

Texas Register

Volume 18, Number 58, August 3, 1993

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Texas Register



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How to Use the Texas Register

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

Governor - Appointments, executive orders, and proclamations.

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

Secretary of State - opinions based on the election laws.

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

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

Proposed Sections - sections proposed for adoption.

Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after the proposal publication date.

Adopted Sections - sections adopted following a 30-day public comment period.

Open Meetings - notices of open meetings.

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

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

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 18 (1993) is cited as follows: 18 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "18 TexReg 2 issue, date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 18 TexReg 3."

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

Texas Administrative Code

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

The *TAC* volumes are arranged into Titles (using Arabic numerals) and Parts (using Roman numerals).

The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency. The *Official TAC* also is available on WESTLAW, West's computerized legal research service, in the TX-ADC database.

To purchase printed volumes of the *TAC* or to inquire about WESTLAW access to the *TAC* call West: **1-800-328-9352**.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

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

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

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE
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 V. General Services Commission

Chapter 115. Building and Property Services Division

State-Owned Property

• 1 TAC §115.8

The General Services Commission repeals §115.8, concerning the scheduling of state conference rooms, as published in the May 25, 1993, issue of the *Texas Register*.

The rule is repealed because the responsibility for scheduling state agency use of certain state-owned conference rooms is transferred to the Travel and Transportation Division and new §125.25 is adopted in place of the repealed rule.

No comments were received regarding the adoption of the repeal.

The rule is repealed under Texas Civil Statutes, Article 601b, §14.01, which provide the General Services Commission with the authority to promulgate rules to accomplish the purpose of Article 4.

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 27, 1993.

TRD-9326404
Judith Porras
General Counsel
General Services
Commission

Effective date: August 17, 1993

Proposal publication date: May 25, 1993

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

Chapter 125. Travel and Transportation Division

Travel Management Services

• 1 TAC §125.25

The General Services Commission adopts §125.25, concerning the scheduling of state conference rooms, as published in the May 25, 1993, issue of the *Texas Register*.

The new rule is adopted to transfer the responsibility of scheduling state agency use of certain state-owned conference rooms from Building and Property Services Division to the Travel and Transportation Division. The section specifies that reservations may be made orally or in writing and the responsibilities of the commission and the using agency.

No comments were received regarding adoption of the rule.

The new section is adopted under Texas Civil Statutes, Article 601b, §14.01, which provide the General Services Commission with the authority to promulgate rules to accomplish the purpose of Article 14.

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 27, 1993.

TRD-9326405
Judith Porras
General Counsel
General Services
Commission

Effective date: August 17, 1993

Proposal publication date: May 25, 1993

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

TITLE 7. BANKING AND SECURITIES

Part I. State Finance Commission

Chapter 1. Consumer Credit Commissioner

Subchapter B. Miscellaneous

Appeals from Order to Desist or to Refrain

• 7 TAC §1.301

The State Finance Commission adopts an amendment to §1.301 concerning Appeals from Orders to Desist or Refrain, without changes to the proposed text as published in the April 20, 1993, issue of the *Texas Register* (18 TexReg 2510).

The Texas Credit Code, Texas Civil Statutes, Article 5069-2.02(7), authorizes the Consumer Credit Commissioner to enter an order requiring a person to desist or to refrain from violating any provisions of Texas Civil Statutes, Title 79, Subtitles 2 and 3. Appeal of the

order is to the Finance Commission. Previously appeal was to the Consumer Credit Section of the Finance Commission. This amendment provides that appeals shall be to the Finance Commission, and in accordance with the Administrative Procedure and Texas Register Act and its subsequent amendments.

No comments were received regarding adoption of the rule.

The amendment is adopted under Texas Civil Statutes, Article 342-114A, which provide the State Finance Commission with the authority to prescribe such rules or procedure as may be necessary for supervising the Consumer Credit Commissioner and for ensuring compliance with Texas Civil Statutes, Title 79, Article 5069-1.01 et seq.

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 23, 1993.

TRD-9326329
Al Endaley
Consumer Credit
Commissioner
State Finance Commission

Effective date: August 16, 1993

Proposal publication date: April 20, 1993

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

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules

Customer Service and Protection

• 16 TAC §23.56

The Public Utility Commission of Texas adopts an amendment to §23.56, without changes to the proposed text as published in the May 28, 1993, issue of the *Texas Register* (18 TexReg 3393).

The Commission adopts the amendment for the purpose of conforming §23.56 with the Federal Communications Commission rules adopted pursuant to the Americans with Disabilities Act of 1990.

The section requires the state certified DPRS carrier to offer the carrier-of-choice option, in conformity with federal regulations mandated by Title IV of the Americans with Disabilities Act of 1990 (ADA). The carrier-of-choice option allows the user to choose an interexchange carrier for long-distance calls made through the DPRS.

The section requires the state-certified DPRS carrier to provide interstate service. Funding for interstate service through the Universal Service Fund (USF) will be discontinued as of July 26, 1993, so that this service may be funded with federal funds through the shared-funding mechanism as required by the FCC. Under this plan, the state certified DPRS program will be eligible for settlements under the shared-funding mechanism.

Only one entity, MCI Telecommunications Corporation (MCI), submitted comments. MCI agrees with the proposed changes and recommends that they be adopted by Commission as published. Additionally, MCI applauds the Commission for recognizing that persons who are hearing- and speech-impaired are entitled to select a carrier-of-choice to handle their telephone communications. MCI expressed its full support for removing from Substantive Rule 23.56 the temporary funding requirements for interstate relay service.

There were no comments received opposing the adoption.

The amendment is adopted under Texas Civil Statutes, Article 1446c, §96A, which provide the Public Utility Commission with the authority to make and enforce rules establishing a statewide telecommunications relay service for the persons who have hearing loss and the speech-impaired.

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 22, 1993.

TRD-9326277 John M. Renrow
Secretary of the
Commission
Public Utility Commission
of Texas

Effective date: August 13, 1993

Proposal publication date: May 28, 1993

For further information, please call: (512) 458-0100

TITLE 22. EXAMINING BOARDS

Part XI. Board of Nurse Examiners

Chapter 217. Licensure and Practice

• 22 TAC §217.2

The Board of Nurse Examiners adopts an amendment to §217.2, without changes to the proposed text as published in the June 4,

1993, issue of the *Texas Register* (18 TexReg 3547).

This rule is adopted as a result of recommendations made by the Educational Rules Task Force convened by the Board to review licensure rules related to new graduates. The task force considered a 1992 survey from deans and directors of nursing programs in relation to reeducation or remediation of candidates who failed the NCLEX-RN. The results of the survey indicated a majority believe candidates who fail three times should be reeducated. This will assure greater public protection.

Those candidates who fail the NCLEX-RN three times and/or have not passed the exam within four years from the date of graduation will be required to complete a nursing curriculum in its entirety.

There were no comments received concerning the adoption.

The amendment is adopted under Texas Civil Statutes, Article 4514, §1, which provides the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it.

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 22, 1993.

TRD-9326265 Louise Waddill, Ph.D., R.N.
Executive Director
Board of Nurse Examiners

Effective date: August 13, 1993

Proposal publication date: June 4, 1993

For further information, please call: (512) 835-8650

TITLE 31. NATURAL RE- SOURCE AND CON- SERVATION

Part I. General Land Office

Chapter 15. Coastal Area Planning

Subchapter E. Interim Ap- proval of Local Government Dune Protection and Beach Access Plans

• 31 TAC §15.72

The General Land Office adopts an amendment to §15.72, concerning the interim approval of the Nueces County and Cameron County dune protection and beach access plans, the identification and preservation of critical dune areas, and the preservation and enhancement of public beach access in those counties, without changes to the proposed text as published in the June 8, 1993, issue of the *Texas Register* (18 TexReg 3615).

The technical amendment corrects the date by which Nueces and Cameron counties will have to submit their final plans pursuant to the rules for Management of the Beach/Dune System (§§15.1-15.10). Section 15.72(a) incorrectly provided that the final plans be submitted to the General Land Office by August 2, 1993. The rules for the Management of the Beach/Dune System, which govern the submission of all plans, require that plans be submitted to the General Land Office by August 16, 1993. Therefore, the amendment modifies §15.72(a) by changing the date by which Nueces and Cameron counties must submit their final plans to the General Land Office from August 2, 1993, to August 16, 1993.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Natural Resources Code, §§61.011, 61.015(b), and 63.121, which provides the General Land Office with the authority to identify and protect critical dune areas and to preserve and enhance public beach access, as well as the Texas Natural Resources Code, §33.601, which provides the General Land Office with the authority to adopt rules on erosion; and the Texas Water Code, §16.321, which provides the General Land Office with the authority to adopt rules on coastal flood protection.

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 27, 1993.

TRD-9326415 Garry Mauro
Commissioner
General Land Office

Effective date: August 17, 1993

Proposal publication date: June 8, 1993

For further information, please call: (512) 463-5007

Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife

Subchapter A. Statewide Hunt- ing and Fishing Proclama- tion

• 31 TAC §65.72

The Texas Parks and Wildlife Commission in a regularly scheduled public hearing July 8, 1993, amended §65.72(d)(2)(A)(ii) to extend the regular commercial menhaden fishing season to be the third Monday in April-November 1 of each year, effective September 1, 1993. There were no changes to the proposed text as published in the June 1, 1993, issue of the *Texas Register* (18 TexReg 3495).

The purpose of the change is to ameliorate problems associated with reductions in fishing time and effort that have occurred in re-

cent years as a result of inclement weather, hurricanes, and down-sizing of the industry and fleet.

The Texas Parks and Wildlife Department is a member of the Gulf States Marine Fisheries Commission (GSMFC), and Coastal Fisheries staff participate on the standing Menhaden Committee of the GSMFC. Scientists with the National Marine Fisheries Service and various states have reviewed the potential effects of this season extension. They, as well as Department staff, have concluded that the current stock of menhaden in the gulf is healthy and will not be adversely affected by this change. Based on recent Louisiana studies, any increase in the bycatch resulting from an extended menhaden fishing season will be minimal. Adoption of the season extension will aid the industry without appreciable negative impact on Texas marine stocks.

The proposals was recommended by a unanimous vote of the Gulf States Marine Fisheries Commission.

The amendment will extend the regular commercial menhaden fishing season which will be the third Monday in April-November 1 of each year, effective September 1, 1993.

Comments made by the public concerning the proposed amendment were presented to the Texas Parks and Wildlife Commission. During June 14-18, 1993, 12 public hearings were held throughout the state, including two coastal counties. Approximately 139 people attended the public hearings with three people offering comments. Notice of the hearings was published in local newspapers of each county. Three people in the 12 county public hearings offered public comment on the proposed extension of the commercial menhaden season. One person supported the amendment, one person was conditionally against (i.e. if amendment would promote a local menhaden processing plant), and one person offered a cautionary statement. There were zero comments received by phone or by letter regarding extension of the commercial menhaden season.

The commission did not disagree with comments received on the proposed amendment.

The amendment is adopted under Texas Parks and Wildlife Code, Chapter 61, Uniform Wildlife Regulatory Act (Wildlife Conservation Act of 1963), which provides the Texas Parks and Wildlife Commission with authority to establish wildlife resource regulations for this state.

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 21, 1993.

TRD-9326188

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

Effective date: August 12, 1993

Proposal publication date: June 1, 1993

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

Subchapter N. Early Season Migratory

• 31 TAC §§65.311, 65.314, 65.316

The Texas Parks and Wildlife Commission in a regularly scheduled public hearing held July 8, 1993, adopts amendments to §§65.311, 65.314, and 65.316, concerning the Early Seasons Migratory Game Bird Proclamation, with changes to the proposed text as published in the June 1, 1993 issue of the *Texas Register* (18 TexReg 3496).

The changes were made as a result of the United States Fish and Wildlife Service's denial of early season migratory proposals made by department staff. The denial by the Service was made in the Service's regularly scheduled public hearing June 24, 1993, in Washington, D. C., where the Central Flyway representatives presented proposed flyway recommendations for the final rulemaking.

The changes to the text as proposed are listed by sections below:

- (1) Clarified by separating definition of baiting into two parts at §65.314.
- (2) Provided dove hunting during the Christmas Holidays in the Central and South Zones of Texas; the Thanksgiving Holiday period was denied in §65.311.
- (3) Returned to a white-winged dove bag limit of two per day rather than the proposed six white-wings per day in those four Rio Grande Valley Counties as a result of the Service's decision.
- (4) Moved the extended falconry season from the January-February period to the November-December period in §65.316.

These adopted amendments are consistent with biological studies which indicate stable or increasing early season migratory game bird populations in Texas.

The adopted rules regulate the taking of migratory game birds compatible with the Texas populations to ensure viable future numbers.

The rules will provide limited sport harvest consistent with the populations of the various species.

A total of 32 comments were received concerning the proposed amendments. Eight persons favored and seven opposed the proposed three-way split of the mourning dove season in the Central and South Zones. Four persons wanted the mourning dove season opened on September 20 in the South Zone instead of opening September 24.

Other persons commented on rules that were not proposed for amending.

No persons representing groups spoke for or against the proposed rules.

The three-way split in the Central and South Zones was denied by the U. S. Fish and Wildlife Service. The opening date of the dove season in the South Zone was delayed to September 24 in order to incorporate Friday as part of a three-day weekend.

The amendments are proposed under the Texas Parks and Wildlife Code, Chapter 64,

Subchapter C, which provides the Texas Parks and Wildlife Commission with authority to regulate seasons, means, methods, and devices for taking and possessing migratory game bird wildlife resources.

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

Baiting—The placing, exposing, depositing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat, or other grain, salt, or other feed so as to constitute for migratory game birds a lure, attraction, or enticement to, on, or over areas when hunters are attempting to take such birds:

Baited area—Any area where shelled, shucked, or unshucked corn, wheat, or other grain, salt, or other feed capable of luring, attracting, or enticing such birds is directly or indirectly placed, exposed, deposited, distributed, or scattered; and the area shall remain a baited area for ten days following complete removal of all such corn, wheat, or other grain, salt or other feed.

Legal shotgun—A shotgun not larger than ten gauge, fired from the shoulder, and incapable of holding more than three shells. (Guns capable of holding more than three shells must be plugged with a one-piece filler which is incapable of removal without disassembling the gun, so the gun's total capacity does not exceed three shells).

§65.314. Open Seasons, Shooting Hours, Bag and Possession Limits.

(a) Rails. Statewide:

(1) Dates: September 1- November 9.

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

(b) Mourning doves.

(1) North Zone: That portion of the state north of a line beginning at the International Bridge south of Fort Hancock; thence north along FM 1088 to State Highway 20; thence west along State Highway 20 to State Highway 148; thence north along State Highway 148 to Interstate Highway 10 at Fort Hancock; thence east along Interstate Highway 10 to Interstate Highway 20; thence northeast along Interstate Highway 20 to Interstate Highway 30 at Fort Worth; thence northeast along Interstate Highway 30 to the Texas-Arkansas state line.

(A) Dates: September 1- November 9, 1993.

(B)-(C) (No change.)

(2) **Central Zone:** That portion of the state between the North Zone and the South Zone.

(A) **Dates:** September 1-October 31, 1993, and December 26-January 3.

(B)-(C) (No change.)

(3) **South Zone:** That portion of the state south of a line beginning at the International Toll Bridge in Del Rio; thence northeast along U.S. Highway 277 Spur to U.S. Highway 90 in Del Rio; thence east along U.S. Highway 90 to Interstate Highway 10 at San Antonio; thence east along Interstate Highway 10 to the Texas-Louisiana State Line.

(A) **Dates:** September 24-November 14, 1993 (except in the special white-winged dove area the season is September 24-November 10), and December 26-January 12.

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

(c) **White-winged doves. Special white-winged dove area:** That portion of the state south and west of a line beginning at the International Toll Bridge in Del Rio; thence northeast along U.S. Highway 277 Spur to U.S. Highway 90 in Del Rio; thence east along U.S. Highway 90 to United States Highway 83 at Uvalde; thence south along U.S. Highway 83 to State Highway 44; thence east along State Highway 44 to State Highway 16 at Freer; thence south along State Highway 16 to State Highway 285 at Hebbronville; thence east along State Highway 285 to FM 1017; thence southeast along FM 1017 to State Highway 186 at Linn; thence east along State Highway 186 to the Mansfield Channel at Port Mansfield; thence east along the Mansfield Channel to the Gulf of Mexico.

(1) **Dates:** September 4, 5, 11, and 12.

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

(d) **Gallinules. (Moorhen or common gallinule and purple gallinule) Statewide:**

(1) **Dates:** September 1-November 9.

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

(e) **Teal ducks. (blue-winged, green-winged, and cinnamon). Statewide:**

(1) **Dates:** September 11-September 19.

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

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

\$65.316. Extended Falconry Season.

(a) (No change.)

(b) It is lawful to take migratory game birds by means of falconry during the open seasons prescribed in §65.314 and during the following Extended Falconry Seasons:

(1) **Rails:** November 15-December 21, from one-half hour before sunrise to sunset.

(2) **Mourning doves:** November 15-December 21, from one-half hour before sunrise to sunset.

(3) **White-winged doves:** November 15-December 21, from one-half hour before sunrise to sunset.

(4) **Gallinules:** November 15-December 21, from one-half hour before sunrise to sunset.

(c)-(d) (No change.)

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

Issued in Austin, Texas, on July 27, 1993.

TRD-9326390

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

Effective date: September 1, 1993

Proposal publication date: June 1, 1993

For further information, please call: 1 (800) 792-1112, Ext. 4443 or (512) 389-4443

Part III. Texas Air Control Board Chapter 101. General Rules

• 31 TAC §§101.24, 101.27, 101.28,

The Texas Air Control Board (TACB) adopts amendments to §§101.24, 101.27, and 101.28, concerning Inspection Fees, Emissions Fees, and Asbestos Fees, with changes to the proposed text as published in the May 7, 1993, issue of the *Texas Register* (18 TexReg 2935).

The proposed revisions add wording to indicate that fees must be paid to any successor of the TACB due to the merger of the TACB into a new environmental agency in September of 1993 and also to clarify the definition of fiscal year.

In §101.27(c), the TACB proposes to raise the emissions fee rate for fiscal year 1994 from \$5.00 to \$25 per ton, and for fiscal year 1995, to \$26 per ton. The minimum emissions fee is being increased from \$25 to \$26 for fiscal year 1995, for consistency with the new fee rate. In §101.28(a), the term "contractor" was replaced with the term "owner/operator."

A public hearing was held in Austin on June 1, 1993. Testimony was received from nine

commenters. The following discussion addresses the comments received.

In response to proposed changes to §101.27, an individual opposed reporting either allowable or actual emissions. The commenter indicated that both values should be reported so that maximum potential emissions (allowables) will be known from the site and that actual emissions are known. The individual believed the TACB must require written verification of actuals and that actual sampling should be used, not just emissions factors. The commenter stated that this reporting should include upsets and other releases not permitted. The commenter indicated that this will ensure that the TACB gets more money and will not have to subsidize industry by not knowing actual emissions.

The subject of these comments was not part of the proposed changes; however, although the rule permits the use of either allowable or actual emissions for fee purposes, the option to use actual emissions where a permit allowable exists requires considerable additional documentation, including an emissions inventory based on data that was actually monitored just as the commenter suggests. In addition, the TACB requires actual emissions on emissions inventories. Maximum potential emissions from permitted units are known, are listed on permits, and are stored on the TACB computer. If no permit exists, the TACB requires written documentation of the method used for calculating fees. The TACB does not include upsets because these are not considered normal operating conditions.

Ethyl Corporation provided written testimony on the revisions proposed in §101.27 and stated support for the development and implementation of sound environmental technology and strongly believes that protection of the environment is essential to public health. The commenter strongly supported the comments presented by the Texas Chemical Council (TCC) and also believes that carbon monoxide (CO) should be excluded from fee assessment. The TCC strongly objected to the assessment of fees for CO emissions. TCC indicated that by controlling nitrogen oxide this will increase CO.

The subject of assessment of fees on CO emissions was not part of the current proposed changes to §101.27. Similar testimony was given when the original rule was evaluated in 1991. The staff indicated at that time that while CO is not included in the Federal Clean Air Act (FCAA) provisions relating to emissions fees, states are not precluded from considering CO. Since the FCAA allows the states flexibility in the establishment of program requirements and CO clearly is a regulated pollutant, the staff continues to support that inclusion. Furthermore, the United States Environmental Protection Agency (EPA) does not appear to have used any technical justification for excluding CO from the fee base. It should also be noted that inclusion of CO in the fee base has allowed the fee rate to be lower than it would have been had CO been excluded from the fee base. If CO were to be excluded from the fee base, the fee rate would have risen by approximately \$5.00 per ton. It should also be noted that the presumed minimum emissions fee level under the FCAA

is \$25 per ton adjusted for inflation since 1989, and this yields a fee rate of approximately \$30 per ton if CO is excluded from the fee base.

TCC strongly supported replacing the term "contractor" with the term "owner/operator" in §101.28(a) as proposed.

The TACB staff appreciates this support.

Exxon Company, U.S.A. (Exxon), discussed §101.27 with concerns that the fee increased from \$5.00 per ton to \$25 per ton. The commenter indicated that the TACB should establish a fee structure that will generate revenues equal to the projected cost of the Title V operating permit program and that the fees collected should be used only for that program. The commenter also indicated that the TACB is giving the appearance that it will have a surplus of fees and that this surplus should be retained and mitigate future fees. The commenter also indicated that the TACB does not clarify which calendar year the fiscal year begins.

The staff believes that the fee structure as proposed will generate revenues adequate to cover the costs of the Title V operating permit program. The emissions fee system has been in place for two years and the need for an increase in fees to at least \$25 per ton by fiscal year 1994 was indicated during the development of this system. The FCAA requires that the TACB use the fees collected to support only Title V activities. There is no projected surplus of emissions fees. The figures on cost of the program per year were not adjusted for inflation in the calculations presented by the commenter in arriving at the conclusion there would be a surplus. The TACB agrees that any surplus should be used by the TACB. House Bill 2049 provides that after September 1, 1993, all money obtained from fees will remain in the Clean Air Fund. The staff agrees that the definition of a fiscal year needs to indicate the calendar year in which a fiscal year begins. The staff has added wording to both §101.24 and §101.27 to clarify this issue.

Texas Mid-Continent Oil & Gas Association (TMOGA) also provided comments concerning §101.27 and suggested that additional language be added concerning revisions to emissions reported. TMOGA stated that companies revising their original emissions reported and fee payments should provide an explanation as to why the amounts changed, should pay the difference with prime rate interest, and should not be subject to enforcement action.

The TACB has always accepted revisions to fee payments and has not taken the position of filing for enforcement action when this occurs. If an audit were to indicate underpayment, the account would be given notice of the discrepancy and a chance to remit the full fee prior to enforcement action.

El Paso Natural Gas Company commented on §101.27 and suggested that the 4,000 ton limit be dropped, the limit be increased yearly, or natural gas companies be allowed to consolidate their emissions. The commenter stated that companies with less than 4,000 tons will be subsidizing those

companies with substantially higher emissions because companies with lesser emissions cannot take advantage of this limit. The commenter indicated that there could be a need for companies to pay fees on their Hazardous Air Pollutants (HAP) emissions as identified by EPA. The commenter indicated that companies should be able to pay a fee retroactively without the worry of enforcement action.

The TACB does not believe the 4,000 ton limit should be dropped. The limit provides a reasonable ceiling forcing a broad distribution of responsibility for fee payment, instead of the larger emitters paying most of the fees. Emissions levels alone are not the only factor involved in assessing impacts on agency resources. The emissions fee does include Title III HAP emissions except for those that are classified as a listed pollutant such as volatile organic compounds. As mentioned with an earlier commenter, the TACB does allow for revisions to fee payments and does not take the position of filing for enforcement action when this occurs.

Southwestern Public Service Company (SPSC) commented on §101.27 and requested that the TACB conservatively employ the revenues generated for the direct and indirect costs of FCAA implementation. SPSC and Exxon were concerned about the language in the *Texas Register* stating "There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rules as proposed."

The revenues will be spent on Title V activities as required by the FCAA. The two sentences were added by the *Texas Register* after the proposal was filed. These were not intended to be in the proposal and are not valid.

Houston Lighting & Power (HL&P) is in support of dropping language from §101.28 that would imply that asbestos fee payments must accompany renovations.

The staff appreciates HL&P's comment and has proposed dropping this language which was inadvertently left in the rule when it was originally adopted.

EPA stated that §101.27 does not include a fee adjustment which will increase the fees according to the CPI. EPA stated that there needs to be a clear demonstration of how the emissions fee rate will increase equal to or greater than the annual CPI adjustment. The commenter believed that it was also important that the Texas fee adequately demonstrate that the emissions fee rate is greater than the presumptive minimum plus the CPI adjustment. EPA also recommended that additional language be added to §101.24(b) and §101.27(b) which states "or any successor or agency successor" which would clarify who the fees are to be paid to after the merger.

The fees are adjusted biennially and adjustment for the CPI will be included at this time. The staff believes that the CPI adjustment is adequately taken care of. The language stating "or any successor or agency successor" has been added.

In compliance with the Americans With Disabilities Act, this document may be requested in alternate formats by contacting Air Quality Planning Program staff at (512) 475-2245, (512) 908-1500 FAX or 1-800-RELAY-TX (TDD), or by writing or visiting at 12124 Park 35 Circle, Austin, Texas 78753.

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

§101.24. Inspection Fees.

(a) Applicability. The owner or operator of each account to which this rule applies, as defined in this subsection, shall remit to the Texas Air Control Board (TACB) or any successor or agency successor an inspection fee each fiscal year. A fiscal year is defined as the period from September 1-August 31. A fiscal year, having the same number as the next calendar year, begins on the September 1 prior to that calendar year. An account subject to both an inspection fee and an emissions fee, pursuant to §101.27 of this title (relating to Emissions Fees), is required to pay only the greater of the two fees. For purposes of this section, an account shall be defined as all of the facilities located at a property, including those that are permitted, nonpermitted, exempted, and grandfathered. Properties under common ownership, but containing separate operations, or managed independently, or carried on the records of this agency under separate account numbers, will be charged a separate fee for each such account, even if the properties are contiguous or are contiguous, except for intervening roads, railroads, rights-of-way, waterways, and the like. The inspection fee shall apply to each account which contains one or more of the types of plants, facilities, and/or processes described in the TACB Inspection Fee Schedule, dated August 30, 1991, as filed with the Secretary of State's Office and herein adopted by reference. References for the industrial categories used are provided in the *Standard Industrial Classification (SIC) Manual* (Executive Office of the President, Office of Management and Budget, 1987). If more than one SIC category can apply to an account, the fee assessed shall be the highest fee listed for the applicable classifications in the fee schedule. Provisions of the section apply to all accounts, including accounts which have not been assigned specific TACB account numbers. The owner or operator of an account subject to an inspection fee requirement is responsible for contacting the appropriate TACB regional office to obtain an account number. The TACB will not initiate the combination or separation of accounts solely for fee assessment purposes. If an account is operated at any time during the fiscal year for which the fee is assessed, a full inspection fee is

due. In the event that an account is not operated for the entire fiscal year for which the fee is assessed, an inspection fee is not due, provided the TACB is notified in writing that the plant is not and will not be in operation during that fiscal year. If an account commences or resumes operation later during the fiscal year, a full inspection fee will be due prior to commencement or resumption of operations.

(b) **Payment.** Fees shall be remitted to the Texas Air Control Board or any successor or agency successor, (Attention: Inspection Fees), 12124 Park 35 Circle, Austin, Texas 78753, in the form of a check or money order made payable to the Texas Air Control Board. A completed fee return form shall accompany fees remitted. The fee return form shall include, at least, the company name, property address, mailing address, TACB account number, the SIC category on which the fee was determined, and the name and telephone number of the person to contact in case questions arise regarding the fee payment.

(c)-(d) (No change.)

§101.27. Emissions Fees.

(a) **Applicability.** The owner or operator of each account to which this rule applies, as defined in this subsection, shall remit to the Texas Air Control Board (TACB) or any successor or agency successor an emissions fee each fiscal year. A fiscal year is defined as the period from September 1-August 31. A fiscal year, having the same number as the next calendar year, begins on the September 1 prior to that calendar year. An account subject to both an emissions fee and an inspection fee, pursuant to §101.24 of this title (relating to Inspection Fees), is required to pay only the greater of the two fees. For purposes of this

section, an account shall be defined as all of the facilities located at a property including those that are permitted, non-permitted, exempted, and grandfathered. Properties under common ownership, but containing separate operations, or managed independently, or carried on the records of this agency under separate account numbers, will be charged a separate fee for each such account, even if the properties are contiguous or are contiguous except for intervening roads, railroads, rights-of-way, waterways, and the like. Provisions of the section apply to all accounts, including accounts which have not been assigned specific TACE account numbers. The owner or operator of an account subject to an emissions fee requirement is responsible for contacting the appropriate TACB regional office to obtain an account number. The TACB will not initiate the combination or separation of accounts solely for fee assessment purposes. If an account is operated at any time during the fiscal year for which the fee is assessed, a full emissions fee is due. In the event that an account is not operated for the entire fiscal year for which the fee is assessed, an emissions fee is not due, provided the TACB is notified in writing that the plant is not and will not be in operation during that fiscal year. If an account commences or resumes operation later during the fiscal year, a full emissions fee will be due prior to commencement or resumption of operations. All regulated air pollutants, as defined in subsection (c) of this section, including, but not limited to, those emissions from point and fugitive sources during normal operations with the exception of (for applicability purposes only) hydrogen, oxygen, carbon dioxide, water, nitrogen, methane, and ethane, are used to determine applicability of this section. In accordance with rules proposed by the U.S. Environmental Protection Agency at 40 Code of Federal Regulations (CFR) 70, concerning the use of fugitive emissions

in major source determinations, fugitive emissions shall be considered toward applicability of this section only for those source categories listed at 40 CFR §51.166(b)(1)(iii). For purposes of this section, an affected account shall have met one or more of the following conditions:

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

(b) **Payment.** Fees shall be remitted to the Texas Air Control Board or any successor or agency successor, (Attention: Emissions Fees), 12124 Park 35 Circle, Austin, Texas 78753, in the form of a check or money order made payable to the Texas Air Control Board. A completed fee return form shall accompany fees remitted. The fee return form shall include, at least, the company name, property address, mailing address, TACB account number, the allowable levels and/or actual emissions of all regulated air pollutants at the account for the reporting period, and the name and telephone number of the person to contact in case questions arise regarding the fee payment.

(c) **Basis for fees.**

(1) The emissions fee shall be based on allowable levels and/or actual emissions at the account during the last full calendar year preceding the beginning of the fiscal year for which the fee is assessed. The fee applies to the tonnage of regulated pollutants at the account, including those emissions from point and fugitive sources during normal operations. Although certain fugitive emissions are excluded for applicability determination purposes pursuant to subsection (a) of this section, all fugitive emissions must be considered for fee calculations after applicability of the fee has been established. A maximum of 4,000 tons of each regulated pollutant will be used for fee calculations. The fee for each fiscal year is set at the following rates:

<u>Fiscal Year</u>	<u>Rate Per Ton</u>	<u>Minimum Fee</u>
1992	\$ 3	
1993	\$ 5	\$25
1994	\$25	\$25
1995	\$26	\$26

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

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

The account shall pay the calculated emissions fee or the minimum fee, whichever is greater.

§101.28. Asbestos Notification Fees.

(a) **Applicability.** On or after September 1, 1992, the owner/operator of a demolition or renovation activity shall remit to the Texas Air Control Board (TACB) or any successor or agency successor a fee that

is based upon the amount of asbestos subject to the reporting requirements of the National Emission Standards for Hazardous Air Pollutants (for Asbestos) promulgated in the Code of Federal Regulations (CFR) at 40 CFR 61, Subpart M.

(b) Payment. Within 30 calendar days of the date on the TACB Asbestos Billing Invoice, the billed fee(s) which are calculated by the TACB from the notification form shall be payable to the Texas Air Control Board or any successor or agency successor in the form of a check or money order and the original TACB Billing Invoice shall be remitted to the Texas Air Control Board or any successor or agency successor, (Attention: Asbestos Fees), 12124 Park 35 Circle, Austin, Texas 78753.

(c) (No change.)

(d) Schedule. A check or money order for the dollar amount of the fee due shall be remitted within 30 calendar days of the date on the Asbestos Billing Invoice sent by the TACB. The following fee schedule shall apply for all notification revisions:

(1) (No change.)

(2) If a revision is made with an official TACB notification form in which the original amount of asbestos reported is less than the actual amount removed, an additional fee covering the difference shall be invoiced.

(3) If a revision is made with an official TACB notification form in which the original amount of asbestos reported remains unchanged, no additional fee will be assessed.

(e) Nonpayment of fees. The provisions of this section, as first adopted and as amended thereafter, are and shall remain in effect for purposes of any unpaid assessments, and the fees assessed pursuant to such provisions, as adopted or as amended, remain a continuing obligation. Failure to remit the full asbestos fee with the original TACB Asbestos Billing Invoice shall result in formal enforcement action under the Texas Clean Air Act, §382.082 or §382.088. In addition, §382.091(a)(2) provides for criminal penalties for those failing to pay fees.

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

Issued in Austin, Texas, on July 28, 1993.

TRD-9326417

Lane Hartsock
Deputy Director
Texas Air Control Board

Effective date: August 18, 1993

Proposal publication date: May 7, 1993

For further information, please call: (512) 908-1451

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 1. Organization and Administration

Personnel and Employment Policies

• 37 TAC §1.41

The Texas Department of Public Safety adopts new §1.41, concerning Personnel and Employment Policies, without changes to the proposed text as published in the June 18, 1993, issue of the *Texas Register* (18 TexReg 4016).

The adoption of the rule is necessary to ensure the public that the department complies with applicable statutes and that applicants for employment and those served by programs and activities sponsored by the department are afforded procedures that provide for prompt and equitable resolution of complaints regarding the Americans with Disabilities Act.

The federal rule found in 28 Code of Federal Regulations, §35.107 requires public entities that employ 50 or more persons to adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by Title II of the Americans with Disabilities Act. This section states the policy of the department and establishes complaint procedures for program compliance and the complaint procedure for employment compliance.

No comments were received regarding adoption of the rule.

The new section is adopted under the Texas Government Code, §411.006(4), which provide the director with the authority to adopt rules, subject to commission approval, considered necessary for the control of 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 20, 1993.

TRD-9326332

James R. Wilson
Director
Texas Department of
Public Safety

Effective date: August 16, 1993

Proposal publication date: June 18, 1993

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

(Editor's note: In the July 16, 1993, issue of the *Texas Register*, the *Texas Register* inadvertently withdrew 37 TAC §3.62 (18 TexReg 4637). The Texas Department of Public Safety adopted §3.62 in the same issue of the *Texas Register* (18 TexReg 4642). The effective date for 37 TAC §3.62 is July 27, 1993.)

Part VI. Texas Department of Criminal Justice

Chapter 152. General Allocation Rules

Subchapter A. Institutional Division Admissions

• 37 TAC §§152.1-152.3

The Department of Criminal Justice adopts amendments to §§152.1-152.3, concerning allocations of admissions to the Texas Department of Criminal Justice-Institutional Division with changes to the proposed text as published in the June 11, 1993, issue of the *Texas Register* (18 TexReg 3664).

Under the Texas Government Code, §499.071, as amended, the Texas Board of Criminal Justice is required to promulgate a formula for allocation of admissions to the Institutional Division, and is further required to amend that formula annually. The board is required by law to include certain statutory factors in the formula, and has discretion to add other factors. The board is further required to use updated data each time it revises the formula. Database changes produce some alterations in the percentages of admissions allocated to each county, even if the board did not alter the factors included in the formula or the weights assigned to those factors.

The amendment to §152.2, concerning definitions, updates the definition of capacity to include new construction and the adjustments to capacity permissible under the Texas Government Code, §499.101 and the implementing rules as published at §152.11 and §152.12.

The proposed amendment to §152.3(b) added a new discretionary factor for the county's percentage of the total number of paper-ready felons confined in all jails in all counties during the preceding 12-month period. This new factor also appeared in the formula set out in §152.3(c), where it was denominated "jail backlog."

