

Texas Register

Volume 18, Number 33, April 30, 1993

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Texas Register



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How to Use the Texas Register

Information Available: The 10 sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Secretary of State - opinions based on the election laws.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Sections - sections adopted by state agencies on an emergency basis.

Proposed Sections - sections proposed for adoption.

Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Sections - 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 18 (1993) is cited as follows: 18 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 "18 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 18 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
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

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

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

How to update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Table of TAC Titles Affected*. The table is published cumulatively in the blue-cover quarterly indexes to the *Texas Register* (January 22, April 16, July 13, and October 12, 1993). In its second issue each month the *Texas Register* contains a cumulative *Table of TAC Titles Affected* for the preceding month. If a rule has changed during the time period covered by the table, the rule's *TAC* number will be printed with one or more *Texas Register* page numbers, as shown in the following example.

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

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

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The Governor

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

Appointments Made April 19, 1993

To be Judge of the 102nd Judicial District Court, Bowie and Red River Counties, until the next General Election and until his successor shall be duly elected and qualified: John F. Miller, Jr., 906 Clearcreek, Texarkana, Texas 75503. Mr. Miller will be replacing Judge Leon F. Pesek of Texarkana who resigned.

To be a member of the Texas-Mexico Advisory Board for a term to expire February 1, 1999: William R. Leo, P.O. Box 1290, La Joya, Texas 78560. Mr. Leo will be replacing Paul M. York of Corpus Christi whose term expired.

To be a member of the Texas Department of Transportation Motor Vehicle Commission for a term to expire January 31, 1999: Stephen P. Webb, 1514 West 30th

Street, Austin, Texas 78703. Mr. Webb is being reappointed.

To be a member of the Texas Department of Transportation Motor Vehicle Commission for a term to expire January 31, 1999: Laurie Brown Watson, 3400 Timberwood Circle, Austin, Texas 78703. Ms. Watson is being reappointed.

To be a member of the Guadalupe-Blanco River Authority Board of Directors for a term to expire February 1, 1999: Marshall Ray Holybee, P. O. Box 166, Bayside, Texas 78340. Mr. Holybee will be replacing Harry A. Fish of Boerne whose term expired.

To be a member of the Guadalupe-Blanco River Authority Board of Directors for a term to expire February 1, 1999: Olga Lara, 1328 Hoffman Lane, New Braunfels, Texas 78130. Ms. Lara will be replacing Herbert

R. Schneider of New Braunfels whose term expired.

To be a member of the Guadalupe-Blanco River Authority Board of Directors for a term to expire February 1, 1999: Wanda Roberts, P.O. Drawer 45, Port Lavaca, Texas 77979. Ms. Roberts will be replacing Preston Stoffe of Long Mott whose term expired.

To be a member of the Task Force on Discrimination in Contracting for a term at the pleasure of the Governor: Lee Elliott Brown, 3339 Wentworth, Houston, Texas 77004. Ms. Brown is being appointed pursuant to Executive Order Number AWR 93-7.

Issued in Austin, Texas, on April 21, 1993.

TRD-9321981

Ann W. Richards
Governor of Texas





Title: THE COWGIRL
Name: Lauren Vick
Grade: Kindergarten
School: Theiss Elementary School, Klein ISD

Attorney General

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

Letter Opinions

LO-93-9 (ID#-18585). Request from Terry Beals, D.V.M., Executive Director, Texas Animal Health Commission, P.O. Box 12966, Austin, concerning whether the General Appropriations Act authorizes the Texas Animal Health Commission to purchase pickup trucks and related questions.

Summary of Opinion. The General Appropriations Act, Article V, §19(2), Acts 1991, 72nd Legislature, First Called Session, Chapter 19, authorizes the commission to purchase pickup trucks and trucks for the conveyance of special equipment. The commission is not prohibited from using pickup trucks to transport employees.

TRD-9322002

LO-93-11 (RQ-302). Request from Mike Driscoll, Harris County Attorney, 1001 Preston, Suite 634, Houston, concerning whether the Harris County Flood Control District has a right-of-way to build flood control works across Harris County roads, and related questions.

Summary of Opinion. The Harris County Flood Control District is authorized to build flood control works across Harris County roads and highways subject to limits in the law governing the flood control district and applicable regulations adopted under Section 2 of the Harris County Road Law.

Harris County may not construct roads across property controlled by the district, without the written concurrence of the district.

Local Government Code, §272.001(b)(6) requires that land owned by a political subdivision of the state, such as the district, may be conveyed to another "governmental entity that has the power of eminent domain," such as the county, provided the property is appraised and transferred for no less than fair market value.

Article III, Section 52 of the Texas Constitution does not prohibit *quid pro quo* contracts between political subdivisions designed to carry out a shared governmental purpose.

TRD-9322003

LO-93-12 (ID#-17933). Request from Genevieve G. Stubbs, Associate General Counsel, Texas A&M University System, College Station, concerning whether the Texas A&M University System may contract with a law firm that has, as one of its partners, a member of the Texas A&M University System's board of regents and related questions.

Summary of Opinion. The common-law rules pertaining to conflict of interest preclude the Texas A&M University System (TAMUS) from contracting with a law firm in which one of the members of the board of regents of TAMUS is a partner. Any services the law firm performed for TAMUS after the regent became a partner were performed pursuant to a void agreement, and TAMUS may not pay the law firm for such services. Furthermore, because a partner has an indirect interest in the law firm's profits and losses, neither the fact that the regent did not receive a salary from the law firm during the period that the law firm performed services for TAMUS, nor the fact that the regent will receive no direct monetary remuneration from these services at all, alter the analysis or the result.

TRD-9322004

LO-93-13 (RQ-450). Request from Ken Armbrister, Chairman, Intergovernmental Relations Committee, Texas State Senate, P.O. Box 12068, Austin, concerning whether the Texas Racing Commission may require a Class 2 racetrack licensee that has had its license reinstated pursuant to the Texas Racing Act, §6.19, Texas Civil Statutes, Article 179e, to pay an annual fee.

Summary of Opinion. The Texas Racing Commission may not, pursuant to the Texas Racing Act, §6.19(b), Texas Civil Statutes, Article 179e, require a Class 2 racetrack licensee whose license the commission has reinstated in accordance with §6.19(a) to pay an annual fee.

TRD-9322005

LO-93-14 (ID#-18028). Request from Ashley Smith, Chairman, Committee on Higher

Education, Texas House of Representatives, P.O. Box 2910, Austin, concerning whether application of affirmative vote requirement in the Local Government Code, §212.015, to a proposed replat satisfying all zoning requirements is lawful.

Summary of Opinion. The Local Government Code, §212.015(c), as amended by Senate Bill 1075, Acts 1989, 71st Legislature, Chapter 345, §3, does not violate the provisions of Article II, Section 1, and Article III, Section 1, of the Texas Constitution which prohibit the legislature from delegating its legislative powers to private parties.

TRD-9322006

LO-93-15 (ID#-18042). Request from Kim Brimer, Chairman, Committee on Business and Industry, Texas House of Representatives, P.O. Box 2910, Austin, concerning the construction of a recently enacted statute which regulates the keeping of "dangerous dogs."

Summary of Opinion. A dog's commission of an unprovoked act against another animal may be sufficient to satisfy the definition of "dangerous dog" under the Health and Safety Code, §822.041, so long as the attack causes "a person to reasonably believe that the dog will attack and cause bodily injury to that person."

TRD-9322007

LO-93-16 (ID#-18159). Request from John Fouts, District Attorney, 39th Judicial District, P.O. Box 996, Haskell, concerning whether there exist any restrictions on the burial of non-human animals in a cemetery.

Summary of Opinion. The Health and Safety Code, §713.027, authorizes a commissioners court in a county of fewer than 8,200 to determine whether non-human animals may be buried in a cemetery owned and operated by the county.

TRD-9322008

LO-93-17 (ID#-17139). Request from Raymie Kana, County Auditor, Colorado County Courthouse, Third Floor, Columbus, concerning payments to spouse of county judge for expenses incurred in execution of contract under federal program.

Summary of Opinion. A county judge does not violate the oath of office by virtue of the county's reimbursement of expenses incurred by the judge's spouse in furtherance of a contract between the county and the Texas Department of Human Services. If that reimbursement amounts to a "substantial interest in a business entity" under Local Government Code, Chapter 171, the judge must declare the interest and abstain from further participation in the matter.

TRD-9322009

LO-93-18 (RQ-475). Request from Bill Sims, Chairman, Natural Resources Committee, Texas State Senate, P.O. Box 12068, Austin, concerning whether a court may assess fees and court costs in a proceeding under Texas Civil Statutes, Article 6701d, §143A, subsection (a)(1).

Summary of Opinion. A court may not impose fees and court costs in a proceeding under Texas Civil Statutes, Article 6701d, §143A, subsection (a) (1).

TRD-9322010

LO-93-19 (ID#-17784, ID#-18531). Request from John Vance, Dallas County District Attorney, Frank Crowley Courts Building, Dallas, concerning whether the minimum annual salary of statutory county judges established by the Government Code, §25.0005, includes contributions under the Federal Insurance Contributions Act.

Summary of Opinion. The minimum annual salary of statutory county court judge referred to the Government Code, §25.0005(a), includes that portion of the judge's FICA contribution which is paid by the state or county.

TRD-9322011

LO-93-20 (RQ-499). Request from David J. Freeman, Executive Secretary, Texas Racing Commission, P.O. Box 12080, Austin, concerning whether the Texas Racing Commission has the authority to adopt rules requiring its licensees to provide workers' compensation insurance for the licensees' employees.

Summary of Opinion. The Texas Racing Commission lacks the authority to require that its licensees provide workers' compensation insurance.

TRD-9322012

LO-93-23 (RQ-74). Request from Alfred F. Hurley, Chancellor, University of North Texas College of Osteopathic Medicine, P.O. Box 13737, Denton, concerning whether certain disabled individuals in a state university vocational training program are "employees" under Texas Civil Statutes, Article 8309g (relating to workers' compensation coverage).

Summary of Opinion. Clients or patients

of state institutions who are participating in a state university vocational training program are not state employees for the purposes of the state workers' compensation program, Texas Civil Statutes, Article 8309g, §1.

TRD-9322013

Opinions

DM-203 (RQ-490). Request from Gonzalo Barrientos, Chairman, Committee on Nominations, Texas State Senate, P.O. Box 12068, Austin, concerning status of "recess gubernatorial appointees who are replaced by other nominees before the senate has had the opportunity to confirm or reject them in a regular or special session."

Summary of Opinion. When the governor appoints an individual to a position while the legislature is in recess, that person resigns the position before the legislature next convenes, and a second appointee is named to the position, there is no requirement that the name of the *first appointee* be submitted to the legislature. Acts of the first appointee need not be validated by the legislature for any period in which that person held the position *de jure*.

TRD-9321995

DM-204 (RQ-457). Request from Allen Ross Hightower, Chairman, Committee on Corrections, Texas House of Representatives, P.O. Box 2910, Austin, concerning authority of a county to improve certain subdivision roads and assess the cost of repairs against subdivisions.

Summary of Opinion. Texas Civil Statutes, Article 6702-3, requires the commissioners court to propose separate assessments and hold separate elections in each subdivision. Article 6702-3, §(g), gives the commissioners court the authority to determine when the lien will be recorded after an assessment has been approved by a subdivision. If the costs of an improvement exceed the maximum assessment, the commissioners court may complete the improvement with non-assessment funds or propose a new assessment to complete the project and hold a new election according to the statutory requirements. The determination whether particular costs are assessable improvement costs or nonassessable administrative costs involves questions of fact which are not amenable to the opinion process and should be resolved by the commissioners court in the first instance.

TRD-9321996

DM-205 (RQ-491). Request from David Smith, M.D., Commissioner, Texas Department of Health, 1100 West 49th Street, Austin, concerning whether the Health and

Safety Code, §142.005, applies to nonprofit corporations and related questions.

Summary of Opinion. In the context of the Health and Safety Code, §142.005(a), "business entity that includes members that are not individuals" encompasses not only nonprofit corporations but also for-profit business entities that include members that are not individuals. Again in the context of §142.005(a), "corporation the shares of which are owned by another corporation" describes a corporation in which another corporation owns any of the shares. Section 142.005(a)(1) requires a foreign corporation to establish a Texas corporation if the corporation desires to be licensed to operate a home health agency in Texas.

TRD-9321997

DM-206 (RQ-484). Request from Mary Sapp, Executive Director, Texas Department on Aging, P.O. Box 12786, Austin, concerning whether the Human Resources Code, §101.063 provides immunity to volunteer ombudsmen in the Texas Department on Aging long-term care ombudsman program.

Summary of Opinion. The Human Resources Code, §101.063, which provides that an ombudsman is not liable for civil damages or subject to criminal prosecution for good faith acts performed in the course of his or her official duties, applies to interns in the volunteer ombudsman program.

The state ombudsman is entitled to legal representation from the Office of the Attorney General. This representation will only be provided in instances where the action is being sought against the individual in his official capacity.

TRD-9321998

DM-207 (RQ-428). Request from Renee Higginbotham-Brooks, Chairman, Texas Alcoholic Beverage Commission, P.O. Box 13127, Austin, concerning whether the Opening Meetings Act, Texas Civil Statutes, Article 6252-17, permits a member of the Alcoholic Beverage Commission who is unable to attend a commission meeting in person to participate by live video transmission.

Summary of Opinion. In the absence of specific legislative authorization, a governmental body subject to the Open Meetings Act, Texas Civil Statutes, Article 6252-17, may not permit a member who is unable to attend a meeting in person to participate via live video transmission.

TRD-9321999

DM-208 (RQ-473). Request from John W. Segrest, Criminal District Attorney, McLennan County, 219 North Sixth Street, Suite 200, Waco, concerning whether a person related to a district judge within the degree prohibited by the nepotism statute,

Texas Civil Statutes, Article 5996a, can take employment with a community supervision and corrections department without causing a violation of the nepotism statute in light of the provisions of the Code of Criminal Procedure, Article 42.131.

Summary of Opinion. The Code of Criminal Procedure, Article 42.131 requires the director of a community supervision and corrections department to hire the officers and other employees necessary to perform the professional and clerical work of the department. The judges in the judicial district that the community supervision and corrections department serves appoint the director but have no further authority to hire or to approve the director's hiring of additional department personnel. The word "employ," as used in the Code of Criminal Procedure, Article 42.131, §2(a) and §4, has two different meanings. In the context of §2(a), "employ" refers to the responsibility of the judicial district to compensate department personnel. However, in the context of §4, "employ" refers to the department director's obligation to hire necessary personnel.

Because the judges have no authority to hire or approve the hiring of department personnel other than the director, no violation of the nepotism statute, Texas Civil Statutes, Article 5996a, §1(a), occurs if the department director hires a person related within the third degree of consanguinity to one of the judges in that judicial district.

TRD-9322000

DM-209 (RQ-118). Request from James L. Crouch, Executive Director, Public Utility Commission, 7800 Shoal Creek Boulevard, Austin, concerning whether the former employee of the Public Utility Commission who goes to work for an affiliate of a regulated utility violates Texas Civil Statutes, Article 1446c, §6.

Summary of Opinion. Texas Civil Statutes, Article 1446c, §6(i), provides that a former employee of the Public Utility Commission (PUC) may not be employed within one year after leaving the commission by a public utility that was in the scope of his official responsibility while he worked for the commission. This prohibition does not bar a former employee from working for the affiliate of such public utility within a year after his departure from the commission.

Texas Civil Statutes, Article 1446c, §6(d), prohibits an employee of the Public Utility Commission (PUC) from asking an officer of a regulated utility for employment with that utility or an affiliated interest of the utility. Section 6(e) prohibits an officer of a public utility or affiliated interest from offering employment to any employee of the commission. Whether any person has violated either of these provisions is a fact question.

Senate Bill 1 of the 72nd Legislature adopted post-employment restrictions on the appearance before a regulatory agency by former state officers and employees of that agency. These provisions, codified as Texas Civil Statutes, Article 6252-9b, §7A, do not apply to former state officers or employees if their representation of a person before a state agency is restricted by other law. Since Texas Civil Statutes, Article 1446c, §6(j), places post-employment restrictions on appearances before the PUC by its former commissioners and employees, Texas Civil Statutes, Article 6252-9b, §7A, does not apply to these individuals.

TRD-9322001

Requests for Opinions

(RQ-511). Request from Benny M. Mathis, Jr., Executive Director, Structural Pest Control Board, 9101 Burnet Road, Suite 201, Austin, concerning whether provisions of the City of Greenville regulation of pesticides ordinance are preempted by the Structural Pest Control Act, Texas Civil Statutes, Article 135b-6.

(RQ-512). Request from Mike Driscoll, Harris County Attorney, 1001 Preston, Suite 634, Houston, concerning whether a justice of the peace may dismiss a traffic charge if the defendant fails to complete a driver safety course authorized by Texas Code of Criminal Procedure, Article 45.54.

(RQ-513). Request from Libby Linebarger, Chair, Committee on Public Education, Texas House of Representatives, P.O. Box 2910, Austin, concerning whether a legislator who is employed part-time by an independent school district holds a "position of profit under this State."

(RQ-514). Request from Marvin Titzman, Executive Director, Texas Surplus Property Agency, P.O. Box 8120, San Antonio, concerning whether an entity or institution that owes service and handling charges and fees to the Texas Surplus Property Agency is "indebted to the state" for purposes of the Government Code, §403.055, and related questions.

(RQ-515). Requested from John Montford, Chairman, Senate Committee on Finance, Texas State Senate, P.O. Box 12068, Austin, and William Treacy, Executive Director, Texas State Board of Public Accountancy, 1033 La Posada, Suite 340, Austin, concerning authority of the Texas State Board of Public Accountancy to regulate non-licensees.

(RQ-516). Requested from David Cain, Chair, House Committee on Transportation, P.O. Box 2910, Austin, concerning construction of recent amendments to Texas Civil Practices and Remedies Code, regard-

ing a municipality's award of a contract to a minority business enterprise.

(RQ-517). Request from Amy Johnson, Office of Public Insurance Counsel, 816 Congress Avenue, Suite 1400, Austin, concerning whether the Office of Public Insurance Counsel is required to register with the Texas Ethics Commission as a lobbyist.

(RQ-518). Request from Mike Driscoll, Harris County Attorney, 1001 Preston, Suite 634, Houston, concerning whether a constable may seize and sell normally exempted personal property under a writ of execution to collect delinquent child support payments.

(RQ-519). Request from Roland Saul, Criminal District Attorney, Deaf Smith County, Texas, 235 East Third, Room 401, Hereford, concerning whether the City of Hereford may convey real property to the Deaf Smith County Hospital District.

(RQ-520). Request from Libby Linebarger, Chair, Committee on Public Education, Texas House of Representatives, P.O. Box 2910, Austin, concerning authority of the Foundation School Fund Budget Committee to revise its estimate of available revenue.

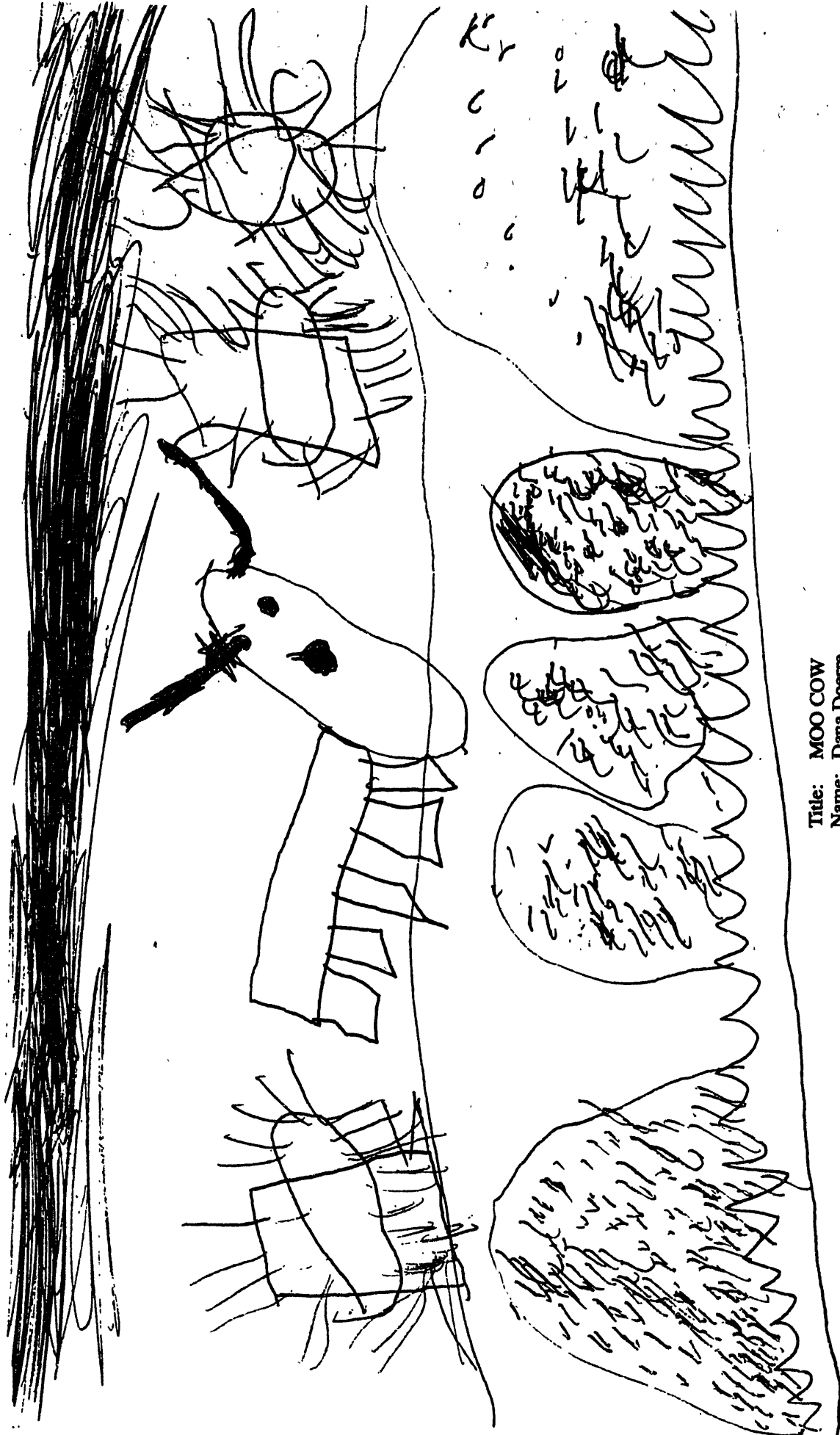
(RQ-521). Request from John Whitmire, Chair, Committee on Criminal Justice, Texas State Senate, P.O. Box 12068, Austin, concerning validity of a municipal referendum on zoning, and related questions.

(RQ-522). Request from Debra Danburg, Chair, Committee on Elections, Texas House of Representatives, P.O. Box 2910, Austin, concerning validity of a proposed ordinance of the City of Houston that would require certain establishments serving alcoholic beverages to offer condoms for sale.

(RQ-523). Request from Mike Driscoll, Harris County Attorney, 1001 Preston, Suite 634, Houston, concerning whether an appraisal review board may correct the market value of real property which receives productivity valuation under the Tax Code, Chapter 23.

(RQ-524). Request from John Hannah, Jr., Secretary of State, P.O. Box 12697, Austin, concerning authority of the Secretary of State to provide by rule that certain state funds may not be used to pay costs attributable to the normal operation of a voter registrar's office.

TRD-9321994



Title: MOO COW
Name: Dana Doerre
Grade: Kindergarten
School: Theiss Elementary School, Klein ISD

Emergency Sections

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

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office

Chapter 25. Beach Cleaning and Maintenance Assistance Program

• 31 TAC §§25.4, 25.12, 25.19

The General Land Office adopts on an emergency basis amendments to §§25.4, 25.12 and 25.19, concerning state funding assistance to local governments for the maintenance and cleaning of public beaches. These sections are adopted on an emergency basis in order to allocate funds necessary to protect public safety and welfare by ensuring adequate cleaning and maintenance of public beaches.

The amendments are adopted on an emergency basis under Texas Natural Resources Code, §81.061 et. seq, which provides the General Land Office with the authority to allocate responsibility for cleaning the beaches of Texas and to preserve and protect local initiative in the maintenance and administration of beaches.

§25.4. Notification of Available Funds.

(a) The agency shall use the following formula for calculating the amount of funds available to each city and county for the fiscal year[.]. Seventy-five percent of funds available for distribution shall be allocated by determining each participant's [the] proportionate share of total participant expenditures during the 11 quarters prior to June 1 of the fiscal year preceding the year participant is applying for reimbursement. [times the amount appropriated by the Legislature for the fiscal year.] Twenty-five percent of the funds available for distribution shall be allocated by determining each participant's proportionate share of total linear footage of gulf beach which the participants will clean and maintain pursuant to project agreements authorized in §25.11 of this title (relating to Project Agreement.)

(b) (No change.)

§25.12. Eligible Costs.

(a) To be eligible for state reimbursement:

(1) all costs incurred must be as a result of beach cleaning and maintenance activities only on public beaches as defined in §25.1 of this title (relating to definitions);

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

(b) Participants are not eligible to receive available funds from the state for administrative costs in excess of 10% of the total amount of costs incurred for which the participant applies.

(c)[(b)] State laws and policies prohibit the state from participating in the purchase of equipment not assigned to a state agency. The agency will recognize as eligible for costs only equipment rental during the period of an approved project and only when such equipment is actually used for beach cleaning activities. Rental rates may be based on actual rental costs or the participant's approved rental rates for the equipment if it is owned by the applicant. Necessary expendable items such as trash receptacles are eligible costs, but the agency reserves the right to determine which items are expendable in nature.

(d)[(c)] Costs incurred within the fiscal year the application is approved but prior to the date the application is approved will be eligible for reimbursement if documented in the same manner as reimbursement costs incurred after an application is approved.

§25.19. Maintenance of Records and Accounts.

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

(d) Participants charging a fee for public beach use and access as authorized by the General Land Office rules for management of the beach/dune system (§15.8 of this title (relating to Beach User Fees)) may be reimbursed for expenditures only under the following conditions.

(1) The participant is currently in compliance and has been in compliance with the beach user fee provisions contained in the General Land Office rules for management of the beach/dune system (§15.8 of this title) during the fiscal year for which reimbursement is sought.

(2) The participant maintains and spends the funds received under this subchapter subject to the same require-

ments as those provided for beach user fee revenues in the General Land Office rules for management of the beach/dune system (§15.8 of this title).

(e)[(d)] All substantiating documents in support of this program will be kept in the office of the county or city internal auditor, or if the county or city does not have an internal auditor, in the office of its chief financial officer, for a period of two years following the termination of the state fiscal year in which the project agreement expires.

Issued in Austin, Texas, on April 21, 1993.

TRD-9322071

Garry Mauro
Commissioner
General Land Office

Effective date: April 23, 1993

Expiration date: July 8, 1993

For further information, please call: (512) 463-5725

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter O. State Sales and Use Tax

• 34 TAC §3.360

The Comptroller of Public Accounts is renewing the effectiveness of the emergency renewal of amended §3.360, for a 60-day period effective May 1, 1993. The text of amended §3.360 was originally published in the January 8, 1993, issue of the *Texas Register* (18 TexReg 151).

Issued in Austin, Texas, on April 26, 1993.

