

Texas Register

Volume 18, Number 54, July 16, 1993

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Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.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

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

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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 1. ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 81. Elections

Surplus Election Contract Funds

• 1 TAC §81.161

The Office of the Secretary of State adopts new §81.161, concerning the disbursement of surplus funds from election service contracts under the Texas Election Code, §31.003, with changes to the proposed text as published in the March 16, 1993, issue of the *Texas Register* (18 TexReg 1749).

The new rule provides county election officers the mechanism with which to expend surplus election contract funds. Prior to the adoption of this section, county election officers were unable to expend surplus election contract funds.

During the public comment period, discussions were held with the election officers from Hood and Tarrant counties. In addition, the Secretary of State conducted a second mail survey regarding the proposed rule to all 254 county election officers in Texas. One hundred seventy county election officers responded to this survey. Seventeen of the 170 respondents currently collect surplus contract election funds and only 5 of these 17 held county election board meetings within the last two years.

Comment. One commentator stated that requiring the county election board to approve surplus contract funding requests was an additional, unnecessary level of bureaucracy as the commissioners court is still required to review and approve all expenditures of county funds.

Response. The Secretary of State agrees that requiring both the election board and commissioners court to review funding requests is unnecessary and has amended the rule. This method was proposed to insure that funding requests were originated by an election oriented group instead of the county commissioners court. By amending the rule to require all funding requests to originate with the county election officer instead of the county election board, this purpose will still be served.

Comment. One commentator suggested that the Secretary of State issue a list of items which would be payable with surplus election contract funds.

Response. The Secretary of State has amended the rules to include general examples of payable and non-payable expenses pursuant to provisions of the Election Code.

In addition to the changes resulting from public comment, the Secretary of State is adopting the rule with changes as a result of staff review and recommendations to improve clarity and be consistent with other interpretations of the Election Code.

The new rule is adopted under the Texas Election Code, §31.003, which provides the Secretary of State with the authority to prepare written rules and instructions concerning the Election Code and election laws and distribute these materials to state and local authorities charged with administering such laws. Texas Election Code, §31.003 (Vernon 1986). Further, the Texas Election Code, §31.100(f), requires that the Secretary of State prescribe procedures for the use of surplus funds from election services contracts. (Texas Election Code, §31.100(f) (Vernon Supplement 1993)).

§81.161. Disbursement of Surplus Funds from Election Service Contracts Under the Texas Election Code, §31.003.

(a) The Election Code, §31.100(g), states that the commissioners court may not consider the availability of the election services contract fund in adopting the budget for the office of the county election officer. Pursuant to the above section, surplus election contract funds may not be used to fund the day to day operation of the office of the county election officer. Examples of day to day expenses include, but are not limited to, duties required by statute such as, the necessary administrative personnel, office space and equipment, ballots, election kits, poll lists, and early voting and election day workers.

(b) The Election Code, §31.100(f), requires that a surplus in the county election services contract fund may be used only to defray expenses of the county election officer's office in connection with election-related duties or functions. Examples of expense that may be paid with surplus contract funds include, but are not limited to, any duty which is election related but not specifically required by statute such as, polling location mailouts, travel to election seminars, purchase of voting equipment changes or upgrades, and technology upgrades for the election office (computers).

(c) If the county election officer determines that a funding request qualifies under subsection (b) of this section and should be paid from surplus election service contract funds, said request shall be made in writing to the county commissioners court. The commissioners court shall handle the county election officer's request following normal county purchasing policies and guidelines and may either approve or deny the request. In no instance may the commissioners court approve the use of surplus election contract funds without the written approval of the county election officer.

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 July 7, 1993.

TRD-9325401

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

Effective date: July 29, 1993

Proposal publication date: March 16, 1993

For further information, please call: (512) 463-5650

Chapter 95. Uniform Commercial Code

General Information and Correspondence

• 1 TAC §§95.1, 95.3, 95.5

The Office of the Secretary of State adopts amendments to §§95.1, 95.3, and 95.5, concerning general information and correspondence, without changes to the proposed text as published in the May 18, 1993, issue of the *Texas Register* (18 TexReg 3233).

The amendments are needed in order to reflect current address, section numbers, and other grammatical changes.

The amendments provide the current address for the Uniform Commercial Code Section, correct section numbers for filing financing statements, and filing time of accepted documents.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Business and Commerce Code, §9.

411, which provides the Office of the Secretary of State with the authority to adopt rules necessary to administer Subchapter D of Chapter 9, Texas Business and Commerce Code.

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

Issued in Austin, Texas, on July 9, 1993.

TRD-9325567 Audrey Selden
Assistant Secretary of
State
Office of the Secretary of
State

Effective date: August 2, 1993

Proposal publication date: May 18, 1993

For further information, please call: (512) 463-5701

Acceptance

• 1 TAC §§95.31-95.34

The Office of the Secretary of State adopts amendments to §§95.31-95.34, concerning acceptance, without changes to the proposed text as published in the May 18, 1993, issue of the *Texas Register* (18 TexReg 3233).

The amendments are required due to standard form related changes. Section 95.32 is amended to more accurately reflect current filing policies and procedures and to include rules for filing Master Assignment and Amendment.

The amendments provide uniform and consistent method of accepting documents based on current policies and procedures.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Business and Commerce Code, §9.411, which provides the Office of the Secretary of State with the authority to adopt rules necessary to administer Subchapter D of Chapter 9, Texas Business and Commerce Code.

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

Issued in Austin, Texas, on July 9, 1993.

TRD-9325568 Audrey Selden
Assistant Secretary of
State
Office of the Secretary of
State

Effective date: August 2, 1993

Proposal publication date: May 18, 1993

For further information, please call: (512) 463-5701

Information Requests

• 1 TAC §95.41, §95.42

The Office of the Secretary of State adopts amendments to §95.41 and §95.42, concerning information requests, without changes to the proposed text as published in the May 18, 1993, issue of the *Texas Register* (18 TexReg 3234).

Section 95.41 is amended to reflect accurate statutory authority for copy fees. Section 95.42 is amended to delete requirement of one name per information request per form.

The amendments provide uniform and consistent method of furnishing copies of documents based on current statutory authority.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Business and Commerce Code, §9.411 and Chapter 405.031, Texas Government Code, which provides the Office of the Secretary of State with the authority to adopt rules necessary to administer Subchapter D of Chapter 9, Texas Business and Commerce Code and to charge fees for uncertified copies of records.

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 July 9, 1993.

TRD-9325569 Audrey Selden
Assistant Secretary of
State
Office of the Secretary of
State

Effective date: August 2, 1993

Proposal publication date: May 18, 1993

For further information, please call: (512) 463-5701

• 1 TAC §95.43

The Office of the Secretary of State adopts the repeal of §95.43, concerning forms, without changes to the proposed text as published in the May 18, 1993, issue of the *Texas Register* (18 TexReg 3235).

The rule is repealed because it is inconsistent with the Texas Business and Commerce Code, §9.407(b), which requires the Secretary of State to charge \$25 for search requests submitted on nonstandard forms.

The repeal provides consistent and uniform procedures for accepting search requests on nonstandard forms.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Business and Commerce Code, §9.411, which provides the Office of the Secretary of State with the authority to adopt rules necessary to administer Subchapter D of Chapter 9, Texas Business and Commerce Code.

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

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

Issued in Austin, Texas, on July 9, 1993.

TRD-9325570 Audrey Selden
Assistant Secretary of
State
Office of the Secretary of
State

Effective date: August 2, 1993

Proposal publication date: May 18, 1993

For further information, please call: (512) 463-5701

Standard Forms

• 1 TAC §95.51

The Office of the Secretary of State adopts an amendment to §95.51, concerning prescribed form, without changes to the proposed text as published in the May 18, 1993, issue of the *Texas Register* (18 TexReg 3235).

The amendment is necessary in order to reflect grammatical changes.

The amendment provides a method for approval of Texas standard forms and provides a grace period for filing previously approved standard forms.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Business and Commerce Code, §9.411, which provides the Office of the Secretary of State with the authority to adopt rules necessary to administer Subchapter D of Chapter 9, Texas Business and Commerce Code.

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

Issued in Austin, Texas, on July 9, 1993.

TRD-9325571 Audrey Selden
Assistant Secretary of
State
Office of the Secretary of
State

Effective date: August 2, 1993

Proposal publication date: May 18, 1993

For further information, please call: (512) 463-5701

Rejection

• 1 TAC §95.61, §95.62

The Office of the Secretary of State adopts amendments to §95.61 and §95.62, concerning rejection, without changes to the proposed text as published in the May 18, 1993, issue of the *Texas Register* (18 TexReg 3236).

Section 95.61 is amended to delete reference to Texas Business and Commerce Code because all reasons for rejection have been covered in the Uniform Commercial Code rules. Section 95.62 reflects the repeal of §95.43.

The amendments provide uniform and consistent method of rejecting documents based on current Uniform Commercial Code rules. Provide uniform and consistent method of rejecting information requests based on current statutory authority.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Business and Commerce Code, §9.411, which provides the Office of the Secretary of State with the authority to adopt rules necessary to administer Subchapter D of Chapter 9, Texas Business and Commerce Code.

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

Issued in Austin, Texas, on July 9, 1993.

TRD-9325572

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

Effective date: August 2, 1993

Proposal publication date: May 18, 1993

For further information, please call: (512) 463-5701

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 61. School Districts

Subchapter A. Operations

• 19 TAC §61.11

The Texas Education Agency (TEA) adopts an amendment to §61.11, concerning school district information requirements, without changes to the proposed text as published in the May 18, 1993, issue of the *Texas Register* (18 TexReg 3237).

The section provides guidelines for minimizing the reporting burdens of school districts, thereby reducing the amount of paperwork required of teachers. Currently, much of the information in this section is duplicated in §145.2 of this title (relating to Paperwork Reduction). The TEA is consolidating the guidelines for paperwork reduction in one section. In a separate submission, TEA is adopting the repeal of §145.2 of this title.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §21.925, which directs the State Board of Education to adopt rules that provide for simplifying and reducing the number and length of written reports TEA requires from school districts and school district employees.

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 July 12, 1993.

TRD-9325594

Cries Clout
Director, Policy Planning
and Evaluation
Texas Education Agency

Effective date: August 2, 1993

Proposal publication date: May 18, 1993

For further information, please call: (512) 463-9701

Chapter 145. Professional Environment

Subchapter A. Professional Environment in General

• 19 TAC §145.2

The Texas Education Agency (TEA) adopts the repeal of §145.2, concerning paperwork reduction, without changes to the proposed text as published in the May 18, 1993, issue of the *Texas Register* (18 TexReg 3238).

The section provides guidelines for minimizing the reporting burdens of school districts, thereby reducing the amount of paperwork required of teachers. Currently, much of the information in this section is duplicated in §61.11 of this title (relating to School District Information Requirements). The TEA is consolidating the guidelines for paperwork reduction in one section. In a separate submission, TEA is adopting an amendment to §61.11 of this title that includes the substance of §145.2 of this title.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §21.925, which directs the State Board of Education to adopt rules that provide for simplifying and reducing the number and length of written reports TEA requires from school districts and school district employees.

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 July 12, 1993.

TRD-9325595

Cries Clout
Director, Policy Planning
and Evaluation
Texas Education Agency

Effective date: August 2, 1993

Proposal publication date: May 18, 1993

For further information, please call: (512) 463-9701

TITLE 28. INSURANCE Part I. Texas Department of Insurance

Chapter 1. General Administration

Subchapter F. Summary Procedures for Routine Matters

• 28 TAC §1.702 and §1.703

The State Board of Insurance of the Texas Department of Insurance adopts 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, without changes to the proposed text as published in the April 30, 1993 issue of the *Texas Register* (18 TexReg 2844). 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 are necessary to assure the uniform, timely, and effective implementation, administration, and enforcement of the Insurance Code, Articles 5.55C and 5.76-2. The amendments add two classes of activities for summary procedure disposition: 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. The amendments will result in 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.

The adopted amendments to §1.702 and §1.703 provide the means by which the Deputy Commissioner of Workers' Compensation Insurance will have the authority to review filed endorsements for negotiated deductible workers' compensation insurance policies and applications for cessation of acceptance of small premium workers' compensation insurance policies through the Small Premium Policy Plan. The adopted amendments will facilitate agency review of these routine matters and obviate the need for formal consideration of such matters by the State Board of Insurance.

No comments were received regarding adoption of the amendments.

The amendments are proposed under the Insurance Code, Articles 1.33, 5.55C, 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 activ-

ities that are routine, to be handled through delegation by deputy commissioners and other personnel as the Board may designate. Article 5.55C authorizes the Board to permit employers to enter into agreements with insurers for negotiated deductible workers' compensation insurance policies. 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.

The following statutes are affected by this rule: The Insurance Code, Articles 1.33, 5.55C, 5.57, 5.76-2, 5.02, and 1.04.

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 July 7, 1993.

TRD-9325380

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

Effective date: July 28, 1993

Proposal publication date: April 30, 1993

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

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 3. Traffic Law Enforcement

Traffic Supervision

• 37 TAC §3.62

The Texas Department of Public Safety adopts an amendment to §3.62, with changes to the proposed text as published in the January 8, 1993, issue of the *Texas Register* (18 TexReg 156).

The adoption of the amendment provides that certain intrastate motor carriers will not be delayed in responding to local emergencies by the necessity of having a governmental agency declare an emergency. The revised language exempts intrastate motor carriers making residential deliveries of heating fuel; public utilities as defined by the Public Utility Regulatory Act, the Gas Utility Regulatory

Act, and the Texas Water Code; and charged with the responsibility for maintaining essential services to the public to protect health and safety.

The amendment adds subsection (d)(11) and renumbers the remaining paragraphs. The exempted intrastate motor carriers may respond to a local emergency without a declaration from a state or local official provided certain conditions are met. All intrastate motor carriers must comply with Texas Civil Statutes, Article 6701d, §139(a)(3), and provide the driver with at least 8 consecutive hours off-duty when the driver has been on duty for 15 or more consecutive hours, or the driver has been on duty more than 70 hours in 7 days.

A public hearing was held on February 25, 1993, as required by Texas Civil Statutes, Article 6701d, §139. There were no written comments received prior to the hearing and one received after the hearing. A total of four written comments were received. Testimony was taken from four commenters, three in support of adoption and one in opposition. Following is a summary of those comments.

(1) Three commenters, all representing public utility companies, supported the adoption of the rule since it would allow these firms to provide emergency relief in the same manner as they had operated prior to the change in the Federal Regulations.

(2) Failure to adopt the rule would cause unnecessary delays for utility companies while waiting for an emergency declaration from a local official. Oftentimes, an emergency situation can be handled before an official can be located, briefed, and the declaration issued. Public utility company officials have acted responsibly in the past, taking great care and consideration in declaring emergencies.

(3) Failure to adopt the rule would hamper emergency response in the sparsely populated areas of West Texas and in the densely populated metropolitan areas. Customers using or providing life-support equipment would be adversely affected.

(4) Failure to adopt the rule would place a 24-hour off-duty requirement on carriers. Drivers responding to an emergency must receive 24 hours off at the conclusion of the emergency in some instances. This requirement would adversely affect the normal work-week of the company.

(5) Any changes to the rule should include an exemption for public utility companies.

(6) One commenter opposed the rule as being premature. Part 390.23 of the Federal Regulations has good language that should be considered by DPS. The regulations have a good definition of an emergency and provide a good guidance for bringing a driver back into service after the conclusion of the emergency.

(7) The rule would only exempt carriers from the hours of service requirements. All other regulations would be applicable, such as the equipment standards. The Federal Regulations would exempt carriers from Parts 300-399 of the regulations.

(8) Any exemption from the regulations for public utilities should also include residential deliveries of heating fuels. An ice or snow storm in West and North Texas should constitute an emergency that would require immediate response to sustain life.

Gulf State Utilities Company, Southwestern Public Service, Houston Lighting and Power Company, West Texas Utilities Company, and Association of Electric Companies of Texas (AECT) commented in favor of the proposed rule.

Comment #1. DPS appreciates the support for adoption of the rule by the public utility companies. However, after reviewing the comments, the regulations, and the proposed rule, the agency agrees with the opponent to adoption (Comment #6) that the agency would be remiss in its duties by adopting the original proposal. In reconsidering the rule, DPS considered the comments and suggestions made by the commenters.

Comments #2 and #3. DPS agrees with the comments.

Comments #4. DPS agrees that the 24-hour off-duty requirement is excessive. One commenter suggested that this requirement be reduced to 8 hours. DPS concurs.

Comment #5. While the broad scope of regulations covers all motor carriers, DPS agrees that consideration should be given to exempting public utility companies from needing a declaration from a local, state, or federal official before responding to a local emergency. By exempting these carriers within specific guidelines, the integrity of the rule is maintained and relief is not unnecessarily delayed.

Comment #6. DPS agrees with the comment. The requirement for a carrier to review the driver's duty status before allowing the driver to resume normal duties is paramount to ensuring the safe operation of the vehicle. By maintaining this requirement and limiting the off-duty time to 8 hours (response to comment #4), motor carriers should not be adversely affected and safety should not be compromised.

Comment #7. The proposed rule would only exempt carriers from the hours of service requirements. DPS believes that the Federal Regulations go much further in exempting carriers during an emergency. By adopting specific exemptions in the rule while maintaining the provisions to the Federal Regulations, DPS would provide the state with an effective emergency response mechanism.

Comment #8. DPS agrees with the comment. By including carriers making residential deliveries of heating fuels in the exemption from the declaration, DPS will ensure that citizens needing relief during harsh conditions are serviced without delay.

The amendment is adopted under Texas Civil Statutes, Article 6701d, §139, which provide the Texas Department of Public Safety with the authority to adopt such regulations as may be deemed necessary for the safe operation of motor carriers.

§3.62. *Regulations Governing Transportation Safety.*

(a) The Public Safety Commission incorporates, by reference, the Federal Motor Carrier Safety Regulations, 49 Code of Federal Regulations, Parts 390-393 and 395-397, including amendments and interpretations thereto.

(b) Certain terms, when used in the federal regulations as adopted in subsection (a) of this section, will be defined as follows:

(1) the definition of motor carrier will be the same as that given in Texas Civil Statutes, Article 6701d, §2(o);

(2) the definition of hazardous material shipper will be the same as that given in Texas Civil Statutes, Article 6701d, §2(p);

(3) interstate or foreign commerce will include all movements by motor vehicle, both interstate and intrastate, over the streets and highways of this state;

(4) department means the Texas Department of Public Safety;

(5) regional highway administrator means the director of the Texas Department of Public Safety;

(6) farm vehicle means any vehicle or combination of vehicles controlled and/or operated by a farmer or rancher being used to transport agriculture products, farm machinery, and farm supplies to or from a farm or ranch; and

(7) private carrier means any person not included in the terms common carrier by motor vehicle or contract carrier by motor vehicle who or which transports by motor vehicle property of which person is the owner, lessee, or bailee, when such transportation is for the purpose of sale, lease, rent or bailment, or in furtherance of any commercial enterprise.

(c) Exemptions to subsection (a) of this section were made pursuant to Texas Civil Statutes, Article 6701d, §139, and are adopted as follows.

(1) The regulations shall be applicable to vehicles with an actual gross weight, a registered gross weight, or a gross weight rating in excess of 26,000 pounds, except that the regulations will be applicable to farm vehicles with an actual gross weight, a registered gross weight, or vehicles with a gross weight rating of 48,000 pounds or more. Vehicles transporting 15 or more passengers and all vehicles transporting hazardous material requiring a placard are subject to the regulations.

(2) Drivers in intrastate commerce will be permitted to drive 12 hours following 8 consecutive hours off-duty.

(3) Such regulations shall not apply to vehicles operated intrastate used in oil or water well servicing or drilling which

is constructed as a machine consisting in general of a mast, an engine for power, a draw works, and a chassis permanently constructed or assembled for such purpose or purposes.

(4) Such regulations shall not apply to a mobile crane which is an unladen, self-propelled vehicle constructed as a machine used to raise, shift, or lower weights when operated intrastate.

(5) The maintenance of any type of government form, separate company form, driver's record of duty status, or a driver's daily log is not required, if the vehicle is operated within a 150 air-mile radius of the normal work reporting location:

(A) if owner has another method by which he keeps, as a business record, date and time of delivery of product or service, and location or delivery of product or service so that a general record of the driver's hours of service may be compiled; or

(B) if another law requires or specifies the maintenance of delivery tickets, sales invoices, or other documents which show the date of delivery and quantity of merchandise delivered, so that a general record of the driver's hours of service may be compiled; and

(C) provided that the business records generally conform with the following:

(i) the time the driver reports for duty each day;

(ii) the total number of hours the driver is on duty each day;

(iii) the time the driver is released from duty each day; and

(iv) the total time for the preceding 7 days in accordance with 49 Code of Federal Regulations, Part 395.8 of the Federal Motor Carrier Safety Regulations for drivers used for the first time or intermittently.

(6) Drivers who are not transporting hazardous materials and were regularly employed in Texas as an intrastate motor carrier prior to the effective date of this adoption are not required to meet the medical standards contained in the federal regulations.

(A) For the purpose of enforcement of this regulation, those drivers who reached their 18th birthday after September 1, 1989, shall be required to meet all medical standards.

(B) The exceptions contained in this paragraph shall not be deemed as exemption from drug testing requirements contained in Part 391.

(d) Exceptions adopted by the Public Safety Commission not specified in Texas Civil Statutes, Article 6701d, §139, are as follows.

(1) 49 Code of Federal Regulations, Part 393.86, requiring rear-end protection shall not be applicable provided the vehicle was manufactured prior to September 1, 1991.

(2) Under this section, the Texas Department of Public Safety may provide a waiver for a person who is otherwise disqualified under 49 Code of Federal Regulations, Part 391.41(b)10, provided the person meets the vision standard adopted by the Texas Department of Public Safety in §15.51 of this title (relating to Vision Tests).

(A) Applications for a waiver shall not be accepted by the Texas Department of Public Safety after January 1, 1990.

(B) Waivers granted under this paragraph are automatically renewed, provided the applicant continues to meet vision standards adopted by the Texas Department of Public Safety in §15.51 of this title (relating to Vision Tests).

(3) Drivers of vehicles under this section operating in intrastate transportation shall not be permitted to drive after having worked and/or driven for 70 hours in any consecutive seven-day period.

(4) 49 Code of Federal Regulations, Part 391.11b(1), is not adopted for intrastate drivers. The minimum age for an intrastate driver shall be 18 years of age.

(5) 49 Code of Federal Regulations, Part 391.11b(2), is not adopted for intrastate drivers. An intrastate driver must have successfully passed the examination for a Texas driver's license and be a minimum age of 18 years old.

(6) 49 Code of Federal Regulations, Part 391.51, pertaining to driver qualification files will become effective January 1, 1990.

(7) The parts of 391, 49 Code of Federal Regulations, as they pertain to drug testing requirements, will become effective December 21, 1990, for intrastate drivers.

(8) Texas Civil Statutes, Article 6701d, §132(b) and (c), concerning brakes on trailers weighing 15,000 pounds gross weight or less take precedence over the brake requirements in the federal regulations for trailers of this gross weight specification.

(9) Texas Civil Statutes, Article 6701b-1 concerning identifying markings on commercial motor vehicles shall take precedence over 49 Code of Federal Regulations, Part 390.21, for vehicles operated in intrastate commerce.

(10) Peace officers of any Texas city having a population of 300,000 or more are considered to be certified by the Texas Department of Public Safety and eligible to enforce the Federal Motor Carrier Safety Regulations, provided each officer enforcing the Federal Motor Carrier Safety Regulations must have completed a course of training of which the curriculum and instructors have been approved by the director of the Texas Department of Public Safety. Peace officers requesting certification as required in this subparagraph shall submit to the Texas Department of Public Safety a schedule of the courses which have been completed including identification of the instructor(s). Peace officers certified by the director of the Texas Department of Public Safety shall have the authority to enforce the regulations herein adopted applicable to intrastate drivers and vehicles and all regulations in 49 Code of Federal Regulations, Parts 390-393 and 395-397, applicable to interstate drivers and vehicles.

(11) 49 Code of Federal Regulations, Part 390.23 (Relief from Regulations), is adopted for intrastate motor carriers with the following exceptions.

(A) Part 390.23(a)(2)(i) is not applicable to intrastate motor carriers making residential deliveries of heating fuels, public utilities as defined in the Public Utility Regulatory Act, the gas Utility Regulatory Act, and the Texas Water Code and charged with the responsibility for maintaining essential services to the public to protect health and safety provided:

(i) the carrier documents the type of emergency, the duration of the emergency, and the drivers utilized; and

(ii) the carrier maintains the documentation on file for a minimum of six months.

(B) The requirements of 49 Code of Federal Regulations, Part 390.23(c) (1)(2), for intrastate motor carriers shall be:

(i) the driver has met the requirements of Texas Civil Statutes, Article 6701d, §139(a)(3); and

(ii) the driver has had at least 8 consecutive hours off-duty when the driver has been on duty for 15 or more consecutive hours, or the driver has been on duty for more than 70 hours in 7 days.

(12) Regulations and exceptions adopted herein are applicable to intrastate

drivers and vehicles. All regulations contained in 49 Code of Federal Regulations, Parts 390-393 and 395-397 and all amendments thereto pertaining to interstate drivers and vehicles are adopted.

(13) Nothing in this section shall be construed to prohibit an employer from requiring and enforcing more stringent requirements relating to safety of operation and employee safety and health.

(e) Any officer or employee of the department certified for this purpose may enter the premises of a motor carrier to inspect lands, buildings, and equipment and copy or verify the correctness of any records, reports, or other documents required to be kept or made pursuant to the regulations adopted by the director. The inspection may be conducted at a reasonable time on stating the purpose and presenting to the motor carrier appropriate credentials and a written statement to the carrier from the department or Attorney General of the officer's or employee's inspection authority.

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 July 5, 1993.

TRD-9325316

James R. Wilson
Director
Texas Department of
Public Safety

Effective date: July 27, 1993

Proposal publication date: January 8, 1993

For further information, please call: (512) 465-2000

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 33. Early and Periodic Screening, Diagnosis, and Treatment

Subchapter J. Medical Phase

• 40 TAC §33.140

The Texas Department of Human Services (DHS) adopts an amendment to §33.140, concerning reimbursement for provision of immunizations, in its Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) chapter, without changes to the proposed text as published in the June 4, 1993, issue of the *Texas Register* (18 TexReg 3560).

The justification for the amendment is to allow payment for administration of immunizations under the EPSDT Comprehensive Care Program (CCP) outside of the medical screening

procedure to Medicaid public and private providers, effective July 1, 1993. An administration fee is payable to both EPSDT medical screening providers and other Medicaid providers. Vaccines for immunizations of EPSDT clients would be provided free of charge to providers by the Texas Department of Health.

The amendment will function by ensuring that more children receive needed immunizations.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Civil Statutes, Article 4413 (502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

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 July 8, 1993.

TRD-9325412

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

Proposed date of adoption: August 31, 1993

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

Subchapter R. Dental Services

• 40 TAC §33.325, §33.326

The Texas Department of Human Services (DHS) adopts amendments to §33.325 and §33.326, concerning recipients' eligibility for orthodontic services and provider participation, in its Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) rule chapter. DHS is adopting the amendments without changes to the proposed text as published in the June 4, 1993, issue of the *Texas Register* (18 TexReg 3561).

The justification for the amendments is to clarify that federal financial participation is now available for continued EPSDT orthodontic service costs for clients losing EPSDT/Medicaid eligibility. Clients whose orthodontic treatment was already initiated and authorized may now complete the treatment.

The amendments will function by making funds available to help Medicaid/EPSDT orthodontic clients complete a course of treatment begun when medically necessary and when the clients were eligible for EPSDT and Medicaid assistance.

During the public comment period, DHS received comments from the Children's Dental Center, McAllen. The commenter supports the amendments.

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with

the authority to administer public and medical assistance programs and under Texas Civil Statutes, Article 4413 (502), §16, which provide the Health and Human Services Commission with the authority to administer general medical assistance funds.

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 July 7, 1993.

TRD-9325356 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Effective date: August 1, 1993

Proposal publication date: June 4, 1993

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

Chapter 46. Residential Care Program

Provider Participation

- 40 TAC §§46.2005, 46.2007, 46.2008

The Texas Department of Human Services (DHS) adopts amendments to §§46.2005, 46.2007, 46.2008, and 46.4001, concerning provider participation, without changes to the proposed text as published in the March 19, 1993, issue of the *Texas Register* (18 TexReg 1793).

The justification for the amendments is to change the contracting methodology from competitive procurement to provider enrollment and to delete references to staff training.

The amendment will function by providing clients a choice of providers from whom to receive services.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance 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 July 9, 1993.

TRD-9325526 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Effective date: September 1, 1993

Proposal publication date: March 19, 1993

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

Provider Contracts TAC Section Number

- 40 TAC §46.4001

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance 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 July 9, 1993.

TRD-9325525 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Effective date: September 1, 1993

Proposal publication date: March 19, 1993

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

Chapter 48. Community Care for Aged and Disabled

Eligibility

- 40 TAC §48.2902

The Texas Department of Human Services (DHS) adopts an amendment to §48.2902, concerning income and income eligibles, without changes to the proposed text as published in the June 4, 1993, issue of the *Texas Register* (18 TexReg 3561).

The justification for the amendment is to allow Specified Low-Income Medicare Beneficiary recipients to be categorically eligible for CCAD services.

The amendment will function by saving time for these clients and caseworkers during the certification and recertification process.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance 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 July 8, 1993.

TRD-9325413 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Effective date: September 1, 1993

Proposal publication date: June 4, 1993

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

- 40 TAC §48.2904, §48.2924

The Texas Department of Human Services (DHS) adopts amendments to §48.2904 and §48.2924, concerning eligibility, without changes to the proposed text as published in the June 1, 1993, issue of the *Texas Register* (18 TexReg 3497).

The justification for the amendments is to exclude funds received from the Transition to Life in the Community (TLC) program as income and resources in the CCAD program.

The amendments will function by excluding funds received from the TLC program from income and resources in the CCAD program.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 35, which provides the department with the authority to administer public 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 July 5, 1993.

TRD-9325300 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Effective date: September 1, 1993

Proposal publication date: June 1, 1993

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

Part XIX. Texas Department of Protective and Regulatory Services Chapter 700. Child Protective Services

The Texas Department of Protective and Regulatory Services (TDPRS) adopts amendments to §§700.104 and 700.512-700.516; the repeal of §§700.601-700.604; and new §§700.601-700.605, in its Child Protective Services (CPS) chapter. New §700.604 is adopted with a change to the proposed text as published in the June 1, 1993, issue of the *Texas Register* (18 TexReg 3497). The amendments to §§700.104 and 700.512-700.516; the repeal of §§700.601-700.604; and new §§700.601, 700.602, 700.603, and 700.605 are adopted without changes and will not be republished.

The amendments, repeals, and new sections are justified to improve services to children at risk of abuse or neglect by improving TDPRS's access to information from past investigations and by clarifying the circumstances in which TDPRS may release information about an alleged perpetrator to people who have control over his access to children.

The amendments, repeals, and new sections will function by specifying the types of information that TDPRS keeps in the Child Abuse and Neglect Reporting and Inquiry System (CANRIS), increasing the CANRIS retention period from six months to as long as three years for investigations closed with a disposition of "ruled-out," defining the circumstances in which TDPRS considers its designation of an alleged perpetrator sustained based on a preponderance of the evidence, authorizing TDPRS to release information about an alleged perpetrator to people who have control over his access to children when the department's conclusions about the alleged perpetrator have been sustained, and improving and clarifying the wording of the sections.

No comments were received regarding adoption of the amendments, repeals, and new sections. The department, however has initiated one change to the text of §700.604(c) to clarify the meaning.

Subchapter A. Administration

• 40 TAC §700.104

The amendment is adopted under the Human Resources Code, Title 2, Chapter 41, which authorizes the department to enforce laws for the protection of children. The amendment is also adopted under the Texas Family Code, Title 2, Chapter 34, which authorizes the department to establish and maintain a central registry of reported cases of child abuse and neglect and to provide services to alleviate the effects of child abuse and neglect; and under Texas Civil Statutes, Article 4413 (503) historical note (Vernon Supplement 1993), 72nd Legislature, which transferred all functions, programs, and activities related to the child protective services program from the Texas Department of Human Services to TDPRS.

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 July 5, 1993.

TRD-9325299

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

Effective date: September 1, 1993

Proposal publication date: June 1, 1993

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

Subchapter E. Intake, Investigation, and Assessment

• 40 TAC §§700.512-700.516

The amendments are adopted under the Human Resources Code, Title 2, Chapter 41, which authorizes the department to enforce laws for the protection of children. The amendments are also adopted under the Texas Family Code, Title 2, Chapter 34, which authorizes the department to establish and maintain a central registry of reported

cases of child abuse and neglect and to provide services to alleviate the effects of child abuse and neglect; and under Texas Civil Statutes, Article 4413 (503) historical note (Vernon Supplement 1993), 72nd Legislature, which transferred all functions, programs, and activities related to the child protective services program from the Texas Department of Human Services to TDPRS.

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 July 5, 1993.

TRD-9325298

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

Effective date: September 1, 1993

Proposal publication date: June 1, 1993

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

Subchapter F. Release Hearings

• 40 TAC §§700.601-700.604

The repeals are adopted under the Human Resources Code, Title 2, Chapter 41, which authorizes the department to enforce laws for the protection of children. The repeals are also adopted under the Texas Family Code, Title 2, Chapter 34, which authorizes the department to establish and maintain a central registry of reported cases of child abuse and neglect and to provide services to alleviate the effects of child abuse and neglect; and under Texas Civil Statutes, Article 4413 (503) historical note (Vernon Supplement 1993), 72nd Legislature, which transferred all functions, programs, and activities related to the child protective services program from the Texas Department of Human Services to TDPRS.

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 July 5, 1993.

TRD-9325297

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

Effective date: September 1, 1993

Proposal publication date: June 6, 1993

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

• 40 TAC §§700.601-700.605

The new sections are adopted under the Human Resources Code, Title 2, Chapter 41, which authorizes the department to enforce

laws for the protection of children. The new sections are also adopted under the Texas Family Code, Title 2, Chapter 34, which authorizes the department to establish and maintain a central registry of reported cases of child abuse and neglect and to provide services to alleviate the effects of child abuse and neglect; and under Texas Civil Statutes, Article 4413 (503) historical note (Vernon Supplement 1993), 72nd Legislature, which transferred all functions, programs, and activities related to the child protective services program from the Texas Department of Human Services to TDPRS.

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

Release—The disclosure of information about an individual whom the Texas Department of Protective and Regulatory Services (TDPRS) has designated as an alleged perpetrator of child abuse or neglect as specified in §700.512(b)(1) of this title (relating to Conclusions about Possible Perpetrators) to any party outside the department without the consent of the alleged perpetrator. For purposes of this subchapter, however, the term "release" does not apply to:

(A) disclosures required by operation of law; or

(B) disclosures to:

(i) the alleged perpetrator himself;

(ii) parents or caretakers who are legally responsible for the alleged victim's care, custody, or welfare; or

(iii) a court of law.

Release hearing—An administrative proceeding provided under the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, to give an alleged perpetrator an opportunity to appeal a decision by TDPRS to release information about him to individuals who have control over his access to children. Release hearings conducted under this subchapter are subject to the requirements for hearings set forth in Chapter 730, Subchapter R of this title (relating to Legal Services).

Substantial risk—A real or significant possibility or likelihood.

§700.602. Sustained Conclusions about Alleged Perpetrators.

(a) A preponderance of the evidence. When the Texas Department of Protective and Regulatory Services (TDPRS) concludes that an individual is responsible for abuse or neglect of a child in the investi-

gation as specified in §700.512(b)(1) of this title (relating to Conclusions about Possible Perpetrators), the conclusion is based on some credible evidence." However, TDPRS cannot release information about an alleged perpetrator to people outside the investigation unless the department's conclusion is based on a preponderance of the evidence. TDPRS considers its conclusion about an alleged perpetrator sustained based on a preponderance of the evidence whenever any of the following conditions is satisfied:

(1) based on a preponderance of the evidence presented in a release hearing, an administrative law judge has sustained the conclusion that the alleged perpetrator is responsible for abuse or neglect of a child in the investigation;

(2) as specified in §700.604 of this title (relating to Notice Requirements for Releasing Information to Outside Parties), the alleged perpetrator has been provided with written notice of his right to a release hearing, but has not requested one within 15 days after receiving the notice; or

(3) the alleged perpetrator's right to a release hearing has been waived by operation of law.

(b) Authority to release information when conclusions are sustained. When TDPRS's conclusion about an alleged perpetrator has been sustained as specified in subsection (a) of this section, TDPRS has the authority to:

(1) release information about the alleged perpetrator to individuals who have control over his access to children as specified in §700.603 of this title (relating to Releasing Information about Alleged Perpetrators to Outside Parties); and

(2) take other adverse action against the alleged perpetrator in accordance with applicable law.

§700.603. Releasing Information about Alleged Perpetrators to Outside Parties.

(a) Prerequisites. Subject to the limitations specified in subsections (b) and (c) of this section, the Texas Department of Protective and Regulatory Services (TDPRS) has the authority to release information about an alleged perpetrator of child abuse or neglect to individuals who have control over his access to children whenever both of the following conditions have been satisfied:

(1) TDPRS has designated the individual as an alleged perpetrator of child abuse or neglect as specified in §700.512(b)(1) of this title (relating to Conclusions about Possible Perpetrators); and

(2) based on a preponderance of the evidence from a completed investiga-

tion, TDPRS has concluded that the alleged perpetrator poses a substantial risk of harm to one or more children outside the family of the alleged victim.

(b) Nonemergency release.

(1) Except as specified in subsection (c) of this section, before TDPRS releases information about an alleged perpetrator to individuals who have control over his access to children, TDPRS's conclusion about the alleged perpetrator must be sustained as specified in §700.602(a) of this title (relating to Sustained Conclusions about Possible Perpetrators).

(2) The release also must be approved by:

(A) the general counsel for TDPRS; and

(B) the director of the Protective Services for Families and Children (PSFC) department or the director's designee. Before approving the release, the director of PSFC (or the director's designee) must confer with the appropriate regional director for families and children and the appropriate regional attorney, or their designees.

(c) Emergency release. When TDPRS has evidence that the risk of harm to one or more children outside the family of the alleged victim is both substantial and immediate, TDPRS has the authority to release information about an alleged perpetrator to individuals who have control over his access to children on an emergency basis. When releasing information about an alleged perpetrator on an emergency basis, TDPRS acts as quickly as possible, without regard for the timing of any appeal that the alleged perpetrator may choose to initiate. In other words, TDPRS releases the information without waiting to sustain its conclusion about the alleged perpetrator as specified in subsection (b) of this section. Before releasing the information, however, TDPRS must still ensure that each of the following conditions has been satisfied:

(1) the disposition of the completed investigation must be "reason-to-believe";

(2) the conclusion that the alleged perpetrator poses a substantial risk of harm to one or more children outside the family of the alleged victim must be based on a preponderance of the evidence from a completed investigation as specified in subsection (a)(2) of this section; and

(3) the release must be approved by the parties specified in subsection(b)(2) of this section.

§700.604. Notice Requirements for Releasing Information to Outside Parties.

(a) Written notice. When the Texas Department of Protective and Regulatory Services (TDPRS) decides to release information about an alleged perpetrator of child abuse or neglect to individuals who have control over his access to children as specified in §700.603 of this title (relating to Releasing Information About Alleged Perpetrators to Outside Parties), TDPRS must give the alleged perpetrator written notice of the department's decision to release the information. The department must give the alleged perpetrator such notice without regard to the alleged perpetrator's previous receipt of written notice of the investigation findings.

(b) No additional notice. If TDPRS has previously released information about an alleged perpetrator as specified in §700.603 of this title (relating to Releasing Information About Alleged Perpetrators to Outside Parties), and if TDPRS's conclusion about the alleged perpetrator has already been sustained as specified in §700.602(a) of this title (relating to Sustained Conclusions about Alleged Perpetrators), the department has the authority to release the same information again without additional notice to the alleged perpetrator.