The proposed amendment to §152.3(c) for the allocation of admissions included the following proposed changes to the weights to be assigned to the factors which are mandated by statute: the weight for violent index crimes was reduced from 15 to 10; the weight for all index crimes was reduced from 20 to 10; and the weight for parole releases was increased from 10 to 15.

The proposed amendment to §152.3(c) included the amendments to the discretionary factors used in the Fiscal Year (FY) 1993 allocation formula. The Board proposed the following changes to the discretionary factors: the weight for probation placements was decreased from 10 to 5; the weight for juvenile probation funding was decreased from 10 to 5; and the Board added a new factor for the "jail backlog population" and gave that new factor a weight of 20.

The Board did not adopt the proposed 11th factor or the proposed weights. Instead the Board adopted the same formula as was used in FY 1993. That formula consisted of the 10 factors and the same percentage weights as used in FY 1993 and, as statutorily required, updated the factor data. This yields a "data driven" formula.

In §152.2(a)(1) the percentage of special circumstance inmate intake of .03333 was changed to .08333. Historically, the 5 per day has equated to .03333 of the 750 estimated intake. Out of the new projected FY 1994 weekly intake of 300, TDCJ-ID will continue to use approximately 5 per day of the inmate intake for this "other" category. It will equate to .08333 of 300 per week.

No comments were received regarding adoption of the rules.

The amendments are adopted under the Texas Government Code Title 4, Subchapter D, §499.071, which provides the Texas Department of Criminal Justice with the authority to promulgate a formula for allocation of admissions to the Institutional Division and to amend that formula annually.

§152.1. Purpose. The Texas Government Code, §499.071, et seq. requires the board to adopt and enforce an allocation formula to fairly and equitably allocate to each county the available institutional division admissions until sufficient capacity is available in the institutional division to accept all prisoners eligible for transfer to the institutional division. An annual determination by the board that there is insufficient capacity in the institutional division to accept all prisoners from Texas county jails who are eligible for transfer into the institutional division as soon as they become eligible shall make it necessary to adopt and enforce such a formula.

§152.2. Definitions and Exceptions.

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

(1) Available institutional division admissions—The total number of beds available within the institutional division for intake of prisoners is based upon the estimated rate of release of prisoners from the institutional division, minus .08333 of those beds which is adequate to allow the institutional division to expeditiously receive from

the counties any new prisoners who are sentenced to death, or who are recaptured escapees, pre-parole violators, institutional division prisoners returning from federal bench warrants, interstate corrections compact transfers, and out-of-state parole violators. Therefore, the number of admissions available is based upon the rate of prisoner flow through the institutional division, plus any new beds added to capacity through the mechanisms permitted under §152.11 and §152.12.

(2) Institutional division capacity—The total number of beds available for use within the institutional division, in accordance with the limitations on capacity and its use imposed by federal court orders in *Ruiz vs. Lynauh*, Number H-78-987 (Southern District of Texas, Houston Division), and the rules concerning capacity set out at §152.11 and §152.12.

(b) The institutional division may suspend or cancel admissions when the acceptance or transport of prisoners would be unsafe, such as in cases of extremely severe weather or civil disturbance, or would cause noncompliance with federal court orders. The institutional division is not required to make up for admissions so suspended or canceled. On days that the institutional division is closed due to holidays, the number of admissions is decreased by the number of days of closure multiplied by the current number of daily admission. The balance of admissions for the week is prorated out to the counties based upon their allocated percentage of intake.

§152.3. Allocation Formula.

(a) In creating the allocation formula, the board is required to consider and weigh each of the following factors:

(1) the percentage of prison admissions for the entire state that were allocated to the county in the preceding 12 months;

(2) the percentage of the state's violent index crime that occurred in the county in the preceding 12 months;

(3) the percentage of the state's total index crime that occurred in the county in the preceding 12 months;

(4) the percentage of the state's total arrests under the Texas Controlled Substances Act, the Health and Safety Code, Chapter 481, that occurred in the county or counties in the preceding 12 months;

(5) the percentage of the state's population residing in the county or counties;

(6) the percentage of the state's total unemployment in the county or counties; and

(7) the percentage of all defendants serving sentences for felonies who were paroled from the institutional division, a jail in this state, or a jail or correctional institution in another state in the preceding 12 months and who were released to reside in the county or counties.

(b) The board has discretion to add other factors which are not mandated by the legislature. In the exercise of that discretion, the board adds the following factors reflecting community effort:

(1) the county's percentage of the state's total number of persons placed on probation during the preceding calendar year, as determined by the Criminal Justice Division of the Texas Department of Corrections. "Probation placements" are defined as including felons placed on regular probation, and felons placed in a special program, either through direct sentencing by the court or persons given shock probation;

(2) the county's percentage of the state's total number of persons completing probation during the preceding calendar year (as determined by the Community Justice Assistance Division) whose probations were terminated either through early discharge or the expiration of the full term of probation;

(3) the county's percentage of the state's total funds expended by counties for juvenile probation services in the most recently audited county fiscal year, as determined by the Texas Juvenile Probation Commission staff.

(c) The Board assigns the following weight to each statutory and discretionary factor:

Statutory Factors

(1) Section 152.3(a)(1)—(historical admissions)—10

(2) Section 152.3(a)(2)—(violent index crime)—15

(3) Section 152.3(a)(3)—(index crime)—20

(4) Section 152.3(a)(4)—(drug crime arrests)—10

(5) Section 152.3(a)(5)—(population)—5

(6) Section 152.3(a)(6)—(unemployment)—5

(7) Section 152.3(a)(7)—(parole releases)—10

Discretionary Factors

(8) Section 152.3(b)(1)—(probation placements)—10

(9) Section 152.3(b)(2)—(probation completions)—5

(10) Section 152.3(b)(3)-(juvenile probation funding)-10
Total-100%

(d) These weighted statutory factors and the community effort factors shall be applied to available institutional division admissions to determine, employing normal

rounding practices and allowing for holidays in the 12-month period, the number of admissions available to each county.

(e) The institutional division may establish a minimum level of admissions, based on the timing of admissions transportation cycles, for counties that would other-

wise fail to receive a meaningful number of admissions, as determined by the institutional division.

(f) This formula gives each county a fixed percentage of institutional division admissions, as follows:

HIGH INTAKE COUNTIES

COUNTY	PERCENTAGE
HARRIS	0.2032160132
DALLAS	0.1663003963
TARRANT	0.0796031314
BEXAR	0.0685075666
TRAVIS	0.0441298347
EL PASO	0.0335080244
HIDALGO	0.0192422943
JEFFERSON	0.0191582528
NUECES	0.0185239355
GALVESTON	0.0137620425
CAMERON	0.0134770765
LUBBOCK	0.0111211632
MCLENNAN	0.0099753095

OTHER TEXAS COUNTIES

COUNTY	PERCENTAGE
ANDERSON	0.0019060292
ANDREWS	0.0007637495
ANGELINA	0.0035242485
ARANSAS	0.0011132216
ARCHER	0.0001628279
ARMSTRONG	0.0000274797
ATASCOSA	0.0010163291
AUSTIN	0.0006443978
BAILEY	0.0002179491
BANDERA	0.0003377232
BASTROP	0.0014780975
BAYLOR	0.0001607725
BEE	0.0010024531
BELL	0.0093453529
BLANCO	0.0001419114
BORDEN	0.0000092355
BOSQUE	0.0003390979
BOWIE	0.0042552040
BRAZORIA	0.0076237639
BRAZOS	0.0062496785
BREWSTER	0.0002524204
BRISCOE	0.0000325515
BROOKS	0.0014650590
BROWN	0.0015374278
BURLESON	0.0006873076
BURNET	0.0007922851

COUNTY	PERCENTAGE
CALDWELL	0.0011693211
CALHOUN	0.0011222522
CALLAHAN	0.0001997328
CAMP	0.0005000344
CARSON	0.0002422061
CASS	0.0010489416
CASTRO	0.0002437751
CHAMBERS	0.0011979257
CHEROKEE	0.0015107313
CHILDRESS	0.0002675469
CLAY	0.0002094074
COCHRAN	0.0001452232
COKE	0.0000894373
COLEMAN	0.0002858920
COLLIN	0.0088665184
COLLINGSWORTH	0.0001451434
COLORADO	0.0007613203
COMAL	0.0022671065
COMANCHE	0.0003692900
CONCHO	0.0000906901
COOKE	0.0008817377
CORYELL	0.0012962183
COTTLE	0.0000599367
CRANE	0.0001638905
CROCKETT	0.0000954501
CROSBY	0.0001271095
CULBERSON	0.0001172362
DALLAM	0.0003385674
DAWSON	0.0007328008
DEAF SMITH	0.0008378740
DELTA	0.0001491603
DENTON	0.0087257387
DEWITT	0.0004840093
DICKENS	0.0000859197
DIMITT	0.0004110602
DONLEY	0.0001490965
DUVAL	0.0004989445
EASTLAND	0.0007702446
ECTOR	0.0070969935
EDWARDS	0.0000501085
ELLIS	0.0035231099
ERATH	0.0009296333
FALLS	0.0007458921
FANNIN	0.0007683010
FAYETTE	0.0006158489
FISHER	0.0001136320
FLOYD	0.0002179004
FOARD	0.0000342806
FORT BEND	0.0080704829
FRANKLIN	0.0003123863
FREESTONE	0.0007375241
FRIO	0.0007243589
GAINES	0.0004669059
GARZA	0.0002152525

COUNTY	PERCENTAGE
GILLESPIE	0.0004803775
GLASSCOCK	0.0000216268
GOLIAD	0.0001602611
GONZALES	0.0005674229
GRAY	0.0012360076
GRAYSON	0.0045767963
GREGG	0.0067439991
GRIMES	0.0007166037
GUADALUPE	0.0021954409
HALE	0.0013375319
HALL	0.0001437675
HAMILTON	0.0002601065
HANSFORD	0.0001106210
HARDEMAN	0.0001597552
HARDIN	0.0014810182
HARRISON	0.0027820248
HARTLEY	0.0000958408
HASKELL	0.0001892966
HAYS	0.0024954929
HEMPHILL	0.0000630902
HENDERSON	0.0025642244
HILL	0.0010198746
HOCKLEY	0.0007886326
HOOD	0.0010699938
HOPKINS	0.0013763053
HOUSTON	0.0006859952
HOWARD	0.0014020387
HUDSPETH	0.0003780513
HUNT	0.0034420762
HUTCHINSON	0.0009302413
IRION	0.0000649129
JACK	0.0001787666
JACKSON	0.0005367887
JASPER	0.0011235174
JEFF DAVIS	0.0000316516
JIM HOGG	0.0004342786
JIM WELLS	0.0016311348
JOHNSON	0.0034135974
JONES	0.0006956637
KARNES	0.0004162215
KAUFMAN	0.0026378973
KENDALL	0.0005390597
KENEDY	0.0000153993
KENT	0.0000081309
KERR	0.0015030948
KIMBLE	0.0003258490
KING	0.0000239949
KINNEY	0.0000796512
KLEBERG	0.0025726001
KNOX	0.0001378335
LA SALLE	0.0002338066
LAMAR	0.0026997249
LAMB	0.0004127210
LAMPASAS	0.0005067013

COUNTY

PERCENTAGE

LAVACA	0.0004153904
LEE	0.0004249352
LEON	0.0003779395
LIBERTY	0.0021594568
LIMESTONE	0.0009296898
LIPSCOMB	0.0000401211
LIVE OAK	0.0003041894
LLANO	0.0003152598
LOVING	0.0000089686
LYNN	0.0001877973
MADISON	0.0004079542
MARION	0.0005114977
MARTIN	0.0000802861
MASON	0.0000591178
MATAGORDA	0.0021728565
MAVERICK	0.0014719634
MCCULLOCH	0.0003483975
MCMULLEN	0.0000157342
MEDINA	0.0011842385
MENARD	0.0000815168
MIDLAND	0.0057841902
MILAM	0.0009471493
MILLS	0.0000641055
MITCHELL	0.0003315231
MONTAGUE	0.0004892893
MONTGOMERY	0.0075447554
MOORE	0.0006040322
MORRIS	0.0005786276
MOTLEY	0.0000216126
NACOGDOCHES	0.0020909032
NAVARRO	0.0023979589
NEWTON	0.0003623925
NOLAN	0.0008339982
OCHILTREE	0.0002732763
OLDHAM	0.0001469648
ORANGE	0.0038917178
PALO PINTO	0.0010563940
PANOLA	0.0010194393
PARKER	0.0017384619
PARMER	0.0002580864
PECOS	0.0007773038
POLK	0.0017535382
POTTER	0.0081666789
PRESIDIO	0.0001977603
RAINS	0.0002440577
RANDALL	0.0020673700
REAGAN	0.0001208807
REAL	0.0000977417
RED RIVER	0.0006187541
REEVES	0.0008881048
REFUGIO	0.0003392228
ROBERTS	0.0000186391
ROBERTSON	0.0009795073
ROCKWALL	0.0009324273

COUNTY	PERCENTAGE
RUNNELS	0.0004156462
RUSK	0.0018221816
SABINE	0.0002811198
SAN AUGUSTINE	0.0003257987
SAN JACINTO	0.0005466214
SAN PATRICIO	0.0028882090
SAN SABA	0.0001336228
SCHLEICHER	0.0000790440
SCURRY	0.0007129363
SHACKELFORD	0.0000863665
SHELBY	0.0008825652
SHERMAN	0.0001149230
SMITH	0.0078570818
SOMERVELL	0.0001641391
STARR	0.0013550044
STEPHENS	0.0002844636
STERLING	0.0000321242
STONEWALL	0.0000642225
SUTTON	0.0001072874
SWISHER	0.0002837168
TAYLOR	0.0064255749
TERRELL	0.0000322030
TERRY	0.0007364508
THROCKMORTON	0.0000366471
TITUS	0.0008922995
TOM GREEN	0.0052074798
TRINITY	0.0005265919
TYLER	0.0007008978
UPSHUR	0.0009901052
UPTON	0.0001559714
UVALDE	0.0009407426
VAL VERDE	0.0016784380
VAN ZANDT	0.0009827041
VICTORIA	0.0037097762
WALKER	0.0022530403
WALLER	0.0015195832
WARD	0.0005440423
WASHINGTON	0.0010474764
WEBB	0.0078283659
WHARTON	0.0019104969
WHEELER	0.0001412812
WICHITA	0.0067468348
WILBARGER	0.0008421088
WILLACY	0.0007944214
WILLIAMSON	0.0048387148
WILSON	0.0006501279
WINKLER	0.0003019327
WISE	0.0009603254
WOOD	0.0009719431
YOAKUM	0.0002973838
YOUNG	0.0005705815
ZAPATA	0.0002270760
ZAVALA	0.0003779018

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 Huntsville, Texas, on July 25, 1993.

TRD-9326385

Cynthia N. Milne
General Counsel
Texas Department of
Criminal Justice-ID

Effective date: September 1, 1993

Proposal publication date: June 11, 1993

For further information, please call: (409)
294-2140

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 29. Purchased Health Services

Subchapter D. Medicaid Home Health Program

- 40 TAC §§29.302, 29.304, 29.308, 29.309, 29.311

The Texas Department of Human Services (DHS) adopts amendments to §§29.302, 29.304, 29.308, 29.309, and 29.311, concerning authorized home health services, limitations on home health services, written plan of care, time-limited authorizations, and additional claim information requirements, in its Purchased Health Services chapter. The amendments are adopted without changes to the proposed text as published in the April 6, 1993, issue of the *Texas Register* (18 TexReg 2291).

The justification for the amendments is to allow DHS greater flexibility in certain administrative and procedural requirements as well as to make the documentation for the prior authorization process and claims filing easier for the provider.

The amendments will function by allowing DHS to modify current administrative procedures resulting in ease of access and authorization of services.

During the 30-day comment period, DHS received comments from the Texas Association for Home Care and the Texas Legal Services Center on behalf of the Houston Welfare Rights Organization. The Texas Association for Home Care supports adoption of the amendments as proposed. The following is a summary of comments from the Texas Legal Services Center and DHS's response to those comments.

COMMENT: The commenter requested that DHS delete from §29.302 the "essentially homebound" and "prior authorization" requirements.

RESPONSE: DHS amended §29.302 to add the "essentially homebound" requirement to make the rule consistent with the approved Title XIX State Plan. This requirement is not new to the Medicaid Home Health Program.

RESPONSE: The "prior authorization" requirement was not a proposed amendment to §29.302. It is an existing requirement; however, DHS proposed adding "as specified" to allow for more flexible administrative procedures, such as issuing the prior approval number over the telephone. Currently, for reimbursement to occur, written documentation is required to be received by the National Heritage Insurance Company (NHIC) before a prior-approval number can be issued to the provider, and this must occur before the 95-day claims-filing deadline for reimbursement.

DHS is adopting the amendments as proposed.

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 federal 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 28, 1993.

TRD-9326434

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

Effective date: August 31, 1993

Proposal publication date: April 6, 1993

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Subchapter G. Hospital Services

- 40 TAC §29.609, §29.610

The Texas Department of Human Services (DHS) adopts the repeal of §29.609 and §29.610 and adopts new §29.609 and §29.610 in its Purchased Health Services chapter. New §29.609 and §29.610 are adopted with changes to the proposed text as published in the May 7, 1993, issue of the *Texas Register* (18 TexReg 2938). The repeals are adopted without changes and will not be republished.

The repeals and new sections are justified because they allow for improved health care and access to health care for Texas citizens.

The repeals and new sections will function by providing a new methodology for identifying and providing additional reimbursement to hospitals that provide a disproportionate share of health care and access to health care to indigent clients. The proposal also will

function by providing the basis for identifying eligible hospitals and for distributing disproportionate share funds. New §29.610, concerning Disproportionate Share Hospital Reimbursement Methodology for State-Owned Teaching Hospitals, will function the same as the current program.

The department received oral and written comments regarding the adoption of the repeals and new sections. The Center for Rural Health Initiatives and the following rural hospitals submitted comments opposing trauma systems as a condition of participation in the disproportionate share hospital program: Seymour, Faith Community, Nocona General, Wilbarger General, Rankin County, Chillocothe, and Clay County Memorial. The department also received unfavorable comments concerning the trauma system requirement from North Texas Regional Advisory Council. The Center for Rural Health Initiatives suggested a change in the proposed rules to clarify trauma facility designation. The center also commended the department's efforts to encourage the development of a statewide trauma system using the disproportionate share hospital program. Three individuals spoke at the May 18, 1993, public hearing; two opposed trauma systems for rural hospitals and one commended the addition of charity care and the changes in the formulas. The following are the comments received and the department's responses. Responses have been coordinated with the Texas Health and Human Services Commission.

Comment. All of the hospitals commenting stated that the development of trauma systems should not be made a condition of participation in the disproportionate share hospital program. The hospitals contended that participation in Level IV, Basic Trauma Facility, would seriously affect the financial future of rural hospitals and that their doors would close if made to operate without disproportionate share funds.

Response. The purpose of developing trauma systems throughout the state is to better provide access to care for everyone. Level IV trauma systems, defined by the Texas Department of Health (TDH) according to the Trauma Act, require the minimum of staff, training, and equipment to effectively serve in emergencies. To lower the standards may deny people access to adequate health care. To abandon the trauma system requirement, as a condition of participation in the disproportionate share program, may deny Medicaid clients access to health care in emergencies. The trauma system requirement has been reviewed and approved by the Hospital Payment Advisory Committee and Medical Care Advisory executive steering committee at the April 7, 1993, meeting. The department did not change its proposed rules as a result of this comment.

Comment. The Center for Rural Health Initiatives commented on the trauma system requirement. The center was concerned about a hospital having to be designated as a trauma facility under state law and rules to participate in the disproportionate share hospital program. Because rules have not yet been adopted by TDH for Level IV trauma

systems, the center suggested that the rules be changed to state that this requirement applies "only if rules and procedures to designate facilities have been adopted."

Response. The department shared this comment with TDH. TDH is in the process of developing rules and procedures for trauma facility designation and is scheduled to have them in place and effective before the designation process begins. However, the department changed the text of the rule to include this comment.

Although the department received no public comments on new §29.610, the reference to the Health and Human Services Commission was changed to "the single state agency" to be consistent with other language in the sections and state plan.

As a result of questions from the Health Care Financing Agency (HCFA), the department has initiated the following changes for clarification and accuracy and to make the text consistent with the Title XIX State Plan.

Section 29.609(c)(9) has been changed to comply with the Social Security Act, §1923(d)(1)(A)(ii). The revised sentence now reads, "The two-physician requirement does not apply to hospitals whose inpatients are predominantly under 18 years old or that did not offer nonemergency obstetrical services to the general population as of December 22, 1987."

Section 29.609(f)(1), concerning state chest or mental hospitals, has been revised to clarify which hospitals qualify for disproportionate share payments under the proposed methodology. HCFA requested a clearer description for setting payment rates for state chest or mental hospitals. The department revised §29.609(f)(1) to better specify the intent of the rule and to clarify the reimbursement methodology.

The department has clarified the cost report period and the definition of "total operating costs" in §29.609(b).

The department has included in the rules how the monthly payments will be determined from the annual disproportionate share hospital payment amount. The department revised §29.609(f) to include specific language for determining the amounts.

The proposed rules specify that only two types of hospitals receive weighting factors other than 1.0: children's hospitals and hospital districts and city/county hospitals with greater than 250 licensed beds in the state's largest Metropolitan Statistical Areas (MSAs). Section 29.609(f)(2) has been changed to reflect specific weighting factors and reflect that all other hospitals receive weighting factors of 1.0. The department also changed §29.609(f)(2) to define the cutoff for being in one of the largest MSAs.

The repeals are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 32, which authorizes the department to administer medical assistance programs. The repeals are also adopted under Texas Civil Statutes, Article 4413 (502), §16, which provides the

Health and Human Services Commission with the authority to administer federal 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 26, 1993.

TRD-9326323

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

Effective date: August 16, 1993

Proposal publication date: May 7, 1993

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The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 32, which authorizes the department to administer medical assistance programs. The repeals are also adopted 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.

§29.609. Additional Reimbursement to Disproportionate Share Hospitals.

(a) Introduction. Hospitals participating in the Texas Medical Assistance (Medicaid) program that meet the conditions of participation and that serve a disproportionate share of low-income patients are eligible for additional reimbursement from the disproportionate share hospital fund. The single state agency or its designee establishes each hospital's eligibility for and amount of reimbursement as specified in this section. For purposes of Medicaid disproportionate share eligibility determination, a multisite hospital is considered as one provider unless it has separate Medicare cost reports for each site.

(b) Definitions. For purposes of this section, the following words and terms, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Charity care—Care provided to medically or financially indigent individuals who have no source of payment, third-party or personal.

(2) Charity charges (excluding bad-debt charges)—Total amount of hospital charges for inpatient and outpatient services attributed to charity care in a cost reporting period. The total inpatient and outpatient charity charges attributable to charity care do not include contractual allowances and discounts (other than for indigent patients not eligible for medical assistance under an

approved Medicaid State Plan); that is, reduction or discounts, in charges given to other third-party payers such as, but not limited to, Health Maintenance Organizations (HMOs), Medicare, or Blue Cross. The amount of total charity charges must be consistent with the amount reported on the Texas Department of Health's (TDH's) annual hospital survey.

(3) Cost-to-charge ratio—Hospital's overall inpatient cost-to-charge ratio, as determined from its Medicare cost report it submitted for its fiscal year ending in the previous calendar year.

(4) Financially indigent—Uninsured or underinsured patients accepted for care with no obligation or a discounted obligation to pay for services based on the hospital's formal eligibility system, which may include income levels and means testing (indexed to an accepted standard such as the federal poverty guidelines), or other criteria for determining a patient's inability to pay that are consistent with the hospital's mission and established policy.

(5) Gross inpatient revenue—Amount of gross inpatient revenue (charges) reported by the hospital in the appropriate part of the Medicare cost report it submitted for its fiscal year ending in the previous calendar year. Gross inpatient revenue excludes revenue related to the professional services of hospital-based physicians, swing bed facilities, skilled nursing facilities, intermediate care facilities, and other long term care facilities.

(6) Hospital eligibility criteria—Financial and other criteria used by the hospital to determine if a patient is eligible for charity care.

(7) Low-income days—Number of days derived by multiplying a hospital's total inpatient census days by its low-income utilization rate.

(8) Low-income utilization rate—The result of the following computation: ((Title XIX inpatient hospital payments plus total state and local revenue) divided by (gross inpatient revenue multiplied by cost-to-charge ratio)) plus ((total inpatient charity charges minus total state and local revenue) divided by (gross inpatient revenue)).

(9) Medicaid inpatient utilization rate—Title XIX inpatient days divided by total inpatient census days.

(10) Medically indigent—Patients who are responsible for their other living expenses but whose medical and hospital bills, after payment by third-party payers, where applicable, exceed a specified percentage of the patients' annual gross income (catastrophic medical expenses) according to the hospital's eligibility system in such

instances where payment would require liquidation of assets critical to living or earning a living or other criteria for determining patient's inability to pay that are consistent with the hospital's mission and established policy.

(11) Medicare inpatient utilization rate—Medicare inpatient days divided by total inpatient census days.

(12) Rural area—Area outside a Metropolitan Statistical Area (MSA) or a Primary Metropolitan Statistical Area (PMSA). MSA and PMSA are defined by the Office of Management and Budget.

(13) Total inpatient census days—Total number of a hospital's inpatient census days during its fiscal year ending in the previous calendar year.

(14) Total inpatient charity charges (excluding bad debt charges)—Total amount of the hospital's charges for inpatient hospital services attributed to charity care (care provided to individuals who have no source of payment, third-party or personal resources) in a cost reporting period. The total inpatient charges attributable to charity care will not include contractual allowances and discounts (other than for indigent patients not eligible for medical assistance under an approved Medicaid State Plan); that is, reduction or discounts, in charges given to other third-party payers such as, but not limited to, HMOs, Medicare, or Blue Cross.

(15) Total Medicaid inpatient days—Total number of billed Title XIX inpatient days based on the latest available state fiscal year data for patients entitled to Title XIX benefits.

(16) Total Medicaid inpatient hospital payments—Total amount of Title XIX funds, excluding Medicaid disproportionate share funds, a hospital received for admissions during the latest available state fiscal year for inpatient services.

(17) Total operating costs—Total inpatient operating costs of a hospital during its fiscal year ending in the calendar year before the start of the current federal fiscal year, according to the hospital's Medicare cost report (tentative, or final audited cost report, if available).

(18) Total state and local revenue—Total amount of state and local revenue a hospital received for inpatient care, excluding all Title XIX payments, during its fiscal year ending in the previous calendar year.

(19) Urban—Area inside an MSA or PMSA.

(20) Weighted low-income days—Low-income days multiplied by an appropriate weighting factor.

(21) Weighted Medicaid days—Medicaid days multiplied by an appropriate weighting factor.

(c) Conditions of participation. Before the beginning of each state fiscal year, which begins September 1, the single state agency or its designee surveys Medicaid hospitals to determine which hospitals meet the state's conditions of participation. Hospitals must allow state personnel access to the hospital and its records to ensure compliance with the conditions of participation. Failure to meet all of the conditions of participation results in ineligibility for participation in the program. These conditions of participation do not apply to state-owned teaching hospitals as specified in §29.610 of this title (relating to Disproportionate Share Hospital Reimbursement Methodology for State-Owned Teaching Hospitals). The conditions of participation are as follows.

(1) Hospital eligibility criteria for indigent patients needing medical care. Each Medicaid hospital must submit to the state Medicaid director its hospital eligibility criteria for indigent patients and the procedures for identifying those indigent patients eligible for emergency and non-emergency medical care. Hospital eligibility criteria should address financially indigent people as well as the medically indigent and are indexed to the federal poverty guidelines. Hospitals must identify the number of patients to whom they provide charity care and must make available to state personnel sufficient records to document the amount of charity care provided to those patients. A hospital must allow state personnel to observe the implementation of its stated charity policy and must permit state personnel access to the hospital or its records evidencing charity care. Exception: State mental hospitals and state chest hospitals are exempt. Indigent care criteria for these hospitals are defined in state law.

(2) Charity charge requirements. Exceptions: Urban hospitals with combined Medicaid and Medicare inpatient utilization rates equal to or greater than 80% are exempt. Rural and children's hospitals with combined Medicare and Medicaid inpatient utilization rates equal to or greater than 65% are exempt. Any hospital that qualifies for Medicaid disproportionate share funds in a state fiscal year, and that did not get Medicaid disproportionate share funds in the previous year, is exempt from this specific condition. State mental hospitals and state chest hospitals are exempt.

(A) In order to receive Medicaid disproportionate share funds in:

(i) state fiscal year 1995, a hospital's fiscal year 1993 total charity charges must be equal to or greater than 10% of its net state fiscal year 1994 disproportionate share payments;

(ii) state fiscal year 1996, a hospital's fiscal year 1994 total charity charges must be equal to or greater than 15% of its net state fiscal year 1995 disproportionate share payments;

(iii) state fiscal year 1997, a hospital's fiscal year 1995 total charity charges must be equal to or greater than 20% of its net state fiscal year 1996 disproportionate share payments;

(iv) state fiscal year 1998, a hospital's fiscal year 1996 total charity charges must be equal to or greater than 25% of its net state fiscal year 1997 disproportionate share payments.

(B) The ratio of total charity charges to net disproportionate share payments must be equal to or greater than 25% in subsequent years.

(3) Posting requirements. Each hospital must annually provide assurances to the state Medicaid director that it posts policies informing patients and prospective patients of its eligibility and charity care. These policies must be posted prominently and continuously in common, patient-entry points. Hospitals must advise all patients of the availability of no-cost medical care and the application procedures. The posting must be in English and Spanish.

(4) Reporting requirements. Each hospital must report receipt and expenditure of Medicaid disproportionate share funds to the Medicaid director at least once a year. Each hospital must maintain records for the receipt and expenditure of its disproportionate share funds for five years.

(5) Community health care assessment. Each hospital must annually furnish to the state Medicaid director a copy, developed at the direction of the hospital's governing board, of its assessment of the health care needs of its community. The assessment must demonstrate how the hospital is using its disproportionate share funds to address its community health needs. Exceptions: State mental hospitals and state chest hospitals are exempt because their expenditures are governed by state law.

(6) Alternative access to primary care. Each hospital must annually report to the state Medicaid director the availability of alternative access (other than emergency care) to primary care in its community. Hospitals must have plans to arrange for nonemergency patients to receive care that is not in their emergency rooms, unless they can demonstrate that there is no feasible alternative in the community. Hospitals also must report their progress in treating nonemergency patients apart from their emergency rooms. Exceptions: The following hospitals are exempt from this

condition: State mental and state chest hospitals; psychiatric hospitals licensed by TXMHMR; and certain hospitals licensed as "special" by TDH (i.e., long term care hospitals, ventilator hospitals, burn institutes, and alcohol-chemical dependency hospitals); rehabilitation hospitals; maternity hospitals; college infirmaries; contagious disease hospitals; and hospitals for the terminally ill.

(7) Trauma system. Disproportionate share hospitals must actively participate in the development of a regional trauma system, which includes trauma facility designation as defined in the state trauma laws (Health and Safety Code, §§773.111-773.120) and TDH rules. This condition applies only if rules and procedures to designate facilities have been adopted. Exceptions: The following hospitals are exempt from the trauma system condition: State mental and state chest hospitals; psychiatric hospitals licensed by TXMHMR; and certain hospitals licensed as "special" by TDH (i.e., long term care hospitals, ventilator hospitals, burn institutes, and alcohol-chemical dependency hospitals); rehabilitation hospitals; maternity hospitals; college infirmaries; contagious disease hospitals; and hospitals for the terminally ill. Pediatric and adolescent facilities are exempt from trauma facility designation requirements until the time that state law authorizes the designation of pediatric and/or adolescent trauma facilities.

(A) Hospitals qualifying for the disproportionate share program for the first time must meet the regional trauma system development participation requirement in the first year of their participation,

regional trauma system development participation and application for trauma facility designation in the second year of their participation, and regional trauma system development participation and trauma facility designation in subsequent years of their participation.

(B) Hospitals can be designated as trauma facilities under four levels that range from "basic" (stabilization and transfer of major and severe trauma patients) to "comprehensive" (care and management of all trauma patients, plus education and research). Hospitals identified as disproportionate share hospitals effective September 1, 1993, must be designated as trauma facilities or hospitals participating in regional trauma system development by March 1, 1994. Participation in regional trauma system development and application for designation as a trauma facility are required in the second year of participation. Participation in regional trauma system development, application for trauma facility designation, and designation as a trauma facility are required in subsequent years.

(C) Documentation of regional trauma system development participation is periodically provided to the Bureau of Emergency Management (Bureau) by the trauma service areas. Beginning January 1, 1994, and before January 1 of each subsequent year, the Bureau annually reports hospital participation in regional trauma system development, application for trauma facility designation, and trauma facility designation status to the state Medicaid director.

(8) Maintenance of effort. Hospital districts and city/county hospitals with greater than 250 licensed beds in the state's largest MSAs and PMSAs are not eligible for disproportionate share payments if local revenues are reduced as a result of disproportionate share funds received.

(9) Two-physician requirement. In order to qualify for disproportionate share hospital payments, each hospital must have at least two physicians (M.D. or D.O.) who have hospital staff privileges and who have agreed to provide nonemergency obstetrical services to Medicaid clients. The two-physician requirement does not apply to hospitals whose inpatients are predominantly under 18 years old or that did not offer nonemergency obstetrical services as of December 22, 1987.

(d) Qualifying formulas for determining disproportionate share status. The single state agency or its designee identifies the qualifying Medicaid disproportionate share providers from among the hospitals that meet the two-physician requirement and the state's conditions of participation, as specified in subsection (c)(1)-(8) of this section, by using the following formulas. Children's hospitals that do not otherwise qualify as disproportionate share hospitals are deemed disproportionate share hospitals. The formulas are as follows:

(1) a Medicaid inpatient utilization rate at least one standard deviation above the mean Medicaid inpatient utilization rate for all hospitals participating in the Medicaid program;

Title XIX Inpatient Days
Total Inpatient Census Days

income utilization rate is the sum (expressed as a percentage) of the fractions calculated as follows:

(A) the total Medicaid inpatient payments paid to the hospital, plus the amount of revenue received directly from state and local governments for inpatient hospital care, excluding all Title XIX pay-

ments, in a cost reporting period, divided by the total amount of revenues of the hospital for inpatient services (including the amount of state and local revenue) in the same cost reporting period multiplied by the hospital's inpatient cost-to-charge ratio for the same cost-reporting period;

(2) for rural hospitals, a Medicaid inpatient utilization rate greater than the mean Medicaid inpatient utilization rate for all hospitals participating in the Medicaid program; or

(3) a low-income utilization rate exceeding 25%. For a hospital, the low-

Inpatient Hospital Payments + Total State and Local Revenue
Gross Inpatient Revenue X Cost to Charge Ratio

of the
hospital ser-
(care pro-
source of
resources),

excluding bad debt charges, in a cost reporting period, minus the amount of revenue for inpatient hospital services received directly from state and local governments, excluding all Title XIX payments, in a cost reporting period, divided by the total amount of the hospital's charges for inpatient services in the hospital in the same period. The total

inpatient charges attributable to charity care will not include contractual allowances and discounts (other than for indigent patients not eligible for medical assistance under an approved Medicaid State Plan); that is, reductions or discounts in charges given to other third-party payers such as but not limited to HMOs, Medicare, or Blue Cross;

Inpatient Charity Charges - Total State and Local Revenue
Gross Inpatient Revenue

patient days
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The single state agency selects hospitals, meeting the two-physician requirement or one of the exceptions to the requirement, whose low income utilization rates are greater than 25%. The state considers these hospitals to be Medicaid disproportionate share hospitals;

state mental hospital (facility of the Texas Department of Mental Health and Mental Retardation) that meets the requirements for disproportionate share status and provides inpatient psychiatric care or inpatient hospital services will receive annually up to 100% of the hospital's net operating costs, which are the total inpatient operating costs, less Medicaid payments (other than disproportionate share adjustments), less all funding from nonstate and nonlocal government sources for services provided in the particular hospital's fiscal year. The percentage will be determined by the ratio of funds available under the annual state disproportionate share hospital allotment to the net operating costs (up to 100%), after annual payment amounts to all other disproportionate share hospitals are deducted from the total annual allotment.