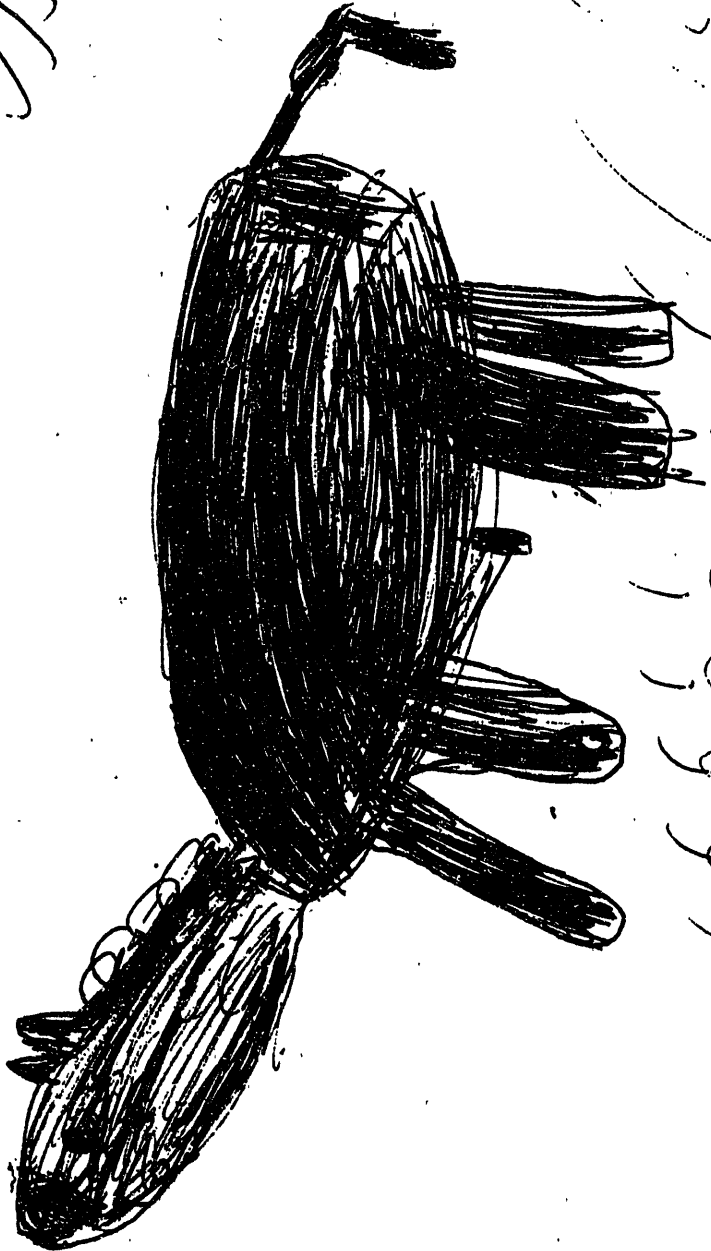
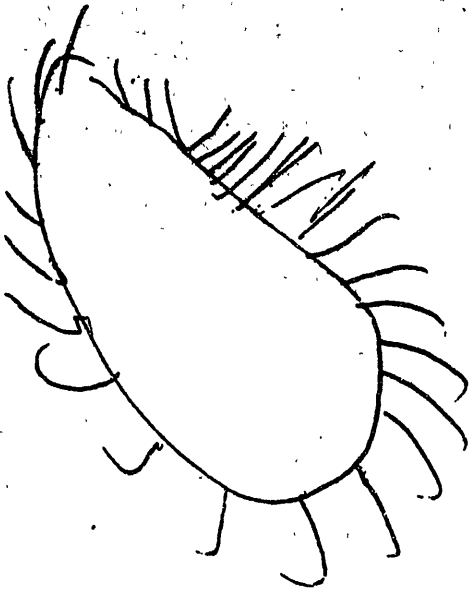
TRD-9322104

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

Effective date: May 1, 1993

Expiration date: July 1, 1993

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



Title: THE HORSE
Name: Johathon Clepper
Grade: Kindergarten
School: Theiss Elementary School, Klein ISD

Proposed Sections

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 any action may be 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 sections, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

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

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 78. Athlete Agents

Administrative Penalties

• 1 TAC §78.60

The Office of the Secretary of State proposes new §78.60, concerning the assessment of administrative penalties pursuant to the Athlete Agent Act, §9, Texas Civil Statutes, Article 8871 (Vernon Supplement 1993). This rule is proposed for the purpose of delineating the factors that are evaluated by the secretary of state in determining the amount of such an administrative penalty.

Guy Joyner, staff attorney, 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. Joyner 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 individuals and companies with a clarification of the procedure for determining the amount of an administrative penalty assessed under the Athlete Agents Act, §9. 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 Guy Joyner, Staff Attorney, Statutory Documents Sections, P.O. Box 12887, Austin, Texas 78711-2887.

The new section is proposed under Texas Civil Statutes, Article 8871, §11; which provide the secretary of state with the authority to prescribe and adopt rules necessary to carry out the administration and enforcement of the Athlete Agents Act.

§78.60. Administrative Penalties. If the secretary of state determines that a violation of the Athlete Agents Act has occurred and an administrative penalty is to be assessed, the following factors shall be considered by the secretary in calculating the amount of the penalty:

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the prohibited act;

(2) the economic harm to the public's interest or confidences caused by the violation;

(3) the history of previous violations;

(4) the amount necessary to deter future violations;

(5) efforts to correct the violation;

(6) whether the violation was intentional or unintentional; and

(7) any other matter that justice may require.

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 April 22, 1993.

TRD-9322014

Audrey Selden
Assistant Secretary of
State
Office of the Secretary of
State

Earliest possible date of adoption: May 31, 1993

For further information, please call: (512) 463-5558.

TITLE 4. AGRICULTURE

Part II. Texas Animal Health Commission

Chapter 35. Brucellosis

• 4 TAC §35.3

The Texas Animal Health Commission proposes an amendment to §35.3, concerning requirements for certified brucellosis free herd of cattle.

The proposed amendment is necessary to provide that a herd owner's brucellosis herd certification will be suspended if the recertification test is not conducted the anniversary date for testing the herd but the herd status may be reinstated with a herd test conducted within 60 days after the anniversary date. This amendment is also needed to bring these rules into conformity with the United States Brucellosis Eradication Uniform Methods and Rules.

Bill Hayden, director of administration, 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.

Robert L. Daniel, director of program records, has determined that for each year of the first five years the section is in effect the public benefit anticipated is to advise the public that recertification of their herds in a timely fashion is necessary to assure their herds of free of disease and to continue to allow nonrestricted movement of their cattle. 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 Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The amendment is proposed under the Agriculture Code, Texas Civil Statutes, Chapters 161 and 163, which provides the commission with authority to adopt rules and sets forth the duties of this commission to control disease.

§35.3. Requirements for Certified Brucellosis Free Herd of Cattle.

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

(c) Cattle required to be tested.

(1) Officially vaccinated females which are test-eligible (over 20 months of age for dairy and over 24 months of age for beef cattle or if they are parturient or post-parturient).

(2) (No change.)

(d) Qualifying methods. A herd may qualify by one or more of the following methods:

(1) (No change.)

(2) Recertification. For continuous certification, a herd must have a negative herd blood test of all cattle required to be tested conducted within 60 days before the certification anniversary date. If the certification test is conducted within 60 days after the anniversary date, the certification period will be 12 months from the anniversary and not 12 months from the date of the recertifying test. During the interval between the anniversary date and the recertifying test, certification will be suspended. If a herd blood test for recertification is not conducted within 60 days after the anniversary date,

the certification requirements are the same as for initial certification. BRT procedures are not used for recertifying herds. [A negative herd blood test of all cattle required to be tested, conducted within 60 days of each anniversary date, is required for continuous certification. If the certification test is conducted within 60 days of the anniversary date, the certification period will be 12 months from the anniversary and not 12 months from the date of the recertifying test. If a herd blood test for recertification is not conducted within 60 days following the anniversary date, then certification requirements are the same as for initial certification.]

(3) (No change.)

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

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

Issued in Austin, Texas, on April 23, 1993.

TRD-9322111 Terry Beale, DVM
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption: May 31, 1993

For further information, please call: (512) 478-6697

Subchapter A. Eradication of Brucellosis in Cattle

• 35 TAC §35.4

The Texas Animal Health Commission proposes an amendment to §35.4, concerning entry and change of ownership.

The proposed amendment is necessary to allow non-vaccinated females between the ages of four and 12 months to enter the state on a calfhood vaccination permit and be vaccinated within 14 days of arrival.

Bill Hayden, director of administration, 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.

Robert L. Daniel, director of program records, has determined that for each year of the first five years the section is in effect the public benefit anticipated is to advise the public that heifers purchased at out-of-state markets can enter the state and be vaccinated on arrival and the purchasers will have 14 days to complete the vaccination of the cattle rather than in five days. 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 Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The amendment is proposed under the Agriculture Code, Texas Civil Statutes, Chapters 161 and 163, which provides the commission with authority to adopt rules and sets forth the duties of this commission to control disease.

§35.4. Entry and Change of Ownership.

(a) (No change.)

(b) Requirements for cattle entering Texas from other states.

(1) Vaccination. All female cattle born after January 1, 1983, and four months of age and older entering shall be officially vaccinated prior to entry. Exceptions to these vaccination requirements:

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

(H) nonvaccinated female cattle between 4 and 12 months of age [moving from the premise of origin] may enter on a calfhood vaccination permit and must be vaccinated at no expense to the state within 14 [five] days after arriving at the premise of destination.

(2) (No change.)

(c) (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 April 23, 1993.

TRD-9322112 Terry Beale, DVM
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption: May 31, 1993

For further information, please call: (512) 474-5725

Chapter 39. Scabies

• 4 TAC §§39.1-39.10

The Texas Animal Health Commission proposes new §§39.1-39.10, concerning scabies.

The proposed rules are necessary to provide the manner in which livestock exposed to or infested with scabies or chorioptic mange must be treated.

Bill Hayden, director of administration, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Robert L. Daniel, director of program records, has determined that for each year of the first five years the sections are in effect the public benefit anticipated is to advise the public that treatment of livestock infested with or exposed to psoroptic and sarcoptic scabies and chorioptic mange is necessary to assure

healthy livestock. The rules explain such things as: quarantines and release; duties of the owners or caretakers of livestock infested with or exposed to scabies; handling of livestock at shows, fairs, and exhibitions; use of permitted dips for use in treatment of scabies and mange mite eradication; chorioptic mange; and interstate movement requirements. 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 Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The new sections are proposed under the Agriculture Code, Texas Civil Statutes, Chapters 161 and 163, which provides the commission with authority to adopt rules and sets forth the duties of this commission to control disease.

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

Exposed livestock—Livestock that are part of an exposed or infested herd.

Exposed or infested herd—Herd of livestock where one or more head have been confirmed to be infested with scabies mites. The exposed status continues until the prescribed course of treatment is completed.

Infested livestock—Livestock that have been confirmed to be infested with the scabies mite.

Livestock—Cattle, sheep, or goats.

§39.2. Psoroptic Scabies in Infested Herds. The livestock owner may treat for psoroptic scabies by dipping or use of Ivermectin.

(1) When dipping is the selected treatment, the following procedures shall apply.

(A) All infested livestock in the herd must be dipped twice with Co-Ral or GX-118 (Prolate), 10 to 14 days apart. They must be kept in the dipping vat at least one minute. The heads of all animals must be submerged and wet before the animals leave the vat.

(B) At the first dipping, all animals will be counted and paint-branded on the left hip or side. At the second dipping, a similar brand will be placed on the right hip or side.

(2) When Ivermectin is the selected treatment, the following procedures will apply.

(A) All infested livestock in the herd must be treated in accordance with

the label directions under the supervision of the Commission; the United States Department of Agriculture, Veterinary Services; or an accredited veterinarian. Treated livestock may be released from quarantine not less than 14 days from date of treatment provided they have been kept physically separated for 14 days from all untreated livestock.

(B) Ivermectin may not be used with female dairy cattle of breeding age. Livestock treated with Ivermectin must be withheld from slaughter according to label directions.

§39.3. Sarcoptic Scabies in Infested Herds. The herd owner may treat for sarcoptic scabies by dipping or use of Ivermectin.

(1) When dipping is the selected treatment, all dipping of livestock for sarcoptic scabies infection must be done in the same manner as provided for dipping livestock infested with psoroptic scabies, except the livestock must be dipped four times at least six days apart. All visibly infested livestock must be hand-treated by thoroughly saturating the lesions with the dipping fluid before being put into the vat.

(2) When Ivermectin is the selected treatment, the procedures for treatment of psoroptic scabies will apply.

§39.4. Livestock Exposed to Psoroptic or Sarcoptic Scabies. The herd owner must treat livestock exposed to psoroptic or sarcoptic scabies by dipping or use of Ivermectin.

(1) When dipping is the selected treatment, the following procedures shall apply:

(A) All livestock exposed to sarcoptic or psoroptic scabies must be dipped at least once within fourteen days of exposure. The livestock must be kept in the dipping vat at least one minute. The heads of all animals must be submerged and wet before leaving the vat.

(B) If not dipped within fourteen days of exposure, the livestock must be dipped twice, ten to fourteen days apart, for psoroptic scabies and six to ten days apart for sarcoptic scabies.

(2) When Ivermectin is the selected treatment, the procedures for treatment of psoroptic scabies in infested herds will apply.

§39.5. Quarantines and Release. Livestock infested with or exposed to scabies will be immediately quarantined. The quarantine will not be released until all livestock

in the herd have been properly treated and inspected, not less than 14 days after treatment is completed, to show the entire herd to be free from scabies.

§39.6. Duties of Owners or Caretakers of Livestock Infested With or Exposed to Scabies. It shall be the duty of all owners or caretakers of any livestock quarantined for infestation or exposure to scabies to assist in the inspection and treatment of their livestock and to provide suitable vats, corrals, and pens for the handling of the livestock. The owners or caretakers must provide the approved pesticide or injectable used for treatment. It is also the duty of all owners or caretakers of livestock quarantined for scabies to prevent movement in violation of the quarantine.

§39.7. Livestock at Shows, Fairs, and Exhibitions. All livestock that are found to be infested with or exposed to scabies must be removed from the show ground immediately, quarantined, and segregated from all other livestock. These livestock must be treated in accordance with the regulations of the Texas Animal Health Commission.

§39.8. Permitted Dips for Scabies and Mange Mite Eradication.

(a) The commission will authorize for official dipping of animals only those dips, in the appropriate concentrations, that have been approved by the Texas Animal Health Commission for treatment of scabies and mange mites.

(b) The concentration of the dipping chemical used shall be maintained in the percentage specified for official use by means of the approved vat management techniques established for the use of the applicable agent, or, by an officially approved vat-side test of the Texas Animal Health Commission.

§39.9. Chorioptic Mange. All livestock infested with or exposed to chorioptic mange will be dipped or sprayed pursuant to the procedures for treatment of exposure to psoroptic scabies. The executive director may authorize the use of a spray for the eradication of chorioptic mange if dipping facilities are not available.

§39.10. Interstate Movement Requirements For Livestock.

(a) Livestock originating in scabies-quarantined areas outside the State of Texas must, in addition to other requirements, be accompanied by a certificate of veterinary inspection certifying that the herd of origin has been inspected and declared free of scabies infestation or exposure, and the livestock have been officially treated by one of the following methods:

(1) Dipping. The livestock have been dipped in Co-Ral or GX 118 (Prolate), under supervision of state or federal regulatory personnel within ten days prior to shipment and transported in clean and disinfected vehicles.

(2) Ivermectin.

(A) The livestock have been treated with Ivermectin within 21 days prior to entry under the supervision of state or federal regulatory personnel in accordance with label directions.

(B) The treated livestock must be kept physically separated from all untreated livestock for 21 days following treatment.

(C) Ivermectin may not be used with female dairy cattle of breeding age. Livestock treated with Ivermectin must be withheld from slaughter according to label directions.

(b) In addition to other entry requirements, any treated livestock must be accompanied by a certificate issued by state or federal regulatory personnel identifying the livestock treated and stating the date of treatment. If the livestock enter less than 14 days following treatment, the transporting vehicle must be placarded and billing marked in accordance with the Code of Federal Regulations.

(c) The executive director is authorized to place quarantines on other states or parts of states where scabies has been known to exist in the previous 24 months. Except for livestock consigned directly to an approved slaughter establishment for immediate slaughter, livestock entering from a quarantined area must meet the requirements set out in subsections (a) and (b) of this section relating to interstate movement requirements for livestock.

(d) Slaughter livestock originating in a quarantined area and consigned directly to an approved slaughter establishment for immediate slaughter must be accompanied by a certificate of veterinary inspection or a VS Form 1-27 permit issued by state or federal regulatory personnel certifying they are "scabies free."

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 April 23, 1993.

TRD-9322113 Terry Beals, DVM
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption: May 31, 1993

For further information, please call: (512) 474-5725

◆ ◆ ◆
• 4 TAC §§39.1, 39.2, 39.3, 39.4

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

The Texas Animal Health Commission proposes the repeal of §§39.1-39.4, concerning Scabies.

This rule is proposed for repeal in order to remove old and outdated language and to reorganize and renumber the rule.

Bill Hayden, director of administration, 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.

Robert L. Daniel, director of program records, 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 rule will be to propose a new rule that will provide the general public with information concerning psoroptic and sarcoptic scabies in infected livestock. 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 Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The amendment is proposed under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with authority to adopt rules and sets forth the duties of this commission to control disease.

§39.1. *Cattle, Sheep and Goat Scabies.*

§39.2. *Choriopict Mange.*

§39.3. *Interstate Movement Requirements for Cattle.*

§39.4. *Interstate Movement Requirements for Sheep.*

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 April 23, 1993.

TRD-9322114 Terry Beals, DVM
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption: May 31, 1993

For further information, please call: (512) 479-6697

Chapter 55. Swine

• 4 TAC §55.9

The Texas Animal Health Commission proposes an amendment to §55.9, concerning feral swine.

The proposed amendment is necessary to provide a means for trapped feral swine to be moved from the premise where they were trapped to a market for sale only to slaughter or to a feral swine slaughter holding facility.

Bill Hayden, director of administration, 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.

Robert L. Daniel, director of program records, has determined that for each year of the first five years the section is in effect the public benefit anticipated is to advise the public that feral swine may be moved from a livestock market to a feral swine slaughter holding facility until a sufficient number of swine have been gathered to be economically feasible to deliver a load of feral swine to slaughter. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The amendment is proposed under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with authority to adopt rules and sets forth the duties of this commission to control disease.

§55.9. Feral Swine.

(a) (No change.)

(b) Movement. Feral swine may be:

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

(3) moved directly from the premise where they were trapped to a livestock market for sale only to slaughter or a feral swine slaughter holding facility. Feral swine delivered to a livestock market shall be penned in isolation under quarantine until moving directly to slaughter or a feral swine slaughter holding facility from the market accompanied by a VS 1-27 Permit; or

(4) (No change.)

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

Issued in Austin, Texas, on April 23, 1993.

TRD-9322115 Terry Beals, DVM
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption: May 31, 1993

For further information, please call: (512) 479-6697

◆ ◆ ◆
TITLE 28. INSURANCE
Part I. Texas Department
of Insurance
Chapter 1. General
Administration

Subchapter F. Summary Proce-
dures for Routine Matters

• 28 TAC §1.702, §1.703

The State Board of Insurance of the Texas Department of Insurance proposes amendments to § 1.702 and §1.703, concerning activities which have been designated for summary procedure disposition pursuant to the Insurance Code, Article 1.33. The amendments expand the list of activities which are deemed by the Board to be routine, voluminous, repetitive, noncontroversial, and of limited interest to persons other than those immediately involved. The amendments add two classes of activities: endorsements for negotiated deductible workers' compensation insurance policies; and, cessation of acceptance of small premium workers' compensation insurance policies through the Small Premium Policy Plan. The amendments delegate to the Deputy Commissioner of Workers' Compensation Insurance administration over filings made in connection with the two new classes of activities.

W. R. (Dusty) Rhodes, director, insurance services, has determined that for the first five year period the amendments will be in effect, there will be no fiscal implications for state or local government as a result of administering the amendments.

Mr. Rhodes, also has determined that for each year of the first five years the amendments are in effect the public benefit anticipated as a result of enforcing the sections is the more efficient and expeditious processing of filings for workers' compensation insurance negotiated deductible endorsements and requests for the cessation of acceptance of small premium workers' compensation insurance policies written through the Small Premium Policy Plan. There will be no effect on small businesses. There is no anticipated economic cost to persons required to comply with the sections.

Comments on the proposal must be submitted in writing within 30 days after publication of the proposal in the *Texas Register* to Linda K. von Quintus-Dorn, Chief Clerk, P.O. Box 149104, MC #113-2A, Austin, Texas 78714-9104. An additional copy of the comment should be submitted to W. R. (Dusty) Rhodes, Director, Insurance Services, P.O. Box 149104, MC#202-1A, Austin, Texas 78714-9104. A request for a public hearing on the proposal should be submitted separately to the Chief Clerk's Office.

The amendments are proposed under the Insurance Code, Articles 1.33, 5.57, 5.76-2, 5.02, and 1.04, and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 1.33, permits the State

Board of Insurance, by rule, to create summary procedures and designate agency activities that are routine to be handled through delegation by deputy commissioners and other personnel as the Board may designate. Article 5.57 authorizes the Board to approve forms of endorsements to the Board prescribed uniform policy for workers' compensation insurance in this state. Article 5.76-2, §3.02, provides that the Board shall authorize and may require the cessation of acceptance of small premium workers' compensation insurance policies as a designated insurer under the Small Premium Policy Plan in certain circumstances. Article 1.04 provides the Board with authority to determine policy and rules in accordance with the laws of this state. Texas Civil Statutes, Article 6252-13a, §4 and §5, authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures, and prescribe the procedures for adoption of rules by a state administrative agency.

§1.702. Designated Activities. The following statutorily prescribed applications are designated for summary procedure disposition.

(1)-(7) (No change.)

(8) workers' compensation insurance negotiated deductible endorsement filings. Filings of endorsements respecting negotiated deductible plans for workers' compensation insurance policies made pursuant to the Insurance Code, Article 5.77;

(9) cessation of acceptance of small premium policies. Requests for cessation of acceptance of small premium policies of workers' compensation insurance written through the Small Premium Policy Plan made pursuant to the Insurance Code, Article 5.76-2.

§1.703. Delegation. The State Board of Insurance hereby delegates to the following deputy commissioners administration over the filings designated in paragraphs (1)-(4) [(3)] of this section.

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

(4) Deputy commissioner of workers' compensation insurance is responsible for § 1.702(8) of this title (relating to Designated Activities), workers' compensation insurance negotiated deductible endorsement filings and §1.702(9) of this title (relating to Designated Activities), requests for cessation of acceptance of small premium workers' compensation insurance policies written through the Small Premium Policy Plan.

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 April 23, 1993.

TRD-9322084

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

Earliest possible date of adoption: May 31, 1993

For further information, please call: (512) 463-5588

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office

Chapter 25. Beach Cleaning and Maintenance Assistance Program

• 31 TAC §§25.4, 25.12, 25.19

(Editor's Note: The General Land Office proposes for permanent adoption the amended sections it adopts on an emergency basis in this issue. The text of the amended sections are in the Emergency Rules section of this issue.)

The Texas General Land Office proposes amendments to §§25.4, 25.12, and 25.19, concerning state funding assistance to local governments for the maintenance and cleaning of public beaches.

In response to recommendations from participating communities, the General Land Office is changing the allocation formula for the state reimbursement grant program for Gulf beach maintenance. The intent of the rules change is to provide a basic level of state assistance for beach maintenance throughout the coast while simultaneously supporting the larger range of maintenance services which are provided by some local communities.

Spencer Reid, deputy commissioner, has determined that there will be fiscal implications as a result of administering these sections. There will be no effect on state government for the first five years that the sections are in effect. The effect on local government for the first five-year period that the sections are in effect will be to redirect state financial assistance to give greater assistance to communities which have more beach length to maintain and/or expend local funds on maintenance services which are beyond the required minimum. Additionally, in those communities which support beach maintenance services through the collection of beach user fees, the state assistance will be restricted to the same set of services in order that beach user fees be held to the necessary minimum. There is no cost of compliance to businesses in the administration of these sections.

Mr. Reid also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the upgrading of beach maintenance services along the entire coast. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted

to Ashley Wadick, 1700 North Congress Avenue, Room 630, Austin, Texas 78701.

The amendments are proposed under Texas Natural Resource Code, §61.061 et. seq, which provides the General Land Office with the authority to allocate responsibility for cleaning the beaches of Texas and to preserve and protect local initiative in the maintenance and administration of beaches.

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 April 21, 1993.

TRD-9322072

Garry Mauro
Commissioner
General Land Office

Earliest possible date of adoption: May 31, 1993

For further information, please call: (512) 463-5725

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 29. Purchased Health Services

Subchapter G. Hospital Services

• 40 TAC §29.606

The Texas Department of Human Services (DHS) proposes an amendment to §29.606, concerning reimbursement methodology for inpatient hospital services, in its Purchased Health Services chapter. The purpose of the amendment is to increase the 70% payment to 75% for outlier payment adjustments for admissions occurring in the 1994-1995 biennium (September 1, 1993 through August 31, 1995).

Burton F. Raiford, commissioner, has determined that for the two-year period the proposed section will be in effect there will be fiscal implications for state government as a result of enforcing or administering the section. The effect on state government for the two-year period is an estimated additional cost of \$2.1 million in fiscal year (FY) 1994 and \$2.2 million in FY 1995. There will be no effect on local government as a result of enforcing or administering the amendment.

Mr. Raiford also has determined that for each year of the two years the amendment is in effect the public benefit anticipated as a result of enforcing the amendment will be continued access to medically necessary inpatient hospital services. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Questions about the content of this proposal may be directed to Brenda Salisbury at (512) 338-6521 in DHS's Purchased Health Services. Comments on the proposal may be submitted to Nancy Murphy, Policy and Docu-

ment Support-083, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*. A copy of the proposal is being sent to each DHS field office where it will be available for public comment.

DHS will hold a public hearing on the proposal on Monday, May 24, 1993, at 9:00 a.m. in the John H. Winters Building Public Hearing Room, First Floor, East Tower, 701 West 51st Street, Austin.

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Civil Statutes, Article 4413 (502), §18, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

§29.606. Reimbursement Methodology for Inpatient Hospital Services.

(a)-(o) (No change.)

(p) Day and cost outliers. Effective for inpatient hospital services provided on or after July 1, 1991, the department or its designee pays day or cost outliers for medically necessary inpatient services provided to clients [recipients] less than age one in all Title XIX participating hospitals and clients [recipients] less than age six in disproportionate share hospitals, as defined by the department, that are reimbursed under the prospective payment system. For purposes of outlier payment adjustments, disproportionate share hospitals are defined as those hospitals identified by the department during the previous state fiscal year as disproportionate share hospitals. If an admission qualifies for both a day and a cost outlier, only the outlier resulting in the highest payment to the hospital is paid. (Note: This subsection does not address reimbursement for the provision of other necessary inpatient hospital services under the Early and Periodic Screening, Diagnosis, and Treatment program, as required by the Omnibus Budget and Reconciliation Act of 1989.)

(1) To establish day outliers, the department or its designee first removes from the current base year data those admissions whose actual lengths of stay are greater than or equal to plus or minus three standard deviations from the arithmetic mean length of stay for each DRG. The department or its designee then recomputes the arithmetic mean length of stay and the standard deviations for each DRG. Inpatient days which exceed two standard deviations beyond the arithmetic mean length of stay for the DRG are eligible for a day outlier. Payment is based on 70% of a per diem amount of a full DRG payment. For admissions occurring in the 1994-1995 biennium (September 1, 1993 through August

31, 1995), payment is based on 75% of a per diem amount of a full DRG payment.