(c) Prior approval by attorney. Before the written notice is given to the alleged perpetrator, it must be approved by the attorney who will represent TDPRS if the alleged perpetrator appeals the decision to release the information.

(d) Certified mail. TDPRS must send the notice via certified mail with a return receipt requested, unless staff determine that a faster form of written notice is required.

(e) What the notice must include. The department's notice must include:

(1) a specification of the investigation findings as defined in §700.511 and §700.512 of this title (relating to Disposition of the Allegations of Abuse or Neglect and Conclusions about Possible Perpetrators);

(2) notice of the department's decision to release information about the alleged perpetrator to individuals who have control over his access to children;

(3) notice, when applicable, that the information will be released on an emergency basis before an appeal can be completed;

(4) notice that:

(A) the alleged perpetrator has a right to appeal the decision to release information about him;

(B) to appeal the decision, the alleged perpetrator must submit two copies of a written request for an appeal; and

(C) the two copies of the alleged perpetrator's written request for an appeal must be:

(i) postmarked within 15 days after the alleged perpetrator receives the department's written notice; and

(ii) sent to:

(I) the author of the written notice; and

(II) TDPRS's Office of the General Counsel;

(5) notice that failure to appeal the decision may result in TDPRS's release of the information without the alleged perpetrator's consent;

(6) specification:

(A) whether it is necessary in the alleged perpetrator's particular case to conduct an administrative review of investigation findings before holding a release hearing as specified in §700.605 of this title (relating to Prerequisites for Release Hearings); and

(B) if so, whether TDPRS is willing to waive the administrative review;

(7) notice of the alleged perpetrator's right to:

(A) review all audiotapes and videotapes included in the department's investigation record, if any; and

(B) request a copy of all the written documentation included in the department's investigation record;

(8) notice of the department's obligation to delete the following information from all written documentation that the department provides to the alleged perpetrator:

(A) the name of the person who reported the abuse or neglect that TDPRS investigated, and

(B) any other information that is confidential by law;

(9) notice of the amount, if any, that the alleged perpetrator must pay for a copy of the written documentation included in the investigation record; and

(10) notice that the alleged perpetrator's request for a copy of the written documentation included in the investigation record may be denied if:

(A) releasing the documentation would jeopardize an ongoing criminal investigation or proceeding, or

(B) the attorney representing TDPRS in a lawsuit has determined that the documentation must be withheld.

§700.605. Prerequisites for Release Hearings.

(a) Notice and appeal. Except as specified in subsection

(b) of this section, the Texas Department of Protective and Regulatory Services (TDPRS) arranges for a release hearing to be conducted when the following two actions have taken place:

(1) TDPRS has notified the alleged perpetrator of the department's decision to release information about him to individuals who have control over his access to children; and

(2) the alleged perpetrator has appealed the decision within 15 days after receiving notice of it.

(b) Prior completion of an administrative review.

(1) Before a release hearing is conducted, the Protective Services for Families and Children (PSFC) department must conduct an administrative review of the investigation findings as specified in §700.516 of this title (relating to Administrative Review of Investigation Findings), unless PSFC and the alleged perpetrator agree to waive the administrative review.

(2) Any administrative review of current or past investigation findings is sufficient to satisfy the requirement specified in paragraph (1) of this subsection as long as:

(A) the investigation findings include a designation of the person who has requested the release hearing as an alleged perpetrator of child abuse or neglect as specified in §700.512(b)(1) of this title (relating to Conclusions about Possible Perpetrators); and

(B) the individual who conducts the review confirms that the child protective services (CPS) program has some credible evidence from a completed investigation that the alleged perpetrator has been responsible for child abuse or neglect.

(3) As specified in the Texas Family Code, §34.24, the alleged perpetrator has a right to complain to the Texas

Health and Human Services Commission's Office of Youth Care Investigations if he is dissatisfied with the results of PSFC's administrative review of investigation findings. However, an alleged perpetrator's exercise of this right has no effect on the process of requesting and conducting a release hearing.

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 July 5, 1993.

TRD-9325298

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

Effective date: September 1, 1993

Proposal publication date: June 1, 1993

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

Chapter 730. Legal Services

Subchapter R. Administrative Procedure and Texas Register Act (APTRA) Hearings

• 40 TAC §§730.1701-730.1703, 730.1716

The Texas Department of Protective and Regulatory Services (TDPRS) adopts amendments to §§730.1701-730.1703, and 730.1716, concerning legal services, without changes to the proposed text as published in the June 1, 1993, issue of the *Texas Register* (18 TexReg 3504).

The justification for the amendments is to help members of the public better understand and exercise their right to an APTRA hearing when TDPRS has conducted an investigation and concluded that they are responsible for abuse or neglect of a child, or for abuse, neglect, or exploitation of an aged or disabled adult; and TDPRS has decided to release its conclusions to parties outside the investigation or to take adverse action against them based on the investigation findings.

The amendments will function by ensuring that TDPRS's requirements for APTRA hearings remain consistent with Child Protective Services' (CPS's) requirements for release hearings when the department adopts new §700.601-700.605 regarding release hearings in its CPS rules chapter.

In conjunction with its amendments to §§730.1701-730.1703 and 730.1716, TDPRS also retitles Subchapter R of this chapter. The new title, "Administrative Procedure and Texas Register Act Hearings," will replace the title "Release Hearings."

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22,

which authorizes the department to administer child welfare services, and Chapter 41, which authorizes the department to enforce laws for the protection of children. The amendments are also adopted under the Texas Family Code, Title 2, Chapter 34, which authorizes the department to provide services to alleviate the effects of child abuse and neglect; and under Texas Civil Statutes, Article 4413 (503) historical note (Vernon Supplement 1993), 72nd Legislature, which transferred all functions, programs, and activities related to the child protective services program from the Texas Department of Human Services to TDPHS.

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 July 1, 1993.

TRD-9325295

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

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Proposal publication date: June 1, 1993

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

TITLE 43. TRANSPORTATION

Part I. Texas Department of Transportation

Chapter 11. Design Division

Statewide Transportation Enhancement Program

• 43 TAC §§11.200-11.205

The Texas Department of Transportation adopts new §§11.200-11.205, concerning the Statewide Transportation Enhancement Program. Sections 11.201-11.205 are adopted with changes to the proposed text as published in the May 11, 1993, issue of the *Texas Register* (18 TexReg 3034). Section 11.200 is adopted without changes and will not be republished.

Title 23, United States Code, §133(d)(2), requires that 10% of the Surface Transportation Program funds apportioned to Texas under Title 23, United States Code, §104(b)(3), for a given fiscal year shall only be available for transportation enhancement activities as defined in Title 23, United States Code, §101(a). Title 23, United States Code, §160(e)(2), requires that 5.0% of the funds transferred by Title 23, United States Code, §160(d), to the funds apportioned to Texas under Title 23, United States Code, §104(b)(3), as reimbursement for segments of the Interstate System constructed without federal assistance shall only be available for such activities. Section 1015(d)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) requires that 5.0% of the funds

added to the funds apportioned to Texas under Title 23, United States Code, §104(b)(3), by subsection (a) of that section, relating to a certain "Hold Harmless" apportionment adjustment, and 5.0% of the funds transferred to the funds apportioned to Texas under Title 23, United States Code, §104(b)(3), by subsections (b) and (c) of that section, relating to a certain "90 Percent of Payment" apportionment adjustment, shall only be available for such activities. Federal-aid highway funds apportioned to Texas under Title 23, United States Code, §104(b)(3), are administered by the Texas Department of Transportation (Department).

Section 11.200, concerning Purpose, describes the statutory requirement for a Statewide Transportation Enhancement Program, the objective of the Texas Transportation Commission for that program, and the purpose of the proposed rules. Section 11.201, concerning Definitions, defines words and terms used in these sections. Section 11.202, concerning Project Eligibility, describes the requirements that a project proposed for the Statewide Transportation Enhancement Program must meet to be considered by the Texas Transportation Commission for allocation of program funds, to include relationship of the proposed enhancement to the intermodal transportation system, conformity to existing law, community support (including funding support), proposed use of revenues from the facility, nomination through established procedures, and the extent of the proposed undertaking. Section 11.203, concerning Project Nomination, describes the process through which the Department will call for nominations of projects to be considered, identifies those entities who may submit nominations to the Department under various circumstances, describes those parties other than the nominating entity that must be involved in the nomination of the project, the nomination form and accompanying documents, and where and when the nominating documents must be filed. Section 11.204, concerning Selection of Projects for Funding, describes how each project nominated will be screened for eligibility under federal and state law; describes how projects determined to be ineligible will be returned to the nominating entity; describes how a nominating entity may seek review of a determination of ineligibility; creates a committee to evaluate proposed projects and describes the membership of that committee; describes how eligible projects will be evaluated, scored, and ranked by that evaluation committee; describes how eligible projects are presented to the Commission; describes how the Commission selects projects for inclusion in the Statewide Transportation Enhancement Program; and describes how those eligible projects not selected will be retained for further consideration. Section 11.205, concerning Project Administration, describes the processes necessary to prepare a selected project for implementation, to include notification of selection, inclusion of the selected project in metropolitan and statewide transportation improvement plans, negotiation of appropriate contracts and other agreements involved in project implementation, compliance with applicable laws and standards in project design and procurements, limitations on costs which

may be reimbursed, and project oversight and inspection.

During the months of May and June of 1993, the department held eight public hearings throughout the state in accordance with Texas Civil Statutes, Article 6252-13a, §5, to receive comments, views, and/or testimony concerning the proposed new sections. The following groups and/or associations made comments in favor of the new sections: Council of Texas Archaeologists; Texas Archaeological Society; Texas Historical Commission; Waco Urban Transportation Study, (MPO); City of Fort Stockton; the Honorable Bob Turner, Texas House of Representatives, District 65; Travis County Archaeological Society; City of Brownsville; Texas Bicycle Coalition; Frontera Audubon Society; City of Brownsville; National Park Service, Texas Parks and Wildlife Department; City of McAllen; City of Edinburg; Brownsville MPO; City of McAllen Bicycle World; City of Mission; City of Abilene; Quitaque Chamber of Commerce; Rialto Community Theater, Inc.; City of Lubbock MPO; Parkhill, Smith and Cooper, Inc.; City of Elgin; Llano Merchants Association; Llano City Council; Lower Colorado River Authority; LBJ Heartland Council; Llano Chamber of Commerce; Texans for the LBJ Hill Country Trail; Bay City Main Street Project; Fall Creek Vineyards; Hicks and Company; Trust for Public Lands; Austin Transportation Study; City of Cleburne; Llano County Neighbors; City of Bryan; Grimes County Historical Commission; Travis County; City of Houston; Scenic Houston; Galveston County; Angleton Main Street; Billboards Limited; Scenic Texas; South Main Center Association; City of Meadows; City of Conroe; Southeast Texas Regional Planning Commission; "Keep Texas Beautiful"; Harrison County; Newelyn-Davie's Sabuni; City of Alvin; White Oak Bayou Association; Markborough Development Company Limited; City of Tomball; Dannenbaum Engineering Corporation; American Institute of Architects, Houston; City of College Station; Market Trail-Alamo Area COG; Heritage Society of Austin; Scenic Austin; DLD Reservation Society; San Angelo MPO; City of San Antonio; The Comfort News; Old Blanco County Courthouse Preservation Society; Racing for Randy; San Antonio Parks and Wildlife Department; VIA Metropolitan Transit; Presbyterian Healthcare System; City of Denton; City of Mansfield; Tarrant County Historical Commission; Fort Worth ISD; City of Coppell; Sherman-Denison-Howe MPO; Hill County; Town of Flower Mound; Marshall Chamber of Commerce; Marshall Depot, Inc.; Wichita Falls MPO; City of Gainesville; City of Fort Worth; Nocona Chamber of Commerce; Hillsboro Main Street; City of Grapevine; ACME Machinery and Supply; Trees; Tyler Bicycle Club; Operation Earth; City of Henderson; Heart of Tyler, Inc.; East Texas Rails to Trails; Tyler Area Chamber of Commerce; Historic Mission Trail; J.M.W. Associates; City of Van Horn; Sierra Club; Tiqua Indian Reservation; El Paso Convention and Visitors Bureau; Van Horn Broadway Beautification Commission; El Paso MPO; County of Gillespie; County of Taylor; City of Austin; City of Blanco; City of Dallas; City of El Paso; City of Marshall; City of San Angelo; City of Wichita Falls; the Honorable Jim Pitts, Texas

House of Representatives, District 10; Central Texas COG; Blanco ISD; Blanco National Bank; Coats Community Preservation Foundation, Inc.; Downtown District; First National Bank-Quitaque; Grape Creek Vineyard; Laredo Chamber of Commerce; Lubbock Urban Transportation Study; Main Street Tyler Texas; National Trust for Historic Preservation; Preservation Texas; Stonewall Chamber of Commerce; Surface Transportation Policy Project; Texas Association of Nurserymen, Inc.; Trees for Houston; Tyler Bicycle Club.

The following groups and/or associations made comments in opposition of the new sections: Llano Farm Bureau; Freedmen's Town Community; Opposition to Rails to Trails in Smith and Cherokee Counties; East Texas Landowners Association; East Texas Landowners for Private Ownership; First Baptist Church of Gresham; and Bullard Banner.

Several grammatical and other nonsubstantive changes have been made to the rules for clarity. Those changes are not discussed here. Substantive comments received and any revisions to the rules made in response to those comments are discussed in the following narrative.

Comment: Concerning §11.200, several commenters called for maximum flexibility to local project sponsors in envisioning enhancement projects and maximum flexibility to local governments in implementing them.

Response: The proposed program offers maximum flexibility in the development of enhancement projects within the limitations of available funding and state and federal laws and regulations. The rules permit nomination of projects in all ten categories of transportation enhancement activities. Except for the requirements that enhancement funds not subsidize profit-making ventures and that projects be nominated through the procedures specified in the rules, the only limitations on project eligibility are those in federal or state law. In setting broad criteria for eligibility, the department intends to encourage project sponsors to be creative yet realistic in proposing transportation enhancements.

Fulfilling its responsibilities under state law, the department will implement enhancement projects. If appropriate to implement a selected project through or in cooperation with another entity, the department and that entity will enter into such agreements as may be required to ensure compliance with applicable state and federal laws and regulations.

Comment: One commenter suggested that the process proposed by the rules for nomination and selection of enhancement projects is cumbersome and recommended that it be simplified.

Response: The department has attempted to develop a nomination and selection process that is accessible to project sponsors and provides maximum flexibility consistent with the department's responsibilities under federal and state law. The rules governing the federal-aid highway program are often more complex than those governing other federal programs. Sections 134 and 135 of Title 23, United States Code, as amended by the Intermodal Surface Transportation Efficiency

Act of 1991, give specific local public officials the responsibility for selecting projects, including transportation enhancement projects, in the Surface Transportation Program. The designation of nominating entities and the minimum requirements for coordination in §11.203 are based on the responsibilities assigned by these federal laws. The information required is specifically limited by §11.203(c)(1) to the information necessary for effective project evaluation. The department's intention is not to require completed project plans, full-scale environmental studies, or other expensive preliminary engineering work at the time of nomination. The purpose of the information required is to provide an adequate description of what would be involved in implementing the project while recognizing that the costs of providing that information will not be eligible for reimbursement.

Comment: Some perceived a bias in the proposed rules toward construction projects. Other commenters objected to using tax revenues to provide recreational opportunities for individuals.

Response: The rules encourage a wide range of non-traditional projects in all ten categories of enhancement activities. Enhancement funds may be used to survey, appraise, and purchase scenic easements or scenic or historic sites and to interpret or otherwise enhance visitor appreciation of highways and other transportation facilities, historic structures, and archaeological sites and artifacts. The state agencies represented on the Transportation Enhancement Project Evaluation Committee will bring perspectives beyond those traditional to the department. Federal law requires, however, that transportation enhancements have a direct relationship to the intermodal transportation system, that is, that they be essentially transportation-related projects, not free-standing recreational projects unrelated to transportation systems.

Comment: Concerning §11.201, several commenters requested clarification of costs allowable for reimbursement.

Response: The definition of "allowable costs" has been amended to clarify that only costs incurred after a project has been selected for implementation and received federal authorization to proceed are eligible for reimbursement. Under that definition, allowable costs in appropriate projects may include costs of preliminary engineering (including environmental studies), project planning and design, acquisition of land or other real property, and interpretation or other activities to enhance the appreciation of scenic, historic, or cultural resources. The revised definition also clarifies that the costs of routine operation and maintenance are ineligible for reimbursement.

Reimbursement of the costs associated with relocation of utilities will be in accordance with applicable state and federal statutes and regulations. In general, reimbursement is governed by provisions of the Federal Highway Act of 1956 (Public Law 627, 84th Congress, 70 Statute 374). For facilities related to the Interstate System, reimbursement is governed by Texas Civil Statutes, Article 6674w-4. Upon project approval, responsibility for all or part of the costs of utility relocation will be assigned consistent with Texas

Highway Commission Minute Order Number 40218 of June 20, 1956, and §21.21, in any agreements required by §11.205(c).

The ordinary costs of marketing, promoting, or interpreting cultural, historical, or environmental resources would be considered routine operation, and not allowable for reimbursement. The cost of special promotion or interpretation activities might be reimbursed, however.

Comment: Concerning the definition of "in-kind contributions," some commenters asked how services contributed to the project would be valued.

Response: Professional and non-professional services will be given their market value. However, §11.205(g) states that such services only reduce the allowable cost of a project.

Comment: Some commenters felt that the definition of "intermodal transportation system" in the proposed rules did not clearly include air, water, or conventional rail transportation and the facilities associated with those transportation modes.

Response: The definition has been amended to make clearer its intent to include all transportation modes. It is intended to allow the department the full flexibility of federal and state law in implementing the transportation enhancement program. The system defined is intended to include all facilities that contribute to the transportation of people and goods, including aircraft take-off and landing facilities; bicycle and pedestrian ways; highways county roads, and city streets (including bridges), whether free or toll; facilities for public transportation, to include buses and light rail transit; and railroad corridors, including high-speed rail corridors and rail corridors banded for future service.

Section 11.202(a)(4) of the proposed rules provides that the use of any revenue generated by a facility receiving enhancement funds would be limited to operation and maintenance of that facility. Several commenters requested that the rules clarify what funds would be subject to the usage restriction. To respond to those comments, the term "revenue," throughout the rules, has been replaced by the term "operational income," and a definition of that term has been included in §11.201. The definition clarifies the original intent that tax revenue, license fees, and royalties received by a facility owner or paid within a facility are not operational income.

Comment: One commenter asked whether the owner of an historic railroad depot would be considered a local transit operator.

Response: The definition of "local transit operator" has been changed to make explicit the department's understanding through this rulemaking that to be eligible to serve as a nominating entity, a private local transit operator must be a non-profit entity. Ownership of an historic railroad depot would not itself make the owner a local transit operator. The depot owner would have to be a public or private non-profit entity providing public transportation in the area.

Comment: Several commenters raised questions concerning the definition of "transportation enhancement activities." Many asked that the types of projects that would be eligible under each of the categories in the definitions be more specifically described.

Response: The definition in the proposed rules is substantively identical to that provided in federal law. Due to the breadth of the ten categories of eligible enhancement activities and the variety of activities comprised by each of those categories, detailed descriptions of all such projects and activities simply cannot be adequately or effectively prescribed by rule. For clarification, a definition of "statewide project" was included in §11.201 to recognize that some candidate projects in §11.203(b)(1) may not be directly related to any specific geographic area.

Comment: One commenter asked that the rules include a definition of "support," as that term is used in §11.203(c)(1)(I), to clarify the information expected in response to that provision.

Response: Section 11.203(c)(1)(I) has been amended to more clearly describe the minimum required evidence of community support for a proposed enhancement project.

Comment: A few commenters were surprised that the proposed rules defined "urban areas" as areas having a population of as few as 5,000 people.

Response: The definition in the proposed rules was taken from the current definition of that term in Title 23, United States Code, §101. That provision was also the source of the definition of "rural area" included in the proposed rules. Since those terms, when used in the federally funded program governed by these rules, have the same meaning as defined in federal law, the definitions of those terms have been deleted from the final rules.

Comment: Concerning §11.202, several commenters described particular activities and asked whether those activities would be eligible under subsection (a) of this section.

Response: The eligibility of particular activities will require study of specific facts and conditions, determined on a case-by-case basis by the department in coordination with USDOT.

Comment: One commenter asked whether §11.202(a) permitted enhancement funds to be used to enhance a privately owned facility.

Response: USDOT guidelines encourage public-private cooperation in transportation enhancements. (Federal Highway Administration, Interim-guidance memorandum: "Transportation Enhancement Activities," April 24, 1992.) Although it is anticipated that typical project involves private participation in the enhancing of a publicly owned facility, private ownership of an enhanced facility would not necessarily disqualify that facility for funding, depending on the nature of the facility, details of project activities, and particular facts obtaining. The facility benefiting from the enhancement funds must be open to the public and the use of income from its operation will be limited.

Comment: Several commenters asked for better definitions of "function," "proximity," and "impact," as those words are used in §11.202(a)(1), to describe the required relationship between a proposed transportation enhancement activity and the intermodal transportation system.

Response: Those terms are taken from USDOT policy guidance concerning the eligibility of transportation enhancement activities. (Federal Highway Administration, Interim guidance memorandum: "Transportation Enhancement Activities," April 24, 1992.) As used in the rules, the terms will have the meaning assigned them by USDOT. Current USDOT guidance gives no special definitions for the terms, but rather attempts to demonstrate their meaning by examples. An independent bicycle path is given as an example of a functional component of the intermodal transportation system. Removal of outdoor advertising in the viewshed of a highway is given as an example of a transportation enhancement activity in proximity to the intermodal transportation system. USDOT has also suggested retrofitting an existing highway by creating a wetland to filter runoff from the highway as an example of a transportation enhancement activity that has an impact on the intermodal transportation system, and particularly on the polluting effects of runoff from that system.

Comment: Several commenters asked whether §11.202(a)(2) implied that only projects on or immediately adjacent to the state highway system can be selected for funding because of the limitations of certain state laws.

Response: The proposed rules are consistent with the intent expressed in the General Appropriations Act of 1993, Texas Department of Transportation/Appropriations, Rider Number 38 (Senate Bill 5, 73rd Legislature, 1993) that the department's rules "permit funding for the full range of permissible transportation enhancement activities" defined in federal law. The department believes Texas law will permit us to fund projects within all of the ten eligible categories of transportation enhancement activities. The precise limits imposed by federal and state law must be determined through a review of each specific project proposal. Assuming other eligibility requirements are met, however, whether a proposed activity is on or immediately adjacent to the state highway system is not necessarily controlling.

Comment: Several commenters asked for an explanation of the requirement of §11.202(a)(3) for community support for the candidate project. One wanted the rules to ensure that the residents and the governing bodies of all jurisdictions in which a project would be implemented support the project. Another was concerned that residents of distressed neighborhoods have a voice in the project nomination and selection process.

Response: Section 11.202(a)(3), when read with §11.203(c)(1)(B) and (I) of the final rules, indicates the minimum requirements for persuasive evidence of public support. Those minimum requirements are intended to ensure support for the candidate project in the communities in which it would be implemented. Local citizens can present their

views to the local officials constituting the governing bodies of the cities, counties, and metropolitan planning organizations (MPOs) with jurisdiction over the areas within which project activities would occur.

Comment: One commenter asked whether §11.202(a)(3) prohibited a state agency, including the department, from providing all or part of the non-federal share of a transportation enhancement project.

Response: Nothing in the rules prohibits any governmental or non-governmental entity from serving as a sponsor of a transportation enhancement project. Any project sponsor, including a state agency, may participate in the financing of the project.

Comment: Section 11.202(a)(3) of the proposed rules requires that a proposed project must present evidence of community support to be eligible for consideration. Section 11.203(c)(1)(I) requires appropriate documentary evidence of community involvement in the development of the proposed enhancement. Several commenters asked if specific types or a minimum number of public participation opportunities are required in the process of selecting candidate projects. One asked whether a specific public participation opportunity must be provided for proposed enhancement projects. Another asked if evidence of public participation opportunities offered by a non-governmental sponsor of a candidate project could be presented.

Response: Guidance from USDOT concerning transportation enhancement activities states: "The metropolitan and statewide planning processes should occupy a central role in the identification, planning, and funding of transportation enhancement activities." (Federal Highway Administration, Interim guidance memorandum: "Transportation Enhancement Activities," April 24, 1992.) Public involvement required by these rules must meet the requirements established for the metropolitan and statewide transportation planning processes by Title 23, United States Code, §134 and §135. Those provisions require the department and MPOs to ensure early and continuing involvement of the public in the development of statewide and metropolitan transportation plans and programs. USDOT's guidance recommends that, "given the widespread public interest in transportation enhancement activities, they should be highlighted in public involvement activities implemented under the new metropolitan and statewide planning requirements." State and local public officials must offer citizens and interested parties a reasonable opportunity to comment, but the nature and number of such opportunity can be determined by local public authorities. The public participation opportunities provided need not be specifically for a specific enhancement project or even for enhancement projects only. While it is not required that the public participation opportunity be a public hearing, such hearings are encouraged as an effective means for including citizens, public and private transportation providers and their employees, and other interested parties in the process. If a non-governmental project sponsor has offered opportunities for public participation in addition to the opportunities offered by local public

officials, evidence of that opportunity would be appropriate.

Comment: Several commenters had questions or suggestions concerning §11.202(a)(4). Some were uncertain whether the rules prohibited or required projects to generate revenue. Another recommended that the subsection be amended to clarify that an enhancement project may involve construction of a new facility or enhancement of an existing facility, or could involve activity other than construction. Another commenter recommended that the restriction to operation and maintenance of the facility be applied to only a certain portion of facility revenues. Another commenter asked whether a scenic or historic route would be considered a facility for purposes of this requirement.

Response: To help clarify the issues concerning the generation of revenue by a facility receiving enhancement funds and the permitted uses of those revenues, §11.202(a)(4) has been substantially revised and a definition of "operational income" added to §11.201. Neither the original provision nor the revised provision requires that a facility receiving enhancement funds generate income; neither do they prohibit it from doing so. They simply provide for use and application of any income that may be realized. The new wording clarifies that an enhancement project may involve construction of a new facility, enhancement of an existing facility, or non-construction activity. A roadway, including a scenic or historic highway, is a facility for purposes of this requirement.

Comment: One commenter asked whether §11.202(a)(4) would prevent collecting taxes or selling licenses in a facility benefiting from enhancement funds, or receiving rent for the use of a portion of the facility. Another asked whether a facility receiving revenues would be ineligible to receive enhancement funds if its revenues exceeded its operation and maintenance costs.

Response: Use of enhancement program funds on a facility would not prevent tax collection, sale of licenses or other goods, or renting space in that building. The fact that a facility is receiving income in excess of its operation and maintenance costs while seeking funding through the Statewide Transportation Enhancement Program could be considered by the commission in evaluating the relative benefit of investing those funds in the project.

Comment: Several commenters asked whether specific activities would be considered costs of operation or maintenance. Another commenter asked whether facility revenues could be used only to continue the facility's current use, or could be applied to operate or maintain the facility if placed in some other use. Other commenters asked that revenues from an enhanced facility be made available to enhance other similar facilities within the same jurisdiction or geographic area.

Response: The cost of operation and maintenance of a facility would include both the current and future use of the facility, and would include the cost of improving the facility, expanding it, and providing security for it.

Comment: One commenter asked how revenue from an enhanced facility would be reported and how frequently such reports will be required. Another asked whether facility revenues received during a particular fiscal year could be rolled forward into next year's budget.

Response: The procedure for reporting the receipt and uses of operational income will depend on the nature of the enhancement project and the type of activity through which the income was earned. Appropriate procedures will be developed in the agreement developed pursuant to §11.205(c). Normally, the agreement will call for periodic self-certification by the facility owner, and will provide that the financial records of the facility are subject to inspection and audit.

Comment: Some commenters recommended as additional eligibility criteria that the candidate project be an integral part of duly adopted local or regional comprehensive transportation and land use plans, not unduly restrict effective response to the future transportation needs of an area, and not prevent future development.

Response: Section 11.202(a)(5) requires that, to be eligible for consideration, a candidate project must be nominated as prescribed in §11.203. Section 11.203(c)(1)(L) requires a nominating entity to affirm that an enhancement proposed is consistent with any long-range plan for the area in which it would be implemented. Section 11.204(c)(1)(B) requires the department to advise the commission of the consistency of every proposed enhancement with the statewide long-range transportation plan and any local transportation plans. Title 23, United States Code, §133 and §134, requires that both the department and MPOs consider the likely effect of transportation decisions on land use and development and the consistency of transportation plans and programs with the provisions of all applicable land use and development plans.

Comment: Section 11.202(b) raised concerns about candidate projects proposing either a series of enhancements at a single location or a particular enhancement at a series of locations. Commenters asked whether the eligibility of such projects will be evaluated as a unit or subdivided into separate sub-projects.

Response: The rules limit to some extent the degree to which proposed projects may be subject to subdivision. Section 11.203(b)(2) requires that enhancement activities in multiple jurisdictions be segmented into separate candidate projects whenever practical. Section 11.201 defines a project as "An undertaking to develop, implement or construct a particular transportation enhancement at a specific location or locations." Improperly segmented projects would be ineligible under §11.202(a)(5) of the final rules. In screening properly segmented projects, the department will consider the eligibility of a particular project as a whole.

Comment: One commenter suggested that public opposition to only one part of a multi-part project should be able to block implementation of only that part, allowing the remainder of the project to proceed through the selection process.

Response: Assuming that the multi-part project is properly segmented as required by §11.203(b)(2), the issue of public opposition to only one part of a multi-part project should be resolved by the nominating entity. Section 11.202(a)(3) reflects the policy of the Texas Transportation Commission not to implement projects over the objection of local public officials.

Comment: Concerning §11.203, several commenters recommended that the department issue a call for project nominations more frequently than the annual call proposed in §11.203(a).

Response: An annual call for projects facilitates integration of the nominating process with the metropolitan and state planning processes. Guidance from USDOT requires that those processes "occupy a central role in the identification, planning, and funding of transportation enhancement activities." (Federal Highway Administration, Interim guidance memorandum: "Transportation Enhancement Activities," April 24, 1992.) Enhancement projects selected by the Commission must be included in the Statewide Transportation Improvement Program (STIP) to be eligible to receive federal funds. To be included in the STIP, metropolitan enhancement projects must be included in the Transportation Improvement Program (TIP) for that metropolitan area.

Comment: Many commenters expressed concerns about the limitations imposed by §11.203(b)(1) on those entities permitted to make a nomination of an enhancement project to the department. Some commenters agreed that projects in metropolitan areas should be nominated by the MPO for that area. These commenters asked that the rules clarify that projects in a metropolitan area proposed by state and federal agencies be nominated by the MPO for that area to ensure that the MPO evaluates, approves, and indicates its priority for the project.

Response: The MPO is the only nominating entity authorized by §11.203(b)(1) for candidate projects involving activities related to the intermodal transportation system in its metropolitan area and confined entirely within that metropolitan area. When some activities in a single proposed project are within a metropolitan area and some are outside of that area, §11.203(b)(1) allows the project to be nominated by an entity other than the MPO. In that case, however, revised §11.203(b)(3) of the final rules makes it clear that the entity nominating the project must be authorized by the MPO to do so. Section 11.203(c)(1)(L) has been revised to clarify the intent that whether submitted by the MPO or by another entity, a nomination must include evidence that the proposed enhancement is consistent with any long-range transportation plan for the area in which it would be implemented. Section 11.203(c)(1)(N) has been revised to make it clear that regardless of the nominating entity, a proposal for an enhancement activity in a metropolitan area must be accompanied by a commitment from the MPO for that area indicating its willingness to include the project in its TIP. Therefore, an MPO is required to evaluate and approve a proposed project with activities in its area, regardless of the nominating entity.

Comment: Many commenters recommended amending §11.203(b)(1) to authorize additional entities to submit nominations directly to the department.

Response: The subsection has been amended to allow a state agency to nominate a candidate enhancement project in two additional situations.

Comment: Several commenters were concerned about a single proposed project that could provide benefits to the entire state. Those commenters were concerned that under the proposed rules, such a project would require that an entity nominating such a project would have to obtain the authorization and consent of every MPO, city, and county in the state.

Response: Section 11.203(b)(1) has been revised to allow a state agency to nominate a proposed project benefiting the entire state provided the activities proposed are not related to the intermodal transportation system in any specific jurisdiction.

Comment: Other commenters were concerned that the proposed rules did not permit a state agency managing public lands in a single county to nominate an enhancement project on those lands.

Response: Section 11.203(b)(1) allows the managing state agency to nominate such a project if the project area is not within a metropolitan area. Since the proposed activities must relate to the transportation system of that county however, the managing agency may nominate the project only with the authorization of the governing body of the county.

When activities related to the transportation systems in particular jurisdictions are proposed for federal funding, Title 23, United States Code, §134 and §135, requires that projects through which those activities are funded be selected by the MPO, city, or county within which those activities will occur. Because of that requirement, §11.203(b)(1) as amended retains the requirement that projects within a metropolitan area must be nominated only by the MPO for that area; projects entirely within a non-metropolitan city must be nominated only by the governing body of that city; and (with one exception) projects entirely in a rural area in a single county and not in a metropolitan area must be nominated only by the governing body of that county. (The exception is when a state agency manages public lands in a rural area in a single county and not within a metropolitan area.) These requirements are retained to ensure a central role for local planning processes in "the identification, planning, and funding of transportation enhancement activities." (Federal Highway Administration, Interim guidance memorandum: "Transportation Enhancement Activities," April 24, 1992.) Section 11.203(b)(3) has been revised to clarify the department's original intention that, when a project is nominated by an entity other than the local public officials assigned selection responsibility by federal law, those officials agree that the circumstances warrant nomination by another party.

Comment: Some commenters suggested that by requiring neighborhood associations and other local organizations to submit project ideas to the authorized nominating entities, §11.203(b)(1) effectively excludes such organizations from the process of selecting enhancement projects. Those commenters reported that local organizations have been particularly ineffective in having their views recognized by MPOs.

Response: The entities authorized by §11.203(b)(1) to nominate projects have been chosen because of the special responsibility and authority for transportation planning and project selection assigned by federal law to MPOs and other local public officials. However, those officials are either directly elected by the citizens of the jurisdictions within which projects will be implemented or selected those elected representatives. The boundaries and composition of MPOs are decided by joint consideration of the local city government and the governor of the state. The membership of MPOs may consist of local elected officials, officials of public or private agencies which administer or operate major modes of transportation in the area, and appropriate state officials. Members of local organizations should avail themselves of the opportunities afforded by the political process to ensure that their elected representatives are aware of their interests, including petitioning local government officials and the governor to provide an MPO composed of members more responsive to their views and opinions.

Comment: A few commenters asked whether a designated nominating entity should be expected automatically to nominate a project recommended to it by a project sponsor not itself authorized to nominate the project. Those commenters wanted to know whether a designated nominating entity can establish standards or criteria for project proposals that are independent of these rules. Other commenters asked whether an entity nominating a proposed enhancement project that would affect the transportation system in multiple jurisdictions must have the authorization from every MPO or the governing body of every city and county in the state with jurisdiction over any area in which the project would be implemented. These commenters argued that allowing the MPO to impose additional standards or criteria would place an additional burden on proposed projects having statewide rather than local benefits.

Response: Section 11.203(b)(1) has been revised to recognize that a statewide project may be nominated by a state agency. A "statewide project" is defined in §11.201 as "a project benefiting the entire state but without activities related to the intermodal transportation system in any specific metropolitan area, city, or county." Section 11.203(b)(3) makes it clear that the state agency is not required to obtain the authorization of any local officials to nominate a statewide project. Since the project does not propose activities related to the transportation system of any specific metropolitan area, it will not be required to be included in any metropolitan Transportation Improvement Programs. Thus, MPOs and other local officials would not be in a position to impose additional standards on statewide projects.

For projects that do propose activities related to the transportation system of one or more specific areas of the state, the rules neither require nor prohibit imposition of additional criteria by local officials. As previously discussed, however, local officials have special responsibility and authority under federal law for transportation planning and project selection. Each MPO must develop a long-range transportation plan and a Transportation Improvement Program appropriate for its metropolitan area. Other local governments are encouraged to develop their own transportation plans and programs. Those plans and programs will set different objectives for the intermodal transportation system in each of those areas. Local public officials are free to insist that transportation enhancement projects implemented in their jurisdiction conform to criteria that ensure consistency with their local plans.

Comment: One commenter asked that §11.203(b)(2) of the proposed rules be amended to clarify exactly what will be acceptable as "documentary evidence of coordination with and support by appropriate local officials." Several commenters recommended that the rule should require, at a minimum, resolutions by city councils and county commissioners in all areas in which any part of the project would be located. Some commenters specifically urged that this requirement be extended to projects in metropolitan areas.

Response: Section 11.203(b) has been revised to clarify the department's intent: when a project is nominated by an entity other than the local public officials assigned selection responsibility by federal law, those local officials must agree that the circumstances warrant nomination by another party. The MPO, county, or city within which the proposed activities would take place must authorize the project's nomination.

Section 11.203(c)(1)(I) of the final rules has been revised to clarify that, at a minimum, a project nomination package should include "a resolution or other official document from the governing bodies of each city or county with jurisdiction over an area in which activities associated with the project and related to the area's intermodal transportation system would take place." That provision would require a resolution from the city council and county commissioners' court in any area in which any part of the project would be located. This evidence is essential to ensure that the candidate project conforms to the policy of the Commission to require that local political authorities are in agreement in support of a transportation project for which they seek the department's assistance.

Comment: One commenter asked that the rules specify where nomination forms are to be submitted.

Response: Section 11.203(c)(1) provides that the nomination is to be filed with the district engineer responsible for the area in which the proposed enhancement would be implemented. To accommodate projects being implemented in multiple department districts, the provision has been modified to allow the nomination of a single project in multiple jurisdictions to be filed with the district engineer

responsible for any area in which the project will be implemented.

Comment: Section 11.203(c)(1)(B) requires a project implementation plan containing a schedule of project activities. One commenter asked whether a project sponsor would have flexibility to deviate from the schedule of activities should implementation of the project encounter unforeseen circumstances.

Response: Section 11.203(c)(1)(B) seeks an implementation plan and schedule of project activities only to permit effective evaluation of the project. The project sponsor will not necessarily implement the project nominated. Activities identified on the schedule, including detailed environmental and archaeological studies, may be carried out by the department or another governmental or non-governmental entity selected to implement the project. Thus, the schedule of activities cannot be binding.

Comment: Section 11.203(c)(1)(E) of the proposed rules requires a site plan of the proposed construction and illustrations of the proposed work. Two commenters asked what form the illustrations should take and if there was a certain scale that was required.

Response: No particular form or scale is required. Site plans and illustrations should be in a form and to a scale adequate to enable those reviewing the project nomination to understand and properly evaluate the project.

Comment: Section 11.203(c)(1)(H) of the proposed rules requires a description of expected benefits from the proposed enhancement, including a comparison of current and projected demand for use of the enhanced facility. Two commenters asked how the projected demand information would be evaluated in the project selection process.

Response: Estimates of future demand would be used by the evaluation committee in determining the scope of benefits of a project. The information would be used in scoring the project's economic or social benefit. The information could also be used by the Commission in selecting projects for funding.

Comment: Discussion of comments concerning the requirement of §11.203(c)(1)(I) that a nomination include appropriate documentary evidence of community involvement in the development of the proposed enhancement is included in the discussion of comments on §11.202(a)(3). Section 11.203(c)(1)(I) also requires that the nomination include evidence of public support for the proposed project. The subsection then states: "At a minimum, evidence submitted must include ... a resolution or other official written commitment from appropriate governing bodies supporting [the project's] implementation. In metropolitan areas, this must include a written commitment from the governing body of the MPO." Some commenters argued that requiring local support for certain projects providing statewide rather than community benefits unfairly burdens such projects. These commenters assert that national, statewide, or local non-profit associations involved in such projects, not local governing bodies, are the appropriate organizations to indicate public support for such projects. These commenters recom-

mend that the quoted phrase be amended to read "from appropriate non-profit advocacy groups or governing bodies."

