

# Texas Register

Volume 18, Number 64, August 24, 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Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.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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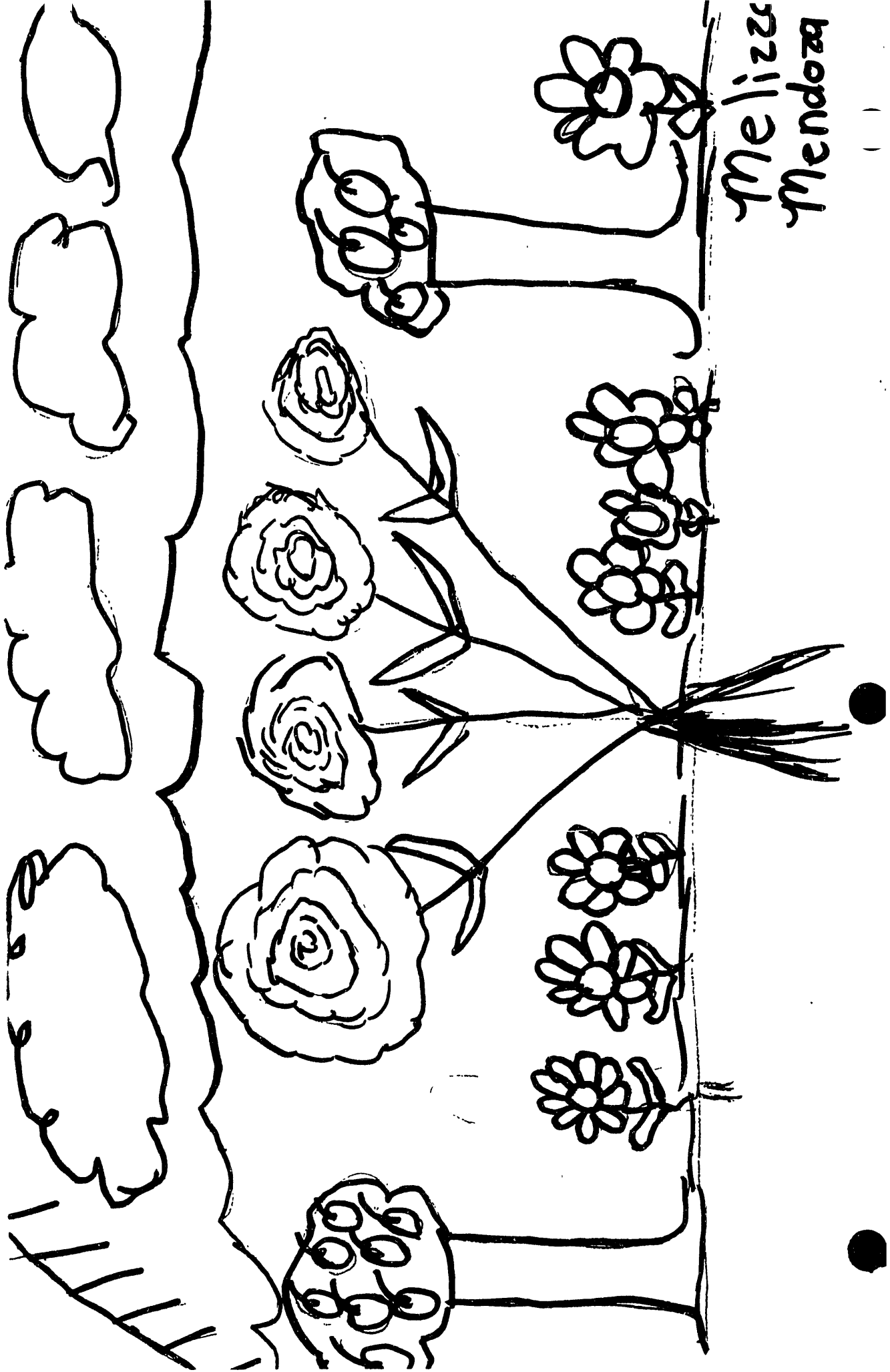
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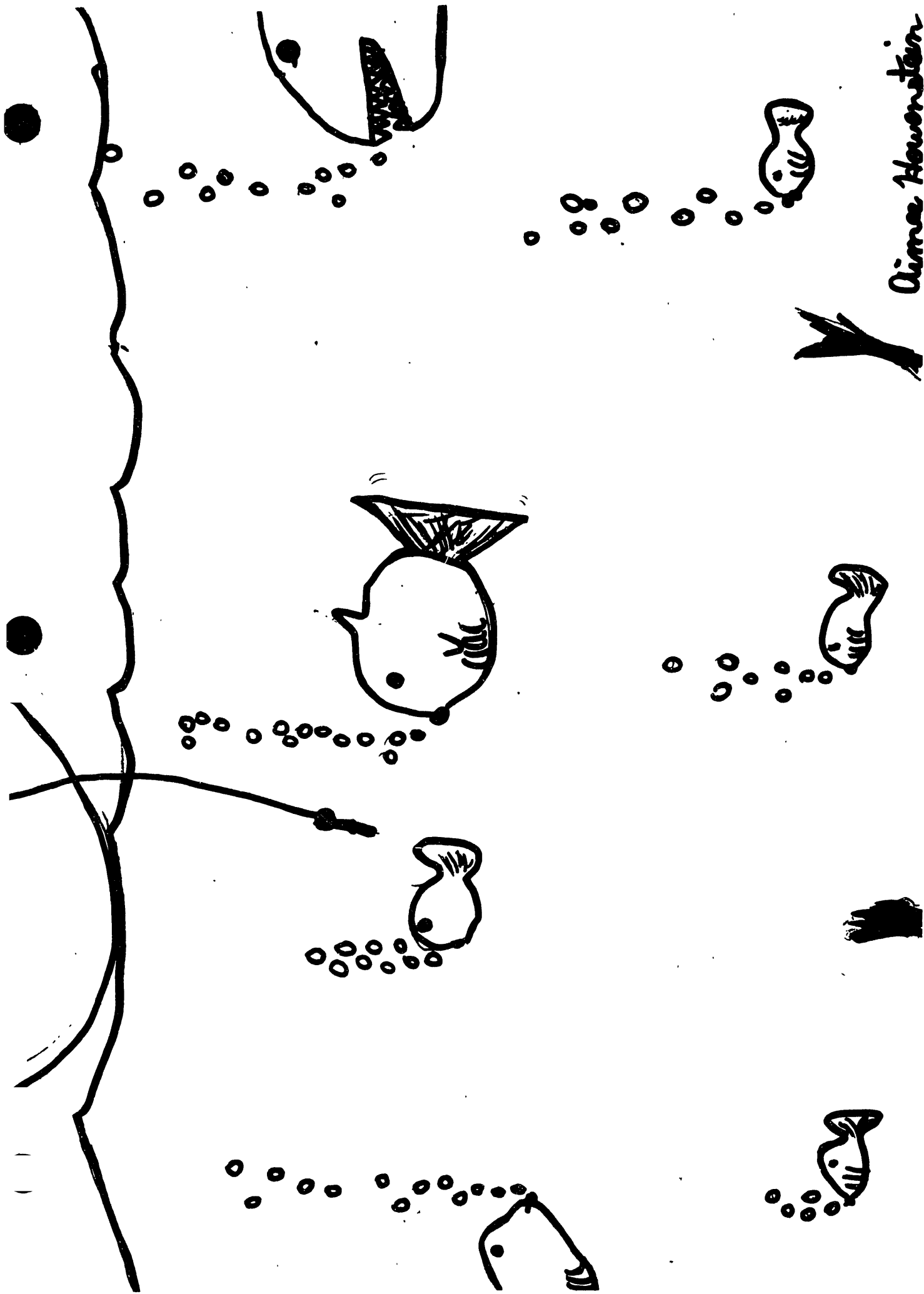
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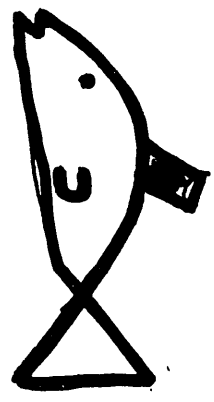
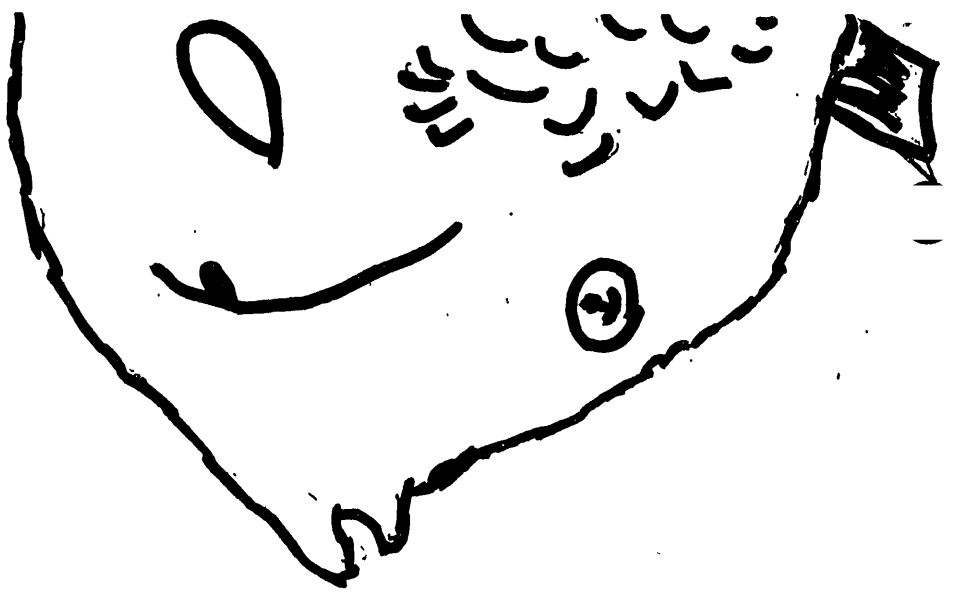
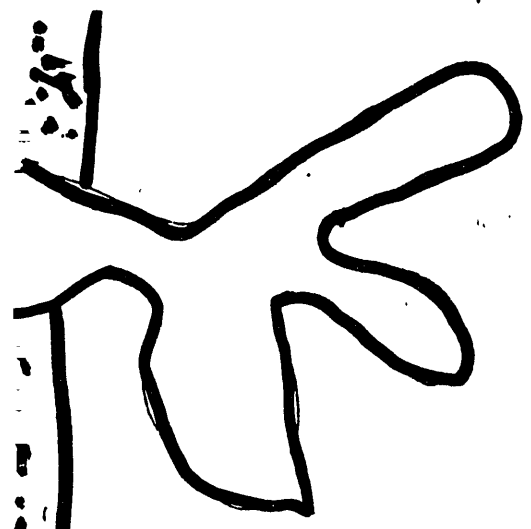
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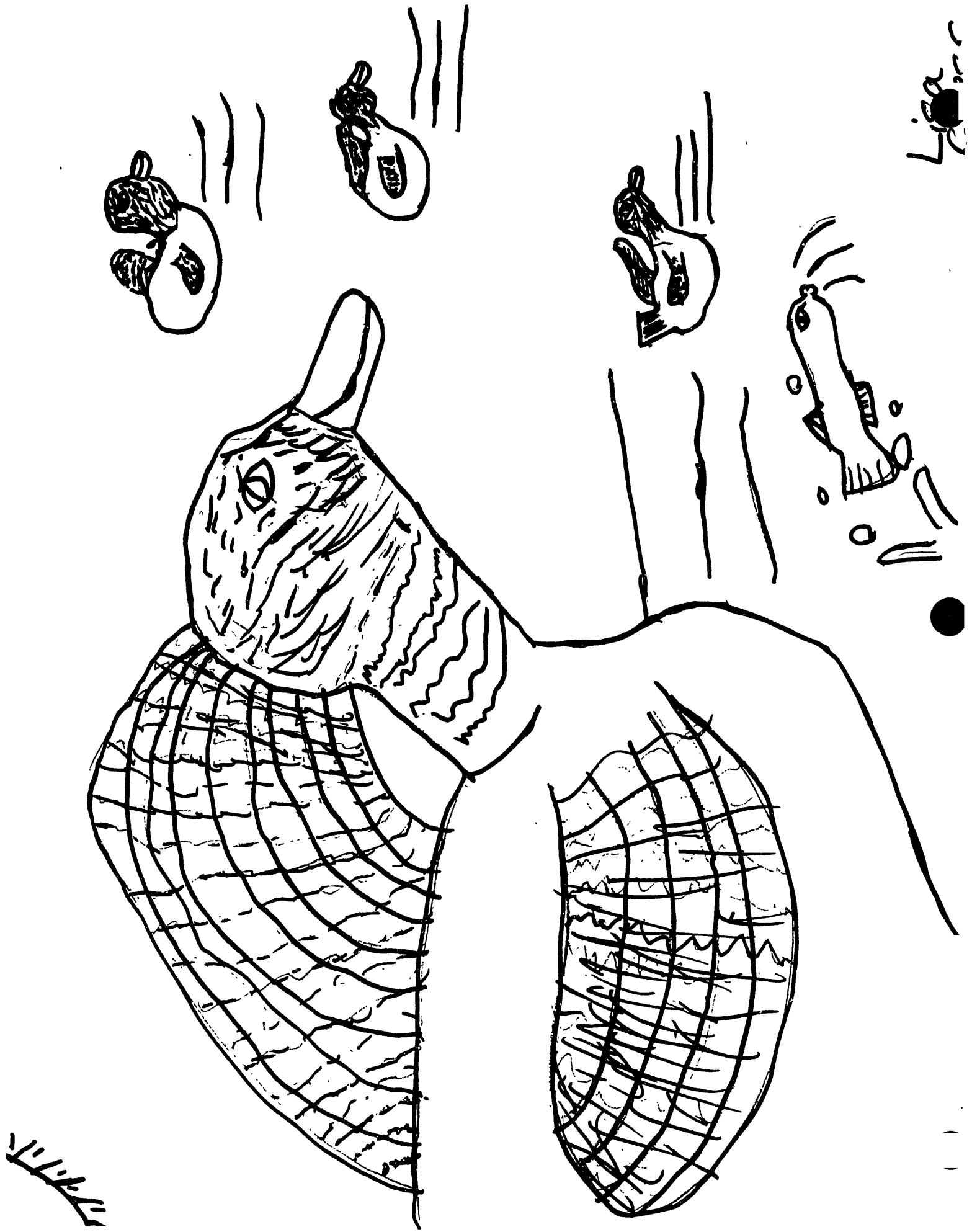
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Aimee Hovestein



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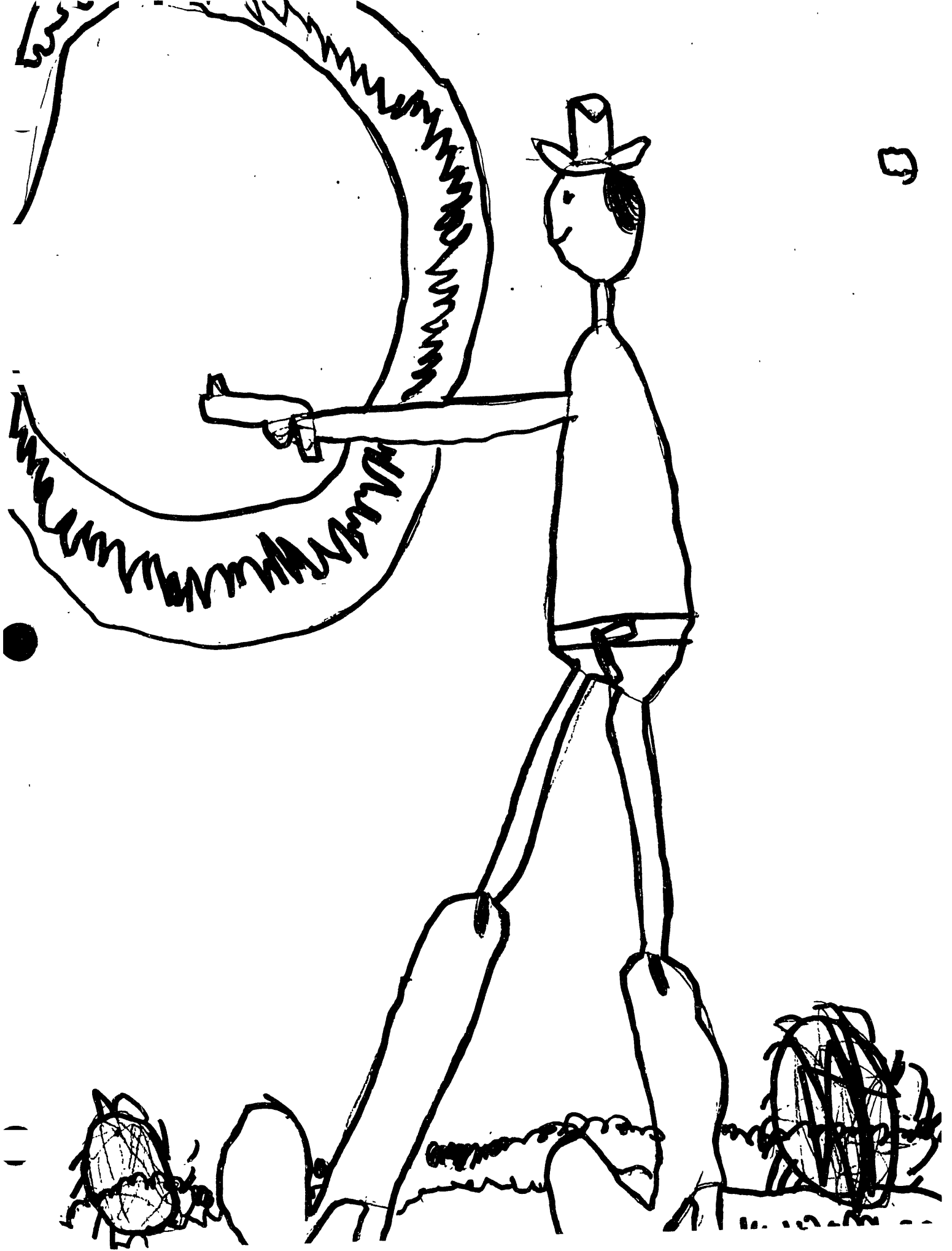


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# Texas Ethics Commission

The Texas Ethics Commission is authorized by Texas Civil Statutes, Article 6252-9d.1, §1.29, to issue advisory opinions in regard to the following statutes: Texas Civil Statutes, Article 6252-9b; the Government Code, Chapter 302; the Government Code, Chapter 305; the Election Code, Title 15; the Penal Code, Chapter 36; and the Penal Code, Chapter 39.

Requests for copies of the full text of opinions or questions on particular submissions should be addressed to the Office of the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

## Texas Ethics Commission Opinions

**AOR-189.** The Texas Ethics Commission has been asked to consider the following questions about the prohibition on honoraria set out in the Penal Code, §36.07:

1. Does the prohibition apply if an invitation "if the invitation to speak is not done merely because of" the speaker's official status?
2. Does the location of a speech or the nature of the audience make a difference in the application of the prohibition on honoraria?
3. Would the prohibition on honoraria apply if the speaker was an employee of a speakers' agency?

**AOR-190.** The Texas Ethics Commission has been asked to consider whether the widow of a legislator may donate the representative's surplus political funds to a candidate for the representative's old seat.

**AOR-191.** The Texas Ethics Commission has been asked to consider whether a recent amendment to the Penal Code, §36.08, will permit a city to provide free parking to a member of the legislator and, if so, how the provision parking is to be reported.

**AOR-192.** The Texas Ethics Commission has been asked to consider whether a corporation may pay the expenses of a number of different types of fundraising events to raise money for a political committee supported by the corporation. Specifically, the request letter asks about raffles, cash bars, auctions, casino parities, and golf tournaments.

The Texas Ethics Commission is authorized by Texas Civil Statutes, Article 6252-9d.1, §1.29, to issue advisory opinions in regard to the following statutes: (1) Texas Civil Statutes, Article 6252-9b; (2) Chapter 302, Government Code; (1) Chapter 305, Government Code; (3) Title 15, Election Code; (5) Chapter 36, Penal Code; and (6) Chapter 39, Penal Code.

Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

Issued in Austin, Texas, on August 13, 1993.