(2) To establish cost outliers, the department or its designee first determines what the amount of reimbursement for the admission would have been if the department or its designee reimbursed the hospital under similar methods and procedures used in Title XVIII of the Social Security Act, as amended, effective October 1, 1982, by Public Law 97-248, Tax Equity and Fiscal Responsibility Act (TEFRA). The department or its designee then determines the outlier threshold by using the greater of the full DRG payment amount multiplied by 1.5 or an amount determined by selecting the lesser of the universe mean of the current base year data multiplied by 11.14, or the hospital's standard dollar amount multiplied by 11.14. The hospital's standard dollar amount is the amount that the department or its designee uses to reimburse the hospital under the prospective payment system. The outlier threshold is subtracted from the amount of reimbursement for the admission established under the TEFRA principles. The department or its designee multiplies any remainder by 70% to determine the actual amount of the cost outlier payment. For admissions occurring in the 1994-1995 biennium (September 1, 1993, through August 31, 1995), the department or its designee multiplies any remainder by 75% to determine the actual amount of the cost outlier payment.

(3) (No change.)

(q)-(r) (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 April 26, 1993.

TRD-9322108

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

Proposed date of adoption: September 1, 1993

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

Part II. Texas Rehabilitation Commission

Chapter 113. Comprehensive Rehabilitation Services

• 40 TAC §113.1

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Rehabilitation Commission or in the Texas

Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Rehabilitation Commission proposes the repeal of §113.1 concerning Comprehensive Rehabilitation Services. The repeal is needed in order to propose the adoption of a more detailed Chapter 13 to increase public awareness of the Comprehensive Rehabilitation Services.

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

Joellen Flores Simmons, deputy commissioner, rehabilitation services, has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the section will be an increased public awareness of the programs by repealing the "by reference" section now in use and publishing specific rules. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Joellen F. Simmons, Deputy Commissioner, Rehabilitation Services, 4900 North Lamar Boulevard, Suite 7320, Austin, Texas 78751.

The repeal is proposed under the Texas Human Resources Code, Title 7, §111.060, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations subject to this section; as necessary to carry out the purposes of this chapter.

§113.1. Policy and Procedure.

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 April 20, 1993.

TRD-9321974

Charles W. Schiesser
Associate Commissioner
for Legal Services
Division
Texas Rehabilitation
Commission

Earliest possible date of adoption: May 31, 1993

For further information, please call: (512) 483-4051

• 40 TAC §§113.1-113.5

The Texas Rehabilitation Commission proposes new §§113.1-113.5, concerning Comprehensive Rehabilitation Services. The new sections are needed in order to propose the adoption of a more detailed Chapter 13 to increase public awareness of the Comprehensive Rehabilitation Services.

Charles Harrison, controller, has determined that there will be fiscal implications as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections will be in effect will be an estimated additional cost of \$1,875,000 in 1993; \$7,500,000 in 1994; \$7,500,000 in 1995; \$7,500,000 in 1996; and \$7,500,000 in 1997.

Joellen Flores Simmons, deputy commissioner, Rehabilitation Services, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be increased public awareness of the purposes and use of the Comprehensive Rehabilitation Services programs. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Joellen F. Simmons, Deputy Commissioner, Rehabilitation Services, 4900 North Lamar Boulevard, Suite 7320, Austin, Texas 78751.

The new sections are proposed under the Texas Human Resources Code, Title 7, §111.060, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations subject to this section; as necessary to carry out the purposes of this chapter.

§113.1. Purpose.

(a) The purpose of this program is to provide payment for an initial period of comprehensive medical rehabilitation services for persons with traumatic spinal cord injuries and/or traumatic brain injuries; outpatient services for persons with traumatic spinal cord injuries and/or traumatic brain injuries; and post-acute services for persons with traumatic brain injury. The purpose is to enhance the quality of life of these individuals from the perspective of mobility, self-care, and the ability to function as independently as possible within the family and community.

(b) Funding for this program is provided by the Comprehensive Rehabilitation Fund, as authorized by the 72nd Legislature of the State of Texas.

§113.2. Basic Requirements for Eligibility. Basic criteria for eligibility includes:

(1) the presence of a traumatic spinal cord injury and/or traumatic brain injury which constitutes or results in a substantial impediment to the individual's ability to function within the home environment or the community;

(2) a reasonable expectation that the CRS program will benefit the individual

in terms of improving the ability to function within the home environment or the community;

(3) individual must be at least 16 years of age;

(4) individual must be a citizen or immigrant alien of the United States;

(5) individual must not currently be eligible for the Vocational Rehabilitation program; and

(6) individual must be willing to accept treatment and participate.

§113.3. *Ineligibility.* An individual becomes ineligible for the Comprehensive Rehabilitation Services Program when the provision of such programmed services would be ineffective in achieving the purpose of a greater level of mobility, self-care, and the ability to function as independently as possible within the family and community.

§113.4. Services Provided.

(a) Inpatient Hospitalization at a Comprehensive Rehabilitation Facility. Services may include:

- (1) medical management;
- (2) rehabilitation nursing;
- (3) physical, occupational, and speech therapy;
- (4) pulmonary medical services;
- (5) laboratory testing;
- (6) x-ray services;
- (7) orthotics and prosthetics;
- (8) communication devices;
- (9) drugs, medical supplies, and equipment;
- (10) psychological/neuropsychological services;
- (11) social services;
- (12) recreational services;
- (13) nutritional services;
- (14) patient and family education;
- (15) discharge planning; and
- (16) drugs and medical supplies at discharge.

(b) Outpatient Services. Services may include:

- (1) physical therapy;
- (2) occupational therapy;
- (3) speech therapy;
- (4) psychological/neuropsychological services;

- (5) personal assistance services;
- (6) recreational services;
- (7) cognitive therapy;
- (8) behavioral therapy;
- (9) clinic follow-up visits;
- (10) orthotic and prosthetic devices;
- (11) communication devices;
- and
- (12) drugs and medical supplies.

(c) Post-Acute Services (residential or non-residential-limited to individuals with TBI). Services may include:

- (1) cognitive retraining;
- (2) behavioral management;
- (3) coping skills;
- (4) compensatory skills;
- (5) bio feedback; and
- (6) traditional therapies.

§113.5. *Limitations of Services.* The following limitations apply to the Comprehensive Rehabilitation Services Program.

(1) Inpatient hospitalization services:

(A) at the time the individual is referred, no more than one year may have elapsed since the onset of injury;

(B) the individual must be sufficiently medically stable to be able to actively plan and participate in a program of CRS;

(C) acute medical procedures are not permitted;

(D) an individual with traumatic brain injury must be functioning at least at Rancho Level IV or equivalent (emerged from coma);

(E) sponsorship of CRS program services is dependent upon client eligibility and availability of funding;

(F) only inpatient facilities located within the State of Texas which are Commission on Accreditation of Rehabilitation (CARF) certified may be utilized;

(G) sponsorship will be limited to a maximum of 90 days of inpatient comprehensive medical rehabilitation services.

(2) Outpatient services:

(A) at the time of referral, no more than two years may have elapsed since the onset of injury;

(B) the individual must be sufficiently medically stable to be able to actively plan and participate in a program of CRS services;

(C) an individual with traumatic brain injury must be functioning at least at Rancho Scale Level IV, or equivalent (emerged from coma);

(D) services can be provided in any combination of those listed above, but the total number of hours of services paid with CRS funds will not exceed 120 hours.

(3) Post-Acute services:

(A) limited to individuals with traumatic brain injury;

(B) there is no time limitation since onset of injury;

(C) an individual with traumatic brain injury must be functioning at least at Rancho Scale Level IV or equivalent (emerged from coma);

(D) only facilities located within the State of Texas may be utilized;

(E) sponsorship will be limited to a maximum of six months.

(4) When prescribed, drugs and medical supplies may not exceed a 30-day supply.

(5) If, during the comprehensive medical rehabilitation service, the individual is not making the expected progress, the case will be re-evaluated to determine

whether continued sponsorship is appropriate.

(6) If, during the course of comprehensive rehabilitation services, the individual becomes eligible for another of the commission's Programs (ILS, ERS, VR, etc), sponsorship of comprehensive medical rehabilitation services will be shifted to that program immediately after eligibility determination.

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 April 20, 1993.

TRD-9321973

Charles W. Schiesser
Associate Commissioner
for Legal Services
Division
Texas Rehabilitation
Commission

Earliest possible date of adoption: May 31, 1993

For further information, please call: (512) 483-4051

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Adopted Sections

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 VIII. Texas Racing Commission

Chapter 313. Officials and Rules of Horse Racing

Subchapter A. Officials

Duties of Stewards

• 16 TAC §313.22

The Texas Racing Commission adopts an amendment to §313.22, concerning general duties, without changes to the proposed text as published in the February 23, 1993, issue of the *Texas Register* (18 TexReg 1125).

The amendment is adopted to ensure that pari-mutuel racing is conducted with utmost integrity.

The amendment clarifies the authority of the stewards to deny the issuance of individual licenses.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 179e, §3.02, which authorize the commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act; under §3.07, which authorizes the commission to adopt rules relating to the powers and duties of stewards.

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 April 19, 1993.

TRD-9322033 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date: May 13, 1993

Proposal publication date: February 23, 1993

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

Subchapter D. Running of the Race

Jockeys

• 16 TAC §313.405

The Texas Racing Commission adopts an amendment to §313.405, concerning whips

and other equipment, without changes to the proposed text as published in the February 23, 1993, issue of the *Texas Register* (18 TexReg 1125).

The amendment is adopted to ensure that pari-mutuel horse racing is humane for the racehorses.

The amendment outlines the correct and incorrect uses of a whip, as well as the permitted configuration for a whip.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 179e, §3.02, which authorize the commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act; under §14.03, which authorizes the commission to adopt rules prohibiting the illegal influence of a race.

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 April 19, 1993.

TRD-9322034 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date: May 13, 1993

Proposal publication date: February 23, 1993

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office

Chapter 19. Oil Spill Prevention and Response

• 31 TAC §19.2, §19.4

The General Land Office (GLO) adopts amendments to §§19.2, 19.4, 19.11-19.15, 19.20, 19.31, 19.34, and 19.55, concerning definitions, waivers, categories of coastal facilities, facility certifications, applications for small facilities, applications for major facilities, issuance, modification and suspension of facility certificates, discharge cleanup organizations, jurisdiction, and the duties of the responsible person(s). GLO adopts §§19.2, 19.4, 19.11, 19.15, 19.34, and 19.55, with

changes to the proposed text as published in the October 23, 1992, issue of the *Texas Register* (17 TexReg 7515). Sections 19.12, 19.13, 19.14, 19.20, and 19.31 are adopted without changes and will not be republished.

In response to comments, several clarifications and modifications were made. The amendments are adopted in order to clarify certain issues that have arisen during the process of implementing the certification of facilities and discharge cleanup organizations.

Subchapter A revises the definition of coastal waters to include all waters which are tidally influenced. The definition of "environmentally sensitive areas" is changed to exclude "agricultural areas" from the definition. The Coastal Facility Designation Line is renumbered as a separate definition and its purpose is further explained. The procedures for a waiver from the requirements of OSPRA are fully described in §19.4.

Subchapter B describes the exemption for certain exploration and production facilities from certification requirements. It also clarifies that the application fee is required only per owner or operator and not per facility. This subchapter adds a 90-day grace period for new facilities to comply with certification requirements. The subchapter also adds an explanation of current financial responsibility requirements. Finally, the requirement to submit a list of permits in the facility certification application has been modified to require listing only those permits which relate to discharges into ground or surface waters of the State.

Subchapter C expands the duties of the responsible person to require the provision of a site-specific safety and health plan at spill response areas.

Subchapter D adds §19.55, entitled Response Costs, to describe the GLO policy on recovering monies to the Coastal Protection Fund.

Several comments were received regarding the Coastal Facility Designation Line (Line), §19.2(5)(B). Two commenters suggested modifying the rule to specifically state that facilities coastward of this Line are located where spills may pose an imminent threat to coastal waters. The description of the Line's purpose has been clarified and this particular request is no longer relevant because of the adopted rule. These commenters also recommended that the GLO define an "imminent threat" as one which exists only after the source of the spill is shut off and after secondary containment fails. However, the Oil

Spill Prevention and Response Act of 1991 (OSPR), §40.051, requires the commissioner of the GLO to act to assess, prevent, abate, and contain an actual or threatened unauthorized discharge of oil. Further, OSPRA, §§40.003(7), 40.003(24), and 40.101 require responsible persons to notify the commissioner when a harmful quantity of oil represents an imminent threat of pollution to coastal waters. These statutory definitions and mandates clearly require persons to give notice to the commissioner and require the commissioner to act if an imminent threat exists. Conversely, OSPRA does not authorize the commissioner to wait until the source of a spill is shut off and secondary containment fails, since under OSPRA, the activity triggering the duty to act is the spill itself.

As a practical matter, shutting off the source of a spill is not always a simple or speedy matter. In the case of a ruptured pipeline, it can take many hours to shut down the pipeline. Some spills may enter coastal waters before the source is abated. Effective spill response is achieved by anticipating the possible paths of the discharged oil and immediately taking action to protect potentially threatened property and natural resources, rather than waiting for the source to be controlled or for secondary containment to fail. Because of OSPRA's requirements and the GLO's conservative approach to spill response, GLO has not made the recommended changes.

These commenters further stated that GLO's authority to require facility certification is limited to waterfront or offshore facilities. However, OSPRA, §40.003(22) defines "facility" as "operating where a discharge of oil from the facility could threaten coastal waters" While waterfront and offshore facilities are obviously located in places where a discharge could threaten coastal waters, there are other such locales. Common rules of statutory construction provide that every word in a statute is presumed to have meaning and that words in a statute are not to be considered superfluous. OSPRA covers a broader universe than merely waterfront or offshore sites. OSPRA authorizes the registration of facilities operating any place where a spill therefrom could enter or pose an imminent threat to coastal waters.

Due to confusion regarding the purpose of the Coastal Facility Designation Line, GLO has simplified the language describing the purpose of the Line. The Line is the first threshold for reviewing the applicability of OSPRA's facility certification requirements. If an oil handling facility is located coastward of the Line, then the facility should contact the GLO. GLO will then determine, based on the quantity of oil handled and the precise location of the facility, whether certification is required.

One commenter suggested that "Coastal Facility Designation Line" be defined separately instead of within the definition of "facility." This change was made and "Coastal Facility Designation Line" is now defined separately in §19.2(20).

This commenter also recommended changes to the definition of "unauthorized discharge of oil"; however, there was no proposed change to this definition in the notice published on

October 23, 1993, and therefore, according to the rules of the *Texas Register*, such a change cannot be made now. This commenter was concerned that the definition in the rules was inconsistent with the definition in OSPRA. To the extent that inconsistency exists, the definition in OSPRA prevails.

One commenter requested that the definition of "facility" be amended to clarify that all "land-based mobile or portable drilling units" need not be certified. This change was not made because the language clearly states that these units are considered "facilities" only when they are operating in coastal waters.

Regarding §19.4(a)(1)(B), one commenter stated that the proposed rule appears to apply to only "facilities" and not "persons." Section 19.4(a)(1)(B) is related to waiver from facility certification requirements and was inadvertently placed in §19.4(a)(1), related to waiver of any OSPRA requirement. It now appears as §19.4(a)(2)(B), relating to waiver from facility certification requirements.

Regarding §19.11(b)(2), two commenters requested that GLO clarify certification requirements for "major storage facilities." One commenter stated that this was a new and undefined term in the GLO rules. The proposed rule is modified to state that a "major storage facility" which handles in excess of 2,500 barrels, or 105,000 U.S. gallons, of oil is not exempted from certification requirements.

Two commenters asked that all pipelines be exempt from facility certification requirements. The rationale offered was that pipelines are within the jurisdiction of the Railroad Commission, where they are sufficiently and appropriately regulated. The exemption from facility certification was provided to ease the regulatory burden on small oil and gas exploration and production facilities whose location did not pose a significant threat to coastal waters and is not solely related to the jurisdiction of the Railroad Commission of Texas. OSPRA, §40.003(22) specifically provides for the registration of pipelines, structures, equipment, and devices used for drilling and pumping. Further, the transportation of oil is specifically mentioned as an activity that creates a risk to coastal waters in OSPRA, §40.002. Therefore, GLO, has not amended the proposed rule to exempt all pipelines from the facility certification requirement.

One commenter requested that the exemption from facility certification be expanded to include liquid recovery facilities operated in conjunction with natural gas pipeline transmission or distribution systems. However, "condensate," which is recovered in liquid recovery facilities, is specifically included in the definition of "crude oil" in OSPRA, §40.003(5). GLO has previously exempted natural gas pipelines from facility certification requirements because they pose a lesser threat to coastal waters. However, GLO has and continues to specifically include liquid recovery facilities that separate out condensate.

One commenter requested that §19.12(e) be amended to state that the 90-day grace period for applying for facility certification

does not begin to run until "permanent production facilities" are installed. This recommendation would have the effect of exempting drilling and workover activities from complying with facility certification. The recent blowout during a rig workover off the coast of Louisiana is a stark reminder of the need for contingency and spill response planning during these activities. GLO recognizes that drilling and workover activities are temporary in nature, and GLO will provide for a simplified certification process for these activities. However, some form of spill response capability must be provided when these activities are undertaken; therefore, the suggested change has not been made.

One commenter requested that the requirement that facility site plans be certified by a professional engineer be deleted entirely. Pursuant to extensive discussions with representatives of oil pipeline transportation companies, GLO proposed eliminating the requirement for pipeline site plans. GLO is not deleting the requirement completely because the accuracy of the location of oil handling devices is important for effective spill prevention and response. Any facility owner or operator who believes this requirement will not impact spill prevention and response capability may request a waiver pursuant to §19.4.

The provision for review of facility applications is not affected by the new exemption. The Railroad Commission will review all applications for certification from exploration and production facilities.

One commenter noted that §19.31 did not clearly define the jurisdiction of GLO and questioned its purpose. Since no specific other changes were proposed to this section in the October 23, 1992, proposed amendments, none can be made now. This section will be reviewed in the future.

Several commenters noted that the reference related to site safety plans in the Code of Federal Regulations was in error. The correction has been made and the proper citation for site safety plans is 29 Code of Federal Regulations 1910.120. Another commenter suggested that the same language used in the Code of Federal Regulation be used in these rules. This change has been made and §19.34(e) now says "emergency response plan" instead of "site specific safety and health plan." However, the descriptive phrase "for the health and safety of employees and responders" has also been included in this section to make the purpose clear.

One commenter suggested adding a statement that GLO and the Railroad Commission of Texas enter into a Memorandum Of Understanding related to the collection of response costs for oil spills when the Railroad Commission acts as the on scene coordinator. Another commenter requested that the proposed rule be clarified to say that response costs will not be assessed when the Railroad Commission is the on scene coordinator. OSPRA, §40.153 requires GLO to recover to the use of the Coastal Protection Fund (Fund) all sums owed or expended from the Fund. The entire spill response program at GLO is funded by the Coastal Protection Fund. GLO does not have the legal authority

to recover monies not expended from the Fund. Response costs incurred by the Railroad Commission which are not expended from the Fund are not properly recoverable to the Fund. At times, the federal government will be the on-scene coordinator, but GLO will still have a significant role in response activities. Therefore, cost recovery will be initiated where GLO resources are expended even though the federal government, instead of GLO, is the on-scene coordinator. Another commenter asked that the proposed rule be clarified to state that GLO will not seek reimbursement for federal funds expended in spill response. For the same reasons set forth above, GLO is not legally authorized to collect monies expended by the federal government. The proposed rule has been amended to clarify that response costs will be recovered only when the monies have been expended from the Coastal Protection Fund. The language has been amended to state that response cost recovery will not be initiated where the either the Railroad Commission or the Texas Water Commission are the state on-scene coordinator, unless requested by them and approved by the Commissioner.

One commenter suggested that the word "unauthorized" be added to this proposed section in defining oil spills. This change was made. This commenter also suggested that the words "poses an imminent threat" be used in lieu of "threaten" or "threatening." This commenter believes that only these specific words are authorized by OSPRA. Although OSPRA, §40.004 and §40.051 specifically use the phrase "threatened unauthorized discharges of oil," GLO made the suggested change.

Two commenters said the proposed section should be reorganized into separate subsections which describe when response costs will and will not be assessed. The section has been so reorganized. One commenter requested a definition of "overhead." Any itemized billing will include a specific description of the costs assessed, including overhead. GLO is using this phrase as it is commonly used in accounting practices. Overhead refers to operating expenses such as rent and utilities associated with spill response activities. Further specification of these costs is not delineated in the rules, but particular billings will have such specificity.

Two commenters asked that the phrase "minimal size" used in the proposed rule be defined. The words "minimal size" are no longer used; instead, the threshold measure for response cost assessment is the time spent on-scene by GLO spill responders, rather than the size of the spill. Thus, the words were not defined.

One commenter asked that GLO not assess response costs unless GLO personnel take "discrete actions." The same commenter noted that responding to a spill, monitoring the response activities, and writing up a report are not significant enough activities to warrant the assessment of response costs. Responding to the spill scene, monitoring the cleanup, and making a written report are precisely the activities that GLO is required to engage in as the on-scene coordinator. It is not the role of the governmental response agency to actually conduct cleanup activities.

The person responsible for the unauthorized discharge of oil is required to engage in cleanup activities. OSPRA, §40.003 defines "response costs" to include: "all costs incurred in an attempt to abate, contain, and remove pollution from the discharge, and costs of any reasonable measures to prevent or limit damage to the public health, safety, or welfare, public or private property, or natural resources." GLO response to reported spills is clearly within this definition and, therefore, the suggested change was not made.

This commenter also stated that because the Coastal Protection Fund is derived from a tax on the handling of crude oil, the Fund should cover GLO response costs and that the spiller should not be charged these costs. The section was not changed in response to these comments because GLO believes that its statutory duty to recover monies expended from the Fund does not discriminate between those spill events which occur at a facility whose owner or operator has been assessed the Coastal Protection Fee (OSPRA, §40.154) and those whose owner or operator has not been assessed the fee.

No one who commented opposed adoption of the chapter. Those who commented objected to or requested specific changes to sections or subsections. The following entities submitted comments: Exxon Gas System, Inc.; Texas Independent Producers and Royalty Owners Association; Texas Mid-Continent Oil and Gas Association; Mitchell Energy Corporation; International Association of Drilling Contractors; Pennzoil Corporation; Marine Spill Response Corporation; the Railroad Commission of Texas.

Subchapter A. General Provisions

The amendments are adopted under Texas Natural Resources Code, §40.007, which authorizes the land commissioner to promulgate rules necessary and convenient to the administration of OSPRA.

§19.2. Definitions.

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

(1) Coastal waters--All tidally influenced waters extending from the head of tide in the arms of the Gulf of Mexico seaward to the three marine league limit of Texas' jurisdiction; and non-tidally influenced waters extending from the head of tide in the arms of the Gulf of Mexico inland to the point at which navigation by regulated vessels is naturally or artificially obstructed. The term includes the entirety of the Gulf Intracoastal Waterway (GIWW) within Texas, and the following waters: starting from Echo, Texas, located in Orange County, and proceeding south on the Sabine River to the intersection with the GIWW, thence westerly along the GIWW, including Adams Bayou, to 0.7 miles upstream of IH10, and Cow Bayou, to IH10. This includes the Neches River in Orange County to 7.0 miles upstream of IH10.

Then along the GIWW towards Port Arthur, including Taylors Bayou south of Highway 73. From Port Arthur along the GIWW to, and including, East Bay, Trinity Bay, Cedar Bayou to 1.4 miles upstream of IH10 in Harris/Chambers County, Lynchburg Canal to 29 degrees 41'00"N, 94 degrees 59'00"W, San Jacinto River in Harris County to the Lake Houston Dam, and the Houston Ship Channel to the turning basin. Tidal tributaries of the Houston Ship Channel include: Buffalo Bayou to .25 miles upstream of Shepherd Drive, Brays Bayou to the Broadway Street Bridge, Sims Bayou to Highway 225, Vince Bayou to North Ritchie Street, Hunting Bayou to I-10, Greens Bayou to I-10, Boggy Bayou to Highway 225, Tucker Bayou to Old Battleground Road, Carpenter's Bayou to Sheldon Road, and Goose Creek to Highway 146. Proceed south and include Barbours Cut, Bayport Channel, Clear Lake to .063 miles upstream of FM 528 in Galveston/Harris County, Dickinson Bay, Dickinson Bayou 2.5 miles downstream of FM 517 in Galveston County, Moses Lake, Dollar Bay, Texas City Channel (including turning basin), Swan Lake, Jones Bay, and continuing at the junction of West Bay and the GIWW in Galveston County. Continue westerly along the GIWW to the Port of Freeport, including Greens Lake, Chocolate Bay, Chocolate Bayou to 2.6 miles downstream of SH 35, the Old Brazos River and the New Brazos River up to the Missouri-Pacific Railroad bridge in Brazoria County, and the Dow Barge Canal. Then southerly along the GIWW through and including, Jones Lake and Creek, the San Bernard River to 2.0 miles upstream of SH 35, Cowtrap Lake, Matagorda Bay, the Colorado River to 1.3 miles downstream of the Missouri-Pacific Railroad in Matagorda County, to the Port of Bay City, Culver Cut (West Branch Colorado River to 28 degrees 42'N and the entire middle branch), Crab Lake, Oyster Lake, Tres Palacios Bay, Turtle Bay, Caranchua Bay, Keller Bay, Cox Bay, Lavaca Bay, Lavaca River to 5.3 miles downstream of US 59 in Jackson County, Chocolate Bay/Bayou, Powderhorn Lake, Robinsons Lake, Blind Bayou, La Salle Bayou, Broad Bayou, and Boggy Bayou. Continuing southerly on GIWW from Port O'Connor through San Antonio Bay including: Guadalupe Bay, Mission Lake, Green Lake, Victoria Barge Canal, Guadalupe River to the Guadalupe-Blanco River Authority Salt Water Barrier 0.4 miles downstream of the confluence of the San Antonio River, Goff Bayou, Hog Bayou, Corey Bay, Buffalo Lake, Alligator Slide Lake, Twin Lake, Mustang Lake, and Jones Lake. Then continuing through Mesquite Bay including: Dunham Bay, Long Lake, Sundown Bay, and the Aransas Wildlife Refuge. Continuing southerly through St. Charles Bay including: Burgentine Bay/Burgentine Creek to 29 degrees 17'N, Salt Creek to 28 degrees 16'N, and Cavaso Creek to 97 degrees 01'W. Then through Copano Bay,

including Copano Creek, Mission Bay, Mission River to 4.6 miles downstream of US 77, Chiltipin Creek, Aransas River to 3.3 miles upstream of Chiltipin Creek in Refugio/San Patricio County, Swan Lake, Port Bay, and Salt Lake. Then southerly including: Little Bay, Aransas Bay, Conn Brown Harbor, Redfish Cove, Redfish Bay, La Quinta Channel, Nueces River to Calallen Dam 1.1 miles upstream of U.S. 77/IH 37 in Nueces/San Patricio County, Rincon Industrial Channel, Rincon Bayou, Nueces Bay, Tule Lake, Corpus Christi Inner Harbor, Oso Creek, Oso Bay, Cayo Del Oso, and Corpus Christi Bay. Continuing south, through and including, Packery Channel, Laguna Madre, Baffin Bay, Alazan Bay, Cayo del Hinoso, Petrolino Creek from the confluence of Chiltipin Creek in Kleberg County to 0.6 miles upstream of private road crossing near Laurless Ranch, Cayo Del Infiernillo, Cayo del Grullo, Laguna Salada, Laguna de los Olmos, and Comitas Lake. Continuing through the Laguna Madre to Redfish Bay, Port Mansfield Harbor, Four Mile Slough, Cayo Atascosa, Laguna Atascosa, Arroyo Colorado Cutoff, El Realito Bay, Laguna Vista Cove, Port Isabel Harbor, Brownsville Ship Channel, Bahia Grande, Vadia Ancha, San Martin Lake, South Bay, and the Arroyo Colorado River to .063 miles downstream of Cemetery Road south of Port Harlingen in Cameron County. Then southerly to the Rio Grande River to 6.7 miles downstream of the International Bridge in Cameron County. Where the coastal area is defined by a body of water such as a bay or lake, it includes any small bays or lakes encompassed therein.