Response: The requirement for evidence of support for a proposed project from local public officials is included in §11.203(c)(1)(I) to ensure a central role for local planning processes in "the identification, planning, and funding of transportation enhancement activities." (Federal Highway Administration, Interim guidance memorandum: "Transportation Enhancement Activities," April 24, 1992.) The wording of the provision has been amended to clarify that intent.

To the extent that commenters were concerned with proposed projects that would benefit the entire state but involve no activities related to the intermodal transportation system of any specific metropolitan area, city, or county, however, the final rules have been revised to acknowledge that aspect of some projects. Section 11.201 defines such a project as a "statewide project," and subsections (b)(1), (b)(3), and (c)(1)(I) of §11.203 have been revised to clarify that local public officials need not indicate support for such projects.

Neither the proposed nor the final rules prohibit including in the nomination of any project, whether statewide or not, evidence of support for the project from non-governmental organizations.

Comment: One commenter pointed out that the last sentence of §11.203(c)(1)(I) duplicates the requirement in subsection (c)(1)(M).

Response: The duplication has been eliminated in the revision of §11.203(c)(1) of the final rules.

Comment: Section 11.203(c)(1)(K) requires "documentary evidence that the environmental consequences of the proposed enhancement have been fully considered." Commenters asked that the amount of planning and environmental analysis required be clarified. One commenter suggested that such documentation specifically indicate how the proposed project impacts air quality in the affected jurisdiction.

Response: Section 11.203(c)(1)(K) requires only that environmental concerns known to the sponsors of a proposed project and likely to affect implementation of the project be identified and documented. A nominal review or minimal survey of the project area could be all that is required. The intent is to alert department staff to probable environmental issues associated with implementation of the project. No full-scale planning or environmental studies are required, since costs incurred prior to selection of the project for funding and federal authorization to proceed are not allowable for reimbursement. If the project is selected for funding, the department will ensure appropriate planning and environmental analysis.

Comment: Section 11.203(c)(1)(L) of the proposed rules requires nominating entities to provide "a written statement of the relative priority ranking" the entity assigns to all candidate projects nominated by that entity in response to a particular project call. Some commenters recommended that rather than

providing a single ranking of all projects, nominating entities be allowed to rank projects within each of the ten categories of eligible activities or within certain specified ranges of project size.

Response: The recommendation might be appropriate if a minimum level of funding were guaranteed to each of the ten categories or to projects of certain sizes. The decision not to suballocate enhancement funds is discussed in responding to public comments concerning §11.204(c)(2).

Comment: One commenter asked whether §11.203(c)(1)(L) of the proposed rules allowed a nominating entity to assign separate priorities to the various sub-elements of a project located in multiple jurisdictions.

Response: Assuming that the proposed project has been properly segmented as required by §11.202(b) and amended §11.203(2), the nominating entity should assign a single priority to the entire project. The Texas Transportation Commission, in selecting projects for funding and implementation by the department, is free to select all or part of any proposal presented, to combine portions of any two or more proposals into a single project, and to implement a selected project in phases. Practical considerations would, of course, require local projects sponsors to concur in any such restructuring.

The provisions of §11.203(c)(1) have been revised. Section 11.203(c)(1)(L) requires an MPO to state that a proposed enhancement is consistent with the long-range plan for the metropolitan area. Section 11.203(c)(1)(I) requires the MPO to endorse the proposed enhancement and recommend its consideration for funding. Section 11.203(c)(1)(N) requires the MPO to commit to place the enhancement project in the Transportation Improvement Program for the area should it be selected for funding.

Section 11.204(a)(1) of the proposed rules stated that each candidate project nominated is screened to determine its eligibility for funding and its technical sufficiency. A sentence stating that the department will determine eligibility in coordination with USDOT was inadvertently dropped from the proposed rules and that sentence has been restored.

Comment: Several commenters asked that the technical standards to be applied in determining technical sufficiency in §11.204(a)(1) be specified and that the department staff who would conduct the technical screening be identified. Another commenter asked whether a finding of technical insufficiency would prevent a project from being considered for funding.

Response: The department will determine that each candidate project meets technical standards established by applicable law and accepted professional practice. The standards to be applied to determine the technical sufficiency of a particular project will depend on the type of project being evaluated. Individuals with the technical expertise required to review a particular project, both within the department and with other appropriate state and federal agencies, will determine the technical sufficiency of the project.

Each candidate project determined to be eligible under state and federal law, accompanied by a report concerning its technical sufficiency, will be submitted to the Transportation Enhancement Project Evaluation Committee and considered for funding by the Texas Transportation Commission. Only candidate projects determined to be ineligible are returned to their sponsors.

Comment: Section 11.204(b)(1)(A) establishes a project evaluation committee with six members. The subsection provides that the designated representatives of six listed state agencies will serve as members of the committee. Several commenters agreed that the state agencies named in the rules should be represented on the committee. Those and other commenters, however, recommended that the membership of the committee also include representatives of one or more of the following: representatives of other state agencies; a representative from any or all of several statewide organizations of citizens concerned with those interests within the definition of transportation enhancements; a representative from any or all of several similar organizations with a more local focus; public figures with statewide or national recognition; local officials or private citizens from rural areas, smaller metropolitan areas, and larger metropolitan areas; and a representative of residents of distressed neighborhoods.

Response: The principles that have guided the structure of the evaluation committee thus far have been: encourage participation of experts in the various areas covered by the enhancement program; maintain a small committee to simplify operation and encourage effectiveness; and ensure that the operation of the evaluation committee supports the enhancement program's statewide perspective.

The department believes that the six agencies represented on the evaluation committee collectively provide the expertise necessary to effectively evaluate the various areas included within the ten categories of transportation enhancement activities. As representatives of state agencies, they can maintain the statewide focus necessary to ensure a strategic vision and direction for the Statewide Transportation Enhancement Program.

The evaluation committee does not select projects for funding and was never intended as a vehicle for public participation in the selection process. Experts from state agencies are appropriate to score the statewide benefits of candidate projects, including projects located in specific cities or counties, consistently with the strategic vision and direction set for the program by the Texas Transportation Commission in the Statewide Long-Range Transportation Plan. Adding representatives of large and small cities and of rural areas would not improve the ability of the committee to evaluate the statewide benefits of proposed projects.

Public participation in the process of selecting transportation enhancement projects will be through the metropolitan and statewide long-range planning processes, the development of public support for project proposals, public

participation in the meeting of the Texas Transportation Commission at which projects are selected for funding, and development of the metropolitan Transportation Improvement Programs and the Statewide Transportation Improvement Program. The rules also encourage local officials to describe and evaluate the local benefits of local projects in the nomination process. Information concerning these benefits will be included in the nomination package.

If all representatives recommended by commenters were added to the committee, the small committee proposed would be replaced by a committee of more than 30 members. The operation of the committee would become significantly more costly, more complex, and more subject to competition among the various interests represented.

Comment: One commenter recommended that §11.204(b)(1)(A) be amended to increase the number of committee members to seven to reduce the risk of deadlocking.

Response: Although the rules require that projects be scored by action of the committee acting as a whole, the department does not believe that, given the membership of the committee, the risk of deadlock is sufficient to warrant enlarging the committee. Should a deadlock occur, that fact would be provided to the commission as relevant information.

Comment: Section 11.204(b)(1)(B) proposes that the evaluation committee meet at least once annually. Those commenters who recommended that §11.203(a) require calls for project nominations more frequently than annually also recommended that the evaluation committee meet more frequently.

Response: For the reasons discussed in responding to the recommendations concerning §11.203(a), the department believes the rule should continue to require only a minimum of one meeting of the committee each year. As drafted, the rule does not preclude additional meetings of the committee should they be necessary.

Comment: Section 11.204(b)(2)(A) proposes that the evaluation committee evaluate the benefit of each candidate project according to its economic, environmental, and social benefit and §11.204(b)(2)(B) describes the methodology the evaluation committee would use to score candidate projects. One commenter requested more objectivity in the criteria proposed; others, more objectivity in the scoring methodology.

Response: By their nature, evaluation of transportation enhancements as defined in ISTEPA will inevitably involve some degree of subjective judgment. Requiring the evaluation committee to score proposed projects through a group process will reduce the variance of such a subjective decision. The department assumes, in applying the criteria established in the rules, the integrity of the members of the committee. The fact that the evaluation committee will evaluate the projects in public meetings will attest to the quality of its decisions.

The rules require that each candidate project be scored on the criteria on a scale of 1 to 100. One objective of this scale is to provide

sufficient structure for individuals of sound judgement and specific expertise in their respective areas without being excessively restrictive. Another objective is to provide an index with a range of values that approximates the expected dollar value of proposed projects. The range of benefits must at least equal the range of costs to prevent putting an artificial ceiling on the value of highly beneficial projects, which would likely show up as a bias against large projects. The range of benefit scores prescribed in §11.204(b)(2) will accommodate projects ranging in cost from \$10,000 to \$3 Million without bias.

Comment: Several commenters asserted that economic benefit is not an appropriate criterion for enhancement projects. Several of these commenters asserted that social and environmental benefits are closer to the intent of Congress. One commenter recommended adding or substituting criteria reflecting mobility, clean air benefits, and a region's comprehensive planning priorities. Other commenters argued that equal weighing of the three criteria biases the process toward large projects, since they outweigh smaller projects in terms of construction-job creation.

Response: The requirement that a minimum share of federal highway funds be used for transportation enhancements is in §1007(c) of the Intermodal Surface Transportation Efficiency Act of 1991. Economic competitiveness is one of the cardinal points of the policy declared in §2 of that Act. Transportation enhancements are to be considered in developing metropolitan and statewide transportation plans, and should arise out of that planning process. Other required considerations in that process, however, are the overall social, economic, energy, and environmental effects of transportation decisions. The statewide planning process is also required to consider investment strategies to improve state and local roads that support rural economic growth and tourism and recreational development. The requirement that transportation enhancements be considered in metropolitan and state plans and programs links them directly to the attainment of the social, environmental, and economic goals which must be set and met by the planning process.

The evaluation committee will score projects in each of three benefit areas on a scale of one to 100; thus, each benefit is weighted equally. The department finds no basis or necessity for adjusting the weights of any of the three criteria. Each benefit area is equally important to the goals of ISTEPA. The department disagrees that giving economic benefit equal weight with social and environmental benefit is inappropriate. The economic benefit considered in scoring a project is not the project's cost but the degree the project would meet goals of tourism or economic development goals.

Comment: Section 11.204(c)(1)(B)(iii) provides that the commission is provided with a benefit-cost ratio calculated using the score assigned the project by the evaluation committee and may consider that ratio in making its project selection. Several commenters criticized the method proposed for calculating the benefit-cost ratio as unfair to large pro-

jects and recommended that the method of calculating the ratio be revised or consideration of the ratio deleted.

Response: A candidate project's benefit-cost ratio is calculated by dividing the project's total benefit score by the project's estimated cost. A project's total score is calculated by summing its scores under the economic, social, and environmental criteria. Benefit-cost analysis is innately size-neutral (unbiased) in the absence of large economies of scale, which are not anticipated with the variety of projects relating to enhancements.

When assigning scores in each of the three benefit areas, the committee will consider both factors of quality and scope. Quality relates to the technical quality or the measurable or identifiable benefits of the project, not the project's size. Scope relates to the magnitude of the project as measured by the geographical extent of the project, population served, and the duration of the benefit (long term or short term). The department does not agree that these considerations eliminate "small" projects. A project may be a relatively "small" project in terms of funding needs or work to be performed, but still encompass a large area or affect large numbers of people and be highly cost-effective.

Comment: Several commenters recommended that, in assigning project scores, the committee give more or less relative weight to such considerations as the fact that a candidate project proposes activities under two or more eligible enhancement categories; the fact that a project will be implemented in several jurisdictions rather than a single jurisdiction; the number of people likely to benefit from the project.

Response: The department is not persuaded that applying fixed weights to such considerations would improve the scoring process. The evaluation committee may or may not conclude that the benefits of a project that proposes activities eligible under more than one of the ten enhancement categories have greater scope than another project with activities in one category alone. A project that would be implemented in a single jurisdiction may or may not be more beneficial to the state than another project that would be implemented in a single jurisdiction. The committee should be free to place an appropriate value on the various facts considered in determining project benefits in the circumstances presented by each project.

Comment: There were other comments regarding the benefit-cost ratio and scoring of projects including the following. One commenter requested that environmental benefits encompass the visual and natural environment. Another commenter wanted a fourth area of evaluation relating to compliance with intermodal planning activities. Another commenter asked what population measures will be used, and how the committee will determine quality in relation to scope and quality of life.

Response: The effect of the candidate project on the natural environment is included in the evaluation of environmental benefit. Visual aspects are considered in the evaluation of social benefit. Intermodalism could be consid-

ered under either economic or social benefit. In addition, the statewide long-range plan encompasses intermodal planning; therefore, the evaluation committee's and Commission's consideration of consistency of a proposed project with the long-range plan will include consideration of intermodalism. The committee will determine population measures, quality, and quality of life measures depending on the type of project being considered.

Comment: Some commenters requested additional information on any rules or procedures the evaluation committee would use to quantify benefits in the three benefit areas.

Response: Written procedures provided in these and other rules governing advisory committees establish an orderly process for the advisory committee. Within these parameters, the committee will be able to establish a more detailed operating procedure.

Comment: Section 11.204(c)(1)(B)(i) directs the department to provide the Commission with comments relevant to the consideration of any candidate project, including "policy matters." One commenter asked that the rules clarify what is meant by "policy matters."

Response: The Governor of Texas, Texas Transportation Commission, and the Executive Director of the Texas Department of Transportation are authorized by law to establish a variety of policies that govern transportation and transportation facilities in Texas.

Comment: Among the relevant information which §11.204(c)(1)(B)(ii) directs the department to provide the commission is information about the consistency of the candidate project with the statewide long-range transportation plan. One commenter asked whether the statewide long-range transportation plan would be available at the department's district offices. Another recommended that the department also indicate the project's consistency with local and regional plans.

Response: The statewide long-range transportation plan will be developed through a process involving public participation. The plan developed should be released in January 1995. The requirement that candidate projects be consistent with the statewide plan will not take formal effect until that time. When the plan is completed, it will be widely available, including through the department's district offices. Section 11.204(c)(1)(B)(ii) has been revised to provide that the department will furnish the commission with information about consistency between a candidate project and any transportation plans, thus recognizing the interrelationship nature of the total planning process, from local to regional to statewide. Section 11.203(c)(1)(L) likewise has been revised to require the nomination of a candidate project to contain information about the project's consistency with such plans.

Comment: Another commenter asserted that the provision of §11.204(c)(1)(B)(vi) giving priority to projects providing more than the minimum required non-federal share of project costs biases the selection process toward projects in more affluent communities. How-

ever, another commenter recommended strengthening the subsection to require "evidence of a project sponsor's commitment and ability to provide more than the minimum required non-federal share of project costs." Another commenter asked how we will evaluate a willingness to pay more than the 20% local match.

Response: TxDOT will not require project sponsors to commit more than a 20% non-federal share of project costs. However, a willingness to commit additional local financial resources to a project is an important indication of local project support. Additional local funds would reduce federal participation below the maximum 80% of project costs, thereby allowing broader use of federal transportation enhancement funds. The commission may also consider a community's ability to provide more than the minimum share in making its selection decision.

TxDOT agrees that evidence of "willingness" to pay may not accurately provide information on whether a sponsor can actually pay more than the required 20% match. Therefore, §11.204(c)(1)(B)(vi) has been revised to require the department to provide the commission with evidence of a project sponsor's commitment and ability to provide more than the minimum required non-federal share of project costs. §11.203(c)(1)(B) has also been revised to require a project sponsor to provide documentary evidence of its commitment to pay those costs and of their ability to do so. The revisions make explicit what has been assumed throughout this rulemaking: that sponsors willing to provide part of a project's costs and committing to do so have the ability to provide those funds.

Comment: One commenter asked whether either the department or the commission intended to quantify the several items of information §11.204 requires to be provided to the commission by the department to be considered by the commission in making its project selections, and if so, how those items would be quantified.

Response: The selection of projects for funding, and the method for that selection, are at the discretion of the commission. The commission must consider the evaluation committee's project scores and other comments on candidate projects in the selection process, but it is not bound by them, and may consider any other information it believes relevant. However, the commission must specify its reasons for its project selections.

Comment: Another commenter requested that the rules state the relative priority the commission will assign to the various items of information the department is directed to provide the commission by §11.204(c)(1) in selecting projects for funding. One commenter recommended that §11.204(c)(2) require that when the commission considers the information provided by the department pursuant to §11.204(c)(1) in making its project selections, it give relative more or less weight to certain items. Several commenters also recommended that §11.204(c)(1) be amended to require TxDOT to provide the commission with additional information to be considered in project selection.

Response: The rules do not limit the information that may be provided to the commission. Assigning priority or weight to the items provided for the commission's consideration could impinge upon the commission's discretion under its statutory responsibility to plan, maintain, construct, and improve the state highway system.

Comment: One commenter requested that §11.204 be amended to provide greater consistency between the information the department is required to provide by §11.204(c)(1) and the information §11.204(c)(2) and (3) of the proposed rules permitted the commission to consider.

Response: Section 11.204(c)(2) has been revised to clarify the original intent that the commission will consider all information §11.204(c)(1) requires the department to provide. The commission may also consider any other relevant information.

Comment: Several commenters indicated concern that the commission would either place all enhancement funds in large metropolitan areas or in rural areas. Others were concerned that the commission would not fund projects in one or more of the ten categories of eligible enhancement activities. These commenters requested that §11.204(c)(2) explicitly guarantee a minimum level of funding to certain geographic areas of the state or to each of the ten categories of eligible enhancement activities.

Response: Transportation enhancements are funded through the Surface Transportation Program created by ISTEA. In creating that program, Congress specifically exempted the funds set aside for transportation enhancements from the requirements for geographic distribution of other STP funds either to major metropolitan areas or to other areas of the state. This statutory language would appear to negate any suggestion of a legislative intent to require geographic suballocation. Although several states have geographically suballocated funds, the department believes that distribution of transportation enhancement funds to all areas of the state through some mechanical formula would be contrary to this expression of congressional will.

The department believes that suballocations would impair implementation of a statewide strategic vision and direction and minimize the benefits of transportation planning. Suballocation would unduly constrain the programming process and hinder the commission's ability to respond to the state's high-priority needs identified through the transportation planning process. In addition, the department believes that suballocation of these funds would frustrate the flexibility provisions of ISTEA.

Although the proposed rules require that the commission consider a few specific factors in exercising its discretion to select projects for funding, the rules do not prevent the commission from considering any relevant factor in making its selections. The commission may consider equitable geographical distribution, the types of activities proposed and the variety of project sizes proposed when it makes its selections. However, requiring a minimum share of funds to be spent in every geo-

graphic area of the state, in every category of enhancement activities, or in projects of every size could result in funding unneeded or less beneficial projects while needed and more beneficial projects in other areas go unfunded.

Comment: One commenter noted that the first item in the list of the commission's considerations in §11.204(c)(2) includes the benefit-cost ratio calculated in §11.204(c)(1)(B)(iii), and asked whether this order of listing implied that this ratio is the most important of the four considerations listed.

Response: The items listed in §11.204(c)(2) are not in priority order.

Comment: Section 11.204(c)(3) requires that the commission consider the project scores and other comments of the evaluation committee, but provides that the commission is not bound either by the project scores or other comments of the committee. Commenters asserted that this provision gave the evaluation committee a role in the selection process that is too weak. Several commenters recommended that the commission be required to follow the project rankings determined by the scores assigned to the projects by the evaluation committee.

Response: Selecting projects from a ranking determined by the project scores will not necessarily provide the combination of projects with the greatest total benefit within a funding constraint. Project scores should be regarded as approximations which will be useful to the commission but not determinative. The commission lacks authority to delegate to an advisory committee its statutory responsibility and discretionary authority.

Comment: A few commenters asked whether §11.204(c)(3) allows the commission to select for funding specific individual sub-elements of a multi-element project, or whether all elements nominated as a single project will be considered together in the selection process. In a similar question, other commenters asked whether projects with several related elements could be implemented in stages or increments.

Response: The commission may select for funding any portion of a multi-element candidate project for implementation or direct the department to assign any priority to the implementation of any phase of a selected project.

Comment: Section 11.204(c)(4) requires the commission to designate those projects selected for funding. One commenter recommended that the commission not merely select those projects that will be funded but instead rank all projects so that if circumstances prevent commencement of work on a higher-ranked project, the next project can be approved for funding.

Response: When funds available are limited, selecting projects from a ranking in decreasing order of estimated benefit does not necessarily result in the implementation of the combination of projects with the greatest total benefit. Because the estimate of expected project benefit is inevitably subjective, the benefit ranking is at best a useful approximation. If a project selected for funding does not

proceed to implementation, the commission may either select another project for funding or hold the unused funds for the next call for projects.

Comment: Some commenters recommended that §11.204(a)(1) establish a fixed-period for this eligibility and technical screening; that §11.204(b)(1) (A) establish a fixed period scoring of candidate projects by the Transportation Enhancement Project Evaluation Committee; and that §11.204(c) (2) establish a fixed period for the Texas Transportation Commission to make its selection of projects to be funded.

Response: Although the department and the commission intend to screen, evaluate, and select enhancement projects in a timely manner, setting time limits is inappropriate. Determination of eligibility will require close coordination with USDOT. Determining the technical sufficiency of a project will require similar coordination with various state and federal agencies. Either determination may require extended correspondence with individuals at various levels of federal and state government. Imposing a time limit could result in disallowance of a project that, given more time, could possibly be determined to be eligible. Similarly, a time limit could reduce the effectiveness of technical review. Project scoring by the evaluation committee is not expected to be a lengthy process, but will to a large extent be controlled by the time required for project screening. Since the commission and the department will schedule implementation of selected projects, limiting the time available for effective review would not be beneficial.

Comment: Several commenters noted that transportation enhancement projects are not traditional transportation projects and asked how such projects would be included in metropolitan Transportation Improvement Programs (TIPs).

Response: Although many transportation enhancement projects are not traditional transportation projects, they are transportation projects because of their required relationship to the intermodal transportation system. Federal funding for enhancement projects is provided by Title 23, United States Code, §133. Section 135(f)(2) of Title 23, United States Code, requires that the Statewide Transportation Improvement Program (STIP) include all projects proposed for funding under Title 23 and under the Federal Transit Act (Title 49, United States Code appendix, §1601 and following), and specifically mentions transportation enhancement projects. Projects not included in the STIP cannot receive federal funds.

Section 135(f)(2) of Title 23, United States Code, also requires that the STIP be consistent with metropolitan TIPs. Section 134(h)(5) requires that a metropolitan TIP must likewise include all projects within that metropolitan area proposed for funding under Title 23 and the Federal Transit Act.

Since federal law clearly requires the inclusion of transportation enhancement projects in both metropolitan TIPs and in the STIP if they are to qualify for federal funding, both the STIP and the TIPs must accommodate

such projects. The process of developing the STIP and metropolitan TIPs is governed by §134 and §135 of Title 23, United States Code, and by §8 of the Federal Transit Act, and by the regulations interpreting those provisions.

Comment: Several commenters noted that §11.205(b) provided that costs incurred prior to federal authorization to proceed would not be eligible for reimbursement. They noted that this provision would exclude from reimbursement the costs incurred in preparing the project nomination form, since those costs would be incurred prior to federal approval. They argued that this rule burdens project sponsors with the full cost of developing project proposals, and recommended that the rule be amended to allow reimbursement of costs incurred prior to federal approval. As an alternative, they requested that such pre-approval costs be considered as part of the non-federal share of allowable project costs.

Response: This issue is governed by Title 23, Code of Federal Regulations, §1.9(a), which states that federal funds may not reimburse any cost incurred prior to the department receiving authorization from USDOT to proceed with the project.

Comment: Section 11.205(c) suggests that the department will implement transportation enhancement projects itself. Several commenters recommended that the department not be the agency implementing enhancement projects. Instead, they would prefer that the department make grants of enhancement funds to project sponsors, allowing the sponsors to manage expenditure of the funds as they see fit.

Several other commenters recommended that the rules allow entities other than the department to implement projects proposing such enhancement activities as rehabilitation and operation of historic buildings. Some asked whether city or county governments would be allowed to contract for the work required for small, stand-alone enhancement projects. Others recommended that some projects might better be implemented by an entity other than the department, and often a non-public entity, that is more traditionally associated with such projects. These commenters asked whether such entities could receive contracts or sub-contracts to perform work on such projects. Other commenters recommended that the nominating entity be allowed to designate a representative to carry out the project on its behalf. Several commenters asked how the program will contract for the services of consultants in implementing transportation enhancement projects. One asked whether, for metropolitan projects, contracting with consultants will be done by the department, the MPO, or local governments. Several were particularly concerned that the department be able to contract with citizens groups, not-for-profit corporations and other such groups in implementing the projects.

Response: Federal regulations do not permit federal-aid highway funds, including funds for the transportation enhancement program, to be provided in the form of a cash grant. The federal-aid highway program is a reimbursement program; funds expended by the de-

partment are reimbursed by the Federal government. Section 11.205(c) allows the department to exercise all contracting options available to it under federal and state law when implementing enhancement projects.

Comment: Several commenters urged that §11.205(g) allow the value of land provided for an enhancement project by its sponsors to be considered part of the non-federal share of allowable costs.

Response: Section 11.205(g) has been changed to clarify that the fair market value of land incorporated into the project and lawfully donated to the state may be considered part of the non-federal share of allowable project costs.

Comment: Several commenters felt that §11.205(g) should allow local governments and other project sponsors to use federal funds provided through other federal programs to be applied to the non-federal share of enhancement projects. A very large number of commenters strongly urged that both private cash donations and the value of "in-kind" contributions of services be considered part of the locally provided non-federal share of project costs.

Response: Section 11.205(g) has been modified to allow funds from other federal programs to be applied to the non-federal share of enhancement projects when permitted by Federal law. Section 11.203(c)(1)(B) has also been amended to require that when federal funds will be used for the locally provided share of project costs, the nomination form must include a copy of the law allowing that use of those funds.

The United States Department of Transportation has advised the department, however, that private cash donations and contributions of "in-kind" services must be used to reduce the total allowable cost of the project before determining the federal and non-federal share of allowable project costs. (Letter dated May 26, 1993, to Arnold W. Oliver, Executive Director, Texas Department of Transportation, from Frank M. Mayer, Division Administrator, Texas Division, Federal Highway Administration, U.S. Department of Transportation, Subject: "Private Cash Donations for Non-Federal Share of Federal-aid Transportation Projects.") Although this ruling does not provide the maximum funding leverage for such contributions, private sponsors should not lose sight of the savings contributions of cash and services can bring to cash-poor local governments by reducing a project's total cost.

Section 11.205(f) has been revised to clarify its original intent that all federal reimbursement for eligible expenditures for transportation enhancement will be to the department. When other entities are involved with the department in a transportation enhancement project, the department will reimburse those entities for their allowable expenditures.

The new sections are adopted to meet the requirements of Title 23, United States Code, §133(d)(2) and §160(e)(2), and §1015(d)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) which require that 10% of certain funds apportioned to a state pursuant to Title 23,

United States Code, §104(b)(3) and administered by the Texas Department of Transportation be used for transportation enhancement activities; and are also proposed under Texas Civil Statutes, Article 6666, which provide the Texas Transportation Commission with the authority to promulgate rules and regulations for the conduct of the work of the Texas Department of Transportation.

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

Allowable costs—Necessary project-expenditures incurred after federal approval and authorization to proceed and otherwise eligible for reimbursement under applicable statutes and regulations. In appropriate projects, allowable costs may include costs of preliminary engineering (including environmental studies), project planning and design, acquisition of land or other real property, and interpretation or other activities to enhance the appreciation of scenic, historic, or cultural resources. Expenditures for routine operation and maintenance are not allowable costs.

Appropriate local officials—Principal elected officials of general purpose local governments.

Candidate project—A project recommended to the department by a nominating entity for the commission's consideration as a project included in the Statewide Transportation Enhancement Program.

Commission—Texas Transportation Commission.

Department—Texas Department of Transportation (TxDOT).

District office—A headquarters office for one of the department's geographical districts into which the state is divided.

In-kind contributions—That portion of the otherwise allowable (chargeable) costs of a project contributed by other governmental entities or private parties. It includes both donations of cash or property and contribution of services.

Intermodal transportation system—An interconnected transportation network for moving people and goods using various combinations of different modes, including the transportation systems of the future.

Local transit operator—A public or private non-profit entity providing public transportation within a given region.

Metropolitan area—That area included within the boundaries determined pursuant to Title 23, United States Code, §134(c) and/or §8(c) of the Federal Transit Act (49 USC App. §1608(c)).

Metropolitan long-range plan—The plan required by Title 23, United States Code, §134(g) and/or §8(g) of the Federal Transit Act (49 USC App. §1608(g)).

Metropolitan planning organization

(MPO)—That entity designated by the governor in accordance with §§5.51-5.57 (relating to Metropolitan Planning Organizations) as responsible, together with the state, for carrying out the provisions of Title 23, United States Code, §134 and/or §8 of the Federal Transit Act (49 USC App. §1608), as required by Title 23, United States Code, §104(f)(3) and capable of meeting the requirements of §§2(a)(2), 2(e)(1), 3(a), 4(g)(1), and 4(1) of the Federal Transit Act (49 USC App. §§1602(a)(2), (e)(1), 1603(a), 1604(g)(1), and (1)). MPOs are generally composed of local elected officials, the administrators of the area's major transportation systems, state officials, transit officials, and other interested parties.

Nominating entity—The state agency, agency of the state, MPO, councils of governments, city, county, or local transit operator which nominates a particular candidate project for consideration by the department, and which exercises jurisdiction over the geographic area in which that project is located.

Operational income—Net income received by the owner of a facility constructed or enhanced using funds received through the Statewide Transportation Enhancement Program after deducting the costs incident to the generation of that income. The term includes, but is not limited to, income from fees for services performed, use or rental of real or personal property, or sale of commodities. Taxes, license fees, fines, royalties, and other such revenues received by the facility owner or paid within the facility are not considered income.

Project—An undertaking to develop, implement, or construct a particular transportation enhancement at a specific location or locations, or, if the context so implies, the particular enhancement so developed, implemented, or constructed.

Public authority—A state agency or political subdivision of this state.

Selected project—A project which the commission has elected to include in the Statewide Transportation Enhancement Program.

Sponsor—One or more individuals, partnerships, associations, private corporations, or public authorities recommending a particular project and committed to its development, implementation, construction, maintenance, management, or financing.

State—The State of Texas.

State highway system—As defined in Texas Civil Statutes, Article 6674b, that system of highways in the state included in a comprehensive plan prepared by the department's executive director under the direction and with the approval of the commission.

Statewide Transportation Improvement Program (STIP)—The program required by Title 23, United States Code, §135(f).

Statewide long-range transportation plan—The plan required by Title 23, United States Code, §135(e).

Statewide project—A project benefiting the entire state but without activities related to the intermodal transportation system in any specific metropolitan area, city, or county.

Transportation Improvement Program (TIP)—The program required by Title 23, United States Code, §134(h), and/or §8(h) of the Federal Transit Act (49 USC App. §1608(h)).

Transportation enhancement activities—Those activities so defined in §101(a) of Title 23, United States Code. That provision defines transportation enhancement activities as:

(A) provision of facilities for pedestrians and bicycles;

(B) acquisition of scenic easements and scenic or historic sites;

(C) scenic or historic highway programs;

(D) landscaping and other scenic beautification;

(E) historic preservation;

(F) rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals);

(G) preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails);

(H) control and removal of outdoor advertising;

(I) archaeological planning and research; and

(J) mitigation of water pollution due to highway runoff.

Transportation—Pertaining to the purposeful movement of people between their places of residence, employment, commerce, education, recreation, and entertainment; or of goods between places of manufacture, storage, sale, maintenance, repair, salvage, and disposition.

USDOT—Either the Secretary of Transportation for the United States of America, the U.S. Department of Transportation, or the appropriate agency within that department.

§11.202. Project Eligibility.

(a) To be eligible for consideration for inclusion in the Statewide Transportation Enhancement Program, a candidate project must:

(1) propose one or more transportation enhancement activities that have a direct relationship of function, proximity, or impact to the intermodal transportation system, yet go beyond activities customarily incorporated into transportation projects;

(2) consist of expenditures that conform to applicable provisions of state and federal laws;

(3) present persuasive evidence of support for the candidate project from the community in which it would be implemented, to include a commitment to provide at least 20% of the allowable costs of the candidate project;

(4) propose to construct or enhance a facility from which all operational income will be used for the costs necessary for the proper operation and maintenance of the facility, including reconstruction, restoration, and rehabilitation; and

(5) be nominated for consideration by an eligible nominating entity in the manner prescribed in §11.203 of this title (relating to Project Nomination).

(b) Whether proposed as an independent project or as an element of a larger transportation project, the candidate project must be limited to a logical unit of work and must be capable of being completed within a reasonable time, as determined by the department in consultation with the nominating entity. In the absence of information suggesting that a shorter or longer period is appropriate, three years or less will be presumed to be a reasonable time.

§11.203. Project Nomination.

(a) Call for nominations. The department will call for nominations of candidate projects annually by publication in the *Texas Register*. The department will also provide notice of the call for candidate projects to all MPOs, all councils of governments (COGs), and all local transit operators in the state.

(b) Who may nominate.

(1) The department will receive and consider for funding only candidate project nominations from specific nominating entities, depending on the location of the candidate project, as outlined in the following chart:

IF THE CANDIDATE PROJECT	THEN THE ELIGIBLE NOMINATING
IS:	ENTITY IS:
Located within a single metropolitan area	The MPO
Located within a single city not within a metropolitan area	The governing body of the city
Located in a rural area in a single county and not within a metropolitan area	The governing body of the county
Located on public lands managed by a state agency and located in a rural area in a single county and not within a metropolitan area	The state agency managing those public lands
Located in multiple jurisdictions consisting of any combination of metropolitan areas, cities not within a metropolitan area, or rural areas in one or more counties	Either: <ul style="list-style-type: none"> • A state agency • An agency of the state • A local transit operator • Any one MPO, the governing body of any one city or county, any one Council of Governments, or any one local transit operator

Other proponents of transportation enhancement activities may submit project ideas for application only through an appropriate nominating entity.

(2) Activities in multiple jurisdictions should be segmented into separate candidate projects whenever practical.

(3) When the nominating entity for a candidate project (other than a statewide project) is not itself the MPO, city, or county designated by Title 23, United States Code, §134 or §135, to select Surface Transportation Program projects in any area in which activities would take place, the nominating entity must provide documentary evidence that the MPO, city, or county designated by §134 or §135 to select such projects in that area has authorized it to nominate the project.

(c) How to nominate a project.

(1) To nominate a candidate project, the eligible nominating entity must file its nominating, in the form prescribed by the department, with the district engineer of the district office responsible for the area in which the proposed enhancement would be implemented. The nomination form for a single project in multiple jurisdictions may be filed with the district engineer of the district office responsible for any of the areas in which the proposed enhancement would be implemented. The nomination shall consist of information necessary for project evaluation, and shall include to the maximum extent practicable:

(A) a clear and concise description of the proposed enhancement (The description must detail all work to be performed as part of the candidate project, the relationship between the proposed enhancement and the intermodal transportation system, any right-of-way or easements required, any special land uses planned, and any relationships between the candidate project and any other work anticipated, planned, presently under way, or previously completed.) ;

(B) an implementation plan for the candidate project, including both a

schedule of project activities and a budget (The schedule of activities must indicate any circumstances known to the nominating entity that are likely to affect commencement of work on the candidate project or the time required to complete it, including environmental and historic issues likely to affect commencement of the work. The budget must describe all proposed local financing of allowable project costs and be accompanied by documentary evidence of the commitment of project sponsors to pay those costs and of their ability to do so. If federal funds will be used for the locally provided share of project costs, a copy of the statutory or regulatory authority for that use must be attached.);

(C) a map delineating the location or locations of the candidate project (The map should show project limits, highlight any areas of major work, and show all existing or proposed transportation facilities and associated rights-of-way.);

(D) original photographs of the existing project site;

(E) a site plan of the proposed construction and illustrations of the proposed work;

(F) if land is to be acquired, a description of how it is to be acquired, including estimated cost, if any, and proposed funding arrangements;

(G) if construction is proposed, a description of how it would be accomplished, including estimated cost;

(H) a description of the expected benefits from the proposed enhancement (The description must include expected use of any facilities involved, and must compare current and projected demand for use of those facilities.);

(I) appropriate documentary evidence of community involvement in development of the proposed enhancement and public support for it (At a minimum, evidence submitted must include a description of any opportunities for public participation that were included in the process of selecting candidate projects and a resolution or other official document from the governing body of each city and county with jurisdiction over any area in which activities associated with the project and related to the area's intermodal transportation system would take place. That document should state the governing body's support for the implementation of the proposed project, its recommendation that it be considered for funding, and (when appropriate) its commitment to provide a share of allowable project costs. For activities in metropolitan areas, one of these documents must be from the governing body of the MPO for that area.);

(J) a plan covering the operation and maintenance of the facility created by or benefiting from the enhancement (The plan will identify all parties responsible for operation and maintenance, estimate the annual cost to operate and maintain the facility, describe the source of those funds, identify all expected operational income from the facility, and describe the intended use of that income.);

(K) documentary evidence that the environmental consequences of the proposed enhancement have been fully considered, and that the proposed enhancement will comply with all applicable local, state, and federal environmental laws, regulations, and requirements (The evidence required should include sufficient facts to allow the department to determine the necessity for environmental studies according to §§11.80-11.90 of this title (relating to Environmental and Public Involvement for Highway Improvement Projects);

(L) a written statement showing that the proposed enhancement is consistent with any long-range transportation plans for that area in which it would be implemented;

(M) a written statement of the relative priority ranking assigned by the nominating entity to that candidate project among all candidate projects nominated by that entity for consideration in response to the current call for project nominations; and

(N) for any enhancement activity that would be implemented within a metropolitan area, a letter from the MPO stating that, should funding for the candidate project be made available, the MPO will include the candidate project in the TIP for that area if the candidate project has not yet been included.

(2) Nominations must be received by the department no later than 90 days after publication of the call for candidate project nominations in the *Texas Register*.

(3) Nominating entities proposing candidate projects calling for work in multiple metropolitan areas, cities, or counties must provide copies of the nomination documents to affected local public officials.

§11.204. Selection of Projects for Funding.

(a) Eligibility and technical screening.

(1) The department will review each candidate project to determine eligibility for funding according to federal and state law and to determine that each candidate project will meet technical standards established by applicable law and accepted professional practice. In determining eligibility, the department will coordinate with USDOT. In determining technical sufficiency, the department will coordinate with appropriate state and federal agencies. Eligible candidate projects, together with the results of the technical review, will be submitted to the transportation enhancement project evaluation committee as described in subsection (b)(1) of this section for evaluation of potential benefits.

(2) Each ineligible candidate project proposal will be returned to the nominating entity by certified mail, return receipt requested, with a statement explaining its ineligibility. A request for reconsideration of a finding of ineligibility may be initiated only by a letter from the nominating entity to the executive director setting forth reasons in support of a finding of eligibility. The letter requesting reconsideration must be received by the department no later than 15 days after the nominating entity received the returned proposal, as estab-

lished by the return receipt. The determination of the executive director in response to the request for reconsideration will be final.

(b) Evaluation of project benefits.

(1) Transportation Enhancement Project Evaluation Committee.

(A) The potential benefit of each eligible candidate project will be evaluated by an advisory committee, to be known as the Transportation Enhancement Project Evaluation Committee. The members of the Transportation Enhancement Project Evaluation Committee shall be:

(i) the executive director of TxDOT, or designee, who shall chair the committee;

(ii) the State Land Commissioner, or designee; and

(iii) the executive director, or designee, of each of the following state agencies: the Texas Department of Commerce, the Texas Historical Commission; the Texas Parks and Wildlife Department; and the Texas Water Commission.