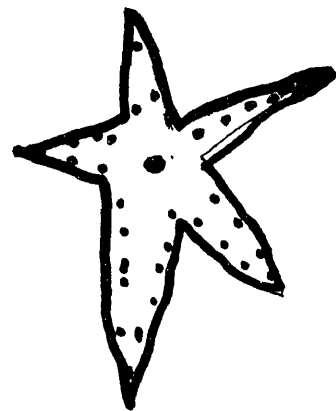
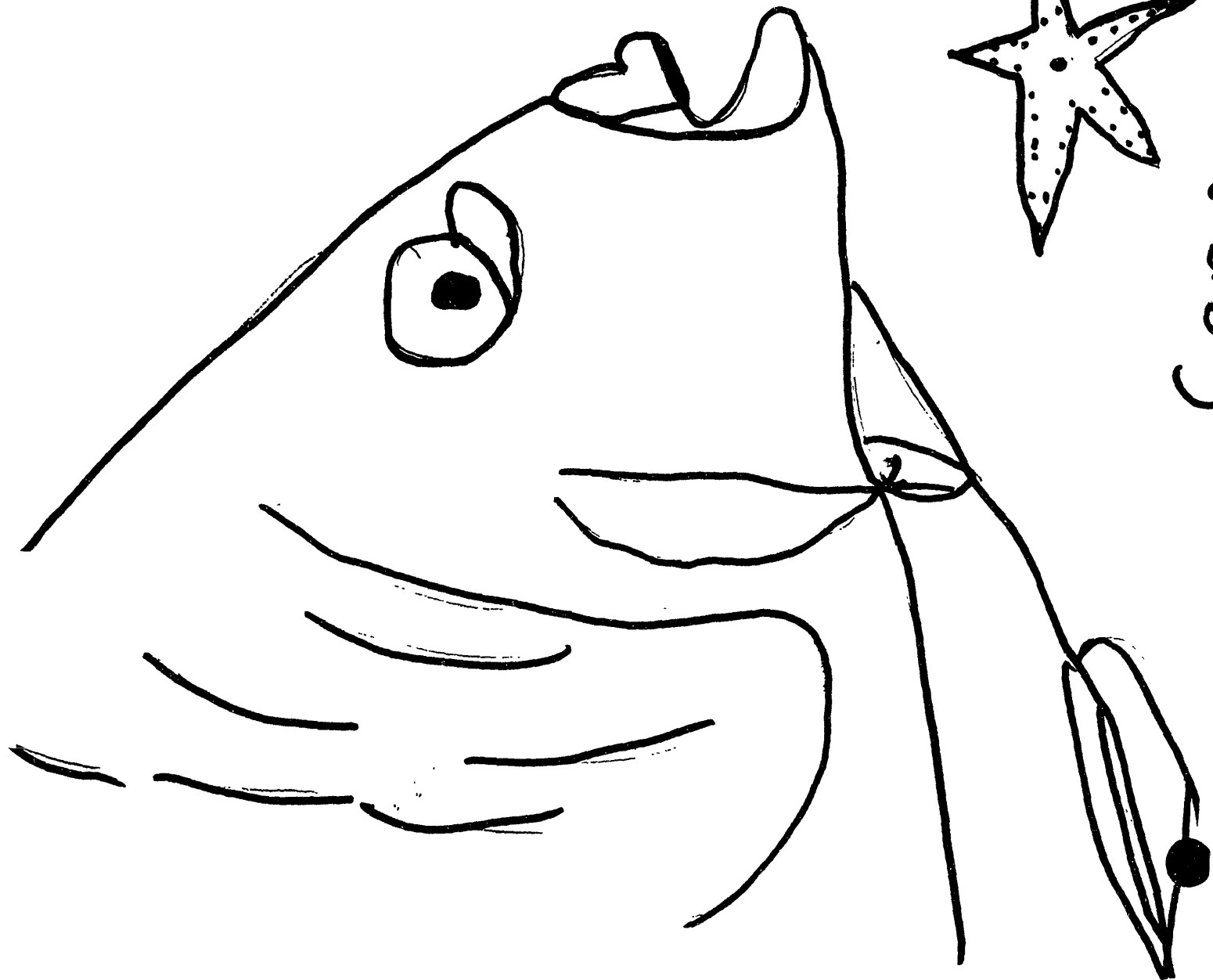
TRD-9327404

Sarah Woelk

Director, Advisory Opinions  
Texas Ethics Commission

Filed: August 16, 1993

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# Proposed Sections

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

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

## TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture

### Chapter 21. Seed Certification Standards

#### General Requirements

- 4 TAC §§21.1, 21.6, 21.8, 21.9, 21.11, 21.14

The Texas Department of Agriculture (the department) proposes amendments to §§21.1, 21.6, 21.8, 21.9, 21.11, and 21.14, concerning general requirements for seed certification. The proposed amendments are made to clarify the sections and make them consistent with current practices. In addition, the proposed amendment to §21.6 adds a requirement that applicants provide scale maps of field locations and that fields be identified at a point of entry; and the amendment to §21.11 changes the fee amounts for certification labels to be consistent with those currently charged.

Charles A. Leamons, director, seed quality, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections. There will be an estimated additional cost of \$2.00 for materials for each field for large businesses required to comply with the rules as proposed.

Mr. Leamons also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a more efficient manner of locating fields for inspection. There will be an estimated additional cost of \$12.00 for materials for each field for small businesses required to comply with the rules as proposed. The anticipated economic cost to persons who are required to comply with the rules as proposed will be \$2.00 per field.

Comments on the proposal may be submitted to Charles A. Leamons, Director, Seed Quality, Texas Department of Agriculture, P.O. Box 629, Giddings, Texas 78942.

The amendments are proposed under the Texas Agriculture Code (the Code), §12.006, which provides the Texas Department of Agriculture with the authority to adopt rules as necessary for the administration of the Code; the Code, Chapter 62, which provides for seed and plant certification in accordance with standards established by the State Seed

and Plant Board; and the Code, §62.008, which provides the department with the authority to fix and collect a fee for issuance of certification labels.

*§21.1. Purpose of Certification.* The purpose of certification shall be to maintain and make available to the public, seeds and vegetative propagating materials so grown, conditioned [processed], and distributed as to insure genetic purity and identity. The word "seeds" shall be understood to include all propagating materials approved for certification eligibility by the State Seed and Plant Board and for which certification standards have been approved by the Board.

#### *§21.6. Application for Field Inspection.*

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

(c) Applicants must furnish, with the application, a certification label, analysis label and a copy of the stock purchase invoice from the seller showing the kind and variety, certification class, quantity and the date of transaction for each lot of seed to be increased. Provided, however, a copy of the stock purchase invoice need not be furnished with the application when eligible production for certification increase is planted back by the producer of it. The applicant must also submit a map with scale of at least one inch = two miles, showing exact location of each field for which inspection is requested. Each field must be identified by a field identification number on a sign or stake at a point of common entry.

(d)-(f) (No change.)

#### *§21.8. Field Inspection.*

(a) The applicant shall notify the regional [district] office in the area in which the field is located, two weeks prior to the time of the first required inspection.

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

#### *§21.9. Harvesting, Processing [Conditioning], and Storing*

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

(c) Facilities shall be capable of performing seed conditioning without introducing admixtures.

(d)-(h) (No change.)

#### *§21.11. Labels.*

(a)-(g) (No change.)

(h) The cost of certification labels shall be:

(1) foundation, registered and certified labels—\$.08 [\$.06] each;

(2) Organization for Economic Cooperation and Development (OECD) certified labels—\$.08 [\$.06] each;

(3) pressure sensitive labels—\$.08 [\$.06] each;

(4) gum labels—\$.08 [\$.06] each;

#### *§21.14. Bulk Sales.*

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

(c) The certified seed grower shall provide a copy of the shipping order or bill of lading to the consumer upon delivery and an invoice to the deliver [dealer] purchaser. A copy of each shall [to] be forwarded to the Director, Seed Quality Program [Division], within 30 days. The following information must be included on the invoice:

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

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

Issued in Austin, Texas, on August 17, 1993.

TRD-9327481

Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Earliest possible date of adoption: September 24, 1993

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

## Field Inspection Chart

- 4 TAC §21.21

The Texas Department of Agriculture (the department) proposes an amendment to §21.21, concerning the number and time of

field inspections. The proposed amendment provides the most recent amendment date of the filed inspection chart, as well as giving the current address and phone number for obtaining copies of the chart.

Charles A. Leamons, director, seed quality, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Leamons also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the field inspection chart will be more readily available to the public. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Charles A. Leamons, Director, Seed Quality, Texas Department of Agriculture, P.O. Box 629, Giddings, Texas 78942.

The amendment is proposed under the Texas Agriculture Code (the Code), §12.006, which provides the Texas Department of Agriculture with the authority to adopt rules necessary to carry out provisions of the Code; and the Code, Chapter 62, which provides for seed and plant certification in accordance with standards established by the State Seed and Plant Board.

*§21.21. Number and Time of Field Inspections.* The [following] chart entitled "Number and Time of Field Inspections," [giving the number and time of field inspections] as amended in July, 1993 [May, 1988], which designates the date of application and time of field inspection for

various crop kinds, as required for seed certification, is adopted by reference for the purpose of seed certification for genetic identity only. Copies may be obtained from Seed Quality Program [Division], Texas Department of Agriculture, P.O. Box 629, Giddings, Texas 78947 [P.O. Box 12847, Austin, Texas 78711], (409) 542-3691 [(512) 463-7614].

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

Issued in Austin, Texas, on August 17, 1993

TRD-9327480

Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Earliest possible date of adoption: September 24, 1993

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

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**Acreage Inspection Fees for  
Certification**

• 4 TAC §21.31

The Texas Department of Agriculture (the department) proposes an amendment to §21.31, concerning inspection fees for certification. The proposed amendment adds existing preplant inspection fees to the acreage inspection fees for certification chart making the chart consistent with current practice, provides the current address and phone number for obtaining copies of the certification chart, and provides the most recent date of amendment of the chart.

Charles A. Leamons, director, seed quality, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Leamons also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be recovery by the department of some costs of inspection of fields for seed certification. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed

Comments on the proposal may be submitted to Charles A. Leamons, Director, Seed Quality, Texas Department of Agriculture, P.O. Box 629, Giddings, Texas 78942.

The amendment is proposed under the Texas Agriculture Code (the Code), §12.016, which provides the Texas Department of Agriculture with the authority to make rules necessary to carry out provisions of the Code; and the Code, Chapter 62 which provides for seed and plant certification in accordance with standards established by the State Seed and Plant Board.

*§21.31. Inspection Fees for Certification.* The following inspection fees for certification chart, as amended July, 1993, designates fees per acre for various crop kinds as required for seed certification for genetic identity only. Copies may be obtained from Seed Quality Program [Division], Texas Department of Agriculture, P.O. Box 629, Giddings, Texas 78942 [P.O. Box 12847, Austin, Texas 78711], (409) 542-3691 [(512) 463-7614].

Acreage Inspection Fees for Certification  
Table 1

	All Classes
Agrotricum	\$ .52
Alfalfa	1.04
Buckwheat	.52
Cantaloupe	5.20
Clover (all kinds)	1.04
Corn	3.25
Cotton	.24
Cowpea, field bean, flat pea, & partridge pea	1.04
Flax & rape	1.30
Forest tree seed	5.20
Forest tree seedlings	42.00
Grass (seeded)	4.16
Grass (vegetatively propagated) (preplant is same)	10.00
Guar	3.25
Illinois Bundleflower, & englemann daisy	3.25
Millet (foxtail & pearl)	1.04
Millet (gahi & hybrids)	2.73
Okra & pepper	3.25
Peanut	.78
Small grain	.52
Rice	3.25
Sorghum (open-pollinated)	.91
Sorghum (commercial hybrids)	2.73
Sorghum (A, B, & R Lines)	7.80
Soybean & mungbean	.60
Sugar Cane	5.20
Sunflower (commercial hybrids)	2.60
Sunflower (A & R Lines)	7.80
Sunflower (open-pollinated), bushsunflower, maximillina	2.60
Watermelon	5.72

\$20 fee for EACH production field applied on for  
certification and preplant inspection

Late fee: \$20 per field

Reinspection fee: Not less than \$20 per field

Interagency certification: \$75 per lot

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

Issued in Austin, Texas, on August 17, 1993.

TRD-9327479

Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Earliest possible date of adoption: September 24, 1993

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

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**Laboratory Analysis Chart**

• 4 TAC §21.41

The Texas Department of Agriculture (the department) proposes an amendment to §21.41, concerning the minimum amount of seed required for laboratory analysis. The proposed amendment provides the current address and phone number for obtaining copies of the laboratory analysis chart.

Charles A. Leamons, director, seed quality, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Leamons also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the laboratory analysis chart will be more readily available to the public. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Charles A. Leamons, Director, Seed Quality, Texas Department of Agriculture, P.O. Box 629, Giddings, Texas 78942.

The amendment is proposed under the Texas Agriculture Code (the Code), §12.016, which provides the Texas Department of Agriculture

with the authority to make rules necessary to carry out provisions of the Code; and the Code, Chapter 62, which provides for seed and plant certification in accordance with standards established by the State Seed and Plant Board.

*§21.41. Minimum Amount of Seed Required for Laboratory Analysis.* The Laboratory Analysis Chart as amended in May 1988, detailing [Chart as amended in May, 1988, that details] the minimum amount of seed required for laboratory analysis, is adopted by reference for the purpose of seed certification for genetic identity. Copies may be obtained from Seed Quality Program [Division], Texas Department of Agriculture, P.O. Box 629, Giddings, Texas 78942 [P.O. Box 12847, Austin, Texas 78711], (409) 542-3691 [(512) 463-7614].

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

Issued in Austin, Texas, on August 17, 1993

TRD-9327478

Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Earliest possible date of adoption: September 24, 1993

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

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**Genetic Seed Chart**

• 4 TAC §21.51

The Texas Department of Agriculture (the department) proposes an amendment to §21.51, concerning genetic seed certification standards. The proposed amendment to §21.51 changes the date the genetic seed chart was amended and corrects the program title. The proposed amendment also changes the tolerances for nutsedge in certified peanut

fields, as amended by the State Seed and Plant Board, by changing footnote 55 for reducing the tolerances for nutsedge contaminants; and adds bahiagrass and guineagrass to place cultivars in the correct category.

Charles A. Leamons, director, seed quality, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Leamons also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be to provide better quality of seed to the public. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Charles A. Leamons, Director, Seed Quality, Texas Department of Agriculture, P.O. Box 629, Giddings, Texas 78942.

The amendment is proposed under the Texas Agriculture Code (the Code), §12.006, which provides the Texas Department of Agriculture with the authority to adopt rules as necessary for the administration of the Code; the Code, Chapter 62, which provides for seed and plant certification in accordance with standards established by the State Seed and Plant Board; and the Code, §62.008, which provides the department with the authority to fix and collect a fee for issuance of certification labels.

*§21.51. Genetic Seed Certification Standards.* The Genetic Seed Certification-Isolation Distance chart and footnotes, as amended, February, 1992 [November, 1990], that delineate isolation distances, are adopted by reference for the purpose of seed certification for genetic identity only. Copies may be obtained from the Seed Quality Program [Seed and Grain Warehouse Program], Texas Department of Agriculture, P.O. Box 629, Giddings, Texas 78942, (409) 542-3691.



## SECTION 21.51

## GENETIC SEED CERTIFICATION STANDARDS

## FOUNDATION

CROP KIND	Land	Isolation	Field	Seed
Agrotricum	1 <sup>43</sup>	50	15,000	0.05
Alfalfa*	6 <sup>1</sup>	2,640	6,000	0.05
Barley	1 <sup>43</sup>	50 <sup>16</sup>	10,000	0.02
Buckwheat	1 <sup>43</sup>	1,320	2,000	0.10
Cantaloupe	2 <sup>2</sup> 2 <sup>42</sup>	2,640	2,000 <sup>3</sup>	0.00
Clover (all kinds)*	5 <sup>1</sup> 5 <sup>45</sup>	600 <sup>46</sup> , 47 48	1,000	0.10
Corn*				
Inbred Lines	0	1,500 <sup>5</sup>	3,000 <sup>5</sup>	0.03
Foundation Single Cross	0	1,500 <sup>5</sup>	3,000 <sup>5</sup>	0.03
Hybrid	---	---	---	---
Cotton*	0 <sup>9</sup>	1,320 <sup>10</sup>	10,000	0.00
Cowpea & Field Bean	1 <sup>11</sup> 1 <sup>42</sup>	50	0	0.00
Engelmann daisy	5 <sup>1</sup>	10 <sup>47</sup>	1,000	0.10
Flat Pea & Partridge Pea	4 <sup>49</sup>	600 <sup>46</sup> 52	1,000	0.10
Flax	1 <sup>42</sup>	500	20,000	0.01
Grasses				
Annual Ryegrass	5	990	0	0.10
Bluestems: (Big, Little, Sand and Yellow); Kleingrass; Gramas: (Blue and Side-Oats); Harding-grass; Yellow Indiangrass; Sand Lovegrass; Sandhill Lovegrass; Switchgrass; Bahiagrass; Guineagrass; and Alkali Sacaton*	5	990	0	0.10

FOUNDATION

REGISTERED

CERTIFIED

CROP KIND	Land	Isolation	Field	Seed	Land	Isolation	Field	Seed	Land	Isolation	Field	Seed
Bluestems: (Caucasian and Turkestan); Buffelgrass; Laurusgrass; Weeping Lovegrass*	5	175	0	0.10	3	175	100	1.00	2	20	50	2.00
Rhodesgrass	5	1,320	0	0.10	---	---	---	---	2	1,320	50	2.00
Guar	1 <sup>42</sup>	330	10,000	0.05	1 <sup>42</sup>	330	5,000	0.10	1 <sup>42</sup>	165	2,500	0.15
Illinois Bundleflower	5 <sup>1</sup>	10 <sup>47</sup>	1,000	0.10	3 <sup>1</sup>	10 <sup>47</sup>	400	0.25	2 <sup>1</sup>	10 <sup>47</sup>	100	1.00
Millet:												
Foxtail & Pearl	1 <sup>42</sup>	1,320 <sup>14</sup>	20,000 <sup>15</sup>	.003	1 <sup>42</sup>	1,320 <sup>14</sup>	10,000 <sup>15</sup>	.006	1 <sup>42</sup>	660 <sup>14</sup>	5,000 <sup>15</sup>	0.10
Gahi I & Hybrids	1 <sup>42</sup>	1,320 <sup>14</sup>	20,000 <sup>15</sup>	.003	---	---	---	---	1 <sup>42</sup>	660 <sup>14</sup>	5,000 <sup>15</sup>	0.10
Oat	1 <sup>43</sup>	50 <sup>16</sup>	10,000	0.02	1 <sup>43</sup>	10 <sup>16</sup>	5,000	0.06	1 <sup>43</sup>	10 <sup>16</sup>	3,000	0.15
Okra	1 <sup>11</sup> <sub>42</sub>	1,320	0 <sup>15</sup>	0.00	1 <sup>11</sup> <sub>42</sub>	1,320	4,000 <sup>15</sup>	0.01	1 <sup>11</sup> <sub>42</sub>	825	2,000 <sup>15</sup>	0.02
Peanut	1 <sup>43</sup> <sub>44</sub>	50	2,000 <sup>55</sup>	0.10	1 <sup>43</sup> <sub>44</sub>	25	1,000 <sup>55</sup>	0.20	1 <sup>43</sup> <sub>44</sub>	25	500 <sup>55</sup>	0.50
Rice	2 <sup>42</sup>	100 <sup>19</sup>	100,000 <sup>8</sup>	.005 <sup>20</sup>	1 <sup>42</sup>	100 <sup>19</sup>	50,000 <sup>8</sup>	0.01 <sup>20</sup>	1 <sup>42</sup>	100 <sup>19</sup>	10,000 <sup>8</sup>	0.02 <sup>20</sup>
Rye	1 <sup>43</sup>	660	10,000	0.02	1 <sup>43</sup>	660	5,000	0.06	1 <sup>43</sup>	660	3,000	0.15
Sorghum*												
Open Pollinated	1 <sup>21</sup>	990 <sup>22</sup>	50,000 <sup>15</sup>	.005 <sup>26</sup> <sub>33</sub>	1 <sup>21</sup>	990 <sup>22</sup> <sub>23</sub>	35,000 <sup>15</sup> <sub>25</sub>	.005 <sup>26</sup> <sub>33</sub>	1 <sup>21</sup>	660 <sup>24</sup>	20,000 <sup>15</sup> <sub>25</sub>	0.01 <sup>26</sup> <sub>33</sub>
Male-Sterile Seed Stock	1 <sup>27</sup>	1,320 <sup>28</sup>	50,000 <sup>15</sup> <sub>29</sub>	0.00 <sup>30</sup> <sub>33</sub>	---	---	---	---	---	---	---	---
Pollinator Lines (B&R)	1 <sup>31</sup>	990 <sup>32</sup>	50,000 <sup>15</sup> <sub>33</sub>	0.00 <sup>30</sup> <sub>33</sub>	---	---	---	---	---	---	---	---
Commercial Hybrid	---	---	---	---	---	---	---	---	1 <sup>34</sup>	660 <sup>35</sup>	20,000 <sup>15</sup> <sub>36</sub>	0.10 <sup>30</sup> <sub>33</sub>
Soybean, Mungbean	1 <sup>11</sup> <sub>42</sub>	10 <sup>37</sup>	20,000	0.03	1 <sup>11</sup> <sub>42</sub>	10 <sup>37</sup>	7,500	0.05	1 <sup>11</sup> <sub>42</sub>	10 <sup>37</sup>	5,000	0.10
Sunflower	1	2,640 <sup>34</sup>	200	0.02	1	2,640 <sup>34</sup>	200	0.02	1	2,640 <sup>34</sup>	200	0.10 <sup>17</sup>
Hybrid*	1	2,640 <sup>34</sup>	250 <sup>18</sup>	0.02	---	---	---	---	1	2,640 <sup>34</sup>	250 <sup>18</sup>	0.10 <sup>17</sup>
Triticale	1 <sup>43</sup>	50 <sup>16</sup>	10,000	0.02	1 <sup>43</sup>	10 <sup>16</sup>	5,000	0.06	1 <sup>43</sup>	10 <sup>16</sup>	3,000	0.15
Watermelon	2 <sup>42</sup>	2,640 <sup>38</sup>	0 <sup>39</sup>	0.00	2 <sup>42</sup>	2,640 <sup>38</sup>	0 <sup>39</sup>	0.00	2 <sup>42</sup>	1,320 <sup>38</sup>	500 <sup>39</sup>	0.00
Wheat	1 <sup>43</sup>	50 <sup>16</sup>	10,000 <sup>40</sup>	0.02 <sup>41</sup>	1 <sup>43</sup>	10 <sup>16</sup>	5,000 <sup>40</sup>	0.06 <sup>41</sup>	1 <sup>43</sup>	10 <sup>16</sup>	3,000 <sup>40</sup>	0.15 <sup>41</sup>

\*See "Additional Requirements for the Certification of Certain Crops"

(1)-(54) (No change.)

