 p.m.

TRD-9435730

**Friday, February 11, 1994, 9:00 a.m.**

3410 Taft Boulevard, Hardin Board Room  
Wichita Falls

**Revised Agenda**

According to the complete agenda, the Board of Regents will consider recommendations and receive information from the executive, finance, personnel and curriculum, student services, university development and athletes committees. Information will be presented from the president. Discussion of bids for land owned by the university will be held in closed session as allowed by the Texas Open Meetings Act, §2(f). The Board of Regents of Midwestern State University reserves the right to discuss any items in executive session whenever legally justified under the Texas Open Meetings Act. The following items will be added to the agenda previously posted. The Board will consider adding two faculty positions each in nursing and education beginning with the Fall 1994 semester, subject to the availability of funds. Additionally, the Board will consider upgrading a fine arts faculty position from adjunct to part-time benefit eligible subject to need and the availability of funds. The Board will further consider a resolution of appreciation for Dr. Gerald Stockton upon his retirement from MSU.

**Contact:** Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212.

**Filed:** February 7, 1994, 11:41 p.m.

TRD-9435801

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**Texas Natural Resource Conservation Commission**

**Tuesday, February 15, 1994, 10:30 a.m.**

5150 Westheimer, J.W. Marriott Hotel, Exhibition Center

Houston

According to the agenda summary, the Texas Natural Resource Conservation Commission will discuss announcement of the 1994 Clean Industries 2000 membership.

**Contact:** Douglas A. Kitts, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7905.

**Filed:** February 4, 1994, 4:12 p.m.

TRD-9435718

**Wednesday, February 16, 1994, 9:00 a.m.**

1700 North Congress Avenue, Stephen F. Austin State Office Building, Room 118

Austin

According to the agenda summary, the Commission will consider approving the following matters on the agenda: district matter, water utility matters, settled hearing, solid waste enforcement, water quality enforcement, waste management plan; adoption of state implementation plan, rules, certified question; executive session; in addition, 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.

**Contact:** Doug Kitts, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7905

**Filed:** February 7, 1994, 1:11 p.m.

TRD-9435805

**Wednesday, February 23, 1994, 10:00 a.m.**

Stephen F. Austin Building, Room 1149, 1700 Congress Avenue

Austin

According to the agenda summary, the Texas Groundwater Protection Committee will meet to discuss subcommittee reports on Agricultural Chemicals and Data Management, presentations from Groundwater protect in the Municipal Solid Waste Program, discuss business from Committee on Public Education and Outreach Efforts; status update from State Ground-Water Protection Program Core Program, TSSWCB Ag-

ricultural and Silvicultural Water Quality Management Rules; update of the Winter meeting of the State FIFRA Issues, formation of the Interstate Ground Water Forum; EPA Regions Six State Management Plan presentation, and public comment.

**Contact:** Steve Musick, P.O. Box 13087, Austin, Texas 78701, (512) 329-0635.

**Filed:** February 7, 1994, 9:54 a.m.

TRD-9435787

**Wednesday, March 2, 1994, 9:00 a.m.**

City Hall-Council Chambers, Corner of Third and Texas Boulevard

Texarkana

According to the agenda summary, the Office of Hearings Examiner will hold a preliminary public hearing on application made by Paper Chemicals, Inc. for proposed renewal of Permit Number 02955 which authorizes an intermittent discharge of once through cooling water at a volume not to exceed an average flow of 40,000 gallons per day from the Texarkana Plant. The plant site is at 3901 Terry Street in the City of Texarkana, Bowie County, Texas.

**Contact:** Jim Bateman, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7875

**Filed:** February 4, 1994, 4:38 p.m.

TRD-9435743

**Wednesday, March 2, 1994, 11:00 a.m.**

City Hall-Council Chambers, Corner of Third and Texas Boulevard

Texarkana

Rescheduled from January 19, 1994

According to the agenda summary, the Office of Hearings Examiners will hold a public hearing on application made by Texana Tank Car & Manufacturing, Inc. for proposed Permit Number 03609 to authorize intermittent flow variable discharges of stormwater runoff from a landfill located approximately 2.3 miles west of the City of Nash, Bowie County, Texas.

**Contact:** Jim Bateman, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7875.

**Filed:** February 4, 1994, 4:37 p.m.

TRD-9435741

**Monday, March 7, 1994, 1:30 p.m.**

San Jacinto Community College, Student Center Building-Rooms 202A and 202B, 8060 Spencer Highway

Pasadena

According to the agenda summary, the Office of Hearings Examiners will hold a hearing on Pine Trails Utility Company, Inc. water and sewer rate increases effective November 15, 1993, for its service area located in Harris County, Texas. Docket



Number 30226-R

Contact: Carol Wood, P O Box 13087, Austin, Texas 78711-3087, (512) 463-7875

Filed: February 4, 1994, 4:38 p m

TRD-9435746

Thursday, March 10, 1994, 9:00 a.m.

City Hall-Council Chambers, 600 North Main

Borger

According to the agenda summary, the Office of Hearings Examiners will hold a preliminary public hearing on application made by Phillips Petroleum Company for proposed renewal of Permit Number 01064 which authorizes a discharge of treated wastewater at a volume not to exceed an average flow of 7,100,000 gallons per day via Outfall 001. The permit also authorizes intermittent flow variable discharges of uncontaminated stormwater runoff via Outfalls 002, 003, and 004. The plant site is adjacent to State Highway 119, approximately one mile north of the intersection of State Highway 246 and State Highway 119 near the City of Borger, Hutchinson County, Texas.

Contact: Joe O'Neal, P O Box 13087, Austin, Texas 78711-3087, (512) 463-7875

Filed: February 4, 1994, 4:38 p m

TRD-9435745

Thursday, March 17, 1994, 9:00 a.m.

V V Ramsey Community Center, 16003 Lorenzo

Channelview

According to the agenda summary, the Office of Hearings Examiners will hold a preliminary public hearing on application made by Stebec, Inc and Monument Inn, Inc for proposed Permit Number 13666-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 13,000 gallons per day. The applicant is also requesting a variance to the buffer zone requirements and a variance to the water well buffer zone requirement. The Monument Inn Wastewater Treatment Facilities are approximately 150 feet due west of State Highway 134, 4,100 feet due north of the San Jacinto Monument and 400 feet due south of the Houston Ship Channel in Harris County, Texas.

Contact: Tommy Broyles, P O Box 13087, Austin, Texas 78711-3087, (512) 463-7875.

Filed: February 4, 1994, 4:38 p m

TRD-9435744

Tuesday, March 22, 1994, 9:00 a.m.

Stephen F Austin State Office Building, Room 211, 1700 North Congress Avenue

Austin

Rescheduled from February 17, 1994

According to the agenda summary, the Office of Hearings Examiners will hold a preliminary public hearing on application made by Rollins Environmental Services (TX), Inc for proposed amendment to Permit Number HW50089-001 which will authorize construction and operation of a new landfill which is to have a total fill capacity of 658,000 cubic yards. The Rollins facility is located at 2027 Battleground Road in the City of Deer Park, Harris County, Texas.

Contact: Carl X. Forrester, P O Box 13087, Austin, Texas 78711-3087, (512) 463-7875

Filed: February 4, 1994, 4:38 p m

TRD-9435742

## Texas Board of Pardons and Paroles

Monday-Friday, February 14-18, 1994, 1:30 p.m.

2503 Lake Road, Suite Number 2

Huntsville

According to the agenda summary, the Parole Board Panel(s) composed of three board members will receive, review and consider information and reports concerning prisoners/inmates and administrative releaseses subject to the board's jurisdiction, and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole, and requests for parole services.

Contact: Juanita Llamas, 8610, Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407

Filed: February 3, 1994, 1:23 p m

TRD-9435630

Monday-Wednesday, February 14-16, 1994, 1:30 p.m.

1550 East Palestine, Suite 100

Palestine

According to the agenda summary, the Parole Board Panel(s), composed of three board members, will receive, review, and consider information and reports concerning prisoners/inmates and administrative releaseses subject to the board's jurisdiction, and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole, and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407

Filed: February 3, 1994, 1:24 p.m.

TRD-9435633

Thursday, February 17, 1994, 9:30 a.m.

1212 North Velasco, Suite 201

Angleton

According to the agenda summary, the Parole Board Panel(s), composed of three board members, will receive, review, and consider information and reports concerning prisoners/inmates and administrative releaseses subject to the board's jurisdiction, and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole, and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5407

Filed: February 3, 1994, 1:23 p m

TRD-9435629

Thursday-Friday, February 17-18, 1994, 9:30 a.m.

1550 East Palestine, Suite 100

Palestine

According to the agenda summary, the Parole Board Panel(s), composed of three board members, will receive, review, and consider information and reports concerning prisoners/inmates and administrative releaseses subject to the board's jurisdiction, and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole, and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407

Filed: February 3, 1994, 1:24 p.m.

TRD-9435632

Thursday-Friday, February 17-18, 1994, 1:00 p.m. and 9:00 a.m. respectively

Route 5, Box 258-A

Gatesville

According to the agenda summary, the Parole Board Panel(s), composed of three board members, will receive, review, and consider information and reports concerning prisoners/inmates and administrative releaseses subject to the board's jurisdiction, and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole, and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407

Filed: February 3, 1994, 1:23 p.m.

TRD-9435631

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**Texas Parks and Wildlife  
Department**

**Tuesday, February 15, 1994, 9:00 a.m.**

#1 Longbow Lane

Houston

According to the agenda summary, the Capital Projects Committee will meet in a closed meeting to discuss land acquisition strategic plan-work session.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802

Filed: February 7, 1993, 3.00 p.m.

TRD-9435818

**Tuesday, February 15, 1994, 9:00 a.m.**

#1 Longbow Lane

Houston

According to the agenda summary, the Capital Projects Committee will meet to approve minutes from January 19, 1994 meeting, and executive session

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: February 7, 1993, 2:59 p.m.

TRD-9435817

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**Texas State Board of Pharmacy**

**Tuesday-Wednesday, February 15-16, 1994, 9:00 a.m.**

1812 Centre Creek, Room 203

Austin

According to the agenda summary, the Board Business meeting will commence in open session to introduce new personnel; consider and approve minutes of November 16, 1993, Board Business Meeting; consider for final adoption new §291.21 and §295.11, amendments to §283.7 and §283.8 and new §283.11; consider for proposal of new §§291.111-291.115, amendments to §§291.31-291.36, 309.3, and 309.5, §§291.52, 283.2, and 283.4, 281.74; discuss Continuing Education Program; hear report on Task Force on Class C Pharmacy Practice Standards, hear report on January 25, 1994, meeting of Health Professions Council, hear report on status of Public Education Program; consider request from the University of Texas at Austin College of Pharmacy concerning Testing and Licensing

of Pharm.D. Students and consider for proposal amendments to §283.3 concerning educational and age requirements; receive update on issues relating to physicians dispensing; receive update on status of joint statement from TSBP, Medical Board, Nursing Board and Food and Drug regarding sample distribution, receive update on exemption from labeling requirements for food production animals under Texas Dangerous Drug Act; receive update on budget and strategic planning; discuss pharmacies contracting with an off-site pharmacist to provide counseling, discuss changes in Pharmacy Act for 1995 Legislative Session; discuss review of Texas Colleges of Pharmacy Internship Records and Board Member attendance; discuss policy to provide the public with a reasonable opportunity to appear and speak to the board as required by §17A(d) of the Pharmacy Act; hear report on recent conferences and events; receive update on upcoming conferences and events; hear report on status of active/pending complaints, discuss dispensing error policy; consider and take action on proposed Agreed Board Orders; recognize Board Member/Staff appointments and awards, executive session to consider personnel matters and Agreed Board Orders involving impaired pharmacists.