(B) The transportation enhancement project evaluation committee will meet at least once annually at the call of the chair to consider and discuss the potential benefit of eligible candidate projects (including all previously submitted candidate projects not selected for funding and retained by the department pursuant to subsection (c)(5) of this section). After discussing the candidate projects, the committee will evaluate the potential benefit of each project based on the quality and scope of the project in three areas: economic benefit, environmental benefit, and social benefit. In evaluating each benefit area, the committee will consider both the quality of the benefit and the scope of that benefit, and will assign a score to each according to paragraph (2) of this subsection. The committee will prepare a list of all candidate projects with their respectively assigned scores, and will by resolution provide the project list and scores to the department. The resolution may also include comments or recommendations concerning the potential benefit of any listed project.

(C) Except as provided in this subsection, the operations and procedures of the Evaluation Committee are governed by §§1.80-1.84 of this title (relating to Advisory Committees).

(2) Project scoring. The transportation enhancement project evaluation committee will score each project as follows.

(A) The committee will evaluate the benefit of each candidate project in each of the three areas (economic benefit, environmental benefit, and social benefit) described in paragraph (1)(B) of this subsection. For purposes of this evaluation:

(i) economic benefit refers to the project's enhancement of the local, regional, or statewide economy by, for example, increased tourism, enhancement of property values, enhancement of tax base, or reduction of economic loss due to injury;

(ii) environmental benefit refers to the project's improvement of some aspect of the natural, historic, or prehistoric environment by, for example, improving or protecting air or water quality, vegetation, wildlife habitat, historic or archaeological resources, or the quality of human life; and

(iii) social benefit refers to the project's enhancement of some aspect of human life, including cultural aspects, visual or aesthetic aspects, recreational aspects, or historic aspects, whether locally, regionally, or statewide.

(B) For each benefit area, the committee will score the benefit on a scale of 1 to 100, with 100 being the most beneficial of the candidate projects being considered and one being the least beneficial. The committee will consider both factors of quality and scope in assigning scores in the three areas. Quality relates to the technical quality or the measurable or identifiable benefits of the project. Scope relates to the magnitude of the benefit of the project as measured by the geographical extent, population served, and duration of the benefit (long-term or short-term).

(C) The score for a candidate project is the sum of the committee's scores in each of the three benefit areas.

(c) Selection.

(1) The department will recommend for consideration by the commission a program of candidate projects. To assist the commission in its decisions concerning selection and funding, the department will, in addition to department staff recommendations, provide to the commission:

(A) the list of all eligible candidate projects and scores provided by the transportation enhancement project evaluation committee, together with any comments or recommendations included in the committee's resolution;

(B) any other comments relevant to consideration of any candidate project for funding, including:

(i) any policy matters;

(ii) consistency of the candidate project with the statewide long-range transportation plan and any local, metropolitan, or regional long-range transportation plans;

(iii) the candidate project's benefit-cost ratio, calculated by dividing the project score by the project's estimated cost;

(iv) the priority ranking assigned the candidate project by the nominating entity;

(v) evidence of public support for the candidate project;

(vi) evidence of the commitment of project sponsors to provide more than the minimum required non-federal share of allowable project costs and their ability to do so;

(vii) an evaluation of proposed projects, indicating the extent to which each project will meet accepted standards as established by applicable law and by accepted professional practice; and

(viii) the views, comments, and certifications, if any, of an MPO or a governing body of a city or county.

(2) The commission will select from among all eligible candidate projects those projects, if any, approved for funding. In selecting an eligible candidate project for funding, the commission will consider:

(A) all information provided under paragraph (1)(A) and (B) of this subsection;

(B) the potential benefit to the state of the candidate project; and

(C) the impact of the candidate project on the economies of each county in which the project is to be located, and of the municipalities within those counties.

(3) In evaluating the potential benefit to the state of the candidate project, the commission will consider, but is not bound by, project scores and other comments included in the resolution of the transportation enhancement project evaluation committee.

(4) The commission will, by written order, designate the selected pro-

jects and specify for each the rationale for selection.

(5) The department will retain eligible candidate project proposals not selected for funding. After subsequent calls for candidate project nominations, all unselected candidate projects will be resubmitted to the Transportation Enhancement Project Evaluation Committee with any new eligible candidate projects. Prior to resubmitting unselected candidate projects to the evaluation committee, however, the department may require the nominating entity for the project to update the nomination information and to renew the evidence of public support and to re-evaluate the priority ranking of the project as required by §11.203(c)(1)(I)-(L) of this title (relating to Project Nomination).

§11.205. Project Administration.

(a) When a project is selected for funding, the department will notify the nominating entity for that project of its selection. If the selected project is to be implemented in a metropolitan area, the department will request that the MPO immediately begin the process required to include the selected project in its TIP.

(b) The department will immediately begin the process required to include all selected projects in the STIP. Costs incurred prior to the inclusion of the activity in the STIP and prior to federal approval and authorization to proceed are not eligible for reimbursement.

(c) The department will implement or arrange for implementation of each selected project in accordance with statutory requisites and contracting procedures applicable to the type and character of the project.

(d) All selected projects must be developed to standards and specifications established or recognized by the department. The department may allow project plans to be developed by other public authorities or by sponsors, provided those plans are reviewed by the department and determined to have been developed according to department standards and specifications. The department will coordinate with other state and federal agencies as required by state or federal law or applicable policy.

(e) All agencies receiving federal funds for transportation enhancement activi-

ties must comply with all federal and state procedures and requirements applicable to development of federal-aid transportation projects.

(f) Before funding any right-of-way acquisition or construction activities, the commission will ensure that required opportunities for public involvement have been provided and proper environmental documentation has been completed.

(g) Except for the fair market value of land incorporated into the project and donated to the state pursuant to Title 23, United States Code, §323, locally provided share of allowable project costs must be in dollars provided to the project by a public authority. Funds from other federal programs may be used only when specifically authorized by federal statute or regulation. Private cash donations, contributions of services, and other in-kind contributions only reduce the allowable costs of the project. Except where specifically permitted under federal law, the value of an activity accomplished away from the project and not directly chargeable to the project ("soft match") is not allowed as credit toward the non-federal share of allowable project costs.

(h) The department is responsible for inspection and final acceptance of all selected projects and for certification of project completion.

(i) The department will submit all requests to USDOT for reimbursement of allowable costs. When the department implements appropriate projects through or in cooperation with other entities, those entities will request reimbursement of allowable costs they incur from the department using the forms and procedures specified by the department.

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 July 5, 1993.

TRD-9325292 Diane L. Northam
Legal Administrative
Assistant
Texas Department of
Transportation

Effective date: July 26, 1993

Proposal publication date: May 11, 1993

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

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Texas Department of Insurance Exempt Filing

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

(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.)

Texas Department of Agriculture Form Filings tda co33j, licensed warehouse bond, tda s329, duplicate warehouse receipt bond, tda s333, bond of public warehouseman (individual or partnership), tda s335, bond of public warehouseman (corporation), tda, warehouse bond signature form.

The State Board of Insurance of the Texas Department of Insurance, at a public meeting scheduled for 9:00 a.m. July 8, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street, Austin, adopted the following forms filed by the Texas Department of Agriculture: TDA CO33J, Licensed Warehouse Bond; TDA S329, Duplicate Warehouse Receipt Bond; TDA S333, Bond of Public Warehouseman (Individual or Partnership); TDA S335, Bond of Public Warehouseman (Corporation); and TDA, Warehouse Bond Signature Form.

The Licensed Warehouse Bond is a requirement of the Texas Agriculture Code, Chapter 14, Subchapter A, §14.009. The principal of the bond is a grain warehouseman who uses a building, bin, or similar structure for receiving, storing, shipping, or handling of grain for hire, or purchases and sells grain, including grain on which payment is deferred. The purpose of the bond is to protect the depositor

who is the legal owner of grain stored, handled or shipped in or by the warehouseman. The bond is conditioned on faithful performance of the grain warehouseman's obligations regarding the handling of the grain and any contracts pertaining thereto. The penalty amount of the bond ranges from \$15,000 to \$500,000.

The Duplicate Warehouse Receipt Bond is a requirement of the Texas Agriculture Code, Chapter 14, Subchapter A, §14.019. In the event that a receipt identifying grain ownership is lost, stolen or destroyed, a duplicate receipt is issued to the owner by the warehouseman, but prior to that issuance, a bond is required by the warehouseman. The purpose of the bond is to fully protect all rights under the missing receipt. The penalty amount of the bond is double the market value of the grain covered by the missing receipt.

The Bond of Public Warehouseman (Individual or Partnership) and Bond of Public Warehouseman (Corporation) are requirements of the Texas Agriculture Code, Chapter 14, Subchapter C, §14.206. The principal is a public warehouseman who stores cotton, wheat, rye, oats, or rice, or any kind of produce, wares, merchandise, or personal property for hire. The purpose of the bonds is to protect the party who stores goods in the warehouse in the event the warehouseman fails to comply with the law. Each bond is conditioned on faithful performance of the public warehouseman's duties as a public warehouseman. The penalty amount of each bond is \$5,000.

The Warehouse Bond Signature Form is attached to each of the above bonds for the

purpose of countersigning by an authorized local recording agent.

The Texas Department of Agriculture's form filings (Reference Number O-0693-13) were published in the June 25, 1993, issue of the *Texas Register* (18 TexReg 4188).

The Board has jurisdiction over this matter pursuant to the Insurance Code, Articles 5.13, 5.15, and 5.97.

The full text of the form filings for the Licensed Warehouse Bond, Duplicate Warehouse Receipt Bond, Bond of Public Warehouseman (Individual or Partnership), Bond of Public Warehouseman (Corporation), and Warehouse Bond Signature Form as adopted by the Board are filed with the Chief Clerk under Reference Number O-0693-13 and are incorporated by reference by Board Order Number 60398.

This notification is made pursuant to the Insurance Code, Article 5.97, 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 July 9, 1993.

TRD-9325552

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

Effective date: July 31, 1993

Proposal publication date: June 25, 1993

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

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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 State Board of Public Accountancy

Thursday, July 8, 1993, 9:00 a.m. The Texas State Board of Public Accountancy met at 333 Guadalupe Street, Tower III, Suite 900, Austin. According to the emergency revised agenda summary, the board discussed and considered a proposed rule which would regulate the use of credentials by CPAs and required certain disclosures. The emergency status was necessary as it was of urgent public necessity to consider this subject on an emergency basis in order to allow the board to take immediate action against the perpetuation of fraud by CPAs based upon reports of this occurrence.

Contact: Letty L. Callaway, 333 Guadalupe Street, Tower III, Suite 900, Austin, Texas 78701-3942.

Filed: July 7, 1993, 10:18 a.m.

TRD-9325355

Thursday, July 8, 1993, 9:00 a.m. The Texas State Board of Public Accountancy met at 333 Guadalupe Street, Tower III, Suite 900, Austin. According to the emergency revised agenda summary, the board discussed the salary of the board's executive director. The emergency status was necessary as it was of urgent public necessity to consider this subject on an emergency basis in light of recent personnel developments.

Contact: Letty L. Callaway, 333 Guadalupe Street, Tower III, Suite 900, Austin, Texas 78701-3942, (512) 505-5542.

Filed: July 7, 1993, 3:39 p.m.

TRD-9325388

Texas Department on Aging

Thursday, July 15, 1993, 1:00 p.m. The Ombudsman Advisory Committee of the Texas Department on Aging met at 1949 South IH-35, Third Floor Large Conference Room, Austin. According to the agenda summary, the committee considered and possibly acted on: calling the meeting to order; discussed approval of the minutes of previous meeting; heard update on development of residents' rights booklet; monitored regional programs; Fiscal Year 1994 program performance reports; certification training modules; Fiscal Year 1993 program performance report; certification training; staff changes; Fiscal Year 1992 Ombudsman annual report; discussion about achieving full volunteer coverage of all licensed nursing facilities; bills of interest from the 73rd Legislature; recommended changes to the Nursing Facility requirements; issues relating to the lawsuit against Texas Department Mental Health and Mental Retardation and Texas Department of Human Services regarding OBRA/PASARR and implications of Ombudsman program operations; transition of the Texas Department of Health's Bureau of Long Term Care to the Texas Department of Human Services; and adjourned.

Contact: Mary Sapp, P.O. Box 12786, Austin, Texas 78711, (512) 444-2727.

Filed: July 7, 1993, 2:41 p.m.

TRD-9325376

Texas Department of Agriculture

Tuesday, August 10, 1993, 10:00 a.m. The Office of Hearings of the Texas Department

of Agriculture will meet at the Texas Department of Agriculture, 1700 North Congress Avenue, Room 928B, Austin. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of Texas Agricultural Code, §13.035 by United Supermarket #514.

Contact: Joyce C. Arnold, P.O. Box 12847, Austin, Texas 78711, (512) 475-1668.

Filed: July 8, 1993, 1:56 p.m.

TRD-9325444

Wednesday, August 11, 1993, 10:00 a.m. The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 1700 North Congress Avenue, Room 928B, Austin. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of Texas Agricultural Code, §13.035 by Tom Thumb Food and Drugs, Inc.

Contact: Joyce C. Arnold, P.O. Box 12847, Austin, Texas 78711, (512) 475-1668.

Filed: July 8, 1993, 1:57 p.m.

TRD-9325445

Texas Air Control Board

Thursday, July 15, 1993, 9:00 a.m. The Fee Review Committee of the Texas Air Control Board met at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the complete agenda, the committee considered and possibly acted to adopt revisions to the general rules and the state implementation plan, concerning inspection fees, emission fees, and asbestos fees.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: July 7, 1993, 3:52 p.m.

TRD-9325397

Thursday, July 15, 1993, 9:15 a.m. The Hearings Oversight Committee of the Texas Air Control Board met at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the complete agenda, the committee considered and possibly acted on adoption of revisions to the procedural rules concerning exchange of information between parties to a contested case hearing.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: July 7, 1993, 3:52 p.m.

TRD-9325396

Thursday, July 15, 1993, 9:30 a.m. The Mobile Source Emissions Committee of the Texas Air Control Board met at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the agenda summary, the committee considered and possibly took action for approval: for public hearings on proposed revisions to the State Implementation Plan (SIP) and Regulation IV, for the inspection/maintenance (I/M) program; resolution requesting the Texas Department of Transportation to adopt rules-for i/m program in ozone and carbon monoxide nonattainment areas; held public hearing on proposed revisions to the SIP; public hearings on proposed revisions to Regulation IV and the SIP; joint hearing on a memorandum of understanding between the Texas Air Control Board and the Texas Department of Transportation; and considered and possibly acted on report regarding the alternative fuel council established in Senate Bill 737 by the Texas Legislature.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: July 7, 1993, 3:52 p.m.

TRD-9325395

Thursday, July 15, 1993, 10:00 a.m. The Budget and Finance Committee of the Texas Air Control Board met at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the complete agenda, the committee considered and possibly acted on purchase of equipment items: network general token ring sniffer analyzer v.4.3. and Unix capacity for information resources division; and update of mid-year program review of the City of Houston Bureau of air quality control, including grant and contract funding.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: July 7, 1993, 3:48 p.m.

TRD-9325394

Thursday, July 15, 1993, 10:15 a.m. The Enforcement Committee of the Texas Air Control Board met at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the agenda summary, the committee considered and possibly acted on staff report on the status of the fiscal year 1993 strategic enforcement priorities and revisions to the guidelines for compliance and enforcement matters.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: July 7, 1993, 3:44 p.m.

TRD-9325393

Thursday, July 15, 1993, 11:00 a.m. The Permits Oversight Committee of the Texas Air Control Board met at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the complete agenda, the committee heard update, considered and possibly acted on development of Regulation XII: report of implementation of the strategic plans to streamline permit requirements and procedures; to adopt revisions to the General Rules, Regulation VI and the Standard Exemption List and the SIP, concerning reorganization of existing rules and new rules regarding nonattainment review and operations certification.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: July 7, 1993, 3:44 p.m.

TRD-9325392

Thursday, July 15, 1993, 1:00 p.m. The Regulation Development Committee of the Texas Air Control Board met at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the agenda summary, the committee considered and possibly acted to adopt revisions to: the general rules and the State Implementation Plan (SIP); general rules, Regulation VI, the Standard Exemption List the SIP and to the procedural rules; public hearings on proposed revisions to the SIP regarding rate of progress; proposed revisions to the SIP and Regulation IV; revisions to the SIP (motor vehicle); proposed revisions to Regulation IV and the SIP; joint public hearings on a memorandum of understanding between the Texas Air Control Board and the Texas Department of Transportation; approval for public hearings on the proposed repeal of the enforcement rules; report on parametric modeling for gas turbines in lieu of continuous emissions monitoring; report on impact

of reductions of emissions of volatile organic compounds of ozone levels.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: July 7, 1993, 3:44 p.m.

TRD-9325391

Friday, July 16, 1993, 9:00 a.m. The Texas Air Control Board will meet at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the agenda summary, the board will call the meeting to order; consider and possibly act on approval of the minutes; hear public testimony; consider and possibly act on: selection of contractors for motor vehicle inspection/maintenance program (I/M); update on the mid-year program review of the City of Houston; revision to the General Rules and the State Implementation Plan (SIP); Regulation VI and SIP; procedural rules and resolution requesting TxDOT to implement I/M enforcement; approve public hearings on proposed revisions to SIP, Regulation IV and SIP; memorandum of understanding with TxDOT, repeal of the enforcement rules; Regulation IV and the SIP; Enforcement Report, consider and possibly act on agreed enforcement orders; purchase of equipment items; consider and possibly act on reports; hear committee reports; discuss old and new business; and adjourn.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: July 7, 1993, 3:43 p.m.

TRD-9325390

Friday, July 16, 1993, 9:00 a.m. (Revised agenda). The Texas Air Control Board will meet at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the revised agenda summary, the board will discuss proposed revisions to the SIP, concerning vehicle miles traveled offset requirements in the Houston/Galveston Ozone nonattainment area.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: July 8, 1993, 4:37 p.m.

TRD-9325476

Texas Animal Health Commission

Friday, July 23, 1993, 7:00 p.m. The Texas Animal Health Commission will meet at 405 East Marshall, Gregg County Extension Office, Longview. According to the agenda summary, the commission will discuss equine infectious anemia; and hear comments and testimony from the public.

Contact: Jo Anne Conner, P.O. Box 12966, Austin, Texas 78711, (512) 479-6697.

Filed: July 12, 1993, 4:18 p.m.

TRD-9325647

Wednesday, August 11, 1993, 7:00 p.m. The Texas Animal Health Commission will meet at the American Rice Growers Association Building, Highway 124 and Industrial Boulevard, Beaumont. According to the agenda summary, the commission will discuss equine infectious anemia; and hear comments and testimony from the public.

Contact: Jo Anne Conner, P.O. Box 12966, Austin, Texas 78711, (512) 479-6697.

Filed: July 12, 1993, 4:18 p.m.

TRD-9325646

August 13, 1993, 7:00 p.m. The Texas Animal Health Commission will meet at the Texas A&M Agricultural Research Extension Center, FM 1294 (just off I-27 at Shallowater Exit), Lubbock. According to the agenda summary, the commission will discuss equine infectious anemia; and hear comments and testimony from the public.

Contact: Jo Anne Conner, P.O. Box 12966, Austin, Texas 78711, (512) 479-6697.

Filed: July 12, 1993, 4:17 p.m.

TRD-9325645

Monday, August 16, 1993, 7:00 p.m. The Texas Animal Health Commission will meet at the North Texas State Fair Grounds, One-fourth Mile North of Highway 380 and Carol Boulevard, Denton. According to the agenda summary, the commission will discuss equine infectious anemia; and hear comments and testimony from the public.

Contact: Jo Anne Conner, P.O. Box 12966, Austin, Texas 78711, (512) 479-6697.

Filed: July 12, 1993, 4:17 p.m.

TRD-9325644

Thursday, August 19, 1993, 7:00 p.m. The Texas Animal Health Commission will meet at 210 Barton Springs Road, First Floor Conference Room, Austin. According to the agenda summary, the commission will discuss equine infectious anemia; and hear comments and testimony from the public.

Contact: Jo Anne Conner, P.O. Box 12966, Austin, Texas 78711, (512) 479-6697.

Filed: July 12, 1993, 4:17 p.m.

TRD-9325643

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**Texas Board of Architectural
Examiners**

Friday, July 16, 1993, 12:30 p.m. The Personnel/Resource Committee of the Texas

Board of Architectural Examiners will meet at the Sheraton Austin Hotel, Red River Room, 500 North Interstate 35, Austin. According to the agenda summary, the committee will call the meeting to order; hear chairman's opening remarks; consider/act on personnel matters; 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 Carolyn Lewis at (512) 458-1363 two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Robert H. Norris, 8213 Shoal Creek Boulevard, #107, Austin, Texas 78757, (512) 458-1363.

Filed: July 8, 1993, 10:10 a.m.

TRD-9325415

Friday, July 16, 1993, 2:30 p.m. The Rules/Enforcement Committee of the Texas Board of Architectural Examiners will meet at the Sheraton Austin Hotel, Red River Room, 500 North Interstate 35, Austin. According to the agenda summary, the committee will call the meeting to order; hear chairman's opening remarks; consider/act on rules matters; 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 Carolyn Lewis at (512) 458-1363 two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Robert H. Norris, 8213 Shoal Creek Boulevard, #107, Austin, Texas 78757, (512) 458-1363.

Filed: July 8, 1993, 10:10 a.m.

TRD-9325416

Friday, July 16, 1993, 3:30 p.m. The Education/Qualification and Examination Committee of the Texas Board of Architectural Examiners will meet at the Sheraton Austin Hotel, Red River Room, 500 North Interstate 35, Austin. According to the agenda summary, the committee will call the meeting to order; hear chairman's opening remarks; consider/act on education/qualification and examination matters; 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 Carolyn Lewis at (512) 458-1363 two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Robert H. Norris, 8213 Shoal Creek Boulevard, #107, Austin, Texas 78757, (512) 458-1363.

Filed: July 8, 1993, 10:10 a.m.

TRD-9325417

Saturday, July 17, 1993, 9:00 a.m. The Texas Board of Architectural Examiners will meet at the Sheraton Austin Hotel, Red River Room, 500 North Interstate 35, Austin. According to the agenda summary, the board will call the meeting to order; recognize guests; take roll call; hear chairman's opening remarks; consider/act on following categories: approval of minutes; consent on director's report; committee matters; examinations; legislative matters; renewals; conferences/meetings; hear public comment; meet in executive session to discuss/consider legal advice in accordance with the Texas Open Meetings Act, Article 6252-17, §2(e); 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 Carolyn Lewis at (512) 458-1363 two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Robert H. Norris, 8213 Shoal Creek Boulevard, #107, Austin, Texas 78757, (512) 458-1363.

Filed: July 8, 1993, 10:10 a.m.

TRD-9325414

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**Children's Trust Fund of
Texas Council**

Friday, July 16, 1993, 10:00 a.m. The Budget Oversight Subcommittee of the Children's Trust Fund of Texas Council will meet at the Reilly Brothers Property Company, 2111 North Collins, Suite 323, Arlington. According to the complete agenda, the subcommittee will review quarterly financial reports; address USAS project; overview of General Appropriations Fiscal Year 1994-1995; and adjourn.

Contact: Janie D. Fields, 8929 Shoal Creek Boulevard, #200, Austin, Texas 78758, (512) 458-1281.

Filed: July 8, 1993, 4:38 p.m.

TRD-9325478

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Coastal Coordination Council

Friday, July 16, 1993, 9:00 a.m. The Executive Committee of the Coastal Coordination Council will meet at 1700 North Congress Avenue, Room 831, Austin. According to the complete agenda, the committee will call the meeting to order; discuss approval of minutes of the May 21, 1993, and the June 18, 1993, meetings; hear status report on the Coastal Management Program

(CMP) focus groups; status report on public review of the proposed CMP boundary; agency response to the CMP policy development process; discuss the state consistency review process; public comment period (public given opportunity to comment on any agenda item, with three minute time limit); and adjourn.

Contact: Janet Fatheree, 1700 North Congress Avenue, Room 730, Austin, Texas 78701, (512) 463-5385.

Filed: July 8, 1993, 4:36 p.m.

TRD-9325472

Texas State Board of Examiners of Professional Counselors

Thursday, July 8, 1993, 1:00 p.m. The Complaints Committee of the Texas State Board of Examiners of Professional Counselors met at the Exchange Building, Room S-402, 8407 Wall Street, Austin. According to the complete emergency revised agenda, the committee discussed and possibly acted on: an order concerning license of N.M.; dismissal of the license suspension of P.J.B.; an order concerning license of J.C.; and action on pending complaints. The emergency status was necessary as an item added proposes to suspend the license of J.C. for a certain period of time. In order to protect public safety and health, the suspension had to be approved by the board as soon as possible.

Contact: Kathy Craft, 1100 West 49th Street, Texas 78756, (512) 834-6628. For ADA assistance, call Richard Butler at (512) 458-7488 or T.D.D. at (512) 458-7708 at least two days prior to the meeting.

Filed: July 7, 1993, 3:40 p.m.

TRD-9325389

Texas Department of Criminal Justice

Wednesday, July 14, 1993, 12:30 p.m. The Board of Criminal Justice, Subcommittee on Substance Abuse of the Texas Department of Criminal Justice met at the TDCJ Complex, Spur 59 off Highway 75 North, Administration Building, Room 141, Huntsville. According to the agenda summary, the board held a joint meeting with the Criminal Justice Issues Committee of the Texas Commission on Alcohol and Drug Abuse. The committee called the meeting to order; discussed approval of minutes; heard legislative update; discussed client selection process; facility construction/renovation update; update on in-prison

therapeutic communities; update on 12,000 bed substance abuse facilities; aftercare; outpatient audit overview; prior pending business; new business; and adjourned.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 6, 1993, 4:21 p.m.

TRD-9325334

Wednesday, July 14, 1993, 2:30 p.m. The Board of Criminal Justice, Subcommittee on Prison and TDCJ Facility Names of the Texas Department of Criminal Justice met at the TDCJ Complex, Spur 59 off Highway 75 North, Administration Building, Room 141, Huntsville. According to the complete agenda, the board discussed selection process; and formulated name recommendations for board approval.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 6, 1993, 4:20 p.m.

TRD-9325333

Wednesday, July 14, 1993, 3:00 p.m. The Board of Criminal Justice, Subcommittee on County Relations met at the TDCJ Complex, Spur 59 off Highway 75 North, Administration Building, Room 141, Huntsville. According to the complete agenda, the board discussed state jail division; and allocation formula-prison beds.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 6, 1993, 4:20 p.m.

TRD-9325332

Thursday, July 15, 1993, 8:00 a.m. The Board of Criminal Justice, Subcommittee on Windham School System of the Texas Department of Criminal Justice met at the TDCJ Complex, Spur 59 off Highway 75 North, Administration Building, Room 141, Huntsville. According to the complete agenda, the board discussed WSS Budget for 1993-1994; salary schedule for 1993-1994; 1994-1995 depository pledge revision; reduction in force policy revision; nepotism policy; employment of personnel policy revision; Tuberculosis Control Policy; Family and Medical Leave Act; investment policy; and discussed and updated the WSS Performance Review.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 7, 1993, 11:13 a.m.

TRD-9325362

Thursday, July 15, 1993, 8:30 a.m. The Board of Criminal Justice, Subcommittee on Minority Relations of the Texas Depart-

ment of Criminal Justice met at the TDCJ Complex, Spur 59 off Highway 75 North, Administration Building, Room 141, Huntsville. According to the complete agenda, the board discussed the Parole Division; agency purchasing procedures; construction and architect/engineer selection procedures; promotion and hiring procedures; and other items.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 7, 1993, 11:13 a.m.

TRD-9325361

Thursday, July 15, 1993, 10:00 a.m. The Board of Criminal Justice, Subcommittee on Construction of the Texas Department of Criminal Justice met at the TDCJ Complex, Spur 59 off Highway 75 North, Administration Building, Room 141, Huntsville. According to the agenda summary, the board reviewed and discussed current project status: 2,250 man units; 1,000 man units; psychiatric unit; Alberti Units; presentation on owner contractor insurance policies; sprung structures-500 SATF and building annexes; heard report by staff; possibly discussed and acted on Karnes County prevailing wage protest brought by Iron Workers District Council and Texas Building and Construction Trades Council changes to departmental rules for determining prevailing wage rates required by amendment to Prevailing Wage Act, (Texas Civil Statutes Article 51590); substance abuse facilities; reviewed construction projects for board approval; date and location of next meeting; and discussed other items.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 7, 1993, 2:40 p.m.

TRD-9325372

Thursday, July 15, 1993, 11:30 a.m. The Board of Criminal Justice, Subcommittee on Parole Division of the Texas Department of Criminal Justice met at the TDCJ Complex, Spur 59 off Highway 75 North, Administration Building, Room 141, Huntsville. According to the complete agenda, the board heard update by Warden John Bonner on Lockhart work-release facility.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 7, 1993, 2:41 p.m.

TRD-9325373

Thursday, July 15, 1993, 12:30 p.m. The Board of Criminal Justice, Subcommittee on Finance and Audit of the Texas Department of Criminal Justice met at the TDCJ Complex, Spur 59 off Highway 75 North, Administration Building, Room 141, Hunts-

ville. According to the complete agenda, the board reviewed and discussed agency's annual audit plan for Fiscal Year 1994 and established proposed recommendation to the board; discussed TDCJ Audit Policy as it relates to CJAD and develop appropriate recommendation for board consideration; reviewed agency's Fiscal Year 1994 operating budget and education/recreation budget and formulate recommendation for board approval.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 7, 1993, 11:12 p.m.

TRD-9325360

Thursday, July 15, 1993, 1:30 p.m. The Board of Criminal Justice, Subcommittee on Community Assistance of the Texas Department of Criminal Justice met at the TDCJ Complex, Spur 59 off Highway 75 North, Administration Building, Room 141, Huntsville. According to the agenda summary, the board discussed the Travis County Community Justice Pilot Project; corrections tracking system; state aid funding recommendations; allocation formula; basic supervision; training recommendations; and other business.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 7, 1993, 1:56 p.m.

TRD-9325368

Thursday, July 15, 1993, 2:30 p.m. The Board of Criminal Justice, Subcommittee on Legal Issues of the Texas Department of Criminal Justice met at the TDCJ Complex, Spur 59 off Highway 75 North, Administration Building, Room 141, Huntsville. According to the complete agenda, the board discussed agency's legal structure.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 7, 1993, 1:56 p.m.

TRD-9325369

Thursday, July 15, 1993, 3:00 p.m. The Board of Criminal Justice of the Texas Department of Criminal Justice met at the TDCJ Complex, Spur 59 off Highway 75 North, Administration Building, Room 141, Huntsville. According to the agenda summary, the board was briefed on impact of Senate Bill 532 and Senate Bill 1067; presentation and discussion of prevailing wage surveys; met in executive session (Closed in accordance with §2(e), Texas Civil Statutes, Article 6252-17); discussed with board attorneys concerning agency litigation; and other matters made confidential under State Bar Code of Professional Responsibility.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 7, 1993, 1:56 p.m.

TRD-9325367

Friday, July 16, 1993, 9:00 a.m. The Board of Criminal Justice of the Texas Department of Criminal Justice will meet at the Sam Houston State University, George J. Beto Criminal Justice Center, Auditorium, 815 16th Street, Huntsville. According to the agenda summary, the board will meet in executive session to discuss pending litigation; matters confidential under the State Bar Code of Professional responsibility; executive director position; meet in regular session to discuss tribute to Clarence Stevenson; consent items; extension of employee requests; dual employment requests; employment contract-J. Lynaugh; discuss and possibly act on interim executive director; state director victim services; rules concerning prevailing wages; presentation Anderson Consulting; prison name recommendations; audit plan/Fiscal Year 1994; CJAD audit policy; hear board reports; consolidation of office space-Austin; Judicial Advisory Committee report; request for financing; 1994 TDCJ Operating Budget; 1994 E and R Budget; releasees payment of fees rule; Good Time; presentation-jail backlog; rules for final adoption/allocation formulas; construction; introduction TDCJ staff; adjourn; discuss Windham School Board; call the meeting to order; establish quorum; review consent items; and discuss items.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 8, 1993, 4:37 p.m.

TRD-9325474

Texas Commission for the Deaf and Hearing Impaired

Friday, July 23, 1993, 10:00 a.m. The Board of the Texas Commission for the Deaf and Hearing Impaired will meet at the Criss Cole Auditorium, 4800 North Lamar Boulevard, Austin. According to the complete agenda, the board will call the meeting to order; open discussion with Commissioner Ladd of the Health and Human Services Commission and his staff regarding the contracting of Texas Commission for the Deaf and Hearing Impaired with the Texas Commission for the Blind for administrative support services for the next biennium; sharing of information items; scheduling of next commission meeting; and adjourn.

Contact: Loyce Kessler, 1524 South IH-35, #200, Austin, Texas 78704, (512) 444-3323.

Filed: July 7, 1993, 11:19 a.m.

TRD-9325363

Texas Education Agency

Thursday, July 15, 1993, 9:00 a.m. The Commission on Standards for the Teaching Profession of the Texas Education Agency met at 1701 North Congress Avenue, William B. Travis Building, Room 1-110, Austin. According to the agenda summary, the agency took roll call; discussed adoption of agenda; approval of minutes of May 20-21 meeting; heard report on State Board of Education actions; report on legislative activity (House Bill 2585); update on centers for professional development; dialogue with Commissioner of Education Meno; progress report on pilot program for hearing impaired from Incarnate Word College; progress report on outcomes for school counselors from Texas Counseling Association; request for new programs; discussed individual programs from East Texas Baptist University-Marshall; Sul Ross State University-Uvalde, and the University of St. Thomas-Houston; acted on reapproval of alternative certification program from the University of Texas-Brownsville; and discussed draft of outcomes documents.

Contact: Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: July 6, 1993, 3:25 p.m.

TRD-9325326

Friday, July 16, 1993, 9:00 a.m. The Commission on Standards for the Teaching Profession of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the agenda summary, the commission will review passing standards for new ExCET examinations; discuss institutional and program standards for ExCET exams; levels of accreditation for institutions; annual performance report; hear report of Teacher Education Conference Planning Committee; and discuss commission operations.

Contact: Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: July 6, 1993, 3:26 p.m.

TRD-9325327

Texas Employment Commission

Tuesday, July 20, 1993, 9:00 a.m. The Texas Employment Commission will meet at the TEC Building, Room 644, 101 East 15th Street, Austin. According to the agenda summary, the commission will discuss approval of prior meeting notes; meet in executive session to consider relocation of agency headquarters; discuss Texas Employment Commission versus Ben Hogan Company and Lovall versus Texas Employment Commission, et al; actions, if any, resulting from executive session; hear staff reports; consider and possibly approve contract for post-audits and electronic approvals with state comptroller; proposal of amendments to rules regarding child labor; consider proposed rulemaking concerning new exclusion from coverage under the Texas Unemployment Compensation Act of services performed by certain landmen; internal procedures of commission appeals; consider and act on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 29; and set date of next meeting.

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

Filed: July 12, 1993, 4:06 p.m.

TRD-9325640

Texas Commission on Fire Protection

Wednesday-Friday, July 14-16, 1993, 9:00 a.m. The Texas Commission on Fire Protection will meet at 3006B Longhorn Boulevard, Austin. According to the revised agenda summary, the commission will review and discuss 37 TAC Chapter 439, concerning examinations; Section 439.7, concerning procedures; Section 439.13, concerning performance skills; and Section 439.15, concerning testing for certification status.

Contact: Carol Menchu, 3006B Longhorn Boulevard, Austin, Texas 78758, (512) 873-1700.

Filed: July 6, 1993, 5:00 a.m.

TRD-9325344

Texas Alternative Fuels Council

Friday, July 16, 1993, 9:00 a.m. The Executive Committee of the Texas Alternative Fuels Council will meet at 105 West 15th Street, Room 101, John H. Reagan Building, Austin. According to the complete agenda, the committee will hear opening remarks by council members; hear report on

Senate Bill 737, which created the Alternative Fuels Council, effective September 1, 1993; discuss meeting schedule and organizational procedures for Alternative Fuels Council; scope and proposed timetable for rule making; and preliminary discussion of: alternative fuels conversion fund; bonding authority; appropriations established under Senate Bill 5; and hear closing remarks by council members.

Contact: Soll Sussman, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5039.

Filed: July 6, 1993, 3:10 p.m.

TRD-9325324

Friday, July 23, 1993, 9:00 a.m. (Rescheduled from July 16, 1993, 9:00 a.m.) The Executive Committee of the Texas Alternative Fuels Council will meet at 105 West 15th Street, Room 101, John H. Reagan Building, Austin. According to the complete agenda, the committee will hear opening remarks by council members; hear report on Senate Bill 737, which created the Alternative Fuels Council, effective September 1, 1993; discuss meeting schedule and organizational procedures for Alternative Fuels Council; scope and proposed timetable for rule making; and preliminary discussion of: alternative fuels conversion fund; bonding authority; appropriations established under Senate Bill 5; and hear closing remarks by council members.

Contact: Soll Sussman, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5039.

Filed: July 13, 1993, 9:48 a.m.

TRD-9325660

Texas Funeral Service Commission

Tuesday, July 13, 1993, 1:30 p.m. The Texas Funeral Service Commission met at the Sheraton Mockingbird Hotel, 1893 West Mockingbird Lane, Dallas. According to the emergency revised agenda summary, the commission discussed approval of minutes; introduced visitors; held public comment period; heard executive director's report; selected meeting dates; discussed administrative penalty to be assessed; considered proposed rules/rule amendments, as follows: §201.2-agreements to be in writing, §201.4-motions for consideration; exceptions, §201.7-allegations of violations; investigations, §201.11-disciplinary guidelines, §203.3-funeral director in charge, §203.4-transfer of funeral establishment licenses prohibited, §203.6-provisional licenses, §203.7-comprehension of disclosures (former §203.7 now included in §203.6), §203.115-comprehension of disclosure (repeal; move to §203.7), §203.13-

minimum standards for embalming, §203.19-required documentation for embalming, §203.24-sponsors of provisional licensees, §203.25-establishment licenses, and §203.26-funeral establishment names.

Contact: Larry A. Farrow, 8100 Cameron Road, Suite 550, Austin, Texas 78754-3896, (512) 834-9992.

Filed: July 7, 1993, 2:07 p.m.

TRD-9325371

Office of the Governor

Thursday-Friday, July 15-16, 1993, 8:30 a.m. The Automobile Theft Prevention Authority of the Office of the Governor will meet at the Reagan Building, Room 106, 105 West 15th Street, Austin. According to the agenda summary, the authority will call the meeting to order; met in executive session regarding State Farm refund; hear committee reports; presentation from project evaluation questionnaires; discussion/decisions for grant awards; and adjourn.

Contact: Linda Young, 221 East 11th Street, Austin, Texas 78701, (512) 463-1919.

Filed: July 7, 1993, 3:00 p.m.

TRD-9325378

Thursday, July 22, 1993, 9:30 a.m. The Committee on People with Disabilities of the Office of the Governor will meet at the Holiday Inn Crowne Plaza, San Felipe Room, 2222 West Loop South, Houston. According to the agenda summary, the committee will hold a brief public comment period; members will meet in subcommittees (Programs and Long-range Planning and Policy) to review agenda items and bring recommendations to the full committee. The committee will take action on 1993 Barbara Jordan Award winners; 1993 employment award winners; outline for 1993 ADA report; and programs subcommittee liaison to staff for 1993 ADA report. Members will hear from representatives of three organizations serving people with disabilities and their families; and staff will also report to members.

Contact: Virginia Roberts, 201 East 14th Street, Austin, Texas 78711.

Filed: July 8, 1993, 2:43 p.m.

TRD-9325467

Texas Department of Health

Friday, July 16, 1993, 10:00 a.m. The Dental Technical Advisory Committee of the Texas Department of Health will meet at the Texas Department of Health, Room G-107, 1100 West 49th Street, Austin. Ac-

ording to the complete agenda, the committee will discuss approval of the minutes of April 16, 1993 meeting; discuss and possibly act on: bureau update (bureau chief's report, budget, legislation initiatives, and reorganization); fluoridation-preventive block grant application process and planning for fiscal year 1995 application; grant request for newsletter; discuss early periodic screening diagnostic treatment (EPSDT); education report; update on study of children's oral health status; report on Cook Children's Hospital study; regional reports; prioritization of budget utilization; preparation toward next legislative session; organizational concept of EPSDT implementation and outreach; health care reform; local health units assistance in developing dental programs skeletal objectives; support of Women, Infants and Children Dental Bureau in Baby Bottle Tooth Decay intervention project; preparation toward nursing home legislation for 1996-1997 session-proposed letter to Diane Friedholm to change current rules; tobacco intervention/cessation project; and setting of the next meeting date.