(55) Time table for reduction of nutgrass tubers allowed in certified peanut fields.

Maximum allowed:

Foundation

1989—one nutgrass plant with tubers per 4 linear row-feet in inspection counts.

1990—one nutgrass plant with tubers per 8 linear row-feet in inspection counts.

1991—one [no] nutgrass plant with tubers per 50 linear row-feet in inspection counts.

Registered

1992—one nutgrass plant with tubers per 4 linear row-feet in inspection counts.

1993—one nutgrass plant with tubers per 8 linear row-feet in inspection counts.

1994—one [no] nutgrass plant with tubers per 50 linear row-feet in inspection counts.

Certified

1992—one nutgrass plant with tubers per 2 linear row-feet in inspection counts.

1993—one nutgrass plant with tubers per 4 linear row-feet in inspection counts.

1994—one nutgrass plant with tubers per 8 linear row-feet in inspection counts.

1995—one [no] nutgrass plant with tubers per 50 linear row-feet in inspection counts.

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

Issued in Austin, Texas, on August 17, 1993.

TRD-9327477

Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Earliest possible date of adoption: September 24, 1993

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



### Additional Requirements for the Certification of Certain Crops

• 4 TAC §§21.61, 21.64, 21.66

The Texas Department of Agriculture (the department) proposes amendments to §§21.61, 21.64, and 21.66, concerning additional requirements for the certification of certain crops. The proposed amendment to §21.61 adds four grasses to be covered by the length of stand requirements, as adopted by the State Seed and Plant Board. The proposed amendment to §21.64 clarifies the section. The proposed amendment to §21.66 corrects a typographical error to make this section consistent with current practice.

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

Mr. Leamons also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to provide better quality of seed to the public. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Charles A. Leamons, Director, Seed Quality, Texas Department of Agriculture, P.O. Box 629, Giddings, Texas 78942.

The amendments are proposed under the Texas Agriculture Code (the Code), §12.006, which provides the Texas Department of Agriculture with the authority to adopt rules as necessary to carry out provisions of the Code; and the Code, Chapter 62, which provides for seed and plant certification in accordance with standards established by the State Seed and Plant Board.

§21.61. Length of Stand Requirements.

Grass types	<u>0.10</u> [0.5]%(1:1,000)
Combine types (including "selfs")	5.0%(50:1,000)
Combination of above two	5.0%(50:1,000)

Issued in Austin, Texas, on August 17, 1993.

TRD-9327476

Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Earliest possible date of adoption: September 24, 1993

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

(c) Grasses. Bluestems; Big, Caucasian, Little, Sand, Turkestan, and Yellow; Kleingrass; Gramas; Blue and Side-oats; Buffelgrass; Hardinggrass; Yellow Indiangrass; Lovergrass Switchgrass; Alkali Sacaton; Laurisagrass; Bahiagrass; Guineagrass.

(1)-(5) (No change.)

(d)-(f) (No change.)

§21.64. Tolerances and Detasseling Requirements for Corn.

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

(c) Single cross fields submitted for inspection for the Foundation class will not be approved if, at any one inspection more than 1/5 of 1.0% of the stalks of the female parent have shed pollen and at the same time more than 1.0% of the stalks of the female parent have receptive stalks. Any plant in an inbred or single cross field submitted for inspection for the foundation class that is [...] shedding pollen in male sterile rows must be completely destroyed at pollinating time to eliminate the possibility of its seed production.

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

§21.66. Requirements and Standards for Hybrid Sorghum Varietal Purity Grow Outs.

(a) (No change.)

(b) Varietal purity grow-out test standard. Maximum objectionable sorghum plants permitted in the following:

(1) (No change.)

(2) FORAGE TYPE HYBIRD

(3)-(7) (No change.)

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

For further information, please call: (512)

463-7583



**Vegetatively Propagated Pasture Grass and Turf Grass (Bermudagrass, Saint Augustine, Zoysiagrass, Buffalograss)**

- 4 TAC §§21.81, 21.83, 21.85, 21.86

The Texas Department of Agriculture (the department) proposes amendments to §§21.81, 21.83, 21.85, and 21.86, concerning Vegetatively Propagated Pasture Grass and Turf Grass (Bermudagrass, Saint Augustine, Zoysiagrass, Buffalograss). The proposed amendment to the undesignated head adds the word Buffalograss. The proposed amendment to §21.83 provides an address change and a new date for filing of applications. The proposed amendment to §21.85 corrects the classification of St. Augustinegrass. Section 21.86 is corrected to comply with State Seed and Plant Board standards.

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

Mr. Leamons also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be clarification of where applications for preplanting and sprig inspection may be filed and the providing of quality seed to the public. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Charles A. Leamons, Director, Seed Quality, Texas Department of Agriculture, P.O. Box 629, Giddings, Texas 78942.

The amendments are proposed under the Texas Agriculture Code (the Code), §12.106, which provides the Texas Department of Agriculture with the authority to make rules necessary to carry out provisions of the Code; and the Code, Chapter 62, which provides for seed and plant certification in accordance with standards established by the State Seed and Plant Board.

*§21.83. Handling the Crop to Inspection.*

- (a) (No change.)

(b) Applications. All applications for pre-planting inspection and sprig inspection must be filed with the Seed Quality Program [Division], The Department of Agriculture, P.O. Box 629, Giddings, Texas 78942 [Austin], prior to March 1 [June 1].

*§21.85. Field Standards.*

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

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

- (3) St. [Statutes]

Augustinegrass. Foundation, registered, and certified class stock must be isolated from any other perennial grass and/or objectionable weeds by a strip at least six feet wide.

- (c) (No change.)

*§21.86. Stock Handling.*

- (a) (No change.)

(b)[(1)] Shipment. For pasture grass, planting stock must be packed for shipment in sealed sacks, bags, or other containers that will insure maintenance of planting quality. Such containers must meet the labeling requirements of §21.11(b) of this title (relating to Labels) of the general requirements.

(2) For turf grass and Statutes Augustinegrass, planting stock packed for shipment in bags or other containers must be sealed to ensure viability of stolons upon delivery. Such containers must meet the provisions of §21.11(b) of this title (relating to Labels) of the general requirements]

- (c) (No change.)

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

Issued in Austin, Texas, on August 17, 1993.

TRD-9327475 Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Earliest possible date of adoption: September 24, 1993

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

**Sugar Cane-Vegetatively Propagated**

- 4 TAC §21.101, §21.103

The Texas Department of Agriculture (the department) proposes amendments to §21.101 and §21.103, concerning sugar cane-vegetatively propagated. The proposed amendment to §21.101 corrects a typographical error. The proposed amendment to §21.103 provides and address change for filing applications with the department for inspection of sugar cane acreages.

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

Mr. Leamons also has determined that for each year of the first five years the sections

are in effect the public benefit anticipated as a result of enforcing the sections will be clarification of where applications may be filed for inspection of sugar cane acreages. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Charles A. Leamons, Director, Seed Quality, Texas Department of Agriculture, P.O. Box 629, Giddings, Texas 78942.

The amendments are proposed under the Texas Agriculture Code (the Code), §12.016, which provides the Texas Department of Agriculture with the authority to make rules necessary to carry out provisions of the Code; the Code, Chapter 62, which provides for seed and plant certification in accordance with standards established by the State Seed and Plant Board.

*§21.101. Application and Amplification of General Certification Standards.* The general requirements, as adopted by the State Seed and Plant Board, are basic, and together with the following specific standards constitute and standards for certification of sugar cane: Limitation and stand eligibility.

(1) Production of foundation stock is limited to three consecutive years from [form] planting of breeder stock.

- (2)-(5) (No change.)

*§21.103. Handling the Crop Prior to Inspection.*

- (a) (No change.)

(b) Applications. All applications for inspection of sugar cane acreages must be filed with the Seed Quality Program [Division], P.O. Box 629, Giddings, Texas 78942 [Austin], before April 1 of the same year that the cane stock will be sold.

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

Issued in Austin, Texas, on August 17, 1993.

TRD-9327474 Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Earliest possible date of adoption: September 24, 1993

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

**Forest Reproductive Material**

- 4 TAC §21.122, §21.123

The Texas Department of Agriculture (the department) proposes amendments to §21.122, and §21.123, concerning seed production and seedling production, certified (blue label), and

certified selected (green label). The proposed amendments to §21.122 and §21.123 change the location for filing applications for inspection. In addition, the proposed amendment to §21.122 changes the time for subsequent inspections.

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

Mr. Leamons also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be clarification of where applications for inspection of forest tree seed must be filed and when inspections are to be conducted. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Charles A. Leamons, Director, Seed Quality, Texas Department of Agriculture, P.O. Box 629, Giddings, Texas 78942.

The amendments are proposed under the Texas Agriculture Code (the Code), §12.016, which provides the Texas Department of Agriculture with the authority to make rules necessary to carry out provisions of the Code; the Code, Chapter 62, which provides for seed and plant certification in accordance with standards established by the State Seed and Plant Board.

#### §21.122. Seed Production.

(a) Handling the crop prior to inspection.

(1) (No change.)

(2) Applications. All applications for inspection of forest tree seed must be filed with the Seed Quality Program [Division] P.O. Box 629, Giddings [Austin], Texas 78942 at least 30 days prior to flowering.

(b) Field inspections.

(1) (No change.)

(2) Inspections are required only in years in which certified seed production is planned after the initial inspection, pro-

vided that subsequent inspections shall be not more [less] than five years apart.

(3) (No change.)

(c)-(g) (No change.)

#### §21.123. Seedling Production, Certified (Blue Label), and Certified Selected (Green Label).

(a) Handling the crop prior to inspection.

(1) (No change.)

(2) Applications. All applications for inspection of forest tree seedlings must be filed with the Seed Quality Program [Division] P.O. Box 629, Giddings [Austin], Texas 78942 at least 30 days before seed sowing.

(b)-(e) (No change.)

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

Issued in Austin, Texas, on August 17, 1993.

TRD-9327473

Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Earliest possible date of adoption: September 24, 1993

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

## TITLE 22. EXAMINING BOARDS

### Part VI. State Board of Registration for Professional Engineers

#### Chapter 131. Practice and Procedure

#### Registration

#### • 22 TAC §131.138

The State Board of Registration for Professional Engineers proposes an amendment to

§131.138, concerning Engineers' Seals. The section is amended to specify that the original hard copy of computer-aided design/drafting (CADD) engineering documents will not be issued by the originator bearing a CADDSEAL unless the document also bears the registrant's original signature and date. The section further clarifies that any additional copies made after the original or CADD-generated engineering document that is not reproduced or transmitted electronically may be issued without an original signature, provided the proper notation is displayed prominently near the CADDSEAL.

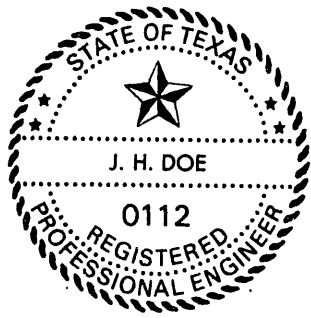
Charles E. Nemir, P.E., executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Nemir also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be clarification of the proper use of CADDSEAL. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Charles E. Nemir, P.E., Executive Director, State Board of Registration for Professional Engineers, P. O. Drawer 18329, Austin, Texas 78760.

The amendment is proposed under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.138. Engineers' Seals. Seals of two different sizes will be acceptable, a pocket seal, the size commercially designated as 1-5/8-inch seal, or desk seal, commercially designated as a two-inch seal, to be of the design shown as follows:



(1)-(4) (No change.)

(5) Registrants may obtain and use both an impression type seal and a rubber stamp facsimile. In addition, a seal replica produced by computer-aided design/drafting (CADDSEAL) may be used based on the provisions prescribed in subparagraphs (A)-(C) of this paragraph. The rubber stamp facsimile and the CADDSEAL shall bear the same name, in the same style, as the impression seal, and conform to the design requirements previously stated in this section.

(A) (No change.)

(B) The original hard copy reproduced from a [A] CADD-generated engineering document shall not be issued by the originator bearing a CADDSEAL unless the document also bears the registrant's original signature and date. However, additional copies, after the original or a CADD-generated engineering document that is not reproduced or is transmitted electronically, may be issued without an original signature, providing that [, or] the following notation is displayed prominently near the CADDSEAL: "The seal appearing on this document was authorized by (example) John H. Doe, P.E. 0112, on \_\_\_\_\_, 19\_\_\_\_."

(C) (No change.)

(6)-(9) (No change.)

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

Issued in Austin, Texas, on August 17, 1993.

TRD-9327452

Charles E. Nemir, P.E.  
Executive Director  
State Board of Registration  
for Professional  
Engineers

Proposed date of adoption: October 20, 1993

For further information, please call: (512) 440-7723

◆ ◆ ◆  
**TITLE 34. PUBLIC FINANCE**  
**Part I. Comptroller of Public Accounts**  
**Chapter 3. Tax Administration**  
**Subchapter V. Franchise Tax**

◆ ◆ ◆  
**• 34 TAC §3.554**

The Comptroller of Public Accounts proposes the repeal of §3.554, concerning earned surplus: nexus. The section is being repealed in order that a substantially revised section dealing with the same subject matter may be adopted.

Mike Reissig, chief revenue estimator, has determined that repeal of the rule will not result in any fiscal implications to the state or to units of local government.

Mr. Reissig also has determined that there will be no cost or benefit to the public from the repeal of this rule. This repeal is adopted under the Tax Code, Title 2, and does not require a statement of fiscal implications for small businesses. There are no additional costs to persons who are required to comply with the repeal.

Comments on the repeal may be submitted to Charles C. Johnstone, Manager, Tax Administration Division, P.O. Box 13528, Austin, Texas 78711.

This repeal is proposed under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

*§3.554. Earned Surplus: Nexus*

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

Issued in Austin, Texas, on August 17, 1993.

TRD-9327441

Martin Cherry  
Chief, General Law  
Section  
Comptroller of Public  
Accounts

Earliest possible date of adoption: September 24, 1993

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

◆ ◆ ◆  
The Comptroller of Public Accounts proposes new §3.554, concerning earned surplus: nexus. Because of substantial changes, the current §3.554 is being proposed for repeal. The new section provides several examples of activities sufficient to create nexus and of activities which, by themselves, will not create nexus.

Tom Plaut, chief revenue estimator, has determined that for the first five-year period the rule is in effect there will be no significant revenue impact on the state or local government.

Dr. Plaut also has determined that for each year of the first five years the section is in effect there will be no significant public cost or benefit. This rule is adopted under the Tax Code, Title 2, and does not require a statement of fiscal implications for small businesses. There is no significant anticipated economic cost to persons who are required to comply with the proposed rule.

Comments on the new section may be submitted to Chuck Johnstone, Manager, Tax Administration Division, P.O. Box 13528, Austin, Texas 78711.

This new section is proposed under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

*§3.554. Earned Surplus: Nexus.*

(a) Constitutional limit standard. A corporation is doing business in this state, for the earned surplus component of the franchise tax, when it has sufficient contact

with this state to be taxed without violating the United States Constitution. See §3.546 of this title (relating to Taxable Capital: Nexus) for the nexus standards for the taxable capital component of the franchise tax.

(b) Public Law 86-272 (15 United States Code §§381-384). A corporation may be subject to the taxable capital component, but not the earned surplus component, because of Public Law 86-272. If the only business activity within this state is the solicitation of orders for sales of tangible personal property, which orders are sent outside the state for approval or rejection, and, if approved, are filled by shipment or delivery from a point outside this state, then the corporation is not subject to the earned surplus component of the franchise tax, even if the corporation has obtained a certificate of authority. Only the sale of tangible personal property is afforded immunity under Public Law 86-272, therefore, the leasing, renting, licensing, or other disposition of tangible personal property, intangibles, or any other type of property is not immune from taxation by reason of Public Law 86-272. This subsection does not apply to a corporation chartered in Texas

(c) Solicitation of orders.

(1) For the Texas activity to be immune under Public Law 86-272, it must be limited solely to solicitation (except for *de minimis* activities and those activities conducted by independent contractors described in this section). Solicitation means:

(A) speech or conduct that explicitly or implicitly invites an order, and

(B) activities that neither explicitly nor implicitly invite an order, but are entirely ancillary to requests for an order.

(2) Ancillary activities are those activities that serve no independent business function for the seller, apart from their connection to the solicitation of orders. Activities that a seller would engage in apart from soliciting orders shall not be considered as ancillary to the solicitation of orders. The mere assignment of activities to sales personnel does not, merely by such assignment, make such activities ancillary to solicitation of orders. Additionally, activities that seek to promote sales are not ancillary, because Public Law 86-272 does not protect activity that facilitates sales; it only protects ancillary activities that facilitate the request for an order. The conduct of activities not falling within the foregoing definition of solicitation will cause the company to lose the exemption afforded by Public Law 86-272, unless the disqualifying activities, taken together, are *de minimis*.

(3) *De minimis* activities are those that, when taken together, establish only a trivial additional connection with Texas. An activity regularly conducted within Texas pursuant to a company policy or on a continuous basis shall normally not be considered trivial. Whether or not an activity consists of a trivial or non-trivial additional connection with Texas is to be measured on both a qualitative and quantitative basis. If such activity either qualitatively or quantitatively creates a non-trivial connection with Texas, then such activity exceeds the protection of Public Law 86-272. Establishing that the disqualifying activities only account for a relatively small part of the business conducted within Texas is not determinative of whether a *de minimis* level of activity exists. The relative economic importance of the disqualifying in-state activities, as compared to the protected activities, does not determine whether the conduct of the disqualifying activities within Texas is inconsistent with the limited protection afforded by Public Law 86-272.

(d) Examples of doing business. Some specific activities which constitute doing business in Texas, assuming they are not of a *de minimis* level, by a foreign corporation are:

(1) making repairs or providing maintenance;

(2) collecting current or delinquent accounts,

(3) investigating credit worthiness,

(4) installation or supervision of installation,

(5) conducting training classes, seminars, or lectures for personnel other than personnel involved only in solicitation;

(6) providing any kind of technical assistance or services, including, but not limited to, engineering assistance or services, when one of the purposes thereof is other than the facilitation of the solicitation of orders;

(7) investigating, handling, or otherwise assisting in resolving customer complaints, other than mediating direct customer complaints when the sole purpose of such mediation is to ingratiate the sales personnel with the customer;

(8) approving or accepting orders,

(9) repossessing property;

(10) securing deposits on sales,

(11) picking up or replacing damaged or returned property;

(12) hiring, training, or supervising personnel, other than personnel in-

involved only in solicitation;

(13) providing shipping information and coordinating deliveries,

(14) maintaining a sample or display room in excess of two weeks (14 days) at any one location during the period upon which the earned surplus is based;

(15) carrying samples for sale, exchange, or distribution in any manner for consideration or other value;

(16) owning, leasing, or maintaining any of the following facilities or property in-state:

(A) repair shop;

(B) parts department;

(C) purchasing office;

(D) employment or recruiting office,

(E) warehouse;

(F) meeting place for directors, officers, or employees,

(G) stock of goods other than samples for sales personnel or that are used entirely ancillary to solicitation,

(H) telephone answering service that is formally attributed to the company or to the agent(s) of the company in their agency status;

(I) mobile stores, i.e., vehicles with drivers who are sales personnel making sales from the vehicles; and

(J) real property or fixtures to real property of any kind

(17) consigning tangible personal property to any person, including an independent contractor;

(18) maintaining, by any employee, an office or place of business (in, home or otherwise) that is paid for directly or indirectly by the company and that is formally attributed to the company or to the agent(s) of the company in their agency status, even if such office is for the exclusive use of soliciting orders. (For example, a telephone listing for the company or for the agents of the company in their capacity as agents or other indications through advertising or business literature that the company or its agents can be contacted at a specific place shall normally be determined as the company maintaining within this

state an office or place of business attributable to the company or to its agents in their agency status).