Contact: Gay Dodson, R.Ph., 8505 Cross Park Drive, Suite 110, Austin, Texas 78754-4594, (512) 832-0661

Filed: February 7, 1994, 1:11 p.m.

TRD-9435806

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**Texas Public Finance Authority**

**Wednesday, February 16, 1994, 10:00 a.m.**

300 West 15th Street, Committee Room 5  
Austin

According to the complete agenda, the Board Meeting will call to order; approval of minutes of January 19, 1994 Board Meeting, consider National Guard Army Board request for financing; consider Texas Department of Criminal Justice request for financing of \$321,888,900; consider TDCJ request for approval of amendments to the General Obligation Commercial Paper Series 1993A Bond, resolution and related financing agreement with the Texas Department of Criminal Justice to provide for utilization of bond proceeds for additional projects; and consider hiring bond counsel in connection therewith, consider selection of co-financing advisors; consider approving new Autopsy Form for use by underwriters (Lehman's Form), consider approving new request for information statement form and request for proposal short form,

discussion of the contents of that letter dated January 10, 1994 from Texas Attorney General Dan Morales relating to the legality of the proposed Alternative Fuels Financing Program and those legal matters related thereto; discuss other business; and adjourn. Persons with disabilities who have special communication or other needs, who are planning to attend the meeting should contact Brett Larson or Evelyn Casper at (512) 463-5544. Requests should be made as far in advance as possible.

Contact: Michell Conner, 300 West 15th Street, Suite 411, Austin, Texas 78701, (512) 463-5544.

Filed: February 7, 1994, 3:36 p.m.

TRD-9435824

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**Railroad Commission of Texas**

**Monday, February 14, 1994, 9:30 a.m.**

1701 North Congress Avenue, First Floor  
Conference Room 1-111

Austin

According to the agenda summary, the Railroad Commission of Texas will consider various applications and other matters within the jurisdiction of the agency, including oral arguments. The Commission may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received.

The Commission may meet in executive session on any items listed above as authorized by the Open Meetings Act.

Contact: Carole J. Vogel, P.O. Box 12967, Austin, Texas 78711, (512) 463-6921.

Filed: February 4, 1994, 10.45 a.m.

TRD-9435685

**Monday, February 14, 1994, 9:30 a.m.**

1701 North Congress Avenue, First Floor  
Conference Room 1-111

Austin

According to the complete agenda, the Commission will consider and act on the agency budget, fiscal and administrative matters; and the Administrative Services Division Director's report of division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Box 12967, Austin, Texas 78711-2967.

Filed: February 4, 1994, 10.45 a.m.

TRD-9435684

**Monday, February 14, 1994, 9:30 a.m.**

1701 North Congress Avenue, First Floor  
Conference Room 1-111

Austin

According to the complete agenda, the Commission will consider and act on the Division Director's report on budget, personnel, and policy matters related to operation of the Alternative Fuels Research and Education Division.

Contact: Dan Kelly, P.O. Box 12967,  
Austin, Texas 78711-2967, (512) 463-7110.

Filed: February 4, 1994, 10:45 a.m.

TRD-9435683

**Monday, February 14, 1994, 9:30 a.m.**

1701 North Congress Avenue, First Floor  
Conference Room 1-111

Austin

According to the complete agenda, the commission will consider and act on the Personnel Division Director's report on division administrations, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline, and/or dismissal of personnel. The following matters will be taken up for consideration and/or decision by the commission: commission budget, fiscal, administrative or procedural matters, strategic planning, and personnel and staffing, including restructuring or transferring the Oil Field Theft Division.

Contact: Mark Bogan, P.O. Box 12967,  
Austin, Texas 78711, (512) 463-6981

Filed: February 4, 1994, 10:45 a.m.

TRD-9435682

**Monday, February 14, 1994, 9:30 a.m.**

1701 North Congress Avenue, First Floor  
Conference Room 1-111

Austin

According to the complete agenda, the Commission will consider and act on the Automatic Data Processing Division Director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Box 12967,  
Austin, Texas 78701, 463-7251

Filed: February 4, 1994, 10:45 a.m.

TRD-9435681

**Monday, February 14, 1994, 9:30 a.m.**

1701 North Congress Avenue, First Floor  
Conference Room 1-111

Austin

According to the complete agenda, the Commission will consider and act on the Office of Information Services Director's

Report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Box  
12967 Austin, Texas 78701, (512)  
463-6710.

Filed: February 4, 1994, 10:44 a.m.

TRD-9435680

**Monday, February 14, 1994, 9:30 a.m.**

1701 North Congress Avenue, First Floor  
Conference Room 1-111

Austin

According to the complete agenda, the Commission will act on the Surface Mining and Reclamation Division Director's report on division administration, budget, procedures, and personnel matters.

Contact: Melvin B. Hodgkiss, P.O. Box  
12967, Austin, Texas 78711, (512)  
463-6901.

Filed: February 4, 1994, 10:44 a.m.

TRD-9435679

**Monday, February 14, 1994, 9:30 a.m.**

1701 North Congress Avenue, First Floor  
Conference Room 1-111

Austin

According to the complete agenda, the Railroad Commission of Texas will give consideration of category determinations under Sections 102(c)(1)(B), 102(c)(1)(C), 103.107 and 108 of the Natural Gas Policy Act of 1978.

Contact: Margie Osborn, P.O. Drawer  
12967, Austin, Texas 78711, (512)  
463-6755.

Filed: February 4, 1994, 10:38 a.m.

TRD-9435678

**Monday, February 14, 1994, 9:30 a.m.**

1701 North Congress Avenue, First Floor  
Conference Room 1-111

Austin

Revised Agenda

According to the revised agenda, the Railroad Commission of Texas will discuss Oil and Gas Docket Number 7B-0203168, application of Sierra Oil Company to dispose of oil and gas by injection into a porous formation not productive of oil or gas, Crawford, A.D. Lease, Well Number Three, Eastland County Regular (27358001) Field, Eastland County, Texas.

Contact: Thomas Richter, P.O. Box 12967,  
Austin, Texas 78711-2967, (512) 463-6920.

Filed: February 4, 1994, 4:12 p.m.

TRD-9435717

**Friday, February 18, 1994, 2:00 p.m.**

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

Austin

According to the agenda summary, the Commission will hold its monthly statewide hearing on oil and gas to determine the lawful market demand for oil and gas; and to consider and/or take action on matters listed on the agenda posted with the Secretary of State's Office.

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

Filed: February 4, 1994, 10:38 a.m.

TRD-9435677

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**Recycling Market Development Board**

**Tuesday, March 8, 1994, 10:00 a.m.**

105 West 15th Street, Room 104, John H.  
Reagan Building

Austin

According to the complete agenda, the Recycling Market Development Board will call to order; approval of minutes from October 25, 1993 meeting; staff presentation on recycling activities of member agencies; consideration and approval of proposed objectives of the Board for the 1994-1995 biennium; staff presentation on proposed joint data base of member agencies; other business; public comment; and adjourn

Contact: Susan Cox, 1700 North Congress  
Avenue, Austin, Texas 78701, (512)  
463-5333.

Filed: February 7, 1994, 10:08 a.m.

TRD-9435797

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**Texas Rehabilitation Commission**

**Friday, February 11, 1994, 8:30 a.m.**

4900 North Lamar Boulevard, Room 6302

Austin

According to the agenda summary, the Texas Board of Occupational Therapy Examiners Complaint Review Committee will call to order; review and discussion of complaints; and adjournment.

Contact: Linda Vaclavik, 4900 North  
Lamar Boulevard, Austin, Texas  
78751-2399, (512) 483-4072.

Filed: February 3, 1994, 2:21 p.m.

TRD-9435643

**Friday, February 11, 1994, 9:00 a.m.**

4900 North Lamar Boulevard, Room 6302  
Austin

According to the agenda summary, the Texas Board of Occupational Therapy Examiners will call to order; approval of minutes, review of TBOTE rule revisions, and adjournment.

Contact: Linda Vaclavik, 4900 North Lamar Boulevard, Austin, Texas 78751-2399, (512) 483-4072

Filed: February 3, 1994, 2:20 p m  
TRD-9435642

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**Structural Pest Control Board**

Friday, February 18, 1994, 8:30 a.m.

Capitol Extension Building, Room E 1 026, 1100 North Congress Avenue

Austin

According to the agenda summary, the Regular Meeting will meet on approval of board minutes of November 16, 1993, public comment period and public hearing on the proposed regulation §593.22 and §595.11

Contact: Benny M Mathis, Jr., 9101 FM 1325, Suite 201, Austin, Texas 78758, (512) 835-4066

Filed: February 3, 1994, 10:27 a m  
TRD-9435625

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**The Texas A&M University System Board of Regents**

Thursday, February 10, 1994, 10:00 a.m.

Texas A&M University, MSC Annex, Clark Street, Board of Regents Meeting Room

College Station

According to the complete agenda, the purpose of this Board of Regents Telephonic Meeting is for action on the following items for Texas A&M University: Designation of members of the Board of Directors of the University Cogeneration Corporation, appointment of Vice President for Student Affairs, appropriation for preliminary design for west campus parking improvements, selection of architects/engineers for west campus parking improvements, Easterwood Airport seal coating and perimeter fencing, electrical distribution system upgrade, Phase II, reports from System and University Administration, pending and threatened litigation, consult with System attorneys, and personnel matters

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

Filed: February 4, 1994, 4:37 p m

TRD-9435739

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**Texas Department of Transportation**

Monday, February 28, 1994, 10:00 a.m.

200 East Riverside Drive, Room 102

Austin

According to the agenda summary, the Bicycles Rules Advisory Committee will open remarks and introduction of committee members, approve minutes, committee recommendations concerning inclusion of bicycle facility in potential parkway from Beaumont to Tyler, and preliminary review of proposed rulemaking concerning bicycle road use on the state highway system

Contact: Paul Douglas, 125 East 11th Street, Austin, Texas, 78701, (512) 416-3125

Filed: February 4, 1994, 2:39 p m

TRD-9435699

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**University of Houston System Board of Regents**

Wednesday, February 9, 1994, 3:00 p.m.