Contact: N.L. King, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7323. For ADA assistance, call Richard Butler at (512) 458-7488 or T. D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: July 8, 1993, 4:38 p.m.

TRD-9325477

Texas Department of Human Services

Friday, July 16, 1993, 10:00 a.m. The Texas Board of Human Services of the Texas Department of Human Services will meet at 701 West 51st Street, Public Hearing Room, Austin. According to the complete agenda, the board will consider approval of the minutes of June 25, 1993; hear chairman's comments and announcements; reimbursement methodology for disproportionate share hospitals; eliminating cost-of-living adjustments for Medicaid Reimbursement Methodology and other outpatient services; home health program rule changes; enrollment of military hospitals as Medicaid providers; revised minimum standards for Adult Foster Care; nursing facility waiver rule changes and additions; rates and administrative expense fee for nursing facility wavier program; reimbursement methodology rules, rate, and rate ceiling for the medially dependent children program; reimbursement methodology rules for the home and community-based services wavier program; JOBS program experience; amendments to policies and procedures; review and discuss approval of the Fiscal Year 1994 operating budget; and hear commissioner's report. The board will recess to go

into a closed executive session for the commissioner's annual performance evaluation and will convene in open session to take action, if necessary, resulting from discussion in executive session.

Contact: Sherron Heinemann, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3048.

Filed: July 8, 1993, 12:00 p.m.

TRD-9325437

Tuesday, July 20, 1993, 9:00 a.m. The Drug Use Review Board of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, West Tower, Austin. According to the complete agenda, the board will consider approval of minutes from April 20, 1993, meeting; discuss educational intervention effectiveness measurement; review of responses to letters on Naprosyn; review of profiles on Hydrocodone; therapeutic criteria and standards; meetings of the Ad Hoc Committees on provider education and intervention letters; selection of targeted drug for next profile review; schedule next meeting; and adjourn.

Contact: Curtis Burch, Jr., P.O. Box 149030, Austin, Texas 78714-9030, (512) 338-6988.

Filed: July 7, 1993, 10:26 a.m.

TRD-9325358

Friday, July 23, 1993, 10:30 a.m. The Advisory Committee on Child Care Programs of the Texas Department of Human Services will meet at the Association for Retarded Citizens', 1600 West 38th Street, Suite 200, Austin. According to the complete agenda, the committee will welcome guests and make introductions; discuss approval of minutes; revision of rules concerning services to children with disabilities; implementation of the riders to the Appropriations Act; legislation impacting TDHS; use of early childhood development funding for Fiscal Year 1994 and 1995; hear committee reports; and adjourn.

Contact: Mary Beth O'Hanlon, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4169.

Filed: July 13, 1993, 8:39 a.m.

TRD-9325655

Department of Information Resources

Thursday, July 15, 1993, 9:00 a.m. The Board of the Department of Information Resources met at 300 West 15th Street, Committee Room One, Austin. According to the agenda summary, the board discussed adoption of September 1992, January 1993, and March 1993 board minutes; heard exec-

utive director's report; legislative updates; financial statements; discussion of 1994 program/budget issues; divisional reports; discussion and adoption of delegation of voucher signature authority; resolution for contract on post-audits and electronic approvals; 1992 statewide annual report; work plan for 1993 state strategic plan; contingency planning activity within the state; partnership with Angelo State University; discussion and emergency adoption of Revised: 1 TAC §201.1, Definitions; 1 TAC §201.3, Information Resources Managers; 1 TAC §201.5, Agency Planning; discussion and proposal for publications in the *Texas Register*: Revised 1 TAC §201.1, Definitions; 1 TAC §201.3, Information Resources Managers; 1 TAC §201.5, Agency Planning; proposed 1 TAC §201.10, Use of TEXAN Network; and proposed 1 TAC §201.13(c), Standards for Data Transport Networks for Computers.

Contact: John Hawkins, 300 West 15th Street, Suite 1300, Austin, Texas 78701, (512) 475-4714.

Filed: July 6, 1993, 3:09 p.m.

TRD-9325321

Texas Department of Insurance

Wednesday, July 14, 1993, 9:00 a.m. The State Board of Insurance of the Texas Department of Insurance met at 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board continued Docket Number 1983 concerning possible action on the adoption of revised workers' compensation classification relativities for the voluntary market pursuant to Article 5.60, Insurance Code; continued Docket Number 1996 concerning a petition filed by staff of the Workers' Compensation Division of the Texas Department of Insurance requesting a proposed revision to the Experience Rating Plan (Reference Number W-0493-07).

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

Filed: July 6, 1993, 4:21 p.m.

TRD-9325335

Wednesday, July 14, 1993, 9:00 a.m. The State Board of Insurance of the Texas Department of Insurance met at 333 Guadalupe Street, Room 100, Austin. According to the complete revised agenda, the board considered a filing by American Bankers Insurance Company of Florida requesting approval of commercial inland marine forms, rates and rules pursuant to the Insurance Code, Article 5.53; considered authorization for publication of proposed amendments to 28 TAC §7.25 and §7.26.

concerning application for domestic insurance companies to relocate any portions of their books, records, accounts and/or principal office(s) outside Texas, pursuant to the Insurance Code, Article 1. 28.

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

Filed: July 6, 1993, 1:46 p.m.

TRD-9325309

Friday, July 16, 1993, 9:30 a.m. The Texas Health Maintenance Organization Solvency Surveillance Committee of the Texas Department of Insurance will meet at the William P. Hobby Building, Room 100, 333 Guadalupe Street, Austin. According to the agenda summary, the committee will call the meeting to order; consider and discuss approval of May 7, 1993 minutes; review of overall HMO Industry; meet in executive session to review statutorily confidential information on financial condition of individual HMOs; consider recommendation to Commission of Insurance regarding vacancy of position held by Gene Jackson, a public member; and adjourn.

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

Filed: July 8, 1993, 4:37 p.m.

TRD-9325475

Monday, July 19, 1993, 9:00 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will consider whether a meeting or hearing will be granted regarding a petition filed by the Office of Public Insurance Counsel requesting approval of a mandatory discount for alcohol and drug education courses for personal auto insurance; and the board may consider amending Rule 74H of the Texas Automobile Rules and Rating Manual to establish a discount category for a student driver that is a member of a drug or alcohol program which is recognized or sponsored by school authorities.

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

Filed: July 9, 1993, 3:04 p.m.

TRD-9325540

Monday, July 19, 1993, 1:30 p.m. The State Board of Insurance of the Texas Department of Insurance will meet at 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will meet with representatives of the Attorney General's Office to discuss pending litigation cases concerning the following: State of Texas versus National Council of Allied Employees, et al; in re: People's Assurance

Cooperative, Inc.; John Jenkins, et al versus Alexander Hamilton Life Insurance Company, et al; State of Texas versus Advanced Administrative Company, Inc.; Self-Insurance of America versus Koriath, et al; Aetna Casualty and Surety Company versus State Board of Insurance; Texas Catastrophe Property Insurance Association versus State Board of Insurance; El Paso Electric versus First Service Life Insurance Company; State of Texas versus Anchorage Fire and Casualty Insurance Company, et al; United Shoreline Insurance Assurance Service N.A. versus MacGregor General Insurance Company, Limited; and State of Texas versus Risk Managers International, Inc. et al.

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

Filed: July 9, 1993, 9:55 a.m.

TRD-9325495

Tuesday, July 20, 1993, 9:00 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 13th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application for amendment to the Declaration of Subscribers of Lumberman's Underwriters, Austin, in regards to replacement of attorney-in-fact.

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

Filed: July 12, 1993, 10:59 a.m.

TRD-9325610

Tuesday, July 20, 1993, 9:00 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at 333 Guadalupe Street, Room 100, Austin. According to the agenda summary, the board will consider a meeting or hearing regarding adoption of amendments to the Texas Automobile Rules and Rating Manual, Rules 78 and 123, and Endorsements 586 and TE 20.32A, concerning extending discounts to collectible and special interest autos as well as antique autos; and Rule 74 concerning a discount to apply in some cases where the number of autos exceeds the number of drivers insured by a policy pursuant to Articles 5.06, 5.101 and 5.96; consider authorization for publication of new 28 TAC §21.7 prohibiting certain practices and activities in the setting or use of rates or rating manuals for property and casualty insurance pursuant to Articles 21.21, 21.21-5, 5.09, 5.81 and 5.98; consider authorization for publication of proposed new 28 TAC §1.1301, concerning information provided to the public through the agency's toll-free telephone number pursuant to Article 1.35D; publication of proposed new 28 TAC §5.8005 relating to prospective loss costs from advi-

sory organizations pursuant to Article 5.73; publication of proposed new 28 TAC §19.1501 concerning reimbursement and notification requirement of costs incurred by agents in obtaining motor vehicle records and photographs of property pursuant to Article 21.35A; and consider authorization for publication of proposed repeal of 28 TAC §§19.1501-19.1504 relating to fees charged by local recording agents pursuant to Article 21.14; discuss personnel; litigation; solvency; hear staff reports; commissioner's orders; and legislative implementation.

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

Filed: July 12, 1993, 3:27 p.m.

TRD-9325637

Tuesday, July 20, 1993, 9:00 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will consider personnel matters including agency reorganization under 1994 Fiscal Budget Appropriation; reduction in force; sunset implementation/transition plan; and recruitment of Commissioner of Insurance.

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

Filed: July 12, 1993, 4:17 p.m.

TRD-9325641

Wednesday, July 21, 1993, 9:00 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at 333 Guadalupe Street, Room 100, Austin. According to the agenda summary, the board will consider personnel; litigation; solvency; hear commissioner's orders; staff reports; legislative implementation; appointment of one insurer and one public representative to the Texas Life, Accident, Health and Hospital Service Insurance Guaranty Association; appointment of a public member to the Texas Medical Liability Insurance Underwriting Association; filings by the following: Allstate Insurance Company, Zurich Insurance Company, Atlantic Mutual Insurance Company, Federated Service Insurance Company, Old American County Mutual Insurance Company, Michigan Mutual Insurance et al, Nordstern Insurance of America, St. Paul Fire and Marine Insurance Company, et al, and Affiliated FM Insurance Company; authorization for publication of proposed amendment to 28 TAC §7.7 relating to subordinated indebtedness; surplus debentures; surplus notes; premium income notes, bonds, or debentures and other contingent evidences of indebtedness; and authorization for publication of proposed new 28 TAC §7.84 concerning filing

of audit reports of risk pools created under the Local Government Code, Chapter 172.

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

Filed: July 12, 1993, 3:27 p.m.

TRD-9325638

Thursday, July 29, 1993, 10:00 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will conduct a public hearing under Docket Number 2021 to consider a rate filing in excess of statutory rate limitation filed by Metropolitan Property and Casualty Insurance Company pursuant to Article 5.101, §3(f) requesting a rate ranging from 7% to 45% above the benchmark rate by class of driver and territory for private passenger auto for standard business. The board will also conduct a hearing under Docket Number 2022 to consider a rate filing in excess of statutory rate limitation filed by Metropolitan General Insurance Company pursuant to Article 5.101, §3(f) requesting a rate of 50% above the benchmark rate for all territories and classes of drivers for private passenger auto for sub-standard business.

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

Filed: July 12, 1993, 10:59 a.m.

TRD-9325612

Wednesday, August 4, 1993, 1:30 p.m. The State Board of Insurance of the Texas Department of Insurance will meet at 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will conduct a public hearing under Docket Number 2018 to consider a rate filing in excess of statutory rate limitation filed by First National Insurance Company of America pursuant to Article 5.101 §3(f) requesting a rate of 60% above the benchmark rate for all bodily injury and property damage coverages; 55% above for personal injury protection, medical payments, and uninsured motorists coverages; and 65% above for comprehensive and collision coverages for private passenger auto for standard business.

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

Filed: July 9, 1993, 9:55 a.m.

TRD-9325494

Commission on Jail Standards

Thursday, July 22, 1993, 9:00 a.m. The Commission on Jail Standards will meet at the Stephen F. Austin Building, Congress Avenue and West 17th Street, Room 118, Austin. According to the agenda summary, the commission will call the meeting to order; take roll call of members; read and discuss approval of minutes; compliance and enforcement; discuss old business: Ector County, Kerr County, McLennan County, Midland County, Potter County, Orange County; new business: Wichita County, Zapata County; consider application for variances: Comanche County, Galveston County, Live Oak County; Rockwall County, Victoria County; cancellation of variances: Wharton County and Wichita County; administrative action; discuss old business: status of transfer of felony backlog; status of payments to counties; American Disabilities Act update; internal audit report; completed jail projects; jail population report; active remedial orders; discuss new business: changes to standards, JJDP; hear director's report; discuss other business; meet in executive session; and adjourn.

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

Filed: July 6, 1993, 12:55 p.m.

TRD-9325308

Thursday, July 22, 1993, 9:00 a.m. The Commission on Jail Standards will meet at the Stephen F. Austin Building, Congress Avenue and West 17th Street, Room 118, Austin. According to the revised agenda summary, the commission will discuss compliance and enforcement; new business: Bexar County; and application for variances: Harris County.

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

Filed: July 12, 1993, 9:25 a.m.

TRD-9325573

Texas Board of Professional Land Surveying

Friday-Saturday, July 23-24, 1993, 9:00 a.m. The Texas Board of Professional Land Surveying will meet at 7701 North Lamar Boulevard, Suite 400, Austin. According to the complete agenda, the board will discuss approval of the minutes of the previous meeting; conduct interviews; hear the presentation of complaints; committee reports; discuss correspondence; old business; consider new business; review applications for the October 1993 examinations; and to select the October 1993 examinations. 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 Sandy Smith at (512) 452-9427 two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Sandy Smith, 7701 North Lamar Boulevard, Suite 400, Austin, Texas 78752, (512) 452-9427.

Filed: July 8, 1993, 9:32 a.m.

TRD-9325410

Board of Law Examiners

Friday, July 23, 1993, 1:00 p.m. The Hearing Panel of the Board of Law Examiners will meet at Tom C. Clark, 205 West 14th Street, Austin. According to the complete agenda, the panel will hold public hearings; consider stipulated agreements; and conduct deliberations on character and fitness matters affecting applicants and/or declarants.

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

Filed: July 12, 1993, 11:57 a.m.

TRD-9325615

Saturday-Sunday, July 24-25, 1993, 8:30 a.m. The Board of Law Examiners will meet at Tom C. Clark, 205 West 14th Street, Austin. According to the agenda summary, the board will conduct hearings and deliberations on character and fitness matters; consider approval of minutes; financial and investment reports; various reports from staff and members; special requests; review July 1993 exam questions; discuss relevant publications; hear communications from the public; consider action on the Short Form Examination; action regarding format of Texas Bar Examination; recommend amendments to the Rules Governing Admission to the Bar of Texas; action on changing method of report bar exam scores; and action on exam re-grade policy.

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

Filed: July 12, 1993, 11:56 a.m.

TRD-9325614

Texas Department of Licensing and Regulation

Wednesday, July 21, 1993, 10:00 a.m. The Property Tax Consultants Advisory Council of the Texas Department of Licensing and Regulation will meet at 920 Colorado, Austin. According to the agenda summary, the council will hear report on effects of 73rd Legislature; Education Committee report; and TEA requirements for seminars.

Contact: Jimmy G. Martin, P.O. Box 12157, Austin, Texas 78711, (512) 463-7348.

Filed: July 9, 1993, 9:08 a.m.

TRD-9325486

Texas State Board of Medical Examiners

Friday, July 9, 1993, 2:00 p.m. The Executive Committee of the Texas State Board of Medical Examiners met at 1812 Centre Creek Drive, Suite 300, Austin. According to the complete emergency revised agenda, the committee called the meeting to order; took roll call; considered the temporary suspension of the license of Irving Richard Majors, M.D., Pearsall, License Number C-2718; and adjourned. The Executive Committee met under the authority of Article 4495b, §4.13. Executive session under the authority of Article 6252-17, as related to Article 4495b, 2.07(b), 3.05(d), 4.05(d), 5.06(s)(1), and Opinion of Attorney General 1974, Number H-484. The emergency status was necessary as information had come to the attention of the agency and required prompt consideration.

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

Filed: July 7, 1993, 3:20 a.m.

TRD-9325387

Friday, July 9, 1993, 4:00 p.m. The Executive Committee of the Texas State Board of Medical Examiners held an emergency meeting at 1812 Centre Creek Drive, Suite 300, Austin. According to the complete agenda, the committee called the meeting to order; took roll call; considered the temporary suspension of the license of Irving Richard Majors, M.D., Pearsall, License Number C-2718; and adjourned. The Executive Committee met under the authority of Article 4495b, §4.13. Executive session under the authority of Article 6252-17, as related to Article 4495b, 2.07(b), 3.05(d), 4.05(d), 5.06(s)(1), and Opinion of Attorney General 1974, Number H-484. The emergency status was necessary as information had come to the attention of the agency and required prompt consideration.

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

Filed: July 7, 1993, 10:01 a.m.

TRD-9325354

Board of Nurse Examiners

Sunday-Monday, July 18-19, 1993, 10:00 a.m. and 8:00 a.m. respectively. The Board of Nurse Examiners will meet at the

Red Lion Hotel, Sundance Room, 6121 IH-35, Austin. According to the complete agenda, the board will hold a strategic planning session/retreat at which time they will review the Strategic Plan; discuss future directions the agency should explore and review issues identified by staff.

Contact: Louise Waddill, Ph.D., R.N., P.O. Box 140466, Austin, Texas 78714, (512) 835-8650.

Filed: July 9, 1993, 12:58 p.m.

TRD-9325520

Texas Board of Pardons and Paroles

Monday-Tuesday, July 19-20, 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, the panel(s) composed of three board member(s) 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 78759, (512) 406-5407.

Filed: July 8, 1993, 10:54 a.m.

TRD-9325434

Monday-Tuesday, July 19-20, 1993, 9:30 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, the panel(s) composed of three board member(s) 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 78759, (512) 406-5407.

Filed: July 8, 1993, 10:54 a.m.

TRD-9325427

Monday-Friday, July 19-23, 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 Two, Huntsville. According to the agenda summary, the panel(s) composed of three board mem-

ber(s) 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 78759, (512) 406-5407.

Filed: July 8, 1993, 10:54 a.m.

TRD-9325430

Tuesday-Wednesday, July 20-21, 1993, 9:00 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, the panel(s) composed of three board member(s) 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 78759, (512) 406-5407.

Filed: July 8, 1993, 10:54 a.m.

TRD-9325433

Tuesday-Wednesday, July 20-21, 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, the panel(s) composed of three board member(s) 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 78759, (512) 406-5407.

Filed: July 8, 1993, 10:54 a.m.

TRD-9325429

Thursday, July 22, 1993, 9:00 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, the panel(s) composed of three board member(s) 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 78759, (512) 406-5407.

Filed: July 8, 1993, 10:54 a.m.

TRD-9325432

Thursday-Friday, July 22-23, 1993, 9:00 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, the panel(s) composed of three board member(s) 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 78759, (512) 406-5407.

Filed: July 8, 1993, 10:54 a.m.

TRD-9325428

Friday, July 23, 1993, 9:00 a.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, the panel(s) composed of three board member(s) 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 78759, (512) 406-5407.

Filed: July 8, 1993, 10:54 a.m.

TRD-9325431

Board of Plumbing Examiners

Monday, July 19, 1993, 9:00 a.m. The Board of Plumbing Examiners will meet at 929 East 41st Street, Austin. According to the agenda summary, the board will take roll call; recognize visitors; new employees; discuss approval of minutes of May meeting; hear citizen complaint; hardship cases;

discuss and possibly act on the content of rules (some may be published as emergency rules) to be written and published in the *Texas Register* covering new legislation; covering high school diploma or GED requirement for Journeyman examination candidates; hear committee reports; public hearing regarding proposed Rule 363.1 qualifications; hear report of the Assistant Attorney General; financial report; administrator's report; request from Freddie Bailey, Sr. for Low Master license number; examination report; field department report; request for staff travel approval; procedure on transcribing and mailing first draft of minutes; discuss House Bill 2626; and new board committee appointments.

Contact: Mary Lou Lane, 929 East 41st Street, Austin, Texas 78751, (512) 458-2145.

Filed: July 9, 1993, 2:12 p.m.

TRD-9325535

Polygraph Examiners Board

Friday, July 16, 1993, 9:00 a.m. The Polygraph Examiners Board will meet at the Holiday Inn Austin Airport, 6911 North IH-35, Travis I Room, Austin. According to the complete agenda, the board will elect officers; close meeting to administer licensing exam; reconvene in open meeting; appearance of Richard Horn; discuss board Regulation 391.9; discuss approval of April 1993 board meeting minutes; Article 4413(29cc), Texas Civil Statutes, §24A; 1994 licensing survey; and give agency update.

Contact: Bryan M. Perot, P.O. Box 4087, Austin, Texas 78773, (512) 465-2058.

Filed: July 6, 1993, 4:01 p.m.

TRD-9325330

Texas Department of Protective and Regulatory Services

Monday-Tuesday, July 19-20, 1993, 10:00 a.m. The Child Care Administrators and Facilities Advisory Committee of the Texas Department of Protective and Regulatory Services will meet at the Doubletree Hotel, 6505 North IH-35, DeWitt Room, Austin. According to the complete agenda, the committee will hold orientation of new committee members; hear director's report; legislative update and implementation; review and make recommendations on minimum standards for licensed day care facilities; and minimum standards for child placing agencies.

Contact: Doug Sanders, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3765.

Filed: July 7, 1993, 10:00 a.m.

TRD-9325353

Texas State Board of Examiners of Psychologists

Monday, August 9, 1993, 10:30 a.m. The Texas State Board of Examiners of Psychologists will meet at the William P. Hobby Airport, 7300 Airport Boulevard (Main Cafeteria), Houston. According to the agenda summary, the board will consider public comments; consider adoption of Board Rule 473.2, examination fees; and applications for reciprocity.

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

Filed: July 12, 1993, 1:47 p.m.

TRD-9325619

Public Utility Commission of Texas

Thursday, July 8, 1993, 9:05 a.m. The Administrative Division of the Public Utility Commission of Texas met at 7800 Shoal Creek Boulevard, Austin. According to the complete emergency revised agenda, the division held an emergency executive session to discuss anticipated litigation regarding Cause Number A 92 CA 359, U.S. District Court for the Western District of Texas, Austin Division, M.F. Guetersloh, Jr., versus State of Texas, et al. The emergency status was necessary as prompt commission action was necessary to meet deadline in Federal Court litigation.

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

Filed: July 7, 1993, 4:00 p.m.

TRD-9325398

Tuesday, July 20, 1993, 10:00 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According to the complete agenda, the commission will hold a prehearing conference in Docket Number 12138-application of Houston Lighting and Power Company for Approval of Notice of Intent.

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

Filed: July 8, 1993, 2:56 p.m.

TRD-9325468

Tuesday, July 27, 1993, 10:00 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According

to the complete agenda, the division will hold a prehearing conference in Docket Number 11336-General Counsel's inquiry into the reasonableness of the rates, terms, and conditions of Southwestern Bell Telephone Company's central office-based PBX-Type services for which flexible pricing is permitted.

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

Filed: July 7, 1993, 3:00 p.m.

TRD-9325379

Railroad Commission of Texas

Monday, July 19, 1993, 9:30 a.m. The Railroad Commission of Texas will meet in the First Floor Conference Room 1-111, 1701 North Congress Avenue, Austin. Agendas follow.

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: July 9, 1993, 10:40 a.m.

TRD-9325514

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. Drawer 12967, Austin, Texas 78711-2967, (512) 463-7257.

Filed: July 9, 1993, 10:37 a.m.

TRD-9325506

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

Contact: Melvin Hodgkiss, P.O. Drawer 12967, Austin, Texas 78701-2967, (512) 463-6901.

Filed: July 9, 1993, 10:40 a.m.

TRD-9325513

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. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

Filed: July 9, 1993, 10:40 a.m.

TRD-9325512

The commission will meet in consideration of category determinations under sections 102(c)(1)(B), 102(c)(1)(c), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

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

Filed: July 9, 1993, 10:39 a.m.

TRD-9325511

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: July 9, 1993, 10:38 a.m.

TRD-9325510

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: July 9, 1993, 10:38 a.m.

TRD-9325509

The commission will consider and or make a decision: commission budget, fiscal, administrative or procedural matters, strategic planning; personnel and staffing; contracts and grants; may discuss comionetas operations; and may meet in executive session on any items listed above as authorized by the Open Meetings Act.

Contact: Walter H. Washington, Jr., P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7274.

Filed: July 9, 1993, 10:38 a.m.

TRD-9325508

The commission will consider and possibly 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: July 9, 1993, 10:37 a.m.

TRD-9325507

The commission will consider and act on the automatic data processing division director's report on division administration, budget, procedures, equipment acquisitions and personnel matters.

Contact: Bob Kmetz, P.O. Box 12967, Austin, Texas 78701, (512) 463-7251.

Filed: July 9, 1993, 10:36 a.m.

TRD-9325505

The commission will consider a staff recommendation to file a grant application with the United States Environmental Protection Agency for oil and gas exploration and production project for Fiscal Year 1994. (Emergency revised agenda). The emergency status is necessary as the commission was notified by the Environmental Protection Agency that the grant application is due July 21, 1993.

Contact: Janie Saucedo, P.O. Box 12967, Austin, Texas 78701, (512) 463-6801.

Filed: July 13, 1993, 9:57 a.m.

TRD-9325663

The commission will consider a Motion for Rehearing for Docket Number 03-0200562, Application of Weber Energy, Inc., for net gas oil ratio authority for the Glasier-Post Oaks, Well Number 1, Fayette County. (Emergency revised agenda). The emergency status is necessary as of the regular posting deadline, the Technical Examiner in this docket had not received notice of a Motion for Rehearing. After the posting deadline, the Technical Examiner received such notice. Action on the Motion for Rehearing is required at the next regularly scheduled meeting, July 19, 1993, before the Motion for Rehearing is overruled by law.

Contact: Doug Johnson, P.O. Box 12967, Austin, Texas 78701, (512) 463-6920.

Filed: July 13, 1993, 9:57 a.m.

TRD-9325664

Tuesday, July 20, 1993, 2:00 p.m. The Railroad Commission will meet at 1701 North Congress Avenue, 12th Floor Conference Room 12-126, Austin. According to the agenda summary, the commission will hold its monthly statewide hearing on oil and gas to determine the lawful market demand for oil and gas and to consider and/or take action on matters.

Contact: Paula Middleton, P.O. Box 12967, Austin, Texas 78711, (512) 463-6729.

Filed: July 9, 1993, 10:35 a.m.

TRD-9325504

Texas Real Estate Commission

Friday, July 24, 1992, 8:30 a.m. The Inspector Examination Subcommittee of the Texas Real Estate Commission will meet in an emergency meeting at 1101 Camino La Costa, TREC Headquarters, Room 234, Second Floor, Austin. According to the agenda, the subcommittee will call the meeting to order; meet in executive session to review and discuss examination materials pursuant to Attorney General Opinion H-484; discuss and possible recommendations to the Texas Real Estate Inspector Committee; and adjourn. The emergency status was necessary because the subcommittee must meet to review examination materials prior to the scheduled meeting of the full committee.

Contact: Mark A. Moseley, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3900.

Filed: July 17, 1992, 9:45 a.m.

TRD-92009839

Saturday-Sunday, July 25-26, 1992 8 a.m. The Texas Real Estate Inspector Committee of the Texas Real Estate Commission will meet at 1101 Camino La Costa, TREC Headquarters, Conference Room, 235, Second Floor, Austin. According to the agenda, Saturday: the committee will call the meeting to order; hear minutes of May 2-3, 1992 meeting; discuss and possibly act on recommending adoption of 22 TAC §535.222, concerning inspection standards, by the commission; hear report of examination subcommittee, and possible action to recommend changes in inspector examination program or educational requirements; discuss and possibly act on recommending other action by the commission to implement Texas Civil Statutes, Article 6573a, §23; and set date and place of next meeting. Sunday: call meeting to order; discuss and possibly act on any agenda item from the previous day; and adjourn.

Contact: Mark A. Moseley, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3900.

Filed: July 17, 1992, 9:44 a.m.

TRD-92009838

Monday, July 27, 1992, 9:30 a.m. The Texas Real Estate Commission will meet at 1101 Camino La Costa, TREC Headquarters Office, Conference Room #235, Austin. According to the agenda summary, the commission will discuss Senate Bill 3; discuss and possibly act on adoption of proposed amendments to 22 TAC §535.101

concerning fees and new §535.222 concerning inspector standards of practice; request to approve contract addendum concerning title commitment, survey and escrow; discuss 22 TAC §535.71(p) concerning MCE correspondence courses and of agency disclosure forms and possible recommendation of the Agency Task Force; hear presentation by Thomas Toney; discuss approval of MCE providers and courses or accredited schools or courses; meet in executive session to discuss pending litigation; authorization of payments from recovery funds or other matters discussed in executive session; discuss motions for rehearing and/or probation; and discuss entry of orders in contested cases.

Contact: Mark Moseley, 1101 Camino La Costa, Austin, Texas 78752, (512) 465-3900.

Filed: July 17, 1992, 3:55 p.m.

TRD-9209894

Monday, July 19, 1993, 9:30 a.m. The Texas Real-Estate Commission will meet at TREC Headquarters Office, Conference Room 235, Second Floor, 1101 Camino La Costa, Austin. According to the agenda summary, the commission may consider and act on: staff and committee reports, legislation and budget matters; amendments to 22 TAC §535.164 and repeal of §535.165 concerning disclosure of agency; amendments to §535.51 and §535.53 concerning applications by corporations and limited liability companies; amendments to §535.101 concerning fees; draft contract forms; petitions for adoption of rules by the Texas Land Surveyor's Council; request for Attorney General's Opinion on Senate Bill 383; application for accreditation by Stewart Real Estate School; MCE courses and providers; proposed amendment to 22 TAC §535.66(n) concerning participation of schools in job retraining programs; meet in executive session to discuss pending litigation and selection of replacement for retiring administrator; selection criteria for administrator position; recovery fund claims; complaint information; and motions for rehearing, motions for probation, or motions to revoke probation. For ADA assistance, call Nancy Guevremont at (512) 465-3923 at least two days prior to meeting.

Contact: Camilla Shannon, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3900.

Filed: July 8, 1993, 10:28 a.m.

TRD-9325418

Texas National Research Laboratory Commission

Thursday, July 15, 1993, 10:00 a.m. The Finance and Audit Committee of the Texas National Research Laboratory Commission met at 1500 Amarillo Bank Building, Amarillo. According to the agenda summary, the committee called the meeting to order; took roll call of members; discussed approval of minutes; committee work session; heard public comment; and adjourned.

Contact: Karen L. Chrestay, 1801 North Hampton Road, #400, DeSoto, Texas 75115, (214) 709-3800.

Filed: July 7, 1993, 4:00 p.m.

TRD-9325399

School Land Board

Tuesday, July 20, 1993, 10:00 a.m. The School Land Board will meet at 1700 North Congress Avenue, Room 833, Austin. According to the complete agenda, the board will discuss approval of previous board meeting minutes; pooling applications, Potrero Farias, S., Kenedy County; Alabama Ferry (Glen Rose "D"), Leon County; consider and discuss approval of nominations, terms, conditions and procedures for the October 5, 1993 oil, gas and other minerals lease sale; coastal public lands-easement applications, Caney Creek, Brazoria County and Copano Bay, Aransas County; meet in executive session to discuss pending and proposed litigation; land sale to Texas Department of Transportation, El Paso County; and consider land sale to Texas Department of Transportation, El Paso County.

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

Filed: July 9, 1993, 4:17 p.m.

TRD-9325547

Texas State Soil and Water Conservation Board

Wednesday, July 21, 1993, 8:00 a.m. The Texas State Soil and Water Conservation Board will meet at 311 North Fifth Street, Conference Room, Temple. According to the complete agenda, the board will review and take appropriate action on the following: minutes from the June 21, 1993 board meeting; district director appointments; reports from agencies and guests; 1993 annual meeting of Soil and Water Conservation District Directors; historical site preservation; Central Texas Rural Technology Center; public information/education report; status of nonpoint source program;

implementation of Senate Bill 503; memorandum of understanding with Texas Water Commission; coastal zone management program; Gulf of Mexico program; Galveston Bay National Estuary Program; technical assistance program rules; Subchapter H Technical Assistance Program Rules; Fiscal Year 1994 operating budget; allocation of Fiscal Year 1994 State Technical Assistance Funds; allocation of Fiscal Year 1994 Conservation Assistance Funds; Fiscal Year 1993 expenditure report; allocation of Fiscal Year 1993 state grant funds; waiver of conservation assistance rules for Lipscomb SWCD #134, Red River County SWCD #423, and Hopkins-Rains SWCD #445; Uniform Statewide Accounting System Implementation status report; board member travel; conservation awards program; and personnel matters.

Contact: Robert G. Buckley, P.O. Box 658, Temple, Texas 76503, (817) 773-2250, Tex-An 820-1250.

Filed: July 12, 1993, 1:52 p.m.

TRD-9325620

Texas Space Commission

Friday, July 16, 1993, 9:00 a.m. The Board of Directors of the Texas Space Commission will meet at the Space Center, Houston. According to the agenda summary, the board will hear executive director's report; discuss Texas Space Commission Fiscal Year 1994 planning activities; technology reinvestment briefing; Texas Space Commission Special projects; and other business.

Contact: Amy Kennedy-Reynolds, 1300 Hercules, Suite 204, Houston, Texas 77058, (713) 486-9250.

Filed: July 7, 1993, 2:41 p.m.

TRD-9325374

Boards for Lease of State-Owned Lands

Wednesday, July 21, 1993, 10:00 a.m. The Board for Lease of Texas Department of Criminal Justice of the Boards for Lease of State-Owned Lands will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 833, Austin. According to the complete agenda, the board will discuss approval of previous board meeting minutes; consider and discuss approval of nominations, terms, conditions and procedures for the October 5, 1993 oil, gas and other minerals lease sale.

Contact: Linda K. Fisher, Room 836, 1700 North Congress Avenue, Austin, Texas 78711, (512) 463-5016.

Filed: July 9, 1993, 4:17 p.m.

TRD-9325546

The Texas State University System

Friday, July 16, 1993, 9:30 a.m. The Board of Regents of the Texas State University System will hold a telephone conference call meeting; speakerphone available in Hobby Building; Tower III, Suite 810, 333 Guadalupe Street, Austin. According to the complete agenda, the board will consider sale of Housing Revenue Bonds and Utility Revenue Bonds for refunding at Sam Houston State University and Southwest Texas State University; discuss approval of contract authorization for comptroller contracts; selection of architect for Education Center Project at Sam Houston State University; selection of architect for Lawrence Hall at Sul Ross State University and private consultant for a System Management Audit. (Where appropriate and permitted by law, executive sessions may be held for the above listed subjects).

Contact: Lamar Urbanovsky, Hobby Building, Tower III, Suite 810, 333 Guadalupe Street, Austin, Texas 78701-3942, (512) 463-1808.

Filed: July 13, 1993, 9:31 a.m.

TRD-9325658

Texas Department of Transportation

Wednesday, July 28, 1993, 1:00 p.m. The Public Transportation Advisory Committee of the Texas Department of Transportation will meet at 2010 East Sixth Street, Austin. According to the agenda summary, the committee will discuss approval of minutes; briefing on June commission meeting and July commission items; discuss small urban funding issues and briefing of federal appropriations; preliminary review of proposed rulemaking concerning advisory committees; update of rules for transportation enhancement program and rules for disposition of property.

Contact: Richard Christie, 125 East 11th Street, Austin, Texas 78701, (512) 483-3650.

Filed: July 12, 1993, 4:25 p.m.

TRD-9325649

Texas Department of Transportation and Texas Parks and Wildlife Department

Tuesday, July 20, 1993, 8:00 a.m. The Interagency Abandoned Rail Corridor Com-

mittee of the Texas Department of Transportation and Texas Parks and Wildlife Department will meet at 125 East 11th Street, Dewitt C. Greer Building, First Floor, Austin. According to the agenda summary, the committee will discuss/establish/prescribe committee structure, organization and procedures; update on abandonment activity; and discuss/prioritize strategies.

Contact: Curtis Toews, 125 East 11th Street, Austin, Texas 78701, (512) 475-3095.

Filed: July 12, 1993, 4:25 p.m.

TRD-9325648

University Interscholastic League

Thursday, July 8, 1993, 9:00 a.m. The State Executive Committee of the University Interscholastic League met at the Wyndham Hotel, IH-35 South at Ben White Boulevard, Austin. According to the emergency revised agenda summary, the committee reviewed and discussed allegation of falsifying records in violation of §560(a)(3) by personnel at Mercedes High School; transfer from Appellate Committee; soliciting a grade change for eligibility purposes, West Orange Stark High School; and allegation of allowing ineligible student to participate in Spring football, Fort Worth Western Hills High School. The emergency status was necessary as new information was received July 6, 1993.

Contact: C. Ray Daniel, 2622 Wichita Street, Austin, Texas 78705, (512) 471-5883.

Filed: July 6, 1993, 10:29 a.m.

TRD-9325307

University of North Texas

Friday, July 9, 1993, 10:00 a.m. The Board of Regents Planning Committee for Capital Campaign of the University of North Texas held an emergency meeting at 5505 Keller Springs Road, Dallas. According to the complete agenda, the committee reviewed planning for second phase of capital campaign. The emergency status was necessary because it was picked up on July 2, 1993 by Airborne Express, and board secretary expected it to be delivered on July 5, 1993.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

Filed: July 6, 1993, 2:45 p.m.

TRD-9325311

University of Texas Health Science Center at San Antonio

Wednesday, July 21, 1993, 3:00 p.m. The Institutional Animal Care and Use Committee of the University of Texas Health Science Center at San Antonio will meet at 7703 Floyd Curl Drive, Room 422A (Medical School), San Antonio. According to the agenda summary, the committee will discuss approval of minutes; protocols for review; subcommittee reports; and discuss other business.

Contact: Molly Greene, 7703 Floyd Curl Drive, San Antonio, Texas 78284-7822, (512) 567-3717.

Filed: July 12, 1993, 3:29 p.m.

TRD-9325639

Texas Board of Veterinary Medical Examiners

Wednesday, July 14, 1993, 8:00 a.m. The Screening Committee of the Texas Board of Veterinary Medical Examiners met at 1946 South IH-35, Fourth Floor Conference Room, Austin. According to the complete agenda, the committee will meet in executive session to interview applicants for the position of executive director. The executive session is held in accordance with Article 6252-17.

Contact: Judy Smith, 1946 South IH-35, #306, Austin, Texas 78704, (512) 447-1183.

Filed: July 6, 1993, 4:07 p.m.

TRD-9325331

Texas Council on Vocational Education

Friday-Saturday, August 6-7, 1993, 9:00 a.m. The Texas Council on Vocational Education will meet at the Corpus Christi Marriott Bayfront Hotel, 900 North Shoreline Boulevard, Corpus Christi. According to the agenda summary, the council will hear public testimony on issues relevant to vocational education; take action to approve the minutes of the Council's June 3-4 meeting; receive an update on the Council's JTPA/Vocational Education evaluation report and the Council's report on the integration of academic and vocational education; receive a briefing on the annual FFA meeting in Corpus Christi; receive a briefing on activities of the Texas Education Agency and Texas Higher Education Coordinating Board; take action on Council position statements on sex equity and single parent programs; hold discussion and brainstorm-

ing sessions to develop and act on a position statement to provide input to the new Texas Council on Workforce and Economic Competitiveness on guiding principles; committee structure; vocational education's role in the strategic plan for workforce development; evaluations of workforce programs to be undertaken; and conduct other business.

Contact: Lynda S. Rife, 1717 West Sixth Street, Suite 360, Austin, Texas 78703, (512) 463-5490.

Filed: July 8, 1993, 9:33 a.m.