(19) using agency stock checks or any other instrument or process by which sales are made within this state by sales personnel;

(20) conducting any activity listed as doing business in §3.546 of this title (relating to Taxable Capital: Nexus), which is not protected by Public Law 86-272; or

(21) conducting any activity not listed in subsection (e) of this section which is not entirely ancillary to requests for orders, even if such activity helps to increase purchases.

(e) Examples of protected activities. The following activities are protected by Public Law 86-272:

(1) soliciting orders for sales by any type of advertising;

(2) carrying samples only for display or distribution without charge or other consideration;

(3) owning or furnishing autos to sales personnel;

(4) passing inquiries and complaints on to the home office;

(5) missionary sales activities;

(6) checking of customers' inventories without a charge therefor (for reorder, but not for other purposes such as quality control);

(7) maintaining a sample or display room for two weeks or less at any one location during the period upon which the earned surplus is based;

(8) soliciting of orders for sales by an in-state resident employee of the company; provided the employee maintains no in-state sales office or place of business (in-home or otherwise) that is attributable to the company or to the company's agent(s) in their agency capacity;

(9) recruitment, training, or evaluation of sales personnel, including occasional use of homes, hotels, or similar places for meetings with sales personnel;

(10) maintaining, by any sales employee, an in-home office that is not paid for directly or indirectly by the company and which is not attributable to the company or to the company's agent(s) in their agency capacity; or

(11) mediating direct customer complaints when the purpose thereof is solely for ingratiating the sales personnel with the customer and facilitating requests for orders.

(f) Independent contractors.

(1) Public Law 86-272 provides immunity to certain in-state activities if conducted by an independent contractor that would not be afforded if performed by the company or its agents or other representatives. Independent contractors may engage in the following limited activities in

the state without the company's loss of immunity:

(A) soliciting sales;

(B) making sales; and

(C) maintaining an office.

(2) Sales representatives who represent a single principal are not considered to be independent contractors.

(3) Maintenance of a stock of goods in the state by the independent contractor under consignment or any other type of arrangement with the company, except for purposes of display and solicitation, shall remove the immunity.

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

Issued in Austin, Texas, on August 17, 1993.

TRD-9327440

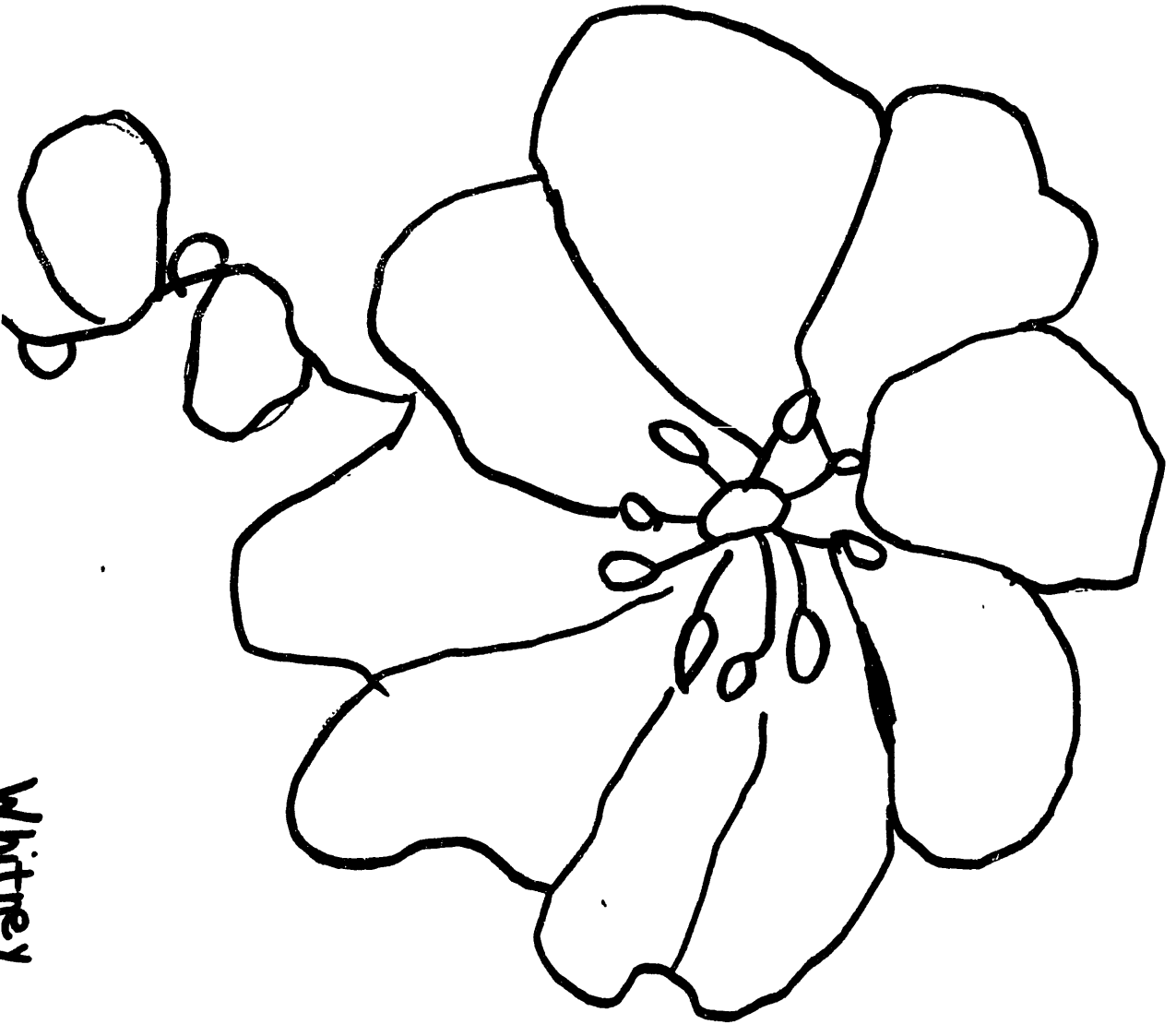
Martin Cherry  
Chief, General Law  
Section  
Comptroller of Public  
Accounts

Earliest possible date of adoption: September 24, 1993

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

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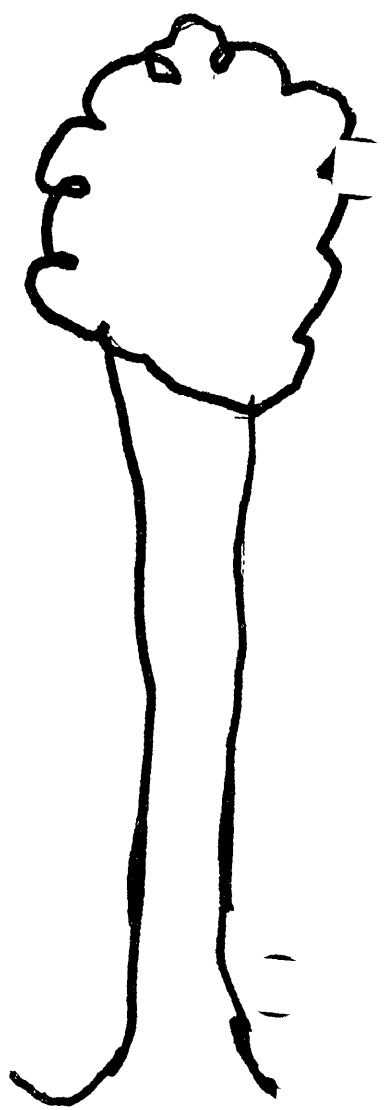


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# Adopted Sections

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

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

## TITLE 1. ADMINISTRATION

### Part IV. Office of the Secretary of State

#### Chapter 71. Office of the Secretary of State

##### Practice and Procedure

###### • 1 TAC §71.10

The Office of the Secretary of State adopts §71.10, concerning Practice and Procedure, without changes to the proposed text as published in the July 16, 1993, issue of the *Texas Register* (18 TexReg 4547).

Widespread use of the fax transmission and filing service offered by the secretary of state has decreased use of the agency's telex service. Because of the diminishing requests for telex service, the cost of maintaining and operating this service is no longer economically practical. Therefore, the secretary of state has deleted all references to its provision of telex services in §71.10.

The section will function by no longer referring to telex services.

No comments regarding the adoption of the amendment were received.

Texas Civil Statutes, Article 6252-13, and the Government Code, §405.031, give the Office of the Secretary of State the authority to adopt rules of practice reasonably necessary to carry out its ministerial duties.

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 August 13, 1993

TRD-9327438 Carmen Flores  
Director of the  
Corporations Section,  
Statutory Filing Division  
Office of the Secretary of  
States Office

Effective date: September 7, 1993

Proposal publication date: July 16, 1993

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

#### Chapter 79. Corporations

##### General Information and Correspondence

###### • 1 TAC §§79.13, 79.14, 79.18, 79.19

The Office of the Secretary of State adopts amendments to §§79.13, 79.14, and 79.18, and new 79.19, concerning General Information and Correspondence, without changes to the proposed text as published in the July 16, 1993, issue of the *Texas Register* (18 TexReg 4547).

House Bill 1239 added the Texas Limited Liability Company Act, Article 9.03, effective September 1, 1993, allowing limited liability companies to file documents with delayed effective dates and to abandon document filings in certain cases. Section 79.13 and §79.14 have been amended to include a reference to the Texas Limited Liability Company Act, Article 9.03. In addition, since the new article refers to the abandonment of document filings in certain cases, new §79.19 has been drafted to address procedures for all statutory abandonments.

For purposes of clarification, §79.18 has been broadened to address not only computer record procedures for mergers with delayed effective dates, but also computer record procedures for all documents filed with delayed effective dates.

The amendments to §79.13 and §79.14 concern documents submitted with delayed effective dates that become effective upon the occurrence of events or facts that may occur in the future. In addition, §79.18 addresses computer record procedures for the filing of all documents with delayed effective dates. New §79.19 sets forth computer record procedures for the statutory abandonment of documents.

No comments regarding the adoption of amendments were received.

The Texas Business Corporation Act, Article 9.03, gives the secretary of state the power and the authority reasonably necessary to enable the secretary of state to administer this act efficiently and to perform its duties imposed by this act. The amendments and new section are proposed under Texas Civil Statutes, Article 6252-13, which give the Office of the Secretary of State the authority to adopt rules of practice reasonably necessary to carry out its ministerial duties.

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 August 13, 1993

TRD-9327439 Carmen Flores  
Director of the  
Corporations Section,  
Statutory Filing Division  
Office of the Secretary of  
State

Effective date: September 7, 1993

Proposal publication date: July 16, 1993

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

#### Entity Name Availability

##### • 1 TAC §79.34

The Office of the Secretary of State adopts §79.34, concerning Words of Incorporation, without changes to the proposed text as published in the July 16, 1993, issue of the *Texas Register* (18 TexReg 4547).

House Bill 1239 added the Texas Limited Liability Company Act, Article 9.03, effective September 1, 1993, allowing limited liability companies to file documents with delayed effective dates, to abandon document filings in certain cases, provides for new words of organization for limited liability companies and professional limited liability companies. Section 79.34 has been amended to incorporate these new words of organization.

Section 79.34 adds new words of organization for limited liability companies and professional limited liability companies.

No comments regarding the adoption of the amendment were received.

The Texas Business Corporation Act, Article 9.03, gives the secretary of state the power and authority reasonably necessary to enable the secretary of state to administer this act efficiently and to perform its duties imposed by this act. These amendments and new sections are proposed under Texas Civil Statutes, Article 6252-13, which give the Office of the Secretary of State the authority to adopt rules of practice reasonably necessary to carry out its ministerial duties.

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.

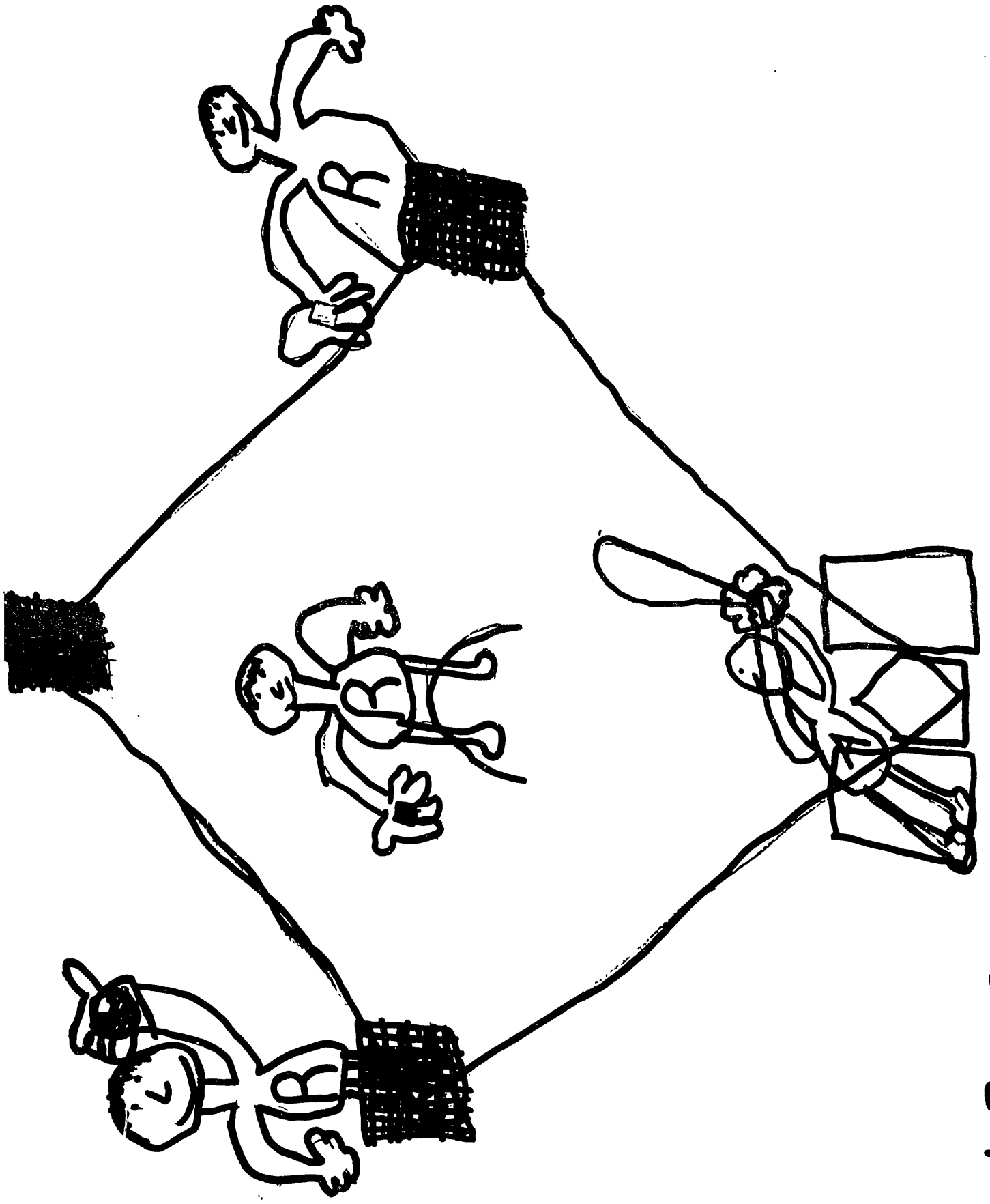
Issued in Austin, Texas, on August 13, 1993

TRD-9327457 Carmen Flores  
Director of the  
Corporations Section,  
Statutory Filing Division  
Office of the Secretary of  
States Office

Effective date: September 7, 1993

Proposal publication date: July 16, 1993

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



Trent Turner

# 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 of Agriculture

**Wednesday, August 25, 1993, 7:00 p.m.** The Lower Rio Grande Valley Pest Management Zone Committee of the Texas Department of Agriculture will meet at the Texas A&M Extension Service, Hoblitzell Auditorium, 2401 East Highway 83, Weslaco. According to the complete agenda, the committee will give an overview of Stalk Destruction Program; cotton stalk destruction law; presentation of industry perspective; pest management update by Texas A&M; TDA presentation of cotton stalk destruction work plan; and general discussion of program and work plan.

**Contact:** Darrell Williams, P.O. Box 12847, Austin, Texas 78711, (512) 473-7619.

**Filed:** August 17, 1993, 4:17 p.m.

TRD-9327467

**Thursday, August 26, 1993, 9:00 a.m.** The Texas Corn Producers Board of the Texas Department of Agriculture will meet at the Radisson Hotel, Amarillo. According to the agenda summary, the board will call the meeting to order; action: discuss approval of minutes; review financial statements; end of year financial report; discuss and possibly act on proposal from American Corn Growers; presentation and action on proposed budget; meet in executive session; discuss and possible action on executive session; funding request; hear activity report; election update; discuss other business; date and location of next meeting; and adjourn.

**Contact:** Carl King, 218 East Bedford, Dimmitt, Texas 79027, (806) 647-4224.

**Filed:** August 18, 1993, 12:12 p.m.

TRD-9327499

## Texas Appraiser Licensing and Certification Board

**Thursday, August 26, 1993, 9:00 a.m.** The Education Committee of the Texas Appraiser Licensing and Certification Board will meet at 1101 Camino La Costa, Executive Conference Room 235-A, Austin. According to the agenda, the committee will call the meeting to order; discuss approval of the minutes of the June 24, 1993, committee meeting; hear update regarding contract testing; discuss and possibly make recommendations to the Texas Appraiser Licensing and Certification Board concerning guidelines for acceptable educational offerings, including appraiser continuing education (ACE); concerning approval of courses for meeting educational requirements; concerning possible amendments to 22 TAC §153.17, Renewal of Certification, License or Trainee Approval; continuing education; possible recommendations to the Board on other educational matters; and adjourn.

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

**Filed:** August 18, 1993, 11:03 a.m.

TRD-9327492

**Thursday-Friday, August 26-27, 1993, 1:00 p.m., and 9:00 a.m. respectively.** The Texas Appraiser Licensing and Certification Board will meet at 1101 Camino La Costa, Conference Room 235, Austin. According to the agenda summary, on Thursday, the board will hold a workshop on possible rule changes to 22 TAC §151, §153, and §155 to conform with amendments of House Bill 2644 (73rd Legislature, 1993) and other

necessary changes. On Friday, the board will call the meeting to order; consider approval for the July 23, 1993 minutes; hear comments and presentations from visitors; discuss and possibly act concerning the application, certification/licensing or other board procedures, policies and interpretations; discuss and possibly act concerning filed complaints; hear staff reports; selection of date of subsequent meetings; hear report from the budget committee; discuss and possibly act regarding committee recommendations concerning the operation budget and expenditures for Fiscal Year 1993; operating budget for Fiscal Year 1994 and Fiscal Year 1995; discuss appropriations for Fiscal Years 1994 and 1995; other budgetary and fiscal matters; hear report from the education committee; update on contract testing; discussion and possible action regarding committee recommendations regarding guidelines for acceptable educational offerings; approval of courses for meeting educational requirements and other education related matters; report from the Special Projects Committee regarding women and minorities in the appraisal profession; report from the Ad Hoc Committee regarding definitions and interpretations of terminology; discussion and possible action to adopt on emergency basis, or to propose, amendments to the rules 22 TAC §151, §153, and §155 necessitated by House Bill 2644 (73rd Legislature, 1993) and other necessary changes; and adjourn.

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

**Filed:** August 18, 1993, 11:03 a.m.

TRD-9327493

**Thursday, August 26, 1993, 11:00 a.m.** The Special Projects Committee of the Texas Appraiser Licensing and Certification Board will meet at 1101 Camino La Costa,

Executive Conference Room 235-A, Austin. According to the agenda, the committee will call the meeting to order; discuss and possibly make recommendations to the Texas Appraiser Licensing and Certification Board regarding increasing the number of minorities and women in the appraisal industry; and adjourn.

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

Filed: August 18, 1993, 11:04 a.m.