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(4) the single state agency arranges each remaining hospital's total Medicaid inpatient days in descending order. The single state agency selects hospitals, meeting the two-physician requirement or one of the exceptions to the requirement, whose total inpatient Medicaid days is at least one standard deviation above the mean Medicaid inpatient days for all hospitals participating in the Medicaid program. The state considers these hospitals to be Medicaid disproportionate share hospitals.

(2) For the remaining hospitals, payments will be based on both weighted inpatient Medicaid days and weighted low income days. The single state agency weights each hospital's total inpatient Medicaid days and low income days by the appropriate weighting factor. The state defines a low income day as a day derived by multiplying a hospital's total inpatient census days from its fiscal year ending in the previous calendar year by its low income utilization rate. Hospital districts and city/county hospitals with greater than 250 licensed beds in the state's largest MSAs would receive weights based proportionally on the MSA population according to the

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(f) Reimbursing Medicaid disproportionate share hospitals. The single state agency reimburses Medicaid disproportionate share hospitals on a monthly basis. Monthly payments will equal one-twelfth of annual payments unless it is necessary to adjust the amount because payments will not be made for a full 12-month period, to comply with the annual state disproportionate share hospital allotment, or to comply with other state or federal disproportionate share hospital program requirements. Payments will be made in the following manner.

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order.

(1) A state chest hospital (facility of the Texas Department of Health) or a

1990 United States census. MSAs with populations greater than or equal to 150,000, according to the 1990 census, are considered as the "largest MSAs." Children's hospitals also receive weights because of the special nature of the services they provide. All other hospitals receive weighting factors of 1.0. The inpatient Medicaid days of each hospital will be based on the latest available state fiscal year data for patients entitled to Title XIX benefits. The available fund is divided into two parts. Two-thirds of the

available fund will reimburse each qualifying hospital on a monthly basis by its percent of the total inpatient Medicaid days. One-third of the available fund will reimburse each qualifying hospital by its percent of the total low income days. Reimbursement for the remaining hospitals is determined monthly as follows;

monthly number of weighted Medicaid inpatient days and weighted low-income days of each qualifying hospital.

(B) A qualifying hospital receives a monthly disproportionate share payment based on the following formula:

(A) The single state agency or its designee determines the average

$$\begin{aligned} & \text{Hospital's Medicaid Days X Weight} \\ ((2/3 \text{ X Available Fund}) \times \frac{\quad}{\text{Weighted Medicaid Days}}) \\ & + \\ & \text{Hospital's Low Income Days X Weight} \\ ((1/3 \text{ X Available Fund}) \times \frac{\quad}{\text{Weighted Low Income Days}}) \end{aligned}$$

(C) All MSA population data are from the 1990 United States census. The specific weights for certain hospital districts and children's hospitals are as follows.

(i) Children's hospitals are weighted at 1.25.

(ii) MSAs with populations greater than or equal to 150,000 and less than 300,000 are weighted at 2.25.

(iii) MSAs with populations greater than or equal to 300,000 and less than 1,000,000 are weighted at 2.50.

(iv) MSAs with populations greater than or equal to 1,000,000 and less than 3,000,000 are weighted at 2.75.

(v) MSAs with populations greater than or equal to 3,000,000 are weighted at 3.25.

(g) Review of agency determination. The single state agency or its designee notifies hospitals of their eligibility or ineligibility and the estimated amount of payment before the beginning of the state fiscal year. The actual amount of payment may vary if a successful review request by one or more hospitals necessitates an adjustment in the amount of payments to the other hospitals in the program. Hospitals that do not qualify or that believe the amount of payment is incorrect may request a review by the single state agency or its designee.

(1) The hospital's written request for a review must be made to the director of acute care services and must be received by the director within ten calendar days after the hospital receives notification of its eligibility or ineligibility. The hospital's request must contain specific documentation supporting its contention that

factual or calculation errors were made, which, if corrected, would result in the hospital qualifying for payments or receiving payment in a corrected amount.

(2) The review is:

(A) limited to allegations of factual or calculation errors;

(B) limited to a review of documentation submitted by the hospital or used by the single state agency or its designee in making its original determination; and

(C) not conducted as an adversary hearing.

(3) The single state agency or its designee conducts the review as quickly as possible and makes its decision before the first monthly payment is made for that fiscal year. Hospitals that have requested a review are notified of the results of the review at the time of the first monthly payment. Any adjustments made as a result of these reviews will not exceed the limits of available funds for implementing the applicable disproportionate share program. Once the first monthly payment is made, no additional review or appeal is available to hospitals.

(h) Disproportionate share funds held in reserve.

(1) Hospitals participating in the disproportionate share program are required to comply at all times with the conditions of participation specified in subsection (c) of this section. If the single state agency or its designee has reason to believe that a hospital is not complying with the conditions of participation, the single state agency or its

designee notifies the hospital of possible noncompliance. Upon receipt of the notice of possible noncompliance, the hospital has 30 days to demonstrate its compliance with conditions of participation. If the hospital fails to demonstrate its compliance within 30 days, the single state agency or its designee has the authority to hold that hospital's disproportionate share payments in reserve until the:

(A) hospital can demonstrate its compliance with the conditions of participation;

(B) decision to hold payments in reserve is reviewed and the decision results in favor of the hospital; or

(C) date the last monthly payment in the relevant state fiscal year occurs; whichever occurs first.

(2) If a hospital's disproportionate share payments are being held in reserve on the date of the last monthly payment in the state fiscal year, the amount of the payments is divided proportionately among the hospitals receiving a last monthly payment and is not restored to the hospital. If the hospital demonstrates its compliance with the conditions of participation or if the hospital receives a favorable review decision, the funds are restored to the hospital.

(3) Hospitals that have had disproportionate share payments held in reserve may request a review by the single state agency or its designee.

(A) The hospital's written request for a review must:

(i) be made to the director of acute care services;

(ii) be received by the director within ten days after the hospital's disproportionate share payments are held in reserve; and

(iii) contain specific documentation supporting its contention that it is in compliance with the conditions of participation.

(B) The review is:

(i) limited to allegations of compliance with conditions of participation;

(ii) limited to a review of documentation submitted by the hospital or used by the single state agency or its designee in making its original determination; and

(iii) not conducted as an adversary hearing.

(C) The single state agency or its designee conducts the review as quickly as possible and notifies hospitals requesting the review of the results. Once the last monthly payment for the relevant state fiscal year is made, no additional review or appeal is available to hospitals.

(i) Provision for reduction in federal disproportionate share cap. If the federal government reduces the amount of Medic-

aid disproportionate share funds allotted to Texas, the state must reduce the net amount allotted to each disproportionate share hospital during the state fiscal year by the same percentage.

§29.610. Disproportionate Share Hospital Reimbursement Methodology for State-owned Teaching Hospitals. The single state agency or its designee provides additional disproportionate share reimbursement to state-owned teaching hospitals through a supplemental disproportionate share program. A state-owned teaching hospital is a hospital owned and operated by a state university or other agency of the state. Additional reimbursement is provided to each state-owned teaching hospital on a monthly basis using the following formula:

<u>Monthly Charity Charges of the State-Owned Teaching Hospital</u>	X Allocated
Total Monthly Charity Charges of All State-Owned Teaching Hospitals	Fund

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 23, 1993.

TRD-9326322

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

Effective date: August 16, 1993

Proposal publication date: May 7, 1993

For further information, please call: (512) 450-3785

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Chapter 56. Family Planning
Subchapter C. Provider Program Requirements

• 40 TAC §56.302

The Texas Department of Human Services (DHS) adopts an amendment to §56.302,

without changes to the proposed text as published in the June 11, 1993, issue of the *Texas Register* (18 Tex Reg 3689). The text will not be republished.

The justification for the amendment is to include advanced nurse practitioners among those who may provide family planning medical services to eligible clients under Title XIX and to include additional examples of agency clinics.

The amendment will function by adding advanced nurse practitioners to those who provide family planning medical service. This will expand family planning services for the indigent population, thereby reducing the numbers of unexpected Medicaid covered births.

The department received two comments in favor of the 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 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 28, 1993.

TRD-9326433

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

Effective date: August 31, 1993

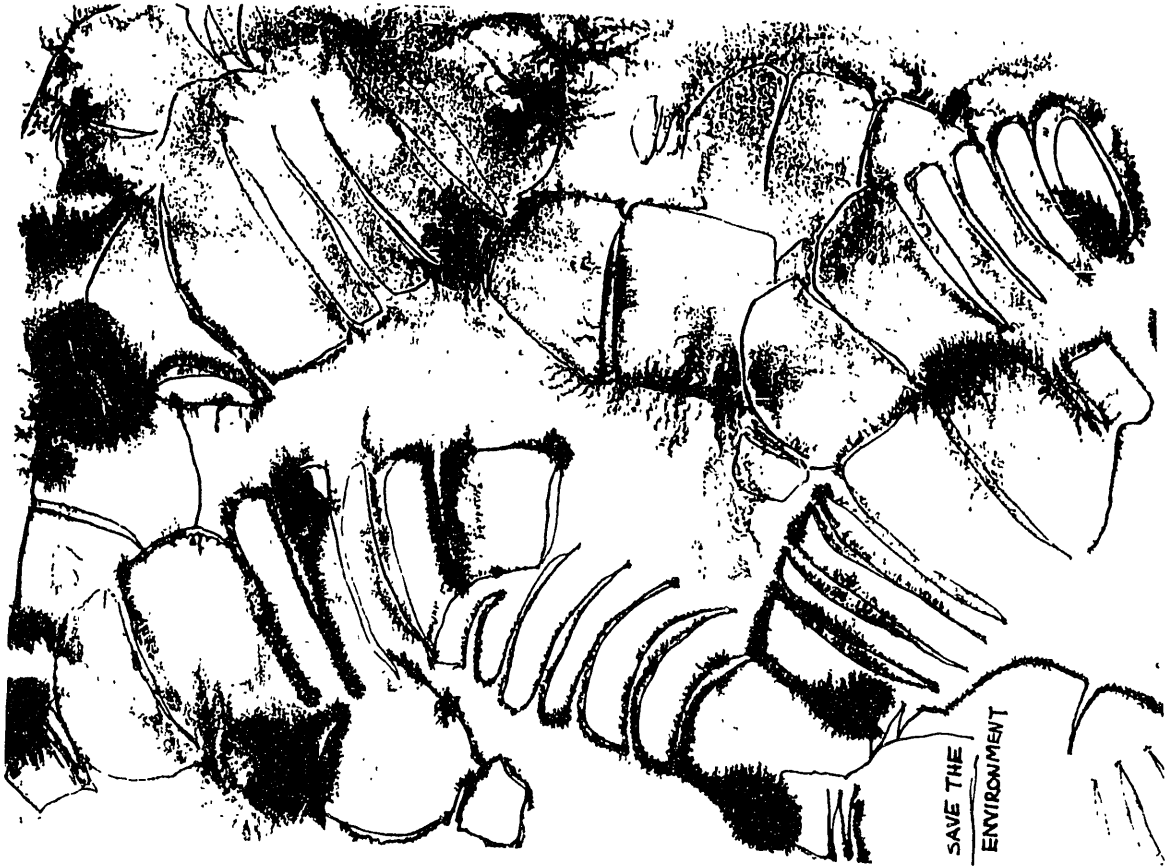
Proposal publication date: June 11, 1993

For further information, please call: (512) 450-3785

◆ ◆ ◆



Name: Cala Coats
Grade: 12
School: Plano East Senior High, Plano ISD



Name: Amanda Whitt
Grade: 12
School: Plano East Senior High, Plano ISD

Open Meetings

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

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

Posting of open meeting notices. All notices are posted on the bulletin board at the Office of the Secretary of State in lobby of 221 East 11th Street, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

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

Texas Department on Aging

Thursday, August 5, 1993, 1:15 p.m. The Planning Committee of the Texas Department on Aging will meet at 1949 South IH-35, Third Floor Small Conference Room, Austin. According to the complete agenda, the committee will consider and possibly act on: call to order; discuss approval of minutes of May 6, 1993 meeting; review quarterly report on outputs (for Legislative Budget Board); review quarterly report on progress of planned actions (for Administration on Aging); review quarterly report on Discretionary Grants; review and recommend amendments to State Plan for Fiscal Year 1994; review progress on Needs Assessment; discuss planning a corporate conference; and adjourn.

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

Filed: July 27, 1993, 10:09 a.m.

TRD-9326384

Texas Department of Agriculture

Tuesday, August 3, 1993, 9:00 a.m. The Texas Agricultural Finance Authority of the Texas Department of Agriculture will meet in the Barcelona Courts Conference Room, 5218 South Loop 289, Lubbock. According to the agenda summary, the department will discuss and act on: minutes of previous meeting; program rules for Young Farmer Loan Guaranty Program; collection and refund of assessment fees; hear presentation by Lewis, de Rozario and Company, Inc.; discuss and act on: Revenue Bond Program; request for proposals for Farm and Ranch Land Program; Texas Agricultural Finance

Authority Loan Guaranty Program Rules; Vinson and Elkins contract; applications; discuss loan guaranty portfolio; other business; and adjourn.

Contact: Robert Kennedy, P.O. Box 12847, Austin, Texas 78711, (512) 463-7639.

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

TRD-9326261

Credit Union Department

Monday, August 2, 1993, 10:00 a.m. The Credit Union Commission, Commissioner Search Committee of the Credit Union Department met at the Credit Union Department Building, 914 East Anderson Lane, Austin. According to the complete agenda, the commissions reviewed qualifications of applicants for the position of Credit Union Commissioner.

Contact: Harry L. Elliott, 914 East Anderson Lane, Austin, Texas 78752-1699, (512) 837-9236.

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

TRD-9326275

Monday, August 2, 1993, 10:30 a.m. The Credit Union Commission of the Credit Union Department met at the Credit Union Department Building, 914 East Anderson Lane, Austin. According to the complete agenda, the commission invited public input for future consideration; received minutes of June 16, 1993 meeting; communications; and committee reports from the Texas Share Guaranty Credit Union Oversight, Task Force Advisory, and Commissioner Search committees; considered final adoption of Rule §97.113 (operating Fees); delegate authority to designate officers or employees

to approve vouchers; indemnity reserve transfer request; and request for loan price adjustment; conducted an executive session to discuss credit unions and problem cases; consultation with legal counsel regarding contemplated legal action, existing litigation and administrative actions; and consideration of qualifications of applicants for the position of commissioner.

Contact: Harry L. Elliott, 914 East Anderson Lane, Austin, Texas 78752-1699, (512) 837-9236.

Filed: July 23, 1993, 2:35 p.m.

TRD-9326274

Texas Department of Criminal Justice

Thursday, August 5, 1993, 9:00 a.m. The Board of Criminal Justice, Subcommittee on County Relations of the Texas Department of Criminal Justice will meet at the John H. Reagan Building, 15th and Congress, Room 106, Austin. According to the complete agenda, the subcommittee will discuss State Jail Division.

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

Filed: July 28, 1993, 4:22 p.m.

TRD-9326475

Thursday, August 5, 1993, 10:00 a.m. The Board of Criminal Justice of the Texas Department of Criminal Justice will meet at the John H. Reagan Building, 15th and Congress, Room 106, Austin. According to the agenda summary, the board will call the meeting to order; convene in regular session; presentation-Judge Cyndi Krier, Bexar

County Jail overcrowding; discuss proposed agency rules for board consideration; site selection for State Jail facilities; architect/engineer selection for State Jail Facilities; meet in executive session; discussion with board attorneys concerning Beal and ironworkers litigation; and personnel matters (Board General Counsel and Parole Division Director).

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

Filed: July 28, 1993, 4:22 p.m.

TRD-9326476

Thursday, August 5, 1993, 2:00 p.m. The Board of Criminal Justice, Subcommittee on Substance Abuse of the Texas Department of Criminal Justice will meet at the TDCJ Austin Office, 816 Congress Avenue, Suite 500, Austin. According to the complete agenda, the Department of Criminal Justice and Texas Commission on Alcohol and Drug Abuse will call the meeting to order; discuss approval of minutes; architectural design 500/1000 bed substance abuse felony punishment facility; and adjourn.

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

Filed: July 28, 1993, 2:53 p.m.

TRD-9326453

Texas School for the Deaf

Friday, August 6, 1993, 8:30 a.m. The Budget and Audit Committee of the Texas School for the Deaf will meet at 601 Airport Boulevard, Board Training Room, Austin. According to the complete agenda, the committee will discuss Fiscal Year 1993 cash operating budget.

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

Filed: July 27, 1993, 1:38 p.m.

TRD-9326388

Friday, August 6, 1993, 10:00 a.m. The Policy Committee of the Texas School for the Deaf will meet at 601 Airport Boulevard, Board Training Room, Austin. According to the complete agenda, the committee will discuss policy amendments; and policy review.

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

Filed: July 27, 1993, 1:38 p.m.

TRD-9326387

Friday, August 6, 1993, 1:00 p.m. The Governing Board of the Texas School for the Deaf will meet at 601 Airport Boulevard, Large Conference Room, Austin. Ac-

ording to the agenda summary, the board will call the meeting to order; discuss approval of minutes of May 7, 1993 meeting; business for information purposes; business requiring board action; hear comments by board members; and adjourn.

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

Filed: July 27, 1993, 1:39 p.m.

TRD-9326389

Interagency Council on Early Childhood Intervention

Thursday, August 5, 1993, 9:00 a.m. The Interagency Council on Early Childhood Intervention will meet in Room 201-A, Texas Department of Health, 4412 Spicewood Springs, Austin. According to the complete agenda, the council will receive public comments; discuss and possibly act on request from Brighton School for emergency funds for fiscal year 1993; and plan for delivery of administrative support services for fiscal year 1994 including approval of interagency contracts.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7673. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: July 27, 1993, 8:51 a.m.

TRD-9326378

East Texas State University

Tuesday, August 3, 1993, 9:00 a.m. The Board of Regents of the East Texas State University will meet at 2600 South Neal Street, McDowell Administration Building, Commerce. According to the complete agenda, the board will discuss approval of the agenda; approval of the minutes of the May 5, 1993 meeting; approval of adjustments to the Fiscal Year 1993 operating budgets for Commerce and Texarkana; adopt the Fiscal Year 1994 budget for Commerce and Texarkana; amend the Fiscal Year 1994 fee schedule-Texarkana; approval of the athletic hall of fame nominations; approval of the 1994 Fiscal Year holiday schedule; determine the dates and locations of Fiscal Year 1994 board meetings; amend the sexual harassment policy; and meet in executive session under the authority of Texas Civil Statutes, Article 6252-17, §2(e), (f), and (r).

Contact: Charles Turner, 2600 South Neal Street, Commerce, Texas 75428, (903) 886-5539.

Filed: July 26, 1993, 2:31 p.m.

TRD-9326345

Texas Education Agency

Wednesday, August 11, 1993, 9:00 a.m. The Commission on Standards for the Teaching Profession, Task Force on Outcomes and Assessment of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-111, Austin. According to the complete agenda, the task force will review Alverno College outcomes-based assessment materials; and refinement of outcomes draft documents for teachers and school administrators.

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

Filed: July 28, 1993, 3:44 p.m.

TRD-9326458

Thursday, August 12, 1993, 9:00 a.m. The Commission on Standards for the Teaching Profession, Task Force on Outcomes and Assessment of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-110, Austin. According to the complete agenda, the task force will review of Alverno College outcomes-based assessment materials; and refinement of outcomes draft documents for teachers and school administrators.

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

Filed: July 28, 1993, 3:44 p.m.

TRD-9326459

Thursday, August 19, 1993, 8:30 a.m. The English Supplementary Reading Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-111, Austin. According to the complete agenda, the members of the State Textbook English Supplementary Reading Committee will discuss textbooks and/or systems being reviewed in 1993. Immediately following discussion, members of the committee will vote on textbooks and/or systems to be recommended to the State Board of Education for adoption in November. Committee members will also develop a consensus report on any errors to be corrected in recommended textbooks and systems. Subject area committee members remain under no-contract rules until the close of this discussion/balancing meeting.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: July 28, 1993, 3:46 p.m.

TRD-9326462

Thursday, August 19, 1993, 8:30 a.m. The Science Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the complete agenda, the committee will discuss textbooks and/or systems being reviewed in 1993. Immediately following discussion, members of the committee will vote on textbooks and/or systems to be recommended to the State Board of Education for adoption in November. Committee members will also develop a consensus report on any errors to be corrected in recommended textbooks and systems. Subject area committee members remain under no-contract rules until the close of this discussion/balloting meeting.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: July 28, 1993, 3:45 p.m.

TRD-9326460

Thursday, August 19, 1993, 8:30 a.m. The Trade and Industrial Education Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-110, Austin. According to the complete agenda, the committee will discuss textbooks and/or systems being reviewed in 1993. Immediately following discussion, members of the committee will vote on textbooks and/or systems to be recommended to the State Board of Education for adoption in November. Committee members will also develop a consensus report on any errors to be corrected in recommended textbooks and systems. Subject area committee members remain under no-contract rules until the close of this discussion/balloting meeting.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: July 28, 1993, 3:45 p.m.

TRD-9326461

Thursday, August 19, 1993, 11:00 a.m. The Business Education Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-109, Austin. According to the complete agenda, the committee will discuss textbooks and/or systems being reviewed in 1993. Immediately following discussion, members of the committee will vote on textbooks and/or systems to be recommended to the State Board of Education for adoption in November. Committee members will also develop a consensus report on any errors to be corrected in recommended textbooks and systems. Subject area committee members remain under no-

contract rules until the close of this discussion/balloting meeting.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: July 28, 1993, 3:46 p.m.

TRD-9326463

Friday, August 20, 1993, 8:30 a.m. The Mathematics Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-100, Austin. According to the complete agenda, the committee will discuss textbooks and/or systems being reviewed in 1993. Immediately following discussion, members of the committee will vote on textbooks and/or systems to be recommended to the State Board of Education for adoption in November. Committee members will also develop a consensus report on any errors to be corrected in recommended textbooks and systems. Subject area committee members remain under no-contract rules until the close of this discussion/balloting meeting.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: July 28, 1993, 3:46 p.m.

TRD-9326464

Friday, August 20, 1993, 8:30 a.m. The Health Education Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the complete agenda, the committee will discuss textbooks and/or systems being reviewed in 1993. Immediately following discussion, members of the committee will vote on textbooks and/or systems to be recommended to the State Board of Education for adoption in November. Committee members will also develop a consensus report on any errors to be corrected in recommended textbooks and systems. Subject area committee members remain under no-contract rules until the close of this discussion/balloting meeting.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: July 28, 1993, 3:47 p.m.

TRD-9326465

Friday, August 20, 1993, 8:30 a.m. The Language Arts Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-109, Austin. According to the complete agenda, the committee will discuss textbooks and/or systems being reviewed in 1993. Immediately following discussion, members of the committee will vote on textbooks and/or systems to be rec-

ommended to the State Board of Education for adoption in November. Committee members will also develop a consensus report on any errors to be corrected in recommended textbooks and systems. Subject area committee members remain under no-contract rules until the close of this discussion/balloting meeting.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: July 28, 1993, 3:47 p.m.

TRD-9326466

Friday, August 20, 1993, 11:00 a.m. The Spanish Supplementary Reading Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-111, Austin. According to the complete agenda, the committee will discuss textbooks and/or systems being reviewed in 1993. Immediately following discussion, members of the committee will vote on textbooks and/or systems to be recommended to the State Board of Education for adoption in November. Committee members will also develop a consensus report on any errors to be corrected in recommended textbooks and systems. Subject area committee members remain under no-contract rules until the close of this discussion/balloting meeting.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: July 28, 1993, 3:47 p.m.

TRD-9326467

◆ ◆ ◆ Advisory Commission on State Emergency Commu- nications

Tuesday, August 3, 1993, 9:30 a.m. The Planning and Implementation Committee of the Advisory Commission on State Emergency Communications will meet at 15th Street and Congress Avenue, John Reagan Building, Room 101, Austin. According to the complete agenda, the committee will call the meeting to order; recognize guests; hear public comments; briefing on Poison Control Legislation, Senate Bill 773; discuss and consider proposed surcharge rate to be assessed for Poison Control Program and authorizing rulemaking in accordance with APTRA; strategic plan implementation issues, including possible increase of 9-1-1 surcharge rate; and adjourn.

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911. Persons requesting interpreter services for the hearing and speech-impaired should contact Velia

Williams at (512) 327-1911 at least two working days prior to the meeting.

Filed: July 26, 1993, 3:59 p.m.

TRD-9326367

Tuesday, August 3, 1993, 1:30 p.m. The COG Administrative Budget Ad Hoc Committee of the Advisory Commission on State Emergency Communications will meet at 15th Street and Congress Avenue, John Reagan Building, Room 109, Austin. According to the complete agenda, the committee will call the meeting to order; recognize guests; hear public comments; review and consider recommending for approval proposed Coastal Bend Council of Governments' Administrative Budget for Fiscal Year 1994; and adjourn.

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911. Persons requesting interpreter services for the hearing- and speech-impaired should contact Velia Williams at (512) 327-1911 at least two working days prior to the meeting.

Filed: July 26, 1993, 3:59 p.m.

TRD-9326368

Tuesday, August 3, 1993, 2:00 p.m. The Addressing Committee of the Advisory Commission on State Emergency Communications will meet at 15th Street and Congress Avenue, John Reagan Building, Room 101, Austin. According to the complete agenda, the committee will call the meeting to order; recognize guests; hear public comments; discuss and consider strategic plan implementation issues, including other funding sources for addressing program and possible increase of 9-1-1 surcharge rate; and adjourn.

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911. Persons requesting interpreter services for the hearing- and speech-impaired should contact Velia Williams at (512) 327-1911 at least two working days prior to the meeting.

Filed: July 26, 1993, 3:59 p.m.

TRD-9326370

Wednesday, August 4, 1993, 9:00 a.m. The Commission of the Advisory Commission on State Emergency Communications will meet at 15th Street and Congress Avenue, John Reagan Building, Room 101, Austin. According to the agenda summary, the commission will call the meeting to order; recognize guests; hear public comments; committee reports and consider action items; consider approval of July meeting minutes; and adjourn.

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911. Persons requesting interpreter services for the hearing-

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

Filed: July 26, 1993, 3:59 p.m.

TRD-9326369

Thursday, August 5, 1993, 9:30 a.m. The 9-1-1 Day Award Committee of the Advisory Commission on State Emergency Communications will meet at the ACSEC Offices, 1101 Capital of Texas Highway South, B-100, Austin. According to the complete agenda, the committee will call the meeting to order; review and evaluate Telecommunicator of the Year Award nominations; discuss and consider 9-1-1 Day activities; and adjourn.

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911. Persons requesting interpreter services for the hearing- and speech-impaired should contact Velia Williams at (512) 327-1911 at least two working days prior to the meeting.

Filed: July 28, 1993, 4:20 p.m.

TRD-9326474

Employees Retirement System of Texas

Monday, August 2, 1993, 10:00 a.m. The Trustee Election Committee of the Employees Retirement System of Texas met at the ERS Auditorium, ERS Building, 18th and Brazos Streets, Austin. According to the complete agenda, the committee heard report of Trustee runoff election results by election administrator; set future meeting date (if needed); and adjourned.

Contact: William S. Nail, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431.

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

TRD-9326223

Tuesday, August 3, 1993, 9:00 a.m. The ERS Board of Trustees of the Employees Retirement System of Texas will meet at the Texas Department of Health, Room M-739, 1100 West 49th Street, Austin. According to the complete agenda, the board will discuss proposed operating budget for the Employees Retirement System of Texas for the Fiscal Year ending August 31, 1994; and adjourn.

Contact: William S. Nail, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431.

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

TRD-9326222

Tuesday, August 3, 1993, 9:00 a.m. (Revised Agenda). The ERS Board of Trustees

of the Employees Retirement System of Texas will meet at the Texas Department of Health, Room M-739, 1100 West 49th Street, Austin. According to the complete revised agenda, the board will meet in executive session to review and consider the duties, performance, and compensation of the executive director of the Employees Retirement System of Texas pursuant to Texas Civil Statutes, Article 6252-17, §2(g).

Contact: William S. Nail, 18th and Brazos Streets, Austin, Texas 78701, (512) 867-3336.

Filed: July 23, 1993, 3:37 p.m.

TRD-9326291

Wednesday, August 4, 1993, 8:30 a.m. The ERS Audit Committee of the Employees Retirement System of Texas will meet in Room 401, ERS Building, 18th and Brazos Streets, Austin. According to the complete agenda, the committee will review and discuss Fiscal Year 1994 ERS Internal Audit Plan; status of Fiscal Year 1993 ERS Internal Audit Plan; status of Fiscal Year 1992 ERS Internal Audit recommendations; status of Fiscal Year 1992 State Auditor recommendations; plan future meeting date; and adjourn.

Contact: William S. Nail, 18th and Brazos Streets, Austin, Texas 78701, (512) 867-3336.

Filed: July 26, 1993, 4:09 p.m.

TRD-9326374

Wednesday, August 4, 1993, 9:00 a.m. The Board of Trustees of the Employees Retirement System of Texas will meet at the ERS Building Auditorium, 18th and Brazos Streets, Austin. According to the agenda summary, the board will discuss approval of minutes; trustee runoff election results certification; investment of system's assets; Investment Advisory Committee re-appointments; member election to Texas Growth Fund Board of Trustees; appeals of contested cases; transfer approvals from interest account to Employees Saving/Retirement Annuity Reserve/State Accumulation Accounts; interest rates establishment/transfer approval from interest account to benefit increase reserve account; Fiscal Year 1994 ERS Internal Audit Plan; final adoption of new 34 TAC §§71.14, 71.19, 71.21 relating to Creditable Service; final adoption of new 34 TAC §73.33 relating to benefits; final adoption of new 34 TAC §77.15 relating to judicial retirement; final adoption of amendments to 34 TAC §§81.1, 81.3, 81.7, 81.11 relating to Uniform Group Insurance; final adoption of amendments to TexFlex Employee Benefit (Cafeteria) Plan/34 TAC §85.3 relating to flexible benefits; proposed ERS operating budget for Fiscal Year ending August 31, 1994; construction project for ERS building renovations/additions; hear Group Benefits Advisory Committee

report; executive director's report; ERS Board of Trustees Chairman/Vice-Chairman election; set next trustee meeting date; and adjourn.

Contact: William S. Nail, 18th and Brazos Streets, Austin, Texas 78701, (512) 867-3336.

Filed: July 26, 1993, 4:08 p.m.

TRD-9326373

Texas Employment Commission

Tuesday, August 3, 1993, 9:00 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will discuss approval of prior meeting notes; meet in executive session to consider relocation of agency headquarters and Blue Cross and Blue Shield of Texas, Inc. versus Texas Employment Commission and Jerry Alexander; actions, if any, resulting from executive session; hear staff reports; discuss proposed procedure for enforcing Commission Rule 7 (40 TAC §301.7); consider proposed rulemaking concerning new exclusion from coverage under the Texas Unemployment Compensation Act of services performed by certain landmen; consider and possibly approve: bid for roof replacement at the headquarters main building; bid for interior renovation at the Harlingen agency-owned building; bid for interior and exterior renovation at the Eagle Pass agency-owned building; discuss internal procedures of Commission Appeals; consider and possibly act on tax liability cases listed on Commission Docket 31 and higher level appeals in unemployment compensation cases listed on Commission Dockets 30 and 31; and set date of next meeting.

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

Filed: July 26, 1993, 4:06 p.m.

TRD-9326372

Fire Fighters' Pension Commission

Thursday-Friday, August 12-13, 1993, 1:00 p.m. and 9:00 a.m. respectively. The Administrative Division of the Fire Fighters' Pension Commission will meet at the Royce Hotel, Gemini Room, Woodward at IH-35 South, Austin. According to the agenda summary, the Senate Bill 411 State-wide Volunteer Fire Fighters' Retirement Fund Board of Trustees will meet, as prescribed by Texas Civil Statutes, Article 6243.e3, for board member orientation and election of officers; review and discuss re-

ports by the investment managers, accountant, consultant and actuary, as well as staff reports; and discuss and act on the investment manager search and appointment of board committees.

Contact: Helen L. Campbell, 3910 IH-35, Site 235, Austin, Texas 78704, (512) 462-0222.

Filed: July 23, 1993, 2:25 p.m.

TRD-9326262

General Land Office

Tuesday, August 3, 1993, 10:00 a.m. The School Land Board of the General Land Office will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the complete agenda, the board will discuss approval of previous board meeting minutes; pooling application, Alabama Ferry (Glen Rose "D"), Leon County; Levelland Field, Hockley County; Wildcat Field, Duval County; applications to lease highway rights-of-way for oil and gas, DeWitt County, Brazos County, and Goliad County; easement application by the City of Austin on Texas Youth Commission lands, Travis County; direct land sale, Val Verde County; coastal public lands, commercial lease application, Taylor Lake, Harris County; easement applications, Dickinson Bay, Galveston County; Aransas Bay, Aransas County; Palacios Bay, Matagorda County; Colorado River, Matagorda County; Carancahua Bay, Calhoun County; Clear Lake, Galveston County; Laguna Madre, Cameron County; Clear Lake, Harris County; Offatt Bayou, Galveston County; Corpus Christi Bay, Nueces County; lease application, Laguna Madre, Kenedy County; meet in executive session to discuss pending and proposed right-of-way sale, Harris County; land acquisition, Harris County; and consider land acquisition, Harris County.

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

Filed: July 26, 1993, 4:16 p.m.

TRD-9326376

Tuesday, August 3, 1993, 3:00 p.m. The Veterans Land Board of the General Land Office will meet at the Stephen F. Austin Building, Room 831, Austin. According to the complete agenda, the board will discuss approval of May 21, 1993 minutes of the Veterans Land Board meeting; consider approval of amendment to Veterans Land Board investment policy; hear report on Veterans Housing Assistance program loan demand; consider proposed amendments to the master insurance contract between the board and Pruco of Texas to: permit Pruco of Texas to transfer its obligations under the

contract to the Prudential Insurance Company of America, which is not a Texas based company; expand coverage in the board's group credit life insurance program to include the Veterans Housing Assistance Program and the Veterans Home Improvement Program; change existing premiums for group life insurance for the Veterans Land Program; and offer disability coverage in all programs; consider the following proposed changes in the rules of the loan programs of the Veterans Land Board in response to recent changes in Chapters 161, 162, and 163 of the Natural Resources Code: repeal of the Texas Family Farm and Ranch Program; eligibility of spouses of Veterans missing in action; and reducing the five-year residence requirement to two years; consider the offer submitted by Billy D. Barton on Tract 4539, (Type II), 21.856 acres in Navarro County (VLB #530-115410); consider extend sale of selected Type II forfeited land tracts; forfeiture action on delinquent tax land accounts; order for sale forfeited land accounts; and consider October 26, 1993 as the date for the next Type I forfeited land sale.

Contact: Mae Vrazel, 17th and Congress, Austin, Texas 78701, (512) 463-5340.

Filed: July 23, 1993, 1:41 p.m.

TRD-9326259

Texas Department of Health

Saturday, July 24, 1993, 8:00 a.m. The Executive Committee of the Texas Board of Health of the Texas Department of Health met at the Texas Department of Health, Room M-741, 1100 West 49th Street, Austin. According to the complete emergency revised agenda, the committee discussed and possibly acted on items of procedure for the July 24, 1993 Texas Board of Health meeting; and reviewed the Joint Commission for Accreditation of Health Care Organizations (JCAHO) findings of the San Antonio Chest Hospital. The emergency status was necessary as unforeseeable circumstances required immediate action by the Board of Health.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: July 22, 1993, 2:09 p.m.

TRD-9326199

Monday, August 23, 1993, 10:00 a.m. The Hospital Licensing Advisory Council of the Texas Department of Health will meet in Room S-400, Exchange Building, 8407 Wall Street, Austin. According to the complete agenda, the council will discuss ap-

proval of the minutes of previous meeting; discuss and possibly act on: request for waiver by a hospital under §4-2.2, hospital licensing standards; and proposed rules relating to hospitals developed to implement legislation passed by the 73rd Texas Legislature. The council may discuss other business that relates to the council, but requires no action at the time. The council will hear announcements and discussion without council action.

Contact: Maurice Shaw, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6645. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: July 22, 1993, 11:29 a.m.