TRD-9325411

Texas Water Commission

Wednesday, July 14, 1993, 9:00 a.m. The Texas Water Commission met at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the revised agenda summary, the commission considered a motion for rehearing on Formosa Plastics.

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

Filed: July 6, 1993, 6:02 p.m.

TRD-9325352

Monday, August 2, 1993, 10:00 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Rooms 1149 A and 1149-B, Austin. According to the agenda summary, the commission will hold a hearing on Richland Realty Company, Inc. doing business as Long Creek Water Company's water rate increase effective May 15, 1993, for its service area in Tarrant County. Docket Number 30015-G.

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

Filed: July 8, 1993, 10:30 a.m.

TRD-9325422

Thursday, August 5, 1993, 10:00 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 119, Austin. According to the agenda summary, the commission will hold a hearing on Flying L Public Utility District's water utility rate increase effective retroactively to January 1, 1993, for its service area in Bandera County. Docket Number 30022-A.

Contact: Linda Sorrells, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 12, 1993, 1:55 p.m.

TRD-9325627

Thursday, August 5, 1993, 1:30 p.m. The Office of Hearings Examiners of the Texas

Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 119, Austin. According to the agenda summary, the commission will hold a hearing on Hilltop Estates Water Supply Corporation's application for a Certificate of Convenience and Necessity (CCN) to provide water utility service in Denton County. The proposed service area is approximately seven miles east of downtown Sanger, and includes approximately 40 acres and 20 current customers. Docket Number 9866-C.

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

Filed: July 8, 1993, 10:30 a.m.

TRD-9325421

Friday, August 13, 1993, 1:00 p.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 1149A, Austin. According to the agenda summary, the commission will hold a hearing on Willie Ware Water Works doing business as W.W.W.'s water rate increase effective May 19, 1993, for its service area located in Smith County. Docket Number 30026-G.

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

Filed: July 12, 1993, 1:54 p.m.

TRD-9325625

Monday, August 16, 1993, 10:00 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 618, Austin. According to the agenda summary, the commission will hold a hearing on River Ridge Water System's water rate increase effective February 1, 1993 for its service area located in Travis County. Commission staff is protesting the rate increase due to concerns regarding the wholesale operation of the utility and its possible impact on the retail rates. Docket Number 9938-G.

Contact: Betsy Todd, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 12, 1993, 1:54 p.m.

TRD-9325624

Tuesday, August 24, 1993, 1:00 p.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Limestone County Courthouse, Courtroom First Floor, 200 West State Street, Groesbeck. According to the agenda summary, the commission will hold a public hearing on application by U.S. Silica Company for an amendment to Permit Number 01176 which authorizes an intermittent flow discharge of process generated wastewater, area runoff and water from mine area dewatering.

Contact: Mike Rogan, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 12, 1993, 1:53 p.m.

TRD-9325622

Wednesday, August 25, 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 hold a hearing on Texas Utilities Mining Company (TUMCO)'s application to construct and maintain a sediment control pond, J-11, on an unnamed tributary of Tankersley Creek, tributary of Cypress Creek, Cypress Basin. The pond will be used for sediment control at the Monticello B-2 J-Area Mine located in Titus County, approximately 3 miles northwest of Mount Pleasant.

Contact: Lann Bookout, P.O. Box 13087, Austin, Texas 78711, (512) 463-8195.

Filed: July 12, 1993, 1:55 p.m.

TRD-9325626

Wednesday, August 25, 1993, 9:00 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Jury Room Civil Courts Building, First Floor, 100 North Houston Street, Fort Worth. According to the agenda summary, the commission will hold a public hearing on an application by Pine Tree Mobile Home Park Landowner's Association for renewal of Permit Number 13606-01 for authorization to discharge treated domestic wastewater effluent.

Contact: Carol Wood, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 8, 1993, 10:30 a.m.

TRD-9325419

Texas Water Development Board

Thursday, July 15, 1993, 8:00 a.m. The Audit Committee of the Texas Water Development Board met at 1700 North Congress Avenue, Room 513-F, Stephen F. Austin Building, Austin. According to the complete agenda, the committee considered approval of the minutes of the May 19, 1993, meeting; discussed financial assistance review report; possibly considered for approval revisions to the audit plan for the remainder of the fiscal year; and items on the agenda of the July 15, 1993 board meeting.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: July 7, 1993, 3:19 p.m.

TRD-9325384

Thursday, July 15, 1993, 8:30 a.m. The Policy and Finance Committee of the Texas Water Development Board met at 1700 North Congress Avenue, Room 513-F, Stephen F. Austin Building, Austin. According to the complete agenda, the committee considered approval of the minutes of the meeting of June 16, 1993; adding Separate Trading of Registered Interest Principal Securities (STRIPS) to the list of authorized investments in the Water Development Funds, TWRFA Fund, and the SRF Fund, and ratify prior actions of the Development Fund Manager; North Alamo Water Supply Corporation EDAP project application; briefed on present and future EDAP projects; and items on the agenda of the July 15, 1993 board meeting.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: July 7, 1993, 3:20 p.m.

TRD-9325385

Thursday, July 15, 1993, 10:00 a.m. The Texas Water Development Board met at 1701 North Congress Avenue, Room 1-111, William B. Travis Building, Austin. According to the agenda summary, the board considered: minutes; financial, executive and committee reports; extensions to loan commitments for East Cedar Creek Fresh Water Supply District and the City of Brownsville; financial assistance for West, Nacogdoches, Argyle, Jefferson County WCID Number Ten, Brownwood, El Paso Water Utilities/Public service Board, Del Rio, and Brownsville; agreements with United States Geological Survey for purchase of equipment and Sabine River Authority for Trans-Texas study; security pledge for El Paso County Lower Valley Water District Authority; contracts with Hidalgo County Water Development Board for regional facility plans, and San Antonio River Authority for Trans-Texas Study; Consensus State Water Planning efforts; and met in executive session to discuss litigation.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: July 7, 1993, 3:19 p.m.

TRD-9325383

Wednesday, August 25, 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 hold a hearing on Hunterwood Municipal Utility District of Harris County's application for authority to adopt and impose a standby fee on undeveloped property in the district. Any revenues collected from the standby fees shall be used to pay operation and maintenance expenses of the

District and for debt service on the District's bonds. The amount of the standby fees requested is the maximum allowed by law.

Contact: Jim Herbert, P.O. Box 13087, Austin, Texas 78711, (512) 908-6161.

Filed: July 8, 1993, 10:31 a.m.

TRD-9325424

Wednesday, August 25, 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 hold a hearing on Harris County Municipal Utility District Number 188's application for authority to adopt and impose a standby fee on undeveloped property in the district. Any revenues collected from the standby fees requested under this resolution shall be used to supplement the debt service on the bonds. The resolution submitted by Harris County MUD Number 188 states the amount of the standby fee requested is not to exceed the maximum amount per year per acre, as determined by the Texas Water Commission.

Contact: Randy Nelson, P.O. Box 13087, Austin, Texas 78711, (512) 908-6161.

Filed: July 8, 1993, 10:31 a.m.

TRD-9325423

Wednesday, August 25, 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 hold a hearing on Elkins Lake Municipal Utility District of Waler County's Application for authority to adopt and impose a standby fee on undeveloped property in the district. Any revenues collected from the standby fees shall be used to pay operation and maintenance expenses. The amount of the standby fee requested by the district is \$62 per lot per year.

Contact: Randy Nelson, P.O. Box 13087, Austin, Texas 78711, (512) 908-6161.

Filed: July 8, 1993, 10:30 a.m.

TRD-9325420

Texas Water Resources Finance Authority

Thursday, July 15, 1993, 10:00 a.m. The Texas Water Resources Finance Authority met at 1701 North Congress Avenue, Room 1-111, William B. Travis Building, Austin. According to the complete agenda, the authority considered approval of the minutes of the meetings of June 17, 1993; and discussed approval of the payment of expenses to be incurred for Fiscal Year 1994.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: July 7, 1993, 3:20 p.m.

TRD-9325386

Texas Youth Commission

Thursday, July 15, 1993, 10:00 a.m. The Board of the Texas Youth Commission met at the Inn of the Hills, Suite 198, Kerrville. According to the agenda summary, the board heard report on institutional activities; discussed approval of sale of land in Navarro County; projected commitment impact on length of stay; report on agency response to the over-representation of minorities in the Juvenile Justice System report; and elected board officers.

Contact: Ron Jackson, P.O. Box 4260, Austin, Texas 78765, (512) 483-5001.

Filed: July 7, 1993, 10:27 a.m.

TRD-9325359

Regional Meetings

Meetings Filed July 6, 1993

The Burnet County Appraisal District Appraisal Review Board met at 223 South Pierce, Burnet, July 12, 1993, at 8:30 a.m. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9325338.

The Burnet County Appraisal District Appraisal Review Board met at 223 South Pierce, Burnet, July 13, 1993, at 8:30 a.m. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9325339.

The Burnet County Appraisal District Board of Directors met at 223 South Pierce, Burnet, July 15, 1993, at 6:00 p.m. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9325336.

The Burnet County Appraisal District Board of Directors met at 223 South Pierce, Burnet, July 15, 1993, at 6:30 p.m. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9325337.

The Cash Water Supply Corporation met at the Administration Office on FM 1564 East, Greenville, July 13, 1993, at 7:00 p.m. Information may be obtained from Donna Mohon, P.O. Box 8129, Greenville, Texas 75404, (903) 883-2695. TRD-9325312.

The Concho Valley Council of Governments Executive Committee met at 5014 Knickerbocker Road, San Angelo, July 14, 1993, at 7:00 p.m. Information may be ob-

tained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666. TRD-9325320.

The Denton Central Appraisal District Appraisal Review Board will meet at 3911 Morse Street, Denton, July 21, 1993, at 9:00 a.m. Information may be obtained from John Brown, 3911 Morse Street, Denton, Texas 76208, (817) 566-0904. TRD-9325322.

The Denton Central Appraisal District Board of Directors will meet at 3911 Morse Street, Denton, July 22, 1993, at 5:00 p.m. Information may be obtained from John Brown, 3911 Morse Street, Denton, Texas 76208, (817) 566-0904. TRD-9325323.

The Erath County Appraisal District Board of Directors and Entity Administrators met in the Board Room, 1390 Harbin Drive, Stephenville, July 13, 1993, at 7:00 a.m. Information may be obtained from Jerry Lee, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434. TRD-9325306.

The North Plains Groundwater Conservation District Number Two Board of Directors met at 603 East First Street, Dumas, July 12, 1993, at 10:00 a.m. Information may be obtained from Richard Bowers or Carla Gray, 603 East First Street, Dumas, Texas 79029, (806) 935-6401. TRD-9325329.

The South Franklin Water Supply Corporation Board of Directors met at the South Franklin Water Supply Corporation Office, Highway 115 South, Mount Vernon, July 12, 1993, at 7:00 p.m. Information may be obtained from Richard Zachary, P.O. Box 591, Mount Vernon, Texas 75457, (903) 860-3400. TRD-9325325.

The Trinity River Authority of Texas Executive Committee met at 5300 South Collins Street, Arlington, July 13, 1993, at 10:30 a.m. Information may be obtained from James L. Murphy, 5300 South Collins Street, Arlington, Texas 76018, (817) 467-4343. TRD-9325328.

Meetings Filed July 7, 1993

The Austin Transportation Study Policy Advisory Committee met at the Joe C. Thompson Conference Center, Room 2.102, 26th and Red River Streets, Austin, July 13, 1993, at 6:00 p.m. Information may be obtained from Michael R. Aulick, P.O. Box 1088, Austin, Texas 78767, (512) 499-2275. TRD-9325364.

The Bexar-Medina-Atascosa Counties Water Control and Improvement District Number One Board of Directors met at 226 Highway 132, Natalia, July 12, 1993, at 8:00 a.m. Information may be obtained from John W. Ward III, P.O. Box 170,

Natalia, Texas 78059, (210) 663-2132. TRD-9325370.

The Brazos Valley Development Council Personnel Committee met at 1706 East 29th Street, Executive Director's Office, Bryan, July 14, 1993, at 3:00 p.m. Information may be obtained from Tom Wilkinson, Jr., P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-7915 or 775-4244. TRD-9325365.

The Cass County Appraisal District Board of Directors met at the Cass County Appraisal District Office, Linden, July 12, 1993, at 7:00 p.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (903) 756-7545. TRD-9325375.

The Canyon Regional Water Authority Board met at the Guadalupe Fire Training Facility, Route 2, Lakeside Pass Drive, New Braunfels, July 12, 1993, at 7:00 p.m. Information may be obtained from David Davenport, Route 2, Box 654 W, New Braunfels, Texas 78130-9579, (210) 608-0543. TRD-9325381.

The Canyon Regional Water Authority Board met at the Guadalupe Fire Training Facility, Route 2, Lakeside Pass Drive, New Braunfels, July 12, 1993, at 7:00 p.m. Information may be obtained from David Davenport, Route 2, Box 654 W, New Braunfels, Texas 78130-9579, (210) 608-0543. TRD-9325382.

The Erath County Appraisal District Appraisal Review Board held an emergency meeting at 1390 Harbin Drive, Stephenville, July 8, 1993, at 9:00 a.m. The emergency status was necessary due to protesters filing on the deadline. Information may be obtained from Mitzi Meekins, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434. TRD-9325347.

The Grand Parkway Association met at 5757 Woodway, Suite 140 East Wing, Houston, July 14, 1993, at 8:15 a.m. Information may be obtained from Jerry L. Coffman, 5757 Woodway, 140 East Wing, Houston, Texas 77057, (713) 782-9330. TRD-9325366.

The High Plains Underground Water Conservation District Number One Board of Directors met at 2930 Avenue Q, Conference Room, Lubbock, July 13, 1993, at 10:00 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181. TRD-9325349.

The Hockley County Appraisal District Board of Directors met at 1103-C Houston Street, Levelland, July 12, 1993, at 7:00 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9325351.

The Rio Grande Council of Governments Board of Directors will meet at 1100 North Stanton, Main Conference Room, El Paso, July 16, 1993, at 9:30 a.m. (MST). Information may be obtained from Lidia Flynn, 1100 North Stanton, Suite 610, El Paso, Texas 79902, (915) 533-0998. TRD-9325348.

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Meetings Filed July 8, 1993

The Aqua Water Supply Corporation Board of Directors met in the Cecil B. Long Community Room, First National Bank of Bastrop, July 12, 1993, at 7:30 p.m. Information may be obtained from Adlinie Rathman, P.O. Drawer P, Bastrop, Texas 78602, (512) 321-3943. TRD-9325479.

The Bastrop Central Appraisal District Appraisal Review Board met at 1200 Cedar Street, Bastrop, July 13, 1993, at 8:30 a.m. Information may be obtained from Dana Ripley, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925. TRD-9325443.

The Bexar Appraisal District Board of Directors will meet at 535 South Main Street, San Antonio, July 19, 1993, at 5:00 p.m. Information may be obtained from Beverly Houston, P.O. Box 830248, San Antonio, Texas 78283-0248, (210) 224-8511. TRD-9325441.

The Blanco County Central Appraisal District Board of Directors met at the Courthouse Annex, Avenue G and Seventh Street, Johnson City, July 13, 1993, at 5:00 p.m. Information may be obtained from Hollis Boatright, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624. TRD-9325407.

The Brazos Valley Development Council Executive Committee met in the Council Board Room, 1706 East 29th Street, Bryan, July 14, 1993, at 1:30 p.m. Information may be obtained from Tom Wilkinson, Jr., P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-7915 or 775-4244. TRD-9325446.

The Brown County Appraisal District Board of Directors met at 403 Fisk Avenue, Brownwood, July 12, 1993, at 7:00 p.m. Information may be obtained from Doran E. Lemke, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676. TRD-9325403.

The Central Appraisal District of Nolan County Appraisal Review Board met at the Nolan County Courthouse, Third Floor, Sweetwater, July 14, 1993, at 8:00 a.m. Information may be obtained from Steven G. Beck, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421. TRD-9325471.

The Central Texas Council of Governments Central Texas Private Industry Coun-

cil, Inc. will meet at 302 East Central, Belton, July 22, 1993, at 10:00 a.m. Information may be obtained from Susan Kamas, P.O. Box 729, Belton, Texas 76513, (817) 939-3771. TRD-9325442.

The El Oso Water Supply Corporation Board of Directors met at their office on FM 99, Karnes City, July 13, 1993, at 8:00 p.m. Information may be obtained from Judith Zimmermann, P.O. Box 309, Karnes City, Texas 78118, (210) 780-3539. TRD-9325404.

The Gonzales County Appraisal District Appraisal Review Board met at 928 St. Paul Street, Gonzales, July 14, 1993, at 9:00 a.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (210) 672-2879. TRD-9325426.

The Gonzales County Appraisal District Appraisal Review Board will meet at 928 St. Paul Street, Gonzales, July 19, 1993, at 8:00 a.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (210) 672-2879. TRD-9325425.

The Johnson County Rural Water Supply Corporation met at the JCRWSC Office, Highway 171 South, Cleburne, July 13, 1993, at 6:00 p.m. Information may be obtained from Peggy Johnson, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9325439.

The Lometa Rural Water Supply Corporation Board of Directors met at 506 West Main Street, Lometa Rural Water Supply Office, Lometa, July 12, 1993, at 7:00 p.m. Information may be obtained from Levi G. Cash or Tina L. Hodge, P.O. Box 158, Lometa, Texas 76853, (512) 752-3505. TRD-9325438.

The Lower Rio Grande Valley Tech Prep/Association Degree Consortium Board of Directors met at the TSTC Short Course Center, Board Room, 2424 Boxwood, Harlingen, July 14, 1993, at 3:00 p.m. Information may be obtained from Pat Bubb, TSTC Short Course Center, Harlingen, Texas 78550, (210) 425-0729. TRD-9325448.

The Panhandle Ground Water Conservation District Number Three Board of Directors met at the Water District Office, 300 South Omohundro, White Deer, July 14, 1993, at 8:00 p.m. Information may be obtained from C. E. Williams, P.O. Box 637, White Deer, Texas 79097, (806) 883-2501. TRD-9325436.

The Region One Education Service Center Board of Directors met at the Region One Education Service Center, 1900 West Schunior, Edinburg, July 13, 1993, at 7:00 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (210) 383-5611. TRD-9325402.

The Riceland Regional Mental Health Authority Board of Trustees met at 3007 North Richmond, Wharton, July 15, 1993, at noon. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9325447.

The Swisher County Appraisal District Board of Directors met at 130 North Armstrong, Tulia, July 15, 1993, at 7:00 a.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118. TRD-9325406.

The Texas Public Workers' Compensation Program will meet at 10000 Research Boulevard, Austin, July 21, 1993, at 12:30 p.m. Information may be obtained from Russ Edwards, 1205 Lakeshore Drive, Marble Falls, Texas 78654, (210) 693-2508. TRD-9325435.

The Wise County Appraisal District Board of Directors met at 206 South State Street, Decatur, July 13, 1993, at 7:30 p.m. (Revised agenda). Information may be obtained from Brenda Jones, 206 South State Street, Decatur, Texas 76234, (817) 627-3081, Ext. 04. TRD-9325473.

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Meetings Filed July 9, 1993

The Atascosa County Appraisal District Board of Directors met at Fourth and Avenue J, Poteet, July 15, 1993, at 8:00 a.m. Information may be obtained from Vernon A. Warren, Fourth and Avenue J, Poteet, Texas 78065, (210) 742-3591. TRD-9325539.

The Bi-County WSC met at the Bi-County WSC Office, FM Road 2254, Pittsburg, July 13, 1993, at 7:00 p.m. Information may be obtained from Freeman Phillips, P.O. Box 848, Pittsburg, Texas 75686, (903) 856-5840. TRD-9325524.

The Brazos Valley Development Council met at 1706 East 29th Street, Board Room, Bryan, July 14, 1993, at 1:30 p.m. (Revised agenda). Information may be obtained from Tom Wilkinson, Jr., P.O. Drawer 412, Bryan, Texas 77805-4128, (409) 775-7915 or 775-4244. TRD-9325482.

The Central Appraisal District of Taylor County Appraisal Review Board will meet at 1534 South Treadaway, Abilene, July 12-16, 1993, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381. TRD-9325523.

The Coleman County Water Supply Corporation Board of Directors met at the Corporation Office, 214 Santa Anna Avenue, Coleman, July 14, 1993, at 1:30 p.m. Information may be obtained from Davey Thweatt, 214 Santa Anna Avenue, Coleman, Texas 76834, (915) 625-2133. TRD-9325519.

The Colorado County CAD Appraisal Review Board will meet at the Colorado County Courthouse (County Courtroom), 400 Spring, Columbus, July 16, 1993, at 1:00 p.m. Information may be obtained from Billy Youens, P.O. Box 10, Columbus, Texas 78934, (409) 732-8222. TRD-9325492.

The Dewitt County Appraisal District Appraisal Review Board will meet at 103 Bailey Street, Cuero, July 16, 1993, at 9:00 a.m. Information may be obtained from Kay Rath, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9325483.

The Dewitt County Appraisal District Board of Directors will meet at 103 Bailey Street, Cuero, July 20, 1993, at 7:30 p.m. Information may be obtained from Kay Rath, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9325484.

The East Texas Council of Governments East Texas Private Industry Council met at the ETCOG Office, Kilgore, July 15, 1993, at 9:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9325544.

The Gonzales County Appraisal District Board of Directors met at 928 St. Paul Street, Gonzales, July 15, 1993, at 6:00 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (210) 672-2879. TRD-9325549.

The Guadalupe-Blanco River Authority Lawsuit Committee met at 933 East Court Street, Seguin, July 13, 1993, at 10:00 a.m. Information may be obtained from James E. Arnst, P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9325503.

The Guadalupe-Blanco River Authority Industrial Development Corporation met at 933 East Court Street, Seguin, July 15, 1993, at 9:30 a.m. Information may be obtained from James E. Arnst, P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9325498.

The Guadalupe-Blanco River Authority Board of Directors met at 933 East Court Street, Seguin, July 15, 1993, at 10:00 a.m. Information may be obtained from James E. Arnst, P.O. Box 271, Seguin, Texas 78155, (210) 379-5822. TRD-9325497.

The Guadalupe-Blanco River Authority Audit Committee met at 933 East Court Street, Seguin, July 15, 1993, at 2:30 p.m. Information may be obtained from James E. Arnst, P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9325502.

The Kendall County Appraisal District Appraisal Review Board met at 121 South Main Street, Conference Room, Boerne,

July 12, 1993, at 9:00 a.m. Information may be obtained from Joe P. Davis, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9325487.

The Kendall County Appraisal District Appraisal Review Board met at 121 South Main Street, Conference Room, Boerne, July 14, 1993, at 9:00 a.m. Information may be obtained from Joe P. Davis, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9325488.

The Kendall County Appraisal District Appraisal Review Board met at 121 South Main Street, Conference Room, Boerne, July 15, 1993, at 8:00 a.m. Information may be obtained from Joe P. Davis, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9325489.

The Kendall County Appraisal District Appraisal Review Board will meet at 121 South Main Street, Conference Room, Boerne, July 16, 1993, at 8:00 a.m. Information may be obtained from Joe P. Davis, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9325490.

The Kendall County Appraisal District Appraisal Review Board will meet at 121 South Main Street, Conference Room, Boerne, July 17, 1993, at 9:00 a.m. Information may be obtained from Joe P. Davis, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9325491.

The Lampasas County Appraisal District Appraisal Review Board met at 109 East Fifth Street, Lampasas, July 14, 1993, at 8:00 a.m. Information may be obtained from Janice Henry, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9325528.

The Lampasas County Appraisal District Board of Directors met at 109 East Fifth Street, Lampasas, July 15, 1993, at 7:00 p.m. Information may be obtained from Janice Henry, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9325529.

The Limestone County Appraisal District Board of Directors will meet at the Limestone County Courthouse, Ground Floor, Board Room, Groesbeck, July 21, 1993, at 1:00 p.m. Information may be obtained from Clydene Hyden, P. O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009. TRD-9325527.

The Lower Colorado River Authority Agenda Review Committee met at 3701 Lake Austin Boulevard, Hancock Building, Austin, July 13, 1993, at 10:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9325499.

The Lower Colorado River Authority Evaluation Committee met at 3701 Lake Austin Boulevard, Hancock Building,

Austin, July 13, 1993, at 10:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9325500.

The North Plains Groundwater Conservation District Number Two Board of Directors will meet at 603 East First Street, Dumas, Texas 79029, July 19, 1993, at 10:00 a.m. (Rescheduled from July 12, 1993). Information may be obtained from Richard Bowers or Carla Gray, 603 East First Street, Dumas, (806) 935-6401. TRD-9325501.

The South Plains Association of Governments Executive Committee met at 1323 58th Street, Lubbock, July 13, 1993, at 9:00 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Lubbock, Texas 79452-3730. TRD-9325532.

The South Plains Association of Governments Board of Directors met at 1323 58th Street, Lubbock, July 13, 1993, at 10:00 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Lubbock, Texas 79452-3730. TRD-9325531.

The Texas Panhandle Mental Health Authority Board of Trustees met at 7120 I-40 West, Suite 150, Amarillo, July 15, 1993, at 10:30 a.m. Information may be obtained from Mellisa Talley, P.O. Box 3250, Amarillo, Texas 79116, (806) 353-3699. TRD-9325485.

The West Central Texas Council of Governments Regional Review Committee will meet at the WCTCOG Offices, 1025 E.N. Tenth Street, Abilene, July 22, 1993, at 10:00 a.m. Information may be obtained from Jim Compton, 1025 E.N. Tenth Street, Abilene, Texas 79601, (915) 672-8544. TRD-9325521.

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Meetings Filed July 12, 1993

The Appraisal District of Jones County Appraisal Review Board will meet at the District's Office, 1137 East Court Plaza, Anson, July 20, 1993, at 8:30 a.m. Information may be obtained from Susan Holloway, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422. TRD-9325589.

The Austin-Travis County Mental Health Mental Retardation Center Board of Trustees met at 1430 Collier Street, Board Room, Austin, July 15, 1993, at 5:00 p.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9325652.

The Austin-Travis County Mental Health Mental Retardation Center Planning and Operations Committee will meet at 1430 Collier Street, Board Room, Austin, July 16, 1993, at 11:30 a.m. Information may be obtained from Sharon Taylor, P.O. Box

3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9325650.

The Austin-Travis County Mental Health Mental Retardation Center Board of Trustees will meet at 1430 Collier Street, Board Room, Austin, July 17, 1993, at 8:30 a.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9325651.

The Barton Springs/Edwards Aquifer Conservation District Board of Directors met at 1124A Regal Row, Austin, July 15, 1993, at 5:30 p.m. Information may be obtained from Bill E. Couch, 1124A Regal Row, Austin, Texas 78748, (512) 282-8441, Fax: 282-7016. TRD-9325613.

The Brazos River Authority Industrial Development Authority, Board of Directors will meet at 4400 Cobbs Drive, Waco, July 19, 1993, at 9:00 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9325588.

The Brazos River Authority Board of Directors will meet at 4400 Cobbs Drive, Waco, July 19, 1993, at 9:00 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9325591.

The Central Plains Center for Mental Health Mental Retardation and SA Board of Trustees held an emergency meeting at 2700 Yonkers, Plainview, July 13, 1993, at 9:00 a.m. The emergency status was necessary to meet contract specifications. Information may be obtained from Seth Halbert, 2700 Yonkers, Plainview, Texas 79072, (806) 293-2636. TRD-9325642.

The Central Texas Council of Governments Executive Committee will meet at 302 East Central, Belton, July 22, 1993, at 12:30 p.m. Information may be obtained from A. C. Johnson, P.O. Box 729, Belton, Texas 76513, (817) 939-1801. TRD-9325654.

The Comal Appraisal District Appraisal Review Board will meet at 430 West Mill Street, New Braunfels, July 16, 1993, at 9:00 a.m. Information may be obtained from Lynn Rodgers, P.O. Box 311222, New Braunfels, Texas 78131-1222, (210) 625-8597. TRD-9325584.

The Comal Appraisal District Appraisal Review Board will meet at 430 West Mill Street, New Braunfels, July 20, 1993, at 9:00 a.m. Information may be obtained from Lynn Rodgers, P.O. Box 311222, New Braunfels, Texas 78131-1222, (210) 625-8597. TRD-9325583.

The Coryell City Water Supply District Board of Directors met at the CCWSD Office, FM 929, Gatesville, July 15, 1993, at 7:30 p.m. Information may be obtained

from Helen Swift, Route 2, Box 93, Gatesville, Texas 76528, (817) 865-6089. TRD-9325653.

The Eastland County Appraisal District Board of Directors will meet at the Commissioners' Courtroom of Eastland County Courthouse, Main Street, Eastland, July 21, 1993, at 1:00 p.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597. TRD-9325582.

The Hamby Water Supply Corporation Board of Directors met at the Hamby Water Supply Office, 408 Elmdale Road North, Abilene, July 15, 1993, at 7:30 p.m. Information may be obtained from Bertha Linahan, 408 Elmdale Road North, Abilene, Texas 79601, (915) 548-2510. TRD-9325628.

The Hansford Appraisal District Appraisal Review Board will meet at 709 West Seventh Street, Spearman, July 19, 1993, at 9:00 a.m. Information may be obtained from Lovida Gibling, P.O. Box 519, Spearman, Texas 79081-0519, (806) 659-5575. TRD-9325609.

The Hamilton County Appraisal District will meet in the Hamilton County Appraisal District Boardroom, 119 East Henry Street, Hamilton, July 20, 1993, at 7:00 a.m. Information may be obtained from Doyle Roberts, 119 East Henry Street, Hamilton, Texas 76531, (817) 386-8945. TRD-9325585.

The Henderson County Appraisal District Board of Directors will meet at 1751 Enterprise, Athens, July 19, 1993, at 7:00 p.m. Information may be obtained from Lori Fetterman, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9325618.

The Henderson County Appraisal District Board of Directors will meet at 1751 Enterprise, Athens, July 19, 1993, at 7:30 p.m. Information may be obtained from Lori Fetterman, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9325617.

The Johnson County Rural Water Supply Corporation Board of Directors (Special Called Meeting) met at the JCRWSC Office, Highway 171 South, Cleburne, July 15, 1993, at 6:00 p.m. Information may be obtained from Peggy Johnson, P.O. Box 509, Cleburne, Texas 76033, (817) 745-6646. TRD-9325616.

The Lower Neches Valley Authority Personnel Committee will meet at the LNVA Office Building, 7850 Eastex Freeway, Beaumont, July 20, 1993, at 10:00 a.m. Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9325590.

The Mason County Appraisal District Appraisal Review Board will meet at 206 Fort McKavitt, Mason, July 20, 1993, at 10:00 a.m. Information may be obtained from Deborah Geistweidt, P.O. Drawer 1119, Mason, Texas 76856, (915) 347-5989. TRD-9325581.

The Palo Pinto Appraisal District Agricultural Advisory Board will meet at Jones' Drive In, Mineral Wells, July 21, 1993, at 6:00 a.m. Information may be obtained from Jackie F. Samford, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1234. TRD-9325587.

The Palo Pinto Appraisal District Board of Directors will meet at Palo Pinto County Courthouse, Palo Pinto, July 21, 1993, at 3:00 p.m. Information may be obtained from Jackie F. Samford, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1234. TRD-9325586.

The Parmer County Appraisal District Board of Directors will meet at 305 Third Street, Bovina, August 12, 1993, at 7:30 p.m. Information may be obtained from Ron Procter, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405. TRD-9325630.

The Red River Authority of Texas Board of Directors will meet at the Wichita Falls Activity Center, 607 Tenth Street, Room 215, Wichita Falls, July 21, 1993, at 9:30 a.m. Information may be obtained from Ronald J. Glenn, 900 Eighth Street, Suite 520, Wichita Falls, Texas 76301-6894, (817) 723-8697. TRD-9325608.

The San Antonio River Authority Employees Retirement Trust, Board of Trustees will meet at the SARA General Office, Boardroom, 100 East Guenther Street, San Antonio, July 21, 1993, at 1:30 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (210) 227-1373. TRD-9325593.

The San Antonio River Authority Board of Directors will meet at the SARA General Office, Boardroom, 100 East Guenther Street, San Antonio, July 21, 1993, at 2:00 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (210) 227-1373. TRD-9325592.

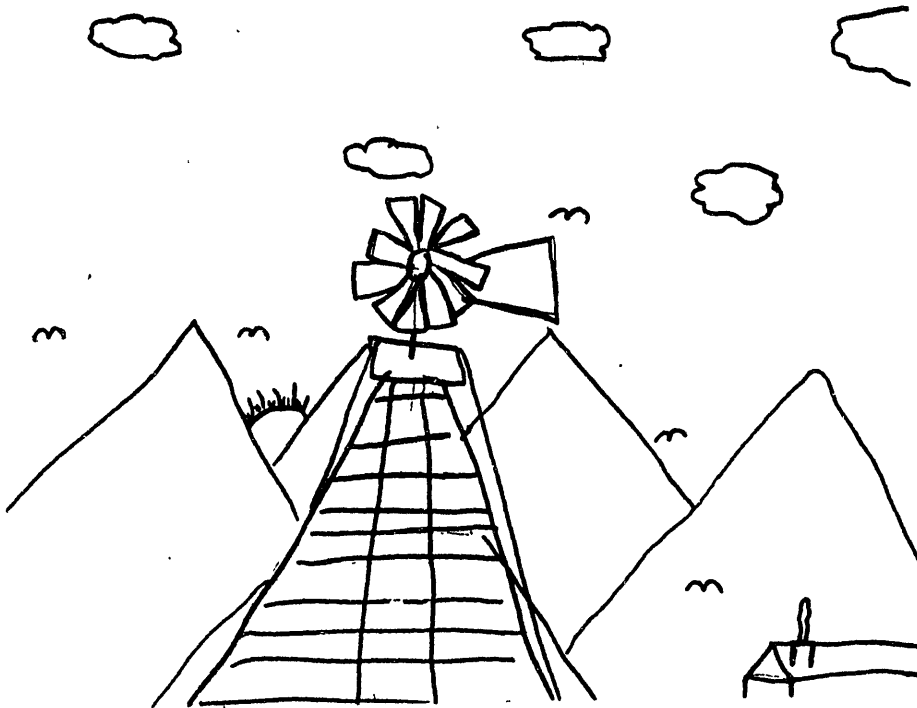
The Texas Municipal Asset Pool Board of Directors will meet at the Riverway Bank, Board Room, Second Floor, Five Riverway, Harris County, Houston, July 21, 1993, at 8:00 a.m. Information may be obtained from Debra Wallace, P.O. Box 56572, Houston, Texas 77256-6572, (713) 552-2618. TRD-9325659.

The Tyler County Appraisal District Appraisal Review Board met at 806 West Bluff, Woodville, July 15, 1993, at 4:00 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville,

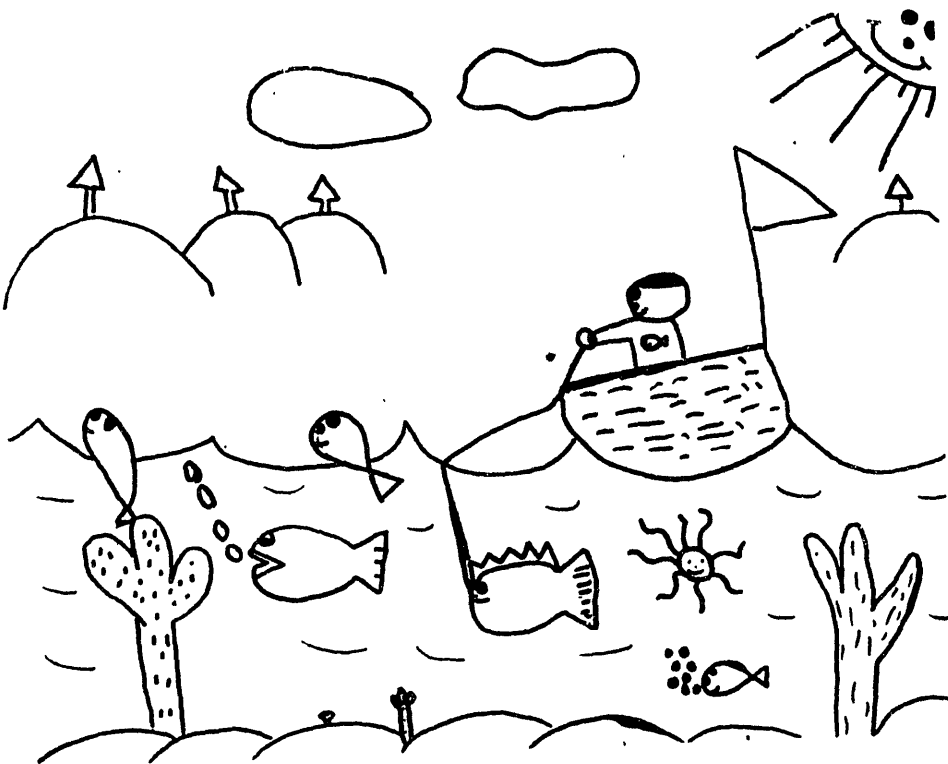
Texas 75979, (409) 283-3736. TRD-9325574.

The Wise County Appraisal District Appraisal Review Board met at 206 South State Street, Decatur, July 15, 1993, at 9:00 a.m. Information may be obtained from Lareesea Pittman, 206 South State Street, Decatur, Texas 76234, (817) 627-3081. TRD-9325562.

