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TEXAS REGISTER

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Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.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

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Part I. Texas Department of Human Services
40 TAC §3.704.....950, 1820

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

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

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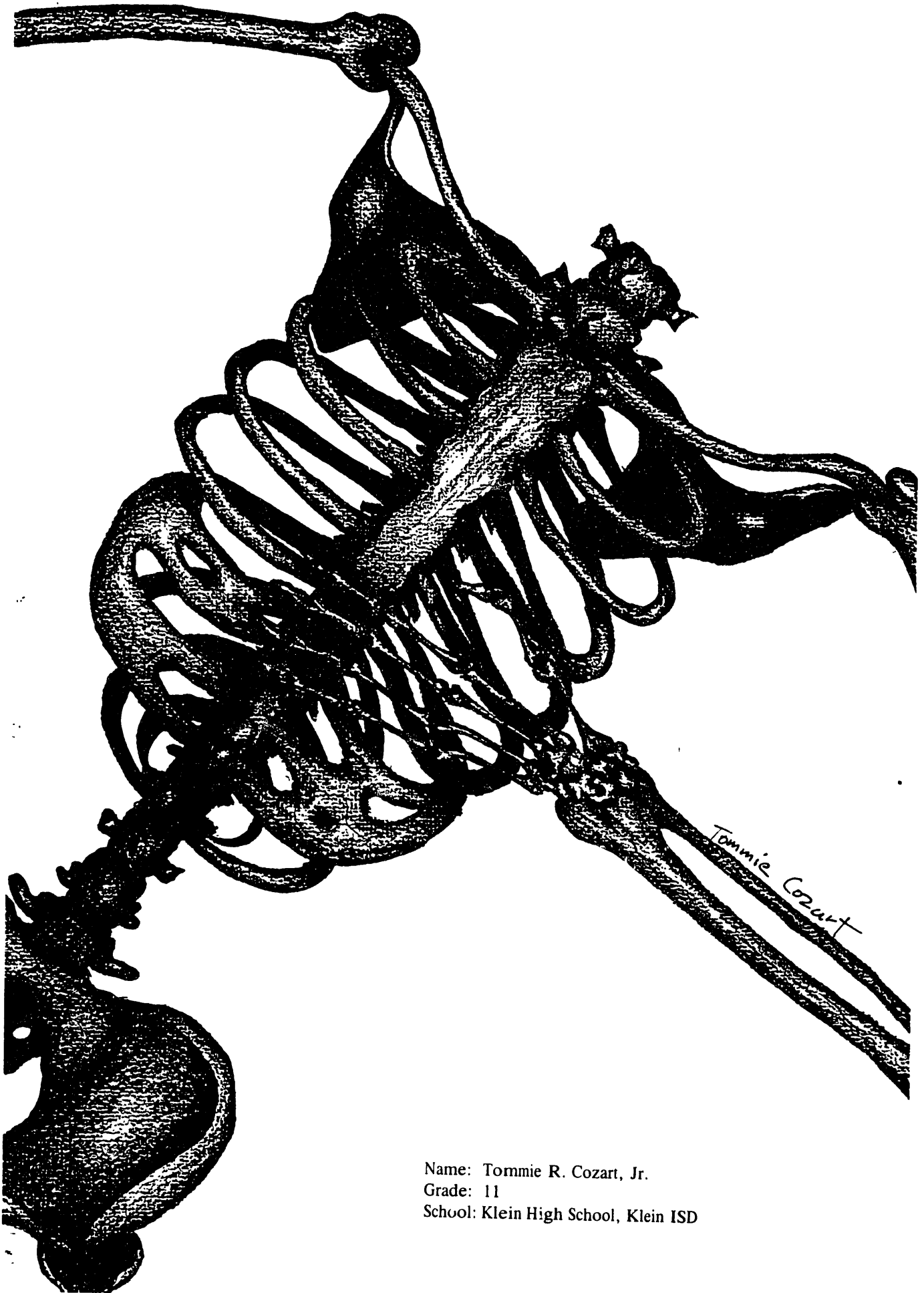
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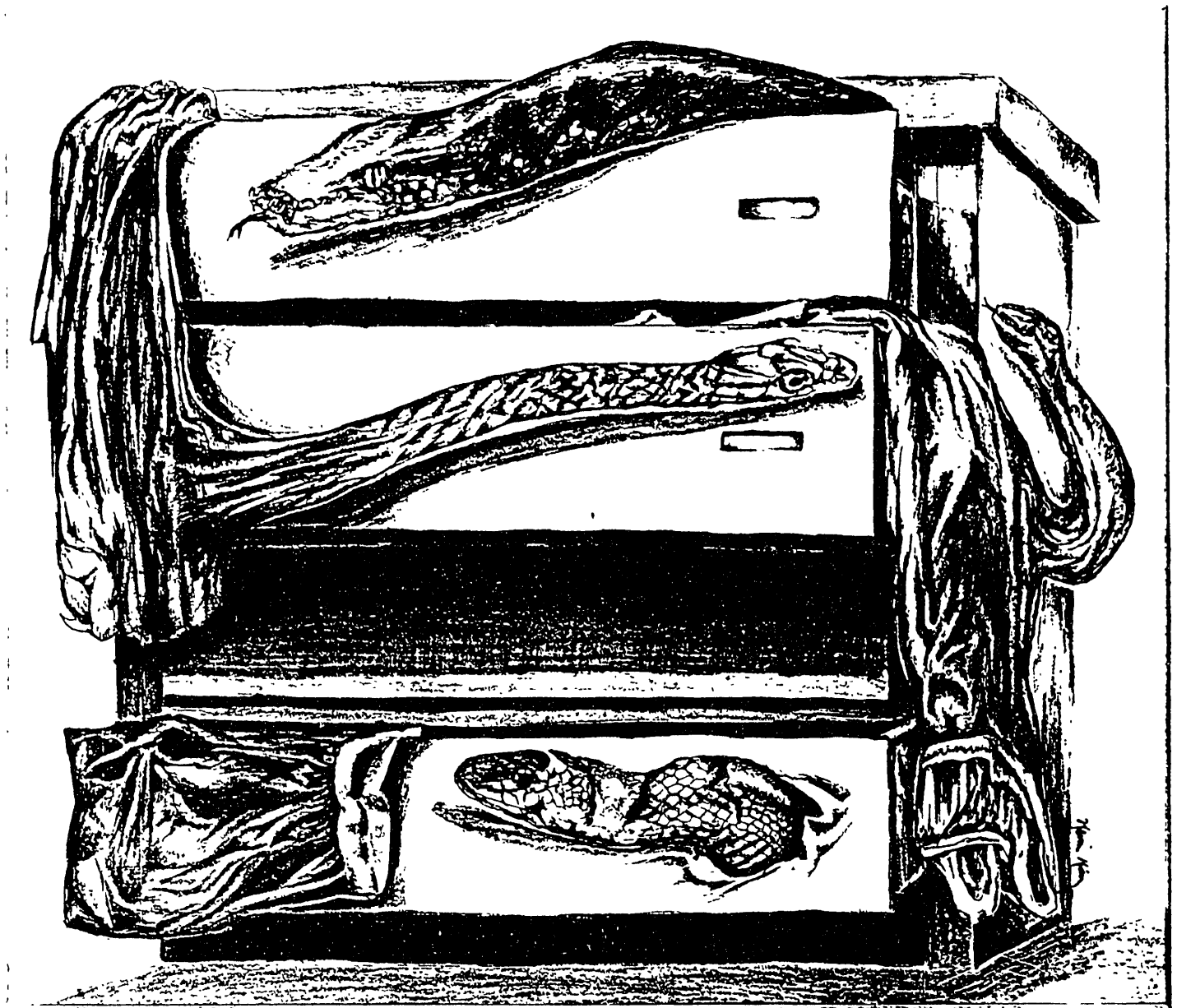
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School Klem High School, Klem ISD



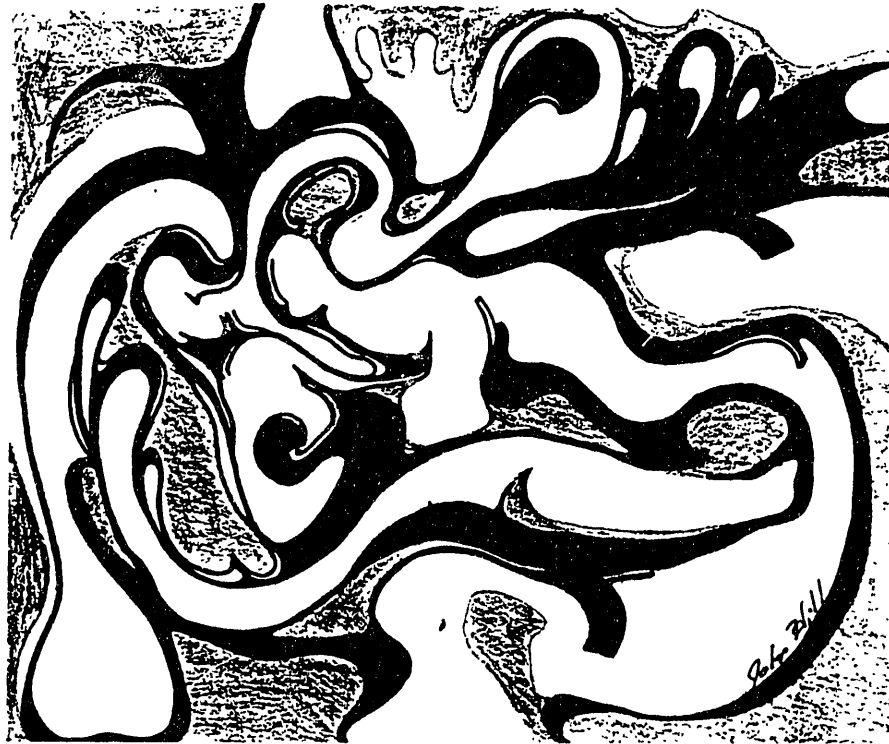
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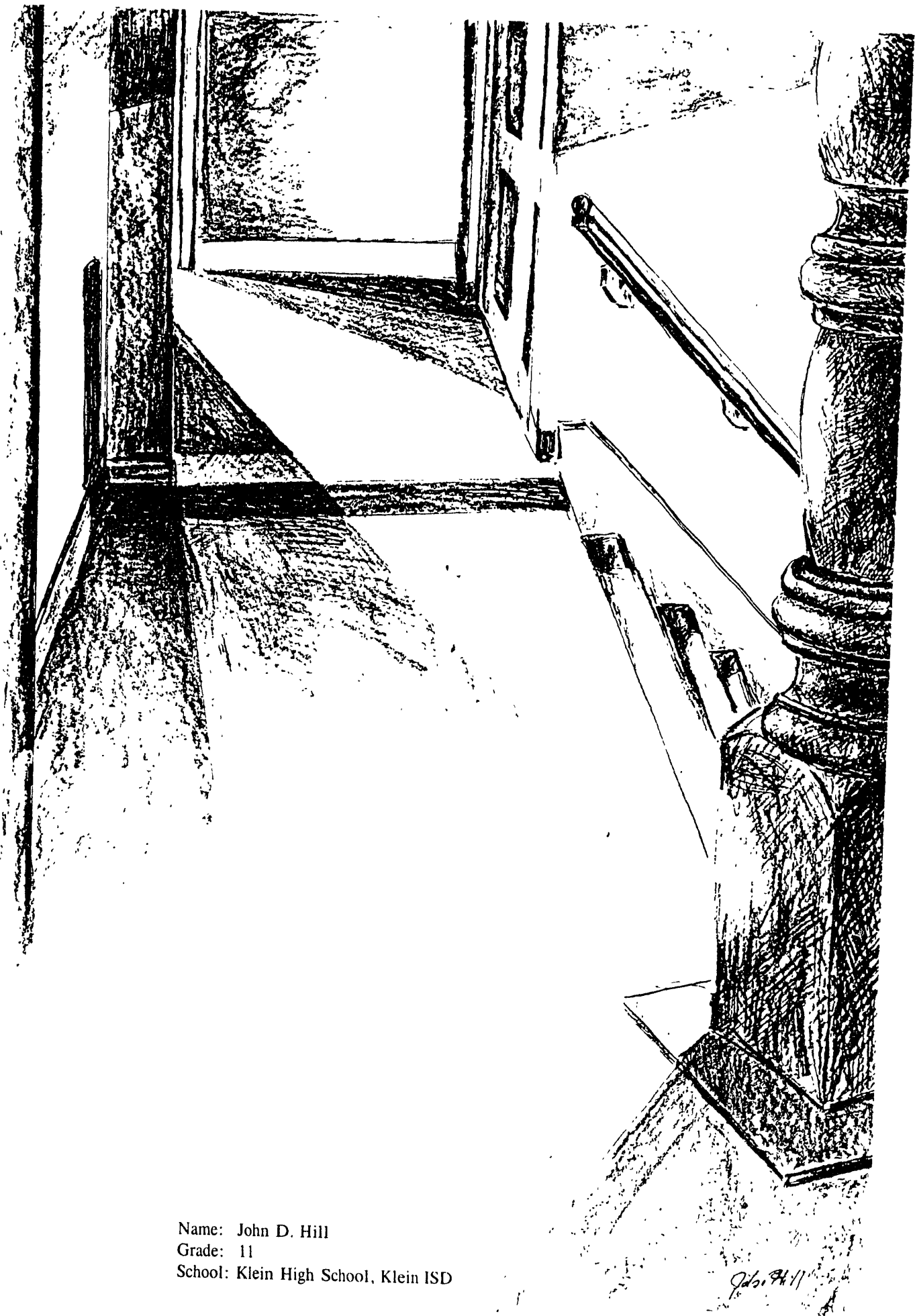
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PROPOSED RULES

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

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

TITLE 1. Administration Part IV. General Services Commission

Chapter 111. Executive Administration Division

Historically Underutilized Business Certification Pro- gram

• 1 TAC §111.12, §111.19

The General Services Commission proposes an amendment to §111.12 concerning the definition of "historically underutilized business" and §111.19 concerning state agency reporting requirements. These amendments are proposed to include Asian Indian American owned businesses in the HUB program.

Darrell Pierce, Administrator of Small Business Programs, has determined that for the first five-year period the amendment is in effect there will be no fiscal implication for state or local government as a result of enforcing or administering the sections.

Mr. Pierce also has determined that for each year of the first five years the amendments are in effect, the public benefit anticipated as a result of administering the amendments will be clearer rules. 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 Judith M. Porras, General Counsel, General Services Commission, P.O. Box 13047, Austin, Texas 78711-3047. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 601b, which provide the General Services Commission with the authority to promulgate rules necessary to accomplish the purpose of the Article.

§111.12 Definitions. The following words and terms, when used in this subchapter, shall have following meanings, unless the context clearly indicates otherwise:

Historically Underutilized Business -

(A) a corporation formed for the purpose of making a profit in which at least 51% of all classes of the shares of stock or other equitable securities are owned by one or more persons who have been historically underutilized (socially disadvantaged) because of their identification as members of certain groups, including but not limited to

(i) Black Americans - which includes persons having origins in any of the Black racial groups of Africa,

(ii) Hispanic Americans - which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race,

(iii) Women - which includes all women of any ethnicity,

(iv) Asian Pacific Americans - which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific and the Northern Marianas, and

(v) Asian Indian Americans;

(vi) Native Americans - which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians, and

(vii) who have a proportionate interest and demonstrate active participation in the control, operation, and management of the corporation's affairs.

(B)-(E) (No change.)

§111.19 State Agency Reporting Requirements

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

(f) The commission shall prepare a consolidated report based on a compilation and analysis of the reports submitted by each state agency and information provided

by the comptroller in the format specified by the commission. These reports of historically underutilized business purchasing and contracts shall form a record of each agency's purchases in which the agency selected the vendor. If the vendor was selected by the commission as part of its state term contract program, the purchase will be reflected on the commission's report of its own purchases. The commission report will contain the following information:

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

(3) the total number of contracts (if available from the comptroller) and dollar amount of contracts awarded and actually paid by each state agency to the following groups certified by the commission.

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

(D) Asian Pacific Americans, [and]

(E) Asian Indian Americans; and

(F)[(E)] Native Americans

(g) (No change.)

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

Issued in Austin, Texas, on February 22, 1994.

TRD-9436547

Judith M. Porras
General Counsel
General Services
Commission

Earliest possible date of adoption: March 28, 1994.

For further information, please call: (512) 463-3583.

**TITLE 16. ECONOMIC
REGULATION
Part VIII. Texas Racing
Commission**

**Chapter 309. Operation of
Racetracks**

**Subchapter C. Greyhound
Racetracks**

Operations

• 16 TAC §309.355

The Texas Racing Commission proposes an amendment to §309.355, concerning the grading system. The amendment authorizes the racing secretary to grade a greyhound transferring from another racetrack at an appropriate grade considering the competition at each of the racetracks.

Paula Cochran Carter, 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 the section.

Ms Carter also has determined that for each of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the integrity of pari-mutuel racing will be assured. There will be no effect on small businesses. There is no economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted on or before March 23, 1994, to Paula Cochran Carter, General Counsel for the Texas Racing Commission, P.O. Box 12080, Austin, Texas 78711.

The amendment is proposed under the Texas Civil Statutes, Article 179e, §3.02, which authorize the commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act, §6.06, which authorizes the commission to adopt rules on all matters relating to the operation of a pari-mutuel racetrack. The proposed rule implements Texas Civil Statutes, Article 179e

§309.355. Grading System.

(a)-(h) (No change.)

(i) For a greyhound that transfers to the racetrack from another racetrack during a race meeting, the racing secretary shall assign a grade that is appropriate for the greyhound's ability considering the competition at the racetrack and at the racetrack from which the greyhound transfers. [the grade held by the greyhound at the time of transfer or the next grade higher or lower.]

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 17, 1994.

TRD-9436356

Paula Cochran Carter
General Counsel
Texas Racing Commission

Earliest possible date of adoption: March 28, 1994

For further information, please call: (512) 794-8461

◆ ◆ ◆
**TITLE 28. INSURANCE
Part I. Texas Department
of Insurance**

**Chapter 5. Property and
Casualty**

**Subchapter E. Texas Catastro-
phe Property Insurance As-
sociation**

• 28 TAC §5.4600

The Texas Department of Insurance proposes new §5.4600, concerning the approval and appointment of inspectors to conduct inspections of structures for windstorm and hail insurance pursuant to the Insurance Code, Article 21.49. The proposed new section replaces current §§5.4601-5.4603, relating to Windstorm Inspection Manual and Forms for Windstorm Inspections, which are being repealed. The new section is necessary to provide procedures for the approval and appointment of qualified inspectors employed by the Texas Catastrophe Property Insurance Association (TCPIA) to conduct inspections of structures for compliance with building specifications in the TCPIA plan of operation and any other building specifications promulgated by the Texas Department of Insurance (Department) to determine insurability for windstorm and hail insurance coverage by the TCPIA. The proposal provides rules, standards, and forms governing these inspections, specifies the duties and responsibilities of the Commissioner of Insurance (Commissioner), the Department, and the TCPIA relating to these inspections; and provides complaint handling procedures. Proposed subsection (a) outlines the purpose and scope of the new section. Subsection (b) defines terms used in the new section. Subsection (c) addresses the procedures for the approval and appointment of inspectors and the grounds and procedures for cancellation or revocation of an inspector's appointment. Subsection (d) is proposed to specify new Windstorm Inspection Manual standards, operational procedures, time requirements, and prohibitions. The new Manual also provides for the Department to continue to certify structures for compliance with required building specifications. Subsection (e) proposes 14 forms for windstorm inspections to be adopted by reference for use by the new TCPIA Windstorm Inspection Program. New subsection (f) defines the duties and responsibilities of the Department in relation to the TCPIA Windstorm Inspection Program, including oversight responsibilities and procedures. New subsection (g) specifies

procedures for handling complaints relating to the TCPIA Windstorm Inspection Program and the Department's certification program.

Lyndon Anderson, associate commissioner, property and casualty program, has determined that for each year of the first five years the proposed new section will be in effect, there will be fiscal implications to state government as a result of enforcing or administering the section. The privatization of the windstorm inspection function currently performed by the Texas Department of Insurance to determine the insurability of structures along the Texas coast for windstorm and hail coverage by the TCPIA will result in an estimated reduction in cost to state government of approximately \$1.5 million for each year of the first five years the proposed new section will be in effect. The estimated loss in revenue to state government as a result of enforcing or administering the section is \$175,000 annually in inspection fees, which are collected by the Texas Department of Insurance from owners of the inspected structures. The fees are deposited in the state treasury to the credit of the Department's operating fund. The fees, however, do not offset the total cost for the windstorm inspection function, which is funded with legislatively authorized appropriations from the Department's operating fund. There will be no fiscal implications to local government nor to small business as a result of enforcing or administering the new section, and there will be no effect on local economy. There will also be no impact on local employment because personnel terminated by the Department as a result of the TCPIA performing this function will be employed by the TCPIA Windstorm Inspection Program.

Mr. Anderson also has determined that for each year for the first five years the proposed new section is in effect, the public benefit anticipated as a result of enforcing the section is a reduction of approximately \$1.5 million in state government expenditures for a service better provided by private industry, without increasing the cost of windstorm inspections for consumers and without jeopardizing the integrity of the program or reducing any service to the consumers in the coastal area of Texas. The economic cost to the TCPIA to provide the windstorm inspection service will be approximately \$1.85 million for each year for the first five years the proposed section is in effect; approximately \$175,000 of this amount will be financed through the collection of inspection fees from the owners of the inspected structures. The \$1.85 million estimate is based on the projected cost for the Department to maintain the inspection program in the future. The Department will retain current management staff to monitor and oversee the TCPIA administered program on behalf of the Department, which is estimated to cost approximately \$300,000 annually. There will be no increased costs to consumers for inspections.

Comments on the proposal must be submitted within 30 days after publication of the proposed section 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 com-

ment is to be submitted to Lyndon Anderson, Associate Commissioner, Property and Casualty Program, Texas Department of Insurance, P.O. Box 149104, MC #103-1A, Austin, Texas, 78714-9104. Any request for a public hearing on this proposal should be submitted separately to the Office of the Chief Clerk.

The new section is proposed pursuant to the Insurance Code, Articles 21.49, 1.02, and 1.03A, and the Government Code §2001.004 et seq. Article 21.49, §6A(a) and (d) authorize the Commissioner of Insurance to approve and appoint qualified inspectors to perform building inspections pursuant to Article 21.49, §6A. Article 21.49, §6A(b), requires the Department to issue for each inspected structure that qualifies a certificate of compliance that is evidence of insurability of the structure by the TCPIA. Subsection (c) of Article 21.49, §6A, authorizes the Department to charge a reasonable inspection fee in an amount that does not exceed 50% of the actual cost of the inspections exclusive of training and general administrative costs. Subsection (e) of Article 21.49, §6A, authorizes the Commissioner to promulgate rules and forms to effect the provisions of this section. Article 21.49, §6A(g), authorizes the Commissioner to make agreements and contracts as may be necessary to effect the provisions of this section. Article 21.49, §6A(j), authorizes the Commissioner to cancel or revoke an appointment made pursuant to this section under certain specified conditions and authorizes other statutory sanctions in lieu of cancellation or revocation. Article 21.49, §6A, by its terms delegates the foregoing authority to the State Board of Insurance. However, under Article 1.02 of the Insurance Code, as amended by the 73rd Texas Legislature in House Bill 1461, a reference in the Insurance Code or another insurance law to the State Board of Insurance means the Commissioner of Insurance or the Texas Department of Insurance, as consistent with the respective powers and duties of the Commissioner and the Department under Article 1.02. Section 1.23(c) of House Bill 1461 provides that on September 1, 1993, the Board shall relinquish authority over all areas of activity of the Texas Department of Insurance except the promulgation and approval of rates and policy forms and endorsements and hearings, proceedings, and rules related to these activities; such authority shall be exercised by the Board until no later than September 1, 1994. Section 1.23(d) of House Bill 1461 provides that on and after the date a Commissioner of Insurance is appointed under subsection (a) of §1.23 the Commissioner shall cooperate with the Board to assume the authority granted to the Board under subsection (c) of §1.23 and shall adopt rules as necessary to govern those activities. Section 1.23(d) further provides that as soon as possible after the appointment of the Commissioner under §1.23(a) but not later than September 1, 1994, the Commissioner shall assume the authority granted to the Board under §1.23(c). Pursuant to Board Order Number 60574, November 29, 1993, the State Board of Insurance transferred the authority granted to the Board under §1.23(c) of House Bill 1461 to the Commissioner of Insurance, effective December 16, 1993. Article 1.03A, as enacted by the 73rd Texas Legisla-

ture in House Bill 1461, provides that the Commissioner of Insurance may adopt rules and regulations, which must be for general and uniform application, for the conduct and execution of the duties and functions of the Texas Department of Insurance only as authorized by a statute. The Government Code, §2001.004 et seq. (Administrative Procedure Act), authorize and require each state agency to adopt rules of practice setting forth the nature and requirement of available procedures and to prescribe the procedures for adoption of rules by a state agency.

The following statute is affected by this rule: Insurance Code, Article 21. 49

§5.4600. Inspections for Windstorm and Hail Insurance.

(a) Purpose and Scope. The purpose and scope of this section is to:

(1) provide procedures for the approval and appointment of qualified inspectors to conduct inspections of structures, pursuant to the Insurance Code, Article 21.49, §6A, for compliance with building specifications in the plan of operation of the Texas Catastrophe Property Insurance Association and any other building specifications promulgated by the Texas Department of Insurance to determine insurability for windstorm and hail insurance coverage by the TCPIA pursuant to the Insurance Code, Article 21.49;

(2) provide rules, standards, and forms governing these inspections;

(3) specify the duties and responsibilities of the Commissioner of Insurance, the Texas Department of Insurance, and the Texas Catastrophe Property Insurance Association relating to these inspections; and

(4) provide complaint handling procedures relating to these inspections.

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

(1) Commissioner-Commissioner of Insurance of the State of Texas.

(2) Department-Texas Department of Insurance.

(3) Manual-The Windstorm Inspection Manual as set forth in subsection (d) of this section.

(4) Qualified engineer-A professional engineer registered with the State Board of Registration for Professional Engineers and subject to any regulations adopted by, or interpretations of conduct issued by, the State Board of Registration for Professional Engineers.

(5) Qualified inspector-

(A) A person determined by the Commissioner to be qualified to per-

form building inspections pursuant to this section and Insurance Code, Article 21.49, §6A, and shall include a person:

(i) who is a professional engineer registered with the Texas State Board of Registration for Professional Engineers; or

(ii) who is a university graduate with at least a four-year college degree; or

(iii) who has a minimum of three years of experience in the construction trades or windstorm inspection.

(B) In addition, any person who qualifies under subparagraph (A)(ii) and (iii) of this definition must, before conducting any inspection pursuant to this section and the Insurance Code, Article 21.49, §6A, complete a minimum of 20 hours of classroom instruction from the Southern Building Code Congress International or any other building inspection training facility recognized by the Department

(C) No person shall qualify as an inspector who has:

(i) willfully violated any insurance law, rule or regulation of this state;

(ii) been found guilty of fraudulent or dishonest acts, or

(iii) been convicted of a felony.

(6) TCPIA-Texas Catastrophe Property Insurance Association

(7) Windstorm Inspection Program-The windstorm inspection program operated by the TCPIA with oversight by the Department and consisting of qualified inspectors approved and appointed by the Commissioner and employed by the TCPIA to conduct inspections of structures, pursuant to the Insurance Code, Article 21.49 §6A, for compliance with building specifications in the TCPIA plan of operation and any other building specifications promulgated by the Department to determine insurability for windstorm and hail insurance coverage by the TCPIA pursuant to the Insurance Code, Article 21 49

(8) Windstorm Section-Windstorm Section of the Safety Division of the Property-Casualty Group of the Texas Department of Insurance.

(c) Approval and Appointment of Inspectors.

(1) The Commissioner shall approve and appoint qualified inspectors employed by the TCPIA in the Windstorm Inspection Program to conduct inspections of structures for compliance with building

specifications in the plan of operation of the TCPIA (set forth in §5.4001 of this title (relating to Plan of Operation) and any other building specifications promulgated by the Department to determine insurability for windstorm and hail insurance coverage by the TCPIA pursuant to the Insurance Code, Article 21.49. No person other than a qualified inspector as defined in subsection (b) of this section shall conduct inspections pursuant to this section and the Insurance Code, Article 21.49, §6A.

(2) The TCPIA Windstorm Inspection Program shall submit to the Department a completed application form for each inspector employed in the Windstorm Inspection Program to conduct windstorm and hail inspections pursuant to the Insurance Code, Article 21.49, §6A. No inspector shall be approved and appointed by the Commissioner until the inspector's completed application form has been filed with the Department. The Commissioner shall notify the TCPIA Windstorm Inspection Program by letter of the approval and appointment of each inspector

(3) Cancellation or Revocation of an Inspector's Appointment.

(A) After notice and hearing, the Commissioner may cancel or revoke an approval and appointment made under this section if the holder or possessor of the approval and appointment is found to be in violation of, or to have failed to comply with, any provisions of this section or any other rule or regulation of the Department or any statute enacted to govern inspections for windstorm and hail insurance provided by the TCPIA. In lieu of cancellation or revocation, the Commissioner, upon determination from the facts that it would be fair, reasonable or equitable, may order one or more of the sanctions specified in clauses (i)-(iv) of this subparagraph

(i) The Commissioner may order the suspension of the approval or appointment for a specific period, not to exceed one year;

(ii) The Commissioner may issue an order directing the holder or possessor of the appointment to cease and desist from the specified activity determined to be in violation of any provisions of this section or any rule or regulation of the Department or any statute enacted to govern inspections for windstorm and hail insurance provided by the TCPIA;

(iii) The Commissioner may issue an order directing the holder or possessor of the appointment to remit within a specified time, not to exceed 60 days, a specified monetary forfeiture not to exceed \$5,000, if the person approved and appointed is found by the Commissioner to have knowingly, willfully, fraudulently, or

with gross negligence, signed or caused to be prepared an inspection report that contains a false, fictitious, or fraudulent statement or entry; or

(iv) The Commissioner may order any other statutory sanction that may be enacted pursuant to the Insurance Code, Article 21.49, §6A.

(B) If it is found after notice and hearing that any person approved and appointed by the Commissioner to conduct inspections pursuant to this subsection and the Insurance Code, Article 21.49 has failed to comply with an order lawfully issued by the Commissioner pursuant to this section or the Insurance Code, Article 21.49, the Commissioner shall, unless the Commissioner's order is lawfully stayed, cancel the appointment.

(C) The Commissioner may informally dispose of any matter under this subsection by consent order or default.

(D) Termination of an inspector's employment by the TCPIA automatically cancels any approval and appointment made pursuant to this subsection.

(d) Windstorm Inspection Manual.

(1) Applicability. This Manual is applicable to inspections of structures that are constructed or repaired, or to which additions are made, on or after January 1, 1988, for compliance with building specifications in the plan of operation of the TCPIA (set forth in §5.4001 of this title) and other building specifications promulgated by the Department to determine insurability for windstorm and hail insurance coverage by the TCPIA pursuant to the Insurance Code, Article 21.49.

(2) Time Requirements.

(A) All inspections conducted by the TCPIA Windstorm Inspection Program pursuant to the Insurance Code, Article 21.49, §6A of the Insurance Code shall be done within 48 hours of the time an inspection is requested to be made. This 48-hour period shall not include Saturdays, Sundays, or holidays. The Commissioner, however, may extend this 48-hour period of time in the event of a weather-related catastrophe or major natural disaster.

(B) The TCPIA Windstorm Inspection Program may allow inspections to be coordinated, when possible, with inspections by other governmental subdivisions.

(C) The TCPIA Windstorm Inspection Program must allow continued construction if an inspection is not made as

specified in this subsection with minimum disturbance of a structure for subsequent inspections.

(3) Standards for Windstorm Inspections.

(A) Building Construction Requirements. Structures located in the designated catastrophe area must comply with the following building specifications as set forth in the TCPIA plan of operation

(i) Structures located inland of the Intracoastal Waterway must comply, at a minimum, with the Standard Building Code, as amended, effective May 8, 1973. Subsequent amendments to that Code do not apply.

(ii) Structures located seaward of the Intracoastal Waterway must comply with the current TCPIA Building Code for Wind Resistant Construction.

(B) Operational Procedures

(i) Inspection Requests.

(I) As soon as possible, the contractor or owner will notify the TCPIA Windstorm Inspection Program, by Form WPI-1 or by letter, of any intention to build, add to, or repair a structure. Notification by letter must contain the same information required by Form WPI-1.

(II) Upon the receipt of notice, the TCPIA Windstorm Inspection Program will enter the information and assign a file number. The TCPIA Windstorm Inspection Program shall notify the contractor or owner of this file number and of a telephone number to call for purposes of requesting an inspection date and time

(III) The TCPIA Windstorm Inspection Program will receive requests for inspections from contractors or owners during normal business hours. The TCPIA Windstorm Inspection Program shall conduct an inspection within 48 hours of the time an inspection is requested to be made except when the Commissioner has extended the time as provided in paragraph (2) (A) of this subsection. This 48-hour period shall not include Saturdays, Sundays, or holidays.

(ii) Certificate of Compliance. All structures that meet building construction requirements and are inspected or approved by the TCPIA Windstorm Inspection Program will be eligible for a certificate of compliance issued by the Department as evidence of insurability by the TCPIA. The TCPIA Windstorm Inspection Program shall file with the Department the appropriate inspection forms prior to the

issuance of a certificate of compliance by the Department. The Department will provide a copy of the certificate of compliance to the owner or contractor and to the TCPIA Windstorm Inspection Program.

(iii) Inspection Fees.

(I) Inspections required to be made by the TCPIA Windstorm Inspection Program for the issuance by the Department of the certification of compliance with approved building construction requirements must be in accordance with the provisions specified in this clause and with the schedule of fees specified in subclause (V) of this clause.

(II) The required inspection fee must be paid by check or money order made payable to the Texas Catastrophe Property Insurance Association Windstorm Inspection Program in advance of any on-site inspection.

(III) The fee payment must accompany the initial application for inspection and should be mailed to the Texas Catastrophe Property Insurance Association Windstorm Inspection Program, P.O. Box 2930, Austin, Texas 78768-2930.

(IV) On-site inspections will not be made prior to payment of the appropriate inspection fee. The Windstorm Inspection Program may make exceptions to the requirement for the payment of the fee prior to an on-site inspection when conditions warrant an exception.

(V) Schedule of Fees

(-a-) New Buildings. For all required inspections from the commencement of construction until completion, the fee is \$100 or 50% of the actual cost of the inspections exclusive of training and general administrative costs, whichever is less.

(-b-) Other Structures, Additions, and Mobile Homes. For all required inspections for any additions to new or existing structures and for all required inspections for mobile homes, the fee is \$35 or 50% of the actual cost of the inspections exclusive of training and general administrative costs, whichever is less.

(-c-) Repairs. For all inspections for repairs to any new or existing building or structure, there is no charge.

(iv) Notice of Compliance. Following each inspection, a Form WPI-7 shall be posted at the job site noting either that the structure complies with the building construction requirements or that

the structure does not comply with the building construction requirements and indicating the unsatisfactory items and the proper compliance procedure.

(v) Mobile Home Inspections. The TCPIA Windstorm Inspection Program will make inspections of mobile homes to determine the insurability of a mobile home as provided in the TCPIA plan of operation for those mobile homes seeking insurance through the TCPIA. Such inspection shall include the completion of a survey of the tie-down methods used for the mobile home.

(I) Inspection of tie-down methods for mobile homes is to be made by the TCPIA Windstorm Inspection Program using Form WPI-MH-1, and a copy of the completed form shall be provided to the Department.

(II) If underskirting or other obstructions prevent a proper inspection, such underskirting or obstructions must be removed from the mobile home. The TCPIA shall not bear the responsibility or cost to have the underskirting or obstructions removed.

(C) Periodic Inspections. Each required periodic inspection will be made after a request is received from the contractor or owner using the same process outlined in subparagraph (B)(i)(III) of this paragraph.

(D) Coordinating Inspections. A copy of Form WPI-1 will be mailed to the proper governmental inspection authorities in the respective area. Each request for an inspection by a contractor or owner is to alert the local office of the TCPIA Windstorm Inspection Program to notify governmental inspection authorities in order to coordinate inspections, when possible.

(E) Inspection Schedule. Inspections shall be conducted in accordance with the Manual to the best of the TCPIA Windstorm Inspection Program's ability. Failure to comply with the Manual shall not impede building progress. Inspections made subsequent to prescribed schedules shall keep disturbances to a minimum.

(F) Categories of Inspections.

(i) Buildings shall be inspected to determine compliance with the applicable building construction requirements under subparagraph (A) of this paragraph. The following four inspections, under normal circumstances and normal

building conditions, shall be adequate to qualify a structure for certification by the Department.

(ii) The four inspections shall be as specified in subclauses (I)-(IV) of this clause.

(I) Foundation. Foundations shall be inspected for reinforcement and bolt tie-downs on slab foundations. Piling or pier and beam foundations shall be inspected prior to installation of floor joists or other materials which would impede the proper inspection process. The fee for this inspection shall be waived if a certificate of foundation design and construction, Form WPI-10, is furnished to the TCPIA Windstorm Inspection Program prior to inspection.

(II) Rough Framing. Framing, exterior siding underlayment, and roof decking shall be inspected after installation, but prior to the installation of any interior or exterior finish which would impede the ability to verify the connections of various members and/or the nailing pattern of various materials.

(III) Final Framing. The exterior finish, less any trim that would conceal the nailing pattern, and the roof covering shall be inspected.

(IV) Mechanical. Exterior mechanical equipment if present shall be inspected for adequate tie-down anchorage.

(iii) To Qualify for Windstorm Coverage. To qualify for windstorm coverage by the TCPIA, all structures, additions, or repairs, construction of which is commenced on or after January 1, 1988, must be inspected as provided in subclauses (I) or (II) of this clause.

(I) The inspection shall be conducted in accordance with this Manual by the TCPIA Windstorm Inspection Program and certified by the Department in accordance with the Manual; or

(II) The inspection shall be conducted by a qualified engineer and certified by the Department in accordance with the Manual. Prior to the issuance of a certification of compliance by the Department, a qualified engineer shall make personal inspections of all phases of construction of the building or structure to determine compliance with the applicable building construction requirements under subparagraph (A) of this paragraph. The required inspections shall be those inspections specified in paragraph (3)(F)(ii) of the

Manual. A qualified engineer's certification of design and construction must be submitted to the Department on the Building Certificate Form WPI-2.

(iv) The repairs or other procedures listed in this subparagraph, when done to non-engineer-designed buildings or structures, do not require inspection by the TCPIA Windstorm Inspection Program for the purposes of certification or recertification by the Department for compliance with building construction requirements. In addition, if no structural change is made, the initial installation or replacement of the listed items, when done to non-engineer-designed buildings or structures, may be made without requiring an inspection by the TCPIA Windstorm Inspection Program. The repairs and procedures are as specified in the following subclauses (I)-(XVIII).

(I) repairs to roofs covering less than 100 square feet (one square),

(II) repairs to gutters,

(III) door and window replacement (if no framing is involved),

(IV) garage door installation or replacement (if no framing is involved);

(V) repairs to wheelchair ramps,

(VI) fascia replacement;

(VII) repairs to porch and balcony railings,

(VIII) repairs to steps,

(IX) protective measures before a storm,

(X) temporary repairs after a storm;

(XI) leveling or procedures done to existing foundations, other than repairs;

(XII) leveling and repairs to an existing slab on grade foundation, unless wall anchorage is being altered or repaired;

(XIII) repairs to pier and beam foundations if no more than four piers are replaced,

(XIV) fence repairs;

(XV) repairs to detached carports, patio covers, and pool covers, garages, gazebos, and other outbuildings unless specifically insured,

(XVI) painting and carpeting, plumbing and electrical repairs,

(XVII) repairs to slabs poured on the ground for patios (including slabs under houses on pilings); and

(XVIII) replacement of light bulbs and glass covers

(G) Prohibitions. A TCPIA Windstorm Inspection Program inspector shall not

(i) determine the cause of a loss or adjust a loss; or

(ii) underwrite a risk on behalf of the TCPIA; or

(iii) inspect an existing structure built prior to January 1, 1988, to determine compliance with any building specifications, except new additions or repairs to structures built prior to January 1, 1988, may be inspected

(H) Certificate of Compliance. The Department shall issue a certificate of compliance based on inspections conducted by the TCPIA Windstorm Inspection Program in accordance with the Manual or by a qualified engineer in accordance with the Manual

(i) The certificate of compliance shall be issued to the owner or contractor with a copy of the certificate provided to the TCPIA Windstorm Inspection Program

(ii) The Department may re-inspect, either prior to or after the issuance of a certificate of compliance, any risk submitted by the TCPIA Windstorm Inspection Program for certification or submitted by a qualified engineer for certification

(iii) If the Department finds that a building or structure does not meet the required building specifications, a certificate of compliance will not be issued; or if a certificate of compliance has been issued, the certificate may be rescinded.

(iv) If the Department finds a building or structure does not meet the required building specifications, the inspector or inspectors conducting the inspection may be subject to sanctions as provided in subsection (c) of this section and the

Insurance Code, Article 21.49, and the TCPIA may be subject to sanctions as provided in the Insurance Code, Article 1.10.

(v) If the TCPIA Windstorm Inspection Program finds a building or structure does not meet the required building specifications, and upon inspection by the Department, the Department finds a building or structure does meet the required building specifications, a certificate of compliance shall be issued.

(e) Forms for Windstorm Inspections

(1) The Department adopts by reference the following 14 forms for use in windstorm inspections.

(A) Application for Building Inspection Compliance with Wind Resistant Code, Form WPI-1;

(B) Building Certificate, Form WPI-2;

(C) Metal Building Certificate, Form WPI-2M;

(D) Foundation Inspection, Form WPI-3;

(E) Rough Framing Inspection, Form WPI-4;

(F) Final Framing Inspection, Form WPI-5;

(G) Mechanical Equipment Inspection, Form WPI-6;

(H) Field Form, Form WPI-7;

(I) Certificate of Compliance, Form WPI-8;

(J) Inspection Acknowledgment, Form WPI-9;

(K) Foundation Certificate, Form WPI-10;

(L) Re-Roofing Application, Form WPI-11;

(M) Mobile Home Tie-Down Survey, Form WPI-MH-1; and

(N) Windstorm Inspector Qualification Review, Form WPI-12.

(2) The forms designated in paragraph (1) of this subsection are promulgated by the Department. A single copy of these forms may be obtained from the Windstorm Section of the Safety Division of the Property Division, Texas Department of Insurance, 333 Guadalupe, P. O. Box 149104, Austin, Texas 78714-9104. Multiple copies of these forms may be obtained from the Texas Catastrophe Property Insurance Association Windstorm Inspection Program, P. O. Box 2930, Austin, Texas 78768-2930.

(f) Duties and Responsibilities of the Department.

(1) Certification. For each structure that complies with building specifications in the TCPIA plan of operation and other building specifications promulgated by the Department, the Department shall issue a certificate of compliance that is evidence of insurability of the structure by the TCPIA.

(2) Oversight. The Department shall maintain oversight of all aspects of the operation of the TCPIA Windstorm Inspection Program pursuant to this section and the Insurance Code, Article 21.49, §6A, including but not limited to the procedures specified in this subsection.

(A) The Department may perform periodic audits of the TCPIA Windstorm Inspection Program.

(B) The Department may conduct random follow-up inspections of structures inspected by inspectors of the TCPIA Windstorm Inspection Program.

(C) The TCPIA Windstorm Inspection Program shall provide monthly reports and end-of-the-fiscal-year reports to the Department on inspections conducted by the Windstorm Inspection Program, including the following information:

- (i) the total number of inspections conducted;
- (ii) the location of all inspections (by city or county);
- (iii) the number and location of inspections not approved;
- (iv) the number and location of inspection applications received;
- (v) the amount of inspection fees collected by category of inspection;
- (vi) the number of complaints received;
- (vii) a weekly summary of all WPI-1 applications by location received by the TCPIA; and

(viii) any other information as requested by the Department.

(D) The Administrative Procedure Act, Government Code, Title 10, Chapter 2001, shall govern the procedures for adoption of any changes or additions to the standards provided in subsection (d) of this section. No changes or additions shall be implemented by the TCPIA until such adoption.

(E) The TCPIA shall provide to the Department a copy of all internal procedures followed by the TCPIA in conducting the Windstorm Inspection Program and any changes or additions to these procedures.

(3) Education Program.

(A) The Department shall publish pamphlets that outline the necessary steps to meet the basic building construction requirements that are deemed to comply with the building specifications in the TCPIA plan of operation.

(B) The Department shall distribute these pamphlets to individuals and groups in the designated catastrophe area, including local government offices handling building permits or health and safety requirements and building trade associations and building supply outlets.

(C) The Department may utilize all news media, including public service announcements, to advertise the TCPIA Windstorm Inspection Program.

(D) The Department may provide and promote a public speaking program to service clubs and professional organizations.

(E) The Department shall provide educational programs relating to building construction requirements for contractors, owners, and other appropriate parties.

(F) The TCPIA may assist the Department in producing educational programs and in distributing educational materials.

(g) Complaint Procedures.

(1) The Department shall have the responsibility for handling and processing all complaints which may arise from the TCPIA Windstorm Inspection Program and the Department's certification of any structure.

(2) All complaints relating to the Windstorm Inspection Program or the Department's certification program that are

received by the TCPIA shall be immediately forwarded to the Department's Windstorm Section. The TCPIA Windstorm Inspection Program shall immediately notify the complainant that the complaint has been forwarded to the Department's Windstorm Section and provide the address and phone number of the Windstorm Section.

(3) All forwarded complaints shall be assigned to and handled by the Department's Windstorm Section.

(4) The TCPIA shall provide assistance in handling complaints, as requested by the Windstorm Section.

(5) Until final disposition of the complaint, the complainant shall be notified by the Windstorm Section of the status of the complaint at 30-day intervals.

(6) Any person insured pursuant to the Insurance Code, Article 21.49, or the person's duly authorized representative, or any affected insurer, or the TCPIA Windstorm Inspection Program may appeal the Windstorm Section staff disposition of any complaint to the Commissioner within 30 days after such disposition.

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 18, 1994.

TRD-9436442

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

Earliest possible date of adoption: March 28, 1994

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

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Subchapter E. Texas Catastrophe Property Insurance Association Inspections for Windstorm and Hail Insurance

• 28 TAC §§5.4601-5.4603

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

The Texas Department of Insurance proposes the repeal of §§5.4601-5.4603, relating to inspections for windstorm and hail insurance. The proposed sections for repeal contain Windstorm Inspection Manual provisions and a list of forms for use in windstorm inspections which are adopted by reference. The repeals are necessary because of the approval and appointment of inspectors employed by the Texas Catastrophe Property

Insurance Association (TCPIA) to conduct inspections of structures for windstorm and hail insurance pursuant to the Insurance Code, Article 21.49. Simultaneously with this repeal, the Texas Department of Insurance (Department) is proposing the adoption of a new §5.4600 to regulate the approval and appointment of inspectors; windstorm inspection manual standards and operating procedures; windstorm inspection forms; the duties and responsibilities of the Commissioner of Insurance, the Department, and the TCPIA relating to these inspections; and complaint handling procedures.

Lyndon Anderson, associate commissioner, property and casualty program, has determined that for each year of the first five years the proposed repeal will be in effect, there will be no fiscal implications to state or local government or small businesses as a result of enforcing or administering the repeal. There will be no effect on the local economy or local employment.

Mr. Anderson 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 is the elimination of unnecessary regulations from Title 28 of the Texas Administrative Code. There is no anticipated economic cost to persons who are required to comply with the proposed repeal.

Comments on the proposal must be submitted 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. A copy of the comment should be submitted to Lyndon Anderson, Associate Commissioner, Property and Casualty Program, Texas Department of Insurance, P.O. Box 149104, MC #103-1A, Austin, Texas, 78714-9104. Any request for a public hearing on this proposal should be submitted separately to the Office of the Chief Clerk.

The repeal is proposed pursuant to the Insurance Code, Articles 21.49, 1.02, and 1.03A, and the Government Code, §2001.004 et seq. Article 21.49, §6A(a) and (d) authorize the Commissioner of Insurance to approve and appoint qualified inspectors to perform building inspections pursuant to Article 21.49, §6A. Article 21.49, §6A(b) requires the Department to issue, for each inspected structure that qualifies, a certificate of compliance that is evidence of insurability of the structure by the TCPIA. Subsection (c) of Article 21.49, §6A, authorizes the Department to charge a reasonable inspection fee in an amount that does not exceed 50% of the actual cost of the inspections exclusive of training and general administrative costs. Subsection (e) of Article 21.49, §6A, authorizes the Commissioner to promulgate rules and forms to effect the provisions of this section. Article 21.49, §6A(g), authorizes the Commissioner to make agreements and contracts as may be necessary to effect the provisions of this section. Article 21.49, §6A(j), authorizes the Commissioner to cancel or revoke an appointment made pursuant to this section under certain specified conditions and authorizes other statutory sanctions in lieu of cancellation or revocation. Article 21.49, §6A, by its terms delegates the

foregoing authority to the State Board of Insurance. However, under Article 1.02 of the Insurance Code, as amended by the 73rd Texas Legislature in House Bill 1461, a reference in the Insurance Code or another insurance law to the State Board of Insurance means the Commissioner of Insurance or the Texas Department of Insurance, as consistent with the respective powers and duties of the Commissioner and the Department under Article 1.02. Section 1.23(c) of House Bill 1461 provides that on September 1, 1993, the Board shall relinquish authority over all areas of activity of the Texas Department of Insurance except the promulgation and approval of rates and policy forms and endorsements and hearings, proceedings, and rules related to these activities, such authority shall be exercised by the Board until no later than September 1, 1994. Section 1.23(d) of House Bill 1461 provides that on and after the date a Commissioner of Insurance is appointed under subsection (a) of §1.23 the Commissioner shall cooperate with the Board to assume the authority granted to the Board under subsection (c) of §1.23 and shall adopt rules as necessary to govern those activities. Section 1.23(d) further provides that as soon as possible after the appointment of the Commissioner under §1.23(a) but not later than September 1, 1994, the Commissioner shall assume the authority granted to the Board under §1.23(c). Pursuant to Board Order Number 60574, November 29, 1993, the State Board of Insurance transferred the authority granted to the Board under §1.23(c) of House Bill 1461 to the Commissioner of Insurance, effective December 16, 1993. Article 1.03A, as enacted by the 73rd Texas Legislature in House Bill 1461, provides that the Commissioner of Insurance may adopt rules and regulations, which must be for general and uniform application, for the conduct and execution of the duties and functions of the Texas Department of Insurance only as authorized by a statute. The Government Code §2001.004 et seq. (Administrative Procedure Act) authorize and require each state agency to adopt rules of practice setting forth the nature and requirement of available procedures and to prescribe the procedures for adoption of rules by a state agency.

The following statute is affected by this repeal: Insurance Code, Article 21.49, §§5.4601-5.4603

§5.4601 Short Title

§5.4602 Windstorm Inspection Manual.

§5.4603 Forms for Windstorm Inspections

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 18, 1994

TRD-9436443

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

Earliest possible date of adoption March 28, 1994

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

Chapter 19. Agent's Licensing

Subchapter K. Continuing Education Requirements

• 28 TAC §§19.1001-19.1011

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

The Texas Department of Insurance proposes the repeal of §§19.1001-19.1011, concerning the continuing education requirements for agents. The repeal of these sections is necessary for the Department to facilitate the Legislative intent of H.B. 1461. H.B. 1461 was passed by the 73rd Legislature, Regular Session, and provides that administration of continuing education programs for agents by the Department is discretionary. H.B. 1461 also makes participation in continuing education programs by agents voluntary, unless continuing education is otherwise required by statute or applicable law. The repeal of §§19.1001-19.1011 will enable the Department to recognize or administer continuing education programs in accordance with provisions of H.B. 1461, which added Article 21.01-2 to the Insurance Code. The repeal of this subchapter is necessary to enable the Commissioner simultaneously to adopt a new subchapter which replaces the repealed sections with other provisions concerning guidelines for continuing education courses. Notification appears elsewhere in this issue of the *Texas Register* of the proposed new sections which replace those sections proposed for repeal. By separate rule-making, the Department will establish minimum standards or criteria for the continuing education courses offered by course providers.

Beverly McVey, director, licensing group, has determined that, for the first five-year period the proposed repeals will be in effect, there will be no fiscal impact to state and local government, or small businesses as a result of enforcing or administering the repeal. There will be no effect on local employment or the local economy.

Ms. McVey also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of administering the repeals will be a streamlined, less cumbersome and less bureaucratic system of approving continuing education courses, the creation of a competitive market for continuing education courses providers, and a competitive market system for continuing education programs. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal to be considered by the Texas Department of Insurance must be submitted within 30 days after publication

of the proposed repeal in the *Texas Register* to Linda K. von Quintus-Dorn, Chief Clerk, Texas Department of Insurance, P.O. Box 149104, Mail Code 113-2A, Austin, Texas 78714-9104. An additional copy of the comment should be submitted to Beverly McVey, Director, Licensing Group, Mail Code 107-1B, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. Request for public hearing on this repeal should be submitted separately to the office of the Chief Clerk.

The repeals are proposed under the Insurance Code, Articles 21.07-1, 21.14, 21.01-2, 1.03A and 1.04C, and the Government Code, §2001.004, et seq. Articles 21.07-1 and 21.14 authorize the State Board of Insurance to adopt a procedure for certifying continuing education programs for agents. Article 21.01-2, §4 provides that the Department may recognize or administer continuing education programs for agents affected by this Article. Article 1.02 of the Insurance Code, as amended by the 73rd Texas Legislature in House Bill 1461, provides that a reference in the Insurance Code or another insurance law to the State Board of Insurance means the Commissioner of Insurance or the Department, as consistent with the respective powers and duties of the Commissioner and the Department under Article 1.02. Section 1.23 of House Bill 1461, as enacted by the 73rd Texas Legislature, provides that as of September 1, 1993, the Commissioner of Insurance shall assume authority over any area of activity of the Department not subject to the authority of the State Board of Insurance. Section 1.23 provides that on September 1, 1993, the Board shall relinquish authority over all areas of activity of the Department except the promulgation and approval of rates and policy forms and endorsements and hearings, proceedings, and rules related to these activities; such authority shall be exercised by the Board until no later than September 1, 1994. New Article 1.03A, as enacted in House Bill 1461, provides that the Commissioner of Insurance may adopt rules and regulations which must be for general and uniform application, for the conduct and execution of the duties and functions of the Department only as authorized by statute. New Article 1.04C, as enacted in House Bill 1461, requires the Commissioner of Insurance to develop and implement policies that provide the public with a reasonable opportunity to appear before the Commissioner and to speak on any issue under the Commissioner's jurisdiction. The Government Code, §2001.004 et seq. (Administrative Procedure Act) authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and prescribe the manner for adoption of rules by a state administrative agency.

The following articles of the Insurance Code are affected by this rule. The Insurance Code, Articles 21.01-2, 21.07-1, and 21.14.

§19.1001. *Purpose and Scope.*

§19.1002. *Definitions.*

§19.1003. *Applicability of Requirement.*

§19.1004. *Continuing Education Requirements.*

§19.1005. *Failure to Comply.*

§19.1006. *Approved Courses of Study.*

§19.1007. *Licenses's Responsibility for Recordkeeping.*

§19.1008. *Records and Audit*

§19.1009. *Texas Continuing Education Advisory Council.*

§19.1010. *Distribution of Rules and Attachments.*

§19.1011. *Forms Adopted by Reference.*

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 17, 1994.

TRD-9436430

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

Earliest possible date of adoption. March 28, 1994

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

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Subchapter K. Agents and Adjusters Guidelines for Minimum Standards for Continuing Education Courses

• 28 TAC §§19.1001-19.1013

The Texas Department of Insurance proposes new §§19.1001-19.1013 concerning the guidelines for minimum standards for continuing education courses for agents and adjusters. These sections set forth the minimum standards that are permitted for continuing education courses provided to agents and adjusters to meet the continuing education requirement. The new sections implement new Article 21.01-2 of the Insurance Code, as enacted by the 73rd Legislature in House Bill 1461, which makes it discretionary for the Texas Department of Insurance to administer continuing education programs for agents. The proposed sections set forth definitions, specify the number of hours of continuing education required for the licensing period, establish course criteria, exemptions from the continuing education requirements, and compliance with the requirements. The Texas Department of Insurance is simultaneously repealing §§19.1001-19.1011, concerning

continuing education requirements. Notification appears elsewhere in this issue of the *Texas Register* of the proposed repeal.

Beverly McVey, director, licensing group, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for local government or small businesses as a result of enforcing or administering these sections, and there will be no effect on local employment or the local economy. Enforcement and administration will be performed by existing staff of the Department.

Ms. McVey also has determined that for each year of the first five years these proposed sections are in effect, the public benefit anticipated as a result of enforcing these sections will be to maintain an educated and informed insurance industry serving the public by acquiring current information concerning changes in insurance laws, practice and ethical standards within the industry. As persons and entities subject to these sections have complied with prior requirements on continuing education in the past, these sections will not increase the costs of administering continuing education or the reporting of information for those persons subject to this subchapter.

Comments on the proposal to be considered by the Department must be submitted within 30 days after publication of the proposed sections in the *Texas Register* to Linda K. von Quintus-Dorn, Chief Clerk, Texas Department of Insurance, P.O. Box 149104, Mail Code 113-1A, Austin, Texas 78714-9104. An additional copy of the comment should be submitted to Beverly McVey, Director, Licensing Group, Mail Code 107-1B, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. Request for a public hearing should be submitted separately to the Chief Clerk's office.

These sections are proposed under the Insurance Code, Articles 21.01-2, 21.07-1, 21.07-3, 21.07-4, 21.14, 1.03A and 1.04C, and Texas Government Code, §2001.004 et seq. The Insurance Code, Articles 21.07-1, §3A, 21.07-3, §6A, 21.07-4, §7A and 21.14, §§(5)(b) and (d) authorize the Department to adopt a procedure for establishing guidelines for continuing education programs for agents and adjusters. Article 1.02 of the Insurance Code, as amended by the 73rd Texas Legislature in House Bill 1461, provides that a reference in the Insurance Code or another insurance law to the State Board of Insurance means the Commissioner of Insurance or the Department, as consistent with the respective powers and duties of the Commissioner and the Department under Article 1.02. Section 1.23 of House Bill 1461, as enacted by the 73rd Texas Legislature, provides that as of September 1, 1993, the Commissioner of Insurance shall assume authority over any area of activity of the Department not subject to the authority of the State Board of Insurance. Section 1.23 provides that on September 1, 1993, the Board shall relinquish authority over all areas of activity of the Department except the promulgation and approval of rates and policy forms and endorsements and hearings, proceedings, and rules related to these activities, such authority shall be exer-

cised by the Board until no later than September 1, 1994 New Article 1.03A, as enacted in House Bill 1461, provides that the Commissioner of Insurance may adopt rules and regulations which must be for general and uniform application, for the conduct and execution of the duties and functions of the Department only as authorized by statute. New Article 1.04C, as enacted in House Bill 1461, requires the Commissioner of Insurance to develop and implement policies that provide the public with a reasonable opportunity to appear before the Commissioner and to speak on any issue under the Commissioner's jurisdiction. The Government Code, §2001.004 et seq. (Administrative Procedure Act) authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and prescribe the manner for adoption of rules by a state administrative agency

The following statutes are affected by this subchapter. Insurance Code, Articles 21 01-2, 21 07-1, 21.07-3, 21 07-4 and 21.14

§19 1001. Purpose and Scope The purpose of this subchapter is to set forth procedures and requirements for certification of continuing education courses and the requirements for continuing education for insurance agents and adjusters for

implementation of the continuing education program as authorized under the Insurance Code, Articles 21 07-1, 21.07-3, 21 07-4, and 21.14.

§19 1002 Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

Agent—A person licensed under the Insurance Code, Article 21 07-1, holding a Group 1 legal reserve life, accident and health insurance agent license, Article 21 07-3, holding a managing general agent license, or Article 21.14, holding a local recording agent, solicitor, or insurance service representative license

Adjuster—A person licensed under the Insurance Code, Article 21 07-4.

Department—The Texas Department of Insurance.

Licensee—Agents and adjusters as defined in this section.

Reporting Period—The period from the issue date or last renewal date of the license to the expiration date of the license, generally a two-year period

§19 1003 Applicability of Requirements.

(a) Agents licensed under the Insurance Code, Articles 21.07-1, 21 07-3, and 21.14 shall complete 30 hours of continuing education within each reporting period, unless otherwise exempt

(b) An agent licensed under the Insurance Code, Articles 21.07-1 and 21 14 may elect to satisfy the continuing education requirements of either article and shall not be required to complete more than 30 hours within each reporting period.

(c) Adjusters licensed under the Insurance Code, Article 21 07-4 shall complete 30 hours of continuing education within each reporting period Four of the 30 hours must be in consumer protection courses

(d) Agents and adjusters holding a license subject to continuing education which is prorated to coincide with the renewal of another license shall complete continuing education on a prorated schedule The credit hours required shall be based upon the licensing period from the issue date of the license to the renewal date of the license as follows

LICENSE PERIOD	REQUIRED HOURS
Less than 12 months	0
12 months but less than 24 months	15
24 or more months	30

(e) An agent holding only a temporary local recording agent license under Article 21.14 shall be required to complete only 15 hours of continuing education after receiving the permanent local recording agent license. After the first renewal, the local recording agent is subject to the full 30 hours continuing education requirement

§19.1004. Exemption from Continuing Education The continuing education requirement shall not apply to:

(1) Agents licensed under the Insurance Code, Articles 21.07-1, 21.07-3, and 21.14 who have been licensed for 20 years or more on or after September 1, 1992 Agents shall apply for this exemption by completing an application obtained from the Department and submitting all requested information Agents must satisfy the continuing education requirements through the end of the nineteenth year of licensure. The number of credit hours for the license reporting period is determined as set forth in subparagraphs (A)-(C) of this paragraph

(A) If the twentieth year falls within the first year of the two-year license period, then no continuing education is required for the reporting period.

(B) If the twentieth year falls within the second year of the two-year license period, then 15 hours of continuing education is required for the reporting period to satisfy the nineteenth year of licensure.

(C) If the twentieth year falls on or after the license expiration date, then 30 hours of continuing education is required for the reporting period to satisfy the nineteenth year of licensure

(2) Agents licensed under the Insurance Code, Article 21.07-1, who maintain a license solely for the purpose of receiving residual or renewal commissions Agents shall apply for this exemption on a form obtained from the Department As a

condition for exemption and for each license renewal period, the agent shall certify on the form that no acts of an insurance agent as defined in the statute governing such license have been performed and that the sole reason for maintenance of the license is to receive residuals or renewal commissions

(3) Nonresident agents licensed under the Insurance Code, Article 21.07-1, who are subject to continuing education requirements in their home state, provided the resident state exercises reciprocity with Texas' continuing education requirements.

(4) Agents and adjusters who meet the criteria of illness, medical disability or circumstances beyond the control of the licensee A licensee shall apply for an exemption from or an extension of time for meeting the continuing education requirements by completing an application obtained from the Department and submitting all requested documents and information. The form must be received within the re-

porting period for which it applies and should include at least the information set forth in subparagraphs (A)-(F) of this paragraph

(A) statement of the exact nature of the illness, medical disability or other extenuating circumstances beyond the control of the licensee,

(B) evidence in the form of medical reports from attending physician(s) and insurance claims regarding the illness or medical disability of the licensee or evidence through insurance claims and/or other documentation as determined regarding circumstances beyond the control of the licensee,

(C) assessment of the condition of the licensee whether it is temporary, permanent or unknown,

(D) statement as to whether the licensee will or will not be able to perform activities including any acts of an agent or adjuster,

(E) estimated date when the licensee will be able to perform any activities including any acts of an agent or adjuster in accordance with the medical reports or other documents pertaining to circumstances beyond the control of the licensee, and

(F) any other information that may be requested by the Department

§19.1005 Course Criteria

(a) The purpose of continuing education is to increase the licensee's professional competence through the offering of the most recent product, coverage, and insurance law information which can be used to assist the consumer in making informed decisions regarding their insurance needs. The method to achieve this purpose is through quality continuing education courses

(b) The course shall have a stated purpose that reflects a broad goal or the overall intent of the course

(c) The course shall have specific written learning objectives which support the achievement of the purpose statement of the course. The learning objectives are the desired outcomes for the learning process and identify the knowledge, skills, or attitudes the licensee is expected to obtain

(d) The course shall have a method of evaluation to measure how effectively the course meets its objectives

(e) Persons conducting a course should be knowledgeable and well versed on the topic(s) and able to conduct/instruct a class and provide appropriate feedback on questions

(f) The course content shall be designed to enhance the knowledge and understanding of one or more of the following: insurance principles and coverages, applicable laws, rules and regulations, recent and prospective changes in coverages, law and the duties and responsibilities of the licensee, consumer protection, and insurance ethics. The course content for consumer protection shall include

(1) Article 21.21, Insurance Code,

(2) The Unauthorized Insurers False Advertising Process Act, (Article 21.21-1, Insurance Code);

(3) The Unfair Claim Settlement Practices Act (Article 21.21-2, Insurance Code),

(4) The Deceptive Trade Practices Consumer Protection Act (Subchapter E, Chapter 17, Business and Commerce Code), and

(5) analogous laws as specified by the department

(g) Each course shall be reviewed every two years by the provider and updated to remain relevant to the professional development of a licensee

(h) A course that contains the course content set forth in paragraphs (1)-(5) of this subsection shall not be considered applicable to continuing education requirements for insurance agents and adjusters

(1) courses teaching general accounting, speed reading or other general business skills or computer use, or computer software application use,

(2) courses in motivation, goal-setting, time management, communication or sales and marketing skills,

(3) courses used for pre-licensing training or qualifying examination preparation,

(4) meetings held in conjunction with the regular business of the licensee, and

(5) training relating to the marketing practices of a specific company.

§19.1006 Types of Courses Continuing education courses shall consist of four types as described in paragraphs (1)-(4) of this section

(1) Classroom courses may include lectures, seminars, audio, video and

computer-based instruction, and teleconferences that take place in a classroom setting or a monitored environment that allows question and answer or discussion periods.

(2) Self-study courses may include textbook, audio, video, computer-based instruction, or any combination of these in an independent study setting with some measurement of completion of the objective of the course

(3) Any insurance course that is part of a degree curriculum of an accredited college or university so long as the course content clearly indicates a direct link to the business of insurance and/or claims processing

(4) National designation certification programs which are insurance-related

§19.1007. Hours of Credit Credit hours for continuing education courses are determined by the methods set forth in paragraphs (1)-(7) of this section:

(1) Credit for classroom courses is determined by the number of minutes of actual instruction time divided by 60. Actual instruction time is considered the amount of time devoted to the actual instruction/reading of the topic, and does not include breaks, lunch or dinner, introductions of speakers, instructions, etc. No more than 15 credit hours shall be recognized for any one course.

(2) Credit for college and university insurance courses is determined by successful completion. The number of hours of credit for college and university insurance courses is dependent on the number of classroom semester contact hours, which shall be no more than 15 credit hours per course

(3) Credit for national designation certification programs (examinations) is determined by successfully passing the examination which shall be worth a maximum of 15 credit hours

(4) Credit for Independent self-study courses is calculated by using a total of 2,600 words as equal to one credit hour. Total words of a text divided by 2,600 words will equal the course credit hours. No more than 15 hours shall be recognized for any one course

(5) Credit for agents and/or adjusters who teach a qualified continuing education course or a portion of a course is determined by the number of hours of course instruction or by the number of hours assigned to the full course whichever is applicable. The provider of the course is responsible for issuing the certificate of completion reflecting the appropriate number of credit hours.

(6) Credit for any course will not be issued for less than the number of hours the course was assigned except to an instructor teaching a portion of the course and who does not attend the full course

(7) Credit for teaching or completing the same continuing education course more than once within the same reporting period shall not be granted for compliance with the continuing education requirement.

§19 1008. Course Requirements for Successful Completion

(a) Providers shall use attendance rosters or an assessment measurement to certify completion of a classroom continuing education course. Attendance of at least 90% of the course is required to complete the course when using attendance rosters. A means to ensure that the licensee attended the full or at least 90% of the course shall be established

(b) Providers shall use a written examination to evaluate the licensee's competency and the effectiveness of self-study continuing education courses and classroom courses that do not use attendance as the means of completion. The written examination shall meet the criteria set forth in paragraphs (1)-(7) of this subsection

(1) Final examination questions shall not be the same or substantially the same questions the licensee previously encountered in the course materials or review exams

(2) Security measures shall be in place to maintain the integrity of the examination and ensure that the enrolled licensee is the individual who took the examination

(3) Answers to the examination shall not be given to the licensees at any time before, during or after the course

(4) Examinations shall be graded by an authorized staff member

(5) Licensees shall be allowed to retake an examination if a 70% passing score is not achieved. The retest shall consist of an alternate examination consisting of different questions from the original examination

(6) Final examinations shall consist of three exams which are distributed alternatively to enrollees of the course and are revised/updated every two years by the provider consistent with the course update/revision.

(7) A final examination shall consist of a minimum of 10 questions for a one-hour course with an increase in increments of 5 questions for each additional course hour

(c) Providers shall issue certificates of completion to licensees who successfully complete a certified course. The certificate must be issued in a manner which will ensure that the person receiving the certificate is the licensee who took the course, must be issued within a reasonable period of time, and completed to reflect the date the licensee took the course/examination. Information on the certificate of completion can be duplicated from a form obtained from the Department

§19 1009 Course Certification.

(a) A course is not certified unless:

(1) the provider has in good faith filed with the Department a certification form, obtained from the Department, which certifies that the course meets the requirements of this subchapter, and

(2) the Department has not determined, after notice and hearing, that the course does not meet the requirements of this subchapter

(b) Programs offering national designation certification programs (examinations) must certify each examination part with the Department using a certification form obtained from the Department prior to offering the examination for credit.

(c) Providers shall certify within 150 days from the effective date of this subchapter on a form obtained from the Department that each course offered for continuing education credit meets the requirements of this subchapter

(d) Providers shall notify the Department when a course is discontinued or no longer active, and when there is a change in the provider's name, address or telephone number in order for the Department to maintain an up-to-date registry of courses and to prepare and make a list of courses available to the public upon request.

§19 1010 Obtain Forms. Application forms for exemption, provider and course certification forms, certificate of completion forms, and the list of courses can be obtained from the Texas Department of Insurance, Continuing Education Coordinator, Agent Activity, 333 Guadalupe, P. O. Box 149104, Austin, Texas 78714-9104.

§19 1011 Licensee Compliance.

(a) Licensees may choose courses from any of the courses certified with the Department approved for their type of license to meet the continuing education compliance requirements with the exception of a licensee holding a license under the Insurance Code, Article 21 07-1 and Article 21 14, who may take courses applicable to either license type for the 30 hours of continuing education compliance requirements.

(b) Agents and adjusters will no longer submit evidence of continuing education compliance at the end of each license renewal (reporting) period. Each licensee shall maintain evidence of each course completed for the current and next preceding renewal period, which generally consists of a minimum of four years for the purpose of audit.

(c) Types of evidence for compliance may include: a certificate of completion from a provider; a college transcript, a passing grade report from a national designation program, or a letter from a college dean stating that the licensee taught the full course

§19.1012. Audit of Continuing Education Records.

(a) All continuing education records and evidence of continuing education of licensees maintained for the period required are subject to review by the Department at any time. Accuracy of a licensee's records is subject to verification at any time.

(b) All continuing education records, rosters, and course materials of providers must be maintained for at least four years and are subject to review by the Department at any time.

§19.1013. Failure to Comply.

(a) Failure by a licensee to comply with the continuing education requirements in the absence of a valid exemption, or falsification of records of compliance by the licensee is subject to disciplinary action after notice and hearing. Disciplinary action may include a fine, suspension, revocation or cancellation of a license in accordance with the Insurance Code, Articles 1.10, §7; 21. 07-1, §12; 21.14, §16; 21.07-3, §12; and/or 21.07-4, §17 or any other applicable laws or statutes.

(b) Failure by a provider to comply with this subchapter, or falsification of any records by the provider may subject the courses of the provider to be removed from the list of registered courses and cause the courses to be decertified.

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 18, 1994.

TRD-9436429

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

Earliest possible date of adoption. March 28, 1994

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

**Part XI. Texas Juvenile
Probation Commission**

**Chapter 341. Policies and
Procedures**

• **37 TAC §341.22**

The Texas Juvenile Probation Commission proposes new §341.22, concerning the Memorandum of Understanding on Certain Abused and Neglected Children.

Steve Bonnell, director, Special Projects, 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. Bonnell 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 enhanced coordination of service delivery at the local level. 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 Steve Bonnell, P.O. Box 13547, Austin, Texas 78711.

The new section is proposed under Texas Human Resource Code, §141.0476, which provides Texas Juvenile Probation Commission with the authority to improve the effectiveness of juvenile probation services by enhancing coordination of service delivery at the local level.

§341.22. Memorandum of Understanding on Certain Abused or Neglected Children.

(a) The Texas Juvenile Probation Commission (TJPC), the Texas Youth

Commission (TYC), and the Department of Protective and Regulatory Services (DPRS) adopt this memorandum of understanding (MOU) in compliance with the Texas Human Resources Code, §141.0476.

(1) Human Resources Code, §141.0476, requires established guidelines for the referral of children under the supervision of TYC or a juvenile probation department who are abused or neglected or who are at risk of abuse or neglect to the DPRS; and

(2) established procedures by which the DPRS may intervene in the treatment of the children and, when appropriate, allow the children to return to the supervision of the juvenile probation department.

(b) The TJPC, TYC, and DPRS shall review and revise this memorandum annually no later than the last month of each fiscal year and adopt any revision by rule.

(c) Local juvenile probation departments and TYC staff must notify local PRS or law enforcement authorities when a child under their jurisdiction is suspected of being abused or neglected.

(d) The referring entity shall cooperate with PRS in investigation the suspected abuse or neglect. This does not supersede procedures established for investigating and reporting abuse and neglect under the Texas Family Code, Title II, Chapter 34.

(e) If abuse or neglect is confirmed and the child is placed under the managing conservatorship of PRS this does not nullify a delinquency adjudication or commitment order to TYC.

(f) The entities involved with the child shall jointly cooperate to ensure the child receives maximum benefit of the services and resources of each entity.

(g) The local offices of the entities involved shall contact each other before a case file is closed.

(h) PRS staff shall continue to monitor the placement of a child under their

managing conservatorship who is committed to TYC, and resume sole service planning responsibility when the child is discharged from TYC.

(i) If a child under the managing conservatorship of PRS is alleged to have committed a felony offense or an offense listed below, the child must be referred to law enforcement officials:

(1) false alarms and reports;

(2) abusive calls to 911;

(3) cruelty to animals;

(4) unlawfully carrying weapons-handgun, illegal knife, club;

(5) driving while intoxicated or under the influence; and

(6) assault-intentionally or knowingly causes bodily injury or threatens another with imminent bodily injury.

(j) Abuse and neglect have the meaning assigned by §34.012, Texas Family Code.

(k) TJPC, TYC, and PRS agree to meet not later than August, 1994, to review and update this MOU.

(l) With each agency's board approval, the agencies agree to adopt by rule, any revisions or updates to this MOU prior to 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 17, 1994.

TRD-9436386

Bernard Licarione, Ph.D.
Executive Director
Texas Juvenile Probation
Commission

Earliest possible date of adoption: March 28, 1994

For further information, please call: (512) 443-2001

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Name: Dennis Gorzalez
Grade: 9
School: Simon Rivera High School, Brownsville ISD

WITHDRAWN RULES

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 90. Nursing Facilities and Related Institutions

Subchapter B. Application Procedures

• 40 TAC §90.15, §90.16

The Texas Department of Human Services has withdrawn from consideration for permanent adoption a proposed amendment to §90.15 and §90.16, which appeared in the November 9, 1993, issue of the *Texas Register* (18 TexReg 8179). The effective date of this withdrawal is April 1, 1994.

Issued in Austin, Texas, on February 18, 1994.

TRD-9436435 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Effective date. April 1, 1994

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

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Subchapter H. Enforcement

• 40 TAC §90.235

The Texas Department of Human Services has withdrawn from consideration for permanent adoption a proposed amendment to §90.235, which appeared in the November 9, 1993, issue of the *Texas Register* (18 TexReg 8180). The effective date of this withdrawal is April 1, 1994.

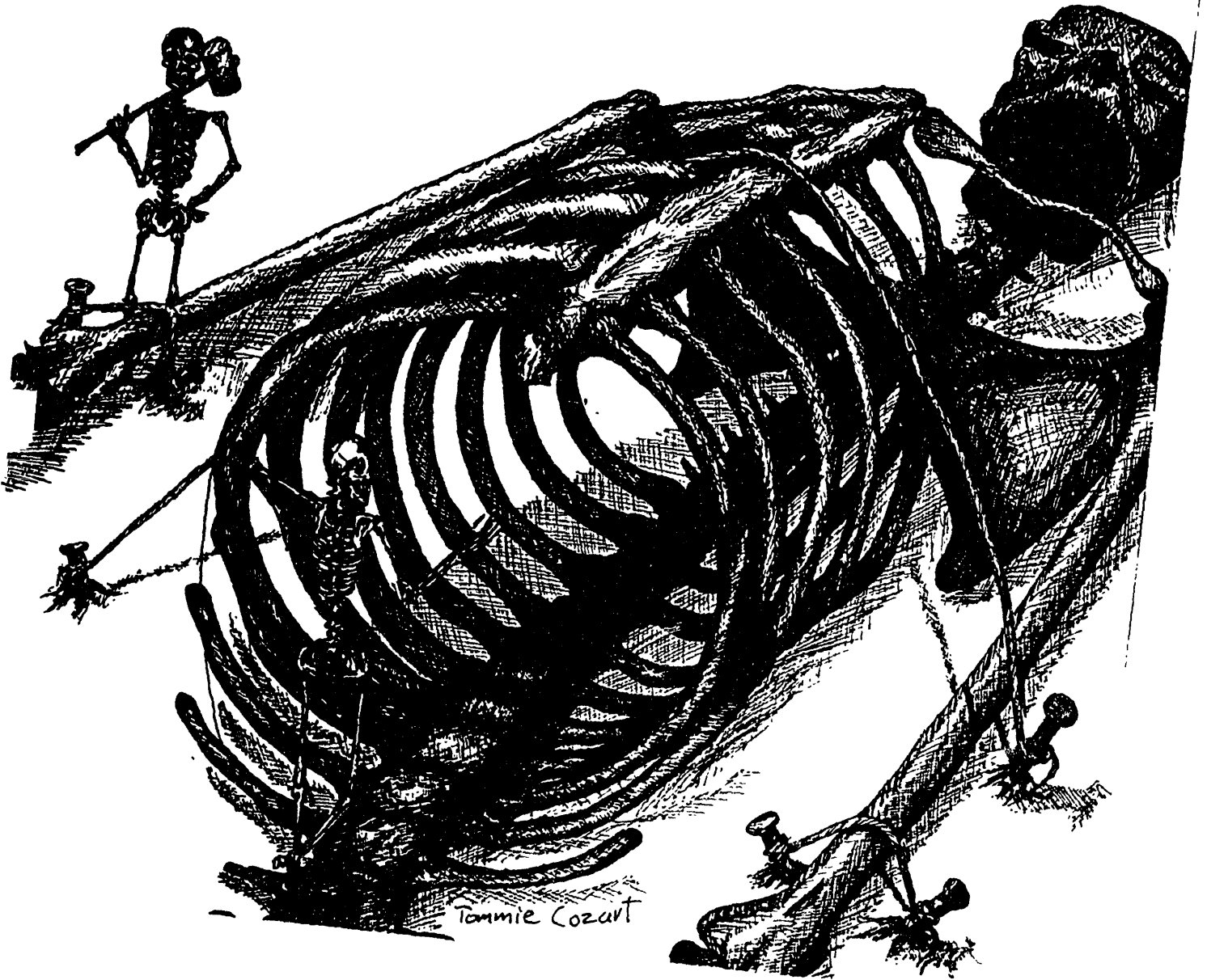
Issued in Austin, Texas, on February 18, 1994.

TRD-9436436 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Effective date: April 1, 1994

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

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Name: Tommie R. Cozart, Jr.
Grade: 11
School: Klein High School, Klein 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 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 30. Young Farmer Loan Guarantee Program

Subchapter A. General Procedures

• 4 TAC §30.6

The Board of Directors of the Texas Agricultural Finance Authority (TAFA) of the Texas Department of Agriculture adopts an amendment to §30.6, concerning the consideration of applications for loan guarantees under the Young Farmer Loan Guarantee Program, with changes to the proposed text as published in the November 23, 1993, issue of the *Texas Register* (18 TexReg 8639). Section 30.6 is adopted with changes to clarify that, although the appeals process is being deleted, loan guarantee applicants may still re-apply to the program.

The amendment is adopted to make the loan guarantee applications process more efficient.

The amendment will function by deleting references to an appeals process whereby applicants could seek review of denials of loan guarantee applications.

One comment was received from the Texas Farm Bureau stating that while it is true that not all applicants will meet the necessary criteria to qualify for a loan guarantee, applicants that do meet the necessary criteria and are denied a loan should be given some type of review process to ensure that fairness within the system is maintained. The ability of applicants to re-apply to the program provides applicants with an opportunity to address objections raised in the loan guarantee denial, and attempt to cure those objections. This process ensures fairness in the system within the parameters of the amended rules, without the incorporation of an appeals process.

The amendment is adopted under the Texas Agriculture Code (the Code), §253.007(e), which provides the Board of Directors of the Texas Agricultural Finance Authority with the same authority in administering the Young Farmer Loan Guarantee Program as it has in administering programs established by the

board under the Code, Chapter 58, and the Code, §58.022, which provides the board with the authority to adopt rules and procedures for administration of its programs.

§30.6. Filing Requirements and Consideration of Applications.

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

(f) Denial of application. If the qualified application is denied by the board, the Authority will notify the eligible applicant and the lender in writing, identifying the reasons for denial. Applicants who have been denied may re-apply to the loan guarantee program.

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

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

Issued in Austin, Texas, on February 16, 1994.

TRD-9436378

Dolores Alvarado Hobbs
Chief Administrative Law
Judge
Texas Department of
Agriculture

Effective date: March 10, 1994

Proposal publication date: November 23, 1993

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

TITLE 10. COMMUNITY DEVELOPMENT

Part V. Texas Department of Commerce

Chapter 172. Texas Rural Economic Development Program

• 10 TAC §§172.1-172.3, 172.6

The Texas Department of Commerce adopts amendments to §§172.1-172.3 and 172.6 of its Texas Rural Economic Development Program rules which implement the Texas Rural Economic Development Act authorized by

Chapter 481, Subchapter F of the Texas Government Code. The rules are adopted without changes to the proposed text as published in the January 14, 1994, issue of the *Texas Register* (19 TexReg 247). No comments were received concerning adoption of the rules.

Section 172.1(a) sets forth the General Provisions of the Program. Section 172.1(c) contains the definitions applicable to the Program. Section 172.1(d) of the General Provisions contains the conflict of interest standard. Section 172.1(e) contains the citation to the Texas Open Records Act, and §172.1(f) provides that communications concerning the Program should be directed to the Capital Development Section of the Texas Department of Commerce's Business Development Division.

Section 172.2 allows the Texas Department of Commerce to guarantee not more than 90% of a loan made by a private lender or to make loans to fund a project. It provides that the Texas Department of Commerce will use at least 50% of the money in the fund to guarantee loans to projects located in cities of less than 15,000 inhabitants. Section 172.2(b) authorizes the Texas Department of Commerce to guarantee up to 90% of private lender loans of \$25,000 to \$50,000 and up to 75% of private lenders' loans in excess of \$50,000. It also adds historically underutilized businesses to the list of projects/industries which are given preference for loans under the Texas Rural Economic Development Fund program. Section 172.2(c) allows the Texas Department of Commerce to make loan guarantees up to two times the amount available in the loan fund. Section 172.3(a) enables the Texas Department of Commerce to guarantee loans under the Program which create one new job for every \$25,000 guaranteed by the loan fund.

Section 172.6 contains the General Terms and Conditions of the Texas Department of Commerce's Financial Commitment under the Program. It decreases the minimum loan that can be guaranteed to \$25,000 to encourage more rural loan activity. It further provides that the Texas Department of Commerce will not guarantee more than 75% of a loan in excess of \$50,000. Section 172.6(h) increases the guarantee fee payable to the Texas Department of Commerce by the lender to 2.0%.

Sections 172.1-172.3 and 172.6 are adopted under the authority of the Texas Government

Code, §§481.005, 482.084, 481.0842(b), and 481.101, which sections provide statutory authority to the Texas Department of Commerce to establish rules to administer the Texas Rural Economic Development Program, and the Administrative Procedure Act, Subchapter B.

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 15, 1994.

TRD-9436382 Deborah C Kaestrin
Acting Executive Director
Texas Department of
Commerce

Effective date: March 10, 1994

Proposal publication date: January 14, 1994

For further information, please call: (512) 320-9401

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Licensing and Regulation

Chapter 69. Manufactured Housing

Titling

• 16 TAC §§69.202, 69.204, 69.207

The Texas Department of Licensing and Regulation adopts amendments to §§69.202, 69.204, and 69.207, concerning the titling of manufactured homes, without changes to the proposed text as published in the January 14, 1994, issue of the *Texas Register* (19 TexReg 256). Section 69.202 and §69.207 delete the requirement that fees be paid by a cashier's check or money order, while §69.204 deletes the requirement to write the word "none" in spaces on certain title forms if they do not apply.

The amendments will clarify existing rules which will make the titling process more efficient.

One comment in favor of the amendments was received from the Texas Manufactured Housing Association during the comment period.

The amendments are adopted under Texas Civil Statutes, Article 52211, which provide the Texas Department of Licensing and Regulation with the authority to promulgate and enforce a code of rules and take all action necessary to assure compliance with the intent of the 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 14, 1994.

TRD-9436354 Jack W Garrison
Executive Director
Texas Department of
Licensing and
Regulation

Effective date: March 9, 1994

Proposal publication date: January 14, 1994

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

TITLE 30. ENVIRONMENTAL QUALITY

Part I. Texas Natural Resource Conservation Commission

Chapter 305. Consolidated Permits

Subchapter C. Application for Permit

• 30 TAC §305.53

The Texas Natural Resource Conservation Commission (commission) adopts amendments to §305.53, concerning application fees for permits for waste/wastewater disposal, without changes to the proposed text as published in the September 28, 1993, issue of the *Texas Register* (18 TexReg 6624).

The previous fee structure for permit applications did not cover the administrative costs associated with processing permit applications. The 72nd Legislature amended §5.235, Texas Water Code, through House Bill 1, General Appropriations Act, to increase application fees of \$100 up to a maximum of \$2,000 to help cover these costs.

Accordingly, the rule divides application fees into distinct categories according to type of facility and type of authorization requested. These categories are direct indicators of time and effort to process an application. Types of facilities include: agricultural, domestic, municipal storm water, and industrial. Under each category, fees are determined by the type action requested. For example, an application for a new permit for a domestic wastewater facility to discharge one million gallons a day or more must be accompanied by a fee of \$2,000, the maximum fee allowable. On the other hand, minor amendments to existing permits, which are generally less complicated projects than other types of applications for new or amended permits,

have the lowest fee, i.e., \$100, in each application category. New permit applications, amendment applications, and renewal applications are treated equally with regard to fees because the amount of effort involved to evaluate these types of applications is basically the same.

One comment was received relating to the proposed rule. This comment was submitted by Texas Utilities Services, Inc., on behalf of Texas Utilities Electric Company, Texas Utilities Mining Company, and Texas Utilities Fuel Company. The comment expressed disagreement with the commission's finding that applications for certain amendments and renewals be assessed the same fee for an application for a new permit because they all involved similar amounts of agency time and effort to process. Additionally, the comment indicated that the application fee for any permit amendment, whether for a major or minor amendment, should be the same if the facility were subject to the categorical standards of the U.S. Environmental Protection Agency (EPA).

The commission respectfully disagrees with this comment. The fee structure accurately reflects agency administrative costs in processing the different categories of applications. Because of the need to reevaluate existing permit parameters in light of new water quality standards, state and federal regulations, and other changes, the processing of a renewal application requires a similar amount of time and effort as does an application for a new permit or major amendment to an existing permit. EPA definitions categorizing type of facility as "major" is irrelevant to commission time and effort necessary to process an application.

This amended section is adopted under the Texas Water Code, §§5.102, 5.105, and 5.120, which provides the Texas Natural Resource Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Code and all other laws of the state of Texas.

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 17, 1994.

TRD-9436396 Mary Ruth Holder
Director, Legal Division
Texas Natural Resource
Conservation
Commission

Effective date: March 10, 1994

Proposal publication date: September 28, 1993

For further information, please call: (512) 463-8069

OPEN MEETINGS

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

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

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

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

Texas Department of Agriculture

Thursday, March 17, 1994, 10:00 a.m.
1700 North Congress Avenue, Room 928B
Austin

According to the complete agenda, the Office of Hearings will hold an administrative hearing to review alleged violation of Texas Agriculture Code, §§103.001-103.015 (Vernon 1982) by World Wide Consultants, Inc. as petitioned by Robert Ruiz, Inc.

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

Filed: February 18, 1994, 3:19 p.m.
TRD-9436486

Texas Appraiser Licensing and Certification Board

Friday, February 25, 1994, 10:00 a.m.
Conference Room 235, 1101 Camino La Costa
Austin

According to the complete agenda, the Texas Appraiser Licensing and Certification Board will call to order; election of officers, consideration of the December 17, 1993, Texas Appraiser Licensing and Certification Board meeting; comments and presentations from visitors; discussion and possible action concerning the board's request for an Attorney General opinion, the response, and le-

gal counsel's advice concerning the board's authority and jurisdiction; discussion and possible action concerning the application, certification/licensing or other board procedures, policies and interpretations; discussion and possible action concerning filed complaints; discussion concerning the TALCB Strategic Plan and revisions for the 1995-1999 period; discussion and possible action concerning the operating budget and other fiscal matters; staff reports; selection of date of subsequent meetings; and adjourn.

Contact: Renil C. Liner, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3950.

Filed: February 17, 1994, 3:25 p.m.
TRD-9436395

Institute of Biosciences and Technology, TAMU

Thursday, February 24, 1994, 1:30 p.m.
Room 214-M, Institute of Biosciences and Technology, 2121 West Holcombe
Houston

According to the agenda summary, the Institutional Animal Care and Use Committee met to discuss: chair. Charles P. Raflo, DVM; old business: approval of October 25, 1993, meeting minutes; new business. annual review of protocol #93001, "Expression of a Soluble Secreted Ectodomain of the Human Insulin Receptor in Transgenic Mice"; other business: review and approve

the continuing education booklet; facility renovations progress report-James Walters, Occupational Health Program update-Victor Pantusa; tie-in update with IBT and Office of Vice President of Research/TAMU, update on controlled drug policy, and crisis management team.

Contact: Jan LeBlanc, 2121 West Holcombe, Houston, Texas 77030, (713) 677-7778.

Filed: February 21, 1994, 9:56 a.m.
TRD-9436510

Texas Commission for the Blind/Texas Rehabilitation Commission

Monday-Tuesday, March 7-8, 1994, 9:00 a.m.

Doubletree Hotel, 6505 North IH-35
Austin

According to the agenda summary, on Monday: the State Independent Living Council will call to order, getting to know new members, role of Independent Living Council; public comment; and reports and recommendations from committees. On Tuesday, discussion of the development of the State Independent Living Plan, elect officers, and adjourn.

Contact: Charles Burus (Texas Commission for the Blind), P.O. Box 12866, Austin, Texas 79711, (512) 459-2589 and Vernon DeMent (Texas Rehabilitation Commis-

sion), 4900 North Lamar Boulevard, Austin, Texas 78701, (512) 483-4133

Filed: February 17, 1994, 3:55 p.m.

TRD-9436407

◆ ◆ ◆
Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons

Thursday, March 3, 1994, 1:00 p.m.

Austin North Hilton and Towers, Hill Country Ballroom, 6000 Middle Fiskville Road

Austin

According to the agenda summary, the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons (Work Session) will discuss opening statement, state use background, current state use applications and future state use applications, state use in cooperation with private industry; state agency support of state use, public relations and promotional activities; private citizen support of stated use and measurements connected with state use, subcommittee orientation and duties, dispute resolution processes and role of workshop managers; public input to Texas Committee and the future of state use, and adjournment.

Contact: Michael T Phillips, P O Box 12866, Austin, Texas 78711, (512) 459-2605.

Filed: February 22, 1994, 9:43 a.m.

TRD-9436527

Friday, March 4, 1994, 9:00 a.m.

Texas Commission for the Blind, Criss Cole Rehabilitation Center, Staff Training Room, 4800 North Lamar Boulevard

Austin

According to the agenda summary, the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons will call to order and introduction of committee members and guests, acceptance of minutes from December 3, 1993, meeting, discussion and action on new services, renewal services, temporary services program, new products, and product changes and revisions, report from survey subcommittee, appointment of 1994 subcommittee members, and adjournment.

Contact: Michael T Phillips, P O Box 12866, Austin, Texas 78711, (512) 459-2605.

Filed: February 22, 1994, 9:43 a.m.

TRD-9436526

Texas Department of Commerce

Thursday, March 3, 1994, 10:00 a.m.

410 East Fifth Street, Anson Jones Building
Austin

According to the agenda summary, the Capital Certified Development Corporation Board of Directors will call to order in open meeting, approval of minutes from December 2, 1993 meeting; action items-treasurer's report, loan activity report, resignation of David Salinas, election of new board member, nominating committee election, new membership appointments, information items-El Paso memorandum of understanding, marketing plan update, board marketing activity, GTE video, discussion items-meetings with Washington and regional SBA officials, planning-annual members' meeting, NADCO annual conference, HGAC execution of MOU, any other old/new business, and adjourn. Notice: Persons with disabilities who plan to attend this meeting and may need auxiliary aids or services are requested to contact Eileen Kelley at (512) 320-9649 at least two days before this meeting so that appropriate arrangements can be made. Please also contact Eileen Kelley at (512) 320-9649 if you need assistance in having English translated into Spanish.

Contact: Armando Ruiz, 410 East Fifth Street, Austin, Texas 78701, (512) 320-9649

Filed: February 18, 1994, 9:56 a.m.

TRD-9436444

◆ ◆ ◆
Interagency Council on Early Childhood Intervention

Monday-Tuesday, March 7-8, 1994, 10:00 a.m. and 8:30 a.m. respectively

4412 Spicewood Springs Road, Suite 600, Spicewood Business Center

Austin

According to the complete agenda, on Monday morning, March 7, the Advisory Committee will approve the minutes from the previous meeting and hear public comments, and will discuss and possibly act on ongoing business (update on advisory committee membership, status of budget, annual report and federal application, term of office change, and per diem for child/attendant care), chair report (calendar for fiscal year 1995, nomination form for parent representatives, establishment of new quorum, advisory committee publication, bylaws, term of chair), and briefing on multi-served counties report. At 1:30 p.m. the committee will hear the council report. From

1:45-4:30 p.m. the subcommittees will meet. Program Services (Early Childhood Intervention library), Interagency Coordination (Room 216), Early Identification (downstairs kitchen), and Personnel Preparation (conference room). If necessary, the subcommittees will continue their meetings at 7:00 p.m. On Tuesday morning, March 8, the committee will hear morning announcements, and discuss and possibly act on director's forum update; executive director's report (strategic plan), subcommittee reports; and report to committee (National Early Childhood Technical Assistance Program Conference in Washington, D.C.); and an information session not requiring committee action.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 502-4900. For ADA assistance, call Richard Butler (512) 458-7695 or T D D. (512) 458-7708 at least two days prior to the meeting.

Filed: February 17, 1994, 3:49 p.m.

TRD-9436402

◆ ◆ ◆
Texas Education Agency

Sunday, February 27, 1994, 1:30 p.m.

Hyatt Regency DFW, International Parkway
Dallas/Fort Worth Airport

According to the agenda summary, the Committee on Teacher Appraisal/Assessment will hear the following: an introduction, greetings, administrative details, and reflections on the weekend institute on teacher evaluation. The committee will discuss the following changes in Texas law relating to teacher appraisal and their implications for teacher education, establishing the focus for committee work, time lines, the next committee meeting; and electing a committee chair.

Contact: Nolan Wood, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525

Filed: February 17, 1994, 3:49 p.m.

TRD-9436405

Monday, February 28, 1994, 10:00 a.m.

William B Travis Building, Room 6-101, 1701 North Congress Avenue

Austin

According to the complete agenda, the Academic Excellence Indicator System (AEIS) Parent/Family Report Card Advisory Committee will discuss overview of the proposed accountability system for the next two years, overview of the AEIS reports, discussion of the statutory requirements for the AEIS Parent/Family Report Card, and review of a prototype of the AEIS Parent/Family Report Card.

Contact: Cherry Kugle, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: February 18, 1994, 12:24 p.m.

TRD-9436468

Thursday, March 3, 1994, 9:00 a.m.

Room-Phoenix South, Doubletree Hotel, 6505 IH-35 North

Austin

According to the complete agenda, the State Panel on Student Skills and Knowledge will discuss panel convenes, committee work (framing the examples of skills and knowledge, and long-range implications), committees report to the panel, and panel reports to the Commissioner of Education

Contact: Marvin Veselka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9533

Filed: February 18, 1994, 5:48 p.m.

TRD-9436508

Thursday-Friday, March 3-4, 1994, 9:00 a.m.

William B Travis Building, Room 1-109, 1701 North Congress Avenue

Austin

According to the complete agenda, Thursday, the Commission on Standards for the Teaching Profession will take roll call, adoption of agenda; approval of minutes for February 3, 1993, and introductions; information update: SBOE report, assessment report, and AEIS report; action items. Sul Ross State University at Uvalde, West Texas A&M University Pilot Project, and Alternative Certification Program reviews-Region 6 and Region 10; Commissioner Meno, lunch break, morning overview-transition to afternoon, discussion items TEA/Texas Higher Education Coordinating Board Conference on Teacher Education and Texas Accountability System overview, summary, suggestions for follow-up (items for April agenda), and adjourn Friday develop EEIA prototype-framework presentation, summary suggestions for follow-up (set agenda for April), and adjourn

Contact: Delia G Quintanilla, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337

Filed: February 18, 1994, 5:47 p.m.

TRD-9436507

Texas Employment Commission

Tuesday, March 1, 1994, 9:00 a.m.

TEC Building, Room 644, 101 East 15th Street

Austin

According to the agenda summary, the Texas Employment Commission will discuss prior meeting notes, executive session to consider *Texas Employment Commission v Naman Abu Awad, et al* and *Advanc'd Temporaries v Texas Employment Commission*; actions, if any, resulting from executive session, staff reports, internal procedures of Commission Appeals, consideration and action on higher level appeals in unemployment compensation cases listed on Commission Docket 9, and set date of next meeting

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

Filed: February 18, 1994, 3:42 p.m.

TRD-9436495

Office of the Governor

Friday, February 25, 1994, 9:00 a.m.

4000 Jackson Street, Texas Department of Transportation, Building One, First Floor
Austin

According to the agenda summary, the Automobile Theft Prevention Authority will call to order and introductions, report by Department of Public Safety on Statewide Registration HEAT Program, committee reports, director's report, discussion/approval of a board policy on vehicles for grantee contractors (lease vs purchase), discussion/approval of a board policy on grantee match guidelines, discussion/approval of finalized plans for Border Auto Theft Information Center opening ceremonies, report on grantee progress, annual report/plan of operation, and posting of invitation to apply; executive session, return to open session, discussion/approval of use of Automobile Theft Prevention Fund, election of Board Chair, appointment of Vice Chair, and adjournment

Contact: Linda Young, 221 East 11th Street, Austin, Texas 78701, (512) 467-3999

Filed: February 17, 1994, 1:21 p.m.

TRD-9436384

Friday, February 25, 1994, 9:00 a.m.

1400 Congress Avenue, Capitol Extension Room E 2010

Austin

According to the agenda summary, the Select Committee on Rate and Policy Form Regulation will discuss review of statutory and regulatory changes that resulted from HB 2 and an overview of current regulations including the manner and extent to which rates and forms are regulated by the

Department, overview of how markets have responded to the changes made by HB 2; discussion of scope of committee study pursuant to Article 150, Section 3 of the Insurance Code; appointment of subcommittees; discussion and action on issues relating to meeting times and places, appropriate staffing, and other housekeeping matters; and adjourn

Contact: David A Talbot, Jr., 201 East 14th Street, Austin, Texas 78701, (512) 463-1931

Filed: February 17, 1994, 4:27 p.m.

TRD-9436414

Texas Department of Health

Saturday, February 26, 1994, 10:00 a.m.

Copano Room, Corpus Christi Bayfront Marriott, 900 North Shoreline Boulevard

Corpus Christi

According to the complete agenda, the Texas Board of Health, Regulatory Committee will discuss approval of the minutes from the January 28, 1994 meeting, and discuss and possibly act on, petition for rulemaking concerning the labeling of Prozac, proposed bloodborne pathogen standard; proposed amendments to rules concerning registration of code enforcement officers, final adoption of emergency medical services rules concerning continuing education, recertification, and certification, proposed amendments to the rules concerning asbestos health protection, appointment to the Hazard Communication Advisory Committee, proposed revisions to the Texas Department of Health medical waste rules; and comments and announcements not requiring committee action

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7884 For ADA assistance, call Richard Butler (512) 458-7695 or TDD (512) 458-7708 at least two days prior to the meeting

Filed: February 17, 1994, 4:33 p.m.

TRD-9436417

Saturday, February 26, 1994, 1:30 p.m.