TRD-9326197

Health and Human Services Commission

Tuesday, August 10, 1993, 9:00 a.m. The Vendor Drug Advisory Subcommittee of the Health and Human Services Commission will meet at the Texas Department of Health, 1100 West 49th Street, Tower Building, Room T-607, Austin. According to the complete agenda, the subcommittee will hear opening comments; discuss approval of minutes; warehouse policy rule change; rule change regarding utilization of a prescription, product information update; update of monitoring of prescription claim splitting; update on prior approvals for anorexic drugs; electronic billing system update; coordinated care project; transition to the Texas Department of Health; legislative update; schedule of next meeting; and adjourn.

Contact: Geri Willems, 4807 Spicewood Springs Road, Building Four, Austin, Texas 78759, (512) 502-3256.

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

TRD-9326401

Texas Department of Human Services

Friday, August 6, 1993, 9:00 a.m. The Council for Social Work Certification of the Texas Department of Human Services will meet at 701 West 51st Street, Fourth Floor, West Tower, Austin. According to the complete agenda, the council will welcome guests; review and possibly discuss Chapter 50; court-ordered social studies (PRS); advanced practitioner; closed audit; hear general staff report; discuss other business; and adjourn.

Contact: Michael Doughty, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3248.

Filed: July 26, 1993, 10:33 a.m.

TRD-9326338

Friday, August 6, 1993, 11:00 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 July 16, 1993, meeting; hear chairman's comments; make announcements; hear NHIC status report on workforce diversity and report on Medicaid reimbursement for services performed by advanced nurse practitioners; status report on the nursing facility waiver; discuss informal hearing rules; decrease in transportation allowance for JOBS program; amendments to policies and procedures; hear status report on contracting with historically underutilized businesses; and commissioner's report.

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

Filed: July 28, 1993, 1:17 p.m.

TRD-9326448

Texas Department of Insur- ance

Monday, August 2, 1993, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance met 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 of Michael H. McKann, Houston, for a Group I, Legal Reserve Life Insurance Agent's license.

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

Filed: July 23, 1993, 2:47 p.m.

TRD-9326276

Tuesday, August 3, 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 whether disciplinary action should be taken against Julian Pierce Horton, Austin, who holds a Legal Reserve Life Insurance Agent's license.

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

Filed: July 26, 1993, 10:33 a.m.

TRD-9326337

Wednesday, August 4, 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 whether disciplinary action should be taken against Life General Security Insurance Company, Miami, Florida, which holds Certificates of Authority.

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

Filed: July 26, 1993, 10:33 a.m.

TRD-9326336

Wednesday, August 4, 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; commissioner's orders; solvency; hear staff reports; legislative implementation; and filing by Frontier Insurance Company of New York requesting approval of a commercial general liability endorsement.

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

Filed: July 26, 1993, 3:52 p.m.

TRD-9326366

Wednesday, August 4, 1993, 9:00 a.m. (Revised agenda). The State Board of Insurance of the Texas Department of Insurance will meet at 333 Guadalupe Street, Room 100, Austin. According to the complete revised agenda, the board will consider pending and contemplated litigation, including, but not limited to, Margot Spiller, et al, versus the Texas Department of Insurance, et al, Cause Number 92-13036, in the 126th Judicial Court, Travis County.

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

Filed: July 27, 1993, 3:52 p.m.

TRD-9326402

Wednesday, August 11, 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; solvency; hear commissioner's orders; discuss litigation; hear staff reports; legislative implementation; filing by Lumbermens Mutual Insurance Company requesting approval of guardian eagle coverage extension; filing by Texas Pacific Indemnity Company, et al requesting approval of financial institutions insurance coverage forms; appointment of

one public representative to the Texas Life, Accident, Health and Hospital Service Guaranty Association; consider adoption of new 28 TAC §1.87 and §1.88 relating to entry of appearance and filing of exceptions in contested cases and adoption of §§7.604, 7.606, 7.607, 7.610 concerning allowance for reinsurance credit to ceding insurers.

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

Filed: July 29, 1993, 9:18 a.m.

TRD-9326485

Monday, August 23, 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 consider a reconvening of Docket Number 2001 concerning the appeal from Commissioner's Order Number 93-0218 in the matter of Robert L. Bennett, including, but not limited to, any waivers and stipulations and entry of a final order.

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

Filed: July 23, 1993, 3:29 p.m.

TRD-9326289

Tuesday, August 24, 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 public hearings under Docket Number 2027 concerning adoption of 28 TAC §§31.101-31.107 relating to the requirements for, and audit coverage's applicable to, the receiver and any special deputy receiver appointed under the Insurance Code, Article 21.28; Docket Number 2028 concerning adoption of 28 TAC §§31.201-31.207 relating to requirements for, and audit coverage's applicable to, each guaranty association established under Article 9.48, 21.28-C, or 21.28-D of the Texas Insurance Code; Docket Number 2032 concerning adoption of amendments to 28 TAC §§5.9001-5.9004 and new §§5.9005-5.9014 relating to amusement ride safety inspection and insurance act; Docket Number 2033 concerning adoption of the repeal of 28 TAC §§5.9005-5.9008 relating to requirements for the amusement ride safety inspection and insurance act; Docket Number 2034 concerning adoption of the repeal of 28 TAC §§19.1001-19.1011 relating to continuing education requirements for agents; and Docket Number 2035 for adoption of amendment to 28 TAC §9.1 concerning the adoption by reference of the Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas. The board may also consider personnel; solvency; litigation; hear staff reports; com-

missioner's orders and legislative implementation.

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

Filed: July 23, 1993, 3:29 p.m.

TRD-9326290

Wednesday, August 25, 1993, 9:00 a.m. (Revised agenda.). 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 agency submitted an open meetings notice published at 18 TexReg 4887. Inadvertently stated "28 TAC §7.24". Notice should read as follows: The board will consider a public hearing under Docket Number 2025 concerning the adoption of an amendment to 28 TAC §7.4, relating to disposal of not admitted assets.

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

Filed: July 26, 1993, 3:52 p.m.

TRD-9326365

Monday, August 30, 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 public hearings under Docket Number 2029 concerning the adoption of 28 TAC §5.9301 relating to policy form and endorsement filing requirements; Docket Number 2030 concerning adoption of 28 TAC §5.9302 relating to the requirements for equivalent coverage for policy forms filed by individual insurers for commercial property, general liability, commercial casualty, and medical professional liability insurance; Docket Number 2031 concerning adoption of amendment to 28 TAC §5.9101 relating to commercial multi-peril insurance and the filing of rates and policy forms; Docket Number 2040 concerning adoption of 28 TAC §1.602 relating to information about complaints provided to the public through the department's toll-free telephone number; Docket Number 2041 concerning adoption of a proposal filed by the Texas Automobile Insurance Service Office proposing an amendment to Rule 7411 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 and also a petition filed by the Office of Public Insurance Counsel proposing a mandatory discount for personal auto insurance for persons completing alcohol and drug education courses; Docket Number 2042 concerning adoption of a proposal by staff proposing amendments to the Texas Automobile Insurance Rules and Rating Manual, Rules 74, 78 and 123, and endorsements 586 and TE 20 32A; Docket

Number 2043 concerning the adoption of 28 TAC §21.7 relating to prohibiting insurers from engaging in unfair practices in the setting or use of rates or rating manuals for property and casualty insurance in Texas; and Docket Number 2044 concerning adoption of amendments to 28 TAC §7.25 and §7.26 relating to movement of books and records by a domestic insurer to a location outside the State of Texas. The board may consider personnel; solvency; litigation; hear commissioner's orders; staff reports; and legislative implementation.

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

Filed: July 23, 1993, 3:28 p.m.

TRD-9326287

Monday, August 30, 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 consider public hearings under Docket Number 2036 concerning adoption of 28 TAC §21.900 relating to required disclosure when an applicant is not written in the lowest rated company within an insurance group; 28 TAC §21.901 relating to disclosures required when the use of a consumer report by an insurer adversely affects a consumer of automobile or residential property insurance; 28 TAC §21.1000 relating to the use of underwriting decisions of other companies; 28 TAC §21.1001 relating to prohibiting insurers from refusing to renew a personal auto policy or from requiring a named driver exclusion for any family member as a condition of renewal solely because a family member of the insured reaches driving age; and 28 TAC §1.1300 relating to provision of updated underwriting guidelines by insurers. The board will also consider public hearings under Docket Number 2046 concerning the adoption of new 28 TAC §21.1002 relating to prohibiting underwriting guidelines based on more than 39 months of an applicants driving or claim history, with exceptions provided in the proposed rule; and new 28 TAC §21.1003 relating to prohibiting insurers or agents from conditioning the issuance, renewal, price, continuation, or amount of coverage of personal automobile insurance on the number of vehicles to be insured on the policy or on the purchase of any other policy or policies from the policyholder's personal auto insurer or any affiliate of that insurer.

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

Filed: July 23, 1993, 3:28 p.m.

TRD-9326288

Monday, August 30, 1993, 2:00 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 consider public hearings under Docket Number 2037 concerning the adoption of a proposed consumer bill of rights for personal automobile insurance; Docket Number 2038 concerning the adoption of a proposed consumer bill of rights for homeowners and renters insurance and Docket Number 2039 concerning adoption of proposed new 28 TAC §3.6011 relating to a consumer bill or rights for credit life, credit disability and involuntary unemployment insurance.

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

Filed: July 23, 1993, 3:28 p.m.

TRD-9326286

Legislative Natural Resources Board

Monday, August 2, 1993, 2:00 p.m. The Legislative Natural Resources Board met in Committee Room Five, One Capitol Square, 300 West 15th Street, Austin. According to the complete agenda, the board considered the preparations made for the consolidation of the Texas Water Commission and the Texas Air Control Board.

Contact: Carol McGarah, P.O. Box 12068, Austin, Texas 78711, (512) 463-0390.

Filed: July 23, 1993, 12:33 p.m.

TRD-9326258

Texas Department of Licensing and Regulation

Tuesday, August 3, 1993, 9:00 a.m. The Inspections and Investigations: Air Conditioning of the Texas Department of Licensing and Regulation will meet at 920 Colorado Street, E. O. Thompson Building, Tenth Floor, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Mark Taylor for violation of Texas Civil Statutes, Article 8861, 16 TAC, §75.22(a) and §75.22(b), Article 6252-13a, and Article 9100.

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

Filed: July 23, 1993, 4:09 p.m.

TRD-9326293

Friday, August 6, 1993, 9:00 a.m. The Policies and Standards Division of the Texas Department of Licensing and Regulation will meet at the Houston Metropolitan Multi-Service Center, 1475 West Gray, Room 144 A and B, Houston. According to the complete agenda, the division will adopt Texas Accessibility Standards (TAS). NOTICE: Persons with disabilities who plan to attend this hearing and who may need auxiliary aids or services are requested to contact Rick Baudoin or Jim Boyce at (512) 463-3211 at least two days before this hearing so that appropriate arrangements can be made. Please also contact Rick Baudoin or Jim Boyce at (512) 463-3211 if you need assistance in having English translated into Spanish.

Contact: Rick Baudoin, P.O. Box 12157, Austin, Texas 78711, (512) 463-3211.

Filed: July 23, 1993, 9:11 a.m.

TRD-9326233

Monday, August 9, 1993, 9:00 a.m. The Policies and Standards Division of the Texas Department of Licensing and Regulation will meet at City Council Chamber, 101 West Abram, Arlington. According to the complete agenda, the division will adopt Texas Accessibility Standards (TAS). NOTICE: Persons with disabilities who plan to attend this hearing and who may need auxiliary aids or services are requested to contact Rick Baudoin or Jim Boyce at (512) 463-3211 at least two days before this hearing so that appropriate arrangements can be made. Please also contact Rick Baudoin or Jim Boyce at (512) 463-3211 if you need assistance in having English translated into Spanish.

Contact: Rick Baudoin, P.O. Box 12157, Austin, Texas 78711, (512) 463-3211.

Filed: July 23, 1993, 9:11 a.m.

TRD-9326232

Tuesday, August 10, 1993, 10:30 a.m. The Policies and Standards Division of the Texas Department of Licensing and Regulation will meet at the Corpus Christi Central Library, 805 Comanche, Corpus Christi. According to the complete agenda, the division will adopt Texas Accessibility Standards (TAS). NOTICE: Persons with disabilities who plan to attend this hearing and who may need auxiliary aids or services are requested to contact Rick Baudoin or Jim Boyce at (512) 463-3211 at least two days before this hearing so that appropriate arrangements can be made. Please also contact Rick Baudoin or Jim Boyce at (512) 463-3211 if you need assistance in having English translated into Spanish.

Contact: Rick Baudoin, P.O. Box 12157, Austin, Texas 78711, (512) 463-3211.

Filed: July 23, 1993, 9:11 a.m.

TRD-9326231

Wednesday, August 11, 1993, 11:30 a.m. The Policies and Standards Division of the Texas Department of Licensing and Regulation will meet at the Irving Schwartz Library, 1865 Dean Martin, El Paso. According to the complete agenda, the division will adopt Texas Accessibility Standards (TAS). NOTICE: Persons with disabilities who plan to attend this hearing and who may need auxiliary aids or services are requested to contact Rick Baudoin or Jim Boyce at (512) 463-3211 at least two days before this hearing so that appropriate arrangements can be made. Please also contact Rick Baudoin or Jim Boyce at (512) 463-3211 if you need assistance in having English translated into Spanish.

Contact: Rick Baudoin, P.O. Box 12157, Austin, Texas 78711, (512) 463-3211.

Filed: July 23, 1993, 9:11 a.m.

TRD-9326230

Friday, August 13, 1993, 10:00 a.m. The Policies and Standards Division of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Room 1012, Austin. According to the complete agenda, the division will adopt Texas Accessibility Standards (TAS). NOTICE: Persons with disabilities who plan to attend this hearing and who may need auxiliary aids or services are requested to contact Rick Baudoin or Jim Boyce at (512) 463-3211 at least two days before this hearing so that appropriate arrangements can be made. Please also contact Rick Baudoin or Jim Boyce at (512) 463-3211 if you need assistance in having English translated into Spanish.

Contact: Rick Baudoin, P.O. Box 12157, Austin, Texas 78711, (512) 463-3211.

Filed: July 23, 1993, 9:10 a.m.

TRD-9326229

Texas Board of Pardons and Paroles

Monday-Tuesday, August 2-3, 1993, 9:30 a.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 3628 McCart Street, Fort Worth. 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 78758, (512) 406-5407.

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

TRD-9326240

Monday-Tuesday, August 2-3, 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 78758, (512) 406-5407.

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

TRD-9326239

Monday-Friday, August 2-6, 1993, 1:30 p.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 2503 Lake Road, Suite #2, Huntsville. According to the agenda summary, 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 78758, (512) 406-5407.

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

TRD-9326243

Tuesday-Wednesday, August 3-4, 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 78758, (512) 406-5407.

Filed: July 23, 1993, 9:23 a.m.

TRD-9326238

Tuesday-Wednesday, August 3-4, 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 78758, (512) 406-5407.

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

TRD-9326242

Thursday, August 5, 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 78758, (512) 406-5407.

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

TRD-9326245

Thursday-Friday, August 5-6, 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 78758, (512) 406-5407.

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

TRD-9326241

Friday, August 6, 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 78758, (512) 406-5407.

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

TRD-9326244

◆ ◆ ◆ Public Utility Commission of Texas

Tuesday, August 3, 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 11840: joint petition of Southwestern Bell Telephone Company and GTE Southwest, Inc. to provide extended area service to certain communities in the Lower Rio Grande Valley.

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

Filed: July 22, 1993, 3:43 p.m.

TRD-9326207

Tuesday, August 3, 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 12161: complaint of messages to Yourfone, Inc. against Southwestern Bell Telephone Company.

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

Filed: July 23, 1993, 3:18 p.m.

TRD-9326279

Wednesday, August 4, 1993, 9:00 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According to the agenda summary, the commission will consider the following Dockets: P11232, 11287, 11735, 10895, 11373, and 11452.

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

Filed: July 27, 1993, 3:22 p.m.

TRD-9326400

Wednesday, August 4, 1993, 9:05 a.m. The Administration Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According to the agenda summary, the division will discuss: reports, discussion and action on Fiscal Year 1994 regulatory agenda; status of compliance with Docket Number 8585; status of 9-1-1 in Texas; general discussion of nuclear-related activities; El Paso Electric Company bankruptcy case in U.S. Bankruptcy Court; Gulf States Utilities merger with Energy Services case at the Federal Energy Regulatory Commission; procedure for outstanding employee awards; budget and fiscal matters including PUC lease; adjourn for executive session to consider litigation and personnel matters; reconvene for discussion and decisions on matters considered in executive session; set time and place for next meeting; and adjourn.

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

Filed: July 27, 1993, 3:21 p.m.

TRD-9326398

Thursday, August 5, 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 12154: petition of Central Power and Light Company for authority to surcharge/refund over/under-recovered fuel costs.

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

Filed: July 23, 1993, 3:18 p.m.

TRD-9326278

Tuesday, August 10, 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 12159: petition of General Counsel into the reasonableness of the rates and practices of Denton County Electric Cooperative.

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

Filed: July 23, 1993, 3:19 p.m.

TRD-9326280

Tuesday, August 10, 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 11735-application of Texas Utilities Electric Company for authority to change rates.

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

Filed: July 28, 1993, 3:51 p.m.

TRD-9326469

Friday, August 13, 1993, 10:00 a.m. (Rescheduled from August 6, 1993). 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 11975-application of Southwestern Bell Telephone Company for approval of pricing flexibility for Megalink III Service in the Dallas-Fort Worth and Houston market areas pursuant to Public Utility Commission Substantive Rule 23. 27.

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

Filed: July 22, 1993, 3:45 p.m.

TRD-9326210

Monday, September 20, 1993, 2:00 p.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 second 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 22, 1993, 3:44 p.m.

TRD-9326208

Tuesday, September 21, 1993, 9:00 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 hearing on the merits in Docket Number 12138-application of Houston Lighting and Power Company for approval of notice of intent.

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

Filed: July 22, 1993, 3:44 p.m.

TRD-9326209

Wednesday, October 6, 1993, 10:00 a.m. (Rescheduled from August 26, 1993). 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 hearing on the merits in Docket Number 12009-application of GTE Southwest, Inc. and Contel of Texas, Inc. to provide new services and equipment in its Respective Emergency Services 9-1-1 Tariff.

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

Filed: July 27, 1993, 3:22 p.m.

TRD-9326399

Tuesday, October 12, 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 27, 1993, 3:21 p.m.

TRD-9326397

Monday, November 1, 1993, 10:00 a.m. (Rescheduled from September 20, 1993.). 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 hearing on the merits in Docket Number 10687-application of Southwestern Bell Telephone Company for approval of Smarttrunk Service.

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

Filed: July 26, 1993, 3:21 p.m.

TRD-9326360

Monday, November 15, 1993, 10:00 a.m. (Rescheduled from September 13, 1993). 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 hearing on the merits in Docket Number 11776-application of Gulf States Utilities Company for approval of a joint venture cogeneration project and treatment of revenues (Remand).

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

Filed: July 28, 1993, 3:50 p.m.

TRD-9326468

Texas Racing Commission

Monday, August 2, 1993, 10:00 a.m. The Texas Racing Commission met at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the complete agenda, the commission called the meeting to order; took roll call; voted to adopt amendments to §§303.41, 311.1, 311.106, 321.205, 313.103, 313.404, 313.405, 313.501-313.507, 321.231, and 309.302; voted to repeal §313.112; voted to propose amendments to §313.103 and §319.110; voted to propose new §321.251 and §321.252; authorized the executive secretary to designate persons to approve vouchers in accordance with Texas Civil Statutes, Article 6252-31; considered and possibly acted on the following: proposal for decision in SOAH Number 476-93-409, TxRC Number 93-02-03, in regards: the appeal by Tony Edison of Stewards' Ruling Manor 806; ratification of approval of additional performances for Gulf Greyhound Park; request by Gulf Greyhound Park for additional performances in 1993; requests for live race dates for 1994 for horse and greyhound racetracks; approval of transfer of ownership in Corpus Christi Greyhound Racing Associates; totalisator contract between Sam Houston Race Park and Autotote and possible executive session pursuant to Texas Civil Statutes, Article 179e, §6.03(b); requests by Lubbock Downs, Inc. to cancel Fall, 1993 live race dates; Manor Downs for approval of simulcasting for 1993; approval of transfer of ownership in Longhorn Downs, Inc.; Longhorn Downs, Inc., for approval of change of location; by South Texas Race Association doing business as La Bahia Downs, request for approval of change of location; discussed old and new business; and adjourned.

Contact: Paula Cochran Carter, P.O. Box 12080, Austin, Texas 78701, (512) 794-8461.

Filed: July 23, 1993, 1:42 p.m.

TRD-9326260

Texas Rehabilitation Commission

Monday, August 2, 1993, 8:30 a.m. The Consumer Advisory Committee of the Texas Rehabilitation Commission met in the Public Hearing Room, Brown-Heatly Building, 4900 North Lamar Boulevard, Austin. According to the complete agenda, the committee welcomed guests; called the meeting to order; made introductions; announcements; discussed approval of minutes; packet review; heard commissioner's update; discussed consumer choice grant; client satisfaction surveys; Rehabilitation

Advisory Council discussion and recommendations; and adjourned.

Contact: Kaye Beneke, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4401.

Filed: July 23, 1993, 9:59 a.m.

TRD-9326247

Tuesday, August 3, 1993, 8:30 a.m. The Consumer Advisory Committee of the Texas Rehabilitation Commission will meet in the Public Hearing Room, Brown-Heatly Building, 4900 North Lamar Boulevard, Austin. According to the complete agenda, the committee will welcome guests; call the meeting to order; make announcements; Rehabilitation Advisory Council discussion and recommendations; wrap-up; final recommendations; action items-staff issues; and adjourn.

Contact: Kaye Beneke, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4401.

Filed: July 23, 1993, 9:59 a.m.

TRD-9326246

State Securities Board

Tuesday, August 3, 1993, 9:30 a.m. The Board of the State Securities Board will meet at 333 Guadalupe, Room 1250A, William P. Hobby Building, Austin. According to the agenda summary, the board will discuss approval of the minutes of July 13, 1993 meeting; meet in executive session to discuss with Commissioner Latham the process for selecting a new Securities Commissioner and to interview candidates for the position; appointment of a new Securities Commissioner to begin serving upon Richard D. Latham's retirement; and discuss new business items for subsequent board meetings.

Contact: Richard D. Latham, 221 West Sixth Street, Suite 700, Austin, Texas 78701, (512) 474-2233.

Filed: July 26, 1993, 4:01 p.m.

TRD-9326371

Teacher Retirement System of Texas

Friday, August 6, 1993, 9:00 a.m. The Board of Trustees of the Teacher Retirement System of Texas will meet at 1000 Red River, Fifth Floor, Board Room, Austin. According to the agenda summary, the board will consider adoption of 1993-1994 TRS pension trust fund budget and TRS group insurance fund budget; transfer of funds from interest account to expense account; certification of estimate of

state contributions to be received by the retired school employees group insurance fund for fiscal year ending August 31, 1994; resolution authorizing certain TRS staff members to sign documents and take other actions relating to investments; resolution authorizing certain TRS staff members to approve retirement, death, and survivor benefit settlement consideration of signature authorization to approve and sign vouchers; amendments to board bylaws; proposed emergency rules and letter of agreement with ERS relating to TRS/ERS transfer of service; hear report of nominations committee and consider appointments to IAC; designation of officers of IAC; presentation of appreciation awards to IAC members; and investment seminar. The board may enter into closed session as provided by the Texas Open Meetings Act, §2(g).

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

Filed: July 28, 1993, 4:13 p.m.

TRD-9326473

Texans' War on Drugs, Inc.

Saturday, July 31, 1993, 8:45 a.m. The Board of Directors of the Texans' War on Drugs, Inc. met at Texas Christian University, Dave Reed Hall, Fort Worth. According to the agenda summary, the board called the meeting to order; established quorum; discussed approval of minutes; elected officers and directors; adopted resolution; met in executive session; acted on matters discussed in executive session; heard president's report; set meeting dates for 1993; discussed other business; and adjourned.

Contact: Janis Pittel, 313 East Anderson Lane, #101, Austin, Texas 78752, (512) 452-0141.

Filed: July 22, 1993, 4:30 p.m.

TRD-9326228

The Texas A&M University System, Board of Regents

Wednesday, July 28, 1993, 8:00 a.m. The Executive Committee of the Texas A&M University System, Board of Regents met at 1700 Bank One Center, 910 Travis, Conference Room B, Houston. According to the complete agenda, the committee considered any and all things leading to the selection of the Vice Chancellor for Academic, Research and Service Programs and the Vice Chancellor for Engineering for the Texas A&M University System and Dean of the College of Engineering at Texas A&M University.

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

Filed: July 23, 1993, 2:27 p.m.

TRD-9326264

Texas State University System

Tuesday-Wednesday, August 3-4, 1993, 10:00 a.m. and 8:30 a.m. respectively. The Board of Regents of the Texas State University System will meet in the Second Floor Conference Room, Administration Building, Sul Ross State University, Alpine. According to the agenda summary, the board will review matters of the board and the four universities in the system including: all matters reviewed by the Building Committee (see Building Committee agenda), the Curriculum Committee (see Curriculum Committee agenda), and the Finance Committee (see Finance Committee agenda) as submitted to the full board for review and approval; personnel actions including new employees, promotions, resignations, terminations, salary-supplements and special appointment of any system employee including the Presidents and Chancellor; discussion of litigation; budgetary changes and contract approvals at each university and the system administrative office; acceptance of gifts; admission requirements and fees; room rates; land leases, purchases, easements and sales; and discussion of a system management audit. (Where appropriate and permitted by law, Executive Sessions may be held for the listed subjects.)

Contact: Lamar Urbanovsky, 333 Guadalupe, Tower III, Suite 810, Austin, Texas 78701, (512) 463-1808.

Filed: July 26, 1993, 3:52 p.m.

TRD-9326364

Wednesday, August 4, 1993, 9:30 a.m. The Curriculum Committee of the Texas State University System will meet in the Second Floor Conference Room, Administration Building, Sul Ross State University, Alpine. According to the complete agenda, the committee will review matters of the board and the four universities in the system including: all matters of curriculum, including Fourth Class Day reports; substantive and non-substantive program changes; new degree programs; additions, deletions, and retention of courses; additions and deletions of degree courses; admission standards; and out-of-state and out-of-country studies. (Where appropriate and permitted by law, Executive Sessions may be held for the listed subjects.)

Contact: Lamar Urbanovsky, 333 Guadalupe, Tower III, Suite 810, Austin, Texas 78701, (512) 463-1808.

Filed: July 26, 1993, 3:52 p.m.

TRD-9326362

Wednesday, August 4, 1993, 10:00 a.m. The Building Committee of the Texas State University System will meet in the Second Floor Conference Room, Administration Building, Sul Ross State University, Alpine. According to the complete agenda, the committee will review construction projects and documents for the four universities in the system including: selection of consultants for the Disaster Recovery Facility and High Rise Dormitory Repairs at Angelo State University; selection of consultants for the Fire Protection System in the University Hotel, the conversion of the Art Department Offices and construction of the Small Arms Firing Range at Sam Houston State University; contract award for the Child Development Center and Master Plan Update at Southwest Texas State University; and purchase orders for roof repairs and face brick work at Angelo State University and Sam Houston State University. (Where appropriate and permitted by law, Executive Sessions may be held for the listed subjects.)

Contact: Lamar Urbanovsky, 333 Guadalupe, Tower III, Suite 810, Austin, Texas 78701, (512) 463-1808.

Filed: July 26, 1993, 3:52 p.m.

TRD-9326363

Wednesday, August 4, 1993, 10:30 a.m. The Finance Committee of the Texas State University System will meet in the Second Floor Conference Room, Administration Building, Sul Ross State University, Alpine. According to the complete agenda, the committee will review financial matters of the system office and the four universities in the system including proposed operating budgets for BY 1993-1994; budget changes for BY 1993; and internal audit reports from Angelo State University, Sam Houston State University, Southwest Texas State University, and Sul Ross State University. (Where appropriate and permitted by law, Executive Sessions may be held for the listed subjects.)

Contact: Lamar Urbanovsky, 333 Guadalupe, Tower III, Suite 810, Austin, Texas 78701, (512) 463-1808.

Filed: July 26, 1993, 3:51 p.m.

TRD-9326361

Texas State University System, Board of Regents

Friday, July 30, 1993, 10:00 a.m. The Minority Enhancement Committee of the Texas State University System, Board of Regents met at the TSUS Administrative Office, 333 Guadalupe, Hobby Building, Tower III, Suite 810, Austin. According to

the complete agenda, the committee reviewed and discussed methods to enhance minority recruitment within the system of both faculty and students. (Where appropriate and permitted by law, Executive Sessions may be held for the listed subjects.)

Contact: Lamar Urbanovsky, 333 Guadalupe, Tower III, Suite 810, Austin, Texas 78701, (512) 463-1808.

Filed: July 26, 1993, 2:32 p.m.

TRD-9326347

Texas Department of Transportation

Thursday, August 5, 1993, 9:00 a.m. The Motor Vehicle Board of the Texas Department of Transportation will meet at 125 East 11th Street, DeWitt C. Greer Building, Big Hearing Room, Austin. According to the agenda summary, the board will call the meeting to order; take roll call; discuss approval of minutes of Motor Vehicle Board meeting of June 17, 1993; consider proposed agreed order; argument on proposals for decision; review agreed orders; orders of dismissal; staff recognition; review of litigation status report; review of consumer complaint recap report; and adjourn.

Contact: Russell Harding, 815 Brazos Street, #300, Austin, Texas 78701, (512) 476-3587.

Filed: July 28, 1993, 8:51 a.m.

TRD-9326424

Texas State Treasury

Monday, August 2, 1993, 3:00 p.m. The State Depository Board of the Texas State Treasury met at 200 East Tenth Street, Room 227, Austin. According to the complete agenda, the board discussed approval of the minutes from November 5, 1992 meeting; grant of final and contingent approval of state depository applications; designation of centrally located depositories and authorization of rapid deposit accounts; approval of proposed changes to 34 TAC, Chapter 171; updated and discussed oil hedging program; and discussed agenda for next meeting.

Contact: Susan D. Albers, 200 East Tenth Street, Austin, Texas 78701, (512) 463-5971.

Filed: July 23, 1993, 11:09 a.m.

TRD-9326255

The University of Texas Health Center at Tyler

Thursday, August 5, 1993, 11:30 a.m. The Animal Research Committee of the University of Texas Health Center at Tyler will meet at the Biomedical Research Building, Room 116 UTHCT, Highway 155 at 271, Tyler. According to the complete agenda, the committee will discuss approval of minutes; hear acting chair's report-Dr. Schmid; veterinarian's report-Dr. Schmid; discuss old business-Protocol #107 Molecular Augmentation of Host Defense; addenda #98A Effects of Glucocorticoid and Clenbuterol on Metabolic Adaptations in the Rat Diaphragm; discuss new business-Protocol #108 Identification of TSP Receptors on Human Cells; addenda #87A Maternal Medication of Haloperidol Induced Catalepsy; addenda #97B Teaching Surgical Stapling and Endoscopic Techniques; and adjourn.

Contact: Louisa Schmid, Ph.D., D.V.M., P.O. Box 2003, Tyler, Texas 75710, (903) 877-7657.

Filed: July 28, 1993, 3:02 p.m.

TRD-9326455

Texas Board of Veterinary Medical Examiners

Friday, July 30, 1993, 8:00 a.m. The Screening Committee of the Texas Board of Veterinary Medical Examiners met at 1946 South IH-35, Suite 306, Austin. According to the complete agenda, the committee met in executive session to interview applicants for the position of executive director. (Executive session held in accordance with Article 6252-17).

Contact: Judy Smith, 1946 South IH-35, Suite 306, Austin, Texas 78704, (512) 447-1183.

Filed: July 22, 1993, 2:32 p.m.

TRD-9326201

Texas Water Commission

Thursday, August 12, 1993, 1:00 p.m. (Rescheduled from June 15, 1993). The Office of Hearings Examiners of the Texas Water Commission will meet at the Tilden School Auditorium, Highway 16 (Two Blocks South of Highway 72), Tilden. According to the agenda summary, the commission will consider an application for a new commercial non-hazardous waste permit from Halco Texas, Inc. The application requests authorization to operate a commercial non-hazardous waste landfill for disposal of Class I non-hazardous industrial wastes and stabilization of wastes. The fa-

cility is to be approximately 1.7 miles south of State Highway 72 and approximately 2.6 miles south, southeast of the Town of Callihan in McMullen County.

Contact: Heidi Jackson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 27, 1993, 9:10 a.m.

TRD-9326381

Tuesday, August 24, 1993, 8:30 a.m. (Rescheduled from May 27, 1993). The Office of Hearings Examiners of the Texas Water Commission will meet at Texas A&M Research and Extension Service Auditorium, Highway 44, Corpus Christi. According to the agenda summary, the commission will consider Texas Ecologists, Inc., P.O. Box 308, Petronilla Road, Robstown, Texas 78380, for an amendment to Permit Number HW50052-001 which authorizes operation of a commercial land disposal facility for management of Class I hazardous and non-hazardous, Class II and Class III wastes. The facility is on a 240-acre tract of land on Petronilla Road, approximately 0.5 mile southeast of the intersection of FM Road 2826 and Petronilla Road, and approximately 3.5 miles south of Robstown, Nueces County.

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

Filed: July 27, 1993, 9:10 a.m.

TRD-9326382

Wednesday, September 15, 1993, 9:00 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Grayson County Courthouse, East Courtroom (Second Floor), 100 West Houston, Sherman. According to the agenda summary, the commission will hold a public hearing to consider an application by Trophy Club Municipal Utility District for renewal of Permit Number 11593-01 for authorization to discharge treated domestic wastewater effluent.

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

Filed: July 27, 1993, 9:11 a.m.

TRD-9326383

Texas Workers' Compensation Insurance Fund

Wednesday, July 28, 1993, 8:30 a.m. The Board of Directors of the Texas Workers' Compensation Insurance Fund met at the Texas Workers' Compensation Insurance Fund, 100 Congress Avenue, Fifth Floor, Austin. According to the complete agenda, the board called the meeting to order; took roll call; reviewed and discussed approval of the minutes of the June 30, 1993, board

meeting; public participation; heard fund activity reports; discussed the draft of the Governance Policy; report of the Space Committee; Special Committee on Transition of Residual Market; Finance Committee; Audit Committee; considered proposal of Price Waterhouse for the 1993 audit; met in executive session; acted on items resulting from executive session deliberations; heard report on board member appointments; made announcements; and adjourned.

Contact: Beth Naylor, 100 Congress Avenue, Suite 300, Austin, Texas 78701, (512) 322-3886.

Filed: July 22, 1993, 4:14 p.m.

TRD-9326226

Wednesday, July 28, 1993, 8:30 a.m. (Revised Agenda). The Board of Directors of the Texas Workers' Compensation Insurance Fund met at the Texas Workers' Compensation Insurance Fund, 100 Congress Avenue, Fifth Floor, Austin. According to the complete revised agenda, the board met in executive session to discuss TDI Data Call.

Contact: Beth Naylor, 100 Congress Avenue, Suite 300, Austin, Texas 78701, (512) 322-3886.

Filed: July 23, 1993, 3:28 p.m.

TRD-9326285

Regional Meetings

Meetings Filed July 22, 1993

The Alamo Area Council of Governments Area Judges met at 118 Broadway Street, Suite 420, San Antonio, July 27, 1993, at 11:00 a.m. Information may be obtained from Al J. Notzon, III, 118 Broadway Street, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9326204.

The Colorado River Municipal Water District Board of Directors met at 400 East 24th Street, Big Spring, July 18, 1993, at 9:00 a.m. Information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79721, (915) 267-6341. TRD-9326200.

The Heart of Texas Region Mental Health Mental Retardation Center Board of Trustees met at 110 South 12th Street, Waco, July 27, 1993, at 11:45 a.m. Information may be obtained from Helen Jasso, P.O. Box 890, Waco, Texas 76703, (817) 752-3451, Ext. 290. TRD-9326225.

The Pecan Valley Mental Health Mental Retardation Region Board of Trustees met at the Pecan Valley MHMR Region Clinical Office, 104 Charles Street, Granbury, July 28, 1993, at 8:30 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O.