1600 Smith, 34th Floor, Conference Room One, University of Houston System Offices

Houston

According to the complete agenda, the Finance and Audit Academic and Student Affairs will discuss the following executive session, informational reports from employees, and intercollegiate athletics-University of Houston System

Contact: Peggy Cervenka, 1600 Smith, #3400, Houston, Texas, 77002, (713) 754-7442

Filed: February 4, 1994, 11:41 a m

TRD-9435689

Friday, February 11, 1994, 10:00 a.m.

1600 Smith, 34th Floor, Conference Room One, University of Houston System Offices

Houston

According to the complete agenda, the Finance and Audit Academic and Student Affairs will discuss the following executive session, informational reports from employees, and intercollegiate athletics-University of Houston System

Contact: Peggy Cervenka, 1600 Smith, #3400, Houston, Texas, 77002, (713) 754-7442

Filed: February 4, 1994, 11:41 a m

TRD-9435688

Saturday, February 12, 1994, 9:00 a.m.

4800 Calhoun, Conrad Hilton College Building, Shamrock Room, University of Houston

Houston

According to the complete agenda, the Facilities Planning and Building will discuss and/or approve the following architect presentations-Academic/Student Services building-University of Houston downtown, and selection of architects-Academic/Student Services building and Student Life building-University of Houston downtown

Contact: Peggy Cervenka, 1600 Smith, #3400, Houston, Texas, 77002, (713) 754-7442

Filed: February 4, 1994, 11:41 a m

TRD-9435687

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

Thursday, February 10, 1994, 1:30 p.m.

201 Administration Building, University of North Texas

Denton

According to the complete agenda, the Board of Regents, Role and Scope Committee, will discuss University of North Texas routine academic reports, establishment of holidays for fiscal year 1994-1995, and personnel transactions, University of North Texas Health Science Center agreement with UNTHSC/TCOM Founder's Medal Policy, and Mary E. Luibel Distinguished Service Award

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 369-8515

Filed: February 4, 1994, 4:17 p m

TRD-9435720

Thursday, February 10, 1994, 2:00 p.m.

Board Room, Administration Building, Second Floor, University of North Texas

Denton

According to the complete agenda, the Board of Regents Advancement Committee will discuss University of North Texas enrollment management update, Meyerson update, year to date fund-raising results, Capital Campaign, Phase II, athletic update, Advancement personnel, cooperative planning with the Health Science Center, Nasher Lecture Series status, Marcus Dinner status, and University of North Texas

Health Science Center development update.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 369-8515.

Filed: February 4, 1994, 4:17 p.m.

TRD-9435722

Thursday, February 10, 1994, 3:30 p.m.

Conference Room, Administration Building, University of North Texas

Denton

According to the complete agenda, the Board of Regents Budget and Finance Committee will discuss University of North Texas: gift report, athletic update, report on interest earnings, internal audit update; University of North Texas Health Science Center: challenge examination fee, gift report, report on interest earnings, and internal audit update

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 369-8515

Filed: February 4, 1994, 4:31 p.m.

TRD-9435737

Thursday, February 10, 1994, 4:00 p.m.

Board Room Administration Building, University of North Texas

Denton

According to the complete agenda, the Board of Regents Facilities Committee will discuss University of North Texas upgrade classrooms, renovate and rename Kolmar Building, renovate Lab Gym and construct new building, and project status report.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 369-8515

Filed: February 4, 1994, 4:17 p.m.

TRD-9435721

Friday, February 11, 1994, 8:00 a.m.

Diamond Eagle Suite, University Union, University of North Texas

Denton

According to the complete agenda, the Board of Regents will discuss University of North Texas approval of minutes, executive session (UNT/UNTHSC-Austin update, athletic update, enrollment management, internal audit update, UNT legal update, Chancellor's contract, affiliations UNTHSC legal update), routine academic reports, establishment of holidays, personnel transactions, gift report, upgrade classrooms; renovate Lab Gym and construct new building, renovate and rename Kolmar building, and downtown Higher Education Center in Dallas University of North Texas Health and Science Center agreement with UNTHSC/TCOM Foundation, TCOM Founders' Medal Policy, Mary E. Luibel Distinguished Service Award Policy, health

care reform; challenge examination fee; gift report, Access and Equity Plan 2000; and Department of Pathology update.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 369-8515.

Filed: February 4, 1994, 4:17 p.m.

TRD-9435723

### Texas Workers' Compensation Commission

Friday, February 11, 1994, 9:30 a.m.

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

Austin

According to the agenda summary, the Medical Advisory Committee Meeting will call to order; review and approval of January 14, 1994 minutes; discussion of commission rules presented to commissioners; discussion of second opinion doctors; discussion of multi-disciplinary assessment, discussion, review and possible approval of treatment guidelines, discussion on possible conceptual framework of treatment guidelines; establish draft agenda, establish next meeting date; and adjournment

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

Filed: February 3, 1994, 4:08 p.m.

TRD-9435660

### Texas Workers' Compensation Insurance Facility

Monday, February 14, 1994, 9:45 a.m.

Guest Quarters Hotel, 303 West 15th

Austin

According to the agenda summary, the Governing Committee Meeting will discuss approval of January 17 minutes, consideration and possible action on: reconsideration and/or ratification of all actions taken at the January 17 meeting, amendment of Facility Bylaws, servicing company requests for reimbursement of legal fees and expenses, the Appeals Committee's recommendations; executive director's report, and executive session(s) regarding personnel matters and pending legal matters. Following the closed executive session(s), the Governing Committee will reconvene in Open and Public Session and will take any action as may be desirable or necessary as a result of the closed deliberations, including possible approval of settlements of potential or existing litigation, and possible approval of facility transition plans and personnel policies

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

Filed: February 4, 1994, 2:09 p.m.

TRD-9435698

### Texas Workers' Compensation Insurance Fund

Monday, February 14, 1994, 9:30 a.m.

100 Congress Avenue, Suite 600

Austin

According to the agenda summary, the Board of Directors will call to order; roll call; executive session; action resulting from executive session and adjournment.

Contact: Beth Naylor, 100 Congress Avenue, Suite 300, Austin, Texas 78701, (512) 322-2886

Filed: February 7, 1994, 4:25 p.m.

TRD-9435827

### Regional Meetings

Meetings Filed February 3, 1994

The Aqua Water Supply Corporation Board of Directors met at 305 Eskew, Bastrop, February 7, 1994, at 7:30 p.m. Information may be obtained from Adlinie Rathman, P.O. Drawer P, Bastrop, Texas 78602, (512) 303-3943. TRD-9435665.

The Archer County Appraisal District Board of Directors met at 101 South Center, Archer City, February 9, 1994, at 5:00 p.m. Information may be obtained from Edward H. Trigg, III, Box 1141, Archer City, Texas 76351, (817) 574-2172. TRD-9435639.

The Bi-County WSC met at Camp County Senior Citizens, 525 Elm Street, Pittsburg, February 8, 1994, at 7:00 p.m. Information may be obtained from Freeman Phillips, P.O. Box 848, Pittsburg, Texas 75686, (903) 856-5840. TRD-9435624.

The Golden Crescent Quality Work Force Planning Full-Committee Meeting met in the Victoria College Student Center, 2200 East Red River, Victoria, February 8, 1994, at 3:30 p.m. Information may be obtained from Carol Matula, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9435635

The Grande Parkway Association met at 5757 Woodway, Suite 140, East Wing, Houston February 10, 1994, at 8:15 a.m. Information may be obtained from Jerry L. Coffman, 5757 Woodway, 140 East Wing, Houston, Texas 77057, (713) 782-9330. TRD-9435640.

The Hays County Appraisal District Board of Directors met at 21001 North IH-35, Kyle, February 10, 1994, at 3:30 p.m. Information may be obtained from Lynnell Sedlar, 632A East Hopkins, San Marcos, Texas 78666, (512) 754-7400. TRD-9435638.

The Lower Rio Grande Tech Prep Consortium (a.k.a. Tech Prep of the Rio Grande Valley) Board of Directors met in the Conference Room, George M. Young Engineering, Technology Center, Texas State Technical College, Harlingen, February 9, 1994, at 3:00 p.m. Information may be obtained from Pat Bubb, TSTC, Conference Center, Harlingen, Texas 78550-3697, (210) 425-0729. TRD-9435637.

The Nortex Regional Planning Committee Executive Committee will meet in the Regional Planning Committee, The Galaxy Center, Suite 200, 4309 Jacksboro Highway, Wichita Falls, February 17, 1994, at Noon. Information may be obtained from Dennis Wilde, P.O. Box 5144, Wichita Falls, Texas 76307-5144, (817) 322-5281. FAX #: (817) 322-6743. TRD-9435636.

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**Meetings Filed February 4,  
1994**

The Barton Springs/Edwards Aquifer Conservation District Board of Directors (Regular Meeting) met at 1124-A Regal Row, Austin, February 10, 1994, at 5:30 p.m. Information may be obtained from Bill E. Couch, 1124-A Regal Row, Austin, Texas 78748, (512) 282-8441, Fax: (512) 282-7016 TRD-9435691.

The Blanco County Central Appraisal District Board of Review met in the Court-house Annex, Avenue G and Seventh Street, Johnson City, February 8, 1994, at 5:00 p.m. Information may be obtained from Hollis Boatright, P.O. Box 338, Johnson City, Texas 78636, (210) 868-4013. TRD-9435674.

The Central Appraisal District of Taylor County Board of Directors met at 1534 South Treadway, Abilene, February 9, 1994, at 3:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381 TRD-9435675.

The Central Texas Council of Governments Criminal Justice Advisory Board will meet at 302 East Central Avenue, Belton, February 15, 1994, at 9:00 a.m. Information may be obtained from Beth Stokes, P.O. Box 729, Belton, Texas 76513, (817) 939-1801. TRD-9435712.

The Coleman County Water Supply Corporation Board of Directors met in The Corporation Office, 214 Santa Anna Avenue, Coleman, February 9, 1994, at 1:30

p.m. Information may be obtained from Davey Thweatt, 214 Santa Anna Avenue, Coleman, Texas 76834, (915) 625-2133 TRD-9435676.

The Dallas Area Rapid Transit Committee-of-the-Whole met at 1401 Pacific Avenue, DART Conference Room "C", First Floor, Dallas, February 8, 1994, at 3:00 p.m. Information may be obtained from Jacqueline Young, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3371. TRD-9435732.

The Dallas Area Rapid Transit Board of Directors met at 1401 Pacific Avenue, DART Board Meeting Room, First Floor, Dallas, February 8, 1994, at 6:30 p.m. Information may be obtained from Jacqueline Young, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3371. TRD-9435731

The Denton Central Appraisal District Appraisal Review Board will meet at 3911 Morse Street, Denton, February 16, 1994, at 9:00 a.m. Information may be obtained from John Brown, 3911 Morse Street, Denton, Texas 76202, (817) 566-0904. TRD-9435694.

The East Texas Quality Work Force Planning Committee Board of Directors' Meeting met at the TJC Regional Training and Development Center, 1530 South Southwest Loop 323, Tyler, February 9, 1994, at 1:30 p.m. Information may be obtained from Karen Christensen, 3900 University Boulevard, Tyler, Texas 75779, (903) 566-7315. TRD-9435747.