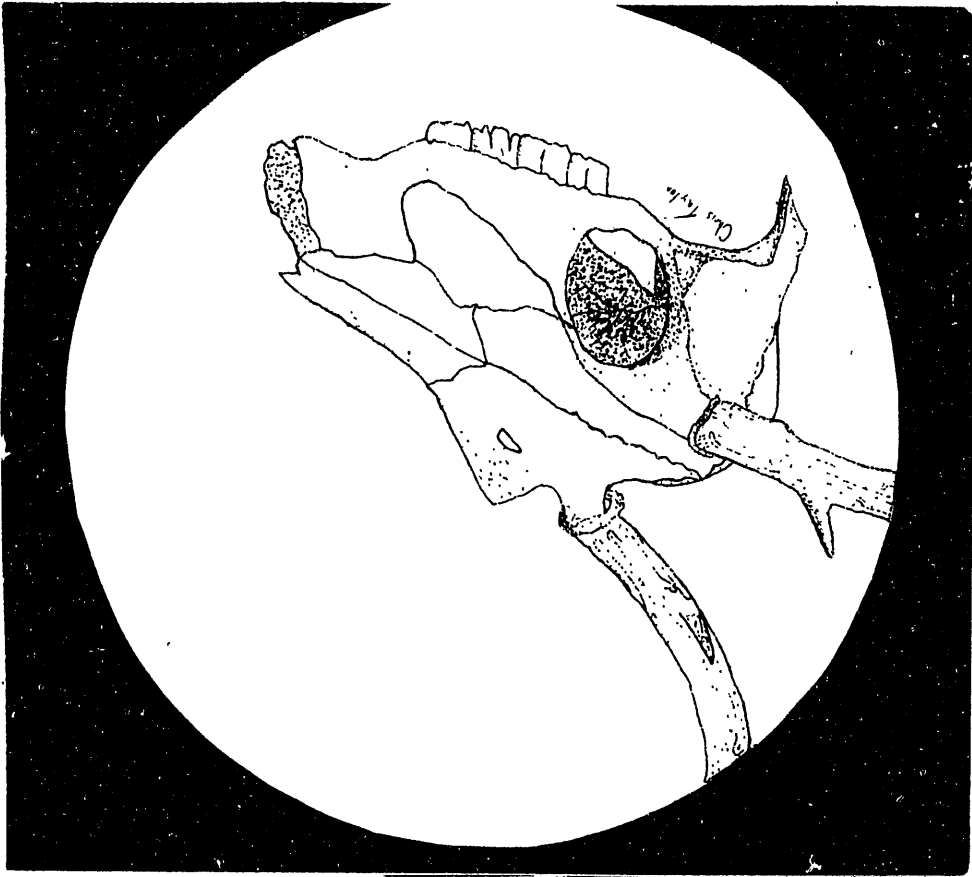




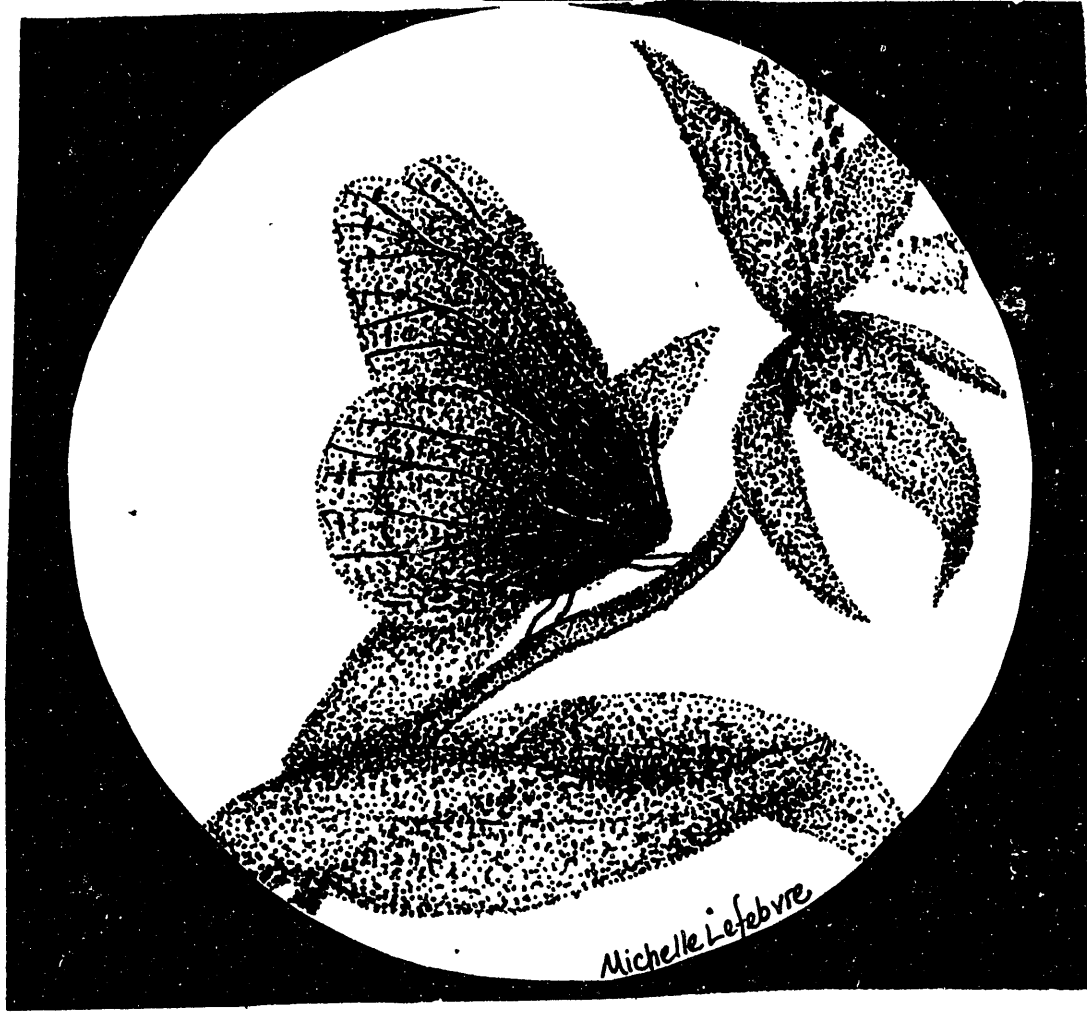
Name: Nathan Holcomb
Grade: 2
School: Montgomery Elementary, Carrollton-Farmers Branch ISD



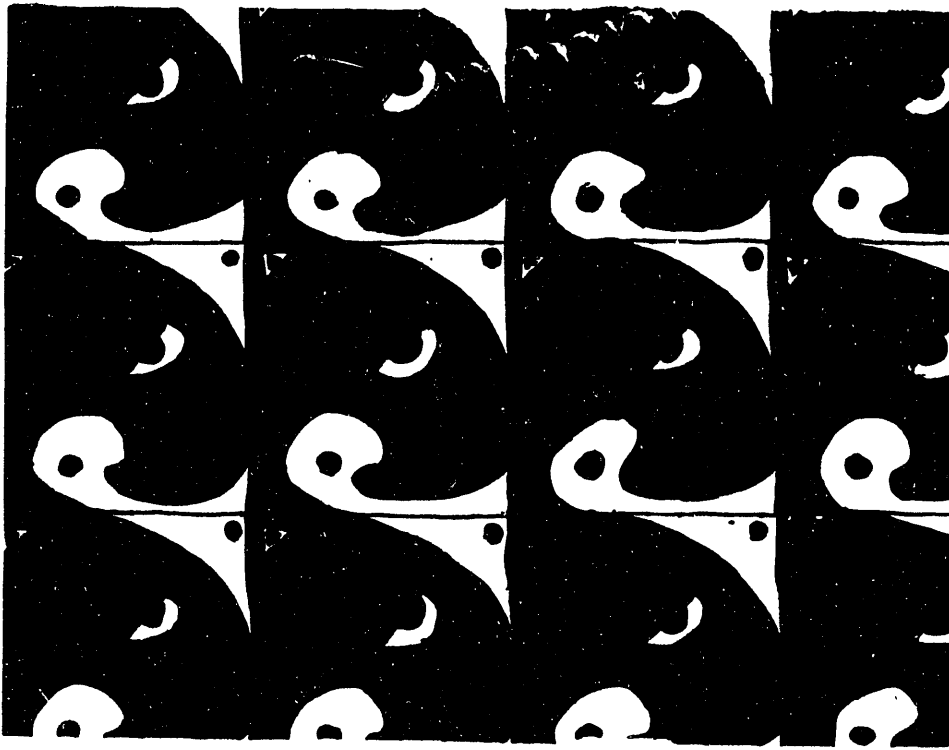
Name: Keisha Garcia
Grade: 2
School: Montgomery Elementary, Carrollton-Farmers Branch ISD



Name: Chris Taylor
Grade: 7
School: Hendrick Middle School, Plano ISD



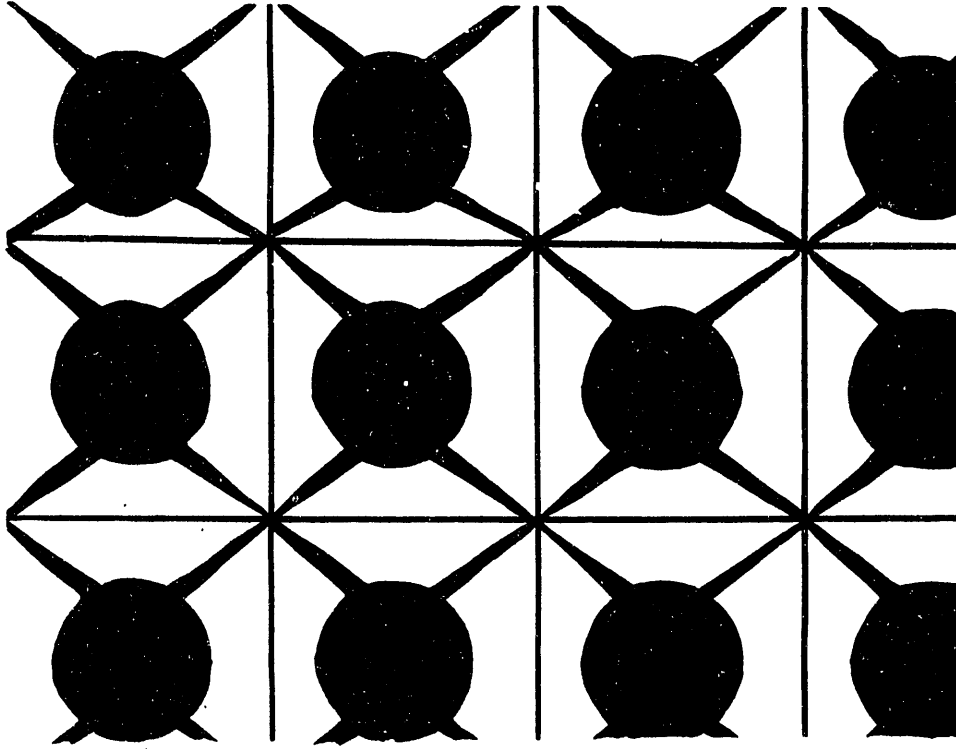
Name: Michelle Lefebvre
Grade: 8
School: Hendrick Middle School, Plano ISD



Name: Valerie Wittkop

Grade: 8

School: Hendrick Middle School, Plano ISD



Name: Travis Groff

Grade: 7

School: Hendrick Middle School, Plano ISD



LAYTON HAYES
GRADE 6 WOODCARVING
RICHARDSON HEIGHTS ELEM
RICHARDSON, TEXAS

JORDAN NEILL
GRADE 6 WOODCARVING
RICHARDSON HEIGHTS ELEM.
RICHARDSON, TEXAS



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.

ACTION

ACTION, The Federal Volunteer Agency

ACTION, the Federal domestic volunteer agency, is soliciting applications for sponsorship of the Retired Senior Volunteer Program. There is \$42,210 available from Texas State ACTION Office to support 600 volunteers contributing 95,142 hours of service.

The Retired Senior Volunteer Program (RSVP) is authorized under Title II, Part A, of the Domestic Volunteer Service Act of 1973, as amended (Public Law 93-113). The purpose of the program is to provide a variety of opportunities for retired persons aged 60 or older to participate more fully in the life of their community through significant volunteer service. RSVP responds to community needs by matching the interest and abilities of seniors with rewarding volunteer opportunities. Retired Senior Volunteers are recruited locally to serve on a regular basis in schools, libraries, courts, day care centers, crisis centers, hospitals, nursing homes, economic development agencies, and other community service organizations.

Sponsor eligibility is open to public agencies and non-profit organizations. Prospective sponsors should have an ongoing, working relationship with a variety of community agencies and organizations, experience in developing volunteer service opportunities, a strong base of local financial support and a commitment to and past experience in improving the quality of life for elder adults.

The Retired Senior Volunteer Program project sponsor will be responsible for the overall program and fiscal management of the project in accord with Federal legislation governing the program as well as ACTION procedures and guidelines. The grant will become effective January 1, 1994.

Application forms and further information may be obtained upon written request to the Texas State ACTION Office, 611 East Sixth Street, Suite 404, Austin, Texas 78701 or by telephoning (512) 482-5671. Application materials is available in alternate formats. Deadline for complete applications is October 1, 1993.

Issued in Austin, Texas, on July 6, 1993.

TRD-9325340 Jerry Thompson
State Program Director
ACTION

Filed: July 6, 1993

Texas Air Control Board Notice of Open Meeting

The Lone Star Chapter of the Sierra Club has petitioned the Texas Air Control Board (TACB) to revise §112.31, concerning Allowable Emissions-Residential, Business, or

Commercial Property. The petition requests that the TACB lower the allowable concentration of hydrogen sulfide from 0.08 parts per million (ppm) to 0.005 ppm.

The TACB will conduct a work session from 9:00 a.m. to noon, August 10, 1993, in Room 201S of the TACB central office located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753. A draft rule has been developed and will be discussed at the work session. A copy of the draft rule and the petition are enclosed with this notice. For more information contact Beecher Cameron at (512) 908-1495 or Amba Mann at (512) 908-1930.

Issued in Austin, Texas, on July 2, 1993.

TRD-9325400 Lane Hartssock
Deputy Director, Air Quality Planning
Texas Air Control Board

Filed: July 7, 1993

Office of the Attorney General

Request for Proposals-Notice of Intent to Purchase Consulting Services for Claims Audit

This request by the Office of the Attorney General Workers' Compensation Division for consultant services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

The Office of the Attorney General (OAG) Workers' Compensation Division is requesting proposals to perform a diagnostic evaluation of the efficiency and effectiveness of the Division's organization, staffing, policies, and procedures pertaining to the management of workers' compensation claims from injured State employees.

Contact. Parties interested in submitting a proposal and obtaining a complete copy of the RFP, should contact David Bolduc, Division Chief, Workers' Compensation Division, Office of the Attorney General's Office, P.O. Box 13777, Austin, Texas 78711, (512) 323-3090.

Due Date and Submittal Location. Proposals are due no later than 2:00 p.m. (CST) on Thursday, August 19, 1993, to: Stephen McDonald, Budget and Purchasing Division, Office of the Attorney General, 300 West 15th Street, 15th Floor, Austin, Texas 78701, (512) 475-4509.

Award Procedure. All proposals will be subject to evaluation by a group of OAG staff based upon the criteria set forth in the RFP. A proposer may be asked to clarify its proposal.

The OAG reserves the right to accept or reject any of the proposals received. The OAG is under no legal obligation to execute a resulting contract on the basis of this notice or the distribution of the RFP. Neither this notice nor the

RFP commits the OAG to pay for any costs incurred prior to the execution of a contract.

Anticipated Schedule of Events. The anticipated schedule of events is as follows: RFP available for request on July 19, 1993; Deadline for written questions on July 29, 1993; Proposals due by 2:00 p.m. CST August 19, 1993; Review of Proposals August 20-September 3, 1993; Notice of award on September 8, 1993; enter into contract on September 22, 1993, or as soon as possible thereafter.

Issued in Austin, Texas, on July 9, 1993.

TRD-9325515 Jerry Benedict
Assistant Attorney General
Office of the Attorney General

Filed: July 9, 1993

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State Banking Board Notice of Hearing

The Hearing Officer of the State Banking Board will conduct a hearing on August 19, 1993, at 9:00 p.m., at 2601 North Lamar Boulevard, Austin, on the change of domicile application for Savings and Community Bankers Trust Company, Dallas.

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

Issued in Austin, Texas, on July 8, 1993.

TRD-9325534 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: July 9, 1993

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Texas Department of Banking Notice 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 July 6, 1993, the Banking Commissioner received an application to acquire control of the Farmers Guaranty State Bank, Kennard, by Willette Rosson, John Dean, Frank Smith III, and Burl Hobson all of Crockett; Joseph Genitempo, Jeanette Rodrigues, John Parker, and Paul Van Meter of Houston; and William Thomas of Kennard.

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

Issued in Austin, Texas, on July 6, 1993.

TRD-9325310 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: July 6, 1993

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

List of Suitable Products

The purpose of the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons is to further the state's policy of encouraging and assisting disabled persons in activities which provide products and services to state and local governments. As required by Title 40, Texas Administrative Code, §189.14, the committee has published a list of suitable products selected by the committee for placement in a catalog. This listing contains information regarding the products, delivery schedules, freight, and packaging.

The listing is available for public inspection at the Texas Commission for the Blind, 4800 North Lamar Boulevard, Administrative Building, Suite 320, Austin (Attention: Michael T. Phillips) and at the General Services Commission, Central Services Building, 1711 San Jacinto, Third Floor, Austin (Attention: Pat Martin).

Issued in Austin, Texas, on July 6, 1993.

TRD-9325405 Michael T. Phillips
Committee Member
Texas Committee on Purchases of
Products and Services of Blind and
Severely Disabled Persons

Filed: July 8, 1993

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Texas Department of Commerce Notice on Nominations Procedure for Committee on Design of Apprenticeship and Career Pathways Programs for Youth

The Texas Department of Commerce is accepting nominations for the Committee on Design of Apprenticeship and Career Pathways Programs for Youth. The purpose of the committee is to design a statewide youth apprenticeship and career pathways system in Texas. This action is mandated under the recently-passed state legislation Senate Bill 367, Workforce Development Initiative for Youth.

Nomination forms can be obtained from the Texas Department of Commerce, Work Force Development Division, 816 North Congress Avenue, Suite 1300, Austin, Texas 78701, (512) 320-9800; TDD: (512) 320-9698.

Please send completed nomination forms to Texas Department of Commerce, Work Force Development Division, P.O. Box 12728, Austin, Texas 78711, Attention: Brenda Lovett.

Nominations should be received by August 16th at close of business for consideration.

The design committee is composed of members appointed by the executive director of the Texas Department of Commerce as follows: three members who are employers, representing the business community, including representation of small businesses; three members who are employees, representing the labor community, including representation by persons with experience in the Apprenticeship and Training Advisory Committee created under Chapter 33, Education Code; three members who

are high school teachers, representing secondary education, including representation by persons with experience in the federal technical preparatory education programs created under 20 United States Code, §2394b; three members who are faculty members of institutions of higher education, representing higher education, including representation by persons with experience in the federal technical preparatory education programs created under 20 United States Code, §2394b; three members who are training directors from registered United States Department of Labor Bureau of Apprenticeship and Training programs; and three members who are persons who are not eligible for appointment under the guidelines previously mentioned, representing the general public; the state director of the Bureau of Apprenticeship and Training, United States Department of Labor, may serve as an ex officio nonvoting member of the design team.

Selections for the design committee will be made in compliance with Federal Equal Employment Opportunity laws.

Issued in Austin, Texas, on July 9, 1993.

TRD-9325597 Cathy Bonner
Executive Director
Texas Department of Commerce

Filed: July 12, 1993

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**Comptroller of Public Accounts
Consultant Contract Award**

In accordance with the provisions of Texas Civil Statutes, Article 6252-11c, the Comptroller of Public Accounts furnishes this notice of consultant contract award.

The consultant proposal request was published in the March 23, 1993, issue of the *Texas Register* (18 TexReg 1874).

The consultant will conduct a comprehensive study and evaluation of all aspects of the Lottery's security systems and procedures. This will include a study and evaluation of the security systems and procedures of the Lottery Operator, and selected other Lottery vendors. The goal of these services is to insure the security and integrity of the operation of the Lottery.

The contract is awarded to KPMG Peat Marwick, 150 John F. Kennedy Parkway, Short Hills, New Jersey 07078. The total dollar value of the contract is \$79,000. The contract was executed July 7, 1993, and extends through August 31, 1993. Issued in Austin, Texas, on July 9, 1993.

TRD-9325538 Arthur F. Lorton
Senior Legal Counsel
Comptroller of Public Accounts

Filed: July 9, 1993

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**Texas Lottery Game Procedures—Instant
Game Number 15 and Number 16**

1.0. Name and Style of Game. The name of Instant Game Number 15 is "TEX TAC DOUGH." The play style of the game is "three in line."

1.1. Price of Instant Ticket. Tickets for Instant Game Number 15 shall be \$1.00 per ticket.

1.2. Definitions in Instant Game Number 15.

A. Bar Code—The unique bar-coded representation of the game Pack-Ticket Number and the Validation Number.

B. Display Printing—That area of the instant game ticket outside of the area where the Play Symbols appear.

C. High-Tier Prize—A prize of \$1,000.

D. Low-Tier Prize—A prize of \$1.00, \$2.00, \$4.00, \$7.00, \$14.

E. Mid-Tier Prize—A prize of \$40 or \$100.

F. Non-Winning Ticket—A ticket which is not intended to be a winning ticket or a ticket that does not meet all of the requirements of these Game Procedures, Texas Civil Statutes, Article 179g (the Lottery Act), and applicable rules adopted by the Lottery pursuant to the Lottery Act and published in 34 TAC, Chapter 7 (relating to Administration of State Lottery Act).

G. Pack—A pack of fanfolded "TEX TAC DOUGH" Instant Game tickets which are attached to each other by perforations the retailer tears when the retailer sells a ticket. Each pack contains 250 tickets, which are packed in plastic shrink-wrapping and fanfolded in pages of five. Tickets 000 to 004 are on the top page; tickets 005 to 009 are on the next page, etc.; tickets 245 to 249 are on the last page. Tickets 000 and 249 are folded down to expose the pack-ticket number through the shrink-wrap.

H. Pack-Ticket Number—The 11-digit code printed on the back of each ticket located above the Bar Code which is printed vertically down the side of the back of the ticket in the form 00-000000-000. The first two digits are the game identification number followed by a six-digit pack number followed by a three-digit ticket number. Numbering begins with 15-000001-000 for this game.

I. Play Symbol—One of the symbols which appears under the nine rub-off spots on the front of the ticket. Each Play Symbol is printed in bold Archer font in black ink in positive. The possible Play Symbols are: (MONEY BAG) and X.

J. Play Symbol Caption—A five-character caption will be printed below each Play Symbol in Caption font in black ink in positive. The first character of the caption will indicate the Play Symbol's position in one of the nine play spots on the ticket. The nine spots are as follows:

PRIZE	APPROXIMATE NUMBER OF WINNERS IN THE GAME	CHANCES OF WINNING
\$1	7,008,000	1:10:00
\$2	5,045,760	1:13.89
\$4	2,522,880	1:27.78
\$7	840,960	1:83.33
\$14	560,640	1:125.00
\$40	43,800	1:1,600.00
\$100	8,760	1:8,000.00
\$1,000	292	1:240,000.00

The second character of the caption will repeat the corresponding Play Symbol ((MONEY BAG) or X). The last three characters will be the same numbers as the three-digit ticket number. For example, caption 1X000 indicates that the Play Symbol "X" is in the number "1" position of ticket #000. One and only one Play Symbol Caption will appear under each Play Symbol.

K. Prize Symbol—Each Prize Symbol is printed in Archer font in black ink in positive. The possible Prize Symbols are: \$1.00, \$2.00, \$4.00, \$7.00, \$14, \$40, \$100, and \$1,000.

L. Prize Symbol Caption—The small printed material appearing below the Prize Symbol which explains the Prize Symbol. One and only one of these Prize Symbol Captions appears under the Prize Symbol, and each is printed in Archer font in black ink in positive. The Prize Symbol Caption which corresponds with and verifies each Prize Symbol is as follows:

\$1, or
 \$2, or
 \$4, or
 \$7, or
 \$14, or
 \$40, or
 \$100, or
 \$1,000.

M. Retailer Validation Code—Three small letters found under the removable rub-off covering over the Play Symbols on the front of the ticket, which the retailer uses to verify and validate instant winners.

N. Ticket or Instant Game Ticket, or Instant Ticket—A Texas Lottery "TEX TAC DOUGH" Instant Game Number 15 ticket.

O. Validation Number—A unique 12-digit number applied to the front of each ticket.

2.0. Determination of Prize Winners. The determination of prize winners is subject to the general ticket validation requirements set forth in §2.1 of rules adopted by the Lottery for this purpose, these Game Procedures, and the requirements set out on the back of each instant

ticket. A prize winner in the "TEX TAC DOUGH" Instant Game is determined when the latex material on the front of the ticket is rubbed off to expose the nine Play Symbols on the front of the ticket. The holder of the ticket wins the prize indicated in the Prize Box, if three money bag symbols appear in three consecutive play spots, either horizontally, vertically, or diagonally on the same ticket. No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the Instant Game. The Play Symbol amounts have the following instant values:

\$1.00	ONES
\$2.00	TWOS
\$4.00	FOURS
\$7.00	SEVENS
\$14.00	FRTNS
\$40.00	FORTY
\$100	ONE HUND
\$1,000	ONE THOU

2.1. Instant Ticket Validation Requirements.

A. To be a valid Instant Game ticket, all of the following requirements must be met:

1. Exactly one Play Symbol must appear under each of the nine rub-off spots on the right front portion of the ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each Play Symbol Caption must be present in its entirety and be fully legible;
5. Each of the Play Symbols and the Play Symbol Captions must be printed in black ink;
6. The ticket shall be intact;
7. The Validation Number, Retailer Validation Code, and Pack-Ticket Number must be present in their entirety and be fully legible;
8. The Validation Number must correspond, using the Lottery's codes, to the Play Symbols on the ticket;
9. The ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted, or tampered with in any manner;
10. The ticket must not be counterfeit in whole or in part;
11. The ticket must have been issued by the Lottery in an authorized manner;
12. The ticket must not have been stolen, nor appear on any list of omitted tickets or non-activated tickets on file at the Lottery;
13. The Play Symbols, Play Symbol Captions, Validation Number, Retailer Validation Code, and Pack-Ticket Number must be right side up and not reversed in any manner;
14. The ticket must be complete and not miscut, and have exactly one Play Symbol and exactly one Play Symbol Caption under each of the nine rub-off spots on the front of the ticket, exactly one Validation Number, exactly one Retailer Validation Code, and exactly one Pack-Ticket Number on the ticket;

15. The Validation Number of an apparent winning ticket shall appear on the Lottery's Official List of Validation Numbers of winning tickets, and a ticket with that Validation Number shall not have been paid previously;

16. The ticket must not be blank or partially blank, misregistered, defective, or printed or produced in error;

17. Each of the nine Play Symbols must be exactly one of those described in §1.2.I, and each of the Play Symbol Captions to those Play Symbols must be exactly one of those described in §1.2.J;

18. Each of the nine Play Symbols on the ticket must be printed in the Symbol Font and must correspond precisely to the artwork on file at the Lottery; the ticket Validation Numbers must be printed in the Validation Font and must correspond precisely to the artwork on file at the Lottery; and the Pack-Ticket Number must be printed in the Pack-Ticket Number Font and must correspond precisely to the artwork on file at the Lottery;

19. The display printing on the ticket must be regular in every respect and correspond precisely to the artwork on file at the Lottery; and

20. The ticket must have been received or recorded by the Lottery by applicable deadlines.

B. The ticket must pass all additional validation tests provided for in these game procedures, the Lottery's Rules governing the award of prizes of the size to be validated, and any confidential validation and security tests of the Lottery.

C. Any Instant Game ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Director may, solely at the Director's option, replace an invalid ticket with an unplayed ticket in that Instant Game (or ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Lottery shall be to replace the defective ticket with another unplayed ticket in that Instant Game (or a ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the ticket.

2.2. Procedure for Claiming Prizes.

A. To claim a "TEX TAC DOUGH" Instant Game prize of \$1.00, \$2.00, \$4.00, \$7.00, \$14, \$40, or \$100, a player shall sign the back of the ticket in the space designated on the ticket and present the winning ticket to any Lottery

Retailer. The Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, make payment of the amount due the player and physically void the ticket; provided that the Lottery Retailer may, but is not in some cases required to, pay a \$100 ticket. In the event the Lottery Retailer cannot verify the claim, the Lottery Retailer shall provide the player with a claim form and instruct the player on how to file a claim with the Lottery. If the claim is validated by the Lottery, a check shall be forwarded to the player in the amount due. In the event the claim is not validated, the claim shall be denied and the player shall be notified promptly. A player may also claim any of the above prizes under the procedure described in §2.2.B.

B. To claim a "TEX TAC DOUGH" Instant Game prize of \$1,000, the player must sign the winning ticket, thoroughly complete a claim form, and present both at any Lottery claim center. If the claim is validated by the Lottery, payment will be made to the bearer of the validated winning ticket for that prize upon presentation of proper identification. A player may also claim a prize by signing the winning ticket, thoroughly completing a claim form, and mailing both to: Texas Lottery, Comptroller of Public Accounts, P.O. 16600, Austin, Texas 78752-6600. In the event that the claim is not validated by the Lottery, the claim shall be denied and the player shall be notified promptly.

C. Prior to payment by the Lottery of any prize, the Lottery shall deduct a sufficient amount from the winnings of a person who has been finally determined to be:

1. delinquent in the payment of a tax or other money collected by the Comptroller, State Treasurer, or Texas Alcoholic Beverage Commission;
2. delinquent in making child support payments administered or collected by the Attorney General; or
3. in default on a loan guaranteed under Texas Civil Statutes, Chapter 57, the Education Code. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.3. Allowance for Delay of Payment. The Lottery may delay payment of the prize pending a final determination by the director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in §2.2.C. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.4. Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a prize from the "TEX TAC DOUGH" instant game, the Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.5. Instant Ticket Claim Period. All Instant Game prizes must be claimed within 180 days following the end of the Instant Game. Any prize not claimed within that period, and in the manner specified in these game procedures and on the back of each ticket, shall be forfeited.

3.0. Instant Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of an Instant Game ticket in the space designated therefor, a ticket shall be owned by the physical possessor of said ticket. When a signature is placed on the back of the ticket in the space designated therefor, the player whose signature appears in that area shall be the owner of the ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the director shall make payment to the player whose signature appears on the back of the ticket in the space designated therefor. If more than one name appears on the back of the ticket, the Director will require that one of those players whose name appears thereon be designated to receive payment.

B. The Lottery shall not be responsible for lost or stolen Instant Game tickets.

4.0. Number and Value of Instant Prizes. There will be approximately 70,000,000 tickets in the Instant Game Number 15. The expected number and value of prizes in the game are as follows:

1	2	3
4	5	6
7	8	9

The actual number of tickets in the game may be increased or decreased at the sole discretion of the Lottery.

5.0. Termination of the Instant Game. The Director may, at any time, announce a termination date for the Instant Game Number 15 without advance notice, at which point no further tickets in that game may be sold.

6.0. Governing Law. In purchasing an Instant Game ticket, the player agrees to comply with, and abide by, these game procedures for Instant Game Number 15, the Lottery Act (Texas Civil Statutes, Article 179g), applicable Rules adopted by the Lottery pursuant to the Lottery Act and published in 34 TAC, Chapter 7, and all final decisions of the Director.

INSTANT GAME Number 16

1.0 Name and Style of Game.

The name of Instant Game Number 16 is "TEXAS GOLD." The play style of the game is "match three."

1.1 Price of Instant Ticket.

Tickets for Instant Game Number 16 shall be \$1.00 per ticket.

1.2 Definitions in Instant Game Number 16.

A. Bar Code-The unique bar-coded representation of the game Pack-Ticket Number and the Validation Number.

B. Display Printing-That area of the instant game ticket outside of the area where the Play Symbols appear.

C. High-Tier Prize-A prize of \$10,000.

D. Low-Tier Prize-A prize of \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, or \$20.

E. Mid-Tier Prize-A prize of \$30, \$50, or \$100.

F. Non-Winning Ticket-A ticket which is not intended

to be a winning ticket or a ticket that does not meet all of the requirements of these Game Procedures, Texas Civil Statutes, Article 179g (the Lottery Act), and applicable rules adopted by the Lottery pursuant to the Lottery Act and published in 34 TAC, Chapter 7 (relating to Administration of State Lottery Act).

G. Pack-A pack of fanfolded "TEXAS GOLD" Instant Game tickets which are attached to each other by perforations the retailer tears when the retailer sells a ticket. Each pack contains 250 tickets, which are packed in plastic shrink-wrapping and fanfolded in pages of five. Tickets 000 to 004 are on the top page; tickets 005 to 009 are on the next page, etc.; tickets 245 to 249 are on the last page. Tickets 000 and 249 are folded down to expose the pack-ticket number through the shrink-wrap.

H. Pack-Ticket Number-The 11-digit code printed on the back of each ticket located above the Bar Code which is printed vertically down the side of the back of the ticket in the form 00-000000-000. The first two digits are the game identification number followed by a six-digit pack number followed by a three-digit ticket number. Numbering begins with 16-000001-000 for this game.

I. Play Symbol-One of the symbols which appears under the nine rub-off spots on the front of the ticket. Each Play Symbol is printed in Symbol font in black ink in positive. The possible Play Symbols are: \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$20, \$30, \$50, \$100, and \$10, 000.

J. Play Symbol Caption-The small printed material appearing below each Play Symbol which explains the Play Symbol. One and only one of these Play Symbol Captions appears under each Play Symbol and each is printed in Caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

PRIZE	APPROXIMATE NUMBER OF WINNERS IN THE GAME	CHANCES OF WINNING
\$1	6,727,680	1:10.42
\$2	4,485,120	1:15.63
\$3	1,401,600	1:50.00
\$5	840,960	1:83.33
\$10	560,640	1:125.00
\$20	280,320	1:250.00
\$30	140,160	1:500.00
\$50	58,400	1:1,200.00
\$100	8,760	1:8,000.00
\$10,000	44	1:1,592,727.00

K. Retailer Validation Code—Three small letters found under the removable rub-off covering over the Play Symbols on the front of the ticket, which the retailer uses to verify and validate instant winners.

L. Ticket or Instant Game Ticket, or Instant Ticket—A Texas Lottery "TEXAS GOLD" Instant Game Number 16 ticket.

M. Validation Number—A unique 12-digit number applied to the front of each ticket.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general ticket validation requirements set forth in §2.1 of rules adopted by the Lottery for this purpose, these Game Procedures, and the requirements set out on the back of each instant ticket. A prize winner in the "TEXAS GOLD" Instant Game is determined when the latex on the ticket is rubbed off to expose the nine Play Symbols on the front of the ticket. The holder of a ticket wins that like Play Symbol prize amount, if the same Play Symbol prize amount appears in three separate play spots on that ticket. No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the Instant Game. The Play Symbol amounts have the following instant values:

\$1.00
 \$2.00, or
 \$3.00, or
 \$5.00, or
 \$10.00, or
 \$20.00, or
 \$30.00, or
 \$50.00, or
 \$100, or
 \$10,000.

2.1 Instant Ticket Validation Requirements.

A. To be a valid Instant Game ticket, all of the following requirements must be met:

- Exactly one Play Symbol must appear under each of the nine rub-off spots on the right front portion of the ticket;
- Each of the Play Symbols must have a Play Symbol Caption underneath, and each Play Symbol must agree

with its Play Symbol Caption;

3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each Play Symbol Caption must be present in its entirety and be fully legible;
5. Each of the Play Symbols and the Play Symbol Captions must be printed in black ink;
6. The ticket shall be intact;

The Validation Number, Retailer Validation Code, and Pack-Ticket Number must be present in their entirety and be fully legible;

8. The Validation Number must correspond, using the Lottery's codes, to the Play Symbols on the ticket;
9. The ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted, or tampered with in any manner;
10. The ticket must not be counterfeit in whole or in part;
11. The ticket must have been issued by the Lottery in an authorized manner;
12. The ticket must not have been stolen, nor appear on any list of omitted tickets or non-activated tickets on file at the Lottery;
13. The Play Symbols, Play Symbol Captions, Validation Number, Retailer Validation Code and Pack-Ticket Number must be right side up and not reversed in any manner;
14. The ticket must be complete and not miscut, and have exactly one Play Symbol and exactly one Play Symbol Caption under each of the nine rub-off spots on the front of the ticket, exactly one Validation Number, exactly one Retailer Validation Code and exactly one Pack-Ticket Number on the ticket;
15. The Validation Number of an apparent winning ticket shall appear on the Lottery's Official List of Validation Numbers of winning tickets, and a ticket with that Validation Number shall not have been paid previously;
16. The ticket must not be blank or partially blank, misregistered, defective, or printed or produced in error;
17. Each of the nine Play Symbols must be exactly one of those described in §1.2.I, and each of the Play Symbol Captions to those Play Symbols must be exactly one of those described in §1.2.J;
18. Each of the nine Play Symbols on the ticket must be printed in the Symbol Font and must correspond precisely to the artwork on file at the Lottery; the ticket Validation Numbers must be printed in the Validation Font and must correspond precisely to the artwork on file at the Lottery; and the Pack-Ticket Number must be printed in the Pack-Ticket Number Font and must correspond precisely to the artwork on file at the Lottery;
19. The display printing on the ticket must be regular in every respect and correspond precisely to the artwork on file at the Lottery; and
20. The ticket must have been received or recorded by the Lottery by applicable deadlines.

B. The ticket must pass all additional validation tests provided for in these game procedures, the Lottery's Rules governing the award of prizes of the size to be validated,

and any confidential validation and security tests of the Lottery.

C. Any Instant Game ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Director may, solely at the Director's option, replace an invalid ticket with an unplayed ticket in that Instant Game (or ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Lottery shall be to replace the defective ticket with another unplayed ticket in that Instant Game (or a ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the ticket.

2. 2 Procedure for Claiming Prizes.

A. To claim a "TEXAS GOLD" Instant Game prize of \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$20, \$30, \$50, or \$100 a player shall sign the back of the ticket in the space designated on the ticket and present the winning ticket to any Lottery Retailer. The Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, make payment of the amount due the player and physically void the ticket; provided that the Lottery Retailer may, but is not, in some cases, required to pay a \$50 or \$100 ticket. In the event the Lottery Retailer cannot verify the claim, the Lottery Retailer shall provide the player with a claim form and instruct the player on how to file a claim with the Lottery. If the claim is validated by the Lottery, a check shall be forwarded to the player in the amount due. In the event the claim is not validated, the claim shall be denied and the player shall be notified promptly. A player may also claim any of the above prizes under the procedure described in §2.2.B.

B. To claim a "TEXAS GOLD" Instant Game prize of \$10,000, the player must sign the winning ticket, thoroughly complete a claim form, and present both at any Lottery claim center. If the claim is validated by the Lottery, payment will be made to the bearer of the validated winning ticket for that prize upon presentation of proper identification. A player may also claim a prize by signing the winning ticket, thoroughly completing a claim form, and mailing both to: Texas Lottery, Comptroller of Public Accounts, P.O. 16600, Austin, Texas 78752-6600. When paying a prize of \$600 or more, the Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Lottery, the claim shall be denied and the player shall be notified promptly.

C. Prior to payment by the Lottery of any prize, the Lottery shall deduct a sufficient amount from the winnings of a person who has been finally determined to be:

1. delinquent in the payment of a tax or other money collected by the Comptroller, State Treasurer, or Texas Alcoholic Beverage Commission;
2. delinquent in making child support payments administered or collected by the Attorney General; or
3. in default on a loan guaranteed under Texas Civil Statutes, Chapter 57, the Education Code. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.3 Allowance for Delay of Payment. The Lottery may delay payment of the prize pending a final determination by the director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in §2.2.D. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.4 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a prize from the "TEXAS GOLD" instant game, the Lottery shall:

- 1. if the prize is less than \$600, deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor;
- 2. if the prize is more than \$600, deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.5 Instant Ticket Claim Period. All Instant Game prizes must be claimed within 180 days following the end of the Instant Game. Any prize not claimed within that period, and in the manner specified in these game procedures and on the back of each ticket, shall be forfeited.

3.0 Instant Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of an Instant Game ticket in the space designated therefor, a ticket shall be owned by the physical possessor of said ticket. When a signature is placed on the back of the ticket in the space designated therefor, the player whose signature appears in that area shall be the owner of the ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the director shall make payment to the player whose signature appears on the back of the ticket in the space designated therefor. If more than one name appears on the back of the ticket, the Director will require that one of those players whose name appears thereon be designated to receive payment.

B. The Lottery shall not be responsible for lost or stolen Instant Game tickets.

4.0 Number and Value of Instant Prizes. There will be approximately 70,000,000 tickets in the Instant Game Number 16. The expected number and value of prizes in the game are as follows:

PLAY SYMBOL	CAPTION
\$1.00	ONES
\$2.00	TWOS
\$3.00	THREES
\$5.00	FIVES
\$10.00	TENS
\$20.00	TWENTY
\$30.00	THIRTY
\$50.00	FIFTY
\$100	ONE HUND
\$10,000	TEN THOU

5.0 Termination of the Instant Game. The Director may, at any time, announce a termination date for the Instant Game Number 16 without advance notice, at which point no further tickets in that game may be sold.

The actual number of tickets in the game may be increased or decreased at the sole discretion of the Lottery.

6.0 Governing Law. In purchasing an Instant Game ticket, the player agrees to comply with, and abide by, these game procedures for Instant Game Number 16, the Lottery Act (Texas Civil Statutes, Article 179g), applicable Rules adopted by the Lottery pursuant to the Lottery Act and published in 34 TAC, Chapter 7, and all final decisions of the Director.

Issued in Austin, Texas, on July 9, 1993.

TRD-8325493 Arthur F. Lorton
Senior Legal Counsel
Comptroller of Public Accounts

Filed: July 9, 1993

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**Office of Consumer Credit
Commissioner**
Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Article 1.04, as amended (Texas Civil Statutes, Articles 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u>	<u>Commercial(2) over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	07/12/93-07/18/93	18.00%	18.00%

(1)Credit for personal, family or household use. (2)Credit for business, commercial, investment or other similar purpose.

[graphic]

Issued in Austin, Texas, on July 8, 1993.

TRD-8325409 Al Endsley
Consumer Credit Commissioner

Filed: July 8, 1993

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Texas Education Agency
Request for Applications

RFA #701-93-010. This request for applications is filed in accordance with Public Law 100-297, Elementary and Secondary Education Act (ESEA), Chapter 1.

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications (RFA #701-93-010) from school districts to defray the costs of capital expenses incurred since July 1, 1985, in serving private, religiously affiliated schools as a result of the requirements of Aguilar v. Felton.