Box 973, Stephenville, Texas 76401, (817) 965-7806. TRD-9326224.

The Region One Education Service Center Board of Directors will meet at 1900 West Schunior, Edinburg, August 4, 1993, at noon. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (210) 383-5611. TRD-9326203.

The Sharon Water Supply Corporation Board of Directors met at the Office of Sharon Water Supply Corporation, Route 5, Box 50361, Winnsboro, July 26, 1993, at 7:00 p.m. Information may be obtained from Gerald Brewer, Route 5, Box 50361, Winnsboro, Texas 75494, (903) 342-3525. TRD-9326205.

The West Central Texas Council of Governments Private Industry Council met at the Stagecoach Inn, Salado, July 30, 1993, at 10:30 a.m. Information may be obtained from Mary Ross, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD-9326227.

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Meetings Filed July 23, 1993

The Bastrop Central Appraisal District Board of Directors met at 1200 Cedar Street, Bastrop, July 28, 1993, at 7:30 p.m. Information may be obtained from Dana Ripley, 1200 Cedar Street, Bastrop, Texas 78602, (512) 321-3925. TRD-9326235.

The Concho Valley Quality Work Force Planning Committee met at the COG Regional Training Center, 5014 Knickerbocker, San Angelo, July 30, 1993, at 3:00 p.m. Information may be obtained from Joan Allen, 5002 Knickerbocker, San Angelo, Texas 76906, (915) 944-9666. TRD-9326237.

The Dallas Area Rapid Transit Committee of the Whole met at 1401 Pacific Avenue, Conference Room C, Dallas, July 27, 1993, at 1:00 p.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9326249.

The Dallas Area Rapid Transit Board of Directors met at 1401 Pacific Avenue, Board Room, Dallas, July 27, 1993, at 6:30 p.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9326248.

The East Texas Council of Governments Executive Committee met at the ETCOG Office, Kilgore, July 29, 1993, at 7:00 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9326236.

The Ellis County Appraisal District Board of Directors met at Southwestern As-

sembly of God College Auditorium, 1200 Sycamore Street, Waxahachie, July 29, 1993, at 7:00 p.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552. TRD-9326295.

The Galveston County Education District Board of Trustees met at the Education Center, Board Room of Clear Creek ISD, 2425 East Main Street, League City, July 28, 1993, at 7:00 p.m. Information may be obtained from Ted L. Thomas, P.O. Box 321, Friendswood, Texas 77546, (713) 482-2205. TRD-9326294.

The Golden Crescent Private Industry Council met at 2401 Houston Highway, Victoria, July 28, 1993, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9326250.

The Gray County Appraisal District Board of Directors met at 815 North Sumner, Pampa, July 29, 1993, at 7:30 a.m. Information may be obtained from Sherri Schaible, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791. TRD-9326321.

The Heart of Texas Region Mental Health Mental Retardation Center Board of Trustees met at 110 South 12th Street, Waco, July 27, 1993, at 11:45 a.m. Information may be obtained from Helen Jasso, P.O. Box 890, Waco, Texas 76703, (817) 752-3451, Ext. 290. TRD-9326256.

The Heart of Texas Region Mental Health Mental Retardation Center Board of Trustees met at 110 South 12th Street, Waco, July 27, 1993, at 11:45 a.m. (Revised agenda). Information may be obtained from Helen Jasso, P.O. Box 890, Waco, Texas 76703, (817) 752-3451, Ext. 290. TRD-9326273.

The Region IV Education Service Center Board of Directors met at the Region IV Education Service Center, Board Room, 7145 West Tidwell, Houston, July 29, 1993, at noon. Information may be obtained from W. L. McKinney, 7145 West Tidwell, Houston, Texas 77092, (713) 744-6534. TRD-9326257.

The Scurry County Appraisal District Appraisal Review Board will meet at 2612 College Avenue, Snyder, August 4, 1993, at 9:00 a.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549. TRD-9326234.

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Meetings Filed July 26, 1993

The Dallas Area Rapid Transit Board of Directors met at Garrett Creek Ranch, Route 2, Box 235, Paradise, July 30-31,

1993, at 9:00. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9326377.

The Education Service Center-Region 17 Board of Directors will meet in the Board Room, 1111 West Loop 289, Lubbock, August 26, 1993, at 5:00 p.m. Information may be obtained from Virgil E. Flathouse, 1111 West Loop 289, Lubbock, Texas 79416, (806) 793-4854. TRD-9326334.

The Garza County Appraisal District Board of Directors will meet at the Appraisal District Office, 124 East Main, Post, August 12, 1993, at 9:00 a.m. Information may be obtained from Billie Y. Windham, P.O. Drawer F, Post, Texas 79356, (806) 495-3518. TRD-9326333.

The Gulf Coast Quality Workforce Planning TechForce 2000, Inc. will meet at the Harris County Private Industry Council, I-10 East and Federal Road, Nations Bank Building, Houston, August 3, 1993, at 10:00 a.m. Information may be obtained from Karen E. Baird, 250 North Sam Houston Parkway East, Houston, Texas 77060, (713) 591-9306. TRD-9326325.

The Hays County Appraisal District Board of Directors met at 632A East Hopkins, San Marcos, July 30, 1993, at 3:30 p.m. Information may be obtained from Lynnell Sedlar, 632A East Hopkins, San Marcos, Texas 78666, (512) 754-7400. TRD-9326346.

The Kendall County Appraisal District Appraisal Review Board will meet at 121 South Main Street, Conference Room, Boerne, August 5, 1993, 9:00 a.m. Information may be obtained from Joe P. Davis, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9326356.

The Kendall County Appraisal District Appraisal Review Board will meet at 121 South Main Street, Conference Room, Boerne, August 20, 1993, 9:00 a.m. Information may be obtained from Joe P. Davis, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9326355.

The Middle Rio Grande Development Council Budget Review Committee held an emergency meeting at the MRGDC Administrative Office, 1904 First Street, Carrizo Springs, July 28, 1993, at 9:00 a.m. The emergency meeting was necessary due to revised meeting date. Information may be obtained from Michael Patterson, 1904 First Street, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9326344.

The Mills County Appraisal District met in the Mills County Courthouse Jury Room, Goldthwaite, August 2, 1993, at 6:30 p.m. Information may be obtained from Cynthia Partin, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253. TRD-9326354.

The Mills County Appraisal District will meet in the Mills County Courthouse Jury Room, Goldthwaite, August 4, 1993, at 9:00 a.m. Information may be obtained from Cynthia Partin, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253. TRD-9326353.

The Millersview-Doole Water Supply Corporation Board of Directors met at the Corporation's Business Office, One Block West of FM 765 and FM 2134, Millersview, August 2, 1993, at 8:00 p.m. Information may be obtained from Glenda M. Hampton, P.O. Box E, Millersview, Texas 76862-1005, (915) 483-5438. TRD-9326352.

The Region III Education Service Center Board of Directors, Regional Advisory Committee will meet at the Holiday Inn, 2705 Houston Highway, Victoria, August 3, 1993, at 10:30 a.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731. TRD-9326375.

The Region VIII Education Service Center Joint Committee will meet at the Mt. Pleasant Country Club, 1000 Country Club Drive, Mt. Pleasant, August 4, 1993, at 11:30 a.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75456, (903) 572-8551. TRD-9326357.

The Texas Municipal League Group Benefits Risk Pool Board of Trustees, Group Benefits Risk Pool met at the Radisson Hotel, South Padre Island, July 29-31, 1993, at 3:00 p.m. Information may be obtained from Suzanne Steindorf, 211 East Seventh Street, Austin, Texas 78701, (512) 320-7861. TRD-9326335.

The Texas Municipal League Intergovernmental Risk Pool Executive Committee met at the Hyatt Hill Country Resort, San Antonio, July 30, 1993, at 3:00 p.m. Information may be obtained from Marvin Townsend, 211 East Seventh Street, Austin, Texas 78701, (512) 320-1325. TRD-9326351.

The Texas Municipal League Intergovernmental Risk Pool Underwriting and Claims Committee met at the Hyatt Hill Country Resort, San Antonio, July 30, 1993, at 3:00 p.m. Information may be obtained from Marvin Townsend, 211 East Seventh Street, Austin, Texas 78701, (512) 320-1325. TRD-9326350.

The Texas Municipal League Intergovernmental Risk Pool Board of Trustees Finance Committee met at the Hyatt Hill Country Resort, San Antonio, July 30, 1993, at 3:00 p.m. Information may be obtained from Marvin Townsend, 211 East Seventh Street, Austin, Texas 78701, (512) 320-1325. TRD-9326349.

The Texas Municipal League Intergovernmental Risk Pool Board of Trustees met at the Hyatt Hill Country Resort, San Antonio, July 31, 1993, at 8:30 a.m. Information may be obtained from Marvin Townsend, 211 East Seventh Street, Austin, Texas 78701, (512) 320-1325. TRD-9326348.

Meetings Filed July 27, 1993

The Austin-Travis County Mental Health Mental Retardation Center Public Relations Committee will meet at 1430 Collier Street, Conference Room One, Austin, August 4, 1993, at 12:30 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9326394.

The East Texas Council of Governments Executive Committee met at the ETCOG Offices, Kilgore, July 29, 1993, at 7:00 p.m. (Revised agenda). Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9326395.

The Liberty County Central Appraisal District Board of Directors met at 315 Main Street, Liberty, July 28, 1993, at 9:30 a.m. The emergency status was necessary to change item VI-B, under new business. Information may be obtained from Sherry Greak, 315 Main Street, Liberty, Texas 77575, (409) 336-5722. TRD-9326416.

Meetings Filed July 28, 1993

The Aqua Water Supply Corporation Board of Directors met at 305 Eskew, Bastrop, August 2, 1993, at 7:30 p.m. Information may be obtained from Carol Kadura, P.O. Drawer P, Bastrop, Texas 78602, (512) 321-3943. TRD-9326477.

The Brazos Valley Development Council Regional Advisory Committee on Aging will meet at Council Offices, 1706 East 29th Street, Bryan, August 3, 1993, at 2:30 p.m. Information may be obtained from Roberta Lindquist, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 776-2277. TRD-9326428.

The Central Appraisal District of Johnson County Appraisal Review Board will meet at 109 North Main, Suite 201, Room 202, Cleburne, August 18, 1993, at 9:00 a.m. Information may be obtained from Jim Hudspeth, 109 North Main, Cleburne, Texas 76031, (817) 645-3986. TRD-9326449.

The Dallas Central Appraisal District Board of Directors will meet at 2949 North Stemmons Freeway, Dallas, August 4, 1993, at 7:30 a.m. Information may be obtained from Rick L. Kuehler, 2949 North

Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520. TRD-9326437.

The Dawson County Central Appraisal District Appraisal Review Board will meet at 1806 Lubbock Highway, Lamesa, August 3, 1993, at 8:00 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060. TRD-9326444.

The Dawson County Central Appraisal District Board of Directors will meet at 1806 Lubbock Highway, Lamesa, August 4, 1993, at 7:00 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060. TRD-9326454.

The Hale County Appraisal District Board of Directors will meet at 302 West Eighth Street, Plainview, August 5, 1993, at 8:00 p.m. Information may be obtained from Hale County Appraisal District, 302 West Eighth Street, Plainview, Texas 79072, (806) 293-4226. TRD-9326457.

The Hamilton County Appraisal District will meet in the Hamilton County Appraisal District Boardroom, 119 East Henry, August 3, 1993, at 7:00 a.m. Information may be obtained from Doyle Roberts, 119 East Henry, Hamilton, Texas 76531, (817) 386-8945, FAX (512) 386-8947. TRD-9326450.

The Leon County Central Appraisal District Board of Directors met at the Leon County Central Appraisal District Office, Gresham Building, Centerville, August 2, 1993, at 7:00 p.m. Information may be obtained from Donald Gillum, P.O. Box 536, Centerville, Texas 75833, (903) 536-2252. TRD-9326447.

The Texas Political Subdivisions Joint Self-Insurance Funds Board of Trustees held an emergency meeting at Strasburger and Price, L.L.P., 901 Main Street, Suite 4300, Dallas, July 28, 1993, at 3:30 p.m. The emergency status was necessary to discuss personnel issues. Information may be obtained from James R. Gresham, P.O. Box 803356, Dallas, Texas 75380, (214) 392-9430. TRD-9326442.

Meetings Filed July 28, 1993

The Education Service Center Region 10 Board of Directors will meet at the Region 10 Board Room, 400 East Spring Valley, Richardson, August 4, 1993, at 1:15 p.m. Information may be obtained from Joe Farmer, 400 East Spring, Richardson, Texas 75081, (214) 231-6301 Ext. 302. TRD-9326484.

The Gregg County Appraisal District Board of Directors will meet at 2010 Gilmer Road, Longview, August 6, 1993, at 1:30 p.m. Information may be obtained

from Bill Carroll, 2010 Gilmer Road, Longview, Texas 75604, (903) 759-0015. TRD-9326482.

The Middle Rio Grande Development Council Budget Review Committee will meet at the Holiday Inn, 920 East Main,

August 9, 1993, at 4:30 p.m. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (210) 876-3533. TRD-9326478.

The Region VII Education Service Center Board of Directors will meet at the

Region VII ESC, 818 East Main Street, August 5, 1993, 1:00 p.m. Information may be obtained from Don J. Peters, 818 East Main Street, Austin, Texas 75662, (903) 984-3071. TRD-9326479.



In Addition

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

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

Texas Department of Agriculture Consultant Contract Award

The Texas Department of Agriculture (TDA) has awarded a consultant contract under Texas Civil Statutes, Article 6252-11c. Notice of the proposed request was published in the June 22, 1993, issue of the *Texas Register* (18 TexReg 4143).

Description. A consultant has been selected by the department to perform a review and provide recommendations for the department's budgeting function. The consulting services will include a limited review of the accounting activities to insure that the department can use the new features of the Uniform Statewide Accounting System in the most effective manner; a detailed review of the budget section of the Administration Division; and development of a budgeting process which will incorporate the features of the new USAS system and also incorporate performance measures into the budgeting process.

Consultant Name. The name and address of the consulting firm is KPMG Peat Marwick, 111 Congress Avenue, Suite 1100, Austin, Texas 78701.

Terms. The total value of this contract is \$36,700, with the beginning date being July 15, 1993, and the ending date being August 31, 1993.

Report Dates. The consultant will provide their final report to the department no later than August 31, 1993.

In addition to the items listed preceding, the consultant shall also provide the department with weekly status reports beginning July 23, 1993.

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

TRD-9326196 Geoffrey S. Connor
Assistant Commissioner for Legal Affairs
and General Counsel
Texas Department of Agriculture

Filed: July 22, 1993

Texas Air Control Board Cancellation of Open Meeting

The Texas Air Control Board (TACB) work session scheduled for August 10, 1993, regarding the petition of the Lone Star Chapter of the Sierra Club, has been cancelled. The "Notice of Open Meeting" was published in the July 16, 1993, issue of the *Texas Register* (18 TexReg 4687).

The petition will be considered by the new Texas Natural Resources Conservation Commission. On September 1, 1993, authority for the adoption and administration of all TACB rules will be transferred to the Commission.

Issued in Austin, Texas, on July 27, 1993.

TRD-9326422 Lane Hartssock
Deputy Director, Air Quality Planning
Texas Air Control Board

Filed: July 28, 1993

Notices of Public Hearing

Notice is hereby given that pursuant to the requirements of the Texas Clean Air Act (TCAA), §382.017(a); the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5; and §103.11(4) of the Procedural Rules of the Texas Air Control Board (TACB); and 40 Code of Federal Regulations, §51.102 of the United States Environmental Protection Agency regulations concerning State Implementation Plans (SIPs), the TACB will conduct a public hearing to receive testimony concerning revisions to the SIP.

El Paso is a moderate nonattainment area for carbon monoxide (CO). In addition to the oxygenated fuels program to reduce CO emissions, the Federal Clean Air Act requires contingency measures to reduce CO by at least an amount equal to that emitted by one year of growth in vehicle miles traveled. The TACB proposes to use the difference in reduction between the basic and enhanced Inspection/Maintenance (I/M) programs as a CO contingency measure. The TACB has committed to the adoption of the enhanced I/M program in a previous SIP submittal and has selected a managing contractor to manage this program.

A public hearing will be held at 4:30 p.m. on August 25, 1993, in the City of El Paso Council Chambers, Two Civic Center Plaza, El Paso. The hearing is structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted; however, a TACB staff member will be available to discuss the proposal at 4:00 p.m.

Written comments not presented at the hearing may be submitted to the TACB, 12124 Park 35 Circle, Austin, Texas 78753 through August 27, 1993. On September 1, 1993, authority for the adoption and administration of all TACB rules will be transferred to the new Texas Natural Resources Conservation Commission. Material received by the Regulation Development Division by 4:00 p. m. on August 27, 1993, will be considered by the Commission prior to any final action on the proposal. Copies of the proposal are available at the central office of the TACB, Air Quality Planning Annex, located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, and at all TACB regional offices. For further information, contact Beecher Cameron (512) 908-1495.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend

the hearing should contact the agency at (512) 475-2245. Requests should be made as far in advance as possible.

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

TRD-8326421 Lane Hartscock
Deputy Director, Air Quality Planning
Texas Air Control Board

Filed: July 28, 1993

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Notice is hereby given that pursuant to the requirements of the Texas Clean Air Act, §382.017(a); the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5; and §103.11(4) of the Procedural Rules of the Texas Air Control Board (TACB), the TACB will conduct a public hearing to receive testimony concerning revisions to its rules.

The TACB proposes the repeal of Chapter 105, concerning Enforcement Rules, to remove a redundant and unnecessary set of rules. The Enforcement Rules are redundant to the TACB Enforcement Guidelines and do not provide for the flexibility needed as the TACB and Texas Water Commission (TWC) enforcement processes merge during the consolidation of the two agencies.

A public hearing on this proposal will be held on August 24, 1993, at 10:00 a.m. in the Auditorium (Room 201-S) of the TACB Central Office, Air Quality Planning Annex, 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753. The hearing is structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted; however, a TACB staff member will be available to discuss the proposal and answer questions at 9:30 a.m., prior to the hearing.

Written comments not presented at the hearing may be submitted to the TACB Central Office, 12124 Park 35 Circle, Austin, Texas 78753 through August 27, 1993. On September 1, 1993, authority for the adoption and administration of all TACB rules will be transferred to the new Texas Natural Resources Conservation Commission. Material received by the TACB Regulation Development Division by 4:00 p.m. on August 27, 1993, will be considered by the Commission prior to any final action on the proposed repeal. Copies of the proposal are available from the TACB Central Office and all TACB Regional Offices. For further information, contact Walter Ehresman at (512) 908-1843.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 475-2245. Requests should be made as far in advance as possible.

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

TRD-8326419 Lane Hartscock
Deputy Director, Air Quality Planning
Texas Air Control Board

Filed: July 28, 1993

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Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5, a joint public hearing will be conducted by the Texas Air Control Board (TACB) and the Texas Department of

Transportation to receive comments on a proposed memorandum of understanding between the agencies.

The memorandum provides for the review and coordination of planning activities for transportation plans and projects that have the potential to affect air quality within the jurisdiction of TACB, and provides for the development of a system by which information developed by the agencies may be exchanged.

A public hearing will be held at 10:00 a.m. on August 25, 1993, in the Auditorium (Room 201-S) of the TACB Central Office, Air Quality Planning Annex, 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753. The hearing is structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted; however, a TACB staff member will discuss the proposal 30 minutes prior to the hearing.

Written comments not presented at the hearing may be submitted to Russell Baier, Director, Mobile Source Division, Air Quality Planning, 12124 Park 35 Circle, Austin, Texas 78753 or Roland Gamble, P.E., Director, Division of Environmental Affairs, 125 East 11th Street, Austin, Texas 78701. For further information, contact Diane Stallings at (512) 908-1471.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 475-2245. Requests should be made as far in advance as possible.

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

TRD-8326420 Lane Hartscock
Deputy Director, Air Quality Planning
Texas Air Control Board

Filed: July 28, 1993

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Texas Vehicle Emissions Maintenance Workshop

(Editor's note: The announcement previously appeared in the July 9, 1993, Texas Register (18 TexReg 4525). Due to an error on the part of the Texas Air Control Board, the title for the announcement was incorrect and is being republished with the correct title.)

The Texas Air Control Board (TACB) is in the process of developing a Vehicle Inspection and Maintenance (I/M) Program as required by the 1990 Federal Clean Air Act and the U.S. Environmental Protection Agency I/M Program requirements. The major focus of the Texas Vehicle I/M Program will be to increase the overall effectiveness of the vehicle emissions repair process.

In order to receive preliminary comments from the general public, the TACB will host a Vehicle Maintenance Workshop for Emissions Repair Effectiveness and Emissions Repair Research/Outreach in the State of Texas. The workshop will be held on Wednesday, August 4, 1993 and will include discussions of emissions repair technician training, certification and evaluation of emissions repair technicians and emissions repair facilities, and research programs to improve the overall effectiveness of the emissions inspection and maintenance process.

The workshop is scheduled from 9:00 a.m.-5:00 p.m. in Room 201A of the TACB Annex Building, located at 12124 Park 35 Circle in Austin. The purpose of the workshop is to generate a discussion of comments and ideas in response to draft proposals of the TACB's program designs. For further information, please contact Chris Kite at (512) 908-1959.

Issued in Austin, Texas, on July 1, 1993.

TRD-9325236 Lane Hartsack
Deputy Director, Air Quality Planning
Texas Air Control Board

Filed: July 2, 1993

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**Texas Commission on Alcohol and
Drug Abuse**

Correction of Error

The Texas Commission on Alcohol and Drug Abuse proposed new 40 TAC §152.8 and amendments to §§152.24, 152.25, and 152.29 concerning approved Alcohol Awareness Program standards and procedures.

In the preamble for new §152.8, §106.115 was omitted from the Statutory Authority citation. It should read:

"The new section is proposed under the Alcoholic Beverage Code, Chapter 106, §106.115..."

In §152.25(7), third line, "American Disabilities Act-1990" should be worded as "Americans with Disabilities Act-1990".

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State Banking Board

Notice of Hearing Cancellation

As no opposition has been noted in the application for domicile change by the Founders Trust Company, Dallas, the hearing previously scheduled for Thursday, August 5, 1993, has been cancelled.

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

TRD-9326393 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: July 27, 1993

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Texas Department of Commerce
**Request for Proposals for Hearing
Officer**

The Texas Department of Commerce (TDOC) announces a Request for Proposals (RFP) for an administrative hearing officer.

Background. TDOC is a governmental agency of the State created pursuant to Texas Government Code, §481.001 et seq. TDOC is the state level administrative entity for the Job Training Partnership Act (JTPA) (29 United States Code, §1501 et seq) program in Texas. JTPA is a federally funded program to provide job training for youth and adults facing serious barriers to employment. JTPA is administered at the federal level by the

United States Department of Labor which has adopted regulations implementing the JTPA. The regulations are located at 29 Code of Federal Regulations, §626.1 et seq. TDOC has issued state level policies concerning JTPA and has established a grievance procedure for resolving complaints alleging a violation of the JTPA, regulations promulgated there under, grants, or other agreements under the JTPA. Such a grievance procedure is required by JTPA §144. The grievance procedure includes an opportunity for a hearing before an impartial hearing officer. The hearings are conducted under rules established by TDOC and are excepted from the contested case provisions of the Administrative Procedure and Texas Registration Act.

Nature of Services Required. The hearing officer will conduct hearings under the procedures developed by TDOC to resolve complaints alleging a violation of the JTPA, review all written submissions of the parties and issue a written Proposal for Decision within 30 days of the hearing. The hearing officer must be able to schedule a hearing within 30 days of the receipt of a request for a hearing. The hearing officer must be able to travel within Texas, as required, to conduct hearings. It is anticipated the hearing officer will need to dedicate between 100 and 500 hours to this project during the term of the contract.

The hearing officer will decide questions of law and fact. The hearing officer must be an attorney licensed to practice in the State of Texas.

All invoices presented for payment must be itemized and contain detail of specific charges.

The hearing officer will be an independent contractor of TDOC.

Terms of Agreement. Upon approval of the Attorney General of Texas, TDOC will execute an agreement for at least a one year term with optional extensions as required and as approved by the Attorney General based on performance. However, TDOC will retain the right to terminate the contract for any reason and at any time upon the payment of fees and expenses then earned.

Proposal Form and Format. Three copies of the proposal are requested and should be sent by registered mail or delivered in person to Margo M. Kaiser, JTPA Staff Attorney, Texas Department of Commerce, 816 Congress Avenue, Suite 1180, Austin, Texas 78701, no later than the deadline for submission of proposals specified below. The proposals must include each question or request for information, as specified herein, followed by the narrative answer as in the standard format for interrogatories, limited to one side of a size 8-1/2 by 11 inch page. Supplemental information if any, must be restricted to Appendices, following the responses. The pages of the proposal should be numbered sequentially with the name of the proposer on each page.

Deadline for Submission. The deadline for submission in response to this Request for Proposal is 5:00 p.m. on August 20, 1993. No proposal will be accepted after the deadline.

General Information. TDOC reserves the right to accept or reject any (or all) proposals submitted. The information contained in this proposal request is intended to serve only as a general description of the services desired by TDOC and TDOC intends to use responses as a basis for further negotiation of specific details with offerors. This request does not commit TDOC to pay for any costs incurred prior

to the execution of a contract and is subject to availability of funds. Issuance of this request for proposals in no way obligates TDOC to award a contract or to pay any costs incurred in preparation of a response.

Requested Information. Provide a general description of your current practice/employment, which includes the names of five client references. Also provide the names of three professional references. Provide information regarding your background and experience concentrating on experience with JTPA or other federal grant programs and/or federally regulated programs. Provide information regarding any experience as a hearing officer. List the courts in which you are licensed to practice and the date of admission to practice in each. Provide a clear statement of availability for the work described above. Specify the hourly rate(s) you will charge. TDOC will not bear the costs of incidental expenses associated with the contract. Reimbursement for time spent traveling will be negotiated during precontract discussions. All proposals must include a statement that they are valid for the duration of the contract. List and describe any employment or professional relationship you have with any state agency, Service Delivery Area, or Private Industry Council during the previous two years. Please provide information on any lobbying activities in which you engage including whether you have been required to register as a lobbyist during the past three years. Provide information regarding whether you have been debarred or suspended from federal contracting. If proposer is a minority- or woman-owned business, indicate whether your business has been certified as a historically underutilized business or disadvantaged business with the State of Texas or any other governmental or quasi-governmental entity.

Conflict of Interest. Proposers must disclose and identify on the face of the proposal: whether an officer, employee or paid consultant of the proposer is a member of the TDOC board, or is the executive director or an employee of TDOC; whether an officer, manager or paid consultant of the proposer is married to a member of the TDOC board, or the executive director or an employee of the TDOC; whether a member of the TDOC board, the executive director or an employee of the TDOC directly owns, controls, or has any interest in proposer's business; and whether a member of the TDOC board, the executive director or an employee of the TDOC receives compensation from proposer for lobbying activities as defined in Chapter 305 of the Texas Government Code.

If none of the above apply, the proposer shall so state in the proposal submitted in response to this RFP. Please be advised that any proposer who has clients that would present an actual or potential conflict of interest with the TDOC may be disqualified for participation in this solicitation. Should you determine you have one or more clients who appear to present a possible conflict of interest, please list such clients so that we may make a determination as to whether an actual or potential conflict exists.

Review. TDOC will make its selection based upon its perception of the need for services, the demonstrated competence, experience, knowledge and qualifications and on the reasonableness of the proposed fee for the services.

By this Request for Proposal, however, TDOC has not committed itself to employ a hearing officer for any or all of the above described matters, nor does the suggested scope of services or term of agreement require that a hearing officer be employed for any of those purposes. TDOC reserves the right to make those decisions after receipt of responses and TDOC's decision on these matters is final. TDOC reserves the right to negotiate all elements which comprise the proposal to ensure that the best possible consideration be afforded to all concerned. TDOC reserves the right to reject any and all proposals and to resolicit in such an event. TDOC will evaluate only those proposals meeting the minimum qualifications. Among other things, the evaluation of statements of qualifications will be based on the following criteria: experience and qualifications of proposer; involvement and accessibility of proposer; project costs and proposed fee structure for services performed.

Please contact Margo M. Kaiser, JTPA Staff Attorney at (512) 320-9666 or (512) 320-9698 (TDD). Communications with any member of the board of directors, the executive director, or TDOC staff other than Ms. Kaiser, concerning any matter relating to this request for proposal is grounds for immediate disqualification.

Issued in Austin, Texas, on July 27, 1993.

TRD-9326423

Cathy Bonner
Executive Director
Texas Department of Commerce

Filed: July 28, 1993

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Comptroller of Public Accounts
Local Sales Tax Changes Effective
October 1, 1993

The 1.0% city sales tax will be abolished effective October 1, 1993, in these cities: Bronson (Sabine County), City Code 2202033, New Rate 0.00000, Combined Rate 0.06750; Luella (Grayson County), City Code 2091135, New Rate 0.00000, Combined Rate 0.06250.

The 1.0% city sales tax will become effective October 1, 1993, in these cities: Pine Forest (Orange County), City Code 2181074, New Rate 0.01000, Combined Rate 0.07750; Shallowater (Lubbock County), City Code 2152079, New Rate 0.01000, Combined Rate 0.07750.

An additional 0.25% sales tax for improving and promoting economic and industrial development will become effective October 1, 1993, in the city of Paris (Lamar County)*, City Code 2139013, New Rate 0.01500, Combined Rate 0.08250.

An additional 0.375% sales tax for improving and promoting economic and industrial development will become effective October 1, 1993, in the city of Mount Pleasant (Titus County)*, City Code 2225018, New Rate 0.01500, Combined Rate 0.08250. An additional 0.5% sales tax for improving and promoting economic and industrial development will become effective October 1, 1993, in the following cities:

<u>City Name</u>	<u>City Code</u>	<u>New Rate</u>	<u>Combined Rate</u>
Atlanta (Cass County)	2034028	0.01500	0.07750
Baird (Callahan County)	2030022	0.01500	0.07750
Burleson (Johnson County)	2126045	0.01500	0.07750
Burleson (Tarrant County)	2126045	0.01500	0.07750
Crowell (Foard County)	2078016	0.01500	0.07750
Meadows (Fort Bend County)*	2079168	0.02000	0.08250
Melissa (Collin County)	2043170	0.01500	0.07750
Memphis (Hall County)	2096014	0.02000	0.08250
Menard (Menard County)	2164011	0.01500	0.07750
Quanah (Hardeman County)	2099011	0.01500	0.08250
Vernon (Wilbarger County)	2244015	0.01500	0.07750

An additional 0.125% sales tax for property tax relief will become effective October 1, 1993, in the city of Mount Pleasant (Titus County)*, City Code 2225018, New Rate 0.01500, Combined Rate 0.08250.

An additional 0.25% sales tax for property tax relief will become effective October 1, 1993, in the city of Paris

(Lamar County)*, City Code 2139013, New Rate 0.01500, Combined Rate 0.08250 and the city of Sugar Land (Fort Bend County), City Code 2079051, New Rate 0.01500, Combined Rate 0.07750.

An additional 0.5% sales tax for property tax relief will become effective October 1, 1993, in the following cities:

<u>City Name</u>	<u>City Code</u>	<u>New Rate</u>	<u>Combined Rate</u>
Alvin (Brazoria County)	2020015	0.01500	0.08250
Burnet (Burnet County)	2027027	0.02000	0.08250
Kaufman (Kaufman County)	2129024	0.01500	0.07750
Lacy Lakeview (McLennan County)	2161096	0.01500	0.08250
Los Fresnos (Cameron County)	2031085	0.01500	0.07750
Meadows (Fort Bend County)*	2079168	0.02000	0.08250
Runge (Karnes County)	2128034	0.01500	0.08250
San Benito (Cameron County)	2031021	0.02000	0.08250
Silsbee (Hardin County)	2100018	0.01500	0.07750
Stamford (Haskell County)	2127035	0.02000	0.08250
Stamford (Jones County)	2127035	0.02000	0.08250
Texas City (Galveston County)	2084090	0.02000	0.08250
Waxahachie (Ellis County)	2070014	0.01500	0.07750
Webster (Harris County)	2101124	0.01500	0.07750

A 0.5% county sales tax will become effective October 1, 1993, in the counties of Kinney, Mail Code 024, County Code 4136007, New Rate 0.00500 and the county of Real, Mail Code 018, County Code 4193007, New Rate 0.00500. Combined Rates are as follows:

KINNEY: The City of Brackettville is currently collecting a 1.0% city sales tax. Its combined rate will be 0.08250. The combined rate for the one city in the county that has

not adopted city sales tax and for the unincorporated areas of Kinney County will be 0.07250.

REAL: The City of Camp Wood and the City of Leakey are currently collecting a 1.0% city sales tax. The combined rate for each will be 0.07750. The combined rate for the three cities in the county that have not adopted city sales tax and for the unincorporated areas of Real County will be 0.06750.

*The cities of Meadows, Mount Pleasant, and Paris have a rate increase for economic and industrial development and a rate increase for property tax relief. Both rate increases will become effective October 1, 1993. The new rate and the combined rate include both increases.

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

TRD-9326252

Arthur F. Lorton
Senior Legal Counsel
Comptroller of Public Accounts

Filed: July 23, 1993

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**Texas Lottery Game Procedures-Instant
Game Number 15 and Number 16**

(Editor's note: The Texas Lottery Game Procedures-Instant Game Number 15 and Number 16 is being republished in its entirety. Due to an error on the part of the Texas Register the slicks were transposed in the In Addition section of the Texas Register, July 16, 1993, (18 TexReg 4689).)

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:

1	2	3
4	5	6
7	8	9

are: \$1.00, \$2.00, \$4.00, \$7.00, \$14, \$40, \$100, and \$1,000.

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.

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 Caption font in black ink in positive. The Prize Symbol Caption which corresponds with and verifies each Prize Symbol is as follows:

K. Prize Symbol—Each Prize Symbol is printed in Archer font in black ink in positive. The possible Prize Symbols

\$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

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, or
- \$2, or
- \$4, or
- \$7, or
- \$14, or
- \$40, or
- \$100, or
- \$1,000.

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 not 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 §1.2J;

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:

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 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:

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

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:

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 "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:

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

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 16 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 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-9325493

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, Articles 1.04 and 1.05, as amended (Texas Civil Statutes, Articles 5069-1.04 and 1.05).

<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)	07/26/93-08/01/93	18.00%	18.00%
Judgment Rate - Art. 1.05, Section 2	08/01/93-08/31/93	10.00%	10.00%

(1)Credit for personal, family or household use. (2)Credit for business, commercial, investment or other similar purpose.

TRD-9326193

Al Endsley
Consumer Credit Commissioner

Issued in Austin, Texas, on July 19, 1993.

Filed: July 22, 1993

**Texas Education Agency
Contract Proposal Request**

Description. The Texas Education Agency (TEA), Division of Services for the Deaf, is responsible for developing and administering statewide programs of educational services for deaf students. The TEA is requesting proposals to help refine and continue to implement an objective, data-based accountability system for measuring educational outcomes within the regional day school programs for the deaf. The system must include data collection instruments that have been designed or revised to provide ready access to individual and composite pupil profiles. Pupil data to be collected may include the following: name, sex, date of birth, address, audiological findings, cause of hearing loss, age at onset of hearing loss, additional handicapping conditions, ethnic background, or results of standardized achievement tests. A plan for output products and data analyses appropriate to local, regional, state, and national levels is required.

Selection Criteria. This is a continuation of a service previously performed by the Center for Assessment and Demographic Studies, Gallaudet University, Washington, D.C. The TEA intends to award a contract to Gallaudet University unless a better offer is submitted. The organization demonstrating the broadest and deepest knowledge of demographic and educational performance data analysis of the deaf will be selected for cost and contract negotiations.

Dates of Contract. The beginning date of the contract is September 1, 1993.

Contract Amount. Funding for this contract shall not exceed \$40,000.

Clarifying Information. Further information may be obtained by writing or calling Gary A. Curtis, Director, Division of Services for the Deaf, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494, (512) 463-9424.