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

(4) Environmentally sensitive areas—Streams and water bodies, aquifer recharge zones, springs, wetlands, bird rookeries, endangered and threatened species (flora and fauna) habitat, wildlife preserves or conservation areas, parks, beaches, dunes, or any other area protected or managed for its natural resource value.

(5) Facility—Mobile or portable units, other than vessels, generally are considered facilities only when they are fixed in location and operating in coastal waters.

(A) Any pipeline, structure, equipment, or device used for handling oil, including, but not limited to, underground and aboveground tanks, impoundments, mobile or portable drilling or workover rigs and barge-mounted drilling or workover rigs operating in coastal waters, and portable fueling facilities located offshore or adjacent to coastal waters as defined in paragraph (1) of this subsection or any place where a discharge of oil from the facility could enter or pose an imminent threat to coastal waters.

(B) A combination of inter-related or adjacent tanks, impoundments, pipelines, gathering lines, flow lines, separator or treatment facilities, and other structures, equipment, or devices under common ownership or operation generally will be considered a single facility under OSPRA. Interrelated means that the devices are all an integral part of one commercial or industrial operation or are managed and controlled by a single entity. The term includes facilities owned by units of federal, state, or local government, as well as privately owned facilities.

(6)-(19) (No change.)

(20) Coastal Facility Designation Line. The Coastal Facility Designation Line delineates the area within which a facility may be subject to the certification requirements of §19.12 of this title (relating to Facility Certification). The Line does not delineate OSPRA's response or notification requirements; rather, it gives notice to facilities located coastward of the Line that they may be subject to facility certification requirements. These facilities should contact the GLO. GLO will then, based on the precise location of the facility and based on the quantity of oil handled, determine whether facility certification is required. A map showing the coastal facility designation line is attached as Appendix 1.

APPENDIX 1—COASTAL FACILITY DESIGNATION LINE All areas east and south of the following boundary are considered areas in which spills may pose an imminent threat to coastal waters: beginning at the International Toll Bridge in Brownsville, thence northward along U.S. Highway 77 to the junction of Paredes Lines Road (FM Road 1847) in Brownsville, thence northward along FM Road 1847 to the junction of FM Road 106 east of Rio Hondo, thence westward along FM Road 106 to the junction of FM Road 508 in Rio Hondo, thence northward along FM Road 508 to the junction of FM Road 1420, thence northward along FM Road 1420 to the junction of State Highway 186 east of Raymondville, thence westward along State Highway 186 to the junction of U.S. Highway 77 near Raymondville, thence northward along U.S. Highway 77 to the junction of FM Road 774 in Refugio, thence eastward along FM Road 774 to the junction of State Highway 35 south of Tivoli, thence northward along State Highway 35 to the junction of State Highway 185 between Bloomington and Seadrift, thence northward along State Highway 185 to the junction of FM Road 616 in Bloomington, thence northeastward along FM Road 616 to the junction of State Highway 35 east of Blessing, thence southward along State Highway 35 to the junction of FM Road 521 north of Palacios, thence northeastward along FM Road 521 to the junction of State Highway 36 south of Brazoria, thence

northward along State Highway 36 to the junction of State Highway 332 in Brazoria, thence eastward along State Highway 332 to the junction of FM Road 2004 in Lake Jackson, thence northeastward along FM Road 2004 to the junction of Interstate Highway 45 between Dickinson and La Marque, thence northwestward along Interstate Highway 45 to the junction of Interstate Highway 610 in Houston, thence east and northward along Interstate Highway 610 to the junction of Interstate Highway 10 in Houston, thence eastward along Interstate Highway 10 to the Louisiana State Line.

Please note that facilities north and west of the boundary are not subject to certification pursuant to OSPRA.

AREAS OF EXTENDED TIDAL INFLUENCE/IMPACT POTENTIAL

(1) ARROYA COLORADO FROM SOUTH OF HWY 106 TO THE PORT OF HARLINGEN.

(2) NUECES RIVER AT THE HWY 666 CROSSING OF THE NUECES RIVER.

(3) GUADALUPE RIVER AND ASSOCIATED RIVERINE ENVIRONMENT INCLUDING THE VICTORIA BARGE CANAL TO THE HWY 175 RIVER CROSSING.

(4) PALMETTO BEND DAM ON THE LAVACA RIVER.

(5) TRES PALACIOS RIVER 4.0 MILES ABOVE THE HWY 521 CROSSING.

(6) COLORADO ABOVE THE PORT OF BAY CITY 1.3 MILES SOUTH OF THE MISSOURI-PACIFIC RAILROAD.

(7) SAN BERNARD TO TIDAL 2 MILES UPSTREAM OF HWY 35 CROSSING.

(8) CHOCOLATE BAYOU TO TIDAL 2.6 MILES DOWNSTREAM OF HWY 35.

(9) BUFFALO BAYOU 6.5 MILES WEST OF THE TURNING BASIN.

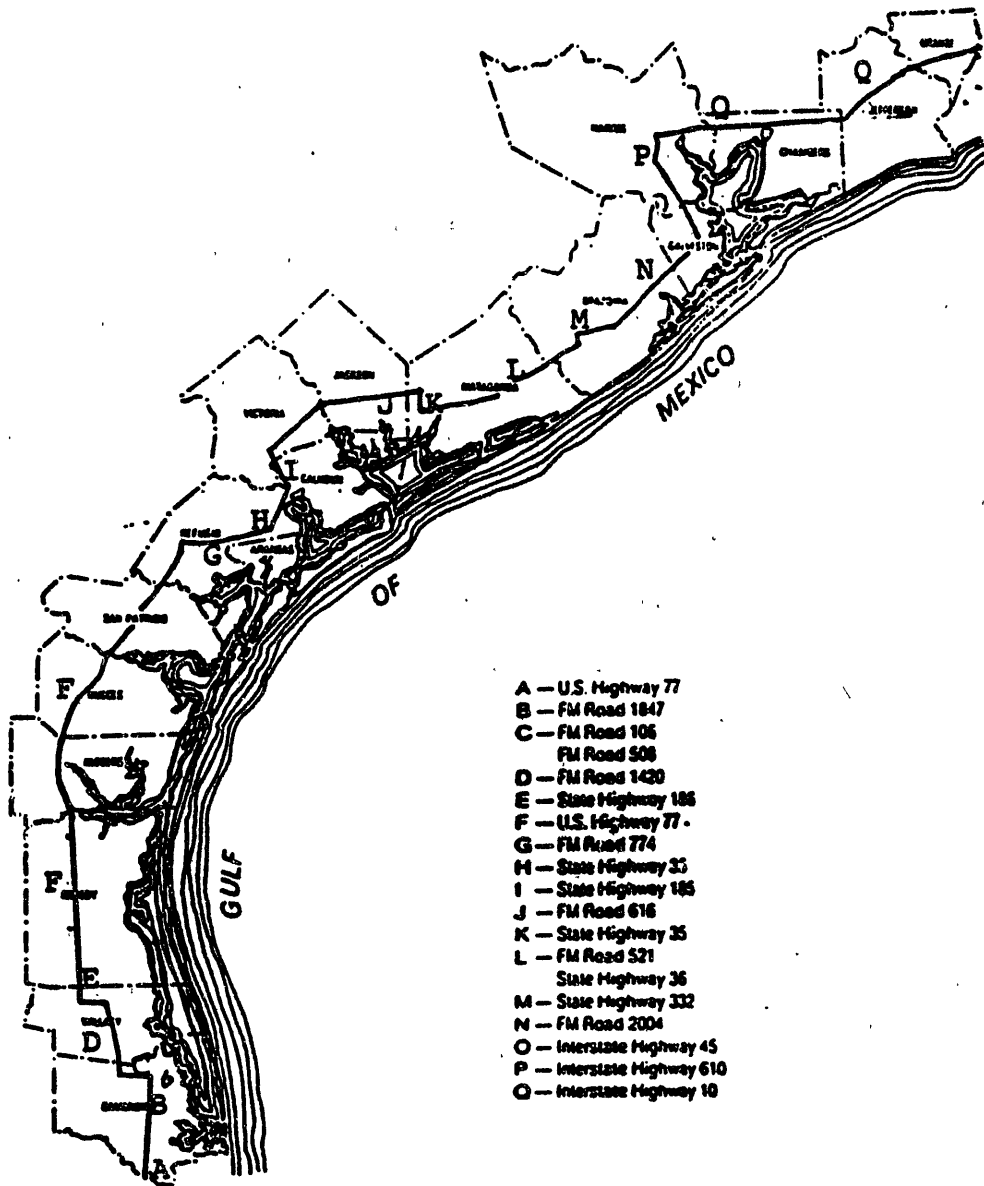
(10) SAN JACINTO RIVER TO THE LAKE HOUSTON DAM.

(11) TRINITY RIVER TO 1.9 MILES SOUTH OF HWY 90 IN LIBERTY COUNTY.

(12) NECHES RIVER 7 MILES UPSTREAM OF IH-10.

(13) SABINE RIVER TO MORGAN BLUFF.

NOTE: AREAS OF EXTENDED TIDAL INCLUDE WATERWAYS AND FACILITIES 100 YARDS LANDWARD FROM CUT BANK.



(b) (No change.)

§19.4. Waiver.

(a) Upon written request, the Commissioner may waive a provision of this chapter if the Commissioner determines that the application of the provision would be inconsistent with the fundamental intent and purpose of the Oil Spill Prevention and Response Act of 1991 (OSPRA). The Commissioner may also waive any requirement of this chapter if the Commissioner determines that other existing federal or state statutory or regulatory provisions provide requirements necessary to implement OSPRA.

(1) Waiver from requirements of this chapter. Any person may request a waiver from a requirement of this chapter by submitting the following information to the Commissioner:

(A) the name, address, and telephone number of the person submitting the requested waiver, and if that person is the agent of the person requesting the waiver, then the agent must also state the name, address and telephone number of the person for whom the waiver is requested;

(B) a specific reference to the requirement from which the person is requesting a waiver;

(C) a detailed statement of the reasons which warrant a waiver;

(D) an analysis of the waiver's impact on the person's ability to prevent, abate, cleanup and remove an unauthorized discharge of oil.

(2) Waiver from Facility Certification Requirements. Any person may request a waiver from the facility certification requirement of this chapter by submitting the following information to the Commissioner:

(A) the name, address, and telephone number of the person submitting the requested waiver, and if that person is the agent of the person requesting the waiver, then the agent must also state the name, address and telephone number of the person for whom the waiver is requested;

(B) the address and location, including directions from the nearest highway, of the facility subject to the requirements of this chapter;

(C) vicinity map and USGS Quad map (1:24,000) showing the location of the facility for which waiver is requested;

(D) a brief description of the business conducted at the facility, including the quantity and types of oil handled;

(E) a summary of the prevention and response practices utilized at the facility supporting the contention that an unauthorized discharge of oil therefrom will not pose an imminent threat to coastal waters;

(F) a summary of any other reasons that this chapter should not apply to the facility.

(3) Receipt of a request for waiver from any facility subject to certification requirements will be deemed to constitute compliance with all timelines for facility certification. Any person whose request for waiver is denied will be given a reasonable time to comply with all the requirements for certification.

(4) Requests for waivers from facility certification requirements will be evaluated by considering the following factors:

(A) the physical location of the facility, including:

(i) proximity to coastal waters;

(ii) proximity to environmentally sensitive areas;

(iii) topography;

(iv) site drainage;

(v) flood tide impacts;

(vi) the condition of oil storage areas, including age and condition of oil storage containers, evidence of past spills, leak detection abilities, and secondary or passive containment systems;

(B) The type and quantity of oil handled.

(C) The factors listed in this paragraph will be weighted so that subparagraph of this paragraph (A)(vi) will be considered only in the event that a determination cannot be made based solely on the other listed factors.

(D) The commissioner will conduct a field investigation, if necessary, to determine whether to grant the request for waiver.

(b) (No change.)

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel

and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on April 23, 1993.

TRD-9322073

Garry Mauro
Commissioner
General Land Office

Effective date: May 14, 1993

Proposal publication date: October 23, 1992

For further information, please call: (512) 463-5725

◆ ◆ ◆
Subchapter B. Spill Prevention and Preparedness

• **31 TAC §§19.11-19.15, 19.20**

The amendments are adopted under Texas Natural Resources Code, §40.007, which authorizes the land commissioner to promulgate rules necessary and convenient to the administration of OSPRA.

§19.11. Categories of Coastal Facilities.

(a) There are five types of coastal facilities: exempt, small commercial, underground storage, small, and major. For the purpose of determining the size of the facility, oil stored in underground tanks, as defined in §19.2(16) of this title (relating to Definitions), need not be included in the total. Coastal facilities are classified according to oil storage and transfer capacity. Oil that is integral to equipment, such as oil in transformers or oil that is part of operating machinery, is not included in determining facility capacity or usage. Where a facility has storage capacity that is in excess of its actual usage, then the facility may base its certification on the actual usage. An explanation for the basis of the actual usage quantity rather than storage capacity quantity must be provided.

(b) Exempt facilities are:

(1) farm or residential tanks with a capacity of 1,320 United States gallons or less that are used for storing oil for farm or residential purposes only.

(2) exploration and production structures and devices that handle oil and that are not waterfront or offshore. For the purpose of facility certification requirements, waterfront means located within 100 yards of coastal waters and offshore means located in coastal waters of the State of Texas. Exploration and production facilities, for the purposes of this exemption are the following facilities associated with the production of oil: all wells, separators, treaters, dehydrators, flow tanks, frac tanks, gun barrels, stock tanks, sediment oil tanks, storage tanks, tank batteries, and flow lines, gathering lines, lead lines, and feeder lines. It does not include main pipelines, independent pipelines, trunk lines, transmission lines, distribution lines, any pipeline considered a common carrier, or major storage

facilities. For the purposes of this exemption, a major storage facility is a facility which stores in excess of 2,500 barrels of oil. Storage means the actual quantity of oil stored at the facility and not the storage capacity of the facility. An owner or operator of an exempt facility is not required to obtain a discharge prevention or response certificate or to have a discharge prevention and response plan or proof of financial responsibility.

(c) Small commercial facilities are facilities that have an oil storage or transfer capacity of 1,320 United States gallons or less and that are used for any commercial or industrial purpose.

(d) (No change.)

§19.15. Issuance; Modification and Suspension of Facility Certificates.

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

(d) At least 30 days prior to issuance or renewal of a certificate for an oil or gas pipeline or facility used in the exploration, development, or production of oil or gas, GLO will send the Railroad Commission of Texas a copy of the application for review and comment.

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

(g) Registrants must report changes in discharge prevention response capability. No application fee or other charge is assessed for the submission of new or changed information under this subsection.

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 April 21, 1993.

TRD-9322074 Garry Mauro
Commissioner
General Land Office

Effective date: May 14, 1993

Proposal publication date: October 23, 1992

For further information, please call: (512) 463-5725

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Subchapter C. Spill Response

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• 31 TAC §19.31, §19.34

The amendments are adopted under Texas Natural Resources Code, §40.007, which authorizes the land commissioner to promulgate rules necessary and convenient to the administration of OSPRA.

§19.34. Duties of Responsible Person.

(a) In the event of an actual or threatened unauthorized discharge, it is the duty of the responsible person to immediately initiate response action, or to ensure that the person in charge will initiate response action. The responsible person is the

owner or operator of a vessel or facility from which an unauthorized discharge of oil emanates or threatens to emanate. The person in charge is the person at the vessel or facility who is empowered by the responsible person to initiate response actions and to perform all actions necessary to prevent, abate, contain, and remove all pollution. The responsible person or the person in charge must inform the General Land Office (GLO) of the person's strategy for responding to the unauthorized discharge, including whether the facility's or vessel's discharge prevention and response plan will be adequate for abating, containing, and removing pollution or whether it appears that an adequate response to the discharge will require deviation from the plan. The response strategy and proposed deviations from the plan must be reported to the on-scene coordinator on a regular basis throughout response operations.

(b)-(d) (No change.)

(e) The responsible person is required to provide an emergency response plan consistent with 29 CFR 1910.120 for the health and safety of spill response personnel at the spill response scene. In order to comply with the National Contingency Plan, responsible persons must ensure that contractors and others under their employ have an emergency response plan program for the health and safety of personnel responding during the spill response. Failure to provide an emergency response plan for the health and safety of responders will be considered a failure to adequately respond to a spill event.

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 April 21, 1993.

TRD-9322075 Garry Mauro
Commissioner
General Land Office

Effective date: May 14, 1993

Proposal publication date: October 23, 1992

For further information, please call: (512) 463-5725

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Subchapter D. Compensation and Liability

◆ ◆ ◆
• 31 TAC §19.55

The amendment is adopted under Texas Natural Resources Code, §40.007, which authorizes the land commissioner to promulgate rules necessary and convenient to the administration of OSPRA.

§19.55. Response Costs.

(a) The General Land Office (GLO) is required to recover expenditures from the Coastal Protection Fund pursuant to

OSPRA, §40.153 and §40.161(a), and therefore GLO will assess response costs as delineated in this subsection.

(b) Whenever GLO is unable to identify the person responsible for an unauthorized discharge of oil into or posing an imminent threat to coastal waters, GLO will respond to the unauthorized discharge by initiating cleanup and other necessary response actions. Upon identification of the responsible person, GLO will seek reimbursement for all monies expended from the Coastal Protection Fund including, but not limited to, the following:

(1) actual costs of engaging a contractor to conduct cleanup;

(2) actual expenses of GLO personnel including time, transportation, lodging, and overhead;

(3) administrative and investigative expenses incurred in identifying the responsible person, including, but not limited to:

(A) sampling and analysis of the discharged oil and comparison samples; and

(B) field investigative costs; and

(C) accounting and legal costs.

(c) Whenever GLO personnel respond to the scene of an unauthorized discharge of oil that actually enters or poses an imminent threat to coastal waters, the following response costs shall be assessed against the responsible person:

(1) actual expenses of GLO personnel including time, transportation, lodging, and overhead; and all administrative costs of preparing the assessment; or

(2) a minimum response cost of \$250.

(d) GLO will assess response costs when:

(1) oil enters coastal waters and a cleanup response is required;

(2) oil does not enter coastal waters but poses an imminent threat to coastal waters and a response is required to prevent the oil from entering coastal waters.

(e) GLO will not assess response costs when:

(1) oil enters coastal waters but GLO personnel do not spend more than two hours, excluding travel time, at the scene of the spill;

(2) oil is spilled but does not enter or pose an imminent threat to coastal waters.

(f) The minimum response cost of \$250 will be billed whenever GLO personnel are required to monitor prevention or response activities and the time spent at the spill scene, excluding travel time, is less than eight hours. In the event that more than eight hours of GLO response personnel time is required at the scene of the spill, the responsible party will be assessed the actual costs of response incurred by GLO. Response costs will not be assessed where either the Railroad Commission of Texas or the Texas Water Commission is the state on-scene coordinator, unless requested by the Railroad Commission of Texas or the Texas Water Commission and approved by the commissioner.

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 April 21, 1993.

TRD-9322076 Garry Mauro
Commissioner
General Land Office

Effective date: May 14, 1993

Proposal publication date: October 23, 1992

For further information, please call: (512) 463-5725

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part II. Texas Youth Commission

Chapter 85. Admission and Placement

Placement Planning

• 37 TAC §85.31

The Texas Youth Commission (TYC) adopts an amendment to §85.31, concerning evaluation of a youth's home to determine whether the home is approved or disapproved for placement, without changes to the proposed text as published in the March 23, 1993, issue of the *Texas Register* (18 TexReg 1845).

The amendment will bring about efficient procedures for home placement.

The amendment describe criteria for reintegration of documented sex offenders returning home when the offender's victim or a potential victim lives in the home.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules appropriate to the proper accomplishment of its functions.

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 April 23, 1993.

TRD-9322118 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: May 17, 1993

Proposal publication date: March 23, 1993

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

Chapter 87. Treatment

Program Planning

• 37 TAC §§87.27, 87.29, 87.30

The Texas Youth Commission (TYC) adopts new §87.27, concerning family reintegration of sex offenders; §87.29, concerning independent living preparation; and §87.30, concerning subsidized independent living, without changes to the proposed text as published in the March 23, 1993, issue of the *Texas Register* (18 TexReg 1846).

The new sections will bring about a more effective transition to self-sufficiency programs.

Section 87.27 will describe criteria for reintegration of documented sex offenders returning home when the offender's victim or a potential victim lives in the home. Section 87.29 and §87.30 allow for the experience and financial subsidies necessary to promote a successful transition to self-sufficiency.

The new sections are adopted under the Human Resources Code, §61.076, which provides the Texas Youth Commission with the authority to place youth in programs it deems appropriate.

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 April 23, 1993.

TRD-9322117 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: May 17, 1993

Proposal publication date: March 23, 1993

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

Part XI. Texas Juvenile Probation Commission

Chapter 345. Community Corrections Assistance Program

• 37 TAC §345.1, §345.2

The Texas Juvenile Probation Commission adopts amendments to §345.1 and §345.2,

concerning Community Corrections Assistance Program, without changes to the proposed text as published in the February 26, 1993, issue of the *Texas Register* (18 TexReg 1237).

The amendments will enable successful juvenile probation completions, successful intensive supervision juvenile probation completions, successful completions of direct diversion placements, and diversion from the Texas Youth Commission.

The amendments will improve the effectiveness of juvenile probation services and provide alternatives to commitment of juveniles by providing financial aid to juvenile boards to establish and improve probation services and to adopt rules for these purposes.

The 327th Judicial District Judge in El Paso, requested that the Community Corrections Assistance Program funding formula be modified to reflect border county juvenile populations. Tom Green County Chief Juvenile Probation Officer, objected to §345.2(3) which allows the board to reserve funds for innovative and Creative juvenile justice projects. He felt that the interests of the state could best be served by placing all available community corrections funds into the basic funding formula. A Dallas County Chief Juvenile Probation Officer, suggested that the language in §345.2(4) be expanded to include consideration of disproportionate increases in felony referrals, and any increases in TYC capacity in determining a department's commitment performance target.

The following commented against the amendments: 327th Judicial District, El Paso, Dallas County Juvenile Probation Department, and Tom Green County Juvenile Probation Department.

The amendments are adopted under the Texas Human Resource Code, §§141.001, 141.041, and 141.042, which provides the Texas Juvenile Probation Commission with the authority to improve the effectiveness of juvenile services and provide alternatives to commitment of juveniles by providing financial aid to juvenile boards to establish and improve probation services and to adopt rules for these purposes.

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

Issued in Austin, Texas, on April 23, 1993.

TRD-9322088 Bernard Licarione, Ph.D.
Executive Director
Texas Juvenile Probation Commission

Effective date: May 14, 1993

Proposal publication date: February 26, 1993

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services Chapter 48. Community Care for Aged and Disabled

In-Home and Family Support Program

• 40 TAC §48.2707

The Texas Department of Human Services (DHS) adopts an amendment to §48.2707, concerning program restrictions without changes to the proposed text as published in the March 5, 1993, issue of the *Texas Register* (18 TexReg 1402).

The justification for the amendment is to prevent individuals from receiving Community Living Assistance and Support Services (CLASS) and In-Home and Family Support (IH/FSP) services at the same time.

The amendment will function by providing IH/FSP services to individuals on the IH/FSP waiting list, instead of individuals who are receiving CLASS services.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 35, which provides the department with the authority to administer public assistance and support services for persons with disabilities programs.

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 April 28, 1993.

TRD-9322107

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

Effective date: June 1, 1993

Proposal publication date: March 5, 1993

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

Texas Department of Insurance Exempt Filing

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

(Editor's Note: As required by the Insurance Code, Article 5.96 and 5.97, the Texas Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act.)

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 333 Guadalupe, Austin.)

The State Board of Insurance of the Texas Department of Insurance, at a public meeting held at 9:00 a.m. April 15, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street, Austin, adopted the rule on procedures for redistribution of assessments made on insurance carriers that are in liquidation as proposed by the Texas Workers' Compensation Insurance Facility (Facility) in a petition filed in the Chief Clerk's Office on February 1, 1993. The petition recommends a rule that would allow for an equitable redistribution of the assessment among all members of the Facility on the same basis as their individual member assessments for such year. The rule further provides that, in the event the company whose assessments were redistributed is later able to pay all or a portion of the redistributed assessment to the Facility, then the Facility shall give appropriate credits for such payments to all members who participated in the initial redistribution. The Facility's petition (Reference Number W-0293-73) was published in the March 5, 1993, issue of the *Texas Register* (18 TexReg 1407).

The State Board has jurisdiction over this matter pursuant to the Insurance Code, Articles 5.76-2 and 5.96.

The full text of the rule on procedures for redistribution of assessments made on insurance carriers that are in liquidation as adopted by the State Board of Insurance is filed with the Chief Clerk under Reference Number W-0293-73, and is incorporated by reference by Board Order Number 60287.

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

Consistent with Texas Insurance Code, Article 5.96(h), prior to the effective date of this action, the Board will notify all insurers writing workers' compensation insurance.

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 April 23, 1993.

TRD-9322085

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

Effective date: May 15, 1993

Proposal publication date: March 5, 1993

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

These changes were necessary to allow Workers' Compensation insurers to document implementation and to provide statistical data to evaluate effects. These changes will be implemented through Article 5.96 the Insurance Code. The amendments to the Texas Workers' Compensation Statistical Plan (Reference Number W-0193-74-1) was published in the March 5, 1993, issue of the *Texas Register* (18 TexReg 1408).

The amendments, as adopted by the State Board of Insurance, are shown in the exhibits which were filed with the Chief Clerk under Reference Number W-0193-74-1, and are incorporated by reference by Board Order Number 60288.

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

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

Issued in Austin, Texas, on April 23, 1993.