TRD-9327495

**Friday, August 27, 1993, 8:00 a.m.** The Ad Hoc Committee of the Texas Appraiser Licensing and Certification Board will meet at 1101 Camino La Costa, Executive Conference Room 235-A, Austin. According to the agenda, the committee will call the meeting to order; discuss and make possible recommendations to the Board regarding definitions and interpretations of such terminology as: substantially produced (an appraisal); contribute materially and in a verifiable manner, gathering data for an appraisal; research or analysis (for an appraisal); preparing an appraisal report; discuss other related terms; and determination of who may sign appraisal reports; and adjourn.

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

Filed: August 18, 1993, 11:03 a.m.

TRD-9327494

### Texas Bond Review Board

**Thursday, August 19, 1993, 10:00 a.m.** The Texas Bond Review Board met at the Clements Building, Committee Room Five, Fifth Floor, 300 West 15th Street, Austin. According to the emergency revised agenda summary, the board discussed other business, future financings for privately-operated Texas Department of Criminal Justice correctional facilities. The emergency status was necessary to allow timely consideration of financing for planned correctional facilities.

Contact: Jim Thomassen, 300 West 15th Street, Suite 409, Austin, Texas 78701, (512) 463-1741.

Filed: August 18, 1993, 7:53 a.m.

TRD-9327469

### Texas State Board of Dental Examiners

**Thursday, August 26, 1993, 4:30 p.m.** The Texas State Board of Dental Examiners will meet at UTHSC, Dental Branch, Dean's Board Room, Houston. According to the

complete agenda, the board will call the meeting to order; take roll call; discuss approval of sedation/anesthesia permits; discuss anesthesia liaison replacement; settlement conference composition; board liaison appointments to specialty examinations; jurisprudence exam for licensure by credentials applicants; report and discussion of sunset issues; proposed board meeting schedule 1994; meet in executive session to discuss pending litigation, Angelos versus TSBI; make announcements; and adjourn.

Contact: C. Thomas Camp, 333 Guadalupe Street, Tower 3, Suite 3800, Austin, Texas 78701, (512) 463-6400.

Filed: August 17, 1993, 1:42 p.m.

TRD-9327445

**Thursday, September 2, 1993, 1:00 p.m.** The Credentials Review Committee of the Texas State Board of Dental Examiners will meet at the Ramada Executive Suite Hotel, Dallas, Love Field. According to the complete agenda, the committee will call the meeting to order, take roll call; review of and recommendations regarding applications for licensure by credentials; and adjourn

Contact: C. Thomas Camp, 333 Guadalupe Street, Tower 3, Suite 3800, Austin, Texas 78701, (512) 463-6400.

Filed: August 17, 1993, 1:42 p.m.

TRD-9327446

### Finance Commission of Texas

**Friday, August 27, 1993, 9:00 a.m.** The Consolidation Subcommittee of the Finance Commission of Texas will meet at the Finance Commission Building, 2601 North Lamar Boulevard, Austin. According to the complete agenda, the subcommittee will review and discuss approval of minutes of previous meeting; and discuss status of consolidation study of three Finance Commission Agencies.

Contact: Everette D. Jobe, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1300.

Filed: August 19, 1993, 9:24 a.m.

TRD-9327532

**Friday, August 27, 1993, 9:30 a.m.** The Finance Commission of Texas will meet at the Finance Commission Building, 2601 North Lamar Boulevard, Austin. According to the agenda summary, the commission will review and discuss approval of the minutes of the previous meeting; receive reports from the Consumer Credit Commissioner, the Savings and Loan Commissioner, and the Banking Commissioner; discuss and vote on repeal of existing rules, publishing proposed rules, adopting final rules and adopting emergency rules affect-

ing banking and trust industries, prepaid funeral benefits industry, and perpetual care cemeteries industry; and meet in executive session to discuss settlement offer in pending litigation.

Contact: Everette D. Jobe, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1300.

Filed: August 19, 1993, 9:24 a.m.

TRD-9327533

### Texas Department of Human Services

**Wednesday, September 1, 1993, 10:00 a.m.** The Services to Persons with Disabilities Subcommittee of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, Public Hearing Room, Austin. According to the complete agenda, the subcommittee will welcome visitors and guests, make introductions; discuss approval of minutes; hear comments by chair, introduction of new chair; comments by OSPD director, subcommittee role under ADAC; nursing facility waiver update; new DHS bylaws, open discussion by members; housing work group; UAP assistive technology project; plan next meeting; and adjourn

Contact: Pat Beard, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3680.

Filed: August 19, 1993, 9:20 a.m.

TRD-9327530

### Texas Department of Insurance

**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. (Note: Wording for the following rules have been revised. All other rules published under open meeting at (18 TexReg 5105 will be considered as published). According to the complete agenda, the board will consider public hearings under Docket Number 2036 concerning adoption of 28 TAC §21. 900 requiring an insurer to tell an applicant for homeowners or auto insurance why he or she did not receive the lowest premium available from companies within the same group; 28 TAC §21.1000 relating to forbidding insurers to reject an applicant for auto, homeowner, life or health insurance because of another company's previous non-renewal, cancellation or denial of coverage and prohibit refusals to write auto or homeowner insurance because the applicant formerly was insured by a county mutual or surplus lines carrier; and 28 TAC §1.1300 concerning providing that a request for an

insurer's underwriting guidelines made by the Office of Public Insurance Counsel or Texas Department of Insurance may include a request for future amendments to the underwriting guidelines. The board will also consider public hearings under Docket Number 2046 concerning the adoption of new 28 TAC §21 1002 relating to prohibiting the use of accident, traffic violation and claims information more than 39 months old in making auto underwriting decisions, with exceptions provided in the proposed rule

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

Filed: August 17, 1993, 3 36 p m

TRD-9327464

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 as filed by the Office of Public Insurance Counsel requesting an English and Spanish version of the Bill of Rights upon adoption; Docket Number 2038 concerning the adoption of a proposed consumer bill of rights for homeowners and renters insurance as filed by the Office of Public Insurance Counsel requesting an English and Spanish version of the Bill of Rights upon adoption; and Docket Number 2039 concerning adoption of proposed new 28 TAC §3.6011 relating to a consumer bill of rights for credit life, credit disability and involuntary unemployment insurance as filed by the Office of Public Insurance Counsel requesting an English and Spanish version of the Bill of Rights upon adoption.

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

Filed: August 17, 1993, 3:36 p.m.

TRD-9327465

### Texas State Board of Medical Examiners

Thursday, August 19, 1993, 8:30 a.m. The Board Member Orientation of the Texas State Board of Medical Examiners held an emergency meeting at 1812 Centre Creek Drive, Suite 300, Austin. According to the complete agenda, the board gave history/general overview; discussed travel/insurance; licensure; board meetings/rules; and enforcement/investigations/JSC. The emergency status was necessary due to Governor's recent appointment of several board

members, and it is necessary to meet for orientation.

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

Filed: August 18, 1993, 4:13 p.m.

TRD-9327527

Thursday-Saturday, August 19-21, 1993, 1:00 p.m., 9:00 a.m., and 8:30 a.m. respectively. The Texas State Board of Medical Examiners met at 1812 Centre Creek Drive, Suite 300, Austin According to the emergency revised agenda summary, the board may have approved additional board orders; and election of officers and an executive session to discuss personnel matters. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07(b), 3.05(d), 4.05(d), 5.06(s)(1) and Opinion of Attorney General 1974, Number H-484. The emergency status was necessary as information had come to the attention of the agency and required prompt consideration.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-4502.

Filed: August 18, 1993, 4:05 p.m.

TRD-9327526

Saturday, August 28, 1993, 9:00 a.m. The Search Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the complete agenda, the committee will call the meeting to order; take roll call, discussion regarding the search for a new executive director/reviewed applications; and adjourn. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07(b), 3.05(d), 4.05(d), 5.06(s)(1) and Opinion of Attorney General 1974, Number H-484.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-4502.

Filed: August 18, 1993, 2:46 p.m.

TRD-9327519

### Texas Board of Licensure for Nursing Home Administrators

Thursday, August 19, 1993, 6:00 p.m. The Education Committee of the Texas Board of Licensure for Nursing Home Administrators met at 4800 North Lamar Boulevard, #310, Austin. According to the complete emergency revised agenda, the committee called the meeting to order; took roll call; discussed approval of minutes; reviewed requests from Cole Hilsabeck, and Associates, J. Bearden Associates, Texas Department of Human Services, Health Care Management, regarding continuing education; reviewed requests for waivers from

Scott Smith, Leandra Nowlin, University of Texas Medical Branch at Galveston, and Catherine Bagby; reviewed and discussed issues concerning the requirement that all approved colleges and junior colleges offer internships in conjunction with their 200 hour course, condensing agency sponsored Preceptor Seminar to one day, abolish 200 hour course and make it a part of a required Bachelor's degree for licensure, state standards exam revision statute; NAB exams held on July 8, 1993; discussed rules regarding mandatory seminars, and the increase of continuing education requirements from 24 hours to 40 hours every two years; and adjourned. The emergency status was necessary as urgent public necessity was faced by Education Committee where unforeseeable situation concerning issues and requests which required immediate action where committee had to review before the August 20, 1993 regularly scheduled board meeting.

Contact: Sandra M. Guyn, 4800 North Lamar Boulevard, #310, Austin, Texas 78756, (310) 458-1955.

Filed: August 18, 1993, 3:59 p.m.

TRD-9327524

### Polygraph Examiners Board

Monday, August 30, 1993, 10:00 a.m. The Committee to Study Internship Programs of the Polygraph Examiners Board will meet at Fort Fisher, IH-35 North and University Park Drive, Waco. According to the complete agenda, the committee will discuss preceptor internship programs; difference between regular internship programs and preceptor internship programs; and methods to improve both preceptor and regular internship programs.

Contact: William J. Taylor, P.O. Box 4087, Austin, Texas 78773-0001, (512) 483-5767.

Filed: August 18, 1993, 2:20 p.m.

TRD-9327518

### State Preservation Board

Wednesday, August 25, 1993, 3:00 p.m. The Permanent Advisory Committee of the State Preservation Board will meet at 1400 Congress Avenue, Capitol Extension, Room E2.010, Austin. According to the agenda summary, the committee will call the meeting to order; discuss approval of minutes; discuss old or unfinished business; new business; and adjourn.

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

Filed: August 17, 1993, 4:06 p.m.

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### Texas Department of Protec- tive and Regulatory Ser- vices

**Monday-Tuesday, August 30-31, 1993, 10:00 a.m.** The Child Care Administrators and Facilities Advisory Committee of the Texas Department of Protective and Regulatory Services will meet at 701 West 51st Street, Conference Room 5W and Classroom Two, Austin. According to the complete agenda, the committee will make opening remarks; discuss approval of minutes of July meeting; hear director's report; review of recommendations on minimum standards for licensed day care facilities; and election of officers.

**Contact:** Doug Sanders, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3253.

**Filed:** August 17, 1993, 2:24 p.m.

TRD-9327453

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### Public Utility Commission of Texas

**Wednesday, September 8, 1993, 1:30 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 prehearing conference in Docket Number 12142-complaint of Kathleen E. Creque against Texas-New Mexico Power Company

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

**Filed:** August 18, 1993, 3:24 p.m.

TRD-9327522

**Thursday, December 2, 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 hearing on the merits in Docket Number 12185-Application for sale, transfer, or merger of Southwestern Electric Service Company, Texas Utilities Company, and TUA, Inc

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

**Filed:** August 18, 1993, 3:24 p.m.

TRD-9327523

### Texas Real Estate Commis- sion

**Friday, August 27, 1993, 11:00 a.m.** The Subcommittee on Wood Destroying Insects Real Estate Inspector Committee of the Texas Real Estate Commission will meet at TREC Headquarters, 1101 Camino La Costa, Room 235-A, Second Floor, Austin. According to the complete agenda, the subcommittee will discuss and possibly recommend action on inspections for the presence of wood-destroying insects; and adjourn.

**Contact:** Mark A. Moseley, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3900.

**Filed:** August 18, 1993, 2:08 p.m.

TRD-9327509

**Friday, August 27, 1993, 2:00 p.m.** The Subcommittee on Inspector Enforcement Real Estate Inspector Committee of the Texas Real Estate Commission will meet at TREC Headquarters, 1101 Camino La Costa, Room 235-A, Second Floor, Austin. According to the complete agenda, the subcommittee will discuss and possibly recommend action on the enforcement of Article 6573a concerning inspectors; and adjourn. For ADA assistance, call Nancy Guevremont at (512) 465-3923 at least two days prior to meeting.

**Contact:** Mark A. Moseley, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3900.

**Filed:** August 18, 1993, 2:08 p.m.

TRD-9327508

**Saturday, August 28, 1993, 9:00 a.m.** The Real Estate Inspector Committee of the Texas Real Estate Commission will meet at TREC Headquarters, 1101 Camino La Costa, Room 235, Second Floor, Austin. According to the complete agenda, the committee will call the meeting to order; discuss approval of minutes of February and June meetings; hear reports from TREC staff; subcommittee reports; discuss possible rule changes related to House Bill 991; discuss and possibly make recommendations on 22 TAC §535.222 concerning standards, §535.210 concerning fees; election of officers for Fiscal Year 1994; set date and place of next meeting; and adjourn. For ADA assistance, call Nancy Guevremont at (512) 465-3923 at least two days prior to meeting.

**Contact:** Mark A. Moseley, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3900.

**Filed:** August 18, 1993, 2:09 p.m.

TRD-9327510

### Texas Department of Trans- portation

**Thursday, August 26, 1993, 10:00 a.m.** The Texas Transportation Commission of the Texas Department of Transportation will meet at the Dewitt C. Greer Building, 125 East 11th Street, First Floor, Austin. According to the agenda summary, the commission will hold a public hearing on aviation projects at various locations; discuss approval of minutes; execute contract awards/rejections/defaults/assignments including professional services and private consultants; handle routine minute orders; authorize programs (Texas Traffic Safety; landscape cost sharing; antilitter); environmental projects; IH, US, SH and FM Road projects; corrections to Statewide Transportation Improvement Program; funds to rural public transit operators; intelligent vehicle highway system project (Harris County); funding in Category 16 of the 1994 project development plan; to join the Texas Parks and Wildlife Department in filing with the Interstate Commerce Commission 180-day public use condition petitions; consider aviation projects at various locations; appointments to Bicycle Advisory Committee; rulemaking: 43 TAC, Part 1, Chapter 31; hear staff reports/resolutions; meet in executive session; and open comment.

**Contact:** Myrna Klipple, 125 East 11th Street, Austin, Texas 78701, (512) 463-8576.

**Filed:** August 18, 1993, 8:51 a.m.

TRD-9327470

**Thursday, August 26, 1993, 10:00 a.m.** The Texas Transportation Commission of the Texas Department of Transportation will meet at the Dewitt C. Greer Building, 125 East 11th Street, First Floor, Austin. According to the revised agenda summary, the commission will meet in executive session under Texas Civil Statutes, Article 6252-17, §2(g), to discuss positions of deputy executive directors, assistant executive directors, and director of staff services.

**Contact:** Myrna Klipple, 125 East 11th Street, Austin, Texas 78701, (512) 463-8576.

**Filed:** August 18, 1993, 1:20 p.m.

TRD-9327501

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### University of Texas at Ar- lington

**Wednesday, September 15, 1993, noon.** The Institutional Animal Care and Use Committee of the University of Texas at Arlington will meet in Room 323, Life Science Building, Psychology Department, UT-Arlington. According to the complete agenda, the committee will discuss approval



of the minutes of December 16, 1992 meeting; findings of facility inspection; and interdepartmental orientation session for all animal research personnel.

Contact: Verne C. Cox, UT-Arlington, Arlington, Texas 76109, (817) 273-3164.

Filed: August 18, 1993, 2:07 p.m.

TRD-9327504

## The University of Texas at Austin

**Monday, August 23, 1993, 1:00 p.m.** The Intercollegiate Athletics Council for Men of the University of Texas at Austin met at Bellmont Hall 232, Conference Room, 21st and San Jacinto Streets, Austin. According to the agenda summary, the council convened in open session; recessed into executive session; reconvened in open session; discussed approval of minutes of April 28, 1993; discussed items from executive session: development; academics; awards; schedules and schedule changes; budget and budget items; construction; tickets/ticket policy; and new and old business.

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

Filed: August 18, 1993, 3:18 p.m.

TRD-9327520

## Texas Water Commission

**Wednesday, August 25, 1993, 9:00 a.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the executive director's recommendation regarding issuance of an order requiring certain actions by Formosa Plastics Corporations.

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

Filed: August 17, 1993, 4:19 p.m.

TRD-9327468

**Friday, September 10, 1993, 9:30 a.m.** The Task Force 21: IHW Permits Section of the Texas Water Commission will meet at the John H. Reagan Building, Room 107, 105 West 15th Street, Austin. According to the complete agenda, the section will discuss update on draft spill rules; upcoming rulemaking; draft site characterization; status of permit processing; hazardous waste identification rule; fiscal year 1994 workplan for industrial and hazardous waste; coastal zone management activities, and updates on agency activities.

Contact: Leslie Bell, 1700 North Congress Avenue, Austin, Texas 78711, (512) 908-6611.

Filed: August 19, 1993, 9:45 a.m.

TRD-9327534

**Thursday, September 16, 1993, 10:00 a.m.** The Office of Hearings Examiners of the Texas Water Commission will meet at the John H. Reagan Building, Room 104, 105 West 15th Street, Austin. According to the agenda summary, the commission will hold a hearing on the City of Primera's city council decision to increase water rates effective immediately. Out-of-City ratepayers have filed a petition with the Texas Water Commission appealing the water rate increase. Docket Number 30090-W.

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

Filed: August 18, 1993, 2:08 p.m.

TRD-9327507

**Thursday, September 16, 1993, 10:00 a.m.** The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, Room 618, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on East Texas Water and Sewer, Inc.'s application for a certificate of convenience and necessity (CCN) to provide water utility service to Paradise Cove Subdivision and Riverview Terrace Subdivision, located in San Jacinto County. The service area in Paradise Cove Subdivision would include approximately 40 acres and 11 current customers. The service area in Riverview Terrace Subdivision would include approximately 60 acres and 24 current customers. Docket Number 30012-C.

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

Filed: August 18, 1993, 2:05 p.m.

TRD-9327503

**Wednesday, September 29, 1993, 9:00 a.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on an application for the Dissolution of Cinco Municipal Utility District Number 13 of Fort Bend County (the "District"), submitted by American General Realty Investment Corporation, a majority landowner in the District.

Contact: Gloria A. Vasquez, P.O. Box 13087, Austin, Texas 78711, (512) 908-6161.

Filed: August 18, 1993, 2:07 p.m.

TRD-9327505

**Wednesday, September 29, 1993, 9:00 a.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on an application for the Dissolution of Cinco Municipal Utility District Number 11 of Fort Bend County (the "District"), submitted by American General Realty Investment Corporation, a majority landowner in the District.

Contact: Gloria A. Vasquez, P.O. Box 13087, Austin, Texas 78711, (512) 908-6161.

Filed: August 18, 1993, 2:08 p.m.

TRD-9327506

## Texas Workers' Compensation Commission

**Wednesday, August 25, 1993, 9:00 a.m.** The Texas Certified Self-Insurer Guaranty Association of the Texas Workers' Compensation Commission will meet at the Southfield Building, Rooms 910-911, 4000 South IH-35, Austin. According to the agenda summary, the commission will call the meeting to order; discuss approval of minutes; discuss and possibly act on the following applicants: Thiokol Corporation and Venture Stores, Inc.; and adjourn.

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 440-3700.

Filed: August 17, 1993, 2:37 p.m.

TRD-9327455

**Wednesday, August 25, 1993, 9:30 a.m.** The Texas Workers' Compensation Commission will meet at the Southfield Building, Rooms 910-911, 4000 South IH-35, Austin. According to the agenda summary, the commission will call the meeting to order; discuss approval of minutes; possible action on rules for adoption: Chapter 110-Required Notice of General Provisions; applications for certificate of authority to self-insure; and adjourn.

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 440-3700.

Filed: August 18, 1993, 9:43 a.m.

TRD-9327485

## Texas Workers' Compensation Insurance Fund

**Wednesday, August 25, 1993, 8:30 a.m.** The Board of Directors of the Texas Workers' Compensation Insurance Fund will meet at the Texas Workers' Compensation Insurance Fund, 100 Congress Avenue, Fifth Floor, Austin. According to the

agenda summary, the board will call the meeting to order; take roll call, swearing in of new board member; review and discuss approval of the minutes of the July 28, 1993 board meeting; public participation; fund activity reports; financial report; discuss the draft of the Governance Policy; hear report of the Space Committee; consider lease for office space; report of the finance committee; loss prevention presentation, meet in executive session; action items resulting from executive session deliberations, hear announcements; and adjourn.

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

Filed: August 17, 1993, 2:54 p.m

TRD-9327459

## Regional Meetings

### Meetings Filed August 17, 1993

The Brazos Valley Quality Work Force Planning Committee will meet at 715 East University Drive, College Station, August 24, 1993, at 11:30 a.m. Information may be obtained from Patty Groff 301 Post Office Street, Bryan, Texas 77801, (409) 823-4988. TRD-9327444.