Deadline For Receipt of Proposals. The deadline for submitting a proposal is 5:00 p.m., Wednesday, September 1, 1993.

Issued in Austin, Texas, on July 28, 1993.

TRD-9326436 Lionel R. Meno
 Commissioner of Education

Filed: July 28, 1993



**Employees Retirement System
Correction of Error**

The Employees Retirement System of Texas proposed new 34 TAC §73.33, concerning retirement incentive for employees class and amendments to 34 TAC §§81.1, 81.3, 81.7, and 81.11 concerning definitions, administration, enrollment and participation, and termination of coverage. The rules appeared in the July 2, 1993, *Texas Register* (18 TexReg 4287).

The following errors were discovered:

In §73.33(a), line 11, instead of the Employees Retirement System of Texas it should be Teacher Retirement System of Texas.

In §81.1(H)(F), third column, last line, had language missing. It should read:

"...played by the institution at least 20 hours a week."

In §81.1(H)(F), first column, first line, had language missing. It should read:

"Salary-The salary to be used for determining optional..."

In §81.1(H)(F), line three, there should have been a comma added after the word longevity.

In §81.7(C), fourth line, there should be an "s" added to subsection.



**Texas Department of Health
Licensing Actions for Radioactive
Materials**

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Carrollton	OSRAH SYLVANIA, Inc.	L04691	Carrollton	0	07/06/93
Throughout Texas	Winn Engineering & Testing of DFW, Inc.	L04670	Fort Worth	0	07/09/93
Throughout Texas	B&H Inspection Services Inc.	L04684	Portland	0	07/12/93
Uvalde	W.H. Carder, Inc.	L04693	Uvalde	0	07/05/93

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Amarillo	High Plains Baptist Hospital	L01259	Amarillo	41	06/30/93
Amarillo	High Plains Baptist Hospital	L01259	Amarillo	41	06/30/93
Amarillo	Syncor International Corporation	L03398	Amarillo	10	07/01/93
Amarillo	Syncor International Corporation	L03398	Amarillo	11	07/09/93
Carrollton	Ybarrondo & Associates - Scientech, Inc.	L04435	Carrollton	4	06/29/93
Conroe	Medical Center Hospital	L01769	Conroe	30	06/30/93
Corpus Christi	Memorial Medical Center	L00265	Corpus Christi	51	07/01/93
Dallas	Presbyterian Hospital of Dallas	L01586	Dallas	58	06/30/93
Dallas	Humana Hospital Medical City Dallas	L01976	Dallas	77	07/13/93
El Paso	El Paso Water Utilities	L02272	El Paso	8	07/05/93
Fort Worth	Osteopathic Medical Center of Texas	L00730	Fort Worth	37	06/30/93
Fort Worth	Texas College of Osteopathic Medicine	L02518	Fort Worth	17	07/08/93
Fort Worth	Harris Methodist Fort Worth	L01837	Fort Worth	50	07/09/93
Freeport	BASF Corporation	L01021	Freeport	42	07/02/93
Grand Prairie	Dallas Fort Worth Medical Center - Grand Prairie	L02612	Grand Prairie	24	07/05/93
Houston	Baker Hughes INTEQ	L04452	Houston	17	07/05/93
Houston	The U.T. Health Science Center at Houston	L02774	Houston	25	07/05/93
Houston	Hermann Hospital	L04655	Houston	3	07/08/93
Houston	Doctors Hospital East Loop	L01838	Houston	23	07/08/93
Houston	Ben Taub General Hospital	L01303	Houston	33	07/09/93
Laredo	Notami Hospitals of Texas, Inc.	L02192	Laredo	11	07/05/93
McAllen	Rio Grande Regional Hospital	L03288	McAllen	23	06/28/93
San Antonio	Bexar County Forensic Science Center	L04313	San Antonio	2	06/28/93
San Antonio	Southwest Texas Methodist Hospital	L00594	San Antonio	105	07/05/93

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

San Antonio	Cancer Therapy and Research Center	L01922	San Antonio	32	07/09/93
San Antonio	CTRC at San Rosa	L00556	San Antonio	28	07/09/93
San Antonio	Syncor International Corporation	L02033	San Antonio	66	07/13/93
San Antonio	Metropolitan Hospital	L02232	San Antonio	26	07/13/93
Throughout Texas	Frank Malek & Associates	L03943	Montgomery	6	06/30/93
Throughout Texas	Professional Service Industries, Inc.	L00931	Lombard, Illinois	93	06/30/93
Throughout Texas	Bib State X-Ray	L02693	Odessa	18	06/30/93
Throughout Texas	MBAR, Inc.	L04329	Nacogdoches	1	06/30/93
Throughout Texas	Professional Services Industries, Inc.	L00203	Longview	63	06/29/93
Throughout Texas	Testmaster, Inc.	L03651	Houston	7	06/29/93
Throughout Texas	Phoenix Non-Destructive Testing Co., Inc.	L04454	Channelview	11	06/29/93
Throughout Texas	Industrial NDT Company, Inc.	L04570	Deer Park	6	06/30/93
Throughout Texas	Longview Inspection, Inc.	L03720	Longview	47	07/02/93
Throughout Texas	E.I. DuPont de Nemours & Co., Inc.	L00517	Beaumont	55	07/02/93
Throughout Texas	H & G Inspection Company Inc.	L02181	Houston	75	07/02/93
Throughout Texas	Ludlum Measurements, Inc.	L01963	Sweetwater	47	07/02/93
Throughout Texas	X-Cel Group, Inc.	L03548	Odessa	25	07/02/93
Throughout Texas	ASOMA Instruments, Inc.	L02788	Austin	29	07/02/93
Throughout Texas	Tuboscope Vetco International	L00287	Houston	93	06/28/93
Throughout Texas	Wedge Wireline Inc.	L00315	Grand Prairie	74	06/28/93
Throughout Texas	Real Technical Services, Inc.	L04416	Houston	6	06/29/93
Throughout Texas	Technical Welding Laboratory, Inc.	L02187	Pasadena	80	07/05/93
Throughout Texas	Corpus Christi Inspection & Engineering, Inc.	L04379	Corpus Christi	29	07/05/93
Throughout Texas	Environmental Measurements Corp.	L04583	Richardson	1	07/06/93
Throughout Texas	Permian Non-Destructive Testing	L03683	Corpus Christi	24	07/12/93
Throughout Texas	Southwestern Laboratories Inc.	L00299	Houston	81	07/13/93
Webster	Clear Lake Regional Medical Center	L01680	Webster	32	07/02/93

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Abilene	Abilene Christian University	L01460	Abilene	15	07/12/93
Arlington	Arlington Memorial Hospital	L02217	Arlington	31	07/08/93
Corpus Christi	Spohn Hospital	L02357	Corpus Christi	14	07/09/93
Houston	National Health Laboratories	L01933	Houston	10	07/08/93
Longview	Good Shepherd Medical Center	L02411	Longview	40	07/01/93
Lubbock	Saint Mary of the Plains Hospital	L01547	Lubbock	37	07/01/93
San Antonio	San Antonio College	L00745	San Antonio	16	07/02/93
Throughout Texas	NDE, Inc.	L02355	Fort Worth	15	06/30/93
Throughout Texas	Lubbock Labs	L01558	Lubbock	10	07/12/93

AMENDMENTS TO EXISTING LICENSES DENIED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Laredo	TranAmerican Natural Gas Corporation	L03956	Laredo	0	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, Texas, from 8:00 a.m. to 5:00 p.m., Monday-Friday (except holidays).

Issued in Austin, Texas, on July 19, 1993.

TRD-9326138 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: July 21, 1993

Notices of Emergency Cease and Desist Order

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Duncan G. Foulds, D.D.S. of Sugarland to cease and desist using any sources of radiation in his possession until all sources of radiation at his facility have been properly registered and all appropriate fees for registration have been paid. The bureau determined that the continued use of unregistered radiation sources at his facility constitutes an immediate threat to public health and safety. Doctor Foulds is further required to provide written evidence satisfactory to the bureau

regarding the actions taken to correct the violation and the method to prevent its recurrence.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

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

TRD-9326342 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: July 26, 1993

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Inayat I. Lalani, M.D. (registrant-R12629) of Fort Worth to cease and desist performing mammographic screening procedures until the bureau has authorized the mammographic procedures. The bureau determined that performance of mammographic screening without bureau approval constitutes an immediate threat to public health and safety. The registrant is further required to provide evidence satisfactory to the bureau for approval to perform mammographic screening, and the methods to prevent the recurrence of this violation.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on July 28, 1993.

TRD-9326438 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: July 28, 1993

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Robert E. Phillips, D.D.S. (registrant-R10180) of Weatherford to cease and desist using the Weber x-ray unit at his facility until the entrance exposure limits have been brought within regulatory requirements and the exposure timing device has been repaired or replaced. The bureau determined that the continued use of this radiation source at the facility constitutes an immediate threat to public health and safety. The registrant is further required to provide evidence satisfactory to the bureau regarding the actions taken to correct the health-related violations and the methods for preventing a recurrence of these violations.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on July 28, 1993.

TRD-9326439 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: July 28, 1993

Notice of Preliminary Report for Assessment of Administrative Penalties and Notice of Violation

Notice is hereby given that the Bureau of Radiation Control (bureau) issued a notice of violation and proposal to assess an administrative penalty to Duncan G. Foulds, D.D.S. of Sugarland for violations of the Texas Regulations for Control of Radiation. A penalty of \$20,000 is proposed to be assessed to Doctor Foulds for the first and last day of violation for the period of December 11, 1990, through June 16, 1993. Until such time all sources of radiation have been properly registered, disposed of, or transferred to a registered facility, Doctor Foulds remains in violation and is subject to further administrative penalties.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

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

TRD-9326340 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: July 26, 1993

Notice of Rescission of Order

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following order: Emergency Cease and Desist Order issued March 10, 1993, to Chris A. Mangold, D.D.S., 7598 North Mesa, Suite 208, El Paso, Texas 79912, holder of Certificate of Registration Number R12691.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

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

TRD-9326340 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: July 26, 1993

Request for Proposals

Background. In May 1993, the 73rd Legislature of the State of Texas enacted into law Senate Bill 426, the Family Practice Residency Training Pilot Programs. This law directs the Texas Department of Health PHCSP Advisory Committee and the Family Practice Residency Advisory Committee (Texas Higher Education Coordinating Board) to work together to enhance approved family practice residency programs and to establish three pilot programs to provide a major source of indigent health care and to train family practice resident physicians.

General Information. Application packets will be available and mailed out to all Family Practice Residency Programs

on or about August 1, 1993. Completed proposals from applying residency programs must be received by the Texas Department of Health, Primary Health Care Services Program, 1100 West 49th Street, Austin, Texas, and the Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, at the close of the business day on September 1, 1993. Submission of one original and five copies to the Texas Department of Health PHCSP and five copies to the Texas Higher Education Coordinating Board, Family Practice Residency Program is required.

Length of Funding. The contract will be for fiscal years 1994 and 1995 conditioned upon satisfactory performance. The initial funding will be for 11 months starting October 1, 1993, with subsequent funding for a 12-month period following the state fiscal year and satisfactory performance of program objectives. Applicants approved for funding will be notified no later than September 25, 1993. After the awards have been granted, a contract will be negotiated between the Texas Department of Health and the selected providers.

Qualification of Applicant. Applicants are limited to the 26 Family Practice Residency Programs monitored by the Texas Higher Education Coordinating Board, Family Practice Residency Programs. Potential contractors must ensure that they have the capability, facilities, and all required special resources readily available to meet and to satisfactorily perform the services identified in their proposal. All applicants must provide documentation of the applicant's ability to provide a major source of indigent health care, and train family practice resident physicians through an enhanced approved family practice residency program. The indigent health care program must include both the provision of and access to (at the least) the six initial service priorities:

- (1) diagnosis and treatment;
- (2) emergency services;
- (3) family planning services;
- (4) preventive health services, including immunizations;
- (5) health education; and
- (6) laboratory, x-ray, nuclear medicine, or other appropriate diagnostic services.

Application Procedure. More detailed information may be obtained from the program. The contact person is John Dombroski, Director of the Primary Health Care Services Program, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7771.

Review of Applicant's Proposal. Each application will be evaluated independently on the following proposal sections:

- (1) project summary;
- (2) needs assessment;
- (3) solution;
- (4) plan of operation;
- (5) service delivery; and
- (6) monitoring and evaluation.

Review of proposals will be completed by ad hoc Committee of members from the Texas Department of Health-Primary Health Care Services Program and the Texas Higher Education Coordinating Board, Family Practice Residency Program Advisory Committee. This ad hoc Committee will forward its final recommendations to the Texas Higher Education Coordinating Board for final project selection.

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

TRD-9326379

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

Filed: July 27, 1993

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**Statewide Request for
Proposal-Community-Based Diabetes
Education Programs**

The Texas Department of Health (TDH) is soliciting proposals for community-based diabetes education programs to reduce the incidence of non-insulin dependent diabetes mellitus (NIDDM) and diabetic complications in communities with high rates of NIDDM. These programs will assess the needs and resources of the community; build community support for diabetes education and treatment; build partnerships between the community and health care providers; recruit and train community volunteers and leaders; reach at risk individuals and families with diabetes education and health promotion programs; support behavior changes, such as reducing fat in the diet, which will result in improved health; and improve access to health care and health education services for people with diabetes. Programs are expected to recognize and utilize the strengths and resources of communities to achieve the goals of educating people about the seriousness of diabetes and encouraging behavior changes which will reduce the likelihood of people becoming diabetic or developing diabetic complications. Programs must be oriented to education and prevention, and must develop strategies which focus on communities and families.

Community-based diabetes education programs will be reimbursed through contractual arrangements with TDH, Bureau of Chronic Disease Prevention and Control, Texas Diabetes Council (TDC). Contracts will be awarded for an initial ten-month period from November 1, 1993, through August 31, 1994. Contract awards will be based on available funding. Contracts will be in accordance with Texas law, TDH policies, TDC policies, and the Uniform Grant and Contract Management Act (UGCMA) manual, which is available from TDH, Grants Management Division, 1100 West 49th Street, Austin, Texas 78756-3199.

Proposals will be evaluated on the following criteria: documentation of the need for a diabetes and diabetic complications prevention program in the community; the extent to which the goals and objectives of the proposal meet the needs for diabetes and diabetic complications prevention activities in the community; the extent to which the proposal's written approach and methods for achieving the state objectives are realistic, specific, measurable, and meet the needs of the community; the extent to which the proposal's plan will clearly lead to the achievement of the goals and objectives; evidence of the capacity to conduct community-organizing activities for the purpose of health promotion; the extent to which the budget is reasonable

and consistent with the intended use of funds; evidence of the ability to coordinate with health care providers serving the targeted community; the assurance of coordination with TDH in the development of appropriate assessment and evaluation tools and in program evaluation; assurance of the confidentiality of medical and personal information gathered through project activities; and evidence of the capacity and resources to implement and manage the project. Preference will be given to community-based organizations with a demonstrated ability to organize grass-roots projects.

Proposals submitted will include a description of the organization applying for funds, its mission and agencies collaborating on the proposed project; a needs assessment of the target community, including information regarding the incidence of diabetes and diabetes complications as well as health factors such as obesity, high blood pressure, smoking and lack of exercise; clear goals which are consistent with the intent to reduce the incidence of NIDDM and diabetic complications, and objectives which are measurable and time-framed; a plan describing the approaches and methods to be taken to achieve the stated objectives; a plan for managing and staffing the project, as well as for developing community volunteers and leaders to support project activities; a plan for evaluating project activities which indicates a willingness to cooperate with TDH in developing and using appropriate evaluation and assessment tools; and a description of current and past projects which demonstrates the capacity to undertake proposed activities.

Proposal packets may be obtained by contacting Blake Fry, Texas Diabetes Council, Bureau of Chronic Disease Prevention and Control, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199, (512) 458-7490. Proposals must be received in the TDC office by 5:00 p.m. on Friday, September 10, 1993. Proposals which do not meet this deadline will not be considered.

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

TRD-9326341

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

Filed: July 26, 1993

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**Statewide Request for
Proposals-Temporary Child Care for
Children with Disabilities and Chronic
Illnesses**

The Texas Department of Health (TDH) is soliciting proposals for the provision of respite care services to eligible children/families in selected areas of the state. Respite care (temporary child care) is defined in federal legislation as in-home or out-of-home temporary, non-medical child care for families who have children with disabilities or chronic or terminal illnesses, including children with AIDS. Special attention will be given to projects intended to meet the needs of infants who are drug-affected. Priority consideration will be given to those agencies and organizations which have experience in working with children with disabilities, terminal or chronic illness, and their families and which serve communities which demonstrate the greatest need for respite services. These projects are intended to maintain and support the family unit, to strengthen the parent-child bond, and to alleviate social,

economic, and financial stress for these families. A sliding fee scale must be implemented for the respite services. Projects may include the following components: 24-hour services; access to primary medical services; referral to counseling and therapy services; staff training, including child abuse and neglect reporting responsibilities; and public awareness programs. Projects focused on services to a rural area, an urban area or an area which encompasses both a metropolitan and surrounding rural service area are encouraged. Up to three projects per year will be awarded funds.

Temporary child care (respite) projects will be reimbursed through contractual arrangements with TDH, Bureau of Chronically Ill and Disabled Children's Services (CIDC). Contracts will be awarded, pending availability of federal funds awarded to the Texas Department of Health, for a one-year period from October 1, 1993 through September 30, 1994. It is anticipated that awards will be available for renewal annually for a total of three consecutive years. Contract awards will be based on available funding. Contracts will be in accordance with Texas law, TDH policies, CIDC policies, and the Uniform Grant and Contract Management Acts (UGCMA) manual, which is available from TDH, Grants Management Division, 1100 West 49th Street, Austin, Texas 78756-3199.

Proposals will be evaluated on the following criteria: documentation of community need for the respite service; the extent to which the proposal will meet identified needs in unserved or underserved areas of the state; the array of respite services offered to promote family choice; the quality of the proposal's written statement of goals (operating plan), especially with regard to measurable and obtainable objectives; the cost of initiating or operating a program (cost effectiveness, allocation of services); the availability of other funding sources (the federal matching requirement for the local agency is 25%); the assurance of broad community support for the proposed respite services as well as evidence of community collaboration; and the caliber and experience of the applicant agency staff. Applicant agencies must have a base of operation physically located in the geographic catchment area specified in the contract and provide services within the geographic limits of the contract. Applicant agencies must demonstrate produce a plan for methods to secure future funding post availability of federal funds.

Proposals submitted will include: a comprehensive needs assessment; the identification of the target population and area of service; the estimated number of children/families to be served; the service model(s) to be utilized; a detailed plan describing the project's purpose, goals, services, objectives, and activities; an evaluation component to assess the project's performance; specific responsibilities of project staff members; demonstrated ability, based on staff, experience, and organizational structure to provide culturally competent quality respite care; and documentation of broad local community support and collaboration. A process to develop a mechanism for ongoing future funding which is locally-based should be described.

The maximum federal share each state will have to allocate will be \$190,000 for the first 12-month budget period. Projects may apply for any portion of this amount. Up to three projects per year will be funded from the \$190,000 yearly allocation. All income generated from third party payments and fees to families must be utilized by the

contract recipient in accordance with TDH policy interpreting the UGCMA regulations.

It is anticipated that the Texas Respite Resource Network will provide ongoing technical assistance and consultation to those projects to which funding is awarded.

Proposal packets may be obtained by contacting Marjorie Simmons, Bureau of Chronically Ill and Disabled Children's Services, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3179, (512) 458-7355, Ext. 3028. Proposals must be received in the CIDC office by 5:00 p.m. on Friday, September 17, 1993 or post-marked on or before Wednesday, September 15, 1993. Proposals that do not meet this deadline will not be considered. The Texas Department of Health reserves the right to accept or reject any and all applications.

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

TRD-9326339 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health.

Filed: July 26, 1993

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**Texas Health and Human Services
Commission**
Public Notice

The Health and Human Services Commission State Medicaid Office has received approval from the Health Care Financing Administration to amend the Title XIX Medical Assistance Plan by Transmittal Number 93-09, Amendment Number 394.

The amendment provides for a supplemental payment to nursing facility residents dependent on ventilators. The amendment is effective June 1, 1993.

If additional information is needed, please contact Pam McDonald at (512) 450-4086.

Issued in Austin, Texas, on July 20, 1993.

TRD-9326331 Bryan P. Sperry
Deputy Commissioner
Texas Health and Human Services
Commission

Filed: July 26, 1993

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The Health and Human Services Commission State Medicaid Office has received approval from the Health Care Financing Administration to amend the Title XIX Medical Assistance Plan by Transmittal Number 92-44, Amendment Number 383. This amendment was originally published in the June 22, 1993, issue of the *Texas Register* (18 TexReg 4147), and should read as follows:

The amendment establishes reimbursement methodologies for private duty nursing services, occupational therapy services and speech therapy services provided to EPSDT recipients under the Omnibus Budget Reconciliation Act of 1989 (OBRA 1989) expanded benefits. The amendment is effective October 1, 1992.

If additional information is needed, please contact Janet Kres at (512) 338-6465.

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

TRD-9326386

Bryan Sperry
Deputy Commissioner
Texas Health and Human Services
Commission

Filed: July 27, 1993

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Texas Higher Education Coordinating Board

Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Higher Education Coordinating Board invites proposals from qualified consultants to analyze the current status of library automation and communications at public university and health science center libraries in Texas and recommend what would be necessary to fit together existing technology, consortia, delivery systems, and computer linkages into a more modern and efficient system. The implementation of a library resource sharing plan will be called *Tex-Share*. *Tex-Share* is designed to enhance and support resource sharing among Texas academic libraries. The libraries to be included in the study are the 49 members of the Texas Council of State University Libraries (TCSUL). This group consists of all State-supported university libraries, health science libraries, and law libraries in the State of Texas.

Project Deliverables. The consultant selected shall, on request, provide monthly briefings at mutually agreeable times in Austin for the staff of the Coordinating Board and a task force designated by the Texas Council of State University Libraries during the term of the consulting contract.

An interim report shall be delivered no later than 90 days following the initiation of the consulting study. The interim report shall include the following information:

a report detailing the current utilization of computing, information technology, and telecommunications in each member library of TCSUL.

an inventory of facilities and equipment applicable to sharing of library resources among member libraries of TCSUL.

An assessment of state-wide resource sharing systems in other states (e.g., Ohio, Indiana, Illinois, etc.) and an evaluation their potential effectiveness as models for *Tex-Share*.

recommendations that may be implemented prior to the completion of the final report.

The final report will be submitted six months after the initiation of the study. In addition to information prepared for the interim report, the final report shall include the following:

an inventory and assessment of library resource sharing activities among member libraries of TCSUL, including both quantitative and qualitative measures of these activities.

an inventory and assessment of existing resource sharing networks in Texas which serve academic libraries as a principal element of their mission, and recommendations for configuring *Tex-Share* in relation to these networks.

This report shall also include three plans for implementing a state-wide resource sharing plan based upon the three levels of funding specified below. Each plan must include a cost-benefit analysis and a methodology for measuring the effectiveness of the plan's implementation. The three funding levels are as follows:

Plan 1 should assume expenditures of \$600,000 in fiscal 1995, and \$1,000, 000 per year thereafter.

Plan 2 should assume expenditures of \$600,000 in fiscal 1995, and \$3,000, 000 per year thereafter.

Plan 3 should assume expenditures of \$600,000 in fiscal year 1995, and \$5, 000,000 per year thereafter.

The consultant will make an oral presentation to the Coordinating Board at its April 1994 meeting.

Selection Criteria. The Coordinating Board will receive bids in response to the RFP and execute the contract with the advice of the TCSUL task force. The choice of a consultant will be based on demonstrated competence, knowledge, and qualifications as well as on the reasonableness of the proposed fees for services. If other considerations are equal, preference will be given to a consultant whose principal place of business is in Texas or who will manage the consulting arrangement wholly from one of its offices in the state.

Consultants must demonstrate in response to the RFP the successful completion of studies of cooperative library projects in which a significant number of university libraries are represented.

Preference will be given to firms that can demonstrate that they have made recommendations for resource-sharing projects which were successfully implemented by practicing librarians in which these librarians had direct management responsibility and policy oversight.

Preference will be given to firms in which personnel have a combination of significant consulting experience with academic or multi-type cooperative library networks, plus significant experience as an administrative officer of a state-wide or multi-state cooperative library network.

Participation of Minorities and Women. In keeping with the board's commitment to equal opportunities, the Board encourages proposals from minority and female owned firms.

Proposal Format. Each proposal should be in the format listed below and be no longer than 50 pages in length.

Description of company. Provide an overview of the history of the company and its consulting activities. If the consultant is involved in consulting for agencies other than libraries, these other operations should be described together with how they relate to library consulting. Indicate how many years the company has been involved in the library consulting business.

Proposed approach to the problem. Describe the methodology for addressing the problem, resources that will be used, etc.

Personnel. Provide a brief description of the personnel to be used in the course of executing the project including how they will be deployed and organized.

Proposed schedule of activities. Provide a schedule indicating the tasks envisioned and the schedule for completing them.

Description of previous work by the company. Supply a listing and brief description of projects previously undertaken in which the deliverables are similar to those specified in this proposal. Supply the executive summary of the final report for each and the name(s) of the principal contact person(s) from whom additional information can be obtained under References, below.

Budget. Provide a budget indicating how financial resources will be expended.

Attachments.

Resumes. Attach resumes of each principal staff member proposed for the project.

References. See "Description of previous work", above. Include names, addresses, telephone and FAX numbers, and e-mail addresses if available.

Budget/Schedule. Budget not to exceed \$100,000; Proposals Due-August 25, 1993; Award-September 8, 1993; Work Completed-May 1, 1994; Payments-40% with acceptance of interim report; balance with acceptance of final report.

Application Procedure. Funding for this project shall not exceed \$100,000 and the contract period shall be no more than eight months. The Texas Higher Education Coordinating reserves the right to accept or reject any or all proposals submitted under this RFP and to negotiate modifications to improve the quality or cost effectiveness of any proposal.

Proposals must be postmarked no later than the close of business (5:00 p.m.) August 25, 1993. Fifteen copies of the final proposal are required and may be mailed to: Texas Higher Education Coordinating Board, Attention: Dr. David W. Gardner, P.O. Box 12788, Austin, Texas 78711; or delivered to the Texas Higher Education Coordinating Board, Building Five, Room 5.212, 7745 Chevy Chase Drive, Austin, Texas by 5:00 p.m. on August 25, 1993.

For additional information regarding this RFP, please contact Dr. David W. Gardner at (512) 483-6150.

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

TRD-9326380 James McWhorter
Assistant Commissioner for Administration
Texas Higher Education Coordinating Board

Filed: July 27, 1993

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**Texas Department of Housing and
Community Affairs**
Community Food and Nutrition Program

The Texas Department of Housing and Community Affairs (TDHCA) announces the imminent availability of funds under the Community Food and Nutrition Program (CFNP). TDHCA is applying to the United States Department of Health and Human Services (HHS) for \$288,082 in CFNP funds for Federal Fiscal Year (FFY) 1993. CFNP is authorized by Section 681A of the Community Services Block Grant Act, Public Law 97-35, as amended.

The Texas Department of Housing and Community Affairs will utilize the Community Food and Nutrition Program (CFNP) for one or more of the legislatively mandated program purposes, which are to: coordinate existing private and public food assistance resources to better serve

low-income communities; assist low-income communities to identify potential sponsors of child nutrition programs and initiate programs in unserved and under-served areas; and develop innovative approaches at the State and local levels to meet nutritional needs of low-income individuals.

TDHCA will award funds to local governments and private nonprofit organizations based on a statewide competitive request for proposal (RFP) process. Applicants will be required to propose projects that address at least one of the legislatively designated purposes, that are statewide in scope, and represent a comprehensive and coordinated effort to alleviate hunger within the State. Applicants will be encouraged to propose projects and activities that expand and enlarge upon other outreach activities or that generate additional funds and resources from other sources. TDHCA intends to continue to fund, through the most appropriate agency, the Texas Summer Food Services Program Outreach Project, Share Our Surplus Network, and Hunters for the Hungry in a manner similar to past operation. These projects will continue to exist and be available to low-income Texans through the TDHCA CFNP grant.

TDHCA anticipates that the request for proposal (RFP) for this program will be available in early August, 1993.

To be placed on the mailing list for CFNP RFP, write to: Community Services Section, Attention: David C. Galvan, Texas Department of Housing and Community Affairs, P.O. Box 13941, Austin, Texas 78711-3941 or call the Community Services Section at (512) 475-3950.

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

TRD-9326170 Henry Flores
Executive Director
Texas Department of Housing and
Community Affairs

Filed: July 22, 1993

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**Public Notice-1993 Implementation Grant
Program**

The Texas Department of Housing and Community Affairs (TDHCA) hereby gives notice that it will be submitting to the United States Department of Housing and Urban Development (HUD) an implementation grant application under HUD's Homeownership Opportunities for People Everywhere (HOPE 3) Program. This application will be in compliance with program guidelines and the notice of fund availability as published in the *Federal Register*, Volume 58, Number 128, dated July 7, 1993.

TDHCA hereby invites private non-profit organizations incorporated under §501(c) of the Internal Revenue Code of 1986 to participate in partnership with TDHCA in this application process. TDHCA will provide a portion of or total matching funds as required by HOPE 3 Program guidelines. The amount of matching funds provided to the non-profit organization(s) will depend on the total amount of funds available by TDHCA and the number of applicants. In the selection of a non-profit organization to become a partner with TDHCA, additional consideration will be given to those who will provide a portion of the match requirement and to those who received a 1992 HOPE 3 Planning Grant.

The purpose of the HOPE 3 Program is to provide homeownership opportunities for low-income families and individuals by providing grantees with federal assistance

to acquire and rehabilitate single-family residential properties owned or held by federal, state, and local government. The HOPE 3 grantees will create homeownership opportunities by enabling eligible families to purchase these properties at affordable prices.

Interested parties are required to submit to TDHCA a letter of intent with the following information: a three-page description of a proposed project; a description of the direct services/activities which the non-profit organization will provide to the project; the proposed amount of administrative costs to the project; evidence of non-profit experience/capacity to carry out the project; a description of eligible properties that are available for acquisition for use in the proposed project; and evidence of non-profit status.

TDHCA will utilize the following threshold criteria as a basis for selection of the non-profit organization(s); consistency of the proposed project with HOPE 3 requirements; project feasibility; applicants experience/qualifications; evidence of need for the proposed project; and consistency with the State of Texas Comprehensive Housing Affordability Strategy (CHAS) goals and priorities.

All interested parties must submit their letter of intent to TDHCA by no later than August 11, 1993. Responses should be no more than ten pages in length. Submission of letters of intent, questions, or requests for additional information may be directed to Robert Chavira, Program Coordinator, Texas Department of Housing and Community Affairs, P.O. Box 13941, Austin, Texas 78711-3941, (512) 475-3800.

Issued in Austin, Texas, on July 28, 1993.

TRD-9326435 Henry Flores
Executive Director
Texas Department of Housing and
Community Affairs

Filed: July 28, 1993

Texas Department of Insurance Amended Notices of Hearing

The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2036, scheduled for 1:30 p.m. August 30, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider proposed new §1.1300 concerning provision of updated underwriting guidelines by insurers. This section provides that a request for an insurer's underwriting guidelines made by the Office of Public Insurance Counsel or the Texas Department of Insurance, pursuant to newly enacted Article 1.24D of the Insurance Code, may include a request for future amendments to the underwriting guidelines. Enacted by the 73rd Texas Legislature, Article 1.24D, authorizes the Texas Department of Insurance and the Office of Public Insurance Counsel to request and receive copies of an insurer's underwriting guidelines. Under the proposed rule, the guidelines in effect on the date the insurer receives the request must be provided within fourteen days. Insurers would be required to provide any future changes to the guidelines to the requesting agency within fourteen days after the effective date of the change if the agency requested updated guidelines. The proposed section is needed because the Texas Department of Insurance and the Office of Public Insurance Counsel will not know

when a company's underwriting guidelines change and will have to periodically request the updated guidelines. These periodic requests could result in considerable expense to the two agencies, and the proposed rule would greatly diminish these expenses.

The new section is proposed pursuant to the Insurance Code, Articles 1.24D, 1.24, and 1.04(b); and Texas Civil Statutes, Article 6252-13a, §4 and §5. Article 1.24D, authorizes the Texas Department of Insurance to request and receive copies of an insurer's underwriting guidelines. Article 1.24, authorizes the State Board of Insurance to address any inquiries to any insurance company or insurance agent in relation to the company's or agent's business condition or any matter connected with its transactions which the Board may deem necessary for the public good or for a proper discharge of its duties. Article 1.04(b), authorizes the State Board of Insurance to determine 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 requirement of available procedures and to prescribe the procedures for adoption of rules by a state administrative agency.

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

TRD-9326319 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2036, scheduled for 1:30 p.m. August 30, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider proposed new §21.1001 concerning prohibiting insurers from refusing to renew a personal auto policy or from requiring a named driver exclusion for any family member as a condition of renewal solely because a family member of the insured reaches driving age. The section is proposed pursuant to the Insurance Code, Article 21.49-2B, §6(a), which prohibits an insurer from declining to renew a personal auto policy solely because of the age of the person covered by the policy. The proposed rule provides that a violation of the rule would constitute unfair competition and unfair practices under the Insurance Code, Article 21.21, and would be subject to the provisions of that article.

The new section is proposed pursuant to the Insurance Code, Articles 21.49-2B, 21.21, and 1.04; and Texas Civil Statutes, Article 6252-13a, §4 and §5. Article 21.49-2B, §6(a), prohibits an insurer from declining to renew a personal auto policy solely because of the age of the person covered by the policy. Article 21.49-2B, §12, authorizes the State Board of Insurance to adopt rules relating to the cancellation and nonrenewal of policies covered by that article. Article 21.21, §13, authorizes the State Board of Insurance to promulgate rules and regulations as is necessary to carry out the purposes of that article. Article 1.04(b), authorizes the State Board of Insurance to determine 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 requirement of available procedures and to prescribe the procedures for adoption of rules by a state administrative agency.

Issued in Austin, Texas, July 23, 1993.

TRD-9326317

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

Filed: July 23, 1993

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The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2036, scheduled for 1:30 p.m. August 30, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider proposed new §21.900 concerning a required disclosure when an applicant is not written in the lowest rated company within an insurance group. This section requires an insurance company that is the company with the lowest rates in the company group to disclose each reason for declining to offer personal automobile or residential property insurance if the applicant is written in another company within the group or in writing disclose the right to request the reasons. The failure to comply with this section would constitute unfair competition and unfair practices under the Insurance Code, Article 21.21, and would be subject to the provisions of that article.

The new section is proposed pursuant to the Insurance Code, Articles 1.04(b), 5.06, 5.09, 5.10, 5.35, 5.98, 5.101, and 21.21, §13; Article 21.49-2B; and Texas Civil Statutes, Article 6252-13a, §4 and §5. Article 1.04(b), authorizes the State Board of Insurance to determine rules in accordance with the laws of this state. Article 5.06, provides the State Board of Insurance with the authority to adopt or approve all policy forms and endorsements for private passenger automobile insurance. Article 5.09, prohibits any insurer coming within the terms of Subchapter A of Chapter 5 of the Insurance Code from any discrimination or distinctions in favor of or against an insured having a like hazard in the charge of premiums. Article 5.10, authorizes the State Board of Insurance to make and enforce rules and regulations necessary to carry out the provisions of the automobile insurance statutes. Article 5.35, authorizes the State Board of Insurance to adopt or approve policy forms and endorsements for residential property insurance. Article 5.98, authorizes the State Board of Insurance to adopt reasonable rules that are appropriate to accomplish the purposes of Chapter 5 of the Insurance Code. Article 5.101, empowers the State Board of Insurance to regulate personal automobile and residential property insurance rates. Article 21.21, §13, authorizes the State Board of Insurance to promulgate rules and regulations as necessary to carry out the provisions of Article 21.21. Article 21.49-2B, authorizes the State Board of Insurance to adopt rules relating to the cancellation and nonrenewal of personal automobile insurance and residential property insurance policies. 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 requirement of available procedures and to prescribe the procedures for adoption of rules by a state administrative agency.

Issued in Austin, Texas, July 23, 1993.