TRD-9322086

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

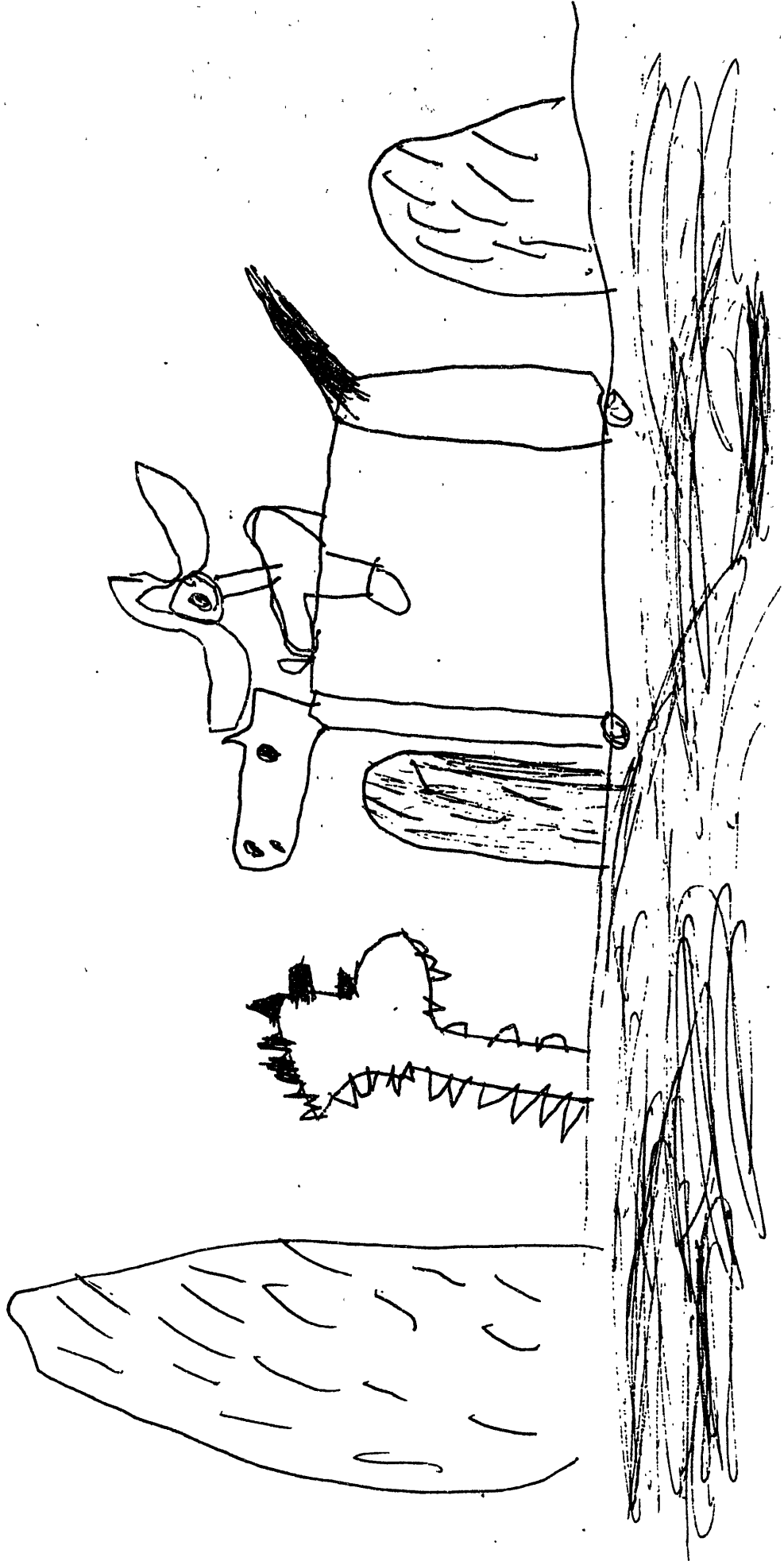
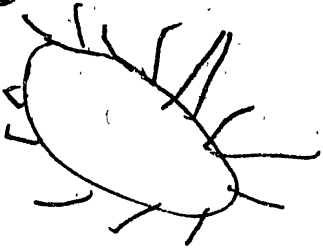
Effective date: May 15, 1993

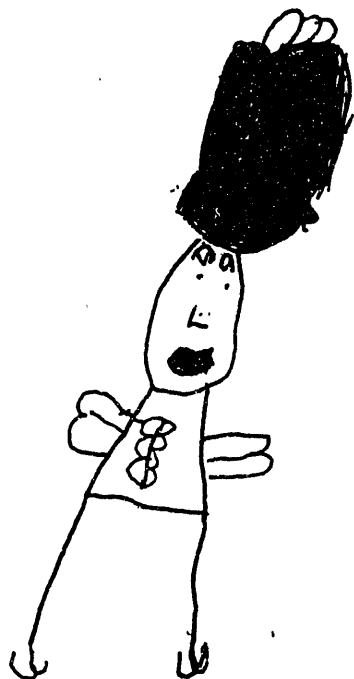
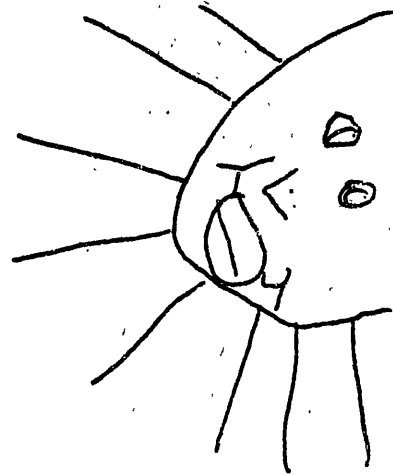
Proposal publication date: March 5, 1993

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

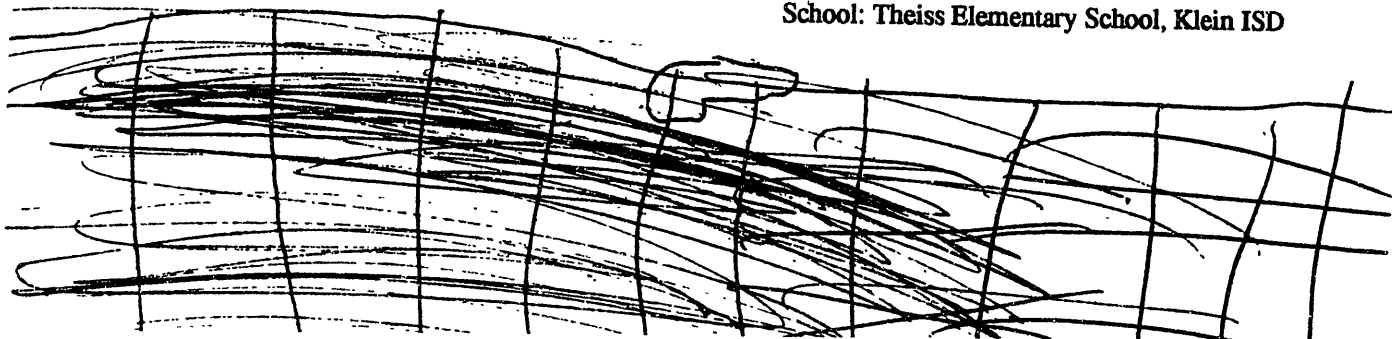
The State Board of Insurance, of the Texas Department of Insurance, at a meeting on April 15, 1993, at 9:00 a.m. adopted the changes and additions to the Texas Workers' Compensation Unit Statistical Plan. Changes promulgated through Board Orders, Senate Bill 1 and 28 TAC §1.411 in the areas of Workers' Compensation Deductible, Small Employer Discount/Surcharge, Small Premium Penalty and Maintenance Tax Surcharge have required changes to the Texas Workers' Compensation Unit Statistical Plan.

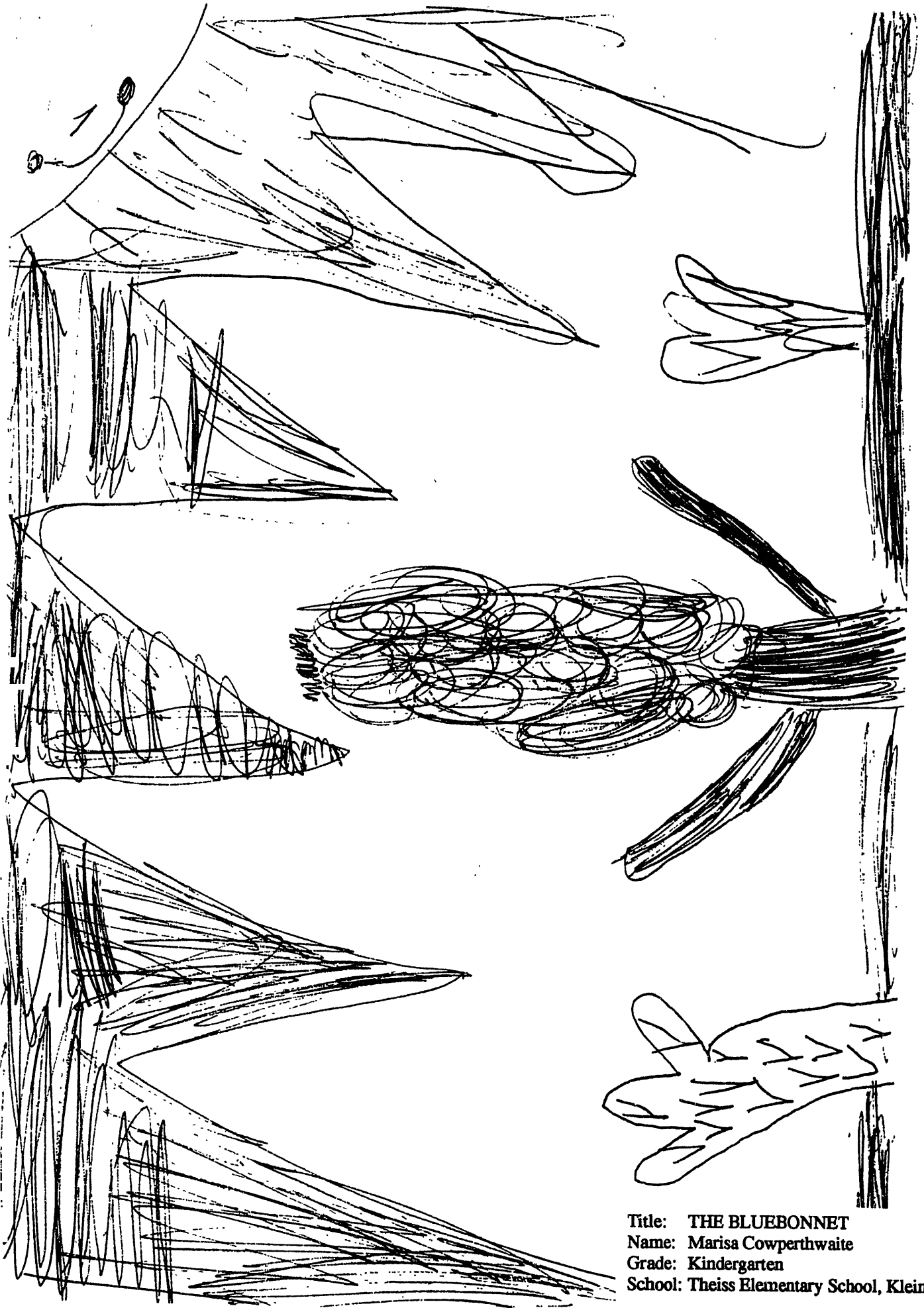
Title: TEXAN WESTERN
Name: Colt Granquist
Grade: Kindergarten
School: Theiss Elementary School, Klein ISD





Title: THE COWGIRL
Name: Katy Coleman
Grade: Kindergarten
School: Theiss Elementary School, Klein ISD





Title: THE BLUEBONNET
Name: Marisa Cowperthwaite
Grade: Kindergarten
School: Theiss Elementary School, Klein ISD

Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to 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 named 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. Emergency meeting notices filed by all governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the bulletin board at the Office of the Secretary of State in lobby of 221 East 11th Street, Austin. These notices may contain 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 Agricultural Experiment Station

Friday, May 7, 1993, 1 p.m. The Texas Equine Research Account Advisory Committee of the Texas Agricultural Experiment Station will meet in Room 126, Kleberg Animal and Food Sciences Center, Texas A&M University, College Station. According to the complete agenda, the committee will develop recommendations for topics and speakers for the First Annual Conference on equine research to be held in January 1994; and recommend the order of importance of the areas of research to be funded by the first grants to be awarded in October 1993 from the Equine Research Account.

Contact: Dr. Robert Merrifield, Administration Building #113, College Station, Texas 77843-2147, (409) 845-8486.

Filed: April 26, 1993, 9:21 a.m.

TRD-9322116

Texas Department of Agriculture

Friday, May 7, 1993, 7:30 a.m. The Texas Grain Sorghum Board of the Texas Department of Agriculture will meet at the Harvey Hotel, 3100 West I-40, Amarillo. According to the agenda summary, the board will call the meeting to order; discuss approval of minutes; discuss and possibly act on financial reports; supplemental the budget; director appointments; research updates and proposals; other funding considerations; discuss other business; and adjourn.

Contact: Lorie Forbes, P.O. Box 560, Abernathy, Texas 79311, (806) 298-2543.

Filed: April 22, 1993, 1:57 p.m.

TRD-9322017

Texas Commission for the Blind

Tuesday, May 11, 1993, 2 p.m. The Galveston District Office of the Texas Commission for the Blind will meet at the Rosenberg Library, Randall Room, Galveston. According to the complete agenda, the commission will receive public input on agency programs and services. Public comments and suggestions will be used to update the State Plan of the Texas Commission for the Blind. Persons unable to attend may send comments to the Public Information Office, 4800 North Lamar Boulevard, Suite 320, Austin, Texas 78756. Due to the possibility of last minute changes, please call to confirm meeting date and location at 1 (800) 252-5204. Persons with disabilities who have special communication or other needs who are planning to attend the forum should contact the Commission's Galveston District Office, (409) 762-8631. Requests should be made as far in advance as possible.

Contact: Andrew A. Wier, 4800 North Lamar Boulevard, Austin, Texas 78756, (512) 459-2615.

Filed: April 23, 1993, 9:24 a.m.

TRD-9322045

Wednesday, May 26, 1993, 2 p.m. The San Antonio District Office of the Texas Commission for the Blind will meet at 318 West Durango, Holiday Inn, San Antonio. According to the complete agenda, the commission will receive public input on agency programs and services. Public comment will be used to update the State Plan of the

Texas Commission for the Blind. Persons unable to attend may send comments to the Public Information Office, 4800 North Lamar Boulevard, Suite 320, Austin, Texas 78756. Due to the possibility of last minutes changes, please call to confirm meeting date and location at 1 (800) 252-5204. Persons with disabilities who have special communication or other needs who are planning to attend the forum should contact the Commission's San Antonio District Office, (210) 223-0831. Requests should be made as far in advance as possible.

Contact: Andrew A. Wier, 4800 North Lamar Boulevard, Austin, Texas 78756, (512) 459-2615.

Filed: April 23, 1993, 9:25 a.m.

TRD-9322046

Texas School for the Deaf

Friday, May 7, 1993, 10 a.m. The Governing Board Policy Committee of the Texas School for the Deaf will meet at 601 Airport, Training Room, Austin. According to the agenda summary, the committee will discuss policy amendments; and policy review.

Contact: Marvin Sallop, 1102 South Congress Avenue, Austin, Texas 78764, (512) 440-5332.

Filed: April 26, 1993, 9:10 a.m.

TRD-9322110

Friday, May 7, 1993, 1 p.m. The Governing Board of the Texas School for the Deaf will meet at 601 Airport, Large Conference Room, Austin. According to the agenda summary, the board will call the meeting to order; discuss approval of the minutes of March 26, 1993, meeting; business for in-

formation purposes; business requiring board action; hear comments by board members; and adjourn.

Contact: Marvin Sallop, P.O. Box 3538, Austin, Texas 78764, (512) 440-5335.

Filed: April 23, 1993, 3:45 p.m.

TRD-9322096

Texas Planning Council for Developmental Disabilities

Thursday, May 6, 1993, 10 a.m. The Executive Committee of the Texas Planning Council for Developmental Disabilities will meet at the Austin Marriott at the Capitol, State Room, 701 East 11th Street, Austin. According to the complete agenda, the committee will call the meeting to order; make introductions; discuss approval of the minutes of February 18, 1993; consider stipends applications; fiscal year 1993 mid-year budget revisions; fiscal year 1994 budget; discuss designated agency for the council; other items; and adjourn. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Denese Holman at (512) 483-4087.

Contact: Roger Webb, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4081.

Filed: April 26, 1993, 3:34 p.m.

TRD-9322144

Thursday-Friday, May 6-7, 1993, 1:30 p.m. and 9:00 a.m. respectively. The Quarterly Council of the Texas Planning Council for Developmental Disabilities will meet at the Austin Marriott at the Capitol, Salon FGH, 701 East 11th Street, Austin. According to the agenda summary, on Thursday, the council will call the meeting to order; make introductions of council members, staff, and guests; discuss approval of the minutes of February 18-19, 1993 meeting; hear public comments; video presentation: "Shifting Patterns"; chairman's report; executive director's report; advocacy and public information committee report; video presentation: "First They're Children"; and adjourn; on Friday, the council will reconvene the meeting; make introductions of council members, staff, and guests; hear public comments; discuss continuation of unfinished business; TPCDD strategic plan status report; planning and evaluation committee report; grants monitoring committee report; executive committee report; announcements; and adjourn. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested

to contact Denese Holman at (512) 483-4087.

Contact: Roger Webb, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4081.

Filed: April 26, 1993, 3:35 p.m.

TRD-9322145

East Texas State University

Friday, May 7, 1993, 9 a.m. The East Texas State University will meet at 2600 South Neal Street, McDowell Administrative Building, Commerce. According to the complete agenda, the board will discuss approval of its agenda and minutes of the meeting on February 5, 1993; receive a report from its presidents, and consider the following motions and reports: distinguished alumnus awards; 1993-1994 curriculum changes to ETSU-*Texarkana*; faculty promotions-ETSU and ETSU-*Texarkana*; adjustments to FY 1993 operating budget, ETSU and ETSU-*Texarkana*; Spring 1993 undersized class reports, ETSU and ETSU-*Texarkana*; authorization for executive committee to receive proposals from personnel management consultants and award the contract; adoption of agreement with East Texas State University Foundation; approval of right-of-way easement with North Texas Municipal Water District; authorization to amend Architect contract with the O'Brian Partnership; meet in executive session under 6252-17, §2(e), (g), and (r), for consultation with its attorney, personnel matters, and to receive reports from employees; and board organization and appointment of committees.

Contact: Charles Turner, 2600 South Neal Street, Commerce, Texas 75429, (903) 886-5539.

Filed: April 26, 1993, 2:52 p.m.

TRD-9322141

Texas Education Agency

Friday, April 30, 1993, 9 a.m. The Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the complete agenda, the committee will make introductions and comments; discuss raising expectations for students to meet real world needs, Cynthia Levinson will explain recent decision and activities; discuss progress on the Legislative charges to the Committee on Student Learning-Janice Boyd will give an update to the chart developed for committee members at an earlier meeting to show progress toward meeting the committee's legislative charges; briefing on the new standards project-Marvin Veselka and staff will give an update on Texas' participation in

the new standards project. This will include developmental activities as well as pilot testing; legislative update-Camilla Bordie will give an update on recent legislation of the 73rd Texas legislature; quality work force planning-The Texas Education Agency, Texas Higher Education Coordinating Board, and the Texas Department of Commerce jointly manage and fund 24 Quality Work Force Planning Committees that were established by the Texas Legislature to develop an integrated career and technical education delivery system. Mark Butler (Texas Education Agency), Sally Andrade (The Higher Education Coordinating Board), and Jim Boyd (Department of Commerce) will discuss the work of these committees.

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

Filed: April 22, 1993, 3:41 p.m.

TRD-9322024

Friday, April 30, 1993, and Saturday, May 1, 1993, 1 p.m. and 8:30 a.m. respectively. The Continuing Advisory Committee for Special Education of the Texas Education Agency will meet at 6505 North IH-35, Austin. According to the complete agenda, on Friday, the committee will give good news; discuss approval of minutes; perfection of agenda; hear public comment; discuss old and new business; unmet needs; hearing officer decisions; and update on speech therapy and Medicaid. On Saturday, the committee will discuss state plan comments; update on memorandum of understanding; update on transition plan, preschool state plan and Texas preschool evaluation project; Governor's Committee on People with Disabilities, TAAS excellent indicators; and plan agenda for next meeting.

Contact: Shirley Sanford, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9362.

Filed: April 22, 1993, 4:45 p.m.

TRD-9322036

Advisory Commission on State Emergency Communications

Tuesday, May 4, 1993, 9:30 a.m. The Administration Committee of the Advisory Commission on State Emergency Communications will meet at 1101 Capital of Texas Highway South, B-100, Austin. According to the agenda summary, the committee will call the meeting to order and recognize guests; hear public comment; discuss commission activities; hear staff reports; discuss ACSEC administrative budget expectations; and adjourn. Persons requesting interpreter

services for the hearing and speech impaired should contact Velia Williams at (512) 327-1911 at least two working days prior to the meeting.

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911.

Filed: April 26, 1993, 4:29 p.m.

TRD-9322151

Tuesday, May 4, 1993, 11:00 a.m. The Planning and Implementation Committee of the Advisory Commission on State Emergency Communications will meet at 1101 Capital of Texas Highway South, B-100, Austin. According to the agenda summary, the committee will call the meeting to order and recognize guests; hear public comment; discuss commission activities; review and consider planning and implementation committee structure; maintenance of emergency communications equipment; approval of proposed regional plan amendments; and adjourn. Persons requesting interpreter services for the hearing and speech impaired should contact Velia Williams at (512) 327-1911 at least two working days prior to the meeting.

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911.

Filed: April 26, 1993, 4:29 p.m.

TRD-9322152

Tuesday, May 4, 1993, 1:30 p.m. The Addressing Committee of the Advisory Commission on State Emergency Communications will meet at 1101 Capital of Texas Highway South, B-100, Austin. According to the agenda summary, the committee will call the meeting to order and recognize guests; hear public comment; discuss commission activities; report on presentation to Irion County for Tiger Map Completion; review and consider the revision process for addressing plan amendments; approval of proposed addressing plan amendments; and adjourn. Persons requesting interpreter services for the hearing and speech impaired should contact Velia Williams at (512) 327-1911 at least two working days prior to the meeting.

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911.

Filed: April 26, 1993, 4:29 p.m.

TRD-9322153

Wednesday, May 5, 1993, 9:30 a.m. The Advisory Commission on State Emergency Communications will meet at the Omni Hotel, 700 San Jacinto (Lonestar Room), Austin. According to the agenda summary, the commission will call the meeting to order and recognize guests; hear public

comment; discuss and consider any action item; strategic plan and forecast report process; ACSEC Committee chair appointments and structure, report on Statewide 9-1-1 awareness market analysis; hear committee reports; call box task force report; consider and discuss approval of March meeting minutes; and adjourn. Persons requesting interpreter services for the hearing and speech impaired should contact Velia Williams at (512) 327-1911 at least two working days prior to the meeting.

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911.

Filed: April 26, 1993, 4:28 p.m.

TRD-9322150

Texas Employment Commission

Tuesday, May 4, 1993, 9 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will discuss prior meeting notes; meet in executive session to discuss City of Devine vs. Texas Employment Commission, et al; actions, if any, resulting from executive session; hear staff reports; consider proposed or pending legislation and possibly act with respect thereto; internal procedures of commission appeals; consider and act on higher level appeals in unemployment compensation cases listed on Commission Docket 18; and set date of next meeting.

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

Filed: April 26, 1993, 3:41 p.m.

TRD-9322146

Texas State Board of Registry for Professional Engineers

Monday, May 3, 1993, 1 p.m. The Ad Hoc Committee on Continuing Education of the Texas State Board of Registry for Professional Engineers will meet at 1917 IH-35 South, Board Room, Austin. According to the complete agenda, the committee meeting will be convened by chairman, Gloyna; take roll call; recognize and welcome visitors; plan for the board meeting on continuing education to be held on July 29, 1993; and adjourn.

Contact: Charles E. Nemir, 1917 IH-35 South, Austin, Texas 78741, (512) 440-7723.

Filed: April 23, 1993, 1:48 p.m.

TRD-9322087

Texas Growth Fund

Tuesday, May 4, 1993, 10:30 a.m. The Board of Directors of the Texas Growth Fund will meet at the Teacher Retirement System Building, Fifth Floor, 1000 Red River, Austin. According to the agenda summary, the board will review and approve minutes; treasurer's report; expenses incurred or to be incurred by TGF Management Corporation; TGF Management Corporation's third quarter 1993 budget request; reimbursement expense reports of trustees; Ernst and Young invoice; receive a report on D&O, E&O and mutual fund liability insurance; receive a report on the activities of TGF Management Corporation; review and approve proposed investment(s); and such other matters as may come before the Board of Trustees.

Contact: James J. Kozlowski, 100 Congress Avenue, Suite 980, Austin, Texas 78701, (512) 322-3100.

Filed: April 23, 1993, 10:53 a.m.

TRD-9322061

Texas Department of Health

Monday, May 3, 1993, 8 a.m. The Texas State Board of Examiners of Marriage and Family Therapists Application Committee of the Texas Department of Health will meet at the St. Anthony Hotel, Coronado Room, 300 East Travis Street, San Antonio. According to the complete agenda, the committee will discuss and possibly act on applications; waiver requests; and inactive status requests.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6657. For ADA assistance, call Richard Butler (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 22, 1993, 4:13 p.m.

TRD-9322031

Monday, May 3, 1993, 8:30 a.m. The Texas State Board of Examiners of Marriage and Family Therapists Complaint Committee of the Texas Department of Health will meet at the St. Anthony Hotel, Coronado Room, 300 East Travis Street, San Antonio. According to the complete agenda, the committee will discuss and possibly act on review/update of current complaints; review of new complaints; and review of intern project-complaint tracking/cross licensure reference.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6657. For ADA assistance, call Richard

Butler (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 22, 1993, 4:12 p.m.

TRD-9322030

Monday, May 3, 1993, 9 a.m. The Texas State Board of Examiners of Marriage and Family Therapists Continuing Education Committee of the Texas Department of Health will meet at the St. Anthony Hotel, Coronado Room, 300 East Travis Street, San Antonio. According to the complete agenda, the committee will discuss and possibly act on review/update new language in proposed continuing education rules; and review of new forms to be used to document continuing education hours.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6657. For ADA assistance, call Richard Butler (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 22, 1993, 4:12 p.m.

TRD-9322029

Monday, May 3, 1993, 9:30 a.m. The Texas State Board of Examiners of Marriage and Family Therapists Supervision Committee of the Texas Department of Health will meet at the St. Anthony Hotel, Coronado Room, 300 East Travis Street, San Antonio. According to the complete agenda, the committee will discuss and possibly act on review of new forms to be used to document supervision hours.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6657. For ADA assistance, call Richard Butler (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 22, 1993, 4:12 p.m.

TRD-9322028

Monday, May 3, 1993, 10 a.m. The Texas State Board of Examiners of Marriage and Family Therapists of the Texas Department of Health will meet at the St. Anthony Hotel, Coronado Room, 300 East Travis Street, San Antonio. According to the complete agenda, the board will discuss approval of the minutes of the March 1, 1993 board meeting; discuss and possibly act on: executive director's report (updates on proposed legislation; Senate Committee on Health and Human-public hearing; applications, denials, audit, etc.; applied measurement services-examination; complaints; intern project-complaint tracking and cross licensure verification, and newsletter roster); committee reports (application committee, complaints committee, continuing education committee, and supervision committee); board order (denial of license/hearings-Richard G. Arno, Ph.D., Williams F. Lee,

Ph.D., James L. Moody, Ph.D., and E. Britton Wood, Jr., Ph.D.), waiver (Alfred H. Barbee, Ph.D., and George P. Pulliam), and inactive status (Kerri Gasparovic); and other issues concerning licensed marriage and family therapists.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756 (512) 834-6657. For ADA assistance, call Richard Butler (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 22, 1993, 4:13 p.m.

TRD-9322032

Texas Department of Insurance

Tuesday, May 4, 1993, 2 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application for amendment of the Articles of Incorporation of Traders and General Insurance Company, Fort Worth, increasing the authorized capital.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby II, Austin, Texas 78701, (512) 475-2983.