The Central Texas Mental Health and Mental Retardation Center Board of Trustees met at 408 Mulberry Drive, Brownwood, August 23, 1993, at 5:00 p.m. (Rescheduled from August 16, 1993). Information may be obtained from Saul Pullman, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574, Ext 102. TRD-9327442.

The County Education District Number 11 Board of Trustees held an emergency meeting at the Snyder ISD Administration Building, 3901 37th Street, Snyder, August 19, 1993, at 7:00 p.m. The emergency status was necessary to appoint a successor in interest. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549, Fax (915) 573-8549. TRD-9327447.

The Ellis County Appraisal District Appraisal Review Board met at 406 Sycamore Street, Waxahachie, August 20, 1993, at 2:00 p.m. Information may be obtained from Dorothy Phillips, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552. TRD-9327454.

The Lamb County Appraisal District Board of Directors met at 331 LFD Drive, Littlefield, August 20, 1993, at 1:00 p.m. Information may be obtained from Vaughn E. McKee, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474. TRD-9327443.

The Lee County Appraisal District Board of Directors will meet at 218 East Rich-

mond Street, Giddings, August 25, 1993, at 9:00 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618. TRD-9327449.

The Texas Panhandle Mental Health Authority Board of Trustees will meet at 7201 I-40 West, Second Floor, Amarillo, August 26, 1993, at 10:30 a.m. Information may be obtained from Shirley Hollis, P.O. Box 3250, Amarillo, Texas 79116, (806) 353-3699. TRD-9327463.

### Meetings Filed August 18, 1993

The Aqua Water Supply Corporation Board of Directors met at 305 Eskew (Aqua Office), Bastrop, August 23, 1993, at 7:30 p.m. Information may be obtained from Adlinie Rathman, P.O. Drawer P, Bastrop, Texas 78602, (512) 321-3943 TRD-9327525

The Ark-Tex Council of Governments Executive Committee will meet at the Two Senoritas, Mt Pleasant, August 26, 1993, at 5:30 p.m. Information may be obtained from Pam Koelling, P.O. Box 5307, Texarkana, Texas 75505-5307, (903) 832-8636 TRD-9327513.

The Colorado Education District Board of Directors met at the Colorado County Courthouse (County Courtroom), 400 Spring, Columbus, August 23, 1993, at 8:00 p.m. Information may be obtained from Billy Youens, P.O. Box 10, Columbus, Texas 78934, (409) 732-8222 TRD-9327512.

The Deep East Texas Council of Governments Board of Directors will meet at the Waterwood Resort, One Waterwood/Point Blank, San Jacinto County, August 26, 1993, at 1:00 p.m. Information may be obtained from Walter G. Diggles, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704 TRD-9327514.

The Deep East Texas Council of Governments Executive Committee/Budget Committee will meet at the Waterwood Resort, One Waterwood/Point Blank, San Jacinto County, August 26, 1993, at 3:00 p.m. Information may be obtained from Walter G. Diggles, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704. TRD-9327515.

The Education Service Center, Region XVI (Revised agenda.) Board of Directors will meet at 1601 South Cleveland (Board Room), Amarillo, August 27, 1993, at 1:00 p.m. Information may be obtained from Jim Holmes, 1601 South Cleveland, Amarillo, Texas 79102, (806) 376-5521 TRD-9327483

The Lamar County Appraisal District Regular Board will meet at the Lamar

County Appraisal District Office, 521 Bonham Street, Paris, August 24, 1993, at 5:00 p.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (903) 785-7822. TRD-9327502

The Lampasas County Appraisal District met in an emergency revised agenda at 109 East Fifth, Lampasas, August 19, 1993, at 7:00 p.m. The emergency status was necessary due to 1993 line item budget shortage per auditor. Information may be obtained from Janice Henry, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9327484

The Mills County Appraisal District will meet at the Mills County Courthouse, Jury Room, Goldthwaite, August 26, 1993, at 6:30 p.m. Information may be obtained from Cynthia Partin, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253. TRD-9327517.

The Panhandle Regional Planning Commission Board of Directors will meet at 415 West Eighth Avenue, PRPC Board Room, Amarillo, August 26, 1993, at 1:30 p.m. Information may be obtained from Rebecca Rusk, P.O. Box 9257, Amarillo, Texas 79105-9257, (806) 372-3381. TRD-9327528

The Parmer County Appraisal District Board of Directors will meet at 305 Third Street, Bovina, September 9, 1993, at 7:30 p.m. Information may be obtained from Ron Procter, Box 56, Bovina, Texas 79009, (806) 238-1405 TRD-9327516.

The San Antonio-Bexar County Metropolitan Planning Organization Transportation Steering Committee met at the International Conference Center of the Convention Center Complex, San Antonio, August 23, 1993, at 1:30 p.m. Information may be obtained from Charlotte Roszelle, 434 South Main, Suite 205, San Antonio, Texas 78204, (210) 227-8651. TRD-9327491

The Southwest Milam Water Supply Corporation Board met at 114 F Cameron Street, Rockdale, August 23, 1993, at 7:00 p.m. Information may be obtained from Dwayne Jekel, P.O. Box 232, Rockdale, Texas 76567, (512) 446-2604. TRD-9327496.

The Texas Council Risk Management Fund Board of Trustees Executive Committee will meet at the Omni Austin Hotel, Justice Room, 700 San Jacinto, Austin, August 26, 1993, at 7:00 p.m. Information may be obtained from Spencer McClure, Westpark Building Three, Suite 240, 8140 Mopac Expressway, Austin, Texas 78759, (512) 794-9268 TRD-9327497.

The Texas Council Risk Management Fund Board of Trustees will meet at the Omni Austin Hotel, Austin North and

South, 700 San Jacinto, Austin, August 27, 1993, at 8:00 a.m. Information may be obtained from Spencer McClure, Westpark Building Three, Suite 240, 8140 Mopac Expressway, Austin, Texas 78759, (512) 794-9268. TRD-9327498.

The Trinity River Authority of Texas Board of Directors will meet at 5300 South Collins, Arlington, August 25, 1993, at 10:30 a.m. Information may be obtained from James L. Murphy, 5300 South Collins, Arlington, Texas 76018, (817) 467-4343. TRD-9327521.



Meetings Filed August 19,  
1993

The Deep East Texas Council of Governments Grants Application Review Committee will meet at the Waterwood National Resort and Country Club, San Jacinto County (Between Oakhurst and Point Blank, Texas), August 26, 1993, at 11:00 a.m. Information may be obtained from Rusty Philips, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704 TRD-9327529.





Julie  
Medovich



# In Addition

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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.

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## Texas Department of Agriculture Requests for Proposals

**Purpose and Scope.** The Texas Agricultural Finance Authority (the Authority), a public authority within the Texas Department of Agriculture (the Department), is seeking to employ a Bond Counsel to assist the Authority in the design of the Farm and Ranch Land Program (the Program) and issuance of bonds under the Texas Agriculture Code, Chapter 59, which will become effective September 1, 1993.

The Agriculture Code, Chapter 59, provides for the issuance by the Authority of General Obligation Bonds in an amount not to exceed \$500 million outstanding at any one time. It also provides for the creation of the Farm and Ranch Finance Program Fund (the Fund) in the State Treasury. The Texas Agricultural Finance Authority Board (the Board) will approve eligible borrowers for financing through loans or other financial instruments.

This is a new bonding authority for the Authority, with the original authority being vested with the Veterans Land Board, which will administer the Fund while the Authority administers the Program. The Program is to provide financial assistance to borrowers to purchase farm or ranch land as provided by the Agriculture Code, Chapter 59. All documents will be newly created, and thus previous experience of counsel in the area of public financing for farm or ranch land will be a very important criterion and great consideration will be given to those firms which can demonstrate this experience.

The Authority was created by the Texas Legislature for the purpose of financing innovative, diversified, or value-added production, processing, marketing, or exporting businesses in Texas. The Authority can provide financing through instruments including direct loans, loan guarantees, insurance, or co-insurance.

During the 73rd Regular Session of the Texas Legislature, the Program was transferred from the Veterans Land Board to the Authority with the mandate for the creation of a program which will provide farmers and ranchers an alternative avenue for financing farm or ranch real estate. The Authority was provided the general obligation authority approved by the voters of Texas in 1985 for the Veterans Land Board.

The Authority intends to begin implementation of the Program as quickly as feasible. For planning purposes, the Authority proposes to issue financing obligations with the enhancement of the general obligation of the State of Texas by January 1994 and will only consider firms that can commit to a significant effort to meet this time schedule. Although the Authority did receive authority to issue up to \$500 million in general obligations of the State of Texas, it is not anticipated that such limitation will be reached in the near future. The Authority anticipates be-

ginning the Program with a smaller issuance, most likely within the \$50 million range, as a pilot program.

**Statement of Duties.** The bond counsel's responsibilities will include, but will not be limited to, advice to the Board of the Authority and staff of the Department on the legal ramifications and constraints of the issuance and investment policy, the legality of loan policy proposals and legal aspects of investments and loan policy, the legality of proposed debt structuring techniques, and real and anticipated changes in state and federal law, regulations, or public policy and the potential and real impact on existing or anticipated bond issues, investment policy, and loan policy.

With respect to new bond issues, bond counsel, in consultation with the Authority's Financial Advisor and the staff of the Department, will prepare all legal documents required by the Board, Comptroller of Public Accounts, State Treasurer, Attorney General, or outside parties, request and obtain approval of the bond issuer from the Attorney General, Governor, Bond Review Board, and other required authorities; and review all financial models and render opinions on the legality and relevant tax position of the proposed issuance and lending scenario.

**Proposal Contents.** Responses to this Request for Proposal (this "RFP") should include, at least, the following: a thorough description of your firm's ability to represent the Authority; a description of your firm's past experience as bond counsel for other state agencies, a designation of the individuals who might be assigned to the work of the Authority, examples of similar programs in which your firm has assisted as legal counsel, a statement addressing the effort made by your firm to encourage and develop the participation of women and minorities in your firm, a quotation of your proposed fee structure based upon the issuance of financing enhanced by the general obligation of the State, with the understanding that should financing not be issued a fee cannot be paid.

**Statement of Evaluation Process.** Responses to this RFP will be evaluated and ranked according to the information provided and summarized for the Board's review. The Authority may request an oral presentation at a future meeting or may engage counsel from the responses presented.

**Proposal Requirements.** The submitted proposal must be executed by a duly authorized representative of the firm. An unsigned response will not be accepted. Issuance of this RFP in no way constitutes a commitment by the Authority to award a contract, to issue bonds, or to pay for any services incurred either in the preparation of a response to this RFP or for the production of any contract for services. The Authority also reserves the right to make amendments to the qualifications requested by giving written notice to all firms who receive this RFP. The Chair of the Authority has requested that all communications with the Authority concerning this RFP and the selection of

Bond Counsel be directed to Robert Kennedy, Deputy Assistant Commissioner for Agricultural Finance of the Department, acting as program manager on behalf of the Authority. Any contact by a submitting firm, its employees, or representatives with any Board member of the Authority for the purposes of soliciting or encouraging a favorable review may be considered grounds for disqualifications.

**Proposal Submission.** All proposals must be received no later than 5:00 p.m., Friday, September 10, 1993. Proposal responses, modifications, or addenda to an original response received by the Authority after the specified time and date for closing will not be considered. Each firm is responsible for ensuring that its response reaches the Authority before the proposed due date. Firms should submit one original and ten copies of their proposals to: Robert Kennedy, Deputy Assistant Commissioner for Agricultural Finance, Texas Agricultural Finance Authority, c/o Texas Department of Agriculture, P.O. Box 12847, 1700 North Congress Avenue, Room 1004G, Stephen F. Austin Building, Austin, Texas 78701. Please mark the envelopes containing proposals with the following note in the lower left hand corner: IN RESPONSE TO PROPOSAL REQUEST; BOND COUNSEL. All proposals become property of the Authority. Proposals must set forth full, accurate, and complete information as required by this request. Oral responses, instructions, or offers will not be considered. The Authority reserves the right to reject any and all responses.

**Proposal Modification** Any response may be modified or withdrawn even after received by the Authority at any time prior to the proposal due date. No material changes will be allowed after the expiration of the proposal due date; however, non-substantive corrections or deletions may be made with the approval of staff of the Department. The Authority reserves the exclusive right to review proposals and make an appropriate selection from such proposals. The Authority is not bound to accept any proposal by virtue of this RFP.

Issued in Austin, Texas, on August 17, 1993

TRD-9327472 Dolores Alvarado Hibbs  
Chief Administrative Law Judge  
Texas Department of Agriculture

Filed August 18, 1993

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**Purpose and Scope.** The Texas Agriculture Finance Authority (the Authority), a public authority within the Texas Department of Agriculture (the Department), is seeking to employ a Financial Advisor/Investment Counselor to assist the Authority in the design of the Farm and Ranch Land Program (the Program) and issuance of bonds under the Texas Agriculture Code, Chapter 59, which will become effective September 1, 1993.

The Agriculture Code, Chapter 59, provides for the issuance by the Authority of General Obligation Bonds in an amount not to exceed \$500 million outstanding at any one time. It also provides for the creation of the Farm and Ranch Finance Program Fund (the Fund) in the State Treasury. The Texas Agricultural Finance Authority Board (the Board) will approve eligible borrowers for financing through loans or other financial instruments.

This is a new bonding authority for the Authority with the original authority being vested with the Veterans Land Board, which will administer the Fund while the Authority

administers the Program. The Program is to provide financial assistance to borrowers to purchase farm or ranch land as provided by the Agriculture Code, Chapter 59. All documents will be newly created, and thus previous experience of counsel in the area of public financing for farm or ranch land will be a very important criterion and great consideration will be given to those firms which can demonstrate this experience.

The Authority was created by the Texas Legislature for the purpose of financing innovative, diversified, or value-added production, processing, marketing, or exporting businesses in Texas. The Authority can provide financing through instruments including direct loans, loan guarantees, insurance, or co-insurance.

During the 73rd Regular Session of the Texas Legislature, the Program was transferred from the Veterans Land Board to the Authority with the mandate for the creation of a program which will provide farmers and ranchers an alternative avenue for financing farm or ranch real estate. The Authority was provided the general obligation authority approved by the voters of Texas in 1985 for the Veterans Land Board.

The Authority intends to begin implementation of the Program as quickly as feasible. For planning purposes, the Authority proposes to issue financing obligations with the enhancement of the general obligation of the State of Texas by January 1994 and will only consider firms that can commit to a significant effort to meet this time schedule. Although the Authority did receive authority to issue up to \$500 million in general obligations of the State of Texas, it is not anticipated that such limitation will be reached in the near future. The Authority anticipates beginning the Program with a smaller issuance, most likely within the \$50 million range, as a pilot program.

**Proposal Contents** Responses should include answers to all of the following items: a thorough description of your firm's ability to represent the Authority as Financial Advisor/Investment Counselor which should include, but is not limited to, the following: a description of how the firm is organized and how its resources will be put to work for the Authority; a description of your firm's past experience as Financial Advisor for real estate finance and small business finance issuances, projects, and programs, including identity of the issues, the amount and type of bonds or notes, and the purpose for the issuance for each of the past two years in your description; a description of your firm's past experience as Financial Advisor for other state agencies and political subdivisions, including the identity of the issues, the amount and type of bonds or notes, and the purpose for the issuance in your description; a description of any significant innovations you have developed and implemented in the public sector, briefly outlining the problem, your solution, and the results; a specific designation of each of the individuals who would be assigned to the work of the Authority; including brief resumes and the specific issues they have worked on in the past two years; a statement addressing the effort made by your firm to encourage and develop the participation of women and minorities in the procurement of contracts for financial advisory services and the equal opportunity goals and policies of your firm. This description can include the degree of ownership in or control of your firm by minorities and women; the number and percentage of women and minority officers in your firm; and any offers tendered for apportioning responsibilities by sub-contract or joint venture.

The Financial Advisor/Investment Counselor will be expected to perform all the normal duties associated with advising the Authority on types of financing available for this Program and loan policy, including but not limited to: assisting the Authority and the Authority's Bond Counsel in preparation of issuance documents; assisting the Authority in presentations to the major ratings agencies to obtain the best ratings possible for the bonds; advising the Authority of current and projected market conditions and their impact on short and long term investments of the Authority and loan policies; advising the Authority of any real and anticipated changes in state and federal law which will impact future bond issues and investment policy and loan policy, advising the Authority on loan program design and structure to ascertain that the criteria desired by the Authority meet and abide by state and federal laws and regulations; assisting the Authority in evaluating program structures recommended by senior managing underwriters, should one be needed; assisting the Authority in the development of credit criteria and the design and management of a loan application review process; assisting the Authority and Bond Counsel in preparation of loan and other financial agreements, review and/or preparation of resolutions of participating businesses, certificates, and such other documents as may be deemed necessary or appropriate for loan closings, assisting in the preparation of the preliminary official statements and the final official statements; assisting the Authority in the design and management of revolving loan funds, including arbitrage management, refunding, rebating, debt service analysis and any other program analysis that might be necessary for continued program operation, including recommendations and training for appropriate computer software, assisting the Authority and Bond Counsel in preparation of documents necessary to obtain approval from the attorney general and the Bond Review Board, assisting the Authority in the preparation of other documents as are customary and necessary in the issuance of bonds and the structured financing operations of the loan program

Please provide the amount of all fees, expenses, other charges for performing the services described above, computed as follows, with the understanding that such fees, expenses, or other charges for performed services will only be paid when any financing is closed a per hourly rate, which will also include the specific hourly rate for each individual assigned to perform services on behalf of the Authority, and the estimated amount of time for completion of each task, a flat fee computed to include all fees, charges, and expenses. This fee amount will include an express agreement that it shall in no event exceed that amount; a fee schedule which includes a combination of the two aforesaid methods, i.e., an hourly rate combined with a maximum cap

**Proposal Requirements.** The submitted proposal must be executed by a duly authorized representative of the firm. An unsigned response will not be accepted. The Authority has the sole discretion and reserves the right to reject any and all proposals received in response in this request, and to cancel the request if it is deemed in the best interest of the Authority to do so. Issuance of the proposal request in no way constitutes a commitment by the Authority to award a contract, to issue bonds, or to pay for any services incurred either in the preparation of a response to this proposal request or for the production of any contract for services. The Authority also reserves the right to make amendments to the proposal request by giving written notice to all firms who receive the proposal request.

The Chair of the Authority has requested that all communications with the Authority concerning this proposal request and the selection of a Financial Advisor by submitting firms be directed to Robert Kennedy, Deputy Assistant Commissioner for Agricultural Finance of the Department, acting as program manager on behalf of the Authority. Any contact by a submitting firm, its employees, or representatives with any Board member of the Authority for the purposes of soliciting or encouraging a favorable review may be considered grounds for disqualification

**Proposal Submission** All proposals must be received no later than 5 00 p.m., Friday, September 10, 1993. Proposal responses, modifications, or addenda to an original response received by the Authority after the specified time and date for closing will not be considered. Each firm is responsible for ensuring that its response reaches the Authority before the proposed due date. Firms should submit one original and ten copies of their proposals to: Robert Kennedy, Deputy Assistant Commissioner for Agricultural Finance, Texas Agricultural Finance Authority, c/o Texas Department of Agriculture, P.O. Box 12847, 1700 North Congress Avenue, Room 1004G, Stephen F Austin Building, Austin, Texas 78701. Please mark the envelopes containing proposals with the following note in the lower left hand corner "IN RESPONSE TO PROPOSAL REQUEST, FINANCIAL ADVISOR." All proposals become property of the Authority. Proposals must set forth full, accurate, and complete information as required by this request. Oral responses, instructions, or offers will not be considered.

**Proposal Modifications** Any proposal may be modified or withdrawn even after received by the Authority at any time prior to the proposal due date. No material changes will be allowed after the expiration of the proposal due date, however, non-substantive corrections or deletions may be made with the approval of staff of the Department

**Proposal Evaluation** The acceptance of a proposal will not be made solely on the basis of lowest cost, although cost will be considered in the evaluation process. Staff of the Department acting on behalf of the Authority will select the top three proposals that demonstrate the highest degree of competence and exhibit the necessary qualifications to provide professional services at a fair and reasonable price. These firms will be asked to make oral presentations during the next meeting of the Authority. Those not selected will be notified prior to that meeting.

Issued in Austin, Texas, on August 17, 1993

TRD-9327471

Dolores Alvarado Hibbs  
Chief Administrative Law Judge  
Texas Department of Agriculture

Filed August 18, 1993

## Texas Bond Review Board

### Bi-Weekly Report on the 1993 Allocation of the State Ceiling on Certain Private Activity Bonds

The information that follows is a report of the allocation activity for the period of July 31, 1993-August 13, 1993. Since Congress did not act by March 1, 1993, to extend the provisions of the tax code which allow Mortgage Bonds and Small Issue Bonds to qualify for tax-exempt financing, the amount of state ceiling remaining for those

purposes has been proportionately redistributed to the other categories, pursuant to Texas Civil Statutes, Article 5190.9a, §2(e). Currently, there are three categories within the allocation program.