TRD-9326316

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

Filed: July 23, 1993

The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2036, scheduled for 1:30 p.m. August 30, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider new §21.901 concerning disclosures required when the use of a consumer report by an insurer adversely affects a consumer of automobile or residential property insurance. This section requires the insurer to disclose the name, address, and telephone number of the consumer reporting agency and the reference number or other identifying characteristic of the report. The section defines the terms "consumer report" and "consumer reporting agency" for purposes of the section. Failure to comply with this section would constitute unfair competition and unfair practices under the Insurance Code, Article 21.21, and would be subject to the provisions of that article.

The new section is proposed pursuant to the Insurance Code, Articles 1.04(b), 5.06, 5.10, 5.35, 5.98, 5.101, and 21.21, §13; Article 21.49-2B; and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 1.04(b), authorizes the State Board of Insurance to determine rules in accordance with the laws of this state. Article 5.06, provides the State Board of Insurance with the authority to adopt and approve personal automobile insurance policy forms and endorsements. Article 5.10, authorizes the State Board of Insurance to make and enforce rules and regulations necessary to carry out the provisions of the automobile insurance statutes. Article 5.35, authorizes the State Board of Insurance to adopt or approve policy forms and endorsements for residential property insurance. Article 5.98, authorizes the State Board of Insurance to adopt reasonable rules that are appropriate to accomplish the purposes of Chapter 5 of the Insurance Code. Article 5.101, empowers the State Board of Insurance to regulate automobile and residential property insurance rates. Article 21.21, §13, authorizes the State Board of Insurance to promulgate rules and regulations as necessary to carry out the provisions of Article 21.21. Article 21.49-2B, authorizes the State Board of Insurance to adopt rules relating to the cancellation and nonrenewal of personal automobile insurance and residential property insurance policies. 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 requirement of available procedures and to prescribe the procedures for adoption of rules by a state administrative agency.

Issued in Austin, Texas, July 23, 1993.

TRD-9326315

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

Filed: July 23, 1993

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The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2040, scheduled for 9:00 a.m. August 30, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider proposed new §1.602 concerning information about complaints provided to the public through the department's toll-free telephone number. These rules are necessary to facilitate implementation of amendments to the Insurance Code, Article 1.35D(b), enacted in House Bill 1461 by the 73rd Legislature of

Texas. In the proposed section, the terms "justified," "verified as accurate," "documented as valid," and "the number of insurance policies written by the insurer," are defined as they relate to the complaints information provided to the public through the department's toll-free telephone number.

The sections are proposed under the Insurance Code, Articles 1.35D and 1.04(b); and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 1.35D, requires the department to provide certain information to the public through a toll-free telephone line. The Insurance Code, Article 1.04(b), authorizes the Board to determine rules in accordance with the laws of this state for uniform application. 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 requirement of available procedures, and prescribe the procedures for adoption of rules of a state administrative agency.

Issued in Austin, Texas, July 23, 1993.

TRD-9326314 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

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The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2046, scheduled for 1:30 p.m. August 30, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider proposed new §21.1002 concerning prohibiting insurers writing personal automobile insurance from requesting or using information regarding automobile accidents, traffic violations, or claims of an applicant in connection with or in making an underwriting decision when such accidents, violations, or claims occur more than 39 months prior to the date of application for personal auto insurance except under certain conditions as provided in the proposed rule. Under the proposed rule, insurers would be permitted to use information regarding convictions for certain specified offenses for underwriting purposes for a period not to exceed 60 months prior to the date of the application. These offenses would include driving while under the influence of alcohol or drugs, involuntary manslaughter, criminally negligent operation of a motor vehicle, driving with suspended or no license, and insurance-related fraud.

The new section is proposed pursuant to the Insurance Code, Articles 1.04, 5.06, 5.09, 5.10, 5.98, 5.101, and 21.21; and Texas Civil Statutes, Article 6252-13a, §4 and §5. Article 1.04(b), authorizes the State Board of Insurance to determine rules in accordance with the laws of this state. Article 5.06, provides the State Board of Insurance with the authority to adopt or approve personal automobile insurance policy forms and endorsements. Article 5.09, prohibits any insurer coming within the terms of Subchapter A of Chapter 5 of the Insurance Code from any discrimination or distinctions in favor of or against an insured having a like hazard in the charge of premiums. Article 5.10, authorizes the State Board of Insurance to make and enforce rules and regulations necessary to carry out the provisions of the automobile insurance statutes. Article 5.98, authorizes the State Board of Insurance to adopt reasonable rules that are appropriate to accomplish the purposes of Chapter 5 of the Insurance Code which

regulates rating and policy forms for automobile insurance. Article 5.101, empowers the State Board of Insurance to regulate automobile insurance rates. Article 21.21, §13, authorizes the State Board of Insurance to promulgate and enforce reasonable rules and regulations as necessary to accomplish the purposes of Article 21.21. 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 requirement of available procedures and to prescribe the procedures for adoption of rules by a state administrative agency.

Issued in Austin, Texas, July 23, 1993.

TRD-9326313 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

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The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2046, scheduled for 1:30 p.m. August 30, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider new §21.1003 concerning prohibiting insurers or agents from conditioning the issuance, renewal, price, continuation, or amount of coverage of personal automobile insurance on the number of vehicles to be insured on the policy or on the purchase of any other policy or policies from the policyholder's personal auto insurer or any affiliate of that insurer. The proposed rule, however, would not preclude the application of a type of discount as provided in a rate manual approved by the Texas Department of Insurance or the conditioning of the sale of any umbrella or excess coverage policy on the purchase of the underlying policy.

The new section is proposed pursuant to the Insurance Code, Articles 1.04, 5.06, 5.09, 5.10, 5.98, 5.101, 21.49-2B, and 21.07, §13; Article 21.07-3, §21; Articles 21.14 and 21.21, §13; and Texas Civil Statutes, Article 6252-13a, §4 and §5. Article 1.04(b), authorizes the State Board of Insurance to determine rules in accordance with the laws of this state. Article 5.06, provides the State Board of Insurance with the authority to adopt or approve personal automobile insurance policy forms and endorsements. Article 5.09, prohibits any insurer coming within the terms of Subchapter A of Chapter 5 of the Insurance Code from any discrimination or distinctions in favor of or against an insured having a like hazard in the charge of premiums. Article 5.10, authorizes the State Board of Insurance to make and enforce rules and regulations necessary to carry out the provisions of the automobile insurance statutes. Article 5.98, authorizes the State Board of Insurance to adopt reasonable rules that are appropriate to accomplish the purposes of Chapter 5 of the Insurance Code, which regulates rating and policy forms for automobile insurance. Article 5.101, empowers the State Board of Insurance to regulate automobile insurance rates. Article 21.49-2B, authorizes the State Board of Insurance to adopt rules relating to the cancellation and nonrenewal of personal automobile insurance policies. Article 21.07, §13, provides the State Board of Insurance with the authority to establish reasonable rules and regulations for the licensing of agents. Article 21.07-3, §21, provides the State Board of Insurance with the authority to establish reasonable rules and regulations for the licensing of managing general agents. Article 21.14, provides the State Board of Insurance

ance with the authority to license local recording agents and solicitors. Article 21.21, §13, authorizes the State Board of Insurance to promulgate reasonable rules and regulations as necessary to accomplish the purposes of Article 21.21. 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 requirement of available procedures and to prescribe the procedures for adoption of rules by a state administrative agency.

Issued in Austin, Texas, July 23, 1993.

TRD-9326312 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2036, scheduled for 1:30 p.m. August 30, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider proposed new §21.1000 concerning the use of underwriting decisions of other companies. This section prohibits an insurer or agent from considering the fact that an applicant for personal automobile, residential property, or life, accident or health insurance was denied coverage, non-renewed, or canceled by another company. The proposed section also prohibits an insurer or agent writing or offering personal automobile or residential property insurance from refusing to insure or submit an application or binder because the applicant was previously insured by a county mutual or surplus lines insurer. Failure to comply with this section would constitute unfair competition and unfair practices under the Insurance Code, Article 21.21, and would be subject to the provisions of that article.

The new section is proposed pursuant to the Insurance Code, Articles 1.04(b), 5.06, 5.09, 5.10, 5.35, 5.98, 5.101, and 21.07, §13; Article 21.07-3, §21; Articles 21.14 and 21.21, §13; and Texas Civil Statutes, Article 6252-13a, §4 and §5. Article 1.04(b), authorizes the State Board of Insurance to determine rules in accordance with the laws of this state. Article 5.06, provides the State Board of Insurance with the authority to adopt or approve personal automobile insurance policy forms and endorsements. Article 5.09, prohibits any insurer coming within the terms of Subchapter A of Chapter 5 of the Insurance Code from any discrimination or distinctions in favor of or against an insured having a like hazard in the charge of premiums. Article 5.10, authorizes the State Board of Insurance to make and enforce rules and regulations necessary to carry out the provisions of the automobile insurance statutes. Article 5.35, authorizes the State Board of Insurance to adopt or approve policy forms and endorsements for residential property insurance. Article 5.98, authorizes the State Board of Insurance to adopt reasonable rules that are appropriate to accomplish the purposes of Chapter 5 of the Insurance Code. Article 5.101, empowers the State Board of Insurance to regulate automobile and residential property insurance rates. Article 21.07, §13, provides the State Board of Insurance with the authority to establish reasonable rules and regulations for the licensing of agents. Article 21.07-3, §21, provides the State Board of Insurance with the authority to establish reasonable rules and regulations for the licensing of managing general agents. Article 21.14, provides the State Board of Insurance with the authority to license local recording agents and solicitors. Article 21.21, §13, authorizes the State Board of

Insurance to promulgate rules and regulations as necessary to carry out the provisions of Article 21.21. 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 requirement of available procedures and to prescribe the procedures for adoption of rules by a state administrative agency.

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

TRD-9326318 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2044, scheduled for 9:00 a.m. August 30, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider proposed amendments to §7.25 and §7.26 concerning the movement of books and records by a domestic insurance company to a location outside the State of Texas, under the Insurance Code, Article 1.28. The amendments are necessary to implement changes to the Insurance Code, Article 1.36 regarding service of process on insurers approved to operate under Article 1.28. The sections establish a procedure for domestic insurers to provide written notice to the Commissioner of the intent to move all or any portion of the books, records, accounts, and offices outside the State of Texas. The amendments to §7.25 add definitions, instructions, new forms and eliminate some forms which are no longer necessary. Proposal of these amendments includes the adoption by reference of the new forms for use by all insurers subject to the Insurance Code, Article 1.28. The board has filed a copy of the forms with the Secretary of State's Office, *Texas Register* Section. Persons desiring copies of the forms can obtain copies from the Texas Department of Insurance, Holding Company Activity, Mail Code 305-4A, P.O. Box 149104, Austin, Texas 78714-9104. Copies are also available for pick-up from the William P. Hobby State Office Building, Holding Company Activity, 333 Guadalupe, Austin. The amendments to §7.26 provide the Commissioner with the ability to approve or disapprove the notice of a company's intent to move its books and records and directs that the notice is to be filed with the Holding Company Activity of the department.

The amendments are proposed under the Insurance Code, Articles 1.28, 21.49-1, 1.36, 1.19, 1.15, 21.55, and 1.04; and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 1.28, authorizes certain domestic insurance companies to move all or any portion of their books, records, accounts, and offices outside the State of Texas upon giving 30 days written notice of intent to the commissioner of insurance, if the commissioner does not disapprove. Article 21.49-1, authorizes the regulation of holding company transactions and domestic insurance company registration. Article 1.36, authorizes the domestic insurer and its controlling person of the affiliated insurance holding company system to appoint a person in Texas as attorney for service for all judicial and administrative processes. Articles 1.19 and 1.15, provide access to books and records. Article 21.55, assures proper policyholder/claimant service. Article 1.04(b), authorizes the Board to determine rules in accordance with the laws of this state for uniform application. 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 requirement of available procedures, and prescribe the procedures for adoption of rules of a state administrative agency. The proposed amendments affect regulation of the books, records, accounts and offices of a domestic insurer and the service of process on domestic insurers approved to operate under the Insurance Code, Articles 1.28 and 1.36.

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

TRD-9326296 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2039, scheduled for 2:00 p.m. August 30, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider proposed new §3.6011 concerning the responsibility and obligation of an insurer to provide a copy of a TDI-promulgated form entitled Consumer Bill of Rights for Credit Life, Credit Disability and Involuntary Unemployment Insurance with each new policy and certificate of credit life, credit disability and involuntary unemployment insurance. The new section provides that all insurers must provide the Consumer Bill of Rights for Credit Life, Credit Disability and Involuntary Unemployment Insurance with each policy and certificate of credit life, credit disability and involuntary unemployment insurance. That Consumer Bill of Rights must also accompany each renewal notice for credit life, credit disability and involuntary unemployment insurance, unless the current version of that Consumer Bill of Rights has been previously provided to the insured by the insurer. Form CL-CD-IU-CBR, Consumer Bill of Rights for Credit Life, Credit Disability and Involuntary Unemployment Insurance, is filed with the Office of the Secretary of State, Texas Register Section, and incorporated in the rule by reference. The form can be obtained from the Texas Department of Insurance, Publications Department, Mail Code 108-5A, P.O. Box 149104, Austin, Texas 78714-9104. A Spanish language version of the form will be promulgated at a later date.

The new rule is proposed under the Insurance Code, Articles 1.35A, 3.53, 21.79E, and 1.04; and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 1.35A(h)(7), requires the Office of Public Insurance Counsel to submit to the department for adoption a consumer bill of rights appropriate to each personal line of insurance regulated by the board to be distributed upon the issuance of a policy by insurers to each policyholder under rules adopted by the department. Insurance Code, Article 3.53, authorizes the board to issue such rules and regulations as it deems appropriate for the regulation of credit life insurance and credit accident and health insurance. Insurance Code, Article 21.79E, authorizes the writing of involuntary unemployment insurance. Insurance Code, Article 1.04(b), provides the board with authority to determine 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.

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

TRD-9326297 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

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The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2035, scheduled for 9:00 a.m. August 24, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider proposed amendment to §9.1, concerning the adoption by reference of the Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas (the Basic Manual). The amendment consists of the repeal of procedural rule P-28 concerning general requirements for continuing education of title insurance agents licensed under the Insurance Code, Article 9.36, and escrow officers licensed under Insurance Code, Article 9.43. Procedural Rule P-28 also establishes requirements for the implementation of continuing education programs as authorized in the Insurance Code, Article 9.58. The repeal of procedural rule P-28 is necessary for the State Board of Insurance to facilitate the Legislative intent of House Bill 1461. House Bill 1461 was passed by the 73rd Legislature, Regular Session, with an effective date of September 1, 1993, and provides that administration of continuing education programs for agents by the Department is discretionary. House Bill 1461 also makes participation in continuing education programs by agents voluntary, unless continuing education is otherwise required by statute or applicable law. The amendment of §9.1 will enable the Department to recognize or administer continuing education programs in accordance with provisions of House Bill 1461, which added Article 21.01-2 to the Insurance Code. Procedural Rule P-28, paragraph 1 of the Basic Manual, adopted by reference under §9.1 of the rules promulgated by the State Board of Insurance, discusses the purpose and scope of the continuing education requirements and program for title agents. Procedural Rule P-28, paragraph 2 discusses the definition of terms used throughout the rule. Procedural Rule P-28, paragraphs 3 and 4 discuss the continuing education requirements for each title agent and escrow officer during the license period, exemptions and extensions of time to complete the continuing education requirements. Procedural Rule P-28, paragraph 5 discusses the continuing education requirements for a title agent or escrow officer whose license period is less than the period required in the Insurance Code. Procedural Rule P-28, paragraph 6 discusses continuing education course content. Procedural Rule P-28, paragraphs 7 and 8 address maintenance of continuing education records and the Department's ability to review the books and records of continuing education course providers and title agents. Procedural Rule P-28, paragraphs 9 and 10 address distribution of the rule to interested parties and the types of forms that correspond to the different filings and registration documents mentioned in the rule. The amendment, with an effective date of September 1, 1993, will not alter, modify, or eliminate the responsibility of the Department to administer continuing education programs for title agents and escrow officers through August 31, 1993. By separate rule-making, the Department will establish minimum standards or criteria for the continuing education courses offered by course providers.

The amendment is proposed under the Insurance Code, Articles 9.58, 21.01-2, and 1.04; and Texas Civil Statutes, Article 6252-13a, §4 and §5. Article 9.58, authorizes the State Board of Insurance to adopt a procedure to verify that title agents and escrow agents are participating in continuing education programs. Article 21.01-2, §4, provides that the Department may recognize or administer continuing education programs for agents affected by the Article. Article 1.04(b), provides the State Board of Insurance with authority to determine rules in accordance with the laws of this state for uniform application. 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.

Issued in Austin, Texas, July 23, 1993.

TRD-9326298 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

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The State Board of Insurance of the Texas Department of Insurance proposes at a public hearing under Docket Number 2034, scheduled for 9:00 a.m. August 24, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider the repeal of §§19.1001-19.1011, concerning the continuing education requirements for agents. The repeal of these sections is necessary for the State Board of Insurance to facilitate the Legislative intent of House Bill 1461. House Bill 1461 was passed by the 73rd Legislature, Regular Session, with an effective date of September 1, 1993, and provides that administration of continuing education programs for agents by the Department is discretionary. House Bill 1461 also makes participation in continuing education programs by agents voluntary, unless continuing education is otherwise required by statute or applicable law. The repeal of §§19.1001-19.1011 will enable the Department to recognize or administer continuing education programs in accordance with provisions of House Bill 1461, which added the Insurance Code, Article 21.01-2. Section 19.1001 discusses the purpose and scope of the continuing education requirements and program. Section 19.1002 discusses the definitions of terms used throughout the subchapter. Section 19.1003 to §19.1005 discuss the continuing education requirements for each agent during a two-year period, exemptions, and penalties for failure to comply with continuing education requirements. Section 19.1006 discusses continuing education course content. Section 19.1007 and §19.1008 address maintenance of continuing education records and the Department's ability to review the books and records of continuing education course providers and agents. Section 19.1009 addresses the establishment of an Advisory Council to assist in the administration of continuing education programs. Section 19.1010 and §19.1011 address the distribution of these rules to interested parties and the types of forms that correspond to the different filings and registration documents mentioned in the rules. The repeal, with an effective date of September 1, 1993, will not alter, modify, or eliminate the responsibility of the Department to administer continuing education programs for agents and adjusters through August 31, 1993. By separate rule-making, the

Department will establish minimum standards or criteria for the continuing education courses offered by course providers.

The repeals are proposed under the Insurance Code, Articles 21.07-1, 21.14, 21.01-2, and 1.04; and Texas Civil Statutes, Article 6252-13a, §4 and §5. Articles 21.07-1 and 21.14, authorize the State Board of Insurance to adopt a procedure for certifying continuing education programs for agents. Article 21.01-2, §4, provides that the Department may recognize or administer continuing education programs for agents affected by the Article. Article 1.04(b), provides the State Board of Insurance with authority to determine rules in accordance with the laws of this state for uniform application. 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.

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

TRD-9326299 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

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The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2033, scheduled for 9:00 a.m. August 24, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider proposed repeal of §§5.9005-5.9008 concerning the requirements for the Amusement Ride Safety Inspection and Insurance Act, Article 21.60 of the Insurance Code. The repeal of §§5.9005-5.9008 is necessary to enable the board simultaneously to adopt new §5.9005 and §5.9006 which replace the repealed §5.9005 and §5.9006 with new provisions concerning the Amusement Ride Safety Inspection and Insurance Act and renumber and make administrative changes to §§5.9005-5.9008 as §§5.9007-5.9010. Notification appears elsewhere in this issue of the *Texas Register* of the proposed new sections which replace the repealed sections.

The repeals are proposed under the Insurance Code, Articles 21.60 and 1.04; and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 21.60, authorizes rules relating to the administration and enforcement of the Amusement Ride Safety Inspection and Insurance Act. Article 1.04(b), authorizes the Board to determine rules in accordance with the laws of this state for uniform application. 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 requirement of available procedures, and prescribe the procedures for adoption of rules of a state administrative agency.

Issued in Austin, Texas, July 23, 1993.

TRD-9326300 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2032, scheduled for 9:00 a.m. August 24, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider proposed amendments to §§5.9001-5.9004, and new §§5.9005-5.9014, concerning the Amusement Ride Safety Inspection and Insurance Act. The amendments and new sections to Subchapter J are necessary to clarify and to better define the scope of amusement rides operating in Texas; to clarify the criteria for amusement ride inspections; to establish a system to validate the qualifications of inspectors conducting amusement ride inspections; and to clarify the requirements of the Act. These sections provide safety inspection standards and insurance minimums on amusement ride owner/operators to protect the public in their expectation of a safe, controlled, and insured amusement ride. The proposal of new §5.9005 and §5.9006 is simultaneous with the proposed repeal of present §§5.9005-5.9008. Notice of the proposed repeal appears elsewhere in this issue of the *Texas Register*. New §5.9005 (relating to Qualifications of Personnel Conducting Safety Inspections of Amusement Rides and Devices) replaces existing §5.9005 (relating to Quarterly Injury Reports). New §5.9006 (relating to Designation of Safety Inspector for Amusement Ride and Devices) replaces existing §5.9006 (relating to Filing Affidavit). New §5.9007 (relating to Quarterly Injury Reports) replaces existing §5.9007 (relating to Board Information Request). New §5.9008 (relating to Filing Affidavit) replaces existing §5.9008 (relating to Board Confirmation of Required Insurance and Inspection Certificate; Rule Construction). Proposal of these sections includes the adoption by reference of new and revised forms for use by all insurers and amusement ride owners/operators subject to the Insurance Code, Article 21.60. The board has filed a copy of the forms with the Secretary of State's office, *Texas Register* Section. Persons desiring copies of the forms can obtain such from the Texas Department of Insurance, Loss Control Regulation Division, Mail Code 105-9A, P.O. Box 149104, Austin, Texas 78714-9104. Copies are also available for pickup from the William P. Hobby State Office Building, Loss Control Regulation Division, 333 Guadalupe, Austin.

The proposed changes are made under the Insurance Code, Articles 21.60 and 1.04; and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 21.60, authorizes rules relating to the administration and enforcement of the Amusement Ride Safety Inspection and Insurance Act. Article 1.04(b), authorizes the Board to determine rules in accordance with the laws of this state for uniform application. 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 requirement of available procedures, and prescribe the procedures for adoption of rules of a state administrative agency.

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TRD-8326301 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2031, scheduled for 9:00 a.m. August 30, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider proposed amendment to §5.9101, concerning commercial multi-peril insurance and the filing of rates and policy forms for a commercial multi-peril policy. Pursuant to the amendments to the Insurance Code, Article 5.13-2, enacted under House Bill 1461 by the 73rd Texas Legislature, the amendments to §5.9101 are necessary to add commercial casualty insurance and medical professional liability insurance as eligible lines of insurance under a commercial multi-peril policy for the file and use of rates and the prior approval of policy forms. This will ensure that these lines in both the monoline and multi-peril coverages will be regulated in the same manner. The amendments also clarify the term "commercial casualty insurance." Pursuant to the amendments to Article 5.13-2, the supplementary rating information required to be submitted for each line of insurance is broadened to include premium discounts and rating plans such as experience, schedule and retrospective rating. A clarifying statement is added under subsection (f) to clearly indicate that policy forms and endorsements for use with a "large" risk as defined in the Insurance Code, Article 5.13-2, §8(f), are exempt from any filing requirements in subsection (f). In addition, because of the changes to the structure and operation of the Texas Department of Insurance enacted by House Bill 1461, references to the State Board of Insurance are deleted, and the Texas Department of Insurance is substituted.

The amendment is proposed pursuant to the Insurance Code, Articles 5.81, 5.98, and 1.04; and Texas Civil Statutes, Article 6252-13a, §4 and §5. Article 5.81, authorizes the State Board of Insurance to approve forms for multi-peril policies of insurance and to adopt rules as in the best judgment of the Board are necessary and desirable to carry out the purposes and objectives of this article. Article 5.98, authorizes the State Board of Insurance to adopt reasonable rules that are appropriate to accomplish the purposes of Chapter 5 of the Insurance Code, which regulates rating and policy forms for property and casualty insurance. Article 1.04(b), authorizes the State Board of Insurance to adopt 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 requirement of available procedures and to prescribe the procedures for adoption of rules by a state administrative agency.

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

TRD-9326302 Linda K von Quintus-Dorn

Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2030, scheduled for 9:00 a.m. August 30, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider an amendment to §5.3902, concerning the requirements for equivalent coverage, as provided for in the Insurance Code, Article 5.13-2, §8(e), for policy forms filed by individual insurers for commercial property insurance, general liability insurance, commercial casualty insurance, and medical professional liability insurance, and as provided in §5.9101(f)(5) of this title (relating to Multi-Peril Policies) for policy forms filed by individual insurers for commercial multi-peril insurance. The amendments are necessary because of the changes to Article 5.13-2, enacted by the 73rd Texas

Legislature in House Bill 1461. The amendment to §5.9302(a) is necessary to include commercial casualty insurance and medical professional liability insurance as being subject to the equivalent coverage requirements. A new subsection (b) is added to clarify the meaning of the term "commercial casualty" insurance, and subsequent subsections are redesignated accordingly. Current subsection (d) is redesignated as subsection (e) and is amended to indicate that policy forms are to be filed with the Texas Department of Insurance instead of the State Board of Insurance, in accordance with changes in the structure and operation of the Texas Department of Insurance enacted by House Bill 1461. The amendment to current subsection (g), which is redesignated as subsection (h), is needed to exempt policy forms used with large risks from the requirement to be filed with the Texas Department of Insurance for approval and to clarify that policy forms for use with large risks must, however, continue to include all provisions and conditions required by the Insurance Code, including any specific notices to policyholders. Current subsection (h), which has been redesignated as subsection (i), is amended to conform the requirement of the amount of a total premium for eligibility as a large risk to amendments to Article 5.13-2. The new requirements include total premium amounts of \$50,000 for property insurance in lieu of \$25,000 and \$100,000 for commercial multi-peril in lieu of \$75,000. Technical editing changes include the addition of subsection headings and corrections to subsection references.

The amendment is proposed pursuant to the Insurance Code, Articles 5.98, 5.13-2, 5.81, and 1.04; and Texas Civil Statutes, Article 6252-13a, §4 and §5. Article 5.98, authorizes the State Board of Insurance to adopt reasonable rules that are appropriate to accomplish the purposes of Chapter 5 of the Insurance Code, which regulates rating and policy forms for property and casualty insurance. Article 5.13-2, §8(e), requires that policy forms submitted by insurers for approval in general liability lines, property lines, commercial casualty lines and medical professional liability lines must provide coverage equivalent to that provided in the policy forms used for those lines prior to and in effect on October 1, 1991. Article 5.81, authorizes the State Board of Insurance to approve forms for multi-peril policies of insurance and to adopt rules as in the best judgment of the board are necessary and desirable to carry out the purposes and objectives of this article. Article 1.04(b), authorizes the State Board of Insurance to adopt 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 requirement of available procedures and to prescribe the procedures for adoption of rules by a state administrative agency.

Issued in Austin, Texas, July 23, 1993.

TRD-9326303 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

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The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2029, scheduled for 9:00 a.m. August 30, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider proposed new 28 TAC §5.9301, concerning the policy form and endorsement filing requirements for insurers sharing insurance coverage

on a single commercial risk or account on a pro rata basis. It is not uncommon in today's market to have commercial risks or accounts that require limits of liability that a single insurer cannot provide or a risk or account which may have hazards that a single company is not willing to accept based on the total limit of liability. In such instances, the commercial risk or account may be shared by two or more insurers on a pro rata basis. Commercial property insurers and general liability insurers, pursuant to the Insurance Code, Article 5.13-2, §8, and commercial multi-peril insurers, pursuant to the Insurance Code, Article 5.81, and §5.9101 of this title (relating to Multi-peril Policies) are required to file, on an individual insurer basis, policy forms and endorsements for approval by the board. This individual insurer filing procedure is required regardless of whether several insurers are insuring the same risk or account on a shared basis. The proposed rule is necessary to except those insurers that are providing shared commercial insurance coverages on a single commercial risk or account from the requirement that each individual insurer file policy forms and endorsements. Without this rule, each insurer participating on a single commercial risk or account would be required to use its own individual policy forms that have been approved by the board, and there could be non-concurrence of coverage for the same commercial risk or account. The rule provides for one of the participating insurers on a shared commercial risk or account to be designated as the lead insurer, and the policy forms and endorsements approved by the board for that lead insurer are to be used by other insurers being required to file, for approval, the policy forms and endorsements of the lead insurer. The lead insurer is defined as the insurer providing the largest percentage of coverage for a single commercial risk or account or the insurer designated by the insured as the lead insurer. The Subchapter M heading is also being amended to reflect the fact that the subchapter addresses more than one filing requirement.

New §5.9301 is proposed pursuant to the Insurance Code, Articles 5.13-2, 5.81, 5.98, and 1.04(b); and Texas Civil Statutes, Article 6252-13a. Article 5.13-2, §8, requires individual insurers to file commercial property and general liability policy forms and endorsements with the board for approval before such policy forms and endorsements can be delivered or issued for delivery in this state. Article 5.81, authorizes the board to approve multi-peril insurance policy forms and endorsements. Article 5.98, authorizes the State Board of Insurance to adopt reasonable rules to accomplish the purposes of Chapter 5 of the Insurance Code (Rating and Policy Forms). Article 1.04(b), authorizes the State Board of Insurance to determine policy, rules, and forms in accordance with the laws of this state. Article 6252-13a, §4 and §5, authorize and require each state agency to adopt rules of practice setting forth the nature and requirement of available procedures and to prescribe the procedures for adoption of rules by a state administrative agency.

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

TRD-9326304 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

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The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2028, scheduled for 9:00 a.m. August 24, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guada-

lupe Street in Austin will consider proposed new §§31.201-31.207 concerning the requirements for, and audit coverages applicable to, each guaranty association established under the Texas Insurance Code, Article 9.48, 21.28-C, or 21.28-D. Proposed new §31.201 and §31.202 state the purpose and applicability of the rule. Proposed new §31.203 prescribes the nature of the audits to be performed. Proposed new §31.204 provides for the scope and frequency of the audits. Proposed new §31.205 contains the audit reporting requirements, and proposed new §31.206 determines the manner of assessing audit costs. Proposed new §31.207 is a severability clause. These proposed rules were developed by the Texas Department of Insurance with review and comment by the Office of the State Auditor as required by Article 21.28, §12(j).

These rules are proposed under the Insurance Code, Articles 21.28 and 1.04; and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 21.28, §12(j), authorizes the Board to adopt rules related to scope, frequency, reporting requirements and costs of audits for each guaranty association established under the Code, Article 9.48, 21.28-C, or 21.28-D. Article 1.04(b), authorizes the State Board of Insurance to determine rules in accordance with the laws of this state for uniform application. 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 of a state administrative agency.

Issued in Austin, Texas, July 23, 1993.

TRD-9326305 Linda K. von Quintus-Dom
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2027, scheduled for 9:00 a.m. August 24, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider proposed new §§31.101-31.107 concerning the requirements for, and audit coverages applicable to, the receiver and any special deputy receiver appointed under the Insurance Code, Article 21.28. Article 21.28, §12(d), and §12(f), provide for annual audits of the liquidator. Proposed new §31.101 and §31.102 state the purpose and applicability of the rule. Proposed new §31.103, prescribes the nature of the audits to be performed. Proposed new §31.104, provides for the scope and frequency of the audits. Proposed new §31.105, contains the audit reporting requirements. Proposed new §31.106, determines the manner of assessing audit costs. Proposed new §31.107 is a severability clause. These proposed rules were developed by the Texas Department of Insurance with review and comment by the Office of the State Auditor as required by Article 21.28, §12(j).

These rules are proposed under the Insurance Code, Articles 21.28 and 1.04; and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 21.28, §12(d), requires the State Auditor to conduct an annual audit of the liquidator as defined in Article 21.28, §1(d). Article 21.28, §12(e), outlines the contents of the auditor's reports. Article 21.28, §12(f), provides the manner of filing the audit reports. Article 21.28, §12(j), authorizes the Board to determine rules related to scope, frequency, reporting requirements and costs of audits. Article 1.04(b),

authorizes the State Board of Insurance to determine rules in accordance with the laws of this state for uniform application. 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 of a state administrative agency.

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

TRD-9326306 Linda K. von Quintus-Dom
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

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.

The amendment is proposed under the Insurance Code, Articles 3.33 and 1.04; and Texas Civil Statutes, Article 6252-13a, §4 and §5. Article 3.33, §9, authorizes the board to adopt rules which are appropriate for the implementation of Article 3.33. Article 1.04(b), authorizes the board to determine rules in accordance with the laws of this state for uniform application. 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 procedure for adoption of rules of a state administrative agency.

Issued in Austin, Texas, July 23, 1993.

TRD-9326307 Linda K. von Quintus-Dom
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

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.

The section is proposed under the Insurance Code, Articles 3.10, 5.75-1, 1.32, 3.60, 14.33, 21.21, and 22.12; and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Articles 3.10 and 5.75-1, authorize rules relating to accounting and financial statement requirements and the treatment of reinsurance agreements between insurers. Articles 1.32, 3.60, 14.33, and 22.12, relate to the evaluation of the financial condition of insurers. Article 21.21, relates to unfair competition and unfair practices in the business of insurance. 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 requirement of available procedures, and prescribe the procedures for adoption of rules by a state administrative agency. The proposed section affects the accounting for reinsurance by insurers under the Insurance Code, Articles 3.10 and 5.75-1.

Issued in Austin, Texas, July 23, 1993.

TRD-9326308 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

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.

The amendment is under authority of the Insurance Code, Articles 1.11 and 1.04; and Texas Civil Statutes, Article 6252-13a, §4 and §5. Article 1.11, authorizes the board to adopt rules which are appropriate for the implementation of Article 1.11. Article 1.04(b), authorizes the board to determine rules in accordance with the laws of this state for uniform application. 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 procedure for adoption of rules of a state administrative agency.

Issued in Austin, Texas, July 23, 1993.

TRD-9326309 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

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.

The amendment is proposed under the Insurance Code, Articles 1.14-2 and 1.04; and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 1.14-2, §3A, provides the State Board of Insurance with

the authority to adopt rules to enforce the article. Article 1.04(b), authorizes the State Board of Insurance to determine rules in accordance with the laws of this state for uniform application. 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 of a state administrative agency.

Issued in Austin, Texas, July 23, 1993.

TRD-9326310 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2043, scheduled for 9:00 a.m. August 30, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider new §21.7 prohibiting insurers from engaging in unfair practices in the setting or use of rates or rating manuals for property and casualty insurance in Texas. The specific practices identified as unfair and prohibited include using any procedure, practice, method, underwriting guideline, or other activity which has the purpose or effect of: discriminating on the basis of race, color, religion, or national origin; discriminating on the basis of geographic location, age, sex, or disability, unless justified by sound actuarial principles; and unfairly distinguishing or unfairly discriminating among insureds or potential insureds having a like hazard. This section defines the terms "the setting or use of rates or rating manuals" and "insurer" for purposes of this section. This regulatory action is necessary to address practices in the insurance industry which have the purpose or effect of unfairly discriminating among insureds or potential insureds. The Texas Department of Insurance has received information from individuals and organizations as well as statistical data which indicate a need for this regulatory action. This information includes: indications that insurers use underwriting guidelines and other factors unrelated to risk or hazard in the determination of rates; consumer complaints alleging unfair declinations and non-renewals as well as a lack of availability of insurance; and statistical data reflecting patterns and trends in this state which suggest that rate discrimination based upon race or geographic location or factors correlated with race or geographic location may be taking place. In addition, this regulatory action is necessary to ensure that insurance practices in this state are in accordance with the basic civil rights of Texas citizens. New §21.7 prohibiting insurers from engaging in unfair practices in the setting or use of rates or rating manuals for property and casualty insurance in Texas. The specific practices identified as unfair and prohibited include using any procedure, practice, method, underwriting guideline, or other activity which has the purpose or effect of: discriminating on the basis of race, color, religion, or national origin; discriminating on the basis of geographic location, age, sex, or disability, unless justified by sound actuarial principles; and unfairly distinguishing or unfairly discriminating among insureds or potential insureds having a like hazard. This section defines the terms "the setting or use of rates or rating manuals" and "insurer" for purposes of this section. This regulatory action is necessary to address practices in the insurance industry which have the purpose or effect of

unfairly discriminating among insureds or potential insureds. The Texas Department of Insurance has received information from individuals and organizations as well as statistical data which indicate a need for this regulatory action. This information includes: indications that insurers use underwriting guidelines and other factors unrelated to risk or hazard in the determination of rates; consumer complaints alleging unfair declinations and non-renewals as well as a lack of availability of insurance; and statistical data reflecting patterns and trends in this state which suggest that rate discrimination based upon race or geographic location or factors correlated with race or geographic location may be taking place. In addition, this regulatory action is necessary to ensure that insurance practices in this state are in accordance with the basic civil rights of Texas citizens.