The Hickory Underground Water Conservation District Number One Board and Advisors will meet at 2005 South Bridge Street, Brady, February 11, 1994, at 7:00 p.m. Information may be obtained from Lorna Moore, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785. TRD-9435740

The Hockley County Appraisal District Board of Directors met at 1103-C Houston Street, Levelland, February 7, 1994, at 7:00 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9435751.

The Hockley County Appraisal District Appraisal Review Board met at 1103-C Houston Street, Levelland, February 8, 1994, at 7:00 a.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9435750.

The Hunt County Appraisal District Board of Directors met in the Hunt County Appraisal District Boardroom, 4801 King Street, February 10, 1994, at 6:30 p.m. Information may be obtained from Shirely Smith, 4801 King Street, Greenville, Texas 75401, (903) 454-3510. TRD-9435693

The Manville Water Supply Corporation Annual Meeting of Members met in the Pflugerville High School Cafeteria, FM 1825 Pflugerville, February 8, 1994, at 6:30 p.m. Information may be obtained from LaVerne Rohlack, Spur 277, P.O. Box 248, Coupland, Texas 78615, (512) 272-4044. TRD-9435672

The Montague County Tax Appraisal District Board of Directors met at the Appraisal District Office, 312 Rusk Street, Montague, February 9, 1994, at 5:00 p.m. Information may be obtained from Wanda Russell, P.O. Box 121, Montague, Texas 76251, (817) 894-2081 TRD-9435749

The Region IV Education Service Center Board of Directors met in the Board Room, Region IV Education Service Center, 7145 West Tidwell, Houston, February 8, 1994, at 6:00 p.m. Information may be obtained from W. L. McKinney, 7145 West Tidwell, Houston, Texas 77092, (713) 462-7708 TRD-9435705

The South Plains Association of Governments Executive Committee met at 1323 58th Street, Lubbock, February 8, 1994, at 9:00 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452-3730, (806) 762-8721 TRD-9435666

The South Plains Association of Governments Board of Directors met at 1323 58th Street, Lubbock, February 8, 1994, at 10:00 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9435667

The Texas Water Conservation Association Risk Management Fund Board of Trustees will meet at the Westin Hotel at the Galleria, 13340 Dallas Parkway, Dallas Room, Dallas, February 16, 1994, at 8:00 a.m. Information may be obtained from Leroy Goodson, 206 San Jacinto Building, Austin, Texas 78701, (512) 472-7216 TRD-9435692

The Trinity River Authority of Texas Administration Committee will meet at 5300 South Collins, Arlington, February 11, 1994, at 10:00 a.m. Information may be obtained from James L. Murphy, 5300 South Collins, Arlington, Texas 76018, (817) 467-4343. TRD-9435706.

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**Meetings Filed February 7,  
1994**

The Angelina and Neches River Authority Board of Directors (Regular Meeting) will meet at the Temple-Inland's North Boggy Slough Hunting Lodge, Lufkin, February 11, 1994, at 3:30 p.m. Information may be obtained from Gary L. Neighbors,

P.O. Box 387, Lufkin, Texas 75902-0387, (409) 632-7795, Fax (409) 632-2564 TRD-9435807.

**The Appraisal District of Jones County Board of Directors** will meet at the District's Office, 1127 East Court Plaza, Anson, February 17, 1994, at 8:30 a.m. Information may be obtained from Susan Holloway, 1137 East Court Plaza, Anson, Texas 79501, (409) 823-2422 TRD-9435784.

**The Brazos Valley Development Council Executive Committee** met in the Council Board Room, 1706 East 29th Street, Bryan, February 10, 1994, at 1:30 p.m. Information may be obtained from Tom Wilkinson, Jr., P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-4244. TRD-9435785.

**The Central Appraisal District of Johnson County Appraisal Review Board** will meet at 109 North Main, Suite 201, Room 202, Cleburne, February 18, 1994, at 9:00 a.m. Information may be obtained from Jim Hudspeth, 109 North Main, Cleburne, Texas 76031, (817) 645-3986. TRD-9435782.

**The Central Appraisal District of Nolan County Board of Directors** will meet at the Nolan County Courthouse-Third Floor, 100 East Third Street, Sweetwater, February 11, 1994, at 7:00 a.m. Information may be obtained from Steven G. Beck, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421. TRD-9435770.

**The Council Risk Management Fund Board of Trustees** will meet at the Guest Quarter Hotel-Bluebonnet I, 303 West 15th Street, Austin, February 11, 1994, at 8:00 a.m. Information may be obtained from Spencer McClure, Westpark Building Three, Suite 240, 8140 Mopac Expressway, Austin, Texas 78759, (512) 794-9268 TRD-9435823.

**The Dewitt County Appraisal District Board of Directors** will meet at 103 Bailey Street, Cuero, February 15, 1994, at 7:30 p.m. Information may be obtained from Kay Rath, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753 TRD-9435804.

**The Elm Creek WSC Board** will meet at the Liberty Hill Baptist Church, Moody, February 14, 1994, at 7:00 p.m. Information may be obtained from Paulette Richardson, Route 1 Box 564, Moody, Texas 76557, (817) 853-2339. TRD-9435788

**The Gregg County Appraisal District Board of Directors** met at 2010 Gilmer Road, Longview, February 8, 1994, at 11:00 a.m. Information may be obtained from Bill Carroll, 2010 Gilmer Road, Longview, Texas 75604, (903) 759-0015. TRD-9435798.

**The Gulf Coast Quality Workforce Planning TechForce 2000, Inc** will meet at 7145 West Tidwell, Region IV Education Service Center, Houston, February 15, 1994, at 10:00 a.m. Information may be obtained from Karen Baird, 250 North Sam Houston Parkway East, Houston, Texas 77060, (713) 591-9306 TRD-9435789

**The Northeast Texas Quality Work Force Planning** met at the Paris Junior College, 2400 Clarksville Street, Paris, February 9, 1994, at 10:00 a.m. Information may be obtained from Walter York, P.O. Box 1307, Mt Pleasant, Texas 75456-1307, (903) 572-1911 TRD-9435799

**The Hamby Water Supply Corporation Board of Directors** met at the Hamby Water Supply Office, 408 Elmdale Road North, Abilene, February 10, 1994, at 7:30 p.m. Information may be obtained from Bertha Linahan, 408 Elmdale Road North, Abilene, Texas 79601, (915) 548-2510 TRD-9435800.

**The North Texas Municipal Water District Board of Directors** will meet at the Administrative Offices, 505 East Brown Street, Wylie, February 24, 1994, at 4:00 p.m. Information may be obtained from Carl W. Riehn, P.O. Box 2408, Wylie, Texas 75098, (214) 442-5405 TRD-9435809

**The Palo Pinto Appraisal District Board of Directors** will meet at the Palo Pinto Appraisal District, Palo Pinto, February 11, 1994, at 3:00 p.m. Information may be obtained from Carol Holmes, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1208 TRD-9435780

**The Palo Pinto Appraisal District Appraisal Review Board** will meet at the Palo Pinto County Courthouse, Palo Pinto, February 23, 1994, at 1:30 p.m. Information may be obtained from Carol Holmes, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1208 TRD-9435781

**The PanHandle Quality Work Force Planning Committee** met in the Third Floor Board Room, Southwestern Bell Telephone Building, 815 South Tyler, Amarillo, February 9, 1994, at 3:00 p.m. Information may be obtained from David T. McReynolds, Suite 1020, Plaza II, Amarillo, Texas 79101, (806) 371-7577, FAX (806) 371-9519 TRD-9435811

**The Sabine River Authority of Texas Board of Directors** will meet at the Fredonia Hotel, Nacogdoches, February 11, 1994, at 10:30 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 746-3200 TRD-9435810

**The Sabine River Authority of Texas (Revised agenda.) Board of Directors** will meet at the Fredonia Hotel, Nacogdoches, February 11, 1994, at 10:30 a.m. Informa-

tion may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 746-3200 TRD-9435765

**The San Antonio-Bexar County Metropolitan Organization Technical Advisory Committee** will meet in the MPO Conference Room, 434 South Main, Suite 205, San Antonio, February 11, 1994, at 9:00 a.m. Information may be obtained from Charlotte Roszelle, 434 South Main, Suite 205, San Antonio, Texas 78204, (210) 227-8651 TRD-9435821

**The San Antonio River Authority Board of Directors** will meet at 100 East Guenther Street, Boardroom, San Antonio, February 16, 1994, at 1:00 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (210) 227-1373 TRD-9435766

**The South East Texas Regional Planning Commission Executive Committee** will meet at the City of Beaumont Council Chambers, Beaumont, February 16, 1994, at 7:00 p.m. Information may be obtained from Jackie Vice, P.O. Drawer 1387, Nederland, Texas 77627, (409) 727-2384 TRD-9435783

**The Texas Natural Resource Conservation Commission Galveston Bay National Estuary Program Scientific/Technical Advisory Committee** will meet at the University of Houston/Clear Lake-Bayou Building, Forest Room, 2700 Bay Area Boulevard, Houston, February 14, 1994, at 9:00 a.m. Information may be obtained from Judy Eernisse, 711 West Bay Area Boulevard, Suite 210, Webster, Texas 77598, (713) 332-9937 TRD-9435814

**The Texas Natural Resource Conservation Commission Galveston Bay National Estuary Program Citizen's Advisory Steering Committee** will meet at the Holiday Inn Nasa, 1300 Nasa Road One, Houston, February 15, 1994, at 9:30 a.m. Information may be obtained from Judy Eernisse, 711 West Bay Area Boulevard, Suite 210, Webster, Texas 77598, (713) 332-9937 TRD-9435812

**The Texas Natural Resource Conservation Commission Galveston Bay National Estuary Program Management Committee** will meet at the Holiday Inn Nasa-Ballroom, 1300 Nasa Road One, Houston, February 16, 1994, at 9:30 a.m. Information may be obtained from Judy Eernisse, 711 West Bay Area Boulevard, Suite 210 Webster, Texas 77598, (713) 332-9937 TRD-9435813

**The Trinity River Authority of Texas Utility Services Committee** will meet at 5300 South Collins, Arlington, February 14, 1994, at 10:00 a.m. Information may be obtained from James L. Murphy, 5300 South Collins, Arlington, Texas 76018, (817) 467-4343 TRD-9435816



**Meetings Filed February 8,  
1994**

**The Canyon Regional Water Authority Regular Board** will meet at the Guadalupe Fire Training Facility, Route 2 Lakeside Pass Drive, New Braunfels, February 14, 1994, at 7:00 p.m. Information may be obtained from David Davenport, Route 2 Box 654 W, New Braunfels, Texas 78130-9579, (210) 609-0543 TRD-9435830

**The Erath County Appraisal District Appraisal Review Board** will meet at 1390 Harbin Drive, Stephenville, February 22, 1994, at 9:00 a.m. Information may be obtained from Mitzi Meekins, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434, FAX (817) 965-5633 TRD-9435829

**The Johnson County Rural Water Supply Corporation Insurance Committee** will meet at the JCRWSC Office, Highway 171 South, Cleburne, February 14, 1994, at 10:00 a.m. Information may be obtained

from Peggy Johnson, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9435841.