Filed: April 26, 1993, 2:24 p.m.

TRD-9322134

Wednesday, May 5, 1993, 9 a.m. The State Board of Insurance of the Texas Department of Insurance will meet in Room 100, William P. Hobby Building, 333 Guadalupe Street, Austin. According to the agenda summary, the board will discuss personnel; litigation; commissioner's orders; solvency; hear staff reports; legislative updates; consider business plans developed by Early Warning Working Group; consider filings by Employers Insurance of Wausau, National Union Fire Insurance Company, Trinity Universal Insurance Co., et al; and Federal Insurance Co., et al; consider possible adoption of 28 TAC §5.9302 concerning equivalent coverage; consider possible action on a report regarding existing Texas key rate schedule and any proposed new schedule and the impact of revisions to the key rate system on cities and towns in Texas.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: April 23, 1993, 2:36 p.m.

TRD-9322090

Wednesday, May 5, 1993, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at

333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of Don L. Turner, Dallas, for a Group I, Legal Reserve Life Insurance Agent's license.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby II, Austin, Texas 78701, (512) 475-2983.

Filed: April 26, 1993, 2:24 p.m.

TRD-9322135

Thursday, May 6, 1993, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Hartford Accident and Indemnity Company, Hartford, Connecticut, Hartford Casualty Insurance Company, Indianapolis, Indiana, Hartford Fire Insurance Company, Hartford, Connecticut, Hartford Lloyd's Insurance Company, Houston, Hartford Underwriters Insurance Company, Hartford, Connecticut, Twin City Fire Insurance Company, Indianapolis, Indiana, and Hartford Insurance Company of the Midwest, Indianapolis, Indiana which hold a Certificate of Authority.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby II, Austin, Texas 78701, (512) 475-2983.

Filed: April 26, 1993, 2:24 p.m.

TRD-9322136

Thursday, May 6, 1993, 9 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, Room 100, 333 Guadalupe Street, Austin. According to the complete agenda, the board will consider and possibly act on authorization to issue a RFP (Request for Proposal) regarding the data collection of the proposed Private Passenger Automobile Statistical Plan.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: April 26, 1993, 3:22 p.m.

TRD-9322143

Thursday, May 6, 1993, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Alfonso O. Benitez, San Antonio, who holds a Local Recording Agent's license.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby II, Austin, Texas 78701, (512) 475-2983.

Filed: April 26, 1993, 2:24 p.m.

TRD-9322137

Thursday, May 6, 1993, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application for original charter of Zenith Star Insurance Company, Austin.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby II, Austin, Texas 78701, (512) 475-2983.

Filed: April 26, 1993, 2:25 p.m.

TRD-9322138

Friday, May 7, 1993, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Samuel Blane Bowers of Lufkin, who holds a Group II Insurance Agent's license.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby II, Austin, Texas 78701, (512) 475-2983.

Filed: April 26, 1993, 2:25 p.m.

TRD-9322139

Monday, May 10, 1993, 10:00 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application for approval of the Articles of Agreement of Colonial Lloyd's, Fort Worth, changing the attorney-in-fact and substituting underwriters.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby II, Austin, Texas 78701, (512) 475-2983.

Filed: April 26, 1993, 2:25 p.m.

TRD-9322140

Thursday, May 13, 1993, 1:30 p.m. The State Board of Insurance of the Texas Department of Insurance will meet in Room 100, William P. Hobby Building, 333 Guadalupe Street, Austin. According to the complete agenda, the board will hold a public hearing under Docket Number 1975 to consider the appeal of Robert Wand from Commissioner's Order Number 92-1182.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: April 23, 1993, 2:36 p.m.

TRD-9322091

Thursday, May 20, 1993, 9 a.m. The State Board of Insurance of the Texas Department of Insurance will meet in Room 100, William P. Hobby Building, 333 Guadalupe Street, Austin. According to the complete agenda, the board will hold a public hearing under Docket Number 1992 to consider the appeal from Commissioner's Order Number 92-1154 regarding the matter to locate and maintain books, records, accounts and principal office of Credit General Insurance Company outside the State of Texas; public hearing under Docket Number 1993 to consider the appeal from Commissioner's Denial letter, dated March 16, 1993, regarding the matter to enter into a facilities and services agreement filed on behalf of Credit General Insurance Company; and a public hearing under Docket Number 1994 to consider the appeal of Credit General Insurance Company from Commissioner's denial letter of March 16, 1993, regarding a quota-share reinsurance agreement.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: April 23, 1993, 3:58 p.m.

TRD-9322097

Texas Department of Licensing and Regulation

Tuesday, May 4, 1993, 9 a.m. The Inspections and Investigations: Air Conditioning of the Texas Department of Licensing and Regulation will meet at 920 Colorado Street, E.O. Thompson Building, 10th Floor Conference Room, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Timothy Edwards doing business as Floyd and Sons for violation of Texas Civil Statutes, Article 8861, 16 TAC, §75.1(b) and Article 9100.

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

Filed: April 23, 1993, 11:48 a.m.

TRD-9322082

Thursday, May 6, 1993, 9 a.m. The Inspections and Investigations: Personnel Employment Services of the Texas Department of Licensing and Regulation will meet at 920 Colorado Street, E.O. Thompson Building, Third Floor Conference Room, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Skillsearch Corporation for violation of Texas Civil Statutes, Article 5221a-7, §7(a) and 3(a)(1), 16 TAC, Chapter 63, §§63.

20(c), 63.40(e), and 63.71(a)(1), Business and Commerce Code, Chapter 17 and Article 9100.

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

Filed: April 23, 1993, 11:47 a.m.

TRD-9322081

Texas Board of Pardons and Paroles

Monday-Tuesday, May 3-4, 1993, 9 a.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 202 Airport Plaza, Midland. According to the agenda summary, a panel(s) (composed of three board members) will receive, review and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5407.

Filed: April 23, 1993, 10:09 a.m.

TRD-9322054

Monday-Tuesday, May 3-4, 1993, 9 a.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 2821 Guadalupe Street, Suite 106, San Antonio. According to the agenda summary, a panel(s) (composed of three board members) will receive, review and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5407.

Filed: April 23, 1993, 10:07 a.m.

TRD-9322051

Monday-Tuesday, May 3-4, 1993, 9:30 a.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 3915 Market Street, Tyler. According to the agenda summary, a panel(s) (composed of three board members) will receive, review and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate actions to include

decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5407.

Filed: April 23, 1993, 10:08 a.m.

TRD-9322053

Monday-Friday, May 3-7, 1993, 1:30 p.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 2503 Lake Road, Suite 2, Huntsville. According to the agenda summary, a panel(s) (composed of three board members) will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5407.

Filed: April 23, 1993, 10:06 a.m.

TRD-9322049

Tuesday-Wednesday, May 4-5, 1993, 1:30 p.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 1550 East Palestine, Suite 100, Palestine. According to the agenda summary, a panel(s) (composed of three board members) will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5407.

Filed: April 23, 1993, 10:09 a.m.

TRD-9322057

Wednesday, May 5, 1993, 1 p.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 1212 North Velasco, Suite 201, Angleton. According to the agenda summary, a panel(s) (composed of three board members) will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5407.

Filed: April 23, 1993, 10:06 a.m.

TRD-9322050

Thursday, May 6, 1993, 9 a.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 1212 North Velasco, Suite 201, Angleton. According to the agenda summary, a panel(s) (composed of three board members) will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5407.

Filed: April 23, 1993, 10:09 a.m.

TRD-9322055

Thursday-Friday, May 6-7, 1993, 9 a.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 1550 East Palestine, Suite 100, Palestine. According to the agenda summary, a panel(s) (composed of three board members) will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5407.

Filed: April 23, 1993, 10:09 a.m.

TRD-9322056

Thursday-Friday, May 6-7, 1993, 12:30 p.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at Route 5, Box 258-A, Gatesville. According to the agenda summary, a panel(s) (composed of three board members) will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5407.

Filed: April 23, 1993, 10:07 a.m.

TRD-9322052

Texas Parks and Wildlife Department

Tuesday, May 18, 1993, 2:00 p.m. The Operation Game Thief Committee of the Texas Parks and Wildlife Department will meet at the Parks and Wildlife Headquarters, Complex Building B, 4200 Smith School Road, Austin. According to the agenda summary, the committee will discuss approval of November 4, 1992 public hearing minutes; discuss financial report; consider payment of rewards; set date of next meeting; discuss Senate Bill 1132; Stan Cook Memorial reward; and OGT-respect to Wildlife Campaign.

Contact: Captain Steve Pritchett, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4626.

Filed: April 22, 1993, 1:36 p.m.

TRD-9322015

Public Utility Commission of Texas

Monday, June 8, 1993, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 11745, application of Houston Lighting and Power Company to revise general tariff to make the supplemental agreement for cool storage billing demand-CSB experimental a permanent rate.

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

Filed: April 23, 1993, 3:17 p.m.

TRD-9322092

Railroad Commission of Texas

Monday, May 3, 1993, 9:30 a.m. The Railroad Commission of Texas will meet at the William B. Travis Building, 1701 North Congress Avenue, First Floor, Room 1-111, Austin. Agendas follow.

The commission will consider category determinations under Sections 102(c) (1)(B), 102(c)(1)(C), 103, 107 and 108 of the Natural Gas Policy Act of 1978.

Contact: Margie Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: April 23, 1993, 10:59 a.m.

TRD-9322067

The commission will consider and act on the Office of Information Services Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Box 12967, Austin, Texas 78701, (512) 463-6710.

Filed: April 23, 1993, 10:59 a.m.

TRD-9322068

The commission will consider and act on the Investigation Division Director's report on division administration, investigations, budget, and personnel matters.

Contact: Marcelo R. Montemayor, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6828.

Filed: April 23, 1993, 11 a.m.

TRD-9322069

The commission will consider and act on the Personnel Division Director's report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Box 12967, Austin, Texas 78711, (512) 463-7187.

Filed: April 23, 1993, 10:59 a.m.

TRD-9322062

The commission will consider and act on the Division Director's report on budget, personnel and policy matters related to operation of the Alternative Fuels Research and Education Division.

Contact: Dan Kelly, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7110.

Filed: April 23, 1993, 10:58 a.m.

TRD-9322063

The commission will consider and act on the Automatic Data Processing Division Director's report on division administration, budget, procedures, equipment acquisitions and personnel matters.

Contact: Bob Kmetz, P.O. Box 12967, Austin, Texas 78711, (512) 463-7251.

Filed: April 23, 1993, 10:59 a.m.

TRD-9322064

The commission will consider and act on the Administrative Services Division Director's report on division administration, budget, procedures and personnel matters.

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

Filed: April 23, 1993, 10:59 a.m.

TRD-9322065

The commission will consider and act on the Office of the Executive Director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. The commission will discuss a proposed training agreement for the Gas Utilities Section of the Legal Division. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel, and pending litigation. Consideration of a contract for public information services.

Contact: Walter H. Washington, Jr., P.O. Box 12967, Austin, Texas 78701-2967, (512) 463-7274.

Filed: April 23, 1993, 10:59 a.m.

TRD-9322066

The commission will consider various applications and other matters within the jurisdiction of the agency including oral arguments. The commission may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received. The commission will meet in executive session as authorized by the Open Meetings Act.

Contact: Carole J. Vogel, P.O. Box 12967, Austin, Texas 78711, (512) 463-6921.

Filed: April 23, 1993, 11 a.m.

TRD-9322070

Center for Rural Health Initiatives

Wednesday, May 5, 1993, 1:30 p.m. (Revised agenda.) The Executive Committee of the Center for Rural Health Initiatives will meet in the Eastland Memorial Hospital Conference Room, 304 South Daugherty Street, Eastland. According to the complete agenda, the committee will be also meeting to have an executive session.

Contact: Claudia H. Slegel, 211 East Seventh Street, #915, Austin, Texas 78767, (512) 479-8891.

Filed: April 26, 1993, 9:10 a.m.

TRD-9322109

Texas Savings and Loan Department

Monday, May 10, 1993, 10 a.m. The Texas Savings and Loan Department will meet at 300 West 15th Street, Room 408, Austin. According to the agenda summary, the department will hold this meeting (hearing) to accumulate a record of evidence in

regard to the application of AmWest Savings Association, Olney, Young County, Texas to establish a loan office at 2708 Southwest Parkway, Wichita Falls, Wichita County, Texas, from which record the commissioner will determine whether to grant or deny the application.

Contact: Shirley T. Burton, 2601 North Lamar Boulevard, Austin, Texas 78701, (512) 475-1350.

Filed: April 23, 1993, 12:15 p.m.

TRD-9322083

School Land Board

Tuesday, May 4, 1993, 10 a.m. The School Land Board will meet at the General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Room 831, Austin. According to the complete agenda, the board will discuss approval of previous board meeting minutes; pooling applications, Morrison Ranch-L Morrow, Roberts County; (Sulphur), Culberson County; coastal public lands, lease application, Padre Island, Nueces County; easement application, Tres Palacios Bay, Matagorda County; meet in executive session to discuss highway right of way sale, Harris County; consider highway right of way sale, Harris County; land trade, El Paso County; consider land trade, El Paso County; land acquisition, El Paso County; land acquisition, El Paso County; and discuss pending and proposed litigation.

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

Filed: April 23, 1993, 4:24 p.m.

TRD-9322101

State Occupational Information Coordination Committee

Monday, May 10, 1993, 10 a.m. The State Occupational Information Coordination Committee will meet at the TEC Building, 15th and Congress Avenue, Room 644, Austin. According to the complete agenda, the committee will discuss current projects, past and current operating budgets, and the PY 1993 Basic Assistance Grant Program.

Contact: Richard C. Froeschle, 3520 Executive Center Drive, Suite 205, Austin, Texas 78731, (512) 502-3750.

Filed: April 22, 1993, 2:44 p.m.

TRD-9322021

Teacher Retirement System of Texas

Tuesday, May 11, 1993, noon. The Medical Board of the Teacher Retirement System of Texas will meet at 1000 Red River, Room 420E, Austin. According to the complete agenda, the board will discuss the files of members who are currently applying for disability retirement and the files of disability retirees who are due a reexamination report.

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

Filed: April 23, 1993, 2:33 p.m.

TRD-9322089

Texas Southern University

Thursday, April 29, 1993, 4 p.m. The Board of Regents Finance Committee of Texas Southern University met at Texas Southern University, 3715 Blodgett, TSU Warehouse, Houston. According to the complete agenda, the committee considered matters relating to financial reporting systems, and budgets; and fiscal reports from the administration; investments; and informational items.

Contact: Everett O. Bell, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: April 23, 1993, 9:22 a.m.

TRD-9322043

Tuesday, May 4, 1993, 5 p.m. The Board of Regents Personnel and Academic Affairs Committee of Texas Southern University will meet at Texas Southern University, 3100 Cleburne, Room 221, School of Law Building, Houston. According to the complete agenda, the committee will consider reports on progress of academic activities and programs; and discuss personnel actions.

Contact: Everett O. Bell, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: April 23, 1993, 9:22 a.m.

TRD-9322042

Friday, May 7, 1993, 8:30 a.m. The Board of Regents of Texas Southern University will meet at Texas Southern University, Fifth Floor, University Library, Houston. According to the complete agenda, the board will consider approval of minutes; report of the president; report from standing committees; and meet in executive session.

Contact: Everett O. Bell, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: April 23, 1993, 9:22 a.m.

TRD-9322041

The University of Texas at Austin

Wednesday, April 28, 1993, 1 p.m. The Intercollegiate Athletics Council for Men of the University of Texas at Austin met in the Conference Room, Bellmont Hall 232, 21st and San Jacinto Streets, Austin. According to the agenda summary, the council met in executive session to discuss open session; approval of the minutes of February 3, 1993; items from executive session; development; academics; awards; schedules and schedule changes; construction; tickets/ticket policy; new business; and old business.

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

Filed: April 22, 1993, 4:07 p.m.

TRD-9322026

Texas Water Commission

Tuesday, May 4, 1993, 9:00 a.m. The Texas Irrigators Advisory Council of the Texas Water Commission will meet at the Stephen F. Austin Building, Room 647, 1700 North Congress Avenue, Austin. According to the agenda summary, the council will call the meeting to order; overview of pending legislation of 73rd Legislature; address the council regarding interpretation of definitions/exemptions; address possible legislative contacts for council; report on settlement of enforcement actions; Frank Farmillette and Al Konovalski to request reinstatements of licenses; discuss approval of the minutes; consider certification of successful irrigator/installer candidates from May 3, 1993 exam; designate site and dates for next exam; hear presentation of council members committee reports; and chairman to report on items of interest.

Contact: Joyce Watson, P.O. Box 12337, Austin, Texas 78711, (512) 463-7992.

Filed: April 22, 1993, 3:59 p.m.

TRD-9322025

Wednesday, May 5, 1993, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider approving the following matters: underground injection wells; solid waste disposal; water quality permit amendments; water quality renewal permits; water right permits; water rate matters; superfund contracts; examiner's settled hearings; in addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including, but not limited to

rescheduling an item in its entirety or for particular action at a future date or time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: April 23, 1993, 3:59 p.m.

TRD-9322098

Wednesday, May 5, 1993, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider approving the following matters: hazardous waste enforcement; water quality enforcement; hearings examiner's proposal for decision; meet in executive session; in addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including, but not limited to rescheduling an item in its entirety or for particular action at a future date or time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: April 23, 1993, 3:59 p.m.

TRD-9322099

Friday, May 7, 1993, 8:30 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 1149A, 1700 North Congress Avenue, Austin. According to the agenda summary, the commissioners will meet with permit hearings process task force in a workshop-type setting to identify improvements and enhancements to the permit hearings process.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: April 23, 1993, 3:59 p.m.

TRD-9322100

Thursday, June 10, 1993, 9:00 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Environmental Pollution Control Center Auditorium, 7411 Park Place, Houston. According to the agenda summary, the commission will hold a public hearing to consider an application made by Astro Commercial Enterprises, Inc. (Proposed Permit Number 13600-01) for authorization to discharge treated domestic wastewater effluent.

Contact: Leslie Craven, P.O. Box 13087, Austin, Texas 78701, (512) 463-7875.

Filed: April 23, 1993, 9:21 a.m.

TRD-9322037

Thursday, June 10, 1993, 1:00 p.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Environmental Pollution Control Center Auditorium, 7411 Park Place, Houston. According to the agenda summary, the commission

will hold a public hearing to consider an application made by G. Karbalai for renewal of Permit Number 12399-01 for authorization to discharge treated domestic wastewater effluent.

Contact: Leslie Craven, P.O. Box 13087, Austin, Texas 78701, (512) 463-7875.

Filed: April 23, 1993, 9:21 a.m.

TRD-9322038

Thursday, June 10, 1993, 3:00 p.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Environmental Pollution Control Center Auditorium, 7411 Park Place, Houston. According to the agenda summary, the commission will hold a public hearing to consider an application made by Bruce Soape (Proposed Permit Number 13643-01) for permit to authorize discharge of treated domestic wastewater effluent.

Contact: Leslie Craven, P.O. Box 13087, Austin, Texas 78701, (512) 463-7875.

Filed: April 23, 1993, 9:21 a.m.

TRD-9322039

Wednesday, June 23, 1993, 9:00 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will determine whether to affirm, modify or set aside Emergency Order 93-5E granted February 14, 1993 to Phillips Petroleum Company. The Order authorizes Phillips to continue to use atactic polypropylene waste stream as fuel in its boiler while repairs to the steam generating capacity are underway. The boiler unit is located at the Polypropylene Plant in the Houston Chemical Complex in Pasadena, Harris County.

Contact: Bob Sweeny, P.O. Box 13087, Austin, Texas 78701, (512) 463-8069.

Filed: April 23, 1993, 9:21 a.m.

TRD-9322040

Regional Meetings

Meetings Filed April 22, 1993

The Lubbock Regional Mental Health and Mental Retardation Center Board of Trustees met at 3801 Avenue J, Board Room, Lubbock, April 26, 1993, at noon. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 766-0310. TRD-9321992.

The Region VIII Education Service Center Board of Directors met at the Region VIII ESC, FM 1734, Mt. Pleasant, April 29, 1993, at 7 p.m. Information may be obtained from Scott Ferguson, P.O. Box 1894,

Mt. Pleasant, Texas 75456-1894, (903) 572-8551. TRD-9322016.

The Texas State University System Board of Regents met at the Guest Quarters Hotel, 303 West 15th Street, Austin, (Telephone conference call meeting; speakerphone available in Suite 213), April 26, 1993, at 11 a.m. Information may be obtained from Lamar Urbanovsky, Hobby Building, Tower III, Suite 810, Austin, Texas 78701, (512) 463-1808. TRD-9322027.

The West Central Texas Council of Governments Executive Committee met at 1025 E North Tenth Street, Abilene, April 28, 1993, at 12:45 p.m. Information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD-9322022.

Meetings Filed April 23, 1993

The Brazos Valley Quality Work Force Planning Committee met at 715 University Drive East, College Station, April 27, 1993, at 11:30 a.m. Information may be obtained from Patty Groff, 301 Post Office Street, Bryan, Texas 77801, (409) 823-4988. TRD-9322095.

The Dallas Area Rapid Transit (DART) Finance and Audit Committee met at 1401 Pacific Avenue, DART Headquarters Conference Room C, Dallas, April 27, 1993, at 1 p.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9322060.

The Dallas Area Rapid Transit (DART) Board of Directors' met at 1401 Pacific Avenue, DART Headquarters Board Room, Dallas, April 27, 1993, at 3 p.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9322059.

The Golden Crescent Private Industry Council met at 2401 Houston Highway, Victoria, April 28, 1993, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9322077.

The Golden Crescent Regional Planning Commission Board of Directors met at the Shiner VFW Hall, Shiner, April 28, 1993, at 8:30 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587. TRD-9322044.

The Gonzales County Appraisal District Agricultural Advisory Board met at 928 St. Paul Street, Gonzales, April 27, 1993, at 7:30 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (210) 672-2879. TRD-9322094.

The Kempner Water Supply Corporation Board of Directors met at the Kempner Water Supply Corporation Office, Highway 190, Kempner, April 29, 1993, at 7 p.m. Information may be obtained from Doug Lavender or Alton Myers, P.O. Box 103, Kempner, Texas 76539, (512) 932-3701. TRD-9322078.

The Kendall Appraisal District Board of Directors Budget Subcommittee met at 121 South Main Street, Kendall Appraisal District, Conference Room, Boerne, April 26, 1993, at 4 p.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9322079.

The Kendall Appraisal District Board of Directors met at 121 South Main Street, Conference Room, Boerne, April 26, 1993, at 5 p.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9322080.

The Lamar County Appraisal District (Revised agenda.) Regular Board met at the Lamar County Appraisal District Office, 521 Bonham Street, Paris, April 27, 1993, at 5 p.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (903) 785-7822. TRD-9322093.

The Sharon Water Supply Corporation Board of Directors met at the Sharon Water Supply Corporation Office, Route 5, Box 50361, Winnsboro, April 26, 1993, at 7 p.m. Information may be obtained from Gerald Brewer, Route 5, Box 50361, Winnsboro, Texas 75494, (903) 342-3525. TRD-9322058.

The Wood County Appraisal District Board of Directors met at 217 North Main Street, Conference Room, Wood County Appraisal District, Quitman, April 29, 1993, at 7 p.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 951, Quitman, Texas 75783-0951, (903) 762-4891. TRD-9322047.

Meetings Filed April 26, 1993

The Bandera County Appraisal District Board of Directors met at the Bandera County Appraisal Office, North End of Ninth Street, Bandera, April 29, 1993, at 5 p.m. Information may be obtained from P.H. Coates, IV, P.O. Box 1119, Bandera, Texas 78003, (210) 796-3039. TRD-9322133.

The Bosque Central Appraisal District Board of Directors met at the Bosque Central Appraisal District Office, 104 West Morgan Street, Meridian, April 29, 1993, at 10 a.m. Information may be obtained from Don Whitney, P.O. Box 393, Meridian, Texas 76665-0393, (817) 435-2304. TRD-9322103.

The Central Appraisal District of Johnson County Appraisal Review Board will meet at 109 North Main, Suite 201, Room 202, Cleburne, May 11-12, 1993, at 9 a.m. Information may be obtained from Jim Hudspeth, 109 North Main, Cleburne, Texas 76031, (817) 645-3986. TRD-9322126.

The Greater Austin-San Antonio Corridor Council, Inc. Executive Committee will meet at the Corridor Council Offices, 304 C. M. Allen Parkway, San Marcos, April 30, 1993, at 9 a.m. Information may be obtained from Dolores Sullivan, P.O. Box 1618, San Marcos, Texas 78667-1618, (512) 245-2534. TRD-9322155.

The Greater Austin-San Antonio Corridor Council, Inc. Board of Directors will meet at the Corridor Council Offices, 304 C. M. Allen Parkway, San Marcos, April 30, 1993, at 10 a.m. Information may be obtained from Dolores Sullivan, P.O. Box 1618, San Marcos, Texas 78667-1618, (512) 245-2534. TRD-9322154.

The Hunt County Appraisal District Hunt County Appraisal Review Board will meet at 4801 King Street, Greenville, April 30, 1993, at 1 p.m. Information may be obtained from Shirley Gregory, 4801 King Street, Greenville, Texas 75403, (903) 454-3510. TRD-9322105.

The Johnson County Rural Water Supply Corporation Special Workshop met at the Johnson Office, Highway 171 South, Cleburne, April 29, 1993, at 1 p.m. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9322132.

The Lavaca County Central Appraisal District Agricultural Appraisal Advisory Board will meet at 113 North Main Street, Hallettsville, May 3, 1993, at 8:30 a.m. Information may be obtained from Diane Munson, 113 North Main Street, Hallettsville, Texas 77964, (512) 798-4396. TRD-9322129.

The Lavaca County Central Appraisal District Board of Directors will meet at 113 North Main Street, Hallettsville, May 10, 1993, at 4 p.m. Information may be obtained from Diane Munson, 113 North Main Street, Hallettsville, Texas 77964, (512) 798-4396. TRD-9322130.

The Martin County Appraisal District Appraisal Review Board will meet at 308 North St. Peter, Appraisal Office, Stanton, May 4, 1993, at 7 p.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823. TRD-9322127.

The Middle Rio Grande Development Council (Emergency revised agenda). Board of Directors met at the Holiday Inn, Sage Room, 920 East Main Street, Uvalde, April 28, 1993, at 1 p.m. The emergency status was necessary due to the board needed to change wording on agenda items prior to the board meeting. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (210) 876-3533. TRD-9322131.

The Middle Rio Grande Development Council (Revised agenda). Board of Directors met at the Holiday Inn, Sage Room, 920 East Main Street, Uvalde, April 28, 1993, at 1 p.m. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (210) 876-3533. TRD-9322102.

The Middle Rio Grande Development Council Board of Directors held an emergency meeting at the Holiday Inn, Sage Room, 920 East Main Street, Uvalde, April 28, 1993, at 1 p.m. The emergency status was necessary as wording needed to be changed on agenda items prior to board meeting. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (210) 876-3533. TRD-9322149.

The Millersview-Doole Water Supply Corporation Board of Directors will meet at the Corporation's Business Office, One block west of FM 765 and FM 2134,

Millersview, May 3, 1993, at 8 p.m. Information may be obtained from Glenda M. Hampton, P.O. Box E, Millersview, Texas 76862-1005, (915) 483-5438. TRD-9322128.

The Palo Pinto County Education District met at the Palo Pinto County Court House, Commissioners Court, Palo Pinto, April 29, 1993, at 6 p.m. Information may be obtained from Ron Munday, 102 Northwest Sixth Avenue, Mineral Wells, Texas 76067, (817) 325-6404, Fax (817) 325-6378. TRD-9322142.