The new section is proposed pursuant to the Insurance Code, Articles 1.04(b), 5.09, 5.10, 5.81, 5.98, and 21.07, §13; Article 21.07-3, §21; Articles 21.14, 21.21, 21.21-3, and 21.21-5; and Texas Civil Statutes, Article 6252-13a, §4 and §5. Article 1.04(b), authorizes the State Board of Insurance to determine rules in accordance with the laws of this state. Article 5.09, prohibits any insurer coming within the terms of Subchapter A of Chapter 5 of the Insurance Code from any discrimination or distinctions in favor of or against an insured having a like hazard in the charge of premiums. Article 5.10, authorizes the State Board of Insurance to make and enforce rules and regulations necessary to carry out the provisions of the automobile insurance statutes. Article 5.81, authorizes the State Board of Insurance to make, approve, and enforce rules and regulation necessary and desirable to carry out the purposes and objectives of regulating multi-peril policies of insurance. Article 5.98, authorizes the State Board of Insurance to adopt reasonable rules that are appropriate to accomplish the purposes of Chapter 5 of the Insurance Code, which regulates rates and policy forms for property and casualty insurance. Article 21.07, §13, provides the State Board of Insurance the authority to establish reasonable rules and regulations for the licensing of agents. Article 21.07-3, §21, provides the State Board of Insurance with the authority to establish reasonable rules and regulations for the licensing of managing general agents. Article 21.14, provides the State Board of Insurance with the authority to license local recording agents and solicitors. Article 21.21, authorizes the State Board of Insurance to promulgate reasonable rules and regulations to accomplish the purposes of Article 21.21, including the determination of practices in this state which constitute unfair methods of competition or unfair or deceptive acts or practices and to prohibit such practices. Article 21.21-3, sets forth reasons for which an insured may not discriminate against an individual solely because of a handicap or partial handicap. Article 21.21-5, sets forth reasons upon which an insurer may not discriminate. 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 requirement of available procedures and to prescribe the procedures for adoption of rules by a state administrative agency.

Issued in Austin, Texas, July 23, 1993.

TRD-9326311 Linda K. von Quintus-Dom
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

Company License Application

Application for admission in Texas for CoreSource, Inc., a foreign third party administrator. The home office is in Dover, Delaware.

Application for Incorporation in Texas for Trinity Claims, (assumed name for Enderly Development Corporation), a domestic third party administrator. The home office is in Fort Worth, Texas.

Application for admission in Texas for Health Management Systems, Inc., a foreign third party administrator. The home office is in Colorado Springs, Colorado.

Application for admission in Texas for VASA Brougner, Inc., a foreign third party administrator. The home office is in Indianapolis, Indiana.

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

TRD-9326320 Linda K. von Quintus-Dom
Chief Clerk
Texas Department of Insurance

Filed: July 23, 1993

Lower Colorado River Authority Public Notice

Pursuant to the requirements of the federal Environmental Protection Agency (EPA) Acid Rain Program (Program) (40 Code of Federal Regulations 72; 58 Federal Regulations 3590 (January 11, 1993)), the Lower Colorado River Authority (LCRA) and the City of Austin by agreement have selected Walter J. Reid as the Designated Representative for the Fayette Power Project (also known as the "FPP" or the "Sam Seymour Power Plant"), located seven miles east of La Grange, Fayette County, Texas. Dudley Piland has been selected as the Alternate Designated Representative for FPP. Walter J. Reid also has been selected by LCRA to be the Designated Representative for the Sim Gideon Steam Plant, located four miles northeast of Bastrop, Bastrop County, Texas, and the Thomas C. Ferguson Power Plant, located seven miles west of Marble Falls, Llano County, Texas. William Thomas Higgins has been selected as the Alternate Designated Representative for the Sim Gideon Steam Plant, and Norman L. Jones has been selected as the Alternate Designated Representative for the Thomas C. Ferguson Power Plant. These designated officials have certain responsibilities for compliance with the Program, including compliance with air quality monitoring regulations and the management and trading of sulfur dioxide allowances, which will be allocated by EPA for compliance with the Program. For more information, call 1 (800) 776-5272 for Joe Bentley at extension 6881 or Mark Walker at extension 3378.

Issued in Austin, Texas, on July 20, 1993.

TRD-9326221 Glen E. Taylor
General Counsel
Lower Colorado River Authority

Filed: July 22, 1993

Texas Department of Mental Health and Mental Retardation

Notice of Public Hearing

The Texas Department of Mental Health and Mental Retardation (TXMHMR) will be holding a public hearing at 1:30 p.m., Tuesday, August 10, 1993, in the Central Office Auditorium located at 909 West 45th Street, Austin. The purpose of this public hearing will be to accept oral and written testimony concerning the proposed Plan on Longer-Term Care for Persons with Mental Retardation as required by Senate Bill 160 of the 73rd Texas Legislature in amendments of the Persons with Mental Retardation Act (§533.062). Individuals requiring an interpreter for the hearing impaired should contact Linda Logan, Director of Policy Development, by calling (512) 465-4516 at least 72 hours prior to the hearing.

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

TRD-9326166

Linda Logan
Director of Policy Development
Texas Department of Mental Health and
Mental Retardation

Filed: July 21, 1993

Texas State Board of Examiners of Psychologists

Correction of Errors

The Texas State Board of Examiners of Psychologists proposed an amendment to §461.11 concerning continuing education. The rule appeared in the July 9, 1993, *Texas Register* (18 TexReg 4441).

In §461.11(a)(1), the word "auspices" should be "auspices".

In §461.11(a)(2)(B), the word "Workshops" should be capitalized.

In §461.11(b), the word "to" should read "two".

In §461.11(c)(1), the word "ill" should read "will".

In §461.11(c)(2), the word "ill" appears twice and should read "will".

The Texas State Board of Examiners of Psychologists proposed an amendment to §463.6 concerning experience. The rule appeared in the July 9, 1993, *Texas Register* (18 TexReg 4442).

In §463.6(11)(B)(xiii), at the end of the subsection, there should be a semi-colon followed by the word "or".

In §463.6(11)(C), the entire subsection should be in bold type as it is all new.

In §463.6(11)(C)(ii), the word "experience" should be inserted between "internship" and "shall".

In §463.6(11)(C)(vii), the word "experience" should be inserted between "internship" and "shall". In the fifth line, the word "the" should read "that". In the ninth line, the word "appropriate" should read "appropriately".

In §463.6(11)(D), the (D) should be in bold type as it is new followed by a (C) in brackets, such as [(C)].

In §463.6(13), the entire section should be in bold type as it is all new language.

The Texas State Board of Examiners of Psychologists proposed an amendment to §465.7 concerning Statutes of Psychological Associates. The rule appeared in the July 9, 1993, *Texas Register* (18 TexReg 4444).

In §465.7, on the third line from the beginning, the word Statutes should read "Status".

In §465.7, in the old language, the word superior should read "supervisor".

The Texas State Board of Examiners of Psychologists proposed an amendment to §465.34 concerning legal actions reported. The rule appeared in the July 9, 1993, *Texas Register* (18 TexReg 4445).

In §465.35, third paragraph, fifth line, should read: "...ethical and legal practice of psychology by..."

The Texas State Board of Examiners of Psychologists proposed an amendment to §473.2 concerning fees. The rule appeared in the July 9, 1993, *Texas Register* (18 TexReg 4446).

In §473.2 the title should read "Examination Fees (Not Refundable)".

In §473.2(a) it should read "(a) Examination for the Professional Practice of Psychology [psychological...]"

The Texas State Board of Examiners of Psychologists adopted an amendment to §463.5 concerning rules of practice. The rule appeared in the July 9, 1993, *Texas Register* (18 TexReg 4501).

In §463.5 it should read "...An applicant cannot have two types of applications for certification or licensure pending before the Board."

The Texas State Board of Examiners of Psychologists adopted new §465.33 concerning rules of practice. The rule appeared in the July 9, 1993, *Texas Register* (18 TexReg 4502).

In §465.33(a), eighth line should read "...certification or licensure. Acts described in this rule Constitute Unprofessional Conduct."

In §465.33(b)(1)(A), the word "of" should read "or".

In §465.33(b)(1)(B), second line, the word "institutional" should read "institution".

In §465.33(b)(2)(A), second line, the word environmental should read "environment".

In §465.33(c)(1)(C), the word institutional should read "institution".

In §465.33(c)(2)(I), the word "or" was left out of the phrase "gestures, or physical".

In §465.33(d)(1)(B), should read "a former patient/client for at least five years after cessation or termination of

professional services (because of the potential harm, persons do not engage in sexual intimacies with former patients even after a five-year interval except in the most unusual circumstances-see §465(c)(4)(G) of this title (relating to the Ethics Code); "

◆ ◆ ◆
Public Utility Commission of Texas
Notices 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 July 6, 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 Lyntegar Electric Cooperative, Inc. to amend certificated service area boundaries within Dawson County, Docket Number 12149 before the Public Utility Commission of Texas.

The Application. In Docket Number 12149, Lyntegar Electric Cooperative, Inc. requests approval of its application to revise current certificated service area boundaries with Texas Utilities Electric Company in Dawson County.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission of Texas at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Division at (512) 458-0223, or (512) 458-0227 within 15 days of this notice.

Issued in Austin, Texas, on July 20, 1993.

TRD-9326151 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 21, 1993

◆ ◆ ◆
Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on June 8, 1993, to amend a Certificate of Convenience and Necessity pursuant to the Public Utility Regulatory Act, §§16(a), 18(b), 50, 52, and 54. A summary of the application follows.

Docket and Title Number. Application of Southwestern Bell Telephone Company to amend certificate of convenience and necessity within Tarrant County, Docket Number 12083, before the Public Utility Commission of Texas.

The Application. In Docket Number 12083, Southwestern Bell Telephone Company seeks approval of the application to realign a boundary between the Arlington and Mansfield zones of its Fort Worth Metropolitan exchange. Southwestern Bell Telephone Company seeks approval to serve a proposed subdivision from the Arlington zone.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission of Texas at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Office at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf on or before August 30, 1993.

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

TRD-9326206 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 22, 1993

◆ ◆ ◆
Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on July 16, 1993, to amend a Certificate of Convenience and Necessity pursuant to the Public Regulatory Act, §§16(a), 17(e), 50, 52, and 54. A summary of the application follows.

Docket Title and Number. Joint Application of Central Texas Electric Cooperative, Inc., and the Kerrville Public Utility Board to amend Certificated Service Area Boundaries Within Kerr County, Docket Number 12165 before the Public Utility Commission of Texas.

The Application. In Docket Number 12165, Central Texas Electric Cooperative, Inc. and the Kerrville Public Utility Board request approval of a joint application to revise current certificated service area boundaries in Kerr County.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission of Texas at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Division at (512) 458-0223, or (512) 458-0227 within 15 days of this notice.

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

TRD-9326283 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 23, 1993

◆ ◆ ◆
Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on July 20, 1993, to amend a Certificate of Convenience and Necessity pursuant to the Public Regulatory Act, §§16(a), 17(e), 50, 52, and 54. A summary of the application follows.

Docket Title and Number. Application of Gulf States Utilities Company to Amend Certificate of Convenience and Necessity for a Proposed Transmission Line Within Montgomery County, Docket Number 12172 before the Public Utility Commission of Texas.

The Application. In Docket Number 12172, Gulf States Utilities Company requests approval of its application to construct approximately 0.4 miles of 138-kV transmission line in Montgomery County.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission of Texas at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Division at (512) 458-0223, or (512) 458-0227 within 15 days of this notice.

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

TRD-9326284 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 23, 1993

**Notices of Intent to File Pursuant to
Public Utility Commission Substantive
Rule 23.27**

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to the Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Fort Worth Independent School District, Fort Worth.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for Fort Worth Independent School District pursuant to Public Utility Commission Substantive Rule 23.27(k). Docket Number 12167.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for Fort Worth Independent School District. The geographic service market for this specific service is the Fort Worth, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

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

TRD-9326281

John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 23, 1993



Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to the Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Prairie View A&M University, Prairieview, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for Prairie View A&M University pursuant to Public Utility Commission Substantive Rule 23.27(k). Docket Number 12166.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for Prairie View A&M University. The geographic service market for this specific service is the Prairie View, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

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

TRD-9326282

John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 23, 1993



**Texas Low-Level Radioactive Waste
Disposal Authority
Consultant Proposal Request**

This request for consulting services if filed under the provisions of Texas Civil Statutes, Article 6252-11c.

Description. The Texas Low Level Radioactive Waste Disposal Authority is charged with the responsibility of siting and constructing a facility for the disposal of low-level radioactive waste. In the siting process, the Authority is required to cooperate with local governments and interested parties in appropriate evaluation activities. In particular, the Authority is interested in working with the community of Sierra Blanca, the community nearest the proposed disposal site, to assist them in dealing with potential local socioeconomic impacts. Included among the potential impacts, both positive and negative, is the allocation of substantial payments of money to local political subdivisions. The purpose of this contract is to assist the Authority by working with persons in the community of Sierra Blanca and with residents of Hudspeth County to develop appropriate mechanisms to handle local socioeconomic impacts, if any.

Person to Contact. Further information may be obtained from Lawrence R. Jacobi, Jr., P.E., General Manager, at the Texas Low-Level Radioactive Waste Disposal Authority, 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752, or by calling (512) 451-5292.

Deadline for Submission of RFP. This RFP will close on August 20, 1993, at 5:00 p.m.

Services Previously Performed. These services have been previously performed by Program Development Associates, San Antonio. The Authority intends to continue with and to award the contract for consulting services to Program Development Associates for fiscal year 1994 unless a better proposal is submitted in response to this request.

Evaluation Criteria. Proposals received in response to this request will be evaluated according to the following criteria: prior experience of the firm and staff in working with state and local governments and programs, demonstrated competence and qualifications of staff directly related to community development, organization, size and structure of the firm, the firm's understanding of the work to be performed, and reasonableness of the fee for services.

General Information. The Authority reserves the right to accept or reject any or all proposals submitted. The Authority is under no legal requirement to execute a consultant contract on the basis of this notice. The Authority intends the material herein only as a general description of the services desired. The proposal should be for a period of one year, but the Authority will retain the option of extending the contract for an additional year.

Form and Format. Three copies of the proposal are requested. They should be sent by mail, or delivered in person marked "Proposal for Community Development Services" addressed to Lawrence R. Jacobi, Jr., P.E., 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752. Proposals shall be received at this address not later than 5:00 p.m., August 20, 1993. The proposal should be typed, preferably double-spaced and completed on 8-1/2 by 11-inch paper with all pages sequentially numbered and either stapled or bound together.

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

TRD-9326427

Lee H. Mathews
Deputy General Manager and General
Counsel
Texas Low-Level Radioactive Waste
Disposal Authority

Filed: July 28, 1993

◆ ◆ ◆
Texas Real Estate Commission
Correction of Error

The Texas Real Estate Commission submitted an open meeting that was published in the July 16, 1993, *Texas Register* (18 TexReg 4677).

The following notices were printed in error:

Friday, July 24, 1992, 8:30 a.m. Inspector Examination Subcommittee of the Texas Real Estate Commission;

Saturday-Sunday, July 25-26, 1992 8 a.m. Texas Real Estate Inspector Committee of the Texas Real Estate Commission; and

Monday, July 27, 1992, 9:30 a.m. the Texas Real Estate Commission.

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Texas Department of Transportation
Notice of Intent

Pursuant to Title 43, Texas Administrative Code, §11.88, concerning Environmental Impact Statements (EIS), the Texas Department of Transportation (TxDOT) is issuing this notice to advise the public that a draft environmental impact statement will be prepared for the proposed State Highway 122 (Fort Bend Parkway) in Fort Bend and Harris Counties, Texas. State Highway 122 is a limited access freeway proposed for construction from proposed Beltway 8, at Hillcroft Boulevard, to State Highway 6, near Knight Road. This proposed roadway, functionally classified as an urban freeway, will be approximately 6.3 miles in length. This roadway is considered necessary to provide for existing and project traffic levels in the area.

Three reasonable alternative routes for the proposed State Highway 122 will be evaluated in the draft EIS, plus the no action (no build) alternative. The three alternative corridors for this roadway will be analyzed for all anticipated impacts caused by the construction and operation of this proposed highway.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A public scoping meeting will be held on August 18, 1993, at 7:00 p.m. at the Missouri City Community Center, 1522 Texas Parkway (FM 2234), Missouri City. The purpose of the scoping meeting is to explain the proposal, to review the draft Environmental Assessment (EA), and to offer an opportunity for the public and agencies to identify significant issues that should be focused upon in the EIS.

A public hearing will be held after the draft EIS is completed. The scoping meeting and the public hearing will be held for interested citizens to express their concerns regarding the social, economic, and environmental

aspects of the proposed project. Public notice will be given for the time and place of the scoping meeting and the public hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To insure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action, the draft EA, and the EIS should be directed to Kenneth Bohuslav, P.E., Texas Department of Transportation, Division of Highway Design, 125 East 11th Street, Austin, Texas 78701, (512) 416-2006.

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

TRD-9326202

Diane L. Northam
Legal Administrative Assistant
Texas Department of Transportation

Filed: July 22, 1993

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Request for Proposals

Pursuant to Texas Civil Statutes, Article 6252-11c, the following notice of request for proposals is filed.

Notice of Invitation. The Texas Department of Transportation (TxDOT), hereinafter called the department, intends to engage a private consultant to work jointly with department personnel in developing a Business Information and Systems Plan.

With an annual budget of approximately two billion dollars, the department's responsibilities include planning, designing, constructing, maintaining, and operating a comprehensive intermodal state transportation system that includes highways, public transportation, aviation, Gulf Intracoastal Waterways, and motor vehicle registration and titling.

The department currently has approximately 15,000 employees in 25 district offices located geographically across the state and 21 division offices located in Austin. Each district office oversees multiple area and maintenance section offices. The district offices divide responsibility for highway development within the state. The divisions support the activities of the districts and the department's other transportation activities.

Overview of Requested Assistance. The department requests proposals for the development of a Business Information and Systems Plan (BISP) that will incorporate a top down, high level analysis of department information needs for all business areas of the department, an assessment of the department's existing information systems as well as supporting infrastructures, and implementation/migration plans for carrying out resulting recommendations. The envisioned plan will enable the department to ensure that all future systems development or enhancement efforts support the department's effective use of information. The following TxDOT information resources strategic plan goals are supported by the department's strategy to develop a Business Information and Systems Plan: develop and implement systems that will provide relevant, accurate, timely and readily available information, in support of the department's mission, in a responsive and cost effective manner; achieve and maintain a leadership position in the use of enabling technology to improve efficiency and effectiveness.

The consultant will assist department personnel in developing the initial plan and will provide a planning and analysis methodology which will enable department personnel to create, support, maintain, implement, and carry out the plan over time.

The consultant will recommend Computer Aided Systems Engineering (CASE) tools for planning and analysis as an integral component of the planning and analysis methodology provided and will provide CASE tool specifications for subsequent acquisition by the department.

The consultant will provide a flexible methodology for designing, construction, enhancing, integrating, and maintaining business information systems for the department that is highly integrated with the planning and analysis methodology provided. This methodology used in conjunction with the planning and analysis methodology will provide for the logical and orderly development, re-development, enhancement and selection of various computer software to support all identified business areas.

The consultant will assist department personnel in analyzing the information needs and identifying appropriate plan components for a pilot business activity using the planning and analysis methodology provided. The consultant will also assist the department in constructing and implementing an application for the pilot business activity using the development methodology provided. This pilot will demonstrate the effectiveness of the new planning, analysis, and development process for the department.

The consultant will provide consulting services on an as needed basis for a period of one year following completion of the Business Information and Systems Plan and pilot.

Request for Proposals and Agency Contact. The purpose of this notice is to solicit proposals from interested vendors. Contents of this notice are for guidance only and should not be viewed as constraining guidelines. The request for proposals (RFP) defining the requirements for the requested consulting services will be made available by the department at start of business, 8:00 a.m. on August 4, 1993. Interested firms may pick up a copy at the following address: Texas Department of Transportation, Information Resources Management Office, Worthen Bank Building, 919 Congress Avenue, Suite 430 (Tenth and Congress Avenue, southeast corner), Austin. Interested firms may also request that a copy be mailed to them by contacting the Information Resources Management Office at (512) 475-0712.

Response Date. Proposals will not be accepted after close of business at 4:50 p.m., September 17, 1993. Proposals received after that date and time will not be considered. Other relevant dates and instructions are identified in the request for proposals. Copies of the request for proposals will not be available after the proposal closing date.

Selection Criteria. Each proposal will be evaluated according to the consultant's ability to best satisfy the department's requirements presented in the RFP. The successful consultant must communicate in the proposal a clear understanding of the requirements and a soundness of approach to satisfying them. The successful consultant must provide documentation of ample qualifications, in terms of personnel and similar efforts, which underscore the relevance of the consultant's experience with projects of similar scope and size. More detailed selection criteria are defined in the request for proposals.

Proposals will be reviewed by a selection committee and a recommendation for award will be presented to the department's administration. The department's administration will then present the recommended award to the Texas Transportation Commission for consent.

Issued in Austin, Texas, on July 28, 1993.

TRD-9326425

Diane L. Northam
Legal Administrative Assistant
Texas Department of Transportation

Filed: July 28, 1993

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The University of Texas System
Consultant Proposal Request

The University of Texas Medical Branch at Galveston (UTMB) requests, pursuant to the provisions of Texas Civil Statutes, Article 6252-11C, the submission of proposals leading to the award of a contract for a DRG Case-Mix Analysis. UTMB's objective for this project is to optimize Medicare and Medicaid reimbursement and increase case-mix.

The awarded firm will be responsible for completing the project phase(s) which are awarded to the firm and make up a comprehensive program including; a multi-year DRG case distribution analysis (five years) to assess case-mix patterns; review billed DRG's for Medicare and Medicaid (excluding OB and Newborn) to identify opportunities for increased reimbursement and increased case-mix; and perform case-mix analysis to identify other opportunities to increase case-mix through appropriate resource, utilization, documentation issues, and quality issues.

The awarded firm will be responsible to implement the recommended corrective action. The awarded firm will be responsible to provide follow-up visits and validate achievement of projected/expected outcomes.

Respondents must be regularly engaged in the business of conducting DRG Case-Mix analysis in an academic/healthcare environment.

UTMB reserves the right to accept or reject any or all proposals. The proposals submitted will be the basis for contract negotiation and the representations made therein will be binding on Respondent.

Selected Respondents may be requested to conduct an on-site presentation, at their expense, to clarify and expand upon items provided in their proposals. The consulting group awarded a contract, if any, will be the Respondent whose proposal conforming to this request, is deemed to be the advantageous by UTMB. Factors in awarding a contract will include, but not limited to, demonstrated competence, qualifications, experience in the review, analysis, and recommendation of an accurate revenue coding process in an academic/healthcare environment, and reasonableness in the cost. Proposals must remain valid for acceptance and may not be withdrawn for a period of 90 days after the proposal closing date.

An original and five copies of the full proposal must be submitted to UTMB prior to 3:00 p.m., Tuesday, August 17, 1993. Proposals received thereafter will not be considered and will be returned unopened. Proposals must be sent to the address indicated below.

For further information or to obtain a complete proposal package (RFP-3-5), contact Kyle Barton, Procurement Officer, The University of Texas Medical Branch at Galveston, Administration Annex II Building, Suite 3.202, Galveston, Texas 77555-0105, (409) 772-2262.

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

TRD-9326358 Arthur H. Dilly
Executive Secretary to the Board
The University of Texas System

Filed: July 26, 1993

Request for Proposal

The University of Texas System (UT System) requests proposals from law firms interested in representing UT System and its component institutions in certain federal tax matters.

Description. The UT System comprises fifteen component universities supported by legislative appropriations, tuition, fees, income from auxiliary enterprises, the Permanent University Fund, the Available University Fund, grants, gifts, sponsored research and other sources of revenues, all of which may be impacted by the Internal Revenue Code and Regulations of the Internal Revenue Service. For assistance with such issues, UT System will engage outside counsel for review of and advice regarding benefits including the Optional Retirement Program, 403(b) and 457(a) and (f) plans; unrelated business income tax as it relates to universities; and federal tax matters regarding compensation issues related to university hospitals and physicians.

UT System invites proposals in response to this RFP from qualified firms for the provision of such legal services under the direction and supervision of UT System's Office of General Counsel.

Responses. Responses to this RFP should include at least the following information: a description of the firm's or attorney's qualifications for performing the legal services, including the firm's prior experience in federal tax-related matters including experience handling state pension issues and plans available only to universities, the names and experience of the attorneys who will be assigned to work on such matters, the availability of the lead attorney and others assigned to the project, and appropriate information regarding efforts made by the firm to encourage and develop the participation of minorities and women in the provision of legal services; the submission of fee information (either in the form of hourly rates for each attorney who may be assigned to perform services in relation to UT System's federal tax matters, comprehensive flat fees, or other fee arrangements directly related to the achievement of specific goals and cost controls) and billable expenses; a comprehensive description of the procedures to be used by the firm to supervise the provision of legal services in a timely and cost-effective manner; disclosures of conflicts of interest (identifying each and every matter in which the firm has, within the past calendar year, represented any entity or individual with an interest adverse to the UT System or to the State of Texas, or any of its boards, agencies, commissions, universities, or elected or appointed officials); and confirmation of willingness to comply with policies, directives and guidelines of the UT System and the Attorney General of the State of Texas.

Format and Person to Contact. Three copies of the proposal are requested. The proposal should be typed, preferably double spaced, on 8 1/2 by 11 inch paper with all pages sequentially numbered, and either stapled or bound together. They should be sent by mail or delivered in person, marked "Response to Request for Proposal," and addressed to Linward P. Shivers, Senior Attorney and Section Manager-Real Estate and Tax, Office of General Counsel, The University of Texas System, 201 West Seventh Street, Austin, Texas 78701, (512) 499-4462 for questions.

Evaluation. Proposals sent in response to this RFP will be evaluated in light of several criteria. The criteria are expertise, prior experience in handling tax matters, participation of women and minorities in delivering legal services and reasonableness of fees. Although the fee structure and overall cost of this representation will be an extremely important factor in evaluating proposals submitted in response to this RFP, the successful firm(s) will clearly demonstrate exceptional expertise and experience with the federal tax matters made the subject of this RFP as well as a commitment to participation by minorities and women in the provision of legal services.

Deadline for Submission of Response. All proposals must be received by the Office of General Counsel of UT System at the address set forth above not later than 5:00 p.m., Monday, August 16, 1993.

Issued in Austin, Texas, on July 27, 1993.

TRD-9326396 Arthur H. Dilly
Executive Secretary to the Board
The University of Texas System

Filed: July 27, 1993

Texas Water Commission Correction of Errors

The Texas Water Commission adopted amendments to 31 TAC §335.2 and §335.6, concerning industrial solid waste and municipal hazardous waste. The rules appeared in the April 27, 1993, *Texas Register* (18 TexReg 2799).

Due to a typographical error of the *Texas Register* in §335.2(h), line 6, the word "interim-status" should not be hyphenated, it should read "interim status."

In §335.2(h)(8), lines 8 and 9, the word "interim-status" should not be hyphenated, it should read "interim status." Also in this same paragraph beginning on line 5 with the word "Authorizations...", the entire paragraph should be moved to subsection (h), second column, first paragraph on, line 12. This paragraph should read:

...expiration of the 90 days. "Authorizations obtained under this subsection shall be effective during the pendency of the interim status and shall cease upon the termination of interim status, final administrative disposition of the subject permit application, failure of the facility to operate the facility in compliance with the standards set forth in Subchapter E of this chapter, or as otherwise provided by law". Authorization may not..

The Texas Water Commission adopted new 31 TAC §335.551-335.569, concerning Industrial Solid Waste and Municipal Hazardous Waste. The rules appeared in the June 15, 1993, *Texas Register* (18 TexReg 3842).

In 31 §§335.551-335.569 line one of the preamble the word "new" should be: "new." The preamble should read: "The new sections are adopted..."

In 31 §335.553(b)(2) on line 16 the word "in" should be replaced with the word "following." the sentence should read: "The standard exposure factors set forth in Table 1 (located following paragraph (4) of this subsection)..."

In §335.556(c), at the end of line 5 add: "; and" The line should read ... "Risk Reduction Standard Number 2); and".

In §335.556(d), in the second column on line 3 add: "" and." The line should read: "...Risk Reduction Standard Number 2); and".

In §335.559(g)(1)(B), on line one the word "System" should be "Systemic".

In §335.566(b), on line 10 delete "(2)". The line should read: "... substantial present and future risk; and whether continued..."

In §335.566(b), in the third column, paragraphs "(1), (2), and (3)" should be "(c), (d), and (e)".

In §335.569, Appendix III, following "II", line 57 should read: "Being a _____" acre tract..." and line 58 should read: "(Company Name) 's _____" acre tract..."

In the sigblock §§335.551-335.569 the effective date of "July 28, 1993" should be replaced with "June 28, 1993".

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 Petroleum Wholesale, Inc. on (Permit Number 11053-01) on July 14, 1993, assessing \$8,280 in administrative penalties. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Raymond Winter, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 908-2053.

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

TRD-9326263 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: July 23, 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 agreed enforcement order was entered regarding Austin Lubrication Corporation on July 14, 1993, assessing \$3,850 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Raymond C. Winter, Staff Attor-

ney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 908-2053.

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

TRD-9326292 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: July 23, 1993

Notice of Application For Waste Disposal Permit

Attached are Notices of Applications for waste disposal permits issued during the period of July 5-23, 1993.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester would be adversely affected by the granting of the application. If the Commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the Commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the Commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, 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.

Cal-Maine Foods, Inc.; a poultry operation; on the north side of U.S. Highway 10, approximately two miles southwest of the intersection of U.S. Highway 10 and FM Road 97, south of the Town of Waelder in Gonzales County, new; 03604.

Central Power and Light Company; the Laredo Steam Power Station; on a 21.42 acre tract of land adjacent to the Rio Grande and west of Interstate Highway 35 on the north boundary of the City of Laredo, Webb County, amendment; 01200.

City of Corpus Christi; the Whitecap Wastewater Treatment Facilities; at the west end of Whitecap Boulevard on Padre Island, in the City of Corpus Christi, in Nueces County, amendment; 10401-09.

Farco Mining of Texas, Inc.; the Trevino surface coal mine operation; on the west side of FM Road 1472, 40 miles northwest of the City of Laredo, Webb County, new; 03595.

City of Fort Stockton; wastewater treatment facility and irrigation site; approximately 17 miles southwest of the City of Fort Stockton and 1.7 miles northwest of the City of Belding off of State Highway 2037 and approximately 1.65 miles northwest of the intersection of State Highway 2037 and Rural Route 3219, north of the Texas Depart-

ment of Criminal Justice (TDCJ) Prison in Pecos County, new; 13651-01.

Harris County Municipal Utility District Number 237; wastewater treatment facilities; along the north bank of Greens Bayou, approximately 3,000 feet southeast of the intersection of FM Road 1960 and Mills Road in Harris County, renewal; 12745-01.

International Paper Company; the Texarkana Mill; approximately 14 miles south of the City of Texarkana and five miles east (via FM 3129) of U.S. Highway 59 at a site adjacent to and south of the Sulphur River, bounded on the east of the Kansas City Southern Railway and on the west by the Texas and Pacific Railway in Cass County, renewal; 01339.

GNB Inc.; a facility which recovers and recycles lead bearing materials, primarily spent lead-acid batteries; at 7471 South Fifth Street in the City of Frisco, Collin County, renewal; 02964.

Orbit Systems, Inc.; the Old Airline Road Estates Wastewater Treatment Facilities; approximately 0.50 mile south of FM Road 1462 and 1.5 miles west of State Highway 288 in Brazoria County, renewal; 12672-01.

Safety-Kleen Corporation; continued operation of existing hazardous waste tank and container storage areas and to construct and operate new units at its Denton facility; the facility collects, stores and processes Class I industrial solid waste generated off site and recycled at this location; the facility is approximately one-quarter mile north of State Route 380 at Cooper Creek Road in the City of Denton, Denton County, new; HW50163; 45 days.

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

TRD-9326391 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: July 27, 1993

Public Notices

The Texas Water Commission (TWC) is currently accepting nominations for seven positions on the Municipal Solid Waste Management and Resource Recovery Advisory Council. Five of the existing terms will expire August 13, 1993, and two waste-tire processor positions were added as a result of Senate Bill 1051, which passed in the 73rd Legislative Session.

Background. The Advisory Council was mandated by the 69th Legislative Session in 1983, and is currently composed of fifteen members representing various segments of the regulated community; i.e. city and county solid waste agencies, commercial solid waste operators, general public, environmental groups, city and county officials, etc. Each new member will be appointed for a six-year staggered term, unless the term and/or composition of the Council changes as a result of Senate Bill 383, which specifies an abolishment date and a balanced representation of its membership.

The Advisory Council meets a minimum of four times per year but will meet more often if needed. The meetings usually lasts two full days and are held in Austin.

Request. Nomination for these positions will be accepted on individuals who have an interest and experience in solid waste management. The nominated person must con-

firm whether he/she is qualified according to the interest group the position is intended to represent. Include a biographical summary and a letter from the nominee agreeing to serve, if appointed by the TWC Commissioners.

Expenses. Council members are allowed reimbursements for travel, per diem expenses, and a \$30 stipend payment for each full Council meeting attended.

Purpose of the Council. review and evaluate the effect of state policies and programs on municipal solid waste management; make recommendations to the TWC Commissioners on matters relating to municipal solid waste management; recommend legislation to the Commissioners to encourage the efficient management of municipal solid waste; recommend policies to the Commissioners for the use, allocation, or distribution of the Municipal Solid Waste Division's planning funds; and recommend to the TWC Commissioners special studies and projects to further the effectiveness of municipal solid waste management and resource recovery for the State of Texas.

The seven categories are as follows: an individual who represents the general public; an individual who represents city and county solid waste agencies; an individual who represents counties with any population size (an elected official); an individual who represents cities with a population fewer than 25,000 (an elected official); an individual who represents cities with a population greater than 750,000 (an elected official); (New classifications added as a result of Senate Bill 1051) an individual who represents registered, fixed-waste tire processors; and an individual who represents registered, mobile waste-tire processors.

Nomination deadline. nominations must be post-marked by August 16, 1993.

Submit nominations to the Texas Water Commission, Gary W. Trim, Director, Special Programs, Municipal Solid Waste Division, P.O. Box 13087, Austin, Texas 78711-3087.

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

TRD-9326253 Mary Ruth Holder
Director, Legal Services
Texas Water Commission

Filed: July 23, 1993

The Strategic Plan is available upon request by contacting James McKinney, Publications, Staff Services Division, Texas Water Commission at (512) 463-7829. The order number for the document is LP 93-12. You may also purchase a copy from the Staff Services in Room B-21 in the basement of the Stephen F. Austin Building, 1700 North Congress, Austin. Prepayment by check is required for the amount of \$1 plus 8 cents for tax and mailing. Send payment to the Texas Water Commission, Fiscal Services Office, P.O. Box 13087, Austin, Texas 78711-3087.

The 20-page document summarizes hazardous, industrial, and municipal waste management issues facing the State of Texas.

If you have questions concerning this document contact Kathy Ferland, Section Manager, Capacity Assessment, Waste Management Policy Division, at (512) 908-6816.

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

TPD-202024

May Paul Holder
Director, Legal Services
Texas Water Commission

Filed July 23, 1993

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