**The Liberty County Central Appraisal District Appraisal Review Board** will meet at 315 Main Street, Liberty, February 17, 1994, at 9:30 a.m. Information may be obtained from Sherry Greak, 315 Main Street, Liberty, Texas 77575, (409) 336-5722. TRD-9435832.

**The Liberty County Central Appraisal District Board of Directors** will meet at 315 Main Street, Liberty, February 23, 1994, at 9:30 a.m. Information may be obtained from Sherry Greak, 315 Main Street, Liberty, Texas 77575, (409) 336-5722 TRD-9435833

**The Middle Rio Grande Quality Work Force** will meet at the Southwest Texas Junior College, Bluebonnet Room, 2410 Garner Field Road, Uvalde, February 14, 1994, at Noon. Information may be obtained from Pat Gonzales, 209 North Getty, Uvalde, Texas 78801, (210) 278-2527. TRD-9435834

**The Nueces-Jim Wells-Kleberg-Kenedy Soil and Water Conservation District Board of Directors** will meet at the SCS Office, 548 South Highway 77, Suite B, Robstown, February 15, 1994, at 2:00 p.m. Information may be obtained from Denise Lawhon, 548 South Highway 77, Suite B, Robstown, Texas 78380, (512) 668-8363. TRD-9435843.

**The Region V Education Service Center Board of Directors** will meet in the ESC Boardroom, Delaware Street, Beaumont, February 16, 1994, at 1:00 p.m. Information may be obtained from Robert E. Nicks, 2295 Delaware Street, Beaumont, Texas 77703, (409) 835-5212. TRD-9435842.

**The Texas Municipal Asset Pool Board of Directors** will meet at the Riverway Bank, Five Riverway, Board Room, Second Floor, Houston, February 16, 1994, at 8:00 a.m. Information may be obtained from Kristin Redford, P.O. Box 56572, Houston, Texas 77256, (713) 552-2618. TRD-9435831.





# 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.

## State Banking Board

### Notice of Hearing

The State Banking Board has accepted a domicile change application from First State Bank, Junction, Texas. The bank proposes to relocate from 601 College Street, Junction, Texas, to a new location at 2002-2006 North Main Street, Junction, Texas. Upon reasonable notice, the public may inspect and copy all portions of the application, other than those made confidential by law, at the Texas Department of Banking, Third Floor, 2601 North Lamar Boulevard, Austin, Texas 78705, during regular business hours, Monday-Friday, excluding holidays, 8:00 a.m. to 5:00 p.m.

A public hearing on the application is tentatively set for March 10, 1994, at 9:30 a.m. Anyone wishing to speak at the hearing, to make written comments, or to protest the application, should file any written comments or protest or give written notice of their intention to speak on or before February 28, 1994. Copies of written comments, protests, and written notice of intention to speak at the hearing should be sent United States mail, postage prepaid, to the applicant representative Charles L. Hagood, P.O. Box 105, Junction, Texas 76849.

If no protests are received by February 28, 1994, the board may cancel the hearing without further public notice and consider the application on the basis of the written record. The Board may also postpone or otherwise reschedule the hearing without further public notice. Therefore, anyone planning to attend should first verify scheduling information. Anyone planning to attend who may need special accommodations due to disabilities should notify the Board at least three days prior to the hearing so that appropriate arrangements may be made. The Texas Department of Banking may be reached by telephone at (512) 475-1300 or by mail to the address given previously.

Issued in Austin, Texas on January 31, 1994

TRD-9435584 Lynda A. Drake  
Director of Corporate Activities  
Texas Department of Banking

Filed February 2, 1994

## Texas Bond Review Board

### Bi-Weekly Report on the 1994 Allocation of the State Ceiling on Certain Private Activity Bonds

The information that follows is a report of the allocation activity for the period of January 14, 1994-January 28, 1994.

Total amount of state ceiling remaining unreserved for the \$252,434,000 subceiling for qualified mortgage bonds under the Act as of January 28, 1994: \$192,973,750.

Total amount of state ceiling remaining unreserved for the \$157,771,250 subceiling for state-voted issues under the Act as of January 28, 1994: \$157,771,250.

Total amount of state ceiling remaining unreserved for the \$67,616,250 subceiling for qualified small issues under the Act as of January 28, 1994: \$67,616,250.

Total amount of state ceiling remaining unreserved for the \$45,077,500 subceiling for residential rental project issues under the Act as of January 28, 1994: \$31,777,500.

Total amount of state ceiling remaining unreserved for the \$378,651,000 subceiling for all other bonds requiring an allocation under the Act as of January 28, 1994: \$228,651,000.

Total amount of the \$901,550,000 state ceiling remaining unreserved as of January 28, 1994: \$678,789,750.

Following is a comprehensive listing of applications which have received a reservation date pursuant to the Act from January 14, 1994-January 28, 1994. Laredo HFC, Eligible Borrowers, Mortgage Revenue Bonds, \$12,289,900; Hidalgo County HFC, Eligible Borrowers, Mortgage Revenue Bonds, \$18,350,000; Travis County HFC, Eligible Borrowers, Mortgage Revenue Bonds, \$28,820,350; Southeast Texas HFC, Hearthstone at Weimer, Limited, Residential Rental Hearthstone at Weimer Apartments, \$2,900,000; Southeast Texas HFC, Hearthstone at Wharton, Limited, Residential Rental Hearthstone at Wharton Apartments, \$4,200,000; Southeast Texas HFC, Hearthstone at Liberty, Limited, Residential Rental Hearthstone at Liberty Apartments, \$4,200,000; Southeast Texas HFC, MAGI, Inc., Residential Rental First Line Apartments, \$2,000,000; Gulf Coast Waste Disposal Authority of Texas, Amoco Corporation, All Other Bonds Solid Waste Disposal, \$50,000,000; Harris County IDC, Deer Park Refining L.P., All Other Bonds Sour Water Stripper Project, \$50,000,000; Port of Port Arthur Navigation District of Jefferson County, Star Enterprises, All Other Bonds Wastewater Treatment Plant, \$50,000,000.

Issued in Austin, Texas on January 31, 1994

TRD-9435609 Albert L. Bacanese  
Executive Director  
Texas Bond Review Board

Filed February 2, 1994

## Comptroller of Public Accounts Notice of Delay of Issuance of Request for Proposals

The Comptroller has determined that it is in the best interest of the state that issuance of the University Interscholastic League (UIL) will be delayed until February 11, 1994. Notice published in the February 4, 1994, edition of the *Texas Register* (19 TexReg 826), is reissued and superceded by notice issued by the Comptroller of Public Accounts on January 31, 1994.

Issued in Austin, Texas, on February 7, 1994

TRD-9435778      Tres Lorton  
Senior Legal Counsel  
Comptroller of Public Accounts

Filed February 7, 1994

## Notice of Request for Proposals

**Notice of Request for Proposals** The Office of the Comptroller of Public Accounts (Comptroller) announces its Request for Proposals (RFP) for a management and performance review of the University Interscholastic League (UIL). The purpose of the RFP is to obtain proposals to perform a comprehensive review of the effectiveness and efficiency of the financial, program, and management policies of the UIL. The review will examine ways to contain or reduce costs, improve management strategies, and maximize services to member schools in a cost effective manner. The review shall also evaluate the UIL rulemaking process and determine the efficiency and effectiveness of the current UIL governance structure. The successful proposer will be expected to begin performance of the contract on or about March 28, 1994.

**Contact** Parties interested in submitting a proposal should contact the Comptroller of Public Accounts, Senior Legal Counsel's Office, 111 East 17th Street, Room G26, Austin, Texas 78774, (512) 475-0866, to obtain a complete copy of the RFP. The RFP will be available for pick-up at the above referenced address on Friday, February 11, 1994, between 3:00 p.m. and 5:00 p.m. Central Zone Time (CZT), and during normal business hours thereafter.

**Closing Date** Proposals must be received in the Senior Legal Counsel's Office no later than 4:00 p.m. (CZT), on Friday, March 11, 1994. Proposals received after this time and date will not be considered.

**Award Procedure** All proposals will be subject to evaluation by a committee based on the evaluation criteria set forth in the RFP. The committee will determine which proposal best meets these criteria and will make a recommendation to the deputy comptroller, who will make a recommendation to the Comptroller. The Comptroller will make the final decision. A proposer may be asked to clarify its proposal, which may include an oral presentation prior to final selection.

The Comptroller reserves the right to accept or reject any or all proposals submitted. The Comptroller is under no

legal or other obligation to execute a contract on the basis of this notice or the distribution of an RFP. Neither this notice nor the RFP commits the Comptroller to pay for any costs incurred prior to the execution of a contract.

The anticipated schedule of events is as follows: Issuance of RFP—February 11, 1994, 3:00 p.m. (CZT); Mandatory Letter of Intent and Questions Due—February 22, 1994, 4:00 p.m. (CZT); Proposals Due—March 11, 1994, 4:00 p.m. (CZT); and Contract Execution—March 18, 1994, or as soon thereafter as possible.

Issued in Austin, Texas, on February 7, 1994

TRD-9435779      Tres Lorton  
Senior Legal Counsel  
Comptroller of Public Accounts

Filed February 7, 1994

## Office of Consumer Credit Commissioner

### Notice of Rate Bracket Adjustment

The Consumer Credit Commissioner of Texas has ascertained the following brackets and ceilings by use of the formula and methods described in Article 2.08, Title 79, Revised Civil Statutes of Texas, as amended (Texas Civil Statutes, Article 5069-2.08).

The ceiling amount in Article 3.01(1) is changed to \$10,500.

The amounts of brackets in Article 3.15(1) are changed to \$1,260 and \$10,500, respectively.

The ceiling amount in Article 3.16(6) is changed to \$420.

The amounts of the brackets in Article 6.02(9)(a) are changed to \$2,100 and \$4,200, respectively.

The amount of the bracket in Article 6.03(3) is changed to \$2,100.

The ceiling amount in Article 51.12 is changed to \$10,500.

The amounts of the brackets in Article 51.12 are changed to \$126, \$420, and \$1,260, respectively.

The above dollar amounts of the brackets and ceilings shall govern all applicable credit transactions and loans made on or after July 1, 1994, and extending through June 30, 1995.

Issued in Austin, Texas, on January 31, 1994

TRD-9435585      Al Endeley  
Consumer Credit Commissioner

Filed February 2, 1994

### 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 Texas Civil Statutes, Title 79, Article 1.04, as amended (Texas Civil Statutes, Article 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u>	<u>Commercial(2) over \$250,000</u>
Indicated (Weekly) Rate - Art 1.04(a)(1)	02/07/94-02/13/94	18.00%	18.00%

(1)Credit for personal, family or household use. (2)Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on January 31, 1994  
TRD-9435586 Al Endsley  
Consumer Credit Commissioner

Filed: February 2, 1994

◆ ◆ ◆  
**Texas Department of Insurance**  
Notice of Public Hearing

The Commissioner of Insurance will hold a public hearing under Docket Number 2086, on February 24, 1994, from 2.00 p.m. through 7.00 p.m. at the Bayfront Plaza Convention Center, 1901 North Shoreline, Room 223, in Corpus Christi, Texas. The hearing will be held to discuss problems with coverage for real property foundations, and the endorsement, which must be adopted by the Commissioner, pursuant to Texas Insurance Code, Article 5.35-2, that excludes coverage for damage to foundations or slabs of insured dwellings over 10 years old.