The Texas Political Subdivisions Joint Self-Insurance Funds Board of Trustees will meet at the DFW Hilton, 1800 Highway 26E, Grapevine, April 30, 1993, at 8 a.m. Information may be obtained from Jennifer Devine, P. O. Box 803356, Dallas, Texas 75380, 1 (800) 588-0013. TRD-9322148.

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Meetings Filed April 27, 1993

The Hood County Appraisal District Appraisal Review Board will meet at 1902 West Pearl Street, District Office, Granbury, May 11, 1993, at 9:30 a.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471. TRD-9322157.

The Hood County Appraisal District Board of Directors will meet at 1902 West Pearl Street, District Office, Granbury, May 11, 1993, at 7:30 p.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471. TRD-9322156.

The Permian Basin Quality Work Force Planning Committee (PBQWFPC) will meet at the UTPB-CBED, Corner of 191 and FM 1788, Midland, May 4, 1993, at 11:30 a.m. Information may be obtained from Georgia D. Hankins, P.O. Box 60660, Midland, Texas 79711-0660, (915) 563-1301. TRD-9322159.

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.

Office of the Attorney General

Invitation for Bid: Collection of Child Support

The Office of the Attorney General (OAG), State of Texas, administers a program for the establishment and enforcement of child support obligations pursuant to Title IV, Part D of the federal Social Security Act of 1935, as amended, and the Texas Human Resources Code, Chapter 76, as amended. OAG requests bids for the location of obligated non-custodial parents and the collection of delinquent, court-ordered child support.

Description of Services. Services to be procured by this bid, more fully set forth in the bid specifications, include location of obligated non-custodial parents, collection of delinquent, court-ordered child support, monitoring payments, documenting all actions taken on a case, and providing daily updates to OAG in the manner specified by OAG.

Conditions and Terms. A full discussion of the terms and conditions is contained in the Bid Packet available from the Purchasing Division of OAG.

Obtaining Bid Information. Bidders on the Bidders List, IFB Number 302-3-2821, will be mailed a Bid Packet containing the Bid Specifications on or after the date of this issue of the *Texas Register*. For other bidders, Bid Packets are available beginning on and after the date of this issue of the *Texas Register*. Requests for a Bid Packet must be sent to: Office of the Attorney General of Texas, Budgeting and Purchasing Division, Attention: Private Collection Agency Procurement, Bid Number 302-3-2821, First State Bank Building, Suite 419, 400 West 15th Street, Austin, Texas 78701; or, at P.O. Box 12039, Austin, Texas 78711-2039; or, may be Faxed to FAX Number (512) 322-8240.

No requests by telephone will be accepted.

Contents of Request for Bid Packet. Each request for the Bid Packet must include the name, mailing address, and telephone number of the entity or person requesting the packet, and must also identify the person to whom OAG is to mail the Bid Packet.

Closing Date. The Office of the Attorney General will accept bids up to 3 p.m., June 7, 1993.

No award will be made by OAG until federal approval of the procurement resulting from this bid is received by the United States Department of Health and Human Services.

The Office of the Attorney General reserves the right to reject any and all bids. No oral bids will be accepted.

Issued in Austin, Texas, on April 22, 1993.

TRD-9322035

Jerry Benedict
Assistant Attorney General
Office of the Attorney General

Filed: April 22, 1993

Texas Clean Air Act Enforcement Settlement Notice

Notice is hereby given by the State of Texas of the following proposed resolution of an environmental enforcement lawsuit under the Texas Clean Air Act. The Texas Health and Safety Code, §382.096, provides that before the State may settle a judicial enforcement action under the Clean Air Act, the State shall permit the public to comment in writing on the proposed judgment. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreed judgment if the comments disclose facts or considerations that indicate that the consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Texas Clean Air Act.

Case Title and Court. State of Texas v. U.S. Pacific Corporation, Cause Number 36,521-272 in the 272nd District Court of Brazos County.

Nature of Defendant's Operations. U.S. Pacific operates an animal hide processing plant in College Station, Brazos County.

Proposed Agreed Judgment. The proposed Agreed Final Judgment contains provisions for injunctive relief, civil penalties, and attorneys' fees.

Injunctive Relief. The judgment prevents U.S. Pacific from owning, managing or operating the hide processing plant, or any other plant in Texas in violation of the Texas Clean Air Act, and the rules and regulations of the Texas Air Control Board, and specifically in violation of Rule 101.4 of the Texas Air Control Board, nor in violation of either the Texas Clean Air Act, §382.0518, or 31 Texas Administrative Code, §116.1.

Civil Penalties. The judgment requires the Defendant to pay the sum of \$4,000 pursuant to the Texas Clean Air Act, §382.085(c).

Attorneys' Fees. The judgment requires the Defendant to pay \$2,000 in attorneys' fees to the State.

For a complete description of the proposed settlement, the complete proposed Agreed Final Judgment should be reviewed. Requests for copies of the judgment and written comments on the judgment should be directed to Leslie David Romo, Assistant Attorney General, Office of the Texas Attorney General, P.O. Box 12548, Austin, Texas 78711-2548, (512) 463-2012, facsimile (512) 320-0052. Written comments must be received within 30 days of publication of this notice to be considered.

Issued in Austin, Texas, on April 22, 1993.

TRD-9322023

Jerry Benedict
Assistant Attorney General
Office of the Attorney General

Filed: April 22, 1993

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Texas Department of Banking
Notices of Application

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a bank to file an application with the Banking Commissioner for the Commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the Commissioner.

On March 30, 1993, the Banking Commissioner received an application to acquire control of Dawson Bancshares, Inc., Dawson, thereby acquiring control of First Bank and Trust Company, Dawson, by Charles F. Irvine, Corsicana.

On April 20, 1993, notice was given that the application would not be denied.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1317.

Issued in Austin, Texas, on April 21, 1993.

TRD-9322018 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: April 22, 1993

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Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a bank to file an application with the Banking Commissioner for the Commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the Commissioner.

On April 12, 1993, the Banking Commissioner received an application to acquire control of La Porte State Bank, La Porte, by P.J. Mock, Jr., M.D., La Porte.

On April 14, 1993, notice was given that the application would not be denied.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1317.

Issued in Austin, Texas, on April 21, 1993.

TRD-9322019 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: April 22, 1993

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**Interagency Council on Early
Childhood Intervention**
Meeting for Potential New Providers

The Interagency Council on Early Childhood Intervention will hold an open meeting for potential new providers to be held on May 3, 1993, at the Public Health Region 8, 601 West Sesame Drive, Harlingen, Texas, at 1 p.m.

For questions relating to the meeting contact Donna Samuelson, Acting Executive Director for the Early Childhood Program, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7673.

Issued in Austin, Texas, on April 23, 1993.

TRD-9322048 Tammy Tiner, Ph.D.
Chairperson
Interagency Council on Early Childhood
Intervention

Filed: April 23, 1993

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Texas Education Agency
Requests for Applications

RFA #701-93-012. This request for application is filed in accordance with the Carl D. Perkins Vocational and Applied Technology Education Act, Public Law 101-392, Title II, §§201, 221, and 222.

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications (RFA #701-93-012) from public school districts, regional education service centers, institutions of higher education, and consortia of the foregoing for the development of projects to improve the delivery of instruction and services in career and technology education.

Description. The purpose of these projects is to focus on the new initiatives and educational restructuring provided in the *Master Plan for Career and Technical Education* for supporting economic development and management of multiple roles through a seamless education design. The projects emphasize integration of academic and occupational education, support for the Tech-Prep initiative and articulation with postsecondary education, curriculum development addressing coherent sequences of courses and priority occupations, instructional strategies for meeting the needs of students with differing learning styles and abilities, staff development activities for both academic and occupational personnel to improve the delivery of instruction and services, and authentic assessment of student performance.

The total amount available to support these projects is \$6,660,692. The Texas Education Agency will fund projects in the following areas: up to \$500,000 for program development/research projects; up to \$671,250 for personnel development projects and activities; up to \$973,500 for curriculum development projects; up to \$3,118,150 for projects to provide single parents, displaced homemakers, and single pregnant women with marketable skills; and up to \$1,397,792 for projects to promote the elimination of sex bias.

Dates of Project. The funding period will begin no earlier than July 1, 1993, and end no later than June 30, 1994.

Selection Criteria. Applications will be funded based on scores awarded through a formal review process. Applications must address all requirements and specifications set forth in the specific request for application. Applications that address only part of the requirements contained in the request for application will not be considered for funding. The Texas Education Agency reserves the right to reject any and all applications and to negotiate portions thereof.

Requesting the Application Package. A copy of the complete application package (RFA #701-93-012) may be obtained by writing the Document Control Center, Room

6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, or by calling (512) 463-9304.

Deadline for Receipt of Applications. The deadline for submitting an application is 5 p.m., Friday, May 28, 1993. Applications should be sent to the Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701.

Further Information. For clarifying information about this request, contact Lorraine R. Merrick, Career and Technology Education, at (512) 463-9446.

Issued in Austin, Texas, on April 23, 1993.

TRD-9322124 Lionel R. Meno
Commissioner of Education
Texas Education Agency

Filed: April 26, 1993

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RFA #701-93-013. The Texas Education Agency is accepting applications for federal adult education and literacy programs for fiscal year 1993-1994 under the National Literacy Act of 1991. The Request for Application package, RFA #701-93-013, may be obtained from the Document Control Center, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304. This request for application is in accordance with Federal Public Law 91-230, as amended by the National Literacy Act, Public Law 102-73, and the *Amendments to the Texas State Plan for Federal Adult Education Funding*.

Eligible grant recipients for federal adult education funds are local educational agencies, correctional education agencies, community-based organizations, public or private nonprofit agencies, postsecondary educational institutions, institutions that serve educationally disadvantaged adults, and any other institution that has the ability to provide literacy services to adults and families. The state plan requires that applicants must have at least one year of experience in providing adult education and literacy services.

Eligible grant recipients may apply directly to the Texas Education Agency for funding; however, eligible recipients are encouraged to maximize the federal fiscal resources available for service to undereducated adults and avoid unproductive duplication of services and excessive administrative costs by coordinating and by forming consortia or cooperatives as authorized by final federal regulations and contained in the state plan amendments. Eligible applicants can apply to provide services to a school district region, a portion of a school district, to multiple school district regions, to a county, to a portion of a county, or to multiple counties. The application package contains details regarding available funds allocated to those regions.

The closing date of the application period must be received in the Texas Education Agency Document Control Center by 5 p.m., June 1, 1993. Applications will be reviewed by Texas Education Agency staff and external reviewers, as appropriate. Review criteria are included in the Request for Application.

The Division of Adult and Community Education will be holding two workshops on applying for the federal funds. Dates, times, and locations of these workshops are as

follows: April 29, 1993, Clarion Hotel, 1241 West Mockingbird (near Love Field), Dallas, Texas 75247, (214) 630-7000; May 3, 1993, Red Lion Hotel, 6121 North IH-35, Austin, Texas 78751, (512) 323-5466.

Persons wishing further assistance may contact: Texas Education Agency, Division of Adult and Community Education, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9294.

Issued in Austin, Texas, on April 23, 1993.

TRD-9322125 Lionel R. Meno
Commissioner of Education
Texas Education Agency

Filed: April 26, 1993

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Texas Employment Commission Notice

The Corporate Fund for Children will host a Bidders Conference on the Dependent Care Development Grant Program and the School Child Care Services Fund administered through the Texas Employment Commission. The conference is scheduled for May 6, 1993, in Austin, at the Texas Education Agency, 1717 West Sixth Street, Room 335 from 3 to 5 p.m. Please call Corporate Fund for Children (512) 472-9971 to indicate you will be attending or to request a summary of the meeting.

Issued in Austin, Texas, on April 23, 1993.

TRD-9322120 C. Ed Davis
Deputy Administrator for Legal Affairs
Texas Employment Commission

Filed: April 26, 1993

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Request for Proposals

General Information. This packet is designed to assist eligible school districts in applying to the State of Texas for School Child Care Services (SCCS) Funds.

Authorization of Funding. The funds are authorized by Senate Bill 913 passed by the 71st Texas Legislature. Funds allotted for the School Child Care Services Fund in Senate Bill 913 (the Act; now the Texas Education Code, §21.928(d)) must be used in accordance with the requirements of this Act.

Scope of Work. Proposals to be considered for funding under this request will be those that relate to the planning, development, establishment, expansion, or improvement of school-age child care services and reasonable start-up costs. A school-age student is defined as a child enrolled in prekindergarten through grade seven. See also Senate Bill 913 passed during the 71st Texas Legislature.

Length of Contract. The contract period for first time applicants will be 12 months beginning September 1, 1993, or as soon thereafter as contracts can be executed.

Applicants already receiving funding from the SCCS Fund will be required to conclude their current contracts before beginning a new contract using these funds. Consequently, State Fiscal Year 1993-1994 SCCS Fund contract time periods will be condensed for these applicants.

All 1993-1994 SCCS Fund contracts must end no later than August 31, 1994, to coincide with the closing of the state fiscal year.

Selection, Notification, and Negotiation Process. The Texas Employment Commission anticipates completing the selection process by no later than June 30, 1993. Any negotiations deemed necessary by TEC will be conducted prior to the first day of the contract period. TEC reserves the right to vary all provisions of this RFP prior to the execution of a contract and to execute amendments to contracts when the Agency deems such variances and/or amendments are in the best interest of the State of Texas.

Agency Contact. Any questions or clarification requests pertaining to the contents of the RFP packet are to be directed to Carol McDaniel at (512) 502-3772.

Application Information.

Due Date. The deadline for receipt and consideration of a SCCS Fund proposal is the close of business (5 p.m.) June 7, 1993. Applications postmarked on or before June 4, 1993, and mailed through the United States Postal Service will be considered timely. In order to be eligible, mailed proposals must include a legible U.S. Postal Service postmark showing a date and time on or before the deadline. Metered mail is not acceptable unless it also includes an acceptable U.S. Postal Service postmark.

Applications delivered by any other type of mail services or hand delivered must arrive at the Texas Employment Commission (TEC) at the specified date and time. Applications may be mailed or delivered in person or by special delivery to the following address: Texas Work and Family Clearinghouse, Texas Employment Commission, 3520 Executive Center Drive, Suite 209, Austin, Texas 78731-1637, Attention: Carol McDaniel.

Eligible Applicants. Eligible applicants are school districts currently accredited by the Texas Education Agency (TEA). See also Senate Bill 913 passed by the 71st Texas Legislature.

All applicants selected must meet the Certification of Eligibility requirements prior to contract execution. See also Section II: TEC Contracting Policies, Proposal Application Packet, for additional information.

Format for Submission. Proposals must be typed-double spaced-on standard 8 and one-half inches by 11 inches paper, and have consecutively numbered pages. The Title Page should be attached to the front of the proposal, followed by the Table of Contents.

Proposals shall be limited to 25 pages including the required performance statement and budget forms, but excluding the certification of eligibility documents and assurances. Proposals which exceed the page limitations will be disqualified. Proposals should not be elaborately bound but should be clipped at the top with binder clips.

An original and two complete copies of each application must be submitted. See also Section II: Proposal Application Packet for additional information on program narrative and proposal format.

Budget Information. The total funding available is approximately \$400,000. The state plans to fund projects ranging from a minimum of \$10,000 to a maximum of \$40,000.

TEC's prior written approval for purchase or lease of equipment with acquisition costs of \$1,000 and more per unit is required. Approval of a completed proposal or contract budget does not constitute prior approval. Title to items with an acquisition cost of \$1,000 or more shall be retained by the Texas Employment Commission.

Examples of allowable and non-allowable costs are outlined below.

Allowable: meeting/conference room expenses; staff travel directly associated with grant purposes; salary/fringe benefits costs for assigned project staff; pro-rated telephone costs; printing/reproduction costs; pro-rated rental/or purchase costs for visual aids or other office equipment; program advertising; auditing costs; indirect costs-if in accordance with currently approved indirect cost rate plan; purchase of equipment, supplies or materials that facilitate the planning, development, establishment, expansion, or improvement of school age child care services.

Non-Allowable: client/recipient payments; construction costs; renovation costs; matching for Federal funds; lobbying costs; food/entertainment costs; consultant costs for proposal development; operating costs.

Assurances. Any eligible school district applying for and accepting School Child Care Services (SCCS) Funds shall: assure that state funds made available under the Act for any period will be used to supplement and increase the level of other funds that would, in the absence of such state funds, be made available for the programs and activities for which funds are provided and will in no event supplant such funds; assure that fiscal control and fund accounting exists as may be necessary to assure the proper disbursement of and accounting for federal funds received under the Act; assure that audits of this program shall be conducted in accordance with the federal provisions of the 45 Code of Federal Regulations, Part 74.62. Audits shall be conducted annually by independent auditors based on generally accepted government auditing standards. Results shall be submitted to the Texas Employment Commission; assure compliance with reporting requirements as required by the state and TEC; assure that projects or programs supported with funds under this program shall, to the maximum extent feasible, not duplicate any services which, prior to the date of enactment of the Act, were provided by the state or locality which will be served by this system; assure that adequate space and facilities will be available for the provision of before and/or after school child care services, which may include use during holidays and vacation periods; assure that such space and facilities will have priority use by the child care services program during the period of time each day when the program is in operation; assure that written agreement will govern allocation of space and facilities; identification and implementation of restrictions, if any, on the use of such space and facility; and the specific times when such space or facilities will be available for use; assure that child care programs planned, developed, established, expanded, or improved with funds from the Act will offer a variety of age-appropriate activities, with a balance between recreation and academics; assure that the parents of school-age children will be involved in the development and implementation of the program for which assistance is sought under the Act; assure that the program is able and willing to seek to enroll racially, ethnically, and economically diverse, as well as disabled school-age children in the child care service program for which assistance is sought under the Act; assure that child care programs planned, developed, established, expanded, or improved with funds from the Act is or will be in compliance with State and local child care licensing laws and regulations governing day care services for school age children to the extent that such regulations are appropriate to the age group served.

Review and Rating of Proposals. Information on planned performances in each proposal will be significant in pro-

posal grading and ranking. Also significant for continuing contractors are new or innovative approaches to a component already undertaken, the expansion of a component into a larger or different geographical area or different target group, or acceptable justification for refunding the same approach to a component already undertaken. This program attempts to distribute funds equally across the state. Special consideration may be given to a proposal for planning, developing, establishing, expanding or improving projects in a geographic area not adequately targeted or funded. The following applies to subcontractors: Special consideration may be given to a proposal with a subcontractor who is either a minority-owned business or a woman-owned business. Previous recipients of SCCS Funds who apply will be reviewed to determine if previous contracts were fulfilled and previous performance will be significant in the review process.

No review of a proposal will be initiated unless all applicant information and documentation specified in this RFP is submitted. See Section II: Proposal Application Packet for more information on rating criteria.

Issued in Austin, Texas, on April 23, 1993.

TRD-9322119 C. Ed Davis
Deputy Administrator for Legal Affairs
Texas Employment Commission

Filed: April 26, 1993

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General Information. This packet is designed to assist eligible applicant organizations in applying to the Texas Employment Commission (TEC) for Dependent Care Development Block Grant Program (DCDG) funds.

Authorization of Funding. The funds are authorized by Public Law 98-558, the Human Services Reauthorization Act of 1984, as amended by Public Law 101-105, the Augustus F. Hawkins Human Services Reauthorization Act of 1990. The funds are administered by the U.S. Department of Health and Human Services (U.S. Department H&HS).

Scope of Work. These grant funds may be used only for the planning, development, establishment, operation, expansion, and/or improvement of state and local dependent care information/resource and referral systems; and programs to furnish school-age child care services before and after school in public or private school facilities or in community centers in communities where school facilities are not available.

Proposals to be considered for funding under this request will be those that provide either: Dependent Care Information/Resource and Referral Systems, or School-Age Child Care Services.

A proposal addressing the dependent care information/resource and referral component shall include a written narrative on the strategy to obtain information on the topics listed below (at a minimum) for a specified geographical area of the state and a specified dependent group or groups and how the information will be shared with the community: the types of dependent care services available, including services provided by public and private entities; the cost of available dependent care services; location of available dependent care services; the forms of transportation available to such location; the hours during which such dependent care services are available; the dependents eligible to enroll for such dependent care services. Note

that "Dependent" is defined as: an individual who has not attained the age of 17 years; an individual who has attained the age of 55 years; or a person with a developmental disability. (For an elaboration of this definition or that of other key words relative to this RFP packet, please refer to the April 28, 1986, *Federal Register*, Page 15862, included in this RFP packet as Appendix A.)

A proposal addressing the school-age child care services component shall include a written narrative detailing information on the planning, development, establishment, operation, expansion, and/or improvement of programs to furnish school-age child care services before school, after school, during holidays, during vacations, or any combination. Operating funds for child care services shall be used to enable low-income families to participate in before and after-school programs.

A school-age child is defined as a child aged 4-13. (See the April 28, 1986, *Federal Register*, Page 15862 for the definition of school-age child from 5 to 13. See House Bill 72 of the 68th Texas Legislature for information regarding the inclusion of four year olds eligible for free public education in this definition of school age child.)

Length of Contract. The contract period for first time applicants will be 12 months beginning October 1, 1993, or as soon thereafter as contracts can be executed.

Applicants already receiving funding from the DCDG Program will be required to conclude their current contracts before beginning a new contract using these funds. Consequently 1993-1994 DCDG contract time periods will be condensed for these applications.

All 1993-1994 DCDG contracts follow the federal fiscal year, and must end no later than September 30, 1994.

Selection, Notification, and Negotiation Process. The Texas Employment Commission anticipates completing the selection process by not later than June 30, 1993. Any negotiations deemed necessary by TEC will be conducted prior to the first day of the contract period. TEC reserves the right to vary all provisions of this RFP prior to the execution of a contract and to execute amendments to contracts when TEC deems such variances and/or amendments are in the best interest of the State of Texas.

Agency Contact. Any questions or clarification requests pertaining to the contents of the RFP packet are to be directed to Carol McDaniel at (512) 502-3772.

Application Information.

Due Date. The deadline for receipt and consideration of a DCDGP proposal is the close of business (5 p.m.) June 7, 1993. Applications postmarked on or before June 4, 1993, and mailed through the United States Postal Service will be considered timely. In order to be eligible, mailed proposals must include a legible U.S. Postal Service postmark showing a date and time on or before the deadline. Metered mail is not acceptable unless it also includes an acceptable U.S. Postal Service postmark.

Applications delivered by any other type of mail services or hand delivered must arrive at TEC at the specified date and time. Applications may be mailed or delivered in person or by special delivery to the following address: Texas Work and Family Clearinghouse, Texas Employment Commission, 3520 Executive Center Drive, Suite 209, Austin, Texas 78731-1637, Attention: Carol McDaniel.

Eligible Applicants. Eligible applicant organizations sub-

mitting proposals for Dependent Care Information/Resource and Referral Systems include public and private entities. Eligible applicant organizations submitting proposals for School-Age Child Services include public agencies and private nonprofits. Applications from minority individuals and women are encouraged.

Eligible applicant organizations may submit a proposal to provide either Dependent Care Information/Resource and Referral or School Age Child Care Services.

Format for Submission. Proposals must be typed-double spaced-on standard 8 and one-half inches by 11 inches paper, and have consecutively numbered pages. The Title Page should be attached to the front of the proposal, followed by the Table of Contents. All pages should be numbered.

Proposals shall be limited to 25 pages including the required performance statement and budget forms, but excluding the certification of eligibility documents and assurances. Proposals which exceed the page limitations will be disqualified. Proposals should not be elaborately bound but should be clipped at the top with binder clips.

An original and two complete copies of each application must be submitted. See also Section II: Proposal Application Packet for additional information on program narrative and proposal format.

Budget Information. The total funding available for local contractors is approximately \$600,000. Proposals for either Dependent Care Information/Resource and Referral or School-Age Child Care Services may request a minimum of \$10,000 up to a maximum of 50,000.

Each proposal must include a 25% matching share from the applicant organization. The minimum matching share shall not be less than 25% of the combined total of Federal and match funds. For example, a proposal requesting the maximum funding of \$50,000 will require minimum matching funds of \$16,666.

U.S. Department HHS's prior written approval for purchase or lease of equipment with acquisition cost of \$5,000 and more per unit is required. Approval of a completed proposal or contract budget does not constitute prior approval. Title to items with an acquisition cost of \$1,000 or more shall be retained by TEC.

Examples of allowable and non-allowable costs are outlined below.

Allowable: meeting/conference room expenses; staff travel directly associated with grant purposes; salary/fringe benefits costs for assigned project staff; pro-rated telephone costs; printing/reproduction costs; pro-rated rental/or purchase costs for visual aids or other office equipment; program advertising; auditing costs; indirect costs-if in accordance with currently approved indirect cost rate plan; purchase of equipment, supplies or materials that facilitate the planning, development, establishment, expansion, or improvement of dependent care information/resource and referral or school age child care services.

Non-Allowable: client/recipient payments; construction costs; renovation costs; matching for Federal funds; lobbying costs; food/entertainment costs; consultant costs for proposal development.

Federal funds made available under the Act will be used to supplement and increase the level of State, Local, and other non-Federal funds that would, in the absence of such

Federal funds, be made available for the programs and activities for which funds are provided and will in no event supplant such State, Local, and other non-Federal funds.

Assurances. Any eligible organization applying for and accepting Dependent Care Development Grant Program (DCDGP) funds shall: assure that funds allotted under §670B shall be used in accordance with the requirements of the Dependent Care Development Grant Act, Public Law 98-588, as amended by Public Law 101-501; assure that fiscal control and fund accounting exists as may be necessary to assure the proper disbursement of and accounting for federal funds received under the Act; assure that audits of this program shall be conducted in accordance with federal provisions of the 45 Code of Federal Regulations Part 74.62. Audits shall be conducted annually by independent auditors based on generally accepted government auditing standards. Results shall be submitted to the Texas Employment Commission; assure compliance with reporting requirements as required by the United States Department Health and Human Services and Texas Employment Commission.

Review and Rating of Proposals. Information on planned performances in each proposal will be significant in proposal grading and ranking. Also significant for continuing contractors are new or innovative approaches to a component already undertaken, the expansion of a component into a larger or different geographical area or different target group, or acceptable justification for refunding the same approach to a component already undertaken. This program attempts to distribute funds equally across the state. Special consideration may be given to a proposal for planning, developing, establishing, expanding, or improving projects in a geographic area not adequately targeted or funded. Special consideration may be given to a proposal by either a minority-owned business or a woman-owned business. Previous recipients of DCDGP funds who apply will be reviewed to determine if previous contracts were fulfilled and previous performance will be significant in the review process.

No review of a proposal will be initiated unless all applicant information and documentation specified in this RFP is submitted. See Section II: Proposal Application Packet for more information on rating criteria.

Issued in Austin, Texas, on April 23, 1993.