Total amount of state ceiling remaining unreserved for the \$239,513,792 subceiling for state-voted issues under the Act as of August 13, 1993: \$129, 513,792.

Total amount of state ceiling remaining unreserved for the \$68,428,035 subceiling for residential rental project issues under the Act as of August 13, 1993: \$29,493,035.

Total amount of state ceiling remaining unreserved for the \$574,858,173 subceiling for all other bonds requiring an allocation under the Act as of August 13, 1993: \$2,503,173.

Total amount of the \$882,800,000 state ceiling remaining unreserved as of August 13, 1993: \$161,510,000.

Following is comprehensive listing of applications which have received a reservation date pursuant to the Act from July 31, 1993-August 13, 1993: San Antonio HFC, Sitka/Point East, Residential Rental, \$2,000,000; San Antonio HFC, Stonegate Apartments, Residential Rental, \$6,000,000; City of Dallas HFC, Parkway Place, Residential Rental, \$10,750,000; San Antonio HFC, Santa Fe Apartments, Residential Rental, \$2,500,000.

Following is a comprehensive listing of applications which have issued and delivered the bonds and received a Certification of Allocation pursuant to the Act from July 31, 1993-August 13, 1993: Angelina Neches River Authority, Temple-Eastex, Solid Waste Disposal, \$47,500,000.

Following is a comprehensive listing of applications which were either withdrawn or canceled pursuant to the Act from July 31, 1993-August 13, 1993: San Antonio, HFC, Sitka/Point East, Residential Rental, \$2,000,000.

Following is a comprehensive listing of applications which released a portion of their reservation pursuant to the Act from July 31, 1993-August 13, 1993: Angelina Neches River Authority, Temple-Eastex, Solid Waste Disposal, \$2, 500,000.

Issued in Austin, Texas, on August 16, 1993.

TRD-9327430 Jim Thomassen  
Executive Director  
Texas Bond Review Board

Filed August 16, 1993

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**Comptroller of Public Accounts**  
**Request for Proposals**

Notice of Request for Proposals. Pursuant to House Bill 2626 (73rd Legislature, Regular Session), the Office of Comptroller of Public Accounts (Comptroller) announces its Request for Proposals (RFP) for the Performance of a Disparity/Capacity Study Regarding State Procurement and Contracting Practices. The purpose of the RFP is to obtain proposals regarding the performance of a disparity/capacity study that can be used as the basis for ensuring that Historically Underutilized Businesses (HUBs) will

have adequate access to the State's procurement process. The evaluation will be based on criteria set forth in the RFP. The Successful Proposer will be expected to begin performance of the contract on or about September 27, 1993.

**Contact.** Parties interested in submitting a proposal should contact Walter Muse, Legal Counsel, Office of the Comptroller of Public Accounts, 111 East 17th Street, Room G-26, Austin, Texas 78774, (512) 475-0866, to obtain a complete copy of the RFP. The RFP will be available for pick-up at the above-referenced address on August 24, 1993, between 1:00 p.m. and 5 p. m. Central Zone Time (CZT), and during normal business hours thereafter.

**Closing Date.** Proposals must be received in the Office of Legal Counsel at the address above no later than 4:00 p.m. (CZT), on September 14, 1993. Proposals received after this time and date will not be considered.

**Award Procedure.** All proposals will be subject to evaluation by a committee based on the evaluation criteria set forth in the RFP. The committee will determine which proposal best meets these criteria and will make a recommendation to the Deputy Comptroller. The Deputy Comptroller will review the committee's recommendation and will make a recommendation to the Comptroller, who will make a final decision. A proposer may be asked to clarify its proposal, which may include an oral presentation prior to final selection.

The Comptroller's Office reserves the right to accept or reject any or all proposals submitted. The Comptroller's Office is under no legal or other obligation to execute a contract on the basis on this notice or the distribution of an RFP. Neither this notice nor the RFP commits the Comptroller's Office to pay for any costs incurred prior to the execution of a contract.

The anticipated schedule of events is as follows: Issuance of RFP-August 24, 1993, at 1:00 p.m. (CZT); Submission of Mandatory Letter of Intent to Bid-August 31, 1993, at 4:00 p.m. (CZT); Proposals Due-September 14, 1993, by 4:00 p.m. (CZT); Announcement of Apparent Successful Proposer-September 21, 1993, or as soon thereafter as practical; and Contract Execution-September 23, 1993, or as soon thereafter as practical.

Issued in Austin, Texas, on August 18, 1993

TRD-9327486 Tres Lorton  
Senior Legal Counsel  
Office of the Comptroller of Public  
Accounts

Filed: August 18, 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 105)



<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)	08/23/93-08/29/93	18.00%	18.00%
Judgment Rate - Art. 1.05, Section 2	09/01/93-09/30/93	10.00%	10.00%

(1) Credit for personal, family or household use. (2) Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on August 16, 1993.

TRD-9327511 Al Endaley  
Consumer Credit Commissioner

Filed: August 18, 1993

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## Texas Commission for the Deaf and Hearing Impaired

### Requests for Proposals

The Texas Commission for the Deaf and Hearing Impaired (TCDHI) announces the availability of up to \$20,000 to develop and implement a pilot projects to promote early intervention and prevention of hearing loss. Grants will range in size from \$5,000 to \$10,000. Pursuant to Texas Civil Statutes, Article 6252-11c (Use of Private Consultants by State Agencies), TCDHI is requesting proposals (RFP) for the provision of services including, but not limited to, the early detection of hearing loss and the production and dissemination of information regarding the causes and prevention of hearing loss and information that raises public awareness of deafness/hearing loss and the existence of available services. Methods that may be employed include, but are not limited to, the provision of hearing screenings or referral to state agencies that conduct hearing screening and the creation of brochures, public service announcements, or other means of dispersing the desired information. Proposed projects should be designed to serve as models for other service providers throughout the State and should serve people of all ages. Proposals that demonstrate the respondents' ability and willingness to work with associations or organizations representing persons who are deaf or hard of hearing will be viewed favorably. Applicants that have access to non-State matching funds are encouraged to apply. These services are for the 1994 Fiscal Year which begins September 1, 1993.

**Contact Person.** Requests for required application packets and for further information regarding the provision of the above-stated services may be directed to Mike Broderick, Research Specialist, Texas Commission for the Deaf and Hearing Impaired, P.O. Box 12904, Austin, Texas 78711-2904. Telephone: (512) 444-3323 (V/TDD).

**Deadline for Submission of Proposals.** Deadline for the receipt of proposals in the offices of the Texas Commission for the Deaf and Hearing Impaired is September 30, 1993, at 5:00 p.m. Proposals received after 5:00 p.m. will not be considered. Proposals are to be addressed to Billy Collins, Director of Service Programs, Texas Commission for the Deaf and Hearing Impaired, P.O. Box 12904, Austin, Texas 78711-2904.

### Guidelines for Submitting Proposals.

I. Each respondent must submit a program narrative of not more than ten double-spaced pages that shows that the respondent is an agency, organization, or individual able to develop and implement a pilot project to provide services related to early intervention and prevention of hearing loss. Each narrative should indicate:

- (A) the need for services related to early intervention and prevention of hearing loss;
- (B) the services that will be provided as part of the proposed pilot project;
- (C) a strategy for implementing those services;
- (D) the skills, knowledge, and expertise that will be used in the planning, development, and implementation of the project;
- (E) the elements of the proposed project that can be easily replicated by other service providers throughout the State;
- (F) the location and description of the intended headquarters (and resources) to be used in the coordination and delivery of services;
- (G) the anticipated number of persons that will utilize each service provided;
- (H) a willingness to cooperate with the Commission regarding its goals, standard, requirements, and recommendations;
- (I) that the respondent will utilize, to the highest degree possible, local/community and other resources;
- (J) that the respondent will furnish the Commission with all required reports, within the deadlines and in the formats prescribed by the Commission;
- (K) that the respondent will establish and maintain a method to secure and maintain the confidentiality of records and services relating to clients in accordance with any and all applicable state and federal rules, laws, and regulations; and
- (L) that the respondent will provide acknowledgment of TCDHI funding on publications, letterhead, materials, etc. (artwork will be supplied).

In addition to the program narrative:

II. Each respondent must submit a fiscally conservative budget showing the anticipated costs of the program and the amount of funds requested.

III. Each respondent must submit a detailed description of how it plans to evaluate the success of the proposed program. This program evaluation plan should describe measurable objectives, through which the program can be reviewed and strengthened, and a method through which the respondent will inform other service providers of the results of the program.

IV. Each respondent must submit the required application and all necessary forms. (All interested parties should request an application kit.) Proposals missing forms will not be considered.

**Proposal Evaluation Criteria.** Proposals will be reviewed and recommendations made to TCDHI's Commissioners. The Commissioners will have authority to accept or reject any or all proposals based on the established proposal evaluation criteria listed below. Selection of contractors will be done by vote in open session of the first TCDHI Commission meeting held after the closing date for receipt of these proposals. Proposals will be evaluated by the Commission on the following basis:

- (A) the program narrative addresses items A through L above;
- (B) submission of required budget;
- (C) submission of required program evaluation plan;
- (D) submission of required application and all required forms;
- (E) the strength of the respondent's program design and implementation strategy;
- (F) the overall ability of the respondent to implement the proposed program, and the ability of the respondent to implement the proposed program expeditiously upon receiving notification from the Commission of award of contract;
- (G) the extent to which the proposed project can serve as a model for other service providers across the State;
- (H) operations of the program are within Commission authority;
- (I) letters of endorsement and/or cooperation; and
- (J) the ability of the respondent to cooperate with the Commission, local organizations, and associations serving persons who are deaf or hard of hearing.

**Contract Award and Allocation Procedures.** Final selection will be made by the Commission, using the previously mentioned evaluation procedures. Award will not necessarily be made to the contractor or applicant offering the lowest cost. Close consideration will be given to the ability to provide quality services based on the Commission's evaluation criteria.

The Commission reserves the right to accept or reject any or all proposals submitted.

The Commission is under no legal requirement to execute a resulting contract on the basis of this advertisement and intends the materials provided only as a means of identifying the various elements which the Commission considers basic to the delivery of the requested services. The Commission will base its choice on demonstrated competence, qualifications, and evidence of superior conformance to established criteria. This request does not commit the Commission to pay any costs incurred prior to execution of a contract.

The Commission will announce the contract awards for the EIP program in the Commission's first meeting after the closing date for receipt of EIP proposals. The contracted services shall begin immediately upon award of the contract(s).

Contracts include the possibility for amendments to permit additional funds, if such funds become available, or re-allocation of funds during the contract period if determined necessary by the Commission.

**Conditions for Termination of Contract.** Failure to comply with contract requirements may result in the termination of the contract.

Issued in Austin, Texas, on August 17, 1993.

TRD-9327482

Ralph H. White  
Interim Executive Director  
Texas Commission for the Deaf and  
Hearing Impaired

Filed: August 18, 1993

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## Texas Department of Health

### Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Denison	Sitaram G. Kadekar, M.D.	L04689	Denison	0	08/05/93
Laredo	Ricardo G. Cigarroa, M.D.	L04687	Laredo	0	08/04/93
Port Lavaca	Memorial Medical Center in Calhoun County	L04685	Port Lavaca	0	07/30/93
Throughout Texas	Rodriguez Engineering Consulting	L04700	Pflugerville	0	08/03/93
Throughout Texas	American Wireline, Inc.	L04675	Brenham	0	08/05/93
Throughout Texas	Elkco Wire Line Services, Inc.	L04701	Snyder	0	08/12/93

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Conroe	Medical Center Hospital	L01769	Conroe	31	07/23/93
Conroe	Doctors Hospital	L02515	Conroe	11	08/09/93
Corpus Christi	Spohn Hospital	L02495	Corpus Christi	39	07/30/93
Corpus Christi	Valero Refining Company	L03360	Corpus Christi	8	08/05/93
Dallas	Presbyterian Hospital	L04288	Dallas	6	08/03/93
Dallas	Advanced Metabolic Imaging	L04526	Dallas	3	08/04/93
Dallas	Dallas Cardiology Associates, P.A.	L04607	Dallas	2	08/04/93
Dallas	Baylor University Medical Center	L01290	Dallas	28	08/09/93
Denton	University of North Texas	L00101	Denton	40	08/09/93
El Paso	Columbia Medical Center - East	L02551	El Paso	21	08/05/93
El Paso	The University of Texas at El Paso	L00159	El Paso	30	07/30/93
El Paso	El Paso Community College	L04449	El Paso	2	08/09/93
Farmers Branch	MTC Imaging Services, Inc.	L04662	Farmers Branch	1	08/10/93
Fort Worth	Sterigenics International, Inc.	L03851	Fort Worth	8	08/03/93
Fort Worth	Harris Methodist Fort Worth	L01837	Fort Worth	51	08/03/93
Fort Worth	Trans-America International, Inc.	L04634	Fort Worth	4	07/30/93
Fort Worth	Radiation Therapy and Chemotherapy Associates	L04535	Fort Worth	1	07/30/93
Fort Worth	Cook-Fort Worth Children's Medical Center	L04518	Fort Worth	3	08/03/93
Fort Worth	Harris Methodist Fort Worth	L01837	Fort Worth	52	08/06/93
Fort Worth	William C. Conner Research Center	L01281	Fort Worth	31	08/11/93
Houston	Park Place Hospital	L01812	Houston	15	08/04/93
Houston	Medical Clinic of Houston	L01315	Houston	23	08/05/93

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Houston	Lark Sequencing Technologies, Inc.	L04387	Houston	4	08/09/93
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Hurst	Allied Clinical Laboratories, Inc.	L03759	Hurst	6	07/27/93
Longview	King Tool Company	L02750	Longview	12	08/12/93
Nassau Bay	St. John Hospital	L03291	Nassau Bay	13	08/09/93
Panna Maria	Chevron Resources Company	L02402	Hobson	20	07/26/93
Paris	McCouston Regional Medical Center	L02457	Paris	9	08/09/93
San Antonio	CTRC at Santa Rosa	L00556	San Antonio	29	07/21/93
San Antonio	Norman, Brannan, Riley, Works, Stewart and Associates	L00325	San Antonio	69	08/02/93
San Antonio	San Antonio Regional Hospital	L02266	San Antonio	44	07/29/93
Seguin	Structural Metals, Inc.	L02188	Seguin	12	07/27/93
Temple	Scott and White Memorial Hospital	L00331	Temple	47	08/02/93
Throughout Texas	Advance Coring Service Company	L04388	Longview	1	07/27/93
Throughout Texas	Radiation Technology, Inc.	L04633	Austin	2	07/26/93
Throughout Texas	Suntrac Services, Inc.	L03062	Webster	13	08/03/93
Throughout Texas	Texas Nuclear Products	L01105	Round Rock	35	07/26/93
Throughout Texas	Technical Welding Laboratory, Inc.	L02187	Pasadena	82	07/27/93
Throughout Texas	T&N Laboratories & Engineering, Inc.	L04417	Beaumont	5	08/03/93
Throughout Texas	Phoenix Non-Destructive Testing Co., Inc.	L04454	Channelview	12	08/03/93
Throughout Texas	Suntrac Services, Inc.	L03062	Webster	12	07/26/93
Throughout Texas	Applied Standards Inspection, Inc.	L03072	Beaumont	39	08/06/93
Throughout Texas	Midland Inspection and Engineering, Inc.	L03724	Odessa	42	08/09/93
Throughout Texas	Halliburton Energy Services	L03284	Fort Worth	17	08/09/93
Throughout Texas	AnAid, Inc.	L03171	Dickinson	30	08/09/93
Throughout Texas	Berry Fabricators	L01575	Corpus Christi	23	08/09/93
Throughout Texas	METCO	L03018	Houston	26	08/09/93
Throughout Texas	Southern Services, Inc.	L02683	Lake Jackson	39	08/09/93
Throughout Texas	ENCON International	L04528	El Paso	4	08/09/93
Throughout Texas	Professional Service Industries, Inc.	L00931	Lombard, Illinois	94	08/09/93
Throughout Texas	Via NDT Engineering and Testing	L04322	Channelview	16	08/09/93
Throughout Texas	Global X-Ray & Testing Corp.	L03663	Aransas Pass	28	08/09/93
Throughout Texas	X-Cel Group, Inc.	L03548	Odessa	27	08/09/93
Throughout Texas	Davis Great Guns Logging, Inc.	L04604	Corpus Christi	2	08/11/93
Throughout Texas	Phoenix Non-Destructive Testing Co., Inc.	L04454	Channelview	13	08/11/93
Throughout Texas	Patterson Tubular Services, Inc.	L03148	Channelview	17	08/11/93
Throughout Texas	Coastal Wireline Services, Inc.	L04239	Pearland	3	08/11/93
Throughout Texas	Combest Geoscience	L04652	Austin	2	08/10/93
Throughout Texas	Texas Perforators	L03544	Seguin	6	08/09/93
Throughout Texas	ProTechnics Environmental Services, Inc.	L04477	Houston	5	08/09/93
Throughout Texas	IDM Corporation	L04113	Austin	12	08/13/93
Tyler	The University of Texas Health Center at Tyler	L04117	Tyler	7	07/30/93
Tyler	Mother Frances Hospital	L01670	Tyler	49	08/02/93
Victoria	Trinity Testing and Inspection Co.	L03628	Victoria	9	07/27/93
Waco	Hillcrest Baptist Medical Center	L00845	Waco	54	08/02/93
Wichita Falls	Bethania Regional Health Care Center	L01844	Wichita Falls	40	08/12/93

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Alpine	Sul Ross State University	L02856	Alpine	6	08/04/93
Colorado City	Mitchell County Hospital	L01643	Colorado City	14	08/10/93

RENEWALS OF EXISTING LICENSES ISSUED CONTINUED:

Decatur	Decatur Community Hospital	L02382	Decatur	7	08/06/93
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Denton	City of Denton	L02873	Denton	4	07/27/93
Houston	Parkway Hospital	L01964	Houston	32	08/04/93
Huntsville	Huntsville Memorial Hospital	L02822	Huntsville	6	07/30/93
Lubbock	South Park Medical Center	L01560	Lubbock	18	07/30/93
Mission	Mission Hospital	L02802	Mission	22	07/30/93
Missouri City	Fort Bend Hospital, Inc.	L03457	Missouri City	10	08/12/93
Nacogdoches	AMI Nacogdoches Medical Center Hospital	L02853	Nacogdoches	9	08/04/93
Pampa	Hoechst Celanese	L04210	Pampa	8	08/11/93
Throughout Texas	Sivalls, Inc.	L02298	Odessa	20	08/10/93
Waco	Lawrence Canning, M.D., F.A.C.P.	L00910	Waco	14	08/04/93
Weimar	Colorado-Fayette Medical Center	L03470	Weimar	9	08/09/93

#### TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Throughout Texas	Non-Destructive Testing & Engineering, Inc.	L01008	Grand Prairie	50	08/05/93
Throughout Texas	ACCO Perforators	L04121	Corpus Christi	6	08/09/93

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with Texas Regulations for Control of Radiation in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the Texas Regulations for Control of Radiation.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or person affected within 30 days of the date of publication of this notice. A person affected is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas, 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and

state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, The Exchange Building, 8407 Wall Street, Austin, Texas, from 8:00 a.m. to 5:00 p.m., Monday-Friday (except holidays).

Issued in Austin, Texas, on August 16, 1993.

TRD-9327450 Susan K. Steeg  
General Counsel, Office of General  
Counsel  
Texas Department of Health

Filed: August 17, 1993

### Texas Department of Housing and Community Affairs

#### Comments Related to the Proposed 1993 Final Statement

On April 29, 1993, the Texas Department of Housing and Community Affairs (TDHCA) submitted the Final Statement of its community development objectives and projected use of Community Development Block Grant (CDBG) non-entitlement area funds for Federal Fiscal Year 1993 to the United States Department of Housing and Urban Development (HUD). TDHCA submitted a summary of the Texas Community Development Program to each eligible applicant in the State of Texas along with a schedule of six public hearings, which were announced in the February 19, 1993, issue of the *Texas Register* (18 TexReg 1107). The six public hearings were held at

different locations across the state in March 1993 to solicit comments on the proposed Final Statement.

TDHCA received 41 letters containing 96 specific comments or recommendations from cities and counties, organizations, consultants, and other concerned citizens. Each of the letters received included recommendations that TDHCA make one or more changes to the 1993 proposed Final Statement. Based on the number and frequency of comments received for the different areas of the program outlined in the Final Statement, TDHCA made changes as noted in the following information and submitted the Final Statement to HUD for approval.