Issued in Austin, Texas, on February 7, 1994

TRD-9435775 Linda K von Quintus-Dorn  
Chief Clerk  
Texas Department of Insurance

Filed: February 7, 1994

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**Notice of Statement Regarding the  
Acquisition of Control of Parliament  
Dental Plans, Inc. by Paul H. Michael,  
Applicant**

Notice is given to the public of the filing of a Form A (HMO), Statement Regarding the Acquisition of Control of Parliament Dental Plans, Inc. by Paul H. Michael, Applicant, with the Commissioner of Insurance pursuant to Texas Insurance Code, Article 20A 05(d) and 28 TAC §§11 1201-11 1206. The Statement is subject to public inspection at the offices of the Commissioner of Insurance, HMO Unit, 333 Guadalupe, Hobby Tower I, Sixth Floor, Austin, Texas.

If you wish to object to the acquisition of control of Parliament Dental Plans, Inc. by Paul H. Michael, applicant, you must submit a written objection to Leah Rummel, Director of the HMO Unit, Mail Code 106-3A, Texas Department of Insurance, 333 Guadalupe, P.O. Box 149104, Austin, Texas 78714-9104, no later than 10 days after the date of publication of this notice. If no objections to the acquisition of control are submitted within the time period specified, the Commissioner of Insurance or his designee may take action to approve the acquisition of control without a public hearing.

Issued in Austin, Texas, on February 7, 1994.

TRD-9435773 Linda K von Quintus-Dorn  
Chief Clerk  
Texas Department of Insurance

Filed: February 7, 1994

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**Texas Natural Resource Conservation  
Commission**  
Extension of Deadline for Written  
Comments

In the December 24, 1993, January 4, 1994, and January 7, 1994, issues of the *Texas Register* (18 TexReg 9958, 19 TexReg 19, and 19 TexReg 150), the Texas Natural Resource Conservation Commission (TNRCC) published notices of public hearings on proposed rule amendments to be held January 24, 26, and 27, 1994. The purpose of the hearings was to receive testimony on proposed revisions to TNRCC Chapter 115, the State Implementation Plan, and the General Rules (Chapter 101). The deadline of February 11, 1994, for receipt of written comments has been extended to February 25, 1994. All comments at the hearings, as well as written comments received by 4:00 p.m. on February 25, 1994, at the TNRCC central office in Austin, will be considered by the commission prior to any final decision on the proposals.

Copies of the proposals are available from the TNRCC Air Quality Planning Division, P.O. Box 1308, Austin, Texas 78711-3087, and at all regional offices of the agency. For further information, call Amba Mann at (512) 239-1930.

Issued in Austin, Texas, on February 4, 1994.

TRD-9435762 Mary Ruth Holder  
Director, Legal Division  
Texas Natural Resource Conservation  
Commission

Filed: February 7, 1994

**Notice of Application for Waste Disposal  
Permits**

Attached are Notices of Application for waste disposal permits. These notices were issued during the period of January 31 through February 4, 1994.

These applications are subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue the permits unless one or more persons file written protests and/or requests for hearing within 30 days of the date of newspaper publication of notice concerning the application(s).

If you wish to request a public hearing, you must submit your request in writing. You must state your name, mail-

ing address and daytime phone number, the permit number or other recognizable reference to this application, the statement "I/we request a public hearing", a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application, a description of the location of your property relative to the applicant's operations; and your proposed adjustment to the application/permit which would satisfy your concerns and cause you to withdraw your request for hearing. If one or more protests and/or requests for hearing are filed, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where a hearing may be held. If no protests or requests for hearing are filed, the Executive Director will sign the permit 30 days after publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing on this application should be submitted in writing to Kerry Sullivan, Assistant Chief Hearings Examiner, Texas Natural Resource Conservation Commission, P O Box 13087, Austin, Texas 78711, (512) 463-7908.

Brazoria County Fresh Water Supply District Number 1, the wastewater treatment facilities; are on the east side of State Highway 36, approximately 1,100 feet southeast of the intersection of FM Road 1462 and State Highway 36, northeast of the City of Damon in Brazoria County, amendment; 11130-01

Cooper Industries, Inc ; Katy Road Plant, a facility which forges steel and steel alloys into parts for the oil tool, aircraft, and military industries; the plant site is at the northeast corner of the intersection of Silber Road and Interstate Highway 10 (Katy Freeway), and approximately 3/4-mile west of the intersection of Interstate highway 10 and West Loop 610 in the City of Houston, Harris County, amendment, 00357

City of Henderson, the Northside Wastewater Treatment Facilities; the plant site is approximately 2.3 miles north of U.S Highway 259 and 0.8 mile west of FM Road 782 in Rusk County, renewal, 10187-02

Knox Oil of Texas, Inc ; a gasoline and diesel fuel service station, the plant site is at the southeast corner of the intersection of Interstate Highway 45 and Parkerhill Road approximately 1.1 miles south of the center of Palmer, Ellis County, Texas, new, 03644

Pennzoil Company, a sulphur storage and shipping facility, the plant site is in the 4500 block of Port Industrial Boulevard in the City of Galveston, Galveston County, Texas, amendment, 01634

Spring Independent School District, the Wunsche School Wastewater Treatment Facilities, the plant site is at 922 Wunsche Loop Road, west of the City of Spring in northern Harris County, Texas, renewal, 11811-01

Tek-Rap, Inc., the wastewater treatment facilities, are at the intersection of Old Beaumont Highway (U.S Highway 90 East) and East Belt Drive in Harris County, Texas, renewal, 12797-01

Westfield Mobile Home Park, the wastewater treatment facilities; are at 520 Gulf Bank Road, approximately 1,300 feet east of Airline Drive in Harris County, Texas, renewal; 12555-01.

Lower Neches Valley Authority-North, Regional Treatment Plant (LNVA-NRTP), the waste managed at LNVA-NRTP is industrial hazardous waste described as stormwater runoff and process wastewater from five off-site plants and sludge and residual bio-material generated by the treatment of the wastewater. After March 29, 1994, LNVA-NRTP will not receive hazardous waste from off-site sources. The North Regional Treatment Plant is on Gulf States Road, 1.5 miles east of the intersection of Washington Boulevard and State Highway 380 within the city limits of Beaumont, Jefferson County, Texas, new, HW50349

Issued in Austin, Texas, on February 4, 1994

TRD-9435752  
Gloria A. Vasquez  
Chief Clerk  
Texas Natural Resource Conservation  
Commission

Filed February 4, 1994

## Public Hearing Notice

The Texas Natural Resource Conservation Commission will conduct a public hearing beginning at 5:00 p.m., March 30, 1994, City of Port Arthur, City Hall-Council Chambers, Fifth Floor, 444 Fourth Street, Port Arthur

This hearing is scheduled to receive testimony concerning the waste load evaluation report for Dissolved Oxygen in the Intracoastal Waterway in the Neches-Trinity Coastal Basin (Segment 0702). The public hearing shall be conducted in accordance with the Texas Water Code, §26.011 and §26.037.

The primary purpose of a waste load evaluation is to define treatment levels for wastewater dischargers to a segment and specify other program actions that need to be taken in order to attain and maintain the water quality standards, describe nonpoint source pollution from areas tributary to a segment, and identify treatment level alternatives using receiving stream water quality simulations. A section containing recommended treatment levels and other proposed recommended actions is also included.

The public is encouraged to attend the hearing and to present relevant evidence or opinions concerning the waste load evaluation. Written testimony which is submitted prior to or during the public hearing will be included in the record. The Commission would appreciate receiving a copy of all written testimony at least five days before the hearing. Copies of written testimony and questions concerning the public hearing should be addressed to Mark Rudolph, TNRCC, Watershed Management Division, P O Box 13087, Austin, Texas 78711, or call (512) 475-2213.

A limited number of copies of the draft waste load evaluation are available for review in the TNRCC Library, Room B-20 of the Stephen F. Austin Building, 1700 North Congress Avenue in Austin. A copy of the report may be obtained upon written request from Mark Rudolph at the above address. There are no charges for the pre-hearing draft copies of the waste load evaluation, however, a fee will be charged for the finalized post-hearing copies.

The date selected for this hearing is intended to comply with deadlines set by statute and regulation. Any publication or receipt of this notice less than 45 calendar days prior to the hearing date is due to the necessity of scheduling the hearing on the date selected.

Issued in Austin, Texas, on February 7, 1994

TRD-9435788

Mary Ruth Holder  
Director, Legal Division  
Texas Natural Resource Conservation  
Commission

Filed: February 7, 1994

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**North Central Texas Council of  
Governments**

**Notice of Consultant Contract Awards**

In accordance with Texas Civil Statutes, Article 6252-11c, the North Central Texas Council of Governments publishes this notice of consultant contract award. The consultant proposal request appeared in the October 18, 1993, issue of the *Texas Register* (18 TexReg 6971). The consultant is to conduct a transit needs assessment for the City of Arlington.

The consultant selected to conduct the study is Barton-Aschman Associates, Inc., 5482 Belt Line Road, Suite 199, Dallas, Texas 75240. The maximum amount of the contract is \$99,966. The contract began January 24, 1994, and will terminate October 31, 1994.

At the conclusion of the project, the consultant will prepare a final report describing the study purpose, recommendations from each task, methods, procedures, and final recommendations.

Issued in Austin, Texas, on February 4, 1994.

TRD-9435788 Mike Eastland  
Executive Director  
North Central Texas Council of  
Governments

Filed: February 7, 1994

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In accordance with Texas Civil Statutes, Article 6252-11c, the North Central Texas Council of Governments publishes this notice of consultant contract award. The consultant proposal request appeared in the October 29, 1993, issue of the *Texas Register* (18 TexReg 7578). The consultant is to conduct an external travel survey in the Dallas-Fort Worth Metropolitan Area.

The consultant selected to conduct the study is Wilbur Smith Associates, 908 Town and Country Boulevard, Suite 400, Houston, Texas 77024. The maximum amount of the contract is \$239,891. The contract began February 2, 1994, and will terminate in approximately seven months.

At the conclusion of the project, the consultant will prepare a final report describing the study purpose, recommendations from each task, methods, procedures, and final recommendations.

Issued in Austin, Texas, on February 4, 1994.

TRD-9435787 Mike Eastland  
Executive Director  
North Central Texas Council of  
Governments

Filed: February 7, 1994

In accordance with Texas Civil Statutes, Article 6252-11c, the North Central Texas Council of Governments publishes this notice of consultant contract award. The consultant proposal request appeared in the November 16, 1993, issue of the *Texas Register* (18 TexReg 8473).