Description. The Texas Education Agency's first priority for distributing these funds will be to reimburse districts for the costs of capital expenses incurred from Chapter 1 during the period from July 1, 1985-June 30, 1993. The second priority for distributing these funds will be to cover the costs of capital expenses being incurred from Chapter 1 during the 1993-1994 school year.

Project Funding. A state total of \$1,081,341 is available for funding these projects. These monies must be expended by June 30, 1994. This project is 100% funded from ESEA, Chapter 1 federal funds.

Selection Criteria. All applications submitted in response to this request for applications must meet the following conditions to be considered for approval.

The district must either have incurred capital expenses during the period from July 1, 1985-June 30, 1993, or be planning to incur capital expenses during the current 1993-1994 fiscal year.

Districts that report expenditures for capital expense items during school years 1985-1986 through 1992-1993 will receive funds in the amounts of their actual expenditures for capital expense items. The definition of capital expense includes technician costs for computer-assisted instruction (CAI) supervision. If funds are not sufficient to defray all such expenditures, a prorated share will be granted. These funds must be expended to provide instructional programs.

Districts that report the greatest need of capital expenses during school year 1993-1994 will receive funds based on the following criteria:

The average amount of funds (SAS-201) the local education agency (LEA) has paid for capital expenses for the years 1985-1986, 1986-1987, 1987-1988, 1988-1989, 1989-1990, 1990-1991, 1991-1992, and 1992-1993 are awarded as follows:

<u>Average expenditure</u>	<u>Number of points</u>
Less than \$ 5,000	0 points
\$ 5,001 to \$10,000	10 points
\$10,001 to \$15,000	20 points
\$15,001 to \$20,000	30 points
\$20,001 to \$25,000	40 points
\$25,001 to \$30,000	50 points
\$30,001 to \$35,000	60 points
\$35,001 to \$40,000	70 points
\$40,001 to \$45,000	80 points
\$45,001 to \$50,000	90 points
More than \$50,000	100 points

The percentage of increase in the number of students from religiously affiliated private schools who are served in 1993-1994 compared with the average of the years 1990-1991, 1991-1992, and 1992-1993.

The number of points will be the percentage of increase rounded to the nearest whole percentage point.

The average percentage of funds the LEA has paid for capital expenses in relation to its basic Chapter 1 grant for the years 1985-1986, 1986-1987, 1987-1988, 1988-1989, 1989-1990, 1990-1991, 1991-1992, and 1992-1993.

The number of points will be the percentage of increase rounded to the nearest whole percentage point.

The amount requested in this application for capital expenses divided by the number of students served from religiously affiliated private schools in 1993-1994. Points are awarded as follows:

<u>Average Expenditure</u>	<u>Number of Points</u>
\$ 0 to \$100	75 points
\$101 to \$200	50 points
\$201 to \$300	25 points
More than \$300	0 points

Requesting the Application. A copy of the complete request for application (RFA #701-93-010) 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 78701-1494, or by calling (512) 463-9304.

Further Information. For clarifying information about this request, contact Maria Huth or Lou Beavers, Division of Accelerated Instruction, Texas Education Agency, (512) 463-9374.

Deadline for Receipt of Application. Applications must be received in the Document Control Center of the Texas Education Agency no later than 5: 00 p.m., Wednesday, December 1, 1993. Please refer to the RFA number in your request.

Issued in Austin, Texas, on July 12, 1993.

TRD-8325596 Lionel R. Meno
Commissioner of Education

Filed: July 12, 1993



RFA #701-93-019. This request for applications is filed in accordance with Senate Bill 5 of the 73rd Legislature, Regular Session.

Eligible Applicants. The Texas Education Agency is requesting applications (RFA #701-93-019) from school districts to develop pilot projects for the inclusion of students with disabilities in inclusive, supportive educational programs.

Description. The objectives of the pilot program are to improve the achievement of students with disabilities,

increase school district personnel's knowledge of effective inclusive educational methods and techniques, increase the participation of students with disabilities in inclusive and supportive educational programs, encourage school districts to develop and implement activities for the inclusion of students with disabilities in regular education, and conduct a cost analysis of programs that serve students with disabilities in regular education that examines the cost to special education and regular education. The application must contain a description of the program which supports the request for funds and must include: a statement of need and the proposed outcomes; activities proposed to address the needs and achieve the outcomes; any other resources supporting the program; the amount of funds needed and how funds are to be budgeted; how the school district plans to conduct the program in future years; a local plan to evaluate program effectiveness, including, but not limited to, evaluation methodology for all program action steps or components, an evaluation summary of the total program including satisfaction surveys, and a local plan for evaluating the program's impact on the achievement of all students.

Dates of Project. Pilot Programs for the Inclusion of Students with Disabilities in Regular Education will be implemented during the 1993-1994 school year. Applicants should plan for a starting date no earlier than July 1, 1993, and an ending date no later than September 30, 1994.

Project Amount. Funds will be provided for applications that address the objectives of the request for application in the order applications are received at the Texas Education Agency until all funds are allocated. The pilot programs will be totally funded from individuals with Disabilities Education Act-Part B during the 1993-1994 school year for a total of \$7 million.

Selection Criteria. Applications will be approved based upon the application meeting all the requirements contained in the request for application.

Requesting the Application. A copy of the complete Request for Application (RFA #701-93-019) may be obtained by writing the: Division of Special Education, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, or by calling (512) 463-9414. Please refer to the RFA number in your request.

Further Information. For clarifying information about this application, contact the Division of Special Education, Texas Education Agency at (512) 463-9414.

Deadline for Receipt of Application. Applications may be submitted immediately and through May 31, 1994.

Issued in Austin, Texas, on July 7, 1993.

TRD-9325350 Lionel Meno
Commissioner of Education

Filed: July 7, 1993

Employees Retirement System of Texas Contract Amendment

This is an amendment to Wolcott and Associates, Inc. (7800 West 110th Street, Suite 100, Overland Park, Kansas 66210) contract which was originally published in the March 23, 1993, issue of the *Texas Register* (18 TexReg 1875) for the Texas Employees Uniform Group Insurance

Program Annual Audit of the Insurance Carrier's Claims Operations for the period of September 1, 1991-August 31, 1992.

The amount of the contract has changed from an amount not to exceed \$25,000 to an amount not to exceed \$39,250; and the period for completion of services has changed from 90 days to 180 days.

Issued in Austin, Texas, on July 8, 1993.

TRD-9325563 Charles D. Travis
Executive Director
Employees Retirement System of Texas

Filed: July 12, 1993

Texas Department of Health Annual Update to Women, Infants, and Children State Plan

The Texas Department of Health (department) Special Supplemental Food Program for Women, Infants, and Children (WIC) is required by federal regulations to submit an annual update to the WIC State Plan of Operations for fiscal year 1994 to the United States Department of Agriculture for approval. The plan covers the outline of the department's goals and objectives for improving program operations, the affirmative action plan, and local agency identification-WIC project information. The WIC Program is soliciting written comments on the proposed fiscal year 1994 program goals. A copy of the proposed goals is filed in the department's WIC Program, Room M-260, 1100 West 49th Street, Austin, Texas 78756, and are available for public inspection during regular working hours. The deadline for submission of written comments is the postmark date of August 1, 1993.

Issued in Austin, Texas, on July 9, 1993.

TRD-9325542 Susan K Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: July 9, 1993

Designation of Sites Serving Medically Underserved Populations

The Department of Health is required under Texas Civil Statutes, Article 4495b, §3.06, to designate sites serving medically underserved populations. In addition, the department is required to publish notice of its designations in the Texas Register and to provide an opportunity for public comment on the designations.

Accordingly, the department has designated the following as sites serving medically underserved populations: the Stiles State Detention Unit of the Texas Department of Criminal Justice, located on FM 3514 near Beaumont, Texas; the Pro-Med Clinic, located at 1255 Southwest Loop 410, #145, San Antonio, Texas 78227; the mobile medical units of the Homeless Outreach Medical Services based at 6263 Harry Hines Boulevard, Dallas, Texas 75235; the Project First Step clinic located at 6263 Harry Hines Boulevard, Suite 405, Dallas, Texas 75235; and the East Dallas Health Center located at 408 North Haskell, Dallas, Texas 75246.

Designations are based on proven eligibility as sites serving a disproportionate number of clients eligible for federal, state or locally funded health care programs.

Oral and written comments on the designations may be directed to Carol Daniels, Chief, Bureau of State Health Data and Policy Analysis, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756; (512) 458-7261. Comments will be accepted for 30 days from the date of this notice.

Issued in Austin, Texas, on July 8, 1993.

TRD-9325543 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health.

Filed: July 9, 1993

Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Fort Stockton	The University of Texas System	L04648	Midland	0	06/21/93

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Abilene	Hendrick Medical Center	L02433	Abilene	39	06/18/93
Amarillo	Amarillo Diagnostic Clinic	L04085	Amarillo	6	06/17/93
Baytown	Exxon Chemical Company	L02722	Baytown	18	06/24/93
Beaumont	St. Elizabeth Hospital	L00269	Beaumont	56	06/17/93
Bishop	Hoechst Celanese	L02441	Bishop	19	06/28/93
Bonham	Northeast Medical Center	L03331	Bonham	10	06/22/93
Bruni	Westinghouse Electric Corporation	L02537	Bruni	29	06/22/93
College Station	Texas A & M University	L00448	College Station	81	06/16/93
Corpus Christi	Koch Refining Company	L00322	Corpus Christi	20	06/23/93
Dallas	National Health Laboratories, Inc.	L01716	Dallas	17	06/16/93
Dallas	Vencor Hospital - Dallas	L03503	Dallas	5	06/18/93
Dallas	Presbyterian Hospital of Dallas	L01586	Dallas	57	06/25/93
Dallas	T U Electric	L04357	Dallas	10	06/29/93
El Paso	Sun Towers Hospital	L02715	El Paso	9	06/15/93
El Paso	Isomedix, Inc.	L04268	El Paso	5	06/24/93
Fort Worth	Trans-America International, Inc.	L04634	Fort Worth	3	06/15/93
Fredericksburg	Hill Country Memorial Hospital	L03516	Fredericksburg	9	06/22/93
Graham	Graham General Hospital	L03271	Graham	11	06/22/93
Gregory	Reynolds Metals Company	L00200	Corpus Christi	34	06/14/93
Houston	The Methodist Hospital	L00457	Houston	71	06/15/93
Houston	University of Texas M.D. Anderson Cancer Center	L02972	Houston	13	06/16/93
Houston	Syncor International Corporation	L01911	Houston	84	06/21/93
Houston	Rice University	L00311	Houston	35	06/22/93
Houston	Bellaire General Hospital	L02038	Houston	20	06/24/93
Lubbock	Medical Arts Clinic	L01452	Lubbock	16	06/24/93
Lufkin	Memorial Medical Center of East Texas	L01346	Lufkin	48	06/15/93
Nederland	AMI Hospitals of Texas, Ltd.	L01756	Nederland	23	06/16/93

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

New Braunfels	Lafarge Corporation	L02809	New Braunfels	14	06/24/93
San Antonio	San Antonio Regional Hospital	L02266	San Antonio	43	06/15/93
San Antonio	Syncor International Corporation	L02033	San Antonio	65	06/16/93
San Antonio	Baptist Imaging Center	L04506	San Antonio	2	06/22/93
San Antonio	Beta Diagnostics Services, LTD.	L03574	San Antonio	21	06/22/93
San Antonio	Endocrinology-Nuclear Medicine Associates, P.A.	L03343	San Antonio	9	06/22/93
San Antonio	The U.T. Health Science Center at San Antonio	L01279	San Antonio	62	06/25/93
San Antonio	Diagnostic Imaging Center	L03518	San Antonio	4	06/24/93
Seadrift	Union Carbide Corporation	L03105	Port Lavaca	8	06/24/93
Seguin	Structural Metals, Inc.	L02188	Seguin	11	06/28/93
Sherman	Medical Plaza Hospital, Inc.	L02372	Sherman	10	06/24/93
Texas City	Sterling Chemicals, Inc.	L03952	Texas City	5	06/24/93
Three Rivers	Diamond Shamrock Refining and Marketing	L03699	Three Rivers	5	06/28/93
Throughout Texas	X-Cel Group, Inc.	L03548	Odessa	24	06/11/93
Throughout Texas	Wrenco Wireline Services, Inc.	L04411	White Oak	6	06/14/93
Throughout Texas	Rone Engineers	L02356	Dallas	11	06/11/93
Throughout Texas	MQS Inspection Incorporated	L00087	Elk Grove Vil., IL	58	06/11/93
Throughout Texas	Professional Service Industries, Inc.	L00203	Longview	62	06/21/93
Throughout Texas	Berthold Systems, Inc.	L04597	Sugarland	1	06/23/93
Throughout Texas	Gilbert Texas Construction Corp.	L04569	Fort Worth	2	06/23/93
Throughout Texas	Southwest Research Institute	L00775	San Antonio	47	06/23/93
Throughout Texas	IES, Inc.	L03694	Denver City	4	06/24/93
Throughout Texas	Non-Destructive Inspection Corporation	L02712	Lake Jackson	34	06/24/93
Throughout Texas	Aluminum Company of America	L04316	Rockdale	6	06/24/93
Throughout Texas	Mobile-Lab, Inc.	L04650	Houston	5	06/28/93
Throughout Texas	Bearden Industrial Services, Inc.	L04541	Point Comfort	2	06/28/93
Throughout Texas	Dowell Schlumberger Incorporated	L00764	Houston	64	06/28/93
Throughout Texas	Houston Lighting and Power	L02063	Houston	50	06/28/93
Vinton	Border Steel Mills, Inc.	L03137	El Paso	9	06/22/93
Waco	Hillcrest Baptist Medical Center	L00845	Waco	53	06/15/93
Weimar	Central Texas Nuclear Medicine Services	L04225	LaGrange	2	06/15/93
Weslaco	Knapp Medical Center	L03290	Weslaco	14	06/22/93
Wichita Falls	Wichita Falls Clinic	L00523	Wichita Falls	23	06/23/93

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Bryan	Elf Atochem North America, Inc.	L04202	Bryan	2	06/23/93
Dallas	5-Star Toxicological Analysis and Consulting	L04199	Dallas	3	06/25/93
Denton	University of North Texas	L00101	Denton	39	06/11/93
Hale Center	Hi-Plains Hospital	L03438	Hale Center	4	06/16/93
Throughout Texas	Cotton's Inspection Service, Inc.	L02869	Odessa	11	06/23/93
Throughout Texas	Tennessee Gas Pipeline Company	L00180	Houston	20	06/23/93
Throughout Texas	Jefferson County Engineering Department	L02872	Beaumont	5	06/28/93

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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El Paso	Valley Community Hospital	L01947	El Paso	16	06/24/93
Lufkin	Memorial Medical Center of East Texas	L00356	Lufkin	22	06/17/93
Winnie	Medical Center of Winnie	L03537	Winnie	7	06/24/93

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, Exchange Building, 8407 Wall Street, Austin, from 8:00 a. m. to 5:00 p.m., Monday-Friday (except holidays).

Issued in Austin, Texas, on June 30, 1993.

TRD-9325530 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: July 9, 1993



Notice of Radioactive Materials License Amendment

Notice is hereby given by the Texas Department of Health that it has granted Amendment Number 37 to Radioactive Material License Number L01937, issued to Iso-Tex, Inc. (mailing address: Iso-Tex, Inc., P.O. Box 909, Friendswood, Texas 77546).

Amendment Number 37 to this license changes the calibration frequency interval for the licensee's survey instruments from six months to twelve months.

The Division of Licensing, Registration and Standards has determined that the licensee has met the standard(s) appropriate to this amendment: the licensee is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with the Texas Regulations for Control of Radiation (TRCR) in such a manner as to minimize danger to public health and safety or property; the licensee's equipment, facilities and procedures are adequate to minimize danger to public health and safety or property; the issuance of the license amendment will not be inimical to the health and safety of the public; and the licensee satisfies any applicable special requirements of the TRCR.

This notice affords the opportunity for a public hearing upon written request within 30 days of the date of publication of this notice by a person affected as required by the Health and Safety Code, §401.116, as amended, and as set out in TRCR 13.6. A "person affected" is defined as a person who is a resident of a county, or a county adjacent to a 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. A 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.

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. Should no request for a public hearing be timely filed, the amendment will remain in effect.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 8407 Wall Street, Austin. Information relative to the amendment of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radia-

tion Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. For further information, please call (512) 834-6688.

Issued in Austin, Texas, on July 8, 1993.

TRD-9325541 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health.

Filed: July 9, 1993

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Houston-Galveston Area Council
Public Notice for the 1994 TIP

The Houston-Galveston Area Council (H-GAC) will hold a public meeting on the Air Quality conformity analysis of the 1994 Transportation Improvement Program (TIP) prior to its submission to the Transportation Policy Council for the Gulf Coast State Planning Region, for final adoption. The 1994 TIP is a cooperatively developed three-year program approving Federally assisted transit, highway, and traffic improvements within the Houston-Galveston Transportation Management Area which includes Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller counties. This document is compiled annually by H-GAC in its role as the Metropolitan Planning Organization (MPO) for transportation planning. To request further information, please call the H-GAC, TIP Project Manager at (713) 627-3200, extension 582 between 8:00 a.m.-5:00 p.m., Monday-Friday or write to H-GAC, P.O. Box 22777, Houston, Texas 77227-2777. Written or oral comments may be submitted in person at the public meeting which will begin at 7:00 p.m., Wednesday, July 21, 1993, at the H-GAC Board of Directors Conference Room A, Second Floor, 3555 Timmons Lane or in writing if received by 5:00 p.m., July 23, 1993.

Issued in Austin, Texas, on July 6, 1993.

TRD-9325533 Jack Steele
Executive Director
Houston-Galveston Area Council

Filed: July 9, 1993

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Texas Department of Insurance
Company License

The following applications have been filed with the Texas Department of Insurance and are under consideration:

1. Application for Incorporation in Texas for EyeCare Providers of Texas, Inc., a domestic health maintenance organization. The home office is in Dallas, Texas.
2. Application for admission in Texas for Investors National Life Insurance Company, a foreign life, accident, and health company. The home office is in Columbia, South Carolina.
3. Application for Incorporation in Texas for Assured Benefits Administrators, (assumed name for Joseph R. Halow Company, Inc.), a domestic third party administrator. The home office is in El Paso, Texas.
4. Application for name change in Texas for Columbia General Life Insurance Company, a foreign life, accident, and health insurance company. The proposed new name is PacificCare Life and Health Insurance Company. The home

office is in Laguna Hills, California.

5. Application for admission in Texas for Robey-Barber Insurance Services Corporation, a foreign third party administrator. The home office is in Tampa, Florida.

6. Application for admission in Texas for SRC Insurance Services, Inc., a foreign third party administrator. The home office is in Columbia, South Carolina.

Issued in Austin, Texas, on July 9, 1993.

TRD-9325550 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 9, 1993

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Notices of Hearing

The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2023, scheduled for 9:00 a.m., August 25, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider proposed amendment to §15.17. The amendment would add a new subsection (d) which would require the records of a surplus lines agent to be maintained in one location. The amendment is necessary to assure efficient audits of surplus lines agents.

Issued in Austin, Texas, on July 12, 1993.

TRD-9325601 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 12, 1993

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The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2024, scheduled for 9:00 a.m., August 25, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin to consider proposed amendment to §7.27 concerning the regulation of accounting for reinsurance agreements by insurers. The amendment is necessary to more effectively regulate the accounting of agreements represented to be reinsurance when such arrangements, despite their legal form, are in substance and effect financing arrangements, which have the principal purpose of producing increased surplus for the ceding insurer, typically on a temporary basis, but which provide little or no indemnification of insurance risks by the reinsurer. The proposed amendment identifies accounting requirements of insurers subject to provisions of §7.27. The proposed amendment identifies agreements to which the amended section will apply. The proposed amendment identifies certain types of risk associated with certain types of insurance policies which must be transferred by the ceding insurer to the reinsurer in order that reserve credit may be granted to the ceding company.

Issued in Austin, Texas, on July 12, 1993.

TRD-9325600 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 12, 1993

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The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2025,

scheduled for 9:00 a.m., August 25, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider proposed amendment to §7.4 concerning admissible assets of insurance companies. The amendment clarifies the authority of the commissioner of insurance to establish a time by which an insurance company must dispose of an asset that does not qualify as a legal investment.

Issued in Austin, Texas, on July 12, 1993.

TRD-9325599 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 12, 1993

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The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2026, scheduled for 9:00 a.m., August 25, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider proposed amendment §7.306 concerning the transfer of securities under certain agreements. This section is obsolete and is in conflict with the NAIC Accounting Manuals which have been adopted by the State Board of Insurance.

Issued in Austin, Texas, on July 12, 1993.

TRD-9325602 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 12, 1993

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Texas Parks and Wildlife Department

Notices of Public Hearings

Revenue Permit Number SR76-062. Notice is hereby given that C. L. Malone, whose address is Route 1, Box 107A, Pattonville, Texas 75468, on July 1, 1993, filed an administratively complete renewal application with the Texas Parks and Wildlife Department for a permit: to remove up to 200 cubic yards of gravel per month from the North Sulphur River approximately 20 miles southeast of Paris starting at the county road 16700 bridge and extending west 3/4 of a mile adjacent to the properties of A. L. Malone, C. L. Malone, and Adolf Sherrer.

This permit is requested under the authority granted to the Texas Parks and Wildlife Commission in the Parks and Wildlife Code, Chapter 86, and will not authorize the crossing of any private property.

The hearing to receive public comment on this application will be conducted: August 17, 1993, 3:00 p.m., Conference Room A-200, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Travis County; at which time all interested persons may appear and be heard. Comments may be mailed to the Department at the following address, or presented orally or in writing at the hearing.

In addition, any person who can demonstrate a justiciable interest may request a formal contested case hearing pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252.13a, §18(a). Any person wishing to request such a hearing should submit a written request to Catherine Livingston at the following address. Such a request should include a short

statement of the nature of any objections to the requested permit and a description of the potential adverse impact that may be suffered by the requestor. Requests for formal contested case hearings must be received by the Department no later than 30 days after the date of issuance of this notice.

Further information concerning any aspect of the application or hearing may be obtained by contacting Catherine Livingston, Environmental Counsel, Legal Services Division, 4200 Smith School Road, Austin, Texas 78744, (512) 444-0160 or (512) 444-0274, Fax: (512) 448-4766.

Issued in Austin, Texas, on July 9, 1993.

TRD-9325564 Paul M Shinkawa
General Counsel
Texas Parks and Wildlife Department

Filed: July 12, 1993

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Revenue Permit Number SR90-001. Notice is hereby given that Sand Supply, Inc., whose address is P.O. Box 1127, Richmond, Texas 77469, on July 2, 1993, filed an administratively complete renewal application with the Texas Parks and Wildlife Department for a permit to dredge sand and gravel as follows: remove up to 40,000 cubic yards of sand and 10,000 cubic yards of gravel per month from the Brazos River, approximately 5.0 miles southeast of the Highway 90 bridge and 2.5 miles north of the U.S. Highway 59 bridge and extending north along the south side of the Brazos River for a distance of approximately 3,000 feet adjacent to the properties of the R. E. Smith Estate and J. C. Wessendorff; to remove up to 40,000 cubic yards of sand and 10,000 cubic yards of gravel per month from the Brazos River, approximately 7.5 miles southeast of the Highway 90 bridge and 1,200 feet north of the Highway 59 bridge and extending north along the south side of the Brazos River for a distance of approximately 2,500 feet adjacent to the properties of Ervin and Gilbert Vallet and the Texas Department of Corrections.

This permit is requested under the authority granted to the Texas Parks and Wildlife Commission in the Parks and Wildlife Code, Chapter 86, and will not authorize the crossing of any private property. The authority requested above represents a combination of authority previously granted pursuant to Permits SR90-001 and SR90-003.

The hearing to receive public comment on this application will be conducted: August 17, 1993, 3:00 p.m., Conference Room A-200, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Travis County; at which time all interested persons may appear and be heard. Comments may be mailed to the Department at the following address, or presented orally or in writing at the hearing.

In addition, any person who can demonstrate a justiciable interest may request a formal contested case hearing pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252.13a, §18(a). Any person wishing to request such a hearing should submit a written request to Catherine Livingston at the following address. Such a request should include a short statement of the nature of any objections to the requested permit and a description of the potential adverse impact that may be suffered by the requestor. Requests for formal contested case hearings must be received by the Department no later than 30 days after the date of issuance of this

notice.

Further information concerning any aspect of the application or hearing may be obtained by contacting Catherine Livingston, Environmental Counsel, Legal Services Division, 4200 Smith School Road, Austin, Texas 78744, (512) 444-0160 or (512) 444-0274, Fax: (512) 448-4766.

Issued in Austin, Texas, on July 9, 1993.

TRD-9325565 Paul M. Shinkawa
General Counsel
Texas Parks and Wildlife Department

Filed: July 12, 1993

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Revenue Permit Number SR85-009. Notice is hereby given that A. J. Offer, whose address is 609 West Ollie Street, Llano, Texas 78643, on July 1, 1993, filed an administratively complete renewal application with the Texas Parks and Wildlife Department for a permit: to remove up to 150 cubic yards of sand and 20 cubic yards of gravel per month from the Llano River, inside the limits of the City of Llano at the end of Ash Street, from a site approximately 600 feet in length and adjacent to the properties of the Rex S. Wootan, Sr. Estate, W. G. Heyen, Dorothy Welkers and the Claude Smith Estate.

This permit is requested under the authority granted to the Texas Parks and Wildlife Commission in the Parks and Wildlife Code, Chapter 86, and will not authorize the crossing of any private property.

The hearing to receive public comment on this application will be conducted: August 17, 1993, 3:00 p.m., Conference Room A-200, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Travis County; at which time all interested persons may appear and be heard. Comments may be mailed to the Department at the following address, or presented orally or in writing at the hearing.

In addition, any person who can demonstrate a justiciable interest may request a formal contested case hearing pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252.13a, §18(a). Any person wishing to request such a hearing should submit a written request to Catherine Livingston at the following address. Such a request should include a short statement of the nature of any objections to the requested permit and a description of the potential adverse impact that may be suffered by the requestor. Requests for formal contested case hearings must be received by the Department no later than 30 days after the date of issuance of this notice.

Further information concerning any aspect of the application or hearing may be obtained by contacting Catherine Livingston, Environmental Counsel, Legal Services Division, 4200 Smith School Road, Austin, Texas 78744, (512) 444-0160 or (512) 444-0274, Fax: (512) 448-4766.

Issued in Austin, Texas, on July 9, 1993

TRD-9325566 Paul M. Shinkawa
General Counsel
Texas Parks and Wildlife Department

Filed: July 12, 1993

Texas Department for Protective and Regulatory Services

Consulation Proposal Request "Initiatives in Child and Adult Protective Services and Child Care Licensing"

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Protective and Regulatory Services (PRS) announces its intent to procure services. The potential contractor will provide knowledge and expertise necessary to assist PRS in examining current programs and in developing and implementing new or revised federally funded programs in Texas for Child Protective Services, Adult Protective Services, and Child Care Licensing.

Eligible Applicants. Eligible applicants are public or private profit or non-profit agencies and individuals with demonstrated knowledge, competence, and qualifications in developing and implementing similar statewide initiatives (i.e. multi-funding source, multi-agency, and multi-level of government). Eligible applicants who may also be Historically Underutilized Businesses (HUBs) are encouraged to apply.

Deadline. To be considered under this Request for Proposals (RFP), a complete offer must be received by August 20, 1993, at 4:00 p.m. Proposals received after this deadline will be accepted only if mailed via next day mail and postmarked no later than August 19, 1993. Modifications to the original proposal must also be received prior to the closing date of August 20, 1993.

Funding. Payment will be according to a schedule of deliverables at a maximum allocation of \$350,000.

Limitations. Funding of proposal(s) will be dependent upon available appropriations. PRS reserves the absolute right to reject any and all offers received in response to this RFP and to amend, suspend, or cancel this RFP in whole or part if it is deemed in PRS's best interests.

Evaluation and Selection. An interagency panel of program and administrative staff will rank and score the proposals received. The evaluation method and criteria are predetermined. Objective criteria include detailed service description, relevant prior experience, and cost information.

Term of Contract. The effective dates of any contract awarded under this RFP will be September 17, 1993-August 31, 1995.

Contact Person. A copy of the RFP will be provided upon an expression of interest in participating addressed to the attention of Deborah Williams, Contracts, Texas Department of Protective and Regulatory Services, Mail Code W-413, P. O. Box 149030, 701 West 51st Street, Austin, Texas 78714-9030. Written Inquiries Please submit inquiries regarding this RFP in writing no later than August 13, 1993, to the PRS designated contact person, Deborah Williams, at the address above.

Issued in Austin, Texas, on July 16, 1993

TRD-9325598 Nancy Murphy
Section Manager, Policy and Document Support
Texas Department of Protective and Regulatory Services

Filed July 12, 1993

◆ ◆ ◆
Texas State Board of Examiners of Psychologists

Public Hearing Notice

The Texas State Board of Examiners of Psychologists will hold public hearing on Friday, July 23, 1993, from 1:00 p.m. to 4:00 p.m. at the offices of the Texas State Board of Examiners of Psychologists, 9101 Burnet Road, Suite 212, Austin, Texas 78758. The Public Hearing is to receive comments from interested parties concerning an amendment to Board Rule §473.2 and the new Board Rule §465.18 proposed under Texas Civil Statutes, Article 4512c, which provide the Texas State Board of Examiners of Psychologists with the authority to promulgate and adopt rules consistent with the Act governing its administration, including rules relating to supervision and fees. The proposed Rule "Supervision" 22 TAC §465.18 will be published in the July 9, 1993, issue of the *Texas Register*. The proposed repeal of the existing Rule "Supervision Guidelines" 22 TAC §465.18 will, also, be published in the July 9, 1993, edition of the *Texas Register*. The proposed amendment to Board Rule "Examination Fees" 22 TAC §473.2 will be published in the July 9, 1993, issue of the *Texas Register*. Any interested person may appear and offer comments or statements, either orally or in writing, however, questioning of commenters will be reserved exclusively to the Texas State Board of Examiners of Psychologists or its staff as may be necessary to ensure a complete record. While any person with pertinent comments or statements will be granted an opportunity to present them during the course of the hearing, the Texas State Board of Examiners of Psychologists reserves the right to restrict statements in terms of time or repetitive content. Organizations, associations, or groups are encouraged to present their commonly held views or similar comments, through a representative member where possible. Persons with disabilities who have special needs and who plan to attend the meeting should contact Rebecca E. Forkner of the Texas State Board of Examiners of Psychologists at (512) 835-2036.

Issued in Austin, Texas, on July 5, 1993.

TRD-9325315 Rebecca E. Forkner
Acting Executive Director
Texas State Board of Examiners of Psychologists

Filed: July 6, 1993

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Public Utility Commission of Texas
Notice of Application To Amend Certificate of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on June 22, 1993, to amend a Certificate of Convenience and Necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52, and 54. A summary of the application follows.

Docket Title and Number. Application of Farmers Electric Cooperative, Inc. to amend Certificated Service Area Boundaries within Collin County, Docket Number 12121 before the Public Utility Commission of Texas.

The Application. In Docket Number 12121, Farmers Electric Cooperative, Inc. requests approval of its application to revise current certificated service area boundaries with Texas Utilities Electric Company in Collin County.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Division at (512) 458-0223, or (512) 458-0227 within 15 days of this notice.

Issued in Austin, Texas, on July 8, 1993.

TRD-9325469 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 8, 1993

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Notice of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.28

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.28 for approval of a 90-day waiver of the non-recurring installation charge associated with Brazoria Telephone Company's special calling features.

Tariff Title and Number. Application of Brazoria Telephone Company for Approval of 90-Day Waiver of Non-Recurring Installation Charge Associated with Special Calling Features. Pursuant to Public Utility Commission Substantive Rule 23.28. Tariff Control Number 12144.

The Application. Brazoria Telephone Company is requesting approval of a 90-day waiver of the non-recurring installation charge associated with Brazoria's special calling features. The system-wide promotional offering will be available to all of Brazoria Telephone Company's customers.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on July 6, 1993.

TRD-9325377 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 7, 1993

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Texas Southern University
Consultant Proposal Request

Sam Houston State University (SHSU), in accordance with provisions of Texas Civil Statutes, Article 6252-11c, announces the awarding of a consultant contract to a consulting firm based in Washington, D.C.

The solicitation for proposals was published in the May 21, 1993, issue of the *Texas Register* (18 TexReg 3323).

The consultant will represent and assist the university in developing projects deemed important to the university.

assist the university in obtaining funding for university projects, and provide consulting and representation as directed by Sam Houston State University.

One proposal was received in response to this solicitation for proposals. This proposal was from Bobby Mills/The Advocacy Group, 1350 I Street, NW, Suite #680, Washington, D.C. 20005.

The consultant awarded the contract was: Bobby Mills/The Advocacy Group, 1350 I Street, NW, Washington, D.C. 20005.

The consultant contract begins July 1, 1993, and ends December 31, 1993, with the option to renew. The fee estimate is \$15,000, excluding expenses, with a total not to exceed \$17,000. Reports and documents will be submitted as required.

Issued in Huntsville, Texas, on July 1, 1993.

TRD-9325304 Dr. B. K. Marks
Vice President for Academic Affairs and
Student Services
Sam Houston State University.

Filed: July 6, 1993.

◆ ◆ ◆
Texas Water Commission
Enforcement Orders

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Gustavo Vela doing business as P.B.'s Water System (Docket Number 9800-E) on June 24, 1993, assessing \$1,500 in administrative penalties with \$500 deferred.

Information concerning any aspect of this order may be obtained by contacting Maria Sanchez, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069

Issued in Austin, Texas, on June 5, 1993.

TRD-9325341 Gloria A Vasquez
Chief Clerk
Texas Water Commission

Filed: July 6, 1993

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Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Ozuna, Gerardo doing business as Ozuna's Water System (Docket Number 9927-E) on June 24, 1993, assessing \$1,500 in administrative penalties with \$500 deferred.

Information concerning any aspect of this order may be obtained by contacting Maria Sanchez, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on June 5, 1993.

TRD-9325342 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: July 6, 1993

◆ ◆ ◆
Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Bandera Downs, Inc. (Permit Number 13531) on June 28, 1993, assessing \$18,100 in administrative penalties with \$5,100 deferred and foregone pending compliance. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Jennifer Smith, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 908-2059.

Issued in Austin, Texas, on July 9, 1993.

TRD-9325557 Gloria A Vasquez
Chief Clerk
Texas Water Commission

Filed: July 9, 1993

◆ ◆ ◆
Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Franklin Service Station, Inc. (Texas Water Commission Facility Identification Number 59555) on June 28, 1993, assessing \$3,680 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Alana Holmes, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on July 9, 1993.

TRD-9325558 Gloria A Vasquez
Chief Clerk
Texas Water Commission

Filed: July 9, 1993

◆ ◆ ◆
Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Roy Hunt, Inc. (Solid Waste Registration Number 52079) on June 28, 1993, assessing \$23,240 in administrative penalties with \$10,740 deferred and foregone pending compliance.

Information concerning any aspect of this order may be

obtained by contacting Glen Grunberger, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8075.

Issued in Austin, Texas, on July 9, 1993.

TRD-9325559 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: July 9, 1993

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Sartomer Company, Inc. (Solid Waste Registration 37739) on June 28, 1993, assessing \$23,960 in administrative penalties with \$2,960 deferred and foregone pending compliance.

Information concerning any aspect of this order may be obtained by contacting LaDonna Castanuela, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 908-2054.

Issued in Austin, Texas, on July 9, 1993.

TRD-9325560 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: July 9, 1993

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Star Enterprise (Texas Water Commission Facility Identification Number 59555) on June 28, 1993, assessing \$2,200 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Alana Holmes, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on July 9, 1993.

TRD-9325561 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: July 9, 1993

Notice of Application For Waste Disposal Permit

Attached are Notices of Applications for waste disposal permits issued during the period of June 28-July 2, 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, 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.

City of Austin; the Seaholm Steam Electric Station; the plant site is at 800 West First Street in the City of Austin, Travis County; renewal; 01901.

City of Baytown; the Lincoln Cedar Sewage Treatment Plant; the plant site is approximately 1/4 mile north of the State Highway 146 Bridge over Cedar Bayou in Chambers County; renewal; 11031-01.

Robert L. Ervin doing business as Double E. Dairy; a dairy; the dairy is on the west side of State Highway 220, approximately one half mile south of the intersection of State Highway 220 and County Road 2481 in Erath County; new; 03592.

Leon Springs Utility Company; the wastewater treatment plant is in the southwest corner of the Dominion Subdivision, adjacent to Leon Creek and approximately 3.5 miles north of the intersection of Interstate Highway 10 and Loop 1604 in Bexar County; renewal; 12557-01.

Montgomery County Municipal Utility District Number 16; the wastewater treatment plant is south of the intersection of Hickory Lane and Tupelo Lane, approximately two miles north of New Caney in Montgomery County; renewal; 11386-01.

A. Schulman, Inc.; a carbon black and plastics dispersion plant; the plant site is on Thomas Street, approximately 1,500 feet east of FM Road 105 and 3,000 feet west of FM Road 2177, adjacent to the west side of the City of West Orange, Orange County; renewal; 00337.

Steamboat Shores Owner's Association; the wastewater treatment facility will serve a recreational park; the plant site is on the south bank of Lake Fork Reservoir between Penson Spring Branch and Boardtree Branch, approximately 1.2 miles north of the intersection of FM Road 2946 and FM Road 515 in Rains County; new; 13659-01.

United Structures of America, Inc.; the wastewater treatment plant is at 1912 Buschong in Houston in Harris County; renewal; 12765-01.

Issued in Austin, Texas, on July 2, 1993.

TRD-9325285 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: July 5, 1993

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Public Notice

The Texas Water Commission (the Commission) is required under the Texas Solid Waste Disposal Act, Health and Safety Code, Chapter 361, as amended (the Act), to identify and assess facilities that may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment. Pursuant to §361.184(a), the Commission must publish in the *Texas Register* those facilities which are identified as eligible for listing on the state registry. The most recent registry listing was published in the *Texas Register* on March 30, 1993, (18 TexReg 2159).

The following is a facility or area that the Executive Director of the Texas Water Commission has determined eligible for listing and which the Executive Director proposes to list on the state registry. Also specified is the general nature of the potential endangerment to public health and safety or the environment as determined by information currently available to the Executive Director.

The Permian Chemical Company, Inc. site (the site) is located at 1901 Pronto Road, Odessa, Ector County. The site is an abandoned hydrochloric acid processing plant. On-site is a waste pond containing lead and chromium at leachable concentrations, and aboveground storage tanks which may contain hydrochloric and sulfuric acids. Hazards presented by the site are: potential contamination of groundwater due to the release of hazardous substances from the site and potential exposure to hazardous substances by direct contact.

A public meeting has been scheduled regarding the proposed listing of the site. The public meeting will be

legislative in nature and not a contested case hearing under the Texas Administrative Procedure and Texas Register Act, (Texas Civil Statutes, Article 6252-13a). Persons desiring to comment on the proposed listing of this site may do so in the context of the public meeting either orally or in writing. Written comments may also be submitted to the attention of Wade Stone, Pollution Cleanup Division, Texas Water Commission, P. O. Box 13087, Austin, Texas 78711-3087; (512) 908-2481. All comments must be received by the Commission on or before August 31, 1993.

The public meeting has been scheduled for the following time and place: 7:00 p.m. to 9:00 p.m., August 19, 1993, Odessa City Council Chambers, Odessa City Hall, 411 West Eighth Street, Odessa.

The Executive Director of the Texas Water Commission has prepared a brief summary of the Commission's public records regarding this site. This summary, as well as a portion of the public records for the site, are available for inspection and copying during regular business hours of Ector County Library, 321 West Fifth Street, Odessa, (915) 333-9633. Copies of the complete public record file may be obtained during regular business hours of the Texas Water Commission by contacting Beth Wigham, Central Records Center, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087; (512) 908-2920. Copying of file information is subject to payment of a fee.

Issued in Austin, Texas, on July 8, 1993.

TRD-9325470

Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Filed: July 8, 1993
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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 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 preceding 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.
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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