TRD-9322121

C Ed Davis
Deputy Administrator for Legal Affairs
Texas Employment Commission

Filed: April 26, 1993

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Texas Department of Health
Licensing Actions for Radioactive
Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location -----	Name ----	License# -----	City ----	Amend- ment # -----	Date of Action -----
Fort Worth	Heart Center of Fort Worth, Ltd.	L04659	Fort Worth	0	04/05/93
Pasadena	Microtec Services, Inc.	L04656	Pasadena	0	04/09/93
Texarkana	Alumax Mill Products, Inc.	L04663	Texarkana	0	04/14/93
Throughout Texas	San Antonio Metropolitan Health District	L04660	San Antonio	0	03/31/93
Throughout Texas	Heflin Testing Services	L04671	Denison	0	04/06/93
Throughout Texas	Asphalt, Inc.	L04666	Round Rock	0	04/08/93

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location -----	Name ----	License# -----	City ----	Amend- ment # -----	Date of Action -----
Austin	The University of Texas at Austin	L00485	Austin	52	04/05/93
Baytown	Miles, Incorporated	L01577	Baytown	36	04/02/93
Beaumont	St. Elizabeth Hospital	L00269	Beaumont	55	04/08/93
Corpus Christi	Kerr McGee Refining Corporation	L04373	Corpus Christi	5	03/30/93
Corpus Christi	Memorial Medical Center	L00265	Corpus Christi	50	04/07/93
Dallas	Presbyterian Hospital	L04288	Dallas	4	04/08/93
Dallas	Loral Vought Systems Corporation	L02670	Dallas	15	04/13/93
Denison	Heflin Testing Services	L04671	Denison	1	04/13/93
Fort Worth	William C. Conner Research Center	L01281	Fort Worth	30	04/06/93
Fort Worth	Maxum Diagnostic Center	L03807	Fort Worth	13	04/06/93
Fredericksburg	Hill Country Memorial Hospital	L03516	Fredericksburg	8	04/07/93
Gruver	Airproducts and Chemicals, Inc.	L03181	Gruver	4	04/01/93
Houston	Exxon Production Research Company	L00205	Houston	44	03/30/93
Houston	The Methodist Hospital	L00457	Houston	70	03/31/93
Houston	Medical Clinic of Houston	L01315	Houston	21	04/06/93
Houston	Hermann Hospital	L04655	Houston	1	04/06/93
Houston	Solus Schall, U.S.A.	L04463	Houston	2	04/06/93
Kingwood	Lieber-Moore Cardiology Associates	L04622	Kingwood	1	04/06/93
Kingwood	Kingwood Plaza Hospital	L04482	Kingwood	6	04/06/93
McAllen	Vannie E. Cook, Jr., Cancer Center	L02205	McAllen	33	04/05/93
Paris	Babcock and Wilcox Company	L00157	Paris	40	04/09/93
Richardson	The University of Texas at Dallas	L02114	Richardson	35	04/01/93

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

San Antonio	Village Oaks Medical Center	L03810	San Antonio	10	04/02/93
San Antonio	The U.T. Health Science Center at San Antonio	L01279	San Antonio	61	04/02/93
San Antonio	San Antonio Regional Hospital	L02266	San Antonio	41	04/06/93
San Antonio	Cancer Therapy and Research Center	L01922	San Antonio	31	04/06/93
San Antonio	St. Luke's Lutheran Hospital	L03309	San Antonio	22	04/06/93
Sunnyvale	City of Garland	L02230	Garland	7	04/08/93
Taylor	Johns Community Hospital	L03657	Taylor	14	04/13/93
Throughout Texas	BIX Testing Laboratories	L02143	Baytown	55	03/30/93
Throughout Texas	Murray, Thomas and Griffin, Inc.	L04481	Texarkana	2	03/30/93
Throughout Texas	H & H X-Ray Services Inc.	L02516	Tyler	20	03/31/93
Throughout Texas	Hensel Phelps Construction Company	L04011	Austin	6	04/02/93
Throughout Texas	Technical Welding Laboratory, Inc.	L02187	Pasadena	77	04/02/93
Throughout Texas	ENCON International	L04528	El Paso	2	04/05/93
Throughout Texas	Guardian NDT Services, Inc.	L04099	Corpus Christi	22	04/02/93
Throughout Texas	Corpus Christi Inspection & Engineering, Inc.	L04379	Corpus Christi	26	04/08/93
Throughout Texas	Halliburton Logging Services, Inc.	L02113	Houston	72	04/07/93
Throughout Texas	Digital Surveys, Inc.	L01611	Alvin	21	04/06/93
Throughout Texas	Pro Technologies, Inc.	L03708	Pearland	5	03/26/93
Throughout Texas	ATL Laboratories, Inc.	L03924	Arlington	5	04/05/93
Throughout Texas	Wrenco Wireline Services, Inc.	L04411	White Oak	5	04/08/93
Throughout Texas	Mobile-Lab, Inc.	L04650	Houston	4	04/09/93
Throughout Texas	Schlumberger Technology Corporation	L01833	Houston	87	04/09/93
Throughout Texas	Pitt-Des Moines, Inc.	L04502	Pittsburgh, PA	4	04/05/93
Throughout Texas	ETTL Engineers & Consultants Inc.	L01423	Tyler	26	04/15/93
Throughout Texas	Pro-Technics II, Inc.	L03835	Houston	17	04/13/93
Throughout Texas	E. I. du Pont de Nemours & Company	L00314	La Porte	60	04/14/93
Throughout Texas	Professional Service Industries, Inc.	L00203	Houston	58	04/12/93
Tyler	The University of Texas Health Center at Tyler	L04117	Tyler	6	03/31/93

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Corpus Christi	Doctors Regional Medical Center	L02816	Corpus Christi	27	04/08/93
Corpus Christi	ICO Tubular Services Inc.	L02490	Corpus Christi	7	04/06/93
Denton	Denton Regional Medical Center	L02764	Denton	25	04/05/93
Fort Worth	Harris Methodist Hospital Southwest	L04146	Fort Worth	4	04/08/93
Fort Worth	Miller Brewing Company	L03403	Fort Worth	5	04/13/93
Galveston	Saint Mary's Hospital	L00138	Galveston	34	03/29/93
Houston	Sam Houston Memorial Hospital	L01878	Houston	23	04/02/93
Houston	Texas Children's Hospital	L04612	Houston	2	04/08/93
Houston	Antek Instruments, Inc.	L01298	Houston	17	04/09/93
Houston	St. Joseph Hospital	L02279	Houston	30	04/01/93
Lubbock	Southwest Clinical Laboratories	L04144	Lubbock	1	04/09/93
Quitman	Wood County Central Hospital	L03376	Quitman	4	04/05/93
Sea Drift	The Carbide/Graphite Group, Inc.	L03432	Port Lavaca	6	04/13/93
Seymour	Seymour Hospital Authority	L03229	Seymour	6	04/07/93
Texas City	Union Carbide Chemicals and Plastics Company, Inc.	L00495	Texas City	41	04/08/93

RENEWALS OF EXISTING LICENSES ISSUED CONTINUED:

Throughout Texas	General Inspection Services	L02319	Houston	24	04/01/93
Throughout Texas	Dowser Consulting, Inc.	L04165	Houston	5	04/06/93
Throughout Texas	Associated Testing Laboratories, Inc.	L01553	Houston	16	04/13/93
Waco	Brazos Kidney Disease Center	L04189	Waco	3	04/02/93

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend-ment #	Date of Action
Orange	Occidental Chemical Corporation	L04090	Orange	7	03/31/93
San Antonio	Oak Hills Path Lab, Inc.	L01128	San Antonio	18	04/02/93
Throughout Texas	Interface Detector Company	L04009	Beaumont	2	04/02/93
Throughout Texas	Welenco, Inc.	L04577	Cedar Park	1	04/05/93
Throughout Texas	Kerley Ag Products	L02313	Phoenix, Arizona	6	04/14/93

NEW LICENSES DENIED:

Location	Name	License#	City	Amend-ment #	Date of Action
Pampa	Mundy Industrial Service, Inc.	L04360	Pampa	0	04/13/93

AMENDMENTS TO EXISTING LICENSES DENIED:

Location	Name	License#	City	Amend-ment #	Date of Action
Houston	St. Luke's Episcopal Hospital & Texas Heart Institute	L00581	Houston	0	04/08/93
Throughout Texas	Chief Inspection, Inc.	L03381	Huffman	0	04/05/93

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or person affected within

30 days of the date of publication of this notice. A person affected is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, The Exchange Building, 8407 Wall Street, Austin, Texas, from 8 a.m. to 5 p.m., Monday-Friday (except holidays).

Issued in Austin, Texas, on April 16, 1993.

TRD-9322020

Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: April 22, 1993

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**Texas Department of Human Services
Consultant Proposal Request**

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) is inviting proposals for consultant services.

Description of Services: Under this RFP (324-93-005), the Department intends to enter into a consultant contract to obtain services from an external systems integrator for the design, development, implementation, staff training and transferral of an Accounts Receivable Tracking System (ARTS) application.

The department plans to use competitive negotiations to procure the services of a consultant to provide systems integration expertise, specifically:

providing project management for delivery of software and integration with hardware and existing systems;

completing design, construction, and testing of a statewide ARTS application;

implementing the ARTS application throughout the state;

providing training on the ARTS application and its technical environment to: project team training; MIS technical programming staff; user training; and technical support training (including Help Desk);

planning and managing conversion and reconciliation of existing data to ARTS: selected manual records; existing regional databases; and existing TDHS systems to be replaced by ARTS;

providing application development environment for the development project which will be compatible with the Information Systems (IS) Architecture current for TDHS to include: CASE Tool support; Project Management Tools; and Configuration Management;

providing ongoing maintenance on the ARTS application software implemented prior to completion of the project.

In addition to developing a highly needed system, hiring an experienced systems integrator such as required by this contract will allow TDHS to broaden its staff knowledge-base regarding client/server application development, the potentials of graphical user interfaces (GUI), and the flexibilities of mid-range processing. Staff members of the TDHS Accounts Receivable Tracking System (ARTS) Project Team will be working cooperatively with the selected consultant toward the successful culmination of this project.

Terms of the Contract: It is anticipated the contract period will be August 1, 1993 through October 31, 1994.

Offerors Conference: An Offerors' Conference will be held on Friday, April 30, 1993, 9 a.m. until noon, at the

John H. Winters Building Complex, 701 West 51st Street, Austin, in the Public Hearing Room (board room), first floor of the East Tower. At the conference, the department will provide an overview of the procurement process and the RFP package. Attendance at this conference is not mandatory; however, all interested vendors are strongly urged to attend.

Questions: All Potential offerors are encouraged to submit questions in writing in advance of the conference date; additionally, the potential offeror may submit oral questions at the conference. All Oral TDHS responses are non-binding, including those at the offerors' conference. The department contact person will officially respond in writing to all written questions submitted in writing in advance of the conference, all oral and written questions received at the conference and all written inquiries received by the deadline identified in this RFP. Responses to written questions will be mailed to all potential offerors of record after the conference. Written responses to all questions will be binding and will be mailed as an addendum to the RFP to all potential offerors of record.

Any requests for clarification, exceptions or variance of the "Terms and Conditions" as they appear in Section 4 of the RFP will be negotiated under the advisement of the TDHS Office of the General Counsel (OGC). Any such requests must be submitted in writing at the Offeror's Conference. TDHS reserves the right to refuse any such requests for variance or exception. Once these written clarifications, variances, or exceptions have been reviewed and ruled upon by OGC, a written response will then be released as an addendum to the RFP and will be mailed to all potential offerors of record.

Offerors must submit any other questions concerning the Request for Proposal (RFP) in writing to the department contact person, Bobbie Ann Fisher, at the previous address. These questions must be received no later than 10 a.m. Central Daylight Time, May 3, 1993. Written inquiries received by courier, mail, or FAX by the identified deadline will be answered, will be binding, and will be sent to all offerors of record.

Written inquiries may be submitted via FAX to the department contact person, Bobbie Ann Fisher, at (512) 450-3548 prior to the 10 a.m. Central Daylight Time, May 3, 1993, deadline. Any questions received after the specific date and time indicated herein will NOT receive a response from the department. Written responses to such questions will be sent to all offerors who have requested a copy of the RFP on or about May 12, 1993.

Closing Date: Proposals must be received by 3 p.m. Central Daylight Time, June 1, 1993.

Evaluation and Selection: TDHS has determine that it is in the best interest of the State to make use of a procurement method for this contract which involves a negotiated bid process.

Selection of the contractor will be based on: expertise and experience of the offeror and key personnel; proposed approach; demonstrated technical expertise from work product samples from previous projects; and project cost. All responsive proposals will be subject to evaluation by a review committee of qualified DHS personnel. This committee will recommend a single proposal which most clearly meets the identified requirements. Final decision will be that of Department Management based on this recommendation and their separate review of evaluation scores and bidder performance summaries.

Contact Person: Proposal packets will be available after Friday, April 23, 1993. Automatic release of this document to vendor lists as maintained by MIS Federal and State Relations WILL occur. To request a proposal packet, contact Bobbie Ann Fisher, MIS Federal and State Relations Section, Texas Department of Human Services, P.O. Box 149030, Mail Code W-631, Austin, Texas 78714-9030; or at (512) 450-3388.

Issued in Austin, Texas, on April 26, 1993.

TRD-9322106 Nancy Murphy
Section Manager, Policy and Document
Support
Texas Department of Human Services

Filed: April 26, 1993

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Public Utility Commission of Texas

**Notice of Petition for Approval of
Methods of Allocating Central Heating
and Cooling System Costs Among
Tenants**

Notice is given to the public of the filing with the Public Utility Commission of Texas of a petition on August 2, 1990, by Energy Billing Systems, Inc. (EBS) for Commission approval of three methods of allocating central heating and cooling system costs among apartment house tenants pursuant to Public Utility Commission Substantive Rule 23.50(e)(1)(C). A summary of the petition follows.

Project Title and Number. Petition of Energy Billing Systems, Inc. for approval of methods of allocating Central Heating and Cooling System Costs Among Tenants, Project Number P-9679 before the Public Utility Commission of Texas.

The Petition. In Project Number P-9679, EBS requests approval of three methods of allocating central heating and cooling system costs among apartment house tenants. EBS seeks approval prior to marketing its service to apartment houses throughout Texas.

Persons who wish to intervene in the proceeding or comment upon action sought, shall write to the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, within 10 days of this notice.

Issued in Austin, Texas, on April 26, 1993.

TRD-9322123 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: April 26, 1993

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The University of Texas System
Request for Proposal

This request is submitted in accordance with the provisions of Texas Civil Statutes, Article 6252-11c, §6.

The University of Texas Health Science Center at Houston (UTHSC-H) hereby provides a notice of invitation for offers of consulting services. Required services are a continuation of services previously provided in the area of analyzing the internal equitability of the overall pay practices of UTHSC-H non-faculty positions, comparing

UTHSC-H's pay practices to the external talent markets, and using the results of the internal equity analyses and external comparisons as a basis for discussing with us the actual versus desired level of base compensation for the respective employee groups. It is anticipated that the value of this required consulting services will exceed \$10,000.

Interested consultants are advised that the required services are a continuation of services previously provided by a private consultant. They are further advised that the UTHSC-H compensation system is based upon this consultant's proprietary methodology and that the university intends to award the contract to this same consultant in the absence of a better offer.

For further information or to obtain a complete proposal package, contact Deborah Walker, Assistant Director of Purchasing, UTHSC-H, P.O. Box 20036, Houston, Texas 77225.

An original and four copies of the full proposal must be submitted to UTHSC-H prior to 3 p.m., on May 25, 1993. Proposals received thereafter will not be considered and will be returned unopened. Proposals should be sent to the following address. Deborah Walker, Assistant Director of Purchasing, the University of Texas Health Science Center at Houston, P.O. Box 20036, Houston, Texas 77225.

Selected Respondents may be requested to conduct an on-site presentation, at their expense, to clarify and expand upon items provided in their bid. The UTHSC-H will evaluate all offers of consulting service received prior to the closing date based on demonstrated competence, qualifications, experience in automated compensation programs, reasonableness in cost, and the degree to which they articulate with the existing employee compensation program.

Issued in Austin, Texas, on April 22, 1993.

TRD-9321993 Arthur H. Dilly
Executive Secretary to the Board of
Regents
The University of Texas System

Filed: April 22, 1993

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Texas Water Commission
**Notice of Application For Waste
Disposal Permit**

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of April 9-April 23, 1993.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Capitol Station, Austin, Texas 78711, (512) 463-7906.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number, and type of application—new permit, amendment, or renewal.

Anheuser-Busch, Inc.; Houston Brewery; the plant site is at 775 Gellhorn Drive in the City of Houston in Harris County; renewal; 02033.

Anzon, Inc., P.O. Box 559; an antimony processing plant; the company produces antimony oxide from crude antimony oxide and antimony metal, antimony trichloride and refines sodium antimonate and antimony sulfide; the plant site is near the intersection of Mines Road (FM 1472) and Interstate Highway 35 in the City of Laredo in Webb County; renewal; 01264.

Associated Milk Producers, Inc.; the Muenster Plant which produces dairy products; is approximately 850 feet east of FM Road 373 and south of and adjacent to the city limits of the City of Muenster in Cooke County; renewal; 01982.

City of Austin; the Walnut Creek Wastewater Treatment Facilities; the plant site is approximately one mile east of the Intersection of FM Road 969 and U.S. Highway 183, on the south side of FM Road 969 in Travis County; amendment; 10543-011.

E&L Lumber Company, Inc.; the hardwood chipping plant; the plant site is adjacent to the west side of U.S. Highway 69, approximately 2.6 miles south of the intersection of U.S. Highway 69 and U.S. Highway 190 near the city of Woodville, Tyler County; new 03545.

Eastern Livestock Company, Inc. and TJG Corporation; a cattle stockyard for temporary feeding and storage for shipment; the plant site is approximately 900 feet west of the intersection of U.S. Highway 80 and FM Roads 224 and 1804; approximately six miles east of the intersection of U.S. Highways 69 and 80 in Wood County; new; 03379.

Excel Corporation; a meat packing house and hide processing; the plant site is immediately northeast of the intersection of Interstate Highway 27 and FM Road 3183, approximately 1.5 miles north of the City of Plainview, Hale County; amendment; 01463.

Houston Marine Services, Inc.; a petroleum storage and barge service facility; the plant site is at 850 Lynchburg Road in the City of Baytown, Harris County; amendment; 02842.

IBP, Inc.; a beef slaughtering, processing and rendering facility; and a cattle hide brine processing facility and through-the blue tannery; the plant site is two miles north-

west of the junction of U.S. Highway 66 East and FM 1912 and five miles northeast of Amarillo Municipal Airport in Potter County; amendment; 01873.

International Paper Company; the Henderson Lumber mill; the plant site is at a 27-acre site at 609 Industrial Drive in the City of Henderson, Rusk County; amendment; 03252.

Arthur Kalsbeek; the dairy; is on the west side of an unnamed County Road approximately four miles northwest of the intersection of FM Road 1824 and FM Road 2481 in the City of Daffau in Erath County; amendment; 03142.

Southwestern Electric Power Company; the Welsh Steam Electric Station; the plant site is approximately two miles northwest of the town of Cason, Texas and approximately one and one-half miles north of State Highway 11 in Titus County; renewal; 01811.

Star Enterprise; a petroleum refinery and chemical complex; the plant sites (Port Arthur Plant) is at the northwest end of Houston Avenue in the City of Port Arthur; (Port Neches Plant) is just east of the intersection of State Highway 366 and FM Road 136 and adjacent to the Neches River in Jefferson County; amendment; 00414.

Steiner Utility Company, Inc.; the wastewater treatment facility and irrigation site; are located approximately two miles south of the intersection of Ranch Road 620 and Quinlan Park Road in Travis County; renewal; 13294-01.

Surrey Inc.; a speciality (personal care soaps) soap manufacturing plant; the plant site is at 13110 Trails End Road, which is on the northwest side of Trails End Road, approximately 1,100 feet from the intersection of Trails End Road and FM 1431 in Travis County; new; 03503.

City of Terrell; the plant site is approximately one mile south of the intersection of Interstate Highway 20 and State Highway 34, south of the City of Terrell in Kaufman County; amendment; 10474-01.

The B.F. Goodrich Company; a chemical plant manufacturing Vinyl Chloride Monomer and Ethylene Dichloride; the plant site is at 2400 Miller Cutoff Road in the City of La Porte in Harris County; renewal; 02097.

IBP, Inc.; a beef production complex; waste disposal well WDW-120 and proposed well WDW-312 are on company property at the IBP Beef Production Complex-Amarillo facility, approximately 11 miles northeast of Amarillo in Potter County; new; WDW312.

Issued in Austin, Texas, on April 23, 1993.

TRD-9322122
Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: April 26, 1993



1993 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1993 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. No issues will be published on July 30, November 5, November 30, and December 28. A asterisk beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 Friday, January 1	Monday, December 28	Tuesday, December 29
2 Tuesday, January 5	Wednesday, December 30	Thursday, December 31
3 Friday, January 8	Monday, January 4	Tuesday, January 5
4 Tuesday, January 12	Wednesday, January 6	Thursday, January 7
5 Friday, January 15	Monday, January 11	Tuesday, January 12
6 Tuesday, January 19	Wednesday, January 13	Thursday, January 14
Friday, January 22	1992 ANNUAL INDEX	
7 Tuesday, January 26	Wednesday, January 20	Thursday, January 21
8 Friday, January 29	Monday, January 25	Tuesday, January 26
9 Tuesday, February 2	Wednesday, January 27	Thursday, January 28
10 Friday, February 5	Monday, February 1	Tuesday, February 2
11 Tuesday, February 9	Wednesday, February 3	Thursday, February 4
12 Friday, February 12	Monday, February 8	Tuesday, February 9
13 Tuesday, February 16	Wednesday, February 10	Thursday, February 11
14 *Friday, February 19	Friday, February 12	Tuesday, February 16
15 Tuesday, February 23	Wednesday, February 17	Thursday, February 18
16 Friday, February 26	Monday, February 22	Tuesday, February 23
17 Tuesday, March 2	Wednesday, February 24	Thursday, February 25
18 Friday, March 5	Monday, March 1	Tuesday, March 2
19 Tuesday, March 9	Wednesday, March 3	Thursday, March 4
20 Friday, March 12	Monday, March 8	Tuesday, March 9
21 Tuesday, March 16	Wednesday, March 10	Thursday, March 11
22 Friday, March 19	Monday, March 15	Tuesday, March 16
23 Tuesday, March 23	Wednesday, March 17	Thursday, March 18
24 Friday, March 26	Monday, March 22	Tuesday, March 23
25 Tuesday, March 30	Wednesday, March 24	Thursday, March 25
26 Friday, April 2	Monday, March 29	Tuesday, March 30
27 Tuesday, April 6	Wednesday, March 31	Thursday, April 1
28 Friday, April 9	Monday, April 5	Tuesday, April 6
29 Tuesday, April 13	Wednesday, April 7	Thursday, April 8
Friday, April 16	FIRST QUARTERLY INDEX	
30 Tuesday, April 20	Wednesday, April 14	Thursday, April 15

31 Friday, April 23	Monday, April 19	Tuesday, April 20
32 Tuesday, April 27	Wednesday, April 21	Thursday, April 22
33 Friday, April 30	Monday, April 26	Tuesday, April 27
34 Tuesday, May 4	Wednesday, April 28	Thursday, April 29
35 Friday, May 7	Monday, May 3	Tuesday, May 4
36 Tuesday, May 11	Wednesday, May 5	Thursday, May 6
37 Friday, May 14	Monday, May 10	Tuesday, May 11
38 Tuesday, May 18	Wednesday, May 12	Thursday, May 13
39 Friday, May 21	Monday, May 17	Tuesday, May 18
40 Tuesday, May 25	Wednesday, May 19	Thursday, May 20
41 Friday, May 28	Monday, May 24	Tuesday, May 25
42 Tuesday, June 1	Wednesday, May 26	Thursday, May 27
43 Friday, June 4	Friday, May 28	Tuesday, June 1
44 Tuesday, June 8	Wednesday, June 2	Thursday, June 3
45 Friday, June 11	Monday, June 7	Tuesday, June 8
46 Tuesday, June 15	Wednesday, June 9	Thursday, June 10
47 Friday, June 18	Monday, June 14	Tuesday, June 15
48 Tuesday, June 22	Wednesday, June 16	Thursday, June 17
49 Friday, June 25	Monday, June 21	Tuesday, June 22
50 Tuesday, June 29	Wednesday, June 23	Thursday, June 24
51 Friday, July 2	Monday, June 28	Tuesday, June 29
52 Tuesday, July 6	Wednesday, June 30	Thursday, July 1
53 Friday, July 9	Monday, July 5	Tuesday, July 6
Tuesday, July 13	SECOND QUARTERLY INDEX	
54 Friday, July 16	Monday, July 12	Tuesday, July 13
55 Tuesday, July 20	Wednesday, July 14	Thursday, July 15
56 Friday, July 23	Monday, July 19	Tuesday, July 20
57 Tuesday, July 27	Wednesday, July 21	Thursday, July 22
Friday, July 30	NO ISSUE PUBLISHED	
58 Tuesday, August 3	Wednesday, July 28	Thursday, July 29
59 Friday, August 6	Monday, August 2	Tuesday, August 3
60 Tuesday, August 10	Wednesday, August 4	Thursday, August 5
61 Friday, August 13	Monday, August 9	Tuesday, August 10
62 Tuesday, August 17	Wednesday, August 11	Thursday, August 12
63 Friday, August 20	Monday, August 16	Tuesday, August 17
64 Tuesday, August 24	Wednesday, August 18	Thursday, August 19
65 Friday, August 27	Monday, August 23	Tuesday, August 24
66 Tuesday, August 31	Wednesday, August 25	Thursday, August 26
67 Friday, September 3	Monday, August 30	Tuesday, August 31
68 Tuesday, September 7	Wednesday, September 1	Thursday, September 2
69 Friday, September 10	Friday, September 3	Tuesday, September 7

70 Tuesday, September 14	Wednesday, September 8	Thursday, September 9
71 Friday, September 17	Monday, September 13	Tuesday, September 14
72 Tuesday, September 21	Wednesday, September 15	Thursday, September 16
73 Friday, September 24	Monday, September 20	Tuesday, September 21
74 Tuesday, September 28	Wednesday, September 22	Thursday, September 23
75 Friday, October 1	Monday, September 27	Tuesday, September 28
76 Tuesday, October 5	Wednesday, September 29	Thursday, September 30
77 Friday, October 8	Monday, October 4	Tuesday, October 5
Tuesday, October 12	THIRD QUARTERLY INDEX	
78 Friday, October 15	Monday, October 11	Tuesday, October 12
79 Tuesday, October 19	Wednesday, October 13	Thursday, October 14
80 Friday, October 22	Monday, October 18	Tuesday, October 19
81 Tuesday, October 26	Wednesday, October 20	Thursday, October 21
82 Friday, October 29	Monday, October 25	Tuesday, October 26
83 Tuesday, November 2	Wednesday, October 27	Thursday, October 28
Friday, November 5	NO ISSUE PUBLISHED	
84 Tuesday, November 9	Wednesday, November 3	Thursday, November 4
85 Friday, November 12	Monday, November 8	Tuesday, November 9
86 Tuesday, November 16	Wednesday, November 10	Thursday, November 11
87 Friday, November 19	Monday, November 15	Tuesday, November 16
88 Tuesday, November 23	Wednesday, November 17	Thursday, November 18
89 Friday, November 26	Monday, November 22	Tuesday, November 23
Tuesday, November 30	NO ISSUE PUBLISHED	
90 Friday, December 3	Monday, November 29	Tuesday, November 30
91 Tuesday, December 7	Wednesday, December 1	Thursday, December 2
92 Friday, December 10	Monday, December 6	Tuesday, December 7
93 Tuesday, December 14	Wednesday, December 8	Thursday, December 9
94 Friday, December 17	Monday, December 13	Tuesday, December 14
95 Tuesday, December 21	Wednesday, December 15	Thursday, December 16
96 Friday, December 24	Monday, December 20	Tuesday, December 21
Tuesday, December 28	NO ISSUE PUBLISHED	

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