The consultant is to assist in the development of a program design for new household and transit surveys.

The consultant selected to conduct the study is Peter Stopher, Specialist Consultant, 3533 Granada Drive, Baton Rouge, Louisiana 70810-1142. The maximum amount of the contract is \$46,002. The contract began February 7, 1994, and will terminate September 8, 1994.

At the conclusion of the project, the consultant will provide a final report of all recommendations and findings, including the proposed briefing papers on various issues of survey design and conduct.

Issued in Arlington, Texas, on February 4, 1994.

TRD-9435789 Mike Eastland  
Executive Director  
North Central Texas Council of  
Governments

Filed: February 4, 1994

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**Public Utility Commission of Texas**  
**Notice of Intent to File Pursuant to**  
**Public Utility Commission Substantive**  
**Rule 23.27**

Notice is given to the public of the intent to file with the Public Utility Commission of Texas a customer-specific contract to provide CentraNet service to American Airlines, pursuant to Public Utility Commission Substantive Rule 23.27(j).

**Tariff Title and Number.** Application of GTE Southwest, Incorporated for Approval of a Customer-Specific Contract to Provide CentraNet Service for American Airlines Pursuant to Public Utility Substantive Rule 23.27. Tariff Control Number 12726.

**The Application.** GTE Southwest, Incorporated is requesting approval of a customer-specific contract to provide CentraNet service to American Airlines at its business operations in the Dallas/Fort Worth Airport exchange.

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 Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on February 2, 1994.

TRD-9435714 John M. Renrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: February 4, 1994

◆ ◆ ◆  
**Public Utility Commission of Texas**  
**Notice of Public Meeting**

The Public Utility Commission of Texas will hold a public meeting for the purpose of discussing with members of the public a Staff proposal for revising the rule on expedited rate cases. (P-12190)

The meeting will be held on Friday, February 18, 1994, at 10:00 a.m. in Hearing Room A, at the offices of the Public Utility Commission, 7800 Shoal Creek Boulevard, Austin, Texas, 78757.

All parties who are interested in this proposed rule are invited to attend. The meeting will be conducted by the Commission Staff and will not be an open meeting of the Commission.

For additional information, please contact Assistant General Counsel Thomas Brocato, at the address listed above or at telephone number (512) 458-0372.

Issued in Austin, Texas on February 2, 1994.

TRD-9435595      John M. Rentrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: February 2, 1994

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## Texas Rehabilitation Commission

### Intent to Award Grants

The Developmental Disabilities Assistance and Bill of Rights Act of 1990 (Public Law 100-496), authorizes funds to carry out systemic change, capacity building and advocacy activities which assist in developing a comprehensive system of services, supports and other assistance for individuals with developmental disabilities and their families. Consistent with that purpose, the Texas Planning Council for Developmental Disabilities announces its intention to provide funds for activities which would increase inclusive child care services for children with disabilities and ensure training and support for parents and child care providers. The Inclusive Child Care Project is a program which has been funded on behalf of the Council since 1991 to develop a statewide system of inclusive child care services and provide technical assistance and training to providers. The Council believes Dependent Care Management Group is uniquely qualified to perform the activities of this project.

**Description.** The Project will increase child care availability by developing additional inclusive spaces in family day homes and child care centers. Statewide training through cluster workshops and regional seminars involving parents, providers, support agencies and others will be provided. Bilingual training and technical assistance will be available and a mentoring or peer support network will be utilized to ensure success for child care providers who are beginning to include children with disabilities. A resource manual for information and referral agency staff will be developed and disseminated. The Project will continue to participate in statewide collaborative efforts effecting families who have young children with disabilities.

**Terms and Funding.** The Project will be funded for up to \$120,000 per year for an additional two years subject to availability of funds. The initial budget period will be June 1, 1994-May 31, 1995.

**Criteria for Award.** Eligible applicants must have previous experience in the development of statewide inclusive child care services; experience in training and technical assistance to child care providers; and experience in collaborative activities with state agencies and organizations in order to facilitate inclusive child care.

For information on any aspect of this announcement, contact: Lester Sanders, Texas Planning Council for Developmental Disabilities, 4900 North Lamar Boulevard, Austin, Texas 78751-2399, (512) 483-4084.

Issued in Austin, Texas, on February 2, 1994.

TRD-9435612      Charles Schlessner  
Associate Commissioner for Legal Services  
Texas Rehabilitation Commission

Filed: February 3, 1994

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The Developmental Disabilities Assistance and Bill of Rights Act of 1990 (Public Law 100-496) authorizes funds to carry out systemic change, capacity building and advocacy activities which assist in developing a comprehensive system of services, supports and other assistance for individuals with developmental disabilities and their families. Consistent with that purpose, the Texas Planning Council for Developmental Disabilities announces its intention to provide funds for system change activities through strategic planning, public policy analysis, and advocacy with policymakers and others who are developing statewide respite options. Santa Rosa Health Care, Texas Respite Resource Network (TRRN), is a program that has been funded on behalf of the Council since 1985 to gather statewide and national information about respite services and to provide technical assistance to respite services programs. The Council believes TRRN is uniquely qualified to perform the activities of this project.

**Description of the Project.** The successful applicant will reconvene a formal Respite Task Force to focus on the development of a statewide system for respite services in Texas. The Task Force will develop and implement an innovative strategic plan that will allow for the development of a statewide system of respite and family support options for families. The Task Force, with support from the successful applicant will study the major regulatory, legislative and funding barriers which are preventing the development and delivery of cost-effective and responsive services. Advocacy, technical assistance, training, and support will be provided to policymakers and project advisory committees to assure that appropriate systems for respite care are developed.

**Terms and Funding.** The Project will be funded for up to \$300,000 per year for an additional three years, contingent on availability of funds. The initial budget period will be June 1, 1994-May 31, 1995.

**Criteria for Award.** Eligible applicants must have previous experience in public policy analysis; experience in training, technical assistance, and program development activities related to respite services; expertise in information dissemination activities and state/national conference planning and coordination; and knowledge of state and federal policymaking processes, particularly in the area of respite service. By this notice of intent, any organization may submit a desire to apply in writing on or before March 1, 1994, indicating their qualifications to carry out this activity.

For information on any aspect of this announcement, contact: Lester Sanders, Texas Planning Council for Developmental Disabilities, 4900 North Lamar Boulevard, Austin, Texas, 78751-2339 (512) 483-4084.

Issued in Austin, Texas on February 3, 1994.

TRD-9435611      Charles W. Schlessner  
Associate Commissioner for Legal Services  
Texas Rehabilitation Commission

Filed: February 3, 1994

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## Supreme Court Task Force on Judicial Ethics

### Request for Comments

The Supreme Court of Texas is now considering proposals to amend Canon 5 of the Code of Judicial Conduct,

regarding political activities of judges. In particular, the Court is considering a proposal to limit the period of time in which political contributions for judicial office may be received.

The Court respectfully requests all interested members of the public to offer public comment, either in person at various public hearings or in writing, regarding these matters. Such comments are encouraged to address whether any changes to Canon 5, particularly the proposal attached to this notice, will or will not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group.

To secure public comment, statements, and other communications concerning these matters the Supreme Court Task Force on Judicial Ethics will conduct public hearings across the state. The Task Force will conduct a public hearing in conjunction with each of the 1994 Regional Judicial Conference of the Texas Judiciary at the following locations and times: Southwest Texas Judicial Conference, Courtroom, Criminal Justice Center, 16th and Avenue H, Huntsville, Texas 77841, February 10, 1994, 5:00 p.m.; South Texas Judicial Conference, Corpus Christi Ballroom "A", Marriott Hotel, 900 North Shoreline Boulevard, Cor-

pus Christi, Texas 78401, March 2, 1994, 4:30 p.m.; Central Texas Judicial Conference, Hilton Hotel, 2401 East Lamar Boulevard, Arlington, Texas 76006, March 23, 1994, 4:30 p.m.; Northeast Texas Judicial Conference, Sheraton Hotel, 5701 South Broadway, Tyler, Texas 75703, April 7, 1994, 5:00 p.m.; West Texas Judicial Conference, Fort Worth/Arlington Ballroom, Lubbock Plaza Hotel, 3201 Loop 289 South, Lubbock, Texas 79423, April 20, 1994, 4:30 p.m.

Additional hearings may be scheduled later.

Written comments may be directed to the Supreme Court Task Force on Judicial Ethics, in care of John Adams, Clerk of the Supreme Court of Texas, P. O. Box 12248, Austin, Texas 78711.

The Task Force will, pursuant to the Court's request of December 28, 1993, deliver a final report by June 15, 1994, for action by the Supreme Court.

Following is the proposed Canon 5 of the Texas Code of Judicial Conduct. The new language which is proposed to be added to Canon 5 is underlined and the language to be deleted is stricken.

**CANON 57     ~~A JUDGE SHALL REFRAIN FROM INAPPROPRIATE POLITICAL ACTIVITY  
INAPPROPRIATE TO THE JUDICIARY~~**

(1) A judge or judicial candidate shall not make statements that indicate an opinion on any issue that may be subject to judicial interpretation by the office which is being sought or held, except that discussion of an individual's judicial philosophy is appropriate if conducted in a manner which does not suggest to a reasonable person a probable decision on any particular case.

(2) A judge or judicial candidate shall not;

(i) ~~make pledges or promises of conduct in office regarding judicial duties other than the faithful and impartial performance of the duties of the office, but may state a position regarding the conduct of administrative duties; Any statement of qualifications, record, or performance in office of either the candidate or the candidate's opponent should be such as can withstand the closest scrutiny as to accuracy, candor and fairness.~~

(ii) ~~knowingly misrepresent the identity, qualifications, present position, or other fact concerning the candidate or an opponent.~~

(3) A judge or judicial candidate shall not authorize the public use of his or her name endorsing another candidate for any public office, except that either may indicate support for a political party. A judge or judicial candidate may attend political events and express his or her views on political matters in accord with this Canon and Canon ~~3A(8)~~ 3B(10).

(4) A judge or judicial candidate shall not solicit or accept political contributions except in connection with an election campaign. Therefore, in addition to any other restrictions imposed by law, a judge or judicial candidate shall not either personally or through others solicit or accept contributions:

(i) earlier than 210 days before the filing deadline for the office sought by the judge or judicial candidate; or

(ii) later than 120 days after the last contested election in which the judge or judicial candidate participates during the election year. If the judge or judicial candidate at that time has unpaid bona fide campaign debt in excess of available unexpended political contributions, contributions may be solicited or accepted after that date to the extent necessary to satisfy that obligation.

(5) Within 180 days of the last contested election in which the judge or judicial candidate participates during the election year, the judge or judicial candidate shall dispose of all unexpended contributions that exceed \$10,000 multiplied by the number of years of the term of office sought. Any contributions disposed of under this provision shall be transferred in one or more of the methods set forth in Tex. Elec. Code § 254.204(a)(1)-(6). This provision is applicable only to contributions accepted on or after the effective date of this provision.

(6) The provisions of (4) and (5) above shall not apply to contributions solicited or accepted solely for one or more of the purposes set forth in Tex. Elec. Code § 253.035(i).

**CANON 6     COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT**

...  
B. A County Judge who performs judicial functions shall comply with all provisions of ~~this the~~ Code except the judge is not required to comply:

...  
(4) with Canon 5(4) or 5(5).

C. ...  
(1) A justice of the peace or municipal court judge shall comply with all provisions of this Code, except the judge is not required to comply:

...  
(e) with Canons 5(4) or 5(5).



Issued in Austin, Texas, on February 3, 1994.

TRD-9435673      Thomas R Phillips  
                         Chief Justice  
                         Supreme Court Task Force on Judicial  
                         Ethics

Filed February 4, 1994

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**Texas Department of Transportation**  
**Contract Award Notice**

In accordance with the Government Code, Chapter 2254, Subchapter B, the Texas Department of Transportation publishes this notice of a consultant contract award. The consultant proposals request originally appeared in the August 3, 1993, issue of the *Texas Register* (18 TexReg 5150). The consultant will work jointly with the department in developing a Business Information and Systems Plan. The BISP will incorporate a top down, high level analysis of information needs for all business areas of the department, an assessment of the department's existing information systems as well as supporting infrastructures, and implementation/migration plans for carrying out resulting recommendations. The plan will enable the department to ensure that all future systems development or

Sponsor

City of Center

City of Del Rio

Proposed approval of state-funded aviation facilities development grants:

Sponsor

City of Paris

The public hearing will be held on February 24, 1994, at 10:00 a.m., in the first-floor hearing room of the Dewitt C. Greer State Highway Building, 125 East 11th Street, Austin, Texas. Any interested person may appear and offer comments or testimony, either orally or in writing, however, questioning of witnesses will be reserved exclusively to the commission or its staff as may be necessary to ensure a complete record. While any person with pertinent comments or testimony will be granted an opportunity to present them during the course of the hearing, the commis-

enhancement efforts support the department's effective use of information.

The contractor selected to perform this service is Deloitte & Touche, 1010 Grande Avenue, Suite 400, Kansas City, Missouri, 64106-2232. The total value of the contract is \$1,003,988. The contract began on January 14, 1994, and will terminate on February 29, 1996. A final report will be due on or before February 29, 1996.

Issued in Austin, Texas, on February 2, 1994.

TRD-9435626      Diane L. Northam  
                         Legal Administrative Assistant  
                         Texas Department of Transportation

Filed: February 3, 1994

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**Public Hearing Notice**

Pursuant to Texas Civil Statutes, Article 46c-6, Subdivision 10 and 43 TAC §30.209, the Texas Transportation Commission will conduct a public hearing to receive comments from interested parties concerning the following aviation facilities development projects and financial assistance.

Proposed approval of state/federal-funded aviation facilities development grants:

Airport

Center Municipal

Del Rio International

Airport

Cox Field

sion reserves the right to restrict testimony in terms of time or repetitive content. Organizations, associations, or groups are encouraged to present their commonly held views, and same or similar comments, through a representative member where possible. Persons with disabilities who have special communication or accommodation needs and who plan to attend the hearing may contact Elsie Lundgren, Director of the Public Information Office, at 125 East 11th Street, Austin, Texas 78701-2483, (512) 463-8588. Requests should be made no later than two days prior to the hearing. Every reasonable effort will be made to accommodate these needs.



## 1994 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1994 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. No issues will be published on March 11, July 22, November 11, and November 29. An asterisk beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 Tuesday, January 4	Wednesday, December 29	Thursday, December 30
2 Friday, January 7	Monday, January 3	Tuesday, January 4
3 Tuesday, January 11	Wednesday, January 5	Thursday, January 6
4 Friday, January 14	Monday, January 10	Tuesday, January 11
5 Tuesday, January 18	Wednesday, January 12	Thursday, January 13
Friday, January 21	1993 ANNUAL INDEX	
6 Tuesday, January 25	Wednesday, January 19	Thursday, January 20
7 Friday, January 28	Monday, January 24	Tuesday, January 25
8 Tuesday, February 1	Wednesday, January 26	Thursday, January 27
9 Friday, February 4	Monday, January 31	Tuesday, February 1
10 Tuesday, February 8	Wednesday, February 2	Thursday, February 3
11 Friday, February 11	Monday, February 7	Tuesday, February 8
12 Tuesday, February 15	Wednesday, February 9	Thursday, February 10
13 Friday, February 18	Monday, February 14	Tuesday, February 15
14 Tuesday, February 22	Wednesday, February 16	Thursday, February 17
15 *Friday, February 25	Friday, February 18	Tuesday, February 22
16 Tuesday, March 1	Wednesday, February 23	Thursday, February 24
17 Friday, March 4	Monday, February 28	Tuesday, March 1
18 Tuesday, March 8	Wednesday, March 2	Thursday, March 3
Friday, March 11	NO ISSUE PUBLISHED	
19 Tuesday, March 15	Wednesday, March 9	Thursday, March 10
20 Friday, March 18	Monday, March 14	Tuesday, March 15
21 Tuesday, March 23	Wednesday, March 16	Thursday, March 17
22 Friday, March 25	Monday, March 21	Tuesday, March 22
23 Tuesday, March 29	Wednesday, March 23	Thursday, March 24
24 Friday, April 1	Monday, March 28	Tuesday, March 29
25 Tuesday, April 5	Wednesday, March 30	Thursday, March 31
26 Friday, April 8	Monday, April 4	Tuesday, April 5
27 Tuesday, April 12	Wednesday, April 6	Thursday, April 7
Friday, April 15	FIRST QUARTERLY INDEX	
28 Tuesday, April 19	Wednesday, April 13	Thursday, April 14

29 Friday, April 22	Monday, April 18	Tuesday, April 19
30 Tuesday, April 26	Wednesday, April 20	Thursday, April 21
31 Friday, April 29	Monday, April 25	Tuesday, April 26
32 Tuesday, May 3	Wednesday, April 27	Thursday, April 28
33 Friday, May 6	Monday, May 2	Tuesday, May 3
34 Tuesday, May 10	Wednesday, May 4	Thursday, May 5
35 Friday, May 13	Monday, May 9	Tuesday, May 10
36 Tuesday, May 18	Wednesday, May 11	Thursday, May 12
37 Friday, May 20	Monday, May 16	Tuesday, May 17
38 Tuesday, May 24	Wednesday, May 18	Thursday, May 29
39 Friday, May 27	Monday, May 23	Tuesday, May 24
40 Tuesday, May 31	Wednesday, May 25	Thursday, May 26
41 *Friday, June 3	Friday, May 27	Tuesday, May 31
42 Tuesday, June 7	Wednesday, June 1	Thursday, June 2
43 Friday, June 10	Monday, June 6	Tuesday, June 7
44 Tuesday, June 14	Wednesday, June 8	Thursday, June 9
45 Friday, June 17	Monday, June 13	Tuesday, June 14
46 Tuesday, June 21	Wednesday, June 15	Thursday, June 16
47 Friday, June 24	Monday, June 20	Tuesday, June 21
48 Tuesday, June 28	Wednesday, June 22	Thursday, June 23
49 Friday, July 1	Monday, June 27	Tuesday, June 28
50 Tuesday, July 6	Wednesday, June 29	Thursday, June 30
51 *Friday, July 8	Friday, July 1	Tuesday, July 5
Tuesday, July 12	SECOND QUARTERLY INDEX	
52 Friday, July 15	Monday, July 11	Tuesday, July 12
53 Tuesday, July 19	Wednesday, July 13	Thursday, July 14
Friday, July 22	NO ISSUE PUBLISHED	
54 Tuesday, July 26	Wednesday, July 20	Thursday, July 21
55 Friday, July 29	Monday, July 25	Tuesday, July 26
56 Tuesday, August 2	Wednesday, July 27	Thursday, July 28
57 Friday, August 5	Monday, August 1	Tuesday, August 2
58 Tuesday, August 9	Wednesday, August 3	Thursday, August 4
59 Friday, August 12	Monday, August 8	Tuesday, August 9
60 Tuesday, August 16	Wednesday, August 10	Thursday, August 11
61 Friday, August 19	Monday, August 15	Tuesday, August 16
62 Tuesday, August 23	Wednesday, August 17	Thursday, August 18
63 Friday, August 26	Monday, August 22	Tuesday, August 23
64 Tuesday, August 30	Wednesday, August 24	Thursday, August 25
65 Friday, September 2	Monday, August 29	Tuesday, August 30
66 Tuesday, September 6	Wednesday, August 31	Thursday, September 1
67 *Friday, September 9	Friday, September 2	Tuesday, September 6

68 Tuesday, September 13	Wednesday, September 7	Thursday, September 8
69 Friday, September 16	Monday, September 12	Tuesday, September 13
70 Tuesday, September 20	Wednesday, September 14	Thursday, September 15
71 Friday, September 23	Monday, September 19	Tuesday, September 20
72 Tuesday, September 27	Wednesday, September 21	Thursday, September 22
73 Friday, September 30	Monday, September 26	Tuesday, September 27
74 Tuesday, October 4	Wednesday, September 28	Thursday, September 29
75 Friday, October 7	Monday, October 3	Tuesday, October 4
Tuesday, October 11	THIRD QUARTERLY INDEX	
76 Friday, October 14	Monday, October 10	Tuesday, October 11
77 Tuesday, October 18	Wednesday, October 12	Thursday, October 13
78 Friday, October 21	Monday, October 17	Tuesday, October 18
79 Tuesday, October 25	Wednesday, October 19	Thursday, October 20
80 Friday, October 28	Monday, October 24	Tuesday, October 25
81 Tuesday, November 1	Wednesday, October 26	Thursday, October 27
82 Friday, November 4	Monday, October 31	Tuesday, November 1
83 Tuesday, November 8	Wednesday, November 2	Thursday, November 3
Friday, November 11	NO ISSUE PUBLISHED	
84 Tuesday, November 15	Wednesday, November 9	Thursday, November 10
85 Friday, November 18	Monday, November 14	Tuesday, November 15
86 Tuesday, November 22	Wednesday, November 16	Thursday, November 17
87 Friday, November 25	Monday, November 21	Tuesday, November 22
Tuesday, November 29	NO ISSUE PUBLISHED	
88 Friday, December 2	Monday, November 28	Tuesday, November 29
89 Tuesday, December 6	Wednesday, November 30	Thursday, December 1
90 Friday, December 9	Monday, December 5	Tuesday, December 6
91 Tuesday, December 13	Wednesday, December 7	Thursday, December 8
92 Friday, December 16	Monday, December 12	Tuesday, December 13
93 Tuesday, December 20	Wednesday, December 14	Thursday, December 15
94 Friday, December 23	Monday, December 19	Tuesday, December 20
95 Tuesday, December 27	Wednesday, December 21	Thursday, December 22
96 *Friday, December 30	Friday, December 23	Tuesday, December 27