In accordance with Texas Civil Statutes, Article 6252-13e, §4, the categories of comments received are summarized as follows.

**Ineligible Activities.** The proposed Final Statement included a moratorium on applications in support of private prisons and racetracks. One State Senator, one non-profit organization, and three cities recommended that an exception to the moratorium be allowed for applications in support of prisons located on federal military installations closed by the federal government.

Based on a review of the comments received, the Final Statement was changed to allow applications in support of prisons located on federal military installation closed by the federal government.

**Allocation System.** The proposed Final Statement included five separate funding categories including the Community Development Fund, Texas Capital Fund, Colonia Fund (with three separate components), Planning/Capacity Building Fund, and the Disaster Relief/Urgent Need Fund. One city recommended that a summer work program be established for small communities. One non-profit organization recommended that a Housing Development Fund be established. One council of governments stated that no additional Funds should be created at the expense of the Community Development Fund. One city expressed support for the Texas Capital Fund, and one consultant opposed the Texas Capital Fund. Two consultants opposed the Colonia Fund.

Based on the number and frequency of comments received, the allocation system in the Final Statement was not changed.

**Definition of Funds.** One section of the proposed Final Statement provided a short description of the funding categories available. Two counties opposed the Colonia Demonstration Fund requirement that 90% or more of the lots in the colonia area must be owned and occupied by individuals other than the developer of the colonia area. One State Senator and one city recommended that the Colonia Fund be made available to incorporated cities along the border. Two consultants and one city recommended that either the Colonia Fund be made available statewide or else reinstate the Special Impact Fund. Two councils of governments and one consultant recommended that the 20% match requirement on Urgent Need grants be eliminated or use the Community Development Fund matching requirements. One city suggested that cities under 750 in population be required to put up 5.0% match money for urgent need grants rather than the proposed 20% match.

A number of comments was received about a new program proposed under the Texas Capital Fund, which is known as the Main Street Improvements Program. Ten cities and one State Senator expressed general support for the pro-

gram, one consultant opposed the creation of the program at the expense of job creation projects through the Texas Capital Fund, and two consultants want the program to be made available to every community whether or not they are participating in the Texas Historical Commission's Main Street Program. Specific comments are as follows.

One State Senator and four cities expressed general support for the Main Street Improvements Program. One city suggested that additional funding be made available to this category; that TDHCA should consider increasing the level of local participation required, or provide additional points in the selection process for projects with high levels of local cash match in order to allow the funding of additional projects; award additional points to communities already designated Main Street Cities based on their past commitment of local resources to this program, and special consideration should be given to projects designed to comply with the Americans With Disabilities Act. One city expressed general support for the program; suggested that an intergovernmental agreement be executed between TDHCA and the Texas Department of Transportation for communities located on state highways; establish a point system to reward communities for consecutive years of participation in the Main Street Program; award points based on the numbers of jobs created, job retention, and job training programs; include staff salaries as part of the match or have the administrative costs written into the grant; and give extra consideration for projects that combine funding from different agencies to encourage larger projects. One city's Main Street Manager suggested that in-kind services be considered for local match, including salaries for the main street manager, city employees, or community members; cities should not be penalized for their newness to the program, but should be looked upon for their advances over a short period of time; job retention should be included in the cost per job calculation; take into consideration the total number of jobs to be created by the overall process. One city offered their support and encouraged a larger allocation of funds. One city offered their support for the program and would like to see more than two cities able to qualify. One consultant suggested that money should not be diverted from job creation projects to support the Main Street Program. One council of governments and two consultants support these funds for all communities who can demonstrate the feasibility for such a project; stated that no community should be denied eligibility even if that community is not an officially designated Main Street City. One consultant recommended that the same funding criteria used by the Texas Capital Fund Loan Program be used for the Main Street Improvements Program.

Based on the number and frequency of comments received, and a subsequent review of these comments, the Colonia Demonstration Fund requirement that 90% of the lots in the colonia area must be owned and occupied by individuals other than the developer was changed to require only 75% of the lots to be owned and occupied by individuals. In addition, the match requirement for the Disaster Relief/Urgent Need Fund was changed so that applicants with a population of less than 1,500 are required to commit matching funds equal to 10% of the TCDP funds requested rather than the original 20% as proposed.

**Distribution of Funds.** The proposed Final Statement included what percentage of the overall amount of funds available will be allocated to each of the applicable funding categories.

One State Senator, one city, and one council of governments recommended that the allocation for the Community Development Fund be increased and that any additional funds received should be allocated to the Community Development Fund. One non-profit organization recommended that 25% of the state's CDBG allocation be set aside for a Housing Development Fund. One non-profit organization recommended that the Texas Capital Fund be reduced by 10%, and the remaining funds be made available for housing assistance. One council of governments suggested that the Colonia Fund be reduced from 10% of the state's CDBG allocation to 5.0%. One council of governments suggested that the 24 regional councils receive a portion of the 1.0% technical assistance set aside. One consultant opposes any reduction in the Disaster Relief/Urgent Need Fund.

Based on the number and frequency of comments received, the distribution of funds in the Final Statement was not changed.

**Pre-Committed Funds.** The proposed Final Statement included a statement that Texas Capital Fund project awards may be pre-committed prior to the execution of the Grant Agreement and Fund Approval documents between HUD and the state. Pre-commitment of funds was limited to applications submitted prior to February 28, 1993. One city suggested that the cut-off date for pre-commitment of funds be changed to April 15, 1993.

Based on a review of the comment received, the Final Statement was changed to allow the pre-commitment of funds for applications submitted until May 30, 1993.

**Contract Awards.** The proposed Final Statement included a maximum and minimum grant amount for each of the individual funding categories.

One city recommended that the range to be considered by the individual Regional Review Committees for the Community Development Fund be changed to \$350,000-\$500,000 from \$250,000-\$500,000 for single jurisdiction applications. One consultant suggested that the maximum amount for single jurisdiction applications be increased to \$300,000-\$500,000, and for multi-jurisdictions, to \$400,000-\$500,000. One council of governments opposed the increase in the minimum contract amount to \$75,000. Two consultants, one council of governments, one county, and one city were opposed to the proposed single \$2 million contract for the Colonia Demonstration Fund.

Based on the number and frequency of comments received, the Final Statement was changed to allow two \$1 million Colonia Demonstration Fund projects.

**Citizen Participation.** The proposed Final Statement included a section on citizen participation requirements to be followed by the program's applicants. One of the requirements is that each public hearing will be held after 5:00 p.m. on a weekday or at a convenient time on a Saturday. Two consultants suggested that public hearings be allowed at any time during the day to encourage more participation by elderly persons and people on shift work.

Based on the number and frequency of comments received, the Final Statement was not changed.

**Regional Review Committees (RRC)-Composition and Role.** A number of suggestions/recommendations were received regarding the composition and role of the Regional Review Committees in each of the 24 state planning regions across the state. Each of the comments received are listed as follows.

One city suggested that the state scoring committee use exactly the same criteria to judge and rank projects as the RRC; and revise the points system to 500 for the region and 200 for the state. One consultant suggested that the number of RRC members be based on the number of counties eligible to participate in the program; establish that each eligible county must have one appointed member from a jurisdiction located within that county; reduce the quorum requirement to 51% of the total membership of the committee; eliminate conflicts of interest by prohibiting RRC members from deliberating or voting for any application from an incorporated city or from the county in which the RRC member resides. Two consultants suggested that the RRC scoring system be restructured by disallowing presentations, allow the council of governments to prepare packets on each project, and assign them numbers to discourage any favoritism. One consultant recommended that council of governments staff should not voice support for or opposition of any application; meetings should be held in public facilities, not in city halls or commissioners courtrooms; consultant sponsored hospitality rooms should be eliminated; each RRC should have a balance in its membership; that is, no county should have more than one member if another county has none; the RRC staff should mail out a Request for Nomination Form to every city and county in the region for submission to the Governor's appointments office for consideration; RRC members should not present their projects to the RRC, nor should they comment, ask questions or score applications from their home county. One council of governments suggested that TDHCA coordinate the RRC appointments process with the Governor's Office so that the 1993 committee appointments would be in place before the RRC organizational meetings begin; allow COGs the opportunity to offer suggestions when nominating RRC members to ensure that the RRC is geographically represented; and that no individual city or county have more than one RRC member at a time. One city expressed concern about disparities between regional and state scoring criteria; encouraged the state to use the same guidelines as the RRC for scoring purposes; allow the scoring at the RRC to weigh more heavily than the state's scores. One consultant recommended that counties and cities be equally represented on the RRCs. One consultant stated that allowing elected officials from the region to evaluate applications is an arcane method of obtaining regional input; committees are too political; RRC members do not have the time or proper training to perform a fair assessment of each applicant; and stated that RRCs are allowed to set project priorities for each region in an arbitrary fashion without any basis other than public input.

Based on the number and frequency of comments received, the Final Statement was not changed; however, the *1993 Regional Review Committee Guidebook* was changed to address several of the comments received.

**Performance Requirements.** The proposed Final Statement included several requirements that must be met before an application can be submitted for consideration under the various funding categories. One of the requirements is that a community must levy a local property (i.e., ad valorem) tax or collect a local sales tax. One city and one council of governments recommended that the definition of a local or property tax be expanded to include a reliable source of revenue in an amount that would enable compliance with all other criteria, such as revenues collected from utility company franchise fees.

Based on the number and frequency of comments received, no changes were made to the Final Statement.

**Selection Criteria-Community Development Fund.** The scoring criteria used to determine which applicants are selected for funding were included in the proposed Final Statement. The following comments were received with regards to selection criteria for the Community Development Fund:

One city stated that minority hiring should have no impact on a community's rating. Two cities objected to using the 1990 census to determine low and moderate income beneficiaries and per capita income; prefer community surveys; suggested using a more accurate site specific method of determining the unemployment rate; and suggested that project impact be based on the community's identified needs and persons impacted and not on arbitrary identification by the federal or state government. One consultant suggested that TDHCA reduce the emphasis on *Young v. Cisneros* since it rewards instances of past discrimination and punishes those communities that are too small to have a public housing authority; first-time street paving and drainage projects should be considered as high a priority as water and sewer projects; first-time water, sewer, and street projects would receive an additional ten points in the competition; housing should not be a priority because of the availability of funds under the HOME program. One consultant suggested that the criteria used to determine community distress factors be revised by allowing applicants to obtain information from TEC on the current local unemployment statistics-the current method, county-wide statistics, does not provide a significant measurement of conditions at the individual applicant level; revise the criteria for minority hiring by reducing the maximum number of employees required to receive a waiver from five to three; use consensus scoring at the state level, which would allow sharing of knowledge about the projects; add a new criteria to promote first-time services for water and sewer projects similar to the ten points for projects not funded in 1992; and reduce the percentage of survey response rates. One city suggested that more priority be given to projects including flood/drainage improvements.

Based on the number and frequency of comments received, no changes were made to the Community Development Fund selection criteria in the Final Statement.

**Selection Criteria-Texas Capital Fund (Loan, Real Estate Grant, and Infrastructure Grant).**

The following comments were received on the Loan, Real Estate Grant, and Infrastructure Grant Programs offered through the Texas Capital Fund

One consultant recommended that an applicant be allowed to keep up to 10% of the lease payments made by a business under the Real Estate Development Program in order to help defray the cost of maintenance on a building acquired under the program; suggested that pre-agreement expenses for all Texas Capital Fund programs be allowed; limit the TCF Infrastructure and Real Estate Development Programs to a maximum of \$1.5 million (rather than \$2.5 million) where the cost per job is \$7,500 or less or when 200 or more jobs are created. One consultant suggested that the maximum amount of funds per job for projects funded under the Texas Capital Fund be increased from \$25,000 to \$30,000.

Based on the number and frequency of comments received, no changes were made to the selection criteria in the Final Statement.

**Selection Criteria-Texas Capital Fund (Small Business Incubator Program).**

The following comments were received about the Texas Capital Fund's Small Business Incubator Program.

One consultant recommended that the required feasibility study for the Small Business Incubator Program be either delayed or dropped entirely due to the high cost. One consultant recommended that the program differentiate between incubator programs in urban areas and rural areas; in lieu of a feasibility study, an in-depth analysis could be conducted to determine the need for an incubator in a given area, conducted in conjunction with a public survey.

Based on the number and frequency of comments received, no changes were made to the selection criteria in the Final Statement.

**Selection Criteria-Texas Capital Fund (Small/Minority Businesses Loan Program, Microenterprise Loan Program).**

One council of governments expressed opposition to the scoring criteria used for the Texas Capital Fund's Small and Minority Business Loan Program because the same scoring criteria are used for both small and large businesses-they should be rated on project feasibility and the character of the entrepreneur.

Based on the number and frequency of comments received, no changes were made to the Final Statement.

**Selection Criteria-Colonia Construction Fund.**

One county suggested that street paving and drainage improvements receive the maximum number of points just as first-time water, sewer, and housing activities do. One county indicated that the scoring system discourages projects for street paving and drainage, that a local match of 15% is excessive for populations of greater than 5,000 but less than 1,500, and that beneficiaries served by the project should be calculated on street paving projects in the same manner as sewer and water projects.

Based on the number and frequency of comments received, no changes were made to the Final Statement.

**Selection Criteria-Colonia Demonstration Fund.**

One county recommended that the maximum match percentage of 30% be reduced; the county stated that this match requirement was excessive in light of the \$1 million minimum contract award. One county opposed the formula to be used to determine the percentage of TCDP funds benefitting low to moderate income persons and stated that a more equitable method should be designed.

Based on the number and frequency of comments received, no changes were made to the Final Statement.

**Selection Criteria-Planning/Capacity Building Fund.**

One consultant recommended that a separate planning activity be established for GIS mapping, computerized mapping is necessary for cities to properly prepare for the future and should be strongly encouraged by the State of Texas.

Based on the number and frequency of comments received, no changes were made to the Final Statement.



A complete copy of the 1993 Final Statement and a summary of comments are available upon request. Contact: Vicki Gossett, Texas Community Development Program, Texas Department of Housing and Community Affairs, P.O. Box 13941, Austin, Texas 78711, (512) 475-3909.

Issued in Austin, Texas, on August 17, 1993.

TRD-9327487      Henry Flores  
Executive Director  
Texas Department of Housing and  
Community Affairs

Filed: August 18, 1993

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**Low Income Housing Tax Credit  
Program**

The Texas Department of Housing and Community Affairs (the "Department") announces the commencement of the second application cycle for the Low Income Housing Tax Credit Program ("tax credit") year 1993. Applications presented between the dates of September 27, 1993, and October 8, 1993, will be considered for an allocation of tax credits in accordance with the Department's Low Income Housing Tax Credit Rules, 10 TAC §§49.1-49.14 (the "Rules").

The Department will allocate tax credits to non-profits and for-profit entities on a competitive basis for the new construction, rehabilitation, or the acquisition and subsequent rehabilitation of rental housing units for occupancy by persons of low an very low income.

To be eligible, an applicant must comply with both the requirements of the Rules and the Internal Revenue Code of 1986, §42, as amended.

Projects will be considered based upon the documentation included within the application package at the time of initial submission to the Department. Persons interested in receiving information concerning the tax credit program are instructed to contact Robert Johnston at (512) 475-3340.

The Department does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or in the provision of services.

Issued in Austin, Texas, on August 16, 1993.

TRD-9327434      Henry Flores  
Executive Director  
Texas Department of Housing and  
Community Affairs

Filed: August 17, 1993

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**Notice of Public Hearing**

In accordance with 10 Code of Federal Regulation Part 440 regulations for the United States Department of Energy's Weatherization Assistance Program, the Texas Department of Housing and Community Affairs (TDHCA) announces that it will conduct a public hearing at 10:00 a.m., Tuesday, September 7, 1993, at the Abilene Public Library (Second Floor Auditorium), 202 Cedar Street, Abilene. The purpose of this hearing is to accept comments on the state's receipt of proposals for resuming weatherization services to the eligible low-income popula-

tion of the counties as follows: Brown, Callahan, Coleman, Comanche, Eastland, McCulloch, and Runnels.

Interested parties, including the subgrantee organization who previously administered the program in the above referenced counties, may comments on the state's proposed subgrantee(s). TDHCA requests that the overall comments and presentation by or on behalf of the previous WAP subgrantee last not more than 30 minutes in the aggregate. Those commenting for each new proposer will be limited to an aggregate of 15 minutes per subgrantee.

Written comments will be accepted at the public hearing and at TDHCA, 811 Barton Springs Road, Suite 100, Austin, Texas 78704 through 5:00 p.m. on September 7, 1993. Inquires or requests for additional related information may be directed to J. Al Almaguer, Program Manager, TDHCA Energy Assistance Section, at (512) 475-3866 or P.O. Box 13941, Austin, Texas 78711-3941.

Issued in Austin, Texas, on August 18, 1993.

TRD-9327488      Henry Flores  
Executive Director  
Texas Department of Housing and  
Community Affairs

Filed: August 18, 1993

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**Texas Department of Human Services  
Public Notice of Closed Solicitation**

Pursuant to Title 2, Chapters 22 and 32, of the Human Resources Code and 40 TAC §19.2004, in the September 11, 1990, issue of the *Texas Register* (15 TexReg 5315), the Texas Department of Human Services (TDHS) is closing the solicitation for new Medicaid beds in Jim Hogg County, County Number 124, which appeared in the May 25, 1993, issue of the *Texas Register* (18 TexReg 3372). The solicitation is being closed effective the date of this public notice.

Issued in Austin, Texas, on August 18, 1993.

TRD-9327490      Nancy Murphy  
Section Manager, Policy and Document  
Support  
Texas Department of Human Services

Filed: August 18, 1993

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**Public Utility Commission of Texas  
Notice of Intent to File Pursuant to  
Public Utility Commission Substantive  
Rule 23.27**

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific contract to provide 100 megabits (MBPS) Service to Microsoft Corporation.

**Tariff Title and Number.** Application of GTE Southwest Incorporated for Approval of Customer-Specific Contract to Provide MBPS Service to Microsoft Corporation Pursuant to Public Utility Commission Substantive Rule 23.27(j). Tariff Control Number 12230.

**The Application.** GTE Southwest, Inc. is requesting approval of customer-specific contract to provide 100



Class of Service

EAS Rate Additive

Residence (One-party)

\$ 8.00

Business (One-party)

19.00

COMPLEX:

(Multi-Line Hunting)

(PBX Trunk)

(Hotel/Motel Measured Trunk)

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Office at (512) 458-0256 by October 19, 1993. The telecommunications device for the deaf (TDD) number for the Public Information Office is (512) 458-0221.

Issued in Austin, Texas, on August 16, 1993.

TRD-9327461

John M Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: August 17, 1993

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**The University of Texas System**  
**Consultant Proposal Request**

Pursuant to the provisions of Texas Civil Statutes, Article 6252-11c, The University of Texas Medical Branch at Galveston (UTMB) published a Consultant Proposal Request in the August 3, 1993, edition of the *Texas Register*. Therein UTMB requested proposals leading to the award of a contract for a DRG Case-Mix Analysis. UTMB desires to amend that Consultant Proposal Request as follows.

An original and five copies of the full proposal must be submitted to UTMB prior to 3:00 p.m., September 30, 1993. Proposals received thereafter will not be considered and will be returned unopened. Proposals must be sent to the address indicated below.

All Respondents interested in submitting a bid are advised to attend a Pre-submittal Conference and Site Inspection to be held at UTMB. The conference and site inspection will begin at 10:00 a.m. on September 9, 1993, in the Department of Medical Records located at 301 University Boulevard, John W. McCullough Building, Room 307; Galveston, Texas 77555.

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 August 17, 1993.

TRD-9327448

Arthur H. Dilly  
Executive Secretary to the Board  
The University of Texas System

Filed: August 17, 1993

**Texas Water Commission**

**Notice of Application for Waste Disposal Permit**

Attached are Notices of Applications for waste disposal permits issued during the period of August 9-13, 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.

Gerard Hoekman doing business as Gerard Hoekman Dairy; a dairy; on the north side of an unnamed County Road, approximately five miles east of the intersection of State Highway 36 and U.S. Interstate 67 in Comanche County; new; 03575.

City of Jefferson; Surface Water Treatment Facilities; at the corner of Soda Street and Austin Street, in the City of Jefferson, Marion County; renewal; 10801-02.

City of Kaufman; wastewater treatment facilities; on U.S. Highway 175, approximately one mile southeast of the intersection of U.S. Highway 175 and State Highway 34 in Kaufman County; amendment; 12114-01.

City of League City; Dallas Salmon Central Wastewater Treatment Facilities; approximately 3/4 miles northeast of the intersection of State Highway 3 and FM Road 518 in Galveston County; amendment; 10568-05.

Montgomery County Municipal District Number 15; Gleneagles Subdivision Wastewater Treatment Plant; on Gleneagles Drive, approximately 5,000 feet north of Needham Road in Montgomery County; renewal; 11395-01.



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