Partnership Room, Corpus Christi Bayfront Marriott, 900 North Shoreline Boulevard

Corpus Christi

According to the complete agenda, the Health and Clinical Services Committee will discuss approval of the minutes from the January 27, 1994 meeting, and discuss and possibly act on proposed amendment to the Texas HIV Services Grant Program rules, proposed rules concerning family planning; and proposed rules concerning poison control

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting

Filed: February 17, 1994, 4:33 p.m.

TRD-9436418

Saturday, February 26, 1994, 2:30 p.m.

Partnership Room, Corpus Christi Bayfront Marriott, 900 North Shoreline Boulevard
Corpus Christi

According to the complete agenda, the Texas Board of Health, Human Resources Committee will discuss approval of the minutes of January 27, 1994, and possibly act on an appointment to the Hazard Communication Advisory Committee.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: February 17, 1994, 4:33 p.m.

TRD-9436419

Saturday, February 26, 1994, 3:30 p.m.

Copano Room, Corpus Christi Bayfront Marriott, 900 North Shoreline Boulevard
Corpus Christi

According to the complete agenda, the Texas Board of Health, Strategic Management Committee will discuss approval of the minutes from the January 27, 1994, meeting, and discuss and possibly act on: update concerning interagency work group on health reform; monthly update on the department's budget; report on strategic planning summit; request for information on tort reform, and update on border health issues

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting

Filed: February 17, 1994, 4:33 p.m.

TRD-9436420

Saturday, February 26, 1994, 5:00 p.m.

Copano Room, Corpus Christi Bayfront Marriott, 900 North Shoreline Boulevard
Corpus Christi

According to the complete agenda, the Texas Board of Health, Health Financing Committee will discuss approval of the minutes from the January 27, 1994, meeting, and possibly act on final adoption of rules concerning vendor drug program billing

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: February 17, 1994, 4:34 p.m.

TRD-9436421

Sunday, February 27, 1994, 8:00 a.m.

Partnership Room, Bayfront Corpus Christi Marriott, 900 North Shoreline Boulevard
Corpus Christi

According to the complete agenda, the Texas Board of Health, Board Briefing Committee will discuss and possibly act on items for the February 27, 1994, meeting of the Texas Board of Health.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: February 17, 1994, 4:34 p.m.

TRD-9436422

Sunday, February 27, 1994, 9:30 a.m.

Aransas Room, Corpus Christi Bayfront Marriott, 900 North Shoreline Boulevard
Corpus Christi

According to the agenda summary, the Texas Board of Health will present the local emergency medical services grants; and discuss approval of the minutes of the January 28, 1994, meeting, and discuss and possibly act on: commissioner's report; resolution; rules (vendor drug program billing; Texas HIV Grant program; family planning; funding the Texas Poison Control Network; labeling of the prescription drug Prozac; bloodborne pathogen standard; registration of code enforcement officers, and emergency medical services continuing education, recertification, and certification); committee reports (strategic management; health financing; health and clinical services; human resources; and regulatory); appointments (Hazard Communication Advisory Committee); announcements and comments not requiring board action; and meeting dates for March, 1994.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756-3199, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: February 17, 1994, 4:32 p.m.

TRD-9436416

Texas Department of Housing and Community Affairs

Monday-Tuesday, February 21-22, 1994, 9:30 a.m.

Fifth Ward Multi-Service Center, 4014 Market Street

Houston

Emergency Revised Agenda

According to the agenda summary, the Board meeting added: executive session: anticipated litigation (General Counsel to give report on litigation under §§551.071 and §551.103, Texas Government Code, litigation exception); and added: action item: recommendations and information provided during executive session under anticipated litigation item.

Reason for emergency: Recommendations and documentation must be approved by Board in open session.

Contact: Henry Flores, 811 Barton Springs Road, Austin, Texas 78711, (512) 475-3934.

Filed: February 17, 1994, 4:12 p.m.

TRD-9436410



Texas Department of Insurance

Monday, March 7, 1994, 8:30 a.m.

333 Guadalupe Street, Room 100

Austin

According to the complete agenda, under Docket Number 2088, the commissioner of insurance will conduct a public hearing, pursuant to the Texas Insurance Code, Article 21.01-1, for the purpose of receiving and reviewing recommendations from the evaluation committee and the selecting of a licensing testing contractor to provide testing services that include examination development, test scheduling, examination site arrangement, and test administration, grading, reporting and analysis, as described in the department's request for proposals of January 24, 1994 and in 28 Texas Administrative Code, Sections 19.1101-19.1110. Parties interested in attending may request a copy of the request for proposals by contacting Jim Helfrich, Director of Purchasing and Contract Administration, Texas Department of Insurance, 333 Guadalupe, Austin, Texas.

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

Filed: February 17, 1994, 3:49 p.m.

TRD-9436404



General Land Office

Tuesday, March 1, 1994, 10:00 a.m.

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

Austin

According to the complete agenda, the School Land Board will discuss approval of previous board meeting minutes; pooling applications, Mesquite Bay (Frio G-1), Aransas County; Wildcat Field, Matagorda County; Giddings (Austin Chalk-3), Fayette County; Wildcat Field, Nueces County; Tatum (Cotton Valley) and Blocker (Cotton Valley), Harrison and Rusk counties; applications to lease highway rights of way for oil and gas, Goliad County and Atascosa County; excess acreage application, Harris County; coastal public lands-lease renewal, Laguna De Los Olmos, Kleberg County; lease application, Jones and West Bays, Galveston County; structure (cabin) permit applications, Bastrop Bay, Brazoria County; Carancahua Creek, Jackson County; Chocolate Bay, Brazoria County; Chocolate Bayou, Brazoria County; Laguna Madre, Kenedy County; Laguna Madre, Kleberg County; and Titlum Tatum, Brazoria County; commercial lease termination, Laguna Madre, Nueces County; commercial lease application, San Bernard River, Brazoria County; executive session-pending and proposed litigation; executive session-consideration of Texas State Library lands for purchase or sale, Travis County; open session-consideration of Texas State Library lands for purchase or sale, Travis County; executive session-consideration of land exchange/sale, El Paso County; and open session-consideration of land exchange/sale, El Paso County.

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

Filed: February 18, 1994, 3:53 p.m.

TRD-9436497

Texas Commission on Law Enforcement Officer Standards and Education

Monday, March 7, 1994, 10:00 a.m.

John H. Reagan Building, Room 106, 105 West 15th Street

Austin

According to the agenda summary, the Texas Peace Officers' Memorial Advisory Committee will call to order, roll call of members, and recognition of visitors; introduction of Regional Directors present; approval of the minutes of the December 10, 1993, meeting; explanation of process for

enrollment, induction, and dedication of officers in the Texas Peace Officers' Memorial; consider 21 law enforcement officers for enrollment and consider 14 law enforcement officers for induction into the Texas Peace Officers' Memorial; tribute to Texas Law Enforcement Officers; discussion of fund raising activities; discussion and action on selecting meeting dates and locations; discuss Ethics Commission ruling requiring members to file financial statements; Director's report; receive public comments; and adjourn.

Contact: Edward T. Laine, 1033 LaPosada, Suite 175, Austin, Texas 78752, (512) 450-0188.

Filed: February 17, 1994, 4:12 p.m.

TRD-9436411

Board of Law Examiners

Saturday-Monday, February 19-21, 8:30 a.m.

Tom C. Clark Building, Suite 500, 215 West 14th Street

Austin

Emergency Revised Agenda

According to the agenda summary, the Board of Law Examiners met with its legal counsel, in executive session, to discuss and receive advice on *James S. Easton v. The Board of Law Examiners of the State of Texas*, Number 94-01227, filed in the 200th District Court of Travis County, Texas, and to take, in open session, any action determined to be necessary.

Reason for emergency: Notice for this meeting was originally filed with the Secretary of State on February 8, 1994. This week, the Board was served with citation in *James S. Easton v. The Board of Law Examiners of the State of Texas*, Number 94-01227, in the 200th District Court of Travis County, Texas. It is necessary to consult with legal counsel at this meeting in order to determine what steps should be taken in response to this litigation.

Contact: Rachael Martin, P.O. Box 13486, Austin, Texas 78711-3486, (512) 463-1621.

Filed: February 17, 1994, 5:00 p.m.

TRD-9436428

Texas Life, Accident, Health and Hospital Service Insurance Guaranty Association

Tuesday, March 1, 1994, 2:00 p.m.

301 Congress Avenue, Suite 500, Board

Room

Austin

According to the complete agenda, the Audit Committee will consider and possibly act on: response to State Auditor's report; and next meeting date.

This meeting will be conducted by telephone conference. The meeting is open to the public and those interested in attending should appear at the stated time, at the above location, which has teleconferencing facilities.

Contact: C. S. LaShelle, 301 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 476-5101.

Filed: February 22, 1994, 9:44 a.m.

TRD-9436529

Texas State Board of Medical Examiners

Friday, February 25, 1994, 9:00 a.m.

1812 Centre Creek Drive, Suite 203

Austin

According to the complete agenda, the Texas State Board of Acupuncture Examiners/Examination, Licensure, and Fees Committee will call to order; roll call; discussion regarding formulation of rules related to examination, licensure, fees, and school curriculum; and adjourn.

Filed: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402.

Filed: February 17, 1994, 4:39 p.m.

TRD-9436423

Friday, February 25, 1994, 10:00 a.m.

1812 Centre Creek Drive, Suite 203

Austin

According to the complete agenda, the Texas State Board of Acupuncture Examiners/Grandfathering, Reciprocity, and Application Committee will call to order; roll call; further discussion regarding rules related to grandfathering, reciprocity, application forms, and of the unanimously passed proposals from the previous meeting; and adjourn.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402.

Filed: February 17, 1994, 4:40 p.m.

TRD-9436424

Friday, February 25, 1994, 11:00 a.m.

1812 Centre Creek Drive, Suite 203

Austin

According to the complete agenda, the Texas State Board of Acupuncture Examiners/Discipline and Ethics Committee will call to order; roll call; discussion regarding formulation of rules related to discipline and ethics; and adjourn.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402.

Filed: February 17, 1994, 4:40 p.m.

TRD-9436425

Friday, February 25, 1994, 1:30 p.m.

1812 Centre Creek Drive, Suite 203

Austin

According to the agenda summary, the Texas State Board of Acupuncture Examiners will approve minutes; elect officers, approve committee reports; hear reports from the executive director and general counsel of the Texas State Board of Medical Examiners; hear public comment; and discuss and take action on proposed acupuncture rules.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402.

Filed: February 17, 1994, 4:40 p.m.

TRD-9436426

◆ ◆ ◆
Texas Natural Resource Conservation Commission

Monday, March 14, 1994, 10:00 a.m.

Stephen F. Austin State Office Building, Room 1149B, 1700 North Congress Avenue
Austin

According to the agenda summary, the Office of Hearings Examiners will meet for a hearing on Sharyland Water Supply Corporation's application for sale and transfer of a portion of Water Certificate of Convenience and Necessity (CCN) Number 10558 from Sharyland Water Supply Corporation to the City of Pharr, CCN Number 11918, for water utility service in the following subdivisions in Hidalgo County, Texas: Acacia, Beamsley, Thrasher, and Countryside Terrace. The subdivisions are approximately seven miles southeast of downtown Edinburg, Texas, and are generally bounded on the east by State Highway 281, on the south by FM Road 495, on the west by Jackson Road, and on the north by Alberta Road. Docket Number 30195-S.

Contact: Elizabeth Bourbon, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7875.

Filed: February 18, 1994, 5:43 p.m.

TRD-9436504

Monday, March 14, 1994, 10:00 a.m.

Stephen F. Austin State Office Building,

Room 1028A, 1700 North Congress Avenue

Austin

According to the agenda summary, the Office of Hearings Examiners will meet for a hearing on Military Highway Water Supply Corporation's fee for new connections for water utility service provided to service areas in Cameron County, Texas. Docket Number 30253-X.

Contact: Leslie Limes, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7875.

Filed: February 18, 1994, 5:43 p.m.

TRD-9436505

Thursday, March 24, 1994, 10:00 a.m.

Building E, Room 202S, 12118 Interstate Highway 35

Austin

According to the agenda summary, the Office of Hearings Examiners will meet for a hearing on water rate increases by Cody B. Lewis doing business as Water Works I and II and Cody B. Lewis doing business as Deer Springs Water Company in Llano County, Texas. The Docket Numbers are 30298-G and 30299-G, respectively.

Contact: Bill Zukauckas, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7875.

Filed: February 18, 1994, 5:44 p.m.

TRD-9436506

◆ ◆ ◆
Board of Nurse Examiners

Wednesday, March 9, 1994, 3:00 p.m.

Omni Hotel, Second Floor, 700 San Jacinto
Austin

According to the complete agenda, the members of the Board of Nurse Examiners will meet with the Texas Nurses Association Board to discuss areas of mutual concern. Issues for discussion will include practice/workplace settings; and supervision and primary care.

Contact: Louise Waddill, Box 140466, Austin, Texas 78714, (512) 835-8655.

Filed: February 22, 1994, 9:27 a.m.

TRD-9436524

◆ ◆ ◆
Texas State Board of Podiatry Examiners

Thursday-Friday, March 3-4, 1994, 10:00 a.m. and 8:00 a.m. respectively

Courtyard Marriott, 5660 North IH-35

Austin

According to the complete agenda, On Thursday: the Texas State Board of Podiatry Examiners will discuss inspection of credentials; review and/or cancellation of delinquent licenses; review of American Podiatric Medical Specialties Board's letter of January 5, 1994; review of comments on proposed rules; review of other required rule changes; review of newsletter; CPME/APMA re-evaluation of standards course review; review of request from Larry Strickland regarding waiver on National Board scores; discussion on long term planning requirements; complaint status; executive director's report; election of officers; and set time, place, and date for next scheduled board meeting. On Friday: complete agenda by grading and compiling the grades and signing of the licenses.

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

Filed: February 22, 1994, 8:23 a.m.

TRD-9436515

◆ ◆ ◆
State Preservation Board

Tuesday, March 1, 1994, 1:30 p.m.

Capitol Extension, Room E1.026, 1400 Congress Avenue

Austin

According to the agenda summary, the Permanent Advisory Committee will call to order; approval of minutes; old or unfinished business; new business; and adjournment.

Contact: Dealey Herndon, 201 East 14th Street, Room 503, Austin, Texas 78701, (512) 463-5495.

Filed: February 18, 1994, 3 17 p m

TRD-9436485

◆ ◆ ◆
Texas State Board of Examiners of Psychologists

Friday, February 25, 1994, 1:00 p.m.

9101 Burnet Road, Suite 212

Austin

According to the agenda summary, the Texas State Board of Examiners of Psychologists will meet for executive session and to receive a briefing from general counsel, to discuss options for dealing with potential conflict of interest regarding actions of a board member and to provide direction on course of action.

Contact: Rebecca E. Forkner, 9101 Burnet Road, Suite 212, Austin, Texas 78758, (512) 835-2036.

Filed: February 17, 1994, 2:31 p.m.

TRD-9436385

◆ ◆ ◆
Public Utility Commission of Texas

Thursday, March 3, 1994, 1:30 p.m.

7800 Shoal Creek Boulevard

Austin

Rescheduled from Monday, February 28, 1994, 1:30 p.m.

According to the complete agenda, the Hearings Division will hold a rescheduled prehearing conference in Docket Number 12596-Complaint of James O Bryant Against Central Power and Light Company, Inc

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

Filed: February 18, 1994, 3:21 p.m.

TRD-9436489

Friday, March 4, 1994, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division has scheduled a prehearing conference in Docket Number 12700-application of El Paso Electric Company for authority to change rates and of Central and Southwest Corporation and El Paso Electric for approval of acquisition

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

Filed: February 17, 1994, 3:48 p.m.

TRD-9436401

Thursday, March 10, 1994, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

Rescheduled from Tuesday, March 1, 1994, 9:00 a.m.

According to the complete agenda, the Hearings Division will conduct a rescheduled hearing on the merits in Docket Number 12138-Application of Houston Lighting and Power Company for approval of notice of intent.

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

Filed: February 22, 1994, 9:43 a.m.

TRD-9436525

Thursday, March 17, 1994, 2:00 p.m.

El Paso Convention and Performing Arts Center's North Hall, 1 Civic Center Plaza
El Paso

According to the complete agenda, the Public Utility Commission of Texas will hold a regional hearing on Docket Number 12700-Application of El Paso Electric Company for Authority to Change Rates and of Central and South West Corporation and El Paso Electric for Approval of Acquisition.

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

Filed: February 18, 1994, 2:02 p.m.

TRD-9436473

Thursday, March 17, 1994, 6:30 p.m.

El Paso Convention and Performing Arts Center's North Hall, 1 Civic Center Plaza
El Paso

According to the complete agenda, the Public Utility Commission of Texas will hold a regional hearing in Docket Number 12700-Application of El Paso Electric Company for authority to change rates and of Central and South West Corporation and El Paso Electric for approval of acquisition.

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

Filed: February 18, 1994, 2:02 p.m.

TRD-9436472

Monday, April 4, 1994, 1:00 p.m.

7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division will reconvene in a rescheduled hearing in Docket Number 11823-Complaint of Raye E. Stiles Against GTE Southwest, Inc.

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

Filed: February 17, 1994, 3:48 p.m.

TRD-9436400

◆ ◆ ◆
Railroad Commission of Texas

Monday, February 28, 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. Schailble, P.O. Box 12967, Austin, Texas 78701, (512) 463-6710.

Filed: February 18, 1994, 10:32 a.m.

TRD-9436449

Monday, February 28, 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, (512) 463-7251.

Filed: February 18, 1994, 10:32 a.m.

TRD-9436450

Monday, February 28, 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 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 18, 1994, 10:32 a.m.

TRD-9436451

Monday, February 28, 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 of procedural matters, strategic planning; 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 18, 1994, 10:33 a.m.

TRD-9436452

Monday, February 28, 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 18, 1994, 10:33 a.m.

TRD-9436453

Monday, February 28, 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 on division administration, budget, procedures and personnel matters.

Contact: Roger Dillon, P.O. Box 12967,
Austin, Texas 78711-2967, (512) 463-7257.

Filed: February 18, 1994, 10:33 a.m.

TRD-9436454

Monday, February 28, 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 category determinations under §§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 18, 1994, 10:33 a.m.

TRD-9436455

Monday, February 28, 1994, 9:30 a.m.

1701 North Congress Avenue, First Floor
Conference Room 1-111

Austin

According to the agenda summary, the commission will consider various applications and other matters within the jurisdiction of the agency including oral arguments at the time specified on the attached agenda. 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 18, 1994, 10:34 a.m.

TRD-9436456

Council on Sex Offender Treatment

February 25, 1994, 10:00 a.m.

909 West 45th, Room 240, Texas Depart-
ment of MH-MR Office

Austin

According to the complete agenda, the Credentialing Committee of Council on Sex Offender Treatment will call to order; discussion and possible action on amendments to the proposed rules for the Registry, Collier Cole, Chairperson; and adjournment.

Contact: Eliza May, P.O. Box 12546,
Austin, Texas 78711 (512) 463-2323.

Filed: February 17, 1994, 10:15 a.m.

TRD-9436380

Teacher Retirement System of Texas

Friday, February 25, 1994, 8:30 a.m.

1000 Red River, Fifth Floor Board Room

Austin

According to the complete agenda, the Board of Trustees will introduce new Board members; consultation with representatives of Attorney General's office and consideration of settlement with respect to *Perrone v. TRS et al*; update on forensic analysis of real estate portfolio being conducted by Coopers and Lybrand and potential resulting litigation; consideration of resolution regarding persons to serve as directors of real estate title-holding corporation; discussion of investment in alternative assets; report on Texas Growth Fund; and discussion of board and staff fiduciary responsibilities. The Board may enter into closed session as provided by the Texas Government Code, §551.071.

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

Filed: February 17, 1994, 4:04 p.m.

TRD-9436408

Friday, February 25, 1994, Noon.

1000 Red River, Fifth Floor Board Room

Austin

Emergency Meeting

According to the complete agenda, the Board of Trustees Real Estate Committee

will discuss consideration of borrower's proposal to prepay loan secured by International Financial Tower, Jersey City, New Jersey. The Board may enter into closed session as provided by the Texas Government Code, §551.072.

Reason for emergency: Proposal not received in time to meet normal posting requirements for timely consideration by committee.

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

Filed: February 18, 1994, 4:11 p.m.

TRD-9436503

The Texas A&M University System, Board of Regents

Thursday, February 24, 1994, 2:30 p.m.

Texas A&M University, MSC Annex,
Board of Regents Meeting Room, Clark
Street

College Station

According to the complete agenda, the Board of Regents met in a special telephonic meeting for action on the following items for Texas A&M University: Designation of members of the Board of Directors of the University Cogeneration Corporation or delegation of authority to designate members of the Board of Directors of the University Cogeneration Corporation

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

Filed: February 18, 1994, 4:09 p.m.

TRD-9436501

Texas Tech University

Thursday, February 24, 1994, 1:30 p.m.

Clarion Hotel, 1241 West Mockingbird
Lane, Conference Room

Dallas

According to the complete agenda, the Board of Regents discussed authorization to proceed with receipt of bid for the award of a natural gas contract and discussion of various contract issues. An executive session convened immediately following meeting.

Contact: Donna Davidson Kittrell, Box
42011, Lubbock, Texas 79409, (806)
742-2161.

Filed: February 21, 1994, 1:30 p.m.

TRD-9436513

Friday, February 25, 1994, 1:30 p.m.

Clarion Hotel, 1241 West Mockingbird Lane, Conference Room

Dallas

According to the complete agenda, the Board of Regents will discuss authorization to proceed with receipt of bid for the award of a natural gas contract and discussion of various contract issues. An executive session will convene immediately following meeting.

Contact: Donna Davidson Kittrell, Box 42011, Lubbock, Texas 79409, (806) 742-2161.

Filed: February 21, 1994, 1:30 p.m.

TRD-9436514

◆ ◆ ◆
Texas Department of Transportation

Friday, March 4, 1994, 9:00 a.m.

1000 Zaragoza Street, La Posada Hotel
Laredo

According to the agenda summary, the Aviation Advisory Committee will approve minutes, discussion of report from Texas Transportation Institute; report concerning November workshop; Aviation action items for 74th Legislative Session, proposed legislative brochure, development of a slide show/video, and 1993 year-end report.

Contact: Suetta Murray, 410 East Fifth Street, Austin, Texas 78711, (512) 476-9262.

Filed: February 22, 1994, 9 46 a m

TRD-9436531

◆ ◆ ◆
Texas State Treasury

Tuesday, March 1, 1994, 11:00 a.m.

200 East Tenth Street, Room 227

Austin

According to the complete agenda, the TexPool Advisory Board will call to order, approval of minutes, Treasurer's remarks, policy on management fee reserve, independent audit report, TexPool operations and financial status report; TexPool investment report; new business, and adjournment.

Contact: Ellen Rathgeber, 200 East Tenth Street, Suite 309, Austin, Texas 78701, (512) 463-5971.

Filed: February 18, 1994, 2:20 p m

TRD-9436479

University Interscholastic League

Monday, February 21, 1994, 1:00 p.m.

Sheraton Plaza Hotel, Fifth at IH-35
Austin

According to the agenda summary, the District Assignment Appeals Committee met to discuss appeal of district assignment by Thorndale ISD; and appeal of district assignment by North Forest and Pasadena ISD.

Contact: Charles Breithaupt, 2622 Wichita, Austin, Texas 78705, (512) 471-5883.

Filed: February 17, 1994, 3:20 p.m.

TRD-9436391

Tuesday, February 22, 1994, 9:00 a.m.

Sheraton Hotel, 500 North IH-35
Austin

Emergency Meeting

According to the agenda summary, the Waiver Review Board requested for retroactive waiver of Windy Devroe, Houston Madison High School, Parent Residence Rule

Reason for Emergency. Eligibility questioned of player in state basketball playoffs. Next game February 23, 1994

Contact: George Carlisle, 3001 Lake Austin Boulevard, Austin, Texas 78703, (512) 471-5883

Filed: February 21, 1994, 2 04 p.m.

TRD-9436511

◆ ◆ ◆
University of Texas at Austin

Tuesday, February 22, 1994, 1:00 p.m.

Conference Room, Bellmont Hall 232, 21st and San Jacinto

Austin

According to the agenda summary, the Intercollegiate Athletics Council for Men convened into open session, recessed into executive session, reconvened into open session, approved minutes of January 25, 1994, items from executive session, awards, schedules/schedule changes, tickets/ticket policy, construction, new business, and old business.

Contact: Betty Corley, P.O. Box 7399, Austin, Texas 78713, (512) 471-5757.

Filed: February 18, 1994, 11 33 a.m.

TRD-9436458

Texas Workers' Compensation Commission

Tuesday, February 22, 1994, 9:30 a.m.

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

Austin

According to the agenda summary, the Texas Workers' Compensation Commission called to order; overview of workshop ground rules; overview of second opinion spinal surgery process goals; discussion, consideration, and action on spinal surgery process issues; direction to staff on development of rule; executive session, action on matters in executive session; announcement of future public meeting; and adjournment.

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

Filed: February 17, 1994, 3:53 p m.

TRD-9436406

◆ ◆ ◆
Texas Council on Workforce and Economic Competitiveness

Tuesday, March 1, 1994, 10:00 a.m.

816 Congress Avenue, 13th Floor, Main Conference Room

Austin

According to the agenda summary, items on the Evaluation and Performance Committee agenda include: approval of the minutes for the February 3, 1994 meeting, public comment/testimony; discussion on JTPA performance standards and incentive policy, committee discussion on the development of performance standards and measures, discussion of other Human Resource Investment Council's strategic plans and their adopted performance measures and standards; and discussion on performance standards and measures from a national perspective

Persons with disabilities who plan to attend who may need auxiliary aids or services, or assistance in having English translated into Spanish, should contact Val Blaschke, (512) 305-7008, at least two days before this meeting so arrangements can be made.

Contact: Michael Gutierrez, 816 Congress Avenue, Suite 1293, Austin, Texas 78701, or P.O. Box 2241, Austin, Texas 78768, (512) 305-7007.

Filed: February 18, 1994, 9.45 a.m

TRD-9436440

Thursday, March 3, 1994, Noon

Frost Bank Plaza, 816 Congress Avenue, Suite 1140

Austin

According to the complete agenda, the Career Foundation Committee will call to order; public comment; action on the State Plan for Vocational Education; action on the split of the Carl Perkins Funds between secondary and post-secondary; briefing on school-to-work; and adjourn.

Notice: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, or persons who need assistance in having English translated into Spanish, should contact Val Blaschke, (512) 305-7008 (or Relay Texas (800) 735-2988), at least two days before this meeting so that appropriate arrangements can be made.

Contact: Val Blaschke, 816 Congress Avenue, Suite 1293, P.O. Box 2241, Austin, Texas 78768, (512) 305-7008.

Filed: February 18, 1994, 9:00 a.m.

TRD-9436433

Regional Meetings

Meetings Filed February 17, 1994

The Gillespie Central Appraisal District Board of Directors met at the Gillespie County Courthouse, Grand Jury Room, #208, Fredericksburg, February 24, 1994, at 9:00 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (210) 997-9807. TRD-9436415.

The Liberty County Central Appraisal District Board of Directors met at 315 Main Street, Liberty, February 23, 1994, at 9:30 a.m. (Revised Agenda.) Information may be obtained from Sherry Greak, 315 Main Street, Liberty, Texas 77575, (409) 336-5722. TRD-9436403.

The Lower Rio Grande Valley Development Council Hidalgo County Metropolitan Planning Organization met at the Texas Department of Transportation Office, 600 West 83 Expressway, Pharr, February 22, 1994, at 7:00 p.m. Information may be obtained from Edward L. Molitor, 4900 North 23rd Street, McAllen, Texas, (210) 682-3481. TRD-9436431.

The Panhandle Ground Water Conservation District #3 Board of Directors Public Meeting met at the Water District Office, 300 South Omohundro, White Deer, February 23, 1994, at 7:30 p.m. Information may be obtained from C. E. Williams, P.O. Box 637, White Deer, Texas 79097, (806) 883-2501. TRD-9436412.

The Pecan Valley Mental Health Retardation Region Board of Trustees met at the Pecan Valley MHMR Region Clinical Of-

fice, 906 Lingleville Highway, Stephenville, February 23, 1994, at 8:30 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806. TRD-9436398.

The San Antonio-Bexar County Metropolitan Planning Organization Transportation Steering Committee will meet at the International Conference Center of the Convention Center Complex, San Antonio, February 28, 1994, at 1:00 p.m. Information may be obtained from Charlotte A. Roszelle, 434 South Main, #205, San Antonio, Texas 78204, (210) 227-8651. TRD-9436399.

The Tarrant Appraisal District Tarrant Appraisal Review Board met at 2329 Gravel Road, Fort Worth, February 14-17, 1994, at 8:30 a.m. Information may be obtained from Suzanne Williams, 2329 Gravel Road, Fort Worth, Texas 76118-6894, (817) 284-8884. TRD-9436388.

The Trinity River Authority of Texas Board of Directors met at 5300 South Collins, Arlington, February 23, 1994, at 10:00 a.m. Information may be obtained from James L. Murphy, 5300 South Collins, Arlington, Texas 76018, (817) 467-4343. TRD-9436394.

Meetings Filed February 18, 1994

The Atascosa County Appraisal District Appraisal Review Board met at Fourth and Avenue J, Poteet, February 22, 1994, at 8:00 a.m. Information may be obtained from Vernon A. Warren, P.O. Box 139, Poteet, Texas 78065, (210) 742-3591. TRD-9436437.

The Austin-Travis County MHMR Center (Emergency meeting.) Board of Trustees met at 1430 Collier Street-Board Room, Austin, February 19, 1994, at 8:00 a.m. The emergency meeting was necessary because it was the only time a quorum of Trustees available. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9436487.

The Austin-Travis County MHMR Center Finance and Control Committee met at 1430 Collier Street, Austin, February 22, 1994, at noon. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78764, (512) 447-4141. TRD-9436480.

The Austin-Travis County MHMR Center Board of Trustees met at 1430 Collier Street-Board Room, Austin, February 24, 1994, at 8:00 a.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9436488.

The Barton Springs/Edwards Aquifer Conservation District Board of Directors (Called Meeting and Work Session) met at 1124-A Regal Row, Austin, February 24, 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-9436481.

The Bastrop Central Appraisal District Board of Directors met at 1200 Cedar Street, Bastrop, February 23, 1994, at 7:30 p.m. Information may be obtained from Dana Ripley, 1200 Cedar Street, Bastrop, Texas 78602, (512) 321-3925. TRD-9436445.

The Bexar-Medina-Atascosa Counties Water Control and Improvement District Number One Board of Directors met at 226 Highway 132, Natalia, February 21, 1994, at 8:00 a.m. Information may be obtained from John W. Ward III, P.O. Box 170, Natalia, Texas 78059, (210) 663-2132. TRD-9436447.

The Bosque County Central Appraisal District (Revised agenda.) Board of Directors met at 202 South Highway 6, Meridian, February 24, 1994, at 7:00 p.m. Information may be obtained from Don Whitney, P.O. Box 393, Meridian, Texas 76665-0393, (817) 435-2304. TRD-9436483.

The Bosque Higher Education Authority, Inc. Board of Directors met in the Royal Room of the Ridgewood Country Club, 7301 Fish Pond Road, Waco, February 22, 1994, at 12:15 p.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9436492.

The Brazos Higher Education Authority, Inc. Board of Directors met in the Royal Room of the Ridgewood Country Club, 7301 Fish Pond Road, Waco, February 22, 1994, at 11:30 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9436491.

The Brazos Higher Education Authority, Inc. Board of Directors met in the Royal Room of the Ridgewood Country Club, 7301 Fish Pond Road, Waco, February 22, 1994, at 11:45 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9436493.

The Brazos Higher Education Authority, Inc. Board of Directors met in the Royal Room of the Ridgewood Country Club, 7301 Fish Pond Road, Waco, February 22, 1994, at noon. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9436494.

The Dallas Area Rapid Transit Committee-of-the-Whole met in Conference

Room "C", 1401 Pacific Avenue, Dallas, February 22, 1994, at 3:00 p. m. Information may be obtained from Paula Bailey, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3256 TRD-9436470.

The Dallas Area Rapid Transit Board of Directors met in the DART Board Meeting Room, First Floor, 1401 Pacific Avenue, Dallas, February 22, 1994, at 6:30 p.m. Information may be obtained from Paula Bailey, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3256 TRD-9436471

The Deep East Texas Council of Governments Board of Directors met at 1600 East Loop 304 South, Crockett, February 24, 1994, at 1.00 p.m. Information may be obtained from Walter G. Diggles, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9436500.

The Golden Crescent Private Industry Council met at 2401 Houston Highway, Victoria, February 23, 1994, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872 TRD-9436434.

The Golden Crescent Regional Planning Commission Board of Directors met at the Regional Airport, Building 102, Victoria, February 23, 1994, at 5.00 p.m. Information may be obtained from Rhonda C Stastny, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587 TRD-9436482

The Heart of Texas Council of Governments Executive Committee met at 300 Franklin Avenue, Waco, February 24, 1994, at 10 00 a.m. Information may be obtained from Donna Teat, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822 or (817) 756-0102. TRD-9436496

The Heart of Texas Region MHMR Center Board of Trustees met at 110 South 12th Street, Waco, February 22, 1994, at 11 45 a.m. Information may be obtained from Helen Jasso, P.O. Box 890, Waco, Texas 76703, (817) 752-3451, Ext 290 TRD-9436490

The High Plains Underground Water Conservation District Number One Board of Directors will meet in the Conference Room, 2930 Avenue Q, Lubbock, February 25, 1994, at 10 00 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181 TRD-9436509.

The Jack County Appraisal District Board of Directors met at 210 North Church Street, Jacksboro, February 22, 1994, at 7:00 p.m. Information may be obtained from Gary L. Zeitler or Vicky L. Easter, P.O. Box 958, Jacksboro, Texas 76458, (817) 567-6301 TRD-9436469.

The Kempner Water Supply Corporation Board of Directors met at the Kempner Water Supply Corporation Office, Highway 190, Kempner, February 24, 1994, at 7:00 p.m. Information may be obtained from Doug Lavender and/or Alton Myers, P.O. Box 103, Kempner, Texas 76539, (512) 932-3701. TRD-9436498.

The Lower Colorado River Authority Ad Hoc Committee on Community Resources and Development met at 3701 Lake Austin Boulevard, Hancock Building, Board Room, Austin, February 23, 1994, at 9.00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283 TRD-9436466.

The Lower Colorado River Authority Audit Committee met at 3701 Lake Austin Boulevard, Hancock Building, Board Room, Austin, February 23, 1994, at 9 00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283 TRD-9436465.

The Lower Colorado River Authority Board of Directors met at 3701 Lake Austin Boulevard, Hancock Building, Board Room, Austin, February 23, 1994, at 9.00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283 TRD-9436459

The Lower Colorado River Authority Conservation and Environmental Protection Committee met at 3701 Lake Austin Boulevard, Hancock Building, Board Room, Austin, February 23, 1994, at 9 00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283 TRD-9436464

The Lower Colorado River Authority Energy Operations Committee met at 3701 Lake Austin Boulevard, Hancock Building, Board Room, Austin, February 23, 1994, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283 TRD-9436462

The Lower Colorado River Authority Finance and Administration Committee met at 3701 Lake Austin Boulevard, Hancock Building, Board Room, Austin, February 23, 1994, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283 TRD-9436461

The Lower Colorado River Authority Natural Resources Committee met at 3701 Lake Austin Boulevard, Hancock Building, Board Room, Austin, February 23, 1994, at 9 00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283 TRD-9436463

The Lower Colorado River Authority Planning and Public Policy Committee met at 3701 Lake Austin Boulevard, Hancock Building, Board Room, Austin, February 23, 1994, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9436460.

The Lower Rio Grande Valley Development Council Board of Directors met at the Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, February 24, 1994, at 1:30 p.m. Information may be obtained from Kenneth N Jones, Jr., 4900 North 23rd Street, McAllen, Texas 78504, (210) 682-3481 TRD-9436409

The Middle Rio Grande Development Council Texas Review and Comment System Committee met at the City Council Chambers, Corner of Getty and Main, Uvalde, February 23, 1994, at 1 00 p.m. Information may be obtained from Dora T Flores, P.O. Box 1199, Carrizo Springs, Texas 78834, (210) 876-3533 TRD-9436502

The Red River Compact Commission will meet at the Hot Springs Parks Hilton, One Convention Plaza, Hot Springs, Arkansas, March 24, 1994, at 9 00 a.m. Information may be obtained from Herman Settemeyer, P.O. Box 13087, Austin, Texas 78711, (512) 475-4617 TRD-9436439

The San Antonio-Bexar County Metropolitan Planning Organization met at the Universal City Council Chamber, 2150 University City Boulevard, Universal City, February 24, 1994, at 7 00 p.m. Information may be obtained from Charlotte Roszelle, 434 South Main, Suite 205, San Antonio, Texas 78204, (210) 227-8651 TRD-9436475

The San Antonio-Bexar County Metropolitan Planning Organization Technical Advisory Committee (Work Session) will meet in the MPO Conference Room, 434 South Main, Suite 205, Austin, February 25, 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-9436474

The Sharon Water Supply Corporation Board of Directors met at the Office of Sharon Water Supply Corporation, Route 5, Box 50361, Winnsboro, February 21, 1994, at 7 00 p.m. Information may be obtained from Gerald Brewer, Route 5, Box 50361, Winnsboro, Texas 75494, (903) 347-3525 TRD-9436467

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Meetings Filed February 21,
1994

The Upper Leon River Municipal Water District Board of Directors met at the Gen-

eral Office of the Filter Plant, Lake Proctor, February 24, 1994, at 6:30 p.m. Information may be obtained from Gary D. Lacy, P.O. Box 67, Comanche, Texas 76442, (817) 879-2258. TRD-9436512.



**Meetings Filed February 22,
1994**

The Coastal Bend Council of Governments Membership will meet at the Duval County Prison Site, 2.3 Miles South of San Diego, Texas off FM Road 1329, February 25, 1994, at 12:30 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743. TRD-9436523

The Fisher County Appraisal District Board of Directors will meet at the Fisher County Appraisal/Tax Office, Roby, March 14, 1994, at 6:00 p.m. Information may be

obtained from Betty H. Mize, P.O. Box 516, Roby, Texas 79543, (915) 776-2733, Fax: (915) 776-2815. TRD-9436528.

The Grayson Appraisal District Board of Directors will meet at 205 North Travis, Sherman, March 2, 1994, at noon Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673 TRD-9436520

The North Central Texas Council of Governments for Local Government Investment Fund for Texas will meet at the NCTCOG Regional Training Center, 624 Six Flags Drive, Suite 125, Arlington, March 4, 1994, at noon Information may be obtained from Charles Cason III, 616 Six Flags, Suite 125, Arlington, Texas 76005 TRD-9436530

The San Patricio County Appraisal District Appraisal Review Board will meet at the Appraisal District Office, 1146 East Market, Sinton, March 10, 1994, at 1:30

p.m. Information may be obtained from Kathryn Vermillion, P O Box 938, Sinton, Texas 78387, (512) 364-5402. TRD-9436521.

The TML Group Benefits Risk Pool Texas Municipal Center Owners Association, Inc will meet at the Southwest Towers, 211 East Seventh Street, First Floor, Austin, February 25, 1994, at 10:00 a.m. Information may be obtained from Suzanne Steindorf, 211 East Seventh Street, Austin, Texas 78701, (512) 320-7861 TRD-9436519

The TMI Group Benefits Risk Pool Executive Committee will meet at the Southwest Towers, 211 East Seventh Street, First Floor, Austin, February 25, 1994, at 11:30 a.m. Information may be obtained from Suzanne Steindorf, 211 East Seventh Street, Austin, Texas 78701, (512) 320-7861 TRD-9436518



The **Texas Register** is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Alcoholic Beverage Commission

Correction of Error

The Texas Alcoholic Beverage Commission adopted new 16 TAC §31.4, concerning Administrative Functions of the Commission. The rule appeared in the February 11, 1993, issue of the *Texas Register* (19 TexReg 1038).

Due to an error in publishing in §31.4(c), last line, as published reads "less than 65 number stock." It should read, "less than 65# stock."

Texas Cancer Council

Public Review and Comment

The Texas Cancer Council is soliciting public comments on the document *Human Dimensions of Cancer Care: Principles and Guidelines for Action*. In 1993 the Texas Cancer Council set into motion an extensive assessment of the human dimensions of cancer care. Their aim was to seek statewide consensus on guidelines that both address the needs of cancer patients and their families and that reflect the personal and ethical commitments of Texas health care givers. The Institute for Medical Humanities at the University of Texas Medical Branch was funded by the Council to coordinate the initiative.

These *Principles and Guidelines for Action* are one of a kind. They represent the first time the ethical principles of cancer care have been linked to ways to put these principles into action. This document was initially conceived at a July, 1993, consensus conference with a diverse group of concerned and knowledgeable individuals from across Texas who have been involved with cancer personally or professionally.

To obtain a copy of the draft document, contact the Texas Cancer Council, (512) 463-3190. Comments will be received through March 8, 1994. Public comments and suggestions for follow-up efforts will be considered by the Texas Cancer Council on April 27, 1994.

Issued in Austin, Texas, on February 17, 1994

TRD-9436381

Emily F. Untermeyer, MPH
Executive Director
Texas Cancer Council

Filed: February 17, 1994

Employees Retirement System of Texas Fiscal Report

The Government Code, Title 8, Subtitle B, §815.108, requires that the Employees Retirement System of Texas (System) publish a report in the *Texas Register* containing the balance sheet of the System as of August 31 of the preceding fiscal year and an actuarial valuation of the System's assets and liabilities.

The report consists of an explanation of fund structure, combining balance sheets by fund type, and an actuarial valuation of the System's pension funds.

The balance sheets are presented by fund within fund type. They present more detailed information than would be required by General Accepted Accounting Principles (GAAP), and they do not include the note disclosures required by GAAP. They are presented in the following order, preceded by an explanation of the fund structure:

Combining Balance Sheets

Schedule 1. Pension Trust Funds

Schedule 2. Expendable Trust Funds

Schedule 3. Special Revenue Funds

Schedule 4. Agency Funds

The actuarial valuation consists of the following:

Actuary's Opinion

Actuarial Valuation Balance Sheets and Summary of Actuarial Valuation Results

Actuarial Cost Method and Assumptions

Glossary of Actuarial Terminology

FUND STRUCTURE

The financial statements are organized on the basis of funds, each of which is considered to be a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts. These accounts are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with applicable statutory guidelines or restrictions. The System's accounts fall under two basic fund types: Governmental Funds and Fiduciary Funds. The following is a brief description of the primary activity of each fund.

1. Governmental Funds

Governmental funds are used to account for the acquisition, use and balances of expendable financial resources and the related current liabilities.

Special Revenue Funds

Special Revenue Funds are used to account for the System's proceeds from specific revenue sources that are legally restricted to expenditures for specified purposes.

(i) Social Security Administration Fund

The Social Security Administration Fund is the operating fund from which the expenditures of administration and maintenance of the Social Security Program are paid.

(ii) Death Benefits Program for Commissioned Peace Officers, Firemen, etc. Fund (General Revenue Fund)

The Death Benefits Program for Commissioned Peace Officers, Firemen, etc. Fund is used to account for payments of death benefits and administrative fees funded by appropriations from the State's General Revenue Fund.

(iii) Judicial Return to Work Fund (General Revenue Fund)

The Judicial Return to Work Fund is used to account for salaries and salary related costs for retired judges and justices called to service which are funded by an appropriation from the State's General Revenue Fund.

2. Fiduciary Funds

Fiduciary funds are used to account for assets held by a governmental unit in a trustee capacity or as an agent for individuals, other government units and/or other funds.

(a) Pension Trust Funds

Pension Trust Funds are used to account for public employee retirement system funds.

(i) Employees Retirement Fund and Judicial Retirement System Plan Two Fund

The Employees Retirement Fund is used to account for the accumulation of resources for pension benefit payments to qualified state employees, or beneficiaries. The Judicial Retirement System Plan Two Fund is used to account for the accumulation of resources for pension benefit payments to eligible Judicial employees.

The following accounts of the Employees Retirement Fund and the Judicial Retirement System Plan Two Fund hold the reserves for future and current benefit payments. These reserves are included in the fund balance reserved for retirement trust funds.

o Employees Savings Account

The Employees Savings Account is the account in which members' contributions and interest credited to those contributions are accumulated.

Employees Retirement System of Texas

FUND STRUCTURE

(continued)

o State Accumulation Account

The State Accumulation Account is the account in which retirement and death benefits contributions made by the State are accumulated.

o Retirement Annuity Reserve Account

The Retirement Annuity Reserve Account is the account in which reserves for annuities granted and in force are held as determined by the System's actuarial consultants, and from which annuities are paid.

o Interest Account

The Interest Account is the account in which interest, dividends, and gains and losses derived from investments of the System's funds are accumulated. At the close of each fiscal year, the investment revenues are transferred to the other accounts as provided by statute.

o Investment Account

The Investment Account is the account through which available assets and monies of the Retirement Systems are invested.

o Benefit Increase Reserve Account

The Benefit Increase Reserve Account is the account in which appropriated reserves are held for post-retirement increases in annuities for elected and employee class members and their survivors for benefit increases authorized in 1977, 1979, February 1981 and September 1981.

o Expense Account

The Expense Account is the account from which the expenses of administration and maintenance of the Retirement System Programs are paid.

(ii) Law Enforcement and Custodial Officer Supplemental Retirement Fund

The Law Enforcement and Custodial Officer Supplemental Retirement Fund was created for the purpose of receiving funds collected as part of the motor vehicle inspection fee and facilitating the payment of benefits as provided by the Commissioned Law Enforcement and Custodial Officer Supplemental Retirement Benefit Act. Available assets and monies of the fund are invested, and revenues accruing from the investments are deposited to the fund.

An annuity reserve fund balance account has been established to reserve the benefits payable for annuities granted and currently in force as determined by the System's actuarial consultants.

(iii) Judicial Retirement System Plan One Fund

The Judicial Retirement System Plan One Fund receives appropriations from the State's General Revenue Fund for annuity and refund payments to judges who are members of this program.

(iv) Deferred Compensation Administrative Trust Fund

The Deferred Compensation Administrative Trust Fund includes an operating expense account from which administrative expenses are paid. The tax-deferred contributions are accounted for as an Agency Fund.

(v) TexaSaver Administrative Trust Fund

The TexaSaver Administrative Trust Fund includes an operating expense account from which administrative expenses are paid. The tax-deferred contributions are accounted for as an Agency Fund.

Employees Retirement System of Texas

FUND STRUCTURE

(continued)

(b) Expendable Trust Funds

Expendable Trust Funds are used to account for trust funds whose principle and interest may be expended in the course of their designated operations.

(i) Employees Life, Accident and Health Insurance and Benefits Fund (Group Insurance Fund)

This fund is used to account for contributions received by participating employees, annuitants, and the State of Texas; for claim payments to the self-insurance plan administrator, and to the indemnity plan insurance carrier; and for premium payments to Health Maintenance Organizations (HMOs). This fund also accounts for the operational expenditures incurred to maintain the program and for investment income realized from the cash received from premiums pending disbursement to the carriers.

This fund is composed of two sub-accounts:

o Group Insurance Benefits Account

This account receives contributions of participating employees, participating annuitants and the State of Texas; and makes payments to the self-insurance plan administrator and to insurance carriers under the Group Insurance Program.

o Group Insurance Administration Account

This account functions as an operating account from which the expenditures for administration are paid.

The Group Insurance Fund retains risk of loss for health claims. The fund does not retain risk of loss for disability claims, life claims and HMO payments; the risk is transferred to the insurance carrier.

(ii) State Employees Cafeteria Plan Trust Fund (Flexible Benefits Fund)

This fund is used to account for the before-tax salary reduction contributions from state employees and employees of Texas higher education institutions, and reimbursements for health care and dependent care. This fund also accounts for the operational expenditures incurred to maintain the program.

This fund is composed of two sub-accounts:

o Cafeteria Plan Benefits Account

This account receives before-tax salary reduction payments for benefits included in the Cafeteria Plan. This account also makes benefit reimbursement payments.

o Cafeteria Plan Administration Account

This account functions as an operating account from which the expenditures for administration of the Program are paid.

Employees Retirement System of Texas

FUND STRUCTURE
(concluded)

(c) **Agency Funds**

Agency Funds are used to account for assets held by a governmental unit in an agency capacity for individuals, other governmental entities, other funds, etc. Agency Funds are custodial in nature (assets equal liabilities) and do not measure results of operations.

(i) **Unappropriated Receipts (General Revenue Fund)**

This fund accounts for member contributions received from Judicial Retirement System Plan One members. The member contributions are deposited directly into the General Revenue Fund as unappropriated receipts.

(ii) **Employees Savings Bond Fund**

The Employees Savings Bond Fund is used to accumulate payroll deductions for U. S. Savings Bonds. Bonds are purchased for each participating employee when the employee's account balance equals the purchase price of the specified bond.

(iii) **Deferred Compensation Trust Fund**

The Deferred Compensation Trust Fund accounts for tax-deferred portions of salaries of State employees in accordance with the provisions of Internal Revenue Code Section 457. The assets in the plan are the property of the State of Texas, and are recorded at market value.

(iv) **TexaSaver Trust Fund**

The TexaSaver Trust Fund accounts for tax-deferred portions of salaries of State employees in accordance with the provisions of Internal Revenue Code Section 401(k). The assets in the plan are solely the property of the employee.

(v) **Higher Education Group Insurance Fund**

The Higher Education Group Insurance Fund accounts for the legislative appropriation for group insurance benefits provided to the employees and retirees of Texas Higher Education Institutions.

EMPLOYEES RETIREMENT SYSTEM OF TEXAS

SCHEDULE 1

COMBINING BALANCE SHEET - PENSION TRUST FUNDS
August 31, 1993

	Law Enforcement and Custodial Officer	Judicial Retirement System Plan One (001)	Judicial Retirement System Plan Two (993)	Deferred Compensation Administrative Trust Fund (945)	TexasSaver Administrative Trust Fund (946)	Totals August 31, 1993
ASSETS						
Current Assets						
Cash and Temporary Investments:						
Cash on Hand	820,940					820,940
Cash in Bank	10,000					10,000
Cash in State Treasury	861,255,479	728,573	2,612,800	831,165	18,648	911,334,697
Short-Term Investments	436,923,252					466,901,314
Receivables:						
Accounts Receivable	27,831,689	1,677	240,468			31,185,363
Interest and Dividends Receivable	77,932,707	4,688,026	10,573	3,342	75	82,634,723
Due From Other Funds	1,302,996	3,128	910	3,571	13,638	1,324,725
Prepaid Expenses	112,379			146		112,525
Total Current Assets	1,406,189,442	733,378	2,864,751	838,224	32,361	1,494,324,287
Long-Term Investments						
At Cost (Total Market, 1993 \$8,632,412,527)	7,046,847,672	-	9,949,409	-	-	7,344,666,149
Fixed Assets						
Motor Vehicle	20,123					20,123
Land and Land Improvements	874,889					874,889
Building	7,295,346					7,295,346
Office Furniture and Equipment	4,741,428			15,377		4,756,805
Subtotal Fixed Assets	12,931,786	-	-	15,377	-	12,947,163
Less Accumulated Depreciation	(4,844,655)			(4,439)		(4,849,094)
Net Fixed Assets	8,087,131	-	-	10,938	-	8,098,069
Total Assets	8,461,124,245	733,378	12,814,160	849,162	32,361	8,847,088,505

- to next page

EMPLOYEES RETIREMENT SYSTEM OF TEXAS

SCHEDULE 1

COMBINING BALANCE SHEET - PENSION TRUST FUNDS

August 31, 1993

(concluded)

Law Enforcement
and Custodial

	Employees Retirement Fund (955)	Law Enforcement and Custodial Officer Supplemental Retirement Fund (977)	Judicial Retirement System Plan One (001)	Judicial Retirement System Plan Two (993)	Deferred Compensation Administrative Trust Fund (945)	TexasSaver Administrative Trust Fund (946)	Totals August 31, 1993
LIABILITIES AND FUND BALANCES							
Current Liabilities							
Payables:							
Accounts Payable	13,790,088	2,044	733,378	131,497	21,711		14,678,718
Due To Other Funds	109,272	5,684		528	3,205	3,571	122,260
Deferred Revenue	29,613			204			29,817
Compensable Leave Payable	439,992				10,455		450,447
Total Current Liabilities	14,368,965	7,728	733,378	132,229	35,371	3,571	15,281,242
Total Liabilities	14,368,965	7,728	733,378	132,229	35,371	3,571	15,281,242
Fund Balances							
Reserved:							
For Encumbrances	2,266,854						2,272,905
For Annuity Reserves	2,520,692,912	26,185,102		277,345	6,051		2,547,155,359
For Retirement Trust Funds	5,923,795,514	345,342,369		12,404,586	807,740	28,790	6,282,378,999
Total Fund Balances	8,446,755,280	371,527,471	-	12,681,931	813,791	28,790	8,831,807,263
Total Liabilities and Fund Balances	8,461,124,245	371,535,199	733,378	12,814,160	849,162	32,361	8,847,088,505

EMPLOYEES RETIREMENT SYSTEM OF TEXAS

SCHEDULE 2

COMBINING BALANCE SHEET – EXPENDABLE TRUST FUNDS

August 31, 1993

	<i>Employees Life, Accident and Health Insurance Fund (973)</i>	<i>State Employees Cafeteria Plan Trust Fund (943)</i>	<i>Totals August 31, 1993</i>
	\$	\$	\$
ASSETS			
Current Assets			
Cash and Temporary Investments:			
Cash on Hand	367,232		367,232
Cash in State Treasury	266,522,462	3,459,440	269,981,902
Receivables:			
Accounts Receivable	65,844,687	1,174,139	67,018,826
Interest Receivable	1,186,301	15,132	1,201,433
Due From Other Funds	61,851	175,027	236,878
Consumable Inventories	19,759	5	19,764
Total Assets	334,002,292	4,823,743	338,826,035
LIABILITIES AND FUND BALANCES			
Current Liabilities			
Payables:			
Accounts Payable	164,776,811	2,936,635	167,713,446
Due To Other Funds	1,436,377	2,885	1,439,262
Deferred Revenue	244,106		244,106
Total Liabilities	166,457,294	2,939,520	169,396,814
Fund Balances			
Reserved:			
For Encumbrances	117,875		117,875
For Consumable Inventories	19,759	5	19,764
For Contingency Reserves	77,666,964		77,666,964
For Statutory Premium Payment	72,000,000		72,000,000
Unreserved, Designated:			
For Premium Rate Supplementation	10,623,000		10,623,000
For Group Insurance Administration	7,117,400		7,117,400
For Cafeteria Plan Administration		1,884,218	1,884,218
Total Fund Balances	167,544,998	1,884,223	169,429,221
Total Liabilities and Fund Balances	334,002,292	4,823,743	338,826,035

EMPLOYEES RETIREMENT SYSTEM OF TEXAS

SCHEDULE 3

COMBINING BALANCE SHEET - SPECIAL REVENUE FUNDS
August 31, 1993

	Social Security Administration Fund (929)	Death Benefits Program for Commissioned Peace Officers, Firemen, etc.(001)	Judicial Return To Work Fund (001)	Totals August 31, 1993
	\$	\$	\$	\$
ASSETS				
Current Assets				
Cash and Temporary Investments:				
Cash in State Treasury	187,926			187,926
Legislative Appropriations		9,911	406,064	415,975
Receivables:				
Accounts Receivable		100,600	522,662	623,262
Due From Other Funds		483		483
Total Assets	<u>187,926</u>	<u>110,994</u>	<u>928,726</u>	<u>1,227,646</u>
LIABILITIES AND FUND BALANCES				
Current Liabilities				
Payables:				
Accounts Payable	4,432	40,000	587,233	631,665
Due To Other Funds	104			104
Total Liabilities	<u>4,536</u>	<u>40,000</u>	<u>587,233</u>	<u>631,769</u>
Fund Balances				
Reserved:				
For Lapsing—Unencumbered General Revenue				
Fund Appropriations		70,994	341,493	412,487
Unreserved:				
Undesignated:				
Available for Subsequent Years' Expenditures	183,390			183,390
Total Fund Balances	<u>183,390</u>	<u>70,994</u>	<u>341,493</u>	<u>595,877</u>
Total Liabilities and Fund Balances	<u>187,926</u>	<u>110,994</u>	<u>928,726</u>	<u>1,227,646</u>

EMPLOYEES RETIREMENT SYSTEM OF TEXAS

SCHEDULE 4

COMBINING BALANCE SHEET - AGENCY FUNDS
August 31, 1993

	<i>Unappropriated Receipts General Revenue Fund (001)</i>	<i>Employee Savings Bond Fund (901)</i>	<i>Deferred Compensation Trust Fund (945)</i>	<i>TexasSaver Trust Fund (946)</i>	<i>Higher Education Group Insurance Fund (973)</i>	<i>Totals August 31, 1993</i>
ASSETS						
Current Assets						
Cash in Bank				15,192		15,192
Cash in State Treasury	13,735	125				13,860
Investments-Deferred Compensation Plan 457 At Market Value			217,093,069			217,093,069
Accounts Receivable	115,887					115,887
Total Assets	129,622	125	217,093,069	15,192	-	217,238,008
LIABILITIES						
Current Liabilities						
Accounts Payable	129,162	125		15,192		144,479
Due To Other Funds	460					460
Deferred Compensation Benefits Payable			217,093,069			217,093,069
Total Liabilities	129,622	125	217,093,069	15,192	-	217,238,008

Towers Perrin

February 4, 1994

Board of Trustees
Employees Retirement System of Texas

ACTUARIAL CERTIFICATION FOR FUNDED PROGRAMS

Towers Perrin performed actuarial valuations of the Employees Retirement Fund (ERF) of the Employees Retirement System of Texas (ERS) including a separate valuation of the Law Enforcement and Custodial Officer Supplemental Retirement Fund (LECOSRF) of the ERS, and the Judicial Retirement System of Texas Plan Two (JRSII). No actuarial valuation was performed for the Judicial Retirement System of Texas Plan One because it is not advance funded.

This letter with attachments represents Towers Perrin's certification as required for the financial report for the fiscal year ended August 31, 1993 for the Employees Retirement System and the Judicial Retirement System of Texas Plan Two. This certification reflects the revised valuations to be submitted to the Board for approval on March 16, 1994. This is the fourth set of valuations completed by Towers Perrin. For fiscal years prior to 1990, all calculations were completed by another actuary representing another actuarial firm.

EMPLOYEES RETIREMENT FUND

The following information follows the format for the Actuary's Certification Letter as outlined in the *Guidelines for the Preparation of a Public Employee Retirement System Comprehensive Annual Financial Report*.

The contribution levels of the ERF are set by legislation. Most members contribute 6% of pay and the State is contributing 6.45% of payroll through August 31, 1995 and 7.4% thereafter. The actuarial valuation was completed using the entry age actuarial cost method which generates a normal cost expected to remain level as a percent of payroll. To the extent that an unfunded actuarial accrued liability (UAAL) exists, it is amortized as a level percent of projected payroll.

The following "Actuarial Balance Sheet" and "Summary of Actuarial Valuation Results" exhibits indicate the level of funding for the Fund. Both August 31, 1993 and August 31, 1992 results are shown. The August 31, 1993 results are shown both before and after the changes in the plan design and the actuarial assumptions discussed below. The effect of these changes can be determined by examining the differences in results between these two columns.

Since the 1992 actuarial valuation was performed, there have been changes in the benefits provided because of the passage of S.B. 1181, S.B. 81 and H.B. 2711. As of the August 31, 1993 valuation, the actuarial assumptions were modified. The primary changes were an increase in the rates of retirement, recognition of service credit for sick leave, and allowance for transfer of service credit to the Teacher Retirement System of Texas. The attached "Actuarial Cost Method and Assumptions" exhibit describes these changes in more detail.

The actuarial valuation is completed annually with the most recent conducted as of August 31, 1993.

The method used to value plan assets for actuarial valuation purposes is as follows:

All bonds are valued at adjusted cost, with amortization of premiums and discounts on the effective interest rate.

Equities are valued on an adjusted market basis using the ratio of average values of the Standard & Poor's 500 Index for 24 consecutive months to the value as of the valuation date, adjusted so that the actuarial value falls within an 85% to 115% corridor of the actual market value.

Commercial notes are valued at cost.

Fixed assets are valued at cost, net of depreciation.

We relied upon the participant data and assets provided by the staff of the ERS. The active member valuation data and retiree and beneficiary data exhibits following this certification provide a summary of the data. This data was compared to information provided in the 1992 actuarial valuation for reasonableness. Otherwise, the data provided was assumed to be correct.

The actuarial assumptions used for this valuation are discussed in the following "Actuarial Cost Method and Assumptions" exhibit and are also outlined in the "Summary of Actuarial Assumptions and Methods." These assumptions are based on an experience investigation which reviewed data from 1985 to 1989. The assumptions were adopted by the ERS Board of Trustees on September 13, 1990 with changes approved on November 7, 1991 and January 21, 1994 and additional changes submitted for approval on March 16, 1994. In our opinion, these assumptions generate valuation results which in the aggregate relate reasonably to the past and anticipated experience of the Fund.

The valuation shows that the normal cost is 12.268% of payroll and there is an overfunded actuarial accrued liability of \$302.3 million. The funded ratio is 1.036 as of August 31, 1993. Total contributions of 12.45% of payroll are available through August 31, 1995 with 13.4% thereafter to finance the liabilities of the Fund. We are of the opinion that the financing of the Employees Retirement Fund is adequate and the Fund is actuarially sound.

LAW ENFORCEMENT AND CUSTODIAL OFFICER SUPPLEMENTAL RETIREMENT FUND

Information regarding the Employees Retirement Fund is also applicable for the Law Enforcement and Custodial Officer Supplemental Retirement Fund. The following paragraphs provide information specifically for the LECOSRF.

The contribution levels of the LECOSRF are set by legislation. No State contributions will be made through August 31, 1995, then the State will contribute 2.13% of covered payroll. This is a change in the financing approach of the Fund, effective September 1, 1993. Under prior law, the sources of financing were an amount per motor vehicle inspection and state appropriations as needed. The actuarial valuation was completed using the entry age actuarial cost method which generates a normal cost expected to remain level as a percent of payroll. To the extent that an unfunded actuarial accrued liability exists, it is amortized as a level percent of projected payroll.

Since the 1992 actuarial valuation was performed, there have been changes in the benefits provided and in the investment and funding requirements because of the passage of S.B. 1181 and S.B. 81. As of the August 31, 1993 valuation, some actuarial assumptions were modified. The primary assumption changes were an increase in the interest rate, a change in retirement rates and the introduction of a payroll growth assumption. The attached "Actuarial Cost Method and Assumptions" exhibit describes these changes in more detail.

The valuation shows that the normal cost is 1.789% of payroll and there is an overfunded actuarial accrued liability of \$221.3 million. The funded ratio has improved to 2.472 as of August 31, 1993. Total contributions

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of 2.13% of payroll are available after August 31, 1995 to finance the liabilities of the LECOSRF. We are of the opinion that the financing of the Law Enforcement and Custodial Officer Supplemental Retirement Fund is adequate and the Fund is actuarially sound.

JUDICIAL RETIREMENT SYSTEM OF TEXAS PLAN TWO

Information regarding the Employees Retirement Fund is also applicable for the Judicial Retirement System of Texas Plan Two. The following paragraphs provide information specifically for the JRSII.


The contribution levels of the JRSII are set by legislation. Members contribute 6% of pay and the State is currently contributing 14.73% of payroll. The actuarial valuation was completed using the entry age actuarial cost method which generates a normal cost expected to remain level as a percent of payroll. To the extent that an unfunded actuarial accrued liability exists, it is amortized as a level percent of projected payroll. This is a change in the financing approach of the Fund effective September 1, 1993. Under prior law, the unfunded actuarial accrued liability was required to be fully financed during the biennium, based on a valuation in even-numbered years.

Since the 1992 actuarial valuation was performed, there have been changes in the benefits provided and in the investment and funding requirements because of the passage of S.B. 1181. As of the August 31, 1993 valuation, the actuarial assumptions were modified. The only changes were a decrease in the administrative expense assumption and the use of a payroll growth assumption. The attached "Actuarial Cost Method and Assumptions" exhibit describes these changes in more detail.

The valuation shows that the normal cost is 19.31% of payroll and there is an unfunded actuarial accrued liability of \$4.2 million. The funded ratio has decreased to 0.751 as of August 31, 1993. Total contributions of 20.73% of payroll are currently available to finance the liabilities of the JRSII. We are of the opinion that the financing of the Judicial Retirement System of Texas Plan Two is adequate and the System is actuarially sound because the contribution funds the normal cost and amortizes the unfunded liability over 16.0 years.



Leslie P. Finertie
Fellow of the Society of Actuaries
Member of the American Academy of Actuaries
Enrolled Actuary



Steven R. Rusher
Fellow of the Society of Actuaries
Member of the American Academy of Actuaries
Enrolled Actuary

LPF:SRR:tlh

Enclosures

EMPLOYEES RETIREMENT FUND

ACTUARIAL BALANCE SHEET

	<u>August 31, 1993</u>		<u>August 31, 1992</u>
	<u>After Changes</u>	<u>Before Changes</u>	
Actuarial Assets:			
Actuarial Value of Assets	\$8,792,449,314	\$8,792,449,314	\$7,909,542,740
Actuarial Present Value of Future Contributions			
By current members	2,374,112,894	2,391,306,799	2,157,265,559
Employer normal costs	2,326,630,636	2,260,980,578	2,146,838,776
Unfunded/(overfunded) actuarial accrued liability	<u>(302,317,235)</u>	<u>(531,014,223)</u>	<u>(198,451,157)</u>
Total	<u>\$4,398,426,295</u>	<u>\$4,121,273,154</u>	<u>\$4,105,653,178</u>
Total	\$13,190,875,609	\$12,913,722,468	\$12,015,195,918
Actuarial Liability:			
Actuarial Present Value of Benefits.			
Active Members			
-- service retirement	\$9,379,105,842	\$9,160,600,731	\$8,399,215,274
-- nonoccupational disability	318,634,001	309,609,612	286,406,563
-- occupational disability	58,135,591	56,406,282	52,078,917
-- preretirement death	267,555,531	268,150,069	232,616,806
-- termination	<u>453,924,023</u>	<u>454,594,608</u>	<u>413,654,508</u>
-- total	\$10,477,354,988	\$10,249,361,302	\$9,383,972,068
Inactive Members	146,285,885	122,003,342	97,255,348
Annuitants	<u>2,567,234,736</u>	<u>2,542,357,824</u>	<u>2,533,968,502</u>
Total	\$13,190,875,609	\$12,913,722,468	\$12,015,195,918

SUMMARY OF ACTUARIAL VALUATION RESULTS

Total Contribution Rate			
-- fiscal years 1992 and 1993	N/A	N/A	12.430%
-- fiscal years 1994 and 1995	12.450%	13.400%	13.400%
-- thereafter	13.400%	13.400%	13.400%
Normal Cost			
-- dollars	\$434,890,474	\$441,963,829	\$407,674,398
-- percent of payroll	12.268%	12.384%	12.346%
Contribution Available to Amortize UAAL			
-- fiscal years 1992 and 1993	N/A	N/A	0.084%
-- fiscal years 1994 and 1995	0.182%	1.016%	1.054%
-- thereafter	1.132%	1.016%	1.054%
Actuarial Accrued Liability	\$8,490,132,079	\$8,261,435,091	\$7,711,091,583
Amortization Period in Years	0.0	0.0	0.0
Funded Ratio	1.036	1.064	1.026
Valuation Payroll	\$3,544,900,174	\$3,568,833,464	\$3,302,000,827
Contributing Members	145,506	145,506	138,113

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LAW ENFORCEMENT AND CUSTODIAL OFFICERS SUPPLEMENTAL RETIREMENT FUND

ACTUARIAL BALANCE SHEET

	<u>August 31, 1993</u>		<u>August 31, 1992</u>
	<u>After Changes</u>	<u>Before Changes</u>	
Actuarial Assets:			
Actuarial Value of Assets	\$371,530,918	\$371,530,918	\$317,224,956
Actuarial Present Value of Future Contributions			
Employer normal costs	161,735,202	183,230,003	174,939,606
Unfunded/(overfunded) actuarial accrued liability	<u>(221,259,977)</u>	<u>(212,434,309)</u>	<u>(168,715,972)</u>
Total	<u>(\$59,524,775)</u>	<u>(\$29,204,306)</u>	<u>\$6,223,634</u>
Total	\$312,006,143	\$342,326,612	\$323,448,590

Actuarial Liability:

Actuarial Present Value of Benefits:

Active Members			
— service retirement	\$276,555,220	\$306,433,395	\$289,850,168
— death benefit plan	4,940,104	5,048,012	4,814,998
— occupational disability	<u>4,260,847</u>	<u>4,273,892</u>	<u>4,050,606</u>
— total	\$285,756,171	\$315,755,299	\$298,715,772
Inactive Vested Members			
Annuitants	<u>26,185,102</u>	<u>26,504,717</u>	<u>24,689,064</u>
Total	\$312,006,143	\$342,326,612	\$323,448,590

SUMMARY OF ACTUARIAL VALUATION RESULTS

Expected Contribution	N/A	\$27,242,897	\$26,518,739
Total Contribution Rate			
— fiscal years 1994 and 1995	0.00%	N/A	N/A
— thereafter	2.13%	N/A	N/A
Normal Cost			
— dollars	\$12,820,051	\$14,426,009	\$13,620,527
— percent of payroll	1.789%	2.051%	2.13%
Contribution Available to Amortize UAAL			
— dollars	N/A	\$12,816,888	\$12,898,212
— percent of payroll fiscal years 1994 and 1995	(1.789%)	N/A	N/A
— percent of payroll thereafter	0.341%	N/A	N/A
Actuarial Accrued Liability	\$150,270,941	\$159,096,609	\$148,508,984
Amortization Period in Years	0.0	0.0	0.0
Funded Ratio	2.472	2.335	2.136
Valuation Payroll	\$716,804,343	\$703,352,805	\$639,672,631
Contributing Members	26,341	26,341	24,152

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JUDICIAL RETIREMENT SYSTEM OF TEXAS PLAN TWO

ACTUARIAL BALANCE SHEET

	<u>August 31, 1993</u>		<u>August 31, 1992</u>
	<u>After Changes</u>	<u>Before Changes</u>	
Actuarial Assets:			
Actuarial Value of Assets	\$12,714,330	\$12,714,330	\$9,325,621
Actuarial Present Value of Future Contributions			
By current members	13,854,828	13,942,818	11,886,816
Employer normal costs	26,728,770	17,558,889	14,684,579
Unfunded/(overfunded) actuarial accrued liability	<u>4,205,953</u>	<u>279,235</u>	<u>562,180</u>
Total	<u>\$44,789,551</u>	<u>\$31,780,942</u>	<u>\$27,133,575</u>
Total	\$57,503,881	\$44,495,272	\$36,459,196
Actuarial Liability:			
Actuarial Present Value of Benefits:			
Active Members			
— service retirement	\$47,483,698	\$36,241,725	\$29,767,565
— disability	3,016,022	1,975,325	1,628,215
— preretirement death	2,192,182	1,626,417	1,375,347
— termination	<u>4,372,472</u>	<u>4,361,253</u>	<u>3,632,888</u>
— total	\$57,064,374	\$44,204,720	\$36,404,015
Inactive Members			
Annuitants	<u>162,162</u>	<u>162,162</u>	55,181
Total	<u>277,345</u>	<u>128,390</u>	<u>0</u>
Total	\$57,503,881	\$44,495,272	\$36,459,196

SUMMARY OF ACTUARIAL VALUATION RESULTS

Total Contribution Rate	20.73%	15.39%	15.39%
Normal Cost			
— dollars	\$3,923,690	\$2,922,338	\$2,431,769
— percent of payroll	19.31%	14.38%	14.23%
Contribution Available to Amortize UAAL	1.42%	1.01%	1.16%
Actuarial Accrued Liability	\$16,920,283	\$12,993,565	\$9,887,801
Amortization Period in Years	16.0	1.4	3.0
Funded Ratio	0.751	0.979	0.943
Valuation Payroll	\$20,324,608	\$20,324,608	\$17,092,062
Contributing Members	239	239	201

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ACTUARIAL COST METHOD AND ASSUMPTIONS

EMPLOYEES RETIREMENT FUND

The actuarial cost method used was the entry age actuarial cost method. The calculation of the years required to amortize the unfunded actuarial accrued liability assumes that the unfunded actuarial accrued liability is amortized as a level percent of payroll which is the total contribution rate minus the normal cost contribution rate. The total contribution rate is set by statute, so the variable from year to year is the amortization period. The payroll is assumed to increase 7.00% annually. As of the valuation date, the Fund had an overfunded actuarial accrued liability. Therefore, there is no amortization period. Actuarial gains and losses are recognized as they occur each year, and they increase or decrease the overfunded actuarial accrued liability.

Included in the actuarial assumptions are an assumed rate of investment return of 8.5% per year and assumed rates of salary increase. The salary increase assumption is for individual members and includes expected inflationary increases of 4.50% per year plus merit, promotion, longevity, and real wage growth increases. This assumption differs from the payroll increase assumption of 7.00% per year, which is for the aggregate payroll of all contributing members and which consists of 4.50% for inflationary salary increases plus 1.00% for growth in number of members plus 1.50% for the aggregate effect of changes in salary distribution and of merit, promotion, and longevity increases.

Changes In Actuarial Assumptions

The actuarial assumptions for the Employees Retirement Fund were modified effective August 31, 1993. A summary of those changes follows.

	<u>After Changes</u>	<u>Before Changes</u>
■ Retirement	Rates increased for those for whom benefit amounts are enhanced.	Rates vary with attained age, entry age and gender.
■ Sick Leave Service	Service credit at retirement is assumed to be increased by 2%.	N/A
■ Transfers from ERS to TRS	1% of members who cease contributing to ERS will transfer service credit to TRS and 1,200 former ERS members will transfer service credit to TRS.	N/A

LAW ENFORCEMENT AND CUSTODIAL OFFICER SUPPLEMENTAL RETIREMENT FUND

The actuarial cost method used was the entry age actuarial cost method. The calculation of the years required to amortize the unfunded actuarial accrued liability assumes that the unfunded actuarial accrued liability is amortized as a level percent of payroll which is the total contribution rate minus the normal cost contribution rate. The total contribution rate is set by statute, so the variable from year to year is the amortization period. The payroll is assumed to increase 7.00% annually. As of the valuation date, the Fund had an overfunded actuarial accrued liability. Therefore, there is no amortization period. Actuarial gains and losses are recognized as they occur each year, and they increase or decrease the overfunded actuarial accrued liability.

The actuarial assumptions include an assumed rate of investment return of 8.25%. The other actuarial assumptions are the same as those used for the commissioned peace officers and custodial officers in the actuarial valuation of the ERF. They include assumed rates of salary increase of 4.50% for inflation plus adjustments for merit, promotion, longevity and real wage growth.

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The actuarial assumptions were modified effective August 31, 1993. The only changes in assumptions were an increase in the assumed rate of interest from 8.00% to 8.25%, an increase in retirement rates for those for whom benefit amounts were enhanced, and the introduction of a 7.00% payroll growth assumption.

JUDICIAL RETIREMENT SYSTEM OF TEXAS PLAN TWO

The actuarial cost method used was the entry age actuarial cost method. The calculation of the years required to amortize the unfunded actuarial accrued liability assumes that the unfunded actuarial accrued liability is amortized as a level percent of payroll which is the total contribution rate minus the normal cost contribution rate. The total contribution rate is set by statute, so the variable from year to year is the amortization period. The payroll is assumed to increase 7.75% annually. Actuarial gains and losses are recognized as they occur each year, and they decrease or increase the unfunded actuarial accrued liability.

Included in the actuarial assumptions are an assumed rate of investment return of 8.5% per year and assumed rates of salary increase of 7% per year over a member's career. The payroll growth assumption of 7.75% per year is the aggregate of the across-the-board increase assumption of 6.75% plus an expected 1.00% for growth in number of members.

The actuarial assumptions were modified effective August 31, 1993. The administrative expense assumption decreased from 0.50% to 0.25% of assets. The payroll growth assumption of 7.75% was extended to recognize the allowed increase in amortization period to 31 years.

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Glossary of Actuarial Terminology

Selected items from the Actuarial Balance Sheets have been defined in this section.

Employees Retirement System (ERS) Fund

1. *Actuarial Value of Assets* represents the actuarial value of the assets held by the System as of the valuation date, as shown in the annual report for the year ended with the valuation date. Schedule 1 shows the distribution of the assets of the System by type, and it includes the Benefit Increase Reserve Account (BIRA). The actuarial value of assets is adjusted market value for corporate stocks, cost for commercial notes, and adjusted cost for bonds (original cost adjusted for amortization of premium or accrual of discount).
2. *Actuarial Present Value of Future Contributions:*
 - a. *Actuarial Present Value by Current Members* is equal to the actuarial present value of future contributions (6% of pay) to be made by present members of the System and represents the value of future normal cost contributions to be borne by present members. Actuarial present value is the value of an amount or series of amounts payable or receivable at various times in the future, determined as of a given date (the valuation date) by the application of the actuarial assumptions.
 - b. *Actuarial Present Value of Employer Normal Costs* is equal to the actuarial present value of that portion of the future normal cost contributions to be made by the State of Texas on behalf of present members of the System. The sum of 2(a) and 2(b) is the total actuarial present value of future normal cost contributions for present members.
 - c. *Unfunded (Overfunded) Actuarial Accrued Liability* is equal to the excess (deficit) of the total actuarial present value of benefits (Item 3) over (under) the sum of the assets (Item 1) and the actuarial present value of future normal cost contributions [Items 2(a) and 2(b)].
3. *Actuarial Present Value of Benefits:*
 - a. *Active Members* represents the actuarial present value of future benefits to be paid to present contributing members who will become beneficiaries in the future. The actuarial present values are shown for each of five types of benefits for the Employees Retirement System (ERS).
 - b. *Inactive Members* represents the actuarial present value of future benefits to be paid to members who were inactive as of the valuation date and who will become beneficiaries in the future. The liability for inactive vested members includes prospective service retirement and death benefits. The liability for inactive nonvested members is equal to the members' accumulated contributions.
 - c. *Annuitants* represents the actuarial present value of future benefit payments on account of retirees, survivors of a retiree, and survivors of a deceased member.

Employees Retirement System of Texas

*Glossary of Actuarial Terminology
(continued)*

Employees Retirement System (ERS) Fund

Total Contribution Rate consists of an employee contribution rate of 6% of compensation and a state contribution rate of 6.43% of the compensation of all members, as called for in the state law governing the System. The state contribution rate is 6.45% for the biennium beginning September 1, 1993.

Normal Cost is that portion of the actuarial present value of benefits which is allocated to a valuation year by the Entry Age Actuarial Cost Method. It is expressed as both a percent of compensation and in total dollars. When expressed as a percent of compensation, it is equal to the actuarial present value at hire of projected benefits divided by the actuarial present value at hire of anticipated future compensation. It is calculated for each entry age group, and the average is determined for all members, weighted by compensation.

Refer to the table at the end of this glossary of terms for the distribution of the normal cost by type of benefit, expressed as a percent of pay for each System.

Contribution Available to Amortize the Unfunded Actuarial Accrued Liability represents the difference between the total contribution rate and the normal cost which goes toward amortizing the unfunded actuarial accrued liability, if any exists.

Actuarial Accrued Liability equals the total actuarial present value of future benefits (Item 3) minus the actuarial present value of future normal cost contributions [Items 2(a) and 2(b)]. Actuarial accrued liability is that portion, as determined by the Entry Age Actuarial Cost Method, of the actuarial present value of benefits which is not provided for by future normal cost contributions.

Amortization Period in Years represents the number of years that the percent of payroll available to amortize the unfunded actuarial accrued liability would have to be applied against any unfunded liability before it would be fully amortized. The amortization period assumes that contribution rates remain the same and the actuarial assumptions prove to be reasonable in the aggregate over the period of years. When the fund has an overfunded actuarial accrued liability, there is no amortization period.

Funded Ratio is the ratio of assets (Item 1) to the actuarial accrued liability.

Valuation Payroll represents the payroll of the members as of the valuation date multiplied by 12 months. The payroll is involved only in the determination of the period required to amortize any unfunded actuarial accrued liability.

Contributing Members excludes those members who retired on August 31, 1993, because they were included as retirees in the valuation.

Glossary of Actuarial Terminology
(continued)

Law Enforcement and Custodial Officer Supplemental Retirement (LECOS) Fund
(Includes only those items which are different from the ERS Fund)

2. *Actuarial Present Value of Future Contributions:*

Item 2(a) under the ERS does not apply to the LECOS because the LECOS members do not contribute to the plan. All contributions through August 31, 1993, are derived from a portion of the motor vehicle inspection fee. Beginning September 1, 1995, the State will contribute 2.13% of the payroll of members.

- a. *Actuarial Present Value of Employer Normal Costs* is equal to the actuarial present value of that portion of the future normal cost contributions to be made by the State of Texas on behalf of the present active LECOS members.
- b. *Unfunded (Overfunded) Actuarial Accrued Liability* is equal to the excess (deficit) of the total actuarial present value of benefits (Item 3) over (under) the sum of the assets (Item 1) and the actuarial present value of future normal cost contributions [Item 2(a)].

3. *Actuarial Present Value of Benefits:*

- a. *Active Members* portion of the actuarial present values of benefits are shown for each of three types of benefits in the LECOS Fund.
- b. *Inactive Vested Members* represents the actuarial present value of future benefits to be paid to members who were inactive as of the valuation date and who will become beneficiaries in the future. The liability for inactive vested members includes prospective service retirement and death benefits. The LECOS does not have any Inactive Nonvested Members.

Expected Contribution is based on estimated motor vehicle inspections, which ceased for the biennium beginning September 1, 1993 and ending August 31, 1995 (Refer to [Item 2] above).

Normal Cost - Refer to the table at the end of this glossary of terms for the distribution of the normal cost by type of benefit expressed as a percent of pay for each System.

Contribution Available to Amortize the Unfunded Actuarial Accrued Liability represents the difference between the total expected contribution and the normal cost (expressed in dollars) which goes toward amortizing the unfunded actuarial accrued liability, if any exists. Beginning September 1, 1993, the contribution available represents the difference between the State's contribution rate and the normal cost (expressed as a percent) which goes toward amortizing any unfunded actuarial accrued liability.

Actuarial Accrued Liability equals the total actuarial present value of future benefits (Item 3) minus the actuarial present value of future normal cost contributions [Item 2(a)].

Employees Retirement System of Texas

*Glossary of Actuarial Terminology
(concluded)*

Judicial Retirement System of Texas Plan Two (JRS II) Fund
(Includes only those items which are different from the ERS Fund)

3. *Actuarial Present Value of Benefits:*

- a. *Active Members* represents the actuarial present value of future benefits to be paid to present contributing members who will become beneficiaries in the future. The actuarial present values are shown for each of four types of benefits.

Total Contribution Rate consists of an employee contribution rate of 6% of compensation and a state contribution rate that is actuarially redetermined for each biennium. For the biennium ending August 31, 1993, the state's contribution rate is 9.39%. Beginning September 1, 1993, the State's contribution rate is 14.73%.

Normal Cost - Refer to the table at the end of this glossary of terms for the distribution of the normal cost by type of benefit expressed as a percent of pay for each System.

Distribution of Normal Cost as a percent of payroll for each System as of August 31, 1993:

<u>Benefit</u>	<u>System</u>		
	<u>ERS</u>	<u>LECOS</u>	<u>JRS II</u>
	%	%	%
Service Retirement	9.735	1.655	16.20
Nonoccupational Disability	0.390	-	0.90
Occupational Disability	0.101	0.051	-
Death	0.340	0.029	0.68
Termination	1.314	-	1.37
Expenses	0.388	0.054	0.16
Total	<u>12.268</u>	<u>1.789</u>	<u>19.31</u>

Questions about the reports should be directed to Darrell J. Leslie, Director of Accounting, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207, (512) 867-3224, WATS number 1-800-252-3645.

Issued in Austin, Texas, on February 18, 1994

TRD-9436438 Charles D Travis
Executive Director
Employees Retirement System of Texas

Filed: February 18, 1994

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**Texas Environmental Awareness
Network**

Notice of Monthly Meeting

The Texas Environmental Awareness Network, an association of state agencies and environmental and educational organizations, will meet Wednesday, March 9, 1994, at 9:00 a.m. at Texas Parks and Wildlife Department, Wild Basin Preserve Offices, 805 South Capital of Texas Highway, Austin, Texas 78746.

For information about the meeting, or to place an item on the agenda, contact Bob Murphy, TEAN Chair, by mail at 4200 Smith School Road, Austin, Texas 78744, (512) 389-4360, or by fax at (512) 389-4394

Issued in Austin, Texas, on February 16, 1994.

TRD-9436390 John Williams
Secretary
Texas Environmental Awareness Network

Filed: February 17, 1994

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**Texas Department of Health
Licensing Actions for Radioactive
Materials**

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
-----	----	-----	----	-----	-----
Amarillo	Coffee Memorial Blood Center	L04705	Amarillo	0	02/07/94
Dallas	Elizabeth P. Jenkins, M.D.	L04721	Dallas	0	02/03/94
Midland	Associates of Midland Cardiovascular & I.M., P.C.	L04729	Midland	0	02/01/94
Paris	Paris Regional Cancer Center	L04664	Paris	0	02/07/94
Throughout Texas	Durwood Greene Construction Company	L04753	Stafford	0	02/09/94

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
-----	----	-----	----	-----	-----
Abilene	Abilene Regional Medical Center	L02434	Abilene	33	02/02/94
Amarillo	Northwest Texas Hospital	L02054	Amarillo	39	02/08/94
Amarillo	Panhandle Cardiovascular Clinics, P.A.	L04697	Amarillo	1	02/11/94
Austin	BFGoodrich Aerospace Component Overhaul & Repair Inc.	L03372	Austin	6	02/07/94
Beaumont	Beaumont Regional Medical Center	L02102	Beaumont	35	02/11/94
Beeville	Bee County Regional Medical Center	L04510	Beeville	2	02/11/94
Corpus Christi	Coastal Refining and Marketing, Inc.	L01268	Corpus Christi	15	02/02/94
Dallas	Maxum Diagnostic Center	L03125	Dallas	28	02/09/94
El Campo	Wharton Hospital Corporation	L02664	El Campo	10	02/11/94
Fort Stockton	The University of Texas System	L04648	Midland	2	02/11/94
Fort Worth	Harris Methodist Fort Worth	L01837	Fort Worth	54	02/11/94
Greenville	Presbyterian Hospital of Greenville	L01695	Greenville	20	02/09/94
Houston	Houston Imaging Center	L02025	Houston	21	02/03/94
Houston	The Methodist Hospital	L00457	Houston	72	02/04/94
Houston	Spring Branch Memorial Hospital	L02473	Houston	24	02/08/94
Houston	Mallinckrodt Medical, Inc.	L03008	Houston	33	02/15/94
Pasadena	Lyondell Petrochemical Company	L02153	Pasadena	17	01/31/94
Pittsburg	Pilgrim's Pride Corporation	L04750	Pittsburg	3	02/07/94
San Antonio	San Antonio State Chest Hospital	L02218	San Antonio	22	02/07/94
San Antonio	Southwest Texas Methodist Hospital	L00594	San Antonio	107	02/14/94
Sweetwater	Domtar Gypsum	L01144	Sweetwater	15	02/02/94
Throughout Texas	X-Cel Group, Inc.	L03548	Odessa	30	01/28/94
Throughout Texas	General Inspection Services	L02319	Houston	25	01/28/94

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Throughout Texas	Pro-Technics II, Inc.	L03835	Houston	19	01/31/94
Throughout Texas	Betty Fabricators	L01575	Corpus Christi	24	01/31/94
Throughout Texas	Submar, Inc.	L03891	Houston	6	01/31/94
Throughout Texas	Logtech Wireline Services, Inc.	L02501	Tyler	19	01/31/94
Throughout Texas	Longview Inspection	L01774	Houston	77	01/31/94
Throughout Texas	Collin County Courthouse	L04019	McKinney	5	01/31/94
Throughout Texas	Midland Inspection and Engineering, Inc.	L03724	Odessa	46	01/21/94
Throughout Texas	Technical Welding Laboratory, Inc.	L02187	Pasadena	89	01/31/94
Throughout Texas	Industrial NDT Company, Inc.	L04570	Deer Park	9	01/31/94
Throughout Texas	Temperature Evaluation Logging Co. Inc.	L02219	Odessa	13	01/31/94
Throughout Texas	Geotest Engineering, Inc.	L02735	Houston	28	02/03/94
Throughout Texas	The Dow Chemical Company	L00451	Freeport	52	02/04/94
Throughout Texas	AMEC Environmental Services Inc.	L04028	College Station	9	02/04/94
Throughout Texas	Schlumberger Technology Corporation	L01833	Houston	94	02/04/94
Throughout Texas	TransTexas Gas Corporation	L03956	Laredo	10	02/09/94
Throughout Texas	AMEC Environmental Services Inc.	L04028	College Station	10	02/09/94
Throughout Texas	Pro-Technics II, Inc.	L03835	Houston	29	02/07/94
Throughout Texas	Southwestern Laboratories	L01934	Fort Worth	37	02/04/94
Tyler	Radiation Control Systems	L04235	Tyler	9	01/26/94
Tyler	The University of Texas Health Center at Tyler	L01796	Tyler	42	02/08/94
Tyler	The University of Texas Health Center at Tyler	L04117	Tyler	8	02/11/94

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
-----	----	-----	----	-----	-----
Dallas	Woodhill Medical Imaging Center	L04256	Dallas	5	02/01/94
Houston	Houston Northwest Radiotherapy Center	L02416	Houston	13	02/09/94
Throughout Texas	Western Waste Industries	L04230	New Boston	1	02/04/94
Throughout Texas	Colorado Materials Company	L04175	San Marcos	3	02/04/94
Throughout Texas	Pool and Rogers Paving Company, Inc.	L04237	Buda	4	02/07/94
Tyler	Doctors Memorial Hospital	L03505	Tyler	6	02/04/94

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
-----	----	-----	----	-----	-----
Houston	Houston Imagine Center Southwest, Inc.	L04076	Houston	1	02/08/94
Throughout Texas	Sharp Electronics Corporation	L04156	Mahwah, New Jersey	3	01/31/94

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with **Texas Regulations for Control of Radiation** in such a manner as to minimize danger to public health and safety or property and the environment, the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment, the issuance of the license(s) will not be inimical to the health and safety of the public or the environment, and the applicants satisfy any applicable special requirements in the **Texas Regulations for Control of Radiation**

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county, and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing Richard A. Ratliff, P.E., Acting Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas, 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, Exchange Building, 8407 Wall Street, Austin, Texas, from 8:00 a.m. to 5:00 p.m., Monday-Friday (except holidays).

Issued in Austin, Texas, on February 16, 1994.

TRD-9436389 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed February 17, 1994

Notice of Emergency Impoundment Order

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Charles E. Dobbs, M.D., of Houston to immediately surrender to the bureau for impoundment all radioactive material in his possession in Texas. The order was issued because Dr. Dobbs is in possession of radioactive materials for which he does not possess a valid Texas radioactive material license. The order will remain in effect until Dr. Dobbs is issued a radioactive material license authorizing such possession and use, or has arranged for the proper disposal or transfer of the radioactive material.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on February 17, 1994.

TRD-9436392 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed February 17, 1994

Notice of Rescission of Orders

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following order: Emergency Cease and Desist Order and Notice of Violation issued October 19, 1993, to West Plaza Health Center, 8989 Westheimer, Suite 317, Houston, Texas 77063, holder of Certificate of Registration Number R20699.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on February 17, 1994.

TRD-9436393 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed February 17, 1994

Texas Department of Housing and Community Affairs

Notice of Public Hearing-Proposed 1994 Final Statement

The Texas Department of Housing and Community Affairs announces the following six public hearings to solicit comments on the Texas Community Development Program's proposed Final Statement to the U.S. Department of Housing and Urban Development (HUD) for Program Year 1994. Topics to be discussed include the proposed Final Statement, the purposes and goals of the program eligible applicants and activities, fund allocations, the application process, project selection criteria, and any proposed procedural changes. Copies of the proposed Final Statement and any proposed procedural changes will be available at these hearings.

Comments or suggestions may be presented in person at any of the public hearings or may be submitted in writing to the Texas Department of Housing and Community Affairs, Texas Community Development Program, P.O. Box 13941, Austin, Texas 78711-3941 by March 25, 1994.

The following is a list of the six public hearings to be held: Tuesday, March 8, 1994, at 10:00 a.m., John H. Reagan Building, Room 109, West 15th Street and North Congress Avenue, Austin, Texas, Contact: Vicki Gossett, Texas Community Development Program, at (512) 475-3909; Wednesday, March 9, 1994, at 10:30 a.m., Arlington City Hall, Council Chambers, 101 West Abram

Street (corner of Abram and Center Street), Arlington, Texas, Contact: Jack Tidwell, at (817) 640-3300; Thursday, March 10, 1994, at 5:30 p.m., John Gray Institute Auditorium, campus of Lamar University in Beaumont, 855 East Florida Avenue, Beaumont, Texas-Contact: Fred Hellen, South East Texas Regional Planning Commission, at (409) 727-2384; Monday, March 14, 1994, at 1:00 p.m., South Plains Association of Governments (SPAG), Board Room, 1323 58th Street (corner of 58th and Avenue P), Lubbock, Texas-Contact: Robin Sisco, SPAG, at (806) 762-8721; Tuesday, March 15, 1994, at 5:30 p.m., Laredo Civic Center, Meeting Room #2, 2400 San Bernardo, Laredo, Texas, Contact: Juan Vargas, South Texas Regional Office, at (210) 722-3995; Wednesday, March 16, 1994, at 2:30 p.m., Harlingen Public Library, 410 76 Drive, Harlingen, Texas, Contact: Mary Ellen Rodriguez, at (210) 430-6650.

Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal, ADA responsible employee, at (512) 475-3822 or Relay Texas at 1-800-735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Issued in Austin, Texas, on February 18, 1994.

TRD-9436432 Henry Flores
Executive Director
Texas Department of Housing and
Community Affairs

Filed. February 18, 1994

Texas Department of Human Services Correction of Error

The Texas Department of Human Services proposed amendments to 40 TAC §§19.1602, 19.1603, 19.1605, 19.1606, 19.1611, and 19.1613. The rules appeared in the February 15, 1994, issue of the *Texas Register* (19 TexReg 1096).

Section 19.1613(1) should read "(1) Recipients eligible for reconsideration of [medical necessity] effective dates must have the following, prior to the submission of a request for reconsideration:"

Texas Department of Licensing and Regulation Request for Proposals

The Texas Department of Licensing and Regulation is accepting requests for proposals for education programs, seminars, or training projects for auctioneers licensed in Texas. A copy of the request for proposals may be requested from Pauline Denson, (512) 463-7369. Proposals must be received by the Texas Department of Licensing and Regulation by May 1, 1994.

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

Issued in Austin, Texas, on February 16, 1994

TRD-9436355 Jack W. Garrison
Executive Director
Texas Department of Licensing and
Regulation

Filed: February 16, 1994

Texas Department of Mental Health and Mental Retardation Correction of Error

A reference included in the preamble to the adoption of new Chapter 409, Subchapter I (relating to Rehabilitative Services for Persons with Mental Illness) was incorrectly cited. The second paragraph of the preamble, published in the September 17, 1993, issue of the *Texas Register* (18 TexReg 6312), should have read:

"The provisions of Subchapter I govern the administration of the Medicaid program for rehabilitative services for persons with a mental illness in Texas. The new rules are basically identical to rules of the Texas Department of Human Services (TDHS) contained in Title 40, Texas Administrative Code, §§290.201-29.207, governing the same matters.."

Texas Natural Resource Conservation Commission Consultant Contract Award

The Texas Natural Resource Conservation Commission (TNRCC), in accordance with provisions of Texas Civil Statutes, Article 6252-11c, announces the awarding of a consultant contract to two consulting firms working in conjunction.

The solicitation for proposals was published in the September 28, 1993, issue of the *Texas Register* (18 TexReg 6689).

The consultants will develop a technical training curriculum for new and experienced technical staff in the TNRCC's Watershed Management, Water Utilities, and Agriculture and Rural Assistance Divisions.

The contract was awarded jointly to Jeanneret and Associates Incorporated, Vieux Carre Building, 3223 Smith Street, Suite 212, Houston, Texas 77006-6685 and EnviroSource Training and Technology Incorporated, 211 East Parkwood, Suite 210, Friendswood, Texas 77546. The fee estimate is \$26,327, including expenses. The consultant contract will begin in March 1994, and will end in May 1994. Reports and documents will be submitted as required.

Issued in Austin, Texas, on February 17, 1994

TRD-9436397 Mary Ruth Holder
Director, Legal Division
Texas Natural Resource Conservation
Commission

Filed. February 17, 1994

Enforcement Orders

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted

An agreed enforcement order was entered regarding David Coleman (Water Well Drillers Advisory Council License Number 1601W) on February 4, 1994, assessing \$2,250 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Bonnie Rubey, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0676.

An agreed enforcement order was entered regarding Edward Jarzombek (Water Well Drillers Advisory Council License Number 686WI) on February 4, 1994, assessing \$2,250 in administrative penalties with the entire amount deferred pending compliance.

Information concerning any aspect of this order may be obtained by contacting Bonnie Rubey, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0676.

An agreed enforcement order was entered regarding Fina Oil and Chemical Company (INRCC Facility ID Number 24684) on February 4, 1994, assessing \$10,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Raymond Winter, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0477.

Issued in Austin, Texas, on February 14, 1994.

TRD-9436363 Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: February 16, 1994

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**Notice of Receipt of Application and
Declaration of Administrative
Completeness on Municipal Solid
Waste Application**

Attached is a Notice of Receipt of Application and Declaration of Administrative Completeness for a municipal solid waste permit issued during the period of February 7-February 11, 1994.

This application has been determined to be administratively complete, and will now be subject to a technical evaluation by the staff of the Texas Natural Resource Conservation Commission. Persons should be advised that the application is subject to change based on such evaluation.

Notices are issued pursuant to the Texas Health and Safety Code §361.0665. Any person who may be affected by the facility is entitled to request a hearing from the Commission. The Commission will issue further notice of the application and the terms of any proposed draft permit once the technical evaluation is completed.

Information concerning permit applications may be obtained by contacting the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Sanifill of Texas, Inc.; Fort Worth; Type I; adjacent to existing site, permit number 1195, south of the intersection of FM Road 1886 (Confederate Park Road) and Silver Creek Road, approximately 3.5 west of State Highway 199 northwest of the city of Fort Worth, Tarrant County, Texas; new; MSW208-A.

Issued in Austin, Texas, on February 17, 1994.

TRD-9436427 Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: February 17, 1994

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**Texas State Board of Examiners of
Psychologists
Correction of Errors**

The Texas State Board of Examiners of Psychologists adopted new 22 TAC §§466.1-466.43, on an emergency basis. The rules appeared in the February 1, 1994, issue of the *Texas Register* (19 TexReg 677).

Section 466.41. Final Decisions and Orders. The last line should read "reviewing" Court.

Section 466.8. Pleadings. In the style of the case, the word "Board" should all be in capital letters.

Section 466.35. Oral Argument. In the third line, the first word should be "heard" not hard.

Section 466.36. Proposals for Decisions. In Section (d), the second line, the first word should be "requests", not request; and there should not be a comma after it.

Section 466.39. Final Decisions and Orders. In Section (d), the third line, it should read "agency of the execu-".

Section 466.40. Motions for Rehearing. In Section (b), the fourth line from the bottom of the section, it should read "parties may by agreement".

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**The Texas State Board of Public
Accountancy
Correction of Error**

The Texas State Board of Public Accountancy adopted an amendment to 22 TAC §501.2, concerning Professional Conduct. The rule appeared in the February 4, 1994, issue of the *Texas Register* (19 TexReg 789).

There are two errors in the preamble of the rule. The preamble states that the amendment is adopted without changes to the proposed text as printed in the December 3, 1993, issue of the *Texas Register* (18 TexReg 8843). Actually the amendment is adopted with changes. The second error is at the top of page 790. The words "of the proposed amendment" should follow the term "deletion" and appear before "of the definition of the practice of public accountancy."

Public Utility Commission of Texas
Notice of Intent to File Pursuant to
Public Utility Commission
Substantiative Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantiative Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Bell County, Belton, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for Bell County pursuant to P.U.C. Substantiative Rule 23.27. Docket Number 12764.

The Application Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for Bell County. The geographic service market for this specific service is the Belton, Texas area

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 453-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on February 15, 1994

TRD-9436359 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: February 16, 1994

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Notice of Application to Amend
Certificate of Convenience and
Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on January 13, 1994, to amend a certificate of convenience and necessity pursuant to §§16(a), 18(b), 50, 52, and 54 of the Public Utility Regulatory Act. A summary of the application follows.

Docket and Title Number: Application of Contel of Texas, Inc. to Amend Certificate of Convenience and Necessity Within Ellis County, Docket Number 12704, before the Public Utility Commission of Texas.

The Application: In Docket Number 12704, Contel of Texas, Inc. seeks approval of the application to amend the existing exchange area boundary between its Ferris exchange and Southwestern Bell Telephone Company's Red Oak exchange in order to accurately reflect the current serving arrangements.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission of Texas at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf on or before March 14, 1994.

Issued in Austin, Texas, on February 15, 1994

TRD-9436358 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: February 16, 1994

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Texas Workers' Compensation
Research Center

Notice of Cancellation of Meeting

The board of directors of the Texas Workers' Compensation Research Center will not hold a March meeting. The next meeting of the board of directors is scheduled for April 6, 1994, at 10.00 a.m. at a location to be announced prior to the meeting.

Issued in Austin, Texas, on February 18, 1994.

TRD-9436446 Lavon Guerrero
Administrative Assistant
Texas Workers' Compensation Research
Center

Filed: February 18, 1994

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 34
	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

Texas Register

Services

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Texas Natural Resources Conservation Commission, Title 30

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