

# 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:

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**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**Withdrawn Rules -** sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after the proposal publication date.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 21, April 15, July 12, and October 11, 1994). In its second issue each month the *Texas Register* contains a cumulative *Table of TAC Titles Affected* for the preceding month. If a rule has changed during the time period covered by the table, the rule's *TAC* number will be printed with one or more *Texas Register* page numbers, as shown in the following example.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE  
*Part I. Texas Department of Human Services*  
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The *Table of TAC Titles Affected* is cumulative for each volume of the *Texas Register* (calendar year).

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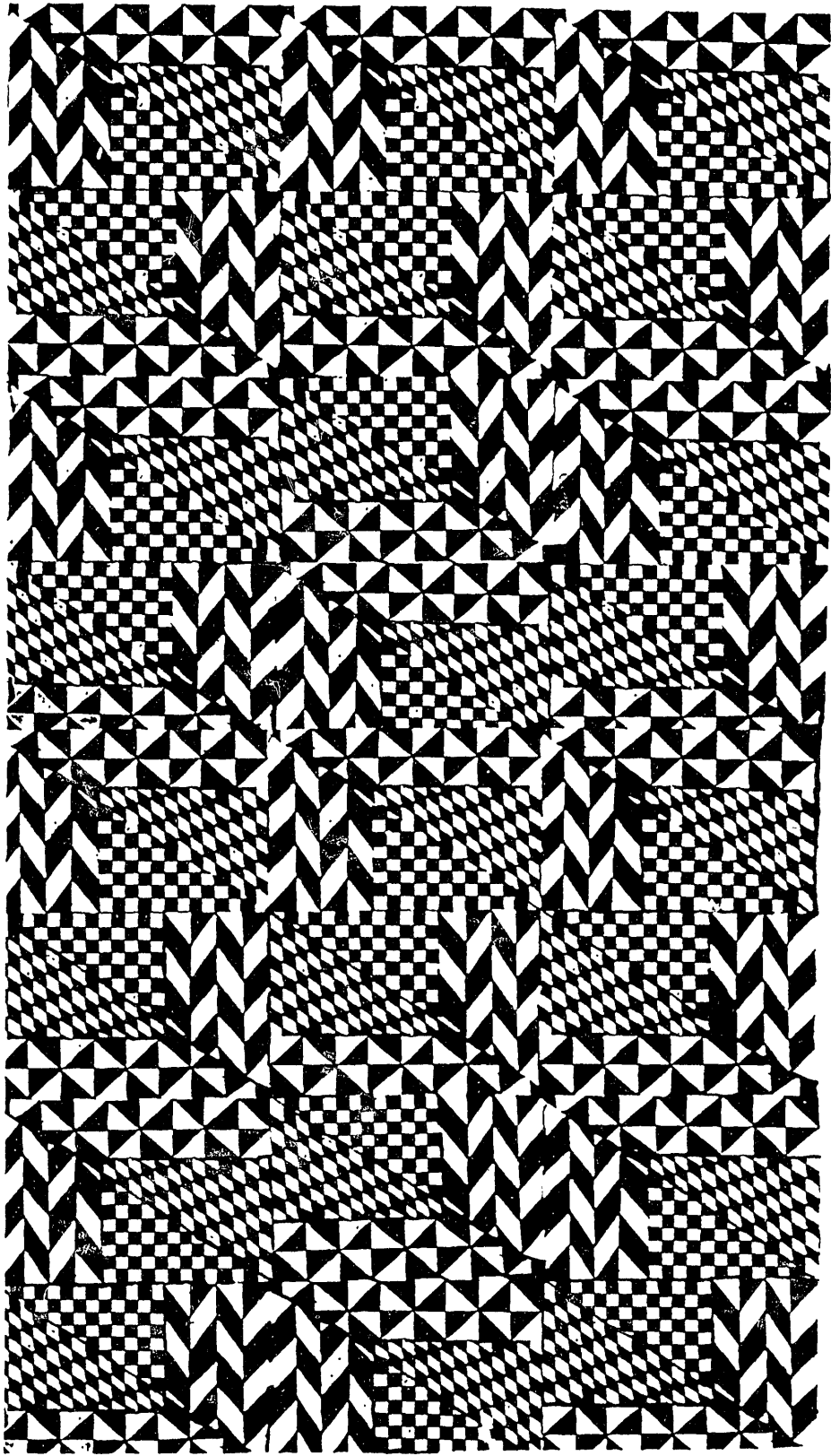
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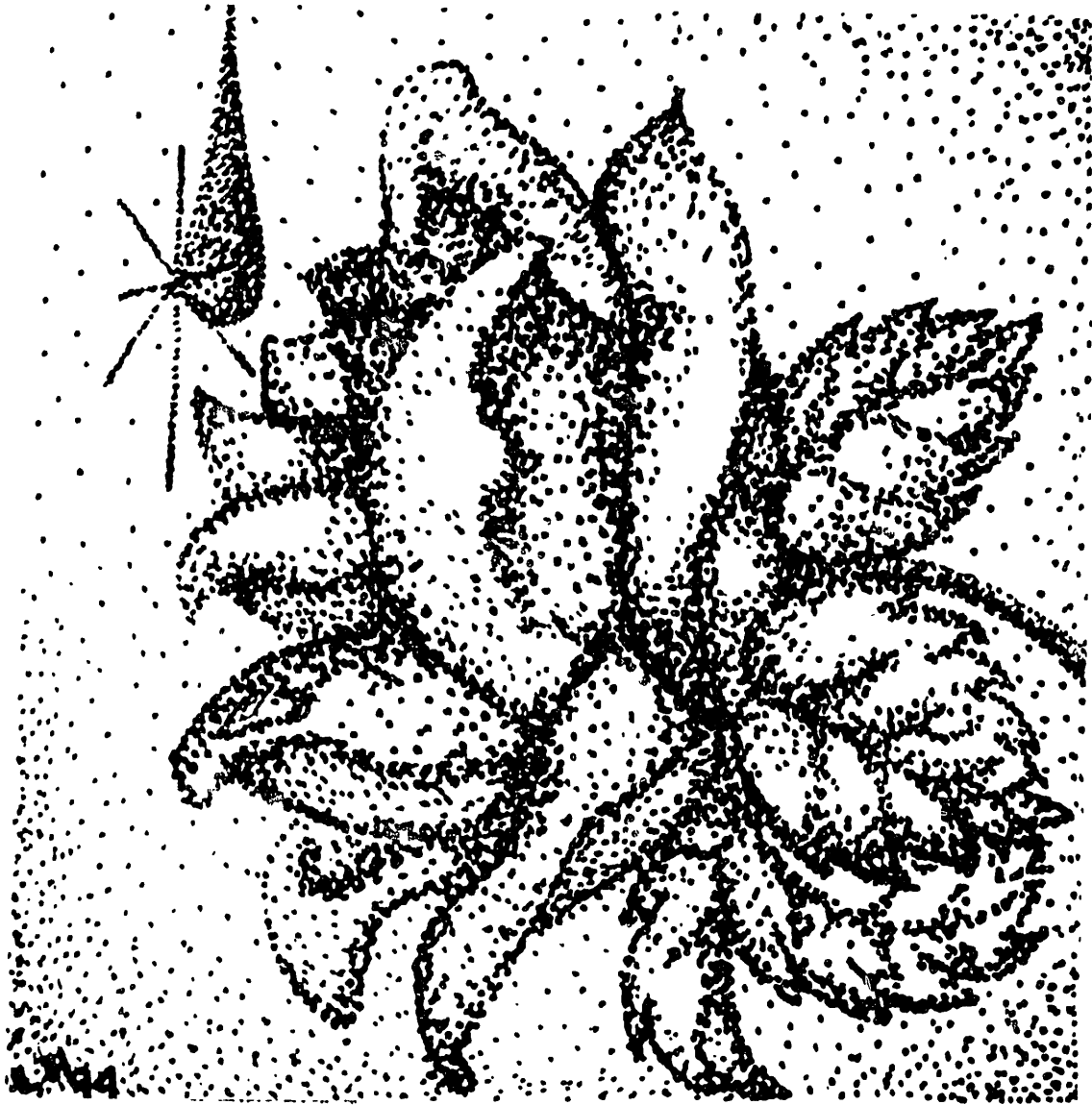
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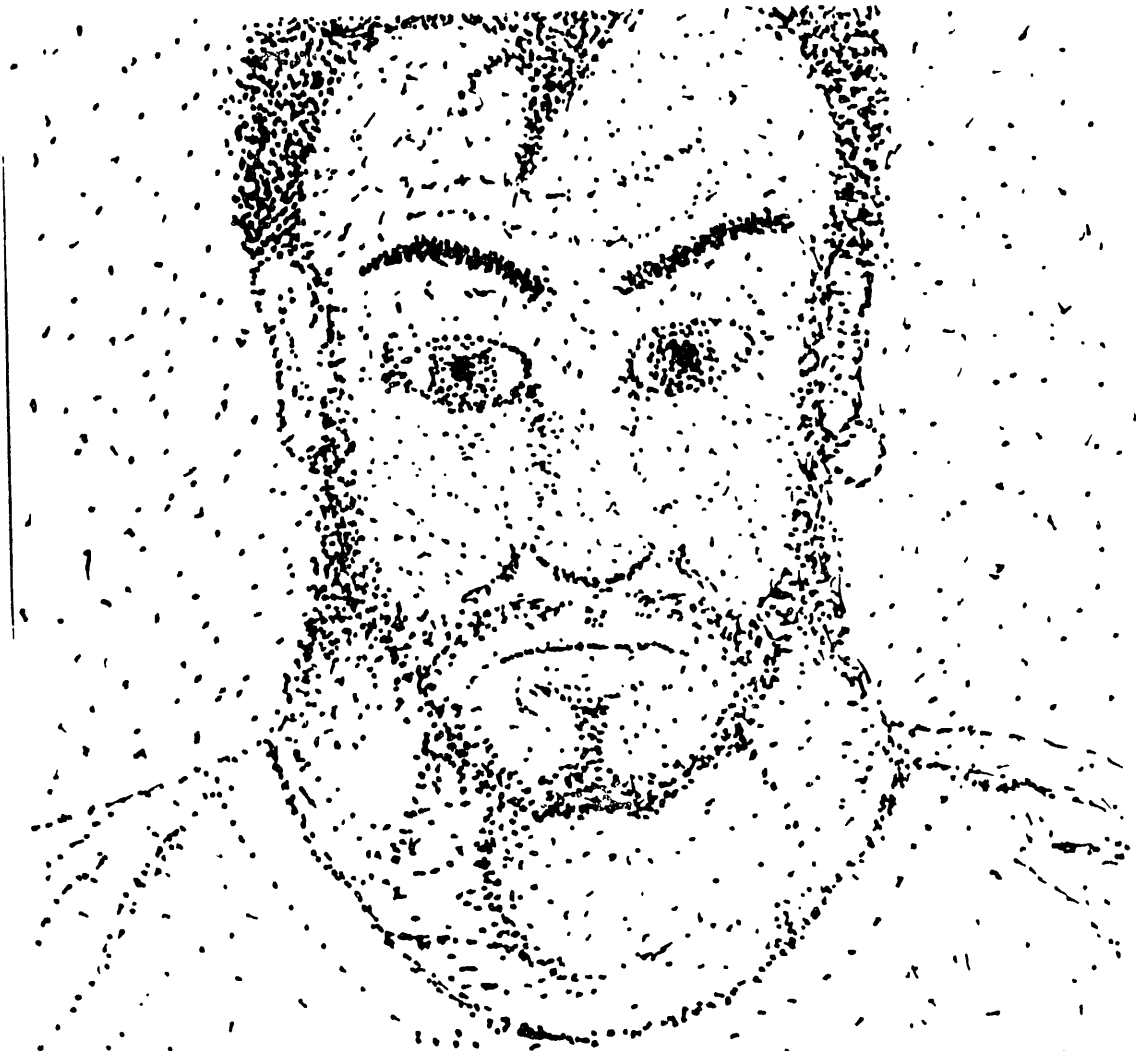
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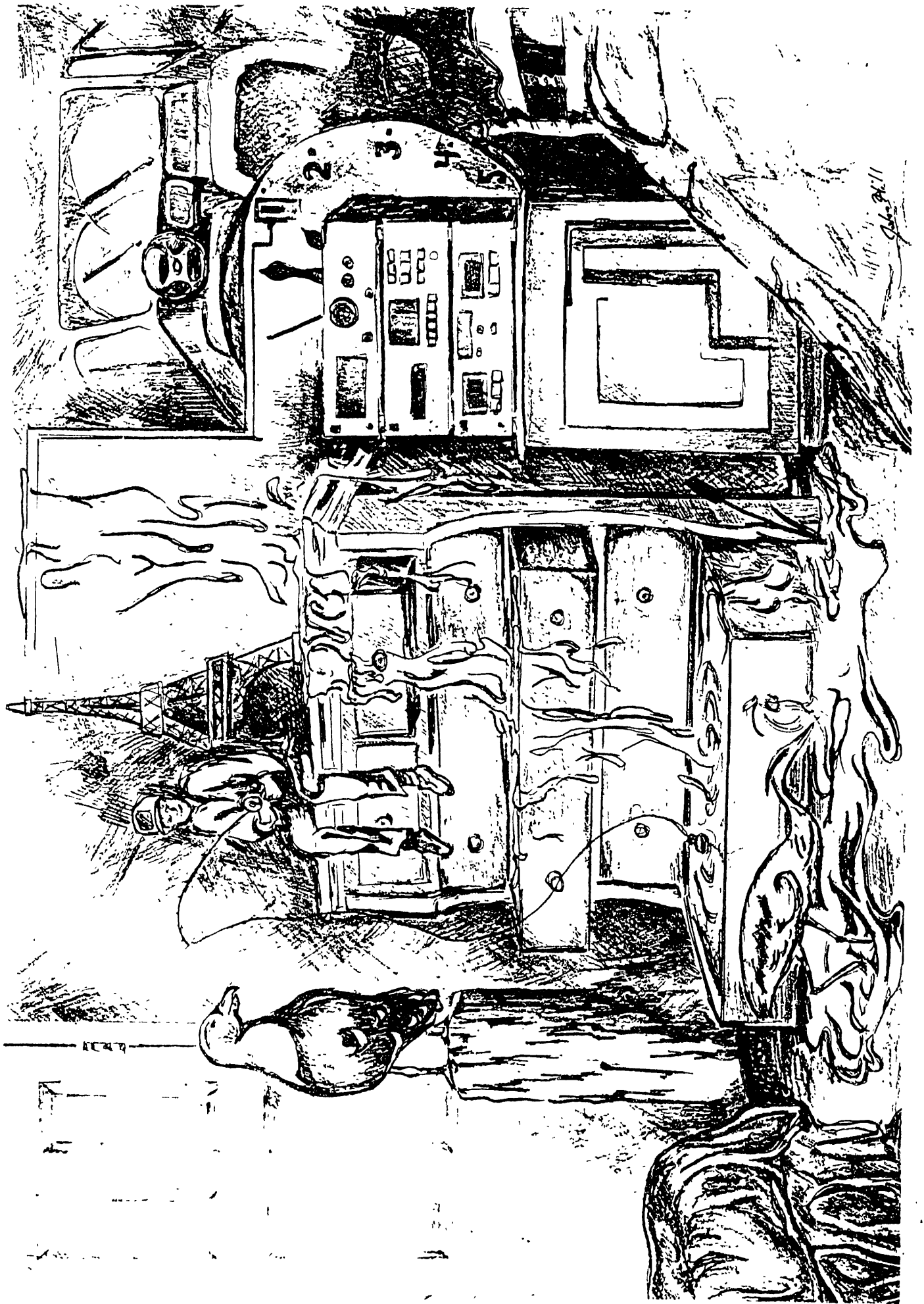


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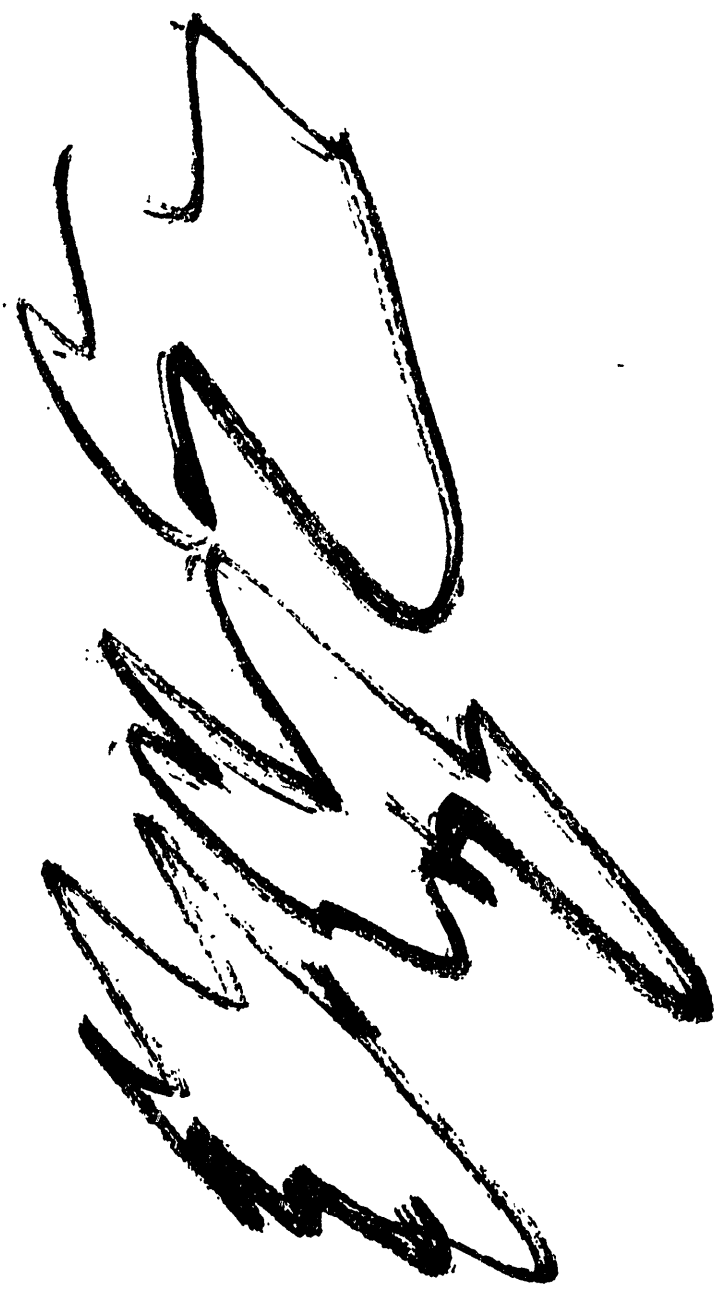
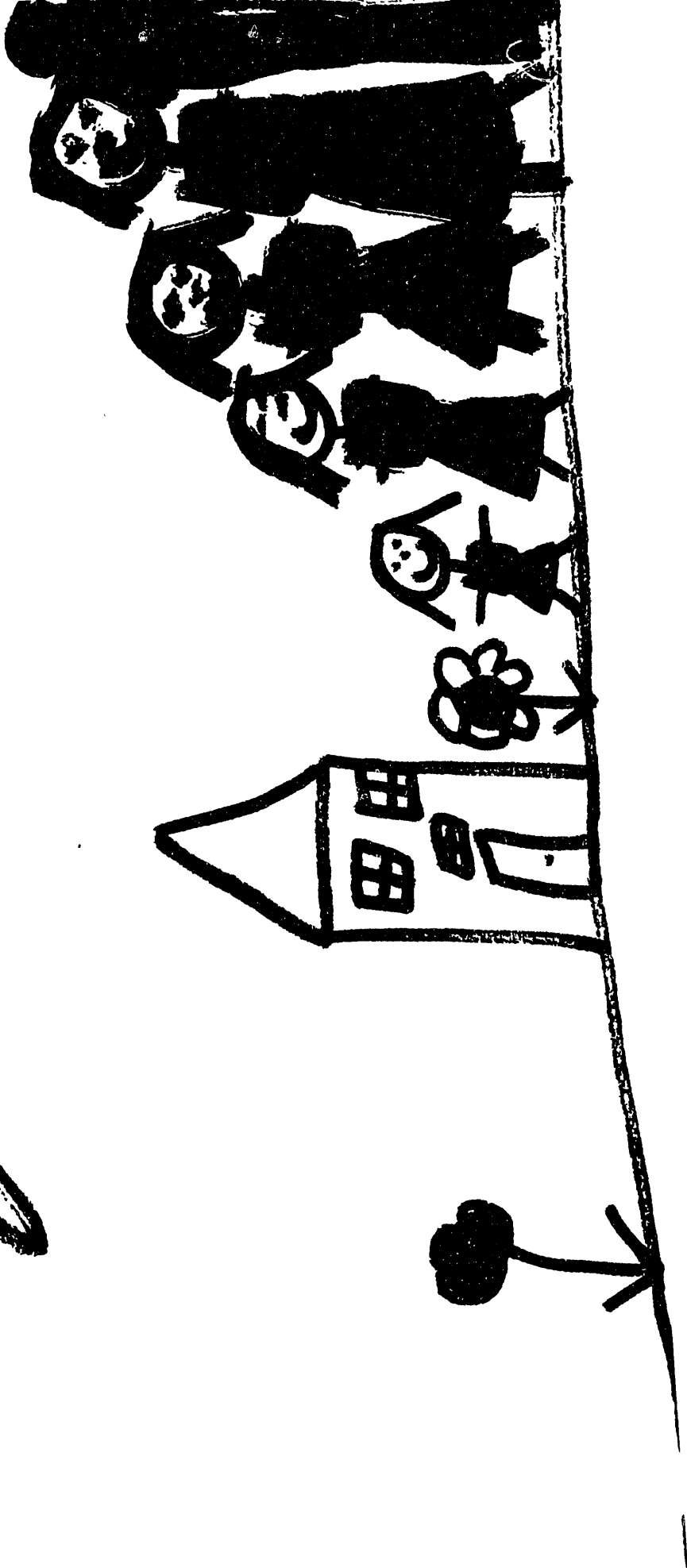




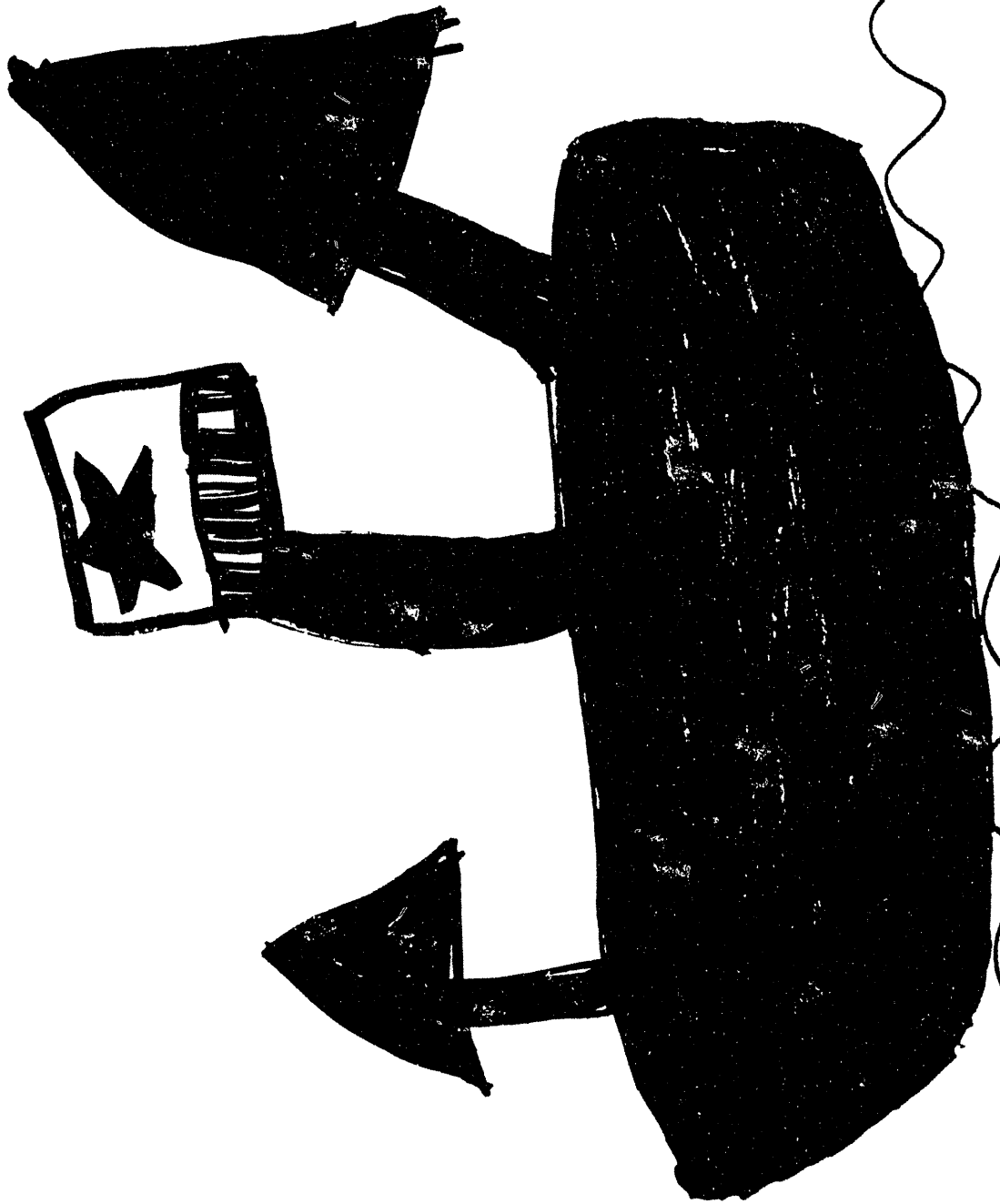
CHRIS MAGUIRE







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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 4. AGRICULTURE

### Part I. Texas Department of Agriculture

#### Chapter 15. Consumer Services Division

##### Texas Egg Law

- 4 TAC §§15.42-15.47, 15.49, 15.50, 15.53-15.55

The Texas Department of Agriculture proposes amendments to §§15.42-15.47, 15.49-15.50, and 15.53-15.55, concerning the Texas Egg Law. The proposed amendments will clarify and modernize the regulations in response to new technology and standard practices in the egg industry and will make the sections consistent with statutory requirements. The proposed amendment to §15.42 will revise the definitions of case, eggs, food purveyor, person, producer, retail carton, and ungraded, as well as adding the definitions of department, legible, stock carton, and Texas Egg Law and deleting the definition of undue deterioration. The proposed amendment to §15.43 will clarify who must obtain a license and change the amount of a brokers license to comply with applicable appropriations riders. The proposed amendment to §15.44 will clarify and eliminate retail repackaging of eggs and specify labeling violations. The proposed amendments to §15.45 and §15.47 will modernize the language used to determine false or deceptive labeling and the language used in reporting and record requirements. The proposed amendment to §15.46 will specify an alternative form of labeling in emergencies and require the removal of cracked and leaking eggs from retail display. The proposed amendment to §15.49 will require that all packed eggs be stored under refrigeration and that eggs shipped into Texas be transported under refrigeration. The proposed amendment to §15.50 will clarify language allowing exceptions to the Egg Law. The proposed amendments to §§15.47, 15.53, and 15.55 will update fees. The proposed amendment to §15.54 will delete unnecessary language.

Bob Tarrant, coordinator for egg quality, has determined that for the first five-year period the rules are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Mr. Tarrant also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules will be that consumers will be presented with more printed nutritional information upon the egg cartons and public health will be better protected due to the requirement of removing broken or damaged eggs from retail sale, not allowing eggs to be repackaged at the retail outlets, and requiring packed eggs to be stored under refrigeration. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Bob Tarrant, Coordinator for Egg Quality, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711, and 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 the Texas Agriculture Code, §132.003, which provides the Texas Department of Agriculture with the authority to adopt rules necessary for the administration of Texas Agriculture Code, Chapter 132, concerning regulation of egg quality.

The code chapter affected by this proposal is the Texas Agriculture Code, Chapter 132.

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

**Case**—A 30-dozen egg case as used in commercial practice in the United States. The term "half-case" shall mean a container of 15 dozen eggs. [For the purpose of establishing the inspection fee on larger or smaller cases that may be used in the trade, the rate of inspection fee shall be \$.01 per ten dozen eggs.]

**Department**—Texas Department of Agriculture.

**Eggs**—Eggs in the shell that are the product of the domesticated chicken. ["Eggs of current production" shall mean shell eggs which have moved through usual marketing channels since the time they were laid and have not been held in refrigerated storage in excess of 30 days.]

**Food purveyor**—A person, excluding producers as defined in these sections [this Act], that buys or sells in the channels of trade, including operators of restaurants, cafeterias, institutions, and hotels, including other places where eggs are served in the shell or broken out for immediate consumption.

**Legible**—Easy to read.

**Person**—All individuals, firms, associations, partnerships, corporations, cooperatives or any other type of business entity that traffics in, handles, and/or sells eggs.

**Producer**—Any person who produces and disposes of eggs from the output of his personally owned flock, provided that:[]

(A) if [If] a producer obtains eggs from any source other than his own flock and markets or disposes of those eggs along with his own production, he loses his identity as a producer and all eggs handled or produced by him must comply with labeling and inspection provisions of the Texas Egg Law;

(B) if [If] a producer claims a grade designation on any portion of his production, he loses his identity as a producer and his entire production must comply with provisions of the Texas Egg Law.

**Retail carton**—Any container in which eggs for human consumption are offered for sale within the channels of trade or to the consumer in the State of Texas [of one egg to three dozen eggs].

(A) **NOTE.** A paper bag which has been presacked with one or more eggs by the seller shall be cases (1,440 eggs) per week. If any portion of the required information relating to the packer, the license number, or the address, city, and state is printed on the carton at the time of its manufacture, then all of this information must be commercially printed.

(2) **Exemption.** Firms having two or more packing operations may, at their election, utilize one inventory of egg cartons which display the Texas egg license number and address of the parent facility.

However, each satellite packing station shall identify on each carton the address for the actual location where the eggs were sized and graded, or at its option, the identifying egg license number obtained from the department [Texas Department of Agriculture], which will serve to substitute for the address of the actual location of the applying satellite packing station.

(b) Stock cartons.

(1) If a packer is using stock cartons, the required information shall [may] be legibly printed on the carton [with a rubber stamp] at the packing plant. In such cases, the [minimum size of the] lettering [on the stamp] shall be legible [at least 1/4 inch in height]. The minimum information [on the stamp] shall be as designated in subparagraphs (A)-(D) of this paragraph.

(A) grade and size;

(B) Texas license number;

(C) post office, street [or state] address, or route number of packer;

(D) city and state.

(2) If a producer exempt under the Texas Agriculture Code, §132.002, is using stock cartons, the cartons must be labeled "produced by (producer's name)" and bear the producer's address in legible [1/4 inch boldface] type only when packed by a bona fide producer and sold direct to the consumer or through a retailer whose total eggs sales do not exceed four cases (1,440 eggs) per week. Such information [A rubber stamp with the above information is recommended; however, this] may be hand printed on the carton, provided it is legible and appears on the top panel of the egg carton.

(3) Labeling information on the stock carton must be placed in a legible fashion and [on the top panel of the carton in a space at least one inch deep by two inches wide which is free of any design or competing printed matter. The printing] must contrast sharply with the background of the space imprinted.

(c) Cases [Loose pack eggs]: dealer/wholesaler. All egg cases containing [loose pack] eggs in the channel of trade must bear a label on either or both ends of the case which contains the information designated in paragraphs (1)-(3) of this subsection, as applicable, in distinctly legible [1/4 inch] boldface capital type or print. This information may be commercially printed or rubber stamped on the label.

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

(3) post office, street address, or route number; and [the city and state of the grader/packer]

(4) the city and state of the grader/packer.

(d) Cases [Loose pack eggs]: producer. If the case is packed by a producer [as defined in this Act], the label or tag affixed to the case shall read: "Produced by (producer's name) " and bear the complete mailing address of the producer.["] Such information [While a producer under the Texas Agriculture Code, §132.002, is exempt from licensing, grading and inspection provisions of the law, he must, for the purpose of enforcement of the Act, identify his production to separate it from other eggs in the channels of trade which are subject to the Act (a rubber stamp is recommended to display the required information on a label), however, it] may be hand printed, provided it is legible [and letters are at least 1/4 inch in height].

(e) Uncartoned retail sales. If uncartoned eggs are offered for sale to the consumer at retail [uncartoned], a sign showing all the information required under subsection (c) of this section must be clearly displayed with the eggs. This sign must be distinctly legible in letters at least one inch high. All eggs must remain in the same case or container in which a retailer receives them from the producer or dealer/wholesaler. These eggs cannot be repacked or removed from the original case or container by anyone other than the consumer.

(f) Eggs packed in retail "break-away" cartons. If a retail carton can be divided by the consumer or retailer into smaller units for the purpose of selling lesser amounts of eggs, each half or portion of the container must contain full information as to the size and grade, amount remaining in the divided portion, Texas egg license number, address, and city and state of the grader/packer[, and "Produced in Texas" (if Texas produced)].

[(g) Damaged or out-of-date eggs.

[(1) A carton of eggs with any existing conditions as designated in subparagraphs (A) -(C) of this paragraph must be removed from a retail display on a daily basis.

[(A) cracked eggs;

[(B) leaking eggs; or

[(C) a combination of cracked and leaking eggs.

[(2) Out-of-date eggs may be removed from an existing carton and placed in clean, new, properly labeled egg cartons as designated in subsection (h)(2) of this section.

[(3) Clean, sound, shelled eggs must be removed from an existing carton

containing eggs meeting those conditions stated in paragraph (1) of this subsection and placed in clean, new, properly labeled egg cartons as designated in subsection (h)(2) of this section.

[(4) Prior permission for repackaging of damaged or out-of-date eggs, or both must be obtained from the Texas Department of Agriculture as set out in subsection (h) of this section.

[(5) Eggs placed under an official Texas Department of Agriculture stop sale order as designated in the Texas Agriculture Code, §132.071, must be returned to the original packer as a retail store is not a grading station.

[(6) Neither the eggs nor the original egg carton may be washed or cleaned in anyway for use and must be disposed of immediately upon removal of the eggs.

[(h) Retail repackaging of eggs.

[(1) On a one-time basis, by written request to the Program Administrator, Texas Egg Law, Consumer Services Division, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711, permission may be secured to repackage those eggs which are not cracked, leaking, or otherwise unfit for retail sale as set forth in subsection (g) of this section. Additional requests may be granted where the department deems necessary.

[(2) Minimum requirements which must appear on an egg carton are those designated in subparagraphs (A)-(C) of this paragraph.

[(A) Grade "B" medium (may contain quantities of larger sizes but nothing less than medium size eggs). United States Department of Agriculture's grade specifications and tolerances must be adhered to and are as designated in clauses (i) and (ii) of this subparagraph.

[(i) Grade specifications.

[(I) The shell of the eggs may be slightly stained and abnormal, but unbroken;

[(II) The air cell may be over 3/16 of an inch in depth, may show unlimited movement and may be free or bubbly;

[(III) The white of the egg may be weak and watery, and small blood and meat spots (aggregating not more than 1/8 inch diameter) may be present; and

[(IV) The yolk of the egg or its outline may be plainly visible, may have a visible germ development but

no blood, may be enlarged and flattened, and may have other defects that do not render the egg inedible.

[(ii) Grade tolerances

Ninety percent of the eggs must be "B" grade or better with no more than 10% cracked eggs present

[(B) Quantity (six eggs, 1/2 dozen, 12 eggs, one dozen, etc.)

[(C) A statement declaring that the eggs in the egg carton were packed by the store where the eggs are located at the time of purchase or inspection and that a quantity of the eggs may be larger than the size indicated on the container.]

(g)[(i)] Violators of labeling provisions. Those persons failing to adhere to the provisions of §15.44 of this title (relating to Labeling), shall be subject to the appropriate criminal penalty as provided in the Texas Agriculture Code, §132.081. A violation of §15.44 is also subject to a civil or administrative penalty not to exceed \$500 per violation. Each day a violation continues may be considered a separate violation for purposes of a penalty assessment. The department may also seek appropriate injunctive relief.

§15.45. *False or Deceptive Labeling.* The label on an egg container shall be considered false or deceptive:

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

(4) if the container bears the word "fresh," "yard," "selected," "henery," "new-laid," "infertile," "cage," or other words of similar import, or if the eggs in the container are represented in any way as being "fresh" unless they are of "AA" or "A" quality. Eggs offered for sale which have been held under refrigeration for a period of 30 days or more do not qualify under USDA standards as current production and shall not be labeled "AA" or "A";["]

[(5) if Texas eggs are commingled with eggs from out-of-state and labeled "Produced in Texas;"]

[(6) if Texas eggs are not labeled "Produced in Texas;"]

(5)[(7)] if the descriptive language or art work on the carton or container misrepresents, misleads, or misinforms the consumer as to the method, locality or quality of egg production, and

(6)[(8)] if the carton or container bears more than one Texas egg license number or [of] the address, city, and state of any person other than the actual packer, unless specific approval has been granted under §15.46(b) of this title (relating to General Information). [Permis-

sion can be obtained from the Texas Department of Agriculture, in an emergency, to use a gummed label bearing the correct grader/packer and license information on a carton, provided the new label can be permanently affixed to the carton in such a manner as to obscure the incorrect data.]

§15.46. *General Information.*

(a) Egg cartons cannot be reused except by the original packer. [It should be understood that the governor-appointed Texas Egg Marketing Advisory Board has the authority to approve or disapprove the advertising copy or information printed on cartoned eggs.]

(b) Permission may be obtained from the department, in an emergency, to use a gummed label bearing the correct grader/packer and license information on a carton, provided the new label can be permanently affixed to the carton in such a manner as to obscure the incorrect data and the Texas egg license number of the packer is placed on the end of the carton.

(c)[(b)] The commissioner or his [duly appointed] representative shall for the purpose of enforcing the Texas Egg Law have the authority to break any form of sealing on any egg case or retail container. In the event that a broken seal necessitates the repacking of such cases or containers, the original packer and said packer shall absorb all expenses involved.

(d) A carton of eggs with any existing conditions as designated in paragraphs (1)-(3) of this subsection must be removed from a retail display on a daily basis:

- (1) cracked eggs;
- (2) leaking eggs; or
- (3) a combination of cracked and leaking eggs.

(e) Standards of shell egg quality, grade, and size shall be equal to those adopted by the United States Department of Agriculture.

§15.47. *Reports and Records [License Requirement].*

(a) Reporting [Facility] requirements.

(1) Each licensee shall [separate person that is licensed with the State of Texas as a dealer/wholesaler, processor, or broker of eggs must, except as hereinafter provided,] submit a report as designated by the department and remit any fees due on a monthly basis, however, a licensee at his election may submit the required reports on a quarterly basis, provided that no fees are due. [to the

Texas Department of Agriculture, Austin, Texas, a monthly egg reporting form, stating a true and complete record of his egg business by calendar month, as outlined in the following subsection.] This report is due not later than the tenth day of the following month, if filed monthly, or not later than the tenth day of the following quarter, if filed quarterly. [Every licensee, except as hereinafter provided, is required to file this report monthly, whether he handled eggs or not, even though he might not owe a fee.] If a fee is due, then the amount of this fee [payable by check or money order] must accompany the reporting forms; provided, however, that a class 1 dealer/wholesaler licensee may at his election submit reporting forms and pay required fees on a quarterly basis]. Each licensee shall keep a copy of this report [reporting form] on file at the facility for which he is licensed for a period of two years. Any licensee who fails to promptly submit required reports [reporting forms] or pay required fees is subject to criminal [legal] penalties specified in the Texas Egg Law §132.081[, §19]. A violation of this section is also subject to a civil or administrative penalty not to exceed \$500 per violation. Each day a violation continues may be considered a separate violation for purposes of a penalty assessment. The department may also seek appropriate injunctive relief.

(2) All resident dealer/wholesalers of eggs in the State of Texas must report all eggs purchased and/or produced and the total volume of eggs sold at wholesale and retail. The licensee shall list on this report all plants and/or persons from whom eggs were purchased and accurately indicate whether these eggs were purchased on a graded or ungraded basis. A fee of \$.05 [\$.03] per case [(30 Dozen)] on all sales of eggs on which the licensee established the first grade shall accompany this report [reporting form].

(3) The dealer/wholesaler operating in the State of Texas who obtains or purchases any eggs from a broker or the mercantile trade exchange is liable for the \$.05 [\$.03] per case [(30 dozen) inspection] fee and the required labeling of said eggs, whether graded or ungraded. Furthermore, the Texas dealer/wholesaler shall be liable for the [inspection] fee and labeling of any eggs purchased or obtained from an out-of-state packer that is not licensed with the State of Texas (whether said eggs are graded or ungraded) [at time of transaction, until such time that the out-of-state packer becomes licensed with the State of Texas]. Any eggs of this nature received by a Texas dealer/wholesaler that do not bear a label which is in compliance with the labeling requirements of the Texas Egg Law shall be considered ungraded eggs [and the Texas dealer/wholesaler shall be liable for the in-

spection fee and labeling of these eggs, as described previously).

(4) It shall be the responsibility of the Texas dealer/wholesaler that receives out-of state egg shipments from unlicensed packers to notify the department [Texas Department of Agriculture] by way of the report [reporting form]. Upon receiving this information the department [Texas Department of Agriculture] will contact this packer and require that he be licensed with the State of Texas. Failure to comply shall result in immediate stop sale of all further shipments of eggs from said packer into the State of Texas.

(5) The nonresident dealer/wholesaler shall give a complete breakdown of all sales of graded and ungraded eggs into the State of Texas, listing the individual plant or person to whom eggs were sold and indicating whether these eggs were sold on a graded or ungraded basis. Accompanying the report shall be a check or money order for the amount of the [inspection] fee based on \$.05 [\$.03] per case [(30 dozen)] on all eggs shipped into Texas on a graded basis.

(6) All licensed processors in this state shall pay a [an inspection] fee of \$.05 [\$.03] per case [(30 dozen)] on all shell eggs which they handle upon their first use or change in form of eggs processed by them.

(7) All brokers licensed with the State of Texas shall itemize in their reports [this report] a true and complete list of all eggs brokered into and in the State of Texas. This list shall include the name and address of all persons from whom eggs were purchased and to whom they were sold and the amount of eggs involved in each transaction. Furthermore, said broker shall indicate whether said eggs were graded or ungraded.

(8) All dealer/wholesalers and processors shall keep a monthly physical inventory of the total amount of eggs on hand at the end of each month; this record shall be kept on file at the facility for which he is licensed for a period of two years. This record shall be available and open for

inspection by the commissioner or his [duly authorized] representative at all reasonable times.

(b) Invoice requirements.

(1) Every licensed dealer/wholesaler and processor shall keep on file at the facility for which he is licensed, for a period of two years, a copy of all invoices of all eggs purchased, (or production records if their own production,) and sales. These invoices shall state the correct grade and size of eggs (if graded) or specify they were ungraded [(if ungraded)], the name and address of the person from whom eggs were purchased and to whom sold, also the number of dozens or cases included in each transaction and the date thereof. These invoices shall be available and open for inspection by the commissioner or his [duly authorized] representative at all reasonable times.

(2) (No change.)

(3) Every licensed broker shall keep on file at the facility for which he is licensed, a true and complete record of all egg business transacted in or into the State of Texas. This record shall include the name and address of the person from whom eggs were purchased and to whom sold. It shall also state the date of each transaction and indicate the grade and size of said eggs. Ungraded eggs shall be identified accordingly. This information shall be kept on file for a period of two years and shall be available and open for inspection by the commissioner or his [duly authorized] representative at all reasonable times.

#### *§15.49. Temperature and Sanitary Requirements.*

(a) To prevent undue deterioration, all packed eggs shall be stored under refrigeration [held] at a temperature not higher than 60 degrees Fahrenheit and a relative humidity of not less than 75%. Such eggs shall be transported and held in areas that are clean and sanitary, and shall not be stored or transported with or adjacent to any contaminating source or materials.

(b) Eggs which are shipped across the state line into Texas shall be transported

under refrigerated conditions sufficient to maintain a case temperature not higher than [of at least] 60 degrees Fahrenheit. This temperature shall be determined by taking a reading between the second and third layer of eggs from either end of the case.

*§15.50. Exceptions To Texas Egg Law.* Producers of eggs who sell only the production of their own flocks without claiming any egg grade or size and without engaging in any previously defined egg marketing activity which would cause them to lose their identity as a producer shall be exempt from all provisions of these rules [this Act] except to identify their eggs as "Produced by (producer's name)" and give their address[.]"

#### *§15.53. Cold Storage Requirements.*

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

(c) The person that takes first possession of these eggs after receiving them in this state shall be liable for compliance with subsections (a) and (b) of this section and also shall be liable for payment of the \$.05 [\$.03] per case [inspection] fee [under House Bill 107]. Furthermore, upon receiving these eggs, the same person will be held responsible for the proper labeling of these eggs to comply with these rules and [the labeling requirements of] the Texas Egg Law.

*§15.54. USDA Plant Numbers.* The United States Department of Agriculture plant number and the Texas egg license number may be the same on the carton or container, provided all appropriate state license fees are paid, and further provided that the USDA number is identified by the prefix "P" when the license number is printed. [Example: "Packed by Texas Licensee Number P-1000".]

*§15.55. Texas Department of Agriculture Chart for Computation of Egg Inspection Fee on Partial Cases.*

No. of Dozen	Amount
0-6 [10]	\$.01
<u>7-12</u> [11-20]	\$.02
<u>13-18</u> [21-30]	\$.03
<u>19-24</u>	\$.04
<u>25-30</u>	\$.05

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 June 6, 1994.

TRD-9441886 Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Earliest possible date of adoption: July 15, 1994

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

◆ ◆ ◆  
• 4 TAC §§15.51, 15.52, 15.56

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

The Texas Department of Agriculture proposes the repeal of §§15.51, 15.52, and 15.56, concerning pack tolerance specifications at destination, sampling methods for egg inspections and Texas Egg Law forms. The repeal is proposed in order to clarify and simplify the regulations in response to standard practices in the egg industry. The proposed repeal of §15.51 will eliminate partial quotes from the adopted standards. The proposed repeal of §15.52 will eliminate the sampling methods for egg inspection, which is covered in department handbooks. The proposed repeal of §15.56 will eliminate by reference the forms designated by the Texas Department of Agriculture.

Bob Tarrant, coordinator for egg quality, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Tarrant 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 enforcing the repeals will be a reduction in unnecessary and duplicative regulations. There will be no effect on small businesses.

There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Bob Tarrant, Coordinator for Egg Quality, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711, and must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The repeals are proposed under the Texas Agriculture Code, §132.003, which provides the Texas Department of Agriculture with the authority to adopt rules necessary for the administration of the Texas Agriculture Code, Chapter 132, concerning regulation of egg quality.

The code chapter affected by this proposal is the Texas Agriculture Code, Chapter 132.

*§15.51. Pack Tolerance Specifications at Destination.*

*§15.52. Sampling Method for Egg Inspection.*

*§15.56. Texas Egg Law Forms.*

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 June 6, 1994.

TRD-9441885 Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Earliest possible date of adoption: June 15, 1994

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

◆ ◆ ◆  
Texas Grain Warehouse

• 4 TAC §15.78

The Texas Department of Agriculture (the department) proposes new §15.78, concerning regulation of warehouse receipts that are ten year old or more. The new section is pro-

posed to provide procedures to implement the Texas Agriculture Code, §14.017. The new section allows the department to limit the negotiability of warehouse receipts.

Bob Tarrant, coordinator, Commodity Warehouse Program, 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. Tarrant also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to provide a more accurate accounting method for warehouse inventories and depositors' accounts payable and receivable. The proposed rule will also allow for more efficient use of storage facilities by not requiring warehouse operators to maintain sufficient inventories of commodities to cover warehouse receipts when storage and handling charges exceed the fair market value of the receipts. 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 Bob Tarrant, Coordinator, Commodity Warehouse Program, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711. Comments must be received no later than 30 days from the date of the publication of the proposal in the *Texas Register*.

The new section is proposed under the Texas Agriculture Code, §14.003, (Vernon 1982), which provides the Texas Department of Agriculture with the authority to adopt rules necessary to regulate Public Grain Warehouses.

The proposal affects the Texas Agriculture Code, Chapter 14.

*§15.78. Regulation of Expired Warehouse Receipts.* Unless previously canceled in accordance with the provisions of the Texas Business and Commerce Code, Chapter 7, a Texas commodity warehouse receipt issued under the Texas Agriculture Code, Chapter 14, expires ten years after the date of issuance. An expired warehouse receipt becomes non-negotiable and the obligation transfers on the daily position record from

warehouse receipted to open storage. The depositor, after notification from the warehouseman, has the option to have a new negotiable warehouse receipt issued after satisfying accrued storage and handling charges, or to leave as an open storage obligation. If the obligation is left as open storage, the warehouseman has the option to offset any accrued storage and handling charges. Before the offset, the warehouseman shall provide 30 days advance notice by certified mail to the last known address of the depositor. Such notice shall contain a statement of account including, but not limited to, the kind of grain, quantity, current market price and accrued storage and handling charges. Storage charges may be calculated for the ten-year term at the present rate on the day of the offset, unless the storage rate is indicated on the warehouse receipt.

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 June 6, 1994.

TRD-9441887 Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Earliest possible date of adoption: June 15, 1994

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

## TITLE 7. BANKING AND SECURITIES

### Part V. Office of Consumer Credit Commissioner

#### Chapter 85. Rules of Operation for Pawnshops

- 7 TAC §§85.21, 85.31, 85.41, 85.51, 85.61, 85.71, 85.81

The Office of Consumer Credit Commissioner proposes new §§85.21, 85.31, 85.41, 85.51, 85.61, 85.71, and 85.81, concerning the operation of pawnshops subject to licensure under the provisions of the Texas Pawnshop Act. The sections set standards, duties, and responsibilities of pawnbrokers as to required business records, advertising, security of persons and pledged goods, lost or damaged pledged goods, assisting crime victims, examinations and investigations, and various operational provisions; provide a comprehensive set of rules supplementing the provisions of Texas Civil Statutes, Article 5069, Chapter 51, and provide guidance to pawnbrokers concerning matters pertaining to the operation of pawnshops.

Al Endsley, consumer credit commissioner, has determined that there may be fiscal impli-

cations as a result of enforcing or administering this section. Mr Endsley has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for local government, except that local law enforcement agencies may, at their option, realize some savings in connection with requiring electronic reporting to law enforcement agencies. Mr Endsley has determined that for the first five year period the proposed sections will be in effect there will be no fiscal implications for state government nor are there foreseeable implications relating to cost or revenues.

Mr. Endsley also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing these sections will be to ensure the public that pawnbrokers maintain adequate records of property transactions, that pawnbrokers will search their records to assist crime victims searching for stolen property, that pawnbrokers provide adequate security for pledged goods in their possession, and that pawnbrokers are financially responsible. In addition, the public will be benefited by more meaningful information on loan documents, by advertising that is truthful and not misleading, and by various procedural requirements designed to ensure that pawnshops operate in a manner consistent with the public interest. There will be no effect on small businesses. Some pawnbrokers will incur increased costs associated with minimum requirements for amounts of general liability and fire insurance. In addition, some pawnbrokers will incur increased costs for adequate alarm systems and safes for the security of pledged jewelry. Other pawnbrokers will not incur increased costs as they currently meet the proposed requirements. There is no information reasonably available from which to estimate a specific cost amount.

Comments are requested on the proposal from any interested person. Written comments should be submitted to Al Endsley, Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705, within 20 days after the date of this publication. As required by Article 5069-51.09(b), statements will be received at a public hearing June 27, 1994, at 9:00 a.m. at the Brown-Heatly Building, 4900 North Lamar Boulevard, Austin, Texas.

The new sections are proposed under provisions of the Texas Pawnshop Act; Texas Civil Statutes, Article 5069-51.09(b), which provides the consumer credit commissioner with the authority to make regulations necessary for the enforcement of the Texas Pawnshop Act; and with certain provisions of Article 5069-51.17B, authorizing or directing the commissioner to adopt rules on specific subjects

The new sections will affect Articles 5069-51.04, -51.08, -51.09, -51.10, -51.12, -51.14, -51.16, and -51.17B

#### §85.21. Business Records

(a) Minimum records, location of records. Each pawnbroker must keep adequate books and records relating to all busi-

ness transacted in the pawnshop. The following records are the minimum required records and must be kept in the pawnshop unless otherwise approved by the commissioner

- (1) Loan transactions.

#### (A) Pawn Ticket

(i) Prescribed form and content. The commissioner shall prescribe the form and required content of the pawn ticket. In a manual records system, the pawn ticket must be a four-part form on which entries to the top part are legibly and simultaneously reproduced on the remaining parts. The ticket must contain all the information required in Texas Civil Statutes, Article 5069-51.10 and satisfy the requirements of the Truth-in-Lending Act and Regulation Z. The pawn ticket must indicate the date which is 60 days following the maturity date and which is the last date on which a pledgor has the legal right to redeem his or her pledged goods. If the pawnshop is normally closed on the 60th day following the maturity date of the loan, then the pawn ticket must instead indicate the last date immediately preceding the 60th day on which the pawnshop will be open. The 60th or alternative date shall be captioned "Last Day of Grace." The pawn ticket or the electronic data processing system used to write and store information about pawn transactions must include alphabetical or numerical characters sufficient to identify the person writing the pawn ticket and handling the renewal or redemption of the loan. The fourth part of the ticket must provide appropriately designated spaces for posting amounts paid on the loan. The form must measure four inches vertically by six inches wide and in addition must provide a perforated stub to be utilized in tagging pledged goods. All parts of the ticket form must be sequentially numbered by the printer who produces the ticket form. The stub shall be simultaneously numbered with the same sequential number. See subsection (b) of this section (Appendix A) for the prescribed front of the original pawn ticket. See subsection (b) of this section (Appendix B) for the prescribed back of the original pawn ticket. See subsection (b) of this section (Appendix C) for the prescribed back of the third and fourth parts of the pawn ticket. Any modifications to the prescribed forms must be approved, in advance, by the commissioner.

- (ii) Distribution of copies.

The original must be given to the pledgor when the loan is made. The second part must be made available to a local law enforcement agency and may be retained by the agency. The third part must be placed in an alphabetical file of open loans. The fourth part must be maintained in a file in strict numerical sequence.



(iii) Voided tickets. Voided tickets must be clearly marked "VOID." The original and third parts of voided tickets must be retained and filed with the fourth part of the ticket. The second part must be made available to a local law enforcement agency and may be retained by that agency.

(B) Memorandum of extension.

(i) Prescribed form and content. The commissioner shall prescribe the form and content of the memorandum of extension. A written memorandum must be used to document the extension of the maturity date of a pawn loan. The extension must be by agreement between the pledgor and the pawnbroker. Payment of pawn service charges at the date of the memorandum constitutes evidence of agreement on the part of the pledgor. The memorandum must have the same dimensions as the pawn ticket and must be at least a two part form on which entries to the top part are legibly and simultaneously reproduced on other parts. See subsection (b) of this section (Appendix D) for the prescribed memorandum form. Last Day of Grace as used in the memorandum means the date one month and 60 days after the date of the memorandum or the next preceding date on which the pawnshop will be open for business. Modification of the form prescribed in subsection (b) of this section (Appendix D) must be approved in advance, by the commissioner.

(ii) Distribution of copies. The original of the memorandum must be given to the pledgor or must be mailed to the pledgor if the transaction is negotiated by mail. The copy must be retained by the pawnbroker. The memorandum copy may be filed in the Numerical File of Redemptions and Renewals, attached to the fourth part of the corresponding pawn ticket, or filed in any systematic manner that permits ready retrieval of all copies relating to a particular pawn ticket.

(iii) Procedural details. The daily rate of finance charge is 1/30th of the finance charge shown on the pawn ticket. The number of days for which a pledgor pays in connection with an extension is the total amount paid divided by the daily rate. The pledgor is not required to pay a particular amount of finance charge or to pay the accrued finance charge to a particular date when negotiating an extension. If a pledgor negotiates an extension and subsequently pays a loan in full prior to the original maturity date, the pawnbroker must compute the earned pawn service charge as if the extension had not been made and must credit the pawn service charge paid for the extension against the earned pawn ser-

vice charge and may only collect the difference.

(C) Records of payments. A written record of every amount collected in connection with a pawn loan must be made immediately upon receipt.

(i) If a payment is made in connection with the redemption of pledged goods or the renewal of a loan and the original pawn ticket is returned to the pawnbroker, the pawnbroker may satisfy the record of payment requirement if the pawnbroker posts, to the front of the original pawn ticket, the date of the transaction and the amount of money actually received and retained by the pawnbroker. If the amount of money received includes any costs for packing, shipping, or insuring goods redeemed by mail, the amounts of such costs must be itemized.

(ii) If a payment is made in connection with the redemption of pledged goods or the renewal of a loan and the pawnbroker uses a separate Lost Ticket Statement form, the pawnbroker may satisfy the record of payment requirement if the pawnbroker posts, to the front of the Lost Ticket Statement, the date of the transaction and the amount of money actually received by the pawnbroker. The pawnbroker must file the Lost Ticket Statement with the original pawn tickets. If the amount of money received includes any costs for packing, shipping, and insuring goods redeemed by mail, the amounts of such costs must be itemized. As an alternative, the pawnbroker may use the third part of the pawn ticket to record the transaction and then file the third part in the Numerical File of Redemptions and Renewals.

(iii) If a payment is made in connection with the extension of a loan, the pawnbroker may satisfy the record of payment requirement through completion of a memorandum of extension which is filed with the original pawn tickets.

(iv) If a payment is made in connection with a pawn loan under circumstances which are not covered in clauses (i)-(iii) of this subparagraph, the record of payment must be made on the back of the fourth part of the pawn ticket. If the amount of money received includes any costs for packing, shipping, or insuring goods redeemed by mail or for a lost ticket statement, the amounts of such costs must be itemized.

(D) Written receipt. A pawnbroker must give a payor a written receipt for any payment on a loan. A properly completed memorandum of extension form may serve as a receipt for payment of charges.

(E) Record of forfeiture and redemption or renewal options. When a pawnbroker exercises his option to take pledged goods as his property, the pawnbroker must make a notation of such action and the date of action on the fourth part of the pawn ticket. If a pawn ticket has not been so marked, the related loan is considered open even if the grace period has expired. The pledged goods on any unrestricted open loan may be redeemed by payment of the amount financed and pawn service charges accrued to the actual date of redemption, a loan may be renewed by payment of pawn service charges accrued to the date of renewal, or a loan may be extended.

(F) Alphabetical index. The third part of each pawn ticket issued must be promptly filed alphabetically by the name of the pledgor. The index must be maintained in alphabetical order and tickets promptly removed when the corresponding loans are closed.

(G) Numerical index of loans. The fourth part of each pawn ticket must be promptly filed in numerical sequence by the sequential number on the ticket.

(H) Numerical file of redemptions. The original of each pawn ticket returned to the pawnbroker must be promptly filed in sequential number sequence. Any separate lost ticket statement forms or third parts of pawn tickets used to document a redemption or renewal when the original ticket is lost must be filed with the original pawn tickets according to the sequential number of the related ticket. This Numerical File of Redemptions may be maintained separately or may be merged and combined with the Numerical Index of Loans.

(I) Notice of lost pawn ticket. When a pawnbroker receives oral notification from a pledgor that the pledgor's pawn ticket has been lost or stolen, the pawnbroker must instruct the pledgor to put such notice in writing. If the pledgor is present in the pawnshop at the time of giving oral notice, the pawnbroker must provide the pledgor with a form or other materials on which to give written notice.

(J) Power of attorney. In the event that the original pledgor desires to designate another person to redeem the pledged goods and the original pledgor has lost the pawn ticket, a power of attorney is required from the original pledgor designating the person for redemption. The power of attorney should be filed in the Titled Goods Documents File.

(2) Titled Goods.

(A) Negotiation. A pawnbroker may accept as goods pledged on loans, a motor vehicle and other property having a certificate of title. The pawnbroker must not permit or require the owner to sign the title to effect transfer to the pawnbroker.

(B) Limited power of attorney. When a pawn loan involves titled property, the pawnbroker may require the owner sign a power of attorney form appointing the pawnbroker as his attorney-in-fact for the sole purpose of transferring the ownership of the property to the pawnbroker in the event the pledgor fails to pay the loan.

(C) Titled Goods Documents File. The pawnbroker must establish a separate, special file in which all powers of attorney, certificates of title and registration receipts are kept. This file shall be known as the Titled Goods Documents File.

(D) Prohibited fees. A pawnbroker must not charge for title, tax, transfer, notary, storage, or other such fees when accepting titled goods on a pawn loan.

(3) Standards for describing goods. Pledged goods and purchases must be accurately and fully described. All serial numbers including vehicle identification numbers and boat hull numbers that are reasonably available must be accurately entered on required documents. Any visible owner applied number or other identifying marks must be recorded. As applicable, the item type, brand, make, model number, engraving, inscriptions, color, size, length, unique markings, and design must be recorded. In addition, the pawnbroker must record the additional descriptors in subparagraphs (A)-(C) of this paragraph, as applicable.

(A) Firearms. Descriptions of firearms must also include caliber, if known, and type of firearm such as handgun or pistol, rifle, shotgun, airgun, black powder weapon, etc.

(B) Jewelry. Descriptions of jewelry must also include type and approximate weight of metal including the purity of gold if indicated or determined; gender, if determinable; style; and stones, if any. Stones must be described as to type, if determinable including determinations by use of electronic testing devices; color; shape; number; size; and approximate weight. Class ring descriptions must include school name and class year.

(C) Motor vehicles. Descriptions of motor vehicles must also include the year model of manufacture, body style, license plate number, and state of registration.

(D) Required sequence. The commissioner may prescribe a required sequence in which primary descriptive information is required to be entered on pawn tickets and on agreements to purchase to facilitate communication of property transaction information to law enforcement agencies.

(4) Lost or Damaged Goods Documentation File. Each pawnbroker must establish a separate record in which the pawnbroker must make immediate entry upon discovery that pledged goods have been lost or damaged. The record shall be known as the Lost or Damaged Goods Documentation File. The record must contain the following information:

(A) the date of discovery;

(B) the pawn ticket number;

(C) identification of the lost or damaged property;

(D) the date of resolution;

(E) the manner in which the matter was resolved.

(5) Record of goods identified as stolen. Each pawnbroker must establish a log or other record which identifies each pawn loan by ticket number on which there was a determination that the pledged goods were not lawfully possessed by the pledgor. The record must also identify the specific goods concerned, the true owner of the goods, and the terms and conditions under which the pawnbroker relinquished possession of the goods.

(6) Accounting records and systems. Each pawnbroker must establish, within 150 days of the effective date of these rules, and maintain an internal accounting control system that can be relied upon to produce accurate financial information and to safeguard assets. Such system must conform to generally accepted accounting principles.

(7) Records maintained on electronic data processing (EDP) systems.

(A) Filing of description of systems and programs. Records and accounting systems maintained in whole or in part by EDP systems may be used in lieu of the books, files, and records required by

these rules if they contain equivalent information. Each system must receive prior written approval from the commissioner. Pawnbrokers seeking approval must file a complete and detailed written description of the system proposed to be utilized, including an enumeration of any features that do not meet the requirements of these rules and a full explanation as to how the equivalent information will be maintained in the proposed system. A pawnbroker must specify whether a system will be used in its entirety. Filings must include operating manuals and instructions and, if requested, a copy of the software as used by the pawnbroker. Printed user instructions must provide a clear and concise section of procedures which must be followed to operate the system as contemplated by the commissioner in approving the system. Within 30 days after the effective date of these rules, every pawnbroker using an EDP system must file notice of such use with the commissioner on a form provided by the commissioner. All systems in place on the effective date of this rule shall be deemed approved if previously reviewed and approved by the commissioner.

(B) Filing of amendments.

All changes to a pawnbroker's electronic data processing system which cause the system to provide less information must be filed with the commissioner at least 14 days in advance of use by a pawnbroker. All changes which constitute upgrades of a system must be filed within 14 days after the close of each calendar quarter.

(C) Who must file. Each pawnbroker is responsible for filings as described in this subsection; however, a vendor may make filings on behalf of pawnbrokers provided such filing identifies each pawnshop represented by the filing.

(D) Withdrawal of approval by the commissioner. If, based on examination and practical experience with an EDP system and its records, the commissioner finds that the system and its records do not function and provide information as anticipated at the time of approval shall be deemed unsatisfactory, and approval withdrawn by the commissioner. A pawnbroker may have 90 days to make modifications directed by the commissioner to achieve a satisfactory record system.

(E) Associated hard copy records. The commissioner may approve systems for filing hard copy records that differ from those required for manual records systems.

(F) Reporting property transactions to law enforcement. The commis-

sioner may require pawnbrokers who maintain their records by use of an EDP system to report their loan transaction information and information on purchases of used or secondhand personal property to an appropriate local law enforcement agency directly or through the commissioner's office. The commissioner may do this by publication of a bulletin setting forth the technical criteria and directions developed through consultation with interested law enforcement agencies and vendors of EDP systems.

(G) System access and control. Controls must be in place to ensure

that access is controlled to protect the computer system and applications against unauthorized use, damage, loss, or modifications. Controls must be in place to provide reasonable assurance against the accidental or malicious destruction or misuse of records and equipment.

(b) Records retention. All required books, records, instruments, and papers must be available for inspection during normal business hours and at other reasonable times as requested by the commissioner or his authorized representative for two years from the date of the last recorded transaction.

(9) Consumer credit commissioner file. Each pawnbroker must maintain a separate file for all communications from the commissioner and for copies of correspondence and reports addressed to the commissioner. This file must include, but not be limited to, copies of the Texas Pawnshop Act, examination reports, and any bulletins, orders, or rules issued by the commissioner.

(b) The prescribed front and back of the original pawn ticket is shown in Appendixes A and B. The prescribed back of the third and fourth parts of the pawn ticket is shown in Appendix C. The prescribed memorandum form is shown in Appendix D. Appendixes A-D are as follows.

Appendix A

PLEDGOR (LAST NAME FIRST)				LOAN #	ORIG LOAN #	( SEQUENTIAL TICKET NO HERE )
ADDRESS			CITY, STATE, ZIP			DATE MADE
IDENTIFICATION TYPE & NO		DATE OF BIRTH	EYES	HEIGHT	SEX	RACE
EMP. IN	CREDITOR ( Name, address, and telephone number of pawnshop here )			AMOUNT FINANCED The amount of cash advanced or credit extended to you		\$
EMP. OUT				FINANCE CHARGE The dollar amount the credit will cost you		\$
You are giving a security interest in the following pledged goods				TOTAL OF PAYMENTS Amount required to redeem pledged goods on Date Due		\$
				ANNUAL PERCENTAGE RATE The cost of your credit as a yearly rate		%
I am the owner of the pledged goods and/or have the right to possess them. Pledged goods are free and clear of any encumbrance, lien, or claim  X _____ PLEDGOR'S SIGNATURE				DATE PAID	LAST DAY OF GRACE	
				CASH PAID	ITEMIZATION OF AMOUNT FINANCED	
				\$	<input type="checkbox"/> Given to you directly <input type="checkbox"/> Paid to us to renew a prior loan This loan may be renewed or extended unless this box is marked <input type="checkbox"/> This loan may not be renewed or extended	

Appendix B

We have made you a loan of the Amount Financed that is secured by the pledged goods you have deposited with us as listed on the front of this ticket. You do not have to pay this loan. If you want to recover the pledged goods you must pay us the Amount Financed plus the Finance Charges we have earned. If the Finance Charge shown on the front is \$15 or less we earn all the Finance Charge when the loan is made. If the Finance Charge is greater than \$15 and you pay the loan in full or renew it before the Date Due, we will reduce the Finance Charge by 1/30th for each day from the day you pay or renew the loan to the Date Due but the Finance Charge will never be reduced below \$15. The Total of Payments is the amount you owe on the Date Due. If you pay the loan after the Date Due, we will add 1/30th of the Finance Charge for each day from the Date Due until the date you pay. If you do not pay the loan on or before the Last Day of Grace your pledged goods may become our property if we so choose. If your pledged goods become our property we may sell it to you or any other person at a price determined by us and the buyer must pay sales tax. IF YOU NEED ADDITIONAL TIME TO PAY YOUR LOAN, YOU MUST GET OUR AGREEMENT IN WRITING. VERBAL AGREEMENTS FOR ADDITIONAL TIME ARE NOT BINDING. You have certain rights to extend or pay this loan by mail. If you redeem by mail, you must pay us the amount due on the loan plus reasonable and necessary expenses of packaging and shipping and the expense of insuring the goods in an amount specified by you. Payment for mail transactions may be required to be made by cashier's or certified check or money order.

If you pay the loan we will return the property to you in the same condition we received it. If we lose your property or if it is damaged while in our possession, we will replace it with identical or similar property of the same kind and quality or have your property restored to its condition at the time you deposited it with us. All replacements are subject to approval by the Consumer Credit Commissioner.

Any person who possesses this pawn ticket may pay us the amount due and we must give that person the pledged goods if we have not been notified in writing that this ticket has been lost or stolen. IF THIS TICKET IS LOST OR STOLEN YOU MUST NOTIFY US IN WRITING TO PROTECT YOUR PLEDGED GOODS. Fee for lost ticket and statement. \$1.00.

TEXAS PAWNBROKERS ARE LICENSED AND REGULATED BY THE TEXAS CONSUMER CREDIT COMMISSIONER. FOR INFORMATION OR ASSISTANCE WITH ANY PAWN OR OTHER CREDIT PROBLEM CALL 1-800-538-1579

ID Type and No. \_\_\_\_\_ Name \_\_\_\_\_

Signature on Redemption or Renewal \_\_\_\_\_ ID Type and No \_\_\_\_\_  
is authorized to renew or extend this loan in my name

Optional: "NO GOODS SENT C.O.D.; NO GOODS SHOWN FOR REDEMPTION UNTIL PAID,  
NO PERSONAL CHECKS OR CREDIT CARDS ACCEPTED FOR PAYMENT"

Appendix C

CASH RECEIVED				EXTENSIONS	
DATE	Amount Financed	Finance Charges	Other Charges	Date Due	Amount Due

**LOST PAWN TICKET STATEMENT -- FEE: \$1.00** Date \_\_\_\_\_

I have verified ID, and description as on other side My ticket was lost, destroyed, stolen *(Circle proper word)*

Employee/PS \_\_\_\_\_ Pledgor

P I C K E D  U P  ID Type and Number _____  <input checked="" type="checkbox"/> _____ <span style="margin-left: 100px;">Signature on Redemption</span>	F O R F E I T E D  Date Pulled _____  By _____
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Appendix D

MEMORANDUM OF EXTENSION

Date: \_\_\_\_\_ Pawn Ticket No. \_\_\_\_\_

(Name, address, and telephone number of pawn shop here)

1. Finance Charge (Pawn Service Charge) Paid Today ..... \$ \_\_\_\_\_

2. Daily Amount of Finance Charge (Pawn Service Charge) ..... \$ \_\_\_\_\_

3. Finance Charge (Pawn Service Charge) Paid to (Date) ..... \_\_\_\_\_

4. Today's Date ..... \_\_\_\_\_

5. New Last Day of Grace ..... \_\_\_\_\_

**AMOUNT DUE AT REDEMPTION:**

a. Amount Financed (shown on pawn ticket) ..... \$ \_\_\_\_\_  
**PLUS**

b. Finance Charge:  
 Number of days from date in Line 3 to date paid \_\_\_\_\_ \* X \_\_\_\_\_ \* = \_\_\_\_\_ \$ \_\_\_\_\_  
(Daily Amount)  
(Line 2)

c. Total Amount Due (Line a. amount + Line b. amount) ..... \$ \_\_\_\_\_

\* If daily amount is less than 50¢, a minimum of 30 daily charges may be charged. If daily amount is 50¢ or more, a minimum of \$15 may be charged on Line b. No minimum charge for additional extensions.

**YOU ARE NOT OBLIGATED TO PAY THIS LOAN, HOWEVER, TO PREVENT LOSS OF YOUR GOODS DUE TO NON-PAYMENT, YOU MUST EXTEND OR RENEW YOUR LOAN OR PAY YOUR LOAN IN FULL ON OR BEFORE THE LAST DAY OF GRACE.**

**KEEP THIS MEMORANDUM WITH YOUR PAWN TICKET. BRING YOUR PAWN TICKET TO REDEEM YOUR PLEDGED GOODS.**

§85.31. *Crime Victim Assistance.*

(a) Victim's request for assistance. As required in Texas Civil Statutes, Article 5069-51.17B(q), a crime victim may make inquiry of a pawnbroker to determine if personal property belonging to the victim has come into the possession of the pawnbroker. The crime victim or the victim's personal representative may make an inquiry by presenting the pawnbroker a copy of a law enforcement agency offense report of stolen personal property in which a loss occurred within 30 days prior to presentation by the victim or the victim's personal representative. The person requesting assistance shall provide the pawnbroker with a telephone number at which the person can be contacted or shall arrange an appropriate time to contact the pawnbroker to determine the results of the search.

(b) Search by pawnbroker. A pawnbroker who receives a victim's request for assistance must make a search of all records of purchases and loans made on or subsequent to the date of the burglary or theft. The search shall determine whether the property described in the offense report or property which might be that described in the offense report had come into the possession of the pawnbroker. The pawnbroker must make the search prior to opening for business on the second business day following receipt of the offense report. From the time of receipt of the request until the pawnbroker completes the records search, the pawnbroker must not release of any property of the type described in the offense report without examining the property to determine if it is or could be the property of the victim.

(c) Pawnbroker's reports of findings. If the pawnbroker determines that the property has come into the pawnbroker's possession, the pawnbroker must within four hours notify the law enforcement agency which originated the report. The pawnbroker must request instructions of the law enforcement agency as to holding the property for their inspection and must comply with the instructions. The pawnbroker shall not be liable to any person for damages relating to holding property which may be stolen pursuant to law enforcement agency instructions. The pawnbroker must within four hours thereafter notify the victim or the victim's personal representative that contact should be made with the law enforcement agency or officer handling the stolen property complaint. If, after a diligent and thorough search, the pawnbroker finds no evidence that the property has come into the pawnbroker's possession, the pawnbroker must within eight hours of such determination notify the victim or the victim's personal representative.

(d) Pawnbroker's right to privacy.

No pawnbroker may be required to permit a victim or a victim's personal representative to examine the records of the pawnshop, the pledged goods of the pawnshop, or any property purchased by the pawnshop which is not on public display.

(e) Crime Victim Assistance File; Recordkeeping. The pawnbroker must keep and maintain a copy of each offense report delivered to the pawnbroker by a victim or victim's representative. The records must be kept in a file known as the Crime Victim Assistance File. The pawnbroker must mark on the offense report, or on an attachment to the report, a record of the pawnbroker's reports of findings as required in subsection (c) of this section to include the person to whom the report was given, the date and time of giving the report, and the nature of the report. The pawnbroker must make a record on the fourth part of the corresponding pawn ticket or in the comments section of the account record on an EDP system if the pawnbroker or a law enforcement agency matches the pledged goods with an offense report.

§85.41. *Security of Persons and Pledged Goods.*

(a) General liability insurance. A pawnbroker must obtain and maintain general liability insurance with a company authorized to do business in this state in an amount not less than \$500,000 per occurrence.

(b) Fire insurance. A pawnbroker must obtain and maintain fire insurance coverage on pledged goods with a company authorized to do business in this state in an amount not less than three times the amount financed on open loans. On a case-by-case basis a pawnbroker, who demonstrates to the commissioner that the pawnbroker has available resources other than fire insurance to protect pledgors from loss, may be permitted to obtain and maintain a lesser amount.

(c) Alarm systems. Alarm systems sufficient to detect and signal unauthorized entry or the presence of unauthorized persons are required for protection of the interior of the pawnshop as well as any outside areas where pledged goods are stored. The alarm system must be capable of transmitting a signal that any alarm system telephone line connection is cut or interrupted and of signaling the entry or presence of unauthorized persons when there is no telephone line connection or when there is an interruption in the normal electrical power supply. The signal transmitted by the alarm system must be transmitted to a person or facility that is available to respond to the signal at all times.

(d) Approved safe. A pawnbroker who has loans on jewelry must have a safe sufficient to provide security for pledged jewelry. A pawnbroker shall within 30 days of the effective date of these rules request, in writing, the written approval of the pawnbroker's safe by the pawnbroker's insurance underwriter. If the insurance underwriter issues a written approval of the pawnbroker's safe, the approval must be placed in the Consumer Credit Commissioner File. If the insurance underwriter fails or refuses to issue a written approval of the pawnbroker's safe within 60 days of the pawnbroker's request for approval, the pawnbroker must immediately discontinue making loans on jewelry or must immediately acquire a safe with an Underwriters Laboratory rating of TL-15 or better. If a pawnbroker provides evidence to the commissioner that the pawnbroker's safe and/or vault provides security for pledged jewelry that is equivalent to or exceeds the security provided by a TL-15 rated safe, the commissioner may approve an exception to the TL-15 rated safe requirement.

(e) Exterior storage of pledged goods. If a pawnbroker accepts pledged goods that cannot be stored inside the pawnshop, i.e. motor vehicles, boats, trailers, construction equipment, etc., such goods must be stored within close proximity to the pawnshop and must be securely enclosed by protective fencing.

(f) Use of pledged goods prohibited. A pawnbroker must not use or permit any other person to use pledged goods.

(g) Public display of pledged goods prohibited. A pawnbroker must not place pledged goods in a public area of the pawnshop.

§85.51. *Pledged Personal Property Lost or Damaged-Liability of Pawnbroker*

(a) Responsibility for loss or damage. A pawnbroker is liable for any loss or damage to pledged goods to the extent provided in Texas Civil Statutes, Article 5069-51.16(a)(5).

(b) Communications with pledgors. A pawnbroker must not post in a pawnshop and must not make oral statements or do any other acts that would mislead a pledgor as to the liability of the pawnbroker. When a pledgor attempts or offers to redeem pledged goods or to renew or extend a loan and the pawnbroker knows or learns that the pledged goods have been lost or damaged, the pawnbroker must accurately inform the pledgor of the facts of the situation and of the pawnbroker's responsibility under the Texas Pawnshop Act. The pawnbroker must promptly attempt to satisfy the pledgor by repairing or replacing the lost or damaged goods. A pawnbroker shall not advise a

pledgor that the replacement of lost or damaged pledged goods will be accomplished in any manner which is more limited than replacement with like kinds of merchandise or restoration of damaged goods to their condition at the time pledged. A pawnbroker, who has informed a pledgor of the pawnbroker's liability under the Act, may at the pawnbroker's option offer a pledgor a cash settlement as an alternative. The amount loaned on pledged goods may not be used in the determination of the value of pledged goods being replaced.

(c) Notice of substantial losses. If the replacement value of the lost item(s) or the extent of damage to the pledged item(s) could exceed \$1,000, the pawnbroker must immediately notify the commissioner by telephone and in writing of the scope of such loss or damage.

(d) Acceptance of payments; accrual of pawn service charge. When a pawnbroker knows that pledged goods have been lost, and not replaced, or damaged, and not restored to their condition at the time pledged, or are unavailable for redemption, the pawnbroker must not accept any payment from the pledgor. A partial, proportionate payment may be negotiated and accepted for redemption of goods pledged on a loan which are not lost or damaged and are available for redemption. No pawn service charge shall be earned by the pawnbroker after a pledgor offers to redeem pledged goods on which the pawnbroker is prohibited from accepting payment and no pawn service charge shall be earned by a pawnbroker after a pledgor requests to renew or extend a loan on which the pawnbroker is prohibited from accepting payment until such time as pledged goods or their equivalent replacements are available for redemption.

(e) Pledgor disclosure. In each instance when a pawnbroker must refuse payment by a person under this rule, the pawnbroker, must, at that time, provide the person with a notice of the rights of the pledgor. Evidence of delivery of this disclosure must be filed in the Lost or Damaged Goods Documentation File. The required notice must be in a form prescribed by the commissioner.

#### §85.61. Advertising.

(a) Prohibition—false, misleading or deceptive. A pawnbroker must not advertise or cause to be advertised, in any manner whatsoever, any false, misleading or deceptive statement or representation. No person may advertise the availability of pawn loans or suggest by use of any sign or other advertisement that a place of business is a pawnshop unless that person holds a pawnshop license for that place of business. Use of the words or phrases "unredeemed mer-

chandise," "loan outlet," or "pawn outlet" or advertising under a heading, category, or title of "pawnbroker" or "pawnshop" or similar words shall constitute prohibited advertising under this section if the person does not hold a pawnshop license for that place of business. No pawnbroker may advertise under any name that is not on that pawnbroker's pawnshop license for the location advertised.

(b) Advertising copy file. A pawnbroker must maintain at the licensed pawnshop, or other location authorized by the commissioner, a complete record of all printed and other advertising material used to promote the business of that pawnshop. This record must be retained until the next examination by a representative of the commissioner. Printed text or audio cassette recording of any audio advertising and a VHS video tape copy of any television advertising must be included. If any language other than English is used in any advertising material, a true and correct English translation must be made and attached.

(c) Compliance with federal laws and regulations. A pawnbroker's advertisements must comply with all applicable requirements and disclosures of the Truth-in-Lending Act and Regulation Z.

(d) Use of state agency name. It shall be permissible for a licensed pawnbroker to publicly display or advertise the following statement: "Licensed and examined by the Texas Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705-4207." In addition, any pawnbroker must include the commissioner's Austin telephone number and each telephone number that provides toll free calling to the commissioner's office from the trade area in which the advertising is used. The authorized statement and telephone numbers must both be used if any reference is made to licensing or regulation.

#### §85.71. Examinations and Investigations.

(a) Corrective actions required. If the commissioner or the commissioner's representative determines that a pawnbroker has violated the Texas Pawnshop Act, the Truth in Lending Act, or other applicable laws, either may direct the pawnbroker to review his records to determine the extent of the violations and to make appropriate refunds or take other corrective actions.

(b) Report of corrective action. The pawnbroker must prepare a written report documenting the scope and results of the review and related actions. The commissioner or the commissioner's representative may specify the content and format for the report. The pawnbroker must comply with the directive within a reasonable period of time as specified by the commissioner.

#### §85.81. Miscellaneous Operating Provisions.

(a) Hours and days of operation.

(1) Public posting. Each pawnbroker must post the days and the hours of each day that the shop will normally be open for business. Normal hours may include regular periods of closing during a day such as a lunch time closing. The pawnshop must be open for business during the posted hours. Any pawnshop may be closed on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day without notice. A pawnbroker may close a pawnshop for other state, national, and religious holidays after posting notice of the intended closing for five days prior to the closing. If a pawnshop is closed during regular posted hours due to an emergency, a notice of closing must be posted. The notice must include the date and the time that the pawnshop will reopen for business. All postings must be easily visible to a person outside all public entrances.

(2) Temporary, non-emergency closings. All pledgors must be adequately advised through use of posted notices prior to the planned date of the temporary closing. Any closing in excess of three business days requires notification of the commissioner in advance. A notice shall be posted as in paragraph (1) of this subsection.

(3) Effect of Closing.

(A) Non-holiday closings. The amount of pawn service charge scheduled to accrue on each pawn loan during emergency or non-emergency closings of one or more full days must be waived for any person who states that he or she made an unsuccessful effort to redeem goods during any closings.

(B) All closings. If a pawnshop is closed on the Last Day of Grace of any pawn loan, the grace period is extended by one business day for each regular business day or part of a day that the pawnshop was closed, including national holidays listed in paragraph (1) of this subsection.

(b) Identification of persons presenting pawn tickets to redeem pledged goods. Texas Civil Statutes, Article 5069-51.14, require that the person presenting a pawn ticket to the pawnbroker for redemption properly identify himself. The pawnbroker must identify the person by requiring the person to produce an acceptable form of identification. A pawnbroker must record on the original pawn ticket the type of identification and the identifying number presented by any person other than the pledgor.

(c) Pawnshop Premises.

(1) Outdoor displays and storage. All outdoor displays of merchandise for sale and outdoor storage of personal property must be compatible with surrounding properties. Outdoor displays and storage must not be established unless permitted by local ordinances and customarily established by other retail merchants in the immediate vicinity, if any. No display may be placed on a public right-of-way. All displays must be neat and orderly.

(2) Signs. All signs must be in compliance with local ordinances. Each pawnshop must have at least one readily visible, permanent, exterior sign clearly stating the trade name of the business as shown on the pawnshop license issued by the commissioner.

(3) Animals. A pawnbroker must not keep dogs or any other animals trained to attack humans on command in a pawnshop or in outside storage areas during business hours. This prohibition shall not apply to the use of guard dogs in a pawnshop when it is closed to the public. A pawnbroker may keep guard dogs securely penned in an outside storage area during business hours.

(d) Identification of source of goods in pawnshop. Every item of tangible personal property located in a pawnshop other than personal effects of persons in the pawnshop and furniture, fixtures and equipment of the pawnshop must be tagged or otherwise marked to identify the source of the goods or the transaction through which the goods were obtained. This section applies to all goods purchased by, forfeited to, or otherwise taken into the possession of a pawnbroker on and after its effective date and which have a retail value of or are offered for sale at a price in excess of \$10, when purchased in the ordinary and customary course of business of a pawnshop. A pawnbroker whose primary business is a retail business which differs from the ordinary and customary business of a pawnbroker may be exempted from this subsection upon application, detailing the requested exemption, provided the application has been first approved by the chief law enforcement officer where the pawnshop is located.

(e) Hold period. Each item of personal property purchased or otherwise acquired from the general public by a pawnbroker, other than forfeited goods, must be held at the pawnshop by the pawnbroker for a period of at least 20 calendar days from the date of acquisition before being sold or disposed of in any manner. Upon application to and investigation by the commissioner, the commissioner may reduce the hold period requirement for a particular pawnshop in a specific jurisdiction. Such reduction must only be granted when

a pawnbroker and the chief law enforcement officer where the pawnshop is located have adopted a reporting system that minimizes the elapsed time between the recording of purchase transactions by the pawnbroker and access by the law enforcement agency to the transaction data in a useable, machine readable form.

(f) Modification of character of goods. A pawnbroker must not modify or change the characteristics of any goods in his possession in connection with any open pawn loans or during any hold period described in subsection (e) of this section.

(g) Redemptions by mail.

(1) Persons authorized. As mandated in Texas Civil Statutes, Article 5069-51.17B(i), any pledgor must be permitted to redeem by mail. A pledgor may do so by mailing to the pawnbroker the pawn ticket, a photocopy of the identification used in making the loan or, if not available, a photocopy of any identification acceptable for redeeming pledged goods, and a request to redeem by mail. Provided the pawnbroker has not received prior written notice that the pawn ticket has been lost, destroyed or stolen, the pawnbroker must honor the request within five business days. The pawnbroker may require payment by cashier's check, certified check, or money order of all principal and pawn service charges due on the loan and the charges authorized in paragraph (2) of this subsection. A pawnbroker may ship goods collect, i.e. the recipient pays the carrier for shipping and insurance charges. Shipments of firearms may only be made to a holder of a federal firearms license.

(2) Shipping, handling and insurance charges. The pawnbroker shall be entitled to recover the reasonable and necessary expenses involved in the packaging and shipping of the goods and any additional charge to insure the goods. Goods must be insured during shipment for an amount determined by the pledgor. Shipment must be by United States mail, any authorized parcel delivery service, or any common carrier.

(j) Monitoring of transactions and customers.

(1) Type of goods offered. A pawnbroker must not purchase, accept in pawn or otherwise acquire any item on which the serial number has been defaced, altered or removed unless acting with the effective consent of the owner of the item. A pawnbroker must establish a written policy to be followed when purchasing goods, accepting pledged goods, or otherwise acquiring goods. The policy must describe the types of situations which may be indicative of goods being stolen and shall define the procedures to be followed to avoid acceptance of stolen goods. The policy must be

established in written form, communicated to all persons working in the pawnshop, and a copy filed in the Consumer Credit Commissioner File within 60 days of the effective date of this rule.

(2) Acceptance of uniquely marked goods. A pawnbroker must not purchase, accept in pawn or otherwise acquire any item that is marked in a manner that suggests or indicates ownership by a rental company, motel, training school, construction company, governmental body or any other person or firm other than the person offering the item to the pawnbroker, unless the seller or pledgor produces a valid receipt or other evidence of purchase or ownership of the item which must be attached to and retained with the goods while pledged.

(k) Other business on pawnshop premises.

(1) By the pawnbroker. A pawnbroker must notify the commissioner of any type of business that he conducts on the pawnshop premises other than making and collecting pawn loans and buying and selling goods. The notice must be made within 30 days of the effective date of these rules or thereafter prior to starting such business. If a pawnbroker receives tangible personal property on consignment, the pawnbroker must treat such property in the same manner as purchased property under these rules.

(2) By others. A pawnbroker must not permit another person to engage in any business on the premises of a pawnshop without first filing information about such person and business as the commissioner may require. The commissioner may refuse to permit the operation of such other business if, after investigation, he finds the operation to be inconsistent with the purposes of the Texas Pawnshop Act. If the other person engages in the business of buying and selling used tangible personal property, that person must comply with the provisions of the Texas Pawnshop Act and these rules as if that person was a licensed pawnbroker. Records of business conducted by others in a pawnshop must be available for inspection by the commissioner or his representative.

(l) Unclaimed funds. A pawnbroker must maintain a record of any amounts due a pledgor and not paid.

(1) Proof of attempt to pay refund. Evidence of a bona fide attempt to pay monies due a pledgor must be maintained. The minimum acceptable evidence is an unopened envelope addressed to the last known address of the pledgor and returned as undeliverable by the United States Post Office.

(2) Use of unclaimed monies. Use of unclaimed monies within the business until such time as paid to the pledgor, the estate of the pledgor, or to the State of Texas is not prohibited.



(3) Payment of unclaimed funds to treasurer. A pawnbroker must pay the unclaimed funds to the state treasurer, as required by the Property Code.

(4) Preservation of records. The records shall be preserved according to applicable law or rule of the state treasurer.

(m) Duties and responsibilities of pawnbrokers.

(1) Examinations. When a representative of the commissioner appears at a pawnshop to make an examination, the pawnbroker must provide the examiner with a desk or table providing adequate working space. The pawnbroker must also provide a suitable chair, adequate lighting, and convenient access to a 110 volt electrical outlet in an area reasonably suited to the type of work to be performed.

(2) Communications. A pawnbroker must not misrepresent to any examiner or peace officer any information regarding activities in or about the pawnshop or the status of any goods which may have come into the pawnbroker's possession.

(3) Responsibility for acts of others. Any person who holds a pawnshop license may be held responsible for the acts of its officers, directors, employees, and agents in the conduct of the pawnshop business.

(4) Arrests. A pawnbroker must report to the commissioner within three business days after having knowledge of any arrest, charge, indictment or conviction of any person named on a pawnshop or pawnshop employee license or application filed with the commissioner. Any action or indictment that would not require reporting on a pawnshop employee license application form in use at that date is excepted from reporting.

(5) Federal firearms license. A pawnbroker must report to the commissioner any known investigation of alleged violations of the federal laws or rules relating to firearms. A pawnbroker must also report any adverse action proposed or taken by the Bureau of Alcohol, Tobacco and Firearms against the federal firearms license held by the pawnbroker or used in the pawnshop. Reports must be made within three business days of the pawnbroker's knowledge of information or action.

(6) Electrically powered pledged goods. A pawnbroker must provide a site within the pawnshop that has appropriate electrical outlets where customers can test electrically powered goods at the time of redemption. If neither the pawnbroker nor the pledgor tests electrically powered goods at the time of redemption, the pawnbroker is responsible for restoring such

goods to working condition if the pledgor finds that the goods are not in working condition when the pledgor first attempts to use the goods after their redemption.

(7) Alcoholic beverages and other drugs. A pawnbroker must not use or possess or permit the use or possession of any drugs or other chemicals in or around the pawnshop if use or possession violates any law or ordinance. A pawnbroker must not operate the pawnshop while under the influence of alcohol or other drugs. A pawnbroker may operate the pawnshop while taking medication or drugs prescribed by an authorized medical practitioner if his ability to operate the pawnshop properly is not impaired.

(8) Treatment of customers. A pawnbroker must not treat any customer in an abusive manner.

(n) Consumer education. Every pawnbroker must provide a suitable space in a public area of each pawnshop for a display of printed materials designed to educate and inform customers of their duties, rights, and responsibilities in consumer credit transactions. The display and printed materials will be furnished by the commissioner. The pawnbroker must assist the commissioner by refilling the display as necessary.

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 June 8, 1994

TRD-9441968

Al Endsley  
Consumer Credit  
Commissioner  
Office of Consumer Credit  
Commissioner

Earliest possible date of adoption July 15, 1994

For further information, please call. (512) 479-1280

## Part VI. Credit Union Department

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

#### Direction of Affairs

##### • 7 TAC §91.507

The Credit Union Commission proposes an amendment to §91.507 concerning audits and verification of members' accounts. The amendments clarify that an audit must be made each year, but that the audit period cannot exceed 18 months, that verifications of members' accounts must be done at intervals not exceeding 18 months, and permits acceptance of certified public accountants' verifications if they conform to generally accepted auditing standards.

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

Mr. Rogers also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that credit unions must have an audit each year, but the period cannot exceed 18 months to assure the members that credit union records are accurate and current. Public benefits from the changes in the verification process is that some cost savings are incurred by the credit union without sacrificing control of member accounts. There will be no effect on small businesses. The anticipated economic cost to persons who are required to comply with the rule as proposed will be minimal.

Comments on the proposal will be submitted to Penny A Black, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752-1699.

The amendment is proposed under the provisions of Texas Civil Statutes annotated, Article 2461-11 07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of the Texas Credit Union Act.

#### §91.507 Financial Reporting, Audits and Verification of Accounts

(a) Accounting requirements and financial reporting

(1) Each credit union [authorized to do business under the Texas Credit Union Act] shall follow Generally Accepted Accounting Principles (GAAP), except as they may be altered or amended by the [Texas Credit Union] Act or these rules.

(2) In addition to the annual report to the [Credit Union] Department as prescribed by the [Texas Credit Union] Act, [§2 09,] the commissioner may require from all credit unions or from selected categories of credit unions authorized to do business under this Act, quarterly or semiannual financial and statistical reports, relating to financial conditions and accounting practices.

(3) The commissioner is authorized to require periodic financial and information reports by individual credit unions, from time to time, in order to monitor the [such] credit unions for legal compliance, safety and soundness.

(b) The board of directors shall, at least once each year, make or cause to be made, a comprehensive audit of the books and the affairs of the credit union as follows:

(1) each audit must be completed within 18 months from the completion date of the preceding audit; and [The board of directors shall cause an

independent audit to be performed not less than once each calendar year; and]

(2) a summary report of the audit of the credit union shall be presented to the membership at the next annual meeting following completion of the report.

(c) **Account verification.** Share, deposit, certificate of deposit, any type of savings or savings club accounts, and loan accounts shall be verified no less frequently than at 18-month intervals. If negative verifications are performed, at least 50% of accounts must be verified. If positive verifications are performed, at least 10% of accounts must be verified. [by the duly appointed auditor as follows:

[(1) credit unions with less than 1,000 members: not less than once each calendar year. Such controlled verifications may be made in portions at various intervals.

[(2) credit unions with more than 1,000 members as follows:

[(A) **Volunteer committee.** Twenty-five percent positive percent verification or 50% negative verification annually.

[(B) **Paid audits.** Ten percent positive verification or 50% negative verification. Such controlled verifications are to be by random or stratified sampling and may be done all at once or in portions at various times of the year. When such verifications are performed by a certified public accountant and in conjunction with an audit for which an opinion from the auditor is rendered, the scope of the verification may be modified to conform with generally accepted auditing standards.]

(d) **Certified Public Accountant Audits.** Verification by certified public accountants in connection with audits for which opinions are furnished may vary from the foregoing standards to conform to generally accepted auditing standards.

[(d) A negative or positive verification for any percentage of accounts may be ordered by the commissioner at any time.]

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 June 8, 1994

TRD-9441953 Robert W. Rogers  
Commissioner  
Credit Union Commission

Earliest possible date of adoption: July 15, 1994

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

## Chapter 97. Commission Policies and Administrative Rules

### Fees

#### • 7 TAC §97.114

The Credit Union Commission proposes new §97.114, concerning charges the department will make for copies of public records as mandated by House Bill 1009 of the 73rd Legislature.

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

Mr. also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that individuals requiring information will be fully informed of the charge for copies and that recipients will bear the cost of providing copies of public records. There will be no effect on small businesses. The anticipated economic cost to persons affected by this rule is minimal and directly related to the associated benefit of the service.

Comments on the proposal will be submitted to Penny A. Black, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752-1699.

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

#### §97.114. *Commission Policies and Administrative Rules.*

(a) **Copying Charges.** The charge for providing copies of documents shall be in accordance with rules established by the General Services Commission or other applicable law.

(b) **Charge for Fax Transmittal.** On request, the agency may transmit a form or other document by facsimile (FA) machine to the person making the request. The charge for this service is \$2.00 per page, excluding any cover or transmittal page.

(c) **Waiver of Fees for Copies or Publications.** The Commissioner may waive or reduce an established charge when, in his or her discretion, a waiver or reduction of the fee is in the public interest because furnishing the information primarily benefits the general public.

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 June 8, 1994.

TRD-9441954 Robert W. Rogers  
Commissioner  
Credit Union Department

Earliest possible date of adoption: July 15, 1994.

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

## TITLE 10. COMMUNITY DEVELOPMENT Part V. Texas Department of Commerce Chapter 196. Tourism Advisory Committee Rules

#### • 10 TAC §§196.1-196.16

The Texas Department of Commerce proposes new §§196.1-196.16, concerning rules for the Texas Tourism Advisory Committee. This advisory committee is being formed pursuant to the Texas Government Code, §481.007, which authorizes the executive director and the policy board to create advisory committees, and Texas Civil Statutes, Article 6252-33, which imposes requirements upon state agencies that have advisory committees.

The proposed rules set forth the mission of the advisory committee; the composition of the committee, including qualifications for regular and ex-officio members; the minimum number of meetings; the method of reporting to the agency; and the manner and date of dissolution. The proposed rules also provide that the advisory committee is subject to the Texas Open Records Act and that the Texas Department of Commerce will provide staff support to the advisory committee.

Dianne Mendoza-Freeman, Ph.D., Director of the Tourism Division of the Texas Department of Commerce, has determined that for the first five year period the rules are in effect there will be fiscal implications for state government, and no fiscal implications for local government, as a result of enforcing or administering the rules. The fiscal implications for state government derive from the use of Texas Department of Commerce Tourism Division staff to support the advisory committee and from the mailing of necessary notices for the committee. While the costs of staff support are not fully quantifiable, Dr. Mendoza-Freeman estimates that if the advisory committee meets four times per year, staff salary costs associated with supporting the advisory committee will approximate \$3,373.12 to \$4,000. She also estimates that if the advisory committee holds four meetings outside of Austin, but inside the State of Texas, staff travel costs will approximate \$4,100 to \$4,700. Postage costs are not quantifiable, because the number and size of mailings is unknown.

Dr. Mendoza-Freeman has determined that for each year of the first five years that the rules are in effect, the public benefit anticipated as a result of enforcing the rules will be

the facilitation of the promotion of Texas as a premier tourism destination. No economic costs are anticipated to persons and entities required to comply with the rules.

Comments on the rules may be submitted, in duplicate, to K. Renee Mauzy, Staff Attorney, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711, within 30 days of the publication of the rules.

The new rules are proposed under the authority of the Texas Government Code, §§481.0044, 481.005 and 481.007, Texas Civil Statutes, Article 6252-33, and the Administrative Procedure Act, Chapter 2001 of the Texas Government Code.

The Texas Government Code, §481.007 and Article 6252-33 of the Texas Civil Statutes are affected by the rules.

**§196.1. Mission.** To establish and maintain a practical awareness of the status and needs of the tourism industry in the state of Texas, in both its public and private aspects, and of those external factors in the business and government arenas which might affect the health and well being of Texas tourism, and to represent those factors and findings to the Texas Department of Commerce, Tourism Division, so as to assist in the formulation of its marketing and development programs.

**§196.2. Statutory Authority.** The Texas Department of Commerce (department) has the authority to create this advisory committee pursuant to the Texas Government Code, §481.007, and Texas Civil Statutes, Article 6252-33.

**§196.3. Appointing Authority.** The executive director of the department has the authority to appoint members to the advisory committee, or to approve their election to membership as hereinafter provided, subject to the provisions of Texas Civil Statutes, Article 6252-33.

**§196.4. Regular Members.** The Committee shall consist of no more than 14 regular members, each of whom shall be actively involved in some aspect of the Texas tourism industry. The regular members shall represent the seven regions of the state, as delineated by the department, on the basis of two members per region: The Panhandle, North Central, West Texas, Central Texas, East Texas, South Texas, and the Gulf Coast. Members representing a region must be residents of that region.

**§196.5. Ex Officio Members.** A number of ex officio members, not to exceed ten, shall be appointed to the Committee by the department's executive director. These ex officio members shall include the chief executive officers of the following travel industry associations: Texas Hotel/Motel

Association, Texas Travel Industry Association, Texas Restaurant Association, and the Texas Association of Convention and Visitors Bureaus; and may include representation from other state agencies or private sector organizations relating directly to the Texas tourism industry, i.e., Texas Department of Transportation, Texas Parks and Wildlife Department, Texas Historical Commission; Texas Commission on the Arts, and state minority chambers of commerce.

**§196.6. Elections and Members.** Seven regular members of the advisory committee shall be elected each year, one from each of the seven regions. Requests for nominations to advisory committee membership shall be widely solicited from the Texas tourism industry through the department's Tourism Division publications beginning in 1995, at least four months prior to the election, and shall bear a return deadline of July 1. Beginning in 1995, nominations will be handled through a nominating committee composed of the department's Tourism Division Director and two committee members (one of whom may be ex officio) who are appointed by the chair at least two months prior to the election. The nominations committee shall screen the names submitted, and place in nomination no more than three names for each of the available committee memberships. Anonymous ballots will be distributed statewide, mailed through the department's Tourism Division. The announcement of new members will take place at the annual Texas Travel Industry Association's "Summit."

**§196.7. Filling of Vacancies.** If members of the committee can no longer serve because of death, disability, or leaving the tourism industry, a replacement to fill the unexpired term may be appointed by the chair, subject to the approval of the department's executive director.

**§196.8. Voting.** Only regular members of the committee shall vote on matters coming before it.

**§196.9. Officers.** The officers of the committee shall consist of a chair and vice chair. They shall be elected annually by the committee, by secret ballot, from among its membership, at the first regular or called meeting of the committee following the annual Summit. Officers may be re-elected for one additional term. Vacancies in either office shall be filled for the unexpired term by election at the next regular meeting of the Committee. Ex officio members are ineligible to hold office.

**§196.10. Length of Term.** The term of each regular member shall be for two years, beginning immediately upon announcement at the annual Summit, and ending at the Summit of the second year following the members' election to the committee, or until replaced by a newly elected member, except that the terms of the initial committee shall end at the Summit of the second and the third year following their election, as previously drawn by lot. Members may succeed themselves on the committee for only one additional term. Terms for ex officio committee members shall be for the length of the appointment. All terms are subject, however, to the provisions of these rules.

**§196.11. Frequency of Meetings.** The committee shall meet no less than four times each year, at a time and place to be designated by the chair. Special meetings may be called by the chair, or on the written request of three or more committee members, or by the Director of Tourism.

**§196.12. Reporting.** The chair, or the chair's designee, shall report the proceedings of each regular and special committee meeting to the executive director of the department.

**§196.13. Open Records Act.** All written or other recorded information collected, assembled or maintained by the committee or committee members pertaining to the committee's business is public information, and is subject to the Open Records Act. The Chair should assure that committee records are on file with the department's Tourism Division.

**§196.14. Committee Support.** The Director of Tourism and department staff shall furnish staff support for the Committee providing for the preparation and mailing of meeting notices, making meeting arrangements, publishing and disseminating meeting minutes, updating on Tourism Division programs, and other appropriate communications. Committee members shall not receive compensation nor be reimbursed by the department, except when reimbursement has been approved in advance by the executive director in writing.

**§196.15. Dissolution.** The committee shall be dissolved at the end of the State biennium (August 31, 1995), unless dissolved earlier by act of the executive director, or by two-thirds vote of the committee members at a regular or special meeting. The committee may be reinstated at the beginning of each succeeding biennium by affirmative vote of the department's policy board.

**§196.16. Amendments.** The advisory committee may recommend amendment of these rules by majority vote at any regular or special meeting of the committee, provided notice of the proposed amendments has been sent in writing to the committee members at least thirty days prior to the meeting at which it will be considered. Proposed amendments are subject to the approval of the executive director and policy board of the department.

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 May 31, 1994

TRD-9441964 Deborah C Kastrin  
Executive Director  
Texas Department of  
Commerce

Earliest possible date of adoption: June 15, 1994

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

## TITLE 25. HEALTH SERVICES

### Part I. Texas Department of Health

#### Chapter 313. Athletic Trainers

The Advisory Board of Athletic Trainers (board) proposes amendments to existing §§313.1, 313.4, 313.7 and 313.15; repeal of existing §§313.5, 313.6, and 313.13; and new §§313.5, 313.6, and 313.13 concerning licensed athletic trainers.

The amendments delete the definition of National Athletic Trainers Association, Inc.; add photograph and out-of-state license verification requirements for applicants; change the test administrations to two times a year; and make various minor changes to conform to current *Texas Register* style requirements.

The board proposes the repeal of existing §313.5 concerning educational requirements and §313.6 concerning apprenticeship requirements in order to adopt a new §313.5 concerning qualifications and new §313.6 concerning student trainer activities. Section 313.5 expands the qualifications accepted for licensure. The repeal of existing §313.13 removes the continuing education requirements. The proposed new §313.13 replaces the continuing education procedures with new continuing education procedures that change the way licensees report continuing education activities. The proposed new continuing education reporting system provides a more cost-effective manner for the board to ensure compliance with the continuing education requirements for licensure.

Becky Berryhill, program director, has determined that for each year of the first five years the sections as proposed will be in effect there will be no fiscal implications to state or

local government as a result of enforcing or administering the sections.

Ms. Berryhill also has determined that for each year of the first five years that the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to assure the regulation of athletic trainers continues to identify competent practitioners. There will be no fiscal implication for small business or persons as a result of enforcing or administering the rules. There will be no impact on local employment

Comments on the proposal may be submitted to Becky Berryhill, Program Director, Advisory Board of Athletic Trainers, 1100 West 49th Street, Austin, Texas 78756-3183, (512)834-6615. Comments will be accepted for 30 days from the date of publication in the *Texas Register* of the proposed sections

#### General Requirements and Guidelines

##### • 25 TAC §§313.1, 313.4, 313.7, 313.15

The amendments are proposed under Texas Civil Statutes, Article 4512d, §5, which provide the Advisory Board of Athletic Trainers with the authority to adopt rules concerning the regulation and licensure of athletic trainers.

The sections affect Texas Civil Statutes, Article 4512d.

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

[NATA—The National Athletic Trainers Association, Inc. and its predecessor or successor organizations.]

##### §313.4. Application Requirements and Procedures.

(a) (No change.)

(b) General.

(1) Unless otherwise indicated, an applicant must submit all required information and documentation of credentials on official Advisory Board of Athletic Trainers (board) [board] forms.

(2) (No change.)

(c) Required application materials.

(1) The application form shall contain:

(A) specific information regarding personal data, birth date, place of employment, other state licenses and certifications held, misdemeanor and felony convictions, educational and training background, social security number, and work experience;

(B)-(F) (No change.)

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

(5) An applicant must submit a full-face photo, a minimum in size of 1 1/2 inches by 1 1/2 inches, signed on the reverse side with the applicant's signature as it appears on the application. The photograph must have been taken within the two-year period prior to application.

(6) If an applicant is or has been licensed, certified, or registered in another state, territory, or jurisdiction, the applicant must submit information required by the board concerning that license, certificate or registration on official board forms.

(7) [(5)] Vitae, resumes, and other documentation of the applicant's credentials may be submitted.

(d) Applicants without a degree [Graduating applicants]. Applicants who have passed the examination and are not degreed will have 90 days from their graduation date to complete the licensing procedure. If the application process is not completed within 90 days of the graduation date, the applicant shall be required to file a new application and retake the examination successfully in order to qualify for licensure.

##### §313.7. Examination for Licensure.

(a) (No change.)

(b) Frequency. The Advisory Board of Athletic Trainers (board) [board] shall offer examinations at least two [three] times a year at times and places established by the Administrative Services Committee [in April, July, and December].

(c)-(j) (No change.)

##### §313.15. Guidelines for Conduct.

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

(c) Professional representation and responsibilities.

(1)-(12) (No change.)

(13) A licensee who is providing health care services which are not within the definition of "athletic trainer" in the Act shall provide the services in accordance with state and federal laws and rules applicable to the provided services including, but not limited to, the Medical Practice Act, Texas Civil Statutes, Article 4495b relating to a physician's delegated authority; other licensure laws; and laws relating to the possession and distribution of controlled substances.

(d)-(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 June 7, 1994.

TRD-9441961

Michael Saly  
Chairman  
Advisory Board of Athletic  
Trainers

Earliest possible date of adoption: July 15, 1994

For further information, please call: (512) 834-6615

◆ ◆ ◆  
• 25 TAC §§313.5, 313.6, 313.13

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

The repeals are proposed under Texas Civil Statutes, Article 4512d, §5, which provide the Advisory Board of Athletic Trainers with the authority to adopt rules concerning the regulation and licensure of athletic trainers.

The sections affect Texas Civil Statutes, Article 4512d.

§313.5. Educational Requirements.

§313.6. Apprenticeship Requirements.

§313.13. Continuing Education Requirements.

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 June 7, 1994.

TRD-9441960

Michael Saly  
Chairman  
Advisory Board of Athletic  
Trainers

Earliest possible date of adoption: July 15, 1994

For further information, please call: (512) 834-6615

◆ ◆ ◆  
The new sections are proposed under Texas Civil Statutes, Article 4512d, §5, which provide the Advisory Board of Athletic Trainers with the authority to adopt rules concerning the regulation and licensure of athletic trainers.

The sections affect Texas Civil Statutes, Article 4512d.

§313.5. Qualifications.

(a) Purpose. The purpose of this section is to set out the qualifications for examination and licensure as an athletic trainer.

(b) Curriculum requirements. Each applicant must have a baccalaureate or post-baccalaureate degree from a college or university which held accreditation, at the time the degree was conferred, from an accepted regional educational accrediting association reported by the American Association of Collegiate Registrars and Admissions Officers.

(1) The curriculum requirements approved by the Advisory Board of Athletic Trainers (board) for applicants qualifying under Texas Civil Statutes, Article 4512d (Act), §9(1), are as follows.

(A) A person shall have a baccalaureate or post-baccalaureate degree with a major program which focuses its content on athletic training or sports medicine.

(B) In place of the requirements in subparagraph (A) of this paragraph, a person shall have:

(i) a baccalaureate or post-baccalaureate degree;

(ii) at least three semester hours from each of the following course areas:

(I) human anatomy;

(II) health, disease, nutrition, fitness, wellness, or drug and alcohol education;

(III) kinesiology;

(IV) human physiology or physiology of exercise, and

(V) athletic training;

(iii) an apprenticeship in athletic training meeting the following guidelines.

(I) The program shall be under the direct supervision of and on the same campus as a Texas licensed athletic trainer, or if out-of-state, the college or university's certified or state licensed trainer. The athletic trainer must be an employee of the college or university. The athletic trainer shall not be an outside consultant or independent contractor unless the athletic trainer is a temporary supervisor (less than one semester) due to death, medical emergency, or other emergency of the supervising athletic trainer who was an employee of the college or university.

(II) The apprenticeship must be a minimum of three years and 1,800 clock hours. Each year must be a minimum of 600 clock hours per any consecutive 12 months. Hours in excess of 600 per year are not cumulative. Hours in the classroom do not count toward apprenticeship hours.

(III) The hours must be completed in the college or university training room setting and on the field or in college or university sanctioned intercollegiate sports programs except a maximum of 100 clock hours per year may be accepted from one or a combination of the following settings:

(-a-) hours completed in a clinic setting which the college or university's athletic trainer has approved. These hours must be under the direct supervision of a licensed physician, licensed athletic trainer, or licensed physical therapist; or

(-b-) hours completed in a secondary school setting arranged by the college or university's athletic trainer. Such hours are limited to sports in grades seven to 12. These hours must be under the direct supervision of a licensed athletic trainer.

(IV) The apprenticeship shall be fulfilled while enrolled as a student at the college or university where he or she is completing the apprenticeship for at least eight months during any consecutive 12 months counted under subclause (II) of this clause.

(V) The apprenticeship must offer work experience in a variety of sports. It shall include instruction by the college or university's athletic trainer in prevention of injuries, emergency care, rehabilitation, and modality usage.

(2) The curriculum requirements for applicants under the Act, §9(2) and (3) are as follows.

(A) A person shall have a baccalaureate or post-baccalaureate degree or a state issued certificate in physical therapy or a baccalaureate or post-baccalaureate degree in corrective therapy with at least a minor in physical education or health. Applicants who hold such degrees must complete three semester hours of a basic athletic training course from an accredited college or university.

(B) The apprenticeship guidelines approved by the board for applicants are as follows.

(i) The program shall be a minimum of 720 hours over a two-year period under the direct supervision of and on the same campus as the college or university's Texas licensed athletic trainer or if out-of-state, the college or university's certified or state licensed trainer. The athletic trainer shall not be an outside consultant or independent contractor. It must include a minimum of 360 hours per year. Only hours accumulated in fall or spring semesters shall be counted. Hours in excess of 360 per year are not cumulative.

(ii) Actual working hours shall include a minimum of 20 hours per week during each fall semester. A fall semester may include all pre-season practice sessions immediately preceding the opening of school.

(iii) The apprenticeship shall be completed at a college or university acceptable to the board. The apprenticeship shall be fulfilled while enrolled as a student at the college or university where the apprenticeship is being served. It must be served on the field and in the training rooms used for clinical and rehabilitative purposes by that school's student athletes and offer work experiences in a variety of sports. Hours in the classroom do not count toward apprenticeship hours.

(c) Certification required. An applicant must have:

(1) a current standard first aid and adult cardiopulmonary resuscitation certificate; or

(2) current certification for emergency medical services (EMS) with the Texas Department of Health.

(d) General.

(1) The relevance to the licensing requirements of academic courses, the titles of which are not self-explanatory, must be substantiated through course descriptions in official school catalogs or bulletins or by other means acceptable to the board.

(2) The board shall accept no course which an applicant's transcript indicates was not completed with a passing grade for credit.

(3) In evaluating transcripts, the board shall consider a quarter hour of academic credit as two-thirds of a semester hour.

(4) Documentation of the apprenticeship program must be provided by completion of the proper forms prescribed by the board.

**§313.6. Student Trainer Activities.** A student trainer may perform the activities of an athletic trainer only under the following circumstances.

(1) A student shall be considered to be performing the activities of an athletic trainer under the Texas Civil Statutes, Article 4512d (Act), §9, and not in violation of the Act, §8, if the student is performing the activities:

(A) as part of the apprenticeship hours described in §313.5 of this title (relating to Qualifications); or

(B) as follows:

(i) the student's supervising college or university licensed athletic trainer has approved, referred, sent, or directed the student to a setting other than with the student's school's intercollegiate athletes;

(ii) the setting is with another college or university, a high school, a professional athletic team, or a health care clinic; and

(iii) the student is directly supervised in the setting by a licensed athletic trainer.

(2) Hours which fall under paragraph (1)(B) of this subsection shall not be counted as apprenticeship hours unless the hours fit the requirements of §313.5(b)(1) or (2) of this title (relating to Qualifications).

**§313.13. Continuing Education Requirements.**

(a) The purpose of this section is to establish the continuing education requirements a licensee shall meet to maintain licensure. The requirements are intended to maintain and improve the quality of services provided to the public by licensed athletic trainers. Continuing education experiences are programs beyond the basic education required to obtain licensure which are designed to promote and enrich knowledge, improve skills, and develop attitudes for the enhancement of the practices of licensed athletic trainers, thus improving athletic training care to the public.

(b) A licensee must complete 30 clock hours of continuing education during each three-year period. The three year period begins on the first day following the issuance month and ends on the last day of each licensee's renewal month, except that the initial period shall begin with the date the board issues the license certificate and ends on the last day of the third renewal cycle.

(c) Continuing education undertaken by a licensee for renewal shall be acceptable if the experience falls in one or more of the following categories:

(1) academic courses at a regionally accredited college or university related to sports medicine;

(2) clinical courses related to sports medicine, or

(3) in-service educational programs, training programs, institutes, seminars, workshops and conferences in sports medicine or athletic training.

(d) Continuing education experience shall be credited as follows

(1) Completion of course work at or through an accredited college or university shall be credited for each semester hour on the basis of two clock hours of credit for each semester hour successfully completed for credit or audit as evidenced by a certificate of successful completion or official transcript.

(2) Parts of programs which meet the criteria of subsection (c)(2) or (3) of this section shall be credited on a one-for-one basis with one clock hour credit for each clock hour spent in the continuing education experience

(3) Completion of a cardiopulmonary resuscitation (CPR) techniques course will be credited a maximum of six clock hours

(4) Completion of a standard first aid techniques course will be credited a maximum of six clock hours

(5) A clock hour shall be 50 minutes of attendance and participation in an acceptable continuing education experience.

(6) Approval of the continuing education committee must be obtained for each continuing education experience described in subsection (c) of this section

(e) Requests for approval of continuing education experience should address the following criteria.

(1) relevance of the subject matter to increase or support the development of skill and competence in athletic training;

(2) objectives of specific information or skill to be learned;

(3) subject matter, educational methods, materials, and facilities utilized, including the frequency and duration of sessions and the adequacy to implement learner objectives; and

(4) sponsorship and leadership of programs; including the name of the sponsoring individual(s) or organization(s), and program leaders or faculty if different from sponsors and contact person

(f) Effective September 1, 1994, the licensee shall be responsible for maintaining a record of his or her continuing education

experiences. The certificates, diplomas, or other documentation verifying earning of continuing education hours are not to be forwarded to the board at the time of renewal unless the licensee has been selected for audit by the board. Only the completed continuing education report form should accompany the renewal form and fee if the licensee has not been selected for audit.

(g) The audit process shall be as follows.

(1) The board shall select for audit a random sample of licensees for each renewal month. Audit forms shall be sent to the selected licensees at the time the renewal notice is mailed.

(2) All licensees selected for audit will furnish documentation such as official transcripts, certificates, diplomas, receipts, agendas, programs, or an affidavit identifying the continuing education experience satisfactory to the board, to verify proof of having earned the continuing education hours listed on the continuing education report form. The documentation must be provided at the time the renewal form is returned to the board.

(3) Failure to timely furnish this information or knowingly providing false information during the audit process or the renewal process are grounds for disciplinary action against the licensee.

(h) A licensee who has failed to complete the requirements for continuing education may be granted a 90-day extension to the continuing education period.

(1) The request for an extension of the continuing education period must be made in writing prior to the expiration of the license.

(2) A subsequent continuing education period shall end three years from the date the previous continuing education period expired, not the date of the end of the extension period.

(3) Credit earned during the extension period may only be applied to the previous continuing education period.

(4) A person who fails to complete continuing education requirements for renewal holds an expired license and may not hold himself or herself out as an athletic trainer, imply he or she has the title of "licensed athletic trainer" or "athletic trainer", use "LAT" or "AT", or perform the duties of an athletic trainer during the extension period.

(5) A license may be renewed upon completion of the required continuing education within the given extension period, submission of the license renewal form, and payment of the applicable late renewal fee.

(i) A person who fails to complete continuing education requirements for renewal and failed to request an extension to the continuing education period may not renew the license. The person may obtain a new license by complying with the current requirements and procedures for obtaining a license.

(j) The continuing education committee may not grant continuing education credit to any licensee for:

(1) education incidental to the regular professional activities of a licensee such as learning occurring from experience or research;

(2) professional organization activity such as serving on committees or councils or as an officer;

(3) any continuing education activity completed before or after the period of time described in subsections (b) or (h) of this section;

(4) self-study continuing education programs or activities;

(5) activities which have been completed more than once during the continuing education period;

(6) performance of duties that are routine job duties or requirements; or

(7) instructing or presenting continuing education programs or activities.

(k) Any licensee attaining the age of 55 years shall have the continuing education requirement waived upon the licensee's request.

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 June 7, 1994.

TRD-9441959 Michael Saly  
Chairman  
Advisory Board of Athletic  
Trainers

Earliest possible date of adoption: July 15, 1994

For further information, please call: (512) 834-6615

## TITLE 30. ENVIRONMENTAL QUALITY

### Part I. Texas Natural Resource Conservation Commission

#### Chapter 101. General Rules

##### • 30 TAC §101.1, §101.29

The Texas Natural Resource Conservation Commission (TNRCC) proposes amendments to §101.1 and §101.29, concerning Definitions and Emissions Banking. The Emissions Banking program is a voluntary

emission reduction program designed to provide a source of offsets and additional flexibility for regulated sources.

The proposed amendments conform §101.29 of this title (relating to Emissions Banking) with proposed §114.29 of this title (relating to Accelerated Vehicle Retirement Program). Such conformity includes a definition of mobile source emission reduction credit (MERC), the useful life of a credit, certification procedures for credits, recognition of reductions from the accelerated retirement of high-emitting vehicles as "qualified reductions" for the purposes of §101.29 of this title, and authorized uses for the credits.

A MERC is defined as the credit obtained from an enforceable, permanent, quantifiable, and surplus (to other federal and state regulations) emission reduction generated by a mobile source as set forth in §114.29 of this title or §114.11 of this title (relating to Alternative Fuel Requirements for Motor Vehicle Fleets), and which has been banked in accordance with §101.29 of this title.

The useful life of a MERC is a function of the remaining vehicle miles of the mobile source, as determined in the Accelerated Vehicle Retirement program and Alternative Fuel Requirements for Motor Vehicle Fleets. The Bank expiration date and useful life of a MERC is calculated from the date the MERCs are certified.

MERCs will be certified by the TNRCC Emission Bank for any emission reduction which has been registered in accordance with the specific requirements of the Accelerated Vehicle Retirement program (§114.29) or the Alternative Fuel Requirements for Motor Vehicle Fleets.

A key element of §101.29 is the authorized use of MERCs. Under the proposed rule, the following uses are authorized: extending a compliance deadline for up to the life of the credit to the extent allowed in any provision of Chapter 115 of this title (relating to Control of Air Pollution from Volatile Organic Compounds) and §117.540 of this title (relating to Phased Reasonably Available Control Technology (RACT)); complying with fleet requirements to the extent allowed in the Alternative Fuel Requirements for Motor Vehicle Fleets; providing offsets for short-term emission increases that require a permit amendment; providing offsets for modifications to an existing source, or providing offsets for a new source at an existing facility. The amendments also "clean up" some of the administrative and procedural aspects of the existing §101.29 of this title for clarification and consistency purposes and delete unnecessary provisions. The amendments clarify that all qualified reductions must have occurred after January 1, 1990. They eliminate the distinction between pre-rule and post-rule reductions. Mandatory banking of shutdown credits has been determined to not be required by the U.S. Environmental Protection Agency, as originally understood and has, therefore, been eliminated.

Stephen Minick, Budget and Planning Division, has determined that for the first five-year period the rules are in effect there will be no fiscal implications for state or local govern-

ment as a result of enforcing or administering the rules because the Emissions Banking program is a voluntary program that can be supported by the current staff of the Air Policy Division.

Mr. Minick also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules will be reduced emissions from stationary and mobile sources. The regulated community, including small businesses, will benefit because of the increased flexibility this program offers. There is no anticipated economic cost to persons who are required to comply with the rules as proposed.

A public hearing on this proposal is scheduled for July 13, 1994, at 10:00 a.m. in Room 254S of TNRCC Building E, located at 12118 North IH-35, Park 35 Technology Center, Austin. The hearing is structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted; however, a TNRCC staff member will be available to discuss the proposal 30 minutes prior to the hearing and will be available to answer questions informally.

Written comments not presented at the hearing may be submitted to the TNRCC central office through July 15, 1994. Material received by the TNRCC Regulation Development Section by 4:00 p.m. on that date will be considered by the Commission prior to any final action on the proposal. Copies of the proposed revisions are available at the TNRCC, located at 12124 Park 35 Circle, Building C, Austin, and at all TNRCC regional offices. Please mail written comments to the Regulation Development Section, Air Quality Planning, P.O. Box 13087, Austin, Texas 78711-3087. For further information, contact Jim Dodds at (512) 239-1119.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-1459. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Health and Safety Code (Vernon 1990), the Texas Clean Air Act (TCAA), §382.017, which provides the TNRCC with the authority to adopt rules consistent with the policy and purposes of the TCAA.

The proposed amendments affect the Texas Health and Safety Code, §382.017.

**§101.1. Definitions.** Unless specifically defined in the Texas Clean Air Act (TCAA) or in the rules of the Commission [Board], the terms used by the Commission [Board] have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms which are defined by the TCAA, the following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

**Emissions reduction credit (ERC)**—Any stationary source emissions

reduction which has been banked in accordance with §101.29 of this title (relating to Emissions Banking).

**Mobile source emissions reduction credit (MERC)**—The credit obtained from an enforceable, permanent, quantifiable, and surplus (to other federal and state regulations) emissions reduction generated by a mobile source as set forth in §114.29 of this title (relating to Accelerated Vehicle Retirement Program) or §114.11 of this title (relating to Alternative Fuel Requirements for Motor Vehicle Fleets), and which has been banked in accordance with §101.29 of this title.

#### *§101.29. Emissions Banking.*

(a) Applicable pollutants. Qualified reductions of volatile organic compounds (VOC) as defined in §101.1 of this title (relating to Definitions) and nitrogen oxides (NO<sub>x</sub>) shall be eligible for deposit in the bank. Interpollutant trading, for example, using a NO<sub>x</sub> credit to offset a VOC emission is not allowed.

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

(d) Length of time available [as an offset]. A certified Emissions Reduction Credit (ERC), generated by a stationary source, is available for use to fulfill an offset requirement during the five-year period after the reduction was actually achieved. The banking applicant shall identify the date the reduction was actually achieved. The ERC certificate shall indicate the expiration date for the certified reduction. If an ERC is withdrawn from the bank prior to the five-year expiration and submitted with a complete permit application for use as an offset, the ERC remains usable for the lifetime of the new facility or modification proposed for offset. The length of time a certified mobile source emission reduction credit (MERC) is available for use is a fraction of the remaining vehicle miles of the mobile source, as determined in the Accelerated Vehicle Retirement program and Alternative Fuel Requirements for Motor Vehicle Fleets. The Bank expiration date and useful life of the credit is calculated from the date the MERCs are certified.

(e) ERC certification or registration.

(1) (No change.)

(2) MERCs will be certified by the Texas Natural Resource Conservation Commission Emissions Bank for any emission reduction which has been registered in accordance with the specific requirements of the Accelerated Vehicle Retirement program or the Alternative Fuel Requirements for Motor Vehicle Fleets.

(3)[(2)] When each bank has a minimum balance of 1,000 tpy of certified emissions reductions (ERCs) of a given pollutant in a given nonattainment area, the remaining emissions reductions applications will be registered, but not certified. Whenever any bank balance drops below 700 tpy, registered emissions reductions will be certified in the order they were received, with consideration to the priority provided in paragraph (1) of this subsection, to return the bank balance to a minimum of 1,000 tpy.

(4)[(3)] emission reduction amounts shall be determined and certified based on actual monitoring results, when available, or otherwise calculated using good engineering practices. MERCs will be determined and certified using the methodologies provided in the Accelerated Vehicle Retirement program and Alternative Fuel Requirements for Motor Vehicle Fleets. An ERC certificate will be issued by the Executive Director which indicates the amount of certified emissions reduction which is available for use as offsets and the length of time the reduction is eligible for use. A MERC certificate will be issued by the Executive Director which indicates the total amount of certified emission reduction credits, the quantity available on an annual basis, and the date upon which the last annualized emission reduction expires.

(f) Qualified reduction. A qualified reduction is a reduction in emissions of an applicable pollutant from an eligible source located in an applicable area, which results in an actual and permanent emissions decrease below that required by applicable state or federal law, regulation, or board order [ , or permit]. Unless otherwise specified, the reduction shall have occurred after January 1, 1990. The reduced emissions level must be federally enforceable for the reduction to qualify. Emissions reductions may come from any eligible sources, including stationary, area, and mobile sources [Applications for mobile source reductions will be certified beginning January 1, 1994.] The Executive Director shall have the authority to inspect and request information to assure that the emissions reduction has been actually achieved. Qualified reductions include, but are not limited, to the following:

(1) (No change.)

(2) an actual emissions reduction resulting from the installation of a level of control, after January 1, 1990, greater than that which is required by regulation, Commission [permit, Board] order, or State Implementation Plan (SIP) provision if the applicant accepts a permit provision specifying a lower level of emissions;



(3) an actual emissions reduction resulting from the installation of different processes or equipment, after January 1, 1990, which emit less than the previous processes or equipment that performed the same function if the applicant accepts a permit provision specifying a lower level of emissions;

(4) an actual emissions reduction resulting from more effective operation and maintenance of abatement and process equipment, after January 1, 1990, if the applicant accepts a permit provision specifying a lower level of emissions;

(5) an actual emissions reduction resulting from a reduction in production rates, or a restriction on hours of operations, after January 1, 1990, if the applicant accepts a permit provision specifying a lower level of emissions, a limit at that production rate, or restricted operating hours;

(6) an actual emission reduction resulting from the utilization of vehicles beyond the established emissions standard and/or the fleet percentages as required by the Texas Alternative Fuel Fleet program which has occurred after January 1, 1992 ; [an actual emissions reduction resulting from the utilization of alternative fuel vehicles beyond that which is required by law, regulation, or permit which has occurred after January 1, 1992; and]

(7) an actual emissions reduction, after January 1, 1990, resulting from the accelerated retirement of high-emitting vehicles; and

(8)[(7)] any other actual emissions reduction which the Executive Director or United States Environmental Protection Agency approves as a qualified reduction

[(g) Deposits. There are special deposit timelines regarding pre-bank reductions and shutdowns.

[(1) Depositing pre-bank reductions. Applications to deposit a qualified emissions reduction resulting from a shutdown which occurred between January 1, 1990, and the effective date of this regulation, must be received within six months after the effective date of this regulation or within six months of TACB issuing the final approved format identified in subsection (1) (1) of this section, whichever is later. All other emissions reductions shall have occurred after the effective date of this regulation to qualify for a credit. The SIP revisions, permit revisions, or regulatory amendments, which have occurred prior to the deposit registration, shall be the basis for determining the eligibility of the emissions reductions to be banked.

[(2) Mandatory banking of credits from shutdown for external offset purposes. An emissions reduction due to the shutdown of a source must be banked to be used as an external offset, unless the shutdown occurs within six months of an associated emissions increase which will use the reduction credit.]

[(g)[(h)] Withdrawal of credits. Certified ERCs can be withdrawn only for use within the same designated ozone nonattainment area and for the following purposes:

(1) providing offsets for new sources; or

(2) providing offsets for modifications to an existing source.

**(h) Withdrawal of MERCs.**

(1) Certified MERCs can be transferred or withdrawn only for use within the same designated ozone nonattainment area and for the following purposes:

(A) extending a compliance deadline for up to the life of the credit to the extent allowed in any provision of Chapter 115 of this title (relating to Control of Air Pollution from Volatile Organic Compounds) and §117.540 of this title (relating to Phased Reasonably Available Control Technology (RACT));

(B) complying with fleet requirements to the extent allowed by the Alternative Fuel Requirements for Motor Vehicle Fleets;

(C) providing offsets for short-term emission increases that require a permit amendment;

(D) providing offsets for modifications to an existing source; or

(E) providing offsets for a new source at an existing facility.

(2) When MERCs are used for the purposes put forth in paragraph (1)(C)-(E) of this subsection, offsets will be required, upon the expiration of the MERCs, through internal emission reductions (netting) or the purchase of additional MERCs or ERCs, or the facility will be required to shut down the emission source.

(i) (No change.)

(j) Depreciation. The Executive Director is prohibited from depreciating any ERC or MERC, except under the following circumstances

(1) an ERC, not a MERC, [the credit] will incur an annual 3.0% depreciation on the anniversary of the date the reduction occurred based on the initial ERC value as a demonstration of reasonable further progress toward ozone attainment; or

(2) the ERC or MERC certificate has expired; or

(3) regulatory changes were promulgated after the ERC or MERC certificate has been issued which would have required reductions from the source that created the qualifying reduction. The credit shall be reduced by the amount affected by the regulatory change.

(k) ERC and MERC use. The use of ERCs and MERCs will be accomplished either through transfers or withdrawals.

(1) Transfer. ERCs and MERCs [The credits] may be freely transferable, in whole or in part, and may be sold or conveyed in any manner in accordance with the laws of the State of Texas. The Executive Director shall be notified within 30 days of any transfer of the credit to another party. The old certificate shall be submitted to the Executive Director, who shall then issue a new certificate indicating the new owner. In the case of a partial transfer, the Executive Director shall issue a new certificate to the new owner as well as a revised certificate to the current owner reflecting the available credits to each owner.

(2) Withdrawal. Only the owner of the certificate is eligible to withdraw deposits from the bank. Once a certificate has been issued, the ERC or MERC shall be valid for the time period indicated on the certificate, unless the certificate has been depreciated in accordance with subsection (j) of this section.

(1) Program administration. The administration of the emissions banking program includes deposit registration, deposit certification, and ERC and MERC transfer and withdrawal.

(1) Deposit registration. A deposit registration of a qualified ERC [emissions reduction] in the [ERC] bank is voluntary. A MERC must be deposited in the bank before ownership can be transferred or used by the owner as described in subsection (h) of this section. Deposit registrations should be submitted in an approved format to the Executive Director. [In order to use the bank, an emissions reduction must be registered within six months of achieving the actual emissions reduction, with the exception of the pre-bank reductions identified in subsection (g)(1) of this section. Failure to file in a timely manner will result in forfeiture of the ability to bank the emissions reduction. However, such a reduction will still be available for netting

or offsetting purposes.] The Executive Director shall annotate the deposit registration with the date of receipt. If the Executive Director determines that the emissions reduction does not qualify for registration, the applicant shall be notified, within 60 calendar days of receipt of the registration, with a letter which states the reasons for registration denial.

(2) Deposit certification. The Executive Director will certify emissions reduction credits in accordance with the guidelines stated in subsection (e) of this section. The applicant shall be notified in writing of the Executive Director's certification decision. If the decision is to grant the ERC or MERC as registered, the ERC or MERC certificate shall be mailed to the owner. If the decision is to grant less credit than the deposit registration or to deny certification, the letter shall state the specific reasons for the decision. The applicant will then have 30 days to respond in writing to the Executive Director. If the Executive Director affirms the certification decision, the applicant may appeal to the Commission [Board]. The Commission [Board], at its option, may hear the appeal directly or may appoint a hearing examiner to obtain evidence from the applicant and staff and provide an advisory opinion to the Commission [Board]. Such a hearing shall be conducted in accordance with the rules of evidence, but need not meet all the formal procedures for a contested case hearing. If called, the hearing shall be held within 60 days of the Executive Director's receipt of the applicant appeal. The hearing examiner report shall be submitted to the Commission [Board] within 30 days of the close of the hearing.

(3) ERC or MERC Withdrawal. The owner of an ERC or MERC certificate shall submit an application for withdrawal in a format approved by the Executive Director. The Executive Director shall have 30 calendar days to review the application. Upon notification of approval, the old certificate shall be submitted to the Executive Director as part of the nonattainment review permit application that requires offsets or in accordance with the procedures for other authorized uses of ERCs or MERCs. The Executive Director shall remove the credits from the bank and issue a new certificate if any reduction credit is remaining. If the Executive Director denies the application, the applicant may appeal to the Commission [Board]. The appeal will be handled in accordance with the procedures for appeal of decisions affecting deposit applications.

(m) Public access. It is the goal of the TNRCC [TACB] to establish a computerized data base which will allow the public to ascertain the amount of reductions which are registered or banked in each designated ozone nonattainment area. In lieu of a com-

puterized data base, a paper copy of the amount of reductions which are registered or banked will be available at the Central TNRCC [Austin TACB] office and the TNRCC [TACB] regional office associated with each ozone nonattainment area. The registry shall not contain proprietary information.

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 May 25, 1994.

TRD-9441933

Mary Ruth Holder  
Legal Services Division  
Texas Natural Resource  
Conservation  
Commission

Proposed date of adoption: August 31, 1994

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

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

• 30 TAC §114.29

The Texas Natural Resource Conservation Commission (TNRCC) proposes new §114.29, concerning Accelerated Vehicle Retirement. The Accelerated Vehicle Retirement program is a voluntary emission reduction program designed to provide additional flexibility for stationary sources. Mobile source emission reduction credits (MERCs) are generated by the removal of high-emitting vehicles from the area-wide fleets in the ozone nonattainment areas: Houston/Galveston, Beaumont/Port Arthur, Dallas/Fort Worth, and El Paso. These credits can be used by stationary sources for short-term compliance requirements for emission reductions of Volatile Organic Compounds and Nitrogen Oxides. With this rule, stationary sources will have the opportunity to select the most cost-effective approach to comply with federal and state regulations and to obtain offsets for future growth.

This new section provides specific requirements for the purchase, screening, and processing of scrappage vehicles, so that all emission reductions generated through accelerated vehicle retirement are creditable, enforceable, surplus, quantifiable, and permanent. The scrappage program requires all potential vehicles to get an IM240 emission test at an Inspection and Maintenance referee facility. This procedure quantifies tailpipe emissions and the rigors of the test may eliminate those vehicles with very little remaining life. This new section also has very stringent requirements for participating vehicles and vehicle owners to ensure that the vehicle is registered in the nonattainment area and is an operable vehicle that has been driven in the last year. This regulation does not furnish any incentives to tamper with the vehicle to increase emissions or for any of the participants to provide false information.

The Accelerated Vehicle Retirement program (scrappage) will target vehicles that fail the Texas Inspection and Maintenance emission test, rather than targeting older model vehicles. If a vehicle fails the emission test, the motorist will have another option to high repair costs or not driving the vehicle, which is to sell it to a scrappage dealer. By offering the motorist another option, potential waiver vehicles will be removed from the road and motorists will have additional funds to purchase a newer and cleaner car.

The Accelerated Vehicle Retirement Program contains a certification procedure for scrapers, which is required of all participating automotive parts recyclers or salvage yards. Automotive parts recyclers can become certified scrapers by maintaining a clean salvage yard, recycling automotive fluids, and protecting the environment from spills and leaks. Additional requirements are included that pertain to vehicle processing time, recordkeeping, and space allocation.

Stephen Minick, Budget and Planning Division, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule because it is a voluntary program that can be supported by the current staff of the Air Policy Division.

Mr. Minick also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be reduced emissions and reduced automotive waste. The regulated community will benefit because of the increased flexibility this program offers. Small businesses will benefit because automobile scrappage is a good business opportunity for automotive parts recyclers and new businesses could be created that manage and trade emission credits. No person is required to comply with this rule, since it is a voluntary program.

A public hearing on this proposal is scheduled for July 12, 1994 at 10:00 a. m. in Room 254S of TNRCC Building E, located at 12118 North IH-35, Park 35 Technology Center, Austin. The hearing is structured for the receipt of oral and written comments by interested persons on the proposed changes. Interrogation or cross-examination is not permitted; however, a TNRCC staff member will be available to discuss the proposal 30 minutes prior to the hearing.

Written comments not presented at the hearing may be submitted to the TNRCC central office through July 15, 1994. Material received by the TNRCC Regulation Development Section by 4:00 p.m. on that date will be considered by the Commission prior to any final action on the proposal. Copies of the proposed revision are available at the TNRCC, located at 12124 Park 35 Circle, Building C, Austin, and at all TNRCC regional offices. Please mail written comments to the Regulation Development Section, Air Quality Planning Division, P.O. Box 13087, Austin, Texas 78711-3087. For further information, contact Ruth Reiman at (512) 239-1219.

Persons with disabilities who have special communication or other accommodation

needs who are planning to attend the hearing should contact the agency at (512) 239-1457. Requests should be made as far in advance as possible.

The new rule is proposed under the Texas Health and Safety Code (Vernon 1990), the Texas Clean Air Act (TCAA), §382.017, which provides the TNRCC with the authority to adopt rules consistent with the policy and purposes of the TCAA.

No other statute or code is requiring this new rule.

#### §114.29 Accelerated Vehicle Retirement Program

(a) Unless specifically defined in the Texas Clean Air Act (TCAA) or in Chapter 101 of this title (relating to General Rules), the terms in this section have the meanings commonly used in the field of air pollution control. Additionally, the following meanings apply, unless the context clearly indicates otherwise:

(1) Area-wide fleet—All the automobiles and light duty trucks covered under the Texas Inspection and Maintenance program as set forth in §114.3 of this title (relating to the Vehicle Emission Inspection and Maintenance program) in the ozone nonattainment area.

(2) High-emitting vehicle—A vehicle that fails the Texas Inspection and Maintenance emission test.

(3) Dealer—The entity that locates the potential scrappage vehicles, purchases the vehicles, sells the mobile source emission reduction credits, and initiates the proper recycling and reclamation of the vehicle by a scrapper, the broker or middleman that may exist between the scrappage sponsor and the scrapper.

(4) Mobile Source Emission Reduction Credit (MERC)—The credit obtained from an enforceable permanent, quantifiable and surplus (to other federal and state regulations) emission reduction that results from the permanent removal of a high-emitting vehicle from the area-wide vehicle fleet and which has been banked in accordance with §101.20 of this title (relating to Emissions Banking).

(5) On testing cycle—The vehicle's required emission test is within the six months preceding the deadline for emission testing and vehicle registration pursuant to the Texas Inspection and Maintenance program.

(6) Replacement vehicle—The vehicle the motorist is assumed to drive after his/her original vehicle is sold to a scrapper. The replacement vehicle is equal to the average fleet vehicle for that ozone nonattainment area as reported by current auto registration. U.S. Environmental Protection Agency (USEPA) MOBILE Model.

(7) Scrappage sponsor—Any organization that funds the purchase of high-emitting vehicles for the purpose of obtaining mobile source emission reduction credits. The sponsor and the dealer can be the same enterprise.

(8) Scrappage vehicle—An automobile or light duty truck in the area-wide fleet that is sold or will be sold to a scrapper for recycling and reclamation.

(9) Scrapper—The entity, such as a salvage yard, automotive dismantler, or parts recycler, that recycles and reclaims the scrappage vehicle pursuant to the Accelerated Vehicle Retirement program. The scrapper can also purchase the vehicle from the motorist making the scrapper and the dealer the same enterprise. Each scrapper shall be certified by the Texas Natural Resource Conservation Commission (TNRCC).

(10) Stationary Source (applies only to nonattainment area, new source review rules pursuant to Federal Clean Air Act provisions)—Any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under the Federal Clean Air Act.

(b) The purpose of this program is to reduce mobile source emissions of volatile organic compounds (VOCs) and oxides of nitrogen (NO<sub>x</sub>), and provide additional flexibility for stationary sources in the four ozone nonattainment areas: Houston/Galveston, Dallas/Fort Worth, El Paso, and Beaumont/Port Arthur. A scrappage program reduces VOC, NO<sub>x</sub>, and carbon monoxide emissions from mobile sources, such as automobiles and light duty trucks, by permanently removing high-emitting vehicles from the area-wide fleet. With this rule, stationary sources will have the opportunity to select the most cost-effective approach to comply with federal and state regulations for ozone reductions. The Accelerated Vehicle Retirement program is a voluntary program for both the stationary source and the motorist.

(c) In order for a mobile source emission reduction to be creditable under these rules and certified in accordance with §101.29 of this title, the following procedures and requirements must be met:

(1) Entities seeking to obtain MERCs through automobile scrappage shall submit a scrappage plan to the Executive Director at least 45 days prior to planned initiation of vehicle scrapping. The Executive Director reserves the right to reject a scrappage plan if it does not meet the requirements outlined in this regulation. The sponsor will be notified within 30 days of receipt of the plan by the TNRCC if it is rejected, otherwise the plan is acceptable. The plan should include, to the extent applicable, the following items:

(A) the purpose of the scrappage program,

(B) the planned number of cars to be scrapped;

(C) the proposed purchase price for the vehicles;

(D) the expected number of tons per year of MERCs to be generated by the scrappage program;

(E) the manner in which the sponsor will locate potential scrappage vehicles;

(F) the location and dates for the vehicle screening and documentation review, if there is a prescreening prior to the purchase of the vehicle;

(G) the name and address of the dealer;

(H) the name and location of the scrapper recycling and reclaiming the scrappage vehicles,

(I) the date the scrappage sponsor will initiate the program and the proposed end date, and

(J) the scrappage sponsor contact person, address, and phone number.

(2) To be eligible for the scrappage program, a vehicle must have been registered to an address within an ozone nonattainment area for at least 12 months prior to the sale of the vehicle. Proof of insurance for the same 12-month period is required at the point of sale. The vehicle is eligible for scrappage only in the nonattainment area in which it is registered.

(3) The owner of the scrappage vehicle or legal representative of the owner must be present at the time of the sale. The title must contain the current owner's name. The vehicle title is surrendered to the dealer at the time of the sale. The vehicle owner must have lived in the same nonattainment area to which the vehicle is registered for the 12 months prior to the sale of the vehicle and present proof to this effect. The owner must present at the time of sale a picture ID, with the owner's current address, to verify vehicle ownership and residency in the nonattainment area. Other documentation may be requested to verify the identity and address of the owner.

(4) Only one scrappage vehicle per owner is eligible for the program in any two-year emission testing cycle.

(5) The scrappage vehicle must be in operable condition and driven to the scrapper's location. Vehicles cannot be towed or trailered to the scrapper's site.

(6) The owner of the scrappage vehicle must have obtained an IM240 vehicle emission certificate, at a referee facility, prior to the sale of the vehicle. A purge and pressure test will be required as specified by the Texas Inspection and Maintenance program. The vehicle is eligible for scrappage for seven calendar days following the IM240 emission test. A motorist must submit the vehicle to an emissions test according to the following procedures.

(A) If the vehicle is on testing cycle, the owner shall first go to an emission testing center for a pass/fail emission test. If the vehicle fails the test, the owner should obtain a repair estimate from a certified emission repair technician of Texas operating at a certified facility. If the owner chooses to scrap the vehicle rather than register or repair it, she/he shall take the vehicle to a referee facility for an IM240 emission test. Appointments for emission tests will be required at all referee facilities and a fee will be charged, as specified by the Texas Inspection and Maintenance program. The owner shall obtain a vehicle emission certificate at the referee facility, which must be presented to the scrappage dealer, along with the repair estimate, at the time the vehicle is sold.

(B) If the vehicle is off-cycle or the vehicle owner has received a minimum expenditure waiver or hardship waiver within the last 18 months, the owner should go directly to the referee facility for an IM240 emission test. Appointments for emission tests will be required at all referee facilities and a fee will be charged, as specified by the Texas Inspection and Maintenance program. The owner shall obtain a vehicle emission certificate at the referee facility, which must be presented to the scrappage dealer at the time the vehicle is sold.

(C) Scrappage sponsors may solicit vehicle owners for potential scrappage vehicles at any time during the year. Vehicles solicited by the sponsor will be required to follow the same procedures specified in subparagraphs (A) and (B) of this paragraph.

(7) Any tampering with the vehicle's exhaust system or emission controls is prohibited. If tampering is detected, the vehicle will be disqualified from participation in the scrappage program.

(8) The scrappage sponsor, dealer, or scrapper is responsible for setting the price for each scrappage vehicle. The sponsor or dealer may not set vehicle purchase prices based on the emission level of any individual vehicle.

(9) All scrappage vehicles shall be scrapped by a scrapper certified by the TNRCC.

(d) Following the scrappage event or as MERCs are needed in a continuous program, the scrappage sponsor shall submit the following documents for each scrapped vehicle to the TNRCC Emissions Bank to obtain certified MERCs. The Executive Director reserves the right to eliminate any vehicle from the MERC calculation that does not comply with the requirements outlined in subsection (c) of this section or for which proper documentation, as described in paragraphs (1)-(5) of this subsection, is not provided:

- (1) the vehicle emission certificate;
- (2) where applicable, a repair estimate signed by a certified repair technician;
- (3) a copy of the vehicle title;
- (4) a copy of the owner's driver's license, plus copies of any other identification documentation provided to the dealer; and
- (5) all information listed in subsection (i)(1)(A)-(H) of this section.

(e) In order for an automotive parts recycling facility to obtain and maintain certification under the Accelerated Vehicle Retirement program, the facility must comply with the following requirements.

- (1) The facility must be a licensed motor vehicle salvage dealer as required by the State Department of Public Transportation.
- (2) The facility must have a customer parking area for at least 30 vehicles.
- (3) The facility must be able to process the paperwork for 25 scrappage vehicles and move them out of the parking area within 24 hours of their arrival.
- (4) The facility must handle all automotive material in a manner that protects the environment and is in accordance with all local, state, and federal regulations for waste management and clean water. At a minimum, the facility must comply with the following procedures:

(A) process all scrappage vehicles in the following manner.

- (i) drain the crankcase of all motor oil and properly recycle the oil with a registered used oil handler. If the oil

filter is removed it should also be properly recycled;

(ii) evacuate the air conditioning system of all refrigerant and properly recycle with a certified reclaiming as specified in 40 Code of Federal Regulations Part 82;

(iii) drain the antifreeze or coolant and properly recycle;

(iv) drain the transmission fluid, brake fluid, and power steering fluid to the extent possible and properly recycle;

(v) drain all fuel and reuse or properly recycle; and

(vi) remove the battery and store on raised shelves in a covered shelter. The shelter must have a cement floor. Good batteries may be recycled. Bad batteries shall be disposed of in accordance with §330.1103 of this title (relating to Disposal of Batteries).

(B) drain and capture all the automotive fluids, as described in subparagraph (A)(i)-(v) of this paragraph, within four days of the vehicle's arrival at the facility's location;

(C) prevent leaks and spills of any automotive fluid, and immediately remediate spills at all scrapper locations;

(D) where available, recycle automotive fluids with a registered recycler;

(E) provide a complete listing of all the companies that the certified scrapper uses to manage the automotive fluids and batteries. The facility shall provide any revisions to this list within 14 days of the change; and

(F) maintain manifests for all the fluids transported from the scrapper's location. These manifests shall be made available to TNRCC staff upon request.

(5) A certified scrapper is allowed to recycle or sell all parts of the vehicle with the following exceptions:

(A) the exhaust system, including the catalytic converter, tailpipe, muffler, exhaust inlet pipe, vapor storage canister, vapor liquid separator, and resonator. These items must be destroyed. The catalytic converter can be recycled for the precious metals, but cannot be reused; and

(B) the engine with all the components attached. The cylinder block and other engine components can be recycled.

cled only if the component parts are removed and recycled individually.

(6) A scrapper must renew its certification every five years. A scrapper's certification may be suspended or revoked for good cause at any time by order of the TNRCC after notice and opportunity for

public hearing is provided pursuant to the Texas Government Code, §2001.054. Good cause includes, but is not limited to, failure to comply with the certification, operating conditions, and requirements contained in this subsection. The TNRCC may refuse to issue a certification under this subsection if the applicant has a history of noncompli-

ance with the provisions of this subsection or for other good cause shown.

(f) Each scrappage vehicle creates a measurable emission reduction of hydrocarbons (VOCs), NO<sub>x</sub>, and carbon monoxide (CO).

(1) The emission reduction is calculated using the following equation for VOC, NO<sub>x</sub>, or CO:

$$\text{Emission reduction (grams/vehicle/year)} = [(\text{Emissions}_{\text{tailpipe}} + \text{Emissions}_{\text{evaporative}}) - \text{Emissions}_{\text{replacement}}] * \text{VMT}$$

where: Emissions<sub>tailpipe</sub> (TE) = VOC, NO<sub>x</sub>, or CO, for the scrappage vehicle as measured by the IM240 emission test.

Emissions<sub>evaporative</sub> = VOC for the scrappage vehicle as estimated by model year by USEPA MOBILE Model. This is only included if the vehicle fails the purge/pressure test.

Emissions<sub>replacement</sub> = average tailpipe and evaporative emissions for the replacement vehicle as estimated by USEPA MOBILE Model.

VMT = vehicle miles traveled per year. This is calculated by subtracting the recorded vehicle mileage on the old (prior year) safety sticker from the current odometer reading. This figure will either represent the VMT for the preceding 12 months or will be used to estimate annual VMT,

depending on the date on the safety inspection sticker. If the odometer is not functioning properly, VMT will be estimated by the vehicle owner by providing average weekly and annual mileage for the previous 12 months.

(2) The emission reduction generated by each scrappage vehicle is converted into a MERC that can then be deposited in the Bank or transferred directly

to the scrappage sponsor. The Bank calculates the MERC value for the pool of vehicles or each individual vehicle in tons per year as the dealer submits the supporting documentation to the Bank. The MERC expires 36 months following its certification by the Bank.

(3) The emission reduction, as calculated in paragraph (1) of this subsection for VOC, NO<sub>x</sub>, or CO, is multiplied by a factor that converts grams per year into tons per year. The MERC calculation for stationary source usage for year one is as follows.

$$\text{MERC (tons/year)} = (\text{Emission reduction}_{\text{car 1}} + \text{Emission Reduction}_{\text{car 2}} + \dots + \text{Emission reduction}_{\text{car n}}) * 1.102\text{E-6}$$

(4) The following restrictions apply to the MERC calculation:

(A) for a failed vehicle with a repair estimate less than the minimum expenditure as set forth in the Vehicle Emission Inspection and Maintenance program, TE equals the IM240 emission standard by model year;

(B) for a failed vehicle with a repair estimate greater than or equal to the minimum expenditure as set forth in the Vehicle Emission Inspection and Maintenance program, TE equals the IM240 emission measurement;

(C) for a vehicle that has received a one-time hardship waiver or a minimum expenditure waiver within the last 18 months, TE equals the IM240 emission measurement;

(D) for a failed vehicle with no repair estimate, TE equals the IM240 emission standard by model year;

(E) for a vehicle that is tested off cycle or is not required to be emission tested, TE equals the IM240 emission measurement; and

(F) for a vehicle that passes, TE equals the IM240 emission measurement.

(5) The MERC value for year two is 15% lower than the MERC value for year one. The MERC value for year three is 15% lower than the MERC value for year two. The discounting in year two and year three adjusts the MERC value for the natural attrition in the vehicle fleet that occurs over time. The MERC purchaser has the option of averaging the discounts over the 36-month life of the credit, in 12-month increments, or apply the discount in year two and year three, thereby reducing the MERC value in each succeeding year. The MERCs cannot be distributed across the 36-month life of the credit in any manner that may cause excessive emissions in year one, two, or three.

(g) MERCs can be used to achieve compliance as provided for in any provision of Chapter 115 of this title (relating to Control of Air Pollution from VOCs) and §117.540 of this title (relating to Control of Air Pollution from Nitrogen Compounds) and as offsets as set forth in §101.29 of this title. MERCs shall be banked in accordance with §101.29 of this title.

(h) The TNRCC scrappage program will begin on January 1, 1995 in the four ozone nonattainment areas in Texas. Houston/Galveston, Dallas/Fort Worth, Beaumont/Port Arthur, and El Paso.

(i) The TNRCC Emissions Bank will maintain a data base containing the following information:

(1) for each scrappage vehicle purchased:

(A) the model year, model, make, transmission type, engine size, and vehicle identification number (VIN);

(B) the scrappage vehicle owner's name, address, telephone number, and driver's license number;

(C) the final odometer reading, the date on the old safety inspection sticker, and the mileage on the old safety inspection sticker. If the odometer is not functioning properly, refer to subsection (f)(1) of this section for the methodology to calculate VMT;

(D) the date purchased by the dealer;

(E) the purchase price;

(F) the IM240 emission test results and purge/pressure test results;

(G) the dealer/scrapper that processed the vehicle;

(H) in the case of a scragpage event, the scragpage sponsor that purchased the vehicle;

(I) the repair estimate from the certified repair technician; and

(J) the MERC value for that vehicle.

(2) for each MERC sold:

(A) the purchase price;

(B) the name and location of the seller;

(C) the name, location, and the TNRCC account of the buyer;

(D) tons per year for year one, two, and three; and

(E) creation, certification, and expiration dates.

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 May 25, 1994.

TRD-9441935

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

Proposed date of adoption: August 31, 1994

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

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

**Part XIII. Texas  
Commission on Fire  
Protection**

**Chapter 420. Administrative  
Practice and Procedure**

- 37 TAC §§420.1, 420.3, 420.5, 420.7, 420.9, 420.11, 420.13, 420.15, 420.17, 420.19, 420.21, 420.23, 420.25, 420.27, 420.29, 420.31, 420.33, 420.35, 420.37, 420.39, 420.41, 420.43, 420.45, 420.47, 420.49, 420.51, 420.53, 420.55, 420.57, 420.59, 420.61, 420.63, 420.65, 420.67, 420.69, 420.71, 420.73, 420.75, 420.77, 420.79, 420.81, 420.83, 420.85, 420.87, 420.89, 420.91, 420.93,

**420.97, 420.99, 420.101, 420.103,  
420.105, 420.107**

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

The Texas Commission on Fire Protection proposes the repeal of Chapter 420, concerning Administration Practice and Procedure. The repealed sections are replaced by a new Chapter 401 dealing with the same subject matter.

Jack Woods, general counsel, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state and local governments.

Mr. Woods 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 enforcing the new rules will be clarification of procedures that will apply agency wide and provide consistent practice and procedure in cases all within the agency's jurisdiction. There will be no effect on small or large businesses. There are no additional economic cost of compliance for persons.

Comments on the proposal may be submitted to Jack Woods, General Counsel, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas 78768-2286.

The repeals are proposed under the Government Code, §419.008 which provides the commission with authority to adopt rules for the administration of its powers and duties; and Government Code, §2001.004, which requires a state agency to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The Government Code, Chapter 419, §419.036 and §419.906 are affected by this proposal. In addition, the Government Code, Chapter 2001, §§2001.001-2001.147 are affected by this proposal.

§420.1. Definitions.

§420.3. Objective.

§420.5. Scope.

§420.7. Documents-Filing.

§420.9. Time-Computation.

§420.11. Agreements To Be In Writing.

§420.13. Service In Rule Making Proceedings.

§420.15. Service In Non-Rule Making Proceedings.

§420.17. Conduct And Decorum.

§420.19. Parties-Classification.

§420.21. Parties In Interest.

§420.23. Appearances Personally Or By Representative.

§420.25. Pleadings-Classification.

§420.27. Pleadings-Form And Content.

§420.29. Examination By The Director.

§420.31. Motions.

§420.33. Amendments.

§420.35. Agency Records-Incorporation By Reference.

§420.37. Cases-Docketing And Numbering.

§420.39. Proceedings-Non-Rulemaking Publication Of Notice.

§420.41. Licenses.

§420.43. Proceedings-Contested.

§420.45. Proceedings-Uncontested.

§420.47. Applications-Expedited Procedure.

§420.49. Service-Personal.

§420.51. Conference-Pre-Hearing.

§420.53. Motions For Matters Before The Agency.

§420.55. Hearings-Joint.

§420.57. Hearings-Place And Nature.

§420.59. Presiding Officer.

§420.61. Order Of Procedure.

§420.63. Reporters And Transcripts.

§420.65. Exceptions-Formal.

§420.67. Dismissal Without Hearing.

**§420.69. Rules Of Evidence.**

**§420.71. Documentary Evidence And Official Notice.**

**§420.73. Testimony-Prepared.**

**§420.75. Witnesses-Limitations On Numbers.**

**§420.77. Exhibits.**

**§420.79. Proof-Offer Of.**

**§420.81. Depositions.**

**§420.83. Subpoenas.**

**§420.85. Decisions-Proposals For.**

**§420.87. Briefs, Exceptions And Replies-Filing Of.**

**§420.89. Briefs, Exceptions, And Replies-Form And Content Of.**

**§420.91. Argument-Oral.**

**§420.93. Final Decisions, Orders, and Appeals.**

**§420.97. Motions For Rehearing.**

**§420.99. Consultations-Ex Parte.**

**§420.101. Record.**

**§420.103. Show Cause Orders And Complaints.**

**§420.105. Rules-Suspension Of.**

**§420.107. Date-Effective.**

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 June 6, 1994.

TRD-9441957

Jack Woods  
General Counsel  
Texas Commission on Fire  
Protection

Earliest possible date of adoption: July 15, 1994

For further information, please call: (512) 918-7184

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# WITHDRAWN RULES

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

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## TITLE 7. BANKING AND SECURITIES

### Part VI. Credit Union Department

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

##### Direction of Affairs

###### • 7 TAC §91.507

The Credit Union Department has withdrawn from consideration for permanent adoption a proposed amendment to §91.507, which appeared in the February 22, 1994, issue of the *Texas Register* (19 TexReg 1288). The effective date of this withdrawal is June 8, 1994.

Issued in Austin, Texas, on June 8, 1994.

TRD-9441955      Robert W. Rogers  
                         Commissioner  
                         Credit Union Department

Effective date: June 8, 1994

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

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## TITLE 22. EXAMINING BOARDS

### Part XXV. Texas Structural Pest Control Board

#### Chapter 595. Compliance and Enforcement

##### • 22 TAC §595.11

Pursuant to Texas Government Code, §2001.027 and 1 TAC §91.24(b), the proposed amendment to §595.11, submitted by the Texas Structural Pest Control Board has been automatically withdrawn, effective June 6, 1994. The amendment to §595.11 as proposed appeared in the December 3, 1993, issue of the *Texas Register* (18 TexReg 8848)

TRD-9441923

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# ADOPTED RULES

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

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

## TITLE 16. ECONOMIC REGULATION

### Part I. Railroad Commission of Texas

#### Chapter 5. Transportation Division

##### Subchapter P. Commercial Zones

###### • 16 TAC §5.294

The Railroad Commission of Texas adopts an amendment to §5.294, concerning existing commercial zones, without changes to the proposed text as published in the March 29, 1994, issue of the *Texas Register* (19 TexReg 2165). The amendment expands the Dallas and Fort Worth commercial zones to include Grayson County.

It is in the public interest to expand the Dallas and Fort Worth commercial zones in order to facilitate industrial relocation and expansion in Grayson county. Additionally, it is in the public interest to expand the boundaries of the Dallas and Fort Worth commercial zones because of the growth and expansion that have taken place between the current commercial zone boundaries and Grayson county. Grayson county and its communities are adjacent to and commercially a part of the Dallas and Fort Worth commercial zones.

The amendment will facilitate the expedited movement of goods between Grayson county and other points in the commercial zones, and will promote the use of for-hire carriers.

Twenty-eight public comments were received during the 30-day comment period, and 27 witnesses appeared and testified at a public hearing regarding the proposed expansion. All of the witnesses and comments, except one, were in favor of the expansion. Those in support of the proposal stated generally that the commercial relationship between Grayson county and the Dallas/Fort Worth area was so intertwined that business development was being severely hindered by being excluded from the zones.

Comments in opposition were filed by Central Freight Lines Inc. Central urged the commission to adopt its pending rate flexibility rulemaking proposal in lieu of the proposed expansion of the Dallas and Fort Worth commercial zones. In the alternative, Central

stated that the instant proposal should be rejected because Grayson County is not physically adjacent to or commercial a part of the commercial zones. Central did not state that this amendment would have an adverse affect on existing common carriers.

The following groups and associations commented in favor of the proposed amendment: Sherman Chamber of Commerce, Sherman Industrial District, Inc., Denison Chamber of Commerce, and Denison Industrial Foundation (Petitioners); Grayson County Airport; City of Whitewright; Johnson and Johnson Medical, Inc., City of Howe; Starr Aircraft, Downtown Denison, Inc.; Premium Distributing Co., Inc.; Denison Industries, City of Denison; Bayless-Hall Insurance; The Pillsbury Co.; Reedrill, Inc.; ConAgra Flour Milling; Texoma Council of Governments, The Folger Coffee Co.; Grayson County Commissioners, Redpath Apparel Group, Texoma Medical Center; Lake Texoma Association, Ag Processing, Inc.; Texas Instruments, Ryder Commercial Leasing and Services and Mobil Oil Corporation.

The following group commented against the proposed amendment: Central Freight Lines Inc.

The commission disagrees with Central's assertions. The present rulemaking is not the appropriate forum to consider Central's proposed rulemaking regarding rate flexibility. Furthermore, the commission disagrees with Central's assertions that Grayson county is no adjacent to or commercially a part of the present commercial zones. The evidence has demonstrated that those two elements have been met by the petitioners. The commission agrees that Grayson county meets the requirements to be included in the Dallas and Fort Worth commercial zones. Grayson county is physically adjacent to Denton and Collin Counties, which are in the present zones. Also, there is significant interchange of workers, goods and services between communities in Grayson county and communities located within the present zones. Expansion of the commercial zones would acknowledge and accommodate the growth of the Dallas/Fort Worth metropolplex, and will further enhance development in the Grayson county area.

The amendment is adopted pursuant to Texas Civil Statutes, Article 911b, §1(g) (Vernon Supplement 1994), which authorize the commission to define and prescribe commercial zones adjacent to and commercially a

part of any specified incorporated municipality. The following is the statute affected by this rule:

Texas Civil Statutes, Article 911b, §5.294 (Vernon 1964 and Vernon Supplement 1994)

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

Issued in Austin, Texas, on June 7, 1994

TRD-9441945

Mary Ross McDonald  
Assistant Director, Legal  
Division, Gas  
Utilities/LP-Gas Section  
Railroad Commission of  
Texas

Effective date June 28, 1994

Proposal publication date: March 29, 1994

For further information, please call (512) 463-7013

## TITLE 37. PUBLIC SAFETY AND CORREC- TIONS

### Part IX. Texas Commission on Jail Standards

#### Chapter 273. Medical Services in County Jails

###### • 37 TAC §273.6

The Texas Commission on Jail Standards adopts new §273.6, concerning Medical Services in County Jails, without changes to the proposed text as published in the April 19, 1994, issue of the *Texas Register* (19 TexReg 2897).

Adoption of this rule establishes a tuberculosis screening plan as required by the Texas Department of Health.

The rule functions to provide proper screening of inmates in county jails for tuberculosis.

No comments were received regarding adoption of the new section.

The new rule is adopted under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and pro-

cedures establishing standards for the construction, equipment, maintenance, and operation of county jails.

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

Issued in Austin, Texas, on June 8, 1994.

TRD-9441971      Jack E. Crump  
Executive Director  
Texas Commission on Jail  
Standards

Effective date: June 29, 1994

Proposal publication date: April 19, 1994

For further information, please call: (512)  
463-5505



## Chapter 300. Fees and Payments

### Tuberculosis Screening Payment

#### • 37 TAC §§300.80-300.84

The Texas Commission on Jail Standards adopts new §§300.80-300.84, concerning Fees and Payments, without changes to the proposed text as published in the April 19, 1994, issue of the *Texas Register* (19 TexReg 2898).

Adoption of these rules establishes procedures for reimbursing counties for part of the expenses incurred in screening and treating county inmates for tuberculosis.

The new rules function to provide a method for counties to receive monetary compensation for screening and treating inmates for tuberculosis

No comments were received regarding adoption of the new sections.

The new rules are adopted under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to revise, amend, or change rules and procedures if necessary.

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

Issued in Austin, Texas, on June 8, 1994.

TRD-9441970      Jack E. Crump  
Executive Director  
Texas Commission on Jail  
Standards

Effective date: June 29, 1994

Proposal publication date: April 19, 1994

For further information, please call: (512)  
463-5505



# 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

Wednesday, June 22, 1994, 11:15 a.m.

Executive Hotel, Love Field, 3232 Mockingbird Lane

Dallas

According to the complete agenda, the Texas Soybean Producers Board will consider discussion and action minutes of previous meeting, financial report; budget for fiscal year 1995, biennial election, discussion. USB report; ASA report, new business, old business; and adjourn

Contact: D Trent Roberts, P.O. Box 650290, Dallas, Texas 75265-0290, 1-(800) 247-8691.

Filed: June 7, 1994, 10:47 a.m.

TRD-9441915

## Texas Department of Commerce

Wednesday, June 8, 1994, 9:00 a.m.

11th Floor Board, 816 Congress Avenue, Frost Bank Plaza

Austin

Emergency Revised Meeting

According to the agenda summary, the Policy Board called to order; recessed into

executive session; called back to order of open meeting; adoption of minutes from meeting of May 11, 1994; report from executive director; repeal of Texas Rental Rehabilitation Program rules; repeal of the Rural Industrial Development Finance Plan rules, 10 TAC §§161.1-161.102; final adoption of Memoranda of Understanding as rules, 10 TAC §§195.1-195.12; final adoption of Texas Exporters Loan Fund rules, 10 TAC §§162.1, 162.3-162.6, 162.8-162.10; approval to publish in the *Texas Register* the proposed Open Records Charges rules, 10 TAC §§192.1-192.6; approval to publish in the *Texas Register* proposed Job Training Partnership Act rules related to General Definitions, Waiver of Expenditures, Performance Standards and Financial Management (TAB H); approval to publish in the *Texas Register* amendments to the Smart Jobs Fund Program rules; public comments; and adjourn.

Reason for emergency: Inclusion of proposed Waiver of Expenditures

Contact: Pat Segura, 816 Congress Avenue, Austin, Texas 78701, (512) 320-9612.

Filed: June 7, 1994, 2:56 p.m.

TRD-9441927

Thursday, June 16, 1994, 9:00 a.m.

3701 Lake Austin Boulevard, Hancock Building

Austin

According to the agenda summary, the Capital Certified Development Corporation Board of Directors will 9:00 a.m.: Call to

order in open meeting; approval of minutes of March 3, 1994 meeting; approval of entering a legal services contract with Paula Waddle and Bill Cook; S-TEX Memorandum of Understanding renewal; renewal of contract with TDOC; 504 loan activity report; elect new general members; appointment of Horace Pennington to Credit Committee; and adjourn Board of Directors meeting. 10:00 a.m.: Call to order in open meeting annual members meeting; bring annual members meeting to order; review minutes of annual meeting-July 22, 1993; treasurer's report; introduction of new members/present certificates; CCDC 504 project; K&N Management; Board of Directors Nominating Committee report; election of expired Board of Directors positions, report of annual activities; and adjourn annual members meeting. 11:30 a.m. Call to order in open meeting the Board of Directors meeting-membership introductions, nominations and elections of corporate officers; outline new plans; Board of Director's activity report; reconfirmation of Credit Committee members; discussion of Rio Rainbow, Inc proposal; and adjourn. NOTICE: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Eileen Kelley 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: Colleen L. Rowland, 410 East Fifth Street, Austin, Texas 78701, (512) 320-9651.

and public for future meeting agenda; discussion/possible action on proposed new rules and rule changes pertaining to 37 TAC Chapters 471, 473, 475, 477, 478, 479, 481, 483, 485, 487, and 489; rules for volunteer fire and arson investigators, suggestions for increasing communication with volunteer fire fighters about the commission volunteer certification program, proposal to take curricula for volunteer fire fighters and fire inspection personnel out of the rule making process, and future meeting dates, times, and agenda items

Contact: Carol Menchu, 12675 North Research, Austin, Texas 78759, (512) 918-7100.

Filed: June 8, 1994, 10:14 p.m.

TRD-9441975

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**Office of the Governor,  
Criminal Justice Division**

**Thursday-Friday, June 23-24, 1994, 9:30 a.m.**

Texas Capitol Extension, 1400 Congress Avenue, Room E1.030

Austin

According to the complete agenda, the Juvenile Justice and Delinquency Prevention Advisory Board will discuss: June 23-Application Review Committee agenda: call to order, public comment, recommendations on statewide and demonstration projects, recommendations regarding purchase of Juvenile Justice alternatives, and adjourn. Executive Committee agenda: call to order, review of Applications Review Committee report, review of Legislative Committee report, discussion of Title V, Prevention Plan Requirements, discussion of waiver of 5% board allocation, discussion of annual planning meeting, and adjourn. June 24 agenda: call to order, approval of minutes, report of the Applications Review Committee, waiver of 5% board allocation, public comment on applications, funding recommendations, Legislative Committee report, public comment on Legislative Committee report, legislative recommendations, discuss Title V, Prevention Plan, schedule annual planning meeting, and adjourn.

Contact: Jim Kester, P.O. Box 12428, Austin, Texas 78701, (512) 463-1919.

Filed: June 7, 1994, 3:59 p.m.

TRD-9441937

**Health Professions Council**

**Wednesday, June 15, 1994, 8:15 a.m.**

1812 Centre Creek Drive

Austin

**Emergency Meeting**

According to the complete agenda, the Administration Committee will discuss the Dental Information Resources Center; strategies for implementing HPC goals and discuss plans for establishing office and staff for the council, including handling of funds.

Reason for emergency: These items need to be addressed prior to the full HPC meeting at 9:30 a.m.

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

Filed: June 8, 1994, 4:31 p.m.

TRD-9442026

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**Texas Department of Health**

**Thursday, June 16, 1994, 8:00 a.m.**

Learning Resource Center, Regency Room, Pan American University, 1201 West University Drive

Edinburg

According to the complete agenda, the Statewide Health Coordinating Council, Plan Development Committee will discuss and possibly act on: Plan Development Committee organization; plan development methodology and timetables (review adoption of 1993-1994 Texas State Health Plan as six-year plan; staff reports; public meetings; and ad hoc working groups); and staff working papers.

Contact: Trish O'Day, 1100 West 49th Street, Austin, Texas 78756, (512) 458-2167. 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: June 8, 1994, 4:31 p.m.

TRD-9442024

**Thursday, June 16, 1994, 8:30 a.m.**

Room T-607, Texas Department of Health, 1100 West 49th Street

Austin

According to the complete agenda, the Family Planning Interagency Advisory Council will discuss approval of minutes of previous meeting and discuss and possibly act on: proposed fiscal year (FY) 1996-1997 legislative appropriations request; new advisory council proposed rules; health care reform; briefing on Senate Health and Human Services Subcommittee hearing; family planning display; Regional

Coordinating Committee report; and public comment. The Regional Coordinating Chairs will meet at 2:00 p.m. on June 15, 1994, in Room M-653, Texas Department of Health, 1100 West 49th Street. (No Medical Subcommittee meeting will be held.)

Contact: Patti Patterson, M.D., Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700. 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: June 8, 1994, 4:31 p.m.

TRD-9442025

**Thursday, June 16, 1994, 10:00 a.m.**

Learning Resource Center, Regency Room, Pan American University, 1201 West University Drive

According to the complete agenda, the Statewide Health Coordinating Council will discuss approval of the minutes from the May 10, 1994 meeting; and discuss and possibly act on: border health issues; Plan Development Committee report (adopt 1993-1994 Texas State Health Plan as six-year plan); report on Medicaid hearings; council rules and bylaws; next meeting date; and announcements.

Contact: Trish O'Day, 1100 West 49th Street, Austin, Texas 78756, (512) 458-2167. 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: June 8, 1994, 4:31 p.m.

TRD-9442022

**Thursday, June 16, 1994, 6:00 p.m.**

Academic Services Building, Room 1.106, Pan American University, 1201 West University Drive

Edinburg

According to the complete agenda, the Statewide Health Coordinating Council (a 15-member body appointed by the governor and charged with developing the six-year plan with biennial updates) will request public input on the following issues: border health; rural health; and health-related impacts of the North American Free Trade Agreement (NAFTA). The 1995-1996 Texas State Health Plan will include a chapter on border health, rural health, and expected effects of NAFTA.

Contact: Trish O'Day, 1100 West 49th Street, Austin, Texas 78756, (512) 458-2167. 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: June 8, 1994, 4:31 p.m.

TRD-9442023

**Friday, June 24, 1994, 10:00 a.m.**

Room S-400, Exchange Building, 8407 Wall Street

Austin

According to the complete agenda, the Program Committee of the Medical Radiologic Technologist Advisory Board will discuss and possibly act on: materials submitted by Academy of Health Care Professions; presentation by Texas Education Agency representative; presentation by Ms. Dee Williams; recommendations regarding proposed amendments to rules relating to instructor and curriculum approval, 25 TAC §143.9; recommendations regarding proposed amendment to rules relating to fees, 25 TAC §143.4; and other matters not requiring committee action.

**Contact:** Donna Hardin, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6617. 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:** June 8, 1994, 4:31 p.m.

TRD-9442021

**Saturday, June 25, 1994, 8:30 a.m.**

Sixth Floor, Conference Room, Doubletree Hotel, 6505 North IH-35

Austin

According to the complete agenda, the Continuing Education Committee of the Medical Radiologic Technologists Advisory Board will discuss and possibly act on: requests for acceptance of continuing education approval agencies or organizations; recommendations regarding proposed amendments to rules relating to continuing education for medical radiologic technologists, 25 Texas Administrative Code (TAC) §143.11; recommendations regarding proposed amendment to rules relating to fees, 25 TAC §143.4; and other matters not requiring committee action.

**Contact:** Donna Hardin, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6617. 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:** June 8, 1994, 4:31 p.m.

TRD-9442020

**Saturday, June 25, 1994, 11:00 a.m.**

Sixth Floor, Conference Room, Doubletree Hotel, 6505 North IH-35

Austin

According to the complete agenda, the Medical Radiologic Technologist Advisory Board will discuss approval of the minutes of February 26, 1994 meeting; discuss and

possibly act on: chairman's report; program administrator's report; attorney general's opinion regarding specialty certificates; income and expense report; Continuing Education Committee report; Program Committee report; Credentials Committee report, proposed rules relating to the certification of medical radiologic technologists, 25 Texas Administrative Code (TAC) §143.1-143.15; other action relating to the regulation of MRTs not requiring advisory board action; and announcement of next meeting date.

**Contact:** Donna Hardin, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6617. 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:** June 8, 1994, 4:31 p.m.

TRD-9442019



### **Texas Higher Education Coordinating Board**

**Thursday, June 16, 1994, 11:00 a.m.**

University of Texas-Pan American, Shivers Administration Building, Board Room

Edinburg

According to the complete agenda, the Campus Planning Committee will view and/or hear presentations from the University of Texas-Pan American, who have proposals to be considered at the July 14-15, 1994 Coordinating Board meeting.

**Contact:** Dr. Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

**Filed:** June 7, 1994, 11:52 a.m.

TRD-9441922

**Thursday, June 16, 1994, 3:00 p.m.**

University of Texas Health Science Center, School of Nursing Building, Room 1 208

San Antonio

According to the complete agenda, the Campus Planning Committee will view and/or hear presentations from the University of Texas Health Science Center-San Antonio, University of Texas at Tyler, and Southwest Texas State University, who have proposals to be considered at the July 14-15, 1994 Coordinating Board meeting.

**Contact:** Dr. Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

**Filed:** June 7, 1994, 11:52 a.m.

TRD-9441921

**Friday, June 17, 1994, 8:45 a.m.**

Texas A&M University, Facilities Planning and Construction Building, Room 200A

College Station

According to the complete agenda, the Campus Planning Committee will view and/or hear presentations from Texas A&M University and Sam Houston State University, who have proposals to be considered at the July 14-15, 1994 Coordinating Board meeting.

**Contact:** Dr. Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

**Filed:** June 7, 1994, 11:52 a.m.

TRD-9441920

**Friday, June 17, 1994, 11:45 a.m.**

Stephen F. Austin University, Austin Building, Room 307

Nacogdoches

According to the complete agenda, the Campus Planning Committee will view and/or hear presentations from Stephen F. Austin State University, who have proposals to be considered at the July 14-15, 1994 Coordinating Board meeting.

**Contact:** Dr. Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

**Filed:** June 7, 1994, 11:52 a.m.

TRD-9441919

**Friday, June 17, 1994, 2:45 p.m.**

University of North Texas, Administrative Building, Room 204

Denton

According to the complete agenda, the Campus Planning Committee will view and/or hear presentations from the University of North Texas and Texas Women's University, who have proposals to be considered at the July 14-15, 1994 Coordinating Board meeting.

**Contact:** Dr. Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

**Filed:** June 7, 1994, 11:52 a.m.

TRD-9441918



### **Texas Historical Commission**

**Saturday, June 18, 1994, 9:00 a.m.**

300 West 15th, Fifth Floor, Committee Room Five

Austin

According to the agenda summary, the State Board of Review will discuss announce-

ments; approval of minutes from February 5, 1994; review of nominations to the National Register; and presentation of federal nomination.

**Contact:** Marlene Casarez, P.O. Box 12276, Austin, Texas 78711, (512) 463-6094.

**Filed:** June 8, 1994, 11:56 a.m.

TRD-9441991

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**Texas State Affordable Housing Corporation**

**Thursday, June 16, 1994, 1:30 p.m.**

El Paso Commissioners Court, 500 East San Antonio

El Paso

Revised Agenda

According to the complete agenda, the Board of Directors will consider and possibly act on the election of chairperson; approval of the articles of incorporation; adoption of bylaws; election of officers; chairman, vice chairman, secretary, treasurer, president and other officers, and general organization corporate matters. Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal, ADA responsible employee, at (512) 475-3822 or Relay Texas at 1-(800)-735-2989 at least two days before the meeting so that appropriate arrangements can be made.

**Contact:** Henry Flores, 811 Barton Springs Road, Suite #300, Austin, Texas 78704, (512) 475-3916

**Filed:** June 8, 1994, 12:20 p.m.

TRD-9442003

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**Texas Department of Housing and Community Affairs**

**Thursday-Friday, June 16-17, 1994, 9:00 a.m.**

500 East San Antonio

El Paso

Revised Agenda

According to the agenda summary, the Board will consider and possibly act upon the following: Add approval of income link adjustments for multi-family properties.

**Contact:** Henry Flores, 811 Barton Springs Road, Suite 500, Austin, Texas 78711, (512) 475-3934.

**Filed:** June 8, 1994, 2:16 p.m.

TRD-9442000

**Texas Incentive and Productivity Commission**

**Monday, June 20, 1994, 10:00 a.m.**

Clements Building, 15th and Lavaca, Fifth Floor, Committee Room #5

Austin

According to the agenda summary, the Texas Incentive and Productivity Commission will call to order and members present; approval of minutes of previous meeting; consideration of employee suggestions for approval; consider of 1994 productivity plans for approval; consideration of 1994 agency applications for productivity bonus program awards; report on administrative matters; and adjournment.

**Contact:** M. Elaine Powell, P.O. Box 12482, Austin, Texas 78711, (512) 475-2393.

**Filed:** June 9, 1994, 8:43 a.m.

TRD-9442035

◆ ◆ ◆  
**Texas Juvenile Probation Commission**

**Thursday, June 16, 1994, at 1:00 p.m.**

County Commissioner's Courtroom, Court-house First Floor, 100 East Cano

Edinburg

According to the complete agenda, the Public Hearing Committee will call to order; welcome, overview of process and ground rules for testimony; begin public testimony; and recess.

**Contact:** Bernard Licarione, Ph.D., P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

**Filed:** June 8, 1994, 2:48 p.m.

TRD-9442012

**Thursday, June 16, 1994, 4:30 p.m.**

County Commissioner's Courtroom, Court-house First Floor, 100 East Cano

Edinburg

According to the complete agenda, the Basic and Special Services Committee will call to order; Creative and Innovative Grant-rules and policy; 1994 performance target-sanction and reward; 1995 performance target, and adjourn.

**Contact:** Bernard Licarione, Ph.D., P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

**Filed:** June 8, 1994, 2:48 p.m.

TRD-9442014

**Thursday, June 16, 1994, 4:30 p.m.**

County Commissioners' Courtroom, Court-house First Floor, 100 East Cano

Edinburg

According to the complete agenda, the Basic and Special Services Committee will call to order; Creative and Innovative Grant-rules and policy; 1994 performance target-sanction and reward; 1995 performance target; and adjourn.

**Contact:** Bernard Licarione, Ph.D., P.O. Box 13547, Austin, Texas, Texas 78711, (512) 443-2001.

**Filed:** June 8, 1994, 2:48 p.m.

TRD-9442011

**Thursday, June 16, 1994, 5:15 p.m.**

Hidalgo County Administration Building, 100 East Cano, First Floor

Edinburg

According to the complete agenda, the Internal Audit Committee will call to order; excused absences approve fiscal year 1995 internal audit report; board travel reimbursement; discussion of public hearings on probation standards and general juvenile justice issues; public comments; and adjourn.

**Contact:** Richard Licarione, Ph.D., P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

**Filed:** June 8, 1994, 2:21 p.m.

TRD-9442007

**Thursday, June 16, 1994, 6:30 p.m.**

County Commissioner's Courtroom, Court-house First Floor, 100 East Cano

Edinburg

According to the complete agenda, the General Juvenile Justice Issues Committee will reconvene meeting; welcome, overview or process and ground rules for testimony; general public testimony including the following issues: delinquency prevention; funding for Juvenile Probation Services; probation/school interaction; community corrections; detention overcrowding; detention standards waivers; and adjourn.

**Contact:** Bernard Licarione, Ph.D., P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

**Filed:** June 8, 1994, 2:48 p.m.

TRD-9442013

**Friday, June 17, 1994, 8:30 a.m.**

County Commissioner's Courtroom, Court-house, First Floor, 100 East Cano

Edinburg

According to the complete agenda, the Long Range Plan Committee will call to



order; excuse absence; approve the final draft of TJPC's strategic plan, discuss surveys used in preparing TJPC's strategic plan; and adjourn.

Contact: Bernard Licarione, Ph.D., P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: June 8, 1994, 5:43 p.m.

TRD-9442034

Friday, June 17, 1994, 10:00 a.m.

County Commissioner's Courtroom, Courthouse, First Floor, 100 East Cano

Edinburg

Rescheduled From June 3, 1994

According to the complete agenda, the Texas Juvenile Probation Commission will call to order; introductions; excused absences; approval of minutes-joint TJPC/SBOE board meeting, TJPC April 17, 1994 board meeting; Program Committee report; approve guidelines for: community corrections, innovative and creative grants, challenge grants, discretionary funding, sanctions for departments not meeting the performance targets, fiscal year 1995 performance targets; Long Range Plan Committee report-approve the final draft of TJPC's strategic plan, discuss surveys used in preparing TJPC's strategic plan; Internal Audit Committee report-review fiscal year 1995 RFP of internal auditor's services, approve fiscal year 1995 Internal Audit Program, review and approve state aid audit, board travel reimbursement, review request for waivers of standards, addendum to fiscal year 1994 internal audit contract, internal auditor's update report, discussion of public hearings on probation standards and general juvenile justice issues; Budget Committee report-fiscal year 1995 administrative budget, basic probation fiscal year 1995-state aid, border projects, challenge grants, community corrections fiscal year 1995 community corrections/performance targets, innovative project, diversionary placement, discuss fiscal year 1996-1997 LAR options; TJPC/TYC Subcommittee report; adopt MOU on Certain Abused or Neglected Children; update on management study of the Harris County Juvenile Probation Department; TJPC/TEA Joint Task Force Committee report; report on the Interim Committee of the Family Code; director's report-report on presentation to UNAFEI, conferences and trainings-ISP Conference, Judges Conference, Management Training; public comments, schedule next meeting; revocation of certification-executive closed session; and adjourn.

Contact: Bernard Licarione, Ph.D., P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: June 8, 1994, 5:42 p.m.

TRD-9442033

## Texas State Board of Medical Examiners

Wednesday, June 15, 1994, 9:00 a.m.

1812 Centre Creek Drive, Suite 300

Austin

Revised Agenda

According to the agenda summary, the Hearings Division will revise the agenda by deleting the probation appearance of Keith Beck, M.D., which was previously scheduled at 9:00 a.m.

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

Filed: June 7, 1994, 4:32 p.m.

TRD-9441943

## Texas Natural Resource Conservation Commission

Monday, June 20, 1994, 10:00 a.m.

Building E, Room 254S, 12118 Interstate Highway 35

Austin

According to the agenda summary, the Office of Hearings Examiners will meet for a hearing before a hearings examiner on Big Lakes Utilities, Inc.'s petition to discontinue sewer utility service and cancel its Certificate of Convenience and Necessity Number 20632 in Sabine County, Texas. The service area is located approximately ten miles southeast of Hemphill, Texas and is generally bounded by Toledo Reservoir on the south and FM 3449 on the north. Docket Number 30325-Q.

Contact: Sylvia McClellan, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: June 7, 1994, 4:31 p.m.

TRD-9441940

Wednesday, June 22, 1994, 8:30 a.m.

12118 Park 35 Circle, Room 201S, Building E

Austin

According to the complete agenda, the 40% Task Force will meet to research and discuss the implications of a statewide phased-in yard trimmings disposal ban on the environment and economy of Texas. Open files consisting of meeting notes and any additional associated material will be maintained at the Colonnade Building, 12015

Park 35 Circle, Room 1927, Austin, Texas 78753. These files will be listed as "40% Task Force."

Contact: Wendy Audette, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-6757.

Filed: June 7, 1994, 2:53 p.m.

TRD-9441926

Thursday-Friday, June 23-24, 1994, 9:00 a.m. and 9:30 a.m. respectively.

Stephen F. Austin Building, 1700 North Congress Avenue

Austin

According to the agenda summary, the Municipal Solid Waste Management and Resource Recovery Advisory Council will hold the following committee meetings: 9:00 a.m.-Conference Planning Committee; 10:00 a.m.-Border Affairs Committee; 11:30 a.m.-Waste Minimization/Recycling/Composting Committee; 1:30 p.m.-Education Committee; and 3:00 p.m.-Regulatory Oversight Committee.

The full Advisory Council will meet on June 24, 1994, to approve minutes of the April 28-29, 1994 council meeting, to hear consideration of a 40% Yard-Waste Ban Subcommittee; program and grants presentations by Council of Governments' Solid Waste Planners; update of grants by the Clean Texas 2000 staff; report by Ronald L. Bond, Municipal Solid Waste Division director; report by Dan Eden, Waste Policy Division director; public comments; and committee reports.

Contact: Gary W. Trum, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-6788.

Filed: June 8, 1994, 11:23 a.m.

TRD-9441984

Friday, June 24, 1994, 10:00 a.m.

Building B, Room 201A, 12124 Park 35 Circle

Austin

According to the agenda summary, the Office of Hearings Examiners will meet for a hearing before a hearings examiner on an application by Dega, Inc. doing business as Briar Village Sewer Utility to discontinue sewer utility service or in alternative to obtain a sewer Certificate of Convenience and Necessity in Angelina County, Texas. The proposed service area is approximately two miles northwest of downtown Lufkin, Texas and is generally bounded on the north by FM 2021, on the south and west by U.S. Highway 69, and on the east by FM 2680. The total area being requested includes approximately three acres and 17 current customers. Docket Number 30259-C.

Contact: Nina Fantl, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: June 7, 1994, 4:31 p.m.

TRD-9441941

Monday, June 27, 1994, 10:00 a.m.

Building B, Room 201A, 12124 Park 35 Circle

Austin

According to the agenda summary, the Office of Hearings Examiners will meet for a hearing before a hearings examiner on an application by the City of Manvel for (CCN) Certificates of Convenience and Necessity to provide water and sewer utility service to Brazoria County, Texas. The City of Manvel also proposes to decertify water CCN Number 12653 and sewer CCN 20762 within the City of Manvel. The proposed service area is located approximately seven miles west of downtown Alvin, Texas and is generally bounded on the east by Mississippi Street, on the south by the Santa Fe Railroad, on the west by McCoy Road, and on the north by Chocolate Bayou Road. The total area being requested includes approximately 2,400 acres and 12 current customers. Docket Number 30318-C (water) and 30319-C (sewer)

Contact: Leslie Limes, P O Box 13087, Austin, Texas 78711-3087, (512) 239-4100

Filed: June 7, 1994, 4:31 p.m.

TRD-9441942

## Texas Public Finance Authority

Wednesday, June 15, 1994, 10:00 a.m.

300 West 15th Street, Fifth Floor Committee Room Five

Austin

According to the complete agenda, the Board will call to order, approval of minutes of May 18, 1994, board meeting, consider request for financing from the General Services Commission for \$15,491,840 for rehabilitation of the Sam Houston building, and select method of sale, consider request for financing from the General Services Commission for \$20,000,000 for the acquisition and renovation of a building in Houston, Texas, and select method of sale, consider request for financing from the General Services Commission for \$5,000,000 for the acquisition and renovation of a building in Waco, Texas, and select method of sale, consider request for financing from the General Services Commission for \$1,091,700 for renovations and repairs to facilities at the Texas School for the Deaf and Texas School for the Blind and Visually Impaired in Austin, Texas, and select method of sale; consider request for financing from the Texas Youth Commission for \$5,200,000 for ADA modifications, renovations and repairs, and professional design fees for certain state school facilities, and select method of sale, consider approval of the revised strategic plan to be submitted to the Legislative Budget Board and to the

governor; consider selection of a dealer for the TPFA Master Lease Program (Commercial Paper, Series B), consider policies for selection of bond counsel; other business; and adjourn

Persons with disabilities, who have special communication or other needs, who are planning to attend the meeting should contact Brett Larson or Jeanine Barron at (512) 463-5544. Request should be made as far in advance as possible.

Contact: Jeanine Barron, 300 West 15th, Suite 411, Austin, Texas 78701, (512) 463-5544

Filed: June 7, 1994, 4:33 p.m.

TRD-9441944

## Public Utility Commission of Texas

Wednesday, June 8, 1994, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

Emergency Revised Agenda

According to the complete agenda, the Public Utility Commission of Texas will also consider the extension of time for action for the Appeal of Examiner's Order Number 23-ruling on City of El Paso's right to recover rate case expenses for Acquisition Phase for Docket Number 12700-application of El Paso Electric Company for authority to change rates and application of Central and South West Corporation and El Paso Electric Company for approval of acquisition

Reason for emergency. Prompt consideration action is necessary to preserve jurisdiction over the subject matter of the appeal

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

Filed: June 7, 1994, 3:03 p.m.

TRD-9441929

Monday, June 20, 1994, 1:30 p.m.

7800 Shoal Creek

Austin

According to the complete agenda, the Hearings Division will hold a prehearing conference in Docket Number 13086-complaint of Telecom Communications, Inc. against GTE Telephone Operations, Inc.

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

TRD-9441949

## Texas Rehabilitation Commission

Thursday, June 16, 1994, 9:30 a.m.

Brown-Heatly Building, Public Hearing Room, First Floor, 4000 North Lamar Boulevard

Austin

According to the complete agenda, the Board will discuss roll call; introduction of guests; invocation; approval of minutes; March 24, 1994 board meeting; commissioner's comments: update on TRC budget and legislative appropriations request; re-engineering the rehabilitation process; update on SSA/DDS automation and new building; historically underrated businesses; executive session-review of potential litigation, personnel practices, and staff presentations involving the Texas Rehabilitation Commission, Disability Determination Services and Management Audit. These subjects will be discussed in executive session pursuant to §§2(e), 2(g), and 2(r), Open Meetings Act (Article 6252-17, Vernon's Texas Civil Statutes. Adjournment-If all agenda items here have been completed, the board will adjourn. If all agenda items here have not been completed, the board will recess until 9:30 a.m. on Friday, June 17, 1994, to reconvene in the Public Hearing Room, First Floor, Brown-Heatly Building, 4900 North Lamar Boulevard, Austin, Texas.

Contact: Charles Schleisser, 4900 North Lamar Boulevard, Suite 7300, Austin, Texas 78751, (512) 483-4051 or TDD (512) 483-4045. For ADA assistance, call Sarah Hallum, (512) 483-4004.

Filed: June 8, 1994, 11:28 a.m.

TRD-9441989

Friday, June 17, 1994, 9:30 a.m.

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

Austin

According to the complete agenda, the Board will have roll call; introduction of others; continuation of board agenda from June 16, 1994; executive session: review of potential litigation, personnel practices, and staff presentations involving the Texas Rehabilitation Commission, Disability Determination Services and Management Audit. These subjects will be discussed in executive session pursuant to §2(e), 2(g), and 2(r), Open Meetings Act (Article 6252-17, Vernon's Civil Statutes).

Contact: Charles Schiesser, 4900 North Lamar Boulevard, Suite 7300, Austin, Texas 78751, (512) 483-4051 or TDD (512)

483-4045. For ADA assistance, call Sarah Hallum (512) 483-4004.

Filed: June 8, 1994, 11:28 a.m.

TRD-9441988

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**Texas Southern University,  
Board of Regents**

Thursday, June 9, 1994, 4:30 p.m.

Texas Southern University, 3100 Cleburne,  
Hannah Hall, Room 220

Houston

Emergency Meeting (Rescheduled from  
June 9, 1994)

According to the complete agenda, the Legislative (Ad Hoc) Committee will consider discussion of legislative appropriation requests

Contact: Everett O Bell, 3100 Cleburne  
Avenue, Houston, Texas, 77004 (713)  
529-8911

Filed: June 7, 1994, 3 04 p.m.

TRD-9441931

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**Texas Turnpike Authority**

Thursday, June 16, 1994, 2:00 p.m.

Dallas Marriott Quorum, 14901 Dallas  
Parkway

Dallas

According to the agenda summary, the Board of Directors will consider the following approval of minutes of prior board and committee meetings, request of City of Frisco relative to DNT Ext. Phase 3, consideration of Addison Airport Toll Tunnel; approval of supplemental Agreement Number 3 to Contract DNT 201, adoption of speed limits for DNT Ext Phase 2, approval of contracts for operating tag store, executive session, DNT right-of-way purchases, resolution honoring Harry Kahler, election and appointment of secretary-treasurer for TTA; actions related to development of State Highway 190 as a turnpike; conditions and policies related to capitalization of revolving fund, legislative matters, reports from committee chairpersons and comments from other board members, and public comments report on DNT Ext Phase 2 construction and completion schedule

Contact: Harry Kabler, 3015 Raleigh  
Street, Dallas, Texas 75219, (214)  
522-6200

Filed: June 8, 1994, 8 43 a.m.

TRD-9441951

**Texas Water Development  
Board**

Wednesday, June 15, 1994, 3:00 p.m.

Stephen F. Austin Building, Room  
513-F, 1700 North Congress Avenue

Austin

According to the complete agenda, the Audit Committee will consider for approval of the minutes of the April 20, 1994 meeting, the committee will be briefed on external audit activities of the Development Fund Audit Section; the committee will be briefed on completed and in-progress projects; and the committee may discuss items on the agenda of the June 16, 1994 board meeting.

Contact: Craig D. Pedersen, P O Box  
13231, Austin, Texas 78711, (512)  
463-7847.

Filed: June 7, 1994, 3 50 p.m.

TRD-9441946

Wednesday, June 15, 1994, 4:00 p.m.

Stephen F Austin Building, Room  
513-F, 1700 North Congress Avenue

Austin

According to the complete agenda, the Policy and Finance Committee will consider approval of the minutes of the meeting of May 18, 1994, consider annual review of underwriting team and criteria for selection of future senior underwriters, briefing and discussion on the Starr County Model Subdivision Rules issues; briefing on present and future EDAP projects; and may consider items on the agenda of the June 16, 1994, board meeting

Contact: Craig D. Pedersen, P O Box  
13231, Austin, Texas 78711, (512)  
463-7847

Filed: June 7, 1994, 3.50 p.m.

TRD-9441947

Thursday, June 16, 1994, 9:00 a.m.

Stephen F Austin Building, Room 118,  
1700 North Congress Avenue

Austin

According to the agenda summary, the Texas Water Development Board will consider minutes, executive, financial and committee reports; extension to loan commitments for City of Lovelady and Hull Freshwater Supply District, financial assistance for Cities of Edinburg, Alton, Dayton, and White Oak Bend MUD, facility planning application from Cities of Edinburg and Gatesville, repeal of 31 TAC §353 11 and adoption of preamble certification and proposed new 31 TAC §353 11, §§353 80-353 93, and amendments to 31 TAC Chapter 363 and 31 TAC Chapter 379, policy

issues affecting creation of legislative appropriations request, and executive session to discuss administrative hearing and pending litigation related to Lake Texana and proposed litigation on Tidwell Timbers Municipal Utility District

Contact: Craig D Pedersen, P O 13231,  
Austin, Texas 78711, (512) 463-7847

Filed: June 8, 1994, 2 21 p.m.

TRD-9442008

Monday, August 1, 1994, 1:30 p.m.

Stephen F Austin Building, Room 118,  
1700 North Congress Avenue

Austin

According to the agenda summary, an attorney with the Texas Water Development Board will conduct a public hearing on the board's proposed Federal Fiscal Year 1995 Intended Use Plan for Wastewater Treatment Projects under the State Water Pollution Control Revolving Plan Testimony will be taken from interested persons

Contact: Frank Forsyth, Jr., P O Box  
13231, Austin, Texas 7877, (512)  
463-8429

Filed: June 7, 1994, 3 50 p.m.

TRD-9441948

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**Regional Meetings**

Meetings Filed June 7, 1994

The Canyon Regional Water Authority Regular Board met at the Guadalupe Fire Training Facility, 850 Lakeside Pass Drive, New Braunfels, June 13, 1994 at 7 00 p.m. Information may be obtained from Cathy C Talcott, Route 2 Box 654 W, New Braunfels, Texas 78130-9579, (210) 609-0543 TRD-9441930

The Education Service Center Region 12 Administrative will meet at 2101 West Loop, Waco, June 16, 1994, at 11 00 a.m. Information may be obtained from Harry J Beavers, P O Box 23409, Waco, Texas 76702-3409, (817) 666-0707 TRD-9441914

The High Plains Underground Water Conservation District Number One Board of Directors will meet in the Conference Room, located at 2930 Avenue Q, Lubbock, June 14, 1994, at 10 00 a.m. Information may be obtained from A Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181. TRD-9441918

The Trinity River Authority of Texas Administration Committee will meet at 5300 South Collins, Arlington, June 14, 1994, at 10 00 a.m. Information may be obtained from James L. Murphy, 5300 South Collins, Arlington, Texas 76018, (817) 467-4343. TRD-9441916

## Meetings Filed June 8, 1994

The Austin Transportation Study Policy Advisory Committee met at the Joe Thompson Conference Center, 26th and Red River, Second Floor-Room 2. 102, Austin, June 13, 1994, at 6:00 p.m. Information may be obtained from Michael R. Aulick, 301 West Second Street, Austin, Texas 78701, (512) 499-2275, Fax (512) 499-2269. TRD-9442010.

The Bastrop Central Appraisal District Appraisal Review Board will meet at 1200 Cedar Street, Bastrop, June 14, 1994, at 8:30 a.m. Information may be obtained from Dana Ripley, 1200 Cedar Street, Bastrop, Texas 78602, (512) 321-3925 TRD-9442002.

The Bosque County Central Appraisal District Board of Directors will meet at 202 South Highway 6, Meridian, June 6, 1994, at 8:00 p.m. Information may be obtained from Don Whitney, P.O. Box 393, Meridian, Texas 76665-0393, (817) 435-2304 TRD-9442029.

The Bosque Higher Education Authority, Inc. Board of Directors will meet in the Mimosa Room, the Brazos Club of Waco, Bank One Building, 510 North Valley Mills, Waco, June 17, 1994, at 11:45 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9441996.

The Brazos Higher Education Authority, Inc. Board of Directors will meet in the Mimosa Room, the Brazos Club of Waco, Bank One Building, 510 North Valley Mills, Waco, June 17, 1994, at 11:00 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915 TRD-9441993.

The Brazos Student Finance Corporation Board of Directors will meet in the Mimosa Room, the Brazos Club of Waco, Bank One Building, 510 North Valley Mills, Waco, June 17, 1994, at 11:15 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9441994.

The Brazos Higher Education Service Corporation, Inc. Board of Directors will meet in the Mimosa Room, the Brazos Club of Waco, Bank One Building, 510 North Valley Mills, Waco, June 17, 1994, at 11:30 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915 TRD-9441995.

The Brazos Student Finance Corporation Executive Committee will meet in the Conference Room of the offices of Fulbright and Jaworski, 2200 Ross Avenue, Suite 2800, Dallas, June 22, 1994, at 4:00 p.m.

Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0915. TRD-9441997.

The Cass County Appraisal District Board of Directors met at the Cass County Appraisal District Office, 502 North Main Street, Linden, June 13, 1994, at 7:00 p.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (903) 756-7545. TRD-9441986.

The Concho Valley Council of Governments Executive Committee will meet at 5014 Knickerbocker Road, San Angelo, June 15, 1994, at 7:00 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666 TRD-9441956

The Coryell County Appraisal District Appraisal Review Board will meet at the Coryell County Appraisal District Office, 113 North Seventh Street, Gatesville, June 14, 1994, at 9:30 a.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593 TRD-9442028

The East Texas Quality Work Force Planning Committee Board of Directors will meet at Ryan's Steak House, 5602 South Broadway, Tyler, June 15, 1994, at 11:30 a.m. Information may be obtained from Karen Christensen, 3900 University Boulevard, Tyler, Texas 75701, (903) 566-7315. TRD-9442001

The Education Service Center, Region VI Board of Directors will meet in the Downtown Board Room of ESC, Region VI, Huntsville, June 16, 1994, at 5:00 p.m. Information may be obtained from Bobby Roberts, 3332 Montgomery Road, Huntsville, Texas 77340, (409) 295-9161. TRD-9441999.

The Education Service Center, Region 20 Board of Directors will meet at 1314 Hines Avenue, San Antonio, June 22, 1994, at 2:00 p.m. Information may be obtained from Dr. Judy M. Castleberry, 1314 Hines Avenue, San Antonio, Texas 78208-1899, (210) 299-2471. TRD-9442009.

The Gray County Appraisal District Board of Directors met at 815 North Sumner, Pampa, June 13, 1994, at 7:30 a.m. Information may be obtained from Sherri Schable, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791. TRD-9441974

The Gregg County Appraisal District Board of Directors will meet at 2010 Gilmer Road, Longview, June 14, 1994, at 11:00 a.m. Information may be obtained from Wm. T. Carroll, 2010 Gilmer Road, Longview, Texas 75604, (903) 759-0015 TRD-9442027

The Henderson County Appraisal District Appraisal Review Board met at 1751 Enterprise, Athens, June 13, 1994, at 8:30 a.m. Information may be obtained from D. Bailey, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9441967.

The Henderson County Appraisal District Appraisal Review Board will meet at 1751 Enterprise, Athens, June 14-17, 1994, at 8:30 a.m. Information may be obtained from D. Bailey, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9441972.

The Henderson County Appraisal District Appraisal Review Board will meet at 1751 Enterprise, Athens, June 20-24, 1994, at 8:30 a.m. Information may be obtained from D. Bailey, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9441980.

The Henderson County Appraisal District Appraisal Review Board will meet at 1751 Enterprise, Athens, June 27-30, 1994, at 8:30 a.m. Information may be obtained from Donna Bailey, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9441981.

The Liberty County Central Appraisal District Board of Directors will meet at 315 Main Street, Liberty, June 22, 1994, at 9:30 a.m. Information may be obtained from Sherry Greak, 315 Main Street, Liberty, Texas 77575, (409) 336-5722. TRD-9442004.

The Liberty County Central Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, June 28, 1994, at 9:00 a.m. Information may be obtained from Sherry Greak, 315 Main Street, Liberty, Texas 77575, (409) 336-5722. TRD-9442005.

The Liberty County Central Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, June 30, 1994, at 9:00 a.m. Information may be obtained from Sherry Greak, 315 Main Street, Liberty, Texas 77575, (409) 336-5722. TRD-9442006.

The Limestone County Appraisal District Board of Directors will meet in the Board Room, Ground Floor, Limestone County Courthouse, Groesbeck, June 14, 1994, at 1:00 p.m. Information may be obtained from Karen Wietzikoski, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009. TRD-9441998.

The Lower Colorado River Authority Planning and Public Policy Committee will meet at 3701 Lake Austin Boulevard, Hancock Building, Board Conference Room, Austin, June 14, 1994, at 10:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3287. TRD-9442016.

**The Middle Rio Grande Service Delivery Area MRG-Private Industry Council** will meet at the Uvalde Holiday Inn, East Main Street, Uvalde, June 15, 1994, at 1:00 p.m. Information may be obtained from Leodoro Martinez, P.O. Box 1199, Carrizo Springs, Texas 78834, (210) 876-3533. TRD-9441985.

**The Palo Pinto Appraisal District Appraisal Review Board** will meet at the Palo Pinto County Courthouse, Palo Pinto, June 15, 1994, at 1:30 p.m. Information may be obtained from Carol Holmes, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1208. TRD-9441966.

**The Palo Pinto Appraisal District Board of Directors** will meet at the Palo Pinto County Courthouse, Palo Pinto, June 15, 1994, at 3:00 p.m. Information may be obtained from Carol Holmes, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1208. TRD-9441965.

**The Pecan Valley Mental Health Mental Retardation Region Board of Trustees** will meet at the Pecan Valley MHMR Region Clinic Office, 104 Pirate Drive, Granbury, June 22, 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-9441950.

**The Rio Grande Council of Governments Board of Directors** will meet in the Main Conference Room, 1100 North Stanton, El Paso, June 17, 1994, at 9:30 a.m. Information may be obtained from Lidia Flynn, 1100 North Stanton, Suite 610, El Paso, Texas 79902, (915) 533-0098. TRD-9441982.

**The San Antonio-Bexar County Metropolitan Planning Organization Technical Advisory Committee** will meet in the Conference Room, 434 South Main, Suite 205, San Antonio, June 14, 1994, at 9:00 a.m. Information may be obtained from Charlotte A. Roszelle, 434 South Main, Suite 205, San Antonio, Texas 78204, (210) 227-8651. TRD-9441977.

**The San Antonio-Bexar County Metropolitan Planning Organization Intermodal Terminal Planning and Feasibility Study Oversight Committee** will meet in the Administrative Conference Room, Convention Center, Second Floor, corner of Alamo and Market, San Antonio, June 17, 1994, at 9:00 a.m. Information may be obtained from Charlotte A. Roszelle, 434 South

Main, Suite 205, San Antonio, Texas 78204, (210) 227-8651. TRD-9441978.

**The San Antonio-Bexar County Metropolitan Planning Organization High Occupancy Vehicle Study-Long Range Plan Oversight Committee** will meet in the VIA Metropolitan Transit Board Room, 800 West Myrtle, San Antonio, June 28, 1994, at 9:00 a.m. Information may be obtained from Charlotte A. Roszelle, 434 South Main, #205, San Antonio, Texas 78204, (210) 227-8651. TRD-9441973.

**The Trinity River Authority of Texas Resources Development Committee** will meet at 5300 South Collins, Arlington, June 15, 1994, at 10:00 a.m. Information may be obtained from James L. Murphy, 5300 South Collins, Arlington, Texas 76018, (817) 467-4343. TRD-9444343.

**The Texas Water Conservation Association Risk Management Fund Board of Trustees** will meet at the Sheraton Fiesta South Padre Island Resort, 310 South Padre Boulevard, South Padre Island-Peppers, June 22, 1994, at 8:00 a.m. Information may be obtained from Leroy Goodson, 221 East Ninth Street, Suite 206, Austin, Texas 78701, (512) 472-7216. TRD-9442015.

**The Wise County Appraisal District Board of Directors** will meet at 206 South State Street, Decatur, June 14, 1994, at 8:00 p.m. Information may be obtained from Freddie Triplett, 206 South State Street, Decatur, Texas 76234, (817) 617-3081. TRD-9442032.

**The Wood County Appraisal District Appraisal Review Board** met in the Conference Room, 217 North Main, Quitman, June 13-17, 1994, at 9:00 a.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 518, Quitman, Texas 75783-0518, (903) 763-4891. TRD-9441992.



### Meetings Filed June 9, 1994

**The Bexar-Medina-Atascosa Counties Water Control and Improvement District Number One Board of Directors** met at 226 Highway 132, Natalia, June 13, 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-9442040.

**The Blanco County Appraisal District 1994 Board of Directors** will meet at the Courthouse Annex in Blanco County, Avenue G and Seventh Street, Johnson City, June 14, 1994, at 5:00 p.m. Information may be obtained from Hollis Boatright, P.O. Box 338, Johnson City, Texas 78636, (210) 868-4624. TRD-9442039.

**The Brown County Appraisal District Board of Directors** met at 403 Fisk Avenue, Brownwood, June 13, 1994, at 7:00 p.m. Information may be obtained from Doran E. Lemke, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676. TRD-9442038.

**The Burnet County Appraisal District Board of Directors** will meet at 110 Avenue H, Suite #106, Marble Falls, June 16, 1994, at Noon. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9442036.

**The Hays County Appraisal District Appraisal Review Board** will meet at 21001 North IH-35, Kyle, June 16, 1994, at 9:00 a.m. Information may be obtained from Lynnell Sedlar, 21001 North IH-35, Kyle, Texas 78640, (512) 268-2522. TRD-9442037.

**The Kendall Appraisal District Budget Committee-Board of Directors** met at Kendall Appraisal District, 121 South Main Street, Conference Room, Boerne, June 13, 1994, at 5:30 p.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9442041.

**The Kendall Appraisal District Board of Directors** met at 121 South Main Street-Kendall Appraisal District, Conference Room, Boerne, June 13, 1994, at 6:00 p.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9442042.

**The South Franklin Water Supply Corporation Board of Directors** will meet in the Conference Room of South Franklin Water Supply Corporation, 4430 Highway 115, South of King's Country Entrance, Mount Vernon, June 14, 1994, at 7:00 p.m. Information may be obtained from Richard Zachary, P.O. Box 591, Mount Vernon, Texas 75457, (903) 860-3400. TRD-9442044.



# IN ADDITION

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

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

## Texas Bond Review Board

### Bi-Weekly Report on the 1994 Allocation of the State Ceiling on Certain Private Activity Bonds

The information that follows is a report of the allocation activity for the period of May 21-June 3, 1994.

Total amount of state ceiling remaining unreserved for the \$252,434,000 subceiling for qualified mortgage bonds under the Act as of June 3, 1994: \$85,434,000.

Total amount of state ceiling remaining unreserved for the \$157,771,250 subceiling for state-voted issues under the Act as of June 3, 1994: \$47,770,363.96.

Total amount of state ceiling remaining unreserved for the \$67,616,250 subceiling for qualified small issues under the Act as of June 3, 1994: \$52,316,250.

Total amount of state ceiling remaining unreserved for the \$45,077,500 subceiling for residential rental project issues under the Act as of June 3, 1994: \$4,572,500.

Total amount of state ceiling remaining unreserved for the \$378,651,000 subceiling for all other bonds requiring an allocation under the Act as of June 3, 1994: \$0.

Total amount of the \$901,550,000 state ceiling remaining unreserved as of June 3, 1994: \$190,093,113.96.

Following is a comprehensive listing of applications which have received a reservation date pursuant to the Act from May 21-June 3, 1994:

South Texas Higher Education Authority, Eligible Borrowers, Student Loan Bonds, \$23,651,000; and San Antonio HFC, Anlar Group Oak Hills Apartments, Residential Rental, \$4,150,000.

Following is a comprehensive listing of applications which have issued and delivered the bonds and received a Certifi-

cate of Allocation pursuant to the Act from May 21-June 3, 1994:

Beaumont HFC, Agape Community Housing Foundation, Pear Orchard Plaza Apartments, \$1,800,000; Southeast Texas HFC, Vista Accommodated Living, Ltd., Vista Accommodated Living Project, \$4,000,000; Southeast Texas HFC, Oyster Creek Financial Corp., Creekside Estates Apartments, \$5,255,000; and Texas Higher Education Coordinating Board, Eligible Borrower, Student Loans, \$75,000,000.

Following is a comprehensive listing of applications which were either withdrawn or cancelled pursuant to the Act from May 21-June 3, 1994:

Southeast Texas HFC, Hearthstone at Liberty, Residential Rental, \$4,200,000.

Following is a comprehensive listing of applications which released a portion of their reserved amount pursuant to the Act from May 21-June 3, 1994:

Grand Prairie HFC, MRBs, \$2,400; and Southeast Texas HFC, Residential Rental Creekside Apartments, \$405,000.

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

TRD-9441900 Albert L. Bacarisse  
Executive Director  
Texas Bond Review Board

Filed: June 6, 1994

## Office of Consumer Credit Commissioner

### Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Article 1.04, as amended (Texas Civil Statutes, Article 5069-1.04).

Types of Rate Ceilings	Effective Period (Dates are Inclusive)	Consumer <sup>(1)</sup> /Agricultural/ Commercial <sup>(2)</sup> thru \$250,000	Commercial <sup>(2)</sup> over \$250,000
Indicated (Weekly) Rate - Art 1.04(a)(1)	06/13/94-06/19/94	18.00%	18.00%

<sup>(1)</sup>Credit for personal, family or household use. <sup>(2)</sup>Credit for business, commercial, investment or other similar purpose.

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

TRD-9441962

Al Endsley  
Consumer Credit Commissioner

Filed: June 8, 1994

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**Office of the Governor, Automobile  
Theft Prevention Authority**

**Request for Applications under the  
Automobile Theft Prevention Authority  
Fund**

Notice of Invitation for Applications. The Automobile Theft Prevention Authority of the Office of the Governor is soliciting applications for special grant awards for projects under the Automobile Theft Prevention Authority (ATPA) Fund.

This grant cycle will be one year in duration, and will begin on September 1, 1994. Due to the availability of a special fund source, these awards are one-time only grants, and will not have expectation of continuation. One or more of the following types of projects may be awarded special grant funds for auto theft prevention program enhancement and/or expansion, depending on the availability of funds.

**Law Enforcement/Detection/Apprehension Projects**, to establish motor vehicle theft enforcement teams and other detection/apprehension programs. Priority funding may be provided to state, county, precinct commissioner, general or home rule cities with ATPA funded programs for additional law enforcement officers assigned to auto theft prevention duties. Enforcement efforts covering multiple jurisdictional boundaries may receive priority for funding.

**Prosecution/Adjudication/Conviction Projects**, to provide for prosecutorial and judicial programs designed to assist with the prosecution of persons charged with motor vehicle theft offenses. Grants could include funding efforts to implement changes in the prosecution of auto thieves and forfeiture of their property.

**Reducing the Sale of Stolen Parts Projects**, for the development of vehicle identification number labeling, including component part labeling and etching methods designed to deter the sale of stolen parts. Priority may be given for projects which increase the number of law enforcement officers assigned to auto theft prevention duties.

**Education/Information Projects**, to provide education and specialized training to law enforcement officers in auto theft prevention procedures, provide information linkages between state law enforcement agencies on auto theft crimes, and develop a public information and education program on theft prevention measures.

**Eligible Applicants**. For the purpose of this special one-time funding for program enhancement, eligibility will be limited to applicants in cities/counties/regions/multi-jurisdictional areas of the state where an ATPA funded auto theft program already exists. An applicant may be a county, commissioner precinct, general or home rule city, school district, university, or state agency; or it may be a department, division, or office within the governmental unit (or multiple jurisdictional units) of any or all entities described here, having authority and responsibility for carrying out the proposal to be funded.

Contact Person. Detailed specifications, including selection process and schedule for regional workshops for applicants will be made available through ATPA. Contact Linda Young, Executive Director, Automobile Theft Prevention Authority, Vehicle Titles and Registration Division, Texas Department of Transportation, 4000 Jackson Avenue, Austin, Texas 78779-0001, (512) 302-2059.

**Application Workshops**. June 14, 1994, San Antonio, 9:30 a.m.-noon, University of Texas-San Antonio (UTSA), 6900 North Loop 1604 West, John P. L. Building, Room #4.03.08; June 15, 1994, Brownsville, 1:30-4:00 p.m., Fort Brown Hotel, 1900 Elizabeth Street, Cavalry Room; June 16, 1994, Odessa, 2:00-4:30 p.m., Hilton, 5200 East University, Goliad Room; June 17, 1994, El Paso, 9:30 a.m.-noon, Camino Real, 101 South El Paso Street, Kohlberg Room; June 23, 1994, Houston, 9:30 a.m.-noon, Houston Police Officers' Association, 1602 State Street, Meeting Hall; June 24, 1994, Arlington, 1:00-3:30 p.m., Hilton, 2401 East Lamar Boulevard, Shamrock Room.

**Closing Date for Receipt of Applications**. The original and eight copies of the proposal must be received by the Office of the Governor, Automobile Theft Prevention Authority by 5:00 p.m., July 20, 1994, or postmarked by July 20, 1994. If mailed, applications must be marked "Personal and Confidential" and addressed to the contact person listed previously. If delivered, please leave application with the contact person (or designee) at the address listed.

**Selection Process**. Applications will be rated according to the standard point system in the application kit by the ATPA Executive Director and by an Application Review Committee composed of the seven members of the Automobile Theft Prevention Authority, or their designees. Final selection may depart from the standard rating.

Grants will be awarded on or before September 1, 1994.

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

TRD-9441903

David A. Talbot, Jr.  
General Counsel  
Office of the Governor

Filed: June 7, 1994

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Notice of Invitation for Applications. The Automobile Theft Prevention Authority of the Office of the Governor is soliciting applications for grants to be awarded for projects under the Automobile Theft Prevention Authority (ATPA) Fund.

This grant cycle will be one year in duration, and will begin on September 1, 1994. One or more of the following types of projects may be awarded, depending on the availability of funds.

**Law Enforcement/Detection/Apprehension Projects**, to establish motor vehicle theft enforcement teams and other detection/apprehension programs. Priority funding may be provided to state, county, precinct commissioner, general or home rule cities for enforcement programs in particular areas of the state where the problem is assessed as significant. Enforcement efforts covering multiple jurisdictional boundaries may receive priority for funding.

**Prosecution/Adjudication/Conviction Projects**, to provide for prosecutorial and judicial programs designed to assist with the prosecution of persons charged with motor vehicle theft offenses. Grants could include funding of efforts to implement changes in the prosecution of auto thieves and forfeiture of their property.

Prevention Projects, to test experimental equipment which is considered to be designed for theft deterrence.

Reducing the Sale of Stolen Parts Projects, for the development of vehicle identification number labeling, including component part labeling and etching methods designed to deter the sale of stolen parts.

Education/Information Projects, to provide education and specialized training to law enforcement officers in auto theft prevention procedures, provide information linkages between state law enforcement agencies on auto theft crimes, and develop a public information and education program on theft prevention measures.

Eligible Applicants. An applicant may be a county, commissioner precinct, general or home rule city, school district, university, or state agency; or it may be a department, division, or office within the governmental unit having authority and responsibility for carrying out the proposal to be funded.

An applicant may also be a neighborhood, community organization or business organization, or a department, division or office within such an organization having authority and responsibility for carrying out the proposal to be funded.

Contact Person. Detailed specifications, including selection process and schedule for regional workshops for applicants will be made available through ATPA. Contact Linda Young, Executive Director, Automobile Theft Prevention Authority, Vehicle Titles and Registration Division, Texas Department of Transportation, 4000 Jackson Avenue, Austin, Texas 78779-0001, (512) 302-2059.

Application Workshops: June 14, 1994, San Antonio, 9:30 a.m.-noon, University of Texas-San Antonio (UTSA), 6900 North Loop 1604 West, John P. L. Building, Room #4.03.08; June 15, 1994, Brownsville, 1:30-4:00 p.m., Fort Brown Hotel, 1900 Elizabeth Street, Cavalry Room; June 16, 1994, Odessa, 2:00-4:30 p.m., Hilton, 5200 East University, Goliad Room; June 17, 1994, El Paso, 9:30 a.m.-noon, Camino Real, 101 South El Paso Street, Kohlberg Room; June 23, 1994, Houston, 9:30 a.m.-noon, Houston Police Officers' Association, 1602 State Street, Meeting Hall; June 24, 1994, Arlington, 1:00-3:30 p.m., Hilton, 2401 East Lamar Boulevard, Shamrock Room.

Closing Date for Receipt of Applications. The original and eight copies of the proposal must be received by the Office of the Governor, Automobile Theft Prevention Authority by 5:00 p.m., July 20, 1994, or postmarked by July 20, 1994. If mailed, applications must be marked "Personal and Confidential" and addressed to the contact person listed above. If delivered, please leave application with the contact person (or designee) at the address listed.

Selection Process. Applications will be rated according to the standard point system in the application kit by the ATPA Executive Director and by an Application Review Committee composed of the seven members of the Automobile Theft Prevention Authority, or their designees. Final selection may depart from the standard rating.

Grants will be awarded on or before September 1, 1994.

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

TRD-9441904      David A. Tabot, Jr.  
General Counsel  
Office of the Governor

Filed: June 7, 1994

## Texas Department of Health Request for Proposals

Purpose. The Texas Department of Health (department), HIV Division is requesting new and continuation proposals from Human Immunodeficiency Virus (HIV) Care Consortia and their designated administrative agencies to conduct HIV Health and Social Services projects. The Texas Health and Safety Code, Chapter 85, authorizes the department to award grants to develop or expand projects which demonstrate comprehensive, cost effective, collaborative, coordinated ambulatory, and community-based health care and support systems for persons infected with HIV and other conditions often described as Acquired Immune Deficiency Syndrome (AIDS). This announcement is being made for the fiscal year (FY) 1995 funds. The department intends to make \$6 million available to fund these projects for the period September 1, 1994-August 31, 1995.

Eligible Applicants. Administrative agencies may include, but are not limited to, health care and community-based organizations; city or county health departments or districts; and public or private non-profit hospitals which can develop or have developed comprehensive, ambulatory community and home-based HIV support programs offering appropriate and compassionate care at reduced costs. Individuals are not eligible to apply. The following HIV Service Delivery Areas (HSDAs) currently receive state services funding and are eligible to apply for FY 1995 funding in the stated amounts: Abilene HSDA-\$75,285; Amarillo HSDA-\$94,763; Austin HSDA-\$429,759; Beaumont-Port Arthur HSDA-\$100,815; Brownsville HSDA-\$236,176; Bryan-College Station HSDA-\$59,100; Concho Plateau HSDA-\$33,482; Corpus Christi HSDA-\$165,763; Dallas HSDA-\$940,359; El Paso HSDA-\$198,229; Fort Worth HSDA-\$426,996; Galveston HSDA-\$116,736; Houston HSDA-\$1,663,114; Laredo HSDA-\$79,176; Lubbock HSDA-\$99,746; Lufkin HSDA-\$83,897; Permian Basin HSDA-\$93,494; San Antonio HSDA-\$563,216; Sherman-Denison HSDA-\$32,930; Temple-Killeen HSDA-\$76,139; Texarkana HSDA-\$56,515; Tyler HSDA-\$159,880; Uvalde HSDA-\$48,153; Victoria HSDA-\$41,653; Waco HSDA-\$72,129; and Wichita Falls HSDA-\$52,495. The HIV Division has required the establishment of local consortia in order to develop a continuum of care for HIV-infected individuals which will maximize use of available funds whether local, state, federal or private. The administrative agency designated by the consortium must submit the application for funding under this announcement. The HIV Division will not fund multiple consortia within an HSDA.

Department Review Criteria. Proposals for funding under this announcement must demonstrate the applicant's ability to assess and address the HIV service needs of the entire HSDA; work with and form coalitions among appropriate agencies and programs located in cities and counties with the HSDA; develop a cooperative system of care within the HSDA in order to avoid duplication of services; identify gaps in service needs and develop a comprehensive continuum of service to meet those needs; ensure continuity of services through effective case management; and provide services which are equitably available and accessible to all HIV-infected individuals needing services/care in the HSDA. Particular attention should be focused on strategies to respond to the service needs of all populations affected by HIV infection, for example,



women, children, families, persons from ethnic/facial minorities, drug users, and homeless individuals. Proposed services must insure that cultural and language differences do not constitute a barrier to services. Applicants must develop an activity plan which includes a time line showing the phase-in of each component of the proposed service delivery system and expected completion dates of the project objectives over the course of the twelve-month budget period.

**Application Procedure.** The department's contact person is Betty R. Cooper, HIV Services Program Director, HIV Division, Texas Department of Health, Room T-813, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7207. All requests for forms, application packets, technical, or program information, etc., should be directed to Ms. Cooper. The signed original and two copies of grant applications must be received by Ms. Cooper by 5:00 p.m. (CST), July 18, 1994 in order to be considered by the department. An additional copy of the completed application must be mailed directly to the appropriate Texas Department of Health, HIV Regional Coordinator.

Issued in Austin, Texas, on June 8, 1994.

TRD-9441858 Susan K. Steeg  
General Counsel, Office of General  
Counsel  
Texas Department of Health

Filed: June 8, 1994

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**Texas Department of Human Services  
Announcement of Availability of Funds  
to Develop Informational Media  
Materials**

The Department of Human Services (DHS), in conjunction with the Texas Council on Family Violence, a non-profit agency, announces the availability of up to \$40,000 in funds for the development of educational media materials pursuant to the Family Violence Prevention and Services Program, United States Department of Health and Human Services Program Announcement Number OCS 93-05.

Funds will be awarded on a competitive basis to the applicant who can best demonstrate the ability to efficiently develop an educational video and accompanying educational print materials regarding domestic violence. The video and print materials will focus on the prevention of family violence, and will provide information regarding immediate shelter and related assistance for the victims of family violence and their dependents.

The video and accompanying print materials will target the Spanish-speaking community in Texas. All media materials for this project should be original and scripted completely in Spanish. Materials scripted originally in English, and subsequently translated into Spanish, will not be accepted.

**Application Deadline:** Proposals must be received no later than 4:00 p.m. central standard time, July 15, 1994.

**Contact Person:** All agencies, organizations, groups, and individuals with experience in the development of Spanish language media materials are encouraged to submit proposals. Proposals must be typewritten or printed, double-spaced, and submitted with eight copies to: Juan Antonio Flores; Information Specialist; Texas Department of Hu-

man Services; 9101 Burnet Road, Suite 216; Austin, Texas 78758.

Any questions regarding this request for proposals must be directed in writing to Juan Antonio Flores, Department of Human Services, at the address listed in this notice. Requests can also be faxed to (512) 873-2420.

Issued in Austin, Texas, on June 8, 1994.

TRD-8441979 Nancy Murphy  
Section Manager, Policy and Document  
Support  
Texas Department of Human Services

Filed: June 8, 1994

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**Texas Natural Resource Conservation  
Commission**

**Enforcement Orders**

An agreed enforcement order was entered regarding Richard R. Alamia and Jaime Guerra, TNRCC Facility Identification Number 11191, Enforcement Identification Number E10544, on May 20, 1994, assessing an administrative penalty of \$10,750.

Information concerning any aspect of this order may be obtained by contacting Karen Pala, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2172.

An agreed enforcement order was entered regarding Quorum Investment Corporation, TNRCC Facility Identification Number 057844, Enforcement Identification Number E10393, on May 20, 1994, assessing an administrative penalty of \$2,880.

Information concerning any aspect of this order may be obtained by contacting Karen Pala, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2172.

An agreed enforcement order was entered regarding West-Tex Service Station, Ltd., TNRCC Facility Identification Number 026613, Enforcement Identification Number E10398, on May 20, 1994, assessing an administrative penalty of \$600.

Information concerning any aspect of this order may be obtained by contacting Karen Pala, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2172.

Issued in Austin, Texas, on May 31, 1994.

TRD-8441879 Gloria A. Vasquez  
Chief Clerk  
Texas Natural Resource Conservation  
Commission

Filed: June 6, 1994  
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## Notices of Application for Permits to Appropriate Public Waters of the State of Texas

Attached are notices of application for permits to appropriate Public Waters of the State of Texas, which were issued during the period of May 2-31, 1994.

These applications are subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue the permits unless one or more persons file written protests and/or requests for hearing within 30 days of the date of newspaper publication of notice concerning the application(s).

If you wish to request a public hearing, you must submit your request in writing. You must state: your name, mailing address and daytime phone number; the application number or other recognizable reference to this application; the statement "I/we request a public hearing"; a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; a description of the location of your property relative to the applicant's operations; and your proposed adjustment to the application which would satisfy your concerns and cause you to withdraw your request for hearing.

If one or more protests and/or requests for hearing are filed, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where a hearing may be held. If no protests or requests for hearing are filed, the Executive Director will sign the permit 30 days after newspaper publication of this notice, or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing or questions concerning procedures should be submitted in writing to Bill Ehret, Assistant Chief Hearings Examiner, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Phillips Petroleum Company; Application Number 5485 for a permit to divert and use 280 acre-feet of water per annum from the Brazos River Harbor (on Old Brazos River Channel), San Jacinto-Brazos Coastal Basin in Brazoria County, Texas. Water would be diverted at a maximum rate of 8.4 cubic feet per second (3,750 gallons per minute) to be used for industrial purposes (hydrostatic testing and emergency fire water) at the Freeport Terminal I and II, located approximately 18 miles northwest of Angleton, Texas.

Welma R. Kirchoff, Forrest W. Kelman, and Phillip M. Kelman; Application Number 19-2175A to amend Certificate of Adjudication Number 19-2175 which was issued to Phillip Kelman and Lee R. Kelman on July 29, 1982, authorizing the diversion and use of 38 acre-feet of water per year from the San Antonio River, San Antonio Basin. Diverted water is authorized to be used to irrigate 38 acres of land out of a tract located in the Heirs of Luis Manchaca Grant, Abstract 18, Wilson County, Texas. Ownership records of this certificate were changed on January 10, 1994 to delete Phillip Kelman and Lee R. Kelman as owners, and add Welma Lee Ruth Kelman (now Welma R. Kirchoff), Forrest W. Kelman, and Phillip

M. Kelman as owners. The requested amendments are to: change the name of Welma L. R. Kelman to Welma R. Kirchoff, add Phillip M. Kelman as an owner of the Certificate, increase the maximum diversion rate from the current 2 cfs (900 gpm) to 4.5 cfs (2,000 gpm), increase the total volume by 60 acre-feet, from the current 38 acre-feet per year to 98 acre-feet per year, and increase the irrigated area from the current 38 acres to 97.638 acres out of two contiguous tracts totaling 97.638 acres.

Issued in Austin, Texas, on June 3, 1994.

TRD-9441871

Gloria A. Vasquez  
Chief Clerk  
Texas Natural Resource Conservation  
Commission

Filed: June 6, 1994

## Notices of Public Hearing

Notice is hereby given that pursuant to the requirements of the Texas Health and Safety Code, §382.017 (Vernon's 1992); Texas Government Code, Subchapter B, Chapter 2001 (Vernon's 1993); and 40 Code of Federal Regulations (CFR), §51.102 of the United States Environmental Protection Agency (EPA) regulations concerning State Implementation Plans (SIP), the Texas Natural Resource Conservation Commission (TNRCC) will conduct a public hearing to receive testimony concerning revisions to Chapter 101 and the SIP.

The TNRCC proposes amendments to §101.1 and §101.29, concerning Definitions and Emissions Banking. The amendment to §101.1 adds a definition of mobile source emissions reduction credit (MERC). The amendment to §101.29 focus on the authorized use of MERCs and improve some of the administrative and procedural aspects of the existing rule. The amendments clarify that all qualified reductions must have occurred after January 1, 1990 and eliminate the distinction between pre-rule and post-rule reductions.

A public hearing on the proposal will be held July 13, 1994 at 10:00 a.m. in Room 254S of TNRCC Building E, located at 12118 North IH-35, Park 35 Technology Center, Austin. The hearing is structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted; however, a TNRCC staff member will discuss the proposal 30 minutes prior to the hearing and will be available to answer questions informally.

Written comments not presented at the hearing may be submitted to the TNRCC central office in Austin through July 15, 1994. Material received by the TNRCC Regulation Development Section by 4:00 p.m. on July 15, 1994 will be considered by the Commission prior to any final action on the proposal. Copies of the revision are available at the central office of the TNRCC located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, and at all TNRCC regional offices. Please mail written comments to the Regulation Development Section, Air Quality Planning, P.O. Box 13087, Austin, Texas 78711-3087. For further information, contact Jim Dodds at (512) 239-1119.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-1459. Requests should be made as far in advance as possible.

Issued in Austin, Texas, on May 25, 1994.

TRD-9441832

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

Filed: June 7, 1994

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Notice is hereby given that pursuant to the requirements of the Texas Health and Safety Code, §382.017 (Vernon's 1992); Texas Government Code, Subchapter B, Chapter 2001 (Vernon's 1993); and 40 Code of Federal Regulations (CFR), §51.102 of the United States Environmental Protection Agency (EPA) regulations concerning State Implementation Plans (SIP), the Texas Natural Resource Conservation Commission (TNRCC) will conduct a public hearing to receive testimony concerning revisions to Chapter 114 and the SIP.

The TNRCC proposes to add §114.29, concerning Accelerated Vehicle Retirement Program (automobile scrappage or cash for clunkers) for the ozone nonattainment areas. This program will reduce automobile emissions, while providing stationary sources with additional flexibility in achieving compliance with new air regulations.

A public hearing on the proposal will be held July 12, 1994 at 10:00 a.m. in Room 254S of TNRCC Building E, located at 12118 North IH-35, Park 35 Technology Center, Austin. The hearing is structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted; however, a TNRCC staff member will discuss the proposal 30 minutes prior to the hearing and will be available to answer questions informally.

Written comments not presented at the hearing may be submitted to the TNRCC central office in Austin through July 15, 1994. Material received by the TNRCC Regulation Development Section by 4:00 p.m. on July 15, 1994 will be considered by the Commission prior to any final action on the proposal. Copies of the revision are available at the central office of the TNRCC located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, and at all TNRCC regional offices. Please mail written comments to the Regulation Development Section, Air Quality Planning, P.O. Box 13087, Austin, Texas 78711-3087. For further information, contact Ruth Reiman at (512) 239-1219.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-1459. Requests should be made as far in advance as possible.

Issued in Austin, Texas, on May 25, 1994.

TRD-9441834

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

Filed: June 7, 1994

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Notice is hereby given that pursuant to the requirements of the Texas Health and Safety Code, §382.017 (Vernon's 1992); Government Code, Subchapter B, Chapter 2001 (Vernon's 1993); 40 Code of Federal Regulations, §51.102 of the United States Environmental Protection Agency (EPA) regulations concerning State Implementation Plans

(SIP), the Texas Natural Resource Conservation Commission (TNRCC) will conduct a public hearing to receive testimony concerning a revision to the SIP.

The TNRCC is proposing the redesignation of the Victoria County ozone nonattainment area to attainment for ozone. The proposal was developed in response to a requirement by the EPA for Victoria County to demonstrate attainment of the ozone standard no later than November 15, 1995 to avoid facing sanctions on economic growth and federal transportation funding.

The TNRCC will be holding a public workshop to discuss the proposal on June 22, 1994 at 1:30 p.m. at the O'Connor Communications Room, One O'Connor Plaza, Fifth Floor, 200 Block North Main Street, Victoria.

A public hearing on the proposal will be held on July 7, 1994 at 6:00 p.m. at the Victoria Community Center Annex, 2905 East North Street, Victoria. The hearing is structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted; however, a TNRCC staff member will discuss the proposal 30 minutes prior to the hearing and will be available to answer questions informally. Written comments not presented at the hearing may be submitted to the TNRCC central office in Austin through July 7, 1994. Material received by the TNRCC Regulation Development Section by 4:00 p.m. on July 7, 1994 will be considered by the Commission prior to any final action on the proposal. Copies of the proposal are available at the central office of the TNRCC located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, at the TNRCC regional office in Corpus Christi at 1231 Agnes Street, Suite 103, Corpus Christi, and through Judge Walker's Office at the Victoria County Courthouse. Please mail written comments to Alan Henderson, Regulation Development Section, Air Quality Planning Division, P.O. Box 13087, Austin, Texas 78711-3087. For further information contact Alan Henderson at (512) 239-1510.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-1459. Requests should be made as far in advance as possible.

Issued in Austin, Texas, on June 3, 1994.

TRD-9441836

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

Filed: June 7, 1994

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### Notices of Receipt of Applications and Declaration for Administrative Completeness for Sludge Registrations

Attached are Notices of Receipt of Applications and Declaration of Administrative Completeness for sludge registrations issued during the period of May 23-June 3, 1994.

These applications have 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 these applications are subject to change based on evaluations of the proposed treatment levels, treatment processes and site specific conditions as they relate to the protection of the environment and public health.

Persons desiring a public meeting regarding these applications should submit a written request to the Chief Clerk of the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711. The request should contain: the name, mailing address and phone number of the person making the request; and the reason a public meeting is desired. The deadline for submitting this request is 30 days from the date which the application was posted for public review.

Information concerning these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898

Robert Roe Temple, located at the northeast corner of the intersection of County Road 2658 and County Road 2648 in the Burrow Community, Hunt County, Texas, new beneficial sludge use site, 710695.

ISP Technologies, Inc., located approximately 700 feet south of Industrial Road and 3,500 feet west of Highway 146 in Texas City, Galveston County, Texas; new beneficial sludge use site, 710678

Guadalupe-Blanco River Authority; located approximately 0.5 mile west of State Highway 80 on Memorial Drive, southwest of the City of Luling, Caldwell County, Texas, new beneficial sludge use site, 710071

Leo P. Ross, located approximately two miles north of FM 124 and 1.5 miles west on County Road 237, approximately ten miles west of Carthage, Panola County, Texas, new beneficial sludge use site; 710129

City of Windthorst, located adjacent to the City of Windthorst Wastewater Treatment Plant, located west of an unnamed county road, approximately 0.75 mile south of the intersection of said unnamed county road and U.S. Highway 281 in Windthorst, Archer County, Texas, new beneficial sludge use site; 710153.

Kaufman County Septic Tank Service; located one mile south on Harlan Road and approximately one mile north of Bilindsay Road, 910 Davis Road, Combine, Dallas County, Texas; beneficial septage use site, 710181.

Guadalupe-Blanco River Authority, located on FM 78, 0.9 mile south on Santa Clara Road, and 0.8 mile north of Gerdes Lane, one mile west of Marion, Guadalupe County, Texas; new beneficial sludge use site; 710269

Issued in Austin, Texas, on June 3, 1994.

TRD-9441875      Glona A. Vasquez  
Chief Clerk  
Texas Natural Resource Conservation  
Commission

Filed: June 6, 1994

### State Pension Review Board Consultant Contract Award

Under provisions of Texas Civil Statutes, Article 6252-11c, the State Pension Review Board (PRB) has awarded a contract for actuarial services to The Wyatt Company, 2121 San Jacinto Street, Suite 2400, Dallas, Texas 75201, following a consultant proposal request published in the January 14, 1994, issue of the *Texas Register*

(19 TexReg 298). The purpose of this contract is twofold: to provide actuarial assistance to the PRB in conducting a general overview actuarial audit of the Dallas Fire and Police Pension Fund and report to the PRB orally and in writing on the findings; and to act as the alternate actuary during the 1995 Texas Legislative session.

Issued in Austin, Texas, on May 31, 1994.

TRD-9441911      Lynda Baker  
Administrative Technician II  
State Pension Review Board

Filed: June 7, 1994

### Public Utility Commission Notice of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Deer Park ISD, Deer Park, Texas

Docket Title and Number Application of Southwestern Bell Telephone Company for Approval of a new Plexar-Custom Service for Deer Park ISD pursuant to Public Utility Commission Substantive Rule 23.27 Docket Number 13087.

The Application. Southwestern Bell Telephone Company is requesting approval of a new Plexar-Custom Service for Deer Park ISD. The geographic service market for this specific service is the Deer Park, 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) 458-0388, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on June 8, 1994

TRD-9441963      John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: June 8, 1994

### Texas State Soil and Water Conservation Board Request for Comments

The Texas State Soil and Water Conservation Board announces the availability of the revised State of Texas Agricultural/Silvicultural Nonpoint Source Management Program for public review and comment

Persons may request a copy of the document by certified mail directed to: Bo Spoons, Texas State Soil and Water Conservation Board, P.O. Box 658, Temple, Texas 76503.

The Texas State Soil and Water Conservation Board requests that persons interested in commenting on the document do so in writing by 5:00 p.m. on July 14, 1994.

issued in Temple, Texas, on June 7, 1994.

TRD-9441969      Robert G. Buckley  
Executive Director  
Texas State Soil and Water Conservation  
Board

Filed June 8, 1994

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**Texas Office of State-Federal Relations**  
**Request for Applications-State Match**  
**Pool**

The Office of State-Federal Relations (OSFR) State Match Pool pilot program requests applications from state agencies who need state funds to meet the matching monies requirements of federal discretionary grant programs. The 1994-1995 biennial amount of \$10M was appropriated (General Appropriations Act of 1993) to OSFR for this purpose. Adopted administrative rules governing the State Match Pool may be found at (19 TexReg 1825)

State Match Pool funds will only be awarded to state agencies to meet the matching monies requirements of federal discretionary grant programs under which funds are available to be awarded during the 1994-1995 biennium. State agencies who are or will be applying during the 1994-1995 biennium to a federal discretionary grant program for project funding are eligible to apply also for State Match Pool funds. Applicants to the State Match Pool must be a single state agency, but grant activities proposed by a state agency in partnership with other state and non-state entities are encouraged.

The pilot program is comprised of a competitive application process that gives preference to federal grant proposals that include realistic projections of economic growth in the state as a direct outcome to be expected from completion of the proposed grant activities. Projects that shall not be considered for State Match Pool funding include projects proposed solely for the purposes of research, planning, curricular education, public transportation, public works, or continuation grants for any project.

Applications for State Match Pool funding of specific projects will be evaluated on the basis of criteria listed as follows. Applications will be ranked according to their cumulative score on these criteria, which will be weighted according to their importance in the selection process.

Quantitative criteria to be derived from proposed project financing information include: ratio of federal grant amount requested to the State Match Pool funds requested; ratio of private contributions to project (if any) to the State Match Pool funds requested, ratio of non-state project funds to state project funds from all sources; ratio of cash or in-kind matching contributions to the project. Other criteria by which project descriptions will be evaluated include: expected project outcomes and impacts on specific populations or geographic areas, including projections for direct job creation or retention in the state and new economic investment in the state; how well the proposed project addresses the objectives/requirements of the federal program under which the grant funds are requested, plans for attracting future federal funding or economic investment in the state, project coordination, including a statement of how the proposed project meets statewide, regional, or local policy priorities or planning objectives, project support for or recommendations from related agencies and organizations, and recommendations

from federal/state/local elected officials, and innovative linkages between local/state/federal organizations and between the public and private sectors.

No minimum or maximum award amount has been set. However, the maximum award amount is directly limited by the amount of the \$10 million appropriation. OSFR asks, therefore, that requests for State Match Pool funding to a single project not exceed \$2 million. In no case shall the amount of State Match Pool funds awarded to a single project exceed 40% of the total projected costs for that project.

Commitment of State Match Pool funding to any project is subject to availability of funds. The OSFR does not expect that every qualified application will be accepted for federal funding. Therefore, the OSFR may over-amount fund. Encumbrance and subsequent disbursement of State Match Pool funds to any qualified applicant agency is dependent on the date of their federal award and the availability of State Match Pool funds at the time of their federal award.

The present solicitation closes August 17, 1994. State agencies who are or will be submitting an appropriate federal grant proposal at any time during the 1994-1995 biennium may apply for State Match Pool funding during the present solicitation. Applications received during the present solicitation period will be evaluated and ranked as a cohort group. Additional solicitations for applications may be issued throughout the 1994-1995 biennium, dependent on continued availability of unallocated match funds. Evaluation criteria for application review are established on a solicitation by solicitation basis.

The present solicitation is also open to state agency applicants who already have been notified of a pending award by the federal program during the state's 1994 fiscal year, and who are in the process of actively negotiating a state match amount with the federal award program. Such negotiations must be threatened by insufficient state match funds within the agency's own budget.

Standardized application forms must be completed and submitted as part of the application. For the present solicitation, applications will be accepted anytime prior to 4:00 p.m. on August 17, 1994. An information/application packet will be available after June 16, 1994, and can be requested from the Texas Office of State-Federal Relations at P.O. Box 13005, Austin, Texas 78711 (512) 463-1803. Questions related to the solicitation or the application process should be directed to Dr. Mary E. Lee (512) 463-1803.

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

TRD-9441901      Dr. Mary E. Lee  
State Match Pool Administrator  
Texas Office of State-Federal Relations

Filed: June 7, 1994

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**Texas State Treasury**  
**Texas State Treasury Tax and Revenue**  
**Anticipation Notes Bond Counsel**  
**Services Proposal Request**

The Texas State Treasury (the Treasury) is seeking to employ Bond Counsel for the issuance of certain Tax and Revenue Anticipation Notes (the Notes). The Notes can be issued pursuant to Subchapter H of Chapter 404 of the Texas Government Code (the Act) and Texas Civil Statutes

utes, Article 717q, to coordinate the State's cash flow within the 1995 fiscal year.

#### **I. PROPOSAL SCHEDULE.**

Issuance of Request for Proposal: June 7, 1994.

Final Response Date: June 17, 1994-1:00 p.m.

Selection of Bond Counsel: June 21, 1994.

First Working Group Meeting: June 28, 1994-9:00 a.m.

#### **II. PROPOSAL SUBMISSION DEADLINE.**

All proposals must be received no later than 1.00 p.m. on Friday, June 17, 1994. Proposal responses, modifications or addenda to an original response received by the Treasury after that specified time and date for responses will not be considered. Each proposer is responsible for insuring that the response reaches the Treasury before the proposed due date.

Copies of the Request for Proposal may be obtained by calling or writing James R. Howell, Texas State Treasury, 200 East Tenth Street, Suite 309, Austin, Texas 78701, (512) 463-5971.

Issued in Austin, Texas, on June 7, 1994

TRD-9441938      James R. Howell  
                         General Counsel  
                         Texas State Treasury

Filed: June 7, 1994

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### **Texas State Treasury Tax and Revenue Anticipation Notes Co-Bond Counsel Services Proposal Request**

The Texas State Treasury (the Treasury) is seeking to employ Co-Bond Counsel for the issuance of certain Tax and Revenue Anticipation Notes (the Notes). The Notes will be issued pursuant to Subchapter H of Chapter 404 of the Texas Government Code (the Act) and Texas Civil Statutes, Article 717q, to coordinate the State's cash flow within the 1995 fiscal year.

#### **I. PROPOSAL SCHEDULE.**

Issuance of Request for Proposal: June 7, 1994.

Final Response Date: June 17, 1994-1:00 p.m.

Selection of Co-Bond Counsel: June 21, 1994.

First Working Group Meeting: June 28, 1994-9:00 a.m.

#### **II. PROPOSAL SUBMISSION.**

All proposals must be received no later than 1:00 p.m. on Friday, June 17, 1994. Proposal responses, modifications or addenda to an original response received by the Treasury after that specified time and date for responses will not be considered. Each proposer is responsible for insuring that the response reaches the Treasury before the proposed due date.

Copies of the Request for Proposal may be obtained by calling or writing James R. Howell, Texas State Treasury, 200 East Tenth Street, Suite 309 Austin, Texas 78701, (512) 463-5971.

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

TRD-9441939      James R. Howell  
                         General Counsel  
                         Texas State Treasury

Filed June 7, 1994

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### **Texas Water Development Board Notice of Hearing**

The Trans-Texas Water Program Policy Management Committee will meet at the Holiday Inn, Sea Horse Room, 100 Padre Island Boulevard, South Padre Island, Texas, on June 23, 1994, at 9:00 a.m. Information may be obtained from Dennis Crowley, P.O. Box 13231, Austin, Texas 78711, (512) 463-7976. The address was previously incorrectly published as the Sheraton South Padre Island Beach Resort, Peppers, Second Floor, 310 South Padre Boulevard, South Padre Island, Texas.

Issued in Austin, Texas, on June 1, 1994.

TRD-9441908      Suzanne Schwartz  
                         General Counsel  
                         Texas Water Development Board

Filed: June 7, 